

COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
March 3, 2008
7:30 p.m.

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- 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 – February 19, 2008
2. Ratify the Mayor's appointment of Dr. Anthony Rostberg to the Prairie Village Tree Board.
3. Ratify the Mayor's appointment of Tom Cannon to the Prairie Village Insurance Committee.
4. Approve the design agreement with George Butler Associates Inc. for the 2008 Biennial Bridge Inventories in the amount of \$5,000.00.
5. Approve the First Amendment to the Prairie Village Tower Lease dated April 20, 1992 between the City of Prairie Village and New Cingular Wireless PCS.
6. Approve Engineering Change Order #5 with HNTB Corporation for an increase of \$8,900.00 to Project 190864: 2008 Street Resurfacing Program. (Council Committee of the Whole Minutes – February 19, 2008)
7. Adopt Ordinance 2165 amending Chapter 1 of the Prairie Village Municipal Code, 2003, entitled "Administration" by repealing Article 12 entitled "Disposition of Unclaimed Property" and amending Chapter 10, Article 2, entitled "Property in Police Custody." (Council Committee of the Whole Minutes – February 19, 2008)
8. Approve a Letter of Understanding with Johnson County Human Services and Aging for participation in the 2008 Minor Home Rehabilitation Program with funding not to exceed \$6,000 from the 2008 Park, Recreation, and Community Services budget. (Council Committee of the Whole Minutes – February 19, 2008)
9. Approve the application for the 2009-2013 County Assistance Roads System (CARS) Program. (Council Committee of the Whole Minutes – February 19, 2008)
10. Approve Construction Change Order #1 with John Belger, Construction Company, Inc. for an increase of \$47,120.00 for Project 190855: Tomahawk Road Bridge Replacement and a transfer of \$47,120.00 from Capital Infrastructure Program Street Unallocated to Project 190855. (Council Committee of the Whole Minutes – February 19, 2008)
11. Approve the Construction Agreement with Miller Paving and Construction for Project 190719: 2008 Storm Drainage Repair Program in the amount of \$371,635.65. (Council Committee of the Whole Minutes – February 19, 2008)
12. Approve the Construction Contract with O'Donnell & Sons Construction for Project 190863: SME parking lot expansion for \$283,033.35; Project 190864: 2008 Street Resurfacing Program for \$1,631,516.30 and for Project 190868: 2008 CARS Roe Avenue – 91st Street to Somerset Drive for \$313,381.75 for a total contract amount of \$2,227,931.40. (Council Committee of the Whole Minutes – February 19, 2008)
13. Approve the proposed Exterior Residential Grant Program as written. (Council Committee of the Whole Minutes – February 19, 2008)

14. Approve an Interlocal Cooperative Agreement with Johnson County and other Johnson County Cities to form Johnson County Transportation Cooperation Council and direct Mayor Shaffer to appoint two representatives to represent Prairie Village on the Transportation Cooperation Council. (Council Committee of the Whole Minutes – February 19, 2008)
15. Ratify the Mayor's appointment of David Belz as the City's representative to the Transportation Cooperative Council with Bob Pryzby as the alternate.

VI. STAFF REPORTS

VII. COMMITTEE REPORTS

Park and Recreation Committee – Consider Prairie Village Parks Master Planning Subcommittee – Diana Ewy Sharp

VIII. OLD BUSINESS

IX. NEW BUSINESS

X. ANNOUNCEMENTS

XI. 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
March 3, 2008**

The City Council of Prairie Village, Kansas, met in regular session on Monday, March 3, 2008, at 7:30 p.m. 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, Bill Griffith, Ruth Hopkins, David Voysey, Michael Kelly, Andrew Wang, Laura Wassmer, Pat Daniels, Charles Clark, Nancy Wallerstein, Diana Ewy Sharp and David Belz.

Also present were: Quinn Bennion, City Administrator; Katie Logan, representing the City Attorney; Wes Jordan, Chief of Police; Bob Pryzby, Director of Public Works; Dennis Enslinger, Assistant City Administrator and Joyce Hagen Mundy, City Clerk.

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

PRESENTATION

Chief Wes Jordan called forward Officer Adam Taylor for a special presentation. Over the past two years, Officer Adam Taylor has made a personal commitment to Special Olympics and the HeadStrong for Jake Foundation. His personal crusade has raised the bar for the Prairie Village Police Department, and due to his enthusiasm and support rallied other members of the department to become involved.

In 2007, Officer Taylor organized various events in the community which raised over \$5,000 for Special Olympics. Due to his support and commitment, Officer Taylor was asked by Kansas Special Olympics to represent them and the Department at the International Torch Run Conference in Oklahoma City. The Department was also recognized as the "Rookie Agency" of the year by Kansas Special Olympics.

Officer Taylor has also been instrumental in operation of the "Headstrong for Jake Foundation" leading bicycle rodeos at every Prairie Village School. In partnership with HeadStrong for Jake Foundation, Officer Taylor has helped coordinate the distribution of over 1,900 bicycle helmets to children in our community.

The Department recognized Officer Taylor's efforts with the award of a plaque.

PUBLIC PARTICIPATION

No one was present to address the City Council.

CONSENT AGENDA

Bill Griffith asked that item #5 be removed from the Consent Agenda. Andrew Wang moved the approval of the Consent Agenda for Monday, March 3, 2008 as amended:

1. Approve Regular Council Meeting Minutes - February 19, 2008
2. Ratify the Mayor's appointment of Dr. Anthony Rostberg to the Prairie Village Tree Board.
3. Ratify the Mayor's appointment of Tom Cannon to the Prairie Village Insurance Committee.
4. Approve the design agreement with George Butler Associates Inc. for the 2008 Biennial Bridge Inventories in the amount of \$5,000.00.
5. Removed
6. Approve Engineering Change Order #5 with HNTB Corporation for an increase of \$8,900.00 to Project 190864: 2008 Street Resurfacing Program.
7. Adopt Ordinance 2165 amending Chapter 1 of the Prairie Village Municipal Code, 2003, entitled "Administration" by repealing Article 12 entitled "Disposition of Unclaimed Property" and amending Chapter 10, Article 2, entitled "Property in Police Custody."
8. Approve a Letter of Understanding with Johnson County Human Services and Aging for participation in the 2008 Minor Home Rehabilitation Program with funding not to exceed \$6,000 from the 2008 Park, Recreation, and Community Services budget.
9. Approve the application for the 2009-2013 County Assistance Roads System (CARS) Program.
10. Approve Construction Change Order #1 with John Belger, Construction Company, Inc. for an increase of \$47,120.00 for Project 190855: Tomahawk Road Bridge Replacement and a transfer of \$47,120.00 from Capital Infrastructure Program Street Unallocated to Project 190855.
11. Approve the Construction Agreement with Miller Paving and Construction for Project 190719: 2008 Storm Drainage Repair Program in the amount of \$371,635.65.
12. Approve the Construction Contract with O'Donnell & Sons Construction for Project 190863: SME parking lot expansion for \$283,033.35; Project 190864: 2008 Street Resurfacing Program for \$1,631,516.30 and for Project 190868: 2008 CARS Roe Avenue - 91st Street to Somerset Drive for \$313,381.75 for a total contract amount of \$2,227,931.40.
13. Approve the proposed Exterior Residential Grant Program as written.
14. Approve an Interlocal Cooperative Agreement with Johnson County and other Johnson County Cities to form Johnson County Transportation Cooperation Council and direct Mayor Shaffer to appoint two representatives to represent Prairie Village on the Transportation Cooperation Council.
15. Ratify the Mayor's appointment of David Belz as the City's representative to the Transportation Cooperative Council with Bob Pryzby as the alternate.

A roll call vote was taken with the following members voting "aye": Herrera, Griffith, Hopkins, Voysey, Kelly, Wang, Wassmer, Daniels, Clark, Wallerstein, Ewy Sharp and Belz.

Item #5 Consider First Amendment to the Prairie Village Tower Lease

Bill Griffith expressed displeasure with the extremely long term of this agreement and stated he does not feel it is appropriate for the Council to lock future Council's into a 35+ year agreement.

Katie Logan responded the amendment addresses only the fee portion of the agreement. No change has been made to the initial term of the agreement. The term was set by the City Council in 1992 with the approval of the lease.

Bill Griffith questioned the different expiration dates of 2017 and 2042 in the agreement. Ms Logan responded the original agreement gives Cingular the option to renew the initial 25 year lease for an additional 25 years.

David Belz confirmed the only change in the amendment is to the fee structure, which was originally set at \$200 per month. David Voysey noted the original agreement also included the City receiving cell phones and minutes. Ms. Logan stated that provision has been removed.

Laura Wassmer stated she did not like the length and terms of the agreement. Ms Logan responded if the amendment is not approved, the City would be bound to the original agreement with a fee of \$200 per month and expiration in 2017 with the option for Cingular to renew with the **same** terms. This Council and future council's are already bound to the original agreement. She noted the proposed amendment was difficult to negotiate as the City has no leverage.

Nancy Wallerstein provided background on the original agreement as a Council member at that time. Cingular constructed the tower for the City removing an existing smaller tower. The length of the agreement was based on the significant financial investment made in the construction of the tower. The fee did include cellular service and was set with the understanding that there would be other carriers submitting fees for locating on the tower. Mayor Shaffer added the Council at that time was pleased to be able to replace the existing tower with a more favorable monopole.

Diana Ewy Sharp moved the City Council Approve the First Amendment to the Prairie Village Tower Lease dated April 20, 1992 between the City of Prairie Village and New Cingular Wireless PCS. The motion was seconded by Ruth Hopkins and passed by a vote of 11 to 1 with Bill Griffith voting "nay".

STAFF REPORTS

Mayor Shaffer noted Staff Reports were given during the earlier Council Committee of the Whole meeting.

COMMITTEE REPORTS

Council Committee of the Whole

COU2008-23 Consider Fund Transfer to Purchase Additional Road Salt

On behalf of the Council Committee of the Whole, Andrew Wang moved the City Council approve the transfer of \$35,000 from the General Fund Contingency to Public Works Operating Budget to purchase additional road salt on the existing bid. The motion was seconded by Laura Wassmer and passed unanimously.

COU2008-27 Consider Construction Administration Agreements for Project 190864: 2008 Paving Program; Project 190868: CARS Program on Roe Avenue and Project 180719: Storm Drainage Repair Program

On behalf of the Council Committee of the Whole, Andrew Wang moved the City Council approve the Construction Administration with BHC Rhodes for Project 190864: 2008 Street Resurfacing Program; Project 190868: CARS, Roe Avenue from 91st Street to Somerset Drive and Project 190719: 2008 Storm Drainage Repair Program in the amount of \$211,000. The motion was seconded by David Belz and passed unanimously.

COU2008-24 Consider Correction of Right-of-Way Construction Cost Factor for Right-of-Way Permit

On behalf of the Council Committee of the Whole, Andrew Wang moved the City Council approve a new construction cost factor of \$11.33 for mill and overlay, \$2.76 for slurry seal and \$55.47 for new pavement. The motion was seconded by David Belz and passed unanimously.

Park & Recreation Committee

Diana Ewy Sharp moved City Council ratify the Mayor's appointment of a Parks Master Planning Subcommittee comprised of the following individuals: Diana Ewy Sharp, Chairman; Al Herrera, Vice Chairman; Nancy Wallerstein, Kathy Peterson, Randy Kronblad, Randy Knight and Jim Bernard, Jr. The motion was seconded by Laura Wassmer and passed unanimously.

Sister City Committee

Michael Kelly thanked the Council for their participation in the reception hosted by the Sister City Committee on February 27th for the Shawnee Mission East foreign exchange students.

OLD BUSINESS

There was no Old Business to come before the Council.

NEW BUSINESS

March 17th meeting

Mayor Shaffer noted the March 17th meeting falls during Spring Break for the area schools and asked who would be out-of-town and unable to attend the meeting. He noted if the meeting were cancelled, the next meeting would not be until April 7th. Council members felt canceling the meeting would create too large a length of time between meetings and suggested the meeting date be moved to the following Monday, March 24th.

Andrew Wang moved the City Council adopt a resolution changing the March 17th meeting date to Monday, March 24th. The motion was seconded by Michael Kelly and passed unanimously.

Cell Tower Policy

Al Herrera expressed concern with the proposed cell tower application for 67th & Roe. He noted the City's cell tower policy is much less restrictive than those of other cities and would like to have a subcommittee formed to investigate other community's ordinances and bring forward a recommendation for change. He would also like to see the City Council enact a moratorium on cell tower applications until this was accomplished. Ms Wassmer agreed with Mr. Herrera

Charles Clark asked if this needed to be done immediately. The policy drafted by Mr. Williamson has been followed consistently by the Planning Commission. He would like to have input from Mr. Williamson. Mayor Shaffer responded Mr. Williamson could address the Council at their next committee meeting.

Katie Logan stated the City Council can not pass a moratorium to avoid a zoning application and any moratorium approved would not apply to the existing application on file with the Planning Commission.

Diana Ewy Sharp stated she would like to hear from Mr. Williamson before forming a committee. Laura Wassmer noted the regulations go beyond what is established by the Planning Commission with restrictions from the Federal Communications Act, but noted other city's regulations appear to be more restrictive.

Katie Logan stated if a moratorium is approved it must have an ending date.

Al Herrera moved the City Council direct the Mayor to form a committee to review the City's existing policy, ordinances of other cities and recommend a new cell tower ordinance and to set a moratorium on new cell tower construction for six months. The motion was seconded by Pat Daniels.

Charles Clark stated new tower sites are relatively rare and would like to hear from Mr. Williamson before enacting a moratorium. Mrs. Ewy Sharp agreed with Mr. Clark stating she felt the Council was premature in forming a committee and enacting a moratorium. She thinks the full Council needs to get information from Mr. Williamson and then decide what action should be taken. Mrs. Hopkins agreed.

Mr. Herrera stated he is only asking for the committee to start reviewing the policy and other ordinances. Michael Kelly agreed with Mrs. Ewy Sharp; however, he agrees with Mr. Herrera's intent, but at this time does not feel it is necessary and questioned if staff could do the review.

Dennis Enslinger reviewed the process for changing an ordinance. The Council can initiate an ordinance change, which would then go before the Planning Commission at a public hearing with their recommendation coming back to the City Council for action. Mr. Enslinger stated he was willing to investigate ordinances and policies from other cities, the city's policy and Federal legislation restrictions and report back to the City Council at the next meeting. Mayor Shaffer added he would ask Mr. Williamson to also report to the Council at that meeting.

Al Herrera withdrew his earlier motion with Pat Daniels withdrawing his second.

ANNOUNCEMENTS

Planning Commission	03/04/2008	7:00 p.m.
Tree Board	03/05/2008	6:00 p.m.
Sister City	03/10/2008	7:00 p.m.
Park & Recreation Committee	03/12/2008	7:00 p.m.
Council Committee of the Whole	03/17/2008	6:00 p.m.
City Council	03/17/2008	7:30 p.m.

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The Prairie Village Arts Council is pleased to feature a photography exhibit by Jim Hamil and his son Alex Hamil in the R. G. Endres Gallery for the month of March. The reception will be held on March 14th from 6:30 to 7:30 p.m.

The annual large item pick-up has been scheduled with Deffenbaugh for April 19th.

Shawnee Mission East High School will be having an electronics recycling on the same day.

Prairie Village Gift Cards are on sale at the Municipal Building. This is a great way to encourage others to "Shop Prairie Village."

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

Mayor Shaffer added to the announcements the Annual Skateboard competition would be held on April 24th and the Ribbon cutting ceremony for the Tomahawk Bridge has been scheduled for March 29th.

Ruth Hopkins stated the Earth Fair recycle event listed in announcements has been postponed

ADJOURNMENT

With no further business to come before the Council, the meeting was adjourned
at 8:15 p.m.

Joyce Hagen Mundy
City Clerk