

**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
September 8, 2015**

The City Council of Prairie Village, Kansas, met in regular session on Tuesday, September 8, 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, Sheila Myers, David Morrison, and Terrence Gallagher.

Staff present was: Captain Byron Roberson; Keith Bredehoeft, Public Works Director; David Waters representing the City Attorney; Quinn Bennion, City Administrator; Wes Jordan, Assistant City Administrator; Nolan Sunderman, Assistant to the City Administrator; Lisa Santa Maria, Finance Director and Joyce Hagen Mundy, City Clerk. Also present were P.J. Novick with Confluence, Gary Andersen with City Bond Counsel with Gilmore & Bell and Jeff White, City Financial Consultant with Columbia Capital

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

PUBLIC HEARING

Mayor Wassmer opened the public hearing on the creation of a TIF Redevelopment District in the City of Prairie Village and called upon City Administrator Quinn Bennion to introduce the proposed project involving the City of Prairie Village,

Johnson County Park & Recreation District, Johnson County Wastewater and VanTrust Real Estate, LLC. for the redevelopment of the former Meadowbrook Country Club property. As currently proposed, the Meadowbrook redevelopment project would establish a nearly 90 acre public park and a mixed-use development to include a senior living project, luxury apartments, townhomes, single-family residential homes, and a boutique hotel.

Mr. Bennion stated the Meadowbrook redevelopment project anticipates the creation of a TIF district to fund the park acquisition, park improvements and other public infrastructure items. Kansas state statutes outline the authority and process of creating and administering a TIF district. A TIF district is an economic development tool for financing certain eligible redevelopment costs from future revenues as a result of increased property taxes and other local taxes (sales taxes, transient guest taxes) within a defined geographic area. A TIF establishes a base level at the current property tax assessed valuation and any increase or increment in the property tax assessed valuation within the defined geographic area is then captured over a defined period and used to pay for eligible redevelopment costs within the TIF district/development area. The process for establishing and administering a TIF is detailed in Kansas State Statutes (KSA 12-1770 et seq.). Cities have the authority to create TIF districts after their governing bodies hold a public hearing and find the area to be eligible.

Mr. Bennion stated the current plans include TIF financing for 20 years or less. All property taxes which the owner is currently required to pay will continue. Once improvements are made to the property the increment or increase in the property tax revenue is captured to pay for eligible redevelopment costs for the proposed project including parkland acquisition, public streets, sewer, public infrastructure, street lighting,

lakes, community center, trails, etc. The project elements financed by TIF funds will be detailed in the development agreement by and between the City and VanTrust and through other related agreements. The amount of TIF financing is currently estimated between \$15M to \$18M.

As part of the establishment of a TIF district, notifications were sent to other governmental entities and all property owners and tenants within the proposed district. The Johnson County Board of Commissioners and the Shawnee Mission School District Board of Education each have 30 days following the conclusion of the public hearing related to the creation of the TIF district to pass a resolution that the establishment of the TIF district would have an adverse effect on the County or School District.

An informational meeting was held Thursday, August 27th at the Meadowbrook clubhouse. The purpose of the meeting was to present information regarding the TIF district with the business and property owners. There were approximately six business owners in attendance at the meeting.

Mr. Bennion stated that creating the TIF district is the first step in the TIF process; however, noting that creating the TIF district does not bind the City to approve the project, provide any funding, issue any bonds or approve any TIF project plans within the TIF district.

City Staff has been assisted by Bond Counsel Gary Anderson with Gilmore & Bell, Financial Advisor Jeff White with Columbia Capital Management, City Attorney Katie Logan with Lathrop & Gage, and planning consultant PJ Novick with Confluence.

To assist the City Council in their determination, Confluence, the planning consultant retained for this project, completed a conservation district eligibility study which summarizes the age and status of the property within the proposed TIF district.

The proposed TIF district area includes the former Meadowbrook Country Club and the commercial properties within the Meadowbrook Shopping Village at 95th Street and Nall Avenue.

P.J. Novick, with Confluence, stated that the Village Vision Strategic Investment Plan adopted by the City of Prairie Village, Kansas, in 2007 as the City's Comprehensive Plan, identifies the Meadowbrook Country Club and the adjoining Meadowbrook Village Shopping Center as a potential site for redevelopment. The Country Club site is one of the last relatively undeveloped properties in Prairie Village and both properties are strategically located at the southwestern edge of the community at the intersection of two major roadways. However, the Country Club property does not have adequate sanitary sewer service and the Shopping Center is underutilized and retail space has been converted to office space.

The proposed TIF district, which includes both the Country Club property and the Shopping Center, is generally bound by West 95th Street on the south, Nall Avenue on the west, West 90th Street on the north and Roe Avenue on the east.

A TIF district must meet at least one of the eligible area definitions outlined in the TIF Act as determined by the Governing Body. An eligible area can be a "blighted area, conservation area, enterprise zone, intermodal transportation area, major tourism area or a major commercial entertainment and tourism area or bioscience development area." The proposed ordinance will designate the Meadowbrook and adjoining commercial area on the South as a conservation area per K.S.A 12-1770a(d).

Mr. Novick stated the proposed TIF district has been found eligible for TIF financing as a "Conservation area" as defined in the State of Kansas Statute (K.S.A. 12-1770a). A "Conservation area" means any improved area comprising 15% or less of the

land area within the corporate limits of a city in which 50% or more of the structures in the area have an age of 35 years or more, which area is not yet blighted, but may become a blighted area due to the existence of a combination of two or more of the following factors:

- (1) Dilapidation, obsolescence or deterioration of the structures;
- (2) Illegal use of individual structures;
- (3) the presence of structures below minimum code standards;
- (4) building abandonment;
- (5) excessive vacancies;
- (6) overcrowding of structures and community facilities; or
- (7) inadequate utilities and infrastructure.

Mr. Novick stated the proposed TIF district is approximately 172 acres. The total land area contained within the corporate limits of the City is 3,968 acres. The proposed TIF district is therefore 4.34% of the total land area of the City and under the 15% threshold identified by State Statute.

There are 15 individual structures within the proposed TIF district. In review of the Johnson County land records, 12 of these structures (80%) were constructed prior to 1981 and are 35 years of age or older, more than the 50% as required by the State Statute.

Mr. Novick stated that an analysis of the existing site conditions revealed that four (4) of the seven(7) State defined factors within the proposed TIF district are present. Based on the lack of sanitary sewer service to a significant portion of the proposed district condition #7 "inadequate utilities and infrastructure" is found to exist.

A review of the 15 structures within the proposed TIF district identified several have dated building architecture that may make them more difficult to retain tenants and lease or sell to new tenants, as their building style and layout/configuration may not fit

the needs and desires of today's typical retail and office user. Additionally, due to the age of the structure it can be assumed that most have some nonconformity with current building codes as code requirements have evolved and changed over the past 35 years. These findings identifies with the first and third factors of the State Statutes "Dilapidation, obsolescence or deterioration of the structures" and "the presence of structures below minimum code standards".

It was also observed that several properties within the subject area do not appear to have room for building and/or parking lot expansion. This site crowding hinders the ability to add additional parking, outdoor pedestrian spaces, patios, etc. further impacting their ability to evolve and remain viable tenant spaces. As a result, the proposed TIF district identifies with the sixth factor of the State Statutes "overcrowding of structures and community facilities".

Mr. Novick concluded that the proposed TIF district conforms to the Kansas Statute as a "Conservation area". The proposed TIF district is less than 15% of the total land area of the City. More than 50% of the structures within the proposed TIF district are 35 years of age or older, and the proposed TIF district identifies with two or more of the seven factors listed in the state statute.

Mayor Wassmer opened the hearing for public comments. With no one wishing to address the City Council, the public hearing was closed at 7:42 p.m.

David Morrison moved the Governing Body adopt Ordinance 2337 making findings and establishing a redevelopment district (TIF District) for the Meadowbrook area pursuant to KSA 12-1770. The motion was seconded by Steve Noll.

Eric Mikkelson noted two typographical errors in the ordinance. Mr. Mikkelson asked if the proposed TIF plan included the construction of any offices. Gary Anderson

replied that both of the TIF areas have an expansive description of possible uses referenced in the ordinance; however, there are no anticipated office uses except for ancillary offices related to the proposed apartments and/or hotel.

A roll call vote was taken with the following votes cast: “aye” Weaver, Nelson, Hopkins, Noll, Mikkelson, Wang, Myers, Morehead, Morrison, Gallagher and Wassmer.

PUBLIC PARTICIPATION

With no one wishing to address the Council, public participation was closed at 7:45.

Mayor Wassmer introduced Melissa Brown, the proposed Planning Commission appointee, to the City Council. Ms Brown reviewed her background and stated she was pleased to be able to help preserve the Prairie Village character that she has grown up with.

CONSENT AGENDA

Eric Mikkelson asked for the minutes to be amended to reflect his point of order at the August 17th meeting regarding the Mayor’s ruling of Councilman Morrison out of order. Mr. Morrison asked that his objection to the Mayor’s ruling be noted in the minutes.

Council President Brooke Morehead moved for the approval of the Consent Agenda for September 8, 2015 with the requested amendments to the minutes:

1. Approve regular City Council Minutes - August 17, 2015 as amended
2. Approve claims ordinance #2932
3. Approve request for Alcoholic Beverage Waiver for Harmon Park for the Prairie Village Jazz Festival
4. Ratify the Mayor’s appointment of Melissa Brown to the Planning Commission with a terming expiring in April, 2016
5. Approve the issuance of a Cereal Malt Beverage License for Minit Mart at 9440 Mission Road

6. Authorize the Mayor to execute a proclamation recognizing October 5 - 9, 2015 as "Peanut Butter Week" in Prairie Village
7. Approve a request to have KCP&L install a new street light on the south side of west 63rd Street near 4618 West 63rd Street

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

COMMITTEE REPORTS

Council Committee of the Whole

COU2015-32 Consider approval of a construction contract with Linaweaver Construction for the 2015 Drainage Repair Program

On behalf of the Council Committee of the Whole, Council President Brooke Morehead moved the City Council authorize the Mayor to execute the Construction Contract with Linaweaver Construction, Inc. in the amount of \$110,000 for Project DRAIN15x - 2015 Drainage Repair Program. The motion was seconded by Terrence Gallagher and passed unanimously.

Mayor's Report

Mayor Wassmer reported she participated in the Lancer Day parade on Friday and will be attending the Shawnee Mission Education Foundation Breakfast on Thursday morning. She has spent a lot of time on the Meadowbrook Project working with the development agreement committee. The Johnson County Park & Recreation District has invited the city to have representation on their Master Plan Committee for Meadowbrook. She will be participating along with Quinn Bennion and Ted Odell, chair of the Park & Recreation Committee with Terrence Gallagher serving as an alternate. Participating will be on her recent activities centered on discussion on the settlement agreement for the Mission Chateau project.

STAFF REPORTS

Public Safety

- Captain Byron Roberson reported on AED/CPR training attended by the Mayor and other Council members.
- The next “Coffee with a Cop” will be on Friday, September 18th from 7 to 9 a.m. at Starbucks in the Village.
- The PD Citizens Academy will begin on Wednesday, September 16th. There are currently 8 individuals enrolled so more spaces are available.
- Captain Roberson reported the detectives are currently following up on leads in the recent attempted armed robbery in the Prairie Village Shopping Center.

Public Works

- Keith Bredehoeft provided an update on 75th Street construction.
- Posting of construction related signage, i.e. lane changes, closures, were discussed noting some recent confusion. It was recommended that signage be posted as far in advance as possible.
- The Public Works staff is assisting with the setup for the Jazz Festival on Saturday. A public works staff person will be on site the day of the event.
- The second subcommittee meeting was held on the Mission Road 71st to 75th Street Project.
- Follow-up letters will be mailed to those property owners with EAB trees that are being treated.
- The traffic light at 83rd & Somerset has been installed. Ward 4 representatives expressed their appreciation.
- Google is getting ready to install fiber and AT&T is continuing their preparatory work.

Andrew Wang expressed his disappointment that the Google website still lists web sign-up for this area in 2016. Nolan Sunderman responded that Google is tightlipped regarding the dates for implementation.

Administration

- Nolan Sunderman distributed a project map for the AT&T fiber installations. He reviewed the process followed with both contractors including specific directions, weekly meetings and required coverage of all holes prior to the weekend. Those meetings are coordinated by Melissa Prenger.

Ms. Nelson noted that reviewing the map that there are some areas of Prairie Village that will not be covered. Mr. Sunderman replied the map reflects 2015 work, he does not have their future plans.

- Nolan Sunderman reported the first puppy swim held earlier in the evening was very successful with more than 80 dogs participating.
- Wes Jordan reported on Airbnbs located within the city and noted that they are not clearly designated in the city’s code; however, staff feel that the language in the city’s rental licensing requirements is applicable and recommend following that process to track these. He noted that there currently are not many (1 renting the entire house and 6 renting rooms) located within the city; however, the city

continues to get calls regarding requirements for them. The zoning regulations do only allow bed and breakfast establishments in commercially zoned areas.

Mayor Wassmer stated she likes the rental license approach as it provides the city with data as far as where these are located and it is consistent with other rental property owners who are required to get a license. Mr. Jordan noted it is a form of a business running out of a home and the annual license fee is minimal.

Terrence Gallagher noted that when he views the website it shows 21 located in Prairie Village. Mr. Jordan noted the map reflects the general area and when you zoom in you get the actual city boundaries. Mr. Gallagher agreed with the proposed rental license requirement.

- Wes Jordan stated that as staff reviews some Planning applications, it feels that sometimes it would be beneficial to both the Planning Commission and the applicant to make a pre-application presentation to the City Council before making application. This is the case with an application by AT&T for communications facility at the Fire District property on 63rd. The goal would be to get objective input from the Council on what is acceptable before making formal submittal to the Planning Commission. Planning staff have met with representatives of SSC on behalf of Sprint twice and they have requested permission to appear before the City Council. They will make their presentation at the September 21st meeting.
- Quinn Bennion stated that after the presentation of the potential benefit program with Lifelock several council members expressed concern. After further investigation the city will be using the services of IDshield for this benefit.
- Mr. Bennion announced that the election cycle changes required by recent legislation will be discussed at the September 21st meeting. There are several differing interpretations of how the transition can be done. These will all be presented as well as research on what other cities are considering.
- Mr. Bennion announced that Lathrop & Gage has a conflict of interest with communications facility applications requiring the city to reach out for outside legal assistance on cell tower applications. Shannon Marcano with White/Goss has been secured to provide these services and will be in attendance at the meeting on September 21st.
- A revised Meadowbrook schedule was distributed and it was noted that to keep progress moving forward a special city council meeting has been scheduled for Tuesday, October 13th at 7:30 p.m.
- Council members will be getting a food survey via e-mail to assist staff in the selection of council meals.

OLD BUSINESS

Terrence Gallagher asked for an update on the Textile Recycling Program.

Quinn Bennion reported that staff met with the company last week. They are continuing

to collect materials making approximately 20 stops per day; however, they are not collecting the volume that was anticipated originally. Based on the agreement, there has been only two weeks when collections were sufficient to merit a donation to the Prairie Village Foundation. They have expanded their materials to include household items. Jori Nelson noted the Prairie Village Homes Association is having their annual garage sale this weekend which would provide an opportunity for them to pick-up unsold items from households. She will put out information on their Facebook page.

JazzFest

Final preparations are underway for the 6th annual Jazz Festival to be held this Saturday. The publicity for the event has been excellent with a strong line up and good weather, record attendance is anticipated. The City Council members were distributed their VIP passes for the event and thanked for their support.

Ward Meetings

Mayor Wassmer noted that Ward meetings were discussed at the last Council meeting. The budget has been reviewed and there is funding available for two Ward meetings per year. Ward 4 and 6 were approved for meetings in 2015.

Sister City Art Exhibit

Jori Nelson announced the reception for the Dolyna Photo Club photos on display in the R.G. Endres Gallery this month will be Friday, September 11th from 6:30 to 7:30 p.m.

NEW BUSINESS

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

Committee meetings scheduled for the next two weeks:

Prairie Village Arts Council	09/09/2015	5:30 p.m.
Park & Recreation Committee	09/09/2015	6:30 p.m.
JazzFest Committee	09/10/2015	5:30 p.m.
Council Committee of the Whole	09/21//2015	6:00 p.m.
City Council	09/21/2015	7:30 p.m.

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The Prairie Village Arts Council is pleased to present a photo exhibit by the Dolyna Photo Club in the R. G. Endres Gallery during the month of September. The artist reception will be Friday, September 11th from 6:30 - 7:30 p.m.

The 6th Annual Prairie Village Jazz Festival will be held on Saturday, September 12th opening at 2:30 p.m. with the Shawnee Mission East Blue Knights and concluding at 10:30 p.m. with the McFadden Brothers with the Kansas City Jazz Orchestra.

The 2015 Citizens Police Academy will begin September 16th. Classes are held on Wednesday evenings from 6:30 to 9:30 p.m. for 11 weeks. Contact Chief Schwartzkopf or Captain Roberson if interested.

ADJOURNMENT

With no further business to come before the City Council the meeting was adjourned at 8:55 p.m.

Joyce Hagen Mundy
City Clerk