

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Monday, February 5, 2007
7:30 p.m.**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. PRESENTATION OF COLORS – BOY SCOUT TROOP 381**
- IV. PLEDGE OF ALLEGIANCE**
- V. PUBLIC PARTICIPATION**
- VI. ACKNOWLEDGMENT OF DR ERIN FLOOD P.A. AS A NEW BUSINESS OWNER.**
- VII. 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 – January 16, 2007
- 2. Approve the purchase from Shawnee Mission Ford one Ford F250 3/4 Ton Pickup Truck for \$22,117.00 and approve the disposal of Truck 1464 by auction upon receipt of replacement truck.

By Committee:

- 3. Approve a rate change for off-duty contractual services performed by public safety officers to \$39.14 per hour, upon appropriate notification to private entities that contract with the Police Department for such services. (Council Committee of the Whole Minutes – January 16, 2007)
- 4. Approve the agreement with participating agencies for the establishment and maintenance of an ALERT/ETAC system. (Council Committee of the Whole Minutes – January 16, 2007)
- 5. Rescind City Council Policy #340 entitled "Police Reserve Unit." (Council Committee of the Whole Minutes – January 16, 2007)
- 6. Amend the City fee schedule establishing a fee of \$1 per document for each document provided on CD or disk. (Council Committee of the Whole Minutes – January 16, 2007)
- 7. Approve the City covering the entire cost of registration for Council participation in the Johnson County Leadership Northeast Program. (Council Committee of the Whole Minutes – January 16, 2007)

VIII. COMMITTEE REPORTS

COU2007-12 Consider Drainage Consultant Selection – Bob Pryzby

COU2007-13 Consider 2008 -2012 CARS Application – Bob Pryzby

Prairie Village Arts Council – David Belz

Requesting permission and funds from contingency to sponsor a juried art show in October

- IX. OLD BUSINESS**
- X. NEW BUSINESS**
- XI. ANNOUNCEMENTS**
- XII. 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
FEBRUARY 5, 2007**

The City Council of Prairie Village, Kansas, met in regular session on Monday, February 5, 2007, at 7:30 p.m. in the Council Chambers of the Municipal Building.

ROLL CALL

Council President David Belz 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, Pat Daniels, Charles Clark, Wayne Vennard and Diana Ewy Sharp.

Also present were: Barbara Vernon, City Administrator; Charles Wetzler, City Attorney; Captain John Walter, Acting Chief of Police; Bob Pryzby, Public Works Director; Doug Luther, Assistant City Administrator; and Joyce Hagen Mundy, City Clerk.

Boy Scout Troop 381, sponsored by Church of the Resurrection in Prairie Village, presented the colors and led those present in the Pledge of Allegiance.

PUBLIC PARTICIPATION

Boy Scouts from Troop 381 introduced themselves. Scouts from Troop 395 attending to earn their "Citizenship and Community" merit badge were acknowledged.

A new Prairie Village business was acknowledged. Dr. Erin Flood, P.A. opened a dental office at 7301 Mission Rd Ste 203 approximately one month ago after moving from Kirksville, Missouri.

CONSENT AGENDA

Al Herrera removed item #3 from the Consent Agenda and moved the approval of the Consent Agenda for Monday, February 5, 2007 as amended:

1. Approve Regular Council Meeting Minutes - January 19, 2007
2. Approve the purchase from Shwnee Mission Ford one Ford F250 ¾ ton pickup truck for \$22,117 and approve the disposal of Truck #1464 by auction upon receipt of the replacement truck.
3. Removed
4. Approve the agreement with participating agencies for the establishment and maintenance of an ALERT/ETAC system/
5. Rescind City Council Policy #340 entitled "Police Reserve Unit"
6. Amend the City fee schedule establishing a fee of \$1 per document for each document provided on CD or disk.
7. Approve the City covering the entire cost of registration for Council participation in the Johnson County Leadership Northeast Program.

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

Council member Al Herrera asked Captain Walter to make a brief explanation of why item #3 was removed from the consent agenda.

Captain John Walter stated a review of the 2006 off-duty contractual report raised concerns with the proposed change to the charge for off-duty contractual services that was presented at the January 16th committee meeting. Staff would like to have this item continued to allow for further investigation into the fee. Captain Walter explained for the scouts present the operation of the City's off-duty contractual services.

Charles Clark moved to table action on the proposed rate change for off-duty contractual services performed by public safety officers to a future meeting to allow for further investigation by staff. The motion was seconded by Ruth Hopkins and passed unanimously.

COMMITTEE REPORTS

Council Committee of the Whole

COU2007-12 Consider Drainage Consultant Selection

Ruth Hopkins reported the Committee for selecting a Drainage Consultant for the 2008 Drainage Repair Program completed the process. Initially, nine consultants submitted proposals. The committee selected three firms for oral interview and HNTB and GBA were chosen to submit a cost estimate for typical drainage work.

After review and discussion with Bob Pryzby, the firm of George Butler & Associates (GBA) was selected. Ruth Hopkins moved the City Council accept the recommendation of the selection committee to retain George Butler & Associates (GBA) to provide drainage design services for the 2008 Drainage Repair Program. The motion was seconded by Al Herrera and passed unanimously.

COU2007-13 Consider 2008-2012 CARS Application

In order to receive CARS funds, the City must annually submit an application containing a list of streets and estimated costs for proposed projects. The following streets are recommended for the five-year CARS program, 2008-2012 based on pavement condition ratings:

Program Year	Street Segment	Limits	Total Estimated Construction Cost	Prairie Village Cost
2008	75 th Street	Belinder Avenue to Stateline Road	\$780,000	\$390,000
2008	Roe Avenue	91 st Street to Somerset Drive	\$788,000	\$394,000
Total			\$1,568,000	\$784,000
2009	Roe Avenue	83 rd Street to Somerset Drive	\$694,000	\$347,000
2009	Roe Avenue	North City Limit to 67 th Street	\$694,000	\$347,000
Total			1,388,000	\$694,000
2010	Somerset Drive	Roe Avenue to Nall Avenue	\$934,000	\$467,000
2010	Somerset Drive	83 rd Street to Delmar	\$380,000	\$190,000
Total			\$1,314,000	\$657,000
2011	75 th Street	Belinder Avenue to Mission Road	\$1,336,000	\$668,000
Total			\$1,336,000	\$668,000
2012	Somerset Drive	83 rd Street to Mission Road	\$481,000	\$240,500
2012	83 rd Street	Roe Avenue to Somerset Drive	\$281,000	\$140,500
2012	Mission Road	63 rd Street to 67 th Street *	\$702,000	\$175,500

Total

\$1,464,000

\$556,500

Mr. Pryzby stated these streets can be revised during subsequent annual reviews and funding has been included in the 2008 budget for the projects listed for 2008.

Ruth Hopkins moved the City Council approve the 2008-2012 CARS application for the City of Prairie Village, the motion was seconded by Al Herrera and passed unanimously.

Prairie Village Arts Council

As Council Liaison for the Prairie Village Arts Council, David Belz recused himself from the Chair so he could speak and called upon Al Herrera, former Council President, to take over the chair.

David Belz reported the Prairie Village Arts Council is seeking to sponsor a signature event in October, 2007 entitled "State of the Arts". This event would be a juried exhibition sponsored by the Arts Council and would occur throughout the month of October. The exhibition would include approximately 40 pieces of work.

The Arts Council is seeking Council approval on the following items related to the show: 1) Additional financial support for the show; 2) Authorization to charge a non-refundable entry; 3) Authorization of a Gallery Commission to be applied to the purchase price of any piece sold while on display at this event and 4) Authorization for the Arts Council to solicit corporate sponsorship of the event.

Randy Kronblad, chairman of the Arts Council, stated it is the Arts Council's desire to continue to bring cultural opportunities to the City with the sponsorship of a signature event, that he would like to see turn into an annual event. Mr. Kronblad felt the requested funding of \$4500, would ultimately become a loan for initial costs until entry fees are received and corporate sponsorships attained.

Bob Endres noted Prairie Village was the first city in the area to establish a gallery approximately ten years ago. He sees this event as a celebration of the gallery.

Michael Kelly expressed his support of the event and asked what the corporate sponsors would receive in return for their sponsorship. Mr. Kronblad stated they would be recognized on all advertisements with their company logo.

Ruth Hopkins asked what financial risk the City would be taking in granting the requested funds. Mr. Kronblad stated he believes the funding will be a loan with the necessary funding being raised through entry fees and corporate sponsorships. He noted the recent Johnson County Showcase had 200 artists applying for 40 spots. There is currently a waiting list to show in the City Gallery, all of 2008 is already booked.

Wayne Vennard confirmed that one corporate sponsor has already committed. Andrew Wang asked if more than four corporate sponsors were acquired if additional awards would be granted.

Bill Griffith stated it is not the Council's responsibility to micro-manage the event, but to address their requests for funding and authorization of fees then let them take care of the details.

Bill Griffith moved the City Council approve financial support in the amount of \$4500 to the Arts Council for the proposed signature show; authorize the charge of a non-refundable entry; authorize a Gallery Commission to be applied to the purchase price of any piece sold while on display at this event and authorize the Arts Council to solicit corporate sponsorship of the event. The motion was seconded by Diana Ewy Sharp and passed unanimously.

Mrs. Ewy Sharp commended the Arts Council on their research and initiative to sponsor this event. David Belz stated he was pleased to be part of the Arts Council and feels this show will reflect positively on the City. He noted Council approval was the first step and the Arts Council will now go forward and work out the details for the event.

Al Herrera asked if there would only be corporate sponsors or would individual sponsors be sought also. Bob Endres responded the initial focus is on corporate sponsors, but they would be open to individual sponsors as well.

OLD BUSINESS

Charles Clark moved the "No Smoking" ordinance being reviewed by the City Attorney be considered by the Council at the first meeting in October, 2007. The motion was seconded by Pat Daniels.

Mr. Clark explained to the audience the City has adopted a "No Smoking" ordinance prohibiting smoking in restaurants and bars that becomes effective upon the adoption of similar ordinances by the six contiguous cities to Prairie Village. The proposed ordinance being reviewed by the City Attorney has an effective date of January 1, 2008. To date the cities of Overland Park, Leawood and Fairway have adopted "no smoking" ordinances. With Prairie Village's close proximity to Kansas City, Missouri, there is a strong concern among area establishments that they will lose business to Kansas City, Missouri establishments if "no smoking" regulations are adopted for Prairie Village but not for Kansas City. It is important to members of the Council to protect the competitive equivalency of Prairie Village establishments. With many unanswered questions regarding the actions of other municipalities, Mr. Clark does not feel the Council is ready to move forward. He is proposing consideration of the ordinance in October as he feels by that time many of the current uncertainties will have been addressed based on information he has received from Clean Air, Kansas City and new mayoral leadership will be in place in Kansas City.

David Belz expressed his agreement with Mr. Clark's statements. He noted, as chairman of the task force which addressed the no smoking issue, he felt the proposed ordinance was coming forward with the support of the restaurants and was surprised at the reaction of local business owners. He does not see the need for immediate action by the City, noting even if adopted, the ordinance would not go into effect until January, 2008.

Michael Kelly stated he has a procedural objection to the action. He does not feel it is appropriate to continue an item because a councilman feels it will not be approved at this time. He feels action should be taken and noted the issue could be readdressed at any time as the situation merits.

David Belz stated the action is to set a date for consideration and that does not prohibit someone from bringing the issue before the Council at an earlier date or the date could even be delayed.

Michael Kelly agreed the position taken by the City of Kansas City, Missouri will have a key impact on Prairie Village businesses, but would like to see the date for consideration left open.

Ruth Hopkins stated she supports the establishment of a specific date for consideration. It provides a time frame in which to gather information and talk with constituents. She would, however, like to see the task force reconvened before that date as things progress. David Belz stated he doesn't feel it is necessary to bring them together until something happens. Mr. Herrera said he would help to get the word out and bring the task force together.

Wayne Vennard stated he spoke with Brian Schorgel, owner of O'Neil's, after the meeting and his opposition is that O'Neil's does not have an outside serving area where smoking would be allowed under the proposed ordinance, as the other businesses have, making it more difficult for him to compete. Mr. Vennard stated he planned to work with him toward securing a variance to allow the construction of such an area. Mr. Vennard noted he would like to see the City Council vote on this as soon as possible.

David Voysey stated it seemed undemocratic to say the Council is not going to deal with this until October. Mr. Clark responded with his reasons for choosing the October date and noted it could be considered at an earlier date.

Question was called on the Motion for the City Council to consider the "No Smoking" ordinance being reviewed by the City Attorney at the first meeting in October, 2007. The following votes were cast: "aye" Hopkins, Voysey, Wang, Daniels, Clark, Ewy Sharp and Belz and "nay" Griffith, Kelly and Vennard. Acting Chair Al Herrera declared the motion passed.

Council President David Belz resumed to the Chair.

NEW BUSINESS

Al Herrera asked Captain John Walter to respond to the recent ruling on the "Wilson case". Capt. Walter stated the findings of the Supreme Court overturning the conviction of John Henry Horton was disturbing. The judge found the testimony on a key witness to be disconnected and dissimilar to the Liz Wilson case and therefore, it should not have been heard by the jury and having been heard by the jury was prejudicial and thus, the ruling was thrown out.

Captain Walter noted however, there were 6 or 7 points challenged in the appeal and all except the testimony were ruled on positively. The ruling had nothing to do with the quality of the

investigation or efforts of the detectives and the District Attorney's Office. A meeting is schedule with the District Attorney's Office to determine what action to take. Captain Walter stated he will commit staff to do whatever is requested to assist the District Attorney's office. He noted the two detectives who spent three years on this case were disappointed with the ruling. The police department was able to meet with family members prior to the release of the information to advise them of the situation.

Diana Ewy Sharp asked about the Debra Green challenge. Captain Walter responded this is a yearly occurrence. This is the 4th appeal. Her attorney's witness is stating fire science technology has changed and therefore a new trial should be granted. The last appeal, which was very similar, was upheld and he expects this one to be upheld also.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

Board of Zoning Appeals	02/06/2007	6:30 p.m.
Planning Commission	02/06/2007	7:00 p.m.
Municipal Foundation	02/12/2007	5:45 p.m.
Sister City	02/12/2007	7:00 p.m.
Police Pension Board of Trustees	02/13/2007	4:00 p.m.
Park and Recreation Committee	02/14/2007	7:00 p.m.
Council Committee of the Whole (Tuesday)	02/20/2007	6:00 p.m.
City Council (Tuesday)	02/20/2007	7:30 p.m.

=====

The Prairie Village Arts Council is pleased to feature a watercolor on cloth exhibit by Rebecca Darrah in the R.G. Endres Gallery during the month of February.

The State of the County Address will be Tuesday, March 27, 2007 at the Ritz Charles, 9000 W 137th Street, Overland Park from 11:30 a.m. to 1:15 p.m. If 8 people attend the City will purchase a table. Please RSVP to Jeanne.

The annual large item pick-up has been scheduled with Deffenbaugh for April 28th.

The City offices will be closed February 19th in observance of President's Day.

Donations to the Holiday Tree Fund are still being accepted. The funds will be used to assist Prairie Village families and Senior Citizens needing help to pay their heating and electric bills during the cold winter months, as well as with home maintenance throughout the year. Your tax-deductible contributions are appreciated.

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.

ADJOURNMENT

With no further business to come before the Council, the meeting was adjourned at 8:25 p.m.

Joyce Hagen Mundy
City Clerk