

**COUNCIL COMMITTEE OF THE WHOLE
December 16, 2013**

The Council Committee of the Whole met on Monday, December 16, 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, Laura Wassmer, Brooke Morehead, Charles Clark and Ted Odell. Arriving late were Steve Noll, Andrew Wang and David Belz. Staff Members present: Wes Jordan, Chief of Police; Keith Bredehoeft, Public Works Director; 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.

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

Quinn Bennion stated the 2013 budget for legal services was set at \$115,000 in August of 2012. This number was set based on previous budget expenditures. In 2011 the City spent \$115,915 for legal services. The prior year (2010) legal expenses were \$70,637.

2013 year to date legal expenses total \$250,000. The significant increase in legal fees for 2013 is primarily due to planning items including the Mission Valley Special Use Permit; Councilmember Ethics Violation; Open Carry Issue; Franchise/Utility Agreements including Google Fiber and Personnel items. Mr. Bennion noted that if Mission Valley, open carry, Google and the ethics related charges, which are out of the ordinary, were removed the expenditures would be close to that budgeted. However, it was an unusual year and staff is requesting a transfer of \$135,000 from the contingency funds to cover the shortfall. This is a reallocation of money within the general fund.

The amount budgeted for 2014 was increased by \$50,000.

Charles Clark asked for the contingency fund balance. Lisa Santa Maria replied \$462,000.

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

**MOVE THE CITY COUNCIL APPROVE A TRANSFER OF
\$135,000 FROM THE GENERAL FUND CONTINGENCY
TO LEGAL SERVICES**

**COUNCIL ACTION TAKEN
12/16/2013**

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

Danielle Dulin noted that for the past few years the Council has adopted a joint City/County legislative platform to assert common positions to our state representatives. The County has requested this practice continue and hosted a meeting in November with area managers. At that meeting the following changes to the 2013 Joint Platform were discussed and recommended:

Fixtures: Language supporting a three-pronged test to determine whether property is real or personal has been added.

Nonpartisan Elections: This is a new item that has been added in response to discussions about moving local government elections to November. The platform supports the current framework and opposes any legislation that would require local elections be conducted with partisan identification.

Legislative Participation: This is another new item that has been added in response to discussions from the 2013 session. The platform opposes any legislation that would prevent local officials, representing their citizens and taxpayers, from freely participating in the legislative process through advocacy.

The 2014 Joint City/County Legislative Platform is primarily a defensive position for this legislative session. However, two of the City of Prairie Village's legislators have agreed to look at the City's unsuccessful efforts to receive Expanded Investment Powers from the Pooled Money Investment Board (PMIB) despite our 'AAA' bond rating and 25% reserve policy. It is possible legislation will be brought forward that would allow local government entities to invest idle funds in higher potential investment yields that are already approved by Kansas statutes but not available without being granted permission from the PMIB.

Charles Clark asked for clarification on the three-pronged test. Danielle Dulin responded three criteria have been established to determine whether machinery or equipment is real or personal. These are 1) annexation; 2) adaption to use and 3) permanent annexation.

Ruth Hopkins confirmed that Legislative Participation was included on the Johnson County platform.

Ruth Hopkins made the following motion, which was seconded by Ted Odell and passed unanimously:

**MOVE THE CITY COUNCIL ADOPT THE 2014 JOINT CITY
/COUNTY LEGISLATIVE PLATFORM
COUNCIL ACTION REQUIRED
12/16/2013**

Dale Warman and Ruth Hopkins stressed the importance of communicating with the city's legislative representatives.

COU2013-56 Consider KDOT Agreement for Project 75ST001: 75th Street - Stateline Road to Mission Road

Keith Bredehoeft stated Project 75ST0001, 75th Street- Stateline Road to Mission Road was selected by the Mid-America Regional Council (MARC) to receive Federal Funds. The Kansas Department of Transportation (KDOT) administers the Federal Funds for local communities in Kansas. The agreement states that the City has or will have the

required matching funds for the project and states general project requirements. This project will utilize 2014 Federal Funds. The City executed KDOT for 1302 previously committing City Funds for this project. Project Funding is available under the Capital Infrastructure Program under Project 75ST0001: 75th State Line Road to Mission Road.

Mr. Bredehoeft noted this project will be bid through KDOT and will follow their established processes. He will have another meeting with the committee followed by a public meeting. He would like to see construction in 2014. However, if it is delayed, it will be bid in 2014 for construction in 2015.

Charles Clark made the following motion, which was seconded by Ted Odell and passed unanimously:

**MOVE THE CITY COUNCIL AUTHORIZE THE MAYOR TO
SIGN KDOT AGREEMENT NO. 26-13 FOR PROJECT 75ST001
75TH STREET - STATELINE ROAD TO MISSION ROAD
COUNCIL ACTION TAKEN
12/16/2013**

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 30 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 Ruth Hopkins and passed unanimously.

The Council Committee of the Whole was reconvened by Council President Dale Warman at 6:45 p.m.

Charles Clark moved pursuant to KSA 75-4319 (b) (1) that the Governing Body recess into Executive Session in the Multi-Purpose Room for a period not to exceed 30 minutes for the purpose of consulting with the City Attorney on matters of pending litigation. Present will be the Mayor, City Council, City Administrator, Assistant City Administrator, Assistant to the City Administrator and City Attorney. The motion was seconded by Ruth Hopkins and passed unanimously.

The Council Committee of the Whole was reconvened by Council President Dale Warman at 7:18 p.m.

ADJOURNMENT

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

Dale Warman
Council President