

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE**

**Monday, August 20, 2001
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 – August 6, 2001
2. Approve Claims Ordinances #2267 through 2269
3. Approve a short-term special use permit for the 50th Anniversary Celebration to be held on September 15, 2001 on the Municipal Campus including signage and approval of special activities
4. Adopt Ordinance 2011 exempting the property commonly known as Harmon Park in Prairie Village, Kansas, from the provisions of Chapter 12.13 of the Prairie Village Code and from the provisions of K.S.A. 41-719© and allowing alcoholic beverages and cereal malt beverages to be sold and consumed on that property at approved city functions
5. Approve the removal of Judy Skinner's name from the Public Funds Bank Account with Firststar and add Bettina Jamerson to the account
6. Approve the extension of the 2001 agreement between Johnson County Park & Recreation District and the city of Prairie Village for the 50+ Water Exercise program through August 30, 2001 with the same terms and conditions agreed to in the original agreement
7. Authorize the Mayor to execute a proclamation recognizing the 50th Anniversary of the Mission Lodge on September 8, 2001
8. Authorize the Mayor to execute a proclamation declaring the week of September 17th – 21st as Peanut Butter Week
9. Ratify the Mayor's appointment of Steve Horner as the Assistant City Attorney

By Committee:

10. Amend Council Policy #350 entitled "Trees Damaged by Storms" by deleting Section 5.5.1 and Section 5.5.2 (Policy/Services Committee Minutes – August 6, 2001)
11. Adopt Ordinance 2012 raising the number of Council required to constitute a quorum to eight (Legislative/Finance Committee Minutes – August 6, 2001)
12. Approve a fee of \$32.88/hour for off-duty contractual services provided by the Police Department (Legislative/Finance Committee Minutes – August 6, 2001)
13. Approve amendments to Council Policy #051 entitled "Reservation of City Facilities" on the rental of the Council Chamber (Legislative/Finance Committee Minutes – August 6, 2001)
14. Approve the transfer of \$5,000 from the Parks Capital Expenditure Program unallocated line item to Porter Park wood pavilion refinishing (Park & Recreation Committee Minutes – August 8, 2001)
15. Approve the installation of GAF timberline shingles on the pavilion at Meadowlake Park at an estimated cost of \$3,000 (Park & Recreation Committee Minutes – August 8, 2001)
16. Authorize resident price for swim cards for members of the Roeland Park pool during the remaining 2001 season (Park & Recreation Committee Minutes – August 8, 2001)

V. COMMITTEE REPORTS

Policy/Services Committee - Steve Noll

POL2001-22 Consider Project 190815: 71st Street and Mission Road

Legislative/Finance Committee -

LEG2001-03 Consider Solid Waste Management Agreement

Regular Contract

Large Item Pickup Contract

LEG2001-14 Consider location requirements for restaurants that sell mixed drinks and/or cereal malt beverages

Ordinance #2013

Ordinance #2014

Roll Call Vote

VI. OLD BUSINESS

VII. NEW BUSINESS

Request to work extended hours at Prairie Village Shops

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

**COUNCIL
CITY OF PRAIRIE VILLAGE
August 20, 2001
-Minutes-**

The City Council of Prairie Village, Kansas, met in regular session on Monday, August 20, 2001, at 7:30 p.m. in 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, Jerry Kelso, Nancy Vennard, Kay Wolf, Diana Ewy Lamberson and Patty Markley.

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

PUBLIC PARTICIPATION

Mayor Shaffer introduced Kevin Edmonton of All Systems, the system integration company which installed the sound system in the Council Chambers. Mr. Edmonton explained that he was present to do fine tuning on the system, including the elimination of ringing and cutting in and out of the microphones. He explained that the system is set up so that when one speaks into a microphone it will automatically turn on and go into the system. The microphone is set to remain open for a two seconds; however, if there are pauses it could cut off the speaker. He also added that a microphone will not pick up the speaker if leaning back in a chair.

Ruth Hopkins expressed her concern regarding the cutting out of microphones when someone is speaking. She added that she has been places where microphones are present and did not remember hearing a cut-off problem.

Jerry Kelso stated that he was in agreement with Ms. Hopkins, he voted for the project primarily because he wanted a better sound system.

Mr. Edmonton noted that part of the specification for the system was to have an automatic mixer that allows the microphone to turn on when a person begins speaking and turn off when they are done. If needed, the automatic mixer could be turned off but acoustic problems would exist in the room.

Mayor Shaffer introduced the new Assistant City Attorney, Steve Horner. Mr. Horner has worked with Charlie Wetzler on Prairie Village matters in the past and is very knowledgeable in the field of technology law.

No one was present to address the Council.

CONSENT AGENDA

Diana Ewy Lamberson moved the approval of the Consent Agenda for Monday, August 20, 2001:

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2. Approve Claims Ordinances #2267 through 2269
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5. Approve the removal of Judy Skinner’s name from the Public Funds Bank Account with Firststar and add Bettina Jamerson to the account
6. Approve the extension of the 2001 agreement between Johnson County Park & Recreation District and the city of Prairie Village for the 50+ Water Exercise program through August 30, 2001 with the same terms and conditions agreed to in the original agreement
7. Authorize the Mayor to execute a proclamation recognizing the 50th Anniversary of the Mission Lodge on September 8, 2001
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9. Ratify the Mayor’s appointment of Steve Horner as the Assistant City Attorney
10. Amend Council Policy #350 entitled “Trees Damaged by Storms” by deleting Section 5.5.1 and Section 5.5.2
11. Adopt Ordinance 2012 raising the number of Council required to constitute a quorum to eight
12. Approve a fee of \$32.88/hour for off-duty contractual services provided by the Police Department
13. Approve amendments to Council Policy #051 entitled “Reservation of City Facilities” on the rental of the Council Chamber
14. Approve the transfer of \$5,000 from the Parks Capital Expenditure Program unallocated line item to Porter Park wood pavilion refinishing
15. Approve the installation of GAF timberline shingles on the pavilion at Meadowlake Park at an estimated cost of \$3,000
16. Authorize resident price for swim cards for members of the Roeland Park pool during the remaining 2001 season

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

COMMITTEE REPORTS

Policy/Services Committee

POL2001-22 Consider 71st Street and Mission Road

Steve Noll moved that the City Council approve planned intersection improvements at 71st Street and Mission Road with the location for merging traffic to be placed before the existing left turn lane for Mission Lane, and the reduction of right hand lane at Brighton Gardens to fifty

feet with the installation of fully activated traffic signals to provide protected left-hand turns. The motion was seconded by Jerry Kelso.

Bill Griffith questioned if Mission Road was still going to be widened in front of the Colonial Church. Mr. Noll stated that the church was in opposition to the widening of Mission Road and refused to sign the deed of dedication or the right of entry.

Mr. Griffith questioned if the right hand lane of Mission Road traveling north towards 71st would be a right turn only lane. Mr. Pryzby explained that the left hand lane will be a combination lane to turn left or proceed straight. The right hand lane will be a straight through lane. The traffic signal will change for the northbound/southbound traffic so that the car in the left lane will be able to make a left turn or go straight without any opposition from other cars. Those traveling south will have the same arrangement. The traffic signals for eastbound or westbound directions will not change.

Bob Pierson questioned why the lane in front of Brighton Gardens was being shortened. Mr. Pryzby stated that, because the church would not agree to provide a small amount of additional right-of-way to the City, the project was redesigned. The committee agreed this is an appropriate plan.

Diana Ewy Lamberson inquired if missing pieces from the sidewalk in front of the church would be replaced. Mr. Pryzby stated that Colonial Church does not want the sub-piece of the sidewalk constructed.

Mayor Shaffer inquired if the motion included the installation of a sidewalk. Mr. Pryzby stated that it did not.

Ruth Hopkins expressed her concern that there will be two lanes going north to 71st Street and cars would feed into one lane. Mr. Pryzby explained that on the south side of the intersection there are five lanes. The right hand lane will be exclusively for right hand turns. Of the remaining four lanes, two lanes will be for northbound traffic and two lanes will be for southbound traffic.

Mr. Pierson questioned what happens to the two northbound lanes in front of the church when they have to merge into one lane. He expressed his concern that a problem will still exist. Mr. Pryzby explained that the street is wide enough to accommodate the left turn lane into the shopping center, and will allow for merging into a signal lane of traffic.

Laura Wassmer agreed with Mr. Pierson that the problem will still exist, only further north.

Ms. Lamberson questioned why Colonial Church was opposed to granting the right of way with so many safety concerns. Ms. Vennard explained that the church gave up land years ago to J.C. Nicholas with the stipulation that they could use the Jones Store parking lot. They feel that the street would be coming too close to them, if they deeded the required property meaning they would lose some trees.

Mr. Griffith inquired if there were any conversations with the church during the Brighton Gardens project. Ms. Vennard explained that there was no communication with the church.

Mr. Griffith relayed his concern over the amount of information being expressed in a Monday night Council meeting when the contractor will soon begin work leaving no options for Council members. Mr. Pryzby explained that Public Works staff had an initial conversation with representatives of the church about eight months ago. At that meeting, the church representatives stated that they saw no opposition and would report back to their whole committee. Expecting no opposition to the land taking, staff proceeded to bid the project. After two to three months and receiving no communication, Public Works staff contacted the church. Over the last six months, Public Works staff has been working with a different representative of the church and communications has been limited. Finally, last month Public Works staff sent a letter requesting a final position because the contractor was ready to start the project. The church responded that they would not release the requested additional right-of-way.

Ms. Wassmer questioned how the cars will know when and where to merge. Mr. Pryzby stated that there will be signage.

Roy True questioned if the traffic signal going north will have a green ball and an arrow. Mr. Pryzby stated that it will be a green ball with signage; however, an extra lens could be added with an arrow.

The motion was voted on and passed with two opposing votes, Hopkins and Pierson.

Legislative/Finance Committee

LEG2001-03 Consider Solid Waste Management Agreement

Bill Griffith moved the City Council approve an agreement with Deffenbaugh Industries for solid waste, recycling, and compostable collection for a cost of \$11.39/household/month pursuant to option C of the bid specifications, assessing the cost to property owners participating in the program. The motion was seconded by Ruth Hopkins.

Laura Wassmer expressed that she would like a letter sent to Deffenbaugh stating that due to a substantial increase in price, the Council would like to see a substantial increase in service.

The motion was voted on and passed unanimously.

Bill Griffith moved the City Council approve an agreement with Deffenbaugh Industries in the amount of \$40,125 to provide large item pick-up services in 2002. The motion was seconded by Ruth Hopkins.

Laura Wassmer expressed her concern that Deffenbaugh seems to double the fee every year. She questioned if it would be possible to have a large item pickup every other year. Roy True stated that the residents would not be in favor of a large item pickup every other year.

Mr. Griffith stated that Deffenbaugh would most likely double the fee anyway if the large item pickup was done every other year because they would feel there would be double the trash to pickup.

The motion was voted on and passed unanimously.

LEG2001-14 Consider location requirements for restaurants that sell mixed drinks and/or cereal malt beverages

Ruth Hopkins moved that the City Council adopt Ordinance #2013 amending Chapter 5.10, of the Prairie Village Municipal Code Entitled "Business Licenses and Regulations" by amending subsection 5.10.090 entitled "Regulations for License" and adding subsections C and D and further an move the City Council adopt Ordinance #2014 amending chapter 5.12, of the Prairie Village Municipal Code entitled "Cereal Malt Beverages" by amending subsection 5.12.100 entitled "Prohibited Zones." The motion was seconded by Bill Griffith.

Charlie Wetzler explained that the new City Ordinance would make it clear that businesses selling Cereal Malt Beverages must be located at least 200 feet from a school or church, and that the distance be measured from the nearest portion of the building occupied by the establishment to the property line of schools, and to the building on church property. Also, a procedure would be established by which a club or drinking establishment could locate closer than 200 feet from a church or school upon approval from the Governing Body.

A roll call vote was taken to approve Ordinance #2013 with the following members voting "aye": Herrera, Griffith, Noll, Hopkins, Pierson, Wassmer, Kelso, Vennard, Wolf, Ewy Lamberson and Markley with True voting "nay."

A roll call vote was taken to approve Ordinance #2014 with the following members voting “aye”: Herrera, Griffith, Noll, Hopkins, Pierson, Wassmer, Kelso, Vennard, Wolf, Ewy Lamberson and Markley with True voting “nay.”

Council Committee of the Whole

Diana Lamberson moved on behalf of the Committee of the Whole to keep the 74th Street Low Water Crossing open with the further study of signage or installation of lighting.

The motion was seconded by Ruth Hopkins and passed unanimously.

Golden Anniversary Committee

Steve Noll encouraged Council participation in the Golden Anniversary parade on September 15th. Convertible cars will be provided for the Council members to ride in.

Diana Lamberson suggested a sign-up sheet be available at the next Council meeting.

OLD BUSINESS

Ruth Hopkins again expressed her frustration and disappointment with the new sound system in the Council Chambers.

NEW BUSINESS

Doug Luther explained that John Rohrer Construction is performing Streetscape Improvements at the Prairie Village Shops. In order to accommodate the needs of Bijin Day Spa, the company is requesting permission to work until 10:00 p.m. from September 10 – 18. Prairie Village Municipal Code prohibits this activity after 9:00 p.m.

Laura Bliss with Kessinger Hunter, explained that the crews will be cleaning up between 9:00 p.m. and 10:00 p.m. Kessinger Hunter realizes that noise may cause nearby homeowners an inconvenience at that hour. She stated that if the noise becomes a problem other arrangements will be made.

Laura Wassmer expressed that she would like to see communication sent to the residents so they will be aware of the time period and may be more lenient if they know it's for a short period of time.

Ms. Bliss stated that letters will be sent out to nearby residents.

Diana Ewy Lamberson moved the City Council waive the provisions of Prairie Village Municipal Code section 7.08.060 to allow John Rohrer Construction to perform construction activity at the Prairie Village Shops until 10:00 p.m. from September 10 – 18, 2001. The City

Council reserves its right to reconsider the decision if complaints are received regarding this activity. The motion was seconded by Laura Wassmer.

Diana Ewy Lamberson introduced the new Sun reporter. Charles Schollenberger.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

Prairie Village Arts Council	08/22/01	7:00 p.m.
Board of Code Appeals	08/23/01	5:30 p.m.
Board of Zoning Appeals	09/04/01	6:30 p.m.
Planning Commission	09/04/01	7:00 p.m.
Legislative/Finance Committee	09/04/01	6:00 p.m.
Policy/Services Committee	09/04/01	6:00 p.m.
Council Meeting	09/04/01	7:30 p.m.

NOTE: The September Council meeting will be held on Tuesday, September 4th due to the observance of the Labor Day Holiday on Monday.

The City Offices will be closed on Monday, September 3rd in observance of the Labor Day Holiday. Police and emergency services will be available. Deffenbaugh will also be observing the Labor Day Holiday so all scheduled trash service will be one day later the week of September 3rd.

The Prairie Village Arts Council is pleased to feature the work of Artist Yvonne Rosser during the month of August. The exhibit will include pastel drawings and mono-prints.

Due to the beginning of school, the pool will open at 4:30 p.m. weekdays beginning Wednesday, August 15, 2001. The pool will close for the season at 6:00 p.m. on Monday, September 3rd. Thanks to all the staff for their work during the past summer.

ADJOURNMENT

With no further business to come before the Council, the meeting was adjourned at 8:52 p.m.

Lori Draves
Administrative Assistant