

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
October 15, 2012
7:30 p.m.**

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE OF ALLEGIANCE
- 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 - October 1, 2012
- 2. Approve Claims Ordinance 2900
- 3. Approve a contract with Promail Services for six bi-monthly issues of the Village Voice
- 4. Approve the calendar designating the 2013 City holidays
- 5. Authorize the Mayor to execute a proclamation proclaiming October 24, 2012 as Food Day
- 6. Approve Blue Cross Blue Shield of Kansas City as the City's Health Insurance provider for the 2013 plan year with a 0% increase in premiums, Delta Dental of Kansas as the City's Dental Insurance provider for the 2013 plan year with a 0% increase in premiums, Superior Vision as the City's vision Insurance provider for the 2013 plan year with a 0% increase in premiums and approve a change to the Section 125 Medical Expense Annual Maximum to \$2,500 annually, as required by the Affordable Care Act (ACA)

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

Council Committee of the Whole

COU2012-47 Consider Bid Award for 2012 Tree Trimming Program

- X. STAFF REPORTS
- X. OLD BUSINESS
- XI. NEW BUSINESS

Consider Request from PV Retail Partners, LLC to amend the Village Community Improvement District Development Agreement (Prairie Village Shopping Center)

Consider Final Plat for "Prairie Village Shopping Center"

XII. ANNOUNCEMENTS

XIII. 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 COUNCIL
CITY OF PRAIRIE VILLAGE
October 15, 2012

The City Council of Prairie Village, Kansas, met in regular session on Monday, October 15, 2012, 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: Ashley Weaver, Ruth Hopkins, Steve Noll, Michael Kelly, Andrew Wang, Laura Wassmer, Brooke Morehead, Charles Clark, David Morrison, Ted Odell and David Belz.

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

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

PRESENTATIONS

Mayor Shaffer welcomed Johnson County Commissioner Ed Peterson to present his annual county update.

Commissioner Peterson was pleased to report that the 2013 budget in the amount of \$810,736,849 contains no mill levy increase or staff reductions and is in line with the 5-year plan to balance the budget without the use of reserves. However, the county is operating with about a 12% reduction in actual workers on the job. The average estimated property tax for the average homeowner has declined to \$53.93 because average assessed values have declined. The FY2012 Equivalent Dwelling Unit charge by Johnson County Wastewater is \$138 for an

increase of 3%. Commissioner Peterson noted the county is in the process of converting the wastewater billing system. Customers will receive their first bill in January for wastewater services and the charge will not appear on property tax bills.

Commissioner Peterson gave an update on the county transit program. Transit services have expanded over the last three years and ridership has increased. However, federal and state grants have ended that are requiring reductions in service. A few routes will be eliminated or consolidated and the frequency of some routes will be decreased. The transit system will likely face another round of reductions in 2014.

Commissioner Peterson noted there have been a number of issues with the Deffenbaugh facility and there is currently a reevaluation of the county's program taking place at the impetus of the state. He stated he believes the community is behind the plan and that the plan is working.

Ruth Hopkins asked if there has been any talk about sharing the funding of the K-10 Connector route with Douglas County or the University of Kansas. Commissioner Peterson responded that the county is initiating conversations with Douglas County for shared funding.

PUBLIC PARTICIPATION

No one was present to address the council.

CONSENT AGENDA

Brooke Morehead noted a change to the minutes of the last meeting replacing her name with Bruce McNabb.

David Morrison moved the approval of the Consent Agenda for October 15, 2012:

1. Approve Regular Council Meeting Minutes as amended - October 1, 2012
2. Approve Claims Ordinance 2900
3. Approve a contract with Pro-mail Services for six bi-monthly issues of the Village Voice
4. Approve the calendar designating the 2013 City holidays
5. Authorize the Mayor to execute a proclamation proclaiming October 24, 2012 as Food Day
6. Approve Blue Cross Blue Shield of Kansas City as the City's Health Insurance provider for the 2013 plan year with a 0% increase in premiums, Delta Dental of Kansas as the City's Dental Insurance provider for the 2013 plan year with a 0%

increase in premiums, Superior Vision as the City's vision Insurance provider for the 2013 plan year with a 0% increase in premiums and approve a change to the Section 125 Medical Expense Annual Maximum to \$2,500 annually, as required by the Affordable Care Act (ACA)

A roll call vote was taken with the following members voting "aye": Weaver, Hopkins, Noll, Kelly, Wang, Wassmer, Morehead, Clark, Morrison, Odell and Belz.

MAYOR'S REPORT

Mayor Shaffer reported attendance at the following events: Johnson/Wyandotte County Mayors lunch at Mission Hills on October 3rd, Corinth Hills Homes Association on October 4th, United Community Services Board Meeting on October 5th, 12th Annual Briarwood Chili Cook-off on October 11th, PV State of the Arts Reception on October 12th, and the 69th Terrace Block Party on October 14th.

Mayor Shaffer noted Police Officer Adam Taylor was on KMBZ last week at the request of the hosts talking about DUI driving.

COMMITTEE REPORT

Council Committee of the Whole

COU2012-47 Consider Bid Award for 2012 Tree Trimming Program

On behalf of the Council Committee of the Whole, David Morrison moved the Governing Body approve the award of a bid to Kansas City Tree Care, LLC for \$32,078 for trimming trees in city rights-of-way in Area 33 and the award of a bid to VanBooven Tree for \$28,995 for trimming trees in city rights-of-way in Area 43. The motion was seconded by Laura Wassmer and passed unanimously.

STAFF REPORTS

Public Safety

- Chief Jordan reported that Adam Taylor represented the City while on KMBZ radio.
- Chief Jordan stated the 48 hours episode on the Marty Hill case has been pushed back to January or February so they can do additional filming of the Johnson County Crime Lab.
- The Annual College Clinic will be held at Shawnee Mission East High School on Wednesday, October 17th from 6:30 to 8:30 pm.

- Dispatcher Miriam Russell arranged for a group of employees to volunteer at Harvesters this Wednesday evening.
- The Neighborhood Special Event Permit is now available on the website.
- Chief Jordan noted council members should have received an invitation to Daryl Thompson's retirement party.

Public Works

- Bruce McNabb gave an update on the sidewalk ballot for 71st Ter between State Line Rd and Eaton. A total of 16 properties responded with only 3 no votes so the sidewalk will be built.
- Three employees finished in the top 25 in the Metro Area Snow Plow Rodeo.
- The Somerset Drive project between Roe and Nall should be finalized in the next three weeks.

Administration

- Lisa Santa Maria handed out a letter from the new auditing firm. She also invited the new council members to join Leadership Northeast in 2013. She noted her attendance at the League of Kansas Municipalities conference with Ruth Hopkins and David Morrison.
- Chris Engel stated representatives from the cities met to discuss the legislative platform and are again recommending a joint platform. He invited the council members to participate in the Regional Supper on October 30th at Hollywood Casino.
- Dennis Enslinger reminded the council of the Corinth Open House on Thursday, October 18th from 5 to 7 pm. He noted a project page has been created on the website for the Standees project.

Michael Kelly said the project page is great but asked if there is a way to protest Special Use Permits. Dennis Enslinger stated there is currently no process in place in the zoning code.

- Quinn Bennion stated he attended a meeting with Jeanne Koontz and Chief Jordan at the county regarding their new mass notification system. The initial five communities will implement by the end of the year. The system will provide more versatility than Code Red.
- Mr. Bennion noted there is KOMA/KORA training on Thursday, October 18th from 9 am to 11 am at the county. Katie Logan noted she will be attending the training.

OLD BUSINESS

Laura Wassmer formally thanked Ruth Hopkins and Brooke Morehead for attending the State of the Arts reception. She stated the State of the Arts is one of the best events in Prairie Village. She thanked the committee members, Lane4 Property Group and the merchants who sponsor the event.

NEW BUSINESS

Consider request from PV Retail Partners, LLC to amend the Village Community Improvement District Development Agreement for the Prairie Village Shopping Center

Dennis Enslinger reviewed the request from PV Retail Partners, LLC. The City of Prairie Village and PV Retail Partners, LLC. entered into a Development Agreement for the use of Community Improvement District Funds (CID) through a 1% CID sales tax established on September 20, 2010 (Ordinance 2228). The Development Agreement was approved with the adoption of Resolution No. R-2010-12 and formalized the implementation and financing of the CID projects contained within the Agreement.

The Developer, PV Retail Partners, LLC. is requesting amendments to the approved Development Agreement (see attached request). The request involves two specific issues:

- Modification of Exhibit F to move the commencement date for Project A (Mission Lane Improvement) from November 2, 2012 to May 2, 2013; and
- Modification of Section 2.02 (A) to remove the requirement that the developer provide a pedestrian access along the east side of existing Mission Lane for trail purposes.

The Developer is requesting an extension of the commencement date for Project A (Mission Lane Improvements) to provide for a more cost-efficient use of CID funds and reduce the impact on merchants and patrons of the center. The Planning Commission has approved a small portion of Phase I Mission Lane improvements (intersection of Mission Lane and Tomahawk Road) which would allow the Developer to be in compliance with the existing provisions of the agreement.

Staff does not have any issues with extending the commencement date of Project A (Mission Lane Improvements) to May 2, 2013.

Staff does not recommend amending Section 2.02(A) of the Development Agreement to remove the requirement of providing a pedestrian access along the east side of existing Mission Lane for trail purposes. If the City Council concurs with the Developer that a multi-use path is not feasible along the east side of Mission Lane, staff recommends that the Development Agreement be amended to set-aside CID funds to help pay for the preliminary design concept,

the design and construction of this path in the future. This provision would be similar to provisions contained for the construction of Tomahawk Trail.

Charles Clark asked if the item would need to go back to Planning Commission if the City holds the developer to Mission Ln. Dennis stated the item would not need to go back because there is already an existing easement.

Ted Odell noted the Planning Commission discussed the extension request and in order to commence construction by November, the developer would be required to complete some landscaping. He stated he does not have a problem with extending the commencement date. Michael Kelly asked what commence means. Dennis Enslinger stated it is the start of construction/issuance of a building permit for an approved project. Laura Wassmer noted she is okay with pushing back the deadline.

Curt Peterson with Polsinelli Shughart addressed the council. He appreciates that staff supports the extension. The project could begin with the landscaping but there would be a more efficient use of CID funds if the project waited until spring. He noted PV Retail Partners understood the pedestrian trail to be a full extension of the hike/bike trail. The ownership group does not feel it is safe to have a bike/hike trail on Mission Ln in the middle of the shopping center. The ownership group began to look at Mission Road as an alternative but due to space constraints it is not a viable option. He noted he spoke with the designer and ownership group prior to the meeting coming to the understanding that the easement is for a pedestrian trail. The ownership group would be happy to provide the pedestrian easement of approximately six feet. Making it larger would reduce parking or the size of the road.

Laura Wassmer stated she is okay with a six foot pedestrian trail. Charles Clark requested the opinion of staff on the six foot trail. Dennis Enslinger stated an eight foot trail is ideal for two way traffic and the number of parking spaces that would be lost is not significant.

Michael Kelly asked what the thought process was when the initial agreement was crafted. Curt Peterson stated the concept plan conceived of the layout of a trail but did not

figure in size and the Mission Lane improvements had not been fully designed yet. Michael Kelly asked why the project has not commenced in two years. Owen Buckley stated there were many loose ends that finally came together recently when Hen House committed to their current location. The Mission Lane improvement hinged on the different pieces. Mr. Buckley noted they are trying to make deliberate, efficient decisions. Laura Wassmer asked what the plan is for US Bank. Owen Buckley stated their lease goes on for a long time but there is some thought to doing exterior improvements to update the building.

David Morrison stated he is concerned about the nuance of approximately six feet and would like a commitment to at least six feet. Owen Buckley asked the council to have confidence in staff to negotiate the size of the trail. Mr. Buckley noted the sidewalk will be widened on the west side of Mission Lane as well. Dennis Enslinger stated it is possible to have an 8 foot sidewalk; it is just a matter of losing parking spaces. Laura Wassmer noted those extra parking spaces could be important. Dennis Enslinger said it is a competing interest between the size of the street, parking space and a pedestrian trail.

Michael Kelly asked if people are using the existing trails for biking. Dennis Enslinger replied it is predominately kids bicycles and pedestrians. Ted Odell said the biggest concern of the tenants regarding the new development is parking spaces. Mr. Odell stated he is okay with a 6 foot sidewalk. David Belz said if the council wants an 8 foot trail, he believes the developer can find a way to work it out.

Laura Wassmer asked how many parking spaces would be lost. Owen Buckley estimated eight spaces across the front. Curt Peterson noted quick access to the grocery store has been an important issue. Laura Wassmer stated that overall functionality of the shopping center has to be the first priority and parking spaces are critical. Michael Kelly stated the developer should live up to the responsibility of the initial agreement. Curt Peterson noted there is no definition of trail regarding size in the agreement. Katie Logan confirmed that the size of the Mission Lane trail was never discussed. She noted it is within council discretion to override

the staff recommendation on the size of the trail but she does not think it is reasonable to remove the trail from the plan.

Laura Wassmer moved the Governing Body accept the amendment to allow them to build a pedestrian pathway that is a minimum of six feet wide on the east side of Mission Lane. Curt Peterson noted the ownership group cannot commit to a minimum of six feet. Laura Wassmer withdrew her motion.

Laura Wassmer moved the Governing Body approve the First Amendment to the Development Agreement for the Village Community Improvement District, excluding paragraph two, moving the commencement date for Project A to May 2, 2013. Ted Odell seconded the motion.

Brooke Morehead stated she heavily disagrees with extending the timeframe and believes the City should negotiate for other things. David Morrison agreed that the City should negotiate for something in return.

Mayor Shaffer called the question. The motion passed nine to two with Kelly and Morehead voting "no".

PC2012-114 Consider Final Plat for "Prairie Village Shopping Center"

Dennis Enslinger recommended continuing consideration of the plat to the November 5th meeting to resolve necessary issues with the easement.

Laura Wassmer moved the Governing Body continue the consideration of the final plat for "Prairie Village Shopping Center" until the November 5, 2012 Council Meeting and requested PV Retail Partners, LLC return with possible scenarios for the pedestrian trail on Mission Lane. The motion was seconded by David Belz and passed nine to two with Michael Kelly and Brooke Morehead voting "no".

Ted Odell stated the City is exploring a home ownership incentive in high rental areas. A map has been compiled of the rental properties. The areas of the exterior grant program

correlate with the high rental areas. The City is also reviewing the rental licensing and property maintenance codes.

Ruth Hopkins stated she attended the League of Municipalities conference last weekend. She noted they are beginning a long-term strategic plan process and now would be the time to share input.

ANNOUNCEMENTS

Prairie Village Arts Council	10/17/2012	7:00 p.m.
Environment/Recycle Committee	10/24/2012	7:00 p.m.
Council Committee of the Whole	11/05/2012	6:00 p.m.
City Council	11/05/2012	7:30 p.m.

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The Prairie Village Arts Council is pleased to announce the annual State of the Arts exhibit in the R.G. Endres Gallery for the month of October.

Save the Date for the Northeast Johnson County Chamber of Commerce 2012 Annual Gala on November 17, 2012 at the Overland Park Marriott.

The Mayor’s Holiday Tree lighting will be Thursday, November 29th from 5:00 to 7:00 p.m. at Corinth Square.

The KOMA/KORA training will be from 9 to 11 am at the county on Thursday, October 18th.

The Corinth Square ribbon cutting will take place at 5:45 pm on Thursday, October 18th.

EXECUTIVE SESSION

Charles Clark moved pursuant to KSA 75-4319 (b) (1) that the Governing Body, recess into Executive Session in the Multi-Purpose Room **for a period not to exceed 20 minutes** for the purpose of 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 and City Attorney. Laura Wassmer seconded the motion which passed unanimously. The Council Committee of the Whole reconvened at 9:50 p.m.

ADJOURNMENT

With no further business to come before the City Council, the meeting was adjourned at **9:52** p.m.

Jeanne Koontz
Deputy City Clerk