

**CITY COUNCIL**  
**CITY OF PRAIRIE VILLAGE**  
**DECEMBER 20, 2010**

The City Council of Prairie Village, Kansas, met in regular session on Monday, December 20, 2010 at 7:30 pm in the Council Chambers of the Municipal Building.

**ROLL CALL**

Mayor Ron Shaffer 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, Laura Wassmer, Dale Beckerman, Charles Clark, David Morrison, Diana Ewy Sharp and David Belz.

Also present were: Wes Jordan, Chief of Police; Bruce McNabb, Director of Public Works; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Dennis Enslinger, Assistant City Administrator; Karen Kindle, Finance Director; Chris Engel, Assistant to the City Administrator, Nic Sanders, Human Resources Specialist and Joyce Hagen Mundy, City Clerk.

Mayor Shaffer led all those present in the Pledge of Allegiance.

**PUBLIC PARTICIPATION**

Scott Curry, 1110 East 2100 Road, addressed the Council regarding the award the contract for Custodial Services for the City. He stated he has provided that service for the past 30 years and would like to continue to do so. Mayor Shaffer stated that he was aware that this item will be removed from the Consent Agenda and will be discussed during the meeting. He asked Mr. Curry to remain in case Council members had any questions.

**CONSENT AGENDA**

Ruth Hopkins asked that item #12 be removed from the Consent Agenda. Diana Ewy Sharp asked for items #12 & #13 be removed. Charles Clark moved approval of the Consent Agenda for December 20, 2010 items #1 - #11:

1. Approve Regular Council Meeting Minutes - December 6, 2010
2. Approve Claims Ordinance 2878

3. Ratify the Mayor's appointment of Yuliya Matskevych and Ivan Novikov to serve as Student Representatives on the Prairie Village Sister City Committee
4. Approve the renewal of a contract with the city's Prosecutor, Deb Vermillion
5. Approve a contract with Attorney Lenin Guerra to provide Public Defender services to Spanish speaking defendants
6. Approve the renewal of a contract with Animal Medical Center to provide Animal Care Services
7. Adopt Resolution 2010-15 establishing 2011 Salary Ranges
8. Approve a three year weather services contract with Weather or Not for weather forecasting services
9. Approve a three year contract with Coffee Plus for coffee services
10. Approve a three year contract with Deffenbaugh Industries Inc for roll-off container services
11. Approve a three year contract with Lexington Plumbing for plumbing services
12. Removed
13. Removed

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

Ruth Hopkins stated six years ago Mr. Curry was not low bid and she felt very strongly at that time, as she does now, that items other than the dollar bid should be considered in determining the award of a bid for services. She would like to have staff look into adopting language that would allow for possible automatic renewal of contracts and into having more flexibility for Council to consider factors other than solely the dollar bid when awarding service contracts. She would like to see Mr. Curry's contract renewed.

Al Herrera stated he felt it was important to consider the City's relationship with the contractor. He noted there have been a number of times when Mr. Curry has made special trips in to clean before or after events. He is supportive of renewing his contract.

Dale Warman agreed with the previous comments and noted the price difference in the bid may be offset by the knowledge and experience of a long-term contractor over the training period for a new employee and also noted the level of trust built with the current provider is important due to his access to all areas of City facilities.

Laura Wassmer moved the City Council approve a three year contract with Sanitol for custodial services. The motion was seconded by Dale Beckerman and passed unanimously.

Ruth Hopkins asked that staff investigate ways to allow more flexibility in the awarding of contracts. Quinn Bennion responded he would add the review of the City's Purchasing Policy to a future Council Committee agenda.

Mayor Shaffer called upon Diana Ewy Sharp for discussion on item #13.

Diana Ewy Sharp noted her concerns on this item are similar to those discussed on the previous item. The current tree services agreement is held by VanBooven Lawn & Landscape. The dollar difference between the two low bidders in the first year is \$600. She would like the Council to discuss the award of this bid not solely on cost. She stated VanBooven Lawn has provided excellent service in the past and noted that Greg VanBooven is a Prairie Village resident and serves on the City's Tree Board.

David Belz asked if staff had any concerns with the past services. Quinn Bennion responded performance issues are not addressed by the City's Purchasing Policy except that the incumbent was qualified. The Purchasing Policy establishes a uniform policy for bid solicitation. This policy is intended to provide a method for the most prudent and effective expenditure of City funds for the maximum protection of the taxpayer. Criteria other than cost are not addressed by the policy.

Mayor Shaffer asked about the status of the City of Olathe's discussions regarding a local vendor policy. Quinn Bennion and Katie Logan stated that it was discussed but not passed.

Michael Kelly asked if other cities addressed other criteria.

Ruth Hopkins stated she objects to always having to take the low bid. She feels it is possible to have additional criteria considered and would like to see the City move in that direction.

Dale Warman stated if the current provider was doing acceptable work, he would support not going out to bid. He felt it was unfair to vendors to go out to bid and not follow the established process.

Diana Ewy Sharp confirmed previous bids and current contracts are public records and could be obtained prior to preparing a bid.

Diana Ewy Sharp moved the City Council approve a three year contract with VanBooven Lawn Landscape & Tree Care for City tree services. The motion was seconded by David Morrison and passed unanimously.

## **MAYOR'S REPORT**

Mayor Shaffer read a letter he received acknowledging the awarding of the designation of Certified Municipal Clerk by the International Institute of Municipal Clerks to Deputy City Clerk Jeanne Koontz. Mayor Shaffer presented Ms Koontz with a certificate commending this achievement and a plaque acknowledging the award. Jeanne Koontz thanked the Council for their financial support that allowed her to achieve this honor.

Mayor Shaffer reported that over the weekend several unused Christmas trees had been dropped at Porter Park. This was brought to his attention by Prairie Village residents and it was suggested that they be donated to those in need. After making a number of calls it was arranged for Public Works crews to take the trees to Cross Lines in Kansas City, Kansas where several individuals were waiting for the trees when the truck arrived. He thanked staff for their assistance in coordinating this and noted the local news station is running a feature on the gifted trees.

Mayor Shaffer reported on several events he attended in the past two weeks representing the City including retirements, holiday events, three DARE graduations, Northeast Johnson County legislative breakfast and meetings of the Northeast Johnson County Mayors.

## **COMMITTEE REPORTS**

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

On behalf of the Council Committee of the Whole, Charles Clark moved the Governing Body approve a Design Agreement with Affinis Corporation for the preliminary and final design of Cambridge Street from 78<sup>th</sup> Street to 79<sup>th</sup> Terrace in the amount of \$71,260.00. The motion was seconded by Laura Wassmer and passed unanimously.

## **STAFF REPORTS**

### **Administration**

- The Legislative Breakfast & Retreat will be held on Saturday, February 5<sup>th</sup>. Charles Clark added the discussion at the retreat will focus on the capital budget, current status of infrastructure, how to cover costs to maintain, repair or replace as needed. Al Herrera asked that the event be held in Prairie Village.
- Chris stated he has contacted the League of Kansas Municipalities to provide a history of the funding of gas and liquor taxes.

- Quinn Bennion announced the City's new website will launch at the end of the month and will continue to be updated with additional information added by staff.
- The search for a new Finance Director will begin in January with the hope to have someone in place by the end of April.
- Quinn Bennion noted that he will be out of town on vacation beginning December 22<sup>nd</sup> through the end of the year. Mayor Shaffer announced that staff reports were given at the Council Committee of the Whole meeting.

## OLD BUSINESS

The Council continued their discussion on a resident's request to take action on potential code violations in conjunction with the Christmas display at 7611 Falmouth.

Ruth Hopkins confirmed with the City Attorney that the resident could bring civil suit against Mr. Babick. Mr. Enslinger replied this has been discussed with Mr. Isom. Dale Beckerman asked if there were grounds for a suit by Mr. Isom against the City. Ms. Logan responded she did not feel there is cause for a suit against the City. Mr. Beckerman stated he is not in favor of the City recommending neighbors sue one another.

Dennis Enslinger stated that some cities have regulated holiday displays through their zoning codes through special use permits. Criteria would have to be established to determine when a special use permit is applicable. Laura Wassmer asked if Mr. Babick could be required to provide private security during the time the display was open instead of the City having to do extra patrols of the area. Mr. Enslinger replied some special use permits have similar conditions. Ms Wassmer stated she would like to review what other cities have done to address holiday displays. Mr. Enslinger noted it would not address the current situation as the zoning codes are not in place.

Michael Kelly noted the similarity of this to events such as Villagefest and Jazzfest bringing large crowds of people to an area; however, noted that as these are 1 day events, Mr. Babick's display covers a six to eight week period of time attracting thousands of people. He feels the issue is not the event, but rather, the impact of the event on the community. He would also like to see how other cities address this issue.

Dennis Enslinger pointed out there are differences between residential activities done by individuals and public or commercial activities done by groups.

Laura Wassmer suggested the length of the event would be valid criteria with anything exceeding 30 days requiring permitting.

Diana Ewy Sharp stated that whatever is done has to be done equitably and noted the action being discussed would require a significant amount of staff time and work.

Andrew Wang stated he supports having quantitative criteria and feels that one could be if the display required individuals to get out of their vehicle rather than simply driving through the area to view the display. David Belz stated he would like to view what others are doing but expressed caution in regulating such displays.

Dennis Enslinger stated a special use permit must be tied to a use and any similar activities would have to be regulated.

Dale Warman noted it is the City's responsibility to protect citizens and noted this has been going on for the past several years and needs to finally be addressed by the City. David Morrison disagreed stating the impact of this display is not all negative. It is a matter of perception and viewed by some as a community treasure bringing people to Prairie Village and viewed by others as a community nuisance. He urged the Council to be very careful in setting regulations on what can be done on private property.

Dale Beckerman stated a resident does not have the right to tie up a local street for 35 days. He feels the City needs to regulate this so these problems do not continue to occur year after year.

Diana Ewy Sharp questioned if this was an appropriate use of staff time. If this is a safety issue, she is ok with regulation. Dale Beckerman encouraged requiring permit for all displays meeting established criteria. Al Herrera disagreed stating this would require a significant expenditure of staff time due to the number and different types of displays throughout the City.

## **NEW BUSINESS**

Diana Ewy Sharp shared memories of long-time City volunteer Jim Hanson who died last week. Jim was very proud to have been awarded the Community Spirit Award in 2007. Mrs. Ewy Sharp thanked the Council for support of this annual recognition given in conjunction with Villagefest.

**ANNOUNCEMENTS**

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

Council Committee of the Whole	01/03/2011	6:00 p.m.
City Council	01/03/2011	7:30 p.m.

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The Prairie Village Arts Council is pleased to announce an India ink exhibit by Carol Miller in the R. G. Endres Gallery for the month of January.

Mayor Shaffer acknowledged a press release on the induction of Councilman Dale Warman into the City of Lenexa Hall of Fame and congratulated Mr. Warman on this honor.

The City Offices will be closed on Friday, December 24th and Friday, December 31<sup>st</sup> in observance of the Christmas and New Year's holidays. Solid waste and recycling pick-up will be done Monday through Friday (normal schedule) both weeks.

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

The 50<sup>th</sup> 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 8:30 p.m.



Joyce Hagen Mundy  
City Clerk