

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Monday, March 6, 2006
7:30 p.m.**

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

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 – February 21, 2006
2. Claims Ordinance 2624
3. Approve an addendum to Letter of Understanding with Johnson County for Utility Assistance Program - 2006 Program Year.

VI. COMMITTEE REPORTS

Policy Services Committee – Steve Noll

POL2006-09 Consider Annual Service Agreement for Materials Testing

POL2006-10 Consider Project 190858: 2006 Crack/Slurry/Micro surfacing Program

POL2006-11 Consider Project 191014: 2006 Concrete Repair Program

Legislative Finance Committee – Ruth Hopkins

LEG2006-01 Consider an increase in the rate the city charges for off-duty contractual employment of Police Officers.

VII. OLD BUSINESS

COU2005-40 Consider Planning Commission Recommendation – Planning Consultant

VIII. NEW BUSINESS

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

**COUNCIL
CITY OF PRAIRIE VILLAGE
March 6, 2006
-Minutes-**

The City Council of Prairie Village, Kansas, met in regular session on Monday, March 6, 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 led those present in the pledge of allegiance. The following Council members responded to roll call: Al Herrera, Ruth Hopkins, Steve Noll, Greg Colston, Andrew Wang, Laura Wassmer, Pat Daniels, Jeff Anthony, 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, Director of Public Works; Doug Luther, Assistant City Administrator; Josh Farrar, Assistant to the City Administrator and Joyce Hagen Mundy, City Clerk.

PUBLIC PARTICIPATION

Sharon Myers, 3108 West 71st Street, read a letter she had written to the Chairman of the Planning Commission expressing concerns with the development at 3308 West 71st Street. She stated she had not received a response to her letter and that the elevation of the proposed structure remains two feet above the original elevation in violation of City codes. She questioned what the City, and particularly the Building Official, was doing about this violation. Mrs. Myers stated she did not want to, nor feel it was her responsibility, to become a vigilante in order to ensure construction meets the City's codes.

Mayor Shaffer responded this issue is on the Planning Commission agenda for tomorrow evening's meeting at 7:00 p.m. and encouraged Mrs. Myers and others to attend that meeting.

The resident residing one house down from the crosswalk at 77th and Mission asked that the volume on the audible sound for that crosswalk be lowered. She stated the sound can be heard inside her house making it difficult

for her to sleep. Mayor Shaffer responded that the Director of Public Works would look into the sound level of the crosswalk.

Bill Toalson, 3304 West 71st Street, advised the Council that a second house across from the construction at 3108 West 71st Street will be starting soon. He asked if it would be possible to place “no parking” signs on one side of the street to minimize the traffic problems during the construction activities at these two residences.

Pat Daniels asked for an update on activities on 71st Street. Mayor Shaffer responded that could be discussed under New Business.

CONSENT AGENDA

Jeff Anthony moved the approval of the Consent Agenda for Monday, March 6, 2006

1. Approve City Council Minutes of February 21, 2006
2. Claims Ordinance 2624
3. Approve an addendum to the Letter of Understanding with Johnson County for the 2006 Utility Assistance Program

A roll call vote was taken with the following members voting “aye”: Herrera, Hopkins, Noll, Colston, Wang, Wassmer, Daniels, Anthony, Vennard, Ewy Sharp and Belz.

COMMITTEE REPORTS

Policy/Services Committee

POL2006-09 Consider Annual Service Agreement for Materials Testing

The City enters into an annual agreement for the independent testing of materials used on various infrastructure projects throughout the City. On behalf of the Policy/Services Committee, Steve Noll moved the City Council award the 2006 Materials Testing Service Agreement to Terracon Consulting Engineers. The motion was seconded by Greg Colston and passed unanimously.

POL2006-10 Consider Project 190858: 2005 Crack/Slurry/Micro Surfacing Program

On behalf of the Policy/Services Committee, Steve Noll moved the City Council approve the construction contract with Musselman & Hall Contractors for Project 190858: 2006 Crack/Slurry/Micro Surfacing Program for a total contract

amount of \$197,551.43 with funding from the 2006 Public Works Operating Budget. The motion was seconded by Greg Colston and passed unanimously.

POL2006-11 Consider Project 191014: 2006 Concrete Repair Program

Steve Noll noted the low bid for this project was more than the available budget for the program. The low bidder, as stipulated in the contract, has agreed to a reduced scope of work in the amount of \$380,000. Funding for this amount is available with a transfer of funds from Project 191001: ADA Improvements for sidewalk ramps.

On behalf of the Policy/Services Committee, Steve Noll moved the City Council approve the construction contract with McAnany construction for Project 191014: 2006 Concrete Repair Program in the amount of \$380,000 with funding from the Capital Infrastructure Program and authorize a transfer of \$10,000 from Project 191001: ADA Improvements for Sidewalk Ramps to Project 191014. The motion was seconded by Laura Wassmer and passed unanimously.

Legislative/Finance Committee

LEG2006-01 Consider an increase in the rate the City charges for off-duty contractual employment of police officers

On behalf of the Legislative/Finance Committee, Ruth Hopkins moved the City Council approve an increase to the off-duty contractual services per hour fee to \$39.96 effective upon notification of private entities of the fee increase. The motion was seconded by Laura Wassmer.

Jeff Anthony stated when this was discussed last year concerns were raised regarding the ability of some of the organizations using this service being able to handle the increase in fees and asked if this has resulted in fewer contracts. Chief Grover responded that some of the churches are providing their own services and the number of contracts has decreased.

The motion was voted on and passed unanimously.

Mayor Shaffer removed himself from the Chair; Council President Jeff Anthony took over as chair of the meeting.

OLD BUSINESS

COU2005-40 Consider Planning Commission Recommendation - Planning Consultant

Mr. Anthony stated the Planning Commission had submitted a letter with their response to the Council's return of their recommendation for City Planning Consultant, restating their initial recommendation with explanation for their decision.

Diana Ewy Sharp stated she felt the Commission was directed to rebid the position and not simply to reconsider their recommendation and expressed frustration with their failure to follow the directive of the City Council.

City Attorney Charles Wetzler advised the Council that the Kansas Statutes give the Planning Commission, not the City Council, the authority to select a consultant to assist them. The Council has the ability to pay for those services. The Planning Commission followed the City's bid process, had interviews with all responding firms and made their selection based on the qualifications of the firms. The letter they sent reviews the process followed, actions taken and their commitment that Bucher Willis & Ratliff is the most qualified firm for this type of work and the selection of the firm of Bucher, Willis & Ratliff is in the best interest of the City. The Planning Commission is a separate entity and has the authority and responsibility to act independently of the City Council.

Barbara Vernon stated the Planning Commission discussed this at great length and were unanimous in their decision. They wrote the letter to explain why they felt soliciting bids again would not result in a different response. She noted the City of Roeland Park recently went out to bid for similar services and also received only two responses.

Diana Ewy Sharp restated her frustration with the Planning Commission not following the directive of the City Council and felt the Council should have been made aware the Commission did not have to follow Council direction. She feels, as a result of their failure to rebid, nothing has been accomplished by the Council's action - no other options were seriously pursued.

Al Herrera stated he felt the Planning Commission did review other options and clearly felt it was in the City's best interest to retain the services of Bucher, Willis & Ratliff as originally recommended.

Jeff Anthony stated he is not sure the concerns of the Planning Commission are of the same level as those of the Council. They are reviewing the selection solely on qualifications of the vendor and based solely on qualifications of the firms. The City Council, on the other hand, he feels needs to be sensitive to the appearance they present as a governmental body and that includes the potential perception of a conflict of interest.

Mr. Anthony read a letter written by a Prairie Village resident during the City's review of the application for a special use permit to place wireless communication antenna and related equipment in McCrum Park. The resident stated "Maybe our situation with the Mayor and his employer, Bucher, Willis and Ratliff on the surface didn't appear inappropriate at the time; but now that Cingular is in the mix I have an entirely different opinion. And, it isn't good. How could the Mayor even entertain the idea of allowing BWR to be the planning consultant?"

Laura Wassmer stated she had also received this letter. Mr. Anthony stated the point is the perception of a conflict of interest is present.

Al Herrera stated he had received the letter and had an extensive visit with the resident earlier today. He stated after their conversation, her opinion changed and he feels that if she were present this evening, she would say so.

Andrew Wang stated that regardless of any particular issue, after hearing both sides of an issue, there is always going to be the opportunity for someone to see the situation differently. It is the responsibility of the Council to be able to explain why they voted the way they did. There is a very big difference between perceived and unperceived conflicts.

David Belz stressed the importance of the appearance of impropriety. With the Mayor being a partner in the firm of Bucher, Willis & Ratliff, there is the potential for something going on that should not be going on. He feels it is incumbent on anyone sitting on Council to take whatever action is necessary to

ensure that it can not happen and if that means hiring a different City Planner, so be it. The issue of public perception and public trust in government is crucial.

Wayne Vennard stated the Commission voiced independent thought with valid reasons documenting their decision. He commends them for their independent approach.

Ruth Hopkins moved the City Council approve an agreement with the firm of Bucher, Willis & Ratliff to serve as the City's Planning Consultant for the year ending December 31, 2006. The motion was seconded by Greg Colston.

Diana Ewy Sharp stated she would not vote for this motion as she does not feel the directive of the Council was followed.

Al Herrera stated he felt it would be a conflict of interest if the Planning Commission had come back to the City Council telling them what they wanted to hear. This would be inappropriate. The Planning Commission has to act as an independent body.

The motion was voted on with the following votes cast: "aye" Herrera, Hopkins, Colston, Wang, Wassmer, Daniels and Vennard; "nay" Noll, Anthony, Ewy Sharp and Belz. Council President Jeff Anthony declared the motion passed by a vote of 7 to 4.

Mayor Shaffer returned to chair the remainder of the meeting.

Tomahawk Bridge

Bob Pryzby reviewed briefly the Tomahawk Bridge Report that was included in the Council packet. This joint project between the City of Prairie Village and the City of Mission Hills has an estimated construction cost of \$1,630,685. The timetable for construction is six months with a start date of later in 2006. The turning radius of the intersection in Prairie Village will be widened by 5 feet. Mr. Pryzby reviewed the sketch of the finished bridge. There will be sidewalks located on both sides of the bridge. He noted this improvement is expected to reduce the flood level by 1.3 feet.

Village Vision

Doug Luther reported the second draft has been returned from the Consultant and reviewed by staff. He noted there was significant improvement

from the first draft and stated the draft would be forwarded to the steering committee for their review and comments.

NEW BUSINESS

71st Street

Doug Luther stated after the building line modification was denied by the Planning Commission permits for the project were cancelled. The portion of the garage and foundation violating the setback was removed. The contractor has applied for a building line modification of ten feet and has secured the approval of the Prairie Hills and Country Club Homes Association Boards. They have also submitted a replat of the lot for consideration by the Commission if the building line modification is denied. The elevation concerns raised earlier will be addressed in a site plan review by the Planning Commission tomorrow evening.

Pat Daniels asked how often and when inspections were made by the Building Inspector/Official. Mr. Luther responded after plans are approved and permits issued based on those plans, the first inspection is of the foundation. It is made before concrete is poured. The contractors will then call and request inspections at specified stages of construction.

Pat Daniels noted things can be missed in the plan review, but felt the on-site inspection should have detected the problems discussed. Mr. Luther stated in this situation the builder built a structure that was not approved by the City. He has since removed that portion of the structure that was denied by the Planning Commission and is seeking Planning Commission approval for a corrected site plan that includes a modification to the elevation of the structure.

Andrew Wang stated this issue will not be resolved this evening. He stated he would like the Mayor or City Administrator to assign a committee or work through city staff to evaluate processes and procedures to ensure similar situations do not occur as the City continues to have a growing number of remodels and tear-downs. He does not want to see neighbors put in the position of identifying code violations that should have been identified by staff.

ANNOUNCEMENTS

Planning Commission	3/07/2006	7:00 p.m.
Tree Board	3/08/2006	6:00 p.m.

Park & Recreation Committee	3/08/2006	7:00 p.m.
Sister City	3/13/2006	7:00 p.m.
Prairie Village Arts Council	3/15/2006	4:30 p.m.
Council Committee of the Whole	3/20/2006	6:00 p.m.
City Council	3/20/2006	7:30 p.m.

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The Prairie Village Arts Council is pleased to feature a watercolor exhibit by Virginia Fortner in the R.G. Endres Gallery during the month of March. The opening reception will be Friday, March 10th from 6:30 to 7:30 p.m.

The date for The City's Annual Large Trash pick-up day has been set for April 22, 2006.

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 8:15 p.m.

Joyce Hagen Mundy
City Clerk