

**COUNCIL COMMITTEE OF THE WHOLE**  
**Council Chambers**  
**August 20, 2012**  
**6:00 PM**

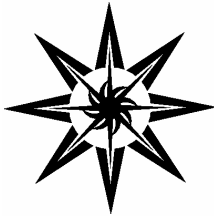
**AGENDA**

**DAVID MORRISON, COUNCIL PRESIDENT**

**AGENDA ITEMS FOR DISCUSSION**

- COU2012-40 Consider modifications to Sidewalk Policy CP204  
Keith Bredehoeft  
  
Presentation of 75th Street Concept Design (State Line Rd to Mission Rd)  
Keith Bredehoeft and Consultant: Cory Clark
- \*COU2012-41 Consider Engineering Change Order #1 for Project 75ST0001 - 75th Street from State Line Rd to Mission Rd  
Keith Bredehoeft
- \*COU2012-38 Consider KDOT Form 1302 - Request for Construction Project for Project 75ST0001: 75th Street - Stateline Rd to Mission Rd  
Keith Bredehoeft
- COU2012-39 Consider Approval of Neighborhood Event Ordinance and Permit Process  
Neighborhood Events Study Group

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



## PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: August 20, 2012

### COU2012-40: CONSIDER MODIFICATION TO CITY COUNCIL POLICY 204-SIDEWALKS

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#### RECOMMENDATION

Staff recommends the City Council approve changing City Council Policy 204 to incorporate a provision to allow for a vote petition to not install sidewalks on local streets.

#### BACKGROUND

Council Policy 204 requires sidewalks to be constructed on one side of all local streets. It is common for residents to ask City Council to reconsider this policy when their street is planned for the addition of a sidewalk. City Council has granted exceptions when residents have shown significant support to not build the sidewalk. At the August 6<sup>th</sup> Committee meeting, staff was directed to draft modifications to the sidewalk policy based on Council input. Council members Morrison and Odell met with staff on Friday, August 10<sup>th</sup> to discuss possible criteria and policy modifications to match current Council direction. The study group recommends a vote petition process for abutting property owners.

A vote petition provides the residents an option to contest the sidewalk installation while upholding the policy of constructing sidewalks on local streets. The proposed modification to the policy will allow for exceptions at a high threshold if 75% of the abutting property owners contest. Sidewalk requirements for arterial and collector streets will remain the same as exists in the current policy. Future discussion is needed regarding where sidewalks on both sides of arterial and collector streets are warranted.

#### **CP-204 Recommended Modification-**

##### Item III.I

*For residential / local streets, property owners who abut the street with a proposed sidewalk project may contest its construction. Public Works will send a written notice of intent to construct a sidewalk to the property owners abutting the street. The notice will be sent certified mail (no return receipt) to the first property owner of record as listed on the Johnson County land records. The notice will include a vote petition which the property owner can indicate approval or disapproval of the construction of the sidewalk. The vote petition must be received by Public Works within 30 calendar days of the mailing of the notice. No response is counted towards approval of the construction of a sidewalk. There is only one vote petition per residential property.*

*If 75 percent or greater of the vote petitions indicate disapproval, then the sidewalk will not be constructed as part of the street project. If more than 25*

*percent of the vote petitions indicate approval or are not returned, then the sidewalk will be constructed as part of the street project.*

Items for Council discussion:

- Does Council support the vote petition concept which enables residents to opt out of the sidewalk installation on local streets?
- Does the notice of intent need to be certified mail? Staff recommends first class mail.
- Should the letter be accompanied with a preaddressed stamped envelope?
- Should a pending resident petition (such as 68<sup>th</sup> St.) be accepted as the vote petition?

## **FUNDING SOURCE**

Implementing the changes would result in decrease costs for sidewalk construction as sidewalks are contested. Unused street project funds will be applied to other street projects.

## **RELATION TO VILLAGE VISION**

*TR1 Bike and Pedestrian Friendly*

*TR1a Provide sidewalks in new and existing areas to allow for continuous pedestrian movement around Prairie Village.*

## **ATTACHMENTS**

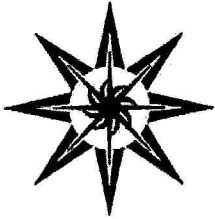
Existing City Council Policy 204

Map of Residential Streets with Sidewalks and No Sidewalks

## **PREPARED BY**

Keith Bredehoeft, Project Manager

August 17, 2012



**City Council Policy: CP204 - Sidewalks**

**Effective Date: July 20, 2009**

**Amends: CP204 dated April 3, 2006**

**Approved By: Governing Body**

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**I. PURPOSE**

**A. To establish a Public Works policy for the construction, reconstruction, maintenance and repair of City sidewalks.**

**II. RESPONSIBILITY**

**A. Director of Public Works**

**III. POLICY**

**A. All arterial streets will have sidewalks constructed on both sides of the street.**

**B. All collector streets will have sidewalks constructed on both sides of the street**

**C. All local streets will have sidewalks constructed on one side of the street.**

**D. Sidewalks may be constructed one side of street as part of a street resurfacing project**

**E. Sidewalks installed by the City will be financed by the City**

**F. A notice of intent to construct a sidewalk will be sent to property owners before design work is begun.**

**G. The City of Prairie Village will repair or replace and pay the entire cost for sidewalks on public streets within the City limits of Prairie Village that have deteriorated due to natural conditions, except as otherwise provided by Prairie Village Municipal Code Chapter XIII Article 1 SIDEWALKS.**

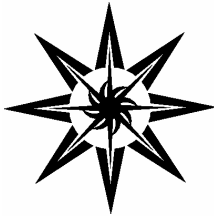
**H. Sidewalks will be constructed all around cul-de-sacs that are 501 feet or longer. Sidewalks will not be constructed on cul-de-sacs 500 feet or less unless a sidewalk already exists.**

**IV. CONSTRUCTION**

**A. All constructed sidewalks shall have a minimum width of five feet**

**B. When a sidewalk terminates at a street pavement, a ramp shall be constructed in accordance with the latest provisions of the American with Disabilities Act.**





## PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: August 20, 2012

Council Meeting Date: August 20, 2012

### **\*COU2012-41: PRESENTATION OF THE 75<sup>TH</sup> STREET IMPROVEMENTS STUDY AND CONSIDER ENGINEERING CHANGE ORDER #1 FOR PROJECT 75ST0001- 75<sup>TH</sup> STREET FROM STATE LINE ROAD TO MISSION ROAD**

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#### **RECOMMENDATION**

Move to approve Change Order #1 with GBA for project 190866: 75<sup>th</sup> Street Rehabilitation from State Line Road to Mission Road in the amount of \$238,240.00.

#### **BACKGROUND**

The 75<sup>th</sup> Street project will improve the existing infrastructure and will also look to improve pedestrian accommodations and to make 75<sup>th</sup> Street a more aesthetically pleasing corridor. This project is scheduled to receive \$1.6 Million in Federal Funds through the Mid America Regional Council(MARC) under the Bike/Pedestrian and Livable Communities category. The Federal Funds are to be used in 2014.

George Butler Associates, Inc.(GBA) was selected to perform the conceptual design study for this project. This Engineering Change Order is for preliminary design, final design, bidding services, and limited construction services. The Kansas Department of Transportation(KDOT) administers Federal funds and therefore this project will be designed to KDOT standards. KDOT will also manage the construction letting of the project. The 75<sup>th</sup> Street City Council Sub-Committee consisting of Mayor Ron Shaffer, Michael Kelly, Andrew Wang, David Belz, and Ted Odell, have been working with GBA and has recommended the below project design features move forward to preliminary design.

Design features to be included preliminary design-

- New continuous sidewalks on north and south sides of 75<sup>th</sup> Street.
- Narrow 75<sup>th</sup> Street lanes from 12 feet to 11 feet to allow for better pedestrian accommodations on the north side of the street.
- Aesthetic facing on retaining walls.
- Alignment of 75<sup>th</sup> Street at Belinder Avenue including the possibility of concrete curb medians.
- Belinder Avenue and 75<sup>th</sup> Street landscape/aesthetic improvements.
- 75<sup>th</sup> Street and Stateline Road landscape/City entrance feature.
- Pedestrian activated beacons for crossing 75<sup>th</sup> Street near Windsor Street.
- Improved bus accommodations.
- New concrete curb, new asphalt pavement, and drainage improvements.

Once preliminary design is completed an additional Public Meeting will be held in early 2013 to get additional input to help finalize the design of the project. Property owners

with more significant impacts and home associations will be a part of the preliminary design process.

## **FUNDING SOURCE**

Funding is available under Project 75ST0001: 75<sup>th</sup> State Line Road to Mission Road in the amount of \$238,240.00.

## **RELATION TO VILLAGE VISION**

- CC1a. Make streetscape improvements to enhance pedestrian safety and attractiveness of the public realm.*
- 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. Engineering Change Order #1 with George Butler Associates, Inc.
2. Letter to residents informing them of Council Meeting

## **PREPARED BY**

Keith Bredehoeft, Project Manager

August 15, 2012



**CITY OF PRAIRIE VILLAGE  
PUBLIC WORKS DEPARTMENT  
ENGINEERING CHANGE ORDER NO. 1**

City's Project: 75ST0001- 75th Street, Stateline Road to Mission Road

Date Requested: August 20, 2012

Contract Date: June 6, 2011

Consultant's Name: George Butler and Associates

Contractor's Name:

**REQUIRED CHANGES TO PRESENT CONTRACT**

Contract Quantity	Previous Amount	Unit	Item Description	Adj. Quant.	Unit Price	Adjusted Amount
1	\$124,760.00		Additional Engineering Services	1		\$363,000.00

TOTAL \$124,760.00

	TOTAL	\$363,000.00
NET Increase		\$238,240.00

**EXPLANATION OF CHANGE - This change order is to cover the following items:**

The additional fee is for the preliminary design, final design, bidding services, and limited construction services for Project 75ST0001- 75th Street, Stateline Road to Mission Road.

	Contract Value	Contract Days
Original Contract	\$124,760.00	
Current Contract including previous Change Orders	\$124,760.00	
NET This Change Order	\$238,240.00	
New Contract Price	\$363,000.00	

\_\_\_\_\_  
Engineer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Keith Bredehoeft, Project Manager  
City of Prairie Village, KS

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ronald L. Shaffer, Mayor  
City of Prairie Village, KS

\_\_\_\_\_  
Date



75th Street  
Mission to State Line  
Prairie Village, KS  
Engineering Services Costs

EXHIBIT A

CLASSIFICATION	PRI	ASC	SRE	AES1	AES2	AES3	TEC1	TEC2	SCO	CO2	RLS	SP2	CLI	TOTAL	GPS	Mileage	Mileage	Add'l	TOTAL	TOTAL
HOURLY CHARGEOUT RATE	\$240	\$170	\$142	\$112	\$100	\$90	\$90	\$72	\$120	\$75	\$112	\$144	\$80	HOURS	Units	Personal	Survey	Expenses	EXPENSES	COST
<b>75th Street (Mission Road - State Line Road)</b>																				
<b>PHASE I - Field Check Design Services</b>																				
<b>Survey</b>																				
Start Up Meeting		1									1	1		3					\$0.00	\$426.00
Review Project Data		1					2				1			4					\$0.00	\$462.00
Revisit Utilities		1					1				2	12		16			120		\$120.00	\$2,332.00
Inventory / Detail Sanitary and Storm Sewers		1									2	32		35	400		190		\$590.00	\$5,592.00
Topo Obscured Areas// Additional Mapping Checks		1									2	24		27	100		150		\$250.00	\$4,100.00
Property		8									2	12		22	400	50	120		\$570.00	\$3,882.00
Base Map Clean Up and Additions		2					30				4			36					\$0.00	\$3,488.00
Obtain Ownership Documents		1									2			3					\$0.00	\$394.00
Prepare Easements (Estimate 10 properties)		6					30				2			38					\$0.00	\$3,944.00
Internal Meeting (1 meeting)		1					1							2					\$0.00	\$260.00
<b>Environmental</b>																				
Submit agency letters requesting Cultural Resource and T&E species information			2			4								6					\$0.00	\$644.00
Internal Meeting (1 meeting)			1											1					\$0.00	\$142.00
<b>Roadway Design</b>																				
Project Coordination with KDOT		8	16											24					\$0.00	\$3,632.00
Project Coordination with City		8	8											16					\$0.00	\$2,496.00
Assist City with ROW Coordination/1306 Form		1	8											9					\$0.00	\$1,306.00
Assist City with Utility Coordination/1304 Form		1	8											9					\$0.00	\$1,306.00
Horizontal Alignment Modifications			4	4		2								10					\$0.00	\$1,196.00
Plan View Replacement Items			4	16		16								36					\$0.00	\$3,800.00
Drainage Evaluation/Modification Design			4	16		4								24					\$0.00	\$2,720.00
ADA ramp design			4	8		16								28					\$0.00	\$2,904.00
Driveway Design			8	24		24								56					\$0.00	\$5,984.00
South Sidewalk Design			8	16		16								40					\$0.00	\$4,368.00
75th and Belinder Intersection Design			4	8		8								20					\$0.00	\$2,184.00
Node Area Design (State Line and Belinder)			12	16		8								36					\$0.00	\$4,216.00
Laura Little's Shop Frontage Design			8	8		4								20					\$0.00	\$2,392.00
Retaining Wall layouts (Plan/Profile)			8	16		16								40					\$0.00	\$4,368.00
<b>Prepare Field Check Plans</b>																				
A. Title Sheet				2		4								6					\$0.00	\$584.00
B. Typical Sections				2		2								4					\$0.00	\$404.00
C. General Notes			2	4		4								10					\$0.00	\$1,092.00
D. Plan Sheets			8	24		24								56					\$0.00	\$5,984.00
E. Detail Sheets			8	16		16								40					\$0.00	\$4,368.00
F. Retaining Wall Sheets			4	16		12								32					\$0.00	\$3,440.00
G. Drainage Sheets			4	16		8								28					\$0.00	\$3,080.00
I. Cross Section Sheets			4	16		24								44					\$0.00	\$4,520.00
H. Erosion Control Sheets			2	4		4								10					\$0.00	\$1,092.00
Prepare Final Opinion of Probable Construction Cost			2	4		2								8					\$0.00	\$912.00
Submit Field Check Plans to City for review (2 half size sets)			1	2										3				50	\$50.00	\$416.00
Modify Plans according to City comments		2	4	4										10					\$0.00	\$1,356.00
Submit Field Check Plans for KDOT review (electronic submittal)			1	2										3					\$0.00	\$366.00
Modify Plans according to KDOT comments		2	16	16										34					\$0.00	\$4,404.00
Field Check meeting (1)		2	4	2										8		20			\$20.00	\$1,152.00
Internal Meeting (2 meetings)		2	4	2										8					\$0.00	\$1,132.00
<b>Structural Design</b>																				
Coordinate with Roadway and Landscape Architect			8																\$0.00	\$1,136.00
Internal Meeting (1 meeting)			1											1					\$0.00	\$142.00
<b>Traffic Design</b>																				
<b>Traffic Signal Plans</b>																				
Traffic Signal - 75th St. & Belinder Ave.			8		16	20	8							52					\$0.00	\$5,256.00
Utility Coordination for Traffic Signals and Beacons			1		1									2					\$0.00	\$242.00
Pavement Marking / Signing Plan			8		12	16	8							44					\$0.00	\$4,496.00
Street Lighting Plan			4		8	8	4							24					\$0.00	\$2,448.00
Traffic Control Plan			8		16	16	16							56					\$0.00	\$5,616.00
Field Check meeting (1)			2											2					\$0.00	\$284.00
Internal Meetings (2 meetings)			2		2									4					\$0.00	\$484.00
<b>Electrical Design (Aesthetic Lighting)</b>																				
Coordinate w/ Wayne Kirckhoff			2											2					\$0.00	\$284.00
<b>Public Involvement</b>																				
Public Meeting (1)		3	12											15		20			\$20.00	\$2,234.00
City Council Subcommittee Meeting (1)		3	6											9		20			\$20.00	\$1,382.00
Coordination/Discussion with Project Stakeholders		8	8											16		50			\$50.00	\$2,546.00
<b>Project Management</b>																				
GBA project startup			2											2					\$0.00	\$284.00
Provide General Project Management, Supervision, and Coordination		24												24					\$0.00	\$4,080.00
Project progress meetings with City/KDOT (2)		4	6											10		40			\$40.00	\$1,572.00
Provide Quality Review		8	12											20					\$0.00	\$3,064.00
Prepare Invoices		2											4	6					\$0.00	\$660.00
<b>SUB TOTAL FIELD CHECK DESIGN SERVICES</b>	<b>0</b>	<b>101</b>	<b>261</b>	<b>264</b>	<b>55</b>	<b>278</b>	<b>100</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>18</b>	<b>81</b>	<b>4</b>	<b>1,154</b>	<b>\$900</b>	<b>\$200</b>	<b>\$580</b>	<b>\$50</b>	<b>\$1,730</b>	<b>\$139,050</b>
<b>PHASE II - Final Design Services</b>																				
<b>Environmental</b>																				
Prepare and submit KDHE Notice of Intent for land disturbance permit						4								4					\$0.00	\$360.00
Prepare stormwater pollution prevention plan (SWPPP)						16								16					\$0.00	\$1,440.00
Erosion Control Phasing & Sequencing						4								4					\$0.00	\$360.00

75th Street  
Mission to State Line  
Prairie Village, KS  
Engineering Services Costs

EXHIBIT A

CLASSIFICATION	PRI	ASC	SRE	AES1	AES2	AES3	TEC1	TEC2	SCO	CO2	RLS	SP2	CLI	TOTAL	GPS	Mileage	Mileage	Add'l	TOTAL	TOTAL
HOURLY CHARGEOUT RATE	\$240	\$170	\$142	\$112	\$100	\$90	\$90	\$72	\$120	\$75	\$112	\$144	\$80	HOURS	Units	Personal	Survey	Expenses	EXPENSES	COST
Temporary Erosion Control Plan Review and Design						4								4					\$0.00	\$360.00
Final Coordination Meetings (1)			1											1					\$0.00	\$142.00
<b>Roadway Design</b>																				
Project Coordination with KDOT		8	16											24					\$0.00	\$3,632.00
Project Coordination with City		4	8											12					\$0.00	\$1,816.00
Utility coordination and accommodation analysis		2	8	16										26					\$0.00	\$3,268.00
Special Provision Coordination		2	16	8										26					\$0.00	\$3,508.00
Prepare Final Plans																				
A. Title Sheet				1		1								2					\$0.00	\$202.00
B. Typical Sections						1								1					\$0.00	\$90.00
C. General Notes			2	2										4					\$0.00	\$508.00
D. Plan Sheets			2	4		8								14					\$0.00	\$1,452.00
E. Detail Sheets			2	4		4								10					\$0.00	\$1,092.00
F. Retaining Wall Sheets			2	4		2								8					\$0.00	\$912.00
G. Drainage Sheets			4	8		4								16					\$0.00	\$1,824.00
I. Cross Section Sheets			4	8		16								28					\$0.00	\$2,904.00
H. Erosion Control Sheets				2		2								4					\$0.00	\$404.00
I. Summary of Quantity Sheets			4	8		8								20					\$0.00	\$2,184.00
J. Recap of Quantity Sheet			1	2		2								5					\$0.00	\$546.00
Prepare Final Opinion of Probable Construction Cost			1	4										5					\$0.00	\$590.00
Submit Final PS&E to City for review (2 full size sets)			1	2										3				100	\$100.00	\$466.00
Modify Final PS&E according to City comments		2	4	4										10					\$0.00	\$1,356.00
Submit Final Plans for KDOT review (electronic submittal)			2	2										4					\$0.00	\$508.00
Modify Plans according to KDOT comments		2	12	12										26					\$0.00	\$3,388.00
Internal Meeting (2 meetings)		2	4	2										8					\$0.00	\$1,132.00
<b>Traffic Design</b>																				
Address Prelim. Review Comments			4		4									8					\$0.00	\$968.00
Traffic Signal Plans																				
Traffic Signal - 75th St. & Belinder Ave.			8		16	20	8							52					\$0.00	\$5,256.00
Pavement Marking / Signing Plan			8		12	16	8							44					\$0.00	\$4,496.00
Street Lighting Plan			4		8	8	4							24					\$0.00	\$2,448.00
Traffic Control Plan			8		16	16	16							56					\$0.00	\$5,616.00
Internal Meeting (2 meeting)			2		2									4					\$0.00	\$484.00
<b>Structural Design</b>																				
Design large tower monuments			3	12										15					\$0.00	\$1,770.00
Design large tower foundations			3	12										15					\$0.00	\$1,770.00
Detail large towers			2	8			16							26					\$0.00	\$2,620.00
Design small tower monument			3	12										15					\$0.00	\$1,770.00
Detail small tower monument			2	4			8							14					\$0.00	\$1,452.00
Consultation on retaining walls (Retaining walls to be per City standard)			4	4										8					\$0.00	\$1,016.00
Consultation on handrails (Handrails to be per City standard)			4	4										8					\$0.00	\$1,016.00
Internal Meeting (2 meeting)			2	2										4					\$0.00	\$508.00
<b>Electrical Design (Aesthetic Lighting)</b>																				
Coordination Mtgs. KCPL / City of Prairie Village			4											4					\$0.00	\$568.00
Lighting Plans			6				8							14					\$0.00	\$1,572.00
Electrical Riser Diagram			2				4							6					\$0.00	\$644.00
Details			2				2							4					\$0.00	\$464.00
Specifications - On Drawings			6				2							8					\$0.00	\$1,032.00
Issue Bid / KDOT Construction Documents			2				2							4					\$0.00	\$464.00
Quality Review			1											1					\$0.00	\$142.00
<b>Project Management</b>														0						
Provide General Project Management, Supervision, and Coordination		24												24					\$0.00	\$4,080.00
Project progress meetings with City/KDOT (2)		4	6											10		40			\$40.00	\$1,572.00
Provide Quality Review		8	12											20					\$0.00	\$3,064.00
Prepare Invoices		2											4	6					\$0.00	\$660.00
<b>SUB TOTAL FINAL DESIGN SERVICES</b>	<b>0</b>	<b>60</b>	<b>192</b>	<b>151</b>	<b>58</b>	<b>136</b>	<b>78</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>679</b>	<b>\$0</b>	<b>\$40</b>	<b>\$0</b>	<b>\$100</b>	<b>\$140</b>	<b>\$79,896</b>
<b>SUB TOTAL DESIGN SERVICES</b>	<b>0</b>	<b>161</b>	<b>453</b>	<b>415</b>	<b>113</b>	<b>414</b>	<b>178</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>18</b>	<b>81</b>	<b>8</b>	<b>1,833</b>	<b>\$900</b>	<b>\$240</b>	<b>\$580</b>	<b>\$150</b>	<b>\$1,870</b>	<b>\$218,946</b>
<b>PHASE III- Bidding/Construction Services</b>																				
Coordinate questions and additional information with KDOT		1	4	1										6					\$0.00	\$850.00
Attend pre-bid conference		2	2											4					\$0.00	\$624.00
Questions during construction phase		4	16	4										24					\$0.00	\$3,400.00
<b>SUB TOTAL</b>	<b>0</b>	<b>7</b>	<b>22</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>34</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$4,874</b>
<b>GRAND TOTAL OF ENGINEERING SERVICES</b>	<b>0</b>	<b>168</b>	<b>475</b>	<b>420</b>	<b>113</b>	<b>414</b>	<b>178</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>18</b>	<b>81</b>	<b>8</b>	<b>1,867</b>	<b>\$900</b>	<b>\$240</b>	<b>\$580</b>	<b>\$150</b>	<b>\$1,870</b>	<b>\$223,820</b>
<b>External Expenses</b>																				
Landscape Architecture - WLK Urban Design																				\$14,420.00
Ownership Documents from Title Company (Billed directly to City as-needed)																				
<b>TOTAL CONTRACT</b>																				<b>\$238,240.00</b>



# THE CITY OF PRAIRIE VILLAGE

## STAR OF KANSAS

August 14, 2012

RE: 75<sup>th</sup> Street Improvements Study (Mission Road to State Line Road)

Dear Resident,

In the last year the City has invited you to a public meeting to get your ideas related to the 75<sup>th</sup> Street Study. We appreciate the feedback on the corridor that we received. We will be presenting ideas from the conceptual study to the City Council as they consider extending the engineering contract with George Butler and Associates for preliminary and final design. The Council Committee Meeting is scheduled for Monday, August 20, 2012 at 6:00 P.M. at City Hall. This letter is intended to inform you of this meeting.

Below is information related to the design of the project and is a summarization of what will be presented to the City Council on August 20, 2012. This information can also be found at [www.pvkansas.com/projects](http://www.pvkansas.com/projects).

*Concepts that are moving forward are as follows. Continuous sidewalks on the north and south sides of 75<sup>th</sup> Street is a top priority. The lane widths on 75th Street can be narrowed to allow for additional space along the north side of the road. This additional space can accommodate a 6 foot wide sidewalk with at 1 foot red stamped concrete buffer at the back of the curb. The design will create a better pedestrian environment versus what exists today. A sidewalk on the south side is important and does have impacts and significant retaining walls would need to be constructed. Additional items being considered are listed below-*

- *Aesthetic facing on new and existing retaining walls.*
- *Alignment of 75th at Belinder Avenue including concrete curb medians.*
- *Belinder Landscape/Aesthetic Improvements.*
- *Street light upgrades.*
- *75th Road and Stateline Road Landscape/City Entrance Feature.*
- *Pedestrian Activated Beacons for crossing near Windsor Street.*
- *Improved Bus accommodations.*

Once preliminary plans are completed we will have another public meeting to get your thoughts on the project before we finalize plans. We will also be working with individual property owners where the project might have more significant impacts.

*Public Works working for you...*

Providing the right service, at the right time, at the right cost.

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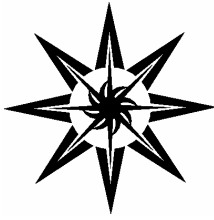
3535 SOMERSET DRIVE \* PRAIRIE VILLAGE, KANSAS 66208 \* [www.pvkansas.com](http://www.pvkansas.com) \* [publicworks@pvkansas.com](mailto:publicworks@pvkansas.com)  
PUBLIC WORKS: 913/381-6464 \* FAX: 913/642-0117 \* SERVICE REQUEST LINE: 913/385-4647

Please call me at (913)385-4642 or email at [kbredhoeft@pvkansas.com](mailto:kbredhoeft@pvkansas.com) if you have any questions.

Sincerely,



Keith Bredehoeft, P.E.  
Project Manager



## PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: August 20, 2012

Council Meeting Date: August 20, 2012

### CONSIDER KDOT FORM 1302- REQUEST FOR CONSTRUCTION PROJECT FOR PROJECT 75ST0001: 75<sup>TH</sup> STREET- STATELINE ROAD TO MISSION ROAD.

#### RECOMMENDATION

Authorize Mayor to sign KDOT Form 1302- Request for Construction Project for Project 75ST0001: 75<sup>th</sup> Street- Stateline Road to Mission Road.

#### BACKGROUND

Project 75ST0001, 75<sup>th</sup> Street- Stateline Road to Mission Road was selected by the Mid-America Regional Council(MARC) to receive Federal Funds. The Kansas Department of Transportation(KDOT) administers the Federal Funds for local communities in Kansas. As part of their process KDOT Form 1302 must be executed by the City. The agreement states that the City has or will have the required matching funds for the project. This project will utilize 2014 Federal Funds.

#### FUNDING SOURCE

Project Funding is available under the Capital Infrastructure Program under Project 75ST0001: 75<sup>th</sup> State Line Road to Mission Road. Depending on final scope of project additional City funds may be added to the project.

#### RELATION TO VILLAGE VISION

- CC1a. Make streetscape improvements to enhance pedestrian safety and attractiveness of the public realm.*
- 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. KDOT Form 1302

#### PREPARED BY

Keith Bredehoeft, Project Manager

July 6, 2012

KANSAS DEPARTMENT OF TRANSPORTATION

BUREAU OF LOCAL PROJECTS

REQUEST FOR CONSTRUCTION PROJECT

Submit One (1) Copy, With Map

WHEREAS: The Secretary of Transportation of the State of Kansas, hereinafter referred to as the Secretary, has been designated as agent for \_\_\_\_\_ County under an agreement dated \_\_\_\_\_, or,

WHEREAS: The Secretary's agency for the City of \_\_\_\_\_ will be designated under an agreement to be executed, and,

WHEREAS: the Federal-Aid Highway Act of 1956, as amended, and subsequent acts and amendments, provided Federal-Aid funds to assist the counties, cities and other political sub-divisions in improving their roads and streets, and,

WHEREAS: The above-noted county/city desires to improve a certain portion of their road or street system as is more fully described hereinafter, now, therefore,

BE IT RESOLVED: That the Secretary is hereby requested to program, for construction, that portion of road / street which is functionally classified as a \_\_\_\_\_ on Route Number \_\_\_\_\_ located:

Total Project Length \_\_\_\_\_ (Km) \_\_\_\_\_ (Mi) Est. Let Date \_\_\_\_\_

ESTIMATED costs of such improvements are as follows:

Grading / Culverts / Storm Sewer	\$	_____
Surfacing (Type) _____	\$	_____
Bridges (Number) _____	\$	_____
Seeding	\$	_____
Other _____	\$	_____
ESTIMATED Total for Project	\$	_____

Surveys and plans will be prepared by: \_\_\_\_\_

BE IT FURTHER RESOLVED: That sufficient funds of \_\_\_\_\_ are now, or will be available and are hereby pledged to the Secretary in the amount and at the time required for the supplementing of federal funds available for the completion of this project. Prior to Federal Authorization, any project expenditures made by the County/City are ineligible for federal funding and remain the responsibility of the County/City. Upon cancellation of the project by the County/City, the County/City shall reimburse the Secretary within thirty (30) days after receipt of statement of cost incurred by the Secretary prior to cancellation.

Day \_\_\_\_\_ Month \_\_\_\_\_ Year \_\_\_\_\_, at \_\_\_\_\_, Kansas.

Recommended for Approval:

APPROPRIATE LOCAL OFFICIAL(S)

\_\_\_\_\_  
County/City Engineer or Administrator

\_\_\_\_\_  
Chairperson/Mayor

ATTEST:

\_\_\_\_\_  
Member

\_\_\_\_\_  
County/City Clerk

\_\_\_\_\_  
Member

# REQUEST FOR CONSTRUCTION PROJECT

RR within 1/2 mile \_\_\_\_\_ RR Owner \_\_\_\_\_

Area Served: General Farming \_\_\_ Livestock \_\_\_ Oil/Gas \_\_\_ Industrial \_\_\_ Suburban \_\_\_ Urban \_\_\_  
 Others: \_\_\_\_\_

Utilities to be adjusted: \_\_\_\_\_

Environmental Concerns: Parks \_\_\_\_\_ Wetlands \_\_\_\_\_ Other \_\_\_\_\_

Traffic Data: Present AADT \_\_\_\_\_ Year \_\_\_\_\_ Estimated Future AADT \_\_\_\_\_ Year \_\_\_\_\_

Existing Facilities:					Curb & Gutter	Storm Sewer			
Roadbed Width	Surface Type	Surface Width	Condition	Surface Thickness					
(M)		(M)							
(Ft)		(Ft)							
Proposed Facilities:									
Roadbed Width	Surface Type	Surface Width	Surfacing By:	Surface Thickness or Rate/Km or /Mi	Curb & Gutter	Storm Sewer			
(M)		(M)							
(Ft)		(Ft)							
Existing Bridges:									
NBIP Structure Number	Structure Type	Over-all Length		Clear Roadway		Safe Load	Suff. Rating	Rating Year	Posted
		(M)	(Ft)	(M)	(Ft)				
		(M)	(Ft)	(M)	(Ft)				
Proposed New Bridges:									
Structure Type		Over-all Length		Clear Roadway					
		(M)	(Ft)	(M)	(Ft)				
		(M)	(Ft)	(M)	(Ft)				
Railroad Crossings:									
Company Name		No. of Tracks	Main Tracks	Other Tracks	Avg. Trains Daily	Min. Vis. @ 300'	Present Protection	Proposed Protection	

Comments: \_\_\_\_\_

## REQUEST FOR CONSTRUCTION PROJECT

In accordance with the Bureau of Local Projects (BLP) Memo 99-11, dated December 16, 1999, we are required, under the Comprehensive Transportation Program (CTP) to collect and record total costs of all work phases of projects. This includes local agency federal-aid and state-aid projects that include any non-participating, pre-construction local agency costs for preliminary engineering (plan design), rights of way and utility adjustments.

Please show below your estimate of the cost of any of the following non-participating work phases for this proposed project.

### **Preliminary Engineering (PE)**

Please estimate the payments you will make to your consultant. If your agency will perform its own PE, include your estimated direct costs plus overhead.

### **Rights of Way (R/W)**

Please estimate the payments you will make to landowners.

### **Utility Adjustments (UTIL)**

Please estimate the total of any payments you will make to utility companies for adjustments to utilities located on private easements.

**ESTIMATED** non-construction costs are as follows:

Preliminary Engineering	_____	\$ _____
Rights of Way	_____	\$ _____
Utility Adjustments	_____	\$ _____
Other	_____	\$ _____
ESTIMATED Total for Project		\$ _____





## POLICE DEPARTMENT

Council Committee Meeting Date: August 20, 2012  
Council Meeting Date: September 17, 2012

**COU2012-39: Consider Approving Ordinance 11-1401 - 11-1412 [Special Event Permit].**

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### RECOMMENDATION

The Neighborhood Events Study Group recommends the City Council approve the Special Events Permit Ordinance as defined.

**COUNCIL ACTION REQUESTED ON:**

**September 17, 2012**

### SUGGESTED MOTIONS

Move to approve Ordinance 11-1401 - 11-1412.

### BACKGROUND

The purpose of this Ordinance is to regulate special events in residential zoned districts, which generate crowds or participants or visitors that interfere with the safe and orderly movement of pedestrian or vehicular traffic to mitigate delays in public safety response. And, the permitting process takes into account the impact on neighboring properties and to protect the safety, health, peace, good, and tranquility of the community.

Attachments: Ordinance 11-1401 - 11-1412 [Chapter 14] as authored by the City Attorney.

### PREPARED BY

Wes Jordan  
Chief of Police  
Date: August 17, 2012

## **SPECIAL EVENT PERMIT –DRAFT K. LOGAN August 8, 2012**

### **ARTICLE XI PUBLIC OFFENSES AND TRAFFIC**

#### **ARTICLE 14. SPECIAL EVENT PERMIT**

##### **11-1401. PURPOSE AND INTENT.**

The purpose and intent of this article is to regulate, in areas of the City zoned as residential districts, special events which generate, during all or a portion of such event, crowds of participants or visitors sufficient in size to obstruct, delay or interfere with the safe and orderly movement of pedestrian or vehicular traffic, and which may also hinder fire and police protection and ambulance service to the areas near a special event. Furthermore, it is the intent of this article to protect nearby property owners and residents from special events which may be unsafe given site conditions, traffic patterns, land use characteristics and the nature of the proposed event. Finally, it is the intent of this article to protect the safety, health, peace, good order and tranquility of the community.

##### **11-1402 UNLAWFUL TO OPERATE WITHOUT A PERMIT.**

It shall be unlawful for any person to use property for any special event as defined in this article without obtaining a permit as required by this article. The purpose of such permit is to provide a procedure whereby the Police Department can best protect the safe movement of vehicular and pedestrian traffic and the availability of emergency services to the areas in the vicinity of the special event.

##### **11-1403 SPECIAL EVENT DEFINED.**

For purpose of this article, the term "**special event**" means a temporary outdoor use of private property in a district zoned residential, which

- A, Is likely to or does in fact generate crowds of participants or visitors sufficient in size to obstruct, delay or interfere with the safe and orderly movement of pedestrian or vehicular traffic; and
- B. Is likely to or does in fact create a condition in which the Police Department is required to protect the public health and welfare by modifying the normal flow of traffic and parking or by diverting police officers to the vicinity of the event in order to regulate and enforce traffic, pedestrian safety and parking and to insure that fire and police protection and ambulance service to the areas near such special event are not unduly interfered with or prevented.

**11-1404      EVENTS NOT REQUIRING A PERMIT.**

Events which do not, in the aggregate, occur on more than 5 total days in any calendar month shall not require a special event permit under this article.

**11-1405      ADMINISTRATIVE PERMIT REQUIRED.**

- A. All special events, other than those excluded under section 11-1404, require a permit issued administratively by the Police Department.
- B. No more than two special event permits per calendar year shall be issued at any location.

**11-1406      PERMIT APPLICATION PROCEDURES.**

- A. No special event permit shall be issued until an application has been submitted to the Police Department. The application shall be made on forms provided by the Police Department, and shall be accompanied by the following items, as applicable:
  - 1. a letter from the applicant identifying the address of the property at which the special event shall be held, describing the event, the hours of operation, the duration of the event, an estimate of the per diem attendance, and any structures or signs used in conjunction with the event;
  - 2. a sketch plan showing the location of the activities, structures and signs in relation to existing buildings, parking areas, streets and property lines; and
  - 3. any additional information deemed necessary by the City.
- B. The applicant shall be either the owner or occupant of the property at which the special event shall be held. If the special event will occur at multiple property addresses, the owner or occupant of each property address shall sign the application, or an owner or occupant may delegate in writing to a single representative the authority to apply for a special permit.
- C. A complete application shall be made at least two (2) weeks prior to the commencement date of a special event.

Recognizing that an event may not initially fall within the definition of "special event" set forth in Section 11-1403, or that an owner or occupant may reasonably believe that a planned event will not fall within the definition of "special event" set forth in Section 11-1403, this article will

also be complied with if, within five (5) business days after an event does in fact meet the definition of "special event" set forth in Section 11-1403, an application is made.

Based upon the criteria set forth in subsection D below, the Police Department shall determine whether to approve, approve with conditions, or deny the permit within one (1) week after the application is received.

The Police Department shall have the authority to order any special event which has commenced without a special event permit to cease pending the processing of a valid application in order to protect the public safety and welfare.

- D. The Police Department may deny a special event permit if it determines that there are no conditions which can be imposed which will protect the public safety and welfare.

The Police Department may grant a special event permit with conditions deemed necessary protect the public safety and welfare, including, but not limited to:

(i) the placement by the Public Works department of signs, including limited turning signs, one way traffic signs, protected pedestrian crossing signs, and restricted parking signs, in order to regulate traffic flow, parking, and pedestrian safety,

(ii) the presence of police officers during some or all of the special event operating times in order to regulate and enforce traffic, pedestrian safety and parking and to insure that fire and police protection and ambulance service to the areas near such special event are not unduly interfered with or prevented.

(iii) limits on the hours of operation in order to prevent a diversion of police from normal services.

If the Police Department determines that signage or police presence is required, or if the City provides other services or equipment at the request of the applicant, the applicant shall be required to reimburse the City for the costs of such signage, equipment or services in accordance with section 11-1407 hereof.

## **11-1407      PAYMENTS**

If costs are to be reimbursed to the City pursuant to section 11-1406(D), the applicant shall pay the estimated costs upon issuance of the special event permit. If the costs are less than the estimated cost advance, the City shall refund the difference to the applicant within thirty (30) days of the termination of the special event. If the costs are more than the estimated cost advance, the City shall so notify the applicant who is obligated to pay such excess costs within thirty (30) days of demand therefor.

**11-1408 DENIAL OF A SPECIAL EVENT PERMIT APPLICATION; APPEALS FROM CONDITIONS OR DENIALS.**

If the Police Department disapproves any application, it shall give the reasons therefore in writing, file same with the City Clerk and mail or deliver a copy to the applicant. The applicant may appeal such disapproval by filing a written notice thereof with the City Clerk within 15 days after the Police Department files the statement of reasons for the disapproval. A hearing on such appeal shall be held by the Governing Body of the City no more than ten (10) days after the applicant files such notice of appeal. The Governing Body, after a hearing, may reverse or affirm the decision of the Police Department by a majority vote. Applicant may bring an action in the District Court of Johnson County to determine the reasonableness of any such decision. Such appeals must be filed in the District Court within thirty (30) calendar days after the date that the decision of the Governing Body Planning Commission was made.

**11-1409 REVOCATION OF SPECIAL EVENT PERMIT.**

A. Any special event permit issued pursuant to this article is subject to revocation if the Police Department determines that:

1. The permit holder has fraudulently obtained the permit by knowingly giving false information in the application; or
2. The special event cannot be conducted without violating the standards or conditions for special event permit issuance or the provisions of this article; or
3. The special event is being conducted in violation of any condition of the special event permit or this provision of this article; or
4. The special event poses a threat to health or safety; or
5. The special event organizer or any person associated with the event has failed to obtain any other permit required pursuant to this article or that the special event is otherwise being conducted in

violation of other applicable provisions of the Prairie Village City Code, Zoning Regulations and Subdivision Regulations.

B. If the Police Department revokes a special event permit, it shall state the reasons therefor and notify the permit holder in writing by mail or by leaving a copy of such notice at the location of the special event, whereupon the permit holder or holders shall immediately cease the special event. The applicant may appeal such revocation by filing a written notice thereof with the City Clerk within 15 days after the Police Department files the statement of reasons for the disapproval. A hearing on such appeal shall be held by the Governing Body of the City no more than ten (10) days after the applicant files such notice of appeal. The Governing Body, after a hearing, may reverse or affirm the decision of the Police Department by a majority vote. Applicant may bring an action in the District Court of Johnson County to determine the reasonableness of any such decision. Such appeals must be filed in the District Court within thirty (30) calendar days after the date that the decision of the Governing Body Planning Commission was made.

**11-1410 GENERAL SPECIAL EVENT STANDARDS.**

All special events shall comply with the following standards:

- A. The total duration of each allowable special event shall not exceed 60 days.
- B. The special event shall not endanger or be materially detrimental to the public health, safety or welfare or injurious to property or improvements in the immediate vicinity of the special event.
- C. The special event shall not cause undue traffic congestion or accident potential.

**11-1411 COMPLIANCE WITH OTHER PROVISIONS OF THE CODE.**

Special events shall also be subject to all other applicable provisions of the Prairie Village City Code, Zoning Regulations and Subdivision Regulations, including, but not limited to, provisions governing (a) short term special use permits, (b) temporary structures, (c) signs, (d) amplified sound permits, (e) parade permits, and (f) race permits.

**11-1412 PENALTY AND ENFORCEMENT.**

Any person violating any provision of this article shall be guilty of a class A misdemeanor upon conviction thereof. Each day such violation is committed or allowed to continue shall constitute a separate violation. The City may also enforce this article by filing an action for declaratory or injunctive relief in District Court of Johnson County.

**COUNCIL MEETING AGENDA  
CITY OF PRAIRIE VILLAGE  
Council Chambers  
August 20, 2012  
7:30 PM**

- I. **CALL TO ORDER**
- II. **ROLL CALL**
- III. **PLEDGE OF ALLEGIANCE**
- IV. **PUBLIC PARTICIPATION**
- V. **CONSENT AGENDA**

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

**By Staff**

- 1. Approve Regular Council Meeting Minutes - August 6, 2012
- 2. Approve a performance contract agreement with David Basse to serve as MC for the Prairie Village Jazz Festival on Saturday, September 8, 2012
- 3. Authorize the Mayor to execute the following proclamations: Lancer Day - August 31, 2012 and Constitution Week - September 17-23, 2012
- 4. Approve an Agreement with inkkc.com for in-kind sponsorship of the Prairie Village Jazz Festival
- 5. Approve Amendment to Records Retention Schedule
- 6. Approve FY 2013 Solid Waste Management Fee and Solid Waste Exemption Fee

**By Committee**

- 1. Approve the Fifth Addendum to the 2002 Contract for Solid Waste, Recyclables, Compostables and Bulky Item Collection for the City of Prairie Village, Kansas with Deffenbaugh Industries. (Council Committee of the Whole Minutes - August 6, 2012)

- VI. **MAYOR'S REPORT**
- VII. **COMMITTEE REPORTS**

**Council Committee of the Whole**

- COU2012-41 Consider Engineering Change Order #1 for Project 75ST0001 - 75th Street from State Line Rd to Mission Rd
- COU2012-38 Consider KDOT Form 1302 - Request for Construction Project



for Project 75ST0001: 75th Street - Stateline Rd to Mission Rd

**Planning Commission**

PC2012-07 Consider request for Special Use Permit for the operation of a Child Care Program at 9100 Mission Road

- VIII. STAFF REPORTS
- IX. OLD BUSINESS
- X. NEW BUSINESS
- XI. ANNOUNCEMENTS
- XII. ADJOURNMENT

**If any individual requires special accommodations - for example, qualified interpreter, large print, reader, hearing assistance - in order to attend the meeting, please notify the City Clerk at 385-4616, no later than 48 hours prior to the beginning of the meeting.**

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

**CITY COUNCIL  
CITY OF PRAIRIE VILLAGE  
August 6, 2012**

The City Council of Prairie Village, Kansas, met in regular session on Monday, August 6, 2012, at 7:35 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: Ashley Weaver, Dale Warman, Ruth Hopkins, Steve Noll, Michael Kelly, Andrew Wang, Laura Wassmer, Brooke Moorhead, Charles Clark, David Morrison and Ted Odell.

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; Lisa Santa Maria, Finance Director; Chris Engel, Assistant to the City Administrator; Joyce Hagen Mundy, City Clerk.

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

**PUBLIC HEARINGS**

Mayor Shaffer reviewed the procedure to be followed in the public hearings.

**Adoption of the 2012 Budget Amendment**

Finance Director Lisa Santa Maria noted that effective January 1, 2012 an additional 1.00% sales tax was applied to purchases made at the Corinth & Prairie Village Shops due to the Community Improvement Districts (CIDs). Under Kansas Statutes, the City is required to create a specific fund for each district with the proceeds

of which going to finance the project as either “pay as you go” or for payment of bond principal and interest.

The requested amendment to the 2012 budget establishes a budget for the Corinth CID and the PV Shops CID with funding for the expenditures coming from the existing 1% sales tax. This does not change the tax levy that was originally published in the 2012 budget nor does the amendment alter or change the CID agreement or commitments.

Mayor Shaffer opened the public hearing for comment. No one was present to address the Council and the public hearing was closed at 7:40 p.m.

Ruth Hopkins moved the Governing Body adopt the 2012 Budget Amendment as published. The motion was seconded by Dale Warman and passed unanimously.

### **Adoption of the 2013 Budget for the City of Prairie Village**

The 2013 Budget of \$23,631,031 reflects the following goals: 1) maintain high quality services and programs, 2) maintain quality streets, parks and infrastructure, 3) continue strong financial condition, 4) maintain AAA bond rating, 5) emphasis on reserves and equipment reserve fund and 5) increase actual budget ratio by reducing the budget and placing more reliance on contingency.

The 2013 budget is balanced with the existing mill levy rate of 19.491 and maintains the same level of services with enhancements to the tree trimming program and school crossing guard program. The full time equivalent (FTE) employee count remains at its existing level. Overall the 2013 operating budget is less than the 2012 operating budget. The stormwater utility fee rate remains at the current rate of \$0.040/square foot of impervious area. The Solid Waste Management fee has been

decreased from \$200.74 to \$158.52 due to a rate rollback by Deffenbaugh. The projected ending fund balance is 25%.

The 2013 budget includes a transfer of \$2.5 million from the general fund to the Capital Improvement Program (CIP). The total CIP budget for 2013 is \$6,522,355.

Mayor Shaffer opened the public hearing for comments. No one was present to address the Council on the proposed 2013 budget. Mayor Shaffer closed the public hearing at 7:45 p.m.

On behalf of the Council Committee of the Whole, David Morrison moved the City Council accept the offer by Deffenbaugh to reduce the monthly rate for 2013 solid waste services to \$13.47 with a three year contract extension through the end of 2016. The motion was seconded by Ruth Hopkins.

Mr. Morrison stated he was opposed to the motion and felt that the Deffenbaugh rate was higher than it needed to be. He noted the city has not gone out for bid on solid waste services since 2001 and he does not feel it is in the best interest of the residents to not explore other options by going out to bid, noting a lower bid received recently by neighboring cities. Mr. Morrison also noted Deffenbaugh's political campaign contributions to members of the governing body. He feels it is inappropriate for the city to not go out to bid for these services and close the door on that option for another three years. Michael Kelly stated he agreed with Mr. Morrison's comments.

The motion was voted on and passed by a vote of 6 to 5.

Dale Warman moved the Governing Body adopt the 2013 budget as certified in the amount of \$27,506,822 with ad valorem tax in the amount of \$5,499,769. The motion was seconded by Ruth Hopkins and passed unanimously.

## **PUBLIC PARTICIPATION**

Jerald Hopkins, 7740 Fontana, addressed the Council on behalf of his neighbors in the area of 75<sup>th</sup> Street to 79<sup>th</sup> Street and Delmar to Roe. This small area of primarily elderly residents have experience a number of different crimes recently, including a repeat burglary of the same residence. Some of the residents are feeling victimized. He noted an individual had called the city offices after hours and gotten a voice mail message; so he called the police for her and an officer was dispatched. He would like to know if there was a way to help these residents.

Chief Jordan responded that he often speaks to homes associations to clarify what the department does and the process it follows. Also when there is a significant rate of crime in an area, the department will meet with the residents. He suggested the crime prevention office would be willing to meet with the residents. Chief noted the hesitancy of some people to call 9-1-1; however, he stressed that residents should call whenever they feel unsafe.

Laura Wassmer asked if there could be more patrol presence in this area. Chief Jordan stated he would discuss this with Captain Schwartzkopf.

## **PRESENTATIONS**

Owen Buckley, with Lane4, was present along with Jeff Berg and Chris Heinz to present the annual update on the Community Improvement Districts (CID) at the Corinth Shopping Center and the Prairie Village Shopping Center. He noted the success of these centers come from their uniqueness and a combination of long-term tenants and new tenants who are strongly supported by the Prairie Village Community.

Mr. Buckley stated they have become actively involved with the tenants attending their tenant meetings and working to improve communication with tenants. He thanked the City and its staff for their efforts over the past 18 months to bring about the improvements that are being made today.

Mr. Buckley reviewed slides showing the improvements that have been made at the Corinth Shopping Center and renderings of those yet to be completed. A significant change has been the construction of CVS which will open on October 1<sup>st</sup>. He noted the efforts of the City, the Planning Commission and staff to ensure a quality design for this building that is appropriate for the center noting how different this facility was in comparison to other area CVS sites.

One of the major changes still underway is the construction of new parking lots. He noted later in the meeting the City will be asked to approve a waiver to allow work on the parking lot to be done in the evening hours to minimize the impact on the tenants and their customers. They want to have the east parking lot completed by the KU event next weekend. Mr. Buckley noted current parking issues and stated they would be addressed with the new paving and striping of the parking lot. He also stated they are looking into the ingress and egress at the main entrance off Mission Road. Traffic patterns at the center are going to be different and it will take time for residents to adjust to them.

Exterior façade improvements have been approved by the Planning Commission for the Hen House at Corinth Center. These are part of the CID improvements. Extensive interior improvements to the store being done simultaneously paid for by Hen House. The exterior work is expected to begin in November.

Laura Wassmer asked what the status was of the old Bank of America building. Mr. Buckley replied it has been purchased by a banking family and will be used as a bank with additional tenants. The bank will use the existing drive-thru. They are currently working with an architect on plans for exterior upgrades to the site.

Owen Buckley stated they would be submitting plans on Friday for September Planning Commission agenda for revisions to the Prairie Village Shopping Center. He stressed the information presented this evening is very conceptual at this stage. Three primary changes are being proposed. First the expansion of the Hen House by approximately 14,000 square feet to the north. This will result in the loss of about 50 parking spaces; however, they have had two studies done by traffic engineers of the parking in the center that indicated current parking is being underutilized.

Second is the addition of a 5000 square foot retail center replacing the Waid's facility. This will simulate the existing retail strip that includes Starbucks, TCBY & Village Flower. It will be a multi-tenant facility with a patio with two to three tenants or a maximum of four.

Third are improvements to Mission Lane and the parking area. Landscaping will be added, Mission Lane will be narrowed. It will take on the appearance of a "Norman Rockwell old town" street not a parking lot with such possible features as a fountain, hanging baskets, brick pavers, park benches and pedestrian areas.

Brooke Moorhead noted the difficulty with parking at Corinth Shopping Center. Mr. Buckley responded that would be addressed by the paving and restriping. She confirmed the parking spaces would be the same size as the existing spaces. Mrs. Morehead raised questions about the planters by Jewelry Arts and Mely's. Mr. Buckley replied he is working with those tenants on possible alternatives.

Ruth Hopkins confirmed the plans include a spot for the Ripple Glass containers.

Ashley Weaver noted the difficulties with the main entrance off Mission. Mr. Buckley replied they will be striping that entrance and are looking at the turning radius onto Mission Road.

Ted O'Dell questioned where Macy's fit into the plans for the Prairie Village Shops. Mr. Buckley responded they have committed to stay in Prairie Village with a ten year lease for the building and they are talking with them regarding possible exterior improvements to the building.

David Morrison asked how art elements were being incorporated into the centers as agreed upon in the CID agreement. Jeff Berg responded they will be included and will not be items already planned such as the fountains. They are looking at possible sculpture pieces in the northwest corner and southeast corner of the Corinth Shopping Center.

Wes Jordan confirmed that Mission Lane will become a private street and will be replatted.

Laura Wassmer stated she excited to see the number of people coming to the Corinth Shopping Center and thanked Lane4 for their reinvestment in the community. The community has responded positively. Charles Clark thanked Mr. Buckley for his prompt responses to e-mails answering residents comments and concerns.

Mayor Shaffer thanked the representatives for the annual update and stated the City is looking forward to the grand openings to be held.

## **CONSENT AGENDA**

David Morrison moved the approval of the Consent Agenda for August 6, 2012:



1. Approve Regular Council Meeting Minutes - July 16, 2012
2. Approve Claims Ordinance #2898
3. Approve Amendment to the Agreement with the Kansas Corporation Commission to reflect additional funding made available as part of the geothermal grant award.
4. Approve purchase of equipment for 2012 International Dump Truck from Viking-Cives Midwest in the amount of \$61,105
5. Approve a waiver to allow the serving of alcoholic beverages at Harmon Park on Saturday, September 8, 2012 in conjunction with the Prairie Village Jazz Festival

A roll call vote was taken with the following members voting "aye": Weaver, Warman, Hopkins, Noll, Kelly, Wang, Wassmer, Moorhead, Clark, Morrison and Odell.

### **MAYOR'S REPORT**

Mayor Shaffer reported he represented the City at the following events during the past weeks: KCP&L rate increase meeting, Northeast Johnson County Mayors' meeting, renaming of Taliaferro Park, KC Fringe Festival, Celebration of life for Dick Bills, PVPD Special Olympics golf tourney and reception for the new Johnson County Librarian.

Mayor Shaffer noting the attendance of Lane4 representatives changed the agenda moving New Business consideration of extended construction hours by Lane4 forward.

### **NEW BUSINESS**

#### **Consider request for extended construction hours at the Corinth Shopping Center**

Dennis Enslinger noted Lane4 is currently making extensive modifications to the Corinth Shopping Center. Construction work has been limited to the hours allowed under City ordinance provisions. The City has received a request from Lane4 for a waiver from the normal construction hours for milling and overlaying a number of parking areas within the existing center to conduct this work during non-business hours.

They are requesting that the contractor(s) be allowed to work 10 p.m. to 6 a.m. seven to ten nights from August 7<sup>th</sup> through September 20<sup>th</sup>. The contractor(s) will typically mill a parking area one night and overlay the following evening. With this accommodation, they are hoping to significantly reduce the impact on business owners and patrons.

City ordinance allows for the operation of construction projects between the hours of 7 a.m. and 10 p.m. Monday through Thursday, 7 a.m. to midnight on Friday, 8 a.m. to midnight on Saturday, and 8 a.m. to 10 p.m. on Sunday. The ordinance provisions allow the City Council to approve a waiver from the hours listed above if it is determined that the public good would be better served by allowing a contractor to work before or beyond the hours listed, to reduce the impact on residents surrounding or visiting the construction project area.

Laura Wassmer moved the City Council approve a waiver from Section 11-202 of the Prairie Village Municipal Code to allow construction from 10:00 p.m. to 6 a.m. Monday through Sunday at the Corinth Shopping Center subject to the following conditions: 1) If complaints are received regarding the hours of operation, the contractor may be required to modify the approved work schedule; and 2) Work shall be limited to mill, overlay and striping of parking lots; and 3) This waiver is valid from the date of approval until September 30, 2012 or until the work is completed with the understanding the work will not exceed ten actual working days. The motion was seconded by Ashley Weaver and passed unanimously.

## **STAFF REPORTS**

### **Public Safety**

- Chief Jordan reported the PVPD Golf Tournament to benefit Special Olympics organized by Officer Adam Taylor was very successful raising over \$5000

### **Public Works**

- Bruce McNabb reported the 87<sup>th</sup> & Mission Road drainage project with the City of Leawood has been delayed.
- 
- Public Works crews have begun street sweeping to address the early falling of leaves.
- Mr. McNabb noted the department has several employees out with long-term injuries and with summer work crews leaving they will be shorthanded, but noted recently were able to fill some vacant positions.

## **COMMITTEE REPORTS**

### **VillageFest Committee**

Dale Warman recapped the 2012 VillageFest Celebration noting one of largest crowds for the event even with the high temperatures. He was also pleased to announce that VillageFest Chair Marianne Noll has agreed to serve another year.

Marianne Noll reported that over 1,000 pancake breakfasts were served and over 1200 children had their face painted or hair colored. The event, which has focused primarily on children, this year added craft booths. Although not many sales were made, the crafters have expressed an interest in returning next year. Mrs. Noll also reported the new stage area was a huge improvement. The committee is looking to add a food contest component to the festival and is open to any suggestions of features to add. In closing she acknowledged the strong support of the City and its staff both prior to the event and at the event.

### **Administration**

- Chris Engel reported the pool will begin shortened weekday hours next Monday with the start of school operating from 4:30 p.m. to 8:30 p.m. Weekend hours will remain the same.
- The Synchronized Swim Show held on August 29<sup>th</sup> featured a “Beatles” theme and was well attended.
- The Sister City Committee will celebrate Independence Day on August 24<sup>th</sup> at the Community Center.
- The September Art Exhibit will feature photography from Dolyna students.

- Dennis Enslinger announced that CVS has been given a certificate of occupancy and will begin moving merchandise from the old store to the new facility.
- Construction at Indian Hills Middle School is moving along but much remains to be done before the opening of school. They will probably need to be on “fire watch” the first week of school
- There will be a ribbon cutting on August 18<sup>th</sup> for Tide Cleaners.
- The artist reception for this month’s exhibit at the gallery will be held this Friday from 6:30 to 7:30 p.m.
- Quinn Bennion stated staff will have representatives of CCS, the sound system provider, at the August 20<sup>th</sup> meeting.
- Mr. Bennion reported that he had received a response from the city’s letter of interest to SureWest
- The Employee event at KC Sporting is this Saturday, August 11<sup>th</sup>.
- Staff is following the proposed KCP&L rate increase noting the significant impact it will have on the city for the cost of streetlights alone. The city will not be taking formal action.
- Mayor Shaffer and Mr. Bennion will continue to monitor and follow-up on possible Goggle implementation, including a meeting with residents.

## **OLD BUSINESS**

Charles Clark stated the discussion of possible policy revisions to the sidewalk policy would be greatly facilitated if someone would prepare a draft proposal for consideration. David Morrison volunteered to prepare a draft policy. Quinn Bennion stated that staff would work with Mr. Morrison to prepare a draft policy based on the earlier discussion at the Council Committee of the Whole.

Ted Odell asked if there was a city map available showing the locations of all the sidewalks in the City. Bruce McNabb stated there is a data base of the sidewalks, but not a map.

Steve Noll asked for a map delineating arterial, collector and local streets. He suggested that perhaps the best way to address the policy is to consider separate policies for each street designation.

Laura Wassmer moved the City Council not construct sidewalks as proposed on Reeds Street - 79<sup>th</sup> to 81<sup>st</sup> Street and on Outlook Drive - 81<sup>st</sup> Street to Reeds. The motion was seconded by Brooke Morehead and passed by a vote of 8 to 3.

### **EXECUTIVE SESSION**

David Morrison moved pursuant to KSA 74-4319 (b) (2) that the Governing Body, recess into Executive Session for forty-five (45) minutes for the purpose of consulting with the City Attorney on a matters which are privileged in the attorney-client relationship.

Present will be the Mayor, City Council, City Administrator, Assistant City Administrator; Chief of Police and City Attorney. The motion was seconded by Laura Wassmer and passed unanimously.

The Council Committee meeting will reconvene at 10:15 p.m.

Mayor Shaffer reconvened the Council meeting at 10:15 p.m.

### **ANNOUNCEMENTS**

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

Planning Commission	08/07/2012	7:00 p.m.
JazzFest Committee	08/09/2012	7:00 p.m.
Sister City Committee	08/13/2012	7:00 p.m.
PV Arts Council	08/15/2012	7:00 p.m.
Council Committee of the Whole	08/20/2012	6:00 p.m.
City Council	08/20/2012	7:30 p.m.

=====

The Prairie Village Arts Council is pleased to announce a photography exhibit by Ted Denton in the R. G. Endres Gallery for the month of August. The artist reception will be held on August 10<sup>th</sup> from 6:30 to 7:30 p.m.

Reduced hours at the pool begin August 13<sup>th</sup>. The pool will open at 4:30 p.m. on weekdays. The pool closes for the season on Monday, September 3<sup>rd</sup> at 6:00 p.m.

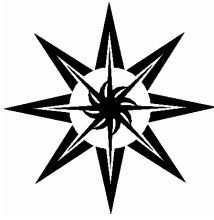
The city offices will be closed Monday, September 3<sup>rd</sup> in observance of the Labor Day holiday. Deffenbaugh also observes this holiday so trash and recycling will be delayed one day.

Flu shots will be offered for Council Members on September 28<sup>th</sup> from 7:30 a.m. to 9:00 a.m. at Public Works or October 5<sup>th</sup> from 3:00 p.m. to 4:30 p.m. in the Multi-Purpose Room. The fee for the shot will be \$25. Please notify Nic Sanders at 913-385-4664 if you plan to receive a shot. He will need to know which day you are coming.

### **ADJOURNMENT**

With no further business to come before the City Council, the meeting was adjourned at 10:17 p.m.

Joyce Hagen Mundy  
City Clerk



## JAZZ FESTIVAL COMMITTEE

Council Meeting Date: AUGUST 20, 2012  
CONSENT AGENDA

### Consider Agreement for MC Services at the Prairie Village Jazz Festival

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#### RECOMMENDATION

Recommend the City Council approve a performance contract agreement with David Basse to serve as MC for the Prairie Village Jazz Festival on Saturday, September 8, 2012.

#### BACKGROUND

The Prairie Village Jazz Festival will be held on Saturday, September 8, 2012 from 3 p.m. to 11 p.m. with six one-hour performances with 20 minute breaks between sets. David Basse, a local jazz artist, has been selected to serve as MC for the event introducing the artists and making comments between acts.

#### FINANCIAL IMPACT

Execution of this contract will commit \$875.00. The JazzFest account in the Municipal Foundation has a balance of \$11,903.40.

#### ATTACHMENTS

Contract

#### PREPARED BY

Joyce Hagen Mundy  
City Clerk

Date: August 9, 2012

# PERFORMANCE CONTRACT

The agreement made this 8<sup>th</sup> day of August, 2012 between David Basse (hereinafter referred to as "artist") and The Prairie Village Jazz Festival (hereinafter referred to as "purchaser") is mutually agreed upon by both parties as follows:

1. PLACE OF ENGAGEMENT: Prairie Village, Kansas – Harmon Park
2. DATE OF ENGAGEMENT: September 8, 2012
3. HOURS OF ENGAGEMENT: 2:30 – 11:00 p.m.
4. PERFORMANCE: This contract is for services as MC for the 2012 Prairie Village Jazz Festival.
5. FULL PRICE AGREED UPON: \$875.00 (Eight Hundred Seventy Five Dollars), to be paid by the purchaser to artist no later than immediately prior to engagement. All payments shall be paid by cash or acceptable check. Checks shall be made out to Mallen and Friends. If scheduled payments are not made on time, artist has the right to cancel this agreement and purchaser shall be liable to artist for damages in addition to the compensation provided herein.
6. PURCHASER to provide artist with the following space and equipment for engagement: 20' x 12' covered stage. Stage must be covered, shaded, level and dry.
7. OTHER CONSIDERATIONS: Purchaser may cancel contract anytime before August 15, 2012.

Purchaser:

Artist:

\_\_\_\_\_  
City of Prairie Village

\_\_\_\_\_  
David Basse





**MAYOR**

**Council Meeting Date: August 20, 2012**

**Consent Agenda: Consider Proclamation proclaiming August 31, 2012 as Lancer Day & September 17-23, 2012 as Constitution Week**

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**RECOMMENDATION**

Recommend the City Council authorize the Mayor to execute the following proclamations:

Lancer Day - August 31, 2012

Constitution Week - September 17-23, 2012

**BACKGROUND**

Shawnee Mission East High School celebrates the beginning of the school year each fall with a parade and Lancer Day celebration.

September 17, 2012 marks the 225<sup>th</sup> anniversary of the drafting of the Constitution of the United States. Each year, September 17-23 is recognized as Constitution Week.

**ATTACHMENT**

Proclamations

**PREPARED BY**

Joyce Hagen Mundy, City Clerk

Date: August 15, 2012

# CITY OF PRAIRIE VILLAGE

**WHEREAS**, a closer relationship between the citizens and associates of our excellent educational facility, Shawnee Mission East, is desired, we, hereby decree: That the City of Prairie Village, Kansas will be changed to Lancer Village, Kansas for the duration of one day – said day to be designated as LANCER DAY; and

**WHEREAS**, to properly note the occasion, blue, black and white will become the official colors and Lancer Village will be decorated with such colors; further those loyal to the cause will wear the previously designated colors to so note their allegiance; and

**WHEREAS**, such a momentous occasion should be duly celebrated, a parade beginning at 2:00 p.m. on the appointed day will proceed from LANCER HIGH SCHOOL (Shawnee Mission East) by way of LANCER AVENUE (Mission Road) to the parking area in front of the clock tower in LANCER VILLAGE (Prairie Village Shopping Center), where those assembled will be treated to a pep rally and addresses by dignitaries of the City and School; and

**WHEREAS**, A. J. Orth, President of the Student Congress, will with this proclamation take over the duties of Honorary Mayor of Lancer Village.

**NOW, THEREFORE**, I, Ronald L. Shaffer, Mayor of the City of Prairie Village, do hereby proclaim Friday, August 31, 2012 to be

## LANCER DAY

**IN WITNESS THEREOF**, I hereunto set my hand and cause the Seal of the City of Prairie Village, Kansas to be affixed this 20th day of August, 2012.

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

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

\_\_\_\_\_  
Date

# CITY OF PRAIRIE VILLAGE

## Constitution Week September 17 – 23, 2012

Whereas, September 17, 2012 marks the two hundred and twenty-fifth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

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

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

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

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

### CONSTITUTION WEEK

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Prairie Village, Kansas, to be affixed at my office in the City of Prairie Village, Kansas, the 20<sup>th</sup> day of August, 2012.

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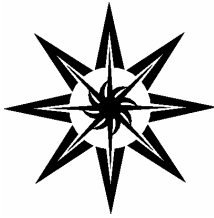
Mayor Ronald L. Shaffer

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City Clerk

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Date



## JAZZ FESTIVAL COMMITTEE

Council Meeting Date: AUGUST 20, 2012  
CONSENT AGENDA

Consider Agreement with [inkkc.com](http://inkkc.com) for in-kind sponsorship of the Prairie Village Jazz Festival

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### RECOMMENDATION

Recommend the City Council approve the agreement for in-kind sponsorship of the Prairie Village Jazz Festival with Ink Magazine.

### BACKGROUND

The Prairie Village Jazz Festival will be held on Saturday, September 8, 2012 from 3 p.m. to 11 p.m. Ink Magazine has agreed to participate as a sponsor of the event providing the following in-kind publicity services valued over \$7000:

- 2 full page color ads in Ink Magazine
- 2 full page color ads in 913 (Johnson County Neighborhood News)
- Promotional calendar listings in Ink magazine (2 weeks)
- Social media promotional marketing on Ink's Facebook and Twitter pages

The committee will provide Ink a presence at the event, will include their logo on all promotional materials, acknowledged Ink Magazine as sponsor on music stage and give Ink exclusive print media sponsorship.

### FINANCIAL IMPACT

Execution of this agreement will commit \$317. The JazzFest account in the Municipal Foundation has a balance of \$11,903.40.

### ATTACHMENTS

Agreement

### PREPARED BY

Joyce Hagen Mundy  
City Clerk

Date: August 15, 2012



Prairie Village Jazz Festival  
September 8<sup>th</sup>, 2012

Ink magazine will provide:

- (2) full page color ads in Ink magazine
- (2) full page color ads in 913 (Johnson County Neighborhood News)
- Promotional calendar listings in Ink magazine (2 weeks)
- Social media promotional marketing on Ink's Facebook and Twitter pages (2 weeks)
- Banner for the Ink magazine music stage

Prairie Village Jazz Festival will provide:

- Investment in Ink magazine of \$317
- Ink presence at event (magazines, banners, etc.)
- Exclusive print media sponsor (no other magazines as sponsors)
- Logo inclusion on all promotional materials (invitations, ads, websites, e-blasts, etc.)
- Ink magazine music stage sponsorship

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Name and Title  
**Prairie Village Jazz Festival**

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Name and Title  
**Ink Magazine**

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Signature

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Signature

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Date

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Date



## CITY CLERK DEPARTMENT

Council Meeting Date: August 20, 2012  
CONSENT AGENDA

### Consider Amendment to Records Retention Schedule

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#### RECOMMENDATION

Recommend the City Council adopt the proposed revisions to the City's Records Retention Schedule and Council Policy 036 "Records Management Program".

#### BACKGROUND

In 2002 the City adopted Council Policy 036 establishing a records management program and corresponding records retention schedule. The records retention schedules are created in conjunction with the individual City Departments based on their records inventory, the value of the record, accepted records retention standards and required federal and stated retention rulings and are reviewed periodically.

The Police Department has switched their recording master site for 9-1-1 calls to the Johnson County Sheriff's office in Olathe which is on a 90-day retention cycle. To be consistent with other agencies, they have requested a change in the current retention schedule to 90 Days Active; Destroyed after 90 Days.

The City Attorney has reviewed the proposed revisions to the retention schedule and found them to be in compliance with state, federal and employment regulations. New language is represented by **Bold type**. This includes changes in time frame or identified records. The previous language to be changed is shown with ~~strikethrough~~.

#### ATTACHMENTS

Proposed Revisions to City of Prairie Village Records Retention Schedule

#### PREPARED BY

Joyce Hagen Mundy  
City Clerk

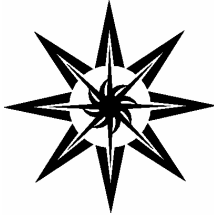
August 15, 2012

## PRAIRIE VILLAGE POLICE DEPARTMENT

### Retention Schedule

STAFF SERVICES	Retention Period		
	Active	Inactive	Destroy
Annual Audit of Records Unit	1 year	Permanent	Permanent
Detention Log in Records	1 year	Permanent	Permanent
Fire Inspection Reports	1 year	3 years	5 years
Hiring Processes	1 year	1 year	2 years
Monthly Intake Inspection Reports	1 year	3 years	5 years
Officer Training Records	1 year	5 years	Termination +5 years
Parking District Records	1 year	3 years	5 years
9-1-1 Audio recordings	90 days		90 Days
<del>Print Outs 9-1-1 calls</del>	<del>1 year</del>	<del>2 years</del>	<del>3 years</del>
Towed Vehicles	1 year	3 years	5 years
Weekly Intake Inspection	1 year	3 years	5 years

Accident Reports	Retain and/or Destroy
<b>KSA 75-3504</b>	
Case Files - Accidents	5 years minimum or Until Litigation is Settled
Diagrams of Accident and Disaster Scenes	
Motor Vehicle Accident Location Maps	
Motor Vehicle Accident Report Summaries	
Motor Vehicle Accidents, Film Indexes	
Motor Vehicle Accidents, Indexes to	
Motor Vehicle Accidents, Information Exchange Forms	
Non-Reportable Accident Forms	
<b>KSA 8-1601, et seq</b>	
Motor Vehicle Accident Reports	5 years minimum or Until Litigation is Settled



## ADMINISTRATION

City Council Meeting Date: August 20, 2012

**Consent Agenda: Consider FY 2013 Solid Waste Management Fee and Solid Waste Exemption Fee**

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### RECOMMENDATION

Staff recommends the Council establish a fee for FY 2013 of \$158.52 per year or \$13.21 or per month/per household for the collection of solid waste, recyclable material, yard waste, and bulky item pickup.

Staff recommends the Council establish a fee of \$6.43 per year/per household for those subdivisions/homes associations that wish to be exempt from the Solid Waste Management Fee.

### SUGGESTED MOTION

The City Council approve a fee of \$158.52 per/year or \$13.21 per month/per for each household for the collection of solid waste, recyclable material, yard waste and bulky item pickup and an exemption fee of \$6.43 per year/per household for those subdivisions/homes associations which have applied for exemption from the Solid Waste Management Program.

### BACKGROUND

Since 1976, the City has provided collection of solid waste for residences in the City. Although some homes associations opt-out of the city program and obtain their own service, the vast majority of Prairie Village residents receive solid waste, recyclable collection, and yard waste collection services through this City sponsored program.

Because not all Prairie Village residents are served by this program, it is funded through user fees in the form of special assessments placed on the property tax bills for each participating household. Revenues from these assessments, in addition to interest earnings, are accounted for in the Solid Waste Management Fund.

There are two neighborhoods which will be asking for exemption from the City contract, Town and Country and Countryside East.

Ideally, the Solid Waste Management Fund should maintain a balance of at least month's worth of trash collection costs, which in 2012 will be approximately \$112,111/month. At the recommended 2013 assessment rate, the projected 2013 year-end balance in the Solid Waste Management Fund would be \$140,021, which is within an acceptable range.

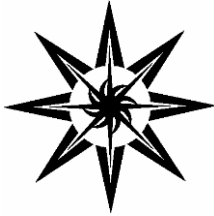


**FUNDING SOURCE**

Solid Waste Utility Fund for all related expenditures

**PREPARED BY**

Dennis J. Enslinger  
Assistant City Administrator  
Date: August 15, 2012



## ADMINISTRATION

City Council Meeting Date: August 20, 2012

Consent Agenda: Consider Approval of the Fifth Addendum to the 2002 Contract for Solid Waste, Recyclables, Compostables and Bulky Item Collection for the City of Prairie Village, Kansas with Deffenbaugh Industries.

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### RECOMMENDATION

Staff recommends approval of the Fifth Addendum to the 2002 Contract for Solid Waste, Recyclables, Compostables and Bulky Item Collection for the City of Prairie Village, Kansas with Deffenbaugh Industries.

### BACKGROUND

At the August 6, 2012 Council Committee of a Whole considered a proposal from Deffenbaugh Industries to reduce the monthly contract rate in exchange for a three year extension of the existing contract.

Under the proposal from Deffenbaugh Industries, the monthly rate for residential pick-up for all three services would be \$13.47. This rate is equal to the rate the City received for FY 2009. The contract would be extended for an additional three years (2014, 2015, 2016). All future rate increases would be based on the Refuse Rate Index (RRI) and would be a maximum of 5% (maximum rate at the end of contract term would be \$15.59). All other provisions of the existing contract would remain in place.

Based upon a contract rate of \$13.37 per month per household, staff has calculated that the cost per month for each household would be \$13.21 or \$158.52 per year for all three services. The monthly cost per household is less than the actual contract rate because of the recycling rebates and the current balance in the Solid Waste Utility Fund.

The Council Committee recommended approval of the proposal from Deffenbaugh Industries and directed staff to draft a contract addendum based on the proposal. Staff has drafted an addendum which is attached.

### FUNDING SOURCE

Solid Waste Utility Fund for all related expenditures  
Fees for the FY 2013 period have been budgeted from the Solid Waste Utility Fund. Future fiscal years will need to be budgeted and are subject to the Kansas Cash Basis Law.

### PREPARED BY

Dennis J. Enslinger  
Assistant City Administrator  
Date: August 15, 2012

**FIFTH ADDENDUM TO THE 2002 CONTRACT  
FOR SOLID WASTE, RECYCLABLES, COMPOSTABLES AND BULKY ITEM  
COLLECTION FOR THE CITY OF PRAIRIE VILLAGE, KANSAS**

This Addendum to Contract is made this \_\_\_\_ day of \_\_\_\_\_, 2009, by and between the City of Prairie Village, Kansas, a Kansas municipal corporation (hereinafter the "City") and Deffenbaugh Industries, Inc. (hereinafter the "Contractor").

WHEREAS, in July of 2001, the City issued a Request for Proposal for Solid Waste, Recyclables, Compostables and Bulky Item Collection for the City of Prairie Village for 2002; and

WHEREAS, thereafter the City accepted the Option C proposal of the Contractor, and on August 20, 2001, the parties entered into the current Contract for the collection of solid waste, recyclables, compostables and bulky item collection within the City (hereinafter the "Contract"); and

WHEREAS, on August 5, 2002. The parties agreed to an Addendum to Contract in which the parties agreed to renew and extend the Contract for a second one-year term for the period of January 1, 2003 through December 31, 2003; and

WHEREAS, on July 7, 2003, the parties agreed to a Second Addendum to Contract in which the parties agreed to renew and extend the Contract for a third term of three years (from January 1, 2004 through December 31, 2006), subject to the appropriate annual approval of funds by the City Council in accordance with the statutory requirements of the Kansas Cash Basis Law; and

WHEREAS, on June 20, 2005, the parties agreed to a Third Addendum to Contract in which the parties agreed to renew and extend the Contract for a fourth term of two years (from January 1, 2007 through December 31, 2009), subject to the appropriate annual approval of funds by the City Council in accordance with the statutory requirements of the Kansas Cash Basis Law;

WHEREAS, on December 21, 2009, the parties agreed to a Fourth Addendum to Contract in which the parties agreed to renew and extend the Contract for a fifth term of four years (from January 1, 2010 through December 31, 2013), subject to the appropriate annual approval of funds by the City Council in accordance with the statutory requirements of the Kansas Cash Basis Law;

WHEREAS, the parties now desire to enter into this Fifth Amendment to Contract to amend and extend the Contract for a sixth term of three years (from January 1, 2014 through December 31, 2016), subject to the appropriate annual approval of funds by the City Council in accordance with the statutory requirements of the Kansas Cash Basis Law; and

WHEREAS, as detailed below, the parties also hereby agree that the unit price for 2013 shall be \$13.47, thereafter, the unit price during the sixth term may

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be increased annually, beginning on January 1, 2014, in an amount equal to any increase of the Refuse Rate Index (as defined below), provided such increase is subject to a maximum annual increase cap of five (5%) percent; and

WHEREAS, the parties hereby also agree that all other provisions of the Contract and associated Amendments shall remain as provided in the terms of the Contract as Amended; and

**NOW, THEREFORE**, in consideration of the mutual covenants and agreements herein made and contained, it is mutually agreed by the parties that the Contract shall be extended and amended as follows:

1. Except as modified hereafter, the Contract and the provisions therein shall be extended immediately upon the conclusion of the current fifth term for a sixth term of three (3) years beginning of January 1, 2014, and continuing through December 31, 2016. Provided, however, that the parties hereby acknowledge that each year consisting of the sixth term is subject to the Kansas Cash Basis Law codified at K.S.A. 10-1101, et. seq., and therefore, the continuation of the Contract beyond the current year shall be subject to the annual approval of said expenditures by the Prairie Village City Council, in accordance with said statutory requirements. In the event the City Council fails to approve said expenditures, the Contract (as extended and modified by the Addendums) shall automatically terminate.
2. For the period of January 1, 2013 through December 31, 2013 (hereinafter the "2013 Period"), the unit price applicable to section 11 regarding Payments (see G-11) for the weekly collection of solid waste, recyclables, and compostable for approximately 8,325 homes (to be collected at the curb line with permanent containers returned to the curb line as prescribed by Option C) will be thirteen and 47/100 dollars (\$13.47) per unit per month. Thereafter, upon one-hundred-eighty days (180) days notice, the Contractor may request that this per unit amount be reviewed and increased annually (to become effective on January 1, 2014, January 1, 2015, and January 1, 2016 accordingly) in accordance with any increase in the Refuse Rate Index (as defined in Section 3 of the this Amendment) over the previous year. Provided, however, that the parties agree that such increase shall not exceed the maximum allowed annual increase cap of five (5%) percent. No per unit increase shall be considered automatic, nor shall it become effective without the approval of the then-current City Council. It shall be the responsibility of the Contractor to notify the City of the amount of the requested annual increase, and to provide the city with supporting data upon which the adjustment is calculated.

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3. For the purposes of determining any increase in the unit price based upon the Refuse Rate Index (“RRI”), as provided in Section 2, the following shall apply:
- a. Using the most recent publications of the source documents identified below, the RRI adjustment shall be calculated in the following manner.
- i. The expenses of performing the residential solid waste, recycling and compostable collection services shall be broken down into the following five cost categories: Labor, Fuel, Vehicle Replacement, Maintenance and All Other. Each cost category is assigned a weight percentage factor on that cost category’s proportionate share of the total of the cost shown for all cost categories.
- ii. The expenses of performing the residential solid waste, recycling and compostable collection for the designated period shall be prepared in the following format:

**Operating Cost Statement – Description**

**Operating Costs:**

Labor

- List all administrative, officer, operation and maintenance salary accounts.
- List payroll tax accounts directly related to the above salary accounts.

Fuel

- List all fuel and oil accounts.

Vehicle Replacement

- List all Collection and Collection-related vehicle depreciation accounts.
- List all vehicle lease or rental accounts related to Collection or Collection-related vehicles.

Vehicle Maintenance

- List all Collection or Collection-related vehicle parts accounts.

All Other

- List all other expense accounts related to the services provided under this Contract (as extended

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and modified by the Addendums). This category includes: all insurance, including general liability, fire, truck, damage, extended coverage and employee group medical and life; rent on property; truck licenses and permits; real and personal property taxes; telephone and other utilities; employee uniforms; safety equipment; general yard repairs and maintenance; office supplies; postage; trade association dues and subscriptions; advertising; employee retirement or profit-sharing contributions and miscellaneous other expenses.

- iii. The following indices are used to calculate the adjustment for each cost category. The change in each index is calculated on a twelve-month period, in accordance with the terms of the Contract (as extended and modified by Addendums).

<b>Cost Category</b>	<b>Index</b>	<b>Source</b>
Labor	Employment Cost index Compensation for Service Producing Industries	Monthly Labor Review Bureau of Labor Statistics
Fuel*	Producer Price Index Light Fuel Oils #2 Diesel Fuel	Producer Price Index Bureau of Labor Statistics
Vehicle Replacement	Producer Price Index Heavy Duty Trucks	Producer Price Index Bureau of Labor Statistics
Maintenance	Producer Price Index Industrial Trucks & Tractors	Producer Price Index Bureau of Labor Statistics
All Other	$\frac{3}{4}$ Consumer Price Index U.S. City Average (unadjusted) All Urban Consumers All Items	Consumer Price Index Detailed Report Bureau of Labor Statistics
*Fuel Prices will be based on a Monthly Average over a 12 month Period. **Index and Source may be changed upon mutual agreement of both parties		

- iv. The percentage weight for each cost category is multiplied by the change in each appropriate index to calculate a weighted percentage for each cost category. The weighted percentage change for each cost category are added together to calculate the RRI.

- b. For illustrative purposes, attached to and incorporated herein is Attachment A. which illustrates the calculation for RRI.

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4. Upon any request by the Contractor for an increase in the unit price, as provided in Section 2 above, the City and its designated representative shall have the right to examine those books, records and other documents (whether written or in electronic format) necessary to verify the correctness of the unit price increase, and the Contractor's calculation of the RRI. No payment by the City shall be construed as a waiver of this right to audit or as an absolute acceptance of the unit price increase or of the Contractor's calculation of the RRI. Upon any evidence supporting any overpayment, the City shall be entitled to the appropriate refund.
  
5. The language and provisions of Special Provisions – Special Provisions – Compostables Collection section 5: REFUSE QUANTITIES AND PREPARATION: (see page C-2) shall be replaced with the following:

Residents will be limited to the amounts of compostables they place for disposal as noted herein:

- a. Quantity: Each dwelling unit will be limited to eight (8) setouts per week during the months of January, February, May, June, July, and December. Each dwelling unit will be limited to twelve (12) setouts per week during the months of March, April, August, September, October and November.

Additional or overflow compostable material may be collected only if contained within an approved container or attached to a brown kraft bag, in the case of limb debris, and displays an approved Contractor's overflow compostable waste sticker. Presently, the overflow compostable waste sticker shall be available at a cost of \$1.25 per bag. One dollar (\$1) of the proceeds from the sale of the stickers shall be the property of the Contractor, and twenty-five cents (\$.25) of the proceeds shall be the property of the City to be distributed as it sees fit. The Contractor shall be responsible for all costs associated with the printing of the overflow compostable waste sticker. Contractor and City agree to work in good faith to make the overflow compostable waste sticker conveniently available to residents and provide a reasonable accounting to one another of proceeds collected.

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At the discretion of the City, it may elect to increase the quantity of compostable material collected to the following:

Each dwelling unit will be limited to eight (8) setouts per week during the months of January, February, May, June, July, and December. Each dwelling unit will not be limited in the amount of compostables per week during the months of March, April, August, September, October and November. Additional set outs beyond the limits will be allowed but will be subject to Contractor's overflow compostable waste sticker.

An adjustment to the pay structure set forth in Section 2 of this Addendum shall be made as described below if the City elects to increase the quantity of compostable material collected as described above:

<u>Collection Period</u>	<u>Collection Rate</u>
2013	\$14.14
2014	Not to exceed 5% increase over 2013 Rate based on the Refuse Rate Index (RRI) as outline in Section 3 of this Addendum.
2015	Not to exceed 5% increase over 2014 Rate based on the Refuse Rate Index (RRI) as outline in Section 3 of this Addendum.
2016	Not to exceed 5% increase over 2015 Rate based on the Refuse Rate Index (RRI) as outline in Section 3 of this Addendum.

- b. Weights: No single item shall weigh more than 65 pounds.
- c. Volume: Approved compostable waste containers will not be larger than thirty-five (35) gallons.

- 6. For the 2013 Period and for the sixth term ending on December 31, 2016, the annual cost for the provision of the annual (one time per year) collection and disposal of residential bulky waste items for occupants of specified housing units consisting of less than four (4) dwelling units within the City (approximately 9,500 units) during a one-week period in April as provided for in Alternative #1 of the Contract shall be thirty-thousand dollars (\$30,000).



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7. Contractor will provide for collection of both solid waste and recyclable materials at the following City Facilities: City Hall/Police Building, Outdoor Municipal Swimming Pool, Harmon Park, and Public Works.
8. Notices: All notices shall be directed, in writing to the following representatives of the parties:  
  
City:                   City of Prairie Village  
                          Attention: Dennis J. Enslinger  
                          cc: Quinn Bennion  
                          7700 Mission Road  
                          Prairie Village, KS 66208  
  
Contractor:         Deffenbaugh Industries, Inc.  
                          Attention: Mike Clagett  
                          cc: General Counsel  
                          P.O. 3220  
                          Shawnee, KS 66203
9. All other provisions and terms contained within the Contract and the Forth Amendment shall continue in applicability and force. As appropriate, the Contractor shall renew or maintain any required bond and insurance requirements and provide to the City sufficient evidence to the same.
10. This Addendum to Contract was approved by the Governing Body of the City of Prairie Village on the \_\_\_ day of \_\_\_\_\_, 2012.



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**Attachment A: RRI Illustration**

**Recycling Rate Index -- Example**

<b>Cost Category</b>	<b>Weight</b>	<b>Index</b>	<b>Source</b>	<b>Pct. Change 12/03 -- 12/04</b>	<b>Weighted Pct. Change</b>
Labor	56.740%	Employment Cost Index Compensation for Service Producing Industries	Monthly Labor Review Bureau of Labor Statistics	3.2999%	1.872%
Fuel	5.222%	Producer Price Index Light Fuel Oils #2 Diesel Fuel	Producer Price Index Bureau of Labor Statistics	37.9205%	1.980%
Vehicle Replacement	6.283%	Producer Price Index Heavy Duty Trucks	Producer Price Index Bureau of Labor Statistics	4.4202%	0.278%
Maintenance	11.659%	Producer Price Index Industrial Trucks & Tractors	Producer Price Index Bureau of Labor Statistics	4.7584%	0.555%
All Other	20.096%	3/4 Consumer Price Index U.S. City Average (unadjusted) All Urban Consumers All Items	Consumer Price Index Detailed Report Bureau of Labor Statistics	2.4417%	0.491%
<b>Total</b>	<b>100.000%</b>				<b>5.176%</b>

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**COUNCIL COMMITTEE OF THE WHOLE**  
**August 6, 2012**

The Council Committee of the Whole met on Monday, August 6, 2012 at 6:00 p.m. in the Council Chambers. The meeting was called to order by Council President David Morrison with the following members present: Ashley Weaver, Dale Warman, Ruth Hopkins, Steve Noll, Michael Kelly, Andrew Wang (arrived late), Laura Wassmer, Brooke Moorhead, Charles Clark and Ted Odell. Staff Members present: Wes Jordan, Chief of Police; Bruce McNabb, Director of Public Works, Keith Bredehoeft; Project Manager; 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 and Joyce Hagen Mundy, City Clerk.

**Discussion and direction regarding Sidewalk Policy and 2012/2013 Street Program**

The installation of sidewalks on residential streets has been a topic revisited by residents and Council many times. Council Policy (CP-204) stipulates that a sidewalk be constructed on one side of a residential street. The streets listed below are planned for rehabilitation in 2012 or 2013 and currently do not have sidewalks. Following Council policy, the street program includes adding sidewalks to the following streets in conjunction with 2012 and/or 2013 projects:

- 68<sup>th</sup> Street-** Roe Avenue to Fonticello Street, South side
- Fonticello Street-** 67<sup>th</sup> Street to 68<sup>th</sup> Street, East side
- Fonticello Street-** 68<sup>th</sup> Street to 71<sup>st</sup> Street, West side
- 69<sup>th</sup> Terrace-** Fonticello Street to Nall Avenue, South side
- 70<sup>th</sup> Terrace-** Fonticello Street to Nall Avenue, South side
- Reeds Street-** 79<sup>th</sup> Street to 81<sup>st</sup> Street, West side
- Outlook Drive-** 81<sup>st</sup> Street to Reeds Street, Southeast side
- Pawnee Drive-** 75<sup>th</sup> Street to 77<sup>th</sup> Street, East side
- Canterbury Street-** 81<sup>st</sup> Street to Somerset Drive, West side
- 81<sup>st</sup> Street-** Somerset Drive to Canterbury Street, South side
- 71<sup>st</sup> Terrace-** Stateline Road to Eaton Street, South side
- 90<sup>th</sup> Street-** Roe Avenue to Delmar Road, North side

Mr. Bredehoeft distributed a map reflecting the locations of the proposed sidewalks and showed slides of similar sidewalks to demonstrate the impact on the neighborhoods. In June Public Works sent a letter to residents adjacent to the streets with a planned sidewalk installation.

This item is before the City Council due to residents requesting that the addition of the sidewalks be reconsidered. Exceptions to the policy have been made in the past and the exceptions often included a unique circumstance as to why a sidewalk should not be constructed. A history of sidewalk actions was included in the Council Packet and reviewed briefly by Mr. Bredehoeft. Sidewalks are part of a connected system for all residents to use. The City has a strong proactive policy in regard to the construction of sidewalks following direction given in Village Vision:

*TR1a. Provide sidewalks in new and existing areas to allow for continuous pedestrian movement around Prairie Village.*

*TR1b. Ensure that infrastructure improvements meet the needs of all transportation users.*

Public Works views sidewalks as part of the city's transportation system. Residents should not be walking in the street. The placement of sidewalks provides for mobility throughout the city and an improved quality of life. The question of sidewalks impacts more residents than merely those with property adjacent to sidewalks.

In 2009, the sidewalk policy was modified for cul-de-sac streets less than 500 feet in length. Council agreed to not install sidewalks on two small cul-de-sac streets and then the policy was changed to reflect the Council direction and the unique situation.

Mr. Bredehoeft stated all of the streets listed have been studied and a sidewalk can be constructed within existing street right of way. Where possible, street trees and landscaped areas are avoided, but there are a few trees that will require removal.

All projects and sidewalks are funded in the current CIP. The cost of sidewalk installation is \$36.00 per foot in the McAnany bid. The sidewalk installation on 68<sup>th</sup> Street, for example is estimated to cost \$23,000.

Charles Clark moved the committee recommend the sidewalk policy by removing all provisions requiring the construction of sidewalks within Prairie Village. He personally strongly supports sidewalks as they provide a means for walking which is one of the best things that can be done to improve and maintain good health. The essence of good government is predictability and equitability - to know that the City will stand by its policies and will treat all residents equitably. The history on this issue clearly demonstrates that on this issue the City is neither predictable nor equitable. Sidewalks are not uniformly constructed according to policy any time a group of residents raises an objection. The City should not have a policy it is not willing to follow consistently.

Mr. Clark clarified his motion stating that it generally says the city will not construct any more sidewalks - it will only maintain those already in place.

Laura Wassmer asked what would happen if someone wanted a sidewalk. Mr. Clark stated they can come to the city and request a sidewalk, but he noted the cost to construct a sidewalk without a related street project is going to be significant. He favors the current policy which calls for the orderly construction of sidewalks in conjunction with street projects; however, that is not happening.

The motion died for the lack of a second.

Council President David Morrison opened the meeting to comments from the residents in attendance.

John Hayde, 6319 West 69<sup>th</sup> Terrace, complimented the Public Works Department on its responsiveness to the residents. He expressed concern with broken water lines caused by sidewalk construction and the poor quality of concrete being used causing spalling within five years. He urged Public Works to investigate the quality issues with concrete suggesting they may even want to have their own concrete batch plant to ensure a high quality product.

Casey Housley, 4900 West 68<sup>th</sup> Street, spoke on behalf of the residents along 68<sup>th</sup> Street and presented a petition signed by most of the residents opposing the proposed construction of sidewalks on 68<sup>th</sup> Street and Fonticello. They feel that the unique character of their neighborhood outweighs any safety and transportation concerns. They feel this expenditure is unnecessary and the money could be better spent addressing other needs in the city.

Art Dick, 5116 West 68<sup>th</sup> Street, noted several years ago the city worked with the residents on Fonticello to preserve the unique character and country lane feel of this area by not constructing curb and gutter. They have plenty of walkers without adding sidewalk.

Andrew Wang arrived.

Lisbeth Lurey, 5409 West 69<sup>th</sup> Terrace, stated she does not oppose sidewalks; however, she expressed concern with the potential loss of trees in her front yard due to the proposed construction of a sidewalk. She would like to see consistency and connectivity with the sidewalks being constructed getting people from point "a" to point "b".

Jim Marnett, 7635 Pawnee Street, stated he is opposed to sidewalks. He stated Pawnee is not a heavily travelled street. He hasn't had any desire to have a sidewalk during his 20 years in Prairie Village. Mr. Marnett noted Leawood has beautiful streets without sidewalks and he feels there are better ways for the city to spend taxpayer money.

Rick Howell, 4723 West 68<sup>th</sup> Street, stated that 68<sup>th</sup> Street terminates at Nall & Roe, the traffic volume is low, the number of homes in this neighbor is low and there are several large mature trees and landscaping that would be impacted by the proposed construction of sidewalks. If the primary goal is safety, he noted there is no vehicular traffic in the evening and the 68<sup>th</sup> Street works well with shared transportation by cars, bikes and pedestrians.

BJ Fevold, 7922 Reeds Road, stated his area is similar to that described by the previous speaker. It is two blocks in length, closed at both ends and does not need a sidewalk. Mr. Fevold submitted a petition from the residents on Reeds Road at the July 16<sup>th</sup> City Council meeting.

Harry Old, spoke on behalf of the Hunt family on Reeds Road who are against the proposed sidewalk that will damage a 50 year old hedge on their property. He does not feel sidewalks are part of the transportation system. He supports sidewalks where they are needed, not everywhere.

Charlotte White, 6805 Cedar, addressed the Council on the uniqueness of the 68<sup>th</sup> Street area. When she was on Council several years ago, the council proposed putting in curb and gutter on 68<sup>th</sup> Street to address flooding concerns. The residents strongly opposed and the work was not done. There is a long history for preserving the “country lane” feel of this neighborhood and she urged the Council not to construct the proposed sidewalks. She noted the people in the area like walking in the street.

Mark Schuler, 5113 West 70<sup>th</sup> Terrace, used to live on 68<sup>th</sup> street and stated the people feel safe walking in the street. They do not want or need sidewalks. However, he noted it would be nice to have a sidewalk built to McCrum Park.

Shannon Patton, at 71<sup>st</sup> Terrace & State Line Road, stated her street is a “bloody mess” but the last thing she wants is to have to maintain a sidewalk. She is grateful for the city’s work on the stormwater system, but does not feel money should be spent on sidewalks.

Laura Wassmer stated she drove all of the streets where sidewalks have been proposed and noted a majority of them would be installed at the cost of established trees and landscaping and residents’ front yards. The only area which could easily add sidewalks without a major negative impact on landscaping is 68<sup>th</sup> Street which is clearly not wanted by the residents.

Laura Wassmer moved that none of the proposed sidewalks be constructed and that the City Council review the existing sidewalk policy at a later date. Ashley Weaver seconded the motion.

Ms Wassmer stated she sees the sidewalk process becoming where residents desiring a sidewalk petition the City.

David Morrison thanked the residents for their comments and asked for a show of hands of how many in the audience supported the current sidewalk policy. Three people raised their hand.

Ruth Hopkins noted that having sidewalks constructed outside of a street project is very expensive and added Mr. Morrison’s poll does not address the desires of those Prairie Village residents not present.

Elizabeth Carney, 5107 West 70<sup>th</sup> Terrace, stated she has lived in her home since 1952 and there has never been a need or desire for a sidewalk. When her 11 children were little they blocked the street so their kids could play in the street and it worked fine.

LeRoy Schultz, 4507 West 89<sup>th</sup> Street, representing Somerset Courts West Homes Association stated their association voted not to accept sidewalks as they are unnecessary and would be a financial burden to the homes association.

Michael Kelly stated the motion on the floor was premature and that the item on the agenda was a discussion on policy and the purpose of government on this issue, not specific action on streets.

Dale Warman stated when sidewalks were proposed for his area he did not want them, but noted he sees 10 to 15 people a day walking on the sidewalk in front of his home. He feels it is the role of the governing body to look out for the needs of the entire city. He cannot support the motion on the floor.

Charles Clark agreed with Mr. Kelly, but noted the city's history is very discouraging for adhering to its own policy. He believes sidewalks should either be built in accordance with the policy or not be built and if you are not going to build all, none should be built.

Laura Wassmer stated she likes sidewalks, but noted the difficulty in retrofitting sidewalks into 50 year old development. In some places it works, in others it does not work. She feels it makes sense to add sidewalks where people want them. It does not make sense to have a standard policy that everything will have sidewalks. They are not needed everywhere.

Charles Clark noted that if construction is done only when people want or petition how is public works going to direct the design.

Ashley Weaver stated that she does not feel there is a one size fits all policy. She noted the cost for the proposed sidewalk on 68<sup>th</sup> Street is \$23,000. This is an unnecessary expenditure especially in these difficult financial times.

Dale Warman agrees the existing policy is not working, but on the other hand he is not sure anyone would ever petition to have sidewalks added. He feels the committee's discussion should be on the policy, not on specific streets. There are examples that do not fit the mold.

David Morrison agreed the discussion should be on the policy; however, he also feels that the residents who came to this meeting should be given an answer regarding their streets.

Michael Kelly stressed this should be a policy discussion. He feels there should be conditions within the policy to allow for accommodations. The discussion should be focused on identifying the conditions which are appropriate for granting an accommodation.

Laura Wassmer clarified her motion would mean that all sidewalks proposed this evening would not be constructed and there would be discussion at a later meeting to re-examine the existing sidewalk policy.



The motion was voted on and failed by a vote of 4 to 7.

Dale Warman stated this issue needs to be addressed and the sooner the better. It is not fair to those who want sidewalks. Michael Kelly agreed and noted he had several questions such as what are arterial streets, collector streets, etc. Do local streets require sidewalks? He does not feel this is something that has to be decided this evening.

Charles Clark stated he felt it would be very difficult to write a policy that would please everyone.

Laura Wassmer confirmed that all the proposed streets would be considered local streets. She suggested possibly having a different policy on local streets than on the other types of streets. She does not feel sidewalks make sense on the proposed streets as they are not connected,

David Morrison asked if she would exempt local streets from the policy. Ms Wassmer responded yes.

Michael Kelly stated the policy should make accommodations when practical. He feels there are creative ways to implement sidewalks while preserving neighbors.

Charles Clark noted 83<sup>rd</sup> Street is an arterial street and if the Council were to follow the wishes of the residents, the city would not build sidewalks along 83<sup>rd</sup> Street.

Mayor Shaffer asked Keith Bredehoeft if any the streets needed a decision this evening. Mr. Bredehoeft replied the contractors are currently working on Reeds and Outlook relocating the utility lines and are ready to add the sidewalks.

Laura Wassmer moved that the proposed sidewalks for Reeds and Outlook not be constructed. The motion was seconded by Brooke Morehead and passed by a vote of 8 to 3.

Quinn Bennion stated discussion of the sidewalk policy will be on the August 20<sup>th</sup> committee agenda. David Morrison volunteered to prepare a draft policy for discussion based on the discussion this evening.

### **COU2012-35 Discussion and approval of preferred option for Solid Waste Services in 2013 with Deffenbaugh Industries**

At the July 16<sup>th</sup> meeting the Council Committee discussed a proposal from Deffenbaugh Industries to reduce the month rate to \$13.47 for 2013 with a three year contract extension through the end of 2016. The city-wide services include weekly solid waste removal, curb-side recycling, large item pick-up and limited yard waste pickup.

Deffenbaugh's existing contract was extended in 2009 to provide services for years 2010 through the end of 2013 (4 year contract). Staff received a proposal from Deffenbaugh Industries to reduce the monthly fee starting in 2013, if the City would agree to a contract extension through 2016 or another three years on the existing contract.

Council discussed the following options at their July 16<sup>th</sup> meeting:

- **Option A** - The existing contract would continue through December 2013. The 2013 monthly unit rate will be \$16.96. The rate is established by using the current rate and adding the Refuse Rate Index (RRI). In early 2013, staff would initiate a bidding process to establish a new contract starting in January 2014.
- **Option B** - The 2013 monthly unit rate would reduce to \$13.47. For the lower rate offer, the contract would extend another three years to the end of 2016. The rate will increase each year based on the RRI with a maximum of 5% per year.
- **Option C** - There was brief discussion at the previous Council meeting about cancelling the existing contract in January 2013 and transition to a new provider in the next few months after a bid process. This option is not recommended and likely not feasible. Staff has serious doubts that Option C can be implemented with less than five months to solicit bids, negotiate and transition to a new service provider. There may also be legal risks that would need to be explored with the City Attorney.

Based on Council direction, staff will work with Deffenbaugh officials to finalize the 2013 contract, unit rates and bring back to Council for final approval.

At the last Council committee meeting, Deffenbaugh was asked to reconsider their proposal specifically the length of the contract extension, large item pick-up program and price rate. Deffenbaugh officials responded with a letter that reiterated their original offer.

Staff was directed to contact Town & Country and Allied providers to verify their ability and interest in providing services in Prairie Village. Both entities were contacted and shared the following with city staff.

#### **Town & Country (JR Pesck)**

Town & Country (T&C) has the capacity and ability to meet the existing requirements of the Prairie Village solid waste, composting and recycling services. T&C utilizes two container sizes at 35/65 gallons for refuse and recycling. It was reported to staff that T&C intends on bidding Prairie Village services in 2013. They anticipate a competitive rate similar to Fairway and Roeland Park's recent bid. T&C does offer large item pickup, but no revenue sharing for recycling.

#### **Allied Waste (Ronnell Dayhill)**

Allied Waste has the capacity to service the City of Prairie Village with all three waste streams. Their bid would include all official city facilities. Allied Waste provides three different size waste containers: 35/65/95 gallon for trash and 65/95 gallon for recycle.

Allied Waste does provide several revenue sharing options with municipalities (City of Liberty and Kearney).

Per Allied Waste correspondence, Allied Waste anticipates the rate to be equal or less than the MARC bid provided for the City of Roeland Park, Fairway, and Westwood.

Dennis Enslinger stated that Solid Waste services are funded through a solid waste fee on the property tax bill. The collections are placed in the City's Solid Waste Utility Fund. Future fiscal years will need to be budgeted and are subject to the Kansas Cash Basis Law.

Staff recommends approval of Option B with a lower monthly rate and contract extension. The reasons for the recommendation include continuity in services, avoid transition costs, and assured cost savings.

Ruth Hopkins noted the extra services provided by Deffenbaugh at no cost to the city supporting several city sponsored events. She noted the city just went through a huge transition in the solid waste program with Deffenbaugh incurring a large cost of special trash/recycle bins and their delivery. She agreed that Deffenbaugh has issues that it needs to address, but it offers a known entity with a known cost for service. She added the Large Item Pick-up is felt by many residents to be an entitlement and does not feel it could be discontinued.

Laura Wassmer asked if the City received \$50,000 in recycling revenue sharing. Dennis Enslinger replied it receives approximately \$20,000 per year. She noted with the revenue sharing their monthly rate is more competitive. However, she is disappointed that they failed to bring back any revisions to their proposal. She would rather be able to get rid of large items on a regular basis than wait for one time per year. She supports extending the contract one year and going out to bid.

Michael Kelly agreed with Ms Wassmer that this contract is not yet complete and in less than a year the city will have the opportunity to receive bids from three firms.

Mayor Shaffer noted that Deffenbaugh had negotiated the proposal with staff in good faith prior to it being presented to the City Council. Those negotiations need to be acknowledged. Mayor Shaffer noted the last time the city chose to go out to bid rather than negotiate it received a double digit increase in fees. It is questionable that the city would do any better on the bid process than what has been proposed.

Steve Noll confirmed that Deffenbaugh owns the current trash and recycling bins.

Dale Warman noted that his homes association contracts with Town & Country and they do a good job. However, he noted it requires a significant investment from them to be able to handle the city's contract and there is a risk with going out to bid. He also acknowledged all that Deffenbaugh does for the city.

Ruth Hopkins made the following motion which was seconded by Charles Clark:

**RECOMMEND THE CITY COUNCIL APPROVE OPTION B  
FOR SOLID WASTE SERVICES IN 2013 PROVIDED BY  
DEFFENBAUGH INDUSTRIES WHICH EXTENDS THE  
CONTRACT THREE YEARS THROUGH 2016 WITH A  
RATE REDUCTION TO \$13.47 PER MONTH.**

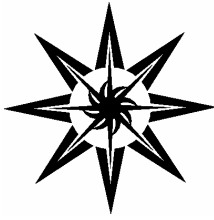
**COUNCIL ACTION TAKEN  
08/06/2012**

The motion passed by a 7 to 4 vote with the following votes cast: “aye” Weaver, Warman, Hopkins, Wang, Morehead, Clark, Odell; and “nay” Noll, Kelly, Wassmer, Morrison

**Adjournment**

With no further business to come before the Council Committee of the Whole, Council President David Morrison adjourned the meeting at 7:32 p.m.

David Morrison  
Council President



## PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: August 20, 2012

Council Meeting Date: August 20, 2012

### **\*COU2012-41: PRESENTATION OF THE 75<sup>TH</sup> STREET IMPROVEMENTS STUDY AND CONSIDER ENGINEERING CHANGE ORDER #1 FOR PROJECT 75ST0001- 75<sup>TH</sup> STREET FROM STATE LINE ROAD TO MISSION ROAD**

---

#### **RECOMMENDATION**

Move to approve Change Order #1 with GBA for project 190866: 75<sup>th</sup> Street Rehabilitation from State Line Road to Mission Road in the amount of \$238,240.00.

#### **BACKGROUND**

The 75<sup>th</sup> Street project will improve the existing infrastructure and will also look to improve pedestrian accommodations and to make 75<sup>th</sup> Street a more aesthetically pleasing corridor. This project is scheduled to receive \$1.6 Million in Federal Funds through the Mid America Regional Council(MARC) under the Bike/Pedestrian and Livable Communities category. The Federal Funds are to be used in 2014.

George Butler Associates, Inc.(GBA) was selected to perform the conceptual design study for this project. This Engineering Change Order is for preliminary design, final design, bidding services, and limited construction services. The Kansas Department of Transportation(KDOT) administers Federal funds and therefore this project will be designed to KDOT standards. KDOT will also manage the construction letting of the project. The 75<sup>th</sup> Street City Council Sub-Committee consisting of Mayor Ron Shaffer, Michael Kelly, Andrew Wang, David Belz, and Ted Odell, have been working with GBA and has recommended the below project design features move forward to preliminary design.

Design features to be included preliminary design-

- New continuous sidewalks on north and south sides of 75<sup>th</sup> Street.
- Narrow 75<sup>th</sup> Street lanes from 12 feet to 11 feet to allow for better pedestrian accommodations on the north side of the street.
- Aesthetic facing on retaining walls.
- Alignment of 75<sup>th</sup> Street at Belinder Avenue including the possibility of concrete curb medians.
- Belinder Avenue and 75<sup>th</sup> Street landscape/aesthetic improvements.
- 75<sup>th</sup> Street and Stateline Road landscape/City entrance feature.
- Pedestrian activated beacons for crossing 75<sup>th</sup> Street near Windsor Street.
- Improved bus accommodations.
- New concrete curb, new asphalt pavement, and drainage improvements.

Once preliminary design is completed an additional Public Meeting will be held in early 2013 to get additional input to help finalize the design of the project. Property owners

with more significant impacts and home associations will be a part of the preliminary design process.

## **FUNDING SOURCE**

Funding is available under Project 75ST0001: 75<sup>th</sup> State Line Road to Mission Road in the amount of \$238,240.00.

## **RELATION TO VILLAGE VISION**

- CC1a. Make streetscape improvements to enhance pedestrian safety and attractiveness of the public realm.*
- 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. Engineering Change Order #1 with George Butler Associates, Inc.
2. Letter to residents informing them of Council Meeting

## **PREPARED BY**

Keith Bredehoeft, Project Manager

August 15, 2012



**CITY OF PRAIRIE VILLAGE  
PUBLIC WORKS DEPARTMENT  
ENGINEERING CHANGE ORDER NO. 1**

City's Project: 75ST0001- 75th Street, Stateline Road to Mission Road

Date Requested: August 20, 2012

Contract Date: June 6, 2011

Consultant's Name: George Butler and Associates

Contractor's Name:

**REQUIRED CHANGES TO PRESENT CONTRACT**

Contract Quantity	Previous Amount	Unit	Item Description	Adj. Quant.	Unit Price	Adjusted Amount
1	\$124,760.00		Additional Engineering Services	1		\$363,000.00

TOTAL \$124,760.00

	TOTAL	\$363,000.00
NET Increase		\$238,240.00

**EXPLANATION OF CHANGE - This change order is to cover the following items:**

The additional fee is for the preliminary design, final design, bidding services, and limited construction services for Project 75ST0001- 75th Street, Stateline Road to Mission Road.

	Contract Value	Contract Days
Original Contract	\$124,760.00	
Current Contract including previous Change Orders	\$124,760.00	
NET This Change Order	\$238,240.00	
New Contract Price	\$363,000.00	

\_\_\_\_\_  
Engineer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Keith Bredehoeft, Project Manager  
City of Prairie Village, KS

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ronald L. Shaffer, Mayor  
City of Prairie Village, KS

\_\_\_\_\_  
Date

75th Street  
Mission to State Line  
Prairie Village, KS  
Engineering Services Costs

EXHIBIT A

CLASSIFICATION	PRI	ASC	SRE	AES1	AES2	AES3	TEC1	TEC2	SCO	CO2	RLS	SP2	CLI	TOTAL	GPS	Mileage	Mileage	Add'l	TOTAL	TOTAL
HOURLY CHARGEOUT RATE	\$240	\$170	\$142	\$112	\$100	\$90	\$90	\$72	\$120	\$75	\$112	\$144	\$80	HOURS	Units	Personal	Survey	Expenses	EXPENSES	COST
<b>75th Street (Mission Road - State Line Road)</b>																				
<b>PHASE I - Field Check Design Services</b>																				
<b>Survey</b>																				
Start Up Meeting		1									1	1		3					\$0.00	\$426.00
Review Project Data		1					2				1			4					\$0.00	\$462.00
Revisit Utilities		1					1				2	12		16			120		\$120.00	\$2,332.00
Inventory / Detail Sanitary and Storm Sewers		1									2	32		35	400		190		\$590.00	\$5,592.00
Topo Obscured Areas// Additional Mapping Checks		1									2	24		27	100		150		\$250.00	\$4,100.00
Property		8									2	12		22	400	50	120		\$570.00	\$3,882.00
Base Map Clean Up and Additions		2					30				4			36					\$0.00	\$3,488.00
Obtain Ownership Documents		1									2			3					\$0.00	\$394.00
Prepare Easements (Estimate 10 properties)		6					30				2			38					\$0.00	\$3,944.00
Internal Meeting (1 meeting)		1					1							2					\$0.00	\$260.00
<b>Environmental</b>																				
Submit agency letters requesting Cultural Resource and T&E species information			2			4								6					\$0.00	\$644.00
Internal Meeting (1 meeting)			1											1					\$0.00	\$142.00
<b>Roadway Design</b>																				
Project Coordination with KDOT		8	16											24					\$0.00	\$3,632.00
Project Coordination with City		8	8											16					\$0.00	\$2,496.00
Assist City with ROW Coordination/1306 Form		1	8											9					\$0.00	\$1,306.00
Assist City with Utility Coordination/1304 Form		1	8											9					\$0.00	\$1,306.00
Horizontal Alignment Modifications			4	4		2								10					\$0.00	\$1,196.00
Plan View Replacement Items			4	16		16								36					\$0.00	\$3,800.00
Drainage Evaluation/Modification Design			4	16		4								24					\$0.00	\$2,720.00
ADA ramp design			4	8		16								28					\$0.00	\$2,904.00
Driveway Design			8	24		24								56					\$0.00	\$5,984.00
South Sidewalk Design			8	16		16								40					\$0.00	\$4,368.00
75th and Belinder Intersection Design			4	8		8								20					\$0.00	\$2,184.00
Node Area Design (State Line and Belinder)			12	16		8								36					\$0.00	\$4,216.00
Laura Little's Shop Frontage Design			8	8		4								20					\$0.00	\$2,392.00
Retaining Wall layouts (Plan/Profile)			8	16		16								40					\$0.00	\$4,368.00
<b>Prepare Field Check Plans</b>																				
A. Title Sheet				2		4								6					\$0.00	\$584.00
B. Typical Sections				2		2								4					\$0.00	\$404.00
C. General Notes			2	4		4								10					\$0.00	\$1,092.00
D. Plan Sheets			8	24		24								56					\$0.00	\$5,984.00
E. Detail Sheets			8	16		16								40					\$0.00	\$4,368.00
F. Retaining Wall Sheets			4	16		12								32					\$0.00	\$3,440.00
G. Drainage Sheets			4	16		8								28					\$0.00	\$3,080.00
I. Cross Section Sheets			4	16		24								44					\$0.00	\$4,520.00
H. Erosion Control Sheets			2	4		4								10					\$0.00	\$1,092.00
Prepare Final Opinion of Probable Construction Cost			2	4		2								8					\$0.00	\$912.00
Submit Field Check Plans to City for review (2 half size sets)			1	2										3				50	\$50.00	\$416.00
Modify Plans according to City comments		2	4	4										10					\$0.00	\$1,356.00
Submit Field Check Plans for KDOT review (electronic submittal)			1	2										3					\$0.00	\$366.00
Modify Plans according to KDOT comments		2	16	16										34					\$0.00	\$4,404.00
Field Check meeting (1)		2	4	2										8		20			\$20.00	\$1,152.00
Internal Meeting (2 meetings)		2	4	2										8					\$0.00	\$1,132.00
<b>Structural Design</b>																				
Coordinate with Roadway and Landscape Architect			8																\$0.00	\$1,136.00
Internal Meeting (1 meeting)			1											1					\$0.00	\$142.00
<b>Traffic Design</b>																				
<b>Traffic Signal Plans</b>																				
Traffic Signal - 75th St. & Belinder Ave.			8		16	20	8							52					\$0.00	\$5,256.00
Utility Coordination for Traffic Signals and Beacons			1		1									2					\$0.00	\$242.00
Pavement Marking / Signing Plan			8		12	16	8							44					\$0.00	\$4,496.00
Street Lighting Plan			4		8	8	4							24					\$0.00	\$2,448.00
Traffic Control Plan			8		16	16	16							56					\$0.00	\$5,616.00
Field Check meeting (1)			2											2					\$0.00	\$284.00
Internal Meetings (2 meetings)			2		2									4					\$0.00	\$484.00
<b>Electrical Design (Aesthetic Lighting)</b>																				
Coordinate w/ Wayne Kirckhoff			2											2					\$0.00	\$284.00
<b>Public Involvement</b>																				
Public Meeting (1)		3	12											15		20			\$20.00	\$2,234.00
City Council Subcommittee Meeting (1)		3	6											9		20			\$20.00	\$1,382.00
Coordination/Discussion with Project Stakeholders		8	8											16		50			\$50.00	\$2,546.00
<b>Project Management</b>																				
GBA project startup			2											2					\$0.00	\$284.00
Provide General Project Management, Supervision, and Coordination		24												24					\$0.00	\$4,080.00
Project progress meetings with City/KDOT (2)		4	6											10		40			\$40.00	\$1,572.00
Provide Quality Review		8	12											20					\$0.00	\$3,064.00
Prepare Invoices		2											4	6					\$0.00	\$660.00
<b>SUB TOTAL FIELD CHECK DESIGN SERVICES</b>	<b>0</b>	<b>101</b>	<b>261</b>	<b>264</b>	<b>55</b>	<b>278</b>	<b>100</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>18</b>	<b>81</b>	<b>4</b>	<b>1,154</b>	<b>\$900</b>	<b>\$200</b>	<b>\$580</b>	<b>\$50</b>	<b>\$1,730</b>	<b>\$139,050</b>
<b>PHASE II - Final Design Services</b>																				
<b>Environmental</b>																				
Prepare and submit KDHE Notice of Intent for land disturbance permit						4								4					\$0.00	\$360.00
Prepare stormwater pollution prevention plan (SWPPP)						16								16					\$0.00	\$1,440.00
Erosion Control Phasing & Sequencing						4								4					\$0.00	\$360.00







# THE CITY OF PRAIRIE VILLAGE

## STAR OF KANSAS

August 14, 2012

RE: 75<sup>th</sup> Street Improvements Study (Mission Road to State Line Road)

Dear Resident,

In the last year the City has invited you to a public meeting to get your ideas related to the 75<sup>th</sup> Street Study. We appreciate the feedback on the corridor that we received. We will be presenting ideas from the conceptual study to the City Council as they consider extending the engineering contract with George Butler and Associates for preliminary and final design. The Council Committee Meeting is scheduled for Monday, August 20, 2012 at 6:00 P.M. at City Hall. This letter is intended to inform you of this meeting.

Below is information related to the design of the project and is a summarization of what will be presented to the City Council on August 20, 2012. This information can also be found at [www.pvkansas.com/projects](http://www.pvkansas.com/projects).

*Concepts that are moving forward are as follows. Continuous sidewalks on the north and south sides of 75<sup>th</sup> Street is a top priority. The lane widths on 75th Street can be narrowed to allow for additional space along the north side of the road. This additional space can accommodate a 6 foot wide sidewalk with at 1 foot red stamped concrete buffer at the back of the curb. The design will create a better pedestrian environment versus what exists today. A sidewalk on the south side is important and does have impacts and significant retaining walls would need to be constructed. Additional items being considered are listed below-*

- *Aesthetic facing on new and existing retaining walls.*
- *Alignment of 75th at Belinder Avenue including concrete curb medians.*
- *Belinder Landscape/Aesthetic Improvements.*
- *Street light upgrades.*
- *75th Road and Stateline Road Landscape/City Entrance Feature.*
- *Pedestrian Activated Beacons for crossing near Windsor Street.*
- *Improved Bus accommodations.*

Once preliminary plans are completed we will have another public meeting to get your thoughts on the project before we finalize plans. We will also be working with individual property owners where the project might have more significant impacts.

*Public Works working for you...*

Providing the right service, at the right time, at the right cost.

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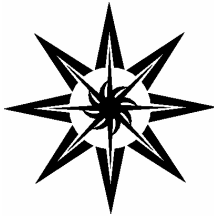
3535 SOMERSET DRIVE \* PRAIRIE VILLAGE, KANSAS 66208 \* [www.pvkansas.com](http://www.pvkansas.com) \* [publicworks@pvkansas.com](mailto:publicworks@pvkansas.com)  
PUBLIC WORKS: 913/381-6464 \* FAX: 913/642-0117 \* SERVICE REQUEST LINE: 913/385-4647

Please call me at (913)385-4642 or email at [kbredhoeft@pvkansas.com](mailto:kbredhoeft@pvkansas.com) if you have any questions.

Sincerely,



Keith Bredehoeft, P.E.  
Project Manager



## PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: August 20, 2012

Council Meeting Date: August 20, 2012

### CONSIDER KDOT FORM 1302- REQUEST FOR CONSTRUCTION PROJECT FOR PROJECT 75ST0001: 75<sup>TH</sup> STREET- STATELINE ROAD TO MISSION ROAD.

#### RECOMMENDATION

Authorize Mayor to sign KDOT Form 1302- Request for Construction Project for Project 75ST0001: 75<sup>th</sup> Street- Stateline Road to Mission Road.

#### BACKGROUND

Project 75ST0001, 75<sup>th</sup> Street- Stateline Road to Mission Road was selected by the Mid-America Regional Council(MARC) to receive Federal Funds. The Kansas Department of Transportation(KDOT) administers the Federal Funds for local communities in Kansas. As part of their process KDOT Form 1302 must be executed by the City. The agreement states that the City has or will have the required matching funds for the project. This project will utilize 2014 Federal Funds.

#### FUNDING SOURCE

Project Funding is available under the Capital Infrastructure Program under Project 75ST0001: 75<sup>th</sup> State Line Road to Mission Road. Depending on final scope of project additional City funds may be added to the project.

#### RELATION TO VILLAGE VISION

- CC1a. Make streetscape improvements to enhance pedestrian safety and attractiveness of the public realm.*
- 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. KDOT Form 1302

#### PREPARED BY

Keith Bredehoeft, Project Manager

July 6, 2012

KANSAS DEPARTMENT OF TRANSPORTATION

BUREAU OF LOCAL PROJECTS

REQUEST FOR CONSTRUCTION PROJECT

Submit One (1) Copy, With Map

WHEREAS: The Secretary of Transportation of the State of Kansas, hereinafter referred to as the Secretary, has been designated as agent for \_\_\_\_\_ County under an agreement dated \_\_\_\_\_, or,

WHEREAS: The Secretary's agency for the City of \_\_\_\_\_ will be designated under an agreement to be executed, and,

WHEREAS: the Federal-Aid Highway Act of 1956, as amended, and subsequent acts and amendments, provided Federal-Aid funds to assist the counties, cities and other political sub-divisions in improving their roads and streets, and,

WHEREAS: The above-noted county/city desires to improve a certain portion of their road or street system as is more fully described hereinafter, now, therefore,

BE IT RESOLVED: That the Secretary is hereby requested to program, for construction, that portion of road / street which is functionally classified as a \_\_\_\_\_ on Route Number \_\_\_\_\_ located:

Total Project Length \_\_\_\_\_ (Km) \_\_\_\_\_ (Mi) Est. Let Date \_\_\_\_\_

ESTIMATED costs of such improvements are as follows:

Grading / Culverts / Storm Sewer	\$ _____
Surfacing (Type) _____	\$ _____
Bridges (Number) _____	\$ _____
Seeding	\$ _____
Other _____	\$ _____
ESTIMATED Total for Project	\$ _____

Surveys and plans will be prepared by: \_\_\_\_\_

BE IT FURTHER RESOLVED: That sufficient funds of \_\_\_\_\_ are now, or will be available and are hereby pledged to the Secretary in the amount and at the time required for the supplementing of federal funds available for the completion of this project. Prior to Federal Authorization, any project expenditures made by the County/City are ineligible for federal funding and remain the responsibility of the County/City. Upon cancellation of the project by the County/City, the County/City shall reimburse the Secretary within thirty (30) days after receipt of statement of cost incurred by the Secretary prior to cancellation.

Day \_\_\_\_\_ Month \_\_\_\_\_ Year \_\_\_\_\_, at \_\_\_\_\_, Kansas.

Recommended for Approval:

APPROPRIATE LOCAL OFFICIAL(S)

\_\_\_\_\_  
County/City Engineer or Administrator

\_\_\_\_\_  
Chairperson/Mayor

ATTEST:

\_\_\_\_\_  
Member

\_\_\_\_\_  
County/City Clerk

\_\_\_\_\_  
Member

# REQUEST FOR CONSTRUCTION PROJECT

RR within 1/2 mile \_\_\_\_\_ RR Owner \_\_\_\_\_

Area Served: General Farming \_\_\_ Livestock \_\_\_ Oil/Gas \_\_\_ Industrial \_\_\_ Suburban \_\_\_ Urban \_\_\_  
 Others: \_\_\_\_\_

Utilities to be adjusted: \_\_\_\_\_

Environmental Concerns: Parks \_\_\_\_\_ Wetlands \_\_\_\_\_ Other \_\_\_\_\_

Traffic Data: Present AADT \_\_\_\_\_ Year \_\_\_\_\_ Estimated Future AADT \_\_\_\_\_ Year \_\_\_\_\_

Existing Facilities:					Curb & Gutter	Storm Sewer			
Roadbed Width	Surface Type	Surface Width	Condition	Surface Thickness					
(M)		(M)							
(Ft)		(Ft)							
Proposed Facilities:									
Roadbed Width	Surface Type	Surface Width	Surfacing By:	Surface Thickness or Rate/Km or /Mi	Curb & Gutter	Storm Sewer			
(M)		(M)							
(Ft)		(Ft)							
Existing Bridges:									
NBIP Structure Number	Structure Type	Over-all Length		Clear Roadway		Safe Load	Suff. Rating	Rating Year	Posted
		(M)	(Ft)	(M)	(Ft)				
		(M)	(Ft)	(M)	(Ft)				
Proposed New Bridges:									
Structure Type		Over-all Length		Clear Roadway					
		(M)	(Ft)	(M)	(Ft)				
		(M)	(Ft)	(M)	(Ft)				
Railroad Crossings:									
Company Name		No. of Tracks	Main Tracks	Other Tracks	Avg. Trains Daily	Min. Vis. @ 300'	Present Protection	Proposed Protection	

Comments: \_\_\_\_\_

## REQUEST FOR CONSTRUCTION PROJECT

In accordance with the Bureau of Local Projects (BLP) Memo 99-11, dated December 16, 1999, we are required, under the Comprehensive Transportation Program (CTP) to collect and record total costs of all work phases of projects. This includes local agency federal-aid and state-aid projects that include any non-participating, pre-construction local agency costs for preliminary engineering (plan design), rights of way and utility adjustments.

Please show below your estimate of the cost of any of the following non-participating work phases for this proposed project.

### **Preliminary Engineering (PE)**

Please estimate the payments you will make to your consultant. If your agency will perform its own PE, include your estimated direct costs plus overhead.

### **Rights of Way (R/W)**

Please estimate the payments you will make to landowners.

### **Utility Adjustments (UTIL)**

Please estimate the total of any payments you will make to utility companies for adjustments to utilities located on private easements.

**ESTIMATED** non-construction costs are as follows:

Preliminary Engineering	_____	\$ _____
Rights of Way	_____	\$ _____
Utility Adjustments	_____	\$ _____
Other	_____	\$ _____
ESTIMATED Total for Project		\$ _____



## PLANNING COMMISSION

Council Meeting Date: August 20, 2012

Consider Request for Special Use Permit for the operation of a Child Care Program at 9100 Mission Road

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### RECOMMENDATION

Recommend the City Council adopt Ordinance 2261 granting a Special Use Permit to allow the operation of a child care program at 9100 Mission Road subject to the conditions recommended by the Planning Commission.

### BACKGROUND

Premier Learning Early Childhood Education, requested approval of a Special Use Permit for a child care center for children ranging in age from 0 - 5 years. The child care center is located in Resurrection Lutheran Church at 9100 Mission Road. The facility is anticipated to use five existing classrooms in the church with each classroom designated for a specific age group as follows:

- Classroom A - Infants (0 - 12 months/walking, Ratio 2:6)
  - Classroom B - Toddlers (Walking - Two years, Ratio 1:5)
  - Classroom C - Two's (Two - Three years, Ratio 1:7)
  - Classroom D - Three's (Three - Four years, Ratio 1:12)
  - Classroom E - Four's (Four years - Pre-K, Ratio 1:12)
- Total number of children - 42

The hours of operation will be 7:00 a.m. to 6:00 p.m., Monday - Friday, all year long with the exception of eight Holidays when they will be closed. It is anticipated that eight people will be employed at the child care center.

An outdoor play area is located at the south end of the building. A 42" black chain link fence has been installed. The playground will be divided into two sections; one for children under 2.5 years and the other for those over 2.5 years. Playground equipment also has been installed.

Since the proposed child care center is entirely contained within the existing church building, no exterior changes are proposed for the building, and the outside improvement is a fence.

A neighborhood meeting was held on July 21, 2012 in accordance with the Planning Commission Citizen Participation Policy and one person attended the meeting. The attendee was interested in the operation of the facility and their only concern was keeping the dumpster within the fenced area.

The site has been inspected and has received a temporary State license for a child care center for a maximum of 52 children based on the size of the facility.



The Planning Commission reviewed the criteria for approval of the Special Use Permit and found favorably on the criteria recommending approval of a Special Use Permit for a child care center at 9100 Mission Road subject to the following conditions:

1. That the child care center be approved for a maximum of 52 children.
2. That the child care center be permitted to operate year-round from 7:00 a.m. to 6:00 p.m. subject to the licensing requirements by the Kansas Department of Health and Environment.
3. That the special use permit be issued for the child care center for a period of five years from the date of City Council approval and that if the applicant desires to continue the use after that time period expires, they shall file a new application for reconsideration by the Planning Commission and City Council.
4. No independent signs shall be permitted unless approved by the Planning Commission.
5. That the child care center occupy the outdoor space as shown on the plans submitted and if it is increased in area, the proposed expansion will be submitted to the Planning Commission for Site Plan Approval.
6. That the trash dumpster be contained within the fenced area so that it is screened from view.
7. If this permit is found not to be in compliance with the terms of the approval of the Special Use Permit it will become null and void within 90 days of notification of noncompliance unless noncompliance is corrected.

The Governing Body (which includes the Mayor and City Council) shall make its findings of fact based on the "Golden Factors" and either:

- A. Adopt the recommendation of the Planning Commission and approve the Special Use Permit which requires a majority of those present, or
- B. Override the recommendation of the Planning Commission by a 2/3 vote of the Governing Body (9 votes), and deny the Special Use Permit, or
- C. Return the recommendation to the Planning Commission by a simple majority vote of the quorum present with a statement specifying the basis for the City Council's failure to approve or disapprove the recommendation.
- D. Continue the item to a designated meeting by a simple majority of the quorum present.

## **ATTACHMENTS**

Planning Commission minutes of August 7, 2012  
Staff Report & Application for PC2012-07  
Proposed Ordinance

## **PREPARED BY**

Joyce Hagen Mundy  
City Clerk

Date: August 8, 2012

## ORDINANCE 2261

### AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR THE OPERATION OF A CHILD CARE CENTER AT 9100 MISSION ROAD, PRAIRIE VILLAGE, KANSAS

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE:

**Section I. Planning Commission Recommendation.** At its regular meeting on August 7, 2012, the Prairie Village Planning Commission held a public hearing, found the findings of fact to be favorable and recommended that the City Council approve a Special Use Permit for the operation of a child care center at 9100 Mission Road subject to the following conditions:

1. That the child care center be approved for a maximum of 52 children.
2. That the child care center be permitted to operate year-round from 7:00 a.m. to 6:00 p.m. subject to the licensing requirements by the Kansas Department of Health and Environment.
3. That the special use permit be issued for the child care center for a period of five years from the date of City Council approval and that if the applicant desires to continue the use after that time period expires, they shall file a new application for reconsideration by the Planning Commission and City Council.
4. No independent signs shall be permitted unless approved by the Planning Commission.
5. That the child care center occupies the outdoor space as shown on the plans submitted and if it is increased in area, the proposed expansion will be submitted to the Planning Commission for Site Plan Approval.
6. That the trash dumpster is contained within the fenced area so that it is screened from view.
7. If this permit is found not to be in compliance with the terms of the approval of the Special Use Permit it will become null and void within 90 days of notification of noncompliance unless noncompliance is corrected.

**Section II. Findings of the Governing Body.** At its meeting on August 20, 2012, the Governing Body adopted by specific reference the findings as contained in the minutes of the Planning Commission meeting of August 7, 2012, and the recommendations of the Planning Commission and approved the Special Use Permit as docketed PC2012-07

**Section III. Granting of the Special Use Permit.** Be it therefore ordained that the City of Prairie Village grant a Special Use Permit to operate a child care center at 9100 Mission Road, Prairie Village, Kansas subject to the seven specific conditions listed above.

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

**PASSED AND ADOPTED THIS 20th DAY OF AUGUST, 2012.**

**CITY OF PRAIRIE VILLAGE, KANSAS**

**By: \_\_\_\_\_**  
**Ronald L. Shaffer, Mayor**

**ATTEST:**

**APPROVED AS TO FORM:**

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

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

## STAFF REPORT

**TO:** Prairie Village Planning Commission  
**FROM:** Ron Williamson, Lochner, Planning Consultant  
**DATE:** August 7, 2012 Planning Commission Meeting

Project # 000005977

**Application:** PC 2012-07

**Request:** Special Use Permit for a Child Care Center

**Property Address:** 9100 Mission Road

**Applicant:** Premier Learning, LLC

**Current Zoning and Land Use:** R-1A Single-Family Residential – Lutheran Church of the Resurrection

**Surrounding Zoning and Land Use:** **North:** R-1A Single-Family Residential –Single-Family Dwellings  
**East:** R-1A Single-Family (Leawood) -Single-Family Dwellings  
**South:** R-1A Single-Family Residential –Single-Family Dwellings  
**West:** R-1A Single-Family Residential –Single-Family Dwellings

**Legal Description:** Kennilworth Lot 1, Block 3

**Property Area:** 3.72 Acres

**Related Case Files:** PC 1999-10: Monument Sign Approval  
BZA 89-7: Variance to Parking Requirements

**Attachments:** Application, Plans and Photos

General Location Map



Aerial Map



**COMMENTS:**

The applicant is requesting approval of a Special Use Permit for a child care center that will allow a maximum of 42 children ranging in age from 0 - 5 years. It is anticipated to use five existing classrooms in the church with each classroom designated for a specific age group as follows:

- Classroom A - Infants (0 - 12 months/walking, Ratio 2:6)
- Classroom B - Toddlers (Walking - Two years, Ratio 1:5)
- Classroom C - Two's (Two - Three years, Ratio 1:7)
- Classroom D - Three's (Three - Four years, Ratio 1:12)
- Classroom E - Four's (Four years - Pre-K, Ratio 1:12)
- Total number of children - 42

The above is an estimate of the child breakdown, but chances are it will be different. Therefore, the approval should only for a maximum of 42 children leaving the breakdown by age group subject to the market.

The hours of operation will be 7:00 a.m. to 6:00 p.m., Monday - Friday, all year long with the exception of eight Holidays when they will be closed. It is anticipated that eight people will be employed at the child care center.

An outdoor play area is located at the south end of the building. A 42" black chain link fence has been installed. The playground will be divided into two sections; one for children under 2.5 years and the other for those over 2.5 years. Playground equipment also has been installed.

Since the proposed child care center is entirely contained within the existing church building, no exterior changes are proposed for the building, and the outside improvement is a fence, site plan approval was not required.

The applicant held a neighborhood meeting on July 21, 2012 in accordance with the Planning Commission Citizen Participation Policy and one person attended the meeting. The attendee was interested in the operation of the facility and only concern was keeping the dumpster within the fenced area.

**FACTORS FOR CONSIDERATION:**

The Planning Commission shall make findings of fact to support its recommendation to approve, conditionally approve, or disapprove this Special Use Permit. In making its decision, consideration should be given to any of the following factors that are relevant to the request:

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

The child care program will be contained within an existing building and fenced playground which is in compliance with the zoning regulations.

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

The child care program will be an asset to the community because it will provide a much needed service for taking care of the children within the local area. It will be located within an existing building and will not adversely affect the welfare or convenience of the public.

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

The child care center will be located within an existing structure and use an existing parking lot therefore it should not create any problems for the adjacent property in the neighborhood. The playground area is fenced and the fence is approximately 150 feet north of 92<sup>nd</sup> Terrace providing significant green space. The request should be approved for a five year period so it can be reevaluated at that time.

4. **The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it, are such that this special use will not dominate the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use permit will so dominate the immediate neighborhood, consideration shall be given to: a) the location size and nature of the height of the building, structures, walls and fences on the site; and b) the nature and extent of landscaping and screening on the site.**

The child care center will accommodate a group of up to 42 children, and will use the church facility during normal working hours. This use will not have a dominating effect in the neighborhood because it is for a small number of children and it will be located within an existing building. No expansion of the building is proposed.

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

Access to the child care center will be from the parking lot on the west side of the building. The parking lot is large and can certainly accommodate the employee parking and the pick-up and drop-off traffic that will occur. There will be no changes in the parking lot from what currently exists.

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

Since this use will be occupying an existing facility, utility services are already provided.

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

Adequate entrance and exit drives currently exist at the facility and this proposed special use will utilize the existing infrastructure that is already in place. The access will be from Alhambra Street.

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8. **Adjoining properties will be adequately protected from any hazardous or toxic materials, hazardous manufacturing processes, obnoxious odors, or unnecessary intrusive noises.**

This particular use does not have any hazardous materials, processes, odors or intrusive noises that accompany it.

9. **Architectural style and exterior materials are compatible with such style and materials used in the neighborhood in which the proposed structure is to be built or located.**

The special use has not required any changes in the exterior architecture or style of the existing building. The fence material is black chain link and appears to be compatible with the neighborhood. No independent signs are permitted on the property for this use unless approved by the Planning Commission.

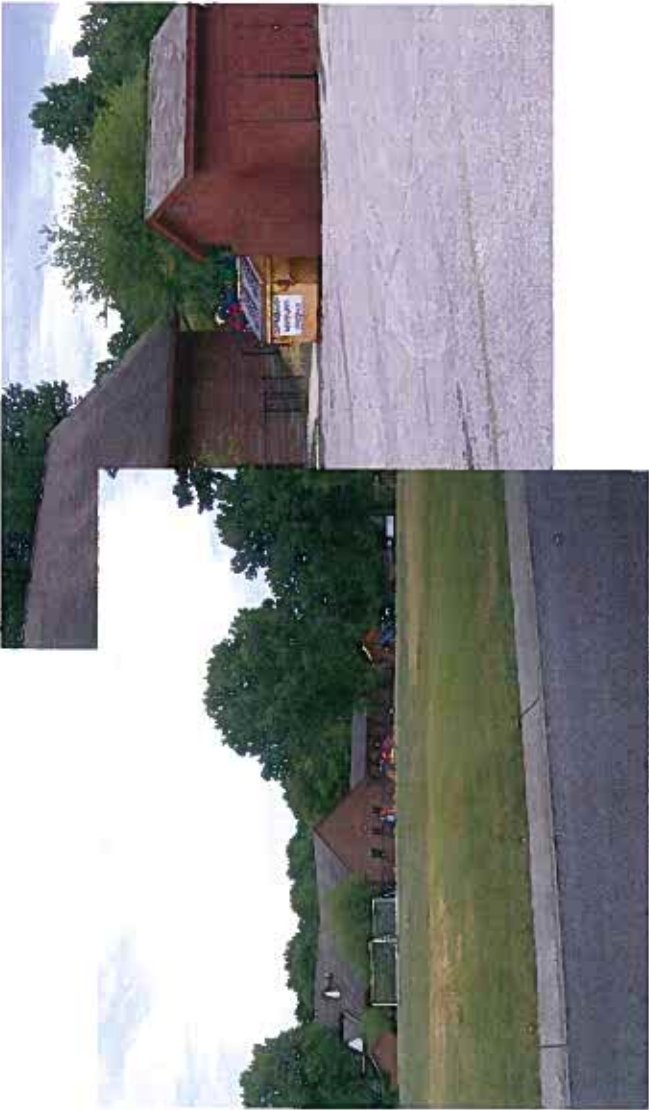
**RECOMMENDATION:**

It is the recommendation of Staff that the Planning Commission find favorably on the factors and recommend approval of the child care program to the City Council subject to the following conditions:

1. That the child care center be approved for a maximum of 42 children.
  2. That the child care center be permitted to operate year-round from 7:00 a.m. to 6:00 p.m. subject to the licensing requirements by the Kansas Department of Health and Environment.
  3. That the special use permit be issued for the child care center for a period of five years from the date of City Council approval and that if the applicant desires to continue the use after that time period expires, they shall file a new application for reconsideration by the Planning Commission and City Council.
  4. No independent signs shall be permitted unless approved by the Planning Commission.
  5. That the child care center occupy the outdoor space as shown on the plans submitted and if it is increased in area, the proposed expansion will be submitted to the Planning Commission for Site Plan Approval.
  6. That the trash dumpster be contained within the fenced area so that it is screened from view.
  7. If this permit is found not to be in compliance with the terms of the approval of the Special Use Permit it will become null and void within 90 days of notification of noncompliance unless noncompliance is corrected.
-







**SPECIAL USE PERMIT APPLICATION**

CITY OF PRAIRIE VILLAGE, KANSAS

For Office Use Only

Case No.: PC 2012-07  
Filing Fees: \$25  
Deposit: \$100



Date Advertised: \_\_\_\_\_  
Date Notices Sent: \_\_\_\_\_  
Public Hearing Date: \_\_\_\_\_

APPLICANT: Premier Learning, LLC PHONE: (913) 963-0860  
ADDRESS: 9100 Mission Rd PV ZIP: 66206  
OWNER: Angela Bertocchini PHONE: (913) 963-0860  
ADDRESS: 9116 Ward PKWY PLZ <sup>KC</sup> MO ZIP: 64114  
LOCATION OF PROPERTY: 9100 Mission Rd PV KS 66206  
LEGAL DESCRIPTION: KENILWORTH LAT 1 BLK 3

**ADJACENT LAND USE AND ZONING:**

	<u>Land Use</u>	<u>Zoning</u>
North	<u>Single family Resid</u>	<u>R1-A</u>
South	↓	<u>"</u>
East		<u>"</u>
West		<u>"</u>

Present Use of Property: CHURCH; DAY CARE

Please complete both pages of the form and return to:  
Planning Commission Secretary  
City of Prairie Village  
7700 Mission Road  
Prairie Village, KS 66208

Does the proposed special use meet the following standards? If yes, attach a separate Sheet explaining why.

	<u>Yes</u>	<u>No</u>
1. Is deemed necessary for the public convenience at that location.	<u>✓</u>	<u>        </u>
2. Is so designed, located and proposed to be operated that the public health, safety, and welfare will be protected.	<u>✓</u>	<u>        </u>
3. Is found to be generally compatible with the neighborhood in which it is proposed.	<u>✓</u>	<u>        </u>
4. Will comply with the height and area regulations of the district in which it is proposed.	<u>✓</u>	<u>        </u>
5. Off-street parking and loading areas will be provided in accordance with the standards set forth in the zoning regulations, and such areas will be screened from adjoining residential uses and located so as to protect such residential use from any injurious effect.	<u>✓</u>	<u>        </u>
6. Adequate utility, drainage, and other such necessary facilities have been or will be provided.	<u>✓</u>	<u>        </u>

Should this special use be valid only for a specific time period? Yes ✓ No         

If Yes, what length of time? 5 years

SIGNATURE: [Signature]

DATE: 6-27-12

BY: Angela Bertocchini

TITLE: Owner

Attachments Required:

- Site plan showing existing and proposed structures on the property in questions, and adjacent property, off-street parking, driveways, and other information.
- Certified list of property owners

July 2, 2012

To Whom It May Concern,

I, Angela Bertocchini, have applied for a Special Use Permit to open a new child care center in the building of 9100 Mission Road Prairie Village, KS 66206. The center would be inside the Lutheran Church of the Resurrection. We will hold a town meeting to answer any questions or concerns that anyone shall have.

The meeting will be held:

Saturday July 21<sup>st</sup>, 2012 at 9:00 AM at the Lutheran Church of the Resurrection located at 9100 Mission Road PV KS. We will meet within Fellowship Hall.

Thank you for your time.

Angela Bertocchini

Owner/Director of Premier Learning, Early Childhood Education Center

Premier Learning

Town Hall Meeting

July 21<sup>st</sup>, 2012

9:00-10:00 am

Location: 9100 Mission Road PV KS 66206

Host: Angela Bertocchini

Attendees:

Marilyn Hammond

Questions asked:

Marilyn asked about hours of operation, number of children and staff to be expected, curriculum, Angela's background and experience, what re-modeling was done and we took a tour of the inside and outside of the daycare portion of the church. She was excited to see the church taking on the daycare. Her only suggestions/comments were that we keep the dumpster hidden behind the dumpster fence.



February 21, 2012

To Whom It May Concern,

Lutheran Church of the Resurrection, a congregation of the Evangelical Lutheran Church in America, located at 9100 Mission Rd., Prairie Village, KS 66206 intends to lease building space to Angela Bertocchini d.b.a. Premier Learning, which she will be using to house a childcare center. The terms of the lease are currently being negotiated and we anticipate she will be open for business at our location by September of the current year.

If you have any questions or need further information, please do not hesitate to contact me at 913-649-0438 or at the address below.

Sincerely,

The Rev. Alix D. Pridgen, Pastor

Cc: Doug Killion, Council President

Lessee: Premier Learning, LLC d.b.a. Premier Learning, Early Childhood Education Center by

Angela Bertocchini, Sole Member

Date: May 21<sup>st</sup>, 2012

Angela Bertocchini, Sole Member  
9100 Mission Road  
Prairie Village, Kansas 66206

Lessor:

Douglas Killion

Date: 5/21/2012

Douglas Killion, Council President  
Lutheran Church of the Resurrection  
9100 Mission Road  
Prairie Village, Kansas 66206  
(913) 649-0438

Attachments:

- **Site Plan** of the south end of the LCR education wing with original playground area: NO. A010, dated 4/20/2012
- **Basement Floor Plan** of the south end of the LCR education wing: NO. A050, dated 4/20/2012
- **First Floor Diagram** (*more detailed than Site Plan diagram noted above*) **showing Updated Playground Dimensions** for Playground Area at south end of LCR education wing: NO. A051, dated 4/8/2012 (note: actually updated 5/8/2012, but date not changed on diagram)
- **List of items** Premier Learning, LLC will be using **on loan** from LCR.



**Premier Learning, LLC**  
**Child Care Center License Application Narration**

**Anticipated Open Date: August 1<sup>st</sup>, 2012**

**Program Information:**

Description of Services: Premier Learning will offer full and part time child care for children ages 0-5 years. We will have five classrooms setup based on projected enrollment and intend to utilize classroom space with the following age groups.

Classroom A: Infants (0-12 Months/Walking, Ratio: 2:6)

Classroom B: Toddlers: (Walking-Two Years, Ratio: 1:5)

Classroom C: Two's: (Two-Three Years, Ratio: 1:7)

Classroom D: Three's (Three-Four Years, Ratio: 1:12)

Classroom E: Four's (Four Years-Pre K, Ratio: 1:12)

Total number of children: 42

Once the children are ready for kindergarten they will leave our program and attend kindergarten at another school. Our space is limited and unfortunately we are not able to offer a kindergarten or a before/after school program at this time. Premier Learning will not provide transportation services.

Our center will be open Monday-Friday, 7:00 am-6:00 pm. We will offer full time and part time options for families. The children will be able to attend: five days per week, M/W/F all day or T/Th all day.

<b>Hours of Operation: 7:00 AM-6:00 PM, Monday-Friday</b>
Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, Friday After Thanksgiving, Christmas Eve and Christmas (Closed these days, paid)

We will serve breakfast, morning snack, lunch and afternoon snack each day. Meals will be prepared on site by a designated cook.

Premier Learning will utilize the HighScope Curriculum for all ages of children. Teachers will create lessons plans on a monthly basis and submit to the Curriculum Specialist for feedback, suggestions and review.

**Staffing Plan:**

**Director of Administration/Owner:** Angela Bertocchini: Angela will be responsible for all hiring, staff development, staff schedules, enrollment, parent tours, accounting, daily paperwork and all communications necessary between staff and families. Angela will assist the cook in creating a nutritious menu on a monthly basis and purchase all food based on quantities needed. Angela will maintain a positive working relationship with the Church staff and members in order to maintain a positive atmosphere for both parties.

**Assistant Director/Curriculum Specialist/Two Year Old Teacher:** Jennifer Lew: Jennifer will be responsible for the two year old classroom. She will also be listed as Assistant Director when the Director of Administration is out of the building/unavailable. Jennifer will review all other lessons plans for each classroom to ensure they are following proper HighScope teachings.

**Lead Infant Teacher:** This teacher will be responsible for all infant room operations and curriculum. She/he will have an Assistant Infant Teacher that will assist with caring for all children and to ensure that the room operations are running smoothly. It will be the responsibility of both teachers to see that the proper lesson plans and curriculum are being followed through each day and that the needs of all the children are being met.

**Lead Toddler Teacher:** The Lead Toddler Teacher will be responsible for the toddler classroom operations and children. They will create lesson plans following the HighScope Curriculum.

**Lead Three Year Old Teacher:** The Lead Three Year Old Teacher will be responsible for the three year old classroom operations and children. They will create lesson plans following the HighScope Curriculum.

**Lead Four Year Old Teacher:** The Lead Four Year Old Teacher will be responsible for the four year old classroom operations and children. They will create lesson plans following the HighScope Curriculum.

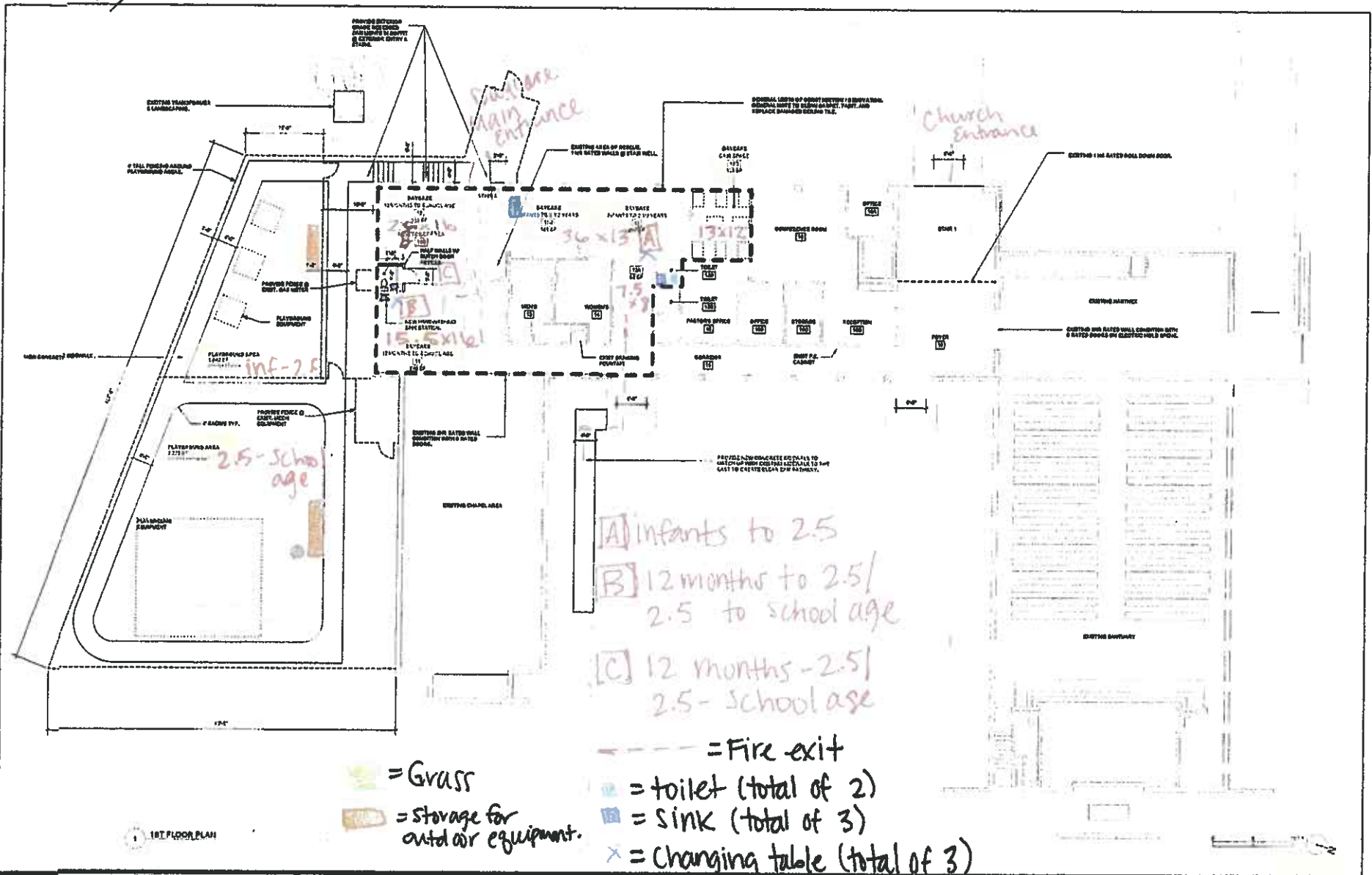
**Cook:** Our cook will be responsible for preparing all meals and snacks each day based on the nutritious menu that will be created with Angela. He/she will deliver meals to the designated classrooms in a timely manner for each meal and snack time. They will be responsible for cleaning the kitchen area and equipment before leaving each day. He/she will be responsible for maintaining open communication between Angela and the church staff in order for the kitchen and food needs to always be met.

Janitorial services will be shared with the church janitorial services. Premier Learning will pay to have their hallways and restrooms cleaned on a weekly basis. Angela and all teachers will participate in a rotating schedule to clean staff and child restrooms on a daily basis. Teachers will be responsible for cleaning their own classrooms and removing trash at the end of each day. Each classroom will follow a daily and weekly cleaning checklist.

All Directors and Teachers will be responsible for maintaining a positive relationship with parents and families through open communication and honesty. Our children are our number one priority and it is important that parents and families are included on any information that concerns the needs of their children. All staff will be respectful of family values and opinions.

All staff will be expected to treat each other with respect to ensure everyone has a positive working atmosphere each day. All staff will be responsible for meeting the needs of each child every day.

my copy



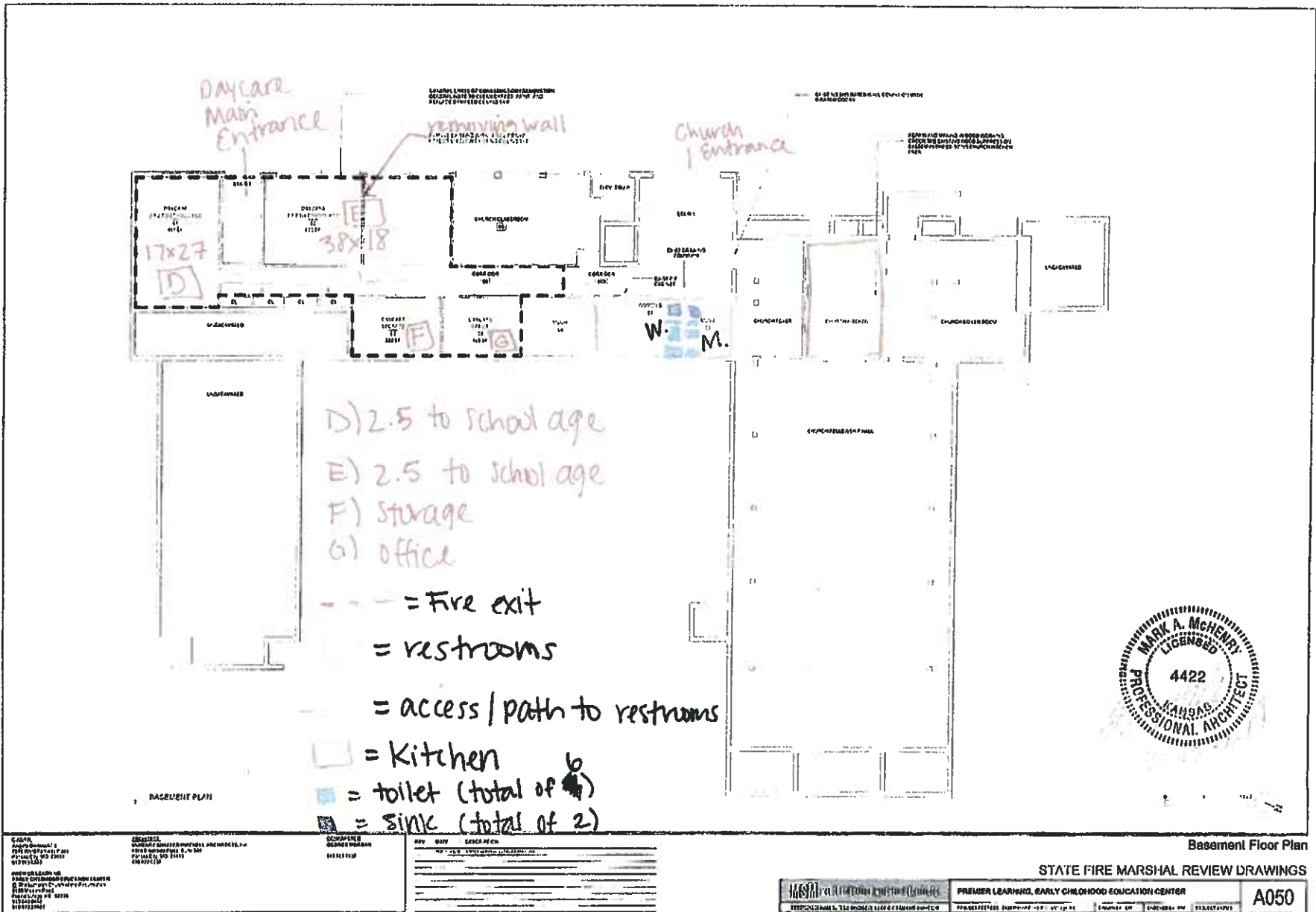
<b>OWNER:</b> Premier Learning 1000 West Pioneer Blvd Mesa, AZ 85204	<b>ARCHITECT:</b> MCM Architects 2544 Broadway Plaza, Suite 201 Columbus, OH 43215	<b>DATE:</b> 11/18/2020	<b>NO.:</b> A051
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First Floor Plan

OWNER CONTRACTOR REVIEW DRAWING

<b>MSM</b>	<b>PREMIER LEARNING, EARLY CHILDHOOD EDUCATION CENTER</b>	<b>A051</b>
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Childcare center plans, based on church layout



Childcare center plans, based on church layout.

Below is a staff schedule based on 100% capacity:

Teachers			
A, Lead/Asst	7:00-4:00	E, Part Time	7:30-1:00 (5 hrs.)
B, Lead/Asst	8:00-5:00	H, Part Time	11:30-6:00 (5.5 hrs.)
C, Lead/Asst	8:30-5:30	K, Part Time	4:00-6:00 (2 hrs.)
D, Lead/Asst	9:00-6:00		

Total Staff
<b>6 Full Time</b> (5 Lead, 1 Assistant)
<b>4 Part Time</b>
<b>1 Cook</b> (7:00-4:00) For Breakfast, Lunch and Snacks
<b>1 Director</b> (Angela: Administration)

<b>Potty Breaks for Teachers</b>	9:00-9:30	E1
	3:30-4:00	H1
<b>Lunch Breaks for PT Teachers</b>	9:30-10:00	E1
	2:30-3:30	H1

Infant, Room A (0-12 months) 2:6				
Teacher	In	Out	Lunch	Covered By
A1, Lead	7:00	4:00	10:00-11:00	E1
B1, Asst	8:00	5:00	12:00-1:00	E1
K1	4:00	6:00		

Two's, Room C (24-36 months) 1:7				
Teacher	In	Out	Lunch	Covered By
Jeni Lew	7:00	4:00	11:00-12:00	E1
K2	4:00	6:00		

Toddler, Room B (12-24 months) 1:5				
Teacher	In	Out	Lunch	Covered By
B2, Lead	9:00	6:00	1:30-2:30	H1
E1	7:30	9:00		

Three's, Room D (3-4 years) 1:10				
Teacher	In	Out	Lunch	Covered By
A3, Lead	7:00	4:00	11:30-12:30	H1
H1	4:00	6:00		

Four's, Room E (4-5 years and Pre-K) 1:12				
Teacher	In	Out	Lunch	Covered By
D1, Lead	8:00	5:00	12:30-1:30	H1

-Toddlers drop off in two's until E1 arrives

-4's drop off in 3's until D1 arrives

-When 3's and 4's drop to a 1:12 ratio in the afternoon/evening, they will combine in the 4 year old room and H1 will close 3's and 4's

-When necessary, teachers will be asked to stay late for overtime and/or Angela will cover classrooms to ensure ratios are always met

## **Physical Plant Information:**

Licensing Room Descriptions	Dimensions	Square Footage
(A) Infants-2.5 Years	36x13	478
(A) Crib Space	13x12	153
(B) 12 Months-2.5 to 2.5 to School Age	15.5x16	248
(C) 12 Months-2.5 to 2.5-School Age	20.8x16	333
(D) 2.5-School Age	17x27	459
(E) 2.5-School Age	38x18	690
(F) Storage	18x12	216
(G) Office	16x12	192

Room A: This classroom has two sinks. One sink for drinking water/preparing bottles and food. One sink for diapering and hand washing. There will be one changing table near the hand washing sink. There is one toilet in the classroom as well if there were a child within this class needing access to a toilet.

Room B: This classroom will have one changing table and one sink for hand washing and drinking water. If a child were to need access to a toilet while in this classroom a free teacher/director would be utilized for the child to use the toilet within classroom A or C. Each child will have a clean, labeled cup that is given to them each day for drinking water. They will have access to their water cup all day.

Room C: This classroom will have one changing table, one toilet and one sink. The sink will be used for drinking water and hand washing. Each child will have a clean, labeled cup that is given to them each day for drinking water. They will have access to their water cup all day.

Room D: This classroom does not have plumbing. Children will have access to the restrooms down the hall. Teachers will schedule times throughout the day that will be utilized for toileting/hand washing. If a child needs access to the restroom during other times throughout the day, a free teacher/director would be utilized to assist the child getting to the restroom. Each day the cook will deliver a pitcher of water to this classroom. Each child will have a clean, labeled cup that is given to them each day for drinking water. They will have access to their water cup all day.

Room E: This classroom does not have plumbing. Children will have access to the restrooms down the hall. Teachers will schedule times throughout the day that will be utilized for toileting/hand washing. If a child needs access to the restroom during other times throughout the day, a free teacher/director would be utilized to assist the child getting to the restroom. Each day the cook will deliver a pitcher of water to this classroom. Each child will have a clean, labeled cup that is given to them each day for drinking water. They will have access to their water cup all day.

## **Outdoor Play Area:**

Children will bring their labeled water cups with them to the playground each day. If a child needs access to the restroom during outside time a free teacher/director would be utilized to assist the child getting to the restroom to ensure ratios were never interrupted.

To start out, we will have grass on our playground. There will be a storage cabinet on the playground with outdoor toys, balls and equipment for outdoor activities. Within 12 months of opening we will add playground equipment to the playground area. On the drawings, there is playground equipment notated. This is for future planning.

There will be two playground areas separated by a fence. One area of the playground will be for children under 2.5 years. The other area will be for children 2.5 years and up. The fence height around the playground will be a minimum six feet in height. The fence materials will either be chain-link, wood or wrought iron.

**PLANNING COMMISSION MINUTES  
AUGUST 7, 2012**

**ROLL CALL**

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, August 7, 2012, in the Multi-Purpose Room, 7700 Mission Road. Chairman Ken Vaughn called the meeting to order at 7:00 p.m. with the following members present: Randy Kronblad, Bob Lindeblad, Gregory Wolf and Nancy Vennard.

The following persons were present in their advisory capacity to the Planning Commission: Dennis Enslinger, Assistant City Administrator; Ted Odell, Council Liaison and Joyce Hagen Mundy, City Clerk/Planning Commission Secretary.

**APPROVAL OF MINUTES**

Nancy Vennard noted a spelling error on "clematis" on page 2 of the minutes. Randy Kronblad moved for the approval of the minutes of July 10, 2012 with the correction noted. The motion was seconded by Nancy Vennard and passed by a vote of 4 to 0 with Bob Lindeblad abstaining.

**PUBLIC HEARINGS**

**PC2012-07 Request for Special Use Permit for Daycare Program  
9100 Mission Road**

Angela Bertocchini, Premier Learning Early Childhood Education, requested approval of a Special Use Permit for a child care center children ranging in age from 0 - 5 years. The child care center is located in Resurrection Lutheran Church at 9100 Mission Road. It is anticipated to use five existing classrooms in the church with each classroom designated for a specific age group as follows:

- Classroom A - Infants (0 - 12 months/walking, Ratio 2:6)
- Classroom B - Toddlers (Walking - Two years, Ratio 1:5)
- Classroom C - Two's (Two - Three years, Ratio 1:7)
- Classroom D - Three's (Three - Four years, Ratio 1:12)
- Classroom E - Four's (Four years - Pre-K, Ratio 1:12)
- Total number of children - 42

Ms. Bertocchini stated this is an estimated breakdown of children. She stated the site has been inspected and she has received a temporary license from the State of Kansas. Based on the size of the facility the state has granted a license for 52 children. The hours of operation will be 7:00 a.m. to 6:00 p.m., Monday - Friday, all year long with the exception of eight Holidays when they will be closed. It is anticipated that eight people will be employed at the child care center.

An outdoor play area is located at the south end of the building. A 42" black chain link fence has been installed. The playground will be divided into two sections; one for



children under 2.5 years and the other for those over 2.5 years. Playground equipment also has been installed.

Since the proposed child care center is entirely contained within the existing church building, no exterior changes are proposed for the building, and the outside improvement is a fence.

A neighborhood meeting on July 21, 2012 in accordance with the Planning Commission Citizen Participation Policy and one person attended the meeting. The attendee was interested in the operation of the facility and their only concern was keeping the dumpster within the fenced area.

No one was present to speak on the application. Chairman Ken Vaughn closed the public hearing at 7:06 p.m.

Dennis Enslinger noted that although Ms. Bertocchini has given a breakdown by age for the children staff recommends the permit be issued for a maximum number of children as the class breakdown could change over time. He stated staff is comfortable with increasing the number of children allowed to 52 as licensed by the state as there are no other providers at this location.

The Planning Commission made the following findings in review of this application for a Special Use Permit:

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

The child care program will be contained within an existing building and fenced playground which is in compliance with the zoning regulations.

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

The child care program will be an asset to the community because it will provide a much needed service for taking care of the children within the local area. It will be located within an existing building and will not adversely affect the welfare or convenience of the public.

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

The child care center will be located within an existing structure and use an existing parking lot therefore it should not create any problems for the adjacent property in the neighborhood. The playground area is fenced and the fence is approximately 150 feet north of 92<sup>nd</sup> Terrace providing significant green space. The request should be approved for a five year period so it can be reevaluated at that time.

4. **The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it, are such that this special use will not dominate the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use permit will so dominate the immediate neighborhood, consideration shall be given to: a) the location size and nature of the height of the building, structures, walls and fences on the site; and b) the nature and extent of landscaping and screening on the site.**

The child care center will accommodate a group of up to 42 children, and will use the church facility during normal working hours. This use will not have a dominating effect in the neighborhood because it is for a small number of children and it will be located within an existing building. No expansion of the building is proposed.

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

Access to the child care center will be from the parking lot on the west side of the building. The parking lot is large and can certainly accommodate the employee parking and the pick-up and drop-off traffic that will occur. There will be no changes in the parking lot from what currently exists.

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

Since this use will be occupying an existing facility, utility services are already provided.

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

Adequate entrance and exit drives currently exist at the facility and this proposed special use will utilize the existing infrastructure that is already in place. The access will be from Alhambra Street.

8. **Adjoining properties will be adequately protected from any hazardous or toxic materials, hazardous manufacturing processes, obnoxious odors, or unnecessary intrusive noises.**

This particular use does not have any hazardous materials, processes, odors or intrusive noises that accompany it.

9. **Architectural style and exterior materials are compatible with such style and materials used in the neighborhood in which the proposed structure is to be built or located.**

The special use has not required any changes in the exterior architecture or style of the existing building. The fence material is black chain link and appears to be compatible with the neighborhood. No independent signs are permitted on the property for this use unless approved by the Planning Commission.

Bob Lindeblad moved the Planning Commission find favorably on the factors for approval and recommends the Governing Body grant a special use permit for the operation of a child care program at 9100 Mission Road subject to the following conditions:

1. That the child care center be approved for a maximum of 52 children.
2. That the child care center be permitted to operate year-round from 7:00 a.m. to 6:00 p.m. subject to the licensing requirements by the Kansas Department of Health and Environment.
3. That the special use permit be issued for the child care center for a period of five years from the date of City Council approval and that if the applicant desires to continue the use after that time period expires, they shall file a new application for reconsideration by the Planning Commission and City Council.
4. No independent signs shall be permitted unless approved by the Planning Commission.
5. That the child care center occupies the outdoor space as shown on the plans submitted and if it is increased in area, the proposed expansion will be submitted to the Planning Commission for Site Plan Approval.
6. That the trash dumpster is contained within the fenced area so that it is screened from view.
7. If this permit is found not to be in compliance with the terms of the approval of the Special Use Permit it will become null and void within 90 days of notification of noncompliance unless noncompliance is corrected.

The motion was seconded by Gregory Wolf and passed unanimously.

Randy Kronblad noted there is currently a sign on the playground fence. Mr. Enslinger confirmed the sign was a temporary fence that would be allowed for 90 days.

## **NON-PUBLIC HEARINGS**

**PC2012-112 Request for Site Plan Approval for fence setback  
4310 West 71<sup>st</sup> Street**

Claire Brettell, 4310 West 71<sup>st</sup> Street, requested a waiver from Section 19.44.025 C.1 which requires a ten (10) foot setback adjacent to 71<sup>st</sup> Street and 70<sup>th</sup> Terrace for the installation of a split rail fence. This property is located on a corner lot with two platted front yards (71<sup>st</sup> Street and 70<sup>th</sup> Terrace). The Chief Building Inspector has made the determination that the property has two front yards because of the platted designation.

The original fence location was actually located in the right-of-way of both 70<sup>th</sup> Terrace and 71<sup>st</sup> Street. The applicant is requesting the waiver from the setback requirements to make a more balanced and visual appearance in relationship to the residence. The request is to place the fence two (2) feet-four (4) inches from the property line along 70<sup>th</sup> Terrace and three (3) feet- seven (7) inches from the property line along 71<sup>st</sup> Street.

Dennis Enslinger stated that staff has been working with the applicant and calculated what it felt was a reasonable accommodation to allow for a fence.

The Planning Commission made the following review of the request:

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

The applicant is not proposing to significantly alter the existing building, parking or drive configuration. The open space will remain relatively the same since the proposed fence design is the same as the previous fence. The height of the proposed fence will meet existing code provisions of 2.5 feet.

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

The site has existing utilities.

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

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

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

The Planning Commission has given the placement of fences a great deal of consideration related to safe ingress and egress circulation. In developing setback standards for fences, the Planning Commission has considered impacts on adjacent properties. In this case, the two properties to the west could be adversely impacted. To alleviate such, an impact the zoning ordinance requires that new front yard fences be setback a minimum of ten (10) feet. This would allow clear visibility for anyone backing out of the adjacent driveway.

It was noted the applicant is proposing a decorative split rail fence which exceeds the 50% void ratio and should not have any adverse impact on the adjacent properties.

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

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

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

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

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

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

Nancy Vennard asked if the previous fence was 30" in height. Ms Brettell responded she was not sure. Mrs. Vennard noted this may be shorter than the previous fence. Ms Brettell stated the fence height was measured by the Building Inspector on site and it is approximately two inches shorter.

Randy Kronblad moved the Planning Commission approve PC2012-112 for a waiver to Section 19.44.025 C, for the property located at 4310 West 71<sup>st</sup> Street subject to the following conditions:

1. The fence be a minimum of two (2) feet -four (4) inches from the property line along 70<sup>th</sup> Terrace and three (3) feet- seven (7) inches from the property line along 71<sup>st</sup> Street;
  2. The fence design shall be a split rail fence design with a maximum height of 2.5 feet and
  3. Letter from the Homes Association approving the request is submitted.
- The motion was seconded by Gregory Wolf and passed unanimously.

## **OTHER BUSINESS**

### **Discussion of Setback for Accessory Structures**

Dennis Enslinger reviewed a draft of proposed language to clarify the setback requirements for accessory structures prepared by Ron Williamson as a follow-up to last month's application.

The new language states "Unless otherwise set out in these regulations, any accessory structure shall setback a minimum of three (3) feet from the rear and side lot lines, except that an accessory structure exceeding ten (10) feet in height shall be located a distance of one third its height from the rear and side lot lines. In residential districts, unless otherwise set out in these regulations, accessory structures shall not be located in the front yard."

Dennis Enslinger noted additional clarification needs to be added to address detached garages. This will be done and the new language brought back to the Commission for formal action at a later date.

Gregory Wolf asked if the introduction "unless otherwise set out in these regulations" was not sufficient to address detached garages. Mr. Enslinger responded it would, but staff would like it to be more clearly addressed.

Mr. Wolf asked if staff had made any progress in resolving the sign issue at 2200 West 75<sup>th</sup> Street. Mr. Enslinger responded staff is still working on that issue.

### **Next Meeting**

The deadline for filing for the September meeting is August 10<sup>th</sup>. No applications have been received; however, it is anticipated that Lane4 will file an application for site plan approval, a conditional use permit for a drive-thru and an application for platting at the Prairie Village Shops. Due to the Labor Day Holiday, the September meeting will be on the second Tuesday, September 11<sup>th</sup>.

## **ADJOURNMENT**

With no further business to come before the Planning Commission, Chairman Ken Vaughn adjourned the meeting at 7:25 p.m.

Ken Vaughn  
Chairman

## MAYOR'S ANNOUNCEMENTS

August 20, 2012

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

Environmental/Recycle Committee	08/22/2012	7:00 p.m.
Council Committee of the Whole (Tuesday)	09/04/2012	6:00 p.m.
City Council (Tuesday)	09/04/2012	7:30 p.m.

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The Prairie Village Arts Council is pleased to announce a photography exhibit by Ted Denton in the R. G. Endres Gallery for the month of August.

Lancer Day will be Friday, August 31, 2012. The parade will be held at 2:00 p.m.

The pool closes for the season on Monday, September 3<sup>rd</sup> at 6:00 p.m.

The city offices will be closed Monday, September 3<sup>rd</sup> in observance of the Labor Day holiday. Deffenbaugh also observes this holiday so trash and recycling will be delayed one day.

Flu shots will be offered for Council Members on September 28<sup>th</sup> from 7:30 a.m. - 9:00 a.m. at Public Works or October 5<sup>th</sup> from 3:00 p.m. - 4:30 p.m. at City Hall in the Multi-Purpose room. The fee for the shot will be \$25. Please notify Nic Sanders at 913-385-4664 if you plan to receive a shot. He will need to know which day you are coming.

**INFORMATIONAL ITEMS**  
**August 20, 2012**

1. Planning Commission Minutes - July 10, 2012
2. JazzFest Committee Minutes - July 24, 2012
3. Prairie Village Arts Council Minutes - July 18, 2012
4. Mark Your Calendars

## **PLANNING COMMISSION MINUTES JULY 10, 2012**

### **ROLL CALL**

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, July 10, 2012, in the Multi-Purpose Room, 7700 Mission Road. Chairman Ken Vaughn called the meeting to order at 7:00 p.m. with the following members present: Randy Kronblad, Gregory Wolf, Nancy Wallerstein and Nancy Vennard.

The following persons were present in their advisory capacity to the Planning Commission: Ron Williamson, Planning Consultant; Dennis Enslinger, Assistant City Administrator; Jim Brown, Building Official and Joyce Hagen Mundy, City Clerk/Planning Commission Secretary.

### **APPROVAL OF MINUTES**

Gregory Wolf moved for the approval of the minutes of June 6, 2012, with the corrected noted. The motion was seconded by Nancy Vennard and passed by a vote of 5 to 0.

### **PUBLIC HEARINGS**

There were no Public Hearings to come before the Commission.

### **NON-PUBLIC HEARINGS**

#### **PC2012-111 Request for Site Plan Approval for an 8' Fence 8912 Rosewood Drive**

Kurt Kraisinger with Lorax Design Group and Wendy Hills, 8912 Rosewood Drive, requested approval to construct an 8 foot fence along a portion of the north and west property lines of 8912 Rosewood Drive to address privacy concerns with the creation of an outdoor living space in the backyard. Because of the topography of the lot and the fact that the existing 6' fence fails to provide much, if any, privacy, they are proposing the addition of a screening wall and a feature wall to the height of eight feet in addition to the existing fence. The screening wall would be constructed of eco mesh and in some areas a geolam wall to create a greater sense of privacy. The eco mesh will be planted with vines to provide a "green wall" effect. The proposed fence covers approximately 30% of the fence line.

On the west side, the fence is punctuated by an integrated water feature and will include several plantings of taller grasses, both of which will soften the look from inside the yard. The length on the west side was kept at the minimum amount to provide for only enough to encompass and account for the amount of patio needed for seating, the planting bed for grasses and to accommodate the integrated water feature.

On the north side, the additional height will all be greenery once the vines are established, which she has been told will take approximately six months, and will have an appearance similar to a hedge for both herself and her neighbors. Mrs. Hills



noted letters of support that have been submitted by her neighboring property owners for the proposed fence.

Mr. Kraisinger noted that one area between the existing fence and the proposed wall will be treated with a concrete curb and along the east boundary geotec fabric will be placed between the two fences to prohibit plant growth and covered with concrete gravel.

Ken Vaughn asked the location of the existing fence in relation to the property line. Mr. Kraisinger responded the existing fence is on the east property line and approximately a foot from the property line. Nancy Vennard expressed concern with the width of the space between fences. Mr. Kraisinger responded the width would only be approximately six inches because of the curbing and water elements.

Ken Vaughn asked what types of plants have been selected for the wall. Mr. Kraisinger noted the final selection has not been made but they are considering Boston Ivy, Clematis and similar full sunlight plants. He noted the plants that are being considered have the potential to grow higher than the proposed fence.

Chairman Ken Vaughn noted the applicant had a neighborhood meeting and asked if any of the neighbors wanted to address the Commission. Ms Hills stated that none of the neighbors were present, but she had provided written communication from most of them in support of her request.

Dennis Enslinger stated the Commission has the authority to grant the waiver for the proposed 8' fence and noted staff's only concern was how the space between the two walls would be maintained, which has been addressed.

Randy Kronblad noted the plans for this area are very interesting and expressed appreciation for the detailed plans that were presented to the Commission for consideration of this application.

Randy Kronblad moved the Planning Commission approve PC2012-111 granting a waiver for an 8 foot fence as presented at 8812 Rosewood Drive. The motion was seconded by Nancy Wallerstein and passed unanimously.

## **OTHER BUSINESS**

### **Discussion of Walls in Front Yards**

Dennis Enslinger stated the codes staff has encountered the construction of a number of walls in front yards. He noted as the walls require a foundation and thus are considered a structure and prohibited in front yards. He shared photographs of recently constructed walls within front setbacks at 3915 West 89<sup>th</sup> Street and 5209 West 68<sup>th</sup> Street. These are often considered landscape elements and are not brought to the attention of codes staff until they are under construction.

Mr. Enslinger stated that currently the code does not have any provision to address these and asked for the Commission for direction. Ron Williamson added both structures under the existing code would be considered solid walls. Mr. Enslinger suggested that possible language could be added for decorative landscape elements.

Nancy Vennard expressed concern that the criteria for these be similar to that of a monument sign - that it be in character with the residence, constructed of similar materials and well designed.

Nancy Wallerstein asked the height restriction on decorative fences. Mr. Enslinger replied they can be 30" but they have to be at least 50% open. He added staff has allowed walls to be constructed in conjunction and attached to courtyards.

Nancy Vennard added that a limitation on the linear footage of the wall may also need to be addressed, noting if the wall goes across the entire space from driveway to driveway on the example shown, it is not a design element.

Ken Vaughn expressed concern with the possible impact of these on drainage and water flow. Mr. Enslinger noted staff is working with Public Works staff on these.

Dennis Enslinger stated that staff would create criteria for consideration by the Commission that would address this issue.

### **Cancelled BZA Hearing**

Dennis Enslinger noted that at the last meeting the Commission was advised of a Board of Zoning Appeals meeting for 8912 Rosewood Drive. Under initial review it was felt the pergola located in rear yard would require a variance. Staff upon further review of the request found that the code provided for the approval under "accessory uses" Section 19.34.040A.

Mr. Enslinger noted he felt the code was in error and that staff would bring forth a revision for consideration by the Commission at a later date.

### **Discussion of possible Sign Ordinance Revisions**

The sign ordinance in Prairie Village has a very significant legal history. In 1996, ACLU became involved in the sign ordinance on basically two issues: duration limitation and square footage for primarily political/temporary signs. After several iterations and input from ACLU attorneys, the sign ordinance was amended in 1998.

In 2005, temporary signs came to the forefront again and involved several issues. Even though ACLU attorneys were intimately involved in the 1998 amendment, they challenged the ordinance and pointed out that times had changed and a new review was needed.

Ron Williamson noted the primary issue at this time was that the provisions in the newly amended ordinance was unconstitutional because the provisions were "content based." An ordinance is considered to be content based when the content of the sign must be looked at to determine whether certain regulations apply. In other words, political signs, "for sale" signs, other temporary signs must all follow the same regulations. From a regulatory perspective there should be no difference between a "for sale" sign and a sign that opposes the war in Afghanistan. The sign ordinance was amended in December 2006.

The City has been operating under the amended sign regulations for six years and staff feels there is a need for clarification in the sign regulations as well as addressing some new issues that have occurred.

**Temporary Signs:**

Ron Williamson noted the ordinance needs to clarify that temporary signs do not include business signs. Many signs are placed in the right-of-way and on poles and trees that advertise painting, roofing, lawn mowing, etc. and the ordinance is not clear that these are prohibited. On the other hand should signs be permitted on a property while work is being done; such as roofing and remodeling contractors. Another proliferation of signs occurs by lawn maintenance companies that put a small sign in the yard every time they perform a treatment.

Another concern is the placement of temporary signs in public right-of-way. This was discussed at length when the ordinance was amended and signs were allowed if agreed to by the adjacent property owner. There is a safety issue of blocking the view of drivers backing out of their driveways as well as a potential liability to the City. Mr. Williamson noted monument signs must be placed on private property and be at least 12 feet back from the curb. Staff would like temporary signs to be treated the same way.

Dennis Enslinger noted the difficulty staff has enforcing the current temporary sign regulations as there is no way to effectively track how long signs have been in place and/or when they were either installed or moved.

**Window Graphics:**

Window graphics is a recent item that should be addressed. The thought is that they not include any form of advertising and be subject to staff review and approval. The ordinance needs to include a definition and some guidelines for Staff in reviewing and approving window graphics.

**Business and Monument Sign Policy:**

In April 2008 the Planning Commission adopted a policy on facade signs and text on monument signs and this should be incorporated into the sign ordinance at this time.

Ron Williamson added that several area cities have more restrictive sign regulations. Dennis Enslinger noted the court rulings on signs have varied greatly. He feels there is more flexibility with the regulation of signs in residentially zoned areas.

Commission members agreed with the issues discussed by staff and added concerns with the number of temporary signs and banners on churches and other residential properties. They felt it was important to notify churches and other impacted residents/businesses of proposed revisions. It would be beneficial, if possible, to have their involvement and input in the development of the regulations.

Dennis Enslinger noted staff would work on proposed revisions over the next couple months and urged the Commission to advise staff of other possible changes they would like to have considered.

**Next Meeting**

The August Planning Commission meeting currently has an application for a Special Use Permit for a Day Care facility at 9100 Mission Road. It was noted the meeting falls on primary election day and felt a short meeting agenda would be possible.

Nancy Wallerstein and Gregory Wolf noted they would be out of town and unable to attend the meeting.

## **ADJOURNMENT**

With no further business to come before the Planning Commission, Chairman Ken Vaughn adjourned the meeting at 8:00 p.m.

Ken Vaughn  
Chairman

**JAZZ FEST COMMITTEE**  
**July 24, 2012**  
**7:00 p.m.**

Present: Jack Shearer, Gloria Shearer, Donelea Hesse, Peggy Wright, Mary Ann Watkins, Walt Vernon, Brian Peters, Larry Kopitnik, Kate Fields, Dan Andersen, Tara VanLoenen, Brooke Morehead and Joyce Hagen Mundy.

The minutes of the June 14, 2012 meeting were distributed and approved with minor corrections.

**Wine Tasting Report**

Joyce reported that to date over 35 items have been donated for the silent auction with a retail value of \$3769. She thanked MaryAnn Watkins and Walt Vernon for their efforts in securing items for the auction. Invitations were mailed to all contributors for the silent auction and wine tasting, the event was posted on the city's website and on the PVPost.

Tara reported Urban Table would close at 2 o'clock to allow for set-up for the wine tasting to be held between 3 and 5:30 p.m. on Sunday, July 29<sup>th</sup>. Urban Table would be providing appetizers for those attending the wine tasting. Shay perform during the entire wine tasting. Several wines will be featured and participants will be able to purchase their favorite wines. Seventeen individuals have registered on-line.

Volunteers should report to the restaurant at 2 o'clock. Volunteers will be responsible for setting up and monitoring the silent auction area and selling tickets at the door.

**BUDGET UPDATE**

The balance as of July 24, 2012 is \$8,290.04 with two outstanding pledges of \$1000. Jack Shearer noted UMB may not be contributing to the event as earlier anticipated. The balance in the account covers the incurred talent expenses; however, Jack reviewed projected expenses over the next two months indicating the need for over \$10,000 in revenue to be raised for the stage and other expenses.

**EVENT UPDATE**

**Talent** All contracts have been executed and initial payments made to Bobby Watson and Karrin Allyson. Larry will handle transportation and meals for the artists. Dan Andersen will secure hotel accommodations and the necessary backline.

**Stage & Grounds**

Dan reported on negotiations with S.E.C.T for the stage. Jack noted that he has contacted Mark One Electric regarding providing the generator needs for the event. Due to limited funds, the committee advised Joyce to see if the portable toilets could be provided at no cost. She noted that in the past Deffenbaugh has donated all trash containers and provided toilets at a significant reduction in cost. She would follow-up with Deffenbaugh representatives.

Jack, Dan & Joyce are meeting with city staff on Wednesday to finalize the site plan for the event.

### **Publicity/Advertising**

The full page ad for JAM was distributed. Tara did a great job on the ad. A copy of the ad has been sent to all the musicians and they have responded very positively. The committee's facebook account has been updated. We have not been able to access the original twitter account. Larry and Tara are coordinating the printed media press releases. Larry reported that he has secured interviews for some of the artists with the media. MaryAnn stated she would contact Joel Nichols and other television media to promote the event. Tara reported on her conversations with the Kansas City Star regarding their involvement in promotion and publicity.

### **Signage**

Joyce reported that most of the signage is in place with the exception of a banner for Urban Table. Tara stated she would handle getting this. Yard Signs need to be ordered. The large banners for the event have been updated with the new date.

### **T-Shirts**

Joyce reported that in the past approximately 100 T-shirts have been order for sale at the event. She noted part of the sponsorship benefits include the printing of sponsors logos on the event T-shirts. Last year volunteer T-shirts were also ordered. The committee approved the purchase of event T-shirt but decided that lanyards and volunteer credentials would be sufficient for the volunteers. It was also decided to order credentials in quantity without the date of the festival to reduce expenses only for volunteers, artists and vendors. At the first event committee members wore committee polo shirts. Jack will look into the cost of ordering polos and report back to the committee

### **VOLUNTEERS**

Joyce noted the need to start looking for volunteers for the event. She gave a list of volunteer needs to Kate. Brooke Moorehead noted she would be able to help get volunteers. The committee suggested a job description be prepared for each volunteer position so individuals have a clearer idea of what they will be expected to do. Joyce will prepare that and a schedule.

### **OTHER BUSINESS**

Walt Vernon suggested that funds be collected during the event in support of Habitat for Humanity. He suggested possibly having someone talk about their program between acts and how it has impacted them. The committee was supportive of this.

Jack will talk with Crawford regarding a possible beer tasting to raise additional funds prior to the event.

### **NEXT MEETING**

It was noted as the event date nears, it will probably be necessary for the committee to meet more often and also to have representatives from the City's Public Works and Police Department attend those meeting.

The next meeting will be Thursday, August 9<sup>th</sup> at 7 p.m. at City Hall.

### **Adjournment**

The meeting was adjourned at 8:25 p.m.

Prairie Village Arts Council  
Wednesday, July 18, 2012  
7:00 p.m.  
City Hall Council Chambers

## Minutes

The Prairie Village Arts Council met at 7:00 p.m. in the City Council Chambers at City Hall. Members present: Randy Kronblad, Chair, Ian Arnold, Staff: Dennis Enslinger. Council Liaison: Laura Wassmer.

No action was taken due to a lack of a quorum.

### **Minutes**

No action was taken due to the lack of a quorum.

### **Financial Reports**

#### **City Council Report**

Council Member Laura Wassmer noted that there was a dedication event for the renaming of Meadowlake Park to Taliaferro Park in honor of Mayor Roe Taliaferro.

#### **Exhibit/Receptions**

July Exhibition/Reception – Anne Nye, Anna Dorrance, and Mark Higgins – Photography, July 13, 2012, 6:30-7:30 p.m. – send out reminders to all PV arts. Great turnout for the event approximately 70 attendees.

August Exhibition/Reception- Ted Denton, Photography, August 10, 2012, 6:30-7:30 p.m.

#### **Old Business**

State of the Arts Event, October 12, 2012

Randy Kronblad noted that things are progressing nicely and that the menu has been established. The subcommittee will be bringing a budget to the next meeting for approval by the Arts Council. Randy also noted that the jurist, Mark Moore, would jury the show on August 17<sup>th</sup> or 24<sup>th</sup>.

Laura Wassmer noted that she was able to secure donations from the Bank of Prairie Village \$750 and Hunt Midwest \$750.

#### **New Business**

Laura Wassmer indicated that the Bank of Prairie Village had as agreed to do a joint show with the PV Arts Council at the bank location. There was a discussion that the show might feature some local PV artists such as Mike Savage and Mike Mulligan. There was a discussion of a possible date, a spring date seemed the most appropriate, possibly April 2013.

Meeting was adjourned at 7:50 p.m.

**Council Members  
Mark Your Calendars  
August 20, 2012**

**August 2012** Ted Denton photography exhibit in the R. G. Endres Gallery

**September 2012** Ukrainian - Sister City exhibit in the R. G. Endres Gallery

September 3 City offices closed in observance of Labor Day

September 3 Pool closes for the season at 6:00 p.m.

September 4(Tues.) City Council Meeting

September 8 Jazz Festival

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 6-8 2012 League of Kansas Municipalities Conference

October 12 Artist reception in the R. G. Endres Gallery 6:30 - 8:30 p.m.

October 15 City Council Meeting

**November 2012** Greater Kansas City Art Association

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

November 28-Dec 1 National League of Cities Conference

**December 2012** Eileen McCoy oils exhibit in the R. G. Endres Gallery

December 3 City Council Meeting

December 14 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.

December 14 Volunteer Appreciation Holiday Party

December 17 City Council Meeting

December 25 City offices closed in observance of Christmas



