

****AMENDED****
COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Monday, April 5, 2004
7:30 p.m.

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. PRESENTATION OF COUNCIL CHECKS**
- IV. PUBLIC PARTICIPATION**
- V. CONSENT AGENDA**

All items listed below are considered to be routine by the Governing Body and will be enacted by one motion (Roll Call Vote). There will be no separate discussion of these items unless a Council member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the regular agenda.

By Staff:

1. Approve Regular Council Meeting Minutes – March 15, 2004
2. Approve Claims Ordinances #2502 through #2506
3. Approve security agreement for Public Fund Deposits between the City of Prairie Village, Kansas and Country Club Bank.
4. Approve a Park Lease Subordination Agreement between Johnson County Park and Recreation District and the City of Prairie.
5. Approve a short-term special use permit to Commerce Bank for a temporary 3' x 6' "Extended Hours" banner at 4006 W 83rd St. from April 10th through May 10th.
6. Approve a short-term special use permit to The Pet Connection program for an exhibition of Canine Agility Trainers at Porter Park on April 25th from 12-2 p.m.
7. Approve a short-term special use permit to Mission Valley School to burn the native tall grass prairie area on the north side of school grounds as part of a student activity.
8. Approve the following proclamations:
"Child Care Provider Appreciation Day" - May 7, 2004
"Crime Victims' Week" – April 18 to April 24, 2004
"National Volunteer Week" – April 18 to April 24, 2004
"Arbor Day" – April 24, 2004
9. Ratify the appointment of Shawn Hickey to the CACCS for a three-year term expiring April 2007.
10. **Approve a short-term special use permit to the Prairie Village Environmental/Recycle Committee for four promotional banners to be placed at the following locations: 71st & Mission Road, Jones Store; 83rd & Mission Road in front of Subway; in front of Shawnee Mission East and in front of the City Municipal Building from April 7th through April 10th for their Earth Day Celebration on Saturday, April 10th with authorization to waive the permit fee**
11. **Ratification of the reappointment of the following committee members:**

<u>Name</u>	<u>Committee</u>	<u>Term Expires</u>
Gary Groening	ADA Advisory Committee	04/2007
Craig Phillips	ADA Advisory Committee	04/2007
Michele Ohmes	ADA Advisory Committee	04/2007
Jon Ratliff	ADA Advisory Committee	04/2007
Kim Ratliff	ADA Advisory Committee	04/2007

Alleen VanBebber	ADA Advisory Committee	04/2007
Martha Wyrsh	ADA Advisory Committee	04/2007
Dick Kaufman	Board of Code Appeals	04/2009
Joseph Speyer	Citizens Advisory Committee	04/2007
Margie Lundy	Citizens Advisory Committee	04/2007
Clair Barron	Environment/Recycle Committee	04/2007
Theresa Carey	Environment/Recycle Committee	04/2007
Polly Swafford	Environment/Recycle Committee	04/2007
Shelly Trewolla	Park & Recreation Committee	04/2007
A.J. LoScalzo	Park & Recreation Committee	04/2007
Courtney Noll	Park & Recreation Committee	04/2005
Bob Endres	Prairie Village Arts Council	04/2007
Patricia Clothier	Prairie Village Arts Council	04/2007
Leigh Nelson	Prairie Village Arts Council	04/2007
Kathleen Riordan	Prairie Village Tree Board	04/2007
Clifford Wormcke	Prairie Village Tree Board	04/2007

VI. COMMITTEE REPORTS

Legislative/Finance Committee – Ruth Hopkins

LEG2004-13 Consider transfer of funds from Contingency to Public Safety budget.

Insurance Committee – Steve Noll

VII. OLD BUSINESS

Review of the Drainage Problem on 73rd Street Cul-de-Sac – Bob Pryzby

VIII. NEW BUSINESS

IX. ANNOUNCEMENTS

X. ADJOURNMENT

If any individual requires special accommodations -- for example, qualified interpreter, large print, reader, hearing assistance -- in order to attend the meeting, please notify the City Clerk at 381-6464, Extension 4616, no later than 48 hours prior to the beginning of the meeting.

If you are unable to attend this meeting, comments may be received by e-mail at cityclerk@PVKANSAS.COM

**COUNCIL
CITY OF PRAIRIE VILLAGE
April 5, 2004
-Minutes-**

The City Council of Prairie Village, Kansas, met in regular session on Monday, April 5, 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, Roy True, Laura Wassmer, Jerry Kelso, Jeff Anthony, Kay Wolf, Diana Ewy Sharp and David Belz.

Also present were: Barbara Vernon, City Administrator; Charles Wetzler, City Attorney; Charles Grover, Chief of Police; Bob Pryzby, Director of Public Works; Doug Luther, Assistant City Administrator; Jamie Shell, Finance Director; Josh Farrar, Management Assistant and Joyce Hagen Mundy, City Clerk.

PRESENTATION OF COUNCIL CHECKS

Mayor Shaffer presented the City Council members with their annual laminated check in the amount of \$1.00 for service on the 2003-2004 Prairie Village City Council with his thanks on behalf of the resident of Prairie Village for their dedication and commitment. Council President Bill Griffith presented Mayor Shaffer with his check.

CERTIFICATE OF APPRECIATION

Mayor Shaffer presented outgoing Councilman Jerry Kelso with a Certificate of Appreciation for the past four years of service on the City Council representing Ward 4. Jerry, who did not seek re-election, expressed his appreciation to his fellow Council members and staff for their support and assistance during the past four years. He thanked the residents of Ward 4 for giving him the opportunity to represent them and stated that he is confident either of the candidates seeking his seat will represent Ward 4 well.

PUBLIC PARTICIPATION

Richard Haun, 5008 Tomahawk Road, reviewed the flooding problems he's experienced. He feels the problem starts at 73rd Street for about three to five blocks. Although there are two drains less than a block from Tomahawk at the entrance to the 73rd Street cul-de-sac, these drain are often plugged causing flooding in the cul-de-sac. Mr. Haun shared pictures of the flooding experienced during the heavy rain in early March. The cul-de-sac was flooded in less than one hour. Mr. Haun also showed pictures of water standing 18" deep and noted the water was flowing directly into the street and not along the gutter to the drains.

Mr. Haun believes the problem can be solved if water can be kept from running down 73rd Street into the cul-de-sac. He suggested two options for consideration.

Mayor Shaffer acknowledged the presence of two boy scouts from Troop 299 and another scout from Troop 91 in attendance at the meeting.

CONSENT AGENDA

Bill Griffith moved approval of the amended Consent Agenda for Monday, April 5, 2004:

1. Approve Regular Council Meeting Minutes – March 15, 2004
2. Approve Claims Ordinances #2502 through #2506
3. Approve security agreement for Public Fund Deposits between the City of Prairie Village, Kansas and the Country Club Bank
4. Approve a Park Lease Subordination Agreement between Johnson County Park and Recreation District and the City of Prairie Village for property located at 6840 Mission Road
5. Approve a short-term special use permit to Commerce Bank for a temporary 3' x 6' "Extended Hours" banner at 4006 West 83rd Street from April 10 through May 10, 2004
6. Approve a short- term special use permit to The Pet Connection Program for an exhibition of Canine Agility Trainers at Porter Park on Sunday, April 25th from 12 to 2 p.m.
7. Approve a short-term special use permit to Mission Valley Middle School to burn the native tall grass prairie area on the north side of the school grounds as part of a student activity
8. Authorize the Mayor to execute the following proclamations:
"Child Care Provider Appreciation Day" – May 7, 2004
"Crime Victims' Week" – April 18 to April 24, 2004
"National Volunteer Week" – April 18 to April 24, 2004
"Arbor Day" – April 24, 2004
9. Ratify the appointment of Shawn Hickey to the Citizens Advisory Committee for Community Standards (CACCS) for a three-year term expiring April, 2007
10. Approve a short-term special use permit to the Prairie Village Environment/ Recycle Committee for the placement of four promotional banners announcing their Earth Fair Celebration on Saturday, April 10th with banners placed at the following locations: Franklin Park; 83rd & Mission Road; 75th & Mission Road and 77th and Mission Road with the permit fee waived.

11. Ratification of the reappointment of the following committee members:

<u>Name</u>	<u>Committee</u>	<u>Term Expires</u>
Gary Groening	ADA Advisory Committee	04/2007
Craig Phillips	ADA Advisory Committee	04/2007
Michele Ohmes	ADA Advisory Committee	04/2007
Jon Ratliff	ADA Advisory Committee	04/2007
Kim Ratliff	ADA Advisory Committee	04/2007
Alleen VanBebber	ADA Advisory Committee	04/2007
Martha Wyrsh	ADA Advisory Committee	04/2007
Dick Kaufman	Board of Code Appeals	04/2009
Joseph Speyer	Citizens Advisory Committee	04/2007
Margie Lundy	Citizens Advisory Committee	04/2007
Clair Barron	Environment/Recycle Committee	04/2007
Theresa Carey	Environment/Recycle Committee	04/2007
Polly Swafford	Environment/Recycle Committee	04/2007
Shelly Trewolla	Park & Recreation Committee	04/2007
A.J. LoScalzo	Park & Recreation Committee	04/2007
Courtney Noll	Park & Recreation Committee	04/2005
Bob Endres	Prairie Village Arts Council	04/2007
Patricia Clothier	Prairie Village Arts Council	04/2007
Leigh Nelson	Prairie Village Arts Council	04/2007
Kathleen Riordan	Prairie Village Tree Board	04/2007
Clifford Wormcke	Prairie Village Tree Board	04/2007

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

COMMITTEE REPORTS

Legislative/Finance Committee

LEG2004-13 Consider transfer of funds from Contingency to Public Safety Budget

The Public Safety AS400 Network Service was initially budgeted for replacement in 2005. However, it was determined in late 2003, that the current server was not capable of running the New World Field Reporting System and Chief Grover received authorization to purchase a refurbished AS400 network server. Funds were not budgeted in 2004 for this purchase or related costs; however, the reallocation of funds covered the purchase cost for this unit, but not the related costs for maintenance.

On behalf of the Legislative/Finance Committee, Diana Ewy Sharp moved the Council approve the transfer of \$9,127 from the General Fund Contingency to Public Safety Budget 01-03-22-5240 for the AS400 maintenance agreement. The motion was seconded by Ruth Hopkins and passed unanimously.

Insurance Committee

Steve Noll reported the Insurance Committee met on April 1st to consider the renewal of the 2004-2005 Property/Casualty Insurance Coverage. He noted that four

carriers were contacted to submit proposals for coverage. The St. Paul Company was the only carrier to provide a quote.

Mr. Noll reviewed the coverage and premium costs under the existing policy and the proposed premium for renewal of coverage for 2004-2005. There are no changes in the coverage amounts. The policies are for one year, except the special crime coverage which is a prepaid three-year policy. This accounts for part of the premium increase. The proposal renewal reflects an increase of 9.77 percent with the total annual coverage premium increasing from \$223,649.00 to \$245,507.20.

Mr. Bob Frankovic, with Cretcher-Lynch, noted the nominal premium increase and acknowledged the work of the City and staff in addressing claims as a factor in the nominal premium increase.

Roy True asked for an explanation of inland marine coverage. Mr. Noll responded Inland Marine covers all equipment that is not inherent in a structure, automobiles or fixed to a specific location. Mr. Frankovic added the coverage is for loss or damage and does include computer equipment.

Steve Noll moved the Council approve the insurance proposals from Cretcher-Lynch for renewal of the City's Property & Casualty Business Coverage for the period of 05/10/2004 – 04/30/05, excluding Workers' Compensation Coverage at an estimated cost of \$245,507.20. The motion was seconded by Jeff Anthony and passed unanimously.

OLD BUSINESS

Review of the Drainage Problem on 73rd Street cul-de-sac

On March 15, 2004, Ms Darcie Casassa, 5021 West 73rd Street; Mrs. Shirley Woods, 5025 West 73rd Street and Mr. Richard Haun, 5008 Tomahawk Road addressed the City Council regarding flooding in their neighborhood. However, the problem is not new, Mr. Haun stated that he's experienced problems for most of the 45 years he has lived at this location. Mr. Pryzby noted that he has visited with Mr. Haun on several occasions during the past ten years, visiting his home during and after flooding.

Both Ms Casassa and Mrs. Woods felt the problem could be addressed if the street crews swept the streets and cleaned the leaves from the drainage basins, which they said was not being done. Mr. Pryzby gave Council members copies of the service request

log and sweeping log for this area documenting that the street had been swept six to seven times in the past year and responses to service requests on the catch basins.

Ms. Casassa stated the drainage repairs scheduled for last year were not done because she would not give the City an easement. Mr. Pryzby confirmed that \$20,000 to \$22,000 was spent by the City designing a solution to the problem, but the City was not able to implement the solution as the easements needed to perform the work could not be attained from the Mrs. Casassa and other property owners. The City Council approved the removal of the work from Project 190713 and staff were directed to include this work in the SMAC funded Project 190708.

Mr. Pryzby stated the SMAC project will offer some relief, but with the abandonment of the existing pipe, the backyards will have some standing water until the natural drainage path along the property line is cleared of the fences, firewood piles, storage sheds, etc. Funding for this project is now five to six years away based on its priority rating. There are \$4 million in projects ahead of this one.

Mr. Pryzby reviewed with the Council and those present showing maps and pictures of the area explaining the water flow and problem areas. He showed where existing easements are located on the properties and where additional easements would be needed to make the proposed improvements.

In February, 2003, the City attempted to video camera in the pipe from the 73rd Street cul-de-sac to Tomahawk Road to identify obstructions. Mr. Pryzby showed the video examination of the pipe, explaining the process and what was found at varying depths of the pipe. The video clearly displayed cracked pipe in several locations, broken walls and broken pipe and debris. This debris acts as a dam causing a reduction to the water flow rate of 60 to 80%. One video was taken from the catch basin on 73rd Street cul-de-sac proceeding towards Tomahawk and another from the catch basin on Tomahawk, proceeding towards 73rd Street cul-de-sac. The video revealed a broken manhole cover in the pipe preventing the camera from traveling further through the pipe.

Jerry Kelso questioned why the City was unable to attain easements. Mr. Pryzby responded that easements do restrict what property owners can do on their property, i.e. the area must remain accessible, and no structures can be built on an easement.

Ruth Hopkins stated that in speaking with residents regarding the granting of easements, part of the issue is the large trees that would be lost, one resident feels that the easement would impede their ability to add on to their house and future sale of the property. But she also felt that part of their hesitation was the credibility issue about whether this was necessary to solve the problem.

Steve Noll asked the age of the pipes. Mr. Pryzby stated he has not been able to confirm their age, but he thinks they were installed at the time the subdivision was constructed, which would be approximately 50 years ago.

Bill Griffith confirmed that if easements were attained and the project completed the flooding problems would be satisfactorily addressed. Mr. Pryzby noted that the problem is caused by water not being able to flow through the existing pipes. The existing 12" diameter pipes would be replaced with 18" diameter pipes and the existing 18" diameter pipes replaced with 30" diameter pipes. With the new pipes the water will not reach the height to cause above ground flooding, but noted that Mr. Haun will continue to have some problems as his natural surface drainage water is coming in at ground level on the lawn and percolate into ground and then into his basement.

Mr. Griffith asked what steps could be taken to acquire the necessary easements. Mr. Pryzby responded it would have to be through the condemnation process, as was used for the necessary acquisition of easements for the Mission Road sidewalk. However, he would recommend before taking the condemnation action that the City apply the drainage regulations found in PVMC 15.10.420 C which allows the Public Works Director to order the removal of obstructions to the passage of water, such as fences, structures and landscaping.

Roy True asked if residents were compensated for the granting of easements. Mr. Pryzby responded that they generally are not.

Jack Cox, 5105 West 73rd Street, addressed the Council noting that he lived on the cul-de-sac but was not impacted by the water as his property sits on higher ground. He advised the Council the water in the cul-de-sac was completely gone by the next morning. Mr. Cox liked the suggested solutions made by Mr. Haun and by Mr. Pryzby. He stated that the City crews may have swept 73rd Street six times, but they haven't

swept the cul-de-sac that often. The catch basins are routinely clogged with leaves and debris.

Mr. Cox noted that there are utility lines, gas lines and sewer lines in the existing easement and expressed concern with the impact of the proposed work on these lines.

Al Herrera asked how many trees would be removed due to the construction of the proposed improvement. Mr. Pryzby stated one large tree and reviewed pictures taken of the area showing where easements are needed.

Leona Martin, 5000 Tomahawk, confirmed the new pipe would go all the way to Tomahawk. She stated that she regularly has water flowing between her property and Mr. Haun's. Mr. Haun stated that during a heavy rainfall his home becomes an island.

Diana Ewy Sharp suggested that the project be reopened and reinvestigated by the Policy/Services Committee. Roy True agreed.

Steve Noll replied that the Policy/Services Committee has considered the project, approved the project and funded the project, but without the necessary easements to do the project there is nothing that can be done. He noted that public information meetings were held with all residents invited during the process and again all the residents were informed and invited to attend this meeting.

Mayor Shaffer stated that he will ask the Policy/Services Committee to reconsider action in 2005. The public will continue to be invited when the issue is discussed and noted the importance of the citizens not attending this evening's meeting to be made aware of all the issues.

NEW BUSINESS

Bill Griffith moved pursuant to KSA 75-4319(b)(6) that the Governing Body recess into Executive Session for a period not to exceed 30 minutes for the purpose of preliminary discussions relating to the acquisition of real property. The motion was seconded by Ruth Hopkins and passed unanimously. The meeting was recessed at 9:12 p.m.

Mayor Shaffer reconvened the City Council meeting at 9:35 p.m.

Steve Noll encouraged all of the Council members to attend the Earth Fair this Saturday between 9 a.m. and 2 p.m. at Shawnee Mission East School. He noted that the

students and the environment/recycle committee members have put a great deal of work into this event and would appreciate Council's support and attendance.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

Planning Commission	04/06/2004	7:00 p.m.
Tree Board	04/07/2004	6:00 p.m.
Sister City Committee	04/12/2004	7:00 p.m.
Park and Recreation Committee	04/14/2004	7:00 p.m.
Council Committee	04/19/2004	6:00 p.m.
City Council	04/19/2004	7:30 p.m.

The Prairie Village Arts Council will feature an exhibit of exhibit of watercolor paintings by Marilyn York in the R.G. Endres Gallery during the month of April. The opening reception will be held on Friday, April 9th from 6:30 – 7:30 p.m.

Remember to vote in the General Elections on Tuesday, April 6th.

Mark your calendar for the Fourth Annual Earth Fair sponsored by the Prairie Village Environment/Recycle Committee on Saturday, April 10th from 9 a.m. to 2 p.m. at the Shawnee Mission East High School Gymnasium.

The Prairie Village Arts Council will be sponsoring a showing of “Julius Caesar” in the Council Chambers on Wednesday, May 19th.

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 9:38 p.m.

Joyce Hagen Mundy
City Clerk