

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Monday, August 18, 2003
7:30 p.m.**

I. CALL TO ORDER

II. ROLL CALL

III. PUBLIC HEARING - Proposed Refinance of Claridge Court Industrial Revenue Bonds

Consider adoption of Ordinance

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 – August 4, 2003
2. Approve Claims Ordinances #2443, 2444 and #2445
3. Approve the agreement with L.E.A.D.S. Online for its property-location program. Funds for the annual fee are available in the 2003 Public Safety Budget in line item 1-3-26-5160.
4. Approve administrative services and electronic funds transfer agreements with MHM Business Services, Inc. for the administration of the cities Section 125 flexible spending accounts.
5. Authorize to dispose of Unit #145 – 2001 Ford Crown Victoria – VIN#2FAFP71W61X153833
6. Ratify the Mayor's approval of a short-term special use permit to the Prairie Village Homes Association for their annual picnic at Porter Park on Saturday, August 16th from 3 p.m. to 8 p.m.
7. Ratify the Mayor's approval of a short-term special use permit to Tracy Harrington for a birthday party with a moonwalk at Meadowlake Park on Sunday, August 17th from noon to 2 p.m.

By Committee:

8. Approve Engineering Change Order #1 to the Engineering Agreement with the Affinis Corporation for Project 190845: Mission Road – 75th Street to 79th Street at a cost of \$43,000 with funding from the Capital Infrastructure Program (Policy/Services Committee Minutes – August 4, 2003)
9. Delete from the Policy/Services Committee agenda the following: POL2001-05; POL2001-06; POL2001-08; POL2001-11; POL2002-10; POL2002-21 and POL2003-13 (Policy/Services Committee Minutes – August 4, 2003)
10. Approve a contract with Safety-Kleen Corporation to dispose of the contents in the waste oil storage tank at a cost of \$5,226 and approve the transfer of \$5,226 from the General Fund Contingency to Public Works Vehicle Maintenance account (Policy/Services Committee Minutes – August 4, 2003)

VI. COMMITTEE REPORTS

Policy/Services Committee – Steve Noll

POL2002-20 Consider Project 191009: 2003 Concrete Repair Program

Park & Recreation Committee – Bill Griffith

Consider Project 190626: Fall Zone Improvements

Consider Project 190632: Lap Pool Painting

Planning Commission – Jeff Anthony

VII. OLD BUSINESS

Presentation on 7124 Cherokee

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
August 18, 2003
-Minutes-**

The City Council of Prairie Village, Kansas, met in regular session on Monday, August 18, 2003, 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, Roy True, Laura Wassmer, Jerry Kelso, Kay Wolf, Jeff Anthony, Diana Ewy Sharp and Patty Markley.

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 and Joyce Hagen Mundy, City Clerk.

PUBLIC HEARING

Mayor Shaffer opened the public hearing on the proposed issuance by the City of Prairie Village of Revenue Refunding Bonds for the Claridge Court Project, Series 2003 in a principal amount not to exceed \$11,000,000 . Mayor Shaffer called upon Scott Anderson with Gilmore & Bell, the City's bond counsel.

Mr. Anderson noted that the City issued the initial bonds for the Claridge Court project in 1993 for 135 independent living units and 35 comprehensive care units with ownership of the project by LifeCare Retirement Communities. The request is for refunding of the remaining bonds and will not extend the maturity of the bonds or principal. The new bonds will be secured by a letter of credit from LaSalle Bank with the City incurring no debt obligation.

Bill Griffith noted that the amount of the refunding is greater than the remaining principal. Mr. Anderson corrected his earlier statement noting that approximately \$175,000 in new money will be included in the refunding to finance improvements to the development.

With no other persons wishing to speak on this issue, Mayor Shaffer closed the public hearing at 7:40 p.m. and reconvened the regular Council meeting.

Bill Griffith moved the City Council adopt an Ordinance authorizing the City of Prairie Village, Kansas to issue its revenue refunding bonds (Claridge Court Project), Series 2003, for the purpose of providing funds to refund the City's outstanding revenue bonds (Claridge Court Project), Series 1993A, and to acquire, construct and install renovations, furnishings, fixtures and

equipment at certain facilities leased to Life Care Retirement Communities, Inc.; and authorizing and approving certain documents and actions in connection with the issuance of said bonds. Al Herrera seconded the motion.

Ruth Hopkins expressed concern with the language in the ordinance references “certain facilities leased to Life Care Retirement Communities, Inc.” and does not specifically address the Claridge Court Development. Mr. Anderson confirmed that the funds would be used exclusively for the Claridge Court Development.

City Attorney Charles Wetzler advised that use of these funds for the Claridge Court Development was clearly stated in the body of the ordinance and that these funds cannot be used for other projects.

Mr. Anderson stated that the heading of the ordinance would be rewritten to specifically identify Claridge Court as receiving the proceeds of the bond refunding.

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

PUBLIC PARTICIPATION

Karen Hillelson, 8436 Somerset Drive, addressed the Council with her concerns regarding the distribution of the SUN newspaper. Mrs. Hillelson presented the Council with a written letter documenting her efforts to stop the delivery of the newspaper without success. She feels this becomes a serious crime prevention issue when she is not at home, telecasting to all her absence and negating the effectiveness of her security system. This has been an ongoing problem for Mrs. Hillelson covering more than six years and she requested City assistance. Mayor Shaffer advised Mrs. Hillelson that the City would look into the problem.

Linda Kuang, 13806 West 78th Street, addressed the Council in support of Falun Gong, a practice to improve the health of mind and body. This peaceful and nonviolent form of person belief is practiced by millions of adherents in the People’s Republic of China and elsewhere. Ms Kaung also expressed concern with the persecution of Falun Gong practitioners by the People’s Republic of China and requested that a resolution be adopted by the Council to address this issue. Mayor Shaffer advised that the City only adopts a small number of resolutions, which specifically address issues of the City, but the resolution she presented would be considered.

Kathy Peterson, 7526 Aberdeen, Chairman of the Ad Hoc Skate Park Committee, presented an update to the Council on the fund-raising efforts of the Committee. She noted the recent donation by the City of Mission Hills of \$5,000 cash and a \$20,000 in-kind donation for

landscaping around the park. She presented to the Council a spreadsheet summarizing the fundraising results to date with anticipated expenditures. As of August 18, 2003, \$96,189.38 has been raised, including the value of the in-kind donation of land by the City of Prairie Village. She noted that several persons have commented on the lack of funding by the City and stressed that she responds to them that the city has been most generous with the donation of land for the location of the Skate Park. Kathy was pleased to report that the committee is below the \$200,000 mark with \$180,199.89 remaining to be raised for the skate park. She updated the Council on the status of grant funds that have been requested and are being considered.

Kay Wolf and Diana Ewy Sharp commended Kathy and her committee on their efforts and the professional job she is doing and excellent communication she has given to the Council on the status of the committee's efforts.

CONSENT AGENDA

Bill Griffith moved the approval of the Consent Agenda for Monday, August 18, 2003 as amended:

1. Approve Regular Council Meeting Minutes – August 4, 2003
2. Approve Claims Ordinances #2443 through #2445
3. Approve the agreement with L.E.A.D.S. Online for its property-location program with funding from the 2003 Public Safety Budget line item 1-3-26-5160
4. Approve administrative services and electronic funds transfer agreements with MHM Business Services, Inc. for the administration of the City's Section 125 flexible spending accounts
5. Authorize the disposal of Police Department Unit #145 – 2001 Ford Crown Victoria – VIN#2FAFP71W61X153833
6. Ratify the Mayor's approval of a short-term special use to the Prairie Village Homes Association for their annual picnic at Porter Park on Saturday, August 16th from 3 p.m. to 8 p.m.
7. Ratify the Mayor's approval of a short-term special use permit to Tracy Harrington for a birthday party with a moonwalk at Meadowlake Park on Sunday, August 17th from noon to 2 p.m.
8. Approve Engineering Change Order #1 to the engineering agreement with The Affinis Corporation for Project 190845: Mission Road – 75th Street to 79th Street at a cost of \$43,000 with funding from the Capital Infrastructure Program
9. Delete from the Policy/Services Committee agenda the following: POL2001-05; POL2001-06; POL2001-08; POL2001-11; POL2002-10; POL2002-21 and POL2003-13
10. Approve a contract with Safety-Kleen Corporation to dispose of the contents in the waste oil storage tank at a cost of \$5,226 and approve the transfer of \$5,226 from the General Fund Contingency to Public Works Vehicle Maintenance Account

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

COMMITTEE REPORTS

Policy/Services Committee

POL2002-20 Consider Project 191009: 2003 Concrete Repair Program

On July 25, 2003, the City received three bids for the 2003 Concrete Repair Program. This program consists of repairs to deteriorated concrete sidewalk and curbing. The bids ranged from \$331,803 to \$469,655 with the City Engineer's estimate at \$385,000. The low bid was received from T.S.C., Inc. who has provided this work in the past.

Steve Noll moved the City Council approve the construction contract with T.S.C., Inc. for Project 191009: 2003 Concrete Repair Program for \$331,803.00 with funding from the Capital Infrastructure Program. The motion was seconded by Jerry Kelso and passed unanimously.

Park & Recreation

Consider Project 190626: Fall Zone Improvements

At their August 13th meeting, the Parks and Recreation Commission reviewed a proposal from Public Works to replace the fall zone at the two swing units with mats in Windsor Park as was done at Porter Park. Fall zone requirements are established by the Consumer Products Safety Council to ensure that there is adequate material beneath the various play facilities in parks to minimize potential injury. Around the two play structures, it is proposed to replace the wood mulch with shredded rubber chips. The chips interlock to provide a more cohesive surface. In addition to this material being better at keeping the fall zone material in place, the surface will better accommodate users with disabilities.

On August 8, 2003 the City received bids for this project. Bids were advertised and notices sent to four firms; however, only one bid was received from Riggs Recreation in the amount of \$51,640. Staff estimate for the project was \$85,000. Funding for the project is available in the Capital Infrastructure Program – Parks Section.

Bill Griffith moved the City Council approve an agreement with Riggs Recreation for Project 190626: Fall Zone Improvements at Windsor Park as recommended by the Park and Recreation Committee at a cost of \$51,640.00 with funding from the Capital Infrastructure Program. The motion was seconded by Kay Wolf and passed unanimously.

Consider Project 190632: Lap Pool Painting

At their August 13th meeting, the Parks and Recreation Committee considered a request for the painting of the Lap Pool, which has not been painted completely for the past several years. Northeast Painting Company, Inc., who is under an annual agreement with the City for painting, submitted a proposal for this work in the amount of \$21,840.00

The 2003 Swimming Pool budget has a line item of \$15,000 for painting the pool and Mr. Pryzby advised the committee that there does not appear to be any surplus funds in this account at

this time. Therefore, a transfer of \$15,000 from the Swimming Pool Operating budget to the Capital Infrastructure Program – Parks Section and a transfer from General Fund Contingency Fund to the Capital Infrastructure Program – Parks Section is necessary to fund this work.

Bill Griffith moved the City Council approve retaining Northeast Painting Company, Inc. to paint the Lap Pool for \$21,840; approving the transfer of \$15,000 from the Swimming Pool Operating budget to Capital Infrastructure Program Project 190632; and approving the transfer of \$6,840 from the General Fund Contingency Fund to the Capital Infrastructure Program Project 190632. The motion was seconded by Laura Wassmer and passed unanimously.

Consider Project 190627: Homesteader Statue Restoration

On July 18, 2003, proposals were received from the City for restoring the Homesteader Statue located in Prairie Park. The Bid was advertised and sent to three firms recognized for this type of work. Two responses were received – Creative Sculpture & Restoration, Inc., and Objects Conservation. Creative Sculpture is located in Lee's Summit and submitted a proposal for \$19,700.00. Objects Conservation is located in Chesterfield, MO, and submitted a proposal for \$33,055.00 maximum estimated cost.

Bob Pryzby interviewed both firms and presented the committee a comparison of the companies and the two proposals. Based on the qualifications of the companies and thoroughness of the proposals, Mr. Pryzby recommended the Parks & Recreation Committee approve the proposal of Objects Conservation for the restoration of the Homesteader Statue with funding from the Capital Infrastructure Program.

Diana Ewy Sharp advised the Council that she had contacted the curator at the Nelson Art Museum regarding the two companies that bid this work and received a glowing recommendation for Objects Conservation.

Bill Griffith moved the City Council approve the selection of Objects Conservation for Project 190627: Homesteader Statue Restoration at a cost not to exceed \$33,055.00 with funding from the Capital Infrastructure Program. The motion was seconded by Steve Noll and passed unanimously.

Planning Commission

Jeff Anthony reported Planning Commission at its August 5th meeting held three public hearings for the following: a special use permit request for wireless communication antennas at 7801 Delmar, a conditional use permit request for a property maintenance building at 8801 Nall Avenue and a request for rezoning of the property at 7801 Mission Road from R-1a to RP-1b.

The application for rezoning was tabled until their September meeting to allow the developer to make revisions in his proposed site plan to address issues expressed by the neighbors and Commission members. The original site plan proposed the construction of six single-family houses.

The detached garage at 7631 Reinhardt was found to not be compatible with the neighboring properties and the building permit for the structure was denied. Michael Forbes Grill was approved for a monument sign using the monument sign allowed to the Meadowbrook Shopping Center upon written notice to the Commission by the management of the Center granting their approval. The Commission will continue to investigate commercial sign issues.

OLD BUSINESS

Update on Structure at 7124 Cherokee Drive

Jim Brown, City Building Official, presented a visual update on the condition of the structure at 7124 Cherokee Drive, which was declared by the City Council as an unsafe structure on February 18, 2003. A presentation of pictures taken of the unsafe structure and pictures of the house today were shown. The property owner has completed his renovation of the structure and the house will go on the market within the next few weeks. The Mayor and the Council commended the builder on his work and the city staff on their efforts toward the successful culmination of this project.

NEW BUSINESS

Bill Griffith invited Council members to attend the Northeast Johnson County Chamber breakfast being sponsored by the City on Wednesday morning, August 20th at 8:45 a.m.

Roy True and Ruth Hopkins stated that the review of committees include a review of the Municipal Foundation. Mayor Shaffer advised them that the Foundation is a private 501(C) (3) corporation and not under the control of the City. He stated that the Foundation would be meeting soon to review their by-laws. Mr. True responded that he recognizes their independent status, but as the "Prairie Village" Municipal Foundation, he feels they should be responsive to the concerns of the City.

Diana Ewy Sharp complimented Code Enforcement Officer Marcia Gradinger on her recent handling of a problem in her Ward.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

Municipal Foundation

8/19/2003

5:30 p.m.

Prairie Village Arts Council	8/20/2003	7:00 p.m.
Skate Park Committee	8/25/2003	7:00 p.m.
Environment/Recycle Committee	8/27/2003	7:00 p.m.
Policy/Services Committee	9/02/2003	6:00 p.m.
Legislative/Finance Committee	9/02/2003	6:00 p.m.
City Council	9/02/2003	7:30 p.m.

The Prairie Village Arts Council currently features an exhibit of watercolor paintings by Jerry Ellis in the R.G. Endres Gallery during the month of August. In September an exhibit of Senior Arts Council mixed media will be featured in the R.G. Endres Gallery.

NOTE: The September Council meeting will be held on Tuesday, September 2nd due to the observance of the Labor Day Holiday on Monday.

The City Offices will be closed on Monday, September 1st in observance of the Labor Day Holiday. Police and emergency services will be available. Deffenbaugh will also be observing the Labor Day Holiday so all scheduled trash service will be one day later the week of September 1st.

Due to the beginning of school, the pool will be open at 4:30 p.m. weekdays beginning Friday, August 15th and regular hours on the weekend. The pool closes its 2003 season on September 1 at 6 p.m.

MARC will be hosting a one-day workshop for Planning and Zoning Commissioners on September 26th from 8:30 to 4:30 at the Doubletree Hotel in Kansas City, Missouri. If you are interested in attending, contact Joyce.

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 8:30 p.m.

Joyce Hagen Mundy
City Clerk

