

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Monday, November 15, 2004
7:30 p.m.**

I. CALL TO ORDER

II. ROLL CALL

III. PUBLIC HEARING

Consider Harmon Park 20-foot roadway vacation

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 – November 1, 2004
2. Approve Claims Ordinances #2560 through #2563
3. Approve of a short-term special use permit to Prairie School PTA for their Girl's Night Out School Fundraiser at the Prairie Village Community Center on December 21, 2004 between the hours of 5-9 p.m. with the fee waived for this event.
4. Approve the renewal of annual service agreements for: Holiday Tree Service, HVAC Service, Ice Maker Service, Locksmith Service, Pest Control Service and Portable Toilet Service.
5. Approve to continue under the existing rental agreement with Multiple Services Equipment for the rental of a postage meter and scale for 2005 at a cost of \$140 quarterly with funding from the City Clerk's operating budget.
6. Council authorize the continuation of the following ongoing or multi-year agreements for 2005:
 - Board of Police Commissioner – ALERT System Participation
 - Dictaphone Corporation – Lease for Voice Logger
 - Ericsson, Inc – EDACS FX PD Software & Maintenance
 - City of Fairway – Building Inspector Services
 - Federal Surplus Purchase Agreement
 - Highwoods Properties – PW Storage Building Lease
 - Johnson County Wastewater – Right-of-Way Agreement
 - Kansas City Crime Stoppers – TIPS Hotline
 - Leadsonline, Inc. – Public Safety Property Software Program
 - Mid America Regional Council – 800 MHz Radio Agreement
 - Mid America Regional Council – 9-1-1 Agreement
 - Midwest Office Technology – PD and CC Copier Leases
 - MHM Business Services – 125 Program Administration
 - New World Systems – IBM Support for CAD System
 - Otis Elevator - Maintenance
 - PayData – Payroll Services
 - Postalia, Inc. – PD Postage Meter Lease
 - Southwestern Bell – Pay Phone Lease
 - Sprint Telephone – Telephone System Lease
 - Water District #1 – Right of Way Agreement
 - Why Struggle – Web Site Agreement

By Committee:

7. Adopt an Ordinance regulating Public Offenses within the Corporate Limits of the City of Prairie Village, Kansas incorporating by reference, the "Uniform Public Offense Code for Kansas Cities" Edition of 2004, with certain deletions and additions: prescribing additional regulations; and repealing Chapter 10.04 of

the Prairie Village Municipal Code. (Legislative/ Finance Committee Minutes – 1 November, 2004)

8. Adopt an ordinance amending title 11 of the Prairie Village Municipal Code, entitled “Vehicles and Traffic,” by repealing sections 11.04.010 entitled “Standard Traffic Ordinance” and 11.04.030 entitled “Speed Limit Changes,” and enacting in lieu thereof new sections of like number and subject, and amending certain sections of said Standard Traffic Ordinance. (Legislative/ Finance Committee Minutes – 1 November, 2004)
9. Adopt an Ordinance amending section 105.5 of the International Building Code regarding Permit Expiration. (Legislative/ Finance Committee Minutes – 1 November, 2004)
10. Adopt an Ordinance amending section R105.5 of the International Residential Code regarding Permit Expiration. (Legislative/ Finance Committee Minutes – 1 November, 2004)
11. Approve the selection of Lowenthal, Singleton, Webb & Wilson to audit the city’s 2004 Financial Statements at a cost not to exceed \$18,500. (Legislative/ Finance Committee Minutes – 1 November, 2004)
12. Approve a Pool Usage Agreement with the Johnson County Park & Recreation District to provide swim lessons at the Prairie Village Pool during the 2005 pool season. (Legislative/ Finance Committee Minutes – 1 November, 2004)
13. Approve a Pool Usage Agreement with the Johnson County Park & Recreation District to provide Water Exercise Classes and Master’s Swim Workouts at the Prairie Village Pool during the 2005 Pool Season. (Legislative/ Finance Committee Minutes – 1 November, 2004)
14. Approve an agreement with the Johnson County Park & Recreation District to conduct a Day Camp Program at Harmon Park during the Summer, 2005. (Legislative/ Finance Committee Minutes – 1 November, 2004)
15. Approve an agreement with the American Red Cross for Aquatic Examiner Services for the 2005 pool season. (Legislative/ Finance Committee Minutes – 1 November, 2004)

VI. COMMITTEE REPORTS

Legislative/Finance Committee – Ruth Hopkins

LEG2004-35 Consider proposed ordinance revisions to PVMC 19.46 “Off-Street Parking” regulations.

VII. OLD BUSINESS

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

**COUNCIL
CITY OF PRAIRIE VILLAGE
November 15, 2004
-Minutes-**

The City Council of Prairie Village, Kansas, met in regular session on Monday, November 15, 2004, 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; Lt. Gary Pruitt; Robert Pryzby, Director of Public Works; Doug Luther, Assistant City Administrator; Jamie Shell, Finance Director; Josh Farrar, Management Assistant and Joyce Hagen Mundy, City Clerk.

PUBLIC HEARING

Mayor Shaffer reviewed the procedures for a public hearing and introduced Public Works Director Bob Pryzby to explain the proposed roadway vacation.

Mr. Pryzby noted on October 18, 2004 the Council authorized a public hearing on the vacation of a 20-foot roadway traversing Harmon Park from Mission Road to Delmar Street. This roadway was discovered during the review of the Mission Road Bible Church expansion plans. The review found their parking lot and driveway on the north side of the parish to be on the 20-foot roadway.

The roadway was platted in 1926. There is currently no road; however, for the past several years, this strip has been considered to be an easement as WaterOne has a water main in the strip from the water tower to Mission Road.

It is the recommendation of the City Attorney and Planning Staff to vacate and discontinue the roadway and to reserve and convert the strip to a utility easement. This requires a public hearing and approval of an ordinance vacating the roadway and converting the area to a utility easement. Mr. Pryzby stated the two affected property

owners, Mission Road Bible Church and WaterOne have been notified of this hearing and support the proposed action.

Bill Griffith asked if there was ever a roadway at this location. Mr. Pryzby responded there was not. He stated that possibly at one time it may have been considered to use the property to extend 78th Terrace to Mission Road until the purchase of the park land by the City.

Mr. Griffith asked for the benefit to the City of vacating this roadway. Mr. Pryzby explained the action would clearly address the ownership of the land as it is not clear on the present plat.

Pat Daniels stated the only reason to oppose the action would be if the City wanted to build a street at this location.

With no one present to speak on this issue, Mayor Shaffer closed the public hearing at 8:45 p.m.

Laura Wassmer moved the City Council adopt Ordinance 2084 vacating and discontinuing a previously dedicated road right-of-way established by the plat of Jarboe View, a subdivision in the City of Prairie Village, Johnson County, Kansas, and reserving and converting such right-of-way to a permanent easement for the purpose of installing and maintaining water lines, sanitary sewer lines, storm sewer lines and public utilities. The motion was seconded by Greg Colston.

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

PUBLIC PARTICIPATION

Paul Jungmann, 7917 Beverly, addressed the Council regarding the bump at the entrance to his driveway. He noted he had spoken with representatives of public works in the past and was advised it would be done in conjunction with street improvement projects. Mr. Jungmann noted that Tomahawk was recently completed, but nothing was done on Beverly. He stated the bump has caused alignment problems for his vehicles and he would appreciate action by the City. Mayor Shaffer advised Mr. Jungmann City staff would investigate his problem.

CONSENT AGENDA

Al Herrera moved the approval of the Consent Agenda for Monday, November

15, 2004:

1. Approve Regular Council Meeting Minutes – November 1, 2004
2. Approve Claims Ordinances #2560 through #2563
3. Approve a short-term special use permit to Prairie School PTA for their Girl's Night Out School Fundraiser at the Prairie Village Community Center on December 21, 2004 between the hours of 5-9 p.m. with the fee waived for this event
4. Approve the renewal of annual service agreements for: Holiday Tree Service, HVAC Service, Ice Maker Service, Locksmith Service, Pest Control Service and Portable Toilet Service for 2005
5. Approve continuing under the existing rental agreement with Multiple Services Equipment for the rental of a postage meter and scale for 2005 at a cost of \$140 quarterly with funding from the City Clerk's operating budget
6. Authorize the continuation of the following ongoing or multi-year agreements for 2005:
 - Board of Police Commissioner – ALERT System Participation
 - Dictaphone Corporation – Lease for Voice Logger
 - Ericsson, Inc – EDACS FX PD Software & Maintenance
 - City of Fairway – Building Inspector Services
 - Federal Surplus Purchase Agreement
 - Highwoods Properties – PW Storage Building Lease
 - Johnson County Wastewater – Right-of-Way Agreement
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 - Midwest Office Technology – PD and CC Copier Leases
 - MHM Business Services – 125 Program Administration
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 - PayData – Payroll Services
 - Postalia, Inc. – PD Postage Meter Lease
 - Southwestern Bell – Pay Phone Lease
 - Sprint Telephone – Telephone System Lease
 - Water District #1 – Right of Way Agreement
 - Why Struggle – Web Site Agreement

By Committee:

7. Adopt Ordinance 2085 regulating Public Offenses within the Corporate Limits of the City of Prairie Village, Kansas incorporating by reference, the "Uniform Public Offense Code for Kansas Cities" Edition of 2004, with certain deletions and additions: prescribing additional regulations; and repealing Chapter 10.04 of the Prairie Village Municipal Code
8. Adopt Ordinance 2086 amending Title 11 of the Prairie Village Municipal Code, entitled "Vehicles and Traffic," by repealing sections 11.04.010 entitled "Standard Traffic Ordinance" and 11.04.030 entitled "Speed Limit Changes," and enacting in lieu thereof new sections of like number and subject, and amending certain sections of said Standard Traffic Ordinance
9. Adopt Ordinance 2087 amending section 105.5 of the International Building Code regarding Permit Expiration
10. Adopt Ordinance 2088 amending section 105.5 of the International Residential Code regarding Permit Expiration
11. Approve an agreement with Lowenthal, Singleton, Webb & Wilson to audit the city's 2004 Financial Statements at a cost not to exceed \$18,500
12. Approve a Pool Usage Agreement with the Johnson County Park & Recreation District to provide swim lessons at the Prairie Village Pool during the 2005 pool season
13. Approve a Pool Usage Agreement with the Johnson County Park & Recreation District to provide Water Exercise Classes and Master's Swim Workouts at the Prairie Village Pool during the 2005 Pool Season
14. Approve an agreement with the Johnson County Park & Recreation District to conduct a Day Camp Program at Harmon Park during the Summer, 2005
15. Approve an agreement with the American Red Cross for Aquatic Examiner Services for the 2005 pool season

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

LEG2004-35 Consider proposed ordinance revisions to PVMC 19.46 "Off-Street Parking" Regulations

Bill Griffith reported the current parking regulations for shopping centers are determined by the type of tenant use in the center. The proposed change would have parking set by a ratio based on the square footage of the center.

On behalf of the Legislative/Finance Committee, Bill Griffith moved the City Council adopt Ordinance 2089 amending Chapter 19.46 of the Prairie Village Municipal Code, entitled "Off-Street Parking and Loading Regulations" by amending Section 19.46.010D under "General Provisions" by amending Section 19.46.025 "Accessible Parking" and adding a new Section 19.46.030B entitled "Business and Commercial Uses". The motion was seconded by Laura Wassmer.

Bill Griffith stated he opposes the proposed change, which he calls the "Applebee's Ordinance". The proposed change was requested by Highwoods Properties after the leasing of Applebee's because with this tenant use change, the parking space requirement for the center increased to its capacity with tenant space still vacant. Mr. Griffith feels it is too early to know the impact of Applebee's on the parking demands for the center and to change the regulations at this time is not necessary or appropriate. He is concerned parking will overflow into the residential neighborhoods adjacent to the center.

Jeff Anthony agreed with Mr. Griffith that it would be better to wait on making this change.

Greg Colston asked if the ordinance says it is acceptable to park in the streets. Mr. Williamson stated it does not and reviewed the discussion of the Planning Commission over the past several months on this ordinance.

The Planning Commission recognized the difficulty of managing a center with parking requirements that changed with each lease. They looked at several criteria including the size of the center, its location, degree of mixed uses and resulting fluctuations in parking needs allowing for shared parking. They restricted the change to centers with greater than 300,000 square feet of leasable area. They further restricted the change to mixed use centers in C-2 zoning districts. They discussed requiring the centers

to conduct a parking study and make an application to the Commission on an individual basis; however, they felt the proposed ratio was more appropriate as it establishes a fixed parking requirement. With these restrictions in place, only the Prairie Village Shopping Center and the Corinth Square ShoppingCenter would be impacted by the new regulations.

Mr. Williamson advised the Council of a parking study performed by Highwoods for the Prairie Village Shopping Center which indicated that, during a peak period, only 31% of the center's parking spaces are occupied. There are 1,234 parking spaces available for the Prairie Village Shopping Center which equates to 3.53 parking spaces per 1,000 square feet of floor area.

Laura Wassmer stated her support for the proposed ordinance which will give the shopping center management the flexibility to fill the current vacancies and attract businesses to the center. She does not feel the City should over govern the centers with restrictive parking regulations.

Diana Ewy Sharp stated the concern seems to be with overflow parking going to neighboring residential streets. However, she noted that regardless of the availability of parking in the center, individuals will choose to park as close to their desired location as possible.

Al Herrera stated he has observed most of the Applebee's customers using the area between the Hen House and Applebee's. He did note the liquor store has placed 15 minute parking signs to accommodate their clientele. Mr. Herrera is doubtful that Applebee's customers will choose to park on the other side of Tomahawk.

David Belz questioned how the proposed ordinance would encourage parking on the residential streets. Mr. Griffith responded that currently spaces next to Applebee's are unleased allowing more parking nearby. Once that space is leased this parking may no longer be available and cars may choose to park in nearby residential areas. Mr. Griffith noted he preferred the City wait until the impact of Applebee's on parking could be determined before changing the regulations.

Diana Ewy Sharp asked Lt. Pruitt if he was aware of any current parking problems in the residential areas around the shopping center from overflow parking. Lt. Pruitt stated he was unaware of any problems.

Bob Jones, Principal Architect for Highwoods Properties, noted the Prairie Village center currently has Applebee's and the Blue Moose on opposite sides of the center with customers using the vacated parking spaces between them. In mixed use areas, when one type of tenant is busy others are closed, or not as busy. This allows for shared parking spaces and is seen in the difference between the hours for the restaurants and the general retail stores. He stated their study indicated there is sufficient parking within the center and supports the proposed ordinance revision to give management the flexibility to manage the center in a responsible manner and remove the governmental red tape.

Diana Ewy Sharp asked Mr. Williamson if the Planning Commission's recommendation was unanimous. Mr. Williamson responded after several months of discussion and the implementation of the restrictive criteria limiting the change to specific areas, the Commission was unanimous in their support. They felt the permanent regulation was better than the current fluctuating requirements or individual review of parking by the Commission. They also noted the residential location of the two centers results in more pedestrian traffic than is generally found in large suburban centers.

Mayor Shaffer called for a vote on the motion to adopt the proposed ordinance revisions.

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

Municipal Foundation

On behalf of the Municipal Foundation, Diana Ewy Sharp encouraged all Council members to attend the 2004 Mayor's Holiday Tree Lighting ceremony on Monday, November 29th at 6:30 p.m. It was noted the Belinder Elementary School choir would be singing.

OLD BUSINESS

Mission Road

Bob Pryzby reported Miles Excavating has completed all punch list items for the Mission Road Improvement project with the exception of milling the area in front of the new construction at 7801 Mission Road, which will be completed as soon as the

temperature increases to the appropriate level. He also noted that a temporary brick was placed at 75th & Mission near Shawnee Mission East and will be replaced when the correct brick becomes available. He has not received the final pay estimate, but will advise Council of the final costs for the project.

Gift Cards

Pat Daniels commended staff on the Prairie Village Gift Card program and asked when cards will be sold. Doug Luther stated initial advertisement of the gift cards has been done by both the Prairie Village and Corinth Square Shopping Centers. He showed Council an insert/order form that will be included in the November Prairie Village Voice. More than 104 businesses are participating in the program and training of merchants began this week. The cards are being printed and will go on sale December 1st.

NEW BUSINESS

Greg Colston asked for confirmation on when the “No Smoking” issue would be discussed by the Council. Mayor Shaffer announced that it would be discussed at the next Council Committee of the Whole Meeting. Diana Ewy Sharp asked if the committee meeting dates would be changed in December to accommodate the discussion of the Traffic Safety Study on the Corinth School intersection. Mayor Shaffer stated that has yet to be determined.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

Environmental Recycle Committee	11/16/2004	7:00 p.m.
CACCS	11/16/2004	7:00 p.m.
Prairie Village Arts Council	11/17/2004	6:00 p.m.
Tree Board	12/01/2004	6:00 p.m.
Policy/Services Committee	12/06/2004	6:00 p.m.
Legislative/Finance Committee	12/06/2004	6:00 p.m.
City Council	12/06/2004	7:30 p.m.

The Prairie Village Arts Council is pleased to feature an exhibit of pastel paintings by Mid-America Pastel Society (MAPS) in the R.G. Endres Gallery during the month of November. In December an exhibit of watercolor by Jim Hamil will be featured in the R. G. Endres Gallery. The reception for Jim Hamil will be held December 3rd, 2004, from 6:30 - 7:30 pm.

The Mayor’s Holiday Tree Lighting will be on Monday, November 29th at 6:30 p.m. in the Municipal Building. Donations to the Holiday Tree Fund will be utilized in assisting Prairie Village families and Senior Citizens needing help to pay their heating and electric bills during the cold winter months, as well as with home maintenance throughout the year. Your tax-deductible contributions are appreciated.

The Mayor’s Holiday Volunteer Gala at Homestead Country Club will be held on December 10th, 2004 starting at 6:30 p.m. RSVP Lori by December 6th.

The Council of Mayors Holiday Dinner is 12/14 at Milburn CC.

Mark your calendar for the Employee Appreciation Event on Wednesday, December 15, 2004 at noon in the Multi-Purpose Room (MPR). Mayor and Council Members will hand out promotion and tenure awards. Remember to RSVP to Lori by December 6th.

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