

# CITY OF PRAIRIE VILLAGE

**October 18, 2010**  
**Committee Meeting**  
**6:00 p.m.**



# City Council Meeting

*October 18, 2010*

*Dinner provided by:*



Tacos and Enchiladas

Beans and Rice

Iguana dip,

Chips and sauce

**COUNCIL COMMITTEE**

**October 18, 2010**

**6:00 p.m.**

**Council Chambers**

**AGENDA**

**CHARLES CLARK, COUNCIL PRESIDENT**

**AGENDA ITEMS FOR DISCUSSION**

**COU2010-54            Consider revision to Prairie Village Municipal Code Chapter 11, Article 4 per  
changes in the State Statutes regarding Smoking  
Dennis Enslinger**

**Discussion of Street Program and the addition of 63<sup>rd</sup> Street from Nall  
Avenue to Roe Avenue to the Street Bond Project  
Keith Bredehoeft**

**Update on Shawnee Mission School District Closings and Boundary Change  
Proposals  
Dennis Enslinger**

**\*Council Action Requested the same night**



## CITY CLERK DEPARTMENT

Council Committee Meeting Date: October 18, 2010

Council Meeting Date: November 1, 2010

**COU2010-54: Consider revisions to Prairie Village Municipal Code Chapter 11, Article 4 per changes in the State Statutes regarding Smoking.**

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### RECOMMENDATION

Recommend the Governing Body adopt an ordinance amending Chapter 11, Article 4 of the Prairie Village Municipal Code to comply with or exceed state regulations regarding smoking.

### BACKGROUND

In November 2005, the Governing Body adopted Ordinance 2109 establishing regulations regarding smoking in public places within the City of Prairie Village as found in Chapter 11, Article 4 of the Prairie Village Municipal Code. The Code was further revised in 2008, removing an earlier exemption for restaurants and drinking establishments. During the last Legislative Session the State adopted state-wide "Smoking" regulations in House Bill 2221. Local municipalities are allowed to have more restrictive regulations; however, in the case where local regulations are less restrictive, the State Statutes would preempt local codes.

The attached chart provides a comparison of the existing City Code and House Bill 2221. You will note there are instances where our Code is more restrictive. There is only one area where the City Code is less restrictive. It is the recommendation of the City Attorney that our Code be amended to be in agreement with State Statues on that provision. This would require adoption of an ordinance amending Section 11-404 (c) as follows:

#### 11-404 AREAS WHERE SMOKING IS NOT REGULATED

- (c) Hotel and motel rooms that are rented to guests and are permanently designated as smoking rooms; provided, however, that not more than *twenty percent (20)* of rooms rented to guests in a hotel or motel may be so designated.

### ATTACHMENTS

Comparison Chart of City Code to HB2221  
Proposed Ordinance

### PREPARED BY

Joyce Hagen Mundy  
City Clerk

Date: October 13, 2010

## Comparison of "Smoking" Regulations

Chapter XI, Article 4 PV Code	House Bill 2221	Comparison/Comments
<p>Smoking shall be prohibited in all <u>enclosed places of employment</u> within the City.</p> <p>It shall be the responsibility of all employers within the City to provide a smoke –free environment in all enclosed areas accessible to employees and/or customers.</p>	<p>Each employer having a <u>place of employment that is an enclosed area</u> shall provide a smoke-free workplace for all employees.</p>	<p>Same</p>
<p>Each employer shall supply a written copy of this Article to any existing or prospective employee.</p>	<p>Such employer shall also adopt and maintain a written smoking policy which shall prohibit smoking without exception in all areas of the place of employment. Such policy shall be communicated to all current employees within one week of its adoption and shall be communicated <u>to all new employees upon hiring</u>. Each employer shall provide a written copy of the smoking policy upon request to any current or prospective employee</p>	<p>Essentially the same, but HB2221 adds some timing requirements</p>
<p>No exception for designated smoking areas in adult care home or medical facility.</p>	<p>Exception for designated smoking areas in adult care home or a medical care facility</p>	<p>It is OK for Prairie Village Code to be more restrictive.</p>
<p>Smoking prohibited in enclosed public places and at a public meeting.</p>	<p>Smoking prohibited in an enclosed area or at a public meeting.</p>	<p>Same.</p>
<p>Public places and public meeting definitions similar to HB2221.</p>	<p>Public places and public meeting definitions similar to PB Code.</p>	<p>Same</p>
<p><b><u>Exceptions:</u></b> Not more than 25% hotel or motel rooms in a hotel or motel.</p>	<p><b><u>Exceptions:</u></b> Not more than 20% hotel or motel rooms in a hotel or motel.</p>	<p><b><u>This is the only provision which is more restrictive than PV Code, so it preempts PV Code.</u></b></p>
<p>PV no exception for designated smoking areas in such facilities.</p>	<p>State law exception for designated smoking areas in adult care home or a medical care facility;</p>	<p>It is OK for Prairie Village Code to be more restrictive.</p>
<p>PV no exception for gaming floors.</p>	<p>State law exception for gaming floor of lottery gaming facility or racetrack gaming facility.</p>	<p>It is OK for Prairie Village Code to be more restrictive.</p>

PV no exception for Class A or Class B Club.	State law exception for Class A or Class B Club which held a license pursuant to KSA 41-2606 as of 1/1/09 and notify KDHE.	It is OK for Prairie Village Code to be more restrictive.
PV no exception for Private Club.	State law exception for private club (hunting, fishing, shooting or golf club for members not open to general public) in designated areas where minors are prohibited.	It is OK for Prairie Village Code to be more restrictive.
Prohibited "enclosed areas" include 10 foot buffer from doorway or other opening.	Prohibited "enclosed areas" include 10 foot buffer from doorway or other opening.	Same.
<b><u>Not Subject to Smoking Regulations</u></b>	<b><u>Not Subject to Smoking Regulations</u></b>	
Exceptions listed above  Private residences except operating as Day Care Centers.  Tobacco Shops	Exceptions listed above and  Private residence except when used as a day care home.  Tobacco Shops	Same

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE RELATING TO SMOKING REGULATIONS IN THE CITY OF PRAIRIE VILLAGE, KANSAS; AMENDING THE PRAIRIE VILLAGE MUNICIPAL CODE SECTION 11-404.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS.

Section 1. Prairie Village Municipal Code Section 11-404 is hereby amended to read as follows:

**11-404 AREAS WHERE SMOKING IS NOT REGULATED**

- (a) Private residences, not serving as enclosed places of employment or an enclosed public place.
- (b) Outdoor, unenclosed areas of restaurants, drinking establishments, and private clubs including but not limited to decks, patios, etc., but only to the extent that such areas are at least ten feet away from any doorway or opening leading to an enclosed area.
- (c) Hotel and motel rooms that are rented to guests and are permanently designated as smoking rooms; provided, however, that not more than twenty percent (20%) of rooms rented to guests in a hotel or motel may be so designated.
- (d) An existing retail establishment whose primary business is the sale of tobacco products and new retail establishments whose primary business is the sale of tobacco products which are located in a stand-alone building not attached to or the part of any building devoted to other uses.

**Section 2. Take Effect**

That this ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper as provided by law.

PASSED AND APPROVED THIS 1<sup>st</sup> day of November, 2010.

\_\_\_\_\_  
Ronald L. Shaffer, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Joyce Hagen Mundy  
City Clerk

\_\_\_\_\_  
Catherine P. Logan  
City Attorney



## PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: October 18, 2010

### DISCUSSION OF STREET PROGRAM AND THE ADDITION OF 63<sup>RD</sup> STREET FROM NALL AVENUE TO ROE AVENUE TO THE STREET BOND PROJECT.

#### RECOMMENDATION

Approve the addition of 63<sup>rd</sup> Street from Nall Avenue to Roe Avenue to the Street Bond Project.

#### BACKGROUND

Good progress has been made on the 2010 Street Bond Project and we will continue to complete the program in 2011. One street that was on the possible street bond list that we had not planned on completing was 63<sup>rd</sup> Street from Nall Avenue to Roe Avenue. Since this street was reviewed in the fall of 2009, its condition has deteriorated significantly to the point that an asphalt overlay is needed as soon as possible. Bond funds can be used for this street. We are working with the City of Mission to pave the portion of this street that is in the City of Mission.

The approximate cost of paving this section of 63<sup>rd</sup> Street in Prairie Village is \$50,000.

#### FUNDING SOURCE

Funding is available under the Capital Infrastructure Program under Project 2010 Bond.

#### RELATION TO VILLAGE VISION

- TR1a. Provide sidewalks in new and existing areas to allow for continuous pedestrian movement around Prairie Village.*
- TR1b. Ensure that infrastructure improvements meet the needs of all transportation users.*

#### ATTACHMENTS

None

#### PREPARED BY

Keith Bredehoeft, Project Manager

October 14, 2010





## ADMINISTRATION

Council Committee Date: October 18, 2010

### Update on Shawnee Mission School District Closings and Boundary Change Proposals

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#### **BACKGROUND:**

Dr. Gene Johnson, Superintendent of the SMSD, presented eleven (11) proposed school and boundary changes to the SMSD Board of Education on September 13, 2010 (see attachment). The Board took no immediate action on the proposals and set up a series of community meetings to discuss each of the proposals. Of the eleven proposals: *Proposal #3* - Reassign the Trailwood Elementary School attendance area bounded on the south by 95<sup>th</sup> Street, on the west by Nall Ave., on the north by 91<sup>st</sup> Street, and on the east by Mission Road from the SME attendance area to the SM South attendance area and *Proposal #10* - Closure of the Mission Valley Middle School, at the end of 2010-2011 school year and relocate students to Indian Hills Middle School, 8400 Mission Road, will have some direct impact on residents of the City of Prairie Village. The SMSD has prepared a report detailing the eleven proposals which can be found at:

<http://www.smsd.org/publicinfo/documents/document1.pdf>

#### **DISCUSSION:**

At the October 7, 2010 City Council meeting, the Council requested staff and the Mayor meet with SMSD Representatives to obtain feedback on specific questions. The Mayor, Ron Shaffer, Quinn Bennion, and Dennis Enslinger met with Dr. Gene Johnson, SMSD Superintendent and Donna Bysfield, SM East Area School Board Member, on October 12, 2010. The following is a summary of the responses to the City Council questions:

#### **What is the rationale for redrawing the boundary line for Shawnee Mission South High School to include the Kenilworth area located in the City of Prairie Village?**

The SMSD is working to establish a middle school feeder system for each of the five high schools. Students who attend Trailwood Elementary School would attend Indian Woods Middle School which is the feeder for Shawnee Mission South High School.

#### **What are the alternatives or options available for Prairie Village residents who reside in the Kenilworth area?**

The SMSD could split the students who attend Trailwood Elementary School which would allow Kenilworth students to attend the proposed feeder (Indian Hills Middle School) for East High School. There are approximately 31 K-6 students in the PV Kenilworth area. The current and proposed school boundaries split other elementary schools elsewhere in the district.

**What is driving the closure of Mission Valley Middle School and how was the proposal developed?**

SMSD staff conducted a facilities and programmatic analysis of Mission Valley Middle School and Indian Hills Middle School. Based on this analysis, it was determined that an annual financial savings of approximately \$730,000 could be achieved by consolidating the two middle schools. In addition, both schools currently operate well below student capacity and consolidation would enable for more efficient use of teacher resources and allow for better course offerings to students.

**How will the additional student traffic at Indian Hill Middle School be handled if Mission Valley Middle School is consolidated?**

The SMSD has conducted initial analysis and determined that approximately 11- 14 buses would be necessary to transport students to Indian Hills if the proposals are approved. With some minor circle drive modifications (elimination of some parking spaces), there is sufficient room to double-stack approximately 20 buses in the existing circle drive of Indian Hills. It is anticipated that parents dropping off and picking up students would use the Delmar parking lot and entrance. At this time, the SMSD does not have plans to change the physical layout of the entrances or parking at Indian Hills Middle School.

**What other uses are being considered for the Mission Valley Middle School building and property if it is consolidated in 2010-2011?**

The SMSD plans to maintain ownership of the school building and surrounding grounds. The SMSD would conduct a future utilization plan for the building and grounds in the coming year, should the Board approve the consolidation.

**What is the SMSD's long term plan when there is anticipated "regreening" of Northeast Johnson County? Does SMSD anticipate any capacity issues in future years?**

Based on student population counts and projections, the SMDS does not anticipate the need to "reopen" any schools, or any capacity issues, given the number of existing facilities. It is anticipated that the NE area will not significantly change in the number of students who attend the SMSD particularly in the East area.

**What are the long term plans for Somerset Elementary School?**

The SMSD will continue to maintain ownership of Somerset Elementary School and has not developed immediate or long-term plans for reuse of the facility.

Donna Bysfield, SM East Area School Board Member, has indicated that she would be happy to answer any additional questions or concerns the City Council may have regarding the recent proposals. She may be contacted at [donnabysfield@smsd.org](mailto:donnabysfield@smsd.org) or 913-381-8197. In addition, Dr. Gene Johnson indicated that you may also contact him at [genejohnson@smsd.org](mailto:genejohnson@smsd.org) or 913-993-6401 regarding the proposals. The SMSD Board will be considering the eleven (11) proposals at their regular meeting on November 8, 2010.

**RECOMMENDATION/ACTION:**

No action is necessary. This memo is provided for informational purposes only.

**ATTACHMENT:**

SMSD School Closings and Boundary Change Proposals

**PREPARED BY:**

Dennis J. Enslinger  
Assistant City Administrator

Date: October 14, 2010

# **SMSD**

**SHAWNEE MISSION SCHOOL DISTRICT**

## **SCHOOL CLOSINGS AND BOUNDARY CHANGE PROPOSALS**

The following proposals were presented to the Shawnee Mission Board of Education by Dr. Gene Johnson, superintendent of schools, at the board of education meeting on September 13, 2010. The board took no action on the proposals. Before voting on any of the proposals, the board of education will hold community meetings to receive input for consideration from parents, staff, students, patrons, and other stakeholders. The board of education is scheduled to consider these proposals at their regular meeting on November 8, 2010.

### **Proposed for implementation in 2011-2012**

- **PROPOSAL 1:** Reassign Brookwood Elementary School, 3411 W. 103<sup>rd</sup> Street, from the SM East attendance area to the SM South attendance area.
- **PROPOSAL 2:** Reassign a portion of the Ray Marsh Elementary School attendance area from the SM Northwest attendance area to the SM North attendance area. Ray Marsh is located at 5642 Rosehill Road.
- **PROPOSAL 3:** Reassign the Trailwood Elementary School attendance area bounded on the south by 95<sup>th</sup> Street, on the west by Nall Ave., on the north by 91<sup>st</sup> Street, and on the east by Mission Road from the SM East attendance area to the SM South attendance area. Trailwood is located at 5101 W. 95<sup>th</sup> Street.
- **PROPOSAL 4:** Close Bonjour Elementary School, 9400 Pflumm Road, at the end of the 2010-2011 school year and reassign the students to Sunflower Elementary School, 8955 Loiret Blvd.
- **PROPOSAL 5:** Reassign a portion of students attending Sunflower Elementary School, 8955 Loiret Blvd., who live west of I-435, north of 87<sup>th</sup> Street, east of the western-most Shawnee Mission boundary, and south of Blackfish Parkway to Christa McAuliffe Elementary School, 15600 W. 83<sup>rd</sup> Street.
- **PROPOSAL 6:** Close Shawanoe Elementary School, 11230 W. 75<sup>th</sup> Street, at the end of the 2010-2011 school year. Reassign a portion of the Shawanoe students to Rising Star Elementary School, 8600 Candlelight, and a portion of the students to Mill Creek Elementary School, 13951 W. 79<sup>th</sup> Street.
- **PROPOSAL 7:** Reassign students in the Prairie Lakes apartment complex, 6700 Lackman Road, from the Mill Creek Elementary School, 13951 W. 79<sup>th</sup> Street, to Rhein Benninghoven Elementary School, 6720 Caenen.
- **PROPOSAL 8:** Close Antioch Middle School, 8200 W. 71st Street, at the end of the 2010-2011 school year and relocate the Antioch students to Hocker Grove Middle School, 10400 Johnson Drive.
- **PROPOSAL 9:** Reassign the Roesland Elementary School middle school attendance boundary in the SM North attendance area from Indian Hills Middle School in the SM East attendance area to Hocker Grove Middle School in the SM North attendance area. Roesland is located at 4900 Parish Drive.
- **PROPOSAL 10:** Close Mission Valley Middle School, 8500 Mission Road, at the end of the 2010-2011 school year and relocate the students to Indian Hills Middle School, 6400 Mission Road.

### **Proposed for implementation in 2012-2013**

- **PROPOSAL 11:** Close Dorothy Moody Elementary School, 10101 England, at the end of the 2011-2012 school year and reassign the students to Brookridge Elementary School, 9920 Lowell.

**COUNCIL MEETING AGENDA  
CITY OF PRAIRIE VILLAGE  
October 18, 2010  
7:30 p.m.**

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. PUBLIC PARTICIPATION
- V. 2010 BUDGET AMENDMENT HEARING - 7:30 P.M.  
Adopt the 2010 Budget Amendment
- VI. 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 - October 4, 2010
2. Approve Claims Ordinance 2876
3. Approve the agreement with the Leawood Police Department as it relates to the location and maintenance of the 800mhz Radio System

- VII. MAYOR'S REPORT
- VIII. COMMITTEE REPORT
- IX. STAFF REPORTS
- X. OLD BUSINESS
- XI. NEW BUSINESS
- XII. ANNOUNCEMENTS
- XIII. 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](mailto:cityclerk@pvkansas.com)**



## ADMINISTRATION

Council Meeting Date: October 18, 2010

### Public Hearing 2010 Budget Amendment

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#### SUGGESTED MOTION

None.

#### BACKGROUND

State statutes require that the City hold a public hearing on the budget amendment at least ten days after publication. The attached Notice of Budget Hearing page was published in The Legal Record on Tuesday, October 5, 2010, per state statute guidelines.

The budget amendment increases the expenditure authority in the Bond & Interest Fund to cover the increased debt service payments resulting from the Series 2009A bonds. The bonds were issued after the adoption of the 2010 budget.

The funding for the additional expenditures in the Bond & Interest Fund comes from two sources: (1) a transfer from the General Fund, and (2) a transfer from the Stormwater Utility Fund. These two transfers are in lieu of transfers to fund capital projects and were the agreed upon funding mechanism for the debt service on the Series 2009A bonds.

#### ATTACHMENTS:

None.

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#### Prepared By:

Karen Kindle

Finance Director

Date: October 12, 2010



## ADMINISTRATION

Council Meeting Date: October 18, 2010

### Adoption of the 2010 Budget Amendment

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#### SUGGESTED MOTION

Move to adopt the 2010 Budget Amendment as published.

#### BACKGROUND

State statutes require that the City publish the budget amendment in the official newspaper of the City and hold a public hearing on the budget amendment prior to adoption. The budget amendment was published in the Legal Record on Tuesday, October 5, 2010. The public hearing was held earlier this evening.

#### ATTACHMENTS:

None.

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#### Prepared By:

Karen Kindle

Finance Director

Date: October 12, 2010

2010

**Amended  
Certificate**

To the Clerk of Johnson, State of Kansas  
We, the undersigned, duly elected, qualified, and acting officers of  
City of Prairie Village  
certify that: (1) the hearing mentioned in the attached publication was held;(2) after the Budget Hearing this Budget was duly approved and adopted as the maximum expenditure for the various funds for the year.

			2010 Amended Budget		
			Amount of 2009 Tax that was Levied	Adopted 2010 Expenditures	Proposed Amended 2010 Expenditures
Table of Contents:			Page No.		
<b>Fund</b>	<b>K.S.A.</b>				
Bond & Interest Fund	10-113	2	258,910	306,278	1,959,654
0					
0					
0					
0					
0					
<b>Totals</b>		xxxxxx	258,910	306,278	1,959,654
Summary of Amendments		3			

Council Members

Attested date: \_\_\_\_\_

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Mayor

Assisted by: \_\_\_\_\_

Address: \_\_\_\_\_

State Use Only
Received _____
Reviewed by _____
Follow-up: Yes <input type="checkbox"/> No <input type="checkbox"/>



**CONSENT AGENDA**

**CITY OF PRAIRIE VILLAGE, KS**

**October 18, 2010**

**CITY COUNCIL**  
**CITY OF PRAIRIE VILLAGE**  
**October 4, 2010**

The City Council of Prairie Village, Kansas, met in regular session on Monday, October 4, 2010 at 7:30 pm in the Council Chambers of the Municipal Building.

**ROLL CALL**

Council President Charles Clark called the meeting to order and roll call was taken with the following Council Members present: Al Herrera, Dale Warman, Ruth Hopkins, Steve Noll, Michael Kelly, Andrew Wang, Laura Wassmer, Dale Beckerman, David Morrison, Diana Ewy Sharp and David Belz.

Also present were: Wes Jordan, Chief of Police ; Keith Bredehoeft, Interim Public Works Director; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Karen Kindle, Finance Director; Chris Engel, Assistant to the City Administrator and Joyce Hagen Mundy, City Clerk.

Council President Charles Clark led all those present in the Pledge of Allegiance.

**PUBLIC PARTICIPATION**

Five boy scouts from Troop 91 were present to earn their communications and citizenship and community merit badges.

**CONSENT AGENDA**

Michael Kelly moved approval of the amended Consent Agenda for October 4, 2010:

1. Approve Regular Council Meeting Minutes - September 20, 2010
2. Approve the pricing agreement with ADP, Inc. for payroll services.

3. Authorize the Mayor to execute a proclamation declaring October "National Colonial Heritage Month"

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

### **MAYOR'S REPORT**

Due to the Mayor's absence, there was no Mayor's Report.

### **COMMITTEE REPORTS**

#### **COUNCIL COMMITTEE OF THE WHOLE**

#### **COU2010-52 Consider Project 190890: 2010 Bond Project 2010 Drainage Improvement Program**

On behalf of the Council Committee of the Whole, Michael Kelly moved the Governing Body approve construction change order #5 for additional drainage work on Project 190890: 2010 Bond Projects with O'Donnell and Sons Construction in the amount of \$110,849.85 bringing the new contract amount to \$7,401,613.66. The motion was seconded by Dale Beckerman and passed unanimously.

#### **COU2010-53 Request Permission to Publish an Amendment to the 2010 Budget**

On behalf of the Council Committee of the Whole, Michael Kelly moved the Governing Body authorize staff to publish an amendment to the 2010 Budget as required by State statutes. The motion was seconded by Laura Wassmer and passed unanimously.

## **Park and Recreation Committee**

Diana Ewy Sharp gave an update on the Franklin Park Improvements and encouraged Council members to visit the park. Her favorite element in the new park was the drainage ditch with its native grasses. She noted it will be a challenge to complete the park by November 22<sup>nd</sup> and advised that the Park & Recreation Committee has decided to hold the ribbon cutting and dedication of the park next spring.

Ruth Hopkins confirmed that the restroom facilities would be operational year-round.

## **STAFF REPORTS**

### **Public Safety**

Reported at the Council Committee of the Whole meeting

- Last Saturday evening Dispatch received over 70 calls regarding fireworks at a wedding reception in Mission Hills.
- Live strong tour de BBQ bike tour was completed last weekend without incident.
- The meeting with the neighborhood regarding the Christmas house on Falmouth was successful. Chief and Captain Schwartzkopf will meet with the Babick's this week to discuss some of the suggestions and recommendations from the meeting.
- The Code Red message regarding recent burglaries was well received and appears to have had an impact.
- Over the past weekend more than 37 sites in the City had Graffiti written on streets, signs, etc. Chief thanked Mike Helms for his efforts to removed it quickly.
- Chief Jordan and Captain Tim Schwartzkopf will be participating in an NAACP forum at Johnson County Community College.

### **Public Works**

- Keith Bredehoeft noted the biggest concern with the timely completion of the Franklin Park project is with the installation of the prefabricated structures as the contractor has been having problems with the supplier. In the meantime, they are focusing on getting everything else completed.
- Mr. Bredehoeft acknowledged and thanked Mike Helms for his efforts this past weekend on the removal the graffiti at several locations in the City.
- The 75<sup>th</sup> Place CDBG Project is processing well with the new curbs and driveways in place.

## **Administration**

- Quinn Bennion announced that Dennis Enslinger was attending the informational meeting being held at Shawnee Mission East regarding the changes proposed by the Shawnee Mission School District.
- The Department of the Army has acknowledged Chief Jordan for his assistance and cooperation with the investigation regarding the July 4<sup>th</sup> Chinook landing.
- This week is "Peanut Butter Week" throughout the City. Mr. Bennion acknowledged the participation of the schools, churches and area businesses in this food drive.
- Quinn Bennion announced he would be attending a City Manager's conference and would not be present at the October 18<sup>th</sup> Council meeting.
- The League of Kansas Municipalities will be having its annual meeting this next week beginning with pre-conference activities on Saturday, October 9<sup>th</sup> and continuing through October 12<sup>th</sup>. Five council members will be attending along with Mayor Shaffer and the City Administrator.

## **OLD BUSINESS**

There was no Old Business to come before the City Council.

## **NEW BUSINESS**

### **Presentation by Highland Elementary School**

Dale Warman attended the ribbon cutting and dedication of Highland Elementary School on Sunday on behalf of Mayor Shaffer and was presented a picture by the school in appreciation for the City's support during the reconstruction of the school. He noted the facility is excellent and the event was very well attended.

Ruth Hopkins asked what area of Prairie Village attends Highland. Mr. Warman responded the western portion of Ward 1, primarily the Countryside East area.

### **Discussion on Shawnee Mission School District Proposals**

Diana Ewy Sharp felt that based on the strong community interest in the proposed changes that impact Prairie Village residents that the City Council should discuss the proposals. Michael Kelly agreed noting this will have a large impact on the community and should be considered by the City.

Ruth Hopkins felt it would be inappropriate for one governing body to tell another governing body how to run its programs. The City has always supported the school district and if the school board has decided this is the action that needs to be taken, so be it. She noted they are very open about the proposals and have provided several opportunities for residents to get information and to express their opinions.

Dale Beckerman stated he agreed with Mrs. Hopkins regarding the proposed closing of the school; however, he questioned if the City should take a position on the proposed boundary change that would move Kenilworth residents out of Shawnee Mission East to Shawnee Mission South High School. He feels the school district is trying to move students to South otherwise they would be closing Indian Woods Middle School, not Mission Valley.

David Belz agreed with Mrs. Hopkins in principal noting that the City is not aware of all the information the School Board has in making the proposed changes and it would be inappropriate to make a stance against another governing body. He stated that when the Kansas City School District decided to close 26 schools, the Kansas City City Council did not challenge them.

Al Herrera felt the City should get involved with the boundary change as it splits a Prairie Village community. He feels the City boundaries should be left untouched and noted the proposed change has minimal financial impact. At least the residents should be given an option to transfer to Shawnee Mission East.

Andrew Wang would like to have someone from the school district talk to the Council regarding their recommendations. He feels it is the role of the Council to be advocates on behalf of Prairie Village residents. He would like to know why they have proposed drawing the boundary through a community.

David Morrison expressed concern for the impact on the communities in the southern part of the City noting the potential loss of a school and the recent loss of a post office.

Diana Ewy Sharp stated she supports having a school representative come to the Council and provide information and facts. She noted she does not feel the City should get involved in a debate over closing Mission Valley or Indian Hills. However, the closing of a neighborhood school will have an impact on the community and the demographics of the City. She does not feel it is divisive to ask questions of the school district.

David Belz stated there is a difference between asking the school district to provide information and telling them not to do something within their jurisdiction. He noted based on the information he has received, the residents are well informed and equipped to challenge the school board and does not need the city's support.

Michael Kelly feels it is important for the Council to have a clear understanding and be educated to better be able to respond to residents.

Charles Clark stated he has been working with residents of Kenilworth who are well organized and committed to address the school board with their questions and concerns. He noted the school looks at attendance areas - it does not look at city boundaries.

Quinn Bennion asked for if the Council was directing staff to have a school representative attend the October 18<sup>th</sup> Council meeting to explain the proposals have impact Prairie Village residents. He noted the school district is already holding several informational meetings presenting that information. He asked if this would be a public

hearing with comments or solely a presentation. Council members responded they wanted a presentation for the education of the Council.

Michael Kelly asked if it would be better to have staff meet with school officials and relay the information to the Council or perhaps a small committee of staff and Mayor.

David Belz stated ideally he would like to have them present as Council members may have questions that the staff are unaware of, but noted it would probably be better to have staff meet and report back.

Andrew Wang stated he would like to have representatives here for the Council to be able to ask questions.

Charles Clark stated because the presentation is at a public meeting, the public will attend and will want to speak. Dale Beckerman agreed that public comment cannot be prevented and if someone of the school district is on the agenda, the public will attend. He noted that the information Mr. Enslinger is getting at tonight's meeting may be what the Council wants to know. He prefers to have staff gather information and report before bringing someone from the District to speak.

Quinn Bennion stated that staff can summarize the information it is given but noted a number of views have been expressed.

Michael Kelly suggested that the Mayor together with staff meet with the school district to get information and report back to the Council at the next meeting. The suggestion was supported by a majority of the Council.

Quinn Bennion asked what the Council wanted staff to find out. Council members responded with the following questions:



- What is the rationale for redrawing the boundary line for Shawnee Mission South High School to include a section of Kenilworth in Prairie Village?
- What alternatives or options are available?
- What other uses are being projected for the Mission Valley Middle School building and property?
- What is driving the closing of Mission Valley Middle School?
- How was the decision arrived at?
- How will the additional student traffic be handled?
- What is the District's long term plan and cities repopulated and student enrollment grows?
- With the re-greening of Northeast Johnson County, will there be a capacity issue in the upcoming years?

Al Herrera stated all of these questions can be answered by Council members attending one of the informational meetings instead of asking staff to spend their time researching and meeting with school officials.

**ANNOUNCEMENTS**

**Committee meetings scheduled for the next two weeks include:**

Municipal Foundation	10/05/2010	5:30 p.m.
Board of Zoning Appeals	10/05/2010	6:30 p.m.
Planning Commission	10/05/2010	7:00 p.m.
Sister City Committee	10/11/2010	7:00 p.m.
Parks and Recreation Committee	10/13/2010	7:00 p.m.
Council Committee of the Whole	10/18/2010	6:00 p.m.
City Council	10/18/2010	7:30 p.m.

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The Prairie Village Arts Council is pleased to announce the annual State of the Arts exhibit in the R. G. Endres Gallery for the month of October. The reception will be held on October 8th from 6:00 - 8:00 pm. Three prizes of \$1,000 will be awarded including the R. G. Endres Memorial Best of Show, and the Viewer's Choice Award of \$500. The awards will be announced at 7:30 p.m.

**Prairie Village Peanut Butter Week is October 4th - 8th.**

The City Clerk's office has a new style of ceramic coffee mug for sale. They are \$5.00 each.

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

## ADJOURNMENT

With no further business to come before the City Council, the meeting was adjourned at 8:20 p.m.

Joyce Hagen Mundy  
City Clerk

## CITY TREASURER'S WARRANT REGISTER

DATE WARRANTS ISSUED:

Warrant Register Page No.   1  

October 18, 2010

Copy of Ordinance  
2876

Ordinance Page No.       

An Ordinance Making Appropriate for the Payment of Certain Claims.

Be it ordained by the governing body of the City of Prairie Village, Kansas.

Section 1. That in order to pay the claims hereinafter stated which have been properly audited and approved, there is hereby appropriated out of funds in the City treasury the sum required for each claim.

NAME	WARRANT NUMBER	AMOUNT	TOTAL
<b>EXPENDITURES:</b>			
Accounts Payable			
95632-95715	9/3/2010	342,278.32	
95716-95719	9/10/2010	6,565.63	
95720	9/14/2010	3,185.44	
95721-95818	9/17/2010	1,240,404.18	
95819-95824	9/24/2010	8,267.13	
Payroll Expenditures			
9/10/2010		251,674.93	
9/24/2010		257,144.49	
Electronic Payments			
Intrust Bank -credit card fees (General Oper)		1,131.58	
Intrust Bank - fee		421.22	
KCP&L		16,901.39	
Wageworks - Section 125 admin fees		252.92	
Intrust Bank - purchasing card transactions		16,737.43	
Kansas Gas		772.69	
Marshall & Ilsley - Police Pension Remittance		7,297.46	
State Sales Tax Quarterly			
<b>TOTAL EXPENDITURES:</b>			<b>\$ 2,153,034.81</b>
Voided Checks			
<b>TOTAL VOIDED CHECKS:</b>			-
<b>GRAND TOTAL CLAIMS ORDINANCE</b>			<b>2,153,034.81</b>

Section 2. That this ordinance shall take effect and be in force from and after its passage.

Passed this 18th day of October 2010.

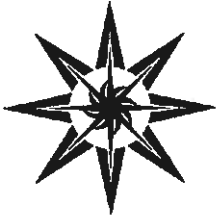
Signed or Approved this 18th day of October 2010.

(SEAL)

ATTEST: \_\_\_\_\_

\_\_\_\_\_  
City Treasurer

\_\_\_\_\_  
Mayor



## POLICE DEPARTMENT

Council Meeting Date: October 18, 2010

**CONSENT AGENDA:**      **Consider the Interlocal Agreement with the Leawood Police Department**

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### **RECOMMENDATION**

Staff recommends approval of the agreement with the Leawood Police Department as it relates to the location and maintenance of the 800mhz Radio System.

### **BACKGROUND**

The Prairie Village Police Department has officially switched to the new county-wide radio system. In doing so, it leaves a certain amount of existing radio equipment from the 800/EDACS System functional in the cellular building.

Leawood has agreed to maintain the equipment as they will remain on the system for at least two more years.

The agreement turns all equipment and expense over to the Leawood Police Department. The Prairie Village Police Department will be able to maintain radio contact with the Leawood Police Department via portable radios on the EDACS system.

### **PREPARED BY**

Tim Kobe  
Staff Services Division Supervisor  
October 8, 2010

TK;jlw

## INTERLOCAL AGREEMENT

This Interlocal Agreement ("Agreement") is entered into by and between the CITY OF PRAIRIE VILLAGE, KANSAS ("PRAIRIE VILLAGE") and the CITY OF LEAWOOD, KANSAS ("LEAWOOD"), each party having been duly organized and now existing under the laws of the State of Kansas, the \_\_\_\_ day of \_\_\_\_\_, 2010.

### WHEREAS:

A. PRAIRIE VILLAGE and LEAWOOD currently equally share the costs of a communications system for voice and data communications services jointly used by their respective police departments (the "PV/L System"); and

B. PRAIRIE VILLAGE will be transitioning to a communications system maintained by Johnson County, Kansas ("Johnson County System") in October, 2010; and

C. Upon the transition by PRAIRIE VILLAGE to the county system, the PV/L System will continue to be used by LEAWOOD, at the sole expenses of LEAWOOD, upon the terms and conditions stated herein.

NOW THEREFORE, the parties in consideration of the mutual covenants herein contained, agree as follows:

1. Effective upon such date (the "Transition Date") that PRAIRIE VILLAGE fully implements the transition of voice and data communications services to the Johnson County System, LEAWOOD agrees to assume all costs associated with the operation of the PV/L System, including all costs of maintenance provided by Harris Corporation ("Harris").

2. Costs assumed by LEAWOOD shall include all costs of maintenance of equipment included in the PV/L System which is located in PRAIRIE VILLAGE and generally described as Item #'s 1, 2, 3, 4, & 11 on Revised Addendum II – Equipment List (the "PV Equipment"), and all costs of Preventative Maintenance identified by Harris per the Attachment to Amendment to Leawood Maintenance Agreement, Revised Addendum I, between Harris and LEAWOOD in substantially the form attached hereto.

3. From and after the Transition Date, LEAWOOD may continue to use the PV Equipment, as is, and at LEAWOOD's sole cost, through December 31, 2012, at no charge, and PRAIRIE VILLAGE will provide LEAWOOD and Harris reasonable access to the PV Equipment for such purpose.

4. PRAIRIE VILLAGE shall not charge a fee to LEAWOOD for use of its tower used in connection with the PV Equipment.

5. LEAWOOD acknowledges and agrees that continued use of the PV Equipment is being made available to LEAWOOD in its "as is" condition, and PRAIRIE VILLAGE makes no representation or warranty as to its condition, and shall have no obligation with respect to the PV Equipment, other than pursuant to section 3 hereof.

6. The parties may amend this Agreement by mutual consent, in writing.

7. This Agreement will be effective when approved by the Governing Bodies of PRAIRIE VILLAGE and LEAWOOD.

**IN WITNESS WHEREOF**, the above and foregoing Agreement has been executed by each of the parties hereto and made effective on the day and year first above written.

CITY OF PRAIRIE VILLAGE, KANSAS

By: \_\_\_\_\_  
Mayor Ron Shaffer

\_\_\_\_\_  
Joyce Hagen Mundy, City Clerk

APPROVED AS TO FORM

\_\_\_\_\_  
Catherine P. Logan

CITY OF LEAWOOD, KANSAS

By: \_\_\_\_\_  
Mayor Peggy Dunn

\_\_\_\_\_  
Deb Harper, City Clerk

APPROVED AS TO FORM

\_\_\_\_\_  
Patricia A. Bennett



ATTACHMENT TO AMENDMENT to LEAWOOD MAINTENANCE AGREEMENT

REVISED ADDENDUM I – EDACS SYSTEM MAINTENANCE RATES

**A. MAINTENANCE RATES**

Monthly charges for maintenance: See information below concerning pro-rated billing determined by actual start date of revised agreement.

Annual charges for maintenance – Original Leawood Equipment: \$23,121.00  
Annual charges for maintenance – Prairie Village Equipment Added to Leawood Agreement: \$13,619.04

**Total Annual Charges \$36,740.04**

Monthly charges for maintenance – Original Leawood Equipment: \$1,926.75  
Monthly charges for maintenance – Prairie Village Equipment Added to Leawood Agreement: \$1,134.92

**Total Monthly Charges \$3,061.67**

**B. DEMAND SERVICE RATES**

Hourly Rate (normal business hours): \$85.00  
Hourly Rate (overtime and holidays): \$127.50  
Mobile/Portable Radio Reprogramming: \$52.00 per unit

**C. DATABASE CORRECTION RATES**

Hourly Rate: Same as hourly rates shown above

**REVISED ADDENDUM II – EQUIPMENT LIST**

**A. FIXED EQUIPMENT:**

<b>Combined &amp; Condensed Equipment List for Backbone Equipment - Leawood</b>					
<b>Item #</b>	<b>Qty</b>	<b>Description</b>	<b>Notes</b>	<b>Per Unit / Monthly</b>	<b>Annually</b>
1	3	Rack One with 3 Repeaters / GETC's	PV Site (5 Channels)	\$ 164.11	\$ 5,907.96
2	2	Rack Two with 2 Repeaters / GETC's		\$ 164.11	\$ 3,938.64
4	1	Rack with SIM		\$ 99.99	\$ 1,199.88
11	1	SIM at TX Site that is Shared with PV		\$ 114.11	\$ 1,369.32
3	1	IMC & MOM PC (Excludes Previous PV Consoles)	PV Site IMC and MOM PC	\$ 427.91	\$ 5,134.92
<b>Leawood Equipment</b>					
5	2	MDX Control Stations with Cabinet	Leawood Equip	\$ 25.00	\$ 600.00
6	4	MDX Control Stations with Power Supply (no Cabinet)	Leawood Equip	\$ 15.00	\$ 720.00
<b>Leawood Site (3 Channels)</b>					
8	3	Repeaters with GETC @ Leawood Site	Leawood Site (3 Channels)	\$ 100.00	\$ 3,600.00
10	1	SIM at Leawood		\$ 100.00	\$ 1,200.00
9	1	IMC & MOM PC	Leawood IMC, IMC Manager & NIM Link to Prairie Village IMC	\$ 375.00	\$ 4,500.00
14	2	NIM Link between sites shared with PV		\$ 50.00	\$ 1,200.00
13	4	T1 MUX	Leawood & Prairie Village - MUX for circuits to PV IMC	\$ 50.00	\$ 2,400.00
17	3	Maestro CRT Consoles	Leawood	\$ 100.00	\$ 3,600.00
18	1	System Manager and Terminal	Was previously split 50% to Leawood and 50% to PV. Under new Agreement 100% to Leawood	\$ 114.11	\$ 1,369.32
<b>Combined Maintenance Pricing for Leawood</b>					<b>\$ 38,740.04</b>

<b>Notes on Combined Equipment Listing</b>	
Items 1, 2, 4 & 11 comprise the RF Site at Prairie Village and are now shown grouped together.	
Item # 3 is the IMC and IMC Manager located at the Prairie Village Site - Excludes previous Prairie Village Consoles	
Item # 7 has been merged into items # 1 & # 2 and pricing adjusted to match previous totals when split.	
Items # 12, 15 & 16 have been removed from the covered equipment listing and will now be shown in the new agreement as excluded items, not covered by the agreement. See Addendum III Special Conditions.	

**B. EXCLUSIONS**

**The following items are not covered as part of this maintenance proposal.**

- Portable Radio Batteries and UPS Batteries**
- Mobile, Portable and Site Antennas**
- Expendables Like Leather Cases (after warranty period)**
- Non-M/A-COM Supplied materials**



## MAYOR'S ANNOUNCEMENTS

October 18, 2010

**Committee meetings scheduled for the next two weeks include:**

Arts Council	10/20/2010	7:00 p.m.
Environmental Recycle Committee	10/27/2010	7:00 p.m.
Council Committee of the Whole	11/01/2010	6:00 p.m.
City Council	11/01/2010	7:30 p.m.

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The Prairie Village Arts Council is pleased to announce the annual State of the Arts exhibit in the R. G. Endres Gallery for the month of October.

The Johnson & Wyandotte Counties Annual Holiday Social will be December 8, 2010 at 5:30 p.m.

The City Clerk's office has a new style of ceramic coffee mug for sale. They are \$5.00 each.

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

**INFORMATIONAL ITEMS**  
**October 18, 2010**

1. Board of Zoning Appeals Minutes - July 6, 2010
2. Planning Commission Minutes - September 7, 2010
3. Council Committee of the Whole Minutes - October 4, 2010
4. Tree Board Minutes - September 1, 2010
5. Sister City Committee Minutes - September 13, 2010
6. Sister City Committee Minutes - September 19, 2010
7. Park and Recreation Committee Minutes - September 8, 2010
8. Mark Your Calendars
9. Committee Agenda

**BOARD OF ZONING APPEALS  
CITY OF PRAIRIE VILLAGE, KANSAS  
MINUTES  
TUESDAY, JULY 6, 2010**

**ROLL CALL**

The meeting of the Board of Zoning Appeals of the City of Prairie Village, Kansas was held on Tuesday, July 6, 2010 in the Multi-Purpose Room. Board Secretary Joyce Hagen Mundy called the meeting to order at 6:30 p.m. with the following members present: Bob Lindeblad, Marlene Nagel, Nancy Vennard and Ken Vaughn. Also present in their advisory capacity to the Board of Zoning Appeals were: Ron Williamson, Planning Consultant, Jim Brown, Building Official and Joyce Hagen Mundy, Board Secretary.

With the absence of the Chairman and Vice-Chairman, nominations were taken for an acting chairman for the meeting. Bob Lindeblad nominated Ken Vaughn to serve as acting chairman. The nomination was seconded by Marlene Nagel and passed unanimously.

**APPROVAL OF MINUTES**

Bob Lindeblad moved the minutes of April 6, 2010 be approved as written. The motion was seconded by Marlene Nagel and passed 3 to 0 with Nancy Vennard abstaining due to her absence from that meeting.

**BZA2010-04      Request for a Variance from P.V.M.C. 19.06.030(b)  
to expand their existing facility on the northwest corner to  
add more nursing facilities at 8101 Mission Road under a Special Use  
Permit for Adult Senior Dwellings**

Acting Chairman Ken Vaughn reviewed the procedures for the public hearing. The Secretary confirmed that the Notice of Public Hearing was published in the Johnson County Legal Record on Tuesday, June 15, 2010 and all property owners within 200' were mailed notices of the hearing.

Ken Vaughn called upon the applicant to present their application. David Randazzo, former Executive Director who presented the previous request for a variance, introduced Chris Andersen, current Executive Director for Claridge Court. Mr. Andersen introduced Claridge Court residents attending the meeting: Monroe Taliaferro, Mr. & Mrs. Sandy and Mr. Cunningham.

Mr. Andersen stated Claridge Court has recently been turning away two or more potential residents a week because they do not have the capacity to meet their needs. Claridge Court is a Continuing Care Retirement Community serving seniors from Prairie Village and the surrounding area. The Five Star facility is composed of 135 independent living apartments and a 35 resident nursing home. The residents are provided with

dining, lifestyle activities, healthcare and wellness programs. No change in use is proposed for the property. The proposed expansion will provide enhancements to the existing facility that they feel are necessary to meet the needs of the current residents and residents of the surrounding community. These enhancements will ensure that the facility remains competitive with other retirement communities in the area. The project will not increase the number of apartments on the site, but the number of nursing beds available on the property will be increased from 35 to 45 on the property. These 10 additions beds will be in private rooms.

Dale Tremain, with Tremain Architects, noted the average age of the residents when the facility opened in 1988 was much younger than the current average age of 81. This has resulted in the need for additional nursing care units both for existing residents as well as potential new residents. The original facility was designed more than twenty years ago and is not in tune with the demands of the current nursing home resident for private rooms. Privacy and residential character are two of the defining characteristics of a high quality nursing home. As Mr. Andersen stated, Claridge Court is the only Five Star Rated nursing facility in Prairie Village, a rating given to only 15% of the nursing homes in the country.

The proposed expansion has three facets - 1) the addition of a fitness center/pool facilities ,for which an earlier variance was approved on the south side of the property, 2) interior renovations and 3) the addition of 10 more nursing care units. He noted the increase in the number of residents has required additional expansion of open/shared areas to meet state requirements. In order to connect with the existing nursing care facilities which are located on the second floor, the proposed addition is a two-story structure of approximately 5,250 square feet per floor. The expansion is proposed at the northwest end of the existing facility along Mission Road. In addition to the additional private nursing care rooms, the expansion will also provide for support services and a new service entry.

Mr. Tremain noted the 2008 project was set back 30 feet from Mission Road while the proposed project will be set back 15 feet from the Mission Road property line. The existing building is setback is 42' at the closest point and 69' at the farthest overall point from Mission Road, noting that overall they are providing a greater setback than required. The variance for the 15' setback only pertains to the minimum area needed for expansion. Mr. Tremain presented photos of the existing facility, pointing out where the proposed expansion would take place and how it would blend with the existing architecture. The rooflines of both the fitness center on the south side and the proposed nursing care expansion will be lower than the roofline of the existing facility.

Ken Vaughn asked why the windows shown on the west elevation were smaller and different than others. Mr. Tremain responded the size and placement of the windows was caused by the internal design of the rooms. The higher and smaller windows allow for the necessary outside light, while allowing unobstructed walls for the placement of furniture within the rooms.

Bob Lindeblad asked Mr. Tremain to explain why the proposed addition could not be located elsewhere on the property within the City's zoning regulations.

Mr. Tremain stated they studied the placement of the new nursing home component of this project, and have determined that there is no other viable location for it on the property. The existing nursing home is located on the top floor of the facility along the west side of the campus facing Mission Road. Any addition to the nursing home must be directly connected to the existing nursing home to comply with nursing home licensing requirements. A two-story addition is therefore required. Additions to the south or west are not feasible because of the site boundaries.

The proposed location is the only location that meets nursing home requirements, and does not negatively impact emergency access, service delivery or parking on the site. Other solutions would require dramatically greater exceptions from the zoning regulations. This approach minimizes new construction and has the least impact on the surrounding community.

Ron Williamson noted that Claridge Court was approved as a Special Use Permit in a "C-2" General Business District in 1988, but the project was not constructed until 1992. The "C-2" District has a 15' front yard setback, but when a residential structure is built in a business district, it must maintain the same setbacks as the residential districts. Therefore a 30' setback is required adjacent to Mission Road. The Special Use Permit was granted for 135 senior apartment units and 40 nursing home beds. When the project was built, it included 135 senior apartment units but only 35 nursing home beds. The applicant is requesting an amendment to the Special Use Permit to increase the number of nursing home beds from 40 to 45 and therefore add 10 more beds to the project. The proposed 10 units will be private rooms. Currently 28 beds are semi-private and 7 are private rooms. The 10 new rooms need to be attached to the existing nursing facility for proper function and management. In order to do this the applicant is extending the addition into the front yard along Mission Road for only that portion of the building that will be occupied by the new rooms which is approximately 70 feet of the 436 feet of frontage on Mission Road. The proposed new addition will be at the northwest corner of the existing building.

Mr. Williamson noted as Mr. Tremain stated that the property line adjacent to Mission Road is not uniform. The right-of-way for the south 157 feet of the site is 40 feet and the right-of-way for the north 278 feet of the site is 25 feet. Therefore, the building sets back 15 feet more from the property line where the variance is being requested. The building also sets back further than the required 30 feet front setback. The front façade of the building is varied and sets back from Mission Road approximately 42.1 feet at its closest point and 69.4 feet at its furthest point.

In July 2008 the Board granted a variance to Claridge Court adjacent to Somerset Drive to allow them to construct common facilities including a swimming pool, classroom, spa, locker rooms, café and outdoor eating area. Because of the current economic conditions, the applicant has postponed construction for two to three years.

Mr. Williamson advised the Board that the application to amend the Special Use Permit to increase the number of nursing home beds from 40 to 45 is on the Planning Commission Agenda as well as a revised site plan. He added the proposed 15 foot setback is allowed by the commercial zoning of this property; however, because of its residential use, it must comply with the residential zoning setbacks. .

No one present addressed the Board on the requested variance and the public hearing on the application was closed.

Acting Chairman Ken Vaughn led the Board through a review of the five criteria required for the granting 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 or the applicant.**

Bob Lindeblad noted the applicant has stated their study of the placement of the new nursing home component for this project determined no other viable location on the property. The existing nursing home is located on the top floor of the facility along the west side of the campus facing Mission Road. Any addition to the nursing home must be directly connected to the existing nursing home to comply with nursing home licensing requirements. A two-story addition is, therefore, required. Additions to the south or west are not feasible because of the site boundaries.

The proposed location of the nursing home addition is the only location that meets nursing home requirements, and does not negatively impact emergency access, service delivery, or parking on the site. Other solutions would require dramatically greater exceptions from the zoning regulations. This approach minimizes new construction and has the least impact on the surrounding community."

Staff noted the market has changed regarding the demand for nursing beds since Claridge Court was designed. Only 35 of the approved 40 beds were built in the original construction, but as the population has aged the need for more nursing beds has increased. The uniqueness is that there is only one logical location to enlarge the facility to construct the 10 additional beds and that is an extension of the existing nursing home section.

Bob Lindeblad moved that the Board find that the variance does arise from conditions unique to this property that require the placement of the addition as proposed. The motion was seconded by Marlene Nagel and passed 4 to 0.

#### **B. Adjacent Property**

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

The granting of this variance would not adversely affect the rights of adjacent property owners to the north or east. The property adjacent to the east is multi-family and it is

remote from the proposed expansion. The property to the north is also multi-family, but the garages for the apartments are adjacent to the property line and there is a significant distance between the apartments and Claridge Court.

Marlene Nagel moved that the Board find that the variance would not adversely affect adjacent property. The motion was seconded by Bob Lindeblad and passed 4 to 0.

#### **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.**

Bob Lindeblad noted this project was designed more than 20 years ago and the needs and market for senior living has changed significantly as stated by the applicant. Projects such as this need to be able to change and adapt as lifestyles and culture changes in order to remain viable in the market place and keep up with current living trends.

The applicant has stated the rise in demand for nursing home admission is expected to continue. Claridge Court residents, Prairie Village citizens and the desire of local residents to bring their parents to a care facility near where they live, which has generated the increased demand for their facility. They have had to place Claridge Court residents in other nursing care facilities because of the lack of capacity and have not been able to accept a single resident from Prairie Village or the surrounding communities in nearly a year.

Nancy Vennard moved that the Board find that a condition of hardship does exist. The motion was seconded by Bob Lindeblad and passed 4 to 0.

#### **D. Public Interest**

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

The variance will utilize a portion of the green space that is adjacent to Mission Road; however, the street trees will be protected and retained. The street trees currently provide good screening for the project. There does not appear to be any factors that will adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

Marlene Nagel moved that the Board find that the variance would not adversely affect the public interest. The motion was seconded by Nancy Vennard and passed 4 to 0.

#### **E. Spirit and Intent of the Regulation**

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

The intent of the regulations is to create more open space and provide an aesthetically pleasing view from the streets. It was noted that the right-of-way along Mission Road is wider at the Somerset intersection and the building sets back a much greater distance

than required by the ordinance. The closest point of the building is approximately 42' from the Mission Road right-of-way at the south end. The right-of-way from Mission Road is 15' less adjacent to the northern portion of the building so the setback increases to 57' and will still provide more green space than required by the ordinance will still be provided. It was also noted that this property is zoned C-2 Business and if it were developed for commercial the setback would be 15'.

Bob Lindeblad moved that the Board find that the variance is not opposed to the spirit and intent of the regulations. The motion was seconded by Marlene Nagel and passed 4 to 0.

Nancy Vennard moved that the Board, having found all of the five conditions to exist approves BZA Application 2010-04 for the requested variance from P.V.M.C. 19.06.030(b) for the property located at 8101 Mission Road to reduce the front yard setback from 30 feet to 15 feet adjacent to Mission Road. The motion was seconded by Marlene Nagel and passed by a vote of 4 to 0.

Nancy Vennard expressed appreciation for the well organized and complete information presented by the applicant for the Board to review in their packets.

#### **OTHER BUSINESS**

There was no Other Business to come before the Board.

#### **ADJOURNMENT**

Acting Chairman Ken Vaughn adjourned the meeting of the Board of Zoning Appeals at 6:55 p.m.

Ken Vaughn  
Acting Chairman



**PLANNING COMMISSION MINUTES  
SEPTEMBER 7, 2010**

**ROLL CALL**

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, September 7, 2010, in the Multi-Purpose Room, 7700 Mission Road. Acting Chairman Randy Kronblad called the meeting to order at 7:00 p.m. with the following members present: Dirk Schafer, Nancy Wallerstein, Marlene Nagel and Nancy Vennard.

The following persons were present in their advisory capacity to the Planning Commission: Ron Williamson, Planning Consultant; Jim Brown, City Building Official; and Joyce Hagen Mundy, City Clerk/Planning Commission Secretary. It was noted that Dennis Enslinger, Assistant City Administrator and David Morrison, Council Liaison, were attending the City Council meeting being held at the same time.

**APPROVAL OF MINUTES**

Nancy Vennard moved for the approval of the minutes of July 6, 2010 as written. The motion was seconded by Marlene Nagel and passed 5 to 0.

**PUBLIC HEARINGS**

Randy Kronblad announced there are no public hearings on the agenda.

**NON-PUBLIC HEARINGS**

**PC2010-07 Request for Site Plan Approval for a Fence Setback Modification  
at 7200 Canterbury**

Connie Carlyle, 7200 Canterbury, stated she lives directly across from Windsor Pak and is proposing to replace an original 50-year old three foot white wooden fence located just off the property line with a new four foot white vinyl picket fence in the same location. When she applied for her fence permit, it was denied because of a change in the fence regulations which require fences located on the side street of a corner lot to not be less than fifteen feet from the right-of-way line or one-half the depth of the front yard of an adjacent building. She stated complying with this regulation would place the fence directly in the middle of a healthy, mature pine tree. This location would also prevent a gate from being installed on the northwest corner allowing access to her back yard. It would also severely limit the size of usable backyard for her three Labrador dogs. She stated she would lose 2,000 square feet of yard.

Ms. Carlyle is requesting permission to place the new fence in the location of the original fence on the property, approximately one foot inside her property line. She added the height of the new fence would not adversely affect driver visibility at the intersection or traffic safety. She stated she had a neighborhood meeting and has the support of both her immediate neighbors as well as her homes association for the requested waiver of

current regulations. The fence is an open fence that she feels it will enhance the value of her property and neighborhood while providing security for her animals without any negative impact on vehicular traffic on Canterbury.

Dennis Enslinger reviewed the criteria set forth in Section 19.32.030 for a modification to the required setback under the approval of a site plan.

**A. The site is capable of accommodating the building(s), parking areas and drives with appropriate open space and landscape;**

The applicant is not proposing to significantly alter the existing building, parking or drive configuration. The open space will remain relatively the same since the proposed fence design is similar the previous fence. The only significant change is to the height of the fence. The previous fence was 36 inches in height and the proposed fence is 48 inches in height.

**B. Utilities are available with adequate capacity to serve the proposed development;**

The site has existing utilities.

**C. The plan provides for adequate management of stormwater runoff;**

The proposed modifications to the site will not have any impact on stormwater runoff.

**D. The plan provides for safe and easy ingress, egress and internal traffic circulation;**

The Planning Commission has given the placement of fences a great deal of consideration related to safe ingress and egress circulation. In developing setback standards for fences, the Planning Commission has considered impacts on adjacent properties. In this case the property to the south could be adversely impacted if a standard six (6) foot privacy fence was constructed along the property line. To alleviate such an impact the zoning ordinance requires that new fences be setback a minimum of fifteen (15). This would allow clear visibility for anyone backing out of the adjacent driveway.

In this particular case, the applicant is proposing a picket fence (decorative) which has a 50% void ratio. The zoning code does allow for decorative fences to be located ten (10) feet from the property line but this provision only applies to fences located in the front yard setback and not the side yard setback. In addition, decorative fences in the front yard cannot exceed 2.5 feet in height.

Given the fact that the proposed fence is decorative in nature the Planning Commission may consider granting a waiver from the fifteen (15) foot setback provision. If the Planning Commission decides to grant a waiver, it is recommended that the fence be setback a minimum of five (5) feet from the property line, which is the minimum setback for a fence on a corner property. A ten (10) foot setback would allow for greater visibility for an individual backing out of the adjacent driveway of the property to the South and consistent with the minimum setback for decorative fences.

**E. The plan is consistent with good land planning and site engineering design principles;**

The plan is consistent with good land planning and site engineering design principles.

**F. An appropriate degree of compatibility will prevail between the architectural quality of the proposed building(s) and the surrounding neighborhood;**

The proposed fence is compatible with the residential structure and the surrounding neighborhood.

**G. The plan represents an overall development pattern that is consistent with the Comprehensive Plan and other adopted planning policies.**

The plan is consistent with overall development patterns represented in the neighborhood and with the policies adopted in the Comprehensive Plan.

Mr. Enslinger stated staff recommends approval of the waiver to Section 19.44.025 C, subject to the following conditions:

1. The fence be a minimum of ten (10) feet from the property line;
2. The fence design shall be an open picket design with at least a 50% void ratio;  
and
3. Letter from the HOA approving the request

Mr. Enslinger stated the Homes Association has already submitted a letter approving the placement of the fence at the original location.

Nancy Vennard stated she felt the existing maple tree may be more of an obstruction as it grows and would recommend Ms. Carlyle consider placing the fence 5' back to accommodate the growth of the tree without impacting the fence or the tree roots negatively impacting the fence.

Dirk Schafer confirmed the corner setback is five feet and noted a fence located only one foot back may be damaged from winter snowplow operations.

Connie Carlyle distributed photos of the proposed fence and its location.

Nancy Wallerstein noted the proposed fence is not large and has the approval of the homes association and neighbors; therefore, she is supportive of the requested waiver. She confirmed the placement of the sidewalk and available greenspace. Mr. Enslinger responded there is a 4' sidewalk and 2' greenspace. A neighbor, W. B. Madden, 7301 Falmouth spoke on behalf of the requested waiver stating the sidewalk has been there for several years and stated the proposed fence was attractive, stable requiring no maintenance and feels it will enhance the property.

Nancy Vennard encouraged the applicant to consider moving the fence back for the sake of the existing trees. Ms. Carlyle noted the removal of shrubbery over the weekend clearing the view and visibility of the intersection. Mrs. Wallerstein asked how the applicant felt about moving the fence back as recommended by Mrs. Vennard. Ms. Carlyle replied she had not thought of it, but noted the suggestion makes sense.

Vern Madden, 7301 Falmouth, stated the proposed fence will be a visual enhancement to the neighborhood.

Marlene Nagel moved the Planning Commission approve the requested waiver to Section 19.44.025C for the proposed fence at 7200 Canterbury as proposed subject to the following conditions:

1. The fence be a minimum of one foot from the property line;
2. The fence design shall be an open picket design with at least a 50% void ratio;  
and
3. Letter from the HOA approving the request.

The motion was seconded by Nancy Wallerstein and passed by a vote of 5 to 0.

Connie Carlyle stated she had not considered the growth of the tree near the fence and will look into that when locating the fence.

### **PC2010-108 Amendment to Sign Standards 7500 State Line Road**

Scott Schultz, with Commercial Sign Design, presented revisions to the sign standards approved for the office complex at 7500 State Line Road in 1988. At that time the project was a two building complex and the east building was a single tenant building occupied by Guardian Savings while the west building was multi-tenant. Guardian Savings is no longer involved in the project and the tenant mix has changed. Currently the east building is vacant but will be occupied by KC Helpdesk.

Mr. Schultz stated he has received the staff report and accepts staff recommendations which the exception of the reference to color in 3E. Their request is being made to specially address the needs of KC Helpdesk and reflects their corporate trade colors. He noted blue caps are difficult to illuminate. The flexibility in the color of the trim is important to his client.

Ron Williamson noted the owner will need to replace the existing box sign. He noted staff has proposed the black trim to tie all the signs in the building complex together. Mr. Williamson noted the applicant is also asking for a second monument sign which is allowed on this corner lot.

Scott Schultz noted the trim cap color would be minimal. Nancy Wallerstein confirmed they already have red coloring and would be adding blue coloring which is part of the logo. Mr. Schultz noted the letter face is white and it would be the only part illuminated. The red and blue coloring would not be illuminated.

Nancy Vennard asked if the wording "Computer Repair" proposed as part of the sign is part of their registered name. If it is, the sign is ok. If not, it would not be allowed as part of the sign. Mr. Schultz stated he was confident that it was part of the registered name, but would provide documentation to the Commission. He stressed the coloring, although visible during the day, would not be visible during the evening as it would not be illuminated.

Ron Williamson pointed out that this property is zoned C-1. At one time, there was an agreement between the City and the original developer to limit the uses on this site. In 1994, the City Council voted to rescind the agreement and the property was zoned C-1 Restricted Business District.

The proposed changes to the sign standards are as follows:

1. In Section I.B.2 the name of the landlord is changed to the current one.
2. Section I.B.9 the proposed change is from:

“9. Flags, banners, trailer, portable or temporary signs are prohibited.”

to

9. “Flags, banners, trailer, portable or temporary signs are prohibited unless approved by the landlord.”

Trailer and portable signs are prohibited by ordinance. Due to the change in the sign regulations there are extensive rules regarding temporary signs that must be followed if permitted. Flags and banners are addressed in the Accessory Use Section 19.34.040.C and require a short term permit from the City Council.

Staff recommended that either:

- a. **This language not be changed, or that it be rewritten as follows:**
  - b. **Trailer or portable signs are prohibited. Temporary signs shall comply with Chapter 19.48 Sign Regulation. Flags and banners used in promotional events shall be approved by the City Council in accordance with Section 19.34.040.C of the Zoning Ordinance.**
3. Section I.B.10 proposed changing from allowing one freestanding sign to permitting one for each street frontage. The site is currently bounded by 75<sup>th</sup> Street on the north, State Line Road in the east and Eaton Street on the west. The west side of Eaton Street is residential and it is recommended that the monument signs be restricted to 75<sup>th</sup> Street and State Line Road. The Ordinance also requires the sign base, materials and proportions shall be uniform for multiple monument signs. This section should be rewritten to allow two monument signs, one on 75<sup>th</sup> Street and one on State Line Road.
  4. Section I.B.11 was changed as follows:  
One illuminated or non-illuminated wall-mounted sign shall be permitted on each principal façade of each building or each shop or office therein provided that the total area of such sign shall not exceed five (5) percent of the total area of the façade of each building or each shop upon which it is mounted and except that such sign area shall not exceed fifty (50) square feet. ~~Provided, however, that exterior signs shall only be permitted on the north, south, and east facades of the Guardian Savings Building and on the west façade of the tenant building.~~ *Façade shall mean that portion of the building wall, which is contiguous with the tenant's gross leasable floor area.*

For computing the area of any sign which consists of letters mounted on a wall, said area shall be deemed to be area of the smallest rectangular figure which can encompass all of the letters.

The change proposed would allow signs on the north, east and west sides of the multi-tenant building. There are three signs on the west building in violation of the current sign standards. Robert M. Browne, D.D.S. is on the south façade and Edward Jones and Something Different are on the east façade. If the Planning Commission approves this change, the box sign for Something Different needs to be removed and replaced with individual letters as it is on the west side of the building.

5. Section II Construction B.1.c. - The applicant has proposed to increase the letter height from 1'6" to 2'0" for a one line sign and on a two line sign from 1'0" to 1'7" for the first line and 10" for the second line.
6. Section II.B.3 currently reads as follows:
  3. Color:
    - a. Acrylic faces "white" #7328
    - b. Retainers and cap connecting acrylic faces to retainers:  
Retainers: Black Trim Cap: Black
    - c. Neon: 15mm, 6500 white.

The proposed change is as follows:

3. Color:
  - d. Acrylic faces "white" #7328
  - e. Retainers and cap connecting acrylic faces to retainers:  
Retainers: Black, red or blue as approved by landlord.  
Trim Cap: Black, red or blue as approved by landlord.
  - f. Neon and LED color to be reviewed and approved by landlord.

All the existing retainer and trim caps are black currently and this is a good unifying design element. The acrylic faces are not all white and perhaps that should be changed to reflect what exists.

To clarify the standards, external exposed neon tubing should be added to the prohibited list.

*Based on the policy adopted in April 2008, the Planning Commission may, in the process of approving sign standards, approve deviations for the standard requirements as follows provided said deviations will provide an equal or better development, adjacent properties will not be adversely impacted, and the spirit and intent of the regulation will not be violated by granting of the deviation.*

1. *One sign may be permitted per façade with no requirement that the tenant has direct outside entrance or that the sign be adjacent to its space.*

2. *That text not be restricted on monument signs provided the sign is designed and built primarily of brick, stone and masonry, complements the building and does not include a case or enclosed cabinet design."*

Ron Williamson stated it is the recommendation of the Staff that the Planning Commission approve the Sign Standards subject to the following conditions:

1. Change Section I.B.2 to the new owner/lessor.
2. Section I.B.a
  - a. Leave as is "Flags, banners, trailer, portable or temporary signs are prohibited."
  - or
  - Change it to read as follows:
    - b. Trailer or portable signs are prohibited. Temporary signs shall comply with Chapter 19.48 Sign Regulation. Flags and banners need in promotional events shall be approved by the City Council in accordance with Section 19.34.040.C of the Zoning Ordinance.
3. Change section I.B.10 to read as follows:
  - a. Two monument signs shall be permitted one adjacent to 75<sup>th</sup> Street and one adjacent to State Line Road. The sign bases, materials and proportions shall be uniform for both monument signs.
4. Approve the proposed change in Section I.B.11 and that the box sign for Something Different on the east wall be removed and replaced with a sign that meets the sign criteria with 60 days of the approval of the standards.
5. The Planning Commission has approved a variety of letter height has been 10" - 12" for smaller buildings and larger for larger buildings. The change from 1'6" to 2'0" is an increase of approximately one-third. If a larger letter is approved it is recommended that it not be more than 1'9".
6. Section II.B.3 - Do not change the retainers and trim caps from black. This unifies the signage on the building.
7. In Section II.A add the following to the prohibited list:
  5. Exposed neon tubing on external facades at the building.
8. That the applicant revise the Sign Standards as approved by the Planning Commission and submit a final copy to City Staff.
9. That the location and design of the second monument sign be submitted to the Planning Commission for review and approval.

Dirk Schafer moved the Planning Commission approve the proposed revisions to the sign standards for the office complex at 7500 State Line Road subject to the applicant providing documentation on the registered name of their client and with the recommendations of staff except number 6, thus allowing acrylic faces, retainers and trim caps to be colored. The motion was seconded by Nancy Vennard and passed by a vote of 5 to 0.

## **OTHER BUSINESS**

### **Fence Material Interpretation**

Jim Brown noted the Section 19.44.025B of the Zoning regulations identifies the following surface materials: wood, chain link, metal bars or other permitted materials. It prohibits the installation of barbed wire, electric and razor ribbon fences or any similar type fence.

Recently the property owner at 5108 West 72<sup>nd</sup> Street applied for a fence permit and indicated that a typical privacy dog-ear style picket fence would be constructed. Upon final inspection, staff discovered that the fence was not constructed of typical fence materials. Mr. Brown shared of photograph of the constructed fence.

While the framing of the subject fence is typical, the lower stockade style welded wire fence is not typical of fences in the neighborhood or in Prairie Village. Based on comments from adjacent neighbors, staff is seeking an interpretation by the Commission as to whether the fence material is acceptable under the provisions of the Code.

Nancy Vennard asked what original material was shown on the initial permit application. Mr. Brown responded the initial material was wood-spaced picket.

Dirk Schafer confirmed that the City has not permitted any other fence of similar design within the City. Mr. Schafer confirmed if the property owner had constructed the fence of another fence material that is specifically permitted by the Code it would be allowed to remain. It was the consensus of the Commission that the fence as constructed does not meet the intent of the term "other permitted materials" and shall be replaced with a conforming fence.

### **Next Meeting**

The Commission secretary noted an application for site plan approval for a sign at 3515 West 75<sup>th</sup> Street has been submitted for consideration by the Commission in October.

## **ADJOURNMENT**

With no further business to come before the Planning Commission, Acting Chairman Randy Kronblad adjourned the meeting at 7:50 p.m.

Randy Kronblad  
Acting Chairman



**COUNCIL COMMITTEE OF THE WHOLE**  
**October 4, 2010**

The Council Committee of the Whole met on Monday, October 4, 2010 at 6:00 p.m. The meeting was called to order by Council President Charles Clark with the following members present: Al Herrera, Dale Warman, Ruth Hopkins, Steve Noll, Michael Kelly, Andrew Wang, Dale Beckerman, David Morrison, Diana Ewy Sharp and David Belz. Staff Members present: Quinn Bennion, City Administrator; Wes Jordan, Chief of Police; Keith Bredehoeft, Interim Public Works Director; Dennis Enslinger, Assistant City Administrator; Karen Kindle, Finance Director; Nic Sanders, Human Resources Specialist; Chris Engel, Assistant to the City Administrator and Joyce Hagen Mundy, City Clerk.

**Presentation and Update regarding the County Budget and Projects**

Council President Charles Clark announced since Commissioner Ed Peterson was not present, he would proceed with the agenda and return for the Commissioners presentation when he arrived.

**COU2010-52 Consider Project 190890: 2010 Bond Project - Construction Change Order #5**

Keith Bredehoeft presented a change order to the 2010 Bond Project with O'Donnell and Sons for additional drainage work at the following three locations:

- 69<sup>th</sup> Street and Roe Avenue
- 71<sup>st</sup> Street and Linden Street
- Briar Drive and Roe Avenue

All three areas have ground water issues that cause the pavement to be wet for most of the year. Staff have worked with WaterOne and determined that none of the locations are problems due to waterline leaks.

This work was considered for the 2011 CIP, but staff has determined that it would be better to perform the work now since funding is available. The cost of the additional work is \$110,849.85 and is available in the 2010 Drainage Improvement Program.

Michael Kelly made the following motion, which was seconded by David Belz and passed unanimously:

**MOVE THE GOVERNING BODY APPROVE CONSTRUCTION  
CHANGE ORDER #5 FOR ADDITIONAL DRAINAGE WORK ON  
PROJECT 190890: 2010 BOND PROJECTS WITH O'DONNELL  
& SONS CONSTRUCTION IN THE AMOUNT OF \$110,849.85  
BRINGING THE NEW CONTRACT AMOUNT TO \$7,401,613.66  
COUNCIL ACTION TAKEN  
10/04/2010**

## **COU2010-53 Request Permission to Publish an Amendment to the 2010 Budget**

Karen Kindle stated in November, 2009, the City issued the Series 2009A General Obligation Bonds to refund outstanding bonds as well as issue new bonds to accelerate projects in the CIP to take advantage of lower construction costs. The City adopted its 2010 budget in August of 2009 prior to the bond issue. Due to the bond issue, the expenditures in the Bond & Interest Fund in 2010 are higher than what was budgeted. At the time of the bond issue, staff noted that the 2010 budget for Bond & Interest would have to be amended.

The funding for the additional expenditures in the Bond & Interest Fund will come from two sources: 1) a transfer from the General Fund and 2) a transfer from the Stormwater Utility Fund. These two transfers are in lieu of transfers to fund capital projects and were the agreed upon funding mechanism for the debt service for the Series 2009A bonds.

State statutes require the City hold a public hearing on any budget amendments at least ten days after publication. To comply with these statutory requirements, the public hearing has been scheduled for the City Council's meeting on Monday, October 18<sup>th</sup>. The Notice of Hearing will be published in the Legal Record on Tuesday, October 5, 2010. The Council will vote on the amendment to the budget after the public hearing on October 18<sup>th</sup>.

Laura Wassmer made the following motion, which was seconded by Dale Beckerman and passed unanimously.

**MOVE THE GOVERNING BODY THE PUBLICATION OF NOTICE  
OF HEARING FOR AN AMENDMENT TO THE 2010 BUDGET AS  
REQUIRED BY STATE STATUTES**

**COUNCIL ACTION TAKEN  
10/04/2010**

### **Discussion Regarding Traffic Calming**

Keith Bredehoeft reported the City Council approved a traffic calming program in May of 2006 and since that time has approved traffic calming measures at several locations within the City. To date, speed tables have been installed on nine streets. Traffic calming islands were recommended by one group, but not approved by the City Council. Staff would like discussion and direction by the Council on possible modifications and/or changes to the program in the near future.

Mr. Bredehoeft noted that given the remaining funds in the program only one or two locations will be able to construct traffic calming measures going forward. The current five year CIP does not have any additional funding for the program.

He noted that neither of the last three projects received any points for speeding which requires 80% of the traffic or more to be travelling more than 5 miles per hour over the posted speed limit. This may be an indication that the way points are awarded should be reviewed. Other potential issues he sees with the program is the determination of cut-through traffic vs. streets with high volume traffic. From comments made at the last meeting, it may also be advantageous to broaden the area of notification for proposed traffic calming.

Ruth Hopkins noted that in one application 71<sup>st</sup> was described as a major street and in another application it was described as a cut-through street. Steve Noll asked how 71<sup>st</sup> to Roe was defined. Mr. Bredehoeft replied it is a high volume street. He noted this is the only way for traffic from Kansas City, Missouri to get to Prairie Village.

David Belz asked if there was more in the tool kit to address traffic calming concerns other than speed tables. Keith Bredehoeft noted the tool box has a variety of tools, but noted some of these are restricted by parking requirements. Among other things to consider are pavement markings, signs, speed signs that indicate what speed the vehicle is travelling, etc. However, these are more passive measures and in residential areas the people want more active measures. Mr. Belz asked what other communities were using.

Laura Wassmer said the "speed indicator signs" are more effective to her personally and ask what they cost. Mr. Bredehoeft responded he did not know, but stated the City of Overland Park has several and many are solar powered. Ms. Wassmer supports further investigation of these.

Diana Ewy Sharp noted this is a residential bedroom community and she feels eventually all streets will want some kind of traffic calming. She stated there are a large number of posts on the PV Post regarding the growing number of speed tables. All residents want traffic on their streets calmed.

Dale Beckerman disagreed. The City is 93% residential; however, there are a number of streets that carry traffic volumes well above what they were designed to carry and several streets that connect to major roadways. He questioned why the Council had so little enthusiasm for the Tomahawk application that was defeated.

Michael Kelly agreed that there will be a point when people don't only want speed tables and noted there are several devices that can be selected. Streets and neighborhoods are different. He reminded the Council that the requests for traffic calming have come through an extensive process and met established guidelines. He added the speed tables do not have to be permanent, the Director of Public Works has the ability to remove them, when streets are being resurfaced the issued can be re-evaluated. Michael Kelly urged the City to investigate complex traffic calming.

Ruth Hopkins echoed Mr. Beckerman's request why the Tomahawk application was turned down. She also was surprised by the vote and noted they also had met the criteria for traffic calming.

Dale Warman responded that he views each application independently and generally is not supportive of traffic calming devices. He believes the issues can generally be addressed through enforcement, engineering and education. When he supports applications, it is generally when they address valid safety issues.

Steve Noll responded his vote in opposition was because of the potential injury and damage that could be done by a vehicle hitting the proposed traffic island and his past experience with islands. Mr. Noll advised the Council that he and Mrs. Hopkins are meeting with the Tomahawk residents tomorrow.

Al Herrera noted the initial discussion of traffic calming by Bob Pryzby was related to roundabouts. He feels the construction of speed tables has been a disaster and have created a false sense of security. He noted the responsibility for safety of children lies in the hands of the parents, not the City. He would support discontinuing the program and stepping up law enforcement.

Andrew Wang noted in his discussions with Bob Pryzby prior to the adoption of the policy, he indicated the policy would address complex traffic calming issues and this has not been done. He feels the program needs better definition and statistical data. The emotionality of children and pets should be kept out of the picture. He wants people to have the tools, but with higher standards and better definition and quantitative measurements for approval.

Keith Bredehoeft stated that in 2010 and into the next five years there is no funding for this program. There are currently two or three locations where neighborhoods are in the process and he receives at least ten calls a week from people interested in the program. He stated he would look into complex projects. Andrew Wang confirmed the people working on the program are aware that funding is running out.

**Executive Session pursuant to K.S.A. 75-4319(b) Personnel Matters of non-elected personnel**

Michael Kelly moved pursuant to KSA 75-4319(b) that the Governing Body, recess into Executive Session in the Multi-Purpose Room for a period not to exceed 20 minutes for the purpose of discussing a personnel matter of non-elected personnel.

Present will be the City Council, City Administrator and City Attorney. The Council Committee meeting will reconvene at 6:55 p.m.

The motion was seconded by Dale Beckerman and passed unanimously.

The Council Committee of the Whole meeting was reconvened at 6:55 p.m.

## **STAFF REPORTS**

### **Public Safety**

- Last Saturday evening Dispatch received over 70 calls regarding fireworks at a wedding reception in Mission Hills.
- Live strong tour de BBQ bike tour was completed last weekend without incident.
- The meeting with the neighborhood regarding the Christmas house on Falmouth was successful. Chief and Captain Schwartzkopf will meet with the Babick's this week to discuss some of the suggestions and recommendations from the meeting.
- The Code Red message regarding recent burglaries was well received and appears to have had an impact.
- Over the past weekend more than 37 sites in the City had Graffiti written on streets, signs, etc. Chief thanked Mike Helms for his efforts to removed it quickly.
- Chief Jordan and Captain Tim Schwartzkopf will be participating in an NAACP forum at Johnson County Community College.

### **Presentation and Update regarding the County Budget and Projects**

Council President Charles Clark welcomed Johnson County Commissioner Ed Peterson. Commissioner Peterson reviewed the process and assumptions followed by the County in preparation of the 2011 budget. The 2011 budget was reduced by \$12 million including both staff and program reductions. He noted the County budget is currently running in deficit with the expenditures exceeding the revenues and reserves funding the difference. He noted the difference is not at a level of concern.

Commissioner Peterson shared slides from the County year-end report which is available on the County's website and contains a great deal of information about the county. He also reviewed the status of the County's direct and overlapping general obligation bonds and debt.

## **ADJOURNMENT**

Being no further business to come before the Council Committee of the Whole, Council President Charles Clark adjourned the meeting at 7:25pm.

Charles Clark  
Council President

**TREE BOARD**  
**City of Prairie Village, Kansas**

**MINUTES**

**Wednesday - September 1, 2010, 6:00PM Meeting**  
**Public Works - Conference Room**  
**3535 Somerset Drive**

Board Members: Cliff Wormcke, Jack Lewis, Greg VanBooven, Art Kennedy, Luci Mitchell

Other Attendees: Keith Bredehoeft

- 1) **Review and approve minutes from August 4, 2010 meeting** - Approved by Art Kennedy and seconded by Cliff Wormcke.
  
- 2) **Sub-Committee Report**
  - 2.1) **Arboretum Committee**

Keith reported that public works crews will start the process of installing signs this fall. There are still possibilities of a boy scout eagle project still happening to help with this effort.
  - 2.2) **Fall Seminar**

The Fall Seminar will be Wednesday, October 6<sup>th</sup>. Greg VanBooven contacted Larry Ryan and he is willing to speak. Jack will contact Larry Ryan to see if he will give a brief presentation on winterization and then follow with the Q&A session. He was also going to ask Larry Ryan if he had any information that could be handed out to attendees. Lucy could help with the preparation of a handout if needed. Deborah Nixon will make contact the KC Gardners, KC Star and distribute fliers for the event. Suzanne Lownes will get notifications on the City Website as well as emails out to the previous attendees and other City committee members. It was determined to get two gift cards and on good pair of pruners for prizes. Luci was going to get gift certificates from West Lane and Hustons. Greg was going to get the pruners.
  
- 3) **Old Business**
  - 3.1) Keith gave an update on the progress out at Franklin Park.
  
- 4) **New Business**
  - 4.1) Debra English came to the meeting to discuss the Environmental Committes idea for a project at the natural channel at Indian Hills Middle School. The school was not real receptive to ideas and wanted more information on exactly what would be constructed. Jack volunteered to help with the drawing and could possibly help with some plantings as well if it gets to that point.
  
- 5) **The next meeting agenda** - next meeting will be October 6<sup>th</sup> at the Fall Seminar.

**SISTER CITY COMMITTEE**  
**13 September 2010**  
**MINUTES**

**Call to Order**

Chair Jim Hohensee called the meeting to order. Present: Vice Chair Carole Mosher, Cindy Dwigans, Vera Glywa, Cleo Simmonds, Rod Atteberry, Bob McGowan, Dick Bills and Phil Monnig. Staff: Chris Engel.

**Minutes**

Minutes from August 9, 2010 were approved.

**Budget**

The Committee reviewed the budget. Vera requested the Committee be notified whenever a donation is made to the Municipal Foundation account.

**Friends of Update**

Vera, Cleo and Dick are working on an agenda for the first organizational meeting which will be in late-October. They will present the agenda to the committee next month.

**Jazzfest**

Bob and Rod reported the event was a great success. Many lessons were learned to improve the event in future years. Fundraising needs to start to bring the Ukrainians over for next year.

**SME Student Reception**

Carole would like to do the event this fall since it worked so well last fall. The committee approved the date as Monday, November 15 so the students could be introduced to the City Council during their regularly scheduled meeting that evening.

**Ukrainian Independence Day**

The event at the Blue Moose had a great turn-out and a good time was had by all. However, it was pretty informal with no real recognition of the significance of the gathering. Next year there will be some type of formal acknowledgement and a possible proclamation by the Mayor.

**Video Display Discussion**

The Committee agreed the appropriate place for the display would be in the glass case in City Hall when Ukrainian items were on exhibit. This will allow the committee to still use the display for events away from City Hall. Rod will be checking on the availability of the case with the Arts Council then Chris will be putting in a work request to add an outlet to the inside of the case.

**Old Business**

Vera reported the silent auction is Dolyna was a great success. They sold almost all items that were sent and had a dinner for 50. Money raised will go to classes and items to directly benefit city residents and the center.

**New Business**

Jim called for a 2011 planning meeting at Panera on Sunday, September 19 at 3.00pm.

**Adjournment**

The next regularly scheduled meeting is scheduled for Monday, October 11.

Jim Hohensee  
Chair

**SISTER CITY COMMITTEE**  
**19 September 2010**

**MINUTES**

A special meeting was held on 19 September 2010 at Panera Bread on Mission Road in Prairie Village. Present were Jim Hohensee, Bob McGowan, Carole Mosher, Dick Bills, Cleo Simmonds, Cindy Dwigans, Vera Glywa.

Recent events in Dolyna were discussed and pictures on Facebook were seen.

Everyone expressed what they saw as priorities for the coming year.

Education and increased publicity were the leading items. It was proposed that each meeting agenda address those specifically to determine progress in those areas.

In publicity, renewed efforts at Sister City signs and a banner are priorities. Also, keeping up the Facebook page and letting more people know about the Facebook page.

In education, we will make a concerted effort to get a high school student at Shawnee Mission East.

Before we plan another art show, we need a full inventory of what we have and how we will deal with it.

Cleo moved for adjournment and Vera seconded. The motion carried and the meeting was adjourned.



## **PARK AND RECREATION COMMITTEE**

**September 8, 2010**

The Park and Recreation Committee met at 7.00pm. Present and presiding: Diana Ewy Sharp, Chair, Laura Wassmer, Vice Chair, Diane Mares, Peggy Couch, Joe Nolke, Clarence Munsch, Dan Searles, Tim O'Toole and Jim Bernard, Jr. Staff: Keith Bredehoeft, Mike Helms, Chris Engel.

Introductions were made for new student representative, Tim O'Toole.

### **PUBLIC PARTICIPATION**

Joe Gittemeier, 4601 West 87<sup>th</sup>, regularly walks through Franklin Park and feels the contractor is not making the park as accessible during construction as it should be. Joe would also like to see the city resurface the courts at Harmon as they are badly worn and cracked. Diana shared with Joe that the PRC had received concerns from other tennis players about the courts but this item was not on the short term CIP plan. She will meet with Keith to explore when there may be available funding to do so but it would not be within the next couple of years.

### **CONSENT AGENDA**

Laura moved for the approval of the June 9, 2010 minutes and the motion carried.

### **REPORTS**

#### **Public Works Report**

Keith reported Franklin Park was progressing and had a projected finish date of October 22 or the contractor would be assessed a daily penalty of \$250. Keith shared with the committee, as well as Mr. Gittemeier, that the park is officially closed to the public and will be until the construction is completed. Diana asked Keith to update the PRC about the PV Homes Association. The PVHA has shared some concerns over mowing heights at Prairie Park and islands within their neighborhood as well as concerns over some of the chemicals/fertilizers currently used by Public Works. Keith is working with them to find an agreeable solution for all parties. Mike reported Dog Days event was well attended. He is currently ordering new recycling-only trash receptacles for Harmon. Mike also reported on some criminal activity at the parks over the summer break.

#### **Recreation Program Report**

Chris reported the pool closed without incident and he will be presenting the season-end report at the October meeting. He is currently searching for a JTL Coach for next year. The trail project submitted to KDOT was not funded but resubmitted to MARC for STP funding. Chris shared a resident would like to see a raised crosswalk across Tomahawk Road at Porter Park and the trash receptacles moved away from the benches.

#### **Parks Master Plan**

Keith reported the preliminary drawings of the Weltner Park/Cambridge Street realignment were done and there will be a neighborhood meeting soon. Weltner Park is in the 2011 Budget and should be completed by fall.

#### **Community Center Committee**

Chris reported the committee recently met with the design team and was working on a survey to be randomly sent out to 1,200 residents.

**Chairperson's Report**

Diana reported the manager of Hy-Vee felt positive about the Welter Park street realignment. Also, next year is the city's 60<sup>th</sup> Anniversary and she asked members to be thinking about potential events to commemorate. She distributed thank you cards from A.J. LoScalzo and stated she had made a recommendation to the Mayor about filling her vacancy.

**NEW BUSINESS**

Chris reported a resident had voiced concern that a Mission resident could buy a Mission resident pool pass and a Superpass and come to the PV Pool for less than a PV resident would pay to use the PV Pool. This had been discussed at the last Superpass meeting and will be discussed again to identify a workable solution.

**OLD BUSINESS**

Diane and Dan reported they recommended moving the "Party in the Park" event to spring. They believe the weather may be more favorable, the flowers will be in bloom and the park could be better utilized in spring. The Committee agreed and Diana asked them to be thinking about the Welter Park ribbon-cutting also.

**INFORMATIONAL ITEMS**

The next meeting will be October 13<sup>th</sup>.

Diana Ewy Sharp  
Chairperson

**Council Members  
Mark Your Calendars  
October 18, 2010**

<b>October 2010</b>	State of the Arts exhibit in the R. G. Endres Gallery
<b>November 2010</b>	Bess Wallerstein and Chris Huff exhibit in the R. G. Endres Gallery
November 1	City Council Meeting
November 12	Artist reception in the R. G. Endres Gallery 6:30 - 7:30
November 15	City Council Meeting
November 25	City offices closed in observance of the Thanksgiving holiday
November 26	City offices closed in observance of the Thanksgiving holiday
<b>December 2010</b>	Pat Jessee pastel exhibit in the R. G. Endres Gallery
December 2	Mayor's Holiday Tree Lighting 6:00
December 3	Artist reception in the R. G. Endres Gallery 6:30 - 7:30
December 6	City Council Meeting
December 8	Johnson & Wyandotte Counties Annual Holiday Social 5:30
December 10	Mayor's Holiday Gala
December 20	City Council Meeting
December 24	City offices closed in observance of the Christmas holiday
December 31	City offices closed in observance of the New Years Day holiday

**ANIMAL CONTROL COMMITTEE**

AC96-04 Consider ban the dogs from parks ordinance (assigned 7/15/96)

**COUNCIL COMMITTEE**

- COU2007-02 Consider Reducing size of Council & term limits for elected officials (assigned 1/8/2007)  
COU2007-35 Consider reactivation of Project 190709: 83<sup>rd</sup> Street/Delmar Drainage Improvements  
COU2007-40 Consider Code Enforcement - Interior Inspections (assigned 5/2/2007)  
COU2007-74 Consider reactivation of Prairie Village Development Corporation (assigned 12/3/2007)  
COU2008-21 Consider Project 190865:2009 CARS - Roe Avenue Resurfacing from Somerset Drive to 83<sup>rd</sup> Street (assigned 2/26/2008)  
COU2008-22 Consider Project 190890: 2009 Street Resurfacing Program (assigned 2/26/2008)  
COU2008-67 Consider sidewalk policy relative to sidewalks (8200 Rosewood) (assigned 8/13/2008)  
COU2008-75 Consider approval of a modification to Personnel Policy 910 regarding "comp time" (assigned 10/1/2008)  
COU2008-100 Consider approval of ordinance affirming City Boundaries (assigned 12/10/2008)  
COU2009-03 Consider Project 191023: 2009 Concrete Repair Program (assigned 12/23/2008)  
COU2009-14 Consider Project 190870: 2010 Street Resurfacing Program (assigned 1/13/2009)  
COU2009-15 Consider Project 190721: 2009 Storm Drainage Repair Program (assigned 1/13/2009)  
COU2009-16 Consider Project 190876: 2010 CARS, 83<sup>rd</sup> Street Resurfacing from Nall Avenue to Roe Avenue (assigned 1/13/2009)  
COU2009-17 Consider Project 190877: 2009 CARS, 83<sup>rd</sup> Street Resurfacing: Roe Avenue to Somerset Drive (assigned 1/13/2009)  
COU2009-26 Consider Project 190722: 2010 Storm Drainage Repair Program (assigned 2/6/2009)  
COU2009-63 Consider Project 190866 - 75<sup>th</sup> Street Paving (assigned 6/10/2009)  
COU2009-100 Consider Project 190728: Prairie Lane Drainage Project (assigned 10/14/2009)  
COU2010-54 Consider revisions to PVMC Chapter 11, Article 4 per changes in State Statutes regarding Smoking (assigned 10/13/2010)

**PARKS AND RECREATION COMMITTEE**

PK97-26 Consider Gazebo for Franklin Park (assigned 12/1/97)

**PLANNING COMMISSION**

- PC2007-01 Study City zoning regulations to address those items identified by the Village Vision Strategic Investment Plan in 2007 (assigned 8/20/2007)  
PC2008-02 Consider development of ordinances to support best practices for renewable energy and for green design related to residential and commercial building design (assigned 7/7/08)

**PRAIRIE VILLAGE ARTS COUNCIL**

PVAC2000-01 Consider a brochure to promote permanent local art and history (assigned Strategic Plan for the 1<sup>st</sup> Quarter of 2001)