

Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held at 6:45 p.m., Monday, January 4, 1988, Mayor Rinehart presiding. The meeting began in the Lower Conference Room of the Police/Court Building, 9617 Lee Boulevard, Leawood, Kansas.

Roll call answered by Councilmembers Anselmi, Hammond, Pucci, Chavers, Lin. * Moore and Monica arrived during executive session. Staff: Garofano.

* Chavers moved to recess to executive session, not to exceed 45 minutes, to discuss personnel matters; seconded by Anselmi; unanimous. Council convened in executive session.

- # 140 7:30 P.M. Council returned to regular session in the Council Chamber, 9615 Lee Boulevard, same members present. Staff: Garofano, Baer, Cox, Brandt, Malnicof, McKay, Strack, Heizer, Attorney Wetzler.
- 158 Agenda approved unanimously on motion of Pucci, seconded by Hammond.
- 178 PUBLIC DISCUSSION: Leawood resident Stephen Cordes commended Police Department on their professionalism and courteous conduct when he recently requested Police assistance.
- 263 CONSENT AGENDA: Approved unanimously on motion of Chavers, seconded by Pucci: Minutes of December 21, 1987.
- 272 RECREATION COMMISSION REPORT: Julie Baer reported on Commission's December 29th special meeting. 1988 recreation season personnel will be based on results of the recent recreation survey. The Commission will be hiring a part-time recreation director with clerical support. The Commission will advertise for a full-time recreation director, the position to be filled after the 1988 season.
Councilmember Monica requested that Baer give a report on the recreation survey at the Council work session to be held January 11th. A report on major findings and on procedures followed by the recreation survey consultant could be helpful to the Community Relations Committee in their preparation of the City survey.
- 394 CITY ADMINISTRATOR'S REPORT: Reported on the January 1st closing of the Mission Road bridge over Indian Creek (between 103rd Street and College Boulevard). The bridge will be open to pedestrian and bicycle traffic only.
- 619 MAYOR'S REPORT: Monica moved that proceeds (\$204.64) from the Mayor's Christmas Tree Bowling Tournament at King Louie Ranch Mart Lanes be placed in Heat and Light Fund to aid Leawood residents who need utility assistance; seconded by Pucci; unanimous.

- # 689 MAYOR'S REPORT (cont'd): Voter registration for the Blue Valley School District bond issue mail ballot election will close January 12th.
- 701 Leawood residents should be aware that the Division of Census in the Kansas Secretary of State's Office will be conducting a State census in 1988 for the purpose of reapportioning the State legislature. Due to population shift in the last 10 years, Johnson County will likely gain 2 additional representatives and 1 additional senator.
- 747 LEAWOOD SOUTH COUNTRY CLUB DRAINAGE: Public Works maintenance crew will grade and shape drainage ditch during their off-peak winter months in accordance with Council's original approval at the September 8, 1987 Council meeting. No material cost involved.
- 884 Mayor reported that the City Councils of Overland Park and Leawood will have a dinner meeting for the purpose of sharing information only, tentatively scheduled for January 21st, 6:00 P.M.
- 913 ORDINANCE NO. 1027C AUTHORIZING K-150 CORRIDOR IMPACT FEE: Passed unanimously on motion of Monica, seconded by Pucci.
- 1792 RESOLUTION NO. 886 ESTABLISHING K-150 CORRIDOR TRANSPORTATION IMPACT FEE RATE AND AMOUNTS: Unanimously adopted on motion of Lin, seconded by Pucci. Attached as part of record.
- 1836 REQUEST FOR FUNDING - SHAWNEE MISSION EAST INTERVENTION COUNSELOR PROGRAM, DRUG & ALCOHOL ABUSE PROBLEMS: On motion of Chavers, seconded by Lin, Council unanimously approved expenditure of \$500 from 1987 Special Alcohol Fund for this program.
- 2060 RESOLUTION NO. 887 ENDORSING BLUE VALLEY SCHOOL DISTRICT 1988 BOND ISSUE: Unanimously adopted on motion of Lin, seconded by Pucci. Attached as part of record.
- 2348 ORDINANCE NO. 1028C RELATING TO "DRINKING ESTABLISHMENT" LICENSE FEE: Passed unanimously on motion of Chavers, seconded by Anselmi.
- 2428 ORDINANCE RELATING TO OCCUPATION LICENSES: Discussion concerning refunds and proration of license fees at renewal time. No action taken.
- 2654 Work session scheduled for January 11th, 7:00 P.M. to discuss preliminary engineering report, State Line Rd., I-435 to 135th St.; road impact fee (south of K-150) and adequate public facilities requirements; space need study re remodeling of police facility; and recreation survey.

- #2725 APPROVAL OF APPROPRIATION ORDINANCE NO. 578A: Approved
unanimously on motion of Moore, seconded by Pucci.
- 2807 9:00 P.M. Hammond moved to recess to executive session, not
to exceed 45 minutes, to discuss pending/possible litigation,
and personnel matters; seconded by Moore; unanimous.
- 2920 Council convened in executive session at 9:05 P.M.
- 2930 Council returned to regular session at 9:50 P.M., same members
present. Moore moved to return to executive session, not to
exceed 45 minutes, for the same purposes; seconded by Chavers;
unanimous.
- Council returned to regular session. Meeting adjourned to
January 18th.


Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

Minutes of an adjourned meeting of the Governing Body of the City of Leawood, Kansas, held at 7:30 P.M., Monday, January 18, 1988, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.

- # 21 Roll call answered by Councilmembers Anselmi, Hammond, Pucci, Schneider, Moore, Chavers, Lin. * Monica arrived after approval of the agenda. Staff: Garofano, Baer, Cox, Brandt, Malnicof, McKay, Strack; Heizer, Attorney Wetzler.
- 32 On motion of Schneider, seconded by Moore, agenda approved after addition of executive session to follow this meeting to discuss litigation and personnel matters; Hammond opposed, all others in favor.
- * Monica arrived.
- 56 RESOLUTION RECOGNIZING CAPTAIN WAYNE SHARP OF THE LEAWOOD POLICE DEPARTMENT ON HIS 20TH ANNIVERSARY OF SERVICE TO THE CITY. Police Chief Cox also presented a plaque to Capt. Sharp from members of the Police Department. Resolution attached as part of record.
- 193 PUBLIC DISCUSSION: Gordon Thomas suggested revenue raising ideas - 1) persons in violation of the City's sign ordinance could be assessed a fine when they go to City Hall to retrieve their signs (real estate signs) and 2) City might want to consider a park user's fee for non-residents. City Administrator reminded the Council that the Greenway was built with a federal grant which stipulated that the City could not discriminate in terms of participation in any recreational facilities on the Greenway based upon residency.
- 285 CONSENT AGENDA: Unanimously approved on motion of Chavers, seconded by Pucci: Minutes of January 4, 1988; departmental reports; acceptance of final change order for 119th Street improvement project, Roe to Mission; acceptance of final payment to Reno for 119th Street project, Roe to Mission, \$34,111.87; assignments to Public Works Committee (review of consulting engineer services for 85th Terr. & State Line signal project, and review of scope of services and scheduling of consultant interviews for Tomahawk Creek Parkway project).
- 330 PUBLIC WORKS COMMITTEE REPORT: Chairman Lin reported on Committee's January 7th meeting. Formal interviews for design engineering were held for 2 projects. Black & Veatch was selected for the 95th Street drainage study, and Larkin Associates was selected for the Somerset & Lee intersection improvements.

- # 389 RECREATION COMMISSION REPORT: Julie Baer reported that no action was taken at the January 12th Commission meeting. A special meeting will be held on January 26th to make final decisions on recreation programming and other items. Minutes of that meeting will be distributed at the next Council meeting.
- 406 COMMUNITY RELATIONS COMMITTEE REPORT: Chairman Monica reported on Committee's January 14th meeting at which various ideas for Leawood's 40th Birthday Celebration were discussed. Based on Council interest, the Committee will actively pursue preparation of a brochure and a video or narrated slide presentation to promote Leawood, and will plan an Open House Birthday Party at public facilities in September or early October. The Committee will also look into the cost of a City flag, and will look into fund raising ideas to offset the cost of the celebration. The Committee also discussed the next newsletter and would like the Mayor and City Councilmembers to contribute articles.
- 1273 CITY ADMINISTRATOR'S REPORT: Kansas City Power & Light Co. is making progress on the 119th Street street lights. They should be on sometime this week.
- 1298 KDOT would like to close Roe Avenue on January 25th to begin construction on Roe/Roe bridge over Tomahawk Creek. The 119th & Roe intersection will remain open.
- 1415 Pursuant to a remand of the "Spears" case from District Court back to the City, J.D. Spears has submitted a revised site plan for the project at 114th & Roe for Council consideration.
- 1580 MAYOR'S REPORT: The Council will hold a work session (dinner meeting) with the Overland Park City Council, 6:30 P.M., January 21st, Rodeway Inn at I-435 & Metcalf, to discuss mutual concerns.
- 1700 APPROVAL OF CONSULTANT FOR 95TH STREET STORM DRAINAGE STUDY: Discussion of computation of compensation as outlined in contract. On motion of Lin, seconded by Anselmi, Council approved Black & Veatch; Pucci abstained, all others in favor.
- 1840 INTERLOCAL AGREEMENT BETWEEN PRAIRIE VILLAGE, JOHNSON COUNTY, AND LEAWOOD FOR THE RECONSTRUCTION OF SOMERSET & LEE INTERSECTION: Approved unanimously on motion of Pucci, seconded by Moore. Lin recommended that a conceptual design be reviewed by the Public Works Committee to provide for resident input.
- 2029 REQUEST FOR CONSTRUCTION PROJECT BY KDOT - SOMERSET & LEE INTERSECTION IMPROVEMENTS: Approved unanimously on motion of Lin, seconded by Pucci.

- # 2051 INTERLOCAL AGREEMENT BETWEEN PRAIRIE VILLAGE AND LEAWOOD FOR SOMERSET & BELINDER TRAFFIC SIGNALS: Approved unanimously on motion of Lin, seconded by Pucci.
- 2068 AUTHORIZATION TO AWARD CONTRACT AND COMMIT CITY FUNDS - ROE AVENUE BRIDGE OVER TOMAHAWK CREEK: On motion of Lin, seconded by Pucci, Council unanimously authorized KDOT to award contract to MTW Const., Inc., of Stanley, Kansas, and authorized commitment of City funds to construct this project.
- 2180 ORDINANCE NO. 1029 ACCEPTING DEEDS FOR STREET PURPOSES FOR NALL AVENUE IMPROVEMENT, COLLEGE/119TH: Adopted unanimously on motion of Pucci, seconded by Lin.
- 2204 ORDINANCE NO. 1030 ACCEPTING EASEMENTS FOR DRAINAGE PURPOSES - NALL AVENUE IMPROVEMENT, COLLEGE/119TH: Adopted unanimously on motion of Lin, seconded by Pucci.
- 2225 APPROVAL OF AGREEMENT FOR 1987 AUDIT: On motion of Hammond, seconded by Pucci, Council unanimously approved agreement with Grant Thornton.
- 2346 APPROVAL OF 1988 SALARY PLAN: Approved unanimously on motion of Lin, seconded by Chavers. Discussion of 0-8% merit increases, and police salaries.
- 3011 REQUEST TO KEEP MORE THAN 3 ANIMALS (RENEWAL) - 14204 Mission: Council granted request on motion of Lin, seconded by Moore; Hammond opposed, all others in favor.
- 3024 PUBLIC HEARING - ROAD IMPACT FEES, SOUTH OF K-150: Hearing scheduled for 7:00 P.M., Monday, February 1st, prior to the regular City Council meeting.
- 3086 WORK SESSION: Scheduled for February 8th, 7:30 P.M., to discuss financing for street rehabilitation program, building improvements and Capital Improvements Program.
- 3156 NALL AVENUE BRIDGE, SOUTH OF 151ST STREET: Moore moved the
3288 staff be directed to meet with Overland Park to develop a plan for improving the bridge, a bridge improvement appropriate for the near future in that area, not necessarily a 4-lane, perhaps a 2-lane, expandable; seconded by Chavers; unanimous.
- 3368 APPROVAL OF APPROPRIATION ORDINANCES: On motion of Moore, seconded by Pucci, Ordinance No. 578B unanimously approved. On motion of Hammond, seconded by Moore, Ordinance No. 579 unanimously approved.
- 3508 Moore moved to recess to executive session, not to exceed 45 minutes, to discuss litigation and personnel matter; seconded by Pucci; Hammond opposed, all others in favor.

January 18, 1988

3542 Council comments: Moore requested that the Action Center activity report be distributed again to the Governing Body.

3585 9:20 P.M. Council convened in executive session, same members present.

10:05 P.M. Council returned to regular session, same members present.

Meeting adjourned.



Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

February 1, 1988

- # 22 Minutes of a Public Hearing held at 7:00 P.M., Monday, February 1, 1988, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas.

The purpose of the hearing was to provide an opportunity for citizens of the City and the general public to comment on a proposed road impact fee for the area south of K-150.

Mayor Rinehart presided. Councilmembers present: Anselmi, Hammond, Schneider, Moore, Chavers, Monica. Staff: Garofano, Baer, Brandt, McKay, Malnicof, Cox, Strack, Garten, Heizer, Attorney Wetzler.

- 65 City's consultant Martin Leitner of Freilich, Leitner, Carlisle & Shortlidge presented key features of a proposed ordinance which would establish this impact fee.
- 447 Councilmembers commented and heard comments from several developers. Items discussed included calculation of the impact fee, impact fees vs. benefit districts, and exemptions from the impact fee.
- 1263 The hearing was closed at 7:45 P.M.



Marcia Rinehart Mayor

Attest:



Martha Heizer City Clerk

- # Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held at 7:45 P.M., Monday, February 1, 1988, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.
- 1266 Roll call answered by Councilmembers Anselmi, Hammond, Schneider, Moore, Chavers, Monica, Lin. Staff: Garofano, Baer, Brandt, Cox, McKay, Malnicof, Strack, Garten, Heizer, Attorney Wetzler.
- 1280 Discussion of proposed road impact fee for area south of K-150 Corridor and future changes to the City's Master Plan.
- 1499 On motion of Lin, seconded by Chavers, agenda unanimously approved after addition of ordinance and resolution pertaining to proposed road impact fee south of K-150, and executive session, not to exceed 30 minutes, to follow this meeting to discuss potential litigation.
- 1700 CONSENT AGENDA: Unanimously approved on motion of Chavers, seconded by Hammond: Minutes of January 18, 1988; final payment and project acceptance for State Line/K-150 intersection, Reno, \$25,571.71; final payment and project acceptance for Kenneth Road, 135th/143rd, Reno, \$109,780.87; final payment and project acceptance for Nall Avenue, College/119th, Reno, \$12,108.65; final payment and project acceptance for State Line, 81st-84th, Tomahawk Constr., \$9,227.31; and final change order for Kenneth Road.
- 1717 VIETNAM MEMORIAL COMMITTEE REPORT: Councilmember Anselmi reported on the proposed wording for the plaque. The plaque will be ordered soon, the design of the park area is almost complete, and dedication will be planned for Spring, 1988. The possibility of naming the 119th Street playground area was discussed and referred to the Recreation Commission for consideration.
- 1826 CITY ADMINISTRATOR'S REPORT: Street lights on 119th Street between Mission and Roe have finally been turned on.
- 1858 A work session will be scheduled at the next Council meeting for discussion of possible revisions to the solicitation ordinance.
- 1890 Councilmember Lin inquired about the contract schedule for Roe Avenue improvements. Public Works Director Brandt hoped that the road would be open to traffic in the fall.
- 1911 Councilmember Monica wanted to know when the Roe Avenue bridge would be closed.
- 1951 MAYOR'S REPORT: City Administrator's appointment to the Kansas League of Municipalities Public Personnel Committee. Mayor reminded everyone that a work session was scheduled for February 8th, 7:30 P.M. A left turn signal has been installed at 103rd & Lee for east-west traffic.

- #1993 CONSIDERATION OF SPEARS REZONING PROPOSAL:
 2120 Chavers moved to consider the proposal informally as a Committee of the Whole; seconded by Moore; unanimous.
- 2184 Marvin Rainey, attorney for developer J.D. Spears, presented a revised site plan (Plan A) for a tract of land at approximately 114th & Roe to be considered for office building zoning (CP-0).
- 2497 He also presented a second plan (Plan B) which would involve a realignment of 114th and 115th Streets, and the moving of the major entrance to the office park from 114th and Roe to 115th and Roe.
- 3022 &
 3155 Discussion of residential buffer along Roe Avenue between 114th and 115th Streets to lessen the impact of office building plan on neighboring residential area.
- 4043 Several Leawood residents from Leawood Country Manor and Longwood Forest subdivisions expressed their opposition to an office building project on this tract of land.
- 4827 Moore moved to postpone this matter definitely to the next Council meeting for the purpose of considering Plan B; seconded by Chavers. Both second and motion withdrawn.
- 4905 Moore moved to postpone this matter definitely to the next Council meeting for the purpose of considering both Plans A & B; seconded by Chavers.
- 5256 Lin moved to amend Moore's motion to include consideration of any other modified plans that might be presented; seconded by Chavers; unanimous.
- 5293 Moore's main motion carried unanimously.
- 5568 Recess to clear the Council Chamber.
- 5680 ORDINANCE NO. 1031C ESTABLISHING A SOUTH LEAWOOD TRANSPORTATION IMPACT FEE (for area south of K-150 Corridor): Passed unanimously on motion of Monica, seconded by Hammond. Ordinance was passed with 2 amendments - impact fee reduced from \$1250.00/acre to \$625.00/acre, and exemptions to include properties that, prior to November 2, 1987, have received preliminary plat approval with development phasing restrictions associated with the commencement of final platting and with agreements for required off-site improvements.
- 5828 RESOLUTION NO. 888 ESTABLISHING THE SOUTH LEAWOOD TRANSPORTATION IMPACT FEE RATE: Adopted unanimously on motion of Moore, seconded by Chavers. Attached as part of record.
- 5858 RESOLUTION NO. 889 AUTHORIZING PARTICIPATION IN THE SINGLE FAMILY MORTGAGE CREDIT CERTIFICATE PROGRAM: On motion of Hammond, seconded by Moore, Council authorized participation for the home improvement loan portion of the program only; unanimous. Attached as part of record.
 6184

- #6409 APPROVAL OF ENGINEERING CONTRACT FOR DESIGN ENGINEERING SERVICES FOR SOMERSET & LEE INTERSECTION IMPROVEMENTS: On motion of Lin, seconded by Monica, Council unanimously approved contract with
- 6494 Larkin Associates Consulting Engineers, Inc. Merchants and residents in the area will be asked for input during the design phase. (Vote occurs on Tape #122)
- 6677 End of tape.

SONY NO. 122

- # 5 ORDINANCE NO. 1032 VACATING UTILITY EASEMENT - MERRY LEA FARMS: Passed unanimously on motion of Anselmi, seconded by Chavers.
- 22 ORDINANCE NO. 1033 ACCEPTING UTILITY EASEMENT - MERRY LEA FARMS: Passed unanimously on motion of Hammond, seconded by Moore.
- 31 The Council's second meeting in February will be held on Tuesday, February 16, 1988, since the regular meeting date of Monday, February 15th is a scheduled holiday.
- 44 APPROVAL OF APPROPRIATION ORDINANCE NOS. 578C & 580: Approved unanimously on motion of Moore, seconded by Hammond.
- 80 Chavers moved to recess to executive session, not to exceed 30 minutes, to discuss potential litigation; seconded by Monica; unanimous.
- 99 Council comments: Monica - discussion of articles for next City newsletter.
- 131 Anselmi - suggested an article on park rules and regulations be written for the next newsletter.
- 165 Mayor suggested the Recreation Commission send a summary of their survey to residents with the next newsletter.
- 165 Anselmi - commented on the Action Center report; another property maintenance complaint on the residence at 2801 W. 91st had been received.
- 200 Monica - she has received several complaints from residents about street lights being out. Residents should contact the Public Works Department.
- 232 Lin - noticed a complaint about mud on streets in the Action Center report. The "mud" ordinance is being enforced.
- 253 10:15 P.M. Council convened in executive session, same members present.
10:45 P.M.
- 257 Council returned to regular session, same members present. Meeting adjourned to Tuesday, February 16th.

February 1, 1988


Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

February 12, 1988

282 Minutes of a special meeting of the Governing Body of the City of Leawood, Kansas, held at 5:30 P.M., Friday, February 12, 1988, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.

The special meeting was requested by Councilmembers Anselmi, Hammond, Pucci, Moore, Chavers, for the purpose of discussing annexation. Staff present: Garofano, Baer, McKay, Heizer, Attorney Wetzler.

306 DISCUSSION OF A PROPOSED ANNEXATION MORATORIUM AGREEMENT WITH OVERLAND PARK - for the area south of Leawood's current City limits, and east of Nall Avenue.

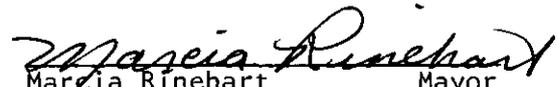
465 RESOLUTION NO. 890 AUTHORIZING MAYOR TO EXECUTE A MORATORIUM AGREEMENT: Adopted unanimously on motion of Moore, seconded by Chavers. Attached as part of record.

543 5:45 P.M. Hammond moved to recess to executive session, not to exceed 15 minutes, to discuss annexation; seconded by Pucci; unanimous.

582 Council convened in executive session, same members present.

6:00 P.M. Council returned to special session, same members present.

Meeting adjourned.


 Marcia Rinehart Mayor

Attest:


 Martha Heizer City Clerk

- # Minutes of an adjourned meeting of the Governing Body of the City of Leawood, Kansas, held at 7:30 P.M., Tuesday, February 16, 1988, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.
- 29 Roll call answered by Councilmembers Anselmi, Hammond, Pucci, Schneider, Moore, Chavers, Monica. Lin arrived at 8:15 P.M. (see #1229). Staff: Garofano, Brandt, Cox, Malnicof, McKay, Strack, Garten, Heizer, Attorney Wetzler.
- 60 Agenda unanimously approved on motion of Pucci, seconded by Schneider, after addition of construction engineering services for 85th Terrace and State Line Road signalization improvement project, and an executive session to follow this meeting.
- 99 CONSENT AGENDA: Animal control report removed for discussion. Consent agenda unanimously approved on motion of Hammond, seconded by Moore: Minutes of February 1, 1988 Public Hearing; minutes of February 1, 1988 Council meeting; departmental reports; Contractor's Payment #8, Reno, Nall Avenue (College/119th), \$7,579.11; and assignment to Public Works Committee (review scope of services and schedule consultant interviews for Mission Road bridge project over Indian Creek).
- 132 Animal control report: Councilmember Anselmi questioned the small number of summons (5), warnings (1) issued in relation to the number of animal complaints (51). Police Chief Cox will look into the matter and report back to the Council.
- 257 PUBLIC WORKS COMMITTEE REPORT: Public Works Director Brandt reported on the Committee's February 4th meeting. The Committee discussed the Leawood South Country Club drainage project, selected Johnson, Brickell, Mulcahy & Associates as consultants for the 85th Terrace/State Line Road signalization project, and scheduled consultant interviews for the Tomahawk Creek Parkway design project for February 29th.
- 295 STORM WATER MANAGEMENT COMMITTEE REPORT: Councilmember Chavers reported on the February 9th Johnson County Storm Water Management Committee meeting. Discussion of HB 2271 with proposed amendment (an Act concerning storm water management and flood control; authorizing the imposition of a sales tax not to exceed 1/10th of 1% to pay for certain improvements).
- 428 RECREATION COMMISSION REPORT: No report. Minutes of the Commission's January 26th meeting were distributed.

- # 435 COMMUNITY RELATIONS COMMITTEE REPORT: The Committee's February 11th meeting was cancelled due to weather and rescheduled for February 24th.
- 448 MAYOR'S REPORT: Appointed July 4th steering committee members (list distributed to Councilmembers).
- 474 Commented on new format for Council agenda.
- 484 Work sessions have been held on program financing (street program, capital improvements, and space needs), and staff is now ready to present information to City committees and homes association presidents.
- 507 The National League of Cities meeting will be held in Washington, D.C. on March 21st. The second City Council meeting in March will be held Monday, March 28th.
- 526 Commented on annexation action taken by Overland Park at their February 15th Council meeting; Mayor had addressed the Overland Park City Council. Councilmembers can discuss this issue further in the executive session following this meeting.
- 576 RESOLUTION NO. 891 CONSENTING TO THE INCLUSION OF CERTAIN PROPERTY WITHIN THE BOUNDARIES OF BLUE RIVER SEWER SUB-DISTRICT NO. 9 AND LATERAL SEWER DISTRICT NO. 1: The new sub-district will serve a portion of the Bi-State Development land along Kenneth Road, land to be serviced by Kansas City, Missouri treatment facility. Adopted unanimously on motion of Chavers, seconded by Monica. Attached as part of record.
- 620 RESOLUTION NO. 892 ESTABLISHING FEES FOR ARTERIAL AND COLLECTOR STREETS AS REQUIRED BY THE "SUBDIVISION REGULATIONS": Adopted unanimously on motion of Moore, seconded by Monica. Attached as part of record.
- 665 ORDINANCE RELATING TO NUISANCE SITUATIONS OR ACTS WHICH ARE NOT OTHERWISE REGULATED BY OTHER ORDINANCES: On motion of Monica, seconded by Chavers, ordinance placed on first reading; unanimous. This is a "general" nuisance ordinance. Councilmember Monica asked if this ordinance would apply to picketing in residential neighborhoods. City Attorney felt this ordinance would not apply to this type of activity, and he will look into an ordinance which would protect homeowners from this type of activity.
- 988 ORDINANCE NO. 1034C PROVIDING FOR REGULAR SESSIONS OF THE GOVERNING BODY: Passed unanimously on motion of Moore, seconded by Hammond.
- 1043 ORDINANCE NO. 1035C PROVIDING FOR AN ORGANIZATIONAL MEETING OF THE GOVERNING BODY: Passed unanimously on motion of

- # Moore, seconded by Chavers, after change indicating that the newly elected governing body will be seated at the first regular session following certification of City election results.
- 1117 ACCEPTANCE OF BIDS FOR 5 POLICE PATROL VEHICLES: Low bid of Dahmer Chevrolet in the amount of \$67,241.00 accepted on motion of Hammond, seconded by Chavers; Schneider abstained, all others in favor.
- 1220 WORK SESSION to discuss possible revisions to the solicitation ordinance scheduled to follow this meeting.
- 1229 APPROVAL OF APPROPRIATION ORDINANCE NO. 581:
 Councilmember Lin arrived at 8:15 P.M.
 Appropriation ordinance approved unanimously (including Lin) on motion of Chavers, seconded by Schneider.
- 1254 CONSIDERATION OF SPEARS REZONING PROPOSAL: Proposal considered informally by the Governing Body as a Committee of the Whole.
- 1303 Planning & Development Director McKay presented Spears Plan "B" with 2 amendments: 1) Buildings A & B adjacent to Roe Avenue will be reduced to 2 stories on their west faces. Third stories, if used, will be exposed on the east faces opposite the view from Roe Avenue and the adjoining residents of Leawood Country Manor; and 2) the road connection through Spears property from Roe to Tomahawk Creek Parkway will be re-located farther south, closer to the common property lines separating the Spears and Morgan tracts. (The major entrance to the office park will be moved from 114th St. to 115th St.)
 A profile indicating the elevations of homes, Roe Avenue, and the first 3 buildings within the office development was presented.
- 2059 Marvin Rainey, attorney for developer J.D. Spears, made a presentation.
- 2728 Councilmember Hammond asked about an architectural theme with a residential flavor for Buildings A & B.
- 2790 Discussion - is a final plan the final responsibility of the City Council or of the Plan Commission?
- 2890 Councilmember Hammond felt (as did Monica) that this project warrants some unique planning and concessions since it has unique problems - a commercial project has been imposed upon a residential area. He would like to see the City develop some broad guidelines for final planning.

- # Several Leawood residents expressed their opposition to the Spears project:
- 3490 Jim McNish
 3753 Jack Bangert
 3855 Chug Tuttle (presentation on changes in the City's Master Plan)
 4242 Justin Johl
- 4341 Councilmember Monica felt that the City needs to give Leawood Country Manor the same protection it's given other residential developments.
- 4662 9:50 P.M. 5-minute recess.
- 4680 9:55 P.M. Council meeting resumed, same members present.
- 4700 Ordinance rezoning property (Leawood Campus) from A, R-1,
 4825 CP-0 to CP-0: Lin moved for adoption, seconded by Moore.
 4924 Motion and second withdrawn.
- 4932 Resolution No. 893 approving preliminary plat, preliminary plan, and rezoning from A, R-1, and CP-0 to CP-0 for Leawood Campus: Lin moved for approval of the resolution with the 13 stipulations included in the resolution with 2 revisions as follows: 1) stipulation #11 be revised to read "developer agrees to retain as many trees as possible on the tract, and tree removal plans shall be reviewed by City staff"; and 2) stipulation #5 be revised by adding "If the City determines that the proposed ponds are not feasible, then the developer is required to follow the City's storm water management standards". Seconded by Moore.
- 5092 Discussion.
 5132 Monica moved to amend the motion to include revision of stipulation #1 to read "The developer agrees to participate in accordance with existing City ordinances in the cost of constructing 115th Street in the general location of the south property line from Roe Avenue to Tomahawk Creek Parkway"; seconded by Chavers; Anselmi, Pucci opposed; Hammond abstained; all others in favor; motion carried.
- 5200 Monica moved to amend the motion to include addition of a stipulation that the developer utilize stucco, brick, and/or stone in buildings A, B, & C; seconded by Hammond; Anselmi, Chavers, Lin opposed; Pucci abstained; all others in favor; motion carried.
- 5310 Monica moved to amend the motion to include revision of stipulation #12 to read "The developer agrees to establish an eight (8) foot berm adjacent to Roe Avenue to

- # include landscaped screening of mixed evergreen and deciduous trees in the value of \$25,000"; motion failed for lack of a second.
- 5386 Hammond moved to amend the motion to include requirement that there be either additional residential buffering along Roe or that buildings along Roe have a residential flavor or style of architecture; seconded by Schneider; Hammond, Schneider, Monica in favor; Pucci abstained; all others opposed; motion failed.
- 5523 Hammond moved to amend the motion to include deletion of the third recital on the second page which reads "this project is likely to be less of an economic burden to the City as a commercial/residential project than if it were developed exclusively residential"; seconded by Monica; Moore, Lin, Chavers opposed; all others in favor; motion carried.
- 5657 Hammond inquired about the conclusions of the traffic study referred to in the second recital on the second page; discussion followed.
- 5948 Lin moved to call for the question; seconded by Moore; Hammond opposed; all others in favor; motion carried.
- 5963 Vote on the main motion (#4932); Hammond, Pucci, Schneider opposed; all others in favor; main motion carried; resolution adopted with 5 revisions.
- 5990 Ordinance No. 1036 rezoning property (Leawood Campus) from A, R-1 and CP-0 to CP-0: Lin moved for adoption; seconded
6054 by Moore; Hammond - comments;
6096 Hammond, Pucci, Schneider opposed; all others in favor; ordinance passed.
- 6123 Mayor explained for the record that if she had been required to vote on this matter, she would have voted in favor of both the resolution and ordinance, and stated her reasons.
- 6236 Monica - comments - urged residents to attend Plan Commission meetings to express their opinions during final planning stages for the project.
- Comments by:
- 6312 Chavers
6552 Lin
6600 Tuttle
6692 Hammond - felt this to be a dangerous precedent; he stated that commercial development is needed, but in the right place, and this area is not the right place.
- 6736 end of tape

- # 1 Hammond - comments continued.
- 23 McNish asked if any legal notices were required to be published and mailed to property owners since this is a rezoning matter. City Attorney explained that since this matter was not a new application for rezoning, but rather a remand by the Johnson County District Court, such publications/mailings were not necessary.
- 68 CONSTRUCTION ENGINEERING SERVICES - 85TH TERRACE AND STATE LINE ROAD SIGNALIZATION IMPROVEMENTS: On motion of Lin, seconded by Pucci, Mayor authorized to sign contract for engineering services of Johnson, Brickell, Mulcahy & Associates; unanimous.
- 123 McNish - commented that a police officer had informed one of his children that selling KoolAid on a street corner was an ordinance violation. City needs to look into this matter.
Another child was not participating in a read-a-thon because he was worried about the City's solicitation ordinance. Discussion followed concerning the procedure for obtaining a solicitation permit.
- 212 Council comments:
Moore: on resident's letter to TeleCable complaining about TeleCable service; City should urge residents to report their complaints.
- 232 Lin: commended Mayor, City Administrator, Public Works Director, and Planning Director on their efforts during talks with Overland Park concerning annexation; felt it was unfortunate that Overland Park took the action that they did.
- 257 Anselmi: found it difficult to accept landowners' unfavorable comments about Leawood; misconceptions are due in large part to City ordinances that are sometimes arbitrarily applied or enforced; we need an ad hoc committee to study ordinances, to determine which are frivolous and need to be changed or repealed.
- 379 Chavers: many deed restrictions are "outdated", include many items which are no longer applicable.
- 429 Pucci: the City needs to respond to newspaper articles that are incorrect and/or misleading.
- 448 Monica: the City needs to formally ask the news media to write articles which are informative about Leawood.
- 474 Monica: residents have expressed concern about the intersection at 135th and State Line Road; City Administrator explained we are waiting for a response from Kansas City, Missouri on their commitment for signalization, and suggested our elected officials contact their counterparts in Kansas City.

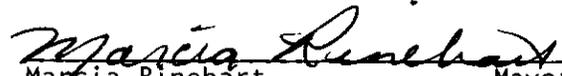
February 16, 1988

516 11:00 P.M. Moore moved to recess to executive session for attorney-client privilege, not to exceed 30 minutes; seconded by Hammond; unanimous. Council convened in executive session, same members present.

530 11:30 P.M. Council returned to regular session, same members present.

Meeting adjourned.




Marcia Rinehart Mayor

Attest:


Martha Heizer City Clerk

- # Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held at 7:40 P.M., Monday, March 7, 1988, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.
- 31 Roll call answered by Councilmembers Hammond, Pucci, Schneider, Moore, Chavers. * Lin arrived at 8:30 P.M. (See #1499). ** Monica arrived at 8:50 P.M. (See #1960). Staff: Garofano, Baer, Cox, Brandt, Malnicof, McKay, Strack, Heizer, Attorney Wetzler.
- 43 Agenda approved unanimously on motion of Chavers, seconded by Schneider, after addition of a proposed ordinance concerning "disturbing the peace", and authority to award contract and commit City funds for 85th Terrace/State Line signalization improvements.
- 82 CONSENT AGENDA: Approved unanimously on motion of Hammond, seconded by Pucci: Minutes of February 12, 1988 special Council meeting; Minutes of February 16, 1988 Council meeting; Contractor's Payment #9, Reno, Nall Ave. (College/119th), \$26,003.52; and declaration of surplus property (3 Police vehicles - 1983 Buick Century, and 2 1984 Ford LTD's).
- 110 COMMUNITY RELATIONS COMMITTEE REPORT: City Administrator reported on Committee's February 24th meeting. The Committee discussed the City's 40th Birthday celebration, the next City newsletter to be mailed in May, and the citizen survey. Due to its excessive cost, the survey will be considered in depth this spring and summer with the possibility of the survey being conducted in the fall.
Councilmember Moore reported that the City's 40th anniversary will be incorporated in some manner in the 4th of July celebration.
- 228 RESOLUTION NO. 894 APPROVING FINAL PLAT OF PATRICIAN WOODS, 8TH PLAT: Adopted unanimously on motion of Moore, seconded by Hammond. Attached as part of record.
- 266 RESOLUTION NO. 895 APPROVING REVISED PRELIMINARY PLAN AND PRELIMINARY PLAT FOR LEAWOOD PARK PLAZA APARTMENTS: Adopted unanimously on motion of Chavers, seconded by Hammond, with the addition of stipulation #5 to read "All buildings to have Class A roofing". Attached as part of record.
- 318 RESOLUTION NO. 896 APPROVING REVISED PRELIMINARY PLAT FOR HAZELWOOD: Adopted unanimously on motion of Moore, seconded by Pucci. Attached as part of record.

- # 374 RESOLUTION NO. 897 APPROVING PRELIMINARY PLAT AND REZONING FROM A TO AR-2 FOR J.C. NICHOLS ESTATES: Following discussion of septic tanks, resolution adopted unanimously on motion of Schneider, seconded by Hammond, after stipulation #1 changed to read "Lots will be allowed to develop using septic tanks contingent upon necessary permits being secured from the Johnson County Health Department", and after deletion of stipulation #2 relating to future installation of sanitary sewers. Attached as part of record.
- 520 ORDINANCE NO. 1037 REZONING A TO AR-2 FOR J.C. NICHOLS ESTATES: Passed unanimously on motion of Moore, seconded by Chavers.
- 543 RESOLUTION NO. 898 APPROVING PRELIMINARY PLAT, PRELIMINARY PLAN AND REZONING FROM RP-4 TO RP-1 FOR CARRIAGE CROSSING, 4TH PLAT: Adopted unanimously on motion of Moore, seconded by Hammond. Attached as part of record.
- 563 ORDINANCE NO. 1038 REZONING FROM RP-4 TO RP-1 FOR CARRIAGE CROSSING, 4TH PLAT: Passed unanimously on motion of Moore, seconded by Hammond.
- 610 MAYOR'S REPORT: City has been publicizing the funding for capital improvements program, street improvements, and space needs. Staff has met with Budget & Finance Committee, City committees, homes association presidents, and Leawood Optimist Club.
- 659 Discussion of traffic signalization at 135th and State Line. Any funding from Kansas City, Missouri will depend a great deal on Kansas City's bond election on March 8th.
- 682 Mayor reported on annexation. Overland Park Mayor Eilert's veto of Overland Park's annexation ordinance may or may not be sustained at their Council meeting tonight. Mayor and City staff testified at a hearing March 3rd before the Local Government Committee of The House in Topeka.
- 742 ORDINANCE NO. 1039C RELATING TO GENERAL NUISANCES - 2nd reading: Passed unanimously on motion of Hammond, seconded by Pucci.
- 850 ORDINANCE NO. 1040C RELATING TO DISTURBING THE PEACE: Passed unanimously on motion of Hammond, seconded by Moore.
- 1026 Discussion of the exercise of free speech and issuance of summons. City intends to be cautious in the administration of this ordinance.
- 1095 RESOLUTION NO. 899; AUTHORITY TO AWARD CONTRACT AND COMMIT CITY FUNDS FOR 85TH TERRACE/STATE LINE SIGNALIZATION IMPROVEMENTS: Adopted unanimously on motion of Chavers, seconded by Schneider. Attached as part of record.

- #1145 DISCUSSION OF DRIVEWAY APPROACH - 8400 STATE LINE ROAD:
 Presentation by representatives of Black & Veatch on their
 1319 proposed building at 8320 Ward Parkway. They are asking
 for approval to move the existing curb cut at 8400 State
 Line further north with right turn in and right turn out
 only with extension of the traffic median. They also want
 approval for the relocation and reconstruction of the
 entrance of the 8320 Ward Parkway property.
- 1355 Discussion of the existing "illegal" curb cut at 8400
 State Line which the City never authorized.
- 1387 Discussion of the need for a traffic study.
- 1499 * Councilmember Lin arrived 8:30 P.M.
- 1621 Several Leawood residents from this area expressed
 their concern about the impact of increased drainage into
 Dykes Branch.
- 1817 Black & Veatch will have a traffic engineering study
 done and report back to the City Council on March 28th.
- 1891 Water retention addressed.
- 1960 This development of 3 parcels will have on-site water
 retention to control the increased drainage.
- ** Councilmember Monica arrived 8:50 P.M.
- 2234 City will have to approve retention plans at a later
 date.
- 2367 Mayor stated for the record that, due to a possible
 conflict of interest, she would not vote on any matter in-
 volving Black & Veatch.
- 2414 RESOLUTION NO. 900 APPROVING 1989 CARS PROGRAM FUNDING
SUBMISSION: Adopted unanimously on motion of Pucci, seconded
 by Schneider. Public Works Director Brandt will move State
 Line Road improvements ahead of 119th Street improvements
 on the City's priority list. Attached as part of record.
- 3065 APPROVAL OF CONTRACT FOR ENGINEERING DESIGN FOR TOMAHAWK
CREEK PARKWAY: On motion of Chavers, seconded by Pucci,
 Council unanimously approved contract with Shafer, Kline &
 Warren after deletion of Items C, D, & E on pages 3 and 4
 of the contract.
- 3396 AUTHORIZATION FOR DESIGN OF MISSION ROAD BRIDGE OVER
INDIAN CREEK: On motion of Moore, seconded by Pucci, Council
 unanimously authorized \$50,000 to complete the design and
 specifications for the construction of this bridge.
- 3513 ORDINANCE NO. 1041C RELATING TO ANNUAL COMMITTEE APPOINTMENTS:
 Passed unanimously on motion of Hammond, seconded by Monica.

- #3546 ORDINANCE NO. 1042C RELATING TO ANNUAL APPOINTMENTS - PRESIDING OFFICERS: Passed unanimously on motion of Moore, seconded by Chavers.
- 3613 MEMORANDUM OF UNDERSTANDING WITH KANSAS FISH AND GAME: Agreement with Kansas Fish & Game for their participation in the stocking and use of ponds along Tomahawk Creek Parkway. On motion of Moore, seconded by Pucci, Council approved the Memorandum; Hammond opposed; all others in favor.
- 3831 ACCEPTANCE OF BIDS:
4041 On motion of Hammond, seconded by Moore, Council unanimously accepted bid of Roadbuilders Machinery & Supply for a 1988 FMC VanGuard 3000 Street Sweeper for \$76,998.00 (lease/purchase).
- 4050 On motion of Pucci, seconded by Schneider, Council unanimously accepted bid of Courtesy Chevrolet for a 3/4-ton pickup truck for \$13,385.00.
- 4115 On motion of Lin, seconded by Hammond, Council unanimously accepted bid of Shawnee Mission Ford for a 1-ton flatbed truck for \$12,388.00.
- 4141 On motion of Moore, seconded by Chavers, Council unanimously accepted bid of KCR International for a 2 1/2-ton dump truck for \$32,757.00.
- 4257 On motion of Moore, seconded by Chavers, Council accepted bid of Stanley Equipment Co. for a walk-behind lawn mower for \$608.50; Monica, Lin, Hammond opposed; Pucci, Schneider, Moore, Chavers in favor.
- 4370 On motion of Pucci, seconded by Moore, Council unanimously accepted bid of Hertz Corporation for 3 police vehicles for \$28,497.00.
- 4493 Julie Baer reported that Overland Park Mayor Eilert's veto of Overland Park annexation Ordinance 1508 was overridden by a 7-3 vote at Overland Park's City Council meeting this evening.
- 4649 9:55' P.M. 5-minute recess.
- 4653 10:00 P.M.
4664 CHARTER ORDINANCE NO. 19 EXEMPTING CERTAIN OPERATIONAL EXPENSES FROM THE TAX LID: Passed unanimously on motion of Moore, seconded by Chavers.
- 5082 RESOLUTION NO. 901 ESTABLISHING A BUILDING FUND: Adopted unanimously on motion of Hammond, seconded by Monica. Attached as part of record.
- 5543 WORK SESSION: Scheduled for March 14th, 7:30 P.M., to discuss possible revisions to the solicitation ordinance, City's proposed improvements program, and a possible site for a new City Hall.

March 7, 1988

- #5586 RESOLUTION NO. 902 ESTABLISHING A RECREATION EMPLOYEE BENEFIT/LIABILITY FUND: Adopted unanimously on motion of Lin, seconded by Chavers. Attached as part of record.
- 5651 APPROVAL OF APPROPRIATION ORDINANCE NO. 582: Approved unanimously on motion of Hammond, seconded by Chavers.
- 5875 Lin moved to recess to executive session, not to exceed 15 minutes, for attorney-client privilege; seconded by Moore; Pucci opposed, all others in favor.
- 5920 Council comments:
5926 Moore - felt that adoption of Charter Ordinance No. 19 concerning the tax lid and Resolution No. 901 establishing a building fund was a step in the right direction.
- 5940 Lin - urged Councilmembers to write newspaper articles to inform the Kansas City metropolitan area about Leawood.
- 6070 Hammond - expressed concern about residential picketing.
- 6100 10:30 P.M. Council convened in executive session, same members present.
- 6110 10:45 P.M. Council returned to regular session, same members present. Lin moved to return to executive session, not to exceed 1 hour, for attorney-client privilege; seconded by Moore; unanimous.
- 6123 Council returned to executive session.
- 6124 11:05 P.M. Council returned to regular session, same members present.
- 6135 Meeting adjourned.


Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

March 9, 1988

- # 21 Minutes of a special meeting of the Governing Body of the City of Leawood, Kansas, held at 9:00 P.M., Wednesday, March 9, 1988, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.

The special meeting was requested by Councilmembers Pucci, Moore, Chavers, Schneider, Monica, Lin, for the purpose of discussing annexation. * Hammond arrived 9:10 P.M. ** Monica arrived 9:15 P.M. (Anselmi the only Councilmember not attending.) Staff: Garofano, McKay, Cox, Brandt, Malnicof, Strack, Heizer, Attorney Wetzler.

- 65 Moore moved to recess to executive session, not to exceed 1 hour, for attorney-client privilege, possible litigation and privileged matters; seconded by Chavers; unanimous.

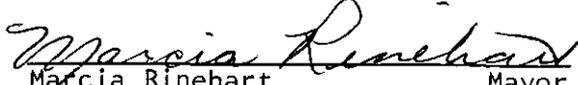
* Hammond arrived 9:10 P.M. after the vote on the executive session.

- 142 9:10 P.M. Council convened in executive session.

- 143 10:10 P.M. Council returned to special session, same
** members present, with the addition of Monica who arrived 9:15 P.M. during the executive session.

- 170 RESOLUTION NO. 903 AUTHORIZING THE FILING OF A PETITION TO THE BOARD OF COUNTY COMMISSIONERS OF JOHNSON COUNTY FOR ANNEXATION BY THE CITY OF LEAWOOD OF CERTAIN TRACTS OF GROUND (generally located south of the current boundaries of the City, north of the Blue River, west of the Kansas State line, and east of Nall Ave.): Lin moved to adopt the resolution and authorize City Attorney to file the resolution/petition with the County Commissioners; seconded by Moore; resolution adopted unanimously at 10:17 P.M. Attached as part of record.
- 304

- 347 Meeting adjourned.


Marcia Rinehart Mayor

Attest:


Martha Heizer City Clerk

March 14, 1988

360 Minutes of a special meeting of the Governing Body of the City of Leawood, Kansas, held at 9:00 P.M. (following a work session), Monday, March 14, 1988, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.

The special meeting was requested by Councilmembers Anselmi, Hammond, Moore, Chavers, Lin, for the purpose of discussing annexation and a proposed site for a new City Hall. Staff: Garofano, Baer, Brandt, Malnicof, Cox, McKay, Heizer, City Attorney Wetzler, Attorney Logan.

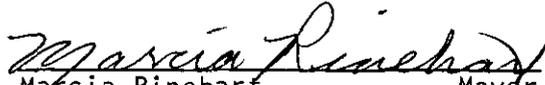
385 RESOLUTION NO. 904 AUTHORIZING STAFF TO PROCEED WITH PRE-LIMINARY PLANNING TO DEVELOP A SITE ALONG TOMAHAWK CREEK PARKWAY AS A SITE FOR A POSSIBLE FUTURE CITY HALL AND OTHER MUNICIPAL FACILITIES: Adopted unanimously on motion of Moore, seconded by Chavers. Attached as part of record.

445 Hammond moved to recess to executive session, not to exceed 1 hour, for attorney-client privilege concerning annexation; seconded by Moore; unanimous.

468 9:10 P.M. Council convened in executive session, same members present.

469 10:10 P.M. Council returned to special session, same members present.

479 Meeting adjourned.


 Marcia Rinehart Mayor

Attest:


 Martha Heizer City Clerk

March 17, 1988

500 Minutes of a special meeting of the Governing Body of the City of Leawood, Kansas, held at 8:10 A.M., Thursday, March 17, 1988, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.

The special meeting was requested by Councilmembers Anselmi, Hammond, Pucci, Moore, Chavers, for the purpose of discussing annexation. Councilmembers Schneider, Monica, and Lin did not attend. Staff: Garofano, Baer, Cox, McKay, Malnicof, Garten, Heizer, Attorney Wetzler.

530 RESOLUTION NO. 905 AUTHORIZING THE FILING OF A PETITION TO THE BOARD OF JOHNSON COUNTY COMMISSIONERS FOR ANNEXATION OF CERTAIN TRACTS OF GROUND (addition of 2 parcels):

692 Adopted unanimously on motion of Moore, seconded by Pucci. Attached as part of record.

713 Hammond moved to recess to executive session, not to exceed 15 minutes, for attorney-client privilege; seconded by Chavers; unanimous.

734 8:20 A.M. Council convened in executive session, same members present.

735 8:33 A.M. Council returned to special session, same members present.

743 Meeting adjourned.


 Marcia Rinehart Mayor

Attest:


 Martha Heizer City Clerk

- # 21 Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held at 7:40 P.M., Monday, March 28, 1988, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.
- Roll call answered by Councilmembers Anselmi, Hammond, Pucci, Schneider, Moore, Monica. * Lin arrived 9:45 P.M. (See #4498.) Staff: Garofano, Baer, Cox, Brandt, Malnicof, McKay, Strack, Heizer, Attorney Wetzler.
- 36 Agenda approved unanimously on motion of Hammond, seconded by Moore, after deletion of presentation of American Red Cross Lifesaving (CPR) Award to Officer Greg Turney, and addition of discussion of interlocal agreements proposed by Overland Park.
- 62 PRESENTATION OF CERTIFICATE OF RECOGNITION TO ALETA ROSENTHAL - for her service to the City as a member of the Recreation Commission.
- 156 CONSENT AGENDA: Approved unanimously on motion of Schneider, seconded by Anselmi, after assignment to Public Works Committee removed for further discussion: Council minutes of March 7, 9, 14, 17, 1988; and departmental reports.
- 171 Discussion of assignment to Public Works Committee - to begin a K-150 Corridor feasibility study. The Council is not being asked to approve a contract or allocate funds at this time; only a study will be performed. On motion of Monica, seconded by Hammond, Council unanimously referred this matter to the Public Works Committee.
- 232 COMMUNITY RELATIONS COMMITTEE REPORT: Chairman Monica reported that a fund-raising "Kick-Off" party to celebrate the City's 40th Birthday has been scheduled for May 6th, 5:30 p.m. to 8:30 p.m., at Metro Distributors (Coors) of Kansas located at 142nd & Kenneth Rd.. Tickets will be \$35 per person. A press release will be prepared and sent to THE SUN to inform Leawood residents about the party.
- 359 CITY ADMINISTRATOR'S REPORT: City Administrator reported that the City would be mailing a newsletter this week outlining the City's improvements program. A presentation on this program was given at the Leawood Woman's Club meeting on March 24th.
- 414 MAYOR'S REPORT: Mayor proclaimed the week of April 18-22, 1988, Leawood Building Safety Week.
- 490 Mayor reported that she, City Administrator Garofano, and

Councilmembers Moore and Lin attended the National League of Cities meeting in Washington, D.C., the week of March 21st. They toured Taiwan's Office of Coordinating Council of North American Affairs.

- # 626 DISCUSSION OF CURB CUT/STORMWATER DETENTION - 8400 Ward Parkway Building: This matter will be discussed at the April 4th Council meeting.
- 714 ORDINANCE NO. 1043C RELATING TO SOLICITATION: Discussion of revisions.
- 1066 Passed unanimously on motion of Hammond, seconded by Pucci.
- 1077 Discussion on changing the hours during which solicitation is permitted. Monica moved to direct City Attorney to look into the possibility of changing the hours, to look at statistics and reports, and present examples of potential litigation to the Council; seconded by Hammond. Moore, Anselmi, opposed; all others in favor; motion carried.
- 1306
- 1609
- 1622 ORDINANCE NO. 1044 AUTHORIZING REDEMPTION OF \$5,200,000 INDUSTRIAL REVENUE BONDS AND AUTHORIZING SALE OF FACILITY; LEAWOOD EXECUTIVE CENTRE: Passed unanimously on motion of Hammond, seconded by Pucci.
- 1740 RECREATION COMMISSION REQUEST FOR RESERVE FUND EXPENDITURE: Moore moved to approve an amount not to exceed \$49,301 from the Reserve Fund for the purpose of repairing 4 tennis courts and the roof of the pool building; seconded by Pucci; unanimous. The estimated costs of those repairs are \$31,301 and \$18,000 respectively.
- 2126 ORDINANCE NO. 1045 AUTHORIZING LEASE AGREEMENT FOR STREET SWEEPER: Passed unanimously on motion of Pucci, seconded by Anselmi.
- 2209 RESOLUTION NO. 906 RELATING TO CHANGES TO THE "PERSONNEL RULES AND REGULATIONS": Monica moved to delete the sentence, "Double rate will be paid if spouse travels" in Item C, page 2 of the Travel Policy; seconded by Pucci; Monica, Pucci in favor; Moore, Anselmi, Schneider opposed; Hammond abstained; motion failed.
- 2606
- 2632 Discussion of Item D, page 2 of the Travel Policy, relating to personal long distance phone calls. Moore moved to strike out the words "personal long distance phone calls" to allow reimbursement of those calls; seconded by Anselmi; Monica opposed; Moore, Anselmi, Schneider in favor; Pucci, Hammond abstained. Motion carried.
- 2874
- 2965 Resolution adopted with the 1 change on motion of Anselmi, seconded by Moore; Monica opposed; Pucci abstained; all others in favor. Attached as part of record.

- # 3020 ORDINANCE PROPOSING CHANGES IN THE LEAWOOD ARTS COUNCIL:
3408 Discussion concerning the appointment of a City Council member as liaison. Matter referred to the Arts Council for recommendations. Matter will be discussed again at the April 4th City Council meeting.
- 3425 REQUEST TO SOLICIT FUNDS - Kansas City Rotary Club:
Request for permission to solicit funds on April 4th by selling special newspapers on specific street corners, 6:00 a.m. to 10:00 a.m. This type of solicitation will be conducted throughout the metropolitan area in conjunction with "Kansas City Day", a benefit for Kansas City Rotary Youth Camp Foundation. On motion of Schneider, seconded by Pucci, Council approved the request; Anselmi opposed; Monica abstained; all others in favor.
- 3630 SPRINKLER SERVICE REPAIR AT 5401 COLLEGE BOULEVARD:
Sprinkler system destroyed during construction of Nall Avenue paving project. On motion of Hammond, seconded by Anselmi, Council unanimously authorized Constant Care, Inc., to proceed with the repair in the amount of \$5,970.00.
- 3694 ACCEPTANCE OF BID FOR A 72" FRONT DECK TRACTOR MOWER FOR THE PARKS DEPARTMENT: On motion of Hammond, seconded by Pucci, Council unanimously accepted bid of Landsco of Missouri, Inc., in the amount of \$10,256.00, for the Excel Hustler Model 320.
- 3744 ORDINANCE NO. 1046C ADOPTING THE 1986 EDITION OF THE "UNIFORM PUBLIC OFFENSE CODE": Passed unanimously on motion of Anselmi, seconded by Schneider.
- 3805 APPROVAL OF APPROPRIATION ORDINANCE NO. 583: Approved unanimously on motion of Anselmi, seconded by Pucci.
- 3888 INTERLOCAL AGREEMENTS PROPOSED BY OVERLAND PARK: City Administrator reported on 4 proposed agreements:
1. Widening of Leawood portion of College Boulevard, east of Nall Avenue.
 2. Nall Avenue, 135th to 143rd Streets, double chip and seal.
 3. Nall Avenue drainage structure, 1250 feet south of 143rd Street, replace 1 lane structure.
 4. Nall Avenue Bridge, 338 feet south of 151st Street, construction of two (2) lane box culvert.

City Administrator recommended that City proceed with #'s 2 and 3.

March 28, 1988

- # 4074 On motion of Moore, seconded by Pucci, Council unanimously approved interlocal agreement relating to Nall Avenue, 135th to 143rd Streets (#2 above)
- 4091 On motion of Pucci, seconded by Moore, Council unanimously approved interlocal agreement relating to Nall Avenue drainage structure (#3 above)
- 4099 City Administrator reported that the widening of Leawood's portion of College Boulevard (#1 above) was not budgeted in 1988. Moore moved to approve the interlocal agreement relating to this widening, seconded by Monica;
- 4305 Moore in favor; all others opposed; motion failed. This would be a priority item in the future.
- 4393
- 4410 Discussion of the Nall Avenue Bridge (#4 above).
- 4489 City Administrator recommended that the City proceed with this interlocal agreement pending our review of the plans as prepared by Overland Park. This is part of the City's Capital Improvements Program and would have to be bonded.
- 4498 * Councilmember Lin arrived 9:45 P.M.
- 4746 This interlocal agreement will be discussed at the April 4th Council meeting if the plans can be obtained for review.
- 4764 Council comments:
Monica inquired about the time table for completion of the bike lanes on 123rd Street, and asked about completion of the park area at 119th Street.
- 4895 9:55 P.M. Meeting adjourned.


Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

- # 18 Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held at 5:35 P.M., Monday, April 4, 1988, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.
- Roll call answered by Councilmembers Anselmi, Pucci, Moore, Chavers, Monica, Lin. Staff: Garofano, Baer, Cox, Brandt, Malnicof, Strack, Heizer, Attorney Wetzler.
- 44 Agenda approved unanimously on motion of Anselmi, seconded by Moore, after addition of Proclamation-Ruth Bell Day.
- 57 EMPLOYEE EXCEPTIONAL PERFORMANCE AWARD: to Public Works employee Ronald Newcomb for his work on the sign at the entrance to Leawood Park.
- 124 CONSENT AGENDA: Approved unanimously on motion of Chavers, seconded by Pucci: Council minutes of March 28, 1988; payment to KCP&L, Kenneth Rd. project, \$79,123.42.
- 137 RESOLUTION NO. 907 APPROVING REVISED PRELIMINARY PLAT AND REVISED PRELIMINARY SITE PLAN FOR UNIVERSITY PARK: Presentation by developer Paul Goehausen.
- 550 Leawood Country Manor resident Chug Tuttle expressed his opposition to the office development, and expressed concerns about increased traffic near a residential area, the "non-residential" character of the architecture, signs, and the density of berms, in particular, the fact that dead plants are not replaced.
- 682 Leawood Country Manor resident Carolyn Gibson stated she would like to see 112th Street closed off to incoming traffic.
- 819 Original traffic study of the area was discussed.
- 1020 Discussion of water detention.
- 1119 Council requested that Planning Director McKay and Public Works Director Brandt look into a follow-up procedure for handling the replacement of dead or dying berms, following the criteria originally established by Council.
- 1176 Original stipulations for this office project discussed.
- 1333 Monica moved to approve the resolution with 3 additional stipulations: 1. the developer agrees to construct berms with landscaping on the east and northeast boundaries; 2. the traffic problem on 112th Street will be reviewed and alternatives for handling the traffic on 112th Street will be considered after Røe Ave. is open; and 3. stormwater detention will comply with City regulations. Seconded by Chavers.
- 1586
- 1738 Monica moved to amend her motion to include that the developer agrees to participate in the cost of any modification to 112th Street on a 50-50 basis, cost not to exceed \$10,000 for the developer, seconded by Chavers; Anselmi opposed; Lin abstained; all others in favor; motion carried.
- 1778

- # 1802 Resolution adopted with 4 additional stipulations. Lin abstained; all others in favor. Attached as part of record.
- 1820 RESOLUTION NO. 908 APPROVING FINAL PLAT OF UNIVERSITY PARK: Adopted on motion of Anselmi, seconded by Pucci. Lin abstained; all others in favor. Attached as part of record.
- 1977 SPECIAL USE PERMIT FOR TEMPORARY GOLF COURSE CLUB HOUSE - HALLBROOK: Presentation made by Greg Davis of Saul Ellis & Co.
- 2068 Fire Chief requested that if a permit is granted a stipulation be added requiring a smoke and heat detector system to be approved by the Fire Chief.
- 2087 On motion of Anselmi, seconded by Moore, Council unanimously granted a 2-year special use permit with the requested stipulation.
- 2117 CITY ADMINISTRATOR'S REPORT: A public forum for the City's Capital Improvements/Street Rehabilitation/Public Buildings Program is scheduled for April 6th, 7:00 P.M., Leawood Presbyterian Church.
- 2141 MAYOR'S REPORT: Commended Assistant City Administrator Baer for her work on the City's Improvements Program newsletter.
- 2205 Fire Chief Jerry Strack will serve on the Johnson County Disabled Awareness Advisory Board.
- 2210 Mayor proclaimed April 12, 1988, as Ruth Bell Day in Leawood in recognition of her outstanding work in school library programs.
- 2263 DISCUSSION OF CURB CUT/STORMWATER DETENTION/TRAFFIC STUDY - 8400 WARD PARKWAY BUILDING: Traffic and water detention discussed.
- 2839 On motion of Lin, seconded by Anselmi, Council approved Black & Veatch plan for the 8400 Ward Parkway building. Pucci opposed, all others in favor.
- 2879 PROPOSED INTERLOCAL AGREEMENT WITH OVERLAND PARK; NALL AVE. BRIDGE, SOUTH OF 151ST STREET: Monica moved to defer this matter definitely to April 11th to allow staff time to review the plans, seconded by Pucci; unanimous.
- 3097
- 3181 ORDINANCE NO. 1047C PROPOSING CHANGES IN THE LEAWOOD ARTS COUNCIL: Passed unanimously on motion of Anselmi, seconded by Moore.
- 3360 ORDINANCE NO. 1048C RELATING TO STORMWATER REGULATIONS: Passed unanimously on motion of Anselmi, seconded by Monica.
- 3477 CONTRACT FOR DESIGN OF 135TH & STATE LINE SIGNALIZATION: Monica moved to direct Public Works Director Brandt to contact Kansas City, Missouri, to request that they do the
- 3616

April 4, 1988

- # design and contribute materials/equipment. Leawood would provide the cost of installation of a temporary signal; seconded by Pucci; unanimous.
- 3683 Lin requested that Public Works Director contact KDOT about funding for this project.
- 3716 DISCUSSION OF PROPOSED STREET LIGHT POLICY:
- 3741 Discussion of street light petitions submitted by residents for the construction of street lights along High Drive, 103rd Street north to the dead end. Moore moved that City absorb the cost of de-installation of the street lights, seconded by Chavers; unanimous.
- 4279 Discussion of street light request by resident at 3217 W. 121st Terrace, street light fund, and continuous street lighting.
- 4332 Discussion of street light request by resident at 3217 W. 121st Terrace, street light fund, and continuous street lighting.
- 4777 Monica moved to authorize street light policy as distributed to Council (attached as part of record), seconded by Chavers; unanimous.
- 4854 Monica moved to request that the Plan Commission review continuous street lighting in their update of the "Subdivision Regulations", seconded by Moore; unanimous.
- 4890 DISCUSSION OF BURIAL OF POWER LINE; 119TH STREET, ROE/MISSION:
- 5070 Monica moved to authorize burial of the power line from Tomahawk Creek Parkway east to Mission at a cost of approximately \$51,155, seconded by Anselmi; Anselmi, Lin in favor; all others opposed; motion failed.
- 5133 Lin moved to direct Public Works Director to contact the Kansas Corporation Commission regarding the excessive KCP&L cost of this particular issue and attempt to bring back a more reasonable cost proposal, seconded by Monica; unanimous.
- 5174 ORDINANCE GRANTING UTILITY EASEMENT TO KANSAS CITY POWER & LIGHT FOR HALLBROOK: Matter deferred to the April 18th Council meeting.
- 5224 Work session scheduled for April 11th, 7:30 P.M. for full Council orientation and discussion of a Public Building Commission.
- 5241 APPROVAL OF APPROPRIATION ORDINANCE NO. 584: Approved unanimously on motion of Chavers, seconded by Moore.
- 5276 8:05 P.M. Meeting adjourned.

Attest:

Marcia Rinehart
 Marcia Rinehart Mayor

Martha Heizer
 Martha Heizer City Clerk

page 2.

City owned street lights according to the varying expense of installation, should I feel, be acted upon by the City Council in spending this amount of money.

I am recommending to you that the following policy be adopted:

PRIVATELY OWNED STREET LIGHTS (K.C.P.L.): A petition filed with the Public Works Department with at least 50% of the affected property owners. (The property owners on the block where the street lights are to be installed).

The Public Works Department prepares a plan for locating street lights within this block. The locations are staked in the field a copy of the plan is sent to each of the property owners on the block, whether they signed the petition or not. A letter to KCP&L Company is sent after an appropriate waiting time after the property owners have received the notification.

CITY OWNED STREET LIGHTS: A petition requesting that a street light be installed within an area, signed by at least 50% of the affected property owners. A plan will be prepared with a cost estimate. All affected property owners are notified that a lighting improvement will be made. The City Council will then be requested to approve the installation of street lights at the estimated cost. A contract is then awarded and installation begins.

It is our estimation that street light installation will be in the neighborhood of \$2,000.00 per street light pole. The actual final costs will vary upon several other factors and a proposal will be presented to the Council at the time they are requested to approve the street lights. This proposal shall have the actual contract costs included.

I feel that this policy would be an improvement over what has happened these last several weeks and in the past. I think it is imperative that we notify all people when street lights are going to be installed. It is imperative that the City Council is aware that a cost on City owned street lights will occur.

This item will be placed on the April 4th City Council Agenda, and I will prepare an Agenda memorandum for this. ...



Ron Brandt, P.E.
Director of Public Works

17 Minutes of a special meeting of the Governing Body of the City of Leawood, Kansas, held at 7:30 P.M., Monday, April 11, 1988, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.

The special meeting was requested by Councilmembers Anselmi, Hammond, Schneider, Chavers, Monica for the purpose of discussing a proposed interlocal agreement with Overland Park for the improvement of the Nall Avenue bridge south of 151st Street. Staff: Garofano, Baer, Cox, McKay, Brandt, Strack, Heizer, Attorney Wetzler. Councilmembers-elect LaHue, Jacob, Newlin also attended.

34 Discussion of the improvement of the bridge.

478 PROPOSED INTERLOCAL AGREEMENT WITH OVERLAND PARK FOR THE IMPROVEMENT OF NALL AVENUE BRIDGE SOUTH OF 151ST STREET:
On motion of Hammond, seconded by Anselmi, Council unanimously approved the agreement with the stipulation that a statement be added to the agreement that plans and specifications be approved by the City of Leawood prior to solicitation of bids.

533 7:55 P.M. Meeting adjourned.

Marcia Rinehart

Marcia Rinehart Mayor

Attest:

Martha Heizer

Martha Heizer City Clerk

- # 25 Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held at 7:30 P.M., Monday, April 18, 1988, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.
- Roll call answered by Councilmembers Anselmi, Hammond, Pucci, Moore, Chavers, Monica. * Lin arrived at 7:40 P.M. during citizen comments. Staff: Garofano, Baer, Cox, Brandt, McKay, Strack, Heizer, Attorney Wetzler.
- 35 Agenda approved unanimously on motion of Hammond, seconded by Chavers.
- 43 CITIZEN COMMENTS: Norman Beal, 8101 High Drive, presented petitions from north Leawood residents (7900 to 8300 High Drive) requesting that the north end of High Drive at Lee Boulevard be converted to a cul-de-sac. This could be done in conjunction with the improvements to the intersection of Somerset and Lee Boulevard.
- 190 Council referred this matter to the Public Works Committee for discussion at the May 5th Committee meeting. Public Safety Committee members will be invited to the meeting.
- * 7:40 P.M. Councilmember Lin arrived.
- 318 Mayor reported that she would proclaim May 1-7, 1988, as Exceptional Children's Week.
- PRESENTATION OF AMERICAN HEART ASSOCIATION (KANSAS AFFILIATE) CPR SAVE AWARD TO POLICE OFFICER GREG TURNEY.
- 396 CONSENT AGENDA: Approved unanimously on motion of Pucci, seconded by Moore: Council minutes of April 4, 1988, and April 11, 1988; departmental reports.
- 404 PUBLIC WORKS COMMITTEE REPORT: Public Works Director Brandt reported on the Committee's April 7th meeting. The Committee discussed the 85th Terrace/State Line intersection improvements, the Mission Road bridge, Tomahawk Creek Parkway ponds and work to be done on the Greenway, the K-150 feasibility study, and the 95th Street drainage study.
- 432 Discussion of Black and Veatch proposal for completing a study of possible improvements to alleviate flooding of 98th Street immediately west of Lee Boulevard at a cost of \$9,900. On motion of Chavers, seconded by Hammond, Council unanimously approved extension of the contract with Black and Veatch for this additional study prior to finalization of the studies of 95th and 98th Streets.
- 513
- 621 RECREATION COMMISSION REPORT: Assistant City Administrator Baer reported on recreation staff and camp programs for the 1988 season. The 119th Street park/memorial area will be completed soon, and the memorial dedication will take place before the end of May.

April 18, 1988

- # 650 COMMUNITY RELATIONS COMMITTEE REPORT: Chairman Monica reported on the May 6th kickoff party for Leawood's 40th Anniversary celebration. The Committee is considering a brochure or commemorative magazine and a City-wide "plant-a-tree" day.
- 748 JULY 4TH COMMITTEE: A meeting is scheduled for April 19th, 7:00 P.M. in the lower conference room.
- 760 CITY ADMINISTRATOR'S REPORT: The third and last public forum on the City's improvements program will be held Wednesday, April 20th, 7:00 P.M. at Leawood Middle School.
- 789 MAYOR'S REPORT: Mayor would like the Council to set a date for their goal setting session before tonight's meeting is adjourned.
- 807 DISCUSSION OF BURIAL OF POWER LINE; 119TH STREET, ROE/MISSION: Discussion of the excessively high cost where there is no direct rate governing this type of installation.
- 1070 Councilmember Moore stated that no facts have been presented demonstrating a need to bury this line. On motion of Moore, seconded by Pucci, Council unanimous that line should be overhead between Mission and Tomahawk Creek Parkway.
- 1100 ORDINANCE NO. 1049C CREATING THE LEAWOOD PUBLIC BUILDING COMMISSION: Passed unanimously on motion of Anselmi, seconded by Hammond.
- 1137 RESOLUTION NO. 909 DESIGNATING THE OBLIGATIONS OF THE CITY OF LEAWOOD, KANSAS, UNDER AN EQUIPMENT LEASE/PURCHASE AGREEMENT BETWEEN GEORGE K. BAUM & COMPANY AND THE CITY TO BE QUALIFIED TAX-EXEMPT OBLIGATIONS UNDER SECTION 265(b)(3)(B) OF THE INTERNAL REVENUE CODE OF 1986: Adopted on motion of Lin, seconded by Monica. Councilmembers Anselmi, Hammond, Pucci, Moore, Chavers, Monica, Lin in favor. No one opposed. Attached as part of record.
- 1186 K-150 FEASIBILITY STUDY: This study is not budgeted in 1988. However, the City needs to identify its right-of-way requirements along K-150. Moore moved that the City attempt to solicit proposals for the study with the understanding that the study would be undertaken pending the availability of funds, seconded by Hammond; unanimous.
- 1244
- 1258 DISCUSSION OF STREET LIGHT POLICY: Public Works Director Brandt presented a formalized policy. On motion of Monica, seconded by Lin, Council unanimously approved the policy with the following change: in the "Procedure" section, the first sentence to read "The property owner requesting street lights shall provide to the Public Works Department a
- 1360

- # petition, on a form furnished by the City of Leawood, from all property owners on the block requesting street light installation". Copy of policy attached as part of record.
- 1390 DISCUSSION OF CONVEYANCE OF A TEMPORARY UTILITY EASEMENT THROUGH LEAWOOD PARK TO KCP&L - FOR HALLBROOK FARMS GOLF COURSE PUMPING STATION: On motion of Hammond, seconded by Anselmi, Council unanimously authorized preparation of a temporary easement which will expire as soon as a permanent right-of-way is available through an alternative area that doesn't involve the City's Greenway. If it becomes necessary to remove the electrical service before a permanent easement is conveyed, removal costs will not be paid by the City.
- 1505 APPROVAL OF APPROPRIATION ORDINANCE NO. 585: Approved unanimously on motion of Chavers, seconded by Pucci.
- 1581 Council comments: Councilmember Pucci stated that he had enjoyed working with the Council and City staff. Councilmembers Hammond and Lin had enjoyed working with the retiring Councilmembers.
- 1610 PRESENTATION OF CERTIFICATES OF APPRECIATION AND KEYS TO THE CITY TO RETIRING COUNCILMEMBERS PUCCI AND CHAVERS. Retiring Councilmember Schneider did not attend the meeting.
- 1762 OATHS OF OFFICE ADMINISTERED TO COUNCILMEMBERS-ELECT LAHUE (Ward 1), JACOB (Ward 2), NEWLIN (Ward 3), AND MONICA (Ward 4).
- 1850 Short recess for photos.
- 1956 Council reconvened. Roll call answered by Councilmembers LaHue, Jacob, Hammond, Anselmi, Moore, Newlin, Monica, Lin.
- 2007 DISCUSSION OF LEAWOOD PARTICIPATION IN 1988 KANSAS CITY SPIRIT FESTIVAL: Referred to Community Relations Committee for recommendations.
- 2069 ACCEPTANCE OF BID - OVERHEAD DOORS FOR THE FIRE DEPARTMENT: On motion of Anselmi, seconded by Hammond, Council approved bid of The Total Door Company in the amount of \$6,418.00. LaHue opposed, all others in favor.
- 2176 APPLICATION FOR CEREAL MALT BEVERAGE LICENSE - BROADMOUR FOOD MARKETS, 7960 LEE BOULEVARD: Approved unanimously on motion of Anselmi, seconded by Moore.
- 2193 On motion of Moore, seconded by Hammond, executive session scheduled to follow this meeting, not to exceed 30 minutes, to review pending litigation; unanimous.

CITY OF LEAWOOD, KANSAS
STREET LIGHT
POLICY FOR THE INSTALLATION, MAINTENANCE AND OPERATION

GENERAL The City of Leawood has adopted a Public Improvement Construction Standard by Resolution No. 612 on May 2, 1983 with revisions on July 28, 1986. As part of these standards, there are certain design criteria to be followed. "Basic Lighting" in the design criteria shall be used in residential areas.

PROCEDURE The property owner requesting street lights shall provide to the Public Works Department a petition, on a form furnished by the City of Leawood, from all property owners ^{on the block} requesting street light installation. The Public Works Department shall then prepare plans for the requested installation; stake the exact location of the proposed light; inform every property owner by regular mail of the intent to install street lights, and wait a reasonable time (two (2) weeks) for written concerns; If no objections are received, or, all concerns can be resolved, the Director of Public Works will order the lights to be installed.

INSTALLATION The Director of Public Works shall determine if the street light will be City owned or privately owned by Kansas City Power & Light Company (KCP&L). City owned lights will be constructed by an electrical contract at City expense, in the location previously determined. The privately owned (KCPL) light will be installed in the location previously determined, at their expense.

OPERATION The City owned lights metered electrical cost shall be paid by the City, from fund budgeted. The privately (KCP&L) owned light shall be billed monthly in accordance with the established rate agreements.

April 18, 1988

- #2218 Council comments:
2271 Councilmember Jacob received a phone call from Leawood resident Robert Monk who is taking exception to the City's residential sign ordinance as it relates to garage sale signs. He would like the City Council to waive the regulation concerning sign size so he can use his own garage sale sign which does not comply with City regulations. City Administrator
2571 reviewed the history of the sign ordinance. Monica moved that the City Council make an exception for Mr. Monk to use his sign for one garage sale only. Motion failed for lack of a second.
2622 Councilmember Moore asked about the grocery store at 123rd and State Line. The City anticipates a July opening.
2674 Councilmember Lin inquired about the status of the State Line Road project. This matter is being reviewed by various Kansas City, Missouri committees before being considered by the Kansas City City Council.
2713 Councilmember Monica - traffic signalization at 135th and State Line. Public Works Director Brandt received a positive response from Kansas City, Missouri. Final approval for Kansas City to perform the design and contribute materials/equipment for this project is forthcoming.
- 2846 9:05 P.M. Council convened in executive session, same members present.
- 2851 9:35 P.M. Council returned to regular session, same members present.
- 2855 Councilmember Lin expressed concern about a flyer that was distributed door-to-door in Leawood Country Manor and perhaps in other subdivisions. The notice concerned the public forum that was held April 13th at Brookwood School to inform residents about the City's improvements program. Lin stated that most statements in the notice were totally inaccurate.
- 3144 The Council's next goal setting session will be Monday, May 9th.
- 3566 10:05 P.M. Meeting adjourned.

Marcia Rinehart
 Marcia Rinehart Mayor

Attest:

Martha Heizer
 Martha Heizer City Clerk

May 2, 1988

- # 18 Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held at 7:30 P.M., Monday, May 2, 1988, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.

Roll call answered by Councilmembers LaHue, Jacob, Anselmi, Moore, Newlin, Monica. * Hammond arrived 7:35 P.M. ** Lin arrived 7:40 P.M. Staff: Garofano, Baer, Cox, Brandt, Malnicof, Strack, Heizer, Attorney Wetzler.

- 36 Agenda approved unanimously on motion of Moore, seconded by Anselmi, after addition of discussion concerning burial of power line on 119th Street between Mission and Tomahawk Creek Parkway.

- 69 CITIZEN COMMENTS: Bill Jackson, 8612 Sagamore Rd., addressed the Council concerning the Board of Zoning Appeals denial of his request to erect a 6-foot fence to provide protection for his young child from an adjacent neighbor's swimming pool. He asked that the City Council consider amending the ordinance relating to fences to allow property owners adjoining property with a pool to erect a 6-foot fence.

* Councilmember Hammond arrived.

- 175 City Administrator stated that such an ordinance, which would amend the City's "Zoning Ordinance", would be considered by the Plan Commission at their May 24th meeting. A public hearing would be required before the revised ordinance would be presented to the City Council for consideration.

** Councilmember Lin arrived.

- 220 Councilmember Monica recommended that the Plan Commission consider strengthening the requirements for pools and wading pools, making the height requirement of fences 6 feet rather than 4 feet.

- 276 Discussion of deed restrictions which might prohibit 6-foot fences.

- 330 Council requested that the Plan Commission expedite this matter as quickly as possible.

- 439 RESOLUTION HONORING BETTY BLACKMON: For her service to the community as Director of Substance Abuse Services of Johnson County. Attached as part of record.

- 525 PROCLAMATIONS: Mayor had proclaimed April 25-29 Secretaries Week, and April 24-30 National Consumers Week. She proclaimed May 8-14 Municipal Clerk's Week.

596 APPOINTMENT OF CITY OFFICIALS; OATHS OF OFFICE: On motion of Moore, seconded by Anselmi, the following mayoral appointments were unanimously approved:

Richard S. Wetzler, City Attorney
 Scott Logan, Asst. City Attorney
 Ray L. Borth, Municipal Judge
 Michael H. Farley, Municipal Judge

On motion of Hammond, seconded by Moore, the following appointments submitted by the City Administrator were unanimously approved:

Martha Heizer, City Clerk
 Harry Malnicof, City Treasurer/Finance Director
 J. Stephen Cox, Chief of Police
 Jerry L. Strack, Fire Chief
 Ronald Brandt, Public Works Director
 Robert McKay, Director of Planning & Development

Oaths of office were administered.

724 CONSENT AGENDA: Approved unanimously on motion of Anselmi, seconded by Jacob: Minutes of April 18, 1988 Council meeting; appointment of presiding officers (attached as part of record); appointments to committees (attached as part of record).

748 BUDGET & FINANCE COMMITTEE REPORT: Chairman Hammond requested that committee chairmen set their agendas soon so they will be able to make budget requests.

779 JULY 4TH COMMITTEE REPORT: Co-Chairman Moore reported on the Committee's April 19th meeting. Plans for the 4th of July celebration are progressing well. The next meeting will be held May 10th.

813 COMMUNITY RELATIONS COMMITTEE REPORT: Councilmember Monica reminded the Council that Leawood's 40th Birthday Kickoff Party will be held May 6th. Staff issued a press release to inform residents about the party. An article about the party will appear in the May 3rd edition of THE SUN.

902 SUTTER MEMORIAL: Councilmember Anselmi reported that the Vietnam War Memorial dedication is scheduled for May 22nd, 4:00 P.M., at the 119th Street playground.

963 Councilmember Lin requested that staff look into a safety problem in the vicinity of Mission Rd. just south of 119th Street. The height of power lines is almost level with the height of some homes.

April 29, 1988

TO: City Council
FROM: Marcia Rinehart, Mayor
SUBJECT: Committee Appointments

	<u>Reappointment</u>	<u>New</u>
Board of Zoning Appeals	D.A.N. Chase (1991)	James Hall (1991)
Budget & Finance (1989)	Charles Hammond, Chr. Jeannine Fox Charles German Dale Helmers Janelle Newman Chuck Sipple John Snyder David Stallings	Ronald LaHue
Plan Commission	Wayne Lischka (1991) Don Roberson (1991) Robert Rohlfing (1991)	
Public Safety (1989)	Doug Moore, Chr. Charles Digby Max Mills Brad Sumner Susan Symon	Jimmy Lin Sue Dickey
Public Works (1989)	Curt Chavers Joseph Fitzpatrick Jay Goodenow Laurence Hanna Howard Kipfer Tim Smirnoff James Stuelke	Ernie Anselmi, Chr. Marsha Monica
Recreation	Mary Textor (1992)	Kim Jacob - Council Liaison

	<u>Reappointment</u>	<u>New</u>
Arts Committee	Marna Dolginoff (1990) Jane Beach (1989) Dick Horn (1991) Robert Ferkin (1991) George Lund (1990)	Robert Newlin - Council Liaison (1989)
Property Maintenance Code Appeals Board	C.W. Haren (1990) Cecil Hammonds (1990)	
Public Officer for Property Maintenance Code (1989)	Robert McKay	
Director of Solid Waste Management (Leawood's Rep. to Jo. Co. Solid Waste Management Comm.) (1989)	John Ruf	
Director of Emergency Preparedness (1989)	Bettie Bridges	
Asst. Director of Emergency Preparedness (1989)	Teresa Weaver	
Alcohol Planning Council Representative (1989)	Evon Race	
* Building Code Board of Appeals		Charles Duval (1992)
Jo. Co. Fire Service Coordinating Council Representative (1989)	Ernie Anselmi	
Community Relations (1989)	Anne Davis Kathleen Nicholas Gayl Reinsch	Kim Jacob, Chr. Randy Macon Robert Newlin Margy Hall
Jo. Co. Stormwater Management Comm. - Leawood rep. (1989)		Ernie Anselmi

* Alternate appointment deleted; no longer required by UBC

Page 3
Committee Appointments
May 2, 1988

	<u>Mayor & Council</u>	<u>Residents</u>
Public Building Comm.	Marcia Rinehart (1990) Doug Moore (1992) Jimmy Lin (1991) Robert Newlin (1990)	Jeannine Fox (1991) Robert Adams (1990) David Wolfram (1992)

NOTE concerning Building Code Committee: In discussing appointments with Bob McKay, I discovered that there is no longer a need for the Building Code Committee. At this time the City's staff performs the work the Committee used to do. Therefore, I suggest the Council delete the Building Code Committee.

If you have any questions or concerns about any of these appointments, please call me before Monday.

MR/mh

April 29, 1988

MEMO

TO: City Council

FROM: Marcia Rinehart, Mayor

SUBJECT: Appointment of Presiding Officers

In accordance with Section 1-209 of City Ordinances, I am appointing the following Councilmembers to serve as presiding officers at Council meetings in the absence of the Mayor. They will preside on a rotational basis by ward and by election year:

Doug Moore, Ward 1	May-July, 1988
Ernie Anselmi, Ward 2	Aug.-Oct., 1988
Chuck Hammond, Ward 3	Nov., 1988-Jan., 1989
Jimmy Lin, Ward 4	Feb.-Apr., 1989

MR/mh

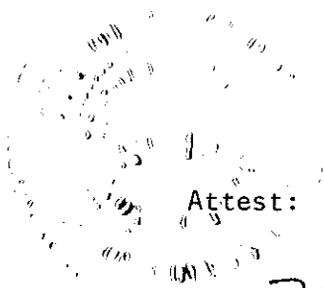
- # 1029 CITY ADMINISTRATOR'S REPORT: Reported that striping of the bicycle lanes on 123rd Street, State Line/Mission, will begin later this week. Installation of bicycle lane signs and repainting of crosswalks will also be done, including the crosswalk at Cure of Ars.
- 1074 MAYOR'S REPORT: Reminded Council of their goal setting session scheduled for May 9th.
Announced that the second annual Council-Staff picnic will be held August 31st at Leawood Park.
City employees and their families are planning to attend the June 8th Royals' baseball game, "Leawood Night" at Royals Stadium.
- 1146 DISCUSSION OF SIGNALIZATION, STATE LINE/K-150 INTERSECTION: Public Works Director Brandt reported that Kansas City, Missouri is preparing preliminary plans.
- 1166 DISCUSSION OF BURIAL OF POWER LINE; 119TH STREET, MISSION/TOMAHAWK CREEK PARKWAY: At their April 18th meeting, the Council voted not to bury this power line.
Anselmi's motion to reconsider this matter was seconded by Moore; unanimous.
City Administrator presented new information. KCP&L has been overbilling the City for 24 street lights for the past several years. They will issue a refund to the City in the amount of \$75,344. Part of this refund could be used to bury the power line.
The federal grant to construct the Greenway stipulates that power lines on the Greenway must be installed underground. Technically, the lines along 119th Street probably will be located in street right-of-way, not actually on federally controlled park land.
- 1430 Discussion of the excessively high cost of underground power line installation, and the procedure for requesting a hearing before the Kansas Corporation Commission on this matter.
- 1619 Monica moved that the City use part of the refund to bury the power line on 119th Street between Mission Rd. and Tomahawk Creek Parkway, and that staff be directed to continue to pursue the issue of the costs of this type of installation with the Kansas Corporation Commission; seconded by Lin. Moore opposed, all others in favor. Motion carried.
- 1687 DISCUSSION OF DRIVEWAY APPROACH, 112TH & ROE: Developer John Moffitt was requesting that he be allowed to construct a median cut on 112th Street just west of Roe Avenue; south of the office building at 4701 College Blvd. He would be carrying out the directive of a previous City Council that the property owner construct this approach upon completion of improvements to Roe Avenue.

- # Traffic engineering consultants Johnson, Brickell, Mulcahy & Associates recommended that Mr. Moffitt be allowed to construct this approach since there will be little or no traffic impact on the Leawood Country Manor subdivision.
- 1790 Leawood Country Manor residents Chug Tuttle and Bev Bunton expressed concern about the traffic flow and stated that this median cut would destroy the beauty of the entrance to their subdivision.
- 2015 Discussion of the history of this approach. Alternatives were discussed. Council could approve the plan as it was proposed and agreed upon several years ago, defer decision for 2 weeks, or wait until Roe Avenue improvements have been completed to see what traffic patterns develop. The developer could go to the Plan Commission and suggest alternative traffic plans; the matter would come back to the City Council.
- 3202
- 3555 Lin moved that the Council do nothing about this request; seconded by Moore. After discussion of the motion, Moore withdrew his second. Hammond seconded Lin's motion.
- 3892
- 3898 Hammond, Lin, Newlin, Anselmi in favor. Moore, Jacob, Monica, LaHue opposed. Mayor opposed. Motion failed.
- 3948
- 3960 Monica moved to postpone this matter to the next regular meeting, and that before the next meeting, staff would contact the applicant to explain the Council's concerns and to see if there are alternatives that can be presented at the next meeting; seconded by LaHue.
- 4070 Lin, Hammond opposed; Anselmi abstained; all others in favor. Motion carried.
- 4221 ACCEPTANCE OF BID FOR 1988 SLURRY SEAL PROJECT: On motion of Anselmi, seconded by Monica, Council unanimously accepted bid of Vance Bros., \$117,000.
- 4362 APPROVAL OF CONTRACT FOR DESIGN OF SIGNALIZATION; SOMERSET & BELINDER: On motion of Lin, seconded by Anselmi, Council unanimously approved Johnson, Brickell, Mulcahy & Associates, for an amount not to exceed \$4,000. City of Prairie Village will pay half of this cost.
- 4466 RESOLUTION NO. 910 RELATING TO SPEED LIMITS: Adopted unanimously on motion of Moore, seconded by Hammond. Attached as part of record.
- 4485 RESOLUTION NO. 911 DESIGNATING OFFICIAL CITY NEWSPAPER (attached as part of record): Discussion of statutory requirements for qualifications of official city newspapers. City Attorney recommended that Council designate one official City newspaper. Council could designate another paper to serve as the official City newspaper in the event the official paper should for any reason be unable to publish according to the City's requirements.

- # 4830 On motion of Monica, seconded by LaHue, Council unanimously designated THE JOHNSON COUNTY SUN as the official City newspaper.
- 5066 Anselmi moved to designate THE SQUIRE as the paper to serve as the official City newspaper in the event THE JOHNSON COUNTY SUN could not publish a document; seconded by LaHue. LaHue, Anselmi in favor; all others opposed. Motion failed.
- 5281 Lin moved to designate THE OLATHE DAILY NEWS as the paper to serve as the official City newspaper in the event THE JOHNSON COUNTY SUN could not publish a document; seconded by Hammond. LaHue, Anselmi, Monica opposed; all others in favor. Motion carried.
- 5360 DESIGNATION OF DEPOSITORIES FOR CITY FUNDS: On motion of Hammond, seconded by Anselmi, Council unanimously designated the following: Southgate, Johnson County National, Kansas National, First Continental, Overland Park State, Mid-American, Metcalf State, College Blvd. National.
- 5417 AUTHORIZATION OF SIGNATURES FOR WARRANT CHECKS FOR CITY OBLIGATIONS, ALL FUNDS: On motion of Hammond, seconded by Moore, Council unanimously authorized signatures of Mayor, City Administrator, City Treasurer, City Clerk.
- 5458 Moore moved to schedule an executive session to follow this meeting, not to exceed 30 minutes, to discuss annexation and Spears rezoning legal matters; seconded by Monica; unanimous.
- 5500 APPROVAL OF APPROPRIATION ORDINANCE NO. 586: Unanimously approved on motion of Moore, seconded by Monica.
- 5616 Council comments: Anselmi expressed concern about the barbed wire fence along the sidewalk on the approach to the bridge on 119th Street. Staff will check the situation.
He would like the City to consider installing a pay phone on the Greenway, perhaps around 119th Street.
- 5695 Monica asked about the possibility of having a water fountain installed in the 119th Street area of the Greenway.
- 5810 Lin concerned about the State Line Road project. He feels Kansas City, Missouri is in no hurry to complete the final design. Public Works Director Brandt will talk to Johnson County Public Works Director Jim Pilley.
- 5876 10:10 P.M. Short recess before the executive session.

Council convened in executive session, same members present.
- 5877 10:45 P.M. Council returned to regular session, same members present.
- 5883 Meeting adjourned.

May 2, 1988



Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

May 16, 1988

- # 40 Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held at 7:30 P.M., Monday, May 16, 1988, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.
- Roll call answered by Councilmembers LaHue, Jacob, Anselmi, Moore, Newlin. * Monica arrived at 7:35 P.M. ** Hammond and Lin arrived 7:40 P.M. *** Lin left the meeting at 8:40 P.M. (see page 3545). Staff: Garofano, Baer, Brandt, Malnicof, McKay, Strack, Heizer, Attorney Wetzler.
- 50 Agenda approved on motion of Jacob, seconded by Moore, after addition of discussion of Services for Seniors and pool memberships for City volunteers under New Business, and assignment to Public Safety Committee under Consent Agenda.
- * Councilmember Monica arrived.
- Agenda approved unanimously.
- 120 AWARDS/PROCLAMATIONS: Mayor presented a proclamation to Leroy G. Fox in which she declared June 3, 1988, Leroy G. Fox Day to honor him upon his retirement as Johnson County Librarian and to recognize his outstanding career achievements in library services.
- ** Councilmembers Hammond & Lin arrived during presentation to Mr. Fox.
- 238 Mayor declared May 15-21, 1988, National Public Works Week.
- 281 CONSENT AGENDA: Approved unanimously on motion of Hammond, seconded by Anselmi: Minutes of May 2, 1988 Council meeting; departmental reports; assignment to Public Works Committee (review scope of services for comprehensive sanitary sewer study); Contractor's Pay Est., Nall Ave. project, Reno, \$3,497.37, FINAL; and assignment to Public Safety Committee (to consider the safety of bicyclists and pedestrians on Somerset Drive and 83rd Street between State Line and Mission).
- 307 Councilmember Anselmi reminded the Council that the Vietnam War Memorial dedication ceremony will be held May 22, 4:00 P.M., at the park at approximately 119th & Mission.
- 386 PUBLIC WORKS COMMITTEE REPORT: Public Works Director Brandt reported on the Committee's May 5th meeting. The following items were discussed: Somerset & Lee intersection improvements, including a request that High Drive be converted to a cul-de-sac; Tomahawk Creek Parkway project; 85th Terr./State Line signalization project.

- # The Committee held interviews for the Mission Road design engineering on May 9th and selected George Butler & Associates. Contract approval will be considered at the June 6th Council meeting.
- The Committee will hold a special meeting May 19th to discuss the Public Works budget for 1989.
- The City Council discussed the request that High Drive be converted to a cul-de-sac as part of the Somerset & Lee intersection improvements, and future requests for cul-de-sacs from other areas of the City. Public Works Director will present a recommendation on the High Drive cul-de-sac to the City Council at the June 6th Council meeting.
- 573 RECREATION COMMISSION REPORT: Julie Baer reported on the Commission's May 10th meeting at Leawood Park to review facilities and discuss the summer programs. The pools are being prepared for a May 30th (Memorial Day) opening. Camp programs are approximately 79% filled.
- 612 COMMUNITY RELATIONS COMMITTEE REPORT: Mayor commended Julie Baer for her work planning the City's 40th Birthday "Kickoff" party which was held May 6th. Ms. Baer reported that the Committee had purchased 2 styles of commemorative buttons for residents and non-residents to wear to publicize the City's 40th Birthday.
- 651 JULY 4TH COMMITTEE REPORT: Co-Chairman Moore reported that the Committee had met May 10th, and had scheduled 2 more meetings for June 14th and June 28th.
- 680 Councilmember Lin reported that he had received a letter from the City of I-Lan, Taiwan. The City Council of I-Lan had passed a resolution to establish a Sister City relationship with the City of Leawood. The National Day of the Republic of China (annual celebration and parade) is October 10, 1988, and the I-Lan Council expressed the desire to meet with Leawood representatives at that time in Taiwan to officially sign Sister City documents.
- 797 RESOLUTION NO. 912 APPROVING REVISED PRELIMINARY PLAT AND FINAL PLAT FOR WELCREEK ESTATES (a replat of part of Charlemagne subdivision): Discussion of the deviation on the installation of street lights granted due to the size of the lots and because the remainder of Charlemagne does not have street lights. Developer Gene Wuellner presented a drawing which illustrated the large lots.
- Discussion of an existing private pond shared by 2 property owners.
- Resolution adopted unanimously on motion of Hammond, seconded by Anselmi. Attached as part of record.

- # 993 REQUEST FOR JOINT WORK SESSION, CITY COUNCIL/PLAN COMMISSION, TO DISCUSS MASTER PLAN: Joint session scheduled for May 23rd.
- 1020 CITY ADMINISTRATOR'S REPORT: City Administrator reported that, in conjunction with the annual observance of World Trade Week (3 days, May 22-24), the Republic of China, Taiwan, will be featured. There will be a series of seminars and receptions, and anyone interested in attending can obtain further information from the City Administrator.
- 1052 MAYOR'S REPORT: On June 8th, City employees will participate in a metropolitan-wide food drive. There will be a collection point at City Hall. Council and residents are urged to participate.
- 1075 The County is considering cutting CARS (road) program funding, which may affect the City of Leawood.
- 1093 A new City flag will be dedicated July 4th.
- 1128 DISCUSSION OF PARKING LOT ENTRANCE FOR OFFICES AT COLLEGE & ROE: Staff met with developer John Moffitt (prospective owner of the office building at 4701 College) to discuss alternatives to this entrance.
 Mr. Moffitt wishes to exercise the option as originally approved by the City Council in 1978, the original commitment made by the City at the time the final plan was approved for the office building (4701 College).
 City Administrator advised that 2 options were available to the City Council: 1) issue a letter directing the developer to proceed with the construction of the entrance as originally stipulated in the plan approval in 1978 or 2) not issue the letter citing changes in conditions which leaves the developer with the recourse of making application to the Plan Commission for a final plan amendment. If the second option is selected, the Plan Commission would make the final determination and the developer could submit the original concept to the Plan Commission if he so desired.
 City Attorney felt it was not the function of the City Council to modify the plan.
- 1304 Discussion of possible liability for the City if Mr. Moffitt's plan to purchase the building fell through because the City did not issue the letter.
- 1487 Councilmember Anselmi stated, for the record, that, in view of the fact that this matter is based on a 10-year old decision, and in view of the fact that 112th Street is a true residential street, he would like as little commercial traffic as possible traveling through Leawood Country Manor. He could understand using the entrance as an ingress only without destroying the island because of the problem of traffic coming from the south, but could not understand using it as an egress to go west to get to Nall.

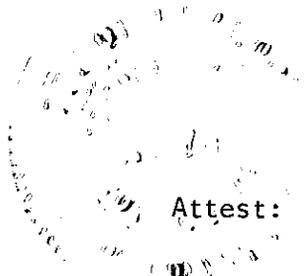
- # 1520 Discussion of recent City traffic count at 112th & Nall (1 car every 30 seconds on 112th St.). If a traffic count is conducted after Roe Avenue improvements have been completed, the count might be much higher.
- 1643 Mayor stated, with confirmation by Attorney Wetzler, that any motion should be phrased affirmatively. Lin moved that the Council authorize the Mayor to write a letter to allow the median cut; seconded by Jacob.
- 1664 Leawood Country Manor resident Jeannine Fox expressed concern about the excessive traffic and speed around the Leawood Country Manor subdivision. She stated that the residential environment should not be destroyed to accommodate a developer or possible new property owner, or motorists who do not live in Leawood. She also stated that a 3-way traffic jam would be created at 112th & Roe since there will not be a stop light at that intersection when Roe Avenue is completed. This traffic jam will prevent traffic from going in or out of Leawood Country Manor.
- 1849 Leawood Country Manor resident Carolyn Gibson stated she would like to see the Council deny the motion and allow this matter to go back to the Plan Commission. Residents would be able to make further presentations.
- 1910 Leawood Country Manor Homes Association President Pat Lysaught also wanted the Council to consider defeating the motion.
- 2012 Lin called for the question; seconded by Jacob; unanimous.
2024 All opposed; motion failed.
- *** 8:40 P.M. Councilmember Lin left the meeting.
- 2068 Councilmember LaHue stated that he was concerned that the Council had basically cut this matter loose from the jurisdiction of this Council. The Plan Commission could still approve a plan which would allow the median cut. This issue would not return to the City Council.
- 2096 Councilmember Newlin stated that he had talked to Mr. Moffitt who is concerned, as he is, that the big problem (that doesn't seem to be one that the Council should be put in the position of trying to solve) is the traffic traveling north on Roe and going east on College Boulevard. The Council 10 years ago would not have solved this problem. The Plan Commission must have notes from 10 years ago indicating the problem of traffic going north on Roe and east on College which helped them make their decision 10 years ago. The Mayor stated that those notes do not seem to exist.
- 2143 Councilmember Monica stated that it was her feeling that since the Council defeated the motion to send the letter, the Council had said that that original plan is not appropriate, and we need to be sure that we obtain current data and that alternatives to correct or alleviate the situation be considered other than what was on the original plan.

- # 2167 Councilmember Moore stated that because of the numerous changes that have occurred in the past 10 years, he would like the Plan Commission to look at the plan and be sure that the plan is the correct plan and that it blends in. It may be that this could be the beginning of an overall review of the entire traffic pattern throughout that area.
- 2198 INTERLOCAL AGREEMENT WITH OVERLAND PARK; NALL AVENUE STREET LIGHT MAINTENANCE: Approved unanimously on motion of Monica, seconded by Anselmi.
- 2295 ORDINANCE NO. 1050C RELATING TO ANIMAL CONTROL; TOMAHAWK GREENWAY: Adopted on motion of Hammond, seconded by Moore. Newlin opposed, all others in favor.
- 2402 APPLICATION FOR CEREAL MALT BEVERAGE LICENSE; HALLBROOK COUNTRY CLUB: Approved unanimously on motion of Moore, seconded by Hammond.
- 2412 APPROVAL OF APPROPRIATION ORDINANCE NO. 587: Approved unanimously on motion of Monica, seconded by Jacob.
- 2696 DISCUSSION OF POOL MEMBERSHIPS FOR CITY VOLUNTEERS: City employees receive gratis pool memberships, except for the pool patch charge. Councilmember Anselmi felt that City volunteers (councilmembers, committee members) should receive gratis memberships. Councilmember Jacob, Council liaison to the Recreation Commission, will talk to the Commission since they set membership policy.
- 2795 DISCUSSION OF HOME MAINTENANCE SERVICE CONTRACT WITH SERVICES FOR SENIORS: Services for Seniors requested that the City consider increasing the amount of their grant and increasing the \$100 limit to be spent per household. The City also received a request from an elderly resident to waive the \$100 limit so she could receive assistance in painting her house. She had received a citation from the City's property maintenance code enforcement officer.
- 3438 It was the consensus of the Council that this matter be referred to Budget & Finance Committee to consider possible grant increases for 1989. The Council also agreed that no funding increases or waivers of the \$100 limit be granted for the remainder of 1988.
- 3830 COUNCIL COMMENTS: Moore commented on the high cost of the 1988 City Election and the low voter turnout, and suggested that the City highlight this low turnout in some fashion, perhaps in a newsletter.
- 3874 LaHue commented on the bad quality of the overhead utility lines in a beautiful area of the City along Mission Road between 119th Street and 123rd Street. Public Works Director Brandt stated that Mission Road was an existing street and the lines were already in as part of the overhead system when

May 16, 1988

development occurred along Mission. As subdivisions are developed now internally, utilities are installed underground. Discussion of creation of benefit districts to construct streets (as Mission Road was a benefit district); the costs of burying utilities could be included at that time.

4022 9:30 P.M. Meeting adjourned.



Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

- # 25 Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held at 7:30 P.M., Monday, June 6, 1988, in the Council Chambers, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.

Roll call answered by Councilmembers LaHue, Jacob, Hammond, Anselmi, Newlin. * Councilmember Lin arrived at 7:33 P.M.
** Councilmember Monica arrived 7:35 P.M. Staff: Garofano, Baer, Cox, Brandt, Malnicof, McKay, Heizer, Attorney Wetzler.

- 35 Agenda approved unanimously on motion of Jacob, seconded by Anselmi, after addition of resolution concerning publication of notices of proposed assessments.

* Councilmember Lin arrived (after agenda approval vote).

- 79 Mayor declared June 14, 1988, as Flag Day in the City of Leawood.

- 84 CONSENT AGENDA: Approved unanimously on motion of Hammond, seconded by Newlin: Minutes of May 16, 1988 Council meeting.

- 95 PUBLIC WORKS COMMITTEE REPORT: Public Works Director Brandt reported on the Committee's June 2nd meeting. Presentations were given on the sanitary sewer study and the use of Portland cement concrete for street paving. The latter will be discussed at a future work session.

** Councilmember Monica arrived.

On May 26th the Committee held a short meeting to discuss the Somerset/Lee Boulevard intersection improvements, in particular the conversion of High Drive to a cul-de-sac. Larkin & Associates is working on the design and will be studying the possibility of a smaller diameter for the cul-de-sac in order to save some trees on certain properties.

The Committee also discussed the 95th Street drainage project. A meeting with area residents has been tentatively scheduled for July 7th. Black & Veatch will give a presentation on this project to the Governing Body June 20th at 6:00 P.M.

Funding for the Somerset/Lee Boulevard intersection improvements will come from the County CARS (road) program, KDOT, Prairie Village, and Leawood. Bid letting for construction will take place approximately June, 1989.

- 341 The City Council will consider the contract for design engineering of the Mission Road bridge over Indian Creek at their June 20th meeting.

- 352 RECREATION COMMISSION REPORT: Councilmember Jacob reported

- # that the Commission did not feel that gratis pool memberships for City volunteers were feasible; revenues for maintenance of the pool facilities would be lost.
- Councilmembers Anselmi, Monica, LaHue felt it would be a nice gesture to offer gratis memberships to City volunteers, even if the memberships are limited to the volunteers, excluding their families. A precedent has been set by giving gratis memberships to City employees.
- Councilmember Jacob will relay Council comments to the Commission at their next meeting. The Commission is concerned that it might be difficult to determine which volunteers would be truly eligible for gratis memberships.
- 550 VIETNAM WAR MEMORIAL: Councilmember Anselmi reported on the May 22nd dedication ceremony at the 119th Street playground/park area. He thanked the Public Works Department for the fine work they performed.
- 590 4TH OF JULY COMMITTEE REPORT: Julie Baer reported, and unveiled the new 4th of July T-shirt with new City logo to go on sale immediately at City Hall, the Leawood Park pool, and Broadmour Food Markets at 79th & Lee Boulevard. The Committee will meet June 14th and June 28th. The Committee needs parade judges and a few more convertibles for dignitaries for the parade. Councilmember Lin asked if the Committee would consider extending the parade route into South Leawood next year.
- 738 REVIEW OF PROPOSED 1988 MASTER PLAN:
772 Presentation by Planning and Development Director McKay. Two Plan Commission public hearings were held, and the Plan Commission and City Council discussed the Plan at a joint work session. The Plan Commission made 5 major amendments to the Plan, all within the K-150 Corridor:
- 809 1. The "retail" area at 143rd & Kenneth Road was reduced to approximately 3-5 acres with a small area of medium density around that area as a buffer.
- 828 2. The property approximately between Mission and Roe, and between 143rd and the south reverse frontage road of the K-150 Corridor was returned to rural density residential. It was low density residential. Property owner Stuart is opposed to this; he prefers low density.
- 861 3. The "retail" area on the north side of K-150 at Roe Ave. was reduced by one-half. The reduced "retail" area was returned to "office" area.
- 877 4. The "retail" area at 151st & Nall was reduced to approximately a 3-5 acre tract with a small medium density residential area around it.

- # 889 5. The 40-acre tract approximately one-half mile west of State Line Road on the north side of K-150, previously proposed as "retail" by staff, was returned to "office" development. Property owner Vic Regnier is opposed to this; he prefers "retail" development.
- Mr. Regnier has been contacted by a potential developer who might be interested in a retail development between State Line Road and Mission Road on K-150. Mr. Regnier stated that this developer would not consider such a development unless the Master Plan indicated "retail" land use for all of Mr. Regnier's property in that area.
- 924 The representative for the Jameson tract prefers "retail" land use for that tract located between the north reverse frontage road and K-150, and between Roe Ave. and the west property line of that tract, encompassing approximately 30 acres.
- 977 By State Statute, the City Council has 60 days to review the proposed Master Plan and forward comments to the Plan Commission. In view of the fact that the City Council and Plan Commission did discuss the proposed Plan at a joint work session, the Plan Commission would like to adopt the Master Plan at their June 28th meeting, and were recommending that, if at all possible, the City Council take action tonight, either to defer items to the Plan Commission for their final decision or basically adopt amendments considered tonight.
- 1012 The area at 135th & Mission owned by Nelson will remain "retail", no change to "office" development.
- 1043 Discussion of the impact fee structure which is based on 1986 land use intensities. Despite a few changes in densities, there will be no adverse impact on revenues. The amount of "retail" development area has been increased.
- 1120 Discussion of the logic for changing Mr. Regnier's land use from "retail" to "office" along K-150.
- 1243 Mr. and Mrs. Regnier expressed concern that the plan for the K-150 Corridor reflected too much "office" development and not enough "commercial". People have always thought of the land use along the Corridor as "commercial".
- 1348 Discussion that a lot of office space in the metropolitan area is vacant, that "office" development has been overbuilt.
- 1403 Discussion that there must be a balance between retail, office, and residential land uses because they create different traffic patterns.

- # 1508 City Administrator Garofano stated that many people rely on the Master Plan even though it is not actual zoning, but only a guide. The City is sending mixed signals when we show an area on the Master Plan as "office" development, yet will entertain a recommendation or plan for "retail", or vice versa. If the Plan Commission would entertain the idea of "retail" development for Mr. Regnier's property, the City would be far ahead showing a more dense development than a less dense development. The City would not have to fight court battles later with residents who live in this area. The Master Plan, in fact, becomes more of a guide. We should urge the Plan Commission to exercise some caution in this regard. If they say they will entertain "retail", then Mr. Regnier's property would be the appropriate area on which to show it.
- 1797 The City Council could approve this Plan with considerations or concerns heard tonight, but the Plan Commission is the body which will formally adopt the Plan.
- 1909 Councilmember Lin stated that land use should follow sound land use planning principles, not speculation.
- 1948 Discussion of the Regnier property.
- 2040 A new "Zoning Ordinance" under consideration at this time would require that anyone wishing to obtain a zoning change for a tract of land would first have to seek a change in the Master Plan.
- 2133 John Meier of Bi-State Development at 143rd & Kenneth Road stated that his company has been working on this development for about 5 years, and reminded the City Council of the problems they have encountered, problems similar to Mr. Regnier's situation.
- 2184 Jay McConnell, Leawood Falls Development, asked about the density of the southwest corner of 143rd & Kenneth Road.
- 2270 Councilmember Monica moved that the Council has reviewed the updated Master Plan for 1988 and that it be returned to the Plan Commission with Council comments in writing by June 28th; seconded by Jacob.
- 2303 Councilmember Hammond stated that he agreed with the City Administrator's comments. The City needs to clearly define the message it wants to convey to the development community. We have had some very extensive discussions regarding our economic future, and, at this point in time, if there's anything we can possibly do to clarify the message (and that comment regarding the designation of Mr. Regnier's property as "retail" does do that), he would be in favor of it.

- # 2330 Councilmember Monica expressed concern that, if that whole area is shown as "retail", the City could end up with several shopping centers side by side (like along Metcalf). If someone comes to the City with a good plan to develop 400 acres as retail, we might be receptive to it.
- 2377 Councilmember Newlin stated he did not like the June 28th deadline. Because of some problems the City has had due to lack of communication, problems that we're now trying to resolve in court, he talked to some residents in the K-150 Corridor area, not necessarily Leawood residents, to see what impact some of the things the Council has talked about doing will have on communities like Overland Park. It's important that when the City starts changing master plans that have been developed before, that we publicize these changes enough so people living in areas adjacent to development parcels are aware of what the City of Leawood is planning to do.
- 2463 Councilmember Lin stated that if people are concerned, they will attend public hearings. Apparently, people living on both sides of K-150 Corridor are not as concerned as they were 2 years ago when they did attend hearings.
He noted that Mr. Regnier had mentioned his 400 acres. That property is only 160 acres (office and retail). Even for 160 acres of retail, that's almost twice the size of Oak Park Mall, and he didn't believe the City would want that kind of involvement in the City of Leawood. Street systems would not be able to handle the traffic.
- 2513 Councilmember Monica's motion carried unanimously.
- 2540 Clarification of the plan for the area on State Line Road just north of 103rd Street. The area north of the office building, that portion directly across from the shopping center across the street in Missouri, is medium density residential.
- 2566 STATUS OF FENCE REGULATIONS REVISIONS: Council reviewed a resident's recent request for a variance to construct a 6 foot fence on his property to provide protection for his young child from an adjacent neighbor's swimming pool. The request was denied by the Board of Zoning Appeals.
Plan Commission directed staff to prepare an ordinance for consideration at their June 28th meeting which would require 6 foot fences around yards with pools and hot tubs.
- 2759 Wayne Johnson, 4561 W. 138th Terr., stated he would like to have a 6 foot fence around his yard, but doesn't want to have to construct a pool to have one. He would prefer the privacy of a 6 foot fence around his 2 story house. He should have that right of privacy and security. He urged carte blanche 6 foot fences. His request for a variance was denied by the Board of Zoning Appeals.

- # Revisions to general fence requirements will be considered by the Plan Commission in the fall when they consider the revised "Zoning Ordinance".
- 2920 Six foot fences can now be constructed around patios for privacy with permits, but not around yards..
- 2995 Discussion that some homes association deed restrictions might not allow fencing. The Plan Commission might be receptive this fall to petitions from homes associations requesting carte blanche 6 foot fencing.
- 3027 CITY ADMINISTRATOR'S REPORT: Discussion of some questionable techniques being used by solicitors recently, leading to solicitation ordinance violations, and 3 arrests in a 1-week period. We need to know how solicitors are dealing with residents. We urge residents to call the Police Department if they're having problems with solicitors.
We could encourage certain types of solicitors (those who sell certain types of products) to talk with the Police Department at the time their permits are issued to counsel them to avoid problems.
The City urges homes associations to communicate the solicitation ordinance regulations to their residents, particularly that "No Solicitation" door stickers are available at City Hall.
Residents must take some responsibility for their own protection.
- 3191 MAYOR'S REPORT: Julie Baer reported on the June 8th metropolitan-wide food drive sponsored by MARC on behalf of Harvesters of Greater Kansas City. The drive will be extended through June 15th in the City of Leawood. Donation sites have been established at every City facility.
Reminder - June 8th is Leawood Night at the Royals.
- 3282 A resident had asked the Mayor about the possibility of constructing entry monuments to the City. This matter assigned to the Community Relations Committee to study this possible project.
- 3308 APPROVAL OF AGREEMENT WITH KCP&L FOR REMOVAL OF TRAFFIC SIGNALS AT 85TH TERRACE AND STATE LINE ROAD: Discussion of removal costs. KCP&L registered this rate with the Kansas Corporation Commission, unlike the underground utilities installations discussed at previous Council meetings.
On motion of Anselmi, seconded by Hammond, Council unanimously approved the agreement.
- 3505 DISCUSSION OF PETITIONS RELATING TO CHARTER ORDINANCE NO. 19: City Administrator reported on the history of the ordinance since its passage on March 7, 1988. Petitions were filed with the City Clerk, and forwarded to the Johnson County Election Commissioner so she could verify signatures on the petitions. The Election Commissioner was concerned about the form of the petitions; she asked the County Counselor to review them to

- # determine whether or not she should review them. The County Counselor, upon review, advised her that she did not have the duty or authority to proceed in determining whether or not the signatures were valid, as he deemed the petitions were invalid due to 7 different defects which he found in the petitions. The City Attorney reviewed the petitions and concurred with the County Counselor, and advised the City Clerk that she should issue a certification that Charter Ordinance No. 19 did become effective May 18, 1988. The City Clerk issued that certification. Charter Ordinance No. 19 now becomes a part of the 1989 Budget process.
- Letters were mailed to those who signed the petitions inviting them to a June 13th public meeting to discuss the ordinance.
- 3772 Discussion of the City Council formally accepting the determination of the Johnson County Election Commissioner that the petitions are invalid.
- 3933 Councilmember Anselmi moved to accept the determination of the Johnson County Election Commissioner and rule that the petitions are invalid as so stated in her letter; seconded by Monica.
- 4005 Leawood resident Gordon Thomas requested that the City forward the petitions to the Attorney General immediately for his opinion.
- 4040 City Attorney felt that the Attorney General would declare the petitions invalid.
- 4090 Councilmember Hammond wanted an executive session to hear the City Attorney's advice.
- 4100 Councilmember Monica stated that Mr. Thomas should be directed to the Election Commissioner, not the City Council, if he has a problem with her opinion.
- 4308 Discussion that the City Council did not have the authority to challenge decisions of the City Clerk or Election Commissioner.
- 4531 Councilmember Jacob called for the question; seconded by Hammond; LaHue opposed, all others in favor.
- 4544 Councilmember Anselmi's motion carried; LaHue, Hammond opposed; Lin abstained; all others in favor.
- 4691 DISCUSSION OF PROPOSAL TO MERGE RURAL WATER DISTRICT NO. 2 AND JOHNSON COUNTY WATER DISTRICT NO. 1: Staff concerned about Rural Water District's ability to serve the City south of K-150 at the present time and as the City continues to develop. Staff supports this merger.
- 4838 Councilmember Anselmi moved to support the merger and authorize the Mayor to send a letter to Rural Water District No. 2 prior to their June 15th meeting expressing the City's position; seconded by Jacob; unanimous.
- 4892 DISCUSSION OF STUDY OF LEAWOOD SANITARY SEWER SYSTEM: Public Works Director Brandt would like to formalize a scope of services for such a study presented by the Wilson Co., and after the

- # budget has been prepared, set interview schedules with consultants who respond to requests for proposals.
- 5106 Councilmember Monica moved that the Council authorize the Public Works Director to request proposals for a sanitary sewer study; seconded by Anselmi. Discussion of training the staff to assist in the study which could reduce the cost of the study. Discussion of past, formalized studies of the Leawood Sewer System.
- 5332 Storm drainage will not be included in this study.
Councilmember Monica's motion carried unanimously.
- 5338 RESOLUTION NO. 913 RELATING TO THE CREATION OF BLUE RIVER SEWER SUB-DISTRICT NO. 9 - to serve Bi-State Development, 143rd and Kenneth Road: Adopted unanimously on motion of Lin, seconded by Hammond. Attached as part of record.
- 5424 DISCUSSION OF EMPLOYEE HEALTH CARE PROGRAM - annual renewal: Discussion that the City and employees should share the cost of insurance increases. Discussion of the plans offered.
- 6383 Councilmember Lin moved to accept the following recommendations; seconded by Anselmi:
1. For employees who carry "Employee Only" coverage, the City will pay 100% of the lowest monthly premium. Should an employee choose a carrier with a higher monthly premium, the City will pay 60% of the difference and the employee will pay 40%.
 2. For employees who carry "Family Coverage", the City will pay the equivalent to 100% of the lowest "Employee Only" monthly premium plus 60% of the difference between the lowest employee only and lowest family premium. Should an employee choose a carrier with a higher monthly premium, the employee will pay the total difference themselves.
- 6548 In the future, Councilmember Anselmi would like more time to consider the annual renewal before the open enrollment period.
- 6603 Councilmember Lin suggested that next year staff present some scenarios of health care plans to the City Council.
- 6680 End of tape.

SONY NO. 134

- 35 Councilmember Lin's motion carried; Monica opposed; all others in favor.

June 6, 1988

- # 40 RESOLUTION NO. 914 DIRECTING THE CITY CLERK TO PUBLISH NOTICES OF PROPOSED ASSESSMENTS CONCERNING 5 STREET IMPROVEMENTS: State Line Road between 81st and 85th Streets; Nall Ave. between 119th and College; 119th Street between Roe Ave. and Mission Road; Kenneth Road, north and south portions. Adopted unanimously on motion of Lin, seconded by Jacob. Attached as part of record.
- 120 APPROVAL OF APPROPRIATION ORDINANCE NO. 588: Approved unanimously on motion of Hammond, seconded by Newlin.
- 151 COUNCIL COMMENTS: Councilmember Anselmi noted that not everyone who signed petitions relating to Charter Ordinance No. 19 was clearly informed as to the purpose of the petitions.
- 190 Councilmember Lin challenged Squire Publisher Tom Leathers to do research before he writes articles about the City of Leawood.
- 282 Councilmember Hammond moved to recess to executive session, not to exceed 10 minutes, to discuss matters of attorney-client privilege; seconded by LaHue; unanimous.
- 308 10:40 P.M. Council convened in executive session, same members present.
- 10:50 P.M. Council returned to regular session, same members present.
- Meeting adjourned.


 Marcia Rinehart Mayor

Attest:


 Martha Heizer City Clerk

- # 22 Minutes of public hearings of the Governing Body of the City of Leawood, Kansas, held at 7:00 P.M., Monday, June 20, 1988, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.

The purpose of the hearings was to hear objections to proposed assessments for the costs of improvements to State Line Road, 81st Street to 85th Street; Nall Avenue, 119th Street to College Boulevard; 119th Street, Roe Avenue to Mission Road; and Kenneth Road, north and south portions.

Councilmembers LaHue, Jacob, Hammond, Anselmi, Moore, Newlin, Monica, Lin attended. Staff: Garofano, Baer, Malnicof, Brandt, Strack, Heizer, Attorney Wetzler.

- 91 *Monica moved to open the hearing on State Line Road, 81st Street to 85th Street; seconded by Moore; unanimous. There being no objections to the assessments, Hammond moved to close the hearing; seconded by Jacob; unanimous.*
- 123 *Monica moved to open the hearing on Nall Avenue, 119th Street to College Boulevard; seconded by Moore; unanimous. There being no objections to the assessments, Hammond moved to close the hearing; seconded by Newlin; unanimous.*
- 154 *Jacob moved to open the hearing on 119th Street, Roe Avenue to Mission Road; seconded by Lin; unanimous. There being no objections to the assessments, Hammond moved to close the hearing; seconded by Lin; unanimous.*
- 209 *Lin moved to open the hearing on Kenneth Road realignment (north portion, from K-150 south to a point approximately 1805 feet south of the northeast corner of Section 34, Township 13, Range 25); seconded by Monica; unanimous. There being no objections to the assessments, Hammond moved to close the hearing; seconded by Lin; unanimous.*
- 289 *Hammond moved to open the hearing on Kenneth Road (south portion - from a point approximately 1805 feet south of the northeast corner of Section 34, Township 13, Range 25 to a point approximately 860 feet south of the northeast corner of Section 3, Township 14, Range 25); seconded by Newlin; unanimous.*
- Attorney Alvin Shapiro presented objections on behalf of Paul and Virginia Gray who currently farm the property at the southwest corner of 143rd and Kenneth Rd. The assessment will force them to sell the land.*
- The Council discussed the idea of holding the assessment in abeyance until the property is sold or no longer farmed. There is a habitable house on the property.*
- The Council discussed the impact of spreading the Gray's \$103,000 plus assessment over a 20-year period, rather than over the City's normal 10-year financing period.*

610

Mr. Shapiro also presented objections on behalf of Graham and Cornelius (Jim) Giblin, owners of the property at the northwest corner of 143rd and Kenneth Rd. This property is basically pasture land and is still farmed. It would also be unable to support the proposed assessments.

Finance Director Malnicof stated that 2 assessment changes would have to be made: 1. The assessment on Lot #10 would be reduced from approximately \$194,000 to \$170,460.60 since there is a residence on the lot; 2. The assessment on Lot #12 would be increased from \$27,614 to \$52,619.54 since the lot does not meet the criteria for a residential piece of property. Mr. Shapiro stated that the \$52,619.54 assessment is more than the property is worth.

The City should send the Giblins a written notice of the increased assessment.

There was discussion that the Council could adjourn this hearing to another date to hear additional comments and to give some consideration to the City's current assessment policy.

The Council will discuss that policy and the option of deferring payment until the land is sold/developed at the regular Council meeting this evening when they consider the ordinance which would levy the proposed assessments.

1194

7:40 P.M. Hearing adjourned to 7:00 P.M., Monday, June 27, 1988, on motion of Hammond, seconded by Moore; unanimous.



Attest:

Martha Heizer
Martha Heizer City Clerk

Marcia Rinehart
Marcia Rinehart Mayor

- # 1225 Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held at 7:40 P.M., Monday, June 20, 1988, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding. (The Council meeting was delayed due to public hearings on proposed assessments held immediately prior to the Council meeting.)
- Roll call answered by Councilmembers LaHue, Jacob, Hammond, Anselmi, Moore, Newlin, Monica, Lin. Staff: Garofano, Baer, Brandt, Malnicof, McKay, Strack, Heizer, Attorney Wetzler.
- 1238 Agenda approved unanimously on motion of Anselmi, seconded by Jacob, after addition of discussion of power lines along Mission Road between 119th Street and 123rd Street, and Leawood's 40th Birthday Celebration Committee report on a proposed brochure.
- 1277 Mayor reported that the Police Department had received \$500 from the Leawood Woman's Club to purchase a library of videotapes on various topics from crime prevention to bicycle safety, and the Fire Department, \$1200 towards the purchase of 2 sets of vacuum splints and 2 additional air bags to augment the Vetter Bag System.
- 1313 Presentation to the City regarding the re-dedication of the Oregon Trail signs at 122nd and State Line postponed to July 5th Council meeting.
- 1320 Mayor presented a framed copy of the design for the 40th Birthday Celebration invitation to Arts Committee member Jane Beach. Mrs. Beach designed and sketched the invitation by hand.
- 1372 CONSENT AGENDA: Approved unanimously on motion of Anselmi, seconded by Moore: Council minutes of June 6, 1988, and departmental reports.
- 1383 RECREATION COMMISSION REPORT: Councilmember Jacob reported on the Commission's June 14th meeting. Due to a lack of a quorum, they will meet again June 21st. She reported that recreation programs are going well, daily revenues are up about 43%, program enrollments are up approximately 17%. Equipment repairs continue to be made. A resident expressed concerns about the Greenway, in particular, the lack of trash containers. The Commission will address gratis pool memberships for City volunteers once they have determined that pool facilities would not lose revenue.
- 1462 JULY 4TH COMMITTEE REPORT: The Committee met June 14th. Fire Chief Strack reported on fireworks safety. All precautions have been taken. The City has a ban on fireworks and open burning without a permit except for the purpose of cooking. The Fire Department will prepare the Leawood Park area for a safe fireworks display. The use of barbeque grills in the Park should not create a problem. The City will have to wait to see what weather conditions and water usage restrictions exist on July 4th.

- #1561: 40TH BIRTHDAY CELEBRATION COMMITTEE REPORT: Councilmember Monica asked the Council to reaffirm their desire to have a brochure to publicize the City. The brochure would have professional color photos and administrative information sheets which could be updated as needed. There was discussion as to whether the brochure was for informational purposes only or to be economic-development-oriented. If the latter perhaps the City should delay the brochure until we know what our "message" is to be concerning our economic development policy. Councilmember Monica felt that an informational brochure could be used now by new residents, by realtors for prospective residents, for public relations and prospective developers.
- The City could delay for 2-3 months to clearly define its economic development posture.
- Council decided not to wait until they make some economic development decisions. A policy could be an insert at a later date. Professional photos of this year's July 4th celebration should be included.
- 1950 BUDGET & FINANCE COMMITTEE: The Committee will meet June 22nd, 7:00 P.M. in the Lower Conference Room for an orientation session.
- 2006 REQUEST FOR SPECIAL USE PERMIT - SOUTHWESTERN BELL - FOR A CONTROLLED ENVIRONMENT VAULT AT SOUTH FIRE STATION, 12701 MISSION ROAD: Councilmember Anselmi moved for approval of the request, seconded by Moore. In payment for the required easement, Southwestern Bell will pay the City \$15,000 which will be used to construct a drive and additional parking at the South Fire Station.
- City Administrator stated that we are seeing new technology emerge in terms of communications; new equipment is being utilized. Southwestern Bell is also negotiating with private land owners at the present time to locate these vaults on private property. We need to be looking at this matter in terms of regulation, just like our franchise ordinance regulates use of public property. We are doing research as to what kind of regulations exist in other parts of the country regarding this type of installation.
- 2258 The special use permit was unanimously approved.
- 2262 CITY ADMINISTRATOR'S REPORT: The Johnson County Motor Vehicle Task Force has been looking into ways of enforcing state vehicle registration and property taxation laws. In cooperation with the Police Chiefs' Association, the Task Force has agreed to strictly enforce the state laws. A press conference was held this morning to announce a hotline number which residents can call to report vehicle owners who might be in violation of state law. Our Police Department will investigate complaints using certain guidelines.
- 2323 Rural Water District #2 has agreed to merge with Johnson County Water District #1, which will be beneficial to south Leawood.

- #2391 MAYOR'S REPORT: The City's June 8-15 food drive for Harvesters was very successful.
- 2416 ORDINANCE NO. 1051 GRANTING A STORM DRAINAGE EASEMENT TO KANSAS CITY, MISSOURI: Councilmember Anselmi moved for adoption of the ordinance, seconded by Monica. The easement is required for the maintenance and operation of the storm sewer and retention pond on the Black & Veatch property at 8400 State Line. Area residents Janet Bersbach and Roy Lutes expressed concern about the driveway cuts in connection with storm water flow.
- 2714 Ordinance passed unanimously.
- 2722 APPROVAL OF CONTRACT FOR DESIGN OF MISSION ROAD BRIDGE OVER INDIAN CREEK: Councilmember Anselmi moved that the City enter into a contract with George Butler & Associates for design of the bridge, cost of design not to exceed \$49,850.00, and cost of shop drawing review not to exceed \$2,200.00.
Public Works Director Brandt stated that it is the City's desire that Butler & Associates also perform the construction engineering services for this project.
- 2770 Discussion of shop drawing review, the maximum figure of \$49,850.00 as a reasonable fee for the services, and compensation adjustments (cost of service raises) every July 1 to reflect cost increases to the engineer.
- 3080 Monica moved to amend the motion that the contract be approved subject to the City Attorney's review of the contract for form and content.
Hammond wanted to know if "services" included "expenses".
City Attorney stated he could comply with this request for review if specific directives were given.
- 3307 Monica withdrew her motion.
Councilmember Lin stated that there were 3 deviations from a standard engineering contract: 1. Butler & Associates went ahead and included scope of services for construction period service, which could be 10 years away. That could be the reason for the clause for escalation of costs every July 1st. The construction period service should be removed from the contract. 2. There is no time frame in the contract. A time period or limit should be set, say 300 calendar days, to complete the design. When the preliminary drawings are completed, they are submitted to KDOT for approval. At that time, the City would suspend the calendar days. When the drawings are returned to the City, the City would resume the calendar days. 3. A hold harmless clause should be included in the contract.
- 3595 This matter will be considered again at the July 5th Council meeting.
- 3635 DISCUSSION OF POWER LINES ALONG MISSION ROAD BETWEEN 119TH STREET AND 123RD STREET: Discussion to give staff direction. In the future, the City should have no problem with TeleCable and Southwestern Bell. We could negotiate with TeleCable to bury their lines, and Southwestern Bell, as a matter of practice, now buries

#

all of their lines. We will continue to have a problem with KCP&L because they are an "overhead" utility, and their costs for underground installations are prohibitive.

Homeowners along Mission Road had previously expressed concern about the unsightliness of the overhead utilities. Council directed staff to make no response to the homeowners until the City has appealed these prohibitive costs to the Kansas Corporation Commission.

- 3833 ORDINANCE NO. 1052 LEVYING ASSESSMENTS FOR THE PURPOSE OF PAYING FOR THE COST OF IMPROVING STATE LINE ROAD FROM APPROXIMATELY 81ST STREET TO 85TH STREET (IMPROVEMENT DISTRICT STATE LINE, PROJECT 101): Passed unanimously on motion of Hammond, seconded by Jacob.
- 3868 ORDINANCE NO. 1053 LEVYING ASSESSMENTS FOR THE PURPOSE OF PAYING FOR THE COST OF CONSTRUCTION OF NALL AVENUE, 119TH STREET TO COLLEGE BOULEVARD (IMPROVEMENT DISTRICT 87-1, PROJECT 105): Passed unanimously on motion of Hammond, seconded by Moore.
- 3916 ORDINANCE NO. 1054 LEVYING ASSESSMENTS FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTION OF 119TH STREET, ROE/MISSION (IMPROVEMENT DISTRICT 86-2 PROJECT 103): Passed unanimously on motion of Moore, seconded by Hammond.
- 3943 ORDINANCE NO. 1055 LEVYING ASSESSMENTS FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTION OF KENNETH ROAD FROM APPROXIMATELY 135TH STREET TO A POINT APPROXIMATELY 1805 FEET SOUTH OF THE N.E. CORNER OF SECTION 34, TOWNSHIP 13, RANGE 25 (IMPROVEMENT DISTRICT 85-3, PROJECT 102): Passed unanimously on motion of Hammond, seconded by Newlin.
- 3978 ORDINANCE LEVYING ASSESSMENTS FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTION OF KENNETH ROAD FROM A POINT APPROXIMATELY 1805 FEET SOUTH OF THE N.E. CORNER OF SECTION 34, TOWNSHIP 13, RANGE 25 TO A POINT APPROXIMATELY 860 FEET SOUTH OF THE N.E. CORNER OF SECTION 3, TOWNSHIP 14, RANGE 25 (IMPROVEMENT DISTRICT 85-4, PROJECT 102): Hammond moved to place the ordinance on first reading, seconded by Jacob. After discussion, Council decided they would prefer to consider the ordinance on a first and second reading basis at a special Council meeting to be held June 27th.
- 4130 Motion and second were withdrawn.
- 4139 Comments on philosophy to address concerns heard at the hearing held earlier in the evening.
- 4149 Councilmember Anselmi asked staff to come up with possible alternatives. We've already set precedents on benefit districts.
- 4200 City Administrator Garofano described the benefit district for 127th and Mission Road and related the background of Resolution No. 694 adopted March 18, 1985, which deals with the manner in which the City treats residential properties versus development properties in benefit districts. There are provisions in the resolution that do allow the Council some discretion as to how they handle each benefit district.

- #4442 For the record, the Council is considering this matter informally as a committee of the whole.
- 4459 Councilmember Newlin stated that this is an emotional issue. It's a sad situation when a homestead gets in the way of development, yet what are the options?
- 4677 There is a possibility that the City could have a contractual agreement with the Grays. Mr. Gray's property at the present time should carry some kind of assessment since the Grays are using Kenneth Road.
- 4955 The property owners in this benefit district are being assessed in the same manner, yet they use the road for different purposes. Coors Distributors with their trucks are "heavier" users of the road. The Grays drive farming equipment on the road. The City needs to look into this.
- 5106 Discussion of the City's current policy of using a 10-year bonding period rather than a 20-year bonding period. Ten years would seem to be a logical amount of time. Road construction lasts about 10 years before major repairs become necessary. The City doesn't want to be paying for 2 projects at the same time on the same road which could happen if a 20-year period was used. Also the rating factor on the bonds themselves must be considered. From a rating point of view, rating services will always want to see that debt is retired at a rapid pace. The ratio of debt outstanding to date to debt retired is better from a rating point of view if the 10-year period is used. It would cost the property owners twice as much if a 20-year period was used.
- 5618 Councilmember Moore felt that the City as a whole shouldn't be burdened with any more than was necessary. The Grays should pay something up front, and the City could attach a lien to the property in order to recoup the rest of the payment in the future.
- 5646 This project does not have to be bonded with the other 4 projects. However, we will still have temporary notes for this specific benefit district. It would be nice if we could bond now to keep costs down.
- 6104 Councilmember LaHue moved that the ordinance as prepared for this meeting be approved at the next meeting with changes to be made after the June 27th hearing is concluded. Motion failed for lack of a second.
- 6241 Councilmember Lin moved to direct staff to revise the ordinance to reflect the following: that the City assess the Gray, Giblin, and Todd properties at the residential rate with the stipulation that the difference between the residential and development rates would have to be paid if there was a change in ownership and/or a change in land use and/or the 10-year bonding period elapsed. The City would collect a lump sum at the end of the 10-year period regardless to recoup costs, including interest.
- 6555 There was discussion that the ordinance would reflect the amount of the assessment, but would also state that the amount was subject to some other contractual agreement.

#6612 The City could come to some sort of separate agreements with the residents involved, or would have to come back with a policy statement that would apply across the board.

6646 Monica seconded the motion.

6680 Hammond stated that the City would be wise to develop a policy (to expand on the current policy, to develop a better policy) to address the concerns and questions heard this evening.

End of Tape

SONY NO. 136

The City Attorney would prefer that the City have a uniform policy, but it's a tough decision.

There was concern that the Council would make a policy for each problem that came along.

185 Discussion of the City's legal recourse for collecting a lump sum at the end of the 10-year period.

266 Monica withdrew her second and asked that the City Attorney and Mr. Shapiro talk in the next week and come back with some alternatives.

No other second was made to Mr. Lin's motion. Motion failed for lack of a second.

354 Councilmember LaHue moved that Council proceed with the ordinance as originally written according to current City policy with changes made to reflect the modified assessments discussed at the hearing held earlier in the evening; seconded by Moore.

578 Motion failed. LaHue, Hammond, Moore in favor. All others opposed.

586 Lin suggested that a discussion take place between the City and property owners by the first Council meeting in July.

636 City Administrator stated that if this project is omitted from this bond issue, there will be additional costs involved, costs against the benefit district. We must remember that there are other property owners in this benefit district. If a decision is not made by next Monday, this project will have to be handled as a separate bond issue.

672 City Attorney stated alternatives: 1. Leave the ordinance as written. 2. Could amend the current benefit district policy which could involve a modification of the existing policy, and perhaps arrive at some sort of agreement with the property owners. 3. The purpose of the assessment hearing is to determine whether the assessments which are imposed are proper, whether they benefit properties uniformly. The Council could determine that the assessments were not being distributed properly and simply reduce the amount of the assessment on any property they felt was not properly assessed.

714 Councilmember Anselmi moved that the City Attorney discuss this issue with Mr. Shapiro to arrive at a proposal for next Monday's meeting; seconded by Hammond. LaHue, Moore opposed; all others in favor. Motion carried.

- # 753 INTERLOCAL AGREEMENT WITH OVERLAND PARK FOR MAINTENANCE AND OPERATION OF TRAFFIC SIGNALS AT 119TH AND ROE AVENUE:
Unanimously approved on motion of Jacob, seconded by Anselmi.
- 835 ORDINANCE NO. 1056C AMENDING SECTIONS OF CHAPTER I OF THE CODE OF THE CITY OF LEAWOOD: Councilmember Anselmi moved for adoption, seconded by LaHue. Monica moved to amend the motion to change 1-102(e), definition of councilmember, to read "Councilmember shall mean a person duly elected to the city council, and shall not mean the mayor"; seconded by Jacob. Motion carried; Moore opposed; all others in favor.
Ordinance was passed unanimously.
- 996 Councilmember Anselmi moved to schedule a work session for June 27th, 7:30 P.M., to 1. discuss the ordinance to levy assessments to pay costs of construction of Kenneth Rd. (south portion); 2. discuss the desirability of regulating blasting within the City; and 3. review and discuss the City's posture relating to code enforcement, especially the Property Maintenance Code. Motion carried; Lin, Hammond opposed; all others in favor.
- 1120 APPROVAL OF APPROPRIATION ORDINANCE NO. 589: Approved unanimously on motion of Jacob, seconded by Monica.
- 1228 COUNCIL COMMENTS:
Jacob stated that the air conditioner in the Council Chamber needs service. A ceiling fan will be installed in the next 2 weeks to improve air circulation.
- 1251 Lin asked about the status of the grocery store at 123rd & State Line. Contractors are in the process of installing the plumbing, pouring concrete for interior floors; progress is slow.
Lin also stated that the newly painted bicycle lanes on 123rd Street are ineffective, difficult to see at night. Discussion of thermoplastic paint.
- 1341 Monica stated that cars were parking on the bike path near the 119th Street park due to the heavy use of the playing fields in that area. The City needs to erect "No Parking" signs, and perhaps paint a crosswalk on the bike path.
- 1387 LaHue stated that there is a retaining wall directly behind the swings at the same park; children could be hurt. The City needs to take this into consideration in the future.
- 1405 Hammond would like to receive information earlier when difficult or controversial issues like the proposed assessments discussed this evening are scheduled for consideration at Council meetings.
- 1474 10:45 P.M. Meeting adjourned.

Attest:

Marcia Rinehart
Marcia Rinehart Mayor

Martha Heizer
Martha Heizer City Clerk

June 27, 1988

- # 40 Minutes of a public hearing of the Governing Body of the City of Leawood, Kansas, held at 7:00 P.M., Monday, June 27, 1988, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.

The purpose of the hearing was to continue consideration of proposed assessments for the costs of improvements to Kenneth Road, south portion (from a point approximately 1805 feet south of the northeast corner of Section 34, Township 13, Range 25 to a point approximately 860 feet south of the northeast corner of Section 3, Township 14, Range 25).

Councilmembers attending: LaHue, Jacob, Hammond, Anselmi, Moore, Newlin. Staff: Garofano, Malnicof, McKay, Strack, Heizer, Attorney Wetzler.

Councilmember Jacob moved to open the hearing; seconded by Anselmi; unanimous.

- 80 Attorney Alvin Shapiro, on behalf of Paul and Virginia Gray, and Graham and Cornelius (Jim) Giblin, stated, as he did at the hearing held June 20, 1988, that his clients' properties are agricultural, and the proposed assessments would force them to sell their land.

Mr. Shapiro stated that he and City Attorney Wetzler met June 22nd, at which time Mr. Wetzler presented a staff proposal to assess Tracts 8, 10, 11 and 12 at the residential rate of \$82 per abutting front foot instead of the \$156+ assessment per abutting front foot. Mr. Shapiro's clients were willing to accept that proposal.

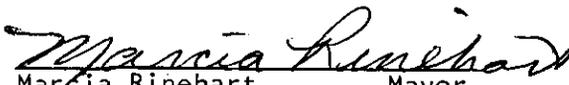
Mr. Shapiro stated that City staff withdrew the proposal and offered another which would increase the Gray's \$103,000+ assessment to approximately \$127,000 spread over a 15-year period.

- 319 Councilmember LaHue stated that he understood that property owners on the west side of Kenneth Road would not be assessed additional assessments when Kenneth Road is widened to 4 lanes. City Administrator Garofano stated that when the road is widened, property owners on the east side of the road will participate in the widening; property owners on the west side will not be assessed additional costs as long as their land is developed in accordance with the 1984 Master Plan which designated that area as single family residential. If the land is developed other than single family, there will be additional assessments for the property owners west of Kenneth Road.

- 404 7:15 P.M. Hearing closed on motion of Hammond, seconded by Moore; unanimous.

Attest:


Martha Heizer City Clerk


Marcia Rinehart Mayor

- # 419 Minutes of a special meeting of the Governing Body of the City of Leawood, Kansas, held at 7:15 P.M., Monday, June 27, 1988, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.

The special meeting was requested by Councilmembers LaHue, Jacob, Hammond, Anselmi, Moore, Newlin for the purpose of considering an ordinance to levy assessments to pay the cost of construction of Kenneth Road, south portion, Improvement District 85-4, Project No. 102. * Councilmember Monica arrived during the executive session. Staff present: Garofano, Cox, Brandt, Malnicof, McKay, Strack, Heizer, Attorney Wetzler.

- 436 Councilmember Jacob moved to recess to executive session, not to exceed 15 minutes, for attorney-client privilege; seconded by Hammond. Moore moved to amend the motion that the session not exceed 30 minutes; seconded by Hammond; unanimous. Jacob's amended motion carried unanimously.

- 512 7:20 P.M. Council convened in executive session, same members present.

- 512 * 7:50 P.M. Council returned to special session, same members present with the addition of Councilmember Monica who arrived during the executive session.

Mayor stated that the Council would discuss this matter informally as a committee of the whole for approximately 10-15 minutes.

- 538 City Administrator stated that staff was recommending an ordinance that had been prepared that would basically do 2 things: 1. Since there is a house on Tract 10, that tract would be assessed at the residential rate, so the original assessment of \$194,963.87 would be reduced to \$170,460.60. 2. Tract 12 would also be assessed at the residential rate, so the original assessment of \$52,619.54 would be reduced to \$27,614.32.

Staff was recommending that the Council distribute the assessments on all other properties as originally established and indicated in notices mailed to the property owners.

The Gray's original assessment of \$103,634.59 would stand.

Alvin Shapiro, Attorney for the Grays and Goblins, urged the Council to reject this ordinance.

- 668 Councilmember Monica stated that she is concerned about destroying family farms in the south part of Leawood. The City is forcing people to develop their land when they don't want to do so. She would like to see the Council develop a deferral plan for the assessments.

- 798 Councilmember Anselmi moved for adoption of the ordinance; seconded by Jacob.

- # 808 Councilmember Jacob stated that a decision on this issue would not be made lightly. The property owners will ultimately derive benefits from the Kenneth Road improvements. It would be unfair to ask other City taxpayers to share the burden of paying for an improvement that will directly increase the value of properties in this benefit district.
- 833 Councilmember Anselmi stated that an ordinance creating this benefit district had been passed, and that owners of 70% of the property in the improvement area had requested that the benefit district be formed. It would seem that majority rules.
- 861 Councilmember Hammond felt that there are many competing interests involved. He's concerned with protecting the City's revenue, and concerned about the possibility of taking something from someone through confiscation. It's a difficult issue to balance. He doesn't necessarily always like the idea that the majority rules, because the Council is dealing with some very significant property ownership interests and livelihood.
He is concerned about setting a precedent that the City would have to live with in the future because anyone could come along and claim to be in this same situation, and the City would have to treat them in the same manner.
- 911 Councilmember Monica felt that the Council has a responsibility to listen to each case as it arises, and to judge and make decisions on each case based upon its specific facts and information.
- 964 Councilmember Anselmi stated that if there is, in fact, an unfairness, it's in the ordinance that was passed. That is not the issue. The issue is applying the ordinance to the situation now before the Council. He finds it difficult to arbitrarily handle each assessment as it comes along.
- 995 Mr. Shapiro stated that the petition to form the benefit district was signed by those who could buy the most land, thus imposing their will upon other property owners in the area.
- 1027 The City Attorney stated that the analysis the Council should use in deciding whether to adopt this ordinance or any other ordinance dealing with this issue is whether the benefit does in fact accrue to the properties in relation to the assessments that are being made. If the Council feels there is a benefit that is roughly proportional to the amount of these assessments, then they should approve the ordinance. If they feel that the assessment is excessive, that it doesn't relate to the benefit that would be derived by the property, then they should not approve the ordinance.
- 1099 Councilmember Newlin stated that he can sympathize with the property owners, but doesn't want to vote based on sympathy. There are ordinances in effect, and by voting the way his feelings are.

June 27, 1988

- # telling him to vote, he would be setting a precedent for making changes based on opinion rather than law.
- 1193 City Attorney stated that the Council's function is to review the assessments, and if the Council feels that any of them are in error, they can make an adjustment. The Council needs to find that the individual properties are receiving a benefit that somewhat relates to the assessment.
 The ordinance presented for consideration does not provide for a deferral of assessments.
 A bond ordinance to be considered later will provide for payments over a 10-year financing period.
 The Council's only other alternative is to issue notice of a re-assessment hearing and consider this matter again.
- 1304 Councilmember Moore stated that the road exists, owners of 70% of the properties petitioned for formation of a benefit district, an ordinance creating the district was passed, and he doesn't want to burden the rest of the City's residents with additional costs.
- 1321 ORDINANCE NO. 1057 LEVYING ASSESSMENTS FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTION OF KENNETH ROAD, SOUTH PORTION, IMPROVEMENT DISTRICT 85-4, PROJECT NO. 102: Ordinance passed; Monica opposed, all others in favor.
- 1354 8:20 P.M. Meeting adjourned.


Marcia Rinehart
 Marcia Rinehart Mayor

Attest:

Martha Heizer
 Martha Heizer City Clerk

July 5, 1988

27 Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held Tuesday, July 5, 1988, at 7:30 P.M., in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.

Roll call answered by Councilmembers LaHue, Jacob, Anselmi, Moore, Monica, Lin. * Hammond arrived 7:35 P.M. Staff: Garofano, Baer, Cox, Brandt, McKay, Strack, Heizer, Attorney Wetzler.

39; Agenda approved unanimously on motion of Moore, seconded by Jacob after addition of executive session, and City Administrator's status reports on Roe Avenue improvements and State Line Road project south of I-435.

76 DEDICATION OF THE FIRST CITY FLAG: The flag was raised for the first time during the July 4th celebration at Leawood City Park.

113 Mayor proclaimed Sunday, July 10th as Life Flight Day in recognition of the 10th anniversary of the Spirit of Kansas City Life Flight aeromedical helicopter service at Saint Joseph Health Center. Councilmember Anselmi will present the proclamation at the Life Flight Day ceremonies on July 10th at Saint Joseph Health Center. The Leawood Fire Department will have emergency equipment on display.

* Councilmember Hammond arrived 7:35 P.M.

145 Mayor reported on the American Revolution Tricentennial Fund. The original certificate of deposit, dated July 1, 1976, was \$1,000. The balance of the fund as of July 1, 1988 is \$2,535.40.

185 CITIZEN COMMENTS: Gordon Thomas, President of the Leawood Estates Homes Association, stated that since an ordinance to revise the City's fence regulations is being considered by the Plan Commission and will be presented to the City Council for their consideration in the near future, he wanted to inform the City Council that homes association deed restrictions relating to fences are in force.

239 Planning & Development Director McKay stated that there has been a lot of interest expressed in 6-foot fences due to safety concerns. At its last meeting, the Plan Commission decided to amend the "Zoning Ordinance" to provide for a special provision which would allow the Board of Zoning Appeals to grant variances based on several criteria. Staff will have an ordinance prepared for Plan Commission consideration within the next 2 months. Then the ordinance will be forwarded to the City Council for final approval.

297

Staff had had some questions about homes association regulations, and had asked Mr. Thomas and other homes association presidents to send the City updated copies of their deed restrictions. Only 3 associations have responded. Staff will continue to issue permits for fences, decks, etc. as long as plans comply with City codes.

356

Councilmember Lin stated that he was misquoted in a "letter to the editor" written by Gordon Thomas which appeared in the June 24th edition of THE JOHNSON COUNTY SUN and the June 22nd edition of THE BLUE VALLEY GAZETTE. Since the statement in Mr. Thomas' letter was untrue and confusing, he wanted to clarify the content of the letter.

According to the letter: Mr. Lin made a statement at the beginning of the June 13th public information meeting held to discuss the City's capital improvements program. After the statement, he requested that the Mayor ask for a show of hands to determine what proportion of those attending represented each ward in the City. After finding that north and south Leawood were equally represented, Mr. Lin left the Council Chamber.

Councilmember Lin clarified the situation: He had a commitment to attend another meeting that evening, but made a point of attending the beginning of the public meeting because he is concerned about the financial situation of the City and he wanted to hear what the public had to say. He suggested that the Mayor ask for a show of hands to see how many people were from each ward because he wanted to determine what issues should be addressed based on the turnout. From the show of hands, out of 55 people, only 1 was from Ward 4 (Mr. Lin's ward). Mr. Lin stated that, based on his personal poll (he spoke to quite a few people in his ward), although capital improvement program money would go basically to north Leawood, those people he talked to supported the capital improvements program. He left the Council Chamber after that statement.

Since the press printed Mr. Thomas' letter, Mr. Lin suggested they print his position in their papers, either tomorrow, July 6th, or Friday, July 8th.

457

CONSENT AGENDA: Unanimously approved on motion of Anselmi, seconded by Moore: Council minutes of June 20 and 27, 1988, and public hearing minutes of June 20 and 27, 1988.

472

PUBLIC SAFETY COMMITTEE REPORT: Police Chief Cox reported on the Committee's June 21st meeting. The Committee discussed pedestrian and bicycle safety for children using Somerset Drive and 83rd Street as routes to Mission Valley Middle School. Possible solutions to safety problems were discussed. When classes resume in August, Chief Cox will encourage schools

July 5, 1988

- # to distribute "safe school routes" and safety information for grade and middle schools. He will also look into the possibility of additional signage. Public Works Director Brandt will look into the possibility of constructing bicycle lanes in the future whenever improvements to 83rd Street and/or Somerset Drive are considered.
- Chief Cox will write an official letter conveying the Committee's report and City Council opinions so school officials will have the information for their PTA's in the fall.
- There was discussion that children need safety instruction.
- 701 Councilmember Monica asked about the status of improving bicycle and pedestrian safety on the Lee Boulevard bridge over I-435. Public Works Director Brandt stated that the road needs improvement before bicycle lanes can be constructed on the bridge. Public Safety Committee will pursue this matter.
- 740 There will be a public meeting for all property owners (residential and commercial) in the future concerning the Somerset and Lee Boulevard intersection improvements. The City is waiting to see if the Kansas Highway Department will require any special public hearing. The City wants to avoid holding duplicate meetings.
- 786 RECREATION COMMISSION REPORT: Councilmember Jacob reported on the Commission's June 21st meeting. The Commission appointed David Fisher, 12305 High Drive, to the Commission to replace Aleta Rosenthal.
- 912 There was no Commission support for gratis pool memberships for City volunteers. Councilmember Anselmi asked what percentage of the City's employees took advantage of the free pool memberships. He still feels that offering gratis memberships is a way of thanking volunteers whether they take advantage of them or not. Pool revenues are higher than ever; he does not understand the Commission's concern about "possible loss of revenue" if volunteers were offered gratis memberships.
- 958 Councilmember Lin suggested the Commission could offer volunteers a 50% discount on pool memberships.
- 974 Councilmember Hammond asked about a day care (25-30 children) using the Leawood pool facilities. Julie Baer stated that a group had obtained a permit to use the facilities for a certain period of time. She will check the details and forward the information to the Council. Councilmember Moore suggested that the Recreation Commission might want to look into this matter.
- The next Commission meeting will be held July 19th instead of July 12th as originally scheduled because of a Recreation Budget hearing which must be held on July 19th. The Commission will hold a regular meeting after the hearing.

- #1084 COMMUNITY RELATIONS COMMITTEE REPORT: Chairman Jacob reported on the Committee's June 21st meeting. Several items were discussed: a quarterly newsletter with a specific format; citizen survey; Leawood's participation in the Kansas City Spirit Festival to be held in September; entrance signs to the City. Their next meeting will be held July 26th.
- 1138 BUDGET & FINANCE COMMITTEE REPORT: Chairman Hammond reported on the Committee's June 21st orientation session. The schedule for the remainder of their budget review process was set.
- 1195 JULY 4TH COMMITTEE REPORT: Co-Chairman Moore reported that the July 4th celebration was extremely successful. He and the Mayor commended staff and all other volunteers on a job well done. The Committee will hold a meeting on July 21st to wrap up loose ends and document details for future committees.
Councilmember Lin asked if the Committee would consider extending the parade, at least the motorcade, into south Leawood next year.
- 1334 RESOLUTION TO APPROVE REZONING A TO R-1, PRELIMINARY PLAT AND SITE PLAN, FINAL SITE PLAN AND FINAL PLAT - BLUE VALLEY ELEMENTARY SCHOOL, 132ND & MISSION ROAD: Bob Jones of the Hollis & Miller Group, Architects, presented the Blue Valley School District's plans.
- 1551 Councilmember Monica felt that the school would experience traffic problems at special functions even with the additional hard surface parking area they have provided. Where would 300 or 400 cars park? There is no parking on Mission Road at this time. John Gilfillan, Assistant Superintendent, Blue Valley School District, stated that use of hard surface parking has enabled the School District to accommodate more cars than in the past. They have also found that, weather permitting, they have been able to use the school ground itself for additional parking. In the past year, the District has tried to encourage parents to car pool for special events.
- 1782 Councilmember Lin expressed 2 concerns: 1. with approximately 500 students, there could be 300-400 cars with no place to park; cars would have to be parked on Mission Road, a major arterial street; 2. children will be crossing Mission Road at some point in time, and he wanted the Council to stipulate that when a traffic signal is needed on Mission Road, the School District will pay for it.
- 1810 Councilmember Monica stated that the signal will be needed, and it should be in place and operating when the school opens.
- 1861 Councilmember LaHue was concerned about the parking situation in the mornings when parents would be taking their children to school. Traffic congestion will be caused by people leaving the parking area trying to go north on Mission, and by people coming from the south on Mission trying to turn into the parking area. The present plan does not show an acceptable traffic flow pattern.

- #1896 Mr. Jones stated that there is a proposed K-150 reverse access road that is to be located south of the school property that would allow for some additional parking, especially if the property along the access road is commercially developed. Nighttime parking for special events would be available after business hours.
- 1924 Councilmember LaHue stated that nighttime parking would not be as big a problem as the parking during the morning and afternoon hours when children are trying to cross Mission Road or when parents are trying to turn into the parking area. The plan shows only 1 entrance and 1 exit to the school.
- 1965 Councilmember Monica stated there was a real potential for backup of 20-30 cars (people waiting for children) on Mission Road in the afternoon.
- 1990 Mr. Jones stated that in the future, when the proposed K-150 reverse access road is constructed, people could have access from that road to the parking facility at the school.
- 2317 Councilmember Hammond moved that this matter be returned to the Plan Commission for further consideration.
- 2347 Mr. Jones presented information on elevations.
- 2470 Mr. Hammond restated his motion that this matter be remanded to the Plan Commission with the following Council concerns: 1. the Council feels that the parking area is inadequate, and would like to see the area increased; 2. traffic signalization is needed on Mission Road; and 3. traffic circulation needs to be improved. Motion seconded by Moore. Motion carried; Anselmi opposed; all others in favor.
- 2683
- 2690 ORDINANCE NO. 1058 REZONING PROPERTY, A TO R-1 , BLUE VALLEY ELEMENTARY SCHOOL, 132ND & MISSION ROAD: Passed unanimously on motion of Moore, seconded by Monica.
- 2735 REQUEST FOR SPECIAL USE PERMIT - LEAWOOD ELEMENTARY SCHOOL, 2400 W. 123RD STREET: Steve Lane, Hollis & Miller Group, Architects, requested the permit on behalf of the Blue Valley School District to allow use of one temporary building at the school for a 3-year period. Discussion of the 3-year period and of the Plan Commission's recommended location for the temporary building near the playground area.
On motion of Anselmi, seconded by Hammond, Council approved the permit; Monica opposed; all others in favor.
- 3011 RESOLUTION NO. 915 APPROVING FINAL PLAT - LEAWOOD PARK PLAZA APARTMENTS, 1ST PLAT (approximately 137th & Kenneth Road): Adopted unanimously on motion of Anselmi, seconded by Hammond. Attached as part of record.
- 3093 RESOLUTION NO. 916 APPROVING FINAL PLAT - CARRIAGE CROSSING, 4TH PLAT (approximately 130th Terr. and Nell): Anselmi moved for approval, seconded by Jacob. Monica expressed concern about the closeness of the houses.

- #3175 City Administrator expressed concern about stipulation #2 of the resolution that stated that the developer would participate in the construction of Nail in accordance with the "Subdivision Regulations" at the rate of \$80 per foot. 1. At the time the initial plats were submitted, the road fee was \$80 per foot. That fee has since been increased to \$110 per foot; 2. Should the \$110 per foot fee apply to this plat (the 4th and final plat), or should the \$80 per foot fee apply?
- 3260 Councilmember Lin moved to amend the motion to add that the rate be determined by the staff according to the "Subdivision Regulations" that are in effect; seconded by
- 3400 Hammond; unanimous.
- 3441 Anselmi's motion as amended carried; Monica abstained; all others in favor. Resolution attached as part of record.
- 3454 REQUEST FOR SPECIAL USE PERMIT - SOUTHWESTERN BELL - FOR A CONTROLLED ENVIRONMENT VAULT AT HALLBROOK (approximately 117th & Belinder): Approved unanimously on motion of Anselmi, seconded by Hammond.
- 3518 REQUEST FOR SPECIAL USE PERMIT - SOUTHWESTERN BELL - FOR A CONTROLLED ENVIRONMENT VAULT (approximately 143rd & Mission): Approved unanimously on motion of Hammond, seconded by Anselmi.
- 3541 CITY ADMINISTRATOR'S REPORT: Reported on status of State Line Road project, I-435 to K-150. The City is waiting for Kansas City, Missouri to indicate that they will participate in the cost of the final design. There has been little progress. The City Council may have to have some direct contact with their Kansas City counterparts to get results.
- 3591 Reported on status of Roe Avenue improvements. The contractor is not obligated to complete the roadway until December, although he is ahead of schedule due to the weather conditions. The City is hesitant about indicating an opening date. KDOT controls the scheduling of this project.
- 3670 Reported on the June 30th ribbon cutting ceremony to open a wastewater interceptor - a 72" sewer line connection - between Johnson County and Kansas City, Missouri. Eventually, sewage from the Indian Creek basin treated at the Indian Creek Plant will be sent to Kansas City, Missouri for treatment. The Indian Creek Plant will treat sewage from the Tomahawk Creek basin, southern Leawood and Overland Park. The Indian Creek Plant is to undergo significant modifications to meet EPA requirements.
- 3814 MAYOR'S REPORT: Mayor and Councilmember Anselmi met with representatives of Johnson County Water District No. 1. The Water District expressed concern that each City monitor its water usage during the current drought, and asked how cities might cooperate during this crisis. Perhaps cities could pass

July 5, 1988

- # ordinances granting the Water District authority to impose restrictions if it deemed they were necessary. The District asked the cities to consider ways to enforce restrictions that might be imposed. The District will send further information to the City in the next couple of weeks.
- 3893 Mayor reported that the Leawood Estates Homes Association had mailed its first newsletter - a very informative one - to its residents.
- 3934 95TH STREET DRAINAGE STUDY REPORT: Les Lampe of Black & Veatch presented the report. He stated that the firm had considered 2 things:
1. The increased runoff caused by the potential widening of 95th Street. They found there would be roughly a 1% increase in flows; and
 2. As 95th Street is being widened, would there be a potential for including some underground detention facilities at the street that would alleviate some drainage problems to the south, particularly around the string of lakes, west side of Lee Boulevard? They found that detention facilities could be included; site conditions were good at Meadow Lane and 95th, Belinder and 95th, and Wenonga and 95th.
- The cost of those facilities would be roughly \$2.5 million, and the facilities would reduce the level of the flows in the lake areas by roughly 30-35%. So there could be some alleviation in flooding conditions in the lake areas, but at a substantial cost.
- 4080 This substantial cost led to the 98th Street storm drainage study:
- What other measures could be taken to alleviate the drainage problem, flooding, at 98th Street west of Lee Boulevard (a low water crossing)? If underground detention was so costly at 95th Street, what about above-ground storage? This would involve some condemnation of property and construction of some above-ground detention facilities. The facilities would reduce the flow levels downstream about the same as the underground facilities - about 30-35% - at a total cost of about \$1.3 million.
- What could be done to the ponds or lakes themselves to alleviate flooding problems? If the City is going to have any responsibility for these privately-owned ponds, they may want to lower the overflow structures so they could safely pass the 10-year flood event, which is the City's standard, or even the 100-year event if need be. It would cost approximately \$50,000 to improve the integrity of the structures. There would be no flood control benefits. The City could raise the spillways and embankments to create storage behind these structures to alleviate flooding conditions. This would do the most to alleviate the problems at 98th Street. There would be a reduction in flows at 98th between 50-60% at a cost of roughly \$70,000-\$90,000, which doesn't include engineering or soil borings which would have to be taken.
- What could be done at 98th Street itself? The City could construct box culverts and raise the roadway. This would cost

approximately \$140,000 for a 10-year event, and approximately \$200,000 for a 100-year event.

A public hearing is scheduled for July 7th, 7:30 P.M., at the Leawood United Methodist Church to discuss the 95th Street study only.

Black & Veatch also considered doubling the size of the existing and required facilities needed just to direct water under 95th Street when it is widened. That would cost roughly \$430,000, and about 1% of the runoff could be stored. This would do nothing to alleviate the flooding problems downstream.

4720 Mr. Lampe stated it would be far more cost effective to do something to the ponds themselves; the 95th Street widening itself does virtually nothing to alleviate flooding problems downstream. The costs associated with detention at 95th Street are obviously very high in relation to any measure of benefits derived downstream.

4908 There was discussion concerning periodic inspection of privately-owned lakes/ponds. Public Works Director Brandt stated that once the City inspected them or made any determinations, the City would have to assume any liability. He also stated that the City could require developers to comply with the 10-year flood requirement for any lakes/ponds being constructed at the present time or to be constructed in the future; but he did not feel that the City could require the owners of the 7 ponds south of 95th Street and west of Lee Boulevard to comply with the 10-year requirement.

5057 Councilmember Lin moved that the Council accept the findings of the 95th Street drainage study; seconded by Moore; unanimous.

5107 Councilmember Lin moved that, in view of the fact that the findings of the 95th Street drainage report indicate that the widening of 95th Street has negligible impact in terms of drainage, the Council direct the Public Works Commission to solicit proposals for the design of the widening of 95th Street to 4 lanes, and that the design of the drainage system, as a part of the 95th Street widening, incorporate the water retention of the additional 1% drainage caused by the widening of the street through the internal storm drainage system; seconded by Monica.

It was noted that to retain the additional 1%, it would cost an additional \$150,000, one-half to be paid by CARS.

5908 The Council agreed that they didn't want to make any improvements to the ponds themselves.

5980 Lin's motion carried unanimously.

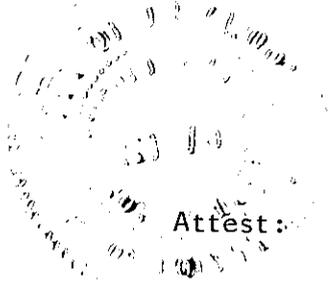
5996 The Public Works Committee has not reviewed the 98th Street study. Perhaps the Council will be able to consider it at their first meeting in August.

6085 Councilmember Anselmi stated that to people who live on Manor Road and Meadow Lane south of 95th Street, 95th Street and 98th Street are one package, and regardless of the what the City

- # does on 95th Street, and regardless of the estimate of 1% additional drainage, every time water appears in basements after a rain, those residents will perceive that the water is a result of the widening of 95th Street. Somehow, the City needs to tie the 2 studies together. We cannot ignore 98th Street.
- 6150 The Mayor expressed concern about the runoff from Lee Boulevard into the lakes. Public Works Director Brandt stated that he would like the Council, at their next meeting, to assign that topic to the Public Works Committee for study.
- 6214 APPROVAL OF CONTRACT FOR DESIGN OF MISSION ROAD BRIDGE OVER INDIAN CREEK: Contract approved unanimously on motion of Anselmi, seconded by Lin.
- 6285 APPROVAL OF AGREEMENT WITH KANSAS CITY, MISSOURI FOR MAINTENANCE OF TRAFFIC SIGNALS ON STATE LINE ROAD BETWEEN 81ST AND 123RD STREETS: at 81st, 83rd, 85th Terr., 8800 driveway, 89th St., 103rd St., and 123rd St. Approved unanimously on motion of Lin, seconded by Hammond.
- 6395 ORDINANCE NO. 1059 GRANTING AN EASEMENT TO SOUTHWESTERN BELL FOR A CONTROLLED ENVIRONMENT VAULT AT SOUTH FIRE STATION, 12701 MISSION ROAD: Passed unanimously on motion of Hammond, seconded by Anselmi.
- 6435 APPROVAL OF APPROPRIATION ORDINANCE NO. 590: Approved unanimously on motion of Anselmi, seconded by Jacob.
- 6460 COUNCIL COMMENTS: Monica asked about status of traffic signals at 135th & State Line Road. Kansas City, Missouri is still working on preliminary plans.
- 6486 LaHue stated that he was aware that the legislature had passed an act authorizing imposition of a sales tax not to exceed 1/10th of 1% for the purpose of paying for the cost of stormwater management and flood control improvements. He asked if the City had a major flood plan indicating the monies we would need for stormwater improvements that could be submitted quickly in the future to obtain funding. City Administrator stated that the City had prepared a major storm drainage plan in 1978 or 1979 for the north part of the City. At that time, the estimated cost of improvements to creeks, culverts, etc. was \$8 million. The plan was updated last year; the estimated cost is now \$12.5 million. The Mayor stated that in order to implement the 1/10th of 1%, the County Commissioners must approve it County-wide; and that has not been done yet and probably will not be done for a few months.
- 6740 Councilmember Lin moved to recess to executive session, not to exceed 30 minutes, for attorney-client privilege; seconded by Moore; Hammond opposed; all others in favor.

#6770 10:30 P.M. Council convened in executive session, same members present.

10:55 P.M. Council returned to regular session, same members present. Meeting adjourned.



Attest:

Marcia Rinehart
Marcia Rinehart Mayor

Martha Heizer
Martha Heizer City Clerk

- # 51 Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held at 7:30 P.M., Monday, July 18, 1988, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.
- Roll call answered by Councilmembers LaHue, Jacob, Anselmi, Moore, Newlin. * Hammond arrived 7:35 P.M. Staff: Baer, Cox, Brandt, McKay, Malnicof, Heizer, Attorney Wetzler.
- 68 Agenda approved unanimously on motion of Moore, seconded by Anselmi, after addition of discussion to schedule a Council budget work session.
- 92 Elaine McNabney, representing the Trails Head Chapter of the Oregon-California Trails Association, presented a Certificate of Appreciation to Mayor Rinehart to express appreciation for the City's support regarding the re-dedication of the Oregon Trail signs at 122nd and State Line Road in Leawood.
- * Councilmember Hammond arrived.
- 195 Presentation of Certificate of Recognition to Leawood resident Ashlee Levitch, 1988 Miss Kansas American Pre-Teen.
- 268 The Jackson County Sports Complex Authority and other organizations in the metropolitan area have expressed interest in naming the baseball stadium at the Harry S. Truman Sports Complex "Kauffman Stadium" to honor Ewing and Muriel Kauffman, owners of the Kansas City Royals baseball franchise. The Council adopted Resolution No. 917 by unanimous consent to recognize and honor the Kauffmans for their outstanding achievements and service to the Kansas City area. The resolution is attached as a part of the record.
- 376 CONSENT AGENDA: Approved unanimously on motion of Anselmi, seconded by Moore: Council minutes of July 5, 1988; departmental reports; assignments to the Public Works Committee (to review the Black & Veatch 98th Street storm drainage study; to review Lee Boulevard improvements, part of the City's 1989 Capital Improvements Program; and to review State Line Road improvements at 91st Terrace relating to construction of an office building on the Missouri side at that location); and final payment in the amount of \$75,718.98 to Johnson County for improvements to State Line Road between 50th Terrace and 103rd Street.
- 404 PUBLIC WORKS COMMITTEE REPORT: Chairman Anselmi reported on the Committee's July 7th meeting held at the Leawood United Methodist Church to discuss with residents additional storm drainage which might occur if 95th Street is widened. Some residents expressed concern about storm drainage problems at 98th Street related to the 95th Street widening. Les Lampe

- # of Black & Veatch was present at the meeting to answer questions about the 95th Street drainage study.
- 457 RECREATION COMMISSION REPORT: Julie Baer reported on the Commission's July 12th meeting. She distributed information showing the percentage of budget expenditures by source of funds for Leawood's recreation budget and other recreation budgets around the country.
- 496 BUDGET & FINANCE COMMITTEE REPORT: Chairman Hammond reported that the Committee had reviewed several funds; the Public Works Department and final comments remain to be completed. July 19th is the last scheduled committee meeting. Residents have not attended any of the budget sessions.
- 578 MAYOR'S REPORT: Finance Director Malnicof reported that he, the Mayor and City Administrator met last week with representatives of Moody Investor Service in New York. Their objective was to increase the City's current "A" bond rating. The City will have a bond sale (approximately \$3 million) in the near future for various road projects which have been completed. A better bond rating would result in a lower interest rate for the bonds.
- 657 The Mayor reported that she had received a letter from the Coordination Council for North American Affairs in Kansas City, Missouri, concerning the establishment of a Sister City relationship with the City of I-Lan, Taiwan. The I-Lan City Council passed a "resolution of interest" on May 4, 1988, to establish a Sister City relationship with the City of Leawood. They are interested in having a Leawood delegation visit I-Lan in October during their National Day celebrations to complete Sister City formalities. The City will not pay for travel expenses. Julie Baer is investigating costs, official delegation duties, protocol, etiquette, availability of accommodations, etc.
- 779 The July 4th Committee will meet July 21st to document details of the July 4th celebration for future committees.
- 808 APPROVAL OF FINAL CHANGE ORDER FOR STATE LINE ROAD IMPROVEMENTS, 81ST-85TH: Councilmember Moore moved to approve payment to Tomahawk Construction Co. in the amount of \$18,852.00, seconded by Anselmi. (This expense will be borne by the benefit district.) The change order represents additional costs incurred by the contractor when construction was delayed because of a delay in obtaining an easement from Roach Cadillac.
Moore's motion carried unanimously.
- 965 RESOLUTION NO. 918 APPROVING REZONING A TO R-1, PRELIMINARY SITE PLAN, PRELIMINARY PLAT, FINAL SITE PLAN AND FINAL PLAT - Blue Valley Elementary School at approximately 132nd & Mission: At their last meeting on July 5th, the City Council remanded this matter to the Plan Commission for further consideration.

- # Councilmember Moore moved to reconsider; seconded by Hammond; unanimous. The Council considered this issue informally as a committee of the whole. The Council's concerns about the necessity of a traffic signal on Mission Road, the inadequate parking facilities, and poor traffic circulation were addressed in a revised site plan.
- 1070 There will be no charge for installation of school crossing lights on Mission Road. The monthly fee for these new lights will be \$83.18 (includes energy used and maintenance costs). The Public Safety Committee will not have to consider these lights. The signal location should be determined by Public Works and the engineer, and not be a part of our committee process. The signal will be needed when the school opens.
- 1129 The Council had expressed concern that there would be parking problems at times of high attendance. Some overflow parking might be allowed on Mission Road restricting parking to one side of the street only; this has been done in other parts of the City at other times. Provision for overflow parking was made in the revised site plan.
- 1228 The Council had expressed concern about ingress and egress of cars and buses, safety of the children, and cars stacking up on Mission Road preventing efficient flow of traffic.
- 1385 Resolution adopted unanimously on motion of Hammond, seconded by Moore, after the following change was made: the recital stating that the Public Safety Committee would consider the school traffic light was deleted. Resolution attached as part of record.
- 1418 Councilmember Anselmi stated that he took serious exception to statements in newspaper articles/editorials which chastised the City Council for their decision to remand this matter to the Plan Commission. The Council does not "rubber stamp" matters presented to them for consideration. He doesn't believe the Council deserved the press they received.
- 1490 The Mayor stated that she felt the same. She was puzzled when no one spoke up at the July 5th Council meeting to question the Council's decision, and later read in the paper that there was great concern. The July 5th Council discussion of this matter was not a whim as was reported in one newspaper article; the Council deemed this matter to be very important, was concerned about the safety of the children, and did not take this issue lightly. The Council's concerns were valid and worth considering, even after the City's staff had considered the matter.
- 1590 John Vratil, Attorney for the Blue Valley School Board, regretted any misunderstandings/misconceptions about the Council's decision on July 5th, and will report to the School Board the Council's concerns expressed this evening, the Council's concern for education and children's safety which is rightfully the Council's responsibility.
- 1757 DISCUSSION CONCERNING ASSESSMENTS FOR KENNETH ROAD (SOUTH PORTION) IMPROVEMENTS: City Attorney Wetzler and Finance Director Malnicof had reviewed the assessments. They may have a proposal for a

July 18, 1988

- # possible solution to the situation for Council consideration at the August 1st Council meeting.
- 1808 REQUEST TO KEEP MORE THAN 3 ANIMALS - 10404 Pawnee Lane:
Request to keep 5 animals approved unanimously on motion of Moore, seconded by Newlin.
- 1820 ACCEPTANCE OF 1987 AUDIT: Approved unanimously on motion of Anselmi, seconded by Hammond.
- 1837 ACCEPTANCE OF BID FOR REPLACEMENT OF BATH HOUSE ROOF AT LEAWOOD CITY PARK: Councilmember Jacob moved that the Council accept the low bid of Double Eagle Construction in the amount of \$15,996.00; seconded by Hammond. Councilmember Anselmi questioned the high cost of the roof and the difference of approximately \$9,000 between the high and low bids. Public Works Director Brandt explained that the roof was not a normal asphalt roof, but a "membrane" roof with a 20-year guarantee. This type of roof requires no maintenance. The City did not advertise for bids, the normal bidding procedure. Staff sent the same specifications to selected contractors. The contractors had only 3 days in which to bid.
Double Eagle Construction is an authorized installer of the "membrane" roof according to the manufacturer, and the manufacturer will insure that the roof is properly installed. Jacob's motion carried unanimously.
- 2089 APPROVAL OF APPROPRIATION ORDINANCE NO. 591: Approved unanimously on motion of Moore, seconded by Hammond.
- 2118 Council budget work session scheduled for July 25, 7:30 P.M.
- 2431 COUNCIL COMMENTS:
2456 Councilmember LaHue commented on a resident's complaint about the traffic jam at 103rd & Lee Boulevard on July 4th in the evening created when people were trying to leave the Leawood City Park at 106th & Lee. Police Chief Cox stated that the City had received several complaints concerning this same traffic problem. He also stated that the number of people attending the July 4th celebration in the Park was much greater than in the past.
- 2510 8:55 P.M. Meeting adjourned.


Marcia Rinehart Mayor

Attest:


Martha Heizer City Clerk

- # 25 Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held at 7:30 P.M., Monday, August 1, 1988, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.
- Roll call answered by Councilmembers LaHue, Jacob, Hammond, Anselmi, Moore, Newlin, Monica, Lin. Staff: Garofano, Baer, Malnicof, Brandt, McKay, Strack, Heizer, Attorney Orr.
- 49 Agenda approved unanimously on motion of Jacob, seconded by Moore, after 1. deletion of acceptance of bid for Master Plan printing; 2. deletion of Budget & Finance Committee report; 3. addition of discussion concerning construction of a fence on the embankment of the Roe Ave. bridge at 127th St.; and 4. addition of acceptance of the 1989 Recreation Budget.
- 94 CONSENT AGENDA: Approved unanimously on motion of Anselmi, seconded by Hammond: Council minutes of July 18, 1988, and appointment of Leawood resident Peg Borden to the Community Relations Committee.
- 106 PUBLIC WORKS COMMITTEE REPORT: Public Works Director Brandt reported on the Committee's July 21st special meeting held to discuss the Black & Veatch 98th Street storm drainage study. The meeting was not official due to a lack of a quorum, but the Committee members present felt that the City should proceed with the design of the widening of 95th Street with consideration given to the actual amount of storm water that 95th Street would handle, and use the \$150,000 estimated to retain an additional 1% flow to improve the ponds south of 95th Street. This is contrary to the City Council's July 5th decision to solicit proposals for the design which would incorporate water retention of the additional 1% drainage caused by the widening of the street.
- The scope of services for the design was written in accordance with the Council's July 5th decision.
- The contract for the design will probably be presented to the Council for their consideration at the September 6th Council meeting. The public should be notified.
- The Mayor felt that when the Council approves a contract for the design, they will be committing themselves to the 95th Street widening project.
- The Public Works Committee will hold their next regular meeting on August 4th.
- 475 RECREATION COMMISSION REPORT: Assistant City Administrator Baer reported that the Commission had held a public hearing on July 19th to hear objections and/or comments to the 1989 Recreation Budget. No objections/comments were heard.
- 503 COMMUNITY RELATIONS COMMITTEE REPORT: Chairman Jacob reported

- # on the Committee's July 26th meeting. A newsletter will be mailed to residents at the end of August or first part of September. The Committee discussed entrance signs to the City, and will discuss the citizen survey in the near future. The Committee also discussed Leawood's participation in the 1988 fall Kansas City Spirit Festival. Of the 42 groups invited, approximately 11 (mostly chambers of commerce) have indicated they will participate. Leawood may not participate this year, but may send someone to see what other cities are doing. No sales at municipal booths will be allowed.
- 575 Leawood's 40th Birthday event is scheduled for October 2nd. That date may have to be changed because a Leawood delegation will be departing for I-Lan, Taiwan, about that time to complete Sister City formalities, and the annual Kansas League of Municipalities meeting will be held about that time.
- 602 REQUEST FOR A SPECIAL USE PERMIT - SOUTHWESTERN BELL - FOR A CONTROLLED ENVIRONMENT VAULT - southwest corner, K-150 and Mission Rd.: Hammond moved to approve the request, seconded by Anselmi. The Council discussed landscaping and the effect that any future widening of Mission Road would have on the location of the vault.
- 734 Monica moved to amend the motion that the request be approved pending investigation of a gas line relocation in conjunction with the possible widening of Mission, which, in turn, might affect the vault's location; seconded by Moore; unanimous.
Hammond's motion as amended carried unanimously.
- 817 MAYOR'S REPORT: The City of Prairie Village had asked the Mayor if Leawood would be interested in using Prairie Village's cable television station to advertise meeting agendas and other city information. Mayor Rinehart requested Julie Baer investigate costs, furnish the information to the Community Relations Committee for their review.
Prairie Village also asked if Leawood would be interested in participating in Peanut Butter Days, a project for Harvesters. Retail stores would collect jars of peanut butter, an excellent source of protein, for the hungry. The City will pursue this project.
The Council discussed the idea of having a trash pick up day, as Prairie Village has every year, to collect items that residents no longer want. The Public Works Department would collect these items. There is no provision for this project in the 1988 Budget; it might be included in a future Public Works Department budget.
Mayor reminded the Council that the annual employee picnic will be held August 31st at Leawood City Park.

August 1, 1988

#

Mayor reported that a Leawood delegation will depart for I-Lan, Taiwan, on October 5th. Members of the delegation will be the guests of the City of I-Lan; their expenses while they are in I-Lan will be paid for by the City of I-Lan. Councilmember Moore moved that the Council authorize funding for a formal gift (plaque) for the City of I-Lan; seconded by Hammond; unanimous. A delegation from I-Lan plans to visit Leawood in the spring, 1989.

1165

98TH STREET STORM DRAINAGE STUDY: Les Lampe from Black & Veatch was present to answer questions. He stated that the final report had been reviewed by the Public Works Committee.

To alleviate flooding problems at 98th Street, Black & Veatch considered alternatives upstream of 98th, and alternatives at 98th Street itself.

Upstream of 98th Street, they investigated: 1. an above-ground detention facility in the vicinity of 95th Street, but immediately downstream of 95th Street; 2. modifying the spillways on the ponds, purely to protect the integrity of the ponds, to enhance their structural stability; and 3. enhancing the ponds themselves by raising both the embankments and spillways to create more storage.

An above-ground detention facility would reduce flows by about 25% immediately below 95th Street and about 10-20% at 98th Street, a modest reduction at 98th. The facility would cost approximately \$1.1-1.3 million, depending on construction for a 10-year storm or 100-year storm.

The cost of modifying the spillways on the ponds themselves would be \$11,000-26,000. This modification would do nothing to protect 98th Street.

The cost of significant improvements to the ponds themselves would be \$60,000-85,000; with additional investigation to determine soil conditions to address stability, the cost could exceed \$100,000. Significant improvements would accomplish a reduction in flow of approximately 50% through the system, including the 98th Street area. But the present facility at 98th Street would still be vastly undersized.

Black & Veatch also investigated alternatives at 98th Street itself. They considered larger culverts beneath the street. The cost to improve the street itself, under any of the aforementioned alternatives, would range from \$140,000 for 2 5'x3' box culverts for a 10-year improvement to \$206,000 for 2 8'x4' box culverts for a 100-year improvement. This does not address questions concerning James Branch Creek itself and its flow beneath Lee Boulevard.

If the City enhanced the ponds etc. for a 50% flow reduction, the City could get by at 98th Street with just a single 5'x3' culvert for a 10-year event for \$77,000, or 2 5'x3' culverts for a 100-year event for \$140,000.

- # 1397 Councilmember Lin asked Mr. Lampe for his recommendation from a sound engineering and economic standpoint. Mr. Lampe stated that he would recommend improving the ponds and spillways to increase their storage capacity and to go for a 10-year level of protection at 98th Street.
- 1616 Councilmember Moore moved that the Council accept the study; seconded by Hammond; unanimous.
- 1630 Council discussed directives to be given to staff. They discussed the City's liability if improvements were made to the ponds which are on private property, and discussed the funding for these improvements. Finance Director Malnicof stated that a legitimate project could be set up at any time, and that funding could be arranged on a temporary basis with eventual bonding. Money is not available in the 1988 operating budget, nor was it included in the 1989 budget.
- 1729 Improvements to Lee Boulevard, 95th Street to 103rd Street, are scheduled for 1989. Perhaps the funding for the 98th Street culverts could be included in the estimate for the Lee Boulevard improvements.
Councilmembers will need the City Attorney's advice on liability and the Public Works Director's estimates of the funding for the 98th Street culverts/Lee Boulevard improvements as soon as possible.
- 2010 Public Works Director Brandt stated that if the City improves the ponds so they become a part of the City's storm drainage system, the City will have to assume the maintenance rights because the City cannot depend on private property owners to maintain the system.
- 2069 ORDINANCE NO. 1060 AUTHORIZING ISSUANCE OF TEMPORARY NOTES, SERIES L.I.D. 86-1-88A, PROJECT 107, IN THE AMOUNT OF \$215,000 FOR IMPROVEMENTS TO ROE AVENUE, 112TH STREET TO 121ST STREET: Only bid received from United Missouri Bank, 5.79% rate of interest. Ordinance passed unanimously on motion of Anselmi, seconded by Lin.
- 2135 RESOLUTION NO. 919 AUTHORIZING SALE OF \$3,090,000 GENERAL OBLIGATION BONDS TO PAY COSTS OF CERTAIN PUBLIC IMPROVEMENTS AND TO REFUND CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS; APPROVING FORM OF NOTICE OF SALE AND PRELIMINARY OFFICIAL STATEMENT: Improvements to: 119th Street, Roe/Mission; Nall Avenue, College/119th; State Line Rd., 81st/84th; and Kenneth Rd., north portion, 135th St. to a point approximately 1,805 feet south of the northeast corner of Section 34, Township 13, Range 25. Adopted unanimously on motion of Jacob, seconded by Monica. Attached as part of record.
- 2205 APPROVAL OF 'NOTICE OF HEARING ON AMENDING THE 1988 BUDGET':

- # Three funds to be amended: Special Highway, Wastewater, and Special Parks & Recreation. Notice approved unanimously on motion of Anselmi, seconded by Newlin. Hearing scheduled for August 15, 1988, 7:00 P.M. in the Council Chamber.
- 2334 APPROVAL OF 'NOTICE OF HEARING 1989 BUDGET': Approved unanimously on motion of Lin, seconded by Moore. Hearing scheduled for August 15, 1988, 7:00 P.M. in the Council Chamber.
- 2635 1989 LEAWOOD PARTICIPATION IN THE JOHNSON COUNTY C.A.R.S. PROGRAM: The City must submit a formal letter to the County prior to adoption of the County's 1989 budget stating that we have committed funds to fund our portion of five projects which have been recommended to be included in the County CARS Program for 1989. The five projects are: Tomahawk Creek Parkway, Somerset & Lee intersection improvements, 95th Street widening between Wenonga and State Line, State Line Road improvements between Indian Creek and 135th Street, and 119th Street improvements between State Line and Mission. Council unanimously approved the formal letter of intent to commit funds on motion of Anselmi, seconded by Lin.
Concerning the State Line Road improvements, Councilmember Lin suggested that City representatives meet with Councilmen Lewellen and Sharp and Mayor Berkley of Kansas City, Missouri, and Johnson County representatives to discuss these improvements. Leawood will proceed to initiate this meeting.
- 2779 ACCEPTANCE OF BID FOR TENNIS COURT RESURFACING: On motion of Jacob, seconded by Hammond, Council unanimously accepted low bid of Seal-0-Matic Paving Co. for \$39,579.00.
- 2914 APPROVAL OF APPROPRIATION ORDINANCE NO. 592: Approved unanimously on motion of Monica, seconded by Anselmi.
- 3221 ROE AVENUE BRIDGE AT 127TH STREET: Discussion of the possibility of constructing a fence on the top of the retaining wall on the south side of the bridge for safety purposes. A dangerous situation exists for children who climb to the top of the wall. This bridge improvement project was State-funded; the State may not pay for the fence. The Public Works Director will look into fencing for the least cost, to promote safety, and will contact the State for possible funding.
- 3417 ACCEPTANCE OF 1989 RECREATION BUDGET: The Recreation Commission held a public hearing July 19th to hear objections/comments to the proposed 1989 recreation department budget. There being no objections, the Commission formally adopted the budget that same evening.
On motion of Hammond, seconded by Moore, Council unanimously accepted the 1989 Recreation Budget as certified to them by the Recreation Commission.

August 1, 1988

- # 3510 EXECUTIVE SESSION: Councilmember Moore moved that the Council schedule an executive session to immediately follow this meeting, not to exceed 15 minutes, for attorney-client privilege; seconded by Jacob; unanimous.
- 3547 COUNCIL COMMENTS: Councilmember LaHue stated that only 1 resident attended the 1989 budget work sessions.
- 3571 Councilmember Monica asked if the Council could set guidelines for code enforcement violations for the municipal court to follow. She was concerned that fines were not strict enough, that repeat offenders were paying only nominal fees. There was discussion that fines are set by the court, but administrative fees however are set by Council, and they might be increased. Planning Director McKay will relate Council concerns to the City's prosecutor, ask him to discuss this matter with the court, and report back to the Council.
- 3785 Councilmember Lin asked about the status of the grocery store at 123rd & State Line. The store may open in November. Public Works Director stated that the traffic signal at that intersection should be operating by the end of October.
- 3924 Councilmember Hammond thanked the members of the Budget & Finance Committee for their work on the 1989 Budget.
- 3935 Mayor reported that an ordinance relating to picketing had recently been upheld by the United States Supreme Court. Council expressed interest in pursuing this matter for Leawood, and directed the City Attorney to study the ordinance, to see if it can be adapted to Leawood.
- 3986 Gordon Thomas, President of the Leawood Estates Homes Association, stated that he had received calls from residents concerning the construction of a swimming pool at (approximately) 2904 W. 104th Terr. No permit is posted at the site. Planning Director McKay will look into this matter.
- 4113 9:35 P.M. Council convened in executive session, same members present.
- 4114 9:50 P.M. Council returned to regular session, same members present. LaHue moved to extend the executive session for a maximum of 10 minutes; seconded by Lin. Jacob, Hammond, Monica opposed; all others in favor.
- 4134 Council reconvened in executive session, same members present.
- 4136 9:55 P.M. Council returned to regular session, same members present. Meeting adjourned.

Attest:

Marcia Rinehart
 Marcia Rinehart Mayor

Martha Heizer
 Martha Heizer City Clerk

40 Minutes of a Public Hearing for the Amended 1988 Budget held at 7:00 P.M., Monday, August 15, 1988, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas.

Councilmembers present: LaHue, Jacob, Hammond, Anselmi, Moore, Newlin, Monica, Lin. Staff: Garofano, Baer, Cox, Malnicof, McKay, Strack, Heizer.

The hearing was called to order by Mayor Rinehart.

City Administrator Garofano stated that 3 funds, Special Highway, Wastewater, and Special Parks & Recreation, were being amended to account for additional revenues received (from sources other than property tax) which exceeded the original revenue projections.

Special Highway Fund: Revenues from the State-imposed gasoline tax can be used only for street improvements. City Administrator explained that since the City can not spend any more than is budgeted, the City can not spend the increased revenues received for street improvements unless the budget is amended to authorize that additional expenditure.

Wastewater Fund: Revenues come from user fees charged to users of the Leawood Sewer System. By amending this Fund to account for some sewer revenue that has accumulated over the years and which increases the City's spending authority up to \$1,560,486, the City will be able to refund or buy back some bonds which were issued for improvements to the sewer system (retire debt early and save interest).

Special Parks & Recreation Fund: The City's share of the State-imposed alcohol tax can be used only for parks and recreation purposes. The City is amending this Fund to account for carryover funds from 1987. This additional revenue will be used to repair the tennis courts.

There was discussion concerning the use of funds for street maintenance. Should the increased revenues received be used in 1988 or in 1989? One resident felt the City should use these revenues to cut the 1989 Budget. City staff felt these funds should be used for street improvements during the 1988 construction season.

Street slurry seal problems and the street rehabilitation program study were also discussed.

614 The hearing was closed at 7:20 P.M.

Attest:

Marcia Rinehart
Marcia Rinehart Mayor

Martha Heizer
Martha Heizer City Clerk

614 Minutes of a Public Hearing for the proposed 1989 Budget held at 7:20 P.M., Monday, August 15, 1988, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas.

Councilmembers present: LaHue, Jacob, Hammond, Anselmi, Moore, Newlin, Monica, Lin. Staff: Garofano, Baer, Cox, Brandt, Malnicof, McKay, Strack, Heizer, Attorney Wetzler.

The hearing was called to order by Mayor Rinehart.

City Administrator Garofano reviewed 3 areas of the proposed 1989 Budget.

Operations: General operating costs for all departments and services provided. How does the City address those costs in light of Leawood's rapid growth?

Aging curbs and streets: How does the City finance their maintenance, rehabilitation and improvements? The proposed 1989 Budget addresses a comprehensive street rehabilitation program for residential streets only.

Building space needs: The proposed 1989 Budget initiates a buildings program with the establishment of a Building Fund to set aside money to finance remodeling of the present Police/Court Building, renovation of Fire Station No. 1, and construction of a new City Hall.

Financing of a new City Hall was discussed.

The City Administrator compared average property tax increases in 1988 with those in the proposed 1989 Budget for certain subdivisions in each ward of the City.

1206 Leawood resident Elbert Kennedy felt that homeowners in the south part of Leawood should carry a greater load for the City's expansion and additional facilities. City Administrator explained that residents in the south are paying higher costs. Developers are required to pay traffic and park impact fees and fees for streets and other improvements in subdivisions; these costs are passed on to new homeowners in the south part of the City. The City also has benefit districts for street improvements; property owners within these districts are assessed for those improvements.

1372 Resident George Raupp commented on the City's high building permit fees. City Administrator stated that those fees were raised to help keep property taxes down. Mr. Raupp felt that the City should not spend anymore in 1989 than it did in 1988 until the City can manage the citizens' money.

- # 1550 Mrs. George Raupp commented that the concrete retaining wall constructed on the northeast corner of 103rd and Overbrook Road has created a hazardous condition for motorists.
It was noted that the speed limit had been reduced and a warning sign erected at this intersection. The last time a consulting engineer had studied the situation, he had determined that conditions were within the standards for safety.
- 1597 Mrs. Eva Richardson felt that streets were poorly maintained, and that the City should delay construction of a new City Hall until the population increases in south Leawood to help pay for a new facility.
- 1815 James Richardson asked about the cost of a new City Hall. City Administrator stated that the cost for the 17,000 square foot building would be \$1.6 million paid over a 20-year period. This figure does not include the cost of the land.
Financing of the new building and its effect on taxes were discussed.
- 2012 William Evans asked about Charter Ordinance No. 19. "Chartering out" is a way to finance the City's street program and take care of the City's space needs.
- 2439 Councilmember Hammond, Chairman of the Budget & Finance Committee, felt that residents should take time to educate, inform themselves about the City's needs, and that the Council is on the right path with this proposed budget to address those needs.
- 2732 Frank Taylor asked about types of street resurfacing. He hoped that the type of resurfacing used at the present time will be superior to the last resurfacing done. Public Works Director Brandt described the street rehabilitation program.
Mr. Taylor also asked if the site of the new City Hall is in a floodplain. City Administrator explained that the new building would be above the 500-year floodplain level after the site is built up with fill.
- 3043 The hearing was closed at 8:35 P.M.

Attest:

Marcia Rinehart
 Marcia Rinehart Mayor

Martha Heizer
 Martha Heizer City Clerk

- # 3052 Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held at 8:40 P.M., Monday, August 15, 1988, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding. The meeting, scheduled to begin at 7:30 P.M., was delayed due to the excessive length of the budget hearings which began at 7:00 P.M.

Roll call answered by Councilmembers LaHue, Jacob, Hammond, Anselmi, Moore, Newlin, Monica, Lin. Staff: Garofano, Baer, Cox, Brandt, Malnicof, McKay, Strack, Heizer, Attorney Wetzler.

- 3075 Agenda approved unanimously on motion of Hammond, seconded by Lin, after: 1. addition of assignment to Public Works Committee to review the street slurry seal program; 2. addition of consideration of Amended 1988 Budget; and 3. addition of consideration of 1989 Budget.

- 3200 CITIZEN COMMENTS: Several members of the Leawood United Methodist Church were present. Leawood resident Phyllis Smith, spokesman for a special interest group at the Church interested in promoting world peace through non-destructive means, read a resolution supporting a mutual and comprehensive and verifiable nuclear test ban treaty. The resolution called for legislation to enact a moratorium on nuclear testing. She urged the Council to consider adoption of the resolution. Leawood would be the first city in Kansas to adopt such a resolution.

The Council will consider the resolution at a later date.

- 3529 Leawood resident Bill Judd commented on the proposed 1989 Budget. He explained how the present Police/Court Building was built and paid for in the 1970's. No bonds were issued; taxes were not raised. The land was donated to the City and Federal funds were used to finance the construction. He suggested that perhaps the present City Council could consider possibilities for financing a new City Hall similar to those used in the 1970's.

He also felt that the Council might review monies paid to consultants; too many studies have been duplicated. The Mayor stated that some studies, like the Somerset & Lee Boulevard intersection study, had to be redone, even though recommendations were almost identical, because the Federal government required that they be updated.

He also commented on the storm drainage districts along 95th Street, stating that there are 2 districts, not 1. So far, there has only been a cost estimate on the 1 district involved in the widening of 95th Street. The second district covers an area on the north side of 95th Street between State Line and Lee Boulevard that drains north from 95th Street. Mr. Judd wanted to know how and when the second district will be incorporated into the budget.

- # He stated that the Council should be aboveboard with citizens, and let them know when this district will be proposed, what the proposed cost will be, and how it will be financed. Councilmember Moore stated that the initial storm drainage study was done for the south side of 95th Street, primarily to address drainage problems of the ponds between 95th and 98th Streets. Storm drainage on the north side of 95th will be addressed later, and this fact was mentioned at a meeting held July 7, 1988, at the Leawood United Methodist Church to discuss the 95th Street storm drainage study with area residents. 95th Street is a part of the City's capital improvements program to be funded by general obligation bonds. Capital improvement projects were addressed in a newsletter mailed to residents in March, and the total tax impact of street projects, capital improvements projects and a new City Hall was addressed and discussed at public forums held earlier in the year.
- 3947 Resident William Evans commended the Council on their work, but asked that they keep residents well informed and advised. He will report things he sees with which he doesn't agree (City employees being remiss in their jobs or being poorly utilized) to the responsible parties at City Hall.
- 4072 PROCLAMATION: Mayor proclaimed September 23, 24, and 25 as "Peanut Butter Weekend" in Leawood, and urged residents to participate in a drive to collect peanut butter, an excellent source of protein, for Harvesters-The Community Food Network to distribute. The City of Prairie Village will be participating in this project. Planning for Leawood's "Weekend" will be done by the Community Relations Committee.
- 4130 CONSENT AGENDA: Approved unanimously on motion of Monica, seconded by Moore: Council minutes of August 1, 1988; departmental reports; assignment to Community Relations Committee to organize events for "Peanut Butter Weekend!"; assignment to Public Safety Committee to review Kansas City Crime Commission request that Leawood participate in the funding of Crime Stoppers (TIPS Hotline) program in the future; appointment of Lenette Crawford to the Recreation Commission to fill Elaine Collora's unexpired term to May, 1991; and assignment to Public Works Committee to review City's street slurry program.
- 4190 ORDINANCE NO. 1061 AUTHORIZING SALE OF \$3,090,000 GENERAL OBLIGATION/REFUNDING BONDS: City Administrator stated that Moody's Investors Service had increased the City's bond rating from A to A-1. He read the following statement from Moody's opinion indicating their reasons for the A-1 rating: "Continued strong residential and commercial development in this affluent suburb has contributed to tax base growth and reduced debt burden. Increased financial flexibility is also noted in the rating revision from A to A-1."

#

He read the following statements from Moody's analysis: "Vigorous residential development reflects in the issuance of an unprecedented number of building permits over the last 3 years. This has resulted in a significant increase in taxable values and a consequent decrease in the City debt burden." "Commercial and retail investment is growing in the City, an important development because of large share of operations to be supported by City sales tax. The City's financial position remains sound." "Leawood's financial flexibility was increased by the Council's passage in March of 1988 of Charter Ordinance No. 19 which exempts certain operating costs from property tax rate limitation." "Earlier the City doubled its building permit fees and expects to increase revenues from this source by some \$300,000 in 1988. This will offset a shortfall of sales tax revenues (County sales tax receipts) which were budgeted for in 1988 in anticipation of a 1/2¢ increase in sales tax which voters elected not to authorize." "The major emphasis in the City's credit needs are in streets. Even here City ordinances require substantial investment by developers. The City has developed a transportation impact fee for heavily traveled routes, which requires developers to pay fees based upon projected additions to traffic attributable to the development." "Rate of retirement of all City debt improves after issuance."

Moody's rated the passage of Charter Ordinance No. 19 as critical to the increase in the bond rating.

Ordinance passed unanimously on motion of Anselmi, seconded by Moore. Of 3 valid bids received for sale of the bonds, the low bid of Stern Brothers, average annual net interest rate of 6.832816%, was accepted, \$1,232,640 total net interest cost to the City spread over a period of 10 years.

4930 PUBLIC WORKS COMMITTEE REPORT: Chairman Anselmi reported on the Committee's August 4th meeting. A representative of Concrete Pipe Company gave a presentation on reinforced concrete pipe. Public Works has become more interested in concrete because it is a non-maintenance item after the initial expense. The Committee discussed the 98th Street storm drainage study. They also discussed the scope of services for the 95th Street widening project; interviews for design engineering will be held August 29th.

4998 The status of the fence to be constructed for safety purposes on the Roe Avenue bridge at 127th Street was discussed. The Public Works Department is working on this project. It appears there is a good chance that the Federal government will fund the fence if its a chain link fence.

5073 Councilmember Monica felt the Council should vote in the near future to proceed or not to proceed with the widening of 95th Street. The Public Works Committee feels that the City should not spend \$20,000 for design services if the Council should vote not to proceed. Residents should be notified

August 15, 1988

when this matter is placed on a Council agenda for consideration.

There was discussion that improvements to 95th Street, the ponds between 95th and 98th Streets, 98th Street itself, and Lee Boulevard are interrelated. 98th Street will be discussed when the Lee Boulevard improvement study is discussed. The Council must discuss the ponds further and decide whether or not improvements will be made. The Council must also discuss 95th Street and vote upon the improvements to be made.

Before the Council authorizes any funding for engineering for 95th Street, it should authorize the project under the "main trafficway" state statute which gives them authority to improve the street since 95th has been designated a main trafficway. An ordinance which authorizes improvements under that statute will be prepared for Council consideration at the September 6th Council meeting. A design engineering contract will also be considered at that meeting.

Councilmember Monica stated that residents should be notified about the September 6th meeting since the decision to widen 95th Street will be made by the Council, not by a vote of the public.

5815 The ponds will be discussed at the September 6th Council meeting.

5891 There was discussion that this same procedure for engineering design and improvements would apply to the Lee Boulevard improvement project, 103rd Street to Somerset.

6057 RESOLUTION NO. 920 APPROVING REZONING A TO R-1 AND PRELIMINARY PLAT - WATERFORD, 4TH PLAT (approximately 131st between Mission and Roe): Discussion of "public hearing notice" signs posted on sites of the 4th Plat (west side of Mission) and the 3rd Plat (east side of Mission). Discussion of the future use of the property between Waterford and the reverse frontage road of K-150; a buffer might be needed between the residential area and the office/commercial areas.

Resolution adopted unanimously on motion of Lin, seconded by Anselmi. Attached as part of the record.

6776 ORDINANCE NO. 1062 REZONING A TO R-1 - WATERFORD, 4TH PLAT (approximately 131st between Mission and Roe): Passed unanimously on motion of Lin, seconded by Hammond.

6815 end of tape

SONY NO. 142

7 RESOLUTION NO. 921 APPROVING REZONING A TO R-1 - PART OF WATERFORD, 3RD PLAT (approximately 131st and Glenfield): Adopted unanimously on motion of Moore, seconded by Jacob. Attached as part of the record.

- # 38 ORDINANCE NO. 1063 REZONING A TO R-1 - PART OF WATERFORD, 3RD PLAT (approximately 131st and Glenfield): Passed unanimously on motion of Moore, seconded by Lin.
- 52 CITY ADMINISTRATOR'S REPORT: An ordinance relating to residential picketing will be prepared for the September 6th Council meeting.
- 84 MAYOR'S REPORT: Possible City participation in the Second Annual Greater Kansas City Day, a benefit for Kansas City Rotary Youth Camp Foundation, referred to Public Safety Committee for recommendation.
The Mayor stated she had talked with Kansas City, Missouri Mayor Berkley, and Johnson County Commissioners Franklin and Crippin about the State Line Road improvements south of I-435. Kansas City, Missouri did not budget this year for its share of the funding of the final design. The Mayor may have more information on the final design at the next Council meeting or within the next month.
- 188 APPROVAL OF COOPERATION AGREEMENT WITH JOHNSON COUNTY CONCERNING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS: After discussion of the program, Council approved the agreement on motion of Lin, seconded by Jacob. LaHue opposed, all others in favor.
- 304 ORDINANCE NO. 1064 ESTABLISHING THE 1989 SEWER ASSESSMENTS: Passed unanimously on motion of Anselmi, seconded by Hammond.
- 323 AMENDMENT TO CONSTRUCTION ENGINEERING SERVICES AGREEMENT FOR 119TH STREET BRIDGE PROJECT OVER TOMAHAWK CREEK: Winter weather delayed the contractor thus requiring additional engineering services of George Butler Associates. On motion of Lin, seconded by Anselmi, Council unanimously approved the amendment.
- 359 RESOLUTION NO. 922 CONSENTING TO THE ENLARGEMENT OF TOMAHAWK CREEK MAIN SEWER DISTRICT NO. 1 AND SUB-DISTRICT NO. 5: Adopted unanimously on motion of Lin, seconded by Anselmi. Attached as part of the record.
- 416 APPLICATION FOR RENEWAL OF RETAIL LIQUOR OCCUPATION LICENSE - MERTZ LIQUOR STORE: Approved unanimously on motion of Anselmi, seconded by Hammond.
- 430 APPROVAL OF APPROPRIATION ORDINANCE NO. 593: Lin moved for approval, seconded by Jacob. Discussion of legal fees relating to annexation paid to Fred Logan. City Administrator will relay Council's concern about the increasing legal fees to Mr. Logan.
Appropriation ordinance unanimously approved.

- # 669 ADOPTION OF 1989 BUDGET: Councilmember Anselmi felt that a Council vote should be deferred to a later date in deference to residents who attended the budget hearing earlier in the evening. Also, he still had some questions about a couple of budget items.
- 966 Anselmi moved to delete the clothing allowance for detectives in the Police Department (\$1200) from the budget; seconded by Monica. Discussion.
Hammond called for the question; seconded by Lin. Anselmi, Monica opposed; all others in favor.
Anselmi's motion failed. Monica, Anselmi in favor; all others opposed. The clothing allowance remains in the 1989 Budget.
- 1363 There was discussion of 9-millimeter guns for the Police Department.
- 1636 Lin moved to delete the guns from the budget; seconded by Monica. Anselmi, Lin, Monica in favor; all others opposed. Motion failed; guns remain in the 1989 Budget.
- 1731 11:00 P.M. Moore moved to extend the meeting for 30 minutes; seconded by Hammond; unanimous.
- 1754 Vehicles used by the 2 Police Captains were discussed. The vehicles are to be used only for commuting to and from home and for business, and are not to be used for personal use except under very limited circumstances.
- 1916 Lin moved for approval of the 1989 Budget as published; seconded by Hammond; unanimous.
- 2090 ADOPTION OF THE AMENDED 1988 BUDGET: Jacob moved for approval of the Amended 1988 Budget as published; seconded by Moore; unanimous.
- 2114 EXECUTIVE SESSION: Lin moved to schedule an executive session to follow this meeting, not to exceed 10 minutes, to discuss pending litigation; seconded by Moore; unanimous.
- 2145 COUNCIL COMMENTS: Monica asked about the signal at 135th and State Line. Public Works Director Brandt stated that Kansas City, Missouri is waiting for an agreement from Kansas City Power & Light for the use of existing poles. When they receive the agreement, they can finish the design and give Leawood a cost figure. Kansas City expects to have the agreement this week.
Monica asked if the City could establish a 4-way stop at this intersection like the one at 1135th and Metcalf. Public Works Director stated that Leawood would have to have the permission of the Kansas and Missouri Departments of Transportation.

- # 2200 Lin asked about the status of Roe Avenue, College to 119th Street. The street should be open soon.
Mr. Lin commended the Council on its unity, especially this evening.
- 2306 11:17 P.M. Council convened in executive session, same members present.
- 2307 11:33 P.M. Council returned to regular session, same members present. Moore moved to extend the Council meeting 30 minutes, and to return to executive session, not to exceed 10 minutes; seconded by Lin; unanimous.
- 2325 11:35 P.M. Council reconvened in executive session, same members present.
- 2327 11:40 P.M. Council returned to regular session, same members present. Anselmi moved that the Council implement the procedure of a public hearing for the purpose of considering a re-assessment of Kenneth Road by adopting a resolution which would direct the City Clerk to publish a notice that the Governing Body will meet at 7:00 P.M., September 6, 1988, in the Council Chamber; to consider proposed re-assessments for the cost of improvements to Kenneth Road, south portion; seconded by Lin.
City Attorney advised that it is inappropriate for members of the Governing Body to have any contact with the Grays and the Giblyns. Communications should be between City Attorney Wetzler and Alvin Shapiro, attorney for the Grays and Giblyns. The time period for paying assessments might be extended from 10 years to 15 years; this would affect all property owners in the improvement district, not just the Grays and Giblyns.
- 2667 Anselmi's motion carried; LaHue opposed, all others in favor. RESOLUTION NO. 923 attached as part of the record.
- 2698 11:50 P.M. Meeting adjourned.

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

- # 33 Minutes of a Public Hearing of the Governing Body of the City of Leawood, Kansas, held at 7:00 P.M., Tuesday, September 6, 1988, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas.

The purpose of the hearing was to consider a possible modification of assessments previously levied by Ordinance No. 1057 to pay the costs of construction of Kenneth Road, south portion, Improvement District 85-4, Project No. 102; modified assessments could be based on a 15-year financing period as opposed to the original 10-year period (the City's normal financing period) of Ordinance No. 1057. By considering the possibility of modified assessments, the City might be able to settle litigation that was filed by property owners (Gray and Giblin families) as a result of the assessments levied by Ordinance No. 1057.

Councilmembers attending: LaHue, Hammond, Anselmi, Moore, Newlin, Monica, Lin. * Councilmember Jacob arrived at 7:25 P.M. Staff present: Garofano, Baer, Cox, Brandt, Malnicof, Strack, Heizer, Attorney Wetzler. ** Planning Director McKay arrived at 7:20 P.M.

The hearing was called to order by Mayor Rinehart.

- 131 Property owner Paul Gray restated his position on this matter. His property is agricultural, and the assessments levied by Ordinance No. 1057 will force him to sell his land.
- 202 Leawood resident Bill Evans stated that he was concerned that the City was not being fair to the Grays and Giblins.
- 284 City Administrator explained how the Kenneth Road (south portion) improvement project was started and who will pay for the improvements. The current dispute is whether or not agricultural land owners (Grays and Giblins) should pay their fair share of the costs of improvements that abut their properties.
Assessment amounts were discussed.
- ** 7:20 P.M. Planning Director McKay arrived.
- 521 Property owner Jim Giblin felt that he would not derive any benefit from the Kenneth Road improvements. He can not afford to pay the assessments. In essence, the City would be confiscating his property.
- * 7:25 P.M. Councilmember Jacob arrived.
- 587 There was discussion of Kenneth Road as a "collector" street.
- 823 7:30 P.M. The hearing was closed.

September 6, 1988



Marcia Rinehart
Marcia Rinehart Mayor

Martha Heizer
Martha Heizer City Clerk

- # 858 Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held at 7:35 P.M., Tuesday, September 6, 1988, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.
- Roll call answered by Councilmembers LaHue, Jacob, Hammond, Anselmi, Moore, Newlin, Monica, Lin. Staff: Garofano, Baer, Cox, Brandt, Malnicof, McKay, Strack, Heizer, Attorney Wetzler.
- 871 Agenda approved unanimously on motion of Hammond, seconded by Anselmi, after:
1. Addition of discussion concerning building remodeling design for the Police/Court Building and Fire Station No. 1;
 2. Addition of assignment to Community Relations Committee to review the use of cable public television with the City of Prairie Village;
 3. Removal of declaration of surplus property from the consent agenda for discussion; and
 4. change in agenda order - awards/proclamations to follow approval of the agenda, and discussion of 95th Street widening project to follow the consent agenda.
- 915 Presentation of Certificate of Recognition and Key to the City to Leawood resident David Duffield, 1988 Soap Box Derby winner. Members of Duffield's Boy Scout Troop No. 282 from Leawood United Methodist Church attended the meeting.
- 1034 Mayor proclaimed September 26-October 1, 1988, as Kansas City Chemical Health Week; proclaimed September 11-17, 1988, as The National Association of Women in Construction Week; proclaimed September 17-23, 1988, as Constitution Week.
- 1092 CONSENT AGENDA: Approved unanimously on motion of Jacob, seconded by Moore: minutes of the August 15, 1988 Public Hearing on Amended 1988 Budget; minutes of the August 15, 1988 Public Hearing on Proposed 1989 Budget; minutes of the August 15, 1988 Council Meeting; assignment to Public Safety Committee to review a request that the City enact an ordinance to regulate smoking in public places and places of employment; and assignment to Community Relations Committee to review the use of cable public television with City of Prairie Village.
- 1107 ORDINANCE NO. 1065 AUTHORIZING THE IMPROVEMENT OR REIMPROVEMENT OF CERTAIN SECTIONS OF 95TH STREET, A MAIN TRAFFICWAY, AND PROVIDING FOR PAYMENT OF COSTS THEREOF:
- 1185 Bill Yeager, 9500 Manor Road, expressed his opposition to the widening. He felt that property values would decrease and that the widening would be of no benefit to Leawood residents. There was discussion about the width of the street improvement. There will be sidewalks, and the improvement costs will be assessed to the City at large.

- # 1465 David Young, 9501 Meadow Lane, expressed his opposition. He was especially concerned about an increase in dangerous automobile exhaust fumes caused by an increase in traffic
- 1738 when the street is widened. Councilmember Lin, a traffic engineer, stated that the "carbon monoxide syndrome" occurs only when a car is idling. When the street is widened, traffic will move faster through the corridor, there will be less idling, substantially reducing the amount of carbon monoxide.
- 1766 Bill Shugart, 9501 Manor, expressed his opposition. Property values will decrease and traffic noise will increase.
- 1873 Terry Hainje, 9535 Manor, felt that residents did not receive enough notice of this meeting. City Attorney stated that there is no legal requirement that the Council give notice of the meeting. Notice was given as a courtesy. Mr. Hainje felt that 95th Street does need some improvements, but is against the widening to 4 lanes.
- 1995 Verna White, 2601 W. 98th Street, was concerned about the drainage from the 95th Street area and from the ponds between 95th and 98th Streets. She presented pictures of the flooding problem at 98th and Lee to the Council. It was noted that the ponds are (indirectly) a part of the 95th Street widening project.
- 2256 Gordon Thomas, President of the Leawood Estates Homes Association, felt that the Council was not listening to but ignoring the desires of their constituents. He mentioned that people living and working at the new Forum Retirement Center, now under construction just north of 95th and Wenonga in Overland Park, will add to traffic problems along 95th.
- 2496 Councilmember Lin questioned some traffic figures that Mr. Thomas had obtained from the City of Overland Park.
- 2626 Sally Reicher, 3322 W. 95th St., felt that the amount of traffic on 95th has decreased since Missouri repealed its "Blue Laws" to allow Missouri residents to shop on Sundays in Missouri. Traffic on 95th is now less on weekends.
- 2667 Mrs. J.A. Mozur, 9435 Lee Blvd., favors the widening. She has seen a tremendous reduction in automobile exhaust fumes since the intersection of 95th and Lee Blvd. was improved; cars don't idle as long. She thinks the unimproved portions of 95th look bad (lots of mud and ditches fill up with water), and residents do not take care of the public rights-of-way to the street.
- 2733 There was discussion of "main trafficways"; state law authorizes councils to make improvement decisions on streets designated as main trafficways.
- 2788 Sonny Brock, 2318 W. 95th St., is opposed to the widening. He felt that property values would decrease.
- 2904 Councilmember Anselmi stated that 95th in Leawood is a bottleneck, with 95th widened on both sides of the City - in Missouri and in Overland Park.
- 2990 Councilmember LaHue stated that traffic will increase on the City's east-west corridors, including 95th; the City must do something about 95th.

- # 3106 Councilmember Newlin, a realtor, felt that property values will not depreciate in areas where 95th is widened.
- 3200 Councilmember Monica felt that the time had come to widen the street. She stated that one reason that Black & Veatch was selected by the Public Works Committee to do the design engineering is that they are concerned about communications with residents and with how to preserve the beauty of the street.
- 3475 Mayor Rinehart stated that she has had calls from Leawood residents who want the street widened to help them go where they want to go more easily.
- 3572 Robert Tackus, 8700 Lee Blvd., felt that the widening would increase the traffic on Lee Blvd.
- 3616 Councilmember Lin stated that the attitude of people who live on 119th St., which will be widened to 4 lanes in the near future, is quite different than that of those living on 95th St. His constituents on 119th St. understand that 119th St. is a main trafficway and that it must be widened.
- 3697 Councilmember Lin moved that the ordinance be approved; seconded by Moore.
- 3718 There was further discussion concerning the purpose of the ordinance; an affirmative Council vote would constitute a commitment by the Governing Body to widen 95th St.
- 3805 City Administrator outlined the funding for the improvements.
- 3862 City Attorney stated that the Council could stop the project at any time, but at considerable expense.
- 3923 City Administrator stated that after passage of the ordinance authorizing the improvements, 3 more Council votes will be required: 1. to authorize an interlocal agreement with Johnson County and Overland Park; 2. to approve the final plans; and 3. to award the contract for construction of the improvements.
- 4037 The ordinance was passed unanimously.
- 4059 CONTRACT FOR DESIGN ENGINEERING, 95TH STREET WIDENING PROJECT:
The Public Works Committee held interviews for design engineering on August 29th, and unanimously selected Black & Veatch. A proposed contract for \$135,000 for design services was presented to the Council for consideration.
- 4145 Councilmember LaHue expressed concern about Sec. 7.5, Limitations of Liability. He felt that the engineer should be liable for a faulty design with no liability limitations. The City Attorney agreed.
- 4324 City Attorney stated that the contract could be negotiated, and felt some items needed to be resolved.
- 4458 Councilmember Moore felt 2 other items should be reviewed: 1. Attachment B, page B-1, relating to compensation. He wanted to ensure that the salary cost factors and subcontract billing rates are in conformance with standards. 2. Construction time frames.

- # 4503 City Attorney suggested that the Council could authorize the Mayor to execute a contract approved by City staff and City Attorney, and which would include specific criteria. Liability should not be limited and Attachment B and construction time frames should be reviewed.
- 4693 The Mayor stated that she wanted new wording distributed to the Council before she signed the contract.
- 4760 Councilmember Lin noted that out of the total maximum fee proposed, \$16,000 is set aside for public relations-related items. He felt this should be closely monitored.
- 4832 Staff will work expeditiously to complete the contract, and revisions will be sent to Councilmembers for their comments.
- 4899 The contract was unanimously approved on motion of Anselmi, seconded by Hammond, subject to scrutiny by Council and staff prior to the Mayor's execution of the contract.
- 4950 9:25 P.M. Recess.
- 9:35 P.M.
- 4957 /Verna White asked if 95th St. would be closed during construction, and if so, residents did not need any more traffic on 98th St. Public Works Director Brandt stated that that decision had not been made. She also asked if the culvert at 98th and Lee would be built with the 95th St. project. Brandt stated that the culvert would be built with the Lee Blvd. improvement project, which would be under construction at about the same time as the 95th St. project.
- 5075 It was noted that some people have expressed a desire to have sidewalks on both sides of 95th for safety purposes.
- 5100 Councilmember Anselmi stated he would prefer 1 sidewalk to conserve land.
- 5132 The City's street standards (the established policy) provide for sidewalks on both sides of an arterial street.
- 5252 Councilmember Lin would like to have a work shop with Black & Veatch when the field check plan is finished to avoid any surprises toward the end of the project.
- 5275 The Mayor felt very strongly that sidewalks should be constructed on both sides of 95th.
- 5310 Councilmember Moore felt that the City should review its snow removal ordinance which requires residents to remove snow and ice from sidewalks abutting their properties when deemed necessary in the interest of public safety.
- 5333 PUBLIC WORKS COMMITTEE REPORT: The Public Works Committee held interviews for design engineering for the 95th St. widening project on August 29th.
Sidewalks directly next to the street along 103rd need repair. Some storm water inlets have settled, and Public Works is reviewing repair alternatives. City ordinance states that property owners are responsible for sidewalk repair. Public Works Director Brandt felt this is unfair and

- # inappropriate in this case because the problem was probably caused by a combination of design and construction error. The contractor's warranty period has ended, so it's really the City's responsibility to repair the sidewalks.
Councilmember Newlin stated that Hal Reno (Reno Construction Co.) had indicated to him that he will participate in correcting the problem, even though his company no longer has any liability.
- 5556 RECREATION COMMISSION REPORT: Councilmember Jacob reported on the Commission's August 16th meeting. Julie Baer reported that in addition to sandblasting and painting of the pool at Leawood City Park, pool guttering will be repaired/replaced by next spring. Tennis court and pool roof repairs have been completed. The City held its first Ironteens Triathlon for ages 12 to 18 on Labor Day; between \$600-700 was raised.
- 5834 COMMUNITY RELATIONS COMMITTEE REPORT: Councilmember Jacob reported on the Committee's August 30th meeting. A newsletter will be mailed to residents soon. Leawood's 40th Birthday Party will be held October 2nd, 1-4 P.M., at all City facilities. The Committee has been working on details for "Peanut Butter Weekend" (September 23, 24, 25); two schools have already agreed to participate in the collection of peanut butter for Harvesters.
- 5967 RESOLUTION NO. 924 APPROVING FINAL PLAT - HALLBROOK FARMS CLUB-HOUSE: Adopted unanimously on motion of Moore, seconded by Anselmi. Attached as part of the record.
- 6080 RESOLUTION NO. 925 APPROVING REVISED PRELIMINARY PLAT AND PLAN AND FINAL PLAT - HALLBROOK FARMS, SECOND PLAT: Adopted unanimously on motion of Moore, seconded by Hammond. Attached as part of the record.
- 6326 ORDINANCE NO. 1066 RELATING TO FENCES AND WALLS: Planning Director McKay reviewed the history of this ordinance, in particular, a resident's recent request to construct a 6-foot fence on his property to protect his child from an adjacent neighbor's swimming pool. His request was denied by the Board of Zoning Appeals.
State law allows the Board of Zoning Appeals to make exceptions. The proposed ordinance merely adds a section (Section D) to allow the Board to grant exceptions to height restrictions, but not over 6 feet, if various special requirements are met.
- 6610 There was discussion of fence materials and colors. Deed restrictions may regulate these items.
- 6768 End of Tape

SONY NO. 144

Continuation of discussion of fence materials and colors.

- # 124 Fees for fence permits and for appearances before the Board of Zoning Appeals were discussed. There was discussion that the City might waive the \$150 fee charged to appear before the Board of Zoning Appeals under certain circumstances - for health and safety reasons.
- 261 Dean Blunt, 2016 W. 96th St., expressed his opposition to the ordinance change.
- 313 Lucy Smith, attorney representing Mr. and Mrs. Roy Daly, 9219 Ensley Lane, spoke in support of the ordinance change.
- 540 Discussion of 6-foot fences for pools.
- 634 Councilmember Jacob moved that the ordinance be approved; seconded by Monica.
- 808 The possibility of waiving the \$150 fee just for cases requesting fence variances was discussed.
- 881 Councilmember Monica called for the question; seconded by Moore; unanimous.
- 887 The ordinance passed. LaHue, Jacob, Moore, Monica, Lin in favor; Hammond, Anselmi, Newlin opposed.
- Councilmember Lin wanted the Council to consider waiving the \$150 fee just for fence variance requests at the September 19th Council meeting.
- 945 CITY ADMINISTRATOR'S REPORT: City Attorney is drafting an interlocal agreement with Kansas City, Missouri for installation of traffic signals at 135th and State Line Road. Hopefully, the Council can consider this agreement at the September 19th Council meeting.
- Bids will be received on September 14th for the replacement of the bridge on Nail Ave. south of 151st St. The Council may be able to award a bid at the first Council meeting in October.
- Johnson County and Kansas City, Missouri staff members have discussed the State Line Road improvements south of I-435. Nothing has been resolved with Kansas City. They are concerned about how they will finance their share of the improvement costs.
- 1025 MAYOR'S REPORT: Commented on a great employee picnic held August 31st at Leawood City Park.
- Reported that Julie Baer, Assistant City Administrator, was appointed to the International City Management Association (ICMA) Assistance Steering Committee for 2 years beginning in October.
- 1047 ORDINANCE REASSESSING PARCELS OF GROUND TO PAY THE COST OF CONSTRUCTION OF KENNETH ROAD, SOUTH PORTION, IMPROVEMENT DISTRICT
- 1076 85-4, PROJECT NO. 102: Councilmember Lin moved to delay the reading of the ordinance for another 2 weeks.

- # Finance Director Malnicof explained how this delay would hurt the City financially. Temporary Notes for this project become due September 30th. They must be renewed. Legal and publication costs and interest will increase, and these higher costs will have to be assessed to property owners in this improvement district.
- 1149 Councilmember Lin withdrew his motion.
- Property owner Paul Gray and attorney Alvin Shapiro left the meeting earlier in the evening. There was discussion with Jim Giblin about a meeting scheduled for September 2nd to discuss an agreement. The meeting did not take place because of some misunderstanding concerning the 10-acre exclusion on large tracts with homes.
- 1354 Three options to resolve this matter were discussed:
1. Option 1 - current assessment (Ordinance No. 1057), \$155,968.84
 2. Option 2 - proposal under consideration this evening, \$99,539.20
 3. Option 3 - Mr. Shapiro's proposal, \$175,333.99
- These costs would be charged to the City at large.
- 1461 City Attorney stated that the Council had 2 choices this evening: 1. allow Ordinance No. 1057 to stand; or 2. wait for an agreement in order to consider a new ordinance.
- 1497 11:00 P.M. Councilmember Lin moved to extend the meeting 30 minutes; seconded by Moore. Hammond, Anselmi opposed; all others in favor.
- 1820 Councilmember Monica moved that the ordinance be considered at a special Council meeting September 12th, 7:30 P.M., for final consideration and resolution of this matter, and that the Council give direction to the City Attorney in an executive session at the end of tonight's meeting;
- 2086 seconded by Anselmi. LaHue opposed; all others in favor. Motion carried.
- 2104 RESOLUTION NO. 926 RELATING TO A NUCLEAR TEST BAN TREATY: Councilmember Lin moved for adoption; seconded by Jacob. Councilmember Anselmi expressed concerns about obligating the City of Leawood by voting to support a mutual and verifiable comprehensive test ban treaty.
- 2238 The resolution was adopted. Anselmi opposed; all others in favor. Attached as part of the record.
- 2253 APPROVAL FOR CLEARING OF RIGHT-OF-WAY NEAR STATE LINE ROAD AND 103RD TERR.: This matter relates to a new automobile dealership in the area of the northeast corner of I-435 and State Line Road. Revisions to the floodplain in this area were discussed. On motion of Hammond, seconded by Lin, Council unanimously authorized the clearing of this right-of-way under City supervision, and authorized an agreement with Van Enterprises for the maintenance of this tract.
- 2380

- # 2422 RENEWAL OF CITY'S INSURANCE COVERAGES: On motion of Hammond, seconded by Jacob, Council unanimously approved renewal coverages for the period September 1, 1988, to September 1, 1989. Premiums increased from \$218,478 for 1987/1988 to \$226,074 for 1988/1989.
- 2513 ACCEPTANCE OF BID FOR AN ASPHALT APPLICATOR/MELTER FOR THE PUBLIC WORKS DEPARTMENT: On motion of Moore, seconded by Jacob, Council unanimously accepted the bid of Pavement Maintenance Systems, Inc. (PMSI) for a Crafco E-Z Pour 200 for \$13,694.00.
- 2562 11:30 P.M. Councilmember Moore moved to extend the meeting for 30 minutes; seconded by LaHue. LaHue, Moore, Newlin, Lin in favor; Monica, Jacob, Hammond, Anselmi opposed; Mayor in favor. Motion carried.
- 2585 ACCEPTANCE OF BID FOR PRINTING OF THE MASTER PLAN: On motion of Monica, seconded by Hammond, Council unanimously accepted the low bid of Quality Printing for \$5,780.00.
- 2601 SELECTION OF LEAGUE VOTING DELEGATES: Those Councilmembers/staff members who will attend the Kansas League of Municipalities Annual City Conference and Convention in Topeka, October 2-4, will be the voting delegates. Attendance has not been determined.
- 2649 WORK SESSION: Scheduled for September 12th to follow the special Council meeting which will start at 7:30 P.M. Work session topic - the City's economic development.
- 2672 APPROVAL OF APPROPRIATION ORDINANCE NO. 594: Approved unanimously on motion of Monica, seconded by Jacob.
- 2760 DISCUSSION OF BUILDING REMODELING DESIGN FOR THE POLICE/COURT BUILDING AND FIRE STATION NO. 1: Now that the Building Fund has been established with the 1989 Budget, the City is in a position to proceed with the remodeling at the Police/Court Building and Fire Station No. 1. The Chairmen of the Public Safety and Public Works Committees (Councilmembers Moore and Anselmi respectively) and staff members will serve on the review committee to select a design firm. Councilmembers were asked to submit any general observations and/or concerns in writing by September 12th.
- 2828 DECLARATION OF SURPLUS PROPERTY (to sell vehicles which the City will no longer be using): There was discussion of the Kawasaki 3-wheel all terrain vehicle purchased by the Police Department in 1983 to be used to patrol the Greenway. Councilmember Monica felt the City could still utilize this vehicle on the bike path to control speeding bicyclists. Police Chief Cox stated that the City's expectations for this vehicle had not been met - it is a highly unstable vehicle.

- # On motion of Hammond, seconded by Anselmi, Council unanimously declared the following vehicles surplus property: 4 1986 Crown Victorias used by the Police Department, and the 1983 Kawasaki all terrain vehicle. It was noted that the City may scrap the Kawasaki rather than sell it.
- 2963 EXECUTIVE SESSION: Hammond moved to recess to executive session, not to exceed 20 minutes, to discuss annexation litigation and reassessments relating to Kenneth Road, south portion; seconded by Lin; unanimous.
- 2981 11:40 P.M. Council convened in executive session, same members present.
- 2981 12:00 A.M. Council returned to regular session, same members present. In connection with the annexation litigation with Overland Park, Councilmember Hammond moved that the Council instruct Attorney Fred Logan to file an appeal in
- 3049 behalf of the City of Leawood; seconded by Moore; unanimous.
- 3059 COUNCIL COMMENTS: Councilmember Anselmi stated that Council meetings are becoming too long, and it would appear that the Council does not give proper attention to some items that are considered late in the evening.
- 3098 Councilmember LaHue suggested that each Council meeting be opened with the Pledge of Allegiance.
- 3135 12:05 A.M. Meeting adjourned.



 Marcia Rinehart Mayor

Attest:


 Martha Heizer City Clerk

- # 17 Minutes of a special meeting of the Governing Body of the City of Leawood, Kansas, held at 7:30 P.M., Monday, September 12, 1988, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.

The special meeting was requested by Councilmembers LaHue, Jacob, Hammond, Anselmi, Moore, Newlin, Monica for the purpose of considering an ordinance to levy assessments to pay the cost of construction of Kenneth Road, south portion, Improvement District 85-4, Project No. 102. * Councilmember Lin arrived 7:40 P.M. Staff present: Garofano, Cox, Brandt, Malnicof, McKay, Heizer, Attorney Wetzler.

Property owners Paul Gray, Jim Giblyn, and Graham Giblyn were present. Their attorney, Alvin Shapiro, did not attend.

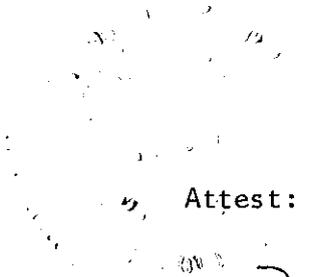
- 55 7:35 P.M. Stopped the recording for a few minutes to give the Governing Body an opportunity to read a chronology of this improvement project.
- 56 Resumed recording. The Mayor reviewed the chronology.
- 198 * 7:40 P.M. Councilmember Lin arrived.

Mr. Shapiro's proposal in his September 4, 1988 letter to the Governing Body was discussed. The proposal is: an assessment of approximately \$156 per front foot on Lots 8 and 10, except for 330' to be at \$82 per front foot which would equal 10 acres of each lot. Payment would be over 15 years. During the first 5 years, the Grays and Giblyns would pay at the rate of \$82 for the entire Lots 8 and 10, but during the final 10 years, they would pay the regular assessments, plus make up, with interest, the difference accrued during the first 5 years on those portions of Lots 8 and 10 assessed at the \$156 rate.

The 10-acre exclusion and the City's "assessment" policy for financing construction of certain streets (Resolution No. 694) were discussed.

- 654 The Council expressed concern that there would not be any re-assessment if the land is sold for development within 5 years of the date of an assessment ordinance. This would be inconsistent with City policy.
- 736 There was discussion of the Master Plan. Jim Giblyn stated that a good portion of their agricultural land is shown as residential in the Master Plan, and felt that all of their property should be assessed at the residential rate.
- 1177 The Council had to decide: 1. whether or not to accept the proposal in Mr. Shapiro's letter; and 2. whether or not to make an exception on reassessment if the 10-acre tracts being assessed at \$82 per front foot are sold within 5 years of an assessment ordinance.

- # 1632 The City's present "assessment" policy (Resolution No. 694) was discussed again. It is based on a 10-year bond issue, and if land is sold for development purposes within 5 years of an assessment ordinance, then it may be reassessed.
- 1707 Councilmember Lin moved that the Council accept the proposal in Mr. Shapiro's September 4, 1988 letter with 1 exception - that the 10-acre exclusion would cease to exist if the property is developed for purposes other than residential land use; seconded by Monica.
- 1972 After discussion, the motion and second were withdrawn.
- 1983 Councilmember Lin moved that the Council accept the proposal in the September 4, 1988 letter, and authorize the City Attorney to prepare an agreement based on that proposal for approval by the Grays and Giblins, and if the agreement is executed by them prior to the September 19, 1988 Council meeting; then the Council would consider an ordinance levying assessments that would be consistent with the agreement; seconded by Monica.
- 2405 Newlin, Jacob, Anselmi, Lin, Monica in favor; LaHue, Hammond, Moore opposed. Motion carried..
- 2500 8:55 P.M. Meeting adjourned.


Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

- # 25 Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held at 7:30 P.M., Monday, September 19, 1988, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.
- Roll call answered by Councilmembers LaHue, Jacob, Hammond, Anselmi, Moore, Newlin. * Councilmember Monica arrived 7:40 P.M. ** Councilmember Lin arrived 7:45 P.M. Staff present: Garofano, Baer, Cox, Brandt, Malnicof, McKay, Strack, Heizer, Attorney Wetzler.
- 34 Agenda approved unanimously on motion of Hammond, seconded by Jacob, after discussion that the order of business would have to be changed: 1. the ordinance relating to reassessments for the construction of Kenneth Road, south portion, to follow the consent agenda if property owners involved in this matter arrived; and 2. the resolution and ordinance relating to Nichols Estates to be discussed under New Business pending the arrival of consultant Kent Crippin who wanted to address the Council on this matter.
- 67 The Mayor proclaimed October 9-15, 1988, as National Job Skills Week; October 9, 1988, as Test Your Smoke Detector Day; and October 9-15, 1988, as Fire Prevention Week.
- 102 CONSENT AGENDA: Approved unanimously on motion of Anselmi, seconded by Hammond, after minutes of September 6 and September 12 Council meetings were removed for discussion: minutes of September 6, 1988 public hearing; departmental reports; Public Safety Committee report; Arts Committee report; and assignment to Public Works Committee to review traffic problems at 92nd and State Line and on High Drive between 95th and 92nd Streets.
- 143 Staff members who work with committees will follow up on items in committee reports that require further attention and/or correspondence.
- 170 The minutes of the September 6 and September 12, 1988 Council meetings were discussed. No corrections were required. They were unanimously approved on motion of Hammond, seconded by Moore.
- * 7:40 P.M. Councilmember Monica arrived.
- 214 CITY ADMINISTRATOR'S REPORT: Clarified the contract with Black and Veatch for design engineering, 95th Street improvements. The contract has 3 phases which will be dealt with separately: design, \$135,000; engineering construction, \$23,000; and construction, \$86,000. The Council will approve and authorize each phase. The construction survey staking will be a part of the construction phase. The "Limitation of Liability" provision was deleted from the contract.
- 307 The Overland Park City Council will consider bids for the replacement of the Nall Avenue bridge south of 151st Street at

- their Council meeting this evening. The estimated cost of the project is \$189,672.00, and the City of Leawood will pay half the cost, Overland Park the other half.
- # 357 Reminded the Governing Body that the 78th Annual Kansas League of Municipalities Conference will be held in Topeka, October 2-4.
- 381 MAYOR'S REPORT: Police Chief Cox had invited the Mayor and City Administrator Garofano to attend the 17th Annual Awards for Valor ceremony to honor police in the metropolitan area. At their last meeting, the Johnson County Council of Mayors voted to support the constitutional amendment for reapportionment using the Federal census, not just the State census. Their next meeting will be a joint meeting with the Wyandotte County Council of Mayors.
- ** 7:45 P.M. Councilmember Lin arrived.
- 473 DESIGNATION OF OFFICIAL DELEGATION TO SISTER CITY I-LAN, TAIWAN: Council unanimously designated the following persons on motion of Monica, seconded by Hammond:
- Marcia Rinehart, Mayor
 - Jimmy Lin, Councilmember
 - T. Robert Newlin, Councilmember
 - Paul Burke, Majority Leader, Kansas State Senate
 - Kathleen Nicholas, Committee Member
 - Loman Lin, Official Delegate
 - Sophie Lin, Official Delegate
 - Arlene Lindley, Official Delegate
 - Clint Lindley, Official Delegate
 - Richard Rinehart, Official Delegate
- 485 ORDINANCE NO. 1067C RELATING TO RESIDENTIAL PICKETING: City Attorney stated that the proposed ordinance mirrors an ordinance which was recently upheld by the U.S. Supreme Court. The proposed ordinance would prohibit picketing when that picketing "focused" on a particular residence. Councilmember Moore moved that the Council approve the ordinance; seconded by Anselmi. There was discussion of how the City would determine that a picketing was focusing on one residence. Councilmember Hammond felt that the prohibitive action(s) should be defined in the ordinance. Several scenarios were discussed. Councilmember Lin felt that the word "picketing" should be defined in the ordinance.
- 1435 The ordinance was passed; LaHue opposed; all others in favor.
- 1450 ORDINANCE NO. 1068 REASSESSING PARCELS OF GROUND FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTION OF KENNETH ROAD, SOUTH PORTION, IMPROVEMENT DISTRICT 85-4, PROJECT NO. 102: Council considered an agreement to defer certification and reassessment which had been signed by all parties except Barbara Giblin.

1613

Councilmember Anselmi moved that the Council approve the agreement contingent on Barbara Giblin's execution of the agreement within a reasonable amount of time as so stipulated by the City Attorney; seconded by Jacob. LaHue, Hammond opposed; all others in favor. The agreement was approved.

1643

The ordinance was discussed.

1682

Councilmember Anselmi moved that the Council approve the ordinance pending Barbara Giblin's execution of the agreement within a reasonable amount of time as so stipulated by the City Attorney. LaHue, Hammond opposed; all others in favor. The ordinance was passed.

1792

ORDINANCE NO. 1069 AUTHORIZING ISSUANCE OF TEMPORARY NOTES, SERIES L.I.D. 86-6-88B, PROJECT 102 (KENNETH ROAD, SOUTH PORTION) IN THE AMOUNT OF \$1,300,000: Passed unanimously on motion of Jacob, seconded by Monica.

1828

ORDINANCE NO. 1070 AUTHORIZING ISSUANCE OF TEMPORARY NOTES, SERIES 88C, PROJECT 116 (95TH STREET, STATE LINE TO WENONGA) IN THE AMOUNT OF \$100,000: Passed unanimously on motion of Anselmi, seconded by Hammond.

1904

RESOLUTION RELATING TO REQUEST FOR REZONING FROM A AND AR-2 TO R-1 AND PRELIMINARY PLAT APPROVAL FOR NICHOLS ESTATES LOCATED ON THE EAST SIDE OF NALL FROM 147TH TO 151ST STREETS:

2040

A sanitary sewer vs. a septic system for the 3 water-sheds involved in this 160 acres was discussed.

Fred Gibson from J.C. Nichols Co. stated that the Nichols Estates subdivision will have septic tanks but can be sewered in the future. No outlets exist at this time for sewers.

2320

Costs to a homeowner of a septic tank system and connection to a future sanitary sewer district were discussed.

2579

Discussion of sidewalks: the Plan Commission recommended that the requirement for sidewalks in an R-1 district be waived in this case due to the large size of the lots in this rural area; fewer people would use sidewalks. Sidewalks would be required on 151st Street and on Nall.

2635

Street improvements to Nall and to 151st Street were discussed.

2758

Septic tanks must be approved by the Johnson County Health Department.

2868

Councilmember Lin asked if a deed to property could stipulate that a homeowner would have to connect to a sanitary sewer line when sewers became available and a benefit district had been created.

3467

Councilmember Anselmi moved that the Council approve the resolution with the Plan Commission stipulations and with the stipulation that homeowners would pay for sewer connections, not the City; seconded by Newlin.

3536

Councilmember Lin felt that the Council should remand this matter to the Plan Commission for further consideration of sanitary sewers.

3748

Kent Crippin attended the meeting to represent 5 property owners to the west of this 160-acre tract. The property owners do not oppose the single family residential zoning, but are simply requesting that they continue to be notified, through

- # Mr. Crippin, of meetings held to discuss this 160-acre tract, particularly meetings relating to the layout of a shopping center, northeast corner of 151st and Nall. The property owners want an opportunity to give input on this matter before it is returned to the Plan Commission.
- 3910 Mr. Crippin, as Johnson County Commissioner, spoke about County regulations for septic tanks.
- 4903 Councilmember Newlin withdrew his second to Councilmember Anselmi's motion.
- 4947 Councilmember Anselmi withdrew his motion.
- 5080 Councilmember Monica moved that the Council defer this issue to the October 3, 1988 Council meeting; seconded by LaHue. The Council asked Mr. Gibson to furnish cost figures for installing a sewer line, for septic tanks, and for a pumping station.
- 5356 Motion passed unanimously.
- 5376 Councilmember Newlin moved that Mr. Crippin be notified of meetings relating to this 160-acre tract; seconded by Hammond.
Mr. Crippin wanted notification of meetings held during the planning stages between the developer and City planning staff to allow the property owners he represented to give their input at that time.
Planning Director McKay stated that it is not customary to invite property owners to meetings between staff and developers to negotiate matters before those matters are considered by the Plan Commission. Plan Commission public hearings are held to hear property owners' comments on issues.
- 5837 Councilmember Hammond withdrew his second to Councilmember Newlin's motion. Councilmember Newlin withdrew his motion.
- 6000 Council encouraged staff to let Mr. Crippin know when they have the plans available and to arrange a meeting with Mr. Crippin to discuss the plans. Council encouraged the developer to do the same.
- 6070 ORDINANCE REZONING A AND AR-2 TO R-1 - NICHOLS ESTATES:
Deferred to the October 3, 1988 Council meeting.
- 6089 10:15 P.M. Recess.
- 6121 10:20 P.M. Council returned to regular session, same members present except for Councilmember Monica who left at the recess.
- 6141 AMENDMENT OF FEE FOR APPEARANCE BEFORE THE BOARD OF ZONING APPEALS - REQUESTS FOR EXCEPTIONS TO FENCE REGULATIONS:
Planning staff will have to determine whether a request is for a variance or for an exception. Staff time involved in processing applications to the Board of Zoning Appeals was discussed.

6787 End of tape.

SONY NO. 147

- # 11 Councilmember Lin moved that the fee for a BZA hearing on fence exception requests only be established at \$75.00; seconded by Hammond. All in favor (except Monica, who was absent).
- 20 REQUEST FROM KANSAS CITY CRIME COMMISSION FOR ASSISTANCE IN FUNDING THE TIPS HOTLINE: Public Safety Committee recommended that the Council allocate some assistance funds. Councilmember Moore moved that \$500 be allocated in 1989 for funding assistance; seconded by Hammond. All in favor (except Monica, who was absent).
- 154 REQUEST THAT COUNCIL ENACT AN ORDINANCE WHICH WOULD REGULATE SMOKING IN PRIVATE BUSINESSES: Public Safety Committee reviewed this request and found no public safety reason to recommend that the Council pass an ordinance which would regulate smoking beyond that which is contained in State law. Councilmember Anselmi moved that the Council accept the Public Safety Committee recommendation and not consider such an ordinance; seconded by Jacob. All in favor (except Monica, who was absent).
- 293 APPROVAL OF APPROPRIATION ORDINANCE NO. 595: Approved on motion of Anselmi, seconded by Jacob. All in favor (except Monica, who was absent).
- 345 COUNCIL COMMENTS:
Councilmember Anselmi commented on the July 4th expenditure report distributed at the Council table. Expenditures were greater than the amount budgeted. It was noted that staff budget requests have been cut back at the Council level in the past. The July 4th Committee has recommended that there be an effort started very early in the year to raise donations to offset costs.
- 436 Councilmember LaHue repeated that he would like to formalize the opening of each Council meeting with the Pledge of Allegiance. He also commented on an article in the September 9th edition of "The Olathe Daily News" which stated that a city must demand high standards of itself and of those who would build in that city. The city must make it clear that it deserves nothing less, because it does. He felt that this statement was apropos to the Council's discussion of Nichols Estates earlier in the evening.
- 502 Councilmember Jacob reminded the Governing Body that "Peanut Butter Weekend" will be held September 23, 24, and 25 to collect peanut butter for distribution by Harvesters.
- 562 Earlier in the evening, the Council assigned review of traffic problems at 92nd & State Line to the Public Works Committee. Councilmember Moore stated that in addition to that,

#

he had received a phone call concerning the large Tutera building project at 91st Place and State Line. He had heard that State Line might be widened to 7 lanes at that location as opposed to 5 lanes previously reported. A meeting is scheduled for September 20th, 10:30 a.m., Kansas City, Missouri City Hall concerning this project. Someone from Leawood might want to attend.

611

Councilmember Newlin asked about Police Department use of vehicles acquired or confiscated in drug raids. Police Chief Cox stated that vehicles could be obtained through the Federal forfeiture and asset sharing program or through State forfeiture laws. However, since the City is not involved in any major drug investigations, it is not eligible to participate in this vehicle program.

685

10:55 P.M. Meeting adjourned.



Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

- # 35 Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held at 7:30 P.M., Monday, October 3, 1988, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.
- Roll call answered by Councilmembers LaHue, Jacob, Hammond, Anselmi, Moore, Newlin, Monica. Councilmember Lin was attending the 78th Annual Kansas League of Municipalities Conference in Topeka. Staff present: Garofano, Baer, Brandt, Malnicof, McKay, Strack, Heizer, Attorney Wetzler.
- 54 Agenda approved unanimously on motion of Anselmi, seconded by Jacob.
- 70 The Mayor proclaimed October, 1988, as Domestic Violence Awareness Month; and October 1-9, 1988, as "Birdland" Week in honor of the late jazz great Charlie "Yardbird" Parker.
- 76 The Mayor presented certificates of recognition to Brookwood and Leawood Elementary Schools for their participation in collecting peanut butter for Harvesters during "Peanut Butter Weekend". Teacher Norma Brooks and student Greg Steinberg accepted the certificate for Brookwood School, and Principal Doug Harris and student Mike Reardon accepted for Leawood Elementary School. Councilmember Jacob stated that the City of Leawood collected over 1,000 pounds of peanut butter; the two elementary schools contributed approximately half of that amount.
- Mrs. Brooks' students at Brookwood will write letters to children in Leawood's new Sister City I-Lan, Taiwan; the Mayor will deliver the letters on her trip to I-Lan in the next few days.
- 173 CONSENT AGENDA: Approved unanimously on motion of Jacob, seconded by Anselmi, after addition of assignment to Public Works Committee and City Attorney to review flooding problems at Leawood Country Club: minutes of the September 19, 1988, Council meeting; Public Works Committee report; Community Relations Committee report; request for federal funds for construction of Mission Road bridge over Indian Creek; Contractor's payment (FINAL), tennis court repairs, Seal-O-Matic Paving Co., \$37,026.50; Contractor's payment (FINAL), 1988 Slurry Seal Program, Vance Brothers Construction Co., \$103,119.90; and assignment to Public Works Committee to review storm drainage at 12602 Cherokee Lane.
- 219 RESOLUTION NO. 927 APPROVING REVISED FINAL SITE PLAN FOR ADDITIONAL SIGNS FOR HY-VEE FOOD STORE AT 123RD AND STATE LINE ROAD: Councilmember Anselmi moved that the Council adopt the resolution, seconded by Hammond. The Council discussed the sign band along the front of the store. Councilmember Monica expressed concern that there would be

- # too many signs.
- 480 The resolution was adopted. Monica, Moore opposed; all others in favor. Attached as part of the record.
- 489 DISCUSSION OF DEED RESTRICTIONS DISCLAIMER: Planning Director McKay stated that when people come in for building permits, there is a lot of discussion about compliance with homes association deed restrictions as well as with City restrictions. The Planning staff recommended that a special note be added to each building permit stating that the City had reviewed the permit application for compliance with applicable City codes and ordinances only, not for compliance with individual subdivision deed restrictions. Deed restriction compliance would be the sole responsibility of the applicant. The special note would put an applicant on notice that there were likely to be deed restrictions involved, and that it would be his responsibility to check them out. Permit approval and issuance would be based solely on what City ordinances would allow.
- 539 Herb Heyde, President of the Leawood Homes Association, expressed his opposition to this special notice. He feels that the City should check to see that permit applications comply with deed restrictions before issuing building permits. The City is disregarding deed restrictions, and he objects to this. He would like every plan submitted to the City submitted to the homes association first. If the homes association does not approve a plan, but the City goes ahead and issues a permit, then the City should be responsible for enforcing the deed restrictions.
- 678 City Administrator Garofano stated that the City is not in a position to check every application for a building permit for compliance with approximately 38 different subdivision deed restrictions. The City feels that it is the responsibility of the property owner to comply with deed restrictions and City ordinances.
- 770 City Attorney Wetzler stated that the City cannot enforce homes association deed restrictions; only the homes associations can do that.
- 1055 City Attorney stated that there is a basic misunderstanding about deed restrictions. If a permit application did not comply with deed restrictions, and had even been rejected by a homes association, but did in no manner violate City ordinances, the City, in his opinion, would have no choice but to approve the application and issue a permit, and it would not be the City's responsibility to enforce the deed restrictions. City ordinances and deed restrictions are separate and distinct. Homes associations have to enforce their deed restrictions, and the most the City can do is to work with them or notify them of matters which obviously violate those restrictions.
- 1770 City Administrator stated that the City is trying to put the onus on the property owner.

- #2028 Councilmember Monica moved that the Council direct staff to proceed to attach a "notice" to building permits, wording to be approved by the City Attorney; seconded by Hammond. The City will notify the homes associations in writing that this notice will be attached to building permits. Motion carried unanimously.
- 2123 Gordon Thomas, President of the Leawood Estates Homes Association, requested that the words "City of Leawood" be added to building permits.
- 2160 CITY ADMINISTRATOR'S REPORT: Public Works Director Brandt stated that the opening of Roe Avenue could be delayed for another week or two. There are no traffic signals, and street lights are not operational. The Council directed Brandt to open the street without signals and street lights.
- 2246 MAYOR'S REPORT: The Mayor commented on the City's great 40th Birthday party held Sunday, October 2nd.
She thanked Councilmember Jacob for her coordination of "Peanut Butter Weekend".
A plaque that Leawood's delegation will present to the City of I-Lan, Taiwan, during the Sister City formalization ceremonies in I-Lan was displayed.
- 2362 RESOLUTION NO. 928 APPROVING REZONING FROM A AND AR-2 TO R-1
AND PRELIMINARY PLAT FOR A PORTION OF NICHOLS ESTATES (147th/
2397 151st and Nall): Fred Gibson of J.C. Nichols Co. presented cost figures for building a sanitary sewer system to serve the first phase of the subdivision. He reported that the County sewer district will not accept pumping stations in their system for maintenance and operation; someone else would have to maintain and operate them. Mr. Gibson described a gravity sewer system with pumping stations for the first phase that could be built at the present time. The gravity sewers would cost \$102,571 to build; 2 temporary pumping stations would cost \$163,800; and a gravity line south to the existing Blue River Sewer District would cost \$126,706. The total cost would be approximately \$393,000 for 24 lots or \$16,378 per lot as opposed to approximately \$6,500 per lot for a septic tank system. The \$393,000 would be required up front to get the 24 lots on the market.
Mr. Gibson stated that this cost is prohibitive, and J.C. Nichols would not build the project.
- 2643 Councilmember Anselmi moved that the resolution be adopted; seconded by Jacob. The resolution was adopted.
- 2981 LaHue, Moore opposed; all others in favor. Attached as a part of the record.
- 3015 ORDINANCE NO. 1071 REZONING A AND AR-2 TO R-1, NICHOLS ESTATES
(147th/151st and Nall): Passed unanimously on motion of Monica, seconded by Anselmi.
- 3041 AGREEMENT WITH KANSAS CITY, MISSOURI, FOR INSTALLATION OF
TRAFFIC SIGNALS AT 135TH AND STATE LINE ROAD: Public Works

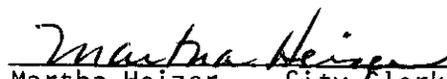
- # Director Brandt and City Attorney Wetzler recommended that the City return the draft agreement to Kansas City, Missouri, with the deletion of item number 10 relating to liability. Councilmember Jacob moved that the Council approve the agreement with the deletion of item number 10, seconded by Monica; unanimous.
- 3096 GRANT OF TEMPORARY CONSTRUCTION EASEMENT ON GREENWAY TO J.C. NICHOLS CO.: J.C. Nichols Co. plans to build an apartment complex near the Greenway at 121st and Roe in Overland Park. This easement is required to perform channel modifications to Tomahawk Creek in that area to provide flood protection for the apartment development.
- 3337 Councilmember Anselmi moved that the Council grant this temporary construction easement, seconded by LaHue; unanimous.
- 3473 Council asked that J.C. Nichols not use the word "Leawood" in the name of the apartment complex.
- 3500 DISCUSSION OF TRAFFIC DETOURS DURING CONSTRUCTION OF 95TH STREET IMPROVEMENTS.
- 3535 9:17 P.M. Recess.
- 3537 9:21 P.M. Council returned to regular session, same members present.
- Black and Veatch representatives Craig Swengle (project engineer) and Bert Schnettgoecke were present to answer questions. Black and Veatch recommended that 95th Street be closed to through traffic during construction. It would be safer, less costly, would expedite construction, and construction results would be better.
- 3798 The Council discussed how the time frame for opening the improved street could be shortened.
- 4174 Councilmember Monica moved that the street be closed to through traffic (open to local residents) during construction, seconded by Jacob; unanimous.
- 4287
- 4451 ORDINANCE NO. 1072C RELATING TO WARD BOUNDARY CHANGES: Passed unanimously on motion of Anselmi, seconded by Hammond. Minor changes were required to bring boundaries into conformity with federal census guidelines.
- 4516 RESOLUTION NO. 929 AMENDING THE "PERSONNEL RULES AND REGULATIONS": Adopted unanimously on motion of Hammond, seconded by Jacob. Attached as a part of the record.
- 4579 CONTRACT FOR 1988 STREET MARKING PROGRAM: Councilmember Hammond moved that the Council accept the bid of Osborne Sweeping, Inc., of South Hutchinson, Kansas, in the amount of \$3,416.02; seconded by Jacob. Motion carried unanimously.
- 4746 Lee Boulevard will be double striped at this time. The type of striping can be changed when improvements to Lee

October 3, 1988

- # Boulevard are made next year.
- 4750 APPROVAL OF APPROPRIATION ORDINANCE NO. 596: Approved unanimously on motion of Anselmi, seconded by Jacob.
- 4871 WORK SESSION: Scheduled for October 24th to discuss 98th Street drainage which would include a policy decision as to whether or not the City should participate in improvements to the ponds between 95th and 98th Streets. Lee Boulevard improvements will also be discussed.
- 4923 COUNCIL COMMENTS: Councilmember LaHue asked Public Works Director Brandt to investigate a line of dead trees and grass along the creek back of the Prairie Village Public Works building located at 3535 Somerset Drive. This situation might be caused by the draining of salt from salt piles at that facility that are exposed to the weather.
- 4988 Councilmember Newlin stated that it would appear that most residents do not read City newsletters. Therefore, a newsletter is not a sufficient method for announcing major events like the City's 40th Birthday party. He asked if the City could announce such events on the radio. Councilmember Jacob stated that the Community Relations Committee had not used a radio announcement to advertise the City's 40th Birthday party because they did not want non-residents to attend.
- 5070 Councilmember Jacob stated that the Community Relations Committee will discuss the citizen survey at their next meeting. She asked that Councilmembers furnish a list of questions and suggestions for the survey by October 20th.
- 5127 Councilmember Anselmi suggested that the City consider Christmas gifts for City employees, perhaps turkeys or hams.
- 5228 Councilmember Monica asked if a delay could be installed on the traffic lights at 119th and State Line Road. Motorists have been running the lights at this intersection. Public Works Director Brandt will check into this.
- 5272 Councilmember Moore wished the City's official delegation well on their trip to Sister City I-Lan, Taiwan.
- 5305 The Council discussed the possibility of making the temporary bike lanes on 123rd Street between State Line and Mission permanent.
- 5429 10:10 P.M. The meeting was adjourned.


 Marcia Rinehart Mayor

Attest:


 Martha Heizer City Clerk

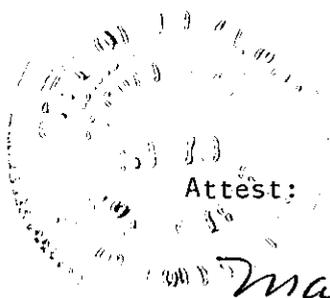
- # 45 Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held at 7:30 P.M., Monday, October 17, 1988, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas. Councilmember Anselmi presided in the absence of Mayor Rinehart.
- Roll call answered by Councilmembers LaHue, Jacob, Hammond, Anselmi, Moore, Monica. Staff: Garofano, Baer, Brandt, Malnicof, McKay, Strack, Heizer, Attorney Wetzler.
- 55 Agenda approved unanimously on motion of Moore, seconded by Hammond.
- 63 NEW OFFICE DEVELOPMENT, KANSAS CITY, MISSOURI - 91ST & STATE LINE ROAD: Mark Brady with the law firm Polsinelli, White, Vardeman attended the meeting and stated that the developer (Tutera Group) wants to make some major changes in the development, and will present the plans to the City Council when the changes are finalized.
- 167 CONSENT AGENDA: Approved unanimously on motion of Jacob, seconded by Monica: Council minutes of October 3, 1988, and departmental reports.
Councilmember Anselmi expressed concern about the 52 accidents on I-435 between State Line and Mission listed in the Police Department's monthly report for September. He stated that there are radar checks on I-435 in Missouri, and asked if the Leawood Police Department performs radar checks on I-435. He also asked if staff could give the Council a report on DUI convictions.
- 237 CITY ADMINISTRATOR'S REPORT: Reminded the Council that a work session will be held October 24th to discuss the drainage situation at 98th & Lee Boulevard and the ponds in that area.
The County Commissioners have invited Johnson County mayors and councilmembers to attend a meeting on October 25th to discuss the future of the CARS program. The Commissioners are concerned about funding the program beyond 1990.
- 295 BICYCLE LANES ON 123RD STREET, LEAWOOD ELEMENTARY SCHOOL WEST TO MISSION ROAD: On motion of Monica, seconded by Moore, Council voted unanimously to make these bicycle lanes permanent.
Councilmember Monica expressed concern about spending money on thermoplastic markings when the present painted lanes are still in good condition. Public Works Director Brandt stated that the thermoplastic markings will be used in the future when the lanes require maintenance.
- 346 CONTRACT FOR STREET IMPROVEMENTS - 85TH TERRACE, STATE LINE ROAD/LEE BOULEVARD: Council unanimously authorized a contract with Suburban Contractors, Inc., for \$181,617.00, on

- # motion of Moore, seconded by Hammond. This project does not include improvements to the bridge just east of Lee Boulevard; those improvements will be done in 1989.
- 409 INTERLOCAL AGREEMENT WITH OVERLAND PARK, KANSAS, TO REPLACE A DRAINAGE STRUCTURE ON NALL AVENUE, SOUTH OF 143RD STREET: Councilmember Monica felt that the Council should question the 50-50 percentage of cost sharing if Leawood will be providing improvements used more by Overland Park residents than by Leawood residents.
Council unanimously approved the agreement on motion of Moore, seconded by Hammond. It supersedes an agreement executed April 11, 1988, to account for the installation of a larger drainage structure at an increased cost.
- 560 ORDINANCE NO. 1073C DESIGNATING MAIN TRAFFICWAYS (to add 83rd Street, Nall Avenue, and 151st Street to list of main trafficways): Passed unanimously on motion of Monica, seconded by Moore.
- 733 APPLICATION TO RENEW RETAIL LIQUOR OCCUPATION LICENSE - RANCH MART LIQUOR STORE: Unanimously approved on motion of Jacob, seconded by Moore.
- 760 APPROVAL OF APPROPRIATION ORDINANCE NO. 597: Unanimously approved on motion of Moore, seconded by Monica.
- 830 Councilmember Jacob moved that the Council convene in executive session after Council comments this evening, not to exceed 15 minutes, to discuss litigation, Spears project; seconded by Moore; unanimous.
- 919 COUNCIL COMMENTS: Councilmember Hammond commented on the Planning Department's activity report for September. Building permit revenues have increased significantly even though the number of single family building permits have decreased. Planning Director McKay stated that the correlation between revenues and the number of permits is determined by the sizes of homes built. Most of the City's permit fees are now based on valuations. The City used to charge flat fees.
Councilmember Hammond also noted that building inspections have increased. McKay stated that the City's commercial tenant space finishes have increased.
- 983 Councilmember LaHue asked about the architect selection process for the building remodeling (Police/Court Building and Fire Station No. 1). Planning Director McKay stated that selection was based on past experience, services that could be provided, and the architectural firm's presentation to the selection committee.
Dr. LaHue also asked Finance Director Malnicof to explain his third quarter financial status report distributed to the Council. Malnicof stated that overall, the City is "on line" for expenditures and revenues.

- # 1114 Councilmember Jacob reminded staff and Council that the Community Relations Committee will meet October 25th, and will discuss the citizen survey. Staff and Council must furnish input for the survey by that time.
Mrs. Jacob also stated that she had received a phone call from a resident residing on High Drive north of 95th Street. The resident was concerned that she and others would have to travel 92nd Street to reach State Line (that intersection is not signalized) when 95th Street is closed to through traffic during construction. She has been assured that residents in her area will be considered "local" traffic and will be able to use 95th Street to reach State Line.
- 1176 Councilmember Moore asked about the status of the traffic signal improvement project at 85th Terrace and State Line, and the Hy-Vee grocery store at 123rd and State Line. The traffic signal project should be completed soon, and the grocery store will open approximately December 1st.
Councilmember Moore stated that since there may not be a CARS program after 1989, the City might want to review its road project priorities.
- 1243 Councilmember LaHue asked about the status of the salt problem along the creek behind the Prairie Village Public Works Department at 3535 Somerset Drive. Public Works Director Brandt stated that salt is getting into the creek and that Prairie Village will try to resolve the problem.
- 1257 Councilmember Monica asked about the status of traffic signals at 135th and State Line, and at 123rd and State Line. Public Works Director Brandt stated that completion of the signal construction at 123rd and State Line has been delayed because some signal parts will not be delivered until late November. He stated that progress on the signals at 135th and State Line is slow. The City is waiting for the State of Kansas to approve work at that intersection.
- 1360 Councilmember Anselmi commented on a letter from resident Dr. Donald Jirovec which had been distributed to the Council. Dr. Jirovec wants City ordinance changed to allow residents to place trash cans outside their homes no earlier than 4:00 P.M. the evening preceding the day the trash is collected; present ordinance states 6:00 P.M. Mr. Anselmi suggested that the Council might want to discuss this matter at a future work session.
- 1461 8:20 P.M. Council convened in executive session, same members present. (See #830)
- 1471 8:30 P.M. Council returned to regular session, same members present.

1472 Councilmember Monica moved that the Council authorize the Mayor to execute a mutual release agreement in behalf of the City which provides for dismissal of the Spears litigation; seconded by Moore; unanimous.

1506 Meeting adjourned.



Ernie Anselmi
Ernie Anselmi Presiding Officer

Attest:

Martha Heizer
Martha Heizer City Clerk

- # 25 Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held at 7:30 P.M., Monday, November 7, 1988, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.

Roll call answered by Councilmembers Jacob, Anselmi, Moore, Newlin, Lin. * Councilmembers Hammond, and Monica arrived 7:40 P.M. ** Councilmember LaHue arrived 7:55 P.M. Staff: Garofano, Baer, Cox, Brandt, Malnicof, McKay, Strack, Heizer, Attorney Wetzler.

- 38 Agenda approved unanimously on motion of Moore, seconded by Jacob, after the following additions:
1. Veterans Day proclamation;
 2. Discussion of improvements to private ponds west of Lee Boulevard between 95th and 98th Streets in conjunction with discussion of Lee Boulevard improvement design;
 3. Discussion of citizen survey;
 4. Discussion of State Line widening south of I-435;
 5. Discussion of Tomahawk Creek Parkway project.

107 CITIZEN COMMENTS:

128 Gordon Thomas, President of the Leawood Estates Homes Association, commented on a letter that the City had sent to homes associations notifying them that a "notice" has been attached to building permits as a deed restrictions disclaimer. The City Council had directed staff at the October 3rd Council meeting to proceed to attach this "notice" to building permits. Mr. Thomas requested that the letter be discussed at a Council meeting. (See #3793, page 3635)

181 Mr. Thomas suggested that some vacant land in the City be used as a parking lot for boats, trailers, etc. This would improve the appearance of the City's residential areas, and might provide a source of additional income for the City.

* 7:40 P.M. Councilmembers Hammond and Monica arrived.

258 Mayor Rinehart stated that she had proclaimed October 23-30, 1988, as Red Ribbon Week as a community focus on Drug-Free Choices. The Mayor also proclaimed November 11, 1988, as Veterans Day, and November 13-19, 1988, as American Education Week.

Presentation of Certificate of Recognition and Key to the City to Diane Parrish for her service to the City as a member of the Plan Commission, 1985 to 1988.

312 CONSENT AGENDA: Approved unanimously on motion of Anselmi, seconded by Moore: Minutes of October 17, 1988 Council meeting; Recreation Commission reports on their September 13th and October 18th meetings; Public Works Committee report on their November 3rd meeting; and assignment to Community Relations Committee/Leawood Delegation to I-Lan, Taiwan, to plan visit of delegation from Sister City I-Lan.

- # 347 REQUEST FOR SPECIAL USE PERMIT - CHILDREN'S WORLD DAY CARE CENTER, 113TH & NALL: The Council was to consider only if "day care" is an appropriate use in an office zoning district.
- 454 Terry Janssen presented background information on the child care provider Children's World.
- 608 Mr. Janssen briefly described the general plans for the new day care facility.
- ** 7:55 P.M. Councilmember LaHue arrived.
- Mr. Janssen felt that the facility would enhance the surrounding office park project (University Park) and the adjacent residential district (Leawood Country Manor).
- 870 He briefly described the preliminary site plan, specific areas of the floor plan (classrooms, kitchen), personnel, and food menus.
- 1103 Discussion of parking facilities.
- 1197 Discussion of stormwater improvements for a 25-year storm and traffic flow.
- 1368 Discussion of severe weather safety procedures for the facility.
- 1527 Section 15-1901 of the "Zoning Ordinance" requires that adjacent and abutting property owners be notified of a public hearing for a special use permit application. Attorney Lucy Smith stated that her client Ferrell Companies, an adjacent property owner, had not received notification of the Plan Commission hearing, and was therefore unable to participate in the public hearing process. She requested that Children's World submit a new application for a special use permit.
- 1702
- 1817 City Attorney Wetzler said that Children's World had stated that a notice of the hearing had been sent to Ferrell Companies. Council's options were discussed. The name "Ferrell Companies" was not on the list of adjacent property owners provided by the title company hired by Children's World.
- 2116 City Attorney Wetzler stated that if the Council remanded this matter to the Plan Commission, the Plan Commission would not be able to consider the matter until their January meeting.
- 2246 Lucy Smith presented the Ferrell Companies' views on the lack of notification and the day care center. Dan Sheldon of Ferrell Companies expressed concerns about a day care center adjacent to Leawood Country Manor. Ms. Smith and Mr. Sheldon felt it was premature for the Council to consider a special use permit since a final plan had not been approved.
- 2580 Several persons expressed opposition to the day care facility: Helen Haake, 5204 W. 112th St.
 Attorney Jon Gilchrist representing John Ward, owner of the property to the east of the proposed day care center
 Chug Tuttle, 5109 W. 111th Terr.
 Dan Mallin, 11207 Juniper
 Carolyn Gibson, 5001 W. 112th St. She stated that she understood from a previous Council meeting when the Council considered the University Park office park project that 112th Street would be closed to traffic.

- #3220 Councilmember Monica moved that the Council remand this matter to the Plan Commission because of a lack of sufficient notice; seconded by Moore. Councilmember Moore stated that he would be in favor of the special use permit.
- 3319 Councilmember LaHue stated that he also would be in favor of the special use permit.
- 3326 Councilmember Hammond stated that he would be opposed to such a permit.
- 3455 Councilmember Lin stated that he had not formed an opinion, and felt that in view of the fact the Plan Commission voted 4-2 in favor of the permit with 3 members absent, the matter deserved a second look at the Plan Commission level; and, if the Council wants to remand this issue to the Plan Commission, Councilmembers shouldn't be voicing their opinions at this time.
- 3479 Councilmember Newlin stated that he is in favor of the day care project, but is not in favor of the location or the special use permit.
- 3518 Councilmember Monica's motion to remand carried; Hammond opposed, all others in favor.
- 3540 RESOLUTION NO. 930 APPROVING REZONING FROM A TO RP-4 AND CP-1, AND REVISED PRELIMINARY PLAT AND REVISED PRELIMINARY SITE PLAN - NICHOLS ESTATES, 151ST & NALL: Fred Gibson of J.C. Nichols Co. presented information. He had requested CP-2 rather than CP-1 zoning.
- 3735 Both the RP-4 and CP-1 areas will be sewerred.
- 4002 Councilmember LaHue mentioned that a Lenexa ordinance requires persons to hook up to sewers as they become available. He suggested that the Council consider such an ordinance for Leawood.
- 4036 Kent Crippin, representing property owners to the west of Nichols Estates, expressed concerns about the trash pickup area (stipulation #7 of the resolution), and delivery truck traffic using the service drive off of Nall. Residents prefer that trucks continue east on 151st Street to use the service drive on the east side of the commercial area.
- 4301 Resolution adopted unanimously on motion of Monica, seconded by Hammond. Attached as part of the record.
- 4400 ORDINANCE NO. 1074 REZONING A TO RP-4 - NICHOLS ESTATES, 151ST & NALL: Passed unanimously on motion of Anselmi, seconded by Jacob.
- 4421 ORDINANCE NO. 1075 REZONING A TO CP-1 - NICHOLS ESTATES, 151ST & NALL: Passed unanimously on motion of Moore, seconded by Hammond.
- 4440 RESOLUTION - REQUEST FOR REZONING FROM A TO RP-1, AND APPROVAL OF PRELIMINARY PLAT AND PRELIMINARY PLAN FOR BRITTANY WOODS, 155TH & NALL: Tom Smith of Shafer, Kline & Warren presented information in behalf of property owner Don Bell Enterprises.
- 4620 Councilmembers LaHue and Monica expressed concern about the small lots. Small lots are not the "norm" in Leawood. Leawood is known for its open space.

- #4771 Councilmember Lin moved that the Council remand this
 4912 matter to the Plan Commission; seconded by Monica. The
 minimum lot width should be 100 feet, and the layout of the
 subdivision could be designed better to fit the topography.
- 5155 Property owner Don Bell addressed the Council.
 5727 Councilmember Lin's motion to remand carried; Anselmi
 opposed, all others in favor.
- 5888 ORDINANCE TO REZONE A TO RP-1 - BRITTANY WOODS, 155TH & NALL:
 No action taken.
- 5960 RESOLUTION - REQUEST FOR APPROVAL OF FINAL PLAT AND PLAN FOR
BRITTANY WOODS, 1ST PLAT: No action taken.
- 5965 RESOLUTION - REQUEST FOR REZONING FROM A TO RP-5, AND APPROVAL
OF PRELIMINARY PLAT AND PRELIMINARY PLAN FOR MISSION PINES,
137TH & MISSION: The developer had requested that this matter
 be remanded to the Plan Commission for further study to address
 concerns of area residents and Plan Commission members.
- 6015 Councilmember Anselmi moved that the Council remand the
 request to the Plan Commission at the request of the developer;
 seconded by Hammond.
- 6035 Attorney John Petersen, representing developer Frank Oddo,
 was present to answer questions.
- 6133 Doug McKenzie, President of the Leawood Meadows Homes
 Association, addressed the Council.
- 6341 Councilmember Anselmi's motion to remand carried unani-
 mously.
- 6356 10:20 P.M. 5-minute recess.

SONY NO. 151

- # 17 10:25 P.M. Council returned to regular session, same members
 present. Planning Director McKay left the meeting.
- CITY ADMINISTRATOR'S REPORT: No report.
- 24 MAYOR'S REPORT: The Mayor, Councilmember LaHue, and Finance
 Director Malnicof attended a meeting on October 25th with
 Johnson County mayors and commissioners to discuss the CARS
 program. A report was distributed to the Council. A letter
 will be written to the County Commissioners expressing Leawood
 Council's support of the CARS program, and suggesting a method
 of financing the program. Finance Director Malnicof will send
 copies of the letter to Councilmembers for their comments be-
 fore the Mayor signs it.
- The Mayor and Police Chief Cox attended the annual Kansas
 City Crime Commission meeting on October 26th.
- A Veterans Day ceremony will be held at noon, November 11th,
 at the Johnson County Court House.
- The Mayor attended the Kansas National Bank ribbon cutting
 ceremony on October 28th at the Bank's new facility at 123rd and
 State Line Road.

- # The Mayor reported that the Leawood delegation's visit to Sister City I-Lan, Taiwan, was a memorable one.
- 110 ROE AVENUE BRIDGE RETAINING WALL/SAFETY FENCE AT 124TH STREET:
The Council discussed erecting a 6-foot chain link safety fence vs. using the City's standard black wrought iron 4-foot guard railing used around headwalls and box culvert outlets.
- 373 Councilmember Moore moved that the City continue with the plans for a 6-foot chain link safety fence prepared by George Butler Associates; seconded by Jacob.
- 387 Resident Marianne Clifford expressed concern about the appearance of Roe, and is opposed to a chain link fence. Mr. Clifford felt the same way, and also asked what kind of facing could be applied to the wall to prevent vandalism, graffiti.
- 473 Resident Sam Walters who lives near the wall expressed his concerns about the aesthetics of the wall.
- 685 Tom Mears, whose property in Berkshire subdivision backs up to the wall, also expressed concerns about aesthetics.
- 758 Councilmember Hammond called for the question; seconded by Moore. Hammond, Moore, Jacob in favor; all others opposed. Discussion continued.
- 860 Councilmember Moore's motion failed. Jacob, Moore in favor; all others opposed.
- 1006 11:00 P.M. Councilmember Lin moved to extend the meeting for 30 minutes, seconded by Moore. Motion carried; Jacob, Hammond, Anselmi opposed; all others in favor.
- 1031 Public Works Director Brandt will try to obtain some firm cost figures for both types of fencing and a commitment of payment from the Federal government.
- 1075 Councilmember Newlin moved that the Council refer beautification of this area, including the wall, to the Arts Committee for study; seconded by Monica. Motion failed; Newlin in favor; all others opposed.
- 1126 Councilmember Monica moved that the Council refer fencing and beautification of the wall to the Public Works Committee, the Committee to meet with homeowners, investigate alternatives, and make recommendations to the Council; seconded by LaHue. Motion carried; Moore opposed; all others in favor.
- 1157 DISCUSSION OF PLANS FOR BLACK & VEATCH BUILDING AT 8300 STATE
1245 LINE ROAD: Councilmember Anselmi moved that the Council accept the Black & Veatch plan as it pertains to Leawood, plan involving a curb cut, removal of an existing retention basin, and construction of a new basin; seconded by Hammond.
- 1383 Councilmember Lin moved to amend the motion by adding that Black & Veatch would guarantee that there would be no additional runoff rate into Dykes Branch; seconded by LaHue. Motion carried; Anselmi, Jacob, Monica opposed; all others in favor.

- #1799 Councilmember Anselmi's motion as amended carried unanimously.
- 1810 DISCUSSION OF DESIGN FOR LEE BOULEVARD IMPROVEMENTS:
Councilmember Monica moved that the Council accept petitions for construction of sidewalks; seconded by LaHue; unanimous.
- 1849 Discussion of private ponds west of Lee Boulevard, between 95th & 98th Streets. Councilmember Anselmi moved that the City not make any improvements to the private ponds between Meadow Lane and Manor Road, 96th to 98th Streets; seconded by Moore.
- 1907 Councilmember LaHue stated the reason he would vote in favor of the motion - homeowners in this area were anticipating more flooding on their properties if the City made improvements to the ponds.
- 1919 Councilmember Anselmi's motion carried unanimously. Mayor Rinehart stated that it had been discussed earlier that the City would create liability for itself by making improvements. Also, the City would not be able to maintain the ponds since they're on private property.
- 1957 The Council discussed the size of the 98th Street culvert. Councilmember Monica moved that the culvert be designed for a 100-year storm; seconded by Lin.
- 2042 11:30 P.M. Councilmember Lin moved to extend the meeting 30 minutes; seconded by Moore. Motion carried; Jacob, Hammond, Anselmi opposed; all others in favor.
- 2088 Councilmember Monica's motion carried; Moore, Anselmi opposed; all others in favor.
- 2107 Council discussed the scope of services. Resident Howard Kipfer commented on drainage problems along Lee Boulevard.
- 2461 Councilmember Lin moved that the Council approve the scope of services presented with the understanding that Public Works Director Brandt will negotiate with a consultant for a much more reasonable fee for the City to work with; seconded by Jacob; unanimous (except Hammond who was not seated for the vote).
- 2541 DISCUSSION OF LEAWOOD COUNTRY CLUB DRAINAGE PROBLEMS:
2585 Councilmember Lin moved that the Council direct the Code Enforcement Officer, as a high priority, to work with residents residing along Dykes Branch to clean up debris and dead limbs that have affected the drainage on the Country Club property; seconded by Hammond.
- 2730 After discussion that the creek cleanup has been a problem for years, the motion and second were withdrawn.
- 2786 The Council will discuss this matter further at a later date to be determined by the Public Works Director. Perhaps the City of Prairie Village will be included in the discussion.
- 2806 DISCUSSION OF CITIZEN SURVEY: Councilmember Jacob moved that the Council authorize the Community Relations Committee to hire Elaine Tatham to help conduct the citizen survey at a

- # cost not to exceed \$10,000 (1989 Budget); seconded by
2900 Lin. Motion carried; Jacob, Moore, Newlin, Lin, Monica
in favor; LaHue, Hammond, Anselmi opposed.
- 2939 DISCUSSION OF STATE LINE ROAD IMPROVEMENTS SOUTH OF I-435:
Councilmember Lin suggested that Public Works Director
Brandt initiate discussion with Johnson County. Perhaps
Leawood could take over administration of this project.
This matter will be discussed at a future work session,
possibly with Johnson County officials and Kansas City,
Missouri councilmembers.
- 3141 12:00 A.M. Councilmember Lin moved to extend the meeting
30 minutes, seconded by Moore. Motion carried; Jacob,
Anselmi, Hammond opposed; all others in favor.
- 3208 The Mayor suggested that staff pursue the matter of
the State Line Road improvements for another week or two,
and discuss the issue at the next Council meeting.
- 3240 RESOLUTION NO. 931 RELATING TO SPEED LIMITS - small portions
of State Line Road (primarily acceleration/deceleration lanes,
at about 112th Street, and on both sides of 123rd Street) to
be set at 45 m.p.h., and the new section of Roe (College to
Tomahawk Creek bridge) to be set at 45 m.p.h.
Councilmember Monica moved that the Council adopt the
resolution, seconded by Hammond.
- 3252 Councilmember Lin moved to amend the motion by adding
that the City waive fines for speeding tickets issued between
the time Roe Avenue was opened to traffic and the present.
Motion failed for lack of a second.
- 3320 Councilmember Monica's motion carried; Lin opposed, all
others in favor. Lin opposed because his amendment was not
included.
Resolution attached as part of the record.
- 3339 DISCUSSION OF TOMAHAWK CREEK PARKWAY PROJECT: Roger Sellers
of Shafer, Kline & Warren presented information. Seven bids
were received on October 27th. Six bids exceeded the
Engineer's Estimate of \$3,500,000. The project was designed
by Shafer, Kline & Warren, and originally estimated to be
approximately \$2,300,000.
This matter will be discussed at a November 14th work
session.
- 3573 SCHEDULE WORK SESSION: Scheduled for November 14th to discuss
economic development and the Tomahawk Creek Parkway project.
- 3606 RESOLUTION NO. 932 AUTHORIZING ISSUANCE OF GENERAL OBLIGATION
BONDS; \$1,307,690 - KENNETH ROAD, SOUTH PORTION: Adopted
unanimously on motion of Moore, seconded by Jacob. Attached
as part of the record.

- #3628 ORDINANCE NO. 1076 AUTHORIZING ISSUANCE OF RENEWAL TEMPORARY NOTES, SERIES L.I.D. 86-1-88D, PROJECT 107; \$270,000; ROE AVENUE, 112TH TO 121ST STREETS: Passed unanimously on motion of Hammond, seconded by Jacob.
- 3665 REQUEST FOR SUPPORT OF CONSTITUTIONAL AMENDMENT FOR LEGISLATIVE REAPPORTIONMENT: Councilmember Monica moved that the Council support the amendment which will appear on the November 8th ballot; seconded by LaHue; unanimous.
- 3681 REQUEST (RENEWAL) TO KEEP MORE THAN 3 ANIMALS - Villard, 5040 W. 130th Terr.: Council approved request for 4 animals on motion of Monica, seconded by Moore. Hammond opposed, all others in favor.
- 3753 APPLICATION FOR RENEWAL OF CEREAL MALT BEVERAGE LICENSE - Pumpernik's Restaurant: Approved unanimously on motion of Moore, seconded by Jacob.
- 3767 APPROVAL OF APPROPRIATION ORDINANCE NO. 598: Approved unanimously on motion of Monica, seconded by Jacob.
- 3793 COUNCIL COMMENTS: Continuation of #128, page 3628, discussion of letter sent to homes associations concerning deed restrictions disclaimer on building permits. A copy of the minutes of the October 3rd Council meeting which indicates Council's directive to staff will be sent to Gordon Thomas.
- 3898 Councilmember Hammond asked about the status of sidewalk repair on 103rd Street between State Line and Mission. The sidewalk had settled at storm inlet locations. Public Works Director stated that a contract for repairs had been let, and that work would be done next week.
- 3926 Councilmember Lin stated that tonight's Council agenda was too long, that many items deserved more discussion before Council action. The Council should consider having a third monthly meeting when necessary.
- 3992 Councilmember Moore asked about Asst. City Administrator Baer's memo concerning night meetings held in the Police/Court Building (9617 Lee). When open meetings are held in the lower conference room of that building, the main doors are left open giving the public an opportunity to roam through the building, creating a security problem. In an attempt to eliminate this problem, staff will try to hold all open meetings in the Council Chamber.
- 4031 Councilmember Newlin stated that the Arts Committee is looking for projects to beautify the City, and beautification of the retaining wall on Roe at 124th Street had been mentioned. It seemed only natural earlier in this meeting to assign that task to them. The Mayor stated that Council regarded this more as a public works issue than an artistic endeavor.
- 4079 Councilmember LaHue asked about penalties for driving under the influence of intoxicating beverages. City Attorney Wetzler stated that minimum and maximum penalties are specified in City ordinance.

#4140 12:30 A.M. Meeting adjourned.



Attest:

Marcia Rinehart

Marcia Rinehart Mayor

Martha Heizer

Martha Heizer City Clerk

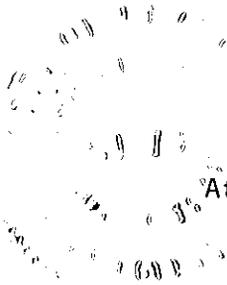
- # 25 Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held at 7:30 P.M., Monday, November 21, 1988, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.
- Roll call answered by Councilmembers LaHue, Jacob, Anselmi, Moore, Newlin, Monica. * Councilmember Hammond arrived at 8:40 P.M. Staff: Garofano, Baer, Brandt, Cox, Malnicof, Strack, McKay, Heizer, Attorney Wetzler.
- 34 Agenda approved unanimously on motion of Anselmi, seconded by Moore.
- 53 CONSENT AGENDA: Approved unanimously on motion of Jacob, seconded by LaHue after appointment to the Plan Commission was removed for further discussion: Minutes of November 7, 1988 Council meeting; departmental reports; interlocal agreement with Overland Park for construction of traffic signals at 119th & Nall; engagement letter from the firm Grant Thornton to conduct the 1988 audit at a cost not to exceed \$13,500 including expenses; allocation of 1989 alcohol tax funds as recommended by the Drug and Alcoholism Council of Johnson County (\$6,969 from the City of Leawood to be distributed to 9 applicants for funding); and Hy-Vee Food Stores' application for cereal malt beverage license.
- 75 CITY ADMINISTRATOR'S REPORT: City Administrator Garofano stated that the State of Kansas had indicated they would approve a temporary traffic signal installation at 135th & State Line Road. Kansas City, Missouri will do the design work. Leawood is proceeding with this project as quickly as possible.
- 103 MAYOR'S REPORT: The Mayor, City Administrator Garofano, and Finance Director Malnicof attended the Veterans Day ceremony at the Johnson County Court House on November 11th. The Mayor attended a recent Council of Mayors meeting at which reappraisal was discussed. Councilmember Anselmi attended a recent storm water management meeting. A 1/10 of 1¢ sales tax to fund storm water management in Johnson County was discussed. Mr. Anselmi stated that those in attendance instructed Johnson County Commissioner Bill Franklin to request that the Board of County Commissioners take steps to enact the sales tax. However, there no longer appears to be strong support in Johnson County for this kind of funding to approach the storm water problems in the County. Councilmember Jacob reported on plans to entertain the delegation from Sister City I-Lan, Taiwan during its visit to Leawood between Christmas and New Years. The planning committee is in the process of securing hotel accommodations. Transportation will be a major problem.

- # 257 REQUEST THAT COUNCIL RECONSIDER THE CLOSING OF 95TH STREET
 333 DURING CONSTRUCTION: Public Works Director Brandt stated that there would be a minimum of \$150,000 cost increase which would have to be paid for by the City-at-large if 95th Street remained open to through traffic during construction.
- 516 A deadline for opening the street to traffic on completion of the construction was discussed.
 Mr. and Mrs. Vic Regnier, owners of the Ranch Mart Shopping Center, expressed their opposition to the complete closing of the street for 8 months in 1989. Ranch Mart merchants would experience considerable loss of business. Mrs. Regnier presented petitions to the Governing Body requesting that 1 lane remain open. Mr. Regnier presented a map of Ranch Mart's trade area, and a chart indicating Ranch Mart Hardware's decrease in sales in 1986, the last time improvements were made to 95th; 1 lane remained open at that time.
- 898 Rick Gaines, co-owner of Pernickety Parlour in Ranch Mart, stated that 30% of his customers come from Missouri, and they would be cut off from Ranch Mart if 1 lane was not left open. He commented on customer driving habits during street construction. If customers have to change their routes, they'll go elsewhere to shop, and may not return once construction is completed. He stated further that businesses in Ranch Mart are just now starting to recover from the last construction in 1986.
- 1030 Several Ranch Mart business owners expressed desire that 1 lane remain open during construction:
- 1093 (E1603) Ed Gold of Pumpernik's and Ranch Mart Liquor
 1233 Bob Flood of Flood's Hallmark
 1290 Sally Flood
 1359 Ray Finche of The Fishing Hole - he expressed concern about emergency vehicles getting through to Ranch Mart if the street was entirely closed.
- 1514 Diane Droskin of Glitters
 1703 Connie Agar, representing The Forum Retirement Center, stated that 50% of interest in the new retirement center comes from people driving by on 95th. The Forum needs the traffic to continue.
- 1732 Mrs. Regnier presented additional letters requesting 1 lane remain open.
- 1785 Police Chief Cox stated that if the road remained open to through traffic during construction, there could be an increase in accidents in the construction area due to an increase in traffic congestion, and the severity of those accidents could increase.
- 1811 Councilmember Monica stressed the importance of safety for Leawood residents. She also expressed concern about the additional 10% in construction costs required if the road remained open; Leawood residents would have to pay higher taxes.

- #1895 Councilmember Jacob stated that the primary concern must be public safety. It would be compromised if 1 lane remained open in a heavy construction area.
- 1983 Councilmember Anselmi wanted to delay the decision for about 1 week to hear justification from engineers for leaving 1 lane open.
- * 8:40 P.M. Councilmember Hammond arrived.
- 2106 Councilmember Moore asked if the Public Works Director and engineers had exhausted all means by which the City could guarantee that 8 months is the shortest time in which to construct the street. Could contractors increase their work crews or do anything else for approximately the same cost to shorten construction time?
- 2304 There was discussion that a bonus/penalty clause could be added to the contract, and Wenonga would be open to traffic during construction enabling residents in that area to get to Ranch Mart (but Wenonga would not be posted as a detour).
- 2564 Councilmember Monica moved that the Council reaffirm their original decision to close 95th to through traffic because of safety considerations, the costs involved, and the shorter construction time period, and direct Public Works Director and Black & Veatch to consider items that might be included in the contract, such as bonus/penalty incentives, to minimize the amount of actual downtime on the street, and to design maps that could be given to Ranch Mart merchants to advise their customers about detours to Ranch Mart.
- 2619 City Attorney Wetzler stated that the Council did not need a motion of reaffirmation to close the road, but needed only to give some directive to staff.
- 2657 Councilmember Monica withdrew her motion.
- 2658 Councilmember Monica moved that because of safety considerations, costs involved, and desire for a shorter construction time period, the Council direct staff to limit downtime on the street as much as possible, institute the bonus/penalty provisions and any other provisions necessary, and issue detour maps. The motion was seconded by Moore. Anselmi opposed, all others in favor; motion carried.
- 2969 Councilmember LaHue moved that the road remain open with 1 lane of traffic during construction; seconded by Newlin.
- 3077 LaHue, Newlin in favor; all others opposed; motion failed.
- 3120
- 3176 9:10 P.M. Recess.
- 3318 9:15 P.M. Council returned to regular session, same members present.
- 3336 DISCUSSION OF TOMAHAWK CREEK PARKWAY PROJECT: City Administrator Garofano stated that 2 major property owners abutting this project, J.D. Spears and the Morgans, who would constitute approximately 71% of the land ownership involved in

- # an improvement district created to fund a portion of the project costs, had indicated a willingness to sign a petition to create an improvement district. However, the petition was not finalized until late this evening and attorneys for the property owners are reviewing the petition before their clients sign.
- The Council must award a construction contract before the end of the week in order to take advantage of the bid price. However, an improvement district must be established before the contract is awarded. Therefore, the Council must hold a special council meeting prior to the end of the week to establish the improvement district, award the contract, and consider improvements to College Boulevard which the City has elected to treat as a separate project.
- 3956 Discussion of project funding.
Councilmember Moore moved that the Council hold a special session Tuesday, November 22, 1988, at 5:30 P.M.; seconded by Jacob; unanimous.
- 4094 ORDINANCE NO. 1077 AUTHORIZING IMPROVEMENT OF LEE BOULEVARD:
Passed unanimously on motion of Anselmi, seconded by Monica.
- 4164 APPROVAL OF APPROPRIATION ORDINANCE NO. 599: Approved unanimously on motion of Anselmi, seconded by Jacob.
- 4192 PLAN COMMISSION APPOINTMENT: On motion of Jacob, seconded by Hammond, Council unanimously approved the appointment of James Hall to the Plan Commission to fill the vacancy created by the resignation of Diane Parrish. Mr. Hall's term will expire in May, 1989.
- 4270 COUNCIL COMMENTS: Mayor stated that she and Councilmember Lin will attend the National League of Cities annual meeting in Boston, December 3 through 7.
- 4305 Councilmember LaHue mentioned that a stove has been sitting on a resident's driveway on Lee Boulevard, north of 95th St., for almost 2 weeks, and suggested that the Code Enforcement Officer investigate.
- 4331 Councilmember Monica suggested that the City have a Mayor's Christmas Tree or something festive for the holiday season for City Hall.
- 4363 Councilmember Newlin suggested that signs be erected alongside the 95th St. construction signs and "street closed" signs which would state that Ranch Mart is open for business.
- 4390 Councilmember Anselmi thanked Police Chief Cox for his written report concerning radar enforcement on I-435. He asked if a public service officer could be situated on the highway during peak traffic periods for effect only, to slow traffic, not to conduct radar checks.
- 4460 Councilmember LaHue expressed concern about the activities being planned to honor and entertain the delegation from Sister City I-Lan, Taiwan. Councilmember Jacob will have an activities schedule and progress report soon.

4515 9:45 P.M. Meeting adjourned,



Marcia Rinehart

Marcia Rinehart Mayor

Attest:

Martha Heizer

Martha Heizer City Clerk

Minutes of a special meeting of the Governing Body of the City of Leawood, Kansas, held at 5:40 P.M., Tuesday, November 22, 1988, in the lower conference room of the Police/Court Building, 9617 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.

The special meeting was requested by Councilmembers Anselmi, Jacob, Hammond, Monica, and Moore for the purpose of discussing the Tomahawk Creek Parkway project. Staff present: Garofano, McKay, Brandt, Malnicof, Heizer, Attorney Wetzler.

A petition to create the Parkway project improvement district which had been signed by J.D. Spears and Mark Morgan was discussed. These property owners constitute approximately 71% of the land ownership in the improvement district.

Improvements to College Boulevard from Tomahawk Creek Parkway to a point 755 feet west of the Parkway will be included in the construction project, but are not included in the improvement district.

The distribution of project costs between Leawood, Johnson County, and the improvement district was discussed. The improvement district includes only that property abutting the west side of the Parkway. The City of Leawood is not included in the improvement district; its share of the project cost is based on the fact that City property abuts the east side of the roadway.

RESOLUTION NO. 933 AUTHORIZING AND ORDERING THE IMPROVEMENT OF TOMAHAWK CREEK PARKWAY FROM COLLEGE BOULEVARD, RUNNING IN A SOUTHWESTERLY DIRECTION, CROSSING 119TH STREET, AND ENDING AT ROE AVENUE WHERE OVERLAND PARK'S TOMAHAWK CREEK PARK BEGINS: Adopted unanimously on motion of Anselmi, seconded by Moore. Attached as part of the record.

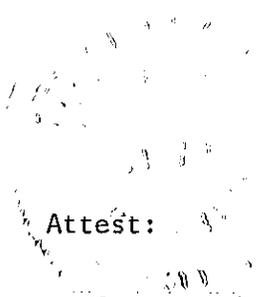
ORDINANCE NO. 1078 AUTHORIZING THE IMPROVEMENT OF COLLEGE BOULEVARD FROM TOMAHAWK CREEK PARKWAY TO A POINT 755 FEET WEST OF TOMAHAWK CREEK PARKWAY: Passed unanimously on motion of Hammond, seconded by Jacob. This improvement will be paid for by the City-at-large, built as part of the Tomahawk Creek Parkway project, but not included in the Parkway improvement district.

AWARD CONSTRUCTION CONTRACT: On motion of Anselmi, seconded by Monica, the Council unanimously awarded the contract to construct Tomahawk Creek Parkway to the Holland Corporation for \$3,152,072.07.

CHANGE ORDER NO. 1 IN THE AMOUNT OF \$160,257.44: Approved unanimously on motion of Moore, seconded by Jacob. Five items in the contract were deleted or reduced to reduce the cost of the project to \$2,991,814.63.

AGREEMENT WITH WILLIAMS NATURAL GAS COMPANY: The agreement will permit the construction of the Parkway over a 26" natural gas pipeline and easement owned by Williams Natural Gas Company. On motion of Anselmi, seconded by Hammond, the Council unanimously authorized the Mayor to execute the agreement.

5:55 P.M. Meeting adjourned.



Marcia Rinehart

Marcia Rinehart Mayor

Attest:

Martha Heizer

Martha Heizer City Clerk

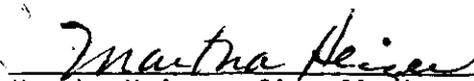
- # 31 Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held at 7:35 P.M., Monday, December 5, 1988, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Councilmember Hammond presiding in the absence of Mayor Rinehart.
- Roll call answered by Councilmembers Jacob, Hammond, Moore, Newlin, Monica. Staff: Garofano, Baer, Brandt, Cox, Malnicof, McKay, Heizer, Attorney Wetzler.
- 51 Agenda approved unanimously on motion of Jacob, seconded by Moore.
- 71 CONSENT AGENDA: Approved unanimously on motion of Jacob, seconded by Moore:
 Minutes of November 21, 1988 Council meeting;
 Minutes of November 22, 1988 Special Council meeting;
 Community Relations Committee report on their November 29, 1988 meeting;
 Public Works Committee report on their December 1, 1988 meeting;
 Contractor's Pay Estimate No. 1 to Suburban Contractors in the amount of \$88,139.67, 85th Terr. improvement, State Line/Lee Boulevard;
 Appointment of Enid Dickson to the Community Relations Committee as an additional member to 1989;
 Appointment of Monique Leahy to the Board of Zoning Appeals to 1991 to fill the vacancy created by the resignation of James Hall;
 Appointment of Kathleen Byrnes to the Arts Committee to 1991 to fill the vacancy created by the resignation of Robert Ferkin;
 Request for change of address from 9201 Mission Road to 3527 W. 92nd Street by Doug and Joyce Finlay;
 KDOT request that the City commit funds for the replacement of a bridge on 85th Terrace at High Drive (City will pay 20% of approximately \$170,000); and
 Johnson County Utility Assistance Program request for additional funding in the amount of \$50 to restore their 1989 fund balance to \$500.
- 91 ORDINANCE NO. 1079 AUTHORIZING THE ISSUANCE OF \$1,307,690 OF GENERAL OBLIGATION BONDS, SERIES 1988-C, FOR THE CONSTRUCTION OF KENNETH ROAD, SOUTH PORTION: Passed unanimously on motion of Moore, seconded by Jacob. Council accepted the low bid of Shearson Lehman Hutton, Inc., 6.999450% annual average net interest rate, for the sale of the bonds.
- 185 RESOLUTION NO. 934 APPROVING REVISED PRELIMINARY PLAT AND REVISED PRELIMINARY SITE PLAN FOR CAMELOT COURT - north-east corner of 119th & Roe: Kenneth Frashier of Frashier-Miles Architects presented information on changes that had to be made to the site plan due to a decrease in the size of the grocery store planned for the site.

- # 403 Signage was discussed.
 722 The extra parking area was discussed.
 877 The resolution was adopted unanimously on motion of
 Monica, seconded by Jacob. Attached as part of the record.
- 922 RESOLUTION NO. 935 APPROVING REQUEST FOR REZONING FROM A
 TO RP-1, AND PRELIMINARY PLAT AND PRELIMINARY PLAN FOR
 BRITTANY WOODS - approximately 155th & Nall: Attorney
 Marvin Rainey, representing the developer Bell Enterprises,
 presented information on lot densities of other subdivisions
 in the area.
- 1610 Resolution adopted on motion of Moore, seconded by
 Jacob. Monica abstained; all others in favor. Attached as
 part of the record.
- 1643 ORDINANCE NO. 1080 REZONING A TO RP-1 - BRITTANY WOODS:
 Passed unanimously on motion of Moore, seconded by Jacob.
- 1707 RESOLUTION NO. 936 APPROVING FINAL PLAT AND FINAL PLAN FOR
 BRITTANY WOODS, 1ST PLAT: Resolution adopted on motion of
 Jacob, seconded by Moore. Monica abstained; all others in
 favor. Attached as part of the record.
- 1747 CITY ADMINISTRATOR'S REPORT: The Hy-Vee Food Store grand
 opening ribbon cutting ceremony will be held at 9:00 a.m.,
 December 6th, at 123rd & State Line Road.
- 1782 ENGINEERING SERVICES CONTRACT FOR LEAWOOD SEWER SYSTEM
 2022 REHABILITATION STUDY: On motion of Moore, seconded by
 Monica, Council unanimously approved a contract with
 George Butler Associates for a total maximum cost of
 \$535,985.00.
- 2037 RESOLUTION NO. 937 AUTHORIZING THE REMODELING, ADDITION AND
 2285 EQUIPPING OF THE POLICE/COURT BUILDING AND FIRE STATION
 NO. 1: Resolution adopted on motion of Jacob, seconded by
 Newlin. Monica abstained; all others in favor. Attached
 as part of the record.
- 2303 AGREEMENT FOR CONSTRUCTION INSPECTION AND STAKING FOR
 TOMAHAWK CREEK PARKWAY: On motion of Monica, seconded by
 Moore, Council unanimously approved agreement with Shafer,
 Kline & Warren. Fee not to exceed \$205,000.00.
- 2376 ORDINANCE NO. 1081C CREATING A "LAW ENFORCEMENT TRUST FUND"
 FOR DEPOSIT OF MONIES AND PROCEEDS FORFEITED TO THE CITY OF
 LEAWOOD POLICE DEPARTMENT RELATING TO CONTROLLED SUBSTANCE
 INVESTIGATION FORFEITURES: Passed unanimously on motion of
 Moore, seconded by Jacob.
- 2424 ORDINANCE NO. 1082 ACCEPTING AN EASEMENT FOR DRAINAGE PURPOSES
 RELATING TO THE NALL AVENUE IMPROVEMENT, SOUTH OF 143RD
 STREET: Passed unanimously on motion of Monica, seconded by
 Jacob.

- #2452 RESOLUTION NO. 938 DESIGNATING CITY HOLIDAYS FOR 1989:
Adopted unanimously on motion of Moore, seconded by Jacob. Attached as part of the record.
- 2490 SCHEDULE WORK SESSION: Council discussed clean up of drainage creeks in the area of the Leawood Country Club which would minimize potential flood damage to the Club's property. The City might want to consider picking up debris at curb side to assist residents with the clean up. This matter will be discussed further at a work session to be held January 9, 1989.
- 2704 APPROVAL OF APPROPRIATION ORDINANCE NO. 600: Approved unanimously on motion of Monica, seconded by Jacob.
- 2816 COUNCIL COMMENTS: Councilmember Moore commented on a letter of information distributed to the Council concerning the Chadwick drainage area as it relates to the 95th St. widening project. Public Works Director Brandt stated that Overland Park had requested that some additional storm sewer work be done over and above what Leawood had planned to do in conjunction with the widening project. Mr. Brandt stated that Overland Park should pay for this additional work.
- 2877 Councilmember Newlin attended a November 30th Leawood Estates Homes Association meeting. There was a request from those in attendance that the City Council consider changing the ordinance which regulates the time that residents can place trash cans outside their homes for trash collection. Present ordinance states that trash cans shall be placed outside no earlier than 6:00 p.m. the evening preceding the day on which the trash is to be collected. Those at the meeting would like the time changed to 4:00 p.m. This matter will be discussed at a future work session.
- 2936 Councilmember Jacob presented an update on plans to entertain the delegation from Sister City I-Lan, Taiwan, between Christmas and New Years. Arrival date and time have not been confirmed. The planning committee has planned numerous functions and tours, and are still seeking cash and gift donations.
- 3329 9:15 p.m. Meeting adjourned.


Charles Hammond, Presiding Officer

Attest:


Martha Heizer, City Clerk

- # 25 Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held at 7:30 P.M., Monday, December 19, 1988, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.
- Roll call answered by Councilmembers LaHue, Jacob, Anselmi, Moore, Newlin. * Councilmembers Monica and Lin arrived at 7:35 P.M. ** Councilmember Hammond arrived at 7:55 P.M. Staff: Garofano, Baer, Cox, Brandt, Malnicof, McKay, Strack, Heizer, Attorney Wetzler.
- 39 Agenda approved unanimously on motion of Jacob, seconded by Anselmi.
- * 7:35 P.M. Councilmembers Monica and Lin arrived.
- 51 EMPLOYEE SERVICE AWARDS (League of Kansas Municipalities city service awards): The Mayor presented pins to employees (list attached) who have served the City for 10 years or more. This is the first year that the City has participated in the League's service awards program.
- 322 PRESENTATION OF PLAQUES FROM SISTER CITY I-LAN, TAIWAN: Two plaques, presented to the City of Leawood by the City of I-Lan during the Sister City signing ceremony in I-Lan in October, were displayed. One plaque, a gift from the City Hall (under the supervision of the Mayor of I-Lan) reads, "friendship is without border and hand and hand to enhance world harmony". The second plaque, from I-Lan's City Council's office (under the supervision of the City Council President) reads, "friendship is priceless".
- 407 CONSENT AGENDA: Approved unanimously on motion of Moore, seconded by Anselmi: Minutes of December 5, 1988 Council meeting; departmental reports; Recreation Commission report on their November 8, 1988 meeting; and annual report on impact fees.
- 417 ORDINANCE NO. 1083 DELETING ARTICLES 11 AND 12 OF THE "ZONING ORDINANCE" (RP-5 Planned Apartment House District and RP-6 Planned High Rise Apartment District respectively): RP-6 represents 5 to 12 story buildings; RP-5, 2 1/2 to 5 story buildings. These districts will not provide the type of growth Leawood is anticipating; they have little, if any, relevance in accomplishing the goals and objectives established in the current Master Plan.
- The "Zoning Ordinance" will retain the RP-3 Planned Garden Apartment District zoning, satisfying the proposed medium density residential land use found in the 1988 Master Development Plan.
- 587 Planning Director McKay will brief the Council on the different zoning categories and related requirements at the January 9, 1989 work session as part of a discussion on economic development in the City of Leawood.

November 2, 1988

MEMO

TO: R. Anderson Ron Anderson, Police Dept.
 S. Blann Steve Blann, Fire Dept.
 R. Blauw Ruth Blauw, Police Dept.
 A. Bledsoe Allan Bledsoe, Fire Dept.
 G. Bottoms Gary Bottoms, Fire Dept.
 E. Cosgrove Ed Cosgrove, Fire Dept.
 S. Cox J. Stephen Cox, Police Dept.
 R. Haskin Bob Haskin, Fire Dept.
 M. Heizer Martha Heizer, Administration
 E. Hermanson Elza Hermanson, Public Works
 C. Hill Craig Hill, Police Dept.
 D. Holtsclaw Dorothy Holtsclaw, Administration
 D. Koontz David Koontz, Fire Dept.
 R. Lane Bob Lane, Recreation
 P. McCarthy Pat McCarthy, Police Dept.
 L. Miller Lorraine Miller, Administration
 S. Mitchell Sid Mitchell, Police Dept.
 R. Sayre Ron Sayre, Public Works
 W. Sharp Wayne Sharp, Police Dept.
 J. Strack Jerry Strack, Fire Dept.
 D. Thomason Dennis Thomason, Fire Dept.
 S. Tucker Sammy Tucker, Police Dept.
 D. Wolford Doug Wolford, Fire Dept.

FROM: Julie Baer, Assistant City Administrator *Julie*

In connection with the City's 40th Birthday, we wish to recognize all those employees who have been with the City 10 years or longer.

We hope that all of you will be able to attend the City Council meeting on Monday, December 19th, at 7:30 p.m., to be honored for your tenure.

Please notify me if you will not be able to attend. Thank you!

- # ** 7:55 P.M. Councilmember Hammond arrived.
- 771 Councilmember Monica moved that the Council pass the ordinance, seconded by Anselmi. The City can add the RP-5 and RP-6 districts to the "Zoning Ordinance" in the future, if warranted.
- 953 Fire protection for high rise buildings in Leawood was discussed. For buildings over 3 stories, the life safety aspects (fire suppression) are built into the building. The City does not anticipate providing fire protection from the exterior; the City will not be purchasing high rise fire apparatus.
- 1034 Councilmember Monica's motion carried; LaHue opposed, all others in favor.
- 1043 CITY ADMINISTRATOR'S REPORT: The Federal government is considering the City's application to delete approximately 3 acres from the Greenway to be used for a new City Hall site. From preliminary indications, the Federal government will look favorably on the application. The City does not know when official notification will be received.
- 1087 MAYOR'S REPORT: The Mayor thanked Assistant City Administrator Baer for planning the employee holiday luncheon held December 19th.
The Mayor attended a ribbon cutting ceremony December 10th to open Southgate Bank's branch at the Hy-Vee Food Store, 123rd and State Line.
The Mayor and Councilmember Lin attended the National League of Cities meeting in Boston December 3-6. They attended meetings on emergency preparedness, citizen complaints, economic development (how to regulate "leapfrog" developments and attract new industry), and urban traffic congestion.
- 1223 CONTRACT FOR ARCHITECTURAL DESIGN SERVICES FOR POLICE/COURT BUILDING AND FIRE STATION NO. 1: Councilmember Anselmi moved that the Council approve the contract with Abend-Singleton Associates, seconded by Moore. The Council discussed the basic design services which will be 8% of the construction costs (which will be locked in at the conclusion of the final design). The City's control over construction costs was discussed. If the construction bid exceeds the architect's estimate of construction costs at the end of the final design by more than 5%, then the architects will redesign the plans at no additional cost to the City to bring the costs within 5% of their estimated cost.
- 1330 Councilmember Anselmi's motion carried unanimously.
- 1334 ORDINANCE NO. 1084 AUTHORIZING ISSUANCE OF TEMPORARY NOTES, SERIES 89C; \$100,000; POLICE/COURT BUILDING AND FIRE STATION NO. 1 REMODEL PROJECT NO. 118: Passed unanimously on motion of Lin, seconded by Hammond.

- #1363 ORDINANCE NO. 1085 AUTHORIZING ISSUANCE OF TEMPORARY NOTES, SERIES 89A; \$100,000; IMPROVEMENTS TO 95TH STREET, STATE LINE ROAD TO WENONGA; PROJECT NO. 116: Passed unanimously on motion of Anselmi, seconded by Moore.
- 1438 ORDINANCE NO. 1086 AUTHORIZING ISSUANCE OF RENEWAL TEMPORARY NOTES, SERIES L.I.D. 88-1-89B; \$500,000; TOMAHAWK CREEK PARKWAY PROJECT NO. 113: Passed unanimously on motion of Hammond, seconded by Jacob.
- 1462 RESOLUTION NO. 939 ADOPTING THE "CITY OF LEAWOOD DRUG AND ALCOHOL TESTING, DISCIPLINE, AND ASSISTANCE POLICY": Councilmember Anselmi moved that the Council adopt the resolution, seconded by Jacob. The City will provide access to an employee assistance program although it is not required to do so by law. The City will have no liability and will not pay for rehabilitation programs.
- 1624 The Council discussed the legality (relative to discrimination) of testing only those employees whose jobs affect public safety.
- 1713 Councilmember Anselmi's motion carried unanimously. Resolution attached as part of the record.
- 1718 APPROVAL OF 1989 SALARY PLAN: Councilmember Anselmi moved that the Council approve the plan, seconded by Jacob.
Staff will study the salary plan structure in 1989 prior to preparation of the 1990 budget.
- 1877 Councilmember Anselmi's motion carried unanimously.
- 1882 ORDINANCE RELATING TO LEAWOOD SEWER SYSTEM BOUNDARIES: This matter will be considered at a future Council meeting. Some boundary changes between the Leawood Sewer System and the County sewer system as far as Hallbrook subdivision is concerned still need to be defined.
- 1900 RESOLUTION NO. 940 ESTABLISHING FEE SCHEDULE FOR 1989: Councilmember Hammond moved that the Council adopt the resolution, seconded by Anselmi.
- 1952 The Council discussed police administrative fees for false alarms. The City permits 6 free false alarms to allow for human and technical errors.
- 2463 Councilmember Hammond's motion carried unanimously. Resolution attached as part of the record.
- 2470 ORDINANCE NO. 1087C RELATING TO PROHIBITED PARKING ON CERTAIN STREETS: 123rd Street was added to the list of streets upon which parking is prohibited. Passed unanimously on motion of Anselmi, seconded by Hammond.
- 2551 1989 HOME MAINTENANCE GRANT AGREEMENT WITH SERVICES FOR SENIORS: Approved unanimously on motion of Lin, seconded by Hammond.
- 2567 APPROVAL OF APPROPRIATION ORDINANCE NO. 601: Approved unanimously on motion of Lin, seconded by Jacob.

- #2722 A work session will be held January 3, 1989, after the regular Council meeting to discuss a compensation plan for department heads.
The Council will meet at 5:00 P.M., January 9, 1989, to evaluate the City Administrator's job performance. A work session will follow to discuss economic development and creek drainage and clean up.
- 2940 COUNCIL COMMENTS: Councilmember Jacob felt that the City should purchase a fax machine. The City is presently trying to set up a modem system to transfer information via computer.
- 3095 Councilmember Lin stated that he had heard very favorable comments about the new Hy-Vee Food Store at 123rd and State... Line Road. He also commented on a Council distribution which indicated that the City's annexation appeal will be heard by the State Court of Appeals, not the Kansas Supreme Court.
- 3204 Councilmember Moore asked about the time frame for completion of the improvements to 85th Terrace, State Line Road to Lee Boulevard. The contractor is waiting for good weather to lay the asphalt. An asphaltic overlay will not be done on the bridge on 85th Terrace at High Drive at this time; that will be done at a later date as a separate project.
- 3254 Mayor Rinehart mentioned that residents continue to express their concerns about the lack of a traffic signal at 92nd and State Line Road.
- 3307 9:15 P.M. Meeting adjourned.


 Marcia Rinehart Mayor

Attest:


 Martha Heizer City Clerk

- # 25 Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held at 7:35 P.M., Tuesday, January 3, 1989, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.
- Roll call answered by Councilmembers LaHue, Jacob, Hammond, Anselmi, Moore, Monica, Lin. Staff: Garofano, Baer, Cox, Brandt, Malnicof, McKay, Strack, Heizer.
- 35 Agenda approved unanimously on motion of Moore, seconded by Anselmi.
- 43 CITIZEN COMMENTS: Leawood resident Brian Schudy expressed concern about trash and its effect on the environment. He asked if the City has any plans to recycle trash for proper disposal. The Recreation Commission has discussed the possibility of recycling to raise money to purchase items for Leawood Park. The Johnson County Council of Mayors might be interested in considering this matter, and the Mid-America Regional Council might have information. Trash collection in Leawood is handled through the homes associations, so they would have to be included in discussions concerning trash disposal.
- 223 ACCEPTANCE OF DONATIONS FROM THE CLOISTERS HOMES ASSOCIATION FOR POLICE AND FIRE DEPARTMENTS: Council unanimously accepted \$595 on motion of Anselmi, seconded by Moore.
- 271 CONSENT AGENDA: A Change Order for the Roe Avenue paving project, 112th/121st Streets, was removed for further discussion. The following were approved unanimously on motion of Jacob, seconded by Moore:
- Minutes of the December 19, 1988 Council meeting
 - Purchase of a Xerox 5028/2T/ADF copier for the Public Works Department for \$5,530
 - Contractor's Payment No. 2 to Suburban Contractors; \$77,944.55; 85th Terr. improvements, State Line/ Lee Boulevard
- 287 The Change Order for the Roe Avenue paving project, 112th/121st Streets, was discussed. Public Works Director Brandt explained that additional costs were incurred by Reno Construction Co. when construction was delayed from Fall, 1987, to Spring, 1988. Nall Avenue was under construction in late 1987 when bids were received for the Roe Avenue improvements. The Council was concerned that 2 major north-south streets would be closed at the same time; they negotiated a delay in the Roe Avenue project which involved some cost increases, particularly for asphalt and fuel.
- 475 Council unanimously approved the Change Order in the amount of \$51,357.70 on motion of Jacob, seconded by Hammond.
- 482 CITY ADMINISTRATOR'S REPORT: Permanent traffic signals have been installed at 123rd & State Line Road.

- # 507 MAYOR'S REPORT: The Mayor announced that proceeds, \$188.49, from the Mayor's Christmas Tree Bowling Tournament held at King Louie Ranch Mart Lanes will be deposited in the utility assistance fund administered by Johnson County.
- 533 The Mayor is seeking additional volunteers to serve on the 4th of July Committee - a Council liaison, staffing sub-committee members, and fund raising/budget sub-committee members.
- 566 The Mayor presented certificates of appreciation and keys to the City to Councilmember Kimberley Jacob and Assistant City Administrator Julie Baer for planning of a successful reception for the delegation from Leawood's Sister City I-Lan, Taiwan.
- 642 CONTRACT FOR ENGINEERING DESIGN SERVICES - LEE BOULEVARD IMPROVEMENT PROJECT: Councilmember Anselmi moved that the Council approve the contract with Larkin Associates Consulting Engineers for an amount not to exceed \$152,000.00; seconded by Hammond.
Councilmember LaHue expressed concern that Larkin Associates would not be liable for an inferior project. Wording on page 8 of the contract relating to construction services was discussed... "ENGINEER will not be liable for the results of any such interpretations or decisions rendered by him in good faith".
Dave Owsley of Larkin Associates answered questions concerning the "standard" contract used by the engineering firm.
City Attorney Wetzler is drafting a standard contract that the City will use in the future in place of engineers' "standard" contracts.
The Council discussed the possibility of deleting parts of the contract relating to construction services since the Council was considering project design only at this time.
A certificate of insurance for professional liability should be a part of the contract.
Councilmember Jacob felt that Councilmembers should not review contracts; the City has legal counsel for that purpose.
- 1098 Councilmember Lin moved to amend the motion for approval by requiring a certificate of insurance for professional liability, seconded by Moore; unanimous.
Lin moved to amend the motion for approval by deleting all parts of the contract relating to construction services, seconded by Moore. After discussion that the City Attorney should review the contract again, Councilmember Moore withdrew his second. Motion failed for lack of a second.
- 1215 Councilmember Hammond expressed concerns about compensation for services rendered as outlined on page 10 of the contract.... "(1) base salary cost plus one hundred eighty percent (180%) thereof to cover direct payroll additives, general and administrative overhead and profit...". There is no incentive to keep costs down with a cost-plus contract. Public Works Director Brandt stated that Larkin had provided the amounts of time allocated to tasks, cost plus 180% not to exceed \$152,000.00.
- 1422 Councilmember Hammond withdrew his second to the motion for approval. Councilmember Monica seconded the motion for approval.

- #1468 The design fee as a percentage of the construction cost was discussed.
- 1584 Councilmember Monica called for the question, seconded by Jacob. Motion failed; Jacob, Anselmi, Monica in favor; LaHue, Hammond, Moore, Lin opposed.
- Discussion of the design fee continued.
- 1668 Councilmember Anselmi's motion for approval as amended carried; LaHue, Hammond, Moore opposed; Jacob, Anselmi, Monica, Lin in favor.
- 1693 AUTHORIZE PURCHASE OF POLICE CARS: Police Department selected the Chevrolet Caprice for 1989, available for cooperative purchasing through Kansas City, Missouri's purchasing contract. Sonny Hill Motors, Platte City, Missouri, was the successful bidder.
- Warranty work was discussed. It is not a major factor in the purchase of police cars - the work need not be done by the selling dealer, the vehicles will be out of warranty in 2 months, and very little warranty work has been required in the past.
- 1901 On motion of Lin, seconded by Jacob, the Council unanimously approved the purchase of 5 1989 Chevrolet Caprices for a total of \$67,715.
- 1921 ORDINANCE NO. 1088 ACCEPTING A PERMANENT SANITARY SEWER EASEMENT FROM HALLBROOK FARMS ASSOCIATES: For construction of sewer lines in un-platted land of the Hallbrook Farms subdivision. Passed unanimously on motion of Anselmi, seconded by Moore.
- 1961 APPROVAL OF APPROPRIATION ORDINANCE NO. 602: Approved unanimously on motion of Hammond, seconded by Anselmi.
- 1982 WORK SESSION: Will be held after tonight's meeting to discuss a compensation plan for department heads.
- 2040 COUNCIL COMMENTS: Councilmember Jacob suggested that the City might consider having a party for City volunteers on an annual basis. She asked for committee input on this idea.
- 2093 Councilmembers Hammond and Lin expressed appreciation to staff for planning events for the delegation from Sister City I-Lan, Taiwan.
- 2137 Councilmember LaHue stated that he was pleased with the improvements on 85th Terr., State Line/Lee Boulevard.
- He also commented on the discussion earlier in the meeting concerning the Lee Boulevard design contract. He feels it is a Councilmember's responsibility to question matters he/she does not understand or feels uncomfortable about, even a contract.
- 2173 Councilmember Jacob felt that Councilmembers do not have the expertise to review legal documents.
- 2206 Councilmember Hammond stated that the Council should tell the City Attorney what it wants in a contract; which could include scope of liability as discussed earlier in the meeting. Then the Attorney should draft it in accordance with Council's wishes.

#2263

Councilmember Lin received a letter from a resident of Leawood Forest Estates subdivision requesting that the City provide snow removal services for their private streets. The Council discussed City policy - once the City accepts a private street, it will remain a private street. The Council also discussed the City's liability if snow removal equipment damaged property or streets. The Public Works Director will discuss this matter with the City Attorney.

2365

The Council will convene in executive session, January 9th, 5:00 P.M., to evaluate the City Administrator's job performance, and will hold a work session after that evaluation to discuss creek maintenance and economic development.

2433

8:50 P.M. Meeting adjourned.



Marcia Rinehart

Marcia Rinehart Mayor

Martha Heizer

Martha Heizer City Clerk

January 9, 1989

Minutes of a special meeting of the Governing Body of the City of Leawood, Kansas, held at 5:40 P.M., Monday, January 9, 1989, in the lower conference room of the Police/Court Building, 9617 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.

The special meeting was requested by Councilmembers Newlin, Moore, Anselmi, Jacob, LaHue for the purpose of convening an executive session to evaluate the City Administrator's job performance. Staff present: City Administrator Garofano.

Councilmember Moore moved that the Council convene in executive session, not to exceed one and three-fourths hours, to evaluate the City Administrator's job performance; seconded by Anselmi; unanimous.

7:25 P.M. Council returned to special session, same members present.

Meeting adjourned.


Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

- # 35 Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held at 7:30 P.M., Monday, January 16, 1989, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.

Roll call answered by Councilmembers LaHue, Jacob, Anselmi, Moore, Newlin, Monica. * Councilmember Lin arrived 7:35 P.M. ** Councilmember Hammond arrived 8:20 P.M. Staff: Garofano, Baer, Cox, Brandt, Malnicof, McKay, Strack, Heizer, Attorney Wetzler.

- 44 Agenda approved unanimously on motion of Jacob, seconded by Anselmi, after addition of a resolution consenting to the enlargement of Tomahawk Creek Main Sewer District No. 1 (to include property in Hallbrook subdivision).

- 71 CITIZEN COMMENTS: Andrea Jackson, 8612 Sagamore, and Fran Stuelke, 3205 W. 86th St., expressed opposition to the City's beaver trapping on the Tomahawk Creek Greenway. They would like the City to find an alternative method for removing the beavers from that area.

* 7:35 P.M. Councilmember Lin arrived.

Public Works Director Brandt explained that the beavers are overpopulated, and have done extensive damage to large, old trees. When the trees die, erosion occurs, and the City loses some of the Greenway. Mr. Brandt also stated that the City obtained the appropriate State permits and licenses for trappers, and is doing the trapping at this time, during trapping season, as suggested by the State. Trapping is being done to keep the Greenway in as natural a state as possible.

Temporary protection methods for the trees (for instance, wrapping the bottoms with metal plates) were discussed.

The City needs to contact conservation/wildlife experts for advice to preserve a balance in the ecosystem.

Councilmember Lin requested that Mr. Brandt report on this matter at the next Council meeting.

- 576 CONSENT AGENDA: Authorization of payment for rebuilding of the pump on the 1976 American LaFrance fire truck was removed for further discussion. The following were approved unanimously on motion of Jacob, seconded by Moore:

Minutes of January 3, 1989 Council meeting

Minutes of January 9, 1989 Special Council meeting

Recreation Commission report on their January 10, 1989 meeting

Public Works Committee report on their January 5, 1989 meeting

Departmental reports

Contractor's Pay Estimate No. 1 to Holland Corp.; \$121,989.50; Tomahawk Creek Parkway construction (College/Roe)

CONSENT AGENDA (continued):

Appointment of 4th of July Committee (list of members attached for the record)

Low bid of Quality Printing for printing of 1989

City newsletters:

City Newsletter	4 pages... \$450.00
	6 pages... 850.00
	8 pages... 950.00

Recreation Newsletter	4 pages... 485.00
	6 pages... 885.00
	8 pages... 985.00

Purchase of a 1989 Chevrolet pickup truck for the Police Department, priced at \$9,184.26 from Van Chevrolet on the Kansas City, Missouri purchasing contract

615

Council discussed the payment of \$5,945.26 to Douglas Pump Service, Inc. of Merriam, Kansas, for rebuilding the pump on Unit 320 (1976 American LaFrance) fire truck. Councilmember Anselmi was concerned that the Council was being asked to approve an expenditure after work had been completed, even though the work involved an emergency vehicle. He felt that any department head should have the authority, with the consent of the City Administrator, to order repairs on emergency vehicles, and not request the City Council approve the expenditure after the fact.

The City Administrator can, by ordinance, approve expenditures under \$5,000. No exemption for emergency repairs in excess of \$5,000 is made in the ordinance.

The Council discussed the difference between repairs/maintenance on existing vehicles/equipment and the purchase of new vehicles/equipment. It is common practice to exclude maintenance from restrictions in purchasing procedures; purchase of equipment normally has prior approval; for maintenance, it is common practice to have approval authority, not hold up repairs because of dollar restrictions.

The City Attorney will review the ordinance concerning purchase approvals.

The payment to Douglas Pump Service was unanimously approved on motion of Anselmi, seconded by Moore.

789

MAYOR'S REPORT: The Council discussed the possibility of sending letters to legislators to express concerns about or communicate positions on various bills (re solid waste, recycling, hazardous waste programs, etc.) which will be considered in the upcoming legislative session. The City Administrator will circulate information he received from the Kansas League of Municipalities which highlights some of the major upcoming legislative bills.

863

CONSTRUCTION CONTRACT FOR 95TH STREET IMPROVEMENT PROJECT, STATE LINE ROAD TO WENONGA: Reno Construction Company was

January 13, 1989

MEMO

TO: City Council

FROM: Mayor *mk*

RE: Approval for Steering Committees for 1989 July 4th
Festivities

I propose the following list for your approval:

CO-CHAIRMEN:

Monique Leahy (John)
2320 West 127th, 66209
345-9233 home
931-2700 office

Lenette Crawford (F. Dana)
10425 Sagamore, 66206
381-4037

COUNCIL LIAISON:

Dr. Ron LaHue
8416 Ensley Lane, 66206
648-5423 home

PARADE:

Kathy Snyder
9645 Manor Road, 66206
381-5142 home
831-8500 office

Marcia Fleischman
9605 Manor Road
341-5452

PUBLICITY & HELP:

Jennifer Millett
12305 Mohawk Lane, 66209
491-9259

Michelle Sabo
12505 Granada Lane, 66209
345-1330

CONCESSIONS: Kristine Schulz
12308 Overbrook Court, 66209
491-5378

PARK
ACTIVITIES: Sandy Abrams
2241 West 124th, 66209
491-0901 home
221-0540 office

Karin Lichterman
8416 Cherokee Lane, 66206
648-6999

Marcina Alley
12405 High Drive, 66209
491-1739

GAMES: Liz Keplinger
12019 Wenonga, 66209
491-4663

STAFFING: Nancy Imhoff
2037 West 96th Street, 66206
642-3835
(may be out of town July 4th; will work
early though)

Rosie Petty
2305 West 95th Street, 66206
642-8458

ADVISORY: Margy Hall (& James)
2814 West 92nd Street, 66206
381-6121

Joyce Moore (& Doug)
8340 State Line Road, 66206
381-9219

IRON KIDS
TRIATHALON: Fred Deay
2327 West 103rd, 66206
383-2466
648-0891 office

Mary Baker

RECREATION: Scott Whitaker, Assistant Recreation Director
City Hall, 9617 Lee Boulevard, 66206
642-5555

CROWD & TRAF-
FIC CONTROL: Steve Cox, Police Chief
City Hall (pursue exit w/
642-5555 Doug Smith)

BALLOONS &
SKYDIVERS: Steve Cox, Police Chief

FIREWORKS/FIRE
RESCUE/
FIRESTREAM
SHOOTOUT: Jerry Strack, Fire Chief
Fire Station No. 1
642-5555

SET-UP/
LOGISTICS: Ron Brandt, Public Works Director
Public Works Department
642-5555

Mike Noll, Park Division Supervisor
Public Works Department
642-5555

STAFF
LIAISON: Julie Baer, Assistant City Administrator
City Hall
642-5555

MAYOR: Marcia Rinehart

At the discretion of the co-chairmen, additional committee chairmen and members may be added.

There is need for a Budget/Fundraising Committee. At this date, no one has agreed to serve in this capacity. Please contact me immediately if you know of someone who will take this responsibility.

Rosie Petty (Staffing) is interested in a "marathon" run for adults.

MR:cp

wp:4thcomm

January 16, 1989

- # low bidder on both alternates bid:
 Alternate No. 1 for Asphaltic Concrete Pavement,
 \$1,197,829.20
 Alternate No. 2 for Portland Cement Concrete,
 \$1,290,855.55
- The Council discussed the maintenance costs for both alternates. Over a 20-year period, the costs of constructing and maintaining a Portland Cement Concrete road would be less than the costs for an asphaltic roadway. The Public Works Committee recommends the Portland Cement Concrete because of high quality and less maintenance.
- 1022 The curing period for Portland Cement Concrete is longer than that for asphalt. Parking problems for residents during the curing period were discussed. Noise created by joint sawing at night was discussed. Present asphaltic intersections will remain asphaltic.
- 1208 Councilmember Lin asked if the City is capable of maintaining concrete pavement. Public Works Director felt the City is capable, and should not need as much equipment as it presently uses to maintain asphaltic pavement.
- 1253 Discussion of additional relocation of underground utilities.
 Councilmember Lin expressed his concern about concrete being used on arterial streets. If maintenance was required, a concrete roadway would have to be closed much longer than an asphaltic roadway. He would not vote for the Portland Cement Concrete.
- 1353 Discussion of how Portland Cement withstands sand and salt.
- 1437 Councilmember Jacob moved that the Council award the contract to Reno Construction Company, seconded by LaHue; unanimous.
- 1479 Councilmember Monica moved that the Council accept Reno's bid of \$1,290,855.55, Alternate No. 2, for Portland Cement Concrete; seconded by Anselmi.
- ** 8:20 P.M. Councilmember Hammond arrived.
- 1724 It was noted that 1) Portland Cement costs \$93,025.85 more than the asphalt. Leawood and Overland Park will pay all of that cost; CARS will not participate. 2) There would be approximately a \$37,000 savings over the next 20 years if Portland Cement is used. 3) There would be approximately \$10,000 interest cost in addition to the \$93,025.85. The Council discussed the relationship of these costs.
- 2423 Councilmember Monica's motion carried; Lin, Moore, Newlin opposed; all others in favor.
- 2466 City Administrator Garofano clarified the closing of 95th Street. The street will be closed to through traffic for 4 months. It will always be open to local traffic.
- 2570 APPOINTMENT OF ECONOMIC DEVELOPMENT STEERING COMMITTEE: An ad hoc committee formed to prepare recommendations regarding the City's approach to economic development; the committee will prepare an outline of an economic development program for the

- # Council's consideration. The Committee's report is due in approximately 2 1/2 months.
- 2717 On motion of Jacob, seconded by Hammond, Council unanimously approved the following committee members: Charles Hammond (Chairman), Doug Moore, Jimmy Lin, Don Roberson, Richard Moore, Susie Steinwart.
- 2739 ORDINANCE NO. 1089 GRANTING AN EASEMENT TO JOHNSON COUNTY WASTEWATER DISTRICT FOR CONSTRUCTION OF SANITARY SEWERS FOR HALLBROOK SUBDIVISION, PHASE 2: Councilmember Lin moved that the Council pass the ordinance, seconded by Anselmi. Since the easement crosses the Tomahawk Creek Greenway, the Council discussed stipulations for restoration of the land, including the possibility of including a \$500 consideration for restoration in the easement.
- 3107 The ordinance was passed unanimously (without a \$500 consideration).
- 3119 RESOLUTION NO. 941 CONSENTING TO THE ENLARGEMENT OF TOMAHAWK CREEK MAIN SEWER DISTRICT NO. 1 - to include property in Hallbrook subdivision: Adopted unanimously on motion of Lin, seconded by Hammond. Attached as part of the record.
- 3175 WORK SESSION: Councilmember Lin moved that the Council hold a work session after this meeting for a period not to exceed 45 minutes to review the schematic design for the Police/Court Building and Fire Station No. 1 remodeling project; seconded by Moore. Motion carried; Hammond opposed; all others in favor.
- 3203 APPROVAL OF APPROPRIATION ORDINANCE NO. 603: Councilmember Jacob moved for approval, seconded by Hammond. The Council discussed "Sister City" expenditures which represented donations received and spent.
- 3430 Motion to approve carried unanimously.
- 3443 COUNCIL COMMENTS: Anselmi requested that facts concerning 95th Street improvements be included in a newsletter or in a press release.
- 3519 Monica felt that alternate route maps relating to the 95th Street improvement project should be included in the newsletter/press release.
- 3531 Jacob is appalled by the disrepair of State Line Road south of I-435. The Mayor stated that Kansas City, Missouri will allocate funds for the design work for improvements to State Line.
- 3595 Newlin requested that the City look at the way the divided island at 119th & State Line is marked. Several people have driven over the island.
- 3704 Lin is concerned about the inadequate amount of parking area at Hy-Vee Food Store, 123rd & State Line. Additional parking spaces are needed west of the store. The City needs to study its parking requirements.

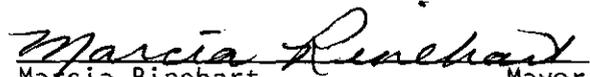
January 16, 1989

#3833

LaHue is concerned that additional traffic on Lee Boulevard during the 95th Street construction will create a dangerous situation at 89th & Lee. Children going to and from the Leawood Country Club will be crossing that intersection. He suggested that Public Works consider installing a pedestrian signal.

LaHue also asked about the status of a traffic signal at 92nd & State Line. Black & Veatch is studying the possibility of installing a temporary signal. Public Works Director Brandt will report on this matter at the next Council meeting.

3930 9:30 P.M. Meeting adjourned.


Marcia Rinehart Mayor

Attest:


Martha Heizer City Clerk

February 6, 1989

- # 35 Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held at 7:30 P.M., Monday, February 6, 1989, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.

Roll call answered by Councilmembers LaHue, Jacob, Anselmi, Moore, Newlin, *Councilmember Monica arrived 7:35 P.M. **Councilmember Lin arrived 7:40 P.M. ***Councilmember Hammond arrived 8:05 P.M. Staff: Garofano, Baer, Cox, Brandt, Malnicof, Strack, Heizer, Attorney Wetzler.

- 46 Agenda approved unanimously on motion of Jacob, seconded by Moore, after addition to consent agenda - assignment to Public Works Committee to consider Somerset Lake Homes Association request for a formal hearing on a project involving open sewer ditches on 87th and 89th Streets just east of Mission Road.

- 81 ACCEPTANCE OF GIFT TO THE POLICE DEPARTMENT: On motion of Anselmi, seconded by Moore, Council unanimously accepted Kansas City, Missouri resident Dr. John Canady's \$100 gift to the Police Department for locating and returning his dog.

- 114 PROCLAMATIONS: The Mayor proclaimed
1. February 17 to March 7, 1989, as "Camp Fire Candy Sale Days"
 2. February 5-11, 1989, as "Black History Week"
 3. February 19-25, 1989, as "Engineers Week"
 4. February, 1989, as "Children's Dental Health Month"

- 119 CONSENT AGENDA: Authorization to purchase an animal control module and Kansas City Rotary Club's request for permission to sell newspapers on street corners on Kansas City Day were removed for further discussion later in the meeting. The following were approved unanimously on motion of Moore, seconded by Jacob:
1. Minutes of January 16, 1989 Council meeting
 2. Public Works Committee report on their February 2nd meeting
 3. Public Works Committee report on their January 23rd meeting held to interview engineers for design of improvements to 119th St., State Line Rd. to Mission Rd.
 4. Purchase of 3 trucks for the Public Works Department (a 1-Ton pickup from Courtesy Chevrolet, \$15,575; a 3/4-Ton pickup from Courtesy Chevrolet, \$11,270; a 2½-Ton dump from KCR International, \$37,984)
 5. Contractor's Pay Estimate #3; Suburban Contractors; \$20,119.48; 85th Terr. improvements, State Line to Lee Blvd.
 6. Increase in rate of compensation for Assistant City Attorney - monthly rate from \$467 to \$750, and hourly rate from \$40 to \$55

#

CONSENT AGENDA (continued):

7. Assignment to Public Works Committee to consider Somerset Lake Homes Association request for a formal hearing on a project involving open sewer ditches on 87th and 89th Streets just east of Mission Road.

143

CITY ADMINISTRATOR'S REPORT: Mr. Garofano reported that the Kansas City Business Journal recently published a list of the metropolitan area's 25 fastest growing municipalities ranked by percentage of growth from 1980 to 1988. Leawood is #7 with a 31.5% increase in population over the 8-year period.

* 7:35 P.M. Councilmember Monica arrived.

Mr. Garofano commented on the Finance Director's unaudited 1988 year-end financial status report which had been distributed to the Council. For the most part, year-end balances were positive; there was a carryover in excess of \$200,000 in revenues to use in the 1989 Budget.

** 7:40 P.M. Councilmember Lin arrived.

206

MAYOR'S REPORT: The Mayor stated that she had received the final report from the Eldernet Coalition. The report indicates that many elderly persons have a need to share their residences with others to help maintain their homes in order to stay in their homes and continue to be a viable part of the community. However, Leawood zoning ordinances do not permit unrelated persons to share a home. The City should discuss this issue in the future.

240

The Mayor reported on issues discussed by the Council of Mayors:

1. United Community Services has requested that the City consider allocating funds on an annual basis, based on population, to help fund human service needs. UCS representatives will present information to the Council at a later date; the request will probably be referred to the Budget & Finance Committee for recommendations.
2. City staff will study the Area Transportation Plan and work on the Plan with Mid-America Regional Council (MARC).
3. The Johnson County Economic Research Institute conducted a study of 2-mile areas around all city halls. The study indicates population bases, income bases, ages, shopping centers within each 2-mile area. (The study includes Jackson County, Missouri.)
4. The Mayor asked if someone from the City could attend a March 3rd MARC meeting on the arts.
5. Public Works Director Brandt reported on the status of beaver trapping on the Tomahawk Creek Greenway. The City is attempting to estimate the current beaver population along Tomahawk Creek, is considering offers to live trap some of the beavers and relocate them, and has determined that wrapping and spraying trees to protect them from the beavers is impractical.

MAYOR'S REPORT (continued):

6. Public Works Director reported on construction hours for the 95th Street widening project. He felt that 7:30 or 8:00 a.m. until dusk is reasonable. During the summer, construction might start after dawn and end at noon.

He also stated that current restrictions on truck traffic on 95th Street will remain in effect.

7. The new chairman of the Council of Mayors is Rich Becker of Lenexa.

497 DISCUSSION OF TRAFFIC SIGNAL INSTALLATION AT 92ND AND STATE LINE ROAD: Public Works Director Brandt reported that he, the Mayor, Councilmember LaHue, and several other staff members met with area residents on January 25th to discuss the impact that the 95th Street construction would have on the intersection at 92nd and High Drive. As a result of the meeting, staff decided to have Johnson, Brickell, Mulcahy & Associates update their 1984 traffic count study for the 92nd and State Line area, and report on their study in approximately 30 days.

The Tutera Group will present plans for a proposed office project at 91st and State Line at the February 21st Council meeting; the plans might include the widening of State Line on Leawood's side of the street.

If the JBM study indicates that a signal is warranted, and the City is willing to pay for the installation, the City will still have to have Kansas City, Missouri's cooperation and consent to install the signal. It does appear that Kansas City is more interested in this signal installation at this time than it has been in the past.

800 Norma Brooks, 9319 High Drive, reported on the history of area residents' concerns since 1984, and their attempts to get a signal installed at 92nd and State Line. She asked how the residents could help Council and staff get a signal installed.

*** 8:05 P.M. Councilmember Hammond arrived.

Dan Hosfield, 9134 High Drive, presented information on behalf of the residents. He had been advised that once construction begins on 95th Street, school buses will pick up area students in the southbound lane of State Line Road just north of the intersection at 92nd and State Line. Buses are not allowed to travel on streets under construction, nor are they permitted to enter cul-de-sacs or back up. Only traffic going south on State Line will have to stop for the buses. This dangerous situation creates an immediate need for a temporary signal. Mr. Hosfield also stated that a temporary signal is warranted because of the difficulty in making a left hand turn onto State Line from 92nd Street. Many residents wondered if the Police Department could supervise traffic at the intersection when students are boarding buses if a temporary signal can not be installed.

1423 Councilmember Lin felt that the City should proceed with the design of a signal, not wait on Kansas City. He would prefer a permanent signal based on existing traffic counts.

- #1612 The Council discussed funding for a temporary versus a permanent signal.
- 1810 Councilmember Lin moved that once the City learns that a signal is warranted, it retain an engineering firm to design the signal, at a cost not to exceed \$10,000, and request that the firm work with the Kansas City Transportation Department so the final design will be in compliance with the final roadway configuration of State Line Road, and work with that Department throughout the design process until Kansas City concurs with the design. Councilmember Moore seconded the motion.
- 2308 Motion carried unanimously. Even though the City will be moving forward on this project, the question of how to fund the signal this year remains. Staff will have to do some research on this matter.
- Short recess.
- 2426 INTERLOCAL AGREEMENT BETWEEN JOHNSON COUNTY, OVERLAND PARK, AND LEAWOOD FOR THE IMPROVEMENT OF 95TH STREET, STATE LINE TO WENONGA: Approved unanimously on motion of Anselmi, seconded by Hammond.
- 2447 INTERLOCAL AGREEMENT BETWEEN OVERLAND PARK AND LEAWOOD FOR THE IMPROVEMENT (asphaltic concrete overlay) OF COLLEGE BOULEVARD, NALL TO ROE: Councilmember Hammond moved that the Council approve the agreement, seconded by Anselmi. The Mayor expressed concern that funding was not included in the 1989 Budget. The City will have to take money from the fund for residential street improvements. The Mayor asked that staff contact our neighboring cities and request that they share their future improvement plans with us so we can budget appropriately.
- 2775 Motion to approve the agreement carried unanimously.
- 2802 INTERLOCAL AGREEMENT BETWEEN JOHNSON COUNTY, OVERLAND PARK, AND LEAWOOD FOR THE IMPROVEMENT (surfacing) OF NALL AVENUE, 143RD TO 151ST STREETS: The Council discussed J.C. Nichols participation in this improvement. The agreement was approved unanimously on motion of Anselmi, seconded by Jacob.
- 2884
- 2907 ORDINANCE NO. 1090 AUTHORIZING IMPROVEMENTS TO 119TH STREET, STATE LINE ROAD TO MISSION ROAD: Councilmember Hammond moved that the Council pass the ordinance, seconded by Monica. Councilmember Lin felt that the City needs to keep residents informed about the widening project, and would like to have a series of meetings with residents before the improvement design is underway.
- The Council discussed the possible signalization of 119th and Mission. If signalization is done, it will be a separate project.
- The street will be built under traffic. Construction will start approximately June 1st or July 1st, and be completed by the end of the year.
- 3121 The ordinance was passed unanimously.

- #3144 RESOLUTION NO. 942 AUTHORIZING A SURVEY FOR CONDEMNATION OF PROPERTY FOR CONSTRUCTION OF TOMAHAWK CREEK PARKWAY AND COLLEGE BOULEVARD: Marshal Gordon's and Marshal Long's properties are to be condemned. Councilmember Anselmi moved that the Council adopt the resolution, seconded by
- 3261 Newlin. Motion carried unanimously. Attached as part of the record.
- 3265 ORDINANCE NO. 1091 AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF RIGHT-OF-WAY FOR CONSTRUCTION OF TOMAHAWK CREEK PARKWAY AND COLLEGE BOULEVARD: Passed unanimously on motion of Moore, seconded by Anselmi.
- 3300 REQUEST FOR PERMISSION TO SELL NEWSPAPERS AT MAJOR INTERSECTIONS - KANSAS CITY ROTARY CLUB: The Rotary Club was requesting permission to sell newspapers at intersections on Kansas City Day, April 3rd, 6-9 a.m. The proceeds would benefit the Kansas City Rotary Youth Camp Foundation.
- Councilmember LaHue felt it is dangerous for people to stand in intersections to collect donations, and that the City should not permit this type of solicitation.
- 3458 Councilmember Hammond moved that the Council grant a special solicitation permit to Kansas City Rotary Club with stipulations recommended by the Public Safety Committee, seconded by Lin. The stipulations are: 1) participants are to sign a waiver absolving the City of liability; 2) participants are to wear reflective safety apparel approved by the Chief of Police; and 3) cars are not to be solicited more than once.
- Motion carried; LaHue, Anselmi opposed; all others in favor.
- 3561 AUTHORIZE PURCHASE OF ANIMAL CONTROL MODULE (to be installed on the animal control pickup truck): The Council discussed justification for spending over \$5,000 for the module, and line account funding.
- 3803 Councilmember Jacob moved that the Council authorize the purchase of the Shore Line Animobile from Schroer Manufacturing Co. for \$5,445, seconded by LaHue. Motion carried; Moore, Anselmi opposed; all others in favor.
- 3825 WORK SESSION: Scheduled for February 13th, 7:30 P.M., to discuss creek clean up and a standard contract for consulting engineering services.
- 3878 APPROVAL OF APPROPRIATION ORDINANCES 604 AND 605: Councilmember Anselmi moved for approval, seconded by LaHue. Councilmember Anselmi questioned the amounts spent on publications (subscriptions) and memberships. These items are reviewed at budget preparation time. Motion to approve carried unanimously.
- 4097
- 4160 9:35 P.M. Meeting adjourned.

Marcia Rinehart

Marcia Rinehart Mayor

Attest:

Martha Heizer

Martha Heizer City Clerk

- # 113 Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held at 7:30 P.M., Tuesday, February 21, 1989, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.
- Roll call answered by Councilmembers LaHue, Jacob, Hammond, Anselmi, Moore, Newlin. * Councilmember Lin arrived 7:40 P.M. Staff: Garofano, Cox, Brandt, Malnicof, Strack, McKay, Heizer, Attorney Wetzler.
- 130 Agenda approved unanimously on motion of Moore, seconded by Hammond.
- 147 CITIZEN COMMENTS: Roy Lutes, 2015 W. 84th St., commended the Police Department for its efforts in recovering a piece of statuary which had been removed from his property.
- 187 CONSENT AGENDA: The following were approved unanimously on motion of Anselmi, seconded by Hammond:
1. Minutes of February 6, 1989 Council meeting;
 2. Departmental reports;
 3. Purchase of a 1988 Chevrolet Celebrity from Hertz for \$8,599 to be used as a Police staff car;
 4. Contractor's Pay Estimate #2 to Holland Corp.; \$138,534.01; Tomahawk Creek Parkway project, Roe Ave. to College Blvd.
- 204 CITY ADMINISTRATOR'S REPORT: City Administrator Garofano stated that Attorney Fred Logan, Jr., had reported that Leawood's appeal in the annexation litigation with Overland Park has been transferred from the Court of Appeals to the Kansas Supreme Court.
- 237 MAYOR'S REPORT: The National League of Cities meeting will be held in Washington, D.C. in March. If Councilmembers want to convey any information to legislators, they should give that information to the Mayor or City Administrator. The Mayor reported that League dues have increased, but it's still beneficial for the City to continue membership in the League.
- KPL Gas Service completed a gas leak survey of all bare steel gas service lines in Leawood. Green tags on gas meters indicate no leaks.
- * 7:40 P.M. Councilmember Lin arrived.
- Councilmember Hammond, Chairman of the Economic Development Steering Committee, reported on the Committee's first meeting held February 14th. A history of the City's master plan was presented. The Committee will meet with an economic development consultant on Saturday, February 25th.
- 397 REQUEST FOR FUNDING - UNITED COMMUNITY SERVICES OF JOHNSON COUNTY: Wilma Dickey, Executive Director of UCS, presented a proposal that cities in Johnson County augment funding that

the County has provided for human service programs for approximately 10 years. Annual city allocations could be based on population.

The Mayor stated that this request should be referred to the Budget & Finance Committee for 1990 budget recommendations. UCS requested that Leawood allocate \$2,764 (based on 1985 population).

The Council must make a philosophical decision to select charities to receive tax dollars, choices normally made by the residents themselves.

974 PRESENTATION OF PLANS FOR PROPOSED OFFICE PROJECT IN KANSAS CITY, MISSOURI, AT 91ST AND STATE LINE ROAD: Aaron March, Attorney with Polsinelli, White, Vardeman & Shalton, presented information on the project on behalf of the developer, The Tintera Group. A new plan shows a 140,000 square foot, 6-story office building (as opposed to 2 buildings totaling 150,000 square feet in the original plan). The majority of the parking will be underground. The main entrance will be off 91st Place. The developer feels that the project will enhance the general appearance of the area.

In response to this project, Kansas City conducted an in-house traffic study of existing traffic conditions. From the results, Kansas City anticipates the widening of State Line to 7 lanes.

1152 The Council discussed the height (line of sight) of the building in relation to Leawood homes along State Line.

1202 Planning Director McKay stated that besides being concerned about the widening of State Line Road in this area to accommodate future traffic growth, Leawood is also concerned about what will happen north and south of the project area on State Line. If the plan is approved and the project developed, Leawood will have to study its Comprehensive Plan. Since the widening will have a large impact on the City's residential areas, Leawood may have to consider land uses other than single family residential adjacent to State Line Road in the north part of the City.

1267 The number of traffic lanes was discussed. In response to the anticipated need for additional traffic lanes, Kansas City requested that Tintera build 1 lane on its property along State Line. Tintera is willing to do so. Kansas City would probably like Leawood to build another lane on the west side of the road. Kansas City is not requiring any signalization on State Line in the project area, but is only requiring the additional "drop off" or "turn off" lane on the Tintera property.

1766 Parking was discussed. Three sub-levels will be constructed. There will be some visible external parking. The majority will be underground. Items on the roof will not be visible from street level.

1813 A certified engineer will have to conduct a storm drainage study to analyze the impact of the project on drainage in the area. Mr. March stated that the project will not worsen the current drainage situation, and Tintera wants to improve upon it.

1893 The Mayor stated that she is very concerned about additional traffic going south on State Line. Leawood can not afford this

- # kind of impact on its residential areas. She mentioned a MARC study of major corridors in the metropolitan area; State Line was not envisioned as 7 lanes in the project area.
- The Mayor felt that it is not right for a municipality to develop to the maximum and not have a concern for nearby residential areas in neighboring cities. She also felt it's not appropriate that development in Kansas City might force Leawood to look at redevelopment on its side of State Line.
- 2186 Staff needs to review Kansas City's traffic study before the Governing Body makes any final comments.
- 2342 PRESENTATION ON PROPOSED K-150 CIRCUMFERENTIAL HIGHWAY (a relocation of the current Highway K-150: At Horn of Howard, Needles, Tammen & Bergendoff Engineers presented information. His firm had been selected by the Johnson County Commissioners to prepare a corridor location study for the "South Circumferential Parkway" which would go through Olathe, Overland Park and Leawood. The first public meeting will be held February 23rd at the Indian Trails Junior High School in Olathe at 7:30 P.M.
- Purposes of the study:
1. to improve safe and efficient movement of people and goods within the undeveloped areas of Johnson County;
 2. to try to obtain route continuity with Highway M-150 in Missouri (the study includes areas in Missouri at least as far as U.S. Highway 71).
- The Commissioners would like to establish a transportation corridor located in such a manner as to provide the greatest benefit to people at the least amount of detrimental impact.
- Objectives of the study:
1. to select a roadway type and identify an alignment that accomplishes the above;
 2. to assess the public and political support for the project;
 3. to identify possible funding sources; and
 4. to begin to set aside right-of-way for the project that would be available when funding is obtained.
- Mr. Horn described his firm's work task flow diagram and establishment of design criteria. They identified environmental factors (such as farm land, drainage basins, flood plains) and considered existing land uses, zoning, future land uses, existing public and semi-public facilities, historic sites, major utilities, major transportation networks. They were able to eliminate some corridor alternatives from further consideration in the next phase of the study.
- The total construction and right-of-way costs for a 2-lane facility would be approximately \$80 million; for a 4-lane facility, approximately \$110-120 million.
- 3196 Access points to Leawood from the potential roadway facility and east of U.S. Highway 69 were discussed.
- This roadway could change future city development plans for south parts of Johnson County. It would improve the east-west circulation in the south part of the County.

- #3372 Planning Director McKay felt this potential roadway would have a serious impact on Leawood's current K-150 and land use corridor. An alignment location as it stands now comes very close to Leawood's K-150, and Mr. McKay felt that the new roadway would take traffic away from K-150. As it stands now, the new roadway would not service Leawood as much as it would Olathe and Overland Park - would not help Leawood's economic development.
- 3592 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN KANSAS CITY, MISSOURI, JOHNSON COUNTY, KANSAS, AND LEAWOOD FOR PRELIMINARY ENGINEERING STUDY OF IMPROVEMENTS TO STATE LINE ROAD, I-435 TO 135TH STREET: The original agreement dated July 23, 1985, covered improvements between Red Bridge Road and 135th Street. The amendment is necessary to expand the improvement to include I-435 to Red Bridge Road. No additional funding from Leawood is required.
Amendment unanimously approved on motion of Moore; seconded by Jacob.
- 3640 APPROVAL OF APPROPRIATION ORDINANCE NO. 606: Approved unanimously on motion of Jacob, seconded by Anselmi.
- 3668 WORK SESSION: Scheduled to be held immediately after tonight's meeting, for approximately 30 minutes, to discuss the design development portion of the Police and Court Building/Fire Station remodeling project.
- 3716 COUNCIL COMMENTS:
3760 Councilmember LaHue asked about the status of a contract to design a traffic signal for the intersection at 92nd and State Line. Public Works Director Brandt stated that he had a contract with Johnson Brickell Mulcahy & Associates for the design engineering, but had a few questions. JBM updated their 1984 traffic count study; the warrants for a signal were not met. (Residents in the area are not using 92nd Street.) JBM feels confident that they can design the signal, and by the time the Tutera project at 91st and State Line is finished and the signal installed, the warrants will have been met.
The City does not have to meet warrants to install a signal; but if an accident occurs, the legality of the warrants could be challenged.
The Council will consider the contract with JBM at the March 6th Council meeting.
- 3855 Councilmember Lin stated that he had received another complaint about the lack of a traffic signal at 135th and State Line. Public Works Director Brandt stated that KDOT still has to approve the design.
- 3912 POLICE AND COURT BUILDING/FIRE STATION REMODELING PROJECT: The Council decided to remain in regular session to discuss this matter.
- 3931 Byron Emos of Abend Singleton Architects presented information on completion of the design development phase, interior and exterior plans.

- # The Council discussed the plans for the east side (rear) of the fire station. Some Councilmembers felt that the solid brick walls would look better if broken up by adding landscaping, adding windows, or extending the white molding to the rear of the building.
- 4520 A Plan Commission hearing on the project is not required, but the City plans to meet with neighbors.
- 4727 The Council discussed an addition to the Police/Court Building - a sally port or "garage" used as a primary prisoner entrance. The large door was designed to accommodate the largest ambulance in the County. Council felt that the door should not be white, but should be painted to blend with the brick which would significantly reduce its visual dominance. Some Councilmembers felt that the appearance of the sally port might be improved by adding windows or a mansard roof.
- 6462 Councilmember Anselmi moved that the Council authorize Abend Singleton to proceed with preparation of construction drawings for the 2 buildings, the plans as presented being agreeable to the majority of the Council, construction drawings to take into consideration continuation of the wood trim on the fire station and the painting of the sally port door of the Police/Court Building. Councilmember Hammond seconded the motion.
- 6675 Councilmember LaHue moved that the motion be amended by asking the firm to present a revision to the sally port roof design to the Council before final design approval is given. Councilmember Lin seconded the motion.
- 6768 END OF TAPE

TAPÉ NO. 160

- 46 After further discussion, Councilmember Lin withdrew his second.
- 103 Councilmember LaHue moved to amend the motion to state that Council approves the final design with the exception of the sally port roof, and that that roof be excluded from the main motion. Councilmember Newlin seconded the motion. Motion to amend carried; Jacob, Anselmi opposed; all others in favor.
- 148 Councilmember Anselmi's motion as amended carried unanimously.
- 194 The Council will review the sally port roof design at the March 6th Council meeting.
- 277 Mr. Emos stated that at this time the City is approximately \$26,000 under total budget; so \$26,000 plus any money that would not be used from the contingency that had been projected (approximately \$40,000) would be used for furnishings. The project should be bid about May 1st, bids received about June 1st.
- 350 Council instructed architects to report back with a cost for design services for the addition of a vestibule at the rear of the Council/Court Chambers (9615 Lee Boulevard).
- 10:40 P.M. Meeting adjourned.

February 21, 1989



Attest:

Marcia Rinehart
Marcia Rinehart Mayor

Martha Heizer
Martha Heizer City Clerk

- # 384 Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held at 7:30 P.M., Monday, March 6, 1989, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.
- Roll call answered by Councilmembers LaHue, Jacob, Hammond, Anselmi, Moore, Newlin. * Councilmember Monica arrived 7:35 P.M. ** Councilmember Lin arrived 7:40 P.M. Staff: Garofano, Baer, Cox, Brandt, McKay, Strack, Heizer, Attorney Wetzler.
- 392 Agenda approved unanimously on motion of Jacob, seconded by Moore, after addition of 1) an update on Lee Boulevard improvements; 2) discussion of street slurry seal program; and 3) discussion of trash recycling.
- 413 CITIZEN COMMENTS: None
- 419 PROCLAMATION: Mayor proclaimed March 12-19, 1989, as "Camp Fire Birthday Week".
- 422 CONSENT AGENDA: The following were approved unanimously on motion of Hammond, seconded by Jacob:
1. Minutes of February 21, 1989 Council meeting
 2. Public Works Committee report on their March 2, 1989 meeting
 3. Contractor's Pay Estimate #3 to Holland Corp.; \$69,699.64; Tomahawk Creek Parkway project, Roe Ave./ College Blvd.
 4. 3-year lease of a Ricoh 7060 copier for Administration/ Planning; \$7,565-1st year; \$9,078-2nd and 3rd years.
- 429 CITY ADMINISTRATOR'S REPORT: None.
- 434 MAYOR'S REPORT: The following items were discussed at a Council of Mayors meeting last week:
1. A project for "youth at risk", which utilizes a \$4,000 grant to train adults to help youth who are at risk for drug/alcohol problems. The Council of Mayors supports this program.
- * 7:35 P.M. Councilmember Monica arrived.
2. Information on sewers was presented to the mayors by the Johnson County Wastewater District. A task force will present funding recommendations to the County Commissioners in the next few months; they are considering user fees and benefit districts as means of funding new sewers in the undeveloped parts of the County. The entire County may be asked to participate in the funding of the new sewers and the rehabilitation of the old.
- 547 Councilmember Hammond, Chairman of the Economic Development Steering Committee, reported on the Committee's February 25th

meeting with a consultant who gave committee members some guidance and direction for developing an economic development program.

612 CONTRACT FOR DESIGN OF TRAFFIC SIGNALS AT THE INTERSECTION OF 92ND & STATE LINE ROAD: Councilmember Anselmi moved that the Council approve the contract with Johnson, Brickell, Mulcahy & Associates, for a maximum fee of \$8,000; seconded by Hammond.

** 7:40 P.M. Councilmember Lin arrived.

The Council discussed Kansas City, Missouri's letter to City Administrator Garofano which outlined Kansas City's State Line Road improvement priorities based on its traffic study performed in response to the proposed Tutera Group office project at 91st & State Line. Those priorities are:

1. signal at 85th Terr. & State Line
2. right turn lanes at Bannister & State Line
3. widening and lowering State Line to provide better sight distance and left turn storage lane from south of 89th St. to the Rockhurst driveway
4. signal at 92nd & State Line
5. design for widening State Line between 93rd and 103rd Streets

Kansas City and JBM believe that Leawood would create a more hazardous situation if it signalized the intersection at 92nd & State Line without providing left turn lanes.

1062 Council discussed the possibility of increasing the scope of the contract to include design of left turn lanes and lowering the slope of State Line.

1155 Councilmember Lin felt that from a traffic volume standpoint, left turn lanes are not justified. He felt that the City could proceed with the design and installation of the signal, and modify the signal in the future, if necessary, to accommodate left turn lanes.

Public Works Director Brandt did not believe that Kansas City would approve Leawood's installation without widening. Kansas City has indicated that it wants left turn signals.

1393 Councilmember Lin suggested the City could prohibit left turns on State Line 7-8 a.m. and 5-6 p.m.

1763 Councilmember LaHue moved to amend the motion to include an increase in the amount of the contract to provide for design of left turn lanes, seconded by Moore. The Public Works Committee will have to interview design consultants if the design of the signal and left turn lanes exceeds \$10,000. Councilmember Lin felt that the total amount could be \$20,000-25,000. Councilmember Moore withdrew his second; Councilmember LaHue withdrew his motion.

1828 Councilmember Lin moved to amend the motion to state that approval of the contract be contingent upon additional discussion with Kansas City by the next regular Council meeting to reach an understanding that the signal would only include a 2-phase

- # operation (green on north-south; green on east-west) at the present time and would be capable of expansion to accommodate future left turn lane operation, and that "no left turn" hours on State Line be considered. Councilmember Monica seconded the motion. Motion carried unanimously.
- 1989 Councilmember Anselmi's motion as amended to approve the contract with JBM carried unanimously.
- 2026 DISCUSSION OF FENCING/BEAUTIFICATION FOR THE ROE AVENUE BRIDGE RETAINING WALL: At the present time, the City does not know if the State will participate in funding a wrought iron safety fence at the top of the wall; it will participate in funding a chain link fence.
- 2171 Public Works Director Brandt presented landscaping estimates and drawings from Suburban Lawn & Garden:
1. \$12,500 for ground cover and trees at the top of the wall;
 2. two alternatives for the base of the wall without doing anything at the top of the wall:
 - Alternate A - 9 trees with sidewalk loops around each tree; \$27,000
 - Alternate B - 9 trees, removal of the existing sidewalk, installation of a new walk back against the wall (trees would be planted between walk and back of curb); \$32,500
- The City could add the additional cost of landscaping to the Roe Avenue improvement project before that project is permanently financed.
- 2665 Janet Provines, resident of the Berkshire subdivision in Leawood, presented the following proposal:
1. at the top of the wall - ground cover to stabilize the soil, and some tubular iron fencing for safety purposes.
 2. at the bottom of the wall - plant 9 trees, evenly spaced, with grates over the bases of the trees to allow for watering and fertilizing - to break up the appearance of the wall.
 3. the Berkshire Homes Association would be willing to help maintain the trees/ground cover.
- 2858 Councilmember Lin moved that the Council allocate a maximum of \$25,000 for beautification improvements, details to be worked out by the Public Works Department with help from the Berkshire Homes Association; motion seconded by Monica. After discussion, Monica withdrew her second.
- 2995 Councilmember Lin moved that the Council direct the Public Works Director to solicit bids for Alternate B, seconded by Monica.
- Public Works is working on a coating to apply to the wall to help eliminate graffiti. Fencing and ground cover are not included in the motion.
- 3485 Councilmember Lin's motion carried; Hammond opposed; all others in favor.

#3502

UPDATE ON LEE BOULEVARD IMPROVEMENT PROJECT: The design, which will include a jogging path on the west side of Lee, is under way. Some residents are unhappy that the path might be 8 feet wide, information they obtained from surveyors. Some people thought a 3-4' sidewalk would be constructed. Public Works Director Brandt stated that the jogging path could not be less than 6 feet wide.

The Council discussed the following:

1. the real purpose of the pathway - to be used by joggers, walkers, bicyclists; or a combination.
2. the use of concrete vs. asphalt; asphalt is difficult to maintain on a narrow pathway, so concrete should be used in this instance; joggers, who use Lee Boulevard a lot, will not run on concrete since it's not as absorbent as asphalt.
3. the size of the pathway between 103rd St. and Leewood Park.
4. the possibility of prohibiting jogging on Lee and other major thoroughfares.

Recreation Director Bob Lane stated that national safety standards required minimum width for a shared bicycle/jogging pathway is 8 feet.

~~A consensus was reached that the pathway be 8 feet wide to accommodate joggers, walkers, bicyclists;~~

4631

UPDATE ON STREET SLURRY SEAL PROGRAM: A review of slurry seal was assigned to the Public Works Committee several months ago, but the Committee has not been able to consider the matter. Public Works Director would like to bid the 1989 program in April. The Council discussed 3 types of street maintenance programs:

1. chip and seal - provides a better quality street and traffic is allowed to use the street immediately after work is done; but it's more expensive and more of a nuisance with dust/dirt than slurry seal.
2. overlay - too expensive.
3. slurry seal - cheapest program; but traffic is prohibited from using the street for 8-10 hours after work is done to allow the street to dry.

Due to complaints about slurry seal, Councilmember Monica would like to see the City try chip and seal on a few streets.

Public Works Director felt that slurry seal provides a 4-5 year protection, seals the small cracks that the City can't with its machines, provides a wearing surface, and puts a little oil back into the surface. Slurry seal does not add to the absolute strength of the street, but does delay decay.

See Pg.
3678,
#25

The Director will present his suggestions and recommendations on slurry seal, and on chip and seal for some streets if appropriate, at the March 13th work session.

5098

DISCUSSION OF TRASH RECYCLING: The Recreation Commission felt it best at the present time for the City to actively recognize and support existing collection centers. The City could encourage

*** A consensus was reached that the pathway be surveyed and designed for a width of 8 feet, and that the Council discuss the pathway with the public prior to considering whether or not the pathway should be built or reaching a decision on the final width. 3676

mb

- # residents to use the existing locations by mentioning them in the regular City newsletters and the Recreation newsletter.
- 5264 RESOLUTION NO. 943 AMENDING THE "PERSONNEL RULES AND REGULATIONS" RELATING TO EMPLOYMENT OF RELATIVES: Recreation Director Bob Lane stated that the present nepotism policy is causing a hardship in the Recreation Department. For example, in previous years, persons with Water Safety Instruction (WSI) were qualified to teach swimming and guard at the pool. Red Cross has changed its requirements for swimming instruction and guarding. Young people are now receiving guard training but are not going on for lesson instruction. The Recreation Department has people who want to work as guards but are not qualified to teach, and has a number of people it could hire to teach but they are related to guards the City has hired.
- 5932 Councilmember Monica moved for adoption of the resolution. The Recreation Commission, as authorized to hire and fire employees by Kansas State Statute, would be able to consider family members of Recreation Commission employees for full-time, temporary, seasonal employment as long as no family member was in a position to directly or indirectly supervise another family member. Councilmember Jacob seconded the motion.
- 6310 Motion carried; Moore opposed; Lin abstained; all others in favor. Resolution attached as part of the record.
- 6334 INTERLOCAL AGREEMENT WITH JOHNSON COUNTY, KANSAS, AND PRAIRIE VILLAGE, KANSAS, FOR THE PUBLIC IMPROVEMENT OF THE INTERSECTION OF SOMERSET DRIVE AND LEE BOULEVARD: Approved unanimously on motion of Lin, seconded by Jacob. Cost to Leawood estimated at \$62,719.00. This agreement supersedes an agreement approved by the City of Leawood January 18, 1988.
- 6383 ADDENDUM TO INTERLOCAL AGREEMENT DATED DECEMBER 31, 1987, BETWEEN JOHNSON COUNTY, KANSAS, AND THE CITY OF LEAWOOD FOR THE PUBLIC IMPROVEMENT OF TOMAHAWK CREEK PARKWAY FROM COLLEGE BOULEVARD SOUTHWESTERLY TO ROE AVENUE: Required for the continued funding of the Parkway. Adds an additional \$500,000 for a total of \$1,000,000. Approved unanimously on motion of Anselmi, seconded by Hammond.
- 6424 RESOLUTION NO. 944 AUTHORIZING FULL PARTICIPATION IN THE KS. SINGLE FAMILY MORTGAGE CREDIT CERTIFICATE PROGRAM, SERIES 1987; AUTHORIZING MAYOR TO SIGN COOPERATION AGREEMENT FOR SAME; AND RESCINDING RESOLUTION NO. 889 AND COOPERATION AGREEMENT ADOPTED FEBRUARY 1, 1988: Last year, the program was limited to home improvement loans. Loans for the purchase of new or existing homes were not authorized because Council felt that no home in Leawood would qualify because of the low purchase price required. Someone is interested in buying a home that would qualify, and has asked the City to consider expanding its participation in the program. Resolution adopted unanimously on motion of Lin, seconded by Hammond. Attached as part of the record.

- #6638 ORDINANCE NO. 1092C AMENDING SECTION 1-306 OF THE CODE RELATING TO DUTIES OF THE CITY ADMINISTRATOR AS PURCHASING AGENT:
Ordinance provides the administrator with the authority to approve expenditures in excess of \$5,000 for emergency repairs or maintenance for city-owned facilities or equipment. Purchases in excess of \$5,000 for all other purposes will still require prior approval of the Council.
Ordinance passed unanimously on motion of Anselmi, seconded by Jacob.

6694 END OF TAPE.

TAPE NO. 161

- # 10 AMENDMENT OF PURCHASING MANUAL: The following revisions to the manual, necessary to reflect the authority granted by Ordinance No. 1092C (#6638 above), were unanimously approved on motion of Jacob, seconded by Moore:
- Sec. 3.2 15, change to read "CITY ADMINISTRATOR - if \$5,000 or less or more than \$5,000 and for the emergency repair or maintenance of city-owned facilities or equipment, approval indicated by City Administrator is necessary".
- Sec. 3.2 16, change to read "CITY COUNCIL - if over \$5,000 except for emergency repair or maintenance of city-owned facilities or equipment which may be approved by the City Administrator, approval indicated by the City Council is necessary".
- 25 REQUEST TO SCHEDULE WORK SESSION TO DISCUSS STANDARD CONTRACT FOR CONSULTING ENGINEERING SERVICES, AND STREET REHABILITATION PROGRAM:
1. Public Works Director Brandt stated that the City has projects it had not counted on as part of the neighborhood street rehabilitation program, and there are some streets severely damaged by the drought. The City will have to rearrange program priorities previously published. Rather than discuss this matter at a work session, the Director will send information to the Council at the end of this week indicating his new priorities for street rehabilitation.
 2. The Director will also send copies of the proposed standard contract for consulting engineering services to Councilmembers for their review.
 3. Earlier in this meeting, the slurry seal program was scheduled for discussion at a March 13th work session. Director Brandt will now send his suggestions/recommendations to Councilmembers for their review.
- 262 APPROVAL OF APPROPRIATION ORDINANCE NO. 607: Approved unanimously on motion of Jacob, seconded by Lin.

280
302

COUNCIL COMMENTS:

Councilmember LaHue asked about the status of the Public Works Committee study of the open drainage ditches on 87th and 89th Streets just east of Mission Road. Director Brandt stated that improvements to the ditch on 89th Street will be bid this month. The 87th Street ditch is well maintained - no improvements necessary.

LaHue also asked about the pedestrian light at 89th and Lee. It is part of the Lee Boulevard improvement project.

LaHue felt that the lack of sidewalks on Leawood's side of Mission Road between Ranch Mart and Cure of Ars Church creates a safety problem. Director Brandt will check to see if sidewalk construction in this area has ever been considered, and report to the Council at the next meeting.

437

Councilmember Lin asked about the status of the parking problems at the Hy-Vee Food Store, 123rd and State Line. The Planning Department is trying to locate the owner of the property to the west of the store. Director McKay will report the outcome.

475

REVIEW OF SALLY PORT ROOF DESIGN - POLICE/COURT BUILDING

REMODELING PROJECT: Byron Emos of Abend/Singleton Architects presented drawings. The Council discussed 3 alternate designs: one incorporating a mansard roof; one without a mansard roof but with added architectural details to help blend with the entire Police/Court Building; and a third, same as the second alternate, but with a reduced door size from 10'8" to 9', which would accommodate a Leawood Fire Department ambulance or a County ambulance.

852

Councilmember Hammond moved that the Council approve the plan with the mansard roof, seconded by Newlin. Motion failed; Hammond, LaHue, Moore, Newlin in favor; Jacob, Anselmi, Lin, Monica opposed; the Mayor opposed. The sally port will not have a mansard roof.

923

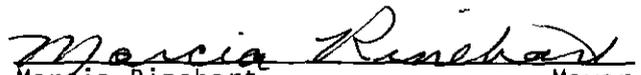
The Council discussed construction of a vestibule at the rear of the Council/Court Chamber building (9615 Lee). Byron Emos stated that construction cost would be approximately \$7,000-8,000. Design cost would be figured on an hourly basis; \$2,500-2,800 for 1 to 1½ weeks of design work.

995

Councilmember LaHue moved that the Council authorize the design of this vestibule, seconded by Lin. Motion carried; Moore, Anselmi, Lin opposed; all others in favor.

1100

10:50 P.M. Meeting adjourned.


Marcia Rinehart Mayor

Attest:


Martha Heizer City Clerk

- # 21 Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held at 7:30 P.M., Monday, March 20, 1989, in the Council Chamber, 9615 Lee Blvd., Leawood, Kansas, Mayor Rinehart presiding.

Roll call answered by Councilmembers LaHue, Jacob, Hammond, Moore, Newlin, Lin. * Councilmember Anselmi arrived 8:45 P.M. Staff: Garofano, Baer, Brandt, McKay, Strack, Heizer, Attorney Wetzler.

- 35 Agenda approved unanimously on motion of Jacob, seconded by Moore, after addition of 1) several reports on items mentioned in the minutes of the March 6th Council meeting to be given under the Mayor's Report; and 2) discussion of the reappraisal process.

Councilmember Moore felt that the City should send a representative to the Kansas City, Missouri Plan Commission meeting to be held March 21st, 11:30 a.m., concerning the Tutera Group office project at 91st Place and State Line Road; and to another meeting on the same matter held by the Center Planning and Development Council, March 28th, 7:30 P.M., at the Summit View Church of The Nazarene, 97th and Summit in Kansas City, Missouri.

- 102 CITIZEN COMMENTS: Frances Gershon, owner of U.S. Toy Co. at 2008 W. 103rd Terr., and Walter Langston of Langston Labs, Inc., at 2005 W. 103rd Terr., expressed concern about the dangerous intersection at 103rd Terr. and State Line Rd., and requested that the City install a traffic signal at that intersection. Businesses in the area are suffering because people avoid the area; it's extremely difficult for motorists to get out onto State Line at any time during the day.

Mrs. Gershon had sent Public Works Director Brandt a petition signed by property owners, renters, and employees in the area requesting the traffic signal.

Mr. Brandt stated that he had requested federal funding for a signal at this location last October, and was informed that the warrants for a signal had been met, but the City did not have a "cost benefit justification" for funding. The City and Johnson, Brickell, Mulcahy & Associates consultants are currently working on this "justification", doing a cost benefit study. The City will ask the Kansas Department of Transportation to reconsider the request. Mr. Brandt stated that the costs of improvements to the intersection, signal and roadway changes, could be \$200,000-250,000; and if KDOT did fund the project, the City might have to wait at least 2 years for the installation, unless it funded the improvements itself.

This matter could be discussed when the City's capital improvements program is discussed at the April 10th work session.

The results of the cost benefit study should be available in the next few weeks.

Timing delays on signals at 103rd and State Line and at the I-435 overpass might help the situation at the present time.

- # Councilmember Lin felt that the City has a very complete capital improvements program for its large projects, and suggested that perhaps the Public Works Committee should consider including smaller projects like this one in the CIP.
- 782 PROCLAMATION: The Mayor proclaimed March 19-25, 1989, as "Poison Prevention Week".
- 786 RESOLUTIONS OF SYMPATHY: The Governing Body issued 2 resolutions extending sympathy to the families of former Leawood Councilman and Mayor Loyd D. Jones who passed away March 6th, and Overland Park City Councilman Andrew Happer who passed away March 14th. Attached as part of the record.
- 795 CONSENT AGENDA: The minutes of the March 6, 1989, Council meeting were removed for further discussion. The following were approved unanimously on motion of Moore, seconded by Jacob:
1. Recreation Commission report on their February 14, 1989 meeting;
 2. Recreation Commission report on their March 14, 1989, meeting;
 3. Departmental reports;
 4. Request to keep more than 3 animals - Ann Kuntz, 14200 Canterbury Ct.;
 5. Assignment to Community Relations Committee to consider and make recommendations on guidelines for the City's response to situations calling for expressions of sympathy;
 6. Declaration of surplus property - 1985 Pontiac Grand Prix police staff car.

On motion of Lin, seconded by Moore, the minutes of the March 6, 1989, Council meeting were unanimously approved with the following correction: Page 3676, tape recording meter #3502, last paragraph, changed to read as follows: A consensus was reached that the pathway be surveyed and designed for a width of 8 feet, and that the Council discuss the pathway with the public prior to considering whether or not the pathway should be built or reaching a decision on the final width.

- 969 CITY ADMINISTRATOR'S REPORT: Two items concerning the traffic signal at the intersection of 92nd and State Line had been distributed to the Council:
1. A March 9th Kansas City, Missouri Inter-departmental Communication summarizing Kansas City and Leawood's discussions on the intersection; and
 2. Public Works Director Brandt's March 13th letter to Kansas City's Department of Transportation advising that Department of Leawood's intent to design traffic signals for the intersection contingent upon Kansas City's approval of the construction of the signals without left turn lanes on State Line.
- Leawood is waiting for Kansas City to respond to the proposal.

#

City Administrator Garofano reported on the status of signalization at the intersection of K-150 and State Line. KDOT had previously indicated that it would approve a temporary signal, and Leawood had worked out an agreement with Kansas City whereby Kansas City would provide the equipment and Leawood would pay for the installation. KDOT has changed its position again, and now states that the signals must be fully traffic actuated. Leawood is still trying to convince KDOT otherwise. The Missouri Department of Transportation has no problem with a temporary signal.

The Mayor suggested that the City contact its State senator and representative and request their assistance in finding a solution to this problem. The City, in the long run, wants a fully actuated signal (once the K-150 Corridor is more fully developed).

Councilmember Lin felt the Council should schedule a work session to discuss the possibility of the City taking over maintenance of the K-150 Corridor; perhaps this could be discussed at the April 10th work session.

Mr. Garofano reported that the Kansas City Star had published a summary of an annual report prepared by the League of Kansas Municipalities regarding 1989 city tax rates. The report summarized 20 Johnson County cities, showing city levy rates and total tax rates. Leawood's total tax rate, considering the City and all other taxing jurisdictions within the City, is the third lowest mill levy rate (Westwood, 160.9; Overland Park, 161.0; Leawood, 161.8).

1343

MAYOR'S REPORT: The Mayor attended the National League of Cities meeting in Washington, D.C. last week. She attended several meetings - on infrastructure, budget, deficit in the cities, taxing cities and towns.

A proposed standard contract for consulting engineering services was distributed to the Governing Body for review, and will be discussed at the April 10th work session.

The street slurry seal program will be discussed at the April 10th work session.

Public Works Director Brandt expects to have quotes on the improvements to the Roe Avenue bridge retaining wall by the next Council meeting.

Mr. Brandt will report later on sidewalk construction on Leawood's side of Mission Road between Ranch Mart Shopping Center and Cure of Ars Church.

Mr. Brandt received 2 requests for storm drainage improvements on private property. They will be discussed at the April 10th work session.

City Administrator Garofano reported that the Economic Development Steering Committee met March 14th. The Committee reviewed a statement of purpose and objectives of the program. They will meet again March 27th to discuss an organizational structure for an economic development program.

Mr. Garofano also reported that staff had met with some homeowners whose properties abut the City Hall site, and with some homeowners residing on Lee Boulevard across the street from the City Hall. Most were supportive of the Police/Court Building and Fire Station No. 1 remodeling project.

- #1691 INTERLOCAL AGREEMENT WITH JOHNSON COUNTY, KANSAS, FOR THE PUBLIC IMPROVEMENT OF 119TH STREET, STATE LINE ROAD TO MISSION ROAD:
Councilmember Hammond moved that the Council approve the agreement, seconded by Moore. The Council discussed the increase in costs from \$720,000 (the 1987 estimated cost submitted to CARS) to \$1,300,000. The additional costs are necessary to cover the lease of street lights and more extensive road work due to greater pavement damage from increased traffic than was originally projected.
- 2004 Signals at 119th and Mission were discussed. The City will ask the engineers, Continental Construction, to study warrants for a traffic signal. If warrants exist, the Council will have to decide if it wants to build signals as part of this project. Design of the signals is included in the proposed design engineering contract; but if the Council decides not to build them at this time, the City will not pay the amount in the contract.
This project does not include a new light system at 119th and State Line - funds are not available.
- 2058 Administrator Garofano stated that this project is included in the City's capital improvements program. The City-at-large cost of \$75,000 is based on the original estimate for the project (\$720,000). If the project costs \$880,000, the City-at-large cost will be \$195,000. The Governing Body needs to discuss this project with other capital improvement commitments in April, to review tax implications and the timing or phasing of the various... projects.
- 2123 The Council discussed purchase vs. leasing of street lights. It's terribly expensive to lease a street light over the years. In the short term, there's less debt incurred; if the life cycle costs are considered, one would have to question whether or not it wouldn't be more prudent to incur some additional debt up front as opposed to paying for the lights forever.
- 2160 Councilmember Lin asked about cutting down the hill between Pawnee Lane and Mission Road to provide adequate sight distance. He also asked about underdrains at the intersection of 119th and Mission. Underdrains are included in the project, but the cutting of the hill is not because of the significant cost. Mr. Lin feels the cutting or improvement of the vertical curve should be included in the project to do the improvement right. This is a real safety concern for the residents.
- 2366 Sandy Kriszta, 3600 W. 119th Terr., expressed concern about the hill, and stated that she would like to see the speed limit reduced at the crest of the hill.
- * 8:45 P.M. Councilmember Anselmi arrived.
- Pat Paton, 3704 W. 119th Terr., also expressed concern about the hill. He wants to take specific information on what the Council is considering to his next homes association meeting.
The City will apply to the County for additional funds which would require a separate interlocal agreement; but to be realistic, the County has not had the funding to give additional assistance.
- 2530 The Council unanimously approved the agreement.

- #2535 CONTRACT FOR DESIGN ENGINEERING SERVICES - 119TH STREET IMPROVE-
2793 MENTS, STATE LINE ROAD TO MISSION ROAD: Councilmember LaHue moved that the Council approve the contract with Continental Construction Engineers, Inc., contract not to exceed \$124,000; seconded by Jacob; unanimous.
- 2834 RESOLUTION NO. 945 DECLARING THE NECESSITY TO APPROPRIATE
PRIVATE PROPERTY FOR THE USE OF THE CITY AND AUTHORIZING A SURVEY
3084 AND DESCRIPTION OF THE LAND AND INTEREST TO BE CONDEMNED - 95th
Street construction: Adopted unanimously on motion of Lin, seconded by Hammond. Attached as part of the record.
- 3091 ORDINANCE NO. 1093 AUTHORIZING AND PROVIDING FOR ACQUISITION OF
RIGHT-OF-WAY FOR CONSTRUCTION OF 95TH STREET BETWEEN STATE LINE
AND WENONGA: Passed unanimously on motion of Hammond, seconded by Jacob.
- 3145 ORDINANCE NO. 1094 GRANTING AN EASEMENT TO KANSAS CITY POWER &
LIGHT COMPANY FOR UTILITY PURPOSES - Tract C, "Leawood Greenway
& Parks", lying north of and adjoining the north right-of-way
line of 119th Street: Passed unanimously on motion of Jacob, seconded by Hammond.
- 3203 APPROVAL OF APPROPRIATION ORDINANCE NO. 608: Approved unanimously on motion of Hammond, seconded by Moore.
- 3318 DISCUSSION OF COUNTY REAPPRAISAL PROCESS: Councilmember Lin distributed a survey published in the Kansas City Star, Sunday, March 12th, entitled, "Appraising the Johnson County Appraisals". The survey showed the average sale price, average appraisal, and percent high or low for homes in several Johnson County cities. The survey showed that the average appraisal figure was 6% higher than the average sale price for 20 homes in Leawood. In other cities, appraisal was lower than the sale price or a nominal percentage higher. If the survey is valid, Mr. Lin feels the homes in Leawood should be totally reappraised by the County, and the Governing Body should make a statement to that effect.
Administrator Garofano and Finance Director Malnicof have discussed the figures and have tried to obtain additional information from the County. The Council might want to inquire as to why Leawood's percentage seems to be out of line with the rest of Johnson County. The County did reappraise Verona Gardens subdivision.
Staff will continue to gather statistical information to determine if there is a reason for the Council to go on record or make a statement about the reappraisal process.
- 3666 Howard Kipfer, a resident and member of the Public Works Committee, stated his concerns about drainage ditches on Lee Boulevard and the drainage problems. Drainage not handled on Lee goes down to Meadow Lane and causes flooding problems. The Mayor stated that the Council directed the engineers to design for the best drainage possible on Lee, and in some areas, it has been acknowledged that it might be necessary to have curb and gutter, but try to preserve

the country atmosphere as much as possible. Public Works Director Brandt should have information at the April 3rd Council meeting or the April 10th work session so the Governing Body will have a better idea where the City stands cost-wise and drainage-wise.

4162 COUNCIL COMMENTS: Mrs. Jacob stated that the latest newsletter recently mailed to residents will be sent to Ranch Mart merchants and to those persons who were thanked for their involvement in the I-Lan, Taiwan delegation's visit to Leawood last December.

Mrs. Jacob also stated that revisions have been made to the citizen survey; there will be one more draft for Council review.

4196 Dr. LaHue, Council liaison to the 4th of July Committee, stated that the Committee will have their second meeting, Thursday, March 23rd.

4230 9:35 P.M. Meeting adjourned.


Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

45 Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held at 7:30 P.M., Monday, April 3, 1989, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.

Roll call answered by Councilmembers LaHue, Jacob, Hammond, Anselmi, Moore, Newlin. * Councilmembers Monica and Lin arrived 7:35 P.M. Staff: Garofano, Baer, Cox, Brandt, Malnicof, McKay, Strack, Heizer, Attorney Wetzler.

54 Agenda approved unanimously on motion of Hammond, seconded by Jacob, after addition of update on signalization at the intersection of 92nd and State Line Road.

86 CITIZEN COMMENTS: None.

91 PROCLAMATIONS: The Mayor proclaimed:

1. Volunteer Week, April 9-15, 1989. Volunteer buttons and ribbons, letters of appreciation, and copies of the proclamation will be sent to current committee and commission members to acknowledge their contributions to the community as volunteers.
2. Disability Awareness Weekend, April 29 & 30, 1989
3. Exceptional Children's Week, May 1-7, 1989
4. Student Achievement Week, April 3-9, 1989
5. National Organ/Tissue Donor Awareness Week, April 23-29, 1989
6. Loyalty Day, May 1, 1989

Police Chief Cox informed the Mayor before the meeting that April 9-16 has been designated National Telecommunicator Week to honor dispatchers for police, fire, and ambulance services. The Mayor will sign a formal proclamation if one is prepared.

137 CONSENT AGENDA: The following were approved unanimously on motion of Anselmi, seconded by Moore:

1. Minutes of March 20, 1989 Council meeting
2. 4th of July Committee report on their March 23, 1989 meeting
3. Request to keep more than 3 animals - Stanford Glazer, 4101 W. 110th St. (2 dogs, 2 cats)
4. Application for cereal malt beverage license renewal - Broadmour Food Markets, Inc., 7960 Lee Blvd.
5. Contractor's Pay Estimate No. 4 to Holland Corp.; \$120,680.40; Tomahawk Creek Parkway, College/Roe
6. Contractor's Pay Estimate No. 1 to Reno Construction; \$38,529.00; 95th Street construction, State Line/Wenonga

* 7:35 P.M. Councilmembers Monica and Lin arrived.

148 RESOLUTION NO. 946 APPROVING FINAL PLAT OF CAMELOT COURT SHOPPING CENTER, 119TH AND ROE: Adopted unanimously on motion of Moore,

- # seconded by Hammond. Attached as part of the record.
- 238 RESOLUTION NO. 947 APPROVING FINAL PLAT OF BRITTANY WOODS, 2ND PLAT, 151ST AND NALL: The resolution was adopted on motion of Moore, seconded by Hammond; Monica abstained; all others in favor. Mrs. Monica abstained because she feels that developers use RP-1 zoning, Planned Single Family Residential District, instead of R-1, Single Family Residential, to develop smaller lots; the City needs to consider specific areas of the City for RP-1 zoning. Resolution attached as part of the record.
- 318 CITY ADMINISTRATOR'S REPORT: Mr. Garofano reported that a public meeting will be held April 12th, 7-9 P.M., Brookwood School, to present preliminary plans for Phase I of improvements to Lee Boulevard, 95th Street to 103rd Street. Prior to that meeting, the Governing Body would have a chance to review those plans and discuss a proposed pathway as part of the improvement at an April 10th work session, if that work session is scheduled later this evening.
- 410 MAYOR'S REPORT: Councilmember Hammond, Chairman of the Economic Development Steering Committee, reported that the Committee discussed an organizational structure for an economic development program at their March 27th meeting. The Governing Body should review the final draft of the objectives and strategies for such a program which had been distributed to them.
- The Mayor stated that she had received further information about the "Youth At Risk" Program from the Johnson County Task Force on Drug and Alcohol Abuse. There is a request that 200 citizens in the County participate in an awareness, prevention, intervention skills training action plan.
- A memo from the City Administrator concerning the Johnson County reappraisal process had been distributed to the Governing Body. Mr. Garofano had requested information from the County concerning the City's percentage of increase in its total assessed valuation to compare it with other County jurisdictions, and information on the number of appeals from Leawood versus appeals from other jurisdictions. Staff needs to gather more information before recommending an official position on reappraisal to the Governing Body. Councilmember Newlin felt that a County-wide committee should be formed to study the reappraisal process, and suggested that the Mayor present this matter for consideration at the next Council of Mayors meeting; she will do so at the April 5th Mayors' meeting.
- 663 PROPOSALS FOR IMPROVEMENTS TO THE ROE AVENUE BRIDGE RETAINING WALL: Public Works Director Brandt had requested bids on concrete work (concrete removal and concrete sidewalk replacement) and landscaping (trees at the bottom of the wall and plantings at the top). He recommended that the Council accept the bid of Johnson County Flatwork for the concrete work for \$4,867.50, and the bid of Suburban Lawn & Garden for the landscaping for \$10,141.12 (Little Leaf Linden trees planted at the bottom of the wall, and Crown Vetch and grass above the wall).

- # Councilmember Lin moved that the Council accept the bids as recommended by Mr. Brandt, seconded by Monica.
- 874 The Council discussed additional costs of the wrought iron safety fence at the top of the wall (approximately \$8,000) and the special wall coating to prevent graffiti (approximately \$1,500). There has also been a request for street lights in the area of the bridge which Mr. Brandt plans to present to the Council for their consideration at the April 17th Council meeting.
- 976 The Council discussed the effect of the reflective heat from the wall on the trees during the summer months. Staff will contact Suburban Lawn & Garden and the State for advice on this matter.
- 1121 This improvement can be charged to the Roe Avenue improvement project (to be financed by general obligation bonds) or to street improvement fees already paid by developers of properties which abut Roe Avenue in accordance with the Subdivision Regulations.
- 1231 Councilmember Lin's motion carried; Moore opposed; all others in favor.
- 1248 DISCUSSION OF SIGNALIZATION AT THE INTERSECTION OF 92ND AND STATE LINE ROAD: A March 21st letter from Keith Graham, Director of Transportation for Kansas City, Missouri, to Public Works Director Brandt had been distributed to the Governing Body. The letter indicated that Kansas City would not consider the signalization without the construction of left turn lanes and a grade change on State Line Road just north of 92nd Street.
- Mr. Brandt stated that the City's consultants Johnson, Brickell, Mulcahy & Associates thought it would cost approximately \$200,000 just to widen the street, quite a bit more for a grade change. Mr. Brandt would need to get a cost estimate on the total project (including widening and left turn lanes), ask Kansas City if they're willing to participate in the funding. They will probably not have the funding available. Leawood can not go ahead and signalize the intersection without Kansas City's approval.
- Councilmember Moore attended a March 28th meeting on the Tutera Group office project at 91st Place and State Line held by the Center Planning and Development Council, a group of homes associations in the area of 85th Street to Blue Ridge Blvd. (approximately 130th Street) and State Line to Blue River Road which work together to protect their interests. A representative of Kansas City indicated that their planning staff would like to see State Line widened to 6-7 lanes at a minimum from 89th Street to 95th Street. Mr. Moore told those in attendance that Leawood considers that area single family residential and has no plans to widen State Line. Mr. Moore feels that the "neighborhood group" in that area wants to insure that Kansas City does not allow development to occur and then somehow try to figure out how to configure the streets. The "neighborhood group" feels the streets are adequate to handle the current traffic volume. They would rather see a more limited approach to development throughout the whole area.
- Someone from Leawood should attend Kansas City's April 18th Plan Commission meeting to state Leawood's views on this matter.

#1678

INTERLOCAL AGREEMENT BETWEEN JOHNSON COUNTY, KANSAS, KANSAS CITY, MISSOURI, AND THE CITY OF LEAWOOD FOR THE PURPOSE OF CONTRACTING FOR FINAL DESIGN ENGINEERING SERVICES FOR THE PUBLIC IMPROVEMENT OF STATE LINE ROAD FROM I-435 TO 135TH STREET (K-150): Councilmember Jacob moved that the Council approve the agreement, seconded by Monica.

1894

The County has approved a contract with Howard, Needles, Tammen & Bergendoff for the design engineering services in the amount of \$600,000, to be equally divided between the 3 parties. Councilmember Lin felt the fee is excessive. \$120,000 has already been expended for a preliminary design. Mr. Lin moved to amend the motion to add that approval of the interlocal agreement be contingent upon the County conducting the consulting engineering selection process again for Phase 2 (final design), and negotiate a fee with the successful firm; seconded by Monica.

2070

City Attorney Wetzler advised that Mr. Lin's amendment should be a part of the agreement. The original motion, motion to amend, and seconds were withdrawn.

2518

The Council directed Public Works Director Brandt to talk to the County about a second consulting engineering selection process for final design, the \$600,000 design contract fee, and the wording in Section 2 B.(3) of the agreement relating to the estimated cost of the project - the phrase "in an amount not to exceed (\$200,000)" had been omitted.

The Council will consider this matter again at the April 17th Council meeting.

2655

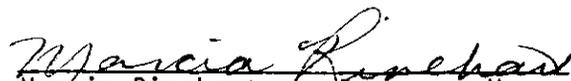
WORK SESSION: Scheduled for April 10th, 7:30 P.M., to discuss capital improvements - review of preliminary design plans for Lee Boulevard; requests for storm drainage improvements, including review of current policy re storm drainage benefit districts and creek clean up policy; review of residential street rehabilitation program projects and financing; review of five-year Capital Improvements Program; and assumption of maintenance of K-150.

2672

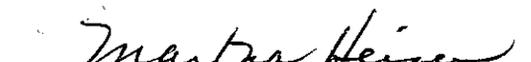
APPROVAL OF APPROPRIATION ORDINANCE NO. 609: Approved unanimously on motion of Anselmi, seconded by Moore.

2792

9:00 P.M. Meeting adjourned.


 Marcia Rinehart Mayor

Attest:


 Martha Heizer City Clerk

- # 30 Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held at 7:30 P.M., Monday, April 17, 1989, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.
- Roll call answered by Councilmembers LaHue, Jacob, Hammond, Anselmi, Moore, Newlin. * Councilmember Monica arrived 7:35 P.M. ** Councilmember Lin arrived 7:40 P.M. Staff: Garofano, Baer, Cox, Brandt, Malnicof, McKay, Strack, Heizer, Attorney Wetzler.
- 45 Agenda approved unanimously on motion of Anselmi, seconded by Moore.
- 55 CITIZEN COMMENTS: Jan Pickler, 8125 High Drive, stated that she is in favor of the City constructing a sidewalk or pathway as part of the Lee Boulevard improvement project. She presented a letter to the Governing Body from the president of the Somerset Elementary School PTA indicating the School's concern for the safety of children who walk to and from the School along Lee Boulevard and who play in the neighborhood. The PTA urges the Governing Body to consider the placement of a jogging path/sidewalk along Lee.
- * 7:35 P.M. Councilmember Monica arrived.
- Nancy Knaack, 9629 Lee Boulevard, also expressed her support for a sidewalk. She presented letters from the principals of Corinth and Brookwood Schools, and from 3 residents residing on Lee, all indicating support for a sidewalk.
- Several other residents present expressed their desire for a sidewalk or pathway.
- Christen Knaack, a student at Brookwood, spoke in favor of a sidewalk on behalf of students at her school.
- ** 7:40 P.M. Councilmember Lin arrived.
- Debbie Helton, 9712 High Drive, felt it would be nice if a constructed pathway could also be used by bicyclists - it would be safer than riding in the street.
- 440 Councilmember LaHue is in favor of some form of walkway or bikeway along Lee, and feels the Council needs to give special consideration to the possible construction of a pathway between 103rd Street and Leawood Park.
- 517 Councilmember Lin asked about the City's current policy for constructing sidewalks along arterial streets. Public Works Director Brandt stated that newly constructed collector and arterial streets have sidewalks on both sides. Mr. Lin felt the City, for safety reasons, should consider sidewalk construction when rehabilitating a street.
- 600 Councilmember Hammond stated that if it's necessary for safety, then a sidewalk should be strongly considered. Lee Boulevard is used by the entire City, and it's in the best interests of the City to view from a safety standpoint that which

- # is best for everyone, not just for those residing along Lee Boulevard.
- 676 Councilmember Newlin is in favor of a sidewalk for safety purposes, however, more research on the possibility of constructing an 8-foot bikeway/pathway needs to be done.
Police Chief Cox will check the legality of riding bikes on sidewalks.
In accordance with State laws and City ordinances, homeowners are responsible for the maintenance and upkeep of sidewalks. This issue needs to be further investigated and discussed.
- 846 PROCLAMATIONS: The Mayor proclaimed April 21, 1989, as "Disability Awareness Day", and April 23-29, 1989, as "Consumers Week".
- 850 CONSENT AGENDA: Change Order No. 1 for 95th Street improvements was pulled for further discussion. The following were approved unanimously on motion of Moore, seconded by Jacob:
1. Minutes of the April 3, 1989, Council meeting
 2. Recreation Commission report on their April 11, 1989, meeting
 3. Departmental reports
 4. Purchase of 6 Scott 1-hour breathing apparatus with 6 walkaway mounting brackets and 4 angle brackets for the Fire Department from Weis American Fire Equipment for a low bid of \$8,756.14
 5. Purchase of a fire hose from Weis American Fire Equipment for a low bid of \$7,830.00
 6. Declaration of 2 Public Works trucks as surplus property - 1979 Ford Pickup and 1980 Chevrolet Pickup
 7. Assignment to Community Relations Committee to work with Public Works to develop an effective manner of communicating with property owners prior to construction or maintenance activities such as the annual street slurry seal program which might affect the property owners.
- The Council discussed Change Order No. 1 for the 95th Street improvement project, State Line Road to Wenonga. Under the Change Order, existing sanitary sewers and service lines along 95th Street at Belinder, Manor and Meadow Lane would be relocated. After discussion of alternatives for resolving a problem with sanitary sewers in those locations, the Council unanimously approved Change Order No. 1 for \$22,774.00 on motion of Hammond, seconded by LaHue.
- 897 REQUEST FOR SPECIAL USE PERMIT - J.C. NICHOLS CO.: The permit would allow J.C. Nichols to erect a temporary fence and gate that would restrict access to the 131st Street cul-de-sac in Waterford, Third Plat, for their model homes during the Spring Parade of Homes. On motion of Moore, seconded by Jacob, the Council unanimously approved the permit for a period of 10 days beginning May 5th, with renewal by staff in 10-day increments.
- 988 CITY ADMINISTRATOR'S REPORT: None.

995

MAYOR'S REPORT: The Mayor attended the April 5th Johnson County Council of Mayors meeting. She presented for consideration the idea of forming a County-wide committee to study the reappraisal process. The Council of Mayors did not want to form such a committee, but they did suggest that if individual councilmen wanted to pursue this matter, they should do so, but not duplicate efforts already made by the County.

Johnson County Sheriff Fred Allenbrand also attended the Mayors' meeting. He told the Mayors that virtually all crime in the County is drug related. Governments in the County should work together on the drug abuse problem. He also stated that drug education is lacking, especially for younger children. He is planning to apply for a federal grant through the DARE Program (Drug Abuse Resistance Education Program started 7-8 years ago in Los Angeles) for education purposes in the schools. Mayor Rinehart stated that the City needs to discuss its share of funding for drug education in the schools in greater depth - perhaps at the goal setting session Monday night, April 24th.

Ernie Mosher, Executive Director of the League of Kansas Municipalities, informed the Mayors about recent State legislation. The League has been fighting against proposed bills which possibly infringe upon the rights of cities.

Mayor Rinehart also attended a recent RSVP (Retired Senior Volunteer Program) luncheon. Leawood assists in funding this program.

She also attended a recent Kansas City Crime Commission luncheon; the topic of discussion was education against drug use.

Councilmember Hammond, Chairman of the Economic Development Steering Committee, reported on the Committee's April 13th meeting at which members continued their discussion on an organizational structure, and discussed businesses in Leawood and the possibility of forming a Blue Ribbon panel of noted citizens who might give the Committee leadership and more public visibility. The Committee plans to discuss sample by-laws at its next meeting on May 3rd.

Mayor Rinehart attended a recent meeting concerning the Kansas Children's Museum.

1270 ORDINANCE NO. 1095 AUTHORIZING ISSUANCE OF TEMPORARY NOTES, SERIES 89F, PROJECT 117 (LEE BOULEVARD IMPROVEMENTS), IN THE AMOUNT OF \$100,000.00 - to pay for engineering only at this time: Passed unanimously on motion of Anselmi, seconded by Jacob.

1392 ORDINANCE NO. 1096 AUTHORIZING ISSUANCE OF TEMPORARY NOTES, SERIES 89D, PROJECT 116 (95TH STREET IMPROVEMENTS, STATE LINE ROAD TO WENONGA), IN THE AMOUNT OF \$500,000.00: Passed unanimously on motion of Anselmi, seconded by Monica.

1425 ORDINANCE NO. 1097 AUTHORIZING ISSUANCE OF TEMPORARY NOTES, SERIES L.I.D. 88-1-89E, PROJECT 113 (TOMAHAWK CREEK PARKWAY), IN THE AMOUNT OF \$300,000.00: Passed unanimously on motion of Jacob, seconded by Moore.

#1440

INTERLOCAL AGREEMENT BETWEEN JOHNSON COUNTY, KANSAS, CITY OF KANSAS CITY, MISSOURI, AND THE CITY OF LEAWOOD FOR THE PURPOSE OF CONTRACTING FOR FINAL DESIGN ENGINEERING SERVICES FOR THE PUBLIC IMPROVEMENT OF STATE LINE ROAD FROM I-435 TO K-150:

Public Works Director Brandt had verbally and in writing expressed the City's concern to the County about the \$600,000 final design engineering fee, a second consulting engineering selection process for final design, and the wording in Section 2 B.(3) of the agreement relating to the estimated cost of the project. Further background information on the selection of the design engineer, Howard, Needles, Tammen, Bergendoff, had been distributed to the Governing Body.

The County is reluctant to conduct a second engineering selection process, and also feels that the \$600,000 fee is fair and comes within the guidelines of the Consulting Engineering Fee Schedules for Projects of moderate complexity. The County will be discussing both of these items with Kansas City, Missouri. The County did agree that the wording in Section 2 B.(3) of the agreement should be changed to indicate that the City's share of the cost will not exceed \$200,000.

Councilmember LaHue felt that the agreement should state that the City's share of the cost would not exceed 33 1/3%, rather than "not to exceed \$200,000". The cost could exceed \$600,000.

Councilmember Lin still questioned the validity of the \$600,000 cost for final design; it's too excessive.

Councilmember Hammond moved that the Council approve the agreement, and return it to the County with a letter expressing the City's concerns; seconded by Moore; unanimous.

1987

CONSIDERATION OF CREEK CLEAN UP POLICY: Councilmember LaHue felt that this matter needs to be addressed more thoroughly; needs to be more definitive.

Councilmember Jacob reminded the Council that some property owners do not want the City to go onto private property.

The Council discussed creek clean up procedures vs. maintenance procedures.

An ad hoc committee could address long range policies concerning creeks and creek flooding damage. The policy distributed to the Council for consideration this evening is an effort to involve code enforcement.

Councilmember Hammond felt that the City needs a uniform, consistent policy. The City can not rely on homeowners to be responsible for maintaining their portions of the creeks. The City's current finances do not allow for the thorough treatment that this issue really needs, and from that standpoint, Mr. Hammond is somewhat satisfied with the proposed policy, but would like to see it expanded in the future.

The Mayor stated that the City can adopt another policy when it has the funding mechanism, and after this issue has been studied in greater depth by an ad hoc committee.

Councilmember Jacob moved that the Council adopt the "Creek Clean Up Policy and Procedure", seconded by Monica. Motion carried; LaHue opposed; all others in favor. Copy attached as part of the record.

CITY OF LEAWOOD
CREEK CLEAN-UP POLICY AND PROCEDURE

PURPOSE:

The Purpose of the "Creek Clean-up Policy" is to keep the creeks, ditches and natural drainageway free flowing to reduce property damages caused by flooding of adjacent land: both public and privately owned.

PROCEDURE:

To ensure the creeks remain free flowing, the City shall use and enforce the existing codes and ordinance relating to the disposal of debris (grass clippings, tree trimmings, yard, and household discards); control of overgrowth; and the removal of conditions which may be hazardous to the natural water flow within and on the banks of the creeks, ditches and natural damage ways such as downed trees, broken limbs, unapproved structures which restrict the flow of water and silt accumulations.

The Code Enforcement Officer and/or the Public Works Department shall periodically monitor the creeks, ditches, and natural waterway in response to complaints of citizens, requests for assistance and following all substantial rainfalls, run-off or snow melting.

IMPLEMENTATION:

The City shall notify all property owners or residents of property adjacent to creeks, ditches or natural drainageway of the "Creek Clean-up Policy" and any future changes to the policy by a direct mailing of the policy, the Cities periodic newsletter or through the various news papers within Johnson County Kansas.

The Code Enforcement Officer shall notify individual property owners or residents of the policy when specific problems arise from a complaint or request for assistance.

RESPONSIBILITIES:

The property owner or resident adjacent to the creeks, ditches or natural drainageway is responsible to maintain the free flowing character by the prompt removal of all debris, overgrowth or down trees and limbs.

The Public Works Department shall be responsible to remove the accumulation of all debris; downed trees and limbs; and the deposits of silt at all City owned street crossings, culverts, bridges, and exposed sanitary sewers.

All property owners or residents shall cooperate by overseeing their property without encouragement of the City. In the event an Official Notice is issued by the City in accordance with the City Code or ordinances, the resident shall comply and may request City's assistances as outlined within this policy.

ASSISTANCE:

Due to the possible magnitude of the clean-up, the City shall provide assistance through the Public Works Department to the property owners/residents when requested, by the hauling and disposing of collected debris, downed trees and broken limbs. The property owner or resident shall cooperate with the City by placing debris, downed trees and broken limbs on the side of the street for collection by the Public Works Department.

IMPROVEMENTS:

If the property owner or residents along the creeks, ditch and drainage areas feel Capital Improvements should be made, they may Petition the City Council to make the improvement in accordance with the existing "Creek Bank Erosion Project" Policy and the formation of an Improvement District to finance the requested improvements.

- #2621 APPROVAL OF APPROPRIATION ORDINANCE NO. 610: Approved unani-
mously on motion of Hammond, seconded by Jacob.
- 2688 OATHS OF OFFICE ADMINISTERED TO MAYOR-ELECT RINEHART AND
COUNCILMEMBERS-ELECT MOORE (Ward 1), ANSELM (Ward 2), HAMMOND
(Ward 3), AND LIN (Ward 4).
- Short recess for photos.
- 3064 Council reconvened. Roll call answered by Councilmembers LaHue,
Jacob, Hammond, Anselmi, Moore, Newlin, Monica, Lin.
- 3078 ADOPTION OF 1989 CAPITAL IMPROVEMENTS PROGRAM: Storm sewer
improvements in 1990 at 95th & Manor were deleted because the
City has not yet determined whether or not it will try to
finance these types of projects under a benefit district.
Councilmember Lin felt that the Public Works Committee
should review future CIP's before they are presented to the
Council for consideration.
Council unanimously adopted the program on motion of Moore,
seconded by Jacob. Attached as part of the record.
- 3488 APPROVAL OF CARS (COUNTY ASSISTANCE ROADS SYSTEM) PROGRAM SUB-
MITTALS - for funding assistance, 1990 through 1994: Approved
unanimously on motion of Jacob, seconded by Hammond. Attached
as part of the record.
- 3588 AUTHORIZATION TO APPLY FOR FEDERAL GRANT AVAILABLE THROUGH THE
GOVERNOR'S "TOWARD A DRUG-FREE KANSAS" PROGRAM TO IMPLEMENT AN
EFFECTIVE DRUG ENFORCEMENT EFFORT: The grant would fund one
full-time officer who would be assigned to the County's Special
Investigations Division. The City would incur an obligation to
provide a cash match of 25% of salary and benefits, plus all
overtime and other expenses. The grant year begins July 1.
The Council unanimously authorized the grant application on
motion of Jacob, seconded by Moore.
- 3837 AUTHORIZATION TO HIRE ADDITIONAL CODE ENFORCEMENT OFFICER - to
augment the City's resources in code enforcement due to the con-
stant requests by residents for increased code enforcement
efforts by the City and the City's continued growth: Council
unanimously authorized the additional officer on motion of Lin,
seconded by Anselmi.
- 4071 AUTHORIZATION OF LEASE FOR TEMPORARY OFFICE BUILDING: Lease
provisions concerning taxes to be paid by the lessee will be
deleted to shift tax responsibility back to the owner of the
building; the City is tax exempt.
The wording of provisions concerning indemnification of the
lessor will be changed to indicate that the City will not be
responsible for indemnifying and holding the lessor harmless
for problems which occur that are the fault of the lessor. The
City Attorney will reword those provisions.

CITY OF LEAWOOD, KANSAS

CAPITAL IMPROVEMENT PROJECTS: 1989

DATE: 04/06/89
 REVISED: 04/10/89

PROJECT	YEAR	TYPE	TOTAL CONSTR. COST	CITY AT LARGE	IMPROVE- MENT DISTRICT	DEVEL- OPERS FEE	JOHN- SON COUNTY	FEDERAL AID URBAN	OTHER CITIES	COMMENTS
TOMAHAWK CREEK PARKWAY (TCP)	1989	C	\$ 3,392,217	\$ 541,429	\$ 1,810,788	\$ 40,000	\$ 1,000,000	\$ 0	\$ 0	N/A
95TH STREET WIDENING (State Line Rd. to Wenonga)	1989	C	1,599,400	726,000	0	0	721,400	0	152,000	OVERLAND PARK
119TH STREET WIDENING (State Line Road to Mission)	1989	C	880,000	195,000	0	325,000	360,000	0	0	N/A
98th STREET CULVERT (West of Lee Boulevard)	1989	C	200,000	200,000	0	0	0	0	0	N/A
COLLEGE BOULEVARD (Intersection at IPC)	1989	C	134,000	82,000	0	52,000	0	0	0	PART OF TCP
STATE LINE ROAD (I-435 to K-150)	1989	D	600,000	100,000	0	100,000	200,000	0	200,000	CARS KCMO
			\$ 6,805,617	\$ 1,844,429	\$ 1,810,788	\$ 517,000	\$ 2,281,400	\$ 0	\$ 352,000	

CITY OF LEANWOOD, KANSAS

DATE: 04/06/89

REVISED: 04/10/89

CAPITAL IMPROVEMENT PROJECTS: 1990

PROJECT	YEAR	TYPE	TOTAL CONSTR. COST	CITY AT LARGE	IMPROVE- MENT DISTRICT	DEVEL- OPERS FEE	JOHN- SON COUNTY	FEDERAL AID URBAN	OTHER CITIES	COMMENTS
SOMERSET & LEE BOULEVARD INTERSECTION	1990	C	\$ 840,000	\$ 102,000	\$ 0	\$ 0	\$ 125,000	\$ 550,000	\$ 63,000	CARS P.V.
LEE BOULEVARD (103rd Str. to 95th Str.)	1990	C	600,000	600,000	0	0	0	0	0	N/A
STORM SEWER IMPROVEMENTS (95th & Manor)	1990	C	250,000	125,000	125,000	0	0	0	0	N/A
K-150 HIGHWAY (State Line Road to Hall)	1990	D	250,000	250,000	0	0	0	0	0	N/A
119TH STREET WIDENING (State Line Road to Mission)	1990	C	250,000	125,000	0	0	125,000	0	0	CARS
STATE LINE ROAD (92nd Str. to 89th Str.)	1990	C	200,000	100,000	0	0	0	0	100,000	KCMD

\$ 2,390,000 \$ 1,302,000 \$ 125,000 \$ 0 \$ 250,000 \$ 550,000 \$ 163,000

CITY OF LEAWOOD, KANSAS

DATE: 04/06/89
 REVISED: 04/10/89

CAPITAL IMPROVEMENT PROJECTS: 1991

PROJECT	YEAR	TYPE	TOTAL CONSTR. COST	CITY AT LARGE	IMPROVE- MENT DISTRICT	DEVEL- OPERS FEE	JOHN- SON COUNTY	FEDERAL AID URBAN	OTHER CITIES	COMMENTS
MISSION ROAD (103rd to College Blvd.)	1991	D	\$ 225,000	\$ 140,000	\$ 0	\$ 0	\$ 0	\$ 0	\$ 85,000	OVERLAND PARK
COLLEGE BOULEVARD (E1 Monte to State Line Rd.)	1991	D	250,000	250,000	0	0	0	0	0	N/A
STORM SEWER (81st St. and Wenonga)	1991	C	250,000	250,000	0	0	0	0	0	N/A
SOMERSET (Manor to Wenonga)	1991	C	815,000	100,000	0	0	100,000	515,000	100,000	PV CARS
LEE BOULEVARD (95th St. to 83rd st.)	1991	C	600,000	600,000	0	0	0	0	0	
STATE LINE ROAD (At 103rd Terrace)	1991	C	450,000	45,000	0	0	0	405,000	0	H.E.S.
STATE LINE ROAD (123RD) (I-435 & K-150 - Phase I)	1991	C	6,110,000	588,000	1,500,000	0	2,036,000	0	2,036,000	KCMD CARS
K-150 HIGHWAY (State Line Road to Mail)	1991	C	5,000,000	2,500,000 *	0	0	2,500,000	0	0	* FUTURE IMPACT FEE

\$ 13,700,000 \$ 4,423,000 \$ 1,500,000 \$ 0 \$ 4,636,000 \$ 920,000 \$ 2,221,000

CITY OF LEAWOOD, KANSAS

DATE: 04/06/89

CAPITAL IMPROVEMENT PROJECTS: 1992

REVISED: 04/10/89

PROJECT	YEAR	TYPE	TOTAL CONSTR. COST	CITY AT LARGE	IMPROVE- MENT DISTRICT	DEVEL- OPERS FEE	JOHN- SON COUNTY	FEDERAL AID URBAN	OTHER CITIES	COMMENTS
MISSION ROAD (103rd st. to College Blvd.)	1992	C	\$ 2,750,000	\$ 960,000	\$ 0	\$ 0	\$ 1,375,000	\$ 0	\$ 415,000	OP CARS
MISSION ROAD BRIDGE (Over Indian Creek)	1992	C	1,000,000	100,000	0	0	100,000	800,000	0	CARS
COLLEGE BOULEVARD (El Monte to State Line Rd.)	1992	C	4,500,000	350,000	1,800,000	200,000	2,150,000	0	0	CARS
LEE BOULEVARD (89th St. to Somerset)	1992	C	300,000	300,000	0	0	0	0	0	N/A
83RD STREET (State Line Road to Wenonga)	1992	D	175,000	175,000	0	0	0	0	0	N/A

\$ 8,725,000 \$ 1,885,000 \$ 1,800,000 \$ 200,000 \$ 3,625,000 \$ 800,000 \$ 415,000

CITY OF LEAWOOD, KANSAS

DATE: 04/06/89

CAPITAL IMPROVEMENT PROJECTS: 1993

REVISED: 04/10/89

PROJECT	YEAR	TYPE	TOTAL CONSTR. COST	CITY AT LARGE	IMPROVE- MENT DISTRICT	DEVEL- OPERS FEE	JOHN- SON COUNTY	FEDERAL AID URBAN	OTHER CITIES	COMMENTS
83RD STREET (State Line Road to Henonga)	1993	C	\$ 1,300,000	\$ 650,000	\$ 0	\$ 0	\$ 650,000	\$ 0	\$ 0	CARS
MISSION ROAD (977th Place to 103rd St.)	1993	C	\$ 1,420,000	\$ 105,000	\$ 0	\$ 0	\$ 210,000	\$ 1,000,000	\$ 105,000	OP CARS
			\$ 2,720,000	\$ 755,000	\$ 0	\$ 0	\$ 860,000	\$ 1,000,000	\$ 105,000	

CITY OF LEAWOOD, KANSAS

DATE: 04/06/89
 REVISED: 04/10/89

CAPITAL IMPROVEMENT PROJECTS: 1994

PROJECT	YEAR	TYPE	TOTAL CONSTR. COST	CITY AT LARGE	IMPROVE- MENT DISTRICT	DEVEL- OPERS FEE	JOHN- SON COUNTY	FEDERAL AID URBAN	OTHER CITIES	COMMENTS
RDE AVENUE (124th St. to 135th St.)	1994	C	\$ 2,000,000	\$ 340,000	\$ 0	\$ 660,000	\$ 1,000,000	\$ 0	\$ 0	CARS
MISSION ROAD (135th St. to 151st St.)	1994	C	2,750,000	350,000	1,400,000	0	1,000,000	0	0	CARS
143RD STREET (Kenneth Rd. to Mission Rd.)	1994	C	1,500,000	250,000	1,000,000	0	250,000	0	0	CARS
WALL AVENUE (119th St. to 135th St.)	1994	C	2,750,000	100,000	410,000	0	1,380,000	0	860,000	OP CARS
			\$ 9,000,000	\$ 1,040,000	\$ 2,810,000	\$ 660,000	\$ 3,630,000	\$ 0	\$ 860,000	

CITY OF LEANWOOD, KANSAS

DATE: 04/06/89

REVISED: 04/10/89

CAPITAL IMPROVEMENT PROJECTS: BEYOND 1994

PROJECT	YEAR	TYPE	TOTAL CONSTR. COST	CITY AT LARGE	IMPROVE- MENT DISTRICT	DEVEL- OPERS FEE	JOHN- SON COUNTY	FEDERAL AID URBAN	OTHER CITIES	COMMENTS
STATE LINE RD. WIDENING (95th St. to 103rd St.)	unknown	unknown	\$ unknown	\$	\$	\$	\$	\$	\$	
FRONTAGE ROADS (Adjacent to K-150)	unknown	unknown	unknown							
143RD STREET WIDENING (Mission Road to Nail Avenue)	unknown	unknown	unknown							
151ST STREET WIDENING (Kenneth Road to Nail Ave.)	unknown	unknown	unknown							
NAIL AVENUE (151st St. to South 1200 ft.)	unknown	unknown	unknown							
STATE LINE RD. WIDENING (123rd St. to 135th St.)	unknown	unknown	unknown							

Submitting City LEAWOOD

COUNTY ASSISTANCE ROAD SYSTEM 1990 - 1994

PRIORITY

PROJECT

ESTIMATED PROJECT SCHEDULE

SCOPE OF PROJECT

EXISTING FACILITIES

A.D.T.

ESTIMATED COST

COMMIT DIST

PERCENTAGES OF PARTICIPATION

% JOCT %

PROJECT	START	FINISH	SCOPE OF PROJECT	EXISTING FACILITIES	A.D.T.	ESTIMATED COST	COMMIT DIST	PERCENTAGES OF PARTICIPATION	% JOCT			
90-3 Tomahawk Creek Parkway Roe Ave. to College Blvd. (continued funding)	12/88	2/90	Construct 4-Lane divided Rural Arterial	None	0	21,000 (2007)	3,000,000	3	100	Leawood	56	44
90-5 Staeline Rd 92nd to 91st Place			Widen signals and provide left turn lane	4 Lane undivided, unsignalized	26,000	30,000 2010	300,000	3	100	Leawood Kansas City MO	25	25
90-4 Somerset and Lee Blvd. Intersections (continued funding)	12/89	11/90	Widen, signalize and channelize	3 way unsignalized, unsymmetrical 2 Lane intersection	11,770	13,200	390,000	3	100	FAU 550,000 Local Leawood P. Village		
90-1 95th St. Staeline Rd. to Wenonga Rd. (continued funding)	4/89	12/89	Reconstruct to 4 lane Portland Cement concrete, secondary arterial	Two lane asphalt roadway widened at Lee Blvd. and Staeline Rd intersection	15,000	21,000 2008	9,545,000	3	100	Leawood Overland Park	46	45
90-2 119th St. Staeline Rd. to Mission Rd. completion of project	7/89	7/90	Overlay previously widened Secondary Arterial	36' wide collector	2250	27,000 2008	250,000	3	100	Leawood	50	50
91-2 Somerset, Manor. to Wenonga	2/91	6/92	Widen	Two (2) Lane collector	9,000	12,000	815,000	3	100	FAU 515,000 Local 300,000	33	34
91-1 Staeline Rd. I-435 to 123rd St. (phase 1)	4/91	12/92	Widen roadway, channelize and provide turning lanes	Two (2) Lane roadway	14,999	21,000 2008	6,100,000	3	100	Leawood P. Village Leawood KS Kansas City MO	33	33
92-1 Mission Rd. 103rd to College Blvd.	4/92	12/93	Widen to 4 lanes, divided arterial w/bridge over Indian Creek.	Two (2) Lane roadway closed at Indian Creek	9,700	12,000 2008	1,000,000	3	100	FAU 800,000 Local 200,000	50	50
92-2 College Blvd. - El Monte to Staeline Rd.	4/92	12/93	Widen to 4 lane divided, arterial w/bridge over Indian Creek	Bridge: Roadway:	4000	20,000 2008	4,500,000	3	100	Leawood Overland Park	52	48
93-1 83rd. St - Staeline Rd. to Wenonga	4/93	12/93	Reconstruct collector roadway to secondary arterial 48'	Partial 36' widened roadway and no roadway 2 Lane asp. roadway	6,400	5,000 2008	1,300,000	3	100	Leawood	50	50

Submitting City Leewood

COUNTY ASSISTANCE ROAD SYSTEM 1990 - 1994

PRIORITY	PROJECT	ESTIMATED PROJECT SCHEDULE		SCOPE OF PROJECT	EXISTING FACILITIES	A.D.T.		ESTIMATED COST	COMM DIST	PERCENTAGES OF PARTICIPATION		
		START	FINISH			CURRENT YEAR	DESIGN YEAR			CITY	JOC	
93-2	Mission Rd. - 97th Place to 103rd St.	4/93	12/93	Reconstruct primary arterial roadway	2-4 lane asphalt roadway			1,420,000	3	100	FAU: 1,000,000 Local: 420,000 Leewood Overland Park	25 50
94-1	Roe Ave. - 124th St. to 135th St.	4/94	12/94	Construct secondary arterial roadway	2-lane roadway	2,000 1988	2,000 2010	200,000	3	100	Leewood	50
94-3	Mission Rd. - 135th to 151 St.	4/94	12/94	Widen to four (4) lane arterial	2-lane roadway	3,000	2,000	2,750,000	3	100	Leewood	50
94-4	143rd St. - Kenneth Rd. to Mission Rd.	4/94	12/94	Widen to primary collector	2-lane roadway	1,000	2,000	1,500,000	3	100	Leewood	50
94-2	Nall Ave. - 119th St. to 135th St.	4/84	12/94	Widen to primary arterial	2-lane stabilized roadway	1,000 1988	2,000 2014	275,000	3	100	Leewood Overland Park	18 50

#

The lease will provide that the City will provide insurance. A non-appropriation clause has been added.

The Council would authorize the Mayor to sign the agreement once the changes are made. The date of the lease will be determined by the construction bid letting and construction date. The lease might begin approximately July 10th.

The Council unanimously authorized the lease on motion of Anselmi, seconded by Monica.

4511

ORDINANCE NO. 1098C AMENDING SECTIONS OF THE CODE OF THE CITY OF LEAWOOD RELATING TO APPOINTMENT OF MUNICIPAL JUDGE(S): The ordinance requires that any time a Municipal Judge is to be appointed by the Mayor, a judicial selection committee process must be followed. The ordinance repeals the provision in the Code that requires the selection process prior to the first regular meeting of the City Council in May of each year in which an election for Mayor occurs.

Councilmember Hammond moved that the Council pass the ordinance, seconded by Moore; all in favor except Councilmember Lin who was not seated for the vote.

4580

ACCEPTANCE OF BID FOR 1989 SLURRY SEAL PROJECT: On motion of Lin, seconded by Jacob, the Council unanimously accepted the bid of Vance Brothers in the amount of \$121,350.00.

4796

ACCEPTANCE OF BID FOR PAINTING OF MUNICIPAL POOL AND POOL BUILDING: On motion of Moore, seconded by Jacob, Council accepted low bid of Bill Ward Painting Co. in the amount of \$18,350.00; all in favor, except Councilmember Hammond who abstained.

4905

CONSIDERATION OF RECREATION COMMISSION POLICY CONCERNING DONATIONS: The policy was formulated as a result of an agreement between the Recreation Commission and The Spofford Home as a beneficiary of one of three youth triathalons to be sponsored by the Recreation Department this summer. The other two triathalons will benefit the City completely.

A policy donation is either in the form of a membership given to a nonprofit organization to award to a citizen residing in the Shawnee Mission or Blue Valley School District, or in the form of monies received in a profit sharing activity in which the recipient was instrumental in planning and providing support services. Guidelines were established for the second type of donation.

The Mayor raised 2 concerns about the second type of donation: 1) A group might apply and meet all guidelines, but have the potential for being divisive to the community; 2) The Recreation Commission uses City-owned facilities for events, thus exposing the City to potential liability. The idea of groups using City facilities and the City co-sponsoring events is beneficial to the City from a public relations standpoint, and creates a good feeling of cooperation with other groups in the community.

Councilmember Anselmi felt that a policy should be established for the City as a whole, including the Recreation Commission.

As far as the "Spofford Home" triathlon is concerned, tax dollars will not be involved. Money will be collected by the

- # Commission and returned to the Spofford Home. This type of event creates positive public relations - kids helping kids is the theme of the event.
- The Governing Body must determine what kind of policy it wants to govern the use of City-owned facilities. There are many implications of permitting fund-raising groups to utilize publicly-owned facilities purchased with tax dollars.
- City Attorney Wetzler felt that under home rule powers, the City has the authority to give a donation to an organization, but the City has to deal with a policy issue on how to exercise that authority.
- City Administrator Garofano felt that the City should have a policy governing the use of City-owned, tax-dollar supported facilities by private agencies, and the question of how to select which agencies are going to profit by the use of those facilities is a question for the governing body to resolve.
- 6307 Councilmember Moore moved that the Council authorize the use of City facilities for the 3 triathalons, and direct the City Attorney to use the Recreation Commission policy statement as a basis for drafting a City-owned facilities policy statement for the Council to consider; seconded by Hammond. Motion carried; LaHue, Anselmi opposed; all others in favor.
- 6557 GOAL SETTING SESSION: Scheduled for Monday, April 24th at 6 P.M.
- 6633 COUNCIL COMMENTS: Councilmember Monica stated that some residents had approached her about starting a recycling program for glass, cans, and plastic. Overland Park has started a pickup program for those items. She thought the City might try this in a particular area on a trial basis. People have asked her to promote this idea; she asked if it could be assigned to a committee for study. The Mayor stated that solid waste disposal and recycling would be discussed at the goal setting session April 24th.
- 6739 END OF TAPE.

TAPE NO. 165

- Homes associations would have to be included in recycling efforts if items were to be placed outside of residences on a regular basis for collection.
- 91 A public meeting on Lee Boulevard improvements was recently held at Brookwood School. Councilmember LaHue stated that the acoustics at the School were bad, and asked if the City would consider alternate sites for future public meetings.
- 167 Councilmember Anselmi complimented Police Chief Cox on his Department's enforcement of the closing of 95th Street.
- 212 10:30 P.M. Meeting adjourned.

April 17, 1989



Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

252 Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held at 7:30 P.M., Monday, May 1, 1989, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.

Roll call answered by Councilmembers LaHue, Jacob, Hammond, Anselmi, Moore, Newlin. * Councilmember Monica arrived 7:35 P.M. ** Councilmember Lin arrived 7:45 P.M. Staff: Garofano, Baer, Cox, Brandt, Malnicof, Garten, Strack, Heizer, Attorney Wetzler.

261 Agenda approved unanimously on motion of Jacob, seconded by Hammond, with the following additions:

1. Proclamation for "Home Remodeling Month"
2. Change Order No. 1 for municipal pool painting project
3. Report on Kansas City, Missouri Plan Commission meeting held April 18, 1989 (under Mayor's report)
4. Report on installation of signs at entrances to the City (under Mayor's report)

The Mayor requested that her proposed appointment of John Elliott to the Budget & Finance Committee be deleted from the consent agenda.

316 CITIZEN COMMENTS: None.

*: 7:35 P.M. Councilmember Monica arrived.

321 PROCLAMATIONS: The Mayor proclaimed:

1. May 1-7, 1989, as "Public Service Recognition Week"
2. May 21-27, 1989, as "National Public Works Week"
3. May 1989, as "Home Remodeling Month"

357 CONSENT AGENDA: The following were unanimously approved on motion of Hammond, seconded by Moore:

1. Minutes of the April 17, 1989 Council meeting;
2. Assignment to Community Relations Committee to publicize the Census Bureau's "Complete Count Program" in preparation for the Bicentennial Census of the Nation, April 1, 1990, to promote the highest census activity possible in Leawood;
3. Appointment of presiding officers (list attached as part of the record);
4. Appointments to committees (list attached as part of the record);
5. Low bid of Seal-O-Matic Paving Co. in the amount of \$41,250.90 for rehabilitation of 4 tennis courts, Leawood Park;
6. Application for cereal malt beverage license renewal - Hallbrook Country Club
7. Contractor's Pay Estimate No. 2, \$77,065.51, Reno Construction Co., 95th Street improvements;
8. Contractor's Pay Estimate No. 5, \$142,140.79, Holland Corp., Tomahawk Creek Parkway.

April 28, 1989

TO: City Council
FROM: Marcia Rinehart, Mayor
SUBJECT: Committee Appointments

	<u>Reappointment</u>	<u>New</u>
Arts Committee		Jill Weiss (1992) Kim Jacob - Council liaison (1990)
Board of Zoning Appeals	William Green (1992)	
Budget & Finance (1990)	Ronald LaHue, Chr. Jeannine Fox Charles German Chuck Sipple	Robert Newlin John Elliott
Building Code Board of Appeals	Wes Welch to remain Chr. Wayne Lischka (1992)	
Community Relations (1990)	Kim Jacob, Chr. Anne Davis Peg Borden Enid Dickson Gayl Reinsch	Ernie Anselmi Tom Kellaway Anne Royer
Emergency Preparedness Director (1990) Asst. Director (1990)	Bettie Bridges Teresa Weaver	
Director of Solid Waste Management (Leawood Rep. to Jo.Co. Solid Waste Management Committee) (1990)	John Ruf	
Jo. Co. Stormwater Management Comm. - Leawood Rep. (1990)		Marsha Monica
Plan Commission	James Hall (1992). Janet Provines (1992)	Don Brain (1992)

	<u>Reappointment</u>	<u>New</u>
Property Maintenance Code Appeals Board	Richard Webber, Chr. (1991) Shirley Davidson (1991) Paul Converse (1991)	
Public Safety (1990)	Jimmy Lin, Chr. Sue Dickey Max Mills Brad Sumner Susan Symon	Charles Hammond Sally Reicher
Public Works (1990)	Marsha Monica, Chr. Joseph Fitzpatrick Laurence Hanna Howard Kipfer Tim Smirnoff	Doug Moore
Recreation Commission	Jan Pickler (1993)	Charles Hammond - Council liaison
Alcohol Planning Council Rep.		Nancy Garland (1990)
Jo. Co. Disabled Awareness Advisory Board - Leawood Rep. (1990)	Jerry Strack	
Jo. Co. Fire Service Coordinating Council Rep. (1990)	Ernie Anselmi	
Services for Seniors - Leawood Rep. (1990)	Ernie Anselmi	
Public Officer for Property Maintenance Code (1990)	Bob McKay	

April 28, 1989

MEMO

TO: City Council

FROM: Marcia Rinehart, Mayor

SUBJECT: Appointment of presiding officers

In accordance with Section 1-209 of City Ordinances, I am appointing the following Councilmembers to serve as presiding officers at Council meetings in my absence. They will preside on a rotational basis by ward and election year:

Ronald LaHue, Ward 1	May-July, 1989
Kimberley Jacob, Ward 2	Aug.-Oct., 1989
Robert Newlin, Ward 3	Nov., 1989-Jan., 1990
Marsha Monica, Ward 4	Feb.-Apr., 1990

MR/mh

** 7:45 P.M. Councilmember Lin arrived.

365 RESOLUTION NO. 948 APPROVING PRELIMINARY PLAT AND PRELIMINARY PLAN FOR LEAWOOD FALLS, SECOND PLAT - 138th & Kenneth Rd.:
Adopted unanimously on motion of Anselmi, seconded by Hammond.
Attached as part of the record.

704 CITY ADMINISTRATOR'S REPORT: None.

708 MAYOR'S REPORT: Becky Garten, Leawood Planning staff member, presented information on the Kansas City, Missouri Plan Commission meeting held April 18th to discuss the proposed Tutera Group office project at 91st Place and State Line Road; the discussion was continued to May 16th. Not every Kansas City department is in favor of this project; if the Council would issue an official position on this matter, indicating reasons it opposes the project, it might help defeat the project at the Kansas City Plan Commission level. The Council discussed the relationship between its position on the project and its position on signalization at 92nd and State Line. They may be separate issues, but do have an impact on each other. Councilmember Lin felt that if a resolution stating opposition to the project was drafted, it should focus on the philosophy that the area under discussion along State Line has already been developed, and any redevelopment would not be carried by the area's current infrastructure. The Council directed staff to prepare a resolution for Council consideration at the May 15th Council meeting.

1050 The Council discussed the status of signs to be erected at entrances to the City. The Community Relations Committee will be working with the Arts Committee to develop ideas. The main problem will be funding for the signs.

1064 Councilmember Hammond, Chairman of the Economic Development Steering Committee, reported that the Committee will meet May 3rd to review proposed by-laws which will be presented to the Council in the future, and to consider names for membership on the board of directors provided for in the by-laws.

1086 The Mayor attended a United Community Services presentation April 27th.

The 4th of July Committee is working on corporate sponsorship projects to raise funds for July 4th activities. The Committee needs more people to work on the July 4th celebration.

At its April 24th goal setting session, the Governing Body discussed the formation of several ad hoc committees throughout the year. The Mayor will propose members for a solid waste/recycling committee and a committee to study the issue of an in-house attorney at the May 15th Council meeting.

The Mayor reported that the Leawood Recreation Department's first annual disability exhibition was held April 29th and 30th at ^{Blue Valley North High School} Leawood Park. The event was a success with many useful seminar ideas and exhibition booths. Leawood's recreation facilities have become more accessible to the disabled.

- #1199 ORDINANCE NO. 1099C AMENDING THE "STANDARD TRAFFIC ORDINANCE", 1987 EDITION, RELATING TO PEDESTRIANS ON ROADWAYS: This ordinance requires that joggers, runners, and pedestrians use sidewalks when sidewalks are provided. Previous ordinance required that pedestrians only use the sidewalks. The Council discussed the use of reflective clothing or gear for safety purposes.
Councilmember Moore moved that the Council pass the ordinance, seconded by Jacob.
Police Chief Cox will have information concerning the use of bicycles on sidewalks at the May 15th Council meeting.
City staff is studying a section of the Master Plan which deals with bike routes.
The Council discussed the wording of paragraph (a) of Sec. 68 of the "Standard Traffic Ordinance", specifically the vagueness of the word "impracticable", and what effect, if any, it might have on the enforcement of the ordinance.
The ordinance passed; Lin opposed; all others in favor.
- 1676 REQUEST FOR STREET LIGHTS ON ROE AVENUE SOUTH OF THE TOMAHAWK CREEK BRIDGE TO APPROXIMATELY 124TH STREET: Councilmember Monica moved that the City install a street lighting system as recommended by the Public Works Director rather than lease a system from Kansas City Power & Light Co., seconded by Lin.
Motion carried; Anselmi opposed; all others in favor. The cost of the construction will be approximately \$35,200. This project could be financed as part of the Roe Avenue improvement project which will be financed by the sale of general obligation bonds.
- 2220 RESOLUTION NO. 949 REQUESTING JOHNSON COUNTY PARTICIPATION IN THE CITY'S 5-YEAR (1990-1994) CAPITAL IMPROVEMENTS PROGRAM (CIP) THROUGH THE COUNTY ASSISTANCE ROADS SYSTEM (CARS) PROGRAM: Adopted unanimously on motion of Lin, seconded by Hammond. Attached as part of the record.
- 2237 ORDINANCE NO. 1100 GRANTING A REVISED EASEMENT TO JOHNSON COUNTY WASTEWATER DISTRICT FOR CONSTRUCTION OF SANITARY SEWERS; HALL-BROOK SUBDIVISION PHASE 2: Passed unanimously on motion of Hammond, seconded by Jacob. Easement revised to correct legal description in Ordinance No. 1089.
- 2252 DESIGNATION OF DEPOSITORIES FOR CITY FUNDS: On motion of Hammond, seconded by Jacob, the Council unanimously designated the following institutions: Southgate, Johnson County National, Kansas National, First Continental, Overland Park State, Mid-American, Metcalf State, College Blvd. National, Franklin Savings, Valley View State, Anchor Savings, World Savings, Inter-state Federal Savings.
- 2331 WORK SESSION: Scheduled for Monday, May 8th, 7:30 P.M., to discuss Lee Boulevard design elements, facility use policy, annual bulk item pickup, sidewalks on Mission Road from 95th Street north. Councilmembers might also want to discuss the 1990 budget preparation if time permits.

- #2415 APPROVAL OF APPROPRIATION ORDINANCE NO. 611: Approved unanimously on motion of Hammond, seconded by Jacob. Councilmember Anselmi questioned the amount per month spent on car phones for the Police, Planning, and Administrative Departments. This matter has been and can be addressed again at budget preparation time.
- 2664 CHANGE ORDER NO. 1 FOR POOL PAINTING PROJECT: Councilmember Lin moved that the Council approve the Change Order in the amount of \$13,400 for removing and installing new gutter blocks, seconded by Jacob. Motion carried; Anselmi opposed; all others in favor. The blocks will be furnished by the City.
- 3058 EXECUTIVE SESSION: Councilmember Monica moved that the Council meet in executive session at the conclusion of this meeting for a period not to exceed 15 minutes to discuss right-of-way negotiations for the 95th Street and Tomahawk Creek Parkway construction projects, seconded by LaHue; unanimous.
- 3101 COUNCIL COMMENTS: Councilmember Monica asked when the signal at 135th and State Line would be installed. Public Works Director Brandt stated that Johnson Brickell Mulcahy and Associates will be contacting KDOT to find out what minimum requirement for a signal KDOT will accept. JBM will then prepare a cost estimate for the City on the installation of a signal at that intersection.
- 3139 Councilmember LaHue stated that Tempe, Arizona has a very successful recycling program; Leawood's new solid waste/recycling ad hoc committee might want to contact Tempe officials.
Dr. LaHue also stated that the sidewalks along 83rd Street between Lee Boulevard and Mission Road are in need of repair, and that the weeds need to be cut down in the area of I-435 and State Line.
The subject of a garage being converted to a family room in the older section of Leawood had come up at a recent work session. Dr. LaHue asked that staff follow up on the conversion. The City Administrator stated that City ordinance requires that a homeowner replace a garage that has been converted to another use. A garage conversion permit will be issued only if a garage replacement permit is also issued.
- 3229 Councilmember Anselmi asked that the ordinance which prohibits parking on grass at Leawood Park be enforced.
- 3255 Councilmember Newlin mentioned that Dorset Manor subdivision (the 10300 block of Howe Lane) has unique street lights, and that the cost of electricity is \$900 per year. The City pays the cost of electricity for 2 other subdivisions that provide and maintain the power poles. If homeowners in Dorset Manor want the City to pay the cost of electricity, they will have to make that request. Mr. Newlin asked if \$900 per year was a normal cost for street lighting on one block. Staff will have to check with Kansas City Power and Light. Hopefully, it would be less expensive if the City took over the cost.

May 1, 1989

- # Mr. Newlin attended a "Youth at Risk" conference at the Village Church April 26th. Few people from government attended. Cities usually do not see drug/alcohol problems until they become police matters.
- 3385 Councilmember Hammond asked about the status of beaver eradication on the Tomahawk Creek Greenway. The City Administrator stated that trapping had ceased, but beavers are still doing damage in the area. Staff may have some recommendations for Council consideration at a later date - the beaver problem is not going to disappear.
- 3496 9:15 P.M. Council convened in executive session, same members present except for Councilmember Lin who left the meeting.
- 3498 9:28 P.M. Council returned to regular session.
- 3505 9:30 P.M. Meeting adjourned.


Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

25 Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held at 7:30 P.M., Monday, May 15, 1989, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.

Roll call answered by Councilmembers LaHue, Jacob, Hammond, Anselmi, Moore, Newlin. * Councilmember Monica arrived 7:32 P.M. ** Councilmember Lin arrived 7:35 P.M. Staff: Garofano, Baer, Cox, Brandt, McKay, Strack, Heizer, Attorney Wetzler.

Agenda approved unanimously on motion of Jacob, seconded by Moore, after addition of executive session at the end of the meeting to discuss property acquisition.

* 7:32 P.M. Councilmember Monica arrived.

38 CITIZEN COMMENTS: Gordon Thomas stated he would like the City to conduct a survey to ask residents who have "for sale" signs in their yards why they are moving out of Leawood.

He would also like code enforcement to make real estate companies remove signs which do not comply with size stipulated by code. Planning Director McKay stated that staff is working on this matter, and that realtors are in the process of making new signs which will meet code requirements.

Mr. Thomas stated that he and the Leawood Estates Homes Association have received calls concerning boats and trailers parked at residences, and asked what code enforcement was doing about them. Current code permits the parking of these vehicles at residences as long as they are parked on a permanent surface. As soon as a second code enforcement officer is hired, City staff will begin to study codes relating to recreational vehicles to determine if the City wants to regulate them; it's a difficult issue to try to regulate.

** 7:35 P.M. Councilmember Lin arrived.

236 PROCLAMATIONS: The Mayor recognized 7 fifth grade students from Leawood Elementary School and 5 eighth grade students from Leawood Middle School who will compete in the World Finals of the "Odyssey of the Mind" creative problem solving competition at the University of Colorado in Boulder on May 27, 1989. Copies of the proclamations recognizing the students are attached as part of the record.

The Mayor proclaimed May 14-20, 1989, as "Police Week", and May 15, 1989, as "Peace Officers Memorial Day".

470 CONSENT AGENDA: The following were unanimously approved on motion of Hammond, seconded by Moore:

1. Minutes of the May 1, 1989, Council meeting
2. Departmental reports
3. Appointments to committees (list attached as part of the record)
4. Overall low bid of Atcheson Lawn & Landscape for 1989 Weeds and Grass Maintenance

May 12, 1989

TO: City Council
FROM: Marcia Rinehart, Mayor
SUBJECT: Committee appointments

Community Relations (1990) Ann Leitner
Public Works (1990) Mark Ariagno
Budget & Finance (1990) Jerry Underwood

Ad Hoc - Staff Attorney: Chuck Hammond, Chr.
Steve Dicus
Bruce Karlson

support) Dick Garofano
) Harry Malnicof

To study the feasibility of having in-house legal advice in terms of cost, space, & timeliness of providing information. To report by September 18, 1989.

Ad Hoc - Solid Waste Disposal & Recycling:
Jimmy Lin, Chr.
Kimberley Jacob
Doug Moore
Dr. D.J. Jirovec
John Ruf
Marlene Nagel
Warren Haskin
Art Kramish
Sonia Krug
Nada Young

support) Dick Garofano
) Ron Brandt
) Harry Malnicof

Agenda: 1. Should City be in charge of solid waste service a) by Public Works Department or b) by contracting out?

Page 2
Committee appointments
May 12, 1989

2. Survey homes associations regarding a) cost for City to collect trash or contract out and b) their desire to retain control of trash pickup.
3. Recycling.
4. Bulk item pickup.
5. Homeowners' tax deductibility if City collects trash.

Committee to report by November 30, 1989.



City of Leawood

PROCLAMATION

WHEREAS, the Blue Valley School District offers special enrichment programs for students in addition to their regular curriculum; and

WHEREAS, the School District enables students to participate in "Odyssey of the Mind", a world-wide creative problem solving competition; and

WHEREAS, five 8th grade students of Leawood Middle School were declared Kansas State Champions in Division II ("Cause and Effect" problem solving) competition at the State competition in Wichita on March 13, 1989; and

WHEREAS, these students will now compete in the World Finals on Saturday, May 27, 1989, to be held at The University of Colorado in Boulder;

NOW, THEREFORE, I, Marcia Rinehart, Mayor of the City of Leawood, Kansas, do hereby proclaim that it is fitting and proper that the City of Leawood recognize the following students for their outstanding achievement, and wish them success at the "Odyssey of the Mind" World Finals in Boulder.

Todd Boan
Jeff Dougan
Blake Mackay
David Morgan
Yale Thompson

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Leawood to be affixed this 15th day of May, 1989.



Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk



City of Leawood

PROCLAMATION

WHEREAS, the Blue Valley School District offers special enrichment programs for students in addition to their regular curriculum; and

WHEREAS, the School District enables students to participate in "Odyssey of the Mind", a world-wide creative problem solving competition; and

WHEREAS, seven 5th grade students of Leawood Elementary School were declared Kansas State Champions in Division I ("Ye Gods" problem solving) competition at the State competition in Wichita on March 13, 1989; and

WHEREAS, these students will now compete in the World Finals on Saturday, May 27, 1989, to be held at The University of Colorado in Boulder;

NOW, THEREFORE, I, Marcia Rinehart, Mayor of the City of Leawood, Kansas, do hereby proclaim that it is fitting and proper that the City of Leawood recognize the following students for their outstanding achievement, and wish them success at the "Odyssey of the Mind" World Finals in Boulder.

Susie Caulfield
Kellie Farrell
Stephen Garofano
Eric Klein
Denise Leitner
Kim Martin
Jonathan Plax

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Leawood to be affixed this 15th day of May, 1989.



Marcia Rinehart

Marcia Rinehart Mayor

Attest:

Martha Heizer

Martha Heizer City Clerk

#

5. Bid of Stratus Specialty Vehicles in the amount of \$48,445.00 for a Type III, Class I Ambulance for the Fire Department
6. Declaration of surplus property - 4 1987 Chevrolet Caprices and 1 1985 Chevrolet Pickup used by the Police Department, and 1 1986 Ford Crown Victoria used by the Code Enforcement Officer.

478

COUNCIL REVIEW OF THE MASTER PLAN: State Statute requires that the Plan Commission annually review the Master Plan to determine if any portion has become obsolete and make a report to the Governing Body on or before June 1 each year. The Plan Commission will consider the following amendments recommended by staff:

1. change in the Medium Density Residential classification from its existing 3.1 du (dwelling unit)/acre - 12 du/acre density to 3.1 du/acre - 7.0 du/acre and create a classification called Medium-High Density Residential which if approved will have a density of 7.1 du/acre - 12 du/acre. The change recognizes the existing and approved development currently under construction.
2. Bikeway Master Plan which will delineate the future locations and specifications of bikeways in the City.

Councilmember Jacob moved that the Council agrees that the Plan Commission pursue the amendments, seconded by Anselmi.

Councilmember Monica asked if the City has further plans for the expansion of the bike trail beyond Roe Ave. City Administrator Garofano stated that the City has acquired land between Roe and Nall except for an end piece at 127th and Nall. The floodplain in that area has now been delineated. Funds are in the 1989 budget for the extension of the trail. As soon as the last piece of land is acquired, the City can talk about extending the trail over to Nall Ave.

723

Councilmember Jacob's motion carried unanimously.

726

TEMPORARY SPECIAL USE PERMIT FOR FLOWER CITY, RANCH MART SHOPPING CENTER: To permit erection of a tent in the shopping center parking lot for promotional sales. On motion of Moore, seconded by Hammond, the Council unanimously approved the temporary permit with the following stipulations:

1. The use is limited to May 25-30 (Memorial Day Weekend) and June 29-July 5 (Independence Day Weekend);
2. The tent is to be located in the parking lot as shown on the site plan;
3. There is to be no electrical connection to the tent.

816

CITY ADMINISTRATOR'S REPORT: Mr. Garofano commented on information distributed to the Council concerning Federal government approval of land conversions in the Tomahawk Creek Greenway for road right-of-way purposes and a new City Hall site approximately 115th and Tomahawk Creek Parkway. The City took out 12.7 acres of greenway property and substituted 16.5 acres, for a net gain of greenway property. The Federal government has withheld approval at this time of the conversion of 1 tract of land, a portion of right-of-

- # way for the new Mission Road bridge over Indian Creek, since Federal funding may be used to construct the bridge. The City may now proceed with design of the new City Hall and with acquisition (through donation from Hallbrook) of an additional 13.5 acres for greenway between the existing City park and College Boulevard.
- 1082 Mr. Garofano also commented on a May 2nd letter from Kansas City, Missouri to Johnson County distributed to the Council in which Kansas City indicated it has funding in place for the final design of State Line Road, I-435 to K-150.
- 1104 MAYOR'S REPORT: The Mayor had received an invitation from the Mayor of Lawrence, Kansas, for City officials to attend a City District meeting co-sponsored by the League of Kansas Municipalities to be held May 17th, 7-9 P.M., Lawrence City Hall.
The Mayor attended a recent reception for the Kansas Arts Commission.
Mayor Rinehart commended Bettie Bridges on her accomplishments as Leawood's Emergency Preparedness Director. Mrs. Bridges has given the City information on emergency preparedness prepared by the County, including a supplement on the City of Leawood. Leawood's communication center at City Hall is the alternate communications center for the entire County. Police Chief Cox stated that a new remote scan system for activating civil defense sirens will be in place soon, and it's anticipated that the June siren testing will be activated from Leawood City Hall. There will be an article on Mrs. Bridges in the summer newsletter.
Police Chief Cox presented information on the use of bikes on sidewalks. Bicyclists are not prohibited from using sidewalks, nor are they required to use sidewalks. They are however required to use bike lanes and paths where they are provided.
- 1342 PRESENTATION OF PRELIMINARY PLANS FOR IMPROVEMENTS TO 119TH STREET, STATE LINE ROAD TO MISSION ROAD: Philip Gibbs of Continental Construction presented the preliminary plans. Street lights will be City standard lights. The contractor will be able to do most of the construction under traffic.
Residents are concerned about the speed limit; they want it to remain at 35 mph. They would also like something done about the crest of the hill between Pawnee Lane and Mission Road. To lower the crest and provide additional sight distance, the contractor would have to tear up 500' of roadway and lower the road 5', and close the roadway during construction. There would also be blasting. Residents feel that a traffic signal at 119th and Mission Road would provide some traffic interruptions to help them get out of their driveways. Continental Construction's road design will not support 45 mph; the road is designed for 35 mph.
The Council discussed the stacking lane and island at 119th and State Line Road. The traffic signal at that intersection is in Kansas City, Missouri and has no left turn signal for 119th Street traffic to go north on State Line, and has an older timing device. Public Works Director Brandt has talked with Kansas City about setting the timers for a longer period of time so more people can turn left on the light, but nothing has been done.

#2425

AUTHORIZE DESIGN OF TRAFFIC SIGNALS AT 119TH STREET AND MISSION ROAD: Continental Construction Engineers believes installation of a traffic signal is warranted based upon the results of a recent warrant study. Design would cost \$4,440. Councilmember Lin moved that the Council authorize Continental Construction Engineers to proceed with the design of traffic signals, seconded by Monica.

A new school and church will be built approximately 119th and Mission. There will be pedestrian crosswalk signals in addition to the signal at 119th & Mission. Philip Gibbs of Continental Construction felt that perhaps the school/church should participate in the cost of the signals. His firm will prepare a design for a 4-way signal without knowing the final configuration of the 119th and Mission intersection (Mission Road might be extended to the north). Public Works Director Brandt felt that the signal should be designed now, but installed after the school and church are built or Hazelwood subdivision is started. Mr. Gibbs stated that the residents feel the signal is needed immediately. Councilmember Lin stated that he prefers the signal be installed when the developer can participate in the cost and not have the tax payers bear the cost.

The Council discussed construction of sidewalks on both sides of 119th Street. Councilmember LaHue stated that this matter should be considered if a school is to be in the neighborhood. The comprehensive plan shows a future 8' bikeway on the north side of 119th between State Line and Tomahawk Creek, and a pedestrian sidewalk on the south side of 119th Street.

Councilmember Monica stated that she prefers that the signal be installed now to help alleviate peak hours traffic problems.

Councilmember Lin's motion carried unanimously.

2981

RESOLUTION NO. 950 EXPRESSING THE GOVERNING BODY'S OPPOSITION TO THE PROPOSED OFFICE BUILDING TO BE BUILT BY THE TUTERA GROUP AT 91ST TERRACE AND STATE LINE ROAD:

Councilmember Anselmi moved that the Council adopt the resolution, seconded by Jacob. Councilmember LaHue stated that he would abstain. He felt that the City's concern is not with one particular developer, but basically with the schematics of the State Line Corridor. He felt that the proposed office building is aesthetically pleasing, nicer than the buildings at that location now. He had reservations about one city telling another what it should or should not do. The Mayor stated that it's important to have something on record about this particular development, and to do that, the Council has to be specific, not general. When resolutions are sent to another city, they are usually directed towards a particular project and for a cause, in this case, the traffic impact. Kansas City asked for Leawood's official response to the proposed development.

Councilmember Anselmi's motion carried; LaHue abstained; all others in favor. Resolution attached as part of the record.

3293

INTERLOCAL AGREEMENT (REVISED) BETWEEN JOHNSON COUNTY, KANSAS, THE CITY OF OVERLAND PARK, AND THE CITY OF LEAWOOD, FOR THE PUBLIC IMPROVEMENT OF 95TH STREET FROM STATE LINE ROAD TO 145 FEET WEST OF WENONGA ROAD: The original agreement was approved by the City Council February 6, 1989. The Council unanimously approved the revised agreement on motion of Hammond, seconded by Anselmi.

- #3307 AWARD OF BID FOR STORM SEWER IMPROVEMENTS IN THE 8400 BLOCK OF REINHARDT LANE AND AT 89TH AND MISSION ROAD: On motion of Hammond, seconded by Jacob, the Council unanimously accepted the low bid of Havens Construction Company, Inc., in the amount of \$17,273.00.
- 3383 APPROVAL OF APPROPRIATION ORDINANCE NO. 612: Approved unanimously on motion of Moore, seconded by Jacob.
- 3420 EXECUTIVE SESSION: Councilmember Lin moved that the Council convene in executive session at the end of the meeting not to exceed 15 minutes to discuss property acquisition, seconded by Hammond; unanimous.
- 3445 COUNCIL COMMENTS: Councilmember Lin was recently contacted by a Lenexa councilman who is interested in forming a new Johnson County League of Cities. Such an organization would help city officials become acquainted with other city officials in the County, and would be helpful when there is an issue that would require some kind of County coalition. The City will probably receive an invitation to attend a meeting about this in the near future.
- 3513 Councilmember LaHue stated that street lights in north Leawood need painting. He also asked if the City has a plan to replace dead plantings in medians in some cul-de-sacs. City Administrator Garofano stated that even though these medians are in public right-of-way, they have been traditionally (not legally) maintained by the homes associations. Dr. LaHue asked that staff take a survey of areas needing attention and direct problems to the appropriate people.
- 3571 Councilmember Monica asked Police Chief Cox about the rash of burglaries. Chief Cox stated that the City has had approximately 24 since the first of the year. The Police Department has cleared recent auto thefts in south Leawood, and has solved auto burglaries/vandalisms from 2 years ago.
- 3626 Councilmember Anselmi complimented Recreation Director Bob Lane on his rebuttal of the Amyotrophic Lateral Sclerosis Association (ALS) letter which was critical of the Leawood Recreation Disability Exposition held April 29th & 30th at Blue Valley North High School.
- 3672 9:27 P.M. Council convened in executive session, same members present.
- 3673 9:42 P.M. Council reconvened in regular session, same members present. Councilmember Lin moved that the Council reconvene in executive session not to exceed 15 minutes to discuss property acquisition, seconded by Moore; unanimous.
- 3685 9:43 P.M. Council reconvened in executive session, same members present.
- 3687 9:50 P.M. Council reconvened in regular session, same members present. Meeting adjourned.



Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

- # 45 Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held at 7:30 P.M., Monday, June 5, 1989, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.
- Roll call answered by Councilmembers LaHue, Jacob, Hammond, Anselmi, Moore, Newlin, Monica. Councilmember Lin was absent. Staff: Garofano, Baer, Cox, Brandt, McKay, Heizer, Attorney Wetzler.
- 56 Agenda approved unanimously on motion of Moore, seconded by Jacob, after addition of declaration of surplus property to the consent agenda.
- 70 CITIZEN COMMENTS: None.
- 84 PROCLAMATION: The Mayor proclaimed June 14, 1989, as "Flag Day".
- 88 CONSENT AGENDA: The following were unanimously approved on motion of Hammond, seconded by Moore:
1. Minutes of the May 15, 1989, Council meeting;
 2. Contractor's Pay Estimate #4 (Final) to Suburban Contractors for \$22,986.40; 85th Terr. improvements, State Line Rd. to Lee Blvd.;
 3. Contractor's Pay Estimate #6 to Holland Corp. for \$252,513.10; Tomahawk Creek Parkway project;
 4. Contractor's Pay Estimate #3 to Reno Construction Co. for \$121,898.64; 95th St. improvements, State Line Rd. to Wenonga;
 5. Contractor's Pay Estimate #1 to Bill Ward Painting Co. for \$26,987.50; municipal pool painting project;
 6. Declaration of surplus property - 1984 Ford LTD used by the Construction Inspector.
- 96 REQUEST FOR SPECIAL USE PERMIT - J.C..NICHOLS CO.: The permit will allow J.C. Nichols Co. to erect a temporary fence and gate to restrict access to the 131st St. cul-de-sac in Waterford, 3rd Plat; model homes are on this cul-de-sac. On motion of Anselmi, seconded by Jacob, the Council unanimously approved the permit for a period of 18 months. The property will be restored to its original condition when the fence is removed, and emergency vehicles will have access to the cul-de-sac.
- 107 RESOLUTION NO. 951 APPROVING PRELIMINARY PLAT, PRELIMINARY SITE PLAN, AND REQUEST FOR REZONING FROM A TO CP-0 FOR LORD OF LIFE LUTHERAN CHURCH to be constructed approximately K-150 and the proposed street Aberdeen (south of K-150 and east of Mission Rd.): Tom Krause, pastor of the church, presented the overall theme of the development. There will be a preschool, recreational activities, drama, music, speakers' bureaus, marriage enrichment and parenting skills counseling, and a children's

ministry. The congregation intends to design a ministry which will be available to the entire Leawood community 7 days a week.

Dennis Eskie, development coordinator, presented a brief history of the development plan and location. The congregation owned a 5-acre tract of land at 127th and Mission Rd. When the congregation decided to adopt the concept of a community center or "multipurpose room", sanctuary, and school, 5 acres was not enough. They started looking for a new site on a high traffic volume road and on which the church would be highly visible and accessible. They purchased the 11-acre tract under consideration with an opportunity to purchase an adjacent additional 6 acres. In Phase 1, they plan to build the sanctuary and multipurpose room; in Phase 2, a parochial school and office building.

Architect Mike Sickbert presented the design features.

945 The Council discussed traffic signalization at K-150 and the proposed street Aberdeen. That intersection will be signalized in the future. Councilmember Monica expressed concern about access to the church from K-150 on Sundays without a signal being installed at the time the church is completed. There has been no discussion about the church participating in the funding of a signal. The church will not oppose creation of a benefit district for K-150 improvements; so if signals are part of a benefit district, the church would be required to participate. Public Works Director Brandt stated that the K-150 Corridor impact fee which the church will pay is supposed to cover K-150 improvements, including signalization.

1153 Councilmember Anselmi moved that the Council adopt the resolution, seconded by Jacob. Councilmember Hammond stated that the City would lose approximately \$44,000 in revenue if the church and ancillary structures are constructed at this location since this area would be zoned CP-0 for office use. He feels the project is a good one, but is not sure it belongs on K-150. No other sites appear to be available for such a project. Mr. Hammond would like to have had more time to investigate possible alternatives.

Councilmember Anselmi's motion carried; Hammond opposed; all others in favor. Resolution attached as part of the record.

1240 ORDINANCE NO. 1101 REZONING A TO CP-0 - LORD OF LIFE LUTHERAN CHURCH approximately K-150 and the proposed street Aberdeen; Councilmember Anselmi moved for adoption, seconded by Monica; Hammond opposed; all others in favor.

1262 SPECIAL USE PERMIT FOR LORD OF LIFE LUTHERAN CHURCH: Councilmember Jacob moved for approval of the permit, seconded by Anselmi; Hammond opposed; all others in favor.

#1310 CITY ADMINISTRATOR'S REPORT: None.

1314 MAYOR'S REPORT: The Mayor attended the May 17th Council of Mayors meeting at which reappraisal reclassification, re-apportionment, and the comprehensive highway program were discussed.

Mayor Rinehart stated that a meeting will be held June 8th, 7:30 P.M., at the Northeast County Courthouse to discuss the CARS Program. The City Council does support storm drainage planning and construction to solve drainage problems. The Mayor will carry that message to the meeting.

Councilmember Lin is going to Taiwan July 1st; he will take a gift to Leawood's Sister City I-Lan.

Councilmember LaHue, Council liaison to the 4th of July Committee, stated that the Committee expects approximately 20,000 people to attend the July 4th celebration. The Committee still needs sponsors to fund some events. Mayor Rinehart stated that she feels the City should be committed to having a July 4th celebration each year considering the large number of people who attend. It's the only time each year when large numbers of residents from the entire City meet together to enjoy a day. However, the City should not burden committee members who volunteer their time to plan the events with the additional problem of fund raising. Either the Council and community put forth the funds, or the Council includes an appropriate amount for July 4th expenses in the annual budget.

1615 AUTHORIZE DESIGN ELEMENTS FOR FINAL DESIGN OF LEE BOULEVARD IMPROVEMENTS: The Council discussed the culvert design with concrete end sections with masonry stone slope lining versus the more expensive stone vertical walls at driveway entrances. Larkin Associates engineers do not recommend vertical walls be built to keep people from sliding off into the drainage ditches because vehicles could be damaged if they became impaled on the walls. Since the engineers feel the walls would create a safety hazard, the City Attorney stated that they could constitute a liability for the City.

Public Works Director Brandt recommended that the City approve the culvert design with sod lining with a 4-6" doweled-on concrete curb along the edge of the driveway pavement; sod is easier than masonry stone to maintain.

2455 On motion of Hammond, seconded by Moore, the Council unanimously approved an enclosed storm sewer with sod lining for locations where paved concrete ditch liners were originally proposed.

On motion of Newlin, seconded by Moore, the Council unanimously approved sod around the drainage outlets rather than the masonry stone slope lining.

On motion of Jacob, seconded by Hammond, the Council voted that a 5' Portland Cement Concrete sidewalk be constructed; Moore, Newlin opposed; all others in favor.

The Council did not make a decision on the vertical wall design element. Councilmembers will review drawings of a culvert with sod, a culvert with sod and a 4" doweled-on curb, and a vertical wall at the June 12th work session.

- #3325 AUTHORIZE CONDEMNATION AWARDS: To be discussed in executive session at the end of the meeting.
- 3351 RESOLUTION NO. 952 DESIGNATING "THE JOHNSON COUNTY LEGAL RECORD" AS THE OFFICIAL CITY NEWSPAPER; designating that "The Johnson County Sun" or "Olathe Daily News" be used as official City newspaper if for any reason "The Legal Record" is unable to publish according to the City's requirements; Resolution adopted on motion of Monica, seconded by Jacob; LaHue opposed; all others in favor. Attached as part of the record.
- 3778
- 3803 WORK SESSION: Scheduled for June 12, 1989. The Economic Development Steering Committee will present a report. The vertical wall design element for the Lee Boulevard improvements will be discussed.
The second public meeting concerning the Lee Boulevard improvement project was scheduled for June 21st. Public Works Director Brandt will report on a meeting location at the work session.
- 3873 APPROVAL OF APPROPRIATION ORDINANCE NO. 613: Approved unanimously on motion of Jacob, seconded by Hammond.
- 3895 EXECUTIVE SESSION: Councilmember Hammond moved that the Council convene in executive session at the end of the meeting, not to exceed 30 minutes, to discuss pending litigation and condemnation awards; seconded by Anselmi; unanimous.
- 3929 COUNCIL COMMENTS: Councilmember Jacob reported that the City had a good return (over 45%) on the citizen survey. A final report will be presented in the next few weeks.
Mrs. Jacob also stated that the design of the entrance signs to the City will be discussed at the June 20th Arts Committee meeting.
- 3993 Councilmember Moore complimented William Shaffer of Reno Construction Co. on letters Reno has sent to residents on 95th Street which informed residents about aspects of the 95th St. widening project.
- 4024 Councilmember LaHue stated that the 85th Terrace improvement project, State Line Rd. to Lee Blvd., was a good project, and felt that the City should send a thank you letter to Suburban Contractors.
- 4108 9:35 P.M. Council convened in executive session, same members present.
- 4109 10:05 P.M. Council reconvened in regular session, same members present.
- ANNEXATION LITIGATION: Councilmember LaHue moved that the Council retain the services of Fred Logan, Jr., Mr. Logan to continue to work with City Attorney Wetzler and City staff to prepare for a hearing before the Johnson County Commissioners,

and to do whatever is necessary in the case before the Kansas Supreme Court; seconded by Moore; unanimous.

4147 AUTHORIZE CONDEMNATION AWARDS: On motion of Moore, seconded by Monica, the Council unanimously authorized payment of appraiser's awards on the 95th Street widening project to the Thompsons and Bohannahs in the amount of \$275.00 plus the cost of appraiser's fees.

4177 On motion of Hammond, seconded by Moore, the Council unanimously authorized payment of appraiser's awards on the Tomahawk Creek Parkway project to Gordon and Long in the amount of \$69,000 plus the cost of appraiser's fees.

City Administrator Garofano stated that when the Parkway was originally designed, the additional right-of-way from Marshall Gordon was not included. But engineers felt that in order to have a better alignment of the Parkway with Mission Rd. coming from the North, the additional land was needed. The City does need part of the right-of-way along College Boulevard. It's still possible to offset the intersection at Mission Rd. to some degree and avoid buying all \$69,000 of land.

4295 10:10 P.M. Meeting adjourned.



Marcia Rinehart Mayor

Attest:



Martha Heizer City Clerk

- # 32 Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held at 7:30 P.M., Monday, June 19, 1989, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.
- Roll call answered by Councilmembers LaHue, Jacob, Hammond, Anselmi, Newlin, Monica, Lin. Councilmember Moore was absent. Staff: Garofano, Baer, Cox, Brandt, McKay, Malnicof, Strack, Heizer, Attorney Wetzler.
- 40 Agenda approved unanimously on motion of Hammond, seconded by Newlin, after addition of 1) discussion of stormwater management, and 2) assignment to Public Safety Committee (under Consent Agenda) to study the possibility of providing the service of placing phone calls to senior citizens on a daily basis.
- 103 RECOGNITION: The Mayor presented a Certificate of Recognition & Key to the City to Leawood resident Jim Newlin in recognition of his accomplishments as a member of the Wichita State University baseball team, College World Series Champions.
- 186 CITIZEN COMMENTS: Doug McKenzie, 4017 W. 137th Terr., President of the Leawood Meadows Homes Association, commented briefly on Frank Oddo's request for rezoning for the Pine Lakes Apartments project to be considered later in the meeting. Mr. McKenzie feels an injustice has been done to Mr. Oddo to some degree. It seems to Mr. McKenzie that in the development of the Master Plan, no one defined exactly what medium density was to mean for areas along K-150, and that this lack of definition has led to several changes in the original apartment project plan, more planning and meetings than would have been necessary had the people involved had more guidelines with which to work initially.
- 248 Councilmember Monica mentioned that the Leawood Elementary School team which represented Kansas in Division I of the World Finals of the "Odyssey of the Mind" creative problem solving competition at the University of Colorado in Boulder on May 27th placed third in the nation in that competition.
- 272 CONSENT AGENDA: Acceptance of the bid for a compact truck for ... the Planning Department and acceptance of the bid for the 1989 street marking program were removed for further discussion. The following were unanimously approved on motion of Hammond, seconded by Jacob:
1. Minutes of the June 5, 1989, Council meeting;
 2. Departmental reports;
 3. Assignment to Public Safety Committee to review a 123rd Street resident's objection to the parking prohibition on both sides of 123rd St., State Line Rd. to Mission Rd.;
 4. Assignment to Public Safety Committee to study the possibility of providing the service of placing phone calls to senior citizens on a daily basis;

#

5. Assignment to the Public Safety/Public Works Committees to discuss "safe school routes";
6. Purchase of 8 mobile radios for the Fire Department with option connectors, mounts and weatherproof microphones from Motorola Communications and Electronics for \$6,492.00;
7. Funds, approximately \$3,000 (remaining monies from the allocation for the citizen survey), to be used for an event to honor City volunteers.

The Council discussed the bids for a compact truck for the Planning Department. Councilmember Anselmi asked why the City would want to buy a foreign made vehicle when for only \$123 more, it could purchase a Chevrolet. Planning Director McKay stated that Mollie Toyota was the low bidder and the Department has 2 other Toyota trucks in its fleet. On motion of Jacob, seconded by Monica, the Council unanimously approved the low bid of Mollie Toyota for \$7,740.16.

409

The Council discussed the 1989 street marking program. Councilmember Anselmi questioned why the City would stripe the entire length of Lee Boulevard, Somerset to 103rd Street, with a double yellow line for "no passing". He feels that "passing" should be permitted on some sections of Lee. City Administrator Garofano stated that a prior Council had had a lengthy discussion on the striping of Lee, and decided to stripe double yellow. Councilmember Lin recalled that the Council's motivation for double striping was to permit the Police to legally issue "no passing" citations. Mr. Garofano stated that striping will not be done between 95th and 103rd Streets because of the pending reconstruction of the roadway.

Councilmember Anselmi moved that the Council reconsider the striping of Lee Boulevard, and eliminate the double striping from Somerset to 103rd without further consideration by an appropriate authority of sections that could be "passing" zones; seconded by Newlin.

Councilmember Lin stated that "no passing" zones have proven to be safety measures. If the Council decides to remove the double line, he feels the City needs a thorough engineering study to determine what sections should be "passing" and "no passing" zones. He does not feel it's a good idea to allow "passing" on Lee.

Public Works Director Brandt stated that new striping will be provided with the new asphalt overlay. The Council could consider double versus staggered yellow lines when Lee is reconstructed.

City Administrator Garofano stated that most arterial streets will have a double yellow line.

Councilmember Anselmi's motion failed; Newlin, Anselmi in favor; all others opposed.

748

On motion of Jacob, seconded by Monica, the Council unanimously approved the low bid of Midland Asphalt Co. for \$5,728.81.

815

RESOLUTION RELATING TO REQUEST FOR REZONING FROM A TO RP-2 AND RP-3, AND PRELIMINARY PLAT AND PRELIMINARY SITE PLAN APPROVAL - PINE LAKES APARTMENTS, 137TH & MISSION ROAD: John Petersen, attorney for owner/developer Frank Oddo, presented information on the history of the project since the original proposal was presented in September, 1988. He also presented current plans for the quality, multifamily project, a buffer between the proposed and expected commercial development north of the project and R-1 residential development to the south. Before the project can move forward, adequate steps must be taken for stormwater, sewer and road improvements. Economics and the City of Leawood say that the project can not progress until there are adequate streets and sewers. Commercial development to the north and R-1 residential development to the south will have to occur in order to create a sewer district. If the project can not proceed until these improvements are made, why has Mr. Oddo come to the City for approval of his project now instead of waiting until the other developments are started? Since the Leawood Master Plan indicates commercial development between K-150 and 135th Street in the area under consideration, Mr. Oddo has to plan now, and is asking the Council to allow him to make plans for the future development of his property while following the guidelines set forth by the City of Leawood.

1600

Wayne Johnson, 4561 W. 138th Terr. (Leawood Meadows), expressed his opposition to apartments; they do not represent open space, would set a trend for apartment development, and would lower property values.

Planning Director McKay stated the reasons the Plan Commission denied the requests:

1. the density of the project is too great;
2. the infrastructure is not in place at this time nor will it be in the near future;
3. the project would have an adverse effect on the property values of adjacent landowners.

1860

City Attorney Wetzler presented Council decision options:

1. the Council could agree with the Plan Commission's reasons for denial (disapprove of the project), ending consideration of the matter;
2. the Council could disagree with the Commission's reasons; the matter would go back to the Commission for further consideration, then return to the Council for final action;
3. the Council could remand the matter to the Commission for further consideration.

Mr. Wetzler suggested that at the appropriate time a motion be made to approve the project. If the motion carries, the matter would go back to the Plan Commission with Council comments for additional consideration. If the motion fails, that would constitute a denial.

2093

Doug McKenzie, President of the Leawood Meadows Homes Association, stated that the Plan Commission refused to define medium

- # density as shown on the Master Plan, yet kept telling Mr. Oddo that the density of his project is too great. Mr. McKenzie and other residents of Leawood Meadows are concerned about density and apartments that are owned by corporations that might have no desire to provide for proper upkeep of the area. This apartment project could set a trend for apartments in medium density along K-150.
- 2253 Mr. Oddo explained that he must build amenities (club-house, tennis courts, swimming pools - to attract quality people to the project, and in this area with future office buildings, there will be many quality people who will demand these amenities. If the project's density is decreased, those amenities can not be built.
- 3293 Councilmember Jacob moved that the Council remand this matter to the Plan Commission with Council's written comments since the Council does not agree with the Plan Commission's reasons for denial; seconded by Hammond.
- 3499 Councilmember Lin moved to amend the motion to include the following reasons for remand:
1. rental apartments are not suitable for the City of Leawood;
 2. density of land use should be 6 units/acre or less.
- Councilmember Monica seconded the motion. After discussion, both second and motion to amend were withdrawn.
- 3728 Councilmember Lin moved to amend the motion to include the following reasons for remand:
1. rental property is not appropriate;
 2. Council agrees with the type of land use in the Master Plan;
 3. Council urges the Plan Commission to review and look at a lower density type of development than they had denied.
- Motion seconded by Monica. City Attorney Wetzler stated that he would never advise the Council to adopt an official policy that would state that the City would not approve any rentals. Council can determine the quality of rental units, but should never adopt a policy or ordinance that would zone out a particular type of housing. Monica withdrew her second. Motion to amend failed for lack of another second.
- 3885 Councilmember Hammond called for the question to vote on the motion to remand, seconded by Jacob; call for the question carried; Monica opposed; all others in favor.
- Councilmember Jacob's motion to remand this matter to the Plan Commission carried; all in favor, except for Mr. Lin who did not vote.
- Councilmember Monica stated that she would like the Plan Commission to review the density issue again, and look at the possibility of asking the developer to consider a mixture of rental and "for sale" units in the project.
- Councilmember LaHue stated that he disagrees with the Plan Commission's 3 reasons for denial.
- 4199 Councilmember Newlin moved that the Council convey to the Plan Commission that it favors the project as described this

#

evening, and would like the Plan Commission to define its reasons for denial, seconded by Anselmi. Councilmember Lin stated that he could not vote in favor of the motion unless Mr. Oddo was asked to increase the floor space of the apartments to a minimum of 2000 sq. ft. per unit and reduce the density of the townhouses to 6-7 units per acre. Councilmember Monica stated that she would vote against the motion, but does feel the project has some good points. She would like to see her comments stated earlier conveyed to the Plan Commission and would like more time to study the matter.

Councilmember Newlin's motion carried; Monica, Lin opposed; all others in favor.

This matter will be considered again by the Plan Commission at its June 27th meeting and returned to the Council July 3rd.

Resident Wayne Johnson asked about the time requirement for filing a zoning protest. If residents feel a protest should be filed, they should consult their attorneys.

ORDINANCE REZONING A TO RP-2 - PINE LAKES APARTMENTS: No action taken.

ORDINANCE REZONING A TO RP-3 - PINE LAKES APARTMENTS: No action taken.

4587

CITY ADMINISTRATOR'S REPORT: The results of the citizen survey will be presented at the next Council meeting. The survey was included in a newsletter recently mailed to residents. The City did not want to prejudice further responses to the survey by releasing results prior to newsletter recipients having a chance to respond.

4666

MAYOR'S REPORT: The County Commissioners will consider the final design of State Line Road at their next meeting.

Councilmember Lin is going to Leawood's Sister City I-Lan, Taiwan soon, and will take a gift - a book entitled "The Four Seasons of Kansas", with a special inscription and signed by the members of the Governing Body. Mr. Lin will also take video tapes of the I-Lan delegation's visit to Leawood in December, 1988.

A sample ordinance from Kansas City, Missouri, relating to beverage containers will be referred to the Solid Waste Management Ad Hoc Committee which will meet June 26th.

4790

DISCUSSION OF DRIVEWAY ENTRANCE DESIGN ELEMENTS FOR LEE BOULEVARD:

Councilmember Lin moved that the Council accept the consulting engineer's alternative - instead of vertical walls, there will be driveway culverts with standard flared end sections with corresponding matching sodded side slopes and culvert lengths adequate to support these slopes; seconded by Hammond.

Councilmember LaHue preferred to delay this decision until the Council could hear residents' feelings about vertical walls and doweled-on curbs at the next public meeting.

#

The Council discussed the issue of vertical walls and curbs as safety hazards as determined by the engineers and City Attorney and the use of good engineering standards to eliminate them versus the possibility that residents might want to retain the walls and curbs and the present appearance of Lee Boulevard.

Councilmember LaHue felt that if the Council votes against the walls, then it should consider restitution to the residents who have driveway entrance walls that would be removed, even though the walls are in the public right-of-way, property of the City of Leawood.

Councilmember Lin's motion carried; LaHue, Newlin opposed; all others in favor.

5490

The next public meeting will be held in September. Councilmember Newlin is in favor of notifying all residents. That will be done by press release, newsletter, and other avenues of publicity.

The Council discussed the objective of the public meeting - to gain further input from residents versus merely informing the public of Council decisions.

Councilmember Newlin expects that some project design elements currently approved will be changed after hearing further input from residents; he expects that the sidewalk/bike paths along Lee will eventually be defeated with unanimous public support.

The objective of the public meeting will be defined after the "safe school routes" report is completed (by the end of July).

10:15 P.M. Councilmember Monica left the meeting.

6243

DISCUSSION OF STORMWATER MANAGEMENT: Councilmember LaHue moved that the Council direct staff to pursue mutual cooperation with the County Commissioners towards stormwater management planning and construction within Leawood and throughout the County; seconded by Lin; unanimous.

6579

ACCEPTANCE OF THE ECONOMIC DEVELOPMENT STEERING COMMITTEE REPORT: Councilmember Anselmi moved that the Council formally accept the Committee's report and direct staff to take necessary actions to facilitate the incorporation of the Leawood Economic Development Corp.; seconded by Hammond; unanimous.

Councilmember LaHue moved that the Council consider funding for the LEDC in an amount not to exceed \$22,500 for the first year of the LEDC's operation; seconded by Hammond; unanimous. If the \$15,000 grant from Southwestern Bell Foundation is approved, then the City's amount of funding will be \$7,500.

6739

ORDINANCE NO. 1102C PROVIDING FOR RECOVERY OF EXPENSES RELATING TO ENVIRONMENTAL RELEASES: Councilmember Anselmi moved for approval; seconded by LaHue.

6759

END OF TAPE

34 Ordinance passed; Councilmembers LaHue, Jacob, Hammond, Anselmi, Newlin, Lin in favor. Councilmember Monica had left the meeting.

48 AUTHORIZATION OF AGREEMENT WITH JOHNSON COUNTY UNIFIED WASTE-WATER DISTRICTS FOR A TEMPORARY EXIT FROM LEAWOOD PARK:
Councilmember LaHue moved for approval, seconded by Jacob. The agreement relates to the use of the County's property as an additional exit from Leawood Park after the July 4th celebration, and will have to be executed each year. Police Chief Cox stated that he had verbal permission to cross Saddle & Sirloin property. Council directed staff to obtain written permission from Saddle & Sirloin.

The agreement was unanimously approved.

139 APPROVAL OF APPROPRIATION ORDINANCE NO. 614: Approved unanimously on motion of Lin, seconded by LaHue.

152 EXECUTIVE SESSION: On motion of Jacob, seconded by Lin, executive session scheduled at the end of the meeting, not to exceed 11 P.M., to discuss condemnation of property for the Tomahawk Creek Parkway. Motion carried; Anselmi opposed; all others in favor.

186 COUNCIL COMMENTS: LaHue stated that the July 4th Committee still needs funding support.

Hammond commented on the large amounts of trash in ditches, on streets, etc., and encouraged discussions concerning recycling.

Lin asked City Attorney Wetzler if the City could exclude apartments from zoning. Mr. Wetzler stated that the City has never excluded a particular category of housing in Leawood; the City has controlled only the quality of developments. Nor could the City designate specific area(s) for apartment complexes.

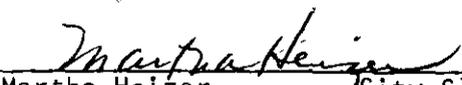
298 10:40 P.M. Recess:

10:42 P.M. Council convened in executive session, Councilmembers LaHue, Jacob, Hammond, Anselmi, Newlin, Lin present.

299 11:00 P.M. Council reconvened in regular session, same members
304 present. Meeting adjourned.


Marcia Rinehart Mayor

Attest:


Martha Heizer City Clerk

325 Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held at 7:30 P.M., Monday, July 3, 1989, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.

Roll call answered by Councilmembers LaHue, Jacob, Hammond, Anselmi, Moore, Newlin. Councilmembers Monica & Lin were absent (Mr. Lin visiting Leawood's Sister City I-Lan, Taiwan). Staff: Garofano, Baer, Cox, Brandt, McKay, Heizer, Attorney Wetzler.

341 Agenda approved unanimously on motion of Jacob, seconded by Hammond.

350 CITIZEN COMMENTS: None.

358 CONSENT AGENDA: The following were unanimously approved on motion of Moore, seconded by Hammond:

1. Minutes of the June 19, 1989, Council meeting;
2. Arts Committee report on its June 20, 1989 meeting;
3. Community Relations Committee report on its June 27, 1989 meeting;
4. Public Safety Committee report on its June 26, 1989 meeting;
5. Contractor's Pay Estimate No. 7 to Holland Corp. for \$268,793.04; Tomahawk Creek Parkway project;
6. Contractor's Pay Estimate No. 4 to Reno Construction Co. for \$387,510.69; 95th St. improvement project.

The Public Safety Committee had discussed a 123rd St. resident's request for elimination or modification of the parking ban on 123rd Street, in effect because of the painted bicycle lanes. The Committee recommended that the ordinance prohibiting parking on 123rd Street be changed to allow parking on the north side of the street, between Fairway and Aberdeen, between the hours of 6:00 p.m. and 6:00 a.m., due to the uniqueness of the resident's property. However, staff believed that conflicting uses could not coexist; either the ban must remain in effect or the bike lanes be removed. The Council will discuss this matter at its August 7th meeting.

426 RESOLUTION NO. 953 APPROVING FINAL PLAT OF CHERRY CREEK, SECOND PLAT - approximately 128th and Catalina: Adopted unanimously on motion of Anselmi, seconded by Jacob. Attached as part of the record.

443 RESOLUTION NO. 954 APPROVING REQUEST FOR REZONING FROM A TO RP-2 AND RP-3, AND PRELIMINARY PLAT AND PRELIMINARY SITE PLAN APPROVAL FOR PINE LAKES APARTMENTS, 137TH & MISSION ROAD: At its June 19th meeting, the City Council remanded this matter to the Plan Commission for reconsideration at the Commission's June 27th meeting. At that meeting, Commission members were mainly concerned about

- # the quality of the proposed development. The Commission added stipulations 11 through 16 to the original stipulations of approval to ensure quality.
- 601 Joan Thompson, 14109 Windsor, felt that the apartment portion of the project is low quality, small living units, no carports; she felt that duplexes or townhouses would be appropriate as a multifamily zoning buffer between proposed and expected commercial development north of the project and R-1 residential development to the south. If apartments are to be built at 137th & Mission, they should be similar to Essex Place and Villa Medici complexes in Overland Park or Georgetown in Merriam.
- 708 Planning Director McKay stated that staff and the Plan Commission had discussed carports, how they would look and how they could be maintained. They felt carports would be hard to maintain, and they are detached structures which have been viewed negatively in the past.
- 780 The Council discussed developers' participation in rent subsidized apartment complexes relating to an IRS tax credit program. Any developer could choose to participate in such a program, and the City would have no control over the matter. John Petersen, attorney for Frank Oddo, developer of the proposed project, stated that Mr. Oddo has no intention of asking for any kind of rent subsidy for the project.
- Joan Thompson asked why the Plan Commission didn't decide to require garages for the apartments for added quality if Commission members felt that carports would be hard to maintain. Mr. McKay stated that the Commission had discussed open space, and preferred a parking lot with proper landscape screening in the parking lot to provide shade. It's easier to control that kind of planting requirement, and it's hard to screen detached structures.
- 947 City Attorney Wetzler stated that rent subsidies should not be an issue for Council consideration.
- 1033 Councilmember Jacob moved that the Council adopt the resolution approving the requests, seconded by Anselmi; unanimous. Resolution attached as part of the record.
- 1096 ORDINANCE NO. 1103 REZONING A TO RP-2 - PINE LAKES APARTMENTS, 137TH & MISSION ROAD: Passed unanimously on motion of Anselmi, seconded by Moore.
- 1109 ORDINANCE NO. 1104 REZONING A TO RP-3 - PINE LAKES APARTMENTS, 137TH & MISSION ROAD: Passed unanimously on motion of Jacob, seconded by Hammond.
- 1122 CITY ADMINISTRATOR'S REPORT: The Public Building Commission will meet July 11th, 7:30 P.M., to consider a contract with Abend Singleton Associates for design of a new City Hall building, and a contract for financial advisory services.
- 1139 The Council discussed a letter which City Administrator Garofano had sent to City Sign Painting Co. which has a solicitation permit to distribute flyers advertising painting of address

numbers on curbs. The City takes exception to the statement in the flyer that Leawood's public safety departments use the numbers to identify addresses - they do not. Mr. Garofano asked that the company issue a disclaimer that it is not associated with nor is endorsed by the City of Leawood. He has not received a reply. At the present time, the City does not prohibit painting numbers on curbs. The Council could decide to consider an ordinance to prohibit this activity since curbs are public property.

1230

MAYOR'S REPORT: The County has approved its share of the \$600,000 funding for the final design of State Line Road, I-435 to K-150.

Evans Folger, a Leawood resident and architect, has agreed to help the Arts Committee and Community Relations Committee with the design of City entrance signs.

Mayor Rinehart reported that the City's American Revolution Tricentennial Fund had a balance of \$2,731.49 as of June 30, 1989.

Services for Seniors requested that a Councilmember or citizen consider serving on its Board of Directors. Councilmember Newlin will replace Councilmember Anselmi on the Board.

Update on proposed traffic signal at 92nd & State Line: The City does not have funding at the present time to install a signal or reconstruct State Line. It has requested County funding, but County monies are limited. Kansas City, Missouri has no funds for this project - it's not a priority for Kansas City. Public Works Director Brandt estimated that the project would cost approximately \$300,000. Another accident occurred recently at the intersection - someone trying to turn left from State Line onto 92nd Street; a turning lane could have prevented the accident. Mr. Brandt stated that Kansas City would not approve a signal without construction of left turn lanes, and felt that signalization would be dangerous without turning lanes. Mr. Brandt thought that perhaps Leawood could compromise with Kansas City - Leawood would fund the signal, and Kansas City would not ask Leawood to participate in the funding of one of its future projects along State Line. The Council has agreed that the signal is necessary, and needs to seek financing alternatives before someone is killed at the intersection. The Council will write letters to the Johnson County Commissioners concerning funding, and to Kansas City concerning alternatives.

1668

CITIZEN SURVEY: Elaine Tatham from ETC Institute who assisted the City with the survey reviewed a summary of the survey. The City had a good response - opinions were received from 789 households, representing 2,279 people. The City has also received approximately 900 responses from the survey sent to residents in a recent newsletter.

2481

Councilmember Hammond moved that the Council accept the survey report, seconded by Moore; Anselmi opposed; all others in favor.

#2510

CONSTRUCTION CONTRACT FOR REMODELING/ADDITIONS - POLICE/COURT BUILDING, FIRE STATION NO. 1, AND CITY HALL: The firm of Allison & Alexander submitted the low bid with the following breakdown:

Base bid	\$ 764,510
Alternate #1 Vestibule for City Hall	14,556
Alternate #2 Emergency Generator (Fire)	13,550
Alternate #3 Skylight (Police)	2,060
Alternate #4 Casework (built-in shelving for audio visual area in Police and Fire)	8,220
Total bid:	<u>\$ 802,896</u>

These improvements and lease payments for temporary office space for Administration, Planning & Development, and Fire will be funded through the Building Fund, first established this year. Remaining monies will help defray the cost of a new City Hall building.

Several items totaling \$49,730, added to the project during the design process, items not considered in the Space Needs Study, are included in the construction bid. A few other items are not included in the contract, but will be necessary to complete the project as designed; the City will contract separately for them at a later date.

The question of furnishings still has to be resolved. The architect, as part of the design contract, will recommend furnishings the City will be able to reuse and those that will have to be purchased.

On motion of Anselmi, seconded by Hammond, the Council unanimously accepted the low bid of Allison & Alexander, including the four alternates, not to exceed \$802,896, and authorized the Mayor to execute the construction contract.

2873

CONTRACT FOR PRELIMINARY DESIGN ENGINEERING FOR K-150, STATE LINE ROAD TO NALL AVENUE: On motion of Jacob, seconded by Moore, the Council unanimously approved the contract with Howard Needles Tammen & Bergendoff in an amount not to exceed \$24,400.00.

HNTB will help the City prepare an application for State funding under the system enhancement program, part of the new road program recently enacted by the Kansas legislature, for projects which enhance economic development. K-150 is such a project. The application must be submitted by August 1st, and if approved, the State would fund 70-80% of the improvements.

2994

CONTRACT FOR DESIGN OF THE 1989 STREET REHABILITATION & CURB REPLACEMENT PROGRAM: On motion of LaHue, seconded by Jacob, the Council unanimously approved the contract with Shafer, Kline & Warren in an amount not to exceed \$26,000. A list of streets involved will be attached to the contract.

3106

ORDINANCE NO. 1105C ADOPTING THE 1988 EDITION OF THE 'UNIFORM

- # SWIMMING POOL, SPA AND HOT TUB CODE: Passed unanimously on motion of Anselmi, seconded by Hammond. Planning staff will no longer have to use portions of several codes to review and approve these structures; it will be easier for contractors and architects to design according to one standard.
- 3190 ORDINANCE NO. 1106 PROVIDING FOR THE CORRECTION OF A LEGAL DESCRIPTION: Ordinance No. 915 was repealed and deeds for street purposes (Kenneth Rd. improvements) were reaccepted with the proper legal descriptions. Ordinance 1106 passed unanimously on motion of Hammond, seconded by Jacob.
- 3209 APPROVAL OF APPROPRIATION ORDINANCE NO. 615: Approved unanimously on motion of Jacob, seconded by Anselmi.
- 3228 COUNCIL COMMENTS: Councilmember LaHue asked for discussion of a memo distributed to the Council by Planning Director McKay concerning building valuations used to determine building permit fees. Mr. McKay stated that permit fees are determined by the sale price of a home, not the construction cost. In a recent study, he found that most of the time sale prices of homes were much higher than the values staff had placed on them. He is asking to raise certain permit fees to be in line with sale prices. The 1985 Uniform Building Code provides that the building official set values used to compute permit fees.
 Councilmember Newlin stated that some builders refuse to build in Leawood because it's too expensive. Will builders be further discouraged from building in Leawood if the City raises building permit fees?
 Councilmember Hammond is in favor of the nominal increase (approximately \$200) requested to keep fees commensurate with services provided.
- 3739 Councilmember Anselmi moved that the Council accept Mr. McKay's suggestion to raise permit fees, seconded by Moore; LaHue, Newlin opposed; all others in favor.
- 3755 Councilmember Anselmi stated that he had talked with a resident who disapproves of a provision in the City's home maintenance agreement with Services for Seniors which allocates a maximum of \$100 per household per year. The resident had reached the maximum and wanted the City to pay for additional home maintenance services at his home. The Council has discussed this matter concerning the same resident in past years. The Council decided not to change the grant agreement.
- 3896 Councilmember LaHue asked for a status report on the 95th Street widening project. The contractor is on schedule and the road should be open to traffic by September 1st.
 Dr. LaHue also mentioned the placement of the "Stop" sign at 85th Terr. and Lee Boulevard. The sign is not within a line of sight. Public Works erected an "advance" sign to warn drivers about the "Stop" sign at the intersection, and will see if stop bars can be painted on the pavement in line with the "Stop" sign.

July 3, 1989

#4015

Councilmember Anselmi had received a complaint about weeds on the northeast corner of 89th and Mission Road. As soon as the new storm sewer is constructed at that location, the property can be properly maintained and mowed.

4191

9:25 P.M. Meeting adjourned.


Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

- # 25 Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held at 7:30 P.M., Monday, July 17, 1989, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.

Roll call answered by Councilmembers LaHue, Jacob, Hammond, Anselmi, Moore, Newlin. Councilmember Lin was absent.
* Councilmember Monica arrived 7:35 P.M. Staff: Garofano, Baer, Cox, Brandt, McKay, Malnicof, Heizer, Attorney Wetzler.

- 36 Agenda approved unanimously on motion of Jacob, seconded by Moore, after addition of an executive session at the end of the meeting.

50 CITIZEN COMMENTS: None.

- 60 CONSENT AGENDA: The following were unanimously approved on motion of Hammond, seconded by Jacob:
1. Minutes of the July 3, 1989, Council meeting;
 2. Recreation Commission report on its July 11, 1989 meeting;
 3. Departmental reports;
 4. Acceptance of check in the amount of \$1,500 from the Leawood Woman's Club to the Fire Department for the purchase of a truck communication system.

- 71 RESOLUTION NO. 955 APPROVING REQUEST FOR REZONING FROM A TO R-1 AND PRELIMINARY PLAT APPROVAL FOR WILLOW LAKE ESTATES, 143RD STREET BETWEEN KENNETH ROAD AND MISSION ROAD:

* 7:35 P.M. Councilmember Monica arrived.

Lots will be served by septic tanks.

Councilmember LaHue mentioned previous Council discussions relating to the use of septic tanks versus sanitary sewers; the City would allow septic tanks, but in the event sewers would become available, property owners would not oppose them. Dr. LaHue felt that another stipulation of approval should be added to the resolution stating that the current owners, their heirs, successors and assigns, agree not to oppose a sewer district or formation of a sewer benefit district.

Max DaMetz, engineer representing Mr. and Mrs. Tom Nicholl and Ken Nichols, owners of the property under consideration, stated that the owners would not oppose such a benefit district.

The Council also discussed 143rd Street. The 4 lots involved will have direct access onto the street. Property owners need to understand that the road will be widened in the future; parking will be prohibited; there might be bicycle lanes. Staff feels this problem is covered in stipulation #2 of the resolution which states that the owners agree to submit an affidavit stating that they will not oppose a benefit

- # district for improvements to 143rd; the affidavit will be recorded concurrently with the plat.
- 824 On motion of Monica, seconded by Jacob, the resolution was adopted with the aforementioned additional stipulation concerning sewers; Newlin opposed; all others in favor. Resolution attached as part of the record.
- 835 RESOLUTION NO. 956 APPROVING FINAL PLAT OF WILLOW LAKE ESTATES - 143rd Street between Kenneth Road and Mission Road: Adopted unanimously on motion of Monica, seconded by Anselmi, with the additional stipulation that current owners, their heirs, successors and assigns, agree not to oppose a sewer district or formation of a sewer benefit district. Resolution attached as part of the record.
- 852 ORDINANCE NO. 1107 REZONING A TO R-1 - WILLOW LAKE ESTATES - 143rd Street between Kenneth Road and Mission Road: Passed unanimously on motion of Moore, seconded by Jacob.
- 867 RESOLUTION RELATING TO THE FINAL PLAT OF LORD OF LIFE, 1ST PLAT: Discussion concerned 2 lots: Lot 1 which Lord of Life Lutheran Church is buying from Lynn McCarthy and which is shown on the First Plat; and Lot 2 to the south which contains a septic system, detention pond, and the 137th Street reverse frontage road. The Church has an option to purchase this Lot.
Doug Patterson, attorney for the Church, stated that when the zoning application was filed, the plans for a reverse frontage road had not been established. In fact, the plan at that time showed the road south of Lot 2; therefore, the road was not an issue between Mr. McCarthy and the Church. However, a preliminary plat was prepared which contained Lots 1 and 2 and which showed the reverse frontage road at the City's request. The detention pond and proposed septic system on Lot 2 serve the Church, but the detention pond also serves other property owned by Mr. McCarthy. No agreement between the Church and Mr. McCarthy relating to Lot 2 has been made. The Church has an option to purchase the Lot; it may or may not acquire it.
- 1056 Staff asked for and received an agreement between Mr. McCarthy and the Church which addressed the ownership and maintenance of and responsibility for the septic system and detention pond on Lot 2. City staff is concerned that if Lot 2 is never platted and remains a storm drainage facility, the City would possibly have no way of obtaining a proportionate amount of funding for the frontage road. Since Lot 2 is not being platted, staff also asked that the first plat include an agreement that would state that the owners would agree not to oppose a benefit district for the road, or at the time the City is ready to construct the roadway, would be in a position to work with the City and help dedicate the necessary right-of-way.
- 1638 Councilmember Monica moved that discussion of this matter be continued to the August 7th Council meeting; seconded by Moore; unanimous.

- #1660 CITY ADMINISTRATOR'S REPORT: The Public Building Commission met July 11, 1989, and authorized a contract with Abend Singleton Associates for the design of a new City Hall. Commission members do not intend to design the building, but will be invited to the City Council meeting(s) at which design elements are discussed.
- The Commission discussed the pros and cons of the PBC financing the Police/Court Building and Fire Station No. remodeling project, and combining it with the financing of the new City Hall. This issue will be discussed at the next Council work session.
- 1791 MAYOR'S REPORT: Mayor Rinehart commended Councilmember LaHue and the July 4th Committee for planning a wonderful July 4th celebration.
- 1810 APPROVAL OF NOTICE OF 1990 BUDGET HEARING: An additional \$50,000 was added to the budget for additional sidewalks.
- Councilmember LaHue, Chairman of the Budget & Finance Committee, stated that the Committee felt the City wasn't spending enough for sidewalk repair and replacement. The Committee was also concerned that no money had been allotted for stormwater management. The Committee also discussed possible upgrading of the City's ambulance service. Fire Chief Strack is investigating this now; the City may not have this issue resolved by the time the budget must be certified to the County at the end of August.
- Staff understands that the County will be submitting a proposed interlocal agreement to cities for reaction to the possible initiation of a 1/10 of 1% sales tax for stormwater management throughout the County. Some money budgeted for streets might be used for storm drainage improvements in public rights-of-way. A City committee will address stormwater management in the fall. Several questions have to be discussed. There may not be much the City can do for stormwater management in the 1990 Budget.
- Dr. LaHue wanted \$75,000 added to the budget to prepare for stormwater management, to pay for design costs. This would preclude borrowing money to finance engineering design costs.
- On motion of Monica, seconded by Jacob, the Council unanimously approved the notice of hearing. The hearing will be held August 14th, 7:00 P.M., in the Council Chamber.
- 2578 ORDINANCE NO. 1108 ENLARGING THE LEAWOOD SEWER SYSTEM TO PROVIDE SEWER SERVICE FOR PORTIONS OF HALLBROOK FARMS SUBDIVISION:
Passed unanimously on motion of Anselmi, seconded by Hammond.
- 2593 ORDINANCE NO. 1109C AMENDING SECTION 15-101 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO THE LEAWOOD SANITARY SEWER SYSTEM (to include portions of Hallbrook Farms Subdivision in the System):
Passed unanimously on motion of Hammond, seconded by Moore.

- #2610 APPLICATION TO KDOT FOR SYSTEM ENHANCEMENT FUNDS TO WIDEN K-150 (135TH STREET), STATE LINE ROAD TO NALL AVENUE:
Application approved unanimously on motion of Jacob, seconded by Anselmi.
- 2629 RESOLUTION NO. 957 DIRECTING THE CITY CLERK TO PUBLISH NOTICE OF PROPOSED REASSESSMENTS TO PAY THE COST OF IMPROVEMENTS TO 127TH STREET, MISSION ROAD TO ROE AVENUE (IMPROVEMENT DISTRICT 83-1): One of the conditions of the improvement to 127th Street, Mission to Roe, was that any property that was not subdivided or platted and occupied as a single family residence and was being assessed for the improvement of Mission Road (Improvement District 79-1), would only be assessed at the rate of \$1 per year until subdivided or platted. This applied to one parcel of land owned by A.W. and Martha Doepke. The amount which would have been levied against the Doepke property, \$87,983.39, was levied against the City-at-large. If the property was subdivided or developed, the City-at-large cost would be reassessed to all properties within the Doepke parcel.
The City failed to reassess the property when it was platted as Bristol Place in 1986. The City-at-large has continued to pay the amount attributable to what is now Bristol Place.
The City can reassess current property owners from the point that it should have levied reassessments, but Finance Director Malnicof recommended that the City reassess the \$49,455.89 outstanding over the next 6 years to properties benefiting from the improvement.
- 3186 The resolution was adopted unanimously on motion of Jacob, seconded by Moore. The public hearing to consider proposed reassessments will be held August 7th, 7:00 P.M., in the Council Chamber.
Councilmember Newlin did not think it would be fair to levy reassessments on years prior to current residents owning the properties involved.
- 3698 ORDINANCE NO. 1110 AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF TEMPORARY NOTES, SERIES L.I.D. 88-1-89H, PROJECT 113, TOMAHAWK CREEK PARKWAY, FOR \$500,000: Passed unanimously on motion of Hammond, seconded by Jacob.
- 3743 ORDINANCE NO. 1111 AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF TEMPORARY NOTES, SERIES 89I, PROJECT 116, 95TH STREET, STATE LINE ROAD TO WENONGA, FOR \$300,000: Passed unanimously on motion of Jacob, seconded by Anselmi.
- 3773 ORDINANCE NO. 1112 AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF TEMPORARY NOTES, SERIES 89J, PROJECT 118, POLICE/COURT BUILDING AND FIRE STATION NO. 1 REMODELING, FOR \$400,000: Passed unanimously on motion of Anselmi, seconded by Jacob.

- #3789 ORDINANCE NO. 1113 AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF RENEWAL TEMPORARY NOTES, SERIES L.I.D. 86-1-89G, PROJECT 107, ROE AVENUE, 112TH/121ST, FOR \$260,000: Passed unanimously on motion of Moore, seconded by Jacob.
- 3806 WORK SESSION: Scheduled for July 24th, 6:00 P.M., to discuss the 1990 Budget, Public Building Commission funding of a new City Hall and current remodeling project, and perhaps the I.D. 83-1 reassessments discussed earlier this evening.
- 3906 APPROVAL OF APPROPRIATION ORDINANCE NO. 616: Approved unanimously on motion of Anselmi, seconded by Jacob.
- 3924 EXECUTIVE SESSION: Councilmember Moore moved that the Council convene in executive session at the end of the meeting, not to exceed 15 minutes, to discuss annexation litigation; seconded by Monica; Jacob opposed; all others in favor.
- 3981 COUNCIL COMMENTS: Mr. Anselmi asked about item #3, Vehicle-Equipment Maintenance Division, Public Works Semi-Annual Report (January through June, 1989) which stated that Public Works would locate parts for and completely rebuild an obsolete engine in a 28-year old air compressor at a cost of approximately \$1,000, as opposed to purchasing all newly fabricated parts for over \$3,000 or purchasing a new compressor. He wondered if that was the best option cost account-wise. Public Works Director Brandt stated that a new compressor would cost approximately \$13,000, and felt that the rebuilding was the best approach.
- Mr. Anselmi mentioned that Los Angeles County, California had disapproved the use of wood shingles, and wished Leawood would do the same.
- He also asked why there is a "No Right Turn on Red" going south on State Line at 83rd Street. Police Chief Cox explained that sight distance is poor in all directions at that intersection, and traffic signals are timed differently - northbound traffic is released sooner than southbound traffic.
- 4122 Dr. LaHue commented on item #12 in a July letter from KDOT concerning the proposed traffic signal at 135th & State Line which stated that KDOT has 2 types of funding available for projects similar to this one, but the priority system for both is based on accident history, and Leawood's accident history at this intersection is too low to qualify for funds. Dr. LaHue thought that was an unusual statement. Public Works Director Brandt said the City will have a signal, but will have to pay for it. The Police Department is conducting a covert speed survey to determine what the intersection approach speeds are.
- 4201 Mrs. Monica feels the City should strongly consider recycling; results of the citizen survey indicate an interest in that activity.

- # Mrs. Monica had received calls from several residents in Ward 4 concerning commercial development; people moved to Leawood because of the residential atmosphere. She feels the City needs to keep that in mind when planning for the future.
- 4312 Mr. Moore received a call from a resident on Lee Boulevard near the Leawood Park entrance. People leaving the Park leave trash on his property, on the bridge and on the bridge embankments. Mr. Moore suggested that staff look into the possibility of placing drive-up trash containers on the Park side of Lee Boulevard and provide more extensive Park cleanup.
- 4367 Mr. Newlin suggested the 4th of July Committee consider the July 4th trash problem.
- 4413 Mr. Anselmi felt it imperative that the July 4th parade make a circle around the Park rather than going back over the same route it used to enter the Park, to avoid running into people still entering the Park.
- 4446 9:45 P.M. Council convened in executive session, same members present.
- 4447 10:00 P.M. Council returned to regular session, same members present. Councilmember Anselmi moved that the Council reconvene in executive session, not to exceed 10:15 P.M., to discuss annexation litigation; seconded by Moore; unanimous.
- 4459 10:03 P.M. Council reconvened in executive session, same members present.
- 4460 10:15 P.M. Council returned to regular session. Meeting adjourned.


 Marcia Rinehart Mayor

Attest:


 Martha Heizer City Clerk

July 24, 1989

Minutes of a special meeting of the Governing Body of the City of Leawood, Kansas, held at 7:00 P.M., Monday, July 24, 1989, in the lower conference room of the Police/Court Building, 9617 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.

The special meeting was requested by Councilmembers LaHue, Anselmi, Moore, Newlin, Monica, Lin for the purpose of discussing annexation. Staff present: Garofano, Baer, Cox, Brandt, Malnicof, McKay, Strack, Attorney Wetzler.

Councilmember LaHue moved that the Council convene in executive session, not to exceed 15 minutes, to discuss annexation; seconded by Moore; unanimous.

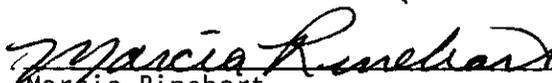
7:08 P.M. Council convened in executive session, same members present.

7:12 P.M. Council returned to special session, same members present. Councilmember LaHue moved that the City proceed with the annexation of Guilford Downs, the Bell tract, and the O'Donnell tract; seconded by Anselmi.

Councilmember Lin moved to amend the motion to include the Johnson County Wastewater property and tank farms; seconded by Monica. Motion to amend failed; Lin, Monica in favor; LaHue, Anselmi, Moore, Newlin opposed.

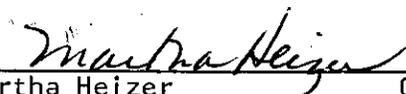
Councilmember LaHue's motion carried; Lin opposed; all others in favor.

7:16 P.M. Meeting adjourned.



Marcia Rinehart Mayor

Attest:



Martha Heizer City Clerk

37 Minutes of a public hearing held at 7:08 P.M., Monday, August 7, 1989, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas.

The purpose of the hearing was to hear public comment on the proposed reassessment of property now known as Bristol Place which was originally assessed as the Doepke property for the improvement of 127th Street, Mission Road to Roe Avenue (Improvement District 83-1).

Councilmembers attending: Anselmi, Newlin, Monica, Lin. *Councilmember Moore arrived 7:20 P.M. Staff present: Garofano, Brandt, Malnicof, Heizer. Residents Larry Swain, 12516 Alhambra, and Brad Moore, 12509 Buena Vista, were also present.

The hearing was called to order by Mayor Rinehart.

Finance Director Malnicof described the original assessment against the Doepke property. One of the conditions of the improvement to 127th Street, Mission to Roe, was that any property that was not subdivided or platted and occupied as a single family residence and was being assessed for the improvement of Mission Road (Improvement District 79-1), would only be assessed at the rate of \$1 per year until subdivided or platted. This applied to one parcel of land owned by A.W. and Martha Doepke. The amount which would have been levied against the Doepke property, \$87,983.39, was levied against the City-at-large. If the property was subdivided or developed, the City-at-large cost would be reassessed to all properties within the Doepke parcel.

The City failed to reassess the property when it was platted as Bristol Place in 1986. The City-at-large has continued to pay the amount attributable to what is now Bristol Place.

There was general discussion of how benefit districts are formed and how assessments are figured.

* 7:20 P.M. Councilmember Moore arrived.

Resident Brad Moore expressed his concern about the 3-year lag in assessing Bristol Place lots.

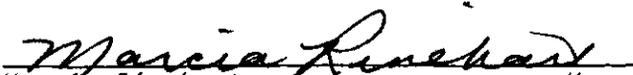
710 This matter was discussed at a July 24th Council work session, and it was the consensus of those present that Bristol Place property owners would pay 8 years' assessment over a 10-year period.

792 Resident Larry Swain felt that he was going to have to pay for the City's mistake - failure to reassess the property at the appropriate time - and felt that the City-at-large or the developer of Bristol Place should pay for the period prior to his purchase of his lot.

1089 7:40 P.M. The hearing was closed.

Attest:


Martha Heizer
City Clerk


Marcia Rinehart
Mayor

- #1122 Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held at 7:42 P.M., Monday, August 7, 1989, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.
- Roll call answered by Councilmembers Anselmi, Moore, Newlin, Monica, Lin. Councilmembers LaHue, Jacob, and Hammond were absent. Staff: Garofano, Baer, Cox, Brandt, Malnicof, McKay, Heizer, Attorney Jim Orr.
- 1134 Agenda approved unanimously on motion of Moore, seconded by Monica, after:
1. addition of an ordinance levying assessments for the improvement of 127th Street, Mission/Roe (I.D. 83-1);
 2. addition (under Council comments) of an update on the installation of trash containers at Leawood Park and cleanup around the Park entrance;
 3. deletion from the Consent Agenda of Change Order No. 2 for the 95th Street widening project.
- 1185 CITIZEN COMMENTS: None.
- 1194 CONSENT AGENDA: The following were approved unanimously on motion of Monica, seconded by Anselmi:
1. Minutes of the July 17, 1989, Council meeting;
 2. Minutes of the July 24, 1989, Special Council meeting;
 3. Declaration of surplus property (list attached);
 4. Request to renew permit to keep 4 animals - Carlson, 10404 Pawnee Lane;
 5. Assignment to Public Safety Committee to consider a request from Mr. W.S. Whittemore (5001 W. 112th Terr.) for an appeal of a false alarm assessment;
 6. Contractor's Pay Est. No. 8 for \$426,089.43 to Holland Corp.; Tomahawk Creek Parkway project;
 7. Contractor's Pay Est. No. 5 for \$154,624.95 to Reno Construction Co.; 95th St. widening.
- 1207 RESOLUTION NO. 958 APPROVING THE FINAL PLAT OF LORD OF LIFE, FIRST PLAT: An agreement concerning the reverse frontage road (137th St.) was approved by the City Attorney. The agreement, to be part of the plat, states that the property owners will not oppose a benefit district for the reverse frontage road, and will either construct that portion of the road traversing owner's property or make satisfactory arrangements with the City to secure a method of payment for the future construction of the road.
- 1317 The agreement does not preclude the property owners from participating in the cost of building the road under financing mechanisms other than a benefit district.
- Resolution adopted unanimously on motion of Monica, seconded by Moore, with 1 change - stipulation #1 to read "The owners agree to submit an affidavit stating that they will not oppose future benefit districts for K-150, sanitary sewers, and the reverse frontage road, with the costs to be determined when the benefit districts are formed. This affidavit is to be filed with the plat". Resolution attached as part of the record.

August 4, 1989

MEMO

TO: MAYOR AND CITY COUNCIL
FROM: ARLENE SIMPSON, PURCHASING AGENT
SUBJECT: DECLARATION OF ITEMS AS SURPLUS PROPERTY

The attached list of items is submitted for declaration as surplus property as they are no longer of use to any City department.

The items will be included in the City of Olathe auction to be held on September 9, 1989.

aes

attachment

LIST OF ITEMS TO BE SUBMITTED FOR DECLARATION
AS SURPLUS PROPERTY

Stencil cutter....Gestetner Model 444
Mimeo/duplicator....Gestetner Model 260 with stand/cabinet
Bindit machine....Covermate Model 300
Typewriter....IBM Selectric I (non-correcting)
Assorted recording equipment, i.e. mixers, wiring
MSA Explosimeter
Edwards cord reels (2)
Melnor yard sprinkler
Melnor tractor sprinkler
Chest thumper piston
Cardiac monitor...E&J
Microhead (02w/tube) (4)
Gardening tool
Face masks....assorted 02 (18)
Oxygen hoses (3)
Regulator and mask hose
Demonstrator mask
Automatic wheel balancer (2)
Truck mirror (2)
6" cast intake extensions (2)
Assorted oxygen tubing
Lawn trimmer...Black & Decker (2)
Lawn mower....Toro (2)
Lawn trimmer....Toro (2)
6" soft sleeve hose
Rain Train.....Nelson
2.5" hose (25 sections)

- #1529 RESOLUTION NO. 959 APPROVING REQUEST FOR REZONING FROM RP-4 TO RP-1, REVISED PRELIMINARY PLAT AND REVISED PRELIMINARY PLAN OF HALLBROOK FARMS, THIRD PLAT: Adopted unanimously on motion of Anselmi, seconded by Newlin. Attached as part of the record.
- 1670 RESOLUTION NO. 960 APPROVING THE FINAL PLAT OF HALLBROOK FARMS, THIRD PLAT: Adopted unanimously on motion of Moore, seconded by Anselmi. Attached as part of the record.
- 1681 ORDINANCE NO. 1114 REZONING RP-4 TO RP-1 - HALLBROOK FARMS, THIRD PLAT: Passed unanimously on motion of Moore, seconded by Anselmi.
- 1716 RESOLUTION RELATING TO REQUEST FOR REZONING FROM RP-4 TO CP-1 - LEAWOOD PLAZA: According to the settlement agreement, the City would initiate CP-1 zoning when the last building in Leawood Plaza was completed. Planning Director McKay stated it was his understanding that the City would then follow CP-1 standards rather than those of the settlement agreement, that CP-1 zoning would replace the agreement. City Administrator Garofano stated that the agreement was more restrictive than CP-1 zoning in some cases; it was his understanding that for those specific cases, the settlement agreement would remain in effect.
On motion of Moore, seconded by Monica, the Council voted unanimously to defer this matter to the August 21st Council meeting, and directed the City Attorney to review this issue.
- ORDINANCE REZONING RP-4 TO CP-1 - LEAWOOD PLAZA: Deferred to August 21st Council meeting.
- 1910 RESOLUTION NO. 961 APPROVING THE REVISED PRELIMINARY PLAT AND REVISED PRELIMINARY SITE PLAN OF LEAWOOD FALLS, THIRD PLAT: Adopted unanimously on motion of Monica, seconded by Anselmi. Attached as part of the record.
- 2057 RESOLUTION NO. 962 APPROVING THE FINAL PLAT OF LEAWOOD FALLS, THIRD PLAT: Adopted unanimously on motion of Moore, seconded by Newlin. Attached as part of the record.
- 2073 RESOLUTION NO. 963 APPROVING THE FINAL PLAT OF PATRICIAN WOODS, 9TH PLAT: Adopted unanimously on motion of Anselmi, seconded by Newlin. Attached as part of the record.
- 2096 CITY ADMINISTRATOR'S REPORT: A brief work session will be held tonight after the Council meeting to discuss some residents' concerns about the final gradings (slopes) of their yards along 95th Street.
- 2137 MAYOR'S REPORT: No monies have been allocated in the 1990 Budget for upgrading the City's ambulance service. Fire Chief Strack's study of this issue indicated that upgrading would be prohibitively expensive. No monies have been allocated in 1990 for stormwater management; the City might consider future allocation after the stormwater committee studies the issue.
Councilmember Newlin stated that there are storm drainage

- # problems at 9814 Lee Boulevard caused by previous construction, and asked if the City has money budgeted to correct the problems. Public Works has addressed some of the problems, and that property will be involved in the 98th Street culvert project. The City also has some money in the street rehabilitation fund for the types of storm drainage improvements needed at 9814 Lee.
- The "safe school routes" report will be presented at the August 21st Council meeting.
- 2343 ORDINANCE NO. 1115 LEVYING ASSESSMENTS ON LOTS IN BRISTOL PLACE SUBDIVISION TO PAY THE COST OF IMPROVEMENTS TO 127TH STREET, MISSION ROAD TO ROE AVENUE (IMPROVEMENT DISTRICT 83-1): (See public hearing held tonight at 7:08 P.M.) Councilmember Lin moved for approval, seconded by Moore. After brief discussion, ordinance passed unanimously.
- 2650 DISCUSSION OF PARKING ON 123RD STREET: James Frerking, 2904 W. 123rd St., requested that the City abolish the parking ban on 123rd St. or modify it so visitors can park on the street in front of his home. His house is the only one facing 123rd Street between State Line and Mission. The Public Safety Committee recommended that parking be allowed on the north side of the street, between Fairway and Aberdeen, from 6:00 p.m. to 6:00 a.m.
- Mr. Frerking asked if the south bicycle lane could be deleted and the City permit parking on the north side of the entire length of 123rd St.
- The Council discussed possible liability if the City allowed limited parking in a bicycle lane.
- 3392 Police Chief Cox stated the staff's position - the bicycle lanes were set aside for the exclusive use of bicycles, regardless of how few, and that to allow parking poses a needless safety risk to cyclists. Either the ban needs to remain in effect or the bicycle lanes need to be removed.
- 3517 Mayor Rinehart agrees with staff, and stated that she would veto any ordinance that compromised the bike lanes. Councilmember Moore stated that he also would oppose such an ordinance.
- Councilmember Monica felt that if the Council decided to permit parking, it should be permitted along the entire length of 123rd Street, 6:00 p.m. to 6:00 a.m.
- Council directed staff to prepare 2 ordinances for consideration at the August 21st Council meeting - one reflecting the Public Safety Committee's recommendation, and an alternate reflecting the same recommendation for the entire length of 123rd St.
- 4080 DISCUSSION OF BICYCLE LANES ON MISSION ROAD NORTH OF THE NEW MISSION TRAIL ELEMENTARY SCHOOL (approximately 130th & Mission): Police Chief Cox had been informed by the principal of this new school that parents have an expectation that the City will install bicycle lanes on Mission Road. Traffic engineering consultants Johnson, Brickell, Mulcahy & Associates can design the lanes for no more than \$500.00.
- Councilmember Lin asked Public Works Director Brandt to provide additional information by the August 21st Council meeting on the cost of converting the high-rise curbs to handicap ramps to allow

bicyclists to use sidewalks on Mission if they choose to do so. Mr. Lin is not in favor of bike lanes competing with vehicular traffic on Mission.

Chief Cox learned from JBM that the roadway width will not support bike lanes and the existing left turn lanes at 119th Street and 123rd Street; the turn lanes will have to be removed if bike lanes are to be installed.

Council was not in favor of hiring JBM at this time to design the bike lanes.

- 5060 CONSTRUCTION CONTRACT FOR WIDENING OF 119TH STREET, STATE LINE ROAD TO MISSION ROAD: On motion of Moore, seconded by Anselmi, Council unanimously approved the low bid of C.L. Fairley Construction Co. in the amount of \$846,693.91.
- 5357 INTERLOCAL AGREEMENT BETWEEN LEAWOOD AND OVERLAND PARK FOR THE OPERATION AND MAINTENANCE OF TRAFFIC SIGNALS AT THE INTERSECTION OF 119TH & NALL: Council unanimously approved the agreement on motion of Anselmi, seconded by Lin.
- 5386 DISCUSSION OF REQUEST FOR SCHOOL CROSSING SIGNAL, 119TH & BROOKWOOD BOULEVARD: Police Chief Cox stated that only 6 students will be crossing 119th St. That number does not warrant signalization or a crossing guard at this time. Also, 119th Street will be under construction this fall.
If the numbers change to warrant a signal, this matter will be reconsidered. Councilmember Lin suggested that parents contact the school district to discuss contract bus service.
- 5852 EXECUTIVE SESSION: Public Works Director Brandt stated that this session was no longer needed to discuss property acquisition for the culvert project at 98th & Lee and the culvert replacement project on 143rd St. near Nall. For the latter project, the City needs to negotiate with 1 property owner. The City will hire an appraiser and make an offer. If the offer is refused, the City will proceed with condemnation.
All property owners involved in the culvert project at 98th & Lee have been contacted, and some settlement should be reached soon.
- 5937 APPROVAL OF APPROPRIATION ORDINANCE NO. 617: Approved unanimously on motion of Anselmi, seconded by Lin.
- 6058 COUNCIL COMMENTS: Councilmember Moore asked for an update on the installation of trash containers at Leawood Park. One container will be placed at the south end of the Lee Boulevard bridge.
- 6244 Mr. Moore asked when the next public meeting concerning the Lee Blvd. improvements would be scheduled. The meeting will be held sometime in September after presentation of the "safe school routes" report.
- 6270 Councilmember Lin commented on a July 27th letter from Overland Park which had been distributed to the Council concerning a consent to annexation by Overland Park submitted by Bernard and

Paula O'Donnell which Overland Park had received July 26th. The O'Donnell tract however is already included in Leawood's application to annex filed in March of 1988. A hearing on this petition is scheduled for September 14, 1989 before the Board of County Commissioners. Leawood should have prior jurisdiction on the tract.

6408 9:55 P.M. Meeting adjourned.



Attest:

Martha Heizer
Martha Heizer City Clerk

Marcia Rinehart
Marcia Rinehart Mayor

21

Minutes of a public hearing for the proposed 1990 Budget held at 7:50 P.M., Monday, August 14, 1989, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas.

Councilmembers present: Jacob, Hammond, Moore, Newlin, Monica, Lin. Staff: Garofano, Baer, Cox, Brandt, Malnicof, McKay, Heizer.

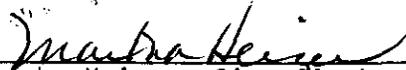
The hearing was called to order by Councilmember Jacob.

There being no public comment, the hearing was closed.



Kimberley Jacob, Presiding Officer

Attest:



Martha Heizer, City Clerk

136 Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held at 7:30 P.M., Monday, August 21, 1989, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.

Roll call answered by Councilmembers LaHue, Jacob, Hammond, Anselmi, Newlin, Lin. * Councilmember Monica arrived 7:35 P.M. Councilmember Moore was absent. Staff: Garofano, Baer, Cox, Brandt, Malnicof, McKay, Heizer, Attorney Wetzler.

145 Agenda approved unanimously on motion of Jacob, seconded by Hammond, after addition of a Solid Waste Management Committee report.

167 CITIZEN COMMENTS: Dennis Hendrickson, a minister of Jehovah's Witnesses, stated that the Witnesses feel that the City's solicitation ordinance places a burden on their freedom of speech, and requested changes be made in the ordinance's terminology - remove the words "solicitor", "peddler", and similar wording from the permit and application forms and replace them with an expression such as "permit to preach" or "permit to engage in free speech".

* 7:35 P.M. Councilmember Monica arrived.

The Witnesses object to being considered "solicitors"; their work is purely ministerial in nature, and no requests for funds are made. They also object to "No Solicitors" stickers, to not being able to call at a residence more than once during a 60-day period, and to other ordinance requirements.

590 Councilmember Hammond felt that the ordinance balanced the right to free speech and an individual's right to privacy.

639 Councilmember LaHue moved that the Council direct the City Attorney to review the ordinance - perhaps it could be amended to distinguish between religious groups and those selling products or requesting funds; seconded by Newlin. Motion failed; LaHue, Newlin in favor; all others opposed.

731 Carl Spitzkeit, 9451 Ensley Lane, and Mark Ariagno, 2914 W. 95th St., expressed concern about the increase in the slopes of their properties along 95th St. created by the 95th St. widening. Mr. Spitzkeit wants at least a 2-foot retaining wall. Mr. Ariagno stated that the new slopes may be hard for some people to maintain. The Council had directed staff to work with homeowners on a case-by-case basis, and Public Works is doing so. Council will discuss this matter at a work session, Monday, August 28th.

1111 PROCLAMATION: The Mayor proclaimed September 17-23, 1989, as "Constitution Week".

#1114

CONSENT AGENDA: The Fire Department and Public Works PMC fuel departmental reports were removed for further discussion. The following were unanimously approved on motion of Jacob, seconded by Anselmi:

1. Minutes of the August 7, 1989, Public Hearing relating to proposed reassessments for improvements to 127th Street, Mission/Roe (I.D. 83-1);
2. Minutes of the August 7, 1989, Council meeting;
3. Minutes of the August 14, 1989, Public Hearing on the 1990 Budget;
4. Planning & Development and Police departmental reports;
5. Public Safety Committee report on its August 9, 1989 meeting;
6. Renewal of retail liquor occupation license - Mertz Liquor Store;
7. Purchase of a Sun Equipment MCA Engine Analyzer for the Public Works Department for \$25,354.23;
8. Payment No. 1 of \$107,486.98 to Vance Bros., Inc.; 1989 slurry seal project.

Councilmember LaHue asked for an explanation of the difference between gallons of fuel accounted for by PMC (a computer tracking system that reads pulses from the gas pump) and gallons pumped. Howard Mann, Public Works equipment maintenance supervisor, explained that there is some degree of inaccuracy with the pulsor count on the computer versus what the pump totalizer reads. Mr. Mann watches those figures to make sure the difference remains consistently about the same each month to keep check on the inventory.

Councilmember LaHue requested that the Fire Chief consider including time involved at the scene of each call in his monthly reports.

The Fire Department report and Public Works PMC monthly fuel report were unanimously approved on motion of LaHue, seconded by Monica.

1268

RESOLUTION NO. 964 APPROVING REQUEST FOR REZONING FROM RP-4 TO CP-1, LEAWOOD PLAZA: The Council had expressed concern at the August 7th Council meeting that the rezoning of this property to CP-1 would void the settlement agreement which contains some conditions more restrictive than CP-1 regulations. City Attorney Wetzler felt that those provisions of the settlement agreement which carry ongoing obligations would not be cancelled by enactment of CP-1 zoning.

Resolution adopted unanimously on motion of LaHue, seconded by Hammond, with the following addition: "Be it further resolved that this resolution shall not have the effect of rescinding or cancelling any of the contractual obligations of either party created by the settlement agreement".

1467

ORDINANCE NO. 1116 REZONING RP-4 TO CP-1 - LEAWOOD PLAZA: Passed unanimously on motion of Jacob, seconded by Anselmi.

- #1486 CITY ADMINISTRATOR'S REPORT: None.
- 1488 MAYOR'S REPORT: Mayor Rinehart reported an increase in National League of Cities dues. Councilmember Lin felt that 20% of the League's programs are unnecessary, a waste of money. The "Forum" retirement center on 95th Street in Overland Park had announced its grand opening. Councilmember LaHue is director of the medical staff. The Mayor received a letter from the Mayor of Sister City I-Lan, Taiwan, thanking the City for items recently received.
- 1673 ORDINANCES (2 OPTIONS) RELATING TO PARKING ON 123RD STREET:
Option No. 1 would permit parking on the north side of 123rd, between Fairway and Aberdeen, from 6:00 p.m. to 6:00 a.m.
Option No. 2 would permit parking on 123rd St., Norwood to Mission, 6:00 p.m. to 6:00 a.m.
Staff did not favor either option and recommended that the parking ban remain. Present ordinance requires that cyclists use a bike lane if one is provided, and staff felt that the City would assume considerable liability by allowing that lane to be blocked by parked cars. Staff position was supported by Tom Swenson, traffic engineer at Johnson, Brickell, Mulcahy & Associates. If the Council decides to allow parking on 123rd, bicycle lanes should be abolished at the same time. The uses are incompatible.
City Attorney Wetzler stated that permitting parking in bike lanes might cause confusion for people trying to obey laws. The City should have clearly defined laws for the use of its streets.
- 2403 Councilmember Anselmi moved to approve Option No. 2, seconded by Lin. City Attorney stated there is a possibility that additional liability could be created for the City if parking in bike lanes is permitted. Motion to approve failed; Anselmi, Lin in favor; all others opposed.
- 2613 Councilmember Lin moved to approve Option No. 1, seconded by Anselmi. Motion failed; Anselmi, Lin, Newlin in favor; LaHue, Jacob, Hammond, Monica opposed.
- 2673 DISCUSSION OF BIKE LANES ON MISSION ROAD: At the August 7th Council meeting, Council requested that the Public Works Director prepare a cost estimate for the construction of sidewalk ramps on existing sidewalks along Mission Road.
- 2918 On motion of Jacob, seconded by LaHue, Council unanimously approved the construction of 9 sidewalk ramps on Mission between 119th St. and 135th St. at an approximate cost of \$6,400.
Mayor Rinehart suggested that Public Works Director Brandt or Police Chief Cox send a letter to the new Mission Trail Elementary School after construction is completed to advise the purpose of the ramps, to make parents and children aware that there will not be a marked bicycle lane on Mission, that they will be able to use the sidewalks if they choose to do so.

#3023

PRESENTATION OF "SAFE SCHOOL ROUTES" REPORT: Public Works Director Brandt presented the recommendation from Public Works and Public Safety Committees (attached to these minutes) showing present and proposed sidewalks to the 3 public elementary schools in Leawood north of I-435 - Somerset, Corinth, and Brookwood.

For Corinth Elementary, the Council discussed the necessity of sidewalks on 1 side of the street versus both sides of the street on 85th Street and on 89th Street.

The committees are still working on "safe school routes" for south Leawood.

Mr. Brandt will submit the report to the schools, and bring it back to the Council for final comments.

The Council discussed the possibility that the City may incur responsibility for maintenance, including snow removal, of these sidewalks.

3575

DISCUSSION OF OBJECTIVE OF THE NEXT PUBLIC MEETING CONCERNING LEE BOULEVARD IMPROVEMENTS: Public Works Director Brandt felt the City should invite all Leawood residents to discuss the entire project, not just the sidewalks. He proposed a meeting date of September 13th or 20th.

Councilmember Newlin stated that residents he had talked to want the City to preserve the "country lane" look on Lee Blvd.; this is not possible with concrete sidewalks. Perhaps the City could consider installing a pathway covered with some type of bark material as used in New England.

Councilmember Lin felt the Council should go to the meeting with a recommendation on what improvements should be made and the reasons for them, not solicit opinions and have no concurrence by the end of the meeting.

3924

Councilmember Monica moved that the Council inform residents at the public meeting that there is Council concurrence with the engineer's recommendation for a 5-foot wide concrete sidewalk on the west side of Lee Blvd., seconded by LaHue.

4213

Councilmember Monica called for the question, seconded by Anselmi; unanimous.

4278

Monica's motion carried; Hammond, Newlin opposed; all others in favor.

4356

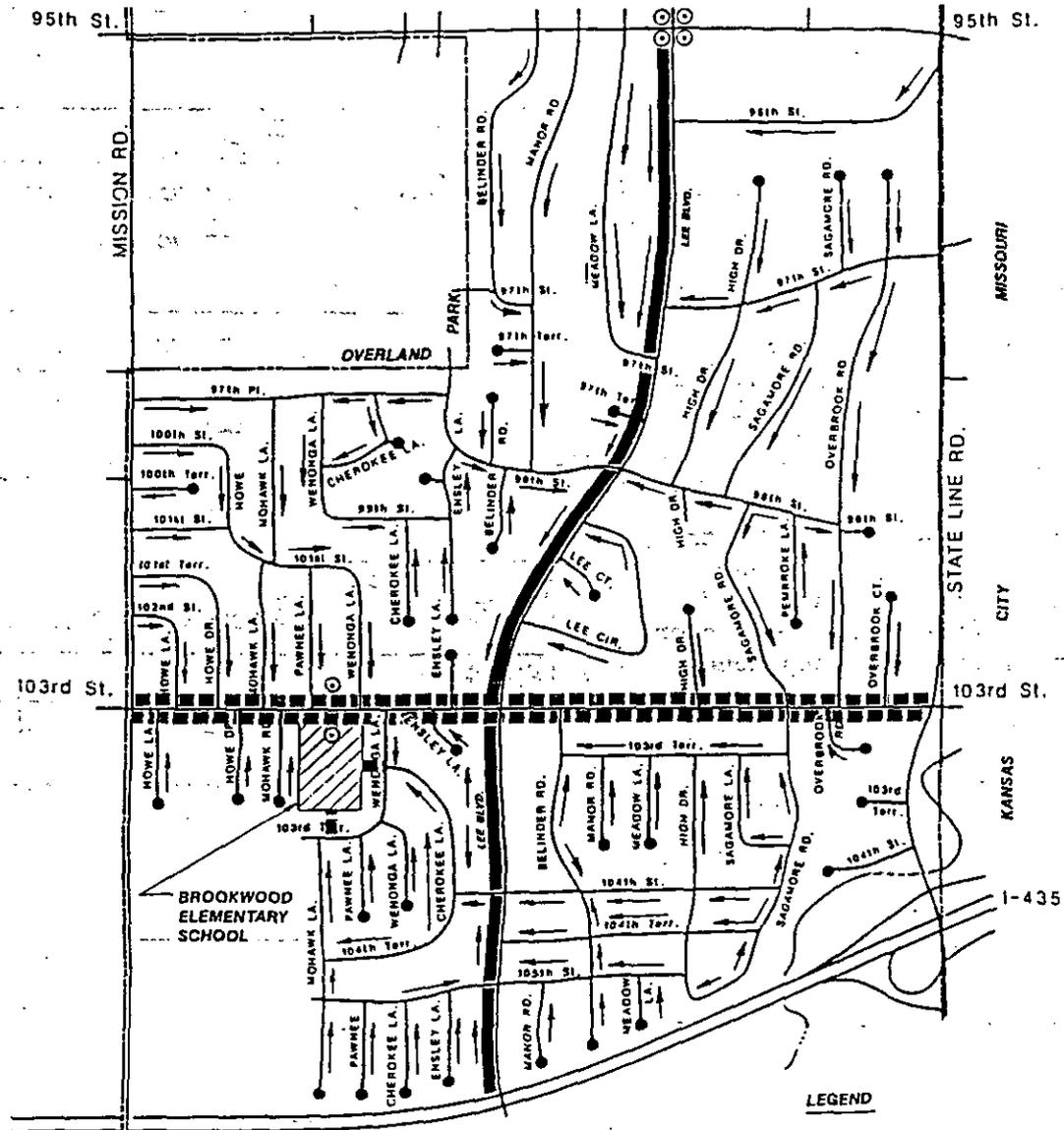
DISCUSSION OF SUPPORT FOR COUNTY-WIDE STORM DRAINAGE PROGRAM:

The Mayor will send a letter to the County reaffirming the City's support of 1/10 percent sales tax for a County-wide storm drainage program. The Mayor felt the City should express the opinion that project priorities should be in the developed areas of the County.

4465

ACCEPTANCE OF 1990 RECREATION BUDGET: The Recreation Commission held a public hearing July 11th to hear objections/comments to the proposed 1990 Recreation Department budget. There being no comments, the Commission formally adopted the budget that same evening. On motion of Jacob, seconded by Hammond, Council unanimously accepted the 1990 Recreation Budget as certified to the

SAFEST WALK ROUTES TO BROOKWOOD ELEMENTARY SCHOOL



- LEGEND**
- SIDEWALK
 - ⊙ TRAFFIC SIGNAL
 - PROPOSED SIDEWALK



MISSOURI

CITY

KANSAS

I-435

- # Council by the Recreation Commission.
- 4491 ADOPTION OF THE 1990 BUDGET: Adopted unanimously on motion of Anselmi, seconded by Jacob.
- 4508 APPROVAL OF REQUESTS FOR FUNDING FROM SOCIAL SERVICE AGENCIES:
The 1990 Budget includes \$6600 allocated for distribution to social service agencies. This amount was determined by citizen survey responses that the City fund these agencies at a level not to exceed \$1 per household. Requests received:
Housing Information Center; Johnson County Homesharing Program - \$1,000
Volunteer Center of Johnson County - \$1,300
Johnson County Utility Assistance Program - \$500
Johnson County Home Repair Program - \$725
United Community Services (UCS) of Johnson County - \$2,764
- Johnson County Home Repair Program will provide some of the services formerly provided by Services for Seniors which will cease functioning September 1, 1989.
On motion of Jacob, seconded by Hammond, the Council unanimously approved these requests.
- 4864 SALARY OF MUNICIPAL JUDGES: On motion of Hammond, seconded by Jacob, the Council unanimously increased the per court session fee from \$90 to \$150, and the non-court appearance fee from \$30 to \$50, effective September 1, 1989.
- 4955 ORDINANCE NO. 1117 ESTABLISHING THE 1990 ANNUAL SEWER ASSESSMENT:
Passed unanimously on motion of Monica, seconded by Lin.
- 5179 ACCEPTANCE OF 1988 FINANCIAL STATEMENTS AND REPORT ON INTERNAL ACCOUNTING CONTROLS - from Grant Thornton accounting firm:
Accepted unanimously on motion of Jacob, seconded by Hammond.
- 5208 CHANGE ORDER FOR POLICE/COURT BUILDING AND FIRE STATION NO. 1
5788 REMODELING PROJECT CONTRACT: On motion of Jacob, seconded by Anselmi, Council unanimously approved the change order in the amount of \$50,873 for items relating to the remodeling and the temporary building.
- 5878 DESIGNATION OF SCHOOL SPEED LIMIT HOURS - FOR THE NEW MISSION TRAIL ELEMENTARY SCHOOL (approximately 130th & Mission): Police Chief Cox recommended the reduced (20 mph) limit be in effect from 8:00-9:00 a.m., 11:00 a.m.-1:00 p.m., and 3:00-4:00 p.m., currently prescribed for other elementary schools. Councilmember Jacob moved for approval, seconded by Hammond. Councilmember Monica requested that the Police Department monitor traffic for a while on Mission near the new school once speed limit signs are posted. Motion for approval carried unanimously.

- #6000 ORDINANCE NO. 1118 AMENDING SECTION OF THE "SUBDIVISION REGULATIONS" RELATING TO PRIVATE STREETS: Sec. 17-302 A.1. Scope of Ordinance #3 previously read "All private streets which are platted after the adoption of this ordinance shall remain as private streets in perpetuity". It was not clear as to whether this applied to streets platted after the most recent revision of 17-302 in 1987 or after the original 1979 ordinance. As amended, it reads "Any street which has been platted as a private street shall remain as a private street in perpetuity". This new wording eliminates any possible confusion as it clearly applies to a street that has been or will be platted as a private street.
Ordinance passed unanimously on motion of Hammond, seconded by Jacob.
- 6046 ORDINANCE NO. 1119 GRANTING AN EASEMENT TO KANSAS CITY POWER & LIGHT - across the Tomahawk Creek Greenway): Passed unanimously on motion of Lin, seconded by Jacob.
- 6070 WORK SESSIONS: One scheduled for August 28th to discuss slopes of yards along 95th St. and design of the new City Hall. One scheduled for September 11th to discuss the City's Emergency Management Plan.
- 6188 APPROVAL OF APPROPRIATION ORDINANCE NO. 618: Approved unanimously on motion of Jacob, seconded by Hammond.
- 6205 SOLID WASTE MANAGEMENT COMMITTEE REPORT: Chairman Lin reported on the Committee's August 15th meeting. The Committee recommends that the Council recommend to the County Commissioners at this point in time that the Commissioners initiate a County-wide effort or even a regional effort for recycling to avoid duplication of efforts in the County. The Committee is still studying central collection points in the City. A letter will be written to the Commissioners recommending this action.
- 6437 COUNCIL COMMENTS: Councilmember Anselmi moved that the Council reconsider purchase of the engine analyzer approved as part of the consent agenda at the beginning of the meeting, seconded by Hammond; unanimous. Mr. Anselmi had received strong documentation for an analyzer from the Allen Co., second low bidder, \$20,907.00. The Council discussed Howard Mann's recommendations further.
- 6717 END OF TAPE

TAPE NO. 173

Discussion continued concerning the possibility of buying used equipment for less cost. Councilmember LaHue moved for approval of the Sun Equipment MCA Engine Analyzer in the amount of \$25,354.23, seconded by Jacob. Motion carried; Anselmi, Hammond, Newlin opposed; all others in favor.

201

Councilmember Lin asked the status of annexation to the south. One property owner filed a petition July 26, 1989, to be annexed by Overland Park. Leawood's petition for that property was filed with the Board of County Commissioners in March, 1988. However, Overland Park contends that the property owner had talked to them previously. At Overland Park's request, the property owner delayed making his consent to annexation to Overland Park. Overland Park is trying to establish prior jurisdiction somehow. A hearing on Leawood's petition will be held September 14, 1989.

258

Councilmember LaHue asked if the Public Works and Public Safety Committees had considered sidewalks along 85th Terr., State Line to Lee Blvd., and along State Line, 85th St. to 83rd St. as safe school routes to Corinth Elementary. Public Works Director Brandt will bring this matter up at the next meeting on safe school routes.

293

10:35 P.M. Meeting adjourned.



Marcia Rinehart
 Marcia Rinehart Mayor

Attest:

Martha Heizer
 Martha Heizer City Clerk

August 31, 1989

312 Minutes of a special meeting of the Governing Body of the City of Leawood, Kansas, held at 6:00 P.M., Thursday, August 31, 1989, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.

The special meeting was requested by Councilmembers LaHue, Moore, Newlin, Monica, Lin. for the purpose of accepting a "Consent to Annexation". Staff present: Garofano, Heizer, Attorney Wetzler.

528 RESOLUTION NO. 965 ACKNOWLEDGING RECEIPT OF A "CONSENT TO ANNEXATION" INTO THE CITY OF LEAWOOD EXECUTED BY BERNARD WILLIAM AND PAULA J. O'DONNELL ON AUGUST 31, 1989: Adopted unanimously on motion of Lin, seconded by Moore. Attached as part of the record.

546 6:08 P.M. Meeting adjourned.


Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

- # 571 Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held at 7:30 P.M., Tuesday, September 5, 1989, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.
- Roll call answered by Councilmembers LaHue, Jacob, Anselmi, Moore, Newlin, Monica. * Councilmember Hammond arrived 7:45 P.M. ** Councilmember Lin arrived 7:50 P.M. Staff: Garofano, Cox, Brandt, Malnicof, McKay, Strack, Heizer, Attorney Wetzler.
- 581 Agenda approved unanimously on motion of Moore, seconded by Anselmi, after addition of 1) Contractor's Payment No. 1 for Police Building/Fire Station No. 1 remodeling project (under Consent Agenda); 2) acceptance of bid for 1989 Street Rehabilitation, Curb & Gutter Replacement Program; and 3) acceptance of bid for 98th Street Culvert Project.
- 605 CITIZEN COMMENTS: None.
- 611 PROCLAMATIONS: The Mayor proclaimed:
1. October 1-7, 1989, as "Celebrate Age" Week;
 2. October 7, 1989, as "Celebrate Age" Day;
 3. September 24-30, 1989, as "Deaf Awareness Week";
 4. September 11-17, 1989, as "The National Association of Women in Construction Week"
- 616 CONSENT AGENDA: The following were approved unanimously on motion of Anselmi, seconded by Jacob:
1. Minutes of the August 21, 1989, Council meeting;
 2. Minutes of the August 31, 1989, Special Council meeting;
 3. Contractor's Payment No. 9 for \$398,623.88 to Holland Corp.; Tomahawk Creek Parkway project;
 4. Payment of \$15,479.49 to Kansas City Power & Light Co.; relocation of street lights, 95th Street widening project;
 5. Assignment to Public Works Committee to study requests by homes associations for Public Works Department services (like stone and statue repair) within the associations;
 6. Purchase of a sand/salt spreader from G.W. Van Keppel Co. for \$5,265.00;
 7. Contractor's Payment No. 1 for \$77,910.61 to Allison & Alexander, Inc.; Police Building/Fire Station No. 1 remodeling project.
- 648 RESOLUTION NO. 966 APPROVING THE FINAL PLAT OF THE HIGHLANDS OF LEAWOOD, THIRD PLAT: Adopted on motion of Anselmi, seconded by Newlin; Monica abstained; all others in favor. Attached as part of the record.
- 679 RESOLUTION NO. 967 APPROVING THE FINAL PLAT OF LEAWOOD FALLS, SECOND PLAT: Adopted unanimously on motion of Jacob, seconded by Anselmi. Attached as part of the record.

712 CITY ADMINISTRATOR'S REPORT: The improved 95th Street is open to traffic. The project was well designed and constructed.

742 MAYOR'S REPORT: The official opening of 95th Street will be September 24, 1989, 1:00 P.M., at Leawood Methodist Church on 95th Street.

Councilmember Newlin will attend the September 6, 1989, Council of Mayors meeting for Mayor Rinehart.

The Mayor recently met with area legislators and mayors. They discussed programs for KDOT funding. The Mayor is a member of a new sub-committee which will make some funding recommendations which will enable the County to have a unified program.

Councilmember Jacob is still collating citizen survey results.

810 REQUEST THAT THE CITY ASSUME RESPONSIBILITY FOR PAYING THE POWER COSTS OF STREET LIGHTS ON HOWE LANE, DORSET MANOR SUBDIVISION: In 1980, an ordinance was passed accepting Howe Lane as a public street. The roadway easement requires that the homes association maintain the existing street lights, but is silent to the issue of power costs.

This request is not unusual; the City has assumed the costs of power in other subdivisions, the homes associations retaining maintenance responsibilities.

* 7:45 P.M. Councilmember Hammond arrived.

If the Council is willing to approve this request, the City Attorney will determine if any modification to the easement is necessary.

Councilmember Monica moved that the Council approve the request that the City pay the power costs, but that the homes association will continue to maintain the lights; seconded by Jacob; unanimous.

1042 INTERLOCAL AGREEMENT WITH PRAIRIE VILLAGE, KANSAS, FOR ENGINEERING DESIGN OF THE PUBLIC IMPROVEMENT OF SOMERSET DRIVE, FROM CITY LIMITS WEST OF FAIRWAY (WENONGA) TO BELINDER: Councilmember Anselmi moved for approval of the agreement, seconded by Jacob.

** 7:50 P.M. Councilmember Lin arrived.

City Attorney Wetzler stated that his brother and law partner Charles Wetzler had signed the agreement as City Attorney for Prairie Village. Councilmember Hammond moved to amend the motion to state that Council waives the conflict of interest, seconded by Moore; unanimous.

Councilmember Anselmi's motion as amended carried unanimously.

1126 CONTRACT FOR PRELIMINARY ENGINEERING DESIGN FOR IMPROVEMENTS TO COLLEGE BOULEVARD, STATE LINE TO EL MONTE: Councilmember Moore moved that the Council approve the contract with Larkin & Associates for \$21,730.00, seconded by Anselmi.

- # Councilmember Lin referred to Scope of Services Attachment A, item A.4. "Using available mapping, field reconnaissance, and other collected information, select trial routes and develop preliminary alignments and grades for comparison". Mr. Lin suggested that rather than having the engineer use available mapping, probably outdated maps, the City spend approximately \$4,000 to have a contour map prepared to use as a basis for developing preliminary plans, to achieve more accurate cost estimates and a better end product.
- Continental Construction Engineers may have recent maps the City could purchase.
- 1596 The Council discussed item A.8. of Attachment A; "Sub-surface explorations will be made where necessary to predict subsurface conditions that may affect project cost". The City
- 1753 will provide the soil testing. Councilmember Lin moved to amend the motion for approval to include deletion of item A.8. from Attachment A; seconded by Monica; unanimous.
- 1822 Councilmember Moore's motion as amended carried unanimously. Councilmember Lin suggested that staff explore the contour map issue before the September 18th Council meeting; perhaps the City could purchase a map from Continental Construction for a minimum fee.
- 1843 ORDINANCE NO. 1120C ADOPTING THE 1989 EDITION OF THE "STANDARD TRAFFIC ORDINANCE": Passed unanimously on motion of Hammond, seconded by Moore.
- 1856 DISCUSSION OF CONDEMNATION PROCEEDINGS TO ACQUIRE RIGHT-OF-WAY FOR THE 143RD STREET CULVERT PROJECT: All right-of-way has been obtained without cost from three of the four property owners involved. The fourth property owner does not want to donate right-of-way. Councilmember Anselmi moved that the City proceed with condemnation proceedings, seconded by Hammond.
- Councilmember LaHue felt that if the City pays 1 property owner for right-of-way, it should pay the others; the City is technically penalizing the other property owners for their cooperation in donating right-of-way. City Administrator Garofano felt the City would be setting a dangerous precedent by offering everyone money for right-of-way for projects benefiting their properties. Some would agree that they would benefit from a project and donate the right-of-way; others would feel differently and not donate right-of-way. It is not appropriate for the City to go back and pay property owners who donated right-of-way. They have a choice at the beginning of a project as to whether or not they want to cooperate with the City.
- Councilmember Anselmi's motion to proceed with condemnation carried unanimously.
- 2086 CONTRACTOR'S REQUEST FOR EXTENSION OF TIME ON 95TH STREET WIDENING PROJECT: Reno Construction cited utility company delays in re-locating facilities, additional sanitary sewer work over and above the original contract, and right-of-way acquisition delays as reasons for justifying the request. Staff recommended a 21-day

- # extension for substantial completion of the project.
Council discussed "substantial completion" of the project and assessment of liquidated damages as opposed to the contract penalty clause concerning the opening of the road to traffic. Public Works Director Brandt felt that the contractor has some legitimate reasons for extension.
- 2325 Councilmember Moore moved that the substantial completion date of the contract be changed from September 1, 1989, to September 22, 1989; seconded by Hammond.
Councilmember Monica suggested that staff inform the contractor that the Council will strongly consider assessing the contract penalty after the 21 days.
Councilmember Moore's motion for extension of time carried unanimously.
- 2430 RENEWAL OF CITY'S INSURANCE COVERAGES - General Liability, Equipment, Property, Auto and All Risk Insurance; effective September 1, 1989, to September 1, 1990; total premium \$219,227: Approved unanimously on motion of Anselmi, seconded by Hammond.
- 2442 DESIGNATION OF LEAGUE VOTING DELEGATES: Members of the Governing Body will be voting delegates if they attend the League's Annual City Conference, October 1-3. Otherwise, staff members attending will be the delegates.
- 2458 APPROVAL OF APPROPRIATION ORDINANCE NO. 619: Approved unanimously on motion of Jacob, seconded by Hammond.
- 2473 ACCEPTANCE OF BID FOR 1989 STREET REHABILITATION PROGRAM: Councilmember Jacob moved that the Council accept the low bid of Holland Corp. for \$282,309.60, seconded by Hammond.
Councilmember Lin asked when the traffic signal at K-150 and State Line would be installed. Public Works Director Brandt stated that the City has to install loops and make the intersection a fully actuated one. Funding is a problem.
- 2631 Councilmember Monica expressed concern about the "washboard" condition of the hill at approximately 107th & State Line. Public Works Director Brandt explained that there is an unwritten agreement that Johnson County maintain State Line south of I-435; they are working on a formal maintenance agreement. Mr. Brandt hopes that the County will maintain State Line south of I-435.
(also see 2843) Councilmember Jacob's motion carried unanimously.
- 2714 Mayor Rinehart asked that a discussion of snow removal and maintenance of safe school route sidewalks be added to the September 11th work session in order to reach Council consensus on this matter prior to the September 13th public meeting on the Lee Boulevard improvements.
- 2775 ACCEPTANCE OF BID FOR THE 98TH STREET CULVERT PROJECT: On motion of Jacob, seconded by Moore, Council unanimously accepted the low bid of Corlew Construction for \$134,731.00.

#2843 COUNCIL COMMENTS: Councilmember Monica asked Public Works
 (Also see Director Brandt to keep the hill at approximately 107th and
 2631) State Line in mind. Mr. Brandt explained that someone will
 have to mill the road surface and complete an asphalt overlay.
 The question is who will do it; that portion of State Line is
 in Kansas City.

2880 Councilmember Lin asked about the completion date for
 the Tomahawk Creek Parkway project. Completion will be
 approximately November 1st.
 Mr. Lin also asked if 119th Street would be open to traffic
 before winter. Public Works Director Brandt stated that he is
 disappointed with the contractor's progress; however, the con-
 tractor is waiting on the telephone company to lower cable, and
 there has been a lot of rain.

2976 Councilmember Monica asked when the bike trail would be
 extended from Roe and the Tomahawk Creek bridge over to Nail.
 Mr. Brandt stated that the City is still discussing acquisition
 of the necessary right-of-way over to Nail with Bill Fohey,
 owner of the property in that area.

3028 Councilmember Anselmi received a complaint about the
 closing of the Leawood Park pool for a short time on Labor Day.
 Pool management decided to close the pool for a while due to
 bad weather and lifeguard understaffing. Residents should
 contact the Recreation Commission when they have complaints
 about recreation matters.

3075 Councilmember Hammond urged Councilmembers to contact staff
 before Council meetings if they have specific questions on
 matters or need additional information. It's not appropriate
 many times to take up Council meeting time with questions and
 requests for information.

3134 8:50 P.M. Meeting adjourned.

Marcia Rinehart
 Marcia Rinehart Mayor

Attest:

Martha Heizer
 Martha Heizer City Clerk

51 Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held Monday, September 18, 1989, at 7:30 P.M., in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.

Roll call answered by Councilmembers LaHue, Jacob, Hammond, Anselmi, Moore, Newlin. * Councilmember Monica arrived 7:35 P.M. Councilmember Lin was absent. Staff present: Garofano, Baer, Cox, Brandt, Malnicof, McKay, Strack, Heizer, Attorney Wetzler.

58 Agenda approved unanimously on motion of Jacob, seconded by Anselmi, after addition of: 1) Change Order No. 2 for the 95th Street widening project; 2) Solid Waste Management Committee report; and 3) discussion of the September 13th public meeting on the Lee Boulevard improvement project (under Council Comments at the end of the meeting).

CITIZEN COMMENTS: None.

109 CONSENT AGENDA: The Public Works Committee report was removed for further discussion after the Mayor's report. The following were unanimously approved on motion of Anselmi, seconded by Hammond:

1. Minutes of the September 5, 1989, Council meeting;
2. Departmental reports;
3. Purchase of a 1990 Grand Caravan SE in the amount of \$16,243.27 from Jack Miller Chrysler-Plymouth for the Fire Department;
4. Contractor's Payment No. 6 for \$300,432.91 to Reno Construction Co.; 95th Street widening;
5. Declaration of surplus property - a verticutter, aerator, and rotovator no longer of use to the Parks Department.

132 CONTRACT FOR CONSULTING SERVICES RELATING TO REVISIONS TO THE ZONING ORDINANCE:

* 7:35 P.M. Councilmember Monica arrived.

Councilmember LaHue moved that the Council authorize the "Letter Agreement" with the law firm of Freilich, Leitner, Carlisle and Shortlidge in an amount not to exceed \$12,500, for legal and related consulting services with respect to review of zoning ordinance provisions drafted by City staff and development of a new Special Development District for retail, commercial and office development to be incorporated in the zoning ordinance. Councilmember Jacob seconded the motion.

Councilmember Hammond asked if staff felt the fee was reasonable for the proposed services. He also asked about monthly billings, hourly rates, and descriptions of the tasks to be performed. He requested that the firm furnish a detailed

#

billing.

Councilmembers wanted to know when they would be able to review and comment on the zoning ordinance revisions. Planning Director McKay requested that they give him their comments and concerns in writing. Mr. Hammond requested that Mr. McKay tell the Council what new concepts staff is trying to develop, what staff's objectives and goals are, and state the reasons for modifications to the zoning ordinance.

The legal, statutory procedure for amending a zoning ordinance was discussed.

Mrs. Monica stated that she would like the Council to discuss sections of the ordinance at various work sessions.

998

Dr. LaHue's motion to authorize the "Letter Agreement" carried; Hammond opposed; all others in favor.

Mrs. Monica asked if the Council could review the ordinance after it is considered by the Plan Commission but before the consultants begin their work.

1213

City Administrator Garofano recommended the following procedure: staff will continue to review the ordinance, working with the Plan Commission; the Plan Commission will complete its review and prepare an ordinance; a joint Council/Plan Commission meeting will be held to discuss the ordinance before the Plan Commission adopts it and forwards it to the Council for adoption. The Council accepted Mr. Garofano's recommendation.

CITY ADMINISTRATOR'S REPORT. None.

1256

MAYOR'S REPORT: The Mayor reminded everyone that the official opening of 95th Street will be September 24th, 1:00 P.M., with a reception at the Leawood Methodist Church on 95th Street.

Mayor Rinehart recently attended meetings of the Women's City Club and the Optimist Club. She also greeted a delegation from Poland, representatives of Solidarity.

Councilmember Newlin represented the Mayor at the September 6th Council of Mayors meeting. Recycling projects and ideas, and Crime Stoppers were discussed. The motor vehicle property tax loss will be studied, and the Council of Mayors dues structure will be revised.

1436

PUBLIC WORKS COMMITTEE REPORT: Councilmember Monica, Chairman of the Committee, reported on the Committee's discussion of the Public Works Department's maintenance of homes association monuments at the Committee's September 7th meeting. The Committee decided that the City would not accept responsibility for this maintenance; the City has neither the personnel nor the funds to do so. The Public Works Department will, however, remove monuments for the associations when requested, and if monuments need to be reconstructed, the Department will provide reasonable technical assistance.

Councilmember LaHue felt code enforcement should be more aggressive in noting monuments in need of repair or removal and notifying the responsible party.

Councilmember Moore moved that the Council accept the report, seconded by Hammond; unanimous.

- #1707 CHANGE ORDER NO. 2 FOR THE 95TH STREET WIDENING PROJECT CONTRACT: Approved unanimously on motion of Jacob, seconded by Moore. The Change Order modifies the contract to include the construction of limestone rock retaining walls at 9441 Manor Rd. (Roberson), 9451 Ensley Lane (Spitzkeit), 3220 W. 95th (Ketcham), and 3224 W. 95th (Hogan). This additional work is estimated at \$33,600.00.
- 1862 SOLID WASTE MANAGEMENT COMMITTEE REPORT: Assistant City Administrator Baer reported on the Committee's September 12th meeting. The Committee plans to present a recycling pilot program to the Council next month involving two manned central collection points with limited hours (1 north of I-435 and 1 south of I-435). The Committee is concerned that community response may be low - there are several other programs in progress, and a number of materials are no longer being collected because they no longer have any value. The Committee is working with a vendor who is willing to volunteer time and equipment.
- A letter was sent to the County requesting consideration of consolidation of services within the County; vendors would like to see the County sponsor a program.
- The Committee discussed yard wastes (grass cuttings, tree limbs, leaves). The State of Kansas might consider a law to prohibit the dumping of yard wastes in landfills, which would force cities to take responsibility for disposal.
- The Committee has talked to the Blue Valley School District about the possibility of using a school as a collection point.
- 2019 CONTRACT FOR PRELIMINARY ENGINEERING DESIGN FOR MISSION ROAD IMPROVEMENTS, 103RD STREET TO COLLEGE BOULEVARD: Public Works Director Brandt stated that the contract will have to be changed to indicate that payment will be made on completion of the design but not before January 1, 1990. Councilmember Monica moved that the Council authorize the contract with Johnson, Brickell, Mulcahy & Associates in an amount not to exceed \$19,030.15, with the change in payment schedule; seconded by Moore; unanimous.
- Aerial surveys for the ground control and vertical alignment of the roadway would be approximately \$9-10,000; there could be an addition to the contract for this expense. JBM and Mr. Brandt will determine a fee for conducting field surveys. There have been no aerial flights prior to this project that would be of any value to JBM.
- 2130 SUPPLEMENTAL AGREEMENT FOR INSPECTION SERVICES FOR THE 98TH STREET CULVERT PROJECT: Councilmember Anselmi moved that the Council authorize the agreement with Larkin Associates in an amount not to exceed \$11,920.00, seconded by Jacob.
- Councilmember LaHue questioned part of an attachment to the Agreement - the last few lines of (5) on page 8 which read... "but the ENGINEER will not be liable for the results of any such interpretations or decisions rendered by him in good faith". Apparently, the engineer would not be held liable for the results of the project. It was pointed out that this wording is part of the original design agreement approved January 3, 1989.

- #2434 ORDINANCE NO. 1121 AUTHORIZING ISSUANCE OF TEMPORARY NOTES, SERIES L.I.D. 88-1-89P, PROJECT 113, TOMAHAWK CREEK PARKWAY, IN THE AMOUNT OF \$1,000,000.00: Passed unanimously on motion of Hammond, seconded by Anselmi. Bid of United Missouri Bank, 6.36% interest per annum.
- 2470 ORDINANCE NO. 1122 AUTHORIZING ISSUANCE OF TEMPORARY NOTES, SERIES 89K, PROJECT 116; 95TH STREET, STATE LINE ROAD TO WENONGA; IN THE AMOUNT OF \$500,000.00: Passed unanimously on motion of Monica, seconded by Hammond. Bid of Cooper-Malone-McClain, 6.33% interest per annum.
- 2491 ORDINANCE NO. 1123 AUTHORIZING ISSUANCE OF TEMPORARY NOTES, SERIES 89M, PROJECT 118, POLICE/COURT BUILDING AND FIRE STATION NO. 1 REMODELING, IN THE AMOUNT OF \$500,000.00: Passed unanimously on motion of Moore, seconded by Jacob. Bid of Cooper-Malone-McClain, 6.23% interest per annum.
- 2513 ORDINANCE NO. 1124 AUTHORIZING ISSUANCE OF TEMPORARY NOTES, SERIES 89N, PROJECT 119; 119TH STREET, STATE LINE ROAD TO MISSION ROAD; IN THE AMOUNT OF \$500,000.00: Passed unanimously on motion of Jacob, seconded by Hammond. Bid of Cooper-Malone-McClain, 6.33% interest per annum.
- 2535 ORDINANCE NO. 1125 AUTHORIZING ISSUANCE OF TEMPORARY NOTES, SERIES 89L, PROJECT 117, LEE BOULEVARD, IN THE AMOUNT OF \$300,000.00: Passed unanimously on motion of Moore, seconded by Hammond. Bid of United Missouri Bank, 6.36% interest per annum.
- 2558 ORDINANCE NO. 1126C ADOPTING THE 1989 EDITION OF THE "UNIFORM PUBLIC OFFENSE CODE": Passed unanimously on motion of Hammond, seconded by Moore. Councilmember Anselmi reminded Council and staff that the City is in violation of Section 11-102 of the ordinance which prohibits maintenance of barbed wire. Barbed wire exists along the sidewalk, south side of 119th Street near the Tomahawk Creek bridge. Police Chief Cox will correct the situation.
- 2604 ORDINANCE NO. 1127C AMENDING SECTION 11-201 OF THE CODE RELATING TO PENALTIES FOR PUBLIC OFFENSE LOCAL PROVISIONS (to change the edition of the "Uniform Public Offense Code"): Passed unanimously on motion of Moore, seconded by Jacob.
- 2617 ORDINANCE NO. 1128C RELATING TO DRUGS AND DRUG PARAPHERNALIA: Passed unanimously on motion of Monica, seconded by Hammond.
- 2656 APPROVAL OF APPROPRIATION ORDINANCE NO. 620: Approved unanimously on motion of Jacob, seconded by Hammond.
- 2740 EXECUTIVE SESSION: Councilmember Monica moved that the Council convene in executive session after Council comments, not to exceed 20 minutes, for the attorney/client privilege to discuss pending litigation; seconded by Moore; unanimous.

#2770

COUNCIL COMMENTS: Mrs. Monica asked about the September 14th annexation hearing before the Board of County Commissioners. The City Attorney presented the City's petition to annex the 60-acre O'Donnell tract, Guilford Downs, the new plat of Leawood Mission Valley, and the 30-acre Bell tract south of Leawood Mission Valley. Three residents of Guilford Downs are opposed to the annexation; others are not. The O'Donnell's formally consented to the annexation. Bell has agreed to be annexed, but has not formally consented. The Board will accept written comments on the proposed annexation until 5:00 P.M., September 20th, and will act upon the petition at its September 21st meeting.

2912

Mrs. Jacob asked which City provides police and fire protection to the areas recently annexed by Overland Park. Overland Park provides police protection; fire protection is provided by Overland Park and the Stanley Fire District. However, Leawood has mutual aid agreements with Overland Park and Stanley for fire protection. Leawood police provide assistance on request and respond in situations where jurisdictions are questionable.

3043

Dr. LaHue asked about the status of the proposed traffic signal at 92nd and State Line. \$75,000 will come from the CARS program and the City has committed the same amount. However, the project will cost approximately \$300,000. Leawood still needs Kansas City's approval to install the signal. The Mayor asked that staff be given a little more time to negotiate with Kansas City.

3112

Mr. Newlin expressed concern about the "No Right Turn On Red" for eastbound traffic on 103rd Street at State Line. Approximately 6 vehicles are held up at each light change, especially between 4:30 and 6:00 P.M., with cars backed up to Brookwood School. Mr. Newlin doesn't feel the installation of this sign helps the traffic situation at 103rd Terrace and State Line. Police Chief Cox made the decision to install the sign for 90 days to see if it would create traffic gaps to allow traffic to enter and exit the commercial area at 103rd Terrace and State Line with less difficulty.

Mr. Newlin asked if anything could be done to eliminate the abrupt dip in the road at the intersection of Wenonga and Cherokee just south of 103rd Street caused by drainage problems. Public Works Director Brandt stated the City would have to create a longer dip or swale.

3350

Mr. Moore asked if Council wanted to discuss the public meeting concerning the Lee Boulevard improvements. Councilmembers will share their ideas and residents' comments and concerns heard at the meeting at the October 9th work session.

3690

9:25 P.M. Short recess.

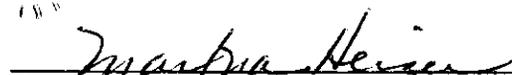
9:30 P.M. Council convened in executive session, same members present.

3691 9:50 P.M. Council returned to regular session, same members present.

Meeting adjourned.


Marcia Rinehart Mayor

Attest:


Martha Heizer City Clerk

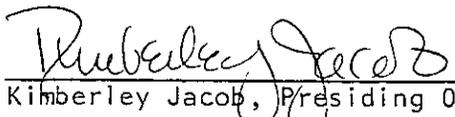
- # 51 Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held at 7:30 P.M., Monday, October 2, 1989, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas. Councilmember Jacob presiding in the absence of Mayor Rinehart.
- Roll call answered by Councilmembers LaHue, Jacob, Hammond, Anselmi, Moore, Newlin, Lin. Councilmember Monica was absent. Staff present: Baer, Cox, Brandt, Malnicof, McKay, Strack, Heizer, Attorney Wetzler.
- 60 Agenda approved unanimously on motion of Anselmi, seconded by Moore, after addition of Contractor's Payment No. 2 for Police Building/Fire Station No. 1 remodeling project (under Consent Agenda).
- 94 CITIZEN COMMENTS: Dale Huxman, 9501 Lee Boulevard (southeast corner, 95th & Lee), stated that the slope of his property adjacent to 95th Street was sufficiently changed by the construction of a sidewalk making it impossible for him to trim a hedge of very high evergreen trees; he can not set a ladder evenly on the ground to do trimming. Also, some of the tree roots are exposed, the corner of his lot at 95th & Lee needs new dirt and sod, and he would like the CARS sign removed.
- Public Works Director Brandt felt that a retaining wall is justified. It would cost approximately \$2,300.00 to construct a wall with the same type of rock used on other properties along 95th Street.
- 517 Councilmember Hammond moved that the agenda be amended to (see #1182) include discussion of a retaining wall under New Business, seconded by LaHue. Motion carried; Moore opposed, all others in favor.
- 638 CONSENT AGENDA: The following were approved unanimously on motion of Anselmi, seconded by LaHue:
1. Minutes of the September 18, 1989, Council meeting;
 2. Public Works Committee report on its September 21, 1989, meeting;
 3. Contractor's Payment No. 1 to C.L. Fairley Constr. Co. for \$73,930.76; 119th St. improvements, State Line to Mission Rd.;
 4. Declaration of surplus property - 1974 GMC Dump Truck with 500 gal. oil tank; fuel monitoring system; street line striper; revolving file cabinet; 2 office chairs; sofa - no longer of use to any City department, and included in the Johnson County auction the weekend of September 30, 1989;
 5. Engagement letter from GrantThornton accounting firm for 1989 audit services; fee of \$13,500;
 6. Amendment to Change Order No. 2 for the 95th St. widening project contract to permit regrading and landscaping of the property at 3224 W. 95th rather than construction of a retaining wall, and to reconstruct a portion of the circle drive with concrete rather than asphalt;

- # 7. Contractor's Payment No. 2 to Allison & Alexander for \$58,162.20; Police Building/Fire Station No. 1 remodeling project.
- 660 REQUEST FOR REZONING FROM A TO R-1 AND PRELIMINARY PLAT APPROVAL - LEAWOOD LAKES: The owner of the property requested that the Council refer this matter back to the Plan Commission. On motion of Lin, seconded by Moore, the Council unanimously referred the request back to the Plan Commission for consideration at its November 28th meeting. Prior to that meeting, the owner will revise the plan for Leawood Lakes.
- 670 CITY ADMINISTRATOR'S REPORT: Assistant City Administrator Baer stated that KCP&L meter readers had mistakenly charged franchise fees on utility bills of homeowners residing in areas south of the City limits which Leawood planned to annex, but had not yet done so. KCP&L will refund those fees.
- 695 ORDINANCE NO. 1129 ANNEXING 3 TRACTS OF LAND TO THE CITY (the O'Donnell tract - 60.02 acres; Guilford Downs - 30.706 acres; Bell property - 34.024 acres): Passed unanimously on motion of Lin, seconded by Hammond.
- 716 CONTRACT FOR DESIGN OF TEMPORARY TRAFFIC SIGNAL AT K-150 AND STATE LINE ROAD: On motion of Lin, seconded by Hammond, the Council unanimously authorized a contract with Johnson, Brickell, Mulcahy & Associates, \$4,800 to complete plans and specifications, and \$3,000 to perform construction observation services.
- 779 ORDINANCE NO. 1130C DESIGNATING MAIN TRAFFICWAYS (adds Tomahawk Creek Parkway, Somerset Drive, Kenneth Parkway/Kenneth Road, and 127th Street): Passed unanimously on motion of Moore, seconded by Hammond.
- 795 ORDINANCE NO. 1131 AUTHORIZING THE IMPROVEMENT OF SOMERSET DRIVE, BELINDER TO SAGAMORE (commonly referred to as the Somerset and Lee intersection): Passed unanimously on motion of Anselmi, seconded by Moore.
- 848 ORDINANCE NO. 1132 AUTHORIZING THE IMPROVEMENT OF SOMERSET DRIVE, WENONGA TO BELINDER: Passed unanimously on motion of Hammond, seconded by Lin.
- 861 AUTHORIZATION OF FUNDS FOR DESIGN AND CONSTRUCTION OF A PARKING LOT AT FIRE STATION NO. 2, 12701 MISSION ROAD: In August, 1988, Southwestern Bell paid \$15,000 for an easement to install a controlled environmental vault at the south fire station. The money was credited to a Public Works Department account for design and construction of a parking lot. However, the work was not accomplished in 1988 nor were the funds encumbered, being included in the budget carryover into 1989. Public Works

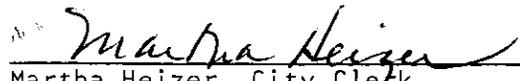
- # does not have sufficient funds in their 1989 operating budget to perform the work.
- The parking lot will benefit the City as well as provide Southwestern Bell access to the vault. The Public Works Department will do the design work.
- On motion of LaHue, seconded by Anselmi, the Council unanimously authorized use of contingency funds in an amount not to exceed \$12,000 for the design and construction of the parking lot.
- 1043 RESOLUTION NO. 968 DECLARING THE NECESSITY TO APPROPRIATE PRIVATE PROPERTY FOR THE 143RD STREET CULVERT PROJECT AND AUTHORIZING A SURVEY AND DESCRIPTION OF THE LAND AND INTEREST TO BE CONDEMNED: Adopted unanimously on motion of Lin, seconded by Anselmi. Attached as part of the record.
- 1055 ORDINANCE NO. 1133 AUTHORIZING AND PROVIDING FOR ACQUISITION OF ROAD RIGHT-OF-WAY FOR THE IMPROVEMENT OF 143RD STREET WEST NEAR THE INTERSECTION OF 143RD STREET AND NALL AVENUE: Passed unanimously on motion of Hammond, seconded by Anselmi.
- 1070 RESOLUTION NO. 969 RELATING TO SPEED LIMITS (1 change to increase the limit on 95th Street from 30 to 35 mph): Adopted unanimously on motion of Moore, seconded by Hammond. Attached as part of the record.
- 1085 APPROVAL OF APPROPRIATION ORDINANCE NO. 621: Approved unanimously on motion of Anselmi, seconded by Hammond.
- 1145 EXECUTIVE SESSION: Councilmember Moore moved that the Council convene in executive session at the end of the meeting, not to exceed 30 minutes, for attorney-client privilege to discuss KCP&L franchise negotiations, condemnation proceedings relating to the 143rd St. culvert project, and possible condemnation action relating to the 98th St. culvert project; seconded by Hammond; unanimous.
- 1182 CHANGE ORDER FOR THE 95TH STREET WIDENING PROJECT CONTRACT - HUXMAN PROPERTY AT 9501 LEE BOULEVARD: Councilmember Anselmi moved that there be a change order not to exceed \$2,500 to construct a retaining wall to enable the property owner to safely trim and maintain a hedge of evergreen trees, seconded by Hammond.
- Councilmember Lin expressed concern that other residents might come forward and request retaining walls at a time when the City is trying to finalize the project. Public Works Director Brandt plans to write letters to property owners this week advising them that the City is ready to finalize the project, and asking if they have any last minute considerations while the contractor is still under contract.
- The Council discussed alternatives (sodding, for instance) to retaining walls.
- 1679 Councilmember Lin moved to table Councilmember Anselmi's motion for the purpose of obtaining a recommendation from the Public Works Committee, seconded by Moore. Motion to table failed; Moore, Lin, Newlin in favor; LaHue, Jacob, Hammond, Anselmi opposed.

October 2, 1989

- # Councilmember Anselmi's motion for a change order carried; Lin, Moore, Newlin opposed; LaHue, Jacob, Anselmi, Hammond in favor.
- 1792 COUNCIL COMMENTS: Councilmember Anselmi requested that a proclamation be issued to honor Leawood resident and Kansas City Royals pitcher Bret Saberhagen for his outstanding year in baseball; he will probably be the Cy Young Award winner.
- 1886 Councilmember Moore asked when the bridge on 85th Terr. at High Dr. would be repaired. Repairs will be done this week. Mr. Moore expressed concern about The Riley Co. laying underground cable for the telephone company along Lee Boulevard. They leave equipment on private property for long periods of time, leave open holes without barricades, and block streets. Property owners have complained to Public Works. Public Works has received no cooperation from the telephone company or The Riley Co. Council directed Public Works Director Brandt to investigate revocation of The Riley Co.'s permits to work in City rights-of-way.
- 2004 Councilmember LaHue asked if oil and asphalt leaked and tracked by construction equipment on 95th Street could be removed. Councilmember Jacob stated that the City collected 800 pounds of peanut butter for Harvesters Community Network.
- 2069 Councilmember Lin expressed concern about the slow progress of the 119th Street improvement, State Line to Mission Road. He hopes it will be completed before December.
- 2109 8:43 P.M. Council convened in executive session, same members present.
- 9:13 P.M. Council returned to regular session, same members present. Councilmember Moore moved to return to executive session for attorney-client privilege, not to exceed 15 minutes; seconded by Lin. Motion carried; Anselmi opposed, all others in favor.
- 2129 9:14 P.M. Council reconvened in executive session.
- 9:25 P.M. Council returned to regular session. Meeting adjourned.


 Kimberley Jacob, Presiding Officer

Attest:


 Martha Heizer, City Clerk

#2162 Minutes of a special meeting of the Governing Body of the City of Leawood, Kansas, held at 7:30 P.M., Monday, October 9, 1989, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.

The special meeting was requested by Councilmembers LaHue, Jacob, Anselmi, Newlin, and Monica for the purpose of considering: 1) Contractor's Payment No. 10 for work performed by Holland Corp. on Tomahawk Creek Parkway, and 2) an agreement relating to temporary/permanent easements at 2507 W. 98th St. required for the 98th Street culvert project.

* Councilmember Moore arrived 7:35 P.M. Councilmembers Hammond and Lin were absent.

Staff present: Garofano, Brandt, Malnicof, Heizer.

2187 AGREEMENT RELATING TO CONVEYANCE OF TEMPORARY/PERMANENT EASEMENTS REQUIRED FOR THE 98TH STREET CULVERT PROJECT, 98TH & LEE BOULEVARD: Michael R. and Melanie M. Cavender, 2507 W. 98th Street, agreed to convey a temporary easement and permanent easement required for the project, and had signed the agreement. On motion of Anselmi, seconded by Jacob, Council unanimously authorized the City Administrator to sign the agreement.

2215 CONTRACTOR'S PAYMENT NO. 10 TO HOLLAND CORP. FOR \$248,588.74; TOMAHAWK CREEK PARKWAY: Councilmember Jacob moved for approval, seconded by Anselmi.

* 7:35 P.M. Councilmember Moore arrived.
Council unanimously approved the payment.

2280 7:37 P.M. Meeting adjourned.


Marcia Rinehart Mayor

Attest:


Martha Heizer City Clerk

- # 32 Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held at 7:30 P.M., Monday, October 16, 1989, in the Council Chambers, 9615 Lee Boulevard, Leawood, Kansas, Mayor Rinehart presiding.

Roll call answered by Councilmembers LaHue, Jacob, Hammond, Moore, Newlin, Monica. * Councilmember Lin arrived after approval of the agenda. Councilmember Anselmi was absent. Staff present: Garofano, Baer, Cox, Brandt, Malnicof, McKay, Strack, Heizer, Attorney Wetzler.

- 41 Agenda approved unanimously on motion of Jacob, seconded by Hammond.

* Councilmember Lin arrived.

- 51 PRESENTATION OF LEAGUE OF KANSAS MUNICIPALITIES CITY SERVICE AWARDS:
The following employees received pins for 10 years of service to the City:

Jack Bieger, Fire Department
Richard Garofano, City Administrator
Eugene Green, Public Works Department
Nancy Kelley, Finance
Arlene Simpson, Purchasing
Eugene Stoneking, Public Works Department

The Mayor announced that Eugene Stoneking had placed second in overall competition in the Kansas City Metro Area Chapter of The American Public Works Association annual Snow Plow Rodeo held October 10-12, 1989. He will compete in the district rodeo in Omaha in April 1990.

- 237 CITIZEN COMMENTS - relating to proposed sidewalk, west side of Lee Boulevard: Diane Kamin, 10504 Lee Boulevard, is opposed to the sidewalk; it would be an eyesore. The City needs to retain the existing beauty of north Leawood. City officials should obtain a better consensus of opinion from residents. Mrs. Kamin is concerned about children's safety, but does not understand why a sidewalk has become such an important issue at this time since traffic on Lee into Leawood Park and the number of school children seem to have decreased. The City should not be looking for more ways to spend money.

Joy Schwartz, 10505 Lee Boulevard, is also opposed to the sidewalk; it would cut deeply into front yards (even though it would be constructed in City right-of-way) and would ruin the beauty of Lee Boulevard.

Tricia Smith, 9415 Lee Boulevard, stated that her major concern is the increase in traffic and safety.

Public Works Director Brandt stated that staff continues to investigate alternatives to the sidewalk, such as a bark or asphalt pathway.

Councilmember Newlin stated that he is opposed to the sidewalk for aesthetic reasons, not for safety reasons, and that other alternatives need to be researched. The sidewalk as currently designed will not be aesthetically pleasing. He believes there are other ways to insure

that children get to school safely, like reducing the speed limit on Lee.

Councilmember LaHue stated that if Lee Boulevard was constructed today, it would be a 4-lane roadway with sidewalks on both sides. The Council is trying to find a compromise at this time.

Councilmember Lin stated that sidewalks are installed to provide meaningful pedestrian circulation, not just to provide safety.

- 682 PROCLAMATIONS: The Mayor proclaimed the weekend of November 17-19, 1989, as "Sertoma Weekend"; and November 12-18, 1989, as "American Education Week".
- 696 CONSENT AGENDA: The following were unanimously approved on motion of Hammond, seconded by Moore:
1. Minutes of the October 2, 1989, Council meeting;
 2. Minutes of the October 9, 1989, Special Council meeting;
 3. Departmental reports;
 4. City policy on expressions of sympathy, attached as part of the record;
 5. Assignment to Public Safety Committee to consider requiring the use of reflective clothing for bicycle and pedestrian traffic;
 6. Low bid of A Plus Building and Janitorial Services in the amount of \$17,096.00, for 1990 janitorial services;
 7. Contractor's Payment No. 1 to Holland Corp. for \$43,500.88; 1989 Street Rehabilitation Program;
 8. Payment No. 2 (Final) to Havens Construction Co. for \$9,785.50; storm sewer project, Reinhardt Lane and 89th & Mission Rd.;
 9. Appointment of ad hoc Stormwater Management Review Committee:
 Councilmember Ron LaHue, Chr.
 Wallace Beasley, 9410 Lee Blvd.
 Dick Ottenad, 3027 W. 84th Pl.
 Larry Hanna, 12909 Canterbury
 William Pitts, 3228 W. 82nd St.
 Staff: Ron Brandt, Terry Uhl, Harry Malnicof
- 706 CITY ADMINISTRATOR'S REPORT: Mr. Garofano reminded Council that effective October 23rd, Administrative and Planning Departments would be located in temporary quarters behind Fire Station No. 1.
- 735 MAYOR'S REPORT: The Mayor attended the October 4th Council of Mayors meeting at which the following items were discussed:
1. A County-wide economic development marketing effort; further information will be sent to cities.
 2. Stormwater management. The County has not yet approved a 1/10% sales tax for stormwater management in the County. The League of Kansas Municipalities is in favor of a 1/4 cent sales tax which could

October 13, 1989

The City of Leawood Community Relations Committee recommends that the following policy be adopted:

The City will plant a tree as an expression of sympathy following the death of and to honor former Leawood mayors and councilmembers, current members of the Governing Body, the City Administrator, Assistant City Administrator, Finance Director, Police Chief, Fire Chief, Director of Public Works, Planning & Development Director and Recreation Director (all future department heads).

Flowers or a charitable contribution and a note of sympathy will be sent following the death of a spouse of current members of the Governing Body and all department heads referred to above as well as City employees and/or their spouses.

A resolution of sympathy will be sent following the death of officials of other local government entities, Federal and State representatives and current homes association presidents.

It will be up to the discretion of each department with regard to sending flowers to employees when they are in the hospital.

sympathy

be used for stormwater management.

3. July 4th celebrations. Leawood would appreciate it if cities which do not have celebrations would consider uniting to have a celebration to alleviate Leawood's space and traffic problems.

The KDOT sub-committee continues to meet to formulate its recommendations for the KDOT enhancement program. The Council of Mayors will meet November 8th with State legislators.

- 836 MASTER PARK PLAN UPDATE: Now that questions regarding future annexation have been resolved and the City's boundaries established, the City needs to identify future recreation facilities and needs. Specific sites should be chosen for future parks and/or greenways especially south of K-150 prior to formulation of development plans.

Councilmember Monica moved that the Council authorize Richard H. Kellenberg & Co. to perform planning services relative to Leawood's outdoor recreation system, seconded by LaHue. Services will cost \$5,500 plus printing costs of approximately \$250.00.

Mrs. Monica questioned the need for a consultant. She thought that the Recreation Commission was to identify areas that the City could purchase or that would be donated for future park development. City Administrator Garofano stated that the Commission did talk about various sites, but never came to any conclusions. The City needs a study not just to identify specific sites for park facilities, but to identify the type of facilities needed.

Councilmember Monica's motion to retain Kellenberg & Co. carried unanimously.

- 1004 DESIGN CONTRACT FOR REHABILITATION OF HIGH DRIVE (SOMERSET TO 83RD STREET) AND 81ST STREET (LEE BOULEVARD TO HIGH DRIVE): On motion of Hammond, seconded by Jacob, Council unanimously authorized a contract with Shafer, Kline & Warren, at a cost of \$9,850.00.

- 1060 FLOOD STUDY FOR TOMAHAWK CREEK ALONG TOMAHAWK CREEK PARKWAY: On motion of Monica, seconded by Jacob, Council unanimously authorized the study to be conducted by Shafer, Kline & Warren, at a cost not to exceed \$5,000.00.

The flood study will show the effects of the Tomahawk Creek Parkway construction on flooding conditions along Tomahawk Creek. The results should be presented to FEMA for revision of the FIRM maps before they are issued. If FEMA, upon receipt of the results, will not revise the FIRM maps, a Letter of Map Revision (LOMR) may be required to have the maps changed. A fee for preparation of the LOMR would have to be negotiated with Shafer, Kline & Warren at a later date.

- 1090 AGREEMENT WITH KANSAS CITY POWER & LIGHT TO RELOCATE EXISTING UTILITY FACILITIES FOR THE 119TH STREET IMPROVEMENT, STATE LINE TO MISSION ROAD: A utility line buried within a private easement north of the 119th Street right-of-way needs to be buried deeper due to the 119th Street construction. The City's franchise agreement provides that utility adjustments within a right-of-way be done at the expense of KCP&L. But, in this case, the City must pay for the relocation costs

- # since the utility is within a private easement outside the right-of-way. KCP&L admits that it uses private easements so it will be paid to move its facilities when the need arises. City staff will try to close this loophole during current negotiations for a new franchise agreement.
- Council discussed the necessity of disturbing the private easement to avoid spending \$16,632, the cost of the relocation. Public Works Director Brandt will research any alternatives to avoid spending the money, but if an alternative can not be found, he will proceed with the project.
- 1512 Councilmember LaHue moved that the Council approve the agreement, seconded by Jacob. Motion carried; Lin, Newlin opposed; all others in favor.
- 1575 ORDINANCE NO. 1134 ACCEPTING PERMANENT DRAINAGE EASEMENTS REQUIRED FOR THE 98TH STREET CULVERT PROJECT, 98TH & LEE BOULEVARD: Passed unanimously on motion of LaHue, seconded by Monica.
- 1602 WORK SESSION: Scheduled for November 13th to review the preliminary engineering report for the K-150 Corridor.
- 1693 APPROVAL OF APPROPRIATION ORDINANCE NO. 622: Approved unanimously on motion of Jacob, seconded by Hammond.
- 1721 COUNCIL COMMENTS: Mr. Moore stated that he originally supported the "country lane" atmosphere for Lee Boulevard. He now supports curbs and gutters for at least 3 reasons, all of which would detract from the "country lane" approach:
1. the sidewalk location on the west side of Lee would be too far from the street;
 2. the width of the drainage ditches and maintenance requirements for those ditches; and
 3. the decision that there would be no stone work at driveway entrances.
- He stated that the City would not construct any other residential street without curbs and gutters. Curbs and gutters would be a better long-term solution, even though they would cost more. Lee Boulevard would be a better roadway, and the sidewalk could be placed closer to the street, out of front yards.
- Mr. Moore moved that the Council reconsider the current Lee Boulevard design to redesign with curbs and gutters, seconded by Monica.
- Lee Boulevard would be a better roadway with asphalt or concrete paving, concrete curb and gutter, with storm sewers.
- Dr. LaHue felt that the Council needed to discuss this matter further, but at the present time, would vote for an open drainage system with a sidewalk. He also expressed an interest in concrete rather than asphalt paving.
- Council discussed costs of various design options - roadway as currently designed, asphalt vs. concrete paving; curb and gutter and

rehabilitation; curb and gutter and all new roadway pavement, asphalt vs. concrete.

2243 Mr. Moore withdrew his motion contingent on further Council discussion to gather more information.

The Council discussed the possibility of separating the sidewalk issue from the roadway project.

Mrs. Monica withdrew her second to Mr. Moore's motion to reconsider.

3165 Mrs. Monica moved that the Council reconsider the current design of the open drainage ditches to have a curb and gutter design, seconded by Moore. Motion failed; Monica, Moore in favor; all others opposed.

Dr. LaHue requested that Public Works furnish the Council a cost analysis covering several years for the current open drainage design with a concrete roadway vs. an asphalt roadway.

3499 Councilmember Jacob stated that the Leawood Arts Committee was sponsoring a reception October 17th at the Kansas National Bank, 12220 State Line, 7:30-9:30 P.M., to present the works of artists Dorothy Kordash and Jim Hamil.

3595 9:25 P.M. Meeting adjourned.

Marcia Rinehart

Marcia Rinehart Mayor

Attest:

Martha Heizer

Martha Heizer City Clerk

- # 36 Minutes of a regular meeting of the Governing Body of the City of Leawood, Kansas, held at 7:35 P.M., Monday, November 6, 1989, in the Council Chambers, 9615 Lee Boulevard, Leawood, Kansas, Councilmember Newlin presiding in the absence of Mayor Rinehart. * Mayor Rinehart arrived at 8:10 P.M. during discussion of the 1990 Salary Plan.

Roll call answered by Councilmembers LaHue, Jacob, Moore, Newlin, Monica. ** Councilmember Hammond arrived at 8:15 P.M. during discussion of the 1990 Salary Plan. Councilmembers Anselmi and Lin were absent. Staff present: Garofano, Baer, Cox, Brandt, Malnicof, Strack, Heizer, Attorney Wetzler.

- 51 Agenda approved unanimously on motion of Jacob, seconded by Moore, after addition (under Consent Agenda) of assignment to Public Works Committee to investigate the need for an ordinance to regulate blasting and appointment of an ad hoc Alcohol and Drug Abuse Task Force.
- 90 CITIZEN COMMENTS: Ralph Martin, 3538 W. 92nd Pl., came to the meeting to find out if the City was going to repair his driveway which had been damaged by the contractor working on the street rehabilitation/curb & gutter replacement project. Public Works will work with Mr. Martin to correct the problems.
- 122 PROCLAMATION: The Mayor proclaimed November 12-18, 1989, as "Children's Book Week", and November 15, 1989, as "Young Readers' Day".
- 154 CONSENT AGENDA: The following were approved unanimously on motion of Jacob, seconded by Monica:
1. Minutes of the October 16, 1989, Council meeting;
 2. Community Relations Committee report on its October 24, 1989 meeting;
 3. Contractor's Payment No. 3 to Allison & Alexander for \$69,412.08, Police Bldg./Fire Sta. No. 1 remodeling project;
 4. Contractor's Payment No. 1 to Corlew Construction Co. for \$40,761.00, 98th St. culvert project;
 5. Contractor's Payment No. 2 to Holland Corp. for \$110,768.60, 1989 Street Rehabilitation Program;
 6. Contractor's Payment No. 11 to Holland Corp. for \$105,155.50, Tomahawk Creek Parkway;
 7. Contractor's Payment No. 2 to C. L. Fairley Construction Co. for \$67,981.52, 119th St. improvement, State Line to Mission;
 8. Appointment of Nancy Garland to serve as Leawood's representative on the Johnson County Drug and Alcoholism Council from January 1990 to December 1992;
 9. Appointment of Phil Mabry to the Board of Zoning Appeals to fill the unexpired term of William Green to 1992;
 10. Appointment of Roy Fase to the ad hoc Solid Waste Task Force to replace Warren Haskin;
 11. Low bid of Waste Management of K.C., \$2400, 1990 refuse collection at Public Works Facility;
 12. Low bid of Browning-Ferris Industries, \$1457.76, 1990 refuse

- # collection at City Hall;
13. Low bid of Waste Management of K.C., \$675, 1990 refuse collection at Leawood City Park;
14. Low bid of Waste Management of K.C., \$504, 1990 refuse collection at south fire station;
15. Cereal Malt Beverage License renewal, Hy-Vee Food Stores, 12200 State Line;
16. Cereal Malt Beverage License renewal, Pumpnick's Restaurant, 3820 W. 95th St.;
17. Assignment to Public Works Committee to investigate the need for an ordinance to regulate blasting;
18. Appointment of an ad hoc Alcohol & Drug Abuse Task Force, attached as part of the record.
- 160 CITY ADMINISTRATOR'S REPORT: Mr. Garofano reminded Council that Administration, Finance, Planning, Recreation, and City Clerk's Office are now located in temporary quarters behind Fire Station No. 1.
- 192 ORDINANCE GRANTING A FRANCHISE TO KANSAS CITY POWER & LIGHT CO. - 1st reading: Councilmember Jacob moved that the ordinance be placed on 1st reading, seconded by Moore.
- Mrs. Jacob moved to amend her motion to state that the Council dispense with the reading of the ordinance in full if no objections, seconded by LaHue; unanimous.
- The Council had requested at a previous meeting that the term of the franchise be changed from twenty to five years, and that staff review burial of feeder lines throughout the City, considering who should pay for burial of cable and payment options. During negotiations with KCP&L, staff was able to secure a shorter franchise term, but was unable to resolve the issue of buried cable. KCP&L and staff would like additional time to consider this issue. The proposed ordinance provides for a 1-year franchise term which will give staff and KCP&L that additional time.
- Councilmember Jacob's motion to place the ordinance on 1st reading carried unanimously.
- 742 APPROVAL OF 1990 SALARY PLAN AND SALARY GUIDELINES: Guidelines would be the same as those for 1989 - basically, no cost-of-living increase, merit increases of 0 - 8% on pay anniversary dates, and continuation of the Time-In-Service Award program.
- * 8:10 P.M. Mayor Rinehart arrived to preside over the rest of the meeting.
- ** 8:15 P.M. Councilmember Hammond arrived.
- Discussion of the salary plan continued. On motion of LaHue, seconded by Jacob, Council unanimously approved the plan and guidelines as presented.
- 1232 RECOMMENDATION FOR ALLOCATION OF 1990 ALCOHOL TAX FUNDS: On motion of

November 6, 1989

MEMO

TO: City Council
FROM: Marcia Rinehart
RE: (Alcohol & Drug Abuse Task Force)

With your approval, I submit the following purpose, membership, and time frame for the task force:

Purpose:

To analyze the drug & alcohol education and prevention efforts in the Leawood community; to study the legal aspects and rehabilitation; to identify the programming of the 3 area recreation entities; to summarize and to recommend any appropriate course of action for the City.

Membership:

Chairman: Marcia Rinehart, 9903 Lee Circle 66206 649-2188
message 341-2574
Staff: Steve Cox, Chief, Leawood Police 642-5555

Subcommittees:

A) Education & Prevention

Chairman: Marsha Monica, 3601 W. 122 T. 66209 491-5170
Nancy Garland, 12309 Granada 66209 491-0704
K.O. Strobehn, 4005 W. 123rd 66209 491-4981
Rudy Papenfuhs, 12319 Pawnee Ln 66209 339-6866
Nancy Hart Kline, 8800 Hadley, OP-212 341-9422
Jim Wink, 8500 Mission Road 66206 648-2000
Carol Lynn Ellis, 8217 Cherokee Circle 649-9625
Debbie Atkinson, 9610 Overbrook 66206 381-6005
Susan Conner, 8831 Cherokee Ln 66206 341-6549
Jan Pickler, 8125 Lee Boulevard 649-3484
Janet Snower, 10415 Sagamore Road 381-6055
office 273-6751
Staff: Sid Mitchell, Corporal, Leawood Police 642-5555

B) Legal Aspects & Rehabilitation

Chairman: Bob Newlin, 10511 Cherokee Ln 66206 381-0354
Sue Dickey, 2009 W. 103rd 66206 341-5313
Sally Reicher, 3322 W. 95th 66206 642-3322
Max Mills, 2801 W. 104 T. 66206 381-8293
Jean Pierce, 9431 Ensley Lane 66206 341-2747
Staff: Melody Rayl, Corporal, Leawood Police 642-5555

C) Programming & Recreation

Chairman:	Ernie Anselmi, 9628 Manor Road	642-6938
	Marcia Haxton, 3300 W. 97 Pl.	381-1763
	Lenette Crawford, 10425 Sagamore	381-4037
Staff:	Scott Whitaker, Asst. Rec. Director	642-5555

Time frame:

Late November	- convene entire task force
Nov.-late Jan.	- subcommittee factfinding
Early Feb.	- entire task force shares information
Late Feb.	- subcommittees study information and make recommendations to entire task force
March	- entire task force refines recommendations for community
April	- presentation of information and recommenda- tions to community at large

wp:drugtask

- # Jacob, seconded by Monica, Council unanimously approved the recommendation of the Drug and Alcoholism Council of Johnson County, attached as part of the record. 1990 alcohol tax funds for Leawood total \$10,204.
- 1250 RECOMMENDATION FOR ALLOCATION OF 1990 HUMAN SERVICE FUNDS: On motion of Monica, seconded by Jacob, Council unanimously approved the recommendation of United Community Services of Johnson County (UCS), attached as part of the record. 1990 human service tax funds for Leawood total \$2,764.
- 1320 ORDINANCE NO. 1135 GRANTING AN EASEMENT TO SOUTHWESTERN BELL FOR THE INSTALLATION OF BURIED CABLE ON CITY PROPERTY: Passed unanimously on motion of Hammond, seconded by Monica.
- 1353 CONTRACT FOR STREET LIGHT CONSTRUCTION ON ROE AVENUE, TOMAHAWK CREEK TO 124TH STREET: On motion of Monica, seconded by Jacob, Council unanimously authorized a contract with Delana Construction Co. in the amount of \$26,875.00.
- 1366 RESOLUTION NO. 970 AMENDING THE "PERSONNEL RULES AND REGULATIONS" RELATING TO EMPLOYEE EDUCATIONAL ASSISTANCE: The City will no longer pay 50% of tuition for classes that are required for a degree that is related to an employee's job when the classes do not relate to the job. The City will pay 75% of tuition only for classes that are job-related. Resolution adopted unanimously on motion of Moore, seconded by Hammond. Attached as part of the record.
- 1401 EXECUTIVE SESSION: Councilmember Jacob moved that the Council convene in executive session at the end of the meeting, not to exceed 10 minutes, for attorney-client privilege, seconded by Hammond; unanimous.
- 1418 APPROVAL OF APPROPRIATION ORDINANCE NO. 623: Approved unanimously on motion of Jacob, seconded by Hammond.
- 1433 MAYOR'S REPORT: The Mayor commended the Leawood Arts Committee for sponsoring the reception for artists Dorothy Kordash and Jim Hamil on October 17th at Kansas National Bank, 12220 State Line.
The Mayor and Police Chief Cox recently attended a Kansas City Crime Commission luncheon. Topic of discussion - victims and their rights.
Johnson County officials and representatives of the Kansas Department of Commerce (involved with economic development and analysis of KDOT road projects) will take a tour of the County December 6th and 7th. County officials will stress the importance of 12 or 13 County-supported projects, including Leawood's K-150 Corridor.
Brookwood School is interested in establishing a sister school program with a school in Taiwan. Brookwood students will send "talking" letters to students at a school in I-Lan, Taiwan.
The Mayor attended the recent dedication of the new Mission Trail Elementary School at 130th & Mission.

1990 LOCAL ALCOHOL TAX FUNDS
RECOMMENDED DISTRIBUTION BY JURISDICTION

AGENCY	JOHNSON COUNTY										TOTAL	
	LEAWOOD	LENEKA	MISSION	OLATHE	OVERLAND PARK	PRAIRIE VILLAGE	SHAWNEE					
Associated Youth Services	\$222	\$60	\$544	\$21	\$331	\$1,056	\$85	\$181				\$2,500
Blue Valley School District	\$1,028	\$278	---	---	---	\$4,894	---	---				\$6,200
Heart of America Family Services	\$621	\$168	\$1,524	\$59	\$926	\$2,957	\$238	\$507				\$7,000
JoCo Mental Health Center/ACT	\$6,209	\$1,676	\$15,238	\$594	\$9,265	\$29,568	\$2,375	\$5,074				\$70,000
JoCo Substance Abuse Services	\$20,402	\$5,507	\$50,069	\$1,951	\$30,442	\$97,152	\$7,805	\$16,673				\$230,000
JoCo Task Force on Drug/Alcohol Abuse	\$89	\$24	\$218	\$8	\$132	\$422	\$34	\$72				\$1,000
Mental Health Assn WYCo/Hotline	\$89	\$24	\$218	\$8	\$132	\$422	\$34	\$72				\$1,000
Olathe School Dist.	---	---	---	---	\$6,000	---	---	---				\$6,000
SAFEHOME, Inc.	\$1,774	\$479	\$4,354	\$170	\$2,647	\$8,448	\$679	\$1,450				\$20,000
Shawnee Mission Schools/ADEPT	\$4,036	\$1,090	\$9,590	\$374	---	\$19,221	\$1,495	\$3,194				\$39,000
Spears Resource Center	\$843	\$227	\$2,068	\$81	\$1,257	\$4,013	\$322	\$689				\$9,500
Substance Abuse Center Eastern KS	\$976	\$263	\$2,395	\$93	\$1,456	\$4,646	\$373	\$797				\$11,000
Drug and Alcoholism Council (DAC)	\$3,712	\$408	\$3,592	\$140	\$2,191	\$7,200	\$560	\$1,196				\$19,000
TOTALS	\$40,000	\$10,204	\$89,810	\$3,500	\$54,780	\$180,000	\$14,000	\$29,906				\$422,200

1990 HUMAN SERVICE FUNDS
PARTICIPATING JURISDICTIONS

<u>JURISDICTION</u>	<u>CONTRIBUTION</u>
Johnson County	\$50,000
Countryside	100
DeSoto	350
Gardner	500
Leawood	2,764
Lenexa	4,000
Mission	1,600
Mission Hills	719
Olathe	8,228
Overland Park	10,000
Prairie Village	2,000
Roeland Park	1,416
Shawnee	5,762
Spring Hill	400
Westwood Hills	75
	<hr/>
TOTAL	\$87,914

The Mayor attended the November 1st Council of Mayors meeting. The effects of the decrease in motor vehicle property taxes were discussed. Leawood will lose approximately \$367,000 in revenue effective with the 1991 budget year.

1729 COUNCIL COMMENTS: Mr. Moore noticed that the City was charged for traffic control barricade signs in conjunction with the Tomahawk Creek Parkway project and the 1989 Street Rehabilitation Program, and thought the City might want to purchase its own barricade signs for use during all improvements. Public Works Director Brandt will consider the purchase to see if it would be cost effective.

Dr. LaHue attended the November 3rd Leawood Homes Association meeting. The Association has approximately \$10,000 in administrative costs which could be reduced with assistance from the City - for instance, notifying homeowners of association meetings in City newsletters rather than through Association mailings.

2050 8:45 P.M. Council convened in executive session, same members present.

2056 8:55 P.M. Council returned to regular session, same members present. Meeting adjourned.

Marcia Rinehart

Marcia Rinehart Mayor

Attest:

Martha Heizer

Martha Heizer City Clerk

MINUTES
REGULAR COUNCIL MEETING

Tape No. 178

- # 36 The City Council of the City of Leawood, Kansas, met in regular session in the Council Chamber, 9615 Lee Boulevard, at 7:30 P.M., Monday, November 20, 1989. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Kimberley Jacob, Ernie Anselmi, Douglas Moore, Robert Newlin. * Councilmember Charles Hammond arrived at 7:35 P.M. Councilmembers Marsha Monica and Jimmy Lin were absent. Staff present: Richard Garofano, City Administrator; Julie Baer, Asst. City Administrator; J. Stephen Cox, Chief of Police; Ronald Brandt, Director of Public Works; Harry Malnicof, Finance Director; Robert McKay, Director of Planning & Development; Jerry Strack, Fire Chief; Martha Heizer, City Clerk; and Richard Wetzler, City Attorney.

- 44 Agenda approved unanimously on motion of Jacob, seconded by Anselmi, after addition of an ordinance amending Section 15-101 of the Code of the City of Leawood relating to the Leawood Sewer System.

* 7:35 P.M. Councilmember Hammond arrived.

- 62 CITIZEN COMMENTS: Herbert Heyde, President of the Leawood Homes Association, told the Council that past City policies and ordinances which prohibited parking on streets were strictly enforced. The present ordinance which prohibits parking on streets continuously for more than 24 hours is not strictly enforced. This concerns his homes association for 2 reasons - 1) cars parked on streets reduce response time of emergency vehicles; and 2) people driving around cars parked on cul-de-sacs drive over and damage stone monuments. In March, the homes association reported damage to 2 traffic islands to Public Works; no repairs were done. At its September 18, 1989 meeting, the City Council accepted the recommendation of the Public Works Committee that the City not accept responsibility for maintaining homes association monuments. The homes associations were notified that maintenance would be their responsibility.

Mr. Heyde believes that repairs are the City's responsibility. There is no provision in his association's budget for that type of work. Furthermore, the City should be responsible for all traffic island maintenance, since the islands were deeded to the City with the streets. Therefore, effective December 1, 1989, the beginning of the Leawood Homes Association's fiscal year, no further maintenance of any kind will be done on the islands (north of 95th St.) by the Association; it has cancelled all of its maintenance contracts.

The City Attorney will review this matter to determine legal responsibility for the islands.

- 473 PROCLAMATION: The Mayor proclaimed December 3-9, 1989, as "Cities Fight Back Against Drugs Week".
- 485 CONSENT AGENDA: The following were approved unanimously on motion of Moore, seconded by Hammond:

- #
1. Minutes of the November 6, 1989, Council meeting;
 2. Departmental reports;
 3. New retail liquor occupation license for Duckett's Retail Liquor Store, 12134 State Line;
 4. Request to keep 5 animals - Volk, 12618 Cherokee Lane;
 5. Appointments to ad hoc Alcohol & Drug Task Force - Aleta Rosenthal, Programming & Recreation Sub-Committee, and Dorothy Lancaster of Cure of Ars, Education & Prevention Sub-Committee;
 6. Contractor's Payment No. 2 (FINAL) to Bill Ward Painting Co. for \$16,070.00; municipal pool painting project.
- 492 CITY ADMINISTRATOR'S REPORT - concerning reactions to reassessment and subsequent property tax increases: Finance Director Malnicof is compiling information on this matter. A recent newspaper article indicated that Leawood's property tax collections have increased over 30% over the last 3 budget years. The article failed to mention that Leawood's assessed valuation has increased approximately 20% over that same period of time. Generally speaking, Leawood's property tax collections have increased because of the City's increased growth, not because of a tax rate increase.
- 619 MAYOR'S REPORT: The ad hoc Alcohol & Drug Abuse Task Force will hold its first meeting tomorrow evening.
The Mayor recently attended a dinner to help welcome student ambassadors to the American Royal.
- 635 ORDINANCE GRANTING A FRANCHISE TO KANSAS CITY POWER & LIGHT CO. - 2nd reading: Councilmember Anselmi moved to place the ordinance on second reading, seconded by Moore; unanimous.
- 648 PUBLIC SAFETY COMMITTEE REPORT - REFLECTIVE APPAREL REQUIREMENT FOR PEDESTRIANS DURING HOURS OF DARKNESS: On November 8th, the Committee considered a suggestion that the City adopt an ordinance requiring pedestrians and possibly bicyclists using the streets during hours of darkness to wear reflective apparel. Police staff believed such an ordinance would be seen as a positive improvement in pedestrian safety and would therefore support it. The Committee recommended that the City Council not pass an ordinance but direct staff to implement a public education program to alert people to the hazards involved when they use the streets during hours of darkness without reflective attire. Such a program could involve the Community Relations Committee, local service clubs, area merchants, and PTA's.
Councilmember Newlin moved that the Council accept the Committee's recommendation, seconded by Jacob. Motion carried; Hammond, Anselmi opposed; all others in favor.
- 951 PUBLIC SAFETY/PUBLIC WORKS COMMITTEES - REPORT ON SAFE SCHOOL ROUTES FOR NORTH LEAWOOD: The two committees met on November 8th to discuss safe school routes for north Leawood. There were some questions about the need for sidewalks and the plan at all. Some committee members

wanted to have additional factual information on which to make a recommendation to the Council. It was suggested that staff attempt to assess how many elementary students now walk to school, how many more might do so if sidewalks were available in certain locations, whether parents would still support the concept knowing the cost involved. The information would either provide the necessary justification for adopting the safe school route plan or demonstrate the lack of justification for same.

The Council discussed maintenance/snow removal responsibility for the routes.

Councilmember Jacob moved that Council direct staff to gather as much additional information as possible, seconded by Newlin; unanimous.

1543 SOLID WASTE MANAGEMENT COMMITTEE REPORT ON RECYCLING: Councilmember Jacob stated that the Committee was formed to review and make recommendations regarding the following:

1. Should the City assume the responsibility for solid waste collection;
2. Should the City pursue a recycling program and, if so, how should it be structured; and
3. Should the City implement an annual pickup for large or bulky items.

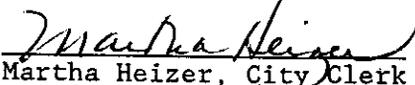
Mrs. Jacob felt it was the consensus of the Committee that the City not pursue issues #1 and #3. It was the consensus of the Committee that the City not move to implement any type of recycling program; such a program would cost the City approximately \$52,000 annually for curbside recycling. The Committee recommended that the City require that trash haulers working in the City offer a curbside recycling program to homes associations effective January 1, 1990. The Committee is not mandating recycling; homes associations would decide whether or not to accept any programs offered.

Staff feels there are a number of questions that need to be addressed before a Council decision can be made or an ordinance can be written and considered. What will the impact be upon homes associations? Not all homes association trash collection contracts are on a calendar year basis. The associations would need time to phase in recycling, and would prefer that an ordinance become effective January 1, 1991 rather than January 1, 1990. What is the experience of other communities with mandatory programs? How would the City properly regulate recycling without regulating basic trash collection?

Edward Winthrop of the Leawood Homes Association asked why recycling could not be done at a centralized dropoff point or at the trash collector's plant rather than at curbside. Councilmember Jacob stated that a centralized dropoff point would be expensive since it would have to be manned 24 hours a day or be locked. Herbert Heyde of the Leawood Homes Association felt that if the City would consider setting up a mandatory recycling requirement, allowing homes associations and their trash contractors to work out the details, and set an effective date far enough in the future so as not to interfere with present association contracts, that this would be a workable

- # solution. He did not feel that a curbside program would be good, and stated that the contractors would do the recycling at their plants. Yard wastes, particularly grass clippings, was also discussed. The Committee would still like to study this matter.
- 2515 Councilmember Moore moved that this item be assigned to staff for review with regard to the cost for the City to collect the trash, and for review of recycling aspects, including staff questions and the 3 questions assigned to the Committee; seconded by LaHue. Staff will report to the Council by March 5, 1990. Motion carried; Jacob, Anselmi opposed; all others in favor.
- 3106 ELEVATION OF MISSION ROAD AT I-435: Director of Public Works Brandt asked that the Council establish an elevation for Mission Road in conjunction with the State's proposed improvement of I-435, which will include rebuilding of bridges. Mission Road is now at a 5-year flood level. It would be raised about 4 feet for a new 25-year level and remain under I-435. Councilmember Jacob moved that the elevation of Mission Road be no lower than the 25-year flood level of Indian Creek, seconded by Moore; unanimous.
- 3180 SUPPLEMENTAL AGREEMENT TO PRELIMINARY ENGINEERING CONTRACT FOR MISSION ROAD IMPROVEMENTS, 103RD STREET TO COLLEGE BOULEVARD: On motion of Moore, seconded by Hammond, Council unanimously approved the agreement with Johnson, Brickell, Mulcahy & Associates (JBM) in the amount of \$10,000 to complete aerial surveying to further refine the preliminary construction estimate.
- 3251 RESOLUTION NO. 971 CONSENTING TO THE ENLARGEMENT OF BLUE RIVER MAIN SEWER DISTRICT NO. 1 AND BLUE RIVER SEWER SUB-DISTRICT NO. 6: Adopted unanimously on motion of Hammond, seconded by Anselmi. Attached as part of the record.
- 3262 RESOLUTION NO. 972 CONSENTING TO THE ENLARGEMENT OF BLUE RIVER SEWER SUB-DISTRICT NO. 2: Adopted unanimously on motion of Hammond, seconded by Jacob. Attached as part of the record.
- 3275 ORDINANCE NO. 1136 AMENDING THE BOUNDARIES OF THE LEAWOOD SEWER SYSTEM TO PROVIDE SEWER SERVICE TO PORTIONS OF HALLBROOK FARMS SUBDIVISION: The ordinance was considered and passed on motion of Jacob, seconded by Hammond. On roll call the vote was: Yeas--LaHue, Jacob, Hammond, Anselmi, Moore, Newlin. Nays--None.
- 3299 ORDINANCE NO. 1137C AMENDING SECTION 15-101 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO THE LEAWOOD SEWER SYSTEM - to include portions of Hallbrook Farms subdivision: The ordinance was considered and passed on motion of Jacob, seconded by Hammond. On roll call the vote was: Yeas--LaHue, Jacob, Hammond, Anselmi, Moore, Newlin. Nays--None.
- 3315 RESOLUTION NO. 973 CONSENTING TO THE ENLARGEMENT OF STATE LINE (121ST STREET) MAIN SEWER DISTRICT - to include portions of Hallbrook Farms

- # subdivision: Adopted unanimously on motion of Hammond, seconded by Moore. Attached as part of the record.
- 3328 ORDINANCE NO. 1138 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES L.I.D. 86-1-89R, PROJECT 107; ROE AVENUE IMPROVEMENTS, 112TH STREET TO 121ST STREET; IN THE AMOUNT OF \$350,000.00: The ordinance was considered and passed on motion of Jacob, seconded by Hammond. On roll call the vote was: Yeas--LaHue, Jacob, Hammond, Anselmi, Moore, Newlin. Nays--None.
- 3344 WORK SESSION: Scheduled to follow tonight's meeting to discuss the new City Hall design (possible construction reductions) and the Lee Boulevard design (asphalt vs. concrete surface).
- 3361 APPROVAL OF APPROPRIATION ORDINANCE NO. 624: The ordinance was considered and passed on motion of Jacob, seconded by Hammond. On roll call the vote was: Yeas--LaHue, Jacob, Hammond, Anselmi, Moore, Newlin. Nays--None.
- 3647 9:25 P.M. There being no further business before the Council, the meeting was declared adjourned.


Martha Heizer, City Clerk

MINUTES
REGULAR COUNCIL MEETING

Tape No. 179

- # 40 The City Council of the City of Leawood, Kansas, met in regular session in the Council Chamber, 9615 Lee Boulevard, at 7:30 P.M., Monday, December 4, 1989. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Kimberley Jacob, Charles Hammond, Ernie Anselmi, Douglas Moore, Robert Newlin, Marsha Monica.
* Councilmember Jimmy Lin arrived at 7:35 P.M. Staff present: Richard Garofano, City Administrator; Julie Baer, Asst. City Administrator; J. Stephen Cox, Chief of Police; Ronald Brandt, Director of Public Works; Harry Malnicof, Finance Director; Robert McKay, Director of Planning & Development; Jerry Strack, Fire Chief; Martha Heizer, City Clerk; and Richard Wetzler, City Attorney.

- 48 Agenda approved unanimously on motion of Jacob, seconded by Moore.

* 7:35 P.M. Councilmember Lin arrived.

- 143 CITIZEN COMMENTS - concerning the proposed extension of Mission Road from 103rd Street to College Boulevard: Barry Glasberg and Terry Mykins of the Longwood Forest Homes Association stated that 3 homeowners in Longwood Forest whose lots abut the proposed extension would lose land. They also understood that the road would be elevated which would create drainage problems on lots abutting the road. They asked if the City would conduct a study to see if the road could be moved further to the east, closer to Indian Creek. Public Works Director Brandt stated that a number of factors would have to be considered when discussing different alignments for the roadway, including intrusion into the floodway if the road is moved further east, and the fact that engineers are already working on the design of the Mission Road bridge over Indian Creek.

Councilmember Lin stated that it had been concluded from an earlier study that the proposed alignment is the most beneficial from a traffic safety standpoint.

See This matter will be discussed further later in the meeting.
#2638

- 339 CONSENT AGENDA: Kansas City Rotary Club's request for permission to sell newspapers at major intersections on April 9, 1990, and Change Order No. 1 for the 98th Street culvert project were removed for further discussion. The following were approved unanimously on motion of Moore, seconded by Jacob:

1. Minutes of the November 20, 1989, Council meeting;
2. Contractor's Pay Request No. 2 to Corlew Construction Co. for \$47,431.80; 98th Street culvert project;
3. Contractor's Pay Request No. 3 to C. L. Fairley Construction Co. for \$131,766.59; 119th Street improvements, State Line/Mission;
4. Contractor's Pay Request No. 7 to Reno Construction for \$176,713.78; 95th Street widening;

5. Contractor's Pay Request No. 12 to Holland Corp. for \$169,492.69; Tomahawk Creek Parkway.

The Kansas City Rotary Club requested permission to sell newspapers at major intersections on April 9, 1990, in conjunction with Kansas City Day and the Kansas City Royals Home Opener. Proceeds would benefit the Kansas City Rotary Youth Camp Foundation. Councilmembers Anselmi and LaHue felt that it is hazardous to stop cars on State Line to solicit funds. Councilmember Jacob moved that a special solicitation permit be granted with the following stipulations: 1) each participant is to sign a waiver absolving the City of liability; 2) each participant is to wear reflective safety apparel; and 3) cars are not to be solicited more than once. Councilmember Monica seconded the motion. Motion carried; LaHue, Anselmi opposed; all others in favor.

The Council discussed Change Order No. 1 to the 98th Street culvert project contract in the amount of \$1,130 to replace the reinforced concrete apron with a concrete Rip-Rap channel liner. The property owners felt that this channel treatment would be more aesthetic. Public Works Director Brandt clarified that the change order was required for additional quantity and change in material to extend the ditch liner. The Council unanimously approved the change order on motion of Anselmi, seconded by Hammond.

528 RESOLUTION NO. 974 HONORING LEAWOOD RESIDENT BRET SABERHAGEN - for his outstanding achievements as a pitcher with the Kansas City Royals. Mr. Saberhagen was unable to attend the meeting. The resolution was adopted by unanimous consent. Attached as part of the record.

555 RESOLUTION NO. 975 APPROVING THE PRELIMINARY SITE PLAN FOR PHASES 1 AND 2 - EXECUTIVE HILLS WEST (KNIGHT-RIDDER), 2020 W. 89TH ST.: Phase 3, which relates to future expansion if needed (perhaps 10 years from now), would be considered by the Plan Commission and Council at a later date.

1297 Councilmember Lin felt this development would compliment the surrounding residential area, but preferred to consider all 3 phases simultaneously to see the impact the entire project would have on the immediate area, assuming Phase 3 was developed. He wondered if the project would still be viable for Knight-Ridder if the City did not approve Phase 3.

Phases 1 and 2 would have no impact on traffic on State Line. There would be a drainage impact, but the developers would have to address that problem; they would be required at final plan stage to have full engineering plans and to meet the APWA standards that the City has always required.

Council continued to discuss the need to consider all 3 phases at the same time. Planning Director McKay felt that the Council was considering Phases 1 and 2 only, and merely agreeing to consider Phase 3 in the future.

City Attorney Wetzler stated that the developers were simply saying that sometime in the future they might come back before the Council, and that the considerations for Phase 3 are entirely separate

- and different than for those of Phases 1 and 2. The developers understand that the Council might not approve Phase 3 in the future if proper conditions do not exist. If Councilmembers like Phases 1 and 2 as presented this evening, they should approve the resolution.
- 1996 The resolution was adopted unanimously on motion of Moore, seconded by Hammond. Attached as part of the record.
- 2113 RESOLUTION NO. 976 APPROVING PRELIMINARY PLAT AND FINAL PLAT, EXECUTIVE HILLS WEST, 2020 W. 89TH ST.: Adopted unanimously on motion of Hammond, seconded by Jacob. Attached as part of the record.
- 2146 RESOLUTION NO. 977 APPROVING REVISED PRELIMINARY PLAT AND FINAL PLAT - LOTS 1405, 1406, & 1407, LEAWOOD ESTATES: Adopted unanimously on motion of Anselmi, seconded by Monica. Attached as part of the record.
- 2265 CITY ADMINISTRATOR'S REPORT - None.
- 2268 MAYOR'S REPORT: The Mayor distributed a written report, attached for the record. She, City Administrator Garofano, and Public Works Director Brandt met today with representatives of Kansas City, Missouri's Public Works Department, Traffic Division, to discuss the proposed traffic signal at 92nd and State Line. Kansas City will consider this signal. They do not have funds available at the present time to do the construction, but are willing to prepare an agreement whereby Leawood would build the signal and would be reimbursed on another project in the future. They did caution that traffic might increase on 92nd Street and on High Drive when the signal and left turn lane are installed; traffic backed up on State Line from 95th Street might use 92nd as a short cut to 95th. Leawood did not anticipate this potential problem.
- 2556 ORDINANCE NO 1139 GRANTING A FRANCHISE TO KANSAS CITY POWER & LIGHT CO. - 3rd reading: The ordinance was considered on third reading and passed on motion of Jacob, seconded by Anselmi. On roll call the vote was: Yeas--LaHue, Jacob, Hammond, Anselmi, Moore, Newlin, Monica, Lin. Nays--None.
- 2638 PROPOSED EXTENSION OF MISSION RD. FROM 103RD ST. TO COLLEGE BLVD.:
3245 Discussion continued from Citizen Comments earlier in the meeting. Councilmember Lin moved that this matter be referred to the Public Works Committee for study, and that staff gather past information, invite consultants and Longwood Forest residents to the meeting; seconded by Anselmi; unanimous.
- 3300 ORDINANCE NO. 1140 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 89S. PROJECT 116; 95TH STREET IMPROVEMENTS, STATE LINE TO WENONGA; IN THE AMOUNT OF \$110,000.00: The ordinance was considered and passed on motion of Anselmi, seconded by Jacob. On roll call the vote was: Yeas--LaHue, Jacob, Hammond, Anselmi, Moore, Newlin, Monica, Lin. Nays--None.

MAYOR'S REPORT *WR*

December 4, 1989

In order to expedite the meeting, I submit this report in writing.

November 21 - Kick-off of Alcohol & Drug Task Force. I was impressed with the knowledge and enthusiasm of the group. Blue Valley North later informally requested the City's name in "sponsorship" of Project Graduation, a chemical-free celebration for its seniors.

November 25 - Attended "opening" of Saddle & Sirloin which is celebrating 50 years of tradition. The remodeled facilities are a beautiful asset to the community. The Council should be proud of the City staff's input in making Saddle & Sirloin a safe place. Saddle & Sirloin members are concerned about the future of the horse trails as further development continues.

November 26-28 - Atlanta, Georgia. National League of Cities.

I will pass around a folder and notes about the meetings. Highlights: "Measuring Productivity & Evaluating Delivery Options," "Council-Manager Relations: Understanding Roles & Responsibilities," the general session panel moderated by Carl Rowan about "Drugs & Your City," and "Making the Tough Decisions in the Community Interest."

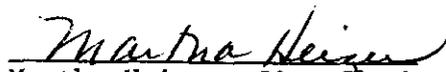
The exhibits were, as always, fascinating. About 1/3 of the exhibition hall seemed to be devoted to recycling matters - obviously a "hot" topic.

Networking with peers from around the country is an integral part of a meeting like this. We talked with people from Minnesota about "sound buffers" on interstates and people from Arizona about water diversion projects. All our friends from Kansas are concerned about reappraisal and classification. Bob Saunders, a new councilman from Liberty (and our consultant at times), offered good words about some cities' experiences in building new city halls.

Next meeting - Washington, D.C., March 3-6, 1990.

December 4, 1989

- 3351 ORDINANCE NO. 1141 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES L.I.D. 88-1-89U, PROJECT 113; TOMAHAWK CREEK PARKWAY; IN THE AMOUNT OF \$535,000.00: The ordinance was considered and passed on motion of Jacob, seconded by Hammond. On roll call the vote was: Yeas--LaHue, Jacob, Hammond, Anselmi, Moore, Newlin, Monica, Lin. Nays--None.
- 3372 ORDINANCE NO. 1142 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 89T, PROJECT 118; POLICE/COURT BUILDING AND FIRE STATION NO. 1 REMODELING PROJECT; IN THE AMOUNT OF \$110,000.00: The ordinance was considered and passed on motion of Moore, seconded by Jacob. On roll call the vote was: Yeas--LaHue, Jacob, Hammond, Anselmi, Moore, Newlin, Monica, Lin. Nays--None.
- 3386 WORK SESSION: Scheduled to follow tonight's meeting to discuss the new City Hall design.
- 3414 APPROVAL OF APPROPRIATION ORDINANCE NO. 625: The ordinance was considered and passed on motion of Jacob, seconded by LaHue. On roll call the vote was: Yeas--LaHue, Jacob, Hammond, Anselmi, Moore, Newlin, Monica, Lin. Nays--None.
- 3441 COUNCIL COMMENTS: Dr. LaHue stated that the Stormwater Management Committee held its first meeting last week. Committee members will tour creek areas Saturday, December 9th, 9-12.
Mr. Moore commented on a letter from a Leewood resident to the Prairie Village City Council complaining about the untidy condition of the Prairie Village Public Works facility adjacent to her property. Mr. Moore asked Public Works Director Brandt to work with the resident and the Prairie Village Public Works Department to clean up the area.
- 3620 9:20 P.M. There being no further business before the Council, the meeting was declared adjourned.


Martha Heizer, City Clerk

MINUTES
REGULAR COUNCIL MEETING

Tape No. 180

- # 19 The City Council of the City of Leawood, Kansas, met in regular session in the Council Chamber, 9615 Lee Boulevard, at 7:30 P.M., Monday, December 18, 1989. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Charles Hammond, Ernie Anselmi, Douglas Moore, Robert Newlin. * Councilmember Jimmy Lin arrived at 7:50 P.M. Councilmembers Kimberley Jacob and Marsha Monica were absent. Staff present: Richard Garofano, City Administrator; Julie Baer, Asst. City Administrator; J. Stephen Cox, Chief of Police; Ronald Brandt, Director of Public Works; Harry Malnicof, Finance Director; Robert McKay, Director of Planning & Development; Jerry Strack, Fire Chief; Martha Heizer, City Clerk; and Richard Wetzler, City Attorney.

- 27 Agenda approved unanimously on motion of Moore, seconded by Anselmi.

- 35 CITIZEN COMMENTS: Hallbrook subdivision residents Linda Lake, 11817 Norwood, and Sheldon Fleishman, 2740 W. 118th Terr., told the Council that children living in Hallbrook are being bussed to Valley Park Elementary School in Overland Park 3.5 miles from their subdivision instead of being allowed to attend either Leawood Elementary 1 mile away or Mission Trail Elementary 2.5 miles away. Parents feel this places their children at a greater risk safety-wise, and their children are missing out on the benefits of attending a neighborhood school in the City of Leawood. This situation is not conducive to the development of close friendships and has implications for scouting, soccer and other activities. Parents do not feel that the Blue Valley School District will be making any boundary change and would like City Council support which might help them in their discussions with the School District. They understand that school boundaries are determined by the School District, that there is no statutory authority which would allow the City to give official direction to the School District regarding these boundaries.

Staff will investigate this matter and report to the Council at the January 2nd Council meeting.

- 495 CONSENT AGENDA: The following were approved unanimously on motion of Moore, seconded by Hammond:
1. Minutes of the December 4, 1989 Council meeting;
 2. Departmental reports;
 3. Public Works Committee report on its December 12, 1989 meeting;
 4. Low bid of Courtesy Chevrolet in the amount of \$10,960.00 for a 1990 3/4-Ton pickup truck for Public Works (price includes a \$3,000 trade-in on a 1984 Chevrolet Blazer);
 5. Declaration of surplus property - 1984 Chevrolet Blazer used by the Public Works Department;
 6. Contractor's Pay Request No. 4 to Allison & Alexander for \$139,864.00; Police/Court Bldg. and Fire Sta. No. 1 remodeling project;
 7. Contractor's Pay Request No. 3 to Holland Corp. for \$132,858.27; 1989 Street Rehabilitation;

- # 8. Annual report on impact fees:
- a. K-150 Corridor - no fees collected or disbursed in 1989; fund balance as of December 31, 1989, is -0-;
 - b. South Leawood Transportation - no fees collected or disbursed in 1989; \$1,203.18 interest earned in 1989; fund balance as of December 31, 1989, is \$30,065.06;
 - c. Park - no fees collected or disbursed in 1989; \$708.27 interest earned in 1989; fund balance as of December 31, 1989, is \$17,508.27.

504 CITY ADMINISTRATOR'S REPORT - None.

507 MAYOR'S REPORT: Mayor Rinehart thanked Asst. City Administrator Baer for planning the annual employee holiday luncheon held December 14th. The Mayor had information available to the Council concerning economic development in Johnson County, information presented to the Governor's economic development advisory committee which analyzed the 12 or 13 County-supported road projects, including Leawood's K-150 Corridor.

536 AGREEMENT WITH JOHNSON COUNTY HUMAN RESOURCES AND AGING (ENERGY DIVISION) FOR 1990 UTILITY ASSISTANCE PROGRAM: Approved unanimously on motion of Hammond, seconded by Anselmi. The City will contribute \$500 for the period January 1, 1990, through December 31, 1990.

543 AGREEMENT WITH JOHNSON COUNTY HUMAN RESOURCES AND AGING (ENERGY DIVISION) FOR 1990 HOME REPAIR PROGRAM: Approved unanimously on motion of Hammond, seconded by Moore. The City will contribute \$725 for the period January 1, 1990, through December 31, 1990.

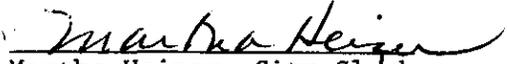
550 CONSTRUCTION CONTRACT FOR CULVERT, 143RD STREET NEAR NALL: Consideration of this matter was postponed to the January 2, 1990 Council meeting at the request of Public Works Director Brandt.

* 7:50 P.M. Councilmember Lin arrived.

618 RESOLUTION NO. 978 ESTABLISHING FEE SCHEDULE FOR 1990: Planning Director McKay requested that permit fees for fences be as follows to establish some equity: a) residential lots to 22,000 s.f., permit fee of \$20; b) lots greater than 22,000 s.f. up to 1 acre, permit fee of \$50; and c) subdivision perimeter + lots greater than 1 acre, permit fee to be based on valuation determined by the building official and figured in accordance with UBC Table No. 3.

Several Councilmembers felt that the City should clearly define the services that permit fees cover, especially for inspection services. For inspections, a disclaimer might be added to the permit clearly stating the City's reasons for conducting the inspection. This might lower the City's potential liability and help avoid lawsuits. City Attorney Wetzler stated that under the tort claims act, the City would incur no liability whether it conducted an inspection or failed to conduct one. Mr. Wetzler felt that the City conducts inspections

- # for an overall governmental purpose to try to ensure that construction is of a general level of quality, not to represent to an individual that the construction is of a certain quality.
On motion of Lin, seconded by Hammond, the resolution was adopted with the requested changes for fence permit fees; Newlin opposed, all others in favor. Attached as part of the record.
- 1382 RESOLUTION NO. 979 DECLARING THE NECESSITY TO APPROPRIATE PRIVATE PROPERTY FOR THE USE OF THE CITY AND AUTHORIZING A SURVEY AND DESCRIPTION OF THE LAND AND INTEREST TO BE CONDEMNED: Engineers need access to the property at 9820 Lee Blvd. to obtain survey information relating to Lee Blvd. improvements which include improvements to drainage structures. The resolution was adopted unanimously on motion of Anselmi, seconded by Hammond. Attached as part of the record.
- 1542 ORDINANCE NO. 1143C ADOPTING THE 1985 EDITION OF THE "UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS": The ordinance was considered and passed on motion of Anselmi, seconded by Hammond. On roll call the vote was: Yeas--LaHue, Hammond, Anselmi, Moore, Newlin, Lin. Nays--None.
- 1582 ORDINANCE NO. 1144C ADOPTING THE 1990 EDITION OF THE "NATIONAL ELECTRICAL CODE": The ordinance was considered and passed on motion of Moore, seconded by Hammond. On roll call the vote was: Yeas--LaHue, Hammond, Anselmi, Moore, Newlin, Lin. Nays--None.
- 1593 RESOLUTION NO. 980 DECLARING THE BOUNDARIES OF THE CITY OF LEAWOOD: Adopted unanimously on motion of Anselmi, seconded by Hammond. Attached as part of the record.
- 1610 APPROVAL OF APPROPRIATION ORDINANCE NO. 626: The ordinance was considered and passed on motion of Anselmi, seconded by Lin. On roll call the vote was: Yeas--LaHue, Hammond, Anselmi, Moore, Newlin, Lin. Nays--None.
- 1726 COUNCIL COMMENTS: Mr. Newlin asked what effect taxes paid under protest would have on the City's budget. Finance Director Malnicof stated there would be no immediate effect. All monies protested would still be distributed to the local jurisdictions. There will be an effect on the budget when the protests are resolved. If residents win their protests, future money distributions to the City will be reduced, and not necessarily in the same fiscal year. The County Treasurer will report the number of protests filed. In the meantime, staff is considering delaying major purchases like police cars until they know what the City's revenues will be.
- 1880 8:35 P.M. There being no further business before the Council, the meeting was declared adjourned.


Martha Heizer, City Clerk