

**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
February 19, 2013**

The City Council of Prairie Village, Kansas, met in regular session on Tuesday, February 19, 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, Steve Noll, Andrew Wang, Laura Wassmer, Brooke Morehead, Charles Clark, David Morrison, Ted Odell and David Belz.

Also present were: Wes Jordan, Chief of Police; Keith Bredehoeft, Interim Public Works Director; David Waters for City Attorney Katie Logan; 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 and asked for a moment of silence in response to the explosion at JJ's restaurant at the Plaza that occurred earlier in the evening.

PUBLIC PARTICIPATION

With no one else to address the Council Public Participation was closed.

CONSENT AGENDA

Charles Clark moved the approval of the Consent Agenda for February 19, 2013:

1. Approve the Regular Council Meeting Minutes - February 4, 2013
2. Approve the purchase of two (2) 2013 Ford Police Interceptor Sedans, and two (2) Ford Police Interceptor Utility vehicles with the City of Mission Hills paying for one of the utility vehicles under the 2013 MACPP Metro Bid with Shawnee Mission Ford at a cost of \$79,500

3. 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.
4. Approve the following recreation contracts: Omega Soccer for use of Franklin Park for two soccer camps; Johnson County Park & Recreation District - 2013 Learn to Swim Program Participation Agreement, 2013 City of Prairie Village Day Camp Agreement and 2013 City of Prairie Village Pool Usage Agreement
5. Authorize the Mayor to execute the Final Plat for Saint Ann's Catholic Church subject to the conditions required by the Planning Commission.

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

MAYOR'S REPORT

Mayor Shaffer reported he attended the following events on behalf of the City: Kansas City Chamber Kick-Off; City Hall Day in Topeka, NARC Annual Conference and Board Meeting in Washington, D.C.; NE Mayor's meeting and participated in the Leadership Northeast Mayors' Roundtable. Mayor Shaffer shared a book created by the third grade students at Briarwood Elementary entitled "The ABC's of Prairie Village". Mayor Shaffer also noted the recent recognition given to the Café Provence Restaurant in Prairie Village by USA Today.

COMMITTEE REPORT

Council Committee of the Whole

COU2013-05 Consider approval of an amendment to the Prairie Village Employee Handbook - 1.7 Residency Requirement

On behalf of the Council Committee of the Whole, Charles Clark moved the City Council approve an amendment to the Prairie Village Employee Handbook to modify the residency requirement of the Public Works Director and Chief of Police positions to require Johnson

County residency. The motion was seconded by Steve Noll and passed by a vote of 7 to 2 with Wang and Odell voting in opposition.

STAFF REPORTS

Public Safety

- Chief Jordan reported on a joint press conference with the KC Police Department & the City of Leawood announcing the arrest of an individual for more than 15 recent burglaries in the area. The arrest was the result of technology and strong cooperation between the three departments.

Public Works

- Keith Bredehoeft reported the Public Works staff is preparing for the forecast snow storm later in the week and will operate split 12 hour shifts beginning Wednesday evening.
- 2013 street projects will begin in the middle of March. He noted three streets have sidewalk petitions being considered.

Administration

- Dennis Enslinger announced the next Legislative Breakfast will be held on Saturday, March 9th with Representative Bollier speaking.
- Due to the forecast snow, Tuteru has cancelled the citizen information meeting scheduled for Thursday evening. They are working on a new date for the meeting. This will be posted on the website when it becomes available.
- Mr. Enslinger highlighted several of the bills currently being discussed by the State Legislature including HB2271 on Elections, SB109 on lobbying, HB101 on public funds to promote sustainable development funds and HB2111 weapons in public buildings. The Council authorized Mr. Enslinger to express the City's opposition to HB2271 and 109.
- Lisa Santa Maria provided an updated budget calendar and reminded council members of the scheduled discussion of large ticket budget items on March 4.
- David Waters reported the KS Supreme Court has denied the appeal of the Charter Ordinance 25 protest petition submitted in 2009. This ordinance is now valid as all of the appeals have been heard. It was reported that \$13,400 was spent by the City in legal fees for the court case and two appeals of the protest petition.
- Quinn Bennion reported Notify JoCo will hold a press conference next Tuesday as the program goes live. Prairie Village will continue to also use Code Red during the transition.
- More than 140 applications were received for the Assistant to the City Administrator position. Staff is reviewing applications and will interview candidates in the next few weeks.
- Staff is preparing the RFP for the Public Works Director search and working with the Mayor on putting together the selection committee.

OLD BUSINESS

Consider Final Plat for Prairie Village Shopping Center

Dennis Enslinger reported the staff continues to meet with property owners for the Prairie Village Shopping Center Plat and applicant has requested deferral to the March 4, 2013 City Council Meeting. Mr. Enslinger indicated that he does not feel the issues will be resolved by March 4th and may need to be continued again or returned to the Planning Commission.

Charles Clark moved to continue action on this item to the March 4, 2013 City Council Meeting. The motion was seconded by Laura Wassmer and passed unanimously.

NEW BUSINESS

Request from Lane4 regarding staff determination on CID reimbursement

Dennis Enslinger stated that when the Corinth Square CID was approved the concept for Developer Projects was that they were for public enhancements to the center and were to be “permanent” public improvements. Based upon this intent and the description contained in Exhibit C of the agreement, staff made the determination that the CID could reimburse only a portion of the sign costs under the Developer Project reimbursement provisions of the agreement. The Tenant Improvement provisions of the agreement allow for reimbursement of tenant improvements at a rate of 50% above the “Base Amount” as defined in the agreement.

Under the current determination, staff has approved reimbursement of \$32,045.44 under the Developer Project provisions for the signs. The Developer is requesting reimbursement of \$154,904.12 and has asked the Council to reconsider the staff determination.

Ted Odell asked what the total reimbursement request for this project. Mr. Enslinger responded he did not have the exact number, but it was approximately \$3.5 million for the project without the Hen House portion. Mr. Enslinger added that if there is not sufficient money

in the CID account for reimbursement, the CID funds pays interest until there is sufficient funding.

Jeff Berg with Lane4 stated they respectfully disagree with Mr. Enslinger's interpretation that the signage is a tenant improvement and not an enhancement to the center. He stated "tenant improvements" are designed to attract new tenants or to retain existing tenants. The signage was directly the result of the site exterior improvements causing the existing signage to be replaced. He noted that since the existing signage had already been paid for by the tenants, they could not be charged for the replacement sign. If the tenant wanted enhancements to their signage, they were assessed for those costs. He also noted new tenants will be assessed for the cost of their signage. They believe the shopping center remodel could not be done without installing all new signage and therefore, the cost for that signage is reimbursable under the project reimbursement provisions of the agreement.

Charles Clark stated as a member of the negotiating team, he concurs with Mr. Enslinger's interpretation.

Mr. Odell and Mr. Belz questioned Mr. Berg's contention that the new signage was required as part of the remodel and therefore should be covered at 100% under the development portion of the agreement.

Dennis Enslinger explained that in areas where there are more than one tenant, the code requires the property owner to establish sign standards to ensure some level of consistency in the signage. The sign criteria are determined by the owner and approved by the Planning Commission.

David Belz stated he felt the new signage would have been with or without CID funding. Mr. Berg responded it would not have been done all at once, but would have been phased in as tenants upgraded or moved in.

Laura Wassmer stated signage is a cost of doing business - tenants have to have signs. She would be comfortable with splitting the contested portion of the reimbursement.

Brooke Morehead asked who owned the signs - Lane4 or the tenant. Mr. Berg felt the owner would as they had paid for them.

Quinn Bennion asked what percentage of improvements at the center was paid for with private funding vs. CID. Mr. Berg responded he did not have that information.

Mayor Shaffer confirmed an earlier disagreement on the reimbursement for the roofing on Johnny's.

Charles Clark moved the City Council affirm Mr. Enslinger's interpretation and approval of CID reimbursement request by Lane4 for the Corinth Square CID project. The motion was seconded by David Morrison and passed unanimously.

Ted Odell noted with the early estimates of CID funding of approximately \$500,000 per year reimbursement requests over \$3 million will require significant interest costs.

ANNOUNCEMENTS

Prairie Village Arts Council	02/20/2013	7:00 p.m.
JazzFest Committee	02/21/2013	6:30 p.m.
Environment/Recycle Committee	02/27/2013	7:00 p.m.
VillageFest Committee	02/28/2013	7:00 p.m.
Council Committee of the Whole	03/04/2013	6:00 p.m.
City Council	03/04/2013	7:30 p.m.

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

The City offices will be closed on Monday, February 18th in observance of President's Day. Trash services will **not** be delayed this week.

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.

ADJOURNMENT

With no further business to come before the City Council, the meeting was adjourned at 8:28 p.m.

Joyce Hagen Mundy
City Clerk