

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
July 19, 2010
7:30 p.m.**

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. PUBLIC PARTICIPATION

V. PUBLIC HEARINGS

Continuation of nuisance abatement hearing regarding 7925 Reinhardt Lane, as requested by Millicent A. Seested pursuant to Section 4-502 of the City of Prairie Village Municipal Code, K.S.A. 12-1617e and Resolution No 2010-10.

VI. 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 6, 2010
2. Approve Claims Ordinance 2873
3. Authorize staff to publish the 2011 Proposed Budget as required by State statutes.

By Committee:

4. Approve an agreement between the City of Prairie Village, Kansas and Johnson County, Kansas, a CDBG Urban County, for the establishment and development of Community Development Block Grants/Entitlement Grants (CFDA N. 14.218) for Project Number 2010-18 (Council Committee of the Whole Minutes - July 6, 2010)

VII. MAYOR'S REPORT

Authorize the Mayor to execute a proclamation recognizing September 30, 2010 as the 50th Anniversary of American MENSA.

VIII. COMMITTEE REPORT

Planning Commission

Consider PC2010-05 Amendment to the Special Use Permit for the operation of an Adult Senior Dwelling at 8101 Mission Road by Claridge Court - Ron Williamson

IX. STAFF REPORTS

X. OLD BUSINESS

XI. NEW BUSINESS

XII. ANNOUNCEMENTS

XIII. ADJOURNMENT

**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
July 19, 2010**

The City Council of Prairie Village, Kansas, met in regular session on Monday, July 19, 2010, at 7:30 p.m. in the Council Chambers of the Municipal Building.

ROLL CALL

Mayor Ron Shaffer called the meeting to order and roll call was taken with the following Council members present: Al Herrera, Dale Warman, Ruth Hopkins, Steve Noll, Andrew Wang, Laura Wassmer, Dale Beckerman, Charles Clark, David Morrison and David Belz.

Also present were: Wes Jordan, Chief of Police; Keith Bredehoeft, Interim Public Works Director; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Dennis Enslinger, Assistant City Administrator; Karen Kindle, Finance Director; Chris Engel, Assistant to the City Administrator and Joyce Hagen Mundy, City Clerk.

Mayor Shaffer led all those present in the Pledge of Allegiance.

PUBLIC PARTICIPATION

No one was present to address the Governing Body.

PUBLIC HEARING

Mayor Ron Shaffer reopened the continued public nuisance abatement hearing regarding 7925 Reinhardt Lane, as requested by Millicent A. Seested pursuant to

Section 4.502 of the City of Prairie Village Municipal Code, K.S.A. 12-1617e and Resolution Number 2010-10 at 7:32 p.m. and called upon Assistant City Administrator Dennis Enslinger to provide an update on actions taken since the initial July 6th hearing.

July 7, 2010 - Code Enforcement Officer Marcia Gradinger met with Tim Smith, a potential purchaser, and Millicent Seested at the property to discuss the Public Hearing results and possible sale or repair of the property. Smith Brothers Landscape and Ms Seested agreed to trim all of the bushes, vegetation, limbs and remove brush on July 9, 2010. Tim Smith will also coordinate having a roofing company look at the roof.

July 9, 2010 - Dennis Enslinger, Marcia Gradinger, Tim Smith and Millicent Seested met at 7925 Reinhardt Lane to discuss issues. Millicent Seested and Tim Smith went into the house to inspect and discuss repair/sale. Later that day, the vegetation was significantly cut and all debris removed. Tree limbs were removed from above the power line. Mr. Enslinger presented photographs documenting the improvements.

July 14, 2010 - Tim Smith called to advise that Millicent Seested had contacted him to discuss the roof repair. They will meet prior to Monday, July 19th discuss and take possible further action on repair or sale.

Mr. Enslinger stated that Ms Seested called to say that she is not feeling well and would not be attending the meeting. Tim Smith indicated he had a conflict and was not certain if he would be able to attend. Neither were in attendance.

Dennis Enslinger stated the conditions of the property have slightly improved. The violations existing at the property are as follows: Chipped and peeling paint, deteriorating roof, holes in roofing, non-weather tight structure, rotting wood, missing storm windows, construction material and other debris present, missing and rotten soffits, low sagging power line, old newspapers, rodent harborage, mosquito infestation and generally unsightly, unsafe and unsanitary conditions.

Code Enforcement Officer Marcia Gradinger reported that Ms Seested and Mr. Smith hope to get together this week to work out an agreement for repair and/or

purchase. She has been advised that if the property was sold, the closing would be completed by August 15, 2010. Work on the roof repair can begin immediately.

Mr. Enslinger noted that in the past Ms Seested has avoided the issues and he sees it as a positive step that she is communicating with staff and with Mr. Smith. Mayor Shaffer confirmed that Millicent Seested is aware of the situation.

David Belz stated he feels the only reason action is being taken now is because of the pressure placed on Ms Seested by the City. He confirmed that she does not have to sell the property, but does have to bring it up to code. Mr. Enslinger questioned whether a contract could be finalized within two weeks, and based on the improvements and action shown, feels the public hearing should be continued while requiring ongoing action and documentation of commitment with Ms Seested appearing before the City Council at the next Council meeting. He noted if the Council did not feel that was sufficient the public hearing could be continued while staff is directed to begin drafting the documentation to be filed with municipal court if the issues are unresolved by August 2nd. He noted that if the proceedings continued through court, it would be a very long process. He stated the City cannot require her to sell her house. Ms Gradinger noted Ms Seested could be advised that additional tickets would be written if action was not taken.

Laura Wassmer noted that based on current lending requirements, she did not feel the sale of the house was a viable solution unless it was a cash purchase, noting that lenders will require the abatement of the issues prior to approving any loans for purchase. She advised that current appraisal requirements are very tight.

Marcia Gradinger noted that Mr. Smith has been directed by Ms Seested to proceed immediately on the necessary repairs in anticipation that the costs would be deducted from the proceeds of the sale.

Al Herrera questioned the ability to close on the sale of a house prior to August 15th. However, he feels the City should continue to apply pressure for the abatement of the nuisances identified.

Dennis Enslinger agreed that it was important to continue pressure for abatement of the nuisances, and noted to do so, staff could be directed to work with legal counsel as to how to best proceed in the event abatement does not occur.

David Morrison stated he supports continued pressure but does not want to incur legal costs related to possible future proceedings at this time.

David Beckerman felt it would be most productive to have Ms Seested back to the August 2nd meeting with a contract for sale or contract for repairs and abatement of the issues identified. He agreed with Mr. Morrison that legal staff involvement was not necessary at this time and confirmed with Ms Logan that any legal action would only take a matter of a few days to prepare.

David Beckerman moved the Governing Body continue the public hearing pursuant to Section 4-502 of the City of Prairie Village Municipal Code, K.S.A. 12-1617e and Resolution No. 2010-10 and further direct Millicent Seested to appear at the public hearing with documentation for the pending sale of the property or for services for the required abatement of the identified nuisance. The motion was seconded by Laura Wassmer and passed by a unanimous vote of the Governing Body.

CONSENT AGENDA

Charles Clark moved the approval of the Consent Agenda for July 19, 2010:

1. Approve Regular Council Meeting Minutes - July 6, 2010
2. Approve Claims Ordinance 2873
3. Authorize staff to publish the 2011 proposed budget as required by State statutes.
4. Approve an agreement between the City of Prairie Village, Kansas and Johnson, County, Kansas, a CDBG Urban County, for the establishment and development of Community Development Block Grants/Entitlement Grants (CFDA N.14.218) for Project Number 2010-18.

A roll call vote was taken with the following members voting “aye”: Herrera, Warman, Hopkins, Noll, Wang, Wassmer, Beckerman, Clark, Morrison and Belz.

MAYOR'S REPORT

David Belz moved the City Council authorize Mayor Shaffer to execute a proclamation recognizing September 30, 2010 as the 50th Anniversary of American Mensa. The motion was seconded by Andrew Wang and passed unanimously.

Mayor Shaffer reported that on Friday, July 16th, he, Jeff Bird, Dennis Enslinger, Ron Williamson, and Ken Vaughn heard presentations from Kansas State University students on potential changes to Corinth Square as well as other metropolitan areas as part of a First Suburbs program sponsored by KSU and MARC.

COMMITTEE REPORTS

Planning Commission

Consider PC2010-06 Amendment to the Special Use Permit to increase the number of nursing home beds from 40 to 45 for a Senior Dwelling Facility at 8101 Mission Road by Claridge Court

Ron Williamson stated Claridge Court was approved for a Special Use Permit in a “C-2” General Business District in 1988, but the project was not constructed until 1992.

The Special Use Permit was granted for 135 senior apartment units and 40 nursing home beds. When the project was built, it included 135 senior apartment units with 35 nursing home beds. The applicant has requested an amendment to the Special Use Permit to increase the number of nursing home beds from 40 to 45 and therefore add 10 more beds to the project. The proposed 10 units will be private rooms. Currently 28 beds are semi-private and 7 are private rooms. According to the applicants, the demand is for more private rooms. The 10 new rooms need to be attached to the existing nursing facility for proper function and management.

In order to do this, the applicant is proposing to extend the addition into the front yard along Mission Road for only that portion of the building that will be occupied by the new rooms, which is approximately 70 feet of the 436 feet of frontage on Mission Road. The Board of Zoning Appeals approved a variance to allow the new addition to be built within 15 feet of the property line adjacent to Mission Road. The site plan for the proposed new addition at the northwest corner of the existing building has been approved by the Planning Commission.

The ground floor of the addition will be for storage, maintenance, delivery and administration functions of Claridge Court and will occupy approximately 5,715 square feet. The second floor will be occupied by the nursing home expansion and will occupy 5,750 square feet. The garage that is now used for storage and maintenance and is 720 square feet will be demolished. The net increase will be 10,745 square feet.

Mr. Williamson pointed out that the property line adjacent to Mission Road is not uniform. The right-of-way for the south 157 feet of the site is 40 feet and the right-of-way for the north 278 feet of the site is 25 feet. Therefore, the north section of the building sets back 15 feet more from the property line. The building also sets back further than the

required 30 feet front setback. The front façade of the building is varied and sets back from Mission Road approximately 42.1 feet at its closest point and 69.4 feet at its furthest point.

In July 2008, the Board of Appeals granted a variance to Claridge Court adjacent to Somerset Drive to allow them to construct common facilities including a swimming pool, classroom, spa, locker rooms, café and outdoor eating area. Because of the current economic conditions, the applicant has postponed construction but now has financing in place and will start construction this year on the additional nursing home beds and the common facilities.

In accordance with the Commission's Citizen Participation Policy, a neighborhood meeting was held on June 22, 2010 with no neighbors attended the meeting. However, Mr. Williamson noted members of the Claridge Court community were present at the public hearing in support of the requested amendment and proposed improvements.

The Planning Commission found favorably on the findings of fact and recommends the Governing Body approve PC2010-06 the requested amendment to the Special Use Permit for Claridge Court located at 8101 Mission Road subject to the following conditions:

1. That the amendment be approved to increase the number of nursing home beds from 40 to 45.
2. That the applicant submits a Storm Drainage Master Plan to Public Works for review and approval.
3. That the applicant prepares and submits a detailed landscape plan for review and approval by Staff.
4. That any outdoor lighting installed shall be in accordance with the lighting ordinance.
5. That the applicant protect existing street trees during the demolition and installation of new improvements.
6. That the Special Use Permit be approved for an indefinite period of time.
7. If the applicant is found to be in non-compliance with the conditions of the Special Use Permit, the permit will become null and void within 90 days of notification of non-compliance, unless the non-compliance is corrected.
8. The site plan be as approved by the Planning Commission on July 6, 2010.

9. That the conditions of the variance granted by the Board of Zoning Appeals on July 6, 2010 be met.
10. That parking be maintained at Mission Bible Church or an equivalent location and the applicant provide a copy of the agreement to the City.
11. That the applicant review the exit on Somerset Drive and remove or relocate any site obstacles as determined by Public Works.

Mr. Williamson noted that although the site has the necessary required parking, the Commission felt it was important that off-site parking, such as that currently arranged with the Mission Bible Church, continue to be provided at the site. They also noted concerns have been raised regarding the vision and sight distance for vehicles exiting the facility onto Somerset Drive. Therefore these two items were added by the Commission as conditions of approval under #10 and #11. Mr. Williamson reviewed the possible actions that could be taken by the Governing Body.

On behalf of the Planning Commission, David Beckerman moved the Governing Body adopt Ordinance 2227 approving an amendment to the Special Use Permit for Claridge Court to increase the number of nursing home beds from 40 to 45 located on the property as described as follows: 8101 Mission Road, Prairie Village, Kansas. The motion was seconded by Al Herrera.

A roll call vote was taken with the following votes cast: “aye” Herrera, Warman, Hopkins, Noll, Wang, Wassmer, Beckerman, Clark, Morrison, Belz and Shaffer. The ordinance was unanimously adopted.

OLD BUSINESS

There was no Old Business to come before the City Council.

NEW BUSINESS

There was no New Business to come before the City Council.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

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| Prairie Village Arts Council | 07/21/2010 | 7:00 p.m. |
| Villagefest Committee | 07/22/2010 | 7:00 p.m. |
| Environment/Recycle Committee | 07/28/2010 | 7:00 p.m. |
| JazzFest Committee | 07/28/2010 | 7:00 p.m. |
| Council Committee of the Whole | 08/02/2010 | 6:00 p.m. |
| City Council | 08/02/2010 | 7:30 p.m. |

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The Prairie Village Arts Council is pleased to announce a photography exhibit by Ric Cummings for the month of July.

The 51st Annual Water Show will be Sunday, July 25th at 8:30 p.m.

The City Clerk's office has a new style of ceramic coffee mug for sale. They are \$5.00 each.

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

ADJOURNMENT

With no further business to come before the City Council, the meeting was adjourned at 8:05 p.m.

Joyce Hagen Mundy
City Clerk