

AMENDED
COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Tuesday, January 16, 2007
7:30 p.m.

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. PLEDGE OF ALLEGIANCE**
- IV. PUBLIC PARTICIPATION**
- V. SPECIAL PRESENTAION – BY GARY NUSBAUM – HURRICANE RELIEF EFFORTS**
- 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 Regular Council Meeting Minutes – January 2, 2007
- 2. Claims Ordinance 2634
- 3. Ratify the Mayor's appointment of Patrick Delaney as Chairman of the Civil Service Commission and the reappointment of David H. Lillard to another three-year term expiring January, 2010 on the Civil Service Commission.

By Committee:

- 4. Approve Amendments to Personnel Policy 1065 – Deferred Compensation Plan. (Council Committee of the Whole Minutes – January 2, 2007).
- 5. Approve Project SP105: 2007 crack seal/slurry seal/micro-surfacing program bid award (Council Committee of the Whole Minutes – January 2, 2007).
- 6. Approve the construction contract with Holiday Contracting, Inc. for Project 191019: Canterbury Street Sidewalk Improvements for \$90,400.00 (Council Committee of the Whole Minutes – January 2, 2006).
- 7. Authorize the Mayor to enter into a letter of participation with the Mid America Regional Council First Suburbs Coalition Remodeling Loan Program. (Council Committee of the Whole Minutes – January 2, 2006).
- 8. Approve a mentoring program for new council members with the mentor designate being the person elected as Council President – City Council Policy CP032 Council Mentoring Program (Council Committee of the Whole Minutes – January 2, 2006).
- 9. Approve the 2007 Learn to Swim contract as written (Park and Recreation Committee Excerpt of Minutes – January 10, 2007).
- 10. Approve the 2007 use agreement with Johnson County Parks and Recreation with an increase in the water exercise fee to \$9.00 an hour (Park and Recreation Committee Excerpt of Minutes – January 10, 2007).
- 11. Approve the 2007 Day Camp agreement with Johnson County Park and Recreation District with an increase in the daily shelter rental fee to \$20 and an increase in the daily pool entrance fee to \$4.50 (Park and Recreation Committee Excerpt of Minutes – January 10, 2007).
- 12. Approve the 2007 agreement with British Soccer for the use of city facilities for soccer camps with an increase in fees to \$11 for a thee-hour camp (Park and Recreation Committee Excerpt of Minutes – January 10, 2007).
- 13. Approve the 2007 agreement with Challenger Sports for the use of city facilities for sports camps and increase the fee to \$11 per participant (Park and Recreation Committee Excerpt of Minutes – January 10, 2007).

- VII. COMMITTEE REPORTS**
Smoke Free Workplace Task Force – David Belz

Council Committee of the Whole – David Belz

- 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

**COUNCIL
CITY OF PRAIRIE VILLAGE
January 16, 2007
-Minutes-**

The City Council of Prairie Village, Kansas, met in regular session on Tuesday, January 16, 2007, 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, David Voysey, Michael Kelly, Andrew Wang, Laura Wassmer, Pat Daniels, Charles Clark, Wayne Vennard and David Belz.

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

Mayor Shaffer led all present in the Pledge of Allegiance.

PUBLIC PARTICIPATION

Cleo Simmonds, 2902 West 71st Terrace, addressed the City Council representing the Sister City Committee. He stated the retirement of Chief Grover is a dual loss for the City of Prairie Village and acknowledged the leadership, commitment and passion Alyce Grover brought to the City as the Chair of the Sister City Committee. She has been instrumental in its growth and continuing efforts to establish a sister city relationship. On behalf of the committee he expressed thanks and appreciation for all that Alyce has given and meant to the committee and noted she will be greatly missed.

Michael Kelly read a letter written by Ruth Hopkins, former Council Liaison to the Sister City Committee to be included in these minutes as an attachment expressing her appreciation and acknowledging the vital part Alyce Grover has played in the development of the Sister City Committee/Program in Prairie Village. Michael Kelly, current Council Liaison to the committee,

expressed his gratitude for Alyce's genuine leadership, always acting in the best interest of the City and the committee.

Mayor Shaffer acknowledged receipt of Alyce's resignation from the committee and added his thanks for her leadership and work for the City through the Sister City Committee.

David Belz noted he had advised those persons present to address the "no smoking" issue that they could be heard during that discussion under Old Business.

Mayor Shaffer, seeing no one else to address the Council at this time, closed public participation.

SPECIAL PRESENTATION

Mayor Shaffer asked Michael Kelly to introduce the Special Presentation listed on the agenda by Gary Nussbaum.

Michael Kelly stated he had spoken with Mr. Nussbaum and learned of actions, he and other Prairie Village residents had taken to assist the hurricane relief efforts in Louisiana through his church and felt it would be beneficial for the Council to hear about their work.

Gary Nussbaum, 2917 West 75th Street, traveled twice to Slidell, Louisiana with a group from Colonial Presbyterian Church assisting both with cleanup efforts and with rebuilding efforts. He shared slides of what they encountered in Slidell, what they were able to do and the continued need for assistance to rebuild that community. Mr. Nussbaum noted that more than 3,000 volunteers have traveled to the area in the past year from more than 20 states since FEMA and the federal agencies have left to assist with the rebuilding of the community.

Mayor Shaffer thanked Mr. Nussbaum for sharing his experiences and information.

CONSENT AGENDA

David Belz moved the approval of the Consent Agenda for Tuesday, January 16, 2007 :

1. Approve Regular Council Meeting Minutes - January 2, 2007
2. Approve Claims Ordinance 2634
3. Ratify the Mayor's appointment of Patrick Delaney as Chairman of the Civil Service Commission and the reappointment of David H. Lillard to another three-year term expiring in January, 2010 on the Civil Service Commission.
4. Approve amendments to Personnel Policy 1065 entitled "Deferred Compensation Plan"

5. Approve Project SP105: 2007 Crack Seal/Slurry Seal/Microsurfacing Program bid award to Musselman & Hall Contractors in the amount of \$263,000.00
6. Approve the construction contract with Holiday Contracting, Inc. for Project 191019: Canterbury Street Sidewalk Improvements in the amount of \$90,400.00
7. Authorize the Mayor to execute a Letter of Participation with the Mid America Regional Council First Suburbs Coalition Remodeling Loan Program
8. Approve a mentoring program for new council members with the mentor designate being the person elected as Council President - City Council Policy CP032 entitled "Council Mentoring Program"
9. Approve the 2007 Learn to Swim contract with the Johnson County Park & Recreation District as written
10. Approve the 2007 Facility Use Agreement with Johnson County Parks and Recreation with an increase in the water exercise fee to \$9.00 per hour
11. Approve the 2007 Day Camp Agreement with Johnson County Park & Recreation District with an increase in the daily shelter rental fee to \$20 per day and an increase in the daily pool entrance fee to \$4.50
12. Approve the 2007 agreement with British Soccer for use of City facilities (Meadowlake Park) for soccer camps with an increase in fees to \$11 per participant for a three-hour camp
13. Approve the 2007 agreement with Challenger Sports for use of City facilities (Meadowlake Park) for sports camps and increase the fee to \$11 per participant

A roll call vote was taken with the following members voting "aye": Herrera, Griffith, Voysey, Wassmer, Daniels, Clark, Vennard and Belz.

COMMITTEE REPORTS

Smoke Free Workplace Task Force

David Belz reported at a meeting in December the City Council directed him to reconvene the Smoke Free Workplace Task Force to consider the recently adopted "no smoking" ordinance adopted by the City of Overland Park. This ordinance was the result of a collaboration of work of the Kansas Restaurant Association and Clean Air, Kansas City. The primary differences to the ordinance already adopted by the City is it calls for everyone to go "smoke free" on January 1, 2008 and includes a "smoke free area" within 10 feet of the entrance. The City's current ordinance will become effective 60 days after the six adjacent cities to Prairie Village have adopted similar ordinances.

Mr. Belz noted the committee met last Wednesday and recommends the City Council proceed with an ordinance similar to the one adopted by Overland Park. However, he noted there has not been sufficient time for the City Attorney to review the proposed ordinance, so no

action is being requested this evening. He is simply reporting the findings of the committee as directed.

Mayor Shaffer asked if the task force had any concern with the lack of action by Kansas City, Missouri and the effect of the Mayoral race would have on this issue. Mr. Belz responded there was concern expressed that at this time there is no ordinance in place, however, committee members felt a specific date of adoption would be beneficial to the businesses in helping them prepare for the change.

Al Herrera asked what the vote was on the recommendation. Mr. Belz responded there was not an actual vote, but there was unanimous consensus among those present to go forth with the new ordinance.

Al Herrera stated he is concerned with the lack of action by Kansas City, Missouri. He does not know why Prairie Village has to follow other cities and does not feel the City needs to do so. He does not see employee's leaving Prairie Village establishments to work in "smoke free" workplaces elsewhere. Mr. Herrera stated the City should let dollars dictate how a business operates and noted the City depends on revenue from its restaurants and bars. It has been stated the ordinance is to prevent people from getting sick. Mr. Herrera sees the ordinance as a means to chip away at the freedom of individuals and small business owners. He would like to see this issue addressed by a vote of the people and is against proceeding with the newly proposed ordinance.

Brian Schorgl, Owner/Manager of O'Neill's at 95th & Mission Road, addressed the Council with his concerns. At an industry conference more than 15 years ago, owners were advised that "no smoking" regulations would eventually be adopted. He does not see "smoking" vs. "no smoking" as the issue. The issue is to protect businesses during the implementation of these regulations. For that reason, he was a member of the initial Task Force which adopted an ordinance that was fair to all and protected the interests of businesses within the City. Mr. Schorgl gave historical examples of other similar situations where items were not available in Kansas so residents traveled to Missouri to purchase these items. Mr. Schorgl stated that study after study has demonstrated that after the initial change 3 to 5% of business is lost, if Missouri

does not adopt similar regulations, another 3-5% of business will be lost to Missouri establishments. Business owners and employees can not absorb a 10% loss in business

Ed Nelson, Owner of the Blue Moose and member of the Task Force, reported there were three persons at the short meeting held on Wednesday. Two supported the proposed regulations and he opposed them. Mr. Nelson stated the initial task force was well represented and did a significant amount of investigation and study of the issue and from that developed, what he feels, is a quality ordinance.

Mr. Nelson stated the impact of education in the area of health has been demonstrated with the removal of "transfat" from food both on grocery shelves and in restaurants. People do speak with their dollars. Mr. Nelson noted the Blue Moose has a very large family component and yet he has not received any complaints on smoke, noting there are designated smoking and no smoking areas. He agreed with Mr. Schorgl that a 10% reduction in bar business will have a huge impact of general revenue and tips. Mr. Nelson said he felt it would be a disservice to the Prairie Village businesses to go forward with the new ordinance.

David Belz explained he was directed to convene the task force and report back in January. Not wanting to meet during the holidays, the date of January 10th was selected and information was distributed to members several weeks in advance of the meeting. He had no control over the number of members attending and very limited options on a meeting date.

Bill Griffith noted it is being said there is a huge public outcry for "smoke free" environments but he has yet to see the people express this outcry with their feet and/or dollars; however, he noted they will be getting that opportunity if some areas go smoke free and others do not. He stated he is opposed to the regulation, feeling this is an economic issue that will take care of itself in time. He has opposed it at every level; however, noted at least, the original ordinance adopted by the City gives some protection to its businesses.

Michael Kelly felt this issue was raised because there was agreement between the Kansas Restaurant Association and Clean Air, Kansas City. David Belz stated that was also his assumption.

Al Herrera stated with only three people attending the meeting this action should be stopped now. David Belz stated he was directed to report in January and he has.

Ed Nelson advised the Council the Kansas Restaurant Association is not an organization that votes on matters as a City Council does. The former president of the association was trying to find a compromise with Clean Air. What you have is a former president giving his opinion on an issue. The current president has a totally different opinion.

Charlene Stackhouse, owner of the Key Hole Tavern in the City of Mission, addressed the Council. Ms Stackhouse stated she does not see this as a health issue, but an issue of the small businessman slowly and surely losing his rights. Ms Stackhouse reviewed the process followed by the City of Mission in considering this issue. She advised the Council of the tremendous amount of revenue gained by Cities through the sale of liquor. Tobacco and alcohol are both legal substances and does not see how they can be banned. She urged the Council to strongly consider the impact on businesses, noting a majority of eating establishments are smoke free. The City of Mission voted the smoking ban down and she asked the Council to be fair to its businesses and do likewise.

Nicole Brown, representing the Johnson County Health Department, addressed some of the comments and questions raised. Ms Brown stated Kansas City, Missouri is currently convening a Task Force to address this issue and she expects it to begin meeting by the end of this month. The agreement between the Kansas Restaurant Association and Clean Air of Kansas City came about at the request of Overland Park Mayor Carl Gerlach to bring parties together in his community. Earlier, ETC conducted a random survey of over 2000 Johnson County residents on this issue with a response of more than 50%. The overwhelming direction given by the residents was in support of smoke free environments. Ms Brown stated she would make a copy of the results of that survey available to the City.

Laura Wassmer asked if the survey separated those individuals only going out to eat vs. those going to bars. She noted that perhaps the issue could be addressed through the use of time frames, i.e. no smoking prior to 9 p.m. Ms Brown stated the survey did distinguish between restaurants and bars. She also noted a lot of the odor can be removed by proper

ventilation. Ms Wassmer suggested the time constraints be considered as a compromise to address concerns voiced.

Andrew Wang asked if the Task Force has the authority to instruct the City Attorney to work on a new ordinance. Al Herrera argued there was not a majority of the task force present to take any action. David Belz stated the Task Force was reconvened as directed. Bill Griffith stated it is time to move forward. David Voysey agreed that due diligence was given to the direction of the council. Ms. Wassmer questioned the expenditure of legal funds for a review of the ordinance. Mr. Griffith responded the Council needs to be able to clearly consider an ordinance in writing and noted as this would be a rewrite of an existing ordinance, he did not anticipate its review would take a great deal of Mr. Wetzler's time. Mayor Shaffer directed Mr. Wetzler to review and prepare a draft ordinance.

Louie Riederer, owner of Johnny's, stated there is an ordinance in place that the Task Force created and to change it now does not make sense.

Council Committee of the Whole

On behalf of the Council Committee of the Whole, David Belz moved the City Council approve a Video Service Provider Agreement with AT&T Kansas and to confirm and ratify the notification letter to AT&T written by the City Administrator and dated January 3, 2007. The motion was seconded by Wayne Vennard and passed unanimously.

OLD BUSINESS

David Belz moved, pursuant to KSA 75-4319(b)(2) and (b)(6), that the Governing Body recess into Executive Session for a period not to exceed thirty minutes for the purpose of discussing with the City Attorney, a legal matter pertaining to litigation and preliminary discussions relating to the acquisition of real property. The motion was seconded by Bill Griffith and passed unanimously. The Council meeting was recessed into executive session at 9:00 p.m.

Mayor Shaffer reconvened the City Council meeting at 9:30 p.m.

NEW BUSINESS

Snow Event

Bob Pryzby, Director of Public Works, reported on the work of his staff during the recent snow/ice event. Public Works crews worked split 12-hour shifts from 7 a.m. Friday, January 12th to 5 p.m. Monday, January 15th. During the 680 man-hours of work, crews traveled 4,980 miles spreading 810 tons of salt. Mr. Pryzby noted this is the first time since 2000 that he can see the back of the salt barn and said he would be ordering more salt to ensure coverage for the remaining winter months. The Public Works Service line contained no calls of complaint and he has received positive e-mails from residents on the City's response to the storm. Mayor Shaffer asked Mr. Pryzby to share his and the Council's appreciation for their excellent work with his staff.

ANNOUNCEMENTS

Mayor Shaffer noted this is the last meeting for Chief of Police Charles Grover and reminded all Council members of Chief Grover's retirement reception to be at the Homestead Country Club on February 3rd from 7-10 p.m., with presentations at 8 p.m. Please RSVP if you plan to attend.

Mayor Shaffer encouraged Council members to attend City Hall Day at the Capitol on Thursday, January 25th. He noted this is an excellent opportunity to meet and talk with state legislators and others regarding concerns and pending legislation.

Mayor Shaffer acknowledged three Prairie Village residents in the news, noting an article in the Ingram's Magazine by Jim Bernard, a member of the City's Park & Recreation Committee; an article by former Prairie Village Council member, Terry Frederick - now serving as the Chairman of WaterOne; and an article acknowledging a contribution to the Shawnee Mission Educational Foundation by Mr. & Mrs. Charles Clark. Mr. Clark noted the Foundation funds programs that can not be funded through the regular operating budget and urged others to consider making donations. He noted his wife was a former high school math teacher and their contribution was designated toward math education programs.

The Northeast Johnson County Chamber State of the Cities address will be presented on Thursday, February 15th at the Overland Park Marriott with the lunch and program beginning at noon. Mayor Shaffer encouraged Council members to attend.

Michael Kelly will be participating in the upcoming Leadership Northeast Program.

Committee meetings scheduled for the next two weeks include:

Prairie Village Arts Council	01/17/2007	7:00 p.m.
Board of Code Appeals	01/22/2007	6:00 p.m.
Environmental Recycle Committee	01/24/2007	7:00 p.m.
VillageFest Committee	01/25/2007	7:00 p.m.
Board of Code Appeals	01/29/2007	6:00 p.m.
Council Committee of the Whole	02/05/2007	6:00 p.m.
Council	02/05/2007	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 January.

Don't forget the employee appreciation dinner on February 9th at the New Theatre Restaurant.

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

Donations to the Holiday Tree Fund are still being accepted. As of January 8th the Holiday Tree Fund has received \$8,582.13. 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.

Holiday tree recycling will be available from December 23rd through January 22nd at Harmon, Franklin, Porter and Meadowlake Parks.

The 50th Anniversary books, Prairie Village Our Story, and Prairie Village Gift Cards continue to be sold to the public.

ADJOURNMENT

With no further business to come before the Council, the meeting was adjourned at 9:40 p.m.

Joyce Hagen Mundy
City Clerk