

**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
May 18, 2015**

The City Council of Prairie Village, Kansas, met in regular session on Monday, May 18, 2015 at 7:30 p.m. in the Council Chambers at the Municipal Building, 7700 Mission Road, Prairie Village, Kansas.

ROLL CALL

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

Staff present was: Tim Schwartzkopf, Chief of Police; Keith Bredehoeft, Director of Public Works; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Wes Jordan, Assistant City Administrator; Nolan Sunderman, Assistant to the City Administrator; Lisa Santa Maria, Finance Director; Amy Hunt, Human Resources Manager and Joyce Hagen Mundy, City Clerk.

Mayor Laura Wassmer led all present in the Pledge of Allegiance.

PRESENTATIONS

Mayor Wassmer read a proclamation recognizing retiring Shawnee Mission School teachers and presented the proclamation and individual certificates of appreciation to the following educators: Linda Galloway from Tomahawk Elementary, Diane Lampton from Indian Hills Middle School, Jennifer Mitchell from Belinder Elementary, Debra Ogden from Shawnee Mission East, Mike Salierno from Indian Hills

Middle School and Janine Sisk from Shawnee Mission East. These educators represent a total of 203 years of teaching experience with the Shawnee Mission School District. She thanked Council member Jori Nelson for coordinating this special recognition.

PUBLIC PARTICIPATION

No one was present to address the City Council on issues not listed on the Council Agenda.

CONSENT AGENDA

Ashley Weaver requested that item #4 be removed from the Consent Agenda; Terrence Gallagher noted corrections to the May 4th minutes on page 12.

Council President Ashley Weaver moved for the approval of the Consent Agenda for May 4, 2015 with the correction noted to the minutes and removal of item #4:

1. Approve regular City Council Minutes - May 4, 2015 with corrections noted.
2. Approve claims ordinance #2929
3. Adopt Ordinance 2331 approving the Prairie Village Art Fair as a special event and authorizing the sale, consumption and possession of alcoholic liquor and cereal malt beverages within the boundaries of barricaded public areas of the event.
4. Removed
5. Ratify the Mayor's appointment of the following committee members:
Melissa Brown, Elizabeth Holliday, Stephen LeCerf and Stacy Krieg to the Prairie Village Arts Council for two year terms ending April, 2017; Maurine Kierl to the Environment/Recycle Committee for a two year term ending April, 2017; Jonathan Birkel to the Planning Commission/Board of Zoning Appeals for a two year term ending April, 2017 and Patrick Lenahan to the Planning Commission/Board of Zoning Appeals for a three year term ending April, 2018.
6. Approve the 2015 TIPS Hotline Agreement.

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

Mayor Wassmer clarified an e-mail sent to Council members on May 17th regarding her basis for the selection of Planning Commission appointments and reappointments in which she asked for feedback prior to the city council meeting. This was not intended to be an advance vote of the council. Knowing that several council members were seeking changes on the Planning Commission, she wanted to share in advance her process and thought for the recommended appointments. She feels that the two new Commission members bring excellent background and experience and the reappointment of two members will provide the critical understanding of Prairie Village codes, culture and processes providing history of the past that will no longer be available with a new Planning Consultant. She asked for feedback so that as a courtesy to the applicants she could advise them of any concerns held by Council members.

Dan Runion responded the wording "if you are not able to support the recommended appointments" raised concerns for lack of transparency and compliance with open meeting regulations. Mayor Wassmer stated that was not her intent and assured the public that the council has not "pre-voted" on any of the nominees and that the consideration of all the nominees will be fully discussed and considered this evening.

Ashley Weaver expressed concerns with the reappointment of Nancy Vennard and noted there were several candidates equally qualified that she felt would be more respectful of residents wishes. Jori Nelson thanked Mrs. Vennard for her service on the Commission, but stated that she did not feel Mrs. Vennard could remain neutral and impartial. She felt it was time to give other qualified individuals the opportunity to serve.

David Morrison expressed concerns with the reappointment of Nancy Wallerstein. He noted that when he first ran for City Council in 2008, the ward 5 seat

was vacant, until Mayor Shaffer appointed Mrs. Wallerstein to fill the seat. When she was appointed to the Planning Commission by Mayor Shaffer, Mr. Morrison noted he supported that appointment. However, since observing her actions while on the Commission and that she also currently sits on the Johnson County Park & Recreation Board that this would be unethical and a conflict of interest in any applications filed for Meadowbrook. This is one of the biggest applications anticipated to come before the Commission and her service on interlocking boards should disqualify her. Mr. Morrison also noted that Mrs. Wallerstein had served as chairman of Mayor Shaffer's past two campaigns for Mayor and County Commissioner taking funds from developers who would be appearing before the Commission. He feels she should have either resigned from the Commission or stepped down from her role in Mayor Shaffer's campaign. She brings a lot of past baggage with her, including a vote in support of the development of Meadowbrook as a mixed use district, not park land. He feels there should be a clean break on the Commission from the past administration.

Andrew Wang noted as Council Liaison to the Planning Commission during the most contentious projects before the city with earlier proposed development of Meadowbrook and the development of the Mission Valley site, he witnessed both these individuals during several long and difficult meetings. He never saw anything other than respect and professionalism displayed by these individuals to both the public and to applicants throughout long laborious meetings.

Sheila Myers stated it is not a conflict of interest to sit on two boards but only when hearing specific applications at which time the individual could recuse themselves. Mr. Morrison replied in his training it was clearly stated that it was not ethical to serve on interlocking boards that do business with one another.

City Attorney Katie Logan stated she does not view this as a conflict of interest as Mrs. Wallerstein has no financial interest. She noted there are certain offices held on boards that are not compatible and viewed as conflicts, but this is not that situation.

Sheila Myers agreed that the Board needed individuals with specialized skill but also felt the inclusion of a regular citizen who has resided in the city for a length of time also brings a unique and valuable perspective and understanding of Prairie Village culture to the Commission. She does not feel that all members need technical expertise.

David Morrison noted he is not talking about a legal standard for conflict of interest, but the ethical standard.

Eric Mikkelson felt the question was if Mrs. Wallerstein premade decisions on the Meadowbrook and if so she should recuse herself.

Ted Odell asked if the vote on the reappointment will be taken as one vote or separately. Mayor Wassmer stated separate votes will be taken. Mr. Odell hoped that the disconnect between the Council and the Commission will be resolved with the Commission moving forward with more respect to the residents of Prairie Village. He is hopeful that both groups can work together and learn from this experience.

Jori Nelson stated she felt the Commission members have not been responsive to the residents and that new individuals would be more professional. She noted that volunteers for the Planning Commission need more than the desire to serve, they need the expertise and working knowledge to make strong decisions on behalf of the city. Mrs. Myers stated she felt this knowledge and experience can come from other sources than a professional degree.

Mayor Wassmer confirmed with the City Clerk that historically the City has had a resident member sit on the Planning Commission. Jori Nelson stated she did not feel the Commission represented the residents.

Quinn Bennion noted that Johnson County Park & Recreation Board will not be participating in any rezoning application that would come before the Planning Commission. The park land is currently zoned R-1a and will remain R-1a. Eric Mikkelson noted their involvement in the negotiation for land. Mrs. Logan responded that would come before the Governing Body, not the Planning Commission.

Mayor Wassmer invited Mrs. Wallerstein and Vennard to address the Council.

Nancy Vennard stated her 11 years on the Commission give her the historic perspective and knowledge for consideration of future projects. The Commission is regulated by both the state and the city's code in what must be considered in the evaluation of an application and on what a decision must be based. These are not always clear to residents, but must be upheld. She feels her background and experience on the Commission will be particularly beneficial with the retirement of Ron Williamson and hiring of a new City Planner who will not have that perspective. Mrs. Vennard noted the Commission deals with several different types of issues from signage, fences, building height, parking regulations, revisions to code, cell towers as well as making recommendations to the Governing Body who makes the final decision. Mrs. Vennard requested the Council's support of her reappointment.

Nancy Wallerstein thanked the Mayor for the opportunity to speak. She noted in 10 years on the City Council and 16 years on the Johnson County Park Board she had never before been accused of an ethics violation. She did a due diligence check with the City Attorney who advised her there was no conflict of interest and stated she is

aware of when to recuse herself from participating in actions as an appointed or elected official. She has used her past experience from serving on the City Council in her position on the Planning Commission and would like to continue to do so with their support.

Andrew Wang moved the City Council ratify the reappointment of Nancy Vennard to the Planning Commission for a three year term to end in April, 2018. The motion was seconded by Sheila Myers and was defeated by a vote of 7 to 4. Mayor Wassmer withdrew her recommendation for appointment of Nancy Vennard.

Andrew Wang moved the City Council ratify the reappointment of Nancy Wallerstein to the Planning Commission for a two year term to end in April, 2017. The motion was seconded by Sheila Myers and passed by a vote of 7 to 4.

Steve Noll moved the City Council ratify the Mayor's reappointment of the following individuals:

Prairie Village Arts Council	Daniel Andersen	term ending April, 2017
Prairie Village Arts Council	Julie Flanagan	Term ending April, 2017
Prairie Village Arts Council	Jack Shearer	Term ending April, 2017
Environment/Recycle Committee	Barbara Brown	Term ending April, 2017
Environment/Recycle Committee	Pete Jarchow	Term ending April, 2017
Environment/Recycle Committee	Margaret Goldstein	Term ending April, 2017
Environment/Recycle Committee	Al Pugsley, Jr.	Term ending April, 2017
Parks & Recreation Committee	Dianne Pallanich	Term ending April, 2017
Parks & Recreation Committee	Lauren Wolf	Term ending April, 2017
Parks & Recreation Committee	Kevin Letourneau	Term ending April, 2017
Parks & Recreation Committee	Peggy Couch	Term ending April, 2017
Parks & Recreation Committee	Clarence Munsch	Term ending April, 2017
Parks & Recreation Committee	Kellie O'Toole	Term ending April, 2016

The motion was seconded by Sheila Myers and passed unanimously.

COMMITTEE REPORTS

Council Committee of the Whole

COU2015-22 Consider the Construction Administration Agreement with Affinis Corporation for On-Call Field Services for Telecommunication Installation Right-of-Way Activities

Keith Bredehoeft reported that Public Works recently requested proposals from firms to provide construction administration services for Prairie Village in the areas of Right of Way Inspection and Construction Inspection for the next three years. Eleven firms submitted proposals. A selection committee consisting of Terrence Gallagher, Ted Odell, Keith Bredehoeft, Melissa Prenger and Kenny Khongmaly selected Affinis to be the City's On-Call consultant for telecommunication installation for right-of-way activities in 2015, 2016, and 2017.

Staff are proposing to utilize an on-call consultant for approximately 20 hours per week of inspection time for the on-call service with a total maximum value of the contract at \$100,000. The hours per week will be managed by city staff and will be adjusted as needed. The on-call services will include inspection of permitted activities in the right-of-way associated with the telecommunication installation to ensure city specifications are followed, reviewing permits, attending bi-weekly construction meetings, and assist in facilitating the process of resident concerns. Mr. Bredehoeft noted he anticipates the need for this assistance for roughly the next year as telecommunications companies complete their build out in Prairie Village. This was not anticipated in the 2015 budget so it is proposed to use City Contingency for this work; however, he anticipates approximately \$30,000 in funding to be captured from right-of-way fees.

Ted Odell moved the City Council approve the construction administration agreement with Affinis Corp for On-Call Field Services for Telecommunication

Installation Right-of-Way Activities. The motion was seconded by Andrew Wang and passed unanimously.

Planning Commission

PC2015-104 Consider Final Plat for Chadwick Court

Authorize the Mayor to execute the Final Plat for Chadwick Court for acceptance of rights-of-way and easements subject to the conditions of approval required by the Planning Commission.

Wes Jordan noted that at its regular meeting on March 3, 2015, the Planning Commission recommended approval of the rezoning for this property from RP-1B to RP-1A and approval of the Preliminary Development Plan to the Governing Body.

The applicant requested four waivers as a part of the Planned District: 1) Required 30-foot front setback reduced to 15 feet; 2) Required-25 foot rear yard setback reduced to 20 feet; 3) Increase in the maximum allowed lot coverage from 30% to 35% and 4) Required lot depth from 125 feet to 99 feet which were approved by the Governing Body.

The Planning Commission also approved the Preliminary Plat and authorized preparation of the Final Plat subject to the approval of the rezoning and Preliminary Development Plan by the Governing Body and subject to eight conditions that have been met and include the dedication of an additional 10 feet of right-of-way for the south side of 75th Street which is reflected on the Final Plat; the provision of a private gas line easement for gas service.

Prior to the recording of the Final Plat, it will be necessary for the property owner to either construct all the proposed improvements or provide a financial guarantee to the City that the proposed improvements will be constructed. The applicant has expressed a

preference to construct all the improvements prior to recording the Final Plat. It is the responsibility of the City to ensure that all improvements are made and the lots are buildable when the Final Plat is recorded.

The Final Plat for Chadwick Court was presented, having met the conditions required by the Commission in approval of the preliminary plat, to the Planning Commission on May 5, 2015. The Planning Commission approved the Final Plat of Chadwick Court and forwarded it on to the Governing Body for its acceptance of the rights-of-way and easements, subject to the following conditions:

1. That the applicant show easements for water, sewer and gas on the Final Plat, subject to approval of Staff. The Final Plat will not be released for recording until such time as the easements are shown on the plat.
2. That the applicant construct and install all proposed improvements prior to the recording of the Final Plat. The Mayor and City Clerk shall not sign the Final Plat and the City will not release the Final Plat for recording until all improvements are installed, subject to the approval of Public Works.
3. That the applicant submit three (3) copies of the revised Final Plat to Staff for final review and approval.
4. That the applicant revise the Declaration of Conditions and Covenants, and the Declaration of Restrictions as recommended by Staff and submit three (3) revised copies to the City for the record.
5. That the applicant submit a receipt showing all taxes due and payable have been paid.

Steve Noll moved the City Council authorize the Mayor to execute the Final Plat for Chadwick Court for acceptance of rights-of-way and easements subject to the conditions of approval required by the Planning Commission. The motion was seconded by Ted Odell and passed unanimously.

Arts Council Presentation

Wes Jordan noted that over the past year the Arts Council had been considering two new programs. Under the recently adopted Council Policy new initiatives that will require additional funding or staff time need to come before the City Council to determine if and where it fits on the city's priority list and obtain City Council approval to

proceed. Wes Jordan called upon Arts Council Chair Shelly Trewolla who was present with several committee members. Mrs. Trewolla noted the Arts Council will have a table at the upcoming Prairie Village Art Fair and would like to be able to promote their proposed new programs at that event and are therefore seeking approval of the Council to proceed.

Dan Andersen presented the proposed "Future of the Arts" event that would be similar to but smaller than the "State of the Arts" event with the focus on students. The event would be held in lieu of the regular April gallery exhibit. Mr. Andersen noted that the artists will submit their art and forms via a computer program which will be monitored by Mr. Andersen with very little involvement by city staff. Awards sponsorships will be raised by the committee. Other funding necessary for the event will come from the Arts Council funds available in their Municipal Foundation account. As with the "State of the Arts" event the committee will hang the exhibit, prepare food and provide setup and cleanup for the reception. The event will be coordinated by Arts Council member and art teacher Julie Flanagan.

Ashley Weaver suggested combining the event with the "State of the Arts" event. Mr. Andersen replied it is the desire of the committee to keep them separate. Ted Odell noted the committee has been talking about this for the past couple of years. Jori Nelson asked if this would be limited to Prairie Village students. Mr. Andersen replied that is still being worked out but the event would probably take a regional focus including students from other school districts. Shelly Trewolla noted the Arts Council has featured art shows for Prairie Village students previously with limited participation. Not all of the work will meet the criteria for acceptance and therefore a broader base for participation is desired.

Mayor Wassmer stated that she loved the idea, but noted how other projects have bloomed into huge success requiring unanticipated funding and staff time, noting in particular the jazz festival. She noted the policy was put into place to address “event creep”. The city has limited financial and staff resources. She is wary of the impact on staff and funding.

Dan Andersen replied the funding will come from available Prairie Village Foundation funds. One of the major time requirements is the acceptance of art and that will be done electronically and monitored by a committee member, not a staff member. The event replaces the regular monthly exhibit so it is not an additional event. It will not be as large as the “State of the Arts” event and will be contained within the municipal building. It is not meant to compete with “State of the Arts”, but to provide a showcase for exceptional student art.

Quinn Bennion noted past underestimates of the amount of staff time involved and that staff time will take staff away from their other responsibilities. The expectation for this event is greater than a regular monthly exhibit. He does not know where this staff time will come from and is concerned. Mr. Andersen replied that there will be staff time, but it will be minimal.

Terrence Gallagher asked what staff time is involved. Mr. Bennion reviewed some of the functions performed by staff for the regular art exhibits.

Shelly Trewolla noted the committee is willing to take more of the responsibility for the event than it has in the past. It was noted that more coordination will be necessary working with more than 40 different artists, the reception will be twice the length of a regular monthly reception with more setup and clean up required. Mayor Wassmer asked what advertising would be required.

Jori Nelson stated she supported combining this with the “State of the Arts” event. Shelly Trewolla replied that doing so would negatively impact that event as artists are not inclined to participate in shows that include student art and the quality of art would decrease.

Terrence Gallagher noted that this has been discussed by the committee for two years and there is no additional space to accommodate adding this to the existing “State of the Arts” event. It is proposed to be a smaller venue and felt comparisons to the “State of the Art” event are not appropriate. He feels it is a good idea and proposes that it be a joint venture with staff stating what they can do and the committee agreeing to cover the rest.

Quinn Bennion responded he liked the idea, but was trying to manage where staff spends their time. He would be willing to commit staff to the level of support given for a regular monthly exhibit.

Sheila Myers asked if this was something that the teen council could be involved in. Jori Nelson responded it would be discussed.

Mayor Wassmer stated she is willing to try this with the expectation that staff does not commit any additional time and re-evaluate for next year. Shelly Trewolla noted that there is only one other show that includes Middle School students.

David Morrison moved the Council approve the “Future of the Arts” event with the understanding that staff is only committing to the level of support provided for a monthly art exhibit and any related costs are covered by the foundation or committee raised funds. The motion was seconded by Sheila Myers and passed unanimously.

The second initiative is for a Prairie Village Arts Grant program through the Prairie Village Foundation Fund. The projects must take place within the boundaries of

the city. They may consist of exhibits, performance or educational projects. Grants would range from \$100 up to \$1000 and are awarded three times a year. Applications would be submitted to the Arts Council. A funding committee comprised of a PVAC member, a local arts expert and an invited PV resident will be the final judge for awards. Grants will be awarded in three groups a year with a total of \$1000 given out in January, May and September. Applications will be submitted on-line and monitored by the committee and processed through the funding committee.

Mayor Wassmer noted the funds available in the Foundation are limited and that this could become a future funding request to the City. Dan Anderson confirmed that the funds were limited.

Eric Mikkelson stated program has funding and would require minimal staff time. He is supportive.

Ted Odell moved the Council approve the Prairie Village Arts Council Grant Program as presented. The motion was seconded by Terrence Gallagher and passed unanimously.

MAYOR'S REPORT

Mayor Wassmer welcomed Jonathan Birkel and Patrick Lenahan, whose appointments to the Planning Commission were approved on the Consent Agenda and asked them to introduce themselves. Both gentlemen gave their professional background and expressed appreciation for the opportunity to serve on the Planning Commission.

Mayor Wassmer stated she completed the committee assignments for 2015-2016 trying to match interests and requests. She encouraged council members to be open to

serving on different committees for the increased perspective and knowledge that is gained. Mayor Wassmer attended the Tip-A-Cop fund-raiser at Johnny's raising funds for Special Olympics, interviewed candidates for the open Planning Commission positions with the help of Brooke Morehead and Terrence Gallagher and attended the promotion ceremony for several police department staff.

STAFF REPORTS

Public Safety

- Chief Schwartzkopf noted the annual Tip a Cop fundraiser for Special Olympics held at Johnny's on May 14th raised \$1740 plus a \$250 donation from Johnny's.
- The annual Torch Run for Special Olympics will be held on June 2nd.
- The department is currently in a "click it or ticket it" campaign until May 31st with grant funds received from the Kansas Department of Transportation.

Public Works

- Keith Bredehoeft provided an update on the 75th Street Project noting work on stormwater and the sidewalk on the east side of 75th Street.
- Public Works employee Chris Worden has been hired for the position of inspector, replacing retiring employee John Nunnamaker.
- Public Works staff is putting the final touches on the pool complex in preparation for its opening this weekend.
- Mr. Bredehoeft responded to questions on 83rd & Somerset and Mission Road 71st to 75th Street noting planning is underway for both.

Administration

- Nolan Sunderman announced the pool opens for the 2015 season this weekend and distributed the 2015 Parks & Recreation brochure.
- Wes Jordan provided an update on the property on the southeast corner of 75th & Mission Road. The owner was not successful selling the property and will be making improvements to the building instead of demolishing it.
- Quinn Bennion stated the Villagefest Committee is looking for volunteers. He will send out an e-mail with the areas and times that help is needed.
- Staff is looking at bringing the Memorandum of Understanding for the Meadowbrook Development to City Council for approval at a June meeting. This will be more of a conceptual agreement rather than specific details.

OLD BUSINESS

Mayor Wassmer reported that she has heard from both parties regarding the proposed revised plan and agreement for the development of the Mission Valley

property with both reporting that progress was being made and optimistic that they would have an agreement reached by the June 1st City Council meeting.

New Business

Election of Council President

Ashley Weaver thanked the City Council for the opportunity to serve as Council President during the past year.

Ashley Weaver nominated Brooke Morehead to serve as Council President from May, 2015 through April, 2016. The motion was seconded by Jori Nelson and passed unanimously.

Committee meetings scheduled for the next two weeks:

Environment/Recycle Committee	05/27/2015	5:30 p.m.
VillageFest Committee	05/28/2015	5:30 p.m.
Council Committee of the Whole	06/01/2015	6:00 p.m.
City Council	06/01/2015	7:30 p.m.

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The Prairie Village Arts Council is pleased to present an Acrylic on canvas exhibit by Stacy Krieg in the R. G. Endres Gallery during the month of May. The artist reception will be Friday, May 8, from 6:00 - 7:30 p.m.

Recreation sales have begun. The pool opens on Saturday, May 23rd at 11 a.m.

ADJOURNMENT

With no further business to come before the City Council the meeting was adjourned at 9:15 p.m.

Joyce Hagen Mundy
City Clerk