

**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
May 2, 2016**

The City Council of Prairie Village, Kansas, met in regular session on Monday, May 2, 2016 at 7:30 p.m. in the Council Chambers at the Municipal Building, 7700 Mission Road, Prairie Village, Kansas.

ROLL CALL

Acting Mayor Brooke Morehead called the meeting to order and roll call was taken with the following Council members present: Ashley Weaver, Jori Nelson, Serena Schermoly, Steve Noll, Eric Mikkelson, Andrew Wang, Brooke Morehead, Sheila Myers, Dan Runion, Courtney McFadden, Ted Odell and Terrence Gallagher.

Staff present was: Tim Schwartzkopf; Chief of Police; Keith Bredehoeft, Public Works Director; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Wes Jordan, Assistant City Administrator; Lisa Santa Maria, Finance Director and Joyce Hagen Mundy, City Clerk. The City's Bond Counsel Gary Anderson & Kevin Wempe with Gilmore & Bell and Financial Advisor Jeff White with Columbia Capital were also present as well as teen council members Dennis Rice and Kellie O'Toole.

INTRODUCTION OF STUDENTS & SCOUTS

No Scouts or students were in attendance.

PRESENTATIONS

Recognition of Teen Council

Jori Nelson provided background on the City's Teen Council program which was started to provide young adults an opportunity to become involved in their community and government. Acting Mayor Brooke Morehead congratulated and presented certificates of recognition to 2016 Teen Council members Kellie O'Toole and Dennis Rice.

PUBLIC PARTICIPATION

Michael and Cindy O'Rourke, 7809 Howe Drive addressed the Council regarding a proposed sidewalk on their street which ends in a cul-de-sac. They noted several of the residents on the street support their opposition to the sidewalk and were also in attendance.

Toni Shelton, 7801 Howe Drive, stated she did not receive notification in the mail regarding the proposed sidewalk, but heard about it from her neighbors. She is against the proposed five foot sidewalk that would cause the removal of existing trees. Mrs. Shelton noted the street is safe with little traffic, noting that children play in the street. Mrs. Shelton suggested the money that would be used to construct the sidewalk would be better used elsewhere. Residents who received the letter did not understand that by not responding they would be considered to be in support of the sidewalk.

Mary Gerkovich, 7816 Howe Drive, noted that the sidewalk would not come down to the end of the street. She also feels the money would be better spent where sidewalk was needed.

Charles Stitt, 7730 Howe Drive, stated he is not directly impacted as the sidewalk would not be located on his side of the street; however, he supports his neighbors in their opposition. The benefit of a sidewalk at this location would be minimal.

Michael and Cindy O'Rourke noted they distributed a petition which secured signatures of 80% of the residents on Howe opposing the proposed sidewalk.

Cres Elsener, 7719 Howe Drive, noted he has lived on Howe 46 years and feels a sidewalk is unnecessary. He also felt the letter he received was confusing.

Cindy O'Rourke, 7809 Howe, spoke again noting this was a cul-de-sac with minimal outside traffic. Within a three hour period there was no traffic on the street. The cars that do travel the streets are primarily residents living on the street. A sidewalk that would take away from their front yards is not needed.

Jeannine Fox 7813 Howe Drive, noted that if a sidewalk were constructed it would be less safe because cars would have to park in the street as parking in their driveway would block the sidewalk. She also noted the additional concrete sidewalk would increase water runoff.

Brooke Morehead asked if it would be possible to resend the letter clearly explaining the city's policy.

Ted Odell provided history on the development of the policy which allows for public participation in the process and provides for situations in which sidewalks would not be constructed, noting that the city's code requires the construction of sidewalks as the city wants to provide for a walkable city for the benefit of all. This process has been used for the past four years without any issues on the clarity of the letters and process.

Mary Gerkovich, 7816 Howe Circle, spoke again expressing concern with the ability of the older residents on the street being able to keep a sidewalk clear in the winter. She felt that the letter should need to be returned by those that support a

sidewalk. Mrs. O'Rourke noted that residents would have to go to the post office in Mission to pick up certified letters and noted past problems with postal service.

Brooke Morehead confirmed that the street project is scheduled to begin on Friday.

Ashley Weaver thanked the residents for their comments, but stated she is not supportive of waiving the council's established policy. Jeannine Fox, spoke again noting the letter needs to clearly state the impact of a sidewalk - that it would be five feet in width, and residents would be responsible for keeping it clear and not be able to block the sidewalk with a parked car.

Public Participation was closed and it was noted that this would be discussed by the City Council under "New Business" later in the evening. Mr. Mikkelson asked if this item could be taken up after the Consent Agenda so the public would not have to wait through the entire meeting.

CONSENT AGENDA

Dan Runion confirmed that the attachment he requested for the Special Council Meeting minutes was included in the official minutes and made a clarification to the Council Committee of the Whole minutes noting his question on the bottom of page 7 of the minutes of April 28th should be regarding what percentage of the model TIF revenue was represented by the Assisted Living Center. Ashley Weaver moved the approval of the Consent Agenda for May 2, 2016:

1. Approve Regular City Council Meeting Minutes - April 28, 2016
2. Approve Special City Council Meeting Minutes - April 25, 2016
3. Approve the award of the bid for Highway Rock Salt to Central Salt for Enhanced Salt at a cost of \$75.71 per ton delivered.
4. Approve the award of the bid for Swimming Pool Chemicals to Hawkins, Inc.

5. Authorize the Mayor to execute proclamations for Municipal Clerks Week, National Police Week, National Public Works Week and Women's Lung Health

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

NEW BUSINESS

Terrence Gallagher noted the success of the city's sidewalk program; however, in this situation he moved that the City not construct a sidewalk on the cul-de-sac on Howe drive based on the petition submitted representing 80% of the residents opposing its construction. The motion was seconded by Andrew Wang.

Courtney McFadden confirmed that the representation needed to reflect property owners and not merely residents.

Eric Mikkelson stated he agreed with Mr. Gallagher's sentiment and does not feel a sidewalk should be constructed on this cul-de-sac; however, he is not willing to rely on verbal representation of those opposing the sidewalk. The city's policy is a good one for the reasons noted earlier by Mr. Odell which favors walkability which is why a vote is required to oppose the construction of a sidewalk and needs to be strictly enforced. He does not want to have bits and pieces of sidewalk located throughout the city or a contentious debate before the Council on every sidewalk. He needs the process to be followed to officially confirm the criteria are met and would like to have the letters resent providing an opportunity for these residents to officially express their desires.

Sheila Myers stated she supported Mr. Gallagher's motion noting the Council's recent action to narrow Mission Road based on a petition presented by the residents, an action of far greater consequence than the placement of a sidewalk on a cul-de-sac.

Mr. Gallagher supports the sidewalk program and walkability throughout the city, but is giving a voice to the residents. Ashley Weaver stated she felt the City needed to follow its policy. Jori Nelson stated from the Johnson County website she counted 27 houses along the street which would require 21 signatures in opposition. She feels the signatures on the petition need to be verified as property owners.

Dan Runion noted this process has been used consistently by the city; however, recognizing the comments he heard regarding postal services asked if it would be practical for the residents to bring their responses to City Hall due to their proximity noting that not responding is considered to be a vote in support of the sidewalk.

Ted Odell questioned how much time would be required to redo the process and the impact on the project. He reviewed again the purpose of the established policy and noted that perhaps the language in the letter could be revised to be clearer.

Keith Bredehoeft replied that the policy is looking at is the number of "No" votes to determine if the 75% criteria is met. The letter is sent by certified mail to enable the city to know if the letter was received. If no confirmation of receipt is received, that address is not counted as a vote in support. Mr. Bredehoeft replied that a letter was sent out to all property owners in compliance with the city's policy established by the City Council in 2012. On Howe Cul-de-sac the petition process was followed and only 45% of the residences voted NO, short of the 75% needed. He acknowledged there are some issues with the mailing.

The intent of this policy was to give residents an opportunity to not have a sidewalk if a high percentage of residents on a street did not want one. The petition process was to help reduce the number times that residents would appear at council being unhappy about the addition of a sidewalk. The 75 percent is a high threshold to meet but it was intentionally made that way because the City's desire is to add sidewalks where they do not exist.

Ashley Weaver responded to a resident's comment noting there is a post office location in the Prairie Village Shopping Center. Mrs. Morehead noted however that certified mail needs to be claimed at the Mission Branch office.

Mr. Mikkelson stated the point is for the city to be able to officially verify the 75% opposition. The policy has to be respected. In response to Mrs. Myers comment regarding the Mission Road petition, he noted the primary difference is that there is a formal policy regulating the construction of sidewalks. Mrs. Myers responded that she understands the city's support of sidewalks, but noted this is a cul-de-sac and an accommodation should be made.

Terrence Gallagher noted that Mr. Bredehoeft has been very helpful in communicating with him and the residents regarding this issue. There are 20+ residents here stating that they do not want a sidewalk. There are construction crews scheduled to begin work on the project. Direction needs to be given by the Council. The signatures on the petition can be validated by staff and if it meets the criteria the waiver could be granted to not construct the sidewalk.

Mrs. Weaver responded the policy does not direct residents to submit a petition. A process has been established and it needs to be followed. The project should be delayed and the letter resent. Jori Nelson confirmed that the names could be verified

with the Johnson County property records. Mr. Wang asked what the estimated cost would be to delay the project. Mr. Bredehoeft noted there would be no financial cost.

Mrs. Schermoly confirmed that if a resident notified public works by phone because they did not get the letter that their vote was counted. Mr. Bredehoeft stated that if it is the direction of the Council, the mailing could be resent within the next couple of days with responses being mailed back or dropped off at the public works office.

Terrence Gallagher amended his motion to direct staff to resend the notification to the residents on Howe Drive regarding the potential construction of a sidewalk in conjunction with the proposed street project per the city's sidewalk policy with the mailing to be sent out by regular mail. The amended motion was seconded and passed unanimously.

Mrs. Morehead advised the residents that the letter would be sent out by the end of the week.

COMMITTEE REPORTS

Council Committee of the Whole

COU2016-29 Consider approval of hiring an additional Building Inspector

Ashley Weaver moved the City Council approve the addition of one full-time employee to Community Development authorized positions and for staff to begin the process of hiring an additional Building Inspector to handle current and projected workloads as recommended. The motion was seconded by Sheila Myers and passed unanimously.

COU2016-30 Consider approval of services agreement to prepare the Solid Waste bid Request for Proposal

Ashley Weaver moved the City Council approve an agreement with Shockey Consultant Services, LLC to prepare a Scope of Services and Solid Waste Request for

Proposal for Solid Waste Services contract beginning in 2017. The motion was seconded by Steve Noll and passed by a vote of 11 to 1 with Mr. Odell voting in opposition.

COU2016-31 Consider approval of contract with Olsson & Associates for Meadowbrook project inspections

COU2016-32 Consider approval of contract with Superior Bowen for the Meadowbrook Park street and stormwater improvements.

Ashley Weaver moved the City Council approve the Construction Inspection agreement with Olsson Associates for Meadowbrook Public Improvements and the Construction Contract for Meadowbrook Park Public Improvements for (bid package A) Stormwater Improvements Project and (bid package C) Street Improvement Project contingent upon the review and approval of the agreements by an independent attorney and the inclusion of Schedule A referenced in the Olsson & Associates Agreement.

Eric Mikkelson stated the intent of his motion made at the earlier Council Committee of the Whole was for the council not to take action on these agreements until the next meeting after the contingencies had been met.

Quinn Bennion noted the city attorney review of the document is as to its form. These contracts are the standard contract created five years ago for capital projects with minor modifications since that time and the only addition being the inclusion of the awardee and the amount of the contract. They were sent out in the bid package and accepted by the bidders. This is neither a new nor a negotiated agreement necessitating additional legal review. Mr. Mikkelson noted the addendum to the Bowen contract is new and noted the missing exhibit for the Olsson contract. This is a \$6M contract and he is not comfortable without an independent legal review due to the contractual agreement these firms have with Lathrop & Gage.

It was determined that with the approval of these in committee and the next city council meeting being held prior to the bond closing on May 17th that action could be delayed to the May 16th meeting.

Eric Mikkelson moved consideration of COU2016-31 and COU2016-32 to the May 16, 2016 City Council meeting with direction that the agreements be reviewed by an independent attorney, that the missing exhibit be included and the documents not be executed until after the closing of the bond sale. The motion was seconded by Andrew Wang and passed unanimously.

COU2016-33 Consider approval of design agreement with Phelps Engineering for the 2016 SMAC Stormwater work for Meadowbrook Park
COU2016-34 Consider approval of engineering services agreement with Phelps Engineering for public improvements at Meadowbrook Park

Ashley Weaver moved the City Council approve the design agreement with Phelps Engineering for the 2016 SMAC Stormwater Design work for the Meadowbrook Project (MBDRAINX) in the amount of \$198,275 and the design agreement for 2016 Meadowbrook Public Street Improvements (MBSTREET) in the amount of \$49,995.00. The motion was seconded by Andrew Wang and passed unanimously.

Mayor's Report

No Mayor's report was given in Mayor Wassmer's absence.

STAFF REPORTS

Public Safety

- Chief Schwartzkopf noted a modification to the successful "Coffee with a Cop" The next "Coffee" will be held at Great Harvest Bread on May 20th from 11 to 1 and will be "Cookies with a Cop".
- Wednesday, May 4th is National Bike to School Day, Chief Schwartzkopf asked residents to be mindful of the additional students biking to school on that day.

Terrence Gallagher noted that the recent Leadership Northeast Program class featured the Prairie Village CIRT Team recognizing their expertise and professionalism.

Public Works

- Mr. Bredehoeft advised that both “Inspector” positions for the city are currently vacant taking a lot of staff time to cover. Excellent, experienced applicants have applied and interviewing is underway.
- James Carney has begun his new position with the City as Field Superintendent.

Erik Mikkelson asked for an update on the Bike Trail Grant Application, noting the recently updated “Bike Trail Map” published by MARC clearly shows a void of bike trails in Prairie Village with several in surrounding communities. Mr. Bredehoeft replied that he would be attending a trail grant meeting next week. MARC has received double the amount of funding received last year. He is optimistic that the city will be awarded some grant funds.

ADMINISTRATION

- Wes Jordan stated he would report later in the meeting to allow for action to be taken on the bond sale.
- Quinn Bennion congratulated Chief Tim Schwartzkopf on his completion of his Masters in Public Administration degree from the University of Kansas.
- Mr. Bennion stated he is working with Mayor Wassmer on Council’s committee assignments that will go out next week.

OLD BUSINESS

Acceptance of best bid on the 2016A General Obligation TIF Bond

Jeff White, City Financial Advisor with Columbia Capital, reported it was a very successful bond market day. Seven bids were received for the city’s bonds. The anticipated rate True Interest Cost was 2.7% with an actual true interest cost of 2.585%. The best bid was received from Citigroup. He noted the bonds were structured at 110% coverage.

Dan Runion asked for clarification on the debt service expectations. Mr. White responded that under the structuring 10% of the revenue is unaccounted for and will build up over the first two years. At 5.5 years the bonds are callable with no penalty and the city would be able to start repayment early, decreasing debt service costs in future years. Mr. Runion confirmed that the modeling included all of the components of the project including assisted care.

Adoption of General Obligation and Special Obligation Bond Ordinance

Adoption of Industrial Revenue Bond Ordinance

Gary Anderson, bond counsel with Gilmore & Bell, advised the Council that the following three actions were required: 1) acceptance of the bid by Citigroup; 2) Adoption of the General Obligation and Special Obligation Bond Ordinance and 3) adoption of the Industrial Revenue Bond Ordinance.

Eric Mikkelson asked if any changes had been made to any of the documents. Mr. Anderson replied only the insertion of the final principal amount and the name of the buyer. Dan Runion asked what the rate was on the Special Obligation Bonds. Mr. Anderson replied 6% per the developer agreement.

Ted Odell moved the City Council accept the bid of Citigroup for the purchase of bonds; adopt Ordinance 2348 authorizing the issuance of General Obligation Bonds (Meadowbrook TIF Project), Series 2016A, in the maximum principal amount of \$11,300,000, and Special Obligation Revenue Bonds (Meadowbrook TIF Project), Series 2016B, in the maximum principal amount of \$8,135,000, of the City of Prairie Village, Kansas, for the purpose of paying certain redevelopment project costs in connection with the project plan; and making certain covenants with respect thereto and adopt Ordinance 2349 authorizing the issuance by the City of Prairie Village, Kansas not to exceed \$22,500,000 aggregate principal amount of taxable Industrial Revenue Bonds (MB-18, LLC Project), Series 2016, to provide funds to acquire, construct and equip a project for MB-18, LLC and authorizing and approving certain documents and actions in connection with the issuance of said bonds. The motion was seconded by Steve Noll.

A roll call vote was taken with the following votes cast: “aye” Weaver, Nelson, Schermoly, Noll, Mikkelson, Wang, Myers, Morehead, Runion, McFadden, Odell and Gallagher.

Mission Road Project Donation

Eric Mikkelson reported that he and Andrew Wang will be meeting with a subcommittee to discuss the resident wishing to make a substantial donation for the “Quality of Life amenities” proposed for the Mission Road Project. The individual is looking at the possible purchase of a statue.

Hattie’s Roof

Sheila Myers stated she was disappointed with the cedar shake roof placed on the renovated Hattie’s Building in Corinth Square. She noted the roof does not match the others in the shopping center. Quinn Bennion noted that the construction of a roof would be a maintenance item and would not be eligible for CID reimbursement. Mr. Mikkelson noted the Hattie’s building was discussed extensively by the Planning Commission. Wes Jordan stated they may have run into structural issues similar to those had on the Johnny’s roof which would not support the originally proposed slate material.

Transparency of Bond Information

Dan Runion stated he wanted to see links to the financial information on the Meadowbrook Project similar to those created for the CID Projects. Quinn Bennion replied the e-checkbook feature would be expanded to include TIF financial information. Mr. Runion stated he would like to see something that readily shows the expenditures in clear categories.

NEW BUSINESS

Election of Council President

Council President Brooke Morehead noted her respect and appreciation for the professionalism, knowledge and commitment brought by everyone towards good

government in Prairie Village. It has been her pleasure to serve as Council President for the past year. Ashley Weaver and the City Council commended and thanked Mrs. Morehead for her service as Council President.

Terrence Gallagher nominated Ted Odell to serve as Council President for 2016-2017. The motion was seconded by Steve Noll and passed unanimously.

Prohibition of Breed Specific Animals

Eric Mikkelson noted that he is getting increased comments of residents against the city's prohibition of breed specific animals. He would like the Council to start thinking about this issue and circulated to council members a copy of the city of Shawnee's repeal of their previous breed specific prohibition of animals. He stated that only three out of twenty Johnson County cities have this legislation in place and 19 states have outlawed the prohibition of breed specific animals.

Ted Odell provided history to the Council on the growing number of animal bites including fatal bites. Mr. Mikkelson replied that individuals selecting dogs to train to fight generally select pit bulls because of their strength. He suggested that experts be brought in to educate the Council.

Excessive Grass/Weed Abatement

Ashley Weaver would like the Council to relook at its weed abatement regulations and to put into place a large fine for unmowed grass particularly on commercial properties. Mr. Jordan replied that the codes staff spends a lot of time and effort on this issue and briefly reviewed the current process. He noted particular problems with the vacant Mission Valley property.

STAFF REPORTS

Wes Jordan noted that current building permit fees are based on estimated value of the project. Most other cities base their permit fees on square footage of the construction. His staff is researching the history of fees in Prairie Village and the potential impact of changing the method for determining fees. He will come back to the City Council with their recommendation in the future.

Another area of concern for the department is the efficiencies of operations with the limited number of staff. In seeking to address this, they are looking at the inefficiencies of some of the inspections currently conducted. Over the past year, 800 inspections were made on decks(120), fences(199), replacement roofs(450) and sheds (32). These inspections do not address “life safety” issues and discontinuing this category of inspection would place the Codes Department in a better position to handle expected construction. This would not relieve an individual or contractor from legally performing work in accordance with the municipal code or adopted building codes. A permit could still be issued providing an opportunity to get questions answered or clarified and get additional information on expectations. Inspections would be made upon a complaint basis.

Terrence Gallagher stated he supports the review of the fee structure and not doing inspections on non-life safety applications. Courtney McFadden noted if the city were to stop doing inspections on these items it would be important to make the homes associations aware of the change.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks:

Planning Commission Meeting	05/03/2016	7:00 p.m.
Tree Board Committee Meeting	05/04/2016	6:00 p.m.

JazzFest Committee	05/11/2016	5:30 p.m.
PV Arts Council Meeting	05/11/2016	5:30 p.m.
Park & Recreation Committee	05/12/2016	5:30 p.m.
Council Committee of the Whole	05/16/2016	6:00 p.m.
City Council	05/16/2016	7:30 p.m.

The Prairie Village Arts Council is pleased to present the works of “The Saturday Group” in the R. G. Endres Gallery during the month of May. The artists’ reception will be Friday, May 13th, from 6:30 to 7:30 p.m.

Recreation sales have begun. Pool memberships purchased in April will be discounted by \$5 for each pass.

ADJOURNMENT

With no further business to come before the City Council the meeting was adjourned at 7:58 p.m.

Joyce Hagen Mundy
City Clerk