

****AMENDED****
COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Monday, November 1, 2004
7:30 p.m.

I. CALL TO ORDER

II. ROLL CALL

III. PUBLIC PARTICIPATION

IV. SPECIAL PRESENTATION

2004 NEJC EDC Report for the third quarter

Kate Michaelis, NEJC Vice President for Economic Development

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 – October 18, 2004
2. Approve Claims Ordinances #2556 through #2559
3. Approve Memorandum of Agreement and Lease Agreement between the City of Prairie Village and Sprint PCS for lease of certain property owned by the City.
4. Approve a short-term special use permit for a Frisbee tournament in Franklin Park on November 6 and 7, 2004 from 11 a.m. to 5 p.m. with a waiver of Policy #640 and the \$25 permit fee.
5. Approve the following proclamations:
 - American Indian Heritage Month – November, 2004
 - America Recycles Day – November 15, 2004
6. Approve an extension of time adding sixty (60) days to the contract with Pro Circuit, Inc. for the Project 190903: Municipal Offices Generator Replacement
7. Approve an agreement with the Mid-America Regional Council to fund the design of the Operation Green Light Traffic Control System in the amount of \$14,585 with funding from the Public Works Operating Budget

VI. COMMITTEE REPORTS

***Communications Committee**

Consider Agreement for Production of City Newsletters

***Skate Park Committee**

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 1, 2004
-Minutes-**

The City Council of Prairie Village, Kansas, met in regular session on Monday, November 1, 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, Ruth Hopkins, Greg Colston, Andrew Wang, Laura Wassmer, Pat Daniels, Jeff Anthony, Kay Wolf, and David Belz.

Also present were: Barbara Vernon, City Administrator; Charles Grover, Chief of Police; Bob Pryzby, Director of Public Works; Doug Luther, Assistant City Administrator; Jamie Shell, Finance Director; Tom Trienens, Manager of Engineering Services and Joyce Hagen Mundy, City Clerk.

PUBLIC PARTICIPATION

John Wassberg, 8601 Ash Lane, expressed his frustration and problems with the service provided by Time Warner Cable. He does not believe he is the only resident who has experienced problems and suggested the City take a survey through the city newsletter to poll residents regarding problems they may have experienced with Time Warner and use the information gathered to address the concerns with the company as holder of their franchise to operate. As long as Time Warner operates as a monopoly within the City the residents have little power over the cost of service and other issues.

Laura Wassmer responded the City has not limited other companies from coming into the City. The City would encourage and welcome other service providers; however, other providers have not chosen to provide service within Prairie Village. Mr. Wassberg said he understood the situation, but felt the residents would rather have efforts and money spent to get another service provider in the City than to have bricks across their intersections.

Mayor Shaffer welcomed and recognized Cub Scouts and Boy Scouts attending the meeting to earn merit badges.

PRESENTATION

Kate Michaelis, Vice President of Economic Development for the Northeast Johnson County Chamber of Commerce, gave a presentation reflecting the economic vitality of Northeast Johnson County. The presentation highlighted new business growth and expansion in northeast Johnson County in both the business and public sector. Among the Prairie Village businesses highlighted were Applebee's, Coldstream Creamery, Maddie & Me and the announcement of the purchase and renovation of the office building at 2200 West 75th Street by an investment group. Ms Michaelis also distributed to Council members the third quarter business activity report for 2004. . She feels the northeast Johnson County area is turning an economic corner and its new growth and vitality is exciting. . Pat Daniels commended Ms Michaelis on her efforts on behalf of the area.

CONSENT AGENDA

Al Herrera moved approval of the Consent Agenda as amended for Monday, November 1, 2004:

1. Approve Regular Council Meeting Minutes – October 18, 2004
2. Approve Claims Ordinances #2556 through #2559
3. Approve the Memorandum of Agreement and Lease Agreement between the City of Prairie Village and Sprint PCS for the lease of space on the communications tower at 7700 Mission Road owned by the City of Prairie Village
4. Approve a short-term special use permit for a Frisbee tournament in Franklin Park on November 6 and 7, 2004 from 11 a.m. to 5 p.m. to the Shawnee Mission East Student Council with Council Policy #640 and the \$25 application fee waived.
5. Authorize the Mayor to execute the following proclamations:
 - American Indian Heritage Month – November 15, 2004
 - America Recycles Day – November 15, 2004
6. Approve change order #1 granting an extension of time of sixty (60) days to the contract with Pro Circuit, Inc. for Project 190903: Municipal Offices Generator Replacement
7. Approve an agreement with the Mid-America Regional Council to fund the design of the Operation Green Light Traffic Control System in the amount of \$14,585 with funding from the Public Works Operating Budget

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

COMMITTEE REPORTS

Communications Committee

Consider Contract for production of the City newsletters

The Communications Committee met on Tuesday, October 26th and reviewed the bids received for the production of the City newsletters. Requests for proposals were sent to four firms with two firms responding. A bid of \$11,435 was received from Joe Vaughan and a bid of \$14,910 from Alphagraphics.

Mr. Wang reminded the Council the 2005 publications will be bi-monthly, not monthly. Five issues of the Prairie Village Voice and the Park and Recreation brochure will be produced in 2005. Mr. Griffith asked for the cost in 2004 for the monthly production. Doug Luther did not have those figures with him, but thought it was \$25,000. Laura Wassmer agreed with the \$25,000 cost.

The committee discussed the services provided by both companies. It was noted that during the past year with Joe Vaughan & Associates some monthly publications and the Park & Recreation brochure were distributed late. After discussion of the bids and the past service provided by both companies, it was felt that the best bid was that of Alphagraphics.

On behalf of the Communications Committee, Andrew Wang moved the City Council approve an agreement with Alphagraphics, Inc. for the production of the 2005 issues of the City newsletter and recreation brochure at a cost of \$14,910. The motion was seconded by Al Herrera and passed unanimously.

Skate Park Committee

Bob Pryzby reported on the October 29, 2004, meeting with Chris Hildebrand with Grindline Skate Parks. Mr. Hildebrand presented the initial draft of the proposed skate park for review and comments. Approximately 50 people representing the Council, Park & Recreation Committee, the former Skate park Committee, supporters, students and residents attended the meeting. The overall response to the plan was a strong approval of the design with minor modifications suggested, which Mr. Hildebrand indicated could be made in the design and remain within the proposed budget.

The Committee met after the presentation and approved the design with the proposed modifications and directed Grindline to begin preparation of construction documents. Mr. Pryzby noted that Mr. Hildebrand stated the construction could be done during the winter with completion of the skate park by May of 2005.

Mayor Shaffer stated the meeting and presentation, which was also attended by representatives of the City of Shawnee who are considering a similar project, were excellent.

OLD BUSINESS

Update on Traffic Safety Study

Bob Pryzby reported two conversations have been held with representatives of Bucher, Willis & Ratliff to review and revise the scope of services. BWR has been directed to look at all schools within the City including St. Ann's and Kansas City Christian School. They have also been directed to look at schools in cities contingent to Prairie Village to provide information on what is going on at other schools in the area.

Mr. Pryzby reported the following items will be addressed in the matrix: 1) number of lanes of roadway, 2) is school located at an intersection, 3) what is the street classification, 4) are there crossing guards, 5) is there a school zone, 6) what type of signage is being used, 7) what is the speed zone, 8) what is the length of the school zone, 9) is right turn on red prohibited, 10) is there on-street parking, etc. BWR has also advised the City they will report any unsafe conditions they identify. The matrix will be reviewed and recommendation made for each location.

Pat Daniels asked if the School District has been brought into the process. Mr. Pryzby responded that they had not, as this is traffic issue which is the City's responsibility.

Chief Grover responded that the Police Department has met with the Principal at Corinth Elementary who is looking at different plans to ease the pain from the parking and queuing aspects. The Police Department will continue to work with them on these issues.

Bob Pryzby advised the Council that Belinder is looking at a possible expansion.

Andrew Wang asked if the speeds in the school zone could be identified. Mr. Pryzby responded they could but it would increase the cost of the study significantly.

Greg Colston asked if the suggested barriers for the sidewalk adjacent to the street were being addressed. Mr. Pryzby responded he didn't remember them being addressed, but noted that he and Chief could work on that issue without incurring the additional expense with BWR.

NEW BUSINESS

POL2004-18 Consider Sidewalk Policy

Steve Noll announced that at the earlier Policy/Services Committee meeting, the committee reviewed the existing sidewalk policy. The committee felt the existing policy should remain in place, however, they felt a modification in the notification and response process would be advantageous.

On behalf of the Policy/Services Committee, Steve Noll moved the City Council amend Council Policy 312 by adding that once the notice of intent to construct is given to the affected property owners for the construction of sidewalks, they would have thirty (30) days in which to voice their opposition to the construction and directed public works to give written notice to the affected property owners and other residents in the general area followed by the staking of the affected properties to reflect the potential location of the sidewalk. The motion was seconded by Greg Colston.

Laura Wassmer asked if this timeframe was acceptable. Mr. Pryzby responded that his staff should be able to make the initial investigation as streets are being considered.

Ruth Hopkins questioned how this amendment was different than what is being done. Mr. Pryzby responded in the past "public information meetings" were held to address all the issues of the entire project. The design of the sidewalks was already completed with engineering costs incurred by the City. Under the proposed plan, the residents are notified specifically about the construction of possible sidewalks on their property both by written notice and staking of their property and given the opportunity to respond before engineering costs are incurred to design sidewalks that may or may not be constructed.

Bill Griffith asked if the motion on the floor addressed the ability of the residents to "opt out" of having sidewalks constructed. Steve Noll responded the committee is

recommending the existing policy, which allows residents to “opt out” of sidewalks be retained with the proposed amendments.

The motion amending Council Policy 312 was voted on and passed by a vote of ten to one with Bill Griffith voting “nay”.

POL2004-10 Consider Project 190847: 2005 Street Resurfacing Program

Steve Noll reported that earlier this evening, the Policy/Services met and received extensive input from residents regarding the proposed construction of sidewalks as part of the 2005 Street Resurfacing Program in accordance with Council Policy 312.

On behalf of the Policy/Services Committee, Steve Noll moved the City Council approve the residents’ request that sidewalks not be constructed as part of the 2005 Street Resurfacing Program at the following locations: 67th Terrace (Delmar Drive to Mission Road), 77th Place cul-de-sac (Roe Avenue to the end of the cul-de-sac), 78th Street (Belinder Avenue to Cambridge Street), 84th Terrace (Mission Road to Reinhardt Lane), Canterbury Street (79th Street to Somerset Drive), Eaton Street (71st Terrace to 73rd Street) and Linden Drive Cul-de-Sac. The motion was seconded by Kay Wolf.

Ruth Hopkins asked if more than 50% of the property owners for these streets had signed petitions opposing construction of sidewalks. Tom Trienens responded that in some cases the opposition was done by formal petitions, but noted that public works staff also recorded e-mail and telephone responses.

For the streets listed in the motion the City received the following response:

- 67th Terrace (Delmar Drive to Mission Road) – on the sidewalk street side 16 of 17 opposed the sidewalk, overall 28 of 31 in the neighborhood oppose the sidewalk
- 77th Place Cul-de-Sac (Roe Avenue to end of cul-de-sac) 12 of 13 property owners oppose the sidewalk
- 78th Street (Belinder Avenue to Cambridge Street) 21 of 47 property owners oppose the sidewalk
- 84th Terrace (Mission Road to Reinhardt Lane) 19 of 20 property owners oppose the sidewalk
- Canterbury (79th Street to Somerset) 4 of 9 property owners opposed the sidewalk
- Eaton Street (71st Terrace to 73rd Street) 4 of 8 property owners oppose the sidewalk
- Linden Drive Cul-de-Sac (Linden Drive to end of cul-de-sac) 3 of the 4 property owners oppose the sidewalk

Bill Griffith said six years ago a sidewalk was constructed in front of his home. He sees the sidewalk being used regularly and is more and more uncomfortable with residents requesting that sidewalks not be constructed. He sees this as a bigger issue than

residents' desires. The Council has stated it wants the City to become more walkable, pedestrian friendly and this can not occur without the construction of sidewalks. He recognizes a large number of people don't want sidewalks, but feels there must be a more compelling reason than neighborhood wishes to go against a policy set for the benefit and safety of the entire City.

Ruth Hopkins can see the rationale for not constructing sidewalks in cul-de-sacs, but she does not feel it is fair for a vocal minority of the city's residents to receive priority over what is in the best interest of the entire City.

Al Herrera doesn't want to lose large mature trees in this area; however, he is concerned that the City has set a policy and keeps backing out of it because of neighborhood opposition.

Greg Colston stated he strongly supports sidewalks, but is torn in this instance because of the potential loss of large mature trees.

Laura Wassmer said she is a huge tree-lover and trees were one of the reasons she moved to Prairie Village, but also stated she is a walker and loves to walk through the City. She is disappointed with the comments against sidewalks and does not understand the problem with having people walk by ones home. She enjoys having people walk by, stopping to talk and feels it strengthens the neighborhood.

Mayor Shaffer stated comments were heard earlier in the evening by the Policy/Services Committee and noted that two individuals spoke in favor of the construction of sidewalks. He advised residents present they would be able to address the Council, but asked them to keep their comments brief.

Tracy McCluskey, 3907 West 67th Terrace, felt the construction of a sidewalk in her front yard, particularly if constructed on the house side of the trees in her yard would be an invasion of her family's privacy. She reminded the Council that 28 of the 31 property owners in her neighborhood oppose the construction of sidewalks.

Cristin Estes, 2318 West 78th Street, questioned the proposed location of the sidewalk for 78th Street, noting there are twice as many trees on the north side of the street as there are on the south side. She does not feel sidewalks are needed on every street and that the sidewalks on 79th and Booth were sufficient for the neighborhood.

Steve Thompson, 3808 West 84th Terrace, urged the Council to look at each street individually. His street forms a horseshoe and is generally a closed area. A petition presented this evening reflected opposition from 21 of 22 property owners. He commended the Council for asking for input and urged them to acknowledge and support the requests of nearly 100% of the property owners on 84th Terrace.

Diana Cooper, 2110 West 72nd Street, noted that most of the properties in her neighborhood have shallow front yards and the construction of a sidewalk would significantly impact their yard.

She understands the safety concerns for children, but noted this area is not near schools. She stated a majority of the existing trees would need to be removed for the construction of a sidewalk and noted that people, she included, often use the street even when there are existing sidewalks.

Mrs. Cooper questioned the interpretation of no responses to be individuals supporting sidewalks, she felt if they really wanted sidewalks they would have responded. She urged the Council to spend money on something that was really wanted

Tom Malone, 2410 West 78th Street, an 18 year resident of Prairie Village questioned the need for sidewalks especially with the recent closing of Somerset Elementary School. He noted the slope of the land along 78th street will make sidewalks both difficult to construct and to walk on. He does not feel there is a need for sidewalks and feels the construction of sidewalks will diminish the hometown feeling of the area and damage existing landscape. Mr. Malone reminded the Council the majority of the property owners on both sides of 78th Street oppose the construction of a sidewalk.

Laura Wassmer left the meeting.

Doug Kibbets, 4160 West 67th Terrace, stated his neighborhood has responded appropriately gathering petitions representing 28 of the 31 properties in the area requesting that a sidewalk not be constructed. He urged the Council to support the will of the people. He does not see a need for the sidewalk, he walks in the street, 67th Terrace is not a major street and the loss of even one tree would be a shame. Sidewalks are great on some streets, but not at this location.

William Knight, 4006 West 67th Terrace, noted the petitions submitted reflect a supermajority of the property owners within the area. He questioned how the Council could deny the request when earlier petitions have been honored.

Jim Gilbertson, 8220 Linden Drive, noted this area is a cul-de-sac with four of the five property owners opposing the sidewalk. Prairie Village is a village of trees, trees that make the City unique and are positively reflected in property values and home sales. Trees are very important to the people of Prairie Village; therefore, if sidewalks were necessary, he would ask that they be constructed at the edge of the curb to minimize the impact on existing trees. He noted as a cul-de-sac, vehicular traffic safety is not a major concern and he feels sidewalks at the curb would be appropriate.

Ellen Hungerford, 2114 West 72nd Terrace, stated she would lose three large trees to the construction of the sidewalk. She stated she did not understand how the Council could ignore the clear voice of the majority of impacted property owners and allow for the construction of a sidewalk.

Ruth Hopkins stated she would be very uncomfortable voting for the streets as a whole and would like to consider them individually.

Kay Wolf stated she was not opposed to considering the streets individually. She noted the streets she had listed in her motion had the following responses, including those received this evening:

- 67th Terrace (Delmar Drive to Mission Road) – overall 28 of 31 in the neighborhood oppose the sidewalk
- 77th Place Cul-de-Sac (Roe Avenue to end of cul-de-sac) 12 of 13 property owners oppose the sidewalk
- 78th Street (Belinder Avenue to Cambridge Street) 21 of 47 property owners (45%) oppose the sidewalk
- 84th Terrace (Mission Road to Reinhardt Lane) 21 of 22 property owners oppose the sidewalk
- Canterbury (79th Street to Somerset) 4 of 9 property owners opposed the sidewalk
- Eaton Street (71st Terrace to 73rd Street) 4 of 8 property owners oppose the sidewalk
- Linden Drive Cul-de-Sac (Linden Drive to end of cul-de-sac) 4 of 5 property owners oppose the sidewalk

Mr. Pryzby stated the city can only count those individuals who have responded. He noted most of the houses on Eaton will have the sidewalk on their side yard.

A resident suggested the city consider having a bike lane rather than constructing sidewalks.

Steve Noll called for the question. The motion was seconded by Greg Colston, which passed unanimously. A hand vote was taken on the motion to not include the construction of sidewalks in conjunction with the 2005 Street Resurfacing program at the following locations: 67th Terrace (Delmar Drive to Mission Road), 77th Place cul-de-sac (Roe Avenue to end of cul-de-sac), 78th Street (Belinder Avenue to Cambridge Street), 84th Terrace (Mission Road to Reinhardt Lane), Canterbury (79th Street to Somerset), Eaton Street (71st Terrace to 73rd Street) and Linden Drive cul-de-sac (Linden Drive to end of cul-de-sac).

The following votes were cast: “aye” Herrera, Noll, Anthony, Colston and Wolf; “nay” Griffith, Hopkins, Wang, Daniels and Belz. With a tie vote of 5 to 5, Mayor Shaffer voted in support of the motion and declared the motion passed.

POL2004-08 Consider Project 190848: Mission Road from 83rd Street to Somerset Drive

Steve Noll reported last March the City requested funding from the County Assisted Road System (CARS) to resurface Mission Road from 83rd Street to Somerset Drive. The County has approved the request and prepared an interlocal agreement for the project. The County share of this project will be \$171,000.

Bill Griffith asked what the project entailed. Mr. Pryzby responded it would be a mill & overlay project with sidewalk and curbing work. The City would cover half of the cost and the county cover half.

On behalf of the Policy/Services Committee, Steve Noll moved the City Council approve the interlocal agreement with Johnson County for County Assistance Road System (CARS) funding in the amount of \$171,000 for Project 190848: Mission Road from 83rd Street to Somerset. The motion was seconded by Greg Colston and passed by a vote of 9 to 1 with Jeff Anthony voting “nay”.

POL2004-08 Consider Project 190841: Mission Road from 71st Street to 75th Street

Steve Noll reported last March the City requested funding from the County Assisted Road System (CARS) Program to resurface Mission Road from 71st Street to 75th Street. The County has approved the request and prepared an interlocal agreement for the project. The County’s share of this project will be \$235,000.

On behalf of the Policy/Services Committee, Steve Noll moved the City Council approve the interlocal agreement with Johnson County for County Assistance Road System (CARS) funding in the amount of \$235,000 for Project 190841: Mission Road from 71st Street to 75th Street. The motion was seconded by Greg Colston and passed by a vote of 9 to 1 with Jeff Anthony voting “nay”.

Mission Road Update

Bob Pryzby advised the Council of the status of the Mission Road Project. He indicated that it is substantially completed with only sod and the completion of punch list items remaining. However, he advised the Council there are five issues with the contract.

- Some poor quality paving, particularly on side street driveways. The contractor will replace at no cost.
- Poor drainage lack of proper *crossspace*, Mr. Pryzby is requesting repavement of area – 78th to 79th on East side of Mission.
- Localized puddles particularly on ramps
- Poor quality asphalt/concrete. Testing results indicate some of the asphalt did not meet city specifications, affecting the life of the street. It will not be redone, but a 5 to 10% reduction will be taken in the contract payment for quality of work
- The time penalty clock is still running at \$100 per day from 8/15 and \$1000 per day from 10/15.

Mr. Pryzby advised there are some problems on 75th Street caused by work done by KCP&L and Kansas Gas during the time when the street was closed for City work. The City will make the necessary repairs and bill the parties for the cost.

Bill Griffith asked for the assistance of the press in explaining the need for the additional repairs and work along Mission Road.

Pat Daniels asked who does the street inspections and how often. Mr. Pryzby responded the consultants perform the inspections. The time spent on site doing inspections varies with the activity being performed. The City does not pay for 100% inspection on site. Mr. Pryzby said he is comfortable with the level/frequency of inspection. He noted the asphalt/concrete problems are found by testing of materials requiring additional time to get the results.

Gift Cards

Al Herrera asked the status of the City’s Gift Card Program. Doug Luther reported more than 100 companies will be participating in the program, including nearly all the shops in the Prairie Village and Corinth Shopping Centers. The program is set to begin

December 1st. The cards are currently being printed. Software installation and training will be conducted in the next few weeks.

Al Herrera stated that he had not seen much advertising of the program. Mr. Luther responded that advertising will begin in the STAR, the SUN and the Village Voice once the cards have been received.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

Board of Zoning Appeals	11/02/2004	6:30 p.m.
Planning Commission	11/02/2004	7:00 p.m.
Tree Board	11/03/2004	6:00 p.m.
Sister City	11/08/2004	7:00 p.m.
Park and Recreation Committee	11/10/2004	7:00 p.m.
Council Committee of the Whole	11/15/2004	6:00 p.m.
City Council	11/15/2004	7:30 p.m.

The Prairie Village Arts Council will feature an exhibit of pastel paintings by Mid-America Pastel Society (MAPS) will be featured in the R.G. Endres Gallery during the month of November. The opening reception for MAPS will be held on November 5, 2004 from 6:30 – 7:30 p.m.

Tomorrow is Election Day – Remember to make your voice known by voting!

MARC is holding a special leadership forum on homeland security on Friday, November 19, 2004 from 8:30 a.m. to 12:00 .p.m. at the Mid-America Regional Council offices.

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 old winter months, as well as with home maintenance throughout the year. Your tax-deductible contributions are appreciated.

Mark your calendar for the Employee Appreciation/Holiday Celebration on Wednesday, December 15, 2004 at noon in the Multi-Purpose Room. Mayor and Council Members will need to be present to hand out promotion and tenure awards. Remember to RSVP 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 9:30 p.m.

Joyce Hagen Mundy
City Clerk