

**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
April 7, 2014**

The City Council of Prairie Village, Kansas, met in regular session on Monday, April 7, 2014 at 7:30 p.m. in the Council Chambers at the Municipal Building, 7700 Mission Road, Prairie Village, Kansas.

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 Morehad, Charles Clark, Courtney McFadden, 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; Jeanne Koontz, Deputy City Clerk/Public Information Officer and Joyce Hagen Mundy, City Clerk.

Mayor Shaffer led those present in the Pledge of Allegiance.

PRESENTATIONS

Mayor Shaffer presented each Council member with their Council Check in the amount of one dollar for their service over the past year. Acting Council President Andrew Wang presented Mayor Shaffer with his check.

Mayor Ron Shaffer recognized the three outgoing Council members: Dale Warman (Ward 1), Charles Clark (Ward 5) and David Belz (Ward 6). Each were given a proclamation and a plaque acknowledging their service to the City.

OATH OF OFFICE

City Clerk Joyce Hagen Mundy issued the oath of office to the recently elected Council members: Jori Nelson (Ward 1), Steve Noll (Ward 2), Eric Mikkelson (Ward 3), Laura Wassmer (Ward 4), Daniel Runion (Ward 5) and Terrence Gallagher (Ward 6). The new council members were invited to take their place with the Council at the dais.

PUBLIC PARTICIPATION

Charles Schollenberger, 3718 West 79th Street, thanked the outgoing Council members for their service, particularly those with the courage to vote against the CID. He thanked the newly elected council members for stepping up and was pleased with the caliber of the current council.

CONSENT AGENDA

Mayor Shaffer noted that item #12 on the Consent Agenda will be discussed under committee reports and asked if there were any other items to be removed for discussion. Brooke Morehead removed #10 and Courtney McFadden removed #7.

Andrew Wang moved the approval of the Consent Agenda for Monday, April 7, 2014 with the removal of #7, #10 and #12:

1. Approve Regular Council Meeting Minutes - March 3, 2014
2. Approve Claims Ordinance 2916
3. Authorize the Mayor to execute proclamations recognizing April as "Fair Housing Month", April 6-12 as "National Crime Victim's Rights Week", April 22 as "Earth Day" and April 25 as "Arbor Day"
4. Ratify the appointment of Jonathan Pruitt to the Prairie Village Tree Board filling an unexpired term to expire in April, 2017.
5. Ratify the appointment of Casey Symonds and Jane Andrews to the Prairie Village JazzFest Committee
6. Ratify the appointment of Lauren Wolf to the Park & Recreation Committee representing Ward 3 with her expiring in April, 2015

7. Removed - Ratify appointments to the Prairie Village Planning Commission of James R. Breneman completing an unexpired term ending April 2016 and Lawrend H. Levy completing an unexpired term ending April 2015
8. Approve the proposed revisions to the City's Records Retention Schedule and Council Policy 036 "Records Management Program" with the proposed Prairie Village Police Department Records Retention Schedule"
9. Approve 2014 VillageFest Contracts in the amount of \$8,407 with the following vendors: Hiccup Productions, Chris Cakes, Giggles n Jiggles, A-Z Exotic Animal Entertainment, American Waste Systems, Inc. and Fun Services of Kansas City
10. Removed - Approve the agreement with Phil Jay for music and emcee services at the Mayor's Holiday Party on December 13, 2014 in the amount of \$625.00
11. Approve an agreement with Serenity Landscape Design LLC for Weed Abatement Services
12. Moved to Committee Reports - Adopt a City Council Policy establishing a procedure for selecting the President of the Council

A roll call vote was taken with the following members voting "aye": Weaver, Nelson, Hopkins, Noll, Mikkelson, Wang, Wassmer, Morehead, Runion, McFadden, Odell and Gallagher.

Courtney McFadden asked how the individuals were selected for the Planning Commission. Mayor Shaffer responded that a number of volunteer applications were received and reviewed by staff and himself. He personally met with the two individuals regarding the function of the Planning Commission. Mayor Shaffer briefly reviewed the qualifications of both candidates.

Ted Odell asked if Mr. Breneman was still employed by Lochner and if that was a conflict of interest with the City's planning services contract with Lochner. Mayor Shaffer responded that he is semi-retired and there is no conflict of interest. City Attorney Katie Logan confirmed there is no conflict of interest. She noted if there was an application before the Commission which benefited Lochner, Mr. Breneman would note a potential conflict of interest, recuse himself and leave the meeting not taking part in discussion or Commission action.

Jori Nelson asked how these vacancies were published. The vacancies were published in the Village Voice, the city's website and sent to the city's email subscription list.

Brooke Morehead noted that these positions hold a great deal of responsibility and that she would like to have more information that the basic volunteer information sheet. Mayor Shaffer stated that both individuals were in attendance and could address the Council.

James Breneman, a resident of Prairie Village since 1970, reviewed his experience and qualifications. He is a licensed architect with a Bachelor of Architecture and a Masters Degree in Regional Planning from Kansas State. His career has included a wide range of projects in 30 states and 4 foreign countries. He has previously served on other Prairie Village committees and on his homes association board and a local Cub Scout Packmaster. Mr. Breneman stated he has worked more than 20 years for BWR/Lochner. Lochner has chosen to close their architectural operations and he was asked to close out projects he was working on. He estimates his final project will be completed within the next year. He feels his past experiences would be helpful to the Planning Commission.

Lawrence Levy, a resident of Prairie Village for several years, reviewed his experience and qualifications. Mr. Levy began as a high end home builder in Mission Hills, Prairie Village and Leawood. He has done both residential and commercial developments. He also holds a brokers real estate license in both Kansas and Missouri and is very familiar with the city's adopted building codes.

Ashley Weaver asked how many applications the Mayor reviewed. The City has received several applications over the past six months. Mayor Shaffer narrowed the field to six candidates and interviewed the top two candidates.

Brooke Morehead asked if every committee volunteer receives a response. She heard from a resident that they had submitted an application and never heard back from the city. She feels every application should receive a response. Staff responded that when applications are received they are forwarded to committee chairman for review if there is a vacancy. Applications are often received for committees that do not have vacancies at the time.

Dan Runion asked if items going before the Planning Commission come forward to the Governing Body. City Attorney Katie Logan responded that the Commission reviews and takes action on building issues such as site plans, signage, building and building height elevations, etc. For requests for zoning ordinance revisions, rezoning applications and special use permits the Planning Commission is a recommending body with the Governing Body taking action.

Ted Odell expressed concern with filling Ken Vaughn's position when he has not officially resigned. Mayor Shaffer responded that Mr. Vaughn has asked the Mayor to replace him on the Commission agreeing to serve until a replacement could be found. This is similar to Marlene Nagel's resignation a few years ago. These were dedicated individuals who chose not leave the Commission with unfilled vacancies. Mr. Odell stated he was uncomfortable voting on an appointment to a position when an official resignation has not been submitted. Katie Logan responded that the position could be filled now with the understanding of the contingent resignation.

Eric Mikkelson stated he agreed with Mrs. Morehead that it was important for the City to acknowledge volunteer interest and to be proactive in getting volunteers involved. Mayor Shaffer responded this can be accomplished going forward.

Andrew Wang moved the City Council Ratify appointments to the Prairie Village Planning Commission of James R. Breneman completing an unexpired term ending April, 2016 and Lawrence H. Levy completing an unexpired term ending April, 2015. The motion was seconded by Steve Noll. The following votes were cast: "aye" Hopkins, Noll, Mikkelson, Wang, Wassmer and McFadden; "nay" Weaver, Nelson, Morehead, Runion, Odell and Gallagher. Mayor Shaffer voted "aye" to break the 6 to 6 tie vote.

Brooke Morehead questioned why the agreement for Phil Jay for music and emcee services at the Mayor's Holiday Party was for Meadowbrook Country Club. Quinn Bennion responded that Homestead Country Club could not commit to the date.

Andrew Wang moved the City Council approve the agreement with Phil Jay for music and emcee services at the Mayor's Holiday Party on December 13, 2014 in the amount of \$625.00. The motion was seconded by Brooke Morehead and passed unanimously.

MAYOR'S REPORT

There was no Mayor's Report.

COMMITTEE REPORTS

Council Committee of the Whole

COU2014-06 Consider Design Agreement with Affinis Corporation for the Design of the 2014 Paving Program, the 2014 CARS Project, the 2014 CDBG Project and the 2014 Drainage Repair Project

On behalf of the Council Committee of the Whole, Acting Council President Andrew Wang moved the City Council authorize the Mayor to sign the Design Agreement with Affinis Corporation for the Design of the 2014 Paving Program, the 2014 CARS Project, the 2014 CDBG Project and the 2014 Drainage Repair Program in the amount of \$168,560 with funding from the appropriate CIP Project Accounts. The motion was seconded by Ruth Hopkins and passed unanimously.

COU2014-07 Consider Agreement with Larkin Aquatics for the Engineering Evaluation of the Prairie Village Aquatic Center

On behalf of the Council Committee of the Whole, Past Acting Council President Andrew Wang moved the City Council approve an agreement with Larkin Aquatics for the Engineering Evaluation of the Prairie Village Aquatics Center at a cost not to exceed \$10,000 with funding from CIP Project POOLPLNx, Aquatic Center Assessment Plan. The motion was seconded by Ruth Hopkins and passed unanimously.

Planning Commission

PC2014-01 Consider Amendments to Zoning Ordinance Chapters 19.28 and 19.52 regarding a Reapplication Waiting Period

In October, 2013, the City Council directed the Planning Commission to authorize a public hearing on the addition of a reapplication waiting period for special use permit and rezoning applications. The Commission discussed the issue in January and authorized a public hearing. Ordinances from other cities on this issue were reviewed. The public hearing was held on March 4th, with no one addressing the Commission.

The Planning Commission has recommended approval of a six month waiting period unless the legal description of the property has substantially changed or the new application is for a Special Use Permit that has a different use than the original. The determination of whether an application was "substantially the same" property,

development and land use as a prior application will be made by the City Administrator or his/her designee with the landowner being able to appeal to the Planning Commission. This language was taken from the City of Overland Park's regulations.

Jori Nelson asked what was considered "substantially different". Katie Logan responded that would be a determination that would need to be by staff on a case by case basis and could be appealed by the applicant to the Planning Commission.

Eric Mikkelson asked if the City Council could provide guidance to the staff in making that determination. Katie Logan responded that she felt that would be possible.

Andrew Wang spoke in opposition to the proposed language feeling that it was punitive to make a developer wait six months to make changes on his property.

Ted Odell noted based on the amount of staff time and Commission time taken for the review of applications he feels the burden should be on the developer to make sure he gets the needed support. Ms Wassmer agreed. Ms Nelson added that if there needs to be a substantial change made, such actions would take time to complete.

Laura Wassmer moved the Governing Body adopt Ordinance 2307 amending Chapter 19.28 of the Prairie Village Municipal Code, entitled "Special Use Permits" by adding Section 19.28.075 entitled "Reapplication Waiting Period" and amending Chapter 19.52 entitled "Procedural Provisions" by adding a new Section 19.52.055 entitled "Reapplication Waiting Period". The motion was seconded by Ted Odell.

A roll call vote was taken with the following members voting "aye": Shaffer, Weaver, Nelson, Noll, Mikkelson, Wassmer, Morehead, Runion, McFadden, Odell and Gallagher; voting "nay" Hopkins, Wang. The ordinance was adopted by a vote of 11 to 2.

PC2014-02 Consider Request for a Special Use Permit for the operation of a Montessori School at 7456 Cherokee Drive

Global Montessori Academy, 707 West 47th Street, Kansas City, has purchased the building previously occupied by the Cherokee Christian Church on the northwest corner of 75th Street and Belinder Avenue. They plan to use the classroom area for the Montessori School and rent the sanctuary for Sunday Worship.

Global Montessori Academy has been in operation for over 30 years and is currently located in the Unity Temple on the Plaza and have outgrown the location. The school currently has 90 students, ages 2 - 9 years old, and is expecting 110 students for the 2014-2015 school year. The projected capacity of the proposed site would accommodate 150 students. The school hours are from 8:30 am to 3:30 pm, but the school drop-off starts at 7:30 am and the pick-up extends to 6:00 pm. The school will accommodate preschool to sixth grade students in six classrooms initially, but seven classrooms ultimately.

The existing fenced area on the south side of the building will provide outdoor activity space for the 2 - 6 year age group. The northwest corner of the parking lot will be partitioned off with movable barriers for an outdoor play area for the elementary students.

A neighborhood meeting on February 18, 2014, in accordance with the Planning Commission Citizen Participation Policy and two people attended. No concerns were expressed regarding the use.

A public hearing on their application was held before the Planning Commission on Tuesday, March 4, 2014. No one was present to speak on the application. The Planning Commission reviewed the criteria for approval of the Special Use Permit and

the “Golden Factors” and found favorably on the criteria recommending the Governing Body grant a Special Use Permit for the operation of a Private School at 7456 Cherokee Drive subject to eight conditions listed in Ordinance 2308.

Laura Wassmer asked about potential carpool lines. Chief Jordan responded the Police Department reviewed this site that has the advantage of having two entry points - one off Belinder and one off Cherokee. His staff are confident that based on the site and students coming and leaving at various times with the operation of a before/after school program that there should not be any significant traffic issues. Kate Gunja noted one of the conditions of approval require that if there are problems, the school work with the police department to resolve them.

Laura Wassmer asked what the capacity of the school was. Mrs. Gunja responded the site can accommodate 150 students and the school is expecting 110 students for the 2014-2015 school year.

Andrew Wang moved the Governing Body adopt Ordinance 2308 approving a Special Use Permit for the operation of a Montessori School at 7456 Cherokee Drive, Prairie Village, Kansas. The motion was seconded by Eric Mikkelson.

A roll call vote was taken with the following members voting “aye”: Weaver, Nelson, Hopkins, Noll, Mikkelson, Wang, Wassmer, Morehead, Runion, McFadden, Odell, Gallagher and Shaffer.

Council Committee of the Whole

Danielle Dulin provided background on the proposed Council Policy approved at the March 3rd Council Committee meeting. The policy provides written direction on the process used for the selection of the Council President. It follows the unwritten process that has been followed in the past.

Ruth Hopkins stated she does not support putting an accepted past practice into a written policy noting the written policy removes the flexibility that may be required at some point in time.

Ted Odell stated he felt it was important to have clear written policies to make sure everyone knows exactly what should take place and the proposed policy provides an opportunity for all to serve in the position of Council President. Eric Mikkelson confirmed that the nomination of Council President as stated in the policy still requires the majority vote for the designated individual to be selected.

Ted Odell moved the City Council approve Council Policy CP029 entitled "President of the Council" as presented. The motion was seconded by Laura Wassmer and passed by a vote of 11 to 1 with Ruth Hopkins voting in opposition.

STAFF REPORTS

Staff reports were presented at the earlier meeting of the Council Committee of the Whole.

OLD BUSINESS

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

NEW BUSINESS

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

Mayor Shaffer noted the next item on the agenda is an executive session. He moved to the announcements and advised those present that no action would be taken by the Governing Body following the executive session and that they were free to leave after announcements.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

Finance Committee	04/09/2014	3:00 p.m.
Parks & Recreation Committee	04/09/2014	7:00 p.m.
Sister City Committee	04/14/2014	7:00 p.m.
Prairie Village Arts Council	04/16/2014	7:00 p.m.
Council Committee of the Whole	04/21/2014	6:00 p.m.
City Council	04/21/2014	7:30 p.m.

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The Prairie Village Arts Council is pleased to present a multimedia exhibit by Lucinda Baker as the April exhibit in the R. G. Endres Gallery. The artist reception will be on Friday, April 11th from 6:30 to 7:30 p.m.

Recreation sales begin Tuesday, April 1. Pool memberships purchased through April 30 will be discounted by \$10.

The 2014 annual large item pick up has been scheduled. Items from homes on 75th Street and north of 75th Street will be collected on Saturday, April 5. Items from homes south of 75th Street will be collected on Saturday, April 12.

EXECUTIVE SESSION

Andrew Wang 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, City Attorney and Chief of Police. The motion was seconded by Courtney McFadden and passed unanimously.

Mayor Shaffer reconvened the meeting at 9:00 p.m.

Laura Wassmer 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 discussing 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

Mayor Shaffer reconvened the City Council meeting at 9:30 p.m.

Laura Wassmer 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 25 minutes for the purpose of discussing 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 Brooke Morehead.

Mayor Shaffer reconvened the City Council meeting at 9:55 p.m.

ADJOURNMENT

With no further business to come before the City Council the meeting was adjourned at 9:55 p.m.

Joyce Hagen Mundy
City Clerk