

**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
January 5, 2015**

The City Council of Prairie Village, Kansas, met in regular session on Monday, January 5, 2015 at 7:30 p.m. in the Council Chambers at the Municipal Building, 7700 Mission Road, Prairie Village, Kansas.

Council President Ashley Weaver announced that Mayor Shaffer was not in attendance due to illness.

ROLL CALL

Council President Ashley Weaver called the meeting to order and roll call was taken with the following Council members present: Jori Nelson, Ruth Hopkins, Steve Noll, Eric Mikkelson, Andrew Wang, Laura Wassmer, Brooke Morehead, Dan Runion, David Morrison, Ted Odell and Terrence Gallagher.

Staff present were: Wes Jordan, Chief of Police; Keith Bredehoeft, Director of Public Works; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Kate Gunja, Assistant City Administrator; Nolan Sunderman, Assistant to the City Administrator; Lisa Santa Maria, Finance Director; and Joyce Hagen Mundy, City Clerk. Also present were Planning Consultant Ron Williamson and Sgt. James Carney. Also attending were Teen Council members Max Keeter, Gabe Altenbernd, Kyle Baker and Denisa Butas.

Council President Ashley Weaver led those present in the Pledge of Allegiance.

PUBLIC PARTICIPATION

No one was present to address the City Council.

CONSENT AGENDA

David Morrison moved the approval of the Consent Agenda for Monday, January 5, 2015:

1. Approve Regular City Council Minutes - December 15, 2014
2. Approve Letter of Understanding for participation in the Johnson County Minor Home Repair Program in the amount of \$18,000
3. Approve a Letter Understanding with Johnson County Human Services for participation in the 2015 HOME Rehabilitation Program in the amount of \$8,000.
4. Approve Change Order #1 (Final) for Project BG320001: Harmon Park Tennis Court Rehabilitation Project for an increase of \$28,050.01 bringing the final contract amount to \$596,700.67

A roll call vote was taken with the following members voting “aye”: Weaver, Nelson, Hopkins, Noll, Mikkelson, Wang, Wassmer, Morehead, Runion, Morrison, Odell and Gallagher.

MAYOR’S REPORT

There was no Mayor’s Report in Mayor Shaffer’s absence.

COMMITTEE REPORTS

Planning Commission

PC2014-122 Consider Final Plat for Mission Chateau

PC2013-11 Request for extension to Special Use Permit for Mission Chateau

Laura Wassmer noted the letter received by the City on January 2nd from MVS, LLC. She stated MVS, LLC has been working on a revised plan for Mission Chateau with input from the residents. They will be meeting with the neighborhood group on January 12th to present the plan and get feedback. In order to let that process play out, Ms. Wassmer recommends these two items be continued to the January 20th City Council Meeting.

Katie Logan confirmed with MVS, LLC legal counsel that the continuation of both items would not negatively affect the timely filing of the final plat. Mr. Timothy Sear, General Counsel for MVS, LLC. said they had no specific deadline for the filing of the final plat and that the proposed continuation was acceptable.

Jori Nelson expressed concern with action only being continued to the next meeting. She did not feel two weeks was sufficient time for the parties to have active discussion on the revised plan. She would like to see this continued to a later date. Laura Wassmer noted that if additional time was needed it could be requested on January 20th.

Ms. Wassmer also stated she would like to have the Council at its next committee meeting discuss the definition for "Commence construction". If the City is able to provide that definition, the applicant can better determine if they need to request an extension. She would like staff to research how other cities have defined "commencement of construction" and bring that information to the next meeting.

Laura Wassmer moved to continue consideration of PC2014-122 Consider Final Plat for Mission Chateau and PC2013-11 Request for extension to Special Use Permit for Mission Chateau to the January, 20th City Council meeting. The motion was seconded by Ted Odell.

Ted Odell asked if the definition should be determined by the Planning Commission or the City Council. Mrs. Logan stated that since the language is in the ordinance granting the special use permit which was adopted by the Governing Body, the Governing Body should make the ultimate interpretation. She added they can request input from the Planning Commission.

Jori Nelson stated she felt this should be continued to February and that more time is needed. David Morrison disagreed. Brooke Morehead stated that she would prefer it be continued to February. Ted Odell felt the amount of time needed was pure speculation and that if more time was needed it could be continued at the January 20th meeting.

The motion to continue both items to the January 20th meeting was voted on and passed by a 6 to 5 vote with Nelson, Morehead, Morrison, Runion and Gallagher voting “nay”.

PC2014-08 Consider Amendment to Special Use Permit for Highlawn Montessori School

Ron Williamson provided a brief history on development of the Highlawn Montessori School which was issued their initial Special Use Permit for the school on March 7, 1977. The Highlawn Montessori School has had a long history in this neighborhood and consistently grown and expanded to accommodate its students. Currently the Highlawn Montessori School has a capacity of approximately 168 students. There are five Primary Classes of children ages three to six and two elementary classrooms for children from first to sixth grade. Each classroom can accommodate 24 children.

Highlawn’s elementary program currently serves 46 students in grades 1 - 6 and is located in the 2 classrooms on the second story addition to the East Building that was completed in 2012. They are seeking an amendment to allow for a second story addition to the West building. The addition would include space for two additional elementary classrooms as well as a multi-purpose room that would be used for lunch, art, special programs or speakers and after school clubs. The addition of the two

elementary classrooms would expand Highlawn's Elementary program from two multi-age classrooms serving 48 students in grades 1-6 to four classrooms with space to accommodate a total of 96 students.

There are currently has 50 students on a waiting list for 1st grade. The expansion would bring the total student population to 216 students. During the 2012 expansion concerns were raised regarding traffic congestion. A traffic study was completed and changes were made to monitor traffic with the assistance of Sgt. Carney of the Prairie Village Police Department. At that time, changes were also made to Somerset creating an extra lane that allows vehicles to stack while waiting for students. Kathy Morrison, Director of Highland Montessori, stated that she would continue to work with Sgt. Carney. She noted the traffic study recently updated by GBA found that the small increases in the overall trip generation by the proposed expansion will not cause any particular traffic concerns during the critical weekday morning and afternoon peak traffic times when no vehicle queuing was currently observed on Somerset Drive beyond the adjacent Public Works facility driveway. It appears that the school's existing parking lots and dedicated right-turn lane are being used effectively during these times to minimize any traffic impacts on the adjacent segment of Somerset Drive. It was noted that many of the families have students in both the pre-K and elementary programs with all students arriving and leaving during the elementary hours, not the peak pre-K traffic hours.

The plan adds 9 parking spaces to the site for a total of 22 spaces. City Code requires 20 spaces. The proposed west elevation adds the second story and creates an identifying main entrance to the school with a tower element and curved entry. The construction materials and color will match the existing building.

The applicant held a meeting on October 24th and a second meeting on November 19th in accordance with Planning Commission Citizen Participation Policy. The issue of concern to the neighbors was parking for evening school events at the October meeting. No one appeared at the November meeting.

The Planning Commission reviewed the criteria for approval of the amendment to the Special Use Permit and found favorably on the criteria recommending the Governing Body approve the amended Special Use Permit for Highlawn Montessori School at 3531 and 3409 Somerset Drive subject to the following conditions:

1. That any outdoor lighting installed shall be in accordance with the lighting ordinance.
2. That the following requirements be implemented to address traffic:
 - a. The Montessori School shall coordinate the parent and staff traffic education program with the Prairie Village Police Department Traffic Unit.
 - b. If traffic is an issue for either the preschool or elementary classes, as determined by the Police Department, the applicant's traffic engineer will work with the Police Department to resolve the issue. This may result in staggering start times. This will be observed on a semester basis and adjustments will be made accordingly.
3. That the applicant use the driveway on the east lot to accommodate at least two parking spaces for staff.
4. That the materials be the same as the existing structure, with the exception of adding stone, and that the applicant construct the addition in accordance with the site plan dated 11/19/2014 and the elevation and floor plans dated 10/03/2014.
5. That the Special Use Permit be approved for a maximum of nine classrooms (5 primary and 4 elementary) and one multi-purpose room with a maximum enrollment of 24 students per classroom for a total that does not exceed 120 primary and 96 elementary students.
6. That the applicant protect existing major trees during the demolition and installation of new improvements.
7. That the Special Use Permit be approved for an indefinite period of time provided that the applicant obtains a building permit and starts construction on the building within two years after the date of approval by the Governing Body unless the applicant shall reappear to the Planning Commission and Governing Body to receive an extension of time prior to the expiration.
8. If the applicant is found to be in non-compliance with the conditions of the Special Use Permit, the permit will become null and void within 90 days of notification of non-compliance, unless the non-compliance is corrected.

The Governing Body (which includes the Mayor and City Council) shall make its findings of fact based on the “Factors for Consideration” and the Golden Factors. Since no protest petition was filed the Governing Body shall either:

- A. Adopt the recommendation of the Planning Commission and approve an ordinance for the amendment to the Special Use Permit which requires a majority of the Governing Body (7 votes), or
- B. Override the recommendation of the Planning Commission by a 2/3 vote of the Governing Body (9 votes), and deny the amendment to the Special Use Permit, or approve it with revised conditions, or
- C. Return the recommendation to the Planning Commission by a simple majority vote of the quorum present with a statement specifying the basis for the Governing Body’s failure to approve or disapprove the recommendation.
- D. Continue the item to a designated meeting by a simple majority of the quorum present.

Terrence Gallagher asked why the second floor was not required to be ADA Accessible. Ron Williamson responded that is determined by the building code. Mr. Gallagher noted that in talking with residents in the neighborhood one out of every three neighbors felt that there was not sufficient parking for the school and the left hand turn regulations were not being followed. He noted that with the expansion in 2012, the City reconstructed the road to provide better access and parking, yet the school would not take steps to add additional parking. He stated he cannot support this request, noting the city would not allow a second story to be added to a building without requiring more parking.

Andrew Wang asked if a survey or inventory of parking spaces was done and what was the status of parking during the day.

Kathy Morrison, Director of the School, stated they had two neighborhood meetings and the concerns expressed were for special event parking. Ms. Morrison noted they have significantly reduced the number and size of special events listing the

current events held and the time frame. The parking requirements in the code are met and there are open spaces during the day. Ms. Morrison responded to Mr. Gallagher that the building will be sprinkled and she has the ability to switch classrooms from the second floor to the first floor to meet accessibility needs if required.

Eric Mikkelson asked how many new parking spaces are being added. The applicant's traffic engineer responded 7 new spaces are being added. Mr. Mikkelson asked if any spaces were lost in the 2012 expansion. The engineer replied none were lost and three were added.

Kathy Morrison noted traffic flow is slower for the pre-school students because of the time taken to get students in and out of car seats. Laura Wassmer asked if there were any residents present to speak on this application. None were present.

Ruth Hopkins confirmed that no tickets have been written for illegal left turn violations. Sgt. Carney stated the Police Department intern conducted a traffic study covering two days on the site. They have not had recent complaints from parking during events and noted when they did have complaints investigation revealed that the cars were legally parked on the street and there were no violations.

Andrew Wang moved the Governing Body adopt Ordinance 2320 amending the Special Use Permit to allow the expansion of the private school at 3531 & 3409 Somerset Drive subject to the conditions recommended by the Planning Commission. The motion was seconded by Jori Nelson.

A roll call vote was taken with the following members voting "aye": Weaver, Nelson, Hopkins, Noll, Mikkelson, Wang, Wassmer, Morehead, Runion, Morrison and Odell; voting "nay" Gallagher.

PC2014-09 Consider request for a Special Use Permit for the operation of a Country Club/Private Club at 6510 Mission Road

Ron Williamson noted that Homestead Country Club is selling off the front 5.62 acres for development of 11 single-family lots, reducing its size from 14.48 acres to 8.86 acres. There will be some major changes in the Site Plan as a result of the sell-off. The existing Club House and pool concession building will be demolished and the north four tennis courts will be repurposed for parking. With the Club House removed, the need for parking will be significantly reduced. The Club will include the fitness center/restaurant, four paddle courts, the swimming pool and twelve tennis courts. Four of the courts are enclosed during the winter months with an air supported structure.

This application is for only that portion of the property that will remain as the Homestead Country Club. The Special Use Permit covering the area to be sold off will automatically expire six months after it is abandoned or discontinued by ordinance.

Mr. Williamson stated there is not a specific listing for parking for country clubs in the ordinance and therefore based on the recent amendment to the off-street parking regulations, the Planning Commission and Governing Body approve the parking assignment for the use. The Planning Commission has recommended 98 spaces.

The applicant held a neighborhood meeting on November 24, 2014, in accordance with the Planning Commission Citizen Participation Policy and nine neighbors attended. The majority of the questions were about the operation of the Homestead Country Club and very little about the specifics of the application. The neighbors asked about the public street and parking.

At the public hearing neighbors raised concerns regarding the maintenance of the club property. Since the December 2nd Planning Commission meeting, staff has

followed up on the issues raised regarding peeling paint and landscaping. The peeling paint is currently a code violation and the club will correct by July 31, 2015. Due to the time of year, the plantings south of the platform tennis courts will be check by staff in the spring.

The Planning Commission reviewed the criteria for approval of the Special Use Permit and found favorably on the criteria recommending approval of a Special Use Permit for a Country Club/Private Club at 6510 Mission Road subject to the following conditions:

1. That the required parking of 98 spaces be approved for the project.
2. That the Club House and pool concession building be demolished within 90 days after the recording of the Final Plat of Homestead Estates.
3. That the air supported structure be allowed to be put in place from October 1st to April 30th each year, and the hours of operation be approved from 6:00 a.m. to 10:00 p.m., Monday through Friday, and 8:00 a.m. to 10:00 p.m., Saturday and Sunday.
4. That the Special Use Permit be approved for a Country Club/Private Club which includes swimming, physical fitness, tennis, other similar recreational facilities and dining activities including the sales of beer, wine and alcoholic beverages, all of which will be available only to members and their guests.
5. That the Club shall comply with all statutes of the State of Kansas and all ordinances of the City of Prairie Village relating to alcoholic liquor and/or cereal malt beverage and the sale or dispensing thereof.
6. That the Special Use Permit shall run with the land.
7. That any significant change to the exterior of any existing buildings, the replacement of buildings, the expansion of buildings, the construction of new buildings or changes to the site such as entrances and parking and major grading changes shall be submitted to the Planning Commission for Site Plan review and approval.
8. That the Special Use Permit be approved for an indefinite period of time, if however, it is discontinued or abandoned the Special Use Permit will expire in accordance with Section 19.20.055. Expiration of Special Use Permits.
9. If the applicant is found to be in non-compliance with the conditions of the Special Use Permit, the permit will become null and void within 90 days of notification of non-compliance, unless the non-compliance is corrected.
10. That the applicant obtain an easement of access to serve this property until Homestead Court is constructed.
11. That parking lots shall be 15 feet from the street and 8 feet from other property lines.
12. That the applicant work with Public Works for approval of the Final Storm Water Management Plan.

13. That the applicant prepare and submit to staff a landscape and screening plan for review and approval by Staff

Mr. Williamson noted that no protest petition was filed and reviewed the actions available for the Governing Body.

Laura Wassmer asked Chief Jordan if he was concerned with people using the swimming pool parking on the street. Chief Jordan noted the department may get complaints but that is legal to park on the street. Keith Bredehoeft stated the street would be built to city standards and would accommodate parking on both sides while allowing emergency vehicles access.

Ron Williamson reviewed the process and calculations used in determining the recommended 98 parking spaces.

Laura Wassmer expressed concern with the distance of the overflow parking at Village Church and asked if a shuttle would be run during swim meets. Brian Collins, Manager for Homestead, replied a shuttle would be used for major meets, but not for all meets. He noted in regard to swim traffic, most parents drop their children off at the pool and do not park. He also noted that platform tennis is a winter event making those parking spaces available during the summer swimming season.

Eric Mikkelson noted that as a member of Homestead Country Club, although there is no conflict of interest, he will be recusing himself from discussing and voting on this item.

Dan Runion asked who was responsible for the cost of the storm water improvements. Ron Williamson replied the property owner/developer with the Homes Association responsible for its maintenance. The Country Club would be responsible for the storm water management on their property. Mr. Runion noted the number of swim

team members has gone down dramatically and he does not foresee any parking problems.

Jori Nelson asked about the Stormwater Management Plan. Ron Williamson noted this will need to be approved by the Director of Public Works. Mr. Bredehoeft briefly reviewed the proposed plans that are being developed.

Terrence Gallagher expressed concern with possible drainage from the property on the north unto homes in Indian Fields. Mr. Bredehoeft noted that concern was expressed by the Planning Commission also and is being thoroughly reviewed in the final plans.

Jori Nelson asked if this would come back to the Council. Mr. Williamson stated the Planning Commission has approved the site plan subject to the approval of the stormwater management plan by Public Works.

Ruth Hopkins moved the Governing Body adopt Ordinance 2321 approving a Special Use Permit for the operation of a Country Club/Private Club at 6510 Mission Road subject to the conditions recommended by the Planning Commission. The motion was seconded by Andrew Wang.

A roll call vote was taken with the following members voting “aye”: Weaver, Nelson, Hopkins, Noll, Wang, Wassmer, Morehead, Runion, Morrison, Odell and Gallagher; Abstaining - Mikkelson.

PC2014-07 Consider Ordinance Repealing Chapter 19.38 entitled “Recreational Vehicles Parking & Storage” from the Prairie Village Zoning Ordinance

Kate Gunja stated as part of the revisions to the RV Parking and Storage provisions, the Planning Commission held a public hearing on October 7, 2014 and

recommended approval of an ordinance removing the RV Parking and Storage provisions from the Zoning Regulations.

The RV Work Group recommended a six month period to educate residents on the changes and allow modifications of current storage practices by residents if needed. An effective date of July 1, 2015 is included for this ordinance. Current regulations will be in effect until July 1, 2015 and Codes Enforcement will continue to work with residents the new ordinance becomes effective on education and reasonable timeframes for compliance.

Andrew Wang moved the Governing Body adopt Ordinance 2322 repealing Chapter 19.38 entitled "Recreational Vehicles Parking and Storage", of the Prairie Village Zoning Ordinance. The motion was seconded by Laura Wassmer.

A roll call vote was taken with the following members voting "aye": Weaver, Nelson, Hopkins, Noll, Mikkelson, Wang, Wassmer, Morehead, Runion, Morrison, Odell and Gallagher.

Council Committee of the Whole

COU2014-52 Consider approval of 2015 Joint City/County Legislative Platform

Nolan Sunderman presented the revised Prairie Village Legislative Platform which includes the following issues:

- State Funding of Public Education
- Non-Partisan Elections (with the language revised to express strong support):
- Non-Partisan Elections
- Metro Law Enforcement Mutual Aid
- Maintain Local Control of Revenue and Spending
- Limits on Appraised Valuation Growth
- Tax Policy
- Oppose Unfunded Mandates
- Comprehensive Transportation Plan
- Statutory Pass-through Funding
- KPERS Funding
- Kansas Open Records and Open Meetings Act

- Legislative Participation

At the December 15th meeting, the City Council directed staff to remove from the platform International Symbol of Access

Mr. Sunderman called upon Finn Bullers who has asked to address the Council seeking their support of the returning to the platform support of the International Symbol of Access. Mr. Bullers spoke of the desire of those represented by this symbol to change the current stoic, disengaged, inactive designation on the current symbol of a wheelchair. They want a symbol that reflects individuals that are engaged, robust and active participants in their community. He sees the current signage as disrespectful of those with disabilities.

Mr. Bullers noted the request will not cost the city any additional funds as the signage would be replaced as needed. This is proposed to be a symbol change process, not an immediate change out. Mr. Bullers noted that the state of New York has recognized the new symbol.

David Morrison thanked Mr. Bullers for his comments and passion.

Eric Mikkelson confirmed that the state of New York had adopted the new symbol. Mr. Bullers replied the Governor signed the legislation on July 26, 2014. Mr. Mikkelson asked if there was any significant organized opposition to the proposed sign. Mr. Bullers replied there are some individuals with invisible disabilities that are not supportive of the change as it doesn't reflect them and others who are. There organization seeks to be an inclusive as possible.

Terrence Gallagher applauded Mr. Bullers noting that he is an intelligent, articulate and strong individual. He stated this symbol does not define him, he defines

who he is. Mr. Gallagher does not feel the new sign is necessary as it is not a symbol that defines a person. However, if a group of people need to have a new symbol to empower themselves, he is ok with the change. He views people with disabilities as very strong individuals. Mr. Gallagher confirmed that the American National Standards Institute (ANSI) did not support the proposed modified sign in their last sign review.

Mr. Bullers replied he does not feel that government has the right to define the handicap experience, of which it has no knowledge, through this signage.

Ted Odell noted this is an international legislative platform and he does not see any harm in the city including it in its Legislative Platform. Ruth Hopkins agreed and felt that this movement, which started in Prairie Village, should be supported by Prairie Village.

Ruth Hopkins moved to add support of the International Symbol of Access to the city's 2015 Legislative Platform. The motion was seconded by Laura Wassmer.

Eric Mikkelson stated he would also like to make an additional change to the platform. In the statement on State Funding of Public Education he would like to add the word "constitutionally" in front of adequate funding to more clearly define the level of funding supported.

Mrs. Hopkins and Ms Wassmer accepted the amendment to their original motion and second.

Andrew Wang stated he is supportive of the proposed language change suggested by Mr. Mikkelson. He does not support the return of the "International Symbol of Access" to the legislative agenda. He is wary of taking on issues because they won't do any harm. He views the legislative platform as the city's statement to the legislature of its priorities for its residents and unlike state funding of public education

and non-partisan elections, he does not view this as a priority for residents of Prairie Village. This action will not reduce city expenditures, make the city more efficient, produce revenue or create a better standard of living for Prairie Village residents.

Finn Bullers responded this was an issue of respect for a minority population. The city has a moral obligation to respect and not pass judgment on the desires of this group. Mr. Wang replied he is not passing judgment or being disrespectful.

The motion to add the “International Symbol of Access” and the new wording “We strongly support **constitutionally** adequate funding for the public school system” was voted on and passed by a vote of 10 to 2 with Mr. Wang and Mr. Gallagher voting in opposition.

COU2014-57 Consider Ordinance amending Chapter XI of the Municipal Code adding Article 15 entitled “Recreational Vehicles and Equipment Parking and Storage

Kate Gunja reviewed the history of the proposed changes to these regulations that were initiated at the December 16, 2013 City Council Meeting. The city’s regulations and those of other cities were reviewed by staff and the city’s Planning Commission with changes recommended. A Work Group of three council members was formed to further review the issue meeting four times between May and July. On August 18, 2014 the recommendation of the work group was presented to the City Council.

A Summary of current provisions and recommended changes/additions in **bold text** is reflected below:

- All RVs must be parked on a hard surface
- **Items shall not be permanently parked in front of the front building line or in front of the front building line of the properties directly adjacent.**

- Five feet away from rear lot line
- Five feet away from side lot line
- In all instances, an RV must be at least 15 feet from the street.
- **RV must be fully screened up to 6 feet**
- **All covers must be custom fit to the contours of the boat, RV or trailer (Note, covers are not required, only if one is present).**

Ruth Hopkins spoke in opposition to the proposed changes noting that she felt the current regulations were sufficient and additional regulations were unnecessary.

On behalf of the Council Committee of the Whole, Acting Council President David Morrison moved the Governing Body adopt Ordinance 2323 amending Chapter XI, entitled “Public Offenses and Traffic” of the code of the City of Prairie Village, Kansas, by adding a new Article 15, entitled “Recreational Vehicles and Equipment - Parking and Storage”. The motion was seconded by Andrew Wang.

A roll call vote was taken with the following members voting “aye”: Weaver, Nelson, Noll, Mikkelson, Wang, Wassmer, Morehead, Runion, Morrison, Odell, Gallagher and “nay” Hopkins

COU2014-58 Consider Ordinance amending Chapter XI, Article 7 of the Municipal Code revising the definition of Truck

Kate Gunja noted as part of these revisions and the movement of the RV Parking and Storage regulations in to Chapter XI (see agenda item directly above), the Police Department and Codes Administration staff have discussed updating the definition of Truck. This definition currently is found in Chapter XI, specifically 11-711. “Truck” is also currently found in the definitions for Chapter 19.38. At the December 1 Committee of the Whole Meeting, the Committee provided direction on the current interpretation of Truck to incorporate into the revisions. The revisions seek to reflect current enforcement practices. Staff recommends an effective date for these regulations to be July 1, 2015,

the same as the other regulations dealing with recreational vehicles and equipment - parking and storage.

Eric Mikkelson expressed concern with the definition of Truck going from its existing one sentence to 1.5 pages. He feels the new language is difficult to understand both for individuals and for judges.

Mr. Mikkelson noted the current ordinance has a provision for the Mayor to declare a traffic emergency and asked why it was being removed. Chief Jordan responded that it references traffic on snow emergency routes and the city does not have any declared snow emergency routes and thus is not enforced. Mr. Mikkelson stated it doesn't reference "snow". Sgt. James Carney stated the city does not have any "emergency routes" as an emergency route is not defined staff is recommending language referring to emergency routes be deleted.

Dan Runion stated he shares Mr. Mikkelson's concerns with the definition of "truck". He does not feel it is clear and will be difficult to enforce.

On behalf of the Council Committee of the Whole, Acting Council President David Morrison moved the Governing Body adopt Ordinance 2324 amending Chapter XI, entitled "Public Offenses and Traffic" of the code of the City of Prairie Village, Kansas, by repealing and replacing the existing Article 7, entitled "Local Traffic Regulations". The motion was seconded by Ted Odell.

Laura Wassmer stated she felt that discussion of proposed language at this point should be raised with staff prior to the Council meeting. These issues should have been discussed with the Police Department prior to the meeting. She noted police staff are experienced in writing tickets and defending them in court and they do not see any

problems with the language. She asked if the concerns raised merited holding up the ordinance for another meeting.

Wes Jordan noted the protocol followed by staff in preparing ordinances has been to not reinvent the wheel, but to research language used by other municipalities, consult with the city attorney on any potential legal issues and bring proposed language to the Council for action. This language has also been written to address the culture of Prairie Village law enforcement where the focus is on first to educate and then to enforce. The officers will be able to both educate and enforce the language written.

Eric Mikkelson stated he would be glad to get together with staff. He feels police staff can interpret the language, but he does not feel the regular citizen will be able to identify if he is violating or complying with the regulations. He feels a higher standard of clarity could be met. He does not believe the Council should totally relinquish the responsibility for writing of laws to staff as the Council is the city's legislative body.

Chief Jordan replied that approach is a new protocol or culture for staff. This is a difficult chapter to write with the on-going changes in technology. Staff has already spent significant time on this. Is it the desire of the Council that more time be spent?

Ted Odell noted that this has been discussed by the council three or more times and at some point the Council needs to rely on the experience and expertise of staff. He understands the ordinance as written. He feels it is time to trust staff and move forward.

Ruth Hopkins stated she disagreed with Mr. Mikkelson that it was the Council's responsibility to write laws.

Dan Runion stated he agreed with some of the comments. He would be ok to go forward with it and see how it works out.

Andrew Wang stated the current process followed by the city is good. He agreed with Mr. Mikkelson that without the actual writing of the ordinance, the Council is responsible for the ordinances that it adopts. He agrees that these definitions have totally been impacted by industry changes. If the city finds the ordinance needs to be amended, that can be done. He feels that is a better approach than to continue to spend hours of staff and council time trying to come up with the “perfect” language and second guessing possible problems.

A roll call vote was taken with the following members voting “aye”: Weaver, Nelson, Hopkins, Noll, Wang, Wassmer, Morehead, Odell, Gallagher and “nay”: Mikkelson, Runion and Morrison.

COU2015-01 Consider Design contract with Indigo Design for 2015 Park Projects at Bennett and Taliaferro Parks

On behalf of the Council Committee of the Whole, Acting Council President David Morrison moved the City Council approve a contract with Indigo Design, Inc. in the amount of \$19,300 for the design of the 2015 Parks Projects in Bennett and Taliaferro Parks. The motion was seconded by Brooke Morehead and passed unanimously.

COU2015-02 Consider Design Agreement with Affinis Corporation for the Design of the 2015 Paving Program and the 2015 CARS Project

On behalf of the Council Committee of the Whole, Acting Council President David Morrison moved the City Council approve an agreement with Affinis Corporation for the design of the 2015 Paving Program and the 2015 CARS Project in the amount of \$136,280.00. The motion was seconded by Laura Wassmer and passed unanimously.

COU2015-03 Consider Annual Service Agreement for 2015 to 2017 for Materials Testing Services

On behalf of the Council Committee of the Whole, Acting Council President David Morrison moved the City Council Body approve the 2015 to 2017 Materials Testing Services Agreement with Kaw Valley Engineering, Inc. The motion was seconded by Ted Odell and passed unanimously.

STAFF REPORTS

Staff Reports were given at the earlier Council Committee meeting.

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

Committee meetings scheduled for the next two weeks include:

Board of Zoning Appeals	01/06/2015	6:30 p.m.
Planning Commission	01/06/2015	7:00 p.m.
Sister City Committee	01/12/2015	1:00 p.m.
Park & Recreation Committee	01/14/2015	7:00 p.m.
JazzFest Committee	01/15/2015	7:00 p.m.
Council Committee of the Whole	01/20/2015	6:00 p.m.
City Council	01/20/2015	7:30 p.m.

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The Prairie Village Arts Council is pleased to present an exhibit by the Greater Kansas City Art Association in the R. G. Endres Gallery during the month of January. The artist reception will be Friday, January 9, from 6:00 - 8:00 p.m.

The NEJC State of the Cities luncheon will be held on January 8, 2015 at the Overland Park Convention Center.

The Convener Reception will be held on January 8, 2015 from 5:00 - 7:00 p.m. at Zurich North America Commercial.

An informational meeting regarding synchronized swimming will be held on January 14, 2015 at 5:30 p.m. in the Multi-Purpose Room

The Mayor's farewell reception will be held on January 14, 2015 from 4:30 p.m. - 6:30 p.m. at Meadowbrook Country Club.

ADJOURNMENT

With no further business to come before the City Council the meeting was adjourned at 9:31 p.m.

Joyce Hagen Mundy
City Clerk