

**CITY COUNCIL
CITY OF PRAIRIE VILLAGE**

**February 7, 2000
-Minutes-**

The City Council of Prairie Village, Kansas, met in regular session on Monday, February 7, 2000, at 7:30 p.m. in the Municipal Building.

ROLL CALL

Council President Steve Carman called the meeting to order with the following Council members responding to roll call: Al Herrera, Bill Griffith, Steve Noll, Ruth Hopkins, Terry Frederick, Ed Stevens, Laura Wassmer, John Kemp, Nancy Vennard, Diana Ewy Lamberson and Patty Markley.

Also present were: Barbara Vernon, City Administrator; Charles Wetzler, City Attorney; Charles Grover, Chief of Police; Bob Pryzby, Public Works Director; Doug Luther, Assistant City Administrator and Joyce Hagen Mundy, City Clerk.

PUBLIC PARTICIPATION

No one was present to address the Council.

CONSENT AGENDA

Bill Griffith moved approval of the Consent Agenda for Monday, February 7, 2000:

1. Approve Regular Council Meeting Minutes – January 18, 2000
2. Approve Claims Ordinances #2144 through #2148
3. Approve an agreement with Johnson County Park & Recreation District for the use of city facilities for the 50 Plus Program
4. Approve a park reservation and short term special use permit to the Heart of America Radio Club for their annual field day to be held at Harmon Park – Santa Fe Shelter on June 24th and June 25th
5. Approve a short term special use permit for the Villagefest 2000 Celebration to be held on July 4, 2000 on the Municipal Campus including signage, the placement of tents and approval of special activities
6. Approve the transfer of \$55,000 from 01-06-41-7420 General Fund to Parks Capital Expenditure Program, \$25,000 from budget 09-06-41-7420 Special Parks fund to Parks Capital Expenditure Program and \$199,000 from 01-02-11-7410 Public Works to Public Works Capital Expenditure Program
7. Authorize a contribution not to exceed \$10,000 to the Johnson County Home Repair Program with funds from the 2000 Community Services budget
8. Approve an agreement with Johnson County Human services and Aging for the City's participation in the Johnson County Utility Assistance Program during the year 2000
9. Authorize the Mayor to execute the contract for services with Encore Entertainment for professional services at Employee Appreciation Dinner, February 18,2000
10. Approve a short term special use permit to the Colonial Church of Prairie Village for the placement of a 3' x 6' vinyl banner on their front lawn announcing a new service to be held during lent with the permit valid from March 6th through April 6th with an automatic renewal through April 23rd if no complaints are received by the City
11. Approve a short term special use permit to The Village Presbyterian Church for the placement of a banner on their property announcing their preschool enrollment period from March 1st to March 31st

12. Approve Construction Change Orders #6, #7, #8 and #9 for a total of \$5,858.00 to Carrothers Construction Company, Inc. increasing the new contract total to \$3,485,863 and increasing the contract time by 2 days with funding from the project contingency
13. Approve the 2000 JTL fee at \$55 per person. Participation will include a weekly one hour group lesson for each member throughout the season, plus a one hour pre-season group lesson and coaching during challenge matches
14. Approve the optional \$35 fee for keeping the concession stand open during private, after hours pool parties and that a \$25 cleaning deposit be collected if a party brings their own food

A roll call vote was taken with the following members voting “aye”: Herrera, Griffith, Noll, Hopkins, Frederick, Stevens, Wassmer, Kemp, Vennard, Ewy Lamberson and Markley.

COMMITTEE REPORTS

Council Committee of the Whole

Consider ADA Appeal of Mr. James Olenick

Steve Carman reported from the Council Committee of the Whole meeting held earlier in the evening regarding two appeals of decisions of the ADA Compliance Committee. The first issue addressed a request from Mr. James Olenick on behalf of Colin Olenick that an audio form son of all City communications be provided to his. It was the recommendation of the Council Committee to affirm the decision made by the ADA Compliance Committee.

Steve Carman moved the City Council affirm the decision of the ADA Compliance Committee, that before deciding whether the City will provide a tape recording of communications to Colin or to Mr. Olenick on behalf of Colin, the City needs more information: a) a letter from a physician with appropriate credentials stating that Colin has a physical or mental impairment that substantially limits one or more of his activities as defined by the ADA and that tape recorded communications are necessary to facilitate effective communications and b) specific items requested by Mr. Olenick to be in this alternate format. The motion was seconded by Ruth Hopkins and passed unanimously.

The second issue appealed was the lack of curb cuts for traffic island to make them accessible to the disabled and allow for their participation in volunteer maintenance of these islands. At the time of the appeal before the Council, Mr. Olenick requested something different than what was presented to the ADA Committee, a request for a planting garden in a public park in which the disabled could participate. As this request was not addressed to or by the ADA Coordinator and/or ADA Compliance Committee; it was determined that it would not be appropriate for the City Council to address the issue.

It was the recommendation of the Committee to reverse the first finding of the ADA Compliance Committee and affirm the remaining three findings on this issue.

Steve Carman moved the City Council reverse the ADA Compliance Committee's first finding and find that 1) Volunteers for non-City programs are governed by Title II of the ADA and its regulations. The Council affirms the following findings of the ADA Compliance Committee: 2) Traffic islands are not designated to be accessible; their primary function is traffic control; 3) Traffic islands between sidewalks do have ramps and meet the requirements of the ADAAG and 4) Dues required by a homes association are not a public matter, but a private matter and the City has no jurisdiction to make a determination. The motion was seconded by Ruth Hopkins and passed unanimously.

Planning Commission

Nancy Vennard reported the Planning Commission at their meeting of February 1st granted a temporary use permit to Hy-Vee, Inc. for the storage and sale of garden items from March 27th to June 30 from a tent/greenhouse located in their parking lot; approved the site plan for a new pump station for the Meadowbrook Country Club and approved new identification signs for Prairie Baptist Church. The Commission also heard a second informal presentation on the proposed development of a Eckerd Drug at the southeast corner of the Corinth Shopping Center. She noted that some of the initial concerns expressed by Planning Commission were addressed in the second proposal, but others were not. Those of major significance to the Commission included the height of the building and the proposed frontage on Mission Road.

OLD BUSINESS

Update on proposed home occupation code violation at 7726 Ash

Ruth Hopkins requested an update on the investigation into the proposed home occupation code violation that was brought to the attention of the Council recently by neighbors. Doug Luther responded that both the Police Department and Code Enforcement Officer have investigated for possible ordinance violation. There have been additional cars parked on the property, but there is no evidence of any ordinance violation. The neighbors have been advised of the city's findings and have been advised that the city will continue to monitor the area. Steve Carman requested the Code Enforcement Department to formally follow-up with the residents in the area.

NEW BUSINESS

Acceptance of Bond Bid

Present representing George K. Baum were Roger Edgar and Kyle Patino; also present was Lynn Jackson with Gilmore & Bell, city bond consultants. Mr. Patino noted that at the January 18th Council Meeting, the Council authorized the sale of 15year bonds. The bond sale was held at 1:00 February 7th and five bids were received representing 13 underwriting firms. The recommended bid is that of Country Club Bank with a net cost of \$712,581.28 and true interest cost of 5.2337300%. The interest rates on the bonds range from 6.50% to 4.75%.

Ed Stevens noted that the actual cost was less that the estimate given by George K. Baum to the Council on January 18th when the sale of the bonds was authorized.

Ed Stevens moved the City Council accept the bid of Country Club Bank of Kansas City, Missouri at a net interest cost of \$712,581.28 and true interest cost of 5.2337300%. The motion was seconded by John Kemp and passed unanimously.

Lynn Jackson, with Gilmore & Bell, reviewed the Ordinance authorizing the issuance and delivery of the bonds and the bond resolution which will need Council action. Charles Wetzler confirmed that he had reviewed and approved both documents in draft format. Ms Jackson advised the Council the only changes from the draft format is the inclusion of the specific bond information based on the accepted bid.

Ruth Hopkins moved the Council adopt Ordinance 1983 authorizing the issuance and delivery of \$1,600,000 principal amount of General Obligation Park Improvement Bonds, Series 2000-A of the City of Prairie Village, Kansas for the purpose of paying the cost or a portion of the cost of certain improvements; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on the bonds as they become due; and making certain covenants with respect thereto. The motion was seconded by Bill Griffith.

A roll call vote was taken with the following members voting “aye”: Herrera, Griffith, Noll, Hopkins, Frederick, Stevens, Wassmer, Kemp, Vennard, Ewy Lamberson and Markley.

Ms. Jackson confirmed that the bond resolution sets forth the specific terms and details of the bonds.

Ruth Hopkins moved the Council approve Resolution 2000-02 prescribing the form and details of and authorizing the delivery of \$1,600,000 principal amount of General

Obligation Park Improvement Bonds, Series 2000-A of the City of Prairie Village; previously authorized by Ordinance 1983 of the City; and making certain covenants with respect thereto. The motion was seconded by Ed Stevens and passed unanimously.

Steve Carman commended the Council on the process taken in consideration of this total pool complex improvement. Mr. Stevens added that the City has come a long way from adding a single slide. Mr. Pryzby reported that construction continues to be ahead of schedule with the filters now being installed.

Park & Recreation

Nancy Vennard advised of the Council of the Wednesday, February 9th Park & Recreation Committee meeting which would include public input on the proposed placement of portable toilets at Franklin and Bennett parks. She encouraged all who are interested in this issue to attend this meeting.

Environment/Recycle Committee

Diana Ewy Lamberson commended the Environment/Recycle Committee on their active work and support of school recycling programs and noted that the program at Somerset Elementary School is going very well.

Prairie Village Arts Council

Patty Markley advised the Council members that the next "Pave the Patio" brick order will be placed on March 15th and encouraged Council members to purchase a brick if they have not already done so.

Public Safety

Police Chief Charles Grover updated Council members on the status of recent incidents involving the department. The school district is reviewing their 1984 bomb threat procedure in response to the recent threat at Mission Valley Middle School. Communication with other area school districts indicated that they would have handled the matter in a similar manner. The traffic accident in Mission Hills involving of police unit is being investigated further by the Kansas Highway Patrol. The officer has returned to work; the other driver remains hospitalized. The police were advised of the demonstration held on Sunday, February 6th outside of Village Presbyterian Church. The city's procedures were followed and the demonstration which lasted approximately one hour created no problems. The investigation of the Shawnee Mission East High School incident has been closed and information forwarded to the city prosecutor for determination if a crime has occurred and if so, what was the intent.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

Park & Recreation Committee	02/09/2000	7:00 p.m.
Sister Cities Committee	02/14/2000	7:00 p.m.
Communications Committee	02/15/2000	5:30 p.m.
Strategic Plan – Focus Session	02/15/2000	7:00 p.m.
Council Committee of the Whole (Tues)	02/22/2000	6:00 p.m.
Council Meeting	(Tues)02/22/2000	7:30 p.m.

The next Strategic Planning meeting has been scheduled for the evening of Tuesday, February 15th. This will be a citywide meeting with the public invited to attend. We will initially meet in the Council Chambers and later in the evening may break out into smaller groups.

The Employee Appreciation Dinner is scheduled for Friday, February 18th at Meadowbrook Country Club. The reception will begin at 7 p.m. with dinner at 7:30 followed by dancing until 11 p.m. Don't forget to call in your r.s.v.p. to Jan Westmoreland at ext. 4207.

There will be a primary election held on Tuesday, February 29th for Ward 4.

City offices will be closed on Monday, February 21st in observance of President's Day. Deffenbaugh does not observe this holiday and trash service will continue on its regular schedule for the week.

The National League of Cities Conference will be held in Washington, D.C. March 11 – 14.

Vandusen Photography will have a grand opening and ribbon cutting on Thursday, February 17 at 5 p.m. You are encouraged to attend to support this local business.

ADJOURNMENT

With no further business to come before the Council, the meeting was adjourned at

8:10 p.m.

Joyce Hagen Mundy
City Clerk