

**COUNCIL MEETING AGENDA  
CITY OF PRAIRIE VILLAGE  
January 17, 2012  
7:30 p.m.**

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE OF ALLEGIANCE
- 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 19, 2011
2. Approve Claims Ordinance 2891
3. Ratify the Mayor's reappointment of Lori Sitek and Thomas Brill to the Prairie Village Civil Service Commission to additional three-year terms expiring in January, 2015
4. Ratify the Mayor's appointment of Lindsey Rosemann to the Prairie Village Arts Council filling the unexpired term of Annie Brabson with her term to expire in April, 2014 and Maggie Swartz to the Park and Recreation Committee as a student representative
5. Approve funding in the amount of \$20,000 for the 2012 HOME Rehabilitation Program by approving a Letter of Understanding with Johnson County Housing Services
6. Approve recreation contracts with Challenger Sports and Omega Soccer

- VI. MAYOR'S REPORT
- VII. COMMITTEE REPORTS
- VIII. STAFF REPORTS
- IX. OLD BUSINESS
  - Discussion about Tomahawk Trail
- 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](mailto:cityclerk@pvkansas.com)

**CITY COUNCIL  
CITY OF PRAIRIE VILLAGE  
January 17, 2012**

The City Council of Prairie Village, Kansas, met in regular session on Tuesday, January 17, 2012 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, Steve Noll, 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; Bruce McNabb, Director of Public Works; Keith Bredehoeft, Project Manager for Public Works; David Waters, representing the City Attorney; Quinn Bennion, City Administrator; Dennis Enslinger, Assistant City Administrator; Lisa Santa Maria, 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**

John Joyce, 4201 Delmar, provided his extensive background in the area of project management of commercial properties and speaking from that experience made the following comments in reference to the proposed amendment to the city's comprehensive plan for the area of 84<sup>th</sup> and Mission Road. He does not believe the city should spend funds to prepare an amendment that will provide MVS, LLC with potential plans for the development of their property. They are the developer and it is their

responsibility. He also strongly stated that no incentives should be considered by the Council for the development of the property, noting the developer should have considered those prior to the purchase of the property. Mr. Joyce felt the proposed \$90,000 for the amendment to the comprehensive plan would be better spent with any amendment process carried out by city staff. Any requested CID funds should be used for carrying out general operating expenses of the city. He does not believe the city needs to encourage development.

Mr. Joyce asked where the city was getting the funds to pay for the comprehensive plan study noting the proposed sales tax increase for park funding as there are no funds available. Laura Wassmer responded the funds would come from the economic development fund designed for such expenditures. Quinn Bennion noted the consultant being considered is local and the agreement does not have payment for travel or housing costs mentioned by Mr. Joyce.

Mayor Shaffer acknowledged the presence of a boy scout in the audience.

## **CONSENT AGENDA**

Dale Beckerman moved the approval of the Consent Agenda for January 17, 2012:

1. Approve Regular Council Meeting Minutes - December 19, 2011
2. Approve Claims Ordinance #2891
3. Ratify the Mayor's reappointment of Lori Sitek and Thomas Brill to the Prairie Village Civil Service Commission to additional three-year terms expiring in January, 2015.
4. Ratify the Mayor's appointment of Lindsey Roseman to the Prairie Village Arts Council filing the unexpired term of Annie Brabson expiring in April, 2014 and Maggie Swartz to the Park & Recreation Committee as a student representative
5. Approve funding in the amount of \$20,000 for the 2012 HOME Rehabilitation Program by approving a Letter of Understanding with Johnson County Housing Services

6. Approve recreation contract with Challenger Sports and Omega Soccer for the use of City park facilities for sport camps.

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

## **MAYOR’S REPORT**

Mayor Shaffer reviewed the several activities and events he attended during the past weeks representing the City including MARC Board of Directors meeting, Johnson County Mayors breakfast; Johnson County Convener, Shawnee Mission School District Legislative Information session, Prairie Village Art reception and the final meeting of the Johnson County Charter Commission.

## **COMMITTEE REPORTS**

### **Park & Recreation Committee**

Diana Ewy Sharp reported that the Park & Recreation Committee met last week and had a very productive discussion on the proposed park sales tax. They will be bringing forward to a recommendation to the Council. She also noted with the appointment earlier this evening, the committee is now completely staffed.

### **Villagefest**

The Villagefest Committee will hold their first meeting for the 2012 celebration on Thursday, January 19<sup>th</sup>. Marianne Noll will continue as chair and welcomes anyone who wishes to serve on the committee.

## **STAFF REPORTS**

For the benefit of the public in attendance, Ruth Hopkins asked that staff reports be presented after the completion of Old Business. The agenda was so amended.

## **OLD BUSINESS**

### **Discussion about the Tomahawk Trail**

Leo Wetherill, 4400 Tomahawk, presented the results of a survey he took over the past weekend from individuals using the Tomahawk Trail. The survey addressed issues related to their use of the path, opinion of the new path, its design and impact on the neighborhood and if they felt neighborhood input should be taken when these projects are designed. Nine surveys were taken over an approximate 2.5 hour period of time. All of the individuals taking the survey were frequent users of the trail (3 or more time per week). All felt that neighborhood input should have been taken on the project with most feeling that the project as designed does not make the neighborhood more livable. All but one individual, who was neutral, disliked the chain link fence that was constructed next to the trail.

Mr. Wetherill also shared pictures of the area depicting the lack of landscaping, the path cutting off access to 72<sup>nd</sup> Terrace, a street curb that juts out along the path, a 10" greenspace between the path and the street and the chain link fence. Mr. Wetherill asked who determined the chain link fence was necessary, rather than the architectural railing or split-rail wood solution shown in designs and costs estimates and when the "material" change was made and why?

Mr. Wetherill closed stating this project does not meet the Village Vision standard of quality design and asked that the project be re-evaluated and design corrected. He also asked that the City establish a policy that would require notification of neighboring

property owners within 500 feet and neighborhood meetings on all projects prior to the funding of projects.

Marianne Noll, 4500 West 73<sup>rd</sup> Terrace, stated when the trail was presented in 2009 it was proposed with a split rail fence. She noted that she would have preferred a concrete surface rather than an asphalt surface. Other individuals attending the meeting regarding this issue were: Kathy Fisher, 4300 West 71<sup>st</sup> Terrace; Jennifer Johnson, 4424 West 71<sup>st</sup> Terrace; Brian & Kathy Brzozowski, 4506 West 71<sup>st</sup> Street; Susan Bruce, 4501 West 72<sup>nd</sup> Terrace and Leo Wetherill, 4400 Tomahawk.

Susan Bruce, 4501 West 72<sup>nd</sup> Terrace, expressed concern with the safety of the asphalt surface, noting over the past few days areas on the trail where there was no traction due to ice on the trail. She is particularly concerned with the potential liability posed by this surface and the steep incline of the trail for children or elderly to slip and fall.

Mayor Shaffer closed public comment.

Ruth Hopkins stated she was caught unaware when the fence was installed. Her expectation was that the trail would be similar to the very attractive trails along Nall and along Somerset between Corinth and Franklin Park. Neighbors have asked why their trail wasn't like others in the City. Mrs. Hopkins noted that part of the asphalt trail has already been replaced due to pooling water. She has been unable to track how the fence went from the proposed split rail to chain link.

Mrs. Hopkins stated when the Park Board heard the concerns expressed by the engineer regarding safety the issue should have been clearly brought before the Council for a possible solution. The decision to change the fence was not relayed to the

Council. Mrs. Hopkins noted under the new park theme of “back to nature” it does not make sense to put up a four foot chain link fence separating individuals from nature.

Mrs. Hopkins stated the process followed for this project was flawed and she wants to see it corrected and that it not happen again.

Al Herrera expressed his disappointment noting that the money used for this project was earlier designated for Schliffke Park and then rushed through on a change order to quickly construct a trail. He feels this is unfair to the constituents and that the fence needs to be removed. He would have been ok with the installation of a wooden fence.

Michael Kelly stated he fully agreed with Mr. Herrera’s and Mrs. Hopkins’ comments. He noted the fence backs up to homes in Ward 3 and he has received negative comments from his constituents regarding the fence. He asked staff to explain what happened.

Quinn Bennion stated the trail project was presented for grant funding the past two years in follow-up to the Parks Master Plan where trails were rated by 76% of the respondents as a priority. Administrative staff prepared the grant proposals which did include a log rail fence along the trail, which was present for the first four or five design versions. When grant funding was not received, the project was turned over to the Public Works Department for inclusion in the CIP program.

Mr. Bennion noted that Village Vision addresses the difference between paths on the street and paths off the street. The on-street paths are shown constructed of concrete and the off-street constructed of asphalt. The Weltner and Franklin Park Trails are asphalt trails. He agreed this process was flawed and needs to be prevented from reoccurring.

Steve Noll stated that last week he asked for standards for the design of trails and finally received information late this afternoon. His frustration is that the final decision is stated to be by engineering judgment - no individual or firm identified. The information he received notes a minimum distance of five feet on both sides of a pathway should be maintained when there is a slope.

Mr. Noll stated the reality is something must be done to address this appalling situation. The fence itself is a safety hazard as pointed out any confrontation on the path would force the individual's into the street with the current location of the fence.

Steve Noll moved that the existing fence be removed. The motion was seconded by Ruth Hopkins and noted she would also like to have the asphalt removed.

David Morrison thanked the residents for voicing their concerns and noted that he had voted against the project.

Laura Wassmer agreed that the fence should be moved, perhaps along the gabion baskets noting it will be difficult to maintain in its current location. She does not oppose the asphalt as it blends in better nature and appears more natural and is a better surface for running. She noted some of the residents along Somerset wanted an asphalt surface instead of concrete. In regard to information presented to the Council, she only remembers that leftover funds were available for the trail and that a fence would be constructed where needed, limited in scope, with the fence being split rail.

Dale Beckerman stated he cannot support a motion without a remedy and noted that 98% of the trails in Johnson County have an asphalt surface. He feels a fence is needed. He can't support removing it without plans for its replacement and knowledge of the cost involved.

Mr. Noll withdrew his earlier motion and Mrs. Hopkins her second.

Steve Noll moved the fence along the Tomahawk Trail be removed and that a fence constructed of appropriate materials be located at a site deemed appropriate to provide maximum safety for those using the trail. Mrs. Hopkins seconded the motion.

Charles Clark asked if the existing fence would remain until the new fence can be installed. He stated he would like to see the costs for the removal and for the new fence.

David Belz stated he does not see a problem with the existing fence and cannot support removing it without putting something in its place. He feels the fence is essential to provide safety from children falling into the creek.

Quinn Bennion noted due to safety concerns the existing fence would not be removed until a replacement fence with the appropriate materials and location are ready.

Diana Ewy Sharp stated she would prefer a more aesthetically pleasing fence that would still address the safety concerns. It is her understanding that the engineer, Bill Cunningham with The Larkin Group felt a different type fence was needed to adequately address safety issues and made the change from the fence shown in the original application. She stated this information was included in packet information given to the Council prior to final approval.

Mrs. Ewy Sharp stated she felt public hearings need to be held for each parks master plan project prior to approval in the future. She cannot support the removal of the fence as safety issues would not be addressed. She would be supportive of going through the design process again on this project.

Al Herrera noted a sidewalk was not proposed for the previous sidewalk at this location.

Laura Wassmer stated when this was brought before the Council it was not discussed at the level it should have been. If there were changes made to the project, they should have been pointed out.

Ruth Hopkins stated she thought it was a reasonable expectation that this trail would not be any different from others. She stated she called Public Works and asked for a picture and was told nothing was available.

Michael Kelly stated he is concerned with why this happened and the disconnect between senior staff members and the Park & Recreation Committee.

Dale Beckerman stated the motion should be confined to where we are going forward. He feels it is appropriate to ask Public Works what costs, etc. the City is looking at before moving forward; i.e. what is the cost for removal, can the fence be used elsewhere, what is the cost of a new fence.

Keith Bredehoeft, Project Manager, first explained the difference in the use of concrete and asphalt on trails. Where the trail is near a street and intersects with driveways generally concrete is used; trails not on streets generally have an asphalt surface. The Tomahawk Trail is close to a street, but does not intersect any driveways, so asphalt was selected.

The first application for a trail grant was put together by administrative and public works staff. The application submitted in April presenting a conceptual view of the trail contained a log rail fence. During the actual trail design staff became more concerned with the safety that would be provided by the proposed log rail fence. Mr. Bredehoeft stated he discussed his concern with the city's engineer for the project, Bill Cunningham, and due to the closeness of the trail at some points to Brush Creek, the steep drop off of the creek and the slope of the trail, they both felt a chain link fence

would provide better protection. The new plans were submitted to the Council for final approval, but he noted the fence material change was not discussed.

Leo Wetherill asked what risk management strategy was used stating he felt the chain link fence was risk overkill. Dale Beckerman responded the city takes risk management into consideration on everything constructed in the City.

Mr. Bredehoeft showed pictures of the current project depicting the trail and fence location, slope and materials.

Steve Noll asked if round rail would be an acceptable material for the fence. Mr. Bredehoeft replied it would provide some safety, more so if it had four rails. Quinn Bennion added that chain link could be added between to rails to provide additional protection, if needed.

Mr. Bredehoeft stated the issue was discussed with the Park & Recreation committee and given their support and then he brought it back to the Council.

Michael Kelly asked the cost difference between the two materials. Mr. Bredehoeft responded the costs were similar and were not a factor in the decision. Mr. Kelly stated his constituents homes back up to this project and all have stated they would prefer to have a wooden rail fence as proposed. He again expressed concern with the discord between senior staff and the parks committee.

Bruce McNabb stated his staff could go back and look at the design again and bring their findings back to the City Council.

Laura Wassmer stated she would like to know the cost of relocating the fence. If a split rail fence could be done, she would prefer three rails to four. She would also like to see the location of the fence moved as it creates an artificial barrier and would be more aesthetic closer to the creek.

Ruth Hopkins agreed with Mr. Kelly that it is important to determine how this occurred. The Park Committee had windfall funds and chose how they would be spent. She feels the funds were used improperly. If there is no accountability acknowledged, things will continue to go forward without oversight.

Laura Wassmer stated this issue did not come before the Park Committee. Mrs. Hopkins replied she talked with a Park Committee member who stated it was discussed by the Committee.

Diana Ewy Sharp stated the Park Committee had \$2 million for park improvements and designated improvements to Franklin, Weltner and Schliffke. Additional grant funds were requested, but not received. Matching fund money of \$350,000 was set aside for the grant. The Park Committee requested that this money be used for parks. The Finance Committee returned part of that money to the CIP with \$200,000 going back to parks; however, they did not want the money spent on Schliffke. The only comparable cost project was Porter Park Trail which was presented to and approved by the City Council.

Steve Noll withdrew his previous motion and Mrs. Hopkins her second of the motion. Steve Noll then moved the City Council direct Public Works prior to the next Council meeting to bring forth plans that weigh safety, cost and design addressing the following options: 1) moving the fence from its current location; 2) replacing the fence with a round rail fence and 3) any other alternatives that would address the concerns expressed by the Council and public. The motion was seconded by Ruth Hopkins and passed unanimously.

## STAFF REPORTS

### **Public Safety**

- Chief Jordan gave an update on robbery in the 79<sup>th</sup> & Stateline area and noted they had received several tips from residents and are following up on them.
- Chief Jordan commended the neighbors who reported suspicious activity on Rosewood and noted he was confident their action prevented burglaries in the area.
- Chief Jordan announced Corporal Jason Kuder has been selected as President of the Kansas Hostage Negotiators Association.

### **Public Works**

- Bruce McNabb reported there had been some snow activity.
- Projects for next year and spring maintenance is ahead of schedule due to favorable weather.

### **Administration**

- David Waters, representing the City Attorney, advised the Council of their quasi-judicial role in both rezoning and special use permit applications.
- Chris Engel announced the upcoming Legislative Breakfast and Council Worksession on Saturday, January 21<sup>st</sup>.
- The Chamber Legislative Breakfast Series begins this Saturday, January 21<sup>st</sup>
- The League's City Hall Day at the Capitol is Wednesday, February 1<sup>st</sup>.
- Dennis Enslinger announced that the Ripple containers at Corinth Square will be relocated soon due to upcoming construction.
- Mr. Enslinger advised that Lane4 has requested CID reimbursement for the full replacement cost of the roof and asked for Council direction. Council responded they would not approve the request.
- Mayor Shaffer announced an invitation to the Ripple Glass Happy Hour in recognition of the City's finish in the MARC recycling challenge. The event will be held at the Brewery on February 7<sup>th</sup> from 5 p.m. to 7 p.m.
- Quinn Bennion announced the Dorr Holiday Display netted over \$3600 for the Prairie Village Municipal Foundation and will allow the City to do another rehabilitation project with Heartland Habitat for Humanity.

## NEW BUSINESS

Laura Wassmer stated in the past she has been proud of the Council Etiquette displayed by the 12 member City Council. Council members were able to express their differing viewpoints and with the respect of other council members. Unfortunately this has not been the case in the past few years.

Ms. Wassmer reprimanded David Morrison for his disparaging remarks made about other Council members in a packed Council Chamber for their differing views. Such action is not only unprofessional, but reflects poorly on the entire Council and City. She stated all council members, regardless of their views on issues, deserve the respect of their colleagues. Ms. Wassmer also stated that what is said and done in “Executive Session” should never be shared outside that session, but less in a public meeting - which is why the discussion was held in “Executive Session”.

Ms Wassmer would like to see a higher level of respect shown to all and a more professional behavior displayed especially during meetings.

David Morrison stated he would not respond to Ms Wassmer’s comments; however, noted his upcoming participation in the Northeast Johnson County Leadership Program and appointment to a National League of Cities Finance Sub Committee with Councilmember Diana Ewy Sharp.

## **ANNOUNCEMENTS**

### **Committee meetings scheduled for the next two weeks include:**

Prairie Village Arts Council	01/18/2012	7:00 p.m.
Environmental Committee	01/25/2012	7:00 p.m.
Council Committee of the Whole	02/06/2012	6:00 p.m.
City Council	02/06/2012	7:30 p.m.

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The Prairie Village Arts Council is pleased to announce a mixed media exhibit of City owned art in the R. G. Endres Gallery for the month of January. The art will be removed on Tuesday, January 17<sup>th</sup> and the gallery will be closed for maintenance for the remainder of January.

The City will be offering holiday tree drop-off sites through January 20<sup>th</sup> at Porter, Franklin, Meadowlake and Harmon parks again this year.

The City offices will be closed Monday, February 20<sup>th</sup> in observance of Presidents’ Day. Deffenbaugh does not observe this holiday so recycling and solid waste pick-up will be on the normal schedule.

## ADJOURNMENT

With no further business to come before the City Council, the meeting was adjourned at 9:30 p.m.

Joyce Hagen Mundy  
City Clerk