

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
September 8, 2009
7:30 p.m. In the Multi-Purpose Room**

- 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 - August 17, 2009
- 2. Approve the Agreement with Johnson County Airport Commission for using the New Century Airport for snowplow training for Public Works employees and a fee of \$50.00 per day.
- 3. Authorize the Mayor to execute a Proclamation recognizing September 17-23, 2009 as Constitution Week.
- 4. Approve disposal of certain assets by auction.
- 5. Approve funding emergency repairs to the Police Department's Radio System caused by Lightning.

By Committee:

- 6. Adopt Resolution Nos. 2009-07, 2009-08, 2009-09, 2009-10, 2009-11, 2009-12 and 2009-13 Designating Authorized Individuals for Bank Accounts. (Council Committee of the Whole Minutes September 8, 2009)
- 7. Approve the revised Public Financial Participation Application. (Council Committee of the Whole Minutes - August 17, 2009)
- 8. Approve the Adoption of Ordinance 2203 amending Chapter Five of the Prairie Village Municipal Code, 2003 entitled "Business Regulation" by repealing the existing Article 1 entitled "General Regulations and Licenses" and adopting a new Article 1 of the same name and title and adding a new Article 7 entitled "Residential Rental Properties." (Council Committee of the Whole Minutes - August 17, 2009)
- 9. Approve the Adoption of Ordinance 2204 amending Chapter 5 of the Prairie Village Municipal Code, 2003, entitled "Massage Therapy" repealing the existing Article 5 entitled "Massage Therapy" and adopting a new Article 5 entitled "Massage Therapy." (Council Committee of the Whole Minutes - August 17, 2009)

VI. MAYOR'S REPORT

VII. COMMITTEE REPORTS

Planning Commission

Consider Amendments to Zoning Ordinance Chapters 19.02 "Definitions" and 19.34 "Accessory Uses"

Consider Renewal of Special Use Permit for the installation, operation & maintenance of wireless communication antenna at 5000 West 95th Street for Verizon Wireless

Council Committee of the Whole

COU2009-33 Consider Approval of Contract with Springbrook Software, Inc. for Municipal Software - Michael Kelly

COU2009-89 Consider Resolution 2009-07 and Ordinance No. 2205 Related to the Upcoming Bond Issue for Public Improvements - Michael Kelly

VIII. STAFF REPORTS

IX. OLD BUSINESS

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
SEPTEMBER 8, 2009**

The City Council of Prairie Village, Kansas, met in regular session on Monday, September 8, 2009, 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, David Voysey, Michael Kelly, Andrew Wang, Laura Wassmer, Dale Beckerman, Charles Clark, David Morrison and David Belz.

Also present were: Quinn Bennion, City Administrator; Katie Logan, City Attorney; Captain Wes Lovett & Sgt. Byron Roberson; Bob Pryzby, Director of Public Works; 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 acknowledged the presence of a Boy Scout from Troop 192 working on his "Communications" merit badge.

Jewell Johnson, 5440 West 83rd Street, presented the Council a signed petition from residents on the north side of 83rd Street opposing the construction of a sidewalk from Rosewood to Nall Avenue. There is a sidewalk on the other side of the street and they do not feel another one is necessary on the north side. She also noted the cost of construction and the damage to the existing landscaping. Mayor Shaffer responded that no action would be taken by the City Council this evening and that they would be notified when this item would be considered by the City. Bob Pryzby stated this area is currently

being surveyed and no design work has begun. David Morrison asked when he felt it would be discussed. Mr. Pryzby responded he would expect design work to be completed within 60 days. Mayor Shaffer stressed that the residents would be notified of the meeting when issue will be considered.

Jim Blackwell, 4200 Homestead Drive, noted that he has had a 20'8" driveway apron since his home was constructed in 1954 as well as having received a variance for the height of his curbing. During the recent construction on Homestead, topographical changes were made to the street that have created a rise into his driveway and his driveway has been reduced in width to 14'2". City staff have reviewed the construction and stated it was built to City standards. He requested that the winged edges of his driveway be returned to their original flat surface and feels this work should be done while the crews are still working on the street. Mayor Shaffer responded the work will be reviewed by staff and noted the need to meet the City's existing code in construction projects.

Michael Clark, 4403 Homestead Drive, expressed frustration with the raised height of the driveways on the north side of Homestead after the recent street work. He stated residents now have a hump to go over to get into their driveways. Mr. Clark also stated he was concerned with the vertical surface of the new curb installed, noting that it was not a smooth surface and that he feared possible tire damage from the rough surface.

CONSENT AGENDA

Michael Kelly moved the approval of the Consent Agenda for Monday, September 8, 2009.

1. Approve Regular Council Meeting Minutes - August 17, 2009
2. Approve the agreement with Johnson County Airport Commission for using the New Century Airport for snowplow training for Public Works employees at a fee of \$50 per day.

3. Authorize the Mayor to execute a Proclamation recognizing September 17-23, 2009 as Constitution Week.
4. Approve disposal of certain assets by auction.
5. Approve funding emergency repairs to the Police Department's Radio System caused by lightning.
6. Adopt Resolution Nos.2009-07, 2009-08, 2009-10, 2009-11, 2009-12 and 2009-13 Designating Authorized Individuals for Bank Accounts.
7. Approve the revised Public Financial Participation Application.
8. Approve the adoption of Ordinance 2203 amending Chapter Five of the Prairie Village Municipal Code, 2003 entitled "Business Regulation" by repealing the existing Article 1 entitled "General Regulations and Licenses" and adopting a new Article 1 of the same name and title and adding a new Article 7 entitled "Residential Rental Properties".
9. Approve the adoption of Ordinance 2204 amending Chapter 5 of the Prairie Village Municipal Code, 2003, entitled "Massage Therapy" repealing the existing Article 5 entitled "Massage Therapy" and adopting a new Article 5 entitled "Massage Therapy".

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

MAYOR'S REPORT

Mayor Shaffer reported everyone has returned from Dolyna and that it was a good trip. The Sister City will meet this Monday and discuss the trip. He felt a slide presentation from the trip would be given at a later meeting to the Council.

COMMITTEE REPORTS

Planning Commission

Consider Amendments to Zoning Ordinance Chapters 19.02 'Definitions' and 19.34 'Accessory Uses'

Dennis Enslinger stated that currently the zoning regulations include detailed requirements for the licensing of Home Occupations and Child Care Facilities. When these regulations and procedures change, the Zoning Ordinance must be amended. These requirements may be in conflict with licensing code and procedures. To address this situation, the Commission is recommending the deletion of the text related to the administrative process of licensing and simply retain language that requires they be licensed. The administrative requirements would all be found in the licensing regulations

found in Chapter 5 of the Municipal Code. Changes have also been made to the definitions of “Day Care Center” to address the care of adults.

David Belz moved the Governing Body adopt Ordinance 2208 amending Chapter 19.02 of the Prairie Village Municipal Code, entitled “Definitions” by amending Section 19.02.160 entitled “Day Care Center” and Section 19.02.165 entitled “Day Care Nursery” and amending Chapter 19.34 entitled “Accessory Uses” by amending Section 19.34.010 entitled “Home Occupations as Accessory Uses:” paragraphs (C), (D) & (E) and Section 19.34.015 entitled “Family Day Care Home Accessory Use” paragraphs (A) (H) (I) & (J). The motion was seconded by Michael Kelly.

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

Consider Renewal of a Special Use Permit for the installation of wireless communication antenna at 5000 West 95th Street

Dennis Enslinger reported Verizon Wireless currently operates and maintains wireless communication antenna on the rooftop of the office building at 5000 West 95th Street. The installation includes two frames with two whip antennas and three panel antennas on each frame. A public hearing was held on the renewal of their Special Use Permit for this site before the Planning Commission on September 1st. No one was present to address the Commission nor did anyone attend the neighborhood meeting held by the applicant. The initial approval at this site was in 1999 for five years with a five-year renewal granted in 2004. The Planning Commission reviewed the application following the new regulations adopted and recommends the Special Use Permit be renewed for ten years subject to the 14 conditions recommended by staff.

David Belz moved the Governing Body adopt Ordinance 2209 approving the renewal of a Special Use Permit for the installation, operation and maintenance of

communication antenna by Verizon Wireless on the property described as 5000 West 95th Street, Prairie Village, Kansas. The motion was seconded by Michael Kelly.

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

Dennis Enslinger announced the Planning Commission will consider six applications for wireless communication facilities at its October 6th meeting. These are either renewals of existing permits or requests for co-location at existing sites.

COUNCIL COMMITTEE OF THE WHOLE

COU2009-33 Consider approval of Contact with Springbrook Software, Inc. for Municipal Software

On behalf of the Council Committee of the Whole, Michael Kelly moved the Governing Body approve the contract with the elimination of the liquidated damages clause and related exhibits with Springbook Software, Inc. for municipal software. The motion was seconded by Charles Clark and passed unanimously.

COU2009-89 Consider Resolution 2009-14 and Ordinance No. 2205 related to the upcoming Bond Issue for Public Improvements

On behalf of the Council Committee of the Whole, Michael Kelly moved the Governing Body approve Resolution No. 2009-07 authorizing the offering for sale of general obligation improvement and refunding bonds, series 2009-A, of the City of Prairie Village, Kansas. The motion was seconded by David Voysey and passed unanimously.

On behalf of the Council Committee of the Whole, Michael Kelly moved the Governing Body adopt Ordinance 2205 designating certain streets and avenue within

the City of Prairie Village, Kansas as main trafficways and trafficway connections. The motion was seconded by David Voysey.

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

STAFF REPORTS

PUBLIC SAFETY

- Captain Lovett reported the City had 7 residential burglaries over a two day period over the past few weeks along State Line. They are increasing patrols and things have quieted down. He noted Leawood had 30-40 residential burglaries in a two week period in the northern part of the City. The burglaries occurred between six and ten in the evening with the primary focus on flat screen televisions and other electronics.
- Shawnee Mission School has opened school with an unexpected increase of 150 students. Capt. Lovett noted they have received a student parking complaint on Delmar. Sgt. Byron Roberson presented an overview of the history of parking issues related to Shawnee Mission East students noting it goes back to 1975.
- Sgt. Roberson showed a map showing the locations of surrounding Shawnee Mission East that have been designated for no parking, reviewing also the limitations. Most areas are signed for no parking 9 to 3 on both sides of the street. The school has given out over 500 parking passes for on site parking to Junior and Senior students. Sophomores park in the pool parking lot or on side streets.
- It was noted there has been significant improvement over the past years with only about twenty vehicles parking on residential streets. Currently those parking on the street could be accommodated on-site once the contractors leave, but noted it is the school’s decision as to who parks on-site. He added the number of students driving will increase as the year goes on and more students get their driver’s license.
- However, he pointed out that in January 2010, Kansas will begin enforcing graduated licenses which will only allow 15 and 16 year-old drivers to transport siblings. He is not certain what the impact of this legislation will be - it may increase the number of drivers with no car-pooling or it may decrease the number of drivers.

David Belz stated the individual on Delmar who has the complaint spoke with him and he encouraged the resident to propose a solution. He is suggesting the residents to be allowed to purchase parking permits that would allow them to park on their streets. This has been done in other areas. Ruth Hopkins stated residential parking permits were used to address parking problems surrounding the “Lockline Office Building”.

Sgt. Roberson noted it is labor intensive to monitor parking. He noted most of the current signage in place was done at the request of the neighborhoods submitting a

petition requesting the limitation. He would be ok with making a change if there was neighborhood support, but not comfortable making a change based on one individual.

David Belz stated he views the parking permits as a reasonable alternative. Dale Beckerman felt it makes sense to accommodate the needs of the residents. Ruth Hopkins stated she felt if the restrictions were removed the amount of student parking would increase significantly. Laura Wassmer did not feel a change was merited based on one complaint, noting the City has come a long way in addressing this on-going problem. Andrew Wang noted there were other issues creating the need for parking permits for the "Lockline" area.

Michael Kelly stated he is not opposed to the Police Department investigating options. Dale Beckerman stated he would consider making a change if it was requested and supported by a neighborhood.

PUBLIC WORKS

- Bob Pryzby reported the pool has closed and crews are working to identify the locations of the suspected leaks
- He noted several projects have been published for bid including: El Monte Fountain, Prosecutor's Office and the City Hall Brick Wall.
- Twelve proposals were received for the work on 75th Street. Dale Warman & David Belz will be reviewing the proposals.
- The contractor for the 2009 Paving Program is working on Homestead, the final street in the project. Mission Lane Bridge only has curb work remaining and should open by October 1st. A ribbon cutting ceremony will be held for the re-opening.
- Mr. Pryzby announced with the receipt of additional funding, Johnson County CARS has moved some of the proposed 2011 projects up to 2010 including a piece of Somerset Avenue. A rain garden has been created by volunteers at Meadowlake Park.
- Mr. Pryzby stated he is working to complete the listing of bond projects prior to leaving on vacation October 16th.

ADMINISTRATION

- Chris Engel stated the pool has closed for the 2009 season with an overall increase in attendance of 1.5% or approximately 800 persons. He noted many of those were from the "Super Pass" program. Revenue from the sale of memberships for 2009 reflects an increase of 2.5%. Mr. Engel noted these are preliminary figures through August 31st and noted final figures will be distributed at a later date.
- Dennis Enslinger stated he submitted four proposals for funding under Transportation 2040. . .Brush Creek Trail, Mission Road Improvements, Roe Avenue Bicycle/Trail Project and West 75th Street Improvements.
- The codes department is currently working with a potential restaurant tenant in Corinth Square. The 5,000 sq. ft. area previously occupied by Noels will become a hamburger type restaurant.
- Mr. Enslinger announced the City's Planner, Ron Williamson, is cutting back hours worked and approaching retirement. Staff met with the individuals who would take over his work with the City. City staff is looking at simplifying the process for residential projects by having those staff reports being prepared

internally. Commercial and large residential projects would continue to go through BWR.

Michael Kelly asked how long it had been since the City went out to bid for planning services. Charles Clark responded it has been four years. Mr. Kelly stated he felt the City should consider going out to bid. Mr. Enslinger noted that is the Council's decision.

- Quinn Bennion announced that he and Dennis Enslinger would be out of town next week attending a City Managers Conference (ICMA).
- Mr. Bennion noted applications are being accepted for Leadership Northeast and encouraged Council members who have not participated in the past to consider attending. He noted two city staff will be attending.
- During the 2010 budget discussion, it was suggested and money budgeted for the City to make a legislative visit. Mayor Shaffer, Dennis Enslinger and he will be making a visit the end of October. Mayor Shaffer will already be in the area on other business. Rob Johnson, formerly with NEJCC, has coordinated the trip and scheduled several meetings with representatives and agency visits.

David Morrison asked if Mr. Johnson was being paid by the City. Mr. Bennion responded he was being paid \$1000. Mr. Morrison questioned the cost and Mr. Bennion pointed out that through existing relationships he has been able to set up several influential meetings. Ruth Hopkins noted the City has attempted unsuccessfully to set up similar meetings for several years.

OLD BUSINESS

There was no Old Business to come before the Governing Body.

NEW BUSINESS

There was no New Business to come before the Governing Body.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

Parks and Recreation Committee	09/09/2009	7:00 p.m.
Sister City Committee	09/14/2009	7:00 p.m.
Council Committee of the Whole	09/21/2009	6:00 p.m.
City Council	09/21/2009	7:30 p.m.

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The Prairie Village Arts Council is pleased to announce an oils exhibit by Harriet Bigham for the month of September. The reception will be held on September 11th from 6:30 - 7:30 p.m.

The Shawnee Mission Education Foundation 17th Annual Fall Breakfast is September 24th at 7:30 am at the Overland Park Convention Center. The City has reserved a table of 10. If you would like to attend, RSVP by September 11th to Jeanne Koontz at jkoontz@pvkansas.com.

Prairie Village Peanut Butter Week will be October 5 - 9 this year. Bring some peanut butter to the October 5th Council meeting!

The October exhibit in the R. G. Endres Gallery will be the annual State of the Arts. It will be a juried exhibit and three prizes of \$1,000 will be awarded including the R. G. Endres Memorial Best of Show Award. There will also be a new prize of \$500 - the Viewer's Choice Award. The receptions and awards reception will be held on October 9th from 6:00 to 8:00 p.m., with the awards being announced at 7:00 p.m.

The Johnson and Wyandotte County Mayor's Association Holiday Party will be held on December 2nd.

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

ADJOURNMENT

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

Joyce Hagen Mundy
City Clerk