

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
May 17, 2010
7:30 p.m.**

- I. **CALL TO ORDER**
- II. **PLEDGE OF ALLEGIANCE**
- III. **ROLL CALL**
- IV. **PUBLIC PARTICIPATION**

Chairman Annabeth Surbaugh - Presentation and Flag Exchange

Presentation of former Chief Louis LeManske's firearm to the Police Department

Presentation of Proclamation recognizing A. J. LoScalzo

- V. **PUBLIC HEARING**
Public Hearing for the Establishment of a Community Improvement District at Village Shops - COU2010-21

Public Hearing for the Establishment of a Community Improvement District at Corinth Shopping Center - COU2010-22

- VI. **CONSENT AGENDA**

All items listed below are considered to be routine by the Governing Body and will be enacted by one motion (Roll Call Vote). There will be no separate discussion of these items unless a Council member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the regular agenda.

By Staff:

1. Approve Regular Council Meeting Minutes - May 3, 2010
2. Approve Claims Ordinance 2871
3. Approve the issuance of a Cereal Malt Beverage license for Walgreen's Store #13032 located at 4016 W 95th St for the remainder of 2010.
4. Approve the School Resource Officer contract with Shawnee Mission School District for the 2010-2011 school year.
5. Approve two VillageFest contracts.
6. Ratify the Mayor's appointment of Max Rieper to the Park & Recreation Committee for a two year term ending April, 2012.
7. Approve the purchase of two Riding Mowers from Bledsoe's Rental Inc. for \$24,558.00 and the disposal of Asset #1359 and #996 by auction.

By Committee:

8. Approve a waiver to allow the serving of alcoholic beverages at Harmon Park on Saturday, September 11, 2010 in conjunction with the JazzFest celebration (Council Committee of the Whole Minutes - May 3, 2010)

- VII. **MAYOR'S REPORT**

Authorize the Mayor to execute a proclamation recognizing May 16 - May 22, 2010 as National Public Works Week

VIII. COMMITTEE REPORT

COU2010-31 Consider Project 190890: 2010 Bond Project - Construction Change Order #1 for Traffic Calming on 71st Street from Cherokee to Belinder - Michael Kelly

COU2010-34 Consider Project 190890: 2010 Bond Project - Construction Change Order #2 for Traffic Calming on 82nd Terrace from Somerset to Roe - Michael Kelly

COU2010-30 Consider Approval of Investment Grade Audit Agreement with Energy Solutions Professionals (ESP) - Michael Kelly

COU2010-32 Consider Approval of a Contract with Musselman & Hall Contractors for Project P5001, 2010 Street Repair Program for \$260,000.00 - Michael Kelly

COU2010-33 Consider Approval of a contract with Musselman & Hall Contractors for the 2010 Crack Seal/Slurry Seal Program - Michael Kelly

IX. STAFF REPORTS

X. OLD BUSINESS

XI. NEW BUSINESS

XII. EXECUTIVE SESSION

XIII. ANNOUNCEMENTS

XIV. ADJOURNMENT

If any individual requires special accommodations -- for example, qualified interpreter, large print, reader, hearing assistance -- in order to attend the meeting, please notify the City Clerk at 381-6464, Extension 4616, no later than 48 hours prior to the beginning of the meeting.

If you are unable to attend this meeting, comments may be received by e-mail at cityclerk@PVKANSAS.COM

**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
May 17, 2010**

The City Council of Prairie Village, Kansas, met in regular session on Monday, May 17, 2010, at 7:30 p.m. in the Council Chambers of the Municipal Building.

ROLL CALL

Council President Charles Clark called the meeting to order and roll call was taken with the following Council members present: Al Herrera, Dale Warman, Ruth Hopkins, Steve Noll, Michael Kelly, Andrew Wang, Dale Beckerman, Charles Clark, David Morrison, Diana Ewy Sharp and David Belz.

Also present were: Wes Jordan, Chief of Police; Keith Bredehoeft, Interim Public Works Director; David Waters, Representing the City Attorney; Quinn Bennion, City Administrator; Dennis Enslinger, Assistant City Administrator; Karen Kindle, Finance Director; Chris Engel, Assistant to the City Administrator and Joyce Hagen Mundy, City Clerk.

Council President Charles Clark led all those present in the Pledge of Allegiance.

PUBLIC PARTICIPATION

Chairman Annabeth Surbaugh - Presentation and Flag Exchange

Johnson County Chairwoman Annabeth Surbaugh stated that several months ago the Commissioners suggested that the County exchange flags with all the cities in the county as a sign of unity and recognition of joint cooperation and coordination between the county and city governments. The City flags will be displayed in the county building. Ms Surbaugh called upon County Commissioner Ed Peterson, representing

Prairie Village, to join her in the presentation of the County Flag to Council President Charles Clark. Mr. Clark presented Ms Surbaugh with the City's flag on behalf of Mayor Shaffer and the residents of Prairie Village.

Presentation of former Chief Louis LeManske's firearm to the Police Department

Chief Wes Jordan introduced Marca Reese and Derek LeManske, children of former Chief of Police Louis LeManske's family. They acknowledged other family members who were not able to be in attendance and special guests in the audience.

Derek LeManske thanked the City for the opportunity to return to the City his father's gun in memory and recognition of his 33 years of service to the City. Chief LeManske began his police career with the City, following in his father's footsteps, in 1958 and moved up the ranks for Patrol Officer to Chief of Police.

Chief Wes Jordan thanked the family for this special gift in memory of their father.

Presentation of Proclamation recognizing A. J. LoScalzo

Diana Ewy Sharp stated her appreciation for the thirty years of service on the Park & Recreation Committee and Municipal Foundation by A.J. LoScalzo and acknowledged several persons in the audience present to also honor A.J. Mrs. Ewy Sharp stated she will miss A.J.'s guidance, direction and humor.

Charles Clark read and presented A.J. LoScalzo with a proclamation of recognition on behalf of Mayor Shaffer. She was also presented with a gift. Mrs. LoScalzo expressed her appreciation for the recognition and opportunity to work with so many wonderful people over the past thirty years. She introduced family members present and noted her grandchildren enjoying testing the park equipment and reporting back to her.

PUBLIC PARTICIPATION

Dan Andersen, 3304 West 71st Street, reminded the City Council of the fund-raising event being held this Friday evening, May 21st at US Bank from 7 to 9 with live jazz entertainment, a raffle and several silent auction items. He encouraged all to attend.

PUBLIC HEARINGS

Charles Clark reviewed the procedures to be followed on the two public hearings on the proposed establishment of Community Improvement Districts at the Prairie Village Shopping Center and the Corinth Shopping Center.

Public Hearing on Establishment of a Community Improvement District at Village Shops

Jeff Berg, Senior Vice President of Marketing for Lane4, introducing Curtis Peterson legal counsel with Polsinelli & Shughart and acknowledging other members of the Lane4 Development Team who could not be present including Owen Buckley, President and Reeves Widerman, Architect with Helix.

Jeff Berg stated Lane4's vision for both centers calls for pedestrian friendly centers that are conducive to community gathering with a fresh and attractive appearance that retains the existing charm of the centers. They seek mixed-use and increased density in the centers drawing increased sales for their tenants. However, noted all of their strategies for development of the centers are market driven.

The centers are located in superb neighborhoods, anchored by a grocery store with steady rent revenues and low vacancy rates. However, they are also in need of significant "catch-up" maintenance and substantial ongoing capital improvements. Mr. Berg noted the intense competition to attract market-leading tenants with other area

centers; as well as sales “leakage” to area centers. He added that many of these centers are operating in a public/private partnership enabling them to not only maintain their operations but to make significant improvements.

The impact of increased competition has a “snowball effect” over time driving down sales, preventing retention and attraction of top tenants, depressing rents, reducing reinvestment capital and shrinking City sales tax revenues.

The proposed CID will help build a base to make these improvements. They are not requesting a “hand-out” or “bail-out”, but are simply asking for assistance in “leveling” the playing field in which they operate. They as developers will be investing significant funds for improvements to the centers.

Jeff Berg stated it is their goal to compete and thrive through local, hands-on ownership/management, a strong tenant mix and long-term strategic redevelopment. They support the basic intent of Village Vision. They see several infill development opportunities for the Village Shopping Center with the addition of small parks and walkways. Pictures were shown of the existing centers along with sketches showing staged redevelopment of the centers with the better traffic flow, more pedestrian friendly, variations in the height and appearance of some of the structures. He noted these changes will take place over time. They see possibilities for some mixed use development in the long-term and are seeking the CID for a period of 22 years.

Mr. Berg stated one of the first projects they view for the Prairie Village Center involves changes to Mission Lane and reviewed drawings depicting possible changes. He also noted the underutilization of the courtyard of the Prairie Village Shops talking about possible improvements to that area to bring about greater utilization by the public.

Al Herrera stated that before the State decided to increase sales tax he strongly supported this concept; however, he is now concerned with the combination of two increases in sales tax will allow Brookside to have a smaller sales tax. Mr. Berg responded that he met with the tenants after the announcement of the increased State sales tax and the tenants still are 100% behind the proposed Community Improvement District (CID).

Dale Warman stated the local residents have kept the centers going, noting the lack of marketing outside Prairie Village by previous owners. He asked for their due diligence in not simply putting money into the buildings, but to also market and promote the centers to bring people from outside the City. Mr. Berg responded their first step upon purchasing the centers was to get to know and understand their tenants. They have now begun marketing through electronic means such as Face Book, Twitter and advertising in magazines. They are requiring tenants to pay higher dues into the Merchants Association to enable it to also become stronger and more effective in promoting the centers.

Dale Beckerman noted that many of the tenants are sole owner businesses and not national chains or franchise operations and asked if they plan the future tenant mix to include small business owners. Mr. Berg stated they are very pleased with their local tenants and have no plans to price them out of the center. Local tenants are the backbone of the centers. He noted it is very easy for national companies to close or relocate operations. Mr. Beckerman stated he is concerned with the tenant mix and asked if the center could be run with both national and local businesses. Jeff Berg stated the shoppers in this area are educated and looking for better service, unique items and quality. They like to have a connection to the places they shop.

Diana Ewy Sharp stated that during their first presentation to the Council they stated they have concerns when the sales tax rate approaches 10 percent. She noted with the increase by the State and the proposed 1% CID, the sales tax at the shops will be very close to 10 percent. Mrs. Ewy Sharp asked what Lane4 planned if the CID was not approved by the City.

Jeff Berg reassured the Council that they would not let the centers slide, but that the changes/improvements would be made at a much slower pace. They have already budgeted funds for necessary maintenance and for some improvements.

Al Herrera asked if they planned to take the full 22 years to complete the changes. Jeff Berg stated there is currently no bond market available for funding so they can only spend what money they have collected. By receiving funding over the 22 year period they have the flexibility they need to be able to react as the market changes.

Curtis Peterson added by having a certain on-going funding source it would be easier to get additional bond funding if an opportunity presented itself.

David Morrison expressed concerns with how the funds would be spent and what would happen if Lane4 were to go out of business. Jeff Berg replied the City has full approval of how the money will be spent as Lane4 will have to make application to the City for reimbursement. Curtis Peterson stated the reimbursement process is mandated by the development agreement with preapproval for projects required. The agreement also addresses the transfer of ownership whereby any new owner would be subject to the conditions of the development agreement. Dale Beckerman confirmed this scenario is being addressed in the development agreement.

Al Herrera confirmed the expected revenue from the proposed CID is approximately \$400,000 per year per each center.

Dale Beckerman noted that if sales increase the City will reap the benefits through increased sales tax revenue. Jeff Berg stated they view this private/public partnership as a win/win situation.

Council President Charles Clark opened the public hearing to public comment.

Ann Bontrager, 7910 Bristol Court, stated she was excited to learn about the possible improvements to the shopping centers. She is one of the Kansas residents shopping at Brookside because of the quality of the shops and cheaper gas. She agreed with Mr. Warman's comments regarding the need to market the centers outside the Prairie Village area, noting she had received a flyer for Briarcliff in her mail. Mrs. Bontrager said landscape was not a problem at the center, but they needed to get rid of the potholes. She supports the policy followed by the City of Lawrence in not allowing any chain stores downtown. She added if they are not going to do anything with the Tippins building it should be razed.

Randy Kronblad, 5402 West 80th Terrace, speaking on behalf of the Prairie Village Arts proposed adding to the Community Improvement District a provision that one percent of the funds raised be spent for the general promotion of the arts. This could be through islands, statutes, fountains, exhibits. The Arts Council works very hard to keep the Arts in front of all. Lane4 would be involved in the selection and placement of the art. Operating in partnership with the Arts Council. Mr. Kronblad would like to see the formation of a sub-committee focused solely on public art similar to the City of Leawood.

With no further comments, the public hearing on the application for a Community Improvement District at Prairie Village Shops was closed at 8:35 p.m.

Council President Charles Clark opened the public hearing on the application for a Community Improvement District at the Corinth Shops.

Jeff Berg stated his previous presentation would also apply to the Community Improvement District at the Corinth Square Shops.

Dale Beckerman noted the plans for Mission Lane at Prairie Village and asked if there were any big plans for Corinth Square. Mr. Berg responded Corinth is more difficult because of the long-term leases in place at that center. He would like to see wider sidewalks and better landscaping.

In response to Mrs. Bontrager's comments, he added they had recently been in negotiations with a potential tenant for the Tippins location but they did not like their plan ending the negotiations. He noted the possible changes presented for the southeast corner could also be incorporated into the northeast corner.

Dale Beckerman stated his support for making the center more pedestrian friendly. Mr. Berg responded one of the ideas being considered is a raised walkway leading from the Hen House to the body of the Center.

Ruth Hopkins understood it was not possible at this time, but strongly feels there should be a housing component to the plan for Corinth. Mr. Berg acknowledged the recent trend toward combining retail and residential projects and noted it would be considered if the market permits.

Randy Kronblad echoed his earlier comments regarding public arts funds for the Corinth Center as well as the Prairie Village Center. With no further comments on this application, the public hearing was closed at 8:45 p.m.

Dale Warman stated this is a difficult time to move forward but also noted this is a big opportunity to gain ground with recent loss of an area mall and gain additional shoppers. He noted the longer the City waits more opportunity will be lost.

Charles Clark stated the purpose of the public hearings was to gather information from the public and that no action was necessary on the request this evening. Ruth Hopkins asked for clarification on the process and the next step.

Dennis Enslinger and David Waters briefly reviewed the process and noted the City is currently working on the Development Agreement. Once the development agreement is completed the Council will act on the agreement and adopt an ordinance establishing the Districts. It is at that time formal action will be taken. Mrs. Hopkins asked when that was expected to be completed. Mr. Enslinger replied in approximately a month if the negotiations continue to be productive.

CONSENT AGENDA

Michael Kelly moved the approval of the Consent Agenda for May 17, 2010:

1. Approve Regular Council Meeting Minutes - May 3, 2010
2. Approve Claims Ordinance 2871
3. Approve the issuance of a Cereal Malt Beverage license for Walgreen's Store # 13032 located at 4016 West 95th Street for the remainder of 2010
4. Approve the School Resource Officer contract with Shawnee Mission School District for the 2010-2011 school year
5. Approve 2010 Villagefest Contracts with Sister Act Face Painting for \$1200 and Grego's Balloons for \$300
6. Ratify the Mayor's appointment of Max Rieper to the Park & Recreation Committee for a two-year term ending in April, 2012
7. Approve the purchase of two Riding Mowers from Bledsoe's Rental, Inc. for \$24,558.00 and the disposal of Asset #1359 and #996 by auction.
8. Approve a waiver to allow the serving of alcoholic beverages at Harmon Park on Saturday, September 11, 2010 in conjunction with the JazzFest celebration.

A roll call vote was taken with the following members voting “aye”: Herrera, Warman, Hopkins, Noll, Kelly, Wang, Beckerman, Clark, Morrison, Ewy Sharp, and Belz.

MAYOR’S REPORT

Council President Charles Clark announced that Mayor Shaffer was absent attending the graduation of his daughter from Shawnee Mission East High School.

Michael Kelly moved to authorize Mayor Shaffer to execute a proclamation recognizing May 16 - May 22, 2010 as National Public Works Week. The motion was seconded by David Morrison and passed unanimously.

COMMITTEE REPORTS

Council Committee of the Whole

COU2010-31 Consider Project 190890: 2010 Bond Project - Construction Change Order #1 for Traffic Calming on 71st Street from Cherokee to Belinder

On behalf of the Council Committee of the Whole, Michael Kelly moved the Governing Body approve Construction Change Order #1 to the 2010 Street Bond Project 190890 with O’Donnell and Sons construction for the construction of two speedtables on 71st street between Cherokee and Belinder Avenue. The motion was seconded by Dale Beckerman and passed by a vote of 7 to 4 with Belz, Ewy Sharp, Hopkins and Herrera voting “nay”.

COU2010-34 Consider Project 190890: 2010 Bond Project - Construction Change Order #2 for Traffic Calming on 82nd Terrace from Somerset to Roe Avenue

On behalf of the Council Committee of the Whole, Michael Kelly moved the Governing Body approve Construction Change Order #2 to the 2010 Street Bond Project 190890 with O’Donnell and Sons construction for the construction of two

speedtables on 82nd Terrace from Somerset to Roe Avenue. The motion was seconded by Dale Beckerman and passed by a vote of 8 to 3 with Ewy Sharp, Hopkins and Herrera voting “nay”.

COU2010-30 Consider Approval of Investment Grade Audit Agreement with Energy Solutions Professionals (ESP)

On behalf of the Council Committee of the Whole, Michael Kelly moved the Governing Body authorize the City Administrator to execute an Investment Grade Audit Agreement with Energy Solutions Professionals (ESP) in the amount of \$3,928.00 with funding from the 2009 bond issuance. The motion was seconded by Dale Beckerman and passed unanimously.

COU2010-32 Consider Project P5001: 2010 Street Repair Program

On behalf of the Council Committee of the Whole, Michael Kelly moved the Governing Body authorize the Mayor to sign the construction contract with Musselman & Hall Contractors for Project P5001: 2010 Street Repair Program in the amount of \$260,000. The motion was seconded by Andrew Wang and passed unanimously.

COU2010-33 Consider Project P500: 2010 Crack Seal/Slurry Seal Program

On behalf of the Council Committee of the Whole, Michael Kelly moved the Governing Body authorize the Mayor to sign the construction contract with Musselman & Hall Contractors for Project P5000: 2010 Crack Seal/Slurry Seal Program in the amount of \$180,000. The motion was seconded by Dale Warman and passed unanimously.

STAFF REPORTS

Public Safety

- Chief Jordan thanked all who participated in the “Tip-A-Cop” Program and announced that \$1400 was raised for Special Olympics.

Public Works

- Keith Bredehoeft stated they were filling the pools with water and making final preparations for their opening. He noted they are monitoring the earlier leak and so far it is holding.
- More than a million dollars worth of work has been completed on the 2010 Bond Projects.

Administration

- Dennis Enslinger announced Solid Waste changes are going better
- The City Council will consider the cell tower at the Fire Station at their June 7th meeting
- The Planning Commission also approved the installation of a 30' wind turbine for Shawnee Mission East. The turbine will be located in the parking lot near City Hall.
- Quinn Bennion commended the current and past Council's and staff on the recent award of an Aaa Bond Rating as a reflection on the City's sound financial practices.

OLD BUSINESS

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

NEW BUSINESS

Al Herrera reported on his recent conversations with the Center for Municipal Solutions, a group that provides guidance and direction to municipalities on cell towers. He noted they do not charge for their services and have a representative in Omaha, Nebraska.

EXECUTIVE SESSION

Michael Kelly moved pursuant to K.S.A. 75-4319(b)(1) that the Governing Body recess into Executive Session for a period not to exceed twenty-five minutes for the purpose of consulting with the City Attorney on a personnel matter which is privileged in the attorney-client relationship. Present will be the Mayor, City Council, City Administrator, City Attorney, Outside Counsel, Chief of Police and Captain

Schwartzkopf. The Council meeting will reconvene at 9:25 p.m. The motion was seconded by Al Herrera and passed unanimously.

Council President Charles Clark reconvened the meeting at 9:25 p.m.

Michael Kelly moved pursuant to K.S.A. 75-4319(b)(6) that the Governing Body recess into Executive Session for a period not to exceed twenty minutes for the purpose of preliminary discussions relating to possible acquisition of real property with the City Attorney which is privileged in the attorney-client relationship. Present will be the Mayor, City Council, City Administrator, City Attorney and Assistant City Administrator. The Council meeting will reconvene at 9:45 p.m. The motion was seconded by Dale Beckerman and passed unanimously.

Council President Charles Clark reconvened the meeting at 9:45 p.m.

Michael Kelly moved pursuant to K.S.A. 75-4319(b)(6) that the Governing Body recess into Executive Session for a period not to exceed twenty minutes for the purpose of preliminary discussions relating to possible acquisition of real property with the City Attorney which is privileged in the attorney-client relationship. Present will be the Mayor, City Council, City Administrator, City Attorney and Assistant City Administrator. The Council meeting will reconvene at 10:05 p.m. The motion was seconded by Ruth Hopkins and passed unanimously.

Council President Charles Clark reconvened the meeting at 10:05 p.m.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

Arts Council	05/19/2010	7:00 p.m.
JazzFest Committee	05/20/2010	7:00 p.m.
Environmental Recycle Committee	05/26/2010	7:00 p.m.
VillageFest Committee	05/27/2010	7:00 p.m.
Planning Commission	06/01/2010	7:00 p.m.

Council Committee of the Whole
City Council

06/07/2010
06/07/2010

6:00 p.m.
7:30 p.m.

The Prairie Village Arts Council is pleased to announce a mixed media exhibit by Rod Atteberry and Otto Miller for the month of May.

Recreation memberships are now for sale in the City Clerk's office. The pool opens on May 29th.

The City offices will be closed Monday, May 31st in observance of Memorial Day. Deffenbaugh also observes this holiday and trash/recycling pick-up will be delayed one day.

The City Clerk's office has a new style of ceramic coffee mug for sale. They are \$5.00 each.

The 50th Anniversary books, Prairie Village Our Story, are being sold to the public.

ADJOURNMENT

With no further business to come before the City Council, the meeting was adjourned at 10:15 p.m.

Joyce Hagen Mundy
City Clerk