

MINUTES
REGULAR COUNCIL MEETING

Tape No. 181

- # 25 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., Tuesday, January 2, 1990. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Kimberley Jacob, Ernie Anselmi, Douglas Moore, Robert Newlin. * Councilmember Monica arrived at 7:35 P.M. ** Councilmember Jimmy Lin arrived at 7:50 P.M. Councilmember Charles Hammond was absent. Staff present: Richard Garofano, 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.

- 39 Agenda approved unanimously on motion of Jacob, seconded by Moore, after addition of 1) resolution providing for the exclusion of territory annexed into the City of Leawood from the existing territory of Johnson County Rural Fire District No. 2; and 2) schedule a Special Council meeting to discuss a personnel matter.

58 CITIZEN COMMENTS: None.

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

1. Minutes of the December 18, 1989 Council meeting;
2. Recreation Commission report on its December, 1989 meeting;
3. Contractor's Pay Request No. 13 to Holland Corp. for \$182,705.06; Tomahawk Creek Parkway;
4. Change Order No. 2; \$504.00; 98th St. culvert project, to replace damaged sewer line;
5. Contractor's Pay Request No. 3 to Corlew Constr. for \$26,748.58; 98th St. culvert project.

68 CITY ADMINISTRATOR'S REPORT: None.

- 73 MAYOR'S REPORT: Mayor Rinehart announced that Herb Johnson of Johnson, Brickell, Mulcahy & Associates consulting firm had retired.

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

The Mayor had received compliments on the 98th St. culvert project; the construction crew was efficient and City staff very helpful to residents.

- 103 CONSTRUCTION CONTRACT FOR CULVERT ON 143RD STREET NEAR NALL: Councilmember Jacob moved that the Council accept the bid of Embrey Excavating in the amount of \$82,620.00 for Alternate B, a precast arched concrete culvert known as Con-Span. Motion carried; Anselmi opposed, all others in favor.

- # 294 REPORT CONCERNING ATTENDANCE AT LEAWOOD VS. OVERLAND PARK ELEMENTARY SCHOOL FOR CHILDREN LIVING IN HALLBROOK SUBDIVISION: City Administrator Garofano had sent a letter to the superintendent of the Blue Valley School District expressing the Governing Body's concern about children living in Hallbrook not being able to attend Leawood schools and requesting specific information on this situation from the School District. He has not received a response. When he does, he will relay the information to Hallbrook residents.
- 521 RESOLUTION NO. 981 PROVIDING FOR THE DETACHMENT AND EXCLUSION OF TERRITORY ANNEXED INTO THE CITY OF LEAWOOD FROM THE EXISTING TERRITORY OF JOHNSON COUNTY RURAL FIRE DISTRICT NO. 2: Adopted unanimously on motion of Anselmi, seconded by Jacob. Attached as part of the record.
- 537 WORK SESSION: Scheduled to follow tonight's meeting to discuss the new City Hall design and financing, specifically non-construction related costs and a method for financing them.
- ** 7:50 P.M. Councilmember Lin arrived.
- 557 AUTHORIZATION FOR FURNISHINGS FOR POLICE AND FIRE DEPARTMENTS AS PART OF THE POLICE/COURT BLDG. AND FIRE STATION NO. 1 REMODELING PROJECT: Fire Chief Strack requested funds in the amount of \$7,545.00. Police Chief Cox requested funds in the amount of \$62,715.00 (\$19,500 to come from LEFE). Council unanimously approved the requests on motion of Jacob, seconded by Monica.
Councilmember Lin suggested that before a final decision is made on furnishing needs for the new City Hall, an ad hoc committee which would include some councilmembers be formed to study the City's furniture inventory.
- 940 APPROVAL OF APPROPRIATION ORDINANCE NO. 627: The ordinance was considered and passed on motion of Jacob, seconded by Newlin. On roll call the vote was: Yeas--LaHue, Jacob, Anselmi, Moore, Newlin, Monica, Lin. Nays--None.
- 985 EXECUTIVE SESSION: Councilmember Jacob moved that the Council convene in executive session, not to exceed 10 minutes, to discuss litigation; seconded by Moore; unanimous.
- 1015 8:05 P.M. Council convened in executive session, same members present.
8:15 P.M. Council returned to regular session, same members present. Councilmember Moore moved that the Council authorize the City Administrator to sign a proposed settlement agreement between the City and William H. Vanderloo of 9810 State Line who had made claims against the City after his property was flooded on September 23, 1986. Councilmember Jacob seconded the motion. Motion carried; Lin opposed, all others in favor.
- 1038 EXECUTIVE SESSION: Councilmember Moore moved that the Council convene in executive session, not to exceed 10 minutes, to discuss a personnel

matter; seconded by Lin; unanimous.

#1106 8:20 P.M. Council convened in executive session, same members present.

8:30 P.M. Council returned to regular session, same members present. Councilmember Moore moved to reconvene in executive session, not to exceed 10 minutes, to continue discussion of a personnel matter; seconded by Anselmi; unanimous. Council reconvened in executive session and returned to regular session at 8:40 P.M., same members present. A special Council meeting will be held January 8th, 7:30 P.M., in the conference room of the City's temporary office building, to discuss a personnel matter.

JOINT COUNCIL/PLAN COMMISSION WORK SESSION: Scheduled January 22nd to discuss a proposed project in the Brittany Woods area and in a portion of the City's newly annexed area owned by developer Don Bell; the project includes a golf course and residential subdivision with some office/retail and clubhouse facilities.

1321 COUNCIL COMMENTS: At its last meeting, the Council adopted Resolution No. 978 which established a fee schedule for 1990. Mr. Newlin felt that the permit fee for privacy fences needed to be clarified. Staff was directed to prepare a new fee resolution for Council consideration at the January 15th Council meeting.

1476 Mr. Anselmi expressed concern about a letter from a resident on Lee Blvd. who feels the City lacks strict code enforcement. Mr. Anselmi was also concerned about the Council's consideration of appropriation ordinances after ordinance items have already been approved by staff and work completed. The process for approving items on appropriation ordinances was discussed, including staff authority to approve certain items.

1762 Mr. Moore requested that staff include original budget estimates or engineers' estimates on staff review fact sheets distributed to the Council which relate to expenditures.

1954 9:15 P.M. There being no further business before the Council, the meeting was declared adjourned.

The Council (same members present at the Council meeting) held its scheduled work session concerning the new City Hall design and financing. All 7 Councilmembers requested extension of the January 2, 1990 Council meeting.

11:05 P.M. The Mayor called the extended meeting to order. Councilmember Moore moved that the Council recommend to the Public Building Commission that the Commission proceed with construction documents based upon Scenario "C" which reflects a construction cost of \$2,612,900 and a non-construction cost of \$720,500 for a revised total of \$3,333,400. Motion seconded by Jacob.

Councilmember Anselmi moved to amend the motion to include consideration of a basement of approximately 800 s.f. for a cost not to exceed \$100,000, seconded by Newlin. Motion to amend failed 4-3.

Councilmember Moore's motion carried 6-1.

THE UNDERSIGNED MEMBERS OF
THE LEAWOOD CITY COUNCIL DO
REQUEST EXTENSION OF THE
COUNCIL MEETING OF JANUARY 2, 1990.

~~Ernie Anselmi~~

Hubert Jacob

Ernie Anselmi

Robert Newell

Marsha Lynn Monica

Ed Moore

Jimmy Linn

January 2, 1990

11:20 P.M. The extended meeting was adjourned.


Martha Heizer City Clerk

MINUTES
SPECIAL COUNCIL MEETING

The City Council of the City of Leawood, Kansas, met in special session in the conference room of the City's temporary office building, 9617 Lee Boulevard, at 7:30 P.M., Monday, January 8, 1990. Mayor Marcia Rinehart presided.

The special meeting was requested by Councilmembers Ronald LaHue, Kimberley Jacob, Charles Hammond, Ernie Anselmi, Douglas Moore, Robert Newlin, and Marsha Monica for the purpose of convening an executive session to discuss a personnel matter. They attended the entire meeting. Councilmember Jimmy Lin was absent. Staff present: Richard Garofano, City Administrator.

Councilmember Moore moved that the Council convene in executive session, not to exceed 2 hours, to discuss a personnel matter; seconded by Anselmi; unanimous. Council convened in executive session at 7:40 P.M.

9:40 P.M. Council returned to special session. Councilmember Jacob moved to reconvene in executive session, not to exceed 11:00 P.M., to continue discussion of the personnel matter; seconded by Moore; unanimous.

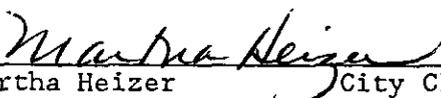
10-minute recess taken.

9:50 P.M. Council reconvened in executive session.

11:00 P.M. Council returned to special session. Councilmember Moore moved to reconvene in executive session, not to exceed 30 minutes, for the same purpose; seconded by LaHue; unanimous.

11:30 P.M. Council returned to special session. Councilmember Hammond moved to reconvene in executive session, not to exceed 1 hour, for the same purpose; seconded by Moore; unanimous.

12:30 P.M. Council returned to special session. The meeting was adjourned.


Martha Heizer City Clerk

MINUTES
REGULAR COUNCIL MEETING

Tape No. 182

- # 30 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, January 15, 1990. 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 7:45 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; Martha Heizer, City Clerk; and Richard Wetzler, City Attorney.

- 36 Agenda approved unanimously on motion of Jacob, seconded by Moore, after 1) addition of discussion of a basement space, new City Hall design; and 2) deletion of permit to keep fowl from the Consent Agenda.

87 CITIZEN COMMENTS: None.

- 95 PROCLAMATION: The Mayor proclaimed February, 1990, to be "American History Month".

- 99 CONSENT AGENDA: Declaration of surplus property and Contractor's Pay Request No. 5 for the Police/Court Building & Fire Station No. 1 remodeling project were removed for further discussion. The following were approved unanimously on motion of Anselmi, seconded by Hammond:
1. Minutes of the January 2, 1990 Council meeting;
 2. Minutes of the January 8, 1990 Special Council meeting;
 3. Departmental reports;
 4. Change Order No. 1 to the 143rd & Nall culvert project contract; contractor reduced cost to install 4 precast culvert units from \$4,000 to \$2,000;
 5. Purchase of 4 precast culvert units (Con Span) for culvert project at 143rd & Nall, total cost of \$6,559.20;
 6. Contractor's Pay Request No. 4 to C.L. Fairley Constr. for \$73,240.36; 119th St. improvements, State Line/Mission;
 7. Appointments to 1990 July 4th celebration steering committee (attached as part of the record).

After a short discussion, the Council, on motion of Monica, seconded by Jacob, unanimously approved Contractor's Pay Request No. 5 to Allison & Alexander for \$113,854.50 (Police/Court Building & Fire Station No. 1 remodeling project), and declared a 1977 Chevrolet rescue car and a 1982 Ford LTD station wagon used by the Fire Department to be surplus property.

- 206 CITY ADMINISTRATOR'S REPORT: Mr. Garofano reported that the State of Kansas had approved funding in the amount of \$496,000 for improvements to the intersection of K-150 and Mission Road as part of the State's

cc: all depts
7/17/90

January 11, 1990

MEMO

TO: City Council

FROM: Marcia Rinehart, Mayor *MR*

Approved 7/15/90

RE: July 4, 1990

I request your official approval for the following people who have agreed to serve on the 1990 July 4th celebration steering committee:

Co-chairmen: Monique Leahy
Janet O'Neal

Parade
Co-chairmen: Kathy Snyder
Tom Laird

Concessions: Kristine Schulz

Publicity: Jenny Wolff

Games: Liz Kepplinger

Members: Jennifer Millett
Kim Armstrong

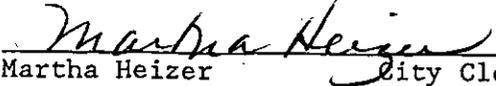
Council
liaison: Marcia Rinehart

Staff: Steve Cox
Jerry Strack
Mike Noll
Scott Whitaker
Julie Baer

- # highway improvement program for fiscal years 1990-1994. The City will not need this funding if its application for system enhancement funds to improve the entire length of K-150, including the intersection, is approved by the State.
- 240 MAYOR'S REPORT: The Mayor participated in a recent Walt Bodine KCUR-FM radio talk show with other area mayors.
- 251 DISCUSSION OF DESIGN OF STATE LINE ROAD, I-435 TO K-150: The preliminary design for State Line Road improvements, I-435 to K-150, was undertaken based upon a 35 mph design speed for an estimated project cost of \$10,000,000. Engineers are now working on the final design. Kansas City, Missouri expressed an interest in and Johnson County authorized a 45 mph design speed which will add approximately \$2.5 million to the project cost. Staff questions the necessity of a 45 mph design speed when the remaining length of State Line Road throughout the County is posted at 35 mph or less; staff is also concerned about the additional project costs.
- * 7:45 P.M. Councilmember Lin arrived.
- 502 Councilmember Moore moved that the Council recommend to the County and Kansas City that the speed limit be designed for 40 mph, with a posted speed of 35; seconded by Jacob. Motion carried; Jacob, Hammond, Moore, Monica in favor; LaHue, Anselmi, Newlin, Lin opposed; Mayor in favor. A letter stating the Council's reasons for this recommendation will be sent to the County and Kansas City.
- 1062 Councilmember Monica moved that Kansas City be notified that Leawood feels that the current posted speed limit of 45 mph is unsafe and should be lowered; seconded by Lin. Motion carried; Anselmi, Hammond opposed; all others in favor.
- 1222 RESOLUTION NO. 982 ESTABLISHING FEE SCHEDULE FOR 1990: Adopted unanimously on motion of Hammond, seconded by Moore. Attached as part of the record. This resolution clarifies permit fees for fences, walls, and patio covers, and reduces the Board of Zoning Appeals filing fee from \$150 to \$75. It also rescinds Resolution No. 978 adopted by the Governing Body December 18, 1989.
- 1240 DISCUSSION OF CONSTRUCTION BIDS FOR FIRST PHASE OF LEE BOULEVARD IMPROVEMENTS, 95TH STREET TO 103RD STREET: Council considered 1) a base bid for rehabilitation which did not include sidewalk construction; 2) Alternate "A", rehabilitation with a Portland Cement Concrete sidewalk; and 3) Alternate "B", rehabilitation with a paver brick sidewalk. Councilmember Lin moved to accept the bid of Holland Corp. in the amount of \$871,150.79 for Alternate "A"; seconded by Anselmi. Motion carried; Hammond, Moore, Newlin opposed; all others in favor.
- 2237 RESOLUTION NO. 983 DESIGNATING HOLIDAYS FOR 1990: Adopted unanimously on motion of Monica, seconded by Jacob. Attached as part of record.

January 15, 1990

- #2250 ORDINANCE NO. 1145 RELATING TO ACCEPTANCE OF A DEED FOR STREET PURPOSES IN CONJUNCTION WITH THE 143RD & NALL CULVERT PROJECT: The ordinance was considered and passed on motion of Hammond, seconded by Monica. On roll call the vote was: Yeas---LaHue, Jacob, Hammond, Anselmi, Moore, Newlin, Monica, Lin. Nays---None.
- 2263 ORDINANCE NO. 1146 AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF TEMPORARY NOTES; SERIES L.I.D. 86-1-90A, PROJECT 107; ROE AVENUE IMPROVEMENTS, 112TH TO 121ST STREETS; IN THE AMOUNT OF \$270,000.00: The ordinance was considered and passed on motion of Hammond, seconded by Jacob. On roll call the vote was: Yeas--LaHue, Jacob, Hammond, Anselmi, Moore, Newlin, Monica, Lin. Nays---None.
- 2364 APPROVAL OF APPROPRIATION ORDINANCE NO. 628: The ordinance was considered and passed on motion of Jacob, seconded by Lin. On roll call the vote was: Yeas--LaHue, Jacob, Hammond, Anselmi, Moore, Newlin, Monica, Lin. Nays--None.
- 2434 COUNCIL COMMENTS: Mr. Lin moved that Council direct staff/Budget & Finance Committee to consider the possibility of designating Martin Luther King, Jr. Day a holiday in 1991; seconded by LaHue. Motion carried; Anselmi, Monica opposed; all others in favor.
Mr. Newlin mentioned the unsightly conditions (trash, crates, boxes) behind buildings in the 103rd & State Line commercial area which are very visible to homeowners living behind those businesses in violation of property maintenance regulations. Many businesses are repeat violators and have been in municipal court several times.
- 2906 DISCUSSION OF BASEMENT SPACE IN THE NEW CITY HALL: Councilmember LaHue moved that the Council ask the Public Building Commission to add a 1320 square foot basement as an unfinished storm shelter to the plans at an estimated cost of \$60,580; seconded by Monica. Motion carried; Hammond, Moore, Newlin opposed; all others in favor.
- 3734 EXECUTIVE SESSION: Councilmember Jacob moved that the Council convene in executive session, not to exceed 30 minutes, to discuss a personnel matter; seconded by Moore. Motion carried; Anselmi, Monica opposed; all others in favor.
- 3770 9:30 P.M. Council convened in executive session, same members present.
10:00 P.M. Council returned to regular session, same members present. Councilmember LaHue moved to reconvene in executive session, not to exceed 20 minutes, to continue discussion of the personnel matter; seconded by Moore; unanimous.
10:20 P.M. Council returned to regular session. There being no further business before the Council, the meeting was declared adjourned.


Martha Heizer
City Clerk

MINUTES
REGULAR COUNCIL MEETING

Tape No. 183

- # 20 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, February 5, 1990. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Kimberley Jacob, Charles Hammond, Ernie Anselmi, Douglas Moore, Marsha Monica, Jimmy Lin.
* Councilmember Robert Newlin arrived at 10:00 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.

- 30 Agenda approved unanimously on motion of Jacob, seconded by Monica, after addition of: 1) July 4th Committee appointment under Consent Agenda; 2) discussion of the Public Building Commission's decision to delete a basement from the new City Hall design; 3) discussion of the tax implications of the Governor's proposed 20% tax rollback; and 4) discussion of the speed limit on 119th St., Mission to Roe.
- 110 CITIZEN COMMENTS: Carole Plessner, Prairie Village resident at 79th & Canterbury, an area serviced by the Leawood Sewer System, feels that the Leawood sewer user charge is excessive in relation to the value of the homes in her area, and suggested that the Council investigate other methods of charging fees. Staff explained that the EPA mandated a user charge system in the early 1980's as a condition for receiving an EPA grant to renovate the sewer system. Leawood's sewer charge is based on water usage, a reliable indicator of the amount of sewer services being provided, as opposed to the value of a home which has no relationship to the amount of discharge into the system. There is also a customer service charge to pay for sewage treatment by Kansas City, Missouri, and a debt service charge for sewer improvements. The customer service charge, a large portion of the sewer charge, has increased considerably. Leawood has no control over this assessment.
No action will be taken by the Council.

- 577 PROCLAMATION: The Mayor proclaimed February 18-24, 1990, as "Engineers Week".

- 579 CONSENT AGENDA: The following were approved unanimously on motion of Lin, seconded by Moore:
1. Minutes of the January 15, 1990 Council meeting;
 2. Stormwater Management Committee report on its January 17, 1990 meeting;
 3. Pay Request No. 6 to Allison & Alexander for \$115,858.55; Police/Court Bldg. & Fire Sta. No. 1 remodeling project;
 4. Pay Request No. 7 to Abend Singleton Associates for \$13,428.23; Police/Court Bldg. & Fire Sta. No. 1 remodeling project;
 5. Pay Request No. 4 to Corlew Constr. for \$3,864.60; 98th St.

- # culvert project; pay request includes Change Order No. 3, a \$1,858.36 decrease in the contract price;
6. Donations from The Cloisters Homes Assoc.; approximately \$200 each to Police Department activity fund and Fire Department benefit fund;
7. Purchase of 4 1990 Police patrol cars, \$14,093 each, from Sonny Hill Motors (Platte City, Mo.), through cooperative purchasing agreement with Kansas City, Missouri;
8. Appointment of David Adkins (8021 Belinder) to 1990 4th of July Committee.

588 RESOLUTION NO. 984 APPROVING THE FINAL SITE PLAN FOR PHASES 1 & 2, AND THE PRELIMINARY SITE PLAN FOR PHASE 3 OF KNIGHT-RIDDER, 2020 W. 89TH STREET: Councilmember Moore moved for adoption of the resolution with the 4 stipulations as presented to the Council, seconded by Hammond. Councilmember Lin moved to amend the motion, that the resolution be changed to state that traffic studies referred to in stipulation #4 "shall" be required, rather than "may" be required; seconded by LaHue. Motion carried; Jacob, Hammond, Monica opposed; all others in favor. Councilmember Moore's motion as amended carried unanimously. Attached as part of the record.

1256 RESOLUTION NO. 985 APPROVING THE REQUEST FOR REZONING FROM A TO R-1, PRELIMINARY PLAT AND PRELIMINARY SITE PLAN OF THE CHURCH OF THE NATIVITY, 119TH & MISSION ROAD: Planning Director McKay stated that stipulation #3 concerning payment of a park impact fee should read "This property must pay a Park Impact Fee in the amount of 10 cents per square foot of floor area, limited to the school only. This fee is collected at the time of issuance of a building permit".

Council discussed stipulation #7 of the resolution requiring that a traffic signal be installed at the intersection of 119th & Mission before occupancy is granted, and that the Church pay 25% of the cost of the signal. The Church takes exception to the assessment and is requesting an exemption.

2310 Councilmember LaHue moved for adoption of the resolution with the change in stipulation #3, seconded by Monica. Councilmember Lin moved to amend the motion, that the resolution be changed to state that the Church would be liable for 10% of the cost of the signal, rather than 25%; seconded by Anselmi. Motion failed; Jacob, LaHue, Moore, Monica opposed; all others in favor. Councilmember LaHue's motion to adopt the resolution carried; Hammond, Anselmi, Lin opposed; all others in favor. Attached as part of the record.

2484 ORDINANCE NO. 1147 RELATING TO ZONING FROM A TO R-1, THE CHURCH OF THE NATIVITY, 119TH & MISSION ROAD: 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, Monica, Lin. Nays---None.

#2501 RESOLUTION NO. 986 APPROVING THE FINAL PLAT OF UNIVERSITY PARK CONDOMINIUMS, FIRST PLAT (A REPLAT OF LOT 1, UNIVERSITY PARK), 112TH &

- # NALL: Adopted unanimously on motion of Anselmi, seconded by Hammond. Attached as part of the record.
- 2591 RESOLUTION NO. 987 APPROVING THE REVISED PRELIMINARY PLAT, LANDSCAPE PLAN AND MONUMENT SIGN FOR ROYSE, 9TH PLAT: Adopted unanimously on motion of Moore, seconded by Jacob, with the addition that the homes association will be responsible for the maintenance of the sign and island. Attached as part of the record.
- 2698 CITY ADMINISTRATOR'S REPORT: Mr. Garofano received a letter from the Blue Valley School District stating the District's reasons why children living in Hallbrook must attend Valley Park Elementary School in Overland Park rather than being allowed to attend a closer Leawood elementary school. He sent a copy of the letter to Hallbrook resident Linda Lake.
- 2728 MAYOR'S REPORT: The Mayor reported that the Lost Child Network located at 8900 State Line in Leawood was rededicated on January 29th. A dinner was held that evening to raise funds for the organization, founded by Sgt. Craig Hill of the Leawood Police Department.
- 2807 CONTRACT FOR PRELIMINARY ENGINEERING SERVICES FOR 83RD STREET IMPROVEMENTS, STATE LINE ROAD TO WEST CITY LIMITS: Contract with Continental Construction Engineers, Inc., in the amount of \$10,000 was approved unanimously on motion of Hammond, seconded by Jacob.
- 3044 PHASE 2 OF COMPREHENSIVE SANITARY SEWER STUDY: On motion of Anselmi, seconded by Hammond, Council unanimously authorized Public Works Director Brandt to issue a notice to George Butler & Associates to proceed with Phase 2 of the sewer study.
- 3115 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN JOHNSON COUNTY, LEAWOOD & PRAIRIE VILLAGE FOR THE PUBLIC IMPROVEMENT OF THE INTERSECTION OF SOMERSET DRIVE AND LEE BOULEVARD: Amendment approved unanimously on motion of Lin, seconded by Anselmi. This agreement amends the original agreement approved by Leawood March 6, 1989, to reflect total Johnson County participation in 1989 & 1990 CARS program funding not to exceed \$125,400.
- 3171 INTERLOCAL AGREEMENT BETWEEN LEAWOOD AND OVERLAND PARK FOR THE PUBLIC IMPROVEMENT OF MISSION ROAD, 99TH STREET TO 103RD STREET: Leawood's portion of the cost, \$13,500. Agreement approved unanimously on motion of Jacob, seconded by Anselmi.
- 3220 AUTHORIZE PAYMENT FOR AERIAL MAPPING SERVICE AS PART OF THE PRELIMINARY ENGINEERING CONTRACT FOR COLLEGE BOULEVARD IMPROVEMENTS, STATE LINE TO EL MONTE: On motion of Hammond, seconded by Monica, Council unanimously authorized payment to Larkin Associates in the amount of \$7,000.
- 3248 CONTRACT FOR APPRAISAL & NEGOTIATING SERVICES TO ACQUIRE RIGHTS-OF-WAY

- # FOR THE IMPROVEMENT OF THE INTERSECTION OF SOMERSET DRIVE AND LEE BOULEVARD: On motion of Jacob, seconded by LaHue, Council unanimously approved contract with Kevin Nunnink & Associates in the amount of \$9,000.
- 3364 REQUEST FOR SPEED LIMIT REDUCTION ON 85TH TERRACE, STATE LINE TO LEE BOULEVARD: 85th Terrace residents Jim Varady and Jeff Crawford requested that the speed limit be reduced from 30 to 25 mph for safety purposes. The Council discussed: 1) parking being permitted on both sides of the street and the effect that has on safety; 2) having staff conduct a survey to determine the 85th percentile speed; and 3) the need for enforcement of the present 30 mph speed limit.
- 4268 Councilmember LaHue moved that the speed limit be reduced to 25 mph, seconded by Moore. Motion failed; LaHue, Hammond, Moore in favor; all others opposed. Staff will investigate the matter and report at the February 20th Council meeting.
- 4380 ORDINANCE PROHIBITING PARKING ON CERTAIN STREETS: To be considered at the February 20th Council meeting. 85th Terrace, State Line to Lee Boulevard, may be added to the list of major streets upon which parking should be prohibited at all times.
- 4452 ORDINANCE NO. 1148C RELATING TO HUNTING AND FISHING IN THE CITY OF LEAWOOD - permitting fishing in public waters within public parks: The ordinance was considered and passed on motion of Monica, seconded by Jacob. On roll call the vote was: Yeas---LaHue, Jacob, Moore, Monica, Lin. Nays---Hammond, Anselmi.
- 4610 CONTRACT WITH KANSAS CITY CRIME COMMISSION TO RENEW TIPS HOTLINE SERVICES FOR 1990: On motion of Hammond, seconded by Jacob, Council unanimously approved the contract. Leawood will pay the Commission \$500.
- 4622 WORK SESSION: Scheduled for February 12th, 7:30 P.M., to discuss 92nd & State Line signalization; design of College Blvd., El Monte to State Line; and 1991 CARS submittal.
- 4644 APPROVAL OF APPROPRIATION ORDINANCE NOS. 629 AND 630: The ordinances were considered and passed on motion of Moore, seconded by Jacob. On roll call the vote was: Yeas--LaHue, Jacob, Hammond, Anselmi, Moore, Monica, Lin. Nays--None.
- 4662 DISCUSSION OF SPEED LIMIT ON 119TH STREET BETWEEN MISSION ROAD AND ROE AVENUE: Councilmember Lin feels the speed limit should be changed from 35 to 45 mph. The Police Department will conduct a traffic study to determine the 85th percentile speed and report to the Council at a later date.
- 5011 REQUEST FOR A TRAFFIC SIGNAL AT 89TH AND MISSION ROAD: Requested by the Somerset Acres Lake Homes Association. Staff will study this matter and report to the Council in approximately 1 month.

#5087 DISCUSSION OF THE GOVERNOR'S PROPOSED CONSTITUTIONAL AMENDMENT TO ROLL BACK AD VALOREM TAXES 20% FOR LOCAL GOVERNMENT TAXING ENTITIES: Mayor Rinehart feels the amendment would be detrimental to the City. If it became effective, Leawood would have to cut services. The Governor offered no proposals for replacement revenue.

City Administrator Garofano stated that the amendment would erode home rule authority in Kansas, and it wouldn't solve the problem of inequities created by the classification amendment. Combined with a cutback in motor vehicle taxes in 1991, Leawood would lose approximately \$1 million in revenue.

* 10:00 P.M. Councilmember Newlin arrived.

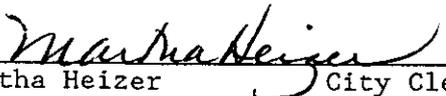
The City will send a letter to legislators to express these and other similar concerns.

5386 DISCUSSION OF BASEMENT SPACE - NEW CITY HALL: Councilmember LaHue stated that the Council, at its January 15, 1990 meeting, voted 5-3 to ask the Public Building Commission to add a 1320 square foot basement as an unfinished storm shelter to the plans of the new City Hall at an estimated cost of \$60,580. At its January 23rd meeting, the Public Building Commission (which includes 3 Councilmembers) decided not to include a basement in the design. Dr. LaHue stated he can not understand why the Commission voted against the basement, knowing that a majority of the elected representatives of Leawood residents had voted in favor of the storm shelter. He can not accept a non-elected body making decisions for an elected body.

Councilmember Moore, a member of the PBC, stated that the Commission members were very concerned about the amount of money being spent; that was the primary reason for the Commission's vote against the basement.

City Attorney Wetzler stated that the PBC was appointed by the Council and charged, as an independent body under state statute and local ordinance, with the responsibility for building the new City Hall.

6493 10:25 P.M. There being no further business before the Council, the meeting was declared adjourned.



Martha Heizer City Clerk

MINUTES
SPECIAL COUNCIL MEETING

Tape No. 184

- # 15 The City Council of the City of Leawood, Kansas, met in special session in the Council Chamber, 9615 Lee Boulevard, at 7:30 P.M., Monday, February 12, 1990. Mayor Marcia Rinehart presided.

The special meeting was requested by Councilmembers Ronald LaHue, Kimberley Jacob, Charles Hammond, Ernie Anselmi, Douglas Moore, Robert Newlin, Marsha Monica, and Jimmy Lin for the purpose of considering 1) an interlocal agreement with Johnson County relating to stormwater management, 2) an addendum to an interlocal agreement between Johnson County, Overland Park, and Leawood relating to the improvement of 95th Street, and 3) an appointment to the 1990 4th of July Committee. All Councilmembers were present.

Staff present: Richard Garofano, City Administrator; Julie Baer, Asst. City Administrator; Ronald Brandt, Director of Public Works; Harry Malnicof, Finance Director; Martha Heizer, City Clerk; and Richard Wetzler, City Attorney.

- 42 APPOINTMENT TO 1990 4TH OF JULY COMMITTEE: On motion of Monica, seconded by Jacob, Council unanimously approved appointment of Sandy Abrams (2241 W. 124th St.).
- 48 INTERLOCAL AGREEMENT BETWEEN LEAWOOD AND JOHNSON COUNTY RELATING TO STORMWATER MANAGEMENT AND FLOOD CONTROL FINANCED BY THE LEVYING OF A COUNTY-WIDE ONE-TENTH OF ONE PERCENT RETAILERS' SALES TAX: Approved unanimously on motion of Moore, seconded by Monica.
- 101 ADDENDUM TO AN INTERLOCAL AGREEMENT BETWEEN JOHNSON COUNTY, OVERLAND PARK, AND LEAWOOD FOR THE PUBLIC IMPROVEMENT OF 95TH STREET, STATE LINE TO WENONGA: Approved unanimously on motion of Moore, seconded by Hammond. This agreement amends a prior agreement dated July 6, 1989, to indicate County participation in an amount not to exceed \$487,500.
- 127 The Board of County Commissioners will hold a public forum on materials conservation/recycling, February 22nd, 7:30 p.m., at the Northeast Johnson County Offices. The Mayor requested that at least 1 member of Leawood's ad hoc committee on solid waste attend the forum.
- 164 Councilmember Anselmi stated that newspapers were accumulating on the driveways of several homes along Lee Boulevard, and felt that code enforcement should take action to have them removed. The Mayor stated she was aware of the problem, and that the Police Department and code enforcement will work on the problem. Newspaper circulation departments will be asked to cooperate with the City and residents when either request that papers not be thrown.
- 396 7:45 P.M. The meeting was declared adjourned.


Martha Heizer City Clerk

MINUTES
REGULAR COUNCIL MEETING

Tape No. 184

412 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., Tuesday, February 20, 1990. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Kimberley Jacob, Charles Hammond, Ernie Anselmi, Douglas Moore, Robert Newlin, Marsha Monica. Councilmember Jimmy Lin was 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.

425 Agenda approved unanimously on motion of Jacob, seconded by Anselmi.

444 CITIZEN COMMENTS: None.

453 CONSENT AGENDA: Purchase of a pickup truck for the Police Department was removed for further discussion later in the meeting. The following were approved unanimously on motion of Jacob, seconded by Hammond:

1. Minutes of the February 5, 1990 Council meeting;
2. Minutes of the February 12, 1990 Special Council meeting;
3. Recreation Committee report on its February 13, 1990 meeting;
4. Public Works Committee report on its February 1, 1990 meeting;
5. Departmental reports;
6. Declaration of surplus property - 6 General Electric radios and 3 RCA radios no longer in use;
7. Pay Request No. 14 to Holland Corp. for \$65,962.35; Tomahawk Creek Parkway;
8. Pay Request No. 5 to C.L. Fairley Constr. for \$2,696.62; 119th St. improvements, State Line to Mission Rd.;
9. Pay Request No. 1 to Embrey Excavating Co. for \$17,600.40; 143rd St. culvert project;
10. Payments relating to condemnation, 143rd St. culvert project - \$2,700 to the appraisers and \$2,000 to property owners Corrine and Timothy O'Brien (4814 W. 143rd St.) for right-of-way.

478 CITY ADMINISTRATOR'S REPORT: Mr. Garofano received a letter from Kansas City, Missouri in response to Leawood's request that Kansas City consider lowering the speed limit on State Line Road from I-435 to K-150 from 45 to 35 mph. Kansas City feels that limits should be changed to extend the 35 mph limit southerly from 103rd Street to Red Bridge Rd., 40 mph from Red Bridge to Blue Ridge, and continue 45 mph from Blue Ridge to K-150. Council directed staff to ask Kansas City to consider 35 mph from I-435 to at least 123rd St.

769 MAYOR'S REPORT: None.

801 RESOLUTION NO. 988 RELATING TO SPEED LIMITS: The Police Department had

- # been asked to determine the 85th percentile speed on 85th Terrace, State Line to Lee Boulevard, and found it to be 34 mph. Based strictly on that information, Police Chief Cox recommended no reduction in the speed limit. If the Council wanted to consider other factors - i.e., geometrics of the street and parking being permitted on the street - Chief Cox could support reduction to 25 mph with a review of the situation in 90 days. Councilmember Jacob moved that the speed limit be reduced from 30 to 25 mph, and that the Police Department review the matter in 90 days; seconded by Moore. Motion carried; Anselmi opposed; all others in favor. Resolution attached as part of the record.
- 1085 DISCUSSION OF THE SPEED LIMIT ON 119TH STREET BETWEEN MISSION AND ROE: The Police Department had been asked to determine the 85th percentile speed to see if the limit could be increased from 35 to 45 mph. The 85th percentile speed is 42 mph. Chief Cox recommended that the limit be increased from 35 to 40 mph. Some Councilmembers preferred 40 mph, others 45 mph. Councilmember LaHue suggested the matter be deferred to another meeting when Councilmember Lin, who felt the speed limit should be changed to 45 mph, could be present. Councilmember Newlin felt this matter should be considered after construction activity has ceased on 119th St. The Council took no action.
- 1348 ORDINANCE NO. 1149C AMENDING SECTION 14-308 OF THE CODE OF THE CITY OF LEAWOOD PROHIBITING PARKING ON CERTAIN STREETS: 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. Nays---None.
- 1375 AUTHORIZATION TO ACQUIRE FURNISHINGS FOR THE POLICE/COURT BUILDING AS PART OF THE POLICE/COURT BLDG. AND FIRE STA. NO. 1 REMODELING PROJECT: Police Chief Cox requested that contracts be awarded to Kansas City Stationery Co. in the amount of \$25,788 and to Color Art Office Furnishings in the amount of \$18,786 for a total of \$44,574. He also requested authorization to replace certain selected items over and above those in the bids with the understanding that expenditures would not exceed the previously authorized total of \$62,715. Councilmember Moore moved that the Council accept the two bids totaling \$44,574, and that Council consider any additional items requested by Chief Cox in 1 package at a later date; seconded by Monica. Motion carried; Jacob opposed; Anselmi abstained; all others in favor.
- 1810 DISCUSSION OF RECYCLING ALTERNATIVES: Council discussed 3 plans: Plan A - voluntary, with manned drop off centers; Plan B - basic curbside service; and Plan C - charge per bag collected. Council also discussed recycling of yard wastes, a completely different issue. On February 15th, City Administrators/Managers of Olathe, Lenexa, Overland Park and Leawood, and the Johnson County Administrator, discussed the possibility of a joint composting program for the recycling of yard wastes. A suitable location for a giant "compost pile" is obviously a problem. Staff requested a directive from the Council since they wanted to schedule a meeting with the homes associations to gain input

- # and support for a recycling program. Councilmember Jacob moved that the Council recommend Plan B to the homes associations, seconded by Anselmi; unanimous.
- 2426 AUTHORIZATION TO PURCHASE A PICKUP TRUCK FOR THE POLICE DEPARTMENT: \$7,000 had been budgeted to replace the truck currently being used by Animal Control. The successful bidder was Courtesy Chevrolet for \$9,775 under the cooperative purchasing agreement with Kansas City, Missouri. The difference will be made up by the sale of the vehicle being replaced. Councilmember Anselmi felt that the amount budgeted was too low, and that staff should budget more reasonably and accurately. Finance Director Malnicof stated that the "net" method of budgeting is the proper way to budget; staff taxes only for what they need, not for what the cost of a new vehicle or product will be. Budgeting is also based on experience. On motion of Monica, seconded by Anselmi, Council unanimously approved purchase of the truck.
- 2760 RESOLUTION NO. 989 APPROVING TECHNICAL TRANSFER OF OWNERSHIP INTEREST - TELECABLE OF OVERLAND PARK: Adopted unanimously on motion of Jacob, seconded by Hammond. Attached as part of the record.
- 2926 SUPPLEMENT TO ENGINEERING CONTRACT FOR CONSTRUCTION ENGINEERING SERVICES - LEE BOULEVARD IMPROVEMENTS, PHASE 1, 95TH STREET TO 103RD STREET: On motion of Anselmi, seconded by Jacob, Council unanimously approved supplemental agreement with Larkin Associates in the amount of \$75,476.
- 3127 SUPPLEMENT TO ENGINEERING CONTRACT FOR ADDITIONAL DESIGN WORK - LEE BOULEVARD IMPROVEMENTS, PHASE 1, 95TH STREET TO 103RD STREET: On motion of Jacob, seconded by Anselmi, Council unanimously approved supplemental agreement with Larkin Associates in the amount of \$15,772, covering off-site storm drainage work, life-cycle cost analysis for pavement and lighting, and preparation of the final street lighting plans for bidding.
- 3166 CONTRACT FOR STRUCTURAL INVENTORY AND APPRAISALS ON BRIDGES: Federal law mandates that bridges that are part of the federal system be inspected every 2 years and rated for structural adequacy. Phase A, not to exceed \$4900, includes inspection and rating services on 11 bridges of the federal system. Phase B, not to exceed \$400, includes services to inspect 1 bridge at 86th Terr. and Lee Blvd. not on the federal system, included in the project at the request of the Fire Department. On motion of Monica, seconded by Hammond, Council unanimously approved the contract with George Butler Associates not to exceed the amounts specified.
- 3220 RESOLUTION NO. 990 REQUESTING JOHNSON COUNTY PARTICIPATION IN THE CITY'S 5-YEAR CAPITAL IMPROVEMENTS PROGRAM (1991-1995) THROUGH C.A.R.S. (COUNTY ASSISTANCE ROAD SYSTEM): Adopted unanimously on motion of Anselmi, seconded by Jacob. Attached as part of the record.

- #3271 ORDINANCE NO. 1150C ESTABLISHING A RECORDS MANAGEMENT PROGRAM: The ordinance was considered and passed on motion of Anselmi, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Jacob, Hammond, Anselmi, Moore, Newlin, Monica. Nays---None.
- 3335 SCHEDULE COUNCIL MEETINGS FOR THE MONTH OF MARCH: On motion of Moore, seconded by Jacob, Council unanimously voted to hold the first meeting on March 12th rather than March 5th, and to hold the second meeting on March 19th, as regularly scheduled.
- 3605 APPROVAL OF APPROPRIATION ORDINANCE NO. 631: The ordinance was considered and passed on motion of Jacob, seconded by Moore. On roll call the vote was: Yeas--LaHue, Jacob, Hammond, Anselmi, Moore, Newlin, Monica. Nays--None.
- 3747 9:15 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. 185

- # 20 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, March 12, 1990. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Kimberley Jacob, Charles Hammond, Ernie Anselmi, Douglas Moore, Robert Newlin. * Councilmember Marsha Monica arrived at 7:35 P.M. Councilmember Jimmy Lin was 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.

- 29 Agenda approved unanimously on motion of Jacob, seconded by Anselmi.

49 CITIZEN COMMENTS: None.

- 56 PROCLAMATIONS: The Mayor proclaimed March 2-26, 1990, as "Camp Fire Candy Sale Days"; and March 11-18, 1990, as "Camp Fire Birthday Week".

- 59 CONSENT AGENDA: The following were approved unanimously on motion of Moore, seconded by Jacob:

1. Minutes of the February 20, 1990 Council meeting;
2. Pay Request No. 7 to Allison & Alexander for \$43,971.89; Police/Court Bldg. & Fire Sta. No. 1 remodeling project;
3. Change Order No. 3; \$75,691.31; 95th St. widening project;
4. Pay Request No. 8 (FINAL) to Reno Constr. for \$166,144.88; 95th St. widening project;
5. Pay Request No. 6 to C.L. Fairley Constr. for \$7,196.62; 119th St. improvements, State Line Rd. to Mission Rd.;
6. Pay Request No. 15 to Holland Corp. for \$39,150.14; Tomahawk Creek Parkway;
7. Purchase of a second radio communications console for the Police Dept. from Motorola for \$8,230.

- 66 RESOLUTION NO. 991 APPROVING THE FINAL PLAT OF ROYSE, 9TH PLAT: Adopted unanimously on motion of Anselmi, seconded by Jacob. Attached as part of the record.

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

- 88 RESOLUTION NO. 992 APPROVING THE FINAL PLAT OF THE CHURCH OF THE NATIVITY: Adopted unanimously on motion of Anselmi, seconded by Jacob. Attached as part of the record.

715 CITY ADMINISTRATOR'S REPORT: None.

- 719 MAYOR'S REPORT: Mayor Rinehart commended the Community Relations Committee and Asst. City Administrator Baer for their planning of a

- # party held February 23rd to recognize City volunteers and for their work on the City's February newsletter which contained articles about Leawood in the 1980's.

The Mayor, Councilmembers Lin, Moore and Newlin, and City Administrator Garofano attended the National League of Cities meeting in Washington, D.C. March 4-6. They met with U.S. Representative Jan Meyers to discuss recycling, drug abuse, illiteracy, State Line Road funding, and lack of separate community identities in Johnson County. They visited Alexandria, Virginia, and observed that "traffic" was well controlled on that city's bike path, one similar to Leawood's on the Tomahawk Creek Greenway. Leawood might consider similar controls to increase safety for residents on the Greenway. Also, Leawood's new city hall design has many elements of Alexandria's city hall.

- 1217 ORDINANCE NO. 1151 AMENDING ANNEXATION ORDINANCE NO. 1129: The ordinance was considered and passed on motion of Hammond, seconded by Moore. On roll call the vote was: Yeas---LaHue, Jacob, Hammond, Anselmi, Moore, Newlin, Monica. Nays---None.
- 1229 AUTHORIZE PURCHASE OF ADDITIONAL FURNISHINGS FOR THE POLICE/COURT BUILDING AS PART OF THE POLICE/COURT BLDG. & FIRE STA. NO. 1 REMODELING PROJECT: On motion of Jacob, seconded by Hammond, the Council unanimously authorized purchase of additional furnishings (chairs and desk) for the Police Department in the amount of \$3,912.88.
- 1261 DISCUSSION OF CHANGE ORDERS TO CONSTRUCTION CONTRACT FOR LEE BOULEVARD IMPROVEMENTS, PHASE 1, 95TH STREET TO 103RD STREET: The Council discussed additional storm sewer improvements on the east side of Lee at 9811 Lee Circle, and on the west side from the James Branch Creek south across 9814, 9820, 9824, and 9830 Lee. Council directed Public Works Director Brandt to prepare 2 change orders for consideration at the March 19th Council meeting - 1 to address additional improvements to the south bank of the James Branch Creek (gabion baskets slope protection), and improvements at 9811 Lee Circle; and 1 to address additional storm sewer improvements at 9814 and 9820 Lee.
- 1803 CONTRACT FOR CONSTRUCTION/EXPANSION OF PARKING LOT AND DRIVEWAY AT SOUTH FIRE STATION, 12701 MISSION ROAD: On motion of Monica, seconded by Anselmi, the Council unanimously authorized the Mayor to sign a contract with the low bidder Hanrahan Asphalt Co. in the amount of \$12,677.11.
- 1820 CONTRACT FOR COMMUNICATIONS CONSULTING SERVICES: On motion of Moore, seconded by Jacob, the Council unanimously authorized the Mayor to sign a contract with Omni Consultants, Inc., in the amount of \$7,000. Omni will determine what telecommunication equipment the City has and how it is utilized, and the most efficient system for the new City Hall.
- 1922 ORDINANCE NO. 1152 ACCEPTING DEEDS FOR STREET PURPOSES (95TH STREET IMPROVEMENTS, STATE LINE TO WENONGA): The ordinance was considered and

- # passed on motion of Hammond, seconded by Anselmi. On roll call the vote was: Yeas---LaHue, Jacob, Hammond, Anselmi, Moore, Newlin, Monica. Nays---None.
- 1936 ORDINANCE NO. 1153 ACCEPTING A PERMANENT EASEMENT FOR STREET PURPOSES (95TH STREET IMPROVEMENTS, STATE LINE TO WENONGA): 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. Nays---None.
- 1946 REQUEST TO KEEP MORE THAN 3 ANIMALS - ANN KUNTZ, 14200 CANTERBURY COURT: On motion of Anselmi, seconded by Jacob, the Council unanimously approved a permit to keep 4 animals.
- REQUEST TO KEEP MORE THAN 3 ANIMALS - SUSAN VITTETOE, 15190 GRANADA: Councilmember Anselmi moved that the Council approve a permit to keep 5 animals, seconded by Hammond. Motion failed; all opposed. Permit denied.
- 2018 WORK SESSION: Scheduled for April 9, 1990. Continental Construction Engineers will present the preliminary engineering plan for 83rd Street improvements.
- 2143 APPROVAL OF APPROPRIATION ORDINANCE NO. 632: 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. Nays--None.
- 2159 COUNCIL COMMENTS: Mr. Anselmi feels that residents are given too much time to correct code violations and that perhaps code enforcement staff needs to consider time element changes in ordinances relating to property maintenance. He has several concerns about the proposed Chartwell residential development at approximately 99th & Lee Blvd. and feels Councilmembers should start reviewing the matter. City Attorney Wetzler stated the Council should wait until the developer presents the plans. Mr. Anselmi encouraged Councilmembers to tour the police and fire station facilities being remodeled. He has several concerns about the construction, especially that it is taking too long to complete the remodeling project.
- 2405 Mrs. Monica received several complaints from residents about mud on streets in south Leawood. Planning Director McKay stated that code enforcement is working on the problem, however, the rainy season causes continuous problems.
- 2472 8:50 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. 186

- # 22 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, March 19, 1990. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Kimberley Jacob, Charles Hammond, Ernie Anselmi, Douglas Moore. * Councilmember Marsha Monica arrived at 7:35 P.M. Councilmembers Jimmy Lin and Robert Newlin 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.

- 33 Agenda approved unanimously on motion of Jacob, seconded by Anselmi, after addition of discussion of House Bill 2281, enabling legislation authorizing the creation of a bi-state cultural funding district to support the arts.

65 CITIZEN COMMENTS: None.

75 PROCLAMATION: The Mayor proclaimed April 2-8, 1990, as "Student Achievement Week".

78 CONSENT AGENDA: The following were approved unanimously on motion of Hammond, seconded by Jacob:

1. Public Works Committee report on its March 15, 1990 meeting;
2. Departmental reports.

84 CITY ADMINISTRATOR'S REPORT: Mr. Garofano stated that the City had received a notice from the EPA regarding a cleanup at the Doepke-Holliday landfill site in Johnson County. Leawood was one of many groups that used the site from approximately 1963 to 1970 and that may be liable for cleanup costs. The EPA requested specific information from the City such as types of materials dumped and chemical analysis of those materials; the City's response is mandatory. Even though the City has no records concerning the landfill nor has employees who worked for the City between 1963 and 1970, staff will respond to questions the best they can.

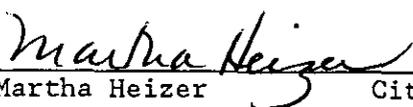
* 7:35 P.M. Councilmember Monica arrived.

177 The League of Kansas Municipalities published a comparison of 1989 Kansas city tax rates for the 1990 budget year. Of 116 first and second class cities, Leawood's city levy is 7th lowest, 4th lowest for total mill levy. Of cities in Johnson County (with fire districts factored in), Leawood's city levy is 4th lowest, and 2nd lowest for total levy.

234 MAYOR'S REPORT: None.

- # 236 CHANGE ORDER NO. 1 TO CONSTRUCTION CONTRACT FOR LEE BOULEVARD IMPROVEMENTS, PHASE 1, 95TH STREET TO 103RD STREET: On motion of Moore, seconded by Jacob, the Council unanimously approved the change order in the amount of \$45,375.00 for additional storm sewer improvements on the east side of Lee at 9811 Lee Circle, and to the north and south banks of the James Branch Creek (gabion baskets slope protection) on the west side of Lee.
- Another change order for additional storm sewer improvements on the west side of Lee at 9814, 9820, 9824, and 9830 Lee will be considered at the April 2nd Council meeting.
- 415 Melanie Cavender, 2507 W. 98th (southwest corner of 98th & Lee), stated that last fall she had given the City a drainage easement through her property for the 98th & Lee culvert project. Her yard has been in disrepair for 5 months, and she is concerned about replacement of grass and trees removed during that construction. Recently, the contractor for the Lee Blvd. project cut down trees/bushes at the back of her lot so the back of the house is completely open to view from Lee. Noise has increased, and habitat for small animals and privacy in the back yard are gone. The City will work with Mrs. Cavender to return the yard to as good a condition as possible.
- 697 ADDENDUM TO DESIGN CONTRACT FOR COLLEGE BOULEVARD IMPROVEMENTS, STATE LINE ROAD TO EL MONTE: At its February 12th work session, Council requested Larkin Associates do additional studies to try to reduce construction costs. Public Works Director Brandt recommended that the Council approve Larkin's proposed cost of \$8,000 to do the additional work, which would include a cost estimate of a "bare bones" project with slopes graded back and most retaining walls omitted, a cost estimate for a divided plan with vertical separation with some retaining walls, a letter report, additional meetings, a rendering of the "bare bones" project, and a rendering of the project with retaining walls and landscaping as recommended in the original study. Council felt the proposed cost was too great. This matter will be discussed further at the April 9th work session.
- 1028 APPRAISALS OF LAND TO BE ACQUIRED FOR THE IMPROVEMENT OF THE INTERSECTION OF SOMERSET AND LEE BOULEVARD: On motion of Anselmi, seconded by Jacob, Council unanimously approved the appraisals of 7 parcels of land in the total amount of \$6,050, and authorized Kevin Nunnink & Associates to negotiate the approved amounts with the homeowners.
- 1118 DISCUSSION OF HOUSE BILL 2281 CURRENTLY UNDER DISCUSSION IN THE KANSAS HOUSE LOCAL GOVERNMENT COMMITTEE: This piece of enabling legislation authorizes the creation of a bi-state (metropolitan) cultural funding district to support the arts, and authorizes funding the district through passage (after vote by the public) of up to 1/4-cent sales tax. Missouri has passed similar legislation as has the Kansas Senate. From an economic development perspective, this legislation will assist in presenting the metropolitan area as a desirable area to attract new

- # business and expand existing business. Councilmember Moore moved that the Council recommend support for HB 2281 to the Kansas legislature, seconded by Anselmi; unanimous.
- 1291 AGREEMENT (ROADWAY LICENSE) WITH JOHNSON COUNTY UNIFIED WASTEWATER DISTRICTS FOR A TEMPORARY EXIT FROM LEAWOOD PARK: On motion of Hammond, seconded by Jacob, Council unanimously authorized the City Administrator to execute the agreement which permits the City to use District property as an additional exit from Leawood Park after the fireworks display on July 4, 1990.
- 1336 CITY FACILITIES USE POLICY: On motion of Monica, seconded by Moore, Council unanimously approved the policy with 3 changes: 1) that service groups be moved from III B (groups whose activities are closely related to activities of the City) to III C (educational, cultural, recreational, civic or political groups, and special interest associations); 2) that the policy indicate that the City will not allow the use of its facilities by individuals/groups who charge admission for attendance to an event or who sell an item or product on facility premises; and 3) that the policy indicate it is subject to review.
- 1490 ORDINANCE NO. 1154 AUTHORIZING ISSUANCE OF TEMPORARY NOTES, SERIES 90C, PROJECT 116 (95TH STREET, STATE LINE TO WENONGA), IN THE AMOUNT OF \$500,000.00: The ordinance was considered and passed on motion of Hammond, seconded by Jacob. On roll call the vote was: Yeas---LaHue, Jacob, Hammond, Anselmi, Moore, Monica. Nays---None.
- 1504 ORDINANCE NO. 1155 AUTHORIZING ISSUANCE OF TEMPORARY NOTES, SERIES L.I.D. 88-1-90B, PROJECT 113 (TOMAHAWK CREEK PARKWAY), IN THE AMOUNT OF \$350,000.00: The ordinance was considered and passed on motion of Hammond, seconded by Jacob. On roll call the vote was: Yeas---LaHue, Jacob, Hammond, Anselmi, Moore, Monica. Nays---None.
- 1515 ORDINANCE NO. 1156 AUTHORIZING ISSUANCE OF TEMPORARY NOTES, SERIES 90D, PROJECT 117 (LEE BOULEVARD), IN THE AMOUNT OF \$1,000,000.00: The ordinance was considered and passed on motion of Hammond, seconded by Jacob. On roll call the vote was: Yeas---LaHue, Jacob, Hammond, Anselmi, Moore, Monica. Nays---None.
- 1526 APPROVAL OF APPROPRIATION ORDINANCE NO. 633: The ordinance was considered and passed on motion of Jacob, seconded by Anselmi. On roll call the vote was: Yeas---LaHue, Jacob, Hammond, Anselmi, Moore, Monica. Nays---None.
- 1620 8:25 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. 187

- # 33 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, April 2, 1990. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Kimberley Jacob, Charles Hammond, Ernie Anselmi, Douglas Moore, Robert Newlin, Marsha Monica, Jimmy Lin. 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 Monica, after addition of discussion of the speed limit on State Line Rd. south of I-435.

160 CITIZEN COMMENTS: None.

196 PROCLAMATIONS: The Mayor proclaimed May 1, 1990, as "Loyalty Day", and April 22-28, 1990, as "Volunteer Week".

221 CONSENT AGENDA: The following were approved unanimously on motion of Jacob, seconded by Anselmi:

1. Minutes of the March 12, 1990 Council meeting;
2. Minutes of the March 19, 1990 Council meeting;
3. Request to keep 4 animals - Quirk, 12304 Pawnee Lane;
4. Pay Request No. 1 to Holland Corp. for \$33,629.40; Lee Blvd. improvements, Phase 1, 95th St. to 103rd St.;
5. Pay Request No. 8 to Allison & Alexander for \$51,782.11; Police/Court Bldg. & Fire Sta. No. 1 remodeling project;
6. Pay Request No. 7 to C.L. Fairley Constr. for \$26,701.20; 119th St. improvements, State Line/Mission;
7. Purchase of a tractor for the Public Works Department from Olathe Ford Tractor, low bid of \$8,122.00;
8. Declaration of surplus property - Model 1900 Ford tractor purchased in 1980 no longer used by the Public Works Department.

232 CITY ADMINISTRATOR'S REPORT: At the February 20, 1990 Council meeting, staff was directed to ask Kansas City, Missouri to consider a 35 mph speed limit on State Line Road from I-435 south to at least 123rd Street. Kansas City responded that they could not justify 35 mph on that section of roadway, and requested that the 45 mph limit be changed as previously proposed - extend the 35 mph limit southerly from 103rd St. to Red Bridge Rd., reduce to 40 mph from Red Bridge to Blue Ridge, and continue 45 mph from Blue Ridge to K-150. They stated they would do a study of results at the end of 90 days. Mr. Garofano suggested the Council agree with Kansas City's proposal. Discussion continued at #2574.

302 MAYOR'S REPORT: The minutes of the March 26, 1990 meeting of the Mayor's Task Force on Alcohol and Drug Abuse were distributed to the Council. Task Force recommendations will be discussed at the April 9th Council work session. Mayor Rinehart stated that \$1500 was included in the City's 1990 Special Alcohol Fund for the Task Force to be used for drug/alcohol prevention purposes. Blue Valley, Blue Valley North, and Shawnee Mission East High Schools planned to have drug and alcohol free events after prom and graduation. The Task Force recommended the Council consider allocating money for these events. On motion of Jacob, seconded by Moore, Council unanimously voted to allocate \$750, not to exceed \$250 per school.

510 Staff and homes association representatives met March 28th to discuss recycling. Council's recommendation that an ordinance mandating recycling be considered was well received by the associations. The ordinance would require trash haulers to offer recycling and homes associations would work with their respective haulers to implement recycling programs. Some associations have already implemented curbside recycling.

585 DISCUSSION OF SIGNALIZATION AT 92ND AND STATE LINE ROAD: Public Works Director Brandt reviewed the history of Leawood's discussions with Kansas City, Missouri about signalization at this intersection. Leawood proposed a temporary signal over a year ago which Kansas City did not approve. Kansas City finally approved a more complicated and expensive signalization project which would include left turn lanes on State Line Rd. The latest cost estimate is approximately \$273,000; Leawood would pay approximately \$198,000 and County Assistance Road Systems (CARS) 25% of the project (\$75,000 maximum). Kansas City will not participate in the funding at this time. They indicated they would refund their 50% of the project in a future joint project. The CARS funding is available in 1990 only; it is unlikely the County would extend the time.

Council discussed this matter at a February 12th work session and reached a consensus that it supports the project but can not support advancing Kansas City's share of the funding as there is no guarantee as to when Leawood would recover the "loan", if ever.

Several residents reiterated the need for a signal.

City Administrator Garofano stated the County had sent an interlocal agreement for Leawood's consideration. City Attorney Wetzler stated that if the Council approved a "loan" to Kansas City, the interlocal agreement would not be sufficient; the City would have to have an additional agreement with Kansas City, and he would have to research the matter.

Councilmember Monica moved that the Council direct staff to proceed with the interlocal agreement with Kansas City to signalize the intersection, seconded by LaHue. Discussion followed.

2226 Councilmember Anselmi called for the question, seconded by Moore. Motion carried; Hammond opposed; all others in favor.

Councilmember Monica's motion failed; LaHue in favor; all others opposed.

Staff was directed to relate the following to Kansas City: 1) the

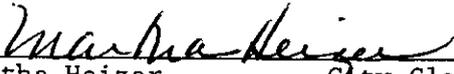
- # majority of the Council supports signalization but expects Kansas City to pay its share at the time the signal is constructed; 2) Leawood may not approve signalization at 85th St. and State Line, a project which Kansas City favors; and 3) Kansas City should consider the impact that proposed construction projects like Tutera's office building at 91st Place and State Line would have on the intersection.
- 2574 DISCUSSION OF SPEED LIMIT ON STATE LINE ROAD SOUTH OF I-435 - continued from #232: Councilmember Lin moved that the Council accept the City Administrator's recommendation, seconded by Monica. Motion carried; Anselmi opposed; all others in favor.
- 2593 CONSTRUCTION CONTRACT FOR 1990 STREET REHABILITATION - 98th St., Lee Blvd. to Ensley Lane; High Dr., Somerset to 83rd St.; and 81st St., High Dr. to Meadow Lane: On motion of Lin, seconded by Jacob, Council unanimously authorized the Mayor to execute a contract with the low bidder Radmacher Brothers of Pleasant Hill, Missouri, in the amount of \$342,390.00.
- 2616 PAYMENT TO ENGINEERS FOR ADDITIONAL WORK ON K-150 CORRIDOR STUDY: Howard, Needles, Tammen & Bergendoff engineering firm requested payment of \$4,100 for work performed outside the original contract's scope of services; the Public Works Committee had requested the additional information which proved to be beneficial to the Study. After discussion about the lack of proper documentation for the additional work,* Councilmember Hammond moved that the Council approve the payment, seconded by Jacob. Motion failed; Jacob, Hammond, Anselmi, LaHue in favor; Moore, Newlin, Monica, Lin opposed; Mayor opposed.
- 3107 AGREEMENT WITH KANSAS CITY, MISSOURI RELATING TO TEMPORARY TRAFFIC SIGNAL AT K-150 AND STATE LINE ROAD: Leawood will pay construction costs and Kansas City will furnish some equipment and provide for the maintenance and operation of the signal. Council unanimously authorized the Mayor to execute the agreement on motion of Jacob, seconded by Monica.
- 3139 APPRAISALS OF LAND TO BE ACQUIRED FOR THE IMPROVEMENT OF THE INTERSECTION OF SOMERSET AND LEE BOULEVARD: On motion of Jacob, seconded by LaHue, Council unanimously approved the appraisal of the Leawood Shops at Somerset and Lee in the amount of \$4,650.00, and appraisal of land owned by Ronald Felkner in the amount of \$6,950.00, and authorized Kevin Nunnink & Associates to negotiate the approved amounts with the property owners.
- 3198 AUTHORIZATION OF ENTRANCE SIGN FOR POLICE/COURT BUILDING AND FIRE STATION NO. 1 REMODELING PROJECT: This item was not included in the original construction contract. On motion of Hammond, seconded by Jacob, Council unanimously authorized staff to proceed with the sign as designed (brick base with cast stone sill and cast stone ornament) for \$5,143.39.

* and without previous authorization
by the Council,

April 2, 1990

#3258 APPROVAL OF APPROPRIATION ORDINANCE NO. 634: The ordinance was considered and passed on motion of Jacob, seconded by Monica. On roll call the vote was: Yeas---LaHue, Jacob, Hammond, Anselmi, Moore, Newlin, Monica, Lin. Nays---None.

3327 9:15 P.M. There being no further business before the Council, the meeting was declared adjourned.


Martha Heizer City Clerk

MINUTES
SPECIAL COUNCIL MEETING

Tape No. 187

#3350 The City Council of the City of Leawood, Kansas, met in special session in the Council Chamber, 9615 Lee Boulevard, at 7:40 P.M., Monday, April 9, 1990. Mayor Marcia Rinehart presided.

The special meeting was requested by Councilmembers Ronald LaHue, Charles Hammond, Douglas Moore, Robert Newlin, and Marsha Monica for the purpose of considering a resolution relating to the preliminary site plan and final site plan for Waterford Pool located at 132nd and Mission Road, and an ordinance relating to a temporary moratorium on building permits on unplatted land. They attended the entire meeting. Councilmembers Kimberley Jacob, Ernie Anselmi, and Jimmy Lin were absent. Staff present: Richard Garofano, City Administrator; J. Stephen Cox, Chief of Police; Ronald Brandt, Public Works Director; Harry Malnicof, Finance Director; Robert McKay, Director of Planning and Development; Martha Heizer, City Clerk; and Richard Wetzler, City Attorney.

3394 Agenda approved unanimously on motion of Moore, seconded by Hammond.

3402 RESOLUTION NO. 993 APPROVING THE PRELIMINARY SITE PLAN AND FINAL SITE PLAN FOR WATERFORD POOL LOCATED AT 132ND & MISSION ROAD: Adopted unanimously on motion of Moore, seconded by Hammond. Attached as part of the record.

3815 ORDINANCE NO. 1157 DEFERRING AND POSTPONING ISSUANCE OF BUILDING PERMITS ON UNPLATTED LAND - 60-day moratorium: The ordinance was considered and passed on motion of LaHue, seconded by Moore. On roll call the vote was: Yeas---LaHue, Hammond, Moore, Newlin, Monica. Nays---None.

4730 8:15 P.M. The meeting was adjourned.


Martha Heizer
City Clerk

MINUTES
REGULAR COUNCIL MEETING

Tape No. 188

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, April 16, 1990. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Kimberley Jacob, Douglas Moore, Robert Newlin, Marsha Monica. (* Mrs. Monica left the meeting at 9:50 P.M.) ** Councilmember Charles Hammond arrived immediately after approval of the agenda. *** Councilmember Jimmy Lin arrived 7:50 P.M. Councilmember Ernie Anselmi was 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.

51 Agenda approved unanimously on motion of Jacob, seconded by Moore, after addition of 1) discussion of a goal-setting session, and 2) consideration of a contract for traffic median and right-of-way maintenance.

** Councilmember Hammond arrived.

67 CITIZEN COMMENTS: None.

81 PROCLAMATION: The Mayor proclaimed April 1990 as "Fair Housing Month".

84 CONSENT AGENDA: The following were approved unanimously on motion of Jacob, seconded by Moore:

1. Minutes of the April 2, 1990 Council meeting;
2. Minutes of the April 9, 1990 Special Council meeting;
3. Departmental reports;
4. Renewal of Cereal Malt Beverage License - Broadmour Food Market, 7960 Lee Blvd.;
5. Pay Request No. 1 to Delana Construction for \$22,978.12; street light construction on Roe Ave., Tomahawk Creek/124th St.

92 RESOLUTION NO. 994 APPROVING REQUEST FOR REZONING FROM R-1 TO RP-1, PRELIMINARY PLAT AND PRELIMINARY SITE PLAN - CHARTWELL WEST, northwest corner of 103rd & Lee Blvd.:

*** 7:50 P.M. Councilmember Lin arrived during presentation of the plan.

1300 Several residents expressed concerns about blasting, drainage problems, height of the homes, homes backing up to Lee Blvd. and not blending in with the surrounding area.

1854 Developer Mary Overfelt stated that swimming pools and playground equipment will not be permitted in yards backing up to Lee Blvd.

1914 The development will have its own deed restrictions and homes association, but could join the Leawood Estates Homes Association if

accepted.

#2403 Councilmember LaHue moved for adoption of the resolution, seconded by Jacob. Councilmember Moore moved to amend the motion to add an additional stipulation to the resolution that no blasting be permitted, seconded by Newlin. If blasting becomes necessary, it will have to be considered by the Council. Motion to amend carried unanimously. Councilmember LaHue's motion to adopt the resolution carried; Monica opposed; all others in favor. Resolution attached as part of the record.

2509 ORDINANCE NO. 1158 REZONING R-1 TO RP-1 - CHARTWELL WEST: The ordinance was considered and passed on motion of Jacob, seconded by Moore. On roll call the vote was: Yeas---LaHue, Jacob, Hammond, Moore, Newlin, Lin. Nays---Monica.

2652 CITY ADMINISTRATOR'S REPORT: None.

2681 MAYOR'S REPORT: Mayor Rinehart commended the Recreation Department on a very informative summer newsletter which included articles about recycling and drug & alcohol education and prevention.

She also commended the Fire, Police and Public Works Departments on their recent rescue of a man trapped in a collapsed trench in the southern part of the City.

She attended the April 4th Council of Mayors meeting at which she learned that the Johnson County Task Force on Drug and Alcohol Abuse plans to apply on behalf of cities for an OSAP (Office of Substance Abuse Programs) grant in the amount of \$250,000 for 5 years. The money would be used for drug and alcohol education, prevention, and treatment programs. Ernie Mosher of the League of Kansas Municipalities also attended the meeting and reported on State legislative activity.

Minutes of the January 17th, February 22nd, and March 29th July 4th Committee meetings were distributed to the Council. The Mayor noted that the Committee plans to charge \$1.00 per vehicle for parking at Leawood Park on July 4th.

2773 ACCEPTANCE OF MAYOR'S DRUG & ALCOHOL ABUSE TASK FORCE REPORT: On motion of Moore, seconded by Jacob, the Council unanimously accepted the Task Force's recommendations enumerated in the minutes of the March 26, 1990 Task Force meeting.

2809 ORDINANCE RELATING TO SOLID WASTE MANAGEMENT: The proposed ordinance requires that waste haulers conducting business in the City offer recycling, yardwaste, and household hazardous waste disposal programs to their clients. Participation in the programs would be voluntary.

Councilmember Jacob stated that if the ordinance was passed, the cost of recycling could be greatly inflated; if a large number of homes associations do not participate, the cost will be higher for residents who do. The ad hoc committee on solid waste management had recommended that residents pay for recycling whether they recycle or not.

Councilmember Moore felt that the ordinance was a good starting

- # point. If there is not enough participation, the ordinance can be amended to make it stronger.
- 3682 Councilmember Monica moved to pass the ordinance as proposed, seconded by Moore. Councilmember Jacob moved to amend the motion to add a new subsection 15-403 (2) to mandate recycling, to read "All homes associations, individual homeowners not included in a homes association, commercial and retail establishments, and other non-residential establishments must contract for a curbside recycling, yardwaste and household hazardous waste control removal program". The current subsection 15-403 (2) would become (3). Councilmember Lin seconded the motion to amend. After discussion of other changes in the ordinance which would have to be made due to the amendment, Councilmember Lin withdrew his second and Councilmember Moore withdrew his second to Mrs. Monica's original motion.
- 4314 Mrs. Monica moved that Council direct staff to draft an ordinance to require recycling by homes associations to be considered at the next Council meeting in addition to the proposed ordinance discussed this evening; seconded by Lin; unanimous.
- 4568 SUPPLEMENT TO PRELIMINARY DESIGN CONTRACT FOR COLLEGE BOULEVARD IMPROVEMENTS, STATE LINE ROAD TO EL MONTE: Councilmember Jacob moved that the Council approve the supplement with Larkin & Associates, not to exceed \$5,900.00, to study a "bare bones" configuration with slopes graded back and most retaining walls omitted, and prepare renderings of the "bare bones" configuration and of the project as originally proposed with retaining walls and landscaping. Councilmember Monica seconded the motion. Motion carried; Hammond opposed; all others in favor.
- 4586 CHANGE ORDER NO. 2 TO THE CONSTRUCTION CONTRACT FOR LEE BOULEVARD IMPROVEMENTS, PHASE 1: Councilmember Jacob moved that the change order in the amount of \$19,369.00 be approved, seconded by Lin. Storm sewers will be placed along the east right-of-way of Lee Boulevard rather than through front and back yards of 9814 and 9820 Lee (west side of Lee), therefore, permanent drainage easements will not be required on those 2 properties.
- 4764 9:50 P.M. DISCUSSION OF CHANGE ORDER NO. 2 DELAYED TO ADMINISTER THE OATH OF OFFICE TO COUNCILMEMBER-ELECT MARSHA DIXON MONICA (WARD 4).
- * Mrs. Monica left the meeting.
- 4834 CHANGE ORDER NO. 2 CONTINUED: Motion to approve the change order carried unanimously.
- 4968 CHANGE ORDER NO. 1 TO THE CONSTRUCTION CONTRACT FOR LEE BOULEVARD IMPROVEMENTS, PHASE 1: Change Order No. 1 in the amount of \$45,375.00 for additional storm sewer improvements on the east side of Lee at 9811 Lee Circle and to the north and south banks of the James Branch Creek (gabion baskets slope protection) on the west side of Lee was approved March 19, 1990. The Council discussed the necessity of doing gabion

work on the James Branch Creek banks as part of the Lee Blvd. project since the contractor will not be placing storm sewers on the adjoining property at 9814 Lee. The gabions are still needed, but as part of a storm management project. The City can no longer tie this storm drainage improvement to the statutory financing authority for the Lee Blvd. project.

Councilmember Moore moved to delete the gabion work of approximately \$39,000 from Change Order No. 1, seconded by Jacob. Motion carried; Jacob, Hammond, Moore, Lin in favor; LaHue, Newlin opposed.

5460 RECONSIDERATION OF THE SPEED LIMIT ON 119TH STREET, MISSION TO ROE: At the February 20, 1990 meeting, Council discussed the possibility of increasing the speed limit from 35 to 45 mph. Councilmember Lin, who feels the speed limit should be increased, did not attend that meeting. No action was taken.

Councilmember Newlin moved that the Council reconsider the issue, seconded by Lin. Motion carried; Newlin, Lin, LaHue in favor; Hammond, Jacob, Moore opposed; Mayor in favor.

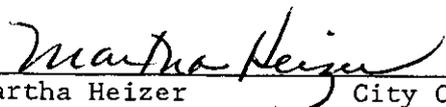
Councilmember Lin stated that since the Police Chief had recommended an increase to 40 mph between Mission and Roe, and since 119th Street between State Line and Mission is under construction, it seems logical that Mission to Roe be a speed transition zone from 35 mph between State Line and Mission and 45 mph from Roe west. Mr. Lin moved that the speed limit between Mission and Roe be increased from 35 to 40 mph, seconded by LaHue. Motion failed; Lin, LaHue, Newlin in favor; Hammond, Jacob, Moore opposed; Mayor opposed (on the basis that when construction on 119th Street is completed, this matter be reconsidered).

5972 SUPPLEMENT TO DESIGN CONTRACT FOR MISSION ROAD BRIDGE IMPROVEMENTS OVER INDIAN CREEK: On motion of Lin, seconded by LaHue, Council unanimously approved the supplement for additional work by George Butler & Associates in the amount of \$39,058.00. The additional services include 1) preparation of a FEMA flood analysis for the proposed Mission Rd. between College Blvd. and I-435, 2) redesign of preliminary profile between College and I-435, 3) preparation of preliminary roadway approach plans for the bridge, and 4) preparation of an environmental assessment.

The Council discussed the realignment of Mission Rd. between College and I-435 requested by homeowners in Longwood Forest subdivision. Public Works Director Brandt will send a letter to FEMA requesting a meeting with the homeowners, and will forward FEMA's response (either setting a meeting time or rejecting a meeting) to the homeowners.

6700 APPROVAL OF APPROPRIATION ORDINANCE NO. 635: The ordinance was considered and passed on motion of Jacob, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Jacob, Hammond, Moore, Newlin, Lin. Nays---None.

- #6800 PRESENTATION OF PLAQUE AND KEY TO THE CITY TO RETIRING COUNCILMEMBER KIMBERLEY JACOB OF WARD 2.
- 143 OATHS OF OFFICE ADMINISTERED TO COUNCILMEMBERS-ELECT LAHUE (Ward 1), RASMUSSEN (Ward 2), NEWLIN (Ward 3). (Councilmember-elect Monica of Ward 4 was administered the oath at 9:50 P.M., #4764.)
Short recess for photos.
- 228 Council reconvened. Roll call answered by Councilmembers LaHue, Rasmussen, Hammond, Moore, Newlin, Lin. Councilmembers Anselmi and Monica absent.
- 238 CONSTRUCTION CONTRACT FOR TRAFFIC SIGNAL INSTALLATION AT THE INTERSECTION OF K-150 AND STATE LINE ROAD: On motion of Lin, seconded by Hammond, Council unanimously authorized the Mayor to sign a contract with the low bidder C.L. Canfield Constructors of Topeka; Kansas, in the amount of \$28,500.00.
- 250 CONTRACT FOR TRAFFIC SIGNAL MAINTENANCE: Councilmember Moore moved that the Mayor be authorized to sign a contract with the low bidder Total Electric Co., estimated cost \$2,500; seconded by LaHue. Motion carried; LaHue, Rasmussen, Moore, Lin in favor; Newlin opposed; Hammond abstained.
- 390 CONTRACT FOR STREET LIGHTING MAINTENANCE: On motion of LaHue, seconded by Lin, Council unanimously authorized the Mayor to sign a contract with the low bidder Total Electric Co., estimated cost \$25,000.00.
- 422 SCHEDULE GOAL-SETTING SESSION: On motion of Lin, seconded by Rasmussen, session scheduled for May 1 to start at 5:30 P.M.; unanimous.
Councilmember Hammond moved that consultant Bob Saunders act as facilitator at the session, seconded by Lin. Motion carried; LaHue, Hammond, Moore, Lin in favor; Rasmussen, Newlin opposed.
- 556 CONTRACT FOR TRAFFIC MEDIAN AND RIGHT-OF-WAY MAINTENANCE - on Roe Ave. and Nall Ave.: Councilmember Hammond moved to approve the contract with the low bidder Atcheson Lawn and Landscape in the amount of \$9,900.00, seconded by Lin. Motion carried; Rasmussen opposed; all others in favor.
- 644 11:00 P.M. Councilmember Lin moved to extend the meeting for a maximum of 15 minutes, seconded by Moore; unanimous.
- 816 11:10 P.M. After status report on various street improvement projects and the Police/Court Building and Fire Station No. 1 remodeling project, the meeting was declared adjourned.


Martha Heizer City Clerk

MINUTES
REGULAR COUNCIL MEETING

Tape No. 190

- # 32 The City Council of the City of Leawood, Kansas, met in regular session in the Council Chamber, 9615 Lee Boulevard, at 7:35 P.M., Monday, May 7, 1990. Mayor Marcia Rinehart presided.

Councilmembers present: Louis Rasmussen, Charles Hammond, Ernie Anselmi, Douglas Moore, Robert Newlin, Jimmy Lin. * Councilmembers Ronald LaHue and Marsha Monica arrived immediately after approval of the agenda. 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.

- 45 Agenda approved unanimously on motion of Anselmi, seconded by Hammond.

* Councilmembers LaHue and Monica arrived.

- 76 PRESENTATIONS IN RECOGNITION OF SERVICE TO THE CITY: a plaque to Dorothy Holtsclaw, Finance Department, for 25 years of service; a resolution of appreciation (Resolution No. 995 attached) to Asst. Fire Chief Lee Allen Bledsoe for 20 years of service.

- 207 CITIZEN COMMENTS: None.

- 215 PROCLAMATIONS: The Mayor proclaimed:

1. June 14, 1990 - "Flag Day";
2. May 20-26, 1990 - "National Public Works Week";
3. May 3, 1990 - "National Day of Prayer";
4. May, 1990 - "Mental Health Month";
5. April 22-28, 1990 - "Organ and Tissue Donor Awareness Week".

- 238 CONSENT AGENDA: The Mayor's committee appointments were removed for further discussion later in the meeting. The following were approved unanimously on motion of Anselmi, seconded by Moore:

1. Minutes of the April 16, 1990 Council meeting;
2. Renewal of Cereal Malt Beverage License - Hallbrook Country Club;
3. Purchase of 6 mobile radios from Motorola for \$5,094 for the Police Department;
4. Change Order No. 4 to the contract for the 98th St. culvert project; an increase in project cost of \$634.00 for gabion baskets and sodding;
5. Pay Request No. 5 (FINAL) to Corlew Constr. for \$16,334.66; 98th St. culvert project;
6. Pay Request No. 8 to C.L. Fairley Constr. for \$72,377.69; 119th St. improvements, State Line/Mission
7. Pay Request No. 9 to Allison & Alexander for \$43,989.16; Police/Court Bldg. & Fire Sta. No. 1 remodeling project;

8. Assignment to Public Safety Committee to review a proposed ordinance relating to requirements for building identification (address numbers);

9. Appointment of presiding officers, attached as part of the record.

- 274 RESOLUTION NO. 996 APPROVING THE FINAL PLAT OF CHERRY CREEK, THIRD PLAT, southwest corner of 127th and Mission: Adopted unanimously on motion of Anselmi, seconded by Newlin. Attached as part of the record.
- 304 ORDINANCE NO. 1159 AMENDING SECTION 15-2203 OF THE ZONING ORDINANCE RELATING TO FENCES AND WALLS - to clarify that the zoning ordinance pertains to fences and walls, and to clarify how the heights of fences and walls are calculated. The ordinance was considered and passed on motion of Lin, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Anselmi, Moore, Newlin, Monica, Lin. Nays---None.
- 532 ORDINANCE NO. 1160 AMENDING SECTION 17-104 OF THE SUBDIVISION REGULATIONS RELATING TO APPLICABILITY OF THE REGULATIONS - to make the regulations applicable to tracts under 40 acres; platting would be required thereby allowing the City to obtain necessary rights-of-way and easements. The ordinance was considered and passed on motion of Anselmi, seconded by Moore. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Anselmi, Moore, Newlin, Monica, Lin. Nays---None.
- 1007 SPECIAL USE PERMIT FOR FLOWER CITY, RANCHMART SHOPPING CENTER, 3600 W. 95TH STREET - to allow a tent for promotional sales May 24-29 (Memorial Day), June 28-July 5 (Independence Day), and August 30-September 4 (Labor Day). The tent is to be open sided, 20 x 40 feet in size, located in the parking lot as shown on the site plan submitted; there is to be no electrical connection to the tent; the Fire Marshal will approve the permit prior to the opening for business. On motion of Monica, seconded by Hammond, Council unanimously approved the permit.
- 1064 CITY ADMINISTRATOR'S REPORT: None.
- 1067 MAYOR'S REPORT: Mayor Rinehart reported that a rally will be held May 18, 2:00 P.M., at Brookwood School to honor D.A.R.E. (Drug Abuse Resistance Education) graduates. Leawood employees (L.E.A.D. - Leawood Employees Against Drugs) assisted in planning the rally.
Public Works Director Brandt reported that the Public Works Committee met May 3rd with homeowners in Longwood Forest subdivision and representatives of George Butler Associates engineering firm to discuss alternatives for the alignment of Mission Rd. between I-435 and College Blvd. The Committee selected 3 alignments suggested by the homeowners and asked Butler & Associates to furnish a cost estimate for a review of the 3 alignments; the review would include a study of the feasibility of constructing the alignments, and the feasibility of conducting a floodway study of one of them to present to FEMA.

May 4, 1990

TO: City Council
FROM: Marcia Rinehart, Mayor
SUBJECT: Appointment of presiding officers

In accordance with Section 1-209 of the Code of the City of Leawood, 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:

Doug Moore, Ward 1	May-July, 1990
Ernie Anselmi, Ward 2	Aug.-Oct., 1990
Charles Hammond, Ward 3	Nov., 1990-Jan., 1991
Jimmy Lin, Ward 4	Feb.-Apr., 1991

MR/mh

1328 ORDINANCE NO. 1161C RELATING TO SOLID WASTE MANAGEMENT - requiring that trash haulers implement an integrated solid waste management program: Staff presented 2 ordinances for Council consideration - #1, originally presented at the April 16, 1990 Council meeting, stating that trash haulers conducting business in the City must offer an integrated solid waste management program to their clients, and inform the City which clients accept or reject the program; and #2 requiring that haulers implement such a program, neither the haulers nor their clients having any choice in the matter.

1847 Councilmember Anselmi stated that although he favors proposed ordinance #2, he is concerned that the City is leaping into recycling. He would prefer a phase-in process with an educational program.

Councilmember Rasmussen expressed concerns about the lack of recycling markets for items such as paper, about the long distance locations of disposal sites for items like glass and plastics, and about the lack of an environmental impact study. Rather than leaping into recycling, the City should concentrate on hazardous materials which he feels have the most effect on the environment.

2253 Councilmember Lin, chairman of the ad hoc committee on solid waste management, reminded the Council that the committee had recommended that a program similar to that described in proposed ordinance #2 be
2426 implemented. Mr. Lin moved to pass proposed ordinance #2 as submitted, seconded by Anselmi.

3048 Councilmember Rasmussen moved to amend the motion to substitute proposed ordinance #1 for #2. Motion failed for lack of a second.

3280 Councilmember Moore moved to amend the original motion to change Section 15-404 (b) to read: "Following the effective date of this ordinance, all persons contracting to provide the service of collecting and transporting residential solid waste in the City of Leawood, shall offer an integrated solid waste management program which shall include collection of household waste, same day curbside recycling, yardwaste management and a household hazardous waste removal program and shall meet all the licensing requirements and regulations of the City. No permit shall be issued to any person to engage in the business of collecting, transporting or processing of solid waste within the City unless said person shall first provide the City with copies of the contracts for said collection and transportation of residential solid waste which contracts if entered into or amended following the effective date of this ordinance shall include agreement to collect and transport solid waste in accordance with an integrated solid waste management program approved by the City and the provisions of this ordinance. Each hauler shall periodically provide documentation to their clients substantiating the method by which the recyclables were disposed of, weight and/or volume of recyclables collected and compensation received for the recycled materials." The motion to amend was seconded by Newlin. Motion carried unanimously.

3387 Councilmember Newlin moved to amend the original motion to change Section 15-405, Anti-Scavenger, to read: "It shall be unlawful for any person not licensed by the City and under contract for collection of solid waste in the City of Leawood to remove any item which has been discarded by the occupant for collection by a person holding a permit

to collect solid waste from private property or public right-of-way including any discarded trash or recyclable material." Motion to amend was seconded by Lin. Motion carried unanimously.

3480 Councilmember Monica moved to amend the original motion to change Section 15-402 (26) to read: "Leawood Integrated Solid Waste Management Program. A combination of the collection of household waste, same day curbside recycling, yardwaste management and household hazardous waste removal. This represents the entire process of collecting, sorting, storing, processing, recycling, reclaiming and disposing of refuse." Motion to amend was seconded by Moore. Motion carried; Rasmussen, Hammond, Anselmi opposed; all others in favor.

3671 Councilmember Anselmi called for the question, seconded by Moore. Motion carried; Rasmussen, Lin opposed; all others in favor.

Councilmember Lin's motion to pass proposed ordinance #2 carried; Rasmussen opposed; all others in favor.

3756 9:30 P.M. Short recess.

9:35 P.M. Regular session continued, same members present.

3753 CONTRACT FOR RISK MANAGEMENT CONSULTANT - to conduct an audit to determine the method of insuring the City's risks for the period September 1, 1990 to September 1, 1991: On motion of Rasmussen, seconded by Moore, Council unanimously authorized the Mayor to sign a contract with Fortune & Company in the amount of \$4,900.

4070 REQUESTS FROM HOMEOWNERS FOR ADDITIONAL WORK/LANDSCAPING ON PROPERTIES ALONG 95TH STREET: Councilmember Moore moved to authorize completion of the requested work at 2315 W. 95th, 9500 Lee Blvd., 2029 W. 95th, and 2010 W. 95th, in the total amount of \$3,475; seconded by Hammond. Motion carried; Anselmi opposed; all others in favor.

4437 CONSIDERATION OF BIDS FOR COMPUTER-AIDED DRAFTING (CAD) EQUIPMENT FOR THE PUBLIC WORKS DEPARTMENT - to implement the City's Mapping System and Sanitary Sewer Inventory and Maintenance Records: George Butler Associates recommended purchase of hardware from ESI and purchase of software from KC CAD for a total of \$21,677. Staff was directed to consider 2 25 megahertz computers rather than the recommendation of 1 25 megahertz and 1 16 megahertz computer, and to look into leasing the equipment as opposed to purchasing. This matter will be considered again at the May 21st Council meeting.

4759 ORDINANCE NO. 1162C ESTABLISHING THE POSITION OF ASSISTANT CITY CLERK: The ordinance was considered and passed on motion of Anselmi, seconded by Moore. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Anselmi, Moore, Newlin, Monica, Lin. Nays---None.

4953 CHANGE ORDERS NO. 3 & 4 TO THE CONTRACT FOR THE POLICE/COURT BLDG. AND FIRE STA. NO. 1 REMODELING PROJECT: On motion of Anselmi, seconded by LaHue, Council unanimously approved Change Order No. 3 which added \$3,918.00 to the contract, and Change Order No. 4 which added an

additional \$8,164.00.

- 5622 AGREEMENT TO CONVEY EASEMENTS ON PROPERTY AT 2907 W. 98TH STREET: Proposed rehabilitation of a portion of 98th St. includes construction of drainage structures on property at 2907 W. 98th owned by Timothy and Joyce Gauss. They are concerned that the construction will damage their property. The City offered to make certain improvements to the property as a part of the construction and to agree to certain additional matters upon the Gauss' conveyance of a permanent drainage easement and a temporary construction easement to the City.
Councilmember Hammond moved to authorize the City Administrator to execute the agreement, seconded by Anselmi. Motion carried; Rasmussen opposed; all others in favor.
- 5957 REQUEST TO KEEP 4 ANIMALS - GLAZER, 4101 W. 110TH STREET: One neighbor objected to issuance of a permit because of several disputes between her and the Glazer's. Councilmember Rasmussen moved to deny the request, seconded by Hammond. Motion failed; Rasmussen, Hammond in favor; all others opposed. On motion of Lin, seconded by Hammond, Council unanimously voted to defer the matter to the May 21st Council meeting to allow the Animal Control Officer to investigate the situation further.
- 6398 EXECUTIVE SESSION: Councilmember Moore moved to convene in executive session at the end of the meeting, not to exceed 15 minutes, to discuss litigation; seconded by LaHue; unanimous.
- 6436 APPROVAL OF APPROPRIATION ORDINANCE NO. 636: The ordinance was considered and passed on motion of Monica, seconded by Hammond.
- 6757 END OF TAPE

Tape No. 191

On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Anselmi, Moore, Newlin, Monica, Lin. Nays---None.

- 40 MAYOR'S APPOINTMENTS TO COMMITTEES: Councilmember Rasmussen expressed concern that his recommendation to the Mayor for appointment to the Budget & Finance Committee was not accepted because of what seemed to be a practice of having 9 members on a committee; his recommendation would have been the 10th member. He also wanted to see more committee representation from Ward 2. He asked the Council to consider increasing the Budget & Finance Committee membership by 1 and permit the appointment of his recommendation, Robert Long, an extremely well qualified individual. Council discussed its role of submitting names of qualified individuals to the Mayor for the Mayor's consideration in making committee appointments. It is the Mayor's responsibility to select committee members.
Councilmember Moore moved to approve the appointments as submitted, seconded by Monica. Councilmember LaHue moved to amend the motion

May 7, 1990

to add Robert Long to the Budget & Finance Committee, seconded by Rasmussen. Motion to amend failed; LaHue, Rasmussen in favor; all others opposed. Councilmember Moore's motion carried unanimously. Appointments attached as part of the record.

335 10:50 P.M. Councilmember Moore moved to extend the meeting until 11:15 P.M., seconded by Lin; unanimous.

358 10:55 P.M. Council convened in executive session, same members present.

11:10 P.M. Council returned to regular session, same members present. Councilmember Moore moved to extend the meeting until 11:30 P.M., seconded by Newlin. Motion carried; Monica opposed; all others in favor. Councilmember Lin moved to reconvene in executive session, not to exceed 10 minutes, to continue discussion of litigation; seconded by Hammond; unanimous.

380 11:10 P.M. Council reconvened in executive session, same members present.

11:20 P.M. Council returned to regular session, same members present.

530 11:30 P.M. After Council comments, the meeting was declared adjourned.


Martha Heizer
City Clerk

May 4, 1990

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

	<u>Reappointment</u>	<u>New</u>
Arts Committee	George Lund (1993)	Tom Kellaway (1993) Bob Newlin - Council liaison (1991)
Board of Zoning Appeals	Wes Welch (1993)	Robert Pfeiffer (1991) Sally Reicher (1993)
Budget & Finance (1991)	Jeannine Fox Charles German Chuck Sipple Jerry Underwood	Allan Abrams Marnie Clawson Richard Love Marsha Monica Doug Moore, Chr.
Building Code Board of Appeals	Don Dressler (1993) Wes Welch to remain Chr.	
Community Relations (1991)	Ernie Anselmi Peg Borden Anne Davis Enid Dickson Kim Jacob Ann Leitner Gayl Reinsch	Sally Enfield Nancy Garland Jane Kealing Nancy McCarthy Bob Newlin, Chr.
Emergency Preparedness Director (1991)	Bettie Bridges	
Jo. Co. Stormwater Management Comm. - Leawood Rep. (1991)	Ron LaHue	
Plan Commission	John Carper (1993)	Monique Leahy (1993) (Her term on BZA expires with this appointment.) Curry Miles (1993)

	<u>Reappointment</u>	<u>New</u>
Property Maintenance Code Appeals Board	Cecil Hammonds (1992) C.W. Haren (1992) Richard Webber remains Chr.	
Public Building Committee	Robert Adams (1994) Robert Newlin (1994) Marcia Rinehart (1994)	
Public Safety (1991)	Sue Dickey Charles Hammond, Chr. Max Mills Brad Sumner Susan Symon	Jim Cobb Louis Rasmussen
Public Works (1991)	Joseph Fitzpatrick Laurence Hanna Tim Smirnoff	Loretta Allebach Ron LaHue Jimmy Lin, Chr. Harold Mitts Linda Stinnett
Recreation Commission	Dick Fuller (1994)	Louis Rasmussen - Council liaison
Public Officer for Property Maintenance Code (1991)	Bob McKay	
Ad hoc - Ward Boundaries		Gene Alt Kenneth Butler Jane Kelley Doug Moore, Chr. Janet Provines

MINUTES
REGULAR COUNCIL MEETING

Tape No. 192

- # 39 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, May 21, 1990. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Louis Rasmussen, Charles Hammond, Douglas Moore, Robert Newlin, Marsha Monica, Jimmy Lin.
* Councilmember Ernie Anselmi arrived at the beginning of citizen comments. 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; Fran Kessler, Asst. to City Clerk; and Richard Wetzler, City Attorney.

- 53 Agenda approved unanimously on motion of LaHue, seconded by Lin, after addition of 1) under Consent Agenda, assignment to Public Safety Committee to review selling of newspapers and other items on street corners; 2) discussion of the construction of private streets; and 3) report on the recent flooding of the Tomahawk Creek Parkway and other areas of the City, and storm effects on the proposed site for the new City Hall.

- 153 SPECIAL RECOGNITIONS: Leawood Police Corporal Melody Rayl named Officer of the Year by the Leawood Optimist Club; Leawood Police Evidence Technicians Carl Vineyard, Gary Polter, Karen Motsinger, and Brian Harr.

* Councilmember Anselmi arrived.

- 346 CITIZEN COMMENTS: Gene Fox, resident of south Leawood, stated that he is and has always been concerned about the transformation of the Tomahawk Creek Greenway area from a natural, untouched state to a family recreational area with man-made ponds, picnic tables and mowed grass. What is an environmental issue is now also a "dollars and cents" issue for taxpayers. The new Tomahawk Creek Parkway and Greenway area, in a floodplain, were flooded on May 15th, and it appears that thousands of dollars worth of landscaping, etc. has been wasted, and flooding could occur again. He questioned why the City would want to build a City Hall in a floodplain even though the site would be raised. Mr. Fox feels the Council should look at environmental studies of development in south Leawood and Overland Park; it will take less water in future storms to flood the area because of increased development in the Tomahawk Creek watershed.

Further discussion of the flooding at tape meter #1158.

- 515 PROCLAMATION: The Mayor proclaimed May 13-19, 1990 as "Police Week", and May 15, 1990 as "Peace Officers Memorial Day".
- 547 CONSENT AGENDA: The following were unanimously approved on motion of

Moore, seconded by Rasmussen:

1. Minutes of the May 7, 1990 Council meeting;
2. Departmental reports;
3. Pay Request No. 2 to Holland Corp. for \$188,785.28; Lee Blvd. improvements, Phase 1;
4. Assignment to Public Safety Committee to review selling of newspapers and other items on street corners.

557 ANNUAL REVIEW OF CITY'S COMPREHENSIVE PLAN: The Plan Commission is required by State Statute to review the Comprehensive Plan annually for the purpose of determining if any of the Plan has become obsolete. Formal notification of the review must be made to the Governing Body by June 1 of each year. This year the Commission determined a need exists to review and revise certain sections of the 1988 Master Development Plan and will keep the Governing Body informed of its progress and proposed amendments.

659 CITY ADMINISTRATOR'S REPORT: See tape meter #1158.

663 MAYOR'S REPORT: City employees went to Topeka on May 10th to witness Governor Hayden's signing of a proclamation proclaiming the first partnership in the State between the State and municipal employees (L.E.A.D. - Leawood Employees Against Drugs) towards a drug free Kansas.

The Mayor reported that a very successful rally was held May 18th at Brookwood School to honor D.A.R.E. (Drug Abuse Resistance Education) graduates. Leawood employees (L.E.A.D. - Leawood Employees Against Drugs) assisted in planning the rally.

The Mayor attended a recent Council of Mayors meeting with State legislators to discuss the 1990 legislative session.

774 APPROVAL OF BIDS FOR COMPUTER-AIDED DRAFTING SYSTEM FOR THE PUBLIC WORKS DEPARTMENT - to implement the City's Mapping System and Sanitary Sewer Inventory and Maintenance Records: At the May 7th Council meeting, staff was directed to consider purchasing 2 25 megahertz computers rather than the recommendation of 1 25 megahertz and 1 16 megahertz computer, and to look into leasing the equipment as opposed to purchasing. Staff recommended purchase of equipment and purchase of 2 25 megahertz computers.

Councilmember Lin moved to approve the bids of ESI (hardware - Everex brand) and K.C. Cadd Concepts (software/support services) in the total amount of \$23,980, seconded by Hammond. Motion carried; Newlin, Moore, Anselmi opposed; all others in favor.

1051 REQUEST TO KEEP 4 ANIMALS (RENEWAL) - 4101 W. 110TH ST., GLAZER: Councilmember Lin moved to renew the permit, seconded by Moore. Motion carried; Rasmussen, LaHue, Monica opposed; all others in favor.

1158 REPORT ON THE FLOODING OF THE TOMAHAWK CREEK PARKWAY AND OTHER AREAS OF THE CITY ON MAY 15, 1990, AND STORM EFFECTS ON THE PROPOSED SITE FOR THE NEW CITY HALL: City Administrator Garofano reviewed some of the

(Also see # 346)

background on the planning of the area, including the fact that the idea of constructing the Tomahawk Creek Parkway as a major north-south arterial predated by several years the idea of establishing the Tomahawk Creek Greenway open space. He stated that it is very common to reserve floodplain land for open space. The City obtained land for the Greenway through donations from property owners abutting the Greenway, and applied to the Federal government for funding of the Greenway development. Since the Federal government places restrictions on the use of floodplain land, the City had to apply for approval to use some of the land as a City Hall site. It is not uncommon to find City Halls in parks, nor is that use incompatible with parks.

Mr. Garofano reported that the new City Hall is being designed so that the finished floor level will be 1 foot above the 500-year flood elevation, and the Tomahawk Creek Parkway was designed so that the southbound lane (higher lane) would be at or above the 100-year elevation. He reported that FEMA has apparently elected not to classify the May 15th storm because of the sporadic nature of the rain and the fact that the soil was saturated prior to the storm. The City will seek confirmation of the flood elevations of the 2 projects.

There was extensive damage to Greenway plantings, trees, grasses planted in the fall of 1989; they had not had a chance to root. The Parkway contractor's responsibility/liability for restoration of the area under their contract was discussed. There was some damage to recreational facilities at Leawood Park, and extensive damage to recreational facilities on the Greenway. Mr. Garofano also reported on sewer backups, street closings, and other problems, and costs incurred.

2196 Councilmember Rasmussen stated that the strength of the flood waters was extremely dangerous for people and vehicles. He discussed the proposed City Hall site with the Corps of Engineers. He moved to repeal Article 9 of Chapter 1 of the Code of the City of Leawood which established the Public Building Commission based on the following: 1) the increase in the estimated cost of the proposed City Hall; 2) the City is involved in time consuming and expensive litigation over the use of park land along the Tomahawk Creek Parkway as a site for a City Hall; 3) the proposed site is in a floodplain, experiences flooding and is inaccessible during such conditions; 4) the construction of College Blvd. and Mission Rd. extension and other development in the area will make flooding conditions worse; and 5) the PBC adopted a resolution authorizing the expenditure of \$4,450,000, but has not issued any securities, expended any money, nor contracted to do so. The motion died for lack of a second.

3109 Mayor Rinehart stated that the \$4,450,000 is to fund both the new City Hall and the remodeling of the Police/Court Building and Fire Station No. 1.

The Council discussed the necessity of keeping discussions about the need for a new City Hall separate from those about the proposed building site.

3942 DISCUSSION OF CONCRETE DRIVEWAY APPROACHES ALONG LEE BOULEVARD: Public Works Director Brandt had been asked to investigate the possibility of constructing concrete driveway approaches as part of the Lee Blvd. im-

provement project. The original plan was to rebuild each driveway approach (from the street to the house side of the new sidewalk) with the same material as the rest of the driveway. It would cost an additional \$56,000 to rebuild all driveway approaches with Portland Cement Concrete. Councilmember LaHue moved to approve a change order in the amount of \$56,000, seconded by Moore. Motion failed; LaHue, Hammond, Moore, Lin in favor; Rasmussen, Anselmi, Newlin, Monica opposed; Mayor opposed.

4370 CONTRACT FOR JULY 4TH FIREWORKS DISPLAY: Councilmember Monica moved to approve the contract with Wald & Co. d/b/a All American Display Fireworks in the amount of \$5,297.35, seconded by Hammond. Motion carried; Anselmi opposed; all others in favor.

4392 REPLACEMENT OF STORMWATER INLET GRATES IN LEAWOOD SOUTH SUBDIVISION: The present grates have caused bicycle accidents. The City's insurance company has directed that the grates be replaced. Clay & Bailey Co. can replace the grates for \$6,613.20. On motion of Lin, seconded by Hammond, the Council unanimously authorized the replacement.

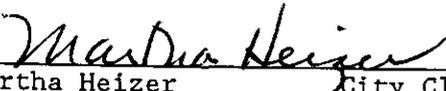
4430 APPROVAL OF APPROPRIATION ORDINANCE NO. 637: The ordinance was considered and passed on motion of Anselmi, seconded by Monica. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Anselmi, Moore, Newlin, Monica, Lin. Nays---None.

4495 DISCUSSION OF PRIVATE STREET CONSTRUCTION: Councilmember Lin stated that serious damage occurred to properties in the 12600 block of the private street Sherwood Drive which separates Leawood Forest Estates and Patrician Woods as a result of the storm on May 15th. A retaining wall/rock ledge constructed by the developer along Sherwood Drive failed, three homes at the top of the hill sustained damage as decks were detached from the houses, and the street below was blocked with mud and debris. Mr. Lin showed a video of the area. Consultants are studying the problems. The subdivision streets have not been turned over to the homes association by the developer. No one is claiming responsibility/liability for restoration. The City would like to help even though it has no legal liability. Information will be referred to the Public Works Committee for an overview of the flood damages and costs incurred for reference purposes.

5519 COUNCIL COMMENTS: Councilmember Moore asked if staff could review restrictions on replacement roofing and siding materials. Planning Director McKay stated that the Plan Commission is in the process of making changes to the "Zoning Ordinance", and a public hearing will be scheduled sometime in July or August. The Plan Commission decided not to consider changes in roofing material restrictions until deed restrictions are changed to concur with City restrictions. This matter will be discussed further at the June 4th Council meeting.

6465 10:25 P.M. After other Council comments, the meeting was declared ad-

journed.



Martha Heizer City Clerk



MINUTES
REGULAR COUNCIL MEETING

Tape No. 193

- # 20 The City Council of the City of Leawood, Kansas, met in regular session in the Council Chamber, 9615 Lee Boulevard, at 7:35 P.M., Monday, June 4, 1990. Mayor Marcia Rinehart presided.

Councilmembers present: Louis Rasmussen, Charles Hammond, Ernie Anselmi, Robert Newlin, Marsha Monica. Councilmembers Ronald LaHue, Douglas Moore, 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.

- 33 Agenda approved unanimously on motion of Anselmi, seconded by Hammond after: 1) deletion from Consent Agenda of Pay Request No. 16 to Holland Corp. for work performed on Tomahawk Creek Parkway; 2) deletion from Consent Agenda of Pay Request No. 2 (FINAL) to Embrey Excavating for work performed on the 143rd St. culvert project; 3) addition of a special presentation by the Mayor after approval of the agenda; and 4) addition of discussion of litigation relating to the proposed City Hall site to the executive session to be scheduled at the end of the meeting.

- 68 PRESENTATIONS OF CERTIFICATES OF APPRECIATION TO FORMER COMMITTEE MEMBERS: The Mayor presented Certificates of Appreciation to the following for their service to the City: Harvey Bodker, Board of Zoning Appeals, 1987-1990; George Huber, Plan Commission, 1984-1990; Howard Kipfer, Public Works Committee, 1985-1990. Certificates will also be given to 3 others unable to attend the meeting: Mark Ariagno, Public Works Committee, 1989-1990; Marlene Nagel, Plan Commission, 1987-1990; and Marna Dolginoff, Arts Committee, 1987-1990.

At a M.A.R.C. meeting held May 31st, Police Chief Cox accepted on behalf of the City a framed print of next year's Southwestern Bell telephone book cover depicting persons involved in 911 emergency services. The Mayor officially presented it to the City.

- 164 CITIZEN COMMENTS: Leawood resident Bill Judd, Councilmember/Public Safety Committee member in the early 1970's, presented background on former Councils' opposition to the proposed Tomahawk Reservoir (approximately Mission to Metcalf, 115th to 135th) in the early 1970's which, if constructed, would have split Leawood in half. However, the elimination of this lake and proposed Indian Lake in Overland Park reduced flood protection for the area. Mr. Judd feels there has to be a better place to build a City Hall than at 115th and Tomahawk Creek Parkway. He suggested the City approach the Hall family about donating land not in a floodplain, or consider the Voigts property at the northwest corner of 103rd and Lee Blvd., or consider condemning appropriate land for a site.

- 508 CONSENT AGENDA: The following were approved unanimously on motion of Rasmussen, seconded by Hammond:
1. Minutes of the May 21, 1990 Council meeting;
 2. Public Works Committee report on its May 3, 1990 meeting;
 3. Resolution No. 997 approving the final plat of The Highlands, 4th Plat (attached as part of the record);
 4. Request to pay off a purchase contract with IBM for 3 Police computer terminals and 1 printer - \$6,200 remaining to be paid;
 5. Purchase of 3 Zeos personal computers and 2 printers in the amount of \$9,935.48 for the Police Department;
 6. Purchase of a skid loader, backhoe, trailer from K.C. Bobcat in the amount of \$20,998.60 for the Public Works Department;
 7. Declaration of surplus property - 1979 Bobcat loader with bucket and trailer to be traded in on #6;
 8. Application for cereal malt beverage license - Camelot Court PayLess Store, 11721 Roe Ave.
- 517 CITY ADMINISTRATOR'S REPORT: A report on the May 15th flood was distributed to the Governing Body. Council preferred to use volunteers on a group-by-group basis at any time for cleanup of certain areas of the City rather than having 1 volunteer day.
- Kansas City, Missouri has agreed there is a need for a traffic signal at 92nd and State Line and will include funding in their 1991/1992 budget request. If approved, the earliest funds could be made available would be May 1, 1991. Johnson County included \$75,000 in the 1990 CARS program for funding this project. Mr. Garofano requested that the County carry forward to 1991 its commitment to fund the project.
- 688 MAYOR'S REPORT: Councilmember Newlin, Chairman of the Community Relations Committee, stated the Committee is studying residents' reactions to and media coverage of the May 15th flood, including reactions to the flooding of Tomahawk Creek Parkway and its effects on the proposed City Hall site at 115th and Tomahawk Creek Parkway. There has been a lot of misinformation, and the Committee will try to correct that. They are completing a final factual report which will be included in the next City newsletter.
- 797 DISCUSSION OF SECOND ENGINEERING REVIEW OF THE PROPOSED CITY HALL SITE AT 115TH AND TOMAHAWK CREEK PARKWAY: Upon request, the Corps of Engineers will conduct an analysis of the site and provide recommendations regarding construction on the site relative to the floodplain at no cost to the City. The Corps estimates it would take at least 30 days to complete the analysis, time frame depending on the Corps' work load and its ability to obtain the pertinent floodplain data from FEMA on a timely basis. Obtaining flood elevation data is complicated by the fact that FEMA has not completed its update of the Flood Insurance Study. The Corps would also attempt to classify the May 15th storm which FEMA is unwilling to do. The information generated would hopefully provide the City guidance in making a final determination as to the suitability of the site.

The Council discussed the pros and cons of using a private engineering firm vs. the Corps. Public Works Director Brandt prefers a private firm, but feels the City could use the Corps first, then provide the Corps' data to a private firm. The possibility of conflicting data/recommendations was discussed.

The Council discussed pursuing alternative building sites.

On motion of Anselmi, seconded by Monica, Council unanimously authorized the City Administrator to request a site analysis from the Corps of Engineers. On motion of Rasmussen, seconded by Monica, Council unanimously directed the City Administrator to investigate alternative sites.

- 1673 DISCUSSION OF REPLACEMENT ROOFING/SIDING MATERIALS: Planning Director McKay stated the "Zoning Ordinance" specifies that roofs be constructed only of wood shakes, wood shingles, concrete tiles, slate, and some variations for flat roofs; it does not permit composition materials. Basically, at the present time, City restrictions on these materials and homes association deed restrictions are the same. Mr. McKay reviewed the procedure for amending the "Zoning Ordinance". He stated that if the ordinance was amended to permit other materials, deed restrictions would also have to be changed to enable residents to utilize those materials.

Councilmember Anselmi is not opposed to wood roofs, but would like the City to give residents a choice between materials currently permitted and composition materials which are less expensive, easier to maintain, and last longer.

Cecil Hammonds, President of the Leawood Estates Homes Association, stated that composition materials are prohibited in Leawood Estates by the deed restrictions, and the Association Board is opposed to changing the deed restrictions to allow otherwise. Councilmember Anselmi would question that anyone could tell him what he must do with his property as long as his decision to use a certain roofing material, etc. was made within the confines of good judgment.

Public safety concerns, possible risks of adopting a zoning ordinance which might conflict with deed restrictions, ecology concerns, and cost/maintenance differences in materials were discussed. On motion of Newlin, seconded by Hammond, Council unanimously voted to request the Plan Commission initiate an overall review of replacement roofing and siding materials. The review will include the above concerns, and the City Attorney will participate in the review.

- 2647 CONSTRUCTION OF TRAFFIC SIGNALS AT 119TH AND MISSION ROAD: Continental Construction Engineers have completed the signal design. Construction will cost approximately \$85,000; the Church of the Nativity, currently under construction, will be responsible for approximately \$8,500. On motion of Monica, seconded by Anselmi, Council unanimously authorized staff to proceed with bidding the project.

- 2781 DISCUSSION OF CHANGES TO SECTION 125 OF THE IRS CODE RE EMPLOYEE BENEFIT "125 CAFETERIA PLAN": This benefit allows employees to pay for certain medical, dental and dependent costs with pre-tax dollars. The

June 4, 1990

IRS adopted new regulations for the "medical reimbursement option" of the Plan effective January 1, 1990. One change could affect the City's liability. An employee is entitled to the full benefit of a specified annual deduction at any time during the plan year if medical expenses are valid, so the employee could be reimbursed for an amount yet to be deducted from his/her pay. Further, an employer can not require an employee to speed up his/her scheduled deductions. If an employee terminates employment and has been reimbursed for any monies yet to be collected, the City has no legal remedy to recover the unpaid portion, except to sue the employee. Staff proposed continuing the medical reimbursement option, limiting the biweekly amount that could be contributed to the plan to \$40.00. By placing a cap on this amount, the City's potential for large losses would be eliminated. In addition, staff proposed limiting the benefit to employees who have been employed for at least 1 year. This would coincide with the City's probationary period for new employees and would also limit the City's exposure.

On motion of Anselmi, seconded by Rasmussen, Council unanimously authorized the City to keep the plan in effect with the \$40 "cap" and probationary period.

3061 WORK SESSION: Scheduled for June 11, 1990, 7:30 P.M., to discuss the City's five-year Capital Improvements Program (CIP).

3076 EXECUTIVE SESSION: Councilmember Hammond moved to convene in executive session after Council comments, not to exceed 1 hour and 10 minutes, to discuss acquisition of real property, litigation regarding the proposed City Hall site, and acquisition of alternative City Hall sites. Motion seconded by Rasmussen, and carried unanimously.

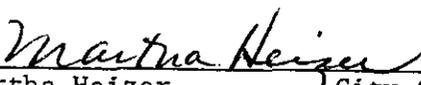
3155 APPROVAL OF APPROPRIATION ORDINANCE NO. 638: The ordinance was considered and passed on motion of Hammond, seconded by Anselmi. On roll call the vote was: Yeas---Rasmussen, Hammond, Anselmi, Newlin, Monica. Nays---None.

3171 COUNCIL COMMENTS: None.

9:15 P.M. Recess to clear the Council Chamber.

3193 9:25 P.M. Council convened in executive session, same members present.

10:35 P.M. Council returned to regular session, same members present. There being no further business before the Council, the meeting was declared adjourned.


Martha Heizer City Clerk

MINUTES
REGULAR COUNCIL MEETING

Tape No. 194

- # 30 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, June 18, 1990. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Louis Rasmussen, Charles Hammond, Ernie Anselmi, Douglas Moore, Robert Newlin, Jimmy Lin.
* Councilmember Marsha Monica 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.

- 38 Agenda approved unanimously on motion of Moore, seconded by Lin after addition of: 1) discussion of Lee Blvd. bridge over I-435 and noise abatement relating to the widening of I-435; 2) discussion of sidewalks along major thoroughfares; 3) work session on capital improvements to be held after the Council meeting; 4) discussion of open drainage ditches in the vicinity of 9711 Lee Blvd., Lee Blvd. improvement project; and 5) executive session at the end of the meeting to discuss City Hall litigation, tree damage along Tomahawk Creek Parkway under attorney-client privilege, and acquisition of real property.

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

- 143 CITIZEN COMMENTS: John Hoover, 9711 Lee Blvd., stated that he and his neighbors are concerned that the drainage ditches under construction at the front of their properties along Lee Blvd. will be deeper and steeper than the original ditches, and will not be aesthetically pleasing. Further discussion at tape meter #386.

Donald Brod, 11316 El Monte, felt the citizens of Leawood should have an opportunity to vote on whether or not the City should build a new City Hall. Councilmember Lin expressed his feelings about citizens voting on this project and capital improvements in general. If every expenditure was placed on a ballot for public vote, the City would accomplish nothing. Councilmembers, as representatives of Leawood residents, have fiscal responsibility to the citizens and try to exercise their best judgment within the guidelines of the law when making decisions for the City. The Mayor presented background on the new City Hall from a space needs study in 1985 to the Council's decision to remodel the Police facility and to have a temporary administrative office facility. More information will be given to Mr. Brod.

- 321 PROCLAMATION: The Mayor proclaimed June 23, 1990 as "Walk for Life Day".

- 324 CONSENT AGENDA: Part of the Public Safety Committee report relating to

sidewalks/safe school routes will be discussed later in the meeting. The following were approved unanimously on motion of Anselmi, seconded by LaHue:

1. Minutes of the June 4, 1990 Council meeting;
2. Public Works Committee report on its June 7, 1990 meeting;
3. Public Safety Committee report on its June 13, 1990 meeting;
4. Departmental reports;
5. Pay Request No. 10 to Allison & Alexander for \$100,700.55; Police/Court Bldg. & Fire Sta. No. 1 remodeling project;
6. Pay Request No. 4 (FINAL) to Holland Corp. for \$18,161.98; 1989 Street Rehabilitation Program;
7. Pay Request No. 2 (FINAL) to Embrey Excavating for \$56,733.12; 143rd St. culvert project;
8. Pay Request No. 9 to C.L. Fairley Constr. for \$71,590.30; 119th St. improvements, State Line to Mission
9. Pay Request No. 1 to Radmacher Bros. for \$79,794.02; 1990 Street Rehabilitation Program;
10. Change Order No. 1 to the contract for traffic signal installation at K-150 and State Line in the amount of \$1,500 - to construct a concrete pad mounting for controller base to provide greater setback from the roadway and accomodate temporary signal controls during the widening of K-150;
11. Acceptance of donations from the Leawood Woman's Club; \$3,400 to the Fire Dept. to convert a mini van into an Incident Command Vehicle; \$2,000 to the Police Dept. for the D.A.R.E. Program; and \$2,600 to the Police Dept. for purchase of tactical body armor;
12. Amendment of appraisal of land at 2609 Somerset Drive to be acquired for a temporary construction easement required for the Somerset & Lee intersection improvement - from \$650 to \$600.

341 CITY ADMINISTRATOR'S REPORT: None.

386 DISCUSSION OF OPEN DRAINAGE DITCHES IN THE VICINITY OF 9711 LEE BOULEVARD; LEE BOULEVARD IMPROVEMENT PROJECT, PHASE 1: John Hoover, 9711 Lee Blvd., requested that the reconstructed open ditch on his property along Lee Blvd. be enclosed because he feels the ditch will detract from the beauty of his yard and will be difficult to maintain due to its greater depth.

Public Works Director Brandt could not recommend enclosure because it would be too expensive and drainage would be altered. The Council had decided at the beginning of the improvement project to have open drainage ditches to continue the "country lane" atmosphere of Lee Blvd.

Councilmember Moore felt that if deeper ditches and steeper ditch slopes created true safety concerns and drainage problems, then the City should adopt a standard rule to follow throughout the project in areas with a similar situation.

The Governing Body and staff will review the open ditches during a bus tour of Public Works projects on June 23rd.

1116 DISCUSSION OF SIDEWALKS/SAFE SCHOOL ROUTES: The Public Safety Committee discussed this matter at its June 13th meeting, and directed

staff to collect additional data after school opens in the fall - numbers of children walking, PTA input, comparison with an existing safe school route in Prairie Village.

Public Works Director Brandt stated that in new subdivisions, the City requires that sidewalks be constructed on one side of residential streets and on both sides of collector and arterial streets. The City does not have a policy for sidewalk construction on existing collector and arterial streets; sidewalks are constructed for pedestrian safety as improvements are made to those streets.

The Budget & Finance Committee will be informed that a majority of the Council favors continuing the policy of budgeting for a sidewalk construction program on existing major thoroughfares.

1365 DISCUSSION OF WIDENING OF I-435; LEE BOULEVARD BRIDGE INTO LEAWOOD PARK AND NOISE ABATEMENT: Council discussed a June 4th letter from KDOT regarding the replacement of the Lee Blvd. bridge and the City's request for noise abatement. These matters will be discussed further at the July 2nd Council meeting.

1595 CITY/STATE AGREEMENT RELATING TO THE WIDENING OF STATE LINE ROAD BETWEEN I-435 AND K-150: The State agreed to replace bridges on I-435 over State Line; span length would be increased to allow for the construction of three through lanes in each direction on State Line. The State is requesting that the City sign an agreement agreeing to the completion of State Line improvements between I-435 and 103rd St. within the next 10 years. If the City does not agree to this, the State will not replace the bridges, just widen them.

The agreement was not available for distribution. It will be discussed further at the July 2nd Council meeting.

1795 PURCHASE OF PRECAST CON-SPAN BRIDGE SECTION FOR REPLACEMENT OF 86TH TERRACE BRIDGE NEAR LEE BOULEVARD: On motion of Lin, seconded by Anselmi, Council unanimously authorized this purchase in the amount of \$10,139.40.

1899 ORDINANCE NO. 1163C RELATING TO BUILDING IDENTIFICATION (ADDRESS) REQUIREMENTS: The ordinance was considered and passed on motion of Hammond, seconded by Rasmussen. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Anselmi, Moore, Newlin, Monica, Lin. Nays---None.

2077 ORDINANCE NO. 1164 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES L.I.D. 88-1-90G, PROJECT 113; TOMAHAWK CREEK PARKWAY; IN THE AMOUNT OF \$700,000: The ordinance was considered and passed on motion of Hammond, seconded by Anselmi. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Anselmi, Moore, Newlin, Monica, Lin. Nays---None.

2092 ORDINANCE NO. 1165 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 90E, PROJECT 118; POLICE/COURT BLDG. & FIRE STA. NO. 1 REMODELING PROJECT; IN THE AMOUNT OF \$500,000: The ordinance was considered and passed on

motion of Hammond, seconded by Anselmi. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Anselmi, Moore, Newlin, Monica, Lin. Nays---None.

2107 ORDINANCE NO. 1166 AUTHORIZING ISSUANCE OF TEMPORARY NOTES: SERIES 90F, PROJECT 114; SOMERSET, BELINDER-SAGAMORE (SOMERSET & LEE INTERSECTION IMPROVEMENTS); IN THE AMOUNT OF \$100,000: The ordinance was considered and passed on motion of Hammond, seconded by Anselmi. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Anselmi, Moore, Newlin, Monica, Lin. Nays---None.

2138 CONSIDERATION OF BIDS FOR 1990 WEEDS AND GRASS MAINTENANCE: Planning Director McKay recommended the contract be awarded to Atcheson Lawn and Landscape even though they were not the low bidder. Atcheson has a greater amount of ready equipment and manpower, and has done an excellent job for the City the past 3 years. The difference in hourly rates was not significant enough to change contractors.

Councilmember Anselmi moved to award the contract to Atcheson, seconded by Monica.

Jane McQueeny spoke on behalf of the low bidder Thorpe Landscape Management. Mr. Thorpe has good references and qualifications, and met the qualifications of the bidding process; it would be in the City's best interest to award the bid to Mr. Thorpe.

The Council discussed protecting the integrity of the bidding process; the City should have good reason to reject a bid.

Councilmember Anselmi's motion to award the contract to Atcheson failed; Monica in favor; all others opposed.

Councilmember Moore moved to award the contract to Thorpe Landscape Management, seconded by Hammond. Motion carried; Monica opposed; all others in favor.

2896 APPROVAL OF APPROPRIATION ORDINANCE NO. 639: The ordinance was considered and passed on motion of Anselmi, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Anselmi, Moore, Newlin, Monica, Lin. Nays---None.

2912 COUNCIL COMMENTS: At the June 4th Council meeting, Council discussed replacement roofing materials, including wood shingles, which are permitted in the City. Safer, less expensive composition materials are not permitted. Newspaper articles were written which addressed the safety (fire) issue only. Mr. Anselmi, in favor of amending ordinances to allow composition materials, stated that the real issue is an economic one, whether or not residents can afford to replace their roofs with wood shingles.

The Public Safety Committee discussed the sales of newspapers on street corners at its June 13th meeting. The Committee agreed there was a safety risk involved, but since no problems had occurred, the Committee decided to take a "wait and see" approach and table the issue for 6 months, unless a problem arose. Dr. LaHue requested clarification of the "wait and see" attitude. Councilmember Hammond, Chairman of the Public Safety Committee, stated that the Committee did

not mean to wait and see if someone is injured on a street corner, but to see if this matter is a viable concept in the City; there does not appear to be much of this activity in the City.

3066 EXECUTIVE SESSION: Councilmember Anselmi moved to convene in executive session, not to exceed 20 minutes, to discuss acquisition of real property, litigation regarding the proposed City Hall site, and tree damage along Tomahawk Creek Parkway under attorney-client privilege. Motion seconded by LaHue and carried unanimously.

3106 9:10 P.M. Recess.

9:17 P.M. Council convened in executive session, same members present.

3107 9:37 P.M. Council returned to regular session, same members present. Councilmember Lin moved to reconvene in executive session, not to exceed 15 minutes, to continue discussion of the same issues. Motion seconded by Moore and carried unanimously. Council returned to executive session at 9:38 P.M., same members present.

9:53 P.M. Council returned to regular session, same members present. There being no further business before the Council, the meeting was declared adjourned. A brief work session on capital improvements followed.



Martha Heizer City Clerk

MINUTES
REGULAR COUNCIL MEETING

Tape No. 195

- # 20 The City Council of the City of Leawood, Kansas, met in regular session in the Council Chamber, 9615 Lee Boulevard, at 7:35 P.M., Monday, July 2, 1990. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Charles Hammond, Ernie Anselmi, Douglas Moore, Robert Newlin. Councilmembers Louis Rasmussen, 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; Robert McKay, Director of Planning & Development; Jerry Strack, Fire Chief; Martha Heizer, City Clerk; and Richard Wetzler, City Attorney.

- 30 Agenda approved unanimously on motion of Hammond, seconded by Moore after addition of discussion of the July 4th parade.
- 46 CITIZEN COMMENTS: Dennis Welzenbach (2321 W. 127th St.) and Kenneth Hoffman (2317 W. 127th St.) from Royse subdivision told the Council about poor drainage in their area which has caused basement flooding, loss of landscaping/trees, and damage to basement foundations and interior finishes and carpeting. They requested the City seek a solution to the problem since the City maintains the permanent drainage easements. Poor drainage may also be responsible for washing out 127th St. near Eaton Circle. Public Works Director Brandt will study the matter and report his findings to the residents and Council by the first Council meeting in August.
- 432 CONSENT AGENDA: Purchase of a Police staff vehicle and declaration of 4 Police vehicles as surplus property were removed for further discussion. The following were approved unanimously on motion of Hammond, seconded by Anselmi:
1. Minutes of the June 18, 1990 Council meeting;
 2. Public Works Committee report on its June 23, 1990 tour of Public Works projects;
 3. Recreation Commission report on its June 19, 1990 meeting;
 4. Application for retail liquor occupation license for Faust's Retail Liquor Store, 11841 Roe;
 5. Resolution No. 998 approving the final plat of Chartwell West at approximately 99th & Lee Blvd. (attached as part of the record);
 6. Assignment to Public Works Committee to study Overland Park's request that Leawood participate in the construction of a storm sewer on Aberdeen between 98th & 97th Place;
 7. Pay Request No. 3 to Holland Corp. for \$283,241.01; Lee Blvd. improvements, Phase 1.

After discussion, the following were approved unanimously on motion of Moore, seconded by Hammond:

1. Purchase of a 1989 Cutlass Ciera from Cunningham Oldsmobile for \$9,700 to be used as a Police staff car;
2. Declaration of surplus property - 3 1988 Chevrolet Caprices

(patrol cars) and a 1985 Ford LTD (unmarked car) no longer used by the Police Department.

- 512 REQUEST FOR A SPECIAL USE PERMIT - HY-VEE FOOD STORE, 12200 STATE LINE ROAD: The 2-year permit would allow outdoor sales of merchandise. Staff recommended approval with certain stipulations. The Plan Commission recommended denial. On motion of Moore, seconded by Hammond, Council unanimously approved the permit. Staff recommendations are to be taken into consideration.
- 1121 CITY ADMINISTRATOR'S REPORT: Public Works Director Brandt reported on the status of the Lee Blvd. improvements. The asphalt overlay was postponed from this morning to early in the morning of July 9th. Several places need to be repaired before the overlay. The contractor will do repairs and as much grading as possible and complete the sidewalk this week.
- 1269 MAYOR'S REPORT: The Mayor attended a recent ribbon cutting ceremony for the Valley View Bank in Camelot Court Shopping Center, 119th and Roe.
Mayor Rinehart reported that the City's American Revolution Tricentennial Fund had a balance of \$2,952.89 as of June 30, 1990.
The Council discussed permitting political candidates to ride in the July 4th parade. City Attorney Wetzler stated that the City has had the unofficial, unwritten policy of not allowing them to participate in July 4th parades since the parade is not perceived as a political event. However, there is a possibility that someone might challenge the policy, so perhaps the City should allow candidates to participate if they can fit into a parade category. He also felt the City should have a written policy for future parades. The Council should authorize the July 4th Committee to allow candidates to participate in the parade this year. Councilmember Moore so moved as long as candidates could fit into a parade category, seconded by LaHue. Motion carried; Anselmi opposed; all others in favor. The City Attorney was directed to prepare a written policy.
- 1856 DISCUSSION OF STORM DRAINAGE IMPROVEMENTS AT 9711 LEE BOULEVARD; LEE BOULEVARD IMPROVEMENT PROJECT, PHASE 1: The contractor completed some improvements today. The improvements, which included a rock ditch liner, were made primarily for aesthetic purposes and were approved by the project engineers. The homeowner's request that the reconstructed open ditch be enclosed has not been granted or denied. On motion of Moore, seconded by Hammond, discussion of the improvements was deferred to the July 16th Council meeting so the Council could see the improvements and the homeowner John Hoover, who could not attend tonight's meeting, could hear the discussion.
- 2086 DISCUSSION OF IMPROVEMENTS ON I-435 BETWEEN METCALF AND STATE LINE ROAD: KDOT informed the City that they will not do noise abatement, feeling it's not warranted. Homes along the highway in Leawood Estates subdivision were built prior to the construction of I-435, so,

technically, the State should do some abatement. Public Works Director Brandt will continue to pursue this issue with KDOT.

Council discussed the new alignment of the Lee Blvd. bridge and directed Public Works Director Brandt to continue to study the matter, especially the safety aspect since the new bridge will be closer to playing areas in Leawood Park.

- 2673 CITY/STATE AGREEMENT RELATING TO THE WIDENING OF STATE LINE ROAD BETWEEN I-435 AND K-150: As discussed at the June 18th Council meeting, the State had requested that the City sign this agreement as soon as possible, agreeing to the completion of the widening of State Line between I-435 and 103rd St. within the next 10 years. If the City agreed to this, the State would replace the bridges on I-435 over State Line, otherwise just widen them. The State is no longer in a hurry to have the City sign the agreement. On motion of Moore, seconded by LaHue, the Council unanimously deferred consideration of this matter indefinitely.
- 2707 ORDINANCE NO. 1167 VACATING A DRAINAGE EASEMENT AS SHOWN ON THE PLAT OF WELCREEK ESTATES: 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. Nays---None.
- 2783 ORDINANCE NO. 1168 ACCEPTING 2 DRAINAGE EASEMENTS REQUIRED FOR THE 1990 STREET REHABILITATION PROGRAM, SPECIFICALLY AT 98TH AND BELINDER: The ordinance was considered and passed on motion of Hammond, seconded by Anselmi. On roll call the vote was: Yeas---LaHue, Hammond, Anselmi, Moore, Newlin. Nays---None.
- 2797 WORK SESSION: Scheduled for July 9th, 7:30 P.M., in the Council Chamber, to discuss the 1991 Budget.
- 2872 APPROVAL OF APPROPRIATION ORDINANCE NO. 640: The ordinance was considered and passed on motion of Hammond, seconded by Anselmi. On roll call the vote was: Yeas---LaHue, Hammond, Anselmi, Moore, Newlin. Nays---None.
- 3190 9:15 P.M. After Council comments, the meeting was declared adjourned.


Martha Heizer City Clerk

MINUTES
REGULAR COUNCIL MEETING

Tape No. 196

26 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, July 16, 1990. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Charles Hammond, Ernie Anselmi, Douglas Moore, Marsha Monica, Jimmy Lin. Councilmember Louis Rasmussen was absent. * Councilmember Robert Newlin arrived at 7:45 P.M. Staff present: Richard Garofano, City Administrator; Julie Baer, Asst. City Administrator; J. Stephen Cox, Chief of Police; Terry Uhl, Asst. Director of Public Works; Harry Malnicof, Finance Director; Robert McKay, Director of Planning & Development; Allen Bledsoe, Asst. Fire Chief; Martha Heizer, City Clerk; and Richard Wetzler, City Attorney.

38 Agenda approved unanimously on motion of Anselmi, seconded by Hammond, after addition of: 1) a resolution and ordinance relating to the condemnation of private property required for the improvement of the intersection of Lee Blvd. and Somerset Dr.; 2) discussion of the alignment of Mission Road between I-435 and College Blvd.; and 3) an executive session at the end of the meeting to discuss potential litigation.

99 CITIZEN COMMENTS: Bill Hoskins, 9816 Lee Circle, asked if parking was provided for the disabled at Leawood Park on July 4th. Asst. City Administrator Baer stated that persons with handicap permits could park in handicapped parking spaces near the pool building. Mr. Hoskins tried to enter the Park at approximately 8:30 P.M. on July 4th, but was told that parking was no longer available. See tape meter #366 for further discussion.

144 CONSENT AGENDA: Pay requests 16 and 17 relating to work performed by Holland Corp. on Tomahawk Creek Parkway were removed for further discussion. The following were approved unanimously on motion of Lin, seconded by Anselmi:

1. Minutes of the July 2, 1990 Council meeting;
2. Departmental reports;
3. Pay Request No. 10 to C.L. Fairley Constr. for \$204,489.33; 119th St. improvements, State Line/Mission;
4. Declaration of surplus property - 1981 Datsun pickup truck no longer used by the Public Works Department.

Councilmember Moore moved to approve pay requests 16 and 17 in the total amount of \$59,444.28 with the stipulation that staff make it clear to Holland Corp. that this payment does not represent acceptance of the project in whole or in part; seconded by Hammond; unanimous.

240 ORDINANCE NO. 1169 ZONING ANNEXED PROPERTY SOUTH OF 151ST STREET FROM JOHNSON COUNTY ZONING CLASSIFICATIONS R1B AND AGRICULTURE TO LEAWOOD ZONING R-1:

- * 7:45 P.M. Councilmember Newlin arrived during discussion of the ordinance.

The ordinance was considered and passed on motion of Hammond, seconded by Anselmi. On roll call the vote was: Yeas---LaHue, Hammond, Anselmi, Moore, Newlin, Monica, Lin. Nays---None.

- 366 MAYOR'S REPORT: The Mayor reported that the groundbreaking ceremony for the new Johnson County Administrative Center will be July 19th.
Also see Mayor Rinehart praised those who helped make the July 4th #99 celebration at Leawood Park a success. Resident Bill Hoskins commended Police Chief Cox and his department, but added that he and his 88-year old father who has a legal Kansas disability permit were turned away from the Park. He hoped that next July 4th more disabled would be admitted to the Park. If this problem is not addressed, the City could be in violation of Federal law protecting the rights of the disabled. The City will study this problem.

- 810 DISCUSSION OF STORM DRAINAGE IMPROVEMENTS AT 9711 LEE BOULEVARD; LEE BOULEVARD IMPROVEMENT PROJECT, PHASE 1: Homeowner John Hoover did not attend the meeting. He had requested that the reconstructed drainage ditch along Lee Blvd. be enclosed. Staff informed Council that there was no engineering reason to enclose the ditch. Councilmember Lin moved to grant Mr. Hoover's request, seconded by Anselmi. Motion failed; all opposed.

- 1111 DISCUSSION OF MISSION ROAD ALIGNMENT BETWEEN I-435 AND COLLEGE BLVD.:
The Public Works Committee was scheduled to meet July 12th. Even though there was no quorum, committee members present did discuss the roadway alignment with Longwood Forest residents who attended the meeting. Residents want a realignment to the east of Indian Creek further away from their homes. They were told it appears doubtful that FEMA will allow construction of the roadway on the east side of the Creek, and that the Johnson County Sewer District will not allow the City to build a road on their property east of the Creek. Councilmember Lin stated that the cost of this or any other alternate alignment has never really been addressed, and the City needs to inform the residents about the cost factor. He felt the Council should initiate a cost study to bring discussions with the residents to an end. If staff found that an alternate would be too expensive, residents could be told that no realignment would be done. He also stated that noise from the alignment as presently designed on the west side of the Creek could be abated by the installation of a barrier.
The Council discussed the possibility of requesting that the Board of County Commissioners reconsider the Sewer District's decision.
Council discussed directing staff and engineers to proceed with the alignment of the roadway and bridge as currently designed, and having a work session with residents to discuss the matter further.
Councilmember Monica moved to have a work session with the residents and Public Works Committee, seconded by Hammond. Further discussion followed. Councilmember Monica called for the question,

seconded by Hammond; motion carried; LaHue, Lin opposed; all others in favor. Councilmember Monica's motion to have a work session carried; Anselmi, Lin opposed; all others in favor. A work session will be held August 13th.

- 3434 PRESENTATION OF RISK MANAGEMENT REPORT: On motion of Hammond, seconded by Moore, Council unanimously accepted the report with its recommendations as presented by Fortune & Company which had conducted a comprehensive analysis of the City's risk management operations.
- 4206 APPROVAL OF NOTICE OF 1991 BUDGET HEARING: Councilmember Anselmi moved to approve the notice, hearing to be held August 6th at 6:30 P.M. in the Council Chamber; seconded by Monica. Motion carried; Monica opposed, preferring 7:30; all others in favor.
- 4437 RESOLUTION NO. 999 DIRECTING THE CITY CLERK TO PUBLISH NOTICE OF A PUBLIC HEARING TO CONSIDER PROPOSED ASSESSMENTS FOR ROE AVENUE IMPROVEMENTS, 112TH STREET TO 121ST STREET: Hearing to be held August 6th at 7:30 P.M. in the Council Chamber. Resolution adopted unanimously on motion of Lin, seconded by Hammond. Attached as part of the record.
- 4452 RESOLUTION NO. 1000 RELATING TO CITY/COUNTY OFFICE PAPER RECYCLING PROGRAM: Mid-America Regional Council's recycling committee is coordinating a City/County office paper recycling program and a cooperative purchasing program for copier paper made with recycled fibers. Resolution expressing Council's intent to participate in these programs was adopted unanimously on motion of Monica, seconded by Hammond. Attached as part of the record.
- 4550 APPROVAL OF APPROPRIATION ORDINANCE NO. 641: The ordinance was considered and passed on motion of Anselmi, seconded by LaHue. On roll call the vote was: Yeas---LaHue, Hammond, Anselmi, Moore, Newlin, Monica, Lin. Nays---None.
- 4572 RESOLUTION NO. 1001 DECLARING THE NECESSITY TO APPROPRIATE PRIVATE PROPERTY AND AUTHORIZING A SURVEY AND DESCRIPTION OF THE LAND AND INTEREST TO BE CONDEMNED FOR THE IMPROVEMENT OF THE INTERSECTION OF LEE BLVD. AND SOMERSET DR.: Adopted unanimously on motion of Moore, seconded by Anselmi. Attached as part of the record.
- 4681 ORDINANCE NO. 1170 AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF PERMANENT DRAINAGE EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS FOR THE IMPROVEMENT OF THE INTERSECTION OF LEE BLVD. AND SOMERSET DR.: 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, Monica, Lin. Nays---None.
- 4751 After Council comments, Councilmember LaHue moved to convene in executive session, not to exceed 15 minutes, to discuss litigation; seconded by Hammond; unanimous.

5002 10:10 P.M. Council convened in executive session, same members present. Council returned to regular session at 10:18 P.M.

Councilmember LaHue moved to reconvene in executive session, not to exceed 10 minutes, to discuss acquisition of real property; seconded by Moore; unanimous. Council reconvened in executive session at 10:20 P.M., same members present.

5054 10:30 P.M. Council returned to regular session, same members present. The meeting was adjourned.


Martha Heizer City Clerk

MINUTES
PUBLIC HEARING

Tape No. 197

- # 21 Minutes of a hearing for public comment on the proposed 1991 Budget held at 6:45 P.M., Monday, August 6, 1990, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas.

Councilmembers present: Ronald LaHue, Louis Rasmussen, Charles Hammond, Ernie Anselmi, Douglas Moore, Robert Newlin, Marsha Monica. Staff: Richard Garofano, City Administrator; Julie Baer, Asst. City Administrator; Harry Malnicof, Finance Director; Wayne Sharp, Captain, Police Department; Terry Uhl, Asst. Director of Public Works; Robert McKay, Director of Planning & Development; Jerry Strack, Fire Chief; Martha Heizer, City Clerk.

The hearing was called to order by Mayor Marcia Rinehart. Councilmember Moore, Chairman of the Budget & Finance Committee, outlined the overall budget process; City Administrator Garofano gave a presentation on the proposed budget.

1262 7:25 P.M. There being no public comment, the hearing was closed.


Martha Heizer City Clerk

MINUTES
PUBLIC HEARING

Tape No. 197

#1262 Minutes of a public hearing held at 7:30 P.M., Monday, August 6, 1990, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas.

The purpose of the hearing was to hear public comment on proposed assessments to be levied to pay the cost of improvements of Roe Avenue, 112th Street to 121st Street.

Councilmembers present: Ronald LaHue, Louis Rasmussen, Charles Hammond, Ernie Anselmi, Douglas Moore, Robert Newlin, Marsha Monica. Staff: Richard Garofano, City Administrator; Julie Baer, Asst. City Administrator; Harry Malnicof, Finance Director; Wayne Sharp, Captain, Police Department; Terry Uhl, Asst. Director of Public Works; Robert McKay, Director of Planning & Development; Jerry Strack, Fire Chief; Martha Heizer, City Clerk; Richard Wetzler, City Attorney.

The hearing was called to order by Mayor Marcia Rinehart. There was no staff presentation.

1303 7:35 P.M. There being no public comment, the hearing was closed.


Martha Heizer City Clerk

MINUTES
REGULAR COUNCIL MEETING

Tape No. 197

#1303 The City Council of the City of Leawood, Kansas, met in regular session in the Council Chamber, 9615 Lee Boulevard, at 7:35 P.M., Monday, August 6, 1990. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Louis Rasmussen, Charles Hammond, Ernie Anselmi, Douglas Moore, Robert Newlin, Marsha Monica. Councilmember Jimmy Lin was absent. Staff present: Richard Garofano, City Administrator; Wayne Sharp, Captain, Police Department; Terry Uhl, Asst. 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.

1314 Agenda approved unanimously on motion of Anselmi, seconded by Monica, after addition of: 1) (under consent agenda) a pay request to Hanrahan Asphalt Paving in the amount of \$11,948.00 for parking lot construction at the south Fire Station; 2) discussion of the adoption of a long-range highway improvement plan by Mid-America Regional Council; 3) discussion of ward boundary changes; and 4) (under consent agenda) a discussion of the proposed 1991 Budget to be added to the agenda for the previously scheduled August 13th work session.

1511 CITIZEN COMMENTS: Jerry Morrow, 12650 Sherwood Dr., Patrician Woods subdivision, addressed the Council on behalf of his neighbors about a rock wall constructed by the developer along the private street Sherwood Dr. which separates Leawood Forest Estates and Patrician Woods. Part of the wall failed during the May 15th flood. The failure was discussed at the May 21st Council meeting. Mr. Morrow stated the wall had also failed several times before the flood. Residents are concerned about the remainder of the wall, and are faced with losing money they have spent to stabilize the slope to protect their homes if the wall is not replaced soon.

Mr. Morrow asked for Council support in getting the developers to resolve the matter quickly. Residents would also like the Council to consider replatting the 14 lots along the street and making the street a public street in the event the wall is reconstructed to code and the street is brought into compliance with City standards.

1994 Chuck Digby, 8025 High Dr., informed the Council that he and neighbors are dissatisfied with the street rehabilitation project at 81st and High Dr. The project is taking too long, and construction workers often block driveways without giving notice to residents. Asst. Dir. of Public Works Uhl stated that the contractor has until September 15th to complete the project. The contractor met some unforeseen problems with soil conditions on High Drive which may warrant a contract time extension. There appears to be a need to establish better communications between the residents, contractor and Public Works Department.

2233 CONSENT AGENDA: The following were approved unanimously on motion of

Anselmi, seconded by Hammond:

1. Minutes of the July 16, 1990 Council meeting;
2. Recreation Commission report on its July 10, 1990 meeting;
3. Resolution No. 1002 approving the final plat of Royse, 10th Plat (attached as part of the record);
4. Pay Request No. 2 to Radmacher Bros. Excavating for \$48,974.11; 1990 Street Rehabilitation Program;
5. Pay Request No. 1 (FINAL) to City of Overland Park for \$7,714.53; Mission Rd. improvements, 99th St. to 103rd St.;
6. Pay Request No. 1 (FINAL) to Hanrahan Asphalt Paving for \$11,948.00; construction of parking lot at south Fire Station;
7. Discussion of the proposed 1991 Budget to be added to the agenda for the previously scheduled August 13th work session.

2248 REQUEST FOR SPECIAL USE PERMIT - EARL MAY GARDEN CENTER AT 119TH & ROE, CAMELOT COURT SHOPPING CENTER: Permit required to allow outdoor display and sales of nursery products in a CP-1 zoning district. On motion of Hammond, seconded by Anselmi, Council unanimously approved the permit with stipulations for a period of 15 years.

2671 REQUEST FOR A TEMPORARY SPECIAL USE PERMIT AT RANCHMART SHOPPING CENTER - to display a solar-powered vehicle in the parking lot north of the Post Office and east of Flower City on Saturday, August 18th: Councilmember Hammond moved to approve the permit, seconded by Moore. Councilmember Rasmussen expressed concern about trash and building deterioration at the shopping center. He felt the City should not consider granting special use permits when such conditions exist which do not represent the quality image the City wants to project. Planning Director McKay reminded the Council that the center is several years old, and that the City constantly tries to keep the buildings in compliance with code. Hammond's motion for approval carried; Rasmussen opposed; all others in favor.

2827 CITY ADMINISTRATOR'S REPORT: None.

2830 MAYOR'S REPORT: The Republican Central Committee recently adopted a 2-mile section of I-435 in Leawood as a highway cleanup project.
The Mayor attended a reception for former Councilmember and Mayor Kent Crippin who resigned his Third District County Commission seat.
The Eldernet Coalition (and its Transportation Committee) will meet on August 14th to discuss the possibility of forming a paratransit council.

The City's sign ordinance is being reviewed. A political candidate questioned the constitutionality of a portion of the ordinance which permits only 1 sign of any type per lot. He felt candidates should be allowed to place 1 sign per candidate per lot.

3288 REQUEST FOR EXTENSION OF TIME TO COMPLETE THE LEE BOULEVARD IMPROVEMENT PROJECT, PHASE 1: Holland Corp. requested the extension because of bad weather and change of plans. Larkin Associates, project engineers, recommended a 21-calendar day extension for substantial completion

(which was July 26th) and an additional 14-day extension after September 1, 1990 for restoration (grading and sodding). Council unanimously approved this extension on motion of LaHue, seconded by Moore.

- 3374 DISCUSSION OF DRAINAGE PROBLEM AT 2201 W. 127TH STREET, ROYSE SUBDIVISION: At the July 16th Council meeting, Public Works Director Brandt was directed to evaluate a drainage area which has caused flood damage to properties at 2317 and 2321 W. 127th St. He found that the system is adequate for the drainage area served, but surface runoff is not adequately collected, resulting in flooding. He recommended additional storm inlets and grading at an estimated cost of \$9,825.00, funds not available in the department's 1990 budget. Council discussed the need to determine who is responsible for paying the cost, the City or the developer. Further research will be done, and discussion will continue at the September 4th Council meeting.
- 4032 ACCEPTANCE OF 1989 AUDIT AND FINANCIAL STATEMENTS: After questions concerning the sewer enterprise fund, Council unanimously accepted the audit performed by GrantThornton on motion of Moore, seconded by Monica.
- 4308 ORDINANCE NO. 1171 LEVYING ASSESSMENTS TO PAY THE COST OF IMPROVING ROE AVENUE, 112TH STREET TO 121ST STREET: The ordinance was considered and passed on motion of Moore, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Anselmi, Moore, Newlin, Monica. Nays---None.
- 4325 CONTRACT FOR TRAFFIC SIGNAL CONSTRUCTION AT 119TH & MISSION ROAD: On motion of Hammond, seconded by Newlin, Council unanimously authorized the Mayor to sign a contract with J. Warren Co. in the amount of \$67,946.00.
- 4397 ORDINANCE VACATING A UTILITY EASEMENT AS SHOWN ON THE PLAT OF HALLBROOK FARMS, FIRST PLAT: A property owner requested the vacation of a 2.3 square foot area since part of his home had been built on the existing easement. Discussion: if the City does not vacate the easement and a problem arises in the future whereby the City has to use the easement and perhaps remove the portion of the home obstructing the easement, the homeowner will have to bear the costs involved. On the other hand, if the City vacates the easement, the City will have to pay.
Councilmember Hammond moved to pass the ordinance, seconded by Moore; motion failed; Hammond, Moore in favor; all others opposed.
See tape meter #4600.
- 4576 APPROVAL OF APPROPRIATION ORDINANCE NO. 642: The ordinance was considered and passed on motion of Anselmi, seconded by LaHue. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Anselmi, Moore, Newlin, Monica. Nays---None.
- 4600 FURTHER DISCUSSION OF TAPE METER #4397: Building code states that

construction can not extend into an easement. Since Council did not vacate the easement, Planning Director McKay should, by law, request the homeowner remove the portion of the home built on the easement. If this could happen, Councilmember Newlin felt the Council should reconsider the matter. The next Council meeting would be the appropriate time to do so.

- 4753 DISCUSSION OF WARD BOUNDARY CHANGES: Councilmember Moore, Chairman of the 1990 committee to revise ward boundaries, reviewed information which had been distributed to the Governing Body. Population was more evenly distributed among the 4 wards. Changes resulted in 4 Councilmembers residing in the new Ward 2 and none in new Ward 3. The revised Ward 3 would be represented by the presently elected officials until the expiration of their terms.

Council discussed expansion to 5 wards, and current Ward 3 Councilmember Newlin, whose term expires in 1992, asked if he could run for election in April, 1991 to represent the new Ward 2 while still a Councilmember representing the new Ward 3. Council directed the City Clerk to determine the procedure for adding a 5th ward, and to find out if Mr. Newlin could run for revised Ward 2 election in the spring. Information will be available at the August 13th work session.

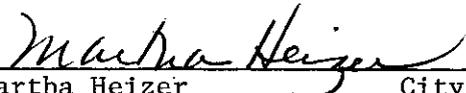
- 5817 DISCUSSION OF THE ADOPTION OF A LONG-RANGE HIGHWAY IMPROVEMENT PLAN BY MID-AMERICA REGIONAL COUNCIL: The Mayor received a letter from James Green, Mayor of Olathe and Johnson County Council of Mayors representative on the MARC board, concerning this plan. In preparing the plan, population changes were projected for various metropolitan areas. MARC predicted that the central part of the study area will continue to lose population, another 50,000 people by the year 2010. Some sentiment has been expressed that MARC should not adopt a plan based on population loss. Council felt MARC should adopt a plan which plans for the road network and does not suppress population movement. Mayor Rinehart will express this opinion to Mayor Green.

- 5927 After Council comments, the meeting was adjourned at 9:45 P.M.


Martha Heizer City Clerk

A regular meeting of the City Council was scheduled to be held at 7:30 P.M., Monday, August 20, 1990, in the Council Chamber, 9615 Lee Boulevard.

There being no quorum present, Mayor Marcia Rinehart adjourned to Tuesday, August 21, 1990, 7:30 P.M.



Martha Heizer City Clerk

MINUTES
REGULAR COUNCIL MEETING

Tape No. 198

- # 43 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., Tuesday, August 21, 1990. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Louis Rasmussen, Charles Hammond, Ernie Anselmi, Douglas Moore, Robert Newlin. 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; Allen Bledsoe, Asst. Fire Chief; Martha Heizer, City Clerk; and Richard Wetzler, City Attorney.

- 61 Agenda approved unanimously on motion of Anselmi, seconded by Hammond.

107 CITIZEN COMMENTS: None.

- 110 RESOLUTION OF APPRECIATION FOR KENT CRIPPIN: Adopted by unanimous consent (and attached as part of the record) in recognition of Mr. Crippin's fifteen years of service to the residents of Leawood as Councilmember and Mayor from May, 1975 to January, 1985, and as a member of the Board of County Commissioners representing the Third District, of which Leawood is a part, from January, 1985 to August 3, 1990.

- 130 CONSENT AGENDA: The following were approved unanimously on motion of Anselmi, seconded by Hammond:

1. Minutes of the August 6, 1990 Public Hearing on the proposed 1991 Budget;
2. Minutes of the August 6, 1990 Public Hearing on proposed assessments for Roe Ave. improvements, 112th St. to 121st St.;
3. Minutes of the August 6, 1990 Council meeting;
4. Departmental reports;
5. Application to renew retail liquor occupation license - Mertz Liquor Store, 2519 Somerset;
6. Pay Request No. 4 to Holland Corp. for \$230,716.84; Lee Blvd. improvements, Phase 1;
7. Pay Request No. 3 to Radmacher Bros. Excavating for \$59,657.82; 1990 Street Rehabilitation Program;
8. Pay Request No. 2 (FINAL) to Delana Constr. for \$3,896.88; Roe Ave. street lights.

137 CITY ADMINISTRATOR'S REPORT: None.

- 146 MAYOR'S REPORT: Leawood resident Dan Hosfield was elected by republican precinct committee members to fill the Third District seat on the Board of County Commissioners vacated by Kent Crippin who resigned August 3rd.

The Mayor and City Administrator attended an Eldernet paratransit meeting. Eldernet wants to form a coalition to coordinate efforts in

the County in providing transportation for the elderly and disabled. Leawood would not be actively involved in the coalition but would be supportive of the effort.

The League of Kansas Municipalities meeting will be held in Overland Park, September 30-October 2. The National League of Cities will meet in Houston, December 1-5.

234 ADOPTION OF THE 1991 BUDGET: Councilmember Anselmi moved for approval of the budget as presented, seconded by LaHue. Councilmember Rasmussen moved to amend the motion to make the following changes in the budget:

1. Deletion of the following amounts:
 - a. \$25,000 from 900.70, General Fund, General Operations;
 - b. \$300,000 from 809.000, General Fund, General Operations, Capital Improvement Fund;
 - c. \$50,000 from 804.200, General Fund, Street Dept., Sidewalk Program.
2. Reduce the increase in base wages from 5 1/2% to 4%, for a savings of \$57,600.
3. Add \$200,000 back in under 619.500, General Fund, Street Dept., Street Maintenance.

These changes would result in an overall \$232,600 reduction or 1.2531 mill decrease in the budget as proposed. Motion to amend failed for lack of a second.

Council discussed the Special Highway Fund - \$700,000 proposed for 1991 as opposed to \$600,000 budgeted when the residential street rehabilitation program was first implemented in budget year 1989.

Councilmember Anselmi's motion to approve the budget carried; Rasmussen opposed; all others in favor.

616 ORDINANCE NO. 1172 ESTABLISHING THE 1991 ANNUAL ASSESSMENT FOR THE LEAWOOD SEWER SYSTEM: The ordinance was considered and passed on motion of Hammond, seconded by Moore. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Anselmi, Moore, Newlin. Nays---None.

903 RENEWAL OF CITY'S LIABILITY, VEHICLE AND PROPERTY INSURANCE COVERAGES: On motion of Rasmussen, seconded by Anselmi, Council unanimously accepted the bid of Sedgwick James of Missouri, Inc. for renewal of coverages as recommended by staff for the period September 1, 1990 to September 1, 1991; \$207,377 annual premium (without "tail" coverage).

1542 ORDINANCE NO. 1173C RELATING TO WARD BOUNDARY CHANGES: The ordinance was considered and passed on motion of Anselmi, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Anselmi, Moore, Newlin. Nays---None.

1565 ORDINANCE NO. 1174C RELATING TO THE EFFECT OF WARD BOUNDARY CHANGES ON COUNCIL MEMBERSHIP: The ordinance was considered and passed on motion of Moore, seconded by Anselmi. On roll call the vote was: Yeas---Rasmussen, Hammond, Anselmi, Moore, Newlin. Nays---LaHue.

1696 CONTRACT FOR THE 1990 STREET MARKING PROGRAM: On motion of Hammond,

August 21, 1990

seconded by Moore, Council unanimously awarded the contract to Twin Traffic Marking Corp. in the amount of \$8,535.04.

- 1807 ORDINANCE NO. 1175C ADOPTING THE 1990 EDITION OF THE "STANDARD TRAFFIC ORDINANCE": The ordinance was considered and passed on motion of Moore, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Anselmi, Moore, Newlin. Nays---None.
- 1819 ORDINANCE NO. 1176C ADOPTING THE 1990 EDITION OF THE "UNIFORM PUBLIC OFFENSE CODE": The ordinance was considered and passed on motion of Moore, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Anselmi, Moore, Newlin. Nays---None.
- 1924 ORDINANCE NO. 1177C AMENDING SECTION 11-201 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO PENALTIES FOR PUBLIC OFFENSE LOCAL PROVISIONS: The ordinance was considered and passed on motion of Moore, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Anselmi, Moore, Newlin. Nays---None.
- 1937 APPROVAL OF APPROPRIATION ORDINANCE NO. 643: The ordinance was considered and passed on motion of Anselmi, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Anselmi, Moore, Newlin. Nays---None.
- 2032 COUNCIL COMMENTS: Councilmember Newlin suggested the Council might want to consider an ordinance to control poison ivy if current ordinances do not address it. He also stated that State Line Animal Hospital at 2009 W. 104th had been found guilty in Municipal Court of ordinance violations, but that Court rulings were apparently not being enforced. He asked if staff would look into the matter.
Councilmember Moore suggested staff review ordinances relating to the process for filling Council vacancies to be sure no conflicts exist.
- 2420 8:50 P.M. There being no further business before the Council, the meeting was adjourned.


Martha Heizer
City Clerk

MINUTES
REGULAR COUNCIL MEETING

Tape No. 199

- # 22 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., Tuesday, September 4, 1990. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Louis Rasmussen, Ernie Anselmi, Douglas Moore, Robert Newlin, Jimmy Lin. * Councilmembers Charles Hammond and Marsha Monica arrived 7:35 P.M. ** Councilmember Hammond left the meeting at 11:30 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.

- 34 Agenda approved unanimously on motion of Anselmi, seconded by Moore, after addition of: 1) discussion of the Leawood Sewer System user fee; 2) executive session at the end of the meeting, attorney-client privilege; and 3) (under consent agenda) assignment to Public Works Committee to discuss the K-150 improvement plan.

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

- 72 CITIZEN COMMENTS: John Paul of Fremont, California, owner of the home at 8000 Windsor Dr. in Prairie Village which is served by the Leawood Sewer System, described sewer backups and property damage at his home. He asked for compensation for his and his tenants' losses. Public Works is studying the sanitary sewers, but is not ready to determine the cause of this problem. Sewer rehabilitation is at least 2 years away. Public Works Director Brandt felt Mr. Paul should do something immediately to protect his property, and suggested he purchase a sump pump for approximately \$1500 and a backup valve for approximately \$1000 to keep sewage out of the basement. The City might be able to reimburse Mr. Paul in the future for his repair costs. Staff will discuss this matter further.

- 509 PROCLAMATIONS: The Mayor proclaimed September 17-23, 1990, as "Constitution Week". She also proclaimed September 13, 1990, as "D.A.R.E. Day". Police Chief Cox explained the Drug Abuse Resistance Education Program taught in elementary schools by police officers, and introduced Leawood Police Officers Sid Mitchell, Mike Pelger, and Randy Wiler who are involved in the Program.

- 706 CONSENT AGENDA: The following were approved unanimously on motion of Moore, seconded by Hammond:
1. Minutes of the August 21, 1990 Council meeting;
 2. Pay Request No. 1 to C.L. Canfield Constructors for \$27,000; traffic signal installation, 135th & State Line;
 3. Assignment to Public Works Committee to discuss the K-150 improvement plan.

- 716 RESOLUTION NO. 1003 APPROVING THE REVISED PRELIMINARY PLAT AND REVISED
2175 PRELIMINARY SITE PLAN FOR LEAWOOD COMMONS, 113TH AND NALL: A history
of the development and plans were presented. There was general
discussion of residential areas used as detention basins for adjacent
commercial developments, and of the necessity to rezone such
residential areas to commercial.
- 2981 Would the detention basins under consideration (Lots 25 and 26,
Leawood Country Manor) have to be on-site, part of the commercially
zoned tract, to be considered part of the plan? City Attorney felt
there was no ordinance requirement that the basins be on the commercial
project site or of the same zoning. He also stated there were no
ordinances prohibiting the use of a residentially zoned lot as a
detention facility.
- 3115 Councilmember Anselmi understood that the Leawood Country Manor
deed restrictions call for single family residential development on the
2 lots, and didn't understand how the City could ignore the deed
restrictions. He wouldn't feel comfortable voting for the project with
the 2 residential lots as detention. City Attorney stated the Council
is an independent body, and if it chooses to do something that does not
agree with deed restrictions, it may do so.
- 3478 Councilmember Lin felt that by approving the revised preliminary
plat and site plan as proposed, Council would be altering the land use
as currently zoned, and felt that approval should be subject to the
rezoning of the 2 residential lots to CP-0.
- 3791 Pat Lysaught, 4905 W. 112th Terr. in Leawood Country Manor,
expressed his concern about the Council doing something which would
affirmatively approve a violation of the homes association deed
restrictions. He was also concerned about a project that, in his view,
requires the rezoning of the 2 residential lots, since there's a
substantially different use intended in the project, and it would be
improper for the Council to approve the project based upon the
incorporation of those lots with a residential purpose into a clearly
commercial project. Mr. Lysaught felt the developer should remove the
proposed building south of the 2 residential lots and use that land as
on-site detention rather than using the residential off-site detention.
- 4304 Councilmember LaHue moved to approve the resolution as presented,
seconded by Monica.
- 4465 Councilmember Moore moved to amend the motion to add stipulation
#7 to the resolution to read that Lots 25 and 26 of Leawood Country
Manor be used for detention and for that purpose only, seconded by
Monica.
- Council further discussed the necessity of rezoning the 2 lots.
The City Attorney stated that drainage structures can be constructed on
residentially zoned property and on commercially zoned property. The
City's ordinances do not prohibit a developer from constructing such a
structure on residential property under his control to be used for
detention for a commercial tract.
- 4863 Councilmember Moore's motion to amend carried; LaHue, Hammond,
Moore, Monica in favor; Rasmussen, Anselmi, Newlin, Lin opposed; Mayor
in favor.
- 5103 Councilmember LaHue's motion to approve the resolution as amended

carried; LaHue, Hammond, Moore, Monica in favor; Rasmussen, Anselmi, Newlin, Lin opposed; Mayor in favor.

5147 10:05 P.M. 5-minute recess.

5169 MAYOR'S REPORT: Status of State Line Rd. improvements - Phase 1, Carondolet to approximately the Hallbrook golf course entrance, to begin approximately December, 1991.

Rededication of the remodeled Police/Court Building (9617 Lee Blvd.) and Fire Station No. 1 (9609 Lee Blvd.) will be held Sunday, September 30th, 1-3 p.m.

The City received a post-census report from the Census Bureau for review. The census indicates that Leawood is the third fastest growing city in Johnson County. As of April 1, 1990, Leawood had 7,212 housing units and a population of 19,651; City staff agrees with these figures.

5448 DISCUSSION OF MISSION ROAD ALIGNMENT BETWEEN 103RD STREET AND COLLEGE

BOULEVARD: At the August 13th work session, Council asked the Public Works Department to determine if the roadway alignment could be shifted within the existing right-of-way. It was determined that the roadway could be shifted to within 6 feet of the right-of-way which would move the road about 10 feet further north and east and away from Lots 26, 27, 40 and 41 of Longwood Forest. A rock retaining wall would be required on the east side of the road at a cost of approximately \$10,000. The additional 10 feet could accommodate more berms, sound and light barriers, between the road and the backyards of the 4 lots.

7115 Councilmember Lin moved to approve the alignment plan as presented this evening with the 10-foot shift to the east and rock retaining wall, and that Council authorize final design of the project as proposed. Motion seconded by Moore.

Councilmember Rasmussen moved to amend the motion to stipulate that design criteria include a combination of deciduous and coniferous trees as buffers and street lights which would be installed according to current Leawood standard to provide a 90 degree cutoff; seconded by Newlin; unanimous. (See #68 below for the final vote.)

7610 END OF TAPE

Tape No. 200

40 11:00 P.M. Councilmember Moore moved to extend the meeting for 30 minutes, seconded by Monica. Motion carried; Hammond, Newlin opposed; all others in favor.

68 Councilmember Lin's motion for approval as amended carried unanimously.

74 DISCUSSION OF DRAINAGE PROBLEM IN ROYSE SUBDIVISION: The Public Works Department determined that the builder of the home at 2321 W. 127th St. did not follow the approved grading plan and, in fact, obstructed the drainage flow by the construction of a concrete driveway. Additional

stormwater inlets, berms and landscaping would be required to correct the drainage problem at an estimated cost of \$9,825. The City needs to determine who will be responsible for this cost. As a compromise, Public Works employees might be able to perform the inlet work with the property owner taking responsibility for berming and landscaping.

The Council discussed the City's potential liability if City employees performed the work required.

Council requested that staff (to include Public Works Director, City Administrator and City Attorney) initiate a meeting with the home builder and residents involved.

868 11:30 P.M. Councilmember Moore moved to extend the meeting 30 minutes, seconded by Lin. Motion carried; 5 in favor, 3 opposed.

** Councilmember Hammond left the meeting.

965 ORDINANCE NO. 1178 VACATING AN EASEMENT AS SHOWN ON THE PLAT OF HALLBROOK FARMS, FIRST PLAT: This vacation was considered and denied at the August 6, 1990, Council meeting. On motion of Monica, seconded by Moore, Council voted unanimously to rescind the prior action. Council had been informed that the homeowner would be unable to obtain clear title to the property, and that the storm sewer (over which a portion of the house had been constructed) would not be a problem to repair if necessary.

The ordinance was considered and passed on motion of Monica, seconded by LaHue. On roll call the vote was: Yeas---LaHue, Rasmussen, Anselmi, Moore, Newlin, Monica. Nays---Lin.

1075 DISCUSSION OF LEAWOOD SEWER SYSTEM USER FEES: A Prairie Village resident served by the Leawood Sewer System wrote to express her opinion that the sewer charges are excessive, that she pays the same as a Leawood homeowner with a higher property value. Staff was directed to communicate in writing that the sewer charge is a user fee and as such is not based on property value.

1114 CONTRACT FOR BRIDGE IMPROVEMENTS AT 86TH TERR. & LEE BLVD.: On motion of LaHue, seconded by Rasmussen, Council unanimously authorized the Mayor to sign a contract with the low bidder Klaasmeyer Construction in the amount of \$57,993.00.

1146 LANDSCAPING PROPOSAL FOR LEE BLVD. IMPROVEMENTS, PHASE 1: On motion of Monica, seconded by LaHue, Council unanimously accepted the proposal of Yardworks of Liberty, Missouri, in the amount of \$4,890.00, to replace trees and shrubs in the area of 98th & Lee Blvd. to provide a natural barrier to block the view of rear yards from Lee, and to restore landscaping in a few other locations along Lee.

1226 AMENDMENT TO PHASE II SANITARY SEWER STUDY CONTRACT: On motion of Rasmussen, seconded by Monica, Council unanimously authorized the Mayor to sign the amendment to the contract with George Butler Associates, Inc., for the additional amount of \$14,000, for rim elevation survey on

manholes in the Phase II study area of the Leawood Sewer System.

- 1321 The following ordinances authorizing temporary notes were considered and passed on one motion by Rasmussen, seconded by Moore:

ORDINANCE NO. 1179 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 90H, PROJECT 119; 119TH STREET IMPROVEMENTS, STATE LINE TO MISSION; \$600,000.00.

ORDINANCE NO. 1180 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 90I, PROJECT 117; LEE BOULEVARD IMPROVEMENTS, PHASE 1; \$400,000.00.

ORDINANCE NO. 1181 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES L.I.D. 88-1-90K, PROJECT 113; TOMAHAWK CREEK PARKWAY; \$1,100,000.00.

ORDINANCE NO. 1182 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 90J, PROJECT 118; POLICE/COURT BUILDING AND FIRE STATION NO. 1 REMODELING PROJECT; \$600,000.00.

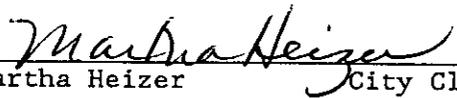
On roll call the vote was: Yeas---LaHue, Rasmussen, Anselmi, Moore, Newlin, Monica, Lin. Nays---None.

- 1424 ORDINANCE NO. 1183 ACCEPTING A PERMANENT DRAINAGE EASEMENT REQUIRED FOR IMPROVEMENTS AT 119TH AND MISSION ROAD - from The Church of the Nativity: The ordinance was considered and passed on motion of Anselmi, seconded by Moore. On roll call the vote was: Yeas---LaHue, Rasmussen, Anselmi, Moore, Newlin, Monica, Lin. Nays---None.
- 1436 APPOINTMENT OF REPRESENTATIVE TO THE NEW COUNTY STORMWATER MANAGEMENT ADVISORY COUNCIL: On motion of Moore, seconded by Anselmi, Council unanimously selected Councilmember LaHue.
- 1467 SELECTION OF VOTING DELEGATES TO THE LEAGUE OF KANSAS MUNICIPALITIES MEETING IN OVERLAND PARK, SEPTEMBER 30-OCTOBER 2, 1990: Mayor Rinehart, Councilmember Rasmussen, and City Administrator Garofano will be voting delegates; Councilmembers Monica and Lin, and Asst. City Administrator Baer, alternates.
- 1539 SELECTION OF VOTING DELEGATE TO THE 1990 CONGRESS OF CITIES MEETING IN HOUSTON, DECEMBER 1-5, 1990: Councilmember Rasmussen will be the delegate.
- 1575 APPROVAL OF APPROPRIATION ORDINANCE NO. 644: The ordinance was considered and passed on motion of Moore, seconded by Anselmi. On roll call the vote was: Yeas---LaHue, Rasmussen, Anselmi, Moore, Newlin, Monica, Lin. Nays---None.
- 1706 SCHEDULE EXECUTIVE SESSION: On motion of Moore, seconded by LaHue, Council voted unanimously to convene in executive session following Council comments, not to exceed 10 minutes, to discuss a settlement with the contractor concerning replacement of trees along Tomahawk

Creek Parkway.

1724 After Council comments, Council convened in executive session at 12:00
1864 a.m., same members present.

12:10 a.m. Council returned to regular session, same members present.
The meeting was adjourned.


Martha Heizer City Clerk

MINUTES
REGULAR COUNCIL MEETING

Tape No. 201

- # 30 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, September 17, 1990. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Louis Rasmussen, Douglas Moore, Robert Newlin, Jimmy Lin. * Councilmembers Charles Hammond and Marsha Monica arrived. Councilmember Ernie Anselmi was 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; Martha Heizer, City Clerk; and David Adkins, Attorney.

- 40 Agenda approved unanimously on motion of Rasmussen, seconded by Moore.

* Councilmembers Hammond and Monica arrived.

- 48 CITIZEN COMMENTS: Kathy Joyce, 10509 Pawnee, asked the status of reconstruction and cleanup of a house at approximately 105th & Pawnee that burned down about a year ago. No progress has been made, and the house appears to have been abandoned. It is unlocked, and poison ivy, an unlocked dumpster, and leaking car batteries are on the premises. All these factors and more create a safety problem for children in the area. Staff will check the status and safety problems, and review legal remedies to resolve the problem.

- 584 Marilyn Luedtke, 10512 Pawnee, asked if the Council would consider noise abatement along I-435 since highway noise has increased. This matter has been discussed before. KDOT doesn't feel the noise level is high enough to warrant noise abatement. The City might consider hiring an independent firm to determine the noise level.

- 709 PROCLAMATIONS: The Mayor proclaimed:

1. October 7-13, 1990 as "Fire Prevention Week";
2. October 7-13, 1990 as "Respiratory Care Week";
3. October 9, 1990 as "Cross-Lines Cooperative Council, Inc., Day" with the following 30 days to be acknowledged as "Cross-Lines Month".

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

1. Minutes of the September 4, 1990 Council meeting;
2. Public Works Committee report on its September 6, 1990 meeting;
3. Recreation Commission report on its September 11, 1990 meeting;
4. Departmental reports;
5. Request to keep 5 animals - Carlson, 10404 Pawnee Lane;
6. Declaration of surplus property - 2 metal desks no longer used by the Recreation and Fire Departments, to be sold at Olathe auction.

- 725 CITY ADMINISTRATOR'S REPORT: Staff made a presentation to Moody's Investor Service last week in New York for a bond rating on an upcoming general obligation bond issue. Staff hopes the City's rating will

be upgraded from its present "A-1" rating.

- 914 MAYOR'S REPORT: Staff will meet tomorrow with new County Commissioner Dan Hosfield to bring him up to date on City projects and concerns.
At a recent Council of Mayors meeting, the Shawnee Mission School District asked for support in the development of an international language center. The League of Kansas Municipalities will propose an increase in membership dues at the League meeting in Overland Park, Sept. 30-Oct. 2, dues to be based partially on assessed valuation. The mayors discussed possible environmental legislation in the areas of recycling and economic development. The new chairman of the Council of Mayors is Mayor Tikwart of Westwood Hills.
- 1035 ADOPTION OF CAPITAL IMPROVEMENT PROGRAM, 1991-1995: On motion of Hammond, seconded by Moore, Council unanimously adopted the Program.
- 1778 RESOLUTION NO. 1004 AUTHORIZING THE SALE OF \$1,848,653 GENERAL OBLIGATION BONDS - to pay the costs of improvements to Roe Ave., 112th St. to 121st St.; replacement of the bridge on Roe Ave. over Tomahawk Creek; and improvements to 95th St. from State Line to Wenonga: Adopted unanimously on motion of Monica, seconded by Hammond. Attached as part of the record.
- 1825 ORDINANCE NO. 1184 ACCEPTING A DEED FOR STREET PURPOSES (95TH STREET IMPROVEMENTS, STATE LINE TO WENONGA): The ordinance was considered and passed on motion of Lin, seconded by Monica. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Moore, Newlin, Monica, Lin. Nays---None.
- 1844 ORDINANCE NO. 1185 VACATING THREE EASEMENTS AS SHOWN ON THE PLAT OF PATRICIAN WOODS, 9TH PLAT: The ordinance was considered and passed on motion of LaHue, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Moore, Newlin, Monica, Lin. Nays---None.
- 1970 SCHEDULE EXECUTIVE SESSION: Councilmember Moore moved to convene in executive session after Council comments, not to exceed 30 minutes, to discuss possible land acquisition; seconded by Hammond. Motion carried; LaHue opposed; all others in favor.
- 2073 APPROVAL OF APPROPRIATION ORDINANCE NO. 645: The ordinance was considered and passed on motion of Monica, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Moore, Newlin, Monica, Lin. Nays---None.
- 2134 Gary Mielke, 3212 W. 97th Pl., requested Council's support for Overland Park's request that Leawood participate in storm sewer construction on Aberdeen, 98th to 97th Place. The Public Works Committee is reviewing the request.
- 2195 COUNCIL COMMENTS: Dr. LaHue expressed concern about the increase in

pedestrian traffic on Lee Blvd. south of 103rd St. since completion of the sidewalk on Lee north of 103rd St. He moved to assign consideration of future plans for pedestrian traffic on Lee from 103rd St. to Leawood Park to the Public Works Committee, seconded by Monica. Motion carried; Rasmussen, Hammond opposed; all others in favor.

2488 Mr. Lin expressed interest in having the Planning Department study possible annexation of a 72-acre tract on the City's western boundary just south of K-150 which has not been annexed by Overland Park, and make recommendations to the Council. City Administrator reported that staff has had discussions with the property owner and discussions will continue.

2865 9:05 P.M. 10-minute recess.

9:15 P.M. Council convened in executive session, same members present.

9:45 P.M. Council returned to regular session, same members present. The meeting was adjourned.


Martha Heizer City Clerk

MINUTES
REGULAR COUNCIL MEETING

Tape No. 202

- # 30 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., Tuesday, October 2, 1990. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Louis Rasmussen, Ernie Anselmi, Douglas Moore, Robert Newlin, Jimmy Lin. * Councilmember Marsha Monica arrived 7:40 P.M. Councilmember Charles Hammond was absent. Staff present: Richard Garofano, City Administrator; Julie Baer, Asst. City Administrator; Ronald Brandt, Director of Public Works; Harry Malnicof, Finance Director; Robert McKay, Director of Planning & Development; Allen Bledsoe, Asst. Fire Chief; Martha Heizer, City Clerk; and Richard Wetzler, City Attorney.

- 45 Agenda approved unanimously on motion of Anselmi, seconded by Moore, after addition of: 1) resolution of sympathy on the death of Herbert Heyde, President of the Leawood Homes Association; 2) ordinance granting an easement across the Tomahawk Creek Greenway; 3) discussion of street light inventory and placement of additional street lights; and 4) discussion of the City's solicitation ordinance as it relates to political canvassers in conjunction with discussion of political campaign signs.
- 107 PRESENTATION OF CERTIFICATE OF APPRECIATION: To Loraine Miller for her service to the City as a member of the Administrative Services staff from June 19, 1978 to August 31, 1990.
- * 7:40 P.M. Councilmember Monica arrived.
- 154 CITIZEN COMMENTS: Anne and Jim Dolan, 9801 Lee Blvd., expressed displeasure with the results of the street improvements in front of their house. They asked that the machinery and large amounts of dirt which have been in their front yard since approximately April 1st be removed. A guardrail was installed in their yard; it is an eyesore and unnecessary, and if it must remain, they want landscaping to hide it from their view. They have not seen the landscaping plan for Lee Blvd., and want to approve the plan for their yard before anything is done. The Public Works Director will meet with them.
- 418 Dr. George Volk, 12618 Cherokee Lane, told the Council that in the last 12 years he has found 2 major building defects in his house which was built in 1968. Those defects are violations of City code. A steel beam in the basement was not installed, and the fireplace was constructed in the manner of a pre-1930 fireplace. Fire tile is also missing and the framing was not done correctly. Dr. Volk requested the Council's assistance in getting the builder to respond and take responsibility for correcting the violations. City Attorney Wetzler stated if there is any claim that still exists, not barred by the statute of limitations, it is a claim against the builder, not against the City. It is a builder's legal responsibility to see that a house is constructed in accordance with code. Planning Director McKay will

gather more information, consult with the City Attorney, and report to the Council at the October 15th Council meeting.

- 1358 PROCLAMATION: The Mayor proclaimed October, 1990 as "Domestic Violence Awareness Month".

RESOLUTION OF SYMPATHY: Adopted by unanimous consent in memory of Herbert Heyde, President of the Leawood Homes Association and resident of the City for many years, who died September 26, 1990. Attached as part of the record.

- 1378 CONSENT AGENDA: The following were approved unanimously on motion of Anselmi, seconded by Moore:

1. Minutes of the September 17, 1990 Council meeting;
2. Stormwater Management Committee report on its September 24, 1990 meeting, held to review special assessment methods for storm sewer projects;
3. Purchase of leaf collection equipment (Old Dominion Brush Model SCL 800 TM Machine) from Old Dominion Brush Co. in the amount of \$19,700;
4. Pay Request No. 4 to Radmacher Bros. Excavating for \$101,859.90; 1990 Street Rehabilitation Project.

- 1386 DISCUSSION OF POLITICAL CAMPAIGN SIGNS: The City's sign ordinance states that not more than 1 sign can be displayed on a lot at any one time. Prior to the August primary election, a candidate challenged the ordinance and threatened legal action. Planning Director McKay felt the City's ordinance might not survive a court challenge. He suggested alternatives, one being to amend the ordinance to allow one five square foot sign per candidate per lot.

Councilmember Rasmussen felt the City's solicitation ordinance might also be challenged since political canvassers are required to obtain a solicitation permit.

Both ordinances, in so far as they relate to political matters, were referred to the City Attorney for review and recommendations at the October 15th Council meeting.

- 2018 CITY ADMINISTRATOR'S REPORT: The County Clerk certified the City's final tax levy rate of 18.882 for 1991. The mill levy rate was 18.897 when the budget was adopted in August. The decrease is due to an increase in assessed value.

Mr. Garofano received a letter from Dorothy Godfrey, 8401 Belinder, who was very pleased with the September 30th rededication of the Police/Court Building and Fire Station No. 1 and the planting of a tree in memory of former mayor and councilmember William Eddy. She thanked City employees for their hard work, and sent a donation to help offset the costs of the ceremony. Mr. Garofano will write her to thank her for her letter and contribution.

- 2206 MAYOR'S REPORT: The Mayor attended a presentation by IBM. The company is working with the Shawnee Mission School District on technology for

the future.

Mayor Rinehart received a letter from Mayor Lin, the new mayor of I-Lan, Taiwan. Two years ago this month I-Lan became Leawood's sister city.

- 2373 ORDINANCE NO. 1186 AUTHORIZING ISSUANCE OF \$1,848,653 GENERAL OBLIGATION BONDS, SERIES 1990-A: To finance the costs of improvements to Roe Ave., 112th to 121st; replacement of the Roe Ave. bridge over Tomahawk Creek; and improvements to 95th St., State Line to Wenonga.
The ordinance was considered and passed on motion of Anselmi, seconded by LaHue. On roll call the vote was: Yeas---LaHue, Rasmussen, Anselmi, Moore, Newlin, Monica, Lin. Nays---None. Country Club Bank of Kansas City, Missouri, purchased the bonds at an average annual net interest rate of 6.474734%.
- 2797 CITY/STATE AGREEMENT FOR IMPROVEMENTS TO THE INTERSECTION OF SOMERSET & LEE BLVD.: Standard agreement authorizing KDOT to proceed with the improvement project, and assuring that local matching funds are available. On motion of Moore, seconded by LaHue, Council unanimously authorized the Mayor to execute the agreement. Prairie Village and Johnson County will consider the same agreement.
- 2972 RESOLUTION NO. 1005 IN SUPPORT OF THE EFFORTS OF THE SHAWNEE MISSION PUBLIC SCHOOLS TO CREATE A CENTER FOR INTERNATIONAL STUDIES: Adopted unanimously on motion of Moore, seconded by Anselmi. Attached as part of the record.
- 3047 RESOLUTION NO. 1006 EXPRESSING SUPPORT FOR JOHNSON COUNTY MUSEUM'S APPLICATION TO THE KANSAS STATE HISTORICAL SOCIETY FOR A GRANT TO DO A JOHNSON COUNTY MASTER PLAN AND HISTORIC RESOURCES SURVEY: Adopted unanimously on motion of Anselmi, seconded by Moore. Attached as part of the record.
- 3069 APPROVAL OF APPROPRIATION ORDINANCE NO. 646: The ordinance was considered and passed on motion of Moore, seconded by Anselmi. On roll call the vote was: Yeas---LaHue, Rasmussen, Anselmi, Moore, Newlin, Monica, Lin. Nays---None.
- 3181 ORDINANCE NO. 1187 GRANTING AN EASEMENT ACROSS TOMAHAWK CREEK GREENWAY FOR SANITARY SEWER PURPOSES: Necessary for the construction of the Church of the Nativity at 119th and Mission. The ordinance was considered and passed on motion of Moore, seconded by LaHue, with the stipulation that all landscaping restoration requirements be approved by the Director of Public Works and the Director of Planning. On roll call the vote was: Yeas---LaHue, Rasmussen, Anselmi, Moore, Newlin, Lin. Nays---None. Abstention---Monica.
- 3444 DISCUSSION OF STREET LIGHT INVENTORY AND PLACEMENT OF ADDITIONAL STREET LIGHTS: A resident in the area of 84th and High Dr. where an armed robbery had recently occurred wanted an additional street light for the area. Councilmember Moore requested the Public Works Department

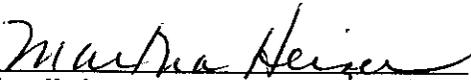
consider this additional light. Public Works Director Brandt reviewed the procedure for requesting additional street lights, and will contact the resident.

3709 SCHEDULE EXECUTIVE SESSION: On motion of Lin, seconded by Moore, Council voted unanimously to convene in executive session following Council comments, not to exceed 15 minutes, to discuss a matter under attorney-client privilege.

3744 After Council comments, Council convened in executive session at 9:45 P.M., same members present.

10:00 P.M. Council returned to regular session, same members present. Councilmember LaHue moved to extend the executive session 10 minutes, seconded by Moore. Motion failed; Moore, LaHue, Lin in favor; Rasmussen, Anselmi, Newlin, Monica opposed.

10:05 P.M. The meeting was adjourned.


Martha Heizer City Clerk

MINUTES
REGULAR COUNCIL MEETING

Tape No. 203

- # 20 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, October 15, 1990. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Louis Rasmussen, Ernie Anselmi, Douglas Moore, Robert Newlin. * Councilmember Jimmy Lin arrived 7:35 P.M. Councilmembers Charles Hammond 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.

- 30 Agenda approved unanimously on motion of Anselmi, seconded by Moore, after addition of: 1) discussion about soliciting proposals for the City's annual audit; and 2) schedule work session for October 29th.

65 CITIZEN COMMENTS: None.

72 PROCLAMATION: The Mayor proclaimed October 20-28, 1990 as "Red Ribbon Week" in support of a drug-free America.

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

1. Minutes of the October 2, 1990 Council meeting;
2. Public Works Committee report on its October 4, 1990 meeting;
3. Departmental reports;
4. Pay Request No. 1 to Klaasmeyer Constr. for \$35,406.50; bridge reconstruction at 86th Terr. & Lee Blvd.

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

90 CITY ADMINISTRATOR'S REPORT: The City's recent bond sale at an average annual interest rate of 6.47%, with a bond rating of A1, compared very favorably with Overland Park's recent AAA-rated bond sale at an interest rate of 6.43%. The low bidder bid on the bonds as if Leawood had a AAA-rated issue, considering the City's financial stability, not just its bond rating.

140 MAYOR'S REPORT: The Mayor attended the Kansas Special Olympics Soccer Tournament in Leawood Park over the weekend. ~~The City has sponsored this tournament since 1981.~~ This tournament has been held in Leawood since 1981. mh

248 DISCUSSION OF POLITICAL CAMPAIGN SIGNS: At the October 2nd Council meeting, the City Attorney was directed to review the City's sign ordinance and make recommendations on possible amendments. His written recommendations were distributed to the Governing Body. One alternative would be to amend Section 11-506(1) to read "Not more than one sign per event, issue or candidate, excluding signs described in

Section 11-505(1) and 11-505(2), shall be displayed upon any residence or lot at any one time, provided however that the aggregate square footage of all such signs shall not exceed _____ square feet unless otherwise authorized". The Council would have to determine the "not to exceed" amount.

1777 Councilmember LaHue moved that Section 11-506(1) of the sign ordinance be amended to read "Not more than one sign per event, issue or candidate, excluding signs described in Section 11-505(1) and 11-505(2), shall be displayed upon any residence or lot at any one time". Motion seconded by Rasmussen. Discussion continued.

1957 Councilmember Anselmi called for the question, seconded by Moore; unanimous. Ordinance No. 1188C was passed; LaHue, Rasmussen, Moore, Newlin voting in favor; Anselmi, Lin opposed; the Mayor voting in favor.

2114 The City Attorney was also asked at the October 2nd Council meeting to review the solicitation ordinance as it relates to political canvassers. A political candidate might challenge the ordinance, believing he/she should not be required to apply for a solicitation permit to campaign door to door, it being his/her constitutional right to do so. City Attorney Wetzler's written opinion was distributed to the Governing Body. Mr. Wetzler stated that the City's ordinance makes no attempt to prohibit people from using City streets for lawful purposes. There is a requirement that they identify themselves through an application and permit process so the City can be sure they aren't in the City for unlawful, criminal purposes. No ordinance amendment necessary.

2202 DISCUSSION OF BUILDING DEFECTS AT 12618 CHEROKEE LANE: At the October 2nd Council meeting, Planning Director McKay and City Attorney Wetzler were directed to obtain more information. Mr. McKay reported the City no longer has the plans for the house which was built in 1968. As of this date, staff has determined that the builder built less than 10 homes in the City between 1968 and 1979.

Mr. Wetzler's written opinion was distributed to the Governing Body. It would appear that the general claim of the resident, Dr. George Volk, is that the City was negligent in the inspection of construction for compliance with applicable building codes and that the builder was negligent in failing to follow codes and failing to properly construct the home. At the last Council meeting, Dr. Volk requested that the City take some action against the builder. Assuming that a building defect does exist and it was caused approximately 20 years ago, are there any remedies available to the City at the present time? Mr. Wetzler stated that Kansas has 2-year statutes of limitations for civil and criminal actions. In his opinion, no civil or criminal actions against the builder can be maintained at the present time because they are barred by the statutes of limitations. The only thing the City can do in situations where the statutes of limitations have run out is assist residents the best it can - try to determine the nature of deficiencies, and perhaps place notices in City newsletters asking residents to become more aware of problems that might

exist.

3300 Mr. Wetzler stated that as far as staff knows, there have been some forms of building inspections since the City was first incorporated in an attempt to see that homes are constructed in accordance with codes. Inspectors try to do the best they can to see that certain standards are met, but can not catch every potential problem. The City does not guarantee that those standards are met. If they are not met, the ultimate responsibility for that failure rests with the builder, not with the City.

The Council directed the City Attorney to send a letter to the builder advising him that the City received Dr. Volk's complaint and to get his reactions to the complaint. An article concerning the general upkeep of chimneys and fireplaces and the availability of City inspection services will be placed in the next newsletter.

3712 SUPPLEMENTAL DESIGN ENGINEERING AGREEMENTS FOR THE 95TH STREET WIDENING PROJECT. STATE LINE TO WENONGA: Black & Veatch Engineers-Architects reported several months ago that their design, inspection and public relations costs had exceeded the initial contract estimate by \$105,737, and requested this additional payment be made to them. The engineers did not obtain Council approval to exceed the maximums set forth in the contract. Staff negotiated 2 supplemental agreements.

On motion of Moore, seconded by Lin, Council unanimously approved Supplemental Agreement No. 1 in the amount of \$18,999.42, representing a change in the Scope of Services to perform supplemental design and survey services. Overland Park will pay \$17,150.22 of that amount.

Councilmember Lin moved to approve Supplemental Agreement No. 2 in the amount of \$20,000, for supplemental construction phase services; seconded by Moore. Motion carried; Rasmussen opposed; all others in favor. Overland Park will pay \$3,506 of that amount.

Councilmember LaHue moved that prior to making total payment of \$38,999.42, the City secure a release of any and all claims on behalf of Black & Veatch against the City of Leawood. Motion seconded by Moore and carried; Anselmi, Lin opposed; all others in favor.

4713 PAYMENT FOR EASEMENTS REQUIRED FOR INTERSECTION IMPROVEMENTS. SOMERSET DRIVE AND LEE BOULEVARD: On motion of Lin, seconded by Moore, Council unanimously approved payment to Leawood Shops, Inc., in the amount of \$4,650, for permanent and temporary easements.

4796 K-150 CORRIDOR SYSTEM ENHANCEMENT PROJECT: On motion of Lin, seconded by Anselmi, Council unanimously authorized Public Works Director Brandt to sign the "System Enhancement Project Document of Commitment".

On motion of Rasmussen, seconded by Moore, Council unanimously adopted Resolution No. 1007 certifying the availability of local match funds for construction of the K-150 Corridor project in the City of Leawood. Attached as part of the record.

5455 PLANTING OF TREES, SOUTH SIDE OF 119TH STREET FROM APPROXIMATELY ENSLEY LANE TO MISSION ROAD: Part of the 119th St. improvement project, State Line to Mission. On motion of Lin, seconded by Moore, Council

unanimously accepted the low bid of Rosehill Nursery for 30 trees in the amount of \$6,250.

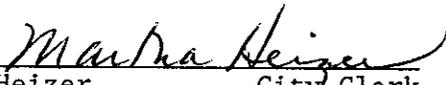
5650 APPROVAL OF APPROPRIATION ORDINANCE NO. 647: The ordinance was considered and passed on motion of Anselmi, seconded by Moore. On roll call the vote was: Yeas---LaHue, Rasmussen, Anselmi, Moore, Newlin, Lin. Nays---None.

5699 DISCUSSION OF SOLICITING PROPOSALS FOR ANNUAL AUDIT: Grant Thornton has performed the audit for the last 9 years. Councilmember Rasmussen felt it good practice for internal controls to periodically solicit proposals for annual audits. He moved that the Council request the City Administrator solicit proposals for the 1990 audit, selected firm to also perform the 1991 and 1992 audits. Motion seconded by Anselmi. Since it would be rather inconvenient to solicit proposals for the 1990 audit this late in the year, Councilmember Anselmi moved to amend the motion that proposals be solicited for the 1991, 1992, and 1993 audits; seconded by Rasmussen; unanimous. Councilmember Rasmussen's motion as amended carried unanimously.

6450 WORK SESSION: Scheduled for October 29th.

6500 After Council comments, the meeting was adjourned at 10:50 P.M.

(7605--end of tape 203; #5, tape 204, at adjournment.)


Martha Heizer

City Clerk

MINUTES
REGULAR COUNCIL MEETING

Tape No. 204

- # 35 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 5, 1990. Councilmember Charles Hammond presided at the beginning of the meeting in the absence of Mayor Marcia Rinehart. * Mayor Rinehart arrived at 8:20 P.M. during discussion of a proposed rental housing inspection program.

Councilmembers present: Ronald LaHue, Louis Rasmussen, Charles Hammond, Ernie Anselmi, Douglas Moore, Robert Newlin. ** Councilmember Marsha Monica arrived 7:35 P.M. *** Councilmember Jimmy Lin arrived 7:38 P.M. **** Councilmember Lin left the meeting at 9:00 P.M. during discussion of a proposed ordinance to regulate blasting. 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 Anselmi, seconded by Moore.

59. CITIZEN COMMENTS: None.

68. CONSENT AGENDA: The following were approved unanimously on motion of Rasmussen, seconded by Anselmi:

1. Minutes of the October 15, 1990 Council meeting;
2. Recreation Commission report on its October 16, 1990 meeting;
3. Stormwater Management Committee report on its October 30, 1990 meeting;
4. Pay Request No. 1 to J. Warren Co. for \$28,149.00; 119th & Mission traffic signal installation;
5. Pay Request No. 5 to Radmacher Bros. Excavating for \$87,690.89; 1990 Street Rehabilitation;
6. Pay Request No. 5 to Holland Corp. for \$76,136.34; Lee Blvd. improvements, Phase 1;
7. Pay Request No. 11 to Allison & Alexander for \$39,428.65; Police/Court Bldg. and Fire Sta. No. 1 remodeling project;
8. Purchase of TV inspection equipment for 3-phase sanitary sewer study; Cues TV Equipment and Trailer System for \$59,500 with a compatible computer for approximately \$2,600; funded by a 5-year lease/purchase plan;
9. Resolution No. 1008 approving the final plat of Leawood Commons office park located at approximately 113th & Nall, attached as part of the record;
10. Application to renew retail liquor occupation license - Duckett's Retail Liquor Store, 12134 State Line;
11. Application to renew Cereal Malt Beverage License - Pumpernik's Restaurant, Ranchmart Shopping Center;
12. Application to renew Cereal Malt Beverage License - Hy-Vee Food Stores, 12200 State Line.

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

*** 7:38 P.M. Councilmember Lin arrived.

80 1990 LEAWOOD DEVELOPMENT ORDINANCE (ZONING ORDINANCE): Councilmember Hammond asked for public comments. There were none. Councilmember Moore moved to refer the ordinance back to the Plan Commission as requested by staff for addition of some statutory language in the "Planned Districts" section necessary for final adoption, seconded by LaHue; unanimous.

240 DISCUSSION OF A RENTAL HOUSING INSPECTION PROGRAM AND HIRING OF A BUILDING INSPECTOR: Planning Director McKay described the proposed program (in ordinance form), including building inspections of the interiors of homes and apartments, license fee requirements, and the filling of a vacant building inspector position.

Councilmember Newlin felt an inspection program should cover all homes in the City, not just rental properties.

617 Councilmember Lin felt the program could be interpreted as discriminatory in nature, that inspections should be performed on all homes. He also wondered how the City would be able to tell which single family residences were rentals.

Councilmember Monica perceived the program as being more government regulation. She felt the City should concentrate on improving present code enforcement of building exteriors.

804 City Attorney Wetzler stated that the proposed ordinance was difficult to draft because of concerns like those expressed at this meeting. However, he felt the ordinance was not discriminatory because rental properties are traditionally more stringently regulated than non-rental dwellings, and because rental properties are "businesses". He also stated it would not be unreasonable for a city to inspect the interiors of rental homes for safety while they are vacant.

1123 Councilmember Rasmussen felt the building inspection requirement and license fees levied to pay for the inspection services should be defined in separate ordinances.

1157 Councilmember LaHue moved to refer this matter to the November 12th work session for further discussion, seconded by Moore. Discussion of the need for an additional building inspector.

* 8:20 P.M. Mayor Rinehart arrived to preside.

After further discussion, Councilmember LaHue's motion failed; LaHue, Hammond, Moore in favor; Rasmussen, Anselmi, Newlin, Monica, Lin opposed. No action taken on proposed ordinance/program.

1692 CITY ADMINISTRATOR'S REPORT: A public meeting will be held Thursday, November 8th, 7:30 - 10:00 P.M., Barstow School Auditorium, to discuss the State Line (I-435 to K-150) widening project. Howard Needles engineering firm will present plans developed to date.

1800 MAYOR'S REPORT:

1. Presentation of a plaque to Fire Chief Jerry Strack in honor of his 25 years of service to the City;

2. Resolution No. 1009 was adopted by unanimous consent to express gratitude to J.H. Ouyang, The Republic of China's Director General of the Kansas City Office of the Coordination Council for North American Affairs, for his dedicated service to the Kansas City metropolitan area. (Attached as part of the record.)

2007 ADDENDUM TO INTERLOCAL AGREEMENT BETWEEN LEAWOOD, PRAIRIE VILLAGE, AND JOHNSON COUNTY FOR IMPROVEMENTS TO THE INTERSECTION OF SOMERSET DR. & LEE BLVD.: to allow the County to make its payments directly to KDOT, rather than through Leawood. On motion of Anselmi, seconded by Moore, Council unanimously authorized the Mayor to sign the addendum.

2018 WITHDRAWAL OF FUND REQUESTS FOR IMPROVEMENTS TO THE INTERSECTION OF K-150 AND MISSION ROAD: KDOT had awarded the City KLINK funds to make improvements to the intersection. Recently, the City was awarded funds through the State's new System Enhancement Program for improvements to K-150, which would include the intersection of K-150 and Mission Rd. On motion of Moore, seconded by Hammond, the Council unanimously voted to deny funds from the KLINK Program to remove duplication of efforts at the intersection.

2030 ORDINANCE REGULATING BLASTING: Deferred to the November 19th Council meeting to allow staff to consolidate items in the proposed ordinance. Councilmember Monica requested that staff also: 1) consider delineating the hours that blasting may occur; 2) attach a copy of the permit to the ordinance; 3) be more specific about notification of adjacent or nearby property owners; and 4) consider increasing the 500' perimeter used for notification.

2748

**** 9:00 P.M. Councilmember Lin left the meeting.

2810 A majority of the Council (5 to 3) favored the ordinance as presented with the consolidation that will be done before the next Council meeting. Staff may consider Mrs. Monica's requests or she can raise her concerns again at the next meeting.

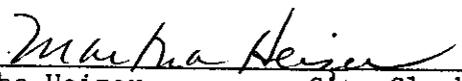
2841 INTERLOCAL AGREEMENT WITH OVERLAND PARK RELATING TO A HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM: On motion of Rasmussen, seconded by Hammond, Council unanimously approved the agreement.

3051 PUBLIC WORKS FACILITY FUEL MODIFICATIONS: Two bids were received on October 29, 1990, for the modifications. The low bid was 40% above the engineer's estimate. On motion of Hammond, seconded by Moore, Council unanimously rejected the bids. Bids will be requested again.

3065 ALLOCATION OF 1991 LOCAL ALCOHOL TAX FUNDS: On motion of Rasmussen, seconded by Hammond, Council unanimously approved allocation of \$11,031 to the agencies recommended by the Drug and Alcoholism Council of

Johnson County (DAC).

- 3156 FUNDING OF HUMAN SERVICE ORGANIZATIONS THROUGH UNITED COMMUNITY SERVICES: On motion of Rasmussen, seconded by Hammond, Council unanimously approved allocation of \$2,764 in 1991 to organizations recommended by United Community Services.
- 3177 SCHEDULE EXECUTIVE SESSION: On motion of Moore, seconded by Hammond, Council unanimously voted to convene in executive session at the end of the meeting, not to exceed 35 minutes, to discuss 2 matters under attorney-client privilege.
- 3260 SCHEDULE WORK SESSION: Scheduled for November 12th, 7:00 P.M., for a joint meeting with the Recreation Commission to discuss the feasibility of creating a combined Parks & Recreation Department, and for a report from the Stormwater Management Committee.
- 3305 APPROVAL OF APPROPRIATION ORDINANCE NO. 648: The ordinance was considered and passed on motion of Monica, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Anselmi, Moore, Newlin, Monica. Nays---None.
- 3331 After Council comments, the Council convened in executive session at
3550 9:25 P.M., same members present (except for Mr. Lin who left the meeting at 9:00 P.M.).
- 10:00 P.M. Council returned to regular session. The meeting was adjourned.


Martha Heizer
City Clerk

MINUTES
REGULAR COUNCIL MEETING

Tape No. 205

- # 45 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 19, 1990. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Louis Rasmussen, Ernie Anselmi, Douglas Moore, Robert Newlin. * Councilmember Marsha Monica arrived 7:35 P.M. ** Councilmember Charles Hammond arrived 7:40 P.M.

*** Councilmember Jimmy Lin arrived 7:43 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.

- 54 Agenda approved unanimously on motion of Anselmi, seconded by Moore, after addition of: 1) discussion of the possibility of consolidating parks maintenance and recreation programming operations; and 2) an executive session to discuss a personnel matter.
- 82 CITIZEN COMMENTS: None.
- 84 CONSENT AGENDA: The following were approved unanimously on motion of Moore, seconded by Anselmi:
1. Minutes of the November 5, 1990 Council meeting;
2. Departmental reports;
3. Pay Request, FINAL, to Klaasmeyer Construction for \$27,026.50; bridge reconstruction at 86th Terr. & Lee Blvd.
- 91 REQUEST TO FILL VACANT BUILDING INSPECTOR POSITION: Unanimously approved on motion of Anselmi, seconded by LaHue.
- 123 CITY ADMINISTRATOR'S REPORT: None.
- 126 MAYOR'S REPORT: M.A.D.D. (Mothers Against Drunk Driving) requested red ribbons be attached to City vehicles as a reminder to the public not to drink and drive during the holidays.
- * Councilmember Monica arrived 7:35 P.M.
- ** Councilmember Hammond arrived 7:40 P.M.
- 261 ORDINANCE NO. 1189C ADOPTING THE 1990 "LEAWOOD DEVELOPMENT ORDINANCE" (ZONING REGULATIONS) BY REFERENCE: Councilmember Anselmi moved to pass the ordinance, seconded by Rasmussen.
- *** Councilmember Lin arrived 7:43 P.M.

Councilmember Monica moved to amend the motion to state that section 2-7.3 b) 1) of the "Leawood Development Ordinance" relating to

height requirements of fences and walls be revised to require 6' fences around swimming pools, wading pools, hot tubs, or similar man-made pool structures. Motion seconded by Lin, and carried; LaHue, Rasmussen opposed; all others in favor.

The ordinance to adopt the 1990 "Leawood Development Ordinance" by reference was passed. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Anselmi, Moore, Newlin, Monica, Lin. Nays---None.

- 973 Councilmember LaHue moved that Council request the Plan Commission review the sign regulations in the 1990 "Leawood Development Ordinance", seconded by Newlin. Councilmember Lin moved to amend the motion to include particular consideration by the Commission of the number of political signs allowed to be placed in yards, seconded by LaHue. Motion to amend carried; Rasmussen, Moore, Hammond opposed; all others in favor. Councilmember LaHue's motion as amended carried; Rasmussen opposed; all others in favor.

1109 ORDINANCE NO. 1190C REGULATING BLASTING AND EXPLOSIVE MATERIALS:

Councilmember Hammond moved to pass the ordinance, seconded by Anselmi.

Councilmember Monica moved to amend the motion to change Sec. 77.105.2 8 of the 1985 "Uniform Fire Code" to read "written notification of property or utility owners within 1000'". Motion failed for lack of a second.

Councilmember LaHue moved to amend the motion to change the same section to read "written notification of property or utility owners and residents within 500'", to ensure that apartment renters would also be notified of blasting operations; seconded by Monica. Motion to amend failed; LaHue, Monica in favor; all others opposed.

The ordinance was passed. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Anselmi, Moore, Newlin, Monica, Lin. Nays---None.

1793 DISCUSSION OF THE POSSIBILITY OF CONSOLIDATING PARKS MAINTENANCE AND RECREATION PROGRAMMING OPERATIONS:

Discussion of potential additional personnel and equipment and concern about additional costs if consolidation occurred. City Administrator stated that from a practical management perspective, it would be beneficial to combine the two functions under one department/director. At the present time, parks maintenance is controlled by Public Works and programming is the responsibility of the Recreation Commission.

- 2399 Councilmember Lin moved to direct staff to draft an ordinance to consolidate operations under one department and to provide information on the method for preserving the mill levy which the Recreation Commission has at the present time, seconded by Anselmi.

Councilmember Rasmussen moved to amend the motion to also direct staff to estimate additional equipment that would be needed in 1992, seconded by Hammond; unanimous.

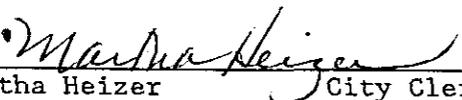
Councilmember Lin's motion as amended carried unanimously.

2467 AUTHORIZATION TO NEGOTIATE THE PURCHASE OF 2 CLASS "A" FIRE PUMPERS:

On motion of Anselmi, seconded by Rasmussen, Council unanimously authorized the Fire Chief to negotiate Pierce Manufacturing's bid of

\$409,974, price not to exceed \$390,000.

- 2771 ORDINANCE NO. 1191 ACCEPTING A DEED FOR STREET PURPOSES - north half of 117th Street between Roe Ave. and Tomahawk Creek Parkway: The ordinance was considered and passed on motion of Hammond, seconded by Moore. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Anselmi, Moore, Newlin, Monica, Lin. Nays---None.
- 2783 REQUEST FOR CONTRIBUTION FOR PROJECT GRADUATION: Councilmember Hammond moved to allocate \$250 of alcohol tax revenue to Blue Valley North High School's 1991 drug and alcohol free graduation event, "Project Graduation". Motion seconded by Monica, and carried; Anselmi opposed; all others in favor.
- 2891 REQUEST TO KEEP A GOAT AT 15005 MISSION ROAD, LEANNE RELEFORD: Councilmember Anselmi moved to accept staff recommendation to deny the request, seconded by Rasmussen. Motion carried; Lin opposed; all others in favor.
- 3254 SCHEDULE WORK SESSION: Scheduled for December 6, 1990, 7:00 P.M., to hear a presentation by the Corps of Engineers regarding the Corps' analysis of the floodplain along Tomahawk Creek.
- 3530 APPROVAL OF APPROPRIATION ORDINANCE NO. 649: The ordinance was considered and passed on motion of Moore, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Anselmi, Moore, Newlin, Monica, Lin. Nays---None.
- 3642 EXECUTIVE SESSION: On motion of Moore, seconded by Lin, Council voted unanimously to convene in executive session after Council comments, not to exceed 15 minutes, to discuss a personnel matter.
- 3654 After Council comments, the Council convened in executive session at
4022 9:40 P.M., same members present.
- 9:55 P.M. Council returned to regular session. The meeting was adjourned.


Martha Heizer City Clerk

MINUTES
REGULAR COUNCIL MEETING

Tape No. 206

- # 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 3, 1990. Councilmember Charles Hammond presided in the absence of Mayor Marcia Rinehart.

Councilmembers present: Ronald LaHue, Charles Hammond, Ernie Anselmi, Douglas Moore, Robert Newlin, Marsha Monica. Councilmembers Louis Rasmussen and Jimmy Lin were absent. Staff present: 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.

- 70 Agenda approved unanimously on motion of Anselmi, seconded by Moore.

75 CITIZEN COMMENTS: None.

- 83 CONSENT AGENDA: The following were approved unanimously on motion of Anselmi, seconded by Newlin:

1. Minutes of the November 19, 1990 Council meeting;
2. Declaration of surplus property - a 9' Hi-Way salt and sand spreader no longer used by the Public Works Department;
3. Resolution No. 1010 approving the final plat of Hallbrook Farms, Plat 1-A (attached as part of the record);
4. 1990 Street Marking Program completed by Twin Traffic Marking Corp.:
 - a. Change Order No. 1; \$452.16; for stop bars and cross walks at various intersections along "safe school routes".
 - b. Change Order No. 2; \$167.24; for hatch marks, turn arrows and striping at the intersections of 135th & State Line, 123rd & Mission, and 124th & Roe.
 - c. Final payment (includes the 2 change orders); \$9,154.44.

- 94 ZONING MAP AMENDMENTS TO REFLECT NEWLY ADOPTED 1990 "LEAWOOD DEVELOPMENT ORDINANCE" (zoning regulations): Approved unanimously on motion of Moore, seconded by LaHue.

CITY ADMINISTRATOR'S REPORT: None.

MAYOR'S REPORT: None.

- 160 ACCEPTANCE OF STORMWATER MANAGEMENT COMMITTEE REPORT: The report was presented and discussed at a November 12th work session; those present felt the City should await a decision from the County as to how the county-wide stormwater management program will function before proceeding any further on a City program. On motion of Moore, seconded by LaHue, Council unanimously accepted the report.

- 220 SUPPLEMENTAL ENGINEERING AGREEMENT NO. 4 FOR LEE BOULEVARD

IMPROVEMENTS: PHASE 1, 95TH /103RD: Larkin Associates requested an additional \$11,772.49 for inspection service for sodding and final landscaping and some additional work for storm sewer improvements. On motion of Newlin, seconded by Anselmi, Council unanimously voted to defer this matter to the December 17th Council meeting to hear further explanations of the additional costs.

520 SUPPLEMENTAL ENGINEERING AGREEMENT NO. 1 FOR SOMERSET DR./LEE BLVD. INTERSECTION IMPROVEMENTS: Larkin Associates requested an additional \$15,820.00 (the City would pay only \$5,635 of this amount) representing extra work and plan changes. Councilmember LaHue moved for approval, seconded by Monica. Mrs. Monica moved to amend the motion to omit item "e" of the agreement in the amount of \$3,970 for additional costs associated with increased salaries and overhead for the years 1989 and 1990. Motion to amend was seconded by Moore and carried unanimously. Councilmember LaHue's motion as amended carried unanimously.

853 CONTRACT FOR PUBLIC WORKS FUEL CENTER MODIFICATIONS: On motion of Monica, seconded by LaHue, Council unanimously authorized the Mayor to execute a contract with Tri-State Equipment Co. in the amount of \$37,468.08.

1050 ORDINANCE NO. 1192 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES L.I.D. 88-1-90M, PROJECT 113; TOMAHAWK CREEK PARKWAY; \$900,000.00: The ordinance was considered and passed on motion of Anselmi, seconded by LaHue. On roll call the vote was: Yeas---LaHue, Hammond, Anselmi, Moore, Newlin, Monica. Nays---None.

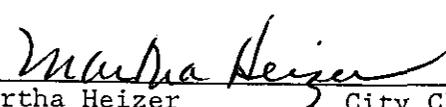
1068 ORDINANCE NO. 1193 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 90L, PROJECT 117; LEE BOULEVARD IMPROVEMENTS, PHASE 1; \$1,000,000.00: The ordinance was considered and passed on motion of Monica, seconded by Moore. On roll call the vote was: Yeas---LaHue, Hammond, Anselmi, Moore, Newlin, Monica. Nays---None.

1080 RESOLUTION NO. 1011 DESIGNATING HOLIDAYS FOR 1991: Adopted unanimously on motion of Moore, seconded by Monica. Attached as part of the record.

1121 REQUEST TO KEEP 4 ANIMALS AT 12310 WENONGA LANE; JAMES STALLARD: Councilmember Moore moved to accept staff recommendation to deny the request, seconded by Anselmi. Motion carried; LaHue opposed; all others in favor.

1278 APPROVAL OF APPROPRIATION ORDINANCE NO. 650: The ordinance was considered and passed on motion of Moore, seconded by Anselmi. On roll call the vote was: Yeas---LaHue, Hammond, Anselmi, Moore, Newlin, Monica. Nays---None.

1325 After Council comments, the meeting was adjourned at 8:20 P.M.
1565


Martha Heizer City Clerk

MINUTES
REGULAR COUNCIL MEETING

Tape No. 207

- # 22 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 17, 1990. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Louis Rasmussen, Charles Hammond, Ernie Anselmi, Douglas Moore, Robert Newlin, Jimmy Lin.
* Councilmember Marsha Monica arrived 7:40 P.M. ** Mrs. Monica left the meeting at 10:35 P.M.. Staff present: Richard J. 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.

- 31 Agenda approved unanimously on motion of Anselmi, seconded by Moore, after: 1) addition of a discussion of acquisition of property in an executive session to be held at the end of the meeting; 2) addition to the Consent Agenda of an assignment to the Public Works Committee to study alternatives for relocating the Tomahawk Greenway trail; and 3) removal from the Consent Agenda of a clarification of personnel rules and regulations concerning retirement evaluations in order to discuss the matter in an executive session at the end of the meeting.
- 73 PRESENTATION OF A PLAQUE TO RETIRING POLICE CAPTAIN WAYNE SHARP IN HONOR OF HIS 23 YEARS OF SERVICE TO THE CITY.
- 163 CITIZEN COMMENTS: Dr. George Volk, 12618 Cherokee Lane, who had attended the October 2nd and 15th Council meetings to request Council's assistance in getting the builder of his home to respond and take responsibility for correcting major building defects (code violations) found in his home, which he felt the City had not properly inspected when it was built in 1968, told the Council he feels the City should inform homeowners (of his belief) that regular and retraceable home construction inspections were not done in Leawood prior to 1979. He feels the City has not given him enough assistance in taking action against the builder. The City Attorney sent a letter to the builder requesting a meeting to discuss the violations, but has not received a response. He will continue to attempt to contact the builder; that is all the City can do.
- * 7:40 P.M. Councilmember Monica arrived.

- 335 CONSENT AGENDA: The following were approved unanimously on motion of Hammond, seconded by Moore:
1. Minutes of the December 3, 1990 Council meeting;
 2. Public Safety Committee report on its December 12, 1990 meeting, held to discuss the need for sidewalks to serve elementary schools in north Leawood; staff will prepare a proposal for the construction of safe school route sidewalks for Council consideration at the January

21st Council meeting;

3. Departmental reports;

4. Pay Request to Yardworks Landscape Design and Nursery for \$5,872; additional landscaping, Lee Blvd. improvements, Phase 1, 95th/103rd;

5. Assignment to Public Works Committee to study alternatives for relocating the Tomahawk Greenway trail.

- 348 ORDINANCE NO. 1194 VACATING A UTILITY EASEMENT AS SHOWN ON THE PLAT OF CHARTWELL WEST (approximately 99th & Lee Blvd.): The ordinance was considered and passed on motion of Lin, seconded by Anselmi, contingent upon receipt of a "no protest" notice from Kansas City Power & Light. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Anselmi, Moore, Newlin, Lin. Nays---None. Abstention---Monica.
- 381 DISCUSSION OF ROOFING MATERIAL RESTRICTIONS: The Plan Commission recommended that the current ordinance not be amended to allow composition materials. Council discussed property values, aesthetics, fire safety, economics, freedom of choice, product life cycles, and City regulations conflicting with homes association deed restrictions. Several residents spoke in favor of composition materials; a citizens report supporting an ordinance change for alternative roofing materials was presented to the Council. A few residents spoke in favor of maintaining current regulations. Council must respond to the Plan Commission's recommendation.
- 2740 Councilmember Lin moved to concur with the Plan Commission recommendation not to amend the current ordinance, seconded by Rasmussen. After discussion, second and motion were withdrawn.
- 2888 Councilmember Hammond moved to discuss the matter further at a work session on January 14, 1991, and defer the matter to a date certain, the January 21st Council meeting, to respond to the Plan Commission; seconded by Rasmussen. Council discussed the option of calling a special Council meeting on January 14th following the work session instead of waiting until January 21st. Mr. Hammond's motion carried; LaHue, Hammond, Rasmussen, Monica in favor; Anselmi, Moore, Newlin, Lin opposed; Mayor in favor.
- 3791 9:30 P.M. Recess.
- 3802 9:40 P.M. Regular session continued.
- CITY ADMINISTRATOR'S REPORT: Staff report on the consolidation of parks maintenance/recreation programming operations will be presented at the January 7, 1991 Council meeting.
- 3818 MAYOR'S REPORT: The Mayor, Councilmembers Rasmussen and Lin, and the City Administrator attended the National League of Cities meeting in Houston, Texas first of December.
- 3903 REQUEST FOR FURTHER STUDY OF TOMAHAWK CREEK BY THE CORPS OF ENGINEERS: On motion of Monica, seconded by Moore, Council voted unanimously to officially receive the Corps of Engineers' initial

report as it was presented at a work session on December 6th.

Councilmember Moore moved to request the Corps undertake a further study, seconded by Hammond. There is a discrepancy between the 100-year flood elevations generated by the Corps and those generated by FEMA which needs to be resolved, and the Corps raised the question of the impact of future development on flood plain elevations. The Corps proposed an "urbanization" study; projections for future flood profiles based upon development plans for the basin through the year 2015 would be generated.

Councilmember Rasmussen felt that if it is the concensus of the City Council to build a new City Hall at 115th & Tomahawk Creek Parkway, he would prefer to spend the \$38,000 that the Corps would charge for the additional study on raising the City Hall site, since it appears that a first floor elevation as proposed would yield protection against the 500-year frequency flood event.

4540 Resident Will Skinner, an engineer experienced in flood analysis and the design and study of hydrolic structures, spoke to the Council about the impact of upstream and downstream development (encroachment) in a floodplain. A new City Hall would be an encroachment which would create new problems for tax payers to resolve. Proper stream flow management could be accomplished by slipping the building a couple hundred feet up hill, retaining essentially the same site, and constructing the parking lot at flood level. He also felt the Council should support private enterprise and hire a private engineering firm to do the additional study, instead of hiring the Corps.

The Mayor stated that the question for the Council is whether they are comfortable in making the decision to proceed with construction of the new City Hall based upon the information they have or whether they feel they need more information.

5415 Councilmember Anselmi called for the question, seconded by Monica. Call for the question carried; LaHue opposed; all others in favor. Councilmember Moore's motion to request the Corps undertake further study failed; Moore in favor; all others opposed.

Councilmember LaHue moved to proceed with further study of the Tomahawk Creek basin, but use the City's engineering selection process to select a qualified firm to conduct the study; seconded by Newlin. Motion carried; Rasmussen opposed; all others in favor.

6096 Councilmember Lin moved that Council consider giving authorization to proceed with the new City Hall site at the January 7th Council meeting, seconded by Moore. Motion carried; LaHue opposed; all others in favor.

6268 SUPPLEMENTAL ENGINEERING AGREEMENT NO. 4 FOR LEE BOULEVARD IMPROVEMENTS; PHASE 1, 95TH /103RD: Councilmember Anselmi moved to approve the agreement with Larkin Associates in the amount of \$11,772.49 for additional engineering services required because of plan changes to accommodate property owners, seconded by Monica.

** 10:35 P.M. Councilmember Monica left the meeting during discussion of the supplemental agreement.

Motion carried; Moore opposed; Lin abstained; all others (5) in favor.

- 6372 ORDINANCE NO. 1195 ACCEPTING DEEDS FOR STREET PURPOSES (SOMERSET DRIVE/LEE BOULEVARD INTERSECTION IMPROVEMENTS): The ordinance was considered and passed on motion of Hammond, seconded by Rasmussen. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Anselmi, Moore, Newlin, Lin. Nays---None.
- 6395 ORDINANCE NO. 1196 ACCEPTING DRAINAGE EASEMENTS REQUIRED FOR INTERSECTION IMPROVEMENTS AT SOMERSET DRIVE AND LEE BOULEVARD: The ordinance was considered and passed on motion of Anselmi, seconded by Moore. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Anselmi, Moore, Newlin, Lin. Nays---None.
- 6416 ORDINANCE NO. 1197 APPROVING AND AUTHORIZING THE EXECUTION OF A BASE LEASE, TRUST AGREEMENT, AND EQUIPMENT LEASE PURCHASE AGREEMENT WITH SECURITY BANK OF KANSAS CITY, KANSAS CITY, KANSAS, FOR THE LEASE/PURCHASE OF 2 FIRE TRUCKS AND A WASTEWATER TV MONITORING SYSTEM: Certificates of Participation in the aggregate principal amount of \$405,000, underwritten by George K. Baum Co. at an average annual interest rate of 6.198% for a 5-year lease period, will be issued. The ordinance was considered and passed on motion of Anselmi, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Anselmi, Moore, Newlin, Lin. Nays---None.
- 6694 1991 CLASSIFICATION AND PAY PLAN: Plan as recommended by staff was unanimously adopted on motion of Lin, seconded by Moore.
- 7505 APPROVAL OF APPROPRIATION ORDINANCE NO. 651: The ordinance was considered and passed on motion of Lin, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Anselmi, Moore, Newlin, Lin. Nays---None.

COUNCIL COMMENTS: None.

7580 END OF TAPE

TAPE NO. 208

11:00 P.M. On motion of Moore, seconded by Lin, Council voted to extend the meeting to 11:30 P.M.; Hammond opposed; all others in favor.

- 17 EXECUTIVE SESSION: On motion of Moore, seconded by Newlin, Council unanimously voted to convene in executive session, not to exceed 30 minutes, to discuss potential litigation, attorney-client privilege, personnel matters, acquisition of property, and personnel interpretation.

Council convened in executive session, same members present.

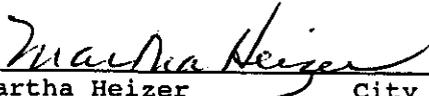
- 38 11:30 P.M. Council returned to regular session, same members present.

On motion of Moore, seconded by Lin, Council voted to extend the meeting to 12:00 A.M. in order to continue the executive session; LaHue, Hammond, Anselmi opposed; all others in favor.

54 Council reconvened in executive session, same members present.

Council returned to regular session, same members present. On motion of Rasmussen, seconded by Hammond, Council unanimously approved a clarification of the personnel rules and regulations relating to retirement evaluations, attached as part of the record.

12:00 A.M. The meeting was adjourned.



Martha Heizer City Clerk

December 14, 1990

MEMO

TO: Mayor, City Council

From: Julie Baer, Assistant City Administrator *Julie*

Subject: Clarification of Rules & Regulations

The following statement is merely a clarification of an existing clause of the City's Personnel Rules & Regulations that identify when employees are to receive performance evaluations.

This statement clarifies the conditions of a retiring employees' final evaluation.

15.2 Frequency of Performance Appraisals

Employees shall be appraised regularly on an annual basis. Annual appraisals will coincide with the employee's anniversary date. Employees will also be appraised on the following special occasions: (a) two weeks prior to the conclusion of the probationary period for initial appointments, (b) for promotional purposes, (c) retirement, and (d) anytime for unsatisfactory service.

15.6. Retirement Evaluations

Employees who leave City employment who are eligible for retirement as defined by the retirement plan that the City is currently under or who are vested in the above retirement plan with a minimum of twenty years service to the City are eligible for a final evaluation prior to leaving employment. The evaluation will be the same as all other evaluations, and any increase will be given in the form of a one time only bonus, prorated since the date of the employee's last performance evaluation through the last day worked with the City.

**MINUTES
REGULAR COUNCIL MEETING**

Tape No. 209

- # 50 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, January 7, 1991. Mayor Marcia Rinehart presided.

Councilmembers present: Louis Rasmussen, Charles Hammond, Ernie Anselmi, Douglas Moore, Robert Newlin. * Councilmembers Marsha Monica and Jimmy Lin arrived 7:35 P.M. Councilmember Ronald LaHue was absent. Staff present: Richard J. 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.

- 60 Agenda approved unanimously on motion of Hammond, seconded by Anselmi.

- 69 ACCEPTANCE OF DONATION FROM THE CLOISTERS HOMES ASSOCIATION: On motion of Anselmi, seconded by Rasmussen, Council unanimously accepted a donation of \$720.00 to be divided equally between the Police and Fire Department benefit funds.

- 116 CITIZEN COMMENTS: None.

- 122 CONSENT AGENDA: The following were approved unanimously on motion of Rasmussen, seconded by Moore:

1. Minutes of the December 17, 1990 Council meeting;
2. Public Works Committee report on its December 6, 1990 meeting;
3. Proposal of GrantThornton consulting firm to conduct the 1990 audit for a fee of \$14,250;
4. Low bid of Thompson Building Services in the amount of \$11,976.00 for 1991 janitorial services;
5. Pay Request No. 2 to J. Warren Co. for \$27,962.40; traffic signal construction, 119th & Mission Rd.;
6. Pay Request No. 2 to C.L. Canfield for \$2,400.00; traffic signal installation, 135th & State Line Rd.

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

- 129 RESOLUTION RELATING TO THE PRELIMINARY PLAT OF "143RD STREET ESTATES" (143rd & Roe): The applicant, 143rd Land Partners, requested the City waive street improvement assessments for Roe Ave. and 143rd St. required to be paid by the developer in accordance with subdivision regulations. Council discussed deferring the assessments rather than waiving them. Deed restrictions could provide for deferment and include a statement that homeowners would not oppose the assessments; timing of street improvements could be tied to the development of the area, and assessments tied to prevailing costs at the time of construction rather than current costs.

- 2100 Councilmember Lin felt a resolution should be prepared which would state that the developer would agree to participate in the creation of future benefit district(s) for street improvements, participation based on front footage as stated in the current benefit district policy.

- Councilmember Monica suggested that staff, City Attorney, and the developer work out a payment plan which would postpone the initial assessments and protect the interests of the City and the developer.
- 2248 Council directed staff to work with the developer to prepare an agreement for deferment of the street improvement assessments, whereby the City would not be impeded in any future collection of funds necessary to make improvements to Roe Ave. and 143rd St. in accordance with current subdivision regulations. Council will consider this matter again at the January 21st Council meeting.
- 2395 CITY ADMINISTRATOR'S REPORT: None.
- 2400 MAYOR'S REPORT: The Mayor will appoint the July 4th Committee at the January 21st Council meeting.
- 2460 DISCUSSION OF NEW CITY HALL SITE, 115TH & TOMAHAWK CREEK PARKWAY:
3252 Councilmember Lin moved to commit to construction of a new City Hall on the Tomahawk Creek Parkway site, provided architects/engineers are requested to modify the site plans and the elevation of the site is set at a minimum of 858 feet; seconded by Anselmi.
- 4041 After further discussion, motion carried; Rasmussen, Hammond, Monica opposed; all others in favor.
- 4125 DISCUSSION OF CONSOLIDATION OF PARKS MAINTENANCE & RECREATION PROGRAMMING OPERATIONS: Council was given information on the legal procedures necessary to effect a consolidation, and estimates of costs necessary to bring parks maintenance up to required standards. Councilmember Rasmussen hoped that Council would approve the consolidation and there be an individual commitment on the part of those Councilmembers in favor of the consolidation to encourage staff during the 1992 budget preparation to budget for the required maintenance standards.
- 4325 On motion of Rasmussen, seconded by Anselmi, Council unanimously adopted Resolution No. 1012 directing the City Clerk to publish notice of intent to combine the Parks Department and Recreation Commission into a single Department of Parks and Recreation. Resolution attached as part of the record.
- 4949 Charter Ordinance No. 20, authorizing a limited increase in the aggregate levy limit for the purpose of funding the operation of a joint parks and recreation system, was considered and passed on motion of Rasmussen, seconded by Moore. On roll call the vote was: Yeas---Rasmussen, Hammond, Anselmi, Moore, Newlin, Monica, Lin. Nays---None.
- 5004 CONTRACT FOR CONSTRUCTION ENGINEERING SERVICES FOR INTERSECTION IMPROVEMENTS AT SOMERSET DRIVE AND LEE BOULEVARD: On motion of Anselmi, seconded by Hammond, Council unanimously authorized the Mayor to execute the contract between KDOT, City of Leawood, and Larkin Associates Consulting Engineers.
- 5022 CONTRACT FOR SIDEWALK IMPROVEMENTS ALONG THE WEST SIDE OF MISSION ROAD, 124TH STREET TO 127TH STREET: On motion of Hammond, seconded by Monica, Council authorized the Mayor to execute a contract with the low

bidder Muehlberger Concrete, Inc., in the amount of \$25,459.50; Rasmussen, Anselmi opposed; all others in favor.

5228 INTERSECTION IMPROVEMENT AT 101ST AND MOHAWK LANE: The Leawood Estates Homes Association proposed a joint effort to improve the intersection by adding an island. The island would be constructed at City expense and landscaped and maintained by the homes association. JBM Consulting Engineers developed 3 intersection design alternatives. Staff recommended Alternative No. 1 involving the construction of a triangular-shaped island on the north Mohawk Lane approach; traffic movements would be two-way on each side of the island. An optional revised curb line would contribute to the orderly flow of traffic. Construction of the island would be approximately \$5,000; the optional improvements approximately \$3,000.

Councilmember Hammond moved to authorize staff to proceed with final design of the intersection, seconded by Anselmi. Councilmember Rasmussen wanted assurance from the homes association that the association would maintain the island. Leawood Estates Homes Association representative Jim Cobb will furnish the City written assurance that the association will perform the maintenance.

5712 Councilmember Hammond called for the question, seconded by Anselmi; unanimous. Motion to proceed with final design carried unanimously.

5768 ORDINANCE NO. 1198 VACATING PORTIONS OF ROSEWOOD AND 115TH STREETS FOR THE LEAWOOD COMMONS OFFICE COMPLEX LOCATED AT APPROXIMATELY 113TH & NALL: to construct a stormwater detention facility. The ordinance was considered and passed on motion of Monica, seconded by Rasmussen. On roll call the vote was: Yeas---Rasmussen, Hammond, Anselmi, Moore, Newlin, Monica, Lin. Nays---None.

5788 RESOLUTION NO. 1013 ESTABLISHING A FEE SCHEDULE FOR 1991 FOR FEES NOT PROVIDED FOR IN THE CODE OF THE CITY OF LEAWOOD: Adopted unanimously on motion of Hammond, seconded by Anselmi. Attached as part of the record.

5990 SCHEDULE EXECUTIVE SESSION: On motion of Hammond, seconded by Monica, Council unanimously voted to convene in executive session after Council comments, not to exceed 30 minutes, to discuss personnel matters and acquisition of property.

6041 APPROVAL OF APPROPRIATION ORDINANCE NO. 652: The ordinance was considered and passed on motion of Anselmi, seconded by Hammond. On roll call the vote was: Yeas---Rasmussen, Hammond, Anselmi, Moore, Newlin, Monica, Lin. Nays---None.

6295 After Council comments, Council convened in executive session at 10:25 P.M., same members present.

10:55 P.M. Council returned to regular session, same members present. Councilmember Lin moved to extend the meeting 20 minutes to continue the executive session, seconded by Moore. Motion failed; Moore, Lin in favor; all others opposed. The January 21st Council meeting will begin

Council Minutes
Tape No. 209

January 7, 1991

at 5:30 P.M. The first order of business will be an executive session to discuss personnel matters.

6480 11:00 P.M. The meeting was adjourned.


Martha Heizer City Clerk

MINUTES
REGULAR COUNCIL MEETING

Tape No. 210

The City Council of the City of Leawood, Kansas, met in regular session in the Conference Room of the Temporary Municipal Office Building, 9617 Lee Boulevard, at 5:30 P.M., Monday, January 21, 1991. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Louis Rasmussen, Charles Hammond, Ernie Anselmi, Douglas Moore, Robert Newlin, Marsha Monica, Jimmy Lin. Staff present: Richard J. 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; Fran Kessler, Asst. City Clerk; and Richard Wetzler, City Attorney.

EXECUTIVE SESSION: On motion of Anselmi, seconded by Moore, Council voted unanimously to convene in executive session until 7:30 P.M. to conduct a personnel performance evaluation.

7:30 P.M. Council returned to regular session in the Council Chambers, 9615 Lee Boulevard, same members present. A moment of silence was observed in honor of the nation's armed forces fighting in the Middle East war against Iraq.

45 Agenda approved unanimously on motion of Hammond, seconded by Monica, after: 1) July 4th Committee appointments moved from Mayor's report to the Consent Agenda; and 2) addition to the Consent Agenda of appointments to the Household Hazardous Waste Collection Task Force.

59 CITIZEN COMMENTS: None.

72 PROCLAMATIONS: The Mayor proclaimed February, 1991 to be "American History Month"; and January 20-25, 1991, "R.E.A.D. Week".

80 RESOLUTION OF SYMPATHY: Adopted by unanimous consent in memory of James R. Cope, former City Councilmember and Municipal Court Judge. Attached as part of the record.

92 CONSENT AGENDA: Pay Request No. 6 (FINAL) to Radmacher Bros. Excavating in the amount of \$25,036.21 for the 1990 Street Rehabilitation Program was removed for further discussion. The following were approved unanimously on motion of Hammond, seconded by Moore:

1. Minutes of the January 7, 1991 Council meeting;
2. Public Works Committee report on its January 10, 1991 meeting;
3. Recreation Commission report on its January 8, 1991 meeting;
4. Departmental reports;
5. Assignment to Public Safety Committee to review Kansas City Rotary Club's request to sell special editions of the Kansas City Star at certain intersections the morning of April 8th ("Greater Kansas City Day" and the Royals' baseball home opener);
6. Purchase of 3 radar units for the Police Department from Kustom

Signals in the amount of \$5,025.00;

7. Contribution of \$250 from Special Alcohol Fund to Shawnee Mission East High School to support the School's "No Alcohol-No Drugs Junior/Senior Prom Safe Alternative Event";

8. Change Order No. 1; 119th St. improvements, State Line/Mission; C.L. Fairley Construction; reduction in original contract amount of \$5,405.09;

9. Pay Request No. 11 (FINAL) to C.L. Fairley Construction for \$109,317.83; 119th St. improvements, State Line/Mission;

10. Change Order No. 1; 1990 Street Rehabilitation Program; Radmacher Bros. Excavating; increase in original contract amount of \$34,713.70;

11. Appointments to 1991 July 4th Committee, attached as part of the record;

12. Appointments to Household Hazardous Waste Collection Task Force - Leawood's 5 members of a joint Leawood-Overland Park Household Hazardous Waste Collection Task Force - attached as part of the record.

116 After discussion and on motion of Monica, seconded by Lin, Council unanimously approved Pay Request No. 6 (FINAL) to Radmacher Bros. Excavating for \$25,036.21 for the 1990 Street Rehabilitation Program.

163 RESOLUTION RELATING TO THE PRELIMINARY PLAT OF "143RD STREET ESTATES" (143rd & Roe): An agreement between the City and developer for the latter's payment for street construction required by the subdivision regulations has not been finalized. On motion of Monica, seconded by LaHue, Council voted unanimously to defer further consideration to the February 4th Council meeting.

197 CITY ADMINISTRATOR'S REPORT: There have been several periods this winter of ice thawing and refreezing. The City has had difficulty in obtaining salt for snow removal and ice control.

222 MAYOR'S REPORT: There have been 2 recent D.A.R.E. (Drug Abuse Resistance Education) Program culminations (graduations) - 1 at Cure of Ars Elementary School and 1 at Corinth Elementary School. Leawood Police Officer Mike Pelger commented on these events and on the Program in general.

455 DISCUSSION OF ROOFING MATERIAL RESTRICTIONS: The Plan Commission recommended that the current ordinance not be amended to allow composition materials. The City Council must officially respond to that recommendation. Several residents spoke in favor of, some against, an ordinance change to allow composition materials.

1741 Councilmember Moore moved that: 1) Council disagree with the Plan Commission's recommendation of not providing for composition roofing materials; 2) Council remand the matter to the Commission with statements that Council wants an option for composition materials added to the ordinance, and that those materials be of highest quality available; 3) the draft ordinance distributed to the Council for consideration be part of the review process; and 4) this matter be returned to the Council for consideration at the March 4th Council meeting. Motion seconded by Anselmi.

1787 Councilmembers Rasmussen and Hammond felt that no ordinance should contribute to the negation of deed restrictions; deed restrictions,

January 16, 1991

MEMO

TO: Mayor & City Council
FROM: Marcia Rinehart, Mayor *MR*
RE: 1991 July 4th Committee

The following names for members of the 1991 July 4th Committee are submitted for Council consent:

Co-chairmen: Janet O'Neal
2500 West 84th Street, 66206
649-1393

Jeri Hickman
12613 Cherokee Lane, 66209
469-8534

Food Vendors: Kristine Schulz
13015 Windsor Circle, 66209
491-5378

Parade: Kathy Snyder
9645 Manor Road, 66206
381-5142

Parade
Staging: Tom Laird
8731 High Drive, 66206
341-8825 (h)
631-5775 (o)

Distribution
of Candy: Lisa & David Adkins
8021 Belinder Road, 66206
341-1232 (h)
642-7300 (o)

Tee Shirts: John Ferguson
9644 Meadow Lane
648-3538

Videotape: Larry Snyder
9645 Manor Road, 66206
381-5142

Games,
Moonwalk: Scott Whitaker, Assistant Recreation Director
642-5555, ext. 22

Set-up at
Park: Mike Noll, Park Supervisor
642-5555, ext. 74
642-0063 fax

Fireworks,
Shootout: Jerry Strack, Fire Chief
642-5555, ext. 50, 51

Safety, Park-
ing, Balloons,
Skydivers: Steve Cox, Police Chief
642-5555, ext. 38, 32

Liaison to
Staff, Sound
System: Julie Baer, Assistant City Administrator
642-5555, ext. 28
642-1340 fax

Liaison to
Council: Marcia Rinehart, Mayor
642-5555 (o)
341-2574 (h)

Scout Rep-
resentatives: Gregg Gehrig
8538 Goodman, OP, KS 66212
381-2179 (h)

January 21, 1990

MEMO

TO: City Council

FROM: Marcia Rinehart, Mayor *MR*

RE: Household Hazardous Waste Collection Task Force

Submitted for Council's consent for Leawood's five members of a joint Leawood-Overland Park Household Hazardous Waste Collection Task Force are the following:

Councilmember Doug Moore
8340 State Line, 66206
381-9219 (h)
753-7000 (o)

Councilmember Bob Newlin
10511 Cherokee Lane, 66206
381-0354

Penny Medved
3404 West 91st, 66206
649-8337

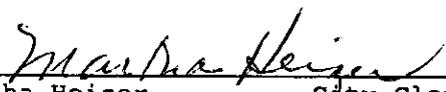
Don Becker
10208 Howe Lane, 66206
648-1749

Sonia Krug
12826 Sagamore Road, 66209
491-0802 (h)
345-0066 (o)

- representing the right of citizens to contract with each other, should remain inviolate.
- 1969 Councilmember Monica stated she would consider an amended ordinance as long as it did not jeopardize deed restrictions and did not include statements of fire safety policy.
- 2525 Councilmember Moore's motion carried; Rasmussen, Hammond opposed; all others in favor.
- 2557 Recess for Council photographs.
- 2592 Regular session continued.
- PLAN FOR SAFE SCHOOL ROUTES AND SIDEWALK CONSTRUCTION NORTH OF I-435:
Police Chief Cox requested Council's acceptance of the concept plan (interim report). Councilmember Rasmussen felt the report needed further Council and Public Safety Committee review.
- 3333 Councilmember Hammond moved to accept the concept report, seconded by Moore. Councilmember LaHue moved to amend the motion to include a request that staff provide Council with sidewalk construction financing guidelines and priorities to be discussed at a work session, seconded by Hammond. Motion to amend carried; Rasmussen opposed; all others in favor.
- 3441 Councilmember Hammond's motion as amended carried; Rasmussen opposed; all others in favor.
- 3456 SUPPLEMENTAL AGREEMENT WITH AND FINAL PAYMENT TO CONTRACTOR - TOMAHAWK CREEK PARKWAY: Councilmember Hammond moved to authorize the Mayor to sign the agreement between the City and Holland Corp., seconded by Rasmussen. Final payment of \$55,338.87 will be made to Holland Corp. upon their final acceptance of the agreement.
Council discussed the maintenance and aesthetics of buffalo grass.
- 3663 Councilmember Hammond called for the question, seconded by Rasmussen. Call for the question failed; 4 in favor, 4 opposed. Discussion continued. Councilmember LaHue felt the City made a mistake in planting buffalo grass along the Parkway, and might ask Holland to credit the buffalo grass and plant fescue or other grass that would be mowed on a regular basis and which would be more aesthetically pleasing and acceptable to residents.
- 3761 The City Attorney stated that if Council wanted to amend the supplemental agreement for a change in landscaping, staff would have to renegotiate with the contractor and subcontractors.
- 3887 Councilmember Hammond's motion to approve the agreement carried; LaHue opposed; all others in favor.
- 3896 KDOT REQUEST FOR LEAWOOD'S COMMITMENT OF LOCAL FUNDS FOR INTERSECTION IMPROVEMENTS, SOMERSET DR. & LEE BLVD.: On motion of Hammond, seconded by Anselmi, Council unanimously approved Leawood's local share in the amount of \$78,350.
- 3967 FINAL CHANGE ORDER AND PARTIAL PAYMENT TO CONTRACTOR - LEE BLVD. IMPROVEMENTS, PHASE 1, 95TH/103RD: On motion of Monica, seconded by LaHue, Council unanimously approved Change Order No. 3 in the amount of \$46,090.51. On motion of Hammond, seconded by Monica, Council

unanimously approved Pay Request No. 6 to Holland Corp. for \$77,270.92.

- 4150 ORDINANCE NO. 1199C AMENDING CERTAIN SECTIONS OF ARTICLE 4 OF CHAPTER 15 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO SOLID WASTE MANAGEMENT: Trash haulers collecting in Leawood are not licensed or equipped to collect household hazardous waste. This ordinance amends Ordinance No. 1161C, deleting certain references to the collection of household hazardous waste. Leawood and Overland Park have received a grant from the State to have a joint household hazardous waste collection program in May.
Councilmember Monica moved to pass the ordinance, seconded by Anselmi. Councilmember Rasmussen moved to amend the motion to remove references to mandated "yardwaste management" in the same sections that references to household hazardous waste were deleted, seconded by
4968 Monica. Motion to amend carried; LaHue, Moore opposed; Newlin abstained; all others in favor.
4992 On roll call to pass the ordinance as amended, the vote was: Yeas---LaHue, Rasmussen, Hammond, Anselmi, Moore, Newlin, Monica, Lin. Nays---None.
- 5030 RESOLUTION NO. 1014 CONSENTING TO THE ENLARGEMENT OF TOMAHAWK CREEK SEWER SUB-DISTRICT NO. 1: Adopted unanimously on motion of Rasmussen, seconded by Hammond. Attached as part of the record.
- 5045 ORDINANCE NO. 1200 ACCEPTING A DEED FOR STREET PURPOSES (95TH STREET IMPROVEMENTS, STATE LINE ROAD TO WENONGA): The ordinance was considered and passed on motion of Hammond, seconded by Monica. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Anselmi, Moore, Newlin, Monica, Lin. Nays---None.
- 5070 ORDINANCE NO. 1201 ACCEPTING AN EASEMENT FOR STORM DRAINAGE PURPOSES (Camelot Court Shopping Center): The ordinance was considered and passed on motion of Hammond, seconded by Anselmi. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Anselmi, Moore, Newlin, Monica, Lin. Nays---None.
- 5088 APPROVAL OF APPROPRIATION ORDINANCE NO. 653: The ordinance was considered and passed on motion of Monica, seconded by Moore. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Anselmi, Moore, Newlin, Monica, Lin. Nays---None.
- 5397 After Council comments, Councilmember LaHue moved to convene in executive session, not to exceed 10:45 P.M., to conclude the 5:30 P.M. personnel performance evaluation; seconded by Moore. Motion carried; Monica opposed; all others in favor. Council convened in executive session at 10:25 P.M., same members present. Council returned to regular session at 10:45 P.M.. The meeting was adjourned.


Martha Heizer
City Clerk

**MINUTES
REGULAR COUNCIL MEETING**

Tape No. 211

- # 40 The City Council of the City of Leawood, Kansas, met in regular session in the Council Chamber, 9615 Lee Boulevard, at 7:40 P.M., Monday, February 4, 1991. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Charles Hammond, Ernie Anselmi, Robert Newlin, Marsha Monica. * Councilmember Jimmy Lin arrived at 7:45 P.M. ** Mrs. Monica left the meeting at 9:00 P.M. Councilmembers Louis Rasmussen and Douglas Moore were absent. Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; Captain Ron Anderson, Police Dept.; 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.

- 51 Agenda approved unanimously on motion of Hammond, seconded by Anselmi, after addition of a proclamation for "PTA Month".

- 63 PRESENTATION OF AWARD TO SCOTT WHITAKER, ASST. RECREATION DIRECTOR: At the January 21st Kansas Park and Recreation State Conference, the National Youth Sports Coaches Association of Kansas voted Mr. Whitaker the "Kansas Clinician of the Year" Award for 1990, recognizing his safety training of large numbers of youth coaches and his innovative ideas. Dick Fuller, Chairman of the Leawood Recreation Commission, presented the award (plaque) to Mr. Whitaker at the Council meeting.

- 129 CITIZEN COMMENTS: None.

- 136 PROCLAMATIONS: The Mayor proclaimed February 1991 to be "PTA Month"; and February 17-23, 1991, "Engineers Week".

- 156 CONSENT AGENDA: Declaration of surplus property was removed for further discussion. The following were approved unanimously on motion of Monica, seconded by Hammond:

1. Minutes of the January 21, 1991 Council meeting;
2. Purchase through the City's cooperative purchasing agreement with Kansas City, Missouri of 1991 Police patrol vehicles - 4 Chevrolet Caprice sedans and 1 Ford Explorer utility vehicle - in the total amount of \$76,357.44 (gross cost before sale of older vehicles to be replaced);
3. Resolution No. 1015 approving the final plat of the Highlands of Leawood, 5th Plat (attached as part of the record);
4. Contract with Kansas City Crime Commission in the amount of \$500 to continue the Crime Stoppers Program/474-TIPS Hotline in 1991.

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

Staff requested Council declare a 1957 American LaFrance Fire Pumper surplus property so it could be sold. Councilmember LaHue moved to request the Recreation Commission consider the possibility of locating the pumper in Leawood Park, seconded by Anselmi. Motion carried; Hammond opposed; all others in favor. Concerns about

liability and vandalism in the Park were expressed.

294 RESOLUTION RELATING TO THE PRELIMINARY PLAT OF "143RD STREET ESTATES"

(143rd & Roe): An agreement between the City and developer to defer the latter's payment for street construction required by the subdivision regulations has not been finalized. Staff's draft agreement which abides by current subdivision regulations was distributed to the Council. The agreement contains 3 conditions under which the City would call for payment: paragraph 2a) if property is subdivided, owner would pay his pro rata share of the cost of construction of the north half of 143rd St. and the east half of Roe Ave. as abutting on the property, such costs to be determined by the rates then prevailing under the City's subdivision regulations; or paragraph 2b) if the City determines it advisable to improve 143rd St. or Roe Ave. abutting the property through the formation of an improvement district, owner would not oppose such a district so long as the costs of the improvement(s) are assessed to the property on a front foot basis; or paragraph 2c) if the City determines that construction and improvement of 143rd St. or Roe Ave. abutting the property is necessary and that payment due under the subdivision regulations should be made, owner would pay the City his pro rata share of the cost of construction of the north half of 143rd St. and the east half of Roe Ave. as abutting the property, such costs to be determined by the rates then prevailing under the City's subdivision regulations.

The developer agrees with 2a and 2b, but doesn't feel 2c is necessary. Property owners would be willing to pay for improvement projects as long as payment is made through improvement district financing.

If 2c is not included in the agreement, the Council might be limiting future Councils to only 2 ways to obtain payment from this property for street improvements.

2096 Councilmember LaHue moved to retain paragraph 2c in the agreement and to have staff and developer consider two modifications to the paragraph - establishing a definite time period that street improvement(s) would begin (either prior to or after collection of payments), and permitting payments to be spread out over a certain period of time. Motion seconded by Anselmi and carried unanimously.

2280 CITY ADMINISTRATOR'S REPORT: None.

2284 MAYOR'S REPORT: The City received \$123.53 from the annual Mayor's Christmas Tree Bowling Tournament sponsored by The Bowling Council of Greater Kansas City. The funds will be used in the L.E.A.D. (Leawood Employees Against Drugs) Program.

Councilmember Newlin reported the Community Relations Committee will meet tomorrow night to begin planning a party to recognize people who volunteer their time to serve the City in various capacities.

2322 ORDINANCE NO. 1202 AUTHORIZING THE IMPROVEMENT (WIDENING AND SIGNALIZATION) OF THE INTERSECTION OF 92ND STREET AND STATE LINE ROAD: The ordinance was considered and passed on motion of Anselmi, seconded by Monica. On roll call the vote was: Yeas---LaHue, Hammond, Anselmi, Newlin, Monica. Nays---None. Councilmember Lin was not present for

the vote.

2353 ORDINANCE NO. 1203 AUTHORIZING THE IMPROVEMENT OF 135TH STREET (K-150) FROM STATE LINE ROAD TO THE WEST CITY LIMITS, PHASE 1 (WIDENING): The ordinance was considered and passed on motion of LaHue, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Hammond, Anselmi, Newlin, Monica, Lin. Nays---None.

2366 ORDINANCE NO. 1204 AUTHORIZING THE IMPROVEMENT (WIDENING AND EXTENSION) OF MISSION ROAD FROM 103RD STREET TO COLLEGE BOULEVARD: The ordinance was considered and passed on motion of Anselmi, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Hammond, Anselmi, Newlin, Monica, Lin. Nays---None.

** 9:00 P.M. Councilmember Monica left the meeting.

2443 SCHEDULE WORK SESSION: Scheduled for Monday, February 11th, 7:30 P.M., to discuss an in-house attorney, entrance signs to the City, school route sidewalks, 1991 CARS submittal/street rehabilitation program, and Lee Blvd. improvements, 95th St. to Somerset Dr.

2479 SCHEDULE EXECUTIVE SESSION: On motion of Anselmi, seconded by LaHue, Council voted unanimously to convene in executive session, not to exceed 15 minutes, following Council comments to discuss a personnel matter.

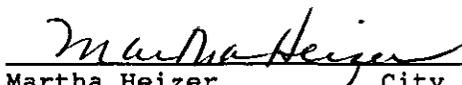
2494 APPROVAL OF APPROPRIATION ORDINANCE NO. 654 (Dec., 1990 final): The ordinance was considered and passed on motion of LaHue, seconded by Anselmi. On roll call the vote was: Yeas---LaHue, Hammond, Anselmi, Newlin, Lin. Nays---None.

2920 APPROVAL OF APPROPRIATION ORDINANCE NO. 655 (Jan. 1, 1991): The ordinance was considered and passed on motion of LaHue, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Hammond, Anselmi, Newlin, Lin. Nays---None.

2592 COUNCIL COMMENTS: Representatives of Normandy Place Homes Association had talked to Councilmember Lin about converting 128th St. from a private to a public street. Current subdivision regulations state that streets platted as private streets shall remain private in perpetuity. Mr. Lin moved to refer the issue of converting a private street to a public street to the Public Works Committee for review and recommendations, seconded by Hammond. Motion carried; Anselmi opposed; all others in favor. The Council will consider recommendations at the March 18th Council meeting.

2947 9:20 P.M. Council convened in executive session, same members (5) present.

9:35 P.M. Council returned to regular session. The meeting was adjourned.


Martha Heizer City Clerk

**MINUTES
REGULAR COUNCIL MEETING**

Tape No. 212

- # 20 The City Council of the City of Leawood, Kansas, met in regular session in the Council Chamber, 9615 Lee Boulevard, at 7:35 P.M., Tuesday, February 19, 1991. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Charles Hammond, Douglas Moore, Robert Newlin, Marsha Monica. Councilmembers Louis Rasmussen, Ernie Anselmi and Jimmy Lin were absent. Staff present: Richard J. 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.

- 33 Agenda approved unanimously on motion of Hammond, seconded by Moore.

50 CITIZEN COMMENTS: None.

- 54 CONSENT AGENDA: The minutes of the February 7, 1991 Public Works Committee meeting were removed for further discussion later in the meeting of the possible relocation of a portion of the Tomahawk Greenway trail located on private property. The following were approved unanimously on motion of Moore, seconded by Monica:

1. Minutes of the February 4, 1991 Council meeting;
2. Recreation Commission report on its February 12, 1991 meeting;
3. Public Safety Committee report on its February 13, 1991 meeting;
4. Departmental reports;
5. Application for Cereal Malt Beverage License - Price Chopper, 11751 Roe.

- 95 REQUEST BY FERRELL'S GALLERY, INC. FOR A SPECIAL USE PERMIT: On motion of Hammond, seconded by Newlin, Council unanimously approved a permit with stipulations to erect a tent at 13701 Fontana in Leawood Meadows for an auction, April 4 through April 9.

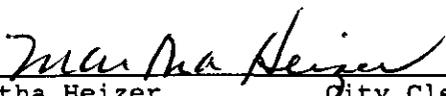
- 165 RESOLUTION NO. 1016 APPROVING PRELIMINARY PLAT AND FINAL PLAT, AND REQUEST FOR REZONING FROM REC TO R-1 FOR B.S.D. ESTATES, 123RD AND MISSION RD.: Adopted unanimously on motion of Hammond, seconded by LaHue. Attached as part of the record.

- 419 ORDINANCE NO. 1205 REZONING PROPERTY, SOUTHEAST CORNER OF 123RD AND MISSION RD. (B.S.D. ESTATES) FROM REC (PLANNED RECREATION DISTRICT) TO R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT): The ordinance was considered and passed on motion of Hammond, seconded by Moore. On roll call the vote was: Yeas---LaHue, Hammond, Moore, Newlin, Monica. Nays---None.

- 444 RESOLUTION NO. 1017 APPROVING THE PRELIMINARY PLAT OF 143RD STREET ESTATES (143RD & ROE) SUBJECT TO AN AGREEMENT BETWEEN THE CITY AND DEVELOPER FOR DEFERMENT OF PAYMENT OF ASSESSMENTS FOR FUTURE IMPROVEMENTS OF ROE AVE. AND 143RD ST.: Adopted unanimously on motion of Monica, seconded by Hammond. Attached as part of the record.

- 671 REQUEST BY KANSAS CITY, MISSOURI ROTARY CLUB TO SELL A SPECIAL EDITION OF THE KANSAS CITY STAR NEWSPAPER AT MAJOR INTERSECTIONS: The morning of April 8th in conjunction with Kansas City Day and the Kansas City Royals Home Opener. Proceeds will benefit the Kansas City Rotary Youth Camp Foundation. The Public Safety Committee recommended approval of this special solicitation in recognition of the community-wide scope and worthwhile charitable purpose. On motion of Monica, seconded by Moore, Council approved the request; LaHue opposed; all others in favor.
- 735 DISCUSSION OF THE USAGE OF A 1957 AMERICAN LAFRANCE FIRE PUMPER: At its February 12th meeting, the Recreation Commission discussed the possibility of locating the pumper in a park area. Commission members voted not to accept the pumper. On motion of LaHue, seconded by Hammond, Council unanimously declared it surplus property.
- 800 DISCUSSION OF THE RELOCATION OF A PORTION OF THE TOMAHAWK GREENWAY TRAIL LOCATED ON PRIVATE PROPERTY (homes in Berkshire, 6th Plat backing up to the Greenway and Tomahawk Creek): The Public Works Committee discussed this matter at its February 7th meeting and recommended the trail be relocated to the north side of Tomahawk Creek which would require construction of a pedestrian bridge. The cost would be approximately \$88,162 plus some additional cost for easement negotiations with homeowners. Public Works Director Brandt recommended keeping the trail on the south side of the Creek but moving it closer to the Creek and further away from the homes involved, and providing some bank stabilization, for a cost of \$43,055 plus additional cost of easement negotiations.
- 1168 Councilmember LaHue moved to accept the minutes of the February 7, 1991 Public Works Committee meeting, and to refer this matter back to the Committee for further investigation of creek bank stabilization and the relocation option recommended by Mr. Brandt. Motion seconded by Moore and carried unanimously.
- 1190 INTERLOCAL AGREEMENT BETWEEN LEAWOOD, OVERLAND PARK, AND JOHNSON COUNTY FOR THE PUBLIC IMPROVEMENT OF NALL AVE. FROM 135TH STREET TO ONE-HALF MILE SOUTH OF 151ST STREET: Leawood's share - approximately \$38,000. On motion of Monica, seconded by Hammond, Council unanimously approved the agreement.
- 1219 RESOLUTION NO. 1018 AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH KDOT RELATING TO STATE AID FOR THE IMPROVEMENT (WIDENING) OF THE K-150 CORRIDOR, A STATE SYSTEM ENHANCEMENT PROJECT: For transitional work to be done in Leawood along with construction within Overland Park city limits, at no cost to Leawood. Resolution adopted unanimously on motion of Hammond, seconded by Moore. Attached as part of the record.
- 1254 RESOLUTION NO. 1019 AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH KDOT RELATING TO BENEFITS OBTAINABLE BY CITIES UNDER THE PROGRAM FOR FEDERAL AND STATE AID ON HIGHWAY CONSTRUCTION - FOR IMPROVEMENT OF THE PORTION OF SOMERSET DRIVE WITHIN THE CITY OF LEAWOOD, 83RD STREET TO BELINDER: Adopted unanimously on motion of Moore, seconded by Hammond. Attached as part of the record.

- 1300 RESOLUTION NO. 1020 REQUESTING JOHNSON COUNTY PARTICIPATION IN LEAWOOD'S 5-YEAR (1992-1996) CAPITAL IMPROVEMENT PROGRAM THROUGH THE COUNTY'S ASSISTANCE ROAD SYSTEM (C.A.R.S.): Adopted unanimously on motion of Hammond, seconded by Moore. Attached as part of the record.
- 1340 ADOPTION OF THE 1991 SPECIAL HIGHWAY PROGRAM: On motion of Monica, seconded by Moore, Council unanimously adopted the program as presented by staff. Attached as part of the record.
- 1408 RESOLUTION NO. 1021 ESTABLISHING A PERMIT FEE FOR ELEVATORS: Adopted unanimously on motion of Moore, seconded by Hammond. Attached as part of the record.
- 1600 SCHEDULE EXECUTIVE SESSION: On motion of Hammond, seconded by Moore, Council voted unanimously to convene in executive session following Council comments, session not to exceed 30 minutes to discuss acquisition of property.
- 1614 APPROVAL OF APPROPRIATION ORDINANCE NO. 656: The ordinance was considered and passed on motion of Moore, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Hammond, Moore, Newlin, Monica. Nays---None.
- 1644 CITIZEN COMMENT RELATING TO THE IMPROVEMENT OF LEE BLVD., 95TH ST. TO SOMERSET DR.: Gary White, resident at the corner of 91st & Lee Blvd., expressed concern about how the street improvements and sidewalk placement will affect street trees. Mr. White's back and side yards are on Lee, and removing trees would open up his entire property to Lee Blvd. traffic and completely change the living environment. Design engineers Larkin Associates will probably have project recommendations for Council consideration at the March 4th Council meeting.
- 1853 COUNCIL COMMENTS: Councilmember Moore expressed concern about the vacant house on State Line at 85th St. in Leawood. Several months ago, gasoline leaked from a tank at the Amoco service station across the street in Missouri and flowed through an underground pipe to the property in Leawood causing ground contamination. The house to the north has also been affected. Mr. Moore wants to know if other properties have been or will be affected, how long term the problem will be, what the property owner's plans are for maintaining the properties, will the homes be unliveable in the future. Staff stated that many agencies are involved with the decontamination process, but most communications and regulation are coming from the State of Kansas. Staff will try to gather as much information as possible to give to the Governing Body.
- 2375 8:50 P.M. Short break. Council convened in executive session at 9:00 P.M., same members present. Council returned to regular session at 9:30 P.M. The meeting was adjourned.


Martha Heizer City Clerk

MINUTES
REGULAR COUNCIL MEETING

Tape No. 213

- # 20 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, March 4, 1991. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Louis Rasmussen, Charles Hammond, Douglas Moore, Robert Newlin. Councilmembers Ernie Anselmi, Marsha Monica and Jimmy Lin were absent. Staff present: Richard J. 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.

- 30 Agenda approved unanimously on motion of Hammond, seconded by Moore, after addition to Consent Agenda of staff's report on soil contamination from a gasoline leak in the area of 85th and State Line, and contamination at the site of a vacated Amoco station at 95th and Mission.
- 75 PROCLAMATION: The Mayor proclaimed March 10-16, 1991 to be "Investors' Week".
- 102 CITIZEN COMMENTS: Dee Ann Carter, 10335 Sagamore Rd., complained about barking dogs at State Line Animal Hospital at 2009 W. 104th St. Her backyard overlooks the kennel. The veterinarian had been cited for ordinance violations, found in contempt of municipal court and fined \$300.00. However, the noise continues. Councilmember Hammond asked staff to furnish a detailed, historical report on this problem and to indicate what enforcement action has been and can be taken to resolve the problem. Council will discuss this matter at the March 11th work session.
- 334 CONSENT AGENDA: The following were approved unanimously on motion of Hammond, seconded by LaHue:
1. Minutes' of the February 19, 1991 Council meeting;
 2. Staff report on soil contamination on Leawood properties in the area of 85th and State Line caused by a gasoline leak at an Amoco service station at 85th and State Line in Missouri, and contamination at a vacated Amoco station at 95th and Mission.
- 380 PRESENTATION OF AWARD FROM NATIONAL ASPHALT PAVEMENT ASSOCIATION FOR LEE BOULEVARD IMPROVEMENTS, 95TH ST. TO 103RD ST.: The Association has national award categories for its members. The Lee Blvd. construction contractor Holland Corp. entered the improvement project in the Local Government Overlay category and received first runner-up. Jim and Mac Holland presented plaques to Public Works Director Ron Brandt and Project Engineer Ivan Ubben of Larkin Associates.
- 492 ORDINANCE RELATING TO ROOFING MATERIALS: A Plan Commission resolution was distributed to the Council in which the Commission reaffirmed its previous recommendation not to change current ordinance to allow

composition materials. A proposed ordinance, drafted at the direction of the City Council, permitting the use of composition materials, was attached to the resolution. The Commission asked that if the Council wanted to allow composition materials, the performance standards included in the proposed ordinance be considered for adoption with the remainder of the amendments. The Commission recommended exclusion of all sections regarding laminated composition shingles in any ordinance adopted. However, if the sections on laminated composition shingles were included, the Commission recommended those sections be as written in the proposed ordinance.

Councilmember Moore moved to defer discussion of the proposed ordinance to the March 11th work session, seconded by Hammond. Motion carried; LaHue opposed; all others in favor.

- 902 **MAYOR'S REPORT:** The Kansas Legislature is considering a property tax lid law which would remove all existing tax lid exemptions, including exemptions as to taxes levied to pay principal and interest on bonds and temporary notes, and employee benefit funds. This would have a major impact on the City's budgeting process.
- 967 **FINALIZATION OF DESIGN ELEMENTS FOR LEE BLVD. IMPROVEMENTS, 95TH ST. TO SOMERSET DR.:** The Council discussed 3 options for sidewalk location and tree removal at 91st and Lee Blvd. Option A calls for a 5' concrete sidewalk, 10" high curb and gutter, 4' grass area behind the curb, removal of all small trees along Lee, and is the least expensive option. Option B calls for a pedestrian bridge approximately 16' from the pavement edge, removal of all small trees along Lee, no curb and gutter, for a net cost increase of \$9,800. Option C calls for a 6' concrete sidewalk adjacent to the curb with reinforced concrete retaining wall, removal of one-third of the trees along Lee for construction of the retaining wall, for a net cost increase of \$23,930.
- 1650 Councilmember LaHue moved to accept Option A as recommended by staff, seconded by Hammond. Landscaping would be considered at a later date. Motion failed; LaHue, Hammond in favor; Rasmussen, Moore, Newlin opposed.
- 1755 Councilmember Moore moved to accept Option C, seconded by Newlin. No landscaping would be required. Councilmember Rasmussen moved to amend the motion to eliminate the stone veneer on the west side of the retaining wall, seconded by Moore. Motion to amend failed; Moore, Rasmussen in favor; LaHue, Hammond, Newlin opposed. Councilmember Moore's motion for Option C carried; Hammond, Moore, Newlin in favor; LaHue, Rasmussen opposed.
- 2104 The standard preformed metal guard rail used in Phase 1 of the Lee Blvd. improvement project will not be used in Phases 2 and 3. A wood steel laminated rail will be used in 2 locations - 86th & Lee and 91st & Lee.
- 2130 Staff recommended removing 3 small triangular traffic islands at 81st & Lee, 83rd Terr. & Lee, and 84th & Lee for safety reasons. Councilmember LaHue moved to retain the islands, seconded by Moore and carried unanimously.
- 2316 Sidewalks north of 83rd Street will be placed in front of the tree line except at the northwest corner of 83rd and Lee.

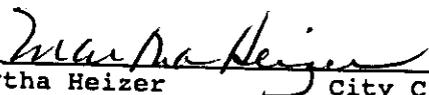
- 2686 INTERLOCAL AGREEMENT BETWEEN JOHNSON COUNTY AND LEAWOOD FOR THE PUBLIC IMPROVEMENT OF 135TH STREET (K-150) FROM STATE LINE RD. TO NALL AVE.: For the first phase of the project funded through the Kansas System Enhancement Program. The estimated cost of the project is \$7.6 million of which the local share would be \$3.8 million. Johnson County, through the County-Assisted-Road-System (CARS) Program, would pay \$1.9 million. The County's financial obligation under this agreement will not exceed \$500,000. On motion of Hammond, seconded by Moore, Council unanimously authorized the Mayor to execute the agreement.
- 2919 INTERLOCAL AGREEMENT BETWEEN JOHNSON COUNTY, LEAWOOD, AND KANSAS CITY, MISSOURI, FOR THE PUBLIC IMPROVEMENT OF STATE LINE RD. FROM 92ND ST. TO 91ST PL.: For signalization and widening of the intersection of 92nd and State Line. The estimated cost of the project is \$300,000. On motion of Rasmussen, seconded by Hammond, Council unanimously authorized the Mayor to execute the agreement.
- 2983 INTERLOCAL AGREEMENT BETWEEN JOHNSON COUNTY, LEAWOOD, AND PRAIRIE VILLAGE FOR THE PUBLIC IMPROVEMENT OF SOMERSET DR. FROM 83RD ST. TO BELINDER: The estimated cost of the project is \$200,000. Leawood's portion of the funding, approximately 10% of the total cost, is only for widening and reconstruction of Somerset between Belinder and Wenonga. On motion of LaHue, seconded by Moore, Council unanimously authorized the Mayor to execute the agreement.
- 3030 CONTRACT FOR MAINTENANCE OF STREET RIGHTS-OF-WAY AND MEDIANS IN 1991: Atcheson Lawn and Landscape of Grandview, Missouri, provided this mowing service in 1990 and did exceptional work, and agreed to provide the same service in 1991 with no rate increase. Public Works Director Brandt recommended the formal bidding procedure be waived to contract with Atcheson Lawn. On motion of Hammond, seconded by Newlin, Council awarded the contract to Atcheson Lawn in the amount of \$18,000; Moore, Hammond, Newlin in favor; LaHue, Rasmussen opposed.
- 3194 ORDINANCE NO. 1206 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES L.I.D. 88-1-91A, PROJECT 113; TOMAHAWK CREEK PARKWAY; \$700,000: The ordinance was considered and passed on motion of LaHue, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Moore, Newlin. Nays---None.
- 3216 ORDINANCE NO. 1207 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 91B, PROJECT 114; SOMERSET DR., BELINDER TO SAGAMORE (SOMERSET & LEE INTERSECTION IMPROVEMENTS); \$200,000: The ordinance was considered and passed on motion of Hammond, seconded by Moore. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Moore, Newlin. Nays---None.
- 3253 ORDINANCE NO. 1208 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 91C, PROJECT 118; POLICE/COURT BUILDING AND FIRE STATION NO. 1 REMODELING; \$300,000: The ordinance was considered and passed on motion of Hammond, seconded by LaHue. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Moore, Newlin. Nays---None.

- 3270 ORDINANCE NO. 1209 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 91D, PROJECT 115; MISSION RD. IMPROVEMENTS, 103RD ST. TO COLLEGE BLVD.; \$100,000: The ordinance was considered and passed on motion of LaHue, seconded by Moore. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Moore, Newlin. Nays---None.
- 3401 SCHEDULE WORK SESSION: Scheduled for Monday, March 11th, 7:30 P.M., to discuss design for 83rd St. improvements, the future of the leaf collection program, roofing materials, a noise complaint against State Line Animal Hospital, and possibly entrance signs to the City.
- 3608 SCHEDULE EXECUTIVE SESSION: On motion of LaHue, seconded by Hammond, Council voted unanimously to convene in executive session following Council comments, session not to exceed 30 minutes to discuss acquisition of property.
- 3629 APPROVAL OF APPROPRIATION ORDINANCE NO. 657: The ordinance was considered and passed on motion of Moore, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Moore, Newlin. Nays---None.
- 3687 COUNCIL COMMENTS: Councilmember Rasmussen expressed concern about the poor access that emergency vehicles have to St. Joseph Hospital south of I-435 at Carondolet and State Line Rd. He feels the reconstruction of State Line is crucial. As far as the portion of State Line between 103rd St. and the north side of the I-435 overpass is concerned, he talked to senators and representatives in Washington about obtaining Federal highway funding. The cost of reconstructing that portion is approximately \$3,000,000. It would be helpful to obtain at least one-third of that amount. Mr. Rasmussen is willing to continue efforts to obtain federal funds.
- Mr. Rasmussen stated the design of State Line from I-435 south to Red Bridge Rd. is equally crucial. Access to the hospital at Carondolet and State Line is less than desirable between 4:00 and 6:00 P.M. Also, Amoco Oil Co. is requesting a stacking lane for its Kansas City, Missouri Amoco station on State Line south of Carondolet, and requesting permission to drive tanker trucks across 3 lanes of traffic. The original design of the median break at the station was to provide safe traffic control. Safety is now being undermined. The Carondolet Health Corp. feels strongly that left-hand turns into the Amoco station should not be permitted for safety reasons.
- The Council will be able to view State Line Rd. design plans at 7:00 P.M., March 18th. Council agreed that Mr. Rasmussen could continue to discuss Leawood's funding needs for State Line Rd. reconstruction with representatives in Washington.
- 5000 10:00 P.M. Council convened in executive session, same members present. Council returned to regular session at 10:30 P.M. Councilmember Moore moved to extend the executive session another 15 minutes to continue discussion of acquisition of property, seconded by LaHue. Motion carried; Hammond opposed; all others in favor.

Council Minutes
Tape No. 213

March 4, 1991

10:45 P.M. Council returned to regular session. The meeting was
adjourned.


Martha Heizer City Clerk

MINUTES
REGULAR COUNCIL MEETING

Tape No. 214

- # 20 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, March 18, 1991. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Louis Rasmussen, Charles Hammond, Ernie Anselmi, Douglas Moore, Robert Newlin, Marsha Monica and Jimmy Lin. Staff present: Richard J. Garofano, 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 Attorney Karen Dutcher.

- 41 Agenda approved unanimously on motion of Hammond, seconded by Anselmi, after removal of a charter ordinance relating to Kansas residency of police officers, and addition under the Mayor's report of an update on the Household Hazardous Waste Task Force.

CITIZEN COMMENTS: None.

- 87 CONSENT AGENDA: The February code enforcement report on code violations was removed for further discussion. The following were approved unanimously on motion of Hammond, seconded by Moore:
1. Minutes of the March 4, 1991 Council meeting;
 2. Departmental reports;
 3. Declaration of surplus property - treadmill no longer used by the Fire and Police Departments;
 4. Bid of Atcheson Lawn and Landscape for 1991 weeds and grass maintenance;
 5. Pay Request (FINAL); \$25,324.00; Muehlberger Concrete, Inc.; Mission Rd. sidewalks, 124th/127th.

Council discussed 3 entries on the February code enforcement report relating to the Leawood Manor Apartments at 137th & Sagamore. Code violation letters were sent for inoperable vehicles. On motion of Monica, seconded by Moore, Council unanimously approved the report.

- 143 ORDINANCE NO. 1210 AMENDING THE LEAWOOD DEVELOPMENT ORDINANCE TO PERMIT THE USE OF CERTAIN COMPOSITION ROOFING MATERIALS: Councilmember Anselmi moved to pass the ordinance, seconded by Moore.
- 1547 Council discussed 1) notifying homeowners who apply for permits, roofing or otherwise, that they might be in violation of their homes association deed restrictions; 2) requiring a waiting period between the time (any) permit is issued and the time construction begins to allow homes associations time to take appropriate action to enforce deed restrictions; and 3) keeping homes associations routinely informed of composition roof permits issued.
- 2314 On roll call to pass the ordinance, the vote was: Yeas---Anselmi, Moore, Newlin, Monica, Lin. Nays---LaHue, Rasmussen, Hammond.
- 2362 REQUEST BY LEAWOOD LIONS CLUB FOR A SPECIAL USE PERMIT: On motion of Anselmi, seconded by Hammond, Council approved a permit with

stipulations to erect a tent at the northeast corner of Ranchmart Shopping Center for a white elephant sale, May 2 through May 4; Rasmussen opposed because of lack of property maintenance at the shopping center, all others in favor.

- 2484 AN ORDINANCE AMENDING THE 1990 LEAWOOD DEVELOPMENT ORDINANCE TO INCLUDE SUBDIVISION REGULATIONS: Councilmember Monica referred to Section 9-4.2 (Streets) of the proposed subdivision regulations requiring property owners to pay for street improvements. Mrs. Monica felt that owners of large lots should not have to pay the same assessments for major streets that developers of subdivisions would have to pay.

Councilmember Moore moved to defer the matter to a work session (second Monday in April), Councilmembers to furnish staff other specific subdivision regulation items they wish to discuss by 4:30 P.M. tomorrow; seconded by Hammond; unanimous. Private streets will also be discussed.

- 3366 MAYOR'S REPORT: The Johnson County welcome home parade to recognize soldiers returning from the Persian Gulf war and all men and women who have served or who are serving our country will be held Saturday, June 15th, along College Blvd. in Overland Park.

Councilmember Moore reported that he and Councilmember Newlin attended a joint Leawood-Overland Park Household Hazardous Waste Task Force meeting to plan a collection day in May at the K.C. Merchandise Mart in Overland Park. Leawood committed funds for the project based on an estimated 2% of Leawood households that would take household hazardous waste to the site. Additional funds would be required if there is a greater response. Overland Park will spend whatever it takes to successfully run the program and not turn people away. By unanimous consent, Council affirmed paying its share of the cost of the project.

- 3907 ORDINANCE GRANTING A FRANCHISE TO KANSAS CITY POWER & LIGHT:

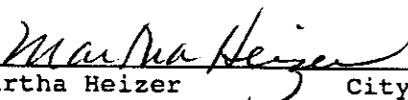
Councilmember Hammond moved to place the ordinance on first reading, seconded by Anselmi. The City could not negotiate for burial of power lines at KCP&L's expense since KCP&L rates are based on the fact that the company is an overhead utility; KCP&L has the right to charge for burial of lines. Leawood rate payers would have to pay a surcharge to generate the necessary funds to bury lines. However, new lines through park facilities will be buried since the federal government mandates that no new overhead power lines traverse the federally funded Tomahawk Creek Greenway.

Councilmember LaHue expressed concern about KCP&L butchering trees when they trim around power lines. KCP&L is monitoring complaints.

Motion to place the ordinance on first reading carried; Rasmussen abstained; all others in favor.

- 4560 ORDINANCE NO. 1211C AMENDING THE CODE OF THE CITY OF LEAWOOD TO REGULATE THE MANUFACTURE, STORAGE, POSSESSION, TRANSPORTATION, SALE, AND USE OF EXPLOSIVE MATERIALS AND BLASTING AGENTS: The ordinance was considered and passed on motion of Anselmi, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Anselmi, Moore, Newlin, Monica, Lin. Nays---None.

- 4835 ORDINANCE NO. 1212C AMENDING THE UNIFORM PUBLIC OFFENSE CODE, 1990 EDITION, TO ADDRESS UNLAWFUL POSSESSION OF CERTAIN WEAPONS WITHIN THE CITY OF LEAWOOD: Unlawful possession of an air gun, air rifle, bow and arrow, slingshot or BB gun is the possession of said weapons with the intent to shoot, discharge, or operate them. Councilmember Hammond moved to pass the ordinance, seconded by Anselmi. Councilmember Lin moved to amend the motion by eliminating reference to a slingshot, seconded by LaHue. Motion to amend failed; LaHue, Lin in favor; all others opposed. On roll call to pass the ordinance, the vote was: Yeas---LaHue, Rasmussen, Hammond, Anselmi, Moore, Newlin, Monica. Nays---Lin.
- 5198 APPROVAL OF APPROPRIATION ORDINANCE NO. 658: The ordinance was considered and passed on motion of Moore, seconded by LaHue. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Anselmi, Moore, Newlin, Monica, Lin. Nays---None.
- 5227 After Council comments, the meeting was adjourned at 10:10 P.M.


Martha Heizer City Clerk

MINUTES
REGULAR COUNCIL MEETING

Tape No. 215

- # 30 The City Council of the City of Leawood, Kansas, met in regular session in the Council Chamber, 9615 Lee Boulevard, at 5:30 P.M., Monday, April 1, 1991. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Louis Rasmussen, Charles Hammond, Ernie Anselmi, Douglas Moore, Robert Newlin. * Councilmembers Jimmy Lin and Marsha Monica arrived 5:35 P.M. and 5:40 P.M. respectively. Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; Captain Ron Anderson, Police Department; 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 S. Wetzler, City Attorney.

- 45 Agenda approved unanimously on motion of Hammond, seconded by Rasmussen.

* Mr. Lin and Mrs. Monica arrived at the beginning of citizen comments.

- 52 CITIZEN COMMENTS: Patrick Rodriguez of Lockwood Realty in St. Louis, Missouri, owners of the Leawood Manor Apartments at 138th and Kenneth Rd., expressed concerns about a recent Kansas City Star article which portrayed the apartments as slums. References to gangs, racial tension, low income housing were inaccurate and inflammatory. Mr. Rodriguez informed the Governing Body that he has asked the Leawood Police Department for help in setting up a neighborhood watch program for the complex to address situations not nearly as bad as those described in the article.

- 478 At the February 19th Council meeting, a special use permit was approved to erect a tent at 13701 Fontana in Leawood Meadows subdivision for an estate sale auction to be held April 6th and 7th. Several residents voiced objections to a sale of this magnitude being permitted in a residential area; it did not appear to be an estate sale, but a business operation with many items, including 17 or 18 classic cars, being brought in on consignment. The traffic was terrible during the preview March 30th and 31st; cars were parked on lawns and sprinkler systems, and residents couldn't get out of their driveways.

- 615 Planning Director McKay reviewed the special use permit and its stipulations. He stated that only items belonging to the homeowner could be included in the sale, not items brought in on consignment. He felt the latter would constitute a misrepresentation of information given to staff.

Estate sales have never been defined in City ordinances, but have always been permitted as a customary use of a residential property. On the other hand, the City does have very strict ordinances regulating the use of residential property for commercial purposes. The auctioneer George Ferrell of Ferrell's Gallery, Inc. stated that all merchandise, including the automobiles, belong to the homeowner at 13701 Fontana. There are no consignments. Mr. Ferrell's attorney, Tom

Bernard, was present. There was discussion about the City's potential liability if an injunction to stop the sale was sought.

Mr. Ferrell will try to obtain verification of ownership of the cars.

2167 Councilmember Hammond requested that Council be informed of what representations were originally made to the staff with regard to the magnitude of the sale. He asked for verification of the ownership of the cars and other items to be auctioned. He doesn't feel the City should allow someone to assemble in a residential area of Leawood all personal belongings from various locations and conduct this kind of operation.

The Mayor stated it is understood by staff that there will be traffic control and safety procedures to be followed. She felt staff should consider adding a definition of an estate sale to ordinances relating to use permits and occupation licenses for future Council consideration. Mr. Ferrell will hire additional police, and will provide copies of his liability insurance/bonds for review prior to the sale.

2480 Councilmember Rasmussen moved that if the City Attorney finds that any misrepresentations have been made to City staff or Council, he be authorized to take whatever action is necessary in his judgment to shut down the operation. Motion seconded by Lin and carried unanimously.

2518 PROCLAMATIONS: The Mayor proclaimed April 21-27, 1991 as "Volunteer Week"; and April 14-20, 1991 as "Student Achievement Week".

2540 CONSENT AGENDA: A request to keep 4 dogs at 12304 Pawnee Lane was removed for further discussion. The following were approved unanimously on motion of Monica, seconded by Hammond:

1. Minutes of the March 18, 1991 Council meeting;
2. Public Works Committee report on its March 7, 1991 meeting;
3. Public Works Committee report on its March 21, 1991 meeting;
4. Assignment to Public Safety Committee to consider an appeal of a nuisance alarm assessment;
5. Assignment to Public Works Committee to consider a request by Prairie Village that Leawood share the expense of an overlay of Mission Rd., 95th St. to 84th Terr., in 1992;
6. Low bid of Lee Matthews Equipment in the amount of \$9,225.00 for a trail-mounted centrifugal water pump for the Public Works Department.

Council discussed Margaret Quirk's request that Council renew her permit to keep 4 dogs at 12304 Pawnee Lane. Councilmembers LaHue and Rasmussen felt it was inappropriate for the well-being of the animals to keep 4 large dogs (2 Labradors and 2 Setters) in that area. Mr. Rasmussen stated he has made it a practice to uphold the City's animal control ordinance, which he feels is a good one for protecting the well-being of animals. Dr. LaHue moved to deny renewal of the permit, seconded by Rasmussen. Motion failed; LaHue, Rasmussen in favor; all others opposed. Councilmember Lin moved to renew the permit, seconded by Newlin. Motion carried; LaHue, Rasmussen opposed; all others in favor.

2829 REQUEST BY LEAWOOD SOUTH COUNTRY CLUB, 12700 OVERBROOK, FOR A SPECIAL

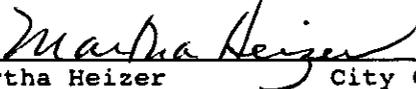
- USE PERMIT:** On motion of Lin, seconded by Anselmi, Council unanimously approved a permit with stipulations to erect a tent and temporary trailer for use during renovation of the clubhouse. The tent and trailer must be removed by December 1, 1991.
- 3085 **ORDINANCE GRANTING A FRANCHISE TO KANSAS CITY POWER & LIGHT:**
On motion of Hammond, seconded by Moore, the ordinance was placed on second reading. Rasmussen abstained; all others in favor.
- 3109 **CONTRACT FOR DESIGN ENGINEERING SERVICES FOR THE REHABILITATION OF 151ST STREET BETWEEN CANTERBURY AND NALL AVENUE:** On motion of Anselmi, seconded by Rasmussen, Council unanimously approved a contract with Ponzer-Youngquist, P.A., Consulting Engineers and Land Surveyors of Olathe, Kansas, in the amount of \$14,759.00.
- 3220 **PROPOSAL FOR SANITARY SEWER REHABILITATION SURVEY:** On motion of Lin, seconded by Hammond, Council unanimously approved the proposal submitted by George Butler Associates, not to exceed \$8,300.00, to do a survey of sewer lines in need of immediate repair - 9 areas where total sewer replacement is required, and 9 locations where only repairs need to be made.
- 3257 **ORDINANCE NO. 1213C COMBINING THE OPERATIONS OF THE LEAWOOD RECREATION COMMISSION AND THE PARKS DEPARTMENT, AND ESTABLISHING A PARKS AND RECREATION ADVISORY BOARD:** Councilmember Rasmussen moved to pass the ordinance, seconded by Anselmi. Section 12-206 of the Code of the City of Leawood relates to prohibition of hunting and fishing, and states that "No person shall pursue, catch, trap, maim, kill, shoot or take any wildlife, either bird or animal, in any manner at any time except that fishing is permitted....". Trapping of overpopulated animals would be prohibited. The City is losing trees in parks because of an overpopulation of beavers, and has attempted in the past to live trap them.
Councilmember Rasmussen moved to amend the motion to change Section 12-206 to read, "No person shall pursue, catch, trap, maim, kill, shoot or take any wildlife, either bird or animal, except at the specific authorization of the Governing Body, in any manner at any time, except that fishing....". Motion to amend was seconded by Anselmi and carried unanimously. On roll call to pass the ordinance as amended, the vote was: Yeas---LaHue, Rasmussen, Anselmi, Moore, Newlin, Monica, Lin. Nays---None. Councilmember Hammond was not present for the vote.
- 3602 **ORDINANCE NO. 1214C DEFINING THE DUTIES OF THE DIRECTOR OF PARKS AND RECREATION:** The ordinance was considered and passed on motion of Anselmi, seconded by Rasmussen. On roll call the vote was: Yeas---LaHue, Rasmussen, Anselmi, Moore, Newlin, Monica, Lin. Nays---None. Councilmember Hammond was not present for the vote.
- 3637 **APPROVAL OF APPROPRIATION ORDINANCE NO. 659:** The ordinance was considered and passed on motion of Moore, seconded by Anselmi. On roll call the vote was: Yeas---LaHue, Rasmussen, Anselmi, Moore, Newlin, Monica, Lin. Nays---None. Councilmember Hammond was not present for

Council Minutes
Tape No. 215

April 1, 1991

the vote.

3653 After Council comments, the meeting was adjourned at 7:35 P.M.


Martha Heizer City Clerk



MINUTES
REGULAR COUNCIL MEETING

Tape No. 216

- # 20 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, April 15, 1991. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Louis Rasmussen, Charles Hammond, Douglas Moore, Robert Newlin, Jimmy Lin. * Councilmember Marsha Monica arrived 7:35 P.M. Councilmember Ernie Anselmi was absent. Staff present: Richard J. 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 S. Wetzler, City Attorney.

- 31 Agenda approved unanimously on motion of Hammond, seconded by Moore, after addition of: 1) discussion of storm drainage problems in the vicinity of Aberdeen between 97th Pl. in Leawood and 98th St. in Overland Park; 2) Police Department request for authorization to apply for a drug grant; and 3) discussion of street lighting in Leawood Mission Valley subdivision.

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

- 100 CITIZEN COMMENTS: Leah Bassin, 10520 Pawnee Lane, told the Council that the houses on both sides of her are public safety hazards. The house at 10516 Pawnee Lane, damaged by fire several months ago and now vacant, is unlocked, has been broken into, has broken windows, weeds and poison ivy. The vacant house at 10524 Pawnee Lane is slowly deteriorating. Planning Director McKay stated that the owner of the fire damaged house, now living in Kentucky, has been cited in municipal court for failure to correct code violations. The City is maintaining the yard. The City Attorney is investigating other legal action the City might take against the owner if the owner does not appear in court. The house at 10524 Pawnee Lane was part of a court suit; the Veterans Administration now has clear title to the house and is trying to sell it.

Staff will prepare a report for the Council on alternatives and options available for solving these problems. Councilmember Hammond feels the City should aggressively pursue resolutions; these problems have gone on too long, and are not fair to adjacent homeowners.

- 368 Carol Jones, 2323 W. 96th St., requested the Council act favorably on the request of 96th St. residents that the City allow the water company to place a new water line within 96th Street between State Line and Lee Blvd., rather than on the easement, in order to save the trees along the street and preserve the unique beauty for which the street is known. This matter will be discussed later in the meeting.

- 497 Gordon Thomas, resident at 10516 Mohawk Lane and candidate for mayor in the April 2nd City election, requested the Council consider adopting an ordinance for clean campaigning and conduct during

elections. Several of his campaign signs were mutilated, destroyed, or stolen. It was pointed out that the City does have ordinances relating to destruction and defacing of personal property. It is a matter of catching the persons responsible for those acts in order to prosecute.

816 PROCLAMATIONS: The Mayor proclaimed May 2, 1991 as "National Day of Prayer"; and May 1991 as "Mental Health Month".

823 RESOLUTION OF SYMPATHY: Adopted by unanimous consent in memory of the late Marion L. Teeter, Mayor of Spring Hill, Kansas. Attached as part of the record.

836 CONSENT AGENDA: An agreement for legal consulting services was removed for further discussion. The following were approved unanimously on motion of Moore, seconded by Hammond:

1. Minutes of the April 1, 1991 Council meeting;
2. Public Works Committee report on its April 4, 1991 meeting;
3. Public Safety Committee report on its April 10, 1991 meeting;
4. Household Hazardous Waste Task Force reports on its March 12, March 26, and April 9, 1991 meetings;
5. Departmental reports;
6. Renewal of Cereal Malt Beverage License - Broadmour Food Market, 7960 Lee Blvd.;
7. Purchase of computer networking hardware and software from Businessland in the amount of \$21,107.57 (items include a Compaq Systempro 386-420 network server and Novell Netware 386 software version 3.11).

Council discussed a proposal from Freilich, Leitner, Carlisle and Shortlidge for legal consulting services relative to a proposed redevelopment project in the general area of the City south of 103rd Terr. and west of State Line Rd. Councilmember Lin felt the City Attorney should be asked for opinions rather than hiring a consultant. The City Administrator stated the City is trying to establish what authority it has to aid in any redevelopment effort in the City; a couple of potential redevelopment areas have already been identified. This is not a simple endeavor, and it will cost money regardless of who assists the City in this effort. Freilich, Leitner et al has special expertise in this area, and staff would like to complete this effort in a timely manner. The proposal will be discussed further in executive session at the end of the meeting.

1054 ORDINANCE AMENDING THE "LEAWOOD DEVELOPMENT ORDINANCE" TO INCLUDE

1351 SUBDIVISION REGULATIONS: The Mayor stated that at the April 8th work session, it appeared that a majority of the Council felt the current method of financing collector streets should still be applicable to large lots. There was still some question about private streets, but since the private street issue had been referred to the Public Works Committee for review and recommendation, it seemed sensible to go ahead and approve the proposed ordinance so staff and the public could have newly restructured subdivision regulations to follow.

1376 Councilmember LaHue moved to defer further consideration of the proposed ordinance to the May 6th meeting so staff can ask consultants

if there are other funding mechanisms available for all City streets, seconded by Monica. Motion carried; Moore, Rasmussen, Hammond opposed; all others (4) in favor.

- 1725 MAYOR'S REPORT: The Mayor thanked Julie Baer and the Community Relations Committee for their work in planning the April 5th party held to honor persons who volunteer their time to serve the City in various capacities.

May 11th is the household hazardous waste collection day for Overland Park and Leawood. Collection point is the Kansas City Merchandise Mart in Overland Park.

- 1876 ORDINANCE NO. 1215 GRANTING A FRANCHISE TO KANSAS CITY POWER & LIGHT: The ordinance was considered on third reading and passed on motion of Moore, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Hammond, Moore, Newlin, Monica. Nays---Lin. Abstention---Rasmussen.

- 1898 DISCUSSION OF THE RELOCATION OF A PORTION OF THE TOMAHAWK GREENWAY TRAIL LOCATED ON PRIVATE PROPERTY IN THE VICINITY OF TOMAHAWK CREEK AND ROE AVENUE: A Public Works Committee report, which included the Committee's recommendation to relocate the trail to the north bank of Tomahawk Creek (Option A in previous reports), was unanimously accepted by Council on motion of Hammond, seconded by Moore. The relocation will be discussed at the April 22nd work session.

- 2040 DISCUSSION OF THE STATE LINE ROAD WIDENING PROJECT, 103RD STREET TO 135TH STREET: Council discussed 2 median breaks - 1 at the Amoco service station on State Line just south of Carondolet, and a request by St. Joseph Hospital for a median break and signalization at a proposed intersection further south on State Line.

- 3403 Councilmember Moore moved to accept the Public Works Director's recommendation that State Line Rd. plans should not include a median cut at the Amoco station, and that a median cut at the north edge of the Park South Apartments on State Line (as shown on the original plans, Station 177.5, from Johnson, Brickell, Mulcahy and Associates) should be considered. Motion seconded by Rasmussen.

Councilmember Lin is opposed to any median cuts and additional signalization between Carondolet and the south side of the Park South Apartments. He moved to amend Mr. Moore's motion to state that there be no median cut between those two points. Motion to amend failed for lack of a second.

Mr. Moore's motion carried; Rasmussen, Hammond, Moore in favor; Newlin, Monica, Lin opposed; LaHue, abstained; Mayor in favor.

- 4033 DISCUSSION OF STORM DRAINAGE PROBLEMS IN THE VICINITY OF ABERDEEN, 98TH STREET IN OVERLAND PARK TO 97TH PLACE IN LEAWOOD: Last summer, Overland Park requested Leawood's participation in the construction of a storm sewer on Aberdeen between 98th St. in Overland Park and 97th Pl. in Leawood. Council assigned the request to the Public Works Committee for review, and later decided to defer a decision until the County Stormwater Management Committee could give some direction. It appears at this time that the Committee will not give direction for at least 3 to 4 years.

An urgent situation now exists in the area, particularly at 9844 Aberdeen in Overland Park where the creek bank has eroded to the point that the patio and house are endangered. Overland Park has approved the project and plans to seek funding from the County Stormwater Management Committee. Leawood has no funds available for the project. This matter will be discussed at the April 22nd work session.

- 4570 APPROVAL OF APPROPRIATION ORDINANCE NO. 660: The ordinance was considered and passed on motion of Hammond, seconded by LaHue. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Moore, Newlin, Monica, Lin. Nays---None.
- 4585 COUNCIL COMMENTS: Mr. Rasmussen will be in Washington, D.C. later this week and will carry a letter from the Mayor to congressional representatives expressing Leawood's desire for some federal funding for the State Line Rd. project to minimize the burden on all project participants.
Mr. Lin asked Public Works Director Brandt to identify the 5 or 6 most critical drainage problems in Leawood by the next work session.
- 4850 OATHS OF OFFICE ADMINISTERED TO: Mayor-elect Marcia Rinehart; and Councilmembers-elect Douglas Moore (Ward 1), Charles Hammond (Ward 2), Monique C.M. Leahy (Ward 3), and Jimmy Lin (Ward 4).
- 5158 10:00 P.M. Recess for pictures.
10:10 P.M. Roll call of new Council: LaHue, Rasmussen, Leahy, Hammond, Moore, Newlin, Monica, Lin.
- 5208 REQUEST FOR INSTALLATION OF A WATER LINE WITHIN 96TH STREET, STATE LINE ROAD TO LEE BOULEVARD: Water District No. 1 wants to replace a water line on 96th St. by boring under driveways and trees along the side of the roadway. Residents presented a petition requesting the line be constructed in the street since they feared potential damage to the trees if the line was constructed otherwise. Public Works Director Brandt expressed concern about the potential damage to the street if the line is placed within it. The street is not due for major maintenance in the near future. If it is disturbed by water line construction, a complete overlay would be required. The Water District will patch the width of its trench but will not overlay the entire street. An overlay itself would cost approximately \$15,000.
Councilmember Rasmussen moved that staff be instructed to contact the Water District to investigate the possibility of sharing the cost of an overlay vs. the savings to the Water District from the alternative of augering under the trees. Motion was seconded by Hammond and carried unanimously.
- 6030 CONTRACT FOR 1991 STREET OVERLAY PROGRAM: On motion of Lin, seconded by Hammond, Council unanimously authorized the Mayor to execute a contract with Reno Construction Co. in the amount of \$135,376.70.
- 6222 CONSTRUCTION CONTRACT FOR LEE BOULEVARD IMPROVEMENTS, PHASE 2, 95TH STREET TO SOMERSET DRIVE: Councilmember Lin moved to award the

contract to Suburban Contractors in the amount of \$1,457,377.15, seconded by Monica. The contract includes installation of City-owned street lights. Motion carried; Rasmussen opposed; all others in favor.

6570 PROPOSAL FOR THE DESIGN OF TRAFFIC SIGNAL MODIFICATIONS AT THE INTERSECTIONS OF 88TH AND STATE LINE, 89TH AND STATE LINE, AND 103RD AND STATE LINE: On motion of LaHue, seconded by Hammond, Council unanimously approved the proposal of Johnson, Brickell, Mulcahy and Associates in an amount not to exceed \$6,700.

7092 AUTHORIZATION TO PAY ASSESSMENT BY MARCIT HEALTH INSURANCE POOL: Mid-America Regional Council Insurance Trust, of which Leawood is a member, is a self-funded pool of municipalities and counties in the metropolitan area. One of the risks of self insurance is that of having a larger amount of claims than the premium collected in any given year. This occurred in the 1989-1990 plan year; there was a deficit of \$430,000. The Trust's bylaws state that all members of the Trust must make up the deficit based on percent of premium, not on member activity or experience. On motion of LaHue, seconded by Hammond, Council authorized payment of \$14,196 from the contingency fund; Moore abstained; all others in favor.

7388 CONTRACT FOR THE 1991 JULY 4TH FIREWORKS DISPLAY: On motion of Leahy, seconded by Hammond, Council unanimously approved a contract with Wald and Company, Inc., d/b/a All American Display Fireworks, in the amount of \$5,295.07.

7420 POLICE DEPARTMENT REQUEST FOR AUTHORIZATION TO APPLY FOR A GRANT TO HELP FUND THE D.A.R.E. (DRUG ABUSE RESISTANCE EDUCATION) PROGRAM: The Police Department will write the application using in-kind services for matching funds; no new money will be required.

7602 END OF TAPE

Tape No. 217

On motion of Hammond, seconded by Moore, Council unanimously approved the Police Department's request.

28 WORK SESSION: Scheduled for April 22nd to discuss the Tomahawk Greenway trail relocation, storm drainage problems in the vicinity of Aberdeen between 98th St. in Overland Park and 97th Pl. in Leawood, and Mission Rd. sidewalks between 95th St. and 84th St.

104 11:00 P.M. On motion of Moore, seconded by LaHue, Council unanimously voted to extend the meeting to 11:30 P.M.

121 DISCUSSION OF LEAWOOD MISSION VALLEY STREET LIGHTS: Councilmember Lin stated that residents feel there are too many street lights in the new street light installation plans. They also feel the City's standard lights are unattractive and would like a different type of street lighting. The Public Works Department recently accepted bids on a final design with City-owned lights, however, staff is still discussing

the funding. This matter will be discussed at the May 6th Council meeting.

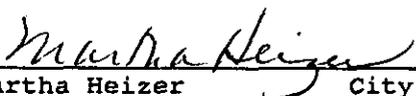
350 COUNCIL GOAL SETTING SESSION: Scheduled for May 8th, 5 or 5:30 P.M. dinner meeting.

426 After Council comments, Council voted unanimously on motion of Monica, seconded by Moore, to convene in executive session, not to exceed 15 minutes, to discuss the legal consulting services proposal from Freilich, Leitner et al removed from the consent agenda and discussed at the beginning of the meeting (matter to be discussed under attorney-client privilege, possible acquisition of property, and financial matters which might involve private persons).

11:15 P.M. Council convened in executive session, same members present.

528 11:25 P.M. Council returned to regular session, same members present. On motion of Hammond, seconded by Moore, Council unanimously approved the proposal. Phase 1 services (analysis and recommendations) will not exceed \$5,000.

540 11:30 P.M. The meeting was adjourned.


Martha Heizer City Clerk

MINUTES
REGULAR COUNCIL MEETING

Tape No. 218

- # 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, May 6, 1991. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Louis Rasmussen, Charles Hammond, Douglas Moore, Robert Newlin, Marsha Monica, Jimmy Lin. Councilmember Monique Leahy was absent. Staff present: Richard J. 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; Martha Heizer, City Clerk; and Richard S. Wetzler, City Attorney.

- 50 Agenda approved unanimously on motion of Moore, seconded by Hammond.

- 64 PRESENTATION OF PLAQUE AND KEY TO THE CITY TO FORMER COUNCILMEMBER ERNIE ANSELM - who represented Ward 2 from 1987 to 1991.

- 150 PRESENTATION OF "CERTIFIED MUNICIPAL CLERK" AWARD FROM THE INTERNATIONAL INSTITUTE OF MUNICIPAL CLERKS TO CITY CLERK MARTHA HEIZER.

- 214 CITIZEN COMMENTS: Leah Bassin, 10520 Pawnee Lane, requested the City remove a downed tree which had been placed against a fence at 10516 Pawnee Lane. She understood that the owner of the fire-damaged house at 10516 failed to appear in municipal court to respond to code violation citations and was granted an additional 30 days to respond. Planning Director McKay stated the City will start condemnation proceedings at the end of the 30-day period. Mrs. Bassin requested the City contact the Veterans Administration to find out how long it will take to make improvements to the house at 10524 Pawnee Lane and how much longer the house will be vacant.

Lenny Bassin asked if a noise barrier will be constructed along I-435 since the noise level has increased. Public Works Director Brandt stated that KDOT investigated the noise level and does not feel a sound barrier is presently warranted. The City intends to pursue this matter, to find someone to perform a noise study.

- 475 David Pucci, 8017 Manor Rd., stated a petition had been presented requesting the construction of a cul-de-sac at Manor and Somerset Dr. since it appears there will be more traffic on Manor from vehicles avoiding the new traffic signal at the intersection of Somerset and Lee Blvd. Staff will review the request and report to the Council at the May 20th Council meeting.

- 868 Scott Marvel of the Leawood Country Club at 8901 Sagamore stated that the addition of drainage from construction on 89th St. west of State Line Rd. does not appear to be in line with the original plans. The drainage is directed toward the lowest part of the Country Club property and the rear door of the tennis center. Public Works Director Brandt stated that changes in the plans had not been given to the

Public Works Department. Mr. Brandt directed the engineers to review what had been done and to see what can be done to correct the situation.

Mr. Marvel also stated that the tennis building and courts were not in the (100-year) floodplain when they were constructed in 1976. A 1988 floodplain update showed approximately 30 feet of the building and courts in the floodplain. Surrounding construction has added more water to the creek and added to drainage problems. The Club needs assistance in resolving the problems. The matter was referred to the Public Works Committee.

1260 Stanford Glazer, 12642 Sherwood Dr., mentioned the retaining wall on private property along Sherwood Dr. which collapsed during the May 15, 1990 flood. (The issue is presently under litigation.) One area homeowner wants to construct a railroad tie or wooden type wall in order to sell his house. Mr. Glazer hoped the City would not approve such a wall. In his opinion, any wall constructed should blend in with the surroundings.

Mr. Glazer also requested that the private street Sherwood Dr. be converted to a public street.

1645 Ted Wollmuth, 12808 Linden in Normandy Place (southwest corner of 127th & Roe), requested that the private street 128th St., which bisects the subdivision, be converted to a public street. The traffic has become very heavy. The issue of converting private streets to public streets is still being studied by the Public Works Committee.

1887 PROCLAMATIONS: The Mayor proclaimed:

1. April 21-27, 1991, "National Organ/Tissue Donor Awareness Week";
2. May 12-18, 1991, "Police Week"; and May 15, 1991, "Peace Officers Memorial Day";
3. May 7, 1991, "SmokeFree Class of 2000 Day";
4. April 27, 1991, "March of Dimes WalkAmerica Day";
5. May 19-25, 1991, "National Public Works Week";
6. June 14, 1991, "Flag Day".

1934 CONSENT AGENDA: The following were approved unanimously on motion of Moore, seconded by Hammond:

1. Minutes of the April 15, 1991 Council meeting;
2. Public Works Committee report on its May 2, 1991 meeting;
3. Declaration of surplus property - 1988 Jeep Pioneer, to be sold by the Police Department by sealed bid for not less than the appraised value of \$7,000;
4. Renewal of Cereal Malt Beverage License - Hallbrook Country Club, 11300 Overbrook Rd.;
5. Preparation of specifications for purchase of additional unbudgeted Public Works equipment in 1991 totaling \$50,400 (lab top computer, 16 HP self-propelled street saw, vibratory rammer, asphalt planer, arrow board, sign truck, asphalt hot box - dump truck replacement postponed until 1992);
6. Pay Request No. 3 (FINAL) in the amount of \$11,538.85 to J. Warren Co. for traffic signal installation, 119th & Mission Rd.;
7. Appointment of presiding officers: LaHue, May-July, 1991;

May 3, 1991

TO: City Council
FROM: Mayor Rinehart *MR*
SUBJECT: Committee Appointments

I submit the following names for committees and commissions for your consideration:

	<u>Reappointment</u>	<u>New</u>
Arts Committee	Dick Horn (1994)	Jeri Hickman (1994) Monique Leahy - Council liaison (1992)
Board of Zoning Appeals	Dan Chase (1994) Robert Pfeiffer (1994)	
Budget & Finance (1992)	Doug Moore Charles German Allan Abrams Chuck Sipple Jerry Underwood Marnie Clawson Richard Love	Chuck Hammond, Chr. Howard Kalender
Building Code Board of Appeals	Wes Welch, Chr. (1994)	Harold Mitts (1993) (to replace Don Dressler who moved from the City)
Community Relations (1992)	Bob Newlin, Chr. Peg Borden Enid Dickson Gayl Reinsch Ann Leitner Jane Kealing Nancy Garland	Robert Gagne Dick Beechwood Loretta Allebach Monique Leahy

Page 2
Committee Appointments
May 3, 1991

	<u>Reappointment</u>	<u>New</u>
Emergency Preparedness Director	Bettie Bridges (1993)	
Plan Commission	Don Roberson (1994) Wayne Lischka (1994) Robert Rohlfing (1994)	Jeannine Fox (1993) (to replace Leahy)
Property Maintenance Code Appeals Board	Richard Webber, Chr. (1993) Shirley Davidson (1993) Paul Converse (1993)	
Public Building Commission	Jimmy Lin (1995)	John Elliott (1995)
Public Safety (1992)	Max Mills Lou Rasmussen Susan Symon Sue Dickey Brad Sumner	Jimmy Lin, Chr. Dr. Nancy Downs
Public Works (1992)	Ron LaHue, Chr. Joseph Fitzpatrick Laurence Hanna Linda Stinnett	Marsha Monica Jeff Beaumont Dennis Miller
Parks & Recreation Advisory Board	Lenette Crawford (1995) Lou Rasmussen - Council liaison (1992)	
Public Officer for Property Maintenance Code	Bob McKay (1992)	

Rasmussen, Aug.-Oct., 1991; Newlin, Nov., 1991-Jan., 1992; and Monica, Feb.-Apr., 1992;

8. Appointment of committee and commission members - attached as part of the record.

- 1942 REQUEST FOR A SPECIAL USE PERMIT - SEASONAL CONCEPTS (FORMERLY FLOWER CITY), RANCHMART SHOPPING CENTER: Councilmember Monica moved to approve a permit with stipulations to erect a tent in the parking lot for promotional sales May 22-28 (Memorial Day), July 1-7 (Independence Day), and August 28-September 3 (Labor Day). Motion seconded by Lin and carried; Rasmussen, LaHue opposed because of poor property maintenance at the shopping center, all others in favor.
- 2000 RESOLUTION NO. 1022 APPROVING THE PRELIMINARY SITE PLAN FOR PHILLIPS 66 SERVICE STATION AT 120TH & ROE AVE: Adopted unanimously on motion of Hammond, seconded by Rasmussen. Attached as part of the record.
- 2667 RESOLUTION NO. 1023 APPROVING THE PRELIMINARY SITE PLAN AND PRELIMINARY AND FINAL PLATS FOR MIDAS MUFFLER AT 10342 STATE LINE ROAD: The applicant stated that vehicles held over night for maintenance the next day will be parked inside the bays. Councilmember Lin moved to adopt the resolution with an additional stipulation that the applicant agree to participate in the financing of future traffic signalization at State Line Rd. and 103rd Terr., seconded by LaHue.
- 4150 Councilmember Monica moved to amend the motion to add another stipulation that the applicant agree that if the hours of operation become a problem (noise, for example), the Council will have an opportunity to review the hours and make appropriate changes; seconded by Rasmussen. Motion to amend carried unanimously.
- Councilmember LaHue moved to further amend the motion by adding a requirement that the applicant complete the north wall with the same brick veneer as used on the rest of the building, seconded by Rasmussen and carried unanimously.
- The resolution, as amended, was adopted; Moore opposed, all others in favor. Attached as part of the record.
- 4330 ORDINANCE NO. 1216 AMENDING THE 1990 LEAWOOD DEVELOPMENT ORDINANCE TO INCLUDE SUBDIVISION REGULATIONS: The ordinance was considered and passed on motion of Rasmussen, seconded by LaHue. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Moore, Newlin. Nays---Monica, Lin.
- 4403 MAYOR'S REPORT: The City received a Certificate of Appreciation from the Shawnee Mission East High School PTA in recognition of contributions made to the alcohol and drug free after prom events.
- 4640 DISCUSSION OF THE RELOCATION OF A PORTION OF THE TOMAHAWK CREEK GREENWAY TRAIL LOCATED ON PRIVATE PROPERTY IN THE VICINITY OF TOMAHAWK CREEK AND ROE AVE.: Councilmember Lin moved that the trail be relocated to the north side of Tomahawk Creek with construction of a pedestrian foot bridge immediately east of Dr. Bongu's property, seconded by Monica. Motion failed; Lin in favor, all others opposed. On motion of Hammond, seconded by Moore, Council unanimously voted to

defer the matter to the May 20th Council meeting.

- 4782 DISCUSSION OF A STREET LIGHTING SYSTEM FOR LEAWOOD MISSION VALLEY SUBDIVISION: Design of the system was completed and bids for construction were accepted, the low bid being \$82,631. It would be least expensive for the City to own the lights, but funds are not available in the 1991 budget. Staff asked if construction should be delayed until 1992 or if lights should be leased from Kansas City Power & Light. Public Works Director Brandt stated some of the homeowners would like to have more input in the design of the system; some feel there are too many lights and some would prefer a different type of light fixture other than the City's standard. Mr. Brandt stated that the number of lights should be as designed by the engineers in accordance with lighting standards.
- Councilmember LaHue moved to direct staff to consider an expenditure of approximately \$82,000 in the 1992 budget to purchase the lights for the subdivision, seconded by Monica. Motion carried; Rasmussen abstained, all others in favor.
- 5364 DISCUSSION OF A WATER LINE INSTALLATION WITHIN 96TH STREET, STATE LINE ROAD TO LEE BOULEVARD: Staff and Johnson County Water District No. 1 agreed to share the cost of an overlay which will be necessary after the water line is installed within the street, rather than along the side of the roadway. On motion of Hammond, seconded by LaHue, Council unanimously authorized the City to share in the cost.
- 5430 ORDINANCE NO. 1217 VACATING A UTILITY EASEMENT AS SHOWN ON THE PLAT OF LEAWOOD SOUTH 6TH PLAT: The ordinance was considered and passed on motion of Rasmussen, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Moore, Newlin, Monica. Nays---None. Councilmember Lin was not present for the vote.
- 5469 ORDINANCE NO. 1218 AUTHORIZING THE IMPROVEMENT OF LEE BOULEVARD, PHASE 2, 95TH STREET TO SOMERSET DRIVE: The ordinance was considered and passed on motion of LaHue, seconded by Moore. On roll call the vote was: Yeas---LaHue, Hammond, Moore, Newlin, Monica, Lin. Nays---Rasmussen.
- 5501 ^{Fifthth} FOURTH SUPPLEMENTAL AGREEMENT FOR ENGINEERING SERVICES FOR LEE BOULEVARD IMPROVEMENTS, PHASE 2, 95TH STREET TO SOMERSET DRIVE: On motion of Rasmussen, seconded by Hammond, Council unanimously authorized the Mayor to sign the agreement with Larkin & Associates in the amount of \$157,879.03 for field inspection and staking.
- 5665 CONTRACT FOR DESIGN ENGINEERING SERVICES FOR 1991 STREET REHABILITATION AND CURB REPLACEMENT: On motion of Rasmussen, seconded by Moore, Council unanimously authorized the Mayor to sign the contract with Continental Consulting Engineers in an amount not to exceed \$36,000.
- 5880 AUTHORIZATION TO NEGOTIATE FOR RIGHT-OF-WAY ACQUISITION FOR IMPROVEMENTS TO SOMERSET DR. WITHIN THE CITY OF LEAWOOD: On motion of Rasmussen, seconded by LaHue, Council unanimously accepted easement appraisals totaling \$2,441.00 on five properties, and authorized staff

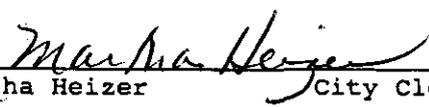
to negotiate the easement purchases.

- 5898 INTERLOCAL AGREEMENT WITH PRAIRIE VILLAGE, KANSAS, FOR THE OPERATION AND MAINTENANCE OF STREET LIGHTS ALONG SOMERSET DRIVE BETWEEN SAGAMORE ROAD AND BELINDER ROAD: On motion of Hammond, seconded by Lin, Council approved the agreement; Rasmussen abstained, all others in favor.
- 5948 CONTRACT FOR DESIGN ENGINEERING SERVICES FOR THE 85TH TERRACE BRIDGE RECONSTRUCTION OVER DYKES BRANCH: On motion of Lin, seconded by Rasmussen, Council unanimously authorized the Mayor to sign the contract with Boyd, Brown, Stude and Cambern of Kansas City, Missouri, in the amount of \$35,000.
- 6060 AUTHORIZATION OF A FEASIBILITY STUDY FOR A PUBLIC GOLF COURSE SOUTH OF 151ST STREET, NALL TO MISSION: On motion of Rasmussen, seconded by Moore, Council unanimously authorized a market-economic feasibility, cash flow analysis and site analysis and golf course master planning for an 18-hole golf course by THK Associates of Englewood, Colorado, for a fee of \$13,380.
- 6452 ORDINANCE NO. 1219 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES L.I.D. 88-1-91E, PROJECT 113; TOMAHAWK CREEK PARKWAY; \$1,100,000: The ordinance was considered and passed on motion of Hammond, seconded by LaHue. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Newlin, Monica, Lin. Nays---None. Councilmember Moore was not present for the vote.
- 6530 ORDINANCE NO. 1220 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 91H, PROJECT 117; LEE BOULEVARD IMPROVEMENTS, PHASE 1, 95TH ST. TO 103RD ST.; \$400,000: The ordinance was considered and passed on motion of Hammond, seconded by Rasmussen. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Newlin, Monica, Lin. Nays---None. Councilmember Moore was not present for the vote.
- 6547 ORDINANCE NO. 1221 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 91G, PROJECT 119; 119TH STREET IMPROVEMENTS, STATE LINE RD. TO MISSION RD.; \$600,000: The ordinance was considered and passed on motion of Hammond, seconded by Lin. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Newlin, Monica, Lin. Nays---None. Councilmember Moore was not present for the vote.
- 6584 ORDINANCE NO. 1222 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 91F, PROJECT 118; POLICE/COURT BUILDING AND FIRE STATION NO. 1 REMODELING PROJECT; \$600,000: The ordinance was considered and passed on motion of LaHue, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Newlin, Monica, Lin. Nays---None. Councilmember Moore was not present for the vote.
- 6608 ORDINANCE NO. 1223 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 91I, PROJECT 117B; LEE BOULEVARD IMPROVEMENTS, PHASE 2, 95TH ST. TO SOMERSET DR.; \$900,000: The ordinance was considered and passed on motion of Hammond, seconded by LaHue. On roll call the vote was: Yeas---LaHue, Hammond, Moore, Newlin, Monica, Lin. Nays---Rasmussen.

- 6862 APPROVAL OF APPROPRIATION ORDINANCE NO. 661: The ordinance was considered and passed on motion of Lin, seconded by Monica. On roll call the vote was: Yeas---LaHue, Rasmussen, Hammond, Moore, Newlin, Monica, Lin. Nays---None.
- 6909 SCHEDULE EXECUTIVE SESSION: On motion of LaHue, seconded by Moore, Council unanimously voted to convene in executive session after Council comments for a period not to exceed 30 minutes to discuss property acquisition.
- The time approaching 11:00 P.M., Councilmember Moore moved to extend the meeting until 11:30 P.M., seconded by Monica. Motion carried; Lin, Hammond opposed; all others in favor.
- 7022 COUNCIL COMMENTS: Dr. LaHue asked if a very large skateboard ramp he had seen in Leawood South was permissible. Staff stated the zoning ordinance allows residents to have readily moveable, recreational equipment.
- 7559 END OF TAPE

Tape No. 219

- Mr. Hammond attended a recent Leawood Estates Homes Association meeting. Leawood Estates has a number of different platted areas with separate deed restrictions; there is a great deal of inconsistency. The Association wants to impose uniform deed restrictions on the entire subdivision in order to govern uniformly. This would affect issues like the recent roofing material discussions.
- 217 11:00 P.M. Council convened in executive session, same members present.
- 11:30 P.M. Council returned to regular session, same members present.
- Councilmember Moore moved to extend the meeting for 15 minutes, seconded by Rasmussen. Motion failed; Moore in favor, all others opposed.
- Councilmember Hammond moved that the Council meet May 13th at 7:30 P.M. to convene in executive session to continue discussion of property acquisition, seconded by Moore. Motion carried; LaHue opposed, all others in favor.
- 264 11:35 P.M. The meeting was adjourned to May 13th.


Martha Heizer City Clerk

MINUTES
REGULAR COUNCIL MEETING

Tape No. 219

285 The City Council of the City of Leawood, Kansas, met in regular session in the Council Chamber, 9615 Lee Boulevard, at 7:35 P.M., Monday, May 13, 1991. Mayor Marcia Rinehart presided.

Councilmembers present: Louis Rasmussen, Monique C.M. Leahy, Charles Hammond, Douglas Moore, Robert Newlin, Marsha Monica. * Councilmember Ronald LaHue arrived after approval of the agenda. ** Councilmember Jimmy Lin arrived at 8:00 P.M. during the executive session. Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; Ronald Brandt, Director of Public Works; Harry Malnicof, Finance Director; Robert McKay, Director of Planning & Development; Martha Heizer, City Clerk; and Richard S. Wetzler, City Attorney.

298 The agenda, which included only an executive session, was approved unanimously on motion of Moore, seconded by Hammond.

* Councilmember LaHue arrived.

316 EXECUTIVE SESSION - continued from the May 6th Council meeting: On motion of Moore, seconded by Rasmussen, Council unanimously voted to convene in executive session not to exceed 2 hours to continue the May 6th executive session discussion of acquisition of property.

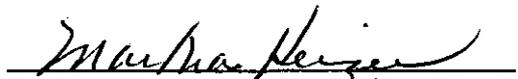
334 7:37 P.M. Council convened in executive session.

** 8:00 P.M. Councilmember Lin arrived.

9:37 P.M. Council returned to regular session, same members present. Councilmember Moore moved to extend the executive session 15 minutes to continue discussion of property acquisition, seconded by Hammond. Motion carried; Monica opposed, all others in favor.

346 9:38 P.M. Council reconvened in executive session, same members present.

9:53 P.M. Council returned to regular session. The meeting was adjourned.


Martha Heizer City Clerk

**MINUTES
REGULAR COUNCIL MEETING**

Tape No. 220

- # 21 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, May 20, 1991. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Louis Rasmussen, Monique C.M. Leahy, Charles Hammond, Douglas Moore, Robert Newlin, Marsha Monica. Councilmember Jimmy Lin was absent. Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; J. Stephen Cox, Police Chief; 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 S. Wetzler, City Attorney.

- 31 The agenda was approved unanimously on motion of Moore, seconded by Leahy.

43 CITIZEN COMMENTS: None.

- 54 CONSENT AGENDA: The following were approved unanimously on motion of Rasmussen, seconded by Monica:

1. Minutes of the May 6, 1991 Council meeting;
2. Minutes of the May 13, 1991 Council meeting;
3. Departmental reports;
4. Lease/purchase of a high pressure sanitary sewer cleaner from Key Equipment and Supply Company of Kansas City, Missouri for \$30,364.00, to be executed for a 5-year period with North American Financial Resources, Inc. of Leawood, Kansas, 7.9% interest rate;
5. Assignment to Community Relations Committee to consider Sister City programs.

- 75 RESOLUTION NO. 1024 APPROVING REQUEST FOR REZONING FROM AG AND RP-1 TO REC AND REC TO RP-1, AND PRELIMINARY PLAT AND PRELIMINARY SITE PLAN APPROVAL FOR HALLBROOK 4TH PLAT LOCATED AT APPROXIMATELY 118TH AND NORWOOD: Adopted unanimously on motion of Rasmussen, seconded by Hammond. Attached as part of the record.

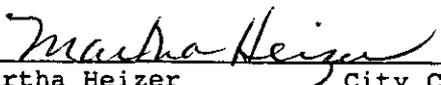
- 144 ORDINANCE NO. 1224 REZONING HALLBROOK 4TH PLAT FROM AG AND RP-1 TO REC AND REC TO RP-1: The ordinance was considered and passed on motion of Rasmussen, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Hammond, Moore, Newlin, Monica. Nays---None.

- 162 REPORT ON STATUS OF MASTER PLAN UPDATE: The last update was done in 1988. Staff and the Plan Commission are considering changes to the text and map. Text changes involve expansion of sections relating to goals, objectives and policies. Map changes will further delineate Medium Density Residential and define the K-150 Corridor as a Special Development District. When public hearings are held, the proposed changes will be forwarded to the Governing Body for action.

On motion of LaHue, seconded by Moore, Council unanimously accepted the report.

- 219 **MAYOR'S REPORT:** The Household Hazardous Waste Collection Day, May 11th, for Leawood and Overland Park residents at the Kansas City Merchandise Mart in Overland Park was extremely successful. A final report is forthcoming.
- The Johnson County welcome home parade to recognize soldiers who have returned from the Persian Gulf War will be held Saturday, June 15th, along College Blvd. in Overland Park.
- 359 **REPORT ON POSSIBLE CONSTRUCTION OF A CUL-DE-SAC AT MANOR RD. AND SOMERSET DR.:** Residents on Manor Rd. between 81st St. and Somerset Dr. requested the cul-de-sac because they feel that the strange configurations of Lee Blvd. and Somerset Dr. are causing undue traffic on Manor Rd. which is hazardous to children living on Manor. Staff recommended construction of 2 cul-de-sacs, 1 serving 5 houses off Somerset, and the other serving the remainder of the houses off 81st St. Residents wanted 1 cul-de-sac at Somerset. (This option would require removal of trees in yards at Manor and Somerset.) Fire Chief Strack is opposed to any closure of the street for fire safety purposes. Council could decide to leave the street as is for now since Somerset Dr. is closed for reconstruction. Councilmember Leahy felt uncomfortable about spending \$10,000-\$15,000 on a cul-de-sac which might prove to be unwarranted if the traffic pattern changes after Somerset is reopened in the fall.
- 1595 Councilmember Hammond moved to defer the issue until after the Somerset and Lee intersection improvements are completed and a traffic study is performed to determine traffic patterns at that time, seconded by Newlin. Motion carried; Leahy, Hammond, Newlin, Monica in favor; LaHue, Rasmussen, Moore opposed.
- 1829 **AGREEMENT WITH WATER DISTRICT NO. 1 TO INSTALL A WATER LINE WITHIN 96TH STREET, STATE LINE RD. TO LEE BLVD.:** On motion of LaHue, seconded by Hammond, Council unanimously approved the agreement conditioned on the Water District's approval. Of the estimated \$43,052.50 total construction costs, which includes an overlay, the City will pay \$12,374.95.
- 1934 **CONTRACT FOR DESIGN ENGINEERING SERVICES FOR K-150 IMPROVEMENTS:** The construction of Kenneth Rd. will be necessary to facilitate traffic while K-150 is being reconstructed to a 4-lane roadway. However, KDOT will not fund the construction since Kenneth Rd. is not part of the K-150 System Enhancement Project. The design contract has fees for 2 separate segments - Segment 1, \$320,800, for the K-150 Corridor; and Segment 2, \$100,300, for Kenneth Rd. Segment 2 will have to be delayed until an improvement district is formed.
- On motion of Rasmussen, seconded by LaHue, Council unanimously approved Segment 1 of the contract with Howard Needles Tammen & Bergendoff.
- 1952 **PROPOSAL FOR FIELD AND LABORATORY CONSTRUCTION TESTING REQUIRED FOR LEE BOULEVARD IMPROVEMENTS, PHASE 2, 95TH ST. TO SOMERSET DR.:** On motion of Moore, seconded by Hammond, Council unanimously approved the proposal of Kansas City Testing Laboratory of Leawood, Kansas, in the amount of \$9,468.00.

- 1962 ORDINANCE NO. 1225C ESTABLISHING A SPECIAL LIABILITY EXPENSE AND RESERVE FUND - to provide for the payment of costs of defense of the City and its employees and to provide for the payment of claims and other direct and indirect costs resulting from the implementation of the Kansas Tort Claims Act: When the City renewed its insurance coverage last September, it undertook a larger risk by increasing deductibles and changing to an occurrence form of liability insurance. The premium for insurance was reduced because of the assumed risk. Premium savings can be used to cover losses that would have to be paid by the City due to higher deductibles, and the establishment of this new fund is the mechanism for protecting those dollars. Funds can be transferred to this fund and then be used to cover expenses for losses which may come under the deductible.
- Councilmember Moore moved to pass the ordinance, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Hammond, Moore, Newlin, Monica. Nays---None.
- 2109 APPROVAL OF APPROPRIATION ORDINANCE NO. 662: The ordinance was considered and passed on motion of Rasmussen, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Hammond, Moore, Newlin, Monica. Nays---None.
- 2124 SCHEDULE EXECUTIVE SESSION: On motion of Monica, seconded by Moore, Council unanimously voted to convene in executive session for a period not to exceed 45 minutes to discuss pending litigation and potential acquisition of property.
- 2219 8:45 P.M. Council convened in executive session, same members present.
- 9:30 P.M. Council returned to regular session, same members present.
- 2362 After Council comments, the meeting was adjourned at 9:40 P.M.


Martha Heizer City Clerk

**MINUTES
REGULAR COUNCIL MEETING**

Tape No. 221

- # 25 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, June 3, 1991. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Louis Rasmussen, Monique C.M. Leahy, Charles Hammond, Douglas Moore, Robert Newlin, Marsha Monica. Councilmember Jimmy Lin was absent. Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; J. Stephen Cox, Police Chief; Ronald Brandt, Director of Public Works; Robert McKay, Director of Planning & Development; Martha Heizer, City Clerk; and Richard S. Wetzler, City Attorney.

- 35 The agenda was approved unanimously on motion of Rasmussen, seconded by Moore, after addition of: 1) under consent agenda, assignment to the Public Safety Committee to hear an appeal of a nuisance alarm assessment; and 2) executive session at the end of the meeting to discuss possible acquisition of property.

- 59 PRESENTATION OF A RESOLUTION OF RECOGNITION AND KEY TO THE CITY TO LEAWOOD RESIDENT JENNIFER LYNN CHO - in honor of her selection as a 1991 U.S. Presidential Scholar, the nation's highest honor for graduating high school students. Attached as part of the record.

CITIZEN COMMENTS: None.

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

1. Minutes of the May 20, 1991 Council meeting;
2. Bid of Industrial Roofing, Inc., to replace the apparatus room roof, Fire Station No. 2 (12701 Mission Rd.), at a cost between \$7,023 and \$9,468.30, depending on the amount of insulation board to be replaced;
3. Pay Request No. 1 to Suburban Contractors, Inc., for \$60,946.20; Lee Blvd. improvements, Phase 2, 95th St./Somerset Dr.;
4. Assignment to Arts Committee to study the establishment of an Arts Foundation;
5. Assignment to Public Safety Committee to hear an appeal of a nuisance alarm assessment (Vipan Sood, 13108 Meadow Lane).

- 196 APPROVAL OF CHANGES IN HEALTH INSURANCE PROGRAMS: Staff recommended the City change health care providers and offer employees Blue Cross/Blue Shield plans - Preferred Care Blue and 2 Blue Care plans - in place of MARCIT and CIGNA plans. Prime Health would be offered as an option only to those employees currently covered by Prime Health.

- 906 On motion of LaHue, seconded by Hammond, Council unanimously voted to pursue a contract with Blue Cross/Blue Shield, with Prime Health to remain an option for employees currently enrolled in that plan.

- 930 INTERLOCAL AGREEMENT WITH OVERLAND PARK FOR THE PURPOSE OF HIRING A CONSULTING ENGINEER TO DESIGN PUBLIC IMPROVEMENTS ON MISSION ROAD

June 3, 1991

- BETWEEN 95TH STREET AND 103RD STREET: On motion of Rasmussen, seconded by LaHue, Council unanimously authorized the Mayor to sign the agreement. Leawood will pay an estimated \$32,032 for the design work.
- 963 RESOLUTION NO. 1025 ESTABLISHING LEAWOOD'S ELIGIBILITY TO PARTICIPATE IN THE STATE FEDERAL PROPERTY ASSISTANCE PROGRAM: The City, particularly the Public Works Department, would have access to a large variety of federal surplus personal property through the Kansas State Department of Corrections and Surplus Property Center. The resolution was adopted unanimously on motion of Moore, seconded by Rasmussen. Attached as part of the record.
- 1000 ORDINANCE NO. 1226 ACCEPTING AN EASEMENT FOR DRAINAGE PURPOSES - Lot 8, Block 4, "Hallbrook Farms, First Plat": The ordinance was considered and passed on motion of Hammond, seconded by LaHue. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Hammond, Moore, Newlin, Monica. Nays---None.
- 1011 ORDINANCE NO. 1227 ACCEPTING AN EASEMENT FOR SANITARY AND STORM SEWER PURPOSES - in Hallbrook Farms subdivision: The ordinance was considered and passed on motion of Moore, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Hammond, Moore, Newlin, Monica. Nays---None.
- 1022 ORDINANCE NO. 1228 REASSESSING AND LEVYING AN ASSESSMENT ON CERTAIN PROPERTY TO PAY A PORTION OF THE COST OF IMPROVING ROE AVE. FROM 112TH STREET TO TOMAHAWK CREEK PARKWAY (IMPROVEMENT DISTRICT 86-1): The ordinance was considered and passed on motion of Hammond, seconded by Rasmussen. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Hammond, Moore, Newlin, Monica. Nays---None.
- 1045 APPROVAL OF APPROPRIATION ORDINANCE NO. 663: The ordinance was considered and passed on motion of Rasmussen, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Hammond, Moore, Newlin, Monica. Nays---None.
- 1098 SCHEDULE EXECUTIVE SESSION: On motion of LaHue, seconded by Leahy, Council unanimously voted to convene in executive session for a period not to exceed 15 minutes at the end of the meeting to discuss possible acquisition of property.
- 1257 After some general discussion, Council convened in executive session at 8:15 P.M., same members present.
- 8:30 P.M. Council returned to regular session, same members present. The meeting was adjourned.


Martha Heizer City Clerk

MINUTES
SPECIAL COUNCIL MEETING

Tape No. 222

- # 20 The City Council of the City of Leawood, Kansas, met in special session in the Council Chamber, 9615 Lee Boulevard, at 5:10 P.M., Thursday, June 6, 1991. Mayor Marcia Rinehart presided.

The special meeting was requested by Councilmembers Charles Hammond, Louis Rasmussen, Monique C.M. Leahy, Robert Newlin, and Marsha Monica for the purpose of convening an executive session to discuss possible acquisition of property. * Councilmember Ronald LaHue arrived during the executive session. Councilmembers Douglas Moore and Jimmy Lin were absent. Staff present: Richard Garofano, City Administrator; Harry Malnicof, Finance Director; Martha Heizer, City Clerk; and Richard Wetzler, City Attorney.

- 37 On motion of Hammond, seconded by Monica, Council voted unanimously to convene in executive session for a period not to exceed 10 minutes to discuss possible acquisition of property.

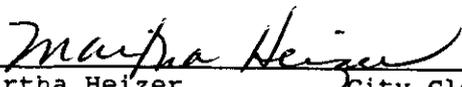
Council convened in executive session, same members present.

- * 5:15 P.M. Councilmember Ronald LaHue arrived.

5:20 P.M. Council returned to special session, same members present.

RESOLUTION NO. 1026 REQUESTING THE JOHNSON COUNTY LIBRARY BOARD CONSIDER THE OPPORTUNITY OF JOINING WITH THE CITY IN THE DEVELOPMENT OF A SITE FOR A BRANCH LIBRARY FACILITY AND CITY HALL, AND AUTHORIZING THE MAYOR AND CITY STAFF TO NEGOTIATE WITH THE MARNED CORPORATION FOR THE CONVEYANCE OF A SITE FOR CITY HALL IN THE GENERAL LOCATION OF 117TH AND ROE AVENUE: Adopted unanimously on motion of Hammond, seconded by Rasmussen. Attached as part of the record.

- 116 5:23 P.M. The meeting was adjourned.


Martha Heizer City Clerk

**MINUTES
REGULAR COUNCIL MEETING**

Tape No. 222

- # 145 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, June 17, 1991. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Louis Rasmussen, Monique C.M. Leahy, Douglas Moore, Robert Newlin, Marsha Monica, and Jimmy Lin. Councilmember Charles Hammond was absent. Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; J. Stephen Cox, Police Chief; 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 S. Wetzler, City Attorney.

- 153 The agenda was approved unanimously on motion of Moore, seconded by Leahy, after addition of: 1) under consent agenda, declaration of surplus property; and 2) under consent agenda, formal acknowledgment of staff's report on speeding complaints and policy for the installation of traffic control and other road signs distributed to the Governing Body.

CITIZEN COMMENTS: None.

- 199 CONSENT AGENDA: The following were approved unanimously on motion of Rasmussen, seconded by Moore:

1. Minutes of the June 3, 1991 Council meeting;
2. Minutes of the June 6, 1991 Special Council meeting;
3. Departmental reports;
4. Public Works Committee report on its June 6, 1991 meeting;
5. Declaration of surplus property - 3 1989 Chevrolet Caprice police patrol cars, to be sold by sealed bid for not less than the appraised values of between \$4,200 and \$4,500;
6. Staff report on speeding complaints and policy for the installation of traffic control and other road signs were formally acknowledged.

- 205 RESOLUTION NO. 1027 APPROVING REQUEST FOR REZONING FROM CP-0 TO CP-1 AND REVISED PRELIMINARY SITE PLAN APPROVAL FOR JOHNSON COUNTY BANK LOCATED AT 115TH AND NALL IN LEAWOOD COMMONS OFFICE PARK: Adopted unanimously on motion of Rasmussen, seconded by LaHue. Attached as part of the record.

- 240 ORDINANCE NO. 1229 REZONING PROPERTY AT 115TH AND NALL (JOHNSON COUNTY BANK) IN THE LEAWOOD COMMONS OFFICE PARK FROM CP-0 (PLANNED OFFICE) TO CP-1 (PLANNED NEIGHBORHOOD RETAIL): The ordinance was considered and passed on motion of Rasmussen, seconded by Newlin. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Moore, Newlin, Monica, Lin. Nays---None.

260 MAYOR'S REPORT: The Johnson County welcome home parade to honor soldiers who served in the Persian Gulf War was held Saturday, June 15th, along College Blvd. in Overland Park. It was very successful and

was well organized by Overland Park. Overland Park needs additional financial assistance. On motion of LaHue, seconded by Leahy, Council voted unanimously to defer a decision on a financial contribution until the July 1st Council meeting.

350 WRITTEN REPORT ON THE HOUSEHOLD HAZARDOUS WASTE COLLECTION DAY PROGRAM:

The collection program for Leawood and Overland Park residents only was held May 11th at the Kansas City Merchandise Mart in Overland Park from 8:00 a.m. to 2:00 p.m. On motion of Moore, seconded by Leahy, Council unanimously accepted the report. On motion of Monica, seconded by Moore, Council unanimously authorized the Mayor to send a letter to the County on behalf of the Council expressing support for a County-wide hazardous waste program.

865 DISCUSSION OF CONVERSION OF PRIVATE STREETS TO PUBLIC STREETS:

At the February 4th Council meeting, the Public Works Committee was asked to review this issue. Current ordinance states that private streets shall remain private in perpetuity. The Committee recommended that private streets be considered for conversion on an individual basis with conditions that additional right-of-way be required for maintenance, and that streets be brought up to the City's minimum standards. Councilmember LaHue moved to discuss this matter at a work session, not to exceed 1 hour, after the Council meeting. Motion seconded by Leahy and carried; Rasmussen opposed; all others in favor.

1247 CONTRACT FOR AERIAL MAPPING OF K-150:

Councilmember Monica moved to authorize the Mayor to sign the contract with M.J. Harden Associates, Inc., in the amount of \$19,935, for aerial mapping services required for the K-150 improvement project, Nall to State Line Rd., and for Kenneth Parkway. Motion seconded by Lin and carried; Rasmussen opposed; all others in favor. Leawood and KDOT will each pay 50% of \$18,260. Leawood will pay the remaining \$1,675 for services associated with Kenneth Parkway improvements which KDOT will not fund since Kenneth Parkway is not part of the K-150 State System Enhancement Program.

1573 DISCUSSION OF DRAINAGE PROBLEMS - LEE BOULEVARD IMPROVEMENTS, PHASE 1, 95TH ST. TO 103RD ST.:

Drainage ditches on the east side of Lee Blvd. between 97th St. and 98th St. are continually wet and not maintainable (sod has not been able to establish a root base), and sod is peeled back during heavy storms by the velocity of the water. In addition, Public Works Director Brandt feels a ground water situation exists that should have been addressed during street construction. Project engineering firm Larkin Associates recommends the City install a 4-foot wide ditch rock liner in that area. Mr. Brandt feels that would be the best solution for long term maintenance, other than a total enclosing of the roadway channel, and would like to negotiate a change order with Suburban Contractors in the amount of \$15,000. However, some of the homeowners still prefer sod.

2204 Council discussed the possibility of a water main leak. The Water Department has not been able to locate one. Councilmember Newlin moved to defer a decision on the recommendation until the source of the water is determined. Motion failed for lack of a second.

- 2260 Councilmember LaHue moved to approve the additional \$15,000 for installation of the 4-foot wide ditch liner as recommended by the engineers and have Suburban Contractors do the work. Motion seconded by Lin and failed; LaHue in favor; all others opposed.
- 2723 Councilmember Lin moved to direct the contractor to make corrections in the drainage system as stated in a letter from Larkin Associates - lower the grading at the downstream end of the culvert outlet ditches, resod the ditches with bluegrass as originally designed instead of using zoysia, and stake the sodded ditches - with Council to review the results. Motion seconded by Monica and carried unanimously.
- 2862 RESOLUTION NO. 1028 CONSENTING TO THE ENLARGEMENT OF BLUE RIVER MAIN SEWER DISTRICT NO. 1 AND BLUE RIVER SEWER SUB-DISTRICT NO. 5: Adopted on motion of Monica, seconded by Leahy. All in favor, except for Mr. Lin who was not present for the vote. Resolution attached as part of the record.
- 2874 AGREEMENT (ROADWAY LICENSE) WITH JOHNSON COUNTY UNIFIED WASTEWATER DISTRICTS FOR USE OF COUNTY PROPERTY AS A TEMPORARY EXIT FROM LEAWOOD PARK AFTER THE FIREWORKS DISPLAY ON JULY 4, 1991: Council authorized the City Administrator to execute the agreement on motion of Leahy, seconded by Moore. All in favor, except Mr. Lin who was not present for the vote.
- 2885 APPROVAL OF APPROPRIATION ORDINANCE NO. 664: The ordinance was considered and passed on motion of Rasmussen, seconded by Leahy. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Moore, Newlin, Monica. Nays---None. Mr. Lin was not present for the vote.
- 2923 9:00 P.M. There being no further business before the Council, the meeting was adjourned.


Martha Heizer City Clerk

MINUTES
REGULAR COUNCIL MEETING

Tape No. 223

- # 20 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, July 1, 1991. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Louis Rasmussen, Monique C.M. Leahy, Douglas Moore, and Marsha Monica. * Councilmember Jimmy Lin arrived at 8:50 P.M. Councilmembers Charles Hammond and Robert Newlin were absent. Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; J. Stephen Cox, Police Chief; 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 S. Wetzler, City Attorney.

- 41 The agenda was approved unanimously on motion of Leahy, seconded by Moore.

- 52 PRESENTATION OF RETIREMENT PLAQUE TO DOROTHY HOLTSCLAW: Mrs. Holtsclaw served the City in the Finance Department from May 1, 1965 to June 30, 1991.

CITIZEN COMMENTS: None.

- 143 PROCLAMATIONS: The Mayor proclaimed June 29 and 30, 1991 to be "Sertoma Weekend"; and July 7-13, 1991 to be "Employee Wellness Week".

- 167 CONSENT AGENDA: Replacement of the Council/Court Building roof was removed for further discussion. The following were approved unanimously on motion of Rasmussen, seconded by Moore:

1. Minutes of the June 17, 1991 Council meeting;
2. Leawood Woman's Club donation of \$1500 each to the Police and Fire Departments for the Police DARE Trust Fund and the purchase of 2 base station radios to be used on the City's fire frequency;
3. Renewal of mutual aid agreement with the Overland Park Fire Department to provide dual response to structure fires in southern Overland Park and Leawood;
4. Pay Request No. 2 to Suburban Contractors for \$185,475.83; Lee Blvd. improvements, Phase 2, 95th St. to Somerset Dr.;
5. Purchase by the Public Works Department of an asphalt storage trailer from the low bidder Spaulding Manufacturing Co. of Saginaw, Michigan, in the amount of \$6497.90;
6. Purchase by the Public Works Department of an asphalt planer from the low bidder Kansas City Bobcat Co. of Olathe, Kansas, in the amount of \$9,529.04.

After discussion of the safe removal of the Council/Court Building's asbestos roof, and on motion of Monica, seconded by Moore, Council unanimously awarded the bid for replacement of the roof to the low bidder Industrial Roofing, Inc., in the amount of \$11,775.00.

- 251 REQUEST FOR A SPECIAL USE PERMIT - PADDY O'QUIGLEY'S 119TH STREET

GRILLE, 11851 ROE: To allow for the temporary installation of an inflatable promotional bottle on the roof for 3 weekends - July 19th & 20th, August 16th & 17th, and September 13th & 14th. On motion of Rasmussen, seconded by Moore, Council approved the temporary permit with stipulations; Leahy, LaHue opposed; Rasmussen, Moore, Monica in favor.

457 MAYOR'S REPORT: Dr. Lyushun Shen is the new Director General of the Coordination Council for North American Affairs, Kansas City, Missouri office.

531 DISCUSSION OF FINANCIAL CONTRIBUTION TO OVERLAND PARK TO HELP PAY EXPENSES OF THE JUNE 15TH "WELCOME HOME" (PERSIAN GULF WAR "DESERT STORM") PARADE: On motion of LaHue, seconded by Monica, Council voted to contribute \$1,000; Leahy opposed; all others in favor.

712 RESOLUTION NO. 1029 ESTABLISHING A PETTY CASH FUND FOR THE POLICE DEPARTMENT: Councilmember Rasmussen moved to adopt the resolution, seconded by Moore. Councilmember Moore moved to amend the motion to add wording to the resolution that the fund be in the amount of \$200, seconded by LaHue; motion to amend carried unanimously. The resolution as amended was adopted unanimously. Attached as part of the record.

850 AUTHORIZATION TO PROCEED WITH A RIM ELEVATION SURVEY FOR THE SANITARY SEWER STUDY, PHASE 3: On motion of Moore, seconded by Rasmussen, Council unanimously approved the proposal of George Butler Associates to perform a field survey of manhole elevations for 913 manholes in Basins 2,3,8 and 13 in the Phase 3 Study area for a cost of \$15,000.

903 APPROVAL OF APPROPRIATION ORDINANCE NO. 665: The ordinance was considered and passed on motion of Rasmussen, seconded by Leahy. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Moore, Monica. Nays---None.

925 DISCUSSION OF CONVERSION OF PRIVATE STREETS TO PUBLIC STREETS: Because of his concern about the additional burden that would be placed on the Public Works budget as well as on the street maintenance staff if 6.87 miles of private streets were accepted as public streets, Public Works Director Brandt recommended the Council not convert any private streets to public streets. 1.4 miles of the 6.87 miles of private streets through a subdivision or group of subdivisions are considered minor collector streets because they are more public in nature.

* 8:50 P.M. Councilmember Lin arrived.

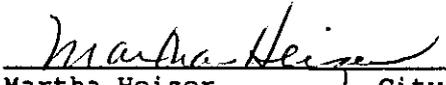
2416 Councilmember LaHue moved to incorporate the Public Works Committee's 3 recommended criteria for accepting private streets as public streets into the existing ordinance to give homes associations an opportunity to qualify their private streets for conversion to public streets. The 3 criteria are: 1) the City would require additional right-of-way to allow for street maintenance; 2) private streets would have to be brought up to the City's minimum standards; and 3) private streets would have to be within the 100 to 80 condition

index range of the City's Street Inventory Rating System. Motion died for lack of a second.

Councilmember Lin moved to defer a decision on this matter to the July 15th Council meeting in order to study the 1.4 miles of private (minor collector) streets, the study to include maintenance costs, traffic volume. Motion seconded by LaHue and failed; LaHue, Lin, Monica in favor; Rasmussen, Leahy, Moore opposed; Mayor abstained.

2835 Councilmember Lin moved that the 1.4 miles of private streets be accepted as public streets if they meet the 3 recommended criteria for conversion to public streets, seconded by LaHue. Motion failed; LaHue, Lin in favor; Rasmussen, Leahy, Moore, Monica opposed.

2945 9:10 P.M. There being no further business before the Council, the meeting was adjourned.



Martha Heizer City Clerk

MINUTES
REGULAR COUNCIL MEETING

Tape No. 224

- # 22 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, July 15, 1991. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Louis Rasmussen, Monique C.M. Leahy, Charles Hammond, Douglas Moore, Robert Newlin, Marsha Monica, and Jimmy Lin. Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; J. Stephen Cox, Police Chief; 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 S. Wetzler, City Attorney.

- 35 The agenda was approved unanimously on motion of Hammond, seconded by Moore after addition under Consent Agenda of appointments to the committee to recommend a name for the Johnson County Library branch in Leawood.

50 CITIZEN COMMENTS: None.

- 61 CONSENT AGENDA: A request to keep 5 dogs at 10349 Cherokee Lane was removed for further discussion. The following were approved unanimously on motion of Moore, seconded by Hammond:

1. Minutes of the July 1, 1991 Council meeting;
2. Departmental reports;
3. Appointments to the committee to recommend a name for the Johnson County Library branch in Leawood - Councilmember Robert Newlin, and Leawood residents Mrs. K.O. Strobehn and Mrs. Alice Hawk.

Council discussed Thomas Burge's request that Council approve a permit to keep 5 dogs at 10349 Cherokee Lane. Councilmembers LaHue and Rasmussen felt, as they have in the past, that it is inappropriate for the well-being of the animals to keep so many large dogs (3 English Pointers and 2 Black Labradors) in that area. Dr. LaHue moved to deny the permit, seconded by Rasmussen. Motion failed; LaHue, Rasmussen in favor; all others opposed. Councilmember Moore moved to approve the permit, seconded by Hammond. Motion carried; LaHue, Rasmussen opposed; all others in favor.

- 227 RESOLUTION REQUESTING REZONING FROM R-1 TO RP-1, AND REVISED PRELIMINARY PLAT AND REVISED PRELIMINARY SITE PLAN APPROVAL FOR WILSHIRE, APPROXIMATELY 132ND STREET BETWEEN MISSION AND ROE: Several area residents opposed the rezoning, feeling the plan was not in harmony with the existing surrounding areas.

The architect reiterated that the homes would be upper 2,000 square feet to upper 3,000 square feet in size, and between \$200,000 and \$300,000.

- 3297 Councilmember Monica moved to remand the proposed preliminary plat and site plan to the Plan Commission to review the density of lots north of 132nd Street, to increase lot sizes; seconded by Lin. Mrs. Monica moved to amend the motion to include the rezoning in the remand,

seconded by Lin. Motion to amend carried; Hammond opposed; all others in favor. Main motion as amended carried; LaHue, Rasmussen, Hammond opposed; all others (5) in favor.

3984 Council comments and directives to Plan Commission:

1. Mr. Lin was concerned about changing the R-1 zoning as established for the area by the 1988 Master Development Plan; he would prefer to leave part of the 76 acres R-1.

2. Lot density to be reviewed as discussed above.

3. Delmar should be a cul-de-sac at the southern end of the development; consider making the northern end a cul-de-sac also.

4. Mr. Rasmussen wanted the Commission to consider increasing lot sizes only along the northern tier of lots, north of 131st Terr., leaving that area planned zoning.

5. Mrs. Monica felt that all lots north of 132nd St. should be developed to R-1 standards.

6. Mr. Moore disagreed with Mrs. Monica; he voted for the main motion because he would like to see some lot sizes, not all, increased along the northern boundary of the development.

ORDINANCE REZONING PROPERTY KNOWN AS WILSHIRE FROM R-1 TO RP-1:
Rezoning remanded to Plan Commission.

4700 9:50 P.M. Recess.

10:00 P.M. Regular session continued, same Councilmembers present.

RESOLUTION RELATING TO REVISED PRELIMINARY PLAT AND REVISED PRELIMINARY PLAN APPROVAL FOR HALLBROOK PATIO HOMES, APPROXIMATELY 115TH & OVERBROOK: Council discussed the plan's private streets. Some Councilmembers are opposed to construction of any private streets. Councilmember Hammond moved to adopt the resolution, seconded by Moore. Motion failed; Hammond, Moore, Newlin in favor; LaHue, Rasmussen, Leahy, Monica, Lin opposed. (Matter reconsidered at end of meeting, #500.)

6978 RESOLUTION RELATING TO FINAL PLAT APPROVAL - PATIO HOMES; HALLBROOK FIRST PLAT, 115TH & OVERBROOK: No action taken. (Matter reconsidered at end of meeting, #500.)

7142 MAYOR'S REPORT: Mayor Rinehart commended the Police Department on its \$20,750 grant from the State of Kansas for the D.A.R.E. (Drug Abuse Resistance Education) Program.

Dr. Raj K. Chopra resigned his position as Superintendent of the Shawnee Mission Public Schools to become the Superintendent of the Fort Bend, Texas Independent School District effective August 1991. The Mayor will send him a letter thanking him for his service to the community.

The Mayor reported that the City's American Revolution Tricentennial Fund had a balance of \$3,192.23 as of June 30, 1991.

A delegation from Leawood's Sister City I-Lan, Taiwan, will arrive in October.

7460 10:55 P.M. On motion of Lin, seconded by Moore, Council unanimously

voted to extend the meeting until 11:30 P.M.

7532 DISCUSSION OF LEAWOOD'S PARTICIPATION IN THE EFFORT TO ATTRACT A MCDONNELL DOUGLAS PLANT TO THE METROPOLITAN AREA:

7571 END OF TAPE.

TAPE NO. 225

Kansas City, Missouri has not asked Leawood to participate. The City Administrator will draft a letter from the Governing Body affirming support for the effort.

148 ORDINANCE NO. 1230C AMENDING SECTION 1-306 OF THE CODE RELATING TO THE DUTIES OF THE CITY ADMINISTRATOR, SPECIFICALLY AS PERSONNEL OFFICER; AND REPEAL OF SECTION 1-504 OF THE CODE RELATING TO THE "PERSONNEL RULES AND REGULATIONS" OF JANUARY 3, 1984: The ordinance was considered and passed on motion of Moore, seconded by Hammond. On roll call the vote was: Yeas---Hammond, Moore, Monica, Lin. Nays---LaHue, Rasmussen, Leahy, Newlin. Mayor Rinehart voted in favor. Gives the City Administrator authority to administer the personnel rules and regulations, to make appropriate changes and decisions to facilitate the efficient and effective daily operations of the City. Changes no longer have to be ratified by Governing Body resolution.

RESOLUTION NO. 1030 DECLARING THE "PERSONNEL RULES AND REGULATIONS" DATED JANUARY 3, 1984, TO BE ADMINISTRATIVE POLICY (RATHER THAN ADOPTED BY REFERENCE BY THE CODE OF THE CITY OF LEAWOOD): On motion of Hammond, seconded by Moore, the resolution was adopted; Hammond, Moore, Monica, Lin in favor; LaHue, Rasmussen, Leahy, Newlin opposed; Mayor Rinehart in favor. Attached as part of the record.

453 REQUEST FOR SPECIAL SOLICITATION PERMIT - LEUKEMIA SOCIETY OF AMERICA: A "boot block" over several weekends in July for as long as twelve hours per day, presumably at a single intersection where contributions would be solicited from passing motorists. Staff recommended denial due to the possibility of an increase in citizen complaints and a greater risk of an accident occurring in which the City would have some liability exposure. On motion of Hammond, seconded by Monica, Council unanimously voted to deny the permit.

489 APPROVAL OF APPROPRIATION ORDINANCE NO. 666: The ordinance was considered and passed on motion of Rasmussen, seconded by Moore. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Hammond, Moore, Newlin, Monica, Lin. Nays---None.

500 Councilmember Monica moved to reconsider the Hallbrook patio homes plan discussed earlier in the meeting because the developer acted in accordance with current regulations which still allow construction of private streets, seconded by Moore. Motion to reconsider carried; Hammond, Moore, Newlin, Monica in favor; LaHue, Rasmussen, Leahy, Lin opposed; Mayor in favor.

Resolution No. 1031 approving the revised preliminary plat and

July 15, 1991

revised preliminary site plan of the Patio Homes at Hallbrook - adopted on motion of Moore, seconded by Newlin; Hammond, Moore, Newlin, Monica in favor; LaHue, Rasmussen, Leahy, Lin opposed; Mayor in favor. Attached as part of the record.

Resolution No. 1032 approving the final plat of the Patio Homes at Hallbrook, First Plat - adopted on motion of Moore, seconded by Hammond; Hammond, Moore, Newlin, Monica in favor; LaHue, Rasmussen, Leahy, Lin opposed; Mayor in favor. Attached as part of the record.

990 11:30 P.M. There being no further business before the Council, the meeting was adjourned.


Martha Heizer City Clerk

**MINUTES
REGULAR COUNCIL MEETING**

Tape No. 226

- # 25 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, August 5, 1991. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Louis Rasmussen, Monique C.M. Leahy, Charles Hammond, Douglas Moore, Robert Newlin, Marsha Monica, and Jimmy Lin. Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; J. Stephen Cox, Police Chief; 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 Attorney David Adkins representing the City Attorney in his absence.

- 45 The agenda was approved unanimously on motion of Hammond, seconded by Moore after: 1) addition of discussion of a request for financial assistance for a delegation of Soviet engineering geologists who will visit the Kansas City area in early October; and 2) removal from the Consent Agenda of the 1991 Street Rehabilitation Project bid recommendation for discussion later in the meeting.

CITIZEN COMMENTS: None.

- 120 CONSENT AGENDA: Holland Corp.'s final pay request in the amount of \$46,830.51 for Lee Boulevard improvements, Phase 1, 95th St. to 103rd St., was removed for further discussion. The following were approved unanimously on motion of Hammond, seconded by Newlin:

1. Minutes of the July 15, 1991 Council meeting;
2. Parks & Recreation Advisory Board report on its July 16, 1991 meeting;
3. Application to renew retail liquor occupation license - Faust Retail Liquor, 11841 Roe Ave. (Camelot Court Shopping Center);
4. Pay Request No. 3 for \$349,037.77 to Suburban Contractor's for Lee Blvd. improvements, Phase 2, 95th St. to Somerset Dr.;
5. Low bid of Holland Corp. for Alternate B (8" Fly Ash stabilization of the subgrade) in the amount of \$186,759.24 for the reconstruction of 151st St. between Nall and the east City limits;
6. Proposal from Twin Traffic Marking Corp. in the amount of \$7,671.68 for the 1991 Street Marking Program;
7. Low bid of J. Warren Construction Co. of Topeka, Kansas, in the amount of \$45,424.00 for traffic signal modifications at 88th & State Line Rd., 89th & State Line, and 103rd & State Line.

The Council discussed homeowners' satisfaction with the Lee Blvd. improvements (Phase 1, 95th St. to 103rd St.), especially ditch grading and resolution of a standing water problem. Public Works Director Brandt felt all corrections had been made. If problems arise in the future, the City can enforce the contractor's 2-year maintenance bond. On motion of Hammond, seconded by LaHue, Council unanimously approved the final pay request of Holland Corp. in the amount of \$46,830.51 for said improvement project.

- 190 REQUEST FOR SPECIAL USE PERMIT - RANCHMART SHOPPING CENTER, 95TH & MISSION: On motion of Hammond, seconded by Moore, Council unanimously approved a permit with stipulations to erect 3 10'x10' tents in the Ranchmart parking lot south of the Ranchmart Hardware Store on August 15th, 16th and 17th to be used for various activities during Ranchmart's 33rd Anniversary celebration.
- 268 RESOLUTION NO. 1033 APPROVING REQUEST FOR REZONING FROM R-1 TO RP-1, AND APPROVING REVISED PRELIMINARY PLAT AND PRELIMINARY SITE PLAN FOR WILSHIRE AT APPROXIMATELY 132ND STREET BETWEEN MISSION AND ROE: Adopted unanimously on motion of Hammond, seconded by Moore. Attached as part of the record.
- 412 ORDINANCE NO. 1231 REZONING PROPERTY KNOWN AS WILSHIRE AT APPROXIMATELY 132ND STREET BETWEEN MISSION AND ROE FROM R-1 TO RP-1: The ordinance was considered and passed on motion of Lin, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Hammond, Moore, Newlin, Monica, Lin. Nays---None.
- 443 RESOLUTION NO. 1034 APPROVING REQUEST FOR REZONING FROM AG TO SD AND RP-4, AND APPROVING THE PRELIMINARY DEVELOPMENT PLAN, PRELIMINARY PLAT AND MASTER DEVELOPMENT PLAN AMENDMENT FOR LEAWOOD TOWN CENTER LOCATED BETWEEN 115TH AND 119TH STREETS AND ROE AND NALL AVENUES: Mayor Rinehart stated that since the preliminary development plan includes a branch of the Johnson County Library, several comments have been made by some members of the press regarding a conflict of interest between her position as Mayor and her membership on the Johnson County Library Board. Mrs. Rinehart restated what she stated before the Library Board - when the City began considering this project, she checked with the City Attorney and attorney for the Library Board, and both agreed there would be no conflict of interest. It was her personal decision some time ago to represent only the City of Leawood, and that decision is reflected in the minutes of Library Board meetings. She abstained at those meetings from discussions of and from voting on the branch library issue.
- 1910 Residents of Leawood Country Manor subdivision stated they preferred a 200' rather than a 150' buffer between their subdivision and the Town Center.
- 3520 On motion of LaHue, seconded by Leahy, Council unanimously adopted the resolution which is attached as part of the record.
- 3645 ORDINANCE NO. 1232 REZONING FROM AG TO SD AND RP-4 - LEAWOOD TOWN CENTER, LOCATED BETWEEN 115TH AND 119TH STREETS AND BETWEEN ROE AND NALL AVENUES: The ordinance was considered and passed on motion of Hammond, seconded by LaHue. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Hammond, Moore, Newlin, Monica, Lin. Nays---None.
- 3683 MAYOR'S REPORT: None.
- 3706 RESOLUTION NO. 1035 EXPRESSING SUPPORT FOR A COMMUNITY EFFORT TO ATTRACT A MCDONNELL DOUGLAS AIRCRAFT PLANT TO KANSAS CITY, MISSOURI: Councilmember Monica moved to adopt a resolution of support and contribute \$1,000 to the effort, seconded by Lin. Motion carried;

Leahy opposed; Rasmussen abstained; all others in favor. Attached as part of the record.

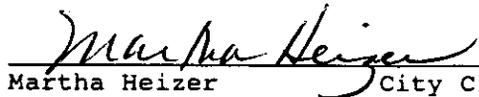
- 3944 DISCUSSION OF DRIVEWAY REPAIR - 2601 W. 98TH ST.: 98th Street improvements were part of the 1990 Street Rehabilitation Program. Certain driveways had to be repaired and replaced. The homeowner at 2601 refused to grant the City an easement required to restore his driveway. After nearly a year of negotiations, staff has agreed to restore the brick driveway with specifications provided by the homeowner. Prinds Masonry Contractors of Overland Park, the homeowner's choice to do the work, provided an estimate in the amount of \$8,210.00, double the normal cost of similar situations. Public Works Director Brandt recommended the City contract with Prinds Masonry with the condition that the homeowner furnish an easement to permit construction.
- 4466 Councilmember Moore moved that the project be bid, and let the homeowner decide if he wants to pay the difference between the accepted bid and the estimate provided by Prinds Masonry. Motion seconded by Monica and carried unanimously.
- 4510 RESOLUTION NO. 1036 AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE KANSAS DEPARTMENT OF TRANSPORTATION (KDOT) FOR THE CONSTRUCTION OF I-435 AND A PORTION OF STATE LINE ROAD BETWEEN 103RD STREET AND CARONDOLET: Councilmember Monica moved to adopt the resolution, seconded by Hammond. Councilmember Hammond moved to amend the motion to state that the resolution be adopted contingent on the City Attorney reviewing and approving the agreement. Motion to amend seconded by LaHue and carried unanimously. Main motion as amended carried unanimously. Resolution attached as part of the record.
- 4880 AUTHORIZE INTERLOCAL AGREEMENT WITH JOHNSON COUNTY AND KANSAS CITY, MISSOURI, FOR THE PUBLIC IMPROVEMENT OF STATE LINE ROAD FROM CARONDELET DRIVE TO 135TH STREET: On motion of LaHue, seconded by Hammond, Council unanimously authorized the Mayor to execute the agreement.
- 4990 AUTHORIZE AGREEMENT WITH MID AMERICA REGIONAL COUNCIL INSURANCE TRUST (MARCIT) RELATING TO THE CITY'S PARTICIPATION IN THE MARCIT HEALTH POOL: States conditions under which the City has been allowed to leave the program as of July 1, 1991. On motion of Rasmussen, seconded by Hammond, Council approved the agreement. Moore abstained; all others in favor.
- 5209 10:00 P.M. Recess.
- 10:05 P.M. Council returned to regular session, same members present.
- RECOMMENDATION ON POND BANK STABILIZATION - TOMAHAWK CREEK GREENWAY: The north and middle ponds constructed as part of the Tomahawk Creek Parkway project are unable to maintain a constant water level. Councilmember Lin moved to accept the low bid of George Shaw Construction in the amount of \$58,379.62 for bank stabilization, seconded by LaHue. Motion carried; Rasmussen, Moore, Newlin opposed; all others (5) in favor.

- 5686 RESOLUTION NO. 1037 CONSENTING TO THE CREATION OF LATERAL SEWER DISTRICT NO. 7 WITHIN BLUE RIVER SEWER SUB-DISTRICT NO. 6 AND ENLARGEMENT OF BLUE RIVER MAIN SEWER DISTRICT NO. 1 AND BLUE RIVER SEWER SUB-DISTRICT NO. 6: Requested by Blue Valley School District in order to serve new elementary and middle schools, northeast corner of 143rd and Mission. Adopted unanimously on motion of LaHue, seconded by Rasmussen. Attached as part of the record.
- 5722 ORDINANCE NO. 1233 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES L.I.D. 88-1-91J, PROJECT 113; TOMAHAWK CREEK PARKWAY; \$900,000: The ordinance was considered and passed on motion of Hammond, seconded by LaHue. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Hammond, Moore, Newlin, Monica, Lin. Nays---None.
- 5892 ORDINANCE NO. 1234 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 91K, PROJECT 117; LEE BOULEVARD IMPROVEMENTS, PHASE 1, 95TH ST. TO 103RD ST.; \$1,100,000: The ordinance was considered and passed on motion of Hammond, seconded by Moore. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Hammond, Moore, Newlin, Monica, Lin. Nays---None.
- 5910 ORDINANCE NO. 1235 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 91L, PROJECT 125; LEE BOULEVARD IMPROVEMENTS, PHASE 2, 95TH ST. TO SOMERSET DR.; \$700,000: The ordinance was considered and passed on motion of Moore, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Hammond, Moore, Newlin, Monica, Lin. Nays---None.
- 5928 WORK SESSION: Scheduled for Monday, September 9, 7:30 P.M., to review information prepared by Johnson, Brickell, Mulcahy and Associates on the preliminary design engineering for Mission Rd. improvements between 103rd St. and College Blvd.
- 6011 RESOLUTION NO. 1038 SUPPORTING THE CREATION OF AN EXECUTIVE COMMITTEE TO ANALYZE THE OVERLAPPING DEBT SITUATION IN JOHNSON COUNTY: Adopted unanimously on motion of LaHue, seconded by Moore. Attached as part of the record.
- 6184 APPROVAL OF APPROPRIATION ORDINANCE NO. 667: The ordinance was considered and passed on motion of Hammond, seconded by Leahy. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Hammond, Moore, Newlin, Monica, Lin. Nays---None.
- 6210 1991 STREET REHABILITATION PROGRAM: Bids were received; the low bidder was Bob Muehlberger Construction Co. in the amount of \$652,430.27. That amount exceeds the amount budgeted in the Special Highway Fund.
- 6840 Councilmember Hammond moved to defer consideration of this matter to the August 19th Council meeting in order for staff to determine funding for all streets without cutting any from the Program. Motion seconded by Rasmussen and carried unanimously.
- 6926 DISCUSSION OF A REQUEST BY THE ASSOCIATION OF ENGINEERING GEOLOGISTS FOR FINANCIAL ASSISTANCE FOR A DELEGATION OF SOVIET ENGINEERING GEOLOGISTS - who will be visiting the Kansas City area in early October: No action taken. Council was reminded that a delegation from

Leawood's Sister City I-Lan, Taiwan, would be arriving about the same time.

The Mayor will ask the Community Relations Committee to recommend a policy for giving honorary keys to the City.

7133 10:45 P.M. There being no further business before the Council, the meeting was adjourned.



Martha Heizer City Clerk

MINUTES
PUBLIC HEARING

Tape No.

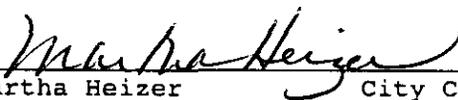
Minutes of a hearing for public comment on the proposed 1992 Budget held at 7:30 P.M., Monday, August 12, 1991, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas.

Councilmembers present: Ronald LaHue, Louis Rasmussen, Monique C.M. Leahy, Charles Hammond, Douglas Moore, Marsha Monica, and Jimmy Lin.
Staff present: Richard Garofano, City Administrator; Julie Baer, Asst. City Administrator; J. Stephen Cox, Police Chief; Harry Malnicof, Finance Director; Ronald Brandt, Director of Public Works; Robert McKay, Director of Planning & Development; Jerry Strack, Fire Chief; Martha Heizer, City Clerk.

The hearing was called to order by Councilmember Rasmussen in the absence of Mayor Marcia Rinehart.

Two residents were present. Neither wanted to see a budget increase; the City should cut back on unnecessary items ("frills"); budget material should be available to the public before the hearing, not just at the hearing; and budget information should be printed in a City newsletter mailed to residents before the hearing.

7:45 P.M. There being no further public comment, the hearing was closed.


Martha Heizer City Clerk

**MINUTES
REGULAR COUNCIL MEETING**

Tape No. 227

- # 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, August 19, 1991. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Louis Rasmussen, Monique C.M. Leahy, Charles Hammond, Douglas Moore, Robert Newlin, Marsha Monica, and Jimmy Lin. Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; J. Stephen Cox, Police Chief; 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 S. Wetzler, City Attorney.

- 52 The agenda was approved unanimously on motion of Hammond, seconded by LaHue after addition of 3 ordinances authorizing temporary notes.
- 81 CITIZEN COMMENTS: Resident Gordon Thomas asked 1) if a homeowner could advertise his home occupation by placing a sign in his yard; and 2) if a contractor doing work at a residence could place a sign in the yard to advertise his business. He mentioned that Council meeting information packets are given to members of the press free of charge, however, if a resident requests a packet or portion(s) thereof, he is charged \$.50 per page. Mr. Thomas asked why taxpayers are "subsidizing" the press. His questions were referred to staff.
- 147 CONSENT AGENDA: The following were approved unanimously on motion of Hammond, seconded by Moore:
1. Minutes of the August 5, 1991 Council meeting;
 2. Minutes of the August 12, 1991 Public Hearing on the 1992 Budget;
 3. Departmental reports;
 4. Parks & Recreation Advisory Board report on its August 13, 1991 meeting;
 5. Public Safety Committee report on its August 14, 1991 meeting to review proposed safe school routes for southern Leawood, and to hear an appeal of a nuisance alarm assessment;
 6. Pay Request (FINAL) for \$11,856.74 to Kansas City Power & Light Co. for utility relocations required for construction of storm sewers along 119th St., State Line to Mission Rd.;
 7. Resolution No. 1039 approving the final plat of Hallbrook Farms, 4th Plat (attached as part of the record);
 8. Mutual Release and Settlement Agreement relating to a drainage problem (flood damage) on Lot 16, Block 1, Royse, First Plat, property owned by Kenneth & Kathleen Hoffman.
- 155 RESOLUTION REQUESTING APPROVAL OF A PRELIMINARY PLAT, FINAL PLAT, PRELIMINARY SITE PLAN, FINAL SITE PLAN, AND A SPECIAL USE PERMIT FOR AN ELEMENTARY SCHOOL AND A MIDDLE SCHOOL, NORTHEAST CORNER OF 143RD AND MISSION ROAD: Because of a deficiency in the Plan Commission's public hearing notice procedure, staff requested the public hearing be reopened this evening. The Mayor declared the public hearing open. John Irwig, 8730 Rosewood Dr. in Prairie Village, owner of 140 acres on

the southeast corner of 143rd and Mission Rd., stated he was generally satisfied with the project and felt it would be good for the area and the City. Other area property owners reserved the right to speak later in the meeting. On motion of Moore, seconded by Hammond, Council voted unanimously to close the hearing.

Plans were presented by representatives of the Blue Valley School District. Several items were discussed - the landscape plan which concentrated more on screening the buildings and having less screening near the athletic fields; storm drainage improvements; street improvements; traffic generated by field usage.

1700 Council discussed 14 conditions that local residents suggested be incorporated into the special use permit. All 14 were addressed by the Plan Commission and made a part of the Plan Commission hearing minutes. Eleven of the items were acceptable to the Plan Commission but were not made stipulations of approval because most of the items were already addressed in City ordinances and in the plans that were presented.

2666 Lewis A. Heaven, Jr., attorney for many of the area residents, stated that his clients are not opposed to schools, but are concerned about proper planning to avoid future problems. Mr. Heaven stated that the public hearing notice was inadequate and improper; women having joint property ownership with men were not notified. He felt the matter should be returned to the Plan Commission to start the process over. He felt the 11 conditions which the Plan Commission found acceptable should be part of the special use permit to guarantee tight controls, not just be made "part of the record". Residents are concerned about storm water; there is a real drainage problem, even under normal rain conditions. Residents want the same density of landscaping along the east and north sides of the site, and fencing to keep people from parking on private property and neighboring subdivision streets during athletic and other events. Street conditions are deplorable and insufficient for current use, let alone school traffic.

3015 Several residents spoke in opposition to the plan.

4025 City Attorney Wetzler felt that the Plan Commission hearing notice was deficient. The deficiency was not mentioned during the hearing; staff was informed of it after the hearing. Since he had asked the Council to reopen the hearing and had requested the School Board send additional notices (of this evening's hearing) to those persons who had been omitted from the first mailing, Mr. Wetzler feels that irregularities in the notice procedure were corrected and adequately compensated for.

5685 On motion of Hammond, seconded by Rasmussen, Council unanimously remanded the matter to the Plan Commission. The following directives/comments were made to the Commission:

1. (Hammond) adequate notification of the Plan Commission hearing shall be made to property owners;

2. (Moore) review adequacy of on-site parking since a great deal of parking space will be required by people using the athletic fields;

3. (Moore) review drainage, especially alternatives to avoid a negative impact on Hayward Spears' property, southwest corner of 143rd & Mission;

4. (Moore) review screening and fencing on the east and north sides of the site - on the north, not necessarily all the way to

Mission Rd., but at least behind the athletic fields;

5. (Hammond) review adequacy of the 2-lane roads for building schools on the site;

6. (LaHue) review berming on the north near the middle school - feels berming is appropriate so residents won't have to look at a school building;

7. (Lin) of the 14 conditions that local residents suggested be incorporated into the special use permit, review those within the City's jurisdiction and make them stipulations of approval, if agreed to by the applicant and residents.

6328 10:27 P.M. Recess.

10:35 P.M. Council returned to regular session, same members present.

ORDINANCE NO. 1236 AMENDING SECTION 2-7 (FENCES AND WALLS) OF THE LEAWOOD DEVELOPMENT ORDINANCE TO CLARIFY HEIGHT REQUIREMENTS AROUND SWIMMING POOLS AND/OR HOT TUBS: Homeowners will no longer be allowed to enclose an entire yard with a 6-foot fence when installing a hot tub. The 6-foot fence must be in proximity to the hot tub. The ordinance was considered and passed on motion of Rasmussen, seconded by LaHue. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Moore, Lin. Nays---Hammond, Newlin. Abstention---Monica.

6689 ORDINANCE NO. 1237 AMENDING SECTION 4-1 (ACCESSORY USES) OF THE LEAWOOD DEVELOPMENT ORDINANCE TO ADD PROVISIONS FOR ESTATE SALES IN RESIDENTIAL DISTRICTS: The ordinance was considered and passed on motion of Hammond, seconded by LaHue. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Hammond, Moore, Newlin, Monica, Lin. Nays---None.

6850 MAYOR'S REPORT: Mayor Rinehart commended the Police Department for receiving a Pedestrian Safety Citation in the American Automobile Association's 52nd Annual Pedestrian Safety Inventory. Leawood's low pedestrian death and injury rate, along with its activities in pedestrian safety and having reached 4 years without a pedestrian death, earned Leawood the award.

Leawood Emergency Preparedness Director Bettie Bridges and several staff members recently completed a program of study at the Mid-America Emergency Management Conference. Leawood has been commended several times because of its vigorous pursuit of emergency preparedness.

6927 DISCUSSION OF FUNDING FOR THE RECONSTRUCTION OF 93RD STREET, MISSION RD. TO ENSLEY: Staff recommended the project be funded from the 1991 General Fund contingency which would be "reimbursed" from 1992 funds allocated for street rehabilitation purposes. On motion of Rasmussen, seconded by Moore, Council accepted staff's recommendation; LaHue, Monica, Lin opposed; all others in favor.

7352 CONTRACT FOR THE 1991 STREET REHABILITATION PROGRAM: Councilmember Hammond moved to authorize the Mayor to sign a contract with the low bidder Bob Muehlberger Concrete Co. in the amount of \$652,430.27, seconded by Moore.

7540 END OF TAPE

TAPE NO. 228

Councilmember Hammond's motion carried unanimously.

- 39 AGREEMENT FOR RIGHT-OF-WAY APPRAISAL AND NEGOTIATION SERVICES FOR MISSION ROAD SIDEWALK IMPROVEMENTS, 89TH STREET TO 92ND STREET: Easements from 11 properties must be obtained. On motion of Moore, seconded by Hammond, Council authorized Public Works Director Brandt to sign an agreement with Right-of-Way Associates in the amount of \$6,600; Rasmussen opposed; all others in favor.
- 110 11:00 P.M. On motion of Moore, seconded by Hammond, Council unanimously voted to extend the meeting until 11:30 P.M.
- 119 ORDINANCE NO. 1238 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES L.I.D. 88-1-91J, PROJECT 113; TOMAHAWK CREEK PARKWAY; \$900,000: The ordinance was considered and passed on motion of Rasmussen, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Hammond, Moore, Newlin, Monica, Lin. Nays---None.
- 151 ORDINANCE NO. 1239 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 91K, PROJECT 117; LEE BOULEVARD IMPROVEMENTS, PHASE 1, 95TH STREET TO 103RD STREET; \$1,100,000: The ordinance was considered and passed on motion of Rasmussen, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Hammond, Moore, Newlin, Monica, Lin. Nays---None.
- 159 ORDINANCE NO. 1240 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 91L, PROJECT 125; LEE BOULEVARD IMPROVEMENTS, PHASE 2, 95TH STREET TO SOMERSET DRIVE; \$700,000: The ordinance was considered and passed on motion of Rasmussen, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Hammond, Moore, Newlin, Monica, Lin. Nays---None.
- 166 CONTRACT TO PERFORM 1991 AUDIT: On motion of Hammond, seconded by Rasmussen, Council unanimously awarded the contract to KPMG Peat Marwick in the amount of \$12,950.
- ADOPTION OF THE 1992 BUDGET: Councilmember Rasmussen moved to accept Option #4, Staff "B", seconded by Hammond; Moore, Monica, Lin opposed; all others in favor. \$15,269,993; 21.73 estimated mills (2.85 mill increase over 1991 budget adding less than \$59 per year to the "average" residential tax bill).
- 724 ORDINANCE NO. 1241 AUTHORIZING THE IMPROVEMENT OF 151ST STREET, A MAIN TRAFFICWAY, FROM NALL AVENUE TO THE EASTERN CITY LIMITS: The ordinance was considered and passed on motion of Hammond, seconded by Rasmussen. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Hammond, Moore, Newlin, Monica, Lin. Nays---None.
- 767 AGREEMENT FOR ENGINEERING SERVICES FOR STREET INVENTORY (RATING)

- UPDATE:** On motion of LaHue, seconded by Lin, Council authorized the Mayor to sign an agreement with Larkin Associates in the amount of \$6,970.00; Rasmussen, Monica opposed; all others in favor.
- 987 11:30 P.M. On motion of Moore, seconded by Hammond, Council unanimously voted to extend the meeting until 11:45 P.M.
- 1000 **CONTRACT FOR ENGINEERING SERVICES FOR MISSION ROAD BRIDGE OVER INDIAN CREEK:** To prepare construction plans and specifications for the relocation of a sanitary sewer located in the proposed bridge/roadway alignment. On motion of Rasmussen, seconded by Hammond, Council unanimously authorized execution of a contract with Ponzer-Youngquist, P.A., Consulting Engineers and Land Surveyors of Olathe, Kansas, in the amount of \$8,950.00
- 1012 **RESOLUTION NO. 1040 DECLARING INTENT TO REIMBURSE THE GENERAL FUND AND CAPITAL FUND FOR NEW CITY HALL EXPENDITURES FROM PROCEEDS OF TAX-EXEMPT LEASE REVENUE BONDS TO BE ISSUED BY THE PUBLIC BUILDING COMMISSION:** Adopted unanimously on motion of LaHue, seconded by Leahy. Attached as part of the record.
- 1042 **ORDINANCE NO. 1242 ACCEPTING AN EASEMENT FOR UTILITY PURPOSES** - from Daniel J. Schrock; Tract A, BSD Estates: The ordinance was considered and passed on motion of Hammond, seconded by Moore. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Hammond, Moore, Newlin, Monica, Lin. Nays---None.
- 1068 **ORDINANCE NO. 1243 ACCEPTING AN EASEMENT FOR DRAINAGE PURPOSES** - from Ronald and Penny Burton; Lot 973, LEAWOOD; for Somerset Dr. improvements, 83rd/Belinder: The ordinance was considered and passed on motion of Hammond, seconded by Moore. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Hammond, Moore, Newlin, Monica, Lin. Nays---None.
- 1106 **APPROVAL OF APPROPRIATION ORDINANCE NO. 668:** The ordinance was considered and passed on motion of Hammond, seconded by Rasmussen. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Hammond, Moore, Newlin, Monica, Lin. Nays---None.
- 1230 11:40 P.M. There being no further business before the Council, the meeting was adjourned.


Martha Heizer City Clerk

. MINUTES
REGULAR COUNCIL MEETING

Tape No. 229

- # 25 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., Tuesday, September 3, 1991. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Louis Rasmussen, Monique C.M. Leahy, Charles Hammond, Douglas Moore, Robert Newlin, Marsha Monica, and Jimmy Lin. Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; J. Stephen Cox, Police Chief; 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 S. Wetzler, City Attorney.

- 35 The agenda was approved unanimously on motion of Moore, seconded by Leahy.

CITIZEN COMMENTS: None.

- 45 PROCLAMATIONS: The Mayor proclaimed:
1. September 17-23, 1991, as "Constitution Week";
 2. September 23, 1991, as "Literacy Day";
 3. September 8-14, 1991, as "National Association of Women in Construction Week".

On August 31st at the Kehilath Israel Synagogue in Overland Park, the Mayor presented a Proclamation of Recognition and a Key to the City of Leawood to resident Harry G. Mallin in honor of his 90th birthday.

- 55 CONSENT AGENDA: Staff's response to a citizen's inquiry at the August 19th Council meeting regarding fees charged for copies of City records, Mertz Liquor Store's application to renew their retail liquor occupation license, and Change Order No. 1 for the 1991 Street Overlay Program were removed for further discussion. The following were approved unanimously on motion of Hammond, seconded by Rasmussen:
1. Minutes of the August 19, 1991 Council meeting;
 2. Arts Committee report on its August 29, 1991 meeting;
 3. Appointment of Jerry Underwood to the Public Building Commission to replace David Wolfram; term to expire May 1992;
 4. Resolution No. 1041 (attached as part of the record) approving the final plat of Wilshire, 132nd & Mission;
 5. Resolution No. 1042 (attached as part of the record) approving the final plat of Royse, 11th Plat;
 6. Pay Request No. 4 for \$249,863.08 to Suburban Contractors for Lee Blvd. improvements, Phase 2, 95th St./Somerset Dr.;
 7. Pay Request No. 1 for \$171,590.37 to Reno Construction for the 1991 Street Overlay Project;
 8. Pay Request for \$15,467.00 to Holland Corp. for repairs to trees and reseedling of Buffalo Grass along Tomahawk Creek Parkway (this payment due under terms of separate agreement between the City and Holland);
 9. Renewal of City's auto, general liability, property and public

officials insurance coverages for the period September 1, 1991 to September 1, 1992, with Sedgwick James of Missouri, Inc., for an annual premium of \$220,099;

10. Declaration of surplus property - various items from several departments to be offered for sale at the Olathe auction on September 14th, 1991;

11. Staff's response to resident Gordon Thomas' inquiries at the August 19th Council meeting regarding the sign ordinance.

At the August 19th Council meeting, resident Gordon Thomas asked why members of the press are not charged for Council agenda packets when the general public is charged \$.50 per page for copies of City records. Councilmember Monica stated she is not opposed to charging a fee for copies requested, but felt that \$.50 per page is excessive. The City Administrator explained that State law (Open Records Act) gives the City the authority to charge fees. A formula, which includes copy reproduction cost, employee time, and materials cost, was used to calculate the fee, which is actually in excess of \$.50 per page. This fee and research fees are set by City ordinance. Councilmember Hammond felt the fee is not excessive or unusual. Councilmember Rasmussen felt the press should be given press releases and Council packets at no charge, but should be charged for copies of other documents they request. The City Administrator stated that Council packets are available for inspection by the general public at City Hall. Councilmember Moore moved to accept staff's report and recommendation to continue the current policy, seconded by Hammond. Motion carried; Rasmussen, Monica opposed; all others in favor.

394 Council discussed Mertz Liquor Store's application to renew their retail liquor occupation license. The store is located at 2519 Somerset Dr. The owner requested the \$300 annual fee be waived because her business has been adversely affected by the street construction at Somerset Dr. & Lee Blvd. Councilmember Moore asked if the fee could be adjusted rather than waived. He is concerned about the economic impact the construction is having on the stores in the area. City Attorney Wetzler stated there is no provision for a waiver or adjustment of fees under any circumstances in the current ordinance. Councilmember Moore moved to approve the application (without waiver), seconded by Lin. Councilmember Hammond felt the City has to bear some responsibility for adverse economic conditions during the construction. Very little access to the shopping center was left, and he felt the City's actions had adversely impacted the area. The City Attorney stated that easements were obtained before the project was started, that provisions were made for access to remain open throughout the construction, and that staff had done all it could do to protect the interests of the store owners. Councilmember Moore's motion to approve the application carried unanimously.

769 After discussion of the poor pavement subgrade of a few streets involved in Reno Construction Co.'s 1991 Street Overlay Project which required additional deep milling and curb inlet repairs, Councilmember Moore moved to approve Change Order No. 1 in the amount of \$20,062.57, seconded by Hammond; motion carried unanimously.

816 MAYOR'S REPORT: The Mayor reported that real estate developer John

A. Kroh, Sr., who developed Leawood north of I-435 in the 1930's and 1940's, died August 23rd. By unanimous consent, the Community Relations Committee will be asked to make a recommendation on the manner in which the City can commemorate Mr. Kroh's contribution to the City.

Bettie Bridges, Leawood's Emergency Preparedness Coordinator, gave a status report on the City's emergency preparedness team and plan. To qualify for federal or state disaster assistance, a declaration or proclamation of emergency must be signed by an elected official. Councilmembers must decide the order in which they will be asked to sign that document if the Mayor is not available. The City Attorney is preparing an ordinance for Council consideration.

- 1305 DISCUSSION OF DRIVEWAY REPAIRS AT 2601 W. 98TH ST.: At the August 5th Council meeting, staff was directed to solicit bids for the repairs. Three were received - Prinds Masonry, \$8,210; Able Contracting, \$5,145; and Suburban Contractors, \$6,415. Councilmember Moore moved to approve the 3 options recommended by staff, seconded by Hammond. Motion carried; Lin opposed; all others in favor. The 3 options are: 1) the homeowners grant the required construction easements and Able Contracting perform the work; or 2) the homeowners grant the easements, Prinds Masonry (the homeowners' preference) performs the work, and the homeowners pay the difference between Prinds' price and Able's low bid; or 3) the homeowners refuse to grant the easements and the City retains Able to perform the portion of the work which can be completed within the public right-of-way.

- 1719 DISCUSSION OF A COUNTY-WIDE HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM: The Board of County Commissioners is studying the feasibility of establishing a permanent program beginning in 1993. They realize that the County alone cannot be the sole provider of this service, but feel that a program can be established through a partnership with cities. The BOCC is soliciting responses, input and proposals as to each city's willingness and commitment to participate and share in the financial impact of such a program.

Councilmember LaHue moved to support the concept of a County-wide household hazardous waste collection program, seconded by Moore and carried unanimously.

The Council did have 3 concerns they would like the BOCC to address: 1) what is an estimate of the cost in terms of total annual outlay for Leawood; 2) what are the avenues for enforcement to prevent household hazardous waste from being disposed of in trash and in the landfills; and 3) what is the expectation for use of volunteers and could volunteers' participation lessen the financial costs for the City.

- 2028 RESOLUTION NO. 1043 DIRECTING THE CITY CLERK TO PUBLISH A NOTICE OF HEARING ON PROPOSED ASSESSMENTS FOR THE TOMAHAWK CREEK PARKWAY PROJECT: Adopted unanimously on motion of Hammond, seconded by Lin. Attached as part of the record. The hearing will be held at 7:00 P.M., September 16, 1991, in the Council Chamber, for public comments on the proposed assessments to be levied to pay the cost of the improvement.

- 2114 ORDINANCE NO. 1244 ESTABLISHING THE 1992 ANNUAL ASSESSMENT FOR THE

- LEAWOOD SEWER SYSTEM:** The ordinance was considered and passed on motion of Hammond, seconded by Monica. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Hammond, Moore, Newlin, Monica, Lin. Nays---None.
- 2354 **SELECTION OF LEAGUE VOTING DELEGATES:** for the League of Kansas Municipalities 81st Annual City Conference to be held in Topeka, October 6-8. On motion of Moore, seconded by Hammond, Council unanimously selected Councilmembers Rasmussen and Leahy and City Administrator Garofano to be voting delegates and Councilmembers Lin and Newlin and Asst. City Administrator Baer to be alternates.
- 2523 **SELECTION OF 1991 CONGRESS OF CITIES VOTING DELEGATES:** for the National League of Cities Annual Congress of Cities meeting to be held in Las Vegas, December 12-16. On motion of Monica, seconded by Hammond, Council unanimously selected Councilmember Rasmussen as voting delegate and Councilmember Lin as alterate.
- 2569 **APPROVAL OF APPROPRIATION ORDINANCE NO. 669:** The ordinance was considered and passed on motion of Monica, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Hammond, Moore, Newlin, Monica, Lin. Nays---None.
- 2597 **EXECUTIVE SESSION:** Councilmember Lin moved to convene in executive session following Council's regular business for a period not to exceed 15 minutes to discuss matters of attorney-client privilege and possible acquisition of property, seconded by Moore. Motion carried; Hammond opposed; all others in favor.
- 2625 **OTHER BUSINESS:** Councilmember Rasmussen moved that the first Council meeting in October be held Tuesday, October 8th, due to the annual Kansas League of Municipalities meeting in Topeka, October 6-8; seconded by Monica. Motion carried; LaHue, Moore opposed; Lin abstained; all others (5) in favor.
- The City Administrator received a letter from Gerry Ray, Johnson County's Acting Community Development Coordinator, asking if the City wanted to continue participating with Johnson County in the Urban County CDBG entitlement program from which the County receives HUD funds for community development and housing assistance programs. On motion of Monica, seconded by Hammond, Council voted unanimously to continue participation in fiscal years 1992, 1993 and 1994.
- Councilmember Monica moved that at a work session in October, the Council discuss the matter of allowing the creation of new private streets in the City, seconded by Leahy. Motion carried; Rasmussen, Moore, Newlin opposed; all others (5) in favor.
- 3167 9:15 P.M. Council convened in executive session, same members present. 9:30 P.M. Council returned to regular session. There being no further business before the Council, the meeting was adjourned.


Martha Heizer City Clerk

MINUTES
PUBLIC HEARING

Tape No. 230

35 Minutes of a public hearing held at 7:00 P.M., Monday, September 16, 1991, in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas.

The purpose of the hearing was to hear public comment on proposed assessments to be levied to pay the cost of the construction of Tomahawk Creek Parkway.

Councilmembers present: Ronald LaHue, Monique C.M. Leahy, Charles Hammond, Douglas Moore, Robert Newlin, and Marsha Monica. Staff present: Richard Garofano, City Administrator; Harry Malnicof, Finance Director; Ronald Brandt, Director of Public Works; Martha Heizer, City Clerk; and Richard S. Wetzler, City Attorney.

Mayor Marcia Rinehart opened the hearing.

Marvin Rainey, attorney for property owner Julius D. Spears, made the following comments:

1. Mr. Spears feels the construction of curbs and gutters on both sides of Tomahawk Creek Parkway south of 119th St. probably increased the cost of the project. City staff indicated it was less expensive. Although never actually proven, he will accept their statement.

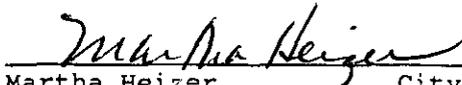
2. Any costs associated with the new City Hall site (115th & Tomahawk Creek Parkway) should not be levied against the improvement district; the City agreed. However, there is a medial crossover located at the proposed west entrance to the City Hall site. Mr. Rainey stated that City staff was not sure why the crossover is there, but it was not for City Hall, therefore, Mr. Spears has agreed to accept that its cost remain in the assessment.

3. The costs associated with College Blvd. improvements (approximately \$208,000) should not be assessed to the improvement district; the City agreed.

4. The petition creating the improvement district provided that property owners would dedicate right-of-way at no cost to the City, and Mr. Spears signed the petition on that assumption. Therefore, the \$74,240 right-of-way cost should be removed from the improvement district assessments and paid for by the City at large. (The right-of-way was acquired from Marshall Gordon through condemnation for the realignment of Tomahawk Creek Parkway and Mission Rd. at College Blvd.; Mr. Gordon did not sign the petition, therefore under no obligation to dedicate right-of-way.)

Mr. Spears will accept that the City Hall site and College Blvd. costs have been removed from the improvement district assessment calculations even though he has not had time to verify their deletion.

7:30 P.M. There being no further public comment, the hearing was closed.


Martha Heizer City Clerk

**MINUTES
REGULAR COUNCIL MEETING**

Tape No. 230

770 The City Council of the City of Leawood, Kansas, met in regular session in the Council Chamber, 9615 Lee Boulevard, at 7:35 P.M., Monday, September 16, 1991. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Monique C.M. Leahy, Charles Hammond, Douglas Moore, Robert Newlin, Marsha Monica. Councilmembers Louis Rasmussen and Jimmy Lin were absent. Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; Captain Sid Mitchell, Police Department; 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 S. Wetzler, City Attorney.

780 At the request of Councilmember Monica, Council will discuss traffic signalization at K-150 and Mission Rd. at the October 8, 1991 Council meeting.

911 The agenda was approved unanimously on motion of Moore, seconded by Hammond.

CITIZEN COMMENTS: None.

925 PROCLAMATIONS: The Mayor proclaimed:

1. October 1991 as "Domestic Violence Awareness Month";
2. September 15-21, 1991 as "Rehabilitation Week";
3. October 6-12, 1991 as "Respiratory Care Week".

A proclamation relating to drug prevention proclaiming October 19-27, 1991, as "Red Ribbon Week", and a proclamation commending Shawnee Mission "Just Say No" Clubs, were presented to Leawood resident Nancy Burke who represented Brookwood School.

960 CONSENT AGENDA: The Public Safety Committee report and staff's request for authorization to revise ordinances relating to committees were removed for further discussion. The following were approved unanimously on motion of Hammond, seconded by Leahy:

1. Minutes of the September 3, 1991 Council meeting;
2. Departmental reports;
3. Pay Request No. 1 for \$23,000 to George Shaw Construction Co. for pond stabilization on Tomahawk Creek Greenway;
4. Appointment of Dr. William A. Geiger as Leawood's representative on the Eldernet Para-Transit Council;
5. Proposal from Abend Singleton Associates to prepare construction drawings for City entrance monuments at a cost not to exceed \$1500 (it is anticipated that the first monument will be constructed in conjunction with the improvements to Somerset Dr. & Lee Blvd.);
6. Proposal from Recreation Ventures Management, Inc. to develop a strategic action program for the Parks and Recreation Department at a cost not to exceed \$4200 (comprehensive review of recreation programming operations to be completed in early January 1992);
7. Assignment to Public Works Committee to investigate the possibility of vacating a portion of the Mission Rd. right-of-way between 119th St. and 127th St. (City has 50 feet of right-of-way behind the east curb line it may not need).

The Public Safety Committee requested that the issue of regulating alarm companies be assigned to them for study. Councilmember Moore questioned assigning any further matters to the Public Safety Committee since staff was requesting that Council authorize revision of City ordinances to change the Public Safety Committee from a standing committee to an ad hoc committee. The Mayor stated that a revised ordinance would not take effect until April 1992. Mr. Moore, therefore, moved to authorize the ordinance revision, seconded by Hammond; unanimous.

At their September 12, 1991 meeting, the Public Safety Committee discussed the feasibility and desirability of various means of regulating alarm companies and installers as a way to protect the public from fly-by-night companies and to decrease the occurrence of false alarms overall, since they represent a tremendous drain on police resources. The Mayor expressed concern that the City might possibly become involved in regulating all contractors conducting business in the City. Councilmember Hammond stated regulation of this nature could create liability that the City wouldn't otherwise have. Mr. Hammond moved that staff review regulation of alarm companies before Council considers such an assignment to the Public Safety Committee, and report at the October 21st Council meeting, seconded by Moore; unanimous.

1151 REQUEST FOR A SPECIAL USE PERMIT BY MAYFLOWER CONTRACT SERVICES FOR A TEMPORARY BUILDING AND SCHOOL BUS PARKING LOT LOCATED AT APPROXIMATELY 143RD AND STATE LINE: The applicant had applied for Lots 24 and 25 of Bi-State Business Park. Applicant also needed part of Lot 23, but inadvertently omitted it from the application. The City Attorney stated that if Lot 23 was not part of the site plan presented to the Plan Commission, then Lot 23 could not be approved by the Council, and the matter would have to be remanded to the Plan Commission.

Councilmember Moore noted that the application indicated the special use was for an indefinite period of time while staff's review fact sheet stated 3 years. Planning Director McKay stated that a permit for a special use would be issued for 2 years only in accordance with the zoning ordinance. He stated that the notification of the request for the special use as published in the official City newspaper showed Lots 24 and 25 only. On that basis, Councilmember Hammond moved to remand the matter to the Plan Commission to correct the description in the application and to correct the permit period, seconded by LaHue. Motion failed; LaHue, Leahy, Hammond in favor; Moore, Newlin, Monica opposed; Mayor opposed.

1650 Councilmember Moore moved to approve the permit with the recommended stipulations and with the following changes, seconded by Newlin:

1. the permit be granted for 2 years; and
2. it is understood the permit is based upon the site plan regardless of the question of Lot 23 based on the fact that Lots 23, 24, and 25 are owned by the same company, they have the same zoning, and that all of the information was thought to have been correct in the beginning.

Motion carried; LaHue opposed; all others in favor.

1746 MAYOR'S REPORT: The Mayor commended the Recreation Department for sponsoring a very successful Labor Day Run in Leewood; \$4800 was raised for the All Children's Playground at Leewood Park.

Councilmember Rasmussen, selected at the last Council meeting to be the City's voting delegate at the National League of Cities

Conference in Las Vegas in December, will not be able to attend the Conference. Councilmember Lin will be the voting delegate if he attends.

Bettie Bridges, Leawood's Emergency Preparedness Coordinator, is a volunteer at Somerset School for Seniors Serving Schools. She is 1 of 4 volunteers in the metropolitan area selected to go to Orlando, Florida for the "1000 (Daily) Points of Light" which will be attended by President and Mrs. Bush.

A delegation of 16-20 from Leawood's Sister City I-Lan, Taiwan, will visit October 14-16.

1883 ACTIONS TO INITIATE BID PROCESS FOR NEW CITY HALL PROJECT:

Councilmember Hammond moved that Council request the Public Building Commission do the following, seconded by LaHue:

1. authorize the architects to complete the construction drawings of the new City Hall to include a provision for unfinished lower level walkout space;

2. initiate the bid process as soon as possible upon completion of the construction drawings, and retain the ability to negotiate with the chosen bidder as to the final construction elements of the project;

3. prepare and present a cooperative agreement between the City and the PBC to provide for administrative, financial accounting and funding support by the City prior to the issuance of bonds by the PBC and continued administrative and financial accounting support by the City throughout the duration of the lease agreement between the City and the PBC.

Council discussed the bidding process. Councilmember Newlin moved to amend the motion to change "chosen" bidder in #2 above to "any" bidder because he feels there's a high likelihood that the difference between a project with a walkout basement and a project without one could be different on all bids and could result in a different chosen bidder. Motion died for lack of a second. The Mayor stated that the City could negotiate with the chosen bidder to do the work without the basement so the project wouldn't have to be rebid. Mr. Newlin didn't feel this was the intent of what was discussed at the September 9th work session.

Councilmember Hammond's motion carried; Newlin opposed; all others in favor.

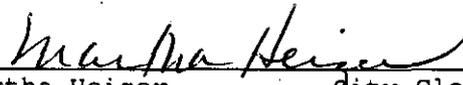
2390 ORDINANCE NO. 1245 LEVYING ASSESSMENTS FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING TOMAHAWK CREEK PARKWAY:

Councilmember Monica moved to pass the ordinance and levy the assessments except that the \$74,240 right-of-way cost shall not be levied against the improvement district but paid for by the City at large, seconded by Newlin. On roll call the vote was: Yeas---LaHue, Leahy, Hammond, Moore, Newlin, Monica. Nays---None.

2532 PRELIMINARY ENGINEERING REPORT FOR MISSION ROAD IMPROVEMENTS,

103RD/COLLEGE: Johnson, Brickel, Mulcahy & Associates presented their report to the Council at the September 9th work session. The roadway grade was set at the 100-year flood elevation. The Council, however, had voted November 20, 1989, to build the roadway no lower than the 25-year flood elevation. Councilmember Moore moved to defer acceptance of the report until the engineers have revised the cost estimate for construction at the 25-year level, seconded by Newlin. Motion carried; Hammond opposed; all others in favor.

- 2775 AGREEMENT FOR ENGINEERING CONSTRUCTION INSPECTION SERVICES FOR THE 1991 STREET REHABILITATION PROJECT: On motion of Hammond, seconded by Moore, Council unanimously approved the agreement with Continental Consulting Engineers in the amount of \$20,000.
- 2854 ORDINANCE NO. 1246C ADOPTING THE 1991 EDITION OF THE "STANDARD TRAFFIC ORDINANCE": The ordinance was considered and passed on motion of Leahy, seconded by Moore. On roll call the vote was: Yeas---LaHue, Leahy, Moore, Newlin, Monica. Nays---None. Hammond was not present for the vote.
- 2868 ORDINANCE NO. 1247C ADOPTING THE 1991 EDITION OF THE "UNIFORM PUBLIC OFFENSE CODE": Councilmember Leahy moved to pass the ordinance, seconded by Moore. Moore moved to amend the motion to delete any amendment to Sec. 10.13 of the Public Offense Code relating to barbed wire, seconded by Hammond. Motion to amend carried; Leahy opposed; all others in favor. On roll call to pass the ordinance as amended, the vote was: Yeas---LaHue, Leahy, Hammond, Moore, Newlin, Monica. Nays---None. Staff will review the Public Offense Code and zoning ordinances for conflicts relating to barbed wire.
- 3121 ORDINANCE NO. 1248C AMENDING SECTION 11-201 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO PENALTIES FOR PUBLIC OFFENSE LOCAL PROVISIONS: The ordinance was considered and passed on motion of Moore, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Leahy, Hammond, Moore, Newlin, Monica. Nays---None.
- 3135 RETIREMENT OF LEAGUE OF KANSAS MUNICIPALITIES EXECUTIVE DIRECTOR: Ernie Mosher will retire December 31st after 31 years of service to the League. Councilmember LaHue moved to contribute \$250 towards the cost of a gift, seconded by Monica. Motion carried; LaHue, Newlin, Monica in favor; Leahy, Hammond, Moore opposed; Mayor in favor.
- 3253 APPROVAL OF APPROPRIATION ORDINANCE NO. 670: The ordinance was considered and passed on motion of Moore, seconded by Monica. On roll call the vote was: Yeas---LaHue, Leahy, Hammond, Moore, Newlin, Monica. Nays---None.
- 3280 8:50 P.M. There being no further business before the Council, the meeting was adjourned.



Martha Heizer City Clerk

**MINUTES
REGULAR COUNCIL MEETING**

Tape No. 231

- # 30 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., Tuesday, October 8, 1991. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Louis Rasmussen, Monique C.M. Leahy, Charles Hammond, Robert Newlin, Marsha Monica, and Jimmy Lin. Councilmember Douglas Moore was absent. * Councilmember Hammond left the meeting approximately 10:30 P.M. Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; Captain Ron Anderson, Police Department; 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 S. Wetzler, City Attorney.

- 50 The agenda was approved unanimously on motion of Lin, seconded by Hammond after addition of 1) discussion of a traffic island at 80th and Meadow Lane, and 2) discussion of City entrance signs (monuments).
- 80 CITIZEN COMMENTS: Dale Putman, 8405 Reinhardt Lane, requested, on behalf of the Cloisters Homes Association, that the Council consider changing the hours of 10:00 a.m. to 9:00 p.m. daily during which door-to-door solicitation is permitted. The Association feels that 9:00 is unreasonably late, particularly during months when it is dark before 9:00. Some residents, especially elderly women who live alone, feel intimidated, fearful of refusing solicitors' requests at night. The request was referred to staff.
- 247 RESOLUTION OF SYMPATHY: Adopted by unanimous consent in memory of the late R.G. Bentrup, first mayor of Leawood. Attached as part of the record.
- 271 PROCLAMATIONS: The Mayor proclaimed:
1. October 1991, as "International Studies Month";
 2. October 10, 1991, as "Republic of China on Taiwan" Day;
 3. October 6-12, 1991, as "Fire Prevention Week".
- 285 CONSENT AGENDA: The Mayor's appointment of an American Disabilities Act Task Force was removed for further discussion. The following were approved unanimously on motion of Hammond, seconded by LaHue:
1. Minutes of the September 16, 1991 Public Hearing on proposed assessments to be levied to pay the cost of construction of Tomahawk Creek Parkway;
 2. Minutes of the September 16, 1991 Council meeting;
 3. Pay Request No. 1 for \$182,201.60 to Holland Corp. for 151st St. Rehabilitation project;
 4. Pay Request No. 5 for \$131,801.32 to Suburban Contractors for Lee Blvd. improvements, Phase 2, 95th St. to Somerset Dr.

Councilmember Rasmussen felt perhaps too many staff members were being appointed to the American Disabilities Act (ADA) Task Force, and would be tied up with the Task Force's responsibility for determining

the steps required to bring the City into compliance with the American Disabilities Act. The City Administrator stated that staff members whose departments offer programs or who are in some way involved with people with disabilities were being asked to serve on the Task Force. Given the comprehensive nature of the Act, the City needs to cover all bases in terms of programs/services offered to ensure that they are designed to be accessible to the disabled. On motion of Hammond, seconded by Rasmussen, Council unanimously approved appointment of the Task Force - Julie Baer (administrative staff) as chairman, Jerry Strack (fire staff), David Slade (police staff), Scott Whitaker (recreation staff), residents Margie Markine and Carol Arms, and Councilmember Ronald LaHue.

383 RESOLUTION NO. 1044 APPROVING SPECIAL USE PERMIT, PRELIMINARY PLAT, FINAL PLAT, PRELIMINARY SITE PLAN AND FINAL SITE PLAN FOR BLUE VALLEY SCHOOLS #6 AND #14 (ELEMENTARY AND MIDDLE) AT 143RD & MISSION RD.:

3848 Adopted unanimously on motion of LaHue, seconded by Newlin. Attached as part of the record.

4034 9:35 P.M. Recess.

9:40 P.M. Council returned to regular session.

ORDINANCE NO. 1249 AMENDING SECTION 3-15 (FLOOD HAZARD OVERLAY DISTRICT) OF THE LEAWOOD DEVELOPMENT ORDINANCE: Amendments required to comply with Federal Insurance Administration revisions, including new flood plain maps which became effective September 27, 1991, and revision of definitions. Staff also added a new City Flood Plain which encompasses areas subject to the 100-year flood but which are not included in the federal flood plain to give the City authority to require certain improvements for the safety of inhabitants in those areas. The ordinance was considered and passed on motion of Leahy, seconded by Monica. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Newlin, Monica, Lin. Nays---None. Councilmember Hammond was not present for the vote.

4169 MAYOR'S REPORT: Mayor Rinehart reported that U.S. Representative Jan Meyers had requested funding for the Nall Ave./I-435 interchange in Overland Park and for State Line Rd. improvements in a federal authorization bill. Funding for the interchange was retained in the bill this year because it appeared the interchange was closer than State Line to being constructed. State Line will not be federally funded this year. There is a possibility that Mrs. Meyers can place State Line funding in next year's appropriation request.

4422 DISCUSSION OF INTERSECTION IMPROVEMENTS AT 101ST ST. AND MOHAWK LANE: At the January 7, 1991 Council meeting, Council authorized the final design for the 1st of 3 improvement alternatives - construction of a traditional "T" intersection with a right turn lane for southbound traffic and a small island for the Leawood Estates Homes Association to maintain. However, alternative #3, a standard "T" intersection, was given to Continental Consulting Engineers to design. The error was not discovered until after construction of #3 had started. When directed

to stop the construction and redesign for alternative #1, the engineers stated #1 was not a good design and they could not approve it.

Alternative #2 would provide an island for landscaping and a 1-direction right turn lane, but homeowners will not accept this alternative because the island would be too large to maintain.

Councilmember Lin moved for approval of alternative #3, as recommended by the Public Works Director, which is the safest design with a standard "T" intersection, and with an extension of one homeowner's property instead of an island; motion seconded by Monica and carried; LaHue opposed; all others in favor.

* Councilmember Hammond left the meeting approximately 10:30 P.M.

5865 DISCUSSION OF TRAFFIC SIGNALIZATION AT K-150 AND MISSION RD.: Staff recommended signalizing at the time K-150 is improved in early 1993. A temporary signal at this time would be expensive, approximately \$50,000, and would be operational for just a short period of time before K-150 improvements are started. Discussion of traffic accidents.

6538 Councilmember Rasmussen moved to authorize staff to proceed as quickly as possible with signalization at the intersection, utilizing the least expensive alternatives available, and taking into consideration the ultimate construction of K-150; seconded by Monica;

7192 unanimous. Staff will review alternatives with KDOT and inform the Council under what conditions signalization can be done.

7223 DISCUSSION OF SISTER CITY VISIT: Asst. City Administrator Baer reported that an American visa, either for an individual member of the I-Lan, Taiwan delegation or for the entire group, may have been denied. Staff is proceeding with plans with the assumption that a delegation will arrive October 14th, since a visa can be issued the same day as departure. Councilmember Newlin reported on planned events. (continued below, #292)

7535 END OF TAPE

Tape No. 232

148 11:00 P.M. On motion of Newlin, seconded by Monica, Council unanimously extended the meeting 30 minutes.

292 On motion of Newlin, seconded by Leahy, Council unanimously authorized the expenditure of (approximately) \$3500 to pay expenses incurred during the delegation's visit.

322 DISCUSSION OF A STONE TRAFFIC ISLAND IN CUL-DE-SAC AT 80TH & MEADOW LANE: Staff proposed to reduce the size of the island to make it easier for vehicles, especially snow plows, to move around it, and to use concrete curbing instead of replacing the stone to minimize maintenance. Residents petitioned for a stone curb.

484 Councilmember LaHue moved to replace the curb of the reduced island with stone similar to that used on other improvements in the

- area and on Lee Blvd. improvements, seconded by Lin. Dr. LaHue moved to amend his motion to add that staff report back to the Council on the costs of concrete and stone, seconded by Leahy; motion to amend carried unanimously. The main motion as amended failed; LaHue, Lin, Newlin in favor; Monica, Rasmussen, Leahy opposed; Mayor opposed.
- 651 Councilmember LaHue moved to direct the Public Works Director to report back to the Council with costs and have pictures of concrete and stone alternatives available, seconded by Leahy; unanimous.
- 674 DISCUSSION OF CITY ENTRANCE SIGNAGE (MONUMENTS): Councilmember Rasmussen was concerned about the number of monument locations (19) and the total estimated cost of \$238,000 reported in a recent newspaper article. Many residents wrote to the Governing Body or called the Action Line to express their opposition to the monuments. The Community Relations and Arts Committees have been studying City entrance signs for several years. No final decisions have been made. It has always been the intent that this project, as an "art" project, be a fund-raising project, not tax-based. Council committed only to the completion of construction drawings at the September 16th Council meeting since it was the intent to have materials and design consistent throughout the City. The only monument that might possibly be tax-based, if constructed, would be one in conjunction with the Somerset Dr. and Lee Blvd. intersection improvements. Councilmember Newlin felt the newspaper article was misleading and needed to be clarified.
- 926 11:30 P.M. On motion of Lin, seconded by Monica, Council unanimously extended the meeting 15 minutes.
- 939 ENGINEERING PROPOSAL FOR DESIGN OF SCHOOL CROSSING SIGNAL AT 119TH & HIGH DR.: On motion of Monica, seconded by Leahy, Council authorized the Mayor to sign the proposal of Continental Consulting Engineers in an amount not to exceed \$4,130.00; Lin opposed; Rasmussen abstained; all others (4) in favor.
- 1108 ENGINEERING PROPOSAL FOR DESIGN OF SIDEWALKS, NORTH SIDE OF 119TH ST., STATE LINE RD. TO MISSION RD.: On motion of Rasmussen, seconded by Monica, Council unanimously authorized the Mayor to sign the proposal of Continental Consulting Engineers in an amount not to exceed \$9,160.00.
- 1190 AUTHORIZE PAYMENTS TO PROPERTY OWNERS FOR EASEMENTS REQUIRED FOR SIDEWALK CONSTRUCTION ON MISSION RD., 89TH ST. TO 92ND ST.: Councilmember Monica moved to authorize payments totaling \$2,393.00 to 9 properties, seconded by LaHue; Rasmussen opposed; all others (5) in favor.
- 1206 RESOLUTION NO. 1045 AUTHORIZING A SURVEY AND DESCRIPTION OF LAND AND INTEREST TO BE CONDEMNED FOR SIDEWALK CONSTRUCTION ON MISSION RD., 89TH ST. TO 92ND ST.: Parcels of land to be taken by eminent domain at 8905 Mission Rd. and 3528 W. 92nd St. Resolution adopted on motion of Monica, seconded by LaHue; Rasmussen opposed; all others (5) in favor. Attached as part of the record.

- 1241 ORDINANCE NO. 1250 AUTHORIZING AND PROVIDING FOR ACQUISITION OF LAND FOR SIDEWALK CONSTRUCTION ON MISSION RD., 89TH ST. TO 92ND ST.: Parcels of land to be condemned - west 4 feet of Lot 1225, Leawood subdivision, 8905 Mission Rd.; and west 4 feet of Lot 1234, Leawood subdivision, 3528 W. 92nd St. The ordinance was considered and passed on motion of Monica, seconded by LaHue. On roll call the vote was: Yeas---LaHue, Leahy, Newlin, Monica, Lin. Nays---Rasmussen.
- 1258 COOPERATION AGREEMENT WITH JOHNSON COUNTY TO CONTINUE PARTICIPATION IN THE FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM: Several Councilmembers were concerned about the section requiring the City to have policies stating that it will not use excessive force against non-violent civil rights demonstrators, and will enforce state and local laws to ensure that entrances and exits to facilities are not blocked by civil rights demonstrators. The City Administrator will ask the County for further information.
- 1374 11:45 P.M. On motion of Rasmussen, seconded by Newlin, Council unanimously extended the meeting 15 minutes.
- ORDINANCE NO. 1251 AUTHORIZING THE ISSUANCE OF TEMPORARY NOTES; SERIES 91P, PROJECT 118; POLICE/COURT BLDG. & FIRE STATION NO. 1 REMODELING PROJECT; \$200,000: The ordinance was considered and passed on motion of Rasmussen, seconded by Leahy. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Newlin, Monica, Lin. Nays---None.
- 1399 ORDINANCE NO. 1252 AUTHORIZING THE ISSUANCE OF TEMPORARY NOTES; SERIES L.I.D. 88-1-91M, PROJECT 113; TOMAHAWK CREEK PARKWAY; \$1,800,000: The ordinance was considered and passed on motion of Leahy, seconded by Rasmussen. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Newlin, Monica, Lin. Nays---None.
- 1413 ORDINANCE NO. 1253 AUTHORIZING THE ISSUANCE OF TEMPORARY NOTES; SERIES 91N, PROJECT 114; SOMERSET DR., SAGAMORE-BELINDER (SOMERSET & LEE INTERSECTION IMPROVEMENTS); \$200,000: The ordinance was considered and passed on motion of Leahy, seconded by LaHue. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Newlin, Monica, Lin. Nays---None.
- 1425 ORDINANCE NO. 1254 AUTHORIZING THE ISSUANCE OF TEMPORARY NOTES; SERIES 91Q, PROJECT 115; MISSION RD. IMPROVEMENTS, 103RD ST. TO COLLEGE BLVD.; \$200,000: The ordinance was considered and passed on motion of Leahy, seconded by LaHue. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Newlin, Monica, Lin. Nays---None.
- 1436 ORDINANCE NO. 1255 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 91S, PROJECT 117; LEE BLVD. IMPROVEMENTS, PHASE 1, 95TH ST. TO 103RD ST.; \$400,000: The ordinance was considered and passed on motion of Leahy, seconded by LaHue. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Newlin, Monica, Lin. Nays---None.
- 1446 ORDINANCE NO. 1256 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 91R, PROJECT 119; 119TH ST. IMPROVEMENTS, STATE LINE RD. TO MISSION RD.:

- \$600,000: The ordinance was considered and passed on motion of Leahy, seconded by Rasmussen. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Newlin, Monica, Lin. Nays---None.
- 1457 ORDINANCE NO. 1257 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 91T, PROJECT 127; 151ST ST. IMPROVEMENTS, NALL TO EAST CITY LIMITS; \$200,000: The ordinance was considered and passed on motion of Leahy, seconded by Rasmussen. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Newlin, Monica, Lin. Nays---None.
- 1466 ORDINANCE NO. 1258 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 91V, PROJECT 121; SOMERSET DR. IMPROVEMENTS, BELINDER-WENONGA; \$100,000: The ordinance was considered and passed on motion of Leahy, seconded by Rasmussen. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Newlin, Monica, Lin. Nays---None.
- 1478 ORDINANCE NO. 1259 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 91U, PROJECT 124; K-150 IMPROVEMENTS, STATE LINE RD. TO NALL; \$300,000: The ordinance was considered and passed on motion of Leahy, seconded by Rasmussen. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Newlin, Monica, Lin. Nays---None.
- 1488 ORDINANCE NO. 1260C AMENDING SECTION 11-606 OF THE CODE OF THE CITY OF LEAWOOD PROVIDING PENALTIES FOR DRUG OFFENSES: The ordinance was considered and passed on motion of Rasmussen, seconded by Leahy. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Newlin, Monica, Lin. Nays---None.
- 1500 APPROVAL OF APPROPRIATION ORDINANCE NO. 671: The ordinance was considered and passed on motion of Leahy, seconded by Rasmussen. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Newlin, Monica, Lin. Nays---None.
- 1512 OTHER BUSINESS: Councilmember Leahy moved that staff continue making minor decisions about the new City Hall design and keeping the Council informed by memo, seconded by LaHue; unanimous.
- 1715 11:55 P.M. There being no further business before the Council, the meeting was adjourned.


Martha Heizer City Clerk

**MINUTES
REGULAR COUNCIL MEETING**

Tape No. 233

- # 21 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, October 21, 1991. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Monique C.M. Leahy, Charles Hammond, Douglas Moore, Robert Newlin, Marsha Monica. Councilmember Louis Rasmussen was absent. * Councilmember Jimmy Lin arrived at 7:40 P.M. Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; J. Stephen Cox, Police Chief; 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 S. Wetzler, City Attorney.

- 30 The agenda was approved unanimously on motion of Monica, seconded by Moore, after addition of an executive session to discuss a matter under attorney-client privilege and a personnel matter.

- 64 PRESENTATION OF LEAGUE OF KANSAS MUNICIPALITIES SERVICE AWARDS TO CITY EMPLOYEES: Awards were presented to employees celebrating 10 and 11 years of service to the City.

CITIZEN COMMENTS: None.

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

1. Minutes of the October 8, 1991 Council meeting;
2. Public Works Committee report on its October 3, 1991 meeting;
3. Departmental reports;
4. Contract with Thompson Building Services in the amount of \$12,600 for 1992 janitorial services;
5. Change Order No. 1; \$7,354.84 increase in the contract with George Shaw Construction Co. for pond stabilization on Tomahawk Creek Greenway; additional bentonite required on north pond to provide adequate permeability;
6. Pay Request No. 1 for \$141,953.32 to Bob Muehlberger Concrete Co. for 1991 Street Rehabilitation.

- 245 MAYOR'S REPORT:

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

The Mayor thanked the staff for their efforts in planning activities for the Sister City I-Lan, Taiwan, delegation visit October 14-16. Special recognition to Councilmembers Robert Newlin and Monique Leahy (members of the Community Relations Committee), Asst. City Administrator Julie Baer, and Councilmember Jimmy Lin for their assistance.

- 429 TRAFFIC ISLAND ON CUL-DE-SAC AT 80TH & MEADOW LANE: At the October 8th Council meeting, staff was directed to report at tonight's meeting on

the costs of concrete vs. stone for the island and have pictures of the 2 alternatives available. After discussion, Councilmember Moore moved that the island be of grouted stone (with stone curbing), similar to islands constructed as part of the Lee Blvd. improvement project, cost approximately \$2500; motion seconded by Hammond and carried; Monica opposed; all others in favor.

- 686 COOPERATION AGREEMENT WITH JOHNSON COUNTY TO CONTINUE PARTICIPATION IN THE FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM: Action on this matter was postponed from the October 8th Council meeting pending clarification of a requirement that the City adopt certain policies relating to non-violent civil rights demonstrations. On motion of Leahy, seconded by LaHue, Council unanimously approved the agreement for federal fiscal years 1992 through 1994 on the condition that the City's existing policies relating to non-violent civil rights demonstrations referred to on page 4 of the agreement, #9 (Civil Rights Policies), do fulfill federal requirements set forth in the National Affordable Housing Act of 1990.
- 781 AMENDMENT TO INTERLOCAL AGREEMENT WITH JOHNSON COUNTY FOR C.A.R.S. FUNDING OF K-150 IMPROVEMENTS, STATE LINE TO NALL: On motion of Monica, seconded by Lin, Council unanimously approved the amendment which raises the funding limits for 1992 from \$500,000 to \$1,000,000.
- 799 DISCUSSION OF ASSESSMENTS TO PAY COSTS OF SIDEWALK CONSTRUCTION ON NORTH SIDE OF 119TH STREET, STATE LINE TO MISSION: At the October 8th Council meeting, Council authorized design of the sidewalk. Three properties abut the sidewalk - The Church of the Nativity, John Moffitt tract, and Hallbrook Farms subdivision. The Church and Hallbrook have contributed towards the cost of the sidewalk abutting their properties. City ordinances define procedures by which the City can construct a sidewalk and assess the costs to abutting property owners, or by which those property owners can construct a sidewalk at their own expense. The cost of the sidewalk abutting the Moffitt tract is approximately \$8500.
Councilmember Moore moved that the sidewalk be installed and that the procedure for assessing Mr. Moffitt the cost of construction abutting his tract be started, seconded by Hammond. Motion carried; Monica, Lin opposed; all others in favor.
- 1336 BID FOR STREET LIGHTING SYSTEM ON LEE BOULEVARD, 95TH ST. TO 103RD ST.: On motion of Monica, seconded by Hammond, Council unanimously approved the low bid of Total Electric Construction Co. in the amount of \$111,321.45 for construction of the system.
- 1528 RESOLUTION NO. 1046 AUTHORIZING THE SALE OF \$5,143,000 GENERAL OBLIGATION BONDS TO PAY COSTS OF IMPROVEMENTS OF LEE BOULEVARD (PHASE 1), TOMAHAWK CREEK PARKWAY, AND 119TH STREET (STATE LINE TO MISSION); AND APPROVING THE FORM OF NOTICE OF BOND SALE AND PRELIMINARY OFFICIAL STATEMENT: Adopted unanimously on motion of Hammond, seconded by Monica. Attached as part of the record.
- 1542 WORK SESSION SCHEDULE: Work sessions will be held November 4th at 5:30

P.M., November 11th at 6:00 P.M., and November 18th at 5:30 P.M.

- 1864 ORDINANCE NO. 1261 ACCEPTING EASEMENTS FOR STREET PURPOSES - from Hallbrook Farms Associates, L.P., to provide public access from 2 outparcels to the public street Overbrook on Hallbrook Farms Clubhouse Plat: The ordinance was considered and passed on motion of Hammond, seconded by Leahy. On roll call the vote was: Yeas---LaHue, Leahy, Hammond, Moore, Newlin, Monica, Lin. Nays---None.
- 1935 APPROVAL OF APPROPRIATION ORDINANCE NO. 672: The ordinance was considered and passed on motion of Monica, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Leahy, Hammond, Moore, Newlin, Monica, Lin. Nays---None.
- 1992 OTHER BUSINESS: Councilmember Moore commented on a letter from the Linwood Garden Club stating they will no longer be able to maintain the cemetery at Ranchmart Shopping Center. Victor Regnier, owner of the shopping center, owns the cemetery, and the Planning Department will write him a letter advising that the City expects him to continue cemetery maintenance.
- 2172 EXECUTIVE SESSION: On motion of Monica, seconded by Moore, Council voted unanimously to convene in executive session for 30 minutes to discuss a personnel matter and a matter under attorney-client privilege.
- 2195 8:45 P.M. Council convened in executive session, same members present. 9:15 P.M. Council returned to regular session, same members present, and on motion of Moore, seconded by Leahy, voted unanimously to reconvene in executive session another 30 minutes to discuss the same matters.
- 2205 9:45 P.M. Council returned to regular session, same members present, and on motion of Moore, seconded by LaHue, voted to reconvene in executive session for another 15 minutes to discuss the same matters; Monica, Hammond opposed; all others in favor.
- 2214 10:00 P.M. Council returned to regular session. There being no further business before the Council, the meeting was adjourned.


Martha Heizer City Clerk

**MINUTES
REGULAR COUNCIL MEETING**

Tape No. 234

- # 35 The City Council of the City of Leawood, Kansas, met in regular session in the Council Chamber, 9615 Lee Boulevard, at 7:35 P.M., Monday, November 4, 1991. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Monique C.M. Leahy, Charles Hammond, Douglas Moore, Robert Newlin, Marsha Monica. Councilmember Louis Rasmussen was absent. * Councilmember Jimmy Lin arrived at 7:45 P.M. Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; J. Stephen Cox, Police Chief; Ronald Brandt, Director of Public Works; Robert McKay, Director of Planning & Development; Jerry Strack, Fire Chief; Martha Heizer, City Clerk; and Richard S. Wetzler, City Attorney.

- 43 The agenda was approved unanimously on motion of Hammond, seconded by Moore.

CITIZEN COMMENTS: None.

- 57 CONSENT AGENDA: A pay request from the City of Overland Park for Nall Ave. improvements, 135th St. to one-half mile south of 151st St., was removed for further discussion. The following were approved unanimously on motion of Moore, seconded by Hammond:

1. Minutes of the October 21, 1991 Council meeting;
2. Application to renew Cereal Malt Beverage License - Hy-Vee Food Stores, 12200 State Line Rd.;
3. Purchase of 2 defibrillators for Fire Department for \$9,737.50;
4. Pay Request No. 6 for \$141,605.59 to Suburban Contractors for Lee Blvd. improvements, Phase 2, 95th St. to Somerset Dr.

After discussion about the quality of work of the Nall Ave. asphaltic overlay, 135th St. to one-half mile south of 151st St., a pay request for \$30,943.32 to the City of Overland Park was approved on motion of Moore, seconded by Hammond; Monica opposed; all others in favor.

- 127 ACCEPTANCE OF PRELIMINARY ENGINEERING REPORT ON MISSION ROAD IMPROVEMENTS, 103RD ST. TO COLLEGE BLVD.: The roadway grade south of I-435 in the area of Longwood Forest Estates appeared in the report to be at the 100-year flood level. At the September 16, 1991 Council meeting, acceptance of the report was postponed until the engineers prepared a revised cost estimate for construction of the roadway at the 25-year flood level as approved by the Council on November 20, 1989. The engineers, Johnson, Brickell, Mulcahy & Associates, reviewed the report; the grade is in fact set at the 25-year flood elevation. On motion of Hammond, seconded by Moore, Council unanimously accepted the preliminary report.

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

- 150 LAND CONVEYANCE AGREEMENT FOR CONSTRUCTION OF A CITY HALL AND BRANCH LIBRARY FACILITY: On motion of Hammond, seconded by Leahy, Council

unanimously approved an agreement with the Marned Corp. by which the Corp. will convey approximately 15 acres of land in the area of 117th & Roe to the City for the purpose of constructing a city hall and branch library facility.

- 449 SUPPLEMENTAL AGREEMENT FOR THE DESIGN OF TEMPORARY TRAFFIC SIGNALS AT K-150 & MISSION RD.: On motion of Monica, seconded by Hammond, Council unanimously approved the supplemental agreement to the contract with Howard, Needles, Tammen & Bergendoff (design engineers for the K-150 improvement project) in the amount of \$9,950.
- 751 RESOLUTION NO. 1047 AUTHORIZING KDOT TO AWARD CONSTRUCTION CONTRACT TO LOW BIDDER AND COMMITTING LOCAL FUNDS FOR THE IMPROVEMENT OF SOMERSET DR., BELINDER/WENONGA: The low bidder is O'Donnell & Sons Construction Co.; local funds in the amount of \$35,000. Resolution adopted unanimously on motion of Moore, seconded by Hammond. Attached as part of the record.
- 776 ORDINANCE NO. 1262 ACCEPTING A QUIT CLAIM DEED FOR STREET PURPOSES (TRAFFIC SIGNAL MODIFICATION AT 89TH ST. & STATE LINE RD.) - from Resolution Trust Corp., Conservator of Franklin Savings Association: The ordinance was considered and passed on motion of Hammond, seconded by LaHue. On roll call the vote was: Yeas---LaHue, Leahy, Hammond, Moore, Newlin, Monica, Lin. Nays---None.
- 803 APPROVAL OF APPROPRIATION ORDINANCE NO. 673: The ordinance was considered and passed on motion of Hammond, seconded by Moore. On roll call the vote was: Yeas---LaHue, Leahy, Hammond, Moore, Newlin, Monica, Lin. Nays---None.
- 829 OTHER BUSINESS: Councilmember LaHue attended a recent Leawood Homes Association meeting at which there was some confusion about the ownership of traffic islands. The City owns the islands in public right-of-way within the Leawood subdivision, but the Association agreed some time ago to maintain them. The City does reconstruction work on the islands when they deteriorate.
- 950 8:10 P.M. There being no further business before the Council, the meeting was adjourned.



Martha Heizer City Clerk

**MINUTES
REGULAR COUNCIL MEETING**

Tape No. 234

- # 980 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 18, 1991. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Louis Rasmussen, Monique C.M. Leahy, Charles Hammond, Douglas Moore, Robert Newlin. * Councilmember Marsha Monica arrived 7:35 P.M. Councilmember Jimmy Lin was absent. Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; J. Stephen Cox, Police Chief; Ronald Brandt, Director of Public Works; Robert McKay, Director of Planning & Development; Harry Malnicof, Finance Director; Jerry Strack, Fire Chief; Martha Heizer, City Clerk; and Richard S. Wetzler, City Attorney.

- 987 APPROVAL OF AGENDA: Councilmember Rasmussen requested that consideration of an amendment to the solicitation ordinance be added to the agenda. He had received several phone calls from constituents concerned about door-to-door solicitations after dark. Staff had been directed at the October 8th Council meeting to study the possibility of changing the hours during which solicitation is permitted (currently 10:00 a.m. to 9:00 p.m.), but had not made any recommendation. Councilmember Leahy moved to approve the agenda with the addition, seconded by Newlin. Councilmember Hammond moved to amend the motion for approval by deleting the addition, seconded by LaHue. Mr. Hammond requested that Mr. Rasmussen give his suggestions to staff to present with their recommendations to resolve the issue at one time rather than piecemeal.

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

Motion to amend carried (the solicitation ordinance amendment would not be discussed); LaHue, Hammond, Moore, Newlin in favor; Leahy, Rasmussen opposed; Monica abstained. Motion to approve the agenda carried; Rasmussen opposed; all others in favor.

- 1180 CITIZEN COMMENTS: Thomas Culala, Executive Director of Cypress Recovery, a non-profit, outpatient alcohol and drug program, addressed the Council about the allocation of 1992 local alcohol tax funds as recommended by the Drug and Alcoholism Council of Johnson County (DAC) to be authorized under the consent agenda. He has serious concerns about DAC's conclusions and recommendations, and about fair and equitable consideration. He feels that one recommended recipient of funds, the Johnson County Substance Abuse Services, misrepresented facts when they applied to DAC for funding. He requested that the Council withdraw 50% of Leawood's recommended allocation to Jo. Co. SAS and divert those funds to his organization. (See Consent Agenda)
- 1520 CONSENT AGENDA: Allocation of 1992 local alcohol tax funds and Mayor's appointment to the Plan Commission were removed for further discussion. The following were approved unanimously on motion of Moore, seconded by Hammond:

1. Minutes of the November 4, 1991 Council meeting;
2. Departmental reports;
3. 1992 funding of human service organizations through United Community Services in the total amount of \$3,040.00;
4. Pay Request No. 2 (FINAL) for \$42,734.46 to George Shaw Construction for pond stabilization on Tomahawk Creek Greenway;
5. Pay Request No. 2 for \$73,367.18 to Bob Muehlberger Concrete for 1991 Street Rehabilitation.

Council discussed the 1992 alcohol tax funds and allegations made under Citizen Comments against Johnson County Substance Abuse Services, a long-standing organization with proven methods and results.

- 2034 Councilmember LaHue moved to accept the Drug and Alcoholism Council's recommendations for allocation of funds, seconded by Rasmussen. Motion failed; LaHue, Rasmussen in favor; all others
- 2268 (5) opposed. Councilmember Leahy moved to defer the matter to the December 2nd Council meeting in order to receive further information from DAC and other agencies, seconded by Moore. Motion carried; Rasmussen opposed; all others in favor.

- 2292 Council discussed the Mayor's appointment of (Mrs.) K.O. Strohbehn to the Plan Commission. Since he feels the Plan Commission is so vitally important to the City, Councilmember LaHue wanted more information on Mrs. Strohbehn and to know on what basis the Mayor selected her. He feels the Council should have an opportunity to meet and evaluate appointees to such vital committees.

Councilmember Monica moved to approve the appointment of K.O. Strohbehn to the Plan Commission to fill the unexpired term to May 1992 of Janet Provines who had resigned, seconded by Newlin. Motion carried; LaHue, Rasmussen, Hammond opposed; all others (4) in favor. Dr. LaHue and Mr. Hammond opposed the appointment, not because of Mrs. Strohbehn personally, but because they feel the appointment process needs to be reviewed and revised. Mr. Hammond stated that in light of recent history, it has become apparent to him how much the City relies on the Plan Commission and respects their opinions, and he wants to be sure that appointees are highly qualified. The Mayor suggested this matter be discussed at the next work session.

- 2795 ORDINANCE NO. 1263 AUTHORIZING ISSUANCE OF \$5,143,000 GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 1991-A: The Mayor commended staff on the upgrade of the City's bond rating by Moody's Credit Services from "A1" to "AA". Leawood is the only growing City in Johnson County that has attained this rating, other than Overland Park which is rated "AAA". The upgrade is particularly gratifying given prevailing general economic conditions.

- 3229 The general obligation bonds will provide funds to finance the costs of construction of Lee Blvd. improvements (Phase 1, 95th St. to 103rd St.); Tomahawk Creek Parkway improvements; and 119th St. improvements, State Line Rd. to Mission Rd. The bond ordinance was considered and passed on motion of LaHue, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Hammond, Moore, Newlin, Monica. Nays---None. The bonds were sold to a consortium headed by Stern Brothers & Co. at an average annual net interest rate

of 5.543042%.

- 3315 CONSTRUCTION CONTRACT FOR SIDEWALKS ON THE NORTH SIDE OF 119TH STREET, STATE LINE RD. TO MISSION RD.: On motion of Rasmussen, seconded by Monica, Council unanimously authorized the Mayor to execute a contract with the low bidder K & K Concrete Construction of Olathe in the amount of \$65,848.00.
- 3443 CONSTRUCTION CONTRACT FOR SIDEWALKS ON MISSION RD., APPROXIMATELY 93RD ST. TO 87TH ST.: On motion of Hammond, seconded by Monica, Council authorized the Mayor to execute a contract with the low bidder Bob Muehlberger Concrete Co. in the amount of \$37,538.90. Rasmussen opposed; all others in favor.
- 3600 ACCEPTANCE OF PRELIMINARY ENGINEERING REPORT ON BRIDGE AT 85TH TERR. & HIGH DR.: On motion of Hammond, seconded by LaHue, Council unanimously accepted the report as presented by Boyd, Brown, Stude and Cambern at the November 11th work session, and acknowledged that the bridge will be designed to a 10-year flood event with 1 foot freeboard.
- 3736 RESOLUTION NO. 1048 DECLARING AN AREA IN THE VICINITY OF 103RD TERR. & STATE LINE RD. A BLIGHTED AREA AND FINDING THAT REDEVELOPMENT OF SUCH AREA IS NECESSARY TO PROMOTE THE GENERAL AND ECONOMIC WELFARE OF THE CITY: On motion of Moore, seconded by LaHue, Council unanimously accepted the "Blight Study for Area at 103rd Terrace and State Line Road" presented at the November 4th work session by Freilich, Leitner, Carlisle & Shortlidge, and adopted Resolution No. 1048 which is attached as part of the record.
- 3766 ACCEPTANCE OF FEASIBILITY STUDY ON PROPOSED PUBLIC GOLF COURSE SOUTH OF 151ST ST. BETWEEN NALL AND MISSION: On motion of Moore, seconded by Hammond, Council accepted the "Golf Course Market Analysis" presented at the November 11th work session by THK Associates of Denver, and directed staff to solicit proposals from investment bankers and/or golf course financing firms to review the market analysis and develop pro forma financial aspects of the proposed project. Leahy opposed; all others in favor.
- 3836 APPROVAL OF A SEWER USERS PERMIT TO AMOCO OIL CO.: to hook up to the Leawood Sewer System for remediation of the site of the former Amoco Service Station at 3860 W. 95th St. (Ranchmart Shopping Center). On motion of LaHue, seconded by Moore, Council unanimously authorized the Mayor to execute the permit.
- 4167 PROPOSAL FOR PRELIMINARY ENGINEERING FOR BRIDGE REPLACEMENT ON 143RD ST. NEAR KENNETH RD.: On motion of Hammond, seconded by Monica, Council unanimously approved the proposal of Johnson, Brickell, Mulcahy & Associates in the amount of \$8,550.00.
- 4316 ORDINANCE NO. 1264C AMENDING SECTIONS OF THE CODE OF THE CITY OF LEAWOOD RELATING TO PARADE REGULATIONS; PROVIDING FOR AN INCREASE IN
- 4645 PARADE PERMIT FEES: Councilmember Rasmussen moved to pass the ordinance with a permit fee of \$25.00 plus \$30.00 (rather than

November 18, 1991

recommended \$25) per hour for each officer with a car deemed necessary for traffic control in Section 14-603(d) of the Code (to reflect some measure of fringe benefits and administrative costs), seconded by Hammond. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Hammond, Moore. Nays---Newlin, Monica (who feel it would be embarrassing to charge charitable, fund-raising organizations the hourly rates).

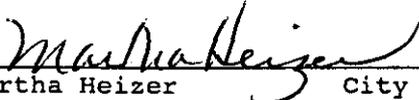
4693 RESOLUTION NO. 1049 DESIGNATING HOLIDAYS FOR 1992: Adopted unanimously on motion of Moore, seconded by Hammond. Attached as part of the record.

4755 WORK SESSION: This evening after the Council meeting to discuss the Capital Improvements Program, 1992-1996.

4768 APPROVAL OF APPROPRIATION ORDINANCE NO. 674: The ordinance was considered and passed on motion of Rasmussen, seconded by Leahy. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Hammond, Moore, Newlin, Monica. Nays---None.

4847 OTHER BUSINESS: Councilmember Moore stated that some time ago concerns were raised about rental properties - property maintenance, the number of people living in each rental dwelling, the number of vehicles at each dwelling. Staff had made recommendations, particularly about building inspections to ensure compliance with codes, but Council did not pursue the issue. Council will discuss rental properties and transfers of ownership of single family residences at the next scheduled work session.

5332 9:30 P.M. There being no further business before the Council, the meeting was adjourned.



Martha Heizer City Clerk

**MINUTES
REGULAR COUNCIL MEETING**

Tape No. 235

- # 26 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 2, 1991. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Louis Rasmussen, Monique C.M. Leahy, Douglas Moore, Robert Newlin, Jimmy Lin. * Councilmember Charles Hammond arrived 7:45 P.M. Councilmember Marsha Monica was absent. Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; J. Stephen Cox, Police Chief; Ronald Brandt, Director of Public Works; Robert McKay, Director of Planning & Development; Harry Malnicof, Finance Director; Jerry Strack, Fire Chief; Fran Kessler, Asst. City Clerk; and Richard S. Wetzler, City Attorney.

- 38 The agenda was approved unanimously on motion of LaHue, seconded by Moore, after addition of 1) discussion of 83rd St. improvements, and 2) discussion of the 1991 employee giving program, "Have a Heart...Help a Child".

63 CITIZEN COMMENTS: None.

- 66 CONSENT AGENDA: The following were approved unanimously on motion of Rasmussen, seconded by LaHue:

1. Minutes of the November 18, 1991 Council meeting;
2. Resolution No. 1050 (attached as part of the record) approving the final plat of Royse, 12th Plat;
3. Resolution No. 1051 (attached as part of the record) approving the final plat of Royse, 14th Plat;
4. Agreement with Johnson County for 1992 Utility Assistance Program; Leawood to contribute \$1,000;
5. Agreement with Johnson County for 1992 Home Repair Assistance Program; Leawood to contribute \$2,500.

- 75 MAYOR'S REPORT: On motion of Moore, seconded by Newlin, Councilmember LaHue was unanimously reappointed to the Johnson County Stormwater Management Advisory Council to serve from January 1, 1992 to January 1, 1995.

* Councilmember Hammond arrived at 7:45 P.M. during discussion of the solicitation ordinance.

- 150 7:40 P.M. DISCUSSION OF SOLICITATION ORDINANCE: At the October 8th Council meeting, staff was requested to study the possibility of changing the hours, currently 10:00 a.m. to 9:00 p.m. daily, during which door-to-door solicitation is permitted, to perhaps 10:00 a.m. to 6:00 p.m. In his review, the City Attorney found nothing to indicate that a basis exists for changing the current hours, and feels the current ordinance is satisfactory; perhaps further education of solicitors and residents about the ordinance would be appropriate. Councilmember Rasmussen suggested the City could furnish solicitors a list of residents who have "no solicitation" signs on their premises.

- 1476 Councilmember Rasmussen moved that staff study the practical possibilities of establishing a registry of residents who want to reenforce the fact that they have "no solicitation" signs on their premises, seconded by LaHue. Motion failed; LaHue, Rasmussen, Leahy in favor; Hammond, Moore, Newlin, Lin opposed.
- 1575 Councilmember Leahy moved that staff contact the National League of Cities to see if there are methods, other than a registry, that cities successfully use to limit solicitations. Motion seconded by Rasmussen and carried unanimously.
- 1761 ALLOCATION OF 1992 LOCAL ALCOHOL TAX FUNDS: Deferred from the November 18th Council meeting. After receiving further information on the Drug and Alcoholism Council's allocation recommendations, and on motion of Newlin, seconded by Rasmussen, Council unanimously approved DAC's recommendations, Leawood's total funding being \$17,500.
- 2061 DISCUSSION OF A PROPOSED COUNTY-WIDE HOUSEHOLD HAZARDOUS WASTE PROGRAM TO BEGIN IN 1993: The County requested a firm City commitment to participate. On motion of LaHue, seconded by Rasmussen, Council voted unanimously to direct staff to incorporate cost figures provided by the Johnson County Environmental Department into the 1993 budget process - estimated capital cost of \$3,493 and first year operating cost of \$8,699, based on a 1990 population of 19,593. The Mayor will inform County Commissioner Dan Hosfield of the Council's action, and that Leawood continues to support the idea of a County-wide program.
- 2272 DISCUSSION OF 83RD STREET IMPROVEMENTS - a project in Leawood's 5-year (1992-1996) Capital Improvements Program with funding assistance through the County's Assistance Road System (C.A.R.S.), scheduled for funding in 1992. County Commissioner Dan Hosfield had written a letter to Dale Putman of the Cloisters Homes Association stating he did not anticipate C.A.R.S. funding until 1994 because of the County's current funding commitments to the K-150 and State Line Rd. projects. Councilmember Moore stated that it seems the County keeps extending the funding year for 83rd St. Also, it appears that State Line Rd. funding has been commingled with C.A.R.S. money; Mr. Moore believes State Line is strictly a County project and should not have become associated with C.A.R.S. He feels these issues need to be clarified with the County Commissioners, and specifically determine whether or not State Line is a C.A.R.S. project. By their further delaying of C.A.R.S. funding for 83rd St., it appears the County Commissioners consider that Leawood is receiving more than its share of C.A.R.S. money.
- The City Administrator will draft a letter to the County Commissioners on behalf of the Council concerning the State Line issue and Council's concern about the delay in the 83rd St. construction. Staff will report to the Council, if possible, at the December 16th Council meeting.
- 2604 AMENDMENT TO INTERLOCAL AGREEMENT FOR C.A.R.S. FUNDING FOR SOMERSET DR. IMPROVEMENTS, 83RD STREET TO BELINDER: On motion of LaHue, seconded by Hammond, Council unanimously authorized the Mayor to execute the agreement which raises C.A.R.S. funding limits in 1992 from \$50,000 to \$100,000.

- 2624 APPROVAL OF 1992 EMPLOYEE CLASSIFICATION AND PAY PLAN: Approved unanimously on motion of Rasmussen, seconded by LaHue. Provides for a 0 - 6% merit increase.
- 2990 APPROVAL OF APPROPRIATION ORDINANCE NO. 675: The ordinance was considered and passed on motion of Hammond, seconded by Leahy. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Hammond, Moore, Newlin, Lin. Nays---None.
- 3105 DISCUSSION OF 1991 EMPLOYEE GIVING PROGRAM, "HAVE A HEART...HELP A CHILD": On December 5th at the annual holiday luncheon, the Employee Task Force will ask employees to participate in this program. Employees would provide "Holiday Wishes" (clothing, toys, etc.) for children who have been removed from abusive homes and are now wards of the court system. Members of the Governing Body, committees and commissions, and community service organizations are invited to participate.
- 3532 9:25 P.M. There being no further business before the Council, the meeting was adjourned.


Martha Heizer City Clerk

**MINUTES
REGULAR COUNCIL MEETING**

Tape No. 236

- # 25 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 16, 1991. Mayor Marcia Rinehart presided. * The Mayor left the meeting at 8:30 P.M.

Councilmembers present: Ronald LaHue, Louis Rasmussen, Monique C.M. Leahy, Charles Hammond, Douglas Moore, Robert Newlin.

** Councilmembers Marsha Monica and Jimmy Lin arrived after approval of the agenda. Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; J. Stephen Cox, Police Chief; Ronald Brandt, Director of Public Works; Robert McKay, Director of Planning & Development; Harry Malnicof, Finance Director; Jerry Strack, Fire Chief; Martha Heizer, City Clerk; and Richard S. Wetzler, City Attorney.

- 34 The agenda was approved unanimously on motion of Rasmussen, seconded by Moore.

** Councilmembers Monica and Lin arrived.

- 46 CITIZEN COMMENTS: Dale Putman and Hal Haub of the Cloisters Homes Association presented donations totaling \$1,000 to the Police and Fire Departments.

- 138 CONSENT AGENDA: A pay request from Suburban Contractors for Lee Blvd. improvements (Phase 2) and a request to keep 4 dogs were removed for further discussion. The following were approved unanimously on motion of Moore, seconded by Hammond:

1. Minutes of the December 2, 1991 Council meeting;
2. Departmental reports;
3. Pay Request No. 3 for \$90,603.66 to Bob Muehlberger Concrete for 1991 Street Rehabilitation.

- 203 After discussion of Suburban Contractors' delay in completing Lee Blvd. improvements, Phase 2 (95th St. to Somerset Dr.), Councilmember LaHue moved to approve the contractor's Pay Request No. 7 in the amount of \$174,903.94 contingent on the City Attorney's review of the construction contract to ensure that payment would not constitute any waiver to assert liquidated damages on completion of the project, seconded by Moore; unanimous.

- 281 Council discussed James Stallard's request to keep 4 dogs at 12310 Wenonga Lane. Because of neighbors' objections, complaints about the dogs running loose, and the fact that a permit to keep more than 2 dogs had been denied Mr. Stallard last December, the animal control officer recommended that a permit to keep 4 dogs be denied. Mr. Stallard was present and addressed the Council. Councilmember LaHue moved to accept animal control's recommendation, seconded by Rasmussen. Motion failed; Hammond, Moore, Rasmussen, Leahy in favor; LaHue, Monica, Newlin, Lin opposed; Mayor opposed.

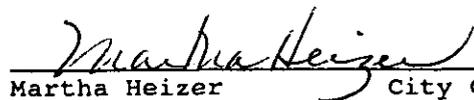
- 1009 Councilmember LaHue moved that the matter be deferred to the

- January 6, 1992 Council meeting, at which time Mr. Stallard is expected to show some evidence of effort (perhaps an intent to erect a fence) to keep his dogs confined to his property. Motion seconded by Monica and carried; LaHue, Newlin, Monica, Lin in favor; Rasmussen, Hammond, Leahy, Moore opposed; Mayor in favor.
- 1466
- 1507 ORDINANCE 1265 ADOPTING BY REFERENCE A SUPPLEMENT OF AMENDMENTS TO THE LEAWOOD DEVELOPMENT ORDINANCE - amendments necessary to bring the Leawood Development Ordinance into compliance with revised State Statutes on group homes and enabling legislation for zoning and planning:
- * 8:30 P.M. The Mayor left the meeting; Councilmember Newlin presided in her absence.
- Ordinance No. 1265 was considered and passed on motion of LaHue, seconded by Rasmussen. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Hammond, Moore, Newlin, Monica, Lin. Nays---None.
- 2254 REQUEST FOR PROFESSIONAL SURVEY SERVICES FOR 1992 STREET REHABILITATION PROGRAM: On motion of Hammond, seconded by Moore, Council unanimously approved a contract with Green Engineering Services in the amount of \$9,940.
- 2364 RESOLUTION NO. 1052 ESTABLISHING THE 1992 FEE SCHEDULE FOR FEES NOT SPECIFICALLY PROVIDED FOR IN THE CODE OF THE CITY OF LEAWOOD: Councilmember Hammond moved to adopt the resolution, seconded by Rasmussen. Discussion followed on new fees and fee increases recommended by the Planning Department.
- 3445 Councilmember LaHue called for the question, seconded by Rasmussen. Motion carried; Hammond opposed; all others in favor. Motion to adopt the resolution carried; Hammond, Newlin, Monica opposed; LaHue, Rasmussen, Leahy, Moore in favor; Councilmember Lin was not present for the vote. Resolution attached as part of the record.
- 3562 APPROVAL OF APPROPRIATION ORDINANCE NO. 676: The ordinance was considered and passed on motion of Rasmussen, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Hammond, Moore, Newlin, Monica, Lin. Nays---None.
- 3627 EXECUTIVE SESSION: On motion of Moore, seconded by LaHue, Council voted unanimously (except for Mr. Rasmussen who was not present for the vote) to convene in executive session after regular business for a period not to exceed 45 minutes to discuss a matter under attorney-client privilege.
- 3822 9:30 P.M. Recess.
- 9:35 P.M. Council convened in executive session, same members present.
10:20 P.M. Council returned to regular session, same members present. Councilmember Moore moved to extend the executive session 15 minutes to continue discussion of the same matter, seconded by Lin. Motion carried; Rasmussen, Hammond, Monica opposed; all others (5) in favor.

Council Minutes
Tape No. 236

December 16, 1991

3851 10:21 P.M. Council reconvened in executive session, and returned to regular session at 10:35 P.M. There being no further business before the Council, the meeting was adjourned.


Martha Heizer City Clerk



**MINUTES
REGULAR COUNCIL MEETING**

Tape No. 237

- # 25 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, January 6, 1992. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Louis Rasmussen, Monique C.M. Leahy, Charles Hammond, Douglas Moore, Robert Newlin.

* Councilmembers Marsha Monica and Jimmy Lin arrived at 7:40 P.M.
Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; J. Stephen Cox, Police Chief; Ronald Brandt, Director of Public Works; Robert McKay, Director of Planning & Development; Harry Malnicof, Finance Director; Jerry Strack, Fire Chief; Martha Heizer, City Clerk; and Richard S. Wetzler, City Attorney.

- 33 The agenda was approved unanimously on motion of Hammond, seconded by Newlin, after a pay request by Reno Construction Co. for the 1991 Street Overlay project was removed from the Consent Agenda.

- 59 PRESENTATION OF EXCEPTIONAL PERFORMANCE AWARD TO CITY EMPLOYEE:
Director of Public Works Ronald Brandt presented a \$500 award to Engineering Technician David Ley for work performed in connection with the 1991 Street Rehabilitation Program which saved the City approximately \$21,000 in consultant fees.

- 142 EMPLOYEE TASK FORCE REPORT ON 1991 EMPLOYEE GIVING PROGRAM - "HAVE A HEART-HELP A CHILD":

- * 7:40 P.M. Councilmembers Monica and Lin arrived during the report.

Employees who participated in the December program provided "Holiday Wishes" (gifts - clothing, toys, etc.) to children who had been removed from abusive homes and are now wards of the court system. The response from employees and the community was overwhelming and the program will probably be repeated in the future. Certificates of Appreciation were presented to members of the Task Force for their work on the project.

- 359 CITIZEN COMMENTS: Three residents on Mission Rd. just south of 89th & Mission are concerned about the placement of a new sidewalk along Mission. They requested the sidewalk be set at the curb in front of their homes instead of back from the curb as current plans indicate. A sidewalk at the curb would not further add to a water drainage problem created by an earlier widening of Mission Rd. Two of the residents are involved in condemnation proceedings related to the project. This matter will be discussed further at the January 20th Council meeting when the Council considers the condemnation settlement.

- 545 CONSENT AGENDA: The following were approved unanimously on motion of Hammond, seconded by Moore:
1. Minutes of the December 16, 1991 Council meeting;
 2. Purchase of XCaliber computer software for the Police (Records)

Department from Streetgard, Inc., of Pennsylvania, in the amount of \$9,570;

3. Purchase of a Minolta RP605Z microfilm reader-printer for the Police Department from American Micro Co. of Kansas City, Missouri, in the amount of \$6,344.75 (from 1991 City Equipment Fund);

4. Purchase of AT&T Merlin Legend telephone system for the Police Department in the amount of \$34,380.16 (includes a significant discount-AT&T guaranteed the City will receive an equivalent discount off prevailing list price when a compatible system is approved and ordered for the new City Hall at 117th & Roe);

5. Pay Request by City of Prairie Village for Leawood's local share of \$12,823.00 for the construction of Somerset Dr., 83rd St./Belinder;

6. Declaration of surplus property - 2,000 steel fence posts ("T" style) used for the staking of trees along Tomahawk Creek Parkway.

570 **MAYOR'S REPORT:** The Mayor congratulated the Police Department for receiving a Pedestrian Safety Citation in the American Automobile Association's 52nd Annual Pedestrian Safety Inventory. Leawood's low pedestrian death and injury rate and having reached 4 years without a pedestrian death earned Leawood this award.

The Mayor requested Council comments on a letter from Water District No. 1 in which the District asked City and County officials in Johnson County to compare opposing positions (their's and that of the Kansas Natural Resources Council) to the District's request to the State to transfer already appropriated water from the Missouri River. Council will discuss this issue at the next work session.

683 **REQUEST TO KEEP 4 DOGS - JAMES STALLARD, 12310 WENONGA LANE:** Deferred from the December 16, 1991 Council meeting. Staff recommended the permit be denied unless the Stallards provide proof that the yard has been fenced. Animal Control has received several complaints about the dogs running loose. Written objections from neighbors now on record are sufficient grounds to deny the permit, although a fence would seem to remove enough objections to approve the permit. Mr. Stallard told the Council he wants to install an "invisible" fence.

1451 Councilmember LaHue moved to defer the matter to the next Council meeting with the understanding that the permit would be granted if the fence was installed and functioning, and denied otherwise. Motion failed for lack of a second.

1506 Councilmember Monica moved to approve the permit for 90 days at the end of which time Mr. Stallard would have to show proof that the fence had been installed, and Council is advised there were no complaints of unleashed dogs in that 90-day period. Motion failed for lack of a second.

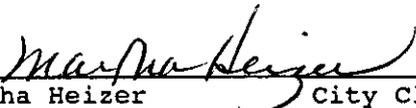
1552 Councilmember Newlin moved to approve the permit with no conditions, but at the end of 90 days, if the fence has not been installed, the permit would be retroactively denied. Motion failed for lack of a second.

1618 Councilmember Lin moved to deny the permit, seconded by Hammond. Mr. Lin felt the permit should be denied because there were more than 2 complaints by neighbors and because Mr. Stallard kept the dogs and let them run loose after his request to keep 4 dogs was denied in December 1990. Motion to deny carried; Lin, Hammond, Leahy, Rasmussen, Moore in

favor; LaHue, Newlin, Monica opposed.

- 2000 SUPPLEMENTAL ENGINEERING AGREEMENT (NO. 6) WITH LARKIN ASSOCIATES FOR CONSTRUCTION INSPECTION OF STREET LIGHT INSTALLATION ALONG LEE BOULEVARD, 103RD STREET TO 95TH STREET: Construction staking service was included in the agreement. Councilmember Rasmussen saw no reason to pay Larkin to stake locations if the construction contract had already established locations to meet the appropriate foot candle levels along the street. Mr. Rasmussen moved to deny the agreement, seconded by Lin. Council discussed the possibility of Public Works staff providing the construction inspection services. Staff does not have the necessary electrical expertise. Engineering services in the agreement would ensure that the contractor installs the lights in accordance with the design; this type of agreement is standard procedure for quality control. Motion to deny failed; Rasmussen, Newlin, Leahy, Hammond in favor of the motion; LaHue, Moore, Monica, Lin opposed; Mayor opposed.
- 2546 Public Works Director Brandt stated he had only 2 inspectors in his department who would be very busy inspecting several other projects.
- 2582 Councilmember Monica moved to approve the agreement not to exceed \$7550, seconded by LaHue. Motion failed; Monica, LaHue, Lin in favor; all others (5) opposed.
- 2872 Councilmember LaHue moved to approve the agreement not to exceed \$7500, seconded by Monica. Motion carried; LaHue, Monica, Moore, Lin in favor; Rasmussen, Leahy, Hammond, Newlin opposed; Mayor in favor.
- 2990 RESOLUTION NO. 1053 ACCEPTING THE DEBT STRATEGIES REPORT PREPARED BY THE EXECUTIVE COMMITTEE ON OVERLAPPING DEBT IN JOHNSON COUNTY, DATED NOVEMBER 1, 1991, AND SUPPORTING THE CREATION OF A PERMANENT DEBT MANAGEMENT ADVISORY COUNCIL IN JOHNSON COUNTY: Adopted unanimously on motion of Hammond, seconded by Moore. Attached as part of the record.
- 3249 ORDINANCE NO. 1266 AUTHORIZING THE ISSUANCE OF TEMPORARY NOTES; SERIES 92B, PROJECT 118; POLICE/COURT BUILDING AND FIRE STATION NO. 1 REMODELING PROJECT; \$400,000: The ordinance was considered and passed on motion of Hammond, seconded by Newlin. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Hammond, Moore, Newlin, Monica, Lin. Nays---None.
- 3282 ORDINANCE NO. 1267 AUTHORIZING THE ISSUANCE OF TEMPORARY NOTES; SERIES 92A, PROJECT 125; LEE BOULEVARD IMPROVEMENTS, PHASE 2, 95TH STREET TO SOMERSET DRIVE; \$1,800,000: The ordinance was considered and passed on motion of Lin, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Hammond, Moore, Newlin, Monica, Lin. Nays---None.
- 3339 WORK SESSION: Scheduled for January 13th, 6:30 P.M., in the conference room of the Municipal Office Building, to discuss: K-150 landscape design; personal liability for elected officials; Water District No. 1's request to the State for a water transfer; status of goals established in May 1991; committee appointment process; and procedure for the City Administrator's performance evaluation.

- 3560 APPROVAL OF APPROPRIATION ORDINANCE NO. 677: The ordinance was considered and passed on motion of Rasmussen, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Hammond, Moore, Newlin, Monica, Lin. Nays---None.
- 3574 EXECUTIVE SESSION: On motion of Moore, seconded by Hammond, Council voted unanimously to convene in executive session after regular business for a period not to exceed 45 minutes to discuss a matter under attorney-client privilege.
- 3760 9:25 P.M. Recess.
- 9:30 P.M. Council convened in executive session, same members present.
10:15 P.M. Council returned to regular session, same members present. Councilmember Moore moved to extend the executive session 30 minutes to continue discussion of the same matter, seconded by Lin. Motion carried; Monica opposed; all others (7) in favor.
- 3770 Council reconvened in executive session, and returned to regular session at 10:45 P.M., same members present. Councilmember Hammond moved to extend the executive session 5 minutes to continue discussion of the same matter, seconded by Moore. Motion carried; Lin opposed; all others in favor.
- 3834 Council reconvened in executive session, and returned to regular session at 10:50 P.M. There being no further business before the Council, the meeting was adjourned.



Martha Heizer City Clerk

**MINUTES
REGULAR COUNCIL MEETING**

Tape No. 238

- # 25 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, January 20, 1992. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Louis Rasmussen, Monique C.M. Leahy, Charles Hammond, Douglas Moore, Robert Newlin, Marsha Monica.
* Councilmember Jimmy Lin arrived at 7:33 P.M. Staff present: Richard J. Garofano, City Administrator; J. Stephen Cox, Police Chief; Ronald Brandt, Director of Public Works; Robert McKay, Director of Planning & Development; Harry Malnicof, Finance Director; Jerry Strack, Fire Chief; Martha Heizer, City Clerk; and Richard S. Wetzler, City Attorney.

- 40 The agenda was approved unanimously on motion of Monica, seconded by Moore.

53 CITIZEN COMMENTS: None.

55 PROCLAMATIONS: The Mayor proclaimed February 1992 as "American History Month"; and February 16-22, 1992, as "Engineers Week".

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

1. Minutes of the January 6, 1992 Council meeting;
2. Departmental reports;
3. Payment to Kansas City Power & Light in the amount of \$16,575.00 for removal of street lights along Lee Blvd., 95th St. to Somerset Dr.;
4. Pay Request (FINAL) for \$22,794.85 to Reno Construction Co. for 1991 Street Overlay Project;
5. Supplemental Engineering Agreement No. 2 with George Butler Associates in the amount of \$2,396.00 to prepare a Programmatic Section 4(f) Evaluation required by the Federal Highway Administration when land is removed from a park system for use in a federally funded project, namely the Mission Road bridge over Indian Creek;
6. Supplemental Engineering Agreement No. 3 with George Butler Associates in the amount of \$1,225.00 to survey the existing fill material on the north side of Indian Creek and quantify it in accordance with KDOT requirements for the Mission Road bridge project. KDOT had determined there is unsuitable soil in the location of the north bridge abutment.

83 MAYOR'S REPORT: None.

* 7:33 P.M. Councilmember Lin arrived.

85 CONDEMNATION AWARDS FOR MISSION ROAD SIDEWALK PROJECT, APPROXIMATELY 85TH STREET TO 95TH STREET: Johnson County District Court awarded the following: Robert L. Kalen, 3528 W. 92nd St., \$1,100; A.E. & Doris Millis, 8905 Mission Rd., \$850.00; condemnation appraisers, \$3,000; for a total of \$4,950. On motion of Lin, seconded by LaHue, Council approved the awards; Rasmussen opposed; all others in favor.

- At the January 6th Council meeting, Mr. Kalen and Mr. Millis requested the Council reconsider the alignment of the sidewalk adjacent to their properties. They requested the sidewalk be set at the curb rather than back from the curb as Council had approved several months ago. Staff recommended construction proceed under the approved plan.
- 903 Councilmember Rasmussen moved to change the alignment and set the sidewalk at the curb, seconded by Newlin. Motion failed; Rasmussen, Newlin in favor; all others opposed.
- 1153 AUTHORIZE ENGINEERING SERVICES CONTRACT FOR SANITARY SEWER STUDY, PHASE 4: After this final phase is completed, the computer maintenance schedule can be implemented and operated by the Public Works Wastewater Department to examine the current system for defective sewer lines in need of reconstruction. On motion of Rasmussen, seconded by Hammond, Council unanimously approved the contract with George Butler Associates in the amount of \$134,369.00.
- 1290 ORDINANCE NO. 1268C AMENDING SECTION 11-401 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO PROCLAMATIONS OF EMERGENCY: Code amended to provide for a Council succession procedure in the event the Mayor would be unable to sign a proclamation of emergency. The ordinance was considered and passed on motion of Hammond, seconded by Rasmussen. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Hammond, Moore, Newlin, Monica, Lin. Nays---None.
- 1306 ORDINANCES ADOPTING NEW EDITIONS OF FIRE, BUILDING, MECHANICAL, PLUMBING, ELECTRICAL, SWIMMING POOL, AND DANGEROUS BUILDING CODES: On motion of Hammond, seconded by Rasmussen, Council voted unanimously to defer consideration to the second Council meeting in February to give the Home Builders Association an opportunity to review the proposed ordinances.
- 1413 APPROVAL OF APPROPRIATION ORDINANCE NO. 678: The ordinance was considered and passed on motion of Rasmussen, seconded by Moore. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Hammond, Moore, Newlin, Monica, Lin. Nays---None.
- 1440 EXECUTIVE SESSION: On motion of Lin, seconded by Rasmussen, Council voted to convene in executive session after regular business for a period not to exceed 1 hour to discuss a matter under attorney-client privilege and a personnel matter; Leahy opposed; all others in favor.
- 1515 A work session was scheduled for Monday, January 27th, to discuss golf course feasibility, County stormwater management, and possibly a State Line Rd. improvement benefit district.
Councilmember Lin suggested the City consider adding Martin Luther King Day as a holiday. Holidays are discussed during the budget process each year.
- 1646 8:25 P.M. Mayor and Council left the Council Chamber to convene in executive session in the Municipal Office Building conference room.
8:30 P.M. Council convened in executive session, same members present.

9:30 P.M. Council returned to regular session, same members present. Councilmember Leahy moved to extend the executive session 30 minutes to continue discussion of the same matters, seconded by Moore; unanimous.

Council reconvened in executive session, and returned to regular session at 10:00 P.M., same members present. Councilmember Leahy moved to extend the executive session 15 minutes to continue discussion of the same matters, seconded by Moore. Motion carried; Hammond, Monica opposed; all others (6) in favor. Councilmember Rasmussen left the meeting.

Council reconvened in executive session, and returned to regular session at 10:15 P.M. Councilmember Leahy moved to extend the executive session 15 minutes to continue discussion of the same matters, seconded by Moore. Motion carried; Hammond, Monica opposed; all others (5) in favor. Councilmember Monica left the meeting.

Council reconvened in executive session and returned to regular session at 10:30 P.M. There being no further business before the Council, the meeting was adjourned.



Martha Heizer City Clerk

MINUTES
SPECIAL COUNCIL MEETING

Tape No. 239

The City Council of the City of Leawood, Kansas, met in special session in the Conference Room of the Municipal Office Building, 9617 Lee Boulevard, at 6:30 P.M., Monday, January 27, 1992. Mayor Marcia Rinehart presided.

The special meeting was requested by Councilmembers Charles Hammond, Monique C.M. Leahy, Robert Newlin, Marsha Monica, and Douglas Moore for the purpose of convening an executive session to discuss a personnel matter and a matter under attorney-client privilege, and to consider information relating to improvements to State Line Rd. (Carondolet to 112th Terr.), and to the construction of a new city hall at 117th & Roe. Councilmembers Ronald LaHue, Louis Rasmussen, and Jimmy Lin were absent. Staff present at the executive session: Richard Garofano, City Administrator. Staff present after the executive session: Mr. Garofano; Ronald Brandt, Public Works Director; Robert McKay, Director of Planning and Development; Harry Malnicof, Finance Director; Jerry Strack, Fire Chief; Martha Heizer, City Clerk; and Richard Wetzler, City Attorney.

On motion of Moore, seconded by Leahy, Council voted unanimously to convene in executive session until 8:00 P.M. to discuss a personnel matter and a matter under attorney-client privilege.

8:00 P.M. Recess.

- 20 8:12 P.M. Council returned to special session in the Council Chamber, 9615 Lee Blvd., same members present. The matter under attorney-client privilege was not discussed in executive session since the City Attorney was not present.
- 34 PETITION BY HALLBROOK FARM ASSOCIATES AND HALLMARK FARM ASSOCIATES FOR IMPROVEMENTS TO STATE LINE ROAD, CARONDOLET TO 112TH TERRACE: On motion of Moore, seconded by Monica, Council unanimously accepted the petition.
- 63 RESOLUTION NO. 1054 ORDERING THE CREATION OF AN IMPROVEMENT DISTRICT AND AUTHORIZING PHASE 1 IMPROVEMENTS FOR STATE LINE ROAD, CARONDOLET TO 112TH TERRACE: Adopted unanimously on motion of Monica, seconded by Hammond, conditioned on the execution of the petition for improvements. Resolution attached as part of the record.
- 108 ADDENDUM TO DECEMBER 12, 1991 AGREEMENT WITH MARNED CORPORATION TO CONVEY LAND TO THE CITY FOR A CITY HALL/BRANCH LIBRARY SITE AT 117TH & ROE - to amend conditions included in the deeds of conveyance relating to reversion of the property to Marned Corp.: On motion of Moore, seconded by Hammond, Council unanimously approved the addendum.
- 139 8:17 P.M. There being no further business before the Council, the meeting was adjourned.


Martha Heizer City Clerk

MINUTES
REGULAR COUNCIL MEETING

Tape No. 239

163 The City Council of the City of Leawood, Kansas, met in regular session in the Council Chamber, 9615 Lee Boulevard, at 7:35 P.M., Monday, February 3, 1992. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Monique C.M. Leahy, Robert Newlin, Marsha Monica and Jimmy Lin. Councilmembers Charles Hammond, Louis Rasmussen, and Douglas Moore were absent. Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; J. Stephen Cox, Police Chief; Ronald Brandt, Director of Public Works; Robert McKay, Director of Planning & Development; Harry Malnicof, Finance Director; Jerry Strack, Fire Chief; Martha Heizer, City Clerk; and Richard S. Wetzler, City Attorney.

171 The agenda was approved unanimously on motion of LaHue, seconded by Leahy, after removal of an executive session to discuss a matter under attorney-client privilege, and addition of 3-2 Baseball's request for exemption from a park field permit fee.

203 CITIZEN COMMENTS: None.

210 PROCLAMATION: The Mayor proclaimed March 1992 as "Youth Art Month".

217 CONSENT AGENDA: The following were approved unanimously on motion of Newlin, seconded by Leahy:

1. Minutes of the January 20, 1992 Council meeting;
2. Minutes of the January 27, 1992 Special Council meeting;
3. Assignment to Community Relations Committee to establish a separate Sister City Committee;
4. Assignment to Community Relations Committee to plan the annual party for volunteers (committee, commission members, etc.) to be held before April 20th;
5. Agreement with Atcheson Lawn and Landscape, Inc., for mowing medians (islands) and rights-of-way in 1992;
6. Pay Request No. 8 for \$8,668.45 to Suburban Contractors, Inc. for Lee Blvd. improvements, Phase 2, 95th St. to Somerset Dr.;
7. Pay Request No. 1 (FINAL) for \$45,424.00 to J. Warren Company of Topeka, Kansas, for traffic signal modifications at the intersections of 88th and State Line, 89th and State Line, and 103rd and State Line;
8. Amendment (No. 2) to contract with George Butler Associates for a reduction of work in the scope of services, Sanitary Sewer Study Phase 3 (\$20,060 contract cost reduction);
9. Letter agreement with Freilich, Leitner, Carlisle & Shortlidge for legal consulting services necessary to expand the designated redevelopment area at 103rd Terr. & State Line Rd. to include U.S. Toy, Yates Lazy-Boy, Fritz's, Pride Cleaners, and an office building south of Jiffy Lube, for a maximum fee of \$5,000;
10. Appointment of Jim and Barbara Holzmark, 8504 Reinhardt Lane, as co-chairmen of the 1992 July 4th Parade activities.

227 MAYOR'S REPORT: The Mayor distributed information from the Shawnee Mission East High School PTA Board concerning the Governor's proposed

school finance plan. The Mayor will send a letter to the Governor expressing Leawood's concerns about the effects of the plan on economic development in Johnson County, and stating that local control has always been very important to Kansas cities and that Leawood supports home rule.

- 329 ORDINANCE NO. 1269 ACCEPTING A DEED FROM MARNED CORPORATION CONVEYING LAND TO THE CITY FOR A CITY HALL/BRANCH LIBRARY SITE AT 117TH & ROE AVENUE: The ordinance was considered and passed on motion of LaHue, seconded by Leahy. On roll call the vote was: Yeas---LaHue, Leahy, Newlin, Monica, Lin. Nays---None.
- 742 ORDINANCE NO. 1270 ACCEPTING A DEED FROM MARNED CORPORATION CONVEYING LAND TO THE CITY FOR A "VIEW CORRIDOR" ADJACENT TO THE CITY HALL/BRANCH LIBRARY SITE AT 117TH & ROE AVENUE: The sole purpose of this corridor is to provide a view of the new city hall and library from Roe Avenue. The ordinance was considered and passed on motion of LaHue, seconded by Leahy. On roll call the vote was: Yeas---LaHue, Leahy, Newlin, Monica, Lin. Nays---None.
- 788 RECOGNITION OF LEAWOOD POLICE OFFICER MIKE PELGER: Officer Pelger had recently completed a D.A.R.E. (Drug Abuse Resistance Education) Program at Mission Trail Elementary School at 132nd & Mission Rd. in Leawood. Mrs. Sandy Price, Principal of Mission Trail, informed the Council that Officer Pelger had received a "Friend of Education" award for 1991-1992 from Blue Valley School District for his D.A.R.E. Program work at Mission Trail.
- 943 AUTHORIZE COOPERATION AGREEMENT WITH THE LEAWOOD PUBLIC BUILDING COMMISSION FOR THE DEVELOPMENT OF A MUNICIPAL OFFICE BUILDING AT 117TH & ROE AVENUE: The agreement clarifies the relationship between the City and the Public Building Commission relative to the financing and construction of the new city hall. Council unanimously approved the agreement on motion of LaHue, seconded by Leahy.
- 1165 WORK SESSION: Scheduled for Monday, February 10th, 7:30 P.M., to discuss the 1992 Capital Improvements Program, 1993 C.A.R.S. submittal to the County, and proposed golf course south of 151st St. between Nall and Mission.
- 1184 APPROVAL OF APPROPRIATION ORDINANCE NO. 679: The ordinance was considered and passed on motion of Monica, seconded by Leahy. On roll call the vote was: Yeas---LaHue, Leahy, Newlin, Monica, Lin. Nays---None.
- 1206 EXECUTIVE SESSION: On motion of Leahy, seconded by Newlin, Council voted unanimously to convene in executive session after regular business for a period not to exceed 30 minutes to discuss a personnel matter.
- 1227 3-2 Baseball requested exemption from paying the City's \$750 permit fee for field usage. The request will be reviewed by the Parks and Recreation Advisory Board February 4th. The Board will forward its

recommendation to the Council for consideration at the February 18th Council meeting.

At their January 27th work session, Council discussed information from the County concerning the establishment of a stormwater management program. Two concerns were expressed: 1) the Council would urge the County to give priority to allocating funds for construction before doing so for the reimbursement of previously completed engineering plans; and 2) the Council disagreed with wording which prohibits reimbursement for costs shared by benefit districts. Councilmember LaHue, Leawood's representative on the County Stormwater Management Advisory Council, asked that a letter be sent to Black & Veatch Engineering, with a copy to the Board of County Commissioners, expressing these concerns. Staff will draft the letter.

1386 8:20 P.M. Recess.

8:25 P.M. Council convened in executive session, same members present.

8:55 P.M. Council returned to regular session, same members present. Councilmember Leahy moved to extend the executive session 15 minutes to continue discussion of the same matter, seconded by LaHue; unanimous.

Council reconvened in executive session, and returned to regular session at 9:10 P.M. There being no further business before the Council, the meeting was adjourned.



Martha Heizer City Clerk

MINUTES
SPECIAL COUNCIL MEETING

Tape No.

The City Council of the City of Leawood, Kansas, met in special session in the Council Chamber, 9615 Lee Boulevard, at 10:07 P.M., Monday, February 10, 1992, following a work session. Mayor Marcia Rinehart presided.

The special meeting was requested by Councilmembers Monique C.M. Leahy, Robert Newlin, Douglas Moore, Ronald LaHue, and Jimmy Lin, for the purpose of convening an executive session to discuss a personnel matter. Councilmembers Louis Rasmussen, Marsha Monica, and Charles Hammond were absent. Staff present: Richard Garofano, City Administrator.

On motion of Leahy, seconded by Moore, Council voted unanimously to convene in executive session until 10:25 P.M. to discuss a personnel matter.

10:25 P.M. Council returned to special session, same members present. On motion of Leahy, seconded by Moore, Council voted unanimously to extend the executive session 10 minutes to continue discussion of the same matter.

10:35 P.M. Council returned to special session. There being no further business before the Council, the meeting was adjourned.



Martha Heizer City Clerk

**MINUTES
REGULAR COUNCIL MEETING**

Tape No. 240

- # 20 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., Tuesday, February 18, 1992. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Monique C.M. Leahy, Charles Hammond, Douglas Moore, Robert Newlin. Councilmembers Louis Rasmussen, Marsha Monica and Jimmy Lin were absent. Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; Captain Sid Mitchell, Police Department; Ronald Brandt, Director of Public Works; Robert McKay, Director of Planning & Development; Harry Malnicof, Finance Director; Jerry Strack, Fire Chief; Martha Heizer, City Clerk; and Richard S. Wetzler, City Attorney.

- 28 The agenda was approved unanimously on motion of Leahy, seconded by Newlin.

38 CITIZEN COMMENTS: None.

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

1. Minutes of the February 3, 1992 Council meeting;
2. Minutes of the February 10, 1992 Special Council meeting;
3. Departmental reports;
4. Pay Request No. 1 for \$19,089.27 to Bob Muehlberger Concrete Co.; Mission Rd. sidewalks, approximately 95th St. to 85th St.;
5. Renewal of Cereal Malt Beverage License for Price Chopper, 11751 Roe Ave., Camelot Court Shopping Center;
6. Resolution No. 1055 approving the final plat of Leawood Town Center at approximately 117th & Roe Ave. (attached as part of the record);
7. Resolution No. 1056 designating speed limits (attached as part of the record);
8. Purchase of 5 1992 Chevrolet Caprice patrol cars through a cooperative purchasing arrangement with the Missouri Highway Patrol; successful bidder, Sonny Hill Motors; total cost, \$70,545.

- 142 DISCUSSION OF 3-2 BASEBALL'S REQUEST FOR EXEMPTION FROM FIELD PERMIT FEE: The Parks & Recreation Advisory Board requested the Council continue the current recreation "user fee" policy - to charge fees to all individuals/groups who make reserved, special usage of park lands and facilities to the exclusion of public usage. No motion was made to change the policy. 3-2 Baseball will be charged a field usage fee.

- 263 RESOLUTION NO. 1057 AUTHORIZING EXECUTION OF A CITY/STATE AGREEMENT WITH THE KANSAS DEPARTMENT OF TRANSPORTATION FOR BRIDGE REPLACEMENT ON MISSION ROAD OVER INDIAN CREEK: The resolution and agreement will allow KDOT to proceed with the funding, bid letting, and construction of the bridge. The resolution was adopted unanimously on motion of Moore, seconded by Hammond. Attached as part of the record.

- 392 RESOLUTION NO. 1058 REQUESTING JOHNSON COUNTY PARTICIPATION IN

LEAWOOD'S 5-YEAR (1993-1997) CAPITAL IMPROVEMENT PROGRAM THROUGH THE COUNTY'S ASSISTANCE ROAD SYSTEM (C.A.R.S.): Mission Rd. improvements, College to I-435, was second priority in 1993; 83rd St. improvements, State Line to Wenonga, was third in 1993. Councilmember LaHue moved to reverse the 2 projects, seconded by Moore. Motion carried; LaHue, Moore, Newlin in favor; Leahy, Hammond opposed.

The resolution was adopted unanimously on motion of LaHue, seconded by Moore. Attached as part of the record.

- 770 SUPPLEMENTAL ENGINEERING AGREEMENT FOR THE K-150 CORRIDOR IMPROVEMENT PROJECT IRRIGATION DESIGN: On motion of Hammond, seconded by Newlin, Council unanimously approved the agreement with Howard Needles Tammen & Bergendoff by which the irrigation design will be developed within the median of K-150 in conjunction with the landscape design already under contract. The agreement also provides for benefit district assistance from HNTB.

ORDINANCE NO. 1271C AMENDING THE CODE OF THE CITY OF LEAWOOD BY ADDING A SECTION RELATING TO THE PUBLIC OFFENSE OF WINDOW PEEPING: The ordinance was considered and passed on motion of Hammond, seconded by Moore. On roll call the vote was: Yeas---LaHue, Leahy, Hammond, Moore, Newlin. Nays---None.

- 849 APPROVAL OF APPROPRIATION ORDINANCE NO. 680: The ordinance was considered and passed on motion of Moore, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Leahy, Hammond, Moore, Newlin. Nays---None.

APPROVAL OF APPROPRIATION ORDINANCE NO. 681: The ordinance was considered and passed on motion of Leahy, seconded by Newlin. On roll call the vote was: Yeas---LaHue, Leahy, Hammond, Moore, Newlin. Nays---None.

- 884 The Mayor had received a letter from the Johnson County Community College inviting members of the Governing Body to a special board work session on March 7th during which the board will hear presentations from Johnson County cities on ways they might assist the College in locating a branch campus in the community. The Mayor asked Councilmembers to let her know if they are interested in making a presentation.

- 962 EXECUTIVE SESSION: On motion of Moore, seconded by Hammond, Council voted unanimously to convene in executive session for a period not to exceed 1 hour to discuss acquisition of property and a personnel matter.

- 1007 8:07 P.M. Council convened in executive session, same members present.
9:07 P.M. Council returned to regular session, same members present. Councilmember Newlin moved to extend the executive session 45 minutes to continue discussion of the same matters, seconded by Moore; unanimous.

- 1017 Council reconvened in executive session, same members present, and

February 18, 1992

returned to regular session at 9:52 P.M., same members present. The Council had discussed a proposed employment agreement with the City Administrator. On motion of Moore, seconded by Hammond, Council unanimously authorized the Mayor to execute the agreement.

1089 10:00 P.M. There being no further business before the Council, the meeting was adjourned.



Martha Heizer City Clerk

MINUTES
SPECIAL COUNCIL MEETING

Tape No. 240

- #1113 The City Council of the City of Leawood, Kansas, met in special session in the Council Chamber, 9615 Lee Boulevard, at 5:40 P.M., Monday, February 24, 1992. Mayor Marcia Rinehart presided.

The special meeting was requested by Councilmembers Ronald LaHue, Monique C.M. Leahy, Douglas Moore, Robert Newlin, and Marsha Monica, for the purpose of considering a resolution supporting the passage of Senate Bill 480 relating to investment authority, and convening an executive session to discuss acquisition of property and litigation.

* Councilmember Hammond arrived at 6:00 P.M. and left at 6:10 P.M. Councilmembers Louis Rasmussen and Jimmy Lin were absent. Staff present: Richard Garofano, City Administrator; Ronald Brandt, Director of Public Works; Robert McKay, Director of Planning & Development; Harry Malnicof, Finance Director; Martha Heizer, City Clerk; and Richard S. Wetzler, City Attorney.

- 1159 RESOLUTION NO. 1059 SUPPORTING THE PASSAGE OF 1992 SENATE BILL 480 - which would broaden the City's investment authority: Adopted unanimously on motion of Monica, seconded by Moore. Attached as part of the record.

- 1186 On motion of Moore, seconded by Newlin, Council voted unanimously to convene in executive session for a period not to exceed 1 hour to discuss acquisition of property and litigation.

- 1224 5:45 P.M. Council convened in executive session, same members present.

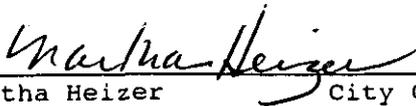
* 6:00 P.M. Councilmember Hammond arrived, and left at 6:10 P.M.

6:43 P.M. Council returned to special session, same members present. On motion of Moore, seconded by Leahy, Council voted unanimously to extend the executive session 1 hour to continue discussion of the same matters.

- 1247 7:12 P.M. Council returned to special session, same members present.

ORDINANCE NO. 1272 CALLING AN ELECTION ON THE QUESTION OF WHETHER THE CITY SHOULD ISSUE GENERAL OBLIGATION BONDS IN AN AMOUNT NOT TO EXCEED \$6,250,000 FOR THE PURPOSE OF PAYING FOR ACQUISITION OF PARK LAND IN THE VICINITY OF 151ST STREET AND NALL AVENUE AND IMPROVING SAID PARK LAND BY THE CONSTRUCTION OF A PUBLIC GOLF COURSE THEREON - question to be placed on the April 7, 1992 ballot: After the executive session, the ordinance was considered and passed on motion of LaHue, seconded by Moore. On roll call the vote was: Yeas---LaHue, Leahy, Moore, Newlin, Monica. Nays---None.

- 1373 7:15 P.M. Councilmember Moore moved to reconvene in executive session for 5 minutes to continue discussion of acquisition of property, seconded by Newlin; unanimous.
- 1398 7:18 P.M. Council returned to special session. There being no further business before the Council, the meeting was adjourned.


Martha Heizer City Clerk

**MINUTES
REGULAR COUNCIL MEETING**

Tape No. 241

- # 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, March 2, 1992. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Louis Rasmussen, Douglas Moore, Robert Newlin, and Marsha Monica. * Councilmember Monique C.M. Leahy arrived 7:50 P.M. and ** left the meeting at 9:55 P.M. Councilmembers Charles Hammond and Jimmy Lin were absent. Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; J. Stephen Cox, Police Chief; Ronald Brandt, Director of Public Works; Robert McKay, Director of Planning & Development; Harry Malnicof, Finance Director; Gene Hunter, Fire Marshal; Martha Heizer, City Clerk; and Richard S. Wetzler, City Attorney.

- 50 The agenda was approved unanimously on motion of Monica, seconded by LaHue, after addition under Consent Agenda of an assignment to staff regarding landfills in the metropolitan area.

- 117 CITIZEN COMMENTS: Bob Jergens, 12109 Reinhardt Lane, told the Council that his request to rent a baseball field this year for a team of Leawood children had been denied by the Parks and Recreation Department. The team has used a field at 119th & Mission Rd. for the past 6 years. Mr. Jergens was the first at the beginning of the year to make an individual request for a field and thought he would be assigned one. Now they have no place to practice.

The procedure for assigning fields was written by the defunct Recreation Commission 9 years ago and adopted by the new Parks and Recreation Advisory Board in November 1991. Since the demand for fields is so great, league requests are filled first. If any fields are left, they are assigned to individuals on a first come-first served basis. This year, no individual requests could be honored. All fields were taken by Blue Valley Recreation Commission and Johnson County 3-2 Baseball. Mr. Jergens noted that a large number of children in those leagues are not Leawood residents.

Mr. Jergens requested there be a compromise so some Leawood residents could have 2 or 3 playing times, and also requested that the City be sure that the 2 leagues will be using all of their scheduled times.

This matter will be discussed further later in the meeting. (See tape meter #4377).

- 469 PROCLAMATION: The Mayor proclaimed March 1992 as "Literacy Month in Leawood".

- 483 RESOLUTION NO. 1060 ENDORSING THE COUNTY'S PROPOSED SEWER REPAIR AND CONSTRUCTION FINANCE PLAN: County Commissioner Dan Hosfield and Doug Smith, Director of the Johnson County Unified Wastewater Districts, presented the Plan. It would only affect Leawood residents on the County sewer system south of I-435. Approval of the Plan will be on the April 7, 1992 City General Election ballot.

- * 7:50 P.M. Councilmember Leahy arrived.

The Resolution was adopted unanimously on motion of Rasmussen, seconded by LaHue. (Attached as part of the record.)

- 812 CONSENT AGENDA: The following were approved unanimously on motion of Moore, seconded by Monica:

1. Minutes of the February 18, 1992 Council meeting;
2. Minutes of the February 24, 1992 Special Council meeting;
3. Purchase of 2 trucks for the Public Works Department - 1 from Courtesy Chevrolet of Kansas City, Missouri, for \$10,160 (for Inspection/Design Div.); and 1 from Shawnee Mission Ford of Shawnee, Kansas, for \$13,315 (for Wastewater Div.); both through a cooperative purchasing agreement with other municipalities;
4. Property maintenance contract with Atcheson Lawn & Landscape, Inc., for general property maintenance in 1992 (mowing, trimming, brush cutting and clean-up, and removal of debris);
5. Pay Request No. 2 (FINAL) to Holland Corp. for \$4,557.64 for 151st St. rehabilitation;
6. 36-month lease agreement and maintenance agreement (subject to annual appropriation) with Ricoh Corp. for a Ricoh Model 6750 copier from Modern Business Systems at an annual cost of \$5,526.24 (for municipal office building);
7. Assignment to staff to find out if Johnson County and Mid-America Regional Council have plans for more landfills; a recent newspaper article apparently indicated that Deffenbaugh Disposal Co.'s landfill would fill out in 1996 rather than in 2010, as earlier reported.

- 826 ORDINANCE RELATING TO FENCES AND WALLS: Council discussed Sec. 2-7.4 of the "Leawood Development Ordinance" relating to prohibited fences. The ordinance does not deal with underground "electric" fences used for any purpose (for instance, dog "shock" fences).

Council discussed Sec. 2-7.2(b) which states that "fences and walls shall not be located closer to the street line than the front building line or the side building line in the case of a corner lot. (Exemptions to this requirement include retaining walls and decorative fence sections not exceeding 3 feet in height and 24 feet in length.)" Councilmember Rasmussen stated he would not vote for the proposed ordinance if fences similar to the decorative wood split rail fences on 96th Street were not grandfathered in. Those fences, which are more than 24 feet long, have been on 96th Street for more than 30 years. Planning Director McKay stated the fences have been a non-conforming use for many years. According to ordinance, only fence repairs on 96th Street can be done; if the fences are destroyed, a variance from the Board of Zoning Appeals would be required to replace them. Sec. 2-7.5 states that "the Board of Zoning Appeals shall have the power to grant exceptions to the height restrictions for fences and walls-----". Mr. Rasmussen noted that the Board does not have the power to grant exceptions to the length of fences and walls.

- 1456 Councilmember LaHue moved to remand the proposed ordinance to the Plan Commission with the request that the Commission, without destroying non-conforming use provisions, give the Board of Zoning Appeals powers which they do not have now to grant variances to

continue non-conforming uses like the decorative fencing. Motion seconded by Monica and carried unanimously.

- 1609 ORDINANCE NO. 1273 AMENDING SECTION 4-1 (ACCESSORY USES) OF THE LEAWOOD DEVELOPMENT ORDINANCE TO CLARIFY CERTAIN REQUIREMENTS FOR ESTATE SALE OPERATIONS IN RESIDENTIAL DISTRICTS: to clarify what goods are part of an estate sale, and to change notification requirements. The ordinance was considered and passed on motion of Rasmussen, seconded by Moore. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Moore, Newlin, Monica. Nays---None.
- 1654 MAYOR'S REPORT: Mayor Rinehart, Councilmembers Leahy, Newlin, Lin, and City Administrator Garofano will be in Washington, D.C., March 7-10, for the National League of Cities 1992 Congressional City Conference. They will meet with U.S. Senator Robert Dole and U.S. Representative Jan Meyers, and plan to discuss the following with them:
1. possible federal funding for State Line Rd. improvements, Carondolet south to 135th St.;
 2. sound barriers for highway improvements (suggested by Councilmember Rasmussen) - Kansas seems unable to get them;
 3. concern about the plan for acquisition of new park land in south Leawood; the City has had a grant application for this acquisition before the State of Kansas under the Land and Water Conservation Fund Act for about 8 months pending word as to the availability of federal funds; the City Administrator was recently informed that Kansas will receive only \$250,000 to fund acquisition-type projects, and Leawood's application alone was several times that amount;
 4. concern about the continual onslaught of federal mandates without financial assistance to implement them (for instance, the American Disabilities Act) and the fact that those mandates are not applicable to the federal government.
- Groundbreaking for construction of the new city hall at 117th & Roe Ave. is scheduled for Monday, March 16th, at 5:30 P.M.
- 1907 ORDINANCE NO. 1274 AUTHORIZING THE CITY TO LEASE CERTAIN REAL PROPERTY TO THE LEAWOOD PUBLIC BUILDING COMMISSION; AUTHORIZING THE CITY TO LEASE SAID REAL PROPERTY AND LEAWOOD CITY HALL PROJECT TO BE CONSTRUCTED THEREON FROM THE LEAWOOD PUBLIC BUILDING COMMISSION: The ordinance was considered and passed on motion of LaHue, seconded by Leahy. On roll call the vote was: Yeas---LaHue, Leahy, Moore, Newlin, Monica. Nays---Rasmussen.
- 1980 ORDINANCE NO. 1275C ADOPTING THE 1991 UNIFORM FIRE CODE: The ordinance was considered and passed on motion of Monica, seconded by Leahy. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Moore, Newlin, Monica. Nays---None.
- 2127 ORDINANCE NO. 1276C ADOPTING THE 1991 UNIFORM BUILDING CODE: Staff recommended an amendment to the new building code to require heat detectors (Sec. 4-227 of the Code of the City of Leawood), and another amendment to require basement secondary egress (Sec. 4-226 of the Code

of the City of Leawood). The Home Builders Association requested that heat detectors not be mandatory; this issue should not be legislated, but be a matter of choice for the homeowner. The Association was not in favor of basement secondary egress either for the same reason.

The Association was also concerned about Chapter 37 of the new building code relating to chimney reinforcement and masonry construction which requires vertical steel reinforcement in chimneys in areas within the new seismic area #2 (current building code - UBC, 1985 edition - does not require this). The map in the new building code is inconclusive as to whether Leawood is in the #2 area, so pending a determination, the Planning Department would not enforce this if the new building code is adopted.

3805 Councilmember Monica moved to pass the ordinance as proposed, seconded by Moore.

Mrs. Monica moved to amend the motion by deleting Sec. 4-227 relating to heat detectors, seconded by Newlin. Motion carried; Rasmussen, Moore, Newlin, Monica in favor; LaHue, Leahy opposed.

Councilmember Rasmussen moved to amend the motion by deleting Sec. 4-226 relating to basement egress (Sec. 1204 of the new building code relating to sleeping rooms would remain and be enforced), seconded by Moore. Motion failed; Rasmussen, Moore, Newlin in favor; LaHue, Leahy, Monica opposed; Mayor opposed.

Councilmember Rasmussen moved to amend the motion by deleting Section 3704(c) of the new building code relating to reinforcing and seismic anchorage, seconded by Moore. Motion carried; LaHue, Rasmussen, Moore, Newlin, Monica in favor; Leahy opposed.

4133 The ordinance was passed as amended. The vote was: Yeas---LaHue, Leahy, Moore, Monica. Nays---Rasmussen. Abstention---Newlin. The Mayor voted in favor of the ordinance.

4191 ORDINANCE NO. 1277C ADOPTING THE 1991 UNIFORM PLUMBING CODE: The ordinance was considered and passed on motion of Monica, seconded by Moore. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Moore, Newlin, Monica. Nays---None.

4255 ORDINANCE NO. 1278C ADOPTING THE 1990 NATIONAL ELECTRICAL CODE: The ordinance was considered and passed on motion of Moore, seconded by Rasmussen. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Moore, Newlin, Monica. Nays---None.

4273 ORDINANCE NO. 1279C ADOPTING THE 1991 UNIFORM MECHANICAL CODE: The ordinance was considered and passed on motion of Moore, seconded by Monica. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Moore, Newlin, Monica. Nays---None.

4290 ORDINANCE NO. 1280C ADOPTING THE 1991 UNIFORM SWIMMING POOL, SPA AND HOT TUB CODE: The ordinance was considered and passed on motion of Monica, seconded by Newlin. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Moore, Newlin, Monica. Nays---None.

4308 ORDINANCE NO. 1281C ADOPTING THE 1991 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS: The ordinance was considered and passed on motion of Moore, seconded by Monica. On roll call the vote was:

Yeas---LaHue, Rasmussen, Leahy, Moore, Newlin, Monica. Nays---None.

- 4325 ORDINANCE NO. 1282C REPEALING ARTICLES 1 & 1A OF CHAPTER 4 (BUILDINGS AND CONSTRUCTION) OF THE CODE OF THE CITY OF LEAWOOD RELATING TO DETACHED ONE AND TWO FAMILY DWELLINGS: The ordinance was considered and passed on motion of Moore, seconded by Leahy. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Moore, Newlin, Monica. Nays---None.
- 4377 CONTINUATION OF DISCUSSION UNDER CITIZEN COMMENTS - REQUEST FOR BASEBALL FIELD USAGE: The Parks and Recreation Advisory Board will consider this matter at their March 3rd meeting. Councilmember Monica asked that the Board review the current policy, and if first preference for field assignments is given to leagues, there should be some limitation on the number of fields they can reserve so there would be 1 or more fields available on a first come-first served basis to Leawood residents. The City Administrator reminded Council that federal funds were used to build the fields at 119th & Mission, and under the agreement when the City accepted the federal funding, the City can not deny field usage on the basis of residency only. The Council will consider the Parks and Recreation Advisory Board's recommendation at the March 16th Council meeting.
- ** 9:55 P.M. Councilmember Leahy left the meeting.
- 4965 REQUEST FOR SHORT-TERM SPECIAL USE PERMIT - PADDY O'QUIGLEY'S RESTAURANT, 11851 ROE AVE. IN CAMELOT COURT SHOPPING CENTER: On motion of Rasmussen, seconded by Monica, Council unanimously approved the permit with stipulations to erect a tent in the parking lot from March 13th through March 18th in conjunction with the restaurant's St. Patrick's Day Parade on March 14th.
- 5026 SELECTION OF COUNTY DEBT MANAGEMENT ADVISORY COUNCIL REPRESENTATIVE: Councilmember Rasmussen was selected. He will attend the Advisory Council's March 4th meeting at which time the Council's Executive Committee will be formed. Mr. Rasmussen will report to the City Council at the March 16th Council meeting.
- 5434 APPROVAL OF APPROPRIATION ORDINANCE NO. 682: The ordinance was considered and passed on motion of Moore, seconded by Rasmussen. On roll call the vote was: Yeas---LaHue, Rasmussen, Moore, Newlin, Monica. Nays---None.
- 5558 EXECUTIVE SESSION: On motion of Moore, seconded by Rasmussen, Council voted to convene in executive session following regular business for a period not to exceed 30 minutes to discuss a matter under attorney-client privilege; Monica opposed, all others in favor.
- 5591 James Stallard, 12310 Wenonga, requested the Council reconsider this evening his application to keep 4 dogs which the Council had denied at the January 6, 1992 Council meeting. He contended that staff did not have 2 or more written objections from neighbors as required by ordinance, and he now has an electronic fence to keep his dogs on his

property. Mr. Stallard was informed that Council could not reconsider the application this evening because it was not on the agenda. No action was taken.

5718 10:15 P.M. Council convened in executive session, same members present.

5725 10:25 P.M. Council returned to regular session, same members present. There being no further business before the Council, the meeting was adjourned.



Martha Heizer City Clerk

**MINUTES
REGULAR COUNCIL MEETING**

Tape No. 242

- # 30 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, March 16, 1992. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Monique C.M. Leahy, Douglas Moore, Robert Newlin, Marsha Monica, and Jimmy Lin. * Councilmember Charles Hammond arrived 8:25 P.M. Councilmember Louis Rasmussen was absent. Staff present: Richard J. Garofano, City Administrator; J. Stephen Cox, Police Chief; Ronald Brandt, Director of Public Works; Robert McKay, Director of Planning & Development; Harry Malnicof, Finance Director; Jerry Strack, Fire Chief; Martha Heizer, City Clerk; and Richard S. Wetzler, City Attorney.

- 38 The agenda was approved unanimously on motion of Moore, seconded by Leahy, after removal of a contract for the 1991 Sanitary Sewer Rehabilitation Program, and addition (under Consent Agenda) of a July 4th fireworks display contract.

- 62 PRESENTATION OF A RESOLUTION OF APPRECIATION TO THE MARNED CORPORATION (DOUTHAT FAMILY) FOR THEIR DONATION OF LAND AT 117TH STREET & ROE AVENUE TO BE USED FOR THE PURPOSE OF CONSTRUCTING A NEW CITY HALL AND COUNTY BRANCH LIBRARY: Resolution adopted by unanimous consent; attached as part of the record.

- 235 CITIZEN COMMENTS: None.

- 236 PROCLAMATIONS: The Mayor proclaimed:

1. April 19-25, 1992 as "National Organ and Tissue Donor Awareness Week";
2. March 29-April 4, 1992 as "Student Achievement Week";
3. April 2, 1992 as "Red V-Day", and April 26-May 2, 1992 as "Volunteer Week";
4. March 17, 1992 as "Developmental Disabilities Awareness Day".

- 242 CONSENT AGENDA: Kansas City, Missouri Rotary Club's request for a special solicitation permit was removed for further discussion. The following were approved unanimously on motion of Moore, seconded by Leahy:

1. Minutes of the March 2, 1992 Council meeting;
2. Departmental reports;
3. Request to keep 4 dogs, Margaret Quirk, 12304 Pawnee Lane;
4. Pay Request No. 2 to Bob Muehlberger Concrete Co. for \$9,066.78 for Mission Rd. sidewalks, approximately 89th St. to 95th St.;
5. Purchase of a portable air compressor for the Public Works Department from the second low bidder Concrete Accessories of Olathe in the amount of \$11,781 plus optional jack hammer in the amount of \$879; total price, \$12,660;
6. Contract with Wald and Company, Inc., d/b/a All American Display Fireworks, in the amount of \$5,295.07, for the July 4th, 1992 fireworks display.

The Kansas City, Missouri Rotary Club requested a special solicitation permit to sell a special edition of the Kansas City Star newspaper at major intersections the morning of April 13th in conjunction with Kansas City Day and the Kansas City Royals Home Opener. Proceeds will benefit the Kansas City Rotary Youth Camp Foundation. The Council approved this solicitation in past years with conditions. Councilmember LaHue felt this type of solicitation on foot in major intersections is dangerous. He moved that this particular solicitation be allowed on street corners, not in the streets. Motion seconded by Lin and failed; LaHue in favor, all others opposed.

Councilmember Moore moved to grant the special solicitation permit as requested, seconded by Newlin. Motion carried; LaHue opposed, all others in favor. Participants will have to sign waivers absolving the City of liability for injury, will have to wear safety vests approved by the Police Department, and will not be able to approach drivers more than once to buy a paper.

481 MAYOR'S REPORT: Mayor Rinehart commended Asst. Recreation Director Scott Whitaker for receiving a plaque from the National Youth Sports Coaches Association recognizing his being named the Association's District Coordinator for Eastern Kansas.

548 REQUEST FOR FIELD USAGE BY LEAWOOD BASEBALL TEAM - originally discussed at the March 2nd Council meeting and referred to the Parks & Recreation Advisory Board for review at their March 3rd meeting. The Board decided to consider changing the field rental policy for 1993, and to try to help the Leawood team search for a practice field. On motion of Moore, seconded by Newlin, Council unanimously accepted the Board's report and recommendations.

885 Councilmember Monica moved to direct the Board to formulate their 1993 field rental policy within the next 90 days, seconded by Moore.

Councilmember Leahy moved to amend the motion to state "within the next 90 days or within a reasonable time", seconded by LaHue. Motion to amend failed; LaHue, Leahy in favor, all others opposed.

Mrs. Monica's motion carried; Leahy opposed, all others in favor.

967 APPOINTMENT TO EXECUTIVE COMMITTEE OF THE JOHNSON COUNTY DEBT MANAGEMENT ADVISORY COUNCIL: Councilmember Monica moved that Councilmember Rasmussen be appointed Leawood's current elected representative on the Executive Committee, and that the City Administrator be appointed as an alternate representative. Motion seconded by LaHue and carried unanimously.

CONTRACT FOR 1991 SANITARY SEWER REHABILITATION PROGRAM: Removed from the agenda.

1115 CONTRACT FOR SANITARY SEWER RELOCATION AT MISSION ROAD BRIDGE OVER INDIAN CREEK: On motion of Lin, seconded by Moore, Council unanimously authorized the Mayor to execute a contract with the low bidder R.A. Pohl Constructors, Inc., in the amount of \$48,215.

1165 ORDINANCE NO. 1283 ACCEPTING PERMANENT SIDEWALK EASEMENTS REQUIRED FOR THE MISSION ROAD SIDEWALK PROJECT, 89TH STREET TO 91ST STREET: The

ordinance was considered and passed on motion of LaHue, seconded by Leahy. On roll call the vote was: Yeas---LaHue, Leahy, Moore, Newlin, Monica, Lin. Nays---None.

1175 ORDINANCE NO. 1284 ACCEPTING A PERMANENT DRAINAGE EASEMENT REQUIRED FOR THE 1991 STREET REHABILITATION PROGRAM: The ordinance was considered and passed on motion of LaHue, seconded by Moore. On roll call the vote was: Yeas---LaHue, Leahy, Moore, Newlin, Monica, Lin. Nays---None.

1189 ORDINANCE NO. 1285 ACCEPTING A PERMANENT DRAINAGE EASEMENT REQUIRED FOR THE LEE BOULEVARD IMPROVEMENT PROJECT, PHASE 1, 95TH STREET TO 103RD STREET: The ordinance was considered and passed on motion of LaHue, seconded by Leahy. On roll call the vote was: Yeas---LaHue, Leahy, Moore, Newlin, Monica, Lin. Nays---None.

1205 DISCUSSION OF SKATEBOARDING ON PRIVATE PROPERTY:

* 8:25 P.M. Councilmember Hammond arrived.

The Police Department has received complaints about juveniles skateboarding, rollerblading, and roller skating on private property, particularly at shopping centers. This is a particular nuisance on sidewalks, but presents an equal hazard in parking lots. Most cities do not regulate such activity on private property. Overland Park, however, has an ordinance which prohibits skating on sidewalks and public or private lots in the downtown business district, as well as private parking areas or lots which are properly posted. Staff will prepare a similar ordinance for Council's consideration.

1981 WORK SESSION: Scheduled for April 13th to discuss code enforcement and revisions to property maintenance codes, and the "pay-as-you-go" portion of the Capital Improvements Program.

2017 APPROVAL OF APPROPRIATION ORDINANCE NO. 683: The ordinance was considered and passed on motion of Hammond, seconded by Monica. On roll call the vote was: Yeas---LaHue, Leahy, Hammond, Moore, Newlin, Monica, Lin. Nays---None.

2249 EXECUTIVE SESSION: On motion of Leahy, seconded by Moore, Council voted unanimously to convene in executive session for a period not to exceed 45 minutes to discuss a matter under attorney-client privilege.

2270 8:47 P.M. Council convened in executive session, same members present.

9:32 P.M. Council returned to regular session. There being no further business before the Council, the meeting was adjourned.


Martha Heizer City Clerk

**MINUTES
REGULAR COUNCIL MEETING**

Tape No. 243

- # 32 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, April 6, 1992. Councilmember Marsha Monica presided in the absence of Mayor Marcia Rinehart.

Councilmembers present: Ronald LaHue, Louis Rasmussen, Douglas Moore, Robert Newlin; Marsha Monica. * Councilmember Monique C.M. Leahy arrived 7:35 P.M. Councilmembers Charles Hammond and Jimmy Lin were absent. Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; J. Stephen Cox, Police Chief; Ronald Brandt, Director of Public Works; Rebecca Garten, City Planner, Planning & Development; Harry Malnicof, Finance Director; Jerry Strack, Fire Chief; Martha Heizer, City Clerk; and Richard S. Wetzler, City Attorney.

- 43 The agenda was approved unanimously on motion of Rasmussen, seconded by Moore.

- 51 PRESENTATION OF EMPLOYEE EXCEPTIONAL PERFORMANCE AWARD - to Carol Adams, Secretary, Public Works Department, for identifying and correcting a Kansas City Power & Light billing error which resulted in a \$2,500-3,000 refund to the City and future savings in street light and traffic signal charges.

- 111 CITIZEN COMMENTS: None.

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

- 121 CONSENT AGENDA: The following were approved unanimously on motion of Rasmussen, seconded by LaHue:

1. Minutes of the March 16, 1992 Council meeting;
2. Purchase of a dump truck for Parks & Recreation Department through cooperative purchasing with Kansas City, Missouri, from Sonny Hill Motors in the amount of \$16,033, and purchase of dump body from Scherer Truck Equipment in the amount of \$5,516; total amount, \$21,549;
3. Pay Request No. 12 (FINAL) to Allison & Alexander for \$11,061.70 for Police/Court Building and Fire Station No. 1 remodeling project;
4. Pay Request No. 9 to Suburban Contractors for \$20,513.15 for Lee Blvd. improvements, Phase 2, 95th St. to Somerset Dr.;
5. Pay Request No. 1 to Total Electric Construction Co. for \$30,448.35 for Lee Blvd. street light installation, 95th St. to 103rd St.;
6. Pay Request No. 3 to Bob Muehlberger Concrete for \$3,922.92 for Mission Rd. sidewalks, approximately 89th St. to 95th St.;
7. Change Order No. 1; increase in contract amount of \$7,193.46; 119th St. sidewalk improvements, State Line Rd. to Mission Rd.; due to Church of the Nativity's request that construction of their sidewalk along 119th St. be included in the City's project.

- 137 ORDINANCE NO. 1286 RELATING TO FENCES AND WALLS: A proposed ordinance to clarify certain fencing requirements was remanded to the Plan

Commission at the March 2nd Council meeting. The Plan Commission reconsidered the ordinance at their March 24th meeting, discussing the decorative split rail fences on 96th St., fences along city boundaries, and whether or not the Board of Zoning Appeals has the authority to grant variances in the length of fences, not just in the height of fences. The Commission has resubmitted the ordinance for Council reconsideration with one amendment, that being to Section 2-7.2(i) relating to fences along city boundaries to clarify which fences are to be affected by adjoining cities' ordinances.

The Plan Commission adopted a resolution approving the existing split rail fences along 96th St. due to their historical significance.

The Commission felt that the section of the "Leewood Development Ordinance" dealing with height exceptions gives the Board additional powers but does not limit their ability to grant a variance to any section of the "Development Ordinance".

Councilmember LaHue moved to pass the ordinance as resubmitted by the Plan Commission, seconded by Rasmussen. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Moore, Newlin, Monica. Nays---None.

275 RESOLUTION NO. 1061 APPROVING A REQUEST FOR REZONING FROM RP-4 TO RP-1, AND APPROVING THE REVISED PRELIMINARY PLAT AND REVISED PRELIMINARY PLAN FOR HALLBROOK FARMS, 5TH PLAT, APPROXIMATELY 118TH STREET AND OVERBROOK: Adopted unanimously on motion of LaHue, seconded by Moore. Attached as part of the record.

552 ORDINANCE NO. 1287 REZONING PROPERTY LOCATED AT APPROXIMATELY 118TH STREET AND OVERBROOK FROM RP-4 (PLANNED CLUSTER RESIDENTIAL) TO RP-1 (SINGLE FAMILY RESIDENTIAL): The ordinance was considered and passed on motion of LaHue, seconded by Newlin. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Moore, Newlin, Monica. Nays---None.

MAYOR'S REPORT: None.

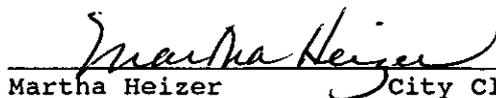
581 RESOLUTION NO. 1062 FINDING THAT AN AREA GENERALLY WEST OF THE INTERSECTION OF 103RD TERRACE AND STATE LINE ROAD IS A BLIGHTED AREA AND THAT REDEVELOPMENT OF SUCH AREA IS NECESSARY TO PROMOTE THE GENERAL AND ECONOMIC WELFARE OF THE CITY: this resolution expands the blighted area from 6 parcels of land (Resolution No. 1048, November 18, 1991) to 12 parcels. Resolution adopted unanimously on motion of Rasmussen, seconded by Leahy. Attached as part of the record.

995 CONTRACT FOR 1991 SANITARY SEWER REHABILITATION PROJECT: On motion of LaHue, seconded by Rasmussen, Council unanimously authorized the Mayor to execute a contract with the low bidder Wilson Plumbing in the amount of \$203,635.

1127 CONTRACT FOR THE INSTALLATION OF TEMPORARY TRAFFIC SIGNALS AT K-150 AND MISSION ROAD: On motion of Rasmussen, seconded by Newlin, the Council unanimously authorized the Mayor to execute a contract with the low bidder Delta-Tec Construction Co. in the amount of \$24,550.

1221 AUTHORIZATION TO BID THE 85TH TERRACE AT HIGH DRIVE BRIDGE REPLACEMENT: Staff requested the Council authorize the Public Works Department to

- enter into negotiations for necessary easements and authorize the initiation of the bidding process.
- 1650 Councilmember LaHue moved to defer the matter to the first Council meeting in June at the latest to give staff an opportunity to contact the Johnson County Stormwater Management Advisory Council about funding for this project. Motion seconded by Moore and carried unanimously.
- 1746 **ORDINANCE NO. 1288C AMENDING SECTION 1-116 OF THE CODE OF THE CITY OF LEAWOOD TO REMOVE THE PUBLIC SAFETY COMMITTEE AS A STANDING COMMITTEE:** The ordinance was considered and passed on motion of LaHue, seconded by Moore, after Section 2 of the ordinance relating to nuisance alarm appeals was deleted. The Public Safety Committee will hear appeals on an ad hoc basis. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Moore, Newlin, Monica. Nays---None.
- 1861 **APPROVAL OF APPROPRIATION ORDINANCE NO. 684:** The ordinance was considered and passed on motion of Moore, seconded by Rasmussen. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Moore, Newlin, Monica. Nays---None.
- 1967 **ORDINANCE NO. 1289C AMENDING THE "STANDARD TRAFFIC ORDINANCE" TO PROVIDE FOR RESTRICTIONS ON THE USE OF SKATEBOARDS AND SIMILAR DEVICES-** regulation on both public and private property: The ordinance was considered and passed on motion of LaHue, seconded by Leahy. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Moore, Newlin, Monica. Nays---None.
- 2262 8:45 P.M. **EXECUTIVE SESSION:** On motion of LaHue, seconded by Leahy, Council voted unanimously to convene in executive session for a period not to exceed 30 minutes to discuss a matter under attorney-client privilege.
- Recess to clear the Council Chamber.
- 2284 8:55 P.M. Council convened in executive session, same members present.
- 9:25 P.M. Council returned to regular session. There being no further business before the Council, the meeting was adjourned.


Martha Heizer City Clerk

**MINUTES
SPECIAL COUNCIL MEETING**

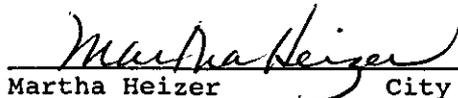
Tape No. 243

- #2310 The City Council of the City of Leawood, Kansas, met in special session in the Council Chamber, 9615 Lee Boulevard, at 7:35 P.M., Monday, April 13, 1992. Mayor Marcia Rinehart presided.

The special meeting was requested by Councilmembers Ronald LaHue, Louis Rasmussen, Douglas Moore, Robert Newlin, and Marsha Monica, for the purpose of considering an interlocal agreement with the Johnson County Library Board for the conveyance of land for the construction of a branch library facility at 117th & Roe Ave., and any other business that might come before the Council. Councilmembers Monique C.M. Leahy, Charles Hammond, and Jimmy Lin were absent. Staff present: Richard Garofano, City Administrator; Ronald Brandt, Director of Public Works; Robert McKay, Director of Planning & Development; Harry Malnicof, Finance Director; Martha Heizer, City Clerk; and Richard S. Wetzler, City Attorney.

The agenda was approved unanimously on motion of Moore, seconded by LaHue, after adding approval of an appointment to the Plan Commission.

- 2341 INTERLOCAL AGREEMENT WITH THE JOHNSON COUNTY LIBRARY BOARD FOR THE CONVEYANCE OF LAND FOR THE CONSTRUCTION OF A BRANCH LIBRARY FACILITY AT 117TH & ROE AVE.: Approved unanimously on motion of Moore, seconded by Monica.
- 2459 APPOINTMENT TO THE PLAN COMMISSION: On motion of Moore, seconded by Newlin, Council unanimously approved the appointment of Thomas M. Cohen to fill the unexpired term of John Carper to May 1993.
- 2493 7:42 P.M. There being no further business before the Council, the meeting was adjourned.


Martha Heizer City Clerk

**MINUTES
REGULAR COUNCIL MEETING**

Tape No. 244

- # 20 The City Council of the City of Leawood, Kansas, met in regular session in the Council Chamber, 9615 Lee Boulevard, at 7:35 P.M., Monday, April 20, 1992. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Louis Rasmussen, Monique C.M. Leahy, Douglas Moore, Robert Newlin, Marsha Monica. Councilmembers Charles Hammond and Jimmy Lin were absent. Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; J. Stephen Cox, Police Chief; Ronald Brandt, Director of Public Works; Robert McKay, Director of Planning & Development; Harry Malnicof, Finance Director; Jerry Strack, Fire Chief; Scott Whitaker, Director of Parks and Recreation; Martha Heizer, City Clerk; and Richard S. Wetzler, City Attorney.

- 42 The agenda was approved unanimously on motion of Leahy, seconded by Moore, after addition of: 1) discussion of City ordinance regulating the use of skateboards, roller blades, and similar devices on public and private property; 2) an update on the proposed golf course in the vicinity of 151st St. and Nall Ave.; and 3) an update on property damage from the April 11th hail storm.

110 CITIZEN COMMENTS: None.

114 PROCLAMATIONS: The Mayor proclaimed:

1. April 1992 as "Fair Housing Month";
2. April 1992 as "Sexual Assault Prevention Awareness Month";
3. May 1, 1992 as "Law Day U.S.A.";
4. April 25, 1992 as "The March of Dimes WalkAmerica Day";
5. May 7, 1992 as "National Day of Prayer";
6. May 4-9, 1992 as "Free Enterprise Week";
7. May 1992 as "Mental Health Month";
8. April 20-26, 1992 as "Aids Mobilization Week".

149 CONSENT AGENDA: A pay request by K & K Concrete Co. for 119th St. sidewalk improvements, State Line Rd. to Mission Rd., was removed for further discussion. The following were approved unanimously on motion of Moore, seconded by LaHue:

1. Minutes of the April 6, 1992 Council meeting;
2. Minutes of the April 13, 1992 Special Council meeting;
3. Departmental reports;
4. Renewal of Cereal Malt Beverage License for Broadmour Food Market, 7960 Lee Blvd.;
5. Pay Request No. 4 to Bob Muehlberger Concrete Co. for \$167,729.40 for 1991 Street Rehabilitation Project;
6. Pay Request No. 2 to Total Electric Construction Co. for \$26,176.95 for Lee Blvd. street light installation, 95th St. to 103rd St.

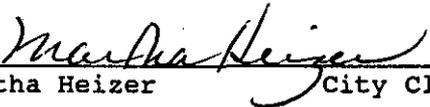
After discussion of the contractor's responsibility for filling in and resodding ruts along the new sidewalk on 119th St. between State Line Rd. and Mission Rd., and on motion of LaHue, seconded by Moore,

Council unanimously approved Pay Request No. 1 to K & K Concrete Co. for \$28,798.20.

- 252 **MAYOR'S REPORT:** The Mayor attended a Johnson County Council of Mayors meeting last week. Christopher McKenzie of Lawrence, Kansas, the new Executive Director of the League of Kansas Municipalities, gave an update on recent state legislation.
The Mayor also attended United Community Services' 25th anniversary celebration last week.
- 282 **PETITION TO CREATE A BENEFIT DISTRICT TO FINANCE CONSTRUCTION OF TOWN CENTER DRIVE CONNECTING NALL AVENUE IN THE VICINITY OF 115TH STREET AND ROE AVENUE IN THE VICINITY OF 117TH STREET:** The City has not received a signed petition. The Marned Corp. and Ferrel Company have indicated they intend to sign. On motion of LaHue, seconded by Rasmussen, Council unanimously accepted the petition contingent on the City receiving forthwith the signed petition in the form distributed to the Council.
- 590 **RESOLUTION NO. 1063 OF FINDING AS TO THE ADVISABILITY AND AUTHORIZING THE IMPROVEMENT AND CONSTRUCTION OF TOWN CENTER DRIVE:** Adopted unanimously on motion of Moore, seconded by Leahy, contingent on the City receiving forthwith the signed petition to create the improvement district. Resolution attached as part of the record.
- 619 **CONTRACT FOR THE DESIGN OF TOWN CENTER DRIVE:** On motion of Rasmussen, seconded by Newlin, Council unanimously approved a contract with Shafer, Kline & Warren engineering firm in the amount of \$63,570, approval contingent on the City receiving forthwith the signed petition to create the improvement district for the street. Reference to construction staking services in the first paragraph of the first page of the contract is to be deleted.
- 656 **DISCUSSION OF CITY ORDINANCE REGULATING THE USE OF SKATEBOARDS, ROLLER BLADES, AND SIMILAR DEVICES ON PUBLIC AND PRIVATE PROPERTY:** Police Chief Cox explained that skateboarding, roller blading, roller skating, and similar recreational activities have always been prohibited on public streets. City ordinance was amended at the April 6th Council meeting to also prohibit such activities on public tennis courts and on private parking lots when the lots are posted by the property owners. Tennis courts at schools are not considered "public" courts. Children can still roller skate, etc. on other public property - sidewalks, bike trails, parking lots along Tomahawk Creek Parkway. A resident stated that if children are going to receive warnings or citations for skating in the streets, she expects joggers to receive equal enforcement treatment.
- 1304 Councilmember LaHue moved to request Chief Cox and the City Attorney amend the ordinance to allow roller blading, etc. on residential streets, seconded by Monica. Motion failed; LaHue, Monica, Newlin in favor; Rasmussen, Leahy, Moore opposed; Mayor opposed (on basis of children's safety).

- 1399 APPROVAL OF APPROPRIATION ORDINANCE NO. 685: The ordinance was considered and passed on motion of Moore, seconded by Rasmussen. On roll call the vote was: Yeas---LaHue, Rasmussen, Leahy, Moore, Newlin, Monica. Nays---None.
- 1412 UPDATE ON PROPOSED GOLF COURSE IN THE VICINITY OF 151ST STREET AND NALL AVENUE: Staff is working toward an agreement to acquire the land for the course. Subsequently, staff will solicit proposals for the design of the course. Staff plans to request that a golf course development committee be appointed.
- 1454 UPDATE ON PROPERTY DAMAGE FROM APRIL 11TH HAIL STORM: A final report will be presented to the Council at a later date. Several City vehicles were damaged. The oldest part of the roof of Fire Station No. 1 on Lee Boulevard will probably have to be replaced. The roofs of City Hall and the Public Works facility were slightly damaged.
- 1542 PRESENTATIONS OF PLAQUES AND KEYS TO THE CITY TO RETIRING COUNCILMEMBERS ROBERT NEWLIN AND MARSHA MONICA: in recognition of their outstanding service to the City as members of the City Council - Newlin, Ward 3, 1988-1992; Monica, Ward 4, 1986-1992.
- 1740 OATHS OF OFFICE ADMINISTERED TO COUNCILMEMBERS-ELECT: Ronald LaHue, Ward 1; Louis Rasmussen, Ward 2; John R. Campbell, Jr., Ward 3; Graham G. Giblin, Sr., Ward 4.
- 2021 ROLL CALL OF NEW COUNCIL: LaHue, Campbell, Hammond, Leahy, Moore, Giblin, Rasmussen, Lin. Hammond and Lin absent.
- 2033 "DISASTER" AGREEMENT (STATEMENT OF UNDERSTANDING) WITH THE SALVATION ARMY: to provide for cooperation and coordination between the City and The Salvation Army in carrying out their assigned responsibilities in the event of natural or man-made disasters or enemy attack. Approved unanimously on motion of Moore, seconded by Leahy.
- 2070 REQUEST FOR SHORT-TERM SPECIAL USE PERMIT, LITTLE CAESARS PIZZA, 12114 STATE LINE ROAD: to allow the installation of an inflated balloon (to be tethered to the roof of the building) during their Grand Opening Celebration. On motion of Moore, seconded by Rasmussen, Council unanimously approved the permit with the following stipulations: 1) use is limited to May 1 through May 10, 1992; 2) the balloon is to be a maximum of 26 feet tall; 3) proof of insurance must be submitted prior to installation; and 4) upon cessation of the special use, all materials and equipment must be promptly removed and the site restored.
- 2119 AUTHORIZATION TO APPLY FOR GRANTS - LEAWOOD POLICE DEPARTMENT: On motion of LaHue, seconded by Leahy, Council unanimously authorized application for 3 grants: 1) for continued funding of the D.A.R.E. (Drug Abuse Resistance Education) grant received last year from the Governor's Office of Drug Abuse Programs; 2) funding for crime prevention programming; and 3) funding for street-level drug enforcement work by two officers.

- 2208 SCHEDULE TOUR OF THE CITY: Bus tour scheduled for Monday, May 11th, 5:00 P.M.
- 2332 RESOLUTION NO. 1064 DECLARING SUPPORT FOR THE CONTINUATION OF THE CURRENT RECREATIONAL LAND USE ZONING - LEAWOOD COUNTRY CLUB PROPERTY, 8901 SAGAMORE: Councilmember Rasmussen requested this resolution be placed on the agenda for consideration; he wanted to convey to anyone who purchases the property that the City would like to see the current recreational use upheld. Resolution adopted unanimously on motion of Rasmussen, seconded by Giblin. Attached as part of the record.
- 2647 WORK SESSION: To follow tonight's Council meeting to discuss site development plans for the new city hall at 117th & Roe Ave.
- 2678 After some Council comments, the meeting was adjourned at 9:15 P.M.



Martha Heizer City Clerk

**MINUTES
REGULAR COUNCIL MEETING**

Tape No. 245

- # 20 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, May 4, 1992. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, Monique C.M. Leahy, Douglas Moore, Graham G. Giblin, Sr., Louis Rasmussen, and Jimmy Lin.

* Councilmembers Charles Hammond and John R. Campbell, Jr. arrived 7:35 P.M. Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; J. Stephen Cox, Police Chief; Ronald Brandt, Director of Public Works; Becky Garten, Planning Department; Harry Malnicof, Finance Director; Jerry Strack, Fire Chief; Scott Whitaker, Director of Parks and Recreation; Martha Heizer, City Clerk; and Richard S. Wetzler, City Attorney.

- 29 The agenda was approved unanimously on motion of Rasmussen, seconded by Moore.

* 7:35 P.M. Councilmembers Hammond and Campbell arrived.

- 80 CITIZEN COMMENTS: Approximately 2 weeks ago, the City received a petition from residents in the vicinity of 83rd & Sagamore requesting the City do something to eliminate foxes in that area, as neighborhood cats, and residents themselves, are possibly at risk. However, another resident of the area, Sharon Lockhart, 8336 Sagamore, wants to preserve the tranquility and natural woodland setting of the area, and feels the fox population must remain undisturbed. She presented petitions requesting that Animal Control present a "pet forum and pamphlet to educate domestic pet owners (about) their responsibilities for their pets' health and well-being...and that the City of Leawood should do nothing to harm or disturb the wildlife living within city limits.....that does not pose a danger to society". Carroll Boylan, 3410 W. 88th St., stated that the Somerset Acres Lake Homes Association (homes in the vicinity of 89th & Mission Rd.) favors protecting all wildlife.

- 323 Police Chief Cox stated the City's policy - Animal Control does not disturb wild animals on public property unless they pose an immediate threat. When requested by residents, officers will go onto private property to attempt to live trap and relocate wild animals. Officers do not kill wild animals except for humanitarian reasons, when an animal poses an immediate threat, or when an animal must be destroyed to facilitate a rabies examination. When officers are unable to live trap wild animals on private property, residents are referred to private contractors. Residents may take any reasonable and lawful means to control wild animals on their own private property.

Animal Control is in the process of revising all animal control ordinances for Council consideration in late summer or early fall. Mrs. Lockhart requested that City ordinance require cats to be vaccinated and licensed.

- 605 PROCLAMATIONS: The Mayor proclaimed:
1. May 3-9, 1992 as "Exceptional Children's Week";

2. April 28, 1992 as "National Youth Service Day";
3. May 10-16, 1992 as "Police Week" and May 15, 1992 as "Peace Officers Memorial Day";
4. May 17-23, 1992 as "National Public Works Week".

The Mayor also issued a Proclamation of Recognition to recognize and congratulate Anne Debus, host of the TeleCable network show "Around Town", on her 4000th show.

670 **CONSENT AGENDA:** The minutes of the April 20, 1992 Council meeting and the Mayor's committee appointments, including appointments to the Golf Course Development Committee, were removed for further discussion later in the meeting. The following were approved unanimously on motion of Moore, seconded by Campbell:

1. Renewal of Cereal Malt Beverage License for Hallbrook Country Club, 11300 Overbrook;
2. Purchase of 3,000 feet of 3" fire hose from the low bidder Hutchison Witherup Fire Equipment Co. for \$10,140.00;
3. Purchase of a 46,000 GVW International truck for the Public Works Department from KCR International of Kansas City in the amount of \$46,476; and purchase of additional equipment from Scherer Truck Equipment of Kansas City - dump body (\$8,677), sand and salt spreader (\$5,114), and a combination main and winged plow (\$8,834); total cost of \$69,101.00;
4. Resolution No. 1065 approving the final plat of Wilshire, 2nd Plat, resolution attached as part of the record;
5. Pay Request No. 10 to Suburban Contractors for \$19,580.76 for Lee Blvd. improvements, Phase 2, 95th St. to Somerset Dr.;
6. Payment to Kansas City Power & Light Co. for \$18,329.00 for removal of leased street lights along Lee Blvd., 95th St. to 103rd St.;
7. Mutual aid agreement with Kansas City, Missouri to provide mutual fire protection assistance for a period of 5 years;
8. Mutual aid agreement with fire departments/fire districts in Johnson County to provide mutual assistance in cases of fire, rescue, medical emergency or natural disaster, automatically renewed for 1-year periods;
9. Designation of depositories for City funds - Southgate, Johnson County National, Kansas National, First Continental, Overland Park State, Mid-American, Metcalf State, College Blvd. National, Valley View State, Bank IV, World Savings, Inter-state Federal Savings;
10. Appointment of presiding officers - Douglas Moore, May-July, 1992; Charles Hammond, Aug.-Oct., 1992; Monique Leahy, Nov., 1992-Jan., 1993; Jimmy Lin, Feb.-Apr., 1993.

707 **MAYOR'S REPORT:** The Council received a report from the Board of County Commissioners on the results of meetings held to study jail costs in Johnson County, consider alternatives and submit recommendations that provide resources to sustain the level of jail services needed in the County. The Council must discuss this study soon at another meeting and formally respond to the County.

Council received a letter from the Kansas Corporation Commission stating that residents and businesses in outlying communities (Gardner, Edgerton, DeSoto, etc.) approved a proposal to raise their phone bills

in order to eliminate long distance charges for calls made to the Kansas City metropolitan area. Residents in the present Kansas City metropolitan local calling area will also vote on the proposal.

- 797 Councilmember Rasmussen, Leawood's representative on the County's Debt Management Advisory Council, reported on the Advisory Council's progress. Their mission statement, vision statement, goals & objectives 1992-1993 workplan, and by-laws were distributed to the Governing Body. The Advisory Council is in the process of developing a budget.

- 945 CONSIDERATION OF 1993-1997 CAPITAL IMPROVEMENTS PROGRAM: The Plan Commission recommended advancing College Blvd. (El Monte to State Line Rd.) from 1997 to 1994, and advancing Mission Rd. (95th St. to 103rd St.) from 1995 to 1994. Staff recommended approval of the Program as presented. Councilmember Moore moved to approve the Program as presented without modifications, seconded by Hammond. Councilmember Lin would like Mission Rd. improvements, K-150 to 143rd St., included in the C.I.P. in the next 5 years because of a new elementary school at 143rd & Mission Rd. Councilmember Rasmussen wondered why the installation of sound barriers in conjunction with the widening of I-435 couldn't be included in the C.I.P. City Administrator Garofano stated that the widening of I-435 is solely a KDOT project, the City having no financial participation. The City must convince KDOT to allocate federal funds for the sound barriers. KDOT will be distributing forms in June which can be used to apply for additional categories under the new highway act. Funding for the barriers might be obtained that way. The highway act, however, requires an 80/20 federal/city funding participation. If KDOT should agree to fund 80% of the cost of the barriers, the Council might decide to allocate the 20%, and it would then be appropriate to include the barrier project in the C.I.P.

The motion to approve the 1993-1997 Capital Improvements Program carried; Rasmussen opposed; all others in favor.

- 1407 REQUEST FOR SHORT-TERM SPECIAL USE PERMIT - SEASONAL CONCEPTS, RANCHMART SHOPPING CENTER: On motion of LaHue, seconded by Hammond, Council unanimously approved a permit with stipulations to allow a tent in the parking lot for promotional sales of patio furniture from May 21-May 26 (Memorial Day), and from July 1-July 6 (Independence Day).

- 1421 REQUEST FOR SHORT-TERM SPECIAL USE PERMIT - VALLEY VIEW STATE BANK, 11813 ROE AVENUE, CAMELOT COURT SHOPPING CENTER: On motion of Moore, seconded by Rasmussen, Council unanimously approved a permit with stipulations to allow a "Super Saturday" promotion on June 6, 1992, events to be staged in the parking lot, and a banner to be placed on the bank.

- 1430 RESOLUTION NO. 1066 DESIGNATING THE OFFICIAL CITY NEWSPAPER: On motion of Lin, seconded by Rasmussen, Council unanimously adopted the resolution designating the "Legal Record" as the official City newspaper, with "The Johnson County Sun" and "Olathe Daily News" as backups. The "Legal Record" guarantees \$.18 per line for the next 3 years. Resolution attached as part of the record.

- 1889 ARTS COMMITTEE REQUEST TO APPLY FOR A GRANT - through the Kansas Arts Commission for the purpose of undertaking a conceptual design for a possible City arts center. The grant requires a 2-1 funding match; the City would like to fund \$1000; the Kansas Arts Commission will fund \$2000. On motion of Moore, seconded by Leahy, Council unanimously authorized the application.
- 2091 APPROVAL OF APPROPRIATION ORDINANCE NO. 686: The ordinance was considered and passed on motion of Moore, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Campbell, Hammond, Leahy, Moore, Giblin, Rasmussen, Lin. Nays---None.
- 2107 SCHEDULE EXECUTIVE SESSION: On motion of Moore, seconded by Leahy, Council voted unanimously to convene in executive session following regular business for a period not to exceed 20 minutes to discuss a matter under attorney-client privilege.
- 2169 CONSIDERATION OF COMMITTEE APPOINTMENTS: Councilmember Lin stated that the Public Works Committee has always served as a strong advisory body on all Public Works issues. He was surprised that the Mayor felt the Committee had evolved into one that merely screens engineering and construction contracts/consultants. If that is its only function, then it should be dissolved. Also, Mr. Lin was disappointed in the small number of Public Works committee members (5), and the fact that 2 councilmembers from the north part of Leawood had been submitted for approval. The Committee has always had 1 councilmember from north Leawood and 1 from south Leawood. Mr. Lin wanted another councilmember from the south part of the City appointed to the Committee. Councilmember LaHue moved to approve the appointments to all committees as submitted, with the provision that Councilmembers can submit to the Mayor for her consideration 2 more members for the Public Works Committee. Motion seconded by Leahy and carried unanimously. Appointments attached as part of the record. The Mayor asked that additional names be submitted by the end of the week.
- 2965 Councilmember Rasmussen felt someone with professional golf experience should be appointed to the Golf Course Development Committee, and wanted to recommend a resident from Ward 2. On motion of Moore, seconded by LaHue, Council unanimously approved the appointments to the Golf Course Development Committee as submitted. Attached as part of the record. Mr. Rasmussen can submit another name to the Mayor.
- 3580 The minutes of the April 20, 1992 Council meeting were approved unanimously on motion of Rasmussen, seconded by Giblin.
- 3745 9:35 P.M. Council convened in executive session, same members present.
- 3770 9:55 P.M. Council returned to regular session. There being no further business before the Council, the meeting was adjourned.


Martha Heizer City Clerk

May 1, 1992

TO: City Council
FROM: Mayor Rinehart *MR*
SUBJECT: Committee Appointments

I submit the following names for committees and commissions for your consideration:

	<u>Reappointment</u>	<u>New</u>
Arts Committee		Ann Leitner (1995) Graham Giblin (1993) (Council liaison)
Board of Zoning Appeals	Phil Mabry (1995)	
Budget & Finance (1993)	Marnie Clawson Jerry Underwood Allan Abrams Chuck Sipple	Ron LaHue, Chr. Monique Leahy Bruce Von Bevern
Building Code Board of Appeals	Wes Welch, Chr. (1994) Charles Duval (1995) Wayne Lischka (1995) Don Roberson (1994)	
Plan Commission	Don Brain (1995) James Hall (1995)	Dr. Stephen Gordon (1995)
Property Maintenance Code Appeals Board	Richard Webber, Chr. (1993) Cecil Hammonds (1994) C.W. Haren (1994)	

Page 2
Committee appointments
May 1, 1992

	<u>Reappointment</u>	<u>New</u>
Public Building Commission	Douglas Moore (1996) Jerry Underwood (1996)	Monique Leahy (1994) (to replace Robert Newlin)
Public Works (1993)	Joseph Fitzpatrick Laurence Hanna Dennis Miller	Douglas Moore, Chr. Lou Rasmussen
Parks & Recreation Advisory Board	Dick Fuller, Chr. (1994) Mary Textor (1996)	
Public Officer for Property Maintenance Code	Bob McKay (1993)	
Debt Management Advisory Council (Jo. Co.) - Leawood rep.	Lou Rasmussen	
Sister City Committee (The Mayor will convene this meeting)		Dick Beechwood Sue Dickey Jill Weiss Jimmy Lin Linda Stinnett Loretta Allebach Ann Leitner Peg Borden Norma Brooks Jane Kealing Nancy Garland

May 1, 1992

TO: City Council
FROM: Mayor Rinehart *WR*
SUBJECT: Committee appointment

I submit the following names for your consideration:

Golf Course Development
Committee

Dick Fuller, Chr.
Charles Hammond
Don Roberson
Jim Dickson
John Campbell
Mike O'Connell

Staff support: Bob McKay
Scott Whitaker

**MINUTES
SPECIAL COUNCIL MEETING**

Tape No. 245

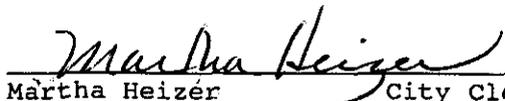
#3815 The City Council of the City of Leawood, Kansas, met in special session in the Council Chamber, 9615 Lee Boulevard, at 7:55 P.M., Monday, May 11, 1992. Mayor Marcia Rinehart presided.

The special meeting was requested by Councilmembers Ronald LaHue, John R. Campbell, Jr., Charles Hammond, Monique C.M. Leahy, Douglas Moore, Graham G. Giblin, Sr., and Jimmy Lin, for the purpose of considering: 1) a resolution relating to park land acquisition; 2) committee appointments; and 3) any other business which might come before the Council. Councilmember Louis Rasmussen was absent. Staff present: Richard Garofano, City Administrator; Julie Baer, Asst. City Administrator; J. Stephen Cox, Police Chief; Ronald Brandt, Director of Public Works; Terry Uhl, Asst. Director of Public Works; Harry Malnicof, Finance Director; Scott Whitaker, Director of Parks & Recreation; Martha Heizer, City Clerk; and Richard S. Wetzler, City Attorney.

3850 RESOLUTION NO. 1067 - ASSURANCE RESOLUTION FOR PARK LAND ACQUISITION: assurance, with other documents to be executed, that the City will comply with federal regulations if the City receives and accepts a federal grant to help with the costs to acquire approximately 80 acres of land in the area of 147th and Mission Rd. for a second community park. The City is seeking a grant of \$600,000 through the Kansas Department of Wildlife and Parks which represents 50% of the estimated
4545 cost of acquisition. Councilmember LaHue moved to adopt the resolution, with the provision that item G requiring that all existing and proposed utility service lines be buried in the development of the park be clarified - Council wants to be sure that transmission lines are not included. Motion seconded by Leahy and carried unanimously.

4704 APPOINTMENTS TO COMMITTEES: The Mayor submitted the following for Council approval: 1) Councilmember Graham G. Giblin, Sr. to the Public Works Committee until 1993; 2) Teresa Chien, 12101 Pawnee, to the ad hoc Sister City Committee; and 3) Robert W.J. Sedorcek, 11005 Alhambra, to the ad hoc Golf Course Development Committee. On motion of Moore, seconded by Leahy, Council unanimously approved the appointments.

4748 8:20 P.M. There being no further business before the Council, the meeting was adjourned.


Martha Heizer City Clerk

**MINUTES
REGULAR COUNCIL MEETING**

Tape No. 246

- # 20 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, May 18, 1992. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, John R. Campbell, Jr., Monique C.M. Leahy, Douglas Moore, Graham G. Giblin, Sr., and Jimmy Lin.

* Councilmember Charles Hammond arrived 7:38 P.M. Councilmember Louis Rasmussen was absent. Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; J. Stephen Cox, Police Chief; Ronald Brandt, Director of Public Works; Robert McKay, Director of Planning & Development; Harry Malnicof, Finance Director; Jerry Strack, Fire Chief; Scott Whitaker, Director of Parks and Recreation; Martha Heizer, City Clerk; and Richard S. Wetzler, City Attorney.

- 30 The agenda was approved unanimously on motion of Leahy, seconded by Moore, after addition of a Parks & Recreation Advisory Board report to the Consent Agenda.

56 CITIZEN COMMENTS: None.

- 61 CONSENT AGENDA: A change order and pay request for the 1991 Street Rehabilitation project were removed for further discussion. The following were approved unanimously on motion of Moore, seconded by Leahy:

1. Minutes of the May 4, 1992 Council meeting;
2. Minutes of the May 11, 1992 Special Council meeting;
3. Departmental reports;
4. Parks & Recreation Advisory Board report (minutes) of their April 15, 1992 meeting;
5. Purchase of an 88" front deck mower from Champion Turf Equipment Co. for \$14,917.51 for the Parks/Recreation Department;
6. Permit to keep 5 animals - Barbara Toussaint, 9919 Cherokee Lane;
7. Pay Request No. 3 to Total Electric Construction Co. for \$32,486.18 for Lee Blvd. street light installation, 95th St. to 103rd St.;
8. Recreation Department policy regarding ball field usage - beginning in 1993, one baseball field in the City Park will be used for individual youth teams to practice softball or baseball. Teams must be at least 50% Leawood residents and must furnish a roster when they request the field. A team may practice a maximum of twice a week for the duration of their season. They will be charged the normal rate for all field use requests.

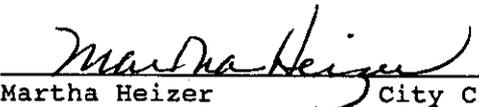
- * 7:38 P.M. Councilmember Hammond arrived.

After a short discussion, and on motion of LaHue, seconded by Giblin, Council unanimously approved: 1) Change Order No. 1 for the 1991 Street Rehabilitation project, representing a \$31,151.50 increase in the original contract amount; and 2) Pay Request No. 5 to Bob

Muehlberger Concrete Co. for \$114,245.16 for the 1991 Street Rehabilitation project.

- 307 NEW CITY HALL PLAZA DESIGN: Councilmember Hammond moved to approve Abend Singleton Associates' preparation of construction drawings for alternates 1 through 4 of the plaza (the shell, finishes, landscaping, lighting) and the bidding of those alternates, at a design cost of \$15,000. (The plaza fountain is not included.) Motion seconded by Leahy and carried; LaHue, Campbell, Hammond, Leahy, Lin in favor; Moore, Giblin opposed. Mr. Moore stated there will be a fund-raising effort for the plaza/fountain, and the amount of money raised might dictate what type of plaza can be built. If the design is done now and is the most elaborate, the City may not have enough funding to build it in such a fashion and would have to go back and modify the design.
- 583 INTERLOCAL AGREEMENT WITH OVERLAND PARK FOR THE DESIGN OF NALL AVENUE IMPROVEMENTS, 119TH STREET TO 135TH STREET: Leawood's share of the design fee will be approximately \$88,800; share of the total project approximately \$1,378,000. Councilmember LaHue moved to approve the agreement, seconded by Leahy. Councilmember Giblin moved to amend the motion to add that approval be subject to developers paying street improvement fees which they failed to pay when they recorded final plats for subdivisions along Nall. (The City Attorney is trying to resolve the matter.) Motion to amend died for lack of a second.
Motion to approve the agreement carried; LaHue, Campbell, Hammond, Leahy, Moore in favor; Giblin, Lin opposed.
- 1049 ORDINANCE NO. 1290 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 92G, PROJECT 118; POLICE/COURT BUILDING & FIRE STATION NO. 1 REMODELING; \$200,000: The ordinance was considered and passed on motion of Moore, seconded by Lin. On roll call the vote was: Yeas---LaHue, Campbell, Hammond, Leahy, Moore, Giblin, Lin. Nays---None.
- 1118 ORDINANCE NO. 1291 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 92E, PROJECT 114; SOMERSET DR., SAGAMORE/BELINDER (SOMERSET/LEE INTERSECTION IMPROVEMENTS); \$200,000: The ordinance was considered and passed on motion of Moore, seconded by Lin. On roll call the vote was: Yeas---LaHue, Campbell, Hammond, Leahy, Moore, Giblin, Lin. Nays---None.
- 1129 ORDINANCE NO. 1292 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 92C, PROJECT 115; MISSION ROAD IMPROVEMENTS, 103RD STREET TO COLLEGE BOULEVARD; \$400,000: The ordinance was considered and passed on motion of Moore, seconded by Lin. On roll call the vote was: Yeas---LaHue, Campbell, Hammond, Leahy, Moore, Giblin, Lin. Nays---None.
- 1139 ORDINANCE NO. 1293 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 92F, PROJECT 121; SOMERSET DR. IMPROVEMENTS, BELINDER/WENONGA; \$100,000: The ordinance was considered and passed on motion of Moore, seconded by Lin. On roll call the vote was: Yeas---LaHue, Campbell, Hammond, Leahy, Moore, Giblin, Lin. Nays---None.
- 1149 ORDINANCE NO. 1294 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 92D,

- PROJECT 124; 135TH STREET (K-150) IMPROVEMENTS, STATE LINE/NALL; \$500,000: The ordinance was considered and passed on motion of Moore, seconded by Lin. On roll call the vote was: Yeas---LaHue, Campbell, Hammond, Leahy, Moore, Giblin, Lin. Nays---None.
- 1159 ORDINANCE NO. 1295 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES L.I.D. 92-1-92H, PROJECT 132; STATE LINE ROAD IMPROVEMENTS, PHASE 1, APPROXIMATELY 112TH TERRACE TO CARONDOLET DRIVE; \$800,000: The ordinance was considered and passed on motion of Moore, seconded by Lin. On roll call the vote was: Yeas---LaHue, Campbell, Hammond, Leahy, Moore, Giblin, Lin. Nays---None.
- 1173 ORDINANCE NO. 1296 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES L.I.D. 92-2-92J, PROJECT 130; TOWN CENTER DRIVE; \$200,000: The ordinance was considered and passed on motion of Moore, seconded by Lin. On roll call the vote was: Yeas---LaHue, Campbell, Hammond, Leahy, Moore, Giblin, Lin. Nays---None.
- 1226 SCHEDULE JOINT CITY COUNCIL/BUDGET & FINANCE COMMITTEE MEETING:
Scheduled for Tuesday, May 26th, 7:30 P.M., Conference Room of the Municipal Office Building, to give the Budget & Finance Committee an opportunity to hear the Council's funding priorities for City services and programs for 1993. Conversely, it will enable the Council to hear Committee members' views on taxes and services.
- 1341 APPROVAL OF APPROPRIATION ORDINANCE NO. 687: The ordinance was considered and passed on motion of Leahy, seconded by Lin. On roll call the vote was: Yeas---LaHue, Campbell, Hammond, Leahy, Moore, Giblin, Lin. Nays---None.
- 1520 After a few Council comments, the meeting was adjourned at 8:25 P.M.


Martha Heizer City Clerk

**MINUTES
REGULAR COUNCIL MEETING**

Tape No. 246

#1560 The City Council of the City of Leawood, Kansas, met in regular session in the Council Chamber, 9615 Lee Boulevard, at 7:35 P.M., Monday, June 1, 1992. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, John R. Campbell, Jr., Douglas Moore, Graham G. GIBLIN, Sr., and Louis Rasmussen. * Councilmember Monique C.M. Leahy arrived 8:15 P.M. Councilmembers Charles Hammond and Jimmy Lin were absent. Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; J. Stephen Cox, Police Chief; Terry Uhl, Asst. Director of Public Works; Robert McKay, Director of Planning & Development; Harry Malnicof, Finance Director; Jerry Strack, Fire Chief; Scott Whitaker, Director of Parks and Recreation; Martha Heizer, City Clerk; and Richard S. Wetzler, City Attorney.

1570 The agenda was approved unanimously on motion of Campbell, seconded by Moore, after addition of: 1) a request by Leawood South Country Club for a short-term special use permit; 2) an assignment to the Public Works Committee (under Consent Agenda); and 3) a discussion of street tree replacement at 9126 Lee Blvd.

1606 CITIZEN COMMENTS: None.

1609 PROCLAMATION: The Mayor proclaimed June 14, 1992 as "Flag Day".

1614 CONSENT AGENDA: An assignment to the Public Works Committee and a resolution to approve the final plat of Leawood Lots 530B and 530C were removed for further discussion. The following were approved unanimously on motion of Rasmussen, seconded by Campbell:

1. Minutes of the May 18, 1992 Council meeting;
2. Parks & Recreation Advisory Board's report (minutes) of their May 12, 1992 meeting;
3. Departmental reports.

After a discussion of possible drainage/flooding problems, Resolution No. 1068 approving the final plat of Leawood Lots 530B & 530C (9110 Lee Blvd.) was adopted unanimously on motion of Moore, seconded by Rasmussen. Resolution attached as part of the record.

1866 Councilmember Moore, Chairman of the Public Works Committee, requested that the Council assign the following to the Committee to provide the Public Works Department support in the preparation of the 1993 budget: 1) analyze the original residential street inventory to determine funding requirements for upcoming projects; 2) \$200,000 was allocated in 1992 for sewer repair/renovation - evaluate the adequacy of funding for potential projects; 3) review the list of problem locations submitted to the Johnson County Stormwater Management Committee to determine the level of funding needed in 1993.

Councilmember Rasmussen suggested the Committee also consider the possibility of a curb replacement program. Councilmember Moore moved

that the Council as a committee of the whole meet with the Public Works Committee on June 11th, 6:00 P.M., in the conference room of the municipal office building, to discuss the 4 items. Motion seconded by Giblin and carried unanimously.

- 2129 MAYOR'S REPORT: The Johnson County Council of Mayors met last week with state legislators to discuss recent legislation - the school finance bill and its negative impact on local school districts, sales and income tax increases, and loss of motor vehicle property taxes.

The Mayor reported that the Leawood Woman's Club had donated \$1500 to the Fire Department, \$1000 to the D.A.R.E. (Drug Abuse Resistance Education) Program, \$600 to the Lost Child Network, and \$300 to the "Have a Heart, Help a Child" employee giving program.

Scott Whitaker, Employee Task Force representative, told the Council about the "Feed the Need" City/County food drive underway at City Hall. It is part of the employee giving program.

- 2342 ORDINANCE NO. 1297 AUTHORIZING THE MAYOR TO EXECUTE A DEED CONVEYING A TRACT OF GROUND TO THE BOARD OF DIRECTORS OF THE JOHNSON COUNTY LIBRARY FOR A BRANCH LIBRARY AT 117TH & ROE AVE.: The ordinance was considered and passed on motion of Rasmussen, seconded by Campbell. On roll call the vote was: Yeas---LaHue, Campbell, Moore, Giblin, Rasmussen. Nays---None.

- 2507 1992-1993 HEALTH PROVIDER AGREEMENTS:

- * 8:15 P.M. Councilmember Leahy arrived during discussion of employee health plans.

On motion of LaHue, seconded by Campbell, Council unanimously approved agreements with Prime Health and Blue Cross/Blue Shield for the period July 1, 1992 to July 1, 1993.

- 3255 APPROVAL OF APPROPRIATION ORDINANCE NO. 688: The ordinance was considered and passed on motion of Campbell, seconded by Leahy. On roll call the vote was: Yeas---LaHue, Campbell, Leahy, Moore, Giblin, Rasmussen. Nays---None.

- 3370 REQUEST BY LEAWOOD SOUTH COUNTRY CLUB, 12701 OVERBROOK RD., FOR A SHORT-TERM SPECIAL USE PERMIT: from June 7 through June 9, 1992, to allow a tent in the south parking lot for a special event on June 8. On motion of Moore, seconded by Leahy, Council unanimously approved the permit with stipulations.

- 3462 DISCUSSION OF STREET TREE REPLACEMENT IN THE RIGHT-OF-WAY ON PROPERTY AT 9126 LEE BOULEVARD: During Lee Blvd. street improvements, 7 dwarf fruit trees were removed from the right-of-way. The property owner wants to replace 2 of them. City ordinance regulates street trees, and does not allow fruit trees to be planted in the public rights-of-way. Therefore, Council must authorize the planting of the fruit trees. There was discussion of City liability if someone fell on the new sidewalk after slipping on fruit dropped from the trees.

Councilmember Moore moved to approve the replanting of 2 fruit

trees, seconded by Giblin. Motion failed; Moore, Giblin in favor, all others opposed.

3773 OTHER BUSINESS: Councilmember Moore had read a recent article in Reader's Digest which compared U.S. roads, one-third of which are deteriorating, to roads in Northern Europe which are high quality, smooth, and rarely have surface problems in spite of high usage and significant truck traffic. Europeans build their roads for the long term by using additives in road materials. Mr. Moore would like staff to investigate road materials that are available to the City, investigate what is being done in the road materials industry to improve the service life of roadways, and update the Council on how the City could incorporate material life-cycle into the evaluation process for Leawood's road projects.

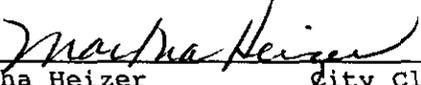
Councilmember Leahy stated some residents had complained about motorists speeding on Sagamore in Leawood South. Mrs. Leahy requested that the Police Department patrol that area more often. As State Line Road improvement project moves farther south, Sagamore could become a shortcut and more heavily traveled.

Mayor Rinehart reported that Councilmember Rasmussen filed to be a candidate for the office of state representative.

Councilmember LaHue suggested that in the future, staff talk more with residents about the grading of land on their properties involved in road modification projects. Many residents involved in the present 85th Terr. and High Dr. bridge replacement project have been concerned about the grading on their properties. Perhaps working models could be used to show residents what gradings will look like.

Mayor Rinehart was elected chairman of the Johnson County Library Board.

4137 8:45 P.M. There being no further business before the Council, the meeting was adjourned.

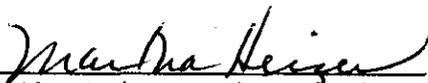


Martha Heizer City Clerk

MINUTES
REGULAR COUNCIL MEETING

Tape No. 247

Mayor Marcia Rinehart and Councilmembers Ronald LaHue, John R. Campbell, Jr., Douglas Moore, and Graham G. Giblin, Sr. were present for the June 15, 1992 Council meeting scheduled to be held at 7:30 P.M. in the Council Chamber, 9615 Lee Boulevard. Councilmembers Charles Hammond, Monique C.M. Leahy, Louis Rasmussen, and Jimmy Lin were absent. The meeting was not held due to lack of a quorum. The meeting was rescheduled for Monday, June 22, 1992, 7:30 P.M., in the Council Chamber.


Martha Heizer, City Clerk

**MINUTES
REGULAR COUNCIL MEETING**

Tape No. 247

186 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, June 22, 1992. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, John R. Campbell, Jr., Charles Hammond, Douglas Moore, Graham G. Giblin, Sr., and Louis Rasmussen.
* Jimmy Lin arrived 7:45 P.M. Monique C.M. Leahy was absent. Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; Capt. Ron Anderson, Police Department; Ronald Brandt, Director of Public Works; Robert McKay, Director of Planning & Development; Harry Malnicof, Finance Director; Jerry Strack, Fire Chief; Scott Whitaker, Director of Parks and Recreation; Fran Kessler, Asst. City Clerk; and Richard S. Wetzler, City Attorney.

The agenda was approved unanimously on motion of Rasmussen, seconded by Moore, after addition of: 1) an executive session to discuss possible acquisition of land; 2) a Stormwater Management Committee report; 3) a Sister City Committee report (under Consent Agenda); 4) a citizen request that the Council consider amending City ordinance to allow 6-foot fences around yards; 5) a discussion of pit bulls; and 6) a revised 1993 Budget schedule.

260 **CITIZEN COMMENTS:** Mr. A.E. Millis, 8905 Mission Rd., did not like the way the new Mission Rd. sidewalk was constructed with a grassy area between the sidewalk and the street. He felt the sidewalk should have been constructed to the curb since it's difficult to grow grass near the street. The matter was referred to staff.

387 **CONSENT AGENDA:** The following were approved unanimously on motion of Rasmussen, seconded by Giblin:

1. Minutes of the June 1, 1992 Council meeting;
2. Parks & Recreation Advisory Board's report (minutes) of their June 9, 1992 meeting;
3. Leawood Arts Committee report (minutes) of their June 9, 1992 meeting;
4. Sister City Committee report (minutes) of their June 10, 1992 meeting;
5. Departmental reports;
6. Pay Request No. 4 to Total Electric Construction Co. for \$10,127.83 for street light installation along Lee Blvd., 95th St. to 103rd St.;
7. Pay Request No. 6 to Bob Muehlberger Concrete for \$61,095.89 for 1991 Street Rehabilitation;
8. Pay Request No. 11 to Suburban Contractors for \$91,501.94 for Lee Blvd. improvements, Phase 2, 95th St. to Somerset Dr.;
9. Change Order No. 1 to the contract for sidewalk construction along Mission Rd., 93rd St./89th St., to modify a side yard slope at 3528 W. 92nd St.; an increase of \$962.50 to the original contract amount;
10. Pay Request No. 4 (FINAL) to Bob Muehlberger Concrete for \$6,272.83 for Mission Rd. sidewalk improvements, 93rd St./89th St.;

11. Change Order No. 2 to the contract for sidewalk construction along 119th St., State Line Rd./Mission Rd.; a \$13,067.46 decrease in the amount of the contract;

12. Pay Request No. 2 (FINAL) to K & K Concrete for \$31,813.80 for 119th St. sidewalk construction, State Line Rd./Mission Rd.;

13. Donations from Leawood Woman's Club - \$1500 to the Fire Department for 2 portable radios for ambulances, \$1000 to the Police Department for the D.A.R.E. Trust Fund, and \$300 to the Leawood Employee Task Force for the "Have a Heart - Help a Child" Christmas Wish Project.

400 RESOLUTION NO. 1069 APPROVING REQUEST FOR REZONING FROM RP-2 TO CP-0, APPROVING REVISED PRELIMINARY PLATS OF ROOT CORPORATE CENTRE AND AMBASSADOR CORPORATE MANOR AT APPROXIMATELY 112TH STREET & ASH, AND APPROVING REVISED PRELIMINARY SITE PLAN AND FINAL PLAT, WITH STIPULATIONS: Adopted unanimously on motion of Rasmussen, seconded by Hammond. Attached as part of the record.

535 ORDINANCE NO. 1298 REZONING PROPERTY LOCATED AT APPROXIMATELY 112TH STREET & ASH FROM RP-2 TO CP-0 - Root Corporate Centre and Ambassador Corporate Manor: The ordinance was considered and passed on motion of Moore, seconded by Hammond.

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

On roll call the vote was: Yeas---LaHue, Campbell, Hammond, Moore, Giblin, Rasmussen. Abstention---Lin. Nays---None.

600 MAYOR'S REPORT: Julie Baer reported that the City had collected 3,861 pounds of food for Harvesters through the "Feed the Need" program organized by the Employee Task Force. The City collected 90 pounds last year.

773 DESIGN CHANGES - 85TH TERR. & HIGH DR. BRIDGE REPLACEMENT: Ward 1 Councilmembers Moore and LaHue met with property owners to discuss opposition to the original design. Design changes were requested and consulting engineers Boyd, Brown, Stude and Cambern submitted additional construction costs for 5 alternatives.

Alternate 1 - replace timber guard fence with a 2-foot high concrete wall faced with stone on the top and both sides - \$7000.

Alternate 2 - revise side slopes on Wheeler property from 4:1 to 6:1; this includes revising the southwest wing wall to match the 6:1 side slopes; does not include replacing the timber guard fence - \$3800.

Alternate 3 - revise side slopes on Wheeler and Nelson properties from 4:1 to 6:1; this includes revising the southwest and southeast wing walls to match the 6:1 side slopes and tree walls on the Nelson property; does not include replacing the timber guard fence - \$9100.

Alternate 4 - Add sidewalk on the south side of the bridge - \$15,700.

Alternate 5 - Add cast masonry units to the face of all wing walls and both facias of the bridge (excluding bridge rail) - \$16,000.

Councilmembers Moore and LaHue felt Alternates 1,2 and 5 should be

considered for a net cost increase of \$26,800, increasing the original construction estimate of \$169,000 to \$195,800. Councilmember LaHue moved to accept the design changes as outlined in Alternates 1,2 and 5, and authorize staff to proceed with advertising for bids for construction. Motion seconded by Moore and carried; LaHue, Campbell, Hammond, Moore, Lin in favor; Rasmussen and Giblin opposed. Public Works Director Brandt stated that if condemnation is necessary to obtain easements, it will add \$5,000-\$10,000 to the cost.

- 1508 STORMWATER MANAGEMENT REPORT: Public Works Director Brandt reported that the Executive Committee of the County Stormwater Management Advisory Council met recently and discussed the priority list of projects prepared by engineering consultants Black & Veatch. The City will have to pay the costs of acquiring easements and rights-of-way on Leawood projects since the County Commissioners voted not to pay those costs. The County will pay 75% of all eligible costs which include design, construction and inspection costs. Councilmembers will need 1 or 2 work sessions to discuss funding mechanisms for stormwater projects, funding by basin, by City-at-large, or by a combination.
- 2221 APPRAISAL AND NEGOTIATION SERVICES TO OBTAIN RIGHTS-OF-WAY FOR K-150 IMPROVEMENTS, STATE LINE ROAD TO NALL AVENUE: On motion of LaHue, seconded by Giblin, Council unanimously approved Right-of-Way Associates, proposed cost \$15,300 to \$19,000.
- 2311 AGREEMENT WITH JOHNSON COUNTY UNIFIED WASTEWATER DISTRICTS TO USE COUNTY PROPERTY ON JULY 4, 1992 AS AN ADDITIONAL EXIT FROM LEAWOOD PARK AFTER THE FIREWORKS DISPLAY: On motion of Moore, seconded by Lin, Council unanimously approved the agreement.
- 2329 REQUEST BY PADGETT THOMPSON, 11221 ROE, FOR A SHORT-TERM SPECIAL USE PERMIT: to allow erection of 4 tents in the parking lot north of Padgett Thompson for a special event to be held Saturday, July 11, 1992. On motion of Rasmussen, seconded by Moore, Council unanimously approved the permit with stipulations.
- 2345 APPROVAL OF APPROPRIATION ORDINANCE NO. 689: The ordinance was considered and passed on motion of Rasmussen, seconded by Moore. On roll call the vote was: Yeas---LaHue, Campbell, Hammond, Moore, Giblin, Rasmussen, Lin. Nays---None.
- 2395 EXECUTIVE SESSION: Councilmember Moore moved to convene in executive session following regular business not to exceed 30 minutes to discuss possible land acquisition, seconded by Campbell; unanimous.
- 2422 1993 BUDGET SCHEDULE: A revised schedule was distributed.
- 2518 REQUEST BY CHARLES AND JANE KELLEY, 8320 SAGAMORE RD., THAT COUNCIL CONSIDER AMENDING CITY ORDINANCE TO ALLOW 6-FOOT FENCES AROUND YARDS: Mr. and Mrs. Kelley want to erect a 6-foot fence around their back yard to protect themselves and their pets from foxes. Their recent request for a variance from the Board of Zoning Appeals was denied. Councilmember Lin moved to request the Plan Commission prepare an

amendment to the "Leawood Development Ordinance" to allow 6-foot fences around yards. Motion seconded by Giblin and carried; Hammond, Moore, Giblin, Lin in favor; LaHue, Campbell, Rasmussen opposed.

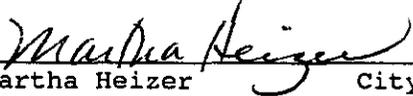
3855 DISCUSSION OF PIT BULLS: A letter had been received from Brad and Sandy Sullivan, 8719 Cherokee Lane, stating their concern about a neighbor's pit bull. The Sullivans requested the Council amend City ordinance to ban pit bulls. The animal control ordinance is presently being revised, including sections on dangerous animals and invisible fences.

3912 9:25 P.M. Recess to clear the Council Chamber.

9:40 P.M. Council convened in executive session, same members present, and returned to regular session at 10:10 P.M.

On motion of LaHue, seconded by Moore, Council voted unanimously to reconvene in executive session not to exceed 10:30 P.M. to continue discussion of the same matter.

10:15 P.M. Council returned to regular session. There being no further business before the Council, the meeting was adjourned.



Martha Heizer City Clerk

**MINUTES
REGULAR COUNCIL MEETING**

Tape No. 248

- # 36 The City Council of the City of Leawood, Kansas, met in regular session in the Council Chamber, 9615 Lee Boulevard, at 7:35 P.M., Monday, July 13, 1992. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, John R. Campbell, Jr., Monique C.M. Leahy, Douglas Moore, Graham G. Giblin, Sr., and Jimmy Lin.
* Charles Hammond arrived 8:50 P.M. Louis Rasmussen was absent. Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; J. Stephen Cox, Police Chief; Ronald Brandt, Director of Public Works; Robert McKay, Director of Planning & Development; Harry Malnicof, Finance Director; Jerry Strack, Fire Chief; Scott Whitaker, Director of Parks and Recreation; Martha Heizer, City Clerk; and Richard S. Wetzler, City Attorney.

- 50 CITIZEN COMMENTS: None.

- 56 The agenda was approved unanimously on motion of Moore, seconded by Campbell, after addition of a stormwater management report, and deletion of an ordinance to amend Section 4-5 (Sign Regulations) of "The Leawood Development Ordinance".

- 78 PRESENTATION OF PROCLAMATIONS OF RECOGNITION TO LEAWOOD MEMBERS OF THE YOUTH SYMPHONY OF KANSAS CITY: The Mayor recognized Tara Ericson, 12328 Sagamore Rd.; Asher Gelbart, 8125 Sagamore; Loman Lin, 11909 Mohawk Rd.; Ryan Meadows, 3416 W. 122nd St.; Lee Robinson, 11920 Belinder; Rusty Sawyer, 9021 High Dr.; Tori Shalberg, 12304 Buena Vista; Yale Thompson, 3004 W. 121st St.; and Kevin Timmons, 2200 W. 120th St., for their outstanding achievements in music and performances during a 6-city, 7-concert tour of Spain June 11-25.

- 262 CONSENT AGENDA: The following were approved unanimously on motion of Moore, seconded by Giblin:
1. Minutes of the June 22, 1992 Council meeting;
 2. Pay Request No. 1 to Wilson Plumbing for \$113,099.40 for 1991 Sewer Rehabilitation Project;
 3. Mayor's appointments of Bob Reid, 9331 Ensley Lane, and Charles Lewis III, 9420 Wenonga, to the ad hoc Golf Course Development Committee;
 4. Public Works Director's recommendation that Mr. A.E. Millis' request for City maintenance (paver treatment) of the 2-foot grass strip between the curb and new sidewalk at 8905 Mission Rd. be denied.

- 278 RESOLUTION NO. 1070 APPROVING THE REVISED PRELIMINARY PLAT AND REVISED PRELIMINARY PLAN OF LEAWOOD FALLS, FOURTH PLAT, LOCATED AT APPROXIMATELY 138TH AND KENNETH ROAD, WITH STIPULATIONS: Adopted on motion of Moore, seconded by Leahy; Campbell, Leahy, Moore, Giblin, Lin in favor; LaHue abstained. Attached as part of the record.

- 800 RESOLUTION NO. 1071 APPROVING THE REVISED PRELIMINARY SITE PLAN OF LORD OF LIFE LUTHERAN CHURCH AT K-150 AND CHADWICK WITH STIPULATIONS: Adopted unanimously on motion of Leahy, seconded by Lin. Attached as

part of the record.

- 1300 ORDINANCE AMENDING SECTION 4-1 (ACCESSORY USES) OF THE "LEAWOOD DEVELOPMENT ORDINANCE" - to clarify the location of tennis courts, fencing in relation to tennis courts, and to define the location of outdoor play structures/courts such as "sport courts", which include basketball courts, volleyball courts, and multi-use courts: Council felt clarification was needed on the types of fences which would be permitted around tennis courts (chain link vs. stockade), and wanted more information on the intensity of 5-foot candle lighting. Councilmember Leahy moved to defer consideration of the ordinance to the July 20th meeting, seconded by Moore; unanimous.
- ORDINANCE AMENDING SECTION 4-5 (SIGN REGULATIONS) OF THE "LEAWOOD DEVELOPMENT ORDINANCE" - to regulate contractors' signs in residential areas, to define the signs and to specify the length of time they can be displayed on a lot. Removed from the agenda.
- 1798 MAYOR'S REPORT: The Mayor reported that the City's American Revolution Tricentennial Fund had a balance of \$3,450.97 as of June 30, 1992.
- 1932 APPROVAL OF APPROPRIATION ORDINANCE NO. 690: The ordinance was considered and passed on motion of Moore, seconded by Lin. On roll call the vote was: Yeas---LaHue, Campbell, Leahy, Moore, Giblin, Lin. Nays---None.
- 1944 EXECUTIVE SESSION: Councilmember Moore moved to convene in executive session following regular business not to exceed 30 minutes to discuss possible land acquisition, seconded by Lin; unanimous.
- 1987 STORMWATER MANAGEMENT REPORT: Councilmember LaHue reported on the County's revised priority list of stormwater projects which will be funded primarily by the County's 1/10 cent sales tax for stormwater management. One Leawood project, Belinder-Manor in the vicinity of 96th St., is #6 on the list, with a cost of approximately \$149,000. Two other projects will cost approximately \$500,000 and \$383,000. The County will pay 75%, the City 25% plus easement acquisition costs. One project with Overland Park will cost approximately \$1,280,000, Leawood's cost to be approximately \$15,000. After a long period of study and discussions of stormwater management in the County, projects are being started rapidly, so it is imperative that the City have funding available immediately to participate in these projects.
- * 8:50 P.M. Councilmember Hammond arrived.
- 2337 8:50 P.M. Council convened in executive session, same members present, and returned to regular session at 9:20 P.M.
On motion of Moore, seconded by Leahy, Council voted unanimously to reconvene in executive session for 15 minutes to continue discussion
- 2350 of the same matter. Council returned to executive session at 9:22 P.M., same members present.
- 9:37 P.M. Council returned to regular session. On motion of Moore,

July 13, 1992

seconded by Leahy, Council voted unanimously to reconvene in executive session for 15 minutes to continue discussion of the same matter.

9:52 P.M. Council returned to regular session. On motion of Moore, seconded by Hammond, Council voted to reconvene in executive session for 15 minutes to continue discussion of the same matter; LaHue opposed, all others in favor.

2368 9:55 P.M. Council reconvened in executive session, returned to regular session at 10:05 P.M., returned to executive session at 10:12 P.M., and
2627 returned to regular session at 10:20 P.M.

There being no further business before the Council, the meeting was adjourned.


Martha Heizer City Clerk



**MINUTES
SPECIAL COUNCIL MEETING**

Tape No. 249

The City Council of the City of Leawood, Kansas, met in special session in the conference room of the Municipal Office Building, 9617 Lee Boulevard, at 6:10 P.M., Wednesday, July 15, 1992. Councilmember Douglas Moore presided in the absence of Mayor Marcia Rinehart who arrived at 6:20 P.M.

The special meeting was requested by Councilmembers Ronald LaHue, John R. Campbell, Jr., Charles Hammond, Monique C.M. Leahy, Douglas Moore, Graham G. Giblin, Sr. and Louis Rasmussen, for the purpose of considering an agreement for the possible conveyance of land to the City, and any other business which might come before the Council. Councilmember Jimmy Lin arrived 6:15 P.M. Staff present: Richard Garofano, City Administrator; Julie Baer, Asst. City Administrator; J. Stephen Cox, Police Chief; Ronald Brandt, Director of Public Works; Robert McKay, Director of Planning & Development; Harry Malnicof, Finance Director; Scott Whitaker, Director of Parks & Recreation; Martha Heizer, City Clerk; and Richard S. Wetzler, City Attorney.

On motion of Campbell, seconded by LaHue, Council voted unanimously to convene in executive session for a period not to exceed 30 minutes to discuss possible land acquisition. Council convened in executive session at 6:12 P.M. Councilmember Lin arrived 6:15 and Mayor Rinehart at 6:20.

6:42 P.M. Council returned to special session. On motion of Rasmussen, seconded by Campbell, Council voted unanimously to return to executive session for 10 minutes to continue discussion of the same matter.

6:52 P.M. Council returned to special session. On motion of Campbell, seconded by Moore, Council voted unanimously to return to executive session for 10 minutes to continue the same discussion.

7:02 P.M. Council returned to special session. On motion of Leahy, seconded by Moore, Council voted unanimously to return to executive session for 30 minutes to continue the same discussion.

7:32 P.M. Council returned to special session, and recessed.

7:48 P.M. Special session resumed. On motion of Leahy, seconded by Lin, Council voted unanimously to reconvene in executive session for 10 minutes to continue the same discussion.

7:58 P.M. Council returned to special session.

July 15, 1992

AGREEMENT WITH BELL DEVELOPMENT, INC., FOR THE CONVEYANCE OF LAND TO THE CITY FOR THE DEVELOPMENT OF A PUBLICLY-OWNED MUNICIPAL GOLF COURSE IN THE VICINITY OF 151ST STREET BETWEEN NALL AVENUE AND MISSION ROAD:

Councilmember Campbell moved to approve the agreement subject to the following changes:

1) in Section 7d., change "and" to "or", so it will read "...to the earlier of 12 years subsequent to the opening of the golf course or the sale or lease or construction upon 80% or more...".

2) in Section 7e., eliminate the word "other", so it will read "...the parties agree that so long as the City shall own, operate, lease or hold any interest in the golf course property...".

3) in Section 7e., eliminate the last sentence and replace it with the following: Subject to said requirement, the city shall have the sole discretion in determining the name of the golf course.

4) in Section 7f., the three persons designated by Bell to serve on the committee shall be designated by Bell until such point in time as the reverter clause, which is set forth in Section 7d., is no longer effective.

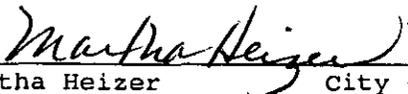
5) the name "Bell Development, Inc.", shall be clarified, further defined.

The motion was seconded by LaHue. Councilmember Rasmussen moved to amend the motion by deleting the requirement that the name "Bell" be included in the golf course name, seconded by Lin. Motion carried; Moore, Campbell opposed; all others (6) in favor. (Section 7e. eliminated.)

The motion to approve the agreement as amended carried unanimously.

Councilmember Lin moved to direct staff to work with a Bell representative to find a proper mechanism to honor Mr. Bell for his contribution which could be incorporated within the golf course complex. Motion seconded by Moore and carried unanimously.

8:10 P.M. There being no further business before the Council, the meeting was adjourned.



Martha Heizer City Clerk

**MINUTES
REGULAR COUNCIL MEETING**

Tape No. 250

- # 35 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, July 20, 1992. Mayor Marcia Rinehart presided.

Councilmembers present: John R. Campbell, Jr., Monique C.M. Leahy, Douglas Moore, Graham G. Giblin, Sr., and Louis Rasmussen. * Ronald LaHue arrived 7:35 P.M. Charles Hammond and Jimmy Lin were absent. Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; Capt. Ron Anderson, Police Department; Ronald Brandt, Director of Public Works; Robert McKay, Director of Planning & Development; Harry Malnicof, Finance Director; Jerry Strack, Fire Chief; Scott Whitaker, Director of Parks and Recreation; Martha Heizer, City Clerk; and Richard S. Wetzler, City Attorney.

- 48 The agenda was approved unanimously on motion of Campbell, seconded by Rasmussen, after addition of a letter agreement relating to a proposed public golf course in the vicinity of 151st St. between Nall Avenue and Mission Road.

80 PRESENTATION RELATING TO PROPOSED JOHNSON COUNTY INDOOR FAMILY RECREATION CENTER:

- * 7:35 P.M. Councilmember LaHue arrived.

A video on the proposed Center was presented for information purposes only. The Center would be located directly south of the Johnson County Community College in Stoll Memorial Park, just off 119th Street and west of Quivira Road. On August 4th, Johnson County voters will decide if the Center will be constructed by the Johnson County Park and Recreation District. General obligation bonds would be issued to construct the \$12.8 million facility.

- 670 CITIZEN COMMENTS: Joseph Fitzpatrick, 2204 W. 104th Terr., expressed concern about stormwater runoff from 104th St. between High Dr. and Sagamore, and the erosion it was causing on his property. (See Consent Agenda.)

- 753 CONSENT AGENDA: The following were removed for further discussion: 1) Public Works Director's recommendation for liquidated damages, Lee Blvd. improvements, Phase 2; 2) contract Change Order No. 1, Lee Blvd. improvements, Phase 2; 3) Pay Request No. 12 (FINAL) for Lee Blvd. improvements, Phase 2; 4) citizen's request relating to 104th St. drainage problem; 5) request to keep 5 dogs; and 6) approval of a lease purchase of a Public Works truck. The following were approved unanimously on motion of Leahy, seconded by Moore:

1. Minutes of the July 13, 1992 Council meeting;
2. Minutes of the July 15, 1992 Special Council meeting;
3. Departmental reports;
4. Contract Change Order No. 1 for sanitary sewer relocation required for Mission Rd. bridge (over Indian Creek) project - time extension of 10 days due to inclement weather;

5. Contract Change Order No. 2 for 1991 Street Rehabilitation project - \$16,802.94 increase in original contract amount.

After a brief discussion, Councilmember Leahy moved that liquidated damages in the amount of ten days at \$850 per day be assessed Suburban Contractors for Lee Blvd. improvements, Phase 2, 95th St. to Somerset Dr., and that contract Change Order No. 1 (an \$8,705.74 increase in the original contract amount) for the same project be approved. Motion seconded by Rasmussen and carried unanimously.

Pay Request No. 12 (FINAL) to Suburban Contractors for \$21,729.31 for Lee Blvd. improvements, Phase 2, was removed from the Consent Agenda for consideration at a future Council meeting.

Council discussed Tom Burge's request to keep 5 dogs at his residence at 10349 Cherokee Lane. Councilmember LaHue was concerned about the welfare of 5 large dogs (4 Pointers and 1 Labrador) on 1 lot. On motion of Giblin, seconded by Moore, Council approved a permit to keep 5 dogs; LaHue opposed; all others in favor.

There is a drainage problem between the Joseph Fitzpatrick property at 2204 W. 104th Terr. and the adjacent property to the west caused by stormwater runoff from 104th St. Mr. Fitzpatrick requested something be done to stop erosion. Public Works staff felt a storm sewer could be built on 104th St. to pipe water east to Sagamore to partially solve the drainage problem. Estimated cost, \$73,000. Staff recommended waiting until 104th St. rehabilitation is done and include a storm sewer in that project, or waiting until County stormwater management funds become available. Councilmember LaHue moved to defer the matter for no more than 60 days to allow for further investigation and to seek a temporary solution. Motion seconded by Rasmussen and carried unanimously.

On May 4, 1992, Council authorized the purchase of an International truck, dump body, plow, and salt/sand spreader for the Public Works Department. After a brief discussion and on motion of Campbell, seconded by Leahy, Council unanimously authorized the lease purchase of the truck, dump body, and salt/sand spreader with North American Financial Resources, Inc., not to exceed \$60,250 at an interest rate of 6.125% for a period of 5 years. (There are funds available to purchase the plow outright.)

1442 ORDINANCE NO. 1299 AMENDING SECTION 4-1 (ACCESSORY USES) OF THE "LEAWOOD DEVELOPMENT ORDINANCE" - to clarify the location of tennis courts and accessory fences in residential districts: The ordinance was considered and passed on motion of LaHue, seconded by Moore. On roll call the vote was: Yeas---LaHue, Campbell, Leahy, Moore, Giblin, Rasmussen. Nays---None.

1684 MAYOR'S REPORT: On July 17th, the Mayor and Police Capt. Ron Anderson attended the Kansas Crime Summit in Topeka.

The Mayor reported that C.A.R.S. (County Assistance Road System) funding will be at risk if the County's budget is passed as proposed. It is the consensus of the County Commissioners that funding for all new projects will be delayed for 1 year. This will affect 83rd Street improvements in Leawood. This project has been included in the City's C.A.R.S. submissions for funding since 1986. Submissions called for

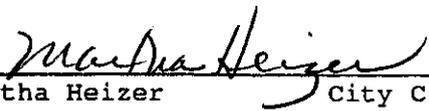
the project to begin as early as 1991 but no later than 1993. This road requires significant repairs. Councilmember Moore moved that the City ask Commissioner Dan Hosfield to request that 83rd Street be reinstated on the C.A.R.S. funding list should there be any funds available due to other projects being stalled or not done. Motion seconded by Giblin and carried unanimously.

- 1986 LETTER AGREEMENT RELATING TO PROPOSED PUBLIC GOLF COURSE IN THE VICINITY OF 151ST STREET BETWEEN NALL AVENUE AND MISSION ROAD: Councilmember Leahy moved to approve the July 17, 1992 letter agreement from R. Scott Beeler, attorney for Bell Development, Inc., which provides that the street serving the golf course clubhouse be named "Bell Valley Drive", and that a 16" x 20" plaque be displayed in the clubhouse acknowledging Don Bell's contribution towards making the golf course possible. Motion seconded by Moore and carried unanimously.
- 2304 ORDINANCE AMENDING SECTION 4-701 OF THE CODE OF THE CITY OF LEAWOOD TO ADOPT NEW PROPERTY MAINTENANCE REGULATIONS: New regulations provide for the inspection of rental dwelling units and for-sale dwelling units. The Property Maintenance Code Appeals Board met to discuss the new regulations. Three of the five members attended the meeting and it was the consensus that rental inspections have more merit than for-sale inspections.
More public input is needed. Realtors, homes association presidents, and others will be invited to a future work session to discuss the new regulations. By unanimous consent, consideration of the ordinance was deferred to allow for further study.
- 3344 1992 STREET REHABILITATION PROGRAM: Seven bids were received July 9th. The Engineer's estimate for the project was substantially lower than the low bid received. On motion of Giblin, seconded by Rasmussen, Council voted unanimously to rebid the project.
- 3788 RESOLUTION NO. 1072 PROVIDING FOR A PUBLIC HEARING TO CONSIDER THE ESTABLISHMENT OF A REDEVELOPMENT DISTRICT: Adopted unanimously on motion of Rasmussen, seconded by Leahy. Attached as part of the record. The hearing will be held August 3, 1992, at 7:00 P.M. in the Council Chamber. The district is designated "103rd Terrace Redevelopment District".
- 4145 ORDINANCE NO. 1300 ACCEPTING A PERMANENT DRAINAGE EASEMENT - from Hallbrook Farms Associates; Lot 8, Block 4, First Plat, Hallbrook Farms: The ordinance was considered and passed on motion of Rasmussen, seconded by Campbell. On roll call the vote was: Yeas---LaHue, Campbell, Leahy, Moore, Giblin, Rasmussen. Nays---None.
- 4159 APPROVAL OF APPROPRIATION ORDINANCE NO. 691: The ordinance was considered and passed on motion of Rasmussen, seconded by Campbell. On roll call the vote was: Yeas---LaHue, Campbell, Leahy, Moore, Giblin, Rasmussen. Nays---None.
- 4175 EXECUTIVE SESSION: Not scheduled.

Council Minutes
Tape No. 250

July 20, 1992

4180 After a few Council comments, the meeting was adjourned at 9:43 P.M.
4325


Martha Heizer City Clerk



MINUTES
PUBLIC HEARING

Tape No. 251

- # 26 Minutes of a hearing for public comment on the proposed 1993 Budget and proposed amendment to the 1992 Budget, held Monday, August 3, 1992, at 6:30 P.M. in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas.

Councilmembers present: Ronald LaHue, Monique C.M. Leahy, Douglas Moore, Graham G. Giblin, Sr., and Louis Rasmussen. Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; Harry Malnicof, Finance Director; J. Stephen Cox, Police Chief; Ronald Brandt, Director of Public Works; Jerry Strack, Fire Chief; Martha Heizer, City Clerk; and attorney Paulette Manville in the absence of the City Attorney.

Mayor Marcia Rinehart opened the hearing.

The City Administrator gave a presentation on the proposed 1993 Budget, \$17,631,526 as published in the notice of hearing. Five residents made brief comments, 2 questioning the need for the proposed additional employees and programs which would further increase the mill levy over that of the base budget. One resident wanted to know the percentage of total expenditures devoted to debt service and if it has been increasing.

1055 The hearing was closed at 7:10 P.M.


Martha Heizer City Clerk

MINUTES
PUBLIC HEARING

Tape No. 251

#1060 Minutes of a public hearing held Monday, August 3, 1992, at 7:10 P.M. in the Council Chamber, 9615 Lee Boulevard, Leawood, Kansas.

The purpose of the hearing was to hear public comment on the proposed establishment of a redevelopment district in the area of 103rd Terrace and State Line Road.

Councilmembers present: Ronald LaHue, Monique C.M. Leahy, Douglas Moore, Graham G. GIBLIN, Sr., and Louis Rasmussen. Councilmembers Charles Hammond and John R. Campbell, Jr. arrived at 7:30 P.M. Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; J. Stephen Cox, Police Chief; Ronald Brandt, Director of Public Works; Harry Malnicof, Finance Director; Robert McKay, Director of Planning and Development; Jerry Strack, Fire Chief; Martha Heizer, City Clerk; and attorney Paulette Manville in the absence of the City Attorney.

Mayor Marcia Rinehart opened the hearing.

Planning Director McKay gave a brief presentation. Consultant Martin Leitner of the firm Freilich, Leitner, Carlisle, & Shortlidge, explained the redevelopment process prescribed by state statute.

Carl Krauss of Morrison Hecker law firm spoke on behalf of Fritz's Smoked Meats located at 10326 State Line. Fritz's would be willing to cooperate on improving landscaping and traffic flow and upgrading parking, but the owners are very concerned about the possibility of closing/moving the business. It would be very difficult for them to move because of USDA requirements, and because Fritz's is a retail, wholesale, and manufacturing business, they might not be able to relocate in the City of Leawood for zoning reasons.

Fred Hulen, owner of Audio Mart at 10330 State Line, is concerned that the City's redevelopment plans might hurt his business. He has already found it difficult to lease vacant space.

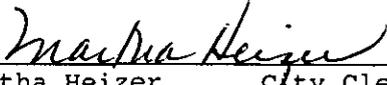
Frances Gershon of U.S. Toy, 2008 W. 103rd Terr., would like the traffic flow improved and is also concerned about how they would continue to operate during redevelopment.

Jim Mallow, owner of the building at 10308 State Line, is afraid his tenants will move when their leases expire in the fall and he won't be able to lease to others because of uncertainties and timing of redevelopment.

Gregory Galvin's company holds title to an office warehouse which has been vacant for approximately 2 years. He believes the area should be redeveloped, but only under market forces. If the location is good, the market will bear that out; if it's not borne out, he doesn't feel it's government's place to impose redevelopment on property owners.

Ron Benjamin, owner of the building at 12242 State Line, echoed Mr. Galvin's opinion.

1961 The hearing was closed at 7:37 P.M.


Martha Heizer
City Clerk

**MINUTES
REGULAR COUNCIL MEETING**

Tape No. 251

#2006 The City Council of the City of Leawood, Kansas, met in regular session in the Council Chamber, 9615 Lee Boulevard, at 7:40 P.M., Monday, August 3, 1992. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, John R. Campbell, Jr., Monique C.M. Leahy, Charles Hammond, Douglas Moore, Graham G. Giblin, Sr., and Louis Rasmussen. Jimmy Lin was absent. Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; J. Stephen Cox, Police Chief; Ronald Brandt, Director of Public Works; Robert McKay, Director of Planning & Development; Harry Malnicof, Finance Director; Jerry Strack, Fire Chief; Scott Whitaker, Director of Parks and Recreation; Martha Heizer, City Clerk; and attorney Paulette Manville in the absence of the City Attorney.

2025 The agenda was approved unanimously on motion of Leahy, seconded by Rasmussen.

2056 PRESENTATION OF A PLAQUE TO FORMER RECREATION DIRECTOR BOB LANE FOR HIS SERVICE TO THE CITY - June 1, 1977 to June 1, 1992.

2164 CITIZEN COMMENTS: Wayne Johnson, 4561 W. 138th Terr., and Mr. and Mrs. Charles Kelley, 8320 Sagamore, in favor of allowing 6-foot fences around yards, requested that the Council encourage the Plan Commission to consider taking action on a proposed ordinance amendment which would allow 6-foot fences at the Commission's August 25th meeting rather than delaying the matter until the September 22nd meeting. (See Council comments, meter #5127.)

Jon Elliott, 4941 W. 129th Terr. (Carriage Crossing subdivision), asked the Council to consider placing a school crossing and control light at the intersection of 130th and Nall so children can walk safely to Overland Trail Elementary and Overland Trail Middle Schools, 6200 block of W. 133rd St. (See Council comments, meter #4619.)

2348 CONSENT AGENDA: The following were approved unanimously on motion of Rasmussen, seconded by Hammond:

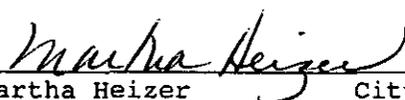
1. Minutes of the July 20, 1992 Council meeting;
2. Renewal of retail liquor occupation license - Faust's Retail Liquor, 11841 Roe, Camelot Court Shopping Center;
3. Pay Request No. 7 (FINAL) to Bob Muehlberger Concrete for \$51,390.10 for 1991 Street Rehabilitation;
4. Pay Request No. 1 (FINAL) to R.A. Pohl Constructors for \$48,215.00 for sanitary sewer relocation, Mission Rd. bridge (over Indian Creek) project;
5. Resolution No. 1073 authorizing the City to proceed with preliminary plans for a public municipal golf course in the vicinity of 151st St. and Nall (resolution attached as part of the record);
6. Assignment to the Public Works Committee - to meet August 6th to select a consultant for construction engineering services for the Mission Rd. bridge (over Indian Creek) project which is scheduled for bid letting by KDOT in August 1992.

- 2387 ORDINANCE NO. 1301 AMENDING SECTION 4-3 (SPECIAL USE PROVISIONS) OF THE SUPPLEMENT OF AMENDMENTS TO THE "LEAWOOD DEVELOPMENT ORDINANCE" - amendment governs short-term special uses only such as balloons and tents for promotional sales, and will allow some special uses to be approved by staff at an administrative level rather than having them approved by the City Council: The ordinance was considered and passed on motion of Rasmussen, seconded by Leahy. On roll call the vote was: Yeas---LaHue, Campbell, Hammond, Leahy, Moore, Giblin, Rasmussen. Nays---None.
- 2484 MAYOR'S REPORT: Mayor Ed Eilert of Overland Park intends to pursue removing the local portion of the new sales tax on construction labor. Preliminary meetings with area developers, builders, and construction people have convinced him that this tax is onerous and has the potential to threaten growth in the County. Councilmember Rasmussen moved to instruct the City Administrator to participate in discussions with Mayor Eilert and others to investigate the possibility of removing the local portion of the new sales tax, seconded by Giblin; unanimous.
- 2808 RESOLUTION NO. 1074 MAKING CERTAIN FINDINGS RELATING TO THE "103RD TERRACE REDEVELOPMENT DISTRICT" (a blighted area at 103rd Terr. and State Line): A public hearing for public comment on the proposed redevelopment district was held before the Council meeting.
The resolution was adopted on motion of LaHue, seconded by Moore; LaHue, Campbell, Leahy, Moore in favor; Hammond, Giblin, Rasmussen opposed. Resolution attached as part of the record. The next phase of the redevelopment process prescribed by state statute is the preparation of a comprehensive feasibility study to determine which types of development projects would be most beneficial to the redevelopment area and the City. The study is scheduled to be completed by December 1992. Business/property owners in the area are concerned about a negative economic impact that the lengthy redevelopment process will have on businesses. Council would like staff to accelerate the process to minimize economic hardship. Perhaps the feasibility study can be completed by October 1992.
- 3466 ORDINANCE NO. 1302 ESTABLISHING THE "103RD TERRACE REDEVELOPMENT DISTRICT": The ordinance was considered and passed on motion of Campbell, seconded by LaHue. On roll call the vote was: Yeas---LaHue, Campbell, Leahy, Moore, Mayor Rinehart. Nays---Hammond, Giblin, Rasmussen.
- 3643 CONTRACT FOR GOLF COURSE PROJECT MANAGEMENT SERVICES - public municipal golf course in the vicinity of 151st & Nall: On motion of Rasmussen, seconded by Moore, Council unanimously approved a contract with Continental Consulting Engineers in an amount not to exceed \$195,574.
- 4007 PROPOSAL FOR SUPPLEMENTAL ENGINEERING SERVICES FOR 85TH TERRACE AND HIGH DRIVE BRIDGE REPLACEMENT: increases the original contract amount by \$5,300 to modify the design in accordance with Council's instructions at the June 22, 1992 Council meeting. On motion of LaHue, seconded by Moore, Council accepted the proposal of Boyd, Brown, Stude

& Cambern; Giblin, Rasmussen opposed; all others in favor.

- 4053 PETITION TO FORM AN IMPROVEMENT DISTRICT FOR THE CONSTRUCTION OF KENNETH ROAD BETWEEN 135TH STREET (K-150) AND KENNETH PARKWAY: On motion of Rasmussen, seconded by Hammond, Council unanimously accepted a petition from Fleming (Food) Companies, Inc., which is planning to develop property on the south side of K-150 between Kenneth Rd. and Kenneth Parkway for a shopping center with a food store as anchor. Kenneth Rd. must be built before development can take place. Fleming Companies has 68% of the frontage and Vic Regnier 32%. Mr. Regnier has not yet signed a petition. The project is estimated to cost \$635,834.00, 100% funded by the improvement district.
- 4136 AUTHORIZE DESIGN OF SEGMENT 2 OF K-150 SYSTEM ENHANCEMENT IMPROVEMENT PROJECT: Councilmember Leahy moved to authorize engineers Howard Needles Tammen & Bergendoff to proceed with the design of Segment 2 (Kenneth Rd. between K-150 and Kenneth Parkway) of their contract. Motion seconded by Hammond and carried; Rasmussen opposed; all others in favor. Segment 2, which includes construction engineering services, is in the amount of \$100,300.00.
- 4285 AUTHORIZE APPRAISAL SERVICE TO NEGOTIATE RIGHT-OF-WAY FOR STATE LINE ROAD IMPROVEMENTS, PHASE 2, 113TH STREET TO 123RD STREET: On motion of Rasmussen, seconded by Leahy, Council unanimously approved Right-of-Way Associates to perform appraisal services and right-of-way negotiations for 11 parcels (does not include Hallbrook Farms properties). \$4500 for appraisals, \$5250 for negotiations; Leawood's 1/3 cost will be \$3250.
- 4332 AUTHORIZE CONTRACT FOR MANOR ROAD REHABILITATION PROJECT, 95TH STREET TO 98TH STREET: At the July 20th Council meeting, Council directed staff to rebid the 1992 Street Rehabilitation project which was to have included High Dr. between Lee Blvd. and 83rd St., and Manor Rd. between 95th St. and 98th St. High Dr. was removed and will be included in the 1993 Street Rehabilitation. Bids were received July 31st for Manor Rd. On motion of Rasmussen, seconded by LaHue, Council unanimously authorized the Mayor to sign a contract with the low bidder McAnany Construction in the amount of \$529,747.61.
- 4360 AUTHORIZE CONTRACT FOR 1992 STREET MARKING PROGRAM: On motion of Rasmussen, seconded by Hammond, Council unanimously authorized the Mayor to sign a contract with Twin Traffic Marking Corp. in the amount of \$13,550.05.
- 4459 APPEAL OF NUISANCE ALARM ORDINANCE ASSESSMENT - by Sam Devinki, 2408 W. 114th St., who was assessed \$50 for excessive false alarms: On motion of Rasmussen, seconded by Hammond, Council unanimously referred the appeal to the Property Maintenance Code Appeals Board.
Present ordinance (Section 11-307 of the Code of the City of Leawood) states that the Public Safety Committee shall hear an appeal. However, the Public Safety Committee is no longer a standing committee. Staff will prepare an ordinance amendment to replace the Public Safety Committee with the Property Maintenance Code Appeals Board.

- 4603 APPROVAL OF APPROPRIATION ORDINANCE NO. 692: The ordinance was considered and passed on motion of Rasmussen, seconded by Campbell. On roll call the vote was: Yeas---LaHue, Campbell, Hammond, Leahy, Moore, Giblin, Rasmussen. Nays---None.
- 4619 OTHER BUSINESS: Council discussed a request made at the beginning of the meeting for a school crossing at 130th & Nall. Public Works Director Brandt stated he had met with Overland Park officials and Blue Valley School District representatives to discuss school crossings at several intersections. Mr. Brandt told the school district that Nall will be widened in 1994 or 1995, and that Leawood would not be recommending permanent signalization until that project is constructed. Overland Park has indicated they will not participate in school crossing funding for the 130th & Nall area since a majority of students in that area live in Leawood. Councilmember Rasmussen recommended that Council direct staff now to accommodate the needs of the school district, either in the form of a crossing guard or a temporary signal. Mr. Rasmussen moved to direct staff to study the feasibility and cost of providing a school crossing mechanism for that area and report back to the Council as soon as possible. Motion seconded by LaHue and carried unanimously.
- 5127 The Council discussed 6-foot fences brought up by citizens at the beginning of the meeting. The Plan Commission had planned to discuss an ordinance amendment to allow 6-foot fences around yards at their July 28th meeting, but only 5 Commission members were present. They felt more members should be present to discuss and debate the issue, so they scheduled a work session for September 1 to be devoted entirely to 6-foot fences.
- 5315 The Council will have a short work session after adjournment to discuss the proposed 1993 Budget.
- 5455 There being no further business before the Council, the meeting was adjourned at 9:10 P.M.


Martha Heizer City Clerk

**MINUTES
REGULAR COUNCIL MEETING**

Tape No. 252

- # 26 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, August 17, 1992. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, John R. Campbell, Jr., Monique C.M. Leahy, ** Charles Hammond, Douglas Moore, Graham G. GIBLIN, Sr., and Louis Rasmussen. * Jimmy Lin arrived 7:45 P.M. ** Mr. Hammond left the meeting at 8:55 P.M. Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; J. Stephen Cox, Police Chief; Ronald Brandt, Director of Public Works; Robert McKay, Director of Planning & Development; Harry Malnicof, Finance Director; Jerry Strack, Fire Chief; Scott Whitaker, Director of Parks and Recreation; Martha Heizer, City Clerk; and attorney Paulette Manville in the absence of the City Attorney.

- 35 The agenda was approved unanimously on motion of Campbell, seconded by Moore, after addition of an ordinance accepting a public utility easement required for the city hall project at 117th & Roe.

58 CITIZEN COMMENTS: None.

- 64 CONSENT AGENDA: Change Order No. 1 to the contract for temporary traffic signals at K-150 and Mission Rd. was removed for further discussion. The following were approved unanimously on motion of Moore, seconded by GIBLIN:

1. Minutes of the August 3, 1992 hearing on the proposed 1993 Budget;
2. Minutes of the August 3, 1992 hearing on the proposed "103rd Terrace Redevelopment District";
3. Minutes of the August 3, 1992 Council meeting;
4. Parks and Recreation Advisory Board report (minutes) of their August 11, 1992 meeting;
5. Public Works Committee report (minutes) of their August 6, 1992 meeting;
6. Departmental reports;
7. Renewal of retail liquor occupation license - Mertz's Liquor Store, 3740 W. 95th St., Ranchmart Shopping Center;
8. Pay Request No. 2 to Wilson Plumbing Co. for \$31,951.98 for 1991 Sanitary Sewer Rehabilitation;
9. Declaration of surplus property - 2 1988 Chevrolet Caprices and 3 1990 Chevrolet Caprices no longer used by the Police Department, to be offered for sale by sealed bid or sold at the annual Olathe auction, proceeds to be credited to the City Equipment Fund;
10. Renewal of the City's property and liability insurance coverages for the period September 1, 1992 to September 1, 1993 - general liability, law enforcement liability, public officials liability, and boiler and machinery with broker Sedgwick James Co. for a total premium of \$145,402; and property, crime and automobile coverages with broker McInnes, Shifman & Remley, Inc., for a total premium of \$70,121.

After a short discussion and on motion of Leahy, seconded by

Campbell, Council approved Change Order No. 1 to the contract for temporary traffic signals at K-150 and Mission Rd., a \$1208 increase in the original contract amount; Rasmussen opposed; all others in favor.

- 131 **MAYOR'S REPORT:** The Mayor reported that Police Officer William Burke was awarded a Bronze Star for meritorious service during (1991) Operation Desert Storm in the Persian Gulf war.

Councilmember Moore attended a public hearing held by the Board of County Commissioners at which funding reductions (thus project delays) in the County's C.A.R.S. program were discussed. 83rd Street improvements will be delayed. The City might go ahead and do the project. Commissioner Sue Weltner indicated that the County could reimburse the City in the future if County money did become available. An interlocal agreement would have to be prepared in that event.

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

- 262 **DISCUSSION OF DRAINAGE PROBLEMS, 2204 W. 104TH TERR.:** Deferred from the July 20, 1992 Council meeting. Public Works Director Brandt recommended that the City reconstruct 104th Street curbs and gutters and driveway approaches, and that the right-of-way be regraded to keep runoff in the street. The cost of materials and supplies only would be \$4840. The Public Works Department would do the work. Councilmember LaHue moved to approve the work for \$4840, seconded by Rasmussen. Motion carried; Leahy, Moore opposed; Lin abstained; all others (5) in favor.

- 630 **REPORT ON SCHOOL CROSSING AT 130TH & NALL:** Deferred from the August 3, 1992 Council meeting. There are no sidewalks along Nall. Staff recommended that in order to provide access to a school crossing, a sidewalk should be constructed on the east side of Nall between 129th Terr. and 130th Terr. A school crossing should be provided on Nall roughly 225 feet north of 130th Terr. This crossing should be a marked crosswalk only, as Overland Park has indicated that they will not participate in nor approve a crossing signal at this time. The cost of a temporary asphalt path would be approximately \$5,000. Signage and crosswalk painting would be additional.

- 1309 Councilmember LaHue moved to authorize the temporary asphalt path with painted crosswalk as recommended by staff, seconded by Leahy. Motion carried unanimously. Every effort will be made to find a crossing guard. It was emphasized that a crosswalk would not be signalized until Nall is improved in 1994 or 1995.

- 1396 **SECOND ADDENDUM TO THE DECEMBER 12, 1991 AGREEMENT WITH MARNED CORPORATION FOR A BRANCH LIBRARY AND CITY HALL SITE:** The first addendum dated February 7, 1992, provided that the City would contract with Marned Corp. for the construction of Town Center Drive. Marned is a corporation for land ownership purposes with no construction experience. It would be more difficult for Marned to obtain the necessary performance and maintenance bonds than for a contractor to do so. It would be easier for the City to deal directly with a contractor in the event problems arose. The second addendum enables the City to contract with either Marned or a contractor secured by Marned for

roadway construction. On motion of LaHue, seconded by Hammond, Council unanimously approved the second addendum.

- 1440 CONTRACT FOR CONSTRUCTION OF TOWN CENTER DRIVE FROM NALL AVENUE TO ROE AVENUE - construction of first 2 lanes, new city hall/branch library site: On motion of Lin, seconded by Rasmussen, Council unanimously authorized the Mayor to execute a contract with Reno Construction Co. in the amount of \$750,909.22.
- 1563 CONTRACT FOR CONSTRUCTION OF SITE WORK AT NEW CITY HALL/BRANCH LIBRARY SITE, 117TH & ROE: On motion of LaHue, seconded by Moore, Council unanimously authorized the Mayor to execute a contract with Reno Construction Co. in the amount of \$234,802.72.
- 1662 APPROVAL OF AMENDED 1992 BUDGETS: On motion of LaHue, seconded by Campbell, Council unanimously approved the amended 1992 expenditure authority for the Recreation Fund from \$21,731 to \$38,639. On motion of Campbell, seconded by Hammond, Council unanimously approved the amended 1992 expenditure authority for the Special Highway Fund from \$66,460 to \$68,695. On motion of Hammond, seconded by Leahy, Council unanimously approved the amended 1992 expenditure authority for the Employee Benefits Fund from \$13,580 to \$30,528.
- 1735 ADOPTION OF THE 1993 BUDGET: Councilmember LaHue moved to adopt the proposed 1993 Budget with a mill levy of 23.156 to support \$17,483,776 of expenditures (an increase of 1.142 mills over the 1992 Budget), seconded by Leahy.
- 1953 Councilmember LaHue moved to amend his motion to add that \$50,000 of the additional \$100,000 requested for street rehabilitation be designated for the sidewalk program, seconded by Leahy. Motion to amend carried; LaHue, Campbell, Leahy, Hammond in favor; Moore, Giblin, Rasmussen opposed; Lin abstained; Mayor in favor.
- 2017 Councilmember Lin moved to amend the motion to delete the rental inspection program from the proposed budget, seconded by Giblin. Motion to amend failed; Giblin, Lin in favor; all others (6) opposed.
- 2144 The main motion as amended failed; LaHue, Campbell, Leahy in favor; all others (5) opposed.
- 2178 Councilmember Lin moved to adopt a 1993 Budget with a mill levy of 22.014 (same as the 1992 Budget levy) with proportionate reduction in all funds (where permitted) of the proposed budget, seconded by Rasmussen. Motion failed; Giblin, Lin, Rasmussen in favor; all others (5) opposed.
- Further consideration of the 1993 Budget at the end of the meeting. (See meter #2990)
- ** 8:55 P.M. Councilmember Hammond left the meeting.
- 2521 ORDINANCE ESTABLISHING THE 1993 LEAWOOD SEWER SYSTEM ASSESSMENTS: to be considered after adoption of the 1993 Budget. (See meter #5095)
- 2578 ORDINANCE NO. 1303C AMENDING SECTION 11-307 OF THE CODE OF THE CITY OF LEAWOOD TO PROVIDE FOR APPEALS OF NUISANCE (FALSE) ALARM ASSESSMENTS: The ordinance was considered and passed on motion of LaHue, seconded by

Moore. On roll call the vote was: Yeas---LaHue, Campbell, Leahy, Moore, Giblin, Rasmussen, Lin. Nays---None.

- 2592 DESIGNATION OF VOTING AND ALTERNATE VOTING DELEGATES FOR THE ANNUAL NATIONAL LEAGUE OF CITIES CONGRESS - to be held in New Orleans, Louisiana, November 28-December 2, 1992: On motion of LaHue, seconded by Campbell, Council unanimously selected Mayor Rinehart to be the voting delegate and City Administrator Garofano to be the alternate.
- 2644 APPROVAL OF APPROPRIATION ORDINANCE NO. 693: The ordinance was considered and passed on motion of LaHue, seconded by Moore. On roll call the vote was: Yeas---LaHue, Campbell, Leahy, Moore, Giblin, Rasmussen, Lin. Nays---None.
- 2658 ORDINANCE NO. 1304 ACCEPTING A PUBLIC UTILITY EASEMENT FOR A WATER MAIN REQUIRED FOR THE NEW CITY HALL PROJECT AT 117TH & ROE AVENUE: The ordinance was considered and passed on motion of LaHue, seconded by Lin. On roll call the vote was: Yeas---LaHue, Campbell, Leahy, Moore, Giblin, Rasmussen, Lin. Nays---None.
- 2672 OTHER BUSINESS: A work session was scheduled for September 14th to discuss the implications of the construction tax recently imposed by the state legislature as a part of the school finance law, and the possibility of the City exempting itself from the imposition of the local 1% sales tax which will piggyback on the state's 2.5% "labor tax" on original construction.
- 2990 9:10 P.M. Recess.
- 2990 9:15 P.M. CONTINUATION OF DISCUSSION OF THE PROPOSED 1993 BUDGET: Council discussed the need for a central cashier, a new position requested by staff to be effective July 1, 1993, with an expenditure of \$9708.
- 3429 Councilmember LaHue moved to adopt the 1993 Budget as recommended by staff with the deletion of the central cashier (mill levy would become 23.107), seconded by Leahy. Motion failed; LaHue, Campbell, Leahy in favor; Moore, Giblin, Rasmussen, Lin opposed.
- 3613 Council discussed the need for a fire training officer (\$26,421 expenditure) and a police communications officer (\$25,522 expenditure), and the increasing costs of additional personnel in general.
- 4313 Council discussed subtracting the following expenditures from the proposed budget: 1) \$50,000 of the \$100,000 increase for street rehabilitation; 2) \$14,000 for a county-wide household hazardous waste program; 3) \$14,000 for mobile concessions; 4) \$11,546 for a rental inspection program; 5) \$11,500 for economic development; and 6) \$9708 for a central cashier. The mill levy would be reduced to 22.598.
- 4794 Councilmember Leahy moved to adopt the 1993 Budget with 5 of the 6 deletions discussed (\$50,000 will not be deleted from street rehabilitation) for a mill levy of 22.850, seconded by Campbell. Motion carried; LaHue, Campbell, Leahy, Moore in favor; Giblin, Rasmussen, Lin opposed. (22.850 mills based on current valuation supports \$17,420,568 of expenditures.)

5095 ORDINANCE NO. 1305 ESTABLISHING THE 1993 LEAWOOD SEWER SYSTEM
ASSESSMENTS: The ordinance was considered and passed on motion of Rasmussen, seconded by Campbell. On roll call the vote was: Yeas---LaHue, Campbell, Leahy, Moore, Giblin, Rasmussen, Lin. Nays---None.

5162 10:10 P.M. There being no further business before the Council, the meeting was adjourned.



Martha Heizer City Clerk

**MINUTES
REGULAR COUNCIL MEETING**

Tape No. 253

- # 50 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., Tuesday, September 8, 1992. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, John R. Campbell, Jr., Douglas Moore, Graham G. GIBLIN, Sr., Louis Rasmussen, and Jimmy Lin.

* Monique C.M. Leahy arrived at 8:13 P.M. and left the meeting at 10:40 P.M. Charles Hammond was absent. Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; J. Stephen Cox, Police Chief; Ronald Brandt, Director of Public Works; Robert McKay, Director of Planning & Development; Harry Malnicof, Finance Director; Jerry Strack, Fire Chief; Scott Whitaker, Director of Parks and Recreation; Martha Heizer, City Clerk; and Richard S. Wetzler, City Attorney.

- 62 The agenda was approved unanimously on motion of Moore, seconded by Campbell, after the addition of: 1) a petition/agreement with Water District No. 1 to construct a water main required for the new city hall at 117th & Roe; 2) an agreement with Water District No. 1 for the possible relocation of water main street crossing(s) constructed for the new city hall; 3) a report on sound barriers along I-435; and 4) a discussion of a resident's letter regarding the need for street and curb repairs in Leawood South.

- 118 RECOGNITION OF POLICE SERGEANT CRAIG HILL FOR SERVICE TO THE CITY: A Governing Body Resolution of Recognition of Sergeant Hill's 20th anniversary of service in the Leawood Police Department was adopted by unanimous consent and presented to him. A Police Department plaque was also presented to him. The Resolution is attached as part of the record.

RECOGNITION OF POLICE CHIEF J. STEPHEN COX FOR SERVICE TO THE CITY: A Governing Body Resolution of Recognition of Chief Cox's 20 years of continuous service in the Leawood Police Department was adopted by unanimous consent and presented to him. A Police Department plaque was also presented to him. The Resolution is attached as part of the record.

- 352 CITIZEN COMMENTS: None.

- 354 PROCLAMATIONS: The Mayor proclaimed:
1. August 23-29, 1992 as "Child Support Awareness Week";
 2. September 6-12, 1992 as "The National Association of Women in Construction Week";
 3. September 17-23, 1992 as "Constitution Week".

- 360 CONSENT AGENDA: A pay request by Mr. Turf Sod Co. for Lee Blvd. sod replacement was removed for further discussion. The following were approved unanimously on motion of Moore, seconded by Rasmussen:
1. Minutes of the August 17, 1992 Council meeting;
 2. Resolution No. 1075 (attached as part of the record) approving

the final plat of Hallbrook Farms, 5th Plat, approximately 118th & Overbrook.

After discussion and on motion of LaHue, seconded by Campbell, Council approved Pay Request No. 1 (FINAL) to Mr. Turf Sod Co. for \$21,524.31 for sod replacement, Lee Blvd. improvements, Phase 1, 95th St. to 103rd St.; Rasmussen opposed, all others in favor.

500 RESOLUTION NO. 1076 APPROVING THE PRELIMINARY PLAT AND PLAN AND FINAL PLAT FOR HALLBROOK FARMS, 6TH PLAT, 115TH & CANTERBURY CIRCLE: Adopted unanimously on motion of LaHue, seconded by Rasmussen. Attached as part of the record.

560 RESOLUTION NO. 1077 APPROVING THE FINAL PLAT OF THE REPLAT OF LOTS 37 AND 1404, LEAWOOD ESTATES SUBDIVISION, APPROXIMATELY 93RD & LEE BLVD.: Adopted unanimously on motion of Moore, seconded by Campbell. Attached as part of the record.

711 RESOLUTION NO. 1078 APPROVING THE PRELIMINARY SITE PLAN FOR THE JOHNSON COUNTY LIBRARY, LEAWOOD PIONEER BRANCH, 117TH & ROE AVE.:

* 8:13 P.M. Councilmember Leahy arrived.

Councilmember LaHue did not like the outbuilding effect of the library's trash and transformer enclosure. He would like to see it appear to be part of the main structure. He requested that the Library Board and architects explore the possibility of constructing a walkway between the library and new city hall so the library could have access to the city hall's storm shelter. The walkway might be enclosed or even underground.

Council discussed roofing materials for the two buildings. The Library Board wants to have a metal roof for the library; slate has been specified for the new city hall. Councilmembers felt the roofs should be alike or harmonious.

1998 Councilmember Moore moved that Council adopt the resolution and ask that the following 3 requests be taken into consideration: 1) that an effort be made to select harmonious roofing materials for the 2 buildings; 2) that options be studied for making the library's trash/transformer structure appear to be part of the main structure; and 3) that a schedule for plantings/landscaping be prepared. Motion seconded by Rasmussen and carried unanimously.

2198 MAYOR'S REPORT: The Mayor and Councilmember Moore attended the first meeting of the new "Regional Council of City Councils" on September 2nd. The "Council" was formed in an effort to draw together councilmembers from metropolitan area cities for the common good of the metropolitan area. The meeting was for information gathering purposes only.

2365 ORDINANCE NO. 1306C ADOPTING THE "PROPERTY MAINTENANCE CODE, MINIMUM HOUSING CODE AND RENTAL INSPECTION PROGRAM OF THE CITY OF LEAWOOD", DATED JANUARY 1, 1993: to be effective January 1, 1993. Planning Director McKay explained changes/corrections he had made to the new

code.

An inspection of a rental dwelling would be required after the dwelling is vacated by a tenant and prior to reoccupancy. Councilmember LaHue felt rental inspections should be made on a regular basis (perhaps every year) even though a renter might lease for a longer period of time. Dr. LaHue asked who would be responsible for the inspection fee in the event a renter requested an inspection - the renter or the property owner?

3330 Councilmember Moore moved to pass the ordinance adopting the new property maintenance code, seconded by Campbell. The new code would include the changes/corrections made by the Planning Director and the requirement that fees for tenant-requested inspections be borne by the tenant and paid prior to the inspections.

3457 Councilmember Lin moved to amend the motion to state that Article 4 ("Licensing of Rental Dwelling Units") of the new code be deleted. Motion failed for lack of a second.

Councilmember Moore's motion to pass the ordinance carried. On roll call the vote was: Yeas---LaHue, Campbell, Leahy, Moore, Rasmussen. Nays---Giblin, Lin.

3518 LINE EXTENSION PETITION AND AGREEMENT WITH JOHNSON COUNTY WATER DISTRICT NO. 1 FOR THE CONSTRUCTION OF A WATER MAIN: in the road right-of-way from Camelot Court Shopping Center, under Roe Avenue and along the new city hall/library property at 117th & Roe Ave. On motion of LaHue, seconded by Rasmussen, Council unanimously approved the petition/agreement.

PAYMENT AGREEMENT WITH JOHNSON COUNTY WATER DISTRICT NO. 1 FOR THE RELOCATION OF WATER MAIN STREET CROSSING(S): On motion of LaHue, seconded by Rasmussen, Council unanimously authorized execution of the agreement in the event it is necessary to provide water to the new city hall construction site at 117th & Roe before the contractor constructs Town Center Drive curbs and gutters.

3923 CONTRACT FOR 1992 STREET OVERLAY PROGRAM: On motion of Leahy, seconded by Moore, Council unanimously authorized the Mayor to sign a contract with the low bidder O'Donnell & Sons Construction Co. in the amount of \$199,244.78.

3961 RESOLUTION NO. 1079 APPROVING THE CITY'S PARTICIPATION IN THE NEW KANSAS "MUNICIPAL INVESTMENT POOL" (MIP): created by 1992 Senate Bill 480 for the investment of city/county idle funds. Resolution adopted unanimously on motion of Rasmussen, seconded by Moore. Attached as part of the record.

3972 REQUEST FOR A PEDESTRIAN CROSSING ON LEE BOULEVARD BETWEEN 89TH STREET AND 91ST STREET: Staff has information from a past request for a crossing at 89th & Lee. Council will discuss this matter at a work session, possibly on October 12th.

4406 ORDINANCE NO. 1307C ADOPTING THE 1992 EDITION OF THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES": The ordinance was considered and passed on motion of Rasmussen, seconded by Moore. On roll call the

vote was: Yeas---LaHue, Campbell, Leahy, Moore, Giblin, Rasmussen, Lin. Nays---None.

4467 ORDINANCE NO. 1308C AMENDING SECTION 11-201 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO PENALTIES FOR PUBLIC OFFENSE LOCAL PROVISIONS: The ordinance was considered and passed on motion of Rasmussen, seconded by Campbell. On roll call the vote was: Yeas---LaHue, Campbell, Leahy, Moore, Giblin, Rasmussen, Lin. Nays---None.

4485 ORDINANCE NO. 1309C AMENDING SECTION 11-606 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO PENALTIES FOR DRUG OFFENSES: The ordinance was considered and passed on motion of Giblin, seconded by Moore. On roll call the vote was: Yeas---LaHue, Campbell, Leahy, Moore, Giblin, Rasmussen, Lin. Nays---None.

4499 ORDINANCE NO. 1310C ADOPTING THE 1992 EDITION OF THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES": The ordinance was considered and passed on motion of Campbell, seconded by Leahy. On roll call the vote was: Yeas---LaHue, Campbell, Leahy, Moore, Giblin, Rasmussen, Lin. Nays---None.

4514 ORDINANCE NO. 1311C AMENDING SECTION 14-201 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO PENALTIES FOR VIOLATION OF LOCAL TRAFFIC REGULATIONS: The ordinance was considered and passed on motion of Moore, seconded by Giblin. On roll call the vote was: Yeas---LaHue, Campbell, Leahy, Moore, Giblin, Rasmussen, Lin. Nays---None.

4532 DESIGNATION OF VOTING DELEGATES FOR THE ANNUAL LEAGUE OF KANSAS MUNICIPALITIES MEETING - October 4,5,6 in Wichita: Councilmember Jimmy Lin will be the voting delegate. No alternate designated.

4627 APPROVAL OF APPROPRIATION ORDINANCE NO. 694: The ordinance was considered and passed on motion of Rasmussen, seconded by Moore. On roll call the vote was: Yeas---LaHue, Campbell, Leahy, Moore, Giblin, Rasmussen, Lin. Nays---None.

4650 SCHEDULE EXECUTIVE SESSION: On motion of Moore, seconded by Giblin, Council voted unanimously to convene in executive session at the end of regular business for a period not to exceed 20 minutes to discuss possible acquisition of property.

4693 OTHER BUSINESS: As a matter of information relative to the City's request to KDOT that sound barriers be constructed along I-435 as part of the I-435 improvement project, Planning Director McKay stated that the (1966 or 1967) plat of Leawood Estates subdivision from 105th St. south to I-435 shows the planned right-of-way for I-435, so residents should have been aware (at that time) that the highway was going to be constructed. Public Works Director Brandt met on September 4th with KDOT representatives and the consultant hired by KDOT to do a noise study along I-435. It now appears that KDOT might construct the barriers, but not until approximately 1997. KDOT will hold meetings in the next few weeks - 1 with the City Council (perhaps at an October 12th work session) and meetings with residents and other interested

parties - to discuss and obtain input on the highway construction and sound barriers.

5422 Councilmember Campbell stated he had received complaints from residents about the need for street/curb repairs in Leawood South. 1993 Public Works programs, including street/curb improvements, will be discussed at the September 14th work session.

5638 Recommendations from a committee appointed several months ago and chaired by Councilmember Hammond to study the possibility of an in-house attorney should be completed by November.

5817 10:17 P.M. Recess.

10:25 P.M. Council convened in executive session, same members present.

* 10:40 P.M. Councilmember Leahy left the meeting.

10:45 P.M. Council returned to regular session.

5826 10:50 P.M. There being no further business before the Council, the meeting was adjourned.



Martha Heizer City Clerk

**MINUTES
REGULAR COUNCIL MEETING**

Tape No. 254

- # 20 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, September 21, 1992. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, John R. Campbell, Jr., Monique C.M. Leahy, Charles Hammond, Douglas Moore, Graham G. Giblin, Sr., and Louis Rasmussen. Jimmy Lin was absent. Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; J. Stephen Cox, Police Chief; Ronald Brandt, Director of Public Works; Robert McKay, Director of Planning & Development; Harry Malnicof, Finance Director; Jerry Strack, Fire Chief; Scott Whitaker, Director of Parks and Recreation; Martha Heizer, City Clerk; and Richard S. Wetzler, City Attorney.

- 31 The agenda was approved unanimously on motion of Moore, seconded by Hammond, after the addition of a proclamation for "International Studies Month".

- 50 PRESENTATIONS TO THE MARNED CORPORATION (DOUTHAT FAMILY) AND THE CITY OF LEAWOOD BY THE JOHNSON COUNTY LIBRARY BOARD: Patti Armstrong, immediate past president of the Johnson County Library Board, presented plaques to Mayor Rinehart for the City of Leawood, and to Neil Douthat, President of the Marned Corp., for the Douthat Family, to express the Board's appreciation for the donation of land at 117th & Roe Ave. as a site for the new Leawood Pioneer Branch Library.

- 282 PROCLAMATION: The Mayor proclaimed the month of October 1992 as "International Studies Month" for the Shawnee Mission School District's Center for International Studies.

- 285 CITIZEN COMMENTS: Keith Copaken, a new resident at 2310 W. 85th Terr., stated he is in favor of the bridge construction at 85th Terr. & High Dr. and of granting the City an easement for that construction subject to 3 conditions: 1) that the City replace grass, trees and shrubs; 2) that the City not go past the driveway apron and tear up the driveway he is getting ready to replace; and 3) that he would be able to have an engineer review the new grades to ensure that water runoff remains in the street and gutters.

- 430 CONSENT AGENDA: The minutes of the September 8, 1992 Council meeting, a pay request by Delta-Tec for temporary traffic signals at K-150 and Mission Rd., a pay request by Suburban Contractors for Lee Blvd. improvements (Phase 2), a staff request to have various items declared surplus property, and a request to purchase a mobile power trac for a sewer camera, were removed for further discussion. The following were approved on motion of Campbell, seconded by Leahy; Hammond opposed, all others in favor:

1. Departmental reports;
2. Golf Course Committee report (minutes) of their September 9, 1992 meeting;
3. Parks and Recreation Advisory Board report (minutes) of their

September 8, 1992 meeting.

Minutes of the September 8, 1992 Council meeting: Councilmember Giblin requested that Council meeting minutes include highlights of discussions of items pulled from consent agendas, and include, when possible, Councilmembers' reasons for voting against issues.

Pay Request No. 1 to Delta-Tec Construction for \$24,470.10 for temporary traffic signals at K-150 & Mission Rd.: Councilmember Giblin wanted clarification of the number of contract calendar days stated on the pay request.

Pay Request No. 12 to Suburban Contractors for \$21,729.31 for Lee Blvd. improvements, Phase 2, 95th St. to Somerset Dr.: Council discussed normal contract retainage vs. an amount in dispute (liquidated damages) as retainage.

Declaration of surplus property: Councilmember Moore expected that all items had been reviewed for possible storage/future use in the new city hall or other facility. 3 vehicles were on the list - 1982 Ford F-150 1/2-T pickup, 1984 Chevrolet S10 pickup, and a 1984 Chevrolet S10 Blazer.

Purchase of a self-propelled mobile camera transporter power trac for televising the Leawood Sewer System from Cues of Orlando, Florida, in the amount of \$7,000: Councilmember Moore confirmed that this is a budgeted item.

On motion of Moore, seconded by Campbell, Council unanimously approved the items removed from the consent agenda.

939 **MAYOR'S REPORT:** The Sister City Committee will be inviting City officials and Leawood residents to a Chinese dinner on October 28th in an effort to broaden community awareness about Leawood's Sister City I-Lan, Taiwan.

A recent letter from the Johnson County Radio Amateurs Club, which will provide emergency communications during local disasters, indicated that modifications need to be made to the Police Department's present communications tower. Police Chief Cox is investigating avenues for providing better radio coverage during emergencies.

The Council will discuss Water District No. 1's rate structure review at a future work session. The Mayor distributed a sample resolution supporting the water district's adopted conservation plan, and denouncing the portion of the August 7th order of the Kansas Water Authority which curtails water use within Water District No. 1. The Council might want to discuss it later in the meeting.

Public Works Director Brandt was 1 of 11 United States engineers selected by the International Public Works Federation to tour Japan from September 24th to October 10th as a delegate in an exchange program between United States and Japanese public works officials.

Police Chief Cox announced that the Metro Squad and Leawood Police Department had arrested 2 suspects for the September 11th murder of a south Leawood resident.

1374 **APPROVAL OF 1993 PUBLIC WORKS PROGRAM:** Councilmember LaHue expressed a concern about the bridge construction at 85th Terr. & High Dr. The original plans were modified after discussions with residents to include approximately \$30,000 of aesthetic amenities. Public Works

believes a few residents are still unwilling to grant easements for the project and, therefore, recommends constructing the bridge without the amenities and securing the easements through eminent domain. Dr. LaHue doesn't want to "take a step backwards" and build without the amenities - it would be detrimental to the neighborhood - and it appears now that only 1 resident refuses to grant an easement.

On motion of Rasmussen, seconded by Leahy, Council unanimously approved the 1993 Public Works Program.

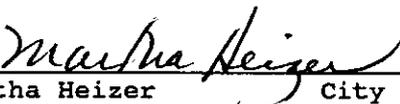
- 1812 PROPOSAL FOR RIGHT-OF-WAY APPRAISAL REVIEWS FOR K-150 IMPROVEMENTS, STATE LINE RD. TO NALL AVE.: On motion of Rasmussen, seconded by Hammond, Council unanimously approved the proposal of Donoho & Associates in the amount of \$5,650.00.
- 1854 ORDINANCE ACCEPTING AN EASEMENT (AGREEMENT) FOR THE LEAWOOD GREENWAY AND TRAIL SYSTEM: A portion of the Greenway trail at 123rd & Mission Rd. is on private property. The easement (agreement) waives the property owner's liability on that portion of the trail. Staff needs to correct errors in the legal description and agreement. Council will consider this ordinance at the next Council meeting.
- 2292 ORDINANCE NO. 1312 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 92L, PROJECT 118; POLICE/COURT BUILDING & FIRE STATION NO. 1 REMODELING PROJECT; \$300,000.00: The ordinance was considered and passed on motion of Rasmussen, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Campbell, Hammond, Leahy, Moore, Giblin, Rasmussen. Nays---None.
- 2311 ORDINANCE NO. 1313 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES L.I.D. 92-4-92N, PROJECT 130; TOWN CENTER DRIVE CONSTRUCTION; \$500,000.00: The ordinance was considered and passed on motion of Rasmussen, seconded by Giblin. On roll call the vote was: Yeas---LaHue, Campbell, Hammond, Leahy, Moore, Giblin, Rasmussen. Nays---None.
- 2325 ORDINANCE NO. 1314 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES L.I.D. 92-3-92M, PROJECT 132; STATE LINE RD. IMPROVEMENTS, PHASE 1; \$200,000.00: The ordinance was considered and passed on motion of Rasmussen, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Campbell, Hammond, Leahy, Moore, Giblin, Rasmussen. Nays---None.
- 2352 ORDINANCE NO. 1315 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 92K, PROJECT 125; LEE BOULEVARD IMPROVEMENTS, PHASE 2, 95TH STREET TO SOMERSET DRIVE; \$1,800,000.00: The ordinance was considered and passed on motion of Rasmussen, seconded by Hammond. On roll call the vote was: Yeas---LaHue, Campbell, Hammond, Leahy, Moore, Giblin, Rasmussen. Nays---None.
- 2371 SCHEDULE WORK SESSION: A work session will be held Monday, October 12th to discuss stormwater policy, Water District No. 1's rate structure, and a request for a pedestrian crossing on Lee Blvd. between 89th St. and 91st St. No work session will be scheduled to discuss

I-435 sound barriers with KDOT representatives. A public hearing on that subject will be held Monday, October 26th, 7:00 P.M., Brookwood School at 103rd & Wenonga.

2855. APPROVAL OF APPROPRIATION ORDINANCE NO. 695: The ordinance was considered and passed on motion of Hammond, seconded by Campbell. On roll call the vote was: Yeas---LaHue, Campbell, Hammond, Leahy, Moore, Giblin, Rasmussen. Nays---None.

2871 RESOLUTION NO. 1080 SUPPORTING JOHNSON COUNTY WATER DISTRICT NO. 1'S ADOPTED CONSERVATION PLAN AND DENOUNCING A PORTION OF THE ORDER OF THE KANSAS WATER AUTHORITY OF AUGUST 7, 1992, WHICH CURTAILS WATER USE WITHIN THE DISTRICT: Mention of rate increases was deleted. On motion of Rasmussen, seconded by Hammond, Council adopted the resolution, attached as part of the record; Giblin opposed, all others in favor. Mr. Giblin needed more information about the water district's conservation plan.

3088 9:10 P.M. There being no further business before the Council, the meeting was adjourned.



Martha Heizer City Clerk

**MINUTES
REGULAR COUNCIL MEETING**

Tape No. 255

- # 20 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, October 5, 1992. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, John R. Campbell, Jr., Monique C.M. Leahy, Douglas Moore, Graham G. Giblin, Sr., and Louis Rasmussen. * Jimmy Lin arrived 7:45 P.M. Charles Hammond was absent. Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; Captain Ron Anderson, Police Department; Terry Uhl, Asst. Director of Public Works; Robert McKay, Director of Planning & Development; Harry Malnicof, Finance Director; Jerry Strack, Fire Chief; Scott Whitaker, Director of Parks and Recreation; Martha Heizer, City Clerk; and Richard S. Wetzler, City Attorney.

- 29 The agenda was approved unanimously on motion of Rasmussen, seconded by Moore, after the addition of a proclamation for "Domestic Violence Awareness Month".

- 43 DONATION OF FLAG TO THE CITY BY THE FAMILY OF FORMER CITY EMPLOYEE MYRA TORBERT: The Mayor formally accepted a flag from Mrs. Torbert's daughter Lynn Baxter. Mrs. Torbert, a Leawood resident and City employee from 1973 until her retirement in 1984, died in September.

- 122 INFORMATIONAL PRESENTATION ON PROPOSED JOHNSON COUNTY CENTRAL LIBRARY/RESOURCE CENTER: Mayor Rinehart asked Councilmember Leahy to preside during the presentation. The Mayor, Chairman of the Johnson County Library Board, wanted to avoid the appearance of a conflict of interest.

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

Central library services have outgrown the present building (the Antioch/Central Library) at 8700 Shawnee Mission Parkway in Merriam. The Johnson County Library Board proposes to buy a building at 87th and Farley in Overland Park which would be extensively renovated. The building would house reference and information functions, the core collection of library materials, and library administration. A \$12,000,000 bond issue for the project has been placed on the November 3rd general election ballot. The new library facility would cost the owner of a \$100,000 home approximately \$5.89 annually at a mill levy rate of 0.491 for 20 years.

Councilmember Leahy said that a sample resolution of support for the new facility was available if the Council wanted to consider it before the November 3rd election.

- 620 CITIZEN COMMENTS: None.

- 623 PROCLAMATIONS: The Mayor proclaimed:

1. October 10, 1992, as "Republic of China on Taiwan" Day;
2. October 3, 1992, as "George Brett Day";
3. October 1992 as "B'Nai B'Rith Women Domestic Violence Awareness

Month".

The Mayor issued a special proclamation for the Leawood United Presbyterian Church's 40th anniversary celebration held on October 4th.

- 660 **CONSENT AGENDA:** A resolution to approve the final plat of Leawood Falls, 4th Plat, was removed for further discussion. The following was approved unanimously on motion of Moore, seconded by Giblin:
1. Minutes of the September 21, 1992 Council meeting.
- Council discussed Leawood Falls, 4th Plat, a replat of parts of Tracts A & B of Leawood Falls, 1st Plat. Councilmember Leahy disagreed with the reduced density, smaller lots. Councilmember Lin was concerned about the access easement (private drive) between Lots 6 & 9 of Block 3 to provide access to Lots 7 & 8 from the public street Pembroke Circle. He felt the original concept had been eroded,
- 1260 from multi-family to single family on smaller lots. **Resolution No. 1081**, attached as part of the record, was adopted on motion of Giblin, seconded by Campbell; Campbell, Moore, Giblin, Rasmussen in favor; LaHue, Leahy, Lin opposed.
- 1282 **RESOLUTION NO. 1082 APPROVING THE REVISED PRELIMINARY AND FINAL PLATS OF BRITTANY WOODS, 3RD PLAT:** Adopted unanimously on motion of Rasmussen, seconded by Campbell. Attached as part of the record.
- 1318 **RESOLUTION NO. 1083 APPROVING THE REVISED PRELIMINARY SITE PLAN OF UNIVERSITY PARK, PHASE 2:** Adopted unanimously on motion of LaHue, seconded by Moore. Attached as part of the record.
- 1385 **MAYOR'S REPORT:** The Mayor attended Leawood United Presbyterian Church's 40th anniversary celebration on October 4th.
- Sirens failed to sound during a storm warning in September. The Mayor asked County Commissioner Dan Hosfield to request that the County provide a formal written report on the County's current storm warning program and on recommendations for a solution to the storm warning failure.
- 1509 **RESOLUTION NO. 1084 AUTHORIZING KDOT TO AWARD A CONTRACT TO BRYAN-OHLMIEER CONSTRUCTION CO. TO CONSTRUCT THE MISSION RD. BRIDGE OVER INDIAN CREEK, AND COMMITTING LOCAL FUNDS FOR THE PROJECT IN THE AMOUNT OF \$189,994:** Adopted unanimously on motion of Lin, seconded by LaHue. Attached as part of the record.
- 1720 **CONTRACT FOR CONSTRUCTION ENGINEERING SERVICES, MISSION RD. BRIDGE PROJECT OVER INDIAN CREEK:** On motion of Rasmussen, seconded by Campbell, Council authorized execution of the contract with KDOT and the consulting engineering firm of Boyd, Brown, Stude and Cambern; Lin opposed, all others in favor. George Butler & Associates did the design work. Mr. Lin feels design work and construction engineering services should be done by the same consulting firm. This could help keep legal problems to a minimum.
- 1792 **ORDINANCE NO. 1316C AMENDING SECTION 12-206 OF THE CODE OF THE CITY OF LEAWOOD TO PROVIDE FOR FISHING IN PUBLIC WATERS:** The ordinance

requires fishermen to purchase a City fishing permit in addition to the required Kansas State fishing license, and establishes fish length and creel limits. The Kansas Department of Wildlife and Parks recommended the fishing permit to protect public waters from overfishing. Permit fees will be used for the preservation and maintenance of public waters.

Councilmembers LaHue and Moore questioned charging a local fee on top of a Kansas State license fee. Councilmember Giblin did not feel residents should be charged. Parks and Recreation Director Whitaker stated the ordinance would be enforced by Leawood police and park rangers and State personnel. Councilmember Rasmussen felt the nonresident user fee of \$10 was too low.

2113 Councilmember Rasmussen moved to pass the ordinance with a nonresident permit fee of \$20 rather than \$10, seconded by Campbell.

Councilmember Lin was opposed to the ordinance; the City doesn't need to charge fees to encourage people to throw small fish back into public waters - signs should be sufficient.

2415 Mr. Lin called for the question, seconded by LaHue; unanimous. On roll call to pass the ordinance, the vote was: Yeas---Campbell, Leahy, Moore, Rasmussen. Nays---LaHue, Giblin, Lin. The Mayor voted in favor.

2488 **APPROVAL OF APPROPRIATION ORDINANCE NO. 696:** The ordinance was considered and passed on motion of Campbell, seconded by Leahy. On roll call the vote was: Yeas---LaHue, Campbell, Leahy, Moore, Giblin, Rasmussen, Lin. Nays---None.

2625 **EXECUTIVE SESSION:** On motion of Moore, seconded by Campbell, Council voted unanimously to convene in executive session following regular business for a period not to exceed 30 minutes to discuss acquisition of land and a personnel matter.

2660 **OTHER BUSINESS:** Reminder about a public hearing concerning sound barriers along I-435 to be held October 26th, Brookwood School, 103rd & Wenonga, 7:00 P.M.

2959 9:12 P.M. Council convened in executive session, same members present, and returned to regular session at 9:37 P.M. On motion of Moore, seconded by Leahy, Council voted unanimously to return to executive session for 15 minutes to discuss a personnel matter.

9:50 P.M. Council returned to regular session, same members present. On motion of Campbell, seconded by Leahy, Council unanimously consented to the City Administrator's appointment of Scott Whitaker as Director of Parks and Recreation on a regular basis.

2970 At the September 21st Council meeting, Keith Copaken, 2310 W. 85th Terr., told the Council he favors the construction of the bridge at 85th Terr. & High Dr. and would grant an easement to the City subject to 3 conditions. The City received a letter from Mr. Copaken October 2nd again stating he would grant an easement for construction subject to 3 conditions. However, 2 of the 3 conditions were different than those mentioned at the last Council meeting. Staff will bring more

Council Minutes
Tape No. 255

October 5, 1992

information back at another Council meeting.

3141 9:55 P.M. There being no further business before the Council, the meeting was adjourned.



Martha Heizer City Clerk



**MINUTES
REGULAR COUNCIL MEETING**

Tape No. 256

- # 20 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, October 19, 1992. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, John R. Campbell, Jr., Monique C.M. Leahy, Graham G. GIBLIN, Sr., Louis Rasmussen. * Jimmy Lin arrived 7:35 P.M. Charles Hammond and Douglas Moore were absent. Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; J. Stephen Cox, Police Chief; Ronald Brandt, Director of Public Works; Harry Malnicof, Finance Director; Jerry Strack, Fire Chief; Martha Heizer, City Clerk; and Richard S. Wetzler, City Attorney.

- 30 The agenda was approved unanimously on motion of Leahy, seconded by Campbell. A work session was scheduled to follow the Council meeting to discuss roofing materials and plaza construction for the city hall project at 117th & Roe.

78 CITIZEN COMMENTS:

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

Mr. A.E. Millis, 8905 Mission Rd., is concerned about poor drainage on his property, and has had trouble maintaining part of his yard since completion of sidewalk construction along Mission Rd. He has complained before about the sidewalk construction. Public Works will follow up on his complaints.

- 213 PRESENTATIONS OF LEAGUE OF KANSAS MUNICIPALITIES CITY SERVICE AWARDS:
The Mayor presented 10-year pins to Joe Langer (Police Department), Jill Manson (Police Department), and Nikki Thomason (Police and Planning & Development Departments).

- 329 PROCLAMATIONS: The Mayor proclaimed:
1. October 25-31, 1992, as "Community Planning Week";
2. October 26-30, 1992, as "Victims' Rights Week".

- 352 CONSENT AGENDA: (Acceptance of) the 1991 audit was removed and will be discussed at the November 2nd Council meeting. The following were approved unanimously on motion of LaHue, seconded by Campbell:
1. Minutes of the October 5, 1992 Council meeting;
2. Departmental reports;
3. Pay Request No. 1 to Reno Construction Co. for \$302,366.38 for Town Center Drive construction (new city hall site, 117th & Roe);
4. Change Order No. 1 to the contract for 1992 Street Overlay project, a \$9,441.25 increase in the contract amount;
5. Pay Request No. 1 (FINAL) to O'Donnell & Sons Construction for \$208,686.03 for 1992 Street Overlay project;
6. Appointment of Aileen (Mrs. James) Boschert (2010 W. 95th St.) to Sister City Committee.

- 425 **MAYOR'S REPORT:** The Mayor and Councilmembers Lin and Rasmussen attended the October 10th Double Ten Holiday celebration to observe the 81st anniversary of the Republic of China on Taiwan.
At the October 14th Johnson County Council of Mayors meeting, the Johnson County Christmas Bureau requested volunteers, gifts and canned goods. The organization helps people of all faiths during the holiday season.
TV KSHB has a new project - a Christmas tree recycling program. Nurseries/organizations have agreed to sell live trees at a low cost. After the holidays, residents will donate the trees to their respective cities to be planted. Scott Whitaker, Director of Parks & Recreation, feels it is a worthwhile program, but Leawood can not participate this year because the City does not have the necessary equipment. The City might explore the program for the future.
- 602 **RESOLUTION NO. 1085 ENDORSING THE FUNDING OF A FACILITY FOR THE JOHNSON COUNTY CENTRAL RESOURCE LIBRARY TO BE LOCATED AT 87TH & FARLEY IN OVERLAND PARK - special question on the November 3rd general election ballot:** Mayor Rinehart asked Councilmember Leahy to preside during consideration of the resolution. The Mayor, Chairman of the Johnson County Library Board, wanted to avoid the appearance of a conflict of interest. The resolution was adopted on motion of LaHue, seconded by Campbell; Giblin abstained, all others in favor. Mr. Giblin said he will leave the decision to the voters on November 3rd. Resolution attached as part of the record.
- 886
- 968 **ORDINANCE NO. 1317 ACCEPTING A DEED FOR STREET PURPOSES (CHADWICK, 135TH ST. TO 136TH ST.; K-150 IMPROVEMENT PROJECT):** The ordinance was considered and passed on motion of Rasmussen, seconded by LaHue. On roll call the vote was: Yeas---LaHue, Campbell, Leahy, Giblin, Rasmussen, Lin. Nays---None.
- 980 **WORK SESSION:** Scheduled for November 9th, 7:30 P.M., to discuss a revised animal control ordinance.
- 1117 **APPROVAL OF APPROPRIATION ORDINANCE NO. 697:** The ordinance was considered and passed on motion of Leahy, seconded by LaHue. On roll call the vote was: Yeas---LaHue, Campbell, Leahy, Giblin, Rasmussen, Lin. Nays---None.
- 1144 8:10 P.M. There being no further business before the Council, the meeting was adjourned.


Martha Heizer City Clerk

**MINUTES
REGULAR COUNCIL MEETING**

Tape No. 257

- # 30 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 2, 1992. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, John R. Campbell, Jr., Charles Hammond, Monique C.M. Leahy, Douglas Moore, Graham G. Giblin, Sr., Louis Rasmussen, and Jimmy Lin. Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; J. Stephen Cox, Police Chief; Ronald Brandt, Director of Public Works; Robert McKay, Director of Planning & Development; Jerry Strack, Fire Chief; Scott Whitaker, Director of Parks & Recreation; Martha Heizer, City Clerk; and Richard S. Wetzler, City Attorney.

- 39 The agenda was approved unanimously on motion of Moore, seconded by Rasmussen, after 2 items were added to the Consent Agenda - appointment to the Johnson County Drug and Alcoholism Council, and assignment to the Public Works Committee.

CITIZEN COMMENTS: None.

- 118 CONSENT AGENDA: A resolution to approve the final plat of Wilshire 3rd Plat, and a pay request by McAnany Construction for Manor Rd. improvements, were removed for further discussion. The following were approved unanimously on motion of Hammond, seconded by Rasmussen:

1. Minutes of the October 19, 1992 Council meeting;
2. Parks & Recreation Advisory Board report (minutes) of their October 13, 1992 meeting;
3. Audit of the City's 1991 financial records performed by KPMG Peat Marwick, Certified Public Accountants;
4. Appointment of Nancy Garland as Leawood representative to the Johnson County Drug and Alcoholism Council from January 1993 to January 1996;
5. Assignment to the Public Works Committee to select a firm to perform field surveys for upcoming street rehabilitation projects.

- 150 Council considered the resolution approving the final plat of Wilshire 3rd Plat, located at approximately 132nd & Roe. After an explanation of Woodsman siding, Resolution No. 1086 (attached as part of the record) was adopted unanimously on motion of LaHue, seconded by Moore.

- 175 Council considered Pay Request No. 1 by McAnany Construction for Manor Rd. improvements. There was a discrepancy between the amount due the contractor on staff's memo to Council and the amount due on the contractor's pay request form. On motion of Campbell, seconded by Moore, Council unanimously approved the pay request in the amount of \$239,406.89.

- 221 MAYOR'S REPORT: The October 28th dinner held to broaden community awareness of Leawood's Sister City I-Lan, Taiwan, was a success. The Mayor thanked Asst. City Administrator Julie Baer and administrative services staff member Cindy Pitts for their help in planning the

dinner.

Councilmember Hammond, chairman of the committee appointed to investigate the possibility of having an in-house attorney, reported that the committee met October 28th and will meet again soon to assimilate information concerning functions that might be performed by an in-house attorney, and to assess man-hours involved.

Several members of the Governing Body attended the October 26th public hearing at Brookwood School concerning the possible construction of sound barriers along I-435 in conjunction with the forthcoming highway improvements. KDOT will hold more meetings to hear public comment. Councilmember Rasmussen reminded the Council about flooding problems between the highway and homes from State Line Rd. to the west City limits. It appears ^{to Mr. Rasmussen that} KDOT is not considering possible adverse effects of altered drainage patterns during the widening of the highway. Mr. Rasmussen wants Public Works to be sure the City doesn't end up with a worse flooding problem.

- 528 **ADOPTION OF 1993 MASTER DEVELOPMENT PLAN MAP:** Councilmember Moore moved to adopt the map with the renaming of "Special Development District" to "Planned Business District" for marketing purposes only, seconded by Giblin. Motion carried; Leahy opposed, all others in favor.
- 1254 A 7.5-acre tract along State Line Rd. north of 128th St. has been designated for office use. Mrs. Leahy has reservations about the "fit" of that use with the neighborhood, and is concerned about objections to any future request to rezone the property for office use.
- 1280 8:15 P.M. Recess for photographs of Governing Body.
- 8:20 P.M. Regular session resumed.

INTERLOCAL AGREEMENT WITH OVERLAND PARK FOR THE DESIGN OF MISSION ROAD IMPROVEMENTS, I-435 TO COLLEGE BOULEVARD; AND INTERLOCAL AGREEMENT WITH OVERLAND PARK FOR THE DESIGN OF MISSION ROAD IMPROVEMENTS, 385' SOUTH OF 103RD STREET TO I-435: On motion of Lin, seconded by Moore, Council unanimously authorized the Mayor to execute the agreements.

- 1494 **SUPPLEMENTAL AGREEMENTS NOS. 4 AND 5 FOR ENGINEERING SERVICES, MISSION ROAD BRIDGE (OVER INDIAN CREEK) PROJECT:** On motion of Campbell, seconded by LaHue, Council unanimously authorized the Mayor to execute the agreements with George Butler Associates in the amounts of \$1,620 and \$4,000 respectively. Under No. 4, the engineers will research legal documents and write legal descriptions for two temporary construction easements and one right-of-way. Under No. 5, the engineers will review the contractor's shop drawings and falsework drawings.
- 1562 **APPROVAL OF 1993 PAY PLAN:** Councilmember Campbell moved to approve the Plan, seconded by Hammond. Motion carried; Giblin, Rasmussen opposed; all others in favor. Mr. Giblin was opposed to increases in the minimums of several pay ranges.
- 1926 **APPROVAL OF APPROPRIATION ORDINANCE NO. 698:** The ordinance was considered and passed on motion of Hammond, seconded by Campbell. On roll call the vote was: Yeas---LaHue, Campbell, Hammond, Leahy, Moore,

Giblin, Rasmussen, Lin. Nays---None.

- 1942 **EXECUTIVE SESSION:** On motion of Hammond, seconded by Moore, Council voted unanimously to convene in executive session for a period not to exceed 20 minutes to discuss land acquisition.
- 2017 8:47 P.M. Council convened in executive session, same members present.
9:07 P.M. Council returned to regular session, same members present.
On motion of Moore, seconded by Leahy, Council voted unanimously to return to executive session for a period not to exceed 20 minutes to continue the same discussion.
- 2038 9:25 P.M. Council returned to regular session. There being no further business before the Council, the meeting was adjourned.



Martha Heizer City Clerk

**MINUTES
REGULAR COUNCIL MEETING**

Tape No. 258

- # 25 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 16, 1992. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, John R. Campbell, Jr., Charles Hammond, Monique C.M. Leahy, Douglas Moore, Graham G. Giblin, Sr., Louis Rasmussen, and Jimmy Lin. * Mr. Lin left the meeting at 8:00 P.M. and returned at 11:05 P.M. Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; J. Stephen Cox, Police Chief; Ronald Brandt, Director of Public Works; Robert McKay, Director of Planning & Development; Harry Malnicof, Finance Director; Scott Whitaker, Director of Parks & Recreation; Martha Heizer, City Clerk; and Richard S. Wetzler, City Attorney.

- 38 The agenda was approved unanimously on motion of LaHue, seconded by Leahy, after addition of: 1) a discussion of a new rental inspection program; 2) a discussion of the bridge replacement at 85th Terr. & High Dr.; 3) a 1992 revenue and budget status report; and 4) a discussion of a violation of the cash basis law for certain capital project funds.

CITIZEN COMMENTS: None.

- 145 PROCLAMATION: The Mayor proclaimed November 15-21, 1992 "American Education Week".

- 158 CONSENT AGENDA: The following were approved unanimously on motion of Hammond, seconded by Campbell:

1. Minutes of the November 2, 1992 Council meeting (page 4070, second paragraph, seventh line was corrected to read "...It appears to Mr. Rasmussen that KDOT is not considering...");
2. Parks & Recreation Advisory Board report (minutes) of their November 10, 1992 meeting;
3. Departmental reports;
4. Renewal of Cereal Malt Beverage License - Hy-Vee Food Stores, 12200 State Line Rd.;
5. Pay Request No. 2 to Reno Construction Co. for \$264,278.30 for Town Center Drive construction (new city hall site, 117th & Roe).

- 168 RESOLUTION NO. 1087 APPROVING THE REVISED PRELIMINARY PLAN AND REVISED PRELIMINARY PLAT FOR LEAWOOD TOWN CENTER ESTATES LOCATED AT 116TH AND TOWN CENTER DRIVE:

- * 8:00 P.M. Councilmember Lin left the meeting during the developer's presentation of the plan, which includes private streets in perpetuity.

The resolution was adopted on motion of Moore, seconded by Hammond; LaHue, Campbell, Hammond, Moore, Giblin in favor; Leahy, Rasmussen opposed (they are opposed to private streets).

- 1485 ORDINANCE AMENDING SECTION 2-7 ("FENCES AND WALLS") OF THE LEAWOOD DEVELOPMENT ORDINANCE: At the June 22, 1992 Council meeting, Charles and

Jane Kelley, 8320 Sagamore Rd., requested that the Council consider amending City ordinance to allow 6-foot fences around yards. They wanted to erect one around their back yard to protect themselves and their pets from foxes. The Board of Zoning Appeals had denied their request for a variance. The Council voted to request the Plan Commission prepare an amendment to the "Leawood Development Ordinance" to allow 6-foot fences around yards in order to provide safety for domestic animals, residents and their property.

The Plan Commission's recommended, revised ordinance does not include any sweeping changes in the height or location of fences, but merely "clean up" changes, and does not address the safety issue. The Plan Commission wants to maintain the feeling of open space and is not willing to look at 6-foot fences everywhere.

2030 The Kelleys' situation would require an "exception" to height restrictions under Section 2-7.5 of the "Leawood Development Ordinance" to provide for their privacy and security. Appeals of Board of Zoning Appeals rulings must go to district court; Councilmember Moore wondered why the City Council couldn't hear the appeals.

Councilmember LaHue is opposed to 6-foot fences for safety/security purposes. It should not be easy to erect 6-foot fences; open space is important.

Councilmember Hammond disagrees with Dr. LaHue. The concept of open space was nice when the community was young, but times are changing, and security, privacy, and safety are significant. People should be able to protect themselves from noise (traffic), congestion, and everything else that is thrust upon them. There is a wide variety of exceptions. Current ordinance doesn't do justice to situations residents face throughout the City.

2362 Councilmember LaHue moved to pass the Plan Commission's recommended, revised ordinance. Motion died for lack of a second.

2430 Councilmember Rasmussen stated that the City permits perimeter fencing on property adjacent to arterial streets in new subdivisions, but not in older subdivisions. Such fencing should be permitted throughout the City. He would like all restrictions on 6-foot fences eliminated, and allow them (of normal stockade material) to be erected. He moved that all references in Section 2.7 of the "Leawood Development Ordinance" specifying height or location of 6-foot fences be eliminated, seconded by Giblin. Motion failed; Giblin, Rasmussen, Hammond in favor; Leahy, LaHue, Moore, Campbell opposed. Mrs. Leahy felt it was too extreme to eliminate all restrictions at this time, and the Council is not the proper body to do it anyway. Dr. LaHue felt total elimination was extreme. Mr. Moore wants to provide a mechanism (solution) through the "exception" process.

2763 Directives to the Plan Commission: 1) there should be an exception to height and location restrictions on properties abutting arterial and collector streets; 2) there should be an exception to the height permitted based on security of property, safety, and privacy for people and their pets (domestic animals), with specific criteria for security; and 3) investigate the possibility of appeals to exceptions being heard by the Council rather than by district court. It would be the intent of the Council that these exceptions should be incorporated into an ordinance by the Plan Commission for Council consideration. The Council doesn't wish to override the Plan Commission, but be able

- to acknowledge the Commission's work.
- 3120 Councilmember Moore moved to remand the ordinance to the Plan Commission with the 3 directives, seconded by Leahy. Motion carried; Campbell, Hammond, Leahy, Moore in favor; LaHue, Rasmussen, Giblin opposed. Dr. LaHue's reasons were stated earlier, and he doesn't want to override a Plan Commission recommendation - the Commission has already weighed the pros and cons of the changes. Mr. Rasmussen feels this issue compares to a volleyball game; he voted against a remand of this ordinance several months ago. If the Council feels strongly about what should be in the ordinance, it should tell the Plan Commission what it will approve or disapprove. Mr. Giblin feels the same as Rasmussen, and the Council should make the decision to allow 6-foot fences.
- 3325 MAYOR'S REPORT: The Mayor and Councilmember Moore participated in a "Harmony in Leawood" program at the Leawood United Presbyterian Church on November 15th.
- 3378 ORDINANCE NO. 1318 ACCEPTING AN EASEMENT (AGREEMENT) FOR THE LEAWOOD GREENWAY AND TRAIL SYSTEM: A portion of the Greenway trail at 123rd & Mission Rd. is on private property. The easement (agreement) waives the property owner's liability on that portion of the trail. The ordinance was considered and passed on motion of LaHue, seconded by Leahy. On roll call the vote was: Yeas---LaHue, Campbell, Hammond, Leahy, Moore, Giblin, Rasmussen. Nays---None.
- 3395 DISCUSSION OF RENTAL INSPECTION PROGRAM - part of a new property maintenance code to be implemented January 1, 1993: Theresa Raydo, President of the Landlords of Johnson County, told the Council that her organization did not know about the new program. They object to what they feel is more bureaucracy and are concerned about the annual fees they will be charged for rental units in Leawood, which could place a major expense on individual landlords. Mrs. Raydo stated that most rental properties do not produce positive cash flows and the profits are made when properties are sold. Because landlords have direct interests in the ultimate sales of the properties, they must provide for well-maintained rental units. Their organization is well-organized and self-policing. Therefore, the ordinance is not needed. Mrs. Raydo also stated that interior inspections could delay the signing of leases and cause liability for landlords when tenants can not move in due to inspection problems. Mrs. Raydo requested a moratorium during which the number of complaints about rental properties and the extent of the problems could be pinpointed to see if the program is really needed.
- 4143 Leawood resident Charles Scott questioned whether there was sufficient rental property in the City to support the need for an additional inspector/vehicle; he objected to additional bureaucracy.
- 4441 Councilmember LaHue suggested a public information meeting be held for rental agents/organizations.
- 4777 Councilmember LaHue moved to delay implementation of the new property maintenance ordinance until February 1, 1993 to allow for a public meeting and an explanation of the ordinance and the rental inspection program. Motion died for lack of a second.
- No Council action taken - the ordinance will take effect on January 1, 1993.

4878 DISCUSSION OF BRIDGE REPLACEMENT AT 85TH TERR. & HIGH DR.: Some easements still need to be obtained for the project. Councilmember Moore moved to direct staff to prepare the appropriate condemnation documents for Council consideration at the December 7th Council meeting, seconded by Hammond. Motion carried; Rasmussen opposed, all others in favor. Mr. Rasmussen has always questioned the need for this project.

5332 DISCUSSION OF A VIOLATION OF THE CASH BASIS LAW FOR CERTAIN CAPITAL PROJECT FUNDS: Councilmember Rasmussen stated that the audit of the City's 1991 financial statements indicated (on page 14 of the KPMG Peat Marwick audit report) that the following capital project funds were in violation of the Cash Basis Law: "State Line & I-435, City Hall, Public Building Commission, Roe Ave. & Tomahawk, Roe Ave. & Tomahawk Bridge & 143rd Street". He would like staff to ensure that this does not appear in future audits.

Finance Director Harry Malnicof stated there was no violation for the "Capital Project Fund" which includes the aforementioned projects, better known in the City's accounting system as "funds". The City has the cash to support the "Capital Project Fund". Each project was established as a fund within the "Capital Project Fund" as a mechanism to show total project costs over multiple-year periods. The City has used this procedure for several years; it has not been cited as a violation by past auditors. This is the first year Peat Marwick has conducted the audit. Mr. Malnicof will find another mechanism for his purposes to avoid this misunderstanding in the future.

5930 10:20 P.M. Recess.

10:25 P.M. Regular session resumed.

ORDINANCE AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO ANIMAL CONTROL AND REGULATIONS: Kathy McKee, President of the Johnson County Humane Society, favors a leash law for cats and a much greater license fee for unneutered animals than for neutered animals. Ann Gonnerman stated that many sections of the proposed ordinance need further clarification, revision, or deletion.

7563 END OF TAPE

Tape No. 259

11:00 P.M. Councilmember Moore moved to extend the meeting 30 minutes, seconded by LaHue. Motion carried; Hammond opposed, all others in favor.

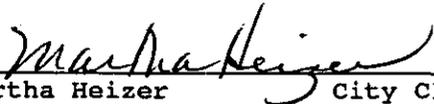
Animal control continued: Councilmember Hammond moved to defer consideration of the ordinance until the December 7th Council meeting to allow for further input and information, seconded by Moore.

* 11:05 P.M. Councilmember Lin returned to the meeting.

Councilmember Hammond's motion carried unanimously.

- 228 **RESOLUTION NO. 1088 ESTABLISHING ANIMAL LICENSE FEES FOR 1993:**
Councilmember LaHue moved to adopt the resolution, seconded by Hammond. Motion carried; Moore opposed, all others in favor. Mr. Moore favors an even higher fee for unneutered animals than that which was approved as an incentive to have pets neutered.
- 391 **CONTRACT FOR FIELD SURVEY SERVICES FOR 1993/1994 STREET REHABILITATION PROGRAM:** On motion of Giblin, seconded by Rasmussen, Council unanimously authorized the execution of a contract with Anderson Survey Co. in the amount of \$24,000. 1994 Program-91st St. between Lee Blvd. and Mission Rd. 1993 Program-a reach of Sagamore Rd. in Leawood South.
- 412 **CONTRACT FOR FIELD SURVEY SERVICES FOR 143RD STREET REHABILITATION:** On motion of Rasmussen, seconded by Giblin, Council unanimously authorized the execution of a contract with Ponzer-Youngquist engineering firm in the amount of \$9,500.
- 425 **APPROVAL OF APPROPRIATION ORDINANCE NO. 699:** The ordinance was considered and passed on motion of Hammond, seconded by Campbell. On roll call the vote was: Yeas---LaHue, Campbell, Hammond, Leahy, Moore, Giblin, Rasmussen, Lin. Nays---None.
- 461 **EXECUTIVE SESSION:** On motion of Leahy, seconded by Moore, Council voted unanimously to convene in executive session for a period not to exceed 15 minutes to discuss land acquisition.
- 490 11:15 P.M. Council convened in executive session, same members present.
- 11:30 P.M. Council returned to regular session, same members present. On motion of Moore, seconded by Lin, Council voted to extend the Council meeting 5 minutes; Hammond opposed, all others in favor.
- A special Council meeting will be held Monday, November 23rd, 5:00 P.M., for a possible executive session and consideration of contracts relating to a public golf course.
- 527 **1992 REVENUE AND BUDGET STATUS REPORT:** Collection of delinquent taxes by the County is a continuing problem. Kansas residents are permitted by law to be delinquent for 3 years. After the third year, the County is supposed to take action to put delinquent properties up for tax sale, but such action is not being taken. The City's State legislative representatives need to know that this is an important issue for Leawood.
- 610 Councilmember Lin stated that Dr. Sudershan Bongu, 12306 Granada (Lot 8, Berkshire, 6th Plat) would like to talk to the Council at a work session about a long-standing problem - part of the City's Tomahawk Greenway trail is on his property. The Mayor stated that Council needs to meet with the City Attorney in executive session to be brought up to date on this matter before it considers meeting with Dr. Bongu.
- 744 11:40 P.M. There being no further business before the Council, the

meeting was adjourned.


Martha Heizer City Clerk



**MINUTES
SPECIAL COUNCIL MEETING**

Tape No. 260

The City Council of the City of Leawood, Kansas, met in special session in the Council Chamber, 9615 Lee Boulevard, at 5:08 P.M., Monday, November 23, 1992. Mayor Marcia Rinehart presided.

The special meeting was requested by Councilmembers John R. Campbell, Jr., Charles Hammond, Douglas Moore, Graham G. Giblin, Sr., Louis Rasmussen, Jimmy Lin, and Ronald LaHue, for the purpose of considering agreements for the possible conveyance of land to the City, and any other business which might come before the Council. Councilmember Monique C.M. Leahy was absent. Staff present: Richard J. Garofano, City Administrator; Robert McKay, Director of Planning & Development; Harry Malnicof, Finance Director; Scott Whitaker, Director of Parks & Recreation; Fran Kessler, Asst. City Clerk; and Richard S. Wetzler, City Attorney. Consultant Philip Gibbs of Continental Consulting Engineers, Inc. was also present.

On motion of Rasmussen, seconded by Moore, Council voted unanimously to convene in executive session for a period not to exceed thirty minutes to discuss possible land acquisition. Council convened in executive session at 5:11 P.M.

5:38 P.M. Council returned to special session, same members present. On motion of Moore, seconded by LaHue, Council voted unanimously to return to executive session for another thirty minutes to continue discussion of the same matter.

6:10 P.M. Council returned to special session, same members present. On motion of Moore, seconded by Giblin, Council voted unanimously to return to executive session for another thirty minutes to continue discussion of the same matter.

6:39 P.M. Council returned to special session, same members present.

AGREEMENT (ROSE AGREEMENT) TO CONVEY GROUND IN THE VICINITY OF 151ST STREET AND MISSION ROAD TO THE CITY FOR DEVELOPMENT OF A PUBLICLY-OWNED MUNICIPAL GOLF COURSE: Councilmember Rasmussen moved to approve the agreement as submitted, seconded by Giblin.

Councilmember LaHue moved to amend the motion to place a cap of \$10,000 on Item 12, Page 4 of the agreement (for relocation costs and advisor fees combined), seconded by Lin. Motion to amend carried unanimously.

The motion to approve the agreement, as amended, carried unanimously.

AGREEMENT (O'DONNELL AGREEMENT) TO CONVEY GROUND IN THE VICINITY OF 153RD STREET AND MISSION ROAD TO THE CITY FOR DEVELOPMENT OF A PUBLICLY-OWNED MUNICIPAL GOLF COURSE: Councilmember Rasmussen moved to approve the agreement as submitted, seconded by Giblin.

Councilmember LaHue moved to amend the motion to add that there be a letter of understanding from a bank officer that Valley View Bank will release the mortgage on the property, and that the wording on page

November 23, 1992

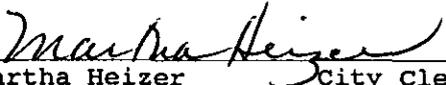
5 be clarified to indicate that the design and development of the remaining O'Donnell property adjacent to the golf course be subject to planning and development regulations of the City of Leawood. Motion to amend seconded by Lin and carried unanimously.

The motion to approve the agreement, as amended, carried unanimously.

Councilmember Campbell moved that the Council's actions on these agreements be contingent on staff bringing to Council an acceptable extension of the agreement with Bell Development, Inc. Motion seconded by Moore and carried unanimously.

CONTRACT FOR GOLF COURSE DESIGN SERVICES - 18-hole regulation length public golf course: On motion of Rasmussen, seconded by Campbell, Council unanimously approved a contract with Hurdzan Golf Course Design, Inc. of Columbus, Ohio (amount not to exceed \$180,000, including expenses). Notice to proceed will not be given until the City has an acceptable extension to the Bell agreement.

324 6:45 P.M. There being no further business before the Council, the meeting was adjourned.


Martha Heizer City Clerk

**MINUTES
SPECIAL COUNCIL MEETING**

Tape No. 260

- # 325 The City Council of the City of Leawood, Kansas, met in special session in the Council Chamber, 9615 Lee Boulevard, at 5:58 P.M., Tuesday, November 24, 1992. Mayor Marcia Rinehart presided.

The special meeting was requested by Councilmembers Ronald LaHue, Jimmy Lin, Graham G. Giblin, Sr., Douglas Moore, and John R. Campbell, Jr., for the purpose of considering an agreement relating to the conveyance of land to the City, and any other business which might come before the Council. Councilmembers Charles Hammond, Monique C.M. Leahy, and Louis Rasmussen were absent. Staff present: Richard J. Garofano, City Administrator; Ronald Brandt, Director of Public Works; Scott Whitaker, Director of Parks & Recreation; Fran Kessler, Asst. City Clerk; and Richard S. Wetzler, City Attorney. Consultant Philip Gibbs of Continental Consulting Engineers, Inc. was also present.

On motion of Lin, seconded by Moore, Council voted unanimously to convene in executive session for a period not to exceed thirty minutes to discuss land acquisition. Council convened in executive session at 6:00 P.M.

6:17 P.M. Council returned to special session, same members present.

ADDENDUM FOR EXTENSION OF BELL AGREEMENT: Councilmember Moore moved to approve the addendum, seconded by Campbell.

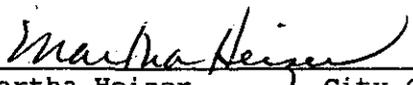
Councilmember LaHue moved to amend the motion to change the total repayment by Bell to the City of \$635,000.00 to \$650,000.00 (in the event the City is unable to contract with O'Donnell for road construction and is required to pay for the O'Donnell tract). Motion to amend seconded by Campbell and carried; LaHue, Campbell, Giblin, Lin in favor; Moore opposed.

Councilmember Giblin moved to extend the date for determination of feasibility from January 15, 1993 to February 2, 1993, seconded by LaHue. Motion to amend carried unanimously.

The motion to approve the addendum, as amended, carried; LaHue, Campbell, Moore in favor; Giblin, Lin opposed. Mr. Giblin stated that staff had to complete the Rose/O'Donnell land negotiations which Mr. Bell was to have conducted. Mr. Lin was very uncomfortable with the deal.

Councilmember Moore moved to amend the advisor fees within the Rose Agreement with a cap of \$12,000.00 instead of \$10,000.00 as approved at the November 23rd Special Council Meeting. Motion seconded by Campbell and failed; Moore, Campbell in favor; LaHue, Giblin, Lin opposed.

- # 650 6:25 P.M. There being no further business before the Council, the meeting was adjourned.


Martha Heizer City Clerk

**MINUTES
REGULAR COUNCIL MEETING**

Tape No. 261

- # 30 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 7, 1992. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, John R. Campbell, Jr., Charles Hammond, Monique C.M. Leahy, Douglas Moore, Graham G. Giblin, Sr., and Louis Rasmussen. * Jimmy Lin arrived 7:35 P.M. ** Mr. Hammond left the meeting at 10:30 P.M. *** Mrs. Leahy left the meeting at 10:55 P.M. Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; J. Stephen Cox, Police Chief; Ronald Brandt, Director of Public Works; Robert McKay, Director of Planning & Development; Harry Malnicof, Finance Director; Jerry Strack, Fire Chief; Scott Whitaker, Director of Parks & Recreation; Martha Heizer, City Clerk; and Richard S. Wetzler, City Attorney.

- 38 The agenda was approved unanimously on motion of Moore, seconded by Giblin, after addition of: 1) under consent agenda, approval of a revised agreement to convey ground to the City for the development of a publicly-owned municipal golf course; 2) an executive session; and 3) under consent agenda, acceptance of a letter from the Kansas Department of Administration, Division of Accounts and Reports, concerning a violation of the cash basis law for certain capital project funds in 1991.

CITIZEN COMMENTS: None.

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

1. Minutes of the November 16, 1992 Council meeting;
2. Minutes of the November 23, 1992 Special Council meeting;
3. Minutes of the November 24, 1992 Special Council meeting;
4. Change Order No. 1 to the contract with Reno Constr. Co. for the construction of Town Center Drive, Nall Ave. to Roe Ave. (new city hall site, 117th & Roe) - \$4,835 increase in the contract amount;
5. Change Order No. 1 to the contract with Reno Constr. Co. for new city hall site improvements, 117th & Roe Ave. - \$11,600 increase in the contract amount;
6. Assignment to the Public Works Committee to select a consultant for design engineering and construction engineering services for the Mission Road improvement project, 103rd St. to College Blvd.;
7. Purchase of 2 1993 Chevrolet Lumina sedans, total of \$22,716, for Police staff cars, through cooperative purchasing agreement with Kansas City, Missouri (delivery February 1993);
8. Purchase of 5 1993 Ford Crown Victorias, total of \$71,420, Police patrol cars, through cooperative purchasing agreement with Kansas City, Missouri (delivery May or June 1993);
9. "Letter of Understanding" (agreement) for 1993 Johnson County Utility Assistance Program, \$1,000 Leawood contribution;
10. "Letter of Agreement" for 1993 Johnson County Home Repair Assistance Program, \$2,500 Leawood contribution;
11. Allocation of expenditures from the 1993 Human Service Fund as

recommended by United Community Services of Johnson County; Leawood's contribution to the Fund is \$3,040;

12. Allocation of expenditures from 1993 local alcohol tax funds as recommended by the Drug and Alcoholism Council of Johnson County; Leawood's tax funds total \$22,000;

13. Bid of Woodley Building Maintenance for 1993 janitorial services, on the basis of the lowest annual cost with a moving date to the new city hall of June 1 (\$17,289), July 1 (\$18,144) or August 1 (\$18,898), and the lowest monthly cost of \$1,135 for 3 facilities to be cleaned for 12 months;

14. Revised agreement (Rose agreement) to convey ground to the City for the development of a publicly-owned municipal golf course in the vicinity of 151st & Mission Rd.; advisor fees (Section 11) and relocation costs (Section 12) combined shall not exceed \$12,500;

15. Acceptance of December 2, 1992, letter from the Kansas Department of Administration, Division of Accounts and Reports, stating that the State "would never take any municipality "to task" over such a minor technical violation of cash basis law"; the violation for certain capital project funds in 1991 was discussed at the November 16, 1992 Council meeting.

- 127 **MAYOR'S REPORT:** A report from the committee appointed to study the feasibility of having an in-house attorney will be prepared for Council consideration at the December 21st or January 4th Council meeting.

The Mayor and Councilmembers Leahy and Lin attended the National League of Cities annual meeting in New Orleans, November 28-December 2.

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

The Mayor reported that the membership of the Mid-America Regional Council Total Transportation Policy Committee (TTPC), which makes recommendations to the MARC Board, has been expanded to allow for more representation from smaller- and medium-sized cities. The Johnson County Council of Mayors appointed Rich Becker of Lenexa to represent Johnson County cities over 10,000 population. Mayor Rinehart will be the alternate.

The Mayor and City Administrator attended a recent meeting of the Johnson County Network (group formerly called the Johnson County Alliance) which represents general economic business and community interests of the County concerning state legislative activities. The Mayor and Administrator recommend that Leawood join the "Network" to keep up to date on issues which will come before the Council and County during the next legislative session.

A Sister City event will be held January 22, 1993, 6-8 P.M., to celebrate the Chinese New Year - Year of the Rooster.

- 277 **ORDINANCE NO. 1319 AMENDING SECTION 2-7 ("FENCES AND WALLS") OF THE LEAWOOD DEVELOPMENT ORDINANCE:** A proposed ordinance amendment was considered by the Council at the November 16th Council meeting and remanded to the Plan Commission with the directive to incorporate 3 changes. The Plan Commission met November 24th and voted unanimously to reject the changes, and to reaffirm the proposed ordinance sent to the Council November 16th. Council's changes would allow too many

fence height exceptions. However, the ordinance submitted by the Plan Commission for Council consideration this evening does include 1 of the 3 Council changes - provisions for height exceptions to provide safety, privacy, security of property, including safety for domestic animals or pets.

Board of Zoning Appeals member Wes Welch stated that the Board would like the Council to provide some specific guidelines or criteria for granting exceptions.

1873 Councilmember Moore moved to pass the ordinance with the second paragraph of Section 2-7.5 ("Exceptions to Height Restrictions") to read, "In considering an application for an exception the Board shall take into consideration the following factors: 1) the effect on adjoining property; 2) the uses and physical characteristics of adjoining property; 3) proximity to arterial streets; and 4) the applicant's need to provide security for his person, his property, including domestic animals or pets." Motion seconded by Rasmussen.

Councilmember Campbell moved to amend the motion to replace the last 2 sentences of the first paragraph of Section 2-7.5 with the following new paragraph to follow Mr. Moore's new second paragraph: "The Board may only grant an exception to height restrictions if after considering the above factors, it concludes that the factors favoring the granting of the exception outweigh any adverse impact the fence or wall may have on the appearance of open space." Motion to amend seconded by LaHue and carried unanimously.

On roll call to pass the ordinance, as amended, the vote was: Yeas---Campbell, Leahy, Hammond, Moore, Giblin, Rasmussen, Lin. Nays---LaHue. Dr. LaHue is opposed to providing unrestricted license for 6-foot fences which he feels the new height exception to provide security and safety will do.

2328 ORDINANCE AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO ANIMAL CONTROL AND REGULATIONS - deferred from November 16th Council meeting: Police Chief Cox stated that some sections of the proposed ordinance still needed further clarification. The Council might want to consider eliminating the use of kill traps (Section 2-104, "Trapping"), and adding to Section 2-102, "Responsible Animal Care", a statement requiring inoculations, other than for rabies, for the maintenance of animal health. The Council also needs to make a decision on leashing of cats.

3158 Council discussed requiring inoculations, in addition to the rabies inoculation, for the licensing of animals.

3999 Councilmember Rasmussen asked if extra inoculations could take the place of or keep the City from requiring the leashing of cats. Perhaps--the more vaccinations mandated, the less chance of spreading communicable diseases.

4572 Council directed staff to rework the section on trapping, and recommend some reasonable additional inoculation requirements.

4654 Councilmember Moore moved that leashing of cats remain in the proposed ordinance, seconded by Leahy. Tie vote; Campbell, Leahy, Hammond, Moore in favor; LaHue, Rasmussen, Giblin, Lin opposed.

Chief Cox will leave the leashing of cats in the proposed ordinance. Councilmember Leahy moved to defer further consideration to the December 21st Council meeting, seconded by Moore. Motion carried; Lin

opposed, all others in favor.

4870 9:55 P.M. Recess.

10:00 P.M. Regular session resumed.

AUTHORIZE CONVEYANCE OF CITY PARK LAND REQUIRED FOR I-435 HIGHWAY/STATE LINE ROAD INTERCHANGE IMPROVEMENTS: A realignment of the existing eastbound off-ramp from I-435 at State Line Rd. will require the State's acquisition of approximately 1.2 acres of land from Leawood City Park. The entire tract to be acquired lies immediately south of the existing I-435 right-of-way line, and lies in the extreme northeast corner of the Park, along the banks of Indian Creek. The State proposes to replace this park land with 1.2 acres of land from private property which lies immediately to the east of the present Park boundary and which is contiguous to the Park.

6028 Councilmember Giblin moved that Council authorize KDOT's use of the park land for said improvements, and request that KDOT investigate the possibility of the City receiving compensation other than land replacement, perhaps equivalent dollars for the purchase of park land elsewhere in the City, or construction/continuation of the Greenway (trails). Motion seconded by Moore and carried unanimously.

An ordinance conveying the land to the State will be prepared for Council consideration in the near future.

6157 **ORDINANCE NO. 1320 AUTHORIZING ISSUANCE OF \$5,201,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 1992** - to refund in advance of their maturities portions of prior bonds, and to fund the construction of improvements to Lee Boulevard (Phase 2, 95th St. to Somerset Dr.) and to Somerset Dr. (Belinder to Sagamore, Wenonga to Belinder):

** 10:30 P.M. Councilmember Hammond left the meeting.

The bond ordinance was considered and passed on motion of Lin, seconded by Campbell. On roll call the vote was: Yeas---LaHue, Campbell, Leahy, Moore, Giblin, Rasmussen, Lin. Nays---None.

6777 **ORDINANCE NO. 1321 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 93A, PROJECT 115; MISSION ROAD IMPROVEMENTS, 103RD ST. TO COLLEGE BLVD.; \$400,000:** The ordinance was considered and passed on motion of Lin, seconded by Rasmussen. On roll call the vote was: Yeas---LaHue, Campbell, Leahy, Moore, Giblin, Rasmussen, Lin. Nays---None.

6814 **ORDINANCE NO. 1322 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 93B, PROJECT 124; K-150 (135TH ST.) IMPROVEMENTS, STATE LINE RD. TO NALL AVE.; \$800,000:** The ordinance was considered and passed on motion of Lin, seconded by Campbell. On roll call the vote was: Yeas---LaHue, Campbell, Leahy, Moore, Giblin, Rasmussen, Lin. Nays---None.

6834 **ORDINANCE NO. 1323 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES L.I.D. 92-2-93D, PROJECT 130; TOWN CENTER DRIVE CONSTRUCTION; \$400,000:** The ordinance was considered and passed on motion of Campbell, seconded

by Moore. On roll call the vote was: Yeas---LaHue, Campbell, Leahy, Moore, Giblin, Rasmussen, Lin. Nays---None.

6853 ORDINANCE NO. 1324 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES L.I.D. 92-1-93C, PROJECT 132; STATE LINE ROAD IMPROVEMENTS, PHASE 1; \$800,000: The ordinance was considered and passed on motion of Moore, seconded by Giblin. On roll call the vote was: Yeas---LaHue, Campbell, Leahy, Moore, Giblin, Rasmussen, Lin. Nays---None.

6873 ORDINANCE NO. 1325 AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 93E, PROJECT 133; MUNICIPAL GOLF COURSE; \$3,400,000: The ordinance was considered and passed on motion of Campbell, seconded by Moore. On roll call the vote was: Yeas---LaHue, Campbell, Leahy, Moore, Giblin, Rasmussen, Lin. Nays---None.

6967 RESOLUTION NO. 1089 AUTHORIZING THE ACQUISITION OF LAND FOR A PUBLIC PARK; PROVIDING FOR THE ISSUANCE OF BONDS AND NOTES FOR SUCH PURPOSE - for a municipal golf course in the vicinity of 151st & Mission, land acquisition cost not to exceed \$700,000: Adopted unanimously on motion of Giblin, seconded by Campbell.

7033 AUTHORIZATION TO OFFER AND MAKE PAYMENTS TO PROPERTY OWNERS FOR EASEMENTS REQUIRED FOR STATE LINE RD. IMPROVEMENTS, PHASE 2, 112TH TERRACE TO 123RD STREET - 8 property owners, total appraised value of land, \$2,936; Leawood will pay 1/3 or \$978.66: On motion of Campbell, seconded by Leahy, Council unanimously approved Public Works' request to make the payment offers.

7151 REQUEST FROM BISHOP MIEGE HIGH SCHOOL (PRIVATE SCHOOL) FOR A DONATION TO THEIR "PROJECT GRADUATION" (ALCOHOL/DRUG-FREE) PROGRAM: The City has supported similar programs at Shawnee Mission East, Blue Valley, and Blue Valley North High Schools (public schools) which serve Leawood students. The Mayor recalled that the Mayor's Task Force on Alcohol and Drug Abuse had recommended in 1990 that allocations for these programs be made to public high schools. Councilmember Lin moved that donations to alcohol/drug-free "project graduations" or "after-prom projects" be limited to public high schools only which serve Leawood residents, seconded by Campbell. Motion carried; Rasmussen, LaHue opposed; all others in favor. Mr. Rasmussen and Dr. LaHue feel all Leawood students should be protected regardless of which high schools they attend.

7468 END OF TAPE

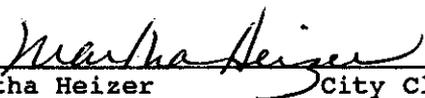
Tape No. 262

31 APPROVAL OF APPROPRIATION ORDINANCE NO. 700:

*** 10:55 P.M. Councilmember Leahy left the meeting.

The appropriation ordinance was considered and passed on motion of Campbell, seconded by Rasmussen. On roll call the vote was: Yeas---LaHue, Campbell, Moore, Giblin, Rasmussen, Lin. Nays---None.

- 100 **OTHER BUSINESS:** The Mayor received a letter from a resident concerning the rapid increase in the deer population in south Leawood and deer-related automobile accidents. He suggested the City place reflectors on the sides of roads to discourage deer from crossing and clearly mark frequent deer crossing sites. Police Chief Cox will respond to the letter.
- 191 11:00 P.M. On motion of Moore, seconded by Rasmussen, Council voted to extend the meeting 30 minutes; Lin opposed, all others (5) in favor.
- 205 11:02 P.M. **EXECUTIVE SESSION:** On motion of LaHue, seconded by Moore, Council voted unanimously to convene in executive session for a period not to exceed 30 minutes to discuss a matter under attorney-client privilege.
- 220 11:22 P.M. Council returned to regular session. There being no further business before the Council, the meeting was adjourned.



Martha Heizer City Clerk

**MINUTES
REGULAR COUNCIL MEETING**

Tape No. 262

260 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 21, 1992. Mayor Marcia Rinehart presided.

Councilmembers present: Ronald LaHue, John R. Campbell, Jr., Charles Hammond, Douglas Moore, Graham G. Giblin, Sr., and Louis Rasmussen. Councilmembers Monique C.M. Leahy and Jimmy Lin were absent. Staff present: Richard J. Garofano, City Administrator; Julie Baer, Asst. City Administrator; J. Stephen Cox, Police Chief; Ronald Brandt, Director of Public Works; Robert McKay, Director of Planning & Development; Harry Malnicof, Finance Director; Jerry Strack, Fire Chief; Scott Whitaker, Director of Parks & Recreation; Martha Heizer, City Clerk; and Richard S. Wetzler, City Attorney.

269 The agenda was approved unanimously on motion of Rasmussen, seconded by Moore, after addition of: 1) a discussion of an item under attorney-client privilege during the executive session already scheduled to discuss a land acquisition matter; and 2) a work session after the meeting to discuss a personnel matter.

CITIZEN COMMENTS: None.

317 CONSENT AGENDA: The following were approved unanimously on motion of Rasmussen, seconded by Campbell:

1. Minutes of the December 7, 1992 Council meeting;
2. Parks & Recreation Advisory Board report (minutes) of their December 9, 1992 meeting;
3. Departmental reports;
4. Pay Request No. 2 for \$176,545.43 to McAnany Construction Co. for Manor Rd. rehabilitation;
5. Purchase of a drill seeder for Parks & Recreation from Truax Co. in the amount of \$10,660.25;
6. Public Works Director's recommendation that the City pay sewer backup damages and clean up costs in the amount of \$454.67 to Carolyn Long, 10400 High Dr., and advise her that the City will not pay the cost of installing a back flow preventor, but encourage her to install one at her own expense.

325 ORDINANCE NO. 1326 ADOPTING THE 1993 MASTER DEVELOPMENT PLAN MAP: The ordinance was considered and passed on motion of Moore, seconded by Campbell. On roll call the vote was: Yeas---LaHue, Campbell, Hammond, Moore, Giblin, Rasmussen. Nays---None.

381 ORDINANCE NO. 1327C AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO ANIMAL CONTROL AND REGULATIONS: Several residents were opposed to leashing cats. Councilmember LaHue also opposed; in his opinion, the small number of complaints about cats does not warrant such restriction.

1022 Punctuation in Section 2-205(c) will be changed to make the intent of the section clear. The section will read, "It shall be unlawful for the owner...be exposed in any public place in the city, or to ship or

- remove such animal from the owner's premises, when same is afflicted..."
- 1123 Councilmember LaHue moved to pass the ordinance as presented with the deletion of "cat leash" provisions. Motion seconded by Rasmussen and carried; Hammond opposed, all others (5) in favor. (Cats will be licensed but not leashed.)
- 1333 ORDINANCE NO. 1328C AMENDING SECTION 12-215 OF THE CODE OF THE CITY OF LEAWOOD REGULATING DOGS ON THE LEAWOOD TOMAHAWK GREENWAY AND IN ALL CITY PARKS: The ordinance was considered and passed on motion of Rasmussen, seconded by Moore. On roll call the vote was: Yeas---LaHue, Campbell, Hammond, Moore, Giblin, Rasmussen. Nays---None.
- 1360 RESOLUTION NO. 1090 ESTABLISHING THE 1993 FEE SCHEDULE FOR FEES NOT SPECIFICALLY PROVIDED FOR IN THE CODE OF THE CITY OF LEAWOOD: Adopted unanimously on motion of LaHue, seconded by Hammond. Attached as part of the record.
- 1552 INTERLOCAL AGREEMENT WITH OVERLAND PARK FOR THE PUBLIC IMPROVEMENT OF AN EARTHEN DITCH LOCATED IN AN AREA FROM 97TH PLACE WEST OF ENSLEY LANE TO 98TH STREET WEST OF WINDSOR: storm drainage improvements in the vicinity of 98th & Aberdeen; estimated total cost, \$800,000; Leawood's share approximately \$30,000, 2 or 3 lots involved. Councilmember Rasmussen was concerned about approving the agreement without having some idea of how the costs will be allocated, hopefully between the City and property owners involved. A work session is scheduled for January 11th to discuss a policy/funding mechanism for the allocation of costs between the City and property owners for stormwater drainage projects. However, Overland Park would like to have an approved agreement returned to them by January 1st so they can, in turn, execute an agreement with the County by that date. The County will pay 75% of the project costs, the cities 25%.
On motion of Moore, seconded by Rasmussen, Council unanimously approved the agreement.
- 1860 RESOLUTION NO. 1091 CONSENTING TO THE ENLARGEMENT (IN THE VICINITY OF 151ST STREET BETWEEN NALL AVE. AND MISSION RD.) OF JOHNSON COUNTY CONSOLIDATED MAIN SEWER DISTRICT: Adopted unanimously on motion of Rasmussen, seconded by LaHue. Attached as part of the record.
- 1872 RESOLUTION NO. 1092 DESIGNATING HOLIDAYS IN 1993: Adopted unanimously on motion of Moore, seconded by Giblin. Attached as part of the record.
- 1940 APPROVAL OF APPROPRIATION ORDINANCE NO. 701: The ordinance was considered and passed on motion of Hammond, seconded by Campbell. On roll call the vote was: Yeas---LaHue, Campbell, Hammond, Moore, Giblin, Rasmussen. Nays---None.
- 2053 EXECUTIVE SESSION: On motion of Moore, seconded by Giblin, Council voted unanimously to convene in executive session after regular business for a period not to exceed 30 minutes to discuss a matter under

attorney-client privilege and a land acquisition matter.

- 2076 OTHER BUSINESS: There will be a work session January 11th to discuss stormwater maintenance and cost allocations, and possibly to hear Golf Course Development Committee recommendations on new golf course operations in the vicinity of 151st & Mission Rd. A report from the committee appointed to study the feasibility of having an in-house attorney should be ready for Council consideration at the January 4th Council meeting.
- 2137 8:38 P.M. Council convened in executive session, same members present.
- 9:08 P.M. Council returned to regular session, same members present. On motion of Moore, seconded by Hammond, Council voted unanimously to return to executive session for a period not to exceed 10 minutes to discuss a matter under attorney-client privilege.
- 2157 9:10 P.M. Council reconvened in executive session, and returned to regular session at 9:20 P.M., same members present. On motion of LaHue, seconded by Campbell, Council voted to return to executive session for 5 minutes to discuss another matter under attorney-client privilege; Hammond opposed, all others in favor.
- 2169 9:21 P.M. Council reconvened in executive session, and returned to regular session at 9:25 P.M. There being no further business before the Council, the meeting was adjourned.


Martha Heizer City Clerk