

COUNCIL COMMITTEE
JULY 16, 2012
6:00 P.M.
Council Chambers

AGENDA

DAVID MORRISON, COUNCIL PRESIDENT

AGENDA ITEMS FOR DISCUSSION

Presentation of 2011 Comprehensive Annual Financial Report
Audrey Odermann, Mize Houser & Company, P.A.

Presentation of Volunteer Program in Police Department
Chief Jordan

*COU2012-33 Consider Interlocal Agreement with the City of Overland Park to
MicroSurface Nall Avenue from 83rd Street to 95th Street and approve
use of General Fund Contingency
Keith Bredehoeft

*COU2012-34 Consider Interlocal Agreement with the City of Overland Park to Chip
Seal 78th Street from Walmer Street to Lamar Avenue
Keith Bredehoeft

COU2012-35 Consider request from Deffenbaugh Industries for rate roll-back and
contract extension
Dennis Enslinger

*COU2012-36 Consider an Ordinance approving the KU Kick-Off Event as a Special
Event and authorizing the sale, consumption and possession of alcoholic
liquor and cereal malt beverages within the boundaries of a barricaded
public area of the event
Dennis Enslinger

*COU2012-37 Consider permission to publish amended 2012 Budget to reflect CID
revenue and expenditure
Lisa Santa Maria

Demonstration of beta version of PV checkbook
Lisa Santa Maria

COUNCIL COMMITTEE OF THE WHOLE
July 16, 2012

The Council Committee of the Whole met on Monday, July 16, 2012 at 6:00 p.m. in the Council Chambers. The meeting was called to order by Council President David Morrison with the following members present: Ashley Weaver, Dale Warman, Ruth Hopkins, Steve Noll, Michael Kelly, Laura Wassmer, Charles Clark, Ted Odell and David Belz. Staff Members present: Wes Jordan, Chief of Police; Bruce McNabb, Director of Public Works, Keith Bredehoeft; Project Manager; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Dennis Enslinger, Assistant City Administrator; Lisa Santa Maria, Finance Director, Chris Engel, Assistant to the City Administrator and Joyce Hagen Mundy, City Clerk.

Presentation of 2011 Comprehensive Annual Financial Report
Audrey Odermann, Mize Houser & Company, P.A.

Lisa Santa Maria stated each year the City produces the CAFR which contains the City's financial statements. In addition, the CAFR is filed with the Kansas Division of Accounts and Reports as required by State statutes. The 2011 financial statements were audited by Mize Houser & Company.

The City submits its CAFR to the Government Finance Officers Association (GFOA) for consideration for the Certificate of Achievement for Excellence in Financial Reporting. The City has received this award for the last twenty-five CAFRs. The 2011 CAFR has been submitted to the GFOA and staff believes it meets the certificate requirements.

Audrey Odermann, with Mize Houser & Company, with led the Council through a brief explanation of the 2011 Financial Statements and the findings of the audit. Ms Odermann with Mize Houser & Company reported the City received an unqualified opinion on its 2011 financial statements, which is the highest level of audit opinion the City can receive.

Presentation of Volunteer Program in Police Department

Chief Jordan presented their new volunteer program - Volunteers in Police Services (VIP). He stressed this is not the same as the previous Police Reserve Program. The volunteers have no enforcement powers, are not considered officers and carry no weapons. They will wear a soft uniform that will identify them as police volunteer. The old DARE vehicle will be used by the volunteers.

Chief noted this will be a select program with application accepted only by invitation of the department. The volunteers have to meet the following criteria to be eligible:

1. A retired police officer or Citizen's Police Academy Graduate
2. 21 years of age or older
3. Pass a background investigation
4. Pass a modified physical
5. Have a valid driver's license
6. Commit to 8 hours of service each month
7. Complete a required 40 - 60 hour training program

The anticipated services provided by these volunteers include the following:

1. Traffic direction and control
2. Motorist assistance
3. Vehicle lockouts
4. Walk-in accident reports
5. House watch checks
6. Child safety seat installations
7. Community events, i.e. Villagefest, JazzFest
8. Transfer vehicles for repair services
9. Community visibility
10. Errands and other administrative tasks

Michael Kelly confirmed that these individuals will not be taking any police action.

David Belz asked if they had talked with other communities with similar programs regarding possible issues. Chief responded they have and the successes of the program outweigh the identified risks. He stated the individuals will be covered under the city's workers compensation program and they are trying to mitigate the risks through an enhanced training program and selective screening.

Mr. Belz asked who the individuals would report to. Sgt. Roberson will be overseeing the program. The individuals will report to the shift supervisors.

Mr. Kelly asked when an assessment would be done on the program. Chief replied there would be on-going assessment of the program. He noted approximately 20% of the calls received by dispatch could be handled by a non-commissioned police officer. The goal of the program is to keep sworn officers on the street with the assistance of these trained volunteers.

Dale Warman complimented the Chief on the development of this creative program during these difficult economic times to address the public safety needs of the community. He agrees the important elements are the selection process, training and supervision, but feels this will be a very successful program.

Michael Kelly asked about possible legal problems. Chief Jordan stated he has worked with the City Attorney to address these. The biggest is that the volunteers be covered under the city's workers compensation and that there are defined policies and procedures established defining the role of the volunteers. He added the volunteers will sign a waiver.

Quinn Bennion asked if the program was anticipated to appeal to those looking at the police professions. Chief Jordan responded this was not a recruiting tool; it is truly a volunteer program to address the needs of the department and the desire expressed by individuals to volunteer. He feels the program is worth any potential success of the program outweighs potentials risks.

***COU2012-33 Consider Interlocal Agreement with the City of Overland Park to MicroSurface Nall Avenue from 83rd Street to 95th Street and approve use of General Fund Contingency**

Keith Bredehoeft stated that the City of Overland Park recently added this section of Nall Avenue to their Micro-Surfacing program for 2012 and approached Prairie Village to consider Micro-Surfacing the half of Nall Avenue that is in Prairie Village as well. He noted this is similar to the project done on Walmer a few years ago. Micro-Surfacing is a maintenance tool used to assist in preserving the existing asphalt pavement thus extending the pavements life cycle. This project is being administered by Overland Park and the project is estimated to cost Prairie Village \$57,250.00. As this was not a budgeted project, a fund transfer from the General Fund Contingency to the Street Operating Fund is necessary.

Dale Warman confirmed this will be done in coordination with the projects the City of Prairie Village has scheduled for this area. Mr. Bredehoeft replied the Prairie Village work will be completed before the work is done by Overland Park.

David Belz made the following motion, which was seconded by Laura Wassmer and passed unanimously:

**MOVED THE CITY COUNCIL APPROVE THE INTERLOCAL AGREEMENT WITH THE CITY OF OVERLAND PARK TO MICRO SURFACE NALL AVENUE FROM 83RD STREET TO 95TH STREET AND THE TRANSFER \$60,000 FROM THE CITY'S GENERAL FUND CONTINGENCY TO THE STREET OPERATING FUND.
COUNCIL ACTION TAKEN
07/16/2012**

***COU2012-34 Consider Interlocal Agreement with the City of Overland Park to Chip Seal 78th Street from Walmer Street to Lamar Avenue**

Keith Bredehoeft stated that the City of Overland Park recently added 78th Street west of Lamar Avenue to their Chip Seal program for 2012 and approached Prairie Village to consider Chip Sealing half of 78th Street that is in Prairie Village as well. Chip Seal is a maintenance tool to assist in preserving the existing asphalt pavement thus extending the pavements life cycle. Overland Park's policy is to Chip Seal streets over 30 years old. He noted Overland Park has modified the program and is improving sweeping of the roadway after application to make this product more acceptable to residents. This project is being administered by Overland Park and the project is estimated to cost Prairie Village \$2,170.00. Funding for the project is available in the Street Operating Fund.

Mr. Bredehoeft explained the difference between micro-surfacing and chip sealing processes. He noted that some of the streets in Overland Park have already been done and the contractor has done a good job. Mrs. Hopkins confirmed this was not the street that the city had recently received complaints regarding traffic.

David Belz made the following motion, which was seconded by Charles Clark and passed unanimously:

MOVE THE CITY COUNCIL APPROVE THE INTERLOCAL AGREEMENT WITH THE CITY OF OVERLAND TO CHIP SEAL 78TH STREET FROM WALMER STREET TO LAMAR AVENUE

**COUNCIL ACTION TAKEN
07/16/2012**

COU2012-35 Consider request from Deffenbaugh Industries for rate roll-back and contract extension

Dennis Enslinger noted in 2009, the City of Prairie Village negotiated with Deffenbaugh Industries, Inc. to revise and extend the contract for solid waste, recycling, and yard waste services. At that time, Deffenbaugh agreed to a four-year contract extension with the first year (FY2010) per month fee of \$14.55 per household for solid waste, recycling and composting. Deffenbaugh also agreed to reduce the cost of bulky item pickup to \$30,000 (previously \$40,125) for the once yearly event for the term of the extension 2010-2013. The contract also included a maximum rate increase not to exceed 5% a year per based upon the Rate Refuse Index. Under the current contract, the FY2013 rate would be \$16.22 per month/per household.

The Mid-America Regional Council in conjunction with the cities of Fairway, Westwood, and Roeland Park sent out a request for proposals/bids for solid waste, recycling and yard waste services. The MARC proposal/bids returned two providers Town and Country and Allied Services. While each of the proposals were slightly different in what services they provided, Mr. Enslinger provided a comparison of the MARC proposals to the June 29th Deffenbaugh proposal.

The cities of Fairway, Roeland Park, and Westwood have selected Town and Country as their service provider. Several of the reasons for their selection were the use of front loader vehicles by Allied and costs associated with additional monthly bulky-item pick. Due to the significant difference of the MARC bid, staff approached Deffenbaugh seeking a similar reduction for 2013.

Under the June 29, 2012 proposal from Deffenbaugh Industries the monthly rate for residential pick-up for all three services would be \$13.47. This rate is equal to the rate the City received for FY 2009. The contract would be extended for an additional three years (2014, 2015, and 2016). All future rate increases would be based on the Refuse Rate Index (RRI) and would be a maximum of 5%. The maximum rate of the end of the contract term would be \$15.59. All other provisions of the existing contract would remain in place.

Based upon a contract rate of \$13.37 per month per household, staff has calculated that the cost per month for each household would be \$13.21 or \$158.52 per year for all three services. The monthly cost per household is less than actual contract rate because of the recycling rebates and the current balance in the Solid Waste Utility Fund.

Mr. Enslinger noted the fees for the FY 2013 period have been budgeted from the Solid Waste Utility Fund. Future fiscal years will need to be budgeted and are subject to the Kansas Cash Basis Law. Therefore, staff asked for direction on whether to continue contract negotiations with Deffenbaugh Industries and direct staff to prepare a contract amendment.

Laura Wassmer asked if the proposal included the Large Item Pickup at a cost of \$30,000. Mr. Enslinger responded it did and noted the previous cost of the LIP was over \$40,000. She asked if Town & Country could handle the Large Item Pickup. Mr. Enslinger responded other cities have different programs for the pickup of large items

David Belz clarified “bulky item” vs. “small bulky item”. The “small bulky item” allowed for pickup monthly must fit in the regular trash truck. He noted Town & Country does not restrict the size of its items.

Michael Kelly asked if these were sample rates. Dennis Enslinger stated the rates were received for a specific proposal of services and were only valid for 30 days. They should not be considered as valid rates for the City of Prairie Village.

Mr. Kelly asked what happens when the current contract with Deffenbaugh expires and if the City would go out to bid. Mr. Enslinger stated the earliest the City could go out to bid is for 2014 services. If the Council does not accept Deffenbaugh’s proposal, the monthly rate under the existing contract of \$16.22 would be in effect for 2013 instead of the proposed monthly rate of \$13.47.

Laura Wassmer asked the length of the MARC contract with Town & Country. Mr. Enslinger stated it was a one year contract with possible extensions and the standard 5% cap on increases.

Dennis Enslinger noted several reasons staff recommend accepting the Deffenbaugh proposal including the following:

- The proposal is a known decrease for Prairie Village residents.
- The cost over the next three years is guaranteed to be less than the current cost to residents.
- A change would require the removal of all Deffenbaugh containers and the delivery of new containers. To his knowledge residents will not have an option of two sizes of containers as they currently have.
- Deffenbaugh provides other services free of charge to the city for community events including portable toilets and trash containers which other providers would not be able to do.
- Deffenbaugh participates in revenue sharing for the recycling picked up in Prairie Village. This amounts to approximately \$20,000 per year and is one of the reasons the city can drop the rate charged to residents below what it is charged.
- There is uncertainty of the rate that could be obtained from bids next year.

Ruth Hopkins stated she does not feel that at the current time other providers do not have the number of trucks and personnel to add to their existing contracts a contract as

large of the entire city of Prairie Village. She does not feel the rates bid for the specific programs in these smaller cities would not be the rate bid to provide coverage for Prairie Village.

Dennis Enslinger stated large cities such as Overland Park do not provide solid waste services for their residents. They require the individual residents or homes associations to provide these services.

Laura Wassmer stated she is not uncomfortable with the proposal, but is concerned with the cost for the Large Item Pickup. She asked if it would be possible to have fewer restrictions on the monthly small bulky item services and not have the Large Item Pickup.

Mike Claggett with Deffenbaugh responded there may be a mechanism to do some changes in services, but he did not feel the proposed rate could be changed.

Michael Kelly stated he doesn't see how this proposal benefits the people in his ward and feels the city should go out for competitive bid next year.

David Belz stated there is no downside to taking the rate for one year and then going out to bid.

Dennis Enslinger stated the existing contract rate for 2013 is \$16.22. If you want to negotiate for 2014 go out to bid. You either stay with the current contract and go out to bid or accept the proposal. He cannot support accepting the proposal and then terminating the contract and go out to bid in 2014 although it could be done.

David Morrison stated as he sees it there are only two providers capable of providing service and he doesn't feel it is right to get information from only one and not the other but does not feel it needs to be obtained through a formal bid. He would like to see staff get more information and bring it to the next meeting. He noted the residents in ward 5 would like to go back to unlimited yard waste as provided by Town & Country.

David Belz confirmed the proposed amount would be \$13.21 per month with a maximum 5% increase per year.

Quinn Bennion stressed there are consequences to terminating a contract early and strongly recommends against such action. He noted the figures from the expired bid to other cities do not reflect accurate costs for services to Prairie Village.

Dennis Enslinger stated the options are to continue under the existing contract or to accept the Deffenbaugh proposal which roll back the 2013 fee to \$13.37 with a maximum increase of 5% for the following two years. This would guarantee residents fees would be less than they currently are for the next three years.

Michael Kelly asked what the timeline would be for bidding. Mr. Enslinger stated bids would go out in March with an agreement signed by May and the new program to begin

January 1, 2014. He noted it took six months to set up the most recent change in trash service.

Laura Wassmer stated she was comfortable staying in the contract as long as the city gets a better contract next time. Yard waste and bulky item pick up are areas that could be improved by Deffenbaugh.

Mike Claggett noted the fall leaf collection done by the cities of Fairway and Roeland Park significantly impacts the amount of yard waste service provided by the trash carrier. In response to earlier comments on recycling, he noted Deffenbaugh has been actively involved in recycling since the 1980's.

David Belz asked if the city could get a guarantee for 2014. Dennis Enslinger said the only action the city could take is to ask the providers if they would honor the MARC bid. Mr. Belz noted the residents would be paying \$3 more than they would under the proposal in 2013 to allow the city to go out to bid in 2014. He is not concerned about yard waste and is not sure the residents of Prairie Village are willing to give up the Large Item Pickup.

Michael Kelly stated he wants to know how other providers work. Mr. Belz stated the other providers also continue to increase five percent per year.

Laura Wassmer moved to direct staff to get additional information from other providers and continue this item to the next meeting. No vote was taken, but the Council concurred.

***COU2012-36 Consider an Ordinance approving the KU Kick-Off Event as a Special Event and authorizing the sale, consumption and possession of alcoholic liquor and cereal malt beverages within the boundaries of a barricaded public area of the event**

Dennis Enslinger noted pursuant to KSA 41-719(a)(2) and KSA 41-2645, the Governing Body may approve special events and exempt public streets and sidewalks from the prohibition concerning drinking or consuming alcoholic liquor and cereal malt beverages on public streets and sidewalks.

The Corinth Square Merchants Association has requested the City approve an ordinance identifying the KU Kickoff Event, August 17th from 6 to 10 p.m., as a special event and authorize the sale, consumption and possession of alcoholic liquor and cereal malt beverages within the boundaries of barricaded public areas at the event. The vendors must be active business occupants in the Corinth Square Shopping Center at the time of the event, having the proper liquor licenses. Currently, the following businesses qualify: Johnny's, BRGR, Urban Table and Salty Iguana.

Laura Wassmer made the following motion which was seconded by Michael Kelly and passed unanimously:

**MOVE THE GOVERNING BODY AUTHORIZE THE MAYOR TO EXECUTE ORDINANCE NO. 2260 APPROVING THE KU KICK-OFF EVENT AT CORINTH SQUARE AS A SPECIAL EVENT AND AUTHORIZING THE SALE, CONSUMPTION AND POSSESSION OF ALCOHOLIC LIQUOR AND CEREAL MALT BEVERAGES WITHIN THE BOUNDARIES OF BARRICADED AREAS OF THE EVENT
COUNCIL ACTION TAKEN
07/16/2012**

***COU2012-37 Consider permission to publish amended 2012 Budget to reflect CID revenue and expenditure**

Lisa Santa Maria stated that effective January 1, 2011 an additional 1.00% sales tax was applied to purchases made at Corinth and PV Shops due to the Community Improvement Districts (CIDs). In reviewing the Community Improvement District statutes, the City is required to create a specific fund for each district with the proceeds of which going to finance the project as either 'pay as you go' or for payment of bond principal and interest. Since the CIDs were established in accordance with state statute, Ms Santa Maria recommends the funds be budgeted showing all three years.

The requested Amendment to the 2012 Budget establishes a budget for the Corinth CID and the PV Shops CID. Funding for the expenditures in the CID Funds comes from the existing 1% sales tax. This does not change the tax levy that was originally published for the 2012 budget nor does the amendment alter or change the CID agreement or commitments.

State statutes require that the City hold a public hearing on the budget amendment at least ten days after publication. To comply with these statutory requirements, the public hearing has been scheduled for the City Council's regular meeting on Monday, August 6, 2012.

Laura Wassmer made the following motion, which was seconded by David Belz and passed unanimously:

MOVE THE CITY COUNCIL AUTHORIZE STAFF TO PUBLISH THE AMENDMENT TO THE 2012 BUDGET AS REQUIRED BY STATE STATUTES

**COUNCIL ACTION TAKEN
07/16/2012**

Council President David Morrison recessed the committee meeting until after the conclusion of the City Council meeting.

The Council Committee of the Whole was reconvened at 8:25 p.m.

Finance Director Lisa Santa Maria stated the second quarter financial report was distributed prior to the meeting and asked if there were any questions on the report.

Demonstration of beta version of PV checkbook

Lisa Santa Maria gave a demonstration of the beta version of the PVcheckbook, which was created to allow residents access to general fund expenditures of the City. Each month, the financial data from Springbrook will be uploaded into the web database where it will be accessible to the public through the city's website. Information can be search for by vendor or by department.

Quinn Bennion noted the city's website vendor developed the program at a cost of approximately \$6000 to address concerns of residents regarding financial transparencies of city expenditures. It will be available to the public in August beginning with July data.

Adjournment

With no further business to come before the Council Committee of the Whole, Council President David Morrison adjourned the meeting at 8:35 p.m.

David Morrison
Council President