

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Monday, November 20, 2006
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 – November 6, 2006
2. Approve an agreement between the City of Prairie Village and Midwest Power Files in the amount of \$530.00 to be paid out of 1-3-22-5240 for the maintenance of the power file in the Police Records Unit for 2007.
3. Approve an agreement between the City of Prairie Village and Blue Valley Public Safety in the amount of \$3,192.00 for maintenance of the City's outdoor warning siren system to be paid out of 1-3-21-5240 for 2007.
4. Approve an agreement between the City of Prairie Village and Allied Exterminators for rodent control in 2007.
5. Approve the 911 wireless and VoIP Interlocal Cooperation Agreement with Johnson County.
6. Approve the 2007 Public Safety Agreement with the City of Mission Hills.
7. Approve Construction Change Order #2 for Project 190637: Meadowlake Tennis Court Reconstruction, to Mega Construction for \$3,741.12 using funds in the Capital Infrastructure Program.
8. Approve the annual service agreement with Daymark Solutions, Inc. for the Recreation Card ID Printer at the cost of \$705 with funding from the City Clerk's 2007 operating budget.
9. Approve the Laserfiche Software Maintenance agreement with R & D Computer Systems for 2007 at a cost of \$1,326 with funding from the City Clerk's operating budget.
10. Approve the renewal of an annual service agreement with Unisource Document Products for the maintenance of a Kyocera KM-7530 digital copier and Kyocera 5016 color printer at an estimated monthly cost of \$225.00 with funding from the City Clerk's 2007 operating budget.

By Committee:

11. Approve an agreement with TranSystems Corporation for additional traffic engineering services at a cost of \$6,500 with funding from the Public Works Operating Budget (Council Committee of the Whole Minutes – November 6, 2006).
12. Approve a one-year continuation on the agreement with Shafer, Kline & Warren for Construction Administration and with HNTB for Street Design Services and authorize requests for proposal for 2008 Storm Drainage Design Services (Council Committee of the Whole Minutes – November 6, 2006).
13. Amend City Council Policy CP202 to permit materials other than concrete for driveways in the city right-of-way provided that a document be filed with the Johnson County Land Records stating the property owner assumes all cost for maintenance, repair and replacement cost from a specified date forward and further stating any sidewalk constructed through the driveway would be of concrete construction (Council Committee of the Whole Minutes – November 6, 2006).
14. Approve a transfer of \$24,000 from the General Fund Contingency to the Capital Infrastructure Program for the replacement of the tank monitoring systems and the fuelmaster system replacement (Council Committee of the Whole Minutes – November 6, 2006).
15. Approve the City Council continuing under the current committee structure meeting only as a Committee of the Whole until July, 2007 (Council Committee of the Whole Minutes – November 6, 2006).

- VI. **COMMITTEE REPORTS**
Community Center Committee – David Belz

Park and Recreation Committee – Diana Ewy Sharp
- VII. **OLD BUSINESS**
- VIII. **NEW BUSINESS**
Consider “No Smoking” ordinance – Wayne Vennard
- IX. **ANNOUNCEMENTS**
- X. **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
NOVEMBER 20, 2006**

The City Council of Prairie Village, Kansas, met in regular session on Monday, November 20, 2006, 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, Wayne Vennard, Diana Ewy Sharp and David Belz.

Also present were: 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.

Mayor Shaffer introduced and welcomed the new Star Reporter, Jennifer Bhargava.

PUBLIC PARTICIPATION

Bob Bliss, 2804 West 74th Street, acknowledged a 4-page letter he received from Chief Grover addressing the concerns raised at the last meeting regarding the property at 2817 West 74th Street. He asked for clarification on several statements made in the letter. Can 8' tall camper vans park in the street? How come nothing can be done about a vehicle parked in a yard and a car can be ticketed for being on the grass when parked in the street? Why did the flyers which arrived 18 hours before the street work state the vehicles would be towed when police have to give 48 hours? Mr. Bliss stated the vehicle although not up on blocks, had locks in front of each tire and is not operable. The letter stated the cars were moved under their own power, the truck was towed by a rope and does not run. Mr. Bliss stated an officer stated he would chalk the tires and follow-up with tickets if the vehicle had not been moved, but this was never done.

Gary Nusbaum, 2917 West 74th Street, advised the Council that this situation is becoming very uncomfortable in the neighborhood. On Tuesday, his wife pulled into their driveway and Mr.

Welch pulled up behind her and stayed for about ten minutes. On Saturday, Judy Bliss was tailgated by Mr. Welch. Mr. Nusbaum found packing peanuts all over his yard and while cleaning them up, Mr. Welch walked by and made taunting remarks.

Mr. Nusbaum urged the Council to continue reviewing rental properties and the permitting process. He suggested in addition to the one-time exterior inspection, code violation history, civil complaints filed and other conditions be considered. He would like the City to encourage owner occupied homes within the City. Mr. Nussbaum noted Prairie Village is becoming a historic neighborhood worthy of preserving its values and character.

Pat Daniels stated he did not feel this is specifically a rental vs resident-owned property issue. He hoped the City could do something to address this situation and asked if the City Attorney is aware of the problems. Mayor Shaffer responded that Councilmen Wang and Kelly are working on this. Wayne Vennard asked if Chief Grover had met with the neighbors. Chief Grover responded he had met with Mr. Welch and would be happy to meet with Mr. Bliss.

Chief Grover noted the vehicle parked in a yard is a code enforcement issue. His staff can not address issues on private property. However, the car parked on the public street can be ticketed by a police officer. He answered the question as to whether the one vehicle can be considered to be a camper is being reviewed by the City Prosecutor. Chief Grover responded his actions and decisions are based on facts as known, and stated he will continue to work with Mr. Kelly and Mr. Wang and the neighborhood to bring about resolution to the problems.

Gary Nusbaum stated the call on the car was made to police dispatch because it was observed in the evening after the code enforcement department was closed.

Bob Reese, 7913 Roe Avenue, addressed the Council on the possible traffic signal at the 79th & Roe Intersection expressing the overwhelming feedback of the neighborhood opposing such action. Mr. Reese noted the traffic studies addressed peak hour traffic demand. He asked when the studies were done, noting that if they were done while Mission Road was under construction the numbers would be skewed by rerouted traffic as they would if they were done while the school was in session or not. He stated the peak traffic covers only a period of 20 minutes.

Mr. Reese referenced the high costs given in the traffic studies for the installation of a traffic signal and noted they did not include the ongoing maintenance. The accidents referenced were right-angle collisions and assessed to traffic congestion, not mentioning line of sight issues. Mr. Reese noted the difficulty of vision caused by the rise in the road for traffic going north and stated this would not change with the installation of a traffic signal. Mr. Reese feels that if safety is the real concern, the correct action to take is to have a 4-way stop where all the traffic will need to stop and look.

Bob Mills, 7921 Roe, underscored the comments made by Mr. Reese. He questioned the expenditure of more than \$500,000 to address 15 collisions over a three-year period. He suggested that if the study indicates action needs to be taken that perhaps there is more appropriate and less costly action that can be taken, such as a flashing warning light before the intersection. Mr. Mills expressed concern with traffic trying to beat the light resulting in higher speed accidents and agrees the safest action would be a 4-way stop requiring all persons to slow down and stop.

Mike Wallace, 7901 Roe Avenue, confirmed the Council was not considering a roundabout which was suggested in an earlier study. He urged the Council to look at the type and seriousness of the accidents that are occurring and the level of service. The accidents over the past few years have been non-injury accidents. He stated a change from the existing 4-way stop to a traffic signal may create a significant increase in the number of rear-end collisions, noting the action would simply change to type of accidents, not prevent accidents.

Mr. Wallace urged the Council to look at other alternatives for addressing the problem such as the flashing warning light mentioned. The proposed change will not prevent accidents which are primarily the fault of inattentive drivers. It would be trading one type of accident for a different type of accident.

Regarding the level of service, the longest delay was reported to be 83 seconds at peak morning traffic with a 10 second delay in the afternoon. The current setting for traffic signals is 90 seconds. A traffic signal would create greater delays especially in non-peak hours of traffic--it will not improve the level of service. He encouraged the Council to consider the cost/benefit analysis of the installation of a traffic signal.

Dr. John Ingram, 80th and Roe, stated he has signed several petitions over the past years opposing the installation of a traffic signal. He acknowledged traffic does stack up to about 82nd Street during the time when the students get out of class at the two schools. He noted that 83rd and Roe was once a 4-way stop. He can't believe a traffic signal would cost \$500,000 and stated if 79th & Roe could be made to flow like 83rd and Roe that would not be a problem.

John VanDyke, 7905 Roe Avenue, stated he has appeared before the Council on 3 or 4 other times opposing a change to the existing 4-way stop at the 79th and Roe intersection. He stated those in the immediate area, who are most impacted by the stacking traffic, feel the current situation is working. He noted with cars having to stop for the stop sign, most vehicles will readily let cars out of their driveway and does not feel that would be the case if a traffic light were installed. He asked the Council not to spend money on something the residents do not want.

Dan Peugeot, 7916 Roe Avenue, did not feel the City was looking at an unacceptable safety or level of service issue, noting the statistics are barely over the established number. He noted it may be beneficial to have better identification of the 4-way stop, but a stop light is not warranted. Mr. Peugeot quoted studies done in the states of Texas and Washington. The Texas study stated the change from a 4-way stop to a signalized intersection results in fewer right angle collisions but more rear-end collisions. The Washington study stated such changes in traffic patterns move traffic to other streets.

David Gunasegaram, 7741 Reeds Road, addressed the Council with concerns with a neighboring rental property that has been cited for several code violations. He reported that several months ago he was subjected to racial epithets from the renter. He addressed his concerns to the property owner and reported the incident to the police. The neighbors have also talked with the property owner and were told it was "their problem". Recently, Mr. Gunasegaram was subjected to further racial epithets and has decided the best action for him is to move out of the City. He has placed his home on the market, but for the benefit of the future owner and the neighborhood, he would like to see the City look at the requirements for rental property to maintain neighborhoods.

Joe Leeper, 7749 Reeds, said the racial epithets that Mr. Gunasegaram has endured are unacceptable and acknowledged that responding to them is a civil issue. However, he urged the

Council to review landlord regulations and controls on rental properties. He acknowledged Prairie Village is a prime area for rental investment, but he would like to ensure the character of Prairie Village neighborhoods.

Susan Wasburn, 5606 West 77th Terrace, stated she is concerned with the code violations and lack of action on these violations. She noted these violations are impacting property values and if not addressed will continue to negatively impact property values.

Lisa Benlon, with the American Cancer Society, addressed the Commission representing Clean Air Kansas City Ms Benlon noted a recent Johnson County survey reflected overwhelming support for smoke free communities. She acknowledged the recent agreement between Clean Air Kansas City and the Restaurant Association on proposed language to address smoking in public restaurants. Ms Benlon noted several cities have now adopted smoke free ordinances and urged the City of Prairie Village to move forward without delay to bring about a smoke-free community.

CONSENT AGENDA

David Belz moved the approval of the Consent Agenda for Monday, November 20, 2006:

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15. Approve the City Council continuing under the current committee structure meeting only as a Committee of the Whole until July, 2007.

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

COMMITTEE REPORTS

Community Center Study Committee

David Belz reported the Community Center Committee met and decided to enlist the services of a consultant, Olsson Associates, to go into the community and conduct an asset inventory of available facilities and services to help the City determine if there is a need for a community center in the community and if a Prairie Village facility could be viable. Mr. Belz stated the actual agreement with Olsson Associates would be presented to the Council at a later date for approval.

Park and Recreation Committee

On behalf of the Park & Recreation Committee, Diana Ewy Sharp moved the City Council approve the following fee structure for 2007 lessons for aquatic team members: Swim team lessons, (6) ½ hour semi-private lessons - \$30 and Dive team lessons, (6) ½ hour semi-private lessons - \$60. The motion was seconded by Ruth Hopkins and passed unanimously.

Planning Commission

Laura Wassmer announced the application for a tower at McCrum Park has been tabled for the past several months by the applicant as Cingular had placed the project on hold. At the November meeting of the Commission, the applicant advised the Commission the application has been scheduled for action in 2007 and requested it be continued until the February 6, 2007 meeting.

OLD BUSINESS

Ms Wassmer reiterated the concerns raised by the neighborhood residents. She does not feel further investigation will change her opposition to the recommendation for a traffic signal. Therefore, she can not support the expenditure of additional resources for a study, but would support the proposed alternative of installing flashing warning lights.

Laura Wassmer moved the City maintain the 4-way stop at 79th and Roe and further investigate the possibility of adding additional flashing lights based on the 2005 Traffic Safety Study without the expenditure of additional resources. The motion was seconded by Al Herrera.

Mayor Shaffer questioned if that was the motion tabled. Ms Wassmer stated the Council was looking at investing additional resources to look into the installation of a traffic signal. She does not believe that the analysis will say anything that will change the point of view regarding this intersection. She noted there is no other intersection within the configuration. She feels the residents were eloquent in addressing their concerns for safety, especially with traffic going from north to south, without a stop sign their speeds by the bottom of the hill will be 40 - 45 mph. With the current configuration people have to stop, yet the light pole at the bottom of the hill has been knocked down at least three times in the past few years, maybe more. She feels the change will be trading one kind of accident for more serious accidents. She does not believe that further investigation will change how she or her constituents feel. She would like to investigate adding some flashing warning lights.

Mayor Shaffer pointed out the motion made by Ms Wassmer was not the motion tabled during the last meeting and stated that motion needs to be returned to the Council for consideration before considering other motions. Ms Wassmer and Mr. Herrera withdrew their motion and second.

Bill Griffith moved the Council authorize City Staff to further investigate the recommendations of the 2005 Traffic Safety Study on the intersection at 79th Street and Roe Avenue. The motion was seconded by Ruth Hopkins.

Bob Pryzby stated the 2005 Traffic Safety Study presented five areas for improvements. He and Chief Grover have addressed three of those, the fourth (75th & Delmar) the Council acted on at their last meeting. The motion directs staff to seek on additional information and gather data.

Andrew Wang asked if the direction for further investigation included only the recommended traffic signal or if it included other alternatives as suggested by the residents. Mr. Pryzby responded his intent was to follow the MUTCD which identifies specific warrants be present for the installation of a traffic signal. He noted if the Council wanted other alternatives explored that can be done.

Mr. Wang confirmed the information gathered would include the kind of accidents, lay of the land, turning movements, traffic patterns, speed of traffic, current traffic counts, etc.

Al Herrera noted if the traffic counts were taken while Mission Road was under construction this would increase the volume and impact the potential for accidents. Mr. Pryzby responded he can go back and do further analysis. He can get new data on what is going on today.

Laura Wassmer questioned what would be done with new data if the Council is not open to installing a signal and asked what alternatives were possible and what would be the cost of gathering additional data. The residents clearly want to maintain the existing 4-way stop. She does not feel the expenditure of another \$10,000 to \$15,000 is warranted.

Ruth Hopkins stated she supported further investigation noting every traffic study has identified this as a dangerous intersection. She understands the opposition of the residents in the neighborhood, but feels the Council needs to address this issue on the basis of what is best for all residents of the City. There are many, many residents who do not live in the area that travel that roadway on a daily basis.

Pat Daniels asked for an approximate cost of an additional study. Mr. Pryzby stated he did not have an estimated cost. He noted to take additional traffic counts for a week takes a lot of labor and the cost could be \$10,000 to \$20,000. He could not say.

Mr. Daniels asked if the situation was worse today. Chief Grover replied the accidents are not of a serious nature because of the lower speed of traffic caused by the 4-way stop. The City has a policy that he and Mr. Pryzby adhere to that requires them to look at places with five or more accidents within a year to see if there is a way to reduce that number. The issue is for the past 15

years this intersection has continually been identified by professional consultants as having five or more accidents. Mr. Daniels noted "5" is an arbitrary figure and asked if this intersection is different than other 4-way stop intersection. Chief Grover responded two different traffic consultants in three different traffic studies have identified the intersection as dangerous and at some point in time the City really needs to look into it to see how it can be addressed. Mr. Daniels noted sometimes the medicine is worse than the disease. He is not prepared to recommend a study.

David Belz asked if the traffic engineer would be present to answer any specific questions of the Council. Mr. Pryzby stated it is normally his intention to have the consultant present when the report is given to answer questions and he will see that these questions are addressed.

Al Herrera asked if this was the most dangerous intersection in the City. Chief Grover responded "No".

Laura Wassmer stated if the overall goal is to make this intersection safer, common sense will tell you that traffic signals will not make this intersection safer. You only have to look at other intersections. She noted the signalized intersection at 79th & Nall which is flat, has no line of sight issues and a protected left turn arrow has had almost as many accidents as this intersection. The level of service would only improve by a couple of seconds during peak periods but it would actually be reduced during non-peak hours. She feels having this discussion is addressing the issue, an additional study is not needed. She feels the experiences of the residents who have lived with the situation for several years are valid. She doesn't see them looking at it from a personal viewpoint, but from a community viewpoint expressing their fear of going from fender-bender accidents to serious injury accidents.

David Voysey stated he felt the City was trading one kind of accident for another. The installation of a traffic signal will not prevent accidents. If given the choice, he would not have a stop light. Mr. Pryzby agreed most accidents are caused by inattentive drivers, but with a traffic signal you bring some structure. His purpose in bringing the recommendation of the report forward is to have the Council determine what it wants to do.

Andrew Wang stated you can make decisions based on experience and common sense, but in some situations the Council chooses to go to professionals who have training and background in

analyzing situations like this. This issue is not something that he is prepared to address with common sense. This is not a common sense issue, it's about what a professional engineer says is going on at this location beyond what he has heard and can see. It is beyond common sense.

Mr Herrera questioned if it was worth spending \$20,000. Andrew Wang urged the Council to stop politicizing hypothetical grizzly accidents. It was done with the school zones and its being done here. Al Herrera stated the Council has a fiscal responsibility to the residents. The stop lights placed on Mission Road have moved traffic to other streets, now we want to put stop lights there. Where will it stop--we can't keep putting stop lights throughout the City. He noted there have been more fatalities at 71st & Windsor and the City has not put a stop light at that location. There comes a time you have to stop throwing money out to consultants for studies.

Michael Kelly asked if safety was the primary reason this is being considered. Mr. Pryzby stated it is being considered because it has been recommended by three different traffic studies. Mr. Kelly asked if there were any other ways to address the issue. Mr. Pryzby replied there were several depending on what the Council wants. Mr. Pryzby noted he does not drive the intersection as he feels it is dangerous. Mr. Kelly responded he does drive it and finds it not to be a problem.

David Belz called the question. The motion was seconded by Diana Ewy Sharp and passed unanimously.

Mayor Shaffer restated the motion as follows: "Authorize City Staff to further investigate the recommendations of the 2005 Traffic Safety Study on the intersection at 79th Street and Roe." The motion was voted and passed by a vote of 7 to 5 with the following votes cast: "aye" Griffith, Hopkins, Wang, Clark, Vennard, Ewy Sharp and Belz; and "nay" Herrera, Voysey, Kelly, Wassmer and Daniels.

Pat Daniels asked if the investigation would be done by city staff or by an outside entity. Andrew Wang stated he does not feel staff can make the analysis and a professional study is necessary. Bob Pryzby stated a study would be done that would include addressing the issues raised by the Council and residents.

NEW BUSINESS

No Smoking Ordinance

Wayne Vennard noted the recent no smoking ordinance adopted by the City of Overland Park includes the recent recommendations approved by both Clean Air, Kansas City and the Restaurant Association which allows smoking to be permitted on outdoor patios and becomes effective in January, 2008. He feels if the Restaurant Owners and Clean Air groups can agree on language it merits investigation by the City.

Wayne Vennard moved the City Council direct the City's Smoke free Workplace Committee to review the Overland Park No Smoking Ordinance for possible adoption and that the Committee will report back in January 2007. The motion was seconded by Michael Kelly.

David Belz stated he felt it was appropriate to take this back to the task force for review and recommendation. The motion was voted on and passed by a vote of 11 to 1 with Al Herrera voting "nay".

City Attorney

Ruth Hopkins expressed concern with the lack of legal counsel at the meeting. She feels legal counsel should be present at every meeting. Mayor Shaffer agreed and stated he would investigate the issue, noting Mr. Wetzler has several colleagues in his firm that could attend meetings in his absence.

City Administrator's Report

Pat Daniels questioned the difference between the budgeted assessed valuation and the actual valuation addressed in the City Administrator's report. David Voysey and Charles Clark explained it was necessary for the City to base its 2007 on estimated property valuations. The 2007 budget estimated property valuations were 2.6% higher than the actual. They noted the ad valorem tax dollar amount requested by the City did not change.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

Council Committee of the Whole	12/04/2006	6:00 p.m.
Council	12/04/2006	7:30 p.m.

The Prairie Village Arts Council is pleased to feature a pastels exhibit by the Mid-America Pastel Society in the R.G. Endres Gallery during the month of November.

The necessary forms for receipt of the "Council Communications Stipend" have been placed at each Council member's chair. These forms need to be completed and returned by January 5th. If you have any questions please call Karen Kindle at ext. 4213.

The city offices will be closed November 23 and 24 in observance of Thanksgiving Day. Deffenbaugh will also be closed on Thanksgiving Day so trash pick-up will be delayed.

The Mayor's Holiday Tree Lighting will be on Monday, November 27th at 6:30 p.m. at Corinth Square. Donations to the Holiday Tree Fund will be utilized in assisting 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.

The Employee's Awards luncheon will be held on December 1st from noon to 2 pm at City Hall in the Council Chambers.

The Mayor's Holiday Gala will be Friday, December 1st at 6:30 p.m. at the Homestead Country Club. **RSVP to Jeanne by November 27th.**

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

9:00 p.m.

Joyce Hagen Mundy
City Clerk