

COUNCIL MEETING AGENDA

CITY OF PRAIRIE VILLAGE

Monday, April 7, 2003

7:30 p.m.

I. CALL TO ORDER

II. ROLL CALL

Presentation of Department awards to Police Officers

Presentation of Council Checks

III. OATH OF OFFICE – Mayor Ronald L. Shaffer

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 3, 2003
2. Approve Regular Council Meeting Minutes – March 17, 2003
3. Approve Special City Council Meeting Minutes – March 25, 2003
4. Approve Claims Ordinances #2410 and #2411
5. Approve the sale of Tote Bags by the Environment/Recycle committee at a cost of \$6.00 a bag.
6. Ratify Mayor's approval of a short-term special use permit to Mail boxes Etc for a banner reflecting a name change to The UPS Store from April 7 through May 7, 2003.
7. Approve a short-term special use permit for the Briarwood Elementary School Carnival on Friday, May 2, 2003 from 6 p.m. to 9 p.m. on the school grounds at 5300 West 86th Street with the permit fee to be waived.
8. Ratify the Mayor's approval of a short-term special use permit for four (4'x 6') Earth Day promotional banners located at 4 locations in the City of Prairie Village between April 1st and April 12th to the Environment/Recycle Committee
9. Approve the disposal of the following City Property:

<u>Type</u>	<u>Asset Number</u>	<u>Serial Number</u>
Compaq	01998	6720HVT3W343
Compaq	01999	6720HVT3X030
Generic	01909	3015055
10. Approve the disposal of the following City Property:

Unit 401 – 1994 Taurus	VIN#1FALP524XRA221012
Unit 941 – 1999 Crown Victoria	VIN#2FAFP71W3XX157363
Unit 049 – 2000 Crown Victoria	VIN#2FAFP71W2YX148879
Unit 140 – 2001 Crown Victoria	VIN#2FAFP71W41X153832
Unit 141 – 2001 Crown Victoria	VIN#2FAFP71W81X153834
11. Authorize the Mayor to execute the Annual Operation & Maintenance Assurance Statement from the Kansas Department of Wildlife and Parks
12. Approve the renewal of the FuelMaster extended maintenance agreement for one year at a cost of \$795.00 using funds in the Public Works Operating Budget
13. Authorize the Mayor to execute the following proclamations:

Fair Housing Month – April, 2003
Crime Victims' Week – April 6 –12, 2003
Arbor Day – April 25, 2003
National Volunteer Week – April 27 – May 3, 2003
Student Excellence Week – April 28 – May 3, 2003

By Change Order:

14. Approve Construction Change Order #2 to the contract with T.S.C. Inc. for Project 190831: Somerset Drive – Delmar to Roe Avenue for a decrease of \$1,500.00.
15. Approve Engineering Change Order #1 to the engineering agreement with Affinis Corporation for Project 190829: 71st Street – Belinder Avenue to State Line Road for an increase of \$8,000 with funding from the Capital Infrastructure Program.

By Committee:

16. Approve a Letter of Understanding with Johnson County Human Services & Aging to provide home repair assistance to Prairie Village residents through a contribution to the program of \$6,000 with funding from the 2003 Parks, Recreation, & Community Services Budget. (Legislative/Finance Committee Meeting - 3 March, 2003)
17. Approve CBIZ Benefits & Insurance Services, Inc. to serve as the Employee Benefit Consultants to the City. (Legislative/Finance Committee Meeting - 3 March, 2003)

18. Approve an interlocal agreement with the Johnson County Park & Recreation District for use of City facilities at no cost. (Legislative/Finance Committee Meeting - 3 March, 2003)

VI. COMMITTEE REPORTS

Legislative/Finance Committee Minutes of March 3rd –Ruth Hopkins

LEG2003-03 Consider request for use of channel space

Legislative/Finance Committee of April 7th - Bill Griffith

LEG2002-25 Consider Fee Schedule – Park & Recreation Fees & Programs

- 2003 Learn to Swim
- 2003 Aquatics Agreement
- 2003 Summer Day Camp Agreement
- 2003 Non-Resident Child Pool Membership
- Junior Tennis League Second Child Discount
- 2003 Omega Soccer Camp

Policy/Services Committee of April 7th – Steve Noll

POL2003-03 Consider bid award for Project 190810: Mission Road Bridge Replacement

POL2003-05 Consider bid award for Project 190833: 2003 Crack/Slurry Seal Program

VII. OLD BUSINESS

Status report on the condition of the house at 7124 Cherokee.

**COU2003-11 Consider Project SP0642: Swimming Pool Repairs –
Construction Change Order #1**

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 7, 2003
-Minutes-**

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

Also present were: Barbara Vernon, City Administrator; Stephen Horner, Assistant City Attorney; Charles Grover, Chief of Police; Robert Pryzby, Director of Public Works; Doug Luther, Assistant City Administrator and Joyce Hagen Mundy, City Clerk.

PRESENTATIONS

Police Department 2003 Supervisory Recognition Awards

Chief Grover presented 2003 Supervisory Recognition Awards for actions taken on March 27, 2002 to Sgt. Greg Hudson, Cpl. Wes Lovett and Officers Dan Stewart and Ivan Washington.

Council Checks

Mayor Shaffer presented the 2002-2003 Council Checks to City Council members with each Council member indicating their years of service and thanked them for their service during the past year. Council President Laura Wassmer presented Mayor Shaffer with his check.

OATH of OFFICE

City Clerk, Joyce Hagen Mundy, administered the oath of office to recently re-elected Mayor Ron Shaffer.

PUBLIC PARTICIPATION

No one was present to address the Council.

CONSENT AGENDA

Laura Wassmer moved the approval of the Consent Agenda for Monday, April 7, 2003:

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16. Approve a Letter of Understanding with Johnson County Human Services & Aging to provide home repair assistance to Prairie Village residents through a contribution to the program of \$6,000 with funding from the 2003 Parks, Recreation and Community Services Budget
17. Approve CBIZ Benefits & Insurance Services, Inc. to serve as the Employee Benefit Consultants to the City
18. Approve an interlocal agreement with Johnson County Park & Recreation District for use of City facilities at no cost

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

COMMITTEE REPORTS

Legislative/Finance Committee

LEG2003-03 Consider request for use of channel space

Ruth Hopkins introduced Kate Hettinger and LeAnn Neal from the Shawnee Mission School District to present their proposal for use of the City’s cable channel . The

school district currently provides educational and instructional programming on the channel and are requesting expanded use to allow for expanded programming including a televised bulletin board to provide information about the District and community events. She noted that the City could submit event notices for broadcasting. Ms Neal stated that the expanded use of the channel would provide an opportunity to share with the residents of Johnson County the great things that are happening in the Shawnee Mission School District and support the City's mission statement.

Ruth Hopkins moved the City Council authorize the Shawnee Mission School District to broadcast programming 24 hours/day, 7 days/week on the City's Cable Television channel provided by Time Warner subject to the following conditions: 1) Time Warner Cable must formally agree to the change. 2) The school district must use the channel only for educational and government purposes consistent with the City's adopted policy for programming on the channel. and 3) The City retains the right to change the District's broadcast schedule if the City wishes to broadcast its own programming in the future. The motion was seconded by Laura Wassmer.

Ruth Hopkins expressed concern with the timing of the request noting that she is aware of others planning to come forward with a proposal to do programming on the Prairie Village Channel. In the past the channel has been used to educate residents on City programs/events and as a source of City information. She feels this should continue and that this requires an agreement requiring formal programming relative to the City.

Laura Wassmer stated that the Communications Committee supports the use of the station by the school district at this time. She noted the authorization gives the City the right to change the District's broadcast schedule if the City wishes to broadcast its own programming in the future. Roy True asked Ms Wassmer if that was an official vote of the Communications Committee, noting that as a Communications Committee member, he does not support it. Ms. Wassmer responded that had been discussed by the Committee, but a formal vote was not taken.

Roy True stated that he agreed with Mrs. Hopkins and feels use of the channel is a valuable resource for the communication of information by the City.

Diana Ewy Lamberson noted that one of the major topics during the Council's 2003 worksession was how the City could support the school district and she feels that this is an excellent opportunity to provide that support.

Jerry Kelso noted that he strongly supports the use of the station over its current status.

Al Herrera questioned if the other parties interested in using the channel were aware of this discussion. Mrs. Hopkins indicated that she had not advised them of the discussion.

Mrs. Ewy Lamberson stated that the District had expressed their willingness to also air City information.

Kay Wolf confirmed that the City does retain the right to future use of the channel.

A motion was voted on and passed by a majority vote of 8 to 2 with Hopkins and True voting “nay”.

LEG2000-25 Consider Fee Schedule

Park & Recreation Fees & Programs

Bill Griffith indicated that the items coming before the Council from the Legislative/Finance Committee had been reviewed in response to the directive of the Long Range Financial Planning Committee to look at all contracts and fees. The proposed increases reflected are minimal, representing an annual increase of approximately 2%, the estimated cost of living index.

2003 Learn to Swim Agreement

Bill Griffith moved the City Council approve the Johnson County Park & Recreation District Agreement with the City of Prairie Village to provide swimming lessons at the Prairie Village Pool during the 2003 swim season at no cost to the District. The motion was seconded by Ruth Hopkins and passed unanimously.

2003 Aquatics Agreement

Bill Griffith moved the City Council approve the interlocal agreement between the Johnson County Park and Recreation District and the City of Prairie Village for use of the City’s facilities for 2003 aquatic programming at a fee of \$8.00 per hour for pool use by the 50+ and adult water exercise (16+) classes and \$17 per participant per month for the Master’s Swim Program. The motion was seconded by Ruth Hopkins and passed unanimously.

2003 Summer Day Camp Agreement

Bill Griffith moved the City Council approve the interlocal agreement between the Johnson County Park and Recreation District and the City of Prairie Village for use of

the Harmon Park shelter for the operation of a summer day camp program from May 29th through August 8, 2003 at a fee of \$19 per day for pavilion use and \$3.50 per camper per pool visit. The motion was seconded by Roy True and passed by a majority vote of 9 to 1 with Hopkins voting “nay”.

Non-resident 2003 Child Pool Membership

Bill Griffith moved the City Council set the non-resident child pool membership fee at \$82 for the 2003 season. The motion was seconded by Ruth Hopkins and passed unanimously.

Junior Tennis League Fees

Mr. Griffith indicated that the 2003 JTL fee increased substantially due to an increase by the Kansas City Junior Tennis League of their participation fee. The fee provides for a discount for participation by more than one child from the same family.

Bill Griffith moved the City Council approve the second child \$5 discount for participation in the JTL program at a fee of \$70 for the 2003 season. The motion was seconded by Ruth Hopkins and passed unanimously.

2003 Omega Soccer Camp Proposal

Bill Griffith moved the City Council approve the use of Franklin Park soccer fields A & B for June 9-13, June 16-20 and July 19-20, from 9 a.m. to 3:30 p.m. each day by the Omega Soccer Camp organization for 2003 soccer camps with a rental fee of \$12 per camper per session. The motion was seconded by Ruth Hopkins and passed unanimously.

Policy/Services Committee

POL2003-03 Consider Bid Award for Project 190810: Mission Road Bridge Replacement

Steve Noll noted that earlier in the year, the City had considered bids for this project and requested that the project be rebid because of high bids and the small number of bids received. The project was rebid with more bids received, however, the low bid came in higher than the first low bid. KDOT recommends that the low bid be accepted.

Steve Noll moved the City Council approve the KDOT “Authority to Award Contract/Commitment of City Funds Form” for Project 190810: Mission Road Bridge Replacement to Mega Industries as the approved bid of \$604,621.50 with funding of the City’s share of \$333,872.36 from the Capital Infrastructure Program. The motion was seconded by Al Herrera.

Diana Ewy Lamberson asked how long the project would take and how traffic would be handled. Mr. Pryzby responded that the project is being administered by the Kansas Department of Transportation so he does not know when it will begin; however, he thinks it will probably be within 90 to 120 days. A detour plan has been approved for the period of construction.

Steve Noll stated all Mission Road traffic would be directed to Mission Lane; however, he added to expect a significant increase in traffic on Roe. Mr. Pryzby added that Mission Lane would be posted prohibiting truck traffic except for deliveries.

Bill Griffith asked if the traffic signal at Mission and Tomahawk would be reprogrammed during the construction period. Mr. Pryzby responded that it would be monitored and adjusted if needed.

The motion was voted on and passed unanimously.

POL2003-05 Consider Project 190833: Crack/Slurry Seal Program

Steve Noll moved the City Council approve the construction contract with Musselman & Hall Contractors for Project 190824: 2003 Crack/Slurry Seal Program for in the amount of \$196,424.74 with funding from the 2003 Public Works Operating Budget. The motion was seconded by Laura Wassmer and passed unanimously.

Steve Noll moved the City Council approve an agreement with Affinis Corporation in an amount not to exceed \$39,000 to provide construction administration for Project 190833: 2003 Crack/Slurry Seal Program. The motion was seconded by Laura Wassmer and passed unanimously.

OLD BUSINESS

Status Report on the condition of the house at 7124 Cherokee

On February 18, 2003, the City Council adopted a resolution determining that the structure located at 7124 Cherokee was an unsafe and dangerous structure. The resolution provided the property owner, Bill Riddle, thirty days (but not later than March 31, 2003) to commence repair of the property.

Steve Horner, Assistant City Attorney, reported that the conditions of the resolution have not been met and advised the City Council that they could proceed with the demolition of the structure or grant an extension to the time for the required repair.

Mr. Horner advised the Council that the structure is currently under contract to Mr. James Olson, who plans to repair the foundation and then sell the structure to Mr. Steve Schowengerdt, who plans to rehab the structure.

It is the opinion of the City's Building Official, Jim Brown, that Mr. Olsen should be able to provide a scope of work and get the appropriate permit by April 21, 2003. Mr. Horner recommends that the submitted scope of work and permits be for the entire project, not limited to just the foundation work.

Mayor Shaffer confirmed that the City staff felt the potential owners would make an honest effort and that they recommended an extension of the deadline from March 31, 2003 to April 21, 2003. He also confirmed with Mr. Olson and Mr. Schowengerdt, that they felt they would meet the proposed extension deadline.

Roy True asked what the cost of demolition would be. Mr. Horner replied that estimates received by the City were approximately \$6400 to \$6500.

Diana Ewy Lamberson confirmed that the City does not incur any additional liability from extending the deadline for the repair of the structure. Mr. Horner stated that the City has posted and deemed the structure to be unsafe.

Laura Wassmer moved the City Council grant an extension for the commencement of repair of the structure at 7124 Cherokee to April 21, 2003 on the condition that the scope of work and the resulting permits be with regard to the entire project and not limited to foundation work and the completion date extended to October 21, 2003. The motion was seconded by Steve Noll and passed unanimously.

COU2003-11 Consider Project SP0642: Swimming Pool Repairs – Construction Change Order #1

Bob Pryzby advised the Council that the pool contractor was ready to begin repair on April 14th with the project as bid or with the proposed change order.

Bill Griffith stated that if the starting of work at this time would in any way negatively impact the City's ability to litigate, he supports a delay in construction. Mr. Pryzby responded that he has not heard any concern expressed by the City Attorney with impact of beginning the repair.

Ruth Hopkins moved the City Council approve construction Change Order #1 to the contract with Picture Perfect Pools for an increase of \$155,935.00 and a transfer of \$155,935 from the General Fund Contingency to the project account. Al Herrera seconded the motion.

Laura Wassmer noted the importance of accurate communication of the authorization of expenditures on the pool repair to the public.

Mayor Shaffer asked Mr. Pryzby to review discussion behind the proposed change order.

Bob Pryzby stated that the original contract for pool repair in the amount of \$176,705.00 covered the work that was necessary to repair/replace damaged areas of the pool currently visible. The additional work covered in the change order calls for the saw cutting of the Diamond Brite into 2-inch squares rather than removing any loose Diamond Brite and adding a new coating of Diamond Brite.

Mr. Pryzby noted that saw cutting the Diamond Brite would allow the City to determine if any other areas of Diamond Brite are loose. It would also allow the City to determine if the Diamond Brite had been installed at the required 3/8" thickness. It would also provide toe-ing ability for the bonding agent and the Diamond Brite to the existing concrete and Diamond Brite.

Mayor Shaffer asked about the City's ability to recover the additional fees. Mr. Pryzby stated that per the City Attorney the City is taking the right steps to proceed with the repair. There are some documented construction defects; however, he also cautioned that the proposed work could be subject to question in justifying recovery of costs. Mr. Pryzby stated he is concerned that the City will not recover all its costs, how much can be recovered is subject to the course of legal action.

Diana Ewy Lamberson expressed concern with only receiving one bid and now having a substantial change order proposed by that same bidder. Mr. Pryzby responded that others, including the former contractor, Carrouthers, were given the option to bid.

Mayor Shaffer called for a vote on the motion to approve the change order. The motion passed unanimously.

Bill Griffith asked that in view of this unexpected increase in costs, the Staff look at the 2003 budget for possible reductions.

NEW BUSINESS

Laura Wassmer questioned the need for new Council pictures to be taken, noting that there has not been a change in the Council membership from the last picture. Bill Griffith agreed that the pictures were not necessary. Ruth Hopkins stated that she felt the Council pictures were important for historical value.

Laura Wassmer moved that a new Council picture not be taken for 2003. The motion was seconded by Bill Griffith and passed by a majority vote of 8 to 2 with Herrera and Hopkins voting “nay”.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

Park and Recreation Committee	04/09/2003	7:00 p.m.
Sister City Committee	04/14/2003	7:00 p.m.
Communications Committee	04/15/2003	7:30 p.m.
Prairie Village Arts Council	04/16/2003	7:00 p.m.
Council Committee	04/21/2003	6:00 p.m.
City Council	04/21/2003	7:30 p.m.

The Prairie Village Arts Council is pleased to feature an exhibit of Sheryl Levene’s oil and pastel paintings in the R.G. Endres Gallery during the month of April.

Mark your calendar for the Third Annual Earth Fair sponsored by the Prairie Village Environment/Recycle Committee on Saturday, April 12th from 9 a.m. to 2 p.m. at Shawnee Mission East High School.

Prairie Village Arts council sponsors showing of Shakespeare play “Hamlet” with Mel Gibson in the Council Chambers at 6:30 p.m. on April 30, 2003.

Mark your calendar for Council pictures on Monday, May 5th. Confirm your availability with Lori Franke.

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 8:25 p.m.

Joyce Hagen Mundy
City Clerk