

**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
December 16, 2013**

The City Council of Prairie Village, Kansas, met in regular session on Monday, December 16, 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, Ted Odell and David Belz.

Also present were: Wes Jordan, Chief of Police; Keith Bredehoeft, Director of Public Works; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Kate Gunja, Assistant City Administrator; Lisa Santa Maria, Finance Director; Danielle Dulin, Assistant to the City Administrator; Nic Sanders, HR Specialist and Joyce Hagen Mundy, City Clerk.

Mayor Shaffer led those present in the Pledge of Allegiance.

PRESENTATIONS

2013 Citizen's Police Academy Graduation

Sgt. Myron Ward presented the 2013 graduating class of the Prairie Village Citizens Police Academy. He noted that the 14 member class included both a student and adults. Sgt. Ward introduced Melissa Bruce, a student at Shawnee Mission East, as the class speaker. Ms Bruce shared the experiences from the class noting the favorite class activities were the trip to the Johnson County Crime Lab and the individual

police ride along. Chief Jordan commended Sgt. Ward on his coordination of this program then he and Mayor Shaffer presented the graduates with their certificates.

PUBLIC HEARINGS

Mayor Shaffer noted two public hearings have been appropriately published for amendments to the 2013 and 2014 city budgets. He reviewed the procedure to be followed in the public hearings and called upon Finance Director Lisa Santa Maria to present the amendments.

2013 Budget Amendment Hearing

Finance Director Lisa Santa Maria noted the amendment to the 2013 budget increases 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 reimbursement. The proposed amendment establishes a budget that reflects maximum expenditures for the Corinth CID and the PV Shops CID.

Funding for the expenditures in the CID Funds comes from the existing 1.00% sales tax. There will not be a change in the tax levy published in the 2013 budget nor does the amendment alter or change the CID agreement or commitments.

Andrew Wang asked why the amendment was necessary. Mrs. Santa Maria explained the amendment grants the city the authority to payout more funds noting that more work was done in 2013 than was anticipated when the budget was prepared.

Mayor Shaffer opened the public hearing for comment. No one was present to address the Council and the public hearing was closed at 7:43 p.m.

Dale Warman moved the Governing Body adopt the 2013 Budget Amendment as published. The motion was seconded by Ruth Hopkins and passed unanimously.

2014 Budget Amendment Hearing

Finance Director Lisa Santa Maria noted the amendment to the 2014 budget increases the total expenditure budget for the Special Alcohol Fund by \$20,000. Under K.S.A. 79-41a04, the City receives a distribution from the Local Alcoholic Liquor Fund and is required to deposit 1/3 of the monies in the general fund, 1/3 to a Special parks and recreation fund and 1/3 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. Mrs. Santa Maria noted that since the 2014 budget was set prior to having this information, staff is not amending the budget to allow them to use these funds.

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

Mayor Shaffer opened the public hearing for comment. No one was present to address the Council and the public hearing was closed at 7:48 p.m.

Dale Warman moved the Governing Body adopt the 2014 Budget Amendment as published. The motion was seconded by Laura Wassmer and passed unanimously.

PUBLIC PARTICIPATION

Don Goldenbaum, 5300 West 67th Street, stated Ashley Weaver had suggested he appear before the Council. He noted several of his neighbors were also in attendance. Approximately a month ago a neighbor parked his 30' airstream trailer in his side yard. When you add the truck that is parked in his driveway, you have a mass the size of a semi-truck. He has been told the camper is in compliance with the city's code; however, he feels it is an eyesore, affects the livability of the neighborhood and he has concern on the long term impact on property values. He would like to see the City change its code, noting that other area cities have restrictions in place on the parking of such vehicles.

Richard VanAuken, 5217 West 67th Street, supports the neighbor's request. He noted the resident stated that he moved to Prairie Village because it would allow him to park his recreational vehicle on his property. He doesn't want to see others do the same.

Jim Porter , 67th & Fonticello, stated he doesn't see the trailer except when he is walking to church; however, he feels that for the overall good of Prairie Village the code should be amended to be more restrictive.

Murray Levin on 67th Street urged the Council to compare the city's existing code with that of other cities. The cities of Mission Hills and Westwood prohibit the parking of such vehicles. He has not seen any other codes as unrestrictive as the City's.

Suzanne Johnson, on 67th Street noted the current trailer is attractive; however, that doesn't prevent someone from parking an old rundown unattractive trailer on their property.

Mayor Shaffer stated that this would be discussed more under New Business.

Chuck Dehner, 4201 West 68th Terrace, addressed the Council regarding three items: 1) Mr. Bennion's defamation of character statements - noting he had documentation to back up all of the statements he has made before the Council. 2) Some \$39M to \$40M in improvements that the developer can request bonds. and 3) the giving away of low to middle income citizens money for improvements on privately owned property. All of these actions are wrong. He expects to see an apology reflected in the minutes from Mr. Bennion. He noted several references to bonds in the CID agreement and noted the City is responsible to take action against the CID agreement. The expenditures being reimbursed under the CID are an inappropriate use of taxpayer money. The Council was wrong in approving the CID and the developer is wrong in accepting the funds.

Mayor Shaffer closed public participation at 8:00.

CONSENT AGENDA

Laura Wassmer asked for the removal of items 3, 4, 6, 7, 8 and 9. Ted Odell asked for the removal of item #11.

Dale Warman moved the approval of the Consent Agenda for Monday, December 16, 2013 as amended:

- Approve Regular Council Meeting Minutes - December 2, 2013
- Approve Claims Ordinance 2912
- Removed
- Removed
- Approve a three year contract with Coffee Plus for coffee service in 2014 with renewal in 2015 and 2016
- Removed
- Removed
- Removed
- Removed

- Approve contract agreement with Kansas City Tree Care, LLC for \$61,444 for trimming trees in City right-of-way and parks
- Removed

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

Laura Wassmer asked why the significant increase in the Great Plains SPCA agreement. Chief Jordan responded the same agreement is used by all cities using the services of Great Plains SPCA. He noted that the city is saving approximately \$1500 per month by using Great Plains, so even with an increase the city’s fees are still significantly lower than under the previous provider.

Laura Wassmer noted that Section 2.2 of the service agreements she removed contain the name and contact information for a former employee. The City Clerk noted that she had drawn through the references and the contract language now reads “The Field Superintendent . . .” without any reference to an individual as that position is currently vacant.

Laura Wassmer moved the approval of the following:

- Approve Contract Agreement between Great Plains SPCA and the City of Prairie Village for Animal Care Services in 2014
- Approve a three year contract with Weather or Not for weather services in 2014 with renewal in 2015 and 2016
- Approve a three year contract with Jani-King of Kansas City for custodial services for 2014 with renewal in 2015 and 2016
- Approve a three year contract with Deffenbaugh Industries Inc. for roll-off container services for 2014 with renewals in 2015 and 2016
- Approve a three year contract with Lexington Plumbing for plumbing services for 2014 with renewal in 2015 and 2016
- Approve a three year contract with Arbor Masters for Tree Services in 2014 with renewal in 2015 and 2016

The motion was seconded by Charles Clark and passed unanimously.

Ted Odell stated he is concerned that the proposed ordinance does not address the process or procedures to be followed in the election of a councilmember to replace

the Mayor. He would like to see the process in writing. He feels the ordinance as written is too open ended.

Charles Clark asked what format - an ordinance, resolution or policy.

Katie Logan stated the action being taken in the ordinance is a formality to bring the code into agreement with a Charter Ordinance that was adopted in 2001. Quinn Bennion added if no action were taken the Charter Ordinance would still supersede anything in the code or in policy. Mayor Shaffer stated the inconsistency between the Charter Ordinance and the municipal code needs to be addressed.

Laura Wassmer stated she is fine if the code is approved and a policy is considered later to address the process. Ted Odell stated he would also like to see a written process for the selection of Council President.

Laura Wassmer moved the Governing Body adopt Ordinance 2300 amending Chapter 1 of the Prairie Village Municipal Code, 2003, entitled "Administration" Article 2 entitled "Governing Body; How Filled" and adopting a new Section 1-208 entitled "Vacancies in Governing Body; How Filled" and amending Chapter 6 entitled "Elections" Article 1 entitled "City Elections" Section 6-105 entitled "Councilmembers Elections:Terms" The motion was seconded by David Belz.

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

MAYOR'S REPORT

Mayor Shaffer reported on activities representing the City during the past two weeks including the following: meetings with area legislative representatives; holiday functions for Johnson/Wyandotte County Mayors Association; Mission Hills; United Community Services; MARC; City Employee Luncheon and Volunteer Holiday Dinner. He also attended the funeral of former Merriam Mayor Irene French; the Kansas Legislative Breakfast; Northeast Johnson County Chamber Breakfast and the Mayors' Holiday Tree Lighting Ceremony.

Appointment of Ward V Council Member

Mayor Shaffer stated that over the past several weeks, he has interviewed candidates for the vacant Council position in Ward 5. He is pleased to offer for Council

ratification the appointment of Courtney McFadden to fill the vacant Council seat in Ward 5 expiring in April, 2016.

Courtney McFadden introduced herself noting that she has been a resident for four and a half years. Professionally she works in management for AT&T and is excited to have the opportunity to serve the residents of Prairie Village and Ward 5.

Steve Noll moved the City Council ratify the Mayor's appointment of Courtney McFadden to fill the vacant Council seat in Ward 5 expiring in April, 2016. The motion was seconded by Dale Warman and passed unanimously.

Oath of Office

Mayor Shaffer/City Clerk Joyce Hagen Mundy administered the Oath of Office to Courtney McFadden to serve as Council representative for Ward 5 of the City of Prairie Village, Kansas.

Mayor Shaffer welcomed Mrs. McFadden to her seat among the Council. He advised the Council that during the interview process he specifically directed the candidates to not discuss with him their feelings or views on the upcoming Mission Valley application for a special use permit.

COMMITTEE REPORTS

Council Committee of the Whole

COU2013-55 Consider approval of use of Contingency Funds for 2013 Legal Expenses

On behalf of the Council Committee of the Whole, Dale Warman moved the City Council approve a transfer of \$135,000 from the General Fund Contingency to Legal Services. The motion was seconded by Ruth Hopkins and passed unanimously.

COU2013-57 Consider approval of 2014 Joint City/County Legislative Platform

On behalf of the Council Committee of the Whole, Dale Warman moved the City Council adopt the 2014 Joint City/County Legislative Platform. The motion was seconded by Ruth Hopkins and passed unanimously.

COU2013-15 Consider KDOT Agreement for Project 75ST001: 75th Street - Stateline Road to Mission Road

On behalf of the Council Committee of the Whole, Dale Warman moved the City Council authorize the Mayor to sign KDOT Agreement No. 26-13 for Project 75ST001: 75th Street - Stateline Road to Mission Road. The motion was seconded by Ruth Hopkins and passed unanimously.

STAFF REPORTS

Public Safety

- Chief Jordan stated that Great Plains SPCA will be expanding their facilities and feels the cost increase is related to the expansion. The City is still saving money under this agreement.

Public Works

- Keith Bredehoeft attended the meeting on the Rock Creek Project.
- The past weekends the crews treated streets for ice and snow.

Ruth Hopkins reported that ice has developed over the low water crossing at 74th and Tomahawk. Mr. Bredehoeft responded that he would investigate.

Administration

- Danielle Dulin announced that new Council chairs have been ordered and will be delivered in 6 to 8 weeks.
- Franklin Park has been chosen to receive funds from Macy's National Recreation and Parks Program. There is no restriction on the use of the funds except that they must be used for Franklin Park.
- City Hall Day is February 6th contact Danielle if interested in attending.
- Lisa Santa Maria announced that the City has received the GFOA award of excellence for the 2012 CAFR.
- The State of the Cities luncheon will be held January 16th. Let Quinn or Joyce know if you want to attend.
- Quinn Bennion reviewed the staff actions following the discussion at the last meeting regarding Charter Ordinance. All Charter ordinances have been reviewed to confirm that the code has been appropriately updated. One related to alcohol is being reviewed. The code can be found on the city's website and is updated the day following Council adoption.

OLD BUSINESS

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

NEW BUSINESS

Ashley Weaver asked the Council how they felt regarding the issue raised by the residents and if there was interest in changing the city’s code. The Council’s consensus was that this should be discussed further. Staff was directed to send the current code out to the Council and to secure codes from other cities for review. This item will be discussed at a future committee meeting.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

Council Committee of the Whole	01/06/2014	6:00 p.m.
City Council	01/16/2014	7:30 p.m.

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The Prairie Village Arts Council is pleased to present a mixed media exhibit by the Great Kansas City Art Association as the December exhibit in the R. G. Endres Gallery.

The City offices will be closed Wednesday, December 25, in observance of Christmas Day and Wednesday, January 1, in observance of New Year’s Day. Deffenbaugh observes both of these holidays so pick-up will be delayed by one day each of these weeks following the holiday.

The City is offering holiday tree recycling sites at Porter, Franklin and Taliaferro Parks from December 16th to January 20th.

ADJOURNMENT

With no further business to come before the City Council, the meeting was adjourned at 8:41 p.m.

Joyce Hagen Mundy
City Clerk