

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
January 4, 2010
7:30 p.m.**

- I. **CALL TO ORDER**
- II. **PLEDGE OF ALLEGIANCE**
- III. **ROLL CALL**
- 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 - December 21, 2009
2. Approve the following as designated City holidays pursuant to Personnel Policy 1006: Holidays.
3. Approve the purchase of three (3) 2010 Dodge Chargers from Odessa Dodge for no more than \$23,500 per vehicle. Two (2) of the units will be for Patrol, and one will be paid for by the City of Mission Hills.
4. Approve Resolution 2010-02 designating 2010 City Sponsored Functions as per City Council Policy 046 - Reservation of City Facilities.
5. Approve Resolution 2010-03 establishing City Council meeting dates for 2010.
6. Approve a Letter of Understanding with Johnson County Human Services for Administration of the 2010 Utility Assistance Program for Prairie Village residents.

By Committee:

7. Approve the Construction Administration Agreement with TranSystems for Project 2010 Bond in the total amount of \$771,858.00. (Council Committee of the Whole Minutes - Dec. 21, 2009)
8. Approve Engineering Change Order #1 with George Butler Associates for Project 190728: Prairie Land Drainage Project for \$9,500.00. (Council Committee of the Whole Minutes - Dec. 21, 2009)
9. Approve a Resolution of Support and Funding Commitment for a three year joint membership in Kansas City Area Development Council (KCADC) with the Northeast Johnson County Chamber and other northeast cities. (Council Committee of the Whole Minutes - Dec. 21, 2009)

- VI. **MAYOR'S REPORT**
Appointment of Interim Public Works Director

Introduction of TranSystems' inspection staff for 2010 capital projects.

- VII. **COMMITTEE REPORT**

COU2010-01 Consider approval of Professional Services agreement with MMG Worldwide for strategic web design services (Phase I)

VIII. STAFF REPORTS

IX. OLD BUSINESS

COU2008-36 Consider Request by OPUS Northwest to Amend Condition #10 related to the approval of the Rezoning of the Meadowbrook Country Club Property located at 91st & Nall from R-1a (Single Family Residential District) to MXD (Mixed Use District) as provided for in Ordinance #2168

X. NEW BUSINESS

XI. ANNOUNCEMENTS

XII. 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

CITY COUNCIL
CITY OF PRAIRIE VILLAGE
January 4, 2010

The City Council of Prairie Village, Kansas, met in regular session on January 4, 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, Michael Kelly, Andrew Wang, Laura Wassmer, Dale Beckerman, Charles Clark, David Morrison, Diana Ewy Sharp and David Belz.

Also present were: Wes Jordan, Chief of Police; Keith Bredehoeft, Project Manager; Katie Logan, City Attorney; 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

Mayor Shaffer announced that those residents present to address the City Council on the issue of the requested extension for the filing of final development plans by OPUS for the Meadowbrook property would be allowed to address the Council later in the meeting during the discussion of this item.

Jennifer Mancina, 2601 West 75th Place, expressed her concerns with the growing number of crimes taking place in her neighborhood. She noted three times this week she observed individuals casing the neighborhood and referenced a recent

break-in at one o'clock in the afternoon. She does not feel she can allow her children to play outside safely. While outside recently her young daughter was spoken to by an individual later arrested by the police. She has seen drugs being sold and does not feel safe. She has spoken with Senators regarding the situation and urged the Council to take this problem seriously. Mrs. Mancina stated residents will move if this problem is not addressed.

Diana Ewy Sharp responded she believes the entire Council and City staff are taking this problem seriously and working to resolve the issues. Mrs. Fahmeier stated she does not believe everything that can be done is being done and will move. She believes there needs to be a multi-task effort with the residents included. Chief Jordan responded there have been two meetings with the residents and invited Mrs. Fahmeier to talk further with him or Captain Schwartzkopf. Chief noted the difficulties in policing an area that is within blocks of Kansas City, Missouri where they have no jurisdiction.

Lai Ye Lee, 2405 West 75th Place, noted his home was recently burglarized and asked for increased patrols in the area and asked what was being done. Chief Jordan responded he can not state in public forum what actions the department is taking to address the situation, but invited Mr. Lee to talk with him individually and he would be able to share additional information. Chief noted there have been more arrests made for residential burglaries in the past year than ever before. One of the concerns is with current drug traffic in Kansas City, Missouri and its impact on crime in Prairie Village. Mr. Lee asked for more communication on what was happening. Chief responded the City communicates through its website, the City newsletter and through communications with homes associations. Andrew Wang also confirmed that the Kansas City Star lists the police log every week by zip code.

Mayor Shaffer stated the Council and City supports Chief Jordan and his department providing them with staff, training, and equipment needed.

Bobby Tyner, 2401 West 75th Place, stating he is seeking cooperation and increased communication between the residents and the police department. He has not seen that from some of the officers responding to calls. He noted he has seen some change and is appreciative of the efforts of Chief Jordan and the Codes Department. He hopes conditions will improve.

Dale Beckerman noted a friend of his was recently burglarized in Kansas City, Missouri. The police department responded quickly; however, he was informed that a skilled burglar does not spend more than two minutes in a house. The neighborhood needs to be vigilant in its notification to the police for a successful arrest to be made.

Mayor Shaffer acknowledged the presence of four boy scouts from Troop 16 working on their "Citizenship and the Community" merit badges.

CONSENT AGENDA

David Morrison asked that item number 9 be removed from the Consent Agenda.

Michael Kelly moved the approval of the Consent Agenda for Monday, January 4, 2010 as amended.

1. Approve Regular Council Meeting Minutes - December 21, 2009
2. Approve the designation of the following 2010 City Holidays pursuant to Personnel Policy 1006:

New Year's Day	Friday, January 1
Martin Luther King Jr. Day	Monday, January 18
President's Day	Monday, February 15
Memorial Day	Monday, May 31
Independence Day	Monday, July 5
Labor Day	Monday, September 6
Thanksgiving Day	Thursday, November 25 & Friday, November 26

Christmas Day

Friday, December 24

3. Approve the purchase of three (3) 2010 Dodge Chargers from Odessa Dodge for no more than \$23,500 per vehicle with payment of one vehicle by the City of Mission Hills
4. Approve Resolution 2010-02 designating the 2010 City Sponsored functions as per City Council Policy 046 - Reservation of City Facilities
5. Approve Resolution 2010-03 establishing City Council meeting dates for 2010
6. Approve a Letter of Understanding with Johnson County Human Services for administration of the 2010 Utility Assistance Program for Prairie Village residents
7. Approve the Construction Administration Agreement with TranSystems for Project 2010 Bond in the amount of \$771,858
8. Approve Engineering Change Order #1 with George Butler Associates for Project 190728: Prairie Lane Drainage Project in the amount of \$9,500
9. Removed

A roll call vote was taken with the following members voting "aye": Herrera, Warman, Hopkins, Kelly, Wang, Wassmer, Beckerman, Clark, Morrison, Ewy Sharp, and Belz.

David Morrison stated he wanted to go on record opposing the city's participation in the Kansas City Area Development Council noting it felt it was an unproductive expenditure of funds that he does not believe will benefit Prairie Village. Michael Kelly moved the Governing Body approve Resolution 2010-01 for support and funding commitment of a three year joint membership in the Kansas City Area Development Council (KCADC) with the Northeast Johnson County Chamber and other northeast cities. The motion was seconded by Ruth Hopkins and passed by a vote of 10 to 1 with Mr. Morrison voting in opposition.

MAYOR'S REPORT

- Mayor Shaffer announced that he had received Christmas Greetings from the Mayor of Dolyna
- Mayor Shaffer announced he has appointed the Community Center sub-committee as directed by the Council at an earlier meeting
- A retirement celebration will be held on Friday, January 8th honoring Bob Pryzby's 15 years of service to the City. Mayor Shaffer stated he is asking for the

Council's ratification of the appointment of Keith Bredehoeft as Interim Public Works Director.

Diana Ewy Sharp moved the Governing Body ratify the Mayor's appointment of Keith Bredehoeft to serve as Interim Public Works Director for the City of Prairie Village. The motion was seconded by Dale Warman and passed unanimously.

Introduction of TranSystems Team

Keith Bredehoeft introduced Tom Swenson, principal with TranSystems who will be providing construction administration for the City's 2010 bond projects. It will be their responsibility to work on behalf of the City to minimize the impact of construction projects on residents and to work with the contractor to ensure the timely and successful completion of the projects. Mr. Swenson introduced Will Frazier who will serve as the Construction Project Manager for the 2010 bond projects and Chris Schepmann the Project Manager who will handle staffing, scheduling and administrative details for the project.

COMMITTEE REPORTS

Council Committee of the Whole

COU2010-01 Consider approval of Professional Services agreement with MMG Worldwide for strategic web design services (Phase 1)

On behalf of the Council Committee of the Whole, Michael Kelly moved the Governing Body approve a professional services agreement with MMG Worldwide for strategic web design services for phase 1 in an amount not to exceed \$17,500. The motion was seconded by Ruth Hopkins and passed unanimously.

OLD BUSINESS

COU2008-36 Consider request by OPUS Northwest to amend condition #10 related to the approval of the rezoning of the Meadowbrook Country Club property located at 91st & Nall Avenue from R-1a (single family residential district) to MXD (Mixed Use District) as provided for in Ordinance #2168

Dennis Enslinger stated the City Council approved the rezoning of the Meadowbrook Country Club property located at 91st & Nall from R-1a (single family residential district) to MXD (mixed use district) in July of 2008 subject to 11 conditions of approval in July, 2008. Condition #10 requires that the applicant shall file a final Development Plan within 18 months of the approval of the Preliminary Development and the ordinance approving the rezoning and Preliminary Development Plan shall not be published until such time as the Final Development Plan is approved. Mr. Enslinger noted the 18th month period expires on January 28, 2010.

OPUS Northwest is requesting that the City grant an extension to Condition #10 to allow for the submission of the Final Development Plan and Final Plat to occur on or before December 31, 2010.

The Governing Body may take the following action:

- Take no action on the request - If done, Ordinance 2168 would remain in place and the rezoning would expire on January 28, 2010, if the conditions of approval are not met by that date.
- Delay action on the request until January 19, 2010 - No motion or vote is required now. January 19, 2010 is the last possible date for consideration of the request at a regular Council meeting.
- Take action on the request - This would require two motions.
 - First the Council must rescind Ordinance #2168. This requires a 2/3 majority of a quorum of those present and voting.
 - If that motion is approved, then the Council has the following options:
 - Follow the original recommendation of the Planning Commission and grant the application with the conditions recommended by the Planning Commission. This not recommended as it would have the same effect as taking no action.
 - Follow the recommendation of the Planning Commission and grant approval of the rezoning with modified conditions, including, but not

limited to, a new time for submission of a final development plan and final plat. This would require 10 votes of the Governing Body.

- Not follow the original recommendation of the Planning Commission and deny the rezoning request. This would require a 2/3 majority vote of the Governing Body (9 votes). This action is not recommended since the City Council previously approved the rezoning request and the current ordinance is due to expire on January 28, 2010, if the applicant does not submit final development plans.
- Return the original recommendation back to the Planning Commission. This would require a simple majority of those present. The City Council must provide a statement specifying the basis for the City Council's failure to approve or disapprove the recommendation of the Planning Commission. This action is not recommended since the City Council previously approved the rezoning request.

Dennis Enslinger noted the next City Council meeting will be held on Tuesday, January 19th following the Martin Luther King, Jr. Holiday. Mayor Shaffer confirmed all council members would be in attendance.

Diana Ewy Sharp asked if the new ordinance would require the submittal of a new protest petition. Katie Logan responded the existing protest petition would apply to any new action taken by the Governing Body.

David Harrison, 4407 W. 92nd Terrace, addressed the Governing Body on behalf of OPUS Northwest. Mr. Harrison stated the Country Club continues to want to see this development happen as soon as possible. Stratford is still very committed to the proposed senior living center. OPUS Northwest, although the condominium market is facing strong economic challenges, is still committed to seeing this project through. Therefore, it is requesting a continuation of one year for the submittal of final development plans.

Laura Wassmer, noted from her professional experience the difficult challenges currently facing the condominium market from the standpoint of financing and lending

capabilities. She is concerned in that she does not see this changing significantly within the next year and noted a big part of this plan calls for the construction and sale of condominium units.

David Harrison responded that they feel within a year they will have a better perspective on the market and be able to present a reasonably accurate final development plan. He noted this is an initial step and it will take an additional 12 to 15 months for construction. He agreed marketing these units will be a challenge, but noted they continue to get calls from interested individuals. They feel a large part of their customer base will be low leverage or cash buyers as mature adults with available cash and equity.

Charles Clark stated that everything he has read or heard indicates that there will be very little economic change in the next 12 months and asked why they are not requesting a longer extension. Mr. Harrison stated that it will take 24 months to be able to deliver their product. The actuarial tables support the type of product they are creating. He noted increased sales in the last quarter. He doesn't feel things will be rosy by the end of 2010, but believes we will be able to see the light at the end of the tunnel. Because of the lag time required for actual construction, they feel the one year extension is reasonable.

Diana Ewy Sharp stated she was supportive of the initial application because of the strength of OPUS and Stratford as companies. She asked if the Country Club felt they could continue to operate as is for another year. The President of the Country Club stated they are committed to this project and have several on-going programs in place.

David Morrison asked if they planned to make changes to the plan. Mr. Harrison responded they do not anticipate any major changes, but there may be changes.

Al Herrera moved the Governing Body continue action on this matter until the January 19th meeting. The motion was seconded by Michael Kelly who later withdrew his second with the motion then being seconded by David Belz.

David Morrison stated that at that time he would like to see some accurate renderings of the proposed project superimposed on the current site to provide a clearer depiction of impact of the project.

Ruth Hopkins questioned postponing action until the next meeting.

David Morrison asked if those people attending this evening and unable to attend on the 19th could address the Council. Katie Logan stated it would be appropriate to hear from the residents. Mayor Shaffer asked for comments regarding the proposed extension for the filing of the final development plan for the Meadowbrook Country Club rezoning from those attending who would not be able to attend the meeting on January 19th. Ms Logan noted if the Council chooses to amend the ordinance that residents can comment on anything regarding the project. No one addressed the Council.

David Belz asked if there was any reason to not take action now rather than on the 19th. Mayor Shaffer noted this is an important issue meriting full consideration by the City and noted the vacant Ward 2 seat may be filled by that meeting providing for a full council vote.

The motion to continue action until the January 19th City Council meeting was voted on and passed by a vote of 9 to 2.

NEW BUSINESS

Al Herrera noted discussion at the last Council meeting regarding a bank being constructed at the existing site for Rooney's Service Station. He would rather see a tax

revenue business locate on that site. He noted the City needs to encourage more businesses to operate in the City.

ANNOUNCEMENTS

Parks & Recreation Master Plan Meeting	01/06/2010	6:00 p.m.
Communications Committee	01/12/2010	5:30 p.m.
Parks & Recreation Franklin Park Presentation	01/13/2010	7:00 p.m.
Sister City Committee	01/13/2010	7:00 p.m.
Council Committee of the Whole (Tuesday)	01/19/2010	6:00 p.m.
City Council (Tuesday)	01/19/2010	7:30 p.m.

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The Prairie Village Arts Council is pleased to announce a photography exhibit by Anne Nye during the month of January. The reception will be held on January 8th from 6:30 - 8:00 p.m.

The 2010 Johnson County Legislative Convener Reception will be held on Thursday, January 7, 2010 from 5:00 p.m. to 7:00 p.m. at the Zurich Financial Services Group - 7045 College Boulevard. Please let Joyce know tonight if you plan to attend.

The City will once again have Holiday Tree Recycling available for Prairie Village residents. You may take your holiday tree to the designated areas of Porter, Franklin, and Meadowlake Parks, and in the Harmon Park parking lot near the water tower between December 26th and January 17th.

The City offices will be closed on Monday, January 18, 2010 in observance of the Martin Luther King Jr. holiday. Deffenbaugh also observes this holiday and trash service will be delayed a day.

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 9:05 p.m.

Joyce Hagen Mundy
City Clerk