

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE**

**Monday, August 6, 2001
7:30 p.m.**

I. CALL TO ORDER

II. ROLL CALL

III. PUBLIC HEARING FOR THE 2002 BUDGET

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 – July 16, 2001
2. Approve Claims Ordinances #2264 through #2266
3. Ratify the Mayor's approval of a short-term special use permit to Betsy Rushton for a birthday party at Windsor Park with pony rides on Saturday, August 4th contingent upon the receipt of a certificate of insurance and provided the applicant be responsible for cleanup after the event.
Miscellaneous
4. Authorize the Mayor to execute the Pole Attachment Agreement with Kansas City Power & Light Company as a participant in the State Line Banner program pending review and approval of the agreement by the City Attorney
5. Approve the purchase of a peace pole from Peace Pole Makers USA in the amount of \$558 with funding from the 2001 Sister Cities budget
6. Approve the agreement with Brungardt Honomichl & Company for telecommunications consulting services
7. Approve professional designing services agreement with Nikki Deal in an amount not to exceed \$4,650 using funds budgeted for the 50th Anniversary
8. Authorize a fee of \$2 for participation in the Arts Council's trip to the Johnson County Museum on December 28, 2001
9. Authorize the Mayor to execute a proclamation declaring the week of September 17th as Constitution Week

By Committee:

10. Adopt Ordinance 2008 approving a Special Use Permit to The Village Presbyterian Church for a columbarium to be located inside their facility at 6641 Mission Road with the permit to run concurrent with the life of the church (Council Committee of the Whole Minutes – July 16, 2001)
11. Adopt Ordinance 2009 approving a Special Use Permit for AT&T on behalf of the City of Prairie Village to permit the installation of wireless communication antenna and equipment at 7700 Mission Road with the conditions established by the Planning Commission with publication of the ordinance being withheld until an executed agreement is on file with the City for the lease of the tower (Council Committee of the Whole Minutes – July 16, 2001)
12. Approve the location of a peace pole in the unused plot in front of the Rose Garden near the stairs leading to the Municipal Building (Park & Recreation Committee Minutes – July 11, 2001)
13. Approve waiving the pool rental fee for the swim team, synchronized swim team and junior tennis league teams' annual party on Thursday, July 26th (Park & Recreation Committee Minutes – July 11, 2001)
14. Adopt Council Policy 622 entitled "Recreational Program Refunds" stating that no refunds are allowed for pool memberships except in cases with a verifiable medical reason and allowing the refunding of swim team, synchronized swim team and junior tennis league fees up to one week after the start of practice, less a \$5 processing fee (Park & Recreation Committee Minutes – July 11, 2001)

V. COMMITTEE REPORTS

Legislative/Finance Committee

LEG2001-19 Consider AT&T lease fee for use of the City's tower

LEG2001-03 Consider Solid Waste Management Agreement

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

**COUNCIL
CITY OF PRAIRIE VILLAGE**

August 6, 2001

-Minutes-

The City Council of Prairie Village, Kansas, met in regular session on Monday, August 6, 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: Bill Griffith, Ruth Hopkins, Steve Noll, Bob Pierson, Roy True, Jerry Kelso, Nancy Vennard, 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 HEARING

Mayor Shaffer opened the public hearing on the proposed 2002 City Budget. City Administrator Barbara Vernon presented the proposed budget. She noted that the budget was developed from the Vision Statement and the Strategic Plan, which identified the following issues:

- Maintain “sense of place” and “sense of community”
- Balance development and quality of life
- Maintain parks and create recreational facilities
- Encourage and define development/redevelopment
- Maintain financial strength
- Improve code enforcement
- Continue City services

The projected revenue for 2002 is expected to total \$15.1 million, which is \$12,500 less than 2001. The expenditures and contingency reserve budgeted for 2002 total \$17.4 million, \$400,000 more than 2001 with operating expenditures increasing by 6.5% or \$640,600. The additions to the 2002 budget include an increase for training/conferences; compensation for elected officials; increase in consultant fees; NPDES consultant; Police officer position (to be reimbursed by Mission Hills); computers for police cars; new police clerk position; technology improvements; solid waste collection contract increase of \$100,000 (to be reimbursed through user fee) and a new park and fountain on Mission Road.

The total budget for 2002 is \$17,430,200, compared to the 2001 budget of \$17,035,300. The 2% increase is less than the Cost of Living increase for this metropolitan area. It was noted that the tax rate has not been increased by the City

Council since 1993 when it was increased from 16.842 to 18.846. The rate will remain at \$13.324 as it was last year.

Mrs. Vernon stressed that expenditures for 2002 exceed revenue by \$2.3 million. Budgeting a \$2.3 million deficit, will reduce the City's fund balance to \$2.2 million if all budgeted expenditures and contingency are used.

The largest source of revenue for the City is sales tax with property tax being second. These two sources are almost 50% of the total City revenue.

Public Works infrastructure improvements account for 29% of the budget and Public Safety services account for 26% for a total of 55% of the City's budget.

Capital projects and equipment/vehicles represent 36% of the budget with the operating budget being 64% of the total budget.

The tax rate will remain at its current level of 13.324 per \$1,000 of assessed valuation. The City will receive 14% of the total property tax paid by a Prairie Village property owner.

Mayor Shaffer opened the public hearing for comments from those present.

Greg Musil, 10721 West 131st Street, Overland Park addressed the Council in support of Council compensation. Mr. Musil has served on the Overland Park City Council for eight year and is concerned that without offering council compensation the City may eliminate qualified persons who would otherwise be willing to serve. It is best if you can secure committed individuals without compensation, but he fears in the future the increasing time commitment required by public service will reduce the number of persons willing to serve.

Ann Lilac, 7821 Mohawk, spoke in opposition to Council compensation. She noted the City's 50-year history of persons serving on Council without compensation. The City is fortunate to have excellent volunteer leadership on the Council as well as the many City Committees. Ms Lilac noted that her father, Ben Munday, served on the Council for eleven years. Prairie Village is not like other cities and does not need to pay its Council because other cities do. The City's money can be better spent elsewhere.

Mayor Shaffer closed the Public Hearing at 8:00 p.m.

PUBLIC PARTICIPATION

Mayor Shaffer recognized Boy Scout Evan Noll from Troop 91. Evan was present working on his Citizenship in the Community badge.

CONSENT AGENDA

Diana Ewy Lamberson moved the approval of the Consent Agenda for Monday, August 6, 2001:

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

COMMITTEE REPORTS

Council Committee of the Whole

Diana Ewy Lamberson moved Council adopt an annual budget for 2002 in the amount of \$22,408,200 and Ad Valorem Tax of \$3,157,700. The motion was seconded by Ruth Hopkins.

Steve Noll moved to amend the 2002 budget by deleting Council compensation. The motion was seconded by Jerry Kelso.

Steve Noll stated in his ten years on the City Council he has consistently opposed payment to elected officials. He feels strongly that the 50-year tradition of volunteer service should be upheld. In response to Mr. Musil's comments he stated that because

other cities pay their elected officials does not mean it is appropriate and right for Prairie Village to pay its elected officials. He does not feel the pool of talented individuals willing to serve is diminishing and doubts that pay will attract qualified individuals to seek office. He compared the size of other cities and the size of their Council's to that of Prairie Village noting significant differences.

Diana Ewy Lamberson agreed with the comments made by Mr. Noll. Mrs. Lamberson's biggest concern is the 12-member size of the City Council. She can not justify spending taxpayer's money on Council salary.

Nancy Vennard stated that she supports Council compensation and noted that she feels it has the residents support as well. She noted that the Council is responsible for establishing and approving a corporate-size budget. She feels that Council compensation would have a positive affect on the longevity of service of Council members, noting several mid-term resignations during the past years. She stated that the budget can be adopted but the Council will have to adopt an ordinance at a later date to authorize the payment of compensation. She stressed that this should be done when all Council members are present.

Diana Ewy Lamberson stated that she had received calls from citizens encouraging her to continue her opposition to Council compensation noting the several hours spent by other uncompensated volunteer committee members.

Mayor Shaffer called for a vote on the amendment to remove Council compensation from the 2002 budget. The motion was defeated by a five to four vote with the following votes cast: "nay" Griffith, Hopkins, True Vennard & Markley and "aye" Noll, Pierson, Kelso & Ewy Lamberson.

Roy True moved to amend the motion by removing property tax increase because mill rate was not rolled back. The motion failed for the lack of a second.

Mayor Shaffer called for a vote on the motion to adopt the 2002 budget. A roll call vote was taken with the following votes cast: "aye" Griffith, Hopkins, Noll, True, Pierson, Kelso, Vennard and Markley and "nay" Ewy Lamberson. The 2002 budget was adopted.

Diana Ewy Lamberson moved the adoption of Ordinance 2010 attesting to an increase in property tax revenues for budget year 2002 necessary to finance public services and improvements for the City of Prairie Village. The motion was seconded by Bill Griffith.

Bill Griffith commented that the financial concerns that are being felt now could be attributed to the fact that the City has a mill rate that is the second lowest for any first class city in the state because the mill levy rate has not been increased since 1993. He feels the City must use inflation revenue sources available to them.

A roll call vote was taken with the following votes cast: “aye” Griffith, Hopkins, Noll, Pierson, Kelso, Vennard, Markley and Ewy Lamberson and “nay” True.

Legislative/Finance Committee

LEG2001-17 Consider Shawnee Mission Education Foundation Request

Bill Griffith moved the Council sponsor the Shawnee Mission School District Annual Breakfast in the amount of \$500. The motion was seconded by Ruth Hopkins.

Steve Noll expressed opposition to this action noting that in the process of establishing the 2002 budget several charitable organizations were not included, but were directed to request funds from the Prairie Village Municipal Foundation. He feels that this action is inconsistent with that action. He supports the school district, but feels the City needs to be consistent in its policies.

Nancy Vennard noted that the Municipal Foundation stated the requests forwarded to them did not meet their mission statement as written. They are established to provide assistance, not to provide funding for charities.

Ruth Hopkins stated that the State of Kansas has placed the school district in a state of financial peril and she strongly supports anything the City can do to show its support.

Bill Griffith noted that the excellent school system is one of the very important factors that keep the City a desirable place to live. Bob Pierson echoed Mr. Griffith’s comments.

The motion was voted on and approved by a vote of eight to one with Steve Noll voting “nay”.

LEG2001-20 Consider amending ordinance exempting Harmon Park from prohibition against alcohol consumption on public property

Diana Ewy Lamberson requested Council action on this item as it impacts the Golden Anniversary Celebration events. The Golden Anniversary Committee would like to have a beer garden in conjunction with the street dance to be held on September 15th. The garden would be in Harmon Park adjacent to the pavilion, separated from the rest of the crowd by fencing.

Charles Wetzler stated that the Kansas Statutes prohibit the consumption of alcoholic liquor on public property. However, a City can exempt itself from this law. Prairie Village could adopt an ordinance to allow consumption of alcoholic liquor in the park, but only in certain circumstances. For example, the ordinance could allow the consumption of beer or wine in the park only in a beer garden sponsored by the 50th Anniversary Committee.

A temporary permit from the State of Kansas would need to be acquired for the sale of beer. This is the same process used by St. Ann's Church for their annual Oktoberfest celebration.

Doug Luther stated that the Cities of Overland Park, Shawnee & Lenexa have special events sponsored by the City where alcohol is sold. They have used a service club to secure the permit and serve the alcohol. Mrs. Lamberson stated the committee would have a restaurant acquire the permit and serve.

Roy True questioned who would receive the money and how the restaurant would be selected. Mr. Noll responded that the restaurant would be required to get the permit and would retain all money from the sale of the beer. The committee follows the process used by the Villagefest Committee in securing the vendor.

Jerry Kelso questioned if the City would incur any liability.

Mr. Wetzler stated the City would not be involved in the sale and therefore, would not be responsible for the served alcohol. The City is only allowing it to be sold on City property.

Diana Ewy Lamberson moved the Council direct the City Attorney to draft an ordinance exempting Harmon Park from the State statute prohibiting the sale of alcohol on public property with the approval of the City Council. The motion was seconded by Steve Noll and passed unanimously.

Park & Recreation Committee

Nancy Vennard suggested that the Park & Recreation Committee review the request for a beer garden at Harmon Park at their August 8th meeting.

OLD BUSINESS

Ruth Hopkins recommended that the audio system be adjusted to provide more consistent amplification of speakers. Mr. Pryzby noted that, when installed, the permanent center podium would provide more clarity for speakers.

NEW BUSINESS

There was no New Business to come before the Council.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

Planning Commission	08/07/01	7:00 p.m.
Park & Recreation Committee	08/08/01	7:00 p.m.
Sister City Committee	08/13/01	7:00 p.m.
Council Committee of the Whole	08/20/01	6:00 p.m.
Council Meeting	08/20/01	7:30 p.m.

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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. An opening reception will be held on Friday, August 10th from 6:30 p.m. to 7:30 p.m.


The final moonlight swim will be held on Friday August 10th with the pools remaining open until 10 p.m.

Due to the beginning of school, the pool will open at 4:30 p.m. weekdays beginning Wednesday, August 15, 2001.

Swimming Pool memberships are now on sale in Municipal Building at half-price. Mail-in registrations are also being accepted and encouraged for those individuals wishing to use last year's photo ID.

ADJOURNMENT

With no further business to come before the Council, the meeting was adjourned at 8:55 p.m.



Joyce Hagen Mundy
City Clerk