

CITY OF PRAIRIE VILLAGE

September 4, 2012

Council Committee Meeting 6:30 pm

City Council Meeting 7:30 pm



**COUNCIL COMMITTEE OF THE WHOLE
Council Chambers
September 04, 2012
6:30 PM**

AGENDA

DAVID MORRISON, COUNCIL PRESIDENT

AGENDA ITEMS FOR DISCUSSION

Update on Northeast Johnson County Chamber Activities
Deb Settle

Update from Consolidated Fire District 2
Chief Hodgdon

***Council Action Requested the same night**

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Council Chambers
September 04, 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 20, 2012
- 2. Approve the agreement with the Johnson County Board of County Commissioners for using the New Century Airport for snowplow training by Public Works employees and a fee of \$100.00
- 3. Approve a Letter of Understanding with Johnson County Human Services for participation in the 2013 HOME Rehabilitation Program in the amount of \$20,000
- 4. Approve a Letter of Understanding with Johnson County Human Services for participation in the 2013 Minor Home Rehabilitation Program in the amount of \$6,000
- 5. Approve the purchase of one (1) 2013 Ford Sedan Police Interceptor for \$22,984.00
- 6. Approve the vendor agreement with BRGR Kitchen + Bar to provide food and drinks at the Prairie Village Jazz Festival on September 8, 2012

- VI. **MAYOR'S REPORT**

VII. COMMITTEE REPORTS

Council Committee of the Whole

COU2012-40 Consider modifications to Sidewalk Policy CP204

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 city-clerk@pvkansas.com

CONSENT AGENDA

CITY OF PRAIRIE VILLAGE, KS

September 4, 2012

CITY COUNCIL
CITY OF PRAIRIE VILLAGE
August 20, 2012

The City Council of Prairie Village, Kansas, met in regular session on Monday, August 20, 2012, at 7:30 p.m. in the Council Chambers of the Municipal Building.

ROLL CALL

Mayor Ron Shaffer called the meeting to order and roll call was taken with the following Council members present: Ashley Weaver, Dale Warman, Ruth Hopkins, Steve Noll, Michael Kelly, Andrew Wang, Brooke Morehead, Charles Clark, David Morrison, Ted Odell and David Belz.

Also present were: Wes Jordan, Chief of Police; Bruce McNabb, Director of Public Works; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Dennis Enslinger, Assistant City Administrator; 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 PARTICIPATION

No one addressed the Council during public participation.

CONSENT AGENDA

David Morrison moved the approval of the Consent Agenda for August 20, 2012:

1. Approve Regular Council Meeting Minutes - August 6, 2012
2. Approve a performance 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 the Records Retention Schedule for Public Safety and Council Policy 036 "Records Management Program"
6. Approve FY 2013 Solid Waste Management Fee and Solid Waste Exemption Fee
7. 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

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

MAYOR'S REPORT

Mayor Shaffer reported he represented the City at the following events during the past weeks: on August 9th - a chamber ribbon cutting in Mission; August 11th - Employee Appreciation Event; August 17th - Northeast Mayors meeting and August 18th - Ribbon Cutting for Tide Cleaners at Corinth South.

COMMITTEE REPORTS

Council Committee of the Whole Committee

COU2012-41 Consider Engineering Change Order #1 for Project 75ST0001 - 75th Street from State Line to Mission Road

On behalf of the Council Committee of the Whole, David Morrison moved the City Council approve Change Order #1 with George Butler Associates (GBA) for Project 190866: 75th Street Rehabilitation from State Line Road to Mission Road in the amount of \$238,240.00 bringing the new contract amount to \$363,000.00. The motion was seconded by Charles Clark and passed unanimously.

COU2012-38 Consider KDOT Form 1302 - Request for Construction Project for Project 75ST0001: 75th Street - State Line Road to Mission Road

On behalf of the Council Committee of the Whole, David Morrison moved the City Council authorize the Mayor to sign KDOT Form 1302 - Request for Construction Pro-

ject for Project 75ST0001: 75th Street - State Line Road to Mission Road. The motion was seconded by Charles Clark and passed unanimously.

Planning Commission

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

Dennis Enslinger stated Premier Learning Early Childhood Education has requested a Special Use Permit to operate a child care center for children ranging in age from 0 to 5 years. The center is located at Resurrection Lutheran Church at 9100 Mission Road. It is licensed to care for 52 children and will operate from 7:00 a.m. to 6:00 p.m., Monday thru Friday, all year long with the exception of eight holidays.

A neighborhood meeting was held by the applicant and no one was present to speak on the application at the public hearing held before the Planning Commission on August 7th. The Planning Commission recommends the Governing Body approve the requested Special Use Permit for a child care center at 9100 Mission Road subject to seven conditions listed in the proposed ordinance.

Mr. Enslinger reviewed the options available to the Governing Body.

Michael Kelly moved the Governing Body adopt Ordinance 2261 granting a Special Use Permit for the operation of a child care program at 9100 Mission Road subject to the conditions recommended by the Planning Commission. The motion was seconded by Steve Noll.

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

JazzFest Committee

Joyce Hagen Mundy reported the 3rd Annual Prairie Village Jazz Festival will be in a few weeks - Saturday, September 8th from 3 - 11 p.m. Between the excellent line-up of renown musicians and the great publicity that will be provided by Ink Magazine, in "913" Johnson County Neighborhood News and via electronic social media, a huge crowd is expected. The committee is continuing its fund-raising efforts and appreciates the presenting sponsor BRGR Kitchen + Bar for their support.

STAFF REPORTS

Public Safety

- Chief Jordan reported on the successful prostitution sting with 52 arrests. He noted the growth in the use of internet for advertising. PV is not immune from this activity and his staff will continue to work to discourage it in the City.

Public Works

- Bruce McNabb had nothing new to report.

Administration

- Chris Engel reported the pool is on shortened weekday hours, but the only north-east Johnson County that is open during the weekdays.
- The Sister City Committee's Ukrainian Independence Day celebration on August 24th at the Community Center has been cancelled.
- Dennis Enslinger announced that Lane4 is looking at a Thursday date in September for a ribbon cutting ceremony and has asked for input from the Council.
- The Utility Service Warranty program is ready to send out another marketing letter. Dennis asked for direction from the Council if it was supportive of another mailing.

Mayor Shaffer asked if the City would be able to edit the letter. Mr. Enslinger responded that City could make suggestions, but would not guarantee the changes would be made. Mayor Shaffer noted the confusion in the area with the similar programs both for sewer and water lines.

Ruth Hopkins expressed her support for the program. Michael Kelly agreed that it is a good program, but noted the confusion caused by the multiple mailings. He suggested that instead of a mailing that the City put information about the program on the

city's website. David Morrison suggested using the newsletter to get out information instead of the mailing. Mr. Enslinger responded the City could explore that option.

After additional discussion, staff was directed to advise USP that the letter would need to be reviewed by Mayor Shaffer and receive his ok prior to it being mailed.

- Quinn Bennion reported on meetings regarding Google Fiber and announced that staff and any Council members interested will tour the Google Fiber facility on Wednesday, August 22nd at 1:30 p.m. Mayor Shaffer stated the tour comes highly recommended by the participating northeast Mayors.
- Lisa Santa Maria advised the City has sent out requests for proposal for auditing services and had six companies attend a preliminary meeting.
- The Prairie Village Checkbook is now live on the city's website.

OLD BUSINESS

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

NEW BUSINESS

David Morrison suggested that future city contracts include language that would enable the City to cancel a contract without penalty if the contractor is in violation of state or federal political campaign laws. He felt this would prevent any undue influence by any firms on the Governing Body. The determination of a violation would be made by an independent body. Council members discussed the idea and City Attorney Katie Logan responded to legal questions on the question. She felt that if an individual or firm were convicted of such a violation, the City would be able to take action to terminate related contracts. Committee members did not feel it was necessary to include additional language on contracts on this matter.

Michael Kelly noted recent conversations regarding a possible movie theater in the Prairie Village Shopping Center. He expressed the desire for maximum public input on this proposed addition to the Center. Other Council members agreed expressing the

need to retain the uniqueness of the "Shopping Center" and the area. Brooke Morehead stated she felt these announcements should be presented by Lane 4 to the City Council first.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

JazzFest Committee	08/22/2012	7:00 p.m.
Environment/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.

=====
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 31st. The parade will be held at 2:00 p.m.

Reduced hours at the pool are in effect. The pool opens at 4:30 p.m. on weekdays. The pool closes for the season on Monday, September 3rd at 6:00 p.m.

The city offices will be closed Monday, September 3rd 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 28th from 7:30 a.m. to 9:00 a.m. at Public Works or October 5th 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.

Dale Warman announced the first annual Prairie Village Relay for Life event this Saturday, August 25th from 11 a.m. to 11 p.m.

ADJOURNMENT

With no further business to come before the City Council, the meeting was adjourned at 8:13 p.m.

Joyce Hagen Mundy
City Clerk



PUBLIC WORKS DEPARTMENT

City Council Meeting Date: 9/4/2012

CONSENT AGENDA: CONSIDER APPROVAL OF AN AGREEMENT WITH JOHNSON COUNTY BOARD OF COUNTY COMMISSIONERS FOR USING THE NEW CENTURY AIRPORT FOR SNOWPLOW TRAINING

RECOMMENDATION

Staff recommends the City Council approve the agreement with the Johnson County Board of County Commissioners for using the New Century Airport for snowplow training by Public Works employees and a fee of \$100.00.

BACKGROUND

Each year Public Works uses the New Century Airport of snowplow training. Two goals are accomplished. First, this is the first opportunity for employees to reacquaint themselves with snow plowing skills, which they have not used since last winter. Second, the APWA Metro Chapter runs a snowplow and equipment competition in October, to which we send contestants based on the results of the City training. The agreement is for use of the airport facility for this training on September 13, 2012. The agreement is the same as last year.

FUNDING SOURCE

The \$100.00 fee will be paid from the Public Works Streets Operations and Maintenance budget.

RELATION TO VILLAGE VISION

TR3 Traffic Calming

TR3c Ensure the quality of the transportation network with regular maintenance as well as efficient responses to seasonal issues such as snow removal.

ATTACHMENT

Agreement with Johnson County Board of County Commissioners

PREPARED BY

Bruce McNabb, Director of Public Works

August 22, 2012

DRIVERS' TRAINING AREA USE AGREEMENT

THIS DRIVERS' TRAINING AREA USE AGREEMENT ("Agreement") is made and entered into on this _____ day of _____, 2012, by and between the BOARD OF COUNTY COMMISSIONERS OF JOHNSON COUNTY, KANSAS, by and through the OFFICE OF TREASURY AND FINANCIAL MANAGEMENT, RISK MANAGEMENT DIVISION, JOHNSON COUNTY, KANSAS ("County") and _____ ("User").

WITNESSETH:

WHEREAS, the Johnson County Airport Commission ("Airport Commission") and the County have entered into that certain "Drivers' Training Area Lease Agreement" dated August 26, 1998 ("Lease"), whereby the Airport Commission leased an abandoned runway at New Century AirCenter, New Century, Kansas, to the County for use as a drivers' training area ("training area"); and

WHEREAS, User is a municipality or government agency and desires to use the drivers' training area for training User's employees; and

WHEREAS, the County is agreeable and willing to grant User a license to use the training area upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, in consideration of the mutual promises, covenants, and agreements hereinafter set forth, the County and User agree as follows:

1. The County hereby grants User a license to use the training area described which is located at the end of closed runway 14/32 at the New Century AirCenter, as shown and described on Exhibit 1 hereto, together with a non-exclusive easement for reasonable access thereto. The training area shall only be used by User as a drivers' training area as set forth in the Procedures for Use of Drivers Training Area ("Procedures"), which is attached hereto as Exhibit 2 and incorporated herein. User shall comply with all the terms and conditions set forth in the Procedures. The license granted under this Agreement is non-exclusive and does not prohibit the County from entering into Drivers' Training Area Use Agreements with other municipalities and governmental agencies.

2. The term of this Agreement shall be for the following date:

September 13, 2012

3. User shall pay to the County a licensing fee in the amount of \$ 100.00 per day, which shall be due and payable upon billing by the County.

4. User will not assign or transfer this Agreement without the prior written consent of the County.

5. User shall defend, indemnify, and hold harmless the County from and against any and all costs, damages, losses, or liabilities (including reasonable attorneys' fees) and any and all claims of loss or liability related to or arising out of the use of the training area by User. This indemnity does not apply to any claims arising from the negligence or intentional misconduct of the County.

6. User acknowledges that a portion of the County's adjoining property is used as a public airport facility and as a public safety facility. User shall not keep, maintain, or operate any equipment on the Drivers' Training Area which interferes with the aviation-related or public safety-related uses of the County's property. User further agrees to use the Drivers' Training Area in a manner which will not disturb the occupancy of the Airport Commission's tenants. In the event the Airport Commission or the County determines User's equipment or operations interferes with aviation-related or public safety-related facilities or operations, then User expressly agrees that modification or termination of User's use of the Drivers' Training Area may be required by the County. User waives all claims for damages against the County which may arise out of such modification or termination.

7. If User fails or refuses to comply with or otherwise violates or breaches any of the terms of this Agreement or the Procedures, or if the Airport Commission or County determines termination is required pursuant to paragraph 6 above, the County may, at its option, elect to terminate this Agreement immediately. Upon termination of this Agreement, the license granted under this Agreement will cease and User will immediately remove its equipment from the Drivers' Training Area.

8. User shall bear the entire risk of loss or damage related to or arising out of its use of the Drivers' Training Area from any cause whatsoever. User may be required to provide proof of commercial general and/or automobile liability insurance.

9. The County expressly disclaims any express or implied warranties or representations as to the condition, maintenance, or repair of the Drivers' Training Area and as to the suitability of the Drivers' Training Area for any use intended by User. User acknowledges and agrees that it knowingly accepts the Drivers' Training Area "as is".

USER

OFFICE OF FINANCIAL MANAGEMENT,
RISK MANAGEMENT DIVISION,
OF JOHNSON COUNTY

By: _____

By: _____

Ronald L. Shaffer, Mayor

Brent D. Christensen, Interim Risk Manager

Printed name and title

Attest: _____

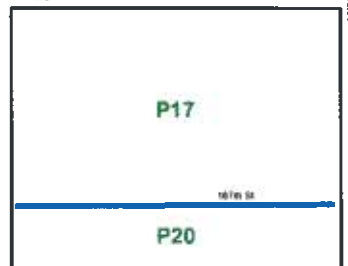
Joyce Hagen Mundy, City Clerk



PLEASE REMAIN ON THE DRIVING PAD.



AIMS
Section Tiles



MAP/DATA DISCLAIMER: It is understood that, while the AIMS participating agencies and information suppliers have no indication and reason to believe that there are inaccuracies in information incorporated in the base map, AIMS AND ITS SUPPLIER MAKE NO REPRESENTATION OF ANY KIND, INCLUDING BUT NOT LIMITED TO WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR USE, NOR ARE ANY SUCH WARRANTIES TO BE IMPLIED WITH RESPECT TO THE INFORMATION, DATA, OR SERVICE FURNISHED HERIN.

MapRequestID: 27152

May 29, 2009

REQUESTER: hrabe

PROCEDURES FOR USE OF DRIVERS
TRAINING AREA

The drivers training area occupies the southeast end of closed runway 14/32, as depicted on the enclosed map. The only access to this area will be through the gate at the south perimeter fence adjacent to 167th Street. Specific requirements and responsibilities of the user are as follows:

- **THE GATE SHALL REMAIN LOCKED AT ALL TIMES WHEN THE AREA IS NOT IN USE. AT NO TIME SHALL THE AREA BE LEFT UNATTENDED.** The key to the gate is to be obtained at the Risk Management office, 111 South Cherry, Suite 2400, Olathe. The user may not have access to the area until the Drivers Training Area Use Agreement has been signed, approved and the dates of use scheduled. If a scheduling conflict arises between entities, that user whose signed Agreement was filed first with Risk Management will be given priority to the schedule.
- If the user has scheduled the training area for consecutive days, the key may be retained by the user through the scheduled days; however, **IT SHALL BE THE RESPONSIBILITY OF THE USER TO ASSURE THAT THE ACCESS GATE IS LOCKED WHEN LEAVING THE AREA ANY TIME DURING THE DAY AND AT THE END OF THE DAY.** The key shall be returned to Risk Management immediately following use of the area.
- Restricted areas are marked and no vehicles or persons are to enter those marked areas. This is to ensure that there is no possibility of vehicles gaining access to other movement areas on the airport.
- Vehicle parking shall only be in those areas marked for parking. **YOU ARE REMINDED OF THE REQUIREMENT TO STAY WITHIN THE MARKED AREAS OF THE DRIVERS TRAINING PAD DUE TO CONTINUOUS AVIATION OPERATIONS THROUGHOUT THE AIRPORT.**
- **VEHICLES ARE TO REMAIN ON THE DRIVING PAD. NOTE RESTRICTED AREA PER THE ATTACHED MAP.**
- Appropriate safety equipment and/or coordination with other safety or medical agencies to support the training is the responsibility of the user.
- Water and other accommodations, i.e., telephones, electricity, are not available and will be the responsibility of the user. A temporary toilet facility will be on the premises for the convenience of the user.
- The training area will be used during daylight hours only, Monday through Friday. Night usage is prohibited without prior permission by Risk Management with coordination with the Airport Commission.
- The area is available for use on week days only unless prior coordination is made with Risk Management.
- Alcoholic beverages are prohibited.
- The User shall perform proper cleanup. If the area is left in an unsatisfactory condition, in the opinion of Risk Management, the User shall pay Risk Management the direct labor and/or material or service costs incurred as a result.
- Markings, other than those applied to the training surface by Risk Management, may be used, but must be removable and removed following use.

FAILURE ON THE PART OF THE USER TO COMPLY WITH ANY OF THE ABOVE SHALL BE CAUSE TO CANCEL THE USE AGREEMENT.



ADMINISTRATION DEPARTMENT

Council Meeting Date: September 4, 2012

CONSENT AGENDA: Consider 2013 HOME Rehabilitation Program

RECOMMENDATION

Staff recommends the City Council approve a Letter of Understanding with Johnson County Human Services for participation in the 2013 HOME Rehabilitation Program in the amount of \$20,000.

BACKGROUND

For many years, the City has participated in the Johnson County HOME Rehabilitation Program. Through this program, Prairie Village residents with low to moderate incomes can receive assistance with extensive home rehabilitation. City funds are matched with County HOME funds to finance repairs under this program.

FUNDING SOURCE

2013 Budget - \$20,000 - 21-52-52-6009-000 (Economic Development Fund)

ATTACHMENTS

Letter of Understanding

PREPARED BY

Jeanne Koontz
Deputy City Clerk
August 21, 2012

**LETTER OF UNDERSTANDING
FOR THE JOHNSON COUNTY HOUSING SERVICES
2013 HOME REHABILITATION PROGRAM**

This service agreement is between the Housing Services office of the Johnson County Department of Human Services and the **CITY OF PRAIRIE VILLAGE, KANSAS**. This agreement is specific to rehabilitation work to be performed on homes located in this City.

PURPOSE

The purpose of this agreement is to enable Johnson County Housing Services to provide more extensive home rehabilitation to qualified low to moderate income residents of the City as long as funds are available for this purpose.

ADMINISTRATION

The Housing Services office, located at 12425 West 87th Street Pkwy, Suite 200, Lenexa, KS 66215, will provide all personnel necessary to administer and manage an effective program.

The program will be administered according to HOME guidelines and the Policies and Procedures for the Johnson County HOME Rehabilitation Program (Copies of Policies & Procedures available upon request). These Policies and Procedures are made a part of this agreement and are incorporated herein by reference.

FUNDING

The HOME Rehabilitation Program is a partnership program between the County and participating Cities. In order to leverage non-federal dollars, the County agrees to match City funds on a three to one basis with County HOME funds to the extent these funds are made available. **With this Letter of Understanding the City agrees to provide City funding in an amount up to \$ _____ for the HOME Rehabilitation Program.** This amount represents 25% of the maximum cost for completion of repairs on _____ residences.

HOLD HARMLESS

The County agrees to hold and save the City harmless from any and all claims, settlements, and judgements for personal injury, bodily injury, property damage, and/or death arising out of the County's or any of its officers', employees' or agents' negligent acts and/or omissions with respect to the performance of home repairs provided under this agreement.

INSURANCE

The County will maintain coverage of the types of insurance and in such amounts as may be necessary to protect itself and the City against all hazards or risks of loss.

In no event shall the County be subjected to any liability greater than found in the Kansas Tort Claims Act, K.S.A. 75-6101 et seq., and amendments thereto.

AMENDMENT

This Agreement may be amended by supplemental writing signed by the parties to the agreement.

TERMINATION

This agreement may be terminated by either party upon thirty (30) days' written notice. In the event of termination, all unexpended City funds shall be returned to the City within thirty (30) days of termination.

RENEWAL

A new agreement will be signed for each calendar year. Any portion of funds not used for the current year will be automatically transferred to the next program year or returned to the City upon request. **Requests must be received in writing, in our office, no later than November 1, 2013.**

GOVERNING LAW

This agreement shall be governed by, construed, and enforced in accordance with the laws of the State of Kansas.

NON DISCRIMINATION

The County shall not discriminate against any person in the performance of work under this Agreement because of race, religion, age, color, sex, handicap, national origin, familial status or ancestry.

to program records at all reasonable times upon request.

The Housing Services office shall prepare and submit to the City a statement at the end of each quarter showing expenditures to date and the remaining balance of City funds. Other data, pertinent to the City, may also be included with the quarterly report.

CITY OF PRAIRIE VILLAGE, KANSAS

**HOUSING SERVICES OFFICE,
JOHNSON COUNTY HUMAN SERVICES**

Signature

Deborah Collins
Director of Human Services

Title

Date



ADMINISTRATION DEPARTMENT

Council Meeting Date: September 4, 2012

CONSENT AGENDA: Consider 2013 Minor Home Rehabilitation Program

RECOMMENDATION

Staff recommends the City Council approve a Letter of Understanding with Johnson County Human Services for participation in the 2013 Minor Home Rehabilitation Program in the amount of \$6,000.

BACKGROUND

For many years, the City has participated in the Johnson County Minor Home Rehabilitation Program. Through this program, Prairie Village residents with low to moderate incomes can receive assistance with minor home repairs, accessibility improvements and to correct certain code violations. City funds are matched with County CDBG funds to finance repairs under this program.

FUNDING SOURCE

2013 Budget - \$6,000 - 01-06-41-6018-009 (Community Programs Fund)

ATTACHMENTS

Letter of Understanding

PREPARED BY

Jeanne Koontz
Deputy City Clerk
August 21, 2012

**LETTER OF UNDERSTANDING
FOR THE JOHNSON COUNTY
2013 MINOR HOME REHABILITATION PROGRAM**

This service agreement is between the Housing Services office of the Johnson County Department of Human Services & Aging and the **CITY OF PRAIRIE VILLAGE, KANSAS** agreement is for the period of January 1, 2013 through December 31, 2013.

PURPOSE

The purpose of this agreement is to enable Johnson County Housing Services to provide more extensive home repairs to qualified low to moderate income residents of the City as long as funds are available for this purpose.

ADMINISTRATION

The Housing Services office, located at 12425 W. 87th Street Pkwy., Ste. 200, Lenexa, KS 66215 will provide all personnel necessary to administer and manage an effective program.

The program will be administered according to CDBG guidelines and the Policies and Procedures for the Johnson County Minor Home Repair Program (Copies of Policies & Procedures available upon request). These Policies and Procedures are made a part of this agreement and are incorporated herein by reference.

FUNDING

The Minor Home Repair Program is a partnership program between the County and participating Cities. In order to leverage non-federal dollars, the County agrees to match City funds on a dollar for dollar basis with County CDBG funds to the extent these funds are made available. **With this Letter of Understanding the City agrees to provide City funding in an amount up to \$_____ for the Minor Home Repair Program.**

It is agreed that the County shall retain twenty five percent (25%) of the funding provided by the City in this Letter of Understanding for program administration.

It is further agreed that all expenditures incurred after December 31, 2013 for projects approved during the 2013 calendar year, will be charged to Prairie Village City funds.

HOLD HARMLESS

The County agrees to hold and save the City harmless from any and all claims, settlements, and judgments for personal injury, bodily injury, property damage, and/or death arising out of the County's or any of its officers', employees' or agents' negligent acts and/or omissions with respect to the performance of home repairs provided under this agreement.

INSURANCE

The County will maintain coverage of the types of insurance and in such amounts as may be necessary to protect itself and the City against all hazards or risks of loss.

In no event shall the County be subjected to any liability greater than found in the Kansas Tort Claims Act, K.S.A. 75-6101 et seq., and amendments thereto.

AMENDMENT

This Agreement may be amended by supplemental writing signed by the parties to the agreement.

TERMINATION

This agreement may be terminated by either party upon thirty (30) days' written notice. In the event of termination, all unexpended City funds shall be returned to the City within thirty (30) days of termination.

RENEWAL

A new agreement will be signed for each calendar year. Any portion of funds not used for the current year will be automatically transferred to the next program year or returned to the City upon request. **Requests must be received in writing, in our office, no later than November 1, 2013.**

GOVERNING LAW

This agreement shall be governed by, construed, and enforced in accordance with the laws of the State of Kansas.

NON DISCRIMINATION

The County shall not discriminate against any person in the performance of work under this Agreement because of race, religion, age, color, sex, handicap, national origin, familial status or ancestry.

RECORDS AND REPORTS

The County agrees to retain all program records for a minimum of three years. The City shall have access to program records at all reasonable times upon request.

The Housing Services office shall prepare and submit to the City a statement at the end of each quarter showing expenditures to date and the remaining balance of City funds. Other data, pertinent to the City, may also be included with the quarterly report.

CITY OF PRAIRIE VILLAGE, KANSAS

**HOUSING SERVICES OFFICE,
JOHNSON COUNTY HUMAN
SERVICES DEPARTMENT**

Signature

Deborah Collins
Director, Human Services Director

Title

Date



POLICE DEPARTMENT

Council Committee Meeting Date: September 4, 2012

CONSENT AGENDA: PURCHASE REQUEST OF POLICE VEHICLE

RECOMMENDATION

Staff recommends the purchase of one (1) 2013 Ford Sedan Police Interceptor for \$22,984.00.

Shawnee Mission Ford was awarded the Mid America Council of Public Purchasing (MACPP) Metropolitan Joint Vehicle Bid.

COUNCIL ACTION REQUESTED ON SEPTEMBER 4, 2012.

BACKGROUND

On an annual basis, the Police Department replaces older Investigations vehicles due to age, mileage, and/or maintenance problems. The Department is seeking authorization to purchase this vehicle from Shawnee Mission Ford, who was awarded the 2012 MACPP Metro Bid.

This purchase was previously approved by the City Council as part of the 2012 Public Safety Budget.

FUNDING SOURCE

01-03-26-7100 - \$21,500.00
01-03-25-7100 - 1,484.00

PREPARED BY

Capt. Tim M. Schwartzkopf
Investigations Commander
Date: August 29, 2012



Council Meeting Date: September 4, 2012

CONSENT AGENDA: Consider Vendor Agreement for Prairie Village Jazz Festival

RECOMMENDATION

Recommend the City Council approve the vendor agreement with BRGR Kitchen + Bar to provide food and drinks at the Prairie Village Jazz Festival on September 8, 2012.

BACKGROUND

The third annual Prairie Village Jazz Festival will be held on Saturday, September 8, 2012. The festival is free to the public. No food or drinks are allowed to be brought on campus. There will be food and drink available for purchase at the event. As the presenting sponsor for the festival, BRGR Kitchen + Bar has been given the exclusive food vendor rights. The City Attorney has reviewed and approved the contract.

FINANCIAL IMPACT

No costs will be incurred with the approval of this agreement.

ATTACHMENTS

Vendor Agreement - BRGR Kitchen + Bar

PREPARED BY

Joyce Hagen Mundy
City Clerk

Date: August 30, 2012

1. Service: The Vendor shall supply the workers for the sale of food and drink. Alcoholic beverages shall only be served to individuals with an alcohol wristband that will be given out by JazzFest volunteers after checking identification.
1. Clean-Up: Vendor shall maintain its Vendor's Booth and/or operating areas in a neat, clean, sanitary condition and in good order and repair, free and clean of all litter, debris and rubbish at all times. Vendor shall be responsible for the clean up of its areas on an ongoing basis during the JazzFest and at the conclusion of business and conclusion of the JazzFest. Vendor's clean up responsibilities shall also include, but not be limited to, bagging and depositing Vendor's trash in the designated containers. City reserves the right to terminate all of Vendor's rights under this Agreement, including the right to operate if Vendor has failed to maintain clean and sanitary conditions in and around Vendor's location.
1. Indemnity:
 - a. The Vendor agrees to defend, indemnify and hold harmless the City and its agents and employees from and against any and all claims, damages, losses and expenses including but not limited to attorneys' fees, arising out of or resulting from the performance of the Work, provided that any such claim, damage, loss or expense (i) is attributable to bodily injury, sickness, disease or death, or to injury or destruction of tangible property (other than the Work itself) including the loss of use resulting there from and (ii) is caused in whole or in part by any negligent act or omission of the Vendor, or any sub-contractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, regardless of whether or not it is caused in part by a party indemnified hereunder. Such obligation shall not be construed to negate, abridge, or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any party or person described in this Paragraph.
 - b. The Vendor is responsible for all items left on the JazzFest premises, including, but not limited to, those items left in and around Vendor's location during and after the hours of operation and at the conclusion of the JazzFest. Vendor shall be solely responsible for its own security at all times. Risk of loss of equipment, cash and other items belonging to or in the possession of Vendor is on Vendor. City shall not be responsible for loss of or damage to Vendor's property or inventory whether attributable to theft, vandalism spoilage, weather or any other cause.
 - c. Vendor is responsible for and agrees to reimburse City for any damage caused by Vendor to City's property or to property being used by the City.
 - d. Vendor shall furnish City with a valid certificate of broad form general liability insurance, completed operations and products insurance coverage for personal injuries and property damage with combined single limits of coverage of not less than \$1,000,000.00 per occurrence, with the City named as additional insured on such policies. Copies of said policies shall be provided to City on or before August 31, 2012.
9. Notification: Notification and any other notices under this Agreement shall be made as follows:

City Clerk
7700 Mission Road
Prairie Village, KS 66208
(913) 381-6464

- 10. Staff:
 - a. Vendor shall provide managers and sufficient staff to keep Vendor's Booth operational during the hours of operation of the JazzFest.
 - b. Vendor's volunteers, employees, representatives and staff shall be prohibited by Vendor from consuming alcoholic beverages, be in possession of controlled substances, acting in a manner prohibited by state law or city ordinance, or conducting themselves in a manner detrimental to the event and the public attending when on duty at or in Vendor Booth.
 - c. Vendor and its employees are independent contractors and are not employees, servants or agents of JazzFest or of the City. Vendor has the sole responsibility of providing workers' compensation coverage for its employees.
- 11. Entire Agreement: This Agreement evidences the entire agreement between the parties hereto and supersedes all prior agreements and understandings pertaining to JazzFest.
- 12. Effective Date: This Agreement is effective upon City's acceptance as evidence by the execution of this Agreement by City's authorized representatives in the space provided below.

CITY OF PRAIRIE VILLAGE

VENDOR

By: _____
Name: _____
Title: _____
Date: _____

By: _____
Name: _____
Title: _____
Date: _____

Exhibit A - Set-up Requirements



PUBLIC WORKS DEPARTMENT

City Council Meeting Date: September 4, 2012

CONSIDER MODIFICATION TO CITY COUNCIL POLICY 204- SIDEWALKS

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 6th 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 10th 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.

FUNDING SOURCE

Implementing the changes would result in decreased 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

Proposed City Council 204

Existing City Council Policy 204

Map of Residential Streets with Sidewalks and No Sidewalks

PREPARED BY

Keith Bredehoeft, Project Manager

August 24, 2012



City Council Policy: CP204 - Sidewalks

Effective Date: September 4, 2012

Amends: CP204 dated July 20, 2009

Approved By: Governing Body

I. PURPOSE

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

II. RESPONSIBILITY

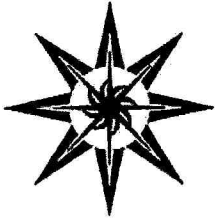
- A.** Director of Public Works

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. *(See possible exception, Section I. below)*
- 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.
- 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 a part of the project.

I. 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.



City Council Policy: CP204 - Sidewalks

Effective Date: July 20, 2009

Amends: CP204 dated April 3, 2006

Approved By: Governing Body

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.

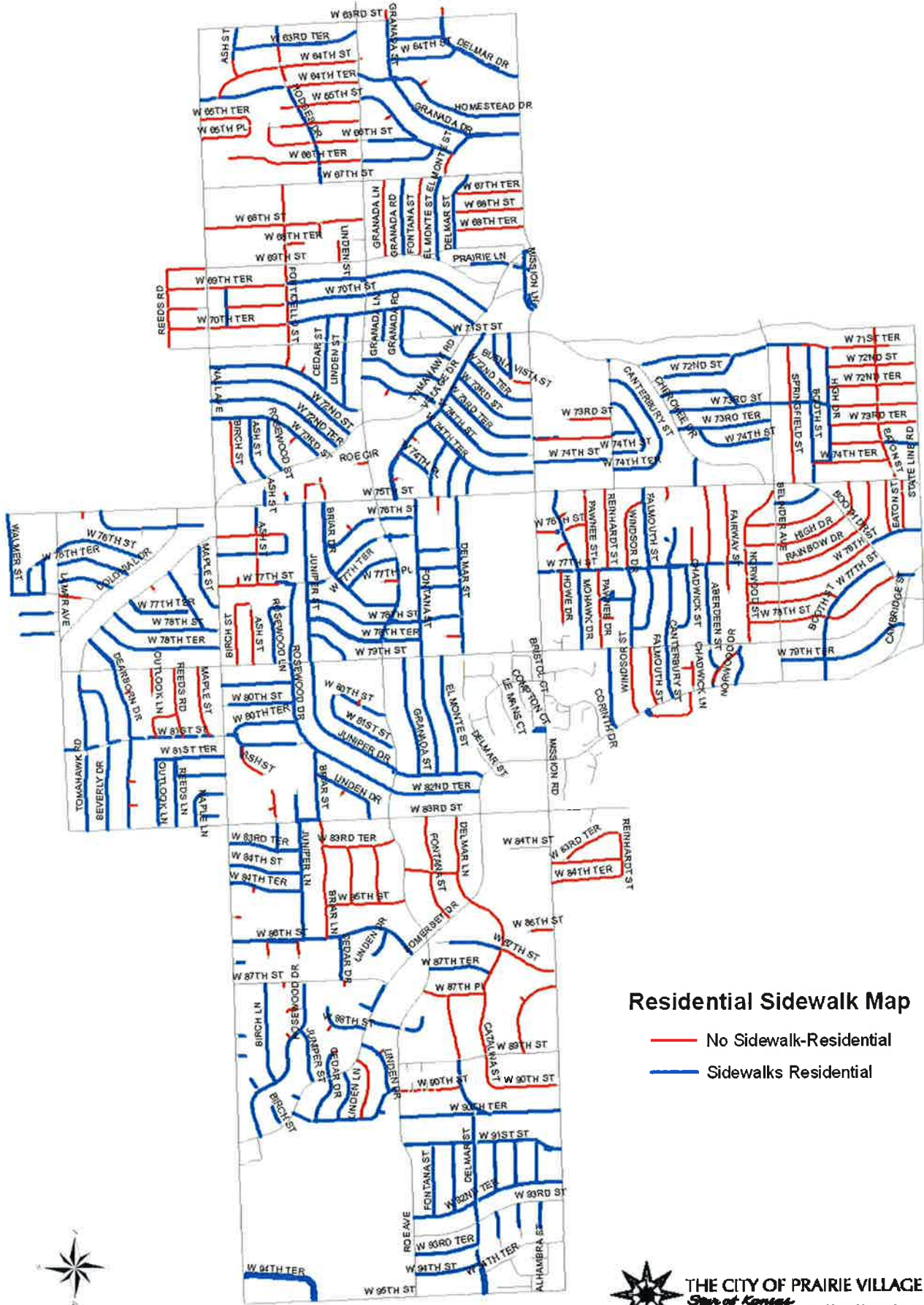
H. Sidewalks will be constructed all around cul-de-sacs that are 501 feet or longer. Sidewalks will not be constructed on cul-de-sacs 500 feet or less unless a sidewalk already exists.

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.

Residential Street Sidewalks



THE CITY OF PRAIRIE VILLAGE
STAR OF KANSAS

August 22, 2012

RE: Vote Petition- Proposed New Sidewalk on 69th Terrace from Fonticello Street to Nall Avenue.

Dear Prairie Village Resident,

On August 20, 2012 the City Council decided to allow for a vote petition on streets where new sidewalks are being considered on local streets. This process will allow for residents to be a part of the decision to install new sidewalks on their street. For a sidewalk to not be constructed 75% of the owners of the residential properties that abut a street(both sides of the street) will need to be against the installation.

On 69th Street this proposed sidewalk would be located on the south side of the street. The south side was selected because there are no trees impacted, no utilities, and driveway slopes better accommodate the new sidewalk.

The attached Vote Petition needs to be sent back to Public Works as soon as possible or by September 22, 2012. Petitions not returned will count as being in support of adding the new sidewalk. If more that 25% of the surveys are returned as being in favor of the new sidewalk, then it will be constructed.

If you have any questions contact me at (913)358-4642 or at kbredhoeft@pvkansas.com. Go to www.pvkansas.com/projects for schedule information and details about the project.

Sincerely,



Keith Bredehoeft, P.E.
Project Manager

Public Works working for you.

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

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

VOTE PETITION

FOR

**NEW SIDEWALKS ON 69TH TERRACE FROM FONTICELLO STREET
TO NALL AVENUE**

Please vote IN FAVOR or NOT IN FAVOR of the new sidewalks and return to the address listed below as soon as possible or by September 22, 2012.

Your Address _____

Your Name(printed) _____

Your Signature _____

IN FAVOR

NOT IN FAVOR

Return to-

Prairie Village Public Works Department
3535 Somerset Drive
Prairie Village, Kansas 66208

MAYOR'S ANNOUNCEMENTS
September 4, 2012

Committee meetings scheduled for the next two weeks include:

Tree Board	09/08/2012	6:00 p.m.
Sister City Committee	09/10/2012	7:00 p.m.
Planning Commission	09/11/2012	7:00 p.m.
Parks & Recreation Committee Meeting	09/12/2012	7:00 p.m.
Council Committee of the Whole	09/17/2012	6:00 p.m.
City Council	09/17/2012	7:30 p.m.

=====

The Prairie Village Arts Council is pleased to announce an art exhibit from our Sister City, Dolyana, Ukraine, in the R. G. Endres Gallery for the month of September. The reception will be held on September 14th from 6:30 to 7:30 p.m.

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

The Prairie Village Jazz Festival is Saturday, September 8th from 3:00 pm to 11:00 pm at Harmon Park.

The Shawnee Mission Education Foundation's Fall Breakfast is Thursday, September 13, 2012 at 7:00 am at the Overland Park Convention Center. RSVP to Jeanne Koontz at 913-381-4662 by Tuesday, September 5th if you would like to attend.

Flu shots will be offered for Council Members on September 28th from 7:30 a.m. - 9:00 a.m. at Public Works or October 5th 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.

Save the Date for the Northeast Johnson County Chamber of Commerce 2012 Annual Gala on November 17, 2012 at the Overland Park Marriott.

INFORMATIONAL ITEMS
September 4, 2012

1. Planning Commission Agenda - September 11, 2012
2. Environmental Committee Minutes - July 25, 2012
3. Council Committee of the Whole Minutes - August 20, 2012
4. Mark Your Calendars

**PLANNING COMMISSION AGENDA
CITY OF PRAIRIE VILLAGE
MUNICIPAL BUILDING - 7700 MISSION ROAD
TUESDAY, September 11, 2012
COUNCIL CHAMBERS
7:00 P.M.**

I. ROLL CALL

II. APPROVAL OF PC MINUTES - August 7, 2012

III. PUBLIC HEARINGS

**PC2012-08 Request for Conditional Use Permit for Drive-Thru Service Window at 6920 Mission Road
Zoning: C-2
Applicant: Curtis Petersen with Polsinelli Shughart PC representing PV Retail Shops**

IV. NON-PUBLIC HEARINGS

**PC2012-113 Request for Site Plan Approval
NW Corner of 71st Street & Mission Road
Zoning: C-2
Applicant: Curtis Petersen with Polsinelli Shughart PC representing PV Retail Shops**

**PC2012-114 Request for Preliminary & Final Plat Approval
Prairie Village Shopping Center
Zoning: C-2
Applicant: Curtis Petersen with Polsinelli Shughart PC representing PV Retail Shops**

V. OTHER BUSINESS

VI. ADJOURNMENT

Plans available at City Hall if applicable

If you can not be present, comments can be made by e-mail to
Cityclerk@Pvkansas.com

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

PRAIRIE VILLAGE ENVIRONMENT AND RECYCLE COMMITTEE

Minutes, July 25, 2012

Pete Jarchow, for the steering committee, called the meeting to order at 7:05 p.m. Attending were Penny Mahon, Karin McAdams, Dennis Enslinger, Thomas O'Brien, Pete Jarchow, Margaret Goldstein, Ruth Hopkins, Deborah English, Polly Swafford, Al Pugsley and Anne-Marie Hedge.

The minutes from June were approved.

Reports and business

- **Community Gardens**

- A general meeting was held on July 21. Committee members discussed and generally approved the bylaws. One person from PVERC needs to sit regularly on the committee.
- Plot fees are an issue. Renewing gardeners should probably have discounted fees, as they've already made improvements.
- The gardens will probably expand next year. It may be possible to use Eagle Scout help.
- They've made a proposal to cut down one tree and plant two or three others.

- **Village Fest**

- This year's activity went well, even though there wasn't enough volunteer participation from our committee. Next year we need more volunteers, especially in the morning.
- We could do more next year.
 - Provide information on PVERC membership and community gardens.
 - Check with Bridging the Gap and others for games for adults.
 - Make a display showing what we do.
 - Find or create a game telling about our watershed.
 - Add back the display on hanging out wash.

- **Community Forum:**

- Plans are progressing.
- Title: "Just the Fracks; What is Hydraulic Fracturing?"
- Panel members: James Joerke, moderator; Rex Buchanan from Kansas Geological Survey; Marci Francisco, Kansas State Senator; Paul Johnson, Kansas Rural Center; and Joe Spease.

- We need another KNRC contact to help Kathy Riordan; Anne-Marie volunteered to do that.
- Online payment for the forum was discussed. It looks like Paypal might be the best, but Tom will look into that and other possibilities.
- **Earth Fair**
 - The committee approved the general theme of community, with a possible theme phrase "It's a beautiful day in the neighborhood," if we can get permission from the Mr. Rogers people. [Note: that permission was denied, so we need a new phrase.]
 - Al reported that there will be more cars next year.
 - We can encourage displays from schools, especially their science clubs, about what they are doing to promote the environment.
 - The same could be done with homes associations, asking them now to consider what their area does to be more sustainable and more neighborhood-friendly. This could perhaps culminate in a contest. Al is contacting the homes associations.
 - The community garden committee could have a display.
 - Spinning off from the old "Gliding to Frugality" committee, there was enthusiasm for starting a Prairie Village band. We could also ask local craft guilds and other organizations that bring people together.
 - Sporting events that draw a large variety of participants would also be interesting to cultivate.
- **Jazz Fest:** The recycling bins are still usable. It would be a good idea to ask the Boy Scouts again for help, assuming that we would make a donation to the troop.
- **Other business:** What committees should we carry on from the past, and which ones would we like to add?
 - **Old committees:**
 - **Streams** – the committee only had two members, did make progress.
 - **Recycling in city parks** – This has not made a lot of progress, but could continue with one or two people as liaisons to Public Works and/or City Council.
 - **Codes** – This could be a useful committee in the future.
 - **Composting** – This looks like an educational committee that could sponsor presentations on composting, rain barrels, native plants and xeriscaping, etc.
 - **Gliding to Frugality** – This committee worked mainly on the community band idea.

- **Situational committees:**
 - **Earth Fair**
 - **Forum** (needs to involve KNRC in planning)
 - **Village Fest**
 - **Steering Committee**
- **New** (proposed)
 - **Membership and volunteers**
 - **Pesticide/herbicide use**

The meeting adjourned at 8:40

The next meeting will be held on August 22 at 7:00 p.m.

Respectfully submitted,

Karin McAdams

COUNCIL COMMITTEE OF THE WHOLE
August 20, 2012

The Council Committee of the Whole met on Monday, August 20, 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, Ted Odell and David Belz. Staff Members present: Wes Jordan, Chief of Police; Captain Wes Lovett; 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.

COU2012-40 Consider modifications to Sidewalk Policy CP204

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 6th 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 10th to discuss possible criteria and policy modifications to match current Council direction. The study group recommends a vote petition process for abutting property owners.

Keith Bredehoeft distributed a city map identifying arterial and collector streets indicating where sidewalks are currently located and a map identifying residential streets indicating the location of sidewalks. The proposed amendment to the Sidewalk Policy only addresses sidewalks on residential streets at this time. Future discussion is needed regarding where sidewalks on both sides of arterial and collector streets are warranted.

The proposed 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 protest. Sidewalk requirements for arterial and collector streets will remain the same as exists in the current policy.

The proposed new language is as follows:

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.

Laura Wassmer stated she preferred the proposed survey over a petition as she felt this would allow for a more honest response by residents. However, she noted that there are areas in the city that should have sidewalks for safety reasons and she would like to see language added that would allow the City to consider these on an individual basis to allow sidewalk construction that the city deems necessary for public safety in these locations regardless of the survey results.

Ted Odell noted the committee's desire was to keep this as "black and white" as possible with a systematic approach. The 30 day time-frame was to give ample time for property owners to respond. He added any no responses would be considered as in support of sidewalks. The committee felt the high traffic and higher speeds on these streets created a safety issue that merited having sidewalks.

Michael Kelly supported keeping the existing sidewalk policy noting the value of having sidewalks constructed on both sides of collector and arterial streets and enforcing the construction of sidewalks on one side of residential streets.

Dale Warman complimented the committee and noted the City has two obligations - first to the safety of people walking and to listen to the desires of the residents. He feels the proposed revision meets both obligations, but felt the 75% criteria may be too low.

David Belz stated he likes the policy as it exists as it gives the Council the ability to look at individual streets. He expressed concern with having only the residents who live on the proposed street to have a voice. Village Vision states the City shall be a walkable community providing connectivity. As a governing body, the council needs to act on behalf of the community as a whole and to look to the future. He supports the enforcement of the existing policy.

Ruth Hopkins also supports the existing policy agreeing with Mr. Belz that the Council needs to act for the benefit of the community. She noted there is a huge silent majority who are not present. During the past weeks she has received comments from several residents who were horrified to think that the City would consider not constructing any sidewalks. She noted several comments on the "PVPost" in support of sidewalks. As the City of Kansas City said "Do what is good for the children".

Ted Odell noted the problem exists in that the Council is not enforcing its policy. The proposed amendment provides for a systematic approach to allow all residents to have a voice.

David Belz agreed the with Mr. Odell and noted that if the governing body makes its decision on behalf of the entire city and enforces its policy Prairie Village will become a walkable community, rather than to allow segments of streets to go without sidewalks.

Dale Warman agrees with the existing policy, but history indicates that the governing body has not been enforcing it. The proposed amendment provides a way for people to voice their opinion.

Laura Wassmer stated she doesn't believe every street in the city needs a sidewalk and the current policy does not recognize that. She noted both the cost of constructing and maintaining unnecessary sidewalks. She further noted the difficulties in retrofitting sidewalks onto existing properties with established mature trees and landscaping.

Michael Kelly noted the city has created a "catch 22". Laws prohibit skateboards, rollerblades and scooters from being on the street, yet the city is not constructing sidewalks. How do the police enforce these regulations when there is no were other than the street for skateboarders?

David Morrison noted the committee wanted to provide a way for residents to exercise some degree of local control. By polling all the residents in the area through an unbiased survey sent to the city residents will have the opportunity to have a voice.

Steve Noll stated that in a new development there would be universal sidewalk construction. He was surprised by the gaps of sidewalks reflected on the map for arterial and collector streets. He supported providing residents a means to have input and suggested that additional medium could be used in addition to mail.

Laura Wassmer asked if the committee discussed expanding the surveyed area. Ted Odell stated they had and would be ok with expanding the area of notification. They felt those abutting the proposed sidewalk would have the greater impact so they were chosen for notification.

Steve Noll made the following motion which was seconded by Brook Morehead:

MOVED THE GOVERNING BODY APPROVE THE PROPOSED AMENDMENT TO CITY COUNCIL POLICY 204 ENTITLED "SIDEWALKS" INCORPORATING A PROVISION TO ALLOW FOR A VOTE PETITION TO NOT INSTALL SIDEWALKS ON RESIDENTIAL STREETS.

COUNCIL ACTION REQUIRED

The motion was voted on and passed by a vote of 7 to 5 with the following votes cast: “aye” Weaver, Warman, Noll, Wassmer, Morehead, Morrison, Odell; “nay” Hopkins, Kelly, Wang, Clark, and Belz.

David Morrison asked if the Council wanted to accept those petitions that have already been submitted with more than the required 75% signatures.

Quinn Bennion noted petitions have been received by the following neighborhoods: 68th Street; 70th Terrace & Fonticello and Reeds & Outlook who were exempted at the last meeting. He noted the signatures or ownership status on these petitions have not been verified by staff.

David Belz stated he did not want to penalize those residents who were unaware of the policy and felt the proposed policy should be followed. Laura Wassmer agreed and felt that all residents should receive a survey. If the new policy is going into effect, begin following it now.

Ruth Hopkins confirmed there was sufficient time to follow the process and still complete the potential construction of sidewalks. Bruce McNabb stated letters would be mailed out following the formal approval of the policy on September 3rd. Keith Bredehoeft noted construction of sidewalks could be delayed to allow for the process to be completed.

Presentation of 75th Street Concept Design - State Line Road to Mission Road

Keith Bredehoeft stated the 75th Street subcommittee consisting of Michael Kelly, Andrew Wang, David Belz, Ted Odell and the Mayor has been working with George Butler Associates regarding possible 75th Street enhancements.

Cory Clark, with GBA, stated the following alternatives were considered:

- Baseline Improvements - replacing & improving existing infrastructure.
- South Sidewalk - adding a sidewalk to the south side of 75th where one does not currently exist. Current sidewalk does not meet existing sidewalk standards.
- Retaining Wall Aesthetics - improving the appearance of any existing walls and any new walls added.
- Mission Road Realignment - correcting the alignment across 75th Street at Mission Road
- Belinder Realignment - correcting the alignment at 75th & Belinder.
- Street Lighting Upgrade - this would apply to existing street lights.
- Pedestrian Lighting - this is proposed to be added along the north side of 75th Street.
- State Line Gateway - creates a new entrance to the City at State Line Road featuring stone columns, terraced low stone wall and additional landscaping
- Belinder Aesthetics - enhancement of the corners of 75th & Belinder with landscaping, stone walls and small plaza area with seating.
- Windsor Crosswalk - relocation

- Shop Frontage Aesthetics - in front of Laura Little's Shop and the adjacent office building.
- Bus Stops - the possible addition of bus stops along 75th Street with funding from MARC.
- Landscaping Nodes - along 75th Street as right-of-way allows

Mr. Clark reviewed a power point presenting visual photos and sketches on each of these potential elements.

David Morrison noted that these are concept drawings and there are no construction plans at this time.

Laura Wassmer left. Keith Bredehoeft noted that a letter was sent to residents along 75th Street advising them that the design concepts for 75th Street would be discussed at this meeting and that there would be a meeting with the residents at a later date to review the concept designs if approved by the Council and to receive resident comments.

Mr. Clark reviewed the potential difficulties with some of the proposed sidewalk installations and other aspects proposed and answered questions from the Council. Mr. Bredehoeft stated that the concepts on the proposed access management options for the area in front of the retail and offices on the north side of 75th Street. The City will work with them throughout the process.

Council President David Morrison opened the meeting to comments and questions from residents.

John J. Hayde, 5219 West 69th Terrace, liked the ideas presented; however, he felt they were 50 to 60 years too late as he went on to express concerns with placing sidewalks over old water lines and the current quality of concrete. He noted a number of recent water line breaks in his area.

Anthony Heinz, 3619 West 75th Street, spoke in support of the proposed sidewalks and asked if the sidewalks on the south side could be widened to match those going in on the north side. Mr. Clark responded there is limited right-of-way available on the south side.

Steven Miller, 3214 West 75th Street, expressed frustration with the growth of weeds between the sidewalks and the existing curb. He questioned the proposed use of bricks, noting they did not work in the street and he does not feel they will work as proposed. Mr. Miller feels more engineering study needs to be done to get a better design.

Ruth Hopkins asked where the Carroll Plaza at 75th and Mission Road fit into the proposed plans. Keith Bredehoeft responded that due to costs, the committee is recommending that the Mission Road Realignment and Pedestrian Lighting alternatives be excluded from the project. Committee members explained the focus at this time was the section of 75th Street from Mission Road east.

Dale Warman stated he liked the proposed State Line Gateway and commended the committee and GBA for their work. He confirmed that this plan will be presented to the residents for comments and feedback at a later date.

***COU2012-35 Consider Engineering Change Order #1 for Project 75ST0001 - 75th Street from State Line Road to Mission Road**

The 75th Street project will improve the existing infrastructure and will also look to improve pedestrian accommodations and to make 75th 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.

Keith Bredehoeft noted that George Butler Associates, Inc.(GBA) was selected to perform the conceptual design study for this project. The requested 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 75th Street City Council Sub-Committee has recommended the project design features move forward to preliminary design.

The following design features to be included preliminary design:

- New continuous sidewalks on north and south sides of 75th Street.
- Narrow 75th 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 75th Street at Belinder Avenue including the possibility of concrete curb medians.
- Belinder Avenue and 75th Street landscape/aesthetic improvements.
- 75th Street and Stateline Road landscape/City entrance feature.
- Pedestrian activated beacons for crossing 75th 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 is available under Project 75ST0001: 75th State Line Road to Mission Road in the amount of \$238,240.00.

Charles Clark made the following motion, which was seconded by Michael Kelly and passed unanimously:

**MOVE THE GOVERNING BODY APPROVE CHANGE ORDER #1
WITH GEORGE BUTLER ASSOCIATES (GBA) FOR PROJECT**

**109866I 75TH STREET REHABILITATION FROM STATE LINE ROAD TO MISSION ROAD IN THE AMOUNT OF \$238,240.00 BRINGING THE NEW CONTRACT AMOUNT TO \$363,000.00.
COUNCIL ACTION TAKEN
08/20/2012**

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

***COU2012-38 Consider KDOT Form 1302 - Request for Construction Project for Project 75ST0001: 75th Street - State Line Road to Mission Road**

Keith Bredehoeft noted that this project 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.

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

Charles Clark made the following motion, which was seconded by David Belz and passed unanimously:

**MOVE THE GOVERNING BODY AUTHORIZE THE MAYOR TO SIGN KDOT FORM 1302 - REQUEST FOR CONSTRUCTION PROJECT FOR PROJECT 75ST0001: 75TH STREET - STATE LINE ROAD TO MISSION ROAD
COUNCIL ACTION TAKEN
08/20/2012**

Council President David Morrison recessed the committee meeting until after the conclusion of the City Council meeting.

The Council Committee of the Whole was reconvened at 8:15 p.m.

COU2012-39 Consider approval of Neighborhood Event Ordinance and Permit Process

Andrew Wang stated he and Michael Kelly have been working with staff over the past several months to come up with a means to preserve the health and safety of neighborhoods during a neighborhood event. With the assistance of the city attorney an ordinance has been drafted. The ordinance directly addresses public safety as it relates to the ability of police, fire and emergency vehicles to access a neighborhood. The ordinance was modeled after special event permits now required by the city for such events as parades and races. The proposal asks the event planner to estimate crowd size and provide information on parking and the potential impact on the neighborhood.

David Belz asked for comments from Chief Wes Jordan noting some of the language in the ordinance is vague and questioned who would be responsible for making interpretations. Chief Jordan stated that since the ordinance is designed to cover a wide variety of potential types of events the language needed to be broad. He stressed the need for the police department to have information in advance of events to ensure public safety. He noted there has been a marked increase in the number of 5K's and fun runs which require additional officers and time to coordinate for the safety of the participants as well as the general public. Mr. Belz asked how an individual would estimate the number of participants or vehicles for an event that covered several days. Chief Jordan responded the application would describe the event and provide estimates that would allow the police to make appropriate plans, especially if additional personnel were needed such as the KU event last weekend. Without advance notice, officers would need to be pulled from the street to provide any needed coverage.

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 and to mitigate delays in public safety response. The permitting process takes into account the impact on neighboring properties and to protect the safety, health, peace, good, and tranquility of the community.

City Attorney Katie Logan noted the ordinance pulled information from similar ordinances regulating special events in commercial areas which had much more regulation. The important consideration is not the number of people in attendance but the impact on traffic and safety.

Charles Clark stated the ordinance is a good idea but expressed concern with the enforcement of the ordinance by the governing body. There will be challenges to the ordinance and he wants to be sure the governing body is willing to stand up to those challenges.

Michael Kelly noted Mr. Clark's concern but stated the city cannot let the sometimes unwillingness of the governing body to uphold its decisions prevent the city from moving forward in attempting to utilize a structure and process to address an identified concern for public safety.

Ted Odell agreed that it was important for the police department to be provided with this information in order to take appropriate action for the safety of residents.

Andrew Wang noted the governing body has wavered on policy, but he does not recall it doing so on any ordinances. Mr. Wang reviewed some of the provisions of the ordinance which allows for two permits to be issued during a year for a period not to exceed 60 days. This could be a maximum period of four months out of a year which would be an extremely long time. He cannot conceive an event longer than two weeks and would be more comfortable with a 14 to 30 day timeframe. Katie Logan explained the rationale for the 60 day time period. Ruth Hopkins confirmed the 60 days could be contiguous but would require the filing of an additional application.

David Belz asked why Council action is not scheduled for the next City Council meeting. Quinn Bennion responded it is scheduled for September 17th due to the absence of both the City Attorney and the Chief of Police at the September 4th meeting. Mr. Belz noted this is a recommendation of the committee and asked for the staff recommendation.

Quinn Bennion responded that staff have different opinions on the effectiveness of the proposed ordinance. The proposed ordinance clearly addresses a need to ensure public safety access to residential neighborhoods. The administration by the police department following criteria used for similar special event permits required is good. Staff shares Mr. Clark's concern with the ability of the governing body to enforce the ordinance when challenged. He noted there may be costs connected to the granting of the permit for the additional services required by the police department to ensure public safety. The ordinance could leave to legal challenges as well as significant press comment and coverage. He wants to Governing Body to be fully aware of the potential implications of adopting this ordinance.

David Belz questioned the probability of a permits being issued under the criteria established by the ordinance for an existing event in the city.

Andrew Wang noted a precedent has been set in the city with the special permits required for other events that need the approval of the police department to ensure public safety. He noted that he does not have a special event in his ward or neighborhood; but would like to see this ordinance in place if a special event such as a haunted house would open in his ward for the benefit of the neighborhood.

Michael Kelly noted the proposed ordinance provides a balance allowing for special events while also looking out for the neighborhoods or residents that may be impacted by that event, especially as it relates to issues of health and safety.

Katie Logan envisions this ordinance as a means by which the police department can identify events and make sure steps are taken to address the safety needs of the residents in the neighborhood. She noted the cost related to any special services required by the police department would be the responsibility of the event planner and not the city and would further limit the drain on police resources.

Ruth Hopkins liked that the responsibility for the event is placed on the event holder. She feels this is a proactive step while not denying anyone the ability to hold a special event.

Andrew Wang made the following motion, which was seconded by Michael Kelly:

**MOVED THE GOVERNING BODY ADOPT AN ORDINANCE
AMENDING CHAPTER XI ENTITLED "PUBLIC OFFENSES &
TRAFFIC" BY ADDING A NEW ARTICLE 14 ENTITLED
"SPECIAL EVENT PERMIT"**

**COUNCIL ACTION REQUIRED
09/17/2012**

The motion passed by a 9 to 2 vote with the David Morrison and David Belz voting in opposition.

Adjournment

With no further business to come before the Council Committee of the Whole, Council President David Morrison adjourned the meeting at 8:45 p.m.

David Morrison
Council President

**Council Members
Mark Your Calendars
September 4, 2012**

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 13	Shawnee Mission Education Foundation Fall Breakfast
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 17	Northeast Johnson County Chamber of Commerce Annual Gala
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
November 29	Mayor's Holiday Tree Lighting
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