

**\*\*AMENDED\*\***  
**COUNCIL MEETING AGENDA**  
**CITY OF PRAIRIE VILLAGE**  
**Monday, July 7, 2003**  
**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 – June 16, 2003
- 2. Approve Claims Ordinances #2434 through #2437
- 3. Approve a short-term special use permit to Erin Aspengren to have a moonwalk in Porter Park on Saturday, August 2<sup>nd</sup> from 3 to 7 p.m. in conjunction with the scheduled birthday party.
- 4. Ratify the Mayor's approval to enter into musicians agreements with "Something Good", Disciples of Hip Hop" and "Mail Order Midgets".
- 5. **Waive the \$360 pool rental fee for the Prairie Village Swim Teams' annual end of the season celebration Moonlight swim party on Sunday, July 20, 2003**

**By Committee:**

- 6. Approve Engineering Change Order #3 to the Engineering Services Agreement with the Larkin Group for Project 190713: 2003 Storm Drainage Repair Program for an increase of \$29,400 with funding from the Capital Infrastructure Program. (Council Committee of the Whole, June 16, 2003)
- 7. **Authorize Public Works to replace the water fountains at Meadowlake and Porter Parks and the whirl at Meadowlake Park at a cost of \$3500 each for the bubblers and \$8500 for the whirl (Park & Recreation Committee Minutes – June 11, 2003)**
- 8. **Amend Council Policy #617 entitled "Recreation Scholarships" to include family eligibility guidelines and income qualification forms to be distributed with the financial disclosure form (Park & Recreation Committee Minutes – June 11, 2003)**

**V. COMMITTEE REPORTS**

**Council Committee of the Whole – Bill Griffith**

COU2003 – 16 Consider Liquor Control Act  
(Roll Call Vote)

POL 2003-09 Consider the Engineering Agreement with the Larkin Group for Project 190714: 2004 Storm Drainage Repair

**Legislative/Finance Committee – Ruth Hopkins**

Second Addendum to Contract for Solid Waste, Recyclables, Compostables and Bulky Item Collection for the City of Prairie Village

**Planning Commission– Jeff Anthony**

- VI. OLD BUSINESS**
- 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](mailto:cityclerk@PVKANSAS.COM)**

**COUNCIL  
CITY OF PRAIRIE VILLAGE  
July 7, 2003  
-Minutes-**

The City Council of Prairie Village, Kansas, met in regular session on Monday, July 7, 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, Steve Noll, Ruth Hopkins, Roy True, Laura Wassmer, Jerry Kelso, Jeff Anthony, Kay Wolf, Diana Ewy Sharp and Patty Markley.

Also present were: Barbara Vernon, City Administrator; Charles Wetzler, City Attorney; Charles Grover, Chief of Police; Kevin Bruemmer, Project Manager Public Works; Doug Luther, Assistant City Administrator; Jamie Shell, Finance Director and Joyce Hagen Mundy, City Clerk.

**PUBLIC PARTICIPATION**

Mayor Shaffer acknowledged the presence of Boy Scouts from Troops 282 and 98 who were working towards their "Citizenship in the Community" and "Communications" merit badges.

Forbes Cross and Kevin Lyman, owners of the Michael Forbes Grill, addressed the Council to request support for a monument sign for their restaurant. They presented photographs of similar locations throughout the area with monument identification signs. They noted that the foliage from the trees along 95<sup>th</sup> Street screens the view of their restaurant from the street and that activity in the adjacent shopping area generally ends by 6 p.m. Mayor Shaffer directed them to make application to the Planning Commission noting their next meeting would be August 5, 2003.

Michael Dolly, 2106 West 71<sup>st</sup> Terrace, expressed concern with a storm drainage project that is installing new inlets and pipes on 71<sup>st</sup> Street from Belinder to State Line. He feels that the changes being made by the project, channeling water down Eaton to 71<sup>st</sup> Terrace into an existing channel, will negatively impact his property and that of his neighbors. He noted that the channel is relatively shallow and that the water flows through it quite rapidly causing it to rise above the channel regularly. The additional flow that will result from this project will further increase the probability of flooding.

He noted that he and three other property owners have the channel running in front of their homes between the roadway and their houses.

Jan Lieffering, 1900 West 71<sup>st</sup> Street, resides at the end of the creek where the water is channeled underground. She stated that originally the project was designed to prevent erosion, which it has been very successful in doing; however, in doing so the flow of the water is extremely rapid. Mrs. Lieffering stated that she has lost two foot bridges because of the rapid flow of the water during flooding events and just finished reconstructing the foot bridge at a cost of \$5,000. She does not want any more water channeled through this system.

Roy True confirmed that the City has a storm water easement at this location.

Mayor Shaffer in discussion with Kevin Bruemmer and Mr. Noll announced that this issue would be discussed at the next Policy/Services Committee Meeting with the City's Engineering Consultant present to respond to questions.

### **CONSENT AGENDA**

The City Clerk indicated that the Park & Recreation Committee Minutes of June 11 include two items for Council approval that have been added to the Consent Agenda as well as a request from the City's swim teams to waive the pool rental fee for a year-end pool party.

Bill Griffith moved the approval of the Consent Agenda for Monday, July 7, 2003 as amended:

1. Approve Regular Council Meeting Minutes – June 16, 2003
2. Approve Claims Ordinances #2434 through 2437
3. Approve a short-term special use permit to Erin Espengren to hold a birthday party at Porter Park on Saturday, August 2<sup>nd</sup> from 3 p.m. to 7 p.m. and authorization to bring a moonwalk on site for entertainment during the party provided a certificate of insurance is received for the event.
4. Ratify the Mayor's approval of musician agreements with "Something Good", Disciples of Hip Hop" and "Mail Order Midget" to perform on Saturday, June 28, 2003
5. Waive the \$360 pool rental fee for the Prairie Village Swim Teams' annual end of the season celebration Moonlight swim party on Sunday, July 20, 2003
6. Approve Engineering Change Order #3 to the Engineering Services Agreement with the Larkin Group for Project 190713: 2003 Storm Drainage Repair Program for an increase of \$29,400 with funding from the Capital Infrastructure Program.
7. Authorize Public Works to replace the water fountains at Meadowlake and Porter Parks and the whirl at Meadowlake Park at a cost of \$3500 each for the bubblers and \$8500 for the whirl
8. Amend Council Policy #617 entitled "Recreation Scholarships" to include family eligibility guidelines and income qualification forms to be distributed with the financial disclosure form

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

**COMMITTEE REPORTS**  
**Council Committee of the Whole**

COU2003-16 Consider Liquor Control Act

Bill Griffith stated that at the June 16, 2003, meeting of the Council Committee of the Whole the City Council discussed in committee the adoption of a charter ordinance exempting the City from K.S.A. 41-(712)(1) relating to the sale at retail of alcoholic liquor on Sundays and holidays and directed the City Attorney to draft a charter ordinance for Council action. The primary change allowed by the ordinance would be the sale of alcoholic liquor between the hours of 11 a.m. to 8 p.m. on Sundays and on the following holidays: Memorial Day, July 4<sup>th</sup> and Labor Day. On behalf of the Council Committee of the Whole, Bill Griffith moved the Council adopt Charter Ordinance No. 21 exempting the City of Prairie Village, Kansas from the provisions of K.S.A. 47-712 which prohibits alcoholic liquor sale on Sunday and certain holidays and providing substitute and additional provisions authorizing the city of Prairie Village, Kansas to allow alcoholic liquor sales on Sunday and specified holidays. The motion was seconded by Laura Wassmer.

Diana Ewy Sharp confirmed that the holidays are consistent with those holidays recognized by other area cities. She also asked if there was any action being taken by other cities to allow retail stores to exempt out of the current regulations, noting the city's three large grocery stores. City Attorney Charles Wetzer responded that this is being investigated, however, under the current interpretation of the statutes they are regulated by the Cereal Malt Beverage statutes and he feels it would be very difficult for this to be changed.

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

POL2003-09 Consider the Engineering Agreement with The Larkin Group for Project 190714: 2004 Storm Drainage Repair

Bill Griffith reported that under the specifications of the proposed engineering agreement, The Larkin Group would inspect watersheds 22, 23, 26 and 27 to determine which drainage facilities are in need of repair and investigate problems reported by residents. They will also inspect the existing corrugated metal pipe, open concrete channels and curb inlets. This work will be used for the development of a list of

improvements for the 2004 Drainage Program as well as meet some of the required NPDES regulations.

Bill Griffith moved the Council approve the engineering agreement with The Larkin Group for Project 190714: 2004 Storm Drainage Repair for a total cost of \$110,000 with funding from the Capital Infrastructure Program. The motion was seconded by Steve Noll and passed unanimously.

#### **Legislative/Finance Committee**

##### LEG2003-08 Consider amendment to Johnson County Park & Recreation District Pool Use Agreement

Ruth Hopkins reported the KC Blazers Master's Swim Program has requested an amendment to their agreement for the use of the City's pool. The current agreement allows for their workouts Monday through Thursday between 6:30 p.m. and 8:30 p.m. from May 27<sup>th</sup> through August 28<sup>th</sup>. They are requesting additional swim hours on Saturdays – in July from 11:00 a.m. to 12:30 p.m. and in August from 10:30 a.m. to 12:00 noon.

The Park & Recreation Committee recommended the request be approved with the restriction that on any of the requested days use may be cancelled by the Public Works Director based on his assessment of the need to restrict pool use.

Ruth Hopkins moved the Council approve the amendment to the City's agreement with Johnson County Park & Recreation District for the extended use of the City's pool by the K.C. Master's Swim Program as requested at no additional cost with the ability of the City to restrict use as needed. The motion was seconded by Diana Ewy Sharp.

Laura Wassmer spoke in opposition to the motion stating that, based on her use of the pool, Saturday mornings were high use periods and she did not feel additional pool time should be granted during these peak times, especially when they were not paying for the additional times. Ms Wassmer stated that she would rather have them come before the pool opens.

Al Herrera asked Kay Wolf if the Park Committee had any reservations or concerns. Mrs. Wolf responded that the Park Committee was advised by Pool Manager Kim Cobb that she felt the pool could accommodate the additional swimmers.

Mr. Herrera asked if the Club could change their hours to earlier in the day to minimize the impact. Mrs. Wolf stated that they were specific in their request for these hours.

Diana Ewy Sharp expressed support for the motion. From her experiences at the pool, she feels the lap lanes can accommodate this request without negatively impacting other swimmers. However, she asked if the City had received complaints on the use of these lanes. Barbara Vernon stated the City usually get 3 to 4 complaints during a season. This has not been a serious problem.

Al Herrera asked why the committee is recommending no additional fee. Mrs. Hopkins stated it was the recommendation of the Park Committee and the Legislative/Finance Committee felt the fee issue could be addressed in the 2004 agreement.

The motion was voted on and passed by a majority vote of 9 to 2 with Griffith and Wassmer voting “nay”.

### **Consider 2004 Solid Waste Services Contract**

Ruth Hopkins reported that for the past several months the Legislative/Finance Committee and staff have been working with Deffenbaugh to negotiate an extension of the City’s current solid waste, recycling and composting contract service agreement. The proposed agreement is for three years, based on CPI with a 4% cap with any increases to be approved by the Governing Body. The Large Item program cost remains at \$40,125.

Al Herrera confirmed that although the agreement covers three years, the City’s obligation is only for 2004.

Ruth Hopkins moved the City Council approve the Second Addendum to the contract for solid waste, recyclables, compostables and bulky item collection for the City of Prairie Village for the period of January 1, 2004 through December 31, 2006, subject to the appropriate annual approval of funds by the City Council. The motion was seconded by Diana Ewy Sharp. The motion was voted on and passed by a vote of 10 to 1 with Roy True voting “nay”.

### **Planning Commission**

Jeff Anthony reported that the Planning Commission met on July 1<sup>st</sup> with the following action being taken: approved a conditional use permit to the Colonial Church for a property maintenance facility, approved the installation of two portable classrooms at Shawnee Mission East High School for a maximum length of five years and adopted a resolution to the City Council recommending the updating of the City Comprehensive Plan. Mr. Anthony noted the conditions for approval that were placed on the portable classrooms by the Commission.

Mr. Anthony stated that the Resolution recommending the updating of the City's Comprehensive plan provides findings documenting the need for the update and directions for the scope of the update. Diana Ewy Sharp said she thought the Council had already discussed this issue. Barbara Vernon advised that the issue had been discussed at least twice earlier, but the Council was unable to reach a consensus on the extent of the study and whether it should be done with or without the assistance of an outside consultant. Jeff Anthony recommended that the Council move forward on this discussion once the resolution is received from the Planning Commission.

## **OLD BUSINESS**

### **Villagefest**

Diana Ewy Lamberson reported on a very successful Villagefest Celebration with an estimated crowd of 5,000. The entertainment was excellent. She acknowledged the Council, staff and committee members for their support and work, especially that of chairman Ann Lilak.

Laura Wassmer added that the event was great. She acknowledged the actions of the City's police force throughout the event assisting and talking with individuals present. She felt they represented themselves as a "community police force". She noted in speaking with some of the officers the question of having a "police dog" was discussed. She also felt that consideration should be given to a summer uniform for the officers.

Chief Grover responded that a few years ago the department studied the pros and cons of having a police dog and at that time agreed not to pursue it. He noted that he establishes the dress code and that regular surveys are done of his staff regarding this issue.

## **NEW BUSINESS**

Mayor Shaffer announced that the agenda for the July 21<sup>st</sup> Council Committee of the Whole would include the review and discussion of committee structure and authority.

## **ANNOUNCEMENTS**

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

Park and Recreation Committee	07/09/2003	7:00 p.m.
Prairie Village Arts Council	07/16/2003	7:00 p.m.
Municipal Foundation	07/16/2003	5:30 p.m.
Council Committee	07/21/2003	6:00 p.m.
City Council	07/21/2003	7:30 p.m.

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Mayor Shaffer announced the death this past weekend of former Council member Mayme D'Agostino. Mayme served on the City Council from April, 1970 to April, 1976. City



Attorney Charles Wetzler shared memories of this strong and active city leader and her family.

The Prairie Village Arts Council will feature an exhibit of watercolor paintings by Sandy Schaffer in the R.G. Endres Gallery during the month of July.

The Prairie Village Pool is open for its 2003 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](http://pvkansas.com)

There will be a Moonlight Swim on Friday, July 18 from 8:30 to 10:00 p.m.

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 8:30 p.m.

Joyce Hagen Mundy  
City Clerk