

**COUNCIL MEETING AGENDA  
CITY OF PRAIRIE VILLAGE  
Monday, June 21, 2004  
7:30 p.m.**

**I. CALL TO ORDER**

**II. ROLL CALL**

**III. PRESENTATION**

**Spanglers, Toon Shop, Rooney's Phillips 66**

**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 – June 7, 2004
2. Approve Claims Ordinances #2523 through #2526
3. Authorize the issuance of a 2004 Cereal Malt Beverage Licenses to Kayo Oil Company for Phillips 66 C-Store and Gas at 9440 Mission Road for sale in original unopened containers only
4. Approve a short-term special use permit to the Kenilworth Apartments at 4120 West 94<sup>th</sup> Terrace for a temporary 8' x 4' promotional banner from June 27 through July 26, 2004
5. Approve the following Villagefest 2004 agreements/contracts:
  - Hy-Vee
  - Kansas City T-Bones Mascot - \$60
  - Spontaneous Combustion – band - \$1,000
  - Beaks 'n' Wings
  - All Seasons Party & Tent Rental - \$575
  - Slugger - \$600
  - Hiccup Productions, Inc. – Sound System
  - Linda McGuckin – face painting - \$170

**By Change Order:**

6. Approve Construction Change Order #3 in the amount of \$12,300 with Radmacher Brothers Excavating for Project 190714: 2004 Storm Drainage Improvements by transferring \$12,300 from the Capital Infrastructure Program Other Section to Project 190714: 2004 Storm Drainage Improvements

**By Committee:**

7. Approve proposed amendments to Personnel Policy #311 entitled "Overtime: Non-exempt Employees" (Policy/Services Committee Minutes – June 7, 2004)
8. Deny the request for a contribution to the Shawnee Indian Mission Development Project (Legislative/Finance Committee Minutes – June 7, 2004)
9. Authorize a change in 2005 budget by increasing due to League of Kansas Municipalities in the amount of \$10,200 to pay off bonds in 2005 (Legislative/Finance Committee Minutes – June 7, 2004)
10. Adopt proposed Council Policy #633 entitled "Reservation of City Park Shelters" (Park & Recreation Committee Minutes – June 9, 2004)
11. Continue the synchronized swim team program without reaching the 50 participant goal (Park & Recreation Committee Minutes – June 9, 2004)

**VI. COMMITTEE REPORTS**

**Park & Recreation Committee - Kay Wolf**

Consider Project 190635: Swimming Pool Concession Addition

**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](mailto:cityclerk@PVKANSAS.COM)**

**COUNCIL  
CITY OF PRAIRIE VILLAGE  
June 21, 2004  
-Minutes-**

The City Council of Prairie Village, Kansas, met in regular session on Monday, June 21, 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, Ruth Hopkins, Steve Noll, Greg Colston, Andrew Wang, Laura Wassmer, Pat Daniels, Kay Wolf, Diana Ewy Sharp and David Belz.

Also present were: Barbara Vernon, City Administrator; Charles Wetzler, City Attorney; Charles Grover, Chief of Police; 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.

**RECOGNITION OF PRAIRIE VILLAGE BUSINESSES**

Mayor Shaffer stated on June 7th the City Council approved a proclamation declaring June as Business Appreciation Month. Tonight the City is pleased to recognize three Prairie Village businesses who have contributed to the quality of life of Prairie Village residents for more than fifty years. Mayor Shaffer presented certificates to Nancy Henry representing Spanglers, Dan Miller representing the Toon Shop and John Rooney representing Phillips 66.

**PUBLIC PARTICIPATION**

Kate Faerber, 4806 West 68<sup>th</sup> Street, advised Council that a week ago she spoke with men at 4712 West 68<sup>th</sup> Street who advised her the property was being leased to Oxford House, a drug and alcohol rehabilitation program. She expressed concern with the potential impact of this move on the safety of her children, traffic, cars parked in the street and a possible decrease in property values in the neighborhood.

Charlotte White, 6805 Cedar, stated she supports rehabilitation efforts, but is concerned with the number of unknowns regarding this program. For example, how are

the residents monitored, are they responsible for maintaining the property, etc. She went on-line to get information and learned that no state funds were going toward the program. This house is not being operated by Oxford House, Inc., but by Friends of Recovery located in the Mission Mall, who say they are not connected with Oxford House.

Mayor Shaffer stated the City has received no information on this and any information the residents could provide would be beneficial to the City in investigating this issue. Ms White noted the owner resides in Austin, but provided the name and telephone number for his son.

Angie Hickman, 5101 West 68<sup>th</sup> Street, a 13-year resident, expressed concern with the safety of the children in the neighborhood. She advised the Council the demographics of this area include 74 children, several senior citizens, some of them widowed, and single females. Ms. Hickman noted rehabilitation is a long process and not always successful on the first attempt.

Maggie Weed, 5218 West 68<sup>th</sup> Street, a resident since 1968, expressed her approval of Oxford Houses in appropriate locations; however, she does not feel the proposed location is appropriate.

Jane Woolridge, 4810 West 68<sup>th</sup> Street, stated she had spoken with a leasing agent who had confirmed she had been contacted by Oxford House regarding the leasing of another property in the area. She encouraged the Council members to go on-line and get information regarding this organization and its programs.

Harlan Hise, 6800 Cedar Street, stated he has worked with many recovering alcoholics and is familiar with the founder of the Oxford House. He contacted him and learned he is no longer involved in the program. Mr. Hise is concerned with the short amount of time the residents need to have been sober before being allowed to reside in an Oxford House. He noted there is not street parking available in this area and acknowledged the number of children in the area who play in the yards and cul-de-sac areas.

Dana Treas, 5415 West 68<sup>th</sup> Street, stated she felt this was not an appropriate location for an Oxford House. She expressed concern with the potential for residents, especially those with drug addictions, to have a relapse. She fears the potential increase of crime in the area, particularly robbery, and feels the owner of this house must fully

understand the implications of possible drugs being found in his home. She is not concerned with traffic as these residents usually do not own vehicles and drive, but is concerned with robbery to the high-end homes accessible by walking in this area.

Greg Sweat, 5001 west 68th Street, is a new resident to the area and has two young children. He has worked as a physician with recovering addicts and noted they generally have more problems than their addiction. These individuals will not be driving and increased traffic will not be a problem. He stated the recent concern by Prairie Village residents regarding architectural design issues is of minimal concern when compared to the location of an Oxford House in their neighborhood.

Bill Griffith felt the City should be taking action and agreed that significant information was missing. He noted the National League of Cities may be of assistance as they have dealt with this issue in other locations.

City Attorney Charles Wetzler advised the Council the last time this issue was addressed by the City was in 1994, when a church sponsored an Oxford House at 7719 Mission Road. The Courts have upheld the right of these homes to locate in single family areas. He noted the City does not get involved when property changes hands in the City and he is unaware of what the driving force is behind this transaction.

The question of multiple unrelated individuals living in a single family house is addressed in the zoning regulations. A group home needs to be licensed by the State of Kansas. He stated the Oxford House falls under the Fair Housing Regulations which prohibits housing discrimination. Mr. Wetzler agreed that additional information is needed and stated he would contact the property owner's son.

Mr. Wetzler stated although the City cannot exclude an Oxford House from the community, it can require them to comply with the city's laws and codes.

Diana Ewy Sharp confirmed that no special zoning or permit is required.

Laura Wassmer advised the Council in 1999 an Alzheimer's House was opened on Roe. The neighbors originally had similar concerns, but were able to work with the caregivers and property owner to resolve most issues. She asked if the home would need to have commercial sprinklers installed similar to Brighton Gardens.

Doug Luther responded commercial sprinklers are not required in single family residences. The home would fall under the same regulations as any other single family residence in the City and are held to the same standards as any other house in the City.

Andrew Wang asked what is considered a family. Doug Luther stated “family” is defined in the zoning regulations. Mr. Wetzler noted that in today’s world the definition of a family is not as simple as it once was and does include unrelated people living in the same home. He noted a group home is defined by Kansas Statutes as having up to 10 individuals residing together.

Mayor Shaffer advised those present the City would be seeking more information on this and asked the residents to advise the City of new information they receive. He thanked those present for taking the time to share their concerns with the Council.

### **CONSENT AGENDA**

Laura Wassmer requested item #3 be removed from the Consent Agenda for discussion.

Al Herrera moved the approval of the Consent Agenda for Monday, June 21, 2004 as amended:

1. Approve Regular Council Meeting Minutes – June 7, 2004
2. Approve Claims Ordinances #2523 through #2526
3. Removed for discussion
4. Approve a short-term special use permit to the Kenilworth Apartments at 4120 West 94<sup>th</sup> Terrace for a temporary 8’ x 4’ promotional banner from June 27 through July 26, 2004
5. Approve the following Villagefest 2004 agreements/contracts:
  - Hy-Vee
  - Kansas City T-Bones Mascot - \$60
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  - Slugger - \$600
  - Hiccup Productions, Inc. – Sound System
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6. Approve Construction Change Order #3 in the amount of \$12,300 with Radmacher Brothers Excavating for Project 190714: 2004 Storm Drainage Improvements by transferring \$12,300 from the Capital Infrastructure Program Other Section to Project 190714: 2004 Storm Drainage Improvements
7. Approve proposed amendments to Personnel Policy #311 entitled “Overtime: Non-exempt Employees”
8. Deny the request for a contribution to the Shawnee Indian Mission Development Project
9. Authorize a change in 2005 budget by increasing due to League of Kansas Municipalities in the amount of \$10,200 to pay off bonds in 2005
10. Adopt proposed Council Policy #633 entitled “Reservation of City Park Shelters”
11. Continue the synchronized swim team program without reaching the 50 participant goal

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

Laura Wassmer questioned if the Council wanted to approve the sale of cereal malt beverages in service stations, noting that no other service stations in the City sell alcohol.

Steve Noll stated it is sold in grocery stores. Kay Wolf doesn't see any difference between selling from a grocery store and a service station.

Al Herrera confirmed this is the first request from a service station received by the City. The City Clerk responded that previous zoning regulations were very restrictive as to what could be sold by service stations and most of the stations within the City sell very few convenience store type items.

Chief Grover stated beer is sold in a number of locations without creating any problems. Kay Wolf confirmed this license is for cereal malt beverage only which has a lower alcohol content.

Laura Wassmer moved the City Council authorize the issuance of a 2004 Cereal Malt Beverage Licenses to Kayo Oil Company for Phillips 66 C-Store and Gas at 9440 Mission Road for sale in original unopened containers only. The motion was seconded by Kay Wolf and passed unanimously.

## **COMMITTEE REPORTS**

### **Park & Recreation Committee**

#### **Consider Project 190635: Swimming Pool Concession Addition**

Kay Wolf reported the Park & Recreation Committee at their June 9<sup>th</sup> meeting voted to enlarge the concession area of the swimming pool. The current lack of space for storage of both perishable and non-perishable goods and lack of employee space contribute to the inability to expand the food service to meet patron requests. This has been discussed for several years and the Park Committee felt it to be a higher priority than the fall zone program and are recommending the expansion of the concession area using funding that was originally proposed for fall zone replacement.

The proposed addition will create a new area of 240 square feet in front of the existing concession area of about 450 square feet. To accomplish this will require new

roof, new walls, new ceiling, increased electrical and HVAC systems, revamped plumbing and new serving counter. The expanded concession will still accommodate pool patrons with the fence area as well as park patrons not in the swimming pool area.

The Park & Recreation Committee recommends this be done prior to the beginning of the 2005 season with funding from the 2005 Capital Infrastructure Program in the amount of \$52,000 and a request of \$10,000 for architectural services from the 2004 General Fund Contingency.

On behalf of the Park and Recreation Committee, Kay Wolf moved the City Council approve a transfer of \$10,000 from the 2004 General Fund Contingency to the Capital Infrastructure Program Parks Section for Project 190635: Swimming Pool Concession addition. The motion was seconded by Diana Ewy Sharp and passed unanimously.

### **Villagefest**

Diana Ewy Sharp provided Council with an update on the plans for the 2005 Villagefest Celebration including a schedule of activities. She encouraged all Council members to attend the event and acknowledged the excellent staff support provided by Josh Farrar to the committee.

### **OLD BUSINESS**

Ruth Hopkins expressed concern with standing water in Porter Park near the baseball field. She noted this area floods regularly and drains very slowly leaving standing water for days. She noted this is an area for the potential development of the West Nile Virus and would like to have the problem investigated and corrected. Mr. Pryzby stated he would look into the problem.

Kay Wolf asked what the status was on the Request for Proposal for the Comprehensive Plan Update services. Mrs. Vernon responded that Ron Williamson and Doug Luther were preparing the first draft of a request. Mr. Luther has been reviewing formats from other cities. The committee will be reviewing the format before it is sent out. Mrs. Vernon also noted this will be a major area of discussion at the September 11 work session.



**NEW BUSINESS**

Bill Griffith asked the status of the City’s new Dive Team. Josh Farrar reported there are 28 persons on the dive team, which is close to the projected 30.

Bill Griffith asked Jamie Shell if the City was impacted by the recent GASB regulations on post employment benefits. Mr. Shell responded the city allows employees who retire prior to age 65 to continue on the City’s insurance program at their expense until they are 65. No post employment benefits are given to employees retiring at or after the age of 65. He stated these regulations are still being studied and he is staying abreast of the regulations.

**ANNOUNCEMENTS**

**Committee meetings scheduled for the next two weeks include:**

Environmental Recycle Committee		06/23/2004	7:00 p.m.
VillageFest Committee		06/24/2004	7:00 p.m.
Skate Park Committee		06/28/2004	7:00 p.m.
Planning Commission	Tuesday	07/06/2004	7:00 p.m.
Policy/Services Committee	Tuesday	07/06/2004	6:00 p.m.
Legislative/Finance Committee	Tuesday	07/06/2004	6:00 p.m.
City Council	Tuesday	07/06/2004	7:30 p.m.

The Prairie Village Arts Council is pleased to feature an exhibit of watercolor paintings by June Maygers in the R.G. Endres Gallery the rest of June. In July an exhibit of watercolors by Marie McKee will be featured in the R. G. Endres Gallery.

**Plan to attend Villagefest 2004 Celebration on July 4<sup>th</sup>.** You will find a schedule of events in your informational items and on the City’s website [www.pvkansas.com](http://www.pvkansas.com).

Mayor Shaffer reminded the Council of the Volunteer Center’s recognition of Audrey Langworthy as the 2004 Volunteer of the Year at a dinner to be held on July 16<sup>th</sup> and encouraged Council members interested in attending to talk with him.

The Prairie Village Pool is open for its 2004 season. Swimming Pool and other recreational program memberships are on sale in the Municipal Building. Information & applications for all recreational programs can be found on the City’s website

The first Moonlight Swim of the season will be held on Friday, June 25<sup>th</sup> from 8:30 to 10:00 p.m.

City offices will be closed on July 5<sup>th</sup> in observation of the 4<sup>th</sup> of July holiday.

Deffenbaugh will observe only Sunday the 4<sup>th</sup> for the holiday; therefore, **trash pickup will not be altered.**

The 50<sup>th</sup> 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 8:35 p.m.

Joyce Hagen Mundy  
City Clerk

