

**CITY COUNCIL  
CITY OF PRAIRIE VILLAGE  
August 18, 2014**

The City Council of Prairie Village, Kansas, met in regular session on Monday, August 18, 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, Jori Nelson, Ruth Hopkins, Steve Noll, Eric Mikkelson, Andrew Wang, Brooke Morehead, Dan Runion, Courtney McFadden, Ted Odell and Terrence Gallagher.

Also present were: Wes Jordan, Chief of Police; Melissa Prenger, Public Works Senior Project Manager; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Kate Gunja, Assistant City Administrator; Lisa Santa Maria, Finance Director; Eric Schumacher, Intern; Ron Williamson, City Planning Consultant and Joyce Hagen Mundy, City Clerk.

Mayor Shaffer led those present in the Pledge of Allegiance.

**PUBLIC HEARING**

**Adoption of the 2015 Budget for the City of Prairie Village**

Finance Director Lisa Santa Maria noted this is the second public hearing on the budget and that she would present the highlights of her full presentation given at the August 4<sup>th</sup> City Council meeting. The proposed budget of \$28,127,241 reflects an increase of 2.1%.

The 2015 budget is balanced with the existing mill levy rate of 19.490 and maintains the same level of services with enhancements to 1) Capital Infrastructure Program to \$3.1 million; 2) Increased Parks & Grounds fund by \$10,000 for tree removal and maintenance; 3) Increased funding to address Emerald Ash Borer infestation to \$100,000 and 4) Added part-time Codes Enforcement Officer. There is a nominal overall increase in the 2015 General Fund department budgets of 2.1%.

The stormwater utility fee rate remains at the current rate of \$0.040/square foot of impervious area and the annual household assessment for Solid Waste Management services remain the same at \$174.00. A 10% increase for health insurance has been budgeted as well as a 0.9% increase in the city's required contribution to KPERS and a 3.5% employee merit pool. The anticipated ending fund balance is 25% with a general contingency fund of \$500,000.

The 2015 budget includes a transfer of \$3.1 million from the General Fund to the Capital Improvement Program (CIP). The total CIP budget for 2015 is \$7,958,386.

Mayor Shaffer opened the public hearing for comments. No one was present to address the Council on the proposed 2015 budget. Mayor Shaffer closed the public hearing at 7:35 p.m.

Steve Noll moved the 2015 budget for the City of Prairie Village be adopted as presented. The motion was seconded by Andrew Wang and passed unanimously.

## **PUBLIC PARTICIPATION**

John Anderson, 4402 West 63<sup>rd</sup> Terrace, followed up on the concerns he expressed at the August 4<sup>th</sup> City Council meeting regarding the lack of attendance and participation by residents at city council meetings. He suggested that each council

member invite three people to attend the next council member with those people also inviting a friend. Mr. Anderson noted the important information that can be obtained by attending. He suggested posting reminders on the PV Post, posting a sign outside City Hall with meeting dates and times and council participation at community events such as Villagefest, JazzFest as well as at school events. He expressed his support of the Teen Council being proposed by Jori Nelson and being implemented by the city and suggested possibly having special evenings when Middle School and High School Students were invited to meetings.

With no one else present to address the City Council public participation was closed at 7:42.

### CONSENT AGENDA

Eric Mikkelson asked that item #3 be removed. Ashley Weaver moved the approval of the Consent Agenda for Monday, August 18, 2014, except for item #3:

1. Approve Regular Council Meeting Minutes - August 4, 2014
2. Approve Claims Ordinance #2920
3. Removed
4. Adopt an ordinance approving the Prairie Village Jazz Festival as a special event and authorizing the sale, consumption and possession of alcoholic liquor and cereal malt beverages within the boundaries of barricaded public areas of the event
5. Approve a waiver to allow the serving of alcoholic beverages at Harmon Park on Saturday, September 6, 2014 in conjunction with the Prairie Jazz Festival
6. Authorize the Mayor to execute the following proclamations: Ukrainian Independence Day, SME Class of 1964 - 50<sup>th</sup> Year Reunion, Diaper Need Awareness and Constitution Week
7. Approve an agreement with Fun Services of Kansas City for the 2015 Villagefest in an amount of \$3,245.00

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

Eric Mikkelson noted the proposed agreement with the City of Mission Hills did not include approval of the city attorney included in the document. He values the review of contracts by our city attorney and would like to see their approval as to form noted on the agreement signature page. Chief Jordan and the city attorney agreed with the proposed change.

Eric Mikkelson moved the City Council approve the 2015 Mission Hills Public Safety Contract and the 2015 Mission Hills budget as amended to include the city attorney's approval as to form included in the agreement. The motion was seconded by Courtney McFadden and passed unanimously.

### **MAYOR'S REPORT**

Mayor Shaffer reported he represented the City at several events during the past weeks including the Northeast Johnson County Chamber event, reception for former Building Official Jim Brown, Art Gallery reception for Randy Kronblad's show, the Prairie Ridge Homes Association Ice Cream Social and the Northeast Johnson County Mayor's meeting hosted by the City of Merriam featuring the IKEA Project.

### **COMMITTEE REPORTS**

#### **Council Committee of the Whole**

COU2014-33 Consider Interlocal Agreement with Johnson County and the City of Leawood, Kansas for Project SODR0004: Somerset Drive - Belinder Avenue to State Line Road

On behalf of the Council Committee of the Whole, Council President Ashley Weaver moved the City Council approve an Interlocal Agreement with Johnson County and the City of Leawood, Kansas for Project SODR0004: Somerset Drive - Belinder

Avenue to State Line Road. The motion was seconded by Ruth Hopkins and passed unanimously.

COU2014-31 Consider Award of Construction Contract for Project RAD0001: 2014 CDBG Project

On behalf of the Council Committee of the Whole, Council President Ashley Weaver moved the City Council authorize the Mayor to execute the Construction Contract with O'Donnell & Sons Construction for the 2014 CDBG Project in the amount of \$139,657.00. The motion was seconded by Ruth Hopkins and passed unanimously.

Consider Teen Council Program

On behalf of the Council Committee of the Whole, Council President Ashley Weaver moved the City Council approve the implementation of the Teen Council Program and authorize the allocation of \$500 from the Council budget for costs related to the program. The motion was seconded by Jori Nelson and passed unanimously.

**Planning Commission**

PC2014-04 Consider amendments to Chapter 33 of the Zoning Ordinances related to Improvements to Existing Wireless Communication Facilities

Ron Williamson noted that recently there have been several minor facility changes to wireless communications installations as they upgrade to meet the level of competitors. In May, the Planning Commission heard applications for four antenna changes. He has been advised by applicants for AT&T that four more changes are forthcoming for the fire district monopole; one change on the 9011 Roe installation, two changes to the 7700 Mission Road tower and one change to the 63rd & Mission Road monopole.

Most of these have been very minor changes, but the Wireless Communications Ordinance Section 19.33.055 Existing Site Improvements Section C, Additional Antennae states, “additional antennae or replacement of current antennae may be added through an application for a revised site plan and will require submission to and approval by the Planning Commission.” The proposed revisions authorize staff to approve these changes and will decrease the time needed for permitting the work.

Mr. Williamson reviewed some the recent applications that were heard by the Planning Commission, but could have been addressed administratively under the proposed revisions. They included a reduction in the number of antenna on the steeple at St. Ann’s Church and the removal of equipment boxes; three new panels by Sprint with the fiber optic cable installed inside the tower and the removal of equipment boxes and at 9011 Roe the replacement of three antennas and replacing three existing equipment boxes with two boxes. Mr. Williamson stated all these changes improved the existing facility in a manner that made the facility less obtrusive. However, under the current code they are required to go to the Planning Commission for site plan approval. The site plan approval process does not require a public hearing or public notice, which occurred when the initial special use permit was issued or renewed.

Dan Runion expressed concern with the shift of approval from the Planning Commission to a staff function. He is concerned with the lack of a clear definition of a “minor” change that would be handled administratively. He would like to see clearly identified in the code what applications can be handled by staff.

Mr. Williamson responded the primary concern is the structural capacity of the facility. None of the examples given resulted in a less intrusive wireless facility that provided better service. Mr. Runion replied that “less obtrusive” is a subjective

qualification. Mr. Williamson noted that staff has the ability to send an application to the Planning Commission if they have any questions or concerns with the proposed change.

Jori Nelson asked what staff would be involved in the approval process. Mr. Williamson answered the review would be done by the Planning Consultant, Assistant City Administrator and the Building Official.

Ms. Nelson expressed concern the process was taking away the opportunity for public input and asked where these facilities were located. Mr. Williamson stated the public was provided opportunity for input when the Special Use Permit was approved. They are generally not involved in the site plan approval process.

Among the locations for facilities are 7700 Mission Road, the Fire Station at 63<sup>rd</sup> & Mission, the fire station at 9011 Roe, St Ann's Church steeple, the roof of the Cap Fed building at 1900 West 75<sup>th</sup> Street and the roof of the office building at 5000 West 95<sup>th</sup> Street.

Ms. Nelson stated she is not comfortable with the subjectivity of the language. She is concerned the change removes the opportunity for citizen participation and transparency.

Eric Mikkelson asked if the procedure allowed for changes without amending the special use permit. Mr. Williamson responded that when the special use is approved it is approved for a designated number of providers. When the additional providers are ready to locate on the facility, they are required to go before the Planning Commission for site plan approval. Mr. Mikkelson stated that process is a major concern for him and he is surprised there have not been problems as there are potentially controversial issues related to wireless communication facilities. Mr. Williamson responded those are all addressed in the conditions of approval attached to the initial approval of the special

use permit. Mr. Mikkelson stated he would like to see the language “provided it meets all the conditions of the special use permit and structural capacity.”

Ted Odell confirmed the equipment structure is addressed in the initial special use permit and cannot be changed.

Courtney McFadden stated she is supportive of the proposed changes, but will be abstaining from voting due to a professional conflict of interest.

Dan Runion stated any change to the physical envelope is not minor and should not be done administratively.

Mr. Williamson stated language could be added requiring the review and approval of the Planning Commission chairman for an application to be handled administratively. He stated it would be difficult to create a definition that would cover the variety of potential improvements. He believes staff has the experience and expertise to recognize potential problems.

Eric Mikkelson asked what would happen if staff and the applicant disagreed on what was or wasn't a “minor” change. Mr. Williamson stated the determination would be made by the Board of Zoning Appeals and would require a public hearing.

Andrew Wang felt that when you make something less public, you have to be specific on where the line is drawn moving it from a public process to an administrative function. He would like to see more quantitative language.

Jori Nelson stated she doesn't see anything wrong with the current process.

Mayor Shaffer noted the current process is more time consuming and costly for both the applicant and the city.

Jori Nelson asked if these multiple changes were expected to continue.



Mr. Williamson replied that technology will continue to change in this competitive market and the different providers will continue to compete. The current changes are to address the need for more data coverage and capabilities.

Terrence Gallagher stated that if an antenna or mounting bracket was going to increase in size he would like to have it reviewed by the Planning Commission.

Mr. Mikkelson stated that physical size was important, but just as important were other concerns such as noise, heat, radiation etc.

Mr. Williamson noted the larger antennas at the Roe location were totally enclosed inside the tower. He cannot be sure all the changes will be with smaller antenna or units.

Dan Runion moved the ordinance be returned to the Planning Commission for further consideration. The motion was seconded by Brooke Morehead.

Eric Mikkelson noted the Council needed to provide direction to the Commission.

Mr. Runion stated his concern is the lack of a definitive direction on what types of applications would be handled administratively. He is concerned that the change takes away the voice from residents and wants to be certain changes that are not minor continue to go before the Planning Commission.

The motion was voted on and passed by 10 to 1 vote with 1 abstention.

#### JazzFest Committee.

Brooke Morehead noted the upcoming Prairie Village Jazz Festival on Saturday, September 6<sup>th</sup>. The event is described in Jazz Ambassador Magazine (JAM) as "Prairie Village Fest Lineup: Stellar!" There will be a \$5 admission charge for adults with students and children free. Mrs. Morehead asked Council members to let her know if they will be attending so they could get the necessary credentials. The committee is still

seeking volunteers for the event. There will also be a major retailer broadcasting live from the festival.

### **STAFF REPORTS**

Mayor Shaffer stated that staff reports were given at the earlier Council Committee of the Whole meeting.

### **OLD BUSINESS**

The Citizen's Police Academy will begin September 10<sup>th</sup> at 6:30 p.m. There are still openings for the academy.

### **NEW BUSINESS**

Jori Nelson asked if it would be possible to receive Council packets earlier than Friday afternoon. She would like to receive them on Wednesday or Thursday in order to have time to research issues or contact staff with questions.

Quinn Bennion stated staff generally has packets online by noon on Friday. He noted the Friday delivery allows staff the flexibility to consider late items. An earlier deadline would require those items to wait two weeks to the next council meeting or require amending the agenda. Currently staff meets Wednesday morning to discuss the agenda.

Brooke Morehead stated she would like to have packet information by 4 o'clock on Thursday and that late business could be discussed under "New Business".

Chief Jordan stated the earlier date would create difficulty for Publics Works. Melissa Prenger stated it would be difficult to secure the necessary paperwork from contractors; but deadlines could be adjusted.

Courtney McFadden noted that sometimes this would result in a three week delay.

Mayor Shaffer asked council members if they were satisfied with the Friday delivery and a majority of the members responded that Friday delivery was acceptable.

Quinn Bennion stated he would discuss the possibility of an earlier delivery with staff.

Jori Nelson asked if it would be possible to have audio recordings of Council meetings that could be placed on the website noting this would provide greater transparency.

Lisa Santa Maria stated it would be possible to get a video recording with our current sound system.

Ms. Nelson noted that the Shawnee Mission School Board does a video feed of their meetings. Mayor Shaffer stated that for several years City Council meetings were broadcast live. Mayor Shaffer assigned this idea to the communications committee.

**ANNOUNCEMENTS**

**Committee meetings scheduled for the next two weeks include:**

Prairie Village Arts Council	08/20/2014	7:00 p.m.
JazzFest Committee	08/26/2014	7:00 p.m.
Environmental/Recycle Committee	08/27/2014	7:00 p.m.
Council Committee of the Whole (Tuesday)	09/02/2014	6:00 p.m.
City Council (Tuesday)	09/02/2014	7:30 p.m.

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The Prairie Village Arts Council is pleased to a pastel exhibit by Randy Kronblad Council as the August exhibit in the R. G. Endres Gallery.

The pool is now on evening hours only during the weekdays. The pool closes for the season on Monday, September 1<sup>st</sup> at 6:00 p.m.

City offices will be closed on Monday, September 1<sup>st</sup> in observance of the Labor Day holiday. Deffenbaugh also observes this holiday so trash and recycling services will be delayed one day.

The Prairie Village Jazz Festival is Saturday, September 6<sup>th</sup> beginning at 2 p.m. with the Shawnee Mission East Blue Knights and concluding at 10:30 p.m. with Deborah Brown.

**ADJOURNMENT**

With no further business to come before the City Council the meeting was adjourned at 9:40 p.m.

Joyce Hagen Mundy  
City Clerk