

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
March 2, 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 - February 17, 2009
2. Approve the agreement with Phil Jay for music and emcee services at the Mayor's Holiday Gala on December 4, 2009 for \$625.00.

By Committee:

3. Approve the adoption of the proposed personnel policy revisions to PP1095 entitled "Recreation Memberships" relating to recreation memberships for employees in regards to taxation and eligibility. (Council Committee of the Whole Minutes - February 17, 2009)
4. Approve the adoption of Ordinance 2188 amending Chapter 19.34 of the Prairie Village Municipal Code entitled "Accessory Uses" by amending Section 19.34.040(f) entitled "Permanent Standby Emergency Generators." (Council Committee of the Whole Minutes - February 17, 2009)
5. Approve the adoption of Ordinance 2187 amending Chapter 19.02 of the Prairie Village Municipal Code entitled "Definitions" by amending the following sections 19.02.100 entitled "Building Height"; Section 19.02.254 entitled "Grade"; Section 19.02.435 entitled "Story" and Section 19.02.436 entitled "Story Above Grade Plane." (Council Committee of the Whole Minutes - February 17, 2009)
6. Approve the Construction Agreement with WCI, Inc for Project 190721: 2009 Storm Drainage Repair Program in the amount of \$337,423.20. (Council Committee of the Whole Minutes - February 17, 2009)
7. Approve the Design Engineering Agreement with Affinis Corporation for Project 190722: 2010 Storm Drainage Repair Program in the amount of \$26,300.00 (Council Committee of the Whole Minutes - February 17, 2009)
8. Approve the Construction Contract with Bryan-Ohlmeier Construction Company for Project 190871: Mission Lane Bridge Replacement in the amount of \$536,727.90. (Council Committee of the Whole Minutes - February 17, 2009)

9. Approve the Interlocal Agreement with the City of Mission and the City of Fairway for Project 190874: Roe Avenue, north city limit to 63rd Street. (Council Committee of the Whole Minutes - February 17, 2009)
10. Approve the Interlocal Agreement for Project 190874: Roe Avenue - north city limit to 63rd Street with the Johnson County Board of County Commissioners, the City of Mission and the City of Fairway for a maximum of \$426,000 from the County. (Council Committee of the Whole Minutes - February 17, 2009)

VI. MAYOR'S REPORT

VII. STAFF REPORTS

VIII. COMMITTEE REPORTS

COU2009-32 Consider Approval for Purchase of Microwave Wireless Communication System for Public Safety Purposes - Wes Lovett and Kyle Shipps

VillageFest Committee - Diana Ewy Sharp

IX. OLD BUSINESS

X. NEW BUSINESS

XI. EXECUTIVE SESSION

XII. ANNOUNCEMENTS

XIII. 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
March 2, 2009**

The City Council of Prairie Village, Kansas, met in regular session on Monday, March 2, 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, Andrew Wang, Laura Wassmer, Dale Beckerman, 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.

PUBLIC PARTICIPATION

Tom Trienens addressed the Council stating that he had worked diligently for the City for almost five years giving everything he had. He noted the actions taken by the City have created a personal tragedy and noted the Council has only heard one side of the actions that transpired, stating he had done everything that he had been asked to do.

Two scouts from Troop 199 and five scouts from Troop 91 were in attendance to earn their "Citizenship in the Community" badges.

CONSENT AGENDA

David Voysey moved the approval of the Consent Agenda for Monday, March 2, 2009.

1. Approve Regular Council Meeting Minutes - February 17, 2009
2. Approve the agreement with Phil Jay for music and emcee services at the Mayor's Holiday Gala on December 4, 2009 for \$625.00.
3. Approve the adoption of the proposed personnel policy revisions to PP1095 entitled "Recreation Memberships" relating to recreation memberships for employees in regards to taxation and eligibility.
4. Approve the adoption of Ordinance 2188 amending Chapter 19.34 of the Prairie Village Municipal Code entitled "Accessory Uses" by amending Section 19.34.040(f) entitled "Permanent Standby Emergency Generators."
5. Approve the adoption of Ordinance 2187 amending Chapter 19.02 of the Prairie Village Municipal Code entitled "Definitions" by amending the following sections 19.02.100 entitled "Building Height"; Section 19.02.254 entitled "Grade"; Section 19.02.435 entitled "Story" and Section 19.02.436 entitled "Story Above Grade Plane"
6. Approve the Construction Agreement with WCI, Inc for Project 190721: 2009 Storm Drainage Repair Program in the amount of \$337,423.20.
7. Approve the Design Engineering Agreement with Affinis Corporation for Project 190722: 2010 Storm Drainage Repair Program in the amount of \$26,300.00
8. Approve the Construction Contract with Bryan-Ohlmeier Construction Company for Project 190871: Mission Lane Bridge Replacement in the amount of \$536,727.90.
9. Approve the Interlocal Agreement with the City of Mission and the City of Fairway for Project 190874: Roe Avenue, north city limit to 63rd Street.
10. Approve the Interlocal Agreement for Project 190874: Roe Avenue - north city limit to 63rd Street with the Johnson County Board of County Commissioners, the City of Mission and the City of Fairway for a maximum of \$426,000 from the County.

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

MAYOR'S REPORT

- Mayor Shaffer reported on the recent conference of the National Area Regional Councils (NARC) meeting in Washington, D.C. Mayor Shaffer serves on the national board.
- He recently met with the northeast Johnson County Mayors and was introduced to Rick Boeshaar, who will become the new mayor of the City of Mission Hills. Mayor David Fromm is not seeking re-election. He noted the regular meeting of the Northeast Johnson County Mayors will be held on Wednesday, March 4th.

- Mayor Shaffer announced that Lucy O'Connor of Prairie Village has been named one of the top youth volunteers in Kansas for 2009 and will receive the "Prudential Spirit of Community Award". A proclamation will be prepared honoring Lucy for this accomplishment and presented at a future Council meeting.

STAFF REPORTS

Public Safety

- Chief Jordan provided an update on the e-mail distributed to Council regarding an elderly man who was driving a lawn-mower towing his wife in a wheel-chair to get groceries. The Police Department has secured transportation for the couple and they are thankful for the department's assistance.
- Residential burglaries continue to rise. There were five reported in both January and February in the City. The department has been working with the City of Kansas City, Missouri, along the shared State Line Road boundaries in the area of 79th Street. KC, Missouri has had 35 residential burglaries since the first of the year. The City is running extra patrols and working with pawn shops; although they are finding that the items are not being pawned.

Laura Wassmer asked if alarms have been a deterrent. Chief Jordan responded they have not in Prairie Village, but have been somewhat successful in Mission Hills. He reported that several of the entries have been made through open garage doors.

- Chief Jordan reported the department has received several calls since the alert was sent out advising residents not to open their doors to strangers. Mayor Shaffer confirmed that if a stranger comes to your home you should contact the police.

Public Works

- Bob Pryzby reported he has returned to work full-time and expressed his appreciation to Suzanne Lownes for her work while he was on his leave. Mayor Shaffer and the Council echoed their thanks and appreciation for Suzanne's work and welcomed Bob back.

Administration

- Chris Engel provided an update on the following four items coming before the legislature:
 - Budget bills
 - Racial Profiling bill
 - Proposition K
 - Sales Tax Holiday

Chief Wes Jordan provided more detailed information on the racial profiling bill as well as other policing bills that are being proposed. He noted the bills are changing daily and could have significant impact on police operations. Among the items being discussed is a change to the requirement for car stops from a "reasonable suspicion" to "trustworthy information". The racial profiling bill creates significant increases in the data to be collected by officers and it lacks an appeal process. Chief Jordan noted the bill is uniformly opposed by police agencies and associations throughout the state as well as the Highway Patrol and Sheriff Departments.

Chris Engel stated Proposition K is an alternate valuation method for real estate based on an annual set change per year - without any reflection on market changes. The League is opposing this legislation.

The Sales Tax Holiday is being proposed for four days the beginning of August (August 6-9) on the purchase of school supplies and related items. This is currently done in Missouri. City staff does not support this legislation due to the erosion of the tax base..

Andrew Wang asked how much revenue was involved. Mr. Engel stated he did not know. Dale Beckerman asked how the local merchants felt about the bill. Mr. Engel stated he had not spoken with them. Diana Ewy Sharp wanted to know if this has stimulated sales when conducted in Missouri.

- Karen Kindle reported the City has received notification that the 2009 City's Budget has received the GFOA Award of Excellence. Quinn Bennion noted that very few cities in the state received this honor.
- Dennis Enslinger reported on the agenda for the Planning Commission's meeting noting that CVS has requested another continuance and will not be discussed. He also advised that T-Mobile has filed an application for the April agenda for a special use permit to construction a communication tower at Faith Lutheran Church.
- Mr. Enslinger reviewed the operation of the new security door locks that have been installed. He advised Council of the doors secured and that they would be receiving codes or cards allowing them access.
- Quinn Bennion advised the report on the January Council Worksession has been received from Jim Hunt and distributed.
- Mr. Bennion stated the volunteer photographer has not worked as well as it had been hoped. He encouraged Council members to take photographs at events and submit them to the City for use on promotional material and the website. He noted the City has purchased a camera, and that staff will also be taking photographs.
- Mr. Bennion stated he will be out of town the week of March 16th.

COMMITTEE REPORTS

Council Committee of the Whole

COU2009-32 Consider Approval for Purchase of Microwave Wireless Communication System for Public Safety Purposes

On behalf of the Council Committee of the Whole, David Voysey moved the City Council authorize the allocation of \$35,000 from the Jail Tax Technology Fund to finance

the installation of microwave and fiber optics as part of the Intergraph Project. The motion was seconded by Laura Wassmer and passed unanimously.

Finance Committee

David Voysey reported the Finance Committee met on February 23rd and discussed the 2010 budget calendar, reviewed the Financial Software recommendation of staff and discussed the purchase of Council Laptops. Mr. Voysey commended Karen Kindle and City Staff on their due diligence and thoroughness in investigating potential software solutions and their incorporation of the software with other City departments.

Karen Kindle reviewed the 2010 budget calendar with Council highlighting when items of the budget would be presented. Quinn Bennion noted the 2010 budget will require significant decisions by the Council to create a balanced budget. He noted staff has already been discussing different options for addressing budget needs. In addition to regular Council meetings, he and Karen would like to meet individually with Council members to answer questions, get suggestions, hear concerns. They hope to hold these meetings within the next month. Mr. Bennion also noted that he would be meeting with employee groups to review the budget and answer questions.

Villagefest Committee

Diana Ewy Sharp stated the Villagefest Committee has had two planning meetings under the new leadership of John Capito. One of the concerns of the committee is the availability of corporate funding. The committee has been advised that one of its \$750 sponsors will only be able to give \$100 in 2009. To address this, they have launched "Friends of Villagefest" to accept donations through the Prairie Village Municipal Foundation.

OLD BUSINESS

Mayor Shaffer wished Council member Diana Ewy Sharp a happy birthday.

NEW BUSINESS

Discussion on quorum requirements

Mayor Shaffer asked that this item not be able to be discussed in committee be presented. City Attorney Katie Logan reviewed an earlier memo prepared when legislative actions changed the definition of “quorum” and its impact on “Open Meeting Regulations” At that time, the City changed its requirements for a quorum from seven members (a majority of the Council) to eight members (a majority of the Council & Mayor).

Ms Logan stated this legislation has been changed and it is not necessary for the City to have eight members for a quorum. Ruth Hopkins noted that there have been times when it has been difficult for the Council to attain eight members for a quorum and meetings have had to be changed. She feels the quorum should be returned to seven or a majority of the Council. Ms Logan stated this could be done without any negative impact.

Mayor Shaffer confirmed this change would not have any ramifications on activities attended by Council members outside of regular meetings. Mrs. Hopkins stated it would be easier to ensure the necessary quorum to meet and does not see any negative impact resulting from a change back to seven. Charles Clark agreed.

Bill Griffith moved the City Council direct the City Attorney to prepare the necessary ordinance revision to change the required quorum for Council meetings as discussed from eight members to seven members. The motion was seconded by Ruth Hopkins and passed unanimously.

Johnson County Revaluation Report 2009

Laura Wassmer asked if the Revaluation Report 2009 sent to Council members was a public document and if she could get a copy of the full document. Quinn Bennion stated the document was public and he would have it sent to her.

EXECUTIVE SESSION

David Voysey moved pursuant to KSA 74-4319 (b) (2) that the Governing Body, recess into Executive Session in the Multi-Purpose Room for a period not to exceed 25 (25) minutes for the purpose of consulting with the Assistant City Attorney on a matters which are privileged in the attorney-client relationship.

Present will be the Mayor, City Council, City Administrator, Assistant City Administrator and Assistant City Attorney with the Council meeting reconvening at 8:50. The motion was seconded by Andrew Wang and passed unanimously.

Mayor Shaffer reconvened the City Council meeting at 8:50 p.m.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

Planning Commission	03/03/2009	7:00 p.m.
Sister City Committee	03/09/2009	7:00 p.m.
Park & Recreation Committee	03/11/2009	7:00 p.m.
Council Committee of the Whole	03/23/2009	6:00 p.m.
City Council	03/23/2009	7:30 p.m.

=====
The Prairie Village Arts Council is pleased to announce a mixed media exhibit by Deana Winter for the month of March. The reception will be held on March 13th from 6:30 - 7:30 p.m.

The March 16th Council Meeting has been moved to March 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.

Prairie Village Gift Cards are on sale at the Municipal Building. This is a great way to encourage others to “Shop Prairie Village.”

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