

**Minutes**

DVD No. 163

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chambers, 4800 Town Center Drive, at 7:30 P.M., on Monday, April 16, 2007. Mayor Peggy Dunn presided.

**Councilmembers present:** Debra Filla, Scott Gullede, Lou Rasmussen, Gary Bussing, Gregory Peppes, Jim Rawlings, James Azeltine, and Mike Gill.

**Mayor/Councilmembers absent:** None.

**Staff present:**

Scott Lambers, City Administrator  
Chief Ben Florance, Fire Department  
Kathy Rogers, Finance Director  
Dawn Long, Accounting Manager  
Colleen Browne, HR Director  
Eirene Oliphant, Building Official  
Christy Wise, Deputy City Clerk

Patty Bennett, City Attorney  
Chief John Meier, Police Department  
Kathy Byard, Budget Coordinator  
Joe Johnson, Public Works Director  
Chris Claxton, P&R Director  
Deb Harper, City Clerk  
Jack Reece, IS Specialist

**1. PLEDGE OF ALLEGIANCE**

**2. APPROVAL OF AGENDA**

Mayor Dunn requested a moment of silence for the victims of the murders that took place today at the Virginia Tech campus.

Mayor Dunn noted an amended agenda with a continuance for Item No. 7N and the withdrawal of Item Nos. 7O, 7P, 12D, and 14A. She also advised that Councilmember Bussing will no longer be giving a report under Item No. 9A.

A motion to approve the agenda was made by Councilmember Rasmussen; seconded by Councilmember Rawlings. The motion to approve the agenda as amended carried following a unanimous vote of 8-0.

**3. CITIZEN COMMENTS**

Members of the public are welcome to use this time to make comments about City matters that do not appear on the agenda, or about items that will be considered as part of the consent agenda. It is not appropriate to comment on pending litigation, municipal court matters or personnel issues. Comments about items that appear on the action agenda will be taken as each item is considered. **CITIZENS ARE REQUESTED TO KEEP THEIR COMMENTS UNDER 5 MINUTES.**

**4. PROCLAMATIONS**

**Arbor Day, April 27, 2007**

Mayor Dunn read and presented the Arbor Day Proclamation to Parks & Recreation Director Chris Claxton.

**Municipal Clerks Week, April 29 – May 5, 2007**

Mayor Dunn read and presented the Municipal Clerks Week Proclamation to City Clerk Deb Harper and Deputy City Clerk Christy Wise.

**Fair Housing Month, April, 2007**

Mayor Dunn proclaimed April 2007 as Fair Housing Month and stated the proclamation will be mailed to the appropriate individuals.

**5. PRESENTATIONS/RECOGNITIONS Distinguished Budget Presentation Awards Program**

Mayor Dunn presented the Distinguished Budget Presentation Award to Finance Director Kathy Rogers and Budget Coordinator Kathy Byard for the 2007 City Budget, which was awarded by the Government Finances Officers Association of the United States and Canada. The association serves 16,800 government finance professionals.

**6. SPECIAL BUSINESS**

- A. Pre-Budget Public Hearing on 2008 Fiscal Budget for the City of Leawood, Kansas

Mayor Dunn opened the public hearing for comment. There being no one present who wished to speak, a motion to close the public hearing was made by Councilmember Azeltine; seconded by Councilmember Gill. The motion was approved following a unanimous vote of 8-0.

- B. Presentation of 2006 Annual Audit

Ms. Rogers introduced David Cochran of Cochran, Head, Vick & Co., P.A. Mr. Cochran recognized Michael Keenan, who has been the manager overseeing audit engagements at the City of Leawood for several years. Referring to the Comprehensive Annual Financial Report for 2006, he noted that 2005 was the 10<sup>th</sup> consecutive year the City was awarded a Certificate of Achievement for Excellence in Financial Reporting. Mr. Cochran anticipates that one will be awarded for this year's report as well. He then thanked City Administrator Scott Lambers, Ms. Rogers, and members of the Finance Department for their assistance during the engagement and stated it is always a pleasure to audit Leawood.

Mr. Cochran then reviewed a PowerPoint presentation of the 2006 Annual Audit and offered to answer any questions.

Mr. Cochran clarified for Councilmember Rasmussen that the GASB are not laws or regulations but are pronouncements from the Government Accounting Standards Board, which constitutes Generally Accepted Accounting Principals [GAAP]. Falling within this characterization is GASB-45.

Assuming the City has no liability, Councilmember Rasmussen asked if a simple statement would comply with GASB-45. Mr. Cochran stated an actuarial study will determine exactly what impact, if any, GASB-45 will have upon the City. Almost every city will be impacted in some way.

Mr. Cochran informed Councilmember Rasmussen that he could not say in an absolute manner before completion of a study whether any past or present actions taken by the City Council would obligate Leawood to the items considered under GASB-45. Councilmember Rasmussen voiced intent to pull Item No. 7M from the Consent Agenda as he is not comfortable with expending \$10,000 of taxpayers' money to audit something for which the City has no liability. In order to comply with GASB-45, Mr. Cochran advised that this determination should be made by experts, such as actuaries, as even though there may be no obligations, there could be an impact or disclosure that is required.

Councilmember Rasmussen asked if a statement disclosing that there are no obligations would be sufficient. Mr. Cochran stated if the actuary determines there are no obligations with respect to GASB-45 as it relates to the City of Leawood, the City could then address how to report this information in the financial statements.

Referring to page 4 of the Management Letter from Cochran, Head, Vick & Co., Mayor Dunn noted that it states, "We recommend that the City evaluate the financial statement impact of implementing the new Statement." There is no mention of mandate, law, or regulation. There are many other recommendations to the City within the letter as well.

Councilmember Rasmussen stated he is struggling with the notion of paying for a study to measure something that is nonexistent.

Ms. Rogers stated effecting most governments in the State of Kansas is something called an implicit rate subsidy. Employees in the state of Kansas, who are vested in the retirement plan, are eligible to be on the health and dental insurance after retirement. The insurance is based on a pooled average. As there are many young members of the Police and Fire Departments, the pooled average for our health insurance is generally at a lower rate than for people of retirement age. An "arc" calculation that is derived from an actuarial will value this figure. The City offers the post-employment benefit as mandated by the State of Kansas. The study will determine the liability amount and how it will be shown in the financial statements. The non-cash item will have a financial impact as does GASB-34 with depreciation. Ms. Rogers stated this is a new law that is subject to all private corporations, governments, school districts, and states.

Mayor Dunn reiterated that the study is a recommendation. Mr. Cochran affirmed that his company is not suggesting the amount of obligation or disclosure that should be required. They are suggesting that the City of Leawood should evaluate the impact of GASB-45. The pronouncement is quite complex and requires an expert to make a certain determination.

Mr. Cochran stated as Leawood has until 2008 to comply, the fact that there will be experienced actuaries who have performed the study for other cities will be helpful.

C. Resolution No. 2781 accepting the 2006 Comprehensive Annual Financial Report [Audit] for the City of Leawood, Kansas

Ms. Rogers introduced Accounting Manager Dawn Long and thanked all of those involved in the audit. Mayor Dunn congratulated Ms. Long for receiving the Certificate of Achievement for Excellence in Financial Reporting for ten consecutive years.

A motion to accept the 2006 Comprehensive Annual Financial Report [CAFR] for the City of Leawood, Kansas, was made by Councilmember Bussing; seconded by Councilmember Rawlings.

Calling attention to page 3 of the Management Letter, Councilmember Azeltine noted there is a recommendation to establish a formal policy regarding Transportation Development District [TDD] activity to cover administrative, accounting, and financial reporting requirements. He emphasized the need to become compliant with the Management Letter.

Ms. Rogers stated the City's Debt Management Policy will be presented on the next Governing Body agenda and will include a section regarding TDD financing. The City's level of commitment will be clearly outlined in the document.

Councilmember Filla complimented Staff for posting the CAFR on the City's website as it is of benefit to increase communications with citizens in such a cost-effective manner.

Regarding the City's level of financial commitment to TDDs, Ms. Rogers informed Councilmember Gill that the Debt Management Policy will clearly state that there is no level of commitment.

The resolution was approved following a unanimous vote of 8-0.

Councilmember Bussing stated the Quarterly Financial Trend Monitoring Report, dated April 10, 2007, includes language referring to cost recovery that suggests the addition of another component to the current policy. His recollection of discussion on this topic produced consensus not to adopt this particular language and to stay with the current policy.

Mr. Lambers verified for Mayor Dunn that no action was taken on the suggestion, however it was not denied. He reviewed the results of the Work Session regarding cost recovery, which was held to give Council a preliminary view of a report to base deliberations of possible fee adjustments upon for the 2009 Budget. A specific percentage of fixed costs as well as all costs were identified, but a consensus did not take place. Another issue was the percentage allocated to overhead, which Councilmember Gill felt should be reduced for the calculations of cost recovery purposes. Revisions to the methodology will be presented prior to deliberations for the 2009 Budget in order to assess possible changes to the fee structure. Suggestions from the meeting were noted, yet it is correct that no action was taken.

Councilmember Rasmussen stated the report refers to the existing policy within the Capital Improvement Program [C.I.P.].

Councilmember Bussing stated the report reflects the current policy as, "shall whenever possible recover the full costs." The suggested language is, "should always recover 100% of the costs of operating," and lists specific parameters. There is quite a bit of difference in the meaning of the two statements.

Mayor Dunn agreed there was no consensus to the suggested language and informed that an additional statement to that affect will be added to the document.

## 7. **CONSENT AGENDA**

Consent agenda items have been studied by the Governing Body and determined to be routine enough to be acted on in a single motion. If a Councilmember requests a separate discussion on an item, it can be removed from the consent agenda for further consideration.

- A. Accept Appropriation Ordinance Nos. 1075B and 1076A
- B. Accept Minutes of the April 2, 2007 Governing Body meeting
- C. Accept Minutes of the February 27, 2007 Leawood Arts Council meeting
- D. Accept Revised Leawood Foundation Bylaws
- E. Approve purchase in the amount of \$ 32,751.25, from Turf and Golf Technologies for Parks and Recreation equipment
- F. Approve purchase in the amount of \$111,398.00 to KCR International for the purchase of 2 truck chassis
- G. Approve payment in the amount of \$25,000 to Western Enterprises, Inc., pertaining to the July 4<sup>th</sup> celebration at Leawood City Park, 10601 Lee Boulevard
- H. Approve issuance of Temporary Alcohol Permit to conduct The Taste of Leawood Fundraising Event on Saturday, June 16, 2007, in accordance with Code § 3-216
- I. Approve Change Order No. 4 in the amount of \$398,731.25 to O'Donnell & Sons pertaining to Stormwater Improvements to Villaggio Development [CIP # 80198]
- J. Approve Change Order No. 1 in the amount of \$27,856.08 to Wiedenmann & Godfrey pertaining to the Dykes Branch Channel Improvement Project, [SMAC Project DB-04-024] between 83rd Street and Wenonga Road south to 86th Street and Overhill Road [CIP # 83106]
- K. Approving Long Term Care Insurance with UNUM for employee long term insurance
- L. Approve Change of Vendor from Central Salt to Independent Salt Company, in the amount of \$100,000 for the purchase of road salt
- M. Resolution approving and authorizing the Mayor to execute a Service Agreement in the amount of \$10,000 between the City and CBIZ to provide actuarial services for the City's Employee Benefit Program as it relates to GASB-45
- N. Resolution amending the City's Debt Management Policy, and repealing Resolution No. 2221 – ***CONTINUED TO THE MAY 7, 2007 GOVERNING BODY MEETING***

- O. Resolution approving and authorizing the City to proceed with a Change Order pertaining to the 135<sup>th</sup> Street and Fontana Improvement Project [CIP # 80403] [Villaggio] - **WITHDRAWN**
- P. Resolution approving and authorizing the Mayor to execute Amendment No. 3 to that certain Consulting Engineer Agreement dated July 18, 2005, between the City and Continental Consulting Engineers in the amount of \$58,000, for the design of traffic signals at 135<sup>th</sup> Street and Fontana [CIP # 80403] [Villaggio] **WITHDRAWN**
- Q. Resolution No. 2782 approving and authorizing the Mayor to execute Amendment No. 1 to that certain Inter-local Agreement between the City of Leawood and the City of Overland Park dated August 7, 2006, pertaining to maintenance for traffic signals located at various locations throughout the City
- R. Resolution No. 2783 approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$1,772,139.50 between the City and Miller Paving & Construction pertaining to the 2007 Residential Street Reconstruction Project
- S. Resolution No. 2784 approving a Final Site Plan for LeaBrooke, located at 14701 Norwood [*from the March 27, 2007 Planning Commission meeting*]
- T. Resolution No. 2785 accepting Public Infrastructure Improvements through private development located at Highlands Creek, 5<sup>th</sup> Plat, 147<sup>th</sup> & Cedar; Highlands Creek, 6<sup>th</sup> Plat, 147<sup>th</sup> & Rosewood; and Villas of Highlands Ranch, 138<sup>th</sup> & Aberdeen, in accordance with the GASB-34 Guidelines of Reporting Inventory of Assets
- U. Fire Department Monthly Report
- V. Municipal Court Monthly Report
- W. Police Department Monthly Report

Councilmember Rasmussen requested to pull Item Nos. 7K and 7M. Councilmember Azeltine requested to pull Item No. 7W. On motion of Councilmember Bussing, seconded by Councilmember Azeltine, the remainder of the Consent Agenda was approved following a unanimous vote of 8-0.

- 7K. Approving Long Term Care Insurance with UNUM for employee long term insurance

Councilmember Rasmussen stated he objects to the wording “approving long term care insurance” used in this agenda item. Using the payroll system for non-public service use is also of concern as he has no knowledge of UNUM and doesn’t think the City should take the potential liability. He asked why only one company was selected for this service

Human Resources Director Colleen Browne informed that UNUM is the leading provider of long term care insurance and was selected through a study with CBIZ, the City’s insurance broker. Benefit studies and exit interviews have revealed repeated employee requests for this type of insurance. As the City will not be funding the insurance, the request is only for the opportunity to perform voluntary payroll deductions such is done with United Way and ArtsKC.

Other cities including Overland Park, Olathe, Lenexa, Kansas City, and Prairie Village use the services of this company. A requirement from UNUM is to have either 10% or 25 eligible employees participate in the program.

Ms. Browne stated as employees retire, their savings can quickly erode if there is a long term care issue. Statistics show that this usually happens at around the age of 65 and is not always a nursing home item. She asked the Governing Body to make this available to the employees. The City will not be funding the insurance and there is no liability.

Mayor Dunn confirmed with Ms. Browne that replacing the word “approving” with “accepting” would be suitable language for this item.

Councilmember Rasmussen disagreed with offering this service through payroll deductions as it infers approval by the City.

Councilmember Rawlings stated he is very familiar with long term care insurance, which is a new offering that has come about within the last 5-10 years because of longer age expectancies. Medicare does not always cover all of the anticipated expenses that the aging population may experience. The benefit is being offered by the City of Leawood through the review performed by CBIZ. The minimum number of participants required is due to actuarial issues and also allows lower premium costs than the open market. He shared that he has personally gone through this himself and believes that it does not bring liability to the City as it is strictly voluntary. Councilmember Rawlings then recommended moving forward with the item.

Councilmember Azeltine concurred with changing the wording of the item from “approving” to “accepting.” Approving a vendor entails a committee process, whereas this request is at the reliance of Staff’s expertise.

A motion to approve Item No. 7K with a wording change from “approving” to “accepting” was made by Councilmember Azeltine; seconded by Councilmember Filla.

Mayor Dunn thanked Ms. Browne for bringing the request to the Governing Body as it is yet another accommodation the City can provide for employees.

The motion carried following a vote of 7-1 (Nay: Councilmember Rasmussen).

- 7M. Resolution approving and authorizing the Mayor to execute a Service Agreement in the amount of \$10,000 between the City and CBIZ to provide actuarial services for the City’s Employee Benefit Program as it relates to GASB-45

A motion to continue the resolution to the May 21<sup>st</sup> Governing Body meeting in order to allow opportunity for further discussion with Staff was made by Councilmember Rasmussen; seconded by Councilmember Gill.

Councilmember Rasmussen stated he would like for Staff to specifically review the experience of other cities that have complied with GASB-45 in the State of Kansas, in Johnson County. It is his understanding that the pensions of members of the Police and Fire Departments may have an effect on the City's liabilities. He would like to know the results of other actuarial studies prior to recommending spending this amount of money and find out whether the City can issue a statement of no liability in order to comply.

Mr. Lambers stated the \$10,000 expenditure may very well reveal no liabilities to the City; however, a statement from the City to that effect would not be sufficient in order to comply with the requirements of GASB-45.

Councilmember Rasmussen noted there is a long form and short form approach to GASB. If it is possible to just issue a statement, then the expenditure may not be necessary.

Mr. Lambers reminded that Mr. Cochran stated an actuarial study would be needed to expose any liabilities. He agreed to have Staff research the results of other studies performed in Johnson County.

Councilmember Rasmussen also suggested that Staff contact GASB and inquire as to the experience of other cities, specifically of those with the same plan that Leawood has for the Fire and Police Departments.

Ms. Rogers informed that the item is related to healthcare benefits following retirement, particularly for the City of Leawood, and not to KPERS pension. The City of Lenexa, who is further along in the process, used another company at a cost of \$15,000. Their liability at this point is over \$1-million and they are not complete with the study. The compliance date for Leawood is December 31, 2008; however if the study is performed in 2007, it will remain in effect for two years. She would like to begin the process as soon as possible in order to be proactive. The full study is being proposed as the short computation cannot be performed due to the City's employee numbers.

Councilmember Rasmussen confirmed with Ms. Rogers that to the best of her knowledge, Lenexa has a liability of \$1-million. She is not aware of the particulars related to Lenexa's healthcare insurance as compared to Leawood's unique plan design with United Healthcare. There is no actual dollar cost to the City for employees to continue health and dental insurance following retirement, however there is an implicit rate subsidy. In the computation there is a benefit derived from the fact that the rates are established based on the current census and the retiree is generally older than 52 years old. The cash outlay is the employee while the non-cash item is the implicit rate.



Councilmember Filla discerned that the need to look at Leawood's specific numbers is because of unique characteristics in the health plan and make-up of employees. The implicit subsidy is the difference between obtaining insurance after retirement in the open market versus through the City. Just as stated by Councilmember Rawlings regarding long term care insurance, it is implicitly cheaper to provide the benefit through the City. She stated the overall pool from which the rates are derived is, in fact, the obligation the City has to continue providing the benefit.

Councilmember Gill agreed with a continuance in order to gather more basic information about GASB-45. He confirmed with Ms. Rogers that the actuarial study is needed in order to determine how to report differentials in healthcare costs with retiree participation.

Ms. Browne added that the study will also look at family healthcare plans in terms of mortality, employee turn-over, aging of the workforce, and spousal rates.

Councilmember Gill commented that the main question he would like answered is the City's financial exposure and obligation.

The motion to continue the item until May 21, 2007, carried with a vote of 5-4: Yea: Councilmembers Gill, Rasmussen, Bussing, and Azeltine. Nay: Councilmembers Gulledge, Rawlings, Peppes, and Filla. Mayor Dunn stated she will cast a vote in favor of the continuance.

#### 7W. Police Department Monthly Report

Councilmember Azeltine asked Police Chief Meier to elaborate on the incident increases in certain categories from March 2006 to March 2007. Chief Meier stated there were two particular nights in which a number of people left garage doors opened and cars unlocked, which accounts for part of the theft and burglary increases. Another factor is that with the City's expanding retail development, there has been more fraudulent use of credit cards and forged checks. Additionally, seven shoplifters were arrested under this category.

Chief Meier stated he does not believe the increases are weather related. He will be much more concerned if the April and May figures also exhibit this trend. There has been no change in patrol procedures or the way in which offenses are calculated.

Mayor Dunn stated perhaps the reporters in the audience could provide an informational/educational article regarding the hazards of open garage doors, unlocked cars, etc.

A motion to approve Item No. 7W was made by Councilmember Azeltine; seconded by Councilmember Filla. The motion was approved following a unanimous vote of 8-0.

**8. MAYOR'S REPORT**

- A. Mayor Dunn commented on the passing of Edson Woodward "Cy" Perkins, who served on the Leawood Public Works Committee for many years in addition to serving on the Leawood Planning Commission. Mr. Perkins offered a great deal of dedicated service to the community and to many others beyond Leawood. On behalf of the City of Leawood, Mayor Dunn extended condolences to his family and asked for a short moment of silence to remember Mr. Perkins.
- B. Attended the Council of Mayors meeting in Mission Hills, Kansas. Guest speakers were Mindy Love, Director of Johnson County Museums, who provided a presentation on the book, *Johnson County, Kansas: A Pictorial History*; and Mary Birch, who talked about the Johnson County Education and Research Triangle.
- C. Attended the Council of Mayors meeting in Springhill at the Sycamore Ridge Golf Course, where the activity was playing golf with the other mayors. Karen Wulfkuhle, Executive Director of United Community Services of Johnson County, served as guest speaker and distributed a community report. A copy of the report was passed among Councilmembers.
- D. Attended a Leawood Rotary Club meeting, where there was a special presentation by Attorney General Paul Morrison. The speaking engagement was arranged by Police Chief John Meier. Rotarian Councilmembers Gary Bussing and Jim Rawlings were in attendance with Councilmember Rawlings providing the introduction to the Attorney General, which was very well received by the audience.
- E. Over the past several weeks, Leawood has had some special guests from our sister city in the Gezer Region of Israel including Gezer Regional Manager Shimon Binoun, Gezer Sister City Committee Chairman Atzmon Yaniv, and Sister City Committee members Hanna Levi and David Leichman. One excursion involved a meeting in Topeka with Governor Kathleen Sebelius and Leawood State Senators. The meeting was arranged by Leawood State Representative Pat Colloton, whose organizational efforts are very much appreciated. The group of guests were also able to see our corporate community in action while attending three Leawood Chamber of Commerce ribbon cuttings for Mazzaresse Fine Jewelry, Posh Interior Design, and Ihloff Salon. The new businesses are all at Parkway Plaza at 135<sup>th</sup> Street and Roe Avenue.
- F. Mayor Dunn thanked Councilmember Azeltine for acting on her behalf at a ribbon cutting for Satoraum Salon Beauty Wellness at 151<sup>st</sup> Street and Nall Avenue.
- G. Attended two DARE Graduation ceremonies with Police Chief Meier and other representatives from the Leawood Police Department. Officer Brett Leathers conducts the program for St. Michael's the Archangel while Officer Mark Chudik does so for the Church of the Nativity. Both officers do an excellent job with the students.
- H. Participated in Public Policy Days, sponsored by the National Association of Women Business Owners, by serving on a mayors panel along with Kansas City, Missouri, Mayor Kay Barnes, Lee's Summit Mayor Karen Messerli, and the former Unified Government/Wyandotte County Mayor Carol Marinovich.

- I. Congratulated Fire Chief Ben Florance and the Leawood Fire Department for the very nicely done 2006 Annual Report.
- J. Reminder for the Art Exhibit and Reception hosted by the Leawood Arts Council and M&I Bank on Friday, April 27<sup>th</sup> from 5:30 P.M. to 7:30 P.M. The event will take place at M&I Bank at 113<sup>th</sup> Street and Nall Avenue and will feature artists Russ Blaser, Paul Bonnichsen, Marie Kissinger, and Bob Stewart.
- K. Congratulated Leawood resident and Johnson County banker Bob Regnier, who is receiving the Shawnee Mission Education Foundation Patron Award. The award will be presented at the April 19<sup>th</sup> luncheon event, "Celebrate Success 2007."
- L. Also congratulated resident Michael Clark of Haake Insurance for being honored in the *Ingram's Magazine* article, "40 Under Forty, Class of 2007." Mr. Clark is a Leawood Foundation Boardmember, past member of the Budget and Finance Committee, and active member of the Leawood Rotary Club. He is featured on the cover of this month's publication.
- M. In honor of National Volunteer Week, April 15<sup>th</sup>–21st, Mayor Dunn took the opportunity to offer sincere appreciation to the exceptional individuals who offer volunteer services within the City of Leawood. At last count, there were over 300 people serving as volunteers in the community.

**9. COUNCILMEMBERS' REPORT**

- A. Report from Councilmember Bussing - ***PULLED***
- B. Report from Councilmember Azeltine – Councilmember Azeltine first congratulated Mayor Dunn on recently becoming a first-time grandmother. As Council-liaison to the Leawood Historic Commission, he then reported on the committee's recent activities.

The Leawood Historic Commission, in cooperation with the Leawood Foundation and the Art in Public Places Initiative of the Leawood Arts Council, is providing the City with a statue, "Prairie Lessons," which is a life-sized bronze sculpture honoring teachers. There will be a dedication of the sculpture on May 19<sup>th</sup> at 10:00 A.M. near the Oxford Schoolhouse in Ironwoods Park. Entertainment, refreshments, crafts, and games will follow the dedication.

The Oxford Schoolhouse will be open every Saturday from 11:00 A.M. to 2:00 P.M. through June 30<sup>th</sup>. The schoolhouse was recently accredited by the Girl Scouts of America with a four-hour program in coordination with the ability to have an overnight event in the nearby cabins.

Displaying one of the signs, Councilmember Azeltine reported that the Leawood Historic District, which is bound by Somerset Boulevard and 83<sup>rd</sup> Street on the north/south and State Line Road and Belinder Street on the east/west, will showcase approximately 15 new street signs designating the area as a historic district. There are also new round-shaped signs at Ironwoods Park to point out the location of the Oxford Schoolhouse.

In response to Mayor Dunn's announcement regarding National Volunteer Week, Councilmember Gill remarked that Mayor Dunn is a prime role model for volunteerism. With the merger of the four area United Ways, he reported that she has been appropriately selected to chair the entire community-wide organization.

**10. STAFF REPORT – None.**

***COMMITTEE RECOMMENDATIONS***

**11. PUBLIC WORKS COMMITTEE**

*[from the March 28, 2007 Public Works Committee meeting]*

- A. Ordinance No. 2226C amending Chapter IV, Article 1 of the Code of the City of Leawood, 2000, by amending Section 4-125 pertaining to 'Application for Structure Demolition Permit' and amending Section 4-130, pertaining to 'Validity of Permit' [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Rasmussen; seconded by Councilmember Filla.

Councilmember Gill stated there is a house on Mission Road, south of 135<sup>th</sup> Street, that was heavily damaged by fire approximately one year ago. As the house is still in a state of disrepair, he asked if the City can do anything about damaged structures.

Fire Chief Florance stated the Building Official is notified of major structure fires the day following such events. City Attorney Patty Bennett furthered that the City places a lien on insurance proceeds if there is more than 75% damage, which is paid to the Finance Department. The City makes a determination within 30 days as to whether the house should be torn down. She stated she does not believe the house in question suffered this much damage. Chief Florance speculated there may be a disagreement between the homeowner and insurance company causing a delay in reconstruction.

Councilmember Azeltine received clarification that the proposed ordinance is a recommendation from the Public Works Committee. He also asked for further explanation regarding Item No. 1 of the Staff Report, "Limit the time for a complete demolition and set specific requirements on grading and seeding the yard to leave in a nice condition."

Councilmember Filla pointed out that the final ordinance does not require this definition but requires only seeding and final grading. She commended the Staff for identifying the different categories of permits within the ordinance and accomplishing the major intent of ensuring contiguous work by linking a partial demolition permit to a building permit.

Public Works Director Joe Johnson stated in the case of a complete demolition, the yard should be left in a presentable manner until reconstruction occurs. Councilmember Azeltine asked if specific requirements on grading and seeding have been identified. As stated in the proposed amendment, erosion control will be enforced until grass is established. There is not a required timeframe between a complete demolition permit and building permit, thus the property should be sod, graded, and seeded during the interval.

The property owner is obligated to continue seeding until grass is established in order to prevent erosion from the site, per the Erosion Control Ordinance. The Codes Enforcement division will regulate mowing of the grass.

Councilmember Rasmussen stated improper erosion control also affects the City's stormwater system. The Erosion Control Ordinance requires the fencing of certain areas in the City to prevent mud from entering the storm inlets. The issue of individuals dumping gravel, sand, and mud into the streets is also addressed. He reported that the Public Works Committee is also planning to review lot density requirements due to the effects remodeled homes have had upon the stormwater systems, which thus far has cost the City \$500,000 in liability.

Mr. Johnson verified for Mayor Dunn that there is an appeal process to the 180-day timeframe given to complete work. The applicant can file for an extension to the permit on an administrative level.

The ordinance passed with the following unanimous roll call vote of 8-0: Yea: Councilmembers Rasmussen, Gill, Peppes, Azeltine, Gullledge, Bussing, Rawlings, and Filla. Nay: None.

## **12. PLANNING COMMISSION**

*[from the February 27, 2007 Planning Commission meeting]*

- A. Resolution No. 2786 approving a Final Site Plan and Final Plat for Cottages of Lakeshyre, located north of 133rd Street and west of State Line Road

A motion to approve the resolution was made by Councilmember Rasmussen; seconded by Councilmember Gullledge.

Mayor Dunn confirmed with Mr. Lambers that Item No. 4 of the Staff Report has been removed.

Councilmember Bussing verified that the statement under Site Plan Comments, "This retention pond will contain water and a fountain, and will be an amenity for the residential development," is accurate. Mr. Lambers stated that Item No. 4 should not have been carried forward. Mayor Dunn noted that Item No. 20 refers to the funding mechanism for the residential components.

Councilmember Bussing stated appreciation to the applicant for his willingness to add basements in the homes as the feature will enhance the value of the property. He also complimented the work that has been done on the retention pond.

Applicant Richard Eisner, 11605 Pawnee Lane, introduced himself to the Governing Body. Mayor Dunn noted the granted deviation for side-yard setbacks at a minimum of 15-feet between structures. She then asked if slate or tile roofing material was considered as opposed to the selected composition shingles. Mr. Eisner replied that the 40-year capstone roof, which will have a slate look, was chosen in order to stay within a certain price range.

Mr. Eisner informed Mr. Gill that the price range of the homes is targeted at \$300,000-\$400,000. Excluding basements, the homes will have a square footage of 1,560-2,217. The finished basements will add 700-900 square feet to each home.

Mayor Dunn stated she, too, is delighted with the basement additions as the feature will make the homes far more marketable.

The motion carried following a unanimous vote of 8-0.

- B. Resolution No. 2787 approving a Final Site Plan for Bi-State Office Building, located south of 143rd Street and east of Overbook, within the Bi-State development

A motion to approve Item No. 12B was made by Councilmember Rasmussen; seconded by Councilmember Azeltine.

Applicant Dr. Brad Vince, 14553 Sherwood Street, reported that at the suggestion of Councilmembers Gill and Rasmussen, the trash enclosure is now attached. He stated agreement to all stipulations.

Regarding the Business Park Design Guidelines, Dr. Vince informed Mayor Dunn there are no updates at this time as he is still in the process of assessing the market. He has made a commitment to the Planning Commission to disallow the construction of metal structures within the development. Dr. Vince assured Mayor Dunn that the Business Park will set the standard for adjoining Kansas City, Missouri.

The resolution was approved following a unanimous vote of 8-0.

***[From the March 27, 2007 Planning Commission meeting]***

- C. Ordinance No. 2227 approving a Special Use Permit [SUP] for an AT&T VRAD cabinet, located at 13668 Kenneth Road [Roll Call Vote]

Chris Carroll, Director of External Affairs for AT&T, 8900 Indian Creek Parkway, Overland Park, Kansas, reviewed that Governing Body approval was received for seven similar applications in December 2006. The current requested application is the first of approximately 14 that AT&T will file with the City in order to continue the upgrade of network infrastructure. The new equipment will provide citizens with Broadband speeds of up to 25 megabytes as well as video programming and entertainment using internet protocol technology. The newly marketed AT&T U-Verse was recently launched in the City of Leawood.

Mr. Carroll stated agreement with recommendations to landscape the new cabinet, existing cabinet, and two existing KCP&L transformer boxes. He pointed out a typographical error in Item No. 4 of the Planning Commission recommendations in the Staff Report in that it should state the AT&T cabinet is located 350-feet north of the proposed VRAD cabinet as opposed to 50-feet. He then asked for approval of the Special Use Permit.

Mayor Dunn asked if creative camouflage alternatives to landscaping were analyzed. She stated the Branson, Missouri area is using techniques such as faux stonework over the boxes. Mr. Carroll stated this aspect is specific to each site. Fencing and rock walls have been done in the past depending upon the location of the cabinets. Mayor Dunn applauded the appearance of the equipment at 129<sup>th</sup> Street and Roe Avenue and encouraged utilizing opportunities to recess the cabinets into the ground when able. Mr. Carroll stated the topography of the land determines the ability of this technique. These specific cabinets must sit above ground on concrete slabs as ground moisture will interfere with the telecommunication transmissions and broadcasts of the video signals; however, he will be happy to work with Staff on some creative ideas in addition to the landscaping.

A motion to pass the ordinance was made by Councilmember Gill; seconded by Councilmember Bussing.

At Councilmember Gill's request, Mr. Carroll stated he will send the City Administrator a current price list of Leawood applications and programs.

The ordinance passed with the following unanimous roll call vote of 8-0: Yea: Councilmembers Bussing, Gullede, Peppes, Gill, Filla, Azeltine, Rawlings, and Rasmussen. Nay: None.

- D. Resolution approving Planning Commission recommendation to deny the Special Use Permit [SUP] for off-site parking, located south of 86<sup>th</sup> Terrace and west of State Line Road - **WITHDRAWN**

***[From the February 13, 2007 Planning Commission meeting]***

- E. Ordinance amending Section 16-2-10 of the Leawood Development Ordinance [LDO], pertaining to Architecture/Construction Standards [Roll Call Vote]

**Staff Comment: The City Administrator recommends that the Governing Body authorize the exploration of the possibility of expanding the City's regulations for single family residences *in the area of height and massing only.***

Mr. Lambers stated this ordinance is to clarify the distinction between commercial and residential standards. He recommended two actions: consideration of the proposed ordinance and directing the Planning Commission to review amending the ordinance with regards to height and massing. A summary of a Planning Commission Work Session regarding this topic is included in the packet information. The goal is for the committee to have further discussion at the Work Session level over the summer, hold public hearings, and bring recommendations back to the Governing Body next Fall.

A motion to approve Case 54-06, an amendment to §16-2-10 of the Leawood Development Ordinance with regards to architectural standards; and refer massing and scale issues with regards to residential structures to the Planning Commission for review and recommendations back to the City Council by mid-Fall of 2007 was made by Councilmember Bussing. The motion was seconded by Councilmember Rawlings.

Mayor Dunn requested that the Planning Commission also set an appeal process in place in order to avoid inadvertently precluding the use of property.

Councilmember Filla stated she could not support the LDO amendment and then distributed photographs of homes in north Leawood with inconsistent roof pitches and monotonous wall/roof planes. She relayed appreciation to Staff for the effort to delineate between commercial and residential standards in the amendment; however, in doing so, the design criteria for matching rooflines and disallowance of long uninterrupted sidewalls has been taken out of the residential standards section. Although Staff has not been enforcing these criterion, it is material to what the Leawood Homes Association and Leawood Estates Homes Associations has been using as guidelines for review with developers, per the ordinance initiated by the Building Permit Task Force regarding allowing HOAs the opportunity to review building plans for remodels. The proposed amendment will actually remove an existing ordinance for residential structures.

Councilmember Filla stated she would support the amendment if the existing language for residential structures is left intact. She also offered that the Building Permit Task Force, which is comprised of herself and Councilmember Rawlings of the City Council; Lisa Rohlf and Bud Munson of the Planning Commission; representatives from the Leawood Homes Association and Leawood Estates Homes Association; representatives from the Home Builders Association; and architects, is willing to continue work on this effort. The committee feels that additional issues to height and massing should be addressed.

Councilmember Filla asked fellow councilmembers to approach the issue from a leadership position versus a litigation avoidance standpoint.

Mayor Dunn stated the charge given by the Governing Body to the mayoral appointed Building Permit Task Force was complete upon adoption of the related ordinance in July 2006. A six-month extension was given to the committee in order to regroup and evaluate the ordinance. There are now 27 homeowners associations participating in discussion, which was a Governing Body goal in 2006, and the ordinance is working well at this point in time. The Governing Body would determine whether additional charges are given to the committee.

Councilmember Filla reoffered the assistance of the Building Permit Task Force for related issues if deemed appropriate. Mayor Dunn noted that the Planning Commission is also willing to assist in this area.

Mayor Dunn clarified for Councilmember Azeltine that the task force has not been dissolved at this point, but there is a plan to regroup for a final meeting in June. Councilmember Rawlings, Chair of the Building Permit Task Force, stated Bud Munson, also of the Planning Commission, indicated that during the final meeting he would like to share ideas learned at a planning conference regarding massing and architectural issues that are being done in other parts of the country. He agreed that the primary objective of the task force has been achieved.



Councilmember Azeltine stated very specific and definite tasks should be given when establishing a task force in order to determine when the duty is complete. He commented that he would like for the Building Permit Task Force to review issues associated with Item No. 12E, if possible, as it seems to dovetail perfectly with their original mission. Ms. Bennett advised that amendments to the LDO generally start by the Planning Commission's own initiative or by direction given from the Governing Body. This item is a recommendation by the Planning Commission asking for the Governing Body's input to begin the process.

Councilmember Azeltine stated the point of the task force was to obtain neighborhood leader input in addition to that of the Planning Commission and Staff. He voiced concern that the Governing Body may regret not obtaining more citizen input on this issue prior to taking action. Mayor Dunn stated there were neighborhood leaders on the task force; however, the charge, which was set in January 2006, was to create dialogue with the homeowners associations once an application for a building permit to change a residential unit within the City is submitted. Interested homeowners associations will be notified and allowed to review the plans, per the ordinance adopted in July 2006. Citizens have the opportunity to comment on any proposed LDO amendment at each City Council meeting.

Councilmember Gill verified with Mr. Lambers that the current ordinance does not differentiate between commercial and residential architectural standards. The issue related to the pictures distributed by Councilmember Filla is that the proposed amendment will no longer subject residential structures to certain architectural standards such as rooflines. Noting that a red-lined copy of the amendment was not provided, Councilmember Gill stated he could not distinguish between the proposed changes and the existing language. In fairness to the communities and volunteer groups who have participated in this effort, more details are needed in order for him to make an informed decision.

Ms. Bennett concurred with Councilmember Filla's statement in that the massing and roofline requirements of the original ordinance will no longer apply to residential standards. Conversations with the former-Planning Director determined that when this section of the LDO was enacted, a residential review with each remodel was never intended.

Councilmember Gill stated he is interested in the residential architectural standards that would no longer be applicable upon passage of the amendment. Mr. Lambers stated the remaining restrictions are related to roofing materials and the prohibition of certain materials such as vinyl. Councilmember Gill questioned why it would be advantageous to remove the current standards from residential construction. Mr. Lambers informed that the City does not currently have a process to provide architectural reviews.

Ms. Bennett noted that the Planning Commission can provide recommendations for issues such as rooflines, setbacks, and massing. Councilmember Gill suggested obtaining a comprehensive, detailed review of the ordinance rather than delaying the massing and height issue subsequent to a decision on the proposed amendment.

Mr. Lambers stated the Planning Commission recommended that they be allowed to explore all possibilities, including the creation of a formal Architectural Review Board [ARB]. Councilmember Gill's suggestion would be contrary to his recommendation of reviewing height and massing issues only as establishing architectural review standards will require a much more extensive analysis in order to complete.

Councilmember Gill expressed that his concerns are related to the lack of standards passage of the amendment will allow rather than the process. Mr. Lambers reviewed that his recommendation is to direct the Planning Commission to review the imposition of restrictions regarding the redevelopment of property as it relates to height and massing of reconstructed homes. The Planning Commission is supportive of height and massing restrictions but would like to assess additional regulations as well. Mr. Lambers requested that focus be placed on height and massing, which will require a quantitative analysis based upon the existing home and lot size. A sphere of influence will then determine the appropriate increase for a home as it relates to the surroundings.

Councilmember Gill voiced support for Mr. Lambers' proposal, but is still concerned with altering the status quo of the current system in a piecemeal fashion. Mr. Lambers informed if the current ordinance is kept in place, policy direction must be given to Staff in order to apply architectural review standards to single-family homes.

Mayor Dunn noted the current ordinance states that all buildings must have four-sided architecture. The requirement has not been enforced to residential structures as it was definitely meant to be a commercial standard. Per the former-Planning Director, the regulation was erroneously applied to residential construction standards. She confirmed with Ms. Bennett that the proposed amendment will bring the City into status quo with what is being practiced.

Charlie Bale, 8016 Ensley Lane, Boardmember of the Leawood Homes Association, spoke in opposition to the ordinance amendment as it will place design guidelines in a state of limbo until further decisions are made by the Governing Body. He requested delaying the proposed amendment.

Bruce North, 8025 Lee Boulevard, Chair of the Architectural Review Committee for the Leawood Homes Association and member of the Building Permit Task Force, stated the proposed ordinance amendment will make the task of ensuring quality construction in old Leawood much more difficult. He also requested postponing a decision on the item until pertinent issues can be further reviewed.

Referring to the section of the ordinance related to commercial building massing/scale, §16-2-10.1(A)(1-7), Councilmember Gill suggested preserving A3 and A5 in order to maintain consistent principals during the hiatus period of making final height and massing determinations.

Mr. Lambers stated the Planning Commission discussed consistency versus individual appearances of homes. Although things should not look out of place within neighborhoods, it was felt that individuals should have the right to display distinct features on their homes. Councilmember Gill's suggestion would curtail individuality in terms of architectural features. He stated a quantitative analysis to height and massing will provide a methodology to evaluate requests to expand homes upward and outward as it relates to the lot and adjacent properties.

Discussion took place regarding how to prevent out of character construction until the issue is brought back before the Governing Body in the Fall. The City will have the ability to regulate only height, setbacks, roofing material, and the ban on vinyl siding.

Councilmember Rawlings commented that moving forward with obtaining height and massing recommendations from the Planning Commission will be a good first step to prevent the construction of homes such as those seen in the distributed pictures. He stated support for Staff's recommendation and commended the Planning Commission for their willingness to take on the responsibility.

A motion to call for the question was made by Councilmember Rawlings; seconded by Councilmember Gullede. The motion failed with a vote of 2-6 (Nay: Councilmembers Peppes, Bussing, Gill, Rasmussen, Azeltine, and Filla).

Mayor Dunn stated the original motion is to approve the ordinance and recommend that Staff go forward with the Planning Commission to prepare another ordinance regarding height and massing.

At the suggestion of Councilmember Gill, Councilmembers Bussing and Rawlings agreed to break the motion into two separate questions. Councilmember Azeltine suggested a withdrawal and restatement of the motion as a point of order. It was also agreed upon to vote on the second part of the motion prior to voting for approval of Item No. 12E. Councilmember Bussing clarified that the second part of the now separated motion, which will be voted on first, is to give direction to the Planning Commission to establish ordinance language addressing massing and height of residential structures and return recommendations to the Governing Body as soon as practical.

Councilmember Filla proposed a friendly amendment to include more recommendations to the Planning Commission in terms of guidance for an ARB. She noted that review of an ARB is one of the Governing Body Goals & Objectives and that members of the Building Permit Task Force are strongly in favor of the concept. Councilmember Bussing declined the friendly amendment as the issue should be treated carefully and judiciously. He shared that he is personally adamantly opposed to ARBs.

Councilmember Azeltine requested that the motion be reread. Mayor Dunn reread the motion as, "to recommend that the Governing Body authorize the exploration and possibility of expanding the City's regulations for single-family residences in the area of height and massing only, and that the Planning Commission come back with the recommendations for the regulation in the Fall 2007."

Events related to the motion, separating the motion, and the order in which the motions are to be voted upon were reviewed. Councilmember Azeltine verified with Ms. Bennett that the manner in which the motions were made is appropriate.

The motion carried following a unanimous vote of 8-0.

Mayor Dunn verified with Councilmembers Bussing and Rawlings that the motion to approve Item No. 12E is still on the table.

To Councilmember Gill's point that passage of the ordinance will allow inconsistent construction within neighborhoods if deed restrictions do not address certain areas, Councilmember Bussing stated he does not want to put the City in position to arbitrate personal preferences for architectural standards. He noted that passage of the amendment will not institute a change as the residential component of the current ordinance is not being enforced.

Mayor Dunn requested that future photographs/information related to agenda items be submitted as packet material rather than being distributed at meetings. She noted there was only a small percentage of undesired reconstruction prior to the July 2006 passage of the ordinance. There have been no negative comments since the ordinance became effective and great strides have been made in this area.

Councilmember Filla informed that the design guidelines created by the Leawood Homes Association and the Leawood Estates Homes Association reference the specific LDOs. If the amendment is passed, the HOAs will have no authority to enforce the guidelines without obtaining approval from 97% of the approximately 1,500 members. Consistency in construction is needed in order to protect the value of surrounding homes. She stated disappointment in that more progress has not been made over the 18-months since the subject was broached with the Planning Commission.

Noting that an ordinance has been passed and Work Sessions have been held on the subject, Mayor Dunn remarked that bureaucracy does work albeit sometimes slowly.

Councilmember Azeltine noted a statement by Commissioner Williams in the Planning Commission minutes, "Williams stated he hopes by passing this and bringing it to the Governing Body, it will force the Council to give direction as to where they want to go. He shares the concern that there may be a little bit of protection for the homes associations the way it is written today. Even though, it is not enforced by the City." Councilmember Azeltine stated he had hopes that the Building Permit Task Force would be able to provide input on the amendment and reported that he is not comfortable with voting on the ordinance at this time.

Mayor Dunn stated the fact that the City does not enforce the LDOs referenced by the HOAs is one of the primary reasons for the amendment, in order to become compliant with our own actions. She asked the City Attorney to provide an opinion on Commissioner Williams' and Councilmember Filla's viewpoint that the existing ordinance serves as protection for the HOAs. A deed restriction would offer more defense than a City ordinance.

Ms. Bennett stated she is hesitant to advise in an open meeting; however, she recommended that if the Council desires a review of certain items such as the roofline and four-sided architecture issues, the ordinance should be left as is for the time being with direction given to Staff. If a review is not desired, she advised passage of the ordinance in order to maintain the status quo.

Mr. Lambers echoed Ms. Bennett's concern regarding holding conversation on the subject in this form. He suggested continuing the item to the next Governing Body agenda with an Executive Session held prior to the meeting in order to discuss the matter under attorney-client privilege.

Councilmember Gill stated support for Mr. Lambers' suggestion. He also requested recommendations on how Staff can preserve a level of protection for HOAs in terms of massing and scale.

Councilmember Bussing withdrew his motion to approve the ordinance amendment and Councilmember Rawlings withdrew his second to the motion.

A motion to continue the item to the May 7<sup>th</sup> Governing Body agenda and to schedule an Executive Session at 6:00 P.M. prior to the meeting in order to discuss matters subject to the attorney-client privilege was made by Councilmember Gulledge; seconded by Councilmember Gill.

Councilmember Azeltine requested separating the motion.

A motion to continue the item to the May 7<sup>th</sup> Governing Body meeting was made by Councilmember Gill; seconded by Councilmember Gulledge.

The motion carried following a unanimous vote of 8-0.

Mayor Dunn verified that there is a motion on the table to schedule an Executive Session on May 7<sup>th</sup> at 6:00 P.M. to discuss matters subject to the attorney-client privilege by Councilmember Gulledge with a second from by Councilmember Gill.

Councilmember Azeltine stated he is unsure why discussion on the matter requires an Executive Session. He expressed concern with the use of Executive Sessions by the Governing Body as it gives the public the appearance that decisions are not being made in the light of day.

Councilmember Gill disagreed with Councilmember Azeltine and stated he would like an attorney-client opinion from the City Attorney regarding the legal ramifications to the City for having ordinances on the books that are not being enforced.

Mayor Dunn stated Councilmember Azeltine's remark was inappropriate and suggested that he address his concerns with the City Attorney.

Councilmember Azeltine stated that a larger question regarding the LDO amendment should not be decided while in the Executive Session.

Mayor Dunn reminded that attorney-client privilege discussions are to be kept confidential by all those who attend the meeting.

Councilmember Azeltine replied that he will leave the Executive Session if certain discussions take place.

The motion was approved following a unanimous vote of 8-0.

**13. OLD BUSINESS – None.**

**14. NEW BUSINESS**

A. Resolution expressing intent for the issuance of General Obligation Bonds of the City of Leawood, Kansas pursuant to K.S.A. 12-6a.01 et seq. to provide funds to pay the costs of improvements to the intersection of 135<sup>th</sup> Street and Fontana Street within the City, and for the issuance of Temporary Notes of the City pending the issuance of said Bonds; expressing the intent to reimburse costs of the project so incurred from proceeds of such Temporary Notes and General Obligation Bonds; and authorizing and approving certain related matters and actions [CIP # 80403] - **WITHDRAWN**

B. Ordinance No. 2228C amending Chapter XIV of the Code of the City of Leawood, 2000, by adding a new Article 5, entitled “Impoundment of Vehicles” [Rotation Tow] [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Rasmussen; seconded by Councilmember Azeltine.

Mayor Dunn noted the effective date of the ordinance will not be until July 1, 2007, due to required notices that must take place.

The ordinance passed with the following unanimous roll call vote of 8-0: Yea: Councilmembers Peppes, Rasmussen, Gill, Azeltine, Gullledge, Filla, Bussing, and Rawlings. Nay: None.

C. Resolution No. 2788 establishing a fee, not specifically provided for in the Code of the City of Leawood, 2000, specifically for the towing fee for impounded vehicles, [Rotation Tow] in accordance with the Open Records Act, K.S.A. § 45-215, et seq.

A motion to approve the resolution was made by Councilmember Rawlings; seconded by Councilmember Filla.

Mr. Lambers confirmed for Councilmember Rasmussen that the fee schedule is the maximum rate by which towing companies can operate. The rates are consistent with other cities in the metropolitan area and will prevent the price gouging of citizens.

The motion was approved following a unanimous vote of 8-0.

**15. OTHER BUSINESS – None.**

**ADJOURN**

The Governing Body meeting adjourned at 10:20 P.M.

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Debra Harper, CMC, City Clerk

Christy Wise  
Recording Deputy City Clerk