



**MINUTES OF THE
NOVEMBER 19, 2019
LENEXA CITY COUNCIL MEETING
COMMUNITY FORUM, 17101 W 87th STREET PARKWAY
LENEXA, KS 66219**

CALL TO ORDER

The meeting was called to order at 7 PM.

ROLL CALL

Councilmembers Karlin, Lemons, Nicks, Nolte, Roh, Hunt, Huckaba, and Stuke were present with Mayor Boehm presiding.

Staff present included Beccy Yocham, City Manager; Todd Pelham, Deputy City Manager; Mike Nolan, Assistant to the City Manager; Danielle Dulin, Assistant to the City Manager; Scott McCullough, Community Development Director; Cindy Harmison, City Attorney; Jennifer Martin, City Clerk; and other City staff.

APPROVE MINUTES

A motion to approve the November 5, 2019 City Council meeting minutes was made by Councilmember Roh, seconded by Councilmember Stuke. Motion passed unanimously.

MODIFICATION OF AGENDA

None.

PRESENTATIONS

Darrell Stein and Tyler Koonce, Henderson Engineers, Inc. Charitable Foundation, presented the Lenexa Foundation with a \$2,500 donation.

John Federico and Stephen Duerst, Federico Consulting, presented a preview of the 2020 Kansas Legislative Session.

CONSENT AGENDA

1. Acceptance of utility and landscape easements as shown on the final plat for Bristol Highlands, 3rd Plat
This final plat is for the Bristol Highlands subdivision, 3rd Plat. Utility and landscape

No public comments were made.

A motion to close the public hearing was made by Councilmember Nolte, seconded by Councilmember Stuke. Motion passed unanimously.

The public hearing closed at 9:11 PM.

NEW BUSINESS

15. Resolution of intent to issue up to \$70,000,000 in industrial revenue bonds for financing, equipping and constructing a 35,000 square foot proton therapy facility (Provision CARES Proton Therapy Center Project)

The City received an application from PCPT Lenexa, LLC requesting issuance of up to \$70,000,000 in industrial revenue bonds (IRBs) to finance a portion of the construction and equipping of a two-story, 35,000 square foot proton therapy center to be located at 9351 Renner Boulevard at northeast corner of 95th Street and Renner Boulevard. The IRBs are requested to allow the applicant to take advantage of the sales tax exemption on construction materials.

Sean McLaughlin, Assistant City Attorney, stated PCPT Lenexa, LLC has applied for up to \$70 million in IRBs to finance, equip, and construct a two-story 35,000 square foot proton therapy center north of 95th and Renner Boulevard. He explained that while this building is not that large, the equipment in the building will be over \$55 million.

Mr. McLaughlin stated that there is no tax abatement with this project; it is located in the Mining Tax Increment Financing (TIF) District. Staff anticipates the developer applying for potential TIF incentives in the future.

Mr. McLaughlin stated the project would begin next year and take approximately two years to complete. The IRBs would be privately placed and the applicant is responsible for all associated costs.

Mr. McLaughlin stated there is no public hearing and staff recommends approval.

A motion to approve item 15 was made by Councilmember Roh, seconded by Councilmember Huckaba. Motion passed unanimously.

16. Consideration of resolution amending the official City newspaper designation and charter ordinance exempting the City from K.S.A. 64-101 regarding official city newspapers
 - a. Resolution designating the official City newspaper and repealing Resolution No. 2009-39

- b. A charter ordinance exempting the City from the provisions of K.S.A. 64-101 regarding official city newspapers and repealing Charter Ordinance No. 44. *The Olathe News was acquired by The Kansas City Star and no longer meets the current requirements for designation as an official city newspaper. This resolution repeals a previous resolution that designated The Olathe News as one of the official newspapers of the City and designates The Johnson County Legal Record as the only official newspaper. The City is having difficulty finding newspapers that meet the qualifications set out in K.S.A. 64-101 for designation as an official newspaper. Therefore, the City desires to exempt itself entirely from this statute and to provide the flexibility to establish its own criteria by ordinance for designating its official publications.*

Cindy Harmison, City Attorney, explained that state law requires cities to publish many different documents and notices in newspapers that are published in the city's county or in the city's state with a circulation in the city's county. She added that state law also requires these publications to meet certain specifications with respect to circulation numbers.

Ms. Harmison stated that Lenexa chartered out of the state law in 1997 because The Johnson County Legal Record is a weekly publication and some flexibility was needed for clear publication days between meetings.

Ms. Harmison explained that this resolution designates The Johnson County Legal Record as the city's official newspaper. It removes The Olathe Daily News as an official city newspaper as it was acquired by The Kansas City Star and no longer meets the requirements for designation as an official city newspaper.

Ms. Harmison added that the charter ordinance would start the process of exempting Lenexa out of the state's statute entirely, which would allow Lenexa to establish its own publication criteria by ordinance in the future.

Ms. Harmison stated that the charter ordinance would not be effective until next February, following a protest petition period of 60 days. After that effective date, staff would bring back additional information about establishing criteria by ordinance.

A motion to approve item 16a was made by Councilmember Hunt, seconded by Councilmember Karlin. Motion passed unanimously.

A motion to approve item 16b was made by Councilmember Lemons, seconded by Councilmember Roh. Motion passed unanimously.

BUSINESS FROM FLOOR

None.