

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

**I. CALL TO ORDER**

**II. ROLL CALL**

**III. PUBLIC PARTICIPATION**

**IV. 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 – January 17, 2006.
2. Claims Ordinance Number 2623
3. Approve the disposal by auction of Assets 1036, 1051, 1340, and 1533.
4. Approve the purchase from Shawnee Mission Ford two Ford F350 1-Ton Diesel Dump Maintenance Trucks for \$102,131.28, one F350 1-Ton Diesel Gasoline Service Truck for \$13,868.72 and transfer \$4,000.00 from Public Works Street/Drains to Public Works Vehicle Maintenance. Approve disposal of Trucks 0468, 1260 and 1305 by auction.
5. Approve of Engineering Change Order #1 for a deduction of \$16,222.88 in Project 190841 Construction Administration Agreement with Affinis Corp.
6. Approve of Engineering Change Order #1 for a deduction of \$25,708.31 in Project 190847 Construction Administration Agreement with Affinis Corp.
7. Approve of Engineerig Change Order #1 for a deduction of \$2,083.57 in Project 190848 Construction Administration Agreement with Affinis Corp.
8. Approval of the City Council for the Mayor to sign the 2005 Annual Report and the 5-year Program.
9. Approve the disposal of fixed assest #00931 “JVC Pro LCD Projector” either by auction or by destruction.
10. Approve Council Policy Number 050 entitled “Reservation of City Facilities” as revised.
11. Approve Charter Ordinance No. 22.

**V. COMMITTEE REPORTS**

**VI. OLD BUSINESS**

**VII. NEW BUSINESS**

**VIII. ANNOUNCEMENTS**

**IX. 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)**

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

The City Council of Prairie Village, Kansas, met in regular session on Tuesday, February 6, 2006 at 7:30 p.m. in the Council Chambers of the Municipal Building.

**ROLL CALL**

Council President Jeff Anthony called the meeting to order with the following Council members responding to roll call: Al Herrera, Bill Griffith, Ruth Hopkins, Steve Noll, Greg Colston, Andrew Wang, Laura Wassmer, Pat Daniels, Wayne Vennard 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**

Council President Jeff Anthony noted there were several persons in the audience regarding the building issue on 71<sup>st</sup> Street and called upon City Planning Consultant Ron Williamson for information.

Ron Williamson stated the Planning Commission will reconsider the application for a building line modification for the property at 3308 West 71<sup>st</sup> Street at their meeting on Tuesday, February 7<sup>th</sup> at 7 p.m. Mr. Williamson stated a building line modification is considered an amendment to the subdivision regulations and under the jurisdiction of the Planning Commission and not the City Council.

Bill Toalson, 3208 West 71<sup>st</sup> Street, stated he was present to get the facts on this issue. He expressed concern with the requested 31' building line modification, noting that this structure would be the most prominent structure on 71<sup>st</sup> Street. He requested the City cooperate with the homes association to prevent this from occurring as he felt to allow this would be establishing an unsettling precedence for homes being rebuilt in Prairie Hills. Mr. Toalson noted he is aware of two other homes that will be torn down and rebuilt in this area .

Robert Laughlin, 3205 West 71<sup>st</sup> Street, presented a scenario of what is happening with the increasing number of properties being purchased with existing homes being torn down and new homes being built. He noted the high cost of the properties requires a significant investment to recover the money invested resulting in larger homes. Mr. Laughlin foresaw more problems if the City does not take action to stop this now and enforce the written regulations.

Ann Stevens, 3112 West 71<sup>st</sup> Street, stated that a petition has been formulated asking the City to establish certain criteria in their review and approval of building permits. Those items being requested are 1) Make it a requirement to check with the old plats on each property before issuing a building permit. 2) Set a limitation on the amount of variance that can be granted to the old plats. 3) Be more aggressive in monitoring construction to make sure that the project conforms in reality to the way it was set forth in plans and 4) Notify the homes associations involved when a homeowner submits a request for a permit for a building project that will alter the footprint of the existing house as it pertains to the front of the building.

Sharon Myers, 3108 West 71<sup>st</sup> Street, stated the proposed garage can be seen one-fifth of a mile away from the island at Cherokee & 71<sup>st</sup> Street. The structure can be seen from 14 houses to the east. Mrs. Myers questioned how this happened. She stated the platted building line is necessary because of the location of the sanitary sewer line along 71<sup>st</sup> Street. Mrs. Meyers also questioned the change in the elevation of the proposed structure noting it is two feet higher than the previous structure. She sought the Council's support in seeking a remedy to the process failure that created this situation.

Loring Leifer, 7301 Booth, noted the Planning Commission's approval was subject to the approval of adjacent property owners and the homes association. The homes association only has the authority to grant a 10' variance. Mrs. Leifer supports the recommendations listed on the petition being submitted to ensure that zoning regulations are strictly enforced. She stated the building permit application does state that deed restrictions for the property are to be checked by the applicant and suggested the City maximize that cooperation by requiring a signed statement that this has been done.

Council Jeff Anthony applauded the residents and the homes association on their research of this issue and presentation of information to the City; however, noting this is

an action under the jurisdiction of the Planning Commission, he encouraged them to attend the Planning Commission meeting on the 7<sup>th</sup>.

Bob Toalson readdressed the Council asking the City to place a stop order on any further building on this property.

### **CONSENT AGENDA**

Al Herrera moved the approval of the Consent Agenda for Monday, February 6, 2006:

1. Approve Regular Council Meeting Minutes – January 17, 2006
2. Approve Claims Ordinance 2623
3. Approve the disposal by auction of Assets 1036, 1051, 1340, and 1533.
4. Approve the purchase from Shawnee Mission Ford two Ford F350 1-Ton Diesel Dump Maintenance Trucks for \$102,131.28, one F350 1-Ton Diesel Gasoline Service Truck for \$13,868.72 and transfer \$4,000.00 from Public Works Street/Drains to Public Works Vehicle Maintenance. Approve disposal of Trucks 0468, 1260 and 1305 by auction.
5. Approve Engineering Change Order #1 for a deduction of \$16,222.88 in Project 190841 Construction Administration Agreement with Affinis Corp.
6. Approve Engineering Change Order #1 for a deduction of \$25,708.31 in Project 190847 Construction Administration Agreement with Affinis Corp.
7. Approve Engineering Change Order #1 for a deduction of \$2,083.57 in Project 190848 Construction Administration Agreement with Affinis Corp.
8. Authorize the Mayor to sign the 2005 Annual Report and the 5-year Program.
9. Approve the disposal of fixed asset #00931 “JVC Pro LCD Projector” either by auction or by destruction
10. Approve City Council Policy #050 entitled “Reservation of City Facilities” as revised.
11. Approve Charter Ordinance No. 22.

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

### **COMMITTEE REPORTS**

There were no Committee Reports

### **OLD BUSINESS**

There was No Old Business to come before the City Council.

### **NEW BUSINESS**

#### **Prairie School Crossing**

Al Herrera expressed concern with the school crossing at 67<sup>th</sup> & Mission Road for Prairie Elementary School. He feels there is still a safety hazard with traffic going southbound on Mission Road, particularly with the placement of cones in the turn lane and asked staff to investigate.

## **71<sup>st</sup> Street**

Bill Griffith asked the City Attorney what power the City had to stop work on this project. Mr. Wetzler stated if the construction is in violation, the City can apply an injunction to stop work.

Charles Clark, member of the Planning Commission, explained the actions of the Commission noting they approved construction that was within the City's zoning regulations subject to the approval of the adjacent property owners and the homes association, which has been their practice.

Charles Wetzler stated there are several issues to be considered including the issuance of a building permit without the appropriate approvals; the fact that the city's regulations are less restrictive than those of the homes association and the plat. He stated the City does not have the authority to alter deed restrictions. He noted the size of the lots along 71<sup>st</sup> Street creates a somewhat unique situation.

Laura Wassmer confirmed the homes association can take action against the building noting this has been successfully done by the Town & Country Homes Association for violation of their deed restrictions.

Charles Clark stated the homes association met and made their recommendation to the Country Club Homes Association for denial. They are asking the Commission to enforce their deed restrictions.

Laura Wassmer stated she does not feel this is a Planning Commission issue, but a homes association issue. The proposed construction is within the zoning regulations of the City. Ruth Hopkins agreed that it was the responsibility of the homes association to enforce its regulations.

Bill Griffith noted that every day this issue remains unresolved the city's options become less and less.

Doug Luther reviewed the process followed by the Building Official. The project was initially presented as a remodel to the back of the existing house. A few weeks into the project it was discovered that the entire existing house was being removed. The work was stopped and the initial permit voided. A permit was then issued for the demolition. Revised plans were submitted for the construction of the new house. A permit was issued based on the revised plans with a front setback of 71.5' which significantly exceeds the

City's zoning ordinance requiring a 30 foot front yard setback. An on-site inspection revealed the actual construction of the garage created a front setback of 54'3" for the proposed garage. A stop work order was issued for the garage and the applicant advised that approval of a building line modification by the City's Planning Commission would be required.

Ruth Hopkins confirmed the applicant was told to stop work. Mr. Luther responded they were directed to stop work in the area of the encroachment but allowed to continue working in other areas.

Charles Wetzler asked about the height of the garage being in violation. Mr. Luther responded that he would need to look into the height issue.

Al Herrera stated he felt the contractor should be required to stop all work.

Pat Daniels stated there is fairly clear-cut case law documenting the city's right to stop work. Mr. Wetzler confirmed if the building is in violation of City ordinances, the City can stop them from building until the violations are resolved.

David Belz confirmed the City should not have issued a building permit. Mr. Luther responded the plans that were approved allowed for the front of the building to be within the City's zoning regulations, but in front of the platted setback line.

Laura Wassmer confirmed two permits were issued – one for the remodel and one for the construction of a new structure.

Pat Daniels moved the City Council direct the City to issue a stop work order on any construction at this address effectively immediately. Laura Wassmer seconded the motion.

Ruth Hopkins cautioned the Council about taking action without hearing from both sides on the issue. She also stated she felt this should be handled by the Planning Commission and not the City Council.

Mr. Herrera and Mr. Daniels stated the structure is clearly not in compliance.

Andrew Wang stated he did not feel Council action was necessary noting that the City can address the building issues with the contractor without City Council action. Mr. Wetzler confirmed the City's Building Official has the authority to issue a "Stop Order" if construction is in violation of City ordinances.

The motion on the floor was withdrawn by Mr. Daniels and Ms Wassmer.

Steve Noll urged the Council against taking action on a matter before the City's Planning Commission. He stated the Council should not go down that path.

Greg Colston asked if the final permit issued complies with deed restrictions for the property. Mr. Luther responded the City does not do a plan review based on homes association restrictions, the plan review is based on City and Building Code regulations. The plans complied with City and Building regulations.

Wayne Vennard asked if the Building Official had been to the site recently. Mr. Luther responded he did not know the date of the last inspection. Mr. Vennard asked if staff was reviewing the plan review process. Mr. Luther stated the department is reviewing procedures and processes.

Council President Jeff Anthony asked Mr. Clark if he felt the Planning Commission had sufficient information. Mr. Clark stated he could not speak for the entire Commission, but noted the legality of the Commission's actions is being questioned and he would like some direction from the City Attorney on the legal challenge being raised.

Pat Daniels confirmed the building staff does review plats in conjunction with a plan review.

### **Tomahawk Bridge**

Bob Pryzby distributed to the Council Members the 1<sup>st</sup> draft of the proposed improvements to the Tomahawk Bridge. He noted the bridge will be five to eight feet wider than the existing bridge and will have sidewalks on both sides.

### **No Standing Regulatory Sign**

Ruth Hopkins asked if there had been dialog with the school regarding the problem of standing traffic in the driveway of 3535 Somerset Drive. Mr. Pryzby noted in the past five years he has had several conversations both with the owners of vehicles blocking the drive and with school officials regarding the problem.

## **ANNOUNCEMENTS**

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

|  |           |           |
|--|-----------|-----------|
| Planning Commission                      | 2/07/2006 | 7:00 p.m. |
| Park & Recreation Committee              | 2/08/2006 | 7:00 p.m. |
| Sister City                              | 2/13/2006 | 7:00 p.m. |
| Prairie Village Arts Council             | 2/15/2006 | 7:00 p.m. |
| Council Committee of the Whole (Tuesday) | 2/21/2006 | 6:00 p.m. |
| City Council (Tuesday)                   | 2/21/2006 | 7:30 p.m. |

=====

The Prairie Village Arts Council is pleased to feature a mixed media exhibit by Gary Mehl and Art Whorton in the R.G. Endres Gallery during the month of February.

Grand opening of Community America Credit Union, 7620 State Line Rd (inside the HyVee store) February 8, 2006 at 4 pm.

Eminent Domain-A Policy Forum for local elected officials  
Provided by: The Mid-America Regional Council –February 15, 2006 6:30-8:30 p.m. at the MARC Conference Center, 1<sup>st</sup> Floor, 600 Broadway, Kansas City, Missouri

Chamber of Commerce-State of the Cities Address  
February 16, 2006 at 11:30 am  
Milburn Country Club-7501 W 69<sup>th</sup> Street  
Each of the ten Mayors of Northeast Johnson County will share their City’s outlook for 2006 and provide insight on the successes and challenges they have faced in 2005.

NLC Web Chat on First Suburbs in the Council Chamber – February 16, 2006 at 1:00 p.m.

One more Council Member is needed for the Ad-Hoc YMCA Partnership Committee. Let the Mayor know if you are interested.

**President’s Day is NOT a recognized holiday for Deffenbaugh. Trash service will be on the regular pick-up schedule the week of February 20<sup>th</sup>.**

City offices will be closed on February 20<sup>th</sup> in observance of President’s Day.

The City Council will **NOT** meet on Monday, February 20<sup>th</sup>, but **will meet on Tuesday, February 21<sup>st</sup>.**

**Prairie Village Gift Cards are on sale at the Municipal Building.** This is a great way to encourage others to “Shop Prairie Village”.

**ADJOURNMENT**

With no further business to come before the Council, the meeting was adjourned at 8:30 p.m.

Joyce Hagen Mundy  
City Clerk