

****AMENDED****
COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Monday, August 21, 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 – August 7, 2006
2. Approve **disposal** of the following fixed assets:
Asset #1532 a 1998 portable radio that is not repairable.
Asset #1590 a color printer purchased in 1998 that parts are not available for; and
Approve **disposal** by **auction** of the following assets and the funds placed in the appropriate City account:
Asset #0458 a 1988 John Deere Backhoe/Loader.
Asset #0468 a 1993 service truck.
Asset #0489 a 1985 vibratory tamper.
Asset #1424 a 1997 Toro Mower.
Asset #1589 a 1999 Howard Price Mower.
3. Approve the agreement with the Johnson County Airport Commission for using the New Century Airport for snowplow training by Public Works employees and a fee of \$50.00 per day.
4. Reject the bid from Dennis Johnson Construction, Inc., for \$902,673.45 for Project 190717.
5. Approve the agreement with TUSA Consulting Services LLC for a radio consultant at no cost to the City of Prairie Village. All costs are paid by Sprint/Nextel as per the FCC agreement.
6. Approve the scheduling/contract with The New Theatre Restaurant for the Employee Appreciation Dinner to be held on February 9, 2007 for \$8,165.00.
7. Approve the Interlocal Agreement with the City of Overland Park for maintenance and operation of shared traffic signals.
8. Approve a support agreement with Training @ Your Place for support of the Municipal Court software for a term of one year at a cost of \$1,500.00 with funds from the 2006 Municipal Court Budget.
9. Approve an agreement with Kelly & Diana Werts for the Prairie Park Dedication concert and waive insurance requirement as listed in 5d.
10. Approve an agreement between the City of Prairie Village, Kansas and the City of Westwood, Kansas for multi-jurisdictional building inspection services.

VI. **COMMITTEE REPORTS**

Wayne Vennard – Insurance Committee
Consider Worker's Compensation Coverage

Michael Kelly – Sister City Committee

VII. **OLD BUSINESS**

VIII. NEW BUSINESS

David Belz

Consider 2007 Public Safety Budget for the City of Mission Hills.

Consider the Tennis Courts at Windsor Park

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
August 21, 2006**

The City Council of Prairie Village, Kansas, met in regular session on Monday, August 21, 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, Pat Daniels, Charles Clark, Wayne Vennard, Diana Ewy Sharp and David Belz.

Also present were: Barbara Vernon, City Administrator; Charles 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 noted a revision to the agenda with the addition of consideration of Windsor Park Tennis Court paving under New Business.

PUBLIC PARTICIPATION

No one was present to address the Council.

CONSENT AGENDA

David Belz moved the approval of the Consent Agenda for Monday, August 21, 2006:

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2. Approve the disposal of the following fixed assets:
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 - Asset #1590 a color printer purchased in 1998 that parts are not available for; and approve **disposal** by **auction** of the following assets and the funds placed in the appropriate City account:
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9. Approve an agreement with Kelly & Diana Werts for the Prairie Park Dedication concert and waive insurance requirement as listed in 5d
10. Approve an agreement between the City of Prairie Village, Kansas and the City of Westwood, Kansas for multi-jurisdictional building inspection services.

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

COMMITTEE REPORTS

Insurance Committee

Consider Workers' Compensation Insurance Coverage

The City has been in the assigned risk pool for the past three years with coverage provided by Continental Western. Because of a significant reduction in claims during the past three years, the City's experience modification rate decreased forty points and is, for the first time in several years, below 100. The City's premium for the 2005-2006 plan year was \$200,114. The premium for the 2006-2007 year will be \$140,441.

The Committee discussed increasing the current deductible from \$5,000 to \$10,000. Bob Frankovic stated a \$10,000 deductible would result in an additional savings of 4% or approximately \$7,000.

On behalf of the Insurance Committee, Wayne Vennard moved the City Council approve Workers Compensation Coverage with Continental Western with a \$10,000 deductible for the plan year beginning October 12, 2006 and ending October 12, 2007 at an estimated cost of \$131,906 and increase the insurance reserve fund to a \$50,000 total. The motion was seconded by Charles Clark.

Bill Griffith stated, based on the increased deductible, the established reserve would only be able to handle approximately five claims and questioned if this was cause for concern. Mr. Vennard responded the City has only had one claim over \$10,000 in the past several years and the committee

did not feel the increased deductible would become a problem. Mr. Griffith questioned if it would be appropriate to increase the deductible even further to increase savings on premium costs. Mr. Vennard stated the Insurance Committee felt \$10,000 was an appropriate level at this time.

David Belz asked how the reserve fund is funded. Mr. Vennard responded it is funded from the general fund through premium savings.

The motion was voted on and passed unanimously.

Sister City Committee

Michael Kelly called upon Alyce Grover to report on the 50th Annual Sister Cities International Conference attended by her and Mr. Kelly recently in Washington, D.C. Mrs. Grover shared slides taken at the conference while reviewing the events and highlights of the conference. The Sister City Organization stresses the importance of "Citizen Diplomacy" noting that each individual has the right and responsibility to shape foreign affairs. Its mission is to "Promote peace through mutual respect, understanding and compassion one individual, one community, one at a time.

She and Mr. Kelly had the opportunity to meet with Senator Dennis Moore as well as representatives from all over the world. One of the foreign leaders urged American cities not to select cities like themselves as a Sister City, but to seek a city where they can make a difference.

Mrs. Grover and Mr. Kelly presented Mayor Shaffer and the City with a framed Sister Cities International 50th Anniversary Commemorative Poster.

OLD BUSINESS

Sculpture Garden

Diana Ewy Sharp reported a subcommittee made up of representatives of the Arts Council, Park & Recreation Committee and staff are reviewing the plans and looking at options.

Sign Ordinance

City Attorney Charles Wetzler advised the Council that David Quinley has filed suit against the City on its "sign regulations" stating they are discriminatory and deny his constitutional right to freedom of expression. Mr. Wetzler stated an initial hearing is scheduled for August 23rd on the request of Mr. Quinley for a temporary restraining order/injunction that would allow him to keep his

signs while the case is being considered. A later hearing will be held on the constitutionality of the City's ordinance.

Al Herrera asked what Mr. Quinley was opposing and who would make the ultimate ruling. Mr. Wetzler stated Mr. Quinley's complaints are numerous including size limitations, churches being allowed larger signs, having to take the signs down, etc. He noted Mr. Quinley was not present when the proposed ordinance came before the City Council, but was present at hearings before the Planning Commission. Mr. Wetzler stated the judge would rule on the constitutionality of the City's ordinances, noting the issues raised are not clear cut and its interpretation addresses several delicate issues.

Brick Pavers

Bob Pryzby confirmed the replacement of the brick pavers was complete. Mayor Shaffer expressed appreciation for the efforts of the staff and contractor to resolve this problem so quickly and professionally.

NEW BUSINESS

Consider Mission Hills 2007 Public Safety Budget

Police Chief Charles Grover reported each year the City determines a proposed public safety budget for the City of Mission Hills. The proposed 2007 budget will be \$1,114,385.00, an increase of 5.46% over the 2006 budget. The increase takes into account the approved 2007 public safety budget established by the City Council. Chief Grover noted this was the third year using the revised formula for the determination of costs and briefly reviewed the history of the formula.

Mayor Shaffer confirmed the City of Mission Hills has seen the proposed budget. Chief Grover stated the Mission Hills City Administrator had been presented with the budget for use in preparation of their budget. Once the City of Prairie Village adopts its budget, the City of Mission Hills then formally adopts the public safety budget.

David Belz moved the City Council approve the 2007 Public Safety budget for the City of Mission Hills. The motion was seconded by Andrew Wang and passed unanimously.

Consider Windsor Park Tennis Court Paving

Diana Ewy Sharp reported at the August meeting of the Park & Recreation Committee, the committee learned the cracks in the Windsor Park Tennis Courts were more severe and extensive than earlier anticipated and the proposed filling of the cracks was not a viable solution. It was the recommendation of public works staff that the best solution would be to resurface the courts at this time. It is proposed to have the work done by Mega Industries as a change order to the Meadowlake Tennis Court Project. They would be able to do the work immediately allowing for the courts to be usable in approximately one month.

On behalf of the Park & Recreation Committee, Diana Ewy Sharp moved the approval of Construction Change Order #1 in the amount of \$26,325 to Mega Industries to resurface the Windsor Park Tennis Courts and the transfer of \$37,000 from the Capital Infrastructure Program Park Unallocated to Project 190637. The motion was seconded by Ruth Hopkins and passed unanimously.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

Community Center Committee	08/28/2006	7:00 p.m.
Environmental Recycle Committee	08/30/2006	7:00 p.m.
Board of Zoning Appeals	09/05/2006	6:30 p.m.
Planning Commission	09/05/2006	7:00 p.m.
Council Committee of the Whole (Tuesday)	09/05/2006	6:00 p.m.
Council (Tuesday)	09/05/2006	7:30 p.m.

Mayor Shaffer noted recent appointment of Ken Vaughn to the State Board of Technical Professions by Governor Sebelius. Mr. Vaughn, a former Chairman of the Board, has served on the Board for several years.

Mayor Shaffer noted several upcoming events including the retirement celebration for Glenda Herring with the Municipal Court to be held on Friday, August 25th from 2:30 to 4:30; the upcoming Lancer Day Parade on September 28th and the Employee Appreciation Event on Friday, February 9, 2007 at the New Theatre Restaurant.

The Prairie Village Arts Council is pleased to feature a pastels exhibit by Mike Walsh, John Roush and Doug Bennett in the R.G. Endres Gallery during the month of August.

The City offices will be closed September 4th in observance of Labor Day. Deffenbaugh also observes this holiday so trash pick-up will be delayed one day all week.

The swimming pool will close for the season on Labor Day, September 4th at 6 p.m.

Dedication of Prairie Park September 4, 2006 from 1 p.m. to 3 p.m.

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

8:15 p.m.

Joyce Hagen Mundy
City Clerk

Exhibit A

Please refer to page 98 of the Prairie Village City Council meeting of 7/18/2005.

“Laura Wassmer confirmed there are 19 households in the neighborhood, 9 on the east side and 20 on the west side and the proposed sidewalk location on the east and therefore, those residents received notification. She questioned if the sidewalk could be constructed on the east side. Mr. Pryzby responded it would be much more difficult to construct on the west side because of conflicts with available space, existing landscaping, etc.”

Apparently, Laura Wassmer and the rest of the City Council members’ decision to maintain the continuation of the sidewalk down Canterbury, on the west side, took none of these facts into consideration. If, in fact, the Council members had examined the sidewalk on Canterbury, between 77th & 79th Street, they would note that the electric utility poles are on the east side of the street. Most obviously, the reason why the decision was made to place the sidewalk on that portion of Canterbury on the west side of the street.

The residents on the 7900 block of Canterbury who supported the placement of the sidewalk on the east side of Canterbury question, profoundly, the Council members rationale, motives and honesty in their decision to the placement of the sidewalk on the west side of our street. Your decision will affect our property values and lives for years to come.”

Exhibit B

Good Evening,

I’m here to present a letter to the City Council that I e-mailed to members on 6/30/06; two of which were returned as non-deliverable.

Several of you were good enough to respond in writing. My husband and I did speak with a few of you and obtained some pertinent information. However, we feel it is important to have your responses documented in writing.

We’re discouraged that many of you have chosen not to respond. Obviously, you neither have the time, nor feel obliged to do so? I remind you that you are public officials, and your constituents do expect representation, communication and respect.

I’m suggesting that a policy of diligent and timely responses be implemented regarding communications from residents.

It’s sad, but our experience has been that an air of arrogance permeates throughout City Hall; and with the majority of City Council members. I’d like to believe that the newly elected representatives would not follow the precedent that has been established in the past and, in fact, extend themselves to the residents, as they promised. While helping campaign this Spring, over and over again, residents complained of a lack of accessibility with their representatives.

In January of this year, I stood at this stand and was rebuked by the Mayor when I asked for a show of hands regarding how many of you had viewed our street. Laura Wassmer has repeatedly sat and smirked whenever I stood to speak. I find that rude and unacceptable. How can I expect a council

member to make an informed and fair decision if she can't even sit in judgment without displaying a demeaning attitude on her face towards and individual?

I really am not concerned what your opinion is of me personally, but I do take exception to Laura Wassmer's inference, publicly, of my husband and my behavior regarding the sidewalk petitions. We don't come before the City Council to be shown contempt and disrespect. At the very least, Ms Wassmer owes my husband and I a public apology for the remarks she directed to us at the Council meeting of 6/5/2006. In view of her conduct, perhaps, it's really time she stepped down from the City Council.

Exhibit C