

COUNCIL COMMITTEE  
MONDAY, FEBRUARY 4, 2013  
6:00 P.M.  
Council Chambers

AGENDA

CHARLES CLARK, COUNCIL PRESIDENT

AGENDA ITEMS FOR DISCUSSION

Presentation by Consolidated Fire District #2  
Chief Hodgdon

COU2013-04 Consider approval of a multi-city agreement to begin the Rock Creek  
Watershed Planning & Management Study  
City of Fairway and Burns & McDonnell

COu2013-05 Consider approval of an amendment to the Employee Handbook - 1.7  
Entitled "Residency Requirement"  
Quinn Bennion

COU2013-06 Consider approval of an Ordinance amending Chapter 5 entitled  
"Business Licenses" of the Prairie Village Municipal Code relating to  
massage provisions and minors  
Quinn Bennion

Presentation of initiative to expand City's investment authority  
Lisa Santa Maria

**COUNCIL COMMITTEE OF THE WHOLE**  
**February 4, 2013**

The Council Committee of the Whole met on Monday, February 4, 2013 at 6:00 p.m. in the Council Chambers. The meeting was called to order by Council President Charles Clark with the following members present: Mayor Ron Shaffer, Ashley Weaver, Dale Warman, Ruth Hopkins, Steve Noll, Michael Kelly, Andrew Wang, Laura Wassmer, Brooke Morehead, Charles Clark and Ted Odell. Staff Members present: Wes Jordan, Chief of Police; Keith Bredehoeft, Interim Public Works Director; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Dennis Enslinger, Assistant City Administrator; Lisa Santa Maria, Finance Director and Joyce Hagen Mundy, City Clerk.

**Presentation by Consolidated Fire District #2**

Fire Chief Phil Hodgdon presented an update on the future relocation of the fire station at 9011 Roe Avenue. This building is more than 50 years old and no longer meets the needs of the department. Land is currently under contract for purchase on 95<sup>th</sup> Street just east of the office building and next to the golf course with anticipated closing in May. They anticipate starting the design process this summer with possible construction in the fall. Chief Hodgdon reviewed the process followed in the selection of the site and noted the involvement of the Cities of Overland Park, Leawood and Johnson County Med-Act.

Ruth Hopkins asked what they planned for their existing location. Chief Hodgdon responded it will be sold. Laura Wassmer confirmed the existing zoning at that location was C-1. Mayor Shaffer asked the status of the tower located on the property. Chief responded it is not owned but leased and there is a permanent easement for the tower.

Mayor Shaffer asked if the tower on their administrative office location was at capacity. Chief Hodgdon replied they are currently negotiating with AT&T for additional antenna and Sprint will be doing a field test next week. If the test is favorable, they would take the last spot on the tower.

**COU2013-04 Consider approval of a multi-city agreement to begin the Rock Creek Watershed Planning & Management Study**

Quinn Bennion introduced Andy McCaskill with Burns & McDonnell to present a proposed watershed planning and management study for the Rock Creek Watershed initiated by the City of Fairway. Also present was Bill Stogsdill, Fairway Public Works Director and Lee Schollenberger with Johnson County Stormwater Department.

Andy McCaskill stated the Rock Creek Watershed covers approximately 5 acres and includes the cities of Mission, Roeland Park, Fairway, Overland Park, Prairie Village, Mission Hills and Westwood. The study's purpose is to create a framework for a coalition of these seven cities to address storm water issues within the watershed. The project consists of developing a watershed management plan that will set forth a new multi-jurisdictional approach to stormwater management in the Rock Creek Watershed.

The scope of services covered by the partnership agreement establishes the structure of the proposed coalition, how the coalition would be governed and funded. At this point in time, the City would be committing to participation in the study process including publicizing the public meetings and staff time.

There is no direct cost to the City at this point. The Johnson County Stormwater Management Program (SMP) will fund 90% of the planning and management study. The Cities of Mission and Fairway will share funding of the other 10%. The planning and management study is the first step in the process and may or may not lead to any future actions.

Mayor Shaffer confirmed the coalition would use existing studies and information gathered by individual cities in their analysis of possible projects and work to be undertaken.

Ted Odell asked what the initiating force behind the proposal was. Mr. McCaskill replied the City of Fairway has approximately 35 properties within the 100 year flood and is looking for potential ways to address flooding issues within a larger area than an individual municipality. Mayor Shaffer asked if all of the participating members would be required to abide by recommendations of the coalition. Mr. McCaskill replied the study is a collaborative effort that would require buy-in to be successful.

Ruth Hopkins asked if the County would be willing to give a higher priority for funding to projects involving multiple cities or larger areas. Mr. Schollenberger replied it may be possible for the committee to approve a higher level of funding for such projects that the current level.

Dale Warman confirmed the city of Mission Woods is outside the Rock Creek watershed. Quinn Bennion stated this is an intriguing concept that could benefit multiple cities, but noted there will be issues with retrofitting solutions into existing stormwater systems and city boundaries.

Brooke Morehead asked how much staff time will be required. Mr. Bennion stated it would require attendance at five meetings over a period of several months, participation in 3 work sessions and possibly a few other meetings.

Ruth Hopkins made the following motion, which was seconded by Dale Warman and passed unanimously:

**Move that the Council approve a multi-jurisdictional agreement among the City of Fairway, Kansas, the City of Mission, Kansas, the City of Overland Park, Kansas, the City of Roeland Park, Kansas, the City of Prairie Village, Kansas, the City of Westwood, Kansas, and the City of Mission Hills, Kansas for the Rock Creek Watershed Planning & Management Study**

**COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

Charles Clark noted there are several different watershed areas in the metropolitan area and this could become a very positive way for cities to address related stormwater issues.

**COU2013-05 Consider approval of an amendment to the Employee Handbook Section 1.7 “Residency Requirement”**

Quinn Bennion noted this item comes forward from Council Committee of the Whole discussion at the January 22<sup>nd</sup> meeting where the committee directed staff to prepare the necessary amendments to modify the residency requirements of the Police Chief and Public Works Director positions. This only requires an amendment to the Employee Handbook. Residency requirements for Department Heads are not included in the City Code.

The proposed revision is reflected below with the proposed deletions and additions in bold.

**1.7 RESIDENCY REQUIREMENTS**

The City Administrator, ~~Chief of Police and Public Works Director~~ must ~~become~~ **be** a residents of Prairie Village, Kansas within two (2) years of being appointed to the position and remain a residents of the City during the rest of their appointment. **The Chief of Police and Public Works Director must be a resident of Johnson County, Kansas within two (2) years of being appointed to the position and remain residents of the County during the rest of their appointment.** No later than two (2) years after their date of hire, other employees (hired after January 1, 2013), are to live and remain living within a 35 mile radius from their place of work. The City Administrator may grant temporary exceptions to the residency requirements for exceptional circumstances, upon the recommendation of the Department Head and approval of the Mayor.

Laura Wassmer noted she would be voting in support of the amendment but that she would support a statement that it is the city’s preference that the individuals in these positions reside within Prairie Village. She sees residency as providing a greater sense of where and what the issues are in the City.

Michael Kelly stated he believes approving the amendment is a mistake. If the city is going to allow residency outside of the City he would prefer it to be within a radius within close proximity of the city than in Johnson County.

Council President Charles Clark called for a vote on the question. A point of order was called noting that no motion had been formally made.

Dale Warman supports the amendment as he feels it is in the best interest of the City.

Ms Wassmer would like to see language added that residency is preferred. Ruth Hopkins questioned what would be meant by “preferred”. Steve Noll stated the employee handbook is not the place to be buffering rules. He feels the search

committee can make it known to candidates that residency is preferred. He feels adding such language to the employee handbook would be awkward at best.

Ted Odell stated he strongly supports requiring city residency for these positions and agrees with Mr. Kelly that if it was opened up, he sees more benefit in a defined closer radius than Johnson County.

Brooke Morehead believes they should be residents of the State of Kansas and as Johnson County residents they are on the tax rolls for most services provided and understand the culture of the area.

Steve Noll made the following motion, which was seconded by Ruth Hopkins and passed by a vote of 7 to 3 with Kelly, Wang and Odell voting in opposition:

**MOVE THE CITY COUNCIL APPROVE AN AMENDMENT TO  
THE EMPLOYEE HANDBOOK TO MODIFY THE RESIDENCY  
REQUIREMENT OF THE PUBLIC WORKS DIRECTOR AND  
CHIEF OF POLICE POSITIONS TO REQUIRE JOHNSON  
COUNTY RESIDENCY**

**COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

**COU2013-06 Consider approval of an Ordinance amending Chapter 5 entitled  
“Business Licenses” of the Prairie Village Municipal Code relating to massage  
provisions and minors**

Quinn Bennion stated staff has been asked to consider an amendment to the City’s massage therapy provisions as they relate to minors. Currently the City prohibits massages for persons under eighteen without being accompanied by a parent or legal guardian.

The recommended provisions will allow massage on persons under eighteen if:

- (a) such person is accompanied by a parent or legal guardian; or
- (b) a parent or legal guardian who is not present has authorized such massage therapy in writing; and (i) the licensee performing massage therapy is of the same gender as such person, and (ii) the massage therapy is provided in a massage establishment which is not a private residence.

The following cities allow persons under eighteen to receive massages with written authorization or a parent or legal guardian present: Cities of Mission, Overland Park, Merriam, Lenexa, Leawood, and Olathe.

Laura Wassmer stated her daughter participates in competitive dance practicing several hours daily. She and several of her teammates receive sports massages. During a visit

to Massage Envy in Prairie Village, Ms Wassmer stated her daughter was not allowed to receive services due to their interpretation of the City's code.

Quinn Bennion noted a provision not currently in the code that is being proposed is that these services for a minor be performed by a therapist of the same gender.

Andrew Wang stated he is ok with the proposed change if the parent is on the premises. He does not feel the gender is material.

Laura Wassmer clarified her intent for the language was that the parent would sign the permission on site. She agrees with Mr. Wang that the minor should not merely have to bring in a signed note. She would support dropping the same gender requirement as she feels that is a matter of personal preference. Mr. Wang stated if the parent is not comfortable with the therapist being a different gender, he feels the parent should make that decision, not the city.

Chief Wes Jordan stated the rationale behind the same gender is that over the past the department has received a number of complaints of inappropriate touching during a massage and in all cases they involved opposite genders.

Michael Kelly stated he is uncomfortable moving forward with the proposed changes and before staff time is spent redrafting the ordinance he would like to see if there is a consensus in support of the changes presented. Council President Charles Clark asked for a show of hands by Council members supporting moving forward with the proposed revisions. There was not a consensus to move forward.

Ruth Hopkins stated she needs more information. Quinn Bennion confirmed that discussion at the committee level was the appropriate format for discussion of this issue.

#### **Presentation of initiative to expand City's investment authority**

Lisa Santa Maria noted a year ago the City submitted a request to the Pooled Money Investment Board for expanded powers for the investment of funds at the recommendation of the Finance Committee and was denied. The Board severely restricts the investment options of cities having less than \$100M in available reserve, not including bonds. The City wants to pursue efforts to expand the statute to allow more cities to have expanded powers. The effort has the support of the Kansas Government Finance Officers Association and the Kansas League of Municipalities. The means would be through proposed legislation.

Steve Noll questioned who gives this board the authority to restrict city investments. Mayor Shaffer asked who was on the Board. Mrs. Santa Maria replied the Board makeup is prescribed as state statutes..

Quinn Bennion stated staff wants to make sure the Council supports staff moving forward with draft legislation prior to submitting language to our representatives. He noted the process may take more than one year to complete. The Council supported

staff pursuing expanded powers and suggested possible investigation into the actual authority of the PMI Board.

### **Work Session Follow-up**

Charles Clark thanked the Council for their comments and work at the Saturday work session. He asked if there were any other items members felt should be considered. Quinn Bennion stated he would be revising the directive and priority listing based on Council discussion and redistributing it to the Council. Michael Kelly raised a question regarding the Code of Ethics discussion at Saturday's work session seeking clarification on a comment.

## **STAFF REPORTS**

### **Public Safety**

- Chief Jordan reported the 48 Hours episode was done very professionally and reflected well on the Department. He indicated that he will be receiving tapes of the show if anyone missed the show and would like to view it.
- The Police Chiefs are working with the School District on the development of a "defense of our schools" project focused on the elementary schools. The school district would be rolling out the program soon.

### **Public Works**

- Keith Bredehoeft reported the Public Works staff received recycling last Friday conducted by Johnson County Environmental staff. The training went well and looking for ways to improve participation.

Brooke Morehead asked if the location of the Ripple Glass container at Corinth Square could be moved further west. Mr. Enslinger replied the location is determined by Lane4 but he will make the request.

### **Administration**

- Dennis Enslinger announced the next Legislative Breakfast will be held on Saturday, February 16<sup>th</sup>.
- Friday, February 8<sup>th</sup> is the Art Reception from 6:30 to 7:30.
- The Mission Valley timeline has been moved back. They will be submitting drawings to the City on March 1<sup>st</sup> and having a work session with the Planning Commission after their March 5<sup>th</sup> meeting. The public hearing on their application will be Tuesday, April 2<sup>nd</sup> with the application coming before the Council in May.
- Lisa Santa Maria provided an update on economic factors noting some employment growth with the fed keeping interest rates low.
- Katie Logan reported HB2111 is pending at the statehouse which would repeal all state provision regulating firearms and allow for their regulation at the city level.
- Quinn Bennion noted seven people would be attending City Hall Day at Topeka on Wednesday, February 6<sup>th</sup>.
- Quinn announced that he will be distributing follow-up information from the Council retreat on Saturday.

**Mayor's Report**

Mayor Shaffer reported he attended the following events on behalf of the City: Kansas City Chamber event and participated in the NE Johnson County Leadership class on January 23<sup>rd</sup>; MARC KC for Aging event, Shawnee Chamber dinner, Kansas City Chamber Board Meeting, and the Johnson County Volunteer Reception on January 28<sup>th</sup>; and the Metro Policy Institute and United Community Services Board of Directors, meetings.

**Adjournment**

With no further business to come before the Council Committee of the Whole, Council President Charles Clark adjourned the meeting at 7:20 p.m.

Charles Clark  
Council President