

**CITY COUNCIL  
CITY OF PRAIRIE VILLAGE  
February 17, 2015**

The City Council of Prairie Village, Kansas, met in regular session on Tuesday, February 17, 2015 at 7:30 p.m. in the Council Chambers at the Municipal Building, 7700 Mission Road, Prairie Village, Kansas.

**ROLL CALL**

Mayor Laura Wassmer 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, David Morrison, Ted Odell and Terrence Gallagher.

Staff present were: Wes Jordan, Chief of Police; Keith Bredehoeft, Director of Public Works; David Waters, Representing the City Attorney; Quinn Bennion, City Administrator; Kate Gunja, Assistant City Administrator; Nolan Sunderman, Assistant to the City Administrator; Lisa Santa Maria, Finance Director; and Joyce Hagen Mundy, City Clerk. Also attending was Teen Council member Max Keeter.

Mayor Laura Wassmer led all present in the Pledge of Allegiance.

**PUBLIC PARTICIPATION**

No one was present to address the City Council.

**CONSENT AGENDA**

Council President Ashley Weaver moved the approval of the Consent Agenda for Tuesday, February 17, 2015:

1. Approve Regular City Council Minutes - February 2, 2015
2. Approve the issuance of a Cereal Malt Beverage License for 2015 to Twin Star Energy, LLC (Phillips 66) at 9440 Mission Road
3. Approve an advertising agreement with the Prairie Village Post for promotional and advertising services for the Prairie Village Jazz Festival

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

### **MAYOR'S REPORT**

Mayor Wassmer reported she represented the City at several events including participation in City Hall Day in Topeka along with Ruth Hopkins, Ashley Weaver, Nolan Sunderman and Quinn Bennion; DARE Program graduations at Belinder Elementary and Briarwood Elementary; she and Kate Gunja met with Shawnee Mission School Board member Donna Bysfield and Superintendent Dr. Jim Hinson regarding proposed changes to Briarwood Elementary School and she and Ted Odell met with representatives of MVS, LLC and the Mission Valley Neighborhood Association regarding possible changes to the development of the Mission Valley property.

Mayor Wassmer announced that she is accepting applications for her vacant council seat and will be interviewing candidates in March with appointment in April. She will also be interviewing candidates with Quinn Bennion, Kate Gunja and Terrence Gallagher to serve as Interim Planning Advisor on the Meadowbrook Project. She reminded the Council their assignments for the Council work session on February 21<sup>st</sup> and thanked them for their telephone conversations with the work session facilitator.

## **COMMITTEE REPORTS**

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

#### **COU2015-08 Consider approval of services agreement for textile recycling program**

On behalf of the Council Committee of the Whole, Council President Ashley Weaver moved the City Council approve the agreement with Team Thrift for the operation of a City Textile Recycling Program benefitting The Prairie Village Municipal Foundation. The motion was seconded by Ruth Hopkins and passed unanimously.

### **Planning Commission**

Kate Gunja noted the Planning Commission held a special meeting earlier in the evening to address the Final Plat for Homestead Estates. There were only four Planning Commission members at the February 3<sup>rd</sup> Commission meeting where this application was considered. The motion approving the plat and forwarding it to the Governing Body for acceptance of rights-of-way and easements and passed by a 3 to 0 vote with one abstention, representing a majority of those present. However, the city's subdivision regulations require that a final plat be approved by a majority of the Planning Commission or by four votes. At the Planning Commission meeting held earlier, the Commission voted 5 to 0 to approve the final plat and forward it to the Governing Body. A draft of the minutes of that meeting was distributed to the Council.

David Waters, representing the City Attorney reminded the Governing Body that by State Statute the approval of a plat rests with the Planning Commission. The Governing Body actions are only relative to the acceptance of rights-of-way and easements.

PC2014-123 Consider the Final Plat of Homestead Estates

Ron Williamson stated the preliminary plat was presented to the Planning Commission on December 2, 2014 and approved subject to several conditions to be met on the presentation of the Final Plat. The Final Plat for Homestead Estates, having met the conditions required by the Commission in approval of the preliminary plat was presented, to the Planning Commission on February 3, 2015. The Planning Commission approved the Final Plat of Homestead Estates forwarding it on to the Governing Body for its acceptance of rights-of-way and easements, subject to 11 conditions.

Mr. Williamson noted Conditions 3, 4, 6 and 10 have been completed. The covenants and agreement will need final review and approval of the City Attorney.

In accordance with Chapter 18.14 "Improvement Procedures" of the Subdivision Regulations, the applicant is required to complete all public improvements prior to the City signing and releasing the Final Plat for recording. The applicant agrees to the standard procedures of Chapter 18.14 that all public improvements to be dedicated on the Final Plat will be completed by applicant prior to the City signing and releasing the Final Plat for recording.

The Subdivision Regulations require the following additional information to be submitted with the Final Plat:

- A. Covenants - submitted, need review and approval by City Attorney
- B. Proof of Ownership - submitted
- C. Review by County Surveyor - submitted for information (The County Engineer will not review the Final Plat until it is approved by the City.)
- D. A Certificate showing all taxes and assessments have been paid - submitted, but will need to submit a new statement prior to execution of the plat.
- E. Construction Documents for streets, sidewalks and storm drainage - submitted.

The Final Plat has a Certificate of Property Owner, Certification of Surveyor, Planning Commission approval and Governing Body acceptance of easements and rights-of-way.

Mr. Williamson noted one of the conditions of approval was that the required landscaped island in the turnaround area of the cul-de-sac not be constructed. In staff review of the application, the Police Department felt the island would create potential traffic and safety problem with traffic.

Jori Nelson asked if there would be “no parking” or “emergency parking only” signs posted on the cul-de-sac. Chief Jordan stated the fire department in their review of the plans felt the width of the roadway was sufficient for their emergency equipment without requiring no parking signs. The Police Department follows their recommendation, but noted that this can be re-evaluated after the roadway is in place. Ms. Nelson stated she has concerns with cars from a country club event parking on both sides of the street.

Ms. Nelson also noted the length of the cul-de-sac exceeds city code. Mr. Williamson responded the code is written to address a cul-de-sac generally 500’ but provides for the process to exceed that as development necessitates. It is not a required length requirement.

Eric Mikkelson noted that he is a member of the Homestead Country Club and although that does not create a conflict of interest, he will be abstaining from discussion and not voting on this item.

Ted Odell moved the Governing Body accept the dedications of the land for public purposes and authorize the Mayor and City Clerk to execute the Final Plat for “Homestead Estates” for recording upon satisfaction of the requirements of Chapter

18.14 of the Subdivision Regulations and the conditions of approval of the Final Plat imposed by the Planning Commission. The motion was seconded by Terrence Gallagher and passed by a vote of 11 to 0 with Eric Mikkelson abstaining.

PC2014-122 Consider the Final Plat for "Mission Chateau"

Jori Nelson asked with discussions still underway on a possible revised project why action was being taken on this item. David Waters responded that the State Statutes require "The Governing Body shall accept or refuse the dedication of land for public purposes within 30 days after the first meeting of the Governing Body following the date of the submission of the Plat to the Governing Body from the Planning Commission. The Governing Body may defer action for an additional 30 days for the purpose of allowing for modifications to comply with the requirements established by the Governing Body." The City has already deferred action the maximum amount allowed.

Mr. Williamson stated the Preliminary Plat for Mission Chateau was approved by the Planning Commission on February 10, 2014 subject to 14 conditions which have all been addressed in the presentation of the Final Plan. Conditions 1, 2, 3 and 5 of the preliminary plat will be addressed as a part of Condition 13. Conditions 6, 8 and 11 are shown on the Final Plat. The applicant has submitted covenants as required in Condition 7. Conditions 9, 10 and 12 will be attached to the Final Plat.

The Subdivision Regulations require the following additional information to be submitted with the Final Plat:

- A. Covenants - submitted condition 7, some minor revisions are needed.
- B. Proof of Ownership - submitted
- C. Review by County Surveyor - submitted for information (The County Engineer will not review the Final Plat until it is approved by the City.)
- D. A Certificate showing all taxes and assessments have been paid - submitted
- E. Construction Documents for streets, sidewalks and storm drainage - submitted

The Final Plat has the Certificate of Property Owner, Certification of Surveyor, Planning Commission approval and Governing Body acceptance of easements and rights-of-way.

Mr. Williamson noted the City does not want the liability or responsibility for maintaining the storm drains within pipes, the detention pond and the Dykes Branch drainage way across the north end of Lot 10. However, it is critical that this storm drainage system not be impaired. Therefore, the following text will be added to the Final Plat:

*Property Owner Maintenance of Drainage Easements and Improvements*

*The Owner of Lot 10 shall construct, install and maintain all drainage improvements (pipes, conduit, open drainage and detention areas) located in easements on Lot 10 and shall keep said improvements in good repair and fully functional.*

*If the City reasonably determines that the drainage improvements require repair or maintenance, including the removal of debris, the City shall provide written notice to such owner indicating the repair or maintenance needed. If said owner does not repair or perform such maintenance within a reasonable period of time, the City may perform the required maintenance or repair and said owner shall reimburse the City for the cost of such work. In undertaking any such repairs or maintenance, the City shall not disturb any improvements or Lot 10 unless necessary to perform such work. The City shall have no liability associated with the repair and maintenance.*

The Planning Commission approved the Final Plat for Mission Chateau on December 2, 2014 recommending the Governing Body's acceptance of the rights-of-way and easements subject to the following conditions:

1. That the applicant protects and preserves as much existing vegetation as possible along the property lines.
2. That all existing improvements be removed from the 85<sup>th</sup> Circle right-of-way and the nine single-family lots prior to recording the Final Plat.
3. That the west driveway connection and the loop drive to Mission Road from the Senior Housing Community to 85<sup>th</sup> Circle be constructed at the same time as 85<sup>th</sup> Circle.
4. That the applicant submits the Final Plat to the County Engineer after approval by the City.
5. Add Property Owner Maintenance of Drainage Easements and Improvements to text of Plat prior to submission to the Governing Body.
6. That the applicant makes revisions to the proposed covenants as requested by Staff prior to submitting the Final Plat to the Governing Body.

Ms. Nelson noted that the cul-de-sac for this development is also approximately double the 500' length referenced by the City's code. Mr. Williamson responded that the cul-de-sac is less than 500' in length with the private access roads.

Ted Odell moved the Governing Body accept the dedications of the land for public purposes and authorize the Mayor and City Clerk to execute the Final Plat for "Mission Chateau" for recording upon satisfaction of the requirements of Chapter 18.14 of the Subdivision Regulations and the conditions of approval of the Final Plat imposed by the Planning Commission. The motion was seconded by Ruth Hopkins and passed by a vote of 9 to 3 with Jori Nelson, Dan Runion and David Morrison voting in opposition.

#### PC2013-11 Consider Request for extension to Special Use Permit for Mission Chateau

Ted Odell moved the City Council continue consideration of the request for an extension to the Special Use Permit for Mission Chateau to March 2<sup>nd</sup> City Council meeting. The motion was seconded by Jori Nelson and passed unanimously.

### **STAFF REPORTS**

#### **Public Safety**

- Chief Jordan provided a positive update on the medical condition of the accident victim from the 79<sup>th</sup> & Roe accident earlier in the year. He noted the driver of the other vehicle has been charged through Municipal Court
- There has been considerable press on vehicles being stolen while left running to warm up by other cities. Prairie Village has been educating its residents on this since the ordinance prohibiting leaving unattended vehicles running several years ago and has had only two vehicles stolen and three attempted thefts since the first of the year.

#### **Public Works**

- Keith Bredehoeft reported he is in the process of interviewing an inspector for the city's construction projects.



- He has met with KDOT and the contractor on the 75<sup>th</sup> Street Project. The projected start date for the project is March 9<sup>th</sup>. A public information meeting will be held the first week of March.
- John Nunnamaker, the city's right-of-way inspector has announced his retirement this summer after 32 years with the City.

Jori Nelson asked for recycle bins in McCrum Park. Mr. Bredehoeft responded that staff is looking at putting recycle bins in all of the city's parks.

Brooke Morehead commented on holes on 83<sup>rd</sup> Street from KCP&L work. Mr. Bredehoeft noted he has talked with KCP&L and will follow-up again.

David Morrison commended the street crews for their efforts during the recent snow events and requested an update on snow supplies that have been used. Mr. Bredehoeft replied that the highway salt purchased this year has not been used. He will provide additional reports throughout the season.

### **Administration**

- Nolan Sunderman presented the following update of Legislative Update:
  - Senate Bill 171 would move local elections to the fall of even numbered years and would make city elections partisan elections. The initial hearing was dominated by proponents of the bill. Proposed amendments are expected as this bill moves forward. The Kansas League of Municipalities is opposing this bill.

Mayor Wassmer noted our local legislators support the city's stance against the bill. Keeping local election non-partisan keeps the focus on issues and not politics.

Jori Nelson stated she could send information out to Ward 1 residents via an e-mail blast and suggested using the Village Voice and website to get information out. Mayor Wassmer noted this bill is moving too quickly for the Village Voice to be effective. The information will be added to the website and staff will send out contact information to council members to distribute and use to contact other representatives. Resident contact with legislators does make a difference in how they view issues.

- Senate Bill 65 allows for concealed weapons to be carried by public employees while working. Chief Jordan noted the Johnson County legislators are opposed to this.

Dan Runion asked if this applied to teachers. Chief Jordan responded that he believes the local school boards would still control that. Chief added that he has contacted the city's insurance carrier as to the potential liability the city would incur. They feel the employee would be liable; however, he feels there is a potential liability for the city.

- Senate Bill 45 allows for concealed carry by private citizens without permitting.

Eric Mikkelson asked what the Police Chiefs' position was. Chief Jordan replied they are not taking a position of SB45. He noted with so many legislative issues, they are attempting to prioritize their time and efforts.

- House Bill 2206 addresses Gun Violence Restraining Order Act and would be helpful in Johnson County particularly as it relates to those with mental illness.
- House Bill 2007 - Metro Law Enforcement Mutual Aid Region would allow of cooperation among different law enforcement agencies and is limited to critical incidents.
- Senate Bill 98 - addressing KORA/KOMA
- Senate Bill 171 - addressing elections
- House Bill 2138 - addressing municipal bonds

Mayor Wassmer acknowledged the extra work staff has done in addressing these legislative issues and keeping the Council informed.

- Nolan Sunderman noted upcoming Legislative Forums and meetings.
- The City Council Work session will be held Saturday, February 21<sup>st</sup> from 8:30 to 1:30 p.m. at Village Presbyterian Church.
- Kate Gunja announced that applications for the 2015 Exterior Grant Program will be accepted beginning March 2.
- The next City Council meeting will include the renewals of Special Use Permits from the Planning Commission for the service stations at 3901 Tomahawk and 8201 Mission Road. There are no physical changes being made to either site.
- The next Environment/Recycle Committee meeting will be held on Wednesday, March 26<sup>th</sup> and will feature presentations by the Sierra Club.
- Lisa Santa Maria distributed the updated Johnson County Sales Tax rate sheet noting that it has grown considerably with a number of cities issuing CID's and TDD's for projects.
- Mrs. Santa Maria noted that she distributed earlier a user fee cost recovery report covering fees charged by the city and also including information of fees charged by other cities. She will discuss this further during the 2015 budget process. The 2015 budget calendar will be distributed at the next Council meeting.
- Quinn Bennion announced that the next City Council meeting will fall during Spring Break and noted he would be seeking input from Council members on their availability for that meeting.
- The Prairie Village Municipal Foundation met recently and voted to change its name to "The Prairie Village Foundation -- Helping our neighbors, enhancing our community".
- Quinn stated that he attended the public meeting on the KCP&L rate request on February 5<sup>th</sup>. They are requesting a 12% increase and although he does not anticipate they will get the full amount, the increase will have an impact on the city's budget. Mayor Wassmer added the proposed increase is a fixed amount and not based on usage. The proposed amount would result in a \$11 increase per month per household. We will be notifying our residents of this proposed increase in our March Village Voice and on our website.

## OLD BUSINESS

Andrew Wang stated he would like the Council to have a full discussion on the structure in the Oxford/Prairie Island after the Homes Association has met on the issue. He would request that staff spend minimal additional time on this until after it is discussed further by the Council.

Eric Mikkelson noted that the Overland Park Planning Commission recently approved 150 miles of new bike lanes. When this was discussed by the City last year a map created by the Mid America Regional Council of area bike lanes and trails showed Prairie Village surrounded by cities with extensive trails and lanes and Prairie Village having minimal trails. He would like to resurrect the discussion on this issue to provide connectivity through Prairie Village to these other cities.

Brooke Morehead asked staff to set a meeting of the Committee on Committees in the near future.

**NEW BUSINESS**

Jori Nelson stated that the sale of the shopping centers to First Washington has closed and she accessed a preliminary report from the County reflecting the following:

Corinth Square Shopping Center purchased 5/21/2009 for \$22,200,000.  
Corinth Square Shopping Center purchased 1/30/2015 for \$42,140,000.

Prairie Village Shopping Center purchased 5/21/2009 for \$27,800,000.  
Prairie Village Shopping Center purchased 1/20.2015 for \$54,915,000.

This reflects an increase in sale value of \$47,055,000 over five plus years.

**ANNOUNCEMENTS**

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

Arts Council	02/18/2015	7:00 p.m.
Environment/Recycle Committee	02/25/2015	7:00 p.m.
VillageFest Committee	02/26/2015	7:00 p.m.
Council Committee of the Whole	03/02/2015	6:00 p.m.

=====

The Prairie Village Arts Council is pleased to present an exhibit by Kermit Dyer & Ed Harper in the R. G. Endres Gallery during the month of February.

Deffenbaugh does not observe the President’s Day Holiday. Trash pick-up will follow its regular schedule.

The Council Work Session will be held on Saturday, February 21<sup>st</sup> at Village Presbyterian Church beginning at 8:30 a.m.

The 2015 annual large item pick up has been scheduled. Items from homes on 75<sup>th</sup> Street and north of 75<sup>th</sup> Street will be collected on Saturday, April 11<sup>th</sup>. Items from homes south of 75<sup>th</sup> Street will be collected on Saturday, April 18<sup>th</sup>.

**Executive Session**

David Morrison 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 City Administrator, Jeff White with Columbia Capital Management and the City Attorney. The motion was seconded by Andrew Wang and passed unanimously.

The meeting was reconvened at 9:20 p.m.

**ADJOURNMENT**

With no further business to come before the City Council the meeting was adjourned at 9:20 p.m.

Joyce Hagen Mundy  
City Clerk