

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
April 6, 2009
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 – March 23, 2009
- 2. Approve contracts for VillageFest 2009

By Committee:

- 3. Approve the aforementioned revisions to the Police Department's section of the City's retention schedule. (Council Committee of the Whole Minutes– March 23, 2009)
- 4. Adopt Ordinance 2191 amending Chapter 1 of the Prairie Village Municipal Code entitled "Administration" by amending Article 2 entitled "Governing Body" by amending Section 1-204 entitled "Same: Quorum-compelling Attendance."(Council Committee of the Whole Minutes – March 23, 2009)

- VI. MAYOR'S REPORT**
- VII. STAFF REPORTS**
- VIII. COMMITTEE REPORTS**

COU2009-42 Consider Replacement of Police Vehicle – David Voysey

COU2009-43 Consider In-Car Video System – David Voysey

Council Committee of the Whole – David Voysey

COU2009-35 Consider New Zoning Chapter 19.33 entitled Wireless Communications Facilities; deleting Section 19.28.070(S) and amending Section 19.02.449 entitled "Utility Box."

- 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
April 6, 2009

The City Council of Prairie Village, Kansas, met in regular session on Monday, April 6, 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, Bill Griffith, Ruth Hopkins, David Voysey, Michael Kelly, Laura Wassmer, Charles Clark, David Morrison, Diana Ewy Sharp and David Belz.

Also present were: Quinn Bennion, City Administrator; Katie Logan, City Attorney; Wes Jordan, Chief of Police; 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.

Mayor Shaffer announced a change in the agenda to accommodate residents present to discuss the proposed wireless communication ordinance. The Mayor's and Staff reports would be heard after the committee reports. Public comments on the ordinance would be taken when the ordinance is being discussed and not during public participation.

PUBLIC PARTICIPATION

No one was present to address the Council.

CONSENT AGENDA

David Belz asked for the removal of item #4 from the Consent Agenda. David Voysey moved the approval of the Consent Agenda for Monday, April 6, 2009 as amended.

1. Approve Regular Council Meeting Minutes - March 23, 2009
2. Approve contracts for VillageFest 2009
3. Approve revisions to the Police Department's section of the City's Records Retention Schedule.
4. Removed

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

David Belz stated he was opposed to the proposed ordinance changing the quorum requirements for the City Council from eight to seven. He noted by dropping the quorum to seven binding decisions could be made with almost half of the Council absent. There have not been many times when a quorum was not present and those times the meeting date was able to be changed. Mr. Belz stated he would be voting against the motion. Laura Wassmer stated she agreed with Mr. Belz' comments.

Ruth Hopkins stated she did not share Mr. Belz' concerns and noted the quorum had been seven for several years before the state required the change a few years ago. She feels it would be appropriate to go back to the national standard and does not feel it is appropriate to delay business due to a lack of a quorum.

Michael Kelly stated his support for leaving the quorum at eight.

David Voysey moved the City Council adopt Ordinance 2191 amending Chapter 1 of the Prairie Village Municipal Code entitled, "Administration" by amending Article 2 entitled "Governing Body" by amending Section 1-204 entitled "Same: Quorum-Compelling Attendance". The motion was seconded by Ruth Hopkins.

A roll call vote was taken with the following members voting "aye" Herrera, Griffith, Hopkins, Voysey and Clark; voting "nay" Kelly, Wassmer, Morrison, Ewy Sharp and Belz. Mayor Shaffer voted "aye" to break the five to five tie and declared the ordinance adopted.

COMMITTEE REPORTS

Council Committee of the Whole

COU2009-42 Consider Replacement of Police Vehicle

On behalf of the Council Committee of the Whole, David Voysey moved the City Council approve the purchase of an unmarked police vehicle for \$18,785.00 from Shawnee Mission Ford. The motion was seconded by Al Herrera and passed unanimously.

COU2009-43 Consider In-Car Video System

On behalf of the Council Committee of the Whole, David Voysey moved the City Council approve the purchase of 12 ICOP In-Car Digital Video systems for \$61,593.75 and one HP ProLiant server for \$5,333.25 from ICOP Digital. The motion was seconded by Al Herrera and passed unanimously.

COU2009-35 Consider new Zoning Chapter 19.33 entitled "Wireless Communications Facilities"; deleting Section 19.28.070(s) and amending Section 19.02.449 entitled "Utility Box"

On behalf of the Council Committee of the Whole, David Voysey moved the City Council adopt Ordinance 2189 adding Chapter 19.33 entitled "Wireless Communication Facilities" to the Prairie Village Municipal Code, 2003; and Ordinance 2190 amending Chapter 19.02 entitled "Definitions" by amending Section 19.02.499 entitled "Utility Box" and Chapter 19.28 entitled "Special Use Permits" deleting Section 19.28.070(S). The motion was seconded by Ruth Hopkins.

Mayor Shaffer stated he would accept comments on the "Wireless Communication Facilities" ordinance, noting that comments on the T-Mobile application for a tower would not be accepted.

Casey Housley, 4900 West 68th Street, requested the Council send the ordinance back to the Planning Commission for further review. He wants the Council to more aggressively protect its residential neighborhoods and properties by having more restrictive regulations for towers in residential areas than in commercial areas. Mr. Housley feels a better ordinance can be created than is currently proposed.

Mary Cordill, 4904 West 68th Street, stated they recognize that cell coverage is important to the residents of the City, but they also want neighborhood aesthetics and property values protected. They feel that fewer and taller towers encouraging co-location is a good choice in commercial and city use properties, but not for residential neighborhoods. She noted other cities have set stricter limits on height and setbacks for towers in residential areas to protect properties and aesthetics and provided examples. Mrs. Cordill stated surrounding cities have firm setback requirements for residential areas and do not allow waivers to those requirements. She would like to see more creative solutions such as antennas incorporated into existing structures, poles or towers that look like trees or flag poles, etc. She also expressed concern that the financial stability of the site; noting that if the site should fail financially, the tower would still remain hindering potential redevelopment of that property.

Laura Wassmer stated it makes sense to send the ordinance back to the Commission to tighten up some of the language. Al Herrera added it is important to make the necessary adjustments that will protect residents and prevent potential problems in the future. It is important to spend that the time to get the exact language desired.

Charles Clark stated as a former member of the Planning Commission, he does not support sending the ordinance back. The Planning Commission has spent almost a year reviewing language, other ordinances, talking with communication representatives as well as residents. The Planning Commission has discussed the issues and sent forward their recommendation for our consideration. Mr. Clark stated if the Council does not like the proposed language, they should prepare their own ordinance.

Diana Ewy Sharp stated that if the ordinance was returned to the Planning Commission, it is essential that the Council provide direction to the Commission on what they want or don't want to see in the ordinance. Mr. Herrera agreed that specific direction was necessary if the ordinance were sent back. He asked Mrs. Cordill to restate the issues the neighbors want addressed.

Mary Cordill read from an e-mail sent to Mr. Herrera addressing the following areas of concern:

- Neighborhood aesthetics
- Fewer and taller towers with co-location are good in commercial areas and on city property, but not for residential neighborhoods.
- There should be stricter limits on height and setbacks for towers in residential areas to protect properties and aesthetics with care taken to blend the towers into the surrounding environments.
- There should be firm setback requirements for towers in residential areas with waivers only allowed in commercial areas.
- Consideration should be given to the financial stability of a site.
- if the ordinance is to be sent back

David Voysey stated he felt the City owed it to the residents to take another look at the proposed ordinance.

Charles Clark stated this is a political issue for the City Council to address, not a technical issue for the Planning Commission to address and feels the Council should propose ordinance revisions rather than sending it back to the Planning Commission.

Bill Griffith confirmed the motion on the floor is to adopt the ordinance as written by the Planning Commission.

Dennis Enslinger stated the City Council has the following options:

- vote on the motion on the floor to adopt the ordinance
- table action to a specific date requiring a simple majority vote
 - Directing staff to address the following issues
 - Waiver
 - Setback Requirement (currently a one to one ratio)
 - Co-location in residential areas
 - Types of facilities allowed in different areas
 - § Currently monopole, stealth tower (tree) and integrated structures are all allowed in the proposed ordinance.
 - Financial stability of site, he recommends not be considered as it is not a land use issue and not appropriate to address and difficult to determine.
- If the Council changes the language proposed by the Commission, a two-thirds vote of the City Council would be required to adopt the new language
- The motion could be defeated, which would leave the current policy in place
- The motion on the floor could be defeated and another motion made to send it back to the Planning Commission for further review and with direction.

City Attorney Katie Logan stated if the Council fails to pass the ordinance, the City would have to start the process over again from the beginning. Dennis Enslinger added if returned to the Planning Commission direction would need to be given with specific items to be reconsidered and it would only require a majority vote to adopt with changes.

Al Herrera confirmed if any changes were made to the proposed ordinance a two-thirds vote would be required for adoption. Ruth Hopkins asked if the vote was two-thirds of the those present or the Governing Body. Katie Logan responded the Governing Body.

Laura Wassmer stated she felt it would be more productive to work with staff. Mr. Enslinger stated the issue needed to be tabled to a specific date and that staff would not be able to have information ready for the April 20th meeting. Charles Clark stated he would support working with staff on possible changes rather than sending the ordinance back to the Planning Commission. Katie Logan confirmed a motion to table would be acceptable with a motion on the floor, but added if made, it was not debatable.

David Belz moved the City Council table consideration of the proposed revisions to the zoning regulations relative to “wireless communication facilities” be tabled to the May 4th meeting of the City Council and directed staff to present information on the four concerns identified. The motion was seconded by Al Herrera and passed unanimously.

Quinn Bennion confirmed staff will provide comparisons with other cities’ regulations and options for consideration by the Council.

MAYOR’S REPORT

- Mayor Shaffer attended the State of the County address and noted the county’s rainy day fund is keeping them out of trouble in these difficult times.
- Mayor Shaffer and Quinn Bennion attended both the 10th Anniversary of Brighton Gardens and the 14th Anniversary of Claridge Court.
- He reported on the Terry Huntington Town Hall meeting held at City Hall
- The area Mayor’s met last week with their primary focus being on budget discussions
- Mayor Shaffer recently participated in the ribbon cutting ceremony for the Kansas City Autism Center, but noted due to their success, they will probably be moving to a larger location outside of Prairie Village in the future.
- He will be on the interviewing board to select the recipients of three Johnson County \$1000 Scholarship to area high school seniors
- Mayor Shaffer reported on the Life Science Institute event he recently attended.

STAFF REPORTS

Public Safety

- Chief Jordan reported Captain Schwartzkopf would be updating the Council on the fox and coyote issues; however, he is coordinating the coverage of an on-going residential armed robbery taking place in Mission Hills
- The investigations unit has been working jointly with KCMO on recent burglaries resulting in the arrest of three suspects. The detectives are currently working on building their cases. They feel these individuals were involved in several of the city’s recent burglaries.
- Capt. Schwartzkopf reviewed the actions the department and animal control were talking to address the recent fox and coyote seen in the area. He noted there has not been an aggressive action shown by these animals. The City is restricted in the actions it can take.

Public Works

- Bob Pryzby reported Project Manager applications are being accepted.
- He is currently working with MARC on 2 projects for possible funding.
- There are 19 city projects currently underway in the City. Mr. Pryzby provided an update on the status of each of them.

- Overland Park will be installing a new traffic signal at 95th & Nall and also plan for a new signal at 95th & Mission - Prairie Village will be responsible for 25% of the cost.
- The new flood plain ordinance has been written and is currently under review by the chief engineer with the Department of Water. New flood plain maps will be distributed when received and the new ordinance is approved.
- The consultant reviewing the pool for compliance with the new federal regulations has found the main drains need to have new grates installed in order for the pool to be in compliance with the new regulations. Larkin is preparing a specification and installation document for the needed grates. As all cities have been impacted by the new regulations, Mr. Pryzby stated he is not certain that he can get the necessary grates purchased and installed by the scheduled opening of the pool.

Mayor Shaffer asked if they could be ordered immediately. Mr. Pryzby responded Larkin needs to determine the size and specifications before they can be order, but noted they would be ordered as soon as possible.

Administration

- Chris Engel provided an update on the KDOT Transportation Stimulus Funding applied for by the City. More than 55 applications were received with six projects receiving funds. The only area project was in the city of Olathe. He has requested information on the process and ratings received for the city's applications.
- The public hearing on the Parks Master Plan was held on April 1st. Diana Ewy Sharp distributed pamphlets providing an executive summary of the Master Plan. This will be discussed in more detail at a future Council meeting.
- Dennis Enslinger reported the Planning Commission would hear the application by T-Mobile for a communications tower at Faith Lutheran Church on April 7th.
- Walgreen's has submitted building plans for their new building at 95th & Mission Road
- The application by CVS at Corinth Square has been continued to the May 5th meeting of the Planning Commission. Its status is uncertain with the shopping center being under contract with a new owner.
- The Prairie Village Arts Council will hold a reception on Friday, April 10th.
- Mr. Enslinger noted the three projects that will be submitted to Congressman Moore and Senator Brownback for consideration for federal funding.
- Quinn Bennion advised the Council the City will be doing paperless payroll and noted Council will be receiving information on this shortly.
- Mr. Bennion provided an update on the ARRA projects.
- Mr. Bennion will be attending a Leadership Lab next week from Tuesday through Friday.

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:

Planning Commission	04/07/2009	7:00 p.m.
Park & Recreation Committee	04/08/2009	7:00 p.m.
Sister City Committee	04/13/2009	7:00 p.m.
Prairie Village Arts Council	04/15/2009	7:00 p.m.
Council Committee of the Whole	04/20/2009	6:00 p.m.
City Council	04/20/2009	7:30 p.m.

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The Prairie Village Arts Council is pleased to announce an oils exhibit by Christi Roberts-Bony for the month of April. The reception will be held on April 10th from 6:30 - 7:30 p.m.

The chamber luncheon will be held on Thursday, April 16th. Kristin Riott, from the City's Environment/Recycle Committee will be the speaker.

An Arbor Day event will be held at Franklin Park on April 25th at 10 a.m. to honor Maggie and Bob Weed.

Recreation memberships are now for sale in the City Clerks' office. The pool will open on May 23rd.

The annual large item pick-up has been scheduled for April 25th.

Shawnee Mission Education Foundation's Celebrate Success Luncheon is April 29, 2009 at 11:30 am at the Overland Park Convention Center. The City has reserved a table for 10. Please RSVP to Jeanne at 385-4662 or jkoontz@pvkansas.com by April 16, 2009.

The 2009 LKM Annual Conference will be held in Topeka, October 3-6, 2009. Conference events will be held at the Topeka Expocentre and Capitol Plaza Hotel. Please let Jeanne know if you are interested in attending.

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 8:47 p.m.

Joyce Hagen Mundy
City Clerk