

****AMENDED****
COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Monday, June 2, 2003
7:30 p.m.

I. CALL TO ORDER

II. ROLL CALL

III. PRESENTATION
Bob Pierson

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 –May 19, 2003
2. Approve Claims Ordinances #2426 through #2429
3. Authorize the sale of Prairie Village coffee mugs at a fee of \$7.50
4. Approve the School Resource Officer Agreement with the Shawnee Mission School District for the 2003-2004 school year
5. Authorize the Mayor to execute the final plat of Old Mission Lodge #153, a replat of part of Lot 9, Plat of Ridge View, Lots 9 to 16, inclusive in the City of Prairie Village, Johnson county, Kansas, accepting the rights-of-way and easements indicated on the plat
6. Approve a short-term special use permit to Girl Scout Troop #961 for a Tupperware fund-raiser on Friday, June 6th from 6 p.m. to 9 p.m. in the Prairie Village Community Center with the waiver of the application fee and Council Policy #640
7. Approve the following contracts for entertainment at the Villagefest 2003 Celebration:
 - Hiccup Productions (Jim Cosgrove) - \$300
 - Miller-Marley Entertainers - \$100
 - The Rain Dogs - \$400
 - Janet & Jerry Aswegan – Petting Zoo/Pony Rides - \$1,480
 - Vodville Entertainment - \$500
 - Kansas City Chiefs (KC Wolf) - \$550
 - Rex Nolan (clowns) - \$560
 - Shenanigans - \$500
 - Hy-Vee, Inc. – Food Vendor
 - Chris Cakes - \$3.10 per plate, \$30.80 travel expenses and a 20% gratuity
8. Approve a short-term special use permit for the Villagefest 2003 Celebration to be held on July 4, 2003 on the Municipal Campus, Harmon Park and the Prairie Village Community Center including authorization for banners, signs, the placement of tents and approval of special activities
9. Authorize the Mayor to execute the following proclamations:
 - Kansas Business Appreciation Month – June, 2003**
 - National Aquatic Week – July 13 – 19, 2003**

By Change Order:

10. Approve Engineering Change Order #1 to the engineering agreement with the Affinis Corp. for Project 190834: 2003 Street Paving Program for an increase of \$1,400 with funding from the Capital Infrastructure Program

By Committee:

11. Adopt Ordinance 2060 amending Title 19 of the Prairie Village Municipal Code, 1972, entitled “Zoning” by amending Sections 19.06.041; 19.08.036; 19.10.046; 19.12.036 and 19.14.041 entitled “Lot Coverage” and adding a new Section 19.44.035 entitled “Lot Coverage” to Chapter 19.44 “Height and Area Exceptions” (Council Committee of the Whole Minutes – May 19, 2003)
12. Adopt Ordinance 2061 granting a Special Use Permit to the Shawnee Mission School District for the operation of a child care program at Briarwood Elementary School, 5400 West 86th Street, subject to the conditions stipulated by the Planning Commission (Council Committee of the Whole Minutes – May 19, 2003)
13. Adopt Ordinance 2062 granting a Special Use Permit for a Memorial Garden/cemetery to Asbury United Methodist Church at 5400 West 75th Street subject to the conditions stipulated by the Planning Commission (Council Committee of the Whole Minutes – May 19, 2003)

VI. COMMITTEE REPORTS

Legislative/Finance Committee – Diana Ewy Lamberson

LEG2003-07 Consider Juvenile Accountability Incentive Block Grant

Policy/Services Committee – Steve Noll

POL2002-14 Consider Project 190713: 2003 Storm Drainage Repair Program

VII. OLD BUSINESS

Report on Mission Road Bridge Project – Kevin Bruemmer

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
June 2, 2003
-Minutes-**

The City Council of Prairie Village, Kansas, met in regular session on Monday, June 2, 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, Roy True, Laura Wassmer, Jerry Kelso, Kay Wolf, Jeff Anthony, Diana Ewy Lamberson and Patty Markley.

Also present were: Barbara Vernon, City Administrator; Charles Wetzler, City Attorney; Lt. John Walter; Robert Pryzby, Director of Public Works; Doug Luther, Assistant City Administrator; Kevin Bruemmer and Joyce Hagen Mundy, City Clerk.

PUBLIC PARTICIPATION

Bob Miller, 4222 West 69th Terrace, addressed the Council with his concerns regarding new construction in their neighborhood, in particular, the remodeling of a property on 69th Terrace between Roe and Tomahawk. He noted that this neighborhood consists almost entirely of single story cape code style homes. The property is being converted into a two and a half story home with a full kitchen on both levels. This is one and a half stories taller than the rest of the homes in the area and is out of character with the neighboring properties.

Mr. Miller presented the City Clerk with photographs showing the property and a petition signed by 30 individuals "to preserve the architectural character and integrity of their neighborhood and to help control and preserve the look of Prairie Village". He suggested extending the City codes to include a review board for residential properties to ensure the aesthetic and architectural appearance of the City. Mr. Miller feels these changes damage what Prairie Village is recognized for aesthetically and affects the neighboring properties.

Mayor Shaffer stated that the City has discussed this issue at Planning Commission several times and noted that control boards can be very subjective. However, he will forward the petition to the Planning Commission for consideration and noted that Mr. Miller would be advised when the item would be discussed by the Commission.

Peggy Miller, 4222 West 69th Terrace, echoed the thoughts of her husband, noting that her mother has lived in the City for more than forty-five years. She stated the petition was not only signed by residents in their neighborhood, but by other Prairie Village residents as well.

CONSENT AGENDA

Diana Ewy Lamberson requested item #8 be removed from the Consent Agenda and Al Herrera requested item #3 be removed from the Consent Agenda. Bill Griffith moved the approval of the Consent Agenda for Monday, June 2, 2003 as amended:

1. Approve Regular Council Meeting Minutes – May 19, 2003
2. Approve Claims Ordinances #2426 through #2429
3. Removed
4. Approve the School Resource Officer Agreement with the Shawnee Mission School District for the 2003-2004 school year
5. Authorize the Mayor to execute the final plat of Old Mission Lodge #153, a replat of part of Lot 9, Plat of Ridge View, Lots 9 to 16, inclusive in the City of Prairie Village, Johnson county, Kansas, accepting the rights-of-way and easements indicated on the plat
6. Approve a short-term special use permit to Girl Scout Troop #961 for a Tupperware fund-raiser on Friday, June 6th from 6 p.m. to 9 p.m. in the Prairie Village Community Center with the waiver of the application fee and Council Policy #640
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 - Shenanigans - \$500
 - Hy-Vee, Inc. – Food Vendor Agreement
 - Chris Cakes - \$3.10 per plate, \$30.80 travel expenses and a 20% gratuity
8. Removed
9. Authorize the Mayor to execute the following proclamations:
 - Kansas Business Appreciation Month – June, 2003**
 - National Aquatic Week – July 13 – 19, 2003**
10. Approve Engineering Change Order #1 to the engineering agreement with the Affinis Corp. for Project 190834: 2003 Street Paving Program for an increase of \$1,400 with funding from the Capital Infrastructure Program
11. Adopt Ordinance 2060 amending Title 19 of the Prairie Village Municipal Code, 1972, entitled “Zoning” by amending Sections 19.06.041; 19.08.036; 19.10.046; 19.12.036 and 19.14.041 entitled “Lot Coverage” and adding a new Section 19.44.035 entitled “Lot Coverage” to Chapter 19.44 “Height and Area Exceptions”
12. Adopt Ordinance 2061 granting a Special Use Permit to the Shawnee Mission School District for the operation of a child care program at Briarwood Elementary School, 5400 West 86th Street, subject to the conditions stipulated by the Planning Commission
13. Adopt Ordinance 2062 granting a Special Use Permit for a Memorial Garden/cemetery to Asbury United Methodist Church at 5400 West 75th Street subject to the conditions stipulated by the Planning Commission

A roll call vote was taken with the following members voting “aye”: Herrera, Griffith,

Hopkins, Noll, True, Wassmer, Kelso, Anthony, Wolf, Ewy Lamberson and Markley.

Diana Ewy Lamberson noted that in the past Villagefest has placed banners in Franklin and Porter Parks in conjunction with the citywide celebration. She would like to include these on the short-term special use request for Villagefest.

Diana Ewy Lamberson moved the Council approve a short-term special use permit for the Villagefest 2003 Celebration to be held on July 4, 2003 on the Municipal Campus, Harmon Park, Franklin Park, Porter Park and the Prairie Village Community Center including authorization for banners, signs, the placement of tents and approval of special activities. The motion was seconded by Laura Wassmer and passed unanimously.

Noting the quality of the Prairie Village coffee mugs, Al Herrera moved the City Council authorize the sale of Prairie Village coffee mugs at a fee of \$10. Ruth Hopkins seconded the motion.

Laura Wassmer stated that it was never the intent of the Communications Committee, which purchased the mugs and other Prairie Village items to profit from the sale of these items, but to promote the City. The Communications Committee recommended the sale at a cost of \$7.50 to cover the initial purchase cost of the mugs (\$6.25) and administrative costs.

Roy True and Kay Wolf stated that they felt the \$7.50 cost was appropriate.

The motion to authorize the sale of Prairie Village coffee mugs at a cost of \$10 was voted on and defeated by a vote of 1 to 10.

Steve Noll moved the City Council authorize the sale of Prairie Village coffee mugs at a fee of \$7.50. The motion was seconded by Laura Wassmer and passed unanimously.

COMMITTEE REPORTS

Legislative/Finance Committee

LEG2003-07 Consider Juvenile Accountability Incentive Block Grant

For the past four years, the city has participated in a regional coalition with Johnson County and other cities to expend federal Juvenile Accountability Incentive Block Grant funds. Through his agreement, the city appoints the Johnson County Children's Coordinating Council as the Regional Juvenile Enforcement Coalition and Johnson County as the fiscal agent for receiving these federal funds.

The City of Prairie Village is eligible to receive \$9,368 in funds and, as a condition of receiving the funding, the City must commit \$1,040.89 in matching funds to be paid into the fund pool before January 31, 2004. Matching funds have been approved in the 2003 Public Safety Budget for this program.

Mrs. Ewy Lamberson explained that the funds are used for the processing of juveniles who are unable to be released to guardians and their transportation to the County.

Diana Ewy Lamberson moved the City Council approve an endorsement of the Regional Coalition for the purpose of expending Federal Accountability Incentive Block Grant funds. The motion was seconded by Laura Wassmer and passed unanimously,.

Policy/Services Committee

POL2002-14 Consider Project 190713: 2003 Storm Drainage Repair

On April 25, 2003, the City received bids for Project 190713: 2003 Storm Drainage Repair Program. Three bids were receiving ranging from \$326,344.00 to \$428,000.00 with an engineer's estimate of \$345,212.50 for the project.

The work covered in this project includes the repair of more than 20 catch basins, channel work north of 95th Street, culvert replacement by Windsor Park and the reconstruction of a stonewall located at 87th Street.

Steve Noll moved the City Council award Project 190713: 2003 Storm Drainage Repair Program to MEGA Industries in the amount of \$326,344.00 with funding from the 2003 Capital Infrastructure Program. The motion was seconded by Patty Markley and passed unanimously.

Food Committee

Ruth Hopkins reported that the food committee had met and that a survey would be distributed to all Council members asking for their input. Once these are returned, the committee would meet again and determine what action to take.

OLD BUSINESS

Report on the Mission Road Bridge Replacement Project

Kevin Bruemmer reported that he had attended the Kansas Department of Transportation (KDOT) pre-construction conference for this project on May 22,2003. KDOT plans to issue the notice to proceed to MEGA Industries with construction to begin on Monday, June 16th. Mission Road, from Mission Lane to Tomahawk, will be closed to through traffic for approximately ninety calendar days.

Mr. Bruemmer reported that staff is working with Highwoods Properties to notify all merchants of the construction schedule. The official detour for truck traffic will be to the west at 75th Street. Passenger traffic will be rerouted at 71st Street around Tomahawk. Signs will be posted indicating access to the Prairie Village Shops.

This project is being administered by KDOT with the City having limited control over the construction. Inquires on the project should be directed to Larry Marple at KDOT or to Kevin and he will forward them. City staff will work with KDOT to ensure that the merchants and the City Council are kept apprised of the progress of the project.

Roy True asked for the City's cost for this project. Mr. Bruemmer responded that the City would be paying \$333,872 with the Federal share of costs at \$388,000. Mayor Shaffer requested monthly reports on the progress of the project.

Community Spirit Award

Bill Griffith reiterated his feelings that the "Taliaferro Spirit of the Community Award" is a duplication of the City's Distinguished Citizen Award being issued without Council approval or input. Mr. Griffith moved the City Council direct the Villagefest Committee not to pursue issuing this award. Ruth Hopkins seconded the motion.

Diana Ewy Lamberson reminded the Council that this issue was discussed for two months by the Committee in open meetings. She noted that it is too late to stop the process at this time. Nominations have been received, information has been widely distributed and there are only three weeks remaining before July 4th. She does not feel this is something that the Council can stop the committee from doing.

Bill Griffith does not feel the committee has the right to do something in the name of the City on which the City had no input.

Laura Wassmer stated that she had read the Villagefest minutes, which indicated that the award was being discussed, but she was unaware that the committee had gone as far as it has. She agreed that the award appears to be a City award.

Bill Griffith questioned what would happen if each of the city's 20+ committee started giving out awards. He noted that this award would be presented at the City's most highly attended event. He reiterated the sentiment of previous Councils against naming things after former Mayors.

Ruth Hopkins strongly feels that this award takes away from the Distinguished Citizen Award endorsed and established by the City.

Steve Noll acknowledged the confusion caused by this award noting that it was discussed at a meeting he attended this past week. However, he feels that it is too late to cancel the presentation of the award at this point and that such action would be confusing and negative. He agrees that the questions raised and the issues presented by Mr. Griffith need to be addressed and

policy clarified. Ruth Hopkins disagreed with Mr. Noll that it was too late to cancel the award, noting the number of activities already scheduled for Villagefest.

Diana Ewy Lamberson stated that the precedence of committees giving out awards has already been set noting the Communication's Committee recognition of citizens with the "Shining Star Award" and feature in the Prairie Village Voice and said she remembers the Prairie Village Arts Council giving out an award at the Art Fair in the past. She does not see any downside in recognizing and supporting an individual's community involvement and good work for the City.

Patty Markley indicated that Arts Council members serve as judges at the Prairie Village Art Show, but they do not issue any awards as a Council or on behalf of the City.

Laura Wassmer noted the "Shining Stars" program was a low-key recognition given out monthly, not an annual award named after a former Mayor and given out at a citywide event.

Jeff Anthony stated that the issue is not whether the award is good, it is great to be able to recognize individuals. The process is the issue and this needs to be addressed.

Mr. Griffith disagrees with the attitude that we didn't do this right, but we better keep going forward with it.

Al Herrera questioned if the award could be granted for this year and then have the Council adopt a clear policy on the issuance of future awards.

Mrs. Ewy Lamberson questioned the Council's ability to reverse a committee decision. Mr. Griffith stated that the decision should not have been made without Council approval. It is a process issue related to who is giving out the award and who is not.

Mrs. Ewy Lamberson responded that it is a committee recognition, it is not a big deal. Mr. Griffith disagreed noting that it has been named after a former Mayor, has been presented on the City's website and given out at a citywide event; it is a big deal and should have had Council approval.

Steve Noll stated he believes the issue is that these things are happening in a vacuum because there are no established guidelines. He recommended the Mayor appoint an ad-hoc committee to define and articulate "City Awards" with membership from the Council, committee and community. He feels there needs to be a written policy. Mr. Noll supports allowing the Villagefest Committee to give the award this year, but then have a policy in place for the issuance of further awards.

Patty Markley agreed with Mr. Noll but felt the broader issue is that of committee and Council rules, regulations and authority.

Diana Ewy Lamberson felt the Council was attempting to micro-manage the committee.

Kay Wolf stated that she is concerned with the appearance that this is a City award, but feels the committee has gone too far to stop the process at this time.

Jeff Anthony stated that he sees this as “someone coming to the Council begging forgiveness instead of seeking appropriate approval”.

Laura Wassmer stated the need for this award to be presented as a “Villagefest Committee” award and not a City award and identified by the media as such.

Mrs. Ewy Lamberson stated the application clearly identifies it as a “Villagefest” award and the information is found on the City’s website under “Villagefest”. She feels the process was done appropriately.

Bill Griffith stated it is not the place of a committee to issue “press releases”. These are to be written and come from City officials.

Ruth Hopkins felt that once the award was issued, it would be difficult to stop the issuance of future awards. Kay Wolf disagreed and felt that the award could be issued this year and not done in future years.

Mayor Shaffer called for a vote on the motion clarifying that a vote of “aye” would cancel the award. The motion was voted on and defeated by a vote of 4 (Griffith, Hopkins, True and Anthony) to 7 (Herrera, Noll, Wassmer, Kelso, Wolf, Ewy Lamberson and Markley).

Steve Noll moved the Mayor appoint an ad-hoc committee to include Council and committee members to review and articulate city rules and guidelines for “City awards”. Patty Markley seconded the motion.

Ruth Hopkins felt that rather than an ad-hoc committee this issue should be assigned to the Council Committee of the Whole for consideration and should also address the rights and responsibilities of committees.

Steve Noll stated that he has served on the Distinguished Citizen Award committee, which has clearly defined purpose, guidelines, criteria and procedures. He agrees that the area of committee rights and responsibilities is a gray area; however, he would like to see this committee be focused solely on this issue and have a sunset period for action.

Patty Markley stated that the ad-hoc committee could come up with a recommendation that would be forwarded to the Council Committee of the Whole for consideration and action.

Bill Griffith stated that he does not support the motion because the issue appears to have the overall interest of all the Council members. Kay Wolf agreed with Mr. Griffith.

Mr. Noll stated that an ad hoc committee would be more focused and would have a definite deadline for completing the work and this would allow the involvement of the community.

Roy True stated he was opposed to the formation of another ad-hoc committee.

Diana Ewy Lamberson expressed her support for Mr. Noll's motion because of the involvement of the community.

Mayor Shaffer called for a vote on the motion with the motion being defeated by a vote of 4 (Noll, Kelso, Ewy Lamberson and Markley) to 7 (Herrera, Griffith, Hopkins, True, Wassmer, Anthony and Wolf). Mayor Shaffer announced that he would assign both issues to the Council Committee of the Whole.

NEW BUSINESS

Jeff Anthony stated that he would like to honor Mayor Weltner with the naming of a park in her honor. Council members reiterated the sentiment of previous Council's against naming things after former Mayors and noted that earlier discussions with Mayor Weltner indicated that she does not favor such action. Mr. Anthony advised that he had been informed that that sentiment has changed.

Mayor Shaffer asked that staff find the discussion on this issue by previous Councils and indicated that this could be discussed after a review of that information.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

| | | |
|-------------------------------|------------|-----------|
| Planning Commission | 06/03/2003 | 7:00 p.m. |
| Tree Board | 06/04/2003 | 6:00 p.m. |
| Budget Worksession | 06/09/2003 | 6:00 p.m. |
| Park and Recreation Committee | 06/11/2003 | 7:00 p.m. |
| Council Committee | 06/16/2003 | 6:00 p.m. |
| City Council | 06/16/2003 | 7:30 p.m. |

The Prairie Village Arts Council will feature an exhibit of watercolor paintings by Joseph Smith in the R.G. Endres Gallery during the month of June. The opening reception will be held on June 6, 2003 from 6:30 – 7:30 p.m.

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

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 8:45 p.m.

Joyce Hagen Mundy
City Clerk

