

****AMENDED****
COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Monday, September 19, 2005
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 – September 6, 2005
2. Approve the attached Resolution to authorize the City's participation in the 2005 United Way Campaign
3. Adopt Resolution 2005-02 proclaiming the week of October 3-7, 2005 as Peanut Butter Week.
4. Approve the new Plat for the Prairie Village Municipal Office Complex.
5. Approve the transfer of \$4,700.00 from Capital Infrastructure Program Project 190908 to a new Project 190913: Public Works Lighting Improvement.
6. Approve Online Banking Services Agreement with Intrust Bank
7. **Authorize the Mayor to execute a proclamation declaring September 29th as Lancer Day**

By Committee:

8. Adopt the proposed amendments to Personnel Policy #241 entitled "Workers' Compensation" and repeal Personnel Policies #262 entitled "Workers' Compensation" and #214 entitled "Disability Leave" (Policy/Services Committee Minutes, September 6, 2005)
9. Adopt an Ordinance adopting the 2005 editions of the Uniform Public Offense Code and Standard Traffic Ordinance for Kansas Cities with certain deletions and additions, and prescribing additional regulations (Legislative/Finance Committee Minutes, September 6, 2005)
10. Approve the Facility Usage Agreement with Johnson County to provide a nutrition program at the Prairie Village Community Center at a cost of \$136/month (Legislative/Finance Committee Minutes – September 6, 2005)

V. COMMITTEE REPORTS

Legislative/Finance Committee – Ruth Hopkins & Bill Griffith

LEG2005-29 Consider proposed outdoor lighting regulations

LEG2005-32 Consider Sprint Franchise and Settlement Agreement

LEG2005-33 Consider Ordinance Granting to TELECOVE INVESTMENT a contract franchise to construct, operate and maintain a telecommunications system

LEG2005-31 Consider amendments to Animal Control Ordinances

LEG2005-30 Consider proposal from Cingular to install a telecommunication equipment building in McCrum Park

Council Committee of the Whole – Kay Wolf

COU2005-34 Consider Tree Trimming Bid

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

**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
September 19, 2005
-Minutes-**

The City Council of Prairie Village, Kansas, met in regular session on Monday, September 19, 2005, at 7:30 p.m. in the Council Chambers of the Municipal Building.

ROLL CALL

Mayor Ron Shaffer 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, Jeff Anthony, 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; Jamie Shell, Director of Finance; Josh Farrar, Assistant to the City Administrator; Tom Trienens, Manager of Engineering Services and Joyce Hagen Mundy, City Clerk.

PUBLIC PARTICIPATION

There was no public participation.

CONSENT AGENDA

Pat Daniels requested item #4 be removed from the Consent Agenda. Al Herrera moved approval of the Consent Agenda for Monday, September 19, 2005 as amended:

1. Approve Regular Council Meeting Minutes – September 6, 2005
2. Adopt Resolution 2005-03 authorizing the City's participation in the 2005 United Way campaign
3. Adopt Resolution 2005-02 proclaiming the week of October 3 – 7, 2005 as Peanut Butter Week
4. Removed
5. Approve the transfer of \$4,700 from Capital Infrastructure Program Project 190908: Municipal Office Lighting Improvement to Project 190913: Public Works Lighting Improvement
6. Approve an online Banking Services Agreement with Intrust Bank
7. Authorize the Mayor to execute a proclamation declaring September 29th as Lancer Day
8. Adopt the proposed amendments to Personnel Policy #241 entitled "Workers' Compensation" and repeal Personnel Policies #626 entitled "Workers' Compensation" and #214 entitled "Disability Leave"

9. Adopt Ordinance 2102 adopting the 2005 editions of the Uniform Public Offense Code and Standard Traffic Ordinance for Kansas Cities with certain deletions and additions, and prescribing additional regulations
10. Approve the Facility Use Agreement with Johnson County to provide a nutrition program at the Prairie Village Community Center at a cost of \$136.00 per month

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

Pat Daniels asked for clarification on the new plat of the municipal complex. Bob Pryzby responded the intent of the new plat is to clarify all the easements and consolidate city parcels into one lot with an easement set out specifically for the cell tower and equipment compound. The plat addresses changes approved by the City Council last year between the City property and that of the Mission Road Bible Church. The plat also removes the lots to the south of the water tower that were platted in conjunction with the proposed development of that land but rescinded with the purchase of the property by the City for park land. The proposed plat specifically identifies easements across the property and the water tower location. Mr. Pryzby noted the water tower and parking lot next to the tower are not included on the plat as they are the property of WaterOne.

Pat Daniels moved the approval of the new plat for the Prairie Village Municipal Office Complex. The motion was seconded by Steve Noll and passed unanimously.

COMMITTEE REPORTS

Legislative/Finance Committee

LEG2005-29 Consider proposed outdoor lighting regulations

The Planning Commission has spent several months reviewing outdoor lighting regulations in response to recent concerns with parking lot lighting at area churches. The proposed regulations apply to new structures and expansions of existing uses over 25%. One and two-family dwellings are exempt from the regulations; however, other uses in residential districts, such as schools, churches, etc. are subject to the regulations.

Mrs. Hopkins noted the regulations come to the Council with the unanimous recommendation of the Planning Commission and have already been voluntarily put into place in a revised lighting plan for the Prairie Village Shopping Center.

On behalf of the Legislative/Finance Committee, Ruth Hopkins moved the City Council adopt Ordinance 2103 amending Section 19.34 of the Prairie Village Municipal Code entitled "Accessory Uses" by adding a new section 19.34.050 entitled "Outdoor Lighting". The motion was seconded by Laura Wassmer.

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

Al Herrera confirmed existing lighting would be grandfathered.

LEG2005-32 Consider Sprint Franchise and Settlement Agreement

Sprint has been providing local telephone service within the City since 2003. According to state statute, they are required to enter into a franchise agreement with the City prior to offering local telephone services. Assistant City Attorney Stephen Horner has been working with Sprint to negotiate a franchise agreement.

The franchise agreement states Sprint will pay a franchise fee of 5% of gross receipts. The 20-year agreement is structured with the first term expiring in April, 2007, followed by a series of 17 one-year renewals. The renewal periods would allow the City to renegotiate the agreement in the future to address the changing dynamics of the telecommunications industry.

On behalf of the Legislative/Finance Committee, Ruth Hopkins moved the City Council adopt Ordinance # 2104 granting to Sprint Communications Company, L.P., and a contract franchise to construct, operate and maintain a telecommunications system within the City of Prairie Village subject to approval by staff of a signed application and application fee. The motion was seconded by Laura Wassmer.

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

Mrs. Hopkins stated that since Sprint has been providing services in Prairie Village prior to attaining the required franchise agreement, Stephen Horner has negotiated a settlement agreement requiring payment in the amount of 5% of gross receipts for services provided from 2003 through the enactment of the franchise.

David Belz questioned how they could be providing service since 2003 without the required franchise. Diana Ewy Sharp responded the committee had the same question and were told it was the result of a breakdown in communication within Sprint. Mr. Belz suggested the City consider the implementation of a penalty in these situations.

On behalf of the Legislative/Finance Committee, Ruth Hopkins moved the City Council approve an agreement with Sprint Communications Company to make payment to the City of Prairie Village in the amount of 5% of gross receipts for all local exchange service provided in the City since and including any part of 2003 through the enactment date of the new franchise. The motion was seconded by Laura Wassmer and passed unanimously.

LEG2004-33 Consider Ordinance 2105 granting TELCOVE INVESTMENT a contract franchise to construct, operate and maintain a telecommunications system in the City of Prairie Village

Ruth Hopkins stated the proposed franchise ordinance with TELCOVE INVESTMENT is to allow them to provide service to businesses rather than residents.

On behalf of the Legislative/Finance Committee, Ruth Hopkins moved the City Council adopt Ordinance 2105 granting TELCOVE INVESTMENT, LLC a contract franchise to construct, operate and maintain a telecommunications system in the City of Prairie Village, Kansas. The motion was seconded by Laura Wassmer.

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

LEG2005-31 Consider Amendments to Animal Control Ordinances

The Animal Control Board has recommended several changes to the current animal regulations to clarify current ordinance requirements and provide Community Service Officers with the authority to more effectively enforce the ordinance requirements. The revised ordinance provides a better definition of animal cruelty and permits an officer to enter a vehicle to rescue an animal.

On behalf of the Legislative/Finance Committee, Ruth Hopkins moved the City Council adopt an ordinance amending the Prairie Village Municipal Code Chapter 2 entitled “Animal Control Regulations” pending approval of the City Attorney. The motion was seconded by Al Herrera.

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

LEG2004-31 Consider proposal from Cingular to install a telecommunication equipment building in McCrum Park

Bill Griffith reported Cingular Wireless has requested permission to install an antenna on the water tower in McCrum Park on Water District property, along with an equipment building/facility on City-owned park land. The proposal for the building was reviewed and approved by the Park & Recreation Committee. The Legislative/Finance Committee determined a fee for the lease of the city’s land, which was accepted by Cingular Wireless after several months.

On behalf of the Legislative/Finance Committee, Bill Griffith moved the City Council approve a lease fee of \$2,000 per month with annual increases of 3% for a five year period for use of land in McCrum Park by Cingular for an equipment building subject to site plan approval by the Planning Commission and approval of the conditions and terms of the lease by both parties. The motion was seconded by Greg Colston.

Bill Griffith stated his opposition to the lease based on the length of term established. He feels the five-year term is too long. Laura Wassmer confirmed the agreement can be discontinued at the five-year renewal point.

Jeff Anthony questioned Mr. Griffith’s objection to the five-year term. Mr. Griffith responded that with the rapidly changing telecommunications industry he feels a three-year term would be more appropriate. He doesn’t like the city locked into a five-year agreement.

The motion was voted on and passed by a vote of 10 to 1 with Mr. Griffith voting “nay”.

OLD BUSINESS

Council Committee of the Whole

COU2005-34 Consider Tree Trimming Bid

Mr. Pryzby stated the City received the following three bids for tree trimming services: VanBooven Landscape & Tree Care - \$24,208, Shawnee Mission Tree -

\$36,490.00 and Davey Tree Service - \$55,180. Based on the low bid, Mr. Pryzby stated he expects funding to be available to complete an additional section and will be bidding that at a later date.

Laura Wassmer confirmed the agreement is the same as that held last year by Shawnee Mission Tree.

Pat Daniels moved the City Council award the bid for tree trimming area 33 to VanBooven Landscape and Tree Care in the amount of \$24,208 with funding from the 2005 Public Works Operating Budget. The motion was seconded by Steve Noll and passed unanimously.

Consider Open Ignition Ordinance

Bill Griffith asked if the proposed ordinance would be effective in Mission Hills. Chief Grover responded it would not, noting this is not a problem in Mission Hills. Mr. Griffith asked if any neighboring cities had similar ordinances. Chief Grover responded no.

Jeff Anthony expressed concern with the proposed ordinance feeling it goes too far. He feels this problem is a matter for education rather than regulation. Chief Grover stated the magnitude of the violations indicate to him that stronger action is needed and noted the proposed ordinance has been very effective in cities in Minnesota.

Diana Ewy Sharp expressed her struggle with the proposed ordinance which makes a potential victim into a criminal without doing anything wrong. She questioned hypothetically if the next step would be to give tickets for not locking your front door. She agrees with Mr. Anthony that the issue should be dealt with through education.

Chief Grover stated his staff has educated people to close garage doors and it has been very effective, but their attempts at education for this have not proven effective.

David Belz stated if the ordinance was simply to stop people from stealing cars he would have some concerns, but the ordinance is doing more in addressing the use of these stolen vehicles in the commission of more serious crimes in other areas. It is a public safety issue both within and outside of Prairie Village. Chief Grover agreed with Mr. Belz stating the scope of the ordinance is much larger than simply addressing auto thefts.

Pat Daniels asked if other cities had similar crime statistics on auto theft with open ignitions. Chief Grover stated he feels it is more of a Prairie Village issue because

of the city's close location to Kansas City, Missouri. He stated the City of Leawood has similar problems, but he could not comment on Lenexa and other cities.

Pat Daniels asked if the department was planning on pushing its enforcement. Chief Grover responded the ordinance will be enforced as statistics demand, i.e. when an increase in auto thefts demonstrates a need.

Andrew Wang acknowledged the concerns of other council members, however, noted in the land of single car garages, people will leave cars running to warm them up. He stated as long as they can safely do so with the vehicle locked and the police are able to more effectively and efficiently address auto theft crimes, he does not have a problem with the proposed regulation.

Laura Wassmer moved the adoption of an ordinance prohibiting open ignitions as defined anywhere in the City where a vehicle is left unattended. The motion was seconded by Greg Colston.

A roll call vote was taken with the following votes cast: "aye": Herrera, Griffith, Hopkins, Noll, Colston, Wang, Wassmer, Daniels and Belz; "nay" Anthony and Ewy Sharp. Mayor Shaffer declared the ordinance adopted by a vote of 9 to 2.

NEW BUSINESS

School Zone Lighting

Bill Griffith asked for an update on the installation of the school speed zone beacons. Mr. Pryzby reported the panels for the beacons have not been received. He noted the provider is located in an area impacted by Hurricane Katrina and communication has been difficult. Mr. Griffith asked if the panels could be purchased elsewhere. Mr. Pryzby responded to do so the project would have to be rebid. He noted that once the panels are received everything else is in place and installation will only take 2 – 3 days. He confirmed the provider is aware of the need for them as soon as possible.

Pat Daniels moved the City Council send a letter to the residents located on Roe Circle advising them that the City will not install sidewalks in conjunction with the upcoming street project. The motion failed for the lack of a second.

Diana Ewy Sharp announced and expressed concern with the recent resignations of Lori Franke and Jamie Shell in the city's administrative area. Mayor Shaffer stated that both Lori and Jamie will be missed.

Mayor Shaffer announced the remaining agenda items from the Council Committee of the Whole meeting will be carried over to the October agenda.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

Citizens Advisory Committee	09/20/2005	7:00 p.m.
Smoke Free Task Force	09/20/2005	7:00 p.m.
Prairie Village Arts Council	09/21/2005	7:00 p.m.
Environmental/Recycle Committee	09/28/2005	7:00 p.m.
Policy/Services Committee	10/03/2005	6:00 p.m.
Legislative/Finance Committee	10/03/2005	5:30 p.m.
Council	10/03/2005	7:30 p.m.

The Prairie Village Arts Council is pleased to feature an exhibit of Senior Arts Mixed Media in the R.G. Endres Gallery during the month of September. In October Ted Defeo’s Underwater Photography will be featured in the R. G. Endres Gallery.

The City will hold its 21st Annual Peanut Butter Campaign in support of Harvesters Community Food Network the week of October 3rd -7th. Watch for more information and plan to participate. As in the past, area stores, schools and churches will be joining the City for this campaign.

Council members are invited to attend a reception to meet Pamela Ducas, the new President of the Northeast Johnson Chamber of Commerce. The event will be held at the Holiday Inn on Johnson Dr. from 5:30 – 7:30 pm on September 27, 2005

Remember to Vote in the Special County Election on September 27th, 2005.

The 2005 League of Kansas Municipalities 97th Annual Conference will be held October 8-11, 2005 in Wichita, Kansas. The conference theme is “Cities United”.

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 8:20 p.m.

Joyce Hagen Mundy
City Clerk