

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

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. PLEDGE OF ALLEGIANCE**
- IV. RECOGNITION OF VILLAGEFEST COMMITTEE/VOLUNTEERS**
- V. PUBLIC PARTICIPATION**
- VI. PUBLIC HEARINGS**

APPEAL OF JACK FIELDS – 6328 Hodges Drive

2007 Budget for City of Prairie Village

VII. CONSENT AGENDA

All items listed below are considered to be routine by the Governing Body and will be enacted by one motion (Roll Call Vote). There will be no separate discussion of these items unless a Council member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the regular agenda.

By Staff:

1. Approve Regular Council Meeting Minutes – July 17, 2006
2. Approve the disposal of the following city property:
Asset #749 – Mini Refrigerator from the tennis shack
3. Ratify the Mayor's appointment of James Bernard to the Prairie Village Park & Recreation Committee to complete the unexpired term of Mary Beth Smith expiring in April, 2008.
4. Authorize the Mayor to issue the following proclamation:
Proclaim July 23rd as "Parent's Day"
5. Ratify the Mayor's appointment of Kenneth Poe to the Prairie Village Board of Code Appeals with the term expiring in April, 2011.
6. Grant an exemption from City provided solid waste services for 2007 to the following homes associations:
Town & Country Homes Association
Countryside East Homes Association
Normandy Square Homes Association
7. Approve Construction Change Order #1 for \$4,561.80 to McAnnany Construction and transferring \$5,730.00 from 191001 to Project 191014.
8. Approve a contract with ENSERV to dispose of medical waste from the Prairie Village Swimming Pool for this season.
9. Approve the agreement with Lowenthal, Singleton, Webb & Wilson for the audit of the City's 2006 financial statements.
10. Approve the purchase of one unmarked Police vehicle from Morse Chevrolet Inc. for a price of \$18,935.55. Funds are available in the 2006 Public Safety budget 1-3-26-7100.
11. Approve an agreement with MHM Resources to administer the City's flexible spending account for the 2006-2007 plan year upon review and approval by the City Attorney.
12. Claims Ordinance 2629
13. Approve Engineering Change Order #2 to The Larkin Group, Inc. to change the completion date to January 19, 2007.
14. Ratify the Mayor's appointment of Zachary Hardy to the Prairie Village Park and Recreation Committee filling an unexpired term ending in April, 2008.

VIII. COMMITTEE REPORTS

Council Committee of the Whole – David Belz
COU2006-19 Consider Tree Trimming Bid Award

COU2006-20 Consider Project 191020: Colonial Pedestrian Bridge Replacement

Consultant Selection Committee – Ruth Hopkins
Consider Project 190718: 2007 Storm Drainage Repair Program Design Consultant Fees

Communications Committee – Andrew Wang
Consider Publishing Agreement for Community Profile

Prairie Village Arts Council – David Belz
Somerset/Lee Blvd. Sculpture

Park Committee Report – Diana Ewy Sharp

IX. OLD BUSINESS
Consider 2007 Budget for the City of Prairie Village

X. NEW BUSINESS
Consider declaration of Unsafe Structure due to fire at 7618 Mohawk

XI. ANNOUNCEMENTS

XII. ADJOURNMENT

If any individual requires special accommodations -- for example, qualified interpreter, large print, reader, hearing assistance -- in order to attend the meeting, please notify the City Clerk at 381-6464, Extension 4616, no later than 48 hours prior to the beginning of the meeting.

If you are unable to attend this meeting, comments may be received by e-mail at cityclerk@PVKANSAS.COM

**COUNCIL
CITY OF PRAIRIE VILLAGE
August 7, 2006
-Minutes-**

The City Council of Prairie Village, Kansas, met in regular session on Monday, August 7, 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; Katie Logan, from the City Attorney's Office; Charles Grover, Chief of Police; Bob Pryzby, Public Works Director; Tom Trienens, Manager of Engineering Services and Joyce Hagen Mundy, City Clerk.

Mayor Shaffer led all present in the Pledge of Allegiance.

RECOGNITION OF VILLAGEFEST COMMITTEE/VOLUNTEERS

A slide presentation from the 10th Anniversary Villagefest Celebration held July 4th, 2006 was shown. Mayor Shaffer recognized the 2006 Villagefest Committee who were introduced by Chair Ann Lilak. Mayor Shaffer then recognized Ann for her past five years of leadership of the Villagefest Celebration acknowledging it's growth and success during that time.

PUBLIC PARTICIPATION

Donna Knoell, 5165 Somerset Drive, addressed the City Council in response to the memo dated July 13, 2006, from Assistant City Administrator, Doug Luther. Mrs. Knoell stated she was very concerned with what she believes are inaccuracies and misrepresentations in the memorandum. She continues to be concerned with the way Code Enforcement has been handled regarding their property, but even more concerned with what she considers to be inaccurate information contained in Mr. Luther's memorandum to the City Council. Some of the areas of concern stated are as follows:

- *The presentation of irrelevant past "code enforcement history"*
- *The representation of 17 calls from one individual as numerous complaints.*
- *Inaccuracies of the April 19th citation*
- *Documented misidentification of perennials as weeds*
- *Denial of opportunities to meet with the City Prosecutor given to others*
- *Lack of communication between Mr. Luther and his staff and with Mrs. Knoell*

Mrs. Knoell presented to each Council member a written copy of her comments, including detail of ten major concerns expressed and a letter from her neighbor contradicting the citation by the City for grass in excess of 8 inches in height.

Jim Royer, 5165 Somerset Drive, also addressed the Council in response to Mr. Luther's memorandum. He stated they were not seeking to have the ticket dismissed by the City Prosecutor, but to discuss their issues and concerns. Mr. Royer stated the actions of the Municipal Court Staff, Judges and City Prosecutors were professional but were directed by Mr. Luther and Ms Gradinger to deny their access to discuss and present information to these individuals. Mr. Royer reiterated the areas of concern addressed in the memorandum, particularly in response to the actions of Mr. Luther and Ms Gradinger.

Mayor Shaffer acknowledged the comments received and asked for anyone else wanting to address the Council to come forward, seeing none, he closed the public participation portion of the Council meeting.

PUBLIC HEARINGS

Mayor Shaffer announced that two public hearings would be held before the City Council and reviewed the rules of procedure to be followed. The first is the appeal of Jack Fields of 6328 Hodges Drive and the second is the presentation of the 2007 City of Prairie Village Budget.

Appeal of Jack Fields

Jack Fields, 6328 Hodges Drive, addressed the Council regarding an appeal to allow colored concrete in the City right-of-way portion of his driveway. Mr. Fields acknowledged his contractor was informed of the City's regulations and was instructed by Mr. Fields not to pour the final portion of the driveway located within city right-of-way until an appeal from the regulation could be heard by the City Council. Mr. Fields stated he filed the appeal and left town. While he was out of town, his contractor did pour the final portion of the driveway and he takes full responsibility for that action. He is asking the City Council to approve a "driveway agreement" prepared by the City's attorney allowing him to retain the specialty driveway, but permitting the City or other entity to remove and replace the driveway to City specifications as part of a City improvement project or other utility work.

Katie Logan, representing the City Attorney, stated she had prepared an agreement between the property owner and the City stating that if in the future the driveway needs to be replaced the City or other entity is under no monetary obligation to replace in kind, only to replace to the standard city specifications. Ms Logan stated this will be a covenant that will be filed with the county and run with the ownership of the land applicable to Mr. Fields and all future owners of this property.

Al Herrera stated he supports the proposed agreement with Mr. Fields, but asked if the contractor who did the work in violation of code was being assessed. Ms. Logan responded the agreement does not include any fine. Mr. Pryzby stated the contractor

did secure a right-of-way permit when advised by the City and paid double the fee as is the city's policy for permits issued after the beginning of work.

Pat Daniels stated although the driveway looks beautiful, he has two concerns: first, the driveway was poured in violation of City regulations and secondly, that the regulations be reviewed to address this issue in the future. Ruth Hopkins stated she anticipates the issue to arise again as residents seek to upgrade their properties.

Andrew Wang stated he agreed with Mr. Daniels that the driveway is aesthetically pleasing; however, this is another instance where action has been taken in violation of City codes and then approval sought. He is concerned with the lack of respect given to compliance with City codes.

Laura Wassmer stated she felt the code needs to address property owners who want to upgrade the materials used at their expense with them given the option to do so. Mr. Wang stated his issue however, is not the improvement of the property, but the violation of City regulations.

Michael Kelly asked for a review of the interactions between the City and the contractor. Mr. Pryzby referenced the timetable included in the packet of the action taken by the public works department. Mr. Pryzby acknowledged there are driveways with different materials within the City, but noted his department cannot address what exists; however, it is their policy to treat everyone equally and therefore, they do not grant exceptions.

Wayne Vennard asked if it was a Code or a Council Policy that was violated. Bob Pryzby responded Chapter 13 of the Municipal Code states that work in City right-of-way is "subject to all technical specifications, design criteria, policies, resolutions and ordinances . . ." and the City Council has also adopted Council Policy 202 entitled "Driveways" which addresses the issue.

Al Herrera expressed concern with the setting of a precedent if no fine is levied on the contractor. Ms Logan stated the City does not have the authority to fine the contractor.

With no one else wishing to address the Council regarding the appeal, Mayor Shaffer closed the public hearing at 8:25 p.m.

Charles Clark moved the City Council approve an agreement/covenant as drafted by the City Attorney to be filed with the register of deeds that permits Mr. Fields to retain the specialty driveway, but documents the City's rights and responsibilities regarding its replacement. The motion was seconded by Wayne Vennard

Bob Pryzby stated the agreement acknowledges the driveway is in violation of City specifications but allows Mr. Fields to retain the driveway as a one-time approval and states the City has no responsibility for its replacement as constructed.

Laura Wassmer questioned the need for the formal agreement. Mr. Pryzby responded the City needs to clearly state that it will not replace the driveway with the same material if needed to be removed in conjunction with an improvement project and acknowledge that it is allowing Mr. Fields to retain the driveway.

Andrew Wang stated he is not suggesting the city make Mr. Fields remove the driveway, but he is not comfortable with the City allowing the violation of a code. The need for the code to be reviewed is a separate issue. Allowing regulations to be ignored opens doors that should remain closed.

Pat Daniels stated he supports moving ahead with this and also looking at code. Mr. Pryzby stated he will prepare information on driveway issues as stated in the Code, the Council Policy and Public Works procedures for review by the Committee

Al Herrera stated he supported the appeal, but stated Council can not continue to allow people to violate city regulations and policies.

Jack Fields stated he did have a permit to work in the right-of-way, but did not have approval for the colored concrete.

Michael Kelly asked Tom Trienens for his input. Mr. Trienens stated the right-of-way permit was issued after the work was started. The contractor was given the city's specifications and told colored concrete was not allowed. His concern is how he responds to residents tomorrow who want to use colored concrete.

Marcia Gradinger, the city's code enforcement officer, advised the Council there is no enforcement authorization on a policy, only on an ordinance.

Question was called and a vote was taken on the motion approving an agreement/covenant as prepared by the City Attorney regarding the driveway at 6328 Hodges. The motion passed by a vote of 9 to 2 with Wang and Kelly voting "nay".

Presentation of the 2007 Budget for the City of Prairie Village

Barbara Vernon, City Administrator, presented the proposed 2007 budget for the City of Prairie Village in the amount of \$27,611,000. The budget was prepared following the priorities identified by the Council as follows:

- Maintain a "sense of place" and "sense of community"
- Maintain financial strength of the City
- Continue current service levels

Mrs. Vernon noted most of the City's revenue sources and program operating costs are relatively stable. The only revenue source with major variances from year to year is "Intergovernmental," which includes pass-through revenues and grants from other jurisdictions. The only expenditure program with major variances from year to year is "Infrastructure Improvements". She noted less grant funding is anticipated in the future. Historically, revenue increases about \$500,000 a year or approximately three percent if the revenue from increased property appraisals is kept by the City. Historically, expenditures have increased at an annual rate of more than \$500,000 with \$600,000 to

\$700,000 increases in the past years. However, Mrs. Vernon noted it is not only current service levels causing the increase, but the addition of new programs or projects. In the 2007 budget, this is represented by an increase of \$1,570,742. The proposed 2007 budget has expenditures exceeding revenue by approximately \$2 million.

Based on a five year projection, Mrs. Vernon advised the Council the City's fund balance will be above the designated level through 2009, but by 2010 it will have eroded to the point where the City Council will have to take action. It is her recommendation the Council begin that process in 2007 during the preparation of the 2008 budget so that action can be taken gradually.

The City's taxes represent only 14% of a resident owning a home valued at \$205,588 (the average sale price of a Prairie Village house) paying city taxes of \$371.67 for all their City services.

David Belz asked what level of fund balance is maintained by public entities compared to private entities. Mrs. Vernon responded the rates vary, the City's rate was set by the Long Range Financial Planning Committee at approximately 18%. Ms. Wassmer noted the City's maintains fund balance at the level necessary to maintain its high bond rating.

David Voysey asked how the Council could erode the fund balance by a quarter percent and at the same meeting approve the expenditure of \$100,000 on a sculpture garden. Mrs. Vernon replied the guidance she has used with Council members in the past is for them to ask themselves, "Is this expenditure really worth a tax increase?"

Laura Wassmer questioned how you offset the "nice to have" with revenue not keeping ahead of expenditures. She is concerned that the City spend its reserve funds in areas that are important, such as infrastructure, not on "nice to have" programs. She stressed the need for the Council to be fiscally responsible.

Mr. Voysey asked if it cost \$2 million to keep the lights on. Mrs. Vernon responded \$1.5 million is the reserve for school sales tax. Mr. Voysey stated the City should not go into deficit spending to do this.

Wayne Vennard stated Johnson County maintains a fund balance of 8 to 12 percent of their budget while the City's fund balance is 33% of its budget. He noted the City is not supposed to be a bank holding its residents' money in reserve. He has no problem spending down reserve funds.

Diana Ewy Sharp noted if the fund balance at the end of 2006 is \$9 million as projected, that would represent almost 50% of budget and she feels strongly for the City to hold such a high fund balance is wrong.

Al Herrera provided history on the growing expenditure of fund balance over the past few years, noting the increased expenditure on city infrastructure to keep families in the City and to make Prairie Village competitive with neighboring cities to address the increasing number of families moving out.

David Belz stated he attended a fund balance seminar to find out what level of fund balance a city should maintain. The seminar stated there is no one right answer, some cities maintain a 3% fund balance while others maintain as high as 75%. He is not concerned with 2007, but with the projections into the future with the city spending an additional \$1,000,000 annually on needed infrastructure repair and maintenance. He feels the Council needs to seriously consider what it will cost to keep Prairie Village the Prairie Village residents want and expect, and to begin taking action now. Mrs. Vernon agreed the Council needs to prepare and plan for the future.

Laura Wassmer stressed the need for the Council to set priorities and recognize the impact of spending funds now on future funds.

Andrew Wang asked where the City is projected to stand at this time next year. Mrs. Vernon responded fund balance would exceed the established level; however, she

projects the City would have used some contingency funds as they have this year. Mr. Wang asked at the end of that year, what would be projected from fund balance. Mrs. Vernon responded slightly more than what is projected.

Diana Ewy Sharp stated during the nine years she has been on the Council, the City's fund balance has always been in excess of the established level. The City has been trying to lower the amount retained in the fund balance for years.

David Belz stressed the need for the Council to agree on the minimum level of fund balance acceptable and what will be done if a proposed expenditure will take the fund balance below that level and what the City will do to get the fund balance back to the established level.

Mayor Shaffer asked if anyone present wished to comment or ask questions on the proposed 2007 budget. With no one wishing to comment, Mayor Shaffer closed the public hearing at 9:10 p.m.

CONSENT AGENDA

David Belz moved the approval of the Consent Agenda for Monday, August 7, 2006:

1. Approve Regular Council Meeting Minutes - July 17, 2006
2. Approve the disposal of the following city property, Asset #749 - Mini Refrigerator from the tennis shack
3. Ratify the Mayor's appointment of James Bernard to the Prairie Village Park & Recreation Committee to complete the unexpired term of Mary Beth Smith expiring in April, 2008
4. Authorize the Mayor to issue the following proclamation - "Parents Day" - July 23rd
5. Ratify the Mayor's appointment of Kenneth Poe to the Prairie Village Board of Code Appeals with the term expiring in April, 2011
6. Grant an exemption from City-provided solid waste services for 2007 to the following homes associations: Town & Country Homes Association, Normandy Square Homes Association and Countryside East Homes Association
7. Approve Construction Change Order #1 in the amount of \$4,561.80 to McAnnany Construction and the transfer of \$5,730.00 from Project 191001 to Project 191014: 2006 Concrete Repair Program
8. Approve a contract with ENSERV to dispose of medical waste from the Prairie Village Swimming Pool for this season.

9. Approve the agreement with Lowenthal, Singleton, Webb & Wilson for the audit of the City's 2006 financial statements
10. Approve the purchase of one unmarked police vehicle from Morse Chevrolet, Inc. for a price of \$18,935.55 with funding from the 2006 Public Safety budget 1-3-26-7100
11. Approve an agreement with MHM Resources to administer the City's Flexible Spending Account for the 2006-2007 plan year upon review and approval by the City Attorney
12. Approve Claims Ordinance 2629
13. Approve Engineering Change Order #2 to The Larkin Group, Inc. for Project 190709: 83rd Street and Delmar, SMAC extending the completion date to January 19, 2007
14. Ratify the Mayor's appointment of Zachary Hardy to the Prairie Village Park and Recreation Committee filing an unexpired term ending in April, 2008

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

Council Committee of the Whole **COU2006-19 Consider Tree Trimming Bid**

The City received four bids for tree trimming services for designated areas of the City. Shawnee Mission Tree, who has done work for the City in the past, submitted the low bid.

Pat Daniels questioned the large range in the bid amounts. Mr. Pryzby responded two of the bidders had done this work previously for the City and their bids were comparable. The other two bidders historically tend to bid high. He noted he is comfortable with the low bid and with the work of Shawnee Mission Tree Service.

On behalf of the Council Committee of the Whole, David Belz moved the City Council award the tree trimming bid for Area 41, Area 42 and Parks to Shawnee Mission Tree in the amount of \$68,166.00. The motion was seconded by Ruth Hopkins and passed unanimously.

COU2006-20 Consider Project 191020: Colonial Pedestrian Bridge Replacement

On behalf of the Council Committee of the Whole, David Belz moved the City Council direct Public Works to retain an engineer for the design of Project 191020: Colonial Pedestrian Bridge Replacement and approve a transfer of \$9,500 from the General Fund Contingency to Project 1901020 for design services. The motion was seconded by Al Herrera and passed unanimously.

Consultant Selection Committee

Consider Project 190718: 2007 Storm Drainage Repair Program Design Consultant Fees

Ruth Hopkins reported the Consultant Selection Committee received 11 proposals to provide storm drainage repair program design services and interviewed four consultants for the project. It was the unanimous choice of the committee to award the contract to URS Corporation. She noted URS has designed the City's 2006 Storm Drainage Repair Programs.

Ruth Hopkins moved the City Council approve the agreement with URS Corporation in the amount of \$64,742.00 for design services for Project 190718: 2007 Storm Drainage Repair Program. The motion was seconded by David Belz and passed unanimously.

Communications Committee

Consider Publishing Agreement for Community Profile

Andrew Wang stated First Choice Publishing & Communications approached the City with a proposal to publish community profile magazines in 2006, 2008 and 2010 at no cost to the City. First Choice would sell ads to area businesses to cover the publication costs. The front cover will include art work selected by the City. These magazines would be given to new residents and others seeking information about the City. Mr. Wang noted the last community profile done by the City was done in 2001.

On behalf of the Communications Committee, Andrew Wang moved the City Council approve a publishing agreement with First Choice Publishing & Communications

for publication of a Prairie Village Community Profile magazine in 2006, 2008 and 2010.

The motion was seconded by Al Herrera and passed unanimously.

Mayor Shaffer confirmed the Communications Committee would oversee the publication of the magazine.

Prairie Village Arts Council
Somerset/Lee Blvd. Sculpture

David Belz reported the Arts Council recently reviewed a revised proposal for the sculpture at Somerset and Lee Blvd. Members of the Prairie Village Arts Council met with the sculptor and Leawood Arts Council to come up with a different design that provides for more sculpture and aesthetics on the Prairie Village side of the island. The new design was approved by the Arts Council and is being returned to the Council for approval. Bob Endres stated the designer was very responsive to Prairie Village comments. He noted the colored panels on the sculpture are stained glass and will be internally lit and show on all sides of the sculpture. It is his understanding that the City of Leawood has approved the revised design.

Wayne Vennard confirmed there are no signs on the island identifying either Prairie Village or Leawood and noted he felt that should be included in the agreement.

Diana Ewy Sharp stated she cannot support this structure as Village Vision is coming out and it will discuss the treatment of gateways to the City and she felt this is a key gateway. She felt to take action at this time was premature.

Laura Wassmer stated she would agree, but noted there are two other islands in the same area that could be used by the City. She felt the approval of this sculpture was a win/win situation for both cities.

Andrew Wang stated he still had a problem with Leawood taking action in error and then bringing it to the City for approval after the fact. He noted officials of the City of

Leawood have not appeared before the Council to confirm their support of this artwork nor to seek permission to use City land.

Mayor Shaffer stated Leawood is not trying to force anything on the City. The artwork was designed for an island they felt was located within their City and when it was determined that it was not made contact through the cities' respective city attorneys.

Al Herrera sees this as a free gift of art to the City. He likes the new design. He noted Village Vision was supposed to be out in December and is still not available. He feels our residents would be pleased with the City getting this beautiful artwork without spending city funds.

David Belz noted the Village Vision report will not contain any specific recommendations for this property that has been vacant for the past 50 years. He strongly supports the placement of the revised sculpture on this property.

Mayor Shaffer noted the next step would be for the Council to approve the revised design for the sculpture and direct the City Attorney to draft an agreement for the use of the land by the City of Leawood.

Ruth Hopkins moved the City Council approve the placement of the revised sculpture design on the island at Somerset/Lee Blvd by the City of Leawood and support to the approval of an agreement to be written by the City Attorney for the use of the Land by the City of Leawood. The motion was seconded by David Belz.

Mrs. Ewy Sharp asked how vandalism would be handled. Bob Endres responded the City of Leawood agrees to maintain the sculpture and address any vandalism issues. He noted the sculpture is designed to have low maintenance. Mrs. Ewy Sharp asked that the maintenance and repair of the sculpture by Leawood be included in the agreement

Al Herrera confirmed the City would not be selling the island. Katie Logan, representing the City Attorney's office, stated the agreement would probably be in the form of an easement.

The motion was voted on and passed by a vote of 9 to 2 with Wang and Ewy Sharp voting "nay".

Park & Recreation Committee

Diana Ewy Sharp encouraged all the Council members to attend the dedication of Prairie Park on Monday, September 4th from 1 to 3 p.m.

Mrs. Ewy Sharp asked Chief Grover to address recent incidents at the skate park and parks.

Chief Grover stated in the past year his department has had 57 calls to the skate park not including calls that extended into Harmon Park originating from activities at the Skate Park. 43 of those calls occurred during the period between May and September when the skate park was heavily used. He noted there were fewer calls this summer than last summer. However, the two recent incidents have created media attention to the skate park.

Crime Prevention Officer Dan Robles is working to improve the perception of the skate park as a safe place for youth. The department has encouraged its officers to walk through the parks. Chief Grover noted that the number of calls has decreased and the big violations requiring work by detectives have decreased. There has been more interaction between the youth at the skate park and the individuals using Harmon Park creating calls.

Laura Wassmer asked if the City has had complaints from other areas such as the shopping centers and schools regarding skateboarders. Chief Grover stated he was not aware of his School Resource Officer having any complaints, so the Skate Park

appears to have provided the spot for youth to congregate. Al Herrera noted there have not been any incidents at Prairie School.

OLD BUSINESS

Consider 2007 Budget for the City of Prairie Village

David Belz moved the approval of the 2007 budget ordinance as certified in the amount of \$27,611,000 with ad valorem tax in the amount of \$4,459,764. The motion was seconded by Diana Ewy Sharp.

Ruth Hopkins questioned the \$27 million value. She thought the 2007 budget total was \$21.9 million. Barbara Vernon responded that for budget purposes the state requires the City include in the budget total the amount transferred to the Capital Improvements Program.

David Belz stated the budget also includes solid waste and CARS funding money which are simply passed through

Andrew Wang noted on page 165 of the budget document is a breakdown of the 2007 budget showing the expenditures by program of \$21,991,500 and the transfer from the Capital Improvement Fund of \$5,619,500 for a total budget of \$27,611,000.

Mayor Shaffer asked how a councilmember should respond to a question asking the city's budget for 2007. Mrs. Vernon replied the response should be \$21,991,500 as it was published. She noted that both the Notice of Publication and the Certificate of Budget are submitted to the County.

A roll call voted was taken on Ordinance 2030 approving, adopting and appropriating by fund the budget of the City of Prairie Village for the year beginning January 1, 2007 with the following votes cast: "aye" Herrera, Kelly, Wang, Wassmer, Daniels, Clark, Vennard, Ewy Sharp and Belz; "nay" Hopkins, Voysey. Mayor Shaffer declared the ordinance adopted.

David Belz moved the City Council adopt Ordinance 2131 attesting to the increase in taxes levied for budget year 2007 necessary to finance public services for the City of Prairie Village. The motion was seconded by Diana Ewy Sharp.

A roll call vote was taken with the following votes cast: “aye” Herrera, Hopkins, Voysey, Kelly, Wang, Wassmer, Daniels, Clark, Vennard, Ewy Sharp and Belz.

NEW BUSINESS

Consider declaration of Unsafe Structure due to fire at 7618 Mohawk

Katie Logan, acting as the City’s Public Officer, presented before the City Council a statement and documentation of conditions supporting the request for the declaration of the house located at 7618 to be declared an unsafe or dangerous structure pursuant to PVMC Chapter IV Buildings and Construction, Article 5 Nuisances and Unsafe Structures, Sections 4-502(h), 4-503 and 4-506 and K.S.A. 12-1750 *et seq.*. The documentation submitted provided descriptions of exterior and interior trash and debris and extensive fire damage resulting from a fire on July 28, 2006.

In accordance with the established procedures, the City Council must adopt a resolution that sets a date, time and place for a “show-cause” hearing at which the City’s public officer and Codes Administration Department will present evidence sufficient enough for the Governing Body to decide whether such action should be taken. The proposed resolution drafted by Ms Logan sets the hearing for Monday, October 2nd at 7:30 p.m.

Andrew Wang moved the City Council adopt Resolution 2006-05 fixing a time and place and providing for notice of a hearing before the governing body to show cause why the structure at 7618 Mohawk Drive should not be condemned and ordered repaired or demolished as an unsafe or dangerous structure. The motion was seconded by Laura Wassmer and passed unanimously.

Declaration of Nuisance

Marcia Gradinger, City Code Enforcement Officer, asked the City Council to also adopt a resolution declaring that a nuisance exists on the exterior of this property. Ms. Gradinger, showed pictures depicting an accumulation of worn out, broken and worthless items including but not limited to lawnmowers, weed eaters, bicycles, and other assorted lawn and yard tools and miscellaneous equipment parts; extensive accumulation of trash, garbage, refuse and debris, rodents and mosquito infestation, decomposing food, trash refuse and fire damage.

Ms Gradinger explained that under the terms of the resolution the property owner would be notified and ordered to remove and abate from the property the things described as a nuisance no later than 10 days from the date of service of the resolution to the owner or agent. She noted that Ms Logan will draft the resolution for signature by the Mayor and she would deliver it to the property owner by the end of the week.

Ms Logan stated her only concern with the resolution would be if Stanley Siggs, the 92 year-old property owner, is found not competent the resolution would not be valid. Ms Gradinger stated actions are being taken to give power of attorney and/or guardianship to a friend who Mr. Siggs has been residing with on Aberdeen, and he is aware of the potential action to be taken by the City.

Eugene Mika, 7612 Mohawk, asked the Council to take immediate action, noting the smell from the debris and rodents and mosquitoes are becoming more prevalent each day.

Laura Wassmer asked what options the City had, if a lien could be placed on the property. Ms Logan responded that ultimately the City could place a lien. She noted the notice of abatement allows for 10 days for the owner to take action or request a hearing. If a hearing is requested and the owner presents an appropriate plan for abatement of the property, the Council has the option to grant an extension. Mr. Herrera noted an

extension was granted by the Council in another situation. Ms Logan stated it is important to get the action moving so the issues can be resolved as quickly as possible.

Wayne Vennard noted the safety issues existing on the property and urged movement.

Andrew Wang asked how the City would ensure that appropriate notice was given. Ms Logan responded the city will monitor the situation and ensure that someone legally responsible and competent receives notification and has the competency to request a hearing. The resolution would be personally served by Ms Gradinger.

Darlene Shull, who resides at 7614 Mohawk two houses down from this property, acknowledged that Mr. Siggs has been collecting items for several years and does not feel that he will agree to get rid of his "treasures". She seeks the City's assistance in getting this problem resolved.

Wayne Vennard moved the City Council adopt a resolution determining that a nuisance exists at 7618 Mohawk and ordering the abatement of the nuisance as drafted by the City Attorney. The motion was seconded by Laura Wassmer and passed unanimously.

ANNOUNCEMENTS

Pat Daniels announced that Mayor Ron Shaffer was recently elected to serve as Board Member on the National Association of Regional Councils (NARC) Board of Directors. Mr. Daniels also announced that the home at 7805 Mission Road was recently recognized by Kansas City Homes and Gardens Magazine with the silver award for maintenance provided homes in Kansas.

Committee meetings scheduled for the next two weeks include:

Park & Recreation Committee	8/09/2006	7:00 p.m.
Sister City	8/14/2006	7:00 p.m.
Council Committee of the Whole	8/21/2006	6:00 p.m.
City Council	8/21/2006	7:30 p.m.

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The Prairie Village Arts Council is pleased to feature a pastel exhibit by Mike Walsh, John Roush and Doug Bennett in the R.G. Endres Gallery during the month of August. The opening reception will be held on August 11th at 6:30 p.m.

The final moonlight swim is August 11th.

School hours for the pool begin on August 14th - the pool opens at 4:30 p.m. weekdays.

The pool closes for the season September 4th at 6:00 p.m.

Dedication of Prairie Park on September 4th from 1 p.m. to 3 p.m.

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 10:20 p.m.

Joyce Hagen Mundy
City Clerk

