

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Monday, October 2, 2006
7:30 p.m.**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. PLEDGE OF ALLEGIANCE**
- IV. PUBLIC HEARING – Unsafe Structure 7618 Mohawk**
- V. PUBLIC PARTICIPATION**

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 – September 18, 2006
2. Approve a letter of understanding with Johnson County for the Johnson County 2007 Minor Home Rehabilitation Program in the amount of \$6,000 with funding from the 2007 Park, Recreation, and Community Services Budget.
3. Ratify the Mayor's appointment of Dylan Lehrbaum to the Environment/Recycle Committee with the term expiring in April, 2007.
4. Approve the agreement with Phil Jay for music and emcee services at the Mayor's Holiday Gala on December 1, 2006 for \$625.00.
5. Approve the disposal of the following Police Department vehicles through Easley's Auto Auction Service. Unit #130 (2001 Ford Crown Victoria) VIN 2FAFP71WX1X153835
Unit #440 (2004 Ford Crown Victoria) VIN 2FAFP71W64X101106
Unit #670 (1996 Ford Taurus) VIN 1FALP52U6TA184922
6. Approve the agreement for design services with Wilson & Company for Project 191020: Pedestrian Bridge replacement over Brush Creek using funds in the amount of \$7,350.00 from the Capital Infrastructure Program.

VII. COMMITTEE REPORTS

Communications Committee Report – Andrew Wang
Consider 2007 Newsletter Agreement

Parks and Recreation Committee Report – 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

**COUNCIL
CITY OF PRAIRIE VILLAGE
October 2, 2006
-Minutes-**

The City Council of Prairie Village, Kansas, met in regular session on Monday, October 2, 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, 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: Barbara Vernon, City Administrator; Charlie Wetzler, City Attorney; 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. He then requested approval of the Council to change the order of the agenda allowing public participation to precede the scheduled public hearing for the benefit of those attending the meeting to specifically address the Council. With there being no objection, Mayor Shaffer opened the floor to public participation.

PUBLIC PARTICIPATION

Paul Scholl, 3908 West 75th Street, addressed the Council with concerns regarding the handling of a water problem over the past month. Mr. Scholl reported his extensive communication with both the City's Public Works Department and WaterOne in an effort to correct a leak that caused flooding on his property and in his basement. It took more than a month before the problem was resolved and although those involved were courteous, Mr. Scholl felt the length of time it took WaterOne to resolve the problem resolved was excessive.

Ruth Hopkins advised Mr. Scholl to contact his representative on the WaterOne Board, Bob Reese, with his concerns. Mayor Shaffer stated the City would also look into the problem.

David Belz moved to close the City Council meeting for the scheduled public hearing. The motion passed unanimously with the City Council meeting closed at 7:45 p.m.

PUBLIC HEARING

Mayor Shaffer opened the public hearing to determine if the structure at 7618 Mohawk is unsafe. He called upon Katie Logan, with Lathrope & Gage acting as the City's Public Officer to present the City's findings. Ms Logan reviewed the actions taken to initiate this hearing beginning with the adoption of Resolution 2006-05 by the City Council on August 7, 2006 setting this hearing and its subsequent publication of notice of hearing in the City's official newspaper

with delivery of the notice by certified mail to Mr. Stanley W. Siggs, owner of the property. The notice was also personally delivered by Mr. Siggs by the City's Code Enforcement Officer.

Ms Logan stated the report of the City's Building Official, Jim Brown, states the conditions constituting an unsafe or dangerous structure resulting from fire damage outlined in the Memorandum dated 7/31/06 continue on the property. Therefore, it is her recommendation that the property be declared unsafe or dangerous and that Mr. Siggs be ordered to commence the repair or removal of the structure within a reasonable period of time to be determined by the Council.

Mayor Shaffer called upon Jim Brown to present evidence of the condition of the structure. Mr. Brown presented pictures of the structure pointing out conditions which cause the home to be structurally unsafe. Mr. Brown stated only emergency repair of the roof to prevent further damage and to keep animals/people out of the house have been completed. Pat Daniels confirmed the exterior items had been removed and the yard cleared of trash and debris.

Ruth Hopkins confirmed the house has been posted as unsafe and is unoccupied.

Rick Forner, President of Forner Construction and a neighbor of Mr. Siggs, stated he completed the emergency repairs and clean-up and is working with Mr. Siggs to address the other issues. He noted when the exterior cleanup was completed, four 40 yard dumpsters were filled and 16,000 pounds of scrap metal were collected. He is trying to convince Mr. Siggs to sell the structure; however, Mr. Siggs is struggling with the idea of selling. Mr. Forner noted that Mr. Siggs was a contractor and many of his assets remain in the house. The home needs to be gone through before the structure is demolished to ensure that any valuables, such as stock certificates and bonds, are removed.

David Belz asked what time frame Mr. Forner would recommend, if he felt if it would be better to have a shorter or longer length of time. Mr. Forner stated items remaining in the house need to be gone through piece by piece, every box. He felt a month is probably too short a time, possibly six weeks. Mayor Shaffer asked who would determine what is valuable. Mr. Forner replied the primary things of value are stocks and bonds.

Diana Ewy Sharp asked if Mr. Siggs had any family. Mr. Forner replied he is divorced and has a brother and niece with whom he has no contact.

Wayne Vennard asked what length of time the City was requesting. Ms Logan replied the statutes required the length of time be "reasonable" which in this case appears to be in the 45 to 60 day range.

Laura Wassmer confirmed this was to commence the work, not to complete the work. Ms. Logan stated it is not clearly defined, but she feels it would be to commence the repair of the structure.

Diana Ewy Sharp asked if the City incurred any liability for injuries to individuals in the building. Ms Logan stated the City has posted the building as unsafe. Mr. Forner stated his workers would be covered by his insurance.

Andrew Wang expressed concern with further damage being done to the structure, possibly be another fire or storm, if repair was not commenced soon resulting in the possible loss of all Mr. Siggs' assets. Ms. Logan replied Mr. Siggs' personal assets are not the city's responsibility, only the structure.

Mrs. Ewy Sharp asked if the neighbors were still concerned with the property. Mr. Fortner responded the neighbors' primary concerns were addressed by clearing out the exterior of the property.

Doug Luther stated it is unknown how long it will take to repair the structure as a complete evaluation of the structure is not possible with the amount of debris and materials inside the house. Once repairs begin they will follow the permitting and code review procedures.

Mayor Shaffer asked if there were any other persons wishing to speak and seeing none, closed the public hearing at 8:10 p.m. reconvening the regular Council meeting.

Laura Wassmer moved the City adopt Resolution 2006-09 finding that an unsafe structure exists at 7618 Mohawk and directing that repair or removal of such structure shall commence within 45 days of written notice of the Resolution as required by law. The motion was seconded by David Belz and passed unanimously.

Andrew Wang confirmed the adoption of this resolution does not preclude work from beginning earlier than 45 days.

CONSENT AGENDA

David Belz moved the approval of the Consent Agenda for Monday, October 2, 2006:

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3. Ratify the Mayor's appointment of Dylan Lehrbaum to the Environment/Recycle Committee with the term expiring in April, 2007.
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6. Approve the agreement for design services with Wilson & Company for Project 191020: Pedestrian Bridge replacement over Brush Creek using funds in the amount of \$7,350.00 from the Capital Infrastructure Program

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

COMMITTEE REPORTS

Communications Committee

Andrew Wang reported the City received five bids for the production of the City's monthly newsletter from proposals sent to nine firms. The bids provided for two options. The first option was for a 2-color publication of the newsletter and Park & Recreation brochure and the second

option was for a 4-color publication. None of the bids received for the 4-color publication were within the City's budget constraints.

The low bid received was from Alphagraphics, the current provider, in the amount of \$23,960. The City staff has been satisfied with the past performance of Alphagraphics.

On behalf of the Communications Committee, Andrew Wang moved the City Council approve an agreement with Alphagraphics for the production of the 2007 issues of the City Newsletter "The Village Voice" and Park & Recreation brochure at a cost of \$23,960 with funding from the 2007 operating budget. The motion was seconded by Ruth Hopkins and passed unanimously.

Parks and Recreation Committee

Diana Ewy Sharp stated at the last Park & Recreation Committee the issue of abandoned fountains was discussed, particularly the fountain at 69th and Oxford as the area Homes Association has requested that the City repair this fountain.

Bob Pryzby gave a pictorial presentation on fountains and statues within Prairie Village and addressed some of the problems encountered by them. He noted the fountain at 69th and Oxford has been in a state of disrepair for several years and his staff was unable to get it operating this year due to a leak under the base of the structure. The homes association is asking the City to recondition the fountain and increase the water flow. Currently the water flow is only a trickle which drains completely into the ground, there is no drain.

Three years ago a similar request was made for the fountain at 69th & Oxford with similar problems, no power to the site, no backflow and the need to reconnect to a drain. At that time he attained the cost for such work to be \$30,000 plus.

Mr. Pryzby reported there are seven City fountains on City islands and all except the Prairie Family are in need of repair. Mr. Pryzby noted a similar problem exists with statues located within the City, but noted this is an even more difficult issue as the ownership of many of the statues is unknown. A list of statues compiled in 1976 by Joan Shields identified 128 statues within the City. Five of these are listed on the Smithsonian Register - The Prairie Boy, The Prairie Family, The Relief on the Island behind the Prairie Family and two others on private property.

A few weeks ago he met with Paul Benson from the Nelson Art Museum who stated there are statues on some islands within the City that are of historical importance. Mr. Benson volunteered to train the Public Works staff on how to maintain and clean statues. Cleaning of statues should be done every 3 to 4 years depending on the location of the statue and other conditions.

Mr. Pryzby stressed his lack of expertise in this area, noting he can not determine what statues are of historical value or not. Nor does he have the knowledge of how to maintain, clean and recondition these structures. From his research to date, it appears that most of the statues within the City were purchased by J.C. Nichols and put in subdivisions as the City was

developed. It is unclear whether the ownership of these has been transferred to the homes association or to the City with the dedication of right-of-way.

Mayor Shaffer asked Mr. Przyby to explain the current actions taken by the City in regards to islands, fountains and statues.

Mr. Przyby stated that every spring a letter is sent to Presidents of Homes Associations within the City asking them to let Public Works know by April 1st if they will be maintaining the islands located within their area. The City has 214 islands with one third of them being maintained by volunteers. The Department receives requests yearly for assistance to restore islands and there is a small amount of money for this in their budget. His staff will do as much as time and money permits. They have not done any work on statues. Mayor Shaffer confirmed the City maintains the remaining islands.

Laura Wassmer stated she felt the statues and fountains add significantly to the ambiance of the City and she feels there should be a coordinated effort/partnership between the City and the homes associations to support these both financially and physically. Mr. Przyby responded some homes associations do not meet or have any funds, others meet but have no money and only a few meet and have funds available to them. He added the homes associations can not do anything on an island without submitting a plan to Public Works for review. The Public Works review looks at the impact on maintenance and traffic/visibility.

Diana Ewy Sharp stated the City clearly does not have funds budgeted for this and she feels it should be established as a priority for the City with funds being budgeted. She suggested that perhaps the City could match funds expended by homes associations. Ruth Hopkins replied this has been an issue for years. She expressed concern with the City taking on the expensive task of maintaining statues and suggested that this would be a fabulous project for the Prairie Village Arts Council to take on. They could possibly establish a foundation for the repair and maintenance of statues, stressing the historical impact of the statues and secure non-taxpayer money. She would like to see something proactive done but can not support funding entirely by the City.

Wayne Vennard asked for an estimated cost to redo all the statues and fountains in the City. Bob Przyby noted to do so would be to spend taxpayer money on something that may not be owned by the City. He stated he would need to get an expert to determine the necessary work and costs, similar to how the City determines what trees or streets need work. Mr. Vennard noted the City doesn't know the extent of the problem without knowing the cost to address it.

David Belz stated he would bring this issue up at the Arts Council and stated he has the same concerns as Mr. Vennard. He does not feel he can vote on the issue without knowing the costs for repair and the associated related on-going costs. Mr. Przyby confirmed there would be annual operating costs for power and water flow for the fountains.

Diana Ewy Sharp acknowledged the concerns expressed regarding the costs, but stated she felt the fountains, regardless of their ownership, reflect upon the City. She feels the City must accept responsibility and establish a priority listing for repair.

Laura Wassmer stated she sees the fountains and statues as part of the City's infrastructure and urged the Council not to take them for granted. Mike Kelly stated he agreed the condition of these structures does reflect upon the City and their upkeep is important to the City. He supports a study to determine what can be done.

Al Herrera asked if the fountains were covered in the winter. Mr. Pryzby replied they are not and stated there is no benefit derived from covering them.

Andrew Wang asked what amount of staff time would be involved to enable the City to get its arms around this issue; i.e. to determine ownership, start-up costs, possibility of partnerships, repair/reconditioning costs and on-going related costs. He would also like these costs compared to the cost of merely landscaping the islands.

Mr. Pryzby stated the direction he is getting from the Council is to go to the Prairie Village Arts Council. He asked if the intent was to include private fountains. Mayor Shaffer stated he heard direction given to find someone to compile the information requested on the ownership, condition and value of the fountains and statues located within the City.

David Belz noted that even if the homes associations do not have ownership, they do have an investment in the statues and fountains.

Mr. Pryzby clarified that at some point, after receiving input from the Arts Council, someone has to contact the homes association and determine what type of ownership and responsibility they have. He expressed concern with the City infringing on the rights and responsibilities of homes associations. Ruth Hopkins noted the disparity in the economic conditions of the various homes associations within the City and feels this needs to be addressed.

Al Herrera supports the City doing whatever it can to save and protect the islands, fountains and statues in the City, noting they are a significant part of the identity of the City.

Laura Wassmer stated she would like to see the concept of establishing a foundation to save the statues and noted other possible sources of outside funding that may be available.

Solid Waste Management Committee

Ruth Hopkins reported from the MARC and County Committees on Solid Waste where she serves as the representative for Prairie Village. The MARC Solid Waste Management District has created an excellent website: www.recyclespot.org which provides information on where to locate recycling centers for all types of materials. Mrs. Hopkins distributed information on the website to Council members and encouraged them to visit the site.

Sister City Committee

Michael Kelly reported on the visit last Monday from a delegation of 9 individuals from the Ukrainian Republic. The delegation was visiting through the International Visitors Council of Kansas City. Mr. Kelly thanked the Mayor and staff for their hospitality during the visit and noted a representative of the International Visitors Council will speak at the next Sister City Committee meeting.

Villagefest

Diana Ewy Sharp noted the recent issues raised by candidates campaigning at the Mission Art Fair and acknowledged this issue has been raised in conjunction with Villagefest in the past. She advised the Council the Villagefest Committee is paying close attention to the response by the City of Mission.

OLD BUSINESS

There was no Old Business to come before the Council

NEW BUSINESS

School Lockdown

Al Herrera commended the Police Department for their recent lock down of Prairie Village schools during the search for two suspects from an attempted residential burglary in the vicinity of the schools. He has received several comments from parents expressing their thanks for the professional manner in which the incident was handled.

Chief Grover noted this incident was a good example of how quickly a situation can grow. He noted his staff didn't do anything differently. The difficulty encountered was the timing factor with the incident occurring just shortly before the dismissal time for the students. He noted he had also received positive feedback, particularly from the mass communication that went out from the communication system. One-third of the calls to the area were answered, one-third went to voice mail or answering machines providing warning and information on the situation. In evaluating the action taken, he noted areas for improved communication with school district officials.

CALEA

Chief Grover reported the CALEA on-site visit went very well. The evaluation team was on-site during the school lockdown incident and acknowledged the department followed their standards to the letter. Chief Grover noted of the 446 files of standards only 4 files were returned for revisions. This is an extraordinary accomplishment, noting on evaluations he has participated in the average number of files returned for revisions was 74.

Mayor Shaffer asked the Chief to relay his and the Council's congratulations to his entire staff.

Prairie Village Books

Mayor Shaffer noted each Council member had been given a book created by the Shawnee Mission School District and distributed to all the third grade classes within the City to learn about government and their City.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

Board of Zoning Appeals	10/03/2006	6:30 p.m.
Planning Commission	10/03/2006	7:00 p.m.
Sister City	10/09/2006	7:00 p.m.
City Entrance Sign Committee	10/10/2006	6:30 p.m.
Council Committee of the Whole	10/16/2006	6:00 p.m.
City Council	10/16/2006	7:30 p.m.

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The Prairie Village Arts Council is pleased to feature a mixed media exhibit by the Senior Arts Council in the R.G. Endres Gallery during the month of October. The opening reception will be held on October 13th at 6:30 p.m.

Peanut Butter week is October 2-6. There will be a collection barrel at the City Offices. Please bring peanut butter donations to the Council meeting.

Free Tree Seminar sponsored by the Tree Board on Wednesday, October 4th at 7 p.m. in the Council Chambers.

The Kansas League of Municipalities 2006 Annual Conference will be held in Topeka from October 7-10. Conference events will be held at the Capitol Plaza Hotel and the Kansas Expo centre.

Flu shots will be given on October 16th from 8:30 a.m. to 10 a.m. at Public Works and from 1 p.m. to 3 p.m. in the Multi-Purpose Room.

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 9:15 p.m.

Joyce Hagen Mundy
City Clerk