

COUNCIL COMMITTEE OF THE WHOLE
June 16, 2014

The Council Committee of the Whole met on Monday, June 16, 2014 at 6:00 p.m. in the Council Chambers. The meeting was called to order by Council President Ashley Weaver with the following members present: Mayor Ron Shaffer, Ashley Weaver, Jori Nelson, Steve Noll, Eric Mikkelson, Andrew Wang, Brooke Morehead, Dan Runion, Courtney McFadden, Ted Odell and Terrence Gallagher. 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, Human Resources Manager and Joyce Hagen Mundy, City Clerk.

COU2014-20 HB2578 and Consider Ordinance 2311 repealing certain provisions of the Code of the City of Prairie Village

City Attorney Katie Logan noted that HB2578 was enacted during the 2014 session of the Kansas Legislature and becomes effective July 1, 2014. Section 12-104 of the Prairie Village City Code and Sections 10.1 and 10.1 of the 2012 UPOC, as adopted and amended by the City of Prairie, include provisions prohibiting certain activities involving knives and firearms which the City may not enforce under the provisions of HB2578.

The Uniform Public Offense Code (UPOC), which is published annually by the League of Kansas Municipalities, includes about 100 public offenses which may be prosecuted in municipal courts. Some UPOC provisions have parallel provisions under state law and processed by the District Attorney in state court and some are local violations only. Prairie Village and Mission Hills have historically adopted the current annual version of the UPOC, with amendments. In 2013, both cities retained the 2012 version of the UPOC in order to retain certain provisions regulating knives.

Sections 12-104 of the Prairie Village City Code, and Section 10.1 and 10.1.1. of the 2012 UPOC, as adopted and amended by the City of Prairie Village and by Mission Hills, include provisions prohibiting certain activities involving knives and firearms which the City may not enforce as long as the provisions of HB2578 are effective and enforceable.

Mrs. Logan reviewed the differences between state statutes, UPOC and the City Code and reviewed the items proposed to be repealed. The proposed ordinance repeals Sections in their entirety. She noted that on June 9th, the City of Mission Hills adopted similar provisions.

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 15 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.

Council President Ashley Weaver reconvened the committee meeting at 6:30 p.m.

Katie Logan explained in detail the proposed sections to be repealed

- Section 10.1 - Criminal Use of Weapons
- Section 10.1.1 - Concealed Carry' Where Prohibited
- Section 12-104 - Dangerous Weapons Not Allowed

These violations are still addressed by State Statutes.

Chief Jordan noted he expects these changes to be temporary until the 2014 UPOC is adopted later this summer.

Eric Mikkelson noted the proposed ordinance is repealing more than is required or in conflict with HB2578. Mrs. Logan stated she has also prepared an alternate ordinance, which she distributing, repealing only those items required under HB2578.

Chief Jordan stated his officers serve both Prairie Village and the City of Mission Hills and he would prefer that the regulations be the same in both cities. Mission Hills has adopted the full repeal. Mr. Mikkelson asked how difficult it would be to have different regulations. Chief responded it would increase the officer learning curve and could be confusing, but it could be done.

Ted Odell stated he felt the repeal as proposed is a clearer decision moving forward.

Mr. Mikkelson stated the State of Kansas has clearly stated that cities are no longer able to regulate firearms and weapons; however, he has safety concerns with removing items that are not specifically address that still poses a potential safety issue. He supports the alternate ordinance. Chief Jordan responded the items being repealed that are not specifically required have not been used in the City in several years and noted this change of language is temporary.

Jori Nelson stated there was a large amount of information to be considered and she felt pressured to take action without a clear understanding. Katie Logan replied tonight's City Council meeting is the last meeting prior to the July 1, 2014 effective date for the new legislation. She stated many Kansas cities have already taken similar action.

Dan Runion confirmed the new regulations would not become effective until July 1, 2014, even if approved this evening.

Ted Odell expressed his disappointment in the state legislature's decision to strip cities of their ability to regulate firearms.

Ted Odell made the following motion, which was seconded by Steve Noll and passed by a vote of 6 to 5 with Mayor Shaffer breaking the tie:

**RECOMMEND THE GOVERNING BODY ADOPT ORDINANCE
 2311 REPEALING CERTAIN PROVISIONS OF THE CODE OF
 THE CITY OF PRAIRIE VILLAGE REGULATING FIREARMS AND
 KNIVES BY AMENDING ARTICLE 1 OF CHAPTER X1 7 OF THE
 CODE OF THE CITY OF PRAIRIE VILLAGE, 2003, ENTITLED
 "PUBLIC OFFENSES * TRAFFIC" BY REPEALING SECTION 10.1
 "CRIMINAL USE OF WEAPONS" AND SECTION 10.1.1 "CONCEAL
 CARRY WHERE PROHIBITED" AND REPEALING SECTION
 12-104, ENTITLED "DANGEROUS WEAPONS NOT ALLOWED OF
 ARTICLE I "CITY PARKS" OF CHAPTER XII "PUBLIC PROPERTY"
 ACTION TAKEN
 06/16/2014**

COU2014-19 Consider 2015 Budget - CIP and Economic Development Fund

Keith Bredehoeft, Public Works Director, began with a brief review of the current 2014 CIP Projects including work on 20 streets, 1 drainage project, concrete repair project and crack seal/microsurface project. Mr. Bredehoeft explained the infrastructure rating process done by the City on an annual basis covering 10% of the city streets and noted the change in the condition ratings over the past year. He was pleased to report that 84% of the city's arterial and collector streets have received a good to excellent rating.

He noted that only 81% of the residential streets have this rating. In 2013, 5% of residential streets had a rating of poor with the 2014 rating increasing to 10% rated poor with 9% rated fair. A map of the city reflecting the locations of the poor and fair rated streets was presented. Mr. Bredehoeft stressed the importance of making street repairs prior to these rating levels to prevent having to do a significantly more costly rebuild of the street as opposed to a repair. He would like to see a projected working scenario in place for planned street repairs. Ted Odell confirmed the city contracts repairs and questioned if more in-house maintenance had been considered. Mr. Bredehoeft responded it was an option.

The proposed General Fund Transfer to CIP is \$3.1M an increase of \$0.6M over 2013.

The proposed 2015 CIP funding is from the following sources:

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| • Transfer from General Fund | \$3,144,425 |
| • Transfer from Special Highway Fund | \$ 555,000 |
| • Transfer from Stormwater Utility Fund | \$1,000,000 |
| • Transfer from Special Park & Rec Fund | <u>\$ 180,000</u> |
| Total | \$4,879,425 |
| • Prior Year CIP funding | \$ 880,661 |
| • Funding from CARS and Federal Funds | <u>\$2,198,300</u> |

CIP TOTAL

\$7,958,386

Recommended Parks Program - \$470,000

Mr. Bredehoeft stated based on the pool analysis done recently, he does not see significant pool projects in the near future allowing the city to continue building a reserve for these. However, the Skate Park is showing signs of significant concrete problems that will need to be addressed.

The 2015 Parks Program includes the following projects:

• Park Infrastructure Reserve	\$ 120,000
• Taliaferro Park	\$ 61,000
• Harmon Park	\$ 125,000
• Bennett Park	<u>\$ 180,000</u>
Total	\$ 470,000

Recommended Drainage Program - \$1,120,000

Mr. Bredehoeft reviewed the history of the Delmar & Fontana Drainage Channel and shared photos and analysis of the problems. He noted that due to the previous work being done plans for the work are 90% completed. Brooke Morehead confirmed the recent expenditure of \$40,000 for the City Engineer to re-evaluate the design. She noted the huge cost of this project and asked how many properties were affected. Mr. Bredehoeft replied three or four houses have experienced flooding and reviewed other erosion concerns.

At 7:25 p.m., Jori Nelson moved to recess the Council Committee of the Whole meeting until after the conclusion of the regularly scheduled City Council meeting. The motion was seconded by Steve Noll and passed unanimously.

Council President Ashley Weaver reconvened the Council Committee of the Whole meeting at 8:05 p.m.

Recommended Drainage Program - \$1,120,000

Public Works Director Keith Bredehoeft continued his explanation of the proposed Delmar/Fontana Drainage Project. Jori Nelson asked what impact the proposed development of the Mission Valley School site would have on this project. Mr. Bredehoeft responded there would be none as the site is downstream and the proposed drainage plan for that project carries all the water to a detention area where it is released at acceptable rates.

The 2015 Drainage Program includes the following projects:

• Water Discharge Program	\$ 10,000
• Delmar & Fontana Drainage Channel	\$ 440,000
• Drainage Repair Program	<u>\$ 670,000</u>
Total	\$1,120,000

Erosion problem by Corinth Elementary School.

Recommended Streets Program - \$5,573,386

Mr. Bredehoeft noted the 2015 budget did not include any additional funding of the traffic calming program or for CDBG projects. The paving program fluctuates from year to year.

The 2015 Streets Program includes the following projects:

• 75th Street - State Line Rd to Mission Rd	\$3,021,265
• Paving Program	1,314,121
• Roe Avenue - 75th St to 83rd (CARS)	1,163,000
• Roe Avenue - 63rd St. to 67th (CARS)	<u>75,000</u>
Total	\$5,573,386

Eric Mikkelson asked if there would be a bike lane added with the 2014 work on Somerset. Mr. Bredehoeft that there are no plans for such, but noted the width of the street would be adequate for a bike lane. Mr. Mikkelson noted that a different section of Somerset was shown on the map of area bike routes. Terrence Gallagher noted bikers he has spoken with avoid Somerset due to high traffic volume. Mr. Mikkelson stated he would like to see a north/south and east/west route available through the City. Mr. Bredehoeft expressed his concern that proposed routes connect to other routes. Chief Jordan stated the city would need to work with bikers in the creation of any routes.

Andrew Wang questioned the reserve in the traffic calming fund. Mr. Bredehoeft responded that some of the funding for these projects was taken from other funds as they were done in conjunction with other work. Funding was added in 2014. Mr. Wang thought the program was discontinued due to a disagreement amongst council members on its effectiveness. Mr. Bredehoeft responded the program is being restructured and he will bring that forward to the Council at a later date in anticipation of doing additional work in 2014. Mr. Wang responded he was not comfortable going forward with the program without a re-evaluation and expressed concern with neighborhood expectations of the program.

Recommended Buildings Program - \$70,000

Mr. Bredehoeft noted the City Hall/PD Entrance was removed from an earlier budget and is in need of significant brick and concrete maintenance. The work also needs to be done to better meet ADA accessibility requirements. The funds in the 2015 budget are for design with construction costs reflected in the proposed 2016 CIP.

The 2015 Buildings Program includes the following project:

• City Hall/PD Entrance	\$ <u>70,000</u>
Total	\$ 70,000

Recommended Other Programs - \$725,000

The 2015 Other Program includes the following projects:

• ADA Compliance Program	\$ 25,000
• Concrete Repair Program	<u>\$ 700,000</u>

Total \$ 725,000

Dan Runion noted variations in the amount of the CIP budgets over the past years. Keith Bredehoeft responded how the budgets were impacted by the approval of bonds in 2009 for infrastructure improvements, which allow the city to fund more work through 2011 with the refunding of the bonds. He also noted the receipt of \$1.6 in federal funds through a grant. The debt payment for those bonds also has impacted available funding and future funding.

Keith Bredehoeft added that the CID Project at the Prairie Village Shops included a trail along 71st Street from Tomahawk to Mission and noted that design funding is included in the 2015 budget with construction in the 2016 budget.

Eric Mikkelson asked to what extent the City supporting more walk ability throughout the City. Mr. Bredehoeft responded that it was part of the review process when city infrastructure work is proposed. The City does not have a plan for signing bike routes. The sidewalk policy has been revised and is being followed. There are still differences in what is considered a sidewalk versus a trail. Mr. Mikkelson urged the City to continue moving forward toward more walk ability.

Courtney McFadden asked if Mr. Bredehoeft had looked into the possibility of sidewalks on Roe as discussed at a previous meeting. He responded that the time to do that would be when Roe comes up for CARS funding. Terrence Gallagher reminded the committee that they agreed to discuss this issue further after the completion of the budget process. Mr. Mikkelson stated, however, that he would like to see some funding in the 2015 budget and not wait until the 2016 budget. He wants the city to do more than talk about it.

Jori Nelson noted that the City of Leawood paid a consultant to develop a walk ability plan for the City.

Economic Development Fund

Quinn Bennion reviewed the history of the Economic Development Fund which was funded initially from the city's share of a county special sales tax for schools. In the creation of the fund an ordinance was adopted by the Governing Body which designates how the funds can be used. The projected Fund Balance as of 1/1/2015 is \$1,931,853. The only revenue is interest on investments.

Andrew Wang questioned the low projection of interest. Lisa Santa Maria noted that new legislation approved this year will allow the city more options for the investment of idle funds.

The 2015 proposed budget of \$73,000 includes the following projects:

- Exterior Grant Program \$50,000
 - Johnson County Home Repair Program \$20,000
 - KCADC Joint Membership w/Chamber \$ 3,000
- Total **\$73,000**

Mr. Bennion noted that if the Governing Body chose to use the economic development funds for a different project, the current programs would stop or an additional funding source would need to be identified. Ted Odell stated he would like to see the Exterior Grant Program continue to be funded.

Andrew Wang referenced the presentation by the Brookings Institute at the MARC annual meeting noting that there are a lot of options for the city to consider.

Eric Mikkelson stated he felt there was no greater long term return on investment than the acquisition of greenspace. He noted that this is a very conservative budget and that he felt even if these funds were used for another project, funding could be found within the budget to continue the Exterior Grant Program.

ADJOURNMENT

With no further business to come before the Council Committee of the Whole, Council President Ashley Weaver adjourned the meeting at 9:05 p.m.

Ashley Weaver
Council President