

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Monday, December 5, 2005
7:30 p.m.**

I. CALL TO ORDER

II. ROLL CALL

III. PUBLIC PARTICIPATION

Police Citizen Academy Graduation – Chief Grover

IV. 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 – November 21, 2005
2. Claims Ordinance #2621
3. Approve a three-year agreement between the City of Prairie Village and Teague Electric for Electrical Services
4. Approve a three-year agreement between the City of Prairie Village and Shawnee Mission Tree Service for holiday tree lighting services
5. Approve a three-year agreement between the City of Prairie Village and Chief Heating & Cooling, Inc. for HVAC services.
6. Approve a three-year agreement between the City of Prairie Village and Ice-Masters, Inc. for ice maker services.
7. Approve a three-year agreement between the City of Prairie Village and Johnson County Key Service for locksmith services.
8. Approve a three-year agreement between the City of Prairie Village and Lawrence Pest Control for pest services.
9. Approve a three-year agreement between the City of Prairie Village and Johnny on the Spot for portable toilet services.
10. Approve a one-year agreement between the City of Prairie Village and Alexander Open Systems (AOS) for network services.
11. Approve the purchase of a 2006 Ford F250 truck for \$22,791.00 from Shawnee Mission Ford for the Community Service Officers.
12. Approve a one-year agreement with R&D Computer Systems for laserfiche software maintenance.
13. Approve the Mayor's appointment of Laura Deaver to the Prairie Village Tree Board completing the unexpired term of Shelly Trewolla expiring in April, 2006.

By Change Order:

14. Approve Engineering Change Order #1 for \$17,341.28 reduction in the Construction Administration agreement with The Larkin Group, Inc., and the transfer of these monies to the Capital Infrastructure Program Drainage Unallocated.
15. Approve Construction Change Order #3 for a \$10,035.66 increase in the contract value with McAnany Construction.
16. Approve of Construction Change Order #1 for a deduction of \$1,153.09 to the contract with Musselman and Hall Contractors.
17. Approve Construction Change Order #1 to reduce the construction contract with Wildcat Construction by \$1,650.00.

By Committee:

18. Return the Planning Consultant selection process to the Planning Commission with direction to re-send request for proposals to the seven initial firms and to consider the hiring of an in-house planner (Council Committee of the Whole Minutes – November 21, 2005)
19. Direct Staff to contract with Bucher Willis & Ratliff to provide planning consultant services on an interim basis until a new planning consultant is hired (Council Committee of the Whole Minutes – November 21, 2005)

20. Adopt an ordinance establishing the 2006 Salary ranges for the City of Prairie Village (Council Committee of the Whole Minutes – November 21, 2005)
21. Direct staff to proceed with the implementation of a paperless packet system with the purchase of notebook pcs and related hardware to be administered in the most effective manner with funding from the 2005 general contingency fund (Council Committee of the Whole Minutes – November 21, 2005)
22. Approve the proposed calendar for consideration of the 2007 budget for the City of Prairie Village following the format used in the creation of the 2006 budget (Council Committee of the Whole Minutes – November 21, 2005)

V. COMMITTEE REPORTS

Policy/Services Committee – Steve Noll

POL2004-14 Consider Project 190709: 83rd Street, Somerset Drive Drainage

POL2004-13 Consider Project 190708: Tomahawk Road Drainage

POL2005-20 Consider 2005 Traffic Consultant Agreement

POL2005-34 Consider Project 190717: 2006 Storm Drainage Repair Program

VI. OLD BUSINESS

VII. NEW BUSINESS

ADA Appeal by James Olenick

Election of Council President

VIII. ANNOUNCEMENTS

IX. 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

**COUNCIL
CITY OF PRAIRIE VILLAGE
December 5, 2005
-Minutes-**

The City Council of Prairie Village, Kansas, met in regular session on Monday, December 5, 2005, at 7:30 p.m. in the Council Chambers of the Municipal Building.

ROLL CALL

Acting Council President Al Herrera called the meeting to order with the following Council members responding to roll call: Bill Griffith, Steve Noll, Andrew Wang, Laura Wassmer, Pat Daniels, Jeff Anthony, Wayne Vennard, Diana Ewy Sharp and David Belz.

Also present were: Barbara Vernon, City Administrator; Charles Wetzler, City Attorney; Charles Grover, Chief of Police; Bob Pryzby, Director of Public Works; Doug Luther, Assistant City Administrator; Josh Farrar, Assistant to the City Administrator and Joyce Hagen Mundy, City Clerk.

PUBLIC PARTICIPATION

Stan Plesser, 7938 Canterbury, addressed the Council to present a resubmittal for a petition to construct a sidewalk on Canterbury. Mr. Plesser stated that several individuals felt pressured to sign an earlier petition for the location of the sidewalk on the west side of the street. Mr. Plesser contends the process for deciding whether to have and where to place a sidewalk on Canterbury between 79th Street and Somerset has unnecessarily created an adversarial atmosphere amongst the homeowners. He feels the only way there can be any healing is for the final decision be made with complete transparency and requests that the following documents be made considered in the decision and made available for all homeowners to view:

1. The cost per side (including the cost to the utility companies if lines need to be moved.)
2. The estimated amount of time that will be needed to complete the installation of the sidewalk on both sides of the street; including the time needed to move utility lines;
3. Cost of alterations and projected affect to the existing driveways and front yards for the construction;
4. The cost to the utility companies; and
5. A safety evaluation for the proper placement of the sidewalk.

Mr. Plessner noted there is a relatively steep hill from Falmouth east to Canterbury that obscures a pedestrian's ability to see cars coming over the hill causing most people to cross 79th Street on the east side of Canterbury.

Mr. Plessner stated the homeowners on Canterbury who have signed the petition want a sidewalk, but want it on the side of the street that costs the least, takes the least time to finish, does the least damage to their property and is most safe for pedestrians.

Carole Plessner, 7938 Canterbury, noted some of the signatures on the earlier petition presented by residents on the west side of the street were invalid and urged the Council members to walk the area before making a decision on the location of the sidewalk. She noted there are elderly on both sides of the street and a growing population of young children.

Citizen Police Academy Graduation

Chief Charles Grover gave a brief history and description of the Citizen Police Academy Program started by the Department in 1991. The eleven week program is designed to provide insight to residents on the services provided by the Public Safety Department. He was pleased to introduce and present certificates of graduation to the 11 graduates of the eleven-week class just completed.

Drew Hawes, 7400 Roe Circle, addressed the Council on behalf of the class. He noted that during the 11 weeks the class covered over 30 topics and met with 30 Public Safety Employees. He was impressed by the active participation of 75% of the Department in the program. In the opening remarks to the class, Chief Grover stated he hoped those attending the class would come to see the integrity, trust and competence of the Department. Mr. Hawes described how he now viewed the department with the acronym PIP – a department with Passion, Integrity and Pro-actively meeting the needs of residents.

CONSENT AGENDA

Laura Wassmer asked for the removal of item #18 – “Return the Planning Consultant selection process to the Planning Commission with direction to re-send request for proposals to the seven initial firms and to consider the hiring of an in-house planner “ from the Consent Agenda. Jeff Anthony asked for the removal of item #20 – “Adopt an ordinance establishing the 2006 salary ranges for the City of Prairie Village”.

Bill Griffith moved the approval of the Consent Agenda for Monday, December 5, 2005 as amended

1. Approve Regular Council Meeting Minutes – November 21, 2005
2. Approve Claims Ordinance #2621
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16. Approve Construction Change Order #1 for a deduction of \$1,153.09 to the contract with Musselman and Hall Contractors.
17. Approve Construction Change Order #1 to reduce the construction contract with Wildcat Construction by \$1,650.00
18. Removed
19. Direct Staff to contract with Bucher Willis & Ratliff to provide planning consultant services on an interim basis until a new planning consultant is hired
20. Removed
21. Direct staff to proceed with the implementation of a paperless packet system with the purchase of notebook pcs and related hardware to be administered in the most effective manner with funding from the 2005 General Contingency Fund
22. Approve the proposed calendar for consideration of the 2007 budget for the City of Prairie Village following the format used in the creation of the 2006 budget

A roll call vote was taken with the following members voting "aye": Griffith, Noll, Wang, Wassmer, Daniels, Anthony, Vennard, Ewy Sharp (nay on #22) and Belz.

Salary Ordinance

Jeff Anthony stressed the concern expressed at the last meeting that a Compensation and Benefits committee be appointed consisting of Council members,

outside representatives and staff to become actively involved in the review and establishment of employee compensation and benefits on a permanent basis to ensure that city staff needs are being addressed and are truly competitive.

Planning Consultant Services

Wayne Vennard noted that much of the discussion regarding the hiring of BWR to serve as the City's Planning Consultant revolved not around qualifications but on potential "conflict of interest". Mr. Vennard stated this issue is both important and difficult to pinpoint. He noted the Kansas Governmental Ethics Commission is the highest administrative agency in the state has the task of making decision on conflict of interest. He feels this issue needs to be resolved so a decision can be made on the selection of a planning consultant. He recommended the question be turned over to the City Attorney to request a review and analysis by the Kansas Governmental Ethics Commission on this.

Jeff Anthony respectfully stated that whatever decision the Commission returns he believes there is a conflict of interest by perception and his vote will not change.

Steve Noll stated from the beginning he has acknowledged that there is not an illegal or statutory conflict of interest, but he feels it is inappropriate for the City to enter into a contract with a firm in which the Mayor of the City is a partner. It is not illegal, but it is totally inappropriate and he will not support it.

Wayne Vennard noted the City has had an agreement with BWR since 1992 and since joining the firm the Mayor has secluded himself from any discussion or action. He feels the city would be more harmed by the discontinuance of the excellent services provide by BWR. It makes no sense economically, ethically or morally.

Al Herrera noted the Mayor's appointment of members of the Planning Commission has to be approved by the City Council. He does not see any conflict and feels the City should move forward with this contract.

Diana Ewy Sharp stated she is supportive of sending the process back to the Planning Commission with them rebidding the position. If after rebidding, no other firms respond, then the Council will need to address the conflict of interest issue.

Wayne Vennard stated the Council can request the opinion of the Kansas Commission and go forward with returning the process to the Planning Commission.

Laura Wassmer asked the City Administrator if, based on filed statement of interests, there were other possible conflict of interest. Mrs. Vernon responded there were none with current councilmembers; however, there have been situations with past Councils and the parties have always recused themselves, abstaining themselves from participation and voting.

Pat Daniels stated he did not feel additional information would change any votes as the votes are based on “perception” not “fact”. He can understand the concerns however, from a practical standpoint the can be addressed by following procedures and procedures have been followed in this situation.

Wayne Vennard moved the City Council submit to the Kansas Governmental Ethics Commission a written statement of facts and circumstances regarding the recently discussed contract proposal by the firm of Bucher Willis & Ratliff. And further that the City of Prairie Village request an advisory opinion from the Kansas Governmental Ethics Commission regarding issues raised by some members of the Prairie Village Governing Body concerning possible conflicts of interest involving the Bucher Willis & Ratliff contract. The motion was seconded by Laura Wassmer and failed by a vote of 5 to 5.

Diana Ewy Sharp moved the City Council return the Planning Consultant selection process to the Planning Commission with direction to re-send request for proposals to the seven initial firms and to consider the hiring of an in-house planner. The motion was seconded by Bill Griffith.

City Attorney Charles Wetzler stated the Planning Commission is created by the State Statute and has specific responsibilities and authority given by the State, unlike other city committees. K.S.A. 12-745 empowers the Planning Commission “to employ such persons deemed necessary or contract for such services as the commission requires”. They have the ability to hire needed staff experts to assist them. The Governing Body does not have the authority to select the consultant or enter into an agreement. They have the ability to establish budget. The Planning Commission has the authority to hire, the Council has the authority to pay. Mr. Wetzler stressed the need for cooperation between the Commission and the Council. He noted the Commission members were appointed based on their expertise and understanding of the Planning function. They know what services are needed to best fulfill their responsibilities and are in the best position to

select the most qualified consultant. The focus of the Governing Body should be on the procedures followed and providing payment.

Bill Griffith stated the selection of the Mayor's firm by a group of individuals appointed by the Mayor does not "pass the nose test" – it reeks of impropriety, whether justified or not.

Mr. Wetzler responded with a similar situation in the city's past. He noted in 1963 he was appointed by Mayor Bennett as City Prosecutor while he was working for Mayor Bennett's law firm.

Al Herrera noted that several people now sitting on the Council were initially appointed by Mayor Shaffer to those positions and questioned how this was any different than his appointment of Planning Commission members. Based on the statements being made, it would imply that all appointed Council members' votes would be biased and should not be accepted. The Planning Commission members have followed the procedure established by the City, requesting proposals, interviewing all firms that submitted proposals and making a clear recommendation for the most qualified candidate, which some council members say isn't acceptable. Mr. Herrera expressed frustration in the inability of the Council to act on a \$30,000 agreement with a firm that has provided excellent service over the past 13 years. He does not see any conflict of interest.

Pat Daniels stated this is not being treated objectively, but subjectively.

Dave Belz stated there is no reason why the City should not strive to be above reproach in all it does. The action has nothing to do with the qualifications of Bucher Willis and Ratliff to provide the services. He feels the City should distance itself from a situation that could project impropriety.

Pat Daniels stated it is good at times to have a fresh approach from a new firm; however, his primary concern is the loss of continuity for the implementation of the "Village Vision" process/recommendations. He would like to see the City continue with Bucher Willis & Ratliff at least for the next 6 months – he does not support a change in key city staff at this time.

Wayne Vennard asked Council members if they really thought the Planning Commission members were under the thumb of the Mayor.

Andrew Wang stated he felt the Commission members were above reproach, they followed city policy sending requests for proposal to several firms, interviewed both firms that replied to the request, made their selection based on qualifications and ability to provide the day to day services needed by the Commission and the City. The firm unanimously selected by the Commission clearly had superior qualifications. If the Council chooses not to accept that recommendation it will be doing a great injustice to the residents of Prairie Village.

A vote was taken on the motion, which passed by a vote of 6 to 4 with the following votes cast “aye” Griffith, Noll, Wang, Anthony, Ewy Sharp and Belz; “nay” Herrera, Wassmer, Daniels & Vennard.

Bill Griffith moved the City Council adopt an ordinance establishing the 2006 salary ranges for the City of Prairie Village. The motion was seconded by David Belz.

Diana Ewy Sharp expressed her support for the establishment of a ad hoc committee on compensation and benefits recommended by Mr. Anthony.

A roll call vote was taken with the following members voting “aye”: Griffith, Noll, Wang, Wassmer, Daniels, Vennard, Ewy Sharp and Belz. And “nay” Anthony

COMMITTEE REPORTS

Policy/Services Committee

POL2004-14 Consider Project 190709: 83rd Street, Somerset Drive Drainage

Two design alternatives for this project have been studied and presented to the area residents without adverse comment. The least expensive alternative is the original alternative to construct a new pipe on 83rd Street to Somerset Drive, then on Somerset Drive to the parking lot, then through the parking lot to Mission Valley School with the reconstruction of twin metal culverts and replacement of the cul-de-sacs with road flood warning lights. This alternative requires a waiver from the Stormwater Management Advisory Committee suspending the 7-inch water over a street requirement by permitting the installation of road flood warning lights on Delmar Street and Fontana Street.

On behalf of the Policy/Services Committee, Steve Noll moved the City council direct the Public Works Director to request a waiver of the 7-inch water over a street requirement from SMAC and not request any additional funds.

Bill Griffith asked if the flow of water would still exceed 7 inches after the improvements. Mr. Pryzby responded the improvements would decrease the amount of water flowing across the low area crossing, but because of storm intensity and collection of water at this location, he can not guarantee the water level would not exceed 7 inches. Mr. Griffith asked on what grounds the city was requesting the waiver. Mr. Pryzby responded to obtain approval of SMAC funds for this project.

The motion was seconded by Pat Daniels and passed by a vote of 9 to 1 with Griffith voting “nay”.

POL2004-13 Consider Project 190708: Tomahawk Road Drainage Project

On behalf of the Policy/Services Committee, Steve Noll moved the City Council direct the Public Works Director to request from SMAC additional funding of \$1,200,000 for Project 190708: Tomahawk Road Drainage Project. The motion was seconded by Pat Daniels.

Mr. Pryzby reviewed the history of this project and background on this watershed. New County criteria called for a review of the hydraulic and hydrology computations for this project. The calculations found the flow had increased considerably, from 1.340 cubic feet per second to 1.950 cubic feet per second. As a consequence additional work will be required to protect six homes and to extend the proposed street systems further into the watershed. The estimated construction cost for this additional work is \$1,200,000.

Mr. Noll stated if additional funding is approved by SMAC the City's share of the cost for this project could increase by \$300,000. He stressed the change is not caused by actions or inactions by the City, but by changes in design criteria by the County.

Bill Griffith confirmed earlier work at this location and expressed concerns with the potential on-going significant costs for the benefit of a few homes. Mr. Pryzby said if nothing is done the water flow down Tomahawk will be significant impacting 18 different properties. He further stated that additional work may need to be done in the

future as technology provides more accurate understanding of water flow and design criteria are revised.

Pat Daniels confirmed this study by the county is the same one that impacted the River Woods project in Mission. He feels the City needs to support these changes even if the area may need to be revisited in the future.

The motion was voted on and passed unanimously.

POL2005-20 Consider 2005 Traffic Consultant

On October 17th, the City Council approved the selection of TranSystem Corporation as the City's Traffic Consultant. The 2005 Traffic Consultant Agreement contains the following tasks: #1 Traffic Safety Study Report; #2 Traffic Signal Operation and #3 –Traffic Counts. The agreement has been reviewed and approved by the City Attorney and the Public Safety and Public Works Department.

On behalf of the Policy/Services Committee, Steve Noll moved the City Council approve the 2005 Traffic Consultant Agreement with TransSystems Corporation using Public Safety Department 2005 budget funds of \$40,652 for Task #1 and #2 and Public Works Department 2005 budget funds of \$9,534 for Task #3. The motion was seconded by Jeff Anthony and passed unanimously.

POL2005-34 Consider Project 190717: 2006 Storm Drainage Repair Program

On November 7th, the City Council approved the selection of URS to serve as the City's Storm Drainage Consultant. The standard design agreement consists of four phases: Concept Study, Preliminary Design, Final Design and Bidding has been reviewed and approved by the City Attorney.

On behalf of the Policy/Services Committee, Steve Noll moved the City Council approve the Drainage Consultant Agreement with URS Corporation in the amount of \$16,700 with funding from the Capital Infrastructure Program for Project 190717. The motion was seconded by David Belz and passed unanimously.

OLD BUSINESS

POL2005-35 Consider Illicit Water Discharge

Steve Noll stated earlier in the evening the Policy/Services Committee was unable to complete their discussion and action on this item and called upon Mr. Pryzby to

present information. Bob Pryzby stated the City is experiencing problems with residents discharging sump pumps onto city right-of-way and streets. The city has identified approximately 52 such problems. As a possible solution to this he is proposing offering a program to install 4" PVC pipe behind the curb in the right-of-way to collect the discharge of sump pumps. The program could be done with the city covering the entire cost, or shared costs with the residents or with the residents covering the entire costs. His recommendation would be a shared cost for the pipe as a cost of \$21.00 per foot with the resident paying based on the linear footage of their frontage. The program could be started with a budget of \$50,000 with these funds being offset by revenue from a \$21 per property front foot assessment.

Laura Wassmer asked if the proposed \$50,000 would correct the 52 identified situations. Mr. Pryzby responded the \$50,000 is basically starter funding for the program.

Bill Griffith agreed that this is a real issue; however, stated he is leery to approve \$50,000 start up program without an idea of the long-term financial impact. He stated this could become yet another capital infrastructure program account.

Pat Daniels felt the issue should be returned to the committee to reconsider and come back with a policy for consideration by the City Council.

Mr. Pryzby asked if the Council could address the situation of for the Barr's

Rick Cato, with Doctor's Land and Landscaping, a contractor working with Bill Barr at 8600 Delmar Drive, reviewed the problem experienced by the Barr's and his proposed solution. They are proposing to run a 1½" pipe along the curb across their neighbor's property to connect with the City's drainage system.

Bill Griffith confirmed that a 1 ½" pipe could be pulled through, whereas, a 4" pipe would need to be buried causing more disruption to the property. Mr. Pryzby noted use of 4" pipe would allow others to connect to the same line.

David Belz confirmed that the property owner who has the pipe going across his property would not be assessed.

Diana Ewy Sharp stated she was not ready to vote and felt that doing so would set precedence. The City Attorney noted that every action taken by the Council does not necessarily set precedence. It would be better to take action based on an approved policy,

but noted the time involved to establish a policy. Permission for this resident to take this action does not mean others could take the same action in the future.

Laura Wassmer questioned if there are other houses with this problem that may want to connect to this pipe and confirmed that 1½” pipe is the largest size that could be pulled through the ground. She noted if 1½” pipe is allowed and others want to connect, the city is looking at the possibility of multiple lines. Mr. Cato stated there was sufficient space in the right-of-way for multiple lines.

Mr. Pryzby stated he does not need the policy approved this evening. Bill Griffith asked if an agreement would be made allowing Mr. Barr to connect to the city’s system with their 1½” pipe.

Steve Noll confirmed the work would be done in the city right-of-way and need city approval and permits.

Bill Griffith moved the city allow Mr. Barr to connect to the City’s storm drainage system as proposed using a 1½” pipe and exempt them from any future fees if a 4” line is put in by the City. The motion was seconded by Pat Daniels.

Wayne Vennard confirmed that any repair to the pipes would be made by the City.

Laura Wassmer questioned if the work was being funded jointly or totally by the resident.

Bill Barr stated the cost estimate received for the work was \$2000 and he would like to see the cost shared by the City. Ms. Wassmer stated she was not comfortable with the city sharing the cost without the policy being in place, but would support allowing Mr. Barr to connect if no city funds were used.

Steve Noll questioned who owned the pipe once installed. Mr. Pryzby responded it would be considered the city’s property.

The motion was voted on and passed unanimously.

NEW BUSINESS

ADA Appeal

Al Herrera reviewed the procedures for the Appeal by Mr. James Olenick of a decision of the ADA Compliance Committee relative to the Skate Park Facility at Harmon Park.

Mr. Olenick appealed to that committee to close the Skate Park until the skate area is accessible to all individuals which includes smooth surfaces leading to the concrete play area and accessible parking spaces. The appeal was denied by the ADA Compliance Committee because, although the facilities were still under construction when the complaint was made, the full accessible facilities were complete at the time the hearing was conducted.

James Olenick, 4114 West 74th Street, commended the City on the creation of an excellent fully accessible skate park open now to all citizens of differing abilities. He understands and endorses the opening of the park early to honor the young man who got the ball rolling on this park. However, with this desire to open the park early, some things got put on the back burner – mainly access to the park for those who were unable to transverse curbs and gravel. The idea of the Americans with Disabilities Act was to ensure that anywhere able-bodied Americans can go in an urban setting, then wheelchairs should be able to go also. If a construction site is opened to the able-bodied, a person using a wheelchair must have access to that site. In all the planning for the opening of this park the disabled were left at the curb. Mr. Olenick state he made his concerns known 60 days after the opening of the park in June. There were no curb cuts, no marked parking for the handicapped within reasonable distance and no direct access with hard surfaces to the park's hard surfaces.

Mr. Olenick stated the City codes department will not allow a commercial building to operate without being fully accessible, but yet every day for two months your City employees ignored the city's violation of state and federal laws.. This is similar to concerns raised in the past by Mr. Olenick – employees not being cognizant of their responsibilities to all the citizens of this city, reviewing past claims made against the City.

Mr. Olenick stated the city's problem has long been a lack of awareness as to how the employee's inattention to the law affects the lives of others. Now the park is open and accessible closure is not an option; however, he believes that the folks who planned and executed the construction of this park, and the codes administrator and employees associated with these offices and duties need to take a refresher course on ADA awareness, specifically on their job performance and its relation to access.

Bill Griffith confirmed the parking spaces are now painted.

David Belz asked why the skate park was not ADA compliant when opened. Mr. Pryzby responded it was still under construction. The problem was once the surface of completed, the kids started using. The shade structures and ADA access was planned and once the shade structures arrived this was done.

Wayne Vennard asked how long the skate park was in use before it was ADA compliant. Mr. Pryzby responded that he was not sure an ADA ruling existing stating that skate parks needs to be accessible. He's taken the position that it should be made accessible; but has not found any requirement for accessibility. He noted a skate park may be similar to the slide mechanism at the swimming pool not have to be accessible.

Mr. Vennard clarified his question asking how long was the skate park being used before it was fully accessible. Mr. Pryzby responded two to three months.

Jeff Anthony asked Mr. Olenick what he would like to see happen. Mr. Olenick responded the main problem that he has had is with the City being aware of everything that is necessary for the disabled to be able to participate fully in city government, city processes and city recreation. Whether or not the disabled chose to use the park they should have access to the park to view other people using the park. The park should be accessible to the disabled.

What I'm asking for is that the City's employees take a refresher course on how their job impacts the physically impaired and/or the disabled in their use of city facilities.

Jeff Anthony asked is there is on-going training on ADA for employees. Mr. Pryzby responded that he has taken seminars on ADA and he oversees ADA requirements on construction.

Al Herrera closed the hearing and announced that the City Council would consider the appeal and render a decision as required by city policy.

Election of Council President

Al Herrera stated with the resignation of Kay Wolf, the seat of Council President is vacant. It is the opinion of the City Attorney that a new Council President should be elected at this time since several months remain on the term of office.

Al Herrera moved that Jeff Anthony be elected Council President. The motion was seconded by Bill Griffith.

David Belz asked Mr. Wetzler if he had a problem with the procedure being followed reverting back to the former Council President in the absence of the current President. Mr. Wetzler stated his feeling is that the position is vacant and needs to be filled. He is not comfortable with the position be vacant for six months.

Laura Wassmer questioned the logistics of electing Jeff at this time when he may or may not run for re-election or be re-elected.

Mr. Wetzler stated in 1993 Mayor Taliaferro established the process of having the most senior council member serve as Council President. He doesn't want to tell the Council how to select the individual to fill the position, but he feels the position should not remain vacant. Ms. Wassmer expressed her support of the continuing the process based on the excellent learning experience provided for the Council President.

Pat Daniels confirmed the election would be for the remainder of this term and if re-elected, he could be re-elected as President in May, when the position has historically been elected.

The motion was amended with a friendly amendment clarifying that the election as Council President would be for the unexpired term of former Council President Kay Wolf. The motion was voted on and passed unanimously.

Pledge of Allegiance

Wayne Vennard moved the members of the Governing Body of the City of Prairie Village, Kansas recite the Pledge of Allegiance subsequent to the call to order of each regularly scheduled meeting of the City Council of the City of Prairie Village. The motion was seconded by Pat Daniels.

Diana Ewy Sharp stated she was supportive of the motion but felt it was a mayoral decision.

The motion was voted on and failed by a vote of 3 (Wassmer, Daniels, Vennard) to 7 (Griffith, Noll, Wang, Herrera, Ewy Sharp & Belz).

Lights

Al Herrera noted the consent agenda approved a contract for holiday lights and expressed concern with the light display in the City of Prairie Village, acknowledging the excellent display put on by the City of Fairway.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

Planning Commission	12/06/2005	7:00 p.m.
Tree Board	12/07/2005	6:00 p.m.
Park & Recreation Committee	12/14/2005	7:00 p.m.
Council Committee of the Whole	12/19/2005	6:00 p.m.
City Council	12/19/2005	7:30 p.m.

The Prairie Village Arts Council is pleased to feature a photography exhibit by Julie Johnson in the R.G. Endres Gallery during the month of December. The opening reception will be held on December 9th, from 6:30 – 7:30 p.m.

Prairie Village Gift Cards are now on sale at the Municipal Building. This is a great way to encourage others to “Shop Prairie Village”

Donations to the Mayor’s Holiday Tree Fund are being taken. The funds will be utilized in assisting Prairie Village families and Senior Citizens needing help to pay their heating and electric bills during the cold winter months, as well as with home maintenance throughout the year. Your tax-deductible contributions are appreciated. As of December 1st, \$5,459 has been collected.

The Council of Mayors Holiday Dinner will be held on Tuesday, December 13th, contact Barbara or Lauren if you plan to attend.

Mark your calendar for the Employee Award/Holiday Celebration on Wednesday December 14 at noon in the MPR. Mayor and Council Members will need to be present to hand out promotion and tenure awards.

The 50th Anniversary books, **Prairie Village Our Story**, are being sold to the public.

ADJOURNMENT

With no further business to come before the Council, the meeting was adjourned at 9:00 p.m.

Joyce Hagen Mundy
City Clerk