

**COUNCIL
CITY OF PRAIRIE VILLAGE
December 16, 2002
-Minutes-**

The City Council of Prairie Village, Kansas, met in regular session on Monday, December 16, 2002, 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, Bob Pierson, Roy True, Laura Wassmer, Jeff Anthony, Kay Wolf, and Diana Ewy Lamberson.

Also present were: Barbara Vernon, City Administrator; Charles Grover, Chief of Police; Bob Pryzby, Director of Public Works; Doug Luther, Assistant City Administrator and Lori Franke, Administrative Assistant.

PUBLIC PARTICIPATION

Joe Hendrickson, Hendrickson Tree Care Company, 5611 West 84th Street was present to clarify his bid for the Request for Proposal (RFP) on tree trimming. He said the bid requested pricing and specified an hourly rate including labor and equipment, but did not specify the number of men performing the work. Mr. Hendrickson stated that his bid included pricing for a two or three man crew, whichever the City had used with the previous contractor and the RFP response was intended to read that way.

CONSENT AGENDA

Bill Griffith requested that item #26 be removed from the consent agenda for discussion.

Laura Wassmer moved the approval of the amended Consent Agenda for Monday, December 16, 2002:

1. Approve Regular Meeting Minutes – December 2, 2002
2. Approve Claims Ordinances #2381 through #2382
3. Approve the Annual Service Agreement with Daymark Solutions, Inc. for the City's Photo ID System used for the pool membership photo identification cards at a cost of \$705 with funding from the City Clerk's 2003 budget
4. Approve authorization to issue 2003 Cereal Malt Beverage Licenses to the following corporations:

Hy-Vee, Inc.	7620 State Line Road
Four B Corp-Hen House	4050 W. 83 rd Street
Four B Corp-Hen House	6950 Mission Road
5. Approve to renew the Recware software agreement with The Active Network, Inc. for e-mail technical support and assistance for 2003 at a cost of \$695.00.

6. Approve the carry-over of \$25,000 from the City Clerk budget for replacement of the front doors at the Municipal Offices to the 2003 City Clerk budget
7. Approve an ordinance amending Chapter 2.52 of the Prairie Village Municipal Code entitled "Police Department" by amending section 5.52.170 entitled "Pension Plan – Trust Agreement"
8. Approve an ordinance adopting "The City of Prairie Village, Kansas Supplemental Pension Benefit Plan"
9. Approve the Adult Pool and Meter Pool in the Prairie Village Pool Complex to be closed on July 20, 2003 from 11:00 a.m. to 7:00 p.m. in order to hold the 2003 American Red Cross Midwest Lifeguard Tournament at the Pool Complex
10. Accept the bid and approve the 2003 Annual Service agreement for painting buildings with Northeast Painting.
11. Accept the bid and approve the 2003 Annual Service agreement for Coffee Services with Coffee Plus.
12. Accept the bid and approve the 2003 Annual Service agreement for Custodial Services with Sanitol
13. Accept the bid and approve the 2003 Annual Service agreement for holiday tree lighting with Shawnee Mission Tree Service for \$10,130.00 per year
14. Accept the bid and approve the 2003 Annual Electrician Services agreement with Teague Electric
15. Accept the bid and approve the 2003 Annual Service agreement for HVAC Services with Chief Cooling and Heating
16. Accept the bid and approve the 2003 Annual Service agreement for ice making with Ice Masters for an annual fee of \$1,860.00
17. Accept the bid and approve the 2003 Annual Service agreement for locksmith services with Johnson County Key Services
18. Accept the bid and approve the 2003 Annual Service agreement for pest control with Acurid Commercial Services by Orkin for an annual fee of \$2,549.00
19. Accept the bid and approve the 2003 Annual Service agreement for plumbing services with Lexington
20. Accept the bid and approve the 2003 Annual Service agreement for portable toilet services with Johnny On the Spot for an annual fee of \$11,440
21. Accept the bid and approve the 2003 Annual Service agreement for refuse container service with Deffenbaugh Industries, Inc. for an annual fee of \$6,602.88
22. Accept the bid and approve the 2003 Annual Service agreement for rolloff container service with BFI, Inc.
23. Accept the bid and approve the 2003 Annual Service agreement for rug service with Cintas Corporation
24. Accept the bid and approve the 2003 Annual Service agreement for traffic markings with A-1 Striping
25. Accept the bid and approve the 2003 Annual Service agreement for tree planting with Shawnee Mission Tree Service
26. (removed for further discussion)
27. Accept the bid and approve the 2003 Annual Service agreement for weather forecast with Weather Or Not for an annual fee of \$6,000.00
28. Ratify the Mayors approval of a short-term special use permit to "Johnny's" for a 2' x 6' promotional banner at 8262 Mission Road from December 4th to December 24th
29. Ratify the appointment of Teresa Meagher to the Prairie Village Arts Council as a Student Representative for a one-year term ending in April, 2003
30. Approve an interlocal agreement between the City of Prairie Village and the City of Overland Park for Project 190837: 75th Street – Walmer to Nall Avenue with the City of Prairie Village paying \$91,000 with funding from the Capital Infrastructure Program (Policy/Services Committee Minutes, December 2, 2002)
31. Approve the Construction Change Order #2 with T.S.C. Inc for Project 190811: Mission Road and Tomahawk Road for an increase of \$31,782.76 with funding from the Capital Infrastructure Program (Policy/Services Committee Minutes, December 2, 2002)
32. Approve the 2003 Agreement with Challenger Sports for use of Meadowlake Park for sports camps with a rental fee of \$10 per participant. (Legislative/Finance Committee Minutes, December 2, 2002)
33. Approve the 2003 agreement with British Soccer for use of Meadowlake Park for sports camps with a rental fee of \$10 per participant. (Legislative/Finance Committee Minutes, December 2, 2002)

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

Mayor Shaffer asked for discussion of removal of consent agenda item #26 Accept the bid and approve the 2003 Annual Service agreement for tree removal and trimming with Shawnee Mission Tree Service.

Bob Pryzby stated that tree trimming bids were opened on December 6, 2002. Realizing the bids were close, Mr. Pryzby reviewed similar invoices for work performed in 2002 to make a comparison. Bob Pryzby phoned with Mr. Hendrickson for clarification on his bid. Mr. Hendrickson stated that, depending on the size of the crew, it would be \$55 per hour per person. At this point Mr. Hendrickson asked what size crews the City had been using. After speaking with Roger Wyatt, as to the size of crews for 2002 work, Mr. Pryzby phoned Mr. Hendrickson to let him know that Shawnee Mission Tree uses three man crews. Mr. Pryzby therefore deduced that if Mr. Hendrickson's bid was \$55 per man per hour, then Mr. Hendrickson's bid for a three man crew would be \$165 per hour, clearly more than the bid from Shawnee Mission Tree. Mr. Hendrickson indicated that he would be willing to do the work with a three man crew for \$110. Mr. Pryzby stated that there was no basis for accepting Mr. Hendrickson's bid as it clearly stated \$55 per man per hour.

Bill Griffith moved the Council accept the bid and approve the 2003 annual service agreement for tree removal and trimming with Shawnee Mission Tree Service. The motion was seconded by Al Herrera and passed by a 9 to 1 vote with Roy True voting "nay".

Roy True questioned what the issue would be with re-bidding the work.

Mr. Pryzby explained that it would be unfair as the bidders now know each other's bids.

Al Herrera stated that it would be unfair to the other bidders and felt it would be unethical for the City. Laura Wassmer agreed with Mr. Herrera.

Mr. Hendrickson stated that an option would be to award half of the contract to Hendrickson Tree Service and the remaining half to Shawnee Mission Tree.

Mr. True questioned how many years the City had been using Shawnee Mission Tree Service. Mr. Pryzby stated that all tree work had been bid out annually with the exception of the first year he was employed with the City.

Ms. Wassmer inquired what other cities Hendrickson Tree Service does work for. Mr. Hendrickson stated that he does work for the City of Overland Park, Kansas.

Kay Wolf stated that Mr. Hendrickson should have come forward with his questions prior to the bid opening.

COMMITTEE REPORTS

Legislative/Finance Committee - Bill Griffith

LEG2002-34 Consider Procurement Card Program

Bill Griffith reported that Jamie Shell had presented the Legislative/Finance Committee with the idea of procurement cards for select employees. The procurement card is a credit card system that can be used by employees who make minor purchases and/or travel. It provides more flexibility and is a way to pay City bills in a more timely manner. The control of card assignment and monitoring would be at the Department Manager level. Managers would decide who would receive a card; they would also be responsible for reviewing and approving all charges. Cards can be restricted to specific vendors, and each can have a separate spending limit.

Bill Griffith moved the Council approve an agreement with the City of Prairie Village and Intrust Bank for a procurement card program. The motion was seconded by Diana Ewy Lamberson.

Jamie Shell stated that Intrust Bank denied a discounted price per card. The Bank does not receive a discount from vendors; they only receive fees related to the issuance of cards. The cost for 25 cards would be \$25 per card. The cost increases to \$35 per card if less than 25 cards are issued and parameters would not be allowed on less than 25 cards. Mr. Shell added that the City should not proceed with the issuance of procurement cards if they would not issue cards to 25 employees. Twenty-nine cards would be issued to employees. The Council and Mayor could be issued a card as well.

Ms. Ewy Lamberson confirmed with Mr. Shell and Ms. Vernon that the cards would be given to employees who department managers were comfortable having them. Mr. Shell stated that the cards would be given to employees who make low dollar purchases and require goods and services at that time, rather than at a later date.

Ms. Hopkins stated that she did not understand the procurement process and inquired if a prior arrangement would need to be set-up with City vendors. Mr. Shell explained that the procurement card is similar to a universal card and would not require prior arrangement with vendors.

Mr. Griffith questioned if it was possible to have different maximum single purchase levels per card.

Ms. Hopkins expressed her concern that the City may be opening an avenue for abuse.

Mr. Shell clarified that there would be internal controls that would allow a dollar limit per card as well as industry codes that would allow the City to restrict the use of the cards at certain locations.

Ms. Wassmer stated that she did not feel the procurement cards were necessary unless it saved an incredible amount of processing time for the accounting department.

Mr. Shell explained that the card would enhance the ability to purchase products as they are needed. This card would not be used to purchase large items. Mr. Shell also added that many times, when employees travel, the majority of the purchases are paid by the employee. The process of reimbursing employees can sometimes take three or four weeks.

Bob Pryzby explained that many times his employees will make small purchases at Westlake Hardware and forget to turn in sales receipts. Over time Public Works has received notices from Westlake Hardware that payment had not been received on the City account. With the procurement card, Westlake Hardware will receive payment up front and the City will have documentation of purchases.

Mr. Griffith stated that the cards need to be used correctly and the parameters of the cards could always be changed as needed.

Mr. Noll questioned if there would be a rule that employees will not charge any personal items.

Mr. Shell explained that within the policy there will be a cardholder agreement that each employee will be required to sign. It states directly that they will not misuse the card. If an employee terminates employment, the card will be canceled immediately. Each card will also have a protection waiver in the amount of \$15,000.

The motion passed with a vote of eight “ayes” and two “nays” (Hopkins and Pierson).

OLD BUSINESS

Barbara Vernon reported that earlier during the year the Legislative/Finance Committee considered George K. Baum’s recommendation to refinance the Harmon Park Bonds in order to reduce interest payments. Later Baum recommended that the bonds not be refinanced due to the change in interest rates.

During discussion, Legislative/Finance committee members decided to recommend redemption of the bonds using Fund Balance to finance the payment of over \$900,000. The City Council subsequently approved this decision by a 6 – 5 vote.

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 sent to the State Treasurer at least 45 days before the next payment date. January 15, 2003 is the date an Ordinance must be filed by the City.

Ms. Wassmer stated that now was not the time to be spending money. Mr. Griffith stated that the City would not be spending money but reducing debt.

Mr. Griffith inquired why George K. Baum was advising the City not to redeem the bonds. Ms. Vernon stated that George K. Baum was advising against refinancing the bonds because interest rates had risen after the initial recommendation.

Mr. Griffith stated that he was in favor of redeeming the bonds rather than keeping them at a higher interest rate.

Ms. Ewy Lamberson stated that at the National League of Cities conference they discussed that cities having cash reserves on hand would be in a better position over the next few years. Ms. Ewy Lamberson added she would feel more comfortable if the money were left alone.

Mr. Anthony stated that he was not sure how redeeming the bonds would affect the Fund Balance.

Mr. Shell stated that unlike private industry, whenever bonds are paid off the bottom line is affected.

Mr. Anthony stated that he felt the Council would not be taking an irreversible step. He felt the Council would be taking a step to save interest expense.

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. The motion was seconded by Roy True.

A roll call vote was taken with the following members voting “aye” Griffith, Hopkins, Noll, True, and Anthony and the following members voting “nay” Herrera, Pierson, Wassmer, and Ewy Lamberson. The motion required 7 votes to pass and therefore failed with a 5 to 4 vote.

Kay Wolf left the Council Meeting.

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

Roy True moved that the Council continue the motion to the January 6, 2003 council meeting when a more representative sample of the Council would be present. The motion was seconded by Bill Griffith.

Ms. Hopkins stated that she did not understand why this issue should be continued when the previous issue was not continued.

Mr. True stated that it was a close vote and would only be fair to have the Council members not present, Patty Markley, Kay Wolf, and Jerry Kelso vote as well.

A vote was taken on the motion to continue with the following members voting "aye" Herrera, Noll, True, and Anthony, and voting "nay" Griffith, Hopkins, Pierson, Wassmer, and Ewy Lamberson. The motion failed with a 5 to 4 vote.

A vote was taken on the motion to rescind with the following members voting "aye" Herrera, Pierson, Wassmer, and Ewy Lamberson and voting "nay" Griffith, Hopkins, Noll, True, and Anthony. The motion failed with a 5 to 4 vote.

Mayor Shaffer decided that this particular item would be discussed at the January 6, 2003 Council meeting under old business.

NEW BUSINESS

No New Business came before the Council.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

Board of Code Appeals	12/17/2002	6:00 p.m.
Prairie Village Ice Storm Committee	12/17/2002	7:00 p.m.
Policy Services Committee	01/06/2003	6:00 p.m.
Legislative/Finance Committee	01/06/2003	6:00 p.m.
City Council	01/06/2003	7:30 p.m.

The Prairie Village Arts Council is pleased to feature the work of Mike Mullen featuring an exhibit of his photography during the month of January in the R. G. Endres Gallery.

The Mayor's Holiday Tree Lighting Ceremony has received \$6,453.61 in donations as of December 10th. 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.

The Employee Holiday Brunch will be held on Tuesday, December 24th from 11:00 a.m. to 1:00 p.m. Council Members, City Staff and their families are invited to attend.

City offices will be close on Wednesday, December 25th in observance of the Christmas holiday and Wednesday, January 1, 2003 in observance of the New Years. Emergency Services/Dispatch will be available during that time.

Deffenbaugh will be one day late on the weeks of Christmas and New Years. Wednesday trash will be picked up Thursday, Thursday's trash will be picked up on Friday and Friday 's trash will be picked up on Saturday.

The 50th Anniversary books, **Prairie Village Our Story**, are being sold to the public.

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

ADJOURNMENT

With no further business to come before the Council, the meeting was adjourned at 8:46 p.m.

Lori Franke
Administrative Assistant