

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Council Chambers
Monday, August 19, 2019
6:00 PM**

#

I. **CALL TO ORDER**

II. **ROLL CALL**

III. **PLEDGE OF ALLEGIANCE**

IV. **APPROVAL OF THE AGENDA**

V. **INTRODUCTION OF STUDENTS & SCOUTS**

VI. **PRESENTATIONS**

JCPRD Presentation

VII. **PUBLIC PARTICIPATION**

(5 minute time limit for items not otherwise listed on the agenda)

VIII. **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. Approval of regular City Council meeting minutes - August 5, 2019
2. Appointment of Shannon Marcano as Assistant City Attorney

IX. **COMMITTEE REPORTS**

X. **MAYOR'S REPORT**

XI. **STAFF REPORTS**

XII. **OLD BUSINESS**

XIII. **NEW BUSINESS**

COU2019-39 Consider Approval of DELN0001 - Delmar and Fontana low water crossing removal and drainage project - amendment to design engineering contract with Water Resources Solutions, LLC
Keith Bredehoeft

XIV. **COUNCIL COMMITTEE OF THE WHOLE** (Council President presiding)

Discuss terms of office for elected officials
David Waters

Consider approval of an Ordinance (Chapter 11, Article 16) regulating
the use of Unmanned Aerial Vehicles (UAV's)
David Waters

Consider approval of sidewalk installation on Belinder from 73rd
Street to 75th Street
Keith Bredehoeft

XV. **ANNOUNCEMENTS**

XVI. **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 385-4616, 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



**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
AUGUST 5, 2019**

The City Council of Prairie Village, Kansas, met in regular session on Monday, August 5, 2019, at 6:00 p.m. in the Council Chambers at the Municipal Building, 7700 Mission Road, Prairie Village, Kansas. Mayor Mikkelson presided.

ROLL CALL

Roll was called by the City Clerk with the following Council Members in attendance: Jori Nelson, Serena Schermoly, Ron Nelson, Andrew Wang, Sheila Myers, Brooke Morehead, Dan Runion, Courtney McFadden, Ted Odell and Terrence Gallagher. Staff present: Tim Schwartzkopf, Chief of Police; Melissa Prenger, Public Works; Wes Jordan, City Administrator; Jamie Robichaud, Deputy City Administrator; Lisa Santa Maria, Finance Director; Adam Geffert, City Clerk.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Ms. Nelson made a motion to approve the agenda for August 5, 2019. Mrs. Myers seconded the motion, which passed unanimously.

INTRODUCTION OF STUDENTS & SCOUTS

No students or scouts were in attendance.

PRESENTATIONS

Kansas City Power and Light Customer Solutions Manager Rebecca Galati provided information about the company's recent merger with Westar Energy and reviewed the following information: size of the current service territory; reasons for outages; the restoration and prioritization process; the tree canopy per mile in Prairie Village; 2017-2019 storm impacts; and addressing proactive assessment of four of the worst performing circuits that impact City residents. Ms. Galati stated that she would report those findings once the study is completed, and provide follow-up information to specific Council questions.

PUBLIC HEARING

Lisa Santa Maria presented the final version of the 2020 budget, noting that the mill rate of 19.314 would remain the same as 2019. She added that the overall increase from 2019 was approximately 2%, and the "all-in" total was \$39 million. No one was present to speak during the public participation portion of the hearing. The budget fully funds all programs and includes a \$500,000 contingency fund in addition to a 25% target fund balance.



Mr. Odell moved the City Council approve the 2020 budget as presented. The motion was seconded by Mr. Nelson, and passed 10-0.

PUBLIC PARTICIPATION

- Charles Schollenberger, 3718 W. 79th Terrace, shared his concerns with power outages in the City, and stated that he was happy to see they were being addressed by Council.
- Molly Logan, 5109 W. 73rd Street, spoke about the Borgen project, an effort to reduce global poverty. She urged Councilmembers to contact Congressional representatives expressing their support. Mayor Mikkelson recommended Ms. Logan work with her Council representatives, adding that the City could issue a resolution about the project, if deemed appropriate.

CONSENT AGENDA

Mayor Mikkelson asked if there were any items to remove from the consent agenda for discussion:

1. Approval of regular City Council meeting minutes - July 15, 2019
2. Approval of expenditure ordinance #2980
3. Approve Boy Scout Troop 98's short-term special use permit application
4. Approve the 2020 Mission Hills contract and the 2020 Mission Hills budget
5. Approve school crossing guard agreement with All City Management Services
6. Approve request for alcoholic beverage waiver for Harmon Park for the Prairie Village Jazz Festival
7. Approve Enterprise fleet management lease program for City vehicles

Mrs. Myers made a motion to approve the consent agenda as presented, and Mr. Nelson seconded.

A roll call vote was taken with the following votes cast: "aye": J. Nelson, Schermoly, R. Nelson, Wang, Myers, Morehead, Runion, McFadden, Odell, Gallagher.

COMMITTEE REPORTS

Ms. Nelson stated that she and City staff met with two companies, Compost Collective and Glass Bandit, to discuss curbside compost and glass recycling. A presentation will be made to Council in September.

Ms. Nelson added that applications for the Teen Council will be available soon.

Mrs. Schermoly reminded Councilmembers that the annual JazzFest event would take place on September 7th, and that volunteers were needed.



MAYOR'S REPORT

Mayor Mikkelson reported the following:

- The Mayor commended staff for the second quarter financial report of the 2019 budget, noting that expenditures were lower than projected. He also acknowledged Public Safety staff for reduced crime statistics through the first six months of the year.
- If approved by the Library Board, an RFP for the Community Center study will be published on August 9th. The Mayor has created an ad-hoc committee to guide the process: Mrs. Myers will chair the Committee, and be joined by Mr. Runion, Mr. Herring, Mr. Poling, Mrs. Morehead, and one citizen member, Randy Knight.
- The Mayor attended a Planning Commission work session to discuss an updated version of Village Vision, the City's comprehensive plan. Community outreach programs will be forthcoming.
- The Shawnee Mission School District's State of the Schools luncheon will take place on August 15th.
- A dedication ceremony will be held for the naming of Shaffer Park on Saturday, September 28th.
- The Mayor, along with Chief Schwartzkopf and Major Roberson will present at a meeting of the Johnson County chapter of the NAACP on August 10th.

STAFF REPORTS

Public Safety

- Chief Schwartzkopf reported that National Night Out would take place at Prairie Village Shopping Center on August 6th from 6:00 p.m. to 8:00 p.m. Additionally, the Cone with a Cop event would be held on August 9th at TCBY from 1:00 p.m. to 3:00 p.m.

Public Works

- Melissa Prenger provided updates on construction projects, including the road replacement on Roe from 63rd to 67th Streets, Somerset south of 83rd Street for the Delmar-Fontana project, and others.

Administration

- Lisa Santa Maria stated that copies of the second quarter financial report were available for those in attendance. She added that research is still being done to determine how the "dark store theory" could affect the City. Finally, she noted that although reduced sales tax revenues have been a problem for surrounding cities in 2019, they had not been an issue in Prairie Village.
- Jamie Robichaud said that community input sessions for Phase II of the Village Vision 2.0 update would be held on September 9th and 12th at the Meadowbrook Activity Center. Gould Evans will provide a presentation, followed by roundtable discussions.



- David Waters stated that possible changes to terms of office would be discussed at the next Council meeting. In 2015, when the state moved elections from the spring to the fall, the new legislation required all elected officials to take office on the second Monday in January. This caused issues for cities such as Prairie Village, which do not hold meetings on that date. In 2019, the Kansas legislature passed Senate Bill 105, allowing cities to pick their own date, which can be any time between the first Monday in December and the second Monday in January. Mr. Waters added that many other cities have selected the first Monday in December, but that Council could choose any date within the provided time period.

Mrs. Morehead and Mr. Odell shared concerns about moving to the first Monday in December, noting that it would shorten existing terms by over a month.

- Wes Jordan stated that he appreciated the effort Rebecca Galati had made to address power outage issues in the City.

Mr. Jordan added that a third draft of the drone ordinance would be presented at the August 19th meeting. Additionally, representatives from the Johnson County Parks and Recreation District will be present to provide an update on the next development phases at Meadowbrook Park.

OLD BUSINESS

There was no old business to come before the Council.

NEW BUSINESS

COU2019-37 Consider approval of 2019 waste tire grant projects

Ms. Prenger shared that the Kansas Department of Health and Environment (KDHE) launched a waste tire management program in January, 2019. Tires are a valuable resource for parks because they can be incorporated into hard surfaces which are ADA compliant. The grant is a 50/50 cost share between KDHE and the City, and if approved, would provide new hard surfaces at the playgrounds located at Franklin Park and Weltner Park. Similar projects are planned to be completed at other City parks in the future. Funding for the project comes from the ADA reserve fund that is a part of the CIP budget.

Mr. Odell moved the City Council approve the project as presented. The motion was seconded by Mr. Nelson, and passed 10-0.

COU2019-38 Consider approval of addendum #1 to construction administration agreement with TREKK Design Group for 2019 paving and CARS programs



Ms. Prenger stated that TREKK Design Group currently provides contract inspection services to supplement the inspectors that work for the City. At this time, there are the equivalent of four full-time inspectors to administer the City's construction projects. TREKK inspectors were hired to finish 2018 inspections and were also able to complete some 2019 inspections with funds left over from the 2018 contract. This addendum will allow for the completion of 2019 inspections. Funding is available in the 2019 paving program for the contract.

Mr. Odell moved the City Council approve the agreement addendum as presented. The motion was seconded by Mr. Gallagher, and passed 10-0.

Mrs. Morehead made a motion that the City Council move to the Council Committee of the Whole portion of the meeting. The motion was seconded by Mr. Nelson and passed unanimously.

COUNCIL COMMITTEE OF THE WHOLE

Consider revision to solicitor regulations - Chapter 5, Article 2

Adam Geffert stated that the City faced challenges in dealing with some solicitors, and was seeking guidance from Council on how to strengthen licensing requirements and provide options for addressing problematic solicitors. He reviewed the current process, noting that the City had received complaints about solicitors from residents due to overly aggressive sales techniques, refusing to leave when asked and ignoring "no solicitors" signs. Regulations from several surrounding cities were shared for comparison. Mr. Geffert reviewed a number of recommendations to improve the process.

Mr. Odell shared his concern with making regulations too restrictive, noting that doing so could hurt small businesses and community-based fundraising efforts. Mrs. Schermoly asked for clarification on which businesses would require City licenses; Mr. Geffert stated he would provide additional information to Council after the meeting. Mrs. Myers suggested staff revise the ordinance with proposed recommendations and bring it back to Council for approval at a future meeting.

New Business

There was no new business to come before the Council Committee of the Whole.

Ms. Nelson moved that the City Council end the Council Committee of the Whole portion of the meeting. Mrs. Schermoly seconded the motion which passed unanimously.



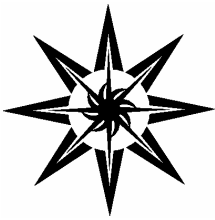
ANNOUNCEMENTS

Announcements were included in the Council packet.

ADJOURNMENT

With no further business to come before the City Council, Mayor Mikkelson declared the meeting adjourned at 8:15 p.m.

Adam Geffert
City Clerk



Appointment of Shannon Marcano as Assistant City Attorney

BACKGROUND

Shannon Marcano has served as assistant city attorney for the City for several years, and the Mayor is requesting her reappointment to this role. Ms. Marcano's work for the City on past projects includes our solid waste contract with Republic Services and the renegotiation of our lease agreements with Sprint, Verizon, and AT&T for the city-owned cell tower. We utilize the assistant city attorney role when the city attorney has conflicts of interest that arise. Lathrop Gage is the attorney for the YMCA, so the City will be using Ms. Marcano for any legal work associated with the proposed new community center/YMCA project.

Ms. Marcano's letter of engagement is attached for the Council's review. Her fee is \$215 an hour, which will be paid out of the City's legal services budget. We budget \$175,000 per year for legal services, and, to date, the City has only spent \$66,700, or 38% of the total annual budget. Staff believes Ms. Marcano's work on the community center project can be absorbed within the current legal services budget.

ATTACHMENTS

Engagement letter

PREPARED BY

Jamie Robichaud
Deputy City Administrator
Date: August 15, 2019

July 31, 2019

Wes Jordan
City Administrator
City of Prairie Village
7700 Mission Road
Prairie Village, KS 66208

Re: Engagement Letter for Legal Services

Dear Mr. Jordan:

Thank you for the opportunity to present to you this Engagement Letter for legal services for the City of Prairie Village, Kansas (the “City”). These services will not include prosecutorial services. In establishing the attorney-client relationship, we believe that it is good practice to set forth in some detail, for future reference from time to time, our mutual understanding as to the scope of our representation and the terms of our employment. While, perhaps, most of the matters covered in this letter will never be relevant or of concern between us, we want to try to make communication clear and complete from the inception of this engagement, and to anticipate and resolve questions before they arise. Also, we believe that since performance of our services may require your joint effort and cooperation, the better our mutual understanding of our respective roles, responsibilities and contributions, the more efficient, effective and economical our work for you can be.

Scope of Services

We understand that the City is our client for this matter. The scope of services will be limited to the potential community center project, and any other matter that may be requested in writing by Mr. Jordan and accepted by me. We expect that most of our primary contact during this representation will be through you, Mr. Jordan, and other members of the City’s administration. We will keep you informed about the advice and other legal services we provide. Unless you advise us otherwise, we will send all bills to your attention.

Communication by E-Mail

Many communications in business occur by e mail. This is not as secure a form of communication as letters through the U.S. mail. If you would like to use e-mails, your signature on this engagement letter acts as consent to communication between us by e mail. As

appropriate in relation to a specific matter or action communication will occur via U.S. mail as well.

Termination of Representation / Additional Services

It is agreed that the attorney-client relationship with respect to these services will be considered terminated upon our completion of the services that you have retained us to perform under this engagement, provided however that you may terminate this engagement at any time. If you retain us to perform further or additional services, our attorney-client relationship will be revived subject to our additional discussions with you on that matter and subject to the terms of a new engagement letter or the supplementation of this letter.

Your Legal File

You are entitled, upon written request, to any files in our possession relating to the legal services performed by us for you in this matter (excluding our internal accounting records and other documents not reasonably necessary to your representation), subject to our right to make copies of any files withdrawn by you. Under our document retention policy, we normally destroy our legal files seven years after the matter is closed; however, we understand that political subdivision files may require a longer document retention.

Supervision and Delegation

I will be the attorney who will coordinate and oversee the services we perform on your behalf. We routinely delegate selected responsibilities to other persons in our firm when, because of special experience, time availability or other reasons, they are in a better position to carry them out. In addition, we will try, where feasible, to delegate tasks to persons who can properly perform them at the least cost to you, including the use of paralegals where appropriate. In addition, I routinely use the services of the Hunter Law Group, P.A. to provide expertise and support when matters require it. If we wish to engage any attorneys on your behalf other than the Hunter Law Group, we must receive your advance approval in writing. We have received written assurances from the Hunter Law Group that they do not have any conflicts of interest with respect to the City or the matters on which we engage them on your behalf. We have received an engagement letter with the Hunter Law Group, with the City as a third party beneficiary, with substantially the same terms and protections for the City as this Engagement Letter. We agree to manage and supervise the attorneys of the Hunter Law Group on your behalf. They will bill us and we will pass through those fees on our monthly statement to you.

Financial Arrangements

I am enclosing a Terms of Representation memorandum which outlines the terms of our engagement. Please read the memorandum carefully so that you will fully understand the

financial commitments you are making. With respect to the hourly rates referred to in the Terms of Representation memorandum, I have a discounted hourly rate of \$215.00, and an hourly rate of \$125 for paralegals. The Hunter Law Group, P.A., has an hourly rate of \$250 for its attorneys, \$225 for associates, and \$125 for its paralegals. If anything in the financial arrangements presents a problem to you or is unclear, please advise me promptly so that we may discuss it and reach a full understanding.

Periodically, our firm prepares marketing materials in which we include the names of selected clients and sometimes a brief description of a significant project on which we worked. If we include our representation of you in these materials, we will not include information about any specific transaction that is not otherwise publicly available without your prior approval. We acknowledge, understand and respect the confidential nature of the banking privacy requirements.

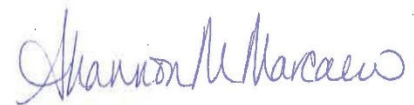
We are pleased to serve as your counsel and to have you as a client, and we look forward to a mutually satisfactory and beneficial relationship. Our effectiveness and your best interests are enhanced by an atmosphere of candor and confidence between us, not only as to the facts and circumstances of the legal issues on which we are working, but also as to the client-attorney relationship itself. Any changes in the terms of this Engagement Letter must be approved by you in writing. Please feel free to discuss with us any question or concern you might have about this relationship.

We are hopeful that this letter and the accompanying memo adequately explain the scope and terms of our services and representation. If it does and you are in agreement with it, then please indicate your affirmation of this by signing the enclosed copy of this letter and returning it to me for our files.

We appreciate the opportunity to handle this matter and look forward to a mutually beneficial relationship.

If you have any questions, please give me a call.

Very truly yours,



Shannon M. Marcano

SMM

APPROVED:

Wes Jordan

Approved: _____ Date: _____

TERMS OF REPRESENTATION

Confirmation of Services. Local Law, LLC, is pleased to have this opportunity to serve you. Our goal is to provide you with quality and efficient legal services. We have found from past experience that our relationship will be stronger and more effective when at the beginning there is a clear understanding of the services we will perform, the fees we intend to charge for such services, and the terms for payment. If what is set forth in the accompanying letter or in these Terms of Representation does not accurately describe your understanding of the services we are to perform or the terms for billing fees and expenses, please advise the attorney sending you the letter.

Attorneys and Others to Assist in Providing Services. When it is appropriate for your particular project, we intend to assign parts of your work to other lawyers, paralegals, law clerks and document clerks. Often these individuals specialize in certain areas, and we have found that allocating work to them allows us to produce higher quality work in a more efficient manner. In such an event, however, one attorney will be designated as your primary contact within the firm. This attorney will supervise the work and will be responsible to you for the entire assignment. The attorney who signed the accompanying letter will serve in that capacity for the work indicated.

Billing and Hourly Rates. Our fees and expenses will be billed as stated here unless otherwise agreed in the attached letter. We generally bill for professional services on an hourly basis and record time in units of .1 of an hour.

Hourly time charges reflect the time spent on the matter, including legal research, meetings, telephone conferences, document drafting, court appearances, transactions closings, and travel in connection with your affairs. We do not charge for attorney administrative time or for time spent in maintaining a general, current knowledge of the law. In addition, we bill on a per-item basis

for computerized research (Westlaw services, Dun & Bradstreet, etc.), filing fees and related court or county expenses, conference call and telephone charges, delivery and FAX charges, special database storage when established at your request, photocopying, and travel expenses.

Fees Not Contingent and Due Within Thirty Days. Payment is due within 30 days of the receipt of the invoice. If the firm has not received any comment about the invoice within 30 days of its receipt, we will assume that you find it acceptable. Payment is to be made by check or draft payable to Local Law, LLC.

If any of our invoices remain unpaid for more than 60 days, we may, consistent with our ethical and court imposed obligations, cease to perform services until satisfactory arrangements have been made for the payment of the unpaid invoices and future fees. In fairness to our many clients who promptly pay their invoices each month, we reserve the right to take appropriate action with respect to such delinquent accounts.

Conflicts. Any known actual or potential conflicts are discussed in the accompanying letter. In addition, you are no doubt aware that our firm represents many companies and individuals. It is possible that during the time we are representing you or your company, that some of our present or future clients will have disputes or transactions with you or your company. We will promptly bring to your attention in writing any conflicts that materialize.

Attorney-Client Communication. Our invoices generally contain information protected by the attorney client privilege. The privilege could be deemed waived if someone other than the client sees the privileged material. Therefore, we recommend that you keep all of our invoices in a segregated file marked "Attorney-Client Privileged Material" and keep the file in a secure place.

Payment of Third-Party Expenses. The firm prefers that you pay directly any significant outside expense items related to your file and, when possible, we will direct such expenses to you for payment. Therefore, we often ask our vendors to bill our clients directly rather than having us incur the expense and then including the amount on our invoice.

Termination of Services and Representation. You may terminate our services at any time. Termination of our representation does not, however, relieve you from the responsibility of paying those fees and expenses incurred through the date we were notified of such termination. Similarly, we may withdraw from this representation for a number of reasons, including failure to promptly pay the amounts indicated in our invoices; failure to disclose all facts material to our representation; failure to act in accordance with our advice; or development of one or more circumstances which, in our judgment, impair our ability to continue an effective attorney client relationship. In the event we terminate the engagement, we will take such steps as are reasonably practicable to protect your interests in the matters in which we are representing you.

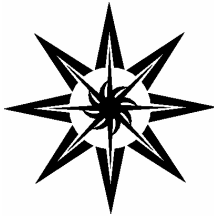
Following termination, any nonpublic materials you have supplied to us which are retained by us will be kept confidential in accordance with applicable rules of professional conduct. At your request, our papers or property will be returned to you promptly. Our own files, including lawyers' work product, pertaining to the matter will be retained by the firm for seven years except as otherwise provided in the Engagement Letter.

Completion of Matter. After a particular matter is completed, we do not (unless you specifically request in writing that we do so) undertake to continue to review that matter and update you concerning legal developments, such as changes in applicable laws or regulations. If you do ask us to review a specific matter on which we have previously worked, we will consider that to be a new representation. Thus, while we may, from time to time, call to your attention issues or legal developments that might be relevant to your operations, we are not undertaking to do that as a part of this representation.

Client Confidences. Our clients are engaged in a wide variety of businesses throughout the country. From time to time we represent clients who are industry competitors. In order to ensure confidentiality, we will not (unless you specifically grant us the authority to do so) discuss or otherwise make available to anyone, including other clients, any information about you, your business, or our work on your behalf.

No Guarantee of Success. We will perform our professional services on your behalf to the best of our ability, but we cannot make, and have not made, any guarantees regarding the outcome of our work on your project. Any expressions by us about the outcome of your project are our best professional views only and are limited by our factual knowledge at the time they are expressed.

Acceptance of Terms. The accompanying letter should correctly and completely set forth our mutual understanding of the terms of our engagement. Please sign a copy of it and return it to our offices for our files. Please let us know in writing immediately of provisions that are not agreeable, if any. Otherwise, our work will proceed in accordance with these terms.



PUBLIC WORKS DEPARTMENT

Council Meeting Date: August 19, 2019

COU2019-39 CONSIDER APPROVAL OF DELN0001- DELMAR AND FONTANA LOW WATER CROSSING REMOVAL AND DRAINAGE PROJECT-AMENDMENT TO DESIGN ENGINEERING CONTRACT WITH WATER RESOURCES SOULTIONS, LLC

RECOMMENDATION

Move to approve amendment to design engineering contract with Water Resources Solutions, LLC in the amount of \$21,622 for Project DELN0001 for the Delmar and Fontana low water crossing removal and drainage project.

BACKGROUND

This amendment is to the engineering design contract for the addition of landscape architecture services, which was not part of the original scope and fee. The landscape architecture firm, Landworks Studio, was added to assist with the design and implementation of the landscape restoration. The project's channel and culvert improvements impacted a significant amount of mature landscape in the project area. The added scope for landscape design includes individual meetings with residents during easement acquisition, landscape design renderings for residents, landscape plans, and coordination during landscape installation.

Most of the design services occurred in the fall of 2018 and was helpful during easement acquisitions. Landscape restoration is scheduled to begin in the fall of 2019 and be completed in the spring of 2020.

The project is currently under construction and we do not anticipate additional changes to the design contract.

FUNDING SOURCE

Funds are available in the CIP under DELN0001.

Revised contract totals:

Original Contract Amount	\$353,716.00
Additional services	\$ 21,622.00
New Contract Total	\$375,338.00

ATTACHMENTS

1. Design Amendment Agreement with Water Resources Solutions, LLC

PREPARED BY

Cliff Speegle, Project Manager

August 12, 2019

AMENDMENT NO. 1 TO AGREEMENT BETWEEN OWNER AND ENGINEER

Reason for the Amendment:

Landworks Studio, LLC has been added to the project team as the landscape architect. This amendment cover their fee.

1. Contract Information

- a. **Effective Date of the Agreement between Owner and Engineer** February 5, 2018
- b. **OWNER** City of Prairie Village, Kansas
- c. **ENGINEER** Water Resources Solutions, LLC
- d. **Project** Delmar/Fontana Low-Water Crossing Removal and Stormwater Improvements

2. Description of Modifications


Original Contract Amount: \$353,716.00
Additional Fee Amount: \$21,622.00
New Contract Total: \$375,338.00

ENGINEER and OWNER hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is July 31, 2019.

OWNER:
City of Prairie Village, Kansas

ENGINEER:
Water Resources Solutions, LLC

By: Eric Mikkelson

By: 
Donald W. Baker, P.E.

Title: Mayor

Title: Owner

Date Signed: _____

Date Signed: 7-31-19



ADMINISTRATION

City Council Committee Date: August 19, 2019

Discuss Terms of Office for Elected Officials

BACKGROUND

In 2015, the Kansas Legislature amended certain statutes relating to city elections, including requiring that elected officials take office on the second Monday in January following the city general election. This caused issues for many cities that did not have a regularly scheduled meeting on that second Monday. In the last legislative session, the 2019 Kansas Legislature enacted Senate Bill 105 to allow a city to establish a term of office on or after December 1 following certification of the election, giving cities more flexibility for when elected officials could be sworn in.

Staff proposes aligning the swearing in with one of the following regularly scheduled meeting of the City Council:

- The first meeting in December
- The second meeting in December
- The first meeting in January

Prior to the changes in 2015 when elections were in the spring, the term of office for newly elected city officials commenced with and included the first regular meeting of the governing body following certification of the election.

ATTACHMENTS

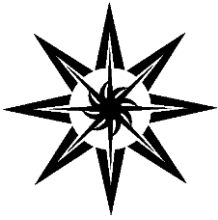
N/A

PREPARED BY

Alley Porter

Assistant City Administrator

Date: August 15, 2019



COUNCIL COMMITTEE

Council Committee Meeting Date: August 19, 2019

Consider approval of an Ordinance (Chapter 11, Article 16) regulating the use of Unmanned Aerial Vehicles (UAVs)

BACKGROUND

As part of the Council Initiative List, the Governing Body asked the City Attorney and Staff to draft an ordinance regulating unmanned aerial vehicles (aka “drones”) that may potentially pose a threat to the public safety as well as welfare concerns such as privacy, nuisance, and trespass concerns.

Draft 2 of the proposed ordinance was discussed at the April 15, 2019, City Council meeting. Council voted 7-5 to move consideration forward with direction to bring a finalized draft back to Council after consultation with the City Prosecutor.

COUNCIL DIRECTION/OPTIONS

The City Attorney/Staff would like to discuss Draft 3 of the ordinance and receive Council feedback. If the Council is satisfied with the outlined revisions, a motion could be made for approval and the ordinance would move forward with final approval at the September 3rd Council meeting.

ATTACHMENTS

- Draft 3 Ordinance 11-1601 through 11-1605

Prepared By:

Wes Jordan
City Administrator
Date: August 13, 2019

ORDINANCE NO. _____

AN ORDINANCE RELATED TO THE REGULATION OF UNMANNED AERIAL VEHICLES (UAVs/DRONES), ESTABLISHING NEW ARTICLE 16 ENTITLED "UNMANNED AERIAL VEHICLES" TO CHAPTER XI, PUBLIC OFFENSES & TRAFFIC, TO THE CODE OF THE CITY OF PRAIRIE VILLAGE, KANSAS.

WHEREAS, the Governing Body of and for the City of Prairie Village, Kansas, finds that unregulated use of unmanned aerial vehicles (UAVs) throughout the City has the potential to pose a threat to the public health, safety and welfare and may create public health, safety and welfare concerns, including, but not limited to, privacy, nuisance and trespass concerns.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS:

Section 1. A new Article 16 entitled "Unmanned Aerial Vehicles" is hereby established in Chapter XI (Public Offenses & Traffic) of the Code of the City of Prairie Village, Kansas, as follows:

ARTICLE 16. UNMANNED AERIAL VEHICLES

11-1601

DEFINITIONS. For purposes of this Article, the following terms and phrases shall have the meaning set forth below:

- A. "City airspace" means the airspace above the land and waterways within the jurisdiction of the City.
- B. "Recreational purposes" means any purposes governed or regulated pursuant to 49 U.S.C. 44809 (Section 349) of the FAA Reauthorization Act of 2018. "Recreational purposes" may include, but are not limited to, enjoyment, educational, or hobby purposes not otherwise governed or regulated as provided in Section 11-1603 of this Article.
- C. "Operate" means to pilot, steer, direct, fly or manage a UAV through the air. The term "operate" includes managing or initiating a computer system that pilots, steers, directs, flies or manages a UAV.
- D. "Surveillance" means the gathering, without permission and in a manner that is offensive to a reasonable expectation of privacy, of visual images, physical impressions, sound recordings, data, or other information involving the private, personal, business, or familial activities of another person, business or entity, or that otherwise intrudes upon the privacy, solitude, or seclusion of another person, business or entity, regardless of whether a physical trespass on to real property owned, leased, or otherwise lawfully occupied by such other person, business or entity, or into the city airspace above real property owned, leased, or otherwise lawfully occupied by such other person, business or entity occurs in connection with such surveillance.
- E. "Unmanned aerial vehicle" or "UAV" means an aircraft that (1) is operated without the possibility of direct human

intervention from within or on the aircraft, and (2) weighs less than 55 pounds at the time of operation, including the weight of any payload or fuel.

- F. "Weapon" means any instrument, article or substance that, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or serious physical injury.

11-1602

OPERATING REGULATIONS. All UAVs shall be operated in accordance with the Academy of Model Aeronautics Safety Code or such other community-based safety guidelines as the City may approve from time to time. Except as otherwise provided in Section 11-1603, and unless any of the following prohibitions are superseded by applicable state or Federal law, no person shall operate any UAV for recreational purposes in city airspace:

- A. intentionally or ~~recklessly~~negligently, ~~directly over and in such proximity to~~ any person who is not involved in the operation of the UAV that is offensive to a reasonable expectation of safety from bodily harm, without such person's consent;
- B. intentionally or ~~recklessly~~negligently, over an individual or over an open-air event venue wherein more than one hundred (100) individuals are gathered for such event, without the consent of both the venue owner or operator and the event sponsor or organizer;
- C. intentionally or ~~recklessly~~negligently, over property that the operator does not own, without the consent of the property owner or such other person lawfully occupying the property; and subject to any restrictions that may be placed on the operation by the property owner or such other person lawfully occupying the property; provided, that the foregoing shall not prohibit operation of a UAV for recreational or hobby purposes in a city-owned park so long as the operator and UAV comply with all other requirements and restrictions of this Article;
- D. ~~intentionally or recklessly~~, for the purposes of conducting surveillance;
- E. while under the influence of alcohol, or other drug or drugs, that renders the operator incapable of operating the UAV;
- F. that is equipped with a firearm or other weapon; or
- G. otherwise in a reckless or careless manner.

11-1603

LIMITATIONS ON OPERATING REGULATIONS.

- A. Commercial operations Authorized by the FAA. Notwithstanding the provisions of Section 11-1602, nothing in this Article shall be construed to prohibit, limit or otherwise restrict any person who is authorized to fly a UAV as a commercial pilot pursuant to 14 CFR Part 107

(drones under 55 pounds) or under the *Special Authority for Certain Unmanned Aircraft Systems* at 49 USC § 44807 (drones over 55 pounds) by or other Federal Aviation Administration grant of authority for a specific flight operation(s), from conducting such operations(s) in accordance with authority granted by the Federal Aviation Administration.

B. Operations Prohibited by FAA—Clarification. Nothing in this Article shall be construed to authorize the operation of UAVs in city airspace in violation of any Federal statute or rules promulgated thereunder, including, but not limited to, any temporary flight restrictions or notices to airmen issued by the Federal Aviation Administration.

C. Operations by City for Law Enforcement Purposes. Notwithstanding the provisions of Section 11-1602, nothing in this Article shall be construed to prohibit or restrict the use of a UAV by a law enforcement agency or for emergency response operations in accordance with applicable law.

11-1604 SEVERABILITY. Severability is intended throughout and within the provisions of this Article. If any section, subsection, sentence, clause, phrase, or portion of this Article is held to be invalid, illegal, or unconstitutional by any court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Article.

11-1605 ~~[NOTE TO DRAFT: Discuss adding provision on enforcement, or what class of violation it should be, should this ordinance be breached. Mission Hills ordinance is silent.]~~ **PENALTY.** Violation of ~~Peeping Tom Ordinance~~ this article is a Class ~~A violation.]~~ **C misdemeanor.**

Section 2. This ordinance shall take effect and be enforced from and after its passage, approval, and publication as provided by law.

PASSED by the City Council of the City of Prairie Village, Kansas on _____, 2019.

APPROVED:

Eric Mikkelson, Mayor

ATTEST:

Adam Geffert, City Clerk

APPROVED AS TO LEGAL FORM:

David E. Waters, City Attorney

ORDINANCE NO. _____

AN ORDINANCE RELATED TO THE REGULATION OF UNMANNED AERIAL VEHICLES (UAVs/DRONES), ESTABLISHING NEW ARTICLE 16 ENTITLED "UNMANNED AERIAL VEHICLES" TO CHAPTER XI, PUBLIC OFFENSES & TRAFFIC, TO THE CODE OF THE CITY OF PRAIRIE VILLAGE, KANSAS.

WHEREAS, the Governing Body of and for the City of Prairie Village, Kansas, finds that unregulated use of unmanned aerial vehicles (UAVs) throughout the City has the potential to pose a threat to the public health, safety and welfare and may create public health, safety and welfare concerns, including, but not limited to, privacy, nuisance and trespass concerns.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS:

Section 1. A new Article 16 entitled "Unmanned Aerial Vehicles" is hereby established in Chapter XI (Public Offenses & Traffic) of the Code of the City of Prairie Village, Kansas, as follows:

ARTICLE 16. UNMANNED AERIAL VEHICLES

11-1601

DEFINITIONS. For purposes of this Article, the following terms and phrases shall have the meaning set forth below:

- A. "City airspace" means the airspace above the land and waterways within the jurisdiction of the City.
- B. "Recreational purposes" means any purposes governed or regulated pursuant to 49 U.S.C. 44809 (Section 349) of the FAA Reauthorization Act of 2018. "Recreational purposes" may include, but are not limited to, enjoyment, educational, or hobby purposes not otherwise governed or regulated as provided in Section 11-1603 of this Article.
- C. "Operate" means to pilot, steer, direct, fly or manage a UAV through the air. The term "operate" includes managing or initiating a computer system that pilots, steers, directs, flies or manages a UAV.
- D. "Surveillance" means the gathering, without permission and in a manner that is offensive to a reasonable expectation of privacy, of visual images, physical impressions, sound recordings, data, or other information involving the private, personal, business, or familial activities of another person, business or entity, or that otherwise intrudes upon the privacy, solitude, or seclusion of another person, business or entity, regardless of whether a physical trespass on to real property owned, leased, or otherwise lawfully occupied by such other person, business or entity, or into the city airspace above real property owned, leased, or otherwise lawfully occupied by such other person, business or entity occurs in connection with such surveillance.
- E. "Unmanned aerial vehicle" or "UAV" means an aircraft that (1) is operated without the possibility of direct human

intervention from within or on the aircraft, and (2) weighs less than 55 pounds at the time of operation, including the weight of any payload or fuel.

- F. "Weapon" means any instrument, article or substance that, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or serious physical injury.

11-1602

OPERATING REGULATIONS. All UAVs shall be operated in accordance with the Academy of Model Aeronautics Safety Code or such other community-based safety guidelines as the City may approve from time to time. Except as otherwise provided in Section 11-1603, and unless any of the following prohibitions are superseded by applicable state or Federal law, no person shall operate any UAV for recreational purposes in city airspace:

- A. intentionally or negligently, and in such proximity to any person who is not involved in the operation of the UAV that is offensive to a reasonable expectation of safety from bodily harm, without such person's consent;
- B. intentionally or negligently, over an individual or over an open-air event venue wherein more than one hundred (100) individuals are gathered for such event, without the consent of both the venue owner or operator and the event sponsor or organizer;
- C. intentionally or negligently, over property that the operator does not own, without the consent of the property owner or such other person lawfully occupying the property; and subject to any restrictions that may be placed on the operation by the property owner or such other person lawfully occupying the property; provided, that the foregoing shall not prohibit operation of a UAV for recreational or hobby purposes in a city-owned park so long as the operator and UAV comply with all other requirements and restrictions of this Article;
- D. for the purposes of conducting surveillance;
- E. while under the influence of alcohol, or other drug or drugs, that renders the operator incapable of operating the UAV;
- F. that is equipped with a firearm or other weapon; or
- G. otherwise in a reckless or careless manner.

11-1603

LIMITATIONS ON OPERATING REGULATIONS.

- A. Commercial operations Authorized by the FAA. Notwithstanding the provisions of Section 11-1602, nothing in this Article shall be construed to prohibit, limit or otherwise restrict any person who is authorized to fly a UAV as a commercial pilot pursuant to 14 CFR Part 107 (drones under 55 pounds) or under the *Special Authority for Certain Unmanned Aircraft Systems* at 49 USC § 44807 (drones over 55 pounds) by or other Federal Aviation

Administration grant of authority for a specific flight operation(s), from conducting such operations(s) in accordance with authority granted by the Federal Aviation Administration.

B. Operations Prohibited by FAA—Clarification. Nothing in this Article shall be construed to authorize the operation of UAVs in city airspace in violation of any Federal statute or rules promulgated thereunder, including, but not limited to, any temporary flight restrictions or notices to airmen issued by the Federal Aviation Administration.

C. Operations by City for Law Enforcement Purposes. Notwithstanding the provisions of Section 11-1602, nothing in this Article shall be construed to prohibit or restrict the use of a UAV by a law enforcement agency or for emergency response operations in accordance with applicable law.

11-1604 SEVERABILITY. Severability is intended throughout and within the provisions of this Article. If any section, subsection, sentence, clause, phrase, or portion of this Article is held to be invalid, illegal, or unconstitutional by any court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Article.

11-1605 PENALTY. Violation of this article is a Class C misdemeanor.

Section 2. This ordinance shall take effect and be enforced from and after its passage, approval, and publication as provided by law.

PASSED by the City Council of the City of Prairie Village, Kansas on _____, 2019.

APPROVED:

Eric Mikkelson, Mayor

ATTEST:

Adam Geffert, City Clerk

APPROVED AS TO LEGAL FORM:

David E. Waters, City Attorney



PUBLIC WORKS DEPARTMENT

Committee Meeting Date: August 19, 2019
Council Meeting Date: September 3, 2019

CONSIDER APPROVAL OF SIDEWALK INSTALLATION ON BELINDER, FROM 73RD TO 75TH

RECOMMENDATION

Move to develop plans and construct sidewalk on the east side of Belinder Avenue, from 73rd Street to 75th Street.

BACKGROUND

Belinder Avenue, from 71st Terrace to 75th Street, has been identified for our 2019 Paving Program. The contractor will be performing sidewalk and curb repairs in addition to stormwater repairs in the area just south of 73rd Street.

When preparing the paving program, one item that is reviewed is our sidewalk connectivity. Currently there is sidewalk on both sides of Belinder Avenue for a majority of its length through the City from the north city limit, just north of 71st Street, to 79th Street. There are two missing links, one from 73rd Street to 75th Street and one from 75th Street to 75th Place. Physical conditions from 75th Street to 75th Place prohibit placing the sidewalk.

CONNECTIVITY

Prior to 2004, Belinder and Somerset Elementary shared a boundary line of 75th Street. Students for each school were walking within a boundary of arterial roadways. Upon the closing in 2004, the school boundary for Belinder Elementary expanded to include students as far south as 79th Street. A single path on the east side for students who have access south of 75th Street is good connectivity and creates a more walkable path to school.

Since this section is in close proximity to the school and Belinder has over 3600 vehicles per day, staff views this as a “missing link” of sidewalk and would like to move forward with construction as part of our Residential Street Program.

IMPACTS

The sidewalk can be constructed in the City right of way. There are four trees in the right of way; two are on a property that has agreed to work with the City on their landscaping, one is dead/dying and the remaining tree would be a discussion item with the homeowner after we proceed with design. There are approximately two properties where a small retaining wall may be needed behind the sidewalk. The impacts will be determined upon completed of plans after staff receives direction for construction of the sidewalk.

Staff had a public meeting with residents on July 17, 2019 and gathered comments from cards distributed that week. Comments are attached.

FUNDING SOURCE

Funding for this project is available in the annual Residential Street Program.

ATTACHMENTS

1. Comments from residents

PREPARED BY

Melissa Prenger, Senior Project Manager

August 13, 2019



Belinder Sidewalk, 73rd to 75th

Concern for my property:

THE GRADE OF OUR PROPERTY; WOULD POTENTIALLY NECESSITATE THE INSTALLATION OF A RETAINING WALL WHICH INCREASES THE LIABILITY OF BOTH US AS HOMEOWNERS AS WELL AS THE CITY IF ANYONE WERE TO INJURE THEMSELVES ON EITHER THE PROPOSED SIDEWALK OR RETAINING WALL. FURTHERMORE, WHEN ASKED, THE PUBLIC WORKS PROJECT MANAGER DID NOT OFFER TO MAKE THE DESIGN PLANS AVAILABLE TO AFFECTED RESIDENTS TO ASSESS THE SPECIFICS OF IMPACT TO THEIR PROPERTIES. FURTHERMORE, BY THE PUBLIC WORKS PROJECT MANAGER'S OWN ADMISSION, THE EXISTING SIDEWALK ON THE WEST SIDE OF BELINDER MEETS THE CITY'S REQUIREMENTS FOR THE PUBLIC'S RIGHT OF WAY AND PROVIDES A CONTINUOUS ^{CONNECTIVE} SIDEWALK BOTH SOUTH OF 75TH AND NORTH OF 73RD.

Belinder Sidewalk, 73rd to 75th

I do not want the Side walk!!

Concern for my property:

I will lose my big tree and my landscaping!
This will change the look of my property!
This will probably affect the value of my property!

Concern regarding for the construction of the sidewalk:

I do not want the sidewalk!
I do not want the added responsibility of clearing a sidewalk from ice and snow, I am 74 yrs old!
I do not want the problems a sidewalk will bring!

Belinder Sidewalk, 73rd to 75th

Concern for my property:

The school does not have any major concerns with the addition of a sidewalk on the East side of Belinder. We believe it will enhance public safety for children. We would support a crosswalk across Belinder connecting our school to new sidewalk.

Concern regarding for the construction of the sidewalk:

Our major concern is the construction's impact on traffic flow specifically the impact on ingress/egress to our parking lot from Belinder. We would strongly prefer that the construction be completed when school starts on August 12 (Monday).

Belinder Sidewalk, 73rd to 75th

Concern for my property:

I do not want a sidewalk on east side of Belinder Ave.

Concern regarding for the construction of the sidewalk:

No need, expensive, I have no time to care for the sidewalk.

Belinder Sidewalk, 73rd to 75th

Concern for my property:

I do not have any concerns for my property.

Concern regarding for the construction of the sidewalk:

No concerns - I support the new sidewalk.

Belinder Sidewalk, 73rd to 75th

Concern for my property:

Additional maintenance for retired tenants on East Belinder Raceway - who can't afford extra costs - No traffic this side of street - only 4-5 walkers on west side - only 4 school kids from 195th st.

Concern regarding for the construction of the sidewalk:

Concern for cleaning winter ice & snow that plows on top burying 6-8 inches deep - \$50-100 to hire chow-up. Destroy attractive lawns - damage to yard & drive during construction - MONEY BETTER SPENT ON SPEED CONTROL ON Belinder RACEWAY - Police not interested in speed control.

property of land owners
WEN

Belinder Sidewalk, 73rd to 75th

Concern for my property:

~~to make it~~ I'm very **EXCITED** about the sidewalk. It's going to make it less stressful to walk to school. I feel this makes our street pedestrian friendly.

Concern regarding for the construction of the sidewalk:

Thank you for coming to the public meeting. If you could not attend, this card will be in your yard on Thursday, July 18th.

Staff will be gathering your comments and placing this item on the Council agenda in the month of August. We will let you know which meeting with a flyer in your yard.

Please take the time to either send your comment to:

mprenger@pvkansas.com or pvstreets@odonnell-sons.com

or

cut off the top of this self addressed – stamped postcard and drop it in the mail before next week, Friday, July 26th.

Thank you so much for all of your work getting this done. It's going to be awesome

Melissa Prenger

Sr. Project Manager | PV Public Works

mprenger@pvkansas.com | 913-385-4655

Belinder Sidewalk, 73rd to 75th

Concern for my property:

I don't want one yard "cut short" for a sidewalk. I'm
crippled - use a cane & couldn't shovel it anyway!

Concern regarding for the construction of the sidewalk:

I am an original home owner & have lived here 66 yrs. I can tell
you there is little foot traffic from 73rd to 75th. The sidewalk
on the west side of Belinder is sufficient. So what if we don't have
one on the east side? I don't want it or feel the need. Save your money
or spend it for a more urgent need. DB

Emailed comments pro/con sidewalk on Belinder from 73rd Street to 75th Street

This email is to express our complete and total approval of the 73rd to 75th extension of the sidewalk on Belinder. It only makes sense to connect all of the sidewalks together to allow for easy access from every house to Belinder Elementary and beyond. We live at XXX and if our eventual kids wanted to walk to school they would need to either walk through everyone's yard or cross Belinder at a very dangerous spot. Directly in front of our house traffic is so busy at times I sometimes have issues pulling my car out of the driveway, let alone trying to cross it on foot. I cannot think of any logical reason to not put a sidewalk in. The only argument I've heard is there simply isn't enough foot traffic for it to be necessary. But if it prevents even one person or child being put in harms way crossing the busy street it is completely worth it. You have my full backing.

Concern for my property:

- Impact to my landscaping, have a large berm that will be right up against sidewalk
- Concern for my tree, though it sounds like it won't be impacted
- Loss of Yard, big property and corner lot which I fear will have a ton of concrete from the ending of the sidewalk.
- Just finished a huge renovation on my property, bought it with a full yard and feel that if a sidewalk was a priority, it should be considered when purchasing
- Getting ready to spend considerable money to put landscaping in now that construction is complete. Don't want to wait a year for all of this to be solved and worried that after I spend on sprinkler, grading, seed, it will all be torn up and not replaced as built
- Have 4 kids that go to Belinder school, there is minimal foot traffic on Belinder itself, we cross 73rd on the east side, which is the same as what we will do if there is a sidewalk

Concern for the construction of sidewalk:

- Taking down 4+ full grown trees, this will erode the appearance of the street significantly as this is close to 50% of the full grown trees on the side of the street (MP, check my facts on that, I counted but you will know for sure)
- There are zero streets feeding Belinder from the East side, foot traffic would be from one of the houses on the street or they would be able to cross at 73rd or 75th, same as today. Since the only people 'benefitting' are the people on the east side of the sidewalk, there should at least have been a petition that says we want a sidewalk
- Residents observe minimal foot traffic, agree there is car traffic but this project does nothing to mitigate that, it just adds a sidewalk on one side which doesn't change how many cars or how fast they go.
- Cross at 73rd and Belinder is the most harrowing part of the walk to school, would be a better investment to pay for a crossing guard. I would happily chip in in lieu of a sidewalk.

1. The stretch of road under consideration is already in compliance with city ordinance
2. There is no need. The stretch of sidewalk on the west side, in this section, sees infrequent foot traffic as it is, even during the school year. Additionally on the west side of the road there are streets connecting into Belinder, funneling potential foot traffic onto Belinder. On the east side there are no streets connecting in the proposed stretch so there is no funneling of potential foot traffic. What this means is that there will be even less foot traffic on the east side compared to the west side which already sees very minimal activity.
3. Expenditure of tax payer money should be driven by data and need. The city has a fiduciary responsibility to spend tax payer money wisely. At the town hall meeting, the city cited that the average daily traffic count on Belinder was ~3.9 k cars/day. This was used as justification for the need of a sidewalk as a public safety issue. Simply, this is irrelevant. I-435 sees a high amount of vehicle traffic per day, but that does not correlate with high pedestrian traffic.
4. Installation of a sidewalk on the east side could actually increase the likelihood of children crossing the street, unsupervised, into a high volume traffic area. Children want to walk to school with their friends. Supposing a child is walking on the newly installed east side and sees their friends walking on the west side. Do we really think they are going to walk all the way up to the school and use the crosswalk, or are they more likely to cross the street to walk with their friends? As it currently stands, with the sidewalk on the west side only, all the pedestrian traffic is on the same side of the road.
5. Maintenance of the side walk is the property owners responsibility. Several residents on this stretch are retired and on fixed incomes or are not physically capable of shoveling snow off the side walk and keeping it clean of the gum balls that drop from the trees. Adding a sidewalk to the east side places an undue and unnecessary burden on the property owner, who will now have to either maintain the sidewalk themselves or find the extra money to have someone do it for them.
6. Installation of a sidewalk on the west side results in increased liability to property owners as they are responsible for maintaining the sidewalks that abut their property. If someone is injured on the sidewalk the property owner is liable.
7. The city is pitching this project as a public safety endeavor to benefit the children. Speed remediation along this stretch of road would cost less and decrease the danger that vehicles pose to kids in a high vehicular traffic area. However, when residents petitioned the city for just such a thing they were told any remediation would need to be data driven. Why does the city not hold itself to the same standard? where is the data showing this stretch of sidewalk is currently unsafe (or even less safe than average) for pedestrians?
8. The proposed expansion will result in an increase in impermeable surface in Prairie Village and the direct destruction of greenspace. Trees would need to be removed to make way and lawns that people have invested time and money into cultivating will be destroyed.

MAYOR'S ANNOUNCEMENTS

Monday, August 19

Committee meetings scheduled:

JazzFest Committee	08/27/2019	5:30 p.m.
Environmental Committee	08/28/2019	5:30 p.m.
City Council Meeting (Tuesday)	09/03/2019	6:00 p.m.

=====

The Prairie Village Arts Council is pleased to feature the artwork of Genevieve Flynn and Valerie Doran Bradshaw during the month of September. The artist reception will be held from 6:00 p.m. to 7:00 p.m. on Friday, September 13.

INFORMATIONAL ITEMS
August 19, 2019

1. Board of Zoning Appeals Minutes - 7/2/2019
2. Planning Commission Minutes - 7/2/2019
3. JazzFest Minutes - 7/9/2019
4. Arts Council Minutes - 7/10/2019
5. Constitution Week Proclamation
6. Mark Your Calendars

**BOARD OF ZONING APPEALS
CITY OF PRAIRIE VILLAGE, KANSAS
MINUTES
TUESDAY, JULY 2 2019**

ROLL CALL

The meeting of the Board of Zoning Appeals of the City of Prairie Village, Kansas was held on Tuesday, July 2nd, 2019 in the Council Chambers of the Municipal Building at 7700 Mission Road. Vice-Chairman James Breneman called the meeting to order at 6:30 p.m. with the following members present: Jonathan Birkel, Patrick Lenahan, Nancy Wallerstein and Jeffrey Valentino.

Also present in their advisory capacity to the Board of Zoning Appeals were: Graham Smith, Gould Evans; Jamie Robichaud, Deputy City Administrator; Mitch Dringman, City Building Official, Ron Nelson, Council Liaison, and Adam Geffert, Board Secretary.

APPROVAL OF MINUTES

Patrick Lenahan moved for the approval of the minutes of the December 4, 2018 Board of Zoning Appeals meeting as presented. Jonathan Birkel seconded the motion, which passed 4-0, with James Breneman in abstention.

Patrick Lenahan moved for the approval of the minutes of the June 4, 2019 Board of Zoning Appeals meeting as presented. Nancy Wallerstein seconded the motion, which passed 4-0, with James Breneman in abstention.

PUBLIC HEARINGS

BZA2019-01 Variance from front yard setback of 30 feet and a modification of a platted building line of 35 feet, to permit a carport extending to a point 25.6 feet from the front lot line.

Graham Smith provided background of the variance request at 7737 Chadwick, which was previously presented to the BZA on June 4, 2019. The existing garage is currently set back 45 feet from the front lot line of the home. The proposed carport addition would extend approximately 20 feet from the garage, reducing the setback from 45 feet to 25.6 feet. The variance would exceed the minimum front yard setback requirement of 30 feet, and the platted building line requirement of 35 feet. Mr. Smith reminded the Board that the project had to meet all five of the criteria set in Section 19.54.030 of the Zoning Ordinance in order to grant a variance.

Milton Luce, applicant and owner of the property, shared several photos of the interior of the garage, as the Board had requested at its June 4th meeting. Mr. Luce noted that there was very little room to move around in the garage when a vehicle was parked within it, due to the protrusion of the chimney as well as steps entering the kitchen and

basement.

Vice-Chairman James Breneman opened the public hearing for the application. With no one present to address the Board, the public hearing was closed at 6:52 p.m.

Mr. Breneman led the Board through discussion of the following criteria required for approval of a variance:

A. Uniqueness

That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant.

In order for the property to meet the condition of uniqueness, it must have some peculiar physical surroundings, shape, or topographical condition that would result in a practical difficulty as distinguished from a mere inconvenience to utilize the property without granting the variance.

Mr. Lenahan stated that he did not believe the home was unique among houses in the neighborhood or of the era during which it was built. Mr. Valentino noted that the interior stairwell in the garage was somewhat unique for homes in Prairie Village.

B. Adjacent Property

That the granting of the permit for the variance would not adversely affect the rights of adjacent property owners or residents.

Mrs. Wallerstein said that the applicant did speak with his surrounding neighbors, and none objected to the proposed carport.

C. Hardship

That the strict application of the provisions of these regulations from which a variance is requested will constitute an unnecessary hardship upon the property owner represented in the application.

Mr. Lenahan stated that hardship was not evident based on the information provided. Mr. Birkel and Mrs. Wallerstein agreed. Mr. Valentino said that he had concerns in regard to residents who wanted to age within their homes, which was difficult based on the housing stock in the area.

D. Public Interest

That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

Board members agreed that the plan met the requirements of this criteria.

E. Spirit and Intent of the Regulation

That the granting of the variance desired would not be opposed to the general spirit and intent of these regulations.

Mrs. Wallerstein asked Mr. Luce what he would use the garage for if the carport were approved. Mr. Luce stated that it would be used for storage, and remain unfinished.

Mrs. Wallerstein made a motion to approve the variance, based on the hardship the current design caused the residents. Mr. Valentino seconded. The motion failed 3-2, with Mr. Birkel, Mr. Breneman and Mr. Lenahan in opposition.

OLD BUSINESS

There was no old business to come before the Board.

ADJOURNMENT

Vice-Chairman James Breneman adjourned the meeting of the Board of Zoning Appeals at 7:01 p.m.

James Breneman
Vice-Chairman

PLANNING COMMISSION MINUTES
July 2, 2019

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, July 2nd, 2019 in the Council Chambers at 7700 Mission Road. Chair Nancy Wallerstein called the meeting to order at 7:00 p.m. with the following members present: Jonathan Birkel, James Breneman, Patrick Lenahan and Jeffrey Valentino.

The following individuals were present in their advisory capacity to the Planning Commission: Graham Smith, Gould Evans; Jamie Robichaud, Deputy City Administrator; Mitch Dringman, City Building Official, Ron Nelson, Council Liaison, and Adam Geffert, City Clerk/Planning Commission Secretary.

APPROVAL OF MINUTES

Patrick Lenahan moved for the approval of the minutes of the June 4th regular Planning Commission meeting as presented. Jonathan Birkel seconded the motion, which passed 4-0, with James Breneman in abstention.

PUBLIC HEARINGS

No public hearings were scheduled.

NON-PUBLIC HEARINGS

PC2019-113 Site Plan Approval - Corinth South Retail Center

Graham Smith provided background on the project, stating that two new commercial buildings would be constructed at the site, and that the existing building housing the First Watch restaurant would be remodeled. The internal parking areas will also be reconfigured. The property is currently zoned C-2, and is composed of two parcels totaling 5.9 acres. The two new buildings will be located near the rear of the property at the south end.

Mr. Smith added that the proposed use of the buildings meets the standards of the C-2 zoning district, with approximately 40% planned to be used for restaurant tenants and 60% for retail tenants. Adequate parking for the center has also been proposed, with 195 planned spaces. Utility and stormwater issues have been addressed in the plan. Mr. Smith noted that staff identified a potential means to better connect pedestrian walkways by removing three to four parking spaces. He stated that the current design meets all standards, and that the recommendation was an opportunity to improve the project. The plan generally meets the Village Vision guidelines.

Mr. Smith stated that staff recommended approval of the site plan subject to the following six conditions:

1. A drainage permit, or other similar permits associated with the work, be approved by Public Works, including a determination that no negative impacts on stormwater will result.
2. All future signs shall require a separate sign permit meeting the general sign standards for the City; or to the extent future signs include revisions to the sign standards applicable to this property or changes to the monument sign location, size or design, Planning Commission approval may be required.
3. Consider a more prominent pedestrian connection/landscape amenity at the south courtyard/plaza entrance, through the double bay of parking, and connecting to the pedestrian frontages of the west building.
4. A revised landscape plan be submitted, specifically addressing the following (or alternative plans approved by staff that equally address these items):
 - a. Change all columnar trees to shade trees (see recommend species and cultivars on plans provided to applicant).
 - b. Add one new oak street tree on the 83rd Street frontage.
 - c. Add two more grasses to the frontage screening of the head-in parking.
 - d. Add 5 shade trees to linear parking lot island; and two in the island on the southwest portion of the lot; and two in the northwest portion of the lot.
 - e. Add evergreens to the perimeter on the west and south side to screen backs of retail from the office and apartment respectively (approximately 30 - 39 trees).
5. The applicant submit appropriate paperwork prior to permits showing that the two parcels are joined as one lot of record, or alternatively that any building along the parcel boundary shown in AIMS records has appropriate party wall/fire ratings to allow it to be sold as a separate entity.
6. Any issues raised by Public Works after finalizing the terms of the traffic memo and potential cumulative traffic counts be resolved prior to building permits.

Gregg Zike with First Washington Realty, the property owner, was present to speak about the project. He noted that the company agreed to work with staff on all the recommendations provided. Mr. Zike introduced Dustin Burton with Renaissance Architecture, who stated that the grading in the existing parking lot would be softened as much as possible. He added that the current parking lot would be removed and regraded.

Mr. Birkel shared his concerns about the configuration of the parking area near the existing building, and asked if angled spaces had been considered. The applicant stated that angled parking was considered, but that it would have reduced the total number of parking spaces available in the lot. Mr. Valentino said the landscaping plan should be

improved to provide a better connection to the north side of the Corinth Shopping Center. Mr. Zike noted that there would be green space and a common seating area, as well as patios for individual tenants, similar to those found at the Corinth shops. He added that a sidewalk connecting to the 83rd Street sidewalk would also be constructed.

Several Commission members expressed concern with the number of proposed exterior materials, the colors selected, the overall style of the new buildings, and their compatibility with the Corinth Shops to the north. Mr. Zike shared that potential tenants were concerned with the visibility of the new buildings from 83rd Street, and preferred a design style that was more conspicuous.

Mr. Zike noted that he agreed to adding an additional condition to work with staff to determine the best location for bicycle parking spaces. He added that he also agreed to work with staff on the other recommendations, with the exception of item #4, which was still being reviewed by the landscape architect at Gould Evans. Mrs. Robichaud said that the language in item #4 allowed landscape details to be worked through with some flexibility, so no changes needed to be made to the condition. Mr. Valentino stated that more connectivity and compatibility with the Corinth Shops should be added to item #4. Mr. Lenahan said that he believed the staff recommendation as written was adequate. Mrs. Wallerstein suggested that the applicants return with a more definitive landscape plan and a modified exterior design theme and present them to the Commission at its next meeting.

Mr. Breneman made a motion to continue the site plan review to the August 6th meeting. The motion was seconded by Mr. Birkel, and passed 4-1, with Mr. Lenahan in opposition.

PC2019-114 Site Plan Approval - Building Line Modification for Garage Extension 5109 W. 76th Terrace

Mr. Smith provided background, stating that the property was zoned R1-a, and that the applicants were seeking to extend their garage beyond the platted building line. The property is located on an interior corner, so the shape of the lot is unique. The proposed renovation plan included the extension of a master bedroom and family room at the rear of the home, as well as the extension of the garage by two feet forward of the existing garage. All the modifications comply with the zoning ordinance and neighborhood design standards. The proposed garage extension would be 34 feet from the property line at the Northeast corner, and a new front porch would be 30 feet from the property line. Both were less than the platted setback line of 35 feet.

Staff recommended approval of the site plan with the following condition:

1. The applicant shall record the site plan and approved exception with Johnson County Records and Tax Administration within 12 months.

Steven and Sheila McMichael, the applicants, were present to discuss the project. Mr. Breneman asked whether the front porch would be enclosed, and Mr. McMichael stated that it would be covered, but not enclosed.

Mr. Valentino made a motion to approve the site plan, subject to the condition recommended by staff. Mr. Birkel seconded the motion, which passed unanimously.

PC2019-115 Final Plat Approval - Meadowbrook Senior Living Facility

P.J. Novick, representing Confluence, the planning consultant for the Meadowbrook project, provided background. In October, 2017, the Planning Commission approved the plat for a senior living facility at Meadowbrook. The updated plat reduces the existing four plats into two, and renumbers them to plats 5 and 6. There were no other architectural changes made that would affect what was previously approved by the Planning Commission.

Mr. Novick stated that staff recommended the Commission approve the final plat as proposed for the replat of lots 1, 2, 3, and 4 of Meadowbrook Park, subject to the following conditions of approval:

1. As part of the building permit process, the applicant must verify compliance with all fire and building code fire separation requirements related to the new lot lines.
2. Prior to the release and recordation of the final plat, the applicant must execute a private consortium agreement or covenant that addresses all issues related to the proposed lots sharing utilities, parking, and storm water management, and including building and site maintenance and cross access rights.

Mr. Novick added the project would no longer be built in phases, but rather all at once.

Mr. Lenahan made a motion to approve the plat with the conditions laid out in the staff report. Mr. Valentino seconded the motion, which passed 4-1, with Mr. Breneman in opposition.

OTHER BUSINESS

Mrs. Robichaud stated that a Planning Commission work session would be held on Tuesday, July 16th at 6:00 p.m.

ADJOURNMENT

With no further business to come before the Commission, Chair Nancy Wallerstein adjourned the meeting at 8:59 p.m.

Nancy Wallerstein
Chair

JazzFest Committee
Meeting Minutes – July 9, 2019

Attendance

JD Kinney, Serena Schermoly, Joyce Hagen Mundy, Alex Toepfer, Amanda Hassett, Mike Polich, Brooke Morehead, Meghan Boom

Budget

JD Kinney presented updated budget information to the committee.

Sponsorships

Joyce reported that she is following up with Tutera, O'Donnell, WireCo, and Gilmore Bell. She visited several businesses at the shopping centers to solicit donations. Serena reported that the Home Builders Association will be making a contribution. Meghan will follow up with Meadowbrook/VanTrust and First Washington.

Infrastructure

Mike Polich secured bids for the tent, table, and miscellaneous infrastructure component. Accent came in as the low bid at \$5,600. Marquee was \$8,500, AAA was unavailable, and Celebration declined the opportunity to bid.

Talent

Alex Toepfer reported that contracts for the bands were executed and are within budget. He will follow up with them on rider info and backstage needs.

The committee discussed a concern by the KC Jazz Orchestra about why they were not selected to play at the festival this year.

Marketing

Elissa emailed an update. She is working on TV promos, t-shirts, KKFI, local guides, digital ads, social media kits, Village Voice, yard signs, and other artwork.

JD reported that the fans went over really well to use at VillageFest, and hoped that the lineup can be set early enough to do the same in future years.

Food & Drink

Meghan will contact Sue Hamilton to facilitate the liquor license.

Volunteers

Meghan will schedule a meeting with Maura Coleman to start working on volunteer recruitment.

Other

NA

Next meetings

August 6, 2019 at 5:30 p.m.

August 27, 2019 at 5:30 p.m.

September 4, 2019 at 5:30 p.m. (site walk thru)

Prairie Village Arts Council
Wednesday, July 10, 2019
5:30 p.m.
Prairie Village City Hall – 7700 Mission Road
Multi-Purpose Room

At 5:33 Brooke Morehead, chair, brought the meeting to order. In attendance were Sheila Evans, Dan Anderson, Kathy Clark, Paul Tosh, Shelly Trewolla, Ada Koch, Stephen LeCerf, Julie Hassel, Al Guarino, Bonnie Limbird, Julie Flanagan and council woman, Serena Schermoly.

Brooke asked our new member, Bonnie Limbird, to introduce herself and the group as a whole introduced themselves. Ada moved to approve the agenda as presented and was seconded by Shelly. The agenda was unanimously approved. Dan made a motion to approve the consent agenda which seconded by Shelly and approved unanimously.

Brooke gave City Council Report, concluding with the city council's Mayoral approval of budget, publishing the City Budget, and City Staff not required to come to Art Council meetings.

Budget for performance pad in Harmon park was discussed. The Arts Council discussed how they see the performance pad to be used. Bonnie will put together a presentation to present the city council.

Dan reported on the financial report which Jamie sent out earlier to the council members. It was noted there are still outstanding receipts for the Chamber ticket sales. We are currently running behind on our art sales but ahead on our entry fees. It was also brought up to look if our donations from Republic and First Washington had come in. The council also requested that the check registry be submitted with the financial statement.

Council discussed Artists Entry Fees for SOTA. Quality of art work is improving, yet sales have not increased. Ada suggested art pieces sales are down in most galleries – possibly the nature of the current time. Ada moved to amend the entry fee for SOTA to \$35.00 for up to 3 pieces. It was seconded by Julie F. and this was approved by the council. The application fee for monthly exhibits will remain at \$25.00.

Changes to the Gallery take down and installation of the art work were discussed. The council agreed to move the take down and installation to the same day and move that day to the Saturday before the second Friday of each month.

Storage will change to the closet in the multipurpose room and the council needs to reserve the room(s) use. Storage needs to be figured out for 3-D displays. Dan suggests an outside storage shed. Discussion will take place with Public Works about this need. Storage changes need to be approved for next months' agenda – Paul motions and Kathy seconded for approval for next month. Motion passed.

Council members discussed the need to work out the language for Artist to reciprocate media exposure for the upcoming gallery events. A check list is included in the monthly exhibit events artists' application.

Brooke had questions about the scholarship and Julie Flanagan responded she is working with Megan to get this finalized.

Business meeting adjourned at 6:50.

Planning Committee as a Whole.

Dan presented the changes and updates to the Prairie Village Arts Council Web Page. He is working with Dave (outside consultant). Discussions were reflected in the contact information of council members, selling on line, artists sending content information, and Sheila pointed out the need for IRS requirements be included. Dan requested council members send items to him to be included in the webpage.

Sheila reported on the Chamber in Chamber event and all members present responded how much this event was a wonderful success and a great launch to a new program for the Arts Council. Sheila stated the next event will be scheduled 3rd week in September and possibly doing a combined event and moving it to Saturday.

Art Fair (council helps promote) was successful this year – The council handling the Awards and the changes to artist food and beverage distribution were a nice change to the Fair.

Julie and Al discussed having the Wine Tasting. It was decided that we should consider the 2020 Art Fair as the next date and start on the legal permits as soon as possible.

Paul reported on the June Show as being very successful and attendance was over 100. He also reported only one piece of art sold but it was a great show.

Stephen asked for those who are helping set up for the opening reception of the SOSA Show on July 12 to report at 4:30. Stephen also announced 150 pieces were submitted for juror and 45 were selected with 41 follow thru from the artists.

Meeting disbursed at 8:05.

CITY OF PRAIRIE VILLAGE

Constitution Week September 17 – 23, 2019

Whereas, September 17, 2019 marks the two hundred and thirty-second anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

Whereas, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and

Whereas, it is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and

Whereas, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as constitution week;

NOW THEREFORE, I, Eric Mikkelson, by virtue of the authority vested in me as Mayor of the City of Prairie Village in the State of Kansas do hereby proclaim the week of September 17 through 23 as

CONSTITUTION WEEK

And ask our citizens to reaffirm the ideals the Framers of the constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Prairie Village, Kansas, to be affixed at my office in the City of Prairie Village, Kansas, the 19th day of August, 2019.

Mayor Eric Mikkelson

City Clerk

Date

**Council Members
Mark Your Calendars
August 19, 2019**

September 2	Pool closes for the season at 6 p.m.
September 3	Puppy Pool-Ooza (Dog Swim) 5:00 p.m. - 7:00 p.m.
September 3	City Council Meeting (Tuesday)
September 5	Shawnee Mission Education Foundation Fall Breakfast
September 7	10 th Annual Jazz Festival 3:00 p.m. - 10:30 p.m.
September 10	Planning Commission Meeting
September 13	Artist Reception in the R.G. Endres Gallery
September 16	City Council Meeting