

**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
August 6, 2018**

The City Council of Prairie Village, Kansas, met in regular session on Monday, August 6, 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, Brooke Morehead, Dan Runion, Courtney McFadden, Ted Odell and Terrence Gallagher. Staff present: Tim Schwartzkopf, Chief of Police; Keith Bredehoeft, Director of Public Works; Melissa Prenger, Senior Project Manager; 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 City Planning Consultant Chris Brewster.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Ted Odell moved the approval of the agenda for August 6, 2018 as presented. The motion was seconded by Serena Schermoly and passed unanimously.

INTRODUCTION OF STUDENTS & SCOUTS

Mayor Wassmer welcomed a boy scout in attendance for his "Citizenship in the Community" badge. She also welcomed Civil Service Commission member Braden Perry and his two sons attending for the Lifesaving Award presentation.

PRESENTATIONS

Lifesaving Award Presentation

Chief Tim Schwartzkopf was pleased to present Officers Dillon Hronek and Jon Unruh the Department's Lifesaving Award for their actions on June 15, 2018 in response to a shooting at 2500 block of West 73rd Street. Mayor Wassmer commended the officers for their actions and expressed the City's appreciation for their service.

Engineering Excellence Award

Rick Worrell with Affinis stated that the City has been recognized with the Engineering Excellence Award from the American Council of Engineering Companies for the Mission Road; 71st Street to 75th Street Project. Mayor Wassmer accepted the award on behalf of the city staff, the steering committee for this project and the City Council.

PUBLIC HEARING

2019 Budget Hearing

Mayor Wassmer opened the public hearing on the 2019 budget for the City of Prairie Village. Finance Director Lisa Santa Maria presented the proposed 2019 budget in the amount of \$34,284,129 with ad valorem tax in the amount of \$7,754,405. She reviewed the 2019 budget approval process and presented an overview of the proposed expenditure of funds and expanded service(s). The proposed mill rate of 19.311 remains the same as in 2018, which will result in annual taxes of \$674 on the average Prairie Village home.

A resident in attendance asked what was the source of the city debt. Mrs. Santa Maria replied it was the result of bonding for the purchase of streetlight and capital improvement projects. She noted payment for these projects would be completed by the end of 2030.

With no further questions or comments, Mayor Wassmer closed the public hearing at 6:18 p.m.

Sheila Myers moved to adopt the 2019 budget for the City of Prairie Village as presented in the amount of \$34,284,129 with ad valorem tax in the amount of \$7,754,405. The motion was seconded by Ron Nelson and passed unanimously.

PUBLIC PARTICIPATION

With no one present to address the Council, public participation was closed at 6:20.

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 August 6, 2018:

1. Approval of the Special City Council meeting minutes for July 16, 2018
2. Approval of the Regular City Council meeting minutes for July 16, 2018
3. Approval of Ordinance 2389 amending Chapter 11 Article 11-704 adding a school zone at 95th and Roe
4. Ratification of the appointment of Nathan Kovac to the Environment/Recycle Committee filing an unexpired term ending in February, 2020
5. Approval of agreement with Shawnee Mission School District for School Resource Officers for the 2018-2021 school years

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

COMMITTEE REPORTS

Environment/Recycle Committee

Sheila Myers reported the Environment/Recycle met last week and heard a presentation from an environmental engineer on the recycling of plastics.

Teen Council

Terrence Gallagher announced a recent social media blast was sent by the City announcing the 2018-2019 Teen Council Program and that letters have been sent to area high schools.

JazzFest Committee

Brooke Morehead provided an update on the 2018 Jazz Festival on September 8th. She acknowledged the support of Republic and Meadowbrook as major sponsors of the festival and noted that volunteers are being sought.

Prairie Village Arts Council

Serena Schermoly reported the August Artist Reception is Friday, August 10th.

MAYOR'S REPORT

Mayor Wassmer reported on July 31st the City hosted six members of the Ukrainian parliament. There was an interesting exchange of information. She feels it was a valuable experience for all. Mayor Wassmer announced that 25 mayors from the largest cities in Kansas have been invited to the White House on August 16th to participate in a roundtable discussion on issues and concerns. She is looking forward to representing Prairie Village and asked Council members to forward her any specific issues/concerns they want presented. Mayor Wassmer reminded all to vote in tomorrow's primary election and wished the candidates well.

STAFF REPORTS

Public Safety

- Cone with a Cop will be held on Friday, August 10th from 1 to 3 at Mely's
- The Police Department Open House will be Saturday, August 25th from 11 a.m. to 2 p.m.
- Chief Schwartzkopf reported that August 1st policing duties for one shift were provided by an all female crew of officers. He was pleased to report that the City will be sending its 6th and 7th female police officers to the police academy this fall.

Public Works

- The North Park demolition will be completed within the next two weeks. He noted the cross on the building will be removed and returned to the church. Jori Nelson confirmed that some bricks from the building were available for residents to get at Public Works



- The Prairie Village flags along Mission Road were designed with alternating flags allowing the city star to be replaced to recognize city sponsored events such as VillageFest and JazzFest. This change will be implemented for the upcoming Jazz Festival.

Administration

- Jamie Robichaud reported the Planning Commission would be reviewing a site plan amendment for the Homestead Country Club and an expansion for 2020 Fitness at its next meeting.
- Alley Porter announced the pool is now operating on reduced hours, opening at 2 p.m. Effective August 13, it will open at 4:30 on weekdays. She reported that after August 12th the number of lifeguards available to work will be 25, creating the possibility of pool closures.
- The Statuary Committee met with Paul Benson who will be offering a statue cleaning class this fall. The committee is asking residents to submit pictures of broken statuaries. Serena Schermoly noted this should also include pictures of the bases of the statues.

Brooke Morehead stated after attending an event at Harmon Park that she felt the playground equipment at Harmon Park was in greater need of replacement than that at Franklin Park, which is getting new equipment. Keith Bredehoeft replied replacement equipment for Harmon Park is included in the 2019 budget.

Terrence Gallagher noted articles regarding a recent Supreme Court decision regarding the collection of online sales tax and asked if staff could provide any information. Mrs. Santa Maria replied she is following this issue. David Waters added the state has also recently created a task force to study this to determine if any action was necessary by the state.

- The August Action Plan was distributed in the Council Packet.

OLD BUSINESS

There was no Old Business to come before the City Council.

NEW BUSINESS

COU2018-35 Consider approval of a resolution to issue Industrial Revenue Bonds for Meadowbrook Inn

Kevin Wempe, Gilmore & Bell, noted the developer agreement for the Meadowbrook Park development outlines the structure for the financing of the public improvements associated with the project. The financial 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. Wempe stressed the bonds will be purchased by the developer and the City will have no liability with respect to the bonds.

Council members raised questions on when the bonds would be issued and the benefit to the city. Mr. Wempe replied the bonds would be issued soon. Justin Duff responded estimated value for the project exemption is \$300,000 to \$400,000 which will be redirected to the park. Mayor Wassmer noted the additional funding will allow Johnson County Park District to complete the phased construction of the park earlier. Wes Jordan stated these funds will be held by the City and distributed to JCPRD as reimbursement.

Ted Odell moved the City Council approve Resolution 2018-03 determining the intent of the City of Prairie Village, Kansas, to issue its Industrial Revenue Bonds in the aggregate amount not to exceed \$15,000,000 to finance the costs of acquiring, constructing and equipping a commercial facility for the benefit of KCH MN Inn 54, LLC, and its successor and assigns with respect to sales tax exemption. The motion was seconded by Ron Nelson and passed unanimously.

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

COUNCIL COMMITTEE OF THE WHOLE

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

Neighborhood Design Guidelines Discussion

Assistant City Administrator Jamie Robichaud presented the findings from the three public forums and the survey placed on the City's website and social media pages to get feedback on the proposed neighborhood design standards. A total of 625 responses to the survey were received and 163 people attended the three public forums. Of the 625 respondents who completed the survey, an average of 83% said they were in support of all of the proposed regulations. Mrs. Robichaud reviewed the responses on each of the proposed design standards overall and by ward.

Based on the feedback received in the surveys and at the public forums, staff recommended changes to the design guidelines as previously presented. The Council approved the following changes

- Provide an exception for lots 10,000 square feet or less to have up to a 300 square foot deck or patio that wouldn't count towards the total lot greenspace
- Apply the 65% rule to all lots, regardless of size.
- Require notification to all property owners within 200 feet on a city-provided form before any demolition or new single-family building permits are issued.

There was significant discussion by the City Council on street trees, greenspace requirements, three car garages and building elevation/height.

Mrs. Robichaud reviewed the next steps in the process, beginning with the authorization for the public hearing before the Planning Commission, the Commission making a recommendation to the Governing Body and the Governing Body having final approval of

the changes through the adoption of an ordinance. However, she noted that it will require a two-thirds vote if the Council wanted to change the recommendation of the Planning Commission, or they could vote with a simple majority to send it back to Planning Commission for further review.

Ron Nelson moved to direct staff to go forward with issuing public notice of a public hearing to be held by the Planning Commission on September 11th to consider the Neighborhood Design Guidelines as presented. The motion was seconded by Dan Runion.

Tucker Poling moved to amend the motion to change the proposed guidelines related to the original committee recommendation 5b (No more than 2 bays (2-single or 1 double door) shall be permitted on the front elevation. Any site or building configuration that permits three garage bays on the front shall require at least one to have a side orientation. The motion was seconded by Jori Nelson

After further discussion, the motion to amend was amended to have this requirement apply to R-1b with the current language applying to R-1a zoning district. as follows:

Tucker Poling accepted an amendment to the amendment of the original motion to change the requirement in R-1b zoning district to “No more than 2 bays (2-single or 1 double door) shall be permitted on the front elevation. Any site or building configuration that permits three garage bays on the front shall require at least one to have a side orientation.” In R-1a districts, the requirement will read as proposed in the latest draft: “Any lot or building configuration that permits more than two front garage entries shall require at least one of them to be off-set by at least 2 feet, or require side orientation of the garage entrances. Jori Nelson accepted the amendment. The motion was voted on and passed unanimously.

Brooke Morehead moved to amend the amended motion to reduce the greenspace requirement from 65% to 60% as originally proposed. The amendment was seconded by Serena Schermoly. The motion was defeated by a vote of 4 to 7 with the following votes cast: “aye” Schermoly, Morehead, McFadden, Odell and “nay” J. Nelson, R. Nelson, Poling, Wang, Myers, Runion, Gallagher.

Jamie Robichaud confirmed the Council wanted the Planning Commission to specifically discuss the design standards related to the greenspace requirement definition and applicability, building foundation/elevation, and street trees.

Mayor Wassmer stressed that these design guidelines would apply to the following:

1. Any new structure
2. Construction activity that adds more than 200 square feet of building footprint to an existing structure
3. Construction activity that alters the form or massing of the front elevation or roof structure.

There was some confusion amongst staff and the Council as to whether the greenspace requirement applied only to teardowns/rebuilds or if it applied to all scenarios above. Staff

and Council clarified that the greenspace requirement applies to any new structure, any construction activity that adds more than 200 square feet of the building footprint to an existing structure, and construction activity that alters the form or massing of the front elevation or roof structure.

Serena Schermoly moved the greenspace requirement not be applied to existing residences. The motion failed for the lack of a second.

Ron Nelson called for the question. The motion was seconded by Dan Runion and passed by a vote of 9 to 2 with Mrs. McFadden and Mrs. Schermoly voting in opposition.

The motion as amended to authorize a public hearing on the proposed design guidelines before the Planning Commission on September 11th with the amendment earlier approved was voted on and passed by a vote of 9 to 2 with Mrs. Schermoly and Mr. Odell voting in opposition.

Executive Session

Sheila Myers moved that the Governing Body recess into Executive Session in the Council Chambers for a period not to exceed 15 minutes to discuss consideration of potential litigation; pursuant to KSA 75-4319 (b) (2) consulting with the City Attorney on matters which are privileged in the attorney-client relationship. Present will be the Mayor, City Council, City Administrator, Chief of Police, Police Security and Interim City Attorney. The motion was seconded by Jori Nelson and passed unanimously.

The open meeting will resume in the City Council Chambers at 9:22 p.m.

Council President Dan Runion stated it is 9:22 p.m. and the Committee of the Whole is reconvened in open session from executive session where no binding action was taken.

Brooke Morehead 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

Mayor Wassmer noted announcements were included in the Council packet.

ADJOURNMENT

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