

**COUNCIL MEETING AGENDA  
CITY OF PRAIRIE VILLAGE  
September 4, 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 - August 20, 2012
2. Approve the agreement with the Johnson County Board of County Commissioners for using the New Century Airport for snowplow training by Public Works employees and a fee of \$100.00
3. Approve a Letter of Understanding with Johnson County Human Services for participation in the 2013 HOME Rehabilitation Program in the amount of \$20,000
4. Approve a Letter of Understanding with Johnson County Human Services for participation in the 2013 Minor Home Rehabilitation Program in the amount of \$6,000
5. Approve the purchase of one (1) 2013 Ford Sedan Police Interceptor at a cost of \$22,984.00
6. Approve the vendor agreement with BRGR Kitchen + Bar to provide food and drinks at the Prairie Village Jazz Festival on September 8, 2012

- VI. MAYOR'S REPORT
- VII. COMMITTEE REPORTS

Council Committee of the Whole

COU2012-40 Consider modifications to Sidewalk Policy CP204

- X. STAFF REPORTS
- X. OLD BUSINESS
- XI. NEW BUSINESS
- 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**

**XIV. ANNOUNCEMENTS**

**XV. ADJOURNMENT**

**CITY COUNCIL  
CITY OF PRAIRIE VILLAGE  
September 4, 2012**

The City Council of Prairie Village, Kansas, met in regular session on Tuesday, September 4, 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: Ashley Weaver, Dale Warman, Ruth Hopkins, Steve Noll, Laura Wassmer, Brooke Morehead, Charles Clark, David Morrison, Ted Odell and David Belz.

Also present were: Captain Wes Lovett; Bruce McNabb, Director of Public Works; David Waters, representing the City Attorney; Quinn Bennion, City Administrator; Dennis Enslinger, Assistant City Administrator; Lisa Santa Maria, Finance Director; Joyce Hagen Mundy, City Clerk.

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

**PUBLIC PARTICIPATION**

Dale Beckerman, 4509 West 82<sup>nd</sup> Street, spoke against the proposed change to the city's sidewalk policy. He stated the sidewalks are constructed on city right-of-way and it is the responsibility of the Council not the adjacent property owners to determine what happens on City property. He urged the Governing Body not to abdicate its responsibility and to look out for the needs of all the residents of Prairie Village who have strongly stated in the Village Vision that the city have sidewalk connectivity to its parks, schools and shopping centers.

Bryan Kuhn, 4011 West 90<sup>th</sup> Street, resides next to the shopping center on 90<sup>th</sup> Street and expressed concern with the proposed sidewalk policy noting that there are only three residential property owners and 12 homes in the Somerset Court West that have stated they are opposed to construction of a sidewalk. He and his neighbors want a sidewalk noting the significant amount of traffic on the street due to the commercial businesses and restaurant. He noted that under the new policy the votes of the homes association would be sufficient to keep them from getting a sidewalk. He agrees with Mr. Beckerman that sidewalks are important for the city.

### **CONSENT AGENDA**

David Morrison moved the approval of the Consent Agenda for September 4, 2012:

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5. Approve the purchase of one (1) 2013 Ford Sedan Police Interceptor at a cost of \$22,984.00
6. Approve the vendor agreement with BRGR Kitchen + Bar to provide food and drinks at the Prairie Village Jazz Festival on September 8, 2012

A roll call vote was taken with the following members voting "aye": Weaver, Warman, Hopkins, Noll, Wassmer, Morehead, Clark, Morrison, Odell and Morrison.

### **MAYOR'S REPORT**

Mayor Shaffer's report was given at the earlier Council Committee meeting.

## COMMITTEE REPORT

### Council Committee of the Whole

#### **COU2012-40 Consider modifications to Sidewalk Policy CP204**

On behalf of the Council Committee of the Whole, David Morrison moved the City Council approve revised Council Policy CP204 entitled "Sidewalks". The motion was seconded by Steve Noll.

Andrew Wang asked for clarification on how the votes would be determined. Ted Odell stated the study group felt it was important for residents to have input but also felt that sidewalks are very important assets for the community. They proposed to let the adjacent property owners have a vote as they were the most directly impacted. Any votes not returned will be counted as votes in favor of sidewalks.

Mr. Kuhn asked about a possible council exemption. Laura Wassmer stated she felt there needed to be some way for the Council to have input noting Mr. Beckerman's earlier comments, she felt the Council should have the ability to have the final decision.

Mr. Odell stated that is what was done under the current policy with the Council allowing exemptions to the policy that stated sidewalks would be constructed.

Dale Warman stated the current policy wasn't working as reflected in the number of exemptions the City Council has granted in the past. He likes that the proposed policy gives the adjacent property owners a voice. Mr. Warman stated he would be ok with the Council keeping the current policy if it was committed to uphold it.

David Belz acknowledged that in the past when the chambers filled with residents the Council often backed down from the policy, but noted in recent years very few exemptions have been granted. The "people", through Village Vision, clearly and strongly stated that they wanted sidewalks throughout the City to connect

neighborhoods with one another as well as with shopping areas, parks and schools. These were hundreds of residents over several months of discussion. The Governing Body should be following the direction given in its adopted comprehensive plan.

Charles Clark doubted that this would significantly change the number of residents coming to meetings - noting; what if the vote was only 50% instead of 75%?

Laura Wassmer stated she felt the City was already a very walkable city with sidewalks everywhere. If the sidewalks had been added at the time of construction, it would be fine. However, you cannot always successfully retrofit sidewalks in a 50+ year old community with established historic stone walls/fences, mature trees and stone monument walls and entry signs. This is not a situation where one size fits all and you can force sidewalks onto existing properties. Ms Wassmer also stated it does not make economic sense to place sidewalks in some areas of the city.

David Belz replied the map distributed at the last Council meeting shows several areas where sidewalks have not been constructed and are needed to provide the desired connectivity.

Ashley Weaver stated the residents do not always see the big picture and suggested that the percentage to not construct a sidewalk may need to be higher.

David Morrison responded the policy requires 75% of residents to respond in opposition to sidewalks. He noted Village Vision was about connectivity - not placing a sidewalk on every street in Prairie Village. The proposed policy does not force sidewalks in neighborhoods where they are not wanted by more than 75% of the adjacent property owners. Residents should have the right to have a say on what happens in their front yard. He agreed with Ms Wassmer's comment regarding the economic sense of constructing unwanted sidewalks.

Ruth Hopkins expressed concern for the future residents of the City. She noted the population of the city is changing with young families moving into many of our communities.

Ted Odell responded the committee wanted to keep the threshold high enough to allow people to keep sidewalks on streets where there truly is an issue or problem. Ashley Weaver suggested making the requirement 90%. Mr. Odell responded if that were the case, there would not be a need to change the current policy noting that any non-returns would be counted as being for a sidewalk.

Dale Warman stated he would support a higher percentage. However, he feels the residents should have a voice and prefers the proposed policy over the current policy as it gives residents an opportunity to express their views in an appropriate manner.

Laura Wassmer asked if it would be possible for Public Works to recommend situations where sidewalks need to be constructed. Mayor Shaffer responded that Public Works has to abide by the policy put in place by the Governing Body. Bruce McNabb stated Public Works will advise the Council of situations where they feel construction of a sidewalk is not feasible.

Brooke Morehead agreed with Mr. Warman that it is important for residents to have a say. She noted there are residents who did not participate in the Village Vision process and a letter mailed to them would give them an opportunity to vote their opinion.

Quinn Bennion stated he would be visiting with Public Works regarding 90<sup>th</sup> Street. He noted the streets in the homes association are not adjacent to 90<sup>th</sup> Street and maybe should not be included in the vote. He stated the policy has been reviewed

by legal counsel and is not in violation of any laws or an infringement on resident's rights.

David Waters confirmed legal counsel is not concerned with any legal challenge based on current legal rulings, but a challenge is always possible.

Mayor Shaffer called for a vote on the motion.

The motion passed by a 7 to 3 vote with the following votes cast: "aye" Weaver, Warman, Noll, Wassmer, Morehead, Morrison and Odell; "nay" Hopkins, Clark, Belz.

### **Jazz Fest Committee**

Brooke Morehead reported on the scheduled activities for the 3<sup>rd</sup> Annual Prairie Village Jazz Festival on Saturday, September 8<sup>th</sup> from 3 p.m. to 11 p.m. The festival features an excellent line-up including Diverse, Rich Wheeler Quarter, Mike Metheny Quartet, Megan Birdsall, Bobby Watson and headliner Karrin Allyson Quintet. Food will be provided by the presenting sponsor BRGR Kitchen + Bar. Event T-shirts and artist cd's will be for sale at the event. The proceeds of the event will go to Heartland Habitat for Humanity. Ms Morehead acknowledged the donation of trash containers and portable toilets for the event by Deffenbaugh Industries and the significant donation of generators and lighting by MarkOne Electric. She also acknowledged the staff support provided to the committee by City Clerk Joyce Hagen Mundy.

### **STAFF REPORTS**

Staff Reports were given at the Council Committee of the Whole meeting earlier in the evening.

### **OLD BUSINESS**



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

**NEW BUSINESS**

Ashley Weaver discussed her concerns with the crosswalks at Tomahawk Drive outside of Euston Hardware. She feels they should be more clearly marked and are currently a serious safety issue. She is working with Chief Jordan and will be bringing the item before the Council for further discussion in the near future. Mrs. Weaver noted that both she and Dale Warman have received calls from residents concerned with the crosswalks.

Laura Wassmer noted this crosswalk has been discussed before and suggested a possible solution would be similar to what was done on Somerset by the Corinth Shops.

Dale Warman confirmed that Tomahawk is a city street.

**ANNOUNCEMENTS**

Tree Board	09/05/2012	6:00 p.m.
Sister City Committee	09/10/2012	7:00 p.m.
Planning Commission	09/11/2012	7:00 p.m.
Parks & Recreation Committee Meeting	09/12/2012	7:00 p.m.
Council Committee of the Whole	09/17/2012	6:00 p.m.
City Council	09/17/2012	7:30 p.m.

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The Prairie Village Arts Council is pleased to announce an art exhibit from our Sister City, Dolya, Ukraine, in the R. G. Endres Gallery for the month of September. The reception will be held on September 14th from 6:30 to 7:30 p.m.

Deffenbaugh observes the Labor Day holiday so trash and recycling will be delayed one day.

The Prairie Village Jazz Festival is Saturday, September 8<sup>th</sup> from 3:00 pm to 11:00 pm at Harmon Park.

The Shawnee Mission Education Foundation's Fall Breakfast is Thursday, September 13, 2012 at 7:00 am at the Overland Park Convention Center. RSVP to Jeanne Koontz at 913-381-4662 by Tuesday, September 5th if you would like to attend.

Flu shots will be offered for Council Members on September 28<sup>th</sup> from 7:30 a.m. - 9:00 a.m. at Public Works or October 5<sup>th</sup> from 3:00 p.m. - 4:30 p.m. at City Hall in the Multi-Purpose room. The fee for the shot will be \$25. Please notify Nic Sanders at 913-385-4664 if you plan to receive a shot. He will need to know which day you are coming.

Save the Date for the Northeast Johnson County Chamber of Commerce 2012 Annual Gala on November 17, 2012 at the Overland Park Marriott.

### ADJOURNMENT

With no further business to come before the City Council, the meeting was adjourned at 8:17 p.m.

Joyce Hagen Mundy  
City Clerk