

Minutes

DVD No. 290

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, October 15, 2012. Mayor Peggy Dunn presided.

Councilmembers present: Jim Rawlings, Julie Cain, Gary Bussing, Debra Filla, Carrie Rezac, Andrew Osman and James Azeltine

Mayor/Councilmembers absent: Lou Rasmussen

Staff present: Scott Lambers, City Administrator	Patty Bennett, City Attorney
Chief Dave Williams, Fire Dept.	Joe Johnson, Public Works Director
Chief John Meier, Police Dept.	Dawn Long, Finance Director
Jack Reece, Info Systems Specialist	Mark Klein, Planning Official
Richard Coleman, Comm. Dev. Director	Deb Harper, City Clerk

Others Present: Roger Edgar, George K Baum, City of Leawood’s Financial Advisor

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

Mayor Dunn stated Agenda Item # 12 under Old Business has been pulled. A motion was made by Councilmember Rawlings, seconded by Councilmember Filla to approve the agenda. The motion carried following a unanimous vote of 7-0. [Councilmember Rasmussen absent].

3. CITIZEN COMMENTS - None

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

Food Day, October 24, 2012

The Mayor proclaimed October 24, 2012 as Food Day in Leawood and encouraged all citizens to design and enjoy safe and healthy diet ideas.

5. PRESENTATIONS/RECOGNITIONS – None

6. SPECIAL BUSINESS

Ordinance No. 2579, authorizing the issuance and delivery of \$1,615,000.00 principal amount of Taxable Transportation Development District Special Obligation Bonds (119th Street Transportation Development District Project), Series 2012, of the City of Leawood, Kansas; authorizing execution and delivery of a First Supplement to Bond Trust Indenture and certain other documents in connection therewith; providing for the levy and collection of special assessments for the purpose of paying a portion of the principal of and interest on the bonds as they become due; and making certain covenants with respect thereto [Roll Call Vote]

Mr. Edgar confirmed with Councilmember Filla that this is the final portion of the bonds for the One Nineteen Project.

A motion was made by Councilmember Bussing, seconded by Councilmember Osman to approve the Ordinance. The motion carried following a unanimous roll call vote of 7-0. [Councilmember Rasmussen absent].

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. 2012-38, 2012-39, and 2012-40
- B. Accept minutes of the October 1, 2012 Governing Body meeting
- C. Accept minutes of the October 1, 2012 Governing Body Work Session
- D. Accept minutes of the September 11, 2012 Park & Recreation Advisory Board
- E. Accept minutes of the June 12, 2012 Leawood Foundation minutes
- F. Accept minutes of the April 25, 2012 Stormwater Management Committee meeting
- G. **Resolution No. 3914**, approving and authorizing the Mayor to execute an Interlocal Agreement between the City and the City of Prairie Village, Kansas, pertaining to the Stormwater Management Advisory Council [SMAC] Project # DB-04-026, for the area located at 3300 block of W. 81st Street
- H. **Resolution No. 3915**, accepting acceptance of Public Infrastructure Improvements for storm sewer and street construction located within Leabrooke Subdivision 6th Plat and Leabrooke Subdivision 7th Plat, located approximately 145th & Fairway, in accordance with the GABS-34 Guidelines of Reporting Inventory of Assets
- I. **Resolution No. 3916**, approving a Revised Final Plan for Park Place – SFP (Specialty Fertilizer Products) – Emergency Generator, located at the northeast corner of 117th Street and Nall Avenue. (PC Case 118-12) *[from the October 9, 2012 Planning Commission meeting]*
- J. Fire Department Monthly Report
- K. Police Department Monthly Report
- L. Municipal Court Monthly Report

A motion was made by Councilmember Rawlings, seconded by Councilmember Rezac to approve the Consent Agenda. The motion carried following a unanimous vote of 7-0. [Councilmember Rasmussen absent].

8. MAYOR'S REPORT

- A. Attended the Johnson/Wyandotte Counties Council Mayors' meeting hosted my Mission Hills Mayor Rick Boeshaar. Discussed city and county updates, and agenda for upcoming meeting with the Johnson and Wyandotte Counties' delegations the second Wednesday in November.
- B. Attended a presentation along with 260 neighborhood, community and government leaders at the Federal Reserve Bank of Kansas City regarding the action agenda for the Urban Neighborhood Initiative. This is one of the Greater Kansas City Chamber of Commerce's Big Five Ideas adopted in 2011. The overarching goals for the designated corridor include boosting prosperity, promoting health and safety and improving education.
- C. Extended gratitude to HR Director, Lovina Freeman, for organizing a great United Way campaign kickoff for our Leawood employees. We are trying to boost participation by 5% this year. Thank you for your consideration.
- D. Attended the Johnson County Fall Forum for the Metropolitan Organization to Counter Sexual Assault [MOCSA] with Scott Lambers, Police Chief John Meier and his department leadership.
- E. Councilmembers Julie Cain and Andrew Osman, co-chairs of the Gezer Sister City Committee, joined me and Scott Lambers, along with leaders from the Blue Valley School District, the Hyman Brand Hebrew Academy and the Heart of America Boy Scouts at a meeting with Haim Cohen, who was here from the Gezer Regional Council. The purpose of the meeting was to discuss the exploration of youth exchange opportunities between the Gezer Region and the Leawood communities.
- F. Attended the Studio Art Tour at the Rice Gallery in Park Place, co-sponsored by the Leawood Arts Council. These are absolutely beautiful works by Judith Mackey and Aaron Norris. These will be on display through November, and highly encourage you to go and browse if you haven't had the opportunity to do so yet.
- G. Attended Congressman Kevin Yoder's Town Hall Meeting this morning with City Administrator Scott Lambers, Councilmember Andrew Osman and Representative Pat Colloton in the Oak Room at Leawood City Hall. Congressman Yoder spent time talking about the nation's budget issues and the need for bi-partisan cooperation, but he spent nearly one hour in Q&A from the audience. It was very interesting and informative.
- H. Congratulations are in order to Mayor Joe Reardon, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, who was presented at the League of Kansas Municipalities annual conference in Topeka as the Kansas Mayor of the Year. He also received the Public Administrator of the Year Award from the Kansas City Chapter of the American Society for Public Administration for outstanding performance in the practice and teaching of public administration in the greater Kansas City area.
- I. Congratulations to Sgt. Tim Anderson, who will receive a Gold Award for Valor at the Metropolitan Chiefs and Sheriffs' Association Valor Luncheon November 16th due to his involvement last November with the shooting with an armed felon.

9. COUNCILMEMBERS' REPORT - None

10. STAFF REPORT

Scott Lambers commented on the October 16, 2012, *Kansas City Star* article regarding the permitting process of various area cities that compared commercial and office buildings. There was a wide range of process time frames and Leawood was in the middle. A factor that delays this process in Leawood, unless that item is placed on the consent agenda, planning commission items can't be approved by the Council until the minutes from the planning commission are available. The article depicted Lenexa was the most expensive city for a permit in the metropolitan area.

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION

[From the April 24, 2012 Planning Commission meeting]

- A. Ordinance approving zoning, Preliminary Plan and Final Plan for a portion of Ranchmart North, Lot 3, located north of 95th Street and east of Mission Road [PC-52-12] [Roll Call Vote] *[A Protest Petition was received on May 8, 2012, and has been determined to be valid.]*;

AND

[From the January 24, 2012 Planning Commission meeting] A Resolution approving a Final Plan for Ranchmart – Slab N Pickle, located north of 95th Street and east of Mission Road (PC Case # 109-11) –*Continued From the February 20, 2012, March 5, 2012, and March 19, 2012, May 21, 2012, June 4, 2012, and August 20, 2012 Governing Body Meetings [Continued from the August 6, 2012 Governing Body meeting]*

Staff Comment: A separate vote on the zoning ordinance and final plan resolution is necessary and it is recommended that the zoning ordinance be voted upon first.

BOTH OF THE ABOVE LISTED ITEMS HAVE BEEN CONTINUED TO THE NOVEMBER 19, 2012 GOVERNING BODY MEETING

12. OLD BUSINESS

Resolution approving and authorizing the Mayor to execute a Deposit Agreement between the City and Palo Verde Group, LP, for placement of funds into an escrow account for underground utilities for Palo Verde property located at 5101 College Boulevard ***THIS ITEM HAS BEEN PULLED.***

13. OTHER BUSINESS- None

14. NEW BUSINESS

Ordinance No. 2580, granting a Contract Franchise to Extenet Systems, Inc., a Delaware Corporation, its successors and assigns, to construct, operate and maintain a Telecommunication System as a competitive infrastructure provider in the City of Leawood, Kansas [Roll Call Vote]

Patty Bennett, City Attorney, advised this is a standard telecommunications franchise request. Extenet is not quite ready to operate in Leawood, however, they will return in the near future once its franchise is in place, to discuss the possibilities of letting them use light poles and other facilities.

Mr. Asta, Director of Municipal Affairs of Extenet Systems, stated Extenet builds fiber optic networks throughout the public domain. They terminate those networks at existing utility poles, street lights and (if the city is interested) traffic poles, where a very small antenna and a small equipment box is attached. It actually functions just like a wireless site. The goal is to improve not only the coverage for the various wireless carriers that come into Leawood, but in this case, it's all about capacity. Increased data on smart phones creates real challenges for the infrastructure, and the reality is that towers can't be built everywhere. The market is moving to the next level and is using utility poles and streetlights. He is aware of utility poles being removed in a number of areas with facilities going underground. They still need some sort of terrestrial infrastructure about 30 feet tall. There are a number of street lights that these attachments could be made that would hardly be noticed. This is an essential infrastructure, and Extenet hopes to be a long-term partner in Leawood.

Mr. Asta confirmed with Mayor Dunn that these would not be replacing cell towers. Cell towers actually form the core of the wireless network. Extenet has built systems in approximately 40 states and city officials have stated they can't even locate where they are. Since a large number of people no longer have home phones [land lines], utility poles and street lights can be used to get closer to the user. There may be a time in the next 5-10 years where everyone has a small box on their home or garage as well, because the demand is there for significant data on the phones. For instance, in Montreal, they want to watch live hockey in real time. You need some robust infrastructure to provide that to the consumer.

Mr. Asta stated they have executed similar franchises with Overland Park and Olathe and anticipate expanding once the core network is put into place.

Mayor Dunn questioned if the City approved repeaters being placed by Sprint on poles in the past. Ms. Bennett doesn't recall that request going through the approval process.

Mr. Asta stated he has viewed a few on street light poles on Nall, some have Overland Park stickers and some having Leawood. The antenna looks like an extension on the pole. That is why the streetlight is the natural extension. The goal is to ensure the aesthetics are met for this community and try to provide quality service.

A motion was made by Councilmember Azeltine, seconded by Councilmember Bussing to pass the ordinance. The motion carried following a unanimous roll call vote of 7-0. [Councilmember Rasmussen absent].

ADJOURN

There being no further business, the meeting was adjourned at 7:55 P.M.

Debra Harper, CMC, City Clerk