

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
January 5, 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 – December 15, 2008
2. Approve the contract for Portable Toilet Services to Best Portable Toilets Inc. for 2009 and renewal in 2010 and 2011.
3. Approve the contract for Holiday Tree Lighting Services to Arbor Masters Tree & Landscape for 2009 and renewal in 2010 and 2011.
4. Approve the contract for HVAC Services to O'Dell Service Co. Inc for 2009 and renewal in 2010 and 2011.
5. Approve the contract for Ice Maker Services to Ice-Masters, Inc. for 2009 and renewal in 2010 and 2011.
6. Approve the contract for Locksmith Services to Johnson County Key Services for 2009 and renewal in 2010 and 2011.
7. Approve the contract for Pest Control Services to Lawrence Pest Control for 2009 and renewal in 2010 and 2011.
8. Approve a Letter of Understanding with Deffenbaugh Industries setting the unit price for solid waste, recyclable, and yard waste collection services for participants in the City's Solid Waste Management Program at \$13.47/per household/month for the calendar year 2009.

By Committee:

9. Approve Construction Change Order #7 (final) with O'Donnell & Sons Construction for an increase of \$5,477.43 on Project 190864: 2008 Street Resurfacing Program.
(Council Committee of the Whole Minutes – December 15, 2008)
10. Approve Engineering Change Order #2 (final) with BHC Rhodes for an increase of \$3,610.80 on Project 190864: 2008 Street Resurfacing Program. (Council Committee of the Whole Minutes – December 15, 2008)
11. Approve an agreement with Columbia Capital Management, LLC, for financial advisory services pending approval by the City Attorney. (Council Committee of the Whole Minutes – December 15, 2008)

VI. STAFF REPORTS

VII. COMMITTEE REPORTS

Communications Committee - Michael Kelly

Council Committee of the Whole - COU2009-10 Consider Purchase

Request of

Police Vehicles – David Voysey

Council Committee of the Whole – COU2009-02 Consider submittal of

Projects to

MARC for consideration for Federal Stimulus Package – David Voysey

**Council Committee of the Whole – COU2009-11 Consider Transfer to
Equipment Reserve Fund**

VIII. OLD BUSINESS

IX. NEW BUSINESS

X. ANNOUNCEMENTS

XI. 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 5, 2009**

The City Council of Prairie Village, Kansas, met in regular session on Monday, January 5, 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, David Morrison, Charles Clark, Diana Ewy Sharp and David Belz.

Also present were: Quinn Bennion, City Administrator; Katie Logan, City Attorney; Wes Jordan, Chief of Police; Tom Trienens, Manager of Engineering Services; Dennis Enslinger, Assistant City Administrator; Karen Kindle, Finance Director; Chris Engel, Assistant to City Administration; Suzanne Lownes and Joyce Hagen Mundy, City Clerk.

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

PUBLIC PARTICIPATION

Jim Mitchell, 7140 Booth, asked if there were any plans for the City to provide glass recycling services. Ruth Hopkins advised the City does not, however, added the City of Overland Park is going to continue operating the center at 119th and Roeland Park is looking into opening a recycling center. Mrs. Hopkins felt there would be more opportunities in the future; however she noted

there is currently no market for recycled glass - it is very cost ineffective to recycle because of its weight and related transportation costs. She suggested it may be more effective to encourage the manufacturers and users of glass to recycle their product. Mr. Mitchell asked about state funded programs. Mrs. Hopkins advised him to contact his legislative representatives. She stated the website www.recycle.spot will give him information on recycling locations.

CONSENT AGENDA

David Voysey stated he would recuse himself on item number 5 on the consent agenda because of a professional conflict of interest and moved the approval of the Consent Agenda for Monday, January 5, 2009:

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11. Approve an agreement with Columbia Capital Management, LLC, for financial advisory services pending approval by the City Attorney.

A roll call vote was taken with the following members voting "aye":

Herrera, Griffith, Hopkins, Voysey, Kelly, Wang, Wassmer, Beckerman, Clark, Morrison, Ewy Sharp and Belz.

STAFF REPORTS

Public Safety

- Repairs are being made this week to the police radio tower. Nine areas of concern were identified in the recent study related to damages from lightning. The repairs are being done by a local company and being paid out of the 2008 Public Safety budget.
- The Code Red Message sent out recently regarding the increase in residential burglaries and car thefts was well received by residents. The system contacted 15,671 residences in under 30 minutes. There will be a follow-up article in the Village Voice on the Code Red System. Chief Jordan stated this is the fastest notification system in the metro.

Mayor Shaffer confirmed the system was able to leave messages on answering machines. Bill Griffith asked when the system would be used. Chief Jordan replied for notification of emergency situations. Michael Kelly asked if it could have been used to broadcast information during the recent electrical outage. Chief Jordan said it could although that was not an emergency public safety situation. Dale Beckerman stated the Code Red System is designed to get information out quickly to address a specific issue such as a lost child, not a static condition.

Public Works

- Bids will be received this week on the Mission Lane Bridge Project and 2009 Reconstruction/CARS Project
- It was reported, although Public Works Director Bob Pryzby had a setback during the holidays, he is now home and doing well. His return date has been pushed back as he continues to recover.

Administration

- The 2009 budget is now on-line and copies will be printed in the coming weeks.
- Johnson County Appraiser's Office released their initial estimated property values for 2010. Prairie Village properties retained their value better than most cities. The appraiser's office projects a range for the City of -0.4% to -2.3%. The Appraiser will meet with the Mayor and staff in February when all areas have been reviewed. Quinn Bennion noted they ran two different scenarios and in both, Prairie Village will decrease. It appears that -0.4 decrease would be the best case scenario for 2010. Last year the City had a 1.9% increase in values.
- City Hall Day at Topeka will be held at the end of January. Any Council members wanting to attend should contact Chris Engel.
- The Legislative Breakfast will be held at Homestead on January 31st from 8:30 to 10:30 followed by a Council Work session led by Jim Hunt. The work session is anticipated to last until four o'clock.
- The proposed development by Walgreen's for the southeast corner of Mission and 95th Street is on the Planning Commission agenda for January 6th.
- The proposed CVS development at the corner of Somerset and Mission Road has requested a continuance to the February Commission meeting.
- HNTB and the City have severed the contract for the 75th Street Corridor.
- The artwork on display in the Endres Gallery for January and February is city-owned Artwork.
- The closing on the purchase of the public works building has been delayed to the end of January as a new survey was required for the closing. This has been completed and the City Attorney does not anticipate any problems with the closing.
- The winds and power outage experienced by the northeast part of the City resulted in significant tree and limb debris. Public Works crews worked over the weekend to clear city streets. The City allowed individuals to bring tree limbs and debris to the public works facility. This service will not be provided in the future as it was used by very few residents.
- Addressing the request of Council to be able to know City staff, a photograph of the entire public safety department was distributed to City Council. Administrative Staff pictures will be added to the City's intranet site in the future.

Mayor Shaffer reported he spoke with Thomas Robinson, the City's contact person at KCP&L this week and he has offered to attend a Council or Committee meeting to answer questions and address concerns about storm related items or general information. .

COMMITTEE REPORTS

Communications Committee

Consider Village Voice

Michael Kelly noted that prior to 1997 the City's Newsletter was a bi-monthly publication. From 1997 to 2004, it was published monthly. It returned to a bi-monthly publication in 2004-2005 and then went back to monthly in 2006. The Communications Committee recently discussed the publication of the newsletter noting increased mailing and printing costs and on-going difficulty to develop quality content on a monthly basis. \$50,000 is spent annually on the publication with half of that cost for printing and the other half for mailing. The Communications Committee recommends the publication be produced 5 times a year with the 6th publication being the annual Park & Recreation Brochure. The five publications would be eight-page full-color newsletters.

Bill Griffith suggested the City send a well designed mailer requesting e-mail addresses and moving toward to e-mail delivery of the publication and dropping the mailing altogether.

Michael Kelly responded they discussed offering people the option to go on the web and remove their name from the mailing list, but had concerns with when residents move. They discussed having a once a year period to allow for changes. Mr. Griffith stated a mailer could go out once each year to capture accurate e-mail addresses.

Quinn Bennion stated several residents enjoy the paper copies. He stated even if 20% of the residents chose e-mail delivery that would make a significant

difference. Dale Beckerman asked if the going to full-color publication offered savings. Dennis Enslinger responded the proposed reduction from 12 publications to 6 publications with full-color is a comparable cost. The desire was to create a more professional image and better designed publication - it was not proposed for cost savings. He noted that most other cities' publications are full-color. Once you have one or two pages in color, the additional pages are not expensive.

Diana Ewy Sharp stated she is supportive of the change; however, she would like to see the publication to provide a sense of community and have more city interest stories. She supports having the option to have e-mail or regular mail delivery and added the school district gives residents that option.

Dale Beckerman felt the City needed to provide an opt-out option for e-mail delivery. He acknowledged many residents would keep paper delivery, but felt there would also be several residents who would opt out. He did not know the best way to handle address changes. Dennis Enslinger responded with several options for addressing that issue.

Bill Griffith suggested the City contact the SUN for permission to republish some of their neighbor news and special interest stories.

Michael Kelly moved the City Council authorize the publication of 5 full-color newsletter publications and the Park & Recreation Brochure annually with focus on redesign and community content. The motion was seconded by Laura Wassmer and passed unanimously.

COU2009-11 Consider Transfer of funds to Equipment Reserve Fund

Michael Kelly stated the City Council approved \$10,000 in funding for website maintenance in the 2008 budget. The Communications Committee has been working on selecting a website vendor to redesign the website and the \$10,000 was not used in 2008. The Committee would like to use this money towards the website redesign in 2009.

Laura Wassmer moved the City Council approve transferring \$10,000 from the General Fund to the Equipment Reserve Fund for web site redesign services effective in FY2009. The motion was seconded by David Morrison and passed unanimously.

Council Committee of the Whole

COU2009-10 Purchase request for Police Vehicles

On behalf of the Council Committee of the Whole, David Voysey moved the City Council approve the purchase of five 2009 Dodge Chargers from Odessa Dodge for no more than \$23,000 per vehicle and one 2009 Dodge Charger from Odessa Dodge for no more than \$21,000 for the investigations unit with funding from the 2009 public safety budget. The motion was seconded by Ruth Hopkins and passed unanimously.

COU2009-02 Consider submittal of Projects to MARC for consideration for Federal Stimulus Package

On behalf of the Council Committee of the Whole, David Voysey moved the City Council authorize submittal of the following six projects to the Mid America Regional Council (MARC) for consideration for federal stimulus money:

1) 83rd Street Rehabilitation - Roe to Somerset & 83rd Street/Delmar Drainage; 2)

Roe Avenue - 83rd Street to Somerset Drive” 3) 75th Street - Mission Road to State Line Road; 4) Mission Lane Bridge’ 5) Municipal Complex energy improvements and 6) Trail System. The motion was seconded by Ruth Hopkins and passed unanimously.

OLD BUSINESS

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

NEW BUSINESS

COU2009-09 Consider approval of an Ordinance relating to Vagrancy

Chief Jordan reported recent events where the Police Department responded to incidents, in which individuals were using automobiles as a place to live, causing the Department to review existing laws which allowed for enforcement action. There are currently no legal remedies available to the City to prohibit persons from using a vehicle as living quarters. A similar topic was reviewed concerning the use of unimproved areas of the City to sleep or live. The current ordinance prohibits camping in City Parks only. The language was amended to further define camping and expand the areas of the City where camping is prohibited as a means to address vagrancy issues.

Chief Jordan stressed this is not intended to be used as an enforcement with prosecution, but rather as an enforcement that would allow them to move the individuals to acceptable shelters with prosecution being a last resort.

Ruth Hopkins confirmed there are places where these individuals could be taken by the police officers.

Laura Wassmer questioned the references to private property in the ordinance. Chief Jordan responded the ordinance has been reviewed and approved by the City Attorney.

Dale Beckerman questioned the language in Article 11-221 and how the city would determine/define “living quarters” i.e., overnight, two days, etc. Chief Jordan responded the department would direct their officers to use a common sense approach. He would prefer to leave the language as written and change it only if it becomes a problem. He does not see this ordinance being used frequently.

David Voysey moved the City Council approve Ordinance 2185 amending Chapter 12 of the Prairie Village Municipal Code. 2003, entitled “Public Property” by repealing Article 12-108 entitled “Camping Prohibited” and amending Chapter 11 entitled “Public Offenses & Traffic by adding a new Article 11-220 entitled “Unlawful Camping”. The motion was seconded by Michael Kelly.

Ruth Hopkins confirmed that taking action on this motion would formally adopt the ordinance and is not a recommendation for action in two weeks. Quinn Bennion confirmed this was originally a committee item not scheduled for Council action tonight and could be continued to the next Council meeting in case anyone wanted to speak. Council members discussed whether to continue action and decided to vote on the motion as stated.

A roll call vote was taken with the following members voting “aye”:
Herrera, Griffith, Hopkins, Voysey, Kelly, Wang, Wassmer, Beckerman, Clark, Morrison, Ewy Sharp and Belz. Mayor Shaffer declared the ordinance adopted.

Discussion on Neighborhood Revitalization District Process

Quinn Bennion stated one of the economic tools identified in Village Vision was the designation of a Neighborhood Revitalization District (NRD). OPUS has mentioned the possible use of this tool for the development of Meadowbrook. Staff has visited with the cities of Shawnee, Lenexa and Olathe who have used NRD's to gather information from their experiences.

Katie Logan stated the Neighborhood Revitalization Act is governed by KSA 12-17, 114 et seq. and generally authorizes municipalities to encourage revitalization of qualified areas by making property tax rebates to owners who build new structures or improve existing structures in areas designated as neighborhood revitalization areas or districts. The tax rebate is a rebate of up to 100% of incremental property taxes resulting from improvements made to property in the District for up to 10 years. The terms of the rebate are set forth in a "revitalization plan" which is adopted by the municipality. Other jurisdictions may, but are not required to participate in the rebate. If they participate, they do so by interlocal agreement among the participating taxing jurisdictions.

Katie Logan reviewed the process and steps for designation and implementation of a Neighborhood Revitalization District Process. Laura Wassmer asked why an NRD would be used over a TIF. Ms. Logan responded the criteria that have to be met are different. Quinn Bennion added a TIF is typically more difficult to qualify for than an NRD. Charles Clark confirmed other entities must agree and recommended talking with them early in the process before taking action.

David Belz asked if a NRD designation would lower property values in the area. Katie Logan responded she is not aware of this happening.

Dennis Enslinger took the Council through an example of how a NRD Tax Rebate would work, and its resultant impact. He noted that once the Revitalization Plan is approved by the City Council, it does not come back to the Council. Dale Beckerman asked if there were any NRD's on residential property only. Mr. Enslinger responded many projects combine both a portion of residential and commercial property in the district. He noted this process works well on vacant property because there is a greater increment of value increase.

David Belz asked if it wasn't difficult to make the necessary determination of detriment to public health and safety. Quinn Bennion responded this is the determination of the Governing Body. Mr. Enslinger added most cities look at declining property values, declining population, things that can be evaluated. Mr. Bennion noted only the City Council reviews the determination. The attorney general only reviews the interlocal agreements.

Council Worksession on January 31st

Diana Ewy Sharp encouraged Council members to think about what their priorities are for the City noting several items will be coming before them such as a community center, website improvements, 75th Street improvements, etc. The Council will need to adopt priorities.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

Planning Commission	01/06/2009	7:00 p.m.
Sister City Committee	01/12/2009	7:00 p.m.

Park & Recreation Committee	01/14/2009	7:00 p.m.
Council Committee of the Whole	01/20/2009	6:00 p.m.
City Council	01/20/2009	7:30 p.m.

Mayor Shaffer encouraged Council members to attend the informal Convener reception for the 2009 Johnson County State Legislative delegation on Thursday, January 8th from 5 pm. To 7 pm.

The Prairie Village Arts Council is pleased to announce a mixed media exhibit of the City of Prairie Village owned art for the month of January. There will not be a January Reception.

Please RSVP to Penny by January 12th if you plan to attend the reception for Joyce DiDonato at Homestead Country Club on January 20th at 11:30 a.m.

The City offices will be closed on Monday, January 19th in observance of Martin Luther King Jr. Day. Deffenbaugh also observes this holiday and trash pick-up will be delayed one day that week.

The NEJC Chamber Legislative Breakfast is January 24 at 7:30 am at the Ritz Charles. Please RSVP to Jeanne by January 21 if you would like 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 22, 2008 and January 18, 2009.

Donations to the Holiday Tree Fund are being accepted. The funds will be used to assist Prairie Village families and Senior Citizens needing help to pay their heating and electric bills during the cold winter months, as well as with home maintenance throughout the year. Your tax deductible contributions are appreciated.

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 9:15 p.m.

Joyce Hagen Mundy
City Clerk