

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
September 17, 2012
7:30 p.m.**

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE OF ALLEGIANCE
- IV. PUBLIC PARTICIPATION
- V. 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 - September 4, 2012
- 2. Approve Claims Ordinance 2899
- 3. Approve the 2013 Mission Hills Contract for Public Safety Services and the 2013 Mission Hills Budget
- 4. Approve the Interlocal Agreement with Leawood, KS for Project 81ST0001: 81st Street and Somerset Drive SMAC Project

- VI. MAYOR'S REPORT
- VII. COMMITTEE REPORTS

Council Committee of the Whole

- COU2012-39 Consider Approval of Neighborhood Event Ordinance & Permit Process
- COU2012-40 Consider Construction Contract for Project SARD0001: 2012 CDBG Project on Sagamore Drive from 75th Street to 76th Street
- COU2012-41 Consider Construction Administration Agreement with TranSystems for Project SARD0001: 2012 CDBG Project on Sagamore Drive from 75th Street to 76th Street

- X. STAFF REPORTS
- X. OLD BUSINESS
- 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 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
September 17, 2012**

The City Council of Prairie Village, Kansas, met in regular session on Monday, September 17, 2012, at 7:30 p.m. in the Council Chambers of the Municipal Building.

ROLL CALL

Council President David Morrison called the meeting to order and roll call was taken with the following Council members present: Ashley Weaver, Dale Warman, Ruth Hopkins, Steve Noll, Michael Kelly, Andrew Wang, Laura Wassmer, Brooke Morehead, Charles Clark, Ted Odell 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; Chris Engel, Assistant to the City Administrator; Lisa Santa Maria, Finance Director; Joyce Hagen Mundy, City Clerk.

David Morrison led all those present in the Pledge of Allegiance.

PUBLIC PARTICIPATION

Charles Schollenberger, 3718 West 79th Terrace, addressed the Council on two issues. First, he expressed his opposition to a potential petition drive by residents to initiate the placement of a sales tax referendum for park improvements on the ballot for voters. He feels an increase in sales tax is both unnecessary and wrong in these economic times noting the large amount of money recently spent on park improvements. An increase in sales tax would negatively impact those on fixed incomes, the elderly and

retailers in the Prairie Village Shopping Centers as the sales tax amount at the centers would likely exceed 10%. He noted the City Council earlier this year voted to not move forward with the proposed sales tax.

Mr. Schollenberger also expressed concern with the potential use of Community Improvement District (CID) funds for the construction of a new retail building at the Prairie Village Shopping Center. He feels it is totally wrong for public funds to be used to finance the construction of a private retail facility.

Andrew Michael Babick, 7611 Falmouth, addressed the Council regarding the proposed "Special Event Ordinance and Permit Process". He stated that he has been putting lights on his home for 47 years because he enjoys it and enjoys the joy it brings to others. His neighbors have created a problem by constantly harassing the police department with false complaints. He doesn't see what he has done that is wrong and that would cause the City to prepare an ordinance against him and his family members. He does not feel his Christmas display creates a public safety hazard noting that there have not been any accidents on his street. He said emergency vehicles can get through and he directs traffic when necessary. .

Mr. Babick stated if this ordinance is adopted it will kill Christmas at the Falmouth house. He stated he will not be able to pay the fees to get a permit and asked what he is to tell the children and others who come to see his display. He feels he's done nothing wrong by putting up Christmas lights. This is not an event. This ordinance is not about public safety. He stated he will let the media know if the Council proceeds with this ordinance.

Ted Fritz, 7609 Tomahawk, questioned who is liable for trees on the right-of-way and falling limbs. He noted the oaks trees were planted by the City but he's been told

property owners are responsible for their maintenance. He stated that recently he was almost hit by a large limb while driving his car down the street and asked who would be liable. He noted that several years ago the city trimmed trees, but he hasn't seen that being done.

City Attorney Katie Logan stated the question of liability would be determined on an individual basis based on the surrounding circumstances. She stated the property owner has the primary responsibility for the maintenance of trees. The City does some periodic maintenance, trimming and safety inspections. Council President David Morrison encouraged Mr. Fritz to work one on one with staff to resolve his concerns. Mr. Fritz noted he doesn't have a particular problem, he is just seeking clarification on responsibility and general concern with several dead limbs in trees along Tomahawk and concern with possible damage to Ash trees from the Emerald Ash Bore. Mr. Morrison advised Mr. Fritz that the City recently increased its funding for the tree trimming program.

With no one else to address the Council public participation was closed at 8:05.

CONSENT AGENDA

Charles Clark moved the approval of the Consent Agenda for September 17, 2012 with the amended minutes as distributed:

1. Approve Regular Council Meeting Minutes - September 4, 2012
2. Approve Claims Ordinance 2899
3. Approve the 2013 Mission Hills Contract for Public Safety Services and the 2013 Mission Hills Public Safety Budget
4. Approve the Interlocal Agreement with the City of Leawood, Kansas for Project 81ST0001: 81st Street and Somerset Drive - SMAC Project

A roll call vote was taken with the following members voting “aye”: Weaver, Warman, Hopkins, Noll, Kelly, Wang, Wassmer, Morehead, Clark, Morrison, Odell and Belz.

MAYOR’S REPORT

No Mayor’s report was given in Mayor Shaffer’s absence. Council President David Morrison encouraged Council members to participate in the upcoming National League of Cities Conference and the League of Kansas Municipalities Conference.

COMMITTEE REPORT

Council Committee of the Whole **COU2012-39 Consider Approval of Neighborhood Event Ordinance and Permit Process**

On behalf of the Council Committee of the Whole, Charles Clark moved the Governing Body adopt Ordinance 2262 amending Chapter 11 of the Prairie Village Municipal Code, 2003, entitled “Public Offenses and Traffic” by adding Article 14 entitled “Special Event Permit”. The motion was seconded by Ruth Hopkins.

Laura Wassmer asked how the cost was determined.

City Attorney Katie Logan stated there is no fee for the permit, but if the police department incurs additional expenses above and beyond their regular staffing levels or additional signage, etc. these costs would be charged to the applicant.

Ms Logan went on to note that after discussions with the City Prosecutor she has prepared a change to Section 11-1412 “Penalties” that is clearer and in keeping with common practice. The amount of any fine related to violation of this ordinance would be set by the municipal judge.

Laura Wassmer confirmed that currently when events are held that incur additional costs the costs are covered by the applicant. Chief Jordan stated the proposed regulations are consistent with those followed for 5K runs and parades in their permit process.

Dale Warman confirmed that if there were no additional costs incurred by the City there would not be any charges and that if the estimated fees were higher than the costs incurred, the remaining balance would be returned to the applicant.

Council President David Morrison called for a vote on the motion. A roll call vote was taken with the following votes cast: “aye” Weaver, Warman, Hopkins, Noll, Kelly, Wang, Wassmer, Morehead, Clark and Odell; “nay” Morrison and Belz. The motion was declared passed by a vote of 10 to 2.

COU2012-40 Consider Construction Contract for Project SARD0001: 2012 CDBG Project on Sagamore Drive from 75th street to 76th Street with Linaweaver Construction

On behalf of the Council Committee of the Whole, Charles Clark moved the Governing Body approve the Construction Agreement with Linaweaver Construction, Inc. for Project SARD0001: 2012 CDBG Project on Sagamore Drive from 75th Street to 76th Street in the amount of \$155,598.75. The motion was seconded by Ruth Hopkins.

COU2012-41 Consider Construction Administration Agreement with TranSystems for Project SARD0001: 2012 CDBG Project on Sagamore Drive from 75th street to 76th Street with Linaweaver Construction

On behalf of the Council Committee of the Whole, Charles Clark moved the Governing Body approve the Construction Administration Agreement with TranSystems for Project SARD0001: 2012 CDBG Project on Sagamore Drive from 75th Street to 76th Street in the amount of \$19,975.25. The motion was seconded by Ruth Hopkins.

STAFF REPORTS

Staff Reports were given at the Council Committee of the Whole meeting earlier in the evening.

OLD BUSINESS

There was no Old Business to come before the Governing Body.

NEW BUSINESS

Recycling

Ashley Weaver stated that at the Park & Recreation Committee meeting last week the committee learned that the recycling materials at Franklin Park or at the recent Jazz Festival were thrown in the trash and not recycled.

Ruth Hopkins provided the following background on recycling in the parks. Approximately 6 to 7 years ago the Environment/Recycle Committee wanted to do recycling in city parks. They were informed by Public Works that there was no problem with recycling and they started investigating. After several months with no progress, Mrs. Hopkins contacted Deffenbaugh regarding getting recycle bins provided. Public Works employees attended a seminar put on by Johnson County on how to recycle. With the proposed improvements to Franklin Park, Public Works wanted to wait until the improvements were completed. Approximately a year ago recycle bins were placed at Franklin Park. Mrs. Hopkins noted that the Environment/Committee separates the recycling materials, similar to the work done by Boy Scouts at the Jazz Festival.

Mrs. Hopkins stated this is a serious communication breakdown between the clear direction give by the City on requiring its residents to recycle and the public works

staff who have not been recycling city materials. She wants a complete investigation into the matter with the appropriate parties being held accountable. She is embarrassed on behalf of the City for these actions. Bruce McNabb responded the process has been changed to ensure appropriate disposal of recyclable materials.

David Morrison thanked Mrs. Weaver for bringing this to the attention of the Council. Ted Odell asked if the city wasn't paid for its recyclable materials. Dennis Enslinger responded Deffenbaugh gives the city a rebate on residential recycling. He noted City Hall has had a contract with Deffenbaugh since 2010 for paper recycling.

Laura Wassmer said she was amazed that bags of clearly recyclable materials would be thrown into the trash after having been separated. Bruce McNabb replied the recyclable materials were brought down to Public Works after the event on Saturday evening. On Monday morning the regular employees not knowing about the event unloaded the bags in the truck into the trash dumpster.

Michael Kelly asked Mr. Bennion when he became aware of the situation. Mr. Bennion responded he learned of the situation after the Park & Recreation meeting and has since met with Mr. McNabb and is continuing his investigation into the matter which he feels goes beyond an individual employee. He was able to confirm that City Hall recycling has been properly recycled.

Bruce McNabb responded that recycling from Franklin Park has been done inconsistently. They have already changed procedures to address that issue. Ruth Hopkins asked for a full follow-up report and audit on the recycling efforts.

Traffic Calming

Ruth Hopkins noted that a few years ago the residents along Tomahawk petitioned for traffic calming. An alternative solution was the purchase of a solar radar

sign which indicated the speed of traffic. This was put in place for approximately two weeks and then removed because of vandalism and has not been returned to this location.

Bruce McNabb responded the sign has been placed in other locations throughout the City with varying degrees of effectiveness. Mrs. Hopkins requested that it be returned to the Tomahawk area for which it was purchased. Laura Wassmer noted the signs are more effective if they do not stay in the same area for long periods of time. She asked if the City only had the one sign and what the cost would be to purchase additional signs. Mr. McNabb replied there is only one sign and he believes the cost to be approximately \$3500, but would need to confirm that cost.

Michael Kelly agreed the sign should go back to the location for which it was intended. Mrs. Hopkins would like to have a schedule for its placement. Mr. McNabb responded that public works gets a list of different neighborhoods that they feel would benefit from the sign.

Steve Noll added the Tomahawk area is not able to use other restrictive measures for traffic calming other than the sign. Mr. McNabb stated the sign would be returned to this area.

83rd & Juniper

Brooke Morehead stated she had received calls concerning the safety of students crossing at this intersection. Chief Jordan responded the department has received a request for the installation of a traffic signal at this location. He reviewed the Manual on Uniform Traffic Control Devices (MUTCD) guidelines and noted the department has offered to train parent volunteers for this location. The department will explore other

possible ways to address the concern before incurring the expense of installing a pedestrian signal.

Sales Tax Initiative

Ted Odell asked for clarification on a sales tax initiative. City Attorney Katie Logan stated there are two ways for this to occur. First, the City Council can vote to place an initiative on the ballot or secondly, citizens can petition to put an initiative on the ballot. If the petition is determined to be valid and in proper form, it has to be placed on the ballot regardless of the Council’s earlier decision not to move forward with the initiative.

Ted Odell noted he would support looking at other ways to fund park improvements, but cannot support a sales tax increase. He asked what options are available and what projects are anticipated.

Laura Wassmer stated she is not involved with the citizen initiative other than giving the interested residents information on the process. She said she would be glad to bring the five-year park plan back to the Council. Michael Kelly confirmed the park committee is not leading the sales tax initiative. Charles Clark noted that individual members of the committee can participate in the drive if they wish.

ANNOUNCEMENTS

JazzFest Committee	09/18/2012	7:00 p.m.
Prairie Village Arts Council	09/19/2012	7:00 p.m.
Council Committee of the Whole	10/01/2012	6:00 p.m.
City Council	10/01/2012	7:30 p.m.

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The Prairie Village Arts Council is pleased to announce a photography exhibit from our Sister City, Dolyna, Ukraine, in the R. G. Endres Gallery for the month of September.

Flu shots will be offered for Council Members on September 28th from 7:30 a.m. - 9:00 a.m. at Public Works or October 5th from 3:00 p.m. - 4:30 p.m. at City Hall in the Multi-Purpose

room. The fee for the shot will be \$25. Please notify Nic Sanders at 913-385-4664 if you plan to receive a shot. He will need to know which day you are coming.

Prairie Village Peanut Butter Week is October 1st - 5th. Please bring some peanut butter to the October 1st Council Meeting!

The October exhibit in the R.G. Endres Gallery will be the annual State of the Arts. The reception will be held on October 12th from 6:00 to 8:00 p.m. with the awards being announced at 7:30 p.m.

Save the Date for the Northeast Johnson County Chamber of Commerce 2012 Annual Gala on November 17, 2012 at the Overland Park Marriott.

ADJOURNMENT

With no further business to come before the City Council, the meeting was adjourned at 8:17 p.m.

Joyce Hagen Mundy
City Clerk