

**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
NOVEMBER 16, 2009**

The City Council of Prairie Village, Kansas, met in regular session on Monday, November 16, 2009, at 7:30 p.m. in the Council Chambers of the Municipal Building.

ROLL CALL

Mayor Ron Shaffer called the meeting to order and roll call was taken with the following Council members present: Al Herrera, Dale Warman, Ruth Hopkins, Michael Kelly, Laura Wassmer, Dale Beckerman, Charles Clark, David Morrison, Diana Ewy Sharp and David Belz.

Also present were: Quinn Bennion, City Administrator; Katie Logan, City Attorney; Wes Jordan, Chief of Police; Bob Pryzby, Captain Tim Schwartzkopf; Director of Public Works; Keith Bredehoeft, Project Manager; Dennis Enslinger, Assistant City Administrator; Karen Kindle, Finance Director; Chris Engel, Assistant to the City Administrator and Joyce Hagen Mundy, City Clerk.

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

PUBLIC PARTICIPATION

Mayor Shaffer announced those residents present to address the City Council on the issue of sidewalks on 83rd Street would be allowed to address the Council later in the meeting during the discussion of this item.

Mayor Shaffer acknowledged the presence of several Rockhurst High School students attending the meeting for their American Government class.

He also welcomed new business owner Kathy Burlison, with Frog Drog Development & Design, Inc. a business support services and tax preparation business located at 75th & Windsor.

CONSENT AGENDA

Michael Kelly moved the approval of the Consent Agenda for Monday, November 16, 2009.

1. Approve Regular Council Meeting Minutes - November 2, 2009
2. Approve Claims Ordinance 2865

3. Approve the Interlocal Agreement between the City of Prairie Village and Johnson County Park & Recreation District for the use of City facilities for 2010 programming.
4. Adopted the proposed revisions to the City's Records Retention Schedule.
5. Rescind Personnel Policy #196 entitled "YMCA Membership" effective December 31, 2009.

A roll call vote was taken with the following members voting "aye": Herrera, Warman, Hopkins, Kelly, Wassmer, Beckerman, Clark, Morrison, Ewy Sharp, and Belz

MAYOR'S REPORT

- Mayor Shaffer stated he attended the following events in the past two weeks representing the City as Mayor:
 - City Employee Luncheon on Friday, October 30th
 - Belinder School Dad's event on November 3rd
 - Johnson/Wyandotte Mayors Association dinner with state Legislative Representatives on November 4th
 - Open House on behalf of Ripple Glass at Blvd. Brewery on November 15th
 - Sister City Reception for Shawnee Mission East Foreign Exchange Students on November 9th
 - Prairie Village resident Ruth Bells 100th birthday celebration
 - Johnson County Community College reaccreditation interview process on November 12th

COMMITTEE REPORTS

Council Committee of the Whole

COU2009-108 Consider Revisions to the Supplemental Pension Plan

On behalf of the Council Committee of the Whole, Michael Kelly moved the Governing Body approve revisions to the City's Supplemental Pension Plan (SPP) effective January 1, 2010 and approve ING to serve as the Trustee effective January 1, 2010 and thereafter with M&I remaining as sub-custodian of all assets in the Plan as of December 31, 2009 and sub-custodian on the plan asset balance as December 31, 2009 through delivery to ING on February 1, 2010. The motion was seconded by Laura Wassmer and passed unanimously.

COU2009-109 Consider approval of Professional Planning/Design Services Agreement with Indigo Design for 2010 Park Plans

On behalf of the Council Committee of the Whole, Michael Kelly moved the Governing Body approve the Park Planning/Design Services Agreement with Indigo

Design and waive Council Policy #16 entitled "Selection of Professional Architect/Engineer Consultant Services" subject to review by the City Attorney. The motion was seconded by Laura Wassmer.

Mr. Kelly noted that although he made the motion as Council President, he will be voting in opposition to the motion as he does not feel the established process of going out to bid should have been waived. Ruth Hopkins stated that she too would be voting against the motion. Her opposition in addition to the waiving of the established bid process was primarily the presentation by staff of significant changes to the information presented to Council in their packets and their request to take action without having been given the necessary documentation on which to base a decision.

The motion was voted on and passed by a vote of 9 to 2 with Hopkins and Kelly voting in opposition.

OLD BUSINESS

Update on 83rd Street Sidewalk Design

Laura Wassmer advised residents present that had trouble contacting Council members that several council members were out of town last week at the National League of Cities conference and that even if they were unable to respond, they have received your messages.

Keith Bredehoeft reviewed the proposed sidewalk design for sidewalks to be constructed in conjunction with the 2010 CARS Project along the north side of 83rd Street from Rosewood to Nall per City Council Policy 204 which requires sidewalks to be placed on both sides of arterial and collector streets. He showed photographs of all the locations as they currently exist and with the proposed sidewalk overlaid on the property, noting adjustments that have been made to address problems with slope and grade on the properties and the minimal available right-of-way for the construction of sidewalks. All of the proposed sidewalks are designed to be five feet in width and placed at the back of the curb. It was noted that three utility poles will have to be moved to accommodate the sidewalk and this has been discussed with KCP&L.

Diana Ewy Sharp stated one of the primary concerns from the residents was the placement of the sidewalk at the curb on this truck route and the difficulties of maintaining the small areas of green space after the placement of the sidewalk. Mr. Bredehoeft noted the construction of sidewalks at the back of curb is not the desired location, but is required in this situation because of limited right-of-way and existing trees, landscaping and improvements. Mr. Pryzby stated the one property grows iris along their property and these could be grown in the space remaining. Chief Jordan stated this street was not a designated truck route.

Dale Beckerman asked for the costs of the project. Mr. Bredehoeft responded the entire project is budgeted at \$600,000 with \$150,000 of that being for the installation of sidewalk and another \$50,000 for the necessary construction of retaining walls on three of the properties.

Al Herrera confirmed that the City was not making any modifications to the existing stone walls, but only to the driveway areas to meet the required slopes per ADA regulations.

Michael Kelly asked if there was some way to make the retaining walls more aesthetically appealing. Keith Bredehoeft responded there are alternatives to the flat concrete surfaces. Mr. Pryzby noted the installation of stone or stone veneer similar to that used on the city park identification signs could be placed on the walls.

Diana Ewy Sharp stated the City has not done that at other locations and she is not comfortable starting that practice now. Michael Kelly noted it does not have to be a general practice, but merely an option when appropriate. Dale Warman stated he does not feel the retaining walls at this location should not be enhanced simply because it has not been done in the past. The construction of flat concrete retaining walls in front of these beautiful stone walls currently located on the properties would be a huge disservice to the residents and would negatively impact their properties.

Mayor Shaffer opened the meeting to public comment from residents.

Rowena Conklin, 4811 West 83rd Street, stated they purchased their home in 1993 and questioned at that time if sidewalks would be placed on the property. They recognized the value of their home builder's award winning home as built. She noted the placement of a bank of trees providing protection from the north wind along a constructed berm. She does not want any action taken that will damage those

trees. She does not want to see the current stacked stone surrounding the berm and trees to be replaced with a flat slab concrete retaining wall, but acknowledges the need for the wall to protect from erosion. She would be very disappointed with the construction of a concrete wall. There is a great deal of stacked stone on their property and she feels this element should be retained.

Bob Numrich, 5400 West 83rd Street, stated he is not against sidewalks and thanked the City and its staff for allowing the residents to have input into the possible design of sidewalks and to address their concerns. He stated although the street may not have the official designation of a truck route, you could not tell that based on the traffic between 5 and 8 am each morning. Mr. Numrich noted the intersection of 83rd & Nall is already a dangerous intersection and he fears the proposed construction of a sidewalk located at the back of the curb would only further add to its danger. He also stated the proposed sidewalk does not connect to another sidewalk and would in essence be a sidewalk to nowhere. Mr. Numrich stated the current sidewalk located on the south side of the street is surrounded by green open space and can accommodate the needs of the area.

Mr. Numrich noted the retaining wall proposed in front of his property starts at the middle of his property and drops 18 inches from the height of his existing stonewall. The proposed sidewalks and retaining walls are both aesthetic and safety concerns as well as the impact of the relocation of existing utility poles.

Gary Regan, 5300 West 83rd Street, resides in the fourth house on the street. He noted the existing stone wall has been in Prairie Village longer than the City has been a city. He raised the concern of the impact of vehicles hitting and bouncing off the proposed retaining walls like bumper pool. He agreed that the existing sidewalk on the south side is adequate to meet the need for sidewalks in this area.

Marsha Lipsky, 8224 Rosewood Lane, noted that on the south side of her property there is a row of pine trees that provide privacy and the proposed sidewalk would interfere with those as well as their sprinkler system. She commended the City for their work on their cul-de-sac. She stated the sidewalk on the other side of the street is utilized, but not overly used and she does not see the necessity to construct another sidewalk

Kathy McIntyre, 5450 West 83rd Street, stated she has resided at this location since 1987 and does not see a need for a sidewalk in addition to the current sidewalk located on the south side. She feels a sidewalk placed at the back of the curb on Nall would be dangerous. She stated the iris currently planted along the stone wall would not survive in the minimal space between the sidewalk and the wall.

Kathy Morrison, 8221 Rosewood, stated her neighborhood is totally supportive of the construction of the proposed sidewalk.

Martha Madden, 5400 West 83rd Street, stated she is adamantly opposed to the construction of the proposed sidewalk. She noted the students cross at the crosswalk and feels the sidewalk would be rarely used. She asked the City to consider the cost benefit of the proposed sidewalk. She does not feel it would be favorable.

Gary Regan, 5300 West 83rd Street, encouraged the Council if they had any doubt about the sidewalk to put it off for future discussion. Mr. Regan referenced a petition submitted by the five property owners whose properties would be impacted.

Mayor Shaffer closed public comment at 8:30 p.m.

Dale Warman stated his neighborhood recently had sidewalks constructed on their property which they strongly opposed; however, they are now grateful to have them. Mr. Warman feels the City needs to consider aesthetics and strongly urges the Council to enhance the flat concrete retaining wall currently proposed for this project.

Michael Kelly noted one of the items discussed by the 75th Street Corridor Committee was how the large retaining walls along 75th Street detracted from the area.

Al Herrera noted Council has always talked about the beauty of "old PV" neighborhoods with their charm and history. This particular street with the landmark stone wall that has been in existence since the 1920's is an integral part of the history. He feels the Council should reconsider the impact the placement of sidewalks at this location would have.

Bob Pryzby stated a stone veneer could be attached to the front of the concrete retaining wall to provide a more aesthetic wall and better blend with the existing stone wall on these properties.

Laura Wassmer stated she is a huge proponent of sidewalks and looking at future needs; however, on this particular stretch she does not see the sidewalks as a good fit and feels the maintenance of the beauty of the wall supersedes. She supports the sidewalk on the south side and would like to put money into enhancing the retaining walls, but not mess up this historic corner.

Charles Clark stressed the need to think about future residents. It is extremely dangerous for a child to have to cross the street to get to the sidewalk on the south side. He feels these sidewalks are necessary.

Diana Ewy Sharp echoed Mr. Clark's comments noting the Council needs to look at the City as a whole. As chairman of the Parks and Recreation Committee she continues to hear requests for sidewalks. She noted the City has a policy in place and staff has done an exceptional job meeting with the impacted property owners, she supports going forward and if something can be done to enhance the retaining wall that is good.

David Belz stated he sits on an area Transportation Board which talks a great deal about the need for walkability and sidewalks throughout communities, not just Prairie Village, for both children and adults. Interconnectivity is vital to the growth of a community and if the construction of sidewalks is waived, that interconnectivity will be broken. He noted this is a difficult decision, but feels that once it is completed it will only serve to enhance the City.

Al Herrera agreed that sidewalks are important, but noted there comes a point where other considerations must be acknowledged and he feels the installation of sidewalks at this location would be harmful to the aesthetics of the City. He stated as Co-chair of the Parks & Recreation Committee, he has not heard requests for sidewalks that could be construed as a blanket statement for the entire city.

Mayor Shaffer asked what the schedule was for this project. Mr. Pryzby responded it is a 2010 CARS project that will be bid in early 2010 with the sidewalks being constructed as part of the street project.

David Morrison stated the stone wall is a landmark and does not feel the expenditure of an additional \$60,000 is merited. He noted there are times when exceptions need to be made and he feels this is one of those times. He does not find the cost benefit of the sidewalks to be justified.

Diana Ewy Sharp noted the entire Parks Master Plan contains comments from residents that they want walkability in the City. Sidewalks throughout the City are required for that interconnectivity and walkability.

Michael Kelly stated he supports the sidewalk policy, but noted the policy is not law and should be evaluated and reviewed in instances where it may not be in the best interest of the City for the policy to be followed. He noted he is seeing a lot of concrete being poured throughout the City without considering how it impacts the livability of communities. He feels this construction could be done creatively to lessen the negative impact and until he sees that happening he can not support the action.

Dale Warman noted the staff has given the residents options; however, he cannot vote in support of the sidewalks if the retaining walls are constructed as presented with poured concrete.

Mayor Shaffer asked Mr. Pryzby if the Council could direct the retaining wall to be constructed of stone to match the existing stone wall. Mr. Pryzby answered yes.

Charles Clark moved the Governing Body authorize the inclusion of sidewalks as proposed with the concrete retaining walls being replaced with stone walls matching the existing stone wall found on the properties. The motion was seconded by Ruth Hopkins.

David Belz stated he could not vote in support of the motion without knowing the cost. Charles Clark stated this is direction for the design. Bob Pryzby stated the retaining walls would be designed to be built of stone or the same material as the existing stone wall.

David Morison confirmed those opposing the construction of the sidewalk should vote against the motion on the floor.

Dale Beckerman asked if this would come back to the Council at a later date. Mr. Pryzby responded the construction contract would come before the Council and the cost would be known at that time.

Al Herrera expressed concern with not knowing the cost. Mr. Clark replied the direction is for the design, not the construction.

Michael Kelly stated he would like to have some kind of discussion related to the policy addressing what can be done to enhance the aesthetics of retaining walls.

Dale Beckerman stated he feels it is inevitable that there will be sidewalk all along Nall in the future. He does not like the proximity of the sidewalk to the street, but he is confident there will be a sidewalk on this corner in the future and therefore, when this moves forward he would like to see the aesthetics of the community protected. Mr. Beckerman questioned if the motion should separate the issue of the sidewalk from the construction of retaining walls.

Al Herrera asked what happens if you vote for the stone wall and it is cost prohibitive. Mr. Clark responded he is hearing from Council that they are willing to spend money on aesthetic improvements.

Ruth Hopkins called the question. The motion was seconded by David Belz and passed by a vote of 10 to 1 with David Morrison voting in opposition.

The original motion authorizing the inclusion of sidewalks and enhanced retaining walls in the design of the project was voted on and passed by a vote of 8 to 3 with Herrera, Wassmer and Morrison voting in opposition.

Mayor Shaffer thanked the neighbors for their comments and input on this matter.

Status of nuisance declaration at 7578 High Drive

Dennis Enslinger reported notice was received by the property owner at 7578 High Drive regarding the City's intent to declare the property a nuisance. He did not request a hearing before the Council to appeal the declaration. Staff has prepared the bid documents to hire a contractor to correct the property violations. However, he noted the owner has contacted an individual who has indicated that he will be doing the work. Mr. Enslinger noted the City will proceed with the notice to bid in event the other individual does not complete the work as required.

Reconsider Resolution 2009-22 authorizing Trafficway Improvements

Quinn Bennion stated on September 8, 2009, the Governing Body adopted Ordinance 2205 designating City streets as trafficways. Certain streets designated in the ordinance were omitted in the official publication. To correct this publication problem, the Ordinance has been republished and bond counsel has recommended

Resolution 2009-22 be readopted by the Governing. Except for the new Resolution Number and the date of adoption, the resolution is the same as Resolution 2009-15 adopted on September 21, 2009.

Michael Kelly moved the Governing Body approve Resolution 009-22 authorizing certain main trafficway improvements and providing for the manner of paying for the same. The motion was seconded by Ruth Hopkins and passed unanimously.

NEW BUSINESS

Al Herrera apologized to staff for the comments made at the prior Council meeting stating that he had not verified the information he had been told and had discovered it was not accurate.

Diana Ewy Sharp reported on the National League of Cities Public Finance Committee which met during the recent NLC conference. The Committee is in agreement that the 2011 budgets will be as difficult as the 2010 budgets were for cities as states continue to struggle with their budgets. Cities have reported a 20 - 30% reduction in costs on recent projects that have been bid. Ms Ewy Sharp shared with the committee the most recent edition of the Village Voice and was complimented on the City's presentation of the City Budget to residents in that edition. She commended staff for the excellent communication piece.

Mayor Shaffer noted the distribution of the hardcopy of the city's 2010 budget and thanked Finance Director Karen Kindle for her work.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

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| Prairie Village Arts Council | 11/18/2009 | 7:00 p.m. |
| Parks & Recreation Committee | 11/18/2009 | 7:00 p.m. |
| Environment/Recycle Committee | 12/02/2009 | 7:00 p.m. |
| Council Committee of the Whole | 12/07/2009 | 6:00 p.m. |
| City Council | 12/07/2009 | 7:30 p.m. |

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The Prairie Village Arts Council is pleased to announce an exhibit by the Mid-America Pastels Society during the month of November.

Flu shots have been rescheduled for **November 18, 2009** from 7:30 - 9:00 a.m. at Public Works or 2:00 to 4:00 p.m. at City Hall. Flu Shots are available to Council Members for \$10.

The Northeast Johnson County Chamber of Commerce Annual dinner is November 21, at 6:00 p.m.

The City offices will be closed November 26th and 27th in observance of the Thanksgiving holiday. Deffenbaugh observes this holiday on November 26th with trash collection being delayed one day the remainder of the week.

The Municipal Foundation will be hosting the annual Mayor's Holiday Tree Lighting on Monday, November 30th at Corinth Square from 6:00 to 7:30 p.m.

The Johnson and Wyandotte Counties Council of Mayors Annual Holiday Social Dinner is December 2, 2009 at 5:30 p.m. at the Lodge at Ironwoods Park.

The Mayor's Holiday Volunteer Party is Friday, December 4, 2009 at 6:30 at the Homestead Country Club.

The Municipal Foundation will be hosting a Gingerbread House Decorating Party on Sunday, December 13th at the Community Center from 2:00 to 4:00 p.m.

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

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