

CITY OF PRAIRIE VILLAGE

July 18, 2011

**City Council Meeting
6:00 p.m.**



COUNCIL COMMITTEE
July 18, 2011
6:00 p.m.
Council Chambers

AGENDA

DALE BECKERMAN, COUNCIL PRESIDENT

AGENDA ITEMS FOR DISCUSSION

Introduction of partnership group for the potential purchase of Mission Valley site

COU2011-36 Discuss possible regulations for holiday displays
Dennis Enslinger

Police Department Mapping Presentation
Seth Meyer

***Council Action Requested the same night**



ADMINISTRATION

Council Committee Date: July 18, 2011

Research Regarding the Regulation of Holiday Displays

BACKGROUND:

The City of Prairie Village has several holiday displays which generate a large number of visitors each year. Some of the sites include Candy Cane Lane (7900 Outlook), 7611 Falmouth, and more recently 7909 Fontana. The displays typically run from Thanksgiving weekend to just after the first of the year. The hours of operation of the display have ranged over the years but typically are from 6 p.m. to 10 p.m. on weeknights and as late as 1 a.m. on weekends.

The displays have been operating for a number of years and have grown in attendance. The local TV stations and several websites include the displays at 7611 Falmouth, Candy Cane Lane (7900 Block Outlook) and 7909 Fontana in a list of area displays each year. However, the display at 7611 Falmouth is somewhat unique in the fact that to experience the display, visitors typically park their vehicles then walk through the display and neighborhood. The display at 7611 Falmouth actively solicits donations during the operation of the display. Other displays in the community such as Candy Cane Lane and 7909 Fontana are typically experienced through a moving vehicle. Staff is only aware of one other display in Prairie Village which actively collects donations and the donations are provided to a charity of the operators choosing.

In general, City Council and staff have received comments/complaints from the residents adjacent to the holiday displays. Many neighboring residents believe that the displays create a nuisance in their neighborhood during the months of operation. Some of the issues that have been cited are:

- Continuous traffic including tour buses
- Lack of availability of on-street parking for resident's guests
- Cars blocking driveways and double parking thus preventing residents from accessing or leaving their properties
- Trash and litter associated with visitors to the displays
- Individuals walking through adjacent property owner's yards
- Public urination
- Construction of structures in violation of current building codes

Over the years of the operation of the display at 7611 Falmouth, the City of Prairie Village has implemented several items to reduce the impact on adjacent properties. Currently, the City of Prairie Village erects no parking signs, converts Falmouth a one-way street, and provides enforcement of these provisions (as time allows) during the operation of the display.

On September 22nd 2010, the Police Department held a neighborhood forum to discuss the concerns brought up by area residents. Residents expressed a desire to allow the property owner at 7611 Falmouth to continue the operation of the display but, would like to find a balance between what they view as their rights and the rights of the property owner erecting the display.

At the December 20, 2010 Council meeting, Council discussed a resident's request to take action on potential code violations in conjunction with the holiday display at 7611 Falmouth. After some discussion on the matter, City Council directed staff to investigate how other communities have dealt with holiday displays which generate the level of activity similar to the displays located in Prairie Village.

SUMMARY OF FINDINGS:

Staff has researched ordinances and regulations in cities and counties across the country. Many communities have looked at the issue of holiday displays. Much of the discussion of holiday displays focuses on displays which are erected on city or county owned property.

Based on the research conducted by staff, there are several communities which have specifically, looked at the issue of holiday displays located on private property. Although no ordinance was passed, the City of Phoenix explored various ordinance options in 1991. These ordinances included: violations of the zoning ordinance; violations of the Phoenix construction code; violation of tax/treasury requirements; violation of the noise ordinance; violation of dark sky (light) ordinance; and violation of vending ordinance. A meeting was held and four options were discussed including: referrals made and enforced based on public safety violations; amending the zoning ordinance to provide specific regulations to govern holiday displays; enacting a separate ordinance to address holiday displays; and enforce existing ordinances that relate to such displays. Based on staff research, no action was taken by the City of Phoenix City Council. In addition, in 2007 the City of Claremont, California conducted a similar investigation related to a property within its community. Based on research conducted by staff, no additional regulations were enacted (see attached City Council Report)

While many communities regulate holiday displays through Homes Association Covenants, staff has located a couple of examples of actions or ordinances by cities to regulate holiday displays on residential property. The most typical regulation is a limit on the length of time the holiday displays may be erected. For instance, the city of Aurora, IL (suburb of Chicago) limits outdoor seasonal displays to 60 days before and after the holidays. Pueblo, CO limits lighted seasonal decorations to 60 days a year. Many of these ordinances are tied to "dark sky" initiatives meant to reduce urban lighting.

The City of Monte Sereno, California does not regulate holiday displays per se, but regulates the impact special events can have on city streets and traffic safety. The City of Monte Sereno's definition of an event states:

For the purpose of this Article, a "special event" shall be defined as a parade, march procession, motorcade, footrace, fair exhibition, ceremony, art show, program,

celebration or other public assemblage of people for the conduct of a festivity, involving the complete or partial use of any public highway, street, alley, sidewalk or other public property in the City to normal vehicular or pedestrian traffic. The term "special event" as used in this Article, does not include a funeral procession consisting of a single direct movement from a mortuary or church to a place of burial. No special event shall last longer than thirty (30) consecutive days. There shall be no more than one (1) special event on any property in the City in a six-month period.

The City of Monte Sereno's Special Event Ordinance outlines prohibited activity. One prohibition states that events must have a permit, if conducted on a local street lasting longer than twelve hours, in a seventy-two hour time period. In discussions with City of Monte Sereno staff, the use of right-of-way for parking of vehicles associated with the event constitutes the use of the right-of-way and requires an individual holding the event to secure a permit.

Existing City of Prairie Village Ordinance Provisions for Short –Term Events

The City of Prairie Village does have existing regulations associated with Short-Term Events, Section 19.34.040.C. These provisions have not been applied to holiday displays. These provisions have been applied to events such as 5-K runs, parades, etc. Staff believes that modifications to Section 19.34.040.C. would be necessary to apply this section of the code to holiday displays of the magnitude of those that currently occur. A possible change could include a definition as to what constitutes entertainment or the collection of donations associated with an event. In addition, the current provisions of the Short-Term Event provisions are limited to events which are 30 days or less.

COUNCIL ACTION:

The research contained in this memo is for information purposes, no action is requested by staff at this time. Should the City Council determine that it would like to pursue further action related to the topic, there are several possible actions:

- City Council could determine that it does not believe that additional regulation of holiday displays is necessary;
- The City Council could determine that it believes that additional regulation of holiday displays is necessary and direct staff appropriately. Staff will need additional guidance in determining under what parameters displays should be regulated; or
- Continue this item for further discussion or information.

ATTACHMENTS:

Agenda Report Claremont City Council, dated May 8, 2007
Copy of City of Monte Sereno Special Events Ordinance
Section 19.34.040.C of the City of Prairie Village Zoning Regulations

PREPARED BY:

Dennis J. Enslinger, Assistant City Administrator
Date: July 15, 2011

Attachment: Agenda Report Claremont City Council, dated May 8, 2007

Claremont City Council
Agenda Report

TO: JEFFREY C. PARKER, CITY MANAGER
FROM: ANTHONY WITT, COMMUNITY DEVELOPMENT DIRECTOR
DATE: MAY 8, 2007
SUBJECT: HOLIDAY LIGHT DISPLAYS WITH SYNCHRONIZED MUSIC

SUMMARY

The property owner at 1578 Whittier Drive (Mr. Richard Viselli) installed a holiday light display with synchronized music this past December holiday season. The display at the subject property was larger and more extravagant than the average residential holiday display. The light display typically was on from 6:00 p.m. to 10:00 p.m. nightly, between December 2 through December 30, and the music was broadcasted via a FM radio signal and speakers at the home.

Several neighbors found the light display, constant music, and traffic to be an annoyance every evening in December. The City has received correspondence and a petition from eight neighboring residents on Whittier and Syracuse Drive regarding the impact of the light display. As a result of the petition, this matter is before the Council for discussion. Copies of the correspondences received on this matter are Attachment A to this report.

Staff is aware of several large holiday displays created each year within the City, but none have generated the concerns than the one at 1578 Whittier Drive. Staff believes that the difference is the synchronization of the music to the lights and the resulting "show" that has been created. Staff and the city attorney have reviewed the City's existing regulations and do not believe that Mr. Viselli's holiday light display has violated any current codes. In addition, Mr. Viselli has a First Amendment right to install a holiday light display on his private property. Furthermore, the Police Department did not find the display to be in violation of any laws or create a traffic safety issue.

Although an ordinance does not exist today, the City could adopt or amend an existing regulatory ordinance to require a permit for large holiday displays with synchronized music and authorize city staff to impose conditions to mitigate impacts resulting from such a display. Given the neighborhood conflict, staff is requesting that the City Council discuss this topic and provide direction to staff in preparation for the 2007 holiday season.

Staff Recommendation

Staff recommends that the City Council review this matter and select one of the following alternative courses of action:

1. Determine that it would be inappropriate to regulate holiday light displays and make no changes to the City's existing regulations; or

FOR CITY COUNCIL AGENDA 

ITEM # 9.

2. Determine that regulations for holiday light displays with synchronized music are needed, provide direction as to the threshold for regulations and/or standards of operations (i.e., number of days, number of hours/day, etc.), and direct staff to prepare an ordinance and return ordinance for review at a public hearing; or
3. Continue for additional discussion and/or information.

ANALYSIS

Background

- ❖ Mr. Viselli installed over 58,000 lights on his property this past holiday season. In addition, he synchronized the lights to three holiday songs (total running time of the music was approximately 11 minutes), with the entire show repeating every 15 minutes. The music was provided via speakers on the property, and passersby were directed to tune into a FM radio station to listen to the music inside their vehicles. The lights and music were on display for 28 days (between December 2 and December 30). If readers are interested in viewing the light show, it is available online at www.visellichristmaswonderland.com.
- ❖ As far as staff is aware, initially visitors to the site were directed there via word of mouth. At some point, media coverage (local TV stations and radio) brought this location to the attention of the general public. Staff does not have a head count as to the actual number of visitors to the site during the month of December.
- ❖ Community Development staff did not receive any complaints regarding the light display until December 26. At that point in time, Mr. Schwartz, who lives directly across the street, contacted Community Improvement to voice his displeasure with the light display. He cited excessive noise, traffic, disorderly conduct, and litter created by spectators visiting the site to observe the holiday lights and music. He requested that the City not allow the light display to occur again.
- ❖ Staff understands that Mr. Viselli has already begun planning for his 2007 holiday light display and has expended approximately \$15,000.
- ❖ As indicated above, staff and the City Attorney have reviewed the existing regulations and do not find any that are applicable to holiday light displays. First, the light display does not rise to the level of "entertainment" that is regulated by the Municipal Code and entertainment permits are applicable to commercial businesses. In addition, the code specifically exempts from regulation "anything emanating from a radio, juke box, television receiver or music recording machine". Secondly, the light display does not warrant a Special Event Permit, as the light display does not exclusively occupy the public right of way. All of the adjacent streets and sidewalks were open to the general public.

Issues for Consideration

Nuisance Issues

In general, the adjacent residents to 1578 Whittier Drive believe that the light display created a nuisance in their neighborhood during the month of December. The issues that have been cited are:

- ❖ Continuous traffic between 6:00 – 10:00 p.m. every evening;
- ❖ Creation of unsafe traffic situations between vehicles and pedestrians;
- ❖ Cars blocking driveways preventing homeowners from accessing or leaving their properties;
- ❖ Cars doubled parked in the street during music sequence;
- ❖ Lack of availability of on-street parking for residents' guests;
- ❖ Trash and litter left behind each evening;
- ❖ Public urination from visitors;
- ❖ Loud and unceasing sound emanating from the cars whose radios were tuned to Mr. Viselli's radio station; and
- ❖ A large number of strangers drawn into their neighborhood that would not otherwise frequent the area.

As mentioned above, the City may adopt a regulatory ordinance for light displays. Any regulations would need to balance a resident's First Amendment rights to freedom of speech and religious expression on private property while minimizing to the greatest extent possible impacts to neighboring properties. If council determines that an ordinance is needed to regulate light displays with synchronized music, then issues such as days/hours of operation, time frame for the display, street closures, payment for police services, etc. could be established.

City Departments Observations

The Police Department received six calls for service between December 23 and December 31 in association with Mr. Viselli's light display. Prior to that, there are no records of any calls for service related to the light display. All of these calls complained that car radios were too loud (there were no recorded complaints regarding trash, unruly behavior, public urination, driveways blocked, etc.). During the last week of December, the police were proactive in making several "welfare checks" in the hopes of minimizing the loud radios. When the officers found cars with loud radios, they asked for compliance and received it.

The Community Services Department did not receive any complaints about trash/litter in this neighborhood during the light display. Further, Mr. Viselli indicated that he patrolled the area after each evening's show and picked up any refuse left behind. Staff members that observed the light display did not observe any trash in the area as well.

In regard to the traffic issues, temporary barricades with flashers were used at the intersection of Whittier and Syracuse Drives to prevent motorists from taking the corner too fast given the increase of cars and pedestrians in the area. While there was an increase in vehicles, the traffic volumes were within the standards for a local street and there were no significant delays. While there was an increase in congestion on Whittier Drive, it was for

short time periods. The Engineering Division did not receive any complaints nor did the Police Department report any incidents to the Engineering Division.

FM Broadcast

The City of Claremont does not have the ability to prevent Mr. Viselli from securing a FM radio band for use associated with his holiday display. The decision to grant a FM radio band lies with the Federal Communication Commission (FCC). If the council wishes, staff could write a letter to the FCC advising them of the noise complaints received regarding the broadcast of music on car radios.

As long as the music emanating from Mr. Viselli's home does not exceed the City's noise standards, he is not in violation of the City's noise ordinance. Noise emanating from cars idling/parked observing the light display may be in violation if the sound level was in excess of City standards. If that is the case, then the driver of the car is the one in violation, not Mr. Viselli.

Survey of Cities in State

Staff surveyed cities in California (through the League of California List Serve) regarding any regulations for holiday light/sound displays and did not receive any response that indicated that other cities have regulations and/or review processes associated with holiday light displays.

In addition, Community Improvement staff has contacted Rancho Cucamonga and Chino regarding the neighborhood light displays that are annually established in their communities. Both cities indicated that they do not regulate the light displays, do not have a review process, and that the associated police staffing costs are absorbed by the cities. One city indicated that their police officers issue citations for any infraction, major or minor, as a way to offset the staffing costs.

FINANCIAL REVIEW

All staff costs associated with this matter have been borne by the city. If an ordinance were to be developed, those costs would also be borne by the city.

LEGAL REVIEW

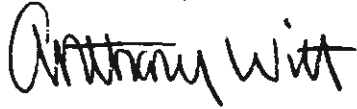
The city attorney has reviewed this staff report.

PUBLIC NOTICE PROCESS

This item has been noticed through the regular agenda notification process. Copies are available at the City Hall public counter, the Youth Activity Center, the Alexander Hughes Community Center, the City website, and the Claremont public library.

On April 27, 2007, a courtesy notice of this meeting was mailed to property owners within 500 feet of the property with the large holiday light display. Copies of this staff report have been sent to those interested individuals noted below.

Submitted by:



Anthony Witt
Community Development Director

Prepared by:



Lisa Prasse
City Planner

Prepared by:



Sandy Schultz
Community Improvement Coordinator

Attachment: A – Various letters and email received to date

c: Richard Viselli
Robert Schwartz

LPRASSE\STAFFREP\07\HOLIDAY LIGHTS

Attachment: Copy of City of Monte Sereno Special Events Ordinance

Title 10 PLANNING AND ZONING

Page 63 of 102

10.18.070 Public nuisance--Enforcement.

Any structure set up, erected, built, moved or maintained and/or any use of property contrary to the provisions of this Chapter shall be, and the same is hereby declared to be unlawful and a public nuisance. The City Attorney shall immediately commence an action or actions, a proceeding or proceedings, for the abatement, removal and enjoinder thereof in the manner provided by law and shall take such other steps as needed and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate and remove such structures or use and restrain and enjoin any person, firm or corporation from setting up, erecting, building, moving or maintaining any such structures or using any property contrary to the provisions of this Chapter.

(Ord. 121 § 3 (part), 2000)

Chapter 10.19 REGULATION OF SPECIAL EVENTS**Sections:**

10.19.010 Definitions.

10.19.020 Permit required; prohibited activity.

10.19.030 Application for permit.

10.19.040 Investigation of application.

10.19.050 Factors to be considered in granting or denying permit.

10.19.060 Permit for single event only.

10.19.070 Contents of permit.

10.19.080 Insurance.

10.19.090 Cleanup deposit.

10.19.100 Security and traffic control expenses.

10.19.110 Transferability of permit.

10.19.120 Revocation of permit.

10.19.130 Violation of Article: penalties.

10.19.140 Indemnification agreement.

10.19.150 Appeal process.

10.19.010 Definitions.

For the purposes of this Article, a "special event" shall be defined as a parade, march, procession, motorcade, footrace, fair, exhibition, ceremony, art show, program, celebration or other public assemblage of people for the conduct of a festivity, involving the complete or partial use or closure of any public highway, street, alley, sidewalk or other public property in the City to normal vehicular or pedestrian traffic. The term "special event" as used in this Article, does not include a funeral procession consisting of a single direct movement from a mortuary or church to a place of burial. No special event shall last longer than thirty (30) consecutive days. There shall be no more than one (1) special event on any property in the City in a six-month period.

(Ord. 139 § 1 (part), 2003)

10.19.020 Permit required; prohibited activity.

A. No person shall hold, conduct, carry on or cause to be held, conducted or carried on a special event on any thoroughfare, arterial or collector street in the City as defined by the City's General Plan which will last longer than four (4) hours without first having obtained from the City Manager a permit to do so issued pursuant to this Article. No person shall hold, conduct, carry on or cause to be held, conducted or carried on a special event on any local street in the City as defined by the City's General Plan which will last longer than twelve (12)

Title 10 PLANNING AND ZONING

hours in any seventy-two-hour period without first having obtained from the City Manager a permit to do so issued pursuant to this Article.

B. No person may engage in any of the following activities:

1. Participate in a special event for which a permit has not been issued.
2. Participate in a permitted special event in violation of the terms of the permit.
3. Participate in a permitted special event without the consent of the permittee.
4. Interfere with the orderly conduct of a permitted special event.
5. Sell or offer for sale on public streets, sidewalks or rights-of-way any goods, wares or merchandise from vehicles, wagons, pushcarts, stalls, booths or other methods, during or in connection with a permitted special event, unless such sales activity is conducted pursuant to and in accordance with the terms and conditions of the special event permit and with the authorization of the permittee.

(Ord. 139 § 1 (part), 2003)

10.19.030 Application for permit.

A. Applications for a permit to conduct a special event shall be filed with the City Manager at least thirty (30) days in advance of the proposed event, unless the applicant can prove to the City Manager that the event could not have been planned thirty (30) days prior to the event, in which case the City Manager shall accept an application filed within a shorter period of time.

B. The application shall contain the following information:

1. Name, address and description of the sponsor for the event, together with the name, address and telephone number of the contact person representing such sponsor.
2. Description of the nature and purpose of the special event to be conducted.
3. Estimated number of participants and, if a parade, the number and types of vehicles, floats, bands, marching units and animals to participate.
4. Date of the event and the hours during which it will be conducted.
5. Proposed route or area to be occupied and a statement as to whether the special event will occupy all or only a portion of the streets on which the event will be conducted.
6. Proposed method of handling vehicular and pedestrian traffic, including routes over which any traffic is to be diverted.
7. Proposed sanitary facilities, if any are to be used, including toilet facilities and the proposed method of sewage and refuse disposal.
8. If food is to be sold or otherwise distributed, the procedure to be followed in the handling and preparation of such food.
9. Description of any sales activity to be conducted upon public streets, sidewalks or rights-of-way, including the estimated number of street vendors, the nature, size and location of any booths or stalls, and a description of any vehicles, wagons, pushcarts or other mobile units to be utilized in connection with the sales activity.

Title 10 PLANNING AND ZONING

Page 65 of 102

10. Number, types and locations of all loudspeakers or other sound amplifying devices to be used.

11. Method of notifying participants prior to the event of the terms and conditions of the permit.

12. Such other information as reasonably requested by the City Manager pertaining to the manner in which the proposed event will be conducted.

C. The application shall be accompanied by the payment of a nonrefundable processing fee in such amount as may be established from time to time by resolution of the City Council.

(Ord. 139 § 1 (part), 2003)

10.19.040 Investigation of application.

A. The City Manager shall transmit a copy of the application for review and comments by such of the following persons and agencies who may have jurisdiction over the event:

1. The Chief of Police.
2. The Fire Department.
3. The Building Official.
4. The Planning Director.

B. Upon receipt of the comments and recommendations from the persons and agencies referred to in subsection (a) of this Section, the City Manager shall take action to grant or deny the application.

(Ord. 139 § 1 (part), 2003)

10.19.050 Factors to be considered in granting or denying a permit.

If the following criteria is met, the City Manager shall grant the permit:

A. The special event will not disrupt to an unreasonable extent the movement of other traffic or create any safety hazard as a result of such other traffic being stopped or diverted.

B. Sufficient police services can be provided to assure proper traffic control and the orderly conduct of the special event.

C. The streets, roads and highways over which the special event will travel or on which it will be conducted are of sufficient size and construction to safely accommodate the number of participants and the size, height and weight of any vehicles, floats, equipment or animals participating in the event.

D. The special event will not interfere with any other public events to be conducted on the same day.

E. The special event is unlikely to cause injury to persons or property or create an unreasonable disturbance of the peace.

(Ord. 139 § 1 (part), 2003)

Title 10 PLANNING AND ZONING

10.19.060 Permit for single event only.

Only one (1) special event shall be held, conducted or carried on under a single permit issued pursuant to this Article.

(Ord. 139 § 1 (part), 2003)

10.19.070 Contents of permit.

Permits issued pursuant to this Article may contain such conditions as deemed by the City Manager to be necessary or appropriate for the orderly and safe conduct of the event, including, but not limited to, the following:

A. Starting and ending times.

B. The location of the special event, including the route to be followed and portions of streets to be traversed that may be occupied in the event of a parade, march, procession, motorcade or footrace.

C. The number and type of vehicles, floats, bands, marching units, pieces of equipment and animals.

D. The nature and extent of any sales activity to be conducted upon public streets, sidewalks or rights-of-way. The holder of the special event permit shall issue to each vendor authorized to engage in such sales activity an identification card or other evidence of such authorization, which shall be displayed by the vendor to a Law Enforcement Officer of the City or to any representative of the permittee requesting to inspect the same.

E. Number and location of sound amplifying devices and permitted level of amplification.

F. Number and location of persons required to control, direct and monitor the event.

G. Requirements and instructions for removal of any signs, equipment or structures erected or installed for the event and removal of litter and debris created in connection with the conduct of the event.

(Ord. 139 § 1 (part), 2003)

10.19.080 Insurance.

As a condition for issuance of a permit, the applicant shall furnish to the City, at the applicant's own cost and expense, a policy or policies of liability and other insurance coverage as may be required under the applicable insurance standards of the City, as established from time to time by resolution of the City Council. Such policy or policies shall be maintained in full force and effect in accordance with said insurance standards during the entire term of the permit.

(Ord. 139 § 1 (part), 2003)

Title 10 PLANNING AND ZONING

Page 67 of 102

10.19.090 Clean-up deposit.

Prior to the issuance of a permit, the applicant shall deliver to the City a cash deposit in the amount of two hundred fifty dollars (\$250.00) as a guaranty that the applicant will perform a final cleanup of all areas where the special event will be conducted. Such final cleanup shall be completed, to the satisfaction of the City Manager, within twenty-four (24) hours after cessation of the event. If the applicant fails to complete the cleanup within such period of time or if the cleanup work is not performed to the satisfaction of the City Manager, the Manager may cause any necessary cleanup work to be performed and may utilize the security deposit for payment of any costs or expenses as may be incurred in connection therewith. In the event the cleanup cost exceeds the amount of the security deposit, the applicant shall be liable to the City for payment of such excess cost. Upon certification by the City Manager that the final cleanup has been satisfactorily completed, the cleanup deposit or any remaining balance thereof, shall be mailed to the applicant at his address shown on the application.

(Ord. 139 § 1 (part), 2003)

10.19.100 Security and traffic control expenses.

As a condition for issuance of a permit, the City Manager shall require the permittee to reimburse the City for all security, traffic control and law enforcement expenses incurred by the City in connection with the special event.

(Ord. 139 § 1 (part), 2003)

10.19.110 Transferability of permit.

Any permit issued pursuant to this Article shall apply only to the permittee named therein and may not be transferred or assigned to any other person.

(Ord. 139 § 1 (part), 2003)

10.19.120 Revocation of permit.

Any permit issued pursuant to this Article may be summarily revoked by the City Manager upon a determination that:

- A. By reason of accident, disaster or other emergency, the safety of persons or property requires such revocation; or
- B. A term, condition, restriction or limitation of the permit has been violated or is being violated; or
- C. Due to changed circumstances, or the discovery of facts unknown to the City Manager at the time the permit was issued, the considerations for issuance of the permit are no longer valid or applicable.

(Ord. 139 § 1 (part), 2003)

Title 10 PLANNING AND ZONING

Page 68 of 102

10.19.130 Violation of Article; penalties.

The violation of any provision contained in this Article shall constitute a misdemeanor, subject to the penalties as set forth in Article 1 of this Code.

(Ord. 139 § 1 (part), 2003)

10.19.140 Indemnification agreement.

Prior to the issuance of a special events permit, the applicant or an authorized officer of the sponsor must sign an agreement to reimburse the City for any costs incurred in repairing damage to City property occurring in connection with the permitted special event and proximately caused by the actions of the permittee, the sponsor, its officers, employees, or agents, or any person under the permittee's or sponsor's control insofar as permitted by law. The agreement shall also provide that the permittee or sponsor shall defend the City against, and indemnify and hold the City harmless from, any liability to or claims or liability by, any persons resulting from any alleged damage or injury occurring in connection with the special event proximately caused by the actions of the permittee or sponsor, its officers, employees, or agents, or any person who was under the permittee's or sponsor's control insofar as permitted by law. For purposes of this section, a person who merely participates in the special event, is not considered by reason of that act alone to be "under the control" of the permittee or sponsoring organization.

(Ord. 139 § 1 (part), 2003)

10.19.150 Appeal process.

A. Any applicant aggrieved by the denial or conditional approval of a special event permit may appeal the decision to the City Council by filing a notice of appeal with the City Clerk within ten (10) days of the delivery of the decision. The City Clerk shall set the date and time for the public hearing within fifteen (15) days of the filing date and shall give notice to such person of the time and place of the hearing as prescribed by law.

B. If there is insufficient time for a timely appeal of a denial or conditional approval of a special events permit to be heard by the City Council prior to the date on which the special event is scheduled, the applicant may request that the City Clerk schedule the appeal before two (2) City Council members and the City Clerk. The City Council members shall be selected by the mayor. The two (2) City Council members and the City Clerk shall hold a hearing no later than twelve (12) hours before the time of the special event and will render a decision as soon as practicable and in no case later than the time the event is scheduled to commence. The decision of a majority of the two (2) City Council members and the City Clerk shall be final.

(Ord. 139 § 1 (part), 2003)

Chapter 10.20 LIMITATIONS ON WOODBURNING FIREPLACES**Sections:**

10.20.010 Purpose.

10.20.020 Definitions.

10.20.030 Limitations.

10.20.040 Effective date.

Attachment: Section 19.34.040.C of the City of Prairie Village Zoning Regulations

Chapter 19.34 – Accessory Uses

19.34.035 Accessory Uses-Districts C-2 & C-3.

Accessory uses permitted in Districts C-2 and C-3 shall be as follows: Parking areas; signs as permitted by ordinance; flood lighting; other similar uses. Service stations may have the following additional accessory uses:

- A. Washing and other cleaning of passenger cars shall be permitted as an accessory use provided such washing and cleaning operations shall not utilize more than two stationery bays in any one station, shall be a part of the main building, and shall not be open for use during hours when the service station is closed. Conveyor or other continuous line washing is not permitted except by Special Use Permit. Such washing and cleaning operations shall use the same entrance drives as the service station and may utilize coin-operated or attendant operated equipment;
- B. Retail sale of automotive supplies that are customarily available at service stations and which do not require engine or transmission repair, body work or installation of audio equipment, but which include such items as batteries, motor oil, additives, antifreeze, light bulbs, belts, and transmission fluids;
- C. Retail sale of non-automotive items of an incidental and convenience nature, limited to food and non-alcoholic beverages for human consumption (except cereal malt beverages), film, tobacco products, cosmetics, everyday over-the-counter pharmaceuticals, ice, detergents, novelties and gifts, toys, lottery tickets, paper products, light bulbs and minor clothing items such as caps and “T” shirts; (Ord. 2119, Sec. II, 2006)
- D. The following development and performance standards shall apply to any establishment where both gasoline and non-automotive products are sold to the public:
 1. The total floor area devoted to display and sale of products, including cashier space, but excluding storage rooms, restrooms, auto service and wash bays, shall not exceed eight hundred (800) square feet, provided further that an enclosed building existing and being utilized as a gasoline service station at the time of passage of this amendment, may utilize the entire existing floor area for retail sale of products herein permitted.
 2. Booths or other customer seating accommodating are not permitted.
 3. All merchandise and vending machines shall be kept inside the building.
 4. Food preparation is not allowed except that microwave oven may be provided for customer use.
 5. All such establishments shall provide not less than two parking spaces on the premises and establishments where the retail floor area exceeds two hundred (200) square feet, shall provide additional off-street parking on the premises at the ration of one space for each two hundred (200) sq. ft. of said additional floor area used for retail sales and display, such parking to be in addition to the space utilized by the vehicle receiving gasoline at a pump.
 6. Floor area shall be computed from the outside surface of exterior walls and, for purposes of parking calculation, shall exclude restrooms or storage areas not accessible to the public, auto service or washbays.

19.34.040 Accessory Uses-Miscellaneous Provisions.

- A. Any accessory use which exceeds ten (10) feet in height shall be located a distance inside the property line at least equal to one-third its height.

- B. No private walk or drive serving a District C-1 to C-3 inclusive shall pass through or be located in a District R-1 to R-4 inclusive.
- C. The City Council may, upon application by the proponent, issue a short-term permit for the use of a specified parcel of land for such temporary short-term uses as charitable, civic or religious sales and activities, trade shows, street fairs, expositions, promotional ventures and entertainment, without publication or posted notice and without referral to the Planning Commission, provided the following conditions are met:
1. The applicant shall submit in written form a complete description of the proposed use, including estimated accumulation of automobiles and persons, hours of operation, and other characteristics and effects on the neighborhood;
 2. The short-term permit shall not be operated longer than the period stipulated in the permit, and in any case no longer than thirty (30) consecutive days;
 3. Upon the cessation of the short-term permit, all materials and equipment shall be promptly removed and the property restored to its normal condition. If, after giving full consideration to the effect of the requested short term permit on the neighborhood and the community, the Mayor or his/her designee deems the request is reasonable, the permit for the short-term use may be approved. Conditions of operation, provision for surety bond, and other reasonable safeguards may be written into the permit. Such permit may be approved in any zoning district;
 4. A fee as established in Section 16.20.030 shall be charged the applicant for each such short-term permit. (Ord. 2094, Sec. II, 2005)
- D. Satellite dish antennas less than one meter in diameter shall be subject to the following conditions:
1. That every effort shall be made to locate the satellite dish antenna in accordance with the conditions set out in this section; however, if the application of the conditions precludes a subscriber from receiving an acceptable quality signal, the Building Official shall assist the subscriber to find a location on the property where an acceptable quality signal can be received. The Building Official will be responsible for approving all locations that do not conform to the conditions of this section.
 2. That the applicant must have a direct or indirect ownership interest in the property.
 3. That in the case of multiple dwelling units, there shall be no more than three antennas per structure and for other uses no more than one antenna per structure.
 4. That the structural and electrical design must conform to FCC regulations and the antenna must meet all code requirements.
 5. That the applicant shall prepare and submit a plan to the Building Official who will work with the applicant to find the least obtrusive location on the property.
 6. For structure-mounted units:
 - a. The dish antenna shall be mounted on the main building of the lot and, to the extent technically feasible, on the rear side of the building. To the extent that an antenna mounted on the rear side of a building does not provide clear transmission, the antenna may be located on the front or side of the building provided that it is designed in such a manner that it cannot be identified as a dish antenna. The applicant may be required to provide appropriate screening.

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Tuesday, July 18, 2011
7:30 p.m.**

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. PUBLIC PARTICIPATION

Recognition of new business - Jeff Remsburg & Tom Kotter with Active Solutions

V. **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 - July 5, 2011
- 2. Approve Claims Ordinance 2885
- 3. Authorize staff to publish the 2012 Proposed Budget as required by State statutes.
- 4. Consider approval of the following JazzFest entertainment agreements
 - Theater League, Inc. \$1,500.00
 - The Peoples Liberation Big Band \$2,200.00
 - Mike Metheny Quartet \$1,200.00
 - Deborah Brown Quintet \$2,500.00
 - Bobby Watson Quartet \$5,000.00

By Committee:

- 5. Approve Construction Change Order #1 (FINAL) with Vanum Construction for Project 190659: Franklin Park Improvements (Council Committee of the Whole Minutes - July 5, 2011)

- VI. **MAYOR'S REPORT**
- VII. **COMMITTEE REPORT**
- VIII. **STAFF REPORTS**
- IX. **OLD BUSINESS**
- X. **NEW BUSINESS**
- XI. **ANNOUNCEMENTS**
- XII. **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**

CONSENT AGENDA

CITY OF PRAIRIE VILLAGE, KS

July 18, 2011

CITY OF PRAIRIE VILLAGE
July 5, 2011

The City Council of Prairie Village, Kansas, met in regular session on Tuesday, July 5, 2011, at 7:30 p.m. in the Council Chambers of the Municipal Building.

ROLL CALL

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

Also present were: Wes Jordan, Chief of Police; Captain Wes Lovett; Captain Tim Schwartzkopf; Bruce McNabb, Director of Public Works; David Waters, representing the City Attorney; Quinn Bennion, City Administrator; Dennis Enslinger, Assistant City Administrator; Lisa Santa Maria, Finance Director; Chris Engel, Assistant to the City Administrator; Jeanne Koontz, Deputy City Clerk.

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

Mayor Shaffer deleted item COU2011-34 from the agenda due to lack of a motion at the committee meeting.

PUBLIC PARTICIPATION

John Joyce, 4210 Delmar Drive, listened to discussion about the bonds and the mill levy during the committee meeting and stated he realizes Council has to do something. Mr. Joyce asked Council to go back to the original budget and cut items that are in the base budget. He expressed concern over RED Development's offer to buy Mission Valley Middle School and the potential request for tax benefits from the City.

He stated as a citizen he would like to be informed about the discussion between the city and RED Development.

David Voysey, 4300 W 90th Terrace, came prepared to defend the use of the Economic Development Fund and is pleased the amendment to the ordinance did not pass. He encouraged Council not to pillage the fund. He noted the money is really there to advance and help the city increase revenue. He said the city will want that seed money there when economic opportunities arise.

Mayor Shaffer recognized two boy scouts from Troop 283 and Troop 50 attending the Council meeting for the Citizenship in the Community Merit Badge.

No one else was present to address the Council and public participation was closed at 7:44 p.m.

CONSENT AGENDA

Dale Beckerman moved the approval of the Consent Agenda for Tuesday, July 5, 2011:

1. Approve Regular Council Meeting Minutes - June 20, 2011

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

MAYOR'S REPORT

Mayor Shaffer represented the city at the following events during the past two weeks and thanked all of the council members and citizens who participated or volunteered for these events: Northeast Johnson County Chamber Coffee event; Northeast Johnson County Chamber Golf Tournament and the 15th Annual VillageFest.

COMMITTEE REPORTS

VillageFest Committee

Diana Ewy Sharp noted the 15th Annual VillageFest was nearly perfect. Sponsor dollars and volunteers were both up this year. There was tremendous staff and committee support. She thanked Chairperson Marianne Noll noting that many of the new additions were Mrs. Noll's ideas. Mrs. Ewy Sharp announced the winners of the 2011 Community Spirit Awards: Mary & Marshall Rimann of Rimann Liquors, Mark Stiles and Kathy Peterson.

Mayor Shaffer thanked everyone for their attendance and volunteerism. Mr. Herrera congratulated Mrs. Ewy Sharp on a job well done noting the event makes our city special and unique.

Marianne Noll thanked the committee members and the council for their support.

Council Committee of the Whole

COU2011-32 Consider amendments to Liquor & Drinking Establishment Regulations & Fee Schedule.

On behalf of the Council Committee of the Whole, Dale Beckerman moved the Governing Body adopt ordinance 2238 amending Chapter 3 of the Prairie Village Municipal Code entitled "Beverages" by amending Article 3 entitled "Alcoholic Liquor" Sections 3-302, 3-303, 3-304, 3-305 and 3-307 and approve a two-year license fee of \$600 for a Liquor License. The motion was seconded by Andrew Wang.

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

On behalf of the Council Committee of the Whole, Dale Beckerman moved the Governing Body adopt ordinance 2237 amending Chapter 3 of the Prairie Village Municipal

Code entitled "Beverages" by amending Article 4 entitled "Drinking Establishments and Clubs" Sections 3-401 and 3-402 and approve a two-year license fee of \$500 for a Drinking Establishment License. The motion was seconded by Andrew Wang.

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

COU2011-31 Consider approving an Energy Performance Contract Agreement with Energy Solutions Professionals, LLC

On behalf of the Council Committee of the Whole, Dale Beckerman moved the Governing Body authorize the Mayor to execute an Energy Performance Contract agreement with Energy Solutions Professionals, LLC in the amount of \$1,290,924 subject to approval by legal counsel and authorize the use of \$920,924 from general fund reserves to temporarily fund the energy measures and geothermal system project until permanent funding has been secured from the identified sources. The motion was seconded by David Morrison and passed 8 to 2 with Ewy Sharp and Herrera voting in opposition.

Al Herrera stated he does not think this is a good program for the city. There are a lot of loose ends on this. He said it is a mistake and will be a costly endeavor.

COU2011-33 Consider approval of a resolution authorizing the offering for sale of general obligation refunding and improvement bonds, series 2011-A

On behalf of the Council Committee of the Whole, Dale Beckerman moved the Governing Body approve a resolution authorizing the offering for sale of General Obligation refunding and improvement bonds, series 2011-A. The motion was seconded by Charles Clark and passed 7 to 3 with Ewy Sharp, Kelly and Morrison voting in opposition.

Consider approval of transfer of \$400,000 from Economic Development Fund to Capital Projects Fund for park enhancements as part of the 2012 budget

On behalf of the Council Committee of the Whole, Dale Beckerman moved the Governing Body approve the transfer of \$400,000 from the Economic Development Fund to be allocated toward the improvement of one park in 2012 to be determined by the Park and Recreation Committee. The motion was seconded by Charles Clark.

Diana noted all of the other budget items were not brought forward to the Council for approval and questioned why this item was being brought forward. Mr. Bennion stated that is a valid point and if Council agrees it would stand approved with the proposed budget and not need to be approved separately this evening. Mr. Bennion suggested the motion be withdrawn.

Dale Beckerman moved to withdraw his motion and Charles Clark seconded the withdraw. No action was taken on the item.

STAFF REPORTS

Police Department

- Chief Jordan reported an increased number of calls on illegal fireworks. He said he will be meeting with the Fire Chief next week to review the ordinance. Mrs. Ewy Sharp noted residents have requested that snakes, sparklers and smoke bombs be allowed.
- Chief Jordan noted WaterOne had difficulty informing the community of the water boil order in a timely manner. However, the City used Code Red to notify residents and reached 72% of residents on the first call. Mr. Noll noted he spoke with several people who were thankful the city made the calls.
- Chief Jordan reported the recent Click It or Ticket and DUI enforcement resulted in a \$4,000 grant from the State for equipment. The State also reimburses the city for any overtime spent on the programs.
- Chief Jordan noted the city is prohibited from raising costs on seatbelt fines for adults above \$10. The \$10 fine does not send the right message so the Department has been doing seatbelt checkpoints.

Public Works

- Bruce McNabb reported the past couple of weeks has been spent picking up tree debris and branches and preparing for VillageFest.
- Bruce McNabb reported that Mike Helms secured 30 signs for lightning awareness to be placed around the city.

Administration

- Finance Director Lisa Santa Maria handed out the 2010 CAFR.

- Dennis Enslinger noted that the Solid Waste Utility Fund rate will not be raised next year and the Normandy Square Homes Association will be included in the service.
- Mr. Enslinger reminded Council about the Art Gallery Reception on Friday, July 8th.
- Quinn Bennion noted upcoming ribbon cuttings for Story on July 14th at 10 a.m. and Urban Table on July 26th at 4 p.m.
- Mr. Bennion recognized the late arrival of the *Village Voice* and noted staff will be addressing the issue with First Choice Associates. Staff made it clear that the publication should hit mailboxes by June 27th and the newsletter was in final form to the vendor by June 16th. Mrs. Ewy Sharp suggested looking at some type of refund and expressed frustration because the VillageFest Committee has stopped advertising in other ways.
- Mr. Bennion noted he will be out of the office on Thursday and Friday.

OLD BUSINESS

There was no Old Business to come before the Council.

NEW BUSINESS

Dennis Enslinger reported that RED Development has a contract pending for the Mission Valley School site. He stated he spoke today with Dan Lowe from RED Development regarding their intent and timetable and how that might fit into the city's goal of creating a comprehensive plan. RED Development will meet with Mayor Shaffer tomorrow and other staff next week.

Mr. Enslinger noted that Council could approve a moratorium on zoning requests for the Mission Valley site to give the city more time to work with RED Development and create a comprehensive plan. He requested feedback from Council on the idea of a moratorium. If Council is supportive, the item would be brought for approval.

Mayor Shaffer clarified that it is a legal process with a specific time limit. Mr. Enslinger said the time limit could be anywhere from 90 days to 180 days the latter being more realistic because RED Development has 45 days to close on the property and no zoning requests are anticipated during that time. Mayor Shaffer noted that other

cities have enacted a moratorium recently. Mr. Enslinger said it is not uncommon for unexpected land use shifts.

Dale Beckerman clarified that a moratorium cannot be enacted after a zoning request is received. Mr. Enslinger said it is difficult to provide a public planning process in the midst of a zoning request.

Mr. Kelly expressed support for a moratorium of some sort since Council agreed to move forward with a comprehensive plan for the site. Mr. Noll expressed concern that enacting a moratorium gives the impression that the City is not interested in changing anything and suggested including other possible sites that may be up for sale soon. Mr. Enslinger stated that more than one site can be included in the moratorium but it will be more difficult to create a moratorium that fits multiple sites. Mr. Noll expressed concern that the city will send a message to the development community that a moratorium will happen every time.

Mr. Enslinger recommended that staff meet with RED Development over the next couple weeks to determine a process of involvement of the City and public. He said the moratorium gives the public comfort that they will have input into the process. A moratorium may not be needed if an understanding can be reached with Red Development regarding the planning process and schedule.

Dale Beckerman noted it would be easier to discuss timelines if the moratoriums remain separate.

Andrew Wang stated he does not believe that a moratorium is ominous or unfriendly to developers but allows the city to proceed at a measured and calm pace.

Charles Clark expressed favor for a moratorium so that Council can have a voice in the process. Michael Kelly agreed stating that Council should have the opportunity to

create a plan for the site that the Planning Commission can follow. Steve Noll questioned whether it would become policy to have a period of negotiation after a property is purchased for development. Andrew Wang stated he does not mind if it becomes protocol.

Diana Ewy Sharp questioned the length of the process for the comprehensive plan and the moratorium. Mr. Enslinger clarified that the comprehensive plan must be completed during the moratorium. He emphasized the importance of including RED Development in the process in order to balance the vision of the community and the vision of the developer. Mrs. Ewy Sharp expressed support for the moratorium.

Mr. Noll recommended the city be expedient with due caution so that the site does not become vandalized.

Dennis Enslinger said he will discuss a possible timeframe with RED Development and come back to Council for approval.

Dale Warman mentioned numerous calls regarding the recent storms in Countryside East and will be setting up a meeting with the neighborhood and Tom Robinson at KCPL to address questions.

David Morrison requested any potential developer provide a photo sim of the proposed project with their submission to the Planning Commission. David Morrison suggested a review of Planning Commission fees to be based on the size of the project.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

Planning Commission	07/05/2011	7:00 p.m.
Sister City Committee	07/11/2011	7:00 p.m.
Communications Committee	07/12/2011	5:30 p.m.
JazzFest Committee	07/14/2011	7:00 p.m.
Council Committee of the Whole	07/18/2011	6:00 p.m.
City Council	07/18/2011	7:30 p.m.

=====

The Prairie Village Arts Council is pleased to announce a mixed medium exhibit by the Senior Arts Council in the R. G. Endres Gallery for the month of July. The artist reception will be held on July 8th from 6:30 to 8:30 p.m.

Moonlight swim July 8th from 8:30 - 10:00 p.m.

The annual water show will be held on July 24th at 8:30 p.m.

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

ADJOURNMENT

With no further business to come before the City Council, the meeting was adjourned at 8:50 p.m.

Jeanne Koontz
Deputy City Clerk

CITY TREASURER'S WARRANT REGISTER

DATE WARRANTS ISSUED:

Warrant Register Page No. 1

 July 15, 2011

Copy of Ordinance
2885

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
EXPENDITURES:			
Accounts Payable			
1-109	6/10/2011	436,499.69	
110-112	6/17/2011	2,004.62	
113-235	6/24/2011	599,758.55	
236	6/27/2011	306.00	
Payroll Expenditures			
6/3/2011		260,095.45	
6/17/2011		301,379.72	
Electronic Payments			
Electronic Pmnts	6/1/2011	853.90	
Electronic Pmnts	6/3/2011	6,889.68	
Electronic Pmnts	6/10/2011	490.86	
Electronic Pmnts	6/13/2011	344.76	
Electronic Pmnts	6/15/2011	3,320.43	
Electronic Pmnts	6/16/2011	267.92	
Electronic Pmnts	6/17/2011	5,941.70	
Electronic Pmnts	6/24/2011	538.04	
TOTAL EXPENDITURES:			\$ 1,618,691.32
Voided Checks			
Color ID	# 23	(340.00)	
Bettina Jamerson	# 165	(612.00)	
TOTAL VOIDED CHECKS:			(952.00)
GRAND TOTAL CLAIMS ORDINANCE			1,617,739.32

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

Passed this 18th day of July 2011.

Signed or Approved this 18th day of July 2011.

(SEAL)

ATTEST: _____
City Treasurer
Mayor



ADMINISTRATION

Council Meeting Date: July 18, 2011
CONSENT AGENDA

Request Permission to Publish the 2012 Proposed Budget

SUGGESTED MOTION

Move to authorize staff to publish the 2012 Proposed Budget as required by State statutes.

BACKGROUND

Over the last several months the Council and staff have worked diligently to develop the 2012 budget. On June 13, staff presented blue binders to Council that contained a balanced 2012 budget. Despite flat revenue projections and increased personnel and commodity costs, the presented budget maintained the same level of services as the 2011 Budget.

Since the June 13 meeting, based on Council input and additional information, the following changes have occurred to the budget document:

- Solid Waste Fund - the assessment will remain the same rate as 2011 due to lower than expected renewal rate, recycling revenue sharing and utilization of reserves.
- General Fund - Two additional patrol officers, a patrol car and related costs with an associated mill levy increase of 0.6 mills.
- CIP Fund - \$400,000 transfer from Economic Development Fund for a parks project to be determined later.
- CIP Fund - Water discharge program - will remain at \$20,000 to cover program expenses with the remaining funds used for the following drainage related programs:
 - \$ 15,000 for Stormwater (Drainage) System Master Plan
 - \$ 45,000 additional for the Drainage Repair Program (for a total of \$ 235,000)

The proposed budget includes an increase in the mill rate of 0.6 for a total mill rate of 19.477, which is comprised of the General Fund mill rate and the Bond & Interest Fund mill rate.

State statutes require that the City hold a public hearing on the proposed budget at least ten days prior to the date the budget is certified to the County Clerk (August 25th) and that the City publish the budget at least ten days prior to the date of the public hearing. To comply with these statutory requirements, the public hearing has been scheduled for the City Council's regular meeting on Monday, August 1, 2011.

PUBLIC NOTICE

The Budget Summary will be published in The Legal Record on Tuesday, July 19, 2011.

ATTACHMENTS:

- State Budget Forms
- 2012 Budget Summary - All Funds

2012

CERTIFICATE

To the Clerk of Johnson County, State of Kansas
We, the undersigned, 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 expenditures for the various funds for the year 2012; and
(3) the Amount(s) of 2011 Ad Valorem Tax are within statutory limitations.

			2012 Adopted Budget		
		Page No.	Expenditures	Amount of 2011 Ad Valorem Tax	County Clerk's Use Only
Table of Contents:					
Computation to Determine Limit for 2012		2			
Allocation of MVT, RVT, 16/20M Veh & Slider		3			
Schedule of Transfers		4			
Statement of Indebtedness		5			
Statement of Lease-Purchases		6			
<u>Fund</u>	<u>K.S.A.</u>				
General	12-101a	7	20,142,823	4,157,109	
Bond & Interest	10-113	8	1,970,475	1,331,203	
Special Highway		9	580,000		
Solid Waste Management		9	1,741,703		
Stormwater Utility		10	1,511,000		
Special Parks		10	83,000		
Special Alcohol		11	90,212		
Non-Budgeted Funds-A		12			
Totals		x	26,119,213	5,488,312	
Budget Summary		13			
Neighborhood Revitalization Rebate					
Is an Ordinance required to be passed, published, and attached to the budget?				Yes	

Council Members

State Use Only
Received _____
Reviewed by _____
Follow-up: Yes No

County Clerk's Use Only

November 1st Total Assessed Valuation _____

Assisted by: _____

Address: _____

Attest: _____, 2011

County Clerk

Mayor

Computation to Determine Limit for 2012

		Amount of Levy
1. Total Tax Levy Amount in 2011 Budget		+ \$ 5,324,557
2. Debt Service Levy in 2011 Budget		- \$ 1,338,398
3. Tax Levy Excluding Debt Service		<u>\$ 3,986,159</u>
 2011 Valuation Information for Valuation Adjustments:		
4. New Improvements for 2011:	+ 307,045	
5. Increase in Personal Property for 2011:		
5a. Personal Property 2011	+ 2,018,206	
5b. Personal Property 2010	- 2,293,583	
5c. Increase in Personal Property (5a minus 5b)	+ 0	
		(Use Only if > 0)
6. Valuation of annexed territory for 2011:		
6a. Real Estate	+ 0	
6b. State Assessed	+ 0	
6c. New Improvements	- 0	
6d. Total Adjustment (Sum of 6a, 6b, and 6c)	+ 0	
7. Valuation of Property that has Changed in Use during 2011:		<u>415,148</u>
8. Total Valuation Adjustment (Sum of 4, 5c, 6d & 7)		<u>722,193</u>
9. Total Estimated Valuation July 1, 2011	<u>281,785,777</u>	
10. Total Valuation less Valuation Adjustment (9 minus 8)		<u>281,063,584</u>
11. Factor for Increase (8 divided by 10)		<u>0.00257</u>
12. Amount of Increase (11 times 3)		+ \$ <u>10,242</u>
13. Maximum Tax Levy, excluding debt service, without an Ordinance (3 plus 12)		<u>\$ 3,996,401</u>
14. Debt Service Levy in this 2012 Budget		<u>1,331,203</u>
15. Maximum levy, including debt service, without an Ordinance (13 plus 14)		<u><u>5,327,604</u></u>

If the 2012 budget includes tax levies exceeding the total on line 15, you must adopt an ordinance to exceed this limit, publish the ordinance, and attach a copy of the published ordinance to this budget.

Allocation of Motor, Recreational, 16/20M Vehicle Tax & Slider

Budgeted Funds for 2011	Budget Tax Levy Amt for 2011	Allocation for Year 2012			
		MVT	RVT	16/20M Veh	Slider
General	3,986,159	351,330	516	1,194	0
Bond & Interest	1,338,398	207,380	175	62	0
TOTAL	5,324,557	558,710	691	1,256	0

County Treas Motor Vehicle Estimate	<u>558,710</u>			
County Treasurers Recreational Vehicle Estimate		<u>691</u>		
County Treasurers 16/20M Vehicle Estimate			<u>1,256</u>	
County Treasurers Slider Estimate				<u>0</u>
Motor Vehicle Factor	<u>0.10493</u>			
Recreational Vehicle Factor		<u>0.00013</u>		
16/20M Vehicle Factor			<u>0.00024</u>	
Slider Factor				<u>0.00000</u>

Schedule of Transfers

Fund Transferred From:	Fund Transferred To:	Actual Amount for 2010	Current Amount for 2011	Proposed Amount for 2012	Transfers Authorized by Statute
General	Capital Projects	1,891,743	816,649	4,819,023	12-1,118
General	Risk Management	35,000	35,000	35,000	12-2615
General	Economic Development	-	-	-	Ord. 2153
General	Equipment Reserve	405,902	222,000	252,500	12-1,117
Special Highway	Capital Projects	560,000	540,000	580,000	12-1,118
Stormwater Utility	General	443,551	450,000	450,000	Charter Ord. 23
Stormwater Utility	Capital Projects	225,071	773,219	584,170	Charter Ord. 23
Stormwater Utility	Equipment Reserve	90,000	90,000		Charter Ord. 23
Special Parks	Capital Projects	81,435	86,000	83,000	12-1,118
Special Alcohol	Risk Management	-	-	-	12-2615
General	Bond & Interest	1,208,257	-	-	12-101
Stormwater Utility	Bond & Interest	453,929	450,081	450,830	Charter Ord. 23
Economic Development	Capital Projects	-	-	400,000	Ord. 2153
	Totals	5,394,888	3,462,949	7,654,523	
	Adjustments				
	Adjusted Totals	5,394,888	3,462,949	7,654,523	

Note: Adjustments are only required if the transfer expenditure is not shown in the Budget Summary total.

STATEMENT OF INDEBTEDNESS

Type of Debt	Date of Issue	Date of Retirement	Interest Rate %	Amount Issued	Beginning Amount Outstanding Jan 1, 2011	Date Due		Amount Due 2011		Amount Due 2012	
						Interest	Principal	Interest	Principal	Interest	Principal
General Obligation:											
Series 2009A Ref/Improv	11/19/09	9/1/19	2%-3%	10,085,000	8,562,696	March & Sept	Sept	176,275	1,790,000	140,475	1,830,000
Total G.O. Bonds					8,562,696			176,275	1,790,000	140,475	1,830,000
Revenue Bonds:											
NONE											
Total Revenue Bonds					0			0	0	0	0
Other:											
NONE											
Total Other					0			0	0	0	0
Total Indebtedness					8,562,696			176,275	1,790,000	140,475	1,830,000

STATEMENT OF CONDITIONAL LEASE-PURCHASE AND CERTIFICATE OF PARTICIPATION*

Item Purchased	Contract Date	Term of Contract (Months)	Interest Rate %	Total Amount Financed (Beginning Principal)	Principal Balance On Jan 1 2011	Payments Due 2011	Payments Due 2012
NONE							
Totals					0	0	0

***If you are merely leasing/renting with no intent to purchase, do not list--such transactions are not lease-purchases.

City of Prairie Village

2012

FUND PAGE - GENERAL

Adopted Budget General	Prior Year Actual 2010	Current Year Estimate 2011	Proposed Budget Year 2012
Unencumbered Cash Balance Jan 1	4,753,212	4,686,809	5,535,465
Receipts:			
Ad Valorem Tax	4,886,233	3,986,159	xxxxxxxxxxxxxxxxxxxx
Delinquent Tax	82,606	0	35,000
Motor Vehicle Tax	509,458	344,078	351,330
Recreational Vehicle Tax	1,030	657	516
16/20M Vehicle Tax	960	562	1,194
Gross Earning (Intangible) Tax			0
LAVTR			0
City and County Revenue Sharing			0
Slider			0
Local Alcoholic Liquor	78,666	86,000	83,000
In Lieu of Taxes (IRB)			
Sales Tax	4,134,519	4,209,525	4,172,000
Use Tax	708,660	660,164	726,000
Franchise Fees	1,835,750	1,785,800	1,899,800
Licenses & Permits	436,285	454,900	454,900
Intergovernmental	0	0	0
Charges for Services	1,717,491	1,743,000	1,744,000
Fines & Fees	992,645	1,092,000	992,000
Recreational Fees	473,123	448,950	448,950
Transfer from Stormwater Utility Fund	443,551	450,000	450,000
Interest on Idle Funds	29,599	100,000	40,000
Miscellaneous	44,834	138,700	58,700
Does miscellaneous exceed 10% of Total Receipts			
Total Receipts	16,375,410	15,500,495	11,457,390
Resources Available:	21,128,622	20,187,304	16,992,855

revised 8/06/07

City of Prairie Village

2012

FUND PAGE

Adopted Budget Bond & Interest	Prior Year Actual 2010	Current Year Estimate 2011	Proposed Budget Year 2012
Unencumbered Cash Balance Jan 1	20,013	29,328	76,325
Receipts			
Ad Valorem Tax	255,529	1,338,398	xxxxxxxxxxxxxxxxxxxx
Delinquent Tax	7,959	0	0
Motor Vehicle Tax	41,827	224,000	207,380
Recreational Vehicle Tax	85	427	175
16/20M Vehicle Tax	100	366	62
Slider	0	0	0
Transfer from General Fund	1,208,257	0	0
Transfer from Stormwater Utility Fund	453,929	450,081	450,830
Interest on Idle Funds	1,283	0	0
Miscellaneous	0	0	0
Does miscellaneous exceed 10% of Total Receipts			
Total Receipts	1,968,969	2,013,272	658,447
Resources Available:	1,988,982	2,042,600	734,772
Expenditures:			
Principal	1,790,000	1,790,000	1,830,000
Interest	169,654	176,275	140,475
Neighborhood Revitalization Rebate			
Miscellaneous			
Does miscellaneous exceed 10% of Total Expenditures			
Total Expenditures	1,959,654	1,966,275	1,970,475
Unencumbered Cash Balance Dec 31	29,328	76,325	xxxxxxxxxxxxxxxxxxxx
2010 Budget Authority Limited Amount:	1,959,654	Non-Appropriated Balance	95,500
Violation of Budget Law for 2010:		Total Expenditures/Non-Appropriated Bal	2,065,975
Possible Cash Violation for 2010:		Tax Required	1,331,203
Delinquency Computation % Rate		0.000%	0
		Amount of 2011 Ad Valorem Tax	1,331,203

City of Prairie Village

2012

FUND PAGE FOR FUNDS WITH NO TAX LEVY

Adopted Budget Special Highway	Prior Year Actual 2010	Current Year Estimate 2011	Proposed Budget Year 2012
Unencumbered Cash Balance Jan 1	0	21,397	61,397
Receipts:			
State of Kansas Gas Tax	581,397	580,000	580,000
County Transfers Gas	0	0	0
Interest on Idle Funds	0		
Miscellaneous			
Does miscellaneous exceed 10% of Total Receipts			
Total Receipts	581,397	580,000	580,000
Resources Available:	581,397	601,397	641,397
Expenditures:			
Transfer to Capital Projects Fund	560,000	540,000	580,000
Miscellaneous			
Does miscellaneous exceed 10% of Total Expenditures			
Total Expenditures	560,000	540,000	580,000
Unencumbered Cash Balance Dec 31	21,397	61,397	61,397

2010 Budget Authority Limited Amount: 560,000
 Violation of Budget Law for 2010:
 Possible Cash Violation for 2010:

Adopted Budget

Solid Waste Management	Prior Year Actual 2010	Current Year Estimate 2011	Proposed Budget Year 2012
Unencumbered Cash Balance Jan 1	178,638	179,953	199,080
Receipts:			
Charges for Services	1,477,493	1,674,700	1,758,425
Licenses & Permits	2,013	4,000	4,000
Interest on Idle Funds	5,168	1,000	1,000
Miscellaneous	7,549		
Does miscellaneous exceed 10% of Total Receipts			
Total Receipts	1,492,223	1,679,700	1,763,425
Resources Available:	1,670,861	1,859,653	1,962,505
Expenditures:			
Solid Waste & Recycling Collection	1,490,908	1,660,573	1,741,703
Miscellaneous			
Does miscellaneous exceed 10% of Total Expenditures			
Total Expenditures	1,490,908	1,660,573	1,741,703
Unencumbered Cash Balance Dec 31	179,953	199,080	220,802

2010 Budget Authority Limited Amount: 1,486,809
 Violation of Budget Law for 2010: **Yes**
 Possible Cash Violation for 2010:

City of Prairie Village

2012

FUND PAGE FOR FUNDS WITH NO TAX LEVY

Adopted Budget Stormwater Utility	Prior Year Actual 2010	Current Year Estimate 2011	Proposed Budget Year 2012
Unencumbered Cash Balance Jan 1	0	261,343	10,770
Receipts:			
Licenses & Permits	2,870	4,600	4,600
Charges for Services	1,470,947	1,532,627	1,532,627
Interest on Idle Funds	3,152	1,000	1,000
Miscellaneous			
Does miscellaneous exceed 10% of Total Receipts			
Total Receipts	1,476,969	1,538,227	1,538,227
Resources Available:	1,476,969	1,799,570	1,548,997
Expenditures:			
Contract Services	3,075	25,500	26,000
Transfer to the General Fund	443,551	450,000	450,000
Transfer to the Capital Projects Fund	225,071	773,219	584,170
Transfer to the Equipment Reserve Fund	90,000	90,000	0
Transfer to the Bond & Interest Fund	453,929	450,081	450,830
Miscellaneous		0	0
Does miscellaneous exceed 10% of Total Expenditures			
Total Expenditures	1,215,626	1,788,800	1,511,000
Unencumbered Cash Balance Dec 31	261,343	10,770	37,997

2010 Budget Authority Limited Amount: 1,517,301

Violation of Budget Law for 2010:

Possible Cash Violation for 2010:

Adopted Budget

Special Parks	Prior Year Actual 2010	Current Year Estimate 2011	Proposed Budget Year 2012
Unencumbered Cash Balance Jan 1	2,751	0	0
Receipts:			
Intergovernmental	78,684	86,000	83,000
Interest on Idle Funds			
Miscellaneous			
Does miscellaneous exceed 10% of Total Receipts			
Total Receipts	78,684	86,000	83,000
Resources Available:	81,435	86,000	83,000
Expenditures:			
Transfer to Capital Projects Fund	81,435	86,000	83,000
Miscellaneous			
Does miscellaneous exceed 10% of Total Expenditures			
Total Expenditures	81,435	86,000	83,000
Unencumbered Cash Balance Dec 31	0	0	0

2010 Budget Authority Limited Amount: 86,000

Violation of Budget Law for 2010:

Possible Cash Violation for 2010:

City of Prairie Village

2012

FUND PAGE FOR FUNDS WITH NO TAX LEVY

Adopted Budget Special Alcohol	Prior Year Actual 2010	Current Year Estimate 2011	Proposed Budget Year 2012
Unencumbered Cash Balance Jan 1	32,445	26,229	25,027
Receipts:			
Intergovernmental	78,666	86,000	83,000
Interest on Idle Funds	110	0	0
Miscellaneous	100	0	0
Does miscellaneous exceed 10% of Total Receipts			
Total Receipts	78,876	86,000	83,000
Resources Available:	111,321	112,229	108,027
Expenditures:			
Public Safety	70,091	72,242	75,212
Alcohol Programs	15,001	14,960	15,000
Miscellaneous			
Does miscellaneous exceed 10% of Total Expenditures			
Total Expenditures	85,092	87,202	90,212
Unencumbered Cash Balance Dec 31	26,229	25,027	17,815

2010 Budget Authority Limited Amount: 87,202
 Violation of Budget Law for 2010:
 Possible Cash Violation for 2010:

Adopted Budget

0	Prior Year Actual 2010	Current Year Estimate 2011	Proposed Budget Year 2012
Unencumbered Cash Balance Jan 1		0	0
Receipts:			
Interest on Idle Funds			
Miscellaneous			
Does miscellaneous exceed 10% of Total Receipts			
Total Receipts	0	0	0
Resources Available:	0	0	0
Expenditures:			
Miscellaneous			
Does miscellaneous exceed 10% of Total Expenditures			
Total Expenditures	0	0	0
Unencumbered Cash Balance Dec 31	0	0	0

2010 Budget Authority Limited Amount: 0
 Violation of Budget Law for 2010:
 Possible Cash Violation for 2010:

2012

0

NON-BUDGETED FUNDS (A)

(Only the actual budget year for 2010 is to be shown)

Non-Budgeted Funds-A

(1) Fund Name: (2) Fund Name: (3) Fund Name: (4) Fund Name: (5) Fund Name:

Capital Projects		Risk Management Reserve		Economic Development		Equipment Reserve		Grants		Total
Unencumbered		Unencumbered		Unencumbered		Unencumbered		Unencumbered		
Cash Balance Jan 1	11,314,219	Cash Balance Jan 1	83,017	Cash Balance Jan 1	2,180,380	Cash Balance Jan 1	728,828	Cash Balance Jan 1	0	14,306,444
Receipts:		Receipts:		Receipts:		Receipts:		Receipts:		
Intergovernmental	30,197	Interest on Idle Funds	-1,695	Interest on Idle Funds	15,132	Interest on Idle Funds	3,930	Intergovernmental	183,068	
Trans fr General Fund	1,891,743	Trans fr General Fund	35,000	Trans fr General Fund	0	Trans fr General Fund	405,902			
Trans fr Spec Highway	560,000	Trans fr Spec Alcohol	0			Trans fr Eco Dev Fund	0			
Trans fr Spec Park	81,435	Miscellaneous	66,255			Intergovernmental	201,359			
Trans fr Grant	169,534					Trans fr Storm Water	90000			
Trans fr Stormwater	225,071									
Bond Proceeds	0									
Interest on Idle Funds	69,987									
Total Receipts	3,027,967	Total Receipts	99560	Total Receipts	15132	Total Receipts	701191	Total Receipts	183068	4,026,918
Resources Available:	14,342,186	Resources Available:	182,577	Resources Available:	2,195,512	Resources Available:	1,430,019	Resources Available:	183,068	18,333,362
Expenditures:		Expenditures:		Expenditures:		Expenditures:		Expenditures:		
Infrastructure	8,731,341	Insurance Deductibles	108,662	Community Dev	48,229	Equipment Purchases	712,521	Public Safety	169,535	
Trans to Bond & Int	5,958			Trans to Capital Proj	0			Comm Dev	13,533	
				Trans to Equip Resv	0					
Total Expenditures	8,737,299	Total Expenditures	108662	Total Expenditures	48229	Total Expenditures	712521	Total Expenditures	183068	9,789,779
Cash Balance Dec 31	5,604,887	Cash Balance Dec 31	73,915	Cash Balance Dec 31	2,147,283	Cash Balance Dec 31	717,498	Cash Balance Dec 31	0	8,543,583 **
										8,543,583 **

**Note: These two block figures should agree.

NOTICE OF BUDGET HEARING

The governing body of
City of Prairie Village
will meet on the 1st day of August, 2011, at 7:30 p.m. at 7700 Mission Road for the purpose of
hearing and answering objections of taxpayers relating to the proposed use of all funds and the amount of ad valorem tax.

Detailed budget information is available at the Prairie Village Municipal Offices, 7700 Mission Road
and will be available at this hearing.

BUDGET SUMMARY

Proposed Budget 2012 Expenditures and Amount of 2011 Ad Valorem Tax establish the maximum limits of the 2012 budget.
Estimated Tax Rate is subject to change depending on the final assessed valuation.

FUND	Prior Year Actual for 2010		Current Year Estimate for 2011		Proposed Budget for 2012		
	Expenditures	Actual Tax Rate *	Expenditures	Actual Tax Rate *	Expenditures	Amount of 2011 Ad Valorem Tax	Estimate Tax Rate *
General	16,441,813	17.277	14,651,839	14.101	20,142,823	4,157,109	14.753
Bond & Interest	1,959,654	0.902	1,966,275	4.776	1,970,475	1,331,203	4.724
Special Highway	560,000		540,000		580,000		
Solid Waste Management	1,490,908		1,660,573		1,741,703		
Stormwater Utility	1,215,626		1,788,800		1,511,000		
Special Parks	81,435		86,000		83,000		
Special Alcohol	85,092		87,202		90,212		
Non-Budgeted Funds-A	9,789,779						
Totals	31,624,307	18.179	20,780,689	18.877	26,119,213	5,488,312	19.477
Less: Transfers	5,394,888		3,462,949		7,654,523		
Net Expenditure	26,229,419		17,317,740		18,464,690		
Total Tax Levied	5,218,323		5,324,557		xxxxxxxxxxxxxxxxxxxx		
Assessed Valuation	287,052,268		280,265,557		281,785,777		

Outstanding Indebtedness,	2009	2010	2011
January 1,			
G.O. Bonds	1,205,000	10,366,329	8,562,696
Revenue Bonds	0	0	0
Other	0	0	0
Lease Purchase Principal	0	0	0
Total	1,205,000	10,366,329	8,562,696

*Tax rates are expressed in mills

City Official Title: City Clerk

**City of Prairie Village
2012 Budget
Budget Summary - All Funds**

	General Fund	Solid Waste Management	Special Highway	Stormwater Utility	Special Parks & Rec	Special Alcohol	Bond & Interest
Fund Balance 1/1	5,535,465	199,080	21,397	10,770	0	25,027	76,325
Revenues:							
Property Taxes	4,192,109	-	-	-	-	-	1,300,466
Sales Taxes	4,172,000	-	-	-	-	-	-
Use Tax	726,000	-	-	-	-	-	-
Motor Vehicle Tax	353,040	-	-	-	-	-	207,617
Liquor Tax	83,000	-	-	-	83,000	83,000	-
Franchise Fees	1,899,800	-	-	-	-	-	-
Licenses & Permits	454,900	4,000	-	4,600	-	-	-
Intergovernmental	-	-	580,000	-	-	-	-
Charges for Services	1,744,000	1,758,425	-	1,532,627	-	-	-
Fines & Fees	992,000	-	-	-	-	-	-
Recreational Fees	448,950	-	-	-	-	-	-
Bond Proceeds	-	-	-	-	-	-	-
Interest on Investments	40,000	1,000	-	1,000	-	-	-
Miscellaneous	58,700	-	-	-	-	-	-
Total Revenue	15,164,499	1,763,425	580,000	1,538,227	83,000	83,000	1,508,083
Transfers from Other funds:							
Transfer from General Fund	-	-	-	-	-	-	-
Transfer from Solid Waste Management	-	-	-	-	-	-	-
Transfer from Stormwater Utility Fund	450,000	-	-	-	-	-	450,830
Transfer from Special Highway Fund	-	-	-	-	-	-	-
Transfer from Special Parks & Rec Fund	-	-	-	-	-	-	-
Transfer from Economic Development Fund	-	-	-	-	-	-	-
Total	450,000	-	-	-	-	-	450,830
Total Sources	15,614,499	1,763,425	580,000	1,538,227	83,000	83,000	1,958,913
Expenditures:							
Personal Services	8,820,431	24,394	-	-	-	67,943	-
Contract Services	4,337,301	1,717,109	-	3,000	-	18,409	-
Commodities	1,032,518	200	-	-	-	3,860	-
Capital Outlay	346,050	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	1,970,475
Infrastructure	-	-	-	-	-	-	-
Equipment Reserve	-	-	-	-	-	-	-
Risk Management Reserve	-	-	-	-	-	-	-
Capital Project Reserve	-	-	-	-	-	-	-
Contingency	500,000	-	-	23,000	-	-	-
Total Expenditures	15,036,300	1,741,703	-	26,000	-	90,212	1,970,475
Transfers to Other Funds:							
Transfer to General Fund	-	-	-	450,000	-	-	-
Transfer to Bond & Interest Fund	-	-	-	450,830	-	-	-
Transfer to Capital Projects Fund	1,616,649	-	580,000	584,170	83,000	-	-
Transfer to Risk Management Fund	35,000	-	-	-	-	-	-
Transfer to Economic Development Fund	-	-	-	-	-	-	-
Transfer to Equipment Reserve Fund	252,500	-	-	-	-	-	-
Total	1,904,149	-	580,000	1,485,000	83,000	-	-
Total Uses	16,940,449	1,741,703	580,000	1,511,000	83,000	90,212	1,970,475
Sources Over(Under) Uses	(1,325,950)	21,722	-	27,227	-	(7,212)	(11,562)
Fund Balance @ 12/31	4,209,515	220,802	21,397	37,997	0	17,815	64,763

**City of Prairie Village
2012 Budget
Budget Summary - All Funds**

	Subtotal - Budgeted Funds	Capital Projects	Risk Management	Economic Development	Equipment Reserve	All Funds Total
Fund Balance 1/1	5,868,065	4,024,823	94,215	2,074,583	594,403	12,656,089
Revenues:						
Property Taxes	5,492,575	-	-	-	-	5,492,575
Sales Taxes	4,172,000	-	-	-	-	4,172,000
Use Tax	726,000	-	-	-	-	726,000
Motor Vehicle Tax	560,657	-	-	-	-	560,657
Liquor Tax	249,000	-	-	-	-	249,000
Franchise Fees	1,899,800	-	-	-	-	1,899,800
Licenses & Permits	463,500	-	-	-	-	463,500
Intergovernmental	580,000	560,750	-	-	-	1,140,750
Charges for Services	5,035,052	-	-	-	-	5,035,052
Fines & Fees	992,000	-	-	-	-	992,000
Recreational Fees	448,950	-	-	-	-	448,950
Bond Proceeds	-	-	-	-	-	-
Interest on Investments	42,000	-	300	10,000	500	52,800
Miscellaneous	58,700	150,000	-	-	-	208,700
Total Revenue	20,720,234	710,750	300	10,000	500	21,441,784
Transfers from Other funds:						
Transfer from General Fund	-	1,460,755	35,000	-	252,500	1,748,255
Transfer from Solid Waste Management	-	-	-	-	-	-
Transfer from Stormwater Utility Fund	900,830	584,170	-	-	-	1,485,000
Transfer from Special Highway Fund	-	540,000	-	-	-	540,000
Transfer from Special Parks & Rec Fund	-	83,000	-	-	-	83,000
Transfer from Economic Development Fund	-	400,000	-	-	-	400,000
Total	900,830	3,067,925	35,000	-	252,500	4,256,255
Total Sources	21,621,064	3,778,675	35,300	10,000	253,000	25,698,039
Expenditures:						
Personal Services	8,912,768	-	-	-	-	8,912,768
Contract Services	6,075,819	-	15,000	82,700	-	6,173,519
Commodities	1,036,578	-	-	-	-	1,036,578
Capital Outlay	346,050	-	-	-	255,000	601,050
Debt Service	1,970,475	-	-	-	-	1,970,475
Infrastructure	-	4,552,675	-	-	-	4,552,675
Equipment Reserve	-	-	-	-	-	-
Risk Management Reserve	-	-	-	-	-	-
Capital Project Reserve	-	-	-	-	-	-
Contingency	523,000	-	-	-	-	523,000
Total Expenditures	18,864,690	4,552,675	15,000	82,700	255,000	23,770,065
Transfers to Other Funds:						
Transfer to General Fund	450,000	-	-	-	-	450,000
Transfer to Bond & Interest Fund	450,830	-	-	-	-	450,830
Transfer to Capital Projects Fund	2,863,819	-	-	400,000	-	3,263,819
Transfer to Risk Management Fund	35,000	-	-	-	-	35,000
Transfer to Economic Development Fund	-	-	-	-	-	-
Transfer to Equipment Reserve Fund	252,500	-	-	-	-	252,500
Total	4,052,149	-	-	400,000	-	4,452,149
Total Uses	22,916,839	4,552,675	15,000	482,700	255,000	28,222,214
Sources Over(Under) Uses	(1,295,775)	(774,000)	20,300	(472,700)	(2,000)	(2,524,175)
Fund Balance @ 12/31	4,572,290	3,250,823	114,515	1,601,883	592,403	10,131,914



PRAIRIE VILLAGE ARTS COUNCIL

Council Meeting Date: July 18, 2011
CONSENT AGENDA

Consider contracts for JazzFest

RECOMMENDATION

Recommend the City Council approve the following contracts for the 2011 Prairie Village JazzFest contingent upon review and approval by the City Attorney:

THEATER LEAGUE, INC. for 12th Street Jump
THE PEOPLES LIBERATION BIG BAND
MIKE METHENY QUARTET
DEBORAH BROWN QUINTET
BOBBY WATSON QUARTET

BACKGROUND

After the success of the first year, the Prairie Village Jazz Committee will be holding the second annual Prairie Village Jazz Festival on Saturday, September 10, 2011. The festival is free to the public. Funding for the event will come from sponsorships, vendors, sales and donations. All contracts are payable the date of the festival with the exception of the Bobby Watson Quartet that requires a deposit of \$2500 with the remaining \$2500 paid at the festival. The contracts have been reviewed by the City Attorney.

- THEATER LEAGUE, INC. - 12th Street Jump will record live their radio show for broadcast that evening performs 2:45. to 3:45 p.m.(\$1,500)
- THE PEOPLES LIBERATION BIG BAND - performs 4:05 to 4:55 p.m. (\$2,200)
- MIKE METHENY QUARTET - performs 6:25 to 7:10 p.m. (\$1,200)
- DEBORAH BROWN QUINTET - performs 7:30 to 8:20 p.m. (\$2,500)
- BOBBY WATSON QUARTET - performs 8:40 to 9:30 (\$5,000)

FINANCIAL IMPACT

Funding is available to cover the cost of these contracts. Execution of these contracts will commit \$12,400. The JazzFest account in the Municipal Foundation has an uncommitted balance of \$12,823 with sponsorship commitments of \$7,250 for a balance of \$20,073.00.

ATTACHMENTS

Contracts

PREPARED BY

Joyce Hagen Mundy
City Clerk

Date: July 14, 2011

PERFORMANCE CONTRACT

The agreement made this 1st day of July, 2011, between THEATER LEAGUE, INC, a Missouri not-for-profit corporation, furnishing the services of 12th Street Jump (hereinafter referred to as "artist") and The Prairie Village Jazz Festival (hereinafter referred to as "purchaser") is mutually agreed upon by both parties as follows:

1. PLACE OF ENGAGEMENT: Prairie Village, Kansas – Harmon Park
2. DATE OF ENGAGEMENT: September 10, 2010
3. HOURS OF ENGAGEMENT: 2:45pm – 3:45pm. Performance time of 59:00 minutes must be adhered to, because artist's engagement will be recorded for broadcast and streaming on KCUR-FM 89.3 and other stations through the PRX Public Radio Exchange and other audio media outlets. Additional time to prepare for artist's engagement as set down below shall not be deemed to be included in this minimum of 59:00 minutes.
4. FULL PRICE AGREED UPON: \$1,500 (One Thousand Five Hundred Dollars), to be paid by the purchaser to artist no later than immediately prior to engagement. All payments shall be paid by cash or acceptable check. Checks shall be made out to Theater League. If scheduled payments are not made on time, artist has the right to cancel this agreement and purchaser shall be liable to artist for damages in addition to the compensation provided herein.
5. PURCHASER to provide artist with the following space and equipment for engagement: 20' x 12' covered stage. Stage must be covered, shaded, level and dry. Two three pronged electrical outlets. Complete high quality sound system, including not less than four stage monitors. Backline equipment including a 4 piece drum set with stands, a tuned acoustic piano, bass amp, and the following high quality microphones: 4 vocal microphones on stands, 1 vocal microphone on boom stand at piano, 2 microphones for saxophone, 1 microphone for piano, 1 microphone for bass amplifier, and 2 or more microphones for drum kit. PURCHASER shall also provide a stool for bass player, piano bench and 4 Manhasset or similar music stands. Artist reserves the right to utilize its own microphones, in which case Purchaser shall provide standard high quality microphone cable for all microphones to sound system.

Purchaser:

Artist:

City of Prairie Village



Theater League, Inc
By Mark Edelman, President

Concert Performance Contract

On this 1st day of July, 2011 this agreement is entered into by and between City of Prairie Village (Presenter) and Theater League, Inc f/s/o 12th Street Jump (Performer). PRESENTER AND PERFORMER agree to the following conditions:

1. **Date and Time of Performance:** Saturday, September 10, 2010¹ at approximately 2:45 pm to 3:45 pm. PERFORMER warrants and PRESENTER acknowledges and agrees that PRESENTER must have exclusive access to the stage for not less than 59:00 continuous, uninterrupted (other than by Act of God) minutes to perform. This period does not include time necessary to set up stage for PERFORMER.
2. **Duration of Performance:** 59 minutes, not including time necessary to set-up PERFORMER's equipment, including video monitors and sound recording equipment provided by PERFORMER for engagement (see Tech Rider)
3. **Personnel:** Joe Cartwright, piano; Tyrone Clark, bass; Mike Warren, drums; Kim Park, saxophone (special guest); David Basse and Nedra Dixon, vocalists; Pearl MacDonald and Pete Weber, comedians/hosts; Ian York, line producer/video operator; Chad Meise, Chris Meck and/or other, audio engineers. Personnel subject to change
4. **Compensation:** \$1,500 for PERFORMER
5. **Payment:** A payment of \$1,500 shall be paid to the PERFORMER upon fully executed contract on evening of performance. All payments shall be made payable to Theater League, Inc
6. **Cancellation:** The event will be held rain or shine and the PERFORMER(S) will be expected to perform as agreed.
7. **Promotion:** PERFORMER agrees to help promote the performance through marketing efforts as follows: announcement on prior week's radio show, weekly blast email and quarterly press release.
8. **Sound Check:** PRESENTER will allow PERFORMER appropriate opportunity to perform a sound check before the concert. Time for such sound check shall NOT be included in the 59:00 minutes of PERFORMER's program. PERFORMER shall provide its own professional sound engineer(s) to operate sound console and equipment, subject to the approval of the third party providing sound equipment.
9. **Insurance:** PRESENTER shall carry all necessary liability insurance in connection to the event and shall hold PERFORMER harmless of any claims, liabilities or losses resulting from any accident, loss or injury in connection with the event.
10. **Execution of Contract:** In order to retain musicians, PERSENTER agrees to sign and return this contract.

11. **Technical rider:** Specific sound, lighting and stage requirements shall be described in a separate addendum to this contract.
12. **Copyrights, performance rights:** All right, title and interest in and to PERFORMER's engagement shall be deemed to be owned solely and exclusively by PERFORMER except for previously-copyrighted musical compositions included therein. PRESENTER agrees to provide and pay for any and all performing rights licenses (ASCAP, BMI, etc) necessary for the public performance of said musical compositions at PRESENTER's event. PERFORMER approves PRESENTER's use of PERFORMER's copyrighted material at this event only.

Ronald L. Shaffer, Mayor
City of Prairie Village

Mark Edelman, Pres
Mark Edelman, President
Theater League, Inc

TECH RIDER

12th STREET JUMP is a 59:00 minute public radio show broadcast and streamed live every Saturday night at midnight on KCUR-FM 89.3 in Kansas City, MO. The show is archived on KCUR's website and broadcast, streamed and/or archived on other stations (including internet-based) through PRX the Public Radio Exchange. Nothing in this Agreement shall be deemed to limit or alter PERFORMER's obligations to these audio media outlets. All right, title and interest in and to PERFORMER's engagement at this event shall be owned and controlled solely and exclusively by PERFORMER.

1. In order to accommodate PERFORMER's engagement, the following special equipment will be provided by PERFORMER and used during the engagement herein:

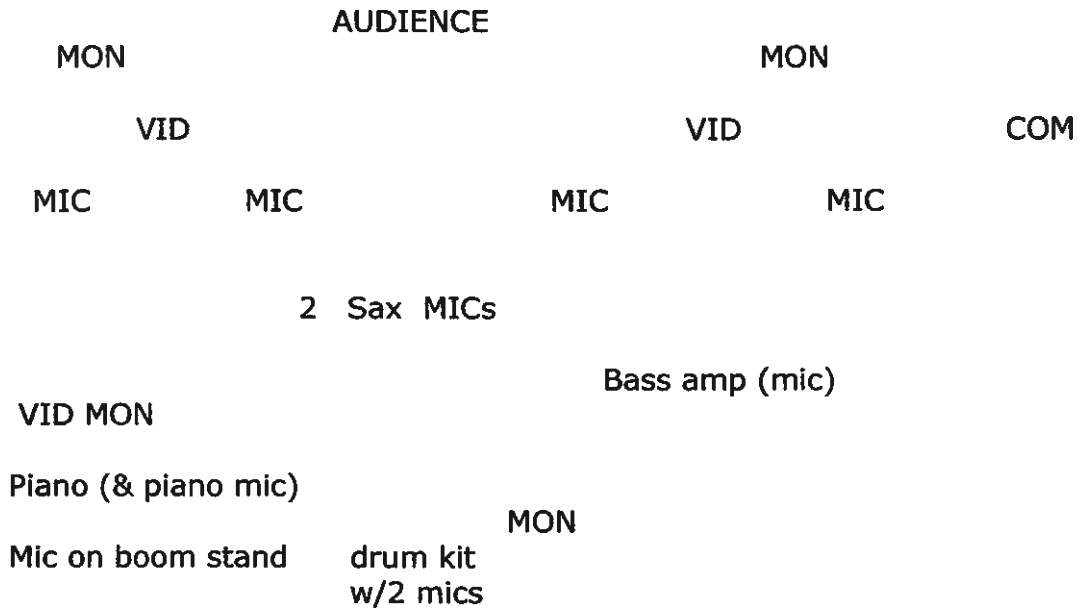
- a. video monitors , computers and connecting cable to provide program cues and script for PERFORMER's cast and crew
- b. sound recording equipment to be connected to the sound console and equipment provided by PRESENTER to enable PERFORMER to record its engagement for subsequent radio broadcast and other uses at PERFORMER's discretion.

2. In order to maintain PRESENTER's schedule, PERFORMER will arrange to set up this equipment prior to the beginning of the Festival, so that said equipment can be quickly placed in position immediately prior to the beginning of PERFORMER's engagement. During set-up, members of PERFORMER's ensemble will do sound check and explain to audience at the event the nature of PERFORMER's engagement.

3. PERFORMER's engagement will include both music and improves/sketch comedy. A local dignitary (Mayor, etc) will be provided by PRESENTER to participate in PERFORMER's sketch entitled "Who's Got the Blues" at approximately 15:00 into PERFORMER's engagement. In addition, student musician(s) will be invited to participate in the "Cutting Contest" section of PERFORMER's engagement.

Theater League

4. Equipment will be provided in the following positions on stage for PERFORMER (subject to change):



MIC= vocal microphones on stands (unless otherwise indicated)

VID= video monitors (provided by PERFORMER)

COM= computer operated by PERFORMER's line producer (side of stage)

MON: audio monitors

Concert Performance Contract

On this 30th day of June, 2011 this agreement is entered into by and between City of Prairie Village (Presenter) and the The Peoples Liberation Big Band

PERSENER AND PERFORMER agree to the following conditions:

1. **Date and Time of Performance:** Saturday, September 10, ~~2010~~²⁰¹¹ at approximately 4:05 pm to 4:55 pm
2. **Duration of Performance:** 50 minutes
3. **Personnel:** The People's Liberation Big band
4. **Compensation:** \$2200 for above listed personnel. Compensation for additional soloist to be negotiated separately and in addition to the \$2200.
5. **Payment:** A payment of \$2200 shall be paid to the PERFORMER upon fully executed contract on evening of performance. All payments shall be made payable to Brad Cox/The Peoples Liberation Big Band.
6. **Cancellation:** The event will be held rain or shine and the PERFORMER(S) will be expected to perform as agreed.
7. **Promotion:** PERFORMER agrees to help promote the performance through all of its marketing efforts including direct mail, print advertising, radio and website.
8. **Sound Check:** PRESENER will allow PERFORMER appropriate opportunity to perform a sound check before the concert.
9. **Insurance:** PRESENER shall carry all necessary liability insurance in connection to the event and shall hold PERFORMER harmless of any claims, liabilities or losses resulting from any accident, loss or injury in connection with the event.
10. **Execution of Contract:** In order to retain musicians, PERSENER agrees to sign and return this contract.
11. **Technical rider:** Specific sound, lighting and stage requirements shall be described in a separate addendum to this contract.



Ronald L. Shaffer, Mayor
City of Prairie Village

Brad Cox
The Peoples Liberation Big Band

PERFORMANCE CONTRACT

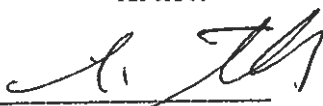
The agreement made this 28 day of JUNE, 2011, between MIKE METHENY QUARTET (hereinafter referred to as "artist") and The Prairie Village Jazz Festival (hereinafter referred to as "purchaser") is mutually agreed upon by both parties as follows:

1. PLACE OF ENGAGEMENT: Prairie Village, Kansas – Harmon Park
2. DATE OF ENGAGEMENT: September 10, 2011
3. HOURS OF ENGAGEMENT 6:25 pm to 7:10 pm
4. FULL PRICE AGREED UPON: \$1200 (One Thousand Two Hundred Dollars), to be paid by the purchaser to artist no later than immediately prior to engagement. All payments shall be paid by cash or acceptable check. Checks shall be made out to Mike Metheny. If scheduled payments are not made on time, artist has the right to cancel this agreement and purchaser shall be liable to artist for damages in addition to the compensation provided herein.
5. PURCHASER to provide artist with the following space and equipment for engagement: 20' x 12' covered stage. Stage must be covered, shaded, level and dry. Two three pronged electrical outlets. Backline equipment including a 4 piece drum set with stands, a tuned acoustic piano, bass amp and guitar amp. ~~In the event that this gear cannot be furnished, the artist will supply their own gear.~~

Purchaser:

City of Prairie Village
Mayor Ron Shaffer

Artist:



Mike Metheny
Mike Metheny Quartet

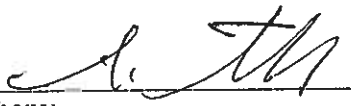
Concert Performance Contract

On this 28 day of JUNE, 2011 this agreement is entered into by and between City of Prairie Village (Presenter) and the MIKE METHENY QUARTET

PRESENTER AND PERFORMER agree to the following conditions:

1. **Date and Time of Performance:** Saturday, September 10, 2010 at approximately 6:25 pm TI 7:10 pm
2. **Duration of Performance:** 50 minutes
3. **Personnel:** SEE ADDENDUM
4. **Compensation:** \$1200 for above listed personnel.
5. **Payment:** A payment of \$1200 shall be paid to the PERFORMER upon fully executed contract on evening of performance. All payments shall be made payable to Mike Metheny.
6. **Cancellation:** The event will be held rain or shine and the PERFORMER(S) will be expected to perform as agreed.
7. **Promotion:** PERFORMER agrees to help promote the performance through all of its marketing efforts including direct mail, print advertising, radio and website. Performer agrees to one appearance on a radio interview show of the Presenter's choice.
8. **Sound Check:** PRESENTER will allow PERFORMER appropriate opportunity to perform a sound check before the concert.
9. **Insurance:** PRESENTER shall carry all necessary liability insurance in connection to the event and shall hold PERFORMER harmless of any claims, liabilities or losses resulting from any accident, loss or injury in connection with the event.
10. **Execution of Contract:** In order to retain musicians, PRESENTER agrees to sign and return this contract.
11. **Technical rider:** Specific sound, lighting and stage requirements shall be described in a separate addendum to this contract.

Ronald L. Shaffer, Mayor
City of Prairie Village



Mike Metheny
Mike Metheny Quartet

Concert Performance Contract

On this 12 day of July, 2011 this agreement is entered into by and between City of Prairie Village (Presenter) and the DEBORAH BROWN QUINTET

PRESENTER AND PERFORMER agree to the following conditions:

Date and Time of Performance: Saturday, September 10, 2010 at approximately 7:30 pm to 8:30 pm

Duration of Performance: 50 minutes

Personnel: Matt Otto - Jeff Harshbarger - Mike Warren
Joe Cartright

Payment: A payment of \$2500 shall be paid to the PERFORMER upon fully executed contract on evening of performance. All payments shall be made payable to Deborah Brown.

Cancellation: The event will be held rain or shine and the PERFORMER(S) will be expected to perform as agreed.

Promotion: PERFORMER agrees to help promote the performance through all of its marketing efforts including direct mail, print advertising, radio and website. Performer agrees to one appearance on a radio interview show of the Presenter's choice.

Sound Check: PRESENTER will allow PERFORMER appropriate opportunity to perform a sound check before the concert.

Insurance: PRESENTER shall carry all necessary liability insurance in connection to the event and shall hold PERFORMER harmless of any claims, liabilities or losses resulting from any accident, loss or injury in connection with the event.

Execution of Contract: In order to retain musicians, PRESENTER agrees to sign and return this contract.

Technical rider: Specific sound, lighting and stage requirements shall be described in a separate addendum to this contract.

Ronald L. Shaffer, Mayor


Deborah Brown



- Artist Liaison
- Tour Management
- Presenting & Promotions
- Consulting

218 N Eighth Street, Columbia MO, 65201 | 573/449-3009
nationalpastimes.com | booking@nationalpastimes.com

To: Kathy Patterson, Prairie Village Jazz Festival
From: Jon W. Poses, National Pastimes Production
Re: Bobby Watson Appearance - 9/10/11
Date: July 14, 2011

Kathy:


Please find Performance Contract for Bobby Watson to appear at the Prairie Village Jazz Festival attached.

Please make sure billing on all materials from now on goes as follows:
Bobby Watson Quartet Featuring Curtis Lundy

Personnel as follows:
Bobby Watson, Alto Saxophone
Curtis Lundy, Bass
Chris Clarke, Piano
Mike Warren, Drums

I think that's about it. Thank you for having Mr. Watson at the festival. He looks forward to performing. Please let me know if you need anything else.

Best,


Jon Poses, Artist Representative/Bobby Watson
jazznbsbl@socket.net
573-449-3009 (O)
573-864-6917 (Cell)
573-875-0356 (Fax)

Concert Performance Contract

On this 10 day of July, 2011 this agreement is entered into by and between City of Prairie Village (Presenter) and ROBERT M. WATSON.

PERSENER AND PERFORMER agree to the following conditions:

1. **Date and Time of Performance:** Saturday, September 10, 2010 at approximately 8:40 pm to 9:30 pm
2. **Duration of Performance:** 50 minutes
3. **Personnel:** Bobby Watson, Alto Saxophone; Chris Clarke, Piano; Curtis Lundy,
4. **Compensation:** \$5000 Mike Warren, Drums; Bellini; Bobby Watson, St. Feat. Curtis Lundy Bass;
5. **Payment:** A payment of \$5000 shall be paid to the PERFORMER upon fully executed contract. A deposit of \$2500 to retain the musicians shall be paid to the PERFORMER upon fully executed contract. Additionally one domestic roundtrip airfare from New York City to Kansas City (upon presentation of airfare receipt) The remainder will be paid in cash, the day of the performance. All payments shall be made payable to Robert M Watson, 12023 W 66th St. Shawnee, KS 66216.
6. **Cancellation:** The event will be held rain or shine and the PERFORMER(S) will be expected to perform as agreed.
7. **Promotion:** PERFORMER agrees to help promote the performance through all of its marketing efforts including direct mail, print advertising, radio and website. Performer agrees to phone interviews.
8. **Sound Check:** PRESENER will allow PERFORMER appropriate opportunity to perform a sound check before the concert.
9. **Insurance:** PRESENER shall carry all necessary liability insurance in connection to the event and shall hold PERFORMER harmless of any claims, liabilities or losses resulting from any accident, loss or injury in connection with the event.
10. **Execution of Contract:** In order to retain musicians, PERSENER agrees to sign and return this contract to National Pastimes Productions, 218 N Eighth St., Columbia, MO 65201, PH 573/875-0356, FAX 573/875-0356, jazznbsbl@socket.net.
11. **Technical rider:** Specific sound, lighting and stage requirements shall be described in a separate addendum to this contract.

Ronald L. Shaffer, Mayor
City of Prairie Village

Robert M. Watson - For Bobby Watson
Robert M. Watson
BOBBY WATSON QUARTET

The agreement made this 10 day of July, 2011, between Robert M. Watson (hereinafter referred to as "artist") and The Prairie Village Jazz Festival (hereinafter referred to as "purchaser") is mutually agreed upon by both parties as follows:

1. PLACE OF ENGAGEMENT: Prairie Village, Kansas - Harmon Park
2. DATE OF ENGAGEMENT: September 10, 2011
3. HOURS OF ENGAGEMENT 8:40 pm to 9:30 pm
4. FULL PRICE AGREED UPON: \$5000 (Five Thousand Dollars), in addition to one domestic roundtrip airfare from New York City to Kansas City (upon presentation of airfare receipt) to be paid by the purchaser to artist no later than immediately prior to engagement. A deposit of \$2500 to retain the musicians shall be paid to the PERFORMER upon fully executed contract along with any tax documents. Deposit check shall be made out to Robert M. Watson and mailed to 12023 W 66th St., Shawnee, KS 66216. Remaining payment on day of the show will be in cash. If scheduled payments are not made on time, artist has the right to cancel this agreement and purchaser shall be liable to artist for damages in addition to the compensation provided herein.
5. PURCHASER to provide artist with the following space and equipment for engagement: 20' x 12' covered stage. Stage must be covered, shaded, level and dry. Backline equipment including a 4 piece drum set with stands, a bass amp and guitar amp. Also, an acoustical piano tuned to A440 on the DAY OF THE SHOW, PREFERABLY AFTER IT HAS BEEN PLACED ON THE STAGE. Please confirm BEFORE the selection of the piano the manufacturer AND the size. In the event that this gear cannot be furnished, the artist will supply their own gear. *(See attached.)*

Purchaser:

City of Prairie Village
Mayor Ron Shaffer

Artist:

For Bobby Watson

Robert M. Watson
Bobby Watson Quartet
Artist representative



- Artist Liaison
- Tour Management
- Presenting & Promotions
- Consulting

218 N Eighth Street, Columbia MO, 65201 | 573/449-3009
nationalpastimes.com | booking@nationalpastimes.com

Kathy:

Hi. As far as the backline is concerned, here is what we need:

Piano, Acoustic Grand/Baby Grand - please let me know manufacturer and size/model of piano. If an acoustic piano cannot be furnished please secure a Weighted, 88-key, electric. Again, please let me know the make/model/manufacturer.

Bass Amp: No rock 'n' roll amps. Please either a GK (Gallien Kruger) with 2x 10 or 2x 12 speakers or 1 x 15" speaker; Also, could use an SWR 4x 10" cabinet/speakers. Please let me know what you have so I can let Curtis Lundy know.

Drum Set:

We are looking for a quality jazz drum kit:

18" bass drum

10" & 12" rack toms (or if only one rack tom then 12", please)

14" x 14" floor tom

5.5" x 13" snare drum

4 cymbal stands

1 hi-hat stand with clutch

Adjustable drum throne

All necessary hardware

Note: Please, no holes in drums. Heads: Remo Ambassador or Evans -- Coated

Artist will bring his own cymbals, sticks, brushes, etc.

Four (4) Music Stands - please make sure they are black/Manhasset stands (no wire/flimsy stands). Also, please provide a minimum of four (4) larger clothes pins per stand to hold music in place.

Four (4) monitors and up to four (4) separate monitor mixes.

NO guitar amp needed. Please have the sound/production person get in touch with me no later than September 1, 2011. I can be reached at:

jazznbsbl@socket.net

573-449-3009 (O)

573-864-6917 (C)

COUNCIL COMMITTEE OF THE WHOLE

July 5, 2011

The Council Committee of the Whole met on Tuesday, July 5, 2011 at 6:00 p.m. The meeting was called to order by Council President Dale Beckerman with the following members present: Al Herrera, Dale Warman, Steve Noll, Michael Kelly, Charles Clark, David Morrison, Diana Ewy Sharp, David Belz and Mayor Shaffer. Andrew Wang arrived late. Staff Members present: Wes Jordan, Chief of Police; Captain Tim Schwartzkopf; Captain Wes Lovett; Bruce McNabb, Director of Public Works; Keith Bredehoeft, Project Manager; David Waters, representing the City Attorney; Quinn Bennion, City Administrator; Dennis Enslinger, Assistant City Administrator; Chris Engel, Assistant to the City Administrator; Lisa Santa Maria, Finance Director, Joyce Hagen Mundy, City Clerk and Jeanne Koontz, Deputy City Clerk.

COU2011-32 Consider amendments to the Liquor and Drinking Establishment Licensing Regulations

Joyce Hagen Mundy noted under the 2010 amendment to the Kansas Liquor Laws adopted by SB 452, Liquor and Drinking Establishment Licenses are now issued for a two year period. Cities are required to also issue two year licenses. The regulations became effective last year for liquor stores and July 1, 2011 for drinking establishments. To bring the city's code into compliance with the new state regulations references to an "annual" license have been changed to "biannual". With the same intent, the fees are being doubled to correspond with the two year license.

Diana Ewy Sharp made the following motion, which was seconded by David Belz and passed unanimously:

MOVE THE GOVERNING BODY ADOPT ORDINANCE 2236 AMENDING CHAPTER 3 OF THE PRAIRIE VILLAGE MUNICIPAL CODE ENTITLED "BEVERAGES" BY AMENDING ARTICLE 3 ENTITLED "ALCOHOLIC LIQUOR" SELECTIONS 3-302, 3-303, 3-304, 3-305 AND 3-307 AND APPROVE A TWO-YEAR LICENSE FEE OF \$600 FOR A LIQUOR LICENSE

**COUNCIL ACTION TAKEN
07/05/2011**

Diana Ewy Sharp made the following motion, which was seconded by David Belz and passed unanimously:

MOVE THE GOVERNING ADOPT ORDINANCE 2237 AMENDING CHAPTER 3 OF THE PRAIRIE VILLAGE MUNICIPAL CODE ENTITLED "BEVERAGES" BY AMENDING ARTICLE 4 ENTITLED "DRINKING ESTABLISHMENTS AND CLUBS" SECTION 3-401 AND 3-402 AND APPROVE A TWO-YEAR LICENSE FEE OF \$500 FOR A DRINKING ESTABLISHMENT LICENSE

**COUNCIL ACTION TAKEN
07/05/2011**

COU2011-35 Consider Final Change Orders for Project 190659: Franklin Park Improvements, Change Order #1 (Final)

Keith Bredehoeft stated the final change orders for the Franklin Park Project reflect the final quantities for all bid items and all items have been completed. He noted that items #1 - #4 were not originally included in the bid. Item #5 - install LED lights - was not completed. Item #6 was for liquidated damages in the amount of \$12,000. The contractor should have completed the project last fall. Mr. Bredehoeft noted meeting the deadline was the issue not the quality of work. The final change orders result in a decrease of \$2,376.00 for a final project cost of \$858,224.00.

Diana Ewy Sharp asked if the continued problems with the stream are a responsibility of the city or the contractor. Keith Bredehoeft responded that the stream problems are a design flaw not a construction issue and it will be up to the city to correct the problems. He noted the trees, mulch, and sand in close proximity to the stream have caused problems with the drainage structure. Changes have been made and seem to be successful. Staff will continue to monitor and repair as needed.

Dale Beckerman asked if there is a warranty on the work that has been done. Keith Bredehoeft said there is a two year maintenance bond on the project but it does not include the design issues with the stream.

Charles Clark made the following motion which was seconded by Al Herrera and passed unanimously:

MOVE THE GOVERNING BODY APPROVE CONSTRUCTION CHANGE ORDER #1 (FINAL) WITH VANUM CONSTRUCTION FOR PROJECT 190659: FRANKLIN PARK IMPROVEMENTS

**COUNCIL ACTION REQUESTED
07/18/2011**

COU2011-31 Consider approving an Energy Performance Contract Agreement with Energy Solutions Professionals, LLC for the sum of \$1,290,924

Dennis Enslinger noted that in May of 2010, the City Council approved an agreement with Energy Solutions Professionals (ESP) to conduct an Investment Grade Energy Audit for the sum of \$3,928. ESP was selected through a Request for Proposals process which secured services for both energy audit services and possible future contract services under an Energy Performance Contract Agreement. ESP completed the Investment Grade Energy Audit in February 2011, at which time they presented their findings to the City Council for consideration. At the February 22, 2011 City Council meeting, the City Council voted to pursue the completion of Option #4 of the recommendations which includes Energy Measures and a Geothermal System Project for the Municipal Complex. The energy measures include lighting retrofits, water efficiency improvements, vending machine controls, building infiltration improvements, and

energy management system improvements. The Geothermal System Project for the Municipal Complex provides for the replacement of the existing HVAC systems in the Municipal Complex with a Geothermal System.

Mr. Enslinger noted that over the past months, staff has been working with ESP to formalize the necessary improvements, and establish design build parameters of the installation of the geothermal system at the Municipal Complex. In addition, staff has been working with the appropriate state and federal agencies to secure grant approval of the project. The contract agreement is a fixed contract amount for \$1,290,294. This contract was awarded slightly differently than a standard construction contract. ESP was selected through a formal RFP review process. ESP will be acting as the general contractor under this agreement and will hire all sub-contractors related to the project.

Mr. Enslinger stated that as part of the agreement, ESP is guaranteeing energy savings as a result of the installation of at least \$46,118 per year. Should the energy cost savings not reach the agreed upon amount, ESP will reimburse the city the difference after getting a chance to remedy the discrepancy.

The city has secured two grant awards from the Kansas Corporation Commission in the amount of \$400,000. Mr. Enslinger stated staff is requesting temporary funding for the project from reserves until the grants, rebates and bond proceeds are secured.

Al Herrera asked if ESP will charge the city for the adjustments that might be needed. Dennis said the city will not be charged for any adjustments during the warranty period. Mr. Herrera also asked if they will use a one inch line. Mr. Enslinger confirmed they would. Mr. Herrera asked how long the energy savings are guaranteed. Mr. Enslinger stated roughly 10 years until the end of the payback period.

Diana Ewy Sharp expressed great concerns with taking on the expense of a \$1.3 million project based on previous budget discussions. She stated that she has not seen evidence that the city is having significant problems with the current system and believes the three HVAC units can be replaced for \$500,000. Mrs. Ewy Sharp also questioned the life expectancy of the buildings and expressed concern over the comfort of the employees.

Steve Noll said he was skeptical when the project was first broached but he believes electricity and natural gas costs are going to escalate. He said the project is a leap of faith but so was curbside recycling of which the city was at the forefront. He noted it is an opportunity to do "green" work that will bear fruit for a long time.

Dale Warman said in some of the previous buildings he has worked in space heaters were needed but the system paid off in the end. He noted that nobody knows where the energy crisis is going but prices will continue to go up. He believes the payback will come earlier than projected. He noted it is the way to go for clean air, energy and savings.

Charles Clark made the following motion which was seconded by Michael Kelly and passed by a vote of 7 to 2 with Ewy Sharp and Herrera voting in opposition:

AUTHORIZE THE MAYOR TO EXECUTE AN ENERGY PERFORMANCE CONTRACT AGREEMENT WITH ENERGY SOLUTIONS PROFESSIONALS, LLC FOR THE SUM OF \$1,290,924, SUBJECT TO THE REVIEW BY LEGAL COUNSEL.

**COUNCIL ACTION TAKEN
07/05/2011**

Diana Ewy Sharp questioned whether the temporary financing would come from contingency or reserves and the current balance of the reserve fund. Quinn Bennion stated the reserve fund had roughly \$4 million at the beginning of the year and the money would be temporarily taken from contingency and reserves until the debt is issued or replenished from grants.

Charles Clark made the following motion which was seconded by David Morrison and passed by a vote of 7 to 2 with Ewy Sharp and Herrera voting in opposition:

AUTHORIZE THE USE OF \$920,924 FROM THE GENERAL FUND RESERVES TO TEMPORARILY FUND THE ENERGY MEASURES AND GEOTHERMAL SYSTEM PROJECT UNTIL PERMANENT FUNDING HAS BEEN SECURED FROM THE IDENTIFIED SOURCES

**COUNCIL ACTION TAKEN
07/08/2011**

COU2011-33 Consider approval of a resolution authorizing the offering for sale of general obligation refunding and improvement bonds, series 2011-A

Quinn Bennion noted that at the June 20th Council Committee meeting, the committee approved proceeding with the preparations and necessary actions to refinance the 2009 bond issue for the purpose of accelerating additional capital investment for streets over the next three years for projects that would not otherwise be done. Refunding the bonds would extend the life of the bonds and the payments. The resolution before the Council would begin the preparation for the bond transaction. Staff wants to be assured that Council wants to move forward.

Gary Anderson with Gilmore & Bell said the proposed resolution includes part of the financing for the geothermal/energy project to reimburse the reserve fund and financing for street projects. The 2009 bonds were structured on a ten year maturity with the debt service front loaded in the first five years. The 2009 bonds are not prepayable. There is usually a negative savings with an advanced refunding transaction but the debt structure would be more level. Mr. Anderson noted that another approach would be to issue new bonds to pay for the street improvements. A third approach would be to pay for street improvements with cash. The resolution is currently set-up to issue refunding bonds but could be easily modified for a different approach.

Jeff White with Columbia Capital said the concept received from Council was to accelerate money for streets. The 2009 bond project debt schedule is currently front loaded with \$1.9

million per year through 2014 and \$230,000 per year after that. If the bonds are refunded, the new schedule would be for \$1.2 million per year over the next decade. Another option would be to issue new bonds which would be more economically efficient. Either option would essentially achieve the same result. If the Council wants to move ahead with the concept of accelerating money for street projects, a comparison of the two options could be brought back for Council to review. Refunding bonds has \$5,000 to \$10,000 more in transaction costs.

David Morrison asked how much more the city would pay in interest. Jeff White stated the city would have \$250,000 in negative savings in today's dollars for refunding and less than \$100,000 for a new bond issuance.

Diana Ewy Sharp asked about the cost of issuance. Mr. White responded the refunding transaction requires an additional \$2,000 for a verification report from an accountant and \$2,500 for a bank to hold the account. Transaction costs on the 2009 bonds were approximately \$110,000.

Dale Beckerman asked if the city is at any risk in light of the situation in Washington, D.C. Jeff White said there is some concern especially if the debt ceiling is not raised. However, the situation should be resolved or temporarily resolved before the city enters the market. Dale Beckerman asked how this would be incorporated in the 2012 budget. Quinn Bennion said it would be treated the same as the 2009 bond issue. The budget would be approved without the bonds and then adjusted in next year's budget. The first payments would come out of the capital fund. Charles Clark clarified that the total budget does not change so there is no real change to the county. The change occurs internally in how the budgeted money is spent.

Charles Clark noted in the staff report that staff does not recommend the issuance of bonds to fund street projects but instead prefers raising the mill levy. Mr. Clark agreed with staff stating issuing bonds is his second choice since there is not a majority of Council that will vote in favor of a mill levy increase for streets. He stated the \$14 million backlog in streets is a very significant problem that needs to be addressed.

Dale Beckerman noted that Council is not committing to refunding bonds or new bonds tonight. Gary Andersen said the resolution will direct staff to proceed with analyzing refunding bonds or the issuance of new bonds. Council will have another opportunity to approve the bonds.

Al Herrera questioned what the mill levy increase would need to be for street improvements. Dale Beckerman noted the mill levy would need to be increased by 5 or 6 mills and 5 mills did not get any support in committee.

Steve Noll made the following motion which was seconded by David Belz and passed by 6 to 3 with Kelly, Morrison and Ewy Sharp voting in opposition:

APPROVE A RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2011-A

COUNCIL ACTION TAKEN
07/08/2011

COU2011-34 Consider approval amending Ordinance No. 2153 establishing policies and procedures for spending economic development funds to specifically allow funding of park enhancements

Quinn Bennion noted that at the June 20th committee meeting, Council Committee of the Whole was presented with and approved the use of economic development funds for park enhancement projects. The Council discussed the purposes of the economic development fund as provided in Ordinance No. 2153. Council members interpreted the ordinance differently as to whether the existing ordinance provided for the use of economic development funds to design and construct park enhancements. A majority of Council members determined park enhancements to be an appropriate use and approved the allocation as part of the 2012 budget. The City Attorney was asked by Council to research the existing ordinance and provide a determination if the Council followed the ordinance. The existing ordinance provides that the fund may be used "to engage in any projects, programs or improvements within the City of Prairie Village deemed by the Governing Body as appropriate and related to economic development within the city. Mr. Bennion stated the amended ordinance is provided to bring clarity and eliminate the question as to whether park enhancements are an allowable use.

David Belz stated he would not support the amendment of the ordinance because it was his understanding that it would be a one-time use of the economic development for parks funding and he is concerned that it would be used year after year to the point of depletion if the ordinance is amended. He emphasized that at some point the Parks Master Plan will need to be funded in another way. Dale Warman agreed with Mr. Belz and stated he does not see the parallel between parks and economic development.

David Morrison said he sees parks as an integral part of economic development. He quoted the City's Village Vision pg 4.5 "In a study titled, 'Valuing Open Space: Land Economics and Neighborhood Parks - MIT Thesis,' Andrew Miller describes how, with case studies, the value of single-family residential properties surrounding parks increases over time, at a greater rate than properties not fronting open space. It concludes that the placement, design, and quality of the open space determine the amount and rate of appreciation." Mr. Morrison went on to mention other sources that reference empirical evidence from the past two decades on the impact of parks on property values. He also referenced the proximity principle and that parks play other roles in economic development. Mr. Morrison stated that he believes parks play a key role in economic development and raise property values and that they are a legitimate use of economic development funds.

Michael Kelly noted the parks are in great condition and could be made better but are great compared to other parks available in the area. He stated he is not opposed to funding parks but believes there needs to be an alternative funding source going forward.

David Belz said the only way to fund the Parks Master Plan going forward is in the Capital Infrastructure Program. He agreed that parks make a difference and raise property values but the economic development fund will not be able to fund the entire Parks Master Plan.

Charles Clark noted the issue of timing with the possibility of two major development proposals before the end of the year. He wants to ensure the city has a voice in the development and that may cost some money. He noted it would be better to consider the issue at a later time.

Diana Ewy Sharp asked why an amendment to the ordinance is being considered if the current ordinance allows for expenditures on parks. David Waters stated that a few Council members thought it would be a good way to memorialize the idea. He stated that Council could do nothing, could pass amendments to the ordinance to give firm direction or move forward with the one-time expenditure of \$400,000. Diana Ewy Sharp questioned the necessity of the amendment if there is a catchall in the current ordinance. Dale Beckerman said the Ms. Logan was uncomfortable with the ordinance and thought it would be a good approach to be more specific.

Steve Noll noted that he is not in favor of changing the ordinance. He does not feel that the Park Master Plan is eminent or in peril.

Dale Warman responded to David Morrison's comment that the information he provided is very relevant when buying new park land but he does not feel that adding to existing parks is economic development.

The item died for lack of a motion.

Discussion and consideration regarding 2012 Operating and Capital Budgets

Quinn Bennion stated he is looking for direction tonight on the 2012 budget in preparation for the July 18th meeting where the Council approves to publish the budget. The final budget approval is expected at the August 1st Council Meeting. He stated that he is pleased to present a 2012 base balanced budget that includes funding of all current city services, programs and personnel levels; includes an additional supplement of \$800,000 for street work and keeps the current mill levy rate. He noted that the city is in a fortunate situation to offer this option particularly in these economic times. Due to the city's strong financial condition, conservative budgeting and fiscal prudence, the base budget presented does not require a mill levy increase while maintaining all services. The base budget was included in the blue binders handed out to Council for the June 13th meeting.

Mr. Bennion requested Council consideration of three separate items.

1. Base Budget
2. Decision Package #1 - additional police officers
3. Decision Package #2 - additional street work

He noted that the budget process was department driven and fragmented and he would welcome reflections on the process at a future date.

Charles Clark made a motion to approve the 2012 base budget which was seconded by David Morrison.

Charles Clark stated the Council has had extensive discussion on alternative budget options but none of the changes to the base budget could get a majority vote. Dale Beckerman clarified that the three items for consideration will be considered separately. He asked if the refinancing of the existing bonds is a possible alternative funding source for the CIP in lieu of the mill increase. Quinn Bennion said it could replace the mill increase for streets or supplement it. David Belz clarified that if he votes yes on the base budget he is not precluding moving forward on the other two items. Charles Clark noted by passing the base budget Council would be eliminating all other options besides additional police officers or streets. Diana Ewy Sharp stated she is supportive of the balanced budget as presented but prefers a different funding source for the additional police officers. Council members expressed concerned with voting on the budget in steps. Steve Noll noted the base budget is what Council is prepared to accept and all other action will add or remove to the base package.

Mr. Noll moved the question which passed unanimously.

Charles Clark made the following motion which was seconded by David Morrison and passed 8 to 2 with Ewy Sharp and Kelly voting in opposition:

APPROVE A BASE BALANCED 2012 BUDGET AS PREPARED AND PRESENTED BY CITY STAFF AT THE JUNE 13TH MEETING AND MAINTAINS CURRENT MILL LEVY RATE OF 18.877.

Mr. Bennion asked Council to consider Decision Package #1 for an increase of 0.60 mills for two additional police officers which would result in an additional \$1.18 per month for the average home.

Dale Beckerman noted that Council has approved a balanced budget and any options added must have a funding source. Mr. Noll said given the recent rise in burglaries he would be comfortable explaining an additional 0.60 mills. He said it is important to provide additional resources to get out in front of the situation. Mrs. Ewy Sharp said she supports additional police officers but does not feel there is a need to increase the mill levy and the other funding sources she has suggested do not have a majority vote. Mr. Morrison expressed agreement with Mrs. Ewy Sharp.

Steve Noll made the following motion which was seconded by Charles Clark and passed 8 to 2 with Ewy Sharp and Morrison voting in opposition:

APPROVE THE FUNDING FOR AN ADDITIONAL TWO POLICE OFFICERS TO THE ANNUAL BUDGET WITH THE CORRESPONDING MILL LEVY INCREASE OF 0.60 MILLS (FOR A TOTAL MILL LEVY RATE OF 19.477)

Mr. Bennion asked Council to consider Decision Package #2 for additional funding to the Capital Infrastructure Program (CIP) for streets. Each additional mill would raise \$280,000 and would cost an additional \$1.97 per month for the average home. The additional funding could be in lieu of bonds or in addition to bonds.

Charles Clark suggested not increasing the mill levy for the CIP streets. Andrew Wang asked how much the refinancing would provide annually and when. Mr. Bennion noted the refinancing would provide \$1.2 million in 2012, 2013 and 2014 for streets projects. If the debt is not refinanced, the resources will come available in 2015 at \$1.7 million per year. Mr. Wang asked if the cash-financed capital is the entirety of the CIP fund. Mr. Bennion stated the cash-financed capital on debt financing handout is the cash available from the money that is currently dedicated to paying debt. He stated there is additional funding in the CIP fund. Mr. Kelly asked if it would be cheaper in the long run to raise the mill than to refinance the debt. Mr. Bennion said it depends on construction costs over the next few years. Mr. Kelly noted that we would be covering a hole. Mr. Beckerman stated by refinancing the money can be used while construction costs are low. He noted to replace the \$1.2 million from the refinancing the mill would have to be raised an additional 2 mills for a total of 5 mills. Mr. Kelly expressed support for decent roads but felt the revenue should be raised through mills and not bonds. Charles Clark said the bonds are a second choice since a majority of Council will not vote for 5 mills. Mr. Bennion noted refinancing enables cash over the next three years but does not create a new revenue source. Mr. Kelly expressed interest in raising the mill incrementally over the next few years.

Michael Kelly made the following motion which was seconded by Al Herrera and failed 8 to 2 with Herrera and Kelly voting in favor:

APPROVE ADDITIONAL FUNDING TO THE CAPITAL PROJECTS FUND FOR STREET WORK WITH A CORRESPONDING MILLY LEVY INCREASE OF 2.0 MILLS

Council President Dale Beckerman adjourned the Council Committee Meeting at 7:29 p.m.

Dale Beckerman
Council President

MAYOR'S ANNOUNCEMENTS

July 18, 2011

Committee meetings scheduled for the next two weeks include:

Arts Council	07/20/2011	7:00 p.m.
Environmental Committee	07/27/2011	7:00 p.m.
VillageFest Committee	07/28/2011	7:00 p.m.
Council Committee of the Whole	08/01/2011	6:00 p.m.
City Council	08/01/2011	7:30 p.m.

The Prairie Village Arts Council is pleased to announce a mixed media exhibit by the Senior Arts Council in the R. G. Endres Gallery for the month of July.

The annual Water Show is July 24th at 8:30 p.m.

The last Moonlight Swim of the season is August 5th.

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

INFORMATIONAL ITEMS
July 18, 2011

1. First Half Crime Report 2011
2. Planning Commission Minutes - June 7, 2011
3. JazzFest Committee Minutes - June 9, 2011
4. Environment and Recycle Committee Minutes - May 25, 2011
5. Arts Council Minutes - May 18, 2011
6. Sister City Committee Minutes - June 13, 2011
7. Mark Your Calendars

PRAIRIE VILLAGE - MISSION HILLS

FIRST HALF CRIME REPORT - 2011

CRIME	2007	2008	2009	2010	2011	AVERAGE	2011 +/- AVG
Homicide	0	0	0	0	0	0.00	0.00
Rape	0	1	4	3	1	1.80	-0.80
Robbery	1	2	6	1	2	2.40	-0.40
Assault	38	40	33	56	42	41.80	0.20
Burglary	25	44	47	26	44	37.20	6.80
Residence	18	41	37	23	41	32.00	9.00
Business/ Miscellaneous	7	3	10	3	3	5.20	-2.20
Theft	77	89	124	123	111	104.80	6.20
Auto Theft	18	12	7	13	9	11.80	-2.80
Arson	2	4	0	1	3	2.00	1.00
Forgery	4	3	13	1	6	5.40	0.60
Fraud	0	3	5	7	6	4.20	1.80
Criminal Damage	42	32	67	93	99	66.60	32.40
Sexual Offenses	1	3	0	9	5	3.60	1.40
TOTAL	208	233	306	333	328	281.60	46.40

ACCIDENTS	2007	2008	2009	2010	2011	AVERAGE	2011 +/- AVG
Fatal	0	0	0	0	0	0.00	0.00
On-Street - injury	15	12	10	18	18	14.60	3.40
On-Street +\$1,000 - no injury	161	170	138	140	152	152.20	-0.20
On-Street -\$1,000 - no injury	26	15	19	22	32	22.80	9.20
Private Property - injury	0	0	0	1	0	0.20	-0.20
Private Property - no injury	42	56	28	38	51	43.00	8.00
Walk-In - no injury	32	35	22	25	29	28.60	0.40
TOTAL	276	288	217	244	282	261.40	20.60

MENTAL HEALTH	2007	2008	2009	2010	2011	AVERAGE	2011 +/- AVG
Suicide					1		
Attempted Suicide					10		
Involuntary Committal					16		
Voluntary Committal					9		
All Other Mental Health					37		
TOTAL					73		

TOTALCALLS	5,493	4,935	5,095	4,362	4,022	4,781.40	-759.40
-------------------	--------------	--------------	--------------	--------------	--------------	-----------------	----------------

PRAIRIE VILLAGE

FIRST HALF CRIME REPORT - 2011

CRIME	2007	2008	2009	2010	2011	AVERAGE	2011 +/- AVG
Homicide	0	0	0	0	0	0.00	0.00
Rape	0	1	2	2	1	1.20	-0.20
Robbery	1	2	5	1	2	2.20	-0.20
Assault	38	36	28	53	41	39.20	1.80
Burglary	21	36	33	26	43	31.80	11.20
Residence	14	33	26	23	40	27.20	12.80
Business/ Miscellaneous	7	3	7	3	3	4.60	-1.60
Theft	71	69	100	110	90	88.00	2.00
Auto Theft	15	10	7	11	9	10.40	-1.40
Arson	2	4	0	1	3	2.00	1.00
Forgery	4	3	13	1	6	5.40	0.60
Fraud	0	3	5	7	6	4.20	1.80
Criminal Damage	38	29	49	85	79	56.00	23.00
Sexual Offenses	1	3	0	9	5	3.60	1.40
TOTAL	191	196	242	306	285	244.00	41.00

ACCIDENTS	2007	2008	2009	2010	2011	AVERAGE	2011 +/- AVG
Fatal	0	0	0	0	0	0.00	0.00
On-Street - injury	14	11	8	16	17	13.20	3.80
On-Street +\$1,000 - no injury	153	153	124	132	144	141.20	2.80
On-Street -\$1,000 - no injury	22	15	18	15	28	19.60	8.40
Private Property - injury	0	0	0	1	0	0.20	-0.20
Private Property - no injury	42	52	27	35	49	41.00	8.00
Walk-In - no injury	30	32	22	22	29	27.00	2.00
TOTAL	261	263	199	221	267	242.20	24.80

MENTAL HEALTH	2007	2008	2009	2010	2011	AVERAGE	2011 +/- AVG
Suicide					1		
Attempted Suicide					10		
Involuntary Committal					14		
Voluntary Committal					9		
All Other Mental Health					36		
TOTAL					70		

TOTALCALLS	4,898	4,043	4,188	3,579	3,311	4,003.80	-692.80
-------------------	--------------	--------------	--------------	--------------	--------------	-----------------	----------------

MISSION HILLS

FIRST HALF CRIME REPORT - 2011

CRIME	2007	2008	2009	2010	2011	AVERAGE	2011 +/- AVG
Homicide	0	0	0	0	0	0.00	0.00
Rape	0	0	2	1	0	0.60	-0.60
Robbery	0	0	1	0	0	0.20	-0.20
Assault	0	4	5	3	1	2.60	-1.60
Burglary	4	8	14	0	1	5.40	-4.40
Residence	4	8	11	0	1	4.80	-3.80
Business	0	0	3	0	0	0.60	-0.60
Theft	6	20	24	13	21	16.80	4.20
Auto Theft	3	2	0	2	0	1.40	-1.40
Arson	0	0	0	0	0	0.00	0.00
Forgery	0	0	0	0	0	0.00	0.00
Fraud	0	0	0	0	0	0.00	0.00
Criminal Damage	4	3	18	8	20	10.60	9.40
Sexual Offenses	0	0	0	0	0	0.00	0.00
TOTAL	17	37	64	27	43	37.60	5.40

ACCIDENTS	2007	2008	2009	2010	2011	AVERAGE	2011 +/- AVG
Fatal	0	0	0	0	0	0.00	0.00
On-Street - injury	1	1	2	2	1	1.40	-0.40
On-Street +\$1,000 - no injury	8	17	14	8	8	11.00	-3.00
On-Street -\$1,000 - no injury	4	0	1	7	4	3.20	0.80
Private Property - injury	0	0	0	0	0	0.00	0.00
Private Property - no injury	0	4	1	3	2	2.00	0.00
Walk-In - no injury	2	3	0	3	0	1.60	-1.60
TOTAL	15	25	18	23	15	19.20	-4.20

MENTAL HEALTH	2007	2008	2009	2010	2011	AVERAGE	2011 +/- AVG
Suicide					0		
Attempted Suicide					0		
Involuntary Committal					2		
Voluntary Committal					0		
All Other Mental Health					1		
TOTAL					3		

TOTALCALLS	958	892	907	783	711	850.20	-139.20
-------------------	------------	------------	------------	------------	------------	---------------	----------------

PLANNING COMMISSION MINUTES
June 7, 2011

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, June 7, 2011, in the Council Chamber, 7700 Mission Road. Chairman Ken Vaughn called the meeting to order at 7:00 p.m. with the following members present: Randy Kronblad, Bob Lindeblad, Marlene Nagel, Nancy Wallerstein, Dirk Schafer and Nancy Vennard.

The following persons were present in their advisory capacity to the Planning Commission: Ron Williamson, Planning Consultant; Dennis Enslinger, Assistant City Administrator; Al Herrera, Council Liaison; Bruce McNabb, Director of Public Works; Jim Brown, City Building Official and Joyce Hagen Mundy, City Clerk/Planning Commission Secretary.

APPROVAL OF MINUTES

Bob Lindeblad moved for the approval of the minutes of May 3, 2011 as written. The motion was seconded by Randy Kronblad and passed by a vote of 6 to 0 with Dirk Schafer abstaining due to his absence.

PUBLIC HEARINGS

Chairman Ken Vaughn noted the published public hearing and reviewed the procedures to be followed.

**PC2011-04 Request for Conditional Use Permit for Drive-Thru Pharmacy Window
8200 Mission Road**

Brian Grassa, Managing Director of Development for Cedarwood Development, Inc., introduced their request for a Conditional Use Permit to construct a new CVS building in the northeast corner of the Corinth Square Shopping Center at the existing Tippin's location. CVS is seeking to expand the size of their existing facility within the center to become a full-service pharmacy. The existing store is approximately 7,000 square feet with the proposed store approximately 12,000 square feet. The proposed drive-thru is located on the northwest corner of the building with the entrance to the drugstore on the southeast corner of the building. Mr. Grassa indicated there would be a screening wall as well as landscaping along Somerset. Crosswalks would be identified with the use of pavers. He indicated the design of the proposed building is strongly determined by the future design and development of the Corinth Square Shopping Center and called upon Owen Buckley with Lane4 to address the future of Corinth Square.

Owen Buckley stated the following individuals were present from the development team to answer any questions: Jeff Berg, Lane4; Mike Kress, Generator Studio; Jeff Martin, Alan Mackey and Paul Miller of Landplan Engineering as the planners and designers of the project. Mr. Buckley stated it had been two years since their purchase of the two Prairie Village Shopping Centers. Their visions for the centers are coming into their own with the primary focus on creating a strong, diversified tenant mix and the creation of

physical enhancements to the center to create a good customer experience. They want to preserve the existing tenants and help them to be more successful while adding new restaurants, specialty shops such as BRGR, the Urban Table and "In Clover" in Corinth Center. They are looking to create a special, unique shopping experience with a variety of high quality establishments while keeping the authenticity of Corinth. The recently approved CID will be used to make physical improvements to the center upgrading the hard surfaces, lighting and landscaping. They want to break-up the massive concrete parking lot and become more pedestrian friendly. They also plan to remove the wood roof shingles and enhance the timber look.

Mr. Buckley noted that CVS has the second highest sales volume in the center and they want to keep them in Prairie Village. The proposed store will not be a two story building because two stories does not work financially. Its height will not exceed 22', which is the height of most buildings in the center. It is not a prototypical store, it is smaller in size and will not be similar to the store at 95th & Mission Road. They are striving for casual elegance and authenticity throughout the center as it redevelops. Mr. Buckley stressed CVS is being constructed totally with funding from CVS with no CID funds being used on the project. This is a unique opportunity and they would like approval from the Planning Commission this evening.

Jeff Berg reviewed several photographic renderings of what Lane4 sees as the future Corinth Square Shopping Center. A major change proposed is the removal of the current two exits onto Mission Road with the creation of one primary entrance off Mission Road. The entrance from Somerset is being shifted to the west. These changes allow the addition of more parking and more greenspace. The renderings showed the construction of a parapet that would screen all HVAC equipment currently located on rooftops from view. The proposed roof material for the CVS building is not the existing wood shake shingle, but a composite clay tile that will eventually be carried over onto the other buildings in the center. The renderings depicted proposed pedestrian islands on all four corners of the main center.

Mike Kress of Generator Studio, introduced the proposed site elevations and building materials including stucco, Kansas limestone and clay tiles. The stone will be small in size and will feature three different types of limestone creating a pattern that will match the existing center. There will be natural wood timbers used throughout the center. Mr. Kress showed renderings reflecting how these materials would be used both in the construction of the CVS building as well as throughout the center.

Brian Grassa with Cedarwood Development reviewed the layout of the proposed drive-thru which they believe creates a better traffic flow throughout the center. He also added that stormwater runoff will be handled by an underground subsurface stormwater system that does not currently exist. He emphasized that all the improvements on the CVS site will be made with private funds and that they are spending more on this project than normal.

Chairman Ken Vaughn opened the public hearing portion of the meeting to individuals wanting to address the Commission on the application.

Charles Schollenberger, 3718 West 79th Terrace, noted the considerable changes that have been made by the development team since its presentation to the public on May 15th and expressed his appreciation for their efforts. However, he still has three primary concerns with the proposed project. First, the building should be smaller. Second, the windows should be replaced with real windows and finally the proposed signage needs to be revised. It should be smaller and consistent with other signage in the center. He encouraged the Commission not to approve the plan until these issues are addressed.

Kerry Tucker, 7827 Cambridge, stated she did not feel a drive-thru was necessary. Prairie Village is a unique community and does not want it to be Overland Park.

Vicki Riffle from Fairway opposed the project. She noted the three CVS stores and other drugstores already in the area. She does not want CVS on the corner and also expressed concern with the possible addition of a Walgreen's in response to this project.

Jacob Wagner, 3615 West 73rd Terrace, stated he was a Prairie Village resident and teacher of planning design at UMKC. He applauded the team's efforts to balance their wants with those of the City. However, he stated he would like to see more public benefit through a more walkable and sustainable plan. He felt the changes to the entrance were good; however, he has concerns with the connectivity within the center. He noted that the placement of CVS on the corner makes it the first thing seen, not the center itself. He questioned the proposed location of the drive-thru along Somerset because it separates the plaza from the center and would like to see more pedestrian access from Somerset similar to that shown from Mission Road. The public spaces need more thought so that they are a good public improvement.

Shawna Hart, 14000 Marshall Drive, representing Westlake and speaking on behalf of other tenants in the center. She expressed appreciation for Lane4's commitment to the continued growth and success of existing tenants. She is not concerned with the size of the proposed building. She appreciates the attempts to address current internal traffic flow problems. Ms Hart expressed concern with the visibility and access to Westlake Hardware and the ability of their delivery vehicles to service their store. She likes the tile roof material, but expressed concern with the care of the proposed landscaping based on the current lack of maintenance of existing landscaping throughout the center. She also encouraged the use of local limestone.

Laura Wassmer, 8005 Roe Avenue, thanked the development team for the changes that have been made. She noted that CVS is one of many center retailers and shared Mr. Wagner's concern that the prominent placement on the corner does not lead to the center being recognized as "CVS Square" instead of "Corinth Square". She noted the importance of corner of Somerset and Mission Road as a prominent identifier of Prairie Village. Ms Wassmer stressed the importance of lighting for the center. She stated she is opposed to the standard CVS "red lettering" and feels that signage should be consistent throughout the center.

With no one else wishing to address the Commission, the public hearing was closed at 8:20 p.m.

Ron Williamson noted that staff had not received the internal traffic study and there were some inconsistencies in the plans. He noted that the presentation this evening had significant changes from the plans that were the basis for staff comments which follow:

CVS is proposing to redevelop the property on the southwest corner of Somerset Drive and Mission Road for a new drugstore. The existing Tippins Restaurant building will be removed and a new building will be constructed. Having a drive-thru at drugstores is a major issue and CVS attempts to have a drive-thru at every location. The existing store does not currently have a drive-thru. The property is Zoned C-2 General Business District and a Conditional Use Permit is required for the drive-thru. The applicant is also required to obtain site plan approval for the drugstore and this application should be considered in tandem with the site plan approval (PC 2011-108). The existing CVS store is approximately 7,000 sq. ft. and the new store will be 11,945 sq. ft.

This is the second application by the developer—Cedarwood—on behalf of CVS. The original application was considered by the Planning Commission at its October 2008, meeting. At that time Corinth Center was owned by Highwoods and currently it is owned and managed by Lane4. The application was continued several times so that the Staff could meet with the applicant to develop a plan that was consistent with Village Vision. Staff met with the applicant and its consultants several times and the plan was revised several times. The plan submitted for the March 2009 Planning Commission meeting was what the applicant determined to be the best effort to meet Village Vision. The applicant requested a continuation and ultimately withdrew both the Conditional Use Permit and Site Plan Application. The decision process for the applicant is complicated because there are three partners involved: Lane4 (the property owner); Cedarwood Development, Inc. (the developer); and CVS Pharmacy (the tenant).

The site plan for the proposed CVS building is not very different from what was proposed in 2009. The drive-thru is located on the northwest corner of the building and the entrance to the drugstore is on the southeast corner of the building. One row of parking and a driveway have been eliminated along Mission Road so the building is approximately 44 feet closer to Mission Road than proposed in 2009.

The applicant held a neighborhood meeting in accordance with the Planning Commission's Citizen Participation Policy on May 18, 2011. Approximately 20 people attended the meeting. The primary consensus of the attendees were the building was not integrated into the center, the signs were too large and the building materials need to reflect the materials specifically the irregular stone pattern used in all the buildings in the center.

FACTORS OF CONSIDERATION:

- 1. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations, and use limitations.**

The proposed drive-thru window complies with the zoning regulations.

- 2. The proposed conditional use at the specified location will not adversely affect the welfare or convenience of the public.**

The proposed drive-thru will be on the north side of the building adjacent to Somerset Drive and will not adversely affect the welfare or convenience of the public. However, it should be pointed out that the proposed plan is not consistent with Village Vision which is the City's Comprehensive Plan. This factor cannot be totally evaluated until the Traffic Impact study review has been completed.

- 3. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.**

The proposed drugstore will be located in the northeast corner of Corinth Square Shopping Center. There is a service station on the north side of Somerset Drive and a bank on the east side of Mission Road. This is a change from one business use to another within a shopping center and it will not cause substantial injury to the value of the other property in the area.

- 4. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets given access to it, are such that the conditional use will not dominate the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration should be given to:**

- a. The location, size, nature and height of buildings, structures, walls and fences on the site; and**

- b. The nature and extent of landscaping and screening on the site.**

The proposed building is 11,945 square feet with 64 parking spaces. The building is one story with its highest point approximately 22 feet at the top of the parapet wall. Village Vision calls for a two-story building at this location that directly abuts the two streets. The location of this building on the site changes the traffic pattern and may create problems for the future redevelopment. The Traffic Impact Study did not address internal circulation as requested. The property owner is in the process of developing a master a plan for the redevelopment of the center and this project may create some circulation problems that will be difficult to work around in the future. The size of the

building, however, is not an issue. It should be pointed out that the proposed plan virtually eliminates all the mature trees and landscaping at the intersection of Mission Road and Somerset Drive.

Landscaping and the proposed screening wall will be addressed on the site plan.

- 5. Off street parking and loading areas will be provided in accordance with the standards set forth in these regulations, and such areas will be screened from adjoining residential use and located so as to protect such residential uses from any injurious affect.**

The square footage is increasing from 8,552 sq. ft. (Tippins) to 11,945 sq. ft. (CVS). This is an increase of 3,423 sq. ft. of building which at 3.5 spaces per 1,000 sq. ft. of building will require 12 additional parking spaces. Corinth Center provides 1,238 parking spaces which exceeds the required parking of 1,094 and has more than ample parking to meet the needs of this addition.

- 6. Adequate utility, drainage, and other such necessary facilities have been or will be provided.**

Since this is a redevelopment project, utilities are already available at the site. Drainage will be discussed under the site plan, but more area will be impervious on the proposed plan so there will be more stormwater runoff.

- 7. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.**

The existing access off Somerset Drive will be moved approximate 125 feet to the west where it will be offset approximately 28' from the Intrust Bank driveway on the north side of Somerset Drive. The north south drive from Somerset Drive to 83rd Street will no longer be in direct alignment. Both the existing accesses from Mission Road will be closed and a new access will be created off Mission Road in the middle of the center. One access off Mission Road should benefit the Mission Road traffic and provide less confusion within the center. The applicant was requested to analyze internal traffic circulation due to the access changes, but has not done so. An analysis of the internal traffic circulation will be done when the Traffic Impact Study is complete.

- 8. Adjoining properties and the general public shall be adequately protected from any hazardous or toxic materials, hazardous manufacturing processes, obnoxious odors, or unnecessarily intrusive noises.**

There should not be any hazardous materials or obnoxious odors associated with this project. There could, however, be some noise associated with the use, primarily cars. This might be mitigated by landscaping and the construction of a screening wall.

RECOMMENDATION

It is the opinion of Staff that the proposed Conditional Use Permit for a drive-thru window is not consistent with Village Vision. The findings of fact for the proposed Conditional Use Permit to allow a drive-thru window for the CVS Drugstore do not support approval; therefore, it is recommended that the Planning Commission deny the Conditional Use Permit or continue it until the applicant redesigns the site in accordance with Village Vision.

The following staff report was prepared for the site plan review on the basis on the plan submitted to staff.

The site is located on the southwest corner of Somerset Drive and Mission Road in Corinth Square on what was previously Tippin's Restaurant. The center is Zoned C-2 General Business District and is not a planned district. The applicant is requesting site plan approval and approval of a Conditional Use Permit for a drive through to construct a CVS Pharmacy. The proposed building is 11,945 square feet and is larger than Tippin's, which was 8,522 square feet. Staff is recommending that the Planning Commission address the site plan first, and if it is approved, then address the Conditional Use Permit for the associated drive-through.

Chapter 7. Center Redevelopment-Corinth Square of the Village Vision was devoted to the future redevelopment of Corinth Square. This is the first redevelopment effort at Corinth Square since Village Vision was adopted and its recommendations must be addressed when considering the approval of this site plan. To paraphrase Village Vision, Corinth Square presents an opportunity to create a "signature" site or a special place which will be an attractive destination. The City has very few opportunities to increase property values and revenue and Corinth Square was identified as an area that has that potential.

The Village Vision recommends that Corinth Square be redeveloped in a "town center" configuration with retail on the first floor and residential on the second floor along the 83rd Street and Mission Road frontages. This is illustrated on page 7.7 of the Village Vision. It should be emphasized that the plan stresses bringing buildings to the streets rather than separating the buildings from the streets with areas of parking and driveways.

This issue has been called to the attention of the owners of Corinth Center and it has been pointed out that if they disagree with Village Vision, they need to prepare a Master Plan for the Center and request an amendment to Village Vision. Some conceptual

ideas have been presented, but the Master Plan has not been developed to a level necessary to pursue an amendment to Village Vision.

The plan submitted by CVS is for a typical suburban pad site and the building is a standard structure with some stone facing. CVS, Walgreens and others have developed properties in other locations that have the amenities desired in Village Vision. The building is still the standard CVS box with a new external design. The proposed building elevations do not relate to Corinth Center and need additional consideration. This will be discussed in more detail later in this staff report.

The approval of this site plan is very significant in that it will set the tone for the redevelopment of Corinth Square. Redevelopment will occur incrementally and it is important that each of the increments fit well and support the overall plan.

The proposed site plan is very similar to the one considered by the Planning Commission in 2009. The building has been moved closer to Mission Road because one row of parking and a driveway have been removed. Also, the building has been moved further south so that the 15' green space along Somerset Drive will be maintained. The access on Somerset Drive will be moved further west, but the major change is that both access points will be closed on Mission Road and a new access will be created midway between Somerset Drive and 83rd Street. Also, because of this change, parking, landscape islands and circulation have been redesigned for the area between the CVS location and Johnny's. Additional green space and landscape have been added along Mission Road.

All the mature trees and landscaping will be removed at the intersection of Mission Road and Somerset Drive. Only two existing Japanese tree lilacs along Somerset Drive will be saved. This will have a significant impact on the appearance of the Center. If the applicant desires to use the plan as presented rather than follow Village Vision, it would be more desirable to retain the mature plants to screen the back of the building and drive-thru.

Staff performed a preliminary review of the application on May 10 and forwarded nearly two pages of comments on the site plan and building elevations to the applicant and his team. Staff met with the applicant and its design team on May 16 and reviewed the comments. The applicant agreed to submit revised plans by May 20. The Stormwater Management Plan was submitted as well as the Traffic Impact study; however, the Traffic Impact Study did not include an internal circulation analysis as requested because of the change in the access from Somerset Drive and Mission Road. A revised site plan has been submitted but no redesigned building elevations have been submitted.

The applicant held a neighborhood meeting in accordance with the Planning Commission's Citizen Participation Policy on May 18, 2011, and approximately 20 people attended. Questions were asked regarding the building primarily relating to the height, signage and choice of materials. It was the consensus of the group that the building needs to reflect the irregular stone pattern used throughout the center and the scale of other buildings so that it is an integrated element in the shopping center. The applicant responded that the building would be studied in more detail.

The Planning Commission shall give consideration to the following criteria in approving or disapproving the site plan:

A. The site is capable of accommodating the buildings, parking area, and drives for the appropriate open space and landscape.

The proposed site is 63,409 square feet or 1.46 acres. The footprint of the proposed building is 11,945 compared to the existing Tippin's building which is 9,410 square feet. The floor area ratio (FAR) is 0.19 where Village Vision recommends 0.70 FAR for the proposed redevelopment. The current FAR of the center is 0.34. The site obviously could accommodate more intense development than what is being proposed.

As a part of the CVS development, the Center is proposing to close the two access points on Mission Road and create a new access approximately half way between 83rd Street and Somerset Drive. As a result of these changes the parking lot has been reconfigured and additional landscaping has been added. In considering the Site Plan for CVS Pharmacy the Planning Commission will also be approving the changes in the parking lot that are outside of the CVS site. Additional islands have been added along with trees which will help breakup the vast pavement areas. This is a start in bringing the parking lots up to an acceptable condition and reinvesting in the aesthetics of the center.

The following are some specific comments regarding the landscape plan:

1. The plants are listed in the table but not keyed to the plan:
2. A detail of the stone screen was submitted, but is not dimensioned and materials are not specified.
3. More detail is needed on the Entry Plaza. The design of the new monument sign needs to be submitted. Also, more detail is needed on the directional signage.
4. The sidewalks along Mission Road and Somerset Drive have been relocated so that approximately five feet of green space can be provided between the curb and the sidewalk.

5. The plan shows 15' of green space between the property line and parking on the CVS site and then it tapers to about ten feet to the south. As this site redevelops, it should meet the current ordinance and therefore 15' of green space should be provided all along Mission Road.
6. Consideration should be given to providing landscaping between the parking area and the building to be consistent with the new design concept for Corinth Center.
7. The electric transformer needs to be identified on the site plan and screened.

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

The property is currently served with all utilities and the proposed improvements will not create the demand for additional utilities. No additional needs are contemplated for water and sewer services.

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

The existing site contains 0.80 acres of green space while the proposed CVS plan contains 0.62 acres of green space. Therefore, the CVS site plan will have approximately 0.18 acres, or 7,840 square feet, more impervious area. The applicant has proposed to accommodate the additional runoff by installing a 2,700 cubic foot underground detention system. Public Works is currently reviewing the storm water management report.

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

The existing access off Somerset Drive will be moved approximately 125 feet to the west where it will be offset approximately 28' from the Intrust Bank driveway on the north side of Somerset Drive. The north south drive from Somerset Drive to 83rd Street will no longer be a direct alignment. The access from Mission Road will be closed along with the access just north of Johnny's and a new access will be created off Mission Road in the middle of the center. One access off Mission Road should benefit the Mission Road traffic and provide less confusion with the center. The Traffic Impact Study did not address internal circulation changes that are a result of the relocation of the access points on Somerset Drive and Mission Road. Public Works is currently reviewing the Traffic Impact Study.

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

The plan is a typical suburban pad layout that does not reflect the design concepts that have been set out in Village Vision. There is a lack of pedestrian connectivity between this site and the rest of the center. These are some of the same issues the Planning Commission struggled with when CVS (Eckerd) was proposing to relocate at 83rd and Mission Road several years ago and the previous application at this location. Village Vision recommends the buildings be located next to the streets rather than be separated

by a parking lot and driveway. Perhaps the building could be flipped so that the entrance would be at the southwest corner of the building. This would provide better pedestrian access to the main corner of the center and would move the building closer to Mission Road. If the building is not going to abut Mission Road and Somerset Drive then it should provide better pedestrian access to the core of the center and the existing mature landscaping should be retained along Mission Road and Somerset Drive. The plan as presented does not meet either option.

This is a signature project for Corinth Center and it needs to reflect a new design sensitivity not a typical suburban pad site. The applicant has improved the pedestrian access to the center at the intersection of Mission Road and Somerset Drive; however, the Entry Plaza needs further details. The wall, sign, seating and landscaping all need to be dimensioned and materials specified.

CVS and Walgreens both have used other floor plans to provide alternative layouts for locations that need a more creative solution. The new CVS Pharmacy on the southeast corner of 95th Street and Mission Road and the CVS Pharmacy at 127th Street and Antioch Road are examples of layouts that could be modified and used in this location. The new Walgreens that is being built in the old Yahooz Restaurant site at Roe Avenue and Town Center Drive also is using a drive-thru that does not wrap around the building (see Attachment "B").

Some other comments are as follows:

1. **Islands also need to be included on the west parking bays south of the entrance off Somerset Drive.**
2. **Sidewalks should be on both sides of the new entrance to the center.**
3. **The plan should also include the pedestrian linkage from Johnny's to the main core of the center.**

F. An appropriate degree of compatibility will prevail between the architectural quality of the proposed building and the surrounding neighborhood.

The proposed building is a standard CVS building which is not consistent with Village Vision. The building should be two stories and the architectural design should be setting the tone for the future redevelopment at Corinth Square. The facades are not aesthetically pleasing and this building, at this location, needs to be five-sided architecture. There also is more signage on the building than is permitted and the color is overpowering. The CVS has been involved with other sites in other locations that have similar issues and the applicant should present other alternative designs that they have used in other locations for consideration by the Planning Commission.

While it is difficult to review design because it is not in compliance with Village Vision, here are some specific comments:

1. If it is not going to meet the goals of Village Vision, the building needs to reflect the low slung design of Corinth Center, incorporate the building materials used in the other buildings in the Center, (irregular pattern limestone) and reduce the size of the signage so that it is more in scale with the Center and the building.
2. The CVS/Pharmacy sign is shown on the wall while it should be incorporated into the gable and fascia consistent with the rest of the center. Removal of the wall sign could reduce the height of the structure. In general, the building design needs more study and more detail shown on the plans.
3. The elevations need to be renamed north, south, east and west so that it is easier for anyone reviewing the plans.
4. Signage needs to be specifically addressed. What are the graphics proposed for the windows?
5. Secondary signs are indicated but no design or text is shown. They should be deleted.
6. The choice of materials needs more thought, i.e., glass block, stucco, zinc standing seam roof, clay tile roof, etc.
7. It appears that the architectural lights on the columns are red. A more subtle color should be chosen which is compatible with the rest of the center.
8. The stone piers supporting the wood columns are at different heights which seems inconsistent.
9. The canopy should cover all the pedestrian walkway on the Front and Left Side Elevations.
10. The electric service connection on the Rear Elevation needs to be relocated or hidden from view.
11. Additional thought needs to be given to breaking up the façade on the Right Side Elevation.
12. The entry tower arcade does not appear to be in scale with the building.

G. The plan represents an overall development pattern that is consistent with the comprehensive plan (Village Vision) and other adopted planning policies.

As previously pointed out, there is a Chapter in Village Vision devoted to the redevelopment of Corinth Square and this plan is not in compliance with the goals, objectives and recommendations set out in that document. Alternative site plans and building designs need to be presented that are in conformance with the recommendations of Village Vision, or the applicant needs to submit a Plan Amendment to change Village Vision to a different concept.

The staff recommendation based on the site plan presented was for the continuation of the application to allow the applicant to address the following issues:

1. Redesign the site plan so that it incorporates the concepts set out in the Village Vision regarding building location circulation, pedestrian access, F.A.R., etc. and show pedestrian connectivity both internally and externally.
2. Provide other options for building design that are unique to this location rather than standard buildings. Use five-sided architecture and ensure that all façades will be aesthetically pleasing. Also explore a two story building with residential on the second floor.
3. Prepare a revised set of drawings that reflect the comments in the staff report and the recommendations of the Planning Commission.
4. Address internal traffic circulation.

Ron Williamson stated he felt staff needed time to review the site plan and building elevations as presented this evening with the additional information requested. The big issue before the Commission is that the proposed project is not consistent with the Corinth Square redevelopment plan as identified in Village Vision.

Nancy Vennard questioned Mr. Williamson's interpretation of Village Vision, noting Village Vision states "A free-standing specialty retail (bank or restaurant use with outdoor seating) could be located at the intersection of Somerset Drive and Mission Road." It does not specifically recommend a two story structure at this location.

Bob Lindeblad stated he appreciates Village Vision, but noted this is an opportunity for redevelopment that needs to be considered. He does not see Village Vision as an ordinance restricting development to a specific plan. He does not see this proposal as violating the City's master plan. The reality of the situation is that mixed use development at this location is not going to happen for several years and the Commission needs to act on what is before them.

Nancy Vennard stated one of her primary concerns is that the building constructed in this location be one that can be easily readapted for use by another tenant should CVS leave. She noted the existing Tippins building did not offer that capability and the vacant Bank of America building on the other side of the center may have the same difficulty. She is not opposed to the drive-thru. The plan needs work to address traffic and pedestrian access issues. Perhaps the building could be placed on an angle like Johnny's. The more walkable wider sidewalks appear to be very close to the street. She likes the arcade idea, but has questions on the proposed "windows".

Marlene Nagel expressed appreciation for the changes made by the development team. It is important to keep CVS in the Center, but she also feels the building is too close to the street and questioned the location of the drive-thru related to pedestrian traffic.

Randy Kronblad asked if there were models that would allow the building to move closer to the intersection and thus NOT require a full drive-thru drive around the entire building.

He does not like the location and visibility of the trash dumpsters and is concerned with the windows shown in the rendering. Adding parking spaces seems to be counterproductive to creating more greenspace. He asked what color the signage would be noting the drawings submitted to the Commission have it orange, the renderings presented this evening have it green and the typical CVS signage is red.

Nancy Wallerstein questioned the internal traffic flow noting it tended to zig zag. Brian Grassa noted this is intentional to slow down traffic (traffic calming) and stated the proposed traffic flow is vastly superior to what exists today. He noted the balancing act involved in making changes. Nancy was also concerned about the walkability of the connections from the center to the dead corners of the CVS Drugstore.

Ron Williamson stated staff has not received the requested internal traffic study. Owen Buckley responded they have not submitted a traffic study for the entire center. Mr. Grassa noted it is critical that trucks get through the center and they can supply any internal traffic documents.

Dirk Schafer stated it is currently difficult to get in and out of the center and he does not believe the proposed realigning will solve the problems with the entry on the north. He finds that CVS has made major compromises and has come a long way, but is not there yet.

Bob Lindeblad stated he does not feel an 11,000 square foot building is a "big box". He is ok with the drive-thru acknowledging it is part of doing business today. He noted if the building is moved closer to the street everyone will need to walk through the drive-thru and he also feels it may create ADA parking issues. He doesn't the big plaza area on the corner is necessary, it doesn't do much. The front door has to either face the intersection of Mission Road and Somerset Drive or the Center.

Mr. Lindeblad stated he does have concerns with the offsetting drives and the internal traffic flow. He likes the elimination of some of the drives and feels there is a need for parking for restaurants. He noted the renderings presented this evening provided more substance than the information submitted to the staff and Commission. It is important that the footprint and site plan be correct.

Owen Buckley stated he appreciated the comments made by both the public and the Commission. He noted they did look at placing the building at an angle like Johnny's however doing so loses parking spaces. The proposed location of the drive-thru was for the safety and benefit of senior citizens. The front door can be moved closer to the center. He stated they strongly support pedestrian friendly enhancements, but noted for the most part we are still a driving community. The trash enclosures can be moved. They would love to keep the big trees but doing so impacts the sidewalks planned by the City.

Mr. Buckley stated Lane4 will not put a Walgreen's in the center. He noted their lease with CVS prohibits it. The signage they want to see throughout the center is white or bronze back lit signage. The proposed windows are needed to break up the wall

elevations. They are a glazed natural material that gives the appearance of windows and they will have graphics. The development team has worked hard to balance the needs of the existing tenants, CVS and the overall development of this property.

Nancy Vennard asked why the arcade did not go around the entire center, stating she would like to see it wrapped around the building. Mr. Buckley noted it covered the areas where people can walk.

Mr. Buckley stated they appreciated the input and it would take them time to work through the comments and suggestions given. Bob Lindeblad noted references were made to their previous submittal and asked what plan they would prefer to work off. Mr. Grassa stated they would like to work off the plan presented this evening.

Nancy Wallerstein noted this is the first brush stroke of redevelopment for Corinth and the Commission wants to be sure it moves forward with the best plan for the entire center.

Ken Vaughn stated he did not see the need for a lot of changes. He did note he was bothered by the late submission with Commission members reviewing an outdated plan. He is fine with continuing this to the July meeting and requested the applicant make every effort to complete their revisions in time for the Commission to review them before the meeting.

Randy Kronblad stated he preferred the 2009 submittal with the entrance toward the shopping center. He would like to see the drive-thru integrated into the building instead of giving the appearance of a lean-to shed. He noted the existing Tippins trash area is well landscaped and screened and feels it could be used. He would like to see more greenspace.

Brian Grassa noted the 2009 plan was turned down by the Commission. Bob Lindeblad noted the times have changed, the Commission members have changed and the plan was withdrawn by Highwoods.

Dennis Enslinger pointed out that the plan was not turned down, but was continued several times and ultimately withdrawn by the applicant.

In giving direction to the development team the following comments were made:

- Entrance should be on the southwest corner, facing the center
- Preference to the 2009 plan
- Address drive-thru location so customers are not walking across the drive-thru lanes.
- Address internal traffic flow

Owen Buckley asked if it would be possible to meet with the Commission in a worksession environment to work-out their concerns prior to the July meeting.

Dennis Enslinger noted it would be possible to meet with the entire Commission. The meeting would be a public meeting, but without public comment. Commission members expressed a willingness to meet.

Chairman Ken Vaughn called to a five minute recess while staff investigated open meeting dates for the worksession.

The meeting was reconvened at 9:15 p.m.

Ron Williamson asked Mr. Buckley to submit electronic copies of the information and exhibits presented this evening.

Dennis Enslinger stated meeting rooms were available on Tuesday, July 14th or 21st at 7 p.m. in the Multi-purpose Room.

Marlene Nagel moved the Commission meet in worksession with the Corinth Square development team to discuss the submittal for PC2011-04 and PC2011-108 on Tuesday, July 14th at 7 p.m. The motion was seconded by Nancy Wallerstein and passed unanimously.

Randy Kronblad confirmed that the team would be coming in with a base plan similar to the 2009 submittal.

Bob Lindeblad moved to continue application PC2011-04 and PC2011-108 to the July 5th meeting of the Planning Commission. The motion was seconded by Nancy Wallerstein and passed unanimously.

NON-PUBLIC HEARINGS

**PC2011-107 Request for Site Plan Approval
6510 Mission Road**

Chace Brandige of the Homestead Country Club, presented the Club's application for site plan approval for the construction of two platform tennis courts to be located between the existing tennis courts and the clubhouse on the northern side of the clearing. The courts are composed of aluminum planks built upon piers and will be raised approximately 4 feet to allow for snow melt and hot air circulation. The space between the courts and the ground will be fully covered by wood trim. The courts are surrounded by a 12 foot taught screen and are lit with lights that rise 16 feet above the courts. Mr. Brundige noted the lights are of a much lower wattage than tennis court lights, point straight down and are recessed.

The sport of Platform Tennis is played primarily in the winter months. They envision the heaviest use of the courts to be on weekend mornings and Tuesday and Thursday evenings for local league play. During league play, matches typically conclude before 10 p.m. but sometimes extend to 10:30 p.m. when earlier matches run behind.

Therefore, they are requesting the time restriction in the staff recommended conditions of approval be extended from 10 p.m. to 10:30 p.m.

Chace Brundige stated the Club intends to plant evergreen trees for screening; however, to ensure the best possibility of the trees thriving, they would ask that they be allowed to plant them in the fall rather than prior to completion of the courts.

Ron Williamson noted platform tennis is primarily a doubles sport that is played year around. The game is played on an elevated aluminum deck ¼ the size of tennis court and is surrounded by a 12' high superstructure with taut, 16-gauge "chicken wire" fencing which allows play off the walls, as in racquetball and squash. The court is 44' long and 20' wide on a deck with a playing area 60' by 30'.

The base of a platform tennis court is usually enclosed, allowing for a heating system beneath the deck (propane, natural gas or kerosene.) The heating system melts ice off the aggregate deck surface, allowing athletes to play outdoors in all weather conditions. Most courts have lighting systems for winter so the game can be enjoyed year-round. The proposed courts for Homestead will be lighted and skirted.

Platform tennis paddles are made of a composite material with aerodynamic holes drilled in the head. Paddles are approximately 18" long. The spongy, rubber ball measures 2.5" in diameter. A flocking material on its exterior keeps the ball from skidding.

In the Kansas City area, platform tennis courts are located at The Carriage Club and the Kansas City Country Club. Each has two courts.

The applicant held a neighborhood meeting on May 12, 2011 and eight property owners were in attendance. The questions were mainly about the construction, drainage and landscape screening. One neighbor requested that the south side of the courts be screened with evergreens near the courts so they would still maintain their open view. Homestead agreed to further research this issue and based on Mr. Brundige comment the Board has agreed to the request. Mr. Williamson stated he felt the request for later planting was reasonable and suggested condition #3 be reworded to require the planting of the trees prior to December 1, 2011. Staff was not opposed to extend the hours of operation to 10:30 p.m.

The Planning Commission reviewed the following criteria for site plan approval:

A. The site is capable of accommodating the buildings, parking areas, and drives with appropriate open space and landscape.

The site is approximately 14.5 acres in area and is adequate in size to accommodate the proposed structure. No additional parking areas and drives have been proposed. The proposed structure will be approximately 200' from the south property line, 340' from the west property line and 340' from the north property line. The platform tennis courts will not be visible from Mission Road which is to the east. Neighbors to the south have requested that evergreen screening be provided on the south side of the courts.

B. Utilities are available with adequate capacity to serve the proposed development.
The property is currently served with all utilities and the only change will be the addition of some electrical line in order to light the courts. No additional needs are contemplated for water and sewer services.

C. The plan provides for adequate management of storm water runoff.
The platform is set on 21 twelve inch piers and the platform is designed so that water drains through it to the ground. Therefore very little impervious surface will be created and the site should adequately handle the storm water.

D. The plan provides for safe and easy ingress, egress and internal traffic circulation.
No change is being proposed in the current egress to the property or in the traffic circulation. No new parking is proposed or anticipated as part of this project.

E. The plan is consistent with good planning and site engineering design principles.
The proposed platform tennis courts have been located between two existing facilities on the site - the tennis courts on the west and the fitness center on the east. To the north is a children's playground and south is open lawn area. The proposed location should have a minimum negative impact on neighboring properties. The addition of some evergreen landscaping on the south side of the courts should mitigate the concerns of the property owners along Homestead Drive. The light poles are approximately 20' tall and the light fixture is a shoebox design that diverts light down. The applicant has submitted a photo metric lighting plan that meets the outdoor lighting ordinance, which is 0.0 foot candles at the property line.

F. An appropriate degree of compatibility will prevail between the architectural quality of the proposed building and the surrounding neighborhood.
The proposed platform tennis courts are not of the same design as facilities in the surrounding neighborhood but they are similar to the existing tennis courts at Homestead Country Club

G. The plan represents an overall development pattern that is consistent with the comprehensive plan (Village Vision) and other adopted planning policies.
One of the primary objectives of the comprehensive plan is to encourage the reinvestment in the community to maintain the quality of life in Prairie Village. The Homestead Country Club is one of the unique amenities that sets Prairie Village apart from competing areas south of I-435 and the City should support the Club in order to maintain its competitive position. This application is consistent with the comprehensive plan in encouraging reinvestment in the community.
Jim Blackwell, 4200 Homestead Drive, requested the Commission require eight-foot pine trees be planted on the south side of the platform courts to screen them from view from his adjacent property.

Nancy Vennard moved the Planning Commission approve the site plan as submitted for PC2011-107 for the installation of two platform tennis courts at Homestead Country Club subject to the following conditions:

- 1) That the platform tennis courts will be located as shown on the site plan submitted.
- 2) That the outdoor lighting be in compliance with the outdoor lighting ordinance.
- 3) That the applicant prepare a landscape plan to provide evergreen screening in the south side of the courts and submit it to Staff for review and approval. The landscaping shall be installed prior to December 1, 2011.
- 4) That the base of the courts be skirted with a material that is compatible with the court design.
- 5) That the hours of operation shall be 6:00 am to 10:30 pm, Monday-Friday, and 8:00 am to 10:30 pm, Saturday and Sunday.

The motion was seconded by Dirk Schafer and passed by a vote of 7 to 0.

**PC2011-109 Request for Site Plan Approval
3921 West 63rd Street**

Rex Currie, with Selective Site Consultants representing T-Mobile, who is requesting approval to co-locate a communications antenna on the monopole located at 3921 West 63rd Street. They have received approval of Consolidated Fire District #2 to locate on the pole which was granted a Special Use Permit on June 7, 2010.

Ron Williamson confirmed this is the third application for antennae at this location. The initial permit was approved for Verizon Wireless with AT&T receiving approval for their antenna in December, 2010. Both Verizon and AT&T have used two center-lines on the monopole while T-Mobile will only use one. T-Mobile is only using G-3 data transmission at this location so only one centerline is required. The pole was designed for six center-lines which means there is still one left at 95'. It is possible that a fourth carrier could locate on this site; however, the Special Use Permit would need to be amended and the equipment would need to fit within the equipment compound.

The T-Mobile request will use the 105' center-line and the equipment will be installed between the monopole and the AT&T equipment box. Enough space has been planned to allow a fourth carrier between AT&T and T-Mobile. The fourth carrier will not have much space so it will need to be one that has a small equipment box such as Clearwire. The T-Mobile equipment box will be mounted on a rack rather than being mounted on a pad. It appears that the rack poles will be slightly less than ten feet in height which is below the height of the ten-foot screening wall.

Mr. Williamson noted that since a neighborhood meeting was held as part of the Special Use Permit, a neighborhood meeting was not required for this application.

The Planning Commission reviewed the following criteria:

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

The capability of the site to accommodate the equipment compound was addressed in the approval of the Special Use Permit.

B. Utilities are available with adequate capacity to serve the proposed development.
Adequate utilities are available to serve this location.

C. The plan provides for adequate management of stormwater runoff.
Public Works has reviewed and approved a stormwater management plan for the entire equipment compound as a part of the Special Use Permit Application (PC2010-03)

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

The proposed site will utilize existing fire station driveway and park lot circulation which will adequately serve the proposed use.

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

The details of the overall design of the equipment compound were worked out on the initial submittal by Verizon.

F. An appropriate degree of compatibility will prevail between the architectural quality of the proposed building and the surrounding neighborhood.

A 10-foot tall brick screening wall has been constructed around the perimeter of the equipment compound using the same materials that match the existing fire station. This wall is tall enough to screen the PPC Rack proposed by T-Mobile.

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

Wireless communications are not specifically addressed in Village Vision. Generally it falls into maintaining and improving infrastructure.

Bob Lindeblad moved the Planning Commission approve the site plan as submitted for PC2011-109 for the T-Mobile at 3921 West 63rd Street subject to the following conditions:

- 1) That all antennas and wiring be contained within the monopole.
- 2) That all equipment and supporting structures shall be screened by the 10' wall.
- 3) That T-Mobile and any subsequent entity maintain compliance with all the conditions of approval of the Special Use Permit (2010-03).

The motion was seconded by Nancy Wallerstein and by a 7 to 0 vote.

OTHER BUSINESS

Next Meeting

The following applications have been submitted for consideration by the Planning Commission in July:

- Request for Conditional Use Permit for Utility Box by AT&T

- Continued Request for Conditional Use Permit for Drive-thru by CVS
- Continued Request for Site Plan Approval by CVS
- Request for Building Line Modification at 5301 West 67th Street
- Request for Building Line Modification at 8300 Delmar
- Request for Site Plan Approval at 6400 Mission Road - Indian Hills Jr. High
- Request for Approval of Sign Standards for Hy-Vee Shopping Center

Mr. Enslinger noted this meeting would be held in the MPR as the Council will be meeting at the same time in the Chamber. Dirk Schafer and Randy Kronblad indicated that they would be out of town and unable to attend.

ADJOURNMENT

With no further business to come before the Planning Commission, Chairman Ken Vaughn adjourned the meeting at 9:40 p.m.

Ken Vaughn
Chairman

**Prairie Village JazzFest
Committee Minutes
June 9, 2011**

Attending: Kathy Peterson, Bob McGowan, Brian Peters, Karen Ecton, Larry Kopitnik, Mary Ann Watkins, Marilyn York, Walt Vernon, Steve Noll and Joyce Hagen Mundy.

Vendor Demonstration

Mary Ann Watkins introduced Sal Frustaci with the New York Dawg Pound at 7702 Shawnee Mission Parkway who has expressed an interest in being a vendor at JazzFest. Mr. Frustaci reviewed his menu and what items he would plan to offer at the event and then treated the committee to samples.

Minutes

Mary Ann Watkins moved for the approval of the minutes of May 12, 2011 as written. The motion was seconded by Bob McGowan and passed unanimously.

IPad Raffle Drawing

Judge Jennie Clark drew the winning ticket from the Prairie Village Art Show drawing. The winner of the IPad was Reed Anderson. Kathy Peterson will notify the winner.

Budget

Kathy Peterson reviewed the budget noting that approximately \$6,550 was made from the BRGR 5K. The City did receive grant funds from the Boylan Grant of \$1500. The IPad drawing at the Prairie Village Art Fair covered its cost. She noted that several individuals pick up cards with the talent line-up and indicated that they would be attending JazzFest 2011.

The current balance in our account is \$11,345.28. This does not include several verbal sponsorship commitments including Renewal by Andersen, Fry Orthodontics and Tutera Family Communities. This is approximately 25% of our projected revenue, so our focus over the next two months needs to be on fundraising.

Fundraising

Kathy distributed a list of individuals who donated or were contacted to donate last year and asked committee members to select individuals that they would personally contact. An information sheet on each sponsor is available as well as informational folders.

Other possible sponsors were discussed. Walt Vernon noted that Hallmark will support an employee's request for donation. Brian Peters said he would talk with the owners of the Hallmark Store in the PV Shopping Center regarding supporting a request for funds from Hallmark. Larry Kopitnik named several other organizations that he was familiar with that have in the past provided monetary support for Jazz functions. He indicated that he would follow up on some of these. Walt Vernon also volunteered to assist with contacts.

VillageFest

The committee felt a drawing for a child or family orientated item at VillageFest. It was suggested the committee also sell remaining VillageFest fans. Kathy will look into getting the remote control cards donated again. She or Joyce will send out a worker sign-up sheet with two workers for one hour shifts.

Beer Tasting

Last year the City combined with Crawford and Johnny's for a very successful beer-tasting event. The committee agreed the event should be continued. Karen Ecton will lead a committee that will work on this event. She will contact Johnny's regarding their participation and ask Jack to contact Crawfords. Last year's event was held on Saturday, August 28th. This was the weekend following the KU kick-off and flyers were distributed at that event advertising the beer-tasting. The committee is looking at Saturday, August 27th for this year's event. It was noted there were problems with the percentage of sales and ways to possibly address those were discussed. The committee will work with Johnny's management.

Website

Kathy Peterson noted the JazzFest website needs repair. The website will be coordinated through City staff who also coordinate the Foundation's website. A meeting was held with the hosting firm last week to work on the transition.

Advertising

Kathy Peterson announced that an ad has been placed in the August and September issues of JAM magazine. The majority of the other advertising will be via local sources or in-kind to keep costs down. These sources include the STAR, Prairie Village Voice, PV and Jazzfest Websites, the PVPPost. Kyle Kristofer is our contact for radio advertising and Mary Ann Watkins is our contact for television advertising.

Food Vendors

Brian Peters moved the committee approve the New York Dawg Pound as a food vendor for JazzFest. The motion was seconded by Walt Vernon and passed unanimously. Other potential vendors include R.A. Sushi, BRGR, Culvers (who want to serve sandwiches as well as ice cream), the KettleCorn and Cotton Candy Guy. The committee discussed possible BBQ vendors. Concern was expressed with the availability of space for the vendors. Karen Ecton will prepare a footprint of the vending area based on identified needs of the proposed vendors to see how much space is available.

Drinks

Kathy Peterson will meet with BRGR next week regarding their participation. In earlier discussions they expressed an interest in providing both food and drinks. It was noted that last year the committee received 100% of the sale of drinks. The success of wine sales was discussed. Jack will coordinate with Crawford's and Pepsi. Possible alternate sources of wine were discussed. Karen Ecton noted she knew of a company that provided liquor, required licenses and servers.

Contracts

Kathy Peterson will be getting written contracts to the performers. She noted that none of the performers have requested any payment in advance. The committee discussed what date should be set for the City to cancel contracts. It was confirmed that all expenditures have to be in the back prior to the start of the event. Joyce Hagen Mundy will distribute food vendor contracts.

Operations

The Environment/Recycle Committee will be attending the next meeting. They have agreed to handle recycling at the event. There will be more discussion on operational aspects of the event at the July meeting.

The next meeting is Thursday, July 14th at 7 p.m. The meeting was adjourned at 9 p.m.

PRAIRIE VILLAGE ENVIRONMENT AND RECYCLE COMMITTEE

Minutes, May 25, 2011

Anne-Marie Hedge, for the steering committee, called the meeting to order at 7:00 p.m. Attending were Anne-Marie, Margaret Goldstein, Karin McAdams, Polly Swafford, Kathy Riordan, Barbara Brown, Thomas O'Brien, David Belz, Ruth Hopkins, Bob Pierson, Pete Jarchow, Al Pugsley, Ashley Weaver and Dennis Engslinger. Bruce McNabb was the featured speaker.

Featured speaker: Bruce McNabb, Director of Public Works for Prairie Village

- Bruce's experience has been extensive and diverse but has not included a great deal of park maintenance. He is learning.
- **Q:** Are there staffing issues that influence policy about herbicides and the like? **A:** Budget is the biggest issue. A first comparison shows that traditional herbicides cost less than less toxic ones, but that less training is needed for administering the latter. Currently Howard Johnson's Dimensions is used as a pre-emergent herbicide and Roundup Promax for targeting weeds post-emergent.
- **Q:** What about safety? Are there local ordinances that apply? **A:** They follow guidelines listed for the product. He is not sure about ordinances.
- **Q:** Would he support a more natural approach? **A:** Yes. It's important (and difficult) to assess what the community will accept, for instance comparing more traditional plantings to those with native plants, or a more manicured look rather than a more natural one.
- **Q:** How does the city decide what public opinion is on issues like this? **Dennis:** From citizen complaints. Therefore the city rarely gets a representative sample of opinions.
- **Q:** Would he be comfortable with a gradual rollout of a more-eco-friendly product? **A:** Definitely. He appreciates our moderate request. Of course, if a product were shown to be harmful, it would be discontinued.
- **Q:** How does the city decide what products to use? **Discussion:** It might be helpful to have a consultant; perhaps Johnson County could advise on this free of charge.
- **Q:** Has Bruce considered having the grass mowed to a greater height, thus decreasing the need to irrigate? **A:** Interested in this. Again, community wishes have to be considered. **Discussion:** Perhaps some public education is in order here.
- **Q:** How do we approach the city council with these issues? **Discussion:** Offering the council the Harvard plan to study might help give them some background. We need to offer price comparisons. A careful comparison of Bennett Park, which uses no herbicides, with the other parks, would be useful.

Minutes: Approved.

Finances: Dennis is waiting for the rest of the Earth Fair bills to come in.

Reports:

- **Earth Fair:**
 - Tom is creating a Survey Monkey to send to those attendees that we can contact.
 - Shall we maintain the Earth Fair website all year?
 - It would cost \$25 a month. We can afford that and voted to fund it.
 - We need to have content to keep the site lively during the year. We are linked to the Prairie Village and Shawnee Mission East websites.

- We need more people taking responsibility for specific parts of the fair.
- **Forum:**
 - The date will be October 6.
 - Featured speaker will be John Harrington of the Kansas State University Department of Geography. He will speak on climate change.
- **Community gardens:** The Mission Road Bible Church has said they don't want us to use their land for the garden, but the committee will discuss with them the possibility of reducing their tax rate. David Belz will also speak to the pastor.

The meeting adjourned at 8:15.

The next meeting will be on June 22, 2011, 7:00 p.m.

Respectfully submitted,

Karin McAdams

Prairie Village Arts Council
Wednesday, May 18, 2011
7:00 pm
City Hall Council Chambers

Minutes

The Prairie Village Arts Council met at 7:00 pm in the City Council Chambers at City Hall. Members present: Randy Kronblad, Chair, Ryan Westhoff, Ian Arnold, Jack Shearer, Pam Marshal and Dan Anderson. Staff: Dennis Enslinger.

Minutes

The minutes were accepted as presented.

Financial Reports

Dennis Enslinger presented the financial reports and they were accepted.

City Council Report

Laura Wassmer updated the Arts Council on the review of budget by the City Council. She noted that Committee funding was still in place.

Exhibit/Receptions

May Exhibition/Reception - Bryan Voell, had his reception on May 13th and was lightly attended. There was some discussion about the fact he produced photocopies. Council noted that we may need to make sure that this in the application.

June Exhibition/Reception – The opening reception for Nancy Todd Roberts and Suzy Perkins will be having the reception on Friday, June 10th from 6:30 to 7:30 p.m. Dennis Enslinger reminded the Council to sign up to help with the reception. Staff will have Nancy Yoakum send out the volunteer list. Randy and Jack will be volunteering.

Review of Artist Application

The Council reviewed requests to exhibit from Michael Doyle and Greater KC Art Association. The Council accepted both applications to exhibit.

Old Business

Prairie Village Arts Show

Randy reminded the Council that the Prairie Village Art Show is June 3rd-5th. Arts Council will be serving wine at 5:30 p.m. on Friday night, Dinner at 5:30 p.m. on Saturday, and Breakfast at 11 a.m. on Sunday. Nancy Yoakum will send out the volunteer schedule.

State of the Arts

Randy Kronblad went over the SOTA application which is currently on the web. He also provided a copy of the post card which will be sent to the artists who have previously submitted for the show. The post card directs the artists to the City's website.

Randy Kronblad noted that we will be hanging the SOTA Exhibition either on Friday September 30th and/or October 1st.

Randy Kronblad also noted that he is going to provide a link to "Post for Shows". This is a new site that lists all of the possible shows that artists can submit or exhibition.

New Business

Ian Arnold briefed the Council on creating a Facebook Page noting it is a community page. He is working on getting people to "friend" the site

In addition, Ian Arnold was hoping there could be a way to create a PV artist page on the website. Dennis Enslinger indicated that the Arts Council Committee page was up on the City's website. Dennis also indicated that it might be possible for local artists to have a web page similar to businesses in Prairie Village, and indicated that he would explore this option.

Ian Arnold said that he recently went to a KCEDC marketing campaign which is trying to market KC as the America's Cultural Crossroads where he meet Ben Martin, from Lee's Summit Arts Council. They discussed some type of exchange between the various groups. This would foster greater metro cooperation. The Council thought this was a good idea.

The Council decided that a cooperative arts exhibition entitled "Love of Art" could be a possible February showing in some local venue. This would be a display of pieces from various pieces from metro Arts Councils.

Meeting was adjourned at 7:50 p.m.

SISTER CITY COMMITTEE

June 13, 2011

MINUTES

CALL TO ORDER

Chair Jim Hohensee called the meeting to order at 7:01 PM. Members present; Dick Bills, Cindy Dwiganś, Bob Glywa, Vera Glywa, Bob McGowan, Phil Monnig, Carole Mosher, Ivan Novikok.

MINUTES

Minutes of the May 9, 2011, meeting were approved as corrected. Correction, New Business; "Cindy clarified that the activity concept she brought back from the SCT Conference was more a reference to documenting all spent sister city activities than an accounting of uncompensated efforts.

NEW BUSINESS

Exchange Student Vira Shchydkyuk is coming for the entire 2011.2012 school year. Flex program approved.

Preliminary flyer was provided for Committee review and comment. Jim Hohensee will have a final copy ready for distribution at VillageFest.

VillageFest update:

- . Approved up to \$200.00 for three (3) foam board mounted photographs. Cindy Dwiganś moved, Vera Glywa seconded. Vera Glywa responsibility.
- . Approved up to \$150.00 for 250 blue and yellow balloons with logo. Phil Monnig moved, Bob McGowan seconded. Carole Mosher responsibility.
- . Approved up to \$300.00 for tank to inflate balloons. Phil Monnig moved, Bob McGowan seconded. Carole Mosher responsibility.

Carol Mosher again proposed an activity list which she will maintain showing Committee activities who participated plus amount of time spent. Annual summary will be sent to the City Council.

JazzFest update, Bob McGowan. Outlined participants and vendors, From Dolyna, five musicians mayor and photographer. Individuals paying their own way, Committee's only responsibility is homestay and hosting subject to JazzFest agenda. Mayor and photographer staying with the Glyw looking for homestay for the musicians.

Facebook update - no discussion.

Poster - project tabled.

Calendar - project cancelled

NEW BUSINESS

Bob Glywa discussed the death of Father Taras Kernytskyy in Philadelphia on June 1st and the need to raise funds to return the remains to Dolyna. Bob and Vera Glywa making arrangements at the request of Mayor Garazd. Dick Bills moved and Bob McGowan seconded the Committee's profound appreciation for their time and efforts.

An indepth discussion was held regarding the Committee's relationship with the Municipal Foundation and the guidelines for using the \$2,400.00 in the Foundation earned by Committee fundraising. A Committee member is to meet with the Mayor to determine these guidelines. The Committee noted that no request for funds in support of Father Taras' funeral were ever made to the Foundation. The ruling by the Foundation Chair and City Counsel did not come as a result of a Committee request.

Jim Hohensee is looking into obtaining a 501c3 ruling for the Committee.

Donation of books from the Kansas City School for the Dolina Blind School; looking for ways to deliver the books.

ADJOURN

Meeting adjourned at 8:56 PM.

Richard N. Bills
Acting Secretary

**Council Members
Mark Your Calendars
July 18, 2011**

July 2011	Senior Arts Council exhibit in the R. G. Endres Gallery
July 24	Annual Water Show at the pool - 8:30 p.m.
August 2011	Cortney Christensen photography & watercolors exhibit in the R. G. Endres Gallery
August 1	City Council Meeting
August 5	Moonlight Swim at the pool
August 12	Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
August 15	City Council Meeting
August 15	Reduced hours begin at the pool
September 2011	Michael Doyle photography exhibit in the R. G. Endres Gallery
September 5	City offices closed in observance of Labor Day
September 5	Pool closes for the season - 6:00 p.m.
September 6(Tues.)	City Council Meeting
September 9	Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
September 10	JazzFest
September 19	City Council Meeting
October 2011	State of the Arts Exhibit in the R. G. Endres Gallery
October 3	City Council Meeting
October 14	Artist reception in the R. G. Endres Gallery 6:00 - 8:00 p.m.
October 17	City Council Meeting
November 2011	Greater KC Art Association mixed medium exhibit in the R. G. Endres Gallery
November 7	City Council Meeting
November 11	Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
November 21	City Council Meeting
November 24	City offices closed in observance of Thanksgiving
November 25	City offices closed in observance of Thanksgiving
December 2011	Richard Joslin watercolor exhibit in the R. G. Endres Gallery
December 5	City Council Meeting
December 9	Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
December 19	City Council Meeting
December 26	City offices closed in observance of Christmas