

# CITY OF PRAIRIE VILLAGE

**December 5, 2011**

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



**COUNCIL COMMITTEE  
December 5, 2011  
6:00 P.M.  
Council Chambers**

**AGENDA**

**DALE BECKERMAN, COUNCIL PRESIDENT**

**AGENDA ITEMS FOR DISCUSSION**

COU2011-58 Consider approval of the 2012 Joint City/County Legislative Agenda  
Chris Engel

COU2011-59 Consider Project Design Agreement with Affinis Corporation for the  
design of the 2011 Bond Project, the 2012 Paving Program and the 2012  
CARS Project.  
Keith Bredehoeft

Discussion regarding parks funding and special sales tax initiative

Report from the neighborhood event committee and discussion  
Michael Kelly & Andrew Wang

Executive Session

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



## ADMINISTRATION DEPARTMENT

Council Committee Date: December 5, 2011

**COU2011-58: Consider approval of 2012 Joint City/County Legislative Platform**

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### **RECOMMENDATION**

Staff recommends City Council adopt the 2012 Joint City/County Legislative Platform.

### **BACKGROUND**

Every year the Council develops and adopts a legislative program that establishes the City's legislative priorities for the upcoming session. The last few years the Council has adopted a joint City/County platform to assert our common positions with all of our state representatives. The County is requesting this practice continue and hosted a meeting in October with area managers. At that meeting the following changes to the 2011 Joint Platform were discussed and recommended:

Tax Policy - new in 2012 - statement opposing additional exemptions, continued funding of existing programs, opposition to a sales tax on professional services or any tax that would threaten our competitiveness with Missouri.

KPERS Funding - same as 2011 - updated language urging the State to carefully consider a variety of options to ensure the current unfunded actuarial liability can be paid.

Official Publications on Internet - new in 2012 - statement supporting the option of publishing some official publications on the city website instead of paying to publish everything in print.

In addition, the following items were removed because they are considered either nonstarter issues this session or resulted in successful legislation during the 2011 legislative session: Local Option for Public Employee Relations Act, 911 Funding Authorizations, Community Improvement Districts, Burden of Proof in Appraisal Hearings.

### **ATTACHMENTS**

Draft 2012 Joint County/City Legislative Platform, Prairie Village 2011 Legislative Platform

### **PREPARED BY**

Chris Engel  
Assistant to the City Administrator  
Date: November 30, 2011

# **JOINT 2012 COUNTY/CITY LEGISLATIVE PLATFORM DRAFT**

Johnson County is a community of communities. Representatives of County and Municipal government within Johnson County met and agreed that the following issues are mutually important to their respective interests.

## **TAX POLICY**

We oppose any further exemptions to the ad valorem property tax base or the state/local sales tax base. We support a thorough and comprehensive review of all exemptions and repeal of those exemptions that would not merit a state appropriation. Exemptions only shift the burden of financing vital services to an increasingly narrow tax base. Additionally, we do not support changes in State taxation policy that would significantly reduce available funding for key programs, put the City at a competitive sales tax disadvantage with Missouri, or impose a sales tax on professional services.

## **KPERS FUNDING**

We support achieving a fully-funded public employee's retirement system within a reasonable period of time. The local KPERS system should be separate from the state and school retirement system. The system should accumulate sufficient assets during members' working lifetimes to pay all promised benefits when members retire. The State should carefully consider providing additional retirement options such as defined contribution plans or hybrid plans to ensure employee retention does not suffer and the current unfunded actuarial liability is paid. Specifically, a defined benefit option should continue to be available for public employees.

## **STATUTORY PASS-THROUGH FUNDING**

We call for the preservation of local government revenues which pass through the State of Kansas's treasury. These funds come from a longstanding partnership between local governments and the State, and are generated via economic activity at the local level. Both alcoholic liquor tax funds and the local portion of motor fuels taxes should not be withheld from local governments and siphoned into the State General Fund. Local governments in recent years have had to cope with the legislature not funding LAVTRF demand transfers and the machinery & equipment property tax "slider," and should not be forced to further aid in balancing the State's budget.

## **OFFICIAL PUBLICATIONS ON INTERNET**

We support amending current statutes to allow cities and counties the option of publishing the following items on official city or county websites in lieu of publication in the official newspaper: financial statements, tax delinquencies, ordinances, resolutions, treasurer's quarterly report and notices of public hearings (budget, city council, planning commission, board of zoning appeals, etc.).

## **MAINTAIN LOCAL CONTROL OF REVENUE AND SPENDING**

Recognizing that communities are best served and citizens' values and standards are best reflected when local control of taxing and spending is maximized, we oppose any state imposition of tax or spending lids which place limits on how much revenue a local government can raise or spend from year to year.

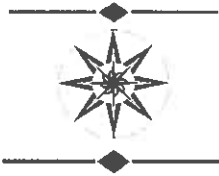
## **KANSAS OPEN RECORDS AND OPEN MEETINGS ACT**

We believe that an open government is essential to building public confidence. However, we recognize that in some circumstances the public interest is better served by preventing the disclosure of sensitive information. We support the retention of the exceptions in the Kansas Open Records Act and the permitted subject matters for executive sessions contained in the Open Meetings Act currently found in the law.

## **COMPREHENSIVE TRANSPORTATION PLAN**

Recognizing it is critical to maintain Kansas infrastructure, we urge the Legislature to follow through on the commitments in the 2010 transportation plan. We recognize the current funding level is far from adequate to address ongoing statewide infrastructure funding needs. As such, it should be allocated strategically to ensure there is an identifiable long-term return on investment for the entire state. Investing in growth areas is critical to creating a sustainable revenue stream that will address statewide infrastructure needs.

**City of Prairie Village  
Johnson County**



**2011 Legislative Priorities**

**COMPREHENSIVE TRANSPORTATION PLAN**

Recognizing it is critical to maintain Kansas infrastructure, we support continued investment in the new Comprehensive Transportation Program known as T-WORKS. We recognize the current funding level is far from adequate to address ongoing statewide infrastructure funding needs. As such, it should be allocated strategically to ensure there is an identifiable long-term return on investment for the entire state.

**KANSAS OPEN RECORDS AND OPEN MEETINGS ACT**

We believe that an open government is essential to building public confidence. However, we recognize that in some circumstances the public interest is better served by preventing the disclosure of sensitive information. We support the retention of the exceptions in the Kansas Open Records Act and the permitted subject matters for executive sessions contained in the Open Meetings Act currently found in the law.

**LOCAL OPTION FOR PUBLIC EMPLOYER-EMPLOYEE RELATIONS ACT**

Because local governments should remain empowered to decide collective bargaining issues based upon local conditions, circumstances, needs, values, and the desires of local taxpayers, we oppose the removal or preemption of the local option provision from the Public Employer-Employee Relations Act (PEERA).

**STATUTORY PASS-THROUGH FUNDING**

We call for the preservation of local government revenues which pass through the State of Kansas's treasury. These funds come from a longstanding partnership between local governments and the State, and are generated via economic activity at the local level. Both alcoholic liquor tax funds and the local portion of motor fuels taxes should not be withheld from local governments and siphoned into the State General Fund. Local governments in recent years have had to cope with the legislature not funding LAVTRF demand transfers and the machinery & equipment property tax "slider," and should not be forced to further aid in balancing the State's budget.

**PROVIDE FOR APPROPRIATE 911 FUNDING AUTHORIZATIONS**

We urge the 2011 Legislature to permanently resolve the issue of a stable, long-term funding source and administrative structure to ensure adequate state-wide E911 service. We seek appropriate funding mechanisms to provide for continuation of Enhanced 9-1-1 services and for the implementation of Next Generation 911 services that will modernize 911 systems and meet future federal requirements for equal access to 911 services. Existing 1970's era analog based 911 systems will be replaced in the next several years with digital Internet Protocol based 911 systems that can receive text messages, photos, video and other digital communications from citizens. The ongoing evolution of commercial communications technologies and devices will require local governments to modernize their 911 and public safety communications systems in order to effectively provide effective 911 services. Providing for appropriate 911 funding mechanisms are essential to meet that service goal.

**KPERS FUNDING**

We support achieving a fully-funded public employees retirement system within a reasonable period of time. The local KPERS system should be separate from the state and school retirement system. The system should accumulate sufficient assets during members' working lifetimes to pay all promised benefits when members retire.

**COMMUNITY IMPROVEMENT DISTRICTS**

We support amendments to the new Community Improvement District (CID) Act to correct inconsistencies and clarify procedural requirements. The Legislature created a new financing mechanism in 2009, allowing cities and counties to create Community Improvement Districts (CIDs) to more easily work with developers to encourage development and redevelopment. In utilizing this new tool it has become apparent that clarification of the law is needed regarding certain procedural requirements and that some inconsistencies in the law need to be corrected. These amendments will enable cities and counties to use CIDs to benefit their communities.

**SHIFTING BURDEN OF PROOF IN APPRAISAL HEARINGS**

The current statute, K.S.A. 79-1609, shifts the burden of proof for leased commercial property owners when they present three years income and expense information to the county appraiser at the various stages in the hearing process. We request a change in law that this would only occur if they presented the information at the informal level. This should resolve valuation cases earlier in the hearing process.

**MAINTAIN LOCAL CONTROL OF REVENUE AND SPENDING**

Recognizing that communities are best served and citizens' values and standards are best reflected when local control of taxing and spending is maximized, we oppose any state imposition of tax or spending lids which place limits on how much revenue a local government can raise or spend from year to year.



## PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: December 5, 2011  
Council Meeting Date: December 19, 2011

**COU2011-59: CONSIDER PROJECT DESIGN AGREEMENT WITH AFFINIS CORPORATION FOR THE DESIGN OF THE 2011 BOND PROJECT, THE 2012 PAVING PROGRAM, AND THE 2012 CARS PROJECT.**

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### RECOMMENDATION

Move to approve the design agreement with Affinis Corporation for the design of the 2011 Bond Project, the 2012 Paving Program, and the 2012 CARS Project in the amount of \$251,410.00.

### BACKGROUND

Affinis Corporation is the City's current design consultant and this agreement is for the design of the 2011 Bond Project, the 2012 Paving program, and the 2012 CARS Project. Affinis has recently performed design for our 2010 and 2011 projects. Affinis has performed very well and with the addition of the 2011 Bond Project and the timeframes associated with it having their familiarity with our process will be advantageous. Their hourly rates are being held at their previous contract levels. Next year we will again request proposals for our design consultant.

Budgeted costs for the above projects is as follows-

2011 Bond Project-	\$3,600,000
2012 Paving Program-	\$1,240,000
2012 CARS Project-	\$1,047,000
Total-	\$5,887,000

The 2012 Paving Program and the 2012 CARS Project are a part of the approved 2012 CIP. The 2011 Bond Project was recently approved by Council and will allow for an additional \$3,600,000 to be spent on streets beginning in 2012.

Exhibit A in the contract lists the street locations included in these three projects.

Construction is anticipated to begin in late Spring 2012.

### FUNDING SOURCE

Funds for this design contract is available in the 2011 Bond Project, the 2012 Paving Program, and the 2012 CARS project.

## RELATED TO VILLAGE VISION

- CFS3a. Ensure streets and sidewalks are in good condition by conducting maintenance and repairs as needed.*
- TR1a. Provide sidewalks in new and existing areas to allow for continuous pedestrian movement around Prairie Village.*
- TR1b. Ensure that infrastructure improvements meet the needs of all transportation users.*

## ATTACHMENTS

1. Design Agreement with Affinis

## PREPARED BY

Keith Bredehoeft, Project Manager

December 1, 2011

**AGREEMENT FOR PROFESSIONAL ENGINEER**

**For**

**DESIGN SERVICES**

**Of**

**PROJECT BOND0002- 2011 BOND PROJECT  
PROJECT PAVP2012- 2012 PAVING PROGRAM  
PROJECT SODR0002- 2012 CARS PROJECT**

***THIS AGREEMENT***, made at the Prairie Village, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, by and between the City of Prairie Village, Kansas, a municipal corporation with offices at 7700 Mission Road, Prairie Village, Kansas, 66208, hereinafter called the "City", and Affinis Corp, a corporation with offices at 7401 West 129<sup>th</sup> Street, Suite 110 Overland Park, KS, 66213 hereinafter called the "Consultant".

***WITNESSED, THAT WHEREAS***, City has determined a need to retain a professional engineering firm to provide civil engineering services for the Design of the 2011 Bond Project, the 2012 Paving Program, and the 2012 CARS Project hereinafter called the "Project",

***AND WHEREAS***, the City is authorized and empowered to contract with the Consultant for the necessary consulting services for the Project,

***AND WHEREAS***, the City has the necessary funds for payment of such services,

***NOW THEREFORE***, the City hereby hires and employs the Consultant as set forth in this Agreement effective the date first written above.

**1. CITY RESPONSIBILITIES**

- 1.1. The City has designated the Project Manager, Keith Bredehoeft, to act as the representative for the City with respect to the services to be performed or furnished by the Consultant under this Agreement. This person shall have the authority to transmit instructions, receive information, interpret and define the City policies with respect to the Consultant's services for this Project.
- 1.2. The City shall make available to the Consultant all existing data and records relevant to the Project such as, maps, plans, correspondence files and other information possessed by the City that is relevant to the Project. Consultant shall not be responsible for verifying or ensuring the accuracy of any information or content supplied by City or any other Project participant unless specifically defined by the scope of work, nor ensuring that such information or content does not violate or infringe any law or other third party rights. However, Consultant shall promptly advise the City, in writing, of any inaccuracies in the information provided or any other violation or infringement of any law or third party rights that Consultant observes. City shall indemnify Consultant for any infringement claims resulting from Consultant's use of such content, materials or documents.
- 1.3. The City shall review for approval all criteria, design elements and documents as to the City requirements for the Project, including objectives, constraints, performance requirements and budget limitations.
- 1.4. The City shall provide copies of all existing standard details and documentation for use by the Consultant for the project.



- 1.5. The City shall diligently review all submittals presented by the Consultant.
- 1.6. The City has funded the 2011 Bond Project with this proposed list of streets:
  - 1.6.1. Fonticello Street (67<sup>th</sup> Street to 71<sup>st</sup> Street) - full reconstruction
  - 1.6.2. Rosewood Drive (87<sup>th</sup> Street to Somerset Drive) - mill & overlay with concrete repair
  - 1.6.3. Linden Lane (83<sup>rd</sup> Terrace to 85<sup>th</sup> Street) - mill & overlay with concrete repair
  - 1.6.4. 68<sup>th</sup> Street (Roe Avenue to Fonticello Street) - mill & overlay with concrete replacement
  - 1.6.5. 64<sup>th</sup> Street (Delmar Drive to Granada Drive) - mill & overlay with concrete repair
  - 1.6.6. 78<sup>th</sup> Street (Nall Avenue to Tomahawk Road) - mill & overlay with concrete repair
  - 1.6.7. Outlook Drive (Reeds Street to 81<sup>st</sup> Street) - full reconstruction
  - 1.6.8. 64<sup>th</sup> Street (Hodges Drive to 64<sup>th</sup> Terrace) - mill & overlay with concrete repair
  - 1.6.9. 72<sup>nd</sup> Terrace (Mission Road to Village Drive) - mill & overlay with concrete repair
  - 1.6.10. 76<sup>th</sup> Street (Roe Avenue to Briar Street) - mill & overlay with concrete repair
  - 1.6.11. 84<sup>th</sup> Street (Fontana Road to Roe Avenue) - full reconstruction
  - 1.6.12. 90<sup>th</sup> Street (Delmar Road to Roe Avenue) - mill & overlay with concrete replacement
  - 1.6.13. 78<sup>th</sup> Street (Roe Avenue to Juniper Drive) - mill & overlay with concrete replacement
  - 1.6.14. 72<sup>nd</sup> Street (71<sup>st</sup> Terrace to Cherokee Drive) - mill & overlay with concrete repair
  - 1.6.15. 73<sup>rd</sup> Terrace (Falmouth Drive to Windsor Drive) - mill & overlay with concrete repair
  - 1.6.16. 66<sup>th</sup> Terrace (66<sup>th</sup> Street to Roe Avenue) - mill & overlay with concrete repair
  - 1.6.17. Pawnee Street (75<sup>th</sup> Street to 77<sup>th</sup> Street) - full reconstruction
  - 1.6.18. 93<sup>rd</sup> Street (Mission Road to Delmar Road) - mill & overlay with concrete replacement
  - 1.6.19. 70<sup>th</sup> Terrace (Fonticello Street to Nall Avenue) - mill & overlay with concrete replacement
  - 1.6.20. 78<sup>th</sup> Street (Fontana Road to Roe Avenue) - mill & overlay with concrete repair
  - 1.6.21. Canterbury Drive (Windsor Street to 74<sup>th</sup> Terrace) - mill & overlay with concrete repair
- 1.7. The City has funded the 2012 Paving Project with this proposed list of streets:
  - 1.7.1. Reeds Street (79<sup>th</sup> Street to 81<sup>st</sup> Street) - mill & overlay with concrete repair
  - 1.7.2. 69<sup>th</sup> Terrace (Fonticello Street to Nall Avenue) - - mill & overlay with concrete replacement
  - 1.7.3. 81<sup>st</sup> Street (Somerset Drive to Canterbury Street) - mill & overlay with concrete repair
  - 1.7.4. Linden Drive (Cul-De-Sac) - full reconstruction
- 1.8. The City has funded the 2012 CARS Project with this street:
  - 1.8.1. Somerset Drive (Nall Avenue to Roe Avenue) - mill & overlay with concrete repair.

## **2. CONSULTANT RESPONSIBILITIES**

- 2.1. The Consultant shall either perform for or furnish to the City professional civil engineering services and related services in all phases of the Project to which this Agreement applies as hereinafter provided.
- 2.2. The Consultant shall serve as the prime professional Consultant for the City on this Project
- 2.3. The standard of care for all professional consulting services and related services either performed for or furnished by the Consultant under this Agreement will be the care and skill ordinarily used by members of the Consultant's profession, practicing under similar conditions at the same time and in the same locality.
- 2.4. Designate a person to act as the Consultant's representative with respect to the services to be performed or furnished by the Consultant under this Agreement. Such person shall have authority to transmit instructions, receive information, and make decisions with respect to the Consultant's services for the Project.

### **3. SCOPE OF SERVICES**

3.1. Upon receipt of notice to proceed from the City, the Consultant shall provide all consulting services related to this project including, but not limited to, these phases and tasks. The scope is generally defined below and in more details in Exhibit A.

#### **3.2. Preliminary Design Phase:**

3.2.1. Schedule and attend one startup meeting with City to confirm project goals, schedule, budget and expectations. Review the list of work locations with applicable priorities as provided by the City. Review any criteria changes in the program.

3.2.2. Review with City staff, the list of issues based on service requests, work orders, permits issued, Public Works staff experiences, available plans, previous studies, and pertinent information regarding the Project.

3.2.3. Schedule and attend utility coordination meeting. Identify all utilities that may be affected by the project and make contact with the utility to determine the facilities involved.

3.2.4. Conduct field reconnaissance to evaluate and identify:

3.2.4.1. Design issues.

3.2.4.2. Identify existing drainage components in project area (location, size, material, capacity, storm design adequacy and condition).

3.2.4.3. Need for drainage improvements.

3.2.4.4. Need for full depth pavement repairs.

3.2.4.5. Need for sidewalk replacement.

3.2.4.6. Location for new sidewalk.

3.2.4.7. Need for curb and gutter replacement.

3.2.4.8. Need for and limits of driveway replacement.

3.2.4.9. Need for which type of ADA ramps.

3.2.4.10. Utility locations and conflicts.

3.2.4.11. Tree conflicts.

3.2.5. Perform topographic survey of identified project locations, as listed in exhibit A. Determine existing pavement elevations every 50 feet parallel to center line at the center line, gutter, at gutter elevation at center of ADA ramp and property line, and 12 feet perpendicular to center line for evaluating cross slope and profile.

3.2.6. Gather aerial and topographic data from Johnson County AIMS mapping for all project locations.

3.2.7. Determine drainage improvements after consultation with City.

3.2.8. Record location of existing traffic markings and review for compliance with MUTCD and City standards.

3.2.9. Identify location of bench marks and section markers.

3.2.10. Prepare preliminary construction plans (60%).

3.2.11. Prepare a project title sheet.

3.2.12. Prepare general site plan showing and identifying surface features such as street right-of-way, edge of pavement, sidewalks, driveways, boring locations, trees, house outline, address, owner name based on latest AIMS coverage data, irrigation systems, known electronic dog fences and any other pertinent surface feature.

- 3.2.13. Prepare plan sheets for street improvements showing all utility, including drainage, sanitary sewer, water, gas, electric, telephone, traffic signals, and street lights, as well as all conflicts and test pits. Profiles will be provided for streets when a topographic survey is performed as listed in Exhibit A.
- 3.2.14. Prepare typical sections.
- 3.2.15. Prepare cross sections for streets with a detailed topographic survey. Cross-sections are for information only and will not be included in the bid documents.
- 3.2.16. Prepare a detail plan showing City details drawings and other special details pertinent to the project.
- 3.2.17. Prepare a traffic control plan showing temporary and permanent traffic control measures per MUTCD for various phases of construction.
- 3.2.18. Prepare an erosion and sediment control plan showing all areas to be controlled during construction.
- 3.2.19. Present one set (one full size and one half size) of preliminary (60% completion) construction plans for City review that include:
  - 3.2.19.1. Cover sheet
  - 3.2.19.2. Typical sections
  - 3.2.19.3. Plan and profile for streets to be reconstructed. Profiles will only be provided in areas where a topographic survey has been performed.
  - 3.2.19.4. Plan for streets to be milled and overlaid.
  - 3.2.19.5. Plan and profile for drainage improvements.
  - 3.2.19.6. Plan and profile for new sidewalk construction. Profiles will only be provided in areas where a topographic survey has been performed.
- 3.2.20. Present one set (half size) of preliminary plans to appropriate governmental agencies and utility companies requesting comments and verification of potential conflicts.
- 3.2.21. Conduct a field check with City.
- 3.2.22. Participate in one public meeting for the CARS Project to present project specifics.
- 3.2.23. Present a detailed opinion of probable construction cost of City defined construction pay items with quantities and current unit costs. Add to the total construction cost, a contingency of 15 percent.
- 3.2.24. Attend and prepare minutes of project meetings (3) and disperse the minutes to City representative and all other attendees within five working days.
- 3.2.25. Provide one hard copy and electronic copy of any report or drawing. Provide files of the plans or drawings in PDF Format.

### **3.3. Final Design Phase**

- 3.3.1. Prepare final design documents base of review and comments from City and other review agencies of the preliminary plans.
- 3.3.2. Present final project manual for City review.
- 3.3.3. Present one half size set of final design plans and specifications for City review.

- 3.3.4. Submit one half-size set of final plans and specifications to other appropriate governmental agencies and utility companies with identification of significant changes to preliminary design plans.
- 3.3.5. Schedule and attend up to three (3) utility coordination meetings. Request utility comments, coordinate planned relocations among agencies and verify relocation/adjustment schedule.
- 3.3.6. Prepare a final opinion of probable construction cost.
- 3.3.7. Prepare one bid package using the City's standard documents for the Bond, Street Paving and CARS.
- 3.3.8. Attend and prepare minutes of project meetings (2) and disperse to City representative and all other attendees within five working days.
- 3.3.9. Provide one hard copy and electronic copy of any report or plans. Provide files of the plans in PDF Format.

#### **3.4. Bidding Phase**

- 3.4.1. Provide the City a notice of bid for publication.
- 3.4.2. Post advertisement for bid on electronic plan room (Drexel Technologies) and provide bid documents for reproduction.
- 3.4.3. Via electronic plan room provide all bid documents for potential bidders to purchase.
- 3.4.4. Provide all utilities with bid set of plans and request attendance at pre-bid meeting.
- 3.4.5. Conduct a pre-bid meeting.
- 3.4.6. Prepare minutes of pre-bid meeting and disperse to City representative and all other attendees within five working days.
- 3.4.7. Prepare and distribute addenda prior to bid opening. Assist bidders with questions during bidding.
- 3.4.8. Provide to the City an Engineer's Estimate and bid tab sheet prior to the bid opening.
- 3.4.9. Attend bid opening.
- 3.4.10. Check accuracy of bids, evaluate the bidders and make a recommendation of award to the City.
- 3.4.11. Prepare five sets construction documents including bonds for execution by the contractor and the City.
- 3.4.12. Provide one hard copy and electronic copy of any report or drawings. Provide files of the plans or drawings in PDF Format.

#### **3.5. Construction Services Phase**

- 3.5.1. Prepare for attend preconstruction meeting with City and Contractor. Prepare and distribute meeting notes.
- 3.5.2. Provide periodic consultation by telephone or email to assist with construction issues.
  - 3.5.2.1. Consultation will be initiated by Client and/or Construction Representative.
  - 3.5.2.2. Consultant shall provide documentation on invoice that provides a brief description of the issue and/or activity.
  - 3.5.2.3. Any consultation resulting from a design error by the Consultant shall be excluded from this scope of work and shall be provided at the expense of the Consultant.

- 3.5.3. Review shop drawings and submittals.
- 3.5.4. Prepare plan revisions as necessitated by conditions encountered in the field during construction, with the exception of traffic control plans.
- 3.5.5. Prepare final record drawings which reflect:
  - 3.5.5.1. Minor design changes.
  - 3.5.5.2. Changes made in the field by City representatives and are marked on the construction plan set.
- 3.5.6. Submit to the City electronic CAD files and TIFF images of the revised sheets.
- 3.5.7. Attend construction progress meetings as directed/requested by the Client. Four (4) meetings are budgeted.

**4. TIME SCHEDULE**

- 4.1. The Consultant's services and compensation under this Agreement have been agreed to in anticipation of orderly and continuous progress of the Project through completion of Preliminary Design Phase, Final Design Phase, Bidding Phase and Construction Services Phase.
- 4.2. If the City fails to give prompt written authorization to proceed with any phase of services after completion of the immediately preceding phase, the Consultant shall be entitled to equitable adjustment of rates and amounts of compensations to reflect reasonable costs incurred by the Consultant as a result of the delay or changes in the various elements that comprise such rates of compensation.
- 4.3. Neither City nor Consultant shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the nonperforming party. For purposes of this Agreement, such circumstances include, but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; war, riots, and other civil disturbances; strikes, lockouts, work slowdowns, and other labor disturbances; sabotage; judicial restraint; and delay in or inability to procure permits, licenses, or authorizations from any local, state, or federal agency for any of the supplies, materials, accesses, or services required to be provided by either City or Consultant under this Agreement. Consultant shall be granted a reasonable extension of time for any delay in its performance caused by any such circumstances.
- 4.4. Should such circumstances occur, the consultant shall, within a reasonable time of being prevented from performing, give written notice to the City describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement.
- 4.5. Recognizing that time is of the essence, the Consultant proposes to complete the scope of services as specified in the Scope of Services:

Design Phase	Due by March 23, 2012
Bid Advertisement Date	April 17, 2012
Letting Date	May 11, 2012

**5. COMPENSATION**

- 5.1. The City agrees to pay the Consultant as maximum compensation as defined in Exhibit B for the scope of services the following fees:

**Preliminary Design Phase**

Bond Project	Fee \$ <u>109,900.00</u>
Street Paving Project	Fee \$ <u>15,065.00</u>
CARS Project	Fee \$ <u>17,100.00</u>
Total Maximum Fee for Preliminary Design Phase	\$ <u>142,065.00</u>

**Final Design Phase**

Bond Project	Fee \$ <u>51,600.00</u>
Street Paving Project	Fee \$ <u>5,745.00</u>
CARS Project	Fee \$ <u>5,300.00</u>
Total Maximum Fee for Final Design Phase	\$ <u>62,645.00</u>

**Bidding Phase**

Bond Project	Fee \$ <u>12,000.00</u>
Street Paving Project	Fee \$ <u>1,000.00</u>
CARS Project	Fee \$ <u>2,400.00</u>
Total Maximum Fee for Bidding Phase	\$ <u>15,400.00</u>

**Construction Services Phase**

Bond Project	Fee \$ <u>21,900.00</u>
Street Paving Project	Fee \$ <u>2,900.00</u>
CARS Project	Fee \$ <u>6,500.00</u>
Total Maximum Fee for Construction Services Phase	\$ <u>31,300.00</u>

**Total Fee** \$ 251,410.00

- 5.2. The compensation will be billed by Phase detailing the position, hours and appropriate hourly rates (which include overhead and profit) for Consultant's personnel classifications and Direct Non-Salary Costs.
- 5.3. The term "Direct Non-Salary Costs" shall include the Consultant payments in connection with the Project to other consultants, transportation, and reproduction costs. Payments will be billed to the City at actual cost. Transportation, including use of survey vehicle or automobile will be charged at the IRS rate in effect during the billing period. Reproduction work and materials will be charged at actual cost for copies submitted to the City.
- 5.4. All billings must be submitted monthly for all services rendered in the previous month. The Consultant will invoice the City on forms approved by the City. All properly prepared invoices shall be accompanied by a documented breakdown of expenses incurred. This documentation shall include personnel by job classification, hourly rate, number of hours, description of subconsultant services and detail list of Direct Non-Salary Costs.

- 5.5. The maximum fee shall not be changed unless adjusted by an Engineering Change Order mutually agreed upon by the City and the Consultant prior to incurrence of any expense. The Engineering Change Order will be for major changes in scope, time or complexity of Project.

## **6. GENERAL PROVISIONS**

- 6.1. **Opinion of Probable Cost and Schedule:** Since the Consultant has no control over the cost of labor, materials or equipment furnished by Contractors, or over competitive bidding or market conditions, the opinion of probable Project cost, construction cost or project schedules are based on the experience and best judgment of the Consultant, but the Consultant cannot and does not guarantee the costs or that actual schedules will not vary from the Consultant's projected schedules.

- 6.2. **Quantity Errors:** Negligent quantity miscalculations or omissions because of the Consultant's error shall be brought immediately to the City's attention. The Consultant shall not charge the City for the time and effort of checking and correcting the errors to the City's satisfaction.

- 6.3. **Reuse of Documents:** All documents including the plans and specifications provided or furnished by the Consultant pursuant to this Agreement are instruments of service in respect of the Project. The Consultant shall retain an ownership and property interest upon payment therefore whether or not the Project is completed. The City may make and retain copies for the use by the City and others; however, such documents are not intended or suitable for reuse by the City or others as an extension of the Project or on any other Project. Any such reuse without written approval or adaptation by the Consultant for the specific purpose intended will be at the City's sole risk and without liability to the Consultant. The City shall indemnify and hold harmless the Consultant from all claims, damages, losses and expenses including attorney's fees arising out of or resulting reuse of the documents. In a similar manner, the Consultant is prohibited from reuse or disclosing any information contained in any documents, plans or specifications relative to the Project without the expressed written permission of the City.

### **6.4 Insurance:**

- 6.4.1 The Consultant shall procure and maintain, at its expense, the following insurance coverage: (a) Workers' Compensation -- Statutory Limits, with Employer's Liability limits of \$100,000 each employee, \$500,000 policy limit; (b) Commercial General Liability for bodily injury and property damage liability claims with limits of not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate; (c) Commercial Automobile Liability for bodily injury and property damage with limits of not less than \$1,000,000 each accident for all owned, non-owned and hired automobiles; (d) errors and omissions coverage of not less than \$1,000,000. Deductibles for any of the above coverage shall not exceed \$25,000 unless approved in writing by City. In addition, Consultant agrees to require all consultants and sub-consultants to obtain and provide insurance in identical type and amounts of coverage together and to require satisfaction of all other insurance requirements provided in this Agreement.

- 6.4.2 Consultant's insurance shall be from an insurance carrier with an A.M. Best rating of A-IX or better, shall be on the GL 1986 ISO Occurrence form or such other form as may be approved by City, and shall name, by endorsement to be attached to the certificate of insurance, City, and its divisions, departments, officials, officers and employees, and other parties as specified by City as additional insureds as their interest may appear, except that the additional insured requirement shall not apply to Errors and Omissions coverage. Such endorsement shall be ISO CG2010 11/85 or equivalent. "Claims Made" and "Modified Occurrence" forms are not acceptable, except for Errors and Omissions

coverage. Each certificate of insurance shall state that such insurance will not be canceled or coverage reduced until after thirty (30) days' unqualified written notice of cancellation or reduction has been given to the City, except in the event of nonpayment of premium, in which case there shall be ten (10) days' unqualified written notice. Subrogation against City and City's Agent shall be waived. Consultant's insurance policies shall be endorsed to indicate that Consultant's insurance coverage is primary and any insurance maintained by City or City's Agent is non-contributing.

- 6.4.3 Before Consultant performs any portion of the Work, it shall provide City with certificates and endorsements evidencing the insurance required by this Article. Consultant agrees to maintain the insurance required by this Article of a minimum of three (3) years following completion of the Project and, during such entire three (3) year period, to continue to name City, City's agent, and other specified interests as additional insureds thereunder.
- 6.4.4 Coverage shall contain a waiver of subrogation in favor of the City, and its subdivisions, departments, officials, officers and employees.
- 6.4.5 If due to the Consultant's negligent act, error or omission, any required item or component of the project is omitted from the Construction documents produced by the Consultant, the Consultant's liability shall be limited to the difference between the cost of adding the item at the time of discovery of the omission and the cost had the item or component been included in the construction documents. The Consultant will be responsible for any retrofit expense, waste, any intervening increase in the cost of the component, and a presumed premium of 10% of the cost of the component furnished through a change order from a contractor to the extent caused by the negligence or breach of contract of the Consultant or its subconsultants.
- 6.5 Termination: This Agreement may be terminated by either party upon seven days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party; provided, however, the nonperforming party shall have 14 calendar days from the receipt of the termination notice to cure the failure in a manner acceptable to the other party. In any such case, the Consultant shall be paid the reasonable value of the services rendered up to the time of termination on the basis of the payment provisions of this Agreement. Copies of all completed or partially completed designs, plans and specifications prepared under this Agreement shall be delivered to the City when and if this Agreement is terminated, but it is mutually agreed by the parties that the City will use them solely in connection with this Project, except with the written consent of the Consultant (subject to the above provision regarding Reuse of Documents).
- 6.6 Termination for Convenience. The City, within its sole discretion, may elect to terminate the Agreement with the Consultant for convenience upon three (3) days written Notice to Consultant. In the event of such termination, Consultant shall cease immediately all operations and shall be compensated for all work performed as of the date of termination in accordance with the terms of payment in this contract. Consultant shall not be entitled to any anticipatory profits of other costs other than direct costs of demobilization
- 6.7 Controlling Law: This Agreement is to be governed by the laws of the State of Kansas.
- 6.8 Indemnity: To the fullest extent permitted by law, with respect to the performance of its obligations in this Agreement or implied by law, and whether performed by Consultant or any sub-consultants hired by Consultant, the Consultant agrees to indemnify City, and its agents, servants, and employees from and against any and all claims, damages, and losses arising out of personal injury, death, or property damage, caused by the negligent acts, errors, or omissions



of the Consultant or its sub-consultants, to the extent and in proportion to the comparative degree of fault of the Consultant and its sub-consultants. Consultant shall also pay for City's reasonable attorneys' fees, expert fees, and costs incurred in the defense of such a claim to the extent and in proportion to the comparative degree of fault of the Consultant and its sub-consultants.

**6.9 Severability:** Any provision or part of the Agreement held to be void or unenforceable under any law or regulation shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon the City and the Consultant, who agree that the Agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision. The provisions of this Article shall not prevent this entire Agreement from being void should a provision which is of the essence of this Agreement be determined void.

**6.10 Notices:** Any notice required under this Agreement will be in writing, addressed to the appropriate party at the address which appears on the signature page to this Agreement (as modified in writing from item to time by such party) and given personally, by registered or certified mail, return receipt requested, by facsimile or by a nationally recognized overnight courier service. All notices shall be effective upon the date of receipt.

**6.11 Successors and Assigns:**

**6.11.1** The City and the Consultant each is hereby bound and the partners, successors, executors, administrators, legal representatives and assigns of the City and the Consultant are hereby bound to the other party to this Agreement and to the partners, successors, executors, administrators, legal representatives and assigns of such other party in respect of all covenants and obligations of this Agreement.

**6.11.2** Neither the City nor the Consultant may assign, sublet, or transfer any rights under the Agreement without the written consent of the other, which consent shall not be unreasonably withheld; provided, Consultant may assign its rights to payment without Owner's consent, and except to the extent that any assignment, subletting or transfer is mandated by law or the effect of this limitation may be restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Agreement.

**6.11.3** Nothing in this Agreement shall be construed to create, impose or give rise to any duty owed by the Consultant to any Contractor, subcontractor, supplier, other person or entity or to any surety for or employee of any of them, or give any rights or benefits under this Agreement to anyone other than the City and the Consultant.

**IN WITNESS WHEREOF:** the parties hereto have executed this Agreement to be effective as of the date first above written.

**City:**

City of Prairie Village, Kansas

**By:** \_\_\_\_\_

Ronald L. Shaffer, Mayor

**Address for giving notices:**

City of Prairie Village  
7700 Mission Road  
Prairie Village, Kansas 66208

**Telephone:** 913-385-4600

**ATTEST:**

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

**Consultant:**

Affinis Corp

**By** \_\_\_\_\_

Richard A. Worrel, P.E., Principal

**Address for giving notices:**

Affinis Corp  
7401 West 129<sup>th</sup> Street, Suite 110  
Overland Park, KS 66213

**Telephone:** 913-239-1100

**APPROVED AS TO FORM BY:**

\_\_\_\_\_  
Catherine Logan, City Attorney

**EXHIBIT A**

2012 Bond, Street Paving and CARS Program List  
 Prairie Village, Kansas  
 November 29, 2011

Street Name	From	To	Length (ft)	PCI	Street Scope			Comments
					Full Reconstruction	Overlay with Full Concrete Replacement	Overlay with Concrete Repair	
<b>Bond Project Streets</b>								
FONTICELLO STREET	87TH STREET	71ST STREET	2650	48				Add sidewalk. Survey required at north end. Renew intersection drainage.
ROSEWOOD DRIVE	87TH STREET	SOMERSET DRIVE	3200	52				Full depth repair at bottom of street. Survey required for drainage.
LINDEN LANE	83RD TERRACE	85TH STREET	935	56				Add sidewalk. Possible stonewall repair at channel crossing.
84TH STREET	RDE AVENUE	FONTICELLO STREET	3300	58				Add sidewalk.
84TH STREET	DELMAR DRIVE	GRAMADA DRIVE	1140	60				Inlet replacement near Delmar.
78TH STREET	MALL AVENUE	TOMAHAWK ROAD	1790	60				
OUTLOOK DRIVE	REEDS STREET	81ST STREET	740	60				75% plans prepared. Utility coordination required.
84TH STREET	MIDDLES DRIVE	84TH TERRACE	1195	61				Add sidewalk. Possible inlet replacements.
72ND TERRACE	MISSION ROAD	VILLAGE DRIVE	1275	61				Inlet replacement.
76TH STREET	RDE AVENUE	BIRNAR STREET	1020	61				
84TH STREET	FONTANA ROAD	RDE AVENUE	410	61				
90TH STREET	DELMAR ROAD	RDE AVENUE	1000	43				New sidewalk. Coordinate for landscaping conflicts.
78TH STREET	RDE AVENUE	HUNIPER DRIVE	1150	64				Inlet replacements.
72ND STREET	71ST TERRACE	CHEWHEE DRIVE	1360	65				Inlet replacements.
73RD TERRACE	FALMOUTH DRIVE	WINDSOR STREET	395	66				
66TH TERRACE	66TH STREET	RDE AVENUE	1255	47				
PAWNEE STREET	75TH STREET	77TH STREET	1200	68				Add sidewalk. Survey required on north end.
83RD STREET	MISSION ROAD	DELMAR ROAD	1415	70				Large amount of full depth replacement.
70TH TERRACE	FONTICELLO STREET	MALL AVENUE	1285	69				Add sidewalk. Survey required on north end at commercial property.
78TH STREET	FONTANA ROAD	RDE AVENUE	565	69				
CANTERBURY DRIVE	WINDSOR STREET	74TH TERRACE	1875	70				Inlet replacements.
<b>Paving Program Streets</b>								
REEDS STREET	79TH STREET	81ST STREET	1300					
89TH TERRACE	FONTICELLO STREET	MALL AVENUE	1291					
81ST STREET	SOMERSET DRIVE	CANTERBURY DRIVE	1100					Includes Canterbury from 81st to Somerset
LINDEN STREET	CUL-DE-SAC		400					
<b>CARS Project</b>								
SOMERSET DRIVE	RDE AVENUE	MALL AVENUE	4800					Includes constructing a concrete trail on East side of Somerset.

**Street Scope Descriptions**

The following scope of services and fee estimate are based on the services described below to produce construction documents for a select number of street resurfacing or reconstruction projects as outlined by the City of Prairie Village. The list of streets is in the above spreadsheet and is described in further detail below:

**1. Mill & Overlay with concrete repair**

- a. These projects areas are anticipated to require a mill and overlay. It is also anticipated that there will be some curb and sidewalk replacement. Full depth replacement of asphalt pavement along the project at isolated locations is also anticipated and will be estimated by pavement cores and field reconnaissance. Some driveways and storm drainage components are expected to be replaced or modified based on field evaluations. Plan sheets will use aerial photography.
- b. Data collection: AIMS mapping and aerial photography from Johnson County, pavement condition index from the City, existing plats as needed from Johnson County and Affinis records.
- c. Field surveys: Replacement locations and measurements will made during field visits. Detailed topographic survey will only be at the specific locations noted. Topographic survey will include survey within the right of way and along all driveways to the garage including joint locations. Storm sewer systems will be surveyed where needed.

**2. Mill & Overlay with full concrete replacement**

- a. These projects areas are anticipated to require a mill and overlay. It is also anticipated that all curb, sidewalk, and driveway aprons will be replaced. Some storm drainage components are expected to be replaced or modified based on field evaluations. Plan sheets will use aerial photography.
- b. Data collection: AIMS mapping and aerial photography from Johnson County, pavement condition index from the City, existing plats as needed from Johnson County and Affinis records.
- c. Field surveys: Replacement locations and measurements will made during field visits. Detailed topographic survey will only be at the specific locations noted. Topographic survey will include survey within the right of way and along all driveways to the garage including joint locations. Storm sewer systems will be surveyed where needed.

**3. Full Reconstruction**

- a. These project areas are anticipated to require full reconstruction. The full reconstruction will include asphalt pavement, subgrade, sidewalk, drive aprons and curb. Some storm drainage components are expected to be replaced or modified based on field evaluations.
- b. Data collection: AIMS mapping and aerial photography from Johnson County, pavement condition index from the City, existing plats as needed from Johnson County and Affinis records. Plan sheets will use aerial photography.
- c. Field surveys: Replacement locations and measurements will made during field visits. Detailed topographic survey will only be at the specific locations noted. Topographic survey will include survey within the right of way and along all driveways to the garage including joint locations. Storm sewer systems will be surveyed where needed.



**EXHIBIT B  
PROJECT ESTIMATING SHEET**

2012 Bond, Street Paving & CARS Programs  
Prairie Village, Kansas

Revised Date: 11/28/2011

Made By: KEL/RAW

	PRINCIPAL	SR. PROJEC MANAGER	SENIOR ENGINEER	ENGINEER	SR CAD TECH	CAD TECH	ADMIN. SUPPORT	LAND SURVEYOR	SURVEY TECH.	SURVEY CREW	LABOR COSTS	OTHER DIRECT COSTS ITEM	TOTAL COST	FREE
Tasks	\$100.00	\$160.00	\$135.00	\$120.00	\$77.50	\$75.00	\$70.00	\$120.00	\$75.00	\$150.00				
<b>PRELIMINARY DESIGN PHASE</b>														
<b>FIELD WORK</b>														
Startup meeting		2		2							\$560			\$560
Review existing information				10	8						\$1,820			\$1,820
Utility coordination				12	8				4		\$2,360			\$2,360
Field Reconnaissance		30		64	64	54					\$21,490			\$21,490
Field survey (topo)				2				18	40	84	\$14,780			\$14,780
AJMS mapping					8						\$620			\$620
Storm drainage		4		24	24	12					\$8,280			\$8,280
Existing pavement markings		3				8					\$1,080			\$1,080
Horiz. & Vert. Control (Benchmarks & Sec. Corners)								10	70	20	\$4,950			\$4,950
<b>PRELIMINARY PLANS</b>														
Cover Sheet						2					\$150			\$150
Site plans				2		2					\$390			\$390
Plan/profile sheets	2	12	8	110	178	111					\$38,545			\$38,545
Typical sections		4			8	8					\$1,860			\$1,860
Details				3	12	12					\$2,190			\$2,190
Traffic control & pavement marking plan		2		4		18					\$2,150			\$2,150
Erosion Control Plans/SWPPP				4		8					\$1,080			\$1,080
Preliminary plan (50%) submittal to City					2	2					\$155			\$155
Preliminary plan (50%) submittal to Utilities				2	2		2				\$535			\$535
Field Check (All w/City)		30		96	96	48					\$27,360			\$27,360
Public Meeting (1 for CARS)		4		4	2						\$1,275			\$1,275
OPCC (~15%)		4		20	24	12					\$5,800			\$5,800
CCOA	2	12									\$2,300			\$2,300
Project Meetings (Monthly) & documentation (assume 3)		8		10	8		2				\$3,240			\$3,240
Deliverables (hard copy & PDF)					4		4				\$590			\$590
												GPS/Equipment	\$50.00	\$50
												Mileage	\$200.00	\$200
												Repro/Delivery	\$275.00	\$275
<b>PRELIMINARY DESIGN PHASE - SUBTOTAL HOURS</b>	<b>4</b>	<b>115</b>	<b>8</b>	<b>389</b>	<b>446</b>	<b>295</b>	<b>8</b>	<b>26</b>	<b>54</b>	<b>84</b>				
<b>PRELIMINARY DESIGN PHASE - SUBTOTAL FEE</b>	<b>\$760</b>	<b>\$18,400</b>	<b>\$1,080</b>	<b>\$44,280</b>	<b>\$34,565</b>	<b>\$22,125</b>	<b>\$560</b>	<b>\$2,120</b>	<b>\$4,050</b>	<b>\$12,600</b>	<b>\$141,540</b>		<b>\$825.00</b>	<b>\$142,065</b>
<b>FINAL DESIGN PHASE</b>														
<b>FINAL PLANS</b>														
Final design documents				82	120	96					\$26,340			\$26,340
Project manual		2		10			4				\$1,800			\$1,800
Final plan (80%) submittal to City					2						\$155			\$155
Final plan (80%) submittal to Utilities				4	2		4				\$915			\$915
Utility coordination & meetings (assume 3)		6		42	22			4		8	\$9,385			\$9,385
OPCC		4		14	24	18					\$5,530			\$5,530
CCOA	2	8									\$1,680			\$1,680
Prepare bid documents (all)	2	16		40	40		24				\$12,520			\$12,520
Project Meetings (Monthly) & documentation (assume 2)		6		12	12						\$3,330			\$3,330
Deliverables (hard copy & PDF)					4						\$310			\$310
												Mileage	\$200.00	\$200
												Repro/Delivery	\$500.00	\$500
<b>FINAL DESIGN PHASE - SUBTOTAL HOURS</b>	<b>4</b>	<b>42</b>	<b>0</b>	<b>204</b>	<b>228</b>	<b>114</b>	<b>32</b>	<b>4</b>	<b>0</b>	<b>8</b>				

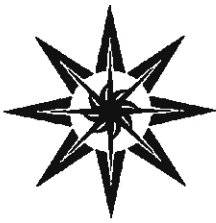


**EXHIBIT B**  
**PROJECT ESTIMATING SHEET**  
 2012 Bond, Street Paving & CARS Programs  
 Prairie Village, Kansas

Revised Date: 11/28/2011

Made By: KEU/RAW

	PRINCIPAL	SR. PROJEC MANAGER	SENIOR ENGINEER	ENGINEER	SR CAD TECH	CAD TECH	ADMIN. SUPPORT	LAND SURVEYOR	SURVEY TECH.	SURVEY CREW	LABOR COSTS	OTHER DIRECT COSTS ITEM	TOTAL FEE	
Tasks	\$190.00	\$160.00	\$135.00	\$120.00	\$77.50	\$75.00	\$70.00	\$120.00	\$75.00	\$150.00				
<b>FINAL DESIGN PHASE - SUBTOTAL FEE</b>	<b>\$760</b>	<b>\$6,720</b>	<b>\$0</b>	<b>\$24,400</b>	<b>\$17,515</b>	<b>\$8,550</b>	<b>\$2,240</b>	<b>\$480</b>	<b>\$0</b>	<b>\$1,200</b>	<b>\$81,945</b>		<b>\$700.00</b>	<b>\$62,645</b>
<b>BIDDING PHASE</b>														
Notice to bidders							1				\$70			\$70
Distribute notice to bidders							2				\$140			\$140
Provide bidding documents to printer					2						\$155			\$155
Bid plan submittal to UMkies							1				\$70			\$70
Pre-bid Meeting & documentation				4			2				\$620			\$620
Addenda & consultation	2	14		52	24		6				\$11,140			\$11,140
Engineer's estimate		2		2							\$560			\$560
Bid opening		2		2							\$560			\$560
Bid tabulation				2			4				\$520			\$520
Prepare construction contracts & documents				2			4				\$320			\$320
Deliverables (hard copy & PDF)				2	2		2				\$535			\$535
												Mileage	\$50.00	\$50
												Repro./Delivery	\$460.00	\$460
<b>BIDDING PHASE - SUBTOTAL HOURS</b>	<b>2</b>	<b>18</b>	<b>0</b>	<b>56</b>	<b>28</b>	<b>0</b>	<b>22</b>	<b>0</b>	<b>0</b>	<b>0</b>				
<b>BIDDING PHASE - SUBTOTAL FEE</b>	<b>\$350</b>	<b>\$2,880</b>	<b>\$0</b>	<b>\$7,920</b>	<b>\$2,170</b>	<b>\$0</b>	<b>\$1,540</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$14,890</b>		<b>\$510.00</b>	<b>\$15,400</b>
<b>CONSTRUCTION SERVICES PHASE</b>														
Preconstruction meeting & documentation		2		6			2				\$1,180			\$1,180
Periodic construction consultation		22		70							\$11,920			\$11,920
Shop drawing review		6		26	38						\$6,870			\$6,870
Plan revisions					24						\$1,860			\$1,860
Record drawings		4		10	54						\$6,025			\$6,025
Deliverables (hard copy & PDF)					2		2				\$295			\$295
Progress meeting (4)		8		8	4						\$2,550			\$2,550
												Mileage	\$100.00	\$100
												Repro./Delivery	\$500.00	\$500
<b>CONST. SERVICES PHASE - SUBTOTAL HOURS</b>	<b>0</b>	<b>42</b>	<b>0</b>	<b>120</b>	<b>120</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>				
<b>CONST. SERVICES PHASE - SUBTOTAL FEE</b>	<b>\$0</b>	<b>\$6,720</b>	<b>\$0</b>	<b>\$14,400</b>	<b>\$9,300</b>	<b>\$0</b>	<b>\$280</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$30,700</b>		<b>\$600.00</b>	<b>\$31,300</b>
<b>Grand Total</b>														<b>\$251,410</b>



## PARK & RECREATION COMMITTEE

Council Committee Date: November 21, 2011

**COMMITTEE ITEM:** Discussion regarding parks funding and a special sales tax initiative

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### POSSIBLE MOTION

Move the Governing Body direct staff to finalize ballot language and resolution calling for a special sales tax election.

### BACKGROUND

At the November 21, 2011 Committee of the Whole meeting staff was directed to draft language for a possible parks sales tax ballot initiative. Due to time constraints not all details were discussed at the meeting. Staff was directed to provide options to clarify the intended uses and specific details of a parks sales tax. To best facilitate the process staff believes it is appropriate to use the broadest description of uses and then Council discuss their inclusion and level of support. Legal Counsel has drafted the following ballot language:

Shall the City of Prairie Village, Kansas, be authorized to impose a new  $\frac{1}{2}$  percent (0.5%) city-wide retailers' sales tax and use the revenue from such tax to pay the costs to acquire, construct, improve, maintain and operate City parks, public green space, municipal pools and recreation facilities ("Park Projects"), and be authorized to pledge such sales tax for the payment of the principal and interest on bonds issued to pay the cost of such Park Projects, with collection to commence on April 1, 2013 **[optional: and with such retailers' sales tax to expire ten (10) years from the date it is first collected (expiration date of March 31, 2023,)]** all pursuant to K.S.A. 12-187 et seq. and other applicable state statutory provisions?

Below is a list of items that staff has interpreted as allowable under the following wording:

- Acquire - New parkland, green space, or recreation facilities.
- Construct - New amenities. Ex: Franklin Park, Weltner Park, trails, Master Plan items.
- Improve - Upgrade existing amenities. Ex: Larger shelter, wider trail, more parking.
- Maintain - Repair or rebuild existing in-place amenities. Ex: Windsor trail, tennis courts.
- Operate - General maintenance. Ex: Personnel, equipment, contract services, mowing.
- Parks - Any new or existing parkland owned or leased by the City. Ex: Harmon, Windsor
- Green space - Any right-of-way or common areas the City pays to operate or maintain including any affixed fountain or statuary. Ex: El Monte fountain, any island or statuary.
- Municipal Pools - Any new or existing municipal pools. Ex: Municipal Pool Complex
- Recreation Facilities - Any new or existing building, structure or place with the primary purpose of recreational activity. Ex: Community Center, shelter, amphitheater, restroom.

### DISCUSSION POINTS

- Percentage - What is the appropriate percentage increase of a new sales tax?  $\frac{1}{2}\%$  = \$1M in new annual revenue.

- Special vs. general - A special sales tax is for a specific purpose and requires a sunset; a general sales tax is broad in definition and does not require a sunset.
- Sunset or no sunset - A special sales tax allows up to 10 years before sunset; a general sales tax does not require a sunset but is allowable.
- Election ballot or mail-in ballot - 2012 election dates are April 3<sup>rd</sup> (March 5 deadline for placement on the ballot) and November 6 (August 31<sup>st</sup> deadline for placement on the ballot). Mail-in ballots can occur anytime but wording needs to be submitted to the County no later than 12 weeks prior. With the presidential election, primaries and local elections the JoCo Elections Office does not believe they could handle a mail-in ballot in 2012. The cost to the City of placing the question on the April 3<sup>rd</sup> or a mail-in ballot would be ~\$50k. There would be no cost to the City to place the question on the November ballot.

#### **FINANCIAL IMPACT**

A ½% increase in sales tax would generate ~\$1,000,000 in revenue annually.

#### **ATTACHMENTS**

Council Committee packet from November 21, 2011.

#### **PREPARED BY**

Chris Engel

Assistant to the City Administrator

Date: 11/29/11

Prairie Village 2009 Park & Recreation Master Plan		
OPINION OF PROBABLE COSTS SUMMARY		
3/12/2009		
ITEM	SUB-GROUPS	GROUP TOTAL
CONTINUE EXPLORATION OF COMMUNITY CENTER OPTIONS, including possible Natatorium partnership with S&SD		\$20,000,000
DEVELOP TRAIL SYSTEM (Outside Parks)		\$5,276,000
INCREASE CITY-SPONSORED RECREATION PROGRAMMING OPPORTUNITIES	NOT ESTIMATED AT THIS TIME	
DEVELOP OFF-LEASH DOG PARK (City Owned and Managed)		\$250,000
PURCHASE LAND FOR NEW PARKS	NOT ESTIMATED AT THIS TIME	
DEVELOP SCULPTURE GARDEN WITH MULTIPLE PIECES and WALKING PATHS	NOT ESTIMATED AT THIS TIME	
INTERPRET PARK SITE HISTORIES (INTERPRETIVE SIGNS AT EACH PARK)		\$40,000
DEVELOP GARDENING OPPORTUNITIES THROUGHOUT THE PARK SYSTEM	NOT ESTIMATED AT THIS TIME	
INCREASE LIGHTING IN ALL PARKS		\$200,000
<b>Individual Parks</b>		
<b>BENNETT PARK - ALL FEATURES</b>		
ADD ON-STREET PARKING, TRAIL, TRYKE TRACK, AND OTHER IMPROVEMENTS	\$65,000	\$65,000
CONSIDER EXPANSION OPPORTUNITIES IN THE FUTURE	NOT ESTIMATED AT THIS TIME	
<b>BREINZER PARK (add water feature)</b>		
		\$20,000
<b>FRANKLIN PARK - ALL FEATURES</b>		
		\$1,064,000
WIDEN PERMETER AND INTERIOR TRAIL SYSTEM (PLUS TRAIL MAPS)	\$310,000	
NATURE PLAY AREA, WITH WATER FEATURE	\$125,000	
PARKING EXPANSION - ALL OPTIONS		
MAXIMIZE PARKING ALONG ROE AVE.	\$85,000	
EXPAND EXISTING LOT TO WEST ONE BAY (ADD 9 STALLS)	\$17,000	
ADD NEW LOT TO WEST SIDE @ 87th & SOMERSET (ADD 4-20 STALLS)	\$62,000	
SHELTER, RESTROOM, AND GAZEBO	\$350,000	
BALL FIELD ADJUSTMENT AND IMPROVEMENT	\$75,000	
<b>HARMON/SANTA FE PARKS - ALL FEATURES</b>		
		\$6,525,000
PERMETER AND INTERIOR TRAIL SYSTEM (PLUS TRAIL MAPS)	\$368,000	
DESTINATION PLAY AREA AND SANTA FE TRAIL, PRAIRIE RESTORATION	\$775,000	
INCLUDES REVISED DRIVES AND PARKING, PLUS NEW PRACTICE COURTS		
AMPHITHEATER (includes electrical upgrades for lighting and sound system power)	\$488,000	
GROUP 1 - EXPAND/IMPROVE OUTDOOR POOL COMPLEX		
FLO-RIDER	\$1,800,000	
NEW CONCESSIONS/RESTROOMS BUILDING(S) Cost potentially absorbed by Community Center	\$508,000	
GROUP 2 - Select One		
LAZY RIVER	\$908,000	
SPRAY PAD/SKATE RINK	\$150,000	Not in Total
CENTRE COURT TENNIS FACILITY	\$90,000	Not in Total
COMBINE SPRAY PAD/SKATE RINK AND 'CENTRE' COURT	\$220,000	Not in Total
COMBINE SPRAY PAD/SKATE RINK AND LAZY RIVER	\$750,000	Not in Total
GROUP 3 - Select One		
NEW OUTDOOR 50-METER POOL	\$2,300,000	
NEW INDOOR/OUTDOOR 50-METER POOL (Assumes no Community Center facility is constructed)	\$7,000,000	Not in Total
CLIMBING WALLS NEAR SKATE PARK	\$180,000	
NINE-HOLE DISC GOLF COURSE IN HARMON PARK	\$15,000	
'CRAFT SHACK' - ASSOCIATED WITH DESTINATION PLAY AREA	\$15,000	
<b>McCRUM PARK - ALL FEATURES</b>		
		\$420,000
NEW PLAY EQUIPMENT, SMALL SPRAY PAD, SMALL SHELTER, TRAIL, TRYKE TRACK	\$330,000	
ADD ON-STREET PARALLEL PARKING ON 70th St. AND MID-BLOCK CROSSING SIGNAL ON ROE AVE.	\$90,000	
CONSIDER EXPANSION OPPORTUNITIES IN THE FUTURE	NOT ESTIMATED AT THIS TIME	
<b>MEADOW LAKE PARK - ALL FEATURES</b>		
		\$365,000
WIDEN, EXPAND PERMETER TRAIL	\$115,000	
NEW PLAY EQUIPMENT AND NATURE PLAY, RENOVATE AREA, REMOVE LARGE BAND "BOX"	\$185,000	
PRACTICE FIELD IMPROVEMENTS	\$65,000	
<b>PORTER PARK</b>		
		\$406,000
WIDEN PERMETER AND INTERIOR TRAIL SYSTEM	\$225,000	
NATURE PLAY AREA AND EXPAND PLAY AREA SHELTER	\$118,000	
PARKING EXPANSION - ADD ON-STREET PARKING ALONG ROE AVE.	\$40,000	
IMPROVEMENTS TO EXISTING FEATURES - DRAINAGE PROBLEM AREAS, WEST SHELTER SWINGS	\$25,000	
<b>PRAIRIE PARK - ALL FEATURES</b>		
		\$6,000
MINOR ADJUSTMENT TO ALLOW ADDITION OF SWINGS TO PLAY AREA	\$6,000	
CONSIDER EXPANSION OPPORTUNITIES IN THE FUTURE	NOT ESTIMATED AT THIS TIME	
<b>SCHLIFFIE PARK - REMOVE PARKING, CONSTRUCT TRAIL SEGMENT AND BRUSH CREEK OVERLOOK</b>		
		\$175,000
<b>WELTHER PARK (STATE LINE) - ALL FEATURES</b>		
		\$870,000
RE-ALIGN CAMBRIDGE STREET, CONNECT HALVES	\$680,000	
ADD PERMETER TRAIL, SHELTER, AND PLAY AREA	\$270,000	
<b>WINDSOR PARK - ALL FEATURES</b>		
		\$520,000
WIDEN PERMETER AND INTERIOR TRAIL SYSTEM, CONNECTION TO THE VILLAGE, AND ENHANCE ENTRY	\$278,000	
ADD NATURE PLAY AREA, SHADE OVER EXISTING PLAY EQUIPMENT, REPLACE SHELTER	\$250,000	
<b>TOTAL PROBABLE PROJECT COST (in 2009 dollars)</b>		<b>\$36,202,000</b>



## Park CIP from 1999 to 2011 - Actuals and Estimates

YEAR	PARK	POOL	TENNIS	GRAND TOTAL
1999	\$114,761	\$4,132,910		\$4,247,671
2000	\$51,226			\$51,226
2001	\$7,361	\$15,670		\$23,031
2002	\$46,978			\$46,978
2003	\$149,450	\$21,840		\$171,290
2004	\$317,537	\$21,484		\$339,021
2005	\$95,053		\$128,220	\$223,273
2006	\$60,524		\$49,854	\$110,378
2007	\$93,637			\$93,637
2008	\$63,140			\$63,140
2009 Est.	\$138,397	\$43,398		\$181,795
2010 Est.	\$1,060,364	\$48,019		\$1,108,383
2011 Est.	\$450,862	\$6,316		\$457,178
<b>Grand Total</b>	<b>\$2,649,291</b>	<b>\$4,289,636</b>	<b>\$178,074</b>	<b>\$7,117,001</b>

Uncompleted Projects: (estimated costs are used instead of actuals)

2009 - Weltner Park ID Signs

2010 - Community Center Feasibility Study

2011- Weltner Park, Tomahawk Trail

**City of Prairie Village  
Summary of Parks Operating Expenditures 2009-2010**

**Parks and Grounds Maintenance**

<b>Expenditures</b>	<b>2009</b>	<b>2010</b>
Personal Services	\$381,674	\$381,884
Contract Services	\$302,812	\$219,433
Commodities	\$28,302	\$87,242
<b>Total Operating Cost</b>	<b>\$712,788</b>	<b>\$688,559</b>

Capital costs included in operating budget:     \$20,068     \$86,784

- \* Parks & Grounds Program includes costs to maintain, repair and replace park equipment, 65 acres of park, city islands, fountains, park shelters and public trees.
- \* Prior to 2009, the Parks & Grounds Program was titled Buildings & Grounds and also included costs for maintenance of city buildings, tennis courts & swimming pool.

**Tennis Operation and Maintenance**

<b>Expenditures</b>	<b>2009</b>	<b>2010</b>
Personal Services	\$0	\$0 *
Contract Services	\$23,056	\$5,961
Commodities	\$689	\$1,462
<b>Total Operating Cost</b>	<b>\$23,745</b>	<b>\$7,423</b>

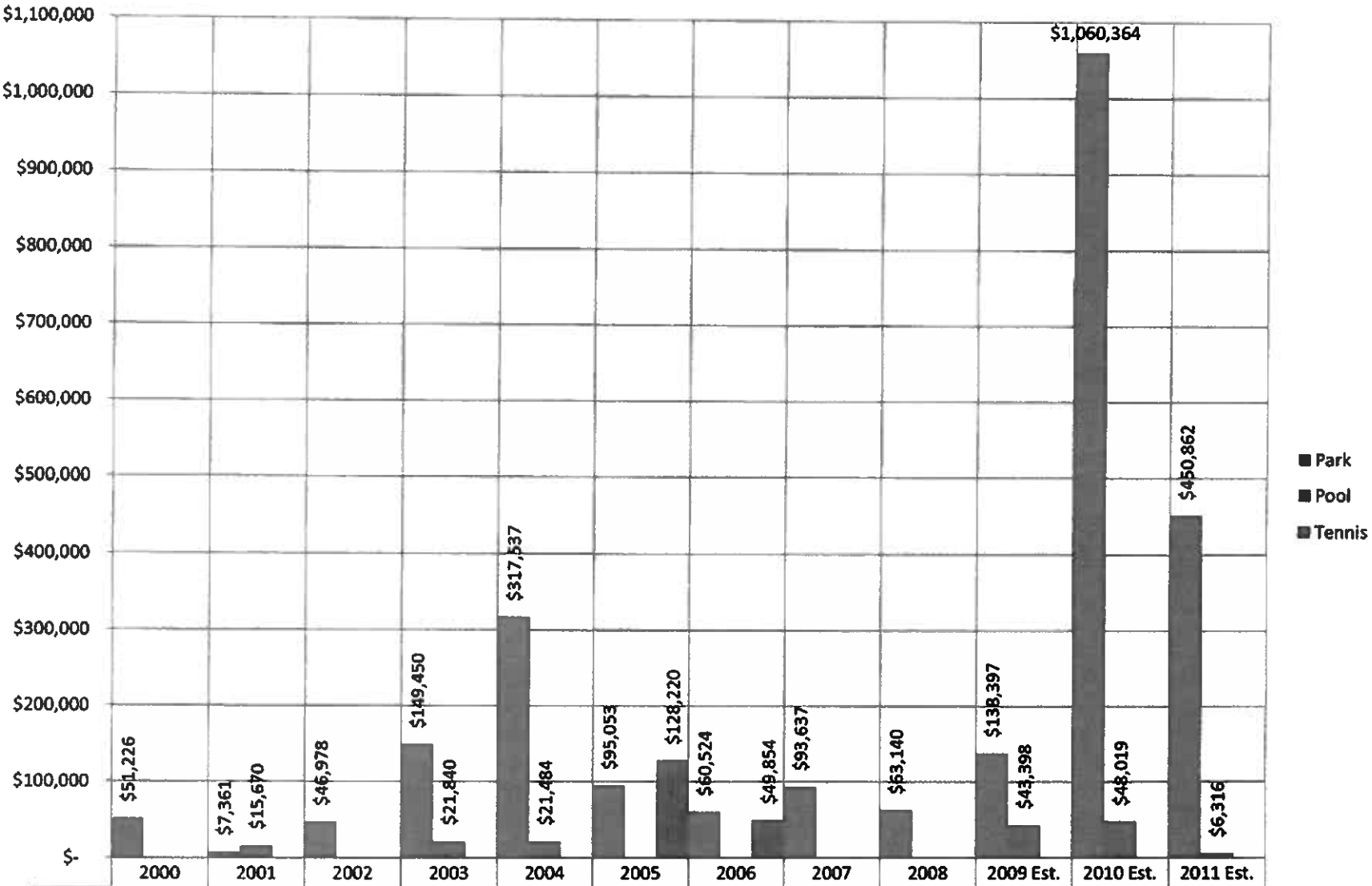
\* Personal Services does NOT include Public Works employee costs.

**Swimming Pool Maintenance**

<b>Expenditures</b>	<b>2009</b>	<b>2010</b>
Personal Services	\$0	\$0 *
Contract Services	\$105,981	\$127,895
Commodities	\$38,940	\$37,618
<b>Total Operating Cost</b>	<b>\$144,921</b>	<b>\$165,513</b>

\* Personal Services does NOT include Public Works employee costs.

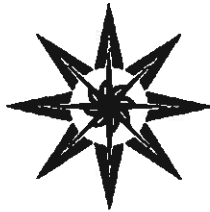
### Park CIP from 2000 to 2011



	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009 Est.	2010 Est.	2011 Est.
■ Park	\$51,226	\$7,361	\$46,978	\$149,450	\$317,537	\$95,053	\$60,524	\$93,637	\$63,140	\$138,397	\$1,060,3	\$450,862
■ Pool		\$15,670		\$21,840	\$21,484					\$43,398	\$48,019	\$6,316
■ Tennis						\$128,220	\$49,854					

### Park CIP from 1999 to 2011

PROJECT #	PROJECT TYPE	PROJECT DESCRIPTION	ACTUAL	ESTIMATE REMAINING	START YEAR	COMPLETE	NOTES
			TO DATE 11/10/11				
190601	Park	Park Improvements-Bennett Park	\$ 4,530		1999	Yes	
190602	Park	Park Improvements-Franklin Park	\$ 60,442		1999	Yes	
190603	Park	Park Improvements-Harmon Park	\$ 10,061		1999	Yes	
190604	Park	Park Improvements-McCrum Park	\$ 5,246		1999	Yes	
190605	Park	Park Improvements-Meadowlake Park	\$ 5,697		1999	Yes	
190606	Park	Park Improvements-Porter Park	\$ 2,654		1999	Yes	
190607	Park	Park Improvements-State Line Park	\$ 19,502		1999	Yes	
190608	Park	Park Improvements- Windsor Park	\$ 6,629		1999	Yes	
190609	Pool	Swimming Pool Construction	\$ 4,132,910		1999	Yes	
190610	Park	Windsor Park	\$ 12,040		2000	Yes	Received \$4,000 in grant funds
190611	Park	Prairie Park Design	\$ 28,999		2000	Yes	
190613	Park	Brenizer Park	\$ 9,440		2000	Yes	
190615	Park	Park Turf and Trees	\$ 747		2000	Yes	
190617	Pool	Pool Shades	\$ 15,670		2001	Yes	
190618	Park	Special Park Projects	\$ 512		2001	Yes	
190619	Park	Meadowlake Pavilion Roof Replace	\$ 3,080		2001	Yes	
190620	Park	Porter Park Refinish Pavilion	\$ 3,769		2001	Yes	
190621	Park	Harmon Park Roof Repairs	\$ 5,640		2002	Yes	
190622	Park	Franklin Park Electrical Service	\$ 9,985		2002	Yes	
190623	Park	Sculpture Garden Electrical Service	\$ 1,750		2002	Yes	
190624	Park	Harmon Park Sidewalk	\$ 29,603		2002	Yes	
190626	Park	Playground Fall Zone Installation	\$ 110,365		2003	Yes	
190627	Park	Homesteader Statue Renovation	\$ 36,785		2003	Yes	
190630	Park	Franklin Park Parking Lot Study	\$ 2,300		2003	Yes	Design only
190632	Pool	Paint Lap Pool	\$ 21,840		2003	Yes	
190616	Park	Harmon Park Skateboard Facility	\$ 317,537		2004	Yes	Received \$87,969.78 from other sources
190631	Pool	Replace Drop Slide Pump	\$ 9,386		2004	Yes	
190633	Pool	Wading Pool Gates	\$ 850		2004	Yes	
190635	Pool	Swimming Pool Concession Addition	\$ 11,249		2004	Yes	Design only
190634	Park	Prairie Park Addition	\$ 90,523		2005	Yes	
190636	Park	Weltner Park Basketball Court	\$ 4,530		2005	Yes	
190637	Tennis	Meadowlake Tennis Courts	\$ 128,220		2005	Yes	
190614	Park	Park Furnishings	\$ 8,241		2006	Yes	
190629	Park	Porter Park Irrigation	\$ 11,881		2006	Yes	
190638	Park	Bennett Park Fall Zone	\$ 31,053		2006	Yes	
190639	Park	Bennett Park Basketball Court	\$ 9,348		2006	Yes	
190641	Tennis	Windsor Park Tennis Court	\$ 49,854		2006	Yes	
190640	Park	Meadowlake Park Playing Field	\$ 1,920		2007	Yes	
190644	Park	McCrum Park Improvements	\$ 49,782		2007	Yes	
190647	Park	Franklin Park Parking Lot Resurface	\$ 20,000		2007	Yes	
190649	Park	Windsor Park Softball Field Repair	\$ 21,935		2007	Yes	
190650	Park	Park Master Plan	\$ 63,140		2008	Yes	
BG950001	Park	El Monte Fountain	\$ 58,307		2009	Yes	Received \$19,000 from Homes Association
POOLRESV	Pool	Pool Reserve-Graeme Baker	\$ 43,398		2009	Yes	
SIGN0001	Park	Park ID Signs	\$ 79,190	\$ 900	2009	No	Waiting to install final sign at Weltner
BG250001	Park	Franklin Park - Master Plan	\$ 1,003,865		2010	Yes	
BG520001	Park	Community Center Study	\$ 25,549	\$ 30,951	2010	No	Received \$20,000 from SMSD & JOCO
POOLRESV	Pool	Pool Reserve-Lap Pool Painting	\$ 48,019		2010	Yes	
BG800001	Park	Weltner Park - Master Plan	\$ 236,254	\$ 89,430	2011	No	
POOLRESV	Pool	Pool Reserve-Diving Board Replace	\$ 6,316		2011	Yes	
TRAIL0001	Park	Trail from Porter to Village	\$ 6,745	\$ 118,433	2011	No	



## FINANCE COMMITTEE

Finance Committee Date: October 19, 2011

**DISCUSSION:** Discussion of possible special sales tax vote and schedule for parks and recreation funding

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### DISCUSSION

Does the City want to find a funding source for parks past 2011? If so, what funding source is most appropriate and for how much? Should only parks be funded? Should the funding source have a sunset? Does the funding source include needed park maintenance funding?

### BACKGROUND

City Council approved the Parks Master Plan in early 2009. There are varying opinions if approval of the plan meant approval of funding the plan. Regardless, the plan includes improvements in excess of \$35M (2009 est.) but offers no definitive annual contribution amount to complete the plan in a 'reasonable' amount of time. The figure often discussed to keep the plan moving along and to avoid it becoming dated is \$1M per year. The \$1M could be either available cash flow as part of the CIP or a debt service payment. The Parks and Recreation Committee seeks Finance Committee recommendations for how the plan will be funded.

### Sales Tax

The City currently receives 1% of the 8.525% sales tax rate which translates into approximately \$2,000,000 annually. The state receives 6.3%, Johnson County - 1.1% and Research Triangle - 0.125%. At the Village Shops and Corinth Center there are also 1% CIDs in effect that raise the total sales tax rate in those centers to 9.525%.

The City has the ability to approve additional sales tax for general or special purposes. Should Council choose to investigate this option further they will want to discuss the merits of a mail-in ballot vs. general election. In addition, Council may want to discuss other purposes of an additional sales tax such as streets.

Under state statute City resources and staff cannot lobby for a sales tax initiative. The City's role is only to provide factual information. Therefore, a successful campaign for the sales tax could require significant time for preparation. This could include the formation of a committee by interested citizens to champion the initiative and facilitate some form of public outreach.

### Property Tax

A second option to secure the additional funding would be for Council to increase the property tax levy. The City's 2012 mill rate is 19.491 which is ~\$465 annually on the average home. This rate includes the 0.6 increase added for two additional officers. Currently one mill equates to \$280,000 annually. To generate \$1M by property tax alone, the mill rate would need to be increased by 3.6 mills. A 3.6 mill increase on the average home would be an additional \$86 annually.

### Shift Existing Funding Priorities

Another option to fund the plan is to use existing resources. With this option, parks funding would compete with other city priorities or projects such as city services, CIP (streets / drainage), city personnel costs, etc. Funding would be allocated from existing revenue streams and reserve funds based upon Council priorities. All items "above the line" will receive funding while items "below the line" will not.

### **FINANCIAL IMPACT**

A 0.5% increase in sales tax or a 3.60 mill increase would generate ~\$1,000,000 in revenue annually.

### **ATTACHMENTS**

Johnson County parks specific sales tax rates, excerpt from Parks Master Plan, memo from City Attorney, sample ballot language, Johnson County Sales Tax Rates for selected cities.

### **PREPARED BY**

Chris Engel

Assistant to the City Administrator

Date: 10/10/11

## **FINANCE COMMITTEE**

### **November 2, 2011**

The Finance Committee met on November 2, 2011. Present: Chairman David Belz, Charles Clark, Dale Beckeman, Dale Warman and Mayor Shaffer. Guests Present: Laura Wassmer and Diana Ewy Sharp. Staff Present: Quinn Bennion, Dennis Enslinger, Lisa Santa Maria, Chris Engel and Bruce McNabb.

The Committee met to discuss:

#### **Parks Funding**

Councilmember's Laura Wassmer and Diana Ewy Sharp attended the meeting to discuss funding for parks maintenance and parks capital projects in 2012 and future years. The Parks Master Plan was approved in 2009 and includes \$36 million in projects. The community center project is \$20 million of the \$36 million. But, without a new revenue source there are no funds available and the CIP is committed to other projects. Councilmember Diana Ewy Sharp would like to see a dedicated tax source for parks. The options for additional revenue are raising the sales tax for general or special purposes or an increase in the property tax levy. A campaign for the sales tax initiative would need to begin early in 2012 in order for it to be successful and to make it on the November 2012 ballot. Funds would not be available until spring 2013 if the sales tax initiative passed in November 2012. A ½ cent increase in sales tax would generate about \$1 million in revenue annually. The sales tax initiative could be with a sunset for special purposes or without for general purposes. There was discussion about the importance of having funds available for both park CIP maintenance in addition to park improvements. Councilman Charles Clark moved that the Finance Committee recommend a ½ cent sales tax for parks, and Councilman Dale Beckerman seconded the move. All committee members were in favor of a public vote. Councilmember's Diana Ewy Sharp and Laura Wassmer agreed to be ready to present to the Council at the November 21<sup>st</sup> meeting.

It was noted that the state sales tax increase (raised sales tax from 5.3% to 6.3%), was due to be scaled back after 3 years (June 2013) to 5.7% with 0.4% going to the state highway fund to pay for road projects.

#### **Purchasing Policy & Contract Renewals**

Quinn asked for guidance in regards to the selection of services that are being bid and the appropriate length of contract terms. Currently the only guidance for selection is that the service be "obtained at the lowest cost possible consistent with the quality required to maintain efficient operations of city departments." Typically vendors are approved by the City Council on the consent agenda.

Chris put together a Contract Analysis that lists all City service contracts and the "suggested class" they should fall in. He also indicated whether they "auto renewed", the term length and the date the contract expires.

Councilman Charles Clark suggested that staff bring all the contracts before Council prior to bid and inquire if there are any that should not be bid. He also recommended

**COUNCIL COMMITTEE OF THE WHOLE**  
**January 19, 2010**

The Council Committee of the Whole met on Tuesday, January 19, 2010 at 6:00 p.m. The meeting was called to order by Council President Michael Kelly with the following members present: Mayor Shaffer, Al Herrera, Dale Warman, Ruth Hopkins, Michael Kelly, Andrew Wang, Laura Wassmer, Dale Beckerman, Charles Clark, David Morrison, Diana Ewy Sharp and David Belz. Staff members present: Quinn Bennion, City Administrator; Wes Jordan, Chief of Police; Mike Helms, Field Superintendent for Public Works; Dennis Enslinger, Assistant City Administrator; Karen Kindle, Finance Director; Chris Engel, Assistant to the City Administrator and Joyce Hagen Mundy, City Clerk.

COU2010-03 Discussion of possible special sales tax vote and schedule for parks and recreation funding

Chris Engel noted at the January 4<sup>th</sup> meeting of the Council Committee of the Whole initial discussion was held on possible funding sources for parks past 2011. One of the items discussed was the placement of an increased sales tax with the funds received being designated for parks. It is estimated that a one percent increase in sales tax would provide \$2,000,000 annually. During the discussion additional information was requested of staff, including a prioritization of parks projects with costs and a timetable for the process of placing before the public the issue of an increased sales tax.

A review of parks priority listing with costs was included in the packet along with information on sales tax rates of other Johnson County cities and how those increases are used within their cities with the accompanying ballot language and vote results.

The City Attorney provided a written timetable of the necessary steps for a city sales tax referendum. The first step would be the adoption of a Resolution calling for a special election to be held on a specific date. The Resolution includes the proposed ballot language and form of Notice of Election to be published in the official City newspaper. The Resolution must include the sales tax percentage, proposed start date, describe the purpose of the sales tax, whether "general" or "special" and any applicable sunset date. It was noted if a "special purpose" it must sunset after 10 years.

Cities may impose sales tax of up to 2% for general purposes and up to 1% for special purposes, with a 3% limit, in increments of 0.5%. The current city sales tax is 1% with a total sales tax collected in Prairie Village of 7.525%. A .05% increase would collect approximately \$1 million in new revenue annually.

Designating the purpose as "to acquire, construct, improve, maintain and operate City parks" would be a general purpose sales tax based on a recent attorney general opinion and would not require a 10 year sunset, although the city has the option of setting a sunset.

The second step to provide ballot language to the Johnson County Election Office for the ballot by September 1, 2010. The third step is the publication of a Notice of Election once each week for two consecutive weeks. The fourth step would be the election held in



conjunction with the November 2<sup>nd</sup> general election with a simple majority required for approval.

If approved the City would adopt an ordinance levying the approved sales tax and after publication, furnish a certified copy to the Department of Revenue at least 90 days prior to the effective date. The earliest effective date would be April 1, 2011.

City staff cannot advocate for the sales tax, only educate and inform. Any promotion of the issue would need to be conducted by a resident group.

Council President Michael Kelly reviewed the questions before the committee and the process he'd like to follow in their discussion.

Laura Wassmer stated she struggles as she looks at the Parks Master Plan, noting this has been a difficult year financially and economically. A sales tax increase would be an additional charge on basic daily expenses for people. This is not the right time to increase costs. Looking at the bigger picture, the Council needs to consider how it will fund its 2011 budget. She is nervous that a sales tax may be necessary to fund basic City services and maintain status. At the last meeting, the Council stated their support to provide the police department with the staff and equipment needed to perform their jobs. She feels the Council needs to look at all of its priorities and spending prior to making this decision.

Ruth Hopkins noted in the state of the state address the Governor proposed a 1% sales tax increase statewide and received extensive negative backlash. The state may very well place additional financial restraints on the City in order to address its budget. The timing is wrong for the City.

David Belz stated he supported the proposed tax until he heard the Governor's address and would like to see this action put off until it is known whether or not the State will be increasing sales tax statewide by 1%. If there is not a statewide sales tax increase, he would support going forward and placing this question before the residents. However, he would like to see 75<sup>th</sup> Street Improvements also funded with these funds and if it were included does not feel the tax should have a sunset.

Dale Warman expressed his support for parks; however, noted that when the survey rating the priority of park improvements, it was a totally different economic situation. It would be very difficult to support a tax increase at this time.

Charles Clark explained the additional \$1 million would be added to the funding available for the capital improvement program as the funds now designated for parks would be able to be used elsewhere.

Al Herrera noted the economy was bad when the parks master plan was approved. He noted the extensive amount of time and work that has gone into the plan and feels the residents should be allowed to vote on the question of an increased sales tax.

David Morrison stated in his election campaign he promised his constituents that he would oppose any and all tax increases and this is a tax increase. He feels the City needs to reprioritize how it is spending available funds.

Michael Kelly stated is not opposed to a sales tax. He asked what it will cost to just maintain the city's streets. Will this create a parks rich, city poor scenario?

Charles Clark restated the money received from the sales tax for the parks would free up additional money for other CIP projects, just as the bond money freed up funds to do the park improvements.

Laura Wassmer expressed concern that the residents would understand the full implications of the approval of the proposed sales tax on the city's general budget and services. The Council is in the position to understand the budgetary implications. Mr. Belz disagreed stating he felt the resident would understand. Ruth Hopkins stated that placing the question on the ballot would imply to the residents that it had the support of the City Council and it does not.

Diana Ewy Sharp stated hours of research and public input was put into the creation of the parks master plan by residents and as well as committee members. The plan was unanimously approved by both the Governing Body and the Planning Commission adopting it as part of Village Vision. We have begun the first three projects and now you are pulling funding. Without the sales tax it will take 30 years to implement the plan. The City has also approved applying for a trails grant of \$300,000 that requires matching funding. How will that be funded?

Laura Wassmer stated during discussion of the parks master plan it was specifically stated that the Council was not approving funding. It was only approving the plan as it did the Village Vision Plan. Plan approval does not equate to funding approval. The approval was for the plan which is a vision for the future development of parks.

Al Herrera he was under the assumption when it was approved the City would find the way to fund it and move forward. He would not have spent the time for a document to be put on the shelf.

Andrew Wang stated he agreed with Ms Wassmer. He noted the planning process is critical to go through and was very pleased with the results of the master parks plan process that resulted in an excellent document on which to base future improvements. He was pleased to approve it, but he would not have given his approval if it meant a 1% sales tax increase. It is essential that the City have a plan for direction but its adoption is not the same as writing a blank check for its total implementation.

Dale Beckerman asked what a 0.5% sales tax would cost the average Prairie Village resident. Karen Kindle responded it would depend on what they were spending and would be difficult to compute. Mr. Beckerman stated he is generally supportive of this, but agrees the adoption of a plan does not its funding. However, he feels it is important to keep the momentum moving and let it go before the public in 2012 or 2013.

Michael Kelly asked what would be the impact of a citywide sales tax. Quinn Bennion stated the impact is difficult to determine. He stated it would be helpful to have a clear outlook on the 2011 budget, stating that balancing the budget will be a struggle reviewing

some of the issues that will need to be addressed. The 2011 budget outlook is as bleak as the 2010 budget.

Chief Jordan expressed concern with the impact of the 2011 budget on staffing levels and staff morale. He stated staff understands up to a point, but after a while begin to compare the items on which money is being spent by the Council to the services they provide. Chief noted he is currently operating four officers short and does not have the funds to pay overtime for replacement officers under the current salary cap.

Diana Ewy Sharp read the following from the Council minutes of June 1, 2009: "Adopt Resolution 2009-04 adopting the "Prairie Village Parks Master Plan - 2009" to guide the development and funding of future parks and recreation enhancements."

Mayor Shaffer advised the Council they need to be aware of other obligations on the horizon such as the potential request for an increase in sales tax under the "Community Improvement District" regulations for the city's shopping areas.

Dale Warman stated he does not feel the Council is turning its back on the Plan, it is a matter of prioritization. He does not feel it is necessary to go forward with additional funding at this time. David Belz stated he now understood Mr. Clark's earlier comments on the receipt of sales tax revenue freeing up other funds for the CIP.

Quinn Bennion stated he is hearing from the discussion that a sales tax is possible, but not at this time. More information is needed about the 2011 budget.

Charles Clark stated he did not feel the question should move forward without substantial support of the Council and he does not see that support.

Mayor Shaffer stated he felt the Council needed to be aware of the 2011 budget status before taking action. Quinn Bennion responded that is possible, but only following the normal budget timetable, making that information unavailable until late spring.

Dale Beckerman noted that timetable would make inclusion on the November ballot impractical. Mr. Bennion noted the Council would have time to prepare the ballot language for the Election Office by September 1<sup>st</sup>, but noted there would not be a lot of time for the citizens to organize or a committee.

# LATHROP & GAGE<sup>LLP</sup>

## MEMO

**To:** Governing Body  
City of Prairie Village, Kansas

**From:** Katie Logan

**Date:** January 11, 2010

**Subject:** Sales Tax Referendum

### Steps for City Sales Tax Referendum:

General statutes are 12-187 *et seq.* and 10-120

Step 1. City adopts a Resolution calling for a special election on a certain date. If use next general election, date is November 2, 2010. The Resolution includes the proposed ballot language and form of Notice of Election to be published in official City newspaper (see below).

Resolution must include the sales tax % , proposed start date, describe purpose of sales tax, whether "general" or "special", and any applicable sunset date. If "special purpose", must sunset after 10 years.

Cities may impose sales tax of up to 2% for general purposes and up to 1% for special purposes, with a 3% limit, in increments of .05%.

City sales tax is currently 1%. Total sales tax in the City is currently 7.525%.

It appears that designating the purpose as, for example, "to acquire, construct, improve, maintain and operate City parks" would be a general purpose per a 2008 AG Opinion 2008-25, and would not require a 10 year sunset.

In any event, City may elect to impose a sunset for a general purpose sales tax.

Per Gary Anderson, Gilmore & Bell:

If City wants to include authority to issue general obligation bonds or special obligation sales tax revenue bonds, City must include this authority in the Resolution and Ballot Question or use a notice and protest process available under bonding statutes.

If GO authority included (with the sales tax as a source of payment), then do not need the Charter Ordinance which is under court challenge for authority to fund park improvements with GO Bonds.

If Sales Tax Revenue Bond authority included, may issue bonds secured solely by the projected sales tax revenues under the election proposition. These bonds are less “secure” than GO bonds and accordingly have a higher “cost” and interest rate and generally require debt service coverage.

City may be able to just authorize “bonds” in the sales tax ballot language and then decide later whether they are GO or Sales Tax Revenue Bonds. This requires further review by bond counsel.

**Step 2.** Ballot language provided to the Johnson County Election Office to be include on ballot by September 1, 2010.

Sample ballot language:

Shall the following be adopted?

Shall the City of Prairie Village, Kansas, be authorized to impose a new \_\_\_\_\_ percent (. \_\_\_%) city-wide retailers’ sales tax and to use the revenue from such tax to pay the costs to acquire, construct, improve, maintain and operate City parks (“Park Projects”), and be authorized to pledge such sales tax for the payment of the principal and interest on bonds issued to pay the cost of such Park Projects, with collection of such sales tax to commence on April 1, 2011 [optional: and with such retailers’ sales tax to expire \_\_\_\_ ( ) years from the date it is first collected (expiration date of March 31, 20\_\_),] all pursuant to K.S.A. 12-187 et seq. and other applicable state statutory provisions?

**Step 3.** Notice of Election published once each week for two consecutive weeks.

First publication must occur on a date which is between 9/13 and 10/12

Second publication is 1 week after first publication.

**Step 4.** Election. Majority approval required.

**Step 5.** City adopts Ordinance levying the approved sales tax. After publication, City Clerk furnishes certified copy to Department of Revenue at least 90 days prior to effective date.

**Step 6.** Sales Tax Effective – If November election, earliest effective date is 4/1/2011.

A partially completed timeline is attached.

Miscellaneous:

City cannot advocate for the sales tax, only educate and inform:

ATTORNEY GENERAL OPINION No. 93-125

“the public purpose doctrine does not encompass the use of public funds to promote or advocate a governing body’s position on a matter which is before the electorate. However, public funds may be expended to educate and inform regarding issues to be voted on by the electorate.”

Sample Sales Tax Election Calendar

DATE	ACTION
[TBD]	Governing Body Adopts Resolution Calling for Special Ballot Question
September 1, 2010	Latest Date for Ballot Language to be Submitted to Johnson County Election Office
September 13, 2010	First Publication Notice of Election in Daily Record
September 20, 2010	Second Publication Notice of Election in Daily Record
November 2, 2010	General Election – sales tax question on ballot
November 15, 2010	If approved in general election, Sales Tax Ordinance adopted by Governing Body
November 19, 2010	Sales Tax Ordinance published
Before December 31, 2010	Certified Copy of Sales Tax Ordinance to Dept of Revenue
April 1, 2011	Sales Tax becomes effective

**JOHNSON COUNTY  
PARKS-RELATED  
SALES TAX RATES**

<b>CITY</b>	<b>SALES TAX AMOUNT</b>	<b>SUNSET</b>	<b>LAST APPROVED</b>	<b>APPROVAL PERCENTAGE</b>	<b>TOTAL VOTER TURN OUT</b>	<b>TOTAL ACTIVE VOTERS IN CITY</b>	<b>PARKS RELATED PURPOSE</b>
Gardner	1/2 - cent	10 yrs	2005	71%	3,184	9,494	pool renovations, 1 new park, general P&R
Lenexa	3/8 - cent	20 yrs	2008	58%	9,943	29,913	60% parks / 40% pavement
Mission	1/4 - cent	10 yrs	2002	57%	1,184	5,690	Syl Powell only
Olathe	1/8 - cent	10 yrs	2004	70%	48,368	69,599	general parks and recreation
Roeland Park	1/4 - cent	10 yrs	2010	56%	2,330	4,577	city facilities w/ "recreation facilities" included
Shawnee	1/8 - cent	10 yrs	2004	68%	27,491	37,361	50% parks / 50% stormwater
Spring Hill	1/2 - cent	none	2008	57%	2,252	1670*	general parks and recreation

\* Spring Hill is located in both Miami and Johnson County. This number is for only Johnson County.



## Sample Ballot Language

### **Gardner – June 7, 2005**

Shall a retailers' sales tax in the amount of one-half of one percent (.5%) be levied in the city of Gardner, KS (the "City"), for the purpose of:

- renovations and expansion of the Gardner swimming pool to include, but not limited to, the development of zero depth entry, water slides, lazy river, in water play features, spray grounds, tot pool, concession stand, group party structure, and shade structures;
- development of a new community park to include, but not limited to, baseball and softball fields, soccer and football fields, playground equipment, concession facilities, parking, passive open space; and
- all things related and necessary to such projects;

provided that, such retailers' sales tax shall be levied for a period not to exceed ten years from the date of its inception, all pursuant to K.S.A. 12-187 et seq.

**Yes** 2260 70.98%

**No** 924 29.02%

### **Merriam – August 16, 2005**

Shall a retailers' sales tax in the amount of one-fourth of one percent (.25%) be levied in the city of Merriam, Kansas (the "City"), for the purpose of paying the cost of improving certain residential streets, which improvements may include grading, curbs, gutters, pavement and other surfacing, driveway entrances and structures, drainage works incidental thereto, service connections from utility mains, conduits or pipes necessarily lying within curb lines, streetlights, street lighting systems, storm water drains, retaining walls and area walls on public ways or land abutting thereon, sidewalks, street trees and landscaping, and related improvements ("Improvements") and paying the principal of and interest on revenue bonds issued to pay the cost of such Improvements and all things necessary and related to such Improvements, provided that such retailers' sales tax shall expire five (5) years from the effective date of January 1, 2006, all pursuant to City Charter Ordinance No. 17, K.S.A. 12-195 and other applicable state statutory provisions?

**Yes** 531 69.14%

**No** 237 30.86%

### **Olathe – December 7, 1999 (mail-in ballot)**

Shall the City of Olathe, Kansas, be authorized to levy a one-eighth of one percent (.125%) City Retailers' Sales Tax, in addition to the one percent (1.0%) currently levied within the City of Olathe, Kansas, and to use the revenue from the additional tax to fund the acquisition and improvement of public parks and recreation areas, such additional tax to take effect on April 1, 2000, and to end on March 31, 2005?

**Yes** 14266 67.78%

**No** 6782 32.22%

## Sample Ballot Language

### Fairway – November 3, 2009

Shall the City of Fairway, Kansas be authorized to impose an additional one-half percent (0.5%) city-wide retailers' general purpose sales tax, the collection of which to commence on April 1, 2010 or as soon thereafter as permitted by law and shall terminate twenty years after its commencement, the proceeds of which shall be used to fund a capital improvements plan **and** to pay debt service on bonds issued by the City; all pursuant to the provisions of K.S.A. 12-187 *et seq.*, as amended?

**Yes** 794 63.67%

**No** 453 36.33%

### Overland Park – January 29, 2008

Shall the City of Overland Park, Kansas, be authorized to levy a one-eighth of one percent (0.125%) Special Purpose City Retailers' Sales Tax within the City of Overland Park, Kansas, and to use the revenue from the new tax to fund a residential street improvement program consisting of neighborhood residential street reconstruction, curb replacement, new sidewalks and street light upgrades, **and** to continue to fund a thoroughfare street improvement program, with each program to receive as nearly as possible one-half of the new tax revenue, such new tax to take effect on April 1, 2009, the day following expiration of the existing one-eighth of one percent (0.125%) City Retailers' Sales Tax; such new tax to end March 31, 2014; and such new tax to be in addition to the ongoing one percent (1.0%) City Retailers' Sales Tax currently levied?

**Yes** 28879 74.93%

**No** 9660 25.07%

### Lenexa – May 27, 2008

Shall a retailers' sales tax (also known as "Investing in Our Future") in the amount of three-eighths of one percent (.375%) be levied in the City of Lenexa, Kansas (the "City"), for the purpose of:

- (a) improving, rebuilding and maintaining roads, including but not limited to, sidewalks, storm water facilities and street lighting associated therewith;
- (b) development and maintenance of City parks;
- (c) design, construction and operation of cultural and recreational facilities and amenities for the community;
- (d) all things related and necessary to such projects, including but not limited to acquisition of land; construction of public buildings and facilities associated therewith and payment of the principal and interest on bonds or other obligations issued to finance such projects; Provided that such retailers' sales tax shall expire 20 years from the date of imposition, all pursuant to K.S.A. 12-187 *et seq.*, as amended, and K.S.A. 12-195.

**Yes** 5782 58.15%

**No** 4161 41.85%

### Leawood – November 7, 2006

Shall the City of Leawood, Kansas, be authorized to levy a four-tenths of one percent (.4%) City Retailers' Sales Tax, in addition to the one and one-eighth percent (1.125%) tax currently levied, within the City of Leawood, Kansas, and to use the revenue from the additional tax for the purpose of constructing public safety improvements, including a Justice Center and necessary and related improvements, including infrastructure and other necessary and related costs, such additional tax to take effect on April 1, 2007 and end March 31, 2012, or at the end of such calendar quarter prior thereto as the City shall have collected tax revenues from such additional tax in the amount of \$10,000,000.00 [Ten Million Dollars]?

**Yes** 8702 59.98%

**No** 5807 40.02%

**Sales Tax Rates  
Johnson County Cities ( as of 4/1/2011)**

<b>Entity</b>	<b>Total Tax Rate</b>	<b>TDD/CID Location</b>
Lake Quivira (JoCo)	7.525%	
Mission Woods	7.525%	
Edgerton	8.525%	
Mission Hills	8.525%	
Prairie Village	8.525%	
Westwood	8.525%	
Westwood Hills	8.525%	
Leawood	8.650%	
Olathe	8.650%	
Overland Park	8.650%	
Merriam	8.775%	
Mission	8.775%	
Roeland Park	8.775%	
Shawnee	8.775%	
Lenexa	8.900%	
Fairway	9.025%	
Gardner	9.025%	
Springhill (JoCo)	9.025%	
Overland Park Oak Park TDD*	9.150%	Oak Park Mall
Bonner Springs (JoCo)	9.275%	
DeSoto (JoCo)	9.275%	
Roeland Park Shopping Center #2 TDD*	9.275%	Lowe's
Prairie Village "The Village" CID	9.525%	Prairie Village Shops
Prairie Village Corinth Square CID	9.525%	Corinth Square Shopping Center
Leawood Park Place TDD	9.650%	Nall: 117th - Town Center Drive
Leawood Shops of 119th St TDD	9.650%	Southeast Corner of 119th & Roe
Olathe Entertainment District Ph. 3*	9.650%	West & South of 119th & Renner
Olathe Gateway TDD No. 1a*	9.650%	119th St., Kansas City Road & Renner
Olathe Gateway TDD No. 1b*	9.650%	119th St., Kansas City Road & Renner
Olathe Pointe TDD*	9.650%	119th & Black Bob
Olathe Ridgeview Falls TDD*	9.650%	Ridgeview & 119th
Overland Park Deer Creek TDD*	9.650%	NW corner 135th & Metcalf
Roeland Park Shopping Center #1 TDD*	9.775%	Portion of shopping center not incl Lowe's
Lenexa Orchard Corners CID	9.900%	9510 through 9676 Quivira Road (even only)
Olathe Great Mall of the Great Plains CID	10.150%	Great Mall of the Great Plains
<b>Highest Rate:</b>		
Olathe Great Mall of the Great Plains CID	10.150%	
<b>Highest Increment:</b>	1.500%	
State of Kansas portion of all rates:	6.300%	
Johnson County portion of all rates:	1.225%	
Total non-city portion of all rates:	7.525%	
<b>Source:</b> KS Dept of Revenue Website (Publication KS-1700, 04/2011)		
<b>Prepared by:</b> Karen Kindle, Finance Director		
<b>Date:</b> April 14, 2011		

**COUNCIL MEETING AGENDA  
CITY OF PRAIRIE VILLAGE  
December 5, 2011  
7:30 p.m.**

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. PRESENTATIONS - Proclamation - Jesse Dunnagan Day
- V. PUBLIC PARTICIPATION
- VI. CONSENT AGENDA

All items listed below are considered to be routine by the Governing Body and will be enacted by one motion (Roll Call Vote). There will be no separate discussion of these items unless a Council member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the regular agenda.

**By Staff:**

- 1. Approve Regular Council Meeting Minutes - November 21, 2011
- 2. Approve the recommendations of the Drug and Alcoholism Council of Johnson County contained in the United Community Services Fund Recommendations Report and approve a contribution to UCS of \$15,000 from the 2012 Parks, Recreation & Community Services Budget
- 3. Approve the issuance of Cereal Malt Beverage Licenses for the following businesses for 2012. All are renewals.
  - Walgreen Co - Store 13032 located at 4016 W 95<sup>th</sup> St
  - Four B Corp - Hen House 22 located at 4050 W 83<sup>rd</sup> St
  - Four B Corp - Hen House 28 located at 6950 Mission Rd
  - Hy-Vee Inc - Store located at 7620 State Line Rd
  - PCF SaleCo, LLC - Circle K #6100 located at 9440 Mission Rd
- 4. Approve a contract with Animal Medical Center for 2012

**By Committee:**

- 5. Authorize the Mayor to sign the contract for Document Imaging Software with Sire Technologies in the amount of \$22,474.83 (Council Committee of the Whole Minutes - November 21, 2011)

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

**If any individual requires special accommodations – for example, qualified interpreter, large print, reader, hearing assistance – in order to attend the meeting, please notify the City Clerk at 381-6464, Extension 4616, no later than 48 hours prior to the beginning of the meeting.**

**If you are unable to attend this meeting, comments may be received by e-mail at  
cityclerk@pvkansas.com**

# **CONSENT AGENDA**

**CITY OF PRAIRIE VILLAGE, KS**

**December 5, 2011**

**CITY OF PRAIRIE VILLAGE**  
**November 21, 2011**

The City Council of Prairie Village, Kansas, met in regular session on Monday, November 21, 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: Dale Warman, Ruth Hopkins, Steve Noll, Michael Kelly, Andrew Wang, Laura Wassmer, Dale Beckerman, Charles Clark, David Morrison, Diana Ewy Sharp and David Belz.

Also present were: Wes Jordan, Chief of Police; Bruce McNabb, Director of Public Works; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Dennis Enslinger, Assistant City Administrator; Chris Engel, Assistant to the City Administrator; Lisa Santa Maria, Finance Director, and Joyce Hagen Mundy, City Clerk.

Mayor Shaffer led all those present in the Pledge of Allegiance. He then announced a public hearing on an amendment to the City's 2012 budget.

**PUBLIC HEARING on 2012 BUDGET AMENDMENT**

Mayor Shaffer opened the scheduled public hearing on an amendment to the City's 2012 Budget and called upon Finance Director Lisa Santa Maria to present the proposed amendment.

Lisa Santa Maria stated the State statutes require that the City hold a public hearing on any budget amendment at least ten days after publication of the notice of hearing. The notice of hearing was published in The Legal Record on Tuesday, November 8, 2011. The proposed budget amendment increases the expenditure

authority of the Bond & Interest Fund to cover the increased debt service payments resulting from the Series 2011A bonds that were issued after the adoption of the 2012 budget. The funding for the additional expenditure in the Bond & Interest Fund comes from the existing tax that was levied and the budgeted transfer from the Stormwater Utility Fund.

Mayor Shaffer asked for public comment.

Charles Schollenberger, 3718 West 79<sup>th</sup> Terrace, asked for more detail on the actual change. Lisa Santa Maria replied the recent issuance of bonds requires an additional expenditure of \$68,736.68 in the Bond and Interest Fund, which will come from the existing tax that was levied and a budgeted transfer from the Stormwater Utility Fund.

No one else wished to address the Council on the proposed amendment. Mayor Shaffer closed the public hearing at 7:37 p.m. and noted the City Council would take action on this item later in the meeting.

### PUBLIC PARTICIPATION

Charles Schollenberger, 3718 West 79<sup>th</sup> Terrace, stated that when the CID agreement was approved it was clearly stated that none of the money was to be used for maintenance. The Council's decision in the earlier committee meeting to pro-rate the expenses of a new roof for Johnny's is totally out of line. This is maintenance and the Council and developer need to stay true to that commitment.

Mr. Schollenberger stated he was more disturbed by the discussion of an additional sales tax increase to fund parks. It was less than a year ago that eight Councilmembers voted to increase sales tax by 1% for the benefit of the development of

private land by a private developer. This is money that could have been used by the City. He noted Ranchmart Shopping Center was renovated without assistance from taxpayers. He reminded the Council of the 1% increase in sales tax by the state, plus the 1% increase approved by the City for the CID, without a vote by the residents, and now City Council members want to increase sales tax by yet another ½% in less than a one year period. He stated there is a limit as to the level of sales tax residents can handle. Mr. Schollenberger stated the full implementation of the Parks Master Plan can wait until the economy improves, noting the current near record unemployment levels and increasing number of home foreclosures. He agrees with Mrs. Hopkins earlier comments that the City needs to focus on funding basic services and park maintenance. Mr. Schollenberger quoted data on CIP spending over the past twelve years starting with \$51,000 in 2000, increasing to \$317,537 in 2004 to \$1,060,364 in 2010 with an estimated expenditure of \$450,862 this year. He felt a park expenditure of over \$1.5 million was totally out of line as is seeking an increase in sales tax to fund more park improvements.

Joe Gittenmeier, 5811 West 78<sup>th</sup> Terrace, stated he agreed fully with Mr. Schollenberger's comments. He expressed frustration with the City giving a 1% sales tax increase for the CID and then saying it does not have money to maintain its infrastructure. He feels park and street maintenance must take priority over park improvements.

John Joyce, 4201 Delmar, agreed with the comments of some of the Councilmembers that the City must look first at its budget and expenditures before increasing taxes. He noted that he had suggested several areas in the proposed 2012



budget that he felt could be reduced and the Council failed to even discuss them. He proposed having a citizen finance committee to work with the finance committee.

Jeff Berg, with Lane4, clarified that the CID sales tax increase was not a community wide tax increase, but was only for the two shopping centers. He noted there is a very specific agreement in place regarding how that money can be used. The CID benefits the community and area businesses.

### Introduction of Foreign Exchange Students

Mayor Shaffer called upon Jim Hohensee, Chairman of the Sister City Committee, to introduce visiting foreign exchange students attending Shawnee Mission East High School. The seven students from the countries of Germany, Romania, Belgium and the Ukraine introduced themselves. Mayor Shaffer also recognized the host parents present and the members of the Sister City Committee who were hosting a reception for the students.

Also present at the meeting were three high school students from Shawnee Mission Northwest attending for their government class.

### CONSENT AGENDA

Dale Beckerman moved the approval of the Consent Agenda for Monday, November 21, 2011:

1. Approve Regular Council Meeting Minutes - November 7, 2011.
2. Ratify the Mayor's appointment of Kevin Letourneau and Eric Blevins to the Prairie Village Parks & Recreation Committee filling unexpired terms expiring in April, 2012 and April, 2014 respectively.
3. Approve the designation of 2012 City Holidays
4. Authorize the continuation of previously approved multi-year contracts into 2012
5. Approve an interlocal agreement with the City of Leawood, Kansas for Project 190723: Mission Road Culvert Replacement

6. Approve discontinuing maintenance of the recreation fields at St. Ann's Church effective December 31, 2011
7. Adopt Ordinance 2246 amending Chapter VII of the Prairie Village Municipal Code entitled "Fire" by amending Article 3, Section 7-305 entitled "Permit for Public Fireworks Display Required"

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

### MAYOR'S REPORT

Mayor Shaffer reported on his earlier meeting of the Johnson County Charter Commission where the discussion was once again on the issue of non-partisan elections with a second vote taken and passing by a vote of 13 to 11.

### COMMITTEE REPORTS

#### **Council Committee of the Whole**

#### COU2011-50 Authorization to Public Amendment to 2012 Budget

On behalf of the Council Committee of the Whole, Dale Beckerman moved the Governing Body adopt the 2012 Budget Amendment as published. The motion was seconded by Steve Noll and passed by a vote of 10 to 2 with Morrison and Kelly voting "nay".

#### COU2011-57 Consider Approval of First Amendment to the Developer Agreement for Corinth Square Community Improvement District to modify Exhibit C to include Project B2: Johnny's and Project B3: Lot H: Arbys

On behalf of the Council Committee of the Whole, Dale Beckerman moved the Governing Body approve the First Amendment to the Developer Agreement for Corinth Square Community Improvement District to modify Exhibit C to include Project B2: Johnny's and Project B3 Lot H: Arby's and further authorizes the Mayor to execute

the associated agreement and Resolution 2011-17. The motion was seconded by Charles Clark and passed by a vote of 10 to 2 with Morrison and Kelly voting “nay”.

## STAFF REPORTS

### **Public Safety**

- Chief Jordan noted his recent e-mail update to Council members and stated he had nothing more to report.

### **Public Works**

- Bruce McNabb reported the Nall Avenue 79<sup>th</sup> to 75<sup>th</sup> Street project is mostly paved and nearing completion.
- The Weltner Park Shelter has arrived and is being constructed.

### **Administration**

- Chris Engel reported on the recent Legislative Dinner and advised that the proposed City’s Legislative platform will be discussed at the next Council meeting followed by the annual council worksession tentatively set for the last Saturday in January.
- City Hall Day is Wednesday, February 1<sup>st</sup>.
- Dennis Enslinger announced that MARC has received a grant for code audits for participating cities.
- Partnership for Public Spaces is looking for letters of support.
- Responses to the RFP for Planning Services are due this week with one proposal already submitted and several good conversations with potential submitters.
- Quinn Bennion reported the mobile app on Android is ready for use.
- The Mayor Holiday Light Display has been constructed by the Dorr’s and will start Thanksgiving night.

Laura Wassmer noted she had received calls from residents on Delmar concerned with increased traffic and asked if that would be monitored. Chief responded they would monitor the traffic. Quinn Bennion added the publicity for the display is encouraging individuals to enter and exit onto Mission Road. Based on the number of viewers the Dorr’s had last year, traffic should not be an issue. Dale Beckerman noted traffic would not be parking or stopped on Delmar to view the display.

## OLD BUSINESS

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

## NEW BUSINESS

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

## ANNOUNCEMENTS

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

Council Committee of the Whole	12/05/2012	6:00 p.m.
City Council	12/05/2012	7:30 p.m.

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The Prairie Village Arts Council is pleased to announce a mixed media exhibit by the Greater Kansas City Art Association in the R. G. Endres Gallery for the month of November.

The City offices will be closed November 24<sup>th</sup> and November 25<sup>th</sup> in observance of the Thanksgiving holiday. Deffenbaugh only observes the 24<sup>th</sup>, so Thursday and Friday pick-up will be delayed one day.

The Municipal Foundation will be hosting the annual Mayor's Holiday Tree Lighting on Thursday, December 1<sup>st</sup> at 6:00 p.m. at Corinth Square.

The 2011 Holiday Social hosted by the Johnson and Wyandotte Counties Council of Mayors will be December 7<sup>th</sup> at the Overland Park Convention Center.

The Municipal Foundation will be hosting a Gingerbread House Decorating Party on Sunday, December 11<sup>th</sup> at Brighton Gardens, 7105 Mission Rd. There will be sessions at 1:30 p.m. and 3:00 p.m.

The Mayor's Holiday Gala for Volunteers will be Friday, December 16<sup>th</sup> at Homestead Country Club.

Mayor Shaffer announced that the Council would be going into executive session that is closed to the public and that no additional business would be conducted by the Council. Due to the reception for the foreign exchange students in the MPR, the executive session will take place in the Council Chambers and the public was asked to leave.

### Executive Session

Dale Beckerman moved pursuant to KSA 74-4319 (b) (2) that the Governing Body, recess into Executive Session in the Council Chamber for a period not to exceed 45 minutes for the purpose of consulting with the City Attorney on matters which are privileged in the attorney-client relationship. Present will be the City Council, City Administrator, Assistant City Administrator, Chief of Police and City Attorney. The motion was seconded by Andrew Wang and passed unanimously.

## ADJOURNMENT

The meeting was reconvened at 8:50 and with no further business to come before the City Council, the meeting was adjourned at 8:51 p.m.

Joyce Hagen Mundy  
City Clerk



## ADMINISTRATION DEPARTMENT

Council Meeting Date: December 3, 2011  
Consent Agenda

Consider contribution allocation recommended by the Drug & Alcoholism Council of Johnson County for 2012 Alcohol Tax Funds

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### RECOMMENDATION

Staff recommends the City Council approve the recommendations of the Drug and Alcoholism Council of Johnson County contained in the United Community Services Fund Recommendations Report and approve a contribution to UCS of \$15,000 from the 2012 Parks, Recreation & Community Services Budget.

### BACKGROUND

State Statutes require that one-third of the revenue derived from a state excise tax on liquor sold by the drink be used for alcohol or drug prevention or rehabilitation programs. The Drug and Alcoholism Council of Johnson County formed a grant review process that provides a structured and accountable system that allows organizations, through one application, access funds from multiple jurisdictions. The Council makes recommendations to cities for the expenditure of their funds. The City has the ultimate authority and responsibility for determining the allocation of the City's portion of the Alcohol Tax Fund. Information about the agencies requesting funds and the funding recommendation for the City of Prairie Village is attached.

### FUNDING SOURCE

The allocation of funds will be made from the City's allocation of the Special Alcohol Tax Fund.

### ATTACHMENTS:

Recommended distribution of Alcohol Tax Funds for Prairie Village  
2012 Alcohol Tax Fund Recommendations Report

### PREPARED BY

Joyce Hagen Mundy, City Clerk  
November 29, 2011



Catalyst for Positive  
Community Change

## United Community Services of Johnson County

Date: November 7, 2011  
 To: Quinn Bennion, City Administrator, Prairie Village  
 From: Karen Wulfkuhle, Executive Director *KW*  
 Re: Allocation of 2012 Alcohol Tax Fund

**Board Members**

- Carol Gonzales, President
- Wes Ashton
- Doug Davidson
- Carol Lehman
- Katie Logan
- Patty Mach
- Hon. Laura L. McConwell
- Brent A. McCune
- Tim McKee
- Penny Postoak Ferguson
- Jill Quigley
- Henry Sewing
- Brad Stratton
- Loretta Summers
- Rebecca Tilden
- Karlyn B. Wilkins
- Eugene R. Wilson
- Marc S. Wilson

**Council of Advisors**

- Gary Anderson
- Mary Birch
- Dick Bond
- Dr. Terry Calaway
- Dr. Robert Clark
- Ben Craig
- Hon. Peggy Dunn
- Hon. Ed Eilert
- Jeffrey O. Ellis
- SuEllen Fried
- Hon. Terrie Huntington
- Betty Keim
- Audrey Langworthy
- Rabbi Mark Levin
- Laura McKnight
- Dr. Janis McMillen
- Dr. Robert Meneilly
- Carol Sader
- Charlie Sunderland
- Dr. Elaine Tatham
- Stephen Tatum
- Dr. Tom Trigg
- David Warm
- Dr. Ron Wimmer
- David Wysong
- Hannes Zacharias

Executive Director  
Karen Wulfkuhle

**2012 Recommendation Report**

The Drug & Alcoholism Council of Johnson County (DAC), a project of United Community Services, has prepared and approved the recommendations for allocation of 2012 Alcohol Tax Funds (ATF). The enclosed report is submitted for the City of Prairie Village's action. The DAC is an advisor to the City of Prairie Village on the expenditure of these funds. To receive an electronic version of the document, please contact Donna Zimmerman, [donnaz@ucsjoco.org](mailto:donnaz@ucsjoco.org).

The city has the ultimate authority and responsibility for determining the allocation of its portion of the Alcohol Tax Fund. Therefore, the DAC requests that **the city act on these recommendations by December 31, 2011**. If you would like a representative of the DAC present when the report is considered, please notify Marya Schott of the meeting date and time ([maryas@ucsjoco.org](mailto:maryas@ucsjoco.org)).

**Distribution of Funds**

For the purposes of making the recommendations the DAC pools alcohol tax funds from all participating jurisdictions (Johnson County Government, Gardner, Leawood, Lenexa, Mission, Olathe, Overland Park, Prairie Village, and Shawnee). Each jurisdiction, however, is responsible for distributing its own funds. A distribution chart for your jurisdiction is enclosed. Funding distribution is determined as follows:

- 1) funds for school district programs are allocated proportionally only from the jurisdictions served by particular school districts;
- 2) UCS/DAC administrative cost of 6% is prorated among all jurisdictions; and
- 3) remaining programs are funded proportionally by all jurisdictions.

Thank you for your continued support of this allocation process, which targets public resources to address substance abuse education, prevention, intervention, detoxification, and treatment needs for Johnson County residents. Please contact me or Marya Schott if you have additional questions.

Enclosures: 2012 Alcohol Tax Fund Recommendations Report  
 Alcohol Tax Fund Distribution Chart  
 2012 Grantee List

cc: Lisa Santa Maria





Catalyst for Positive  
Community Change

## United Community Services of Johnson County

### 2012 ALCOHOL TAX FUND RECOMMENDATIONS REPORT DRUG and ALCOHOLISM COUNCIL OF JOHNSON COUNTY

*Participating jurisdictions: Johnson County, Gardner, Leawood, Lenexa, Mission,  
Olathe, Overland Park, Prairie Village and Shawnee*

#### Board Members

Carol Gonzales, President  
Wes Ashton  
Doug Davidson  
Carol Lehman  
Katie Logan  
Patty Mach  
Hon. Laura L. McConwell  
Brent A. McCune  
Tim McKee  
Penny Postoak Ferguson  
Jill Quigley  
Henry Sewing  
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Rabbi Mark Levin  
Laura McKnight  
Dr. Janis McMillen  
Dr. Robert Meneilly  
Carol Sader  
Charlie Sunderland  
Dr. Elaine Tatham  
Stephen Tatum  
Dr. Tom Trigg  
David Warm  
Dr. Ron Wimmer  
David Wysong  
Hannes Zacharias

Executive Director  
Karen Wulkuhle

The purpose of the grant review process conducted by the Drug & Alcoholism Council of Johnson County (DAC) is to direct local Alcohol Tax Funds (ATF) to alcohol and drug prevention, education, intervention, detoxification, treatment, and recovery programs that serve Johnson County residents. The entire community benefits when substance abuse is prevented and/or effectively treated. A continuum of services from education through treatment significantly lowers drug and alcohol use, which in turn lowers healthcare costs, reduces crime, and child abuse and neglect, and increases productivity in employment - thus lowering associated public costs.

Alcohol Tax Funds are derived from a state excise tax on liquor sold by the drink. Part of the revenue generated is returned to the jurisdiction (city or county) in which it was collected, with the stipulation that a specified portion be used for programs "whose principal purpose is alcoholism and drug abuse prevention or treatment of persons who are alcoholics or drug abusers, or are in danger of becoming alcoholics or drug abusers" (KSA 79-41a04 1997).

This process provides a structured and accountable system that allows organizations, through one annual application, access to funds from multiple jurisdictions. The Board of County Commissioners and city councils have ultimate authority and responsibilities for determining which organizations receive funds from their respective jurisdictions based upon the recommendations in this report, and are asked to take action on the recommendations by December 31, 2011.

For 2012, the final amount available for distribution is \$1,311,043. Twenty-four applications totaled \$1,418,645 in funding requests. After studying applications, meeting with applicants and deliberating, the DAC developed funding recommendations. This Report reflects those recommendations and is organized in two sections: Education, Prevention & Intervention; and Treatment & Recovery. For additional information on the process or the programs, contact Marya Schott, UCS Community Initiatives Director, 913.438.4764 or [maryas@ucsjoco.org](mailto:maryas@ucsjoco.org)





**2012 Alcohol Tax Fund Recommendations**

**Grant History and 2012 Request and Recommendations**

Applicant	2009 Allocation	2010 Allocation	2011 Allocation	2012 Request	2012 Recommendation
<b>EDUCATION, PREVENTION &amp; INTERVENTION</b>					
Blue Valley	\$18,000	\$17,400	\$26,500	\$52,200	\$49,100
De Soto	\$26,620	\$25,784	\$26,000	\$26,000	\$24,000
Gardner-Edgerton	\$24,475	\$28,500	\$28,500	\$27,265	\$25,265
Olathe	\$45,000	\$45,396	\$37,380	\$46,360	\$42,860
Shawnee Mission	\$39,600	\$61,260	\$52,317	\$59,420	\$43,691
Spring Hill	\$19,525	\$3,000	\$8,500	\$45,720	\$26,490
Champions of Life	\$15,000				
Family Conservancy	\$30,000	\$31,302	\$31,302	\$31,300	\$31,300
JoCo Court Services	\$46,375	\$49,208	\$53,960	\$55,209	\$55,209
JoCo Library	\$6,000	\$9,937	\$9,500	\$8,000	\$8,000
JoCoMH RPC	\$87,670	\$87,119	\$87,119	\$87,119	\$87,119
Subtotal	\$358,265	\$358,906	\$361,078	\$438,593	\$393,034
<b>TREATMENT &amp; RECOVERY</b>					
Cypress Recovery	\$100,000	\$102,353	\$94,500	\$136,375	\$96,418
First Call	\$15,000	\$24,843	\$20,000	\$25,000	\$17,000
Friends of Recovery	\$28,500	\$29,811	\$29,811	\$30,000	\$30,000
Gillis/IFC	\$51,111	\$50,790	\$50,790	\$51,111	\$51,111
Heartland RADAC	\$60,000	\$59,623	\$59,623	\$85,000	\$85,000
JoCo Corr.(Gender SA)	\$29,400	\$19,874	\$19,874	\$19,025	\$19,025
JoCo Corr. (Co-Occurring Disorder)				\$6,900	\$6,900
JoCoMH ACT	\$147,420	\$146,494	\$149,807	\$149,807	\$149,807
JoCoMH ADU	\$266,448	\$264,774	\$268,581	\$268,581	\$268,581
JoCoMH Adult Dual Dx		\$59,621	\$61,000	\$61,000	\$61,000
KidsTLC	\$48,239	\$46,236	\$45,000	\$46,086	\$35,000
Marillac	\$33,607	\$33,396	\$33,396	\$33,396	\$33,396
SAFEHOME	\$17,883	\$17,771	\$17,771	\$17,771	\$17,771
Salvation Army	\$62,000	\$42,424	\$50,000	\$50,000	\$47,000
Salvation Army (JoCo Treatmt)	\$52,000				
Subtotal	\$911,608	\$898,010	\$900,153	\$980,052	\$918,009
Total Request/Alloc.	\$1,269,873	\$1,256,916	\$1,261,231	\$1,418,645	\$1,311,043
UCS SA Planning	\$15,000				
UCS Admin	\$86,100	\$88,192	\$84,000		\$84,000
Total	\$1,370,973	\$1,345,108	\$1,345,231		\$1,395,043

## 2012 ALCOHOL TAX FUND GRANT RECOMMENDATIONS

### Education, Prevention and Intervention

*Alcohol Tax Funds (ATF) support numerous programs offered by the six public school districts and programs delivered by four community-based organizations. In general school-based programs help to prevent and reduce substance abuse. Additionally, programs lower risk factors associated with substance abuse, such as disruptive behavior and truancy. Community-based programs help lower the rates of substance abuse, which translate to lower mental and physical healthcare costs, and less expense for law enforcement and the criminal justice system. Funding recommendations are based on an evaluation of each proposal (see Appendix A for criteria) and take into consideration the type of programming, outcome achievement and accountability.*

#### School District Programs

Each school district offers a unique mix of programs to its students and parents, and each district has a mix of funding to support these programs. As a result, the programs supported by ATF and the amount of ATF dollars recommended differ for each district.

#### **Blue Valley School District**

**Request: \$52,200**

**Recommendation: \$49,100**

The DAC recommends Blue Valley School District be awarded \$49,100 to support funding for a drug/alcohol prevention coordinator at each middle and high school and a district coordinator, Sobriety Support Groups, AlcoholEdu (an on-line program implemented in all high schools, staff training on Project Alert (middle schools), training for a Reconnecting Youth coordinator, and leader training to expand Reconnecting Youth to additional high schools. The DAC commends Blue Valley School District for its development of more robust programming and addressing the issue of underage binge drinking among students through use of AlcoholEdu. The district serves approximately 12,000 adults/parents and youth/students through ATF supported programs. The DAC again requests that a report of the prevention coordinators' efforts be included in the semi-annual report that lists both the amount of time spent on activities in that six month period and the number of participants in the programs delivered.

#### **De Soto School District**

**Request: \$26,000**

**Recommendation: \$24,000**

The DAC recommends the De Soto School District be awarded \$24,000 to support multiple evidence-based programs targeted at different age levels, including Too Good for Drugs (elementary students), Project Alert (middle school students), and Reconnecting Youth (targeted high risk middle and high school students), as well as staff training to implement and support the delivery of these programs. Additionally, the DAC recommends funding to support the social worker in the district's largest high school who works with students and parents on substance abuse issues and co-teaches the Reconnecting Youth program. The district serves approximately 4,000 adults/parents and youth/students through ATF supported programs. The

DAC commends the District's implementation of multiple evidence-based programs to prevent and address substance abuse among students.

**Gardner Edgerton School District**

**Request: \$27,265**

**Recommendation: \$25,265**

The DAC recommends Gardner Edgerton School District be awarded \$25,265 to support its implementation of the evidence-based programs Project Alert (middle school), Too Good for Drugs (K-12), and Character Education/Too Good for Violence (elementary school). Funding will also be used to support substance abuse prevention and education speakers targeted at students and parents, student participation in the Youth Leadership Summit, drug-free building sponsors, and educational programming/materials focused on parents and building protective factors. The district serves approximately 3,000 adults/parents and youth/students through ATF supported programs. The DAC continues to request that outcome measures related to parent and community involvement be included in the District's semi-annual reports.

**Olathe School District**

**Request: \$46,360**

**Recommendation: \$42,860**

The DAC recommends the Olathe School District be awarded \$42,860 to support the implementation of Project Alert (middle school), Youth Court, weekly sobriety support groups (high school), student substance abuse assessments, Life Skills (after-school program), parent education through Guiding Good Choices and Life Skills Parent Program, and high school prevention activities. The district served approximately 4,000 adults/parents and youth/students through ATF supported programs during 2010. With the addition of high school prevention programming the district anticipates serving approximately 12,000 adults and students during 2012.

**Shawnee Mission School District**

**Request: \$59,420**

**Recommendation: \$43,691**

The DAC recommends the Shawnee Mission School District be awarded \$43,691 to support the district's Drug Free clubs which use the Too Good for Drugs program, staff training in the Too Good For Drugs program, and staff participation in school-based intervention teams at the district's high schools. The DAC commends the school district for implementing an evidence-based substance abuse prevention program in its after school clubs, however this reaches only the students who choose to participate in the after school program. The district serves approximately 2,000 adults/parents and youth/students through ATF supported programs. For several years the DAC has urged the district to provide evidence-based substance abuse programming to students during the school-day. The district did not request ATF support for such programming. Therefore, the DAC is recommending less funding for 2012 than in 2011.

**Spring Hill School District**

**Request: \$45,720**

**Recommendation: \$26,490**

The DAC recommends the Spring Hill School District be awarded \$26,490 to support Natural Helpers (high school), Students Against Destructive Decisions (SADD – high school), Project Alert (7<sup>th</sup> grade), Al's Pals: Kids Making Health Choices (new program for all first graders),

AlcoholEdu (9<sup>th</sup> grade, new program for ATF support); and Service Learning (high school). In its application, the District requested funding to purchase a four-year license for AlcoholEdu; ATF funds are recommended for a one-year license. During 2010, 495 students were served. The district anticipates serving 1,100 students during 2012. The DAC reminds the district to include in its semi-annual reports data that clearly demonstrates outcomes related to substance abuse prevention and education for all programs funded with ATF dollars.

### **Community Based Programs**

#### **The Family Conservancy**

**Request: \$31,300**

**Recommendation: \$31,300**

The DAC recommends the Family Conservancy be awarded \$31,300 to implement The Incredible Years curriculum (targets high-risk children ages 2-8 years-old and their parents), Anger Management classes (targets high-risk adults), and the agency's drug and alcohol assessment and referral process. The Family Conservancy offers The Incredible Years free of charge to families. Anger Management is offered on a sliding fee scale for clients who are income eligible and clients are not refused if unable to pay fees. During 2010, 376 Johnson County residents were served by these programs. The DAC commends the organization's implementation of evidence-based programming.

#### **Johnson County Court Services, Juvenile Drug Court**

**Request: \$55,209**

**Recommendation: \$55,209**

The DAC recommends that Johnson County Court Services be awarded \$55,209 to support the salary and benefits for the Juvenile Drug Court/ MIP Officer and thus ensure the continuation of the Juvenile Drug Court and Minor in Possession of Alcohol (MIP) programs. The Juvenile Drug Court targets first-time offenders applying for diversion who present with serious drug and/or alcohol issues. The MIP program is a non-Court resolution of a police report when a juvenile has been in possession of alcohol. Both programs increase youths' motivation to remain drug/alcohol free. Recidivism rates for juveniles who complete the Drug Court program are considerable lower than juvenile offenders who do not complete the program. During 2012 Court Services anticipates serving 260 Johnson County youth in these programs. The DAC commends the program for its positive short term and intermediate outcomes.

#### **Johnson County Library**

**Request: \$8,000**

**Recommendation: \$8,000**

The DAC recommends the Johnson County Library be awarded \$8,000 to implement the Changing Lives Through Literature (CLTL) program, an alternative rehabilitative program which serves a high-risk population of offenders with criminal records and pending cases that could result in a jail or prison term. This evidence-based, two hour a week, seven week long program depends upon the collaborative support of the court system, Department of Corrections, probation officers, and the library. During 2012 the Johnson County Library anticipates serving 60 participants during 2012 (residents and non-residents). Recidivism rates for individuals who participated in CLTL are lower than felony offenders discharged from supervision who did not participate in the program. The DAC appreciates that program participants are examining

decision-making processes and discovering new ways to think about problems, and that judges are noticing positive changes in participants. The participation of judges in this program is very important and the DAC appreciates their investment of time and energy in CLTL.

**Johnson County Mental Health Center, Regional Prevention Center (RPC)**

**Request: \$87,119**

**Recommendation: \$87,119**

The DAC recommends that the Regional Prevention Center be awarded \$87,119 to support a range of direct prevention services and supports to residents and organizations in Johnson County. Services are formulated around the six prevention strategies identified by the Center for Substance Abuse Prevention: information dissemination, prevention education, drug-free alternatives, problem identification/referral, community based processes, and environmental strategies. During 2010 there were nearly 10,000 Johnson County participants. The RPC anticipates serving 11,050 Johnson County participants during 2012. In 2012 state funding for the RPC is focused on underage drinking and reducing binge drinking, youth use of tobacco, and gambling prevention. ATF will support the RPC's focus on other substances and risk/protective factors identified as a community need, such as marijuana, prescription drugs, and poor family management. The DAC recognizes the Regional Prevention Center as an important part of the prevention system and commends its work with local school districts, law enforcement and other agencies to prevent substance abuse.

**Treatment and Recovery**

*Alcohol Tax Funds are recommended to support 14 treatment and recovery programs delivered by 11 community-based organizations and departments of County government. In general, treatment programs help to reduce substance abuse, lead to positive individual change and productivity, reduce mental and physical healthcare costs, improve public safety, and reduce law enforcement and court costs. Funding recommendations are based upon an evaluation of each proposal and take into consideration the type of programming, outcome achievement and accountability.*

**Cypress Recovery**

**Request: \$136,375**

**Recommendation: \$96,418**

The DAC recommends that Cypress Recovery be awarded \$96,418 for its delivery of outpatient substance abuse programming, especially to those with limited or no resources to pay for services. The DAC acknowledges the important role Cypress Recovery plays in the community through its services to indigent, low-income and underinsured persons. During the first half of 2011, 85% of Cypress Recovery's clients met the criteria for sliding scale fees (based upon income). Cypress Recovery serves approximately 550 Johnson County clients per year. The DAC also acknowledges Cypress Recovery's attempt to increase revenues through special events, and its plans to recoup outstanding debt and reduce expenses. The DAC appreciates that Cypress Recovery is willing to work with the DAC to examine how the financial viability of the organization could be strengthened. Effective January 1, 2012, the DAC requests copies of the agency's year-to-date financial statements be submitted quarterly to UCS staff.

**First Call Alcohol/Drug Prevention & Recovery**

**Request: \$25,000**

**Recommendation: \$17,000**

The DAC recommends that First Call, an affiliate of the National Council on Alcohol and Drug Dependence, be awarded \$17,000 to deliver the *How to Cope* curriculum to parents of clients at Johnson County Mental Health Center Adolescent Center for Treatment, the *Caring for Kids* program at Marillac, and direct services to Johnson County residents who make up five percent of First Call clients. Direct services include assessment and referral to treatment, the Crisis Call hotline, and prevention services. 2012 is the first year that First Call requested ATF for *Caring for Kids* at Marillac. The organization anticipates serving 105 Johnson County participants during 2012 through three ATF funded programs. During 2011, ATF supported First Call's expansion of the *How to Cope* Program to Johnson County adults on probation. Due in part to low participation rate, First Call did not request 2012 ATF support for this program, however, it continues to operate. During 2012 the DAC will carefully monitor the success of programs funded (outcomes and participants served).

**Friends of Recovery Association**

**Request: \$30,000**

**Recommendation: \$30,000**

The DAC recommends that Friends of Recovery (FORA) be awarded \$30,000 to continue reintegration programming for individuals living in Oxford Houses and the Partners in Recovery program which provides coaches to individuals in their first months of sobriety. Oxford Houses target individuals who often have limited resources, and are seeking a supportive environment within which to recover from substance abuse. During 2011 two new Oxford Houses were opened and two more are expected to be opened in 2012, for a total of 23 houses in Johnson County. FORA anticipates serving approximately 285 Johnson County participants during 2012. The DAC appreciates that the Partners in Recovery program which began in 2011 is demonstrating success, as well as commitment from people in the program to help others. The DAC also appreciates that FORA has partnered with Johnson County Forensic Assertive Community Treatment Program to offer short term housing to individuals recently released from incarceration. Through this partnership, individuals are provided with shelter and help from recovery coaches as they seek employment and interview to live at Oxford House on a permanent basis.

**Gillis Center (for Intensive Family Counseling, a division of Gillis)**

**Request: \$51,111**

**Recommendation: \$51,111**

The DAC recommends that Gillis/Intensive Family Counseling (IFC) be awarded \$51,111 for the implementation of Functional Family Therapy, an evidence-based family intervention program to address a variety of problems facing at-risk youth and their families. IFC was acquired by Gillis in 2009 in order to increase its capacity to deliver Functional Family Therapy and uses ATF grant monies to annually serve approximately 140 Johnson County youth and their family members whose problems are related to substance abuse. The DAC commends their continued collaboration with Court Services and the Department of Corrections to identify at-risk youth.

**Heartland Regional Alcohol & Drug Assessment Center (HRADAC)**

**Request: \$85,000**

**Recommendation: \$85,000**

The DAC recommends that Heartland RADAC be awarded \$85,000 to support its recovery coaching and intensive case management for Johnson County individuals with co-occurring substance abuse and mental health issues who are homeless or at risk of homelessness, and need treatment or treatment-related services. Recovery coaching helps clients engage in the recovery community and is a new service provided in conjunction with case management and care coordination services. These services fill a gap in the continuum of services for this population that is otherwise unfunded. The number of intensive case management clients served in Johnson County continues to increase. During 2012 the agency anticipates serving 85 Johnson County clients.

**Johnson County Dept. of Corrections (JCDOC),  
Gender Specific Substance Abuse Treatment for Women**

**Request: \$19,025**

**Recommendation: \$19,025**

The DAC recommends that the Johnson County Department of Corrections be awarded its request of \$19,025 to continue implementation of the Women's Gender Specific Substance Abuse Treatment program. This program at the JCDOC Residential Center is delivered by a contracted provider to approximately 30 Johnson County women annually who have substance abuse issues. Beginning in 2012 Corrections will require that clients pay for some of their own group sessions (2005-2011 services: no cost to client). The DAC commends the JCDOC for modifying its program in 2012 to more closely follow the curriculum used in Forever Free and continuing to serve women in exclusively female groups, and acknowledges the value of women investing in their own treatment.

**Johnson County Dept. of Corrections (JCDOC),  
Modified Co-Occurring Track at JCDOC Therapeutic Community**

**Request: \$6,900**

**Recommendation: \$6,900**

The DAC recommends first-time funding for the development and implementation of a separate modified treatment track at the JCDOC Therapeutic Community (TC) for offenders who have co-occurring disorders of moderate to severe mental illness and history of substance abuse. Criminal offenders who have histories of multiple arrests, chronic substance abuse, and failed treatments are ordered by the court to the TC. JCDOC expects to serve 25 Johnson County participants during 2012. Johnson County Government funds the operations of the TL and the JCDOC states there is no expectation of need for ongoing ATF support for this new program once it is established. The DAC appreciates JCDOC's willingness to implement an evidence-based program in response to an identified need for services for clients with co-occurring disorders.

**Johnson County Mental Health Center, Adolescent Center for Treatment (ACT)**

**Request: \$149,807**

**Recommendation: \$149,807**

The DAC recommends that the Johnson County Mental Health Center's Adolescent Center for Treatment be awarded \$149,807 to deliver an adolescent residential treatment program and an outpatient substance abuse counseling program for youth ages 12-18. The ACT is the only

specialized youth residential substance abuse treatment program available in the state of Kansas, down from three in 2008. The majority of residential patients are court-ordered. In 2010, there was a decrease in Johnson County juvenile alcohol filings and treatment referrals which were reflected in that 23% of ACT residential clients were from Johnson County and 96% of outpatient clients were from Johnson County. However, the agency states that mid-year 2011 Johnson County admissions (residential) were 40% more than at mid-year 2010, and anticipates a larger percentage of Johnson County youth being served during 2012 (approximately 268). ACT offers a sliding fee scale to ensure that no clients are turned away due to financial reasons.

**Johnson County Mental Health Center, Adult Detoxification Unit (ADU)**

**Request: \$268,581**

**Recommendation: \$268,581**

The DAC recommends that the Johnson County Mental Health Center's Adult Detoxification Unit be awarded \$268,581 to provide a non-medical, social detoxification center delivered at no cost to Kansas residents 24 hours a day, seven days a week. Admissions come through hospitals and law enforcement. The ADU is one of two in the region serving Kansas residents and is a cost-effective alternative to hospital emergency rooms or incarceration. During 2012 the Mental Health Center anticipates serving 500 Johnson County clients in the ADU.

**Johnson County Mental Health Center, Adult Dual Diagnosis Outpatient Program**

**Request: \$61,000**

**Recommendation: \$61,000**

The DAC recommends that the Johnson County Mental Health Center's Adult Dual Diagnosis Outpatient Program be awarded \$61,000 to offer targeted adult outpatient programming for individuals with co-occurring substance abuse and mental health disorders. These persons are often very difficult to treat and require staff with both mental health licensure and substance abuse credentialing to deliver treatment planning and services. First implemented in September 2008, an increasing number of clients continue to be served each year, growing from 247 clients in 2009, to 386 in 2010, and 290 at mid-year 2011. During 2012 the Mental Health Center anticipates serving 385 Johnson County clients in the Adult Dual Diagnosis Outpatient Program.

**KidsTLC (formerly TLC for Children & Families)**

**Request: \$46,086**

**Recommendation: \$35,000**

The DAC recommends that KidsTLC be awarded \$35,000 to support substance abuse prevention education and intervention, and clinical treatment for youth who reside in the agency's Psychiatric Residential Treatment Facility (PRTF). Clinical treatment is available to youth who are dually diagnosed with substance abuse and mental health issues. Relapse prevention is provided to youth in recovery. Prevention education is provided to all youth in the PRTF. During 2010, 89 Johnson County youth were served. During 2012 the agency projects serving 20 Johnson County youth. While the DAC acknowledges the value of this programming to a high-risk population, a decrease in funding is recommended because the agency anticipates serving fewer Johnson County youth during 2012.



**Marillac****Request: \$33,396****Recommendation: \$33,396**

The DAC recommends that Marillac be awarded \$33,396 to provide in-patient substance abuse treatment and prevention services to children and adolescents ages 6-17 years who have emotional and behavioral disorders. Marillac is licensed by the Kansas Department of Health and Environment as a Psychiatric Residential Treatment Facility and also holds a psychiatric hospital license and a substance abuse treatment license. DAC members commend Marillac for its use of two evidence-based programs, Seeking Safety and Second Step, which address substance abuse and related risk factors. Marillac anticipates serving 107 Johnson County youth during 2012.

**SAFEHOME****Request: \$17,771****Recommendation: \$17,771**

The DAC recommends SAFEHOME be awarded \$17,771 to continue implementation of its substance abuse assessment and referral program which maintains the current level of ATF support. This program includes an onsite substance abuse assessment of every new resident in this domestic violence shelter, an in-depth substance abuse interview when applicable, recommendations of intervention or treatment and help with connections to those services, and a weekly support group. The organization anticipates serving 71 Johnson County participants during 2012.

**The Salvation Army - Harbor Light Village Recovery Programs****Request: \$50,000****Recommendation: \$47,000**

The DAC recommends the Salvation Army be awarded \$47,000 to support inpatient intermediate and reintegration substance abuse services for Johnson County residents who receive services at the Harbor Light Village Recovery Program, a faith-based treatment program. The majority of clients receiving intermediate and reintegration services have serious health issues and/or a co-occurring psychiatric diagnosis. Intermediate and reintegration services average a 28 day length of stay. While the DAC acknowledges that this program helps to fulfill the need for residential substance abuse services, there is considerable concern regarding the service statistics provided by the agency, as they are significantly lower than numbers from previous years. During 2012 the agency projects that 24 Johnson County participants will be served. The DAC advises the Salvation Army to establish a client tracking system that is reliable and requests quarterly reports on service delivery during 2012.

**APPENDIX A**  
**DRUG & ALCOHOLISM COUNCIL of JOHNSON COUNTY FUNDING PRIORITIES**

**Alcohol Tax Fund priorities for 2012 are:**

- Prevent and respond to underage substance use; especially through interventions that target youth, schools, parents and families, legal system practices and the broader community and how individual and community behaviors influence local youths' risk for substance abuse, and
- Prioritize evidence-based substance abuse education and prevention programs and services in funding recommendations; especially those shown to be effective at either reducing risk factors or enhancing protective factors specific to targeted population(s), and
- Prevent and respond to substance abuse across the lifespan; especially through interventions that reduce significant or complicating barriers to treatment and services (e.g., poverty, homelessness, language or cultural barriers, co-occurring mental illness) and enhance a client's ability to stop using and avoid relapse, and
- Prioritize evidence-based, best practice or model substance abuse intervention, treatment, and recovery programs and services in funding recommendations; especially those using evidence-based principles and practices that enhance the intervention's efficacy with its targeted population(s).

**Applications are evaluated according to these criteria:**

- **Community Need**: How the program addresses a clearly-stated community need or opportunity to address a community need.
- **Program Activities**: A detailed description of program activities that are directly responsive to the community need, including:
  - Accessibility to the target population(s).
  - Accommodation of cultural differences.
  - Replication of an evidence-based model or other successful program for which documentation of effectiveness exists.
- **Coordination and Integration**: An explanation of how the program coordinates with other community services to maximize the impact of available resources.
- **Outcomes**
  - The program defines measurable outcomes, and includes data collection for evaluating success in achieving those outcomes. Outcome data reflecting on abstinence, housing, employment, criminal activity, access to and/or retention in services are preferred.
  - The program demonstrates clear linkage between program activities and outcomes.
  - The program provides reasonable evidence of the achievement of previously identified outcome(s).
- **Organizational Capacity**
  - The program has attracted sufficient community resources from public, private, and volunteer sources, to produce proposed outcomes.
  - The program budget is realistic and reasonable in light of the proposed activities. The application demonstrates that ATF funding is critical to achieving the stated outcomes.
  - The application and program comply with grant conditions.

## APPENDIX B

### 2011 DRUG & ALCOHOLISM COUNCIL of JOHNSON COUNTY

*Mary Moss*, Chair, Overland Park Court Services, City of Overland Park Representative \*

*Charlene Whitney*, Vice-chair, Johnson County Court Services †

*Lee Jost*, Secretary, pastor, Christ the Servant Evangelical Covenant Church, Johnson County Board of County Commissioners Representative, Grant Review Subcommittee Chair \*

*Robert Aley*, retired high school counselor \*

*Lill Bajich-Bock*, Johnson County Community College, Grant Review Subcommittee Chair \*

*Barb Bangert*, retired regional Headstart director \*

*Steve Benz*, Gardner Public Safety Dept., City of Gardner Representative \*

*Sarah Emily Brann*, Student

*Lucy Brown*, Avenues to Recovery \*

*George Crossland*, Crossland Machinery \*

*John Elder*, Olathe Prosecutor's Office, City of Olathe Representative \*

*Robert Hashagen*, retired Kansas Department of Social and Rehabilitation Services \*

*Michael Helmer*, Prudential Real Estate Agent, City of Shawnee Representative

*Joe Karlin*, Rochdale Group, Lenexa City Council Member, City of Lenexa Representative

*Roxann Kerr Lindsey*, CBIZ \*†

*Lt. Rick Newson*, Johnson County Sheriff's Office \*

*Marie Ramirez*, Blue Cross Blue Shield of Kansas City \*

*Kimberly Reene*, Community Volunteer, City of Leawood Representative \*

*Samantha Shannon*, Office of Johnson County District Attorney \*

*Carmen Williams*, Clinical Professional Counselors, LLP \*

*Sally Williams*, Shawnee Mission Medical Center \*

\* Denotes Grant Review Committee member – 2012 ATF

† Denotes Council Development Committee member

Staff Support:  
Marya Schott, UCS Community Initiatives Director

2012 ATF Distribution  
 Prairie Village: \$15,000

UCS administration	\$903
Shawnee Mission School District	\$566
Cypress Recovery, Inc.	\$1,186
Friends of Recovery	\$369
The Family Conservancy	\$385
Heartland Regional Alcohol & Drug Assessment Center	\$1,046
Gillis Center (Intensive Family Counseling)	\$629
Johnson County Library	\$98
Jo. Co. Mental Health Center Adolescent Center for Treatment	\$1,843
Johnson County Mental Health Center Adult Detoxification Unit	\$3,305
Johnson County Mental Health Center Adult Dual Diagnosis	\$751
Johnson County Mental Health Center Regional Prevention Center	\$1,072
Johnson County Dept. of Corrections - Gender Specific	\$234
Jo Co Corrections - Co-Occuring Disorders	\$85
Johnson County Court Services	\$679
Marillac	\$410
First Call	\$210
SAFEHOME	\$220
Salvation Army - Harbor Light	\$578
KidsTLC	\$431
<b>Total</b>	<b>\$15,000</b>

Source: United Community Services of Johnson County 913-438-4764

2012 ALCOHOL TAX FUND GRANTEES

**School Districts**

**Blue Valley School District**

Superintendent: Dr. Tom Trigg  
Contact: Mark Schmidt  
15020 Metcalf  
Overland Park, KS 66283  
(913) 239-4044  
(913) 239-4154 (fax)  
mrschmidt@bluevalleyk12.org

**Gardner/Edgerton School District**

Superintendent: Dr. William Gilhaus  
Contact: Pam Stranathan  
PO Box 97  
Gardner, KS 66060  
(913) 856-2601  
(913) 856-7330 (fax)  
stranathanp@usd231.com

**Shawnee Mission School District**

Superintendent: Dr. Gene Johnson  
Contact: Alicia Dean  
4401 W. 103rd Street  
Overland Park, KS 66207  
(913) 993-8705  
(913) 993-8799 (fax)  
aliciadean@smsd.org

**Community Based Agencies**

**Cypress Recovery**

Exec Director/Contact: Debbie Culala  
230 South Kansas Ave.  
Olathe, KS 66061  
(913) 764-7555  
(913) 764-0739 (fax)  
debbieculala@cypressrecovery.org

**First Call Alcohol/Drug Prevention & Recovery**

Exec Director: Molly O'Neill  
Contact: Susan Whitmore  
633 E. 63rd St.  
Kansas City, MO 64110  
(816) 361-1455 X119  
(816) 361-7290 (fax)  
whitmore@firstcallkc.org

**Gillis Center, Inc. (Intensive Family Counseling )**

Exec Director: Mary Ellen Schaid  
Contact: Alana Titus  
8150 Wornall Rd.  
Kansas City, MO 64114  
(913) 826-3150  
(913) 826-3136 (fax)  
Alana.Titus@gillis.org

**De Soto School District**

Superintendent: Dr. Doug Sumner  
Contact: Dr. Jessica Dain  
35200 W. 91st Street  
De Soto, KS 66018  
(913) 667-6200  
(913) 667-6202 (fax)  
jdain@usd232.org

**Olathe School District**

Superintendent: Dr. Marlin Berry  
Contact: Heather Schoonover  
315 N. Lindenwood  
Olathe, KS 66062  
(913) 780-7002  
(913) 780-8104 (fax)  
hschoonovernlsc@olatheschools.org

**Spring Hill School District**

Superintendent: Dr. Barton Goering  
Contact: Thomas Lawson  
101 East South Street  
Spring Hill, KS 66083  
(913) 592-7252  
(913) 592-7279 (fax)  
lawsont@usd230.org

**The Family Conservancy**

Exec Director: Betsy Vander Velde  
Contact: Marla Baldwin  
10500 Barkley, Suite 210  
Overland Park, KS 66212  
(913) 742-4253  
(913) 362-3632 (fax)  
mbaldwin@thefamilyconservancy.org

**Friends of Recovery Association**

Exec Director/Contact: Kathleen Wright  
6422 Santa Fe Drive, Rm. 105  
Overland Park, KS 66202  
(913) 722-0367  
(913) 722-6325 (fax)  
kittythomas04@hotmail.com

**Heartland Regional Alcohol & Drug Assessment Center (RADAC)**

Exec Director/Contact: Dalyn Schmitt  
P.O Box 1063  
Mission, KS 66222  
(913) 789-0952 x 101  
(913) 789-0954 (fax)  
dalyn@hradac.com

As of November 7, 2011

**Johnson County Court Services**

Exec Director: Kathleen Rieth  
Contact: Dawn Huddleston  
18505 W. 119th St.  
Olathe, KS 66061  
(913) 715-7485  
(913) 715-7420 (fax)  
dawn.huddleston@jocogov.org

**Johnson County Library**

Exec Director: Donna Lauffner  
Contact: Ms. Terry Valasquez  
P.O. Box 2933  
Shawnee Mission, KS 66201  
(913) 826-4581  
(913) 826-4591 (fax)  
velasquez@jocolibrary.org

**Johnson County Mental Health Center:**

**Regional Prevention Center**

Contact: Dr. Ron McNish  
1125 West Spruce  
Olathe, KS 66061  
(913) 826-1504  
(913)826-1594 (fax)  
ron.mcnish@jocogov.org

**Marillac**

Exec Director: Mark Richards  
Contact: Sharon McGloin  
8000 W. 127th St.  
Overland Park, KS 66213  
(816) 508-3362  
(816) 508-3321 (fax)  
Sharon.McGloin@marillac.org

**Salvation Army: Harbor Light Recovery**

Exec Director: Major Charles Smith  
Contact: Mr. Lynn Durbin  
6723 State Avenue  
Kansas City, Kansas 66102  
(913) 232-5400  
(913) 232-5454 (fax)  
Arthur\_Durbin@usc.salvationarmy.org

**Johnson County Dept. of Corrections**

Exec Director: Elizabeth Gillespie  
Contact: Tom Dugan  
206 W. Loula  
Olathe, KS 66061  
(913) 715-4511  
(913) 829-0107 (fax)  
tom.dugan@jocogov.org

**Johnson County Mental Health Center:**

**Adolescent Center for Treatment**

**Adult Detoxification Unit**

**Adult Dual Diagnosis**

Contact: Dr. Ron McNish  
6000 Lamar, Suite 130  
Mission, KS 66202  
(913) 826-1504  
(913)826-1594 (fax)  
Ron.mcnish@jocogov.org

**KidsTLC**

Exec Director: Bob Drummond, ED  
Contact: Hayley Waynick  
480 S. Rogers Rd.  
Olathe, KS 66062  
(913) 324-3672  
(913) 780-3387 (fax)  
hwaynick@kidstlc.org

**SAFEHOME, Inc.**

Exec Director: Sharon Katz  
Contact: Sheri Bird  
P.O. Box 4563  
Overland Park, KS 66204  
(913) 432-9300, ext. 124  
(913) 432-9302 (fax)  
sbird@safefhome-ks.org

**Drug & Alcoholism Council of Johnson Co  
United Community Services of Johnson Co**

Exec Director: Karen Wulfkuhle  
Contact: Marya Schott  
12351 W. 96th Terrace, Suite 200  
Lenexa, KS 66215  
(913) 438-4764  
(913) 492-0197 (fax)  
maryas@ucsjoco.org



City Clerk

Council Meeting Date: December 5, 2011  
Consent Agenda

Approve the issuance of Cereal Malt Beverage Licenses for the following businesses

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### **RECOMMENDATION**

Staff recommends the City Council approve the issuance of Cereal Malt Beverage Licenses for the following businesses for 2012.

Walgreen Co - Store #13032 located at 4016 W 95<sup>th</sup> Street  
Four B Corp - Hen House 22 located at 4050 W 83<sup>rd</sup> Street  
Four B Corp - Hen House 28 located at 6950 Mission Rd  
Hy-Vee Inc - Store located at 7620 State Line Rd  
PCF SaleCo, LLC - Circle K #6100 located at 9440 Mission Rd

### **SUGGESTED MOTION**

I move that the Cereal Malt Beverage licenses listed above be approved for the 2012 licensing year.

### **BACKGROUND**

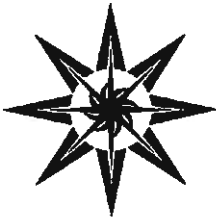
The State of Kansas requires a Cereal Malt Beverage license for each business selling cereal malt beverages. The listed businesses have submitted an application for a 2012 Cereal Malt Beverage License to allow for the sale of beer in unopened original containers only. This application is being submitted in accordance with Prairie Village Municipal Code 3-202. The applications are available for review in the City Clerk's Office.

### **ATTACHMENTS**

None

### **PREPARED BY**

Penny M. Mann  
City Clerk's Office  
Date: November 30, 2011



## **POLICE DEPARTMENT**

**Council Meeting Date: December 5, 2011**

**CONSENT AGENDA: Consider approval of the contract with Animal Medical Center.**

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### **RECOMMENDATION**

Staff recommends the renewal of the Animal Medical Center contract for 2012.

**COUNCIL ACTION REQUESTED ON: December 5, 2011**

### **BACKGROUND**

The City has contracted with Animal Medical Center for many years to provide an impoundment facility, as well as general veterinary or related animal services. Previous contracts have been reviewed by the City Attorney. There were no cost increases or changes to the 2012 contract.

### **PREPARED BY**

Capt. Tim M. Schwartzkopf  
Patrol Commander  
Date: December 1, 2011



## CONTRACT FOR PROFESSIONAL ANIMAL CARE SERVICES

This Agreement is entered into this 1<sup>st</sup> day of January 2012, by and between the City of Prairie Village, Kansas, hereafter referred to as the City, and Animal Medical Center & Associates, P.C., 204 W. 75<sup>th</sup> Street, Kansas City, Missouri, a professional veterinary medicine organization owned by Jarvis E. Williams, DVM, hereafter referred to as AMC.

### **I. SCOPE OF SERVICES**

1. That all services required by the City, in the care, custody and confinement of all domestic and/or wild animals which would normally be the financial responsibility of the City, shall be provided by AMC for the total sum of One Thousand Seven Hundred Forty-Six and 36/100 Dollars (\$1,746.39) per month. The services offered by the AMC shall be, but not limited to:
  - i. Maintain an animal receiving center seven (7) days per week, twenty-four (24) hours per day to receive any and all domestic animals and wild animals which are in the custody of the City.
  - ii. Provide emergency veterinary medical treatment during normal office hours for those animals under control of the City, which are injured or sick.
  - iii. Provide rabies observation for UNCLAIMED animals for a minimum of ten (10) days.
  - iv. Provide each animal flea control and parasite screening.
  - v. Stray canines and felines, unclaimed, shall be kept a minimum of ten (10) days at which time the City, shall release them to AMC for adoptions or euthanization, as AMC deems necessary and proper. AMC agrees that no animal shall be sold for the purpose of research and that all animals adopted under this program will ordinarily only be made available to individuals as companion animals.
2. AMC agrees to accept from the City, any and all dead small animals (under ten (10) pounds each) other than canines and felines presented for disposal. AMC shall dispose of said animals properly, either by incineration or other appropriate means. In consideration for this service, the City shall pay AMC the amount of One Hundred Forty and no/100 Dollars (\$140.00) per month.
3. This Agreement shall authorize AMC, the Police Department, and the City, to establish rules and procedures between all parties concerned to ensure that proper attempts are made to identify the owner of any domestic animal under control of the city. AMC is authorized to bill directly to the owners of said animals appropriate medical costs. The City will reimburse AMC for emergency medical care rendered to unclaimed animals, not to exceed Two Hundred Fifty and no/100 Dollars (\$250.00) per animal.
4. AMC agrees to hold any animal under confinement by the City, whose owner is known, until such time as a release order is received from the City. Should the period of confinement exceed ten (10) days, AMC shall bill the City the sum of Ten and no/100 Dollars (\$10.00) per day for boarding of this animal. Should additional EMERGENCY services be rendered to this animal, AMC is authorized to bill directly to the owner of said animal appropriate medical costs. The City shall guarantee payment by the owner to maximum of Two Hundred Fifty and no/100 Dollars (\$250.00) per incident.
5. The City desires that injured or sick animals located or taken into custody within the City, when an owner cannot be identified or contacted, receive humane treatment. AMC, acting as an agent of the City under contract, is authorized to receive such animals from Animal Control or Police Officers and make a medical examination to determine if treatment is needed and treat such animals if practical. AMC may bill the City, the maximum amount of Two Hundred Fifty and no/100 Dollars (\$250.00) for said treatment if the legal owner cannot be established, and approval for such treatment is received from an authorized City official. AMC, following

standard veterinarian practices, is also authorized to determine that treatment is not warranted and may euthanize said animal to end unnecessary pain and suffering.

6. The City, agrees to pay AMC the sum of Forty-Five and 50/100 Dollars (\$45.50) per animal for each canine and feline disposed of under this agreement, whether accepted for disposal or euthanized any time during or after the ten (10) day impound period.
7. Animal Control Officers or Police Officers bringing in an animal to AMC agrees to:
  - i. Scan the animal for a microchip
  - ii. Put an E-Jay band around the neck of the animal with the Impound number and City written on it.
  - iii. Complete a cage card to be placed on the animal's cage.
  - iv. Put the animal in the appropriate location (cage, freezer, etc).
  - v. Write down the PV impound number on the Daily Work Sheet in A-Ward for medical processing.

## **II. SERVICE FEES**

1. In consideration of the above provisions, the City shall pay to AMC the amount of One Thousand Seven Hundred Forty-Six and 36/100 Dollars (\$1,746.39) per month for the fixed services as provided in Section I, Paragraph 1. The City shall also pay to AMC a per animal disposal fee of Forty-Five and 50/100 Dollars (\$45.50) per animal for the proper disposal of all canines and felines, as provided in Section I, Paragraph 6, and Ten and no/100 Dollars (\$10.00) per day for boarding of animals being confined by the City for a period exceeding ten (10) days, as provided in Section I, Paragraph 4.
2. The cost of intestinal parasite removal and/or mange treatment of infested animals will be charged the City on a per-case basis at fifty percent (50%) off AMC's normal and customary fees.

## **III. SPECIAL PROVISIONS**

The City acknowledges that AMC will make available for purchase to the City, controlled substances for the City use in tranquilizing and euthanizing animals. The City will hold AMC harmless from any and all claims of injury or damage of any nature resulting from the City's use, storage or transportation of the controlled substances.

AMC affirms that the work performed is as an independent agent and hereby accepts responsibility for any death or injury of any employee of AMC or property damage while in performance of service under the terms of this Agreement and holds the City harmless.

AMC further agrees to defend, indemnify and hold the City harmless from any and all claims of injury or damage of any nature resulting from their error, omission or negligent act of AMC. Likewise, the City agrees to defend, indemnify and hold AMC harmless from any and all claims of injury or damage of any nature resulting in error, omission or negligent act of the part of the City.

Either party may terminate this Agreement by giving sixty (60) days written notice prior to the time of termination. This Agreement shall be effective and be in force from January 1, 2012, through December 31, 2012.

**ANIMAL MEDICAL CENTER**

BY: *Gene Williamson*

TITLE: *VETERINARIAN/DVM/EX*

DATE: *11/30/11*

**ATTEST:**

\_\_\_\_\_  
City Clerk

**CITY OF PRAIRIE VILLAGE, KANSAS**

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney

**COUNCIL COMMITTEE OF THE WHOLE**  
**November 21, 2011**

The Council Committee of the Whole met on Monday, November 21, 2011 at 6:00 p.m. The meeting was called to order by Council President Dale Beckerman with the following members present: Dale Warman, Ruth Hopkins, Steve Noll, Michael Kelly, Andrew Wang, Laura Wassmer, Charles Clark, David Morrison, Diana Ewy Sharp and David Belz. Steve Noll, Andrew Wang, David Morrison and Mayor Ron Shaffer arrived late. Staff Members present: Wes Jordan, Chief of Police; Bruce McNabb, Director of Public Works; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Dennis Enslinger, Assistant City Administrator; Lisa Santa Maria, Finance Director, Chris Engel, Assistant to the City Administrator, Marcia Gradinger, Code Enforcement Officer and Joyce Hagen Mundy, City Clerk.

**\*COU2011-57 Consider Approval of First Amendment to the Developer Agreement for Corinth Square Community Improvement District**

Dennis Enslinger stated on September 20, 2010, the City Council approved the creation of the Corinth Square Community Improvement District (CID) through the adoption of Ordinance No. 2229. In addition, the City Council approved Resolution No. 2010-08 approving the associated Development Agreement which formalized the implementation and financing of the CID Projects.

Polisinelli Shughart, on behalf of the developer CSN and CSS Retail Partners, LLC, is requesting to amend Exhibit C to include Project B2: Johnny's and Project B3: Lot H - Arby's to the list of eligible CID Projects. Mr. Enslinger noted these two projects were on the initial list of eligible CID Projects considered by the City Council, but were left off the exhibit which was provided by the developer and ultimately approved by the City Council.

A second modification to Exhibit C is also being proposed for the correction of a clerical error. The initially approved Exhibit C referenced Construction of buildings R & S, however, the Developer CID Project Concept Plan did not include locations for buildings R & S. Staff is recommending that this change be made to clarify the conflict between the two portions of Exhibit C. Mr. Enslinger briefly reviewed the proposed improvements for the Johnny's building which is currently occupied by Johnny's and Subway. The improvements include adding an additional gable entryway, restructuring the columns, roof replacement, outdoor dining and additional landscaping.

Mr. Enslinger noted that based on the initial CID discussions, staff is requesting that Council provide direction as to whether or not the proposed roof replacement would be considered maintenance or enhancement. The roofing material would be a synthetic slate material. Other than the proposed gable extension and enlargement of the cutout rafter section of the roof, no additional modifications will be made to the roof, which is

currently nearing the age of life expectancy for wood shingles. The options to be considered are as follows:

- The entire roof is considered an enhancement based on the changes and the new material and is eligible for CID Reimbursement.
- Only the portion of the roof being modified is eligible for CID reimbursement based on the fact it is an enhancement.
- The difference between replacement cost of a typical roof and the enhanced roof materials is eligible for CID reimbursement.
- Or some of the above.

Mr. Enslinger noted the revisions to Lot H are further out in the construction process and thus there are currently no renderings related to the proposed CID project.

Jeff Berg with Lane4 explained how the omission occurred. He stated the Bank of America property is not included in the CID area due the pending sale of that property. Mr. Berg concurred that the CID agreement clearly stated CID funds could not be used for maintenance. There is a question as to whether or not the new tile roof on the Johnny's building is building maintenance or façade enhancement, noting higher quality tile roof replacement. Mr. Berg stated he views it as both.

Laura Wassmer clarified the patio on the back side of Johnny's would remain with the new patio in the front being similar to that found at Urban Table.

Charles Clark questioned why the concern with getting funds for the roof noting that CID payments are limited based on collections and there will need to be money put out in advance that will take several years to secure CID reimbursement. Jeff Berg responded it comes down to cash flow and what percentage of private funding is available to combine with CID funding to do projects. He noted that every project that is done extends the time needed for payback with CID funds.

Diana Ewy Sharp asked the portion of the roof that is considered maintenance would be determined. Mr. Berg responded they would work with staff. Mr. Enslinger stated his recommendation would be to secure an estimate of the cost for replacement of the roof and the costs in excess of that would be considered enhancements. Laura Wassmer stated she felt that was an appropriate way to address the issue.

Michael Kelly stated he felt the replacement of a roof is clearly a maintenance function and asked how Mr. Berg views it as an enhancement. Jeff Berg responded that they view maintenance as an action which would have to be done at some point in time for the upkeep of the property and anything above that would be an enhancement. Dennis Enslinger noted the roof on Johnny's is nearing the need for replacement.

Laura Wassmer confirmed the two projects being added are "B" projects. Diana Ewy Sharp confirmed that the main center was the "A" project.

Laura Wassmer made the following motion, which was seconded by Diana Ewy Sharp and passed by a vote of 9 to 1 with Mr. Kelly voting in opposition:

**MOVE THE GOVERNING BODY APPROVE THE FIRST  
AMENDMENT TO THE DEVELOPER AGREEMENT FOR  
CORINTH SQUARE COMMUNITY IMPROVEMENT DISTRICT  
TO MODIFY EXHIBIT C TO INCLUDE PROJECT B2:  
JOHNNY'S AND PROJECT B3: LOT H - ARBY'S AND  
FURTHER AUTHORIZED THE MAYOR TO EXECUTE THE  
ASSOCIATED AGREEMENT AND RESOLUTION 2011-17  
COUNCIL ACTION TAKEN  
11/21/2011**

**Presentation on Heartland Habitat Projects in partnership with the Prairie Village Municipal Foundation and city staff**

Quinn Bennion stated the City through the Prairie Village Municipal Foundation has formed a partnership with Heartland Habitat for Humanity to provide services to Prairie Village residents through their program "A Brush with Kindness". The program impacts entire neighborhoods through minor exterior home repairs. Projects include weatherization, painting, landscaping, etc. Labor is completed by volunteers and homeowners. The Foundation has committed \$9,000 to this project initiated by the efforts of Barbara Vernon and the City's Code Enforcement Officer Marcia Gradinger who he introduced to make a presentation.

The City recently completed two projects, one at 7204 Booth and the second at 5801 West 75<sup>th</sup> Street. Ms Gradinger shared before and after pictures of the property explaining the work that was done by volunteers that included city staff as well as representatives from area churches and businesses. Ms. Gradinger noted there is still additional work that needs to be done and both properties and they will be re-evaluated in the spring. Volunteers working on phase 1 improvements have stated they would like to continue working on Prairie Village projects.

Laura Wassmer asked how the properties were selected. Ms Gradinger stated Habitat cannot come into areas and select properties for the program. The properties are identified by local code enforcement officers. Both of the homes identified have had a history of code violations and were in need of assistance to address those issues.

The Mayor and Council thanked Ms Gradinger for her presentation and work on the program and encouraged on-going support of the program through donations to the Mayor's Holiday Tree.

**COU2011-53 Consider contract for Document Imaging Software & Services including online public access with SIRE Technologies**

Dennis Enslinger stated that currently, city records are digitally stored in the Laserfiche Software system. The City has used the Laserfiche system since 1997. Over the past several years with the support of the City Council, staff has made major improvements to software systems and the website in order to improve internal processes and enhance communication with residents. The IT Committee budgeted funds in 2011 for Document Imaging Software that provides online public access to open records.

The Laserfiche product the city currently owns does not provide public access functionality. In order to see a variety of products and public access views, staff issued an RFP for Document Imaging Systems in August 2011 with an emphasis on the online public access portion.

Bids were received from twelve companies. Cost of a desired system ranged from \$11,621 to \$101,855. A staff committee interviewed six companies including the current vendor, Laserfiche. The staff recommends the purchase of the SIRE Technologies product based on features, public access functionality and price point.

SIRE Technologies will work with the City to customize the online public access portal and will provide unlimited users for the online public access portal. Individual licenses must be purchased for access through Laserfiche. Residents will be able to search all records in the system that is designated as public records. The portal will increase transparency with the public. SIRE Technologies will also convert all records from Laserfiche.

While, the Laserfiche system provides online access, it does not allow for unlimited online users. In addition, the cost to upgrade Laserfiche was similar to the cost of a new system.

Johnson County currently uses SIRE Technologies for their legislative documents. Roeland Park has also recently implemented document imaging with SIRE.

Steve Noll asked how far back records are electronically stored. Joyce Hagen Mundy responded a large amount of historical information has been stored such as all city ordinance, all annual reports for the City, budgets from 1983 and City Council minutes from the incorporation of the City. She noted, however, the quality of the scans of the very old records is not always clear.

Ruth Hopkins made the following motion, which was seconded by Michael Kelly:

**MOVE THE GOVERNING BODY AUTHORIZE THE MAYOR TO  
SIGN THE CONTRACT FOR DOCUMENT IMAGING SOFTWARE  
WITH SIRE TECHNOLOGIES IN THE AMOUNT OF \$22,474.83  
COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

## **Discussion regarding parks funding a special sales tax initiative**

David Belz stated the Finance Committee was asked to look into possible ways of funding the implementation of the parks master plan and continue to provide necessary maintenance for park facilities. The following three options were discussed: 1) through the general fund, 2) through an increase in mil levy and 3) through an increase in sales tax dedicated for park improvements. It was the consensus of the Finance Committee that action would need to be taken to move forward. Based on the past budgets, funding through the general fund was not feasible as the limited resources available are budgeted for higher priority needs such as street infrastructure and public safety. The committee did not feel there was support to increase the mil levy. The committee felt the best option would be a dedicated sales tax increase of ½% if approved by the residents on a public vote.

Quinn Bennion stated the next step in the process would be to give staff and legal counsel direction to prepare ballot language and a resolution calling for a special sales tax election.

Ruth Hopkins asked why the Finance Committee felt the need to move forward. She noted from reading past minutes there was not a consensus among the City Council to increase sales tax for parks and expressed concern that it doing so such action would endanger the budget for the maintenance of streets. She asked why the committee felt this was a priority.

David Belz stated the implementation of the parks master plan is not a higher priority than maintaining streets which is the issue. With limited revenue available, funding is designated for street infrastructure and public safety first leaving minimal or no funding for park maintenance and improvements. He noted Public Works Director Bruce McNabb has stated he needs \$500,000 for major park maintenance such as replacement of sidewalks or tennis court resurfacing. He feels this is important to do for the future of Prairie Village.

Ruth Hopkins expressed concern with the impact of this on funding for city infrastructure. David Belz stated he felt that ultimately the City will have to raise the mil levy in order to maintain our streets. Mrs. Hopkins stated she felt it was deceptive asking residents to raise sales taxes for parks without informing them of the probably of an increased mil levy in the near future to maintain City infrastructure.

Michael Kelly stated it is the job of the Council to find funding. He noted the City found a million dollars for Franklin Park and then another \$500,000 for Weltner Park. He said to say that the City does not fund park maintenance is totally inaccurate. More than \$700,000 was spent this year on parks. The City has spent more on parks in the past two years than in the previous ten years combined as demonstrated by the information in the Council packet.



David Belz stated that looking forward it is unrealistic to think the City could spend a million dollars on parks for the next 14 years to complete the implementation of the parks master plan. If the City feels this is important, there has to be a dedicated revenue source, it cannot be done within the general operating budget. Michael Kelly responded that no funds were set aside for Franklin or Weltner Park and yet money was found. .

Diana Ewy Sharp stated that in June of 2009, the City Council voted to approve the parks master plan and funding. Mr. Kelly interjected that he did not approve funding. Mrs. Ewy Sharp referenced comments from earlier meetings where Mr. Kelly stated that a dedicated outside revenue source was necessary for parks funding. She stated the funding was available for Franklin and Weltner because it could be taken from the CIP as those funds would be replaced by bond funds. Mrs. Ewy Sharp noted on August 1<sup>st</sup> the majority of the Council felt the City needed to look for an outside funding source.

Michael Kelly stated he never said he supported a sales tax increase. David Morrison agreed with Mr. Kelly and added he felt a sales tax increase was unnecessary. He noted as recently as the last meeting funds were expended to support charities that should not have been spent. In his Ward funds were spent to construct a sidewalk that was neither wanted nor necessary. He stated the city is already funding park maintenance and has been increasing significantly the money spent on parks in recent years.

Laura Wassmer stated she felt the residents expect money to be budgeted for park maintenance. Parks were listed as the number 1 priority in "Village Vision". She asked why the Council was afraid of letting the Prairie Village voters decide if they want to spend more money in taxes for the maintenance of their parks and implementation of the parks master plan. Let the people decide.

Dale Warman stated the finance committee was advised by the Public Work Director of increasing operating costs for park maintenance and will not allow for the large scale maintenance items such as resurfacing of tennis courts or replacement of sidewalk. However, he remembers a conversation where it was strongly stated that implementation of the parks master plan has to be modified for the current economy. Funds need to first go towards park maintenance and then to implementation of the parks master plan. He feels if there is no other way to fund maintenance he would support a sales tax increase, but reminded people of the uncertainty of what will happen to sales tax at the state level and noted an increase may not be an option.

Ruth Hopkins stated she has a problem with the assumption that going forward the City needs to fund the implementation of the parks master plan. She would support increased funding for maintenance. She noted that it was proposed to use money remaining from the Franklin Park project, not for on-going maintenance, but to make the park even grander with more features. Mrs. Hopkins referenced comments made at previous meetings regarding the adoption of the parks master plan clearly reflecting that the approval of the plan was not a rubber stamp authorization to fund it in full. She feels the City's focus at this time should be on providing basic services to our residents.

Laura Wassmer stated that during budget discussions she was uncomfortable with the mil levy increase without the opportunity for resident input. She is not comfortable funding the parks master plan through Council action alone; rather, she wants to give the residents an opportunity to speak through their votes. She does not see a problem with educating/informing residents and then letting them decide whether to move forward or not.

Diana Ewy Sharp noted there were two residents present, one interested in the repair of the Windsor Trail and the other in the Harmon Park tennis courts, hoping that the City will maintain these facilities and park amenities.

Michael Kelly suggested if this is about letting residents have input then other issues could be taken forward such as term limits and it could be done in conjunction with the April election where not only would they be able to say what they want, but be able to elect the people who will follow that direction.

Andrew Wang stated that he needs to believe in something before taking it to the voters and he feels the City needs to work on this more before moving forward. He is not comfortable with designated funding and does not feel a ballot is the way to proceed at this time.

Dale Warman noted that just because he recommends it go on a ballot does not mean that he supports the increase. He does not.

David Belz stated he does support the proposed sales tax increase for park funding. Park maintenance is not a higher priority than city infrastructure and public safety and therefore, each year it becomes more difficult to fund. He believes parks are important to the City of Prairie Village, noting the impact the improvements at Weltner Park have made to that neighborhood. He believes the only way to ensure that park maintenance and future park enhancements will happen is through a dedicated sales tax increase.

David Belz made the following motion, which was seconded by Laura Wassmer:

**MOVE THE GOVERNING BODY DIRECT STAFF TO DRAFT  
BALLOT LANGUAGE AND A RESOLUTION CALLING FOR A  
SPECIAL SALES TAX ELECTION**

Steve Noll said replacing an old sidewalk with new is maintenance.

Andrew Wang asked if the funds would only go toward enhancements or for maintenance also. David Belz responded they would go toward on-going maintenance of high dollar costs and for enhancements.

Steve Noll stated he would like to direct staff to draft two ballot questions, one for maintenance/enhancements and one for enhancements. He feels that when the City builds something it takes on the responsibility to maintain that asset.

A vote was taken on the motion as stated with the following votes cast: "aye" Warman, Wassmer, Beckerman, Clark, Ewy Sharp and Belz; "nay" Hopkins, Noll, Kelly, Wang, Morrison and passed by a vote of 6 to 5.

Quinn Bennion noted that several of the discussion points were not resolved such as a special vs. general sales tax, sunset or no sunset, election ballot or mail-in ballot. He noted that staff can prepare different ballot language to cover the different options. Mr. Bennion asked when the Council wanted to consider the language. Charles Clark noted a need to get moving and staff stated they would have the information ready for the next meeting on December 5<sup>th</sup>. Dale Warman confirmed this action could be stopped. Charles Clark stated the final decision to place the question on a ballot will take place much later.

Dale Beckerman stated individual council members can speak on the question as individuals only. The City has no position and no city funds will be spent.

**Report from the neighborhood event committee and discussion  
Michael Kelly & Andrew Wang**

Dale Beckerman stated that this item will be carried over to the next committee meeting due to lack of time.

**2011 Summer Recreation Program Report**

Chris Engel gave a brief summary of the 2011 Summer Recreation Programs. Mr. Engel noted that many of the statistics in the report were influenced by the necessary early closing of the pool for health reasons. Overall, it was a successful season. Over 1200 residents participated in the Super Pass Program generating over 5,200 visits to neighboring pools and over \$13,000 in total revenue for the city. Mr. Engel noted computerization of the concessions area resulted in better inventory control. Pool revenues covered 65.3% of the program expenditures in 2011.

Diana Ewy Sharp thanked Chris for his report and work with the recreation programs.

**Adjournment**

With no further business to come before the Committee, Council President Dale Beckerman adjourned the Council Committee of the Whole meeting at 7:27 p.m.

Dale Beckerman  
Council President

**MAYOR'S ANNOUNCEMENTS**  
**December 5, 2011**

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

Planning Commission	12/06/2011	7:00 p.m.
Environmental Committee	12/07/2011	7:00 p.m.
Park & Recreation Committee	12/14/2011	7:00 p.m.
Sister City Committee	12/12/2011	7:00 p.m.
Communications Committee	12/17/2011	5:30 p.m.
Council Committee of the Whole	12/19/2011	6:00 p.m.
City Council	12/19/2011	7:30 p.m.

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The Prairie Village Arts Council is pleased to announce a watercolor exhibit by Richard Joslyn and Dr. William Herre in the R. G. Endres Gallery for the month of December. The artist reception will be held on December 9<sup>th</sup> from 6:30 to 7:30 p.m.

The 2011 Holiday Social hosted by the Johnson and Wyandotte Counties Council of Mayors will be December 7<sup>th</sup> at the Overland Park Convention Center.

The Municipal Foundation will be hosting a Gingerbread House Decorating Party on Sunday, December 11<sup>th</sup> at Brighton Gardens, 7105 Mission Rd. There will be sessions at 1:30 p.m. and 3:00 p.m.

**The Mayor's Holiday Gala for Volunteers will be Friday, December 16<sup>th</sup> at Homestead Country Club.**

The City offices will be closed December 26<sup>th</sup> in observance of Christmas and January 2<sup>nd</sup> in observance of the New Year's Holiday. Deffenbaugh observes both holidays so pick-up each will be delayed one day.

The City will be offering holiday tree drop off sites from December 19<sup>th</sup> through January 20<sup>th</sup> at Porter, Franklin, Meadowlake and Harmon parks again this year.

**INFORMATIONAL ITEMS**  
**December 5, 2011**

1. Planning Commission Agenda - December 6, 2011
2. Mark Your Calendars

PLANNING COMMISSION AGENDA  
CITY OF PRAIRIE VILLAGE  
MUNICIPAL BUILDING - 7700 MISSION ROAD  
TUESDAY, DECEMBER 6, 2011  
Council Chambers  
7:00 P. M.

- I. ROLL CALL
- II. APPROVAL OF PC MINUTES - November 1, 2011
- III. PUBLIC HEARINGS
  - PC2011-08 Proposed Revisions to PVMC 19.44.025  
Entitled "Fences"  
Applicant: City of Prairie Village
- IV. NON-PUBLIC HEARINGS
  - PC2011-122 Site Plan Approval for Wireless Antennae  
7231 Mission Road  
Zoning: R-1a  
Applicant: Pete Akers, Wave Wireless for Sprint
  - PC2011-121 Site Plan Approval for Wireless Antennae  
9011 Roe Avenue  
Zoning: R-1a  
Applicant: Pete Akers, Wave Wireless for Sprint
  - PC2011-120 Site Plan Approval for Wireless Antennae  
7700 Mission Road  
Zoning: R-1a  
Applicant: Pete Akers, Wave Wireless for Sprint
- V. OTHER BUSINESS
  - PC91-108 Revision to Site Plan - Southminster Presbyterian Church
  - Discussion of possible revisions to zoning regulations on "Alternative Energy"
- VI. ADJOURNMENT

Plans available at City Hall if applicable

If you can not be present, comments can be made by e-mail to  
[Cityclerk@Pvkansas.com](mailto:Cityclerk@Pvkansas.com)

\*Any Commission members having a conflict of interest, shall acknowledge that conflict prior to the hearing of an application, shall not participate in the hearing or discussion, shall not vote on the issue and shall vacate their position at the table until the conclusion of the hearing.

**Council Members  
Mark Your Calendars  
December 5, 2011**

**December 2011** Richard Joslyn and Dr. William Herre watercolor exhibit in the R. G. Endres Gallery

December 9 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.  
December 16 Mayor's Holiday Gala  
December 19 City Council Meeting  
December 26 City offices closed in observance of Christmas

**January 2012** City owned art in the R. G. Endres Gallery

January 2 City offices closed in observance of New Years  
January 3 (Tues.) City Council Meeting  
January 13 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.  
January 16 City offices closed in observance of Martin Luther King Day  
January 17 (Tues.) City Council Meeting

**February 2012**

February 6 City Council Meeting  
February 10 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.  
February 20 City offices closed in observance of Presidents' Day  
February 21 (Tues.) City Council Meeting

**March 2012** Fred Mullett printmaking exhibit in the R. G. Endres Gallery

March 5 City Council Meeting  
March 9 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.  
March 19 City Council Meeting

**April 2012**

April 2 City Council Meeting  
April 14 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.  
April 16 City Council Meeting

**May 2012**

May 7 City Council Meeting  
May 11 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.  
May 21 City Council Meeting  
May 28 City offices closed in observance of Memorial Day

**June 2012** Senior Arts Council exhibit in the R. G. Endres Gallery

June 4 City Council Meeting  
June 8 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.  
June 18 City Council Meeting

**July 2012** Dorrance / Higgins / Nye exhibit in the R. G. Endres Gallery

July 2 City Council Meeting  
July 4 VillageFest  
July 4 City offices closed in observance of Independence Day  
July 13 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.  
July 16 City Council Meeting

**August 2012**

August 6 City Council Meeting  
August 10 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.  
August 20 City Council Meeting

**September 2012**

Ukrainian - Sister City exhibit in the R. G. Endres Gallery  
September 3 City offices closed in observance of Labor Day  
September 4(Tues.) City Council Meeting  
September 14 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.

**October 2012**

State of the Arts Exhibit in the R. G. Endres Gallery  
October 1 City Council Meeting  
October 12 Artist reception in the R. G. Endres Gallery  
October 15 City Council Meeting

**November 2012**

November 5 City Council Meeting  
November 9 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.  
November 19 City Council Meeting  
November 22 City offices closed in observance of Thanksgiving  
November 23 City offices closed in observance of Thanksgiving

**December 2012**

December 3 City Council Meeting  
December 14 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.  
December 17 City Council Meeting  
December 25 City offices closed in observance of Christmas