

Minutes

DVD No. 352

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chambers, 4800 Town Center Drive, 7:30 P.M. on Monday, July 20, 2015. Mayor Peggy Dunn presided.

Councilmembers Present: Andrew Osman, Julie Cain, Jim Rawlings, Lou Rasmussen, Carrie Rezac, Chuck Sipple, James Azeltine and Debra Filla

Councilmembers Absent: None

Staff Present: Patty Bennett, City Attorney	Richard Coleman, Comm. Dev. Director
Mark Klein, Planning Official	Karl Weinfurter, Info. Serv. Specialist II
Chris Claxton, Parks & Rec. Director	Joe Johnson, Public Works Director
Chief John Meier, Police Department	Chief Dave Williams, Fire Department
Major Troy Rettig, Police Department	Dawn Long, Finance Director
Debra Harper, City Clerk	Cindy Jacobus, Assistant City Clerk

Others Present: Kevin Jeffries, President, CEO and Director of Economic Development, Leawood Chamber of Commerce

1. **PLEDGE OF ALLEGIANCE** – Led by a Boy Scout from Troop 10.
2. **APPROVAL OF AGENDA**

Agenda Item 9.D., Councilmember Filla – Update on Community Garden and Agenda Item 10.A. Joe Johnson – Update on 143rd Street Improvement Project were added. Mayor Dunn pointed out the revised cover memo for Agenda Item 12.B., presenting additional bullet points.

A motion to approve the amended agenda was made by Councilmember Rawlings; seconded by Councilmember Rasmussen. The motion was approved with 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

**Lee Farmhouse Road Historic District
[located on W. 96th Street between State Line
Road on east to Lee Boulevard on west]**

Mayor Dunn invited Historic Commission members or interested parties to come forward. Ms. Mary Lynn Cate, 2000 W. 96th Street, Leawood, and Mr. Stephen Johnston, 2032 W. 96th Street, Leawood, came to the podium and Mayor Dunn read the proclamation into the record. City Clerk Deb Harper presented copies of the proclamation to Ms. Cate and Mr. Johnston and stated additional copies of the proclamation would be available, as needed.

Councilmember Rasmussen stated his recollection that 96th Street does not conform to current “modern” standards to retain its original development characteristics. For the record, he asked Mr. Coleman if split-rail fencing could be installed in front yards. Mr. Coleman confirmed it could because non-conforming fencing would be grandfathered for the street. Councilmember Rasmussen asked Mr. Johnson about street condition and lack of curbs that may result in erosion. Mr. Johnson stated the street is maintained to standards which were rural at the time of development. Councilmember Rasmussen stated their responses document this is a truly a historic street in Leawood.

Mayor Dunn recognized the Historic Commission Chair Janine Joslin, who was not present, and Staff Liaison Debra Harper. Councilmember Cain stated historic districts increase property values, a benefit for both the City and property owners.

5. PRESENTATIONS/RECOGNITIONS – None

6. SPECIAL BUSINESS – None

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. 2015-25 and 2015-26
- B. Accept minutes of July 6, 2015 Governing Body meeting
- C. Accept minutes of May 6, 2015 Public Works Committee meeting
- D. Approve renewal of Cereal Malt Beverage [CMB] license for RA Sushi, located at 11638 Ash Street
- E. Approve renewal of Cereal Malt Beverage [CMB] license for O’Neill’s Restaurant & Bar, located at 9417 Mission Road
- F. Approve renewal of Cereal Malt Beverage [CMB] license for Talk of the Town, located at 5201 W. 135th Street
- G. Approve purchase in the amount of \$50,000 from Challenger Teamwear for the purchase of soccer uniforms
- H. Approve Change Order No. 1 in the amount of \$70,000.00 to Freeman Concrete Construction, LLC, pertaining to the 2015 Curb Program & Mill & Overlay [Project # 70018]
- I. Approve Co-op Bid in the amount of \$32,949.00 from Shawnee Mission Ford for the purchase of 1 truck cab & chassis

- J. Approve Co-op Bid in the amount of \$14,490.00 from American Equipment for the purchase of 1 body for Unit 422 for the Public Works Department
- K. Approve Co-op Bid in the amount of \$36,635.00 minus trade of \$4,500.00 for total purchase amount of \$32,135.00 from Victor L. Phillips Co., for the purchase of 1 Roller 477 for the Public Works Department
- L. **Resolution No. 4477**, approving and authorizing the Mayor to execute an Interlocal Agreement between the City of Overland Park, Kansas and the City of Leawood, for the 137th & Nall Avenue Traffic Signal Improvement Project [Project # 72060]
- M. **Resolution No. 4478**, approving and authorizing the Mayor to execute an Interlocal Agreement between the Board of County Commissioners of Johnson County [BOCC] and the City of Leawood, pertaining to the construction of Leawood Heritage Subdivision Stormwater Improvement Project DB-04-027 [Project # 77014]
- N. **Resolution No. 4479**, approving a Final Plan for a Tenant Finish for Town Center Crossing – LL Bean, located east of Roe Avenue and south of 119th Street. (PC Case 62-15) [*from the June 23, 2015 Planning Commission meeting*]
- O. Declaration of Surplus Property; [12] police vehicle light bars; Finish Thompson Anti-freeze recycler, last 4 SERIAL/4A9G, City Asset Tag # 00097
- P. Fire Department Monthly Report
- Q. Municipal Court Monthly Report
- R. Police Department Monthly Report

Councilmember Sipple requested Consent Agenda Item 7.A. be pulled.

Councilmember Filla requested Consent Agenda Item 7.C. be pulled.

Councilmember Rezac requested Consent Agenda Item 7.M. be pulled.

Councilmember Rasmussen requested Consent Agenda Item 7.N. be pulled.

A motion to approve the remainder of the Consent Agenda was made by Councilmember Rawlings; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 8-0.

- A. Accept Appropriation Ordinance Nos. 2015-25 and 2015-26

Councilmember Sipple pointed out his name was listed as payee for Check Number 78938 on Appropriation Ordinance Number 2015-26. The amount was for city-business travel reimbursement and should not require his recusal from voting.

A motion to approve Consent Agenda Item 7.A. was made by Councilmember Filla; seconded by Councilmember Rezac. The motion was approved with a unanimous vote of 8-0.

- C. Accept minutes of May 6, 2015 Public Works Committee meeting

Councilmember Filla congratulated Mr. Johnson and the Public Works team for a productive meeting with great discussion, active listening and creative solutions, resulting in a win-win for all involved.

A motion to approve Consent Agenda Item 7.C. was made by Councilmember Filla; seconded by Councilmember Cain. The motion was approved with a unanimous vote of 8-0.

- M. **Resolution No. 4478**, approving and authorizing the Mayor to execute an Interlocal Agreement between the Board of County Commissioners of Johnson County [BOCC] and the City of Leawood, pertaining to the construction of Leawood Heritage Subdivision Stormwater Improvement Project DB-04-027 [Project # 77014]

Councilmember Rezac requested clarification of the 75% cost reimbursement. Mr. Johnson stated the agreement pertains to the bidding process and the bids received were within expectations. The County has the ability to go 10% above estimated project costs. If the project cost dramatically exceeds the original estimate, the City could resubmit the project or scale back construction. The boundaries of the project are between Cherokee to Ensley Lane, just south of 87th and north of 89th, extending slightly east of the lot purchased by the City. The project is anticipated to be complete in one month.

A motion to approve Consent Agenda Item 7.M. was made by Councilmember Rezac; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 8-0.

- N. **Resolution No. 4479**, approving a Final Plan for a Tenant Finish for Town Center Crossing – LL Bean, located east of Roe Avenue and south of 119th Street. (PC Case 62-15) *[from the June 23, 2015 Planning Commission meeting]*

Councilmember Rasmussen recalled his statement at a prior Council meeting that he would vote against future items for this developer due to lack of their plan for pedestrian and bicycle connections between residential and commercial projects, within the development and coming off 117th Street. He stressed that such access is part of the City's goals and objectives and important to the ever-growing number of Ward 2 constituents. His nay vote would not be against the particular tenant finish, but due to lack of cooperation from the developer. Future nay votes may resonate when a quorum vote would be required.

Mayor Dunn invited Mr. Leonard Corsi, Leawood Chamber of Commerce Board Chair and Town Center Crossing Manager, to speak. Mr. Corsi, 5000 119th Street, Leawood, stated he had been a participant in the task force that had studied pedestrian and bicycle connections. He supports connectivity and would continue to work with the City, but there are on-going challenges. He was not the developer and could not comment for LL Bean in particular. To-date, sidewalk access had been addressed for Pottery Barn and Arhaus, and is intended for the future Restoration Hardware. He could not provide a date as to when the City could expect a plan for review, but stated the owners were looking to address connectivity from outside the development.

In response to Councilmember Cain's inquiry, Mr. Corsi confirmed Charming Charlie would be relocating twice within Town Center Crossing, but would remain in Leawood.

A motion to approve Consent Agenda Item 7.N. was made by Councilmember Azeltine; seconded by Councilmember Rawlings. The motion was approved with a vote of 7-1; nay vote from Councilmember Rasmussen for reasons previously stated.

8. MAYOR'S REPORT

- A. Participated in two Leawood Chamber of Commerce ribbon-cuttings. The first was the new MIXX restaurant located in Hawthorne Plaza in Overland Park. It is a beautiful renovated space in a newly-remodeled shopping center. Councilmember Chuck Sipple joined me at the second ribbon-cutting for Sunrise of Leawood where a new therapy gym has been added. We wish both of these Chamber members much success.
- B. Attended two Iftar (fast-breaking) dinners during the holy month of Ramadan celebrated by Muslims around the world. The first was hosted by Leawood residents and founders of the Crescent Peace Society, Drs. Iftexhar and Shaheen Ahmed, along with Javid and Nasreen Talib. I was joined by Councilmembers Deb Filla and Chuck Sipple at the second dinner hosted by the Dialogue Institute of the Southwest. We attended the 17th community dinner they hosted throughout the month. Their purpose is to “foster dialog for a better world.”
- C. Governor Sam Brownback and Secretary of Commerce Pat George hosted a meeting for all Johnson and Wyandotte County Mayors and provided an update on the Border Challenge Advisory Committee activities. Efforts continue with this initiative although still extremely complicated due to vast differences between Kansas and Missouri.
- D. Many thanks to the Gezer Region Sister City Committee and Co-Chairs Councilmembers Andrew Osman and Chuck Sipple for helping to organize a pre-Shabbat in the Park honoring our friends in the Gezer Region of Israel. I was also joined by Councilmembers Deb Filla, Lou Rasmussen and Jim Rawlings as well as Department Heads and others from the Jewish Federation and the Jewish Community Relations Bureau/American Jewish Committee. Special thanks to City Administrator Scott Lambers for orchestrating the event with great help from the Parks & Recreation staff and City Clerk Deb Harper. The celebration preceded the second of three Shabbat services being held for the Temple, Congregation B'nai Jehudah in Gezer Park this summer. Thanks to Councilmember Andrew Osman for his generous sponsorship.
- E. I had the pleasure of attending the Leawood Stage Company's production of “Oliver!” this past weekend. It was a great show with numerous, talented participants. Congratulations to Leawood Stage Company Chair Jim Bradley and his team as well as Leawood Arts Council Chair Mary Tearney. Cultural Arts Coordinator April Bishop is doing a wonderful job ensuring all runs smoothly. There are still opportunities to see the show on July 23, 24 and 25 at 8:00 P.M. at the Ironwoods Park Amphitheater.
- F. Leawood Foundation fundraising activities were nicely featured in the July 2015 issue of *Leawood Lifestyle* magazine.
- G. Reminder that the Leawood Arts Council will again host a concert series each Sunday evening, August 16 through September 6, at the Ironwoods Park Amphitheater. All concerts are free and begin at 6:00 P.M.

9. **COUNCILMEMBERS' REPORT**
Councilmember Filla

Councilmember Filla prefaced her four reports by stating her belief that this number of reports presented by one councilmember was a record.

- A. Revised Mission Statement for Sustainability Advisory Board and Bicycle Friendly Committee change

To update the mission statement in use for past seven years, replaced “motivate” with “educate” and “citizens” with “community”. In addition, the Bicycle Friendly Committee will once again be partnered with the Sustainability Advisory Board, though they will continue to meet separately.

- B. Kansas City Power & Light [KCP&L] Micro-Grant Program - submittal and approval from Governing Body

Maximum grant amount of \$3,000 requested; minimum grant would be \$500. Proposed purpose of the grant was Emerald Ash Borer [EAB] communication and citizen outreach program.

A motion to approve Agenda Item 9.B. was made by Councilmember Cain; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 8-0.

- C. Referral to staff to review licensing/permitting of approved tree service vendors

Councilmember Filla would like to implement an on-line reference of all licensed tree service providers conducting business in the City. She asked for staff review and consideration of all situations, including emergencies, and their recommendation regarding viability, liability and incorporation into the Leawood Development Ordinance [LDO].

Councilmember Osman acknowledged the request and pointed out most cities require service providers to obtain a city license. Some types of service providers, such as plumbers and electricians, are also required to hold a Johnson County license, but a Johnson County license is not required for tree services. Mr. Coleman stated that currently, a tree service operating in Leawood is required to obtain a City business (occupational) license. Ms. Harper stated the License Clerk issues occupational licenses for businesses in Leawood and also non-domiciled businesses operating in the City. An occupational license issued to a tree service does not include whether the company has on-staff certified arborists.

Councilmember Filla clarified that an arborist would not be required of every tree service company, but wished to ensure arborists are certified. The fast-approaching infestation of EAB may best be handled by certified arborists and licensed chemical applicators.

Mr. Lambers stated if Johnson County does not license tree services, research would be needed to determine if Olathe, Shawnee, Lenexa and Overland Park have extraordinary licensing requirements. A report would be complete before the next Council meeting. Mayor Dunn stated the City Attorney would also need to provide input in order to address potential endorsement issues.

As there was a consensus, no motion was needed.

D. Community Garden update

Thanks to Parks Superintendent Brian Anderson, his staff and recent rainy days, wooden borders had been built around all garden plots. Only two plots remain of the original 16. Councilmember Filla recently harvested two zucchini with the help of a young gardener, affirming one of the positive impacts of a Community Garden.

10. STAFF REPORT

Joe Johnson

A. Update on progress of 143rd Street Improvement Project

Paving occurred recently and despite inclement weather, the project is on schedule to complete before school begins. Next step would be grading and tie-in of residential and school drives. The asphalt tie-ins on Mission Road and 143rd Street should ensure the majority of drivers stay off the road until it is ready to open.

Councilmember Sipple asked about sidewalk locations on 143rd and the potential need for school crossing guard relocation. Mr. Johnson stated on 143rd, the trail is on the north side and the sidewalk on the south side. On Mission Road, the trail is on the east side and the sidewalk on the west side. In the next phase of construction, the paths will extend from Nall to Windsor. In 2019, the next phase will extend to Kenneth. The location of the school crossing guard may change to align with the traffic signal and well-marked pedestrian crossing at 143rd and Mission.

Councilmember Rezac asked how soon the next phase of the project that closes Mission to Roe would occur. Mr. Johnson replied it would begin as soon as the current phase was complete. Work on Granada to 143rd and the culvert under 143rd should start within two weeks. For the final phase, the City would work with the contractor to determine whether to proceed through Roe or stop at Roe.

Mayor Dunn asked about residents with access only from 143rd. Mr. Johnson replied they will have access from the east with one-way traffic.

Councilmember Cain asked about the massive amount of dirt at 143rd and Roe. Mr. Johnson stated the dirt would be used as the work on 143rd continues and fill was needed, and was not indicative of a change in elevation.

COMMITTEE RECOMMENDATIONS

11. PUBLIC WORKS COMMITTEE

[From the July 1, 2015 Public Works Committee meeting]

Recommendation: Approve Hallbrook's request based upon a Policy to be developed that determines the total amount paid by the City

In regard to the Hallbrook Home Owner Association [HOA] request for the City to cost-share retro-fit of private street lights to light-emitting diode [LED], Mr. Johnson stated the Public Works Committee recommendation was to move forward with the partnership, but to develop a policy before committing funds and in case the other four or five developments with private street lights would be interested. The policy could be developed and reviewed at the next Public Works Committee meeting, and then would be presented to the Council.

LED street lights have been installed on 114th Street between 115th and Tomahawk Creek Parkway resulting in an energy savings of approximately 66%. The City pays the electricity cost for the Hallbrook street lights and would review that annual expense compared to the LED savings estimate. The City would then be able to evaluate the potential savings of any additional subdivision requests.

Councilmember Rasmussen stated he was in favor of sharing the savings in principle, but had difficulties with some of the proposal assumptions of the Hallbrook HOA property manager, The Tiehen Group. He favored continuance of the agenda item until the next Council meeting to understand and confirm the proposal assumptions with Finance Director Dawn Long. An assumed cost of capital of 6% may not be applicable to the City.

Councilmember Azeltine inquired if an evaluation plan for all street lights within the City would be developed before the next Capital Improvement Program. Mr. Johnson replied that currently, LED lights are incorporated into new construction, and mill and overlay projects.

Councilmember Cain noted the discrepancy between the \$100,000 requested by the HOA and \$92,000, which would be 66% savings on project cost of \$140,000, and inquired if this was contrary to the policy being suggested. Mr. Johnson replied the HOA presented their best estimate of savings, purchase and installation. The \$140,000 includes the purchase of the filaments and the installation.

Councilmember Cain asked if the 2.5-year payback was acceptable. Mr. Johnson replied it was and payback period had been much longer in the past. He stated the HOA would be responsible for replacing the bulbs and pole maintenance, and the City would be responsible for electricity cost only.

Councilmember Sipple expressed concern as to why the City would need to be involved in Hallbrook's maintenance savings and questioned if the only method was to fully fund upfront. Since the fixtures and the poles are the HOA's, the HOA should pay for maintenance and the City should share some of the savings in electricity. Mr. Johnson noted the proposal was what the HOA was requesting of the City.

Councilmember Rasmussen asked if lumens and foot-candles at street level would be changed with LED fixtures. He stated technology changes have been made in light systems previously and the policy should address any potential change in foot-candle levels and patterns on the street. Mr. Johnson replied the lighting would maintain the current standards.

Mr. Lambers stated the policy should include the City's illumination standards and the percentage of reimbursement. He did not agree with an advancement of funds for the improvements and stated savings need to be realized before payments would be made.

Councilmember Azeltine invited Councilmember Rasmussen to the Public Works Committee based on Councilmember Rasmussen's expertise in the matter. Councilmember Filla asked if it would be appropriate to invite other developers to the meeting who may be interested in the program.

A motion for the Public Works Committee to develop a policy draft was made by Councilmember Filla; seconded by Councilmember Cain. The motion was approved with a unanimous vote of 8-0.

12. PLANNING COMMISSION

[From the June 23, 2015 Planning Commission meeting]

- A. **Ordinance No. 2740**, approving a Special Use Permit [SUP] for a place of worship for Parkway Plaza – Chabad – The Shul of Leawood, located north of 135th Street and west of Briar Drive (PC Case 59-15) [ROLL CALL VOTE]

Rabbi Schneur Perman, 5051 W. 134th Street, Suite D, Leawood, appeared on behalf of Rabbi Mendy Wineberg and gave a summary of the application. Rabbi Perman stated services would be held every Saturday and the location would also provide Jewish education for currently 30 persons, with a maximum of 100.

Councilmember Rasmussen inquired if the congregation walks to service and if there is adequate pedestrian access to the site. Rabbi Perman replied the rabbis walk and pedestrian access was adequate, and most congregants drive. Mr. Coleman stated sidewalks connect various buildings within Parkway Plaza.

Mayor Dunn stated this would be a 20-year SUP.

A motion to approve Agenda Item 12.A. was made by Councilmember Azeltine, seconded by Councilmember Filla. The ordinance was passed with a unanimous roll call vote of 8-0.

- B. **Resolution No. 4480**, approving the 2015 updates to the Comprehensive Plan of the City of Leawood, Kansas, Johnson County, Kansas (PC Case 51-15)

Mr. Klein spoke of the changes requested and detailed in updated cover memo.

Mayor Dunn inquired about the revision of Figure 2.9, Gender Distribution, on Page 22. Mr. Klein clarified source data would remain the same, but the scale of the graph will be revised to better illustrate. There was little difference between male and female percentages.

Councilmember Rezac asked why RP-1 [Planned Single Family Residential] was moved from Medium Density Residential to Low Density Residential on Page 10. Mr. Klein clarified RP-1 had previously been listed in both Medium Density and Low Density in the Comprehensive Plan. In the LDO, RP-1 had been listed in Low Density Residential, so now the Comprehensive Plan and LDO would match.

Councilmember Rezac noted on Page 34 that Town Center Plaza had an increased floor area and asked if Arhaus and Restoration Hardware were included. Mr. Klein replied that Arhaus was included with the last update, and the current update included the demolition of 810 Sports Zone and Restoration Hardware in its place.

Councilmember Rezac asked about Pinnacle Corporate Center and its floor area decrease on Page 34. She asked if the new office building was part of the previous Comprehensive Plan. Mr. Klein stated all floor areas in the Comprehensive Plan had been revisited and the data listed for Pinnacle, as well as Market Square, were merely corrected.

Councilmember Filla questioned if historic designation areas should be identified as Leawood Phase 1, Leawood Phase 2, Old Leawood and Historic Leawood. Mr. Klein replied that could be changed.

Councilmember Filla pointed out that Figure 2.2: Map of Watersheds on Page 15 shows Leawood is sending water to the Blue River. She recommended that watersheds be signed to educate citizens and visitors about the natural water drainage system.

Councilmember Azeltine asked that the font and legibility of the chart on Page 28 be increased. Mr. Klein replied this was due to a printer issue and would be corrected.

Mayor Dunn talked about the suggestion to only reference on Page 77, rather than incorporate, Self-Propelled Leawood, the City's bicycle and pedestrian master plan. Although the goal is clearly to follow the bicycle and pedestrian master plan, to reference versus incorporate would eliminate the need to provide notice if there were changes. Alternately, if Self-Propelled Leawood were incorporated into the Comprehensive Plan, language such as "as recommended" or "as possible" would be used to ensure flexibility.

Councilmember Filla stated the "Complete Streets Policy" was required for the Mid-America Regional Council bicycle-friendly application, for which Leawood was awarded honorable mention with a future goal of bronze level award. The policy was also required for matching Kansas Department of Transportation grants. Self-Propelled Leawood provides much more detail and surpasses the policy.

Mr. Klein stated the 135th Street Community Plan was incorporated into the Comprehensive Plan with the Corridor Design Guidelines last year. Ms. Bennett stated if either the 135th Street Corridor Plan or Comprehensive Plan were to change, the plans would have to come back before the Planning Commission and City Council. Revisions of Self-Propelled Leawood and the Complete Streets Policy may go through a different process.

A motion to approve Agenda Item 12.B. with modifications and referencing Self-Propelled Leawood was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 8-0.

- C. **Ordinance No. 2741**, amending Section 16-4-12, of the Leawood Development Ordinance entitled “Wireless Communication Towers and Antennae”, and repealing existing Section 16-4-12 and other sections in conflict herewith (Case 74-15) [ROLL CALL VOTE]

Ms. Bennett stated the ordinance change would incorporate federal guidelines applicable only to existing structures. Per Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, co-location; removal, replacement or addition of new antennae; increase of tower height by not more than 10% or a maximum of 20 ft.; or placement of antennas that extend more than 20 ft. out from the tower, would not be a substantial change and would therefore require the City to process the application within 60 days. The act states the City shall approve and may not deny an application, and if it is not acted on within 60 days, it is deemed approved. This removes the requirement for the Interact Citizen Meeting since the Special Use Permit process is longer, and also much of what the City had set-forth in regard to antennae changes, additions and co-locations. The act states concealment efforts cannot be defeated, so monopine towers would be unable to house antennae or platforms that would extend beyond the branches.

Mayor Dunn asked for examples of towers where modifications would not constitute a substantial change to the physical dimensions of an eligible wireless support structure. Mr. Klein stated an example would be the existing slim-line Saddle and Sirloin tower that could change up to the dimensions referenced in the proposed ordinance.

Councilmember Sipple asked Mr. Klein about the risk of an outlandish antenna appearing as an add-on to an existing tower. Mr. Klein stated there could be applications for platforms, because platforms are desirable. Per federal law and the proposed ordinance, slim-line or flush mount equipment would not be required.

Councilmember Sipple asked if there had been any pushback from other Johnson County cities. Mr. Klein replied he had not heard of any.

Mr. Lambers stated this was a pre-emption on the part of the federal government and as long as a modification of an existing tower meets federal guidelines, the City would do nothing.

Mayor Dunn acknowledged the federal law, but was personally disappointed. She stated Leawood had a cell tower ordinance in place for many years that residents appreciated and which served them well.

Councilmember Rezac noted that antennae and towers are not permitted within Mixed-Use Districts [MXD] and she questioned the impact on the 135th Street Corridor service coverage. Mr. Klein stated alternative tower structures would be allowed in MXD, such as monopines or clocktowers.

Councilmember Cain asked if the change would alter the plan to remove the old Police Station tower at 96th and Lee Boulevard. Ms. Bennett stated the tower was owned by the City and therefore up to the City’s discretion.

A motion to approve Agenda Item 12.C. was made by Councilmember Azeltine; seconded by Councilmember Osman. The ordinance was passed with unanimous roll call vote of 8-0.

- 13. **OLD BUSINESS** – None
- 14. **OTHER BUSINESS** – None
- 15. **NEW BUSINESS** – None

Councilmember Osman recognized the Boy Scout who had led the Pledge of Allegiance and remained for the duration of the meeting. He confirmed with Mr. Lambers that the August 3, 2015 Work Session was tentative.

ADJOURN

There being no further business, the meeting was adjourned 9:20 P.M.

Debra Harper, CMC, City Clerk

Cindy Jacobus, Assistant City Clerk