

Minutes

DVD No. 353

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, August 3, 2015. Mayor Peggy Dunn presided.

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

**Councilmembers Absent:** Debra Filla

<b>Staff Present:</b> Scott Lambers, City Administrator	Patty Bennett, City Attorney
Mark Klein, Planning Official	Mark Andrasik, Info. Services Director
Chris Claxton, Parks & Rec. Director	Joe Johnson, Public Works Director
Chief John Meier, Police Department	Chief Dave Williams, Fire Department
Nic Sanders, Human Resources Director	Richard Coleman, Comm. Dev. Director
Joe Johnson, Public Works Director	Cindy Jacobus, Assistant City Clerk
Debra Harper, City Clerk	

**Others Present:** David Arteberry, Senior Vice President Kansas/Missouri Public Finance Group, George K. Baum & Company  
Kevin Jeffries, President, Chief Executive Officer and Director of Economic Development, Leawood Chamber of Commerce

- 1. PLEDGE OF ALLEGIANCE** – Led by a Boy Scout from Troop 282.
- 2. APPROVAL OF AGENDA**

Mayor Dunn noted revised documentation had been distributed for Agenda Items 6.A. through 6.D., and the addition of Agenda Item 10.A., Staff Report by Police Chief John Meier.

**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 7-0.**

- 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** – None
5. **PRESENTATIONS/RECOGNITIONS** – None
6. **SPECIAL BUSINESS**

A. **Ordinance No. 2742**, authorizing and providing for the issuance and delivery of General Obligation Temporary Notes of the City of Leawood, Kansas, to provide funds to finance the cost of certain public improvement projects within the City; and making certain covenants with respect thereto [ROLL CALL VOTE]

Mr. David Arteberry, George K. Baum & Company, 4800 Main, Kansas City, Missouri, presented details of temporary note and general obligation bond bidding that had occurred this morning. About this time each year the City takes bids on temporary funding notes and general obligation bonds for long-term financing for projects such as 143<sup>rd</sup> traffic improvements, curbs, guttering, and residential street improvements,. Temporary note bidding closed at 10:00 A.M. with the same two bidders as last year. Recommend sale of \$28,260,000 in temporary notes to Jefferies LLC at net interest cost of 0.415014%. General obligation refunding and improvement bond bidding closed at 11:00 A.M. The original estimate amount was \$10,015,000. Bidder Janney Montgomery Scott LLC, submitted a \$650,000 premium, reducing the bond issue size to \$9,370,000. Recommend sale of \$9,370,000 to this bidder at net interest cost of 2.296173%.

Both recommended bidders supplied the required good faith deposit and all other terms and conditions were accurate. Net interest cost rates were 2/10<sup>th</sup> of a percent higher than last year, due to the market and not a result of a change in the City's good credit.

Mayor Dunn thanked Mr. Arteberry and expressed appreciation to Finance Director Dawn Long, Budget Manager Kathy Byard, City Administrator Scott Lambers, all Department Heads, and the Budget and Finance Committee, for their hard work on the budget.

**A motion to approve Agenda Item 6.A. was made by Councilmember Rasmussen; seconded by Councilmember Azeltine. The ordinance was passed with a unanimous roll call vote of 7-0.**

B. **Resolution No. 4481**, authorizing the issuance and delivery of General Obligation Temporary Notes of the City of Leawood, Kansas, for the purpose of financing a portion of the costs of certain public improvements in the City; and prescribing the terms and details of said notes and certain covenants and agreements with respect thereto

**A motion to approve Agenda Item 6.B. was made by Councilmember Rasmussen; seconded by Councilmember Rezac. The motion was approved with a unanimous vote of 7-0.**

- C. **Ordinance No. 2743**, authorizing the issuance and delivery of General Obligation Refunding and Improvement Bonds, Series 2015-A of the City of Leawood, Kansas; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on the bonds as they become due; and making certain covenants with respect thereto [ROLL CALL VOTE]

**A motion to approve Agenda Item 6.C. was made by Councilmember Rezac; seconded by Councilmember Rasmussen. The ordinance was passed with a unanimous roll call vote of 7-0.**

- D. **Resolution No. 4482**, prescribing the form and details of and authorizing the delivery of General Obligation Refunding and Improvement Bonds, Series 2015-A, of the City of Leawood, Kansas, authorized by Ordinance No. 2743 of the City; providing certain covenants and agreements with respect thereto; and providing for execution of certain agreements in connection therewith

**A motion to approve Agenda Item 6.D. was made by Councilmember Rawlings; seconded by Councilmember Rasmussen. The motion was approved with a unanimous vote of 7-0.**

- E. **Public Hearing** Consider the 2016 Fiscal Budget for the City of Leawood, Kansas

Mayor Dunn opened the public hearing. No one was present to speak.

**A motion to close the public hearing was made by Councilmember Rasmussen; seconded by Councilmember Rezac. The motion was approved with a unanimous vote of 7-0.**

- F. **Resolution No. 4483**, expressing the property taxation policy of the City of Leawood, Kansas, with respect to financing the annual budget for 2016 [ROLL CALL VOTE]

Mr. Lambers confirmed the proposed resolution was not required by new state legislation, but had been the requirement for several years. Currently, if a city's revenues exceed the Consumer Price Index [CIP], a separate vote is required. However, this would be changing in 2018 per recent state legislation. Leawood has taken in more in revenues than the CIP. Ms. Harper stated a roll call vote on this resolution had been requested by Finance.

**A motion to approve Agenda Item 6.F. was made by Councilmember Rawlings; seconded by Councilmember Rasmussen. The motion was approved with a unanimous roll call vote of 7-0.**

- G. **Resolution No. 4484**, adopting the Fiscal Year 2016 annual budget for the City of Leawood, Kansas

**A motion to approve Agenda Item 6.G. was made by Councilmember Rasmussen; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 7-0.**

Ms. Harper stated the County Certificate documenting adoption of the budget would be circulated for signature by all who participated in the budget process.

## 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. 2015-27 and 2015-28
- B. Accept minutes of July 20, 2015 Governing Body meeting
- C. Accept minutes of the June 9, 2015 Parks & Recreation Advisory Board meeting
- D. Approve renewal of Cereal Malt Beverage [CMB] license for Gordon Biersch Brewery Restaurant, located at 11652 Ash Street
- E. Resolution approving a Final Sign Plan for Highlands Villas – Monument Sign, located south of 143<sup>rd</sup> Street and east of Nall Avenue (PC Case 64-15) [*From the July 28, 2015 Planning Commission meeting*]
- F. Resolution approving a Final Sign Plan for Healiient Physicians – Monument Sign, located at 4801 College Boulevard (PC Case 81-15) [*From the July 28, 2015 Planning Commission meeting*]
- G. Declaration of Surplus Property; One Asphalt Roller/Dyna Pac 122, last 4 SERIAL/1952, City Asset Tag # 209 and Sign Machine, City Asset Tag # 129

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

**A motion to approve the remainder of the Consent Agenda was made by Councilmember Rasmussen; seconded by Councilmember Rezac. The motion was approved with a unanimous vote of 7-0.**

- A. Accept Appropriation Ordinance Nos. 2015-27 and 2015-28

Councilmember Sipple stated recusal as his wife, a Parks & Recreation instructor, was listed as a payee.

**A motion to approve Consent Agenda Item 7.A. was made by Councilmember Azeltine; seconded by Councilmember Rezac. The motion was approved with a unanimous vote of 6-0, with recusal from Councilmember Sipple.**

## 8. MAYOR'S REPORT

- A. Participated as an instructor at the five-year anniversary of Village Shalom University. The subject topic was the City of Leawood's 12-year sister city relationship with the Gezer Region of Israel.
- B. The City of Leawood's Oak Room in City Hall was the chosen location for one of the "KC Rising" Steering Committee meetings. This is a collaborative initiative between the Civic Council, Mid-America Regional Council and Kansas City Area Development Council. Their mission is a "shared vision for regional prosperity."

- C. Councilmembers Lou Rasmussen, Jim Rawlings and Chuck Sipple joined me along with Gezer Region Sister City Committee members, City Administrator Scott Lambers and all department heads for a lunch with the 2015 Tzofim Friendship Caravan. These Israeli Scouts are carefully selected and trained to carry out their mission to teach, learn and create life-long friendships. There are three groups that cover the United States, traveling 10,000 miles in three months. In addition to the lunch, the scouts also had the opportunity to tour Leawood's Gezer Park. Other luncheon attendees included representatives from the Jewish Federation, Jewish Community Relations Bureau/American Jewish Committee, and officers from the Heart of America Council of Boy Scouts.
- D. Attended a lunch meeting sponsored by the Greater Kansas City Chamber of Commerce regarding the Big 5 initiative of making the Kansas City region the most entrepreneurial in America. Discussion of the "We Create Capital" report focused on how we can grow seed capital investments and double the number of venture capital investments in our region. A number of Leawood's financial institutions' principals were present.
- E. The Leawood Stage Company presented "Oliver!" July 16 – 19 and 23 – 25 at Ironwoods Park Amphitheater. One hundred performers had auditioned, age 7 to 80. The production had a cast 63 including 43 children, the largest cast to-date and also the most children. These talented individuals were from all over the region including Kansas City, Lee's Summit, Leavenworth, Independence, and 12 from Leawood. The musical required an orchestra of 29 and 13,500 volunteer hours, with 80 volunteers on-site each night. Although the weather was very hot, there were 4,500 attendees. Thanks and appreciation to Cultural Arts Coordinator April Bishop, the Leawood Stage Company, the Leawood Arts Council and the many dedicated volunteers who made this production a success.
- F. Condolences to the family of Leawood Lion Edward Greene, who passed on July 21, 2015. Lion Greene was awarded the Melvin Jones Fellowship in 2009.

**9. COUNCILMEMBERS' REPORT – None**

**10. STAFF REPORT**

- A. Police Chief John Meier – Update on serious traffic accident that occurred at 103<sup>rd</sup> and Mission Road

Chief Meier stated the accident with two critical injuries had occurred in Overland Park and did not include a shooting, as had been reported by the news media. A driver, not a Leawood resident, traveling southbound on Mission Road allegedly ran red traffic signals at 95<sup>th</sup> and 103<sup>rd</sup> Streets, and had struck vehicles at both intersections. Guns and spent ammunition casings were reported to be in the southbound vehicle. Overland Park Police would investigate to determine if there were any outside influences in this accident.

## ***COMMITTEE RECOMMENDATIONS***

### **11. PLANNING COMMISSION**

***[From the July 28, 2015 Public Works Committee meeting]***

- A. **Resolution No. 4485**, approving an Eligible Facilities Request for additional wireless antennae and associated equipment for Sprint, located north of 117<sup>th</sup> Street and east of Nall Avenue on top of the Macy's building at Town Center Plaza [Case 92-15]

Mr. Justin Anderson, Selective Site Consultants, Inc., 9900 W. 109<sup>th</sup> Street, Overland Park, applicant and representative for Sprint, provided a brief overview. He stated the application was an Eligible Facilities Request which meets the criteria 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012. This new Federal Communications Commission policy ensures technology progresses at the rate consumer's demand, while providing some opportunity for input from municipalities.

The application seeks approval for the relocation of three existing antennae as well as the addition of three new antennae, all with rooftop mounts. Stealth screening, covered in stucco and painted to match the surrounding façade, would be installed which allows signal to pass through. Currently, existing antennae are visible from several vantage points and the proposed screening would hide antennae in the northeast, southeast and southwest corners of the Macy's rooftop.

Mr. Anderson stated Sprint had attempted, but abandoned for various reasons, their "2.5 GHz Initiative" implementation and redesign about one year. At this time, they are moving forward for better service coverage.

**A motion to approve Agenda Item 11.A. was made by Councilmember Rasmussen; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 7-0.**

- B. **Resolution No. 4486**, approving an Eligible Facilities Request for replacement of wireless antennae and associated equipment for AT&T, located south of I-435 and east of Mission Road [Case 82-15]

Mr. Sam Davis, Senior Site Acquisition Associate, Black & Veatch, 6601 College Boulevard, Overland Park, provided a brief overview. He stated the application was an Eligible Facilities Request for the replacement of three antennae and the addition of three new remote radio heads at 84 ft. on the existing 130 ft. tower. There would be no increase in height or diameter of the tower, and all antennae would be flush-mount to the structure.

**A motion to approve Agenda Item 11.B. was made by Councilmember Rasmussen; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 7-0.**

**12. OLD BUSINESS – None**

**13. OTHER BUSINESS – None**

**14. NEW BUSINESS – None**

**ADJOURN**

There being no further business, the meeting adjourned at 8:03 P.M.

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Debra Harper, CMC, City Clerk

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Cindy Jacobus, Assistant City Clerk