

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

The City Council of Prairie Village, Kansas, met in regular session on Monday, August 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, Dale Warman, Ruth Hopkins, 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 Director of Public Works; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Dennis Enslinger, Assistant City Administrator; Lisa Santa Maria, Finance Director; Danielle Dulin, Assistant to the City Administrator; Nic Sanders, Human Resources Specialist; Jim Brown, Building Official; Jeanne Koontz, Deputy City Clerk/Public Information Officer and Joyce Hagen Mundy, City Clerk.

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

PUBLIC PARTICIPATION

Trisha Miller, 4111 West 73rd Terrace, stated she was asked by Chuck Dehner to speak to the Council. She expressed opposition to the approval of a drive-thru at the Prairie Village Shops. The shopping center supports a strong community of walkers and the placement of a drive-thru will negatively impact the walkability of this area. However, she was even more demoralized by comments she overheard by a staff

member during the consideration of the drive-thru that “it was a done deal”. This is not reflective of representative government. She stated that Mr. Dehner has told her that the Planning Commission is made up of a bunch of the Mayor’s cronies and do not think independently. She also attended the Commission hearing on Mission Chateau and felt the Commission did not listen to the public comments as reflected in their actions. She is upset with the 1% sales tax at the centers going to wealthy, lawyers, developers and property owners.

Chuck Dehner, 4201 West 68th Terrace, spoke again in protest to the giveaway of taxpayer dollars under the CID. He noted his earlier challenge of the reimbursement for work done on Johnny’s was in error as the CID was amended to include the Johnny’s property. However, he continued to challenge the reimbursements being made and the lack of detail on reimbursement requests, noting payment of two very similar payments legal fees to Polsinelli for \$620. In his review of reimbursement requests, he finds one common thread - contributions to Mayor Shafer’s re-election campaign.

Mr. Dehner continued to question the 12 points in the CID agreement, particularly where the issuance of bonds became part of the agreement and the payment of vague reimbursement requests. He urged the Council to listen to its residents and deny the upcoming request for a special use permit at 8500 Mission Road - to be a representative government.

With no one else to address the Council Public Participation was closed at 7:42 p.m.

CONSENT AGENDA

Dale Warman moved the approval of the Consent Agenda for August 19, 2013:

1. Approve Regular Council Meeting Minutes - August 5, 2013
2. Approve Claims Ordinance #2908
3. Approve the 2014 Mission Hills Public Safety Contract and the 2014 Mission Hills Budget for law enforcement services.
4. Approve food vendor agreements with Taco Republic, 39th Street Bevco of Kansas, LLC, Standees and Spin Pizza for the 2013 Prairie Village Jazz Festival on September 7, 2013
5. Approve a waiver to allow the serving of alcoholic beverages at Harmon Park on Saturday, September 7, 2013 in conjunction with the Prairie Village Jazz Festival
6. Approve Ordinance 2290 designating the Prairie Village Jazz Festival as a special event.
7. Approve a contract with S.E.C.T. Theatre Supplies for the stage, sound, lighting and roof for Jazz Fest
8. Approve an addendum to the existing User Agreement between the City of Prairie Village and the City of Overland Park regarding Intergraph maintenance and upgrade costs
9. Authorize the Mayor to execute the Constitution Week proclamation
10. Adopt Resolution 2013-2 proclaiming the week of September 30 - October 4, 2013 as Prairie Village Peanut Butter Week
11. Approve Resolution 2013-03 changing the time and place for the September 2, 2013 City Council meeting

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

MAYOR'S REPORT

Mayor Shaffer reported he represented the City at several events during the past weeks including a meeting of elected architects, JazzFest Sponsor Appreciation Event, City of Gardner parade, Mission East Gateway Groundbreaking and Northeast Chamber luncheon featuring the new Shawnee Mission School District Superintendent.

COMMITTEE REPORTS

Council Committee of the Whole

COU2013-24 Consider Ordinance 2291 amending insurance requirements for Street Races and Parades

On behalf of the Council Committee of the Whole, Council President Dale Warman moved the City Council approve Ordinance 2291 amending Chapter IX of the Prairie Village Municipal Code entitled “Public Offenses and Traffic” by amending Article 10 entitled “Parades” by amending Section 11-1005 entitled “Permit Issuance Standards” and Article 11 entitled “Street Race Contests” Section 11-1105 entitled “Permit Issuance Standards”. The motion was seconded by Laura Wassmer.

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

JazzFest Committee

Brooke Morehead reported approximately 40 people attended a sponsor appreciation event hosted by the JazzFest Committee and UMB. She noted UMB is very pleased to be presenting sponsor for the festival. Yard signs for the festival are available. Mrs. Morehead encouraged council members to volunteer and attend the event. The KC Star continues to recognize the level of talent that will be performing.

STAFF REPORTS

Public Safety

- Wes Jordan reported on the aggravated burglary that occurred earlier in the day.

Public Works

- Keith Bredehoeft reported on the Mission Bridge work over the past weekend.
- 63rd Street Project is still underway; however, the street was paved and opened prior to the beginning of school.
- 83rd Street Nall to Lamar was chip sealed in a joint project with the City of Overland Park.
- On Saturday, sunflowers will be planted at City Hall by the Sister City Committee in commemoration of Ukraine Independence Day.

Administration

- Danielle Dulin noted Saturday, August 24th is the Ukraine Independence Day and in commemoration the Sister City Committee will be planting sunflowers which are the national flower and well as the state of Kansas flower.

- The pool will remain open until Labor Day
- The Park & Recreation Committee will begin meeting in September. There are currently vacancies on the committee representing Wards 3, 5 & 6.
- Quinn Bennion announced the Google Community Information Session on Monday, September 23rd from 5:30 to 7:30 and noted this will be in the Village Voice.
- The City will be hosting a reception for Dennis Enslinger on August 28th from 3:30 to 5:00 p.m.
- Search for Public Works Director is on-going. James Mercer is currently still screening candidates.
- Search for Assistant City Administrator has been posted with applications due the first week in September.
- Staff has been working on record requests and interrogatories from the District Attorney's office related to the charges against Councilman Morrison. The trial date is October 7 to 10 and 17 city employees have been called to witness.

City Attorney Katie Logan and Assistant City Administrator Dennis Enslinger provided written information on the upcoming zoning items coming from the Planning Commission. Mr. Enslinger reported that a valid protest petition has been submitted for the requested Special Use Permit for a Senior Living Community at 8500 Mission Road. 20% of adjacent property owners are required for the petition which include over 50% of the adjacent property owners. This will require 10 affirmative votes for approval.

City Attorney Katie Logan reviewed the process required to be followed for zoning applications. The statutes require the public hearing on applications to be held before the Planning Commission and that the information presented to the Commission be the basis for the Council's decision. All evidence must be made aware to all as the Council is acting in a quasi-judicial capacity. The Council cannot make its determination only on the opinion of the neighbors. If so, it will be overturned in a legal challenge.

Mr. Enslinger stated that staff will prepare a report based on the recommendation of the Planning Commission. All Council members will be receiving all of the information given to the Planning Commission (62 documents) as well as the minutes from their meetings and a court reporter transcript of those meetings as well. This

information is also available on the city's website on the Mission Chateau Project Page. No new information that was not available to the Planning Commission in making their decision can be considered. The City will need to establish a record of basis for the decision of the Governing Body. In order to do so, when the roll call vote is taken, each person needs to briefly state the reason for their vote with that reason being tied to the factors for consideration. If you are in support, you can simply say that you support the findings of the Planning Commission. Mr. Enslinger noted that all factors for consideration are not required for approval or denial. At the September 16th meeting of the City Council staff will present a written Resolution of Action for approval.

Ted Odell asked what happens if a Councilmember is gone. Mrs. Logan responded ten affirmative votes are required for approval. If there were any fewer votes, the motion would die.

Charles Clark confirmed the application can be sent back to the Planning Commission for reconsideration. Mr. Enslinger noted that it would take a simple majority to return to the Planning Commission and 9 votes to overturn the recommendation of the Commission.

Mr. Clark stated he is still getting correspondence and asked how it should be handled. Mr. Enslinger stated staff continues to also receive information. Any information received will be made available to the City Council, however, you are not obligated to forward information received to the City Clerk.

Mr. Enslinger stated the following schedule will be followed for the meeting on September 3rd. The Council Committee of the Whole will meet from 6:00 to 6:30 p.m. The Council meeting will take place from 6:30 to 7:00 covering all items under than the Special Use Permit Request for Mission Chateau, which will begin at 7:00 p.m. Both the

applicant and the opposition will have an opportunity for presentation with the Council able to ask questions. Public Comment will be received, but it will be limited to 5 minutes per individual. (It was noted later in the meeting that the meeting time had been published in the Village Voice at 7:30, therefore, it was decided that the Mission Chateau application would not be heard until 7:30 p.m.)

Brooke Morehead asked if information on the process and the responsibilities of the Governing Body could be published. Mr. Enslinger responded it is not an easy process to explain, but he would try to come up with appropriate language. Mrs. Morehead suggested that perhaps the memo prepared by the City Attorney could be made available.

OLD BUSINESS

There was no Old Business to come before the City Council.

NEW BUSINESS

Consider review of a massage therapy license for Robert Hix to work at Massage Envy, 7614 State Line Road

City Attorney Katie Logan stated on July 24, 2013, Mr. Robert Hix submitted an application for a massage therapist license. Upon reviewing the application, the City Clerk noted that Mr. Hix stated he had been denied a license by the City of Lenexa. City Clerk staff verified the denial in March of 2013 by the City of Lenexa. According to Section 5-510v of the City Code, the City Clerk cannot issue a massage therapy license to an individual who has been denied or had a license revoked within five years. The Code allows for an appeal of the decision of the City Clerk, which Mr. Hix has requested.

Robert Hix, 13187 West 88th Court, appeared before the Council to present his appeal. He noted the criminal charges not disclosed on his Lenexa application occurred in his youth, more than ten years ago, and stated he's had no recent criminal violations.

Laura Wassmer confirmed that Mr. Hix has been offered employment with Massage Envy in Prairie Village. She feels that everyone makes mistakes in their youth. Mr. Hix currently has a clean record, has been offered a position with his potential boss writing a letter in support of him. She supports his appeal to be issued a massage therapy license. Mr. Odell agreed with Ms. Wassmer.

Dale Warman confirmed there was no omission or falsification of information on the application submitted to Prairie Village. Andrew Wang asked when his previous violations occurred. Mr. Hix responded in 1999, 2002 and 2006. Steve Noll asked where the violations took place. Mr. Hix replied Shawnee and Kansas City, Kansas.

David Morrison stated he spoke with Mr. Hix supervisor and she provided a positive review.

David Morrison moved the City Council approve Mr. Hix's appeal and direct the City Clerk to issue him a massage therapy license. The motion was seconded by Laura Wassmer and passed unanimously.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

Prairie Village Arts Council	08/21/2013	7:00 p.m.
Environmental/Recycle Committee	08/28/2013	7:00 p.m.
JazzFest Committee	08/28/2013	7:00 p.m.
Council Committee of the Whole	09/03/2013	6:00 p.m.
City Council	09/03/2013	7:30 p.m.

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The Prairie Village Arts Council is pleased to announce a mixed media exhibit by the Olathe Visual Artists in the R. G. Endres Gallery for the month of August.

City offices will be closed Monday, September 2, in observance of the Labor Day holiday. Deffenbaugh also observes this holiday so trash and recycling will be delayed one day.

The pool closes for the season on Monday, September 2nd at 6:00 p.m.

The Prairie Village Jazz Festival is Saturday, September 7th from 3 p.m. to 11 p.m. in Harmon Park.

Flu shots will be offered for Council Members on September 25 from 7:30 a.m. to 9 a.m. at Public Works "B" Building or from 3:00 to 4:30 p.m. in the Multi-Purpose Room. The fee for the shot is \$27. Please notify Nic Sanders at 913-285-4664 if you plan to receive a shot.

Dale Warman added the Relay for Life walk will occur at Franklin Park this Saturday, August 24th.

ADJOURNMENT

With no further business to come before the City Council, the meeting was adjourned at 8:35 p.m.

Joyce Hagen Mundy
City Clerk