



**CITY COUNCIL  
CITY OF PRAIRIE VILLAGE  
June 18, 2018**

The City Council of Prairie Village, Kansas, met in regular session on Monday, June 18, 2018, at 6:00 p.m. in the Council Chambers at the Municipal Building, 7700 Mission Road, Prairie Village, Kansas. Mayor Laura Wassmer presided.

**ROLL CALL**

Roll was called by the City Clerk with the following Council Members in attendance: Jori Nelson, Serena Schermoly, Ronald Nelson, Tucker Poling, Andrew Wang, Sheila Myers, Dan Runion, Courtney McFadden, Ted Odell and Terrence Gallagher via telephone. Staff present: Tim Schwartzkopf, Chief of Police; Captains Bryon Roberson, Ivan Washington and Dan Stewart; Keith Bredehoeft, Public Works Director; David Waters, Interim City Attorney; Wes Jordan, City Administrator; Jamie Robichaud, Assistant City Administrator; Alley Porter, Assistant to the City Administrator, Lisa Santa Maria, Finance Director and Joyce Hagen Mundy, City Clerk. Also present was Gary Anderson, City Bond Counsel; Justin Duff with VanTrust Realty and Pat Day with Dial Retirement Communities.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

Ted Odell moved the approval of the agenda for June 18, 2018 as presented. The motion was seconded by Ron Nelson and passed unanimously.

**INTRODUCTION OF STUDENTS & SCOUTS**

No students or scouts were in attendance.

**PRESENTATIONS**

**Swearing in Police Officers**

Chief Tim Schwartzkopf introduced and welcomed two new police officers Chad Mirr and Zac Blakemore and administered the oath of office. Mayor Wassmer thanked the officers for selecting Prairie Village for their law enforcement career.

**PUBLIC PARTICIPATION**

With no one present to address the Council, public participation was closed at 6:08.

**CONSENT AGENDA**

Mayor Wassmer asked if there were any items to be removed from the consent agenda and discussed.

**Dan Runion moved for the approval of the Consent Agenda of June 18, 2018:**

- 1. Approval of the amended City Council meeting minutes for June 4, 2018**
- 2. Approval of Claims Ordinance #2967**



3. Ratification of the Mayor's appointment of Cindy Dunn to the Prairie Village Tree Board completing an unexpired term ending in February, 2019
4. Approval of amendments to lease agreements with Sprint, Verizon and AT&T for City-owned cell tower

A roll call vote was taken with the following votes cast: "aye" J. Nelson, Schermoly, R. Nelson, Poling, Wang, Myers, Runion, McFadden, Odell and Gallagher.

### COMMITTEE REPORTS

No Committee Reports were given.

### MAYOR'S REPORT

Mayor Wassmer stated she hosted the Council of Mayors' meeting with area legislators attending on June 6<sup>th</sup>; attended "Walk the Vote" in Overland Park and signed the letter sent to Kevin Yoder regarding the separation of children from parents violating immigration regulations. She and Council members Tucker Poling and Serena Schermoly did a radio interview on KCUR related to the impact of the tear downs and rebuilds occurring in Prairie Village. She participated in the ribbon cutting for Village Dentistry and attended the NE Johnson County Mayors Meeting.

### STAFF REPORTS

#### **Public Safety**

- Coffee with a Cop on Friday, June 22<sup>nd</sup> at Hattie's Fine Coffee from 8 to 10 a.m.
- The Police Department will be hosting an open house at their facility on Saturday, August 25<sup>th</sup> from 11 a.m. to 2 p.m.

#### **Public Works**

- Keith Bredehoeft reported demolition of the church at 69<sup>th</sup> & Roe is expected within the next two weeks.
- A public meeting on proposed improvements to Franklin & Porter parks will be held July 10<sup>th</sup>.

#### **Administration**

- Lisa Santa Maria reported that the 2017 CAFR is complete and available to Council. She distributed to Council copies of the Popular Annual Finance Report for 2017.
- Jamie Robichaud reported funding is available for four or five Exterior Grants. \$18,000 has been paid out on completed grants with \$10,000 in payout pending.
- Wes Jordan noted four members of the Governing Body will not be able to attend the July 2<sup>nd</sup> meeting. Currently the agenda for that meeting is light. He also reviewed items on the July 16<sup>th</sup> agenda.

Ted Odell moved the July 2<sup>nd</sup> meeting of the Prairie Village City Council be cancelled. The motion was seconded by Sheila Myers and passed by a vote of 9 to 1 with Jori Nelson voting in opposition.



## **OLD BUSINESS**

### **Neighborhood Design Public Forums Update**

Jamie Robichaud advised Council the following dates have been set for the Neighborhood Design Public Forums: Monday, July 9; Wednesday, July 11 and Tuesday, July 17. The forums will be held in an open house format from 5:30 to 7:00 p.m. in the Council Chambers on each of these days. Mrs. Robichaud reviewed the notification process and projected follow-up actions.

Council members expressed concern with two of the meetings being held the same week and suggested the meetings be spread out to allow more opportunities to attend. Mrs. Robichaud replied it has been difficult to coordinate the schedules of the multiple people involved in the meeting, particularly representatives of Gould Evans. She also reviewed the impact of extending the meeting dates on the scheduling of the public hearing before the Planning Commission and final action being taken by the Council. She noted information will also be made available on the city's website.

Ted Odell asked what the ultimate goal of the meetings was noting that results from the Citizen Survey reflect that residents are equally divided on the need for more restrictions. Mrs. Robichaud replied the ultimate goal is to gather feedback on the proposed regulations. Information received from these meetings is one tool for the Council to use in determining whether to approve additional design standards.

**Ted Odell moved the City Council approve the dates of Monday, July 9; Wednesday, July 11 and Tuesday, July 17 for the public forums on the proposed neighborhood design guidelines. The motion was seconded by Sheila Myers and passed by a vote of 6 to 4 with the following votes cast: "aye" Poling, Wang, Myers, Runion, McFadden, Odell and "nay" J. Nelson, Schermoly, R. Nelson, Gallagher.**

## **NEW BUSINESS**

### **COU2018-31 Consider Resolution to issue Industrial Revenue Bonds for Dial Realty - Meadowbrook Senior Housing**

Gary Anderson noted the developer agreement for Meadowbrook Park outlines financing of public improvements associated with the project. The structure includes the issuance of Industrial Revenue Bonds (IRB) and the sales tax savings being paid to the City to be used to finance a portion of the park improvements. Mr. Anderson stressed the bonds will be purchased by the developer who will indemnify the City with the City having no liability. He added this action is the same as was taken earlier with the issuance of IRB's for the apartment complex. This action allows for the city to request a project exemption that will allow for the purchase of furniture, fixtures and equipment without paying sales tax. Those savings would be paid by the developer into an escrow account to be used for development of the park. The Resolution is to authorize Industrial Revenue Bonds not to exceed \$35,000,000 for the senior living component covering all phases of the project.



Mr. Anderson stated there is no scenario where the City would have any financial liability related to the bonds.

Pat Day with Dial Retirement Communities stated phase 1 of the senior living component will have 80 assisted living units with 20 of those being for memory care and 58 independent living units for a total of 138. They plan to break ground this fall for phase 1.

Justin Duff with VanTrust Realty presented a visual update of the Meadowbrook Project showing the apartment building (The Kessler) with 218 units that will begin occupancy in early July. Of the 52 Town Villas, 36 lots have been sold, 4 spec units are complete and 8 lots are in reserve status. The 52 Reserve lots (single family homes) have 20 lots sold, with a few nearing construction status. The Inn will feature 54 rooms, a high end restaurant and small retail area. Mr. Duff thanked the City for its cooperation at all levels in this joint partnership.

**Ted Odell moved the City Council approve Resolution 2018-02 determining the intent of the City of Prairie Village, Kansas, to issue its Industrial Revenue Bonds in one or more series in the aggregate amount not to exceed \$35,000,000 to finance the costs of acquiring, constructing and equipping multiple facilities for the benefit of Dial-Meadowbrook Senior Housing Land, LP, and its successors and assigns. The motion was seconded by Andrew Wang and passed unanimously.**

**COU2018-32 Consider contract with Kansas Heavy Construction for the 2018 Concrete Repair Program**

The following two bids were received for the 2018 Concrete Repair Program: Phoenix Concrete - \$664,169.30 and Kansas Heavy Construction - \$592,000. Keith Bredehoeft stated \$700,000 is budgeted for this project and the contract will be awarded in the amount of \$695,000 with the scope of work increased. The remaining \$5,000 will be used for testing.

**Sheila Myers moved the City Council authorize the Mayor to sign the Construction Contract with Kansas Heavy Construction for the 2018 Concrete Repair Program in the amount of \$695,000. The motion was seconded by Ron Nelson and passed unanimously.**

**COU2018-33 Consider contract with Advanced Asphalt Paving and Concrete for the 2018 Street Repair Program**

On May 23, 2018, the City Clerk opened four bids for Project P5001: 2018 Street Repair Program with Advanced Asphalt Paving and Concrete submitting the low bid of \$71,961.90. This program consists of asphalt street repairs at various locations throughout the City. The contract will be awarded in the budgeted amount of \$150,000 with the scope of the project increased. Funding is available in the 2018 Operations Fund for P5001.

Keith Bredehoeft noted the low bid was significantly lower than the budgeted amount which will allow for significantly more work to be completed. References have been



checked and the Senior Project Manager has met with the contractor regarding the City's expectations.

**Sheila Myers moved the City Council authorize the Mayor to execute the Construction Contract with Advanced Asphalt Paving & Concrete for the 2018 Street Repair Program in the amount of \$150,000. The motion was seconded by Ron Nelson and passed by a vote of 9 to 1 with Mr. Odell voting in opposition.**

Mayor Wassmer called for a ten minute recess. The meeting was reconvened at 7:20.

**Tucker Poling moved the City Council go into the Council Committee of the Whole portion of the meeting. The motion was seconded by Dan Runion and passed unanimously.**

### **COUNCIL COMMITTEE OF THE WHOLE**

Council President Dan Runion presided over the Council Committee of the Whole.

#### **CEDAW Follow up**

Gail James and Janet Kannard reviewed the principles of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and possible options for the city's participation. These include the adoption of a resolution affirming the City's commitment and support to eliminate forms of discrimination against women or adoption of an ordinance which will generally involve action being taken by the City.

The Council was generally supportive of the resolution. A lengthy discussion ensued on the need for participation in the program and at what level including the cost and need to conduct a "gender analysis, required staff time and concerns with singling out only gender discrimination and not other discrimination and the commitment involved.

**Ron Nelson moved the City Council direct staff to prepare a resolution in support of the principles of CEDAW without any expenditure of funds or additional action being taken at this time with an annual review to be conducted to determine the implementation of further action. The motion was seconded by Serena Schermoly. The motion was voted on and passed by a vote of 6 to 3 with Mr. Odell, Mr. Runion and Mr. Wang voting in opposition and Mr. Gallagher abstaining.**

#### **2019 Budget Discussion - Decision Packages**

Lisa Santa Maria reviewed the actions taken on June 4<sup>th</sup> regarding the 2018 Preliminary Economic Development Fund budget. The approved budgeted items included the following: \$50,000 for Exterior Grant Funding in 2020; \$50,000 for city owned art restoration, \$75,000 for the Bike/Pedestrian Master Plan and \$80,000 for the Comprehensive Plan Update for a total of \$255,000. The fiscal year 2020 projected ending balance after these expenditures is \$18,075.



Staff requested direction on the two remaining decision packages - the funding for the Arts at \$43,610 and funding for Crosswalk Flashing Lights at \$30,000.

**Sheila Myers moved to include \$18,000 from the Economic Development Funds for the purchase of three crosswalk flashing lights and direct staff to explore grant funds for additional funding. The motion was seconded by Courtney McFadden and passed by a vote of 9 to 1 with Mr. Odell voting in opposition.**

Jori Nelson noted the three areas mentioned at the previous meeting of Franklin Park, Briarwood and Prairie Elementary could be addressed with these funds. Wes Jordan advised the Council that staff needs to prepare a policy to address the criteria for the placement and location of crosswalk flashing lights prior to installation. This is not addressed in current policy. The placement needs to be verified by the city's engineer.

Council President Dan Runion called for vote with the motion passing by a vote of 9 to 1 with Mr. Odell voting in opposition.

**Serena Schermoly moved the \$50,000 previously directed to be moved into the Prairie Village Foundation for statuary restoration, replacement and protection be returned to the Economic Development to be available for use in securing additional grant funds for this purpose. The motion was seconded by Ron Nelson.**

It was confirmed that expenditures would be authorized by the Statuary Committee. The motion was voted on and passed by a vote of 8 to 2 with Mrs. Myers and Mr. Odell voting in opposition.

Lisa Santa Maria confirmed the decision package of \$43,610 for fund of the Arts was being withdrawn without action. Mrs. Santa Maria stated she would have the authorization to publish the 2019 budget for public hearing on the July 16<sup>th</sup> meeting.

### **Noise Ordinance Discussion**

Jamie Robichaud noted the receipt of complaints regarding the City's noise ordinance which permits loud noises from 7 a.m. to 10 p.m. on weekdays, and 8 a.m. to midnight on weekends (except Sundays, which permits noise until 10 p.m.). She noted that most cities permit noise beginning between 7 a.m. and 8 a.m. and usually ending by 10 p.m.

The majority of complaints city staff receives regarding the noise ordinance are regarding contractors starting work before 7 a.m. Mrs. Robichaud stressed when this occurs, the resident needs to contact the police department at the non-emergency number immediately to report the issue and the City cannot issue a citation or warning without witnessing the ordinance being violated. City staff currently adds the permitted construction hours on building permit when issued and communicates with all contractors the need to adhere to those hours.



Mrs. Robichaud felt the primary need is to educate residents to report the violation to the Police Department when it is occurring. Other options would be to create a noise ordinance specific to construction and the operation of heavy equipment; amend the current noise ordinance to be more restrictive on all types of noise or make no changes.

It was proposed to amend the current hours to 7 a.m. to 8 p.m. Monday - Friday; 8 a.m. to 6 p.m. on Saturday and 12 p.m. to 5 p.m. on Sunday. It was also proposed to create a separate construction noise ordinance. Additional signage on the site was discussed. Concerns were expressed with the impact on residents. Chief Schwartzkopf reviewed the department's response procedures on noise complaints.

**Jori Nelson moved to direct staff to draft an ordinance restricting construction related noise to the following hours: 7 a.m. to 8 p.m. Monday - Friday; 8 a.m. to 6 p.m. on Saturday and 12 to 5 p.m. on Sunday. The motion was seconded by Tucker Poling.**

Chief Schwartzkopf stated the proposed motion would cause his officers challenges in enforcement and stated it is better to have uniform hours for enforcement. Jori Nelson clarified the intent of her motion was to address all noise with flexibility. David Waters noted the drafted ordinance would need to address hours, clearly identify sources of noise and what is a violation.

The question was called by Serena Schermoly and seconded by Ted Odell. The call for question passed unanimously.

**The motion was voted on with the following votes cast: "aye" J. Nelson, Poling; "nay" Schermoly, R. Nelson, Wang, Myers, Runion, McFadden and Odell. (Mr. Gallagher no longer connected to the meeting and able to vote.) The motion failed.**

Jamie Robichaud stated the biggest issue is failure to report while the violation happening allowing for a warning to be given or ticket to be written.

Mayor Wassmer noted that as the current ordinance is written construction can take place on weekends until midnight. She suggested this item be added to a future agenda for continued discussion.

**Serena Schermoly moved to adjourn the Council Committee of the Whole portion of the meeting and return to the City Council meeting. The motion was seconded by Sheila Myers and passed unanimously.**

### ANNOUNCEMENTS

Chief Tim Schwartzkopf introduced recently promoted Captain Dan Stewart. Capt. Stewart has been with the department 18 years and is replacing retired Captain Myron Ward overseeing Dispatch, Records and training.

### ADJOURNMENT



The City Of  
**Prairie Village, Kansas**

With no further business to come before the City Council, Mayor Wassmer declared the meeting adjourned at 9:25 p.m.

Joyce Hagen Mundy  
City Clerk