

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Monday, June 7, 2004
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 – May 17, 2004
2. Approve Claims Ordinances #2519 through #2522
3. Approve a short-term special use permit to the Prairie Village Homes Association for their annual picnic at Porter Park on Saturday September 18th from 4 p.m. until 10 p.m. with the application fee waived.
4. Approve a short-term special use permit for placement of Villagefest banners throughout the City from June 7, 2004 through July 4, 2004.
5. Approve a short-term special use permit for the placement of Villagefest banners on the Municipal Campus from June 4th through July 6th with approval for special activities/entertainment to be held on the Municipal Campus with insurance certificates received from all participating vendors including the placement of a tent and other temporary structures on July 3rd and 4th
6. Approve a short-term special use permit to the Prairie Village Skate Park Committee for JAKEFEST 2004 at Harmon Park on Saturday, June 12th from 3:00 p.m. to 10 p.m. with authorization to waive the application and food vendor fees for Culvers of Kansas City, Mr. Goodcents and Juice Stop
7. Approve musician contracts with: Austin Megher, Blue Sky Friday, Son of Something Good, One Last Hope and Mail Order Midgets for JAKEFEST 2004 at Harmon Park on Saturday, June 12th from 3:00 p.m. to 10 p.m.
8. Approve the following Villagefest 2004 contracts and agreements:
Chris Cakes (pancake breakfast) - \$1,891
Vodvill Entertainment Company - \$450
K.C. Wolf - \$550
The Marching Cobras - \$675
Janet Aswegan (Petting Zoo, Ponies, Pedal Cars) - \$1,680
Clement McCrae Puppet Company - \$650
Party Adventures (Inflatable slide and clowns) - \$1,210
Miller Marley School of Dance and Voice - \$100
Wacky Banana (Entertainment/Games) - \$1,485
9. Authorize the Mayor to execute a proclamation declaring “June, 2004 Kansas Business Appreciation Month”
10. Approve the agreement with Affinis Corporation in the amount of \$12,000 for Construction Administration of Project 191011: 2004 Concrete Repair Program with funding from the Capital Infrastructure Program.
11. Approve Engineering Change Order No. 2 for a reduction of \$1,974.25 to the Engineering Agreement with Affinis Corporation for Project 190844:

2004 Street Resurfacing Program bringing the new contract amount to \$70,025.73

12. Approve Engineering Change Order No. 2 for a reduction of \$821.34 to the Engineering Services Agreement with Affinis Corporation for Project 190845: Mission Road – 75th Street to Somerset Drive bringing the new contract amount to \$100,178.66
13. Approve Engineering Change Order No. 1 for a reduction of \$302.32 to the Engineering Services Agreement with Affinis Corporation for Project 190836: 71st Street – Nall Avenue to Roe Avenue bringing the new contract amount to \$24,697.68
14. Approve the transfer of \$6000 from the Street Section to the Drainage Section of the Capital Infrastructure Program and approve Construction Change Order No. 2 in the amount of \$6,970.00 to Radmacher Brothers Excavating for Project 190714: 2004 Storm Drainage Improvements bringing the new contract amount to \$787,960.02 with funding from the Capital Infrastructure Program.

V. COMMITTEE REPORTS

Policy/Services Committee – Al Herrera

POL2004-08 Consider Project 190903: Municipal Offices Generator

VI. OLD BUSINESS

Respond to ADA Appeal by Mr. James Olenick

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

**COUNCIL
CITY OF PRAIRIE VILLAGE
June 7, 2004
-Minutes-**

The City Council of Prairie Village, Kansas, met in regular session on Monday, June 7, 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, Diana Ewy Sharp and David Belz.

Also present were: Barbara Vernon, City Administrator; Charles Wetzler, City Attorney; Lt. Wes Jordan; Bob Pryzby, Director of Public Works; Doug Luther, Assistant City Administrator; Jamie Shell, Finance Director and Joyce Hagen Mundy, City Clerk.

PUBLIC PARTICIPATION

Mayor Shaffer recognized several Boy Scouts from Troop #16 attending the meeting for their "Citizenship and Community" merit badges.

Bob Tonjes, 8304 Rosewood, addressed the Council regarding a noise problem from his neighbor's air conditioning unit. The unit was recently moved and is now located approximately 20' from his yard. The excessive noise from the unit makes the south side of his house unusable and his wife is unable to sleep because of the noise. He has tried on multiple occasions to talk with his neighbor but has been unsuccessful. He has talked with city's code enforcement officer and with Lt. Jordan regarding the problem. Both have been helpful in attempting to contact his neighbor. He has also spoken with his Council representatives. He has reviewed the city's code on disturbing the peace and finds this to be a clear violation of the regulations. He would like to get this situation resolved as quickly as possible and would appreciate any assistance the City can provide.

Ryan Olander, 7607 Fairway, asked the Council to consider establishing a school zone on 75th Street for the children formerly attending Somerset Elementary who will need to cross 75th Street to attend Belinder Elementary. Mayor Shaffer stated the City is looking into what can be done; however, he noted 25,000 cars travel 75th Street daily and he is not certain establishing a school zone is the answer.

Terry Frederick, 4014 West 74th Terrace, provided a signed petition from all the property owners along 74th Terrace that are requesting “no parking signs” except three property owners who they were unable to contact. He noted that everyone supports the requested action. Mr. Frederick reviewed the history of the different times on no parking signs throughout the City and noted the existing nonconformity. He noted consistency in signs in certain areas, for example west of the high school the signs are 8 to 4. His neighborhood wants their signs to remain with 9 to 3 as the designated no parking times.

Liz Baehner, 3908 West 74th Terrace, advised the Council several of the area residents, including her, have special needs and have persons coming to their homes to provide assistance that need to be able to park on the street. Mayor Shaffer confirmed Mrs. Baehner supports the proposed 9 to 3 parking restriction, which allows the residents more time to have access to street parking.

CONSENT AGENDA

Andrew Wang requested item #8 be removed from the Consent Agenda. Al Herrera moved approval of the Consent Agenda as amended for Monday, June 7, 2004:

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6. Approve a short-term special use permit to the Prairie Village Skate Park Committee for JAKEFEST 2004 at Harmon Park on Saturday, June 12th from 3:00 p.m. to 10 p.m. with authorization to waive the application and food vendor fees for Culvers of Kansas City, Mr. Goodcents and Juice Stop
7. Approve musician contracts with: Austin Megher, Blue Sky Friday, Son of Something Good, One Last Hope and Mail Order Midgets for JAKEFEST 2004 at Harmon Park on Saturday, June 12th from 3:00 p.m. to 10 p.m.

8. Removed for discussion
9. Authorize the Mayor to execute a proclamation declaring “June, 2004 Kansas Business Appreciation Month”
10. Approve the agreement with Affinis Corporation in the amount of \$12,000 for Construction Administration of Project 191011: 2004 Concrete Repair Program with funding from the Capital Infrastructure Program.
11. Approve Engineering Change Order No. 2 for a reduction of \$1,974.25 to the Engineering Agreement with Affinis Corporation for Project 190844: 2004 Street Resurfacing Program bringing the new contract amount to \$70,025.73
12. Approve Engineering Change Order No. 2 for a reduction of \$821.34 to the Engineering Services Agreement with Affinis Corporation for Project 190845: Mission Road – 75th Street to Somerset Drive bringing the new contract amount to \$100,178.66
13. Approve Engineering Change Order No. 1 for a reduction of \$302.32 to the Engineering Services Agreement with Affinis Corporation for Project 190836: 71st Street – Nall Avenue to Roe Avenue bringing the new contract amount to \$24,697.68
14. Approve the transfer of \$6000 from the Street Section to the Drainage Section of the Capital Infrastructure Program and approve Construction Change Order No. 2 in the amount of \$6,970.00 to Radmacher Brothers Excavating for Project 190714: 2004 Storm Drainage Improvements bringing the new contract amount to \$787,960.02 with funding from the Capital Infrastructure Program
15. Authorize the issuance of a 2004 Cereal Malt Beverage License to Kato Oil Company for Phillips 66 C-Store and Gas at 9440 Mission Road.

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

Andrew Wang asked if the amounts listed with the Villagefest contracts were guaranteed amounts the vendors were to receive. Mrs. Vernon responded the amounts were set with the exception of “Chris Cakes” which is a guaranteed amount plus per plate charge. Diana Ewy Sharp explained that the City charges \$5 per plate for the pancake breakfast and uses those funds to pay Chris Cakes. She noted that historically the guaranteed amount has been collected.

Bill Griffith moved the City Council approve the following Villagefest 2004 contract and agreements:

Chris Cakes (pancake breakfast) - \$1,891
 Vodvill Entertainment Company - \$450
 K.C. Wolf - \$550
 The Marching Cobras - \$675
 Janet Aswegan (Petting Zoo, Ponies, Pedal Cars) - \$1,680
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 Party Adventures (Inflatable slide and clowns) - \$1,210
 Miller Marley School of Dance and Voice - \$100
 Wacky Banana (Entertainment/Games) - \$1,485

The motion was seconded by Diana Ewy Sharp and passed unanimously.

COMMITTEE REPORTS

Policy/Services Committee

POL2004-08 Consider Project 190903: Municipal Offices Generator

On Friday, May 28, 2004, the City opened the following two bids for the replacement of the Municipal Offices Generator: ProCircuit, Inc. in the amount of \$64,673.00 and Capital Electric Construction Company, Inc. for \$96,092.00. Hoss and Brown, the City consultant's estimate for the project was \$70,000.

The project has a budget of \$65,000 in the Capital Infrastructure Program. The design and contract administration with Hoss and Brown has been previously approved by the City Council for \$4,150, leaving a current project balance of \$60,850.00 therefore; a transfer of \$3,823 from unallocated building funds will be required.

On behalf of the Policy/Services Committee, Al Herrera moved the City Council approve the contract with ProCircuit, Inc. in the amount of \$64,673.00 and a transfer of \$3,823.00 from Unallocated Building Funds to Project 190903. The motion was seconded by Bill Griffith and passed unanimously.

POL2004-06 Consider 73rd Street cul-de-sac

On behalf of the Policy/Services Committee, Al Herrera moved the City Council proceed with the design and construction of a replacement stormwater line in the vicinity of the 73rd Street cul-de-sac and Tomahawk Road, establishing a new project number with a design revision that relocates the final segment of the line to the west and north side of the Haun residence property and eliminates the pipe from two drain inlets on 73rd Street; that the City request all needed permanent and temporary easements and establish funding by the reallocation of funds currently in the capital Infrastructure Program budget with estimated costs of \$5,000 for additional design engineering services and \$150,000 in construction costs. The motion was seconded by Steve Noll.

Bill Griffith asked if the previous funds for this project are still available. Mr. Pryzby responded the original funding of \$139,000 remaining from this project was not reserved specifically for this project but returned to the CIP program unallocated account and used for other projects.

Ruth Hopkins stated this plan is the result of more communication and better understanding between the City and the neighbors on what temporary and permanent

easements were and how much additional easement would be needed. The residents were informed the City would take responsibility for any trees that may die as a result of damage to the roots from construction, removing and replacing the trees.

Steve Noll advised that the final segment of the design has been changed from the east side to the west and north sides of Mr. Haun's property. The neighbors have reviewed and approved the new design.

Mayor Shaffer called for a vote on the motion with the motion passing unanimously.

Richard Haun, 5008 Tomahawk, thanked the Mayor, Council and particularly Bob Pryzby and Steve Noll for their work in bringing a viable solution for all to this long-term problem.

OLD BUSINESS

On May 17, 2004, the City Council heard an appeal by Mr. James Olenick regarding the removal of snow from City sidewalks, particularly as it relates to public commercial areas. The City policy on snow removal from public sidewalks has been complaint-driven enforcement by the Code Enforcement Officer. Mr. Olenick requested the Code Enforcement Officer survey the City's primary commercial areas to determine snow removal code compliance within 48 hours of a snow storm.

Al Herrera moved the City Council grant the ADA Appeal by Mr. James Olenick to have the Code Enforcement Officer survey the City's primary commercial areas to determine snow removal code compliance within 48 hours of a snow storm. The motion was seconded by Bill Griffith and passed unanimously.

Parking request for 74th Terrace

Laura Wassmer moved to bring forward from the table discussion of the requested "No Parking" signs for 74th Terrace. The motion was seconded by Al Herrera and passed unanimously.

Laura Wassmer moved the City Council adopt an ordinance amending Title 11 of the Prairie Village Municipal Code, 1973, entitled vehicles and traffic by adding a new Section 11.08.190 entitled "Parking Restrictions in Designated Area" for 74th Terrace

with “No Parking” allowed between the hours of 9 a.m. and 3 p.m. The motion was seconded by Greg Colston.

Ruth Hopkins stated she sees great sense in keeping standard “No Parking” hours throughout the City. It would be better for the students to have the same parking rules throughout the City, instead of different hours on different streets.

Diana Ewy Sharp asked for input from the City’s Public Safety Department. Lt. Wes Jordan, attending the meeting in Chief Grover’s absence, stated that Chief Grover had advised him that he was not opposed to Mr. Frederick’s request. Lt. Jordan noted at this time there is not consistency among the “No Parking” restrictions and signs.

Bill Griffith stated to allow the requested 9 to 3 hours appeared to be abandoning the call for consistency throughout the City. Lt. Jordan stated that all he could say was that Chief Grover had advised him he was not opposed to the requested change. Mr. Griffith stated he felt it was the direction of the Council to work toward consistency in signage.

Pat Daniels stated that he had spoken with Chief Grover and was told the Chief had no trouble with whatever hours the Council decides upon as long as it becomes consistent. Mr. Daniels stated his support for the 9 to 3 hours.

Bill Griffith stated he felt the Council needed to determine what **consistent** hours it wanted established before any action is taken on this request. Laura Wassmer stated she supports 9 to 3 throughout the City.

Diana Ewy Sharp stated the direction was given for 8 to 3 and now this has become a big issue over 1 hour. She advised the Council if this is opened up and granted, it opens the door for all other neighborhoods to request other times and the City will remain with inconsistent signage throughout.

David Belz stated during discussions at the last meeting he supported the request for 9 to 3; however, if a standard has been set for 8 to 3 it needs to be followed. He agrees with Mr. Griffith that determination of the consistent standard desired has to be agreed upon before any action can be taken on this request.

Steve Noll stated that no official policy was ever adopted setting a standard “No Parking” street designation. Each request heard by the City has been in the form of a petition with the neighboring property owners requesting the hours of the restriction.

Greg Colston stated that he felt consistency was important, but noted that even though a standard has been set for city sidewalks, the City allows neighboring property owners to go against that standard.

Ruth Hopkins noted the individuals mostly affected by this action are the students. They need set rules and for those rules to be consistent throughout the City. She also stated that consistency allows for better enforcement as the officers can cover the entire area based on one regulation. Now they can cite in this area during these times, but not in another neighborhood. Mrs. Hopkins stated that she has a problem with traffic control being directed by neighborhood wishes. Mr. Griffith agreed that enforcement is improved by consistent regulations.

Lt. Jordan noted that during the past few weeks, Sgt. Winn has monitored this area and only found one car parked that would be affected by the change to 8 to 3.

Andrew Wang stated he did not feel the strong need for consistency as long as there were clearly placed signs identifying the parking regulations in each area.

Laura Wassmer stated the signs were consistent in that they all established regulations during school days only. She stated this issue is being made so much bigger than it needs to be.

Lt. Jordan stated Chief Grover wants consistency within areas; for example, all signage east of Shawnee Mission High School to be consistent.

David Belz asked why the direction given by the Council on signs did not become policy. He feels it should have been set as policy.

Ruth Hopkins stated that Council also wanted to have the flexibility to deal with specific needs of neighborhoods.

Diana Ewy Sharp again stressed the likelihood of other areas wanting their own unique sign regulations if this area is allowed to go against the standard. She feels that clear direction was given for consistent signage, even if it was not adopted as policy. It was the consensus of the Council that signage should be consistent throughout the City.

Andrew Wang noted these residents are not asking for a change, they are asking to retain the signs that have been in place. The difference in the designated no parking signs do not prevent the objective of the signs, which is the prevention of student parking on the street during school days.

Pat Daniels asked what the driving force was between the 8 to 3 and 9 to 3 hours. Mr. Griffith responded the hours are not the issue. The issue is whether the City moves forward toward consistent “no parking” signage throughout the City or allows inconsistencies to remain.

Mayor Shaffer called for a vote on the motion with the following votes cast: “aye” Herrera, Noll, Colston, Wang, Wassmer and Daniels; “nay” Griffith, Hopkins, Anthony, Wolf, Ewy Sharp, and Belz. The Mayor chose not to vote with the motion failing for the lack of a majority. Mayor Shaffer directed that this issue would be discussed at the next meeting Chief Grover is present.

NEW BUSINESS

School Zone Questions

Bill Griffith asked what the City was considering in response to needs of elementary students crossing 75th Street this fall to attend school.

Mr. Pryzby responded he and Chief Grover have been discussing this issue. It is their understanding the School District would be providing busing for the students from Somerset Elementary to Belinder Elementary. This provides a short-term solution, but the City needs to be exploring long-term solutions. Among the concerns is the lack of sidewalks for the students living north of 79th Street that will need to walk to Belinder Elementary, the length of this multi-lane street, high traffic volume on 75th Street, and the lack of a clear central crossing area that would be used by all students.

Mr. Pryzby does not think the city has the remaining right-of-way along 75th Street to construct sidewalks requiring easements to be purchased. If students were to cross at the light at Belinder Street, they are crossing 5 lanes of traffic with eastbound traffic having their view impacted by the rising sun. Even with a school crossing guard, that is a lot of highway to cross. He noted there has been discussion on having two crossing areas. They feel that students will be crossing 75th Street at several locations.

Ruth Hopkins questioned if the bus service would be provided at no cost.

Bill Griffith stated the School District’s solution is inadequate and moved that this item be put on the appropriate agenda and moved forward as soon as possible. Mayor Shaffer agreed and noted that this will be discussed with the appropriate school district representatives.

Skate Park

Mr. Pryzby gave an update on the proposed construction of the Prairie Village Skate Park. The requests for proposals have been sent to 8 companies with questions being accepted until June 26th and the formal proposals due on July 8th.

Jakefest '04

Steve Noll stated that Jakefest '04 will be held this Saturday, June 12th at Harmon Park from 3 p.m. to 10 p.m. and will feature five different bands with food being served. He invited all to attend.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

Park and Recreation Committee (at the pool)	06/09/2004	7:00 p.m.
Sister City Committee	06/14/2004	7:00 p.m.
Communications Committee	06/15/2004	5:30 p.m.
Prairie Village Arts Council	06/16/2004	7:00 p.m.
Council Committee	06/21/2004	6:00 p.m.
City Council	06/21/2004	7:30 p.m.

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Greg Colston noted the very well received Prairie Village Art Show that was held this past weekend. He received many comments from individuals supporting this activity.

Mayor Shaffer announced that former Prairie Village Councilman and State Senator Audrey Langworthy is being recognized as "Volunteer of the Year" by the Volunteer Center of Johnson County at a dinner to be held on July 16th. Persons interested in attending should contact Mayor Shaffer.

The Prairie Village Arts Council is pleased to feature an exhibit of watercolor paintings by June Maygers in the R.G. Endres Gallery in the month of June. The reception for June Maygers will be held on June 11, 2004, from 6:30 - 7:30 pm.

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 pvkansas.com

Mark your calendars for the Council Worksession on Saturday, September 11th from 9 a.m. to 4 p.m.

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 8:36 p.m.

Joyce Hagen Mundy
City Clerk

