

COUNCIL COMMITTEE OF THE WHOLE
Council Chambers
Monday, December 04, 2017
6:00 PM

AGENDA

JORI NELSON, COUNCIL PRESIDENT

AGENDA ITEMS FOR DISCUSSION

First Washington Annual Update
Michelle Pitsenberger and Gregg Zike

*COU2017-48 United Community Services (UCS) presentation and consider approval of the 2018 contribution allocation recommended by UCS for Human Service Fund grants
Marya Schott

*COU2017-49 United Community Services (UCS) presentation and consider approval of the 2018 contribution allocation recommended by UCS for Alcohol Tax Fund
Marya Schott

Drone Ordinance Discussion
David Waters

COU2017-50 Consider approval of amendment to the security license ordinance
Joyce Hagen Mundy

COU2017-51 Consider approval of a construction contract for the 2017 Park Project
Keith Bredehoeft

*COU2017-52 Consider approval of ordinance 3272 amending section 1-203 entitled "Same; meetings" of Chapter 1 entitled "Administration" of the code of the City of Prairie Village, Kansas

***Council Action Requested the same night**

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Council Chambers
Monday, December 04, 2017
7:30 PM**

- I. **CALL TO ORDER**
- II. **ROLL CALL**
- III. **PLEDGE OF ALLEGIANCE**
- IV. **INTRODUCTION OF STUDENTS & SCOUTS**
- V. **PUBLIC PARTICIPATION**

(5 minute time limit for items not otherwise listed on the agenda)

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 the regular City Council meeting minutes - Nov. 6, 2017
- 2. Approve the special City Council Meeting Minutes - Nov. 6, 2017
- 3. Approve claims ordinance 2960
- 4. Approve the issuance of Cereal Malt Beverage licenses for 2018
- 5. Approve agreement with Berberich, Trahan & Co., P.A. to audit the City's 2017 Financial Statements
- 6. Adopt the 2018 salary range resolution
- 7. Approve renewal of the DTI contract
- 8. Approve Resolution 2017-03, approving the Prairie Village Arts Council Monthly Artist Receptions in 2018 as Special Events Promoting the Arts to allow the serving of free wine.
- 9. Approve the contract for Portable Toilet Services to Madden Rental
- 10. Approve the contract for Pest Control Services to Lawrence Pest Control
- 11. Approve the contract for HVAC Services to O'Dell Service Co
- 12. Approve the contract for Fire Extinguisher Service to 451 Protection

VII. **COMMITTEE REPORTS**

Council Committee of the Whole

- COU2017-48 Consider approval of the 2018 contribution allocation recommended by UCS for Human Service Fund grants
- COU2017-49 Consider approval of the 2018 contribution allocation

recommended by UCS for Alcohol Tax Fund
COU2017-52 Consider approval of ordinance 3272 amending section 1-203
entitled "Same; meetings" of Chapter 1 entitled "Administration"
of the code of the City of Prairie Village, Kansas

VIII. MAYOR'S REPORT

IX. STAFF REPORTS

X. OLD BUSINESS

Discussion related to the Prairie Baptist request to repair the failed slope
adjacent to their parking lot and next to Brush Creek

XI. NEW BUSINESS

XII. ANNOUNCEMENTS

XIII. 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 385-4616, 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 CLERK DEPARTMENT

Council Committee Meeting Date: December 4, 2017

Council Meeting Date: December 4, 2017

COU2017- 52 Consider Ordinance Revision

RECOMMENDATION

RECOMMEND THE GOVERNING BODY ADOPT AN ORDINANCE 2372 AMENDING SECTION 1-203, ENTITLED "SAME; MEETINGS" OF CHAPTER 1 ENTITLED "ADMINISTRATION" OF THE CODE OF THE CITY OF PRAIRIE VILLAGE, KANSAS

BACKGROUND

This ordinance change will address the statutory requirement of newly elected city officials taking office on the 2nd Monday in January without having to have a special City Council meeting or move the regularly scheduled meeting on the first Monday.

Staff has explored how other cities are addressing this requirement when their regular meeting day is not the second Monday of the month. Instead of holding a special meeting or changing their regular meeting date, some cities are having newly elected officials come to City Hall and have the City Clerk administer the oath of office.

However, the new language adopted to address changing the election that would require a meeting on the second Monday in January following the certification of the results of the election for newly elected officials to take office. The attached revision removes that mandate and returns the code to its previous language.

Council Action Requested Same Evening

ATTACHMENTS

Proposed Code Revision
Ordinance 2371

PREPARED BY

Joyce Hagen Mundy
City Clerk

Date: December 4, 2017

ORDINANCE NO. 2338 _____

AN ORDINANCE AMENDING SECTION 1-203 ENTITLED "SAME; MEETINGS" AND READOPTING SECTION 1-208 ENTITLED "VACANCIES IN GOVERNING BODY; HOW FILLED" OF ARTICLE 2 ENTITLED "GOVERNING BODY" OF CHAPTER I ENTITLED "ADMINISTRATION"; AND AMENDING SECTIONS 6-104 ENTITLED "CITY OFFICERS; GENERAL ELECTION", 6-105 ENTITLED "COUNCIL MEMBERS ELECTIONS; TERMS", AND 6-106 ENTITLED "COMMENCEMENT OF TERMS OF OFFICE; OATH OF OFFICE" OF ARTICLE 1 ENTITLED "CITY ELECTIONS", CHAPTER VI ENTITLED "ELECTIONS" OF THE CODE OF THE CITY OF PRAIRIE VILLAGE, KANSAS

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS:

SECTION ONE: Section 1-203 of Article 2, Chapter I of the Code of the City of Prairie Village, Kansas is hereby amended to read as follows:

~~1-203. SAME; MEETINGS. (a) On the second Monday in January following certification of the results of the City election held the previous November as provided by Section 6-104 of this Code, the governing body, as constituted before said election, shall meet and proceed to any unfinished business, and thereafter seat the new governing body, and the new governing body shall proceed to the order of business.~~

~~(b) Except as provided in subsection (a) regular~~ 1-203. SAME; MEETINGS. (a) Regular meetings of the governing body shall be held on the 1st and 3rd Mondays of each month at 7:30 p.m. In the event the regular meeting day shall fall on any legal holiday or any day observed as a holiday by the city offices, the governing body shall fix the succeeding day not observed as a holiday as a meeting day.

~~(eb)~~ Special meetings may be called by the mayor or acting mayor, on the written request of any three members of the council, specifying the object and purpose of such meeting, which request shall be read at a meeting and entered at ~~length~~ length on the ~~journal~~ journal.

~~(dc)~~ Regular or special meetings of the governing body may be adjourned for the completion of its business at such subsequent time and place as the governing body shall determine in its motion to adjourn.

~~SECTION TWO:~~ Section 1-208 of Article 2, Chapter I of the Code of the City of Prairie Village, Kansas is hereby adopted to read as follows:

~~1-208. VACANCIES IN GOVERNING BODY; HOW FILLED. (a) In case of a vacancy occurring by reason of resignation, death, removal from office or when the mayor no longer resides in the City, the President of the Council will fill the vacancy by serving as~~

Mayor until the Council elects a new Mayor. The Council shall elect, by a majority of those Council Members present, a new Mayor from those Council Members serving at the time of the vacancy within thirty (30) days from the vacancy to serve until the next regularly scheduled City election. The vacancy in the Council created by the Council electing a new Mayor will be filled in accordance with Section 1-208(b) of the Prairie Village Municipal Code.

~~(b) In case of a vacancy occurring by reason of resignation, death, removal from office or when a councilmember no longer resides in the ward in which the council member has been elected, the mayor, by and with the consent of the remaining council members may appoint some suitable elector residing in such ward to fill the vacancy until the next election for that council position.~~

~~SECTION THREE Section 6-104 of Article 1, Chapter VI of the Code of the City of Prairie Village, Kansas is hereby amended to read as follows:~~

~~6-104 CITY OFFICERS; GENERAL ELECTION; PRIMARY ELECTION.~~

~~(a) Nonpartisan. City elections for mayor and council shall be non-partisan.~~

~~(b) General Election. The general election of city officers, when required, will be held on the first Tuesday of April through 2016, and commencing in 2017, the general election of city officers, when required, will be held on the Tuesday succeeding the first Monday in November.~~

~~(c) Primary elections.~~

~~(i) Except as otherwise provided in subsection (ii) of this section, there shall be a primary election of city officers, if needed, on the Tuesday preceding by five weeks the first Tuesday in April of every year that the City of Prairie Village has an April city general election, and on the first Tuesday in August in every year that the City of Prairie Village has a November city general election.~~

~~(ii) A primary election shall be held only if needed to reduce the number of candidates for each office in the general election to no more than two (2) candidates. No primary election for city officers shall be held unless by holding such primary one (1) or more persons will be eliminated as candidates for office. In the event there are not more than two (2) candidates for any one office, the names of the candidates for such office shall not appear on the primary election ballots, and there shall be no primary election for city officers, but the names of such candidates shall be placed on the general city election ballot.~~

~~SECTION FOUR: Section 6-105 of Article 1, Chapter IV the Code of the City of Prairie Village, Kansas is hereby amended to read as follows:~~

~~6-105. GENERAL CITY ELECTIONS; TERMS.~~

~~(a) November Elections. Commencing in 2017, the general election of city officers, when required, will be held on the Tuesday succeeding the first Monday in November.~~

- (b) ~~Council Member Terms of Office Shortened.~~ The terms of council members elected in the April, 2014 election shall expire on the second Monday in January, 2018 when the council members elected in the November, 2017 general city election take office. The terms of council members elected in the April, 2016 election shall expire on the second Monday in January, 2020, when the council members elected in the November, 2019 general city election take office.
- (c) ~~Mayor Term of Office Shortened.~~ The term of mayor elected in the April, 2015 election shall expire the second Monday in January, 2019, when the mayor elected in the November, 2018 general election takes office.
- (d) ~~Council Member Elections in Odd-Numbered Years.~~ Each ward of the city shall have two councilmembers with staggered terms so that one council member from each ward shall be elected at each odd-numbered year election by qualified voters within such ward. Commencing with the general election on the Tuesday succeeding the first Monday in November of 2017, there shall be a general election for the offices of all council members completing their current terms of office in January, 2018. All elected city officers not then completing their current terms, shall continue to hold their respective offices until said terms are completed or said offices are otherwise vacated. Thereafter, there shall be elected one council member from each ward at the general election on the Tuesday succeeding the first Monday in November of every odd-numbered year.
- (e) ~~Mayor Elections in Even-Numbered Years.~~ The office of mayor shall be elected in even-numbered years by qualified voters from the city at large. There shall be a general election on the Tuesday succeeding the first Monday in November of 2018 for the office of mayor completing the current term of office in January of 2019. Thereafter, the general election of mayor shall be held on the Tuesday succeeding the first Monday in November of every fourth even-numbered year.
- (f) ~~Vacancies.~~ Vacancies in the office of council member or mayor shall be filled in accordance with Section 1-208 of the Code of the City of Prairie Village.

~~SECTION FIVE:~~ Section 6-106 of Article 1, Chapter VI the Code of the City of Prairie Village, Kansas is hereby amended to read as follows:

~~6-106 COMMENCEMENT OF TERMS OF OFFICE; OATH OF OFFICE.~~

- (a) ~~The terms of office for all city officials elected after January 1, 2017 shall commence on the second Monday in January following certification of the election and shall be for four years and until a successor is elected and qualified. No person shall be eligible to the office of the council member who is not at the time of his or her election an actual resident of the ward for which he or she was elected. All elected officers shall be qualified electors of the City under the constitution of the State of Kansas.~~

(b) — Every person elected or appointed to city office, before entering upon the duties of such office, shall take and subscribe an oath or affirmation as specified in K.S.A. 54-106, and amendments thereto, and every such oath or affirmation shall be filed with the city clerk.

~~SECTION SIX: If for any reason any chapter, article, section, subsection, sentence, portion or part of this proposed Ordinance set out herein, or the application thereof to any person or circumstances is declared to be unconstitutional or invalid, such decision will not affect the validity of the remaining portions of this Ordinance or other provisions of the Code of the City of Prairie Village.~~

~~SECTION SEVEN: Existing Sections 1-203, 1-208, 6-104, 6-105 and 6-106 of the Code of the City of Prairie Village and any provisions in conflict herewith are hereby repealed.~~

~~SECTION EIGHT: This ordinance shall take effect and be enforced from and after its passage, approval, and publication as provided by law, and with respect to all provisions of this ordinance which are inconsistent with the provisions of Charter Ordinance Nos. 14, 20 and 24, upon the effective date of Charter Ordinance No. 26 which repeals Charter Ordinance Nos. 14, 20 and 24.~~

PASSED AND APPROVED THIS ~~2ND~~ ___ DAY OF ~~NOVEMBER~~ DECEMBER, 2015
2017.

Laura Wassmer, Mayor

ATTEST:

APPROVED AS TO FORM:

Joyce Hagen Mundy, City Clerk

Catherine P. Logan, City Attorney

ORDINANCE NO. 2371

AN ORDINANCE AMENDING SECTION 1-203 ENTITLED "SAME; MEETINGS" OF CHAPTER I ENTITLED "ADMINISTRATION" OF THE CODE OF THE CITY OF PRAIRIE VILLAGE, KANSAS

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS:

SECTION ONE: Section 1-203 of Article 2, Chapter I of the Code of the City of Prairie Village, Kansas is hereby amended to read as follows:

1-203. SAME; MEETINGS. (a) Regular meetings of the governing body shall be held on the 1st and 3rd Mondays of each month at 7:30 p.m. In the event the regular meeting day shall fall on any legal holiday or any day observed as a holiday by the city offices, the governing body shall fix the succeeding day not observed as a holiday as a meeting day.

(b) Special meetings may be called by the mayor or acting mayor, on the written request of any three members of the council, specifying the object and purpose of such meeting, which request shall be read at a meeting and entered at length on the journal.

(c) Regular or special meetings of the governing body may be adjourned for the completion of its business at such subsequent time and place as the governing body shall determine in its motion to adjourn.

PASSED AND APPROVED THIS 4TH DAY OF DECEMBER, 2017.

Laura Wassmer, Mayor

ATTEST:

APPROVED AS TO FORM:

Joyce Hagen Mundy, City Clerk

Catherine P. Logan, City Attorney