

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Monday, January 6, 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 – December 16, 2002
2. Approve Claims Ordinances #2383 through #2386

By Change Order:

3. Approve Construction Change Order #2 to the contract with Pyramid Excavation & Construction for Project 190624: Harmon Park Restoration for an increase of \$11,203.00 bringing the new contract total to \$131,103.00 with funding from the Capital Expenditure Program.
4. Approve Construction Change Order #2 to the contract with Dennis Johnson Construction for Project 190710: 2002 Storm Drainage Repair for a decrease of \$1,740.00 bringing the new contract total to \$801,019.00

By Committee:

5. Approve Ordinance 2043 amending PVMC Section 2.16.015 entitled “Compensation Generally” to adopt salary ranges for 2003 (Council Committee of the Whole Minutes – December 16, 2002)
6. Approve the allocation of \$18,035 from the 2003 budget to support the Economic Development Council of the Northeast Johnson County Chamber of Commerce (Council Committee of the Whole Minutes – December 16, 2002)
7. Adopt Ordinance 2044 amending Chapter 19.48 of the Prairie Village Municipal Code, entitled “Signs” by amending Section 19.48.020 entitled “Regulations applicable to Districts R-1a through R-4 inclusive” (Council Committee of the Whole Minutes - December 16, 2002)
8. Adopt Ordinance 2045 approving a special use permit for the operation of a service station, carwash and environmental monitoring equipment at 8210 Mission Road, Prairie Village, Kansas (Council Committee of the Whole Minutes – December 16, 2002)
9. Adopt Ordinance 2046 approving a special use permit for the operation of a service station and environmental monitoring equipment at 3901 Tomahawk Road, Prairie Village, Kansas (Council Committee of the Whole Minutes – December 16, 2002)

V. COMMITTEE REPORTS

VI. OLD BUSINESS

Consider Bond Redemption Ordinance

VII. NEW BUSINESS

Consider Resolution regarding possible unsafe structure at 7124 Cherokee Drive

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

**COUNCIL
CITY OF PRAIRIE VILLAGE
January 6, 2003
-Minutes-**

The City Council of Prairie Village, Kansas, met in regular session on Monday, January 6, 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: Bill Griffith, Ruth Hopkins, Steve Noll, Bob Pierson, Roy True, Laura Wassmer, Jerry Kelso, Jeff Anthony, Kay Wolf, Diana Ewy Lamberson 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; Stephen Horner, Assistant City Attorney; Jim Brown, City Building Official; Marcia Gradinger, Code Enforcement Officer and Joyce Hagen Mundy, City Clerk.

PUBLIC PARTICIPATION

Mayor Shaffer introduced John Solter, 8017 Rosewood Drive, who was attending the meeting for his American Government class at Shawnee Mission East High School.

No one was present to address the Council.

CONSENT AGENDA

Diana Ewy Lamberson requested that item #6 be removed from the Consent Agenda for discussion. Laura Wassmer moved the approval of the Consent Agenda for Monday, January 6, 2003 as amended.

1. Approve Regular Council Meeting Minutes – December 16, 2002
2. Approve Claims Ordinances #2383 through 2386
3. Approve Construction Change Order #2 to the contract with Pyramid Excavation & Construction for Project 190624: Harmon Park Restoration for an increase of \$11,203.00 bringing the new contract total to \$131,103.00 with funding from the Capital Expenditure Program.
4. Approve Construction Change Order #2 to the contract with Dennis Johnson Construction for Project 190710: 2002 Storm Drainage Repair for a decrease of \$1,740.00 bringing the new contract total to \$801,019.00
5. Approve Ordinance 2043 amending PVMC Section 2.16.015 entitled “Compensation Generally” to adopt salary ranges for 2003
6. Removed
7. Adopt Ordinance 2044 amending Chapter 19.48 of the Prairie Village Municipal Code, entitled “Signs” by amending Section 19.48.020 entitled “Regulations applicable to Districts R-1a through R-4 inclusive”

8. Adopt Ordinance 2045 approving a special use permit for the operation of a service station, carwash and environmental monitoring equipment at 8210 Mission Road, Prairie Village, Kansas
9. Adopt Ordinance 2046 approving a special use permit for the operation of a service station and environmental monitoring equipment at 3901 Tomahawk Road, Prairie Village, Kansas

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

Diana Ewy Lamberson stated her concerns with taking money from the city’s economic development funds and questioned the status of the Prairie Village Development Corporation. She noted her concern that once the City begins funding the Economic Development Council of Northeast Johnson County Chamber of Commerce it will become an on-going expense that will grow and be difficult to stop funding.

Steve Noll noted that he was not actively involved in the Chamber, but felt that economic development would be a primary function for this organization. With the availability of the Claridge Court funds designated for economic development this is easy to fund, but when these funds run out it will be difficult to find \$20,000 for ongoing support. With the small amount of commercial development within the City, he does not feel the City will get an equitable return on its investment.

Mayor Shaffer stated that the Chamber represents a very viable source for growth in Prairie Village. He noted that the Prairie Village Development Corporation is currently inactive, but that it could be activated if needed.

Laura Wassmer said she was initially skeptical and noted that during the discussion of this issue in committee it was clearly stated that the City would not continue its financial support if it was not satisfied with the services and support provided by the Chamber.

Diana Ewy Lamberson asked what level of support the Chamber had received from other cities. Mayor Shaffer responded that he was uncertain of actual commitments that have been made. Kay Wolf stated that indications were that all the cities would be providing financial support except the City of Mission Hills. Mrs. Wolf further stated that she is proud of the City for its forward thinking and support of the Chamber. She noted that the Chamber is aware of the City’s expectations.

Roy True stated that he expects 25% of the Chamber’s time to be spent on Prairie Village and suggested the City space its payments. Jerry Kelso questioned how this could be monitored. Mr. True responded that it would be difficult to monitor, but stated

he does not believe development in Mission helps Prairie Village or that other cities' growth helps Prairie Village.

Jeff Anthony questioned if the Chamber did not receive the expected funding from other cities if the City's portion would be increased. Mrs. Wolf responded that it would not.

Mayor Shaffer said development in other cities does help Prairie Village. Ruth Hopkins stated that she sees the greatest impact comes from keeping parts of Northeast Johnson County growing/redeveloping and the slowing of urban sprawl and deterioration in the area.

Bill Griffith moved the Council approve the allocation of \$18,035 from the 2003 budget to support the Economic Development Council of the Northeast Johnson County Chamber of Commerce. Ruth Hopkins seconded the motion, which was voted on and passed by a vote of 8 to 3 with Noll, Anthony & Ewy Lamberson voting "nay".

COMMITTEE REPORTS

Council Committee of the Whole

POL97-142 Consider Mission Road Bridge Replacement

In December, the Kansas Department of Transportation received a bid of \$623,689.60 for Project 190810: Mission Road Bridge Replacement. This amount would increase the City's portion of the cost for the project significantly. The committee considered several options and recommends that the project be re-bid.

Laura Wassmer moved the Council not approve the KDOT "Authority to Award Contract/Commitment of City Funds" form for Project 190810: Mission Road Bridge Replacement, and request that KDOT re-bid the project as soon as possible and that the construction period be changed to 150 days. The motion was seconded by Kay Wolf and passed unanimously.

OLD BUSINESS

Consider Bond Redemption Ordinance

Barbara Vernon reviewed the history of the discussion on the refinancing and possible redemption of the Harmon Park Bonds. In 2002, the City's financial consultant recommended the Harmon Park Bonds be refinanced in order to incur savings on the amount of interest paid. They later changed their recommendation based on a change in interest rates to not refinance the bonds. During discussion of this item, the Legislative/Finance Committee recommended the redemption of the bonds using

approximately \$915,000 from the Fund Balance. This action was approved by the Council on a vote of 6 to 5.

Mrs. Vernon stated the procedure for redemption of bonds requires formal action by the City Council. An Ordinance approving the redemption of Series 1994-A General Obligation Park Refunding Bonds must be adopted by the City Council and sent to the State Treasurer at least 45 days before the next payment date. This requires that the Ordinance be filed by January 15, 2003.

Mrs. Vernon expressed concern with the uncertainty of anticipated further cutbacks from the State and County and their impact on the City's Fund Balance. She stated that the question before the Council is, "if the early redemption of bonds using Fund Balance is prudent." She noted that the savings to be incurred from the redemption in the long-term life of the bonds is only approximately \$13,747.

Jerry Kelso asked for Mrs. Vernon's recommendation. She responded that her recommendation is to continue payment of the bonds as scheduled.

Bill Griffith stated that he supports moving forward with the redemption of the bonds. He noted that the analysis of savings assumes that the \$915,000 is available to earn interest, which he feels is highly unlikely. He also does not recall a recommendation ever being made by George K. Baum on the proposed redemption of the bonds. He only recalls them addressing the refinancing of the bonds.

Laura Wassmer stated that she had asked Mr. Arteberry specifically if he would recommend redeeming the bonds and he replied he would not. She further asked why Mr. Griffith was sure the City would spend the fund balance.

Bill Griffith responded that the past several budgets adopted by the Council have had expenditures exceeding revenue. He feels by reducing Fund Balance the Council will be forced to make the tough budgetary decisions that have to be made.

Bob Pierson and Jerry Kelso stated that under the current economic conditions they felt confident that the Council could refrain from spending fund balance.

Diana Ewy Lamberson stated that she is very uncomfortable spending the fund balance for the early redemption when there are so many financial uncertainties at this time. She asked staff for their recommendation.

Jamie Shell, Finance Director, stated the biggest consideration is the significant lack of funds previously received by the City from the State that have been cut and the probability that more funds will be lost from both the State and the County. He does not

feel it is prudent to spend \$915,000 from the City's Fund Balance at this time to redeem bonds.

Jeff Anthony stated that he supports the redemption of the bonds. He feels the Council must deal with the financial issues now and that by redeeming the bonds the City will both face these issues and be in a better debt position. This is a valid business decision.

Bill Griffith moved the Council adopt an ordinance authorizing and approving the redemption of the City of Prairie Village, Kansas Series 1994–A General Obligation Park Refunding Bonds. Ruth Hopkins seconded the motion.

Diana Ewy Lamberson noted that last January's ice storm cost the City \$2.5 million and questioned what the City would do if this happened again. Mrs. Hopkins responded that if another ice event occurred the City could charge residents for services. She agrees with Mr. Griffith that the Council's desire to maintain programs would require the spending of fund balance and feels that the expenditure of fund balance to pay off the bonds makes good sense. She noted that, if funds were needed in the future, other bonds could be issued.

Mayor Shaffer stated that the City, unlike private businesses, is limited in what it can issue bonds for. Charles Wetzler stated that the City can bond for major storm drainage and infrastructure/street programs, certain buildings and purchase of park land without a vote of the people.

Roy True stated that bonds could be issued to cover an ice event.

Diana Ewy Lamberson reminded Council members that the recommendations of the City's financial consultant and staff are to continue to pay on the bonds and not spend fund balance to redeem them at this point.

Mayor Shaffer called for a vote on the motion to adopt an ordinance authorizing and approving the redemption of bonds. He noted that seven votes, a majority of the full Council, were necessary for the adoption of the ordinance. The following votes were cast: "aye" Griffith, Hopkins, Noll, True, Anthony and Wolf; "nay" Pierson, Wassmer, Kelso, Ewy Lamberson and Markley. Mayor Shaffer declared the motion defeated.

Diana Ewy Lamberson moved the Council rescind the motion approved October 21, 2002 to call all outstanding 1994 Series-A Harmon Park Bonds. The motion was seconded by Laura Wassmer.

Roy True questioned the need for further action. Jerry Kelso stated that if action is taken by the Council the issue is finished. City Attorney Charles Wetzler agreed that action to rescind the motion cleans up the record and clarifies the action of the Council. If no action is taken, the issue can continue to be brought up at any time; whereas, if it is rescinded, it would be off the table and require the Council to go through the entire process of committee consideration, recommendation and action.

Mayor Shaffer called for a vote on the motion to rescind the motion of October 21, 2002 to call all outstanding 1994 Series-A Harmon Park Bonds. The following votes were cast: “aye” Pierson, Wassmer, Kelso, Ewy Lamberson & Markley; “nay” Griffith, Hopkins, Noll, True, Anthony and Wolf. Mayor Shaffer noted that this vote requires a majority of the entire Council and therefore, fails.

NEW BUSINESS

Solid Waste Program Changes

Doug Luther advised the Council that effective Thursday, January 2nd, Deffenbaugh began implementing their new recycling program that does not collect glass. However, the new program will pick up cardboard boxes, chipboard and carrier stock. Mr. Luther noted that, as with every change, there has been confusion. Both the City Newsletter and local press have been advising residents of the new program, but many residents were unaware of the changes. The City received several calls from residents on Thursday who had their recycling left with a note that glass was no longer being taken.

Bill Griffith asked if Deffenbaugh notified the residents of the change, as is done with the large item pick-up, prior to Thursday. Mr. Luther responded that with the excessive time commitment involved in making the changeover, Deffenbaugh did not get any notice out to residents. Mr. Luther stressed the importance of getting the information out to the public. Mayor Shaffer reminded the Council of the major discussion and consideration that went into this change in the program supported by the Environment/Recycling Committee.

Consider Resolution regarding possible unsafe structure at 7124 Cherokee Drive

Assistant City Attorney Stephen Horner explained the process for consideration of a possible unsafe structure. The process begins with the Governing Body determining if a hearing is justified based on evidence presented by City Staff.

The information being presented this evening is for the Council to determine if a “show-cause” hearing is warranted on this property. This is the only decision to be made by the Council at this time. If the Council determines that a hearing is justified, the date and time of such hearing will be set and the due process stipulated in the Kansas Statutes and the Prairie Village Municipal Code will be followed.

Jim Brown, City Building Official, reviewed photographs of the property. A picture taken of the exterior of the street does not reflect the problems found after closer investigation. Mr. Brown presented pictures from directly outside and inside the structure showing the exterior foundation collapsing at each corner of the house. Pictures also showed the foundation cracked from one end of the wall to the other. Pictures showed cracks in the upstairs ceiling and large holes in the foundation of the property. Mr. Brown confirmed that the home is currently occupied.

Mayor Shaffer asked for an explanation of the process.

Mr. Horner advised that if the Council determines that a hearing is warranted, a resolution will be adopted establishing the hearing date, time and place. This will be published two consecutive weeks in the official City newspaper and all interested parties will be mailed notice of the hearing by certified mail. At the hearing, the Building Official will present additional evidence regarding the condition of the property. The property owner will be able to respond to questions and present evidence. If the Council determines the structure is not dangerous or unsafe, the case is closed.

If the Council determines the structure to be dangerous or unsafe, they will determine what corrective action should be taken and give the property owner a specified time period in which to take corrective action. If action is not taken within that time period, the City then has the authority to take corrective action to remediate the problem and the ability to assess the costs to the property owner. This can take place by a direct billing to the property owner, an assessment on the property or through civil court action. Mr. Horner noted that it is possible the property owner will not have the funds to pay the City resulting in the City having to absorb the costs.

Laura Wassmer moved the Council adopt Resolution 2003-01 fixing a time and place and providing for notice of a hearing before the Governing Body of Prairie Village, Kansas, at which the owner, his or her agent, lienholders of record, occupants and other parties in interest of the structure located at 7124 Cherokee Drive within said City and described herein may appear and show cause why such structure should not be

condemned and ordered repaired or demolished as an unsafe or dangerous structure. The motion was seconded by Jerry Kelso and passed unanimously.

Mr. Horner stated that under the requirements of due process the earliest that the hearing could take place would be February 17, 2003. The City's presentation would take approximately 25 minutes and others would be allowed to comment. Mayor Shaffer stated that the hearing would be set for the Council meeting on Tuesday, February 18th.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

Board of Code Appeals	1/07/2003	6:00 p.m.
Planning Commission	1/07/2003	7:00 p.m.
Park and Recreation Committee	1/08/2003	7:00 p.m.
Sister City Committee	1/13/2003	7:00 p.m.
Environmental/ Recycle Committee	1/14/2003	7:00 p.m.
Prairie Village Arts Council	1/15/2003	7:00 p.m.
Council Committee	1/21/2003 (Tuesday)	6:00 p.m.
City Council	1/21/2003 (Tuesday)	7:30 p.m.

The Prairie Village Arts Council is pleased to feature the work of Mike Mullen for the month of January. Mike will have an exhibit of photography. The reception will be from 6:30 to 7:30 pm on January 10th.

The Mayor's Holiday Tree Fund has received \$7,496.61 in donations as of December 31st. Donations to the Holiday Tree Fund will be utilized in assisting Prairie Village families and Senior citizens needing help to pay their heating and electric bills during the cold winter months, as well as with home maintenance throughout the year. Your tax-deductible contributions are appreciated.

There will be **no trash services** provided on Monday, January 20th in observance of the Martin Luther King Jr. Holiday. Pick-up will be delayed one day all week.

City Offices will also be closed on Monday, January 20th in observance of the Martin Luther King, Jr. Holiday. Emergency services/dispatch will be available during that time.

Holiday tree recycling is available until January 20th at Harmon Park, Franklin Park, Porter Park and Meadowlake Park.

The City Council will **not** meet on Monday, January 20th, but **will meet on Tuesday, January 21st**.

The 2003 council worksession and Legislative Breakfast will be held on Saturday, February 1st.

Filings for the 2003 Spring Election will be accepted until Tuesday, January 21, 2003. Filing information can be obtained from the City Clerk.

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

