

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Tuesday, July 5, 2011
7:30 p.m.**

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. PUBLIC PARTICIPATION
- V. CONSENT AGENDA

All items listed below are considered to be routine by the Governing Body and will be enacted by one motion (Roll Call Vote). There will be no separate discussion of these items unless a Council member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the regular agenda.

By Staff:

- 1. Approve Regular Council Meeting Minutes - June 20, 2011

- VI. MAYOR'S REPORT
- VII. COMMITTEE REPORT

Council Committee of the Whole

COU2011-32 Consider amendments to Liquor & Drinking Establishment Regulations

COU2011-31 Consider approving an Energy Performance Contract Agreement with Energy Solutions Professionals, LLC for the sum of \$1,290,924 - Dale Beckerman

COU2011-33 Consider approval of a resolution authorizing the offering for sale of general obligation refunding and improvement bonds, series 2011-A - Dale Beckerman

COU2011-34 Consider approval of an ordinance amending Ordinance 2153 Uses of the Economic Development Fund to include park enhancements - Dale Beckerman

Consider approval of transfer of \$400,000 from Economic Development Fund to Capital Projects Fund for park enhancements as part of the 2012 budget.

- VIII. STAFF REPORTS
- IX. OLD BUSINESS
- X. NEW BUSINESS
- XI. ANNOUNCEMENTS
- XII. ADJOURNMENT

If any individual requires special accommodations – for example, qualified interpreter, large print, reader, hearing assistance – in order to attend the meeting, please notify the City Clerk at 381-6464, Extension 4616, no later than 48 hours prior to the beginning of the meeting.

**If you are unable to attend this meeting, comments may be received by e-mail at
cityclerk@pvkansas.com**

CITY OF PRAIRIE VILLAGE
July 5, 2011

The City Council of Prairie Village, Kansas, met in regular session on Tuesday, July 5, 2011, at 7:30 p.m. in the Council Chambers of the Municipal Building.

ROLL CALL

Mayor Ron Shaffer called the meeting to order and roll call was taken with the following Council members present: Al Herrera, Dale Warman, Steve Noll, Michael Kelly, Andrew Wang, Dale Beckerman, Charles Clark, David Morrison, Diana Ewy Sharp and David Belz.

Also present were: Wes Jordan, Chief of Police; Captain Wes Lovett; Captain Tim Schwartzkopf; Bruce McNabb, Director of Public Works; David Waters, representing the City Attorney; Quinn Bennion, City Administrator; Dennis Enslinger, Assistant City Administrator; Lisa Santa Maria, Finance Director; Chris Engel, Assistant to the City Administrator; Jeanne Koontz, Deputy City Clerk.

Mayor Shaffer led all those present in the Pledge of Allegiance.

Mayor Shaffer deleted item COU2011-34 from the agenda due to lack of a motion at the committee meeting.

PUBLIC PARTICIPATION

John Joyce, 4210 Delmar Drive, listened to discussion about the bonds and the mill levy during the committee meeting and stated he realizes Council has to do something. Mr. Joyce asked Council to go back to the original budget and cut items that are in the base budget. He expressed concern over RED Development's offer to buy Mission Valley Middle School and the potential request for tax benefits from the City.

He stated as a citizen he would like to be informed about the discussion between the city and RED Development.

David Voysey, 4300 W 90th Terrace, came prepared to defend the use of the Economic Development Fund and is pleased the amendment to the ordinance did not pass. He encouraged Council not to pillage the fund. He noted the money is really there to advance and help the city increase revenue. He said the city will want that seed money there when economic opportunities arise.

Mayor Shaffer recognized two boy scouts from Troop 283 and Troop 50 attending the Council meeting for the Citizenship in the Community Merit Badge.

No one else was present to address the Council and public participation was closed at 7:44 p.m.

CONSENT AGENDA

Dale Beckerman moved the approval of the Consent Agenda for Tuesday, July 5, 2011:

1. Approve Regular Council Meeting Minutes - June 20, 2011

A roll call vote was taken with the following members voting "aye": Herrera, Warman, Noll, Kelly, Wang, Beckerman, Clark, Morrison, Ewy Sharp and Belz.

MAYOR'S REPORT

Mayor Shaffer represented the city at the following events during the past two weeks and thanked all of the council members and citizens who participated or volunteered for these events: Northeast Johnson County Chamber Coffee event; Northeast Johnson County Chamber Golf Tournament and the 15th Annual VillageFest.

COMMITTEE REPORTS

VillageFest Committee

Diana Ewy Sharp noted the 15th Annual VillageFest was nearly perfect. Sponsor dollars and volunteers were both up this year. There was tremendous staff and committee support. She thanked Chairperson Marianne Noll noting that many of the new additions were Mrs. Noll's ideas. Mrs. Ewy Sharp announced the winners of the 2011 Community Spirit Awards: Mary & Marshall Rimann of Rimann Liquors, Mark Stiles and Kathy Peterson.

Mayor Shaffer thanked everyone for their attendance and volunteerism. Mr. Herrera congratulated Mrs. Ewy Sharp on a job well done noting the event makes our city special and unique.

Marianne Noll thanked the committee members and the council for their support.

Council Committee of the Whole

COU2011-32 Consider amendments to Liquor & Drinking Establishment Regulations & Fee Schedule.

On behalf of the Council Committee of the Whole, Dale Beckerman moved the Governing Body adopt ordinance 2238 amending Chapter 3 of the Prairie Village Municipal Code entitled "Beverages" by amending Article 3 entitled "Alcoholic Liquor" Sections 3-302, 3-303, 3-304, 3-305 and 3-307 and approve a two-year license fee of \$600 for a Liquor License. The motion was seconded by Andrew Wang.

A roll call vote was taken with the following members voting "aye": Herrera, Warman, Noll, Kelly, Wang, Beckerman, Clark, Morrison, Ewy Sharp and Belz.

On behalf of the Council Committee of the Whole, Dale Beckerman moved the Governing Body adopt ordinance 2237 amending Chapter 3 of the Prairie Village Municipal

Code entitled "Beverages" by amending Article 4 entitled "Drinking Establishments and Clubs" Sections 3-401 and 3-402 and approve a two-year license fee of \$500 for a Drinking Establishment License. The motion was seconded by Andrew Wang.

A roll call vote was taken with the following members voting "aye": Herrera, Warman, Noll, Kelly, Wang, Beckerman, Clark, Morrison, Ewy Sharp and Belz.

COU2011-31 Consider approving an Energy Performance Contract Agreement with Energy Solutions Professionals, LLC

On behalf of the Council Committee of the Whole, Dale Beckerman moved the Governing Body authorize the Mayor to execute an Energy Performance Contract agreement with Energy Solutions Professionals, LLC in the amount of \$1,290,924 subject to approval by legal counsel and authorize the use of \$920,924 from general fund reserves to temporarily fund the energy measures and geothermal system project until permanent funding has been secured from the identified sources. The motion was seconded by David Morrison and passed 8 to 2 with Ewy Sharp and Herrera voting in opposition.

Al Herrera stated he does not think this is a good program for the city. There are a lot of loose ends on this. He said it is a mistake and will be a costly endeavor.

COU2011-33 Consider approval of a resolution authorizing the offering for sale of general obligation refunding and improvement bonds, series 2011-A

On behalf of the Council Committee of the Whole, Dale Beckerman moved the Governing Body approve a resolution authorizing the offering for sale of General Obligation refunding and improvement bonds, series 2011-A. The motion was seconded by Charles Clark and passed 7 to 3 with Ewy Sharp, Kelly and Morrison voting in opposition.

Consider approval of transfer of \$400,000 from Economic Development Fund to Capital Projects Fund for park enhancements as part of the 2012 budget

On behalf of the Council Committee of the Whole, Dale Beckerman moved the Governing Body approve the transfer of \$400,000 from the Economic Development Fund to be allocated toward the improvement of one park in 2012 to be determined by the Park and Recreation Committee. The motion was seconded by Charles Clark.

Diana noted all of the other budget items were not brought forward to the Council for approval and questioned why this item was being brought forward. Mr. Bennion stated that is a valid point and if Council agrees it would stand approved with the proposed budget and not need to be approved separately this evening. Mr. Bennion suggested the motion be withdrawn.

Dale Beckerman moved to withdraw his motion and Charles Clark seconded the withdraw. No action was taken on the item.

STAFF REPORTS

Police Department

- Chief Jordan reported an increased number of calls on illegal fireworks. He said he will be meeting with the Fire Chief next week to review the ordinance. Mrs. Ewy Sharp noted residents have requested that snakes, sparklers and smoke bombs be allowed.
- Chief Jordan noted WaterOne had difficulty informing the community of the water boil order in a timely manner. However, the City used Code Red to notify residents and reached 72% of residents on the first call. Mr. Noll noted he spoke with several people who were thankful the city made the calls.
- Chief Jordan reported the recent Click It or Ticket and DUI enforcement resulted in a \$4,000 grant from the State for equipment. The State also reimburses the city for any overtime spent on the programs.
- Chief Jordan noted the city is prohibited from raising costs on seatbelt fines for adults above \$10. The \$10 fine does not send the right message so the Department has been doing seatbelt checkpoints.

Public Works

- Bruce McNabb reported the past couple of weeks has been spent picking up tree debris and branches and preparing for VillageFest.
- Bruce McNabb reported that Mike Helms secured 30 signs for lightning awareness to be placed around the city.

Administration

- Finance Director Lisa Santa Maria handed out the 2010 CAFR.

- Dennis Enslinger noted that the Solid Waste Utility Fund rate will not be raised next year and the Normandy Square Homes Association will be included in the service.
- Mr. Enslinger reminded Council about the Art Gallery Reception on Friday, July 8th.
- Quinn Bennion noted upcoming ribbon cuttings for Story on July 14th at 10 a.m. and Urban Table on July 26th at 4 p.m.
- Mr. Bennion recognized the late arrival of the *Village Voice* and noted staff will be addressing the issue with First Choice Associates. Staff made it clear that the publication should hit mailboxes by June 27th and the newsletter was in final form to the vendor by June 16th. Mrs. Ewy Sharp suggested looking at some type of refund and expressed frustration because the VillageFest Committee has stopped advertising in other ways.
- Mr. Bennion noted he will be out of the office on Thursday and Friday.

OLD BUSINESS

There was no Old Business to come before the Council.

NEW BUSINESS

Dennis Enslinger reported that RED Development has a contract pending for the Mission Valley School site. He stated he spoke today with Dan Lowe from RED Development regarding their intent and timetable and how that might fit into the city's goal of creating a comprehensive plan. RED Development will meet with Mayor Shaffer tomorrow and other staff next week.

Mr. Enslinger noted that Council could approve a moratorium on zoning requests for the Mission Valley site to give the city more time to work with RED Development and create a comprehensive plan. He requested feedback from Council on the idea of a moratorium. If Council is supportive, the item would be brought for approval.

Mayor Shaffer clarified that it is a legal process with a specific time limit. Mr. Enslinger said the time limit could be anywhere from 90 days to 180 days the latter being more realistic because RED Development has 45 days to close on the property and no zoning requests are anticipated during that time. Mayor Shaffer noted that other

cities have enacted a moratorium recently. Mr. Enslinger said it is not uncommon for unexpected land use shifts.

Dale Beckerman clarified that a moratorium cannot be enacted after a zoning request is received. Mr. Enslinger said it is difficult to provide a public planning process in the midst of a zoning request.

Mr. Kelly expressed support for a moratorium of some sort since Council agreed to move forward with a comprehensive plan for the site. Mr. Noll expressed concern that enacting a moratorium gives the impression that the City is not interested in changing anything and suggested including other possible sites that may be up for sale soon. Mr. Enslinger stated that more than one site can be included in the moratorium but it will be more difficult to create a moratorium that fits multiple sites. Mr. Noll expressed concern that the city will send a message to the development community that a moratorium will happen every time.

Mr. Enslinger recommended that staff meet with RED Development over the next couple weeks to determine a process of involvement of the City and public. He said the moratorium gives the public comfort that they will have input into the process. A moratorium may not be needed if an understanding can be reached with Red Development regarding the planning process and schedule.

Dale Beckerman noted it would be easier to discuss timelines if the moratoriums remain separate.

Andrew Wang stated he does not believe that a moratorium is ominous or unfriendly to developers but allows the city to proceed at a measured and calm pace.

Charles Clark expressed favor for a moratorium so that Council can have a voice in the process. Michael Kelly agreed stating that Council should have the opportunity to

create a plan for the site that the Planning Commission can follow. Steve Noll questioned whether it would become policy to have a period of negotiation after a property is purchased for development. Andrew Wang stated he does not mind if it becomes protocol.

Diana Ewy Sharp questioned the length of the process for the comprehensive plan and the moratorium. Mr. Enslinger clarified that the comprehensive plan must be completed during the moratorium. He emphasized the importance of including RED Development in the process in order to balance the vision of the community and the vision of the developer. Mrs. Ewy Sharp expressed support for the moratorium.

Mr. Noll recommended the city be expedient with due caution so that the site does not become vandalized.

Dennis Enslinger said he will discuss a possible timeframe with RED Development and come back to Council for approval.

Dale Warman mentioned numerous calls regarding the recent storms in Countryside East and will be setting up a meeting with the neighborhood and Tom Robinson at KCPL to address questions.

David Morrison requested any potential developer provide a photo sim of the proposed project with their submission to the Planning Commission. David Morrison suggested a review of Planning Commission fees to be based on the size of the project.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

Planning Commission	07/05/2011	7:00 p.m.
Sister City Committee	07/11/2011	7:00 p.m.
Communications Committee	07/12/2011	5:30 p.m.
JazzFest Committee	07/14/2011	7:00 p.m.
Council Committee of the Whole	07/18/2011	6:00 p.m.
City Council	07/18/2011	7:30 p.m.

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The Prairie Village Arts Council is pleased to announce a mixed medium exhibit by the Senior Arts Council in the R. G. Endres Gallery for the month of July. The artist reception will be held on July 8th from 6:30 to 8:30 p.m.

Moonlight swim July 8th from 8:30 - 10:00 p.m.

The annual water show will be held on July 24th at 8:30 p.m.

The 50th Anniversary books, Prairie Village Our Story, are being sold to the public.

ADJOURNMENT

With no further business to come before the City Council, the meeting was adjourned at 8:50 p.m.

Jeanne Koontz
Deputy City Clerk