

**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
June 17, 2013**

The City Council of Prairie Village, Kansas, met in regular session on Monday, June 17, 2013, 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, Michael Kelly, Andrew Wang, Laura Wassmer, Brooke Morehead, Charles Clark, David Morrison, Ted Odell and David Belz.

Also present were: Wes Jordan, Chief of Police; Keith Bredehoeft, Interim Public Works Director; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Dennis Enslinger, Assistant City Administrator; Lisa Santa Maria, Finance Director; Danielle Dulin, Assistant to the City Administrator and Joyce Hagen Mundy, City Clerk.

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

PUBLIC PARTICIPATION

Chuck Dehner, 4201 West 68th Terrace, spoke again in protest to the giveaway of taxpayer dollars under the CID. He noted the Kansas Ethics report on campaign financing reflects contributions from Lane4 and Polsinelli Shughart and John Petersen to the Mayor's reelection campaign. Under the CID agreement Polsinelli has received \$87,553 for legal services and Lane4 has received \$102,589.20 in CID reimbursements.

Mr. Dehner reviewed his economic background and qualifications. He noted that at one time in his career he worked for Ewing Kaufman, who believed good and bad ethics start at the

top. Mr. Dehner feels the actions of the City are against the very nature of capitalism and the Council should be ashamed of itself. He urged the Council to take action to overturn the CID, which he stated are a perverted communist system and would work with any councilmember to dismantle these agreements. It is time for the Council to stand-up and challenge the CID giveaway it has created.

With no one else to address the Council Public Participation was closed at 7:40 p.m.

CONSENT AGENDA

David Morrison asked for the removal of items #1 and #3. Dale Warman moved the approval of the Consent Agenda for June 17, 2013 as amended:

1. Removed
2. Approve Claims Ordinance 2906
3. Removed
4. Approve performance contracts for the 2013 Jazz Festival with the following performers: Andy McGhie Quintet; Paralax; Everett DeVan - Chris Hazelton Quartet; Marilyn Maye and Bobby Watson All-Star Big Band w/Special Guest Jon Faddis at a cost of \$25,200.
5. Ratify the Mayor's appointment of Kurt Ellenberger to the Board of Code Appeals.
6. Approve the Interlocal Agreement with Overland Park for street maintenance overlay on Nall Avenue from 67th Street to 75th Street and authorize the transfer of \$116,500 from City Contingency to Project P5000.
7. Approve an Interlocal Agreement with the City of Overland Park for street maintenance overlays on Lamar Avenue from 75th Street to 83rd Street from Nall Avenue to Lamar Avenue and the transfer of \$43,110 from City Contingency to Project P5000.
8. Approve a contract with ADP for a term of thirty-six months expiring June 30, 2016 for HRIS, payroll, timekeeping and other related services

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

David Morrison stated the minutes of June 3rd do not accurately reflect the comments made by Chuck Dehner under public participation, where he made several comments regarding campaign contributions made to the Mayor's re-election campaign that he felt

represented a conflict of interest. Mr. Morrison felt when a “Community Spirit Award Recipient” addresses the Council, his comments should be recorded accurately and become part of the official record as requested.

David Morrison moved the City Council minutes of June 3, 2013 be amended to reflect the comments made by Mr. Dehner regarding campaign contributions and potential conflict of interest included as part of the record. The motion was seconded by Andrew Wang.

Quinn Bennion stated Mr. Morrison should present the exact wording he wants reflected in the minutes for Council consideration for an amendment.

Charles Clark noted an alternative would be to have Mr. Dehner’s written comments included. Mr. Bennion responded that staff accepts comments and information to be added to the record in official public hearings. Public Participation is not a public hearing but an opportunity for residents to address the Council. If they request their comments be distributed to the Council staff will do so, but as for the minutes the comments will be summarized.

Michael Kelly asked what information is presented by someone with a disability that cannot speak. Mr. Bennion responded the information would be distributed to the Council and summarized in the minutes. Katie Logan noted that any record submitted for the record becomes a public record under the open records act.

Andrew Wang felt attachments to the minutes would be more of an issue with packets copied then with the electronic distribution of packet information. He is not concerned with the accuracy of the comment as they are acknowledged to be the opinion of the individual. He added that after comments made by Mr. Dehner at an earlier meeting he requested the City Clerk send him a copy of Mr. Dehner’s comments. The comments were never given to the City Clerk for inclusion in the minutes.

Ruth Hopkins stated minutes are not meant to be a word for word transcript. She noted that several years ago there was an individual who would routinely address the Council with extremely nasty comments regarding individual council members. She acknowledged their right to make their comments, but does not feel the city is responsible to record and print them.

Dale Warman agreed noting some of Mr. Dehner's comments have been close to being considered slander. He noted that when Boy Scouts are recognized the records do not document what they say.

David Morrison stated the CID is an important issue, one of the biggest expenditures made by the City and to not document statements made related to this issue is a glaring omission. The summary reflected in the minutes is not an accurate reflection of what was said.

Steve Noll stated minutes are not intended to be a verbatim transcript. Individual's have the right to make their comments, but to have them included as part of the official record they need to be read verbatim to the Council and submitted to the clerk after reading them. Mr. Dehner is not happy with a previous action taken by the Council and has indicated that he will continue to address the Council on this until action is taken.

Quinn Bennion stated the primary purpose of minutes is to record action taken by the Council. The City has chosen to have their minutes summarize discussion as well as reflect action. If amendments are to be made to the minutes, they should be submitted in writing for the Council to vote on.

The motion to amend the City Council minutes of June 3, 2013 was voted on and defeated by a vote of 2 to 10 with Morrison and Odell voting in support of the motion.

Ruth Hopkins moved the approval of the Regular Council Meeting Minutes of June 3, 2013 as submitted. The motion was seconded by Steve Noll and passed by a vote of 11 to 1 with Mr. Morrison voting in opposition.

David Morrison asked for clarification on VillageFest Contract with Fun Services of KC and Lance Cully asking if they were separate agreements or one agreement for \$6,185. The City Clerk confirmed they were separate agreements with the Fun Services of KC contract at a cost of \$5,685 and Lance Cully Native Dancers for \$500.

David Morrison moved the approval of VillageFest contracts with Fun Services of KC and Lance Cully at a cost of \$6,185. The motion was seconded and passed unanimously.

MAYOR'S REPORT

Mayor Shaffer reported he attended the following events on behalf of the City: MARC Executive Committee meeting; Johnson/Wyandotte Mayors meeting; KCADC breakfast in Mission, MARC Annual Dinner; River fest in DeSoto, Corinth Hen House Ribbon Cutting, NEJC Chamber coffee at Fire District #2 and Kansas City Chamber meeting with Gov. Brownback as speaker.

COMMITTEE REPORT

Council Committee of the Whole

COU2013-22 Consider 2014-2018 County Assistance Roads System (CARS) Application

On behalf of the Council Committee of the Whole, Dale Warman moved the City Council approve the 2014-2018 County Assistance Roads System (CARS) program application. The motion was seconded by Ruth Hopkins and passed unanimously.

Parks & Recreation Committee

Council member Charles Clark recused himself due to a conflict of interest.

Consider objection to the Kansas Historical Society nomination of the Santa Fe Trail remnant to the National Register

Danielle Dulin reported the City received a letter from the Kansas Historical Society stating that they believed the Santa Fe Trail remnant in Santa Fe Trail Park is eligible to be one of the 15 sites nominated to be listed on the National Register. The KHS has requested written consent to nominate the property by August 27, 2013.

On May 8th, the Parks and Recreation Committee considered the request to nominate this area and voted to object to the recommendation. The Kansas Preservation Act requires any project within 500' of the protected property to be reviewed by the State Historic Preservation Officer to determine if the project would have an impact on the environs of the property. This would include Harmon and Santa Fe Trail Parks, the Pool Complex, municipal buildings and other property owners in the area. Mrs. Dulin noted that during the most recent legislative session, House Bill 2249, eliminating the environs review component of the state preservation law, was passed and signed. It will go into effect July 1, 2013.

Mrs. Dulin stated electing not to pursue nomination at this time does not prevent the site from being nominated for the National Register in the future. The Kansas Historic Sites Board of Review will still determine the eligibility of the site. If the site is determined to be eligible and the City should wish to nominate the site in the future, all that is needed is a written request to KSHS. Staff will take this matter back to the Parks and Recreation Committee in September for possible reconsideration.

Laura Wassmer noted this would impact the proposed disk golf course for Harmon Park and the committee would probably have supported this without the environs review. It does not seem to have a significant advantage for the City.

David Morrison asked if the City deferred at this time if it would be more difficult to get approved at a later date. Mrs. Dulin replied that if the site is eligible she does not feel it would be difficult to get the designation at a later date.

David Belz moved the City Council object to the Kansas Historical Society nomination of the Santa Fe Trail Remnant in Santa Fe Trail Park for the Register of Historic Kansas Places and the National Register of Historic Places. The motion was seconded by Laura Wassmer and passed by a vote of 11 to 1 with David Morrison voting in opposition.

Consider Addendum to Prairie Park Lease with Johnson County Parks & Recreation District

Johnson County Parks & Recreation District has contacted the City regarding an addendum to the current Prairie Park lease agreement to include language that states JCPRD will deed the Prairie Park property the City of Prairie Village for one dollar (\$1) in 2028 when they have paid off the debt incurred in the purchase of the property.

Laura Wassmer moved the City Council approve the proposed Prairie Park lease addendum with Johnson County Parks and Recreation District (JCPRD). The motion was seconded by Steve Noll and passed unanimously.

STAFF REPORTS

Public Safety

- Chief Jordan reported on the MH house fire this morning that was discovered and reported by officers on patrol. They alerted the residents and the fire department.
- The Open Carry picnic the past weekend had very few attending and no firearms were brought to the event.

Administration

- Dennis Enslinger provided the following building updates: Indian Hills Middle School improvements are progressing well; St. Ann's School project has been stalled by wastewater issues, the Waid's replacement building has started.
- Mission Valley developers will meet in a worksession with the Planning Commission after their July 2nd meeting at Village Church with the public hearing continuing at their August meeting.
- The CID reimbursement information is now on-line.
- Danielle Dulin provided an update on funding and purchase of additional chairs for the pool complex.
- Lisa Santa Maria noted the hardcopy of the CAFR had been distributed to each of the Council members as well as updated pages for the 2014 budget binders of a summary of the CIP and Summary sheet of all funds. She noted the CAFR is also available on line.

- Quinn Bennion reviewed the “Transparent PV” page that has been created for the website by Jeanne Koontz.
- Quinn reported he will be out the office Tuesday through Friday on vacation.

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

Board of Code Appeals	06/18/2013	6:00 p.m.
Prairie Village Arts Council	06/19/2013	7:00 p.m.
Environment/Recycle Committee	06/26/2013	7:00 p.m.
VillageFest Committee	06/27/2013	7:00 p.m.
Council Committee of the Whole	07/01/2013	6:00 p.m.
City Council	07/01/2013	7:30 p.m.

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The Prairie Village Arts Council is pleased to announce an oil painting exhibit by Susan Tower in the R.G. Endres Gallery for the month of June.

Recreation memberships are on sale in the City Clerk’s Office. The next Moonlight Swim will be Friday, June 5th with the pool remaining open until 10 p.m.

VillageFest is Thursday, July 4th. All Prairie Village residents swim free at the Prairie Village pool from 12:00 - 6:00 p.m.

The City offices will be closed on Thursday, July 4th in observance of the July 4th Holiday. Deffenbaugh also observes this holiday so trash pick-up will be delayed one day.

ADJOURNMENT

With no further business to come before the City Council, the meeting was adjourned at 8:23 p.m.

Joyce Hagen Mundy
City Clerk