

**COUNCIL COMMITTEE OF THE WHOLE**  
**May 6, 2013**

The Council Committee of the Whole met on Monday, May 6, 2013 at 6:00 p.m. in the Council Chambers. The meeting was called to order by Council President Dale Warman with the following members present: Ashley Weaver, Dale Warman, Steve Noll, Ruth Hopkins, Michael Kelly, Andrew Wang, Laura Wassmer, Brooke Morehead, David Morrison, Charles Clark, Ted Odell and David Belz. 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; Nic Sanders, Human Resources Specialist; Danielle Dunn, Assistant to the City Administrator and Joyce Hagen Mundy, City Clerk.

**COU2013-16 Consider Project DELN0001 - 83<sup>rd</sup> and Delmar Drainage Improvements Alternatives Review Study**

Keith Bredehoeft noted this drainage project has a long history and improvements were planned back in 2007 but due to the project costs for the City increasing more than a million dollars than originally estimated the project was cancelled after having received approval for SMAC funding. The drainage problem is related to the drainage channel between Roe Avenue and Somerset Drive. There are two low water crossings at Delmar Lane and Fontana Street. Just east of Delmar the open channel drains into an underground box culvert. During significant rain falls the water back up at this culvert causes significant roadway flooding as well as flooding of residential properties around the channel at Delmar.

Mr. Bredehoeft showed a video that was taken by a resident of flooding and water flow in the area during a past storm. In June of 2010 a storm caused flooding of a home in this area. This is the most significant drainage/flooding problem in Prairie Village and Public Works recommends moving forward with this project.

A resident meeting was held in December of 2012 to get feedback from residents about the project and there was large support from the neighborhood for a project to be constructed. Mr. Bredehoeft noted the plans on file are several years old and he would recommend a study be conducted to ensure the past recommendation is still valid and the best solution available to the City. He also noted a study is necessary if the City is to file for SMAC funding for the project. He proposes to submit for SMAC funding in 2015. The costs for the project could be funded by the dedicated storm drainage funds from the City's Stormwater Utility Fee.

Laura Wassmer asked if any drainage work has been done in this area since the last study. Mr. Bredehoeft responded none at this location. Charles Clark added a box culvert under Roe was replaced, but noted that has not changed the problem. Ms Wassmer stated that estimated cost for this project earlier was over a million dollars. If the estimated costs are not less than that, she feels the first question to be addressed is funding. Mr. Bredehoeft replied that the stormwater utility fee was created to be able to

get funding to address major drainage problems in the City. This was not available when the project was first considered. By earmarking a portion of these funds, which can only be used for drainage projects, over the next three years he believes funding for the City's portion will be available. Ms. Wassmer there has been two drainage studies on this area while she has been on the Council. She does not feel another study is necessary and staff is putting the cart before the horse. She sees the first decision to be made by the Council is if it is willing to spend the necessary money to do this work.

Charles Clark stated there will be funding available by 2016 for construction of this project through the designated stormwater utility fees collected by the City. Mr. Bredehoeft noted the city receives more than \$700,000 in funding into capital projects per year from this fee.

Michael Kelly asked what would be the result of this work. Mr. Bredehoeft stated it will address the current residential flooding in the area and the significant amount of water that flows through the channel and over the low water crossing during heavy rains. Mr. Kelly stated he agrees with Ms Wassmer that the decision that needs to be made is the expenditure of funds for this work. Another study of the same area is not necessary.

Ms Wassmer asked why the past studies couldn't be used. Mrs. Hopkins stated the earlier studies gave several options for addressing the problems and agreed an additional study was not needed. Mr. Odell stated the situation has to be addressed, but questioned the need for a new study. Steve Noll stated he wants to be sure there is a consensus of the neighborhood on the proposed work. He noted in the past significant time and money was spent developing plans that the neighborhood rejected.

Charles Clark responded that a neighborhood meeting was held in December with unanimous support expressed for moving forward. He noted that SMAC will require a study with the city's application for funding. He added conditions have changed. Part of this area is now in the designated flood plain. The flooding is worse than it was previously. Both the flooding and the low water crossing need to be addressed.

Laura Wassmer confirmed that the earlier plan included a warning arm for the low water crossing, but rejected the cul-de-sac option.

Andrew Wang stated he would support a new study to confirm the action being proposed is still what should be done. Laura Wassmer asked how far ahead the city needed to submit for SMAC funding. Mr. Bredehoeft replied the application would need to be filed in January of 2014 for work in 2016. Ruth Hopkins expressed concern that the city would be able to not use these funds for other projects. Mr. Bredehoeft responded that city did most of its major drainage work a few years ago with bond funding and now is primarily focused on small projects spending approximately \$150,000 per year on drainage repair and rebuilding infrastructure. This is the only large project remaining at this time.

Quinn Bennion stated the stormwater utility fee collects over a million dollars each year. Approximately three hundred thousand dollars are transferred to the general fund for

maintenance. This leaves over \$700,000 each year for drainage projects. Even if \$200,000 of this was spent on other work, over the three year period, \$1.5M would be available for funding this project.

Michael Kelly stated he would like to see a priority listing of drainage work in the city over the next ten years. He feels it is important for the council to be diligent in the expenditure of this money being assessed.

Charles Clark moved to recommend the City Council approve the design agreement with Larkin Lamp Rynearson & Associates for the Alternatives Review Study of the 83<sup>rd</sup> Street and Delmar Drainage Project at a cost of \$41,278.80. The motion was seconded by David Morrison.

Mrs. Hopkins stated that she is not comfortable that the money will be available and cannot support spending an additional \$40,000 for another study that will sit on the shelf because there are not funds to complete it.

Mr. Odell asked what the cost would be for a study that only addressed the requirements for SMAC funding. Mr. Bredehoeft responded \$30,000.

Keith Bredehoeft stated it would be less expensive to do the project as already designed without any additional evaluation.

Steve Noll confirmed the residents were supportive of the previous design. He believes something has to be done to address the problem and the sooner the better. Mr. Clark stated if the Council wants to move ahead with the project without additional study, he is willing to withdraw his motion.

Quinn Bennion asked what would be the impact if action on this waited until after the CIP discussion where the Council could view the entire CIP program and priorities. Mr. Bredehoeft noted that would be acceptable. Laura Wassmer stated she needs to see the dollars. She is supportive of doing something, but wants to make sure the neighbors are all on board. Mr. Clark noted the residents are still upset that the project was pulled last time and they want and expect action to be taken now.

Keith Bredehoeft stated the easier path of action would be to pull a study off the shelf; however, if the city is going to spend over a million dollars on a project, he would like to be sure the action being taken is still the best option to address the existing problems. Quinn Bennion noted the city does have previous studies, but asked if the Council would construct a project with plans that are more than six years old, noting the advances in methodology and flood plain information. technology.

Council President Dale Warman accepted the withdrawn motion and stated this question would be considered again after the presentation of the Capital Improvement Program.

**COU2013-15 Consider APPROVAL OF A CONTRACT WITH Little Joe's Asphalt Inc. for the 2013 Street Repair Program**

On April 19, 2013, the City Clerk opened bids for Project 5001: 2013 Street Repair Program. This program consists of asphalt street repairs at various locations throughout the City. The program addresses area where settlement or deterioration has occurred and make repairs in those areas.

The following four bids were received

Little Joe's Asphalt, Inc.	\$122,049.32
O'Donnell & Sons Construction	\$124,787.50
O'Donnell Way Construction	\$129,953.50
McAnany Construction, Inc.	\$152,500.00
Engineer's Estimate	\$178,125.00

Keith Bredehoeft noted there is \$173,000 budgeted for this project and the contract will be awarded for that amount. Locations of repairs will be increased to utilize the \$173,000 budget. Funding is available in the 2013 Capital Infrastructure Program Project P5001.

Mr. Bredehoeft stated that Little Joe's Asphalt, Inc. has done work in the City over the past two years as a sub-contractor for Linaweaver Construction and the city has been pleased with their work. He also added he had worked with them as a primary contractor when he was employed by the City of Olathe.

Steve Noll made the following motion which was seconded by Michael Kelly and passed unanimously:

**RECOMMEND THE GOVERNING BODY AUTHORIZE THE  
MAYOR TO SIGN THE CONSTRUCTION CONTRACT WITH  
LITTLE JOE'S ASPHALT, INC. FOR PROJECT P5001: 2013  
STREET REPAIR PROGRAM IN THE AMOUNT OF \$173,000.  
COUNCIL ACTION TAKEN  
5/6/2013**

**COU2013-12 Consider Significant Budget Items/Priorities**

**Presentation of General Fund Revenue Assumptions**

Finance Director Lisa Santa Maria distributed and reviewed the General Fund Revenue Assumptions as of May 1, 2013. She noted that the city's top five sources of revenue in 2012 came from five sources and accounted for 84% of the total revenue received.

These sources are as follows:

1) Property Tax	26%
2) Sales Tax	29%
3) Franchise Fees	11%
4) Charges for Services	11%
5) Fines and Fees	7%

Total revenues received in 2012 were 1.7% greater than what was received in 2011 and were at 104.9% of budget. She noted revenues for the first quarter of 2013 were less

than the fourth quarter of 2012, but this is usual. Staff is predicting an increase in revenue of 2%.

Mrs. Santa Maria briefly reviewed the economic outlook from 1999 to 2017 for the US and KS. While Kansas recovery has lagged behind that of the nation, Kansas state employment is forecast to grow at a faster rate than 2012 (1.8%). It is predicted to add 21,000 jobs in 2013 and another 33,000 in 2014 with nearly all sectors of the economy back on a growth tract. It is predicted real personal income will be on the rise by the end of 2014.

**Sales Tax.** Total sales tax received in 2012 was 3.2% above 2011 receipts. Staff is forecasting a conservative growth rate of 2% for 2014.

**Property Tax.** The 2012 budget included a small mil levy rate increase for the hiring of two additional police officers resulting in an estimated 4.77% increase in property tax revenue. Total actual revenues received in 2012 increase 4.5%. Overall, property tax revenues make up 99.6% of budget.

Reappraisal growth is estimated to be 1.08% for all property in the 2014 budget. The mean appraised value for single family homes will increase 0.55% from \$217,873 to \$219,064. Based on this, staff is forecasting property tax to have a moderate 1% increase in 2014. No mill levy increase is being recommended.

**General Fund.** Lisa Santa Maria noted there will be a significant drop in bond interest payments in 2016 with the mill levy going back into the general fund.

**Franchise Fees.** The City charges a franchise fee of 5% of gross receipts on the major utilities within the City. Telephone Franchise fees have been decreasing due to the replacement of land lines with cell phones. Gas and Electric fees are strongly influenced by weather conditions and are difficult to predict. Franchise fees will likely continue to decline as more services are consolidated to “internet services” which do not contribute to franchise fee revenue. Quinn Bennion noted the state legislature in early 2000’s exempted internet provided services from franchise fees.

### **Presentation of Existing City Committee Structure**

Dennis Enslinger presented information on the existing committee structure for the City which includes 19 committees that receive staff support. These fall into two general categories - technical and advisory. He noted there are also ad-hoc committees that are created to address a specific short term need or issue.

Nine of these committees listed below are required by city code, state statues or by-laws and cannot be removed:

ADA Advisory Committee	Animal Control Board
Board of Code Appeals	Board of Zoning Appeals
Civil Service Commission	Municipal Foundation
Park & Recreation Committee	Planning Commission

Police Pension Board	
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However, he noted that the structure and membership of some of these committees could be modified.

Mr. Enslinger stated the following four committees receive direct funding from the City Budget with the 2014 proposed 2014 budget:

- Environment/Recycle Committee \$10,000
- Prairie Village Arts Council \$13,500
- Sister City Committee \$4,000
- Villagefest Committee \$16,000

The Environment/Recycle Committee is requesting an additional \$2,000 to be offset from revenue from the sale of community garden plots. The other funding levels are the same as their 2013 funding. He noted some of the funding given to the Arts Council is in turn given to support both Jazzfest & Villagefest. The actual operating budget for Villagefest is \$25,000 with the committee raising \$9,000 through sponsorships and donations.

Mr. Enslinger noted there are indirect costs associated with all of the committees in the staff time and support they receive from City staff.

Ruth Hopkins stated she was confused by the information given as it does not reflect true costs of the committees, including indirect costs and related expenses; for example, the cost of trees purchased by the Tree Board for Arbor Day. Mr. Enslinger replied it is difficult to get true costs as there are not direct account codes related to each committee and noted that some expenses come out of related department funds. For example, the Board of Zoning Appeals staff time is reflected in Planning Commission hours; trees purchased for Arbor Day come out of a public works budget line item and the staff hours associated with Planning Commission reflect the entire program operational hours, not simply meeting hours.

Michael Kelly asked if the current committee structure was the most efficient or if there was a better approach. Mr. Enslinger replied it is difficult when council members do not want to serve on committees. He noted the past two years; Mayor Shaffer has served as Council liaison to the Sister City Committee because no council member was willing to do so. He also suggested that some of the technical committees may be better served as a staff committee then volunteer committee, such as Animal Control Board. He feels there is room for improvement. Among the information provided was a listing of committees operating in other cities. He noted none of them have 19 standing committees supported by city staff.

Ruth Hopkins asked how other cities operate without committees. Mr. Enslinger noted that in some cases Sister Cities are coordinated by Chambers of Commerce or on their own. Other city events have independent committees supported by chambers of commerce, Rotary or Lions' Clubs, etc.

Michael Kelly noted the Sister City had expressed interest in moving outside the umbrella of the city and forming a separate 501(c). Mr. Enslinger stated they have been given the information to do so years ago, but have not taken any follow-up action.

Brooke Morehead expressed concern with structure of the Planning Commission with the Governing Body not having a voice in planning matters. Mr. Enslinger responded the Planning Commission's make-up is based on the expertise of its members in the areas related to planning, building, zoning law to make objective, informed decisions without the political pressure under which an elected body operates. He noted several years ago many more items were brought to the Governing Body for approval, but at the direction of the Council some items were changed to sole Planning Commission approval.

Charles Clark noted as a past Planning Commission member that for each item the Council would like to be directly involved in there are 10 to 15 items heard by the Commission that they would not want to see. Requiring action by both the Planning Commission and the City Council also significantly lengthened the time involved for approval and slowed development. David Morrison agreed with Mr. Clark and noted the technical expertise of the Commission. However, he suggested that possibly projects of a certain size could be brought to the Council for approval.

Dennis Enslinger responded that following the completion of the budget, staff will bring back to the Council for consideration the Planning Commission Structure and what items have only Planning Commission approval.

Ruth Hopkins stated she felt the presented information was inaccurate and an unfair representation without the inclusion of committee related expenditures, accurate staff time analysis and indirect costs.

Laura Wassmer moved the Council Committee authorize staff to include in the 2014 budget the identified committee budgets and establish a committee to further study committee structure. The motion was seconded by Brooke Morehead and passed. Council members Hopkins, Odell and Morehead agreed to serve on that committee.

Ted Odell noted he views the Planning Commission/Governing Body role as one of checks and balances. Brooke Morehead stated she would like more guidance on the role of council liaison's and staff.

### **Adjournment**

With no further business to come before the Council Committee, Council President Dale Warman adjourned the meeting at 7:20 p.m.

Dale Warman  
Council President