

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Tuesday, January 3, 2006
7:30 p.m.**

I. CALL TO ORDER

II. ROLL CALL

III. PUBLIC PARTICIPATION

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 – December 19, 2005.
2. Approve Claims Ordinance 2622
3. Approval of Construction Change Order #3 for a deduction of \$2,583.08 and #4 for a deduction of \$65,080.09 to McAnany Construction for Project 190841 and the transfer of project unexpended funds to Capital Infrastructure Program Street Unallocated.
4. Approval of Construction Change Order #4 for a deduction of \$9,112.30 and #5 for a deduction of \$31,485.09 to McAnany Construction for Project 190847 and the transfer of project unexpended funds to Capital Infrastructure Program Street Unallocated.
5. Approval of Construction Change Order #1 for a deduction of \$9,214.11 and #2 is for a deduction of \$1,257.72 to McAnany Construction for Project 190848 and the transfer of project unexpended funds to Capital Infrastructure Program Street Unallocated.
6. Approve a letter of understanding with the Johnson County Department of Human Services and Aging for administration of the Utility Assistance Program for Prairie Village residents.
7. Ratify the Mayor's appointment of Richard Bills to the Prairie Village Sister City Committee for a three-year term expiring in April 2008 and Pam Marshall to the Prairie Village Arts Council to complete the unexpired term of Joan Kemp expiring in April, 2006.
8. Approve interim agreement for planning services with Bucher, Willis and Ratliff.

By Committee:

9. Affirm the decision of the ADA Compliance Committee denying the appeal of Mr. James Olenick (Council Committee of the Whole Minutes – December 19, 2005)
10. Direct staff to move forward with the construction of a sidewalk on the west side of Canterbury as approved by the City Council on November 21, 2005. (Council Committee of the Whole Minutes – December 19, 2005)
11. Adopt an ordinance to dissolve the current restricted residential parking district located on Eaton, 74th Terrace and 74th Street as the criteria required by the ordinance no longer exist. (Council Committee of the Whole Minutes – December 19, 2005)

V. OLD BUSINESS

VI. NEW BUSINESS

VII. ANNOUNCEMENTS

VIII. 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
January 3, 2006
-Minutes-**

The City Council of Prairie Village, Kansas, met in regular session on Tuesday, January 3, 2006 at 7:30 p.m. in the Council Chambers of the Municipal Building.

ROLL CALL

Mayor Ron Shaffer called the meeting to order with the following Council members responding to roll call: Bill Griffith, Ruth Hopkins, Steve Noll, Andrew Wang, Pat Daniels, Jeff Anthony, Wayne Vennard, Diana Ewy Sharp and David Belz.

Also present were: 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 Lauren Claas, Administrative Support Specialist.

PUBLIC PARTICIPATION

No one was present to address the Council.

CONSENT AGENDA

Ruth Hopkins asked for the removal of item #8 from the consent agenda – “Approve interim agreement for planning services with Bucher, Willis, and Ratliff.”

Jeff Anthony moved the approval of the Consent Agenda with the removal of Item #8 for Tuesday, January 3, 2006:

1. Approve Regular Council Meeting Minutes – December 19, 2005
2. Approve Claims Ordinance 2622.
3. Approval of Construction Change Order #3 for a deduction of \$2,583.08 and #4 for a deduction of \$65,080.09 to McAnany Construction for Project 190841 and the transfer of project unexpended funds to Capital Infrastructure Program Street Unallocated.
4. Approval of Construction Change Order #4 for a deduction of \$9,112.30 and #5 for a deduction of \$31,485.09 to McAnany Construction for Project 190847 and the transfer of project unexpended funds to Capital Infrastructure Program Street Unallocated.
5. Approval of Construction Change Order #1 for a deduction of \$9,214.11 and #2 is for a deduction of \$1,257.72 to McAnany Construction for Project 190848 and the transfer of project unexpended funds to Capital Infrastructure Program Street Unallocated.
6. Approval of a letter of understanding with the Johnson County Department of Human Services and Aging for administration of the Utility Assistance Program for Prairie Village residents.
7. Ratify the Mayor’s appointment of Richard Bills to the Prairie Village Sister City Committee for a three-year term expiring in April 2008 and Pam Marshall to the Prairie Village Arts Council to complete the unexpired term of Joan Kemp expiring in April, 2006.

By Committee:

8. Affirm the decision of the ADA Compliance Committee denying the appeal of Mr. James Olenick (Council Committee of the Whole Minutes – December 19, 2005)
9. Direct staff to move forward with the construction of a sidewalk on the west side of Canterbury as approved by the City Council on November 21, 2005. (Council Committee of the Whole Minutes – December 19, 2005)
10. Adopt an ordinance to dissolve the current restricted residential parking district located on Eaton, 74th Terrace and 74th Street as the criteria required by the ordinance no longer exist. (Council Committee of the Whole Minutes – December 19, 2005)

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

Mayor Shaffer stated that since Item #8 is relevant to his position with his firm, he will excuse himself from the Chamber and asked that Jeff Anthony, Council President, preside over the meeting.

Ruth stated that after long deliberation, she has some comments to make regarding item #8. Ruth moved to approve the interim agreement for planning services with Bucher, Willis, and Ratliff. Andrew Wang seconded the motion. Ruth also moved to amend the proposed Planning Advisory Services agreement with Bucher, Willis, and Ratliff by striking the first sentence in Article III, Section 2 and replacing it with the following sentence: This agreement shall be effective for a one-year period commencing January 1, 2006. Andrew Wang seconded the motion.

Jeff Anthony, Council President, stated that the first motion needs to be discussed before the second motion is made. Ruth replied that the amendment is on the floor legally and has already been seconded. Ruth then asked for a Call of Order. Charlie Wetzler replied that Ruth can amend the motion on the floor. Charlie then explained that the Council should discuss the amendment and then vote on the amendment. Jeff replied that they would then discuss the amendment.

Ruth made the following statement: “I believe that Mayor Shaffer’s involvement with Bucher, Willis, and Ratliff creates the appearance of a conflict of interest. However, I have also come to believe that my insistence on challenging his personal belief that no conflict exists is causing turmoil not only between us as council members, but also between us and the Planning Commission and the administrative staff. After much soul searching, I have decided that I am willing to change my vote in support of retaining Bucher, Willis, and Ratliff as our planning consultant for the year 2006. I believe that Mayor Shaffer must ultimately bear sole responsibility for his decision and any ramifications that may result. My vote tonight is not based on principle but on

practicality and the wish to end the discord. I ask that this statement be entered into the official minutes of this meeting.”

Ruth then repeated the amendment to the motion for the Council to review. Bill Griffith responded that he is trying to catch up and verified that the Council is looking at Article III, Section 2. Ruth explained that basically the amendment would change the agreement from an interim agreement on a month by month basis to a one-year agreement.

Diana Ewy Sharp stated that she was surprised that someone who was so adamantly opposed to the agreement a month ago is changing her mind. Diana feels that if Ruth is endorsing this, then she is carrying the burden rather than Mayor Shaffer. She feels that if we endorse it, we are carrying that burden. Diana then asked Ruth if the Mayor had talked to her about this particular matter and Ruth replied that she had no comment. Pat Daniels commented that he has always been supportive of this amendment and would like to commend the thinking not necessarily because it agrees with his thinking but it has involved some thinking that is not easy to go through. Pat then noted that he is supportive of this amendment. He also noted that the statement on the record may involve the Mayor but the amendment itself does not state that. Andrew Wang stated that he supports the motion because he has not changed his mind. Andrew also said that he is willing to bear the responsibility of the decision that is made here and, because of the authority and power the Council members have and the independence and authority that the Planning Commission has, that he does not have any problem working with a firm with which the Mayor is a member. Andrew also mentioned that there was an open process and there was no question whatsoever on the qualifications of the Executive Vice President at Bucher, Willis, and Ratliff to be our Planning Consultant.

Bill Griffith stated that one of the things that reaffirmed his position on this issue in the last 30 or 60 days was the controversy involving the proposed cell tower. He feels the city, prior to going to the Planning Commission, had given some cursory endorsement of that proposal going forward through the Parks and Recreation Committee as well as the Legislative Finance Committee which established a fee. After the committee established a fee, the Planning Consultant came back to the Planning Commission with a recommendation to approve the cell tower. Bill continued that he believes if the Planning

Commission agreed with the consultant, which they did not, he feels that we would have had a neighborhood that rightly or wrongly would have cried, very loudly, “foul” because a principal in the planning consultant’s firm was the Mayor of the City and that created the conflict. Bill Griffith reiterated that it highlights his concern that the perception of a conflict is as detrimental as a true conflict. Bill agreed that he has struggled with this too and feels there is not a vote that he would be 100% comfortable with but still thinks there is a problem.

Jeff Anthony said that the Council has a fiduciary responsibility to the people of Prairie Village and not necessarily to each other. He also said that he agrees with Bill and feels this is a conflict of interest whether there is one or not and will vote steadfastly against this.

Ruth then commented that she knows enough about numbers to know that she is outnumbered tonight and decided to go forward with this so that others in the city would realize that the general numbers are shifting and that this obviously will be coming back since it was returned to the Planning Commission.

Wayne Vennard asked that the vote be delayed until there is greater representation on the Council since there are a number of people absent.

Charlie asked Ruth if it was her intention to leave in the part of the contract that states that the city can terminate the 30 day interim. Ruth replied yes. Jeff asked if that could be done unilaterally and Charlie replied yes.

Wayne then asked if it were possible to delay a vote on this amendment until all representation of the Council were present. Ruth asked Wayne if he would just table. Wayne then moved to table. Jeff asked if there was any discussion. Diana stated that we do have an established forum here tonight and she would be voting against tabling this. Steve Noll stated that he does not know why the other members are not here tonight but they were all aware that this topic would come up so he feels that they have chosen to not be a part of the vote. Jeff then called to question the motion on tabling the motion. The motion failed with a five to four vote with Ruth Hopkins, Andrew Wang, Pat Daniels, and Wayne Vennard voting for the motion.

Jeff then asked if there was any further discussion on the amendment. Ruth repeated the motion, which was to approve a one-year agreement with Bucher, Willis and

Ratliff. Jeff asked for a vote. The motion failed with a five to four vote with Ruth Hopkins, Andrew Wang, Pat Daniels, and Wayne Vennard voting for the motion.

Jeff stated that they will be going back to the first motion which is to approve the interim agreement with Bucher, Willis, and Ratliff on a month to month basis as presented in your packets. Jeff asked if there was any discussion. A vote was taken and the motion passed.

Mayor Shaffer then returned to the Chambers to chair the remainder of the meeting.

COMMITTEE REPORTS

Mayor Ron Shaffer asked if there were any items for Committee Reports. Ruth had one item from the Legislative/Finance Committee – an addendum to the 2006 Legislative Program concerning the Mid-America Regional Council's transportation and infrastructure needs issue. Their recommendation is to include a statement requesting support of enabling legislation for regional public infrastructure systems and she would so move. Pat Daniels seconded the motion. Ruth added that this is just to have the Kansas Legislature enable us as a region to vote on this and we are not endorsing any particular transportation program. A vote was taken and the motion was passed.

Diana stated that they have set their first Villagefest Committee meeting for January 26, 2006 at 7:00 p.m. and would be happy to have new committee members so if you know of anyone, please encourage them to attend that meeting. Diana also stated that she does not have any new information from Meadowbrook so she cannot answer any questions about the proposal.

OLD BUSINESS

Pat Daniels inquired about the Village Vision project and whether it was losing steam. Doug Luther replied that ACP and ERA were to have produced a rough draft document a month ago but he only received the rough draft of the planned document last Thursday. He said that according to ACP and ERA, they had more work to do on it and that is the reason for delay. Pat then asked whether Doug was comfortable with the process. Doug replied that he was uncomfortable with the delay and is still reading the

draft so he cannot give all of his thoughts at this time, but now that we have something to discuss with ACP and ERA and with the Steering Committee, the process should move forward. Pat asked if the fact that the number of sessions was reduced from four to three was a factor in the delay. Doug replied that he feels that ACP and ERA are the cause of the delay, not the reduction in the number of public sessions. Pat asked if there needs to be a fourth session. Doug did not see the need. Pat asked if more committee feedback was needed. Doug replied that he feels the draft reflects what has happened so far, not necessarily feedback.

NEW BUSINESS

There was no New Business to come before the Council.

ANNOUNCEMENTS

The City has received a plaque from the National League of Cities for 30 years of membership and dedicated service. The Mayor thanked all of those who participate in those meetings on a yearly basis and who have been on committees and the board.

Committee meetings scheduled for the next two weeks include:

Planning Commission	1/03/2006	7:00 p.m.
Tree Board	1/04/2006	6:00 p.m.
Sister City	1/09/2006	7:00 p.m.
Park & Recreation Committee	1/11/2006	7:00 p.m.
Council Committee of the Whole (Tuesday)	1/17/2006	6:00 p.m.
City Council	1/03/2006	7:30 p.m.

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The Prairie Village Arts Council is pleased to feature a mixed media exhibit by Gary Mehl and Art Whorton in the R.G. Endres Gallery during the month of January. The opening reception will be held on January 13th, 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 30th, \$7,726.00 has been collected.

Remember to Mark Your Calendar for the Employee Appreciation Dinner on Friday, February 3, 2006 at the New Dinner theatre. Seating begins at 6 pm.

Holiday tree recycling is available until January 16th at Harmon Park, Franklin Park, Porter Park and Meadowlake Park.

There will be **no trash services** provided on Monday, January 16th in observance of the Martin Luther King Jr, holiday. Pick-up will be delayed one day all week.

City offices will be closed on January 16th in observance of the Martin Luther King Jr holiday.

The City Council will **NOT** meet on Monday, January 16th, but **will meet on Tuesday, January 17th.**

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 8:10 p.m.

Lauren Claas
Administrative Support Specialist