

Minutes

DVD No. 340

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 Tuesday, January 20, 2015. Mayor Peggy Dunn presided.

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

Councilmembers Absent: Chuck Sipple and Debra Filla

Staff Present: Scott Lambers, City Administrator
Mark Andrasik, Info. Services Director
Richard Coleman, Planning Director
Chief Dave Williams, Fire Department
Nic Sanders, Human Resources Director
Deb Harper, City Clerk
Patty Bennett, City Attorney
Mark Klein, Planning Official
Captain Dale Finger, Police Department
Joe Johnson, Public Works Director
Cindy Jacobus, Assistant City Clerk

Others Present: None

1. **PLEDGE OF ALLEGIANCE** – Led by Scouts from Troops 16, 92, 282, 395 and 786. Mayor Dunn stated the number of scouts and the number of different troops represented, were both records. She wished them good luck on the road to Eagle.

2. **APPROVAL OF AGENDA**

A motion to approve the agenda was made by Councilmember Rawlings; seconded by Councilmember Rasmussen. The motion was approved with a unanimous vote of 6-0.

3. **CITIZEN COMMENTS** – None

4. **PROCLAMATIONS** – None

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. 2014-51, 2014-52 and 2015-1
- B. Accept minutes of January 5, 2015 Governing Body meeting

- C. Accept minutes of December 3, 2014 Public Works Committee meeting
- D. Accept minutes of November 13, 2014 Sustainability Advisory Board meeting
- E. Accept minutes of November 11, 2014 Parks and Recreation Advisory Board meeting
- F. Approve Mayoral Appointment of Dana Farrington to the Board of Zoning Appeals [BZA] to fill unexpired term of former member James Taylor to 2015
- G. Approve renewal of Cereal Malt Beverages [CMB] License for Hen House, located at 11721 Roe Avenue
- H. Approve Final Pay Request in the amount of \$19,123.76, to Mann Fence Company, Inc., pertaining to Phase 2 Fence Installation at Public Works Facility, 14303 Overbrook Road [Project # 74050]
- I. Approve Change Order No. 1 in the amount of \$7,000.00 to Houston Excavating & Demolition, d/b/a HECO, Inc., pertaining to the removal of piers located at the former Police Station located at 9617 Lee Boulevard [Project # 71020]
- J. Approve Final Pay Request in the amount of \$54,000.00 to Houston Excavating & Demolition, d/b/a HECO, Inc., pertaining to the demolition of the former Police Station located at 9617 Lee Boulevard [Project # 71020]
- K. Approve purchase in the amount of \$73,000.00 to Professional Turf Products pertaining to Ironhorse Golf Club, located at 15400 Mission Road
- L. **Resolution No. 4390**, approving and adopting a Revised Emergency Operations Plan [EOP] for the City of Leawood, Kansas
- M. **Resolution No. 4391**, approving and authorizing the Mayor to renew a Maintenance Agreement between the City and Intergraph Public Safety, Inc., in the amount of \$22,383.68, pertaining to the management of the Intergraph Software System
- N. **Resolution No. 4392**, approving and authorizing the Mayor to execute an Inter-local Agreement between the City and Kansas Department of Transportation [KDOT] pertaining to the Special Traffic Enforcement Program [STEP]
- O. **Resolution No. 4393**, approving and authorizing the Mayor to execute an Inter-local Agreement between the City and Board of County Commissioners of Johnson County [BOCC] for a Preliminary Engineering Study for the Patrician Woods Stormwater Improvement Project, SMAC TM-04-006 [Project # 77015]
- P. Fire Department Monthly Report
- Q. Municipal Court Monthly Report
- R. Police Department Monthly Report
- S. Police Department-2014 Year-end Report

Councilmember Rawlings requested Consent Agenda Item 7.F. be pulled.

Mayor Dunn and Councilmember Rasmussen requested Consent Agenda Item 7.L. be pulled.

A motion to approve the remaining Consent Agenda items was made by Councilmember Rawlings; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 6-0.

- F. Approve Mayoral Appointment of Dana Farrington to the Board of Zoning Appeals [BZA] to fill unexpired term of former member James Taylor to 2015

Mayor Dunn stated that Mr. Taylor had moved out of the City, which created the opening. Councilmember Rawlings complimented the selection, as Ms. Farrington's qualifications are outstanding.

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

- L. **Resolution No. 4390**, approving and adopting a Revised Emergency Operations Plan [EOP] for the City of Leawood, Kansas

Mayor Dunn complimented Fire Chief Dave Williams for his hard work on the plan. She stated the last plan was approved in 2003 and the current plan is in conformance with Federal Emergency Management Agency [FEMA] standards.

Councilmember Rasmussen talked about spending authority on Page 25 of the revised EOP and asked why it was not predetermined, since the City could tap into an emergency fund. Mayor Dunn pointed out that Agenda Item 14.C. would address Councilmember Rasmussen's concerns and also raises the City Administrator's spending limit. Mr. Lambers suggested a section could be added to the revised EOP directly above "Employees" to state the City Administrator will determine how emergency expenditures will be financed subject to consultation with the Mayor or Presiding Officer, when feasible. The wording would be added as a friendly amendment.

A motion to approve Consent Agenda Item 7.L. with the friendly amendment was made by Councilmember Rasmussen; seconded by Councilmember Cain. The motion was approved with a unanimous vote of 6-0.

8. MAYOR'S REPORT

- A. Acceptance of \$1933.00 monetary gift from the Cloisters Homes Association to the City's Police and Fire Departments

Mayor Dunn offered sincere thanks and acceptance of a Cloisters Homes Association donation in the amount of \$1933, in appreciation for Fire and Police Department services rendered and available. Their cover letter states the Cloisters continues to do their best to maintain property values, enhance our City's image, and anchor the City's north side. The donation will be split between the two departments and each Department Chief will write a thank you to the Cloisters Homes Association, advising how their donation will be used.

A motion to approve the acceptance of the monetary gift from the Cloisters Homes Association to the City's Police and Fire Departments was made by Councilmember Cain; seconded by Councilmember Osman. The motion was approved with a unanimous vote of 6-0.

- B. Attended the Leawood Chamber of Commerce ribbon-cutting celebrating the His and Hers Fitness expansion in Nall Valley Shops at 151st and Nall. Councilmember James Azeltine joined me.
- C. Nearly 100% Governing Body attendance at the Leawood Chamber of Commerce's Legislative Luncheon and panel discussion at The Venue in Parkway Plaza.

City Administrator Scott Lambers and others from our professional staff were also present.

- D. Attended the Johnson & Wyandotte Counties Council of Mayors Meeting hosted by Lenexa Mayor Mike Boehm at the Grand Street Café in Lenexa. Two topics of discussion included the Law Enforcement Mutual Aid Initiative and the Kansas City Power & Light [KCPL] 12.5% proposed rate increase. It was decided to host a special meeting between KCPL officials, mayors and city administrators to further discuss.
- E. Joined Councilmembers Jim Rawlings and Chuck Sipple at the Legislators' Conveners Reception held at Zurich. As in years past, the City of Leawood was one of the sponsors of this event.
- F. Honor of serving on the Inaugural Committee and attending the Kansas Inaugural Ball. In addition to posting of colors by the Kansas National Guard, Gracie Schram sang the Star Spangled Banner. Former and current elected officials were in attendance.
- G. Joined a large crowd of supporters gathered to celebrate Prairie Village Mayor Ron Shaffer's 26 years of leadership and service. While we will miss him as Prairie Village Mayor, we are looking forward to his service on the Johnson County Board of County Commissioners, representing the First District and the City of Leawood.
- H. Attended the Olathe Branch National Association for the Advancement of Colored People [NAACP] event on the holiday honoring Dr. Martin Luther King, Jr. I was honored with their "Legacy Award", which I accepted on behalf of the City of Leawood. There were a number of additional "Diversity Advocacy Awards" and student scholarships presented. Thanks to Chief John Meier for the support of our Leawood Police Department, and to Major Troy Rettig and Captain Dale Finger for their attendance.
- I. Congratulations to Community Development Director Richard Coleman on Leawood's second grant from the Mid-America Regional Council Board of Directors and Total Transportation Policy Committee for our 135th Street Community Implementation Plan's advancement of sustainable development in the region. We were one of 13 awardees, and our award was \$64,983. It is rare to receive a grant two years in a row.
- J. Attended the Johnson County Elephant Club luncheon at Leawood's Hereford House restaurant where Lt. Governor Jeff Colyer was guest speaker. His remarks focused primarily on the State's budget issues.
- K. Congratulations to Leawood Arts Council Chair Mary Tearney, recipient of the Kansas Recreation and Park Association's Distinguished Volunteer Award on January 29th. Leawood's Cultural Arts Coordinator April Bishop nominated Ms. Tearney. The award recognizes a person who volunteers and receives very little remuneration for their services to the recreation, park or conservation movement and who has rendered distinguished service to the organization and their profession. Ms. Tearney gives a great deal to Leawood.
- L. Noted the front cover of the January 2015 *Leawood Lifestyle* magazine pictured the Variance art-piece, selected as the centerpiece of the Tomahawk Creek Parkway sculpture garden by our Art in Public Places Initiative. Page 17 of the magazine describes creator Albert Paley's intention that the sculpture reflects the dynamism, stressing alterability and change. Paley is the first metal sculptor to receive the coveted Institute Honors awarded by the American Institute of Architects to a non-architect.

- M. Reminder of the Lunar New Year Celebration at the Blue Koi on Sunday, January 25th, at 5:00 P.M. This event, hosted by the I-Lan Sister City Committee, honors our 27-year Sister City relationship with I-Lan, Taiwan. There are still seats available for \$25. 2015 is the “Year of the Ram”.
- N. Reminder of the State of the City event, on Thursday, January 29th, at 11:30 A.M. at the Ironwoods Lodge. Tickets are available for \$20 and include lunch catered by Mio.

9. COUNCILMEMBERS’ REPORT – None

10. STAFF REPORT – None

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION

[from the November 11, 2014 Planning Commission meeting]

- A. **Ordinance No. 2706**, approving a one year extension of a Special Use Permit for STC Five L.L.C. for the continued use of a wireless communications tower and associated equipment located north of 135th Street and west of Briar (PC Case 21-14) [Roll Call Vote]

Mr. Coleman stated staff had been working with the applicant for several years on the complicated process since every major wireless carrier in the area utilizes this tower.

Curtis Holland, Polsinelli Law Firm, 6201 College Boulevard, Suite 500, Overland Park, represented the applicant. He stated that representatives from each carrier – Crown Castle USA, Sprint, AT&T, Verizon, T-Mobile, Cricket, and Clear Wireless – were all in attendance. Mr. Holland made a presentation and provided background.

The communication tower is in the northeast quadrant of 135th and Nall. The current tower structure has been there since 1997; however, a tower had been there for over 30 years since the 1980’s, when the area was a cornfield. The tower covers a service area from Metcalf to State Line and from 127th Street to 143rd Street, providing service to homes, schools, churches and businesses as well as serving an important 9-1-1 emergency function. The current tower is 170 ft. high and contains four platforms, with the two middle platforms being standard triangular type, and then Sprint located at top and Clear Wireless at the bottom. The tower was built just before the City adopted a number of design standards and codes, and is considered legal, non-conforming use. It is the single largest infrastructure component for all carriers in the Leawood, provides some service to Overland Park, and carriers built their networks using this location as an anchor.

Mr. Holland stated at the request of the City, he had prepared a report and submitted to City staff in October, 2013, regarding the possibility of replacing the tower because of issues with height, mounting of the antennas, and proximity to residential property. Current City code requires maximum height of 150 ft., slim-line flush mounts and 500 ft. residential set-back.

When evaluating how to provide coverage without this tower site, carriers researched potential sites, considering topography, zoning, utilities and availability. Fifteen potential sites were initially identified and refined to nine sites. Of these nine sites, Deer Creek Golf Club, Lord of Life Church and Beth Shalom were the only feasible properties with owners willing to discuss a stealth-structure tower of 75 ft., but these sites are not optimum. Towers with a maximum of 75 ft. would require

multiple towers just to replace the one existing tower. There is no way to service the area without the existing tower.

One-year extensions to the Special Use Permits [SUPs] were requested to allow time to bring the site into conformance. Challenges include:

- A. Complete removal of current tower, costing upward of \$1 Million
- B. Temporary and permanent easements
- C. Construction easements
- D. Up to ten Cell on Wheels [COWs] to prevent service disruption
- E. Leawood Development Ordinance [LDO] amendments to allow for antenna type and proximity to residential areas
- F. Need for City support for 20-year SUP

Although the current request is simply for one-year extensions of the SUPs, Mr. Holland pointed out the discussion at the Planning Commission regarding their hopes for more aesthetic improvements than would be possible with the improvements proposed. There was discussion about leaving as is since the improvements would be nominal. Mr. Holland stated the appearance of the current tower will improve over time, as technology changes and asked about the future possibility of leaving the tower at its current height. Existing platform antennae could be replaced with low-profile TR mounts, which are not a true flush mount. The low-profile mounts would be 24 inches away from the tower.

Mayor Dunn thanked Mr. Holland for his efforts, stated the tower had been grandfathered, SUP extensions had been approved in 2012, and that Sprint monopines have managed to meet current City requirements. She felt the report was promising in that it comes close to meeting current code. She asked Ms. Bennett if staff could draft an amendment specific to the current site so as not to allow cell towers adjacent to other residential properties. Ms. Bennett replied an amendment could be written drawn to the situation but not to the site, as it is a tower being revised to be brought into conformance.

Councilmember Cain also appreciated the effort from the carriers. She asked if the monopines were in compliance simply because the anchor tower under discussion was in place or if they function independently. Mr. Holland replied the answer is complicated. The coverage provided by the current tower is greater than what is provided by the shorter monopine towers located in Leawood South Country Club. Removal of the current tower could affect the effectiveness of the shorter towers. The monopine height was a compromise, which occurred partly because of the existing anchor tower. The golf course also had tall trees providing screening from residential, and the area under discussion does not have the same tall trees.

Councilmember Cain asked if the changes as described would increase coverage or if they were just to meet the current codes. Mr. Holland replied all the carriers lose height with the proposal, so the coverage would not be as robust or reliable. Councilmember Cain asked if the low-profile TR mounts could be placed on the current tower. Mr. Holland replied that they could.

Councilmember Cain stated she had no issue with the one-year extension and also wanted to consider allowing the current height of the pole. She agrees that low-profile mounting was a bigger issue, but was hopeful the antennas could be changed over time, thereby eliminating the challenges presented such as the COWs.

Mr. Holland replied that many of the challenges would be eliminated, such as removal of the tower and the COWs. The LDO amendment and easements from adjoining property owners would still be necessary, and he would like consideration of 20-year SUPs.

Councilmember Cain inquired, and Mr. Holland agreed, that with low-profile mounts and existing tower height, service would remain comparable to current coverage.

Councilmember Rezac thanked Mr. Holland for the thorough analysis. She asked if the low-profile mounting would be done over time or all at once. Mr. Holland replied he did not know without evaluating the process and was willing to talk to City staff in this regard.

Councilmember Rezac felt the 20 ft. height difference was negligible when considering it from different vantage points and asked about the reasoning behind the 150 ft. maximum. Mr. Coleman replied the height was determined in 1998, and he did not know the rationale or history. Mayor Dunn stated consultants and carriers were involved in the decision. The process included public hearings and lasted over a year. At the time, cell tower requests were coming in for all over the City and the public was extremely vocal about protecting their neighborhoods.

Mr. Holland stated that a 170 ft. tower was put up in the 1980's by Cellular One, which is now Verizon Wireless. That tower was not constructed to accommodate for co-location of multiple antennae and Sprint wished to add a second-set. Sprint built the current tower to handle co-location with the requirement that Cellular One tear down their old tower and place their equipment on the new tower. This tower is one of only three towers in Leawood, and the tower at 96th and Lee will be taken down. All other structures are monopines or are on rooftops behind parapets.

Councilmember Rezac supported the year extension to allow more time to work with staff. The intent was to clean up the tower and since towers at other locations are not an option, the next step is to use the low-profile antennas. Regarding the height, she agreed with leaving the tower at 170 ft. for the time being, as the gain is negligible compared to the challenges with removal.

Councilmember Rasmussen asked if the 170 ft. height included any extensions. Mr. Holland replied that height did not include the lightning arrestor on top, which adds 5 to 8 ft., and that City code does not include the lightning arrestor to be included in the height. Councilmember Rasmussen stated the height given was not reflective of the absolute actual height.

Councilmember Rasmussen asked if slim-line antennas similar to the tower at Lee Boulevard and Mission Road could be placed on the tower if height was left at 178 ft. Mr. Holland replied no. Councilmember Rasmussen asked if it would be possible to leave the tower at 178 ft. and conform to City codes. Mr. Holland replied it would be possible, but that might affect coverage.

Councilmember Rasmussen asked who is responsible for maintaining the landscaping on the property. Mr. Holland replied that Crown Castle is the manager for the facility. The site has been cleaned up and some landscaping installed.

Councilmember Osman asked how many more cell towers exist in Overland Park / Leawood with six carriers. Mr. Holland replied there is not another tower with six carriers in the immediate area and there are perhaps only three in the metropolitan area. He stated usually towers support two or three carriers.

Councilmember Osman expressed reluctance in supporting the proposal because it needed to be considered in its entirety. He suggested a Council Work Session to determine a maximum height for the location; it is unique in that considerable development had occurred in the area over the years. He stated reducing the height would affect wireless coverage and slim-line antennas could also contribute to improper coverage. To his knowledge, the City had received no complaints about the 150 ft. versus 170 ft. tower height. He encouraged a reasonable solution that would not disrupt the cell coverage.

Mayor Dunn stated the SUP extension was in order to work on further modifications to bring the tower closer to compliance with the ordinance, but four Councilmembers tonight did not confirm the ordinance should be adhered to. She expressed a desire to be fair, consistent and considerate to those who have stayed within the LDO requirements, and welcomed discussion in a Work Session before being willing to simply allow the tower to remain.

Councilmember Osman agreed, and asked for consideration of alternate methods and time to evaluate if the 170 ft. height was truly necessary. He stated concern in allowing one location to be different, but felt the uniqueness of the site and situation merits consideration.

Councilmember Rasmussen reiterated a desire to consider restricting an allowance for the 170 ft. at that particular location.

Councilmember Cain reiterated that her comments were only about the tower under discussion. Reducing the height would compromise coverage and she felt the situation was unique.

Councilmember Rezac agreed that her comments were restricted to this unique situation and the community impact of potentially reduced cell coverage. She felt the logistics of reducing the tower height by 20 ft. seemed nonsensical.

Mayor Dunn asked about a Work Session to discuss the issue. Mayor Dunn left the Work Session decision to Mr. Coleman and Mr. Lambers.

Mayor Dunn asked about dates for the SUP extension. Ms. Bennett stated one year from publication of ordinance; January 27th would mark the beginning of the year.

Mayor Dunn thanked all who had traveled and were present.

A motion to pass the ordinance was made by Councilmember Rasmussen; seconded by Councilmember Cain. The motion was approved with a unanimous roll call vote of 6-0.

- B. **Ordinance No. 2707**, approving a one year extension of a Special Use Permit for New Cingular Wireless PCS, LLC, LLC d/b/a AT&T Mobility for the continued use of wireless communication antennae and associated equipment located north of 135th Street and west of Briar (PC Case 22-14) [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Cain; seconded by Councilmember Azeltine. The motion was approved with a unanimous roll call vote of 6-0.

- C. **Ordinance No. 2708**, approving a one year extension of a Special Use Permit for Cricket Communications, Inc. for the continued use of wireless communication antennae and associated equipment located north of 135th Street and west of Briar, (PC Case 23-14) [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Cain; seconded by Councilmember Rezac. The motion was approved with a unanimous roll call vote of 6-0.

- D. **Ordinance No. 2709**, approving a one year extension of a Special Use Permit for Clear Wireless, LCC, for the use of wireless communication antennae and associated equipment located north of 135th Street and west of Briar (PC Case 24-14) [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Cain; seconded by Councilmember Azeltine. The motion was approved with a unanimous roll call vote of 6-0.

- E. **Ordinance No. 2710**, approving a one year extension of a Special Use Permit for T-Mobile Central, LLC for the use of wireless communication antennae and associated equipment located north of 135th Street and west of Briar (PC Case 25-14) [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Cain; seconded by Councilmember Rawlings. The motion was approved with a unanimous roll call vote of 6-0.

- F. **Ordinance No. 2711**, approving a one year extension of a Special Use Permit for Verizon Wireless (VAW) LLC, d/b/a Verizon Wireless for the continued use of wireless communication antennae and associated equipment located north of 135th Street and west of Briar (PC Case 26-14) [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Cain; seconded by Councilmember Rawlings. The motion was approved with a unanimous roll call vote of 6-0.

- G. **Ordinance No. 2712**, approving a one year extension of a Special Use Permit for Sprint Nextel Corporation for the use of wireless communication antennae and associated equipment located north of 135th Street and west of Briar (PC Case 27-14) [Roll Call Vote]

Councilmember Azeltine questioned the name of Sprint Nextel Corporation and requested clarification from Mr. Holland. The name was subsequently determined to be Sprint Spectrum, L.P.

A motion to pass the ordinance and changing the company name was made by Councilmember Azeltine; seconded by Councilmember Rezac. The motion was approved with a unanimous roll call vote of 6-0.

12. **OLD BUSINESS** – None

13. **OTHER BUSINESS** – None

14. NEW BUSINESS

- A. **Ordinance No. 2713C**, repealing Sections 11-212 and 12-207 of the Code of the City of Leawood, 2000, entitled, ‘Carrying of Firearms Prohibited,’ and ‘Carrying of Weapons Prohibited,’ respectively [Roll Call Vote]

Ms. Bennett stated 2014 Legislature passed a law that prohibits the City from enforcing any ordinance pertaining to firearms.

Councilmember Azeltine asked if part of the law allows restriction of firearms in public buildings with a metal detector. Ms. Bennett confirmed the law does allow for such restrictions, and the City can exempt its buildings, which the City did via resolution and a statement filed with the state. This ordinance was not enforceable as its own ordinance.

Mayor Dunn pointed out the time frame for the ordinance was four years. Discussion at the League of Kansas Municipalities Convention in Overland Park centered on hope for new legislation at the end of the four years. However, more aggressive allowances for guns are in place.

Councilmember Azeltine questioned if at the end of that period of time, should the City want to restrict firearms in City Hall, a metal detector would be necessary. Mr. Lambers affirmed and stated that would be his recommendation.

Councilmember Rawlings expressed regret that legislation was passed as it relates to open-carry. He is not opposed to gun ownership, but felt open-carry places law enforcement officers in greater danger.

A motion to pass the ordinance was made by Councilmember Rasmussen; seconded by Councilmember Cain. The motion was approved with a unanimous roll call vote of 6-0.

- B. **Ordinance No. 2714C**, amending § 1-818 of the Code of the City of Leawood, 2000, entitled, ‘Special Law Enforcement Trust Fund; Establishment, Purpose and Intent’ and repealing existing § 1-818 and other sections in conflict herewith [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Rasmussen; seconded by Councilmember Cain. The motion was approved with a unanimous roll call vote of 6-0.

- C. **Ordinance No. 2715C**, amending § 11-401 of the Code of the City of Leawood, 2000, entitled, ‘Proclamation of Emergency’ and repealing existing § 11-401 and other sections in conflict herewith [Roll Call Vote]

Mayor Dunn asked if Consent Agenda Item 7.L. would change any of the language. Mr. Lambers replied that it would not, as Consent Agenda Item 7.L. dealt with the procedure and source of funds, and this addresses the amount.

Mayor Dunn asked if this establishes a limit of \$100,000. Mr. Lambers stated it would increase his limit from \$15,000 to \$100,000 in an emergency.

Councilmember Rasmussen stated this ordinance increases the authority of the City Administrator, in conditions of emergency, to expend \$100,000 without going through the normal processes. In an emergency it is an almost impossible burden to gather the Governing Body for approval of expenditures. The previous ordinance designates which funds the money should come from.

Mayor Dunn sought clarification from Councilmember Rasmussen and input from Mr. Lambers as to whether \$100,000 was too low. Both Councilmember Rasmussen and Mr. Lambers indicated \$100,000 was sufficient. Mr. Lambers added the assumption that hopefully, within a day or two of a disaster, the majority of the City Council could be convened to give authority to spend more if necessary. This ordinance is simply meant to allow authority in a short period of time.

Councilmember Rezac asked about defining a time period of a major emergency. Mr. Lambers stated the typical time frame is one week as stated in the emergency proclamation, which gives time to assess the situation.

Mayor Dunn pointed out that in 2002, an ice storm shut down the City and City Hall served as a shelter.

A motion to pass the ordinance was made by Councilmember Rasmussen; seconded by Councilmember Azeltine. The motion was approved with a unanimous roll call vote of 6-0.

ADJOURN

The meeting was adjourned at 9:40 P.M.

Debra Harper, CMC, City Clerk

Cindy Jacobus, Assistant City Clerk