

**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
January 22, 2013**

The City Council of Prairie Village, Kansas, met in regular session on Tuesday, January 22, 2013, 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, Dale Warman, Ruth Hopkins, Steve Noll, Michael Kelly, Andrew Wang, Brooke Morehead, Charles Clark, David Morrison, Ted Odell and David Belz.

Also present were: Wes Jordan, Chief of Police; Keith Bredehoeft, Project Manager; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Dennis Enslinger, Assistant City Administrator; Lisa Santa Maria, Finance Director; Joyce Hagen Mundy, City Clerk.

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

PUBLIC PARTICIPATION

Mayor Shaffer acknowledged the presence of three Boy Scouts present to earn their "Citizenship in the Community" badges.

Charles Schollenberger, 3718 West 79th Terrace, commented on the earlier discussion in the committee of the whole meeting regarding the naming of City facilities. He does not feel city facilities should be named after employees after their retirement. Although he acknowledged the dedication and service of retiring employees, he would prefer the traditional plaque and/or gold watch.

Kristina Kanis from Grandview addressed the Council regarding the homeless issue. She shared a personal story about her interactions with the homeless and stated she felt the actions being taken against Councilman Morrison for letting a homeless person stay at City Hall stunk and that he should be commended for his good deed. She urged the Mayor and City to show some “chicken soup for the soul” sensitivity to those in need.

Jori Nelson, 4802 West 69th Terrace, spoke in support of the Special Use Protest petition amendment as she believes residents should have a voice in the development of property surrounding their property. She noted that Prairie Village is one of very few cities that do not already allow for this process in the consideration of special use permits. She feels this process will encourage a more open line of communication between the developer, the City and the residents. Ms. Nelson stated that when residents become involved the outcome is better development and urged the Commission to vote to recommend the adoption of the proposed language.

With no one else to address the Council public participate was closed.

CONSENT AGENDA

Mayor Shaffer noted the Consent Agenda had been amended with the addition of item #9. Ted Odell asked to remove item #5 and Brooke Morehead asked to remove item #3 for further consideration. Charles Clark moved the approval of the Consent Agenda for January 22, 2013 as amended:

1. Approve the Regular Council Meeting Minutes - January 7, 2013
2. Approve Claims Ordinance 2901
3. Removed
4. Approve the recreation contracts with Challenger Sports for Flag Football and British Soccer camps as written
5. Removed
6. Ratify the Mayor’s appointment of Shelly Trewolla as Chair of the Prairie Village Arts Council.

7. Ratify the Mayor's appointment of Benjamin Claypool to the Environment/Recycle Committee with her term expiring in April, 2015.
8. Approve Resolution 2013-01 establishing revised salary ranges for 2013
9. Ratify the Mayor's appointment of Marie Ramirez to the Prairie Village Civil Service Commission to fill the vacancy created by the retirement of David Lillard with the term expiring in January, 2016.
10. Approve the request from the City of Overland Park to add microsurface and chip seal streets.

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

Ted Odell noted that he had heard numerous complaints regarding overcrowding due to the use of the SuperPass and asked how the pass worked and if the fees being charged by other cities were comparable. Quinn Bennion responded five area cities have joined together to allow shared use of pool facilities with the purchase of a regular membership for their pool and a SuperPass. 50% of the revenue from the SuperPass is returned to the selling city with the other 50% based on pool usage. He stated he doesn't have specific numbers but would e-mail them to Council. Mr. Bennion noted the first year of the SuperPass there was some discrepancy in the fees charged by the participating cities, but that has been corrected. There is no indication that usage was greater in 2012 than in 2011. The attendance numbers of SuperPass do not correlate to crowding in 2012.

Michael Kelly noted the City of Mission is replacing their pool and asked what impact that would have. Mr. Bennion replied the work on the Mission pool is scheduled to begin at the close of the 2013 season and be completed prior to the beginning of the 2014 season.

Charles Clark moved the City Council approve the agreements by and among the City of Prairie Village, Kansas, the City of Merriam, Kansas, the City of Leawood, Kansas, the City of Mission, Kansas, the City of Fairway, Kansas, the City of Roeland Park, Kansas and Johnson County Parks and Recreation District for use of swimming pool facilities for 2013 SuperPass

program and Letter of Understanding with Hosting Agencies of the Johnson County Swim and Dive League or the MOKAN Swim and Dive League. The motion was seconded by Ruth Hopkins and passed unanimously.

Brooke Morehead noted the proposed increases to the 2013 recreational membership fees reflect a 2.9% increase for residents and a 2.8% increase for non-residents. She would like to see no increase in fees for residents.

Ruth Hopkins responded that the city has established fees at a level to cover a portion of the operating costs for the program. If the fees are not increased, residents will see their money spent as the City covers increased operating costs. Mrs. Moorhead suggested the fees be increased by 5% for non-residents with no increase for residents.

Quinn Bennion noted the general fund currently subsidizes approximately \$78,000 for the operation of the recreational programs. The goal is to set a balance between user fees and the use of general funds.

Charles Clark noted the use of general funds penalizes Prairie Village residents, many of whom are on fixed incomes that do not use the facilities by increased property taxes to cover operational costs. He feels the primary portion of the costs should be covered by user fees.

Charles Clark moved to approve the 2013 Recreation Fee Schedule as follows:

Resident Memberships	
Household of 4	\$157
Two Person Family	\$147
Individual	\$76
Senior	\$59
Babysitter	\$60
10 Swim Card	\$55
Non-Resident Memberships	
Household of 4	\$262
Two Person Family	\$159
Individual	\$108
Senior	\$108
Babysitter	\$65

10 Swim Card	\$60
Aquatics	
Resident	\$99
Additional child	\$93
Non-Resident w/o membership	\$142
Non-Resident w/membership	\$99
Lessons (.5 hour)	\$36
Tennis	
JTL	\$100
Additional Child	\$90
Warm-Up Session	\$52
Cardio Tennis	\$69
Pee-Wee	\$43
Mighty Mites	\$57
Future Stars	\$57
Adult Lessons	\$69
Private Lessons (.5 hour)	\$24
Semi-Private Lessons (.5 hour)	\$16
Three & a Pro (hour)	\$18
Pool Rental	\$300
Daily Gate	\$7
Twilight Gate (after 5:30 p.m.)	\$5
Daycare	\$5

The motion was seconded by Ruth Hopkins and passed unanimously.

Mayor Shaffer noted item number 9 on the Consent Agenda was the appointment of Marie Ramirez to the Civil Service Commission replacing retiring David Lillard. Mayor Shaffer acknowledged and thanked Mr. Lillard, who was in attendance, for his many years of service on the Commission. Chief Jordan explained to those present the role of the Commission and the importance it has in the development of a highly qualified police staff and thanked Mr. Lillard for his dedication, wisdom and knowledge shared during his many years of service.

MAYOR'S REPORT

Mayor Shaffer reported he attended the following events on behalf of the City: Johnson County Mayors meeting, Johnson County Conveners Breakfast, MARC meeting at which Ruth Hopkins was honored for her environmental work, PV Arts Council Gallery Reception, Chili

Cook-off at Brighton Gardens, State of the State, NE Johnson County State of the Cities, KS aging meeting, Johnson County Chamber Breakfast and Benton House Open House.

Charles Clark moved the Governing Body ratify the Mayor's appointment of Keith Bredehoeft to serve as Interim Public Works Director for the City of Prairie Village. The motion was seconded by Michael Kelly and passed unanimously.

COMMITTEE REPORT

Planning Commission

PC2013-01 Consider Proposed Amendment to Chapter 19.28 "Special Use Permits" to incorporate a protest process.

Dennis Enslinger stated in November, 2012, the City Council directed the Planning Commission to consider the addition of language allowing for the protest petition process in the consideration of Special Use Permits as it is in consideration of rezoning applications.

Staff researched other cities' regulations and prepared language for consideration by the Planning Commission at a public hearing held on Tuesday, January 8, 2013. Several members of the public were present at the public hearing to express their support of the proposed amendment. The Planning Commission voted unanimously to recommend adoption of the proposed amendment to the Governing Body.

Katie Logan, City Attorney, noted that there is a 2003 Kansas Court Case that has ruled the protest procedure which applies to rezoning applications also applies to special use permit applications. She would recommend the Council's adoption of the proposed ordinance.

Michael Kelly asked if the ruling would apply to Conditional Use Permits. Ms Logan responded that she has not researched its application to Conditional Use Permits and can do so. However, she noted that the City Council does not take any action on Conditional Use Permits.

Charles Clark moved the Governing Body adopt Ordinance #2269 amending Chapter 19 of the Prairie Village Municipal Code entitled “Special Use Permits” by adding Section 19.28.041 entitled “Protest”. The motion was seconded by Ted Odell.

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

STAFF REPORTS

Administration

- Dennis Enslinger announced the Tutera Group will be holding a neighborhood meeting on the proposed development of Mission Valley on Thursday, January 24th at Shawnee Mission East beginning at 6:30 p.m. The City has posted preliminary drawings on the Project Page on its website.
- The Waid’s building at the PV Shopping Center has been demolished.
- The Final Plat for the Shopping Center will be on the Council’s February 4th agenda.
- City Hall Day at the Capitol is Wednesday, February 6th. Council members interested in attending should contact Dennis.
- The Legislative Breakfast & Council Worksession will be held on Saturday, February 2nd at Homestead Country Club.
- The next Legislative Breakfast featuring a Prairie Village representative will be March 9th.
- Lisa Santa Maria reported the City had been visited by the IRS. Their visit was short and went very well.
- Lisa noted she would be coordinating the Council Worksession on February 2nd. Charles Clark added the format for the worksession would be different than in the past and will focus on discussion and the presentation of background information on several subjects, not focusing on one issue as in the past.
- Katie Logan reminded the Council of their quasi-judicial Role in the consideration of Special Use Permits which requires that they cannot pre-judge or determine their vote. If they do so, they need to recuse themselves.
- Quinn Bennion stated recruitment has begun for the position of Assistant to the City Administrator.
- Quinn announced that Lisa is completing her term as President of the Eastern Kansas GFOA group.

OLD BUSINESS

Consider Ordinance 2270 repealing Ordinance 2265 which established a moratorium on the consideration of Special Use Permits

Dennis Enslinger stated that with the adoption of Ordinance 2269 amending Chapter 19.28 adding Section 19.28.041 entitled “Protests” the moratorium should be repealed.

Charles Clark moved the Governing Body adopt Ordinance 2270 of the City of Prairie Village, Kansas, repealing Ordinance No. 2265 establishing a temporary moratorium on all Special Use Permit applications. The motion was seconded by Ruth Hopkins.

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

David Morrison confirmed both ordinances would become effective upon their publication next Tuesday, January 29th .

Request by JazzFest Committee

Mayor Shaffer called upon Jack Shearer, chairman of the JazzFest Committee, who noted that at the last meeting of the City Council questions were raised regarding the proposed contract with Brenda Pelofsky for professional funding raising services. The Council has received a copy of the proposed agreement which has been reviewed by the City Attorney and information gathered in reference checks as well as a letter from Kate Fields regarding the contract and proposed services.

The committee has unanimously approved entering into the proposed agreement and sees the following advantages for entering into this agreement:

- This individual has extensive experience in raising funds and metro-wide contacts.
- The outside contacts will benefit the community by getting a broader advertising base for the festival bringing more people and publicity to Prairie Village for the Festival.
- With outside funding sources, the requests made to Prairie Village residents and businesses (who are receiving requests for multiple City events - Villagefest, State of the Arts, JazzFest, Mayors’ Holiday Tree, Shop with a Cop, etc.) will be less.
- With an organized fund-raising campaign early in the year, it is the goal of the committee to have all costs for the Festival covered prior to the festival, allowing festival funds to be donated and kept as seed money for future festivals.

- This will allow committee members time to solicit in-kind donations and to organize fund-raising events.
- The early receipt of funding will allow for artist contracts to be negotiated and executed by spring, providing for greater opportunities to secure and promote the desired talent.
- The line-up, which is the primary expense for the festival, is also a prime component in the securing sponsorships, as one begets the other. Having a professional fund-raised focused now on securing funds will enable the procurement of desired artists early that will in turn bring in additional funding and additional people to the festival.

While there is no guaranteed level of funds that will be raised under the contract, which is standard for such services, the committee through discussions with Ms Pelofsky and discussions with organizations and agencies that have used her services, is confident that she will be able to raise the funds necessary for the City to again hold “the best outdoor Jazz Festival in the last five years”. Mr. Shearer presented to the Council a proposed budget reflecting earned funds of \$50,000 and best case scenario of \$75,000 which includes both payment to Heartland Habitat and repayment in full of the \$10,000 to the City.

Charles Clark moved the City Council approve the Memorandum of Agreement on behalf of the JazzFest Committee with Pelofsky & Associates and authorize a one-time loan up to \$10,000 from the general contingency fund to the Prairie Village JazzFest Committee. The motion was seconded by Steve Noll. The motion was defeated by a vote of 5 to 6 with the following members voting in opposition: Weaver, Hopkins, Kelly, Wang, Morrison and Odell.

Brooke Morehead noted the importance of having funding early to secure the artists for the festival and asked if the Council would consider a loan of \$10,000 to be used solely for the execution of talent contracts.

David Morrison stated he is not opposed to seed money for the festival. He objects to the high cost for the fund raising services related to the dollars raised. Michael Kelly also expressed opposition to the fee for services and would like to see the fee further negotiated.

Jack Shearer responded the fee is paid over a 7-month period and per the terms of the agreement the contract can be terminated without payment of the entire contract. The basis for the computation of any bonus is based on new funds raised, funds given by any previous donor will not be included. He noted the letter submitted by Kate Fields, who has experience in this area that states the fee requested in standard for these services.

Steve Noll stated in reality this event is hamstrung in that it cannot enter into a contract without funding. This event needs someone who knows people, can get in to see people and can work to raise money. The estimated \$12,500 is the basic retainer for these services. It is not a lot of money in the fund-raising world.

Dale Warman added that more non-for-profits are using the services of fund-raisers. He noted this individual can go outside this small geographic area, broadening its financial base and spreading the exposure for the event. He is supportive.

Quinn Bennion noted the intention to enter into a contract obligates the city for up to \$10,000. JazzFest has funds available now to enter into the contract and as funds are raised they will be designated toward payment of this fee. She will receive payment from funds as they are raised.

Katie Logan noted the agreement includes a provision that compensation will not be more than the amount of funds raised.

Michael Kelly asked if the committee had looked at any other fund-raisers. Mr. Shearer responded the committee's review of other fund-raisers found that they provided advisory services and did not actually make the calls or have the established contacts. They did not provide the services needed. He added he spoke with both references and outside businesses regarding Ms Pelofsky's services and was told over and over that she is a professional, excellent at what she does and respected in the business community.

Ruth Hopkins stated that she voted in opposition because she did not have the information she needed and noted that after this discussion, she is supportive of the request.

Brooke Morehead noted this is the fourth year for this event and she believes this is a way to grow the event and to make it better for the community. She noted the Council routinely pays for consultants to prepare reports and this contract is very similar in that it is paying for the expertise and services of this individual.

Ruth Hopkins moved to reconsider the previous motion. The motion to reconsider was seconded by Steven Noll and passed by a vote of 8 to 3 with Michael Kelly, Andrew Wang and Ted Odell voting in opposition.

Ruth Hopkins moved the City Council approve the Memorandum of Agreement on behalf of the JazzFest Committee with Pelofsky & Associates and authorize a one-time loan up to \$10,000 from the general contingency fund to the Prairie Village JazzFest Committee. The motion was seconded by Steve Noll. The motion passed by a vote of 7 to 4 with the following members voting in opposition: Kelly, Wang, Morrison and Odell.

ANNOUNCEMENTS

Environment/Recycle Committee	01/23/2013	7:00 p.m.
VillageFest Committee	01/24/2013	7:00 p.m.
Council Committee of the Whole	02/04/2013	6:00 p.m.
City Council	02/04/2013	7:30 p.m.

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The Prairie Village Arts Council is pleased to announce an oil painting exhibit by Eileen McCoy in the R. G. Endres Gallery for the month of January.

The Legislative Breakfast and Council Worksession is February 2nd at Homestead Country Club.

The League of Kansas Municipalities will be hosting City Hall Day on Wednesday, February 6th in Topeka. RSVP to Jeanne Koontz at jkoontz@pvkansas.com or 913-385-4662.

Trash pick-up will be delayed one day the week of January 21st in observance of Martin Luther King, Jr. Day.

The annual large item pick-up has been scheduled. Homes on 75th Street and north of 75th Street will be collected on Saturday, April 13th. Homes south of 75th Street will be collected on Saturday, April 20th.

Mayor Shaffer announced that the Council would be going into Executive Session and would not be conducting any further business this evening.

Executive Session

Charles Clark moved pursuant to KSA 75-4319 (b) (1) that the Governing Body, recess into Executive Session for five (5) minutes for the purpose of consulting with the City Attorney on personnel matters of nonelected personnel. Present will be the Mayor, City Council, City Administrator and City Attorney. The motion was seconded by David Belz and passed unanimously.

Mayor Shaffer reconvened the Council meeting at 8:40 p.m.

City Attorney Katie Logan stated that since the Mayor dismissed the public and announced that no further business would take place, action related to the executive session will need to be delayed until the next council meeting.

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 10 minutes for the purpose of consulting with the City Attorney on a matters which are privileged in the attorney-client relationship. Present will be the Mayor, City Council, City Administrator, Chief of Police and City Attorney. The motion was seconded by Steve Noll and passed unanimously.

Mayor Shaffer reconvened the Council meeting at 8:55 p.m.

ADJOURNMENT

With no further business to come before the City Council, the meeting was adjourned at 8:56 p.m.

Joyce Hagen Mundy
City Clerk