

**COUNCIL MEETING AGENDA  
CITY OF PRAIRIE VILLAGE  
Monday, September 16, 2002  
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 – September 3, 2002
2. Approve Claims Ordinances #2361 through #2363
3. Approve a short-term special use permit to St. Ann's Church for their annual October Fall Festival on Saturday, October 12<sup>th</sup> from 5:30 p.m. to midnight and Sunday, October 13<sup>th</sup> from noon to 6:00 p.m. contingent upon the tent meeting the requirements of the Uniform Fire Code
4. Approve an agreement with the Johnson County Airport Commission for using the New Century Airport on September 30 for snowplow training by Public Works employees and a fee of \$50.
5. Approve the street design engineering services agreement with Affinis Corporation for Project 190838: 79<sup>th</sup> Street – Aberdeen Street to Belinder Avenue for \$31,000 with funding from the Capital Expenditure Program
6. Approve the design engineering services agreement with The Larkin Group, Inc., for Project 190838: 79<sup>th</sup> Street – Aberdeen Street to Belinder Avenue for \$16,200 with funding from the Capital Expenditure Program

**By Change Order:**

7. Approve Construction Change Order #1 to the contract with Dennis Johnson Construction for Project 190710: 2002 Storm Drainage Repair for an increase of \$5,780 with funding from the Capital Expenditure Program

**By Committee:**

8. Affirm the current program which meets the expectations and needs of the residents with staff continuing to add additional sidewalks in accordance with Council Policy #312 as streets are renovated (Policy/Services Committee Minutes – September 3, 2002)
9. Approve Engineering Change Order #1 with The Larkin Group, Inc. for \$30,000 for additional design fees for the 2003 Storm Drainage Program (Policy/Services Committee Minutes – September 3, 2002)
10. Approve Engineering Change Order #1 with Affinis Corporation for \$18,000 for additional design fees for the 2003 Concrete Repair Program (Policy/Services Committee Minutes – September 3, 2002)
11. Approve Construction Change Order #1 to the contract with Pyramid Excavation and Construction for \$15,900 for Project 020129: Restoration of Harmon Park Tree Debris Site and the associated engineering fees of \$2,500 to The Larkin Group, Inc. with funding from the Park Capital Infrastructure Program by transferring \$18,400 from Harmon Park electrical service to this project (Policy/Services Committee Minutes – September 3, 2002)
12. Adopt Ordinance 2038 regulating public offenses within the corporate limits of the City of Prairie Village, Kansas, incorporating by reference the "Uniform Public Offense Code for Kansas Cities," Edition of 2002, with certain deletions and additions; prescribing additional regulations; and repealing Chapter 10.04 of the Prairie Village Municipal Code (Legislative/Finance Committee Minutes – September 3, 2002)
13. Adopt Ordinance 2039 amending Title 11 of the Prairie Village Municipal Code, 1973, entitled "Vehicles and Traffic" by repealing Sections 11.04.010 entitled "Standard Traffic Ordinance" and 11.04.030 entitled "Speed Limit Changes" and enacting in lieu thereof new sections of like number and subject, and amending certain sections of said Standard Traffic Ordinance (Legislative/Finance Committee Minutes – September 3, 2002)
14. Establish a fee of \$35.00 per hour for Off-Duty Services provided by the Prairie Village Police Department (Legislative/Finance Committee Minutes – September 3, 2002)

**V. COMMITTEE REPORTS**

**Legislative/Finance Committee – Ruth Hopkins**

LEG2002-22 Consider Special Use Permit for Wireless Communications  
Antenna at 1900 West 75<sup>th</sup> Street

LEG2002-21 Consider Proposed revisions to Prairie Village Municipal Code –  
Section 18 – Subdivision Regulations

**Council Committee of the Whole – Laura Wassmer**

COU2002-22 Consider cost to retailers for 50<sup>th</sup> Anniversary Book

**Insurance Committee – Steve Noll**

Workers Compensation Insurance Proposal

**Planning Commission – Bob Pierson**

**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 your 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  
September 16, 2002  
-Minutes-**

The City Council of Prairie Village, Kansas, met in regular session on Monday, September 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, 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 and Joyce Hagen Mundy, City Clerk.

**PUBLIC PARTICIPATION**

Mayor Shaffer recognized a Boy Scout present at the meeting working towards his Citizenship in the Community badge and three students from Shawnee Mission East High School attending the meeting for their American Government class.

There was no one present to address the Council during public participation.

**CONSENT AGENDA**

Laura Wassmer moved the approval of the Consent Agenda for Monday, September 16, 2002.

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8. Affirm the current program which meets the expectations and needs of the residents with staff continuing to add additional sidewalks in accordance with Council Policy #312 as streets are renovated

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14. Establish a fee of \$35.00 per hour for Off-Duty Services provided by the Prairie Village Police Department

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

## **COMMITTEE REPORTS**

### **Legislative/Finance Committee**

#### **LEG2002-22 Consider Special Use Permit for Wireless Communications Antenna**

VoiceStream Wireless is requesting a special use permit to place wireless communications antenna and related equipment on the roof of the Capitol Federal Building at 1900 West 75<sup>th</sup> Street. It was noted that Nextel currently has antenna at this location.

Ruth Hopkins moved the Council approve Ordinance 2036 granting a special use permit to Capitol Federal Savings for the installation of wireless communication antennae at 1900 West 75<sup>th</sup> Street by VoiceStream Wireless subject to the following conditions: 1) That the initial approval of the special use permit be for a maximum of five years. At the end of the five-year period and any subsequent five-year renewal periods, the applicant shall resubmit the application and shall demonstrate to the satisfaction of the Planning Commission and City Council that a need still exists for the antennae and that all the conditions for approval have been met. The permit may then be extended for an additional five years and new conditions may be required. 2) All equipment cabinets and wiring shall be screened from view of adjacent streets and properties. The equipment screening shall be as short as possible and shall not exceed 10 feet in height measured from the top of the roof. The antennae shall not exceed the height as shown on the plans submitted with this application. 3) The antennae and the frames for mounting them

and the platform screen shall be painted a color, approved by staff, which blends with the building so that their visibility is minimized. 4) The applicant shall not prevent other users from locating on the building. 5) Any permit granted which is found to be in non-compliance with the terms of the special use permit will become null and void within 90 days of notification of non-compliance, unless the non-compliance is corrected. If the special use permit becomes null and void, the applicant will remove the antennae, equipment cabinets, and all other appurtenances and shall restore the site to its original condition. 6) The applicant shall comply with all state and federal regulations. 7) In the event that the leaseholder abandons the facility and fails to remove the installation, the landowner shall remove it within 30 days. Laura Wassmer seconded the motion.

Kay Wolf confirmed that if VoiceStream's name or ownership changed that the Special Use Permit would be transferred with the conditions stipulated.

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

**LEG2002-21 Consider Proposed Revisions to Prairie Village Municipal Code – Section 18 “Subdivision Regulations”**

The Legislative/Finance Committee reviewed proposed changes to the City's subdivision regulations recommended by the Planning Commission. New language has been added to address the preparation of construction plans and bonding of improvements. Additional language has been added in several sections for clarification purposes so the need for interpretation would be minimized. Mrs. Hopkins noted that a full copy of the changes was attached to the committee minutes.

Ruth Hopkins moved the Council adopt by reference Ordinance 2037 amending Chapter 18 of the Prairie Village Municipal Code entitled “Subdivision Regulations” by repealing the existing Chapter 18 entitled “Subdivision Regulations” and enacting a new Chapter 18 entitled “Subdivision Regulations”. Laura Wassmer seconded the motion.

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

**Council Committee of the Whole**

Laura Wassmer reported that several retail establishments have expressed an interest in selling the Prairie Village 50<sup>th</sup> Anniversary Book at their businesses. During

the Council Committee meeting held earlier this evening the Council discussed the sale of books outside the Municipal Building and agreed upon specific conditions for the sale of the books. The committee also recommended a fee for sale of books to retail establishments.

Laura Wassmer moved the Council authorize the sale of Prairie Village, Our Story to retail establishments that purchase a minimum of 25 books at \$14 each with the agreement that the books must be sold for \$19.95 and not reduced in price. The City will reimburse the company \$14 for each book returned in good condition. The motion was seconded by Jerry Kelso and passed unanimously.

## **Insurance Committee**

### **Consider Workers Compensation Insurance Renewal**

Steve Noll reported that the Insurance Committee met on August 28<sup>th</sup> to consider the City's workers compensation insurance coverage, which expires on October 12, 2002. The current carrier, Fireman's Fund, no longer provides coverage to organizations providing "first responder services" such as public safety officers. The City's insurance broker was unable to identify other carriers willing to provide workers compensation to the City; therefore, the City has to obtain coverage through the State Assigned Risk Pool.

Steve Noll moved the Council authorize the City to obtain workers compensation coverage through the State Assigned Risk Pool effective October 12, 2002 at an annual premium of \$106,333. Diana Ewy Lamberson seconded the motion.

The insurance committee recommends that the City establish a deductible. The current policy covers all claims from the first dollar loss. Accepting a deductible will reduce the overall premium cost. In addition, claims paid under the deductible limit are excluded from the City's loss experience. This can help achieve a more favorable loss experience rating in the future. However, it was noted that establishing a deductible would result in the city assuming a specified amount of risk for workers compensation losses. The amount of deductible recommended by the Insurance Committee is \$500. Mr. Noll noted that with the use of this deductible the City's insurance premium would be less than it was last year.

Steve Noll moved to amend the motion by adding approval to establish a workers compensation reserve fund in the amount of \$5,000 for payment by the City of the \$500 deductible per claim. The amendment was seconded by Diana Ewy Lamberson and passed unanimously.

Roy True questioned if the City participated in the State's Risk Pool previously. Mr. Noll responded that last year the Council had approved participation in the State's Risk Pool for workers' compensation insurance; however, the City's insurance broker was able to find individual coverage with Fireman's Fund at a lower cost. The City then withdrew from the pool.

Mayor Shaffer called for a vote on the motion as amended as follows "the Council authorize the City to obtain workers compensation coverage through the state assigned risk pool effective October 12, 2002 with an annual premium of \$106,333 with the approval to establish a workers compensation reserve fund in the amount of \$5,000 for payment by the City of the \$500 deductible per claim." The motion as amended was passed unanimously.

### **Planning Commission**

Bob Pierson reported that at their September 3<sup>rd</sup> meeting the Planning Commission took the following actions: The Commission is recommending approval of an amendment to the sign regulations to allow for schools to display an award or recognition sign in addition to their allowed identification signs. The Commission approved requests from TeamBank & H&R Block to retain their existing monument signs for their tenancy as currently named and known. The Commission approved the site plan for Johnny's at 8262 Mission Road including an exterior patio.

The Commission heard the request of VoiceStream for a special use permit for a flagpole communications installation at the Homestead Country Club. Several concerns were expressed by both the Commission members and adjacent property owners and the application was continued until October 1<sup>st</sup> to allow the applicant to address the concerns presented at the hearing.

Diana Ewy Lamberson asked the status of the monument sign request for Michael Forbes Grill. Mr. Pierson responded that a monument sign was not approved specifically for his business; but under the sign standards, he could be identified by using the center identification sign. Several Council members expressed concern with the action of the Planning Commission to allow the H&R Block and TeamBank signs to remain although they were installed without Planning Commission approval. They felt strongly that ordinances should be enforced or changed. Other Council members felt that the City needs to be supportive of businesses and allow signs. The City Attorney reviewed the history of the sign regulations within the City. City Clerk, Joyce Hagen Mundy, advised

the Council that both H&R Block and Team Bank felt they had the City's approval. Both had received sign permits from the City for their signs. The signs were reviewed and approved by the City's Building Official. Ms Hagen Mundy noted the City Building Official has the authority to approve some signs without Planning Commission approval and these were incorrectly processed without approval of the Planning Commission. She also noted that the sale and separate ownership of the land on which these businesses are located, although they were initially platted as part of the Meadowbrook Village Shopping Center under planned zoning, further clouded the interpretation of the sign regulations. Laura Wassmer stated that she felt the issue of signs needs to be revisited by the Council. Mayor Shaffer said he would discuss the Council's concerns with Ron Williamson.

Jeff Anthony asked if Corinth Elementary School could have an award sign in addition to its three existing identification signs. Mr. Pierson stated that he did not know. Ms Hagen Mundy noted that the Council has not approved the proposed school sign regulations yet and that these questions could be discussed during the Council consideration of the proposed sign regulation changes.

## **OLD BUSINESS**

### **City Time Capsule**

Steve Noll reported the City's Time Capsule is now complete and arrangements are being made for a ceremony to bury the capsule. The proposed date is October 7<sup>th</sup> before City Council meeting.

### **9-11 Event**

Al Herrera reported on the successful recognition of September 11. According to Council direction, American flags were placed along both sides of Mission Road from 67<sup>th</sup> Street to 83<sup>rd</sup> Street. Mr. Herrera acknowledged the support of students from Rockhurst, Shawnee Mission East, Prairie Elementary School, St. Paul's School, Westwood School and adult volunteers to put the flags in the ground. He thanked Lori Franke for her efforts to locate the flags when the initial flags were unable to be used.

City Staff and Council members received several very positive comments from residents regarding the flags. The Mayor and Chief Grover were also recognized for their participation in the 9-11 event held at the Colonial Church.



**NEW BUSINESS**

Mayor Shaffer announced and congratulated Ruth Hopkins on her recent appointment to the Johnson County Solid Waste Committee and thanked her for her willingness to represent cities of the 1<sup>st</sup> class. Mrs. Hopkins stated that she sees this as a potentially very serious problem for Johnson County in the future.

**ANNOUNCEMENTS**

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

Communications Committee	09/17/2002	5:30 p.m.
Citizens Advisory Committee	09/17/2002	7:00 p.m.
Prairie Village Arts Council	09/18/2002	7:00 p.m.
Prairie Village Skate Park Committee	09/24/2002	7:00 p.m.
Environment/Recycle Committee	09/25/2002	7:00 p.m.
Planning Commission	10/01/2002	7:00 p.m.
Policy/Services Committee	10/07/2002	6:00 p.m.
Legislative/Finance Committee	10/07/2002	6:00 p.m.
City Council	10/07/2002	7:30 p.m.

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Mayor Shaffer announced that Prairie Village is hosting the League of Kansas City Municipalities Regional Supper on November 20 at the Homestead Country Club. He strongly encouraged all Council members to attend.

The Prairie Village Arts Council is pleased to feature the work of the Senior Arts Council during the month of September in the R. G. Endres Gallery.

This is Prairie Village Peanut Butter Week. This is the City’s 18<sup>th</sup> Annual Peanut Butter Campaign in support of Harvesters Community Food Network. Collection barrels are located at the Municipal Building, Hen House, Hy-Vee and at area schools and churches.

The 2002 League of Kansas Municipalities Conference will be held on October 12 – 15, 2002 in Wichita, Kansas. The conference theme is “Cities in the Global Community”. Registrations are due by September 16<sup>th</sup>. Please let Barbara know if you want to attend.

The 50<sup>th</sup> Anniversary book, **Prairie Village Our Story**, is now 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