

**COUNCIL COMMITTEE OF THE WHOLE**  
**December 2, 2013**

The Council Committee of the Whole met on Monday, December 2, 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: Mayor Shaffer, Ashley Weaver, Ruth Hopkins, Steve Noll, Laura Wassmer, Brooke Morehead, Charles Clark, Ted Odell and David Belz. Staff Members present: Wes Jordan, Chief of Police; Keith Bredehoeft, Public Works Director; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Lisa Santa Maria, Finance Director; Danielle Dulin, Assistant to the City Administrator; Nic Sanders, HR Specialist and Joyce Hagen Mundy, City Clerk.

**Presentation by LegaC - Annual Corinth Square and Village Shops Update**

Kylie Stock with LegaC Properties presented the annual Corinth Square and Village Shops CID update. Ms Stock presented photographs of the progress on the new retail building replacing the Waid's building. The estimated finished cost of this building is \$1.7M. She acknowledged the delay in the completion of this building and called upon John Davis with Foresight Real Estate Services who explained the delay was primarily due to the poor soil composition beneath the surface requiring additional new soil to be brought in for fill and delays caused by unmapped Johnson County Wastewater lines. The projected completion of the new building is the middle of January. 2,700 square feet will be leased to Starbucks with a projected opening in April, 2014. They do not have the other space under contract at this time. The vacated Starbucks space and the site previously occupied by Dolce will be turned over to Einstein Brothers, who have a target opening dated of September, 2014.

With the delay in completion of the new retail building, they have postponed beginning work on Mission Lane until March/April of 2014. This work will be done in stages to have minimal disruption in traffic at the center and they will be seeking permission to work extended hours on the project. The projected completion is November 2014 at an estimated cost of \$2.5M

Hen House renovations have been tabled due to the holidays. The total estimated improvements to the shopping center will be approximately \$4.0M

Ms Stock reviewed the timetable for improvements at Corinth Shopping Center beginning with Phase 1 - CVS in April, 2013; Phase 2 - Main Square Improvements - completed in October, 2012 and Phase 3 - Hen House Renovation completed in June, 2013.

Lane4 commissioned local artist Matthew Dehaemers to do the recently installed Art Sculpture called "Prairie Evolution". The piece is built from steel frame with colored glass and is located at the front of the center between Salty Iguana and Spin Pizza. The CID agreement commits 10% of the expenditures be spent on art at the Center. Brooke Morehead confirmed that 10% of \$4M was spent. Ms Stock noted with cost of the

sculpture, the fountain and electrical work plus planned landscaping by the sculpture will exceed \$80,000.

Plans for the Corinth Square Shopping Center in 2014 include a facelift of the Hattie's building with new façade, roof and new signage. They are also looking at replacing the monument sign at Corinth South. Mrs. Morehead asked about the Arby's building. Ms Stock responded that they do not own Arby's. It has a ground lease.

### **Report from Consolidated Fire District #2**

Fire Chief Gary Lamons with Consolidated Fire District #2 provided an update on fire activity. The total number of calls received over the past year has increased by 15% and the fire loss numbers are also higher although the number of fire calls is down. He was pleased to report the Strategic Planning Process started this summer has been completed and the report is available on their website. The department is anticipating several retirements in 2014 and has begun the hiring process anticipating hiring 3 or 4 new personnel.

The Department has closed on the property on the south end of Meadowlake Golf Course, 95<sup>th</sup> & Rosewood for their new fire station to replace the existing station at 9011 Roe. Charles Clark stated he has received calls from residents surrounding this property regarding the impact of the new station. Chief Lamons stated they would be having meeting with the surrounding neighbors and stated he anticipates the impact to be very similar to that experienced by the current station on Roe.

### **\*COU2013-51 Consider Request to Publish the Amendment to the 2014 Budget - Special Alcohol Fund**

Finance Director Lisa Santa Maria stated that under KSA 79-41a04 the City receives a distribution from the Local Alcoholic Liquor Fund and is required to deposit 1/3 of the monies to the general fund, 1/3 to a special parks and recreation fund and 1/3 to a special alcohol and drug programs fund. The monies in the special alcohol and drug program have to be used for services or programs whose main purpose is alcoholism and drug abuse prevention and education. The D.A.R.E program is funded from these funds. The estimated fund balance at the end of 2014 is \$101,834. The Police Department has determined it will be able to expend part of this fund balance on the D.A.R.E program in 2014. Since the 2014 budget was set prior to them having this information, it is recommended to amend the budget to allow the use of the funds.

This Amendment to the 2014 Budget increases the total expenditure budget for the Special Alcohol Fund by \$20,000. The attached form is required by the State in order for the City to amend its budget.

Funding for the expenditures in the Special Alcohol Fund comes from the existing Liquor Excise tax. There will not be a change to the tax levy that was originally published for the 2014 budget. The amendment allows for increased expenditures in the D.A.R.E program.

State statutes require that the City hold a public hearing on the budget amendment at least ten days after publication. To comply with these statutory requirements, the public hearing has been scheduled for the City Council's regular meeting on Monday, December 16, 2013. The Notice of Budget Hearing will be published in The Legal Record on Tuesday, December 3, 2013

Ruth Hopkins questioned why this was not included in the initial budget adopted in August. Mrs. Santa Maria stated funds were included in the original budget; however, it has been determined that additional funds are available to be used and this amendment makes it possible for the Police Department to access these funds.

Charles Clark made the following motion, which was seconded by Steve Noll and passed unanimously:

**AUTHORIZE STAFF TO PUBLISH THE AMENDMENT TO  
THE 2014 BUDGET AS REQUIRED BY STATE STATUTES  
COUNCIL ACTION TAKEN  
12/02/2013**

**\*COU2013-52 Consider Request to Publish the Amendment to the 2013 Budget**

Lisa Santa Maria presented an amendment to the 2013 Budget increasing the total expenditure budget for the Corinth Community Improvement District and the PV Shops Community Improvement District. The original 2013 Budgets were adopted based on lower forecasted beginning fund balances. The ending 2012 fund balances were higher than expected due to lower than anticipated 2012 reimbursements.

This Amendment to the 2013 Budget establishes a budget that reflects maximum expenditures for the Corinth CID and the PV Shops CID. The attached form is required by the State in order for the City to amend its budget.

Funding for the expenditures in the CID Funds comes from the existing 1.00% sales tax. There will not be a change to the tax levy that was originally published for the 2013 budget. The amendment does not alter or change the CID agreement or commitments.

State statutes require that the City hold a public hearing on the budget amendment at least ten days after publication. To comply with these statutory requirements, the public hearing has been scheduled for the City Council's regular meeting on Monday, December 16, 2013. The Notice of Budget Hearing will be published in The Legal Record on Tuesday, December 3, 2013.

Charles Clark made the following motion, which was seconded by Steve Noll and passed unanimously:

**AUTHORIZE STAFF TO PUBLISH THE AMENDMENT TO  
THE 2013 BUDGET AS REQUIRED BY STATE STATUTES  
COUNCIL ACTION TAKEN  
12/02/2013**

**\*COU2013-53 Consider Adopting a Resolution to prohibit the carrying of firearms in Prairie Village Municipal Buildings in accordance with Kansas House Bill 2052**

City Attorney Katie Logan stated Kansas House Bill 2052 requires the city to prohibit firearms in designated facilities. The City Council has provided guidance to Staff to prepare a Security Plan and adopt a Resolution to meet the 4-year exemption guidelines specified in House Bill 2052. The Security Plan and Resolution are required in order to continue prohibiting firearms in Prairie Village Municipal Buildings. During the exemption period, the City will have time to budget for any additional security measures required.

Ruth Hopkins made the following motion, which was seconded by Laura Wassmer and passed unanimously:

**ADOPT RESOLUTION 2013-06 PROHIBITING THE CARRYING  
OF FIREARMS IN PRAIRIE VILLAGE MUNICIPAL BUIDLINGS IN  
ACCORDANCE WITH KANSAS HOUSE BILL 2052  
COUNCIL ACTION TAKEN  
12/02/2013**

**COU2013-54 Consider Amendment to Municipal Code regarding Vacancy in the Office of the Mayor**

Quinn Bennion noted in June, 2001, the City Council adopted Charter Ordinance No. 20 relating to filling a vacancy in the office of the Mayor. The ordinance was duly published and became effective 61 days after final publication in the Johnson County SUN on Wednesday, July 1, 2001.

The Charter Ordinance outlines the process to fill a Mayoral vacancy as follows:

- The Council President acts as Mayor for a period of time not to exceed 30 days.
- A Mayor is elected from the members of the Council to serve until the next scheduled City election
- The vacancy in the Council seat shall be filled by appointment of the Mayor to complete the term of office.

The existing code was not revised to be consistent with the Charter Ordinance and staff has prepared an ordinance amending the current code to be in agreement with the Charter Ordinance. The City Attorney has reviewed and approved the proposed amendment.

Mr. Bennion stressed that the Charter Ordinance supersedes the ordinance language in the municipal code. City Attorney Katie Logan confirmed this.

Ted Odell noted the code in noncompliance with the Charter Ordinance is also found in Section 6-105 under "Elections". He asked what the intent of the change made by the Charter Ordinance.

Ruth Hopkins responded that the Council felt that under the existing code that has the Council President becoming Mayor until the next Mayoral election opened the door for an inexperienced Council member to take on the position of Mayor for a potentially significant length of time. The Council wanted more control in who would become Mayor and to have that position filled by the election process, without the cost of a special election at the next city election.

Ted Odell stated he would like to see the process to be followed included in the code, noting that it could become contentious.

Ruth Hopkins made the following motion, which was seconded by Andrew Wang and passed by a vote of 8 to 2 with Morehead and Odell voting “nay”.

**THE GOVERNING BODY ADOPT AN ORDINANCE AMENDING  
CHAPTER 1 OF THE PRAIRIE VILLAGE MUNICIPAL CODE,  
1973, ENTITLED “ADMINISTRATION” ARTICLE 2 ENTITLED  
“GOVERNING BODY” BY REPEALING THE EXISTING SECTION  
1-208 ENTITLED “VACANCIES IN GOVERNING BODY; HOW FILLED”  
AND ADOPTING A NEW SECTION 1-208 ENTITLED “VACANCIES  
IN GOVERNING BODY; HOW FILLED” AND AMENDING CHAPTER  
VI ENTITLED “ELECTIONS” ARTICLE 1 ENTITLED “CITY ELECTIONS”  
SECTION 6-105 ENTITLED “COUNCILMEMBERS ELECTIONS; TERMS”  
COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

Mrs. Hopkins expressed concern that the Code was not updated in 2001 and asked how this happened. Staff explained that a Charter Ordinance does not become effective until 61 days after its publication. She was not involved in this ordinance and did not know why another ordinance was not prepared to change the code. She added that not all Charter Ordinances are reflected in the Municipal Code.

Ruth Hopkins asked if there were adequate checks and balances in place. Mr. Bennion responded he felt there were. The Code is recodified periodically.

Mrs. Morehead noted she googled “Municipal Code” and the code that was brought up was dated 2005 and listed Council members from 2005. Mr. Bennion explained the adopting ordinance of recodification of the code lists the Council members at the time of codification. He noted the first page indicates an update was made on September 13, 2013.

Charles Clark stated he felt the Charter Ordinance change is an improvement to the existing process for filing a mayoral vacancy without the expense of holding a special election.

**EXECUTIVE SESSION**

Charles Clark moved pursuant to KSA 75-4319 (b) (6) that the Governing Body, recess into Executive Session in the Multi-Purpose Room for a period not to exceed 15 minutes

for the purpose of discussion of possible acquisition of property. Present will be the Mayor, City Council, City Administrator, Assistant to the City Administrator and City Attorney. The motion was seconded by Laura Wassmer and passed unanimously.

Council President Dale Warman reconvened the meeting at 7:05 p.m.

## **STAFF REPORTS**

### **Public Safety**

- Chief Jordan advised that CodeRed service will expire at the end of the year. A final CodeRed message will be sent advising those receiving CodeRed messages that they may sign up for similar messages through the Notify JoCo system.
- Chief invited Council members to join staff for the “Shop with a Cop” event on Thursday afternoon, December 12<sup>th</sup> in conjunction with the Prairie Village Municipal Foundation.

### **Public Works**

- Keith Bredehoeft announced the upcoming meeting on the Rock Creek Project next Tuesday.
- The final paving project, 68<sup>th</sup> Street was completed last weekend.
- The Professional Engineering Services will be received on Wednesday and the selection committee including Brooke Morehead and Ted Odell will meet next week to review the proposals.
- The dedication of the 9 mile point signs in Weltner Park was held last weekend.
- There is a possibility of snow this coming weekend - staff is ready.

Brooke Morehead asked if the City had considered providing leaf pickup services by staff or through an outside contractor. Mr. Bredehoeft responded it has been discussed in the past. Laura Wassmer asked that it be investigated. Steve Noll explained the program operated by their homes association for these services.

### **Administration**

- Danielle Dulin announced that three vendors have provided sample chairs to replace the existing Council Chairs. The chairs are located in the MPR and Council members should try them and select their preferred chair. Mrs. Dulin noted the same chair will be purchased for all.
- The Planning Commission will hear the Mission Chateau application tomorrow evening. The meeting site has been moved to the Shawnee Mission East Cafeteria to accommodate the anticipated public attending the meeting.

## **ADJOURNMENT**

Council President Dale Warman adjourned the meeting at 7:20 p.m.

Dale Warman

Council President