

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Monday, August 15, 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 – August 1, 2005

By Committee:

2. Approve the interlocal agreement with the Board of County Commissioners of Johnson County for Project 190707: 83rd Street, Delmar & Fontana for design cost of \$76,000 with the County's maximum share of \$57,000 (Policy/Services Committee Minutes – August 1, 2005)
3. Approve Construction Change Order #1 to McAnany Construction for Project 190841: Mission Road – 71st Street to 75th Street for an increase of \$36,949.50 with funding from the Capital Infrastructure Program and authorize the transfer of \$37,000 from Capital Infrastructure Program Street Unallocated to Project 190841: Mission Road – 71st Street to 75th Street (Policy/Services Committee Minutes – August 1, 2005)
4. Adopt the proposed amendments to Personnel Policy #223 entitled "Military Leave" (Policy/Services Committee Minutes – August 1, 2005)
5. Approve the agreement with Lowenthal, Singleton, Webb & Wilson to audit the City's 2005 financial statements at a cost of \$18,950 (Legislative/Finance Committee Minutes – August 1, 2005)
6. Approve the amendment to the City's flexible spending arrangement, extending the deadline for employee reimbursement of eligible health and dependent care expenses by an additional 2 ½ months after the end of the plan year (Legislative/Finance Committee Minutes – August 1, 2005)
7. Approve an agreement with MHM Business Services, Inc. to administer the flexible spending arrangement program for the 2005-2006 plan year (Legislative/Finance Committee Minutes – August 1, 2005)
8. Adopt an ordinance authorizing Sunday sales of alcoholic liquor and cereal malt beverage in the original package within the City of Prairie Village, Kansas (Legislative/Finance Committee Minutes – August 1, 2005)
9. Approve a license agreement with the American Society of Composers, Authors and Publishers (ASCAP) with funds from the 2005 governance budget (Legislative/Finance Committee Minutes – August 1, 2005)

V. COMMITTEE REPORTS

Legislative/Finance Committee – Ruth Hopkins

LEG2005-26 Consider Ordinance Terminating the TIF Redevelopment District of Brighton Gardens

LEG2005-04 Consider School Zone Speed Ordinance

Park and Recreation Committee – Diana Ewy Sharp

Consider Project 190635: Swimming Pool Concession Expansion

Consider Project 190634: Prairie Park Expansion

Council Committee of the Whole – Al Herrera

COU2005-13: Consider approval of Resolution 2005-01: Prairie Village Local Mitigation Plan

VI. OLD BUSINESS
Report on Smoke Free Work Place Task Force – David Belz

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
August 15, 2005
-Minutes-**

The City Council of Prairie Village, Kansas, met in regular session on Monday, August 15, 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, 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 and Joyce Hagen Mundy, City Clerk.

PUBLIC PARTICIPATION

Stacy Elitrits, 7950 Canterbury, commented on a letter received from Public Works stating the "Citizen Bill of Rights". She objected to the first statement that all residents will be treated equally without preferential treatment given to any resident noting part of the residents along Canterbury were able to determine that a sidewalk would not be constructed. Mrs. Elitrits noted the second statement that work would be performed on your street in a timely, professional manner. She voiced concerns with the lack of progress on the Canterbury street project, stating residents' lives were being significantly disrupted by the construction, unable to park at their homes, unable to have deliveries made to their homes, not having trash picked up because of the torn-up streets and cars getting stuck in the mud. Mrs. Elitrits also asked for information on the status of the school speed zone at Corinth and activities at the skate park.

Carole Plessner, a resident at 7938 Canterbury and real estate agent, advised the Council she recently sold a property on Canterbury and the new resident has not been able to have his refrigerator delivered because of the construction and expressed concern

on his ability to move in this coming weekend. Mrs. Plesser also expressed frustration with the lack of city action regarding a neighboring property on Canterbury that has seven cars parked on their property, 1 on the grass, 2 in the garage and 4 in the driveway. She stated if the city can limit the number of animals at a property; it should be able to control the number of cars. She feels the residents on Canterbury are being taken advantage of by the city's lack of enforcement of property code violations, lengthy construction delays and failure to follow city policy and construct a sidewalk in conjunction with the street project. Mrs. Plesser noted there are now 12 children residing on Canterbury who are entitled to have a sidewalk. She asked if gravel could be put on the street to make it drivable during construction.

Mayor Shaffer stated he understood their frustration and apologized for the inconveniences caused by the construction delays, but noted City is addressing the problems. He stated a report would be given later in the meeting on the status of both the construction on Mission Road and Canterbury as well as the school speed zone.

CONSENT AGENDA

David Belz asked for item #9 to be removed from the Consent Agenda. Al Herrera moved approval of the Consent Agenda for Monday, August 15, 2005 as amended:

1. Approve Regular Council Meeting Minutes – August 1, 2005
2. Approve the interlocal agreement with the Board of County Commissioners of Johnson County for Project 190707: 83rd Street, Delmar & Fontana for design cost of \$76,000 with the County's maximum share of \$57,000
3. Approve Construction Change Order #1 to McAnany Construction for Project 190841: Mission Road – 71st Street to 75th Street for an increase of \$36,949.50 with funding from the Capital Infrastructure Program and authorize the transfer of \$37,000 from Capital Infrastructure Program Street Unallocated to Project 190841: Mission Road – 71st Street to 75th Street
4. Adopt the proposed amendments to Personnel Policy #223 entitled "Military Leave"
5. Approve the agreement with Lowenthal, Singleton, Webb & Wilson to audit the City's 2005 financial statements at a cost of \$18,950
6. Approve the amendment to the City's flexible spending arrangement, extending the deadline for employee reimbursement of eligible health and dependent care expenses by an additional 2 ½ months after the end of the plan year
7. Approve an agreement with MHM Business Services, Inc. to administer the flexible spending arrangement program for the 2005-2006 plan year
8. Adopt an ordinance authorizing Sunday sales of alcoholic liquor and cereal malt beverage in the original package within the City of Prairie Village, Kansas
9. Removed

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

Mr. Belz asked for clarification on who ASCAP was and what authority they had. City Attorney Charles Wetzler stated ASCAP stands for the American Society of Composers, Authors and Publishers. They are the organization given the authority to collect fees on behalf of artists for the use and distribution of their materials. Mr. Wetzler noted the ASCAP initially contacted the city several years ago when the city began sponsoring musical performances. The recent contact does not address specific performances, but the general distribution of music played at the pool, on the phone system and at parades. Mr. Wetzler stated he contacted other city attorneys to see how they responded to the ASCAP's requests. The major cities in Johnson County have entered into an agreement similar to the one being recommended, which was created as a compromise between the ASCAP and the Kansas League of Municipalities. Entering into the agreement covers any and all distribution of copyrighted music by the City in lieu of paying for each instance/event.

Ruth Hopkins stated the City also checked with the National League of Cities and found that most cities either enter into an agreement with ASCAP or ignore them. Mr. Wetzler stated it is more prudent to enter into an agreement than to accrue the ongoing legal expense and additional expense if the threatened legal action is taken against the city.

Steve Noll moved the City Council approve a license agreement with the American Society of Composers, Authors and Publishers (ASCAP) with funds from the 2005 governance budget. The motion was seconded and passed by a majority vote with Griffith and Belz voting "nay".

COMMITTEE REPORTS

Legislative/Finance Committee

LEG2005-26 Consider Ordinance terminating the TIF Redevelopment District with Brighton Gardens

In 1997, the City established a Tax Increment Financing (TIF) District which allowed for the redevelopment of 71st Terrace into the Brighton Gardens Assisted Living Center. Through this District, property tax revenues which would have been received by the City and other taxing jurisdictions due to the increased property values resulting from

redevelopment were diverted toward the project to pay for expenses incurred by both the City and the developer.

In order to bring closure to the TIF project, it is necessary to adopt an ordinance terminating the redevelopment district and closing the TIF project fund. Upon closure of the district, the City and other taxing jurisdictions will receive the full amount of property tax revenue generated by the development.

On behalf of the Legislative/Finance Committee, Ruth Hopkins moved the City Council adopt an ordinance terminating the redevelopment district created pursuant to Ordinance No. 1910, as amended by Ordinance 1912; and terminating tax increment financing with respect to the redevelopment district and closing the TIF project fund used to account for the reimbursement activity per K.S.A. 79-2958. The motion was seconded by Laura Wassmer.

Steve Noll confirmed this was the only TIF District within the City.

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

LEG2005-04 Consider School Zone Speed Ordinance

The final step in the establishment of school zone speed limits along Mission Road is to adopt an ordinance officially lowering the speed limits in the areas surrounding schools on Mission Road. The proposed ordinance is necessary to provide officers a reference point when issuing citations for speeding in the school zones.

On behalf of the Legislative/Finance Committee, Ruth Hopkins moved the City Council adopt Ordinance 2101 amending Title XIV of the Code of the City of Prairie Village, Kansas, 2003, entitled “Same; speed limit changes” by amending subsections (a) and (B) thereof, and enacting subsection (c). The motion was seconded by Bill Griffith.

Andrew Wang reminded the Council, that according to the city’s financial report, historically the city spends \$250,000 annually from the general contingency fund and this year has spent more than \$350,000 on this one project alone creating potential budget problems in the future.

Mr. Wang stated Prairie Village is a safe city as documented by traffic safety studies rating Prairie Village near the bottom for accidents; a KDOT study lists only the City of Roeland Park as having fewer accidents per vehicle mile. The city’s police

department and traffic safety engineer advised that the creation of the school speed zone will result in more vehicular traffic on side streets increasing the risk of accidents and injuries in residential neighborhoods.

A roll call vote was taken on the adoption of Ordinance 2101 with the following members voting “aye”: Griffith, Hopkins, Noll, Colston, Wassmer, Anthony, Wolf, Ewy Sharp; voting “nay” Wang and Herrera.

Park & Recreation Committee

Consider Project 190635: Swimming Pool Concession Expansion

On Friday, July 29th, the City Clerk opened three bids for Project 190635: Swimming Pool Concession Expansion with bids once again coming in high. The bids ranged from a low bid of \$80,640 to \$115,779. Previous bids were \$92,287 and \$112,879 respectively.

The Capital Infrastructure Program has a balance of \$30,035.91. In March, 2005, the Council approved a transfer of \$25,000 from this project to the Prairie Park project. A transfer of \$50,600 from the General Fund Contingency would be necessary to move forward on this project. Therefore, the Park & Recreation Committee is recommending that all bids be rejected.

Bill Griffith asked if this action is a temporary or permanent removal of this project. Mrs. Ewy Sharp noted the committee has tried for years to improve the concession area but have continually found the economic costs unfavorable, so she does not expect the project to be reconsidered.

On behalf of the Park & Recreation Committee, Diana Ewy Sharp moved the City Council reject all bids and approve the transfer of allocated project funds from Project 190635 to Capital Infrastructure Program Unallocated. The motion was seconded by Ruth Hopkins and passed unanimously.

Consider Project 190634: Prairie Park Addition

On August 5, 2005, the City Clerk opened bids for construction at the Prairie Park. Two bids were received – Mega Industries in the amount of \$63,030.26 and Musselman & Hall in the amount of \$74,098.89.

The Capital Infrastructure Program construction funds allocated for this project are \$30,000. A transfer of \$36,000 (\$33,000 for construction and \$3,000 for testing) will be required within the Capital Infrastructure Program Parks Section.

Bob Pryzby clarified the line item “mobilization” on the bids, stating this line item generally includes set-up and staging costs and other miscellaneous costs. He noted this is often paid prior to the start of the project, but the city’s policy is not to pay this amount until the project is 50% completed. He stated he is comfortable with the bid from Mega although they appear to have placed several costs in the “mobilization” line item.

On behalf of the Park & Recreation Committee, Kay Wolf moved the City Council award the contract to Mega Industries Corporation in the amount of \$63,050.26 and approve the transfer of \$36,000 from Capital Infrastructure Program Park Unallocated to Project 190634: Prairie Park Addition. The motion was seconded by Ruth Hopkins.

Bill Griffith stated his objection to this proposed project located in his ward and his own neighborhood. He feels the expenditure of \$60,000+ on this small piece of open land is ridiculous.

Diana Ewy Sharp reminded the City Council that they approved the purchase of this property and noted Prairie Village is known for its quality parks. She feels it would be a mistake to not follow through on the original commitment to create this park.

Laura Wassmer stated she strongly supports the park, but seriously questions the prices quoted in the bid for plants and landscaping materials. She feels the improvements could be made at approximately half the bid price.

Mrs. Ewy Sharp stated that not knowing the size of the plants quoted she could not respond to the appropriateness of the bid amounts. Ruth Hopkins added that several of the area residents have spoken with her stating their excitement and enthusiasm for this project as well as their concern that the City should follow through on the proposed improvements.

Al Herrera spoke in support of the project and proposed improvements noting this park is at the gateway to Prairie Village along Mission Road, which has been designated by the Vision Committee as the “Main Street” of Prairie Village. He feels it is important to make the proposed improvements.

A vote was taken on the motion approving the bid of Mega and authorizing the transfer of funds and passed by a vote of 7 to 3 with Griffith, Wassmer and Anthony voting “nay”.

Council Committee of the Whole – Kay Wolf

COU 2005-13 Consider Emergency Management Program

On behalf of the Council Committee of the Whole, Al Herrera moved the City Council adopt Resolution 2005-01 accepting the Prairie Village Local Mitigation Plan as included in the Johnson County Mitigation Plan. The motion was seconded by Ruth Hopkins and passed unanimously.

OLD BUSINESS

Report on Smoke Free Work Place Task Force

David Belz reported the Smoke Free Work Place Task Force has been meeting since May. He noted the restaurant and business owners on the task force have been very conciliatory and open in discussions. They would accept restrictions on smoking as long as they are protected monetarily. Mr. Belz reported the committee has formulated an ordinance which has been reviewed by the city attorney and is currently being reviewed by Kansas City, Missouri. He expects a recommendation on the ordinance to come before the Council in October.

Bill Griffith confirmed the task force would be recommending smoking restrictions. Mr. Belz responded the recommendation has not been finalized but the direction of the task force is to move forward with some kind of restriction on smoking.

Al Herrera noted the City of Mission recently rejected a no-smoking ordinance and questioned the impact on Prairie Village businesses when other cities allow smoking. Mr. Belz responded the proposed ordinance would not take effect until all neighboring contiguous cities adopt similar regulations. Andrew Wang confirmed this included Kansas City, Missouri.

Greg Colston stated Johnson County Commissioner Furtado will be meeting with representatives of all Johnson County cities to encourage them to take action in support of smoking restrictions.

Ruth Hopkins asked if there would be a countrywide ordinance. Mayor Shaffer stated the county does not have jurisdiction over the cities within the county. Each city has to independently adopt an ordinance.

State of Construction

Mission Road

Bob Pryzby reported the beacons for the school speed zones are to be delivered on August 23rd and should be operational by the end of September. Signs have been installed along Mission Road, but have been covered as they reference the flashing beacons.

Mr. Pryzby reported the construction on Mission Road is on schedule and will be finished by early September with 83rd Street being completed after Mission Road. Staff is working with the contractor regarding actions while school is in session.

Bill Griffith stated he is disappointed that the construction and the speed zone will not be completed before the start of school and expects residents will be unhappy as well.

Canterbury

Mr. Pryzby reported the Capital Infrastructure Program called for the reconstruction of Canterbury - 79th to Somerset. When the street was excavated, the contractor tested the base of the street and found it to be unacceptable. The contractor has presented three different processes and costs to address the problems found with the base. Mr. Pryzby noted he did not have funds remaining in the project account for the additional needed work and would either need to use contingency funds or remove the scheduled improvements on 78th Street from the program until next year.

Mr. Pryzby acknowledged problems caused by the significant rainfall this past weekend. He responded he did not have funds for the placement of a temporary surface on the street as requested. He is hopeful that the dry weather will hold and that work could be completed by the end of the week, although he noted rain is forecast for Thursday.

Bill Griffith confirmed the primary problem has not been the weather, but the fact that once the street was excavated the roadbed surface was found to be in need of repair. He asked if anything can be done to assist the residents with trash pickup. Mr. Pryzby responded the contract calls for arrangements to be made to allow access to Deffenbaugh;

however, Deffenbaugh chose not to go down the street. He noted Tom Trienens took a city pickup and collected all the trash placed at the curb.

Diana Ewy Sharp advised the Council that she has been working with residents in the area and noted they are preparing a petition requesting that a sidewalk be constructed on Canterbury.

NEW BUSINESS

No New Business was brought before the Council at this time.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

Prairie Village Arts Council		08/17/2005	7:00 p.m.
Environmental/Recycle Committee		08/24/2005	7:15 p.m.
Policy/Services Committee	Tuesday	09/06/2005	6:00 p.m.
Legislative/Finance Committee	Tuesday	09/06/2005	6:00 p.m.
Council	Tuesday	09/06/2005	7:30 p.m.
Planning Commission		09/06/2005	7:00 p.m.

The Prairie Village Arts Council is pleased to feature an exhibit of Lynne Hodgman's handmade paper and Calligraphy in the R.G. Endres Gallery during the month of August. In September Marcia Vogel's mixed medial will be featured in the R. G. Endres Gallery.

Swimming Pool and other recreational program memberships are now on sale at half price in the Municipal Building. Information & applications for all recreational programs can be found on the City's website www.pvkansas.com.

The 2005 pool season ends on September 5th at 6:00 p.m.

City offices will be closed on September 5 in observance of Labor Day holiday. Deffenbaugh also observes this holiday; therefore, trash pickup within the City will be delayed one day all week.

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 8:25 p.m.

Joyce Hagen Mundy
City Clerk