

**COUNCIL MEETING AGENDA  
CITY OF PRAIRIE VILLAGE  
Monday, July 17, 2006  
7:30 p.m.**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. PLEDGE OF ALLEGIANCE**
- IV. SPECIAL APPRECIATION TO VILLAGEFEST COMMITTEE**
- 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 – June 19, 2006
2. Approve the agreement with IBM and Choice Solutions LLC for the maintenance agreement on the Police Department's AS400 Server.
3. Approve the contract for 2006-07 agreement with Animal Medical Center.
4. Approve the pledge agreement with the Federal Reserve Bank.
5. Approve disposal of the following City property:
  - Asset #908 – Compaq Armada 1500 C notebook computer
6. Authorize the Mayor to issue the following proclamation  
"Childhood Cancer Awareness Week" August 13, 2006 through August 20, 2006
7. Approve 2007 fee of \$12.45 per month per household for city collection of solid waste and recyclable material.
8. Approve the annual retail advertising contract with the Kansas City Star.
9. Claims Ordinance 2628
10. Approve registration application – Kansas City, Missouri Earnings Tax Payroll Withholding
11. Ratify the Mayor's appointment of Marc Russell to the Board of Zoning Appeals and Planning Commission filling the seat vacated by Charles Clark with his election to the City Council with the term expiring in April 2008.
12. Authorize publication of notice of hearing for the 2007 budget in the amount of \$21,991,500.

**VII. COMMITTEE REPORTS**

**Consultant Selection Committee – Ruth Hopkins**

Consider Project 190860 – 2007 Paving Program Design – Consultant Fees

Consider Project 190862 – 2007 CARS Program, 75<sup>th</sup> Street (Nall Avenue to Mission Road) Design - Consultant Fees – Tom Trienens

**Council Committee – David Belz**

Consider Employee Benefit Plan for 2006-2007

Consider Increasing Section 125 Medical Expense Maximums

**VillageFest Committee Report – Diana Ewy Sharp**

**Community Center Committee Report – David Belz**

**Environmental Recycle Committee – Charles Clark**

**VIII. OLD BUSINESS**

Consider Mission Road – 75<sup>th</sup> Street to Somerset Drive – Replacement of Brick Pavers

**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](mailto:cityclerk@PVKANSAS.COM)**

**CITY COUNCIL  
CITY OF PRAIRIE VILLAGE  
JULY 17, 2006**

The City Council of Prairie Village, Kansas, met in regular session on Monday, July 17, 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, 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; Tom Trienens, Manager of Engineering Services; Doug Luther, Assistant City Administrator and Joyce Hagen Mundy, City Clerk.

Mayor Shaffer led all present in the Pledge of Allegiance. He announced the following changes in the agenda for the meeting. Item #4 - Recognition of the Villagefest Committee has been removed and will take place at the August 7<sup>th</sup> meeting. He also noted the Consent Agenda has been amended with the addition of #13 authorizing the issuance of a 2006 Cereal Malt Beverage License to Kayo Oil Company for the service station at 9440 Mission Road.

**PUBLIC PARTICIPATION**

Stan Plessner, 7938 Canterbury, addressed the Council noting he did not have any petitions to present to the Council, but asked that his comments be made a part of the official minutes. His comments are found in Exhibit A at the end of these minutes.

Carole Plessner, 7938 Canterbury, addressed the Council noting the absence of Council member Laura Wassmer and requesting that her comments be made a part of the official public records. Her comments are found in Exhibit B at the end of these minutes. Attached as Exhibit C at the end of these minutes is a copy of the e-mail letter sent to City Council members by Carole Plessner.

Mayor Shaffer recognized a Boy Scout from Troop 31 attending the meeting to earn a merit badge.

Mayor Shaffer introduced Marc Russell whose appointment to the Planning Commission is included on the Consent Agenda. Mr. Russell, an attorney specializing in the areas of public land use, real estate transactions, taxation and corporate law, stated he was looking forward to serving on the Planning Commission.

Das Hardin, a long-time resident and business-owner in Prairie Village, noted he is currently serving as Chamber Board Liaison to the City from the Northeast Johnson County Chamber of Commerce and in that position will be attending City Council meetings.

**CONSENT AGENDA**

David Belz moved the approval of the Consent Agenda for Monday, July 17, 2006 as amended:

1. Approve Regular Council Meeting Minutes - June 19, 2006
2. Approve the agreement with IBM and Choice Solutions LLC for the maintenance agreement on the Police Department's AS400 Server
3. Approve renewal of the 2006-07 agreement with Animal Medical Center for professional animal care services
4. Approve the pledge agreement with the Federal Reserve Bank
5. Approve the disposal of the following City property: Asset #908 - Compaq Armada 1500 C notebook computer
6. Authorize the Mayor to issue the following proclamation  
"Childhood Cancer Awareness Week" August 13, 2006 through August 20, 2006
7. Approve 2007 fee of \$12.45 per month per household for city collection of solid waste and recyclable material
8. Approve the annual retail advertising contract with the Kansas City Star
9. Approve Claims Ordinance 2628
10. Approve Registration Application - Kansas City, Missouri Earnings Tax Payroll Withholding
11. Ratify the Mayor's appointment of Marc Russell to the Board of Zoning Appeals and Planning Commission filling the seat vacated by Charles Clark with his election to the City Council with the term expiring in April 2008
12. Authorize the publication of notice of hearing for the 2007 budget in the amount of \$21,991,500.
13. Authorize the issuance of a 2006 Cereal Malt Beverage to Kayo Oil Company for the service station at 9440 Mission Road.

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

## **COMMITTEE REPORTS**

### **Consultant Selection Committee**

#### **Consider Project 190860: 2007 Street Resurfacing Program Design Services**

The City received nine proposals to provide design services for Project 190860: 2007 Street Resurfacing Program with the committee interviewing four consultants. Funding for these services is included in the Capital Infrastructure Program.

Ruth Hopkins moved the City Council approve an agreement with HNTB for design services for Project 190860: 2007 Street Resurfacing Program in the amount of \$241,600. The motion was seconded by Al Herrera and passed unanimously.

#### **Consider Project 190862: 2007 CARS Program, 75<sup>th</sup> Street (Nall to Mission) Design Services**

The City received nine proposals to provide design services for Project 190862: 2007 CARS Program, 75<sup>th</sup> Street (Nall to Mission) with the committee interviewing four consultants. Funding for these services is included in the Capital Infrastructure Program.

Ruth Hopkins moved the City Council approve an agreement with HNTB for design services for Project 190862: 2007 CARS Program, 75<sup>th</sup> Street (Nall to Mission Road) in the amount of \$91,500. The motion was seconded by Al Herrera and passed unanimously.

Mrs. Hopkins noted the City was pleased to be working with HNTB for the design of these projects.

### **Council Committee of the Whole**

#### **Consider Employee Benefit Plan for 2006-2007**

David Belz moved the City Council authorize the following benefit plans for 2006-2007: 1) Renewal of the current health insurance plan provided by United Healthcare with a 16.3% increase in premiums with the City paying the 75% of the total premium for "family" coverage on the HMO (base) plan, 100% of the employee base premium, 83% of the employee +1 base premium and 80% of the family base premium; 2) Renewal of the current "base" dental insurance through Delta Dental, and offer employees the option to enroll in a "buy-up" plan that would include a \$1,500 life orthodontic benefit along with increased co-insurance percentages; the employee would be responsible for paying 100% of the cost of the "buy-up" plan.; 3) The City offer vision insurance through UHC/Spectera at a cost of \$7.63/employee/month.; 4) The City retain The Standard for Life and AD&D insurance coverage at the reduced rate and continue to pay 100% of the associated costs.; 5) The current long term disability insurance plan provided by Lincoln Financial Group, with no change in premium; and 6) The current long term care insurance provided by UnumProvident, with no change in premium. The motion was seconded by Al Herrera.

Ruth Hopkins asked why action is being taken this evening. Barbara Vernon responded, the City can not get rates from our insurance carriers any earlier and in order to be able to process registrations for the 2006-2007 year beginning on September 1<sup>st</sup>, action is needed immediately.

The motion was voted on and passed unanimously.

#### Consider increasing Section 125 Medical Expense Maximums

David Belz moved the City Council authorize the increase in the maximum allowable amount for medical expenses under its Section 125 plan to \$2,600 per plan year. The motion was seconded by Al Herrera and passed unanimously.

#### **VillageFest Committee Report**

The City Council applauded the work of the VillageFest Committee for the 2006 celebration. Diane Ewy Sharp acknowledged the work of the 25 member committee, more than 180 volunteers and city employees, particularly public works and public safety staff, in putting together the celebration. The estimated attendance at the peak of the day was between 3,500 and 4,500 with total attendance estimated at 7,000. Ms Ewy Sharp also acknowledged the corporate sponsors whose participation has enabled the celebration to continue to grow.

Two Community Spirit Awards were presented during the event. The first to Deanna Letourneau whose work with the city's swim team program over the past years has been exemplary. The second was given to Ann Lilak, who has served as the chairman of the Villagefest Committee since 2002. Ms Sharp noted this was Ann's final year as chairman of the committee.

Ms Sharp noted one of the highlights of the event was Mayor Shaffer's being lifted into the air in the fire department ladder truck and tossing 500 blue Prairie Village stars to the crowd below. She thanked the Mayor, Bob Pryzby, Capt. Wes Jordan and Barbara Vernon for their extra work and support of the event. The committee will be recognized at the next Council meeting and a slide show/video of the event will be presented.

## **Community Center Committee Report**

David Belz reported the committee toured the Platt County Community Center which operates in partnership with the YMCA to learn more about how the partnership was begun and how it functions. Their partnership began with a survey. The County constructed and maintains the community center, but the responsibility for programming and operation belongs to the YMCA.

Mr. Belz noted the City of Raytown has had a similar arrangement in place since 1998. He noted the next step would be a limited study to determine what the community center might look like and what programming would be offered based on the study of an identified clientele.

Ruth Hopkins asked if the local YMCA representatives went with the committee. Mr. Belz responded they did not; however, the vice president of marketing for the Kansas City Metropolitan area YMCA attended. Mrs. Hopkins asked how aware the local YMCA was of the city's actions. Mrs. Vernon responded the investigation by the city was initiated by inquiries from the local YMCA as they look to their future and possible renovation of their facilities. Mrs. Hopkins stated she feels the committee should be including local representatives. Mr. Belz responded the local YMCA will become involved, but noted this is going to be a long-term project.

## **Environmental/Recycle Committee Report**

Wayne Vennard reported that Margaret Thomas would make a presentation on the proposed streamside interpretive sign at the August 7<sup>th</sup> City Council meeting.

## **Sister City Committee**

Michael Kelly reported on his recent attendance at the 50<sup>th</sup> Annual Sister Cities Conference in Washington, D.C. along with committee member Alyce Grover. At the conference he had the opportunity to speak with representatives from several cities with successful sister city programs and learn about their process and programs. He noted the increased interest in the committee since the designation of Germany as the site for the next potential sister city. At the last committee meeting, nine new residents attended expressing an interest in becoming involved with the committee.

Diana Ewy Sharp questioned why the signs remain acknowledging Schaerbeek as a sister city when there has not been any communication with them in several years. Ruth Hopkins responded that the process of officially disengaging a sister city relationship is fairly extensive and difficult. It was the decision of the committee not to formally dissolve the relationship, noting there are still individuals in Schaerbeek who are very interested in being a sister city and if they return to power, the relationship could be renewed. Michael Kelly said he would discuss the issue with the committee at its next meeting.

## **OLD BUSINESS**

### **Consider Mission Road - 75<sup>th</sup> Street to Somerset Drive - Replacement of Brick Pavers**

Tom Trienens reported staff investigated the replacement of the brick crosswalks at four intersections on Mission Road (75<sup>th</sup> Street, 77<sup>th</sup> Street, 79<sup>th</sup> Street and Somerset Drive). The City has

been unsuccessful in finding a contractor to either repair or replace the existing brick. It was recommended that the City use stamped concrete for these high traffic areas. A quote was received from the City's Contractor for Crack & Slurry Seal applications, who performs this type of work, at the cost of \$79,842.15. The contractor stated he could begin the work within two weeks of being issued the contract.

Mr. Trienens said the approximate cost for the concrete pavers is \$70,000 and noted funding is available from the Capital Infrastructure Program - Project 190845 (Mission Road, 75<sup>th</sup> Street to Somerset Drive).

Mayor Shaffer confirmed the existing pavers would be removed and returned to public works for possible use at other locations and that the pavers at Tomahawk and 71<sup>st</sup> & Mission would remain.

Diana Ewy Sharp asked if stamped concrete would provide the same visual impact as the pavers and if it was stronger and would last longer.

David Belz asked why the pavers at Tomahawk and 71<sup>st</sup> & Mission are not included. Mr. Trienens responded the pavers at the proposed locations have a tendency to move because of the method of installation used, whereas those at the Tomahawk and 71/Mission locations were installed differently with a sub-base and have not had the problems experienced at these locations.

Al Herrera stated at the last meeting, Bob Pryzby advised the Council that the stamped concrete was not ADA compliant and asked if this had changed. Tom Trienens responded the stamped concrete because of the breaks in the surface created a bumpy surface and are not desired under ADA, but they are allowed. He noted the City of Westwood uses stamped concrete and Michelle Ohmes with the ADA committee has visited their site and found it to be acceptable.

David Belz confirmed that Mr. Pryzby, as the City's ADA Coordinator, approves the proposed stamped concrete.

Ruth Hopkins moved the City Council approve a change order with Musselman & Hall to construct stamped concrete pavers at a cost of \$79,842.15. The motion was seconded by Michael Kelly.

Mayor Shaffer stated his primary concern is the timing of this work and its impact on high school traffic if not completed prior to the opening of schools in one month. Mr. Trienens responded the contractors would begin with the 75<sup>th</sup> Street intersection. He anticipates the work would require three days of lane closures. He stated there is no deadline established in the contract for completion, but noted the contractor is aware of the school opening concerns.

Pat Daniels asked what guarantees are provided for the work. Mr. Trienens responded the standard two year maintenance bond is required.

Mayor Shaffer asked if the contractor could start any earlier than two weeks, repeating his concern with the timing of the work and the opening of schools. Ruth Hopkins agreed the work needed to be completed before school started. Mr. Trienens responded the more lanes of traffic that

can be closed the faster the work can be completed. Mr. Daniels asked if there was anything that could be done to make sure the work is completed in time.

Andrew Wang asked if it would be possible to delay the work to next summer. He noted one month is an extremely small window for completion before the start of school. What would be the impact of delaying the work?

Tom Trienens responded it was difficult to determine as it would depend on the type of winter with harsh conditions or mild conditions. He noted some areas are very bad and uneven. Mr. Wang asked if they could be patched if the brick pops out. Mr. Trienens responded it could be replaced if it occurs during public works working hours.

Ruth Hopkins asked if a financial incentive could be offered for completion by August 15<sup>th</sup>.

Mayor Shaffer asked the city attorney if this could be done. Mr. Wetzler replied the scope of work is not changing, a bonus could be added as an addendum to the existing agreement.

Al Herrera noted the problem with completion is the required time for the surface to cure and the contractor does not have any control over that.

Diana Ewy Sharp questioned doing the work without a bid. Mayor Shaffer stated the Council at a previous meeting directed Mr. Pryzby to negotiate for the work that needed to be done. The Mayor again asked when the contractor stated the work would be finished. Mr. Trienens responded they stated they could start within two weeks of being given the authorization. Mayor Shaffer confirmed they are aware of the August 17<sup>th</sup> opening of school.

Wayne Vennard stated he supports patching it now and redoing it in June, 2007. Tom Trienens stated he was concerned with bricks popping out when no one was working to replace or repair it. Pat Daniels asked if the city would incur any significant cost increase by delaying the work. Mr. Trienens stated he did not know the financial impact of delaying the work. He noted he is comfortable with the quality and work done by Musselman & Hall.

Andrew Wang stated he does not see the perceived safety issue with waiting. He hears the council saying it does not want complaints on street closings. There is no guarantee the work can be completed in two weeks and supports delaying action until next summer.

Diana Ewy Sharp expressed concerns with the opening of school, but stated if it needs to be done, she feels the Council should move forward and do it.

Andrew Wang stated he is not concerned with a few days of lane closures.

Mayor Shaffer stated the first question to be asked by the residents will be "Why now - you've had all summer??"

Mayor Shaffer called for a vote on the motion to approve a change order with Musselman & Hall to construct stamped concrete pavers at a cost of \$79,842.15 at replacement of the brick crosswalks at four intersections on Mission Road (75<sup>th</sup> St., 77<sup>th</sup> St., 79<sup>th</sup> St. and Somerset Drive). The following votes were cast: "aye" Herrera, Hopkins, Voysey, Daniels, Clark, Ewy Sharp and Belz; "nay" Wang, Kelly, Vennard. Mayor Shaffer declared the motion passed by a vote of 7 to 3

Ruth Hopkins moved the Council authorize a \$10,000 bonus for the completion of this work prior to August 15<sup>th</sup>.

Charles Clark stated, based on his experience as a contractor, a \$10,000 bonus is below the industry level and would not impact the work performed by the contractor. He feels the contractor will do his best to complete the project in a timely manner without any incentive.

## **NEW BUSINESS**

Mayor Shaffer brought to the Council's attention a letter from Jack Fields appealing a ruling by Public Works regarding the use of colored concrete for his driveway aprons. Barbara Vernon advised the Council the city's right-of-way ordinance requires the driveway surface constructed in city right-of-way to be grey concrete and of a specified formation. Mr. Fields wants to extend the colored concrete to the curb.

Charles Wetzler, city attorney, stated the ordinance allows for an appeal to the City Council. A hearing will be held at the August 7<sup>th</sup> Council meeting on the appeal. Mr. Wetzler reminded the Council that since they will be acting in a quasi-judicial manner, they should not discuss this matter prior to that hearing. Mr. Wetzler noted that complicating the matter is the fact that the colored concrete aprons were poured by Mr. Fields' contractor today. Mrs. Vernon stated he had been authorized by the City to install the colored concrete on the driveways outside of the city right-of-way.

Diana Ewy Sharp questioned the procedure to be followed. Mr. Wetzler stated it is the responsibility of the Mayor to conduct a fair hearing and issue a reasonable ruling. The specific procedures to be followed would be set by the Mayor - both sides will be provided the opportunity to address the Council. If action will be taken the same evening or at the following meeting, is the decision of the chair. Ruth Hopkins requested the Council members receive, prior to the hearing, a written copy of the ordinance, the appeal and copies of the information given to Mr. Fields by the public works staff.

Al Herrera announced the City was represented by Michael Kelly, Doug Luther and himself at the Northeast Johnson County Chamber Golf Tournament recently and placed first.

## **ANNOUNCEMENTS**

### **Committee meetings scheduled for the next four weeks include:**

Supplemental Retirement Pension Plan Bd	07/18/2006	4:00 p.m.
Prairie Village Arts Council	07/19/2006	7:00 p.m.
Environmental Recycle Committee	07/26/2006	7:00 p.m.
Villagefest Committee	07/27/2006	7:00 p.m.
Planning Commission	08/01/2006	7:00 p.m.
Tree Board	08/02/2006	6:00 p.m.
Council Committee of the Whole	08/07/2006	6:00 p.m.
Council	08/07/2006	7:30 p.m.

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The Prairie Village Arts Council is pleased to feature a watercolors and pastel exhibit by Pat Deeter in the R.G. Endres Gallery during the month of July.

Swimming Pool Memberships are now ½ price.

July 28<sup>th</sup> - Water Show Rehearsal - lap land and adult pool closes at 5 p.m.

July 30<sup>th</sup> - Annual Water Show at 8:30 p.m. - Pool complex closes at 5 p.m.



Moonlight swim on August 11th from 8:30 p.m. to 10:00 p.m.

The Dedication of Prairie Park will be held on September 4<sup>th</sup>, from 1 to 3 p.m.

The 50<sup>th</sup> 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  
8:40 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 77<sup>th</sup> & 79<sup>th</sup> 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