

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Monday, March 21, 2005
7:30 p.m.**

I. CALL TO ORDER

II. ROLL CALL

III. PRESENTATION

Prudential Spirit of Community Award to Cormac O'Connor

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 – March 7, 2005
2. Approve Claims Ordinances #2590 through #2592
3. Approve the agreement for vending services with Priority Distributors, Inc. to provide vending machine services at City facilities.
4. Approve a short-term special use permit to Shell Oil Products for promotional banners at the service station at 3901 Tomahawk Road in conjunction with a national campaign from April 4 – May 4, 2005.
5. Approve the disposal of Unit #348 (2003 Ford Crown Victoria), #870 (1998 Ford Taurus), #330 (2003 Ford Crown Victoria), #342 (2003 Ford Crown Victoria).
6. Authorize the Mayor to execute the following proclamation:
National Volunteer Week – April 17-23, 2005

By Committee:

7. Approve reduction of the Tennis Tournament Fee to \$600 for the USTA Tournament to be held May 13,14,15 at Harmon Park Tennis Courts. (Park and Recreation Committee Minutes – March 9, 2005)
8. Approve Engineering Change Order #1 to Affinis Corporation in the amount of \$7,970 bringing the new contract amount to \$56,970.00. (Policy/Services Committee Minutes – February 7, 2005)
9. Approve Engineering Change Order #1 to Affinis Corporation in the amount of \$7,970 bringing the new contract amount to \$40,970.00. (Policy/Services Committee Minutes – February 7, 2005)
10. Approve Engineering Change Order #2 to Affinis Corporation in the amount of \$10,135 bringing the new contract amount to \$141,135.00. (Policy/Services Committee Minutes – February 7, 2005)
11. Approve Construction Change Order #7 to Radmacher Brothers Excavating for an increase of \$10,912.50 bringing the new contract total to \$967,517.52 and an increase in construction time by 104 calendar days. (Policy/Services Committee Minutes – February 7, 2005)
12. Approve the proposed revisions to personnel policy #020 entitled “Recruitment and Selection” and rescind Personnel Policy #631 entitled “Job Posting and Personnel Policy #062 entitled “Post offer Physical Examination”. (Policy/Services Committee Minutes – February 7, 2005)
13. Approve proposed revisions to Personnel Policy #021 entitled “Equal Employment Opportunity”. (Policy/Services Committee Minutes – February 7, 2005)
14. Approve a five year lease for an IR3100N copier from Datamax at a monthly equipment lease fee of \$227.90, \$.014 per Black/White Copy with \$.099per color copy cost. (Legislative/Finance Committee Minutes – March 7, 2005)
15. Approve the Expenditure of \$300 for 100 tickets to the NARI Remodeled Homes Tour. (Legislative/Finance Committee Minutes – March 7, 2005)
16. Approve amendments to Council Policy #123, Investment Policy for City Retirement Funds (Legislative/Finance Committee Minutes – March 7, 2005)

VI. COMMITTEE REPORTS

Legislative/Finance Committee – Ruth Hopkins

LEG2005-06 Consider ordinance amendment to allow parking of busses in residential districts

LEG2005-06 Consider ordinance Revision to PVMC 19.34.040C entitled “Accessory Uses”

LEG2005-06 Consider temporary Moratorium on Zoning Changes

VII. OLD BUSINESS

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 21, 2005
-Minutes-**

The City Council of Prairie Village, Kansas, met in regular session on Monday, March 21, 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, 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; Captain Gary Pruitt; Bob Pryzby, Director of Public Works; Doug Luther, Assistant City Administrator; Jamie Shell, Finance Director and Joyce Hagen Mundy, City Clerk.

PRESENTATION

Mayor Shaffer called forward Cormac O'Connor, a student at Belinder Elementary School, for special recognition. Cormac has been named one of Kansas' top two youth volunteers for 2005 by The Prudential Spirit of Community Awards program honoring young people for outstanding acts of volunteerism. Cormac implemented an intergenerational arts program that brought senior citizens and at-risk children together for classes in visual arts, movement, theater and jazz. The project has benefited over 80 senior citizens and 120 at-risk kids from the Swope Ridge Area.

Mayor Shaffer presented Cormac with a certificate of recognition from the City. Cormac will also receive \$1,000, an engraved silver medallion and an all-expense-paid trip in early May to Washington, D.C. Mayor Shaffer also acknowledged Cormac's parents, Rory and Paige O'Connor.

Diana Ewy Sharp noted that Cormac's older sisters had also won this award a few years ago. Mr. Cormac stated having immigrated to this Country, he has always recognized those that helped him and helping others in the community has been a priority for all members of their family.

PUBLIC PARTICIPATION

Mayor Shaffer recognized a Boy Scout from Troop 683 present at the Council meeting for his “Citizenship & Community Merit Badge”.

Kate Michaelis, with the Northeast Johnson County Economic Development Council, advised the Council members of an upcoming seminar presenting an over view of economic development tools to be led by representatives of Gilmore & Bell on Tuesday, April 19th. She encouraged Council members to attend either the morning session at Roeland Park City Hall or the evening session at Prairie Village City Hall.

CONSENT AGENDA

Al Herrera moved approval of the Consent Agenda for Monday, March 21, 2005:

1. Approve Regular Council Meeting Minutes – March 7, 2005
2. Approve Claims Ordinances #2590 through #2592
3. Approve the agreement for vending services with Priority Distributors, Inc. to provide vending machine services at City facilities
4. Approve a short-term special use permit to Shell Oil Products for promotional banners at the service station at 3901 Tomahawk Road in conjunction with a national campaign from April 4 – May 4, 2005
5. Approve the disposal of Unit #348 (2003 Ford Crown Victoria), #870 (1998 Ford Taurus), #330 (2003 ford Crown Victoria), #342 (2003 Ford Crown Victoria)
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7. Approve the reduction of the Tennis Tournament Fee to \$600 for the USTA Tournament to be held May 13, 14 & 15 at the Harmon Park Tennis Courts
8. Approve Engineering Change Order #1 to Affinis Corporation in the amount of \$7,970 bringing the new contract amount to \$56,970.00.
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10. Approve Engineering Change Order #2 to Affinis Corporation in the amount of \$10,135 bringing the new contract amount to \$141,135.00.
11. Approve Construction Change Order #7 to Radmacher Brothers Excavating for an increase of \$10,912.50 bringing the new contract total to \$967,517.52 and an increase in construction time by 104 calendar days.
12. Approve the proposed revisions to personnel policy #020 entitled “Recruitment and Selection” and rescind Personnel Policy #631 entitled “Job Posting and Personnel Policy #062 entitled “Post offer Physical Examination”.
13. Approved the proposed revisions to Personnel Policy #021 entitled “Equal Employment Opportunity”.
14. Approve a five-year lease for an IR3100N copier from Datamax at a monthly equipment lease fee of \$227.90, \$.014 per Black/White Copy with \$.099 per color copy cost.
15. Approve the expenditure of \$300 for 100 tickets to the NARI Remodeled Homes Tour.
16. Approve amendments to Council Policy #123, entitled “Investment Policy for City Retirement Funds”

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

COMMITTEE REPORTS

Legislative/Finance Committee

LEG2005-06 Consider ordinance amendment to allow parking of buses in residential districts

The Planning Commission has recommended an ordinance revision that would allow the parking of small commuter-type buses, similar to those seen at airports, in residential districts. Several churches and organizations are purchasing these vehicles for transportation of their members to events and activities. The current zoning regulations do not allow for these to be parked in residential areas, except for schools or as approved by a special use permit.

Mr. Griffith stated the location of these vehicles will be controlled by the City's Building Official.

On behalf of the Legislative/Finance Committee, Bill Griffith moved the City Council adopt Ordinance 2093 amending Chapter 19.34 of the Prairie Village Municipal Code entitled "Accessory Uses" by amending Section 19.34.020(F) entitled "Other Accessory Uses". The motion was seconded by Greg Colston.

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

LEG2005-08 Consider Ordinance revision to PVMC 19.34.040(C) entitled "Accessory Uses" regarding short-term special use permits

This proposed revision allows the Mayor or his/her designee to approve requests for short-term special use permits. These permits are usually for special events lasting a short time and often applied for shortly before the event making it difficult to get Council approval prior to the event. To address this need in the past, the Mayor has approved some requested permits with the Council ratifying the approval at the next Council meeting.

David Belz noted earlier discussion of this issue also included discussion of the fee charged for the permit and the conditions under which the fee is waived. He asked if this was addressed in the proposed ordinance revision. Mr. Griffith stated it is not, but will be addressed by the Council at a later date.

On behalf of the Legislative/Finance Committee, Bill Griffith moved the City Council adopt Ordinance 2094 amending the Prairie Village Municipal Code 19.34.040 Paragraph C entitled “Accessory Uses” removing the requirement for City Council approval of short-term special use permits and placing the authority for issuing these permits with the Mayor or his/her designee. The motion was seconded by Pat Daniels.

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

LEG2005-09 Consider Temporary Moratorium on Zoning Changes

Mr. Griffith stated with the City in the process of updating its comprehensive plan and evaluating the direction it wants to take, it has been recommended by the Planning Commission the City place a temporary moratorium on zoning changes. The moratorium would only impact rezoning requests, not special use permits, site plan approvals or platting. There have been very few rezoning requests in the past few years and no applications are anticipated in the near future. The proposed moratorium is for a period not to exceed 12 months and does allow for the City Council to rescind the moratorium earlier if needed.

On behalf of the Legislative/Finance Committee, Bill Griffith moved the City Council adopt Ordinance 2095 establishing a moratorium on zoning changes for a period not to exceed 12 months with the City Council having the ability to rescind the ordinance prior to its stated expiration. The motion was seconded by Laura Wassmer.

Jeff Anthony spoke in opposition to the proposed moratorium stating he felt it sends the wrong message to the community.

Pat Daniels also expressed opposition to the moratorium. He does not feel it is necessary and feels it may negatively impact possible development. He would rather see the Planning Commission deal with possible applications on a case by case basis. Diana Ewy Sharp noted the committee asked Mr. Williamson if he was aware of any pending applications and he stated he did not anticipate any applications. Mr. Daniels noted there could be negotiations going on of which the City is unaware and feels it would be unfortunate if these negotiations were negatively impacted by a moratorium.

David Belz asked what the impetus was for this action. Mr. Griffith responded the concerns behind the moratorium are that an action taken while the direction for

development is being formulated by the comprehensive plan may be in opposition to the direction determined by the plan.

A roll call vote was taken on the motion with the following votes cast: “aye” Herrera, Colston, Wang, Wassmer, Ewy Sharp & Belz; “nay” Griffith, Noll, Daniels and Anthony. City Attorney Charles Wetzler advised that seven votes were necessary for the adoption of the ordinance and the Mayor could vote to pass the ordinance if desired. Mayor Shaffer voted “aye” and Ordinance 2095 establishing the moratorium was adopted.

OLD BUSINESS

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

NEW BUSINESS

Lockton Sale

Steve Noll stated the property at 7400 State Line Road, which was financed with Industrial Revenue Bonds from the City, is under contract for sale. The closing date for the sale is March 31, 2005. As holder of the bonds, the City’s approval of the sale is necessary. The City Attorney and City’s Bond Counsel will review the documents and transactions on behalf of the City.

Andrew Wang asked if staff would be able to review the appropriate documents prior to the March 31st closing. Mr. Wetzler responded that he felt time would not be an issue, but advised the Council that no action would be taken until all the requirements of the bond had been satisfied.

Steve Noll moved the City Council authorize the Mayor to execute a deed and other necessary documents, if any, (in a form approved by the City’s attorney)(collectively, the “**City Deed**”) conveying 7400 State Line Road (the “**Property**”) to 7400 Place, LLC, the tenant under the bond lease under the trust indenture securing the City of Prairie Village, Kansas Industrial Revenue Refunding Bonds Series, 1999 (Lockton Companies, Inc. Project) (the “**Bonds**”) in connection with the sale of the property to Cohen-Esrey Equity Partners, LLC (or its assignee) pursuant to a purchase agreement that is scheduled to close on March 31, 2005 which City Deed will be delivered to First American Title Insurance Company, the escrow agent handling the

sale of the Property, with instructions that the City Deed may not be released until the escrow agent has received sufficient funds to pay off the remaining balance of the Bonds (as evidenced by a payoff letter prepared by UMB Bank) and the other requirements to redeem the Bonds have been satisfied. The motion was seconded by Bill Griffith and passed unanimously.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

Environmental/Recycle Committee	03/23/2005	7:00 p.m.
VillageFest Committee	03/24/2005	7:00 p.m.
Citizens Advisory Committee	03/29/2005	7:00 p.m.
Legislative/Finance Committee	04/04/2005	6:00 p.m.
Policy/Services Committee	04/04/2005	6:00 p.m.
Council	04/04/2005	7:30 p.m.

The Prairie Village Arts Council is pleased to feature the Sister City/Student Art in the Glass Case and City of Prairie Village owned art exhibit sharing the R.G. Endres Gallery during the month of March. In April Kevin Sink’s Photography Exhibit will be featured in the R. G. Endres Gallery. The reception will be on April 8th from 6:30 – 7:30 p.m.

There will be a MARC meeting held on Thursday, March 31 from 7-8:30 p.m. concerning a Smoke-free Ordinance – A special briefing for local officials in the Prairie Village Council Chambers.

The Fifth Annual Earth Fair sponsored by the Prairie Village Environmental/Recycle Committee will be on Saturday, April 9th from 9 a.m. to 2 p.m. at Shawnee Mission East High School.

Council Worksession will be held April 9, 2005 from 9 a.m. – 4 p.m. at Homestead Country Club

Large item pick-up is Saturday, May 14th.

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 8:00 p.m.

Joyce Hagen Mundy
City Clerk