

CITY OF PRAIRIE VILLAGE

November 19, 2012

Council Committee Meeting 6:00 pm

City Council Meeting 7:30 pm



**COUNCIL COMMITTEE OF THE WHOLE
Council Chambers
November 19, 2012
6:00 PM**

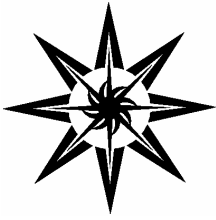
AGENDA

CHARLES CLARK, ACTING COUNCIL PRESIDENT

AGENDA ITEMS FOR DISCUSSION

- COU2012-53 Consider approving amendments to Council Policy 055 - Investment Policy for City Retirement Funds
Steve Noll
- COU2012-54 Consider approval of updated employee handbook and policies
Quinn Bennion
- Code of Ethics Complaint
Katie Logan

***Council Action Requested the same night**



COUNCIL COMMITTEE

Council Committee Meeting Date: November 19, 2012

City Council Meeting Date: December 3, 2012

COU2012-53: Consider approving amendments to the Council Policy 055 - Investment Policy for City Retirement Funds.

SUGGESTED MOTION

Move that the Committee approve the amendments to the Council Policy 055 - Investment Policy for City Retirement Funds.

BACKGROUND

The Police Pension Plan investment consultant, Lana Maudlin of UMB Bank, has reviewed Council Policy 055 - Investment Policy for City Retirement Funds and has recommended changes. The current version of the Policy was developed under the prior investment advisor, Scout Investments, who had a different view point due to the nature of their business. The proposed changes are not to set the floor, but to help decrease risk.

ATTACHMENTS

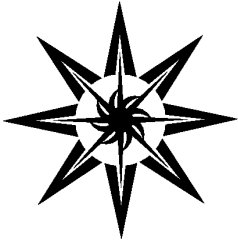
- Proposed Investment Policy Changes
-

Prepared By:

Nicholas Sanders, PHR, IPMA-CP

Human Resources Specialist

Date: November 6, 2012



City Council Policy: CP055 - Investment Policy for City Retirement Funds

Effective Date: March 22, 2010

Approved By: Governing Body

I. PURPOSE

A. OVERSIGHT OF PLAN'S INVESTMENTS

The Trustees have the responsibility, among others, to manage the investment of the Plan's assets. The purpose of this Policy is to formalize the Trustees' guidelines and objectives related to the investment of the Plan's assets, including the standards for selecting and monitoring the Plan's investments, and the persons or entities (if any) to whom the authority and responsibility for management of those investments is delegated by the Trustees. This Policy presents the Trustees' general investment philosophy and identifies specific guidelines and objectives related to investment return and risk with respect to management of the Plan's assets. The Trustees will use these guidelines and objectives to monitor, evaluate and make decisions about the suitability (and continued suitability) of the Plan's investments, and the management of those investments, in light of the Plan's contribution source, accrued benefit liabilities, benefit payment stream, and other relevant factors.

B. THE PLAN'S CONTRIBUTION SOURCE, BENEFIT LIABILITIES AND BENEFIT PAYMENTS

Contributions to the Plan are made by the employees as a condition of participation and by the City based on amount determined by the Plan's actuaries to adequately fund the Plan. Thus, the funding of the Plan depends on some of the following factors:

- a) the number of persons employed, during any period of time;
- b) the salary of the covered employees during such period of time;
- c) the amount of time the employees work for the City; and
- d) the performance of the investments of the Plan's assets.

The contribution rate is determined upon consideration of many factors, including but not necessarily limited to, the Plan's benefit accrual formula, the projected benefit accruals under the Plan, benefit payment obligations, and performance of the Plan's investments over extended time horizons.

Benefits are paid by the Plan upon a distributable event, such as death, disability or retirement of a covered employee. Benefits obligations may be paid monthly to eligible retirees and beneficiaries.

C. REVIEW AND MODIFICATION OF THIS INVESTMENT POLICY STATEMENT

The investment objectives and standards set forth in this Policy will be reviewed by the Trustees annually, or more frequently as needed to ensure it remains prudent and consistent with the best interests of the Plan's participants. This Policy may be amended or modified by the Trustees at any time.

II. POLICY

A. This document, as amended from time to time, will serve as the Investment Policy Statement (Policy) for the City of Prairie Village Police Pension Plan (Plan), a defined benefit pension plan qualified under Section 401(a) of the Internal Revenue Code. The City of Prairie Village (City) established the plan to provide retirement benefits to employees (and their beneficiaries) in accordance with the Plan document.

B. INVESTMENT GUIDELINES

1. GENERAL FIDUCIARY OBLIGATION

In establishing, monitoring and modifying this Policy, and in complying with the guidelines and standards established in this Statement, the Trustees will at all times act prudently, and exclusively in the best interests of the Plan's participants and beneficiaries. "Prudence" means the care, skill and diligence under the circumstances then prevailing that a prudent person acting in a similar capacity and

familiar with such matters would use in the conduct of an enterprise of a like character and with like aims. The Trustees will diversify the investments of the Plan's assets so as to minimize the risk of large losses, unless under the circumstances then prevailing, it is clearly prudent not to do so.

2. LONG TERM RISK AND REWARD

This Policy reflects consideration of the long-term funding requirements of the Plan. The Trustees recognize that expectations for the returns to be earned on the different classes of Plan assets in the future may not be realized. However, the expectations reflected in this Statement are considered by the Trustees to be reasonable, given the historical experience covering long-term periods and the belief that the capital markets will remain viable. Long-term is defined as over 10 years. If the assumptions are not realized, the Trustees recognize that a substantial shortfall of actual investment returns from those expected could require increased contributions or a reduction in future benefit accruals, or other Plan modifications.

3. PRESERVATION OF ASSETS AND PURCHASING POWER

The fundamental objectives of the Plan's investments are to preserve capital, to avoid a diminution in the purchasing power of the Plan's assets (relative to inflation), and to assure satisfaction of the Plan's long-term liquidity needs. The Trustees believe it is appropriate for the Plan to assume a moderate degree of investment risk, with diversification of Plan assets among different classes of investments as a means of reducing risk. The Plan can and will tolerate some variability in market value and rates of return in order to achieve a greater long-term rate of return.

While neither the City nor the Trustees guarantee the continued viability of existence of the Plan, they hope and intend to continue the Plan indefinitely. Consequently, the Trustees endorse a long-term approach to managing the investment portfolio, but believe this should not be viewed as justification for exposing the portfolio to levels of volatility that might adversely affect the value of the Plan's assets.

The Trustees believe that the level of risk assumed in the fund is a function, in large part, of the fund's risk posture as stated above. The proportion of assets allocated to equity investments is the most important determinant of volatility of future returns. As indicated by long-term historical data, the risk of equity ownership has been rewarded with a higher rate of return.

4. SELECTION OF INVESTMENT MANAGERS

The Trustees desire to retain an Investment Manager (Manager) to assist them in their responsibility to manage the Plan's assets. The Manager will construct and manage investment portfolios within the guidelines of this Policy. The manager will select specific securities, buy and sell such securities, and modify the asset allocation within the guidelines in this Policy. The Policy is intended to allow enough flexibility for the Manager to respond to changing economic conditions and securities markets.

In selecting a Manager the following criteria will be taken into account:

- Investment returns
- Risk assessments
- Background of people
- Philosophy of Manager
- Process of investment decisions
- Diversification of portfolio
- Management fees
- Use of cash
- Portfolio turnover
- Quality of manager reports and communications
- Comparison of Manager's return and risk to appropriate market indices and universes
- Compliance with regulatory agencies

Managers will be required to specifically assume fiduciary liability for investment results. Any manager may be replaced at any time by the Trustees. The Manager is required to acknowledge the guidelines and objectives stated in this Policy and agrees to manage Plan assets in accordance with this Policy.

CP055 - Investment Policy for City Retirement Funds

5. PORTFOLIO RESTRICTIONS AND DIVERSIFICATION

Each asset class will be invested in a portfolio of marketable securities. Private placements, restricted or letter stock, and other non-marketable securities are not permissible. Investment in the following types of marketable securities is not permissible: financial futures, derivatives (except mortgaged backed securities used in a conservative manner), options, warrants, and commodities except for gold.

The Manager may choose to invest in publicly traded mutual funds and/or commingled trust funds. Mutual funds are expected to exhibit long-term performance that is competitive relative to the peer group and an appropriate market benchmark. Expense ratios within any mutual fund or commingled trust should be at or below the category average. Assets within the mutual fund or commingled trust should be at least \$50 million.

The Manager may not engage in the following types of transactions: short sales or any other marginable transactions, option writing, hedging strategies, or any other transaction that unduly increases risk in the portfolio.

The diversification of equity and fixed income securities held in each portfolio among sectors, industry groups and issuers is the responsibility of the Manager. The Manager is expected to diversify the portfolio sufficiently to minimize the risk of a large loss from a single security.

C. ASSET ALLOCATION

The Trustees will select the appropriate asset classes. In selecting the asset classes, the Trustees will choose asset classes reasonably designed to further the purposes of the Plan, taking into account:

1. The risk of loss and opportunity for gain associated with the asset classes, both objectively and in light of the acceptable risk permitted by this Policy, taking into account the correlation of the various asset classes and the time horizon over which the Plan is likely to have assets invested in the asset classes;
2. The composition of the available asset classes with regard to the Plan's opportunity to meet its objectives without exceeding the risk tolerance permitted by this Policy;
3. The composition of the available asset classes with regard to the Plan's opportunity to achieve diversification of its investment portfolio;
4. The liquidity and current return which with respect to the asset classes, relative to the specific cash flow requirements of the Plan; and
5. The projected return available with respect to the asset classes, relative to the funding objectives of the Plan.

The target asset allocation and asset classes to be used in the Plan are shown below. All percentages are based on market values of the entire portfolio.

Asset Class	Target Percentage of Total Portfolio	Minimum Percentage of Total Portfolio	Maximum Percentage of Total Portfolio
Large Cap Domestic Equity	25	20	40
Mid Cap Domestic Equity	10	0	15
Small Cap Domestic Equity	10	0	15
International Equity	15	0	20
Fixed Income	35	25	45
Other	5	0	10
Cash	0	0	10

Based on asset allocation studies using long-term historical returns from the various capital markets, the Trustees believe there is a reasonable likelihood the Plan will meet the overall investment objectives using the above asset allocation.

CP055 - Investment Policy for City Retirement Funds

The Trustees may add, delete, or change asset classes (and may change the percentages assigned to each asset class) at any time, in their discretion. In some cases the Trustees may satisfy asset classes by using pooled funds. Where pooled funds are used, they should substantially comply with this policy.

D. STANDARDS OF INVESTMENT PERFORMANCE

1. ACTUARIAL OBJECTIVES

The Plan's investment objective is to realize an investment return that, at a minimum, equals the Plan's actuarial interest assumption on an ongoing basis. Currently, this actuarial interest assumption is eight percent (8%).

2. INFLATION OBJECTIVES

As inflation is a serious deterrent to providing meaningful benefits to covered employees and their beneficiaries in the future, the Trustees maintain a relative objective to keep the investment performance of the Plan's assets in perspective. This relative objective is an annual rate of return, net of fees, equal to the annual rate of inflation plus five percent (5%). The Consumer Price Index (CPI) will be used as an index to measure inflation.

3. MARKET RELATED OBJECTIVES

The Plan's investment objectives should be pursued as long-term goals designed to maximize return while reducing exposure to undue risk as set out in this Policy. All returns will be measured in terms of total return based on market value. Total returns will be defined as all income paid or accrued plus realized and unrealized capital gains and losses. The Plan's custodian is responsible for preparing the statement used for performance monitoring.

4. OVERALL INVESTMENT PERFORMANCE STANDARD

The market objective for measurement of the Plan's overall investment performance is a weighted blended index return consisting of the Standard and Poor's 500 Equity Index, the Russell Mid Cap, the Russell 2000, the MSCI EAFE International Equity Index, the Barclays Capital Intermediate Government/Corporate Fixed Income Index, and the 90 day Treasury Bill,. Risk will be measured by variability of returns (standard deviation). Emphasis will be placed on measurement over a full market cycle, usually three to five years.

The total fund should exceed the returns of a comparable universe of balanced funds with similar objectives, net of investment management fees, with less risk.

5. DOMESTIC EQUITY PERFORMANCE STANDARDS

The purpose of Domestic Equity investments is to provide maximum total return while not exceeding the risk levels stated in this Policy.

The market objective for the Domestic Equity portion of the portfolio is to exceed the return of the Standard & Poor's 500 Equity Index (benchmark) while not exceeding the risk of the benchmark as measured by variability of returns (standard deviation), net of investment management fees. Emphasis will be placed on measurement over a full market cycle, usually three to five years.

The asset class should exceed the returns of a comparable universe of Domestic Equity funds with similar objectives, net of investment management fees, with less risk.

Guidelines

- a.) The Manager may select from marketable domestic equity securities traded on any of the major U.S. exchanges or through NASDAQ. Securities for this portfolio may include common stocks, preferred stocks, convertible securities and publicly traded mutual funds or commingled trust funds.
- b.) Securities with a market capitalization of less than \$500 million at the time of purchase will not be used. Preference should be given to high quality equity securities.
- c.) Diversification must be maintained at all times. No single equity position shall exceed 10% of the market value of the Domestic Equity portfolio. No single industry (as defined by Standard & Poor's industry groups) shall exceed 20% of the market value of the Domestic Equity portfolio.
- d.) The selection of individual securities will be at the discretion of the Manager, within the guidelines stated in this Policy.
- e.) The Manager should stay fully invested in Domestic Equity securities

6. INTERNATIONAL EQUITY PERFORMANCE STANDARDS RELATIVE TO MARKET

The purpose of international equity investments is to diversify the overall equity position in the portfolio to protect assets and reduce risk.

The market objective for the International Equity portion of the portfolio is to exceed the return of the EAFE International Equity Index (benchmark) while not exceeding the risk of the benchmark as measured by variability of returns (standard deviation), net of investment management fees.

Emphasis will be placed on measurement over a full market cycle, usually three to five years.

The asset class should exceed the returns of a comparable universe of international equity pooled funds with similar objectives, net of investment management fees, with less risk.

Guidelines

- a.) The Manager may select from marketable international securities traded on any of the major international exchanges. Securities for this portfolio may include common stocks, preferred stocks and convertible securities.
- b.) Securities with a market capitalization of less than \$500 million at the time of purchase will not be used. Preference should be given to high quality equity securities.
- c.) Diversification must be maintained at all times. No single equity position shall exceed 10% of the market value of the International Equity portfolio. No single industry shall exceed 20% of the market value of the International Equity portfolio. The Manager should also be diversified in at least three capital markets whose assets and currencies are not closely correlated to each other.
- d.) The selection of individual securities will be at the discretion of the Manager, within the guidelines stated in this Policy.
- e.) The Manager may use discretion regarding hedging currencies where they may be fluctuating adversely relative to the dollar.
- f.) The Manager should stay fully invested in International Equity securities.

7. DOMESTIC FIXED INCOME PERFORMANCE STANDARDS RELATIVE TO MARKET

The primary purpose of fixed income investments is to provide total return while not exceeding the risk levels stated in this policy. The secondary purpose is to generate income and reduce volatility in the entire portfolio.

The market objective for the fixed income portion of the Plan is to exceed the return of the Barclays Capital Intermediate Government/Corporate Fixed Income Index (benchmark) while not exceeding the risk of the benchmark as measured by variability of returns (standard deviation), net of investment management fees. Emphasis will be placed on measurement over a full market cycle, usually three to five years.

The asset class should exceed the returns of a comparable universe of domestic fixed income funds with similar objectives, net of investment management fees, with less risk.

Guidelines

- a.) The Manager may select from marketable Domestic Fixed Income securities. Securities for this portfolio may include corporate bonds, government & agency bonds, Treasury Inflation-Protected Securities (TIPS), mutual funds, or exchange traded funds (ETFs).
- b.) Fixed income investments should stress high quality with overall portfolio quality rated A or better. Corporate debt securities will be of investment grade or better. Any investments that do not maintain a minimum investment grade credit rating of BBB from Standard & Poor's or Baa from Moody's Investment Services may be retained in the portfolio at the discretion of the Manager, but only after a serious review of the risks involved.
- c.) Diversification must be maintained at all times. The Manager may not invest more than 10% of the market value of fixed income portion in any obligation of a single issuer, with the exception of the U.S. Government and its agencies.
- d.) The portfolio duration will not vary from the duration of the benchmark by plus or minus 20%.

CP055 - Investment Policy for City Retirement Funds

- e.) The selection of individual securities will be at the discretion of the Manager, within the guidelines stated in this Policy. The allocation between corporate and government bonds is in the discretion of the Manager.
- f.) The Manager should stay fully invested in Domestic Fixed Income securities. Cash positions in excess of 5% are not permitted.

E. RESPONSIBILITIES OF THE INVESTMENT MANAGER

1. FIDUCIARY LIABILITY

The Manager acknowledges that investment decisions will be made in the sole interest and for the exclusive purpose of providing benefits to participants. All assets must be invested with the care, skill and diligence that a prudent person familiar with such matters acting in a like capacity would use in a similar enterprise. The Manager will assume the responsibility for investment performance and comply with all fiduciary requirements required by law. All investments will be made within the guidelines of quality, marketability and diversification mandated by any controlling statutes. The Manager is granted full discretion to manage the investment portfolio within the constraints and guidelines of this Policy. The Manager will acknowledge and accept this fiduciary responsibility by executing this document. The Manager shall comply with the fiduciary responsibility standards and requirements of the Employee Retirement Income Security Act (ERISA) of 1974, as amended, and rules and regulations thereunto.

2. REPORTING

The Manager shall report investment results to the Trustees in writing on at least a semi-annual basis. The Trustees should also be informed of any significant changes in the ownership, affiliation, organizational structure, financial condition, or professional personnel staffing of the investment management organization. The Manager will inform the Trustees regarding all significant matters pertaining to the investment of the assets. The Trustees should be kept apprised of major changes in investment strategy, portfolio structure, market value of the assets, and other matters affecting the investment of the assets.

3. TRADING AND BROKERAGE

Trading activity is in the discretion of the Manager. The Manager is free to execute trades whenever it is in the best interest of the Fund. There are no specific restrictions on portfolio turnover. However, the Trustees anticipate that better long-term investment performance will result from investment strategies, not trading strategies. The Manager will have the discretion to execute transactions with brokerage firms of his or her choosing. This selection should be based on the quality of executions rendered, the financial health of the brokerage firm, the general business integrity of the firm, commission costs, and the firm's overall efficiency in transacting business. It is further acknowledged that commission dollars are a Fund asset and should not be used for purposes other than that which directly benefits plan participants. The Manager will report to the Trustees on the total commissions paid, commission rates charged, and the brokerage firms used by the Manager.

4. USE OF CASH

If cash is used by the Manager, it should be invested in instruments that will achieve the highest return which does not impair the principal of the Fund, while maintaining liquidity at all times. All such assets must represent maturities of one year or less at the time of purchase. Cash investments can be made in money market mutual funds, bank short-term U.S. Government and agency obligations, government insured deposits, time deposits, certificates of deposit, A1/P1 commercial paper, collateralized agreements, bankers acceptances, and the like.

5. PROXY VOTING

The Manager for equities is required to vote all proxies in the best interest of plan participants by maximizing the value of the securities in the portfolio. The Manager shall maintain proper files documenting the decisions made on each proxy. The Manager's proxy voting procedure and proxy voting record will be reviewed by the Trustees on a regular basis. The Manager will have complete discretion with respect to the voting of the proxies.

F. MONITORING OF INVESTMENT PERFORMANCE

1. SEMI-ANNUAL REPORT

CP055 - Investment Policy for City Retirement Funds

No less frequently than semi-annually, the Trustees will review the continued suitability of the asset classes, and the overall performance of the investment funds. As part of this review process, the Trustees will prepare or cause to be prepared a Performance Monitoring Report, which shall review the performance of the investment vehicles in light of the criteria set out in this Policy. The purpose of this report is to satisfy Trustees' obligation to continually perform due diligence on the Plan's investments. Cash equivalents used in reserve to pay benefits and expenses of the Plan will not be part of the performance monitoring process.

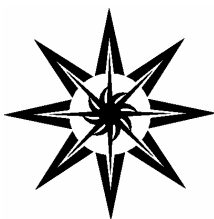
2. CHANGES IN INVESTMENT MANAGER

The Trustees will also review the suitability of an investment manager upon a change in the portfolio manager or a perceived or announced change in investment style or objectives, of which the Trustees are aware. The Trustees have the right to eliminate and, as appropriate, replace any manager that ceases to be suitable based upon the criteria set out in this Policy. The Trustees may add additional investment managers, as they deem appropriate in their discretion.

In the event the Trustees determine that an investment manager is no longer suitable, the Trustees shall select another manager within the same asset class, and direct that amounts then invested in the unsuitable manager be transferred to the new manager for management.

G. CUSTODIAN

All assets will be held at M&I Trust Company as the custodian in the name of the City of Prairie Village Police Pension. The Custodian will regularly summarize these holdings for the Trustees' review. The Custodian will allocate funds to the Manager at the direction of the Trustees. All indicia of ownership of any assets of the Plan shall be maintained within the jurisdiction of the courts of the United States.



COUNCIL COMMITTEE

Council Committee Meeting Date: November 19, 2012
Council Meeting Date: December 3, 2012

Agenda Item: Discussion and approval of revised and updated Employee Handbook

SUGGESTED MOTION

Move that Council approve the Employee Handbook as presented.

STAFF RECOMMENDATION

Staff recommends approval of the revised and updated Employee Handbook as presented.

BACKGROUND

Staff will present the recommended Employee Handbook at the Committee meeting including the major changes to employment and benefit policies. Staff also seeks Council's direction regarding two policies in the Employee Handbook - residency requirement and military pay differential.

Over the past ten months, department managers and Nic Sanders (HR Specialist) held regular meetings with the purpose of compiling a new Employee Handbook. Each existing policy was reviewed, discussed, researched and revised as needed to create a single Employee Handbook document that represents the City's values and purposes. The policies were also updated to reflect current regulations and trends. With healthy discussion, the manager group worked to balance the ideals that acknowledge employee's contribution, personal responsibility, fiscal impact to the City, equity among employees, and competitive comparison with other area public employers.

Five employee meetings were held during the week of November 12th to present the recommended changes to employees. Employees were provided a copy of the draft handbook and presented with the significant proposed changes.

Substantive Recommended Changes

1. The **elimination of the Donated Sick Leave Policy** is the single most significant change to the recommended Handbook. A donated sick leave policy was common decades ago when the program was instituted in Prairie Village. At the time, the City did not offer Short-term and Long-term Disability insurance. The original intention of the program was to provide an employee with enough donated sick leave from other employees to account for an unscheduled, unplanned catastrophic event in their life.

With the changes in health care regulations, the uses have been expanded to any event covered under Family Medical Leave Act. With the expanding uses and usage, it is recommended that the program be dissolved. Short-term disability insurance is now offered to interested employees as an opt-in payroll deduction.

2. The **introduction of a sick leave buyback policy** (4.3) will place a value on sick leave. Per the recommended policy, an employee will receive a fraction of the sick leave value at the time of retirement (20%) or time of voluntary departure (10%). Attaching a value to sick leave encourages employees to save up sick leave and to consider options when making decisions about appointments, surgeries, health leaves and family care issues. With a value on sick leave, staff believes fewer sick days will be used and will introduce eventual cost savings by reducing the need for overtime and backfilling of shift positions. Based on a quick informal survey of respondents, the following Johnson County cities have a sick leave buyback program: Shawnee, Merriam, Olathe, Overland Park and Leawood.
3. The **sick leave maximum accumulation or "cap"** (4.3) will be reduced from 1120 hours to 750 hours. Employees above the 750 cap can continue with the higher cap or opt for a one-time buyout at 20% of sick leave down to the new cap of 750 hours. The lower cap reduces the City's long-term liability, yet it allows the accumulation of sufficient sick leave to enable an employee to reach the 90 day long-term disability insurance coverage.
4. The **vacation maximum accumulation or "cap"** (4.1) is changed to 2x the employee's annual accrual rate. For example, an employee that accrues at the rate of 3 weeks of vacation per year, the maximum amount of vacation accumulation leave is 6 weeks at any time. Currently, the cap is enforced at the end of the year at the amount of the employee's annual accrual.
5. **Holiday Pay** (4.2) for extra time worked on a city holiday is paid at 150% over-time rate. This is a reduction from the current 200% over-time rate.
6. The **appeal procedure** (5.8) for non-commissioned employees was modified to a two step process from a five step process. For employees reporting to the City Administrator, the appeal process concludes with the City Council.
7. The **nepotism policy** (2.3) is recommended to be strengthened. The new policy would not allow for an immediate family member of an existing staff member to be hired at the City for any position. This policy does not extend to part-time positions such as pool positions.
8. A section encouraging employees to **recycle** was added to the Employee Handbook (5.14).

The proposed handbook has been reviewed by legal counsel and is still subject to further minor revisions during the next few weeks. Modifications, if any, will be noted for Council.

Council Discussion Items

Staff recommends the proposed handbook changes and desires Council to discuss the existing and proposed policies and provide input.

With the revision of the employment policies, staff desires input from Council regarding two specific existing policies: residency requirements for Department Heads and military leave differential pay. These policies are currently effective and included in the new Handbook as written. The policies will be revised based on Council input.

Residency requirement (1.7)

Currently the employee policies and Municipal Code require that three employees live within the city limits: City Administrator, Police Chief and Public Works Director. All other employees must live within a 35 mile radius from place of work. Several councilmembers have asked to review this policy. Staff seeks Council direction on the possibility of removing the residency requirement for the Police Chief and Public Works Director.

Military Leave (4.9)

Several years ago, Council instituted a military pay differential policy. For employees that are deployed or called to active duty for more than 30 days, the City pays the employee the differential amount if the military pay is less than the employee's salary. Active military personnel are provided other city benefits while on active duty per federal guidelines. Staff seeks Council input on continuing this policy and recommends discontinuing this benefit.

FURTHER POSSIBLE CHANGES

The newly compiled Handbook has been reviewed by legal counsel. There may be other minor changes as further review of the policies continues over the next few weeks. Staff will also review existing personnel policies, council policies and Municipal Code over time to remove and revise existing policies to be consistent.

BUDGET

Staff estimates that the recommended Handbook will be expenditure neutral when compared with existing policies. Any cost increase associated with the changes to the policies will be offset by cost decreases as a result of other changes to the policies. Therefore, the approved 2013 budget includes funds for the policies, procedures and benefits included in the updated Employee Handbook. Enclosed is a fiscal impact statement of the proposed changes to the Handbook.

ATTACHMENTS

- Revised and updated Employee Handbook (37 pgs.)
- Fiscal impact summary of recommended changes (1 pg.)

Prepared By:
Quinn Bennion
City Administrator
Date: Nov. 19, 2012

**City of Prairie Village
Employee Handbook**

Adopted: _____, 2012

EMPLOYEE HANDBOOK

The **Employee Handbook** (“Handbook”) of the City of Prairie Village, Kansas (the “City”) is intended to serve as the platform for the development of an effective **employee** relations program which is consistent with federal, state and local laws, to provide guidance to **employees** working to achieve personal and organizational objectives, and be carried out with fairness to all **employees** and without discrimination on the basis of any legally protected status.

The **Handbook** is intended for use by City **employees** as a general guide to their employment with the City. If any conflict between this **Handbook** and the Municipal Code of Prairie Village (the “Code”) exists, the Code will control.

Employment with the City is “at will.” This means employment is for no definite time period and may be terminated at any time by the City or by an **employee**, with or without cause. Further, no **Department Manager** or other **employee** of the City has the authority to enter into an agreement for employment for any specified period of time or to make any agreement contrary to the policies approved by the Governing Body. Only the Governing Body has the authority to make such an agreement if it is in a writing signed by an authorized designee of the Governing Body and the **employee**.

Nothing in this **Handbook** is to be construed as creating a contract, an expectation of continued employment, or a protected property interest in an **employee's** position. The terms and provisions of this **Handbook** may be changed, altered, amended or deleted at any time, with or without notice, in the sole discretion of the Governing Body, as circumstances warrant.

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- 5.12 Information Technology Use
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- 5.14 Recycling

SEPARATION

- 6.1 **Employee** Separation
- 6.2 Exit Interviews

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GENERAL PROVISIONS

1.1 APPLICATION OF PERSONNEL POLICIES

The personnel policies contained in this **Handbook** apply uniformly to all persons employed by the City, except as specifically stated herein.

1.2 EMPLOYMENT RELATIONSHIP

All employment by and with the City is employment-at-will, subject to termination at anytime, with or without cause. No person shall be considered to have tenured employment with the City or any expectation of continued employment. The procedures and guidelines established by these policies shall not constitute nor be considered as an employment contract. Nothing herein shall be construed as creating a protected property interest in employment with the City.

1.3 PROCEDURAL CHANGES

The City Administrator may implement procedural changes at his/her discretion, when in the best interests of the City.

1.4 EMPLOYEE ORIENTATION

To provide **employees** with information regarding City benefits, **employee** responsibilities, organization philosophy and department work rules, all new **employees** must attend an orientation session with the City's Human Resources Department.

1.5 DEFINITIONS OF EMPLOYMENT STATUS

The City will maintain standard definitions of employment status and will classify **employees** for purposes of personnel administration and related payroll transactions in accordance with the following definitions.

appointed - certain positions within the City appointed by the Mayor with consent of the Governing Body as required by ordinance

commissioned - **employees** who have been granted the right to carry a firearm as part of his/her job duties.

elected - individuals who are chosen by the citizens of Prairie Village to serve as members of the Governing Body or who are appointed to fill a vacancy

full-time - **employees** regularly scheduled on an annual basis to work thirty (30) or more hours in a work week

part-time - **employees** regularly scheduled on an annual basis to work less than thirty (30) hours per week

seasonal - **employees** hired to meet seasonal work demands in positions scheduled for a period of time less than one budget year with the anticipated date of termination known prior to commencement of employment; **employees** in this category cannot work for the City more than 999 hours during a calendar year

temporary - **employees** who are: (1) hired to perform intermittent tasks; or (2) performing duties that are created as a result of a project or program of limited duration.

1.6 PERSONNEL RECORDS AND PRIVACY

All requests for information, whether in person, by phone, or in writing, about current or former **employees**, regardless of the nature of the request, must be referred to Human Resources for a response. No other **employee** may provide information about a current or former **employee** unless authorized by Human Resources, **Department Manager**, or the **employee**. If an **employee** violates this policy, he/she will be subject to discipline, up to and including termination.

Personnel Files

Access to personnel files is restricted to authorized **employees** or agents of the City on a "need to know" basis. The Human Resources Department, in accordance with applicable law, is responsible for determining who can have access to personnel information.

Requests for Personnel Information from Governmental Agencies Conducting Investigations

The City may release personnel records to governmental agencies when such information is requested in the course of that agency's investigatory functions (for example, law enforcement agencies conducting criminal investigations, the EEOC or KHRC conducting investigations of complaints of discrimination, or information requested as part of the discovery process in a judicial proceeding).

Internal Requests for Personnel Information

Other than the City Administrator, Department Head and Human Resources, no **employee** within the City shall have access to personnel information about any other **employee**, unless Human Resources determines that the requesting party has a legitimate need to have access to the information. The requesting person must specifically identify the information to which access is requested and must provide detailed reasons for requesting access to the information. The Human Resources Department's decision regarding the request to access information is final.

Employee's Inspection of His/Her File

Upon request to Human Resources, an **employee** may inspect his/her personnel file at reasonable times during office hours. Such inspection must occur in the personnel records area in the presence of a Human Resources Department representative.

1.7 RESIDENCY REQUIREMENTS

The City Administrator, Chief of Police and Public Works Director must become residents of Prairie Village, Kansas within two (2) years of being appointed to the position and remain residents during the rest of their appointment. No later than two (2) years after their date of hire, other **employees** (hired after January 1, 2013), are to live and remain living within a 35-mile radius from their place of work. The City Administrator may grant temporary exceptions to the residency requirements for exceptional circumstances, upon the recommendation of the **Department Manager** and approval of the Mayor.

1.8 HOURS OF WORK AND PAYDAYS

Schedules for each department, including lunch period length and timing, are determined by the Department's Manager. **Employees** are compensated on a bi-weekly or monthly basis.

1.9 DUAL EMPLOYMENT

No full time **employee** can hold more than one full-time position with the City at a time. Full and part-time, season and temporary **employees** generally are permitted to work for the City in their regular position and in a part-time position in a different capacity than their regular employment with the City on an occasional or sporadic basis. The hours worked in the part-time position will not be counted as hours worked in a

full-time position for overtime pay purposes. Such dual employment is subject to approval of the **Department Manager** and City Administrator. Full-time **employees** must notify their **Department Manager** of any other employment outside the City.

1.10 USE OF VEHICLES FOR CITY BUSINESS

Any **employee** who will operate City-owned vehicles or privately-owned vehicles for City business as a part of his or her responsibilities and duties of employment must complete a form that authorizes the City to obtain information and documents regarding his/her driving record to verify compliance with the provisions of this and other City policies. All **employees** must complete the authorization form and submit it to their **supervisor** before operating a vehicle for City business. Failure to complete the authorization as required by the provisions of this policy may result in a suspension or delay of driving privileges as described in this policy and/or other disciplinary action.

City-Owned Vehicle

Any **employee** operating a City-owned vehicle to conduct official City business must:

- Be authorized by his/her **Department Manager** to operate such vehicle;
- Maintain a valid vehicle operator's license;
- Operate the vehicle only as authorized for City business;
- Comply with all laws, rules, and regulations;
- Exercise due care and diligence in operating the vehicle;
- Not knowingly permit any unauthorized person to operate the City-owned vehicle;
- Not operate the vehicle when under the influence of **alcohol**, any **controlled substance**, or any prescribed or other medication not recommended for use while driving;
- Promptly notify his/her **supervisor** of any maintenance or other problem with the vehicle;
- Promptly notify his/her **supervisor** when the vehicle is involved in an accident; and
- Immediately notify his or her **supervisor** should his or her vehicle operator's license become expired, suspended, revoked, or cancelled.

Personal Vehicle

Any **employee** operating a privately-owned vehicle for City business must:

- Be directed by his/her **Department Manager** to operate such vehicle for City business;
- Maintain a valid vehicle operator's license;
- Comply with all laws, rules, and regulations;
- Exercise due care and diligence in operating the vehicle;
- Not allow anyone else to use his/her vehicle to conduct official City business;
- Carry liability insurance for the vehicle as required by law and annually submit proof of liability insurance to the Human Resources Department;
- Not operate the vehicle while conducting City business when under the influence of **alcohol**, any **controlled substance**, or any prescribed or other medication not recommended for use while driving;
- Promptly notify his/her **supervisor** when the vehicle is involved in an accident while being used for official City business; and
- Immediately notify his/her **supervisor** should the **employee's** vehicle operator's license become expired, suspended, revoked, or cancelled.

Conviction of any of the following driving violations may or will result in a suspension or revocation of driving privileges:

- One (1) conviction for driving while under the influence of **alcohol** or **controlled substances** within the past five (5) years; or
- Conviction of three (3) or more moving violations within the past two (2) years.

Driving privileges may be reinstated if the **employee** successfully completes a driver training program approved by Human Resources.

Penalty Provisions

Failure to obtain or maintain the **Department Manager's** authorization to operate a vehicle for City business may result in disciplinary action, up to and including termination, in accordance with the City's personnel policies.

Any **employee** using a privately-owned vehicle for City business who fails to submit proof of liability insurance as required will have his/her driving privileges suspended or revoked.

A non-commissioned **employee** whose authorization to operate a City-owned vehicle or privately owned vehicle for City business has been suspended or revoked may appeal such suspension or revocation pursuant to the City's Appeal Procedure in Section 5.8 of this **Handbook**.

Commissioned police officers whose authorization to operate a City-owned vehicle or privately owned vehicle for City business may appeal such suspension or revocation pursuant to Police Department Written Directive W.D.26.1 and PVMC 2.44.040(5).

1.11 PERFORMANCE MANAGEMENT

The **employee** performance management process is intended to accomplish the following objectives:

- to provide **employees** with full and accurate information concerning their performance;
- to identify performance elements in which **employees** do well and those elements which require improvement;
- to set performance goals;
- to establish plans to correct performance shortcomings; and
- to provide a basis for linking **employee** performance to merit increase considerations.

All full-time and part-time **employees** will typically be reviewed by their **Department Manager** on an annual basis. For newly-hired **employees**, reviews will occur more frequently. If possible, reviews will be held at a prearranged time in a private location free from interruptions. Approvals of performance reviews are required by the **employee's** immediate **supervisor**, **Department Manager** and City Administrator.

1.12 MEDICAL EXAMINATIONS

Department Managers may require an **employee** to undergo a medical, psychiatric or psychological examination by professionals designated by the City to determine if an **employee** is able to perform the essential functions of the **employee's** job. An **employee** may also be required to report to the City Physician for confirmation of a diagnosis made by other physicians.

1.13 DEPARTMENTAL WORK RULES

Each Department may issue its own separate work rules. For questions about such work rules, contact your **Department Manager**. This **Handbook** will prevail if there is a conflict with departmental policy.

EQUAL EMPLOYMENT OPPORTUNITY/RECRUITMENT AND SELECTION

2.1 EQUAL EMPLOYMENT OPPORTUNITY

As an equal opportunity employer, the City is committed to an employment environment free from all forms of unlawful discrimination and harassment. It is the policy of the City to make employment decisions on the basis of merit and to prohibit discrimination on the basis of race, color, religion, sex, age, national origin, veteran status, disability, sexual orientation, genetic information, or any other characteristic made unlawful by applicable law.

The City is committed to complying with all applicable laws in providing equal employment opportunities. This commitment applies to all persons involved in the operations of the City and prohibits unlawful discrimination by all **employees**.

If an **employee** believes that he/she has been subjected to any form of unlawful discrimination or harassment, he/she must contact the Human Resources or the City Administrator. The City will immediately undertake a thorough effective, and objective investigation. If the City determines that unlawful discrimination or harassment has occurred, the City will take effective remedial action commensurate with the severity of the offense and appropriate actions to deter any future discrimination or harassment. The City will not retaliate against **employees** for filing a complaint or who participate in the investigation of a complaint and will not permit retaliation by management or any co-workers.

2.2 RECRUITMENT AND SELECTION

This policy applies to the recruitment and selection of **employees** for all positions with the exception of the following, which are appointed by the Mayor with the approval of the majority of the Governing Body:

- City Administrator
- Assistant City Administrator
- Chief of Police
- Public Works Director
- City Clerk
- City Attorney
- Assistant City Attorney
- City Treasurer
- Municipal Judge(s)
- Prosecuting Attorney

It is the policy of the City to maintain a recruitment and selection program designed to identify the most qualified individual for the position, giving consideration to individuals already employed by the City. The City supports the practice of promoting from within whenever possible. It also believes that **employees** have the primary responsibility for their own career development. To support these philosophies, all position vacancies are generally posted internally and externally.

Upon receipt of an offer of employment for a different position, **employees** may be required to complete appropriate medical evaluations and **drug** testing to determine if they are able to perform the essential functions of the new positions with or without reasonable accommodation. Individuals who can perform the essential functions of the new position with or without reasonable accommodations will be transferred to the new position.

2.3 NEPOTISM

To promote consistency and equity in the treatment of all **employees**, to prevent breaches in confidentiality and to prevent the perception of favoritism, **employees' immediate family members** cannot work for the City for any non-seasonal position. **Immediate family members** of any **employee** may be employed in seasonal positions.

If two **employees** are **immediate family members** prior to January 1, 2013, they both may continue to be employed by the City, unless one is in a **supervisory** role over the other. Should one **immediate family member** supervise another **immediate family member** or attain a position in which such supervision will be required, the affected **employees** must choose which one of them will resign from employment with the City. If one of the **employees** does not submit a resignation within five (5) **working days** after the **immediate family member** becomes a **supervisor**, the **employee** with the least amount of service with the City will be required to resign.

Effective January 1, 2013, if two part-time or full-time **employees** get married or are designated as **domestic partners** while they are employed by the City, one of the **employees** will be required to resign within six (6) months of the wedding date or **domestic partner** designation, unless one is in a supervisory role over the other. Should a supervisory relationship exist, the affected **employees** must choose which one of them will resign from employment with the City. If one of the **employees** does not submit a resignation within five (5) **working days** after the marriage or **domestic partner** designation, the **employee** with the least amount of service with the City will be required to resign.

COMPENSATION PRACTICES

3.1 WAGE/SALARY PROGRAM ADMINISTRATION

It is the policy of the City to pay wages and salaries which are competitive and give recognition to individual effort and contribution to the community. Each position in the City has been placed in a classification which establishes the value of the position in relation to other positions in the City. Each position in the City has been assigned a wage/salary range. Within this framework, an **employee's** wage/salary will be related to demonstrated performance.

After the first year, wage/salary reviews are generally conducted once each year. Wage/salary increases, if granted, are based on job performance and competence. An **employee** who has reached the upper limit of his/her pay range will not receive a salary/rate increase, but may receive a merit award, depending upon job performance for the year.

3.2 EXEMPT/NON-EXEMPT STATUS

All positions in the City will be classified as either exempt or non-exempt in accordance with applicable laws, including but not limited to the Fair Labor Standards Act (FLSA).

3.3 OVERTIME

Employees classified as exempt, due to the nature of the work they perform, are not eligible for overtime compensation. Nonexempt **employees** are eligible for overtime compensation and compensatory time accrual as outlined below. For purposes of this policy, "work period" is defined as seven consecutive days between Monday and Sunday. The City's overtime pay policy for non-exempt **employees** includes the following principal elements:

- **Non-Exempt Non-Commissioned Employees**
 - have a 7-day work period;
 - are paid straight time for all approved hours worked up to a maximum of forty (40) in one 7-day work period; and
 - are paid one-and-one half times their regular rate for approved hours worked up to a maximum of forty (40) hours in one 7-day work period.
- **Non-Exempt Commissioned Employees**
 - have a 14-day work period;
 - are paid straight time for all approved hours worked up to a maximum of eighty (80) in one 14-day work period; and
 - are paid one-and-one half times their regular rate for approved hours worked in excess of eighty (80) hours in one 14-day work period.

Vacation and official City holidays are considered "hours worked" for overtime calculation purposes. Sick leave, disability leave, civil leave, bereavement leave, and compensatory time are not considered "hours worked" for overtime calculation purposes. Overtime worked by non-exempt **employees** must be authorized in advance by the **employee's supervisor** unless special exception is granted by the **Department Manager**. **Department Managers** should make every effort to minimize overtime compensation by utilizing flex time during the work period.

Compensatory time off in lieu of overtime compensation may be granted by the **Department Manager**. However, compensatory time off (at the rate of one and one-half (1-1/2) hours for every hour of overtime worked) in lieu of overtime compensation should be used only as a last resort. Compensatory time may be earned up to a maximum of forty (40) hours and must be used prior to the beginning of the last pay

period of the calendar year. On the last pay date of the calendar year, all compensatory time balances will be paid out to the **employee** at the **employee's** regular rate of pay then in effect on the last pay date of the calendar year.

3.4 CALL BACK PAY

If a non-exempt **employee** is called back to work outside of regularly scheduled hours and without advance notice, he or she will be compensated for a minimum of three (3) hours of work or for the actual time worked if greater than three (3) hours. Time worked will begin when contact is made with the **employee**.

Non-exempt **employees** who are scheduled for call-back will be guaranteed a minimum of two (2) hours pay for any call-back time worked or for the actual time worked if greater than two (2) hours. Compensation for scheduled call-back pay will begin when the **employee** arrives at work.

Exempt **employees** will not receive any additional compensation if they are called back to work. If an exempt **employee** is on scheduled paid leave and is required to return to work, he or she will be paid regular pay for eight (8) hours and will not be charged any paid leave.

3.5 EXPENSE REIMBURSEMENT

Employees who have approved out-of-pocket expenses while performing City business will be reimbursed if certain criteria are met:

- Eligible expenses must be a necessary function of City business.
- All eligible expenses must be supported with a valid receipt and explanation of the nature of the expense. Personal auto mileage must be reported with date, purpose and actual miles driven.
- A detailed accounting of eligible expenses must be submitted and approved by the individual's **supervisor** before a reimbursement check will be issued.

Eligible Expenses Incurred within the Metropolitan Area

Reimbursable local expenses are mileage, parking and registration fees. Such expenses must be reported in detail with receipts. Meals included in registration or program fees will be paid for by the City. Meals not included in registration or program fees are not eligible expenses unless City business or training time (1) exceeds five total hours, excluding travel time, and (2) occurs outside Prairie Village boundaries.

Eligible Expenses Incurred Outside the Metropolitan Area Without an Overnight Stay

All trips for City business out of the **metropolitan area**, but not requiring an overnight stay must be approved, in advance, by a **supervisor** if reimbursement is desired. The City will pay reasonable expenses for meals, transportation, parking, tolls and registration fees only if reported in detail with a receipt.

Eligible Expenses Incurred Outside the Metropolitan Area Which Require an Overnight Stay

Expenses incurred by **employees** on City business outside of the **metropolitan area** that require an overnight stay are covered by the City's Travel Policy.

3.6 TRAVEL POLICY

The City expects that individuals traveling on official City business expend funds in a prudent and reasonable manner. Whenever possible, advance arrangements should be made for airline tickets,

registrations and lodging so that the City can be billed for/pay the expenses directly. This policy and the procedures outlined herein apply to all City **employees** of the City of Prairie Village when travel requiring an overnight stay is necessary as part of official City business.

The appropriate **Department Manager** or designee has the authority to approve requests for funds, reimbursements and overnight travel for his/her **employees**. The City Administrator or designee has the authority to approve all requests for funds, reimbursements and overnight travel for **Department Managers**.

The City will pay for or reimburse **employees** for the following costs, in accordance with the procedures more fully set forth in this policy.

Meals and Incidentals (Per Diem)

The City will pay **employees** a per diem amount for meals and incidentals incurred on **travel days** and **conference days** when the conference sponsor does not provide full meals (i.e., sit down breakfast, lunch or dinner) as part of the conference cost. The total daily per diem amount is based on the M&IE (Meals and Incidental Expenses) breakdown provided by the General Services Administration (GSA). Cities not specifically listed on the GSA website will be considered a "standard destination" and receive the prevailing Federal per diem rate for such destinations. Standard meal times are 7:30am for breakfast, 12:00pm for lunch, and 6:00pm for dinner. If travel time includes standard meal time(s) the associated meal(s) is included in per diem calculations.

Employees in possession of a City purchasing card should not use it to pay for meals covered by per diem. Any exceptions to this rule require prior approval by the City Administrator.

Lodging Expenses

The City will pay the cost of a standard room at the suggested conference hotel(s) unless extenuating circumstances prevent staying there. Expenses for in-room entertainment fees and other personal expenses are not eligible for reimbursement. When traveling on official business not related to a conference, lodging choices should be based upon economy and accessibility to destination or purpose of travel. Expenses incurred by any guests of an **employee** are the full responsibility of the **employee**.

Conference Registration

Arrangements should be made far enough in advance to take advantage of any special pricing opportunities and so that the City can pay the fees for conference registrations directly to the sponsoring organization. The City will pay for the cost of basic conference registration and fees for additional pre-sessions and post sessions that are clearly a function of the conference and do not qualify as entertainment.

Travel Costs

No specific mode of transportation is mandatory; however, **employees** are expected to use the most economical means available with reasonable consideration given to the time and distance involved. The City will not reimburse for any mileage that exceeds the actual round trip cost of coach airfare. It is the department's responsibility to obtain competitive pricing to ensure comparative rates.

- Air Travel
 - The City will pay the costs of coach airfare for travel on City business. Such travel must be the most cost-efficient, direct flight to and from the conference location based upon the conference and **travel days** scheduled for the travel. If significant monetary savings can be realized by making Saturday or Sunday a **travel day**, **employees** may request or be requested to depart earlier or later than the requested **travel day**. If a request is made for later or earlier departure, documentation of savings (airfare, hotel, M&IE) must accompany the original travel request.

- Driving
 - **Employees** may choose to drive to and from a conference outside the **metropolitan area**. However, in no event will the City reimburse amounts incurred due to driving (mileage, hotel and meals) which exceed the costs that would have been incurred for air travel and associated costs. Further, in such instances, **employees** will be responsible for any tickets or citations issued to her/him during the trip.
 - City Vehicle Use. **Employees** are encouraged to use a City vehicle in lieu of a personal vehicle whenever a City vehicle is available. When a City vehicle is used the **employee** will be reimbursed for any expenses for gas that are not charged directly to the City.
 - Personal Vehicle Use. If an **employee** is allowed to use his/her personal vehicle, a mileage allowance at the prevailing IRS rate may be authorized for mileage amounts calculated based upon standard mileage charts or other sources (Google, MapQuest, etc.). Total trip mileage will be calculated with City Hall as the starting and ending point. No other allowance for additional passengers, repairs or vehicle maintenance will be allowed. The costs of tolls will be reimbursed by the City if receipts are provided. **Employees** using their own vehicles must accept personal liability for any damage or injury occurring as a result of that use.

Miscellaneous Items and Restrictions

The City will pay directly to the **employee** the projected costs for transportation to and from KCI airport using City Hall as the starting and ending point. Other associated costs, such as parking, will be reimbursed with actual receipts. **Employees** are also entitled to be reimbursed for transportation expenses incurred upon arrival and departure of destination City on a **travel day** or **conference day** for necessary travel. Reimbursement can also be requested for taxi fares to and from a restaurant for both lunch and dinner. A receipt must be submitted for such reimbursement.

Employees who travel will not be reimbursed for personal phone calls.

If City **employees** travel early or stay later for personal reasons not related to City business, either prior to or after approved conference, all lodging and excess travel costs must be paid by the **employee**. No per diem rates will be granted for days other than **conference days**, **travel days**, and days approved for conducting official City business.

Employees who wish to personally pay for the cost of items covered by this policy that are incurred as a result of overnight travel may do so. Reimbursement will only occur after completion, submittal and approval of a travel authorization form.

Consideration must be given to the most economical location for conferences or seminars that are offered in various cities.

Charges for baggage not included in the initial airfare are reimbursable if baggage is used for official business.

Purchases of services such as internet and office supplies are reimbursable when required for official business while in travel status.

The costs of **alcoholic beverages** will not be reimbursed by the City.

Unforeseen Delays

If travel is extended due to unforeseen circumstances such as flight delays, the City will pay for any additional costs incurred. The **employee** may charge these additional costs to their purchasing card as long as the costs are allowable costs per the City's purchasing card policy. If a purchasing card charge is determined to not qualify as allowable cost, the **employee** will be expected to reimburse the City.

Cancellation

In the event an **employee** is unable to complete travel after arrangements have been made he/she should try to find another City **employee** to attend. If no alternate attendee can be found, the **employee** should make every effort to cancel and have refunded any funds committed to their accommodations (hotel, conference registrations, and airfare less cancellation fees) as soon as possible. If cancellation is not possible, the **employee** may be responsible for reimbursing the City for any forfeited fees; ownership of the ticket or reservation, if available, will be transferred to the individual.

Procedures for Approval and Payment

A Travel Authorization Form must be completed by the **employee** and submitted to the appropriate **Department Manager** or designee for approval. **Department Managers** should forward Travel Authorization Forms to the City Administrator or designee for approval.

- All completed and approved travel forms must be submitted to the Finance Department at least fourteen (14) days in advance of travel so that per diem payment can be calculated and issued.
- **Employees** seeking post-travel reimbursement for authorized travel expenses must submit the appropriate forms and documentation to the appropriate **Department Manager** or designee within ten (10) **working days** of their return. **Department Managers** submit the appropriate forms and documentation to the City Administrator or designee within the same time period for other **employees**.

EMPLOYEE BENEFITS AND SERVICES

4.1 VACATION

Full-time **employees** earn and accrue vacation leave in any pay period in which the **employee** is compensated for forty (40) hours or more. Part-time **employees** are not eligible to earn vacation leave. A full-time **employee's** vacation leave accrual is based on the **employee's** length of continuous employment, as follows:

First five years of service. During the first five years of continuous service full-time **employees** earn vacation leave at the rate of 3.39 hours per pay period, or 88 hours or 11 days per year. The **employee's** vacation leave balance may not exceed 176 hours.

Six through ten years of service. During the sixth through tenth years of continuous service full-time **employees** earn vacation leave at the rate of 4.62 hours per pay period, or 120 hours or 15 days per year. The **employee's** vacation leave balance may not exceed 240 hours.

Eleven or more years of service. After ten years of continuous service, full-time **employees** earn vacation leave at the rate of 6.15 hours per pay period, or 160 hours or 20 days per year. The **employee's** vacation leave balance may not exceed 320 hours.

An **employee** may utilize any accumulated vacation leave benefit immediately after his or her date of hire. Vacation leave may be taken in a minimum of fifteen (15) minute increments for non-exempt **employees**. Exempt **employees** are not subject to salary reductions. Exempt **employees** may use vacation leave in four (4) or eight (8) hour increments.

Vacation leave must be requested as far in advance as possible, and can only be taken if approved by the **Department Manager**. Vacation leave requests may be denied due to inadequate notice or staffing requirements. If more than one **employee** in a Department has requested vacation leave at the same time, the **Department Manager** will determine which **employees** will be allowed the time off based upon fair and impartial factors.

If an **employee** has scheduled or is on vacation leave when an illness occurs, the **employee** may request that the leave be charged as sick leave rather than vacation leave. The **Department Manager** in his or her sole discretion has the authority to change the leave classification for the period of the illness and/or recovery. Documentation from a health care provider may be required when an **employee** wishes to re-classify scheduled vacation leave to sick leave. That documentation should include:

- name of the **employee**; and
- name of the **employee** or **immediate family member** attended to; and
- date(s) the **employee** or **immediate family member** was hospitalized or under the health care provider's care; and
- signature of the health care provider.

Unused vacation leave will be paid to **employees** upon separation, retirement, or termination. Vacation leave may not be used after providing resignation notice, unless requested by the **employee** and approved by the **Department Manager**. If a City paid holiday falls during an **employee's** vacation, the **employee** will not be charged that day as vacation leave.

4.2 HOLIDAYS

Each year the Governing Body will designate the official City holidays for that year. Full-time **employees** are eligible for holiday pay for any holiday approved by the Governing Body. The following days are typically recognized as official City holidays:

Holiday	Date Observed
New Year's Day	January 1
Martin Luther King, Jr. Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Thanksgiving Day	Fourth Thursday in November and the Friday following Thanksgiving Day
Christmas Day	December 25
Floating Holiday	Upon approval of Department Manager

When an official City holiday occurs on a Saturday it will be observed on the Friday preceding the actual holiday; if an official City holiday occurs on a Sunday, it will be observed on the Monday following the actual holiday.

If a non-exempt **employee** is required to work on an official City holiday, he/she will receive an additional eight (8) hours of leave to use at a time mutually agreed upon by the **employee** and the **Department Manager** or receive compensation for the holiday hours at his/her normal rate of pay. An exempt **employee** required to work on a designated holiday will be given another day off at a time mutually agreed upon by the **employee** and the **Department Manager**.

An **employee** who is terminated or who commences an unpaid leave of absence on the last scheduled workday preceding a holiday will not receive holiday pay. Holiday pay will not be paid for any **employee** who does not work on his/her regularly scheduled workday before or after a designated holiday due to an unexcused absence. An **employee** who wishes to observe a religious holiday not identified above may take leave chargeable to floating holiday, accrued vacation, or leave without pay upon written request to and approval of the **Department Manager**.

4.3 SICK LEAVE

The City has a direct interest in the welfare and productivity of its **employees**. The intent of this policy is to provide eligible **employees** with a limited amount of sick leave for:

- the **employee's** own illness, doctor's visits or physical incapacity;
- an **immediate family member's** illness, doctor's visits or physical incapacity;
- to care for a newborn child, recently adopted child, or recently placed foster child; or
- enforced quarantine of the **employee**, in accordance with community health regulations;

Non-exempt **employees** may take sick leave in fifteen (15) minute increments. Exempt **employees** are not subject to salary reductions. Exempt **employees** may use sick leave in four (4) or eight (8) hour increments.

An **employee** may utilize any accumulated sick leave benefit immediately after his or her date of hire. Sick leave is earned and accrued in any pay period in which the **employee** is compensated for forty (40) hours or more. An eligible **employee** will earn and accrue 3.70 hours of sick leave on a bi-weekly basis. If an **employee** exhausts his or her paid sick leave, he or she must then use his or her available vacation leave. Sick leave may not be used before it is earned or accrued. The amount of sick leave earned and accrued by an **employee** is not intended to establish a guideline for acceptable attendance.

Employees who have less than 750 hours of sick leave accumulated as of December 21, 2012 will be allowed a maximum sick leave accrual of 750 hours. Any **employee** who has more than 750 hours as of December 21, 2012 may elect to either continue with a maximum sick leave accrual of 1,120 hours or receive a payout of any sick leave greater than 750 hours at a rate of twenty percent (20%) of the **employee's** rate of pay as of December 21, 2012. If an **employee** elects the payment option, he/she will only be able to accumulate a maximum of 750 hours of sick leave for the remainder of his/her employment with the City. This election must be in writing and completed by December 21, 2012.

Upon retirement, **employees** will be compensated for twenty percent (20%) percent of their remaining balance of sick leave at the rate of pay in effect at the time of retirement. Should an **employee** with more than five (5) years of service with the City cease employment with the City on a voluntary basis (other than retirement), he/she will receive ten percent (10%) of his/her remaining sick leave balance. Should an **employee** be terminated involuntarily, he/she will not receive any compensation for his/her remaining sick leave balance.

False reporting of sick leave is not acceptable. Abuse of sick leave may subject the **employee** to disciplinary action, up to and including termination. **Department Managers** may require documentation from a health care provider if they suspect that the sick leave benefit is being abused by an **employee**.

Documentation from a health care provider may also be required when the use of sick leave extends beyond three (3) consecutive **working days**. That documentation should include:

- name of the **employee**; and
- name of the **employee** or **immediate family member** being attended to; and
- dates the **employee** or **immediate family member** was under the health care provider's care; and
- signature of the health care provider.

Employees who have taken sixteen (16) hours or less of sick leave in a calendar year will be eligible for a bonus in the amount of two (2) days of pay calculated at the **employee's** December 31st rate of pay. **Employees** must be employed by the City from January 1 through December 31, to be eligible for this bonus.

4.4 WORKERS COMPENSATION

It is imperative that any on the job injury or illness be reported to the **employee's supervisor** or **Department Manager** immediately, regardless of how minor the injury may seem. Prompt reporting ensures immediate treatment and to provide for proper administration of benefits and reports. The **employee** is protected by Worker's Compensation insurance while employed by the City, at no cost to the **employee**. Benefit entitlement is governed by state law.

Employees unable to work because of illness or injury that arises out of and in their regular course of employment with the City may use vacation or sick leave to supplement Workers' Compensation benefits,

but in no case will the total Workers' Compensation benefits and leave payments exceed an **employee's** normal salary. Absences due to work-related injuries or illnesses will also be counted as FMLA leave.

4.5 BEREAVEMENT LEAVE

In order to provide full-time **employees** with paid time off from work in the event of the death of an **immediate family member**, an **employee** will be allowed the following time off:

- up to three (3) **working days** of bereavement leave in the event of the death of an **immediate family member**; and
- up to one (1) **working day** of bereavement leave to attend the funeral of someone not considered an **immediate family member**; and.
- up to one (1) **working day** of bereavement leave to allow **employees** to attend the funeral of a fellow **employee** (subject to **Department Manager** approval).

Department Managers may grant extended bereavement leave for up to two (2) additional weeks. Extended bereavement leave will be deducted from the **employee's** accrued sick leave.

Employees using bereavement leave must notify their immediate **supervisor** prior to the **employee's** scheduled time to report for duty, and, if possible, no later than the time established by the call-in procedures for the **employee's** department.

Non-exempt **employees** may take bereavement leave in fifteen (15) minute increments. Exempt **employees** may use bereavement leave in four (4) or eight (8) hour increments.

4.6 CIVIL LEAVE

Civil leave allows **employees** to receive time away from work for jury duty or appearances in court, arbitration or an administrative proceeding. While on civil leave, any benefits for which the **employee** is eligible will accrue as though on regular duty. Civil leave will not be considered "hours worked" for overtime calculation purposes. An **employee** is not eligible for civil leave if he or she is a party to a court proceeding, arbitration or administrative proceeding unrelated to his or her work for the City.

An **employee** must provide notification of jury duty within five (5) **working days** of his/her receipt of notice to serve. An **employee** who serves on jury duty during his or her normal work hours will be paid his or her normal rate of pay for his/her regularly scheduled hours. If an **employee** is instructed to report to jury duty more than one hour after the start of his/her normal work day, or is excused from jury duty more than one hour before the end of his or her normal work day, he or she must notify his or her **Department Manager**. The **Department Manager** will direct the **employee** whether to report to work for the time the **employee** is not serving jury duty.

An **employee** who serves on jury duty on a scheduled day(s) off or during non-work hours is not entitled to receive his/her regular compensation. Time spent on jury duty during non-work hours or days off does not count toward a non-exempt **employee's** "hours worked" for overtime purposes.

An **employee** who is subpoenaed to serve as a witness in a criminal or civil proceeding outside his/her normal work duties during his or her normal work hours will be paid his or her normal rate of pay for such service. An **employee** who is subpoenaed to serve as a witness outside his/her normal work duties on a scheduled day off or during non-work hours is not entitled to receive his/her regular compensation nor is such time counted toward a non-exempt **employee's** "hours worked" for overtime purposes.

If an **employee** is required to provide testimony as a direct result of his or her employment with the City, he/she will be compensated at the normal rate of pay and such time will be counted toward a non-exempt **employee's** overtime threshold.

4.7 FAMILY AND MEDICAL LEAVE

The City provides eligible **employees** with leave in compliance with the federal Family and Medical Leave Act of 1993 (FMLA), which provides for up to 12 weeks of unpaid leave in a twelve month period for certain family or medical reasons. The **City** also provides unpaid "military caregiver" and "military qualified exigency" leave for up to 26 weeks during a single 12 month period.

The City calculates available FMLA leave on a "rolling" 12-month period measured backward from the date an **employee** uses FMLA leave.

In general, an **employee** will not qualify for family or medical leave, military exigency or military caregiver leave, under this policy, unless the **employee** (1) has worked for the City for 12 months (not necessarily consecutive); (2) has worked at least 1,250 hours during the twelve-month period immediately before the date that the leave would commence, if approved; and (3) works in an office or worksite, where 50 or more **employees** are employed by the employer within 75 miles of that office or worksite.

Reasons for Leave

To qualify for FMLA leave under this policy, the eligible **employee** must be taking leave for (1) the birth of a child and in order to care for that child; (2) the placement of a child for adoption or foster care and to care for the newly placed child; (3) to care for a spouse, child or parent with a serious health condition; (4) the **employee's** own serious health condition, which makes the **employee** unable to perform the essential functions of the **employee's** job; (5) military qualifying exigency leave as described below; or (6) military caregiver leave as described below.

Leave for Serious Health Condition

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either:

- Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility, including any period of incapacity (i.e., inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care; or
- Continuing treatment by a health care provider, which includes:
 - (1) A period of incapacity lasting more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also includes:
 - treatment two or more times by or under the supervision of a health care provider (i.e., in-person visits, the first within 7 days and both within 30 days of the first day of incapacity); or
 - one treatment by a health care provider (i.e., an in-person visit within 7 days of the first day of incapacity) with a continuing regimen of treatment (e.g., prescription medication, physical therapy); or
 - (2) Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence; or
 - (3) Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence; or
 - (4) A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; or
 - (5) Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

Military Exigency Leave for the Family of Servicemembers

For military qualifying exigency leave, a qualifying exigency is defined consistent with FMLA regulations issued by the U.S. Department of Labor. Typically, this leave is allowed when there is a qualifying exigency that arises from a spouse, son, daughter or parent of the **employee** being on active duty or being notified of an impending call or order to activate duty in the Armed Forces, National Guard or Reserves in support of a contingency operation. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

Military Caregiver Leave to Care for a Servicemember

For military caregiver leave, an eligible **employee** may receive leave to care for a spouse, son, daughter, parent or "next of kin" who has incurred or aggravated a serious injury or illness in the line of duty while on active duty in the Armed Forces, including the National Guard or Reserves, provided that such injury or illness renders the servicemember medically unfit to perform duties of the member's office, grade, rank or rating and other criteria (defined in the FMLA regulations issued by the U.S. Department of Labor) are met. An eligible **employee** will be provided 26 weeks of unpaid leave in a twelve month period to care for the family servicemember.

Requesting FMLA Leave

All **employees** requesting leave under this policy must provide verbal notice with an explanation of the reason(s) for the needed leave to the **Department Manager**. **Employees** needing FMLA leave must follow usual and customary call-in procedures, absent unusual circumstances that prevent the **employee** from doing so. Where no unusual circumstances justify such a failure, FMLA designation for the absence may be denied or delayed. The City may require the **employee** to provide a written request for leave and the reasons for foreseeable FMLA leave.

An **employee** who foresees a need for FMLA leave more than 30 days in advance must request it and notify the City of the date the leave will commence, if approved, and the expected duration of the leave at least 30 days in advance. In cases where the need for leave is foreseeable, an **employee's** failure to provide such advance notice may result in denial or postponement of the leave and/or absence(s).

An **employee** for whom the need for FMLA leave is not foreseeable 30 days in advance must notify the City of the need for leave as soon as practicable. Upon written request by the City, the **employee** must explain why the 30 days' notice is not practicable.

While on leave, **employees** are requested to report periodically to the City regarding the status of the medical condition and their intent to return to work.

FMLA Medical Certification

Using an approved form, **employees** must provide a written medical certification from a health care provider demonstrating the need for FMLA leave within fifteen (15) calendar days of the request. Failure to provide certification may result in a denial of continuation of leave. If the certification is insufficient or requires clarification, **employees** should provide the requested information within seven (7) calendar days.

Required Use of Paid Leave

If the **employee** has accrued paid time off (such as sick time or vacation time), the **employee** must use that paid time simultaneously with FMLA leave at the time the FMLA leave commences. When the accrued paid time is exhausted, the remaining FMLA leave is unpaid leave.

Disability leave for the birth of the child and for an **employee's** own serious health condition, including workers' compensation leave (to the extent that it qualifies) or short or long term disability, will be designated as FMLA leave and will run concurrently with FMLA leave.

Intermittent or Reduced Schedule Leave

An **employee** may seek intermittent leave or a reduced work schedule under the FMLA, provided the arrangement does not unduly disrupt operations. This leave may be used in a minimum of 15 minute increments.

The City may temporarily transfer an eligible **employee** to an available alternative position (without a reduction in pay or benefits) if the alternative position would better accommodate the intermittent or reduced schedule.

When leave is needed to care for an **immediate family member** or the **employee's** own illness, and is for planned medical treatment, the **employee** must try to schedule treatment so as not to unduly disrupt the City's operation.

Special Rules for Married City Employees

For FMLA leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, an eligible husband and wife who are both employed by the City may only take a combined total of 12 weeks of leave. For FMLA to care for a covered servicemember, an eligible husband and wife may only take a combined total of 26 weeks of leave.

Benefits During FMLA Leave

While an **employee** is on leave, the City will continue the **employee's** health benefits during the leave period at the same level and under the same conditions as if the **employee** had continued to work.

- The **employee** on FMLA leave is required to pay his/her portion of the group insurance premium(s). While utilizing paid time off during FMLA leave, the City will continue to make payroll deductions to collect the **employee's** share of the premium. While on unpaid FMLA leave, the **employee** must make this payment, either in person or by mail.
- If the **employee** misses a payment and the City pays the premium on behalf of the **employee**, the City will require the **employee** to reimburse the City.
- If the **employee** contributes to any of the supplemental insurance plans, the City will continue making payroll deductions while the **employee** is on paid leave. While the **employee** is on unpaid leave, the **employee** may request continuation of such benefits, and if such a request is made, must pay their portion of the premiums. If the **employee** does not continue these payments, the City may discontinue coverage during the leave. If the **employee** misses a payment and the City pays the premium on behalf of the **employee**, the City will require the **employee** to reimburse the City.

Return to Work from FMLA Leave

An **employee** who takes leave under this policy will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. An **employee** returning from FMLA leave will be required to present certification from his/her health care provider that the **employee** is able to resume work. The City may deny restoration to employment until an **employee** submits the fitness-for-duty certificate.

4.8 SHORT-TERM PERSONAL LEAVE

A short-term personal leave of absence without pay may be granted to full-time **employees** who are not eligible for FMLA leave so that such **employees** may have time away from work to handle pressing personal obligations or increase professional/occupational competency.

Short-term personal leaves of absence may be granted by the **Department Manager** and will generally not exceed twelve (12) weeks in a twelve (12) month period in order to maintain continuity of service. **Employees** will not accrue vacation or sick leave time during a short-term personal leave of absence, and the **employee** will be responsible for paying the entire cost of his/her own insurance during the leave. If

the **employee** misses a payment and the City pays the premium on behalf of the **employee**, the City will require the **employee** to reimburse the City.

Requests for a short-term leave of absence or an extension thereof must be submitted in writing to the **Department Manager** at least ten (10) days prior to the requested commencement date. The City retains full discretion regarding whether to grant or deny a request for a short-term personal leave of absence. **Employees** are not guaranteed reinstatement after a short-term personal leave. If the **employee's** position is filled or eliminated for business reasons during the leave period, the **employee** may apply for any vacant position for which he/she is qualified. **Employees** on a short-term personal leave of absence must notify their **Department Manager** at least two weeks in advance of their anticipated return date. Failure to return from a short-term personal leave will be considered a voluntary resignation.

4.9 MILITARY LEAVE

A military leave of absence will be granted to an **employee** to serve in the uniformed services of the United States in accordance with applicable law. Persons who perform and return from military service will retain certain rights with respect to reinstatement, seniority, layoffs, compensation and other benefits, as provided by applicable law. **Employees** who wish to serve in the military and take military leave should contact Human Resources for more information.

Should the **employee** wish to apply for military leave pay, he/she will need to complete the Paid Military Leave Application Form. The **employee** will not be eligible for military leave pay until he/she has been called to active duty for more than thirty (30) days. Military leave pay will be limited to the amount of wages, when added to military wages, that would allow the **employee** to earn the same rate of pay if he/she were not on military leave. The military leave pay differential will be calculated at the time of application and will not change unless substantial changes in military or City pay occur.

Employees may, but are not required, to his/her accrued utilize paid leave time during their military duty.

4.10 INSURANCE

The City may provide health and welfare benefits, along with retirement options, for all full-time **employees**, as determined the Governing Body and in accordance with applicable laws.

4.11 EDUCATIONAL EXPENSES

To encourage **employees'** pursuit of educational opportunities that will benefit the City, enhance their current job performance, and improve opportunities for advancement in the City, the City will pay up to fifty percent of educational expenses up to the non-taxable limit for accountable plans, as determined by the Internal Revenue Service. Expenses include tuition, fees and books for any regular **employee** provided the education and/or training will directly benefit the **employee's** working skills and/or job performance. **Employees** will be reimbursed for only the courses necessary to earn one Associate's, one Bachelor's and/or one Master's degree.

Prior to enrolling in each course for which the **employee** wishes to receive this benefit, the **employee** must seek the approval of his/her **Department Manager**. The **Department Manager** will make a recommendation to by the Mayor, who will make the final determination regarding whether the class is eligible. The individual must be employed by the City at the completion of the course and must provide proof of having an earned grade point of at least 2.0 (C) on a 4.0 scale for undergraduate and graduate courses. The **employee** will be reimbursed, based upon actual **employee** cost for tuition, fees, and books necessary for the course. The following are not reimbursable:

- tools or supplies which the **employee** may keep after the course is completed;
- education involving sports, games, or hobbies, unless job-related; or
- meals, lodging, or transportation.

Any **employee** who receives federal educational benefits or other similar reimbursement may receive City reimbursement up to fifty percent (50%) of the remaining cost to the **employee** for eligible expenses, subject to the IRS non-taxable limit for accountable plans. **Employees** electing to receive this benefit must sign a promissory note in the amount for which they are actually reimbursed by the City indicating their intent to complete one year of employment for the City after reimbursement or repay the note. **Employees** who are terminated within the one year of employment following the reimbursement of expenses for unsatisfactory performance/conduct will be required to reimburse the expenses that were received. **Employees** will not be required to reimburse the City should any of the following events take place:

- termination of employment for any reason other than unsatisfactory performance/conduct;
- **employee** has completed one year of employment following the reimbursement of expenses.

In no case will payment be made for an **employee** who has made it known that he/she plans to resign.

4.12 UNIFORMS

Commissioned employees are furnished with uniforms, including jackets and raincoats. The City will pay for cleaning of these uniforms at an establishment and on the schedule designated by the **Department Manager**.

Employees in non-commissioned positions may receive an annual uniform allowance. This allowance is paid via the City's payroll system and is added to the **employee's** check or direct deposit. The City does not pay for cleaning of these uniforms.

4.13 RECREATION MEMBERSHIPS

Memberships for the Prairie Village swimming pool will be provided to eligible full-time and part-time **employees**, spouses and their dependents living in the same residence without charge. **Employees** will be taxed on the value of the swimming pool membership they elect via the City's payroll system. The value of swimming pool memberships for eligible **employees** will be based on the resident rate. Seasonal **employees** are only eligible for individual memberships for themselves during active employment. Temporary **employees** are not eligible for this benefit.

4.14 EMPLOYEE ASSISTANCE PROGRAM

Employee Assistance Programs provide services designed to help **employees**, and organizations meet life challenges and remain healthy, engaged, and productive. The City offers and encourages the use of an **Employee** Assistance Program for financial, psychological, and legal counseling on a confidential basis. Use of this benefit is strictly confidential.

STANDARDS OF CONDUCT AND EMPLOYEE DISCIPLINE

5.1 EMPLOYEE CONDUCT

It is important that everyone work together for the good of the City and its **employees**. The City believes that it is important that **employees** know and understand what is expected of them. As a result, the City has established Standards of Conduct for all **employees**. Violation of the City's policies and rules may warrant disciplinary action which may include verbal and written counseling, probation, suspension and/or termination. The City may, in its sole discretion, utilize whatever form of discipline is deemed appropriate under the circumstances, up to and including immediate termination. No particular order of discipline is required.

The City's policy regarding discipline in no way limits or alters the "at will" employment relationship or the City's right to change an **employee's** position, title, responsibilities or compensation at any time.

Individual departments within the City may also adopt standards of conduct applicable to **employees** within a given department.

The following list is illustrative only and not intended to include all types of conduct that is expected by the City:

1. misrepresenting any job qualification, personal data or other information reasonably necessary to determine ability or capability for job duties or failing to disclose information directly related to determining an **employee's** ability to perform the job;
2. excessive or unexcused absences from work or failure to attend meetings or scheduled events necessary to satisfactorily perform job functions;
3. direct or indirect insubordination to any **supervisor** or department head. Insubordination includes, but is not limited to:
 - o disobeying a direct command or order which is reasonable and which is communicated by someone with authority to issue the command or order;
 - o resisting or defying the **supervisor's** authority;
 - o using insolent or obscene language to challenge a **supervisor's** authority;
 - o failing to follow instructions for performing job functions.
4. using any office or employment position for purposes beyond the reasonable scope of duties of that office or position or for any personal gain not directly related to employment by the City;
5. accepting any gifts, personal services or other remuneration of value to perform job duties, other than ordinary compensation, benefits and awards approved or sanctioned by policies of the Governing Body or by a recognized professional or occupational group or organization;
6. dereliction of job duties;
7. maintaining a personal appearance or demeanor which could create or cause embarrassment, ridicule, complaint or otherwise adversely reflects upon job performance or on the City;
8. releasing or communicating information obtained through employment with the City which is considered confidential, which by law is protected information, or which is authorized for release only through a specific City procedure;
9. failing to adhere to or comply with established rules and regulations for the safety of **employees** or the public or endangering **employees** or the public by failing to exercise due care in the performance of job duties;
10. taking action contrary to established City policies or misrepresenting City policies, programs, or issues to the public;
11. incompetence;

12. unprofessional conduct;
13. unauthorized use of City property for any purpose, removing, without permission, any City property from its designated place for personal or unauthorized use or using City property in a manner or for a purpose for which the property was not designed or intended;
14. failing to use appropriate care for City property or intentionally destroying or losing City property;
15. failing to comply with City's personnel policies and departmental directives;
16. failing to exercise appropriate professional judgment;
17. failing to recognize, respect and comply with a **supervisor's** authority and/or disregarding the chain of command;
18. any violent, abusive or physical misbehavior;
19. any action of brutality or cruelty;
20. any act of dishonesty;
21. any act which could be disruptive to the normal, standard City business operations;
22. any act or conduct which violates established duties or rights of other **employees** or the public, including but not limited to rights of privacy or physical safety, sexual harassment, discrimination and/or defamation;
23. any unauthorized act or conduct which could expose the City to civil or criminal liability or any acts or conduct which could result in disrespect for City business operations; or
24. any violation of the City's **employee** substance abuse policy.

5.2 DISTRIBUTION OF LITERATURE/SOLICITATION

In order to ensure efficient operation of the City and to prevent distractions to **employees**, it is necessary to regulate solicitations and distribution of literature in the workplace. **Employees** must not solicit or promote support for any for-profit or not-for-profit cause or organization during his or her working time or during the working time of the **employee** to whom solicitation is being directed. **Employees** may solicit or promote support for any for-profit or not-for-profit cause or organization during his or her non-working time so long as it is during the non-working time of the **employee** to whom solicitation is being directed. **Employees** must not distribute or circulate any written or printed material in work areas at any time. Such activity may occur when **employees** involved are on non-working time and in non-working areas. Non-**employees** will not be permitted to solicit or distribute written material in the workplace for any purpose. **Supervisors** are prohibited from soliciting support from and distributing written or printed materials to subordinates.

5.3 ANTI-DISCRIMINATION

The City prohibits unlawful discrimination, including discrimination on the basis of race, color, religion, sex, age, national origin, veteran status, disability, sexual orientation, genetic information, or any other characteristic made unlawful by applicable law. If an **employee** believes that he/she has been subjected to any form of unlawful discrimination, he/she must contact the Human Resources Department or his/her **Department Manager**. The City will immediately undertake an effective, thorough and objective investigation. If the City determines that unlawful discrimination has occurred, the City will take effective remedial action commensurate with the severity of the offense and appropriate actions to deter any future discrimination. The City will not retaliate against **employees** for filing a complaint or **employees** who participate in the investigation of a complaint and will not permit retaliation by management or co-workers.

The City will make reasonable accommodations for the known disability of an otherwise qualified **employee** who can perform the essential functions of the job with or without reasonable accommodation, unless undue hardship would result. Any individual who requires accommodation in order to perform the essential functions of the job should contact Human Resources.

5.4 ANTI-HARASSMENT

The City strives to provide a work climate of integrity where respect is given to each individual. The City prohibits discrimination and harassment of City **employees** by anyone - management, **supervisors**, co-workers or non-**employees**, including vendors or contractors - on the basis of race, color, religion, sex, age, national origin, veteran status, disability, sexual orientation, genetic information, or any other characteristic made unlawful by applicable law.

Prohibited conduct includes unwelcome conduct, whether verbal, physical, or visual, that is based on or relates to an individual's race, color, religion, sex, age, national origin, veteran status, disability, sexual orientation, genetic information, or any other characteristic protected by applicable law, and 1) has the purpose or effect of creating an intimidating, hostile or offensive working environment; 2) has the purpose or effect of unreasonably interfering with an individual's work performance; or 3) otherwise adversely affects an individual's employment opportunities.

Examples of prohibited conduct include but are not limited to, epithets, slurs, negative stereotyping, written or graphic material, including e-mails, that denigrate or show hostility toward an individual, or any other threatening or intimidating act that relates to race, color, religion, sex, age, national origin, veteran status, disability, sexual orientation, genetic information, or any other characteristic protected by applicable law.

Prohibited behavior also may include, but is not limited to, any unwelcome behavior of a sexual nature, whether or not motivated by romantic or sexual desire, such as: sexual advances and propositions; requests for sexual favors; sexual jokes, comments, suggestions, or innuendo; foul or obscene gestures or language; display of foul or obscene or offensive printed or visual material; physical contact such as patting, pinching, hugging or brushing against another individual's body; and any other unwelcome verbal, physical or visual conduct of a sexual nature where:

- submission to such conduct is an explicit or implicit condition of employment;
- submission to or rejection of such conduct is used as a basis for employment-related decisions such a promotion, discharge, performance evaluation, pay adjustment, discipline, work assignment or any other condition of employment or career development; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, abusive or offensive working environment.

This policy applies universally to all City **employees** and to third parties in their dealings with City **employees**.

If an **employee** believes that he/she has been subjected to any form of unlawful harassment, he/she must contact the Human Resources Department or his/her **Department Manager**. The City will immediately undertake an effective, thorough and objective investigation. If the City determines that unlawful harassment has occurred, the City will take effective remedial action commensurate with the severity of the offense and appropriate actions to deter any future harassment. The City will not retaliate against **employees** for filing a complaint or **employees** who participate in the investigation of a complaint and will not permit retaliation by management or co-workers.

Any **employee** who violates this policy will be subject to corrective action up to and including termination. An exempt **employee** who violates this policy is subject to the full range of discipline, up to and including suspension in full day increments without pay and termination. Further, any **employee** will be subject to corrective action, up to and including termination, for engaging in behavior that is disrespectful or disruptive or otherwise prohibited by this policy, regardless of whether that behavior constitutes harassment prohibited by law.

Employees who have witnessed or experienced City **employees**, vendors or contractors engaging in behavior that is or may be prohibited by this policy, or who have questions, concerns or complaints of

discrimination or harassment, must immediately report the circumstances or incident to Human Resources or their **Department Manager**.

An **employee** is empowered, but not required, to complain to the person engaging in inappropriate behavior. Multiple avenues of complaint are provided so that the **employee** may complain to any one or more of the designated individuals.

Any **employee** who makes a complaint of discrimination or harassment in good faith, and/or participates or cooperates in a discrimination or harassment investigation will be protected from retaliation. **Employees** who believe they have been retaliated against for making a complaint or participating in an investigation should immediately report the circumstances or incident to Human Resources or their **Department Manager**.

5.5 DRUG AND ALCOHOL POLICY

In the interest of public and **employee** safety, the City of Prairie Village will strive to provide a **drug-free** and **alcohol-free** working environment for its **employees**, and thereby enhance the ability of City **employees** to deliver safe and efficient service to the community. The safety of the public and City **employees**, as well as the ability of the City to deliver safe and efficient services to the community, is directly and adversely affected by the use or abuse of **unauthorized, prohibited, illegal or controlled substances** including **alcohol, drugs**, and other chemicals.

Employees are prohibited from engaging in any activity that violates the City's policy of maintaining a workforce and workplace free from unauthorized, prohibited, illegal or **controlled substances**. For instance, it is a violation of City policy for **employees** to work or to be on City assignment while under the influence of **alcohol, illegal drugs** or other **unauthorized, prohibited, or controlled substances** or to have a detectable level of **alcohol, illegal drugs** and/or unauthorized, prohibited or **controlled substance** present in their systems. Note: all references to "**illegal drugs** and/or **unauthorized, prohibited controlled substances**," as used in this policy, include "**inhalants**" as described in the City's Municipal Code.

The City strictly prohibits the consumption, use, manufacture, dispensing, possession, promotion, purchase, sale, transportation, concealment, transfer, or storage of **alcohol, illegal drugs, unauthorized, prohibited, controlled substances** related paraphernalia while performing City work or on City assignment. Any **illegal drugs** and/or **unauthorized, prohibited or controlled substances** found by the City will be turned over to appropriate law enforcement agents for disposition.

Employees are expected to fully cooperate with City-mandated substance abuse testing programs and policies, and City-mandated searches of City property.

As a condition of employment, **employees** are required to notify Human Resources in writing, within five (5) calendar days any conviction, including a plea of "nolocontendere" (no contest), for any violation of a criminal statute involving the manufacture, distribution, dispensation, possession or use of any **controlled substance**.

Any **employee** who violates this policy (including any **employee** who refuses testing or will not cooperate with City-mandated searches of City property) will be subject to disciplinary action up to and including termination from employment. In addition, **employees** who attempt to destroy, tamper with or adulterate drug test specimens or records will result be terminated.

All information obtained in the course of testing of **employees** will be kept separate from the **employee's** official personnel file. Disclosures, without **employee** consent, may occur when:

- a **supervisor** has a need to know the information;
- the disclosure is compelled by law;
- the information has been placed at issue in a dispute between the employer and **employee**;

- the information is to be used in administering an **employee** benefit plan; or
- the information is needed by medical personnel for the diagnosis or treatment of the **employee**.

The responsible consumption of **alcohol** by **employees** is allowed at professional networking and social events or City-sponsored events occurring outside of the **employee's** normal work day.

The policies set forth herein are effective immediately upon notice to **employees**. Future **employees** will each be furnished a copy upon hiring. An **employee** who refuses to sign a receipt of this policy will be subject to disciplinary action up to and including termination from employment.

Public Safety

Employees who work in positions that involve public safety or the safety of others will be required to submit to controlled substance testing at intervals determined by the **Department Manager**. **Employees** with positive test results will be terminated.

Reinstatements

Any person returning to work after a layoff, leave of absence, or any other type of **employee** payroll separation, seven (7) days or more, will be required to submit to **controlled substance** testing. **Employees** with positive test results will not be reinstated.

Reasonable Suspicion/Belief Testing

The following conditions may result in "for cause" **controlled substance** and/or **alcohol** testing:

- Reasonable good faith objective suspicion or belief that an **employee** may be using or abusing **illegal drugs, unauthorized, prohibited, controlled substances**, or may be under the influence of **alcohol** and/or **inhalants**. Circumstances which give rise to such a reasonable suspicion include, but are not limited to:
 - slurred or altered speech;
 - **alcohol** on breath;
 - inability to walk a straight line;
 - physical altercation;
 - erratic behavior;
 - behavior which is so unusual that it warrants summoning a **supervisor** or anyone else with authority;
 - possession or observed use of **alcohol** or **drugs**;
 - information obtained from a reliable source;
 - unusual or prolonged absences;
 - persistent tardiness;
 - admission of possession or use of **drugs** or **alcohol** by the **employee**;
 - erratic or impaired job performance;
 - any workplace accident, injury or safety violation; or
 - any other behavior or conditions that could reasonably indicate that an **employee** is using or abusing **controlled substances** or **alcohol** in connection with the workforce or workplace.
- Other instances in which information provided to the City strongly suggest a basis for the City to believe an **employee** is using or abusing controlled substances or **alcohol** in connection with the workforce or workplace
- Where an **employee's** job responsibility involves public safety or the safety of others

Consequences of Test Results

In the case of testing due to reasonable suspicion/belief, **employees** may be suspended without pay following the initial specimen collection. If the test results are negative, all other factors indicate that there was no **controlled substance** use or abuse, and there is no other work rule violation on the part of the

tested **employee**, the **employee** will be returned to work and paid for all regularly scheduled time not worked while on suspension.

Employees with positive test results will be terminated.

Testing Errors

In the event an **employee** believes a positive test is in error, the **employee** may elect, at his/her own expense to contest the results with the medical review officer or designated testing contact.

5.6 ADMINISTRATIVE LEAVE

An **employee** may be placed on administrative leave with or without pay at the discretion of the **Department Manager** and with the approval of Human Resources. When administrative leave is granted a notice will typically be given to the **employee** stating the reason for the administrative leave and the duration of the leave.

5.7 PUNCTUALITY AND ATTENDANCE

Employees are expected to be ready to start work at the designated time. If a situation makes it impossible for an **employee** to report for work as scheduled, he/she is expected to notify the City of the tardiness or absence as soon as possible. The **employee** must speak directly with his/her **supervisor** or, if he/she is not available, to the **Department Manager**.

Excessive absenteeism, tardiness, or repeated failure to properly notify the City of intended absences or tardiness will not be tolerated and will be cause for disciplinary action up to and including termination. Failure to report for work without notification for two (2) consecutive scheduled workdays will be considered a voluntary resignation.

5.8 APPEAL PROCEDURE

The purpose of this policy is to provide a process for an **employee** to discuss dissatisfaction with some aspect of his/her work and to receive careful consideration and a prompt determination. This policy does not apply to complaints of discrimination or harassment. Complaints of discrimination are governed by Policy 5.3 (Anti-Discrimination), and complaints of harassment are governed by Policy 5.4 (Anti-Harassment).

An **employee** may make an appeal when he/she is dissatisfied with some aspect of his/her work including, but not limited to:

- application of policies except Policy 5.3 and 5.4);
- disciplinary procedures and actions;
- eligibility for or other decisions concerning benefits;
- performance Evaluation/Compensation; and/or
- suspension or demotion or termination.

The following items cannot be appealed:

- policy content; or
- work assignments.

The procedures for **employees** to pursue concerns through the chain of command is outlined below. **Supervisors** and higher authorities should see that all questions, complaints, and appeals receive prompt, impartial and systematic consideration to determine whether an adjustment is appropriate. Regular **employees** who have completed the trial period will be entitled to use the City's Appeal procedures.

It is the **employee's** responsibility to file appropriate documents for appeal.

Procedures for Appeals Involving Suspension, Demotion or Termination of **Commissioned Employees**

These procedures apply to (1) non-commissioned full-time **employees**, and (2) **commissioned** police officers with a concern other than suspension, demotion or termination.

Procedure for Appeals Involving Termination for Appointed **Employees**

Appeals for termination of employment for appointed **employees** shall be governed by Municipal Code.

Procedures for All Other Appeals

Step 1. If the **employee** is not satisfied with the decision of his/her immediate **supervisor**, he/she may appeal the decision to the **Department Manager**. The appeal must be in writing, specify the decision or concern being appealed and be filed with the **Department Manager** within two (2) **working days** following the immediate **supervisor's** decision. The **Department Manager** will hold a conference within five (5) **working days** after the **employee's** timely request for appeal is received (unless impossible due to absences). Staff members may attend the conference when requested by the **employee, supervisor** or **Department Manager** so long as they can offer information that is relevant to the decision, as determined by the **Department Manager**. The **Department Manager** will issue written findings, conclusions and/or recommendations to the **employee** within five (5) **working days** after the conference is concluded (unless impossible due to absences). The **Department Manager** may extend the deadline for issuing written findings, conclusions and/or recommendations if the conduct involved is criminal in nature or for good cause shown.

Step 2. If the concern has not been resolved to his/her satisfaction, the **employee** may appeal to the City Administrator. Such appeals must be submitted within five (5) **working days** after receiving the **Department Manager's** decision. Within five (5) **working days** of appeal, the City Administrator will hold a conference. Staff members may attend the conference when requested by the **employee, supervisor**, or City Administrator, so long as they can offer information that is relevant to the decision, as determined by the City Administrator. The City Administrator will issue a decision to the **employee** within five (5) **working days** of the hearing (unless impossible due to absences). The City Administrator may extend the deadline for issuing written findings, conclusions and/or recommendations if the conduct involved is criminal in nature or for good cause shown.

Should the City Administrator take the initial action with which the **employee** is dissatisfied, the appeal will be heard by the Assistant City Attorney. If the dissatisfied **employee** reports directly to the City Administrator, the appeal will be heard by the Governing Body only.

5.9 SMOKING AND USE OF TOBACCO PRODUCTS

No **employee** may smoke or use tobacco products in any City building or City motor vehicle. Smoking and the use of tobacco products are prohibited in public view and when interaction with the public is likely. Any **employee** who is found to have violated any provisions of this policy will be subject to disciplinary action, up to and including termination. Reports of **employees'** violations of this policy should be made to a **Department Manager**. Smoking and tobacco use cessation training will be periodically available to **employees** at a minimal cost. The City may assess a tobacco user differential for those covered by the City's insurance plans.

5.10 CARRYING OF WEAPONS

The City prohibits any **employee** from carrying a weapon while working for the City, whether or not the **employee** has a permit to carry a weapon under state or other law. This policy does not apply to **employees** whose job duties require or permit the use of a weapon. It also does not prohibit **employees** from carrying protective devices issued by the City for use in the completion of their job duties.

5.11 WORKPLACE SAFETY AND SECURITY

The City strives to make its working environment, as safe as possible, and to eliminate or reduce conditions that may result in injury. **Employees** are expected to carry out their job duties in a safe manner. **Employees** are required to immediately report any workplace hazards or safety concerns to their **supervisor** or **Department Manager**. Additionally, any job-related injury or illness regardless of severity must be immediately reported to the **employee's supervisor** or **Department Manager** in order to provide prompt and trained evaluation and medical attention if necessary.

All **employees** are expected to help maintain the security of the workplace. **Employees** are required to report the presence of any suspicious persons to their **supervisor** or **Department Manager** immediately. **Employees** must be aware of the location of any keys, security passes and identification badge(s) assigned to them at all times. **Employees** may not lend these items to anyone who is not authorized to possess them. Similarly, any computer passwords, security codes, and other such information must not be disclosed to anyone who is not authorized to have that information.

5.12 INFORMATION TECHNOLOGY USE

The City strives to provide the information technology resources and equipment necessary to conduct City business efficiently and to serve the public interest. Information technology resources are to be used productively for the benefit of the City and in furtherance of City business. It is the responsibility of **employees** to use information technology resources in an efficient, ethical, and lawful manner.

For purposes of this policy, "information technology resources" are defined as all communication and computing devices and systems including, but not limited to, computers, Internet connections, Intranets, networks, servers, routers, switches, pagers, cell phones, PDA's, tablets, facsimile machines, printers, scanners, E-mail or other electronic communication devices, voice mail, storage systems, other devices, and any data transmitted to or from or stored or kept in any of the above.

All information technology resources purchased by the City and provided to **employees** for use in the course of their job duties, including all messages and data sent, received, or stored on such resources, are the property of the City. City officials and information technology staff may, at any time, monitor user activity and the content of information accessed, transmitted, and used by users of the system in order to evaluate whether City business is being conducted efficiently or for any other reason. Users have no expectation of privacy in their use of the information technology resources, including any incidental personal use. Except as may be prohibited by law, the City may, without permission of the user, monitor, audit, intercept, access or disclose all data and messages created, received, or sent using information technology resources. Passwords or access codes the City provides to any user to access the City's information technology resources are granted solely for the purpose of ensuring and maintaining the security of the system and do not provide or create any personal right or expectation of privacy for any user. Users may not disclose to any third party any information technology resources passwords unless required or permitted by this policy or applicable law.

Incidental personal use by users of the City's information technology resources is permitted as long as it:

- is brief and occasional;
- does not interfere with the user's work, another's work, or the City's operations;
- does not violate any City policy, procedure, or rule or put any City system or resource at risk; and
- there is no marginal cost to the City on account of such personal usage.

Notwithstanding anything contained in this policy to the contrary, **employees** may not access social networking websites using the City's information technology resources for any length of time for any purpose whatsoever without the prior consent of the **employee's supervisor**.

Users engaging in the improper use of information technology resources are subject to discipline, including, but not limited to, the loss of computer or network access privileges and/or termination of employment. Some violations may constitute criminal offenses and the City may report such violations to appropriate authorities.

Employees should use the same care and caution when sending messages, working notes, or other correspondence using information technology resources as they would when sending formal memoranda. Communications that would be inappropriate under other City policies are equally inappropriate when transmitted using information technology resources. Disrespectful exchanges, insubordinate statements and offensive language should be avoided. **Employees** are expected to use professional judgment and common sense at all times. If an inappropriate Web site is accessed, the site or browser session should be closed immediately. **Employees** should contact their immediate **supervisor** if unsure about the appropriateness of a particular Web site or to notify him/her that an inappropriate Web site was inadvertently accessed.

In addition to the rules and regulations promulgated under this policy, an **employee's supervisor** may impose additional information technology usage restrictions with which an **employee** must comply.

Users should not duplicate, introduce, download, or distribute from the Internet or from an e-mail any software or materials that are copyrighted, patented, trademarked, or otherwise classified as intellectual property without express permission from the owner of the material. Users are required to adhere to all applicable licensing and intellectual property restrictions. The City may conduct periodic checks of the contents of information technology resources to ensure compliance with this section and will remove any software not in compliance.

Using the Internet and e-mail also can expose information technology resources to an array of "viruses" that can "infect" the City's information technology resources and cause the loss of information or even a complete shutdown of the system. Users must exercise due care and caution to prevent computer viruses from being received or transmitted through the system. These viruses may be present in certain Internet files, programs, or e-mail attachments. When appropriate Internet material or e-mail files are downloaded, they should be scanned using the City antivirus software. Users should not open e-mail messages or attachments unless they are certain of the trustworthiness of the source. Messages that appear likely to contain inappropriate material or a security threat should be deleted immediately. Users must, at all times, follow the City's anti-virus rules as promulgated herein and by the information technology personnel from time to time. Users should use care in communicating confidential information and should take reasonable steps to ensure that the communication is properly identified and directed. Users must be mindful that certain communications systems, such as e-mail and cellular telephones, can be easily misdirected or intercepted. Proprietary and trade secret information generally should not be transmitted via e-mail, facsimiles, cellular telephones, or any other insecure communication system. Users must comply with the required or appropriate levels of confidentiality related to governmental information systems and records. Each user is responsible for the content of all text, audio, or images that they transmit, store, or otherwise dispose of using information technology resources.

Users are responsible for the management of data transmitted or received using information technology resources in accordance with the City's Records Management policy.

The City uses Web content filtering systems to prevent users from accessing certain non-business related Web sites, as determined in the City's sole discretion from time to time. Users who need access to a blocked site for City business purposes should consult with the appropriate **supervisor**, **Department Manager**, and the IT Department. The fact that a particular Web site is not blocked does not mean that users are necessarily permitted to access that site.

The City's information technology resources are intended to promote the efficient and effective performance of City business and should be used solely for that purpose, except as otherwise permitted

under this policy. Unacceptable uses of the City's information technology resources include, but are not limited to the following:

- to use of information technology resources for personal gain or to conduct a for-profit business enterprise;
- exchanging information related to religious, social or other activities that have no affiliation with the City, other than the incidental and occasional personal use permitted by this policy;
- viewing, storing, displaying or transmitting any messages or images that contain defamatory, false or fraudulent, abusive, obscene, pornographic, profane, sexually-oriented, threatening, racially offensive or otherwise biased, discriminatory or harassing material;
- viewing, storing, displaying or transmitting any messages or images in violation of any local, state or federal law or regulation, or which contains illegal material or solicits the performance of any activity or conduct that is prohibited by law;
- viewing, storing, displaying or transmitting messages or images that violate City policy and/or regulations prohibiting sexual harassment;
- introducing computer worms, viruses or other malicious programs;
- exchanging messages likely to result in the disruption or loss of the recipient's work and/or other uses that are likely to cause congestion of the network or telephone systems or otherwise interfere with the work of others;
- knowingly falsifying or appropriating another user's electronic identification information;
- accessing another current user's voice-mail or e-mail account without his or her express consent, or otherwise using another's identity to access information technology resources;
- attempting or gaining unauthorized or unlawful access to information or computer and communications resources;
- accessing services that provide streaming media or other continuous data, audio or video that is not business related;
- intentionally or negligently accessing websites or services that contain a virus or otherwise threaten the City network;
- loading, installing, or running software, or visiting Internet sites that facilitate peer-to-peer file sharing, gaming, gambling, or other unauthorized activity;
- uploading or saving removable media any data belonging to the City for any inappropriate purpose or personal gain;
- using encryption devices on information technology resources without authorization, or to circumvent or subvert any information technology security measures imposed by the City or its personnel;
- introducing, using, or accessing software or hardware devices designed to gain unauthorized access to information technology resources or record the use of another by password recording, port scanning, keystroke recording, or any other method;
- introducing, using, or accessing software or hardware devices designed to corrupt or destroy or cause any harmful effect to the City's or a third party's information technology resources; or

The City reserves the right to deem other uses of information technology resources as inappropriate and in violation of this policy where the use would violate this policy, other City policies, rules, or regulations, or would violate applicable federal, state, or local laws, rules, or regulations.

5.13 PERSONAL APPEARANCE

Acceptable personal appearance is an ongoing requirement for employment with the City. It is important that all **employees** have a clean, neat, and appropriate appearance while on duty. Radical departures from conventional dress or personal grooming and hygiene standards are not permitted, unless the **employee** has legitimate reasons for an exception.

The City has adopted a Business Casual Dress Policy as the dress standard. **Employees** who prefer to dress in customary business attire are free to do so. Each **Department Manager** may develop appropriate and reasonable dress code and personal appearance rules for his/her **employees**, so long as they are generally consistent with the standards outlined in this policy. There may be times when more customary business attire would be appropriate and/or required and **employees** are expected to comply with requests to dress accordingly, unless the **employee** has legitimate reasons for an exception. Departments with an appropriate safety or business need may require **employees** in certain positions to wear uniforms.

Appropriate hygiene and undergarments are required at all times. Hair should be clean, combed, and neatly trimmed or arranged. Shaggy, unkempt hair is not permissible, regardless of length. Facial hair should be neatly kept. Clothing and shoes should be clean and neatly worn.

Excessive visible tattoos or tattoos that are inappropriate must be covered. No tongue rings, brow rings, facial jewelry, or visible belly-button rings will be allowed. **Employees** with ear piercings should wear earring(s) that are conservative. Religious accommodation may be made for some forms of body jewelry or piercing. **Employees** requiring such an accommodation should contact Human Resources.

Employees without a designated uniform must comply with the following guidelines:

- Men should choose from: business suits, dress slacks, docker-style pants, sport coats, dress shirts, sweaters, polo shirts, appropriate shoes (no athletic shoes), khakis, sport shirts, cotton shirts, golf shirts, and ties.
- Women should choose from: dresses, skirts (no shorter than two (2) inches above the knee), suits, blouses, jackets, sweaters, business, appropriate dress slacks, appropriate hosiery and shoes (no athletic shoes),
- At the discretion of the City Administrator, jeans, athletic shoes, or loafers may be worn in addition to the aforementioned acceptable dress wear when **employees** are not representing the City in a more formal business capacity.

Employees generally should not wear athletic wear, shorts, skorts, Capri pants / gauchos, skirts more than two (2) inches above the knee, overalls, leggings/stirrup pants, T-shirts, sweats, tank tops, tube tops, midriff tops (no middle area to be shown at any time), denim, sandals, flip-flop style shoes, shoes without a heel or back, or any other casual attire that do not present a businesslike appearance. Attire which is reasonably perceived as sexually suggestive or revealing is not permissible. Casual sleeveless tops, sundresses, and spaghetti straps of any variety may be worn only if covered by a jacket, sweater, or top shirt.

Any **employee** who does not meet these standards will be required to take steps to comply, which may include leaving the workplace to change clothes. Nonexempt **employees** will not be compensated for any work time missed because of failure to comply with this Policy. Violations also may result in disciplinary action.

5.14 RECYCLING

The City and its **employees** are committed to being good stewards of the environment, reduce waste and recycle when possible. **Employees** are encouraged to recycle by using the designated bins in City offices. Items such as packaging showing evidence of food or drink, used aluminum foil, pens, paper napkins or hand towels, Styrofoam and other packaging that does not display a recycling symbol with a number (1-7) cannot be recycled and should be properly disposed. Each **employee** is responsible for separating recyclable items from trash and placing them in the appropriate container.

SEPARATION

6.1 EMPLOYEE SEPARATION

An **employee** who resigns should give at least ten (10) **working days** notice.

When a future date is established for separation, immediate removal from duties may occasionally be desirable to minimize the adverse effect on other **employees** or to allow the separated **employee** to seek new employment. In such cases, up to two weeks pay may be provided in lieu of notice in the City's sole discretion. The prior approval of the **Department Manager** and acknowledgment by the City Administrator or Mayor must be secured by the **supervisor**.

6.2 EXIT INTERVIEWS

Human Resources or the City Administrator may conduct an exit interview of departing **employees** to determine and document the reasons **employees** leave the City, to provide an opportunity airing unresolved concerns, and to solicit constructive criticism helpful to improving the City.

Exit interviews will typically cover, but not be limited to, the **employee's** comments regarding the following points:

- job duties and workload
 - match with interests and abilities, advancement opportunities;
- quality of supervision
 - fairness, supportive;
- City policies and practices;
- working environment; and
- salary and benefits

DEFINITIONS

alcohol or alcoholic beverage: Any beverage that has any alcoholic content.

commissioned employee: Any **employee** who has been granted the right to carry a firearm as part of his/her job duties.

conference days: The day the conference begins, the day the conference ends and any days in between on which conference activities occur.

drug: Any substance other than **alcohol** capable of altering the mood, perception, pain level, or judgment of the individual consuming it.

Department Manager: An **employee** who is in the position of City Administrator, Assistant City Administrator, Chief of Police, Public Works Director, or the designee of such positions.

domestic partner: Any individual who has been designated as such on the Declaration of Domestic Partnership form.

Employee(s): A person appointed or hired for a position to perform work for the City whether on a seasonal, full-time, or part time basis. The term **employee** refers to both male and female **employees**.

immediate family member: An individual defined as a parent, child, spouse, brother, sister, grandparent, in-law, or any blood relative residing in the **employee's** home or any individual designated as a **domestic partner**.

Illegal Drug and/or Prohibited, Controlled Substances: Any **drug** or **controlled substance** for which the sale, possession, distribution, or consumption is illegal under federal or state law (including, but not limited to, K.S.A. 65-4101 et seq., as it may be amended from time to time) This includes, but is not limited to, **inhalants** and other agents not intended for consumption.

inhalants: Items as defined in the City's Municipal Code.

metropolitan area: The nine county Kansas City **metropolitan area** served by the Mid-America Regional Council (MARC) comprised of the Missouri counties of Platte, Clay, Ray, Jackson and Cass and the Kansas counties of Leavenworth, Wyandotte, Johnson and Miami.

supervisor(s): An **employee's Department Manager** or the **Department Manager's** designee.

travel days: For per diem calculation purposes when traveling by air, travel time is defined as beginning one hour prior to departure and one hour after returning to KCI.

working day: A day on which the **employee** is scheduled to work or on which the City Clerk's Office is open to the public.

Workplace Accident: Any accident resulting in injury to self, and/or involvement in an accident which results in injury of another individual and/or property damage.

Estimated Fiscal Impact of Recommended Employee Handbook Changes

- November 2012

Donated Sick Leave vs. Sick Leave Buyback

- Currently the City offers a donated sick leave benefit. The new handbook eliminates donated sick leave program and replaces it with a sick leave buyback policy. The new policy following is to encourage employees to use sick leave sparingly by introducing a buyback at 20% of the value at retirement and 10% at the time of voluntary termination. The chart illustrates the costs of the two policies over the last three years, if the buyback program was in place.

	2010	2011	2012
Donated Sick Leave Costs <i>(actual)</i>	13,941.60	9,597.20	20,219.00
Sick Leave Buyback <i>(estimated)</i>	16,226.65	1,138.14	11,712.06

Reduction of Sick Leave Cap - Voluntary Sick Leave Buyback

- The new handbook introduces a cap of 750 sick hours for employees who have a sick leave balance of 750 hours or less on December 21, 2012; voluntary buyback of time at 20% for employees above 750 hours to cap at 750 hours. Staff estimates less than 25% or less of eligible employees will select the buyout payment option.

	Estimated Cost if 25% of EE's w/ 750+ Hours Select Payment	Cost if 100% of EE's w/ 750+ Hours Select Payment
20%	10,883.63	43,534.51
# Employees	6	25

Holiday Pay - 200% vs. 150% (Does Not Inlude Compensatory Time)

- Current practice is payment of 200% for holiday hours, plus 8 hours of leave to use on another date; recommendation to decrease to 150% for holiday hours, plus 8 hours of leave to use on another date.

	2010	2011	2012
200%	8,835.35	8,494.37	8,211.15
150%	6,626.51	6,370.78	6,158.36
Estimated Decrease	2,208.84	2,123.59	2,052.79

MEMO

To: Prairie Village Council Committee of the Whole

From: Catherine P. Logan, City Attorney

Dated: November 16, 2012

Re: Hearing on Ethics Complaint scheduled for Committee meeting beginning at 6:00 p.m. on Monday, November 19, 2012

Attached is the Written Complaint Pursuant to Section 1-212 "Code of Ethics" of the Code of the City of Prairie Village dated November 5, 2012, as supplemented November 14, 2012 ("Complaint").

Also attached are two communications I received from Grady S. Price, the attorney for Councilmember Morrison.

The following sets forth the procedures to be followed in accordance with the Rules adopted by the Committee on November 5, 2012.

1. Open Hearing. Acting Council President Clark will announce that the Committee will open the hearing on the ethics complaint. Councilmember Morrison will recuse himself as a member of the Committee for this item.
2. Evidence and Questions. The City Attorney will present the Complaint, and the attached communications from Councilmember Morrison. Acting Council President Clark will invite questions by Committee members of staff and Councilmember Morrison.
3. Deliberation [may be in closed or open session]. At the conclusion of the above, the Acting Council President will announce that the hearing portion of the proceeding is concluded. Any member of the Committee may move to recess into executive session to deliberate. Proper motion is "Move to recess into executive session pursuant to KSA 75-4318(g)(1) to deliberate on matters relating to a decision involving a quasi-judicial function, the consideration of a violation by Councilmember Morrison of the City's Ethics Code. Present will be members of the Council Committee of the Whole." Deliberation in executive session is optional. Executive session should include only members of the Committee of the Whole who are not recused.

The Committee will then deliberate on whether there was an ethics violation by Councilmember Morrison, and if it finds there was an ethics violation, consider possible actions under Section 1-212(j) of the Ethics Code. Draft written findings and recommendations may be considered during this executive session but may not be acted upon.

4. Findings and Recommendations [must be in open session]. Upon the conclusion of the deliberations, the Committee reconvenes in open session, and, by majority approval, shall adopt written findings as to whether any violations have occurred. If the Committee finds that one or

more violations have occurred, it shall also make a written recommendation to the Mayor as to the appropriate action, if any, in accordance Section 1-212(j) of the City Code. Those actions may be: no action, or either public censure or ouster in accordance with applicable statutes.

Statutory ouster proceedings are governed by KSA Sections 60-1201 through 60-1208. If ouster is recommended, the Mayor would send a written notice and "complaint" to the District Attorney setting forth the findings and recommendations of the Committee, and request that the District Attorney initiate an ouster proceeding against Councilmember Morrison. I should note that under KSA Section 60-1206, the District Attorney may initiate an ouster proceeding on his own initiative, without a complaint from the City.

In response to an inquiry as to whether the Council Committee of the Whole may remove Councilmember Morrison as President of the Council, my response is that such action may only be taken by the City Council. This is because it is the City Council, and not the Council Committee of the Whole, which elects the president of the council. Section 1-206 of the City Code.

To: Prairie Village Council Committee of the Whole

From: Catherine P. Logan, City Attorney

Date: November 5, 2012

Written Complaint Pursuant to Section 1-212 "Code of Ethics" of the Code of the City of Prairie Village

The Code of Ethics governing public officials is set forth in Section 1-212 of the Code of the City of Prairie Village.

Section 1-212(j) provides that any alleged violation by a public official shall be brought to the attention of the Council Committee of the Whole by a written complaint duly signed by a complaining party.

STATEMENT OF FACTS

The following information has been reported to me by City staff:

Councilmember David Morrison called Police Chief Jordan, Chief Jordan believes on Monday, October 29, to ask Chief Jordan for advice regarding an individual named Kelly Malone. Councilmember Morrison stated that Mr. Malone was an old friend, was homeless, has struggled with a drug problem, and was fearful for his life due to personal knowledge of criminal activities. Chief Jordan indicated that although there was no apparent connection to Prairie Village, Mr. Malone could call and arrange a meeting with detectives from the Special Investigations Unit. No meeting was scheduled at that time.

City Hall is closed to the public during non business hours. Entry into City Hall during non business hours is through secure code protected doors at the end of a corridor connecting the dispatch area of the Police Department to City Hall. During business hours, certain areas within City Hall remain secure to protect the personal safety of City staff and to safeguard City records and property. Access to those areas is also through secure code protected doors. Members of the Governing Body and authorized staff are assigned unique individual access codes which allow them to enter City Hall when it is closed, and to enter certain of the secure areas within City Hall.

Kelly Malone was encountered by City staff in the staff lounge/kitchen area, located off of a secure corridor in City Hall, at 7:00 a.m. on Wednesday, October 31, 2012. Mr. Malone reported to staff that Councilmember Morrison had brought him to the lounge/kitchen area and told him to wait there until Councilmember Morrison returned with an attorney in preparation for a meeting with Chief Jordan. Chief Jordan had not scheduled an appointment with Mr. Malone.

Shortly after the encounter, Mr. Malone left the staff lounge/kitchen area. The secure corridor outside this area accesses a building "exit only" door, and a stairway to a lower level area which houses a workout room for staff, men's and women's restrooms/locker rooms and showers, and

communications equipment. Staff thought Mr. Malone had left the building through the exit door, but he was later discovered by Chief Jordan in the men's locker room, where he appeared to be hiding. Chief Jordan tried to reach Mr. Morrison by phone and left him voice mail.

Chief Jordan asked Mr. Malone to bring his belongings, a large duffle bag, and accompany him to the Police Department. Mr. Malone was interviewed by officers of the Special Investigations Unit. Mr. Malone told the officers that Councilmember Morrison gave his security access code to Mr. Malone. Mr. Malone also disclosed to the officers that "he has been a past methamphetamine, heroin, and prescription pill abuser, that he has been staying in halfway houses and recently was released from the Johnson County Jail." He also stated that he was in fear for his life, and that he had recently been shot at on two occasions. The Special Investigations Unit verified that Mr. Malone has an extensive criminal history and an outstanding misdemeanor warrant for assault from Holland, Michigan. Councilmember Morrison had not returned Chief Jordan's call or arrived at the municipal complex by 10:15 or 10:30 a.m. when Mr. Malone left alone.

As a result of the above incident, Chief Jordan directed his staff to begin reviewing video recordings of City Hall to determine how the breach of security had occurred. Although this review is ongoing, to date it has revealed the following, in chronological order:

Saturday, October 27, in the late afternoon, Councilmember Morrison called the Prairie Village police dispatcher to inquire about resources for shelter for homeless persons. The dispatcher referred him to the City Union Mission.

Saturday, October 27, 5:52 p.m. Councilmember Morrison and Mr. Malone entered City Hall through the Police Department. Councilmember Morrison stopped at the dispatch window and explained that they were going to City Hall for a homes association meeting, that the dispatcher would see Mr. Malone on security cameras, and that Mr. Malone was authorized to be there. Security videos indicate that Councilmember Morrison gave Mr. Malone a tour of City Hall, including secure areas inside City Hall. The secure areas inside of City Hall entered by both were the corridor leading to the staff lounge/kitchen area and lower level, and an unlocked record storage room next to the lounge/kitchen area, and the main City administrative offices, which are also secure. They exited the building together through the main front door of City Hall at about 6:06 p.m.

Saturday, October 27, 8:56 p.m. Councilmember Morrison and Mr. Malone returned to City Hall together through the Police Department. Mr. Morrison explained to the dispatcher then on duty that they would be working in City Hall. Councilmember Morrison exited through the main front door of City Hall at 9:22 p.m., leaving Mr. Malone alone in secure area(s) of City Hall.

Saturday, October 27, 10:30 p.m. Mr. Malone was captured on video inside City Hall.

Sunday, October 28, 10:11 a.m. Mr. Malone was captured on video inside City hall in public areas leading to the secure corridor housing the staff kitchen/lounge area.

Sunday, October 28, 1:03 p.m. Councilmember Morrison returned to City Hall through the Police Department. He and Mr. Malone exited together through the main front door of City Hall at 1:06 p.m., indicating Mr. Malone had been alone in City Hall for approximately 16 hours.

Monday, October 29, 12:25 a.m. Councilmember Morrison and Mr. Malone returned to City Hall together through the Police Department. Councilmember Morrison explained to the dispatcher on duty that they would be working in City Hall. Councilmember Morrison exited through the main front door of City Hall at 12:40 a.m., leaving Mr. Malone alone in secure area(s) of City Hall.

Monday, October 29, 7:41 a.m. Mr. Malone was observed leaving the secure corridor by the Multipurpose Room and walked to the Council Chambers where at some point he was observed by City staff in the City Prosecutor's office located off of the Council Chambers. Mr. Malone exited the building at 8:47 a.m. without his duffle bag and jacket. He returned at 8:53 a.m. with an unidentified female and they entered the Council Chambers where they remained until 9:49 a.m. when they exited the building with Mr. Malone's belongings.

Wednesday, October 31, 2012, 12:22 a.m. Mr. Malone returned to City Hall alone through the Police Department. He explained to the dispatcher on duty that he was meeting Mr. Morrison. He entered City Hall alone after passing through two secure code protected doors, and remained until the following morning when he was discovered by staff at 7:00 a.m. in the secure staff lounge/kitchen area in the incident first described above.

Councilmember Morrison did not seek or obtain permission from City staff or officials for giving Mr. Malone unsupervised access to secure area(s) of City Hall.

As noted above, the investigation is ongoing. At this time no property has been reported by City staff to be missing. However, City records are not inventoried, and there is no practical method to determine if City records are missing, or have been compromised by unauthorized review or copying.

CONCLUSIONS

Based upon the above events, it is apparent that Councilmember Morrison gave his security code to Mr. Malone, and gave Mr. Malone unauthorized and unsupervised access to City Hall during periods when it was not open to the public, as well as unauthorized and unsupervised access to secure areas inside City Hall.

As a result of these actions, on numerous occasions described above, Mr. Malone was present and unsupervised in City Hall, with additional access to secure areas inside City Hall, both during and after regular business hours, including overnight. Access to certain areas inside City Hall is secure and not open to the public in order to protect the personal safety of City staff, the security of records and the safekeeping of valuable property and equipment. Mr. Malone had unsupervised access to, and in fact did access, the secure corridor off of which are located an unlocked storage room for public and nonpublic City records, the staff lounge/kitchen area, the

lower level staff workout room, men's and women's restrooms/locker rooms and showers, and communications equipment.

Mr. Malone has a known criminal record and a reported problem with drug use. The personal security and safety of City staff, and the security and safekeeping of City property, equipment and records, were at serious risk as a result of Mr. Malone's unauthorized access to and unsupervised presence in City Hall. These events were the direct result of Councilmember Morrison's actions.

Based upon the above, Councilmember Morrison appears to have violated the following provisions of Section 1-212 of the Code of the City of Prairie Village:

1-212(e)(5). Disclosure of Confidential Information - No councilmember or other official or employee, shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the city. Nor shall he or she use such information to advance the financial or other private interest of himself, herself or others. When a question arises about classification of information, the departmental supervisor and/or the city attorney shall make the determination.

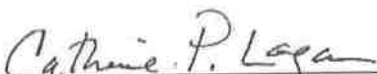
1-212(g). Misuse of City Property. No city official or employee shall request or permit the use of city-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such official or employee in the conduct of official business.

In accordance with Section 1-212, this complaint is made for the purpose of initiating an investigation by the Council Committee of the Whole whether Councilmember Morrison violated the Code of Ethics.

COUNCILMEMBER MORRISON RESPONSE.

A draft of the above statement of facts was shared with Mr. Morrison and his counsel on November 2, 2012. At the request of Mr. Morrison's counsel, a letter dated November 5, 2012, setting forth Mr. Morrison's version of the above events is attached to this complaint.

Dated November 5, 2012



Catherine P. Logan, City Attorney

Attachments:

Letter dated November 5, 2012 from Graydon S. Price to Katie Logan
Section 1-212 of the Code of the City of Prairie Village.

November 5, 2012

SENT VIA EMAIL ONLY TO:

Katie Logan
Lathrop and Gage
10851 Mastin Boulevard
Building 82, Suite 1000
Overland Park, KS 66210

RE: Draft Comments

Dear Ms. Logan,

Council member Morrison called Chief Jordan early Monday morning, October 29, at the police department to advise him that he may be contacted by a friend to ask for his assistance and direction. Mr. Morrison explained that he had referred his friend of many years to the Chief to help him assess a highly problematic situation and help to bring about the proper resolution.

Councilmember Morrison told the chief early Monday morning that he lacked any experience in these matters and had pleaded with his friend to meet with the Chief because he trusted the Chief and knew that Chief Jordan would steer him in the right direction.

He told the Chief that his friend was an old friend and feared for his life due to personal knowledge of criminal activities. Councilmember Morrison told Chief Jordan that his friend may have useful information and evidence about criminal activities in multiple jurisdictions (including tape recorded evidence) and asked for the Chief's assistance to sort it all out.

Before releasing Mr. Morrison's friend at approximately 10:15 a.m. on Wednesday, October 31, the police department conducted a search of his friend and of his belongings. No city property or information obtained from city records was found in his belongings, a large duffel bag, or on his person. No evidence or indication of property damage or that confidential records were accessed was alleged or found.

Upon entering the police department on Saturday, October 27, at approximately 6:00 p.m., Mr. Morrison told police dispatch he would be meeting his friend. Councilmember Morrison does not recall for certain his exact language at that specific time. Mr. Morrison, along with his friend, did however check to see if he left behind some homes association material in City Hall the previous day.

Prior to Mr. Morrison's friend's return to City Hall on Wednesday, October 31, 2012 at 12:22 a.m., Councilmember Morrison advised his friend not to return to City Hall and that at some point soon he was going to have to have his access code changed. Mr. Morrison made multiple calls to Chief Jordan throughout the same day on Wednesday, but was unsuccessful in his attempt to reach the Chief until the Chief contacted him at work late that day. Chief Jordan then informed Mr. Morrison that his access code had been deleted from the system for the time being. Mr. Morrison told the Chief that he has tried to reach him previously and acknowledged the fact that his access code was deleted. Councilmember Morrison then thanked the Chief for the courtesy call and volunteered to cooperate fully with any investigation.

Councilmember Morrison accepts full responsibility for this incident and believes that the city staff acted in an appropriate and highly professional manner.

Sincerely,

ANDERSON & PRICE, P.C.

Graydon S. Price

Rule 12. Precedence of Questions. All questions shall be put in the order in which they are moved, except in case of privilege questions, and in filling blanks the longest time and the largest sum shall be first.

Rule 13. Previous Question. The previous question shall be put in these words: "Shall the main question now be put?" It shall be admitted on demand of any member and until decided shall preclude all amendments and debate of the main question.

Rule 14. Passing of Ordinances. All ordinances shall be read by sections, at which time amendments, if any, may be offered, but the reading of any section shall not preclude the offering of an amendment to any preceding one. If amendments are made the chair shall so report, and each section shall be read as amended before the vote on the passage of the ordinance is taken. After reading and amendment (if any) of the ordinance, the question shall be: "Shall the ordinance pass?" The vote on the final passage of an ordinance shall be taken by yeas and nays, which shall be entered on the journal by the clerk; and no ordinance shall be valid unless a majority of (or otherwise as required by law) the members of the council vote in favor thereof: Provided, That no ordinance shall contain more than one subject, which shall be clearly expressed in its title, and no section or sections of an ordinance shall be amended unless the amending ordinance contains the entire section or sections as amended and the section or sections amended shall be repealed. (K.S.A. 12-3002, 12-3004)

Rule 15. Signing and Engrossing Ordinances. After an ordinance shall have passed it shall be correctly entered in the original ordinance book and the original and the book copy shall be signed by the mayor, or in the absence of the mayor by the acting mayor, and attested by the clerk, who shall secure publication of the ordinance as required by law.

Rule 16. Clerk Reads Communications. Petitions and other papers addressed to the governing body shall be read by the clerk under proper order of business upon presentation of the same to the board.

Rule 17. Robert's Rules of Order. In all points not covered by these rules the governing body shall be governed in its procedure by Robert's Rules of Order.
(Code 2003)

- 1-212. CODE OF ETHICS. (a) Purpose. To establish guidelines for ethical standards of conduct.
(b) Scope. This policy applies to officials and employees.
(c) Policy. The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels or governmental structures; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of

these goals, there is hereby established a code of ethics for all officials and employees

The purpose of this code is to establish guidelines for ethical standards of conduct for all officials and employees by setting forth those acts or actions that are incompatible with the best interests of the city and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the city. The provisions and purpose of this code of ethics are in the best interests of the city. This code of ethics shall not apply to persons who serve only as members of boards, committees, or commissions.

(1) Responsibilities of Public Office. Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and to carry out impartially the laws of the nation, state, and city and thus to foster respect for all government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office, regardless of personal consideration, recognizing that the public interest must be their primary concern. The conduct in both official and private affairs should be above reproach.

(2) Dedicated Service. (A) All officials and employees of the city should be loyal to the objectives expressed by the electorate and the programs developed to attain those objectives. Appointive officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.

(B) Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.

(d) Fair and Equal Treatment. No official or employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen, other than those established by council as employee fringe benefits.

(e) Conflict of Interest. (1) No councilmember or other official or employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his or her duties in the public interest or would tend to impair his or her independence of judgment or action in the performance of his or her official duties.

(2) Substantial Interest in Any Business. No councilmember or other official or employee shall act on any matter which will affect any business in which he or she holds a substantial (as defined in K.S.A. 75-4301) interest unless a written report of the nature of such interest has been filed with the county clerk.

(3) Participation in a City Contract. No councilmember or other official shall make or participate in the making of any contract by the city with any person or business by which he or she is employed or in whose business he or she has a substantial interest. Any official or employee does not participate in the making of a contract if he or she abstains from any action in regard to the contract. This rule does not apply (i) if the contract is let after the competitive bidding has been

advertised for by public notice, or (ii) when a contract is for property or services for which the price or rate is fixed by law.

(4) Incompatible Employment - No councilmember or other official or employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence of judgment or action in the performance of his or her official duties, unless otherwise permitted by law and unless disclosure is made as provided in this code.

(5) Disclosure of Confidential Information - No councilmember or other official or employee, shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the city. Nor shall he or she use such information to advance the financial or other private interest of himself, herself or others. When a question arises about classification of information, the departmental supervisor and/or the city attorney shall make the determination.

(6) Gifts and Favors. No councilmember or other official or employee shall accept any valuable gift, whether in the form of service, loan, thing or promise, from any person, firm, or corporation which to his or her knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the city; nor shall any such official or employee (a) accept any gift, favor or thing of value that may tend to influence him or her in the discharge of his or her duties or (b) grant in the discharge of his or her duties any improper favor, service, or thing of value. The prohibition against gifts or favors shall not apply to: (a) an occasional nonpecuniary gift, of only nominal value or (b) an award publicly presented in recognition of public service or (c) any gift which would have been offered or given to him or her if not an official or employee.

(7) Late Case Interest. No public officer or employee shall, after the termination of service or employment with the city, appear before any board, commission, committee or agency of the city in relation to any case, proceeding or application in which he or she personally participated during the period of his or her service or employment, or which was under his or her active consideration. This does not preclude ex-employees from testifying in court on city-related matters.

(f) Political Activity. Employees are encouraged to vote in any and all elections for which they are eligible; however, to safeguard the city's policy of employment and advancement on the basis of merit and qualifications, employees are prohibited from participating in the election campaign of any candidate for city office or from holding any office in any political party organization "within the city" which may influence the election of any city official.

No official or employee, whether elected or appointed, shall promise an appointment to any municipal position as a reward for any political activity.

(g) Misuse of City Property. No city official or employee shall request or permit the use of city-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such official or employee in the conduct of official business.

(h) Applicability of Code. When a councilmember or other official or employee has doubt as to the interpretation or the applicability of a provision of this code to

a particular situation, he/she should apply in writing to the Council Committee of the Whole for an advisory opinion and be guided by that opinion when given. Any official, employee or citizen shall have the opportunity to present his or her interpretation of the facts at issue and of the applicable provision(s) of the code before such advisory decision is made. This code shall be operative in all instances covered by its provisions except when superseded by an applicable statutory or charter provision and statutory or charter action is mandatory, or when the application of a statutory or charter provision is discretionary but determined to be more appropriate or desirable.

(i) Distribution of Code of Ethics. The city clerk shall cause a copy of this code of ethics to be distributed to every public officer and employee of the city within 30 days after enactment of this code. Each public officer and employee elected, appointed or employed thereafter, shall furnish a copy.

(j) Enforcement of Code. Any alleged violation by a public official or employee shall be brought to the attention of the Council Committee of the Whole by a written complaint duly signed by a complaining party. The Council Committee of the Whole shall investigate the written complaint. The Council Committee of the Whole shall adopt its own rules for studying and investigating complaints. After investigating the complaint, the Council Committee of the Whole shall make recommendations in writing to the mayor and the department head of the employee. The mayor and department head shall take whatever action they deem appropriate. In the case of employees, action shall be based upon established employment policies of the city, including dismissal where appropriate. On the part of public officials, action, if any, shall either be public censor or ouster, provided that all action be in accordance with the applicable statutes of the State of Kansas.

(Code 2003; Ord. 2166, Sec. I and II, 2008)

To: Prairie Village Council Committee of the Whole

From: Catherine P. Logan, City Attorney

Date: November 14, 2012

Supplement to November 5, 2012 Written Complaint Pursuant to Section 1-212 "Code of Ethics" of the Code of the City of Prairie Village

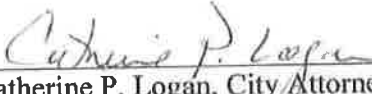
As a result of the ongoing investigation, the STATEMENT OF FACTS is supplemented as follows:

Staff reports that during the times that Mr. Malone was alone in City Hall, phone calls were made from the phone located in staff lounge/kitchen area. Five of those calls were made to long distance numbers. Staff estimates the City will be billed \$9.59 for those calls based upon a billing rate of 0.14/minute.

Staff also reports that during the time Mr. Malone was observed to be in the Prosecutor's office off of the Council Chambers on 10/29/12, he may also have made calls from that office. None of the calls from the Prosecutor's office were long distance calls.

The above information has been reported to Graydon S. Price, the attorney for Councilmember Morrison.

Dated November 14, 2012


Catherine P. Logan, City Attorney

Received via EMAIL
11/12/2012

Katie,

I think that your admissions need to be altered slightly due to legal concerns regarding the wording. I do not think that David can admit to everything in your complaint, as it contains heresay statements from Kelly Malone and also, although substantially similar, is not an exact version of events as related to you by Mr. Morrison. However, we are still willing and in agreement with the version of events as you have listed them being used to find a violation of the city code. This will allow moving on to statements and recommendations on actions to be taken regarding the admitted violations. David wishes to save the council the time that would be associated with a hearing and to move this matter along as quickly as possible. He feels this is in the best interest of all parties involved. What follows is what I think should be listed.

1. Without admitting the Statement of Facts set forth in the complaint Mr. Morrison will not challenge or contest those facts and invites the council to use those facts in finding that he has violated Sections 1-212 (e) (5) and 1-212 (g) of the Prairie Village Municipal Code.

Mr. Morrison provides the following statement to be considered by the council in making its recommendations regarding disciplinary actions against him for said violations.

ss Graydon S. Price

STATEMENT OF MR. MORRISON

As previously indicated to city staff, I wish to formally waive my right to a hearing to determine whether a violation of city ordinances occurred. I would like to address the council in its consideration as to what action to take for the violations of the city code of ethics. I deeply regret the way in which I handled this situation and sincerely apologize to each and every staff member, employee, member of the governing body, and resident of the city of Prairie Village. I made a terrible mistake despite the best of my intentions. I would ask the council to consider that I did not personally stand to gain or benefit from my actions. I would also like to point out that there is no evidence that any property or confidential information was taken and it was my belief that Mr. Malone could not access confidential records as I verified the door to the city administration offices was locked. I was unaware that the storage room next to the employee lounge was anything other than a storage room. Please take into account that I allowed a homeless individual to temporarily take shelter and sanctuary in the municipal building because, based upon his statements and my personal knowledge of his past, I truly believed him to be in fear for his life. I thought at the time the safest place for him was in a secured building connected to the police station. At the time, I acted in what I believed was a humanitarian and compassionate manner towards an individual I believed was not only in need, but also in immediate danger. In hindsight, I realize that I made a poor decision in the way in which I chose to address and handle the problematic situation of the individual in question. I would handle the matter in a much different manner if I had it to do over.

In deciding what action to take against me for the code violations, I would ask the council to take into consideration my decades of public service to the City of Prairie Village in

first working on projects with Mayor Franklin, appointment to a city committee by Mayor Weltner, and serving on city committees under Mayor Taliaferro. I would like the opportunity to continue my public service to the City of Prairie Village and to continue to serve a member of the City Council.

ss David Morrison

SUPPLEMENTAL RESPONSE OF DAVID MORRISON

At no time did I give Mr. Malone any authority to make telephone calls nor was I aware that he made any telephone calls. Since Mr. Malone's access to the telephone was due to my mistake, I will gladly reimburse the city for this expense out of my own pocket.

ss David Morrison

Dated 11/14/2012

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Council Chambers
November 19, 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 - November 5, 2012
- 2. Approve Claims Ordinance 2901
- 3. Approve the recommendations of the Drug and Alcoholism Council of Johnson County contained in the United Community Services Fund Recommendations Report and approve a contribution to UCS of \$15,000 from the 2013 Parks & Community Programs Budget
- 4. Approve the recommendations of the United Community Services Grant Review Committee contained in the 2013 Human Service Fund Recommendation Report and a contribution to UCS of \$6,825

By Committee

- 1. Adopt the 2013 Joint City/County Legislative Platform (Council Committee of the Whole Minutes - November 5, 2012)

- VI. **MAYOR'S REPORT**
- VII. **COMMITTEE REPORTS**
- VIII. **STAFF REPORTS**
- IX. **OLD BUSINESS**

Consider Final Plat for "Prairie Village Shopping Center" - Continue to December 3, 2012 Council Meeting

Provide direction to Planning Commission regarding Special Use Permit Protest Petition language

- 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

CONSENT AGENDA

CITY OF PRAIRIE VILLAGE, KS

November 19, 2012

**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
November 5, 2012**

The City Council of Prairie Village, Kansas, met in regular session on Monday, November 5, 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, Laura Wassmer, 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; Chris Engel, Assistant to the City Administrator; Lisa Santa Maria, Finance Director; Joyce Hagen Mundy, City Clerk.

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

PUBLIC PARTICIPATION

Steve Carman, 8521 Delmar, addressed the Council proposing the adoption of a change to the zoning regulations to allow for a protest petition to be filed on a special use permit application. Current code only allows protest petitions on rezoning applications. Mr. Carman stated the approval of a special use permit could have a major and lasting impact on the neighborhood similar to that of a rezoning. He noted a large percentage of Johnson County residents already have the ability to file a protest petition on special use permit applications with Prairie Village being in a distinct

minority. He does not feel it was the intent of the code when it was written to omit this process from the special use permit procedures. The implementation of a protest petition would allow for input from the adjacent property owners to requiring the action taken by the Governing Body to have the super majority support of the Governing Body for approval. He requests that the City Council take action to initiate this change to the City's zoning regulations and to do so promptly.

Chuck Dehner, 4201 West 68th Terrace, addressed the City Council in support of adding the protest petition on behalf of conditional use permits also noting in particular the requested drive-thru at the Prairie Village Shopping Center. He stated that the residents have had little opportunity for input on this project. Speaking on behalf of the surrounding neighborhood residents, he expressed their opposition to the construction of a drive-thru. They feel the drive-thru will change the character of the shopping center that currently has a lot of walkers. Mr. Dehner went on to express his dissatisfaction with the lack of communication between the developer and the adjacent property owners focusing on lack of notice for meetings and transparency. At the first meeting of the Planning Commission on this project, several residents spoke against the proposed drive-thru and new building. Mr. Dehner noted several misrepresentations made by the applicant including the tenants for the new building. They have indicated the drive-thru would be for Starbucks; however, he has talked with several of Starbucks management/sales personnel and been informed that they have not had any conversations regarding moving into the new proposed building. Mr. Dehner distributed a photo taken at Starbucks at 135th Street with 17 cars stacked in the drive-thru lanes and area parking depicting possible traffic issues which could occur with the proposed drive-thru.

Jennifer Kanan, 9317 Alhambra, addressed the Council expressing her support for the proposed ordinance amendment. She noted her experience with the process during the proposed redevelopment of the Meadowbrook Country Club provided a mechanism for the surrounding residents become actively involved. She believes active participation by residents builds better communities.

David Lillard, 7607 West 84th Terrace, has watched Prairie Village develop. The residents of Prairie Village care about what happens in their City. He encouraged the Council to adopt a provision for the special use permit process to include the provision for a protest petition. He believes residents need to have a say in what happens in their neighborhoods. He told of his involvement in the development of the Village Church Daycare and Food Shelter in Overland Park on Mission Road and how the input of neighboring residents created a better end project than initially proposed by the developer. He urged the Council to take action at the earliest possible meeting date.

Mayor Shaffer recognized three students from Rockhurst High School attending the meeting for their American Government class.

Quinn Bennion stated other cities do have the protest provisions available for both rezoning and special use permit applications. This would require a change in the zoning regulations which can be initiated by either the Governing Body or the Planning Commission. If Council wanted to pursue this it could be added to a future agenda.

Brooke Morehead stated citizens do need to have input and the Council needs to support them by taking the appropriate action to change the city's code. Katie Logan stated the City Council can direct staff to prepare an ordinance amendment for adoption.

Charles Clark noted that any change made would not have an effect on pending actions under consideration such as the Prairie Village Shopping Center Improvements and noted the Mission Valley property owners may file before the ordinance is adopted.

Laura Wassmer stated she was supportive of the proposed change as it formalizes what the City already tells its developers - that they have to have public input and participation.

David Morrison asked if there is not application on file at this time, can the City institute a moratorium on accepting applications in order to consider adoption of the proposed provision of a protest petition. Mrs. Logan responded that it could be done. Mayor Shaffer closed public participation at 8 p.m.

CONSENT AGENDA

Charles Clark moved the approval of the Consent Agenda for November 5, 2012:

1. Approve Regular Council Meeting Minutes - October 15, 2012
2. Ratify the Mayor's appointments of Art Weeks, Truss Tyson and Leslie Robbins to the Prairie Village Arts Council with their terms expiring in April 2013, April 2014 and April 2015 respectively.
3. Approve Construction Change Order #1 (Final) with Cohorst Enterprises, Inc. for Project 190725: 2011 Drainage Program
4. Approve the Supporting Organization Agreement with the Prairie Village Municipal Foundation
5. Approve an increase in the Right-of-Way Permit Application and Inspection Fee to \$175.00 effective January 1, 2013
6. Approve an increase in the Drainage Permit Application and Inspection fee to \$125 effective January 1, 2013

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

MAYOR'S REPORT

Mayor Shaffer reported attendance at the following events: retirement reception for Lenexa Chief of Police Ellen Hansen; Ribbon cutting, dedication and grand opening of the Corinth Square Shopping Center, Northeast Mayors luncheon; State Senate/House candidate debates at Village Presbyterian; MARC board meeting; BHC Rhodes Breakfast, KC Chamber trip wrap up; PV employee luncheon; Roeland Park City Hall rededication; retirement reception for Officer Daryl Thompson and KCADC annual luncheon. Mayor Shaffer announced that he was recently appointed to the Greater Kansas City Chamber of Commerce Board of Directors.

COMMITTEE REPORT

Council Committee of the Whole

COU2012-49 Consider approval of request to KCP&L to install a new street light in the 5500-5600 block of West 75th Terrace

On behalf of the Council Committee of the Whole, Charles Clark moved the Governing Body approve a request to KCP&L for the installation of a new street light in the 5500-5600 block of West 75th Terrace. The motion was seconded by Ruth Hopkins and passed unanimously.

STAFF REPORTS

Public Safety

- Chief Jordan reported there were no problems on Halloween evening.
- The 3rd quarter crime statistics were distributed in the Council packet and briefly reviewed by Chief noting the downward trend, particularly for residential burglaries, which decreased from 55 in 2011 to 33 in 2012.
- Prairie Village hosted the fifth annual dodge ball tournament to benefit Special Olympics.

Public Works

- Bruce McNabb reported that Somerset Drive is now open from Roe to Nall.

- The Sagamore Street Project (CDBG) is underway after a delay to allow WaterOne to complete their work in the area with projected completion the end of the month.
- Public Works staff is street sweeping the rapidly increasing leaves that have fallen over the past weeks as quickly as possible.

Administration

- Chris Engel announced that City Hall Day in Topeka will be on February 6th and those interested in attending should contact him.
- The Sister City Committee will be hosting a reception for Shawnee Mission East Foreign Exchange Students on November 19th. The students will be recognized at the City Council meeting.
- Lisa Santa Maria handed out the completed 2013 budget book to Council members and noted it was also available online. The third quarter financial statement was distributed and it was noted that sales tax revenue is expected to increase in the 4th quarter due to holiday sales.
- Mayor Shaffer noted the city's receipt of the Distinguished Budget Presentation Award.
- Ruth Hopkins commended the staff on the excellent budget summary/report published in the last issue of the Village Voice.
- The short term special use permit has been issued and the Dorr Holiday Light Display is up.
- Quinn Bennion announced that staff have spent several months reviewing the employee handbook and will be bringing it before the Council for review at the November 19th meeting. He will be meeting with employees to review the proposed changes next week.
- Election Day is tomorrow. Polls open at 6 a.m. in Johnson County.

OLD BUSINESS

Consider request from PV Retail Partners, LLC to amend the Village Community Improvement District Development Agreement for the Prairie Village Shopping Center

The City of Prairie Village and PV Retail Partners, LLC entered into a Development Agreement for the use of Community Improvement District Funds (CID) through a 1% CID sales tax established on September 20, 2010 (Ordinance 2228). The Development Agreement was approved with the adoption of Resolution No. R-2010-12 and formalized the implementation and financing of the CID projects contained within the Agreement.

Quinn Bennion stated PV Retail Partners, LLC requested two amendments to the Village Improvement District Development Agreement for the Prairie Village Shopping Center in a letter dated October 10, 2012. Both were discussed at the last City Council meeting with the First Amendment - a Modification of Exhibit F to move the commencement date for Project A (Mission Lane Improvement) from November 2, 2012 to May 2, 2013 being approved by the Governing Body. Action on the Second Amendment - a Modification of Section 2.02(A) to remove the requirement that the developer provide a pedestrian access along the east side of existing Mission Lane for trail purpose was continued and the developer requested to provide additional information regarding possible widths of a pedestrian easement for trail purposes along the east side of Mission Lane with the intention that the minimum width of six (6) feet be provided.

The Developer has conducted a study of the possible widths along the east side of Mission Lane, along with a summary of all sidewalks along Mission Lane. Quinn Bennion reviewed the sidewalk diagrams presented by the applicant showing a combination of widths along the east side of Mission Lane ranging from six (6) to ten (10) feet. Staff believes a minimum of eight (8) feet should be provided along the entire length of the east side of Mission Lane. Staff bases this recommendation on the fact that standard trail width is eight (8) feet and traditionally sidewalks in pedestrian-centered shopping centers are greater than six (6) feet.

The concept of a pedestrian access along the east side of Mission Lane being developed, was to provide a "wide sidewalk" to accommodate a multi-use path not a bike trail, as noted by the Developer in their request. This concept was actually implemented with the construction of the new UMB Bank facility in 2011. As part of the

site plan approval process, the bank was required to construct a ten (10) foot section of sidewalk along Mission Lane, Tomahawk and Mission Road.

Providing a continuous eight (8) foot pedestrian easement/trail would require additional modifications to the Mission Lane Improvements and associated site plans. The Developer could reduce the overall width of the street or make modifications to the parking areas. While the developer has indicated they could not lose any additional parking spaces, it should be noted the Developer reduced the number of spaces within the center by forty-five (45) with the Hen House expansion alone. Additional parking spaces in the center were removed to accommodate the new Waid's replacement building and associated drive-thru.

Staff estimates the possible elimination of ten (10) additional parking spaces if the pedestrian easement/trail was expanded to eight (8) feet along the entire section of Mission Lane. Charles Clark commented that it could be possible to reduce the number of spaces lost by making some of the spaces 8.5 feet wide rather than the traditional 9 feet. Staff does not believe this to be an unreasonable request.

Curt Petersen with Polsinelli Shughart stated the developer is pleased to be able to guarantee a minimum width of six feet throughout the sidewalk/trail with minimum widths between seven (7) and ten (10) feet when possible. He noted that although staff feels a continuous eight (8) foot sidewalk could be constructed, they do not want to narrow the road noting the difficulty it would cause for cars backing out of parking spaces. He noted expanding Hen House has already reduced the number of parking spaces. Availability of the front row parking spaces for its customers is very important to Hen House. Mr. Petersen is confident that residents would prefer additional parking spaces next to Hen House over an additional two feet of sidewalk.

Charles Clark noted the reduction of parking spaces from 8.5' to 8' will not have a material effect on the number of parking spaces. Ruth Hopkins suggested reducing the space on the west side and placing it on the other side. Mr. Petersen responded that Hen House needs the additional space for displays and grocery carts.

Michael Kelly asked why the bank sidewalk was constructed as it was. Mr. Bennion replied it was required by the City to allow for a continuous trail as referenced in the development agreement. The concept presented in the agreement is different from that being pursued. Mr. Kelly stated the original plan is clear and was followed by UMB Bank. He supports the staff recommendation to retain the language in the Development Agreement to provide a minimum of an eight (8) foot pedestrian access easement along the east side of existing Mission Lane for trail purposes. Ted Odell expressed concern with the varying trail widths proposed.

David Belz stated he does not see how an additional two feet would remove eight to nine parking spaces. Mr. Petersen responded there are also issues with grade and utility meters that impact the trail construction.

Laura Wassmer stated she doesn't understand the concern over the trail, noting this is a parking lot and that people need parking spaces in front of grocery stores. Michael Kelly stated he does not want to live with a view of a massive parking lot. Curtis Petersen noted the opposing forces that must be considered in redevelopment and the tension it creates - where the creation of one element may necessitate the removal or change of another. When UMB was developed they had a blank piece of land and were not faced with those challenges.

Ruth Hopkins noted the residents want the expansion of the Hen House and they are going to want parking. She is not willing to give up parking for sidewalks.

Laura Wassmer moved the Governing Body approve the requested amendment removing the requirement that the developer provide a pedestrian access along the east side of existing Mission Lane for trail purposes. The motion was seconded by Ruth Hopkins.

Andrew Wang noted his struggles with this request noting positives on both sides of the question. He is supportive of the amendment on the whole noting that a six-foot width is pedestrian friendly, although he does not like the varying widths proposed.

The motion was voted on and defeated by a vote of 5 (Warman, Hopkins, Noll, Wang, Wassmer) to 7 (Weaver, Kelly, Morehead, Clark, Morrison, Odell and Belz).

City Attorney Katie Logan stated the agreement remains as written that a pedestrian access along the east side of existing Mission Lane be provided for trail purposes.

NEW BUSINESS

Presentation and Feedback on Phases 2-6 Mission Lane Improvements, Hen House Expansion and the Waid's Replacement Building (CID Projects) in the Prairie Village Shopping Center

Chris Engel stated as part of the approval of the Community Improvement Districts, at the Corinth Shopping Center and the Prairie Village Shopping Center, City Council requested the ability to comment on proposed projects funded by the CIDs prior to Planning Commission review.

Lane4 has submitted plans for improvements to the Prairie Village Shopping Center which include: modifications to Mission Lane, construction of a replacement building for the Waid's building and an addition to the existing Hen House. The Planning Commission will be considering these modifications at their November 6th meeting. Mr. Engel briefly reviewed the plans and staff recommendations for these projects.

Mission Lane Improvements

Staff concerns include the access from Mission Road north of Mission Lane intersection be closed and the parking reconfigured for safety reasons. Staff continues to struggle with getting an accurate square footage count for the center as a basis for the parking requirements.

Charles Clark noted the staff recommendation is for a minimum six foot wide pedestrian walk and noted the Council just rejected that request and is requiring an eight-foot wide trail. Mr. Engel noted the Planning packet was prepared two weeks ago based on the then direction by Council to the applicant. He will make sure the Commission is aware of the Council's desire for the eight-foot width.

New Retail Building

On the Waid's replacement building, staff has encouraged the applicant to provide an all brick building and provide some detailing of the brick facades to break-up the blank-facades of the structure. This would be similar to the treatment of the UMB Bank building which was constructed to the north of the proposed building.

Council members had the following comments and concerns: There was mixed support for the drive-thru with some concern that preventing the drive-thru would decrease the attractiveness of the building forcing a potential tenant to go elsewhere similar to the city's experience with McDonalds at Corinth several years ago. Others felt the drive-thru would have a negative impact on the walk ability of the shopping center. Concern was voiced over the exhaust created by the drive-thru and the effect it would have on the patio seating.

The inclusion of a drive-thru was questioned when there was no identified tenant requesting one. It was noted the Council was led to believe that Starbucks would be

moving from its current location to the new building; however, resident Chuck Dehner has had contact with Starbucks executives who deny such discussions. Council members want to know who the tenant will be as it will impact the amount and frequency of drive-thru traffic.

Brooke Morehead asked what would separate the UMB Drive-thru from the proposed drive-thru such as retaining walls, landscaping, etc. The Council supported the staff request for there to be four-sided architecture replacing the stucco with brick on the north, east, and west sides. They noted similarly to the CVS building at Corinth the back faces the shopping center.

Hen House Expansion

Staff has concerns with the overall façade elements of the Hen House addition. Of particular concern are the new main tower element and its compatibility with the overall center. In addition, the north elevation needs additional detailing to break-up the massing of the elevation.

Council members agreed there should be architectural elements on the north façade that continue those found on the east. They were not supportive of the proposed entry and felt that the southeast corner of the building should be the entry point as it will shift the primary parking from the east (in front of US Bank) to the south or southeast where more parking is available. Staff thanked Council for their input and remarked that the items will be shared with the Planning Commission the next night.

Code of Ethics

Brooke Morehead asked if the Council could look more closely at the Code of Ethics and specifically if a provision could be added making it applicable to appointed

committee members. Katie Logan stated this could be done and noted that any changes would require an amendment to the city's municipal code.

David Morrison stated while looking at the Code of Ethics, he would like the Council to consider adding language that would prohibit members of the Governing Body from accepting any political contributions from anyone who holds a city contract or has an appointive or contractual relationship.

Pool

David Belz shared concerns from a resident regarding the Jacuzzi at the pool and requested that the Park & Recreation Committee discuss possible actions.

Moratorium

Michael Kelly asked that consideration of establishing the protest petition process for Special Use Permit applications be placed on the next agenda. Ted Odell suggested a moratorium be placed on special use permit applications to allow the Council time to consider this ordinance revision. Ruth Hopkins did not feel there was a need to rush into consideration of a protest petition process. Mr. Odell agreed and stated that is why he wants to establish a moratorium to provide Council time to consider the suggested process. Ruth Hopkins noted a moratorium would impact any potential special use applications in the City.

Quinn Bennion reported that he understand Tutera plans to file soon for consideration of a special use permit for senior living facilities on the Mission Valley site. Katie Logan stated the moratorium would allow for the consideration of adding the protest petition process to the City's code.

David Belz asked if staff was aware of any other pending applications. David Morrison confirmed the moratorium would be citywide. Katie Logan replied if it is important to implement the process the moratorium should apply citywide.

Michael Kelly asked if this could be done tonight. Ms Logan reviewed the process for both implementing a moratorium and for adopting a code change. Charles Clark stated he opposed taking any action this evening.

Ted Odell moved the City of Prairie Village establish a temporary moratorium on all Special Use Permits for the purpose of reviewing the implementation of the protest petition process for special use permits for a period of 90 days. The motion was seconded by Michael Kelly.

Charles Clark stated residents under the current code have the opportunity to have input both through informal meetings as well as through the formal public hearing on the application. The protest petition provides a means by which the residents can force a super majority vote of the Governing Body for the approval of a Special Use Permit.

Dale Warman stated he supports the moratorium to provide the Council time to think through its actions.

City Attorney Katie Logan read aloud draft ordinance language that would establish a temporary 90 day moratorium which would be effective immediately.

Brooke Morehead stated she supported the moratorium as it provided Council the time to clearly evaluate the proposed change.

David Belz asked if the 90 days was sufficient time. Joyce Hagen Mundy reviewed the timetable for consideration of an ordinance revision by the Planning

Commission and City Council. Katie Logan suggested 120 days to ensure completion of the process.

Andrew Wang stated he opposed the moratorium. Michael Kelly stated the moratorium provides a pause before action is taken that cannot be reversed. Laura Wassmer stated she does not want to hold up the Mission Valley application for 120 days. Steve Noll confirmed the moratorium would prohibit the City from accepting any applications. Ted Odell read from Chapter 19.28 "Special Use Permits" identifying what uses require a special use permit.

Charles Clark stated that until an applicant files an application there is no requirement that they speak with anyone - neighbors, city staff, etc. Once an application is filed, certain notification is required by state statutes to property owners within 200 feet of the property and the Planning Commission requires that the applicant notify and hold an informational meeting for residents within 200 feet and homes associations within 500 feet. Then the residents are able to address the Planning Commission with their comments/concerns at the scheduled public hearing on the application. Once again, when the Planning Commission recommendation comes to the Governing Body, residents have an opportunity to speak on the application.

The question was called by Andrew Wang and passed unanimously.

City Attorney Katie Logan confirmed with Mr. Odell the time period of 90 days and read the proposed ordinance:

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS that the Governing Body of the City of Prairie Village hereby establishes a temporary moratorium on special use permits for a period of 90 days ("Temporary Moratorium Period"), unless earlier terminated by the Governing Body. No

special use permit shall be accepted and considered until the expiration of the Temporary Moratorium Period.

A roll call vote was taken with the following votes cast: "Aye" Weaver, Warman, Noll, Kelly, Morehead, Morrison, Odell and "Nay" Hopkins, Wang, Wassmer, Clark, Belz. Mayor Shaffer declared the ordinance adopted by a vote of 7 to 5.

ANNOUNCEMENTS

Board of Zoning Appeals	11/06/2012	6:30 p.m.
Planning Commission	11/06/2012	7:00 p.m.
JazzFest Committee	11/08/2012	7:00 p.m.
Sister City Committee	11/12/2012	7:00 p.m.
Park & Recreation Committee	11/14/2012	7:00 p.m.
Council Committee of the Whole	11/19/2012	6:00 p.m.
City Council	11/19/2012	7:30 p.m.

=====

The Prairie Village Arts Council is pleased to announce a mixed media exhibit by the Greater Kansas City Art Association in the R.G. Endres Gallery for the month of November. The reception will be held on Friday, November 9th from 6:30 to 8:30 p.m.

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

The Mayor's Holiday Tree lighting will be Thursday, November 29th from 5:00 to 7:00 p.m. at Corinth Square.

The Municipal Foundation will be hosting a Gingerbread House Decorating Party on Sunday, December 9th at Brighton Gardens, 7105 Mission Road. There will be two sessions.

The employee holiday luncheon will be Wednesday, December 12th from 11:30 a.m. to 1:00 p.m. in the Council Chambers.

The Mayor's Holiday Gala for Volunteers will be Friday, December 14th at Homestead Country Club.

ADJOURNMENT

With no further business to come before the City Council, the meeting was adjourned at 10:00 p.m.

Joyce Hagen Mundy
City Clerk

CITY TREASURER'S WARRANT REGISTER

DATE WARRANTS ISSUED:

Warrant Register Page No. 1

November 19, 2012

Copy of Ordinance
2901

Ordinance Page No.

An Ordinance Making Appropriate for the Payment of Certain Claims.
Be it ordained by the governing body of the City of Prairie Village, Kansas.

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

NAME	WARRANT NUMBER	AMOUNT	TOTAL
EXPENDITURES:			
Accounts Payable			
3459-3459	10/1/2012	2,650.00	
3460-3462	10/2/2012	2,633.00	
3463-3464	10/5/2012	5,916.74	
3465-3538	10/12/2012	1,032,939.30	
3539-3543	10/19/2012	12,260.44	
3544-3645	10/26/2012	274,062.32	
 Payroll Expenditures			
10/5/2012		242,968.64	
10/19/2012		245,564.25	
 Electronic Payments			
Electronic Pmnts	10/9/2012		13,298.93
Electronic Pmnts	10/15/2012		242.92
Electronic Pmnts	10/19/2012		7,101.45
Electronic Pmnts	10/22/2012		366.67
Electronic Pmnts	10/23/2012		5,074.32
Electronic Pmnts	10/27/2012		14,709.27
TOTAL EXPENDITURES:			\$ 2,066,201.69
 Voided Checks			
Kansas City Metro Permit	# 3597	(178.85)	
TOTAL VOIDED CHECKS:			(178.85)
GRAND TOTAL CLAIMS ORDINANCE			2,106,816.40

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

Passed this 19th day of November 2012.

Signed or Approved this 19th day of November 2012.

(SEAL)

ATTEST:

City Treasurer

Mayor



ADMINISTRATION DEPARTMENT

Council Meeting Date: November 19, 2012

CONSENT AGENDA: Consider contribution allocation recommended by the Drug & Alcoholism Council of Johnson County for 2013 Alcohol Tax Funds

RECOMMENDATION

Staff recommends the City Council approve the recommendations of the Drug and Alcoholism Council of Johnson County contained in the United Community Services Fund Recommendations Report and approve a contribution to UCS of \$15,000 from the 2013 Parks & Community Programs Budget.

BACKGROUND

State Statutes require that one-third of the revenue derived from a state excise tax on liquor sold by the drink be used for alcohol or drug prevention or rehabilitation programs. The Drug and Alcoholism Council of Johnson County formed a grant review process that provides a structured and accountable system that allows organizations, through one application, access to funds from multiple jurisdictions.

The Council makes recommendations to cities for the expenditure of their funds. The City has ultimate authority and responsibility for determining the allocation of the City's portion of the Alcohol Tax Fund. Information about the agencies requesting funds and the funding recommendation for the City of Prairie Village is attached.

FUNDING SOURCE

The allocation of funds will be made from the City's allocation of the Special Alcohol Tax Fund. The 2013 budget includes \$15,000 in Community Programs.

ATTACHMENTS

Recommended distribution of Alcohol Tax Funds for Prairie Village
2013 Alcohol Tax Fund Recommendation Report

PREPARED BY

Jeanne Koontz
Deputy City Clerk
November 9, 2012

2013 ATF Distribution

PRAIRIE VILLAGE: \$15,000

UCS administration	\$870
Shawnee Mission School District	\$579
Cypress Recovery, Inc.	\$1,028
Friends of Recovery	\$335
The Family Conservancy	\$379
Heartland Regional Alcohol & Drug Assessment Center	\$950
Gillis Center (Intensive Family Counseling)	\$614
Jo. Co. Mental Health Center Adolescent Center for Treatment	\$2,047
Johnson County Mental Health Center Adult Detoxification Unit	\$3,001
Johnson County Mental Health Center Adult Dual Diagnosis	\$838
Johnson County Mental Health Center Regional Prevention Center	\$1,061
Johnson County Dept. of Corrections	\$207
Johnson County Court Services	\$647
Marillac	\$373
First Call	\$190
SAFEHOME	\$203
Salvation Army - Harbor Light	\$145
KidsTLC	\$447
Mirror, Inc.	\$1,005
Associated Youth Services	\$81
Total	\$15,000

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



United Community Services of Johnson County

Board Members
Carol Gonzales, President
Doug Davidson
Penny Postoak Ferguson
Tim McKee
Jill Quigley
Thomas Robinett, Jr.
Anita Roman-Garcia
Matthew Scholfield
Henry Sewing
Hon. Ron Shaffer
Paul Snider
Rebecca Tilden
Rev. David Whetter
Eugene R. Wilson
Marc S. Wilson

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SuEllen Fried
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Audrey Langworthy
Rabbi Mark Levin
Laura McKnight
Dr. Janis McMillen
Dr. Robert Meneilly
Carol Sader
Charlie Sunderland
Dr. Elaine Tatham
Stephen Tatum
Dr. Tom Trigg
David Warm
Dr. Ron Wimmer
David Wysong
Hannes Zacharias

Executive Director
Karen Wulfsuhle

Date: November 6, 2012
To: Quinn Bennion, City Administrator, Prairie Village
From: Karen Wulfsuhle, Executive Director |KW
Re: Allocation of 2013 Alcohol Tax Fund

2013 Recommendation Report

The Drug & Alcoholism Council of Johnson County (DAC), a project of United Community Services, has prepared and approved the recommendations for allocation of 2013 Alcohol Tax Funds (ATF). The enclosed report is submitted for the City of Prairie Village's action. The DAC is an advisor to the City of Prairie Village on the expenditure of these funds. To receive an electronic version of the document, please contact Donna Zimmerman, donnaz@ucsjoco.org.

The city has the ultimate authority and responsibility for determining the allocation of its portion of the Alcohol Tax Fund. Therefore, the DAC requests that **the city act on these recommendations by December 31, 2012**. If you would like a representative of the DAC present when the report is considered, please notify Marya Schott of the meeting date and time (maryas@ucsjoco.org).

Distribution of Funds

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

- 1) funds for school district programs are allocated proportionally only from the jurisdictions served by particular school districts;
- 2) UCS/DAC administrative cost of 5.8% is prorated among all jurisdictions; and
- 3) remaining programs are funded proportionally by all jurisdictions.

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

Enclosures: 2013 Alcohol Tax Fund Recommendations Report
Alcohol Tax Fund Distribution Chart
2013 Grantee List

cc: Lisa Santa Maria



United Community Services of Johnson County

2013 ALCOHOL TAX FUND RECOMMENDATIONS REPORT DRUG and ALCOHOLISM COUNCIL OF JOHNSON COUNTY

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

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

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

This process provides a structured and accountable system that allows organizations, through one annual application, access to funds from multiple jurisdictions. The Board of County Commissioners and city councils have ultimate authority and responsibilities for determining which organizations receive funds from their respective jurisdictions based upon the recommendations in this report, and are asked to take action on the recommendations by December 31, 2012.

For 2013, the final amount available for distribution is \$1,433,588. Twenty-four applications totaled \$1,543,346 in funding requests. After studying applications, meeting with applicants and deliberating, the DAC developed funding recommendations. This Report reflects those recommendations and is organized in two sections: Education, Prevention & Intervention; and Treatment & Recovery.

For additional information on the process or the programs, contact Marya Schott, UCS Community Initiatives Director, 913.438.4764 or maryas@ucsjoco.org

Board Members
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Rabbi Mark Levin
Laura McKnight
Dr. Janis McMillen
Dr. Robert Meneilly
Carol Sader
Charlie Sunderland
Dr. Elaine Tatham
Stephen Tatum
Dr. Tom Trigg
David Warm
Dr. Ron Wimmer
David Wysong
Hannes Zacharias

Executive Director
Karen Wulfkuhle



2013 Alcohol Tax Fund Recommendations					
Grant History and 2013 Request and Recommendations					
Applicant	2010 Allocation	2011 Allocation	2012 Allocation	2013 Request	2013 Recommendation
EDUCATION, PREVENTION & INTERVENTION					
Blue Valley	\$17,400	\$26,500	\$49,100	\$57,650	\$56,550
De Soto	\$25,784	\$26,000	\$24,000	\$27,000	\$24,000
Gardner-Edgerton	\$28,500	\$28,500	\$25,265	\$27,635	\$24,635
Olathe	\$45,396	\$37,380	\$42,860	\$52,460	\$48,960
Shawnee Mission	\$61,260	\$52,317	\$43,691	\$52,459	\$50,000
Spring Hill	\$3,000	\$8,500	\$26,490	\$22,495	\$16,495
Family Conservancy	\$31,302	\$31,302	\$31,300	\$33,900	\$33,900
JoCo Court Services	\$49,208	\$53,960	\$55,209	\$57,878	\$57,878
JoCo Library	\$9,937	\$9,500	\$8,000	\$0	\$0
JoCoMH RPC	\$87,119	\$87,119	\$87,119	\$95,000	\$95,000
Subtotal	\$358,906	\$361,078	\$393,034	\$427,077	\$407,418
TREATMENT & RECOVERY					
Associated Youth Services				\$7,260	\$7,260
Cypress Recovery /Preferred Family Healthcare, Inc.	\$102,353	\$94,500	\$96,418	\$98,000	\$92,000
First Call	\$24,843	\$20,000	\$17,000	\$25,000	\$17,000
Friends of Recovery	\$29,811	\$29,811	\$30,000	\$30,000	\$30,000
Gillis/IFC	\$50,790	\$50,790	\$51,111	\$55,000	\$55,000
Heartland RADAC	\$59,623	\$59,623	\$85,000	\$85,000	\$85,000
JoCo Corr.(Gender SA)	\$19,874	\$19,874	\$19,025	\$18,500	\$18,500
JoCo Corr. (Co-Occurring Disorder)			\$6,900		
JoCoMH ACT	\$146,494	\$149,807	\$149,807	\$183,235	\$183,235
JoCoMH ADU	\$264,774	\$268,581	\$268,581	\$268,581	\$268,581
JoCoMH Adult Dual Dx	\$59,621	\$61,000	\$61,000	\$75,000	\$75,000
KidsTLC	\$46,236	\$45,000	\$35,000	\$45,000	\$40,000
Marillac	\$33,396	\$33,396	\$33,396	\$33,396	\$33,396
Mirror, Inc.				\$124,100	\$90,000
SAFEHOME	\$17,771	\$17,771	\$17,771	\$18,197	\$18,197
Salvation Army	\$42,424	\$50,000	\$47,000	\$50,000	\$13,001
Subtotal	\$898,010	\$900,153	\$918,009	\$1,116,269	\$1,026,170
Total Request/Alloc.	\$1,256,916	\$1,261,231	\$1,311,043	\$1,543,346	\$1,433,588
UCS Admin	\$88,192	\$84,000	\$84,000		\$88,300
Total	\$1,345,108	\$1,345,231	\$1,395,043		\$1,521,888

2013 ALCOHOL TAX FUND GRANT RECOMMENDATIONS

Education, Prevention and Intervention

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

School District Programs

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

Blue Valley School District

Request: \$57,650

Recommendation: \$56,550

The DAC recommends Blue Valley School District be awarded \$56,550 to support funding for a drug/alcohol prevention coordinator at each middle and high school and a district coordinator, Sobriety Support Groups, AlcoholEdu (an on-line program implemented in all high schools), stipends for Reconnecting Youth instructors, and funds for a substitute teacher to provide time for new teachers to be trained on Project Alert (implemented in middle schools). The DAC commends Blue Valley School District for its development of more robust programming and addressing the issue of underage binge drinking among students through use of AlcoholEdu. During 2013 the district anticipates serving approximately 12,000 adults/parents and youth/students through ATF supported programs.

De Soto School District

Request: \$27,600

Recommendation: \$24,000

The DAC recommends the De Soto School District be awarded \$24,000 to support implementation of two evidence-based programs Too Good for Drugs (elementary students), and Reconnecting Youth (high-risk middle and high school students); high school prevention clubs; and substance abuse education and prevention activities for students and parents throughout the district. Additionally, the DAC recommends funding to support the social worker in the district's largest high school who works on substance abuse issues with students and parents of all grade levels, and co-teaches the Reconnecting Youth program. During 2013 the district anticipates serving approximately 8,600 adults/parents and youth/students through ATF supported programs.

Gardner Edgerton School District**Request: \$27,635****Recommendation: \$24,635**

The DAC recommends Gardner Edgerton School District be awarded \$24,635 to support its implementation of the evidence-based programs Project Alert (middle school), Too Good for Drugs (K-12), and Character Education/Too Good for Violence (elementary school), as well as support of Drug Free clubs (activities and building sponsors). Funding will also be used to support substance abuse prevention and education speakers targeted at students and parents, student participation in the Youth Leadership Summit, and educational programming/materials focused on parents and building protective factors. During 2013 the district anticipates serving approximately 11,000 adults and youth through ATF supported programs.

Olathe School District**Request: \$52,460****Recommendation: \$48,960**

The DAC recommends the Olathe School District be awarded \$48,960 to support the implementation of Project Alert (middle school), Youth Court, weekly sobriety support groups (high school), student substance abuse assessments, Life Skills (after-school program), parent education through Guiding Good Choices and Life Skills Parent Program, and high school prevention activities. Funding will also support training and personnel to pilot AlcoholEdu in one school. During 2013 the district anticipates serving approximately 12,500 adults and students through ATF supported programs.

Shawnee Mission School District**Request: \$52,459****Recommendation: \$50,000**

The DAC recommends the Shawnee Mission School District be awarded \$50,000 to support implementation of two evidence-based programs AlcoholEdu (two high schools) and Second Step (two middle schools); continued support of the district's Drug Free clubs which use the Too Good for Drugs program; and staff participation in school-based intervention teams at the district's high schools. The DAC commends the school district for implementing an evidence-based substance abuse prevention program in its after school clubs, however this reaches only the students who choose to participate in the after school program. During 2013 the district anticipates serving approximately 3,000 adults/parents and youth/students through ATF supported programs. For several years the DAC has urged the district to provide evidence-based substance abuse programming to students during the school-day and commends the district for implementing AlcoholEdu and Second Step.

Spring Hill School District**Request: \$22,495****Recommendation: \$16,495**

The DAC recommends the Spring Hill School District be awarded \$16,495 to support three evidence based programs Project Alert (middle school), AI's Pals: Kids Making Health Choices (kindergartners) and AlcoholEdu (high school); Natural Helpers (high school) and Students Against Destructive Decisions (SADD – high school). The DAC recommends partially funding for Natural Helpers and AI's Pals. Natural Helpers is not an evidenced based program and its principal purpose is not to prevent substance abuse (only a small percentage of the helping episodes are about substances). The district requested \$10,000 to expand AI's Pals to an

additional school in the district. Because this new program has not been fully implemented yet with 2012 ATF provided support, the DAC recommends \$6,000 for this program during 2013. During 2013 the district anticipates serving 1,700 students through ATF supported programs.

Community Based Programs

The Family Conservancy

Request: \$33,900

Recommendation: \$33,900

The DAC recommends the Family Conservancy be awarded \$33,900 to implement The Incredible Years curriculum (targets high-risk children ages 2-8 years-old and their parents), and substance abuse education for Anger Management and Batterers' Intervention group participants (targets high-risk adults), and the agency's drug and alcohol assessment and referral process. The Family Conservancy offers The Incredible Years free of charge to families. Anger Management and Batterers' Intervention groups are offered on a sliding fee scale for clients who are income eligible and clients are not refused if unable to pay fees. During 2013, the agency anticipates serving 385 Johnson County residents.

Johnson County Court Services, Juvenile Drug Court

Request: \$57,878

Recommendation: \$57,878

The DAC recommends that Johnson County Court Services be awarded \$57,878 to support the salary and benefits for the Juvenile Drug Court/ MIP Officer and thus ensure the continuation of the Juvenile Drug Court and Minor in Possession of Alcohol (MIP) programs. The Juvenile Drug Court targets first-time offenders applying for diversion who present with serious drug and/or alcohol issues. The MIP program is a non-Court resolution of a police report when a juvenile has been in possession of alcohol. Both programs increase youths' motivation to remain drug/alcohol free. Recidivism rates for juveniles who complete the Drug Court program are considerable lower than juvenile offenders who do not complete the program. During 2013 Court Services anticipates serving 280 Johnson County youth in these programs.

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

Request: \$95,000

Recommendation: \$95,000

The DAC recommends the Regional Prevention Center be awarded \$95,000 to support a range of direct prevention services and supports to residents and organizations in Johnson County. The RPC serves as a clearing house for prevention materials and coordinated communication between agencies and schools regarding prevention initiatives. It provides consultation and technical assistance, data analysis, training and education, advocacy, a multimedia resource library, and community mobilization. ATF funds will support 1.5 FTE to provide prevention services including 1) Reward and Reminder, 2) Responsible Beverage Service Training, 3) Lock Your Meds Campaign, 4) Prescription Drug Take Back, 5) Youth Leadership Summit, 6) Strengthening Families, and 7) Underage Drinking Prevention Video. The RPC's primary funding source is Ks. Dept. for Aging and Disability Services (KDADS) which has identified state level priorities as the reduction of underage drinking and underage tobacco use. ATF supports the RPC's expansion of services beyond KDADS parameters and allows the RPC to focus on other substances and risk/protective factors identified as a community need, such as marijuana,

prescription drugs, and poor family management. During 2013 the RPC anticipates serving 10,430 Johnson County residents.

Note regarding continuing program services: The Johnson County Library received ATF support in 2012 for its Changing Lives Through Literature Program. This program will continue to be offered during 2013 with existing ATF funds that the library has carried over from previous years. The library will provide semi-annual reports on outcomes and service statistics. During 2013 the Johnson County Library anticipates serving 30 participants.

Treatment and Recovery

Alcohol Tax Funds are recommended to support 15 treatment and recovery programs delivered by 13 community-based organizations and departments of County government. In general, treatment programs help to reduce substance abuse, lead to positive individual change and productivity, reduce mental and physical healthcare costs, improve public safety, and reduce law enforcement and court costs. Funding recommendations are based upon an evaluation of each proposal and take into consideration the type of programming, outcome achievement and accountability.

Associated Youth Services

Request: \$7,260

Recommendation: \$7,260

The DAC recommends that Associated Youth Services (AYS) be awarded \$7,260 in order to provide outpatient substance abuse services to Johnson County youth who face barriers to accessing treatment because of transportation issues. AYS, a Johnson County court approved substance abuse services provider with bi-lingual staff, offers a sliding fee scale and a hardship fee reduction for its treatment services. ATF support will supplement transportation costs for the organization, enabling the expansion of transportation service for Johnson County youth within a defined geographic area. AYS received ATF support from 1988 through 1995 for its substance abuse services to Johnson County youth. The organization anticipates serving 28 Johnson County participants during 2013.

Cypress Recovery (Preferred Family Healthcare, Inc.)

Request: \$98,000

Recommendation: \$92,000

The DAC recommends that Preferred Family Healthcare/Cypress Recovery be awarded \$92,000 for its delivery of outpatient substance abuse programming to Johnson County residents with limited or no resources to pay for services (e.g. uninsured, indigent and low income residents). In September 2012, Cypress Recovery merged with Preferred Family Healthcare (PFH), a nonprofit behavioral health care entity that operates drug and alcohol programs in Missouri, Texas and Kansas. During the first half of 2012, 75% of Cypress Recovery's clients met the criteria for sliding scale fees (based upon income). Cypress Recovery serves approximately 500 Johnson County clients per year. PFH has assured the DAC that it will continue to maintain a fee policy that ensures no one is turned away due to inability to pay fees, and that PFH will become a Johnson County Court approved provider for substance abuse services; funding is contingent upon these conditions.

First Call Alcohol/Drug Prevention & Recovery**Request: \$25,000****Recommendation: \$17,000**

The DAC recommends that First Call be awarded \$17,000 to deliver the *How to Cope* curriculum to parents of clients at Johnson County Mental Health Center Adolescent Center for Treatment and Marillac, the *Caring for Kids* program at Marillac, and direct services to Johnson County residents who comprise of five percent of First Call's clients. Direct services include assessment and referral to treatment, the Crisis Call hotline, and prevention services. The organization anticipates serving 125 Johnson County participants during 2013 through *How to Cope* and *Caring for Kids*, and 3,000 residents through other services including the crisis call hotline, and assessment and prevention services. The DAC does not recommend funding of First Call's request for *Mobile How to Cope* – a new component of *How to Cope*, delivered via the internet enabled by a "Go to Meeting" account.

Friends of Recovery Association**Request: \$30,000****Recommendation: \$30,000**

The DAC recommends that Friends of Recovery (FORA) be awarded \$30,000 to continue reintegration programming for individuals living in Oxford Houses and the Partners in Recovery program which provides coaches to individuals in their first months of sobriety. Oxford Houses target individuals who often have limited resources, and are seeking a supportive environment within which to recover from substance abuse. During 2013, Recovery Coaches will help facilitate *Seeking Safety*, a series of workshops designed for trauma recovery and empowerment. Friends of Recovery opened one new Oxford House in 2012, for a total of 23 houses in Johnson County. FORA anticipates serving approximately 320 Johnson County participants during 2013. The DAC appreciates that FORA has partnered with Johnson County Forensic Assertive Community Treatment Program to offer short term housing to individuals recently released from incarceration. Through this partnership, individuals are provided with shelter, as well as help from Recovery Coaches as they seek employment and apply for standard admission to Oxford House.

Gillis Center (for Intensive Family Counseling, a division of Gillis)**Request: \$55,000****Recommendation: \$55,000**

The DAC recommends that Gillis/Intensive Family Counseling (IFC) be awarded \$55,000 for the implementation of Functional Family Therapy, an evidence-based family intervention program to address a variety of problems facing at-risk youth and their families. IFC was acquired by Gillis in 2009 in order to increase its capacity to deliver Functional Family Therapy and uses ATF grant monies to annually serve approximately 160 Johnson County youth and their family members whose problems are related to substance abuse. The DAC commends their continued collaboration with Court Services and the Department of Corrections to identify at-risk youth.

Heartland Regional Alcohol & Drug Assessment Center (RADAC)**Request: \$85,000****Recommendation: \$85,000**

The DAC recommends that Heartland RADAC be awarded \$85,000 to support its recovery coaching and intensive case management for Johnson County individuals with co-occurring

substance abuse and mental health issues who are homeless or at-risk of homelessness, and need treatment or treatment-related services. Recovery coaching helps clients engage in the recovery community and is provided in conjunction with case management and care coordination services. These services fill a gap in the continuum of services for this population that is otherwise unfunded. The number of intensive case management clients served in Johnson County continues to increase. During 2013 the agency anticipates serving 85 Johnson County clients, up from 70 in 2011.

**Johnson County Dept. of Corrections (JCDOC),
Women's Gender Specific Substance Abuse Treatment and Men's Treatment Voucher
Program**

Request: \$18,500

Recommendation: \$18,500

The DAC recommends that the Johnson County Department of Corrections be awarded \$18,500 to continue implementation of the Women's Gender Specific Substance Abuse Treatment program and to support treatment costs for male offenders who face financial barriers. Both female and male treatment programs at the JCDOC Residential Center are delivered by a contracted provider. During 2013, approximately 52 Johnson County women and men are anticipated to benefit from ATF supported services.

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

Request: \$183,235

Recommendation: \$183,235

The DAC recommends that the Johnson County Mental Health Center's Adolescent Center for Treatment be awarded \$183,235 to deliver an adolescent residential treatment program and an outpatient substance abuse counseling program for youth ages 12-18. The ACT is the only specialized youth residential substance abuse treatment program available in the state of Kansas. The majority of residential patients are court-ordered; some are from the foster care system. ACT offers a sliding fee scale to ensure that no clients are turned away due to financial reasons. During 2013 ACT anticipates serving 260 clients in the residential program, and 156 in the outpatient program.

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

Request: \$268,581

Recommendation: \$268,581

The DAC recommends that the Johnson County Mental Health Center's Adult Detoxification Unit be awarded \$268,581 to provide a social detoxification center delivered at no cost to adult Kansas residents 24 hours a day, seven days a week. Admissions come through hospitals and law enforcement. The ADU is one of two in the region serving Kansas residents and is a cost-effective alternative to hospital emergency rooms or incarceration. During 2012 the Mental Health Center began offering medication assisted treatment within the ADU for patients who are alcohol dependent and have high rates of treatment utilization. During 2013 the Mental Health Center ADU anticipates serving 500 clients from Johnson County.

Johnson County Mental Health Center, Dual Diagnosis Adult Outpatient Program

Request: \$75,000

Recommendation: \$75,000

The DAC recommends that the Johnson County Mental Health Center's Dual Diagnosis Adult Outpatient Program be awarded \$75,000 to offer targeted adult outpatient programming for individuals with co-occurring substance abuse and mental health disorders. These persons are often very difficult to treat and require staff with both mental health licensure and substance abuse credentialing to deliver treatment planning and services. The program uses a sliding fee scale to assure access for low-income residents. No one is turned away for inability to pay fees. First implemented in September 2008, an increasing number of clients continue to be served each year, growing from 247 clients in 2009, to a projected service delivery in 2013 of 512 Johnson County residents.

KidsTLC (formerly TLC for Children & Families)

Request: \$45,000

Recommendation: \$40,000

The DAC recommends that KidsTLC be awarded \$40,000 to support substance abuse prevention education and intervention, and clinical treatment for youth who reside in the agency's Psychiatric Residential Treatment Facility (PRTF). Prevention education is provided to all youth in the PRTF. Clinical treatment is available to youth who are dually diagnosed with substance abuse and mental health issues. Relapse prevention is provided to youth in recovery. During 2013 the agency projects serving 45 Johnson County youth. While the DAC acknowledges the value of this programming to a high-risk population, because books and videos are available to parents and organizations through the Regional Prevention Center, ATF support is not recommended for KidsTLC' purchase of books and videos.

Marillac

Request: \$33,396

Recommendation: \$33,396

The DAC recommends that Marillac be awarded \$33,396 to provide in-patient substance abuse treatment and prevention services to children and adolescents ages 6-17 years who have emotional and behavioral disorders. Marillac is licensed by the Kansas Department of Health and Environment as a Psychiatric Residential Treatment Facility (PRTF) and also holds a psychiatric hospital license and a substance abuse treatment license. The DAC commends Marillac for attempting to increase successful follow-up with youth after discharge, and recommends Marillac continue to strengthen its coordination with other service providers so that youth continue to get services once discharged. Marillac anticipates serving 83 Johnson County youth during 2013.

Mirror, Inc.

Request: \$124,100

Recommendation: \$90,000

The DAC recommends that Mirror, Inc. be awarded \$90,000 to expand a treatment component within its residential addiction program, specifically for clients with co-occurring disorders (co-occurring disorder of substance use and mental illness). A first time applicant for ATF, Mirror is a statewide organization which provides residential addiction services in three communities, and has provided substance abuse services in Johnson County for fifteen years. Located in Shawnee, this program will address the needs of clients who fall below 200% of federal poverty

guidelines and cannot access services in a timely manner due limited state block grant funding. Mirror projects serving 40 Johnson County clients during 2013.

SAFEHOME

Request: \$18,197

Recommendation: \$18,197

The DAC recommends SAFEHOME be awarded \$18,197 to continue implementation of its substance abuse assessment and referral program. This program includes an onsite substance abuse assessment of every new resident in this domestic violence shelter, an in-depth substance abuse interview when applicable, recommendations of intervention or treatment and help with connections to those services, and a weekly support group. The organization anticipates serving 104 Johnson County participants during 2013.

The Salvation Army - Harbor Light Village Recovery Programs

Request: \$50,000

Recommendation: \$13,001

The DAC recommends the Salvation Army be awarded \$13,001 to support inpatient intermediate and reintegration substance abuse services for Johnson County residents who receive services at the Harbor Light Village Recovery Program, a faith-based treatment program. The majority of clients receiving intermediate and reintegration services have serious health issues and/or a co-occurring psychiatric diagnosis. While the DAC acknowledges that this program helps to fulfill the need for residential substance abuse services, there is considerable concern regarding the service delivery, program capacity and accountability. In 2011, the DAC advised the Salvation Army to establish a reliable client tracking system and requested quarterly reports on service delivery during 2012. Those conditions were not met. Salvation Army management maintains that improvements will be made to assure reliable client tracking and reporting, and with adequate staffing anticipates 42 Johnson County clients will be served (36 in intermediate services and 6 in reintegration). The DAC requests that Salvation Army provide quarterly reports on service delivery during 2013.

APPENDIX A
DRUG & ALCOHOLISM COUNCIL of JOHNSON COUNTY FUNDING PRIORITIES

The Alcohol Tax Fund priorities for 2013 are:

- Programs that align with the legislation which states a portion of the collected state tax on liquor by the drink must be used for programs “whose principal purpose is alcoholism and drug abuse prevention and education, alcohol and drug detoxification, intervention in alcohol and drug abuse or treatment of persons who are alcoholics or drug abusers or are in danger of becoming alcoholics or drug abusers.” KSA §79-41a04 (as amended).
- Prevent and respond to underage substance use; especially through interventions that target youth, schools, parents and families, legal system practices and the broader community and how individual and community behaviors influence local youths’ risk for substance abuse, and
- Prevent and respond to substance abuse through interventions that reduce significant or complicating barriers to treatment and services (e.g., poverty, homelessness, language or cultural barriers, co-occurring mental illness) and enhance a client’s ability to stop using and avoid relapse, and
- Prioritize evidence-based substance abuse programs in funding recommendations:
 - Education and prevention programs and services - especially those shown to be effective at either reducing risk factors or enhancing protective factors specific to targeted population(s)
 - Intervention, treatment, and recovery programs -especially those that enhance the intervention’s efficacy with its targeted population(s).

Applications are evaluated according to these criteria:

- Community Need
 - How the program addresses a clearly-stated community need, or opportunity to address a community need.
 - Does the program coordinate with other community services to maximize the impact of available resources and meet needs of population?
 - How the program benefits local jurisdictions.
 - The purpose of proposed program or services is consistent with ATF goals/priorities.
- Responsiveness of Proposed Program Activities: A detailed description of program activities proposed for funding, including a clear exposition of:
 - The targeted population, strategies for reaching the target population, and access to services. If applying for substance abuse prevention and education programming for youth, how program addresses Communities That Care® (CTC) risk and protective factors of target population.
 - Services/activities that are responsive to needs of population.
 - The evidence base for the effectiveness of the prevention or treatment program or services with the targeted population.
 - The ability to accommodate for cultural differences within the population.
- Measurable Outcomes

- The program identifies clear and measurable outcomes, and includes a plan for related data collection in order to evaluate success in achieving those outcomes. Outcome data reflecting on abstinence, housing, employment, criminal activity, access to and/or retention in services are strongly preferred.
- The program demonstrates clear linkage between program activities and outcomes.
- The program provides reasonable evidence of the achievement of previously identified outcome(s).
- Reasonable levels of service are provided for resources expended.
- Organizational Capacity and Funding
 - The organization is stable (financial position, legal issues, etc.)
 - The program has attracted sufficient community resources from public, private, and volunteer sources, to produce proposed outcomes.
 - The program budget is realistic and reasonable in light of the proposed activities.
 - The application demonstrates that ATF funding is critical to achieving the stated outcomes.
 - The application and program comply with grant conditions.
- Qualifications, Licensing and Accreditation
 - If applicable, the agency is licensed and/or accredited.
 - Employees are qualified to provide services (accredited and/or licensed, if applicable).



ADMINISTRATION DEPARTMENT

Council Meeting Date: November 19, 2012
Consent Agenda

Consider 2013 contribution allocation recommended by United Community Services for Human Service Fund grants in 2013

RECOMMENDATION

Staff recommends the City Council approve the recommendations of the UCS Grant Review Committee contained in the 2013 Human Service Fund Recommendation Report and a contribution to UCS of \$6,825

BACKGROUND

For the past several years, the City has contributed to the United Community Services (UCS) Human Service Fund. This fund helps support local non-profit agencies. The 2013 budget has designated \$6,825 for this contribution. The UCS grant review committee and the UCS Board of Directors reviewed grant applications from a variety of agencies. Information about the agencies they interviewed and the UCS funding recommendation is attached.

If approved, the City's contribution to UCS will be pooled with funds from other cities in Johnson County and distributed to the agencies listed in the 2013 Human Service Fund Recommendation Report.

FUNDING SOURCE

\$6,825 is budgeted for 2013.
01-06-41-6034-025

RELATION TO VILLAGE VISION

LG2A Build on intermunicipal cooperative activities, agreements and planning initiatives.

ATTACHMENTS

2013 Human Service Fund Recommendation Report

PREPARED BY

Joyce Hagen Mundy
City Clerk

November 1, 2013



United Community Services of Johnson County

Board Members

Carol Gonzales, President
Doug Davidson
Penny Postoak Ferguson
Tim McKee
Jill Quigley
Thomas Robinett, Jr.
Anita Roman-Garcia
Matthew Scholfield
Henry Sewing
Hon. Ron Shaffer
Paul Snider
Rebecca Tilden
Rev. David Whetter
Eugene R. Wilson
Marc S. Wilson

Council of Advisors

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

Executive Director
Karen Wulfkuhle

October 5, 2012

To: Quinn Bennion
From: Karen Wulfkuhle, Executive Director
RE: 2013 Human Service Fund Recommendation Report

The United Community Services Board of Directors has prepared its recommendation for allocation of the 2013 Human Service Fund. The enclosed report is submitted for Prairie Village's action. To receive an electronic version of the document, please contact Marya Schott, maryas@ucsjoco.org.

The Human Service Fund agreement gives participating jurisdictions the authority and responsibility for determining allocations from this fund. The governing body is requested to take action to approve or modify the recommendation and notify UCS no later than January 31, 2013. After that date, the recommendation will stand as presented.

If you would like a representative from UCS to attend a Council meeting, or if you have any questions about the recommendation or process, please contact me at (913) 438-4764. We appreciate your support of this county-wide partnership. Thank you.

Enclosure: 2013 Human Service Fund Recommendation Report



United Community Services of Johnson County

2013 HUMAN SERVICE FUND RECOMMENDATION REPORT

Board Members

Carol Gonzales, President
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Jill Quigley
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Gary Anderson
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Rabbi Mark Levin
Laura McKnight
Dr. Janis McMillen
Dr. Robert Meneilly
Carol Sader
Charlie Sunderland
Dr. Elaine Tatham
Stephen Tatum
Dr. Tom Trigg
David Warm
Dr. Ron Wimmer
David Wysong
Hannes Zacharias

Executive Director
Karen Wulfsuhle

United Community Services commends the leadership of the participating jurisdictions for recognizing the important role of local government in supporting human service programs. Human service programs are a vital component of quality of life. Thank you for your support of the **Human Service Fund in 2013.**

The Human Service Fund offers local governments a cost-efficient, accountable mechanism to support an array of services that help residents of every city and township who are facing difficult circumstances. Funding is awarded to nonprofit agencies to support programs that accomplish one or more of the following:

- Meet the basic needs of low-income individuals and/or families through services such as emergency aid, shelter, and food;
- Provide work supports such as job training and childcare assistance to individuals so that they may achieve economic self-reliance;
- Provide access to health care for those who otherwise lack access;
- Prevent and respond to personal safety through prevention services targeted to those at-risk of child abuse and/or family violence, and aid for victims of child abuse and/or family violence.

Through these programs, thousands of individuals and their families benefit. But, these programs benefit more than just the individual and their family; the entire community, including local government, benefits. Without a strong human service infrastructure to address issues such as unemployment, lack of child care, homelessness, child abuse and neglect, domestic violence, and untreated medical conditions, our community will experience higher crime rates and lower tax revenue, a decline in the standard of living and weakened economic health of our entire community.

Your contribution will also make a positive difference for the 13 programs recommended for the Human Service Fund in 2013. Johnson County Government and 14 cities committed \$278,960 for program allocations. (See appendix A.) Funding recommendations are submitted to cities and County Government for review and action by **January 31, 2013.**

HSF Applicant History and 2013 Funding Recommendations

Applicant	2010 Grant	2011 Grant	2012 Grant	2013 Recommendation	Program Description
CASA of Johnson & Wyandotte Counties	\$13,500	\$15,000	\$18,000	\$20,000	Court-ordered intervention by trained volunteers for children determined by judge to be "Child in Need of Care" due to abuse or neglect. Volunteers focus on the child and submit reports to judge.
Catholic Charities of NE Kansas*	\$64,800	\$67,500	\$67,500	\$67,500	Emergency assistance and case management to meet basic needs of low-income families and help them work towards self-sufficiency.
El Centro	\$16,500	\$16,500	\$17,500	\$17,400	Provides safety net services for low-income, under-insured-/uninsured individuals and families, including emergency assistance (utilities) and assistance with access to healthcare.
The Family Conservancy	\$10,000	\$10,000	\$8,500	\$5,000	Individual Development Accounts (IDAs) (incentive-based savings) and financial education program assisting low-income residents in acquiring long-term appreciable assets.
Harvesters	No request	No request	No request	\$5,000	BackSnack program provides a backpack of food for low-income school children to take home over the weekend.
Head Start of Shawnee Mission	\$7,000	\$7,500	\$8,500	\$8,500	Human Service Fund scholarships for child care fees for Head Start families during financial hardship, which allows low-income parents to maintain either full-time education or employment.
Health Partnership Clinic	\$30,000	\$35,000	\$38,000	\$40,500	Health and dental care, through a medical home model, for low-income Johnson County residents.
Johnson County Interfaith Hospitality Network (IHN)	\$7,000	\$7,125	\$9,000	\$9,000	Case management for homeless single females and homeless families with children who receive shelter, meals, and transportation assistance from IHN.
Kansas Children's Service League	\$5,000	\$6,000	\$7,000	\$7,000	Home-based education and family support for new parents whose children are at-risk for child abuse and neglect.
KidsTLC (formerly TLC for Children & Families)**	\$16,000	\$17,500	\$15,500	\$15,400	Recruitment and training of resource families and placement of foster children and children in police protective custody into resource homes.
Marillac	No request	No request	\$5,500	No request	Psychiatric hospital treatment for uninsured or underinsured children in crisis.
SAFEHOME	\$10,000	\$11,000	\$14,000	\$15,000	Economic Empowerment Program promotes economic self-reliance for victims of domestic violence who are living in shelter and for women in agency's outreach programs.
Salvation Army Family Lodge (Olathe)	\$13,500	\$15,000	\$15,000	\$15,000	Emergency and transitional housing for homeless and near homeless families in Johnson County, including related services and case management.
Sunflower House	\$31,500	\$31,500	\$32,500	\$32,500	Personal safety and prevention programs for children aged 4-7 years old, middle school students, and parents. Mandated reporter training is also provided.
Turner House Children's Clinic	No request	No request	No request	\$0	Turner House provides primary health care services to children living in poverty who are uninsured or are Medicaid beneficiaries.
Total	\$224,800	\$239,625	\$256,500	\$257,800	The 2012 federal poverty level for a family of three is \$19,090.

* For 2011, UCS asked Catholic Charities to combine two previously funded programs into one request.

**In 2012 and 2013, KidsTLC requested funding for Resource Family Program instead of Family Case Management

**2013 HUMAN SERVICE FUND
PROGRAM SUMMARY AND RECOMMENDATION**

CASA of Johnson & Wyandotte Counties

Recommendation: \$20,000

Funding is recommended for the Children in Need of Care (CINC) program, a court-ordered program that serves children the judge has determined to be a "Child in Need of Care." CASA is court-ordered to a CINC case because of conflicting case information, extreme neglect or abuse, or concerns about implementation of services. A trained CASA volunteer advocate focuses on the child's situation and gathers information from the child, family, social worker, attorney, and teacher, then with the CASA supervisor, identifies needed assessments or treatment for the child. CASA's report is submitted to the judge who uses it to make more informed decisions regarding the child's future. Program outcomes include children who do not experience additional abuse or neglect, have a stable adult presence in their lives, and remain in safe and permanent homes. CASA anticipates serving 360 Johnson County children during 2013. CASA's 2013 HSF recommendation is \$2,000 more than the agency is receiving in 2012. UCS acknowledges the organization's strong leveraging of volunteers, and the important and unique accomplishments this agency achieves with limited staff and financial resources.

Catholic Charities of Northeast Kansas

Recommendation: \$67,500

Funding is recommended for the Emergency Assistance and Case Management program which operates out of two centers in Johnson County. The program provides assistance and strengths-based case management, without regard to religious affiliation, to families living at or below 150% of federal poverty guidelines. Emergency Assistance services include those that meet residents' basic needs such as food, clothing and shelter, as well as financial assistance with prescription medication and medical supplies, utilities, child care, and transportation. Strengths-based case management helps families identify the strengths they possess and set achievable goals with an action plan toward economic stability. During 2013 the agency anticipates serving 24,000 Johnson County residents.

El Centro

Recommendation: \$17,400

Funding is recommended for El Centro's Family Service Center – Comprehensive Safety Net Services - which serves low-income, under-/ uninsured Johnson County individuals and families. Services include emergency assistance (utility and housing assistance, domestic violence counseling), asset building (tax assistance, financial literacy education), and help accessing health services (health care case management and patient navigation, translation and interpretation). Program outcomes include that clients' basic needs are met and healthcare access is improved. The agency expects to serve 1,000 Johnson County residents during 2013.

The Family Conservancy

Recommendation: \$5,000

Funding is recommended for Family Asset Building which provides Individual Development Accounts (IDAs) to assist low-income residents in acquiring long-term appreciable assets, such as first homes, small businesses and post-secondary education. IDAs are matched savings accounts. In order to access IDAs, participants must attend economic education classes which teach financial skills including how to improve credit. IDAs and the assets they help to produce increase family stability, have a positive effect on educational outcomes for children, and

decrease the use of fringe financial institutions. During 2013 the agency expects to serve 87 Johnson County residents (adults and children). The Family Conservancy's 2013 HSF recommendation is \$3,500 less than the agency is receiving in 2012. UCS acknowledges the Family Asset Building program has been supported by the HSF since 2006. However, funding priorities in 2013 were narrowed and while the Family Asset Building program helps individuals achieve economic self-reliance through financial education and savings, it does not provide immediate income and work support.

Harvesters – The Community Food Network

Recommendation: \$5,000

Funding is recommended to support Harvesters BackSnack program which is provided within Johnson County schools. Through this program a backpack filled with food is provided to low-income children who take it home for the weekend, when school meals are not available. Harvesters purchases food for the backpacks and links schools to a community partner, and transports the food kits to the partner. Community partners clean backpacks, place food kits in backpacks and distribute backpacks to schools every week. School staff identify children in greatest need of food assistance. Outcomes include positive effects on participants' grades, behavior and health. Currently Harvesters collaborates with 39 schools and 20 community partners in Johnson County. In 2013 the agency plans to expand the program in Johnson County and serve 2,205 children and distribute 60,756 backpacks.

Head Start of Shawnee Mission

Recommendation: \$8,500

Funding is recommended for Head Start of Shawnee Mission's Wrap Around Care and Full Day/Part Year preschool program which serves children of low-income families who are either working or in school. Wrap Around Care (WAC) provides extended day care (before and after hour care) for families in Head Start's preschool program for three- to five-year olds. Human Service Fund scholarships pay WAC fees for enrolled families having financial difficulties. Funding allows children to maintain enrollment in the program while parents continue to work or go to school, which results in stability and continuity of care for the child when the family faces financial hardship. Head Start projects serving 135 Johnson County children during 2013 with the Wrap Around Care and Full Day/Part Year program.

Health Partnership Clinic of Johnson County (HPC)

Recommendation: \$40,500

Funding is recommended for healthcare and dental services which are provided at HPC's offices in Olathe and Overland Park for uninsured and underserved low-income residents. Historically a free clinic, HPC recently expanded to meet the needs of more low-income Johnson County residents by now serving patients who receive Medicaid, Medicare and Healthwave. Approximately 120 volunteer doctors, dentists, specialists, nurses and clerical staff work with 20 paid staff. Health Partnership Clinic utilizes a medical home model which emphasizes prevention and health maintenance while providing a broad scope of services including care for patients with chronic diseases. Anticipated 2013 program outcomes include increased access to a medical and dental home for low-income uninsured residents, patients achieve better health outcomes, and patients utilize the Health Partnership Clinic as their ongoing source of care (i.e. a medical home). During 2013 HPC anticipates serving 7,065 Johnson County residents through 22,000 face-to-face visits. HPC's 2013 HSF recommendation is \$2,500 more than the agency is receiving in 2012. UCS acknowledges the organization's strong volunteer

support, and the comprehensive care for acute and chronic health conditions, as well as dental services, provided regardless of ability to pay.

Johnson Co. Interfaith Hospitality Network (JoCo IHN)

Recommendation: \$9,000

JoCoIHN provides shelter, meals, transportation and case management for homeless families and single unaccompanied females. Area congregations provide shelter and meals on a rotating schedule while JoCoIHN staff help families regain self-sufficiency and independence. Human Service Funds are used to provide strengths-based case management which includes assistance with transportation, referrals to other community resources, assistance with budgeting and money management, and assistance with job and housing searches. JoCoIHN partners with 33 faith congregations. During 2013 the agency expects to serve 40 Johnson County residents with 2,500 days of shelter and case management.

**Kansas Children's Service League
(Healthy Families Johnson County)**

Recommendation: \$7,000

Funding is recommended for Healthy Families Johnson County, a child abuse prevention program which provides intensive home-based education and family support services to parents who are experiencing extreme stress and are "at-risk" for child abuse and neglect. Participants receive routine at-home visits, case management, referrals to community resources and services, child development and parent education, and linkage to health care services. Outcomes include families who do not have any substantiated child abuse and neglect, children who have health insurance, and children who are current on immunizations and have a developmental screen in the last six months (or are already receiving services for developmental delays). The program expects to serve 87 families (approximately 260 individuals) during 2013.

KidsTLC

Recommendation: \$15,400

Funding is recommended for the Resource Family Program which recruits, trains, and supports resource families, and places foster children in licensed resource family homes. Foster children enter state custody when a court determines removing them from their home is required to ensure safety. Often these children have experienced abuse or neglect. Emergency foster care may be needed for only a few days, whereas in other cases, children may need a longer-term temporary home while efforts are made to work with the birth family toward reintegration, or other permanency such as adoption or independent living. Program outcomes include that children live in safe and supportive families which promote their healthy development, and that children working toward permanency of placement will reach that permanency when they leave their resource home without a disruption in placement. The agency anticipates serving 115 Johnson County youth during 2012.

SAFEHOME

Recommendation: \$15,000

SAFEHOME provides shelter and other assistance for victims of domestic violence. Funding is recommended to support SAFEHOME's Economic Empowerment Program. Through education, support, and referrals to community agencies, this program assists women in taking control of their finances and moving towards financial independence. The program also includes housing advocacy to help women find safe, affordable housing. When the Economic Empowerment Program is accessed through SAFEHOME's emergency shelter, an Economic Advocate works

with each woman to determine her economic, vocational, and educational needs and strengths, and to determine the appropriate track – Job Search, Training/Education, or Economic/Budgeting. Most women are placed in the Economic/Budgeting Track in addition to one of the other tracks. Victims living in SAFEHOME’S outreach/transitional living programs have access to Financial Literacy classes. Program participant outcomes include securing employment, enrolling in job training or education programs, and achieving budgeting/credit goals. The agency projects this program will serve 160 Johnson County residents during 2013. SAFEHOME requested \$40,000 (an increase of \$26,000 from current HSF support), which included funding for the Bilingual Advocate. UCS acknowledges the value that the Bilingual Advocate brings to the Economic Empowerment Program, however given limited resources, the program component is not recommended for funding.

The Salvation Army (Johnson County Family Lodge)

Recommendation: \$15,000

Funding is recommended to assist homeless families in Johnson County with temporary food and shelter at the Johnson County Family Lodge (a homeless shelter) in Olathe. Families are given a private room for the duration of their stay which averages 90 days. Residents meet weekly with a case manager who utilizes the Strengths Based Case Management model, keep a budget, and work on debt recovery and completing a GED, if needed. In addition to providing safe shelter, outcomes include that families identify stabilization barriers and then address those barriers by implementing new life skills, complete debt reduction plans prior to leaving the Lodge, and develop a plan for support systems upon leaving shelter. New services offered at the Lodge include a financial literacy class, Love and Logic (parenting class), and therapy provided by a volunteer licensed therapist. The Family Lodge anticipates serving 175 Johnson County residents during 2013, an increase from previous years due to opening a new facility in 2013 which will have five more rooms for homeless families.

Sunflower House

Recommendation: \$32,500

Funding is recommended to support the Personal Safety Education Program, a child abuse prevention education program. The program includes: 1) *P.S. Happy Bear*, an interactive play for children ages four through seven enrolled in public and private early childhood centers and elementary schools; 2) *P.S. It’s My Body* delivered in elementary schools, which includes lessons on personal safety, self-esteem, bullying, sexual abuse and communication skills; 3) *Lets’ Cyber-Chat*, an internet safety program about online dangers that is delivered to upper-elementary and middle-school students and to parents; and 4) Mandated Reporter training for early childhood professionals, home visitors, court-appointed advocates and others. Program outcomes include that children are knowledgeable of strategies to recognize, resist and report abuse, youth increase their knowledge of online safety, caregivers more closely monitor internet activities of children and use online safety tools, and mandated reporters report any suspicion of abuse to authorities. The agency anticipates reaching 16,500 Johnson County residents during 2013.

NOT RECOMMENDED FOR FUNDING

United Community Services recommends no funding from the 2013 Human Service Fund for Turner House Children's Clinic. UCS acknowledges the contribution this agency makes to Johnson County children. With limited funds, however, the grant review committee focused on recommending allocations for organizations that have a stronger presence in Johnson County.

Applicant	2013 Request	Priority Service Area
Turner House Children's Clinic	\$20,000	Turner House Children's Clinic provides primary health care services to low-income, uninsured, and medically underserved children (0-18 years-of-age) whose families live at or below 200% of poverty. Located in Kansas City, Kansas, approximately 6.5% of patients served during 2013 are projected to be residents of Johnson County.

APPENDIX A

**2013 HUMAN SERVICE FUND
PARTICIPATING JURISDICTIONS**

JURISDICTION	CONTRIBUTION
Johnson County	\$110,250
De Soto	\$1,665
Edgerton	\$1,500
Gardner	\$4,500
Leawood	\$10,500
Lenexa	\$15,400
Merriam	\$2,250
Mission	\$6,395
Olathe	\$36,000
Overland Park	\$58,830
Prairie Village	\$6,825
Roeland Park	\$3,530
Shawnee	\$19,610
Spring Hill	\$1,495
Westwood	pending
Westwood Hills	<u>\$210</u>
Total County Government & Cities	\$278,960
Interest Income	\$840
Total Human Service Fund	<u>\$279,800</u>
UCS Administration	\$22,000
Total Available to Allocate	\$257,800

APPENDIX B

2013 HUMAN SERVICE FUND GUIDELINES & REVIEW COMMITTEE

The HSF provides grants to nonprofit agencies to support human service safety net programs that serve Johnson County residents. Due to the size of the fund, not all elements of the safety net are included in the Program Area Priorities. Components of the safety net that are supported by the HSF are basic need aid, work and income supports, health care, and personal safety.

2013 FUNDING PRIORITIES

Programs funded by the HSF offer county-wide benefit by avoiding, deferring, or preventing costs that otherwise might be incurred by local government, or that fill a gap which results in county-wide benefit. Priority is given to programs with limited opportunities to access funds directly from state or federal government, including through contractual arrangements. Funded programs must deliver measureable outcomes which benefit county residents and, in the long-term, benefit local governments.

Program Area Priorities:

- Meeting the basic needs of low-income individuals/families. Services may include emergency aid, short and long-term housing/shelter, and food/nutrition.
- Providing help to achieve economic self-reliance through income and work supports. Services may include job training, employment services, and child care assistance.
- Providing access to health care for those who otherwise lack access. Health care may include primary care for acute and chronic conditions.
- Preventing and responding to personal safety. Services may include prevention targeted to those at-risk of child abuse and/or family violence, and aid for victims of child abuse and/or family violence.

2013 ELIGIBILITY CRITERIA

Applicants for HSF must meet all of the following eligibility criteria:

- Current §501(c)(3) designation and in good standing in Kansas or Missouri as a nonprofit corporation, i.e. may not be an entity of city or county government.
- Agency must provide an independent certified audit of the previous year's financial records; or, if total agency revenues were less than \$250,000, an independent review of financial statements prepared by a Certified Public Accountant. The audit or review must have been completed within nine (9) months of the close of the fiscal year.
- The program serves primarily Johnson County, Kansas residents, targeting those with limited ability to purchase services. Programs that do not meet these criteria may still be eligible if they provide services to Johnson County residents that would otherwise not be available to them.
- The program clearly defines and measures outcomes for participants.
- The program clearly articulates long-term benefit to local governments.

- The applicant complies with UCS Human Service Fund Agency Standards.
- Applicants must affirm that the agency does not discriminate on the basis of age, sex, ethnicity, disability, race, color, ancestry, political affiliation, religion, sexual orientation, mental health disability or national origin.

2013 GRANT REVIEW COMMITTEE

UCS Board Members

- Rebecca Tilden, Community Volunteer, *Committee Chair*
- Anita Roman-Garcia, Westar Foods
- Henry Sewing II, Abbott Laboratories
- Paul Snider, KCPL
- Rev. David Whetter, Salem Lutheran Church

Community Representatives

- Janice Friedman, Kansas Department for Children and Families
- Janis McMillan, Community Volunteer
- Emily Mitchell, United Way of Greater Kansas City, Johnson County Community Advisory Council

Staff support: Marya Schott, UCS Community Initiatives Director



ADMINISTRATION DEPARTMENT

Council Date: November 19, 2012

COU2012-50: Consider approval of 2013 Joint City/County Legislative Platform

RECOMMENDATION

Staff recommends City Council adopt the 2013 Joint City/County Legislative Platform.

BACKGROUND

Every year the Council discusses and adopts a legislative program that establishes the City's legislative priorities for the upcoming session. The last few years the Council has adopted a joint City/County platform to assert our common positions with all of our state representatives. The County is requesting this practice continue and hosted a meeting in October with area managers. At that meeting the following changes to the 2012 Joint Platform were discussed and recommended:

KPERS Funding - same as 2012 but removed language referencing "additional retirement options" because the Legislature approved changes to KPERS in 2012 and added an additional Tier III retirement option for new employees.

Maintain Local Control of Revenue and Spending - same as 2012 - slight update of wording by replacing the word 'maximized' with "controlled by local voters and taxpayers."

Kansas Open Records and Open Meetings Act - same as 2012 - deleted sentence about the "disclosure of sensitive information."

Comprehensive Transportation Plan - same as 2012 - updated language on the benefits of investing transportation dollars in growth areas.

In addition, the items 'Official Publications on Internet' and 'Redistricting' were removed because they were successfully addressed during the 2012 legislative session.

ATTACHMENTS

Draft 2013 Joint County/City Legislative Platform, Prairie Village 2012 Legislative Platform

PREPARED BY

Chris Engel

Assistant to the City Administrator

Date: November 1, 2012

City of Prairie Village
Johnson County



2013 Legislative Priorities

State and local government are partners providing numerous governmental services that are funded and made available to citizens. Local units of government are closest to the citizens and very closely represent the interests of citizens in the communities in which they live. The partnership depends upon stable funding, efficient use of citizens resources, and responsiveness at the city and county level. We support respect and preservation of local authority, maintenance of local control of local revenue and spending, and oppose the devolution of State duties to local units of government without planning, time, and resources. The Johnson County Government and Cities advocate on the following issues in the interests of our elected representatives and on behalf of the citizens who live in our county and cities.

TAX POLICY

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

KPERS FUNDING

We support achieving a fully-funded public employee's retirement system within a reasonable period of time. The State should fully fund its portion of the employer contributions, and the local KPERS system should be separated from the state and school retirement system. The system should accumulate sufficient assets during members' working lifetimes to pay all promised benefits when members retire.

STATUTORY PASS-THROUGH FUNDING

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

MAINTAIN LOCAL CONTROL OF REVENUE AND SPENDING

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

KANSAS OPEN RECORDS AND OPEN MEETINGS ACT

We believe that an open government is essential to building public confidence. We support the retention of the exceptions in the Kansas Open Records Act and the permitted subject matters for executive sessions contained in the Open Meetings Act currently found in the law.

COMPREHENSIVE TRANSPORTATION PLAN

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

Prairie Village Elected Officials

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CITY COUNCIL

WARD I



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WARD II



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COUNCIL COMMITTEE OF THE WHOLE
November 5, 2012

The Council Committee of the Whole met on Monday, November 5, 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: Mayor Ron Shaffer, Ashley Weaver, Dale Warman, Ruth Hopkins, Steve Noll, Michael Kelly, Laura Wassmer, Brooke Morehead, Charles Clark, Ted Odell and David Belz. Andrew Wang arrived at 6:43 pm. Staff Members present: Wes Jordan, Chief of Police; Captain Tim Schwartzkopf; Bruce McNabb, Director of Public Works; Keith Bredehoeft, Project Manager; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Chris Engel, Assistant to the City Administrator; Lisa Santa Maria, Finance Director and Joyce Hagen Mundy, City Clerk.

COU2012-49 Consider approval of request to KCP&L to install a new street light in the 5500-5600 block of 75th Terrace

Bruce McNabb reported the City has received a request to have a new street light installed on this block west of Nall Ave. There are no existing street lights on this block. He inspected this location at both daytime and nighttime hours and a new street light appears to be warranted based on the City's current standards for residential areas. Mr. McNabb noted the probable location for the new light is near the middle of the block with the pole and luminaire being similar to the existing in the neighborhood.

Public Works identified nine properties with possible impacts from a new street light at this location and a petition requesting the street light was sent to each of these property owners. Six of the nine (67%) of the property owners have signed a petition in favor of the proposed street light. The names of the approving property owners were verified by the City Clerk's Office. Since this appears to be a fairly straight forward petition a separate public information meeting was not scheduled with the property owners.

If the Committee and the Governing Body approve sending this request to KCP&L, the company will inspect the site and develop specific plans for the installation. In this case an easement may be necessary to provide power to the pole. If this is necessary, the company will contact the appropriate property owners. Presuming that all arrangements can be worked out, installation will typically be done in 4-6 weeks.

The costs for a new street light and pole including installation, operation and maintenance are paid by KCP&L. The City pays the company for this service through the City's monthly electrical bill. At this time, these costs are approximately \$ 300 per year per light.

Ruth Hopkins made the following motion, which was seconded by Ted O'Dell and passed unanimously:

**MOVE THE CITY COUNCIL APPROVE A REQUEST TO KCP&L
FOR THE INSTALLATION OF A NEW STREET LIGHT IN THE
5500-5600 BLOCK OF WEST 75TH TERRACE
COUNCIL ACTION TAKEN
11/05/2012**

COU2012-48 Consider the Emerald Ash Borer Tree Infestation issue and provide initial direction to City staff

Bruce McNabb noted the recent media coverage of the emerald ash borer, a small insect that kills ash trees, which has recently been identified in the KC metro area. It is difficult to detect the borer until it has attacked a tree and at that point it is too late to save the tree.

This issue was raised at the September City Tree Board meeting by member Greg Van Booven who is a Certified Arborist and the City's current contractor for tree trimming and removal. The Board asked that this issue be considered by the City Council.

The City's inventory of trees on City property and along City streets shows a total of 737 ash trees in the City's approximately 9400 trees. 77 of these trees are located in City parks, on City islands and on other City property. The City is responsible for these trees and options for handling these trees will be presented in the near future. Staff estimates the City costs to handle City owned trees range from \$ 42,500 to \$85,000 over the next 10 years.

The remaining 660 ash trees in the inventory are along City streets (street trees). They represent approximately 8.5% of all street trees in the City. The ash trees are located throughout the City but are concentrated in some areas. 413 (62.5%) of these street ash trees are located on 18 street segments.

Laura Wassmer asked where in the City is the highest concentration. Greg VanBooven responded in Ward 1 and Ward 3.

Greg VanBooven stated that if ash trees become infected with the emerald ash borer, they will die. He reviewed research and studies conducted by Ohio State, Michigan State and Purdue Universities on treatment and prevention. Mr. VanBooven reviewed options available for treatment and actions taken in other areas to address this issue. There is a preventative treatment that is injected into the bark of the trees that has been 99% effective; however, he noted that the injections currently need to be done every two years. As research continues the length of time between injections could be increased.

Steve Noll noted that these trees are located in the older sections of the City and therefore are older and more mature trees which may have a limited life span. Mr. VanBooven responded that there are some existing Ash trees in the City that he would not recommend treating due to their condition. Mr. Noll suggested if treatment is pursued that the trees be evaluated with the best trees being treated and others possibly being removed. Mr. VanBooven agreed that would be the process he would recommend but noted some of the difficulties in the selection process for those trees receiving treatment and addressing the questions from the public regarding why their trees were not treated.

Dale Warman noted the number of trees being discussed only include those on City property or City right-of-way, not trees that are located in residents' yards. He noted the question before the Council is whether the City wants to take preventative measures or

do nothing and let the trees dies. He does not feel doing nothing is an option. He also suggested that when trees are removed that they be replaced with a different species of tree. He agreed with Mr. VanBooven that the evaluation process will be difficult and potentially become political.

Greg VanBooven noted the City will be affected regardless of whether they take action or not as untreated trees will die and will need to be removed and replaced at a cost by the City. He also noted the intangible value these trees give to the City and its residents in higher property values.

Ted Odell expressed concern with the overall cost of the proposed program and questioned the cost for tree removal and disposal. Mr. VanBooven noted disposal costs will probably be increasing as cities are placing restrictions to prevent diseased trees from entering their municipalities. Mr. McNabb stated the current average cost for tree removal is approximately \$350 depending on the size of the tree and noted the city's discounted rated.

Laura Wassmer asked what the anticipated life span was for Green Ash Trees. Mr. VanBooven stated under ideal conditions, in a forest area, these trees would live for over 100 years. The trees in the northern area of Prairie Village are probably 50 to 60 years old being planted when the city was developed.

Ruth Hopkins stated that she is strongly opposed to moving forward with the proposed treatment program due to its excessive and with ongoing cost.

Brooke Morehead asked what actions Wyandotte County has taken. Mr. VanBooven noted that Wyandotte County does not have a high concentration of Ash Trees and the county is not taking any action. The City of Kansas City, Missouri is implementing a treatment program. He noted that fortunately Prairie Village has a relatively low percentage of Ash Trees, whereas 20 to 25% of the trees in Overland Park are Ash Trees. Mrs. Morehead stated she agreed with not pursuing a treatment program and feels that these trees are replaced with a diversity of trees. Mr. VanBooven responded the City currently under its tree planting program is planting a diversity of tree types.

Andrew Wang stated there will be a cost to the City regardless of the City's actions.

Bruce McNabb agreed and noted the City's response to the emerald ash borer will have a significant financial impact to City government. Rough estimates (conservative/low) of the City's 10 year costs for contractual services to deal with the effects of the emerald ash borer range from \$400,000 to more than \$ 720,000, based on assumptions about the general condition of these trees, average tree size, current contractual prices, etc. There will be additional costs for staff time to manage these programs and additional temporary resources may be needed. Laura Wassmer stated, based on her experiences with tree removal, that estimate is very low. Mr. McNabb noted the costs are based on the costs bid for the City's bid tree trimming which are probably significantly lower than the costs charged to a resident.

If no changes are made in City policy, the estimated 10 year costs for a private property owner to have one ash tree inspected and treated is approximately \$1000. It might be difficult to force private property owners to treat their ash trees.

According to current State law, City Code and City Council policy, the maintenance of trees, including any treatment for infestations, is the responsibility of the tree owner, which is the adjacent property owner. The City removes dead and dying trees, replants new trees, removes hazardous branches and has a periodic trimming program.

Mr. McNabb stated the threshold question at this point is whether the City Council wants to modify current City policy to provide treatment to these ash trees along City streets and possibly other problems with other trees in the future. He noted there are no specific funds budgeted for a response to this issue in the 2012 or 2013 City Budgets. Funding would have to come from the City's General Contingency Funds or could be budgeted in the 2014 City Budget.

Laura Wassmer stated she felt that taking no action would be very short sighted of the Council. The option of doing nothing will also be very expensive.

David Belz confirmed this is estimated to be a ten year cost. Mr. McNabb responded it will be an ongoing cost; however, as research develops he does not know what may be developed to address this issue in the future.

If it is determined that the City should take over responsibility for this aspect of maintaining the street ash trees, staff will present options to the Tree Board and City Council regarding the number of trees to be treated, possible schedules and associated costs.

The primary advantages of the City taking over this responsibility are the preservation of more of the existing ash trees, fewer and slower impacts to ash trees on private property and all of the associated benefits of more healthy trees including aesthetics, reduced soil erosion, and other environmental benefits. These benefits are shared among the adjacent property owner, the neighborhood and the entire City. The primary disadvantages of taking over this responsibility are the costs and possibly the expectation that the City will also respond in a similar manner to the next similar situation that arises in the future.

Charles Clark stated he would like to see specifics or a proposed plan with estimated costs and information on what other cities are doing or have done to address this issue. Mr. McNabb responded at this point the only known city in Johnson County that is embarking on a proactive ash tree preservation program for street trees is the City of Fairway.

If City Council takes no action, the responsibility for maintenance will remain with the private property owner. City staff can attempt to notify these residents to make sure that they know they own an ash tree along the street and point them toward additional information resources.

Laura Wassmer stated she would like to have addressed in the proposal the possible forming of a partnership with the residents for right-of-way trees with possible shared costs. Ted Odell stated at a minimum the City should take action to notify the residents of the potential threat to their trees and options. Steve Noll stated trees, particularly mature trees, are a value asset that the City cannot walk away from. The City should assist residents in how to identify green ash trees that are in danger and provided information regarding the options available. Greg VanBooven responded this could be done through an article in the Village Voice, a possible special seminar presented by the Tree Board to educate residents on this issue.

Charles Clark stated it appeared the Council was supportive of having staff do more research and prepare possible plans or options for consideration; however, he added this was not saying the Council would move forward with implementation of a treatment program.

David Morrison confirmed all but Mrs. Hopkins were supportive of staff researching this issue further and presenting more detailed information to the Council at a later meeting.

COU2012-50 Consider 2013 Joint City/County Legislative Agenda

Chris Engel noted each year the Council discusses and adopts a legislative program that establishes the City's legislative priorities for the upcoming session. The last few years the Council has adopted a joint City/County platform to assert our common positions with all of our state representatives. The County is requesting this practice continue and hosted a meeting in October with area managers. At that meeting the following changes to the 2012 Joint Platform were discussed and recommended:

KPERS Funding - same as 2012 but removed language referencing "additional retirement options" because the Legislature approved changes to KPERS in 2012 and added an additional Tier III retirement option for new employees.

Maintain Local Control of Revenue and Spending - same as 2012 - slight update of wording by replacing the word 'maximized' with "controlled by local voters and taxpayers."

Kansas Open Records and Open Meetings Act - same as 2012 - deleted sentence about the "disclosure of sensitive information."

Comprehensive Transportation Plan - same as 2012 - updated language on the benefits of investing transportation dollars in growth areas.

The items 'Official Publications on Internet' and 'Redistricting' were removed because they were successfully addressed during the 2012 legislative session.

Mr. Engel noted the general stance is for cities to come together to maintain the status quo and continue to receive the current pass-thru funding that is received from the State. Although the impact of tomorrow's elections is unknown, in the earlier primary

some strong supporters for municipal governments were defeated and there is a stronger need for local governments to become more involved in communicating with state representatives.

Charles Clark stated he felt a joint platform is more likely to be read and considered by representatives and a more powerful statement. Mayor Shaffer stressed the need for open communication with state representatives both to let them know what is desired by the city as well as to find out what actions are being considered at the state level. The Council confirmed their desire to hold the annual Legislative Breakfast.

Charles Clark made the following motion, which was seconded by Laura Wassmer and passed unanimously:

**RECOMMEND THE GOVERNING BODY ADOPT THE 2013
JOINT CITY/COUNTY LEGISLATIVE PLATFORM
COUNCIL ACTION REQUIRED
CONSENT AGENDA**

COU2012-52 Consider City Hall and Public Works Entrance Signs

Keith Bredehoeft stated in the last several years new city entrance signs and park entrance signs have been installed around Prairie Village. It is proposed to update the entrance signs to City Hall and Public Works to similar style signs. By adding the two new signs at both City Hall and Public Works these facilities will have a much more visible and identifiable sign. The City Hall and Public Works signs are the only two that have not been upgraded. If this is completed now, the entrance, park, and building signs will all be new and similar in architectural style.

The City Hall sign will have two columns with the sign face attached as shown in the attachment. The Public Works sign will be constructed the same as the park entrance signs. The \$20,000.00 includes up to \$2,000.00 for electrical work to light the sign at City Hall and any possible changes that could take place. Funding for this project would come from the City General Contingency Fund.

Brook Morehead stated she felt the expenditure of \$20,000 to tell people where City buildings are located is a waste of money. She would prefer the money be saved for future replacement of the existing signage when it is required. She asked if the current signage was ineffective.

David Morrison confirmed there is nothing functionally wrong with the existing signage. Mr. Bredehoeft noted the proposed change more aesthetically driven than functionally driven; however, it is desired to have consistency in the city signage throughout the City and noted the existing signage is dated having been installed more than 15 years ago.

Ted Odell asked if the cost for the signage could be bid to get a better cost. Mr. Bredehoeft replied the cost was from the contractor who did the other city signs, but the work could be put out for bid.

Bruce McNabb stated he has received comments from residents and contractors that they were unable to locate City Hall or who drove by the existing signage and driveway to the public works facility. Mr. Morrison stated he would support replacing the signs when they needed to be replaced, not now for aesthetic reasons.

Laura Wassmer made the following motion, which was seconded by Ted Odell and passed by a vote of 9 to 3 with Weaver, Morehead and Morrison voting in opposition:

**MOVE THE CITY COUNCIL APPROVE THE CONSTRUCTION
OF NEW ENTRANCE SIGNS AT CITY HALL AND PUBLIC
WORKS AND THE FUNDING OF \$20, 0000 FROM THE GENERAL
CONTINGENCY FUND**

**COUNCIL ACTION REQUIRED
CONSENT AGENDA**

David Morrison recused himself from the chair for the remainder of the committee meeting and former Council President Charles Clark assumed the chair.

Code of Ethics Complaint

City Attorney Katie Logan presented a code of ethics complaint against Councilman David Morrison for alleging providing an unauthorized person to use his security code to access secure areas of City Hall. The complaint included information about the individual, including a criminal and drug use history, having access during closed hours and spending three nights unattended in City Hall. The individual was discovered by city staff on the morning of October 31st in the employee lounge and Chief Jordan was notified. While the investigation is still underway, there is no evidence of any items being taken or access to confidential records.

Ms Logan stated by City Code the City Attorney is required to bring any alleged violation by a public official of the Code of Ethics to the attention of the Council Committee of the Whole by a written complaint. "The Council Committee of the Whole shall adopt its own rules for studying and investigating complaints. After investigating the complaint, the Council Committee of the Whole shall make recommendations in writing to the Mayor. The Mayor shall take whatever action they deem appropriate.... On the part of public officials, action, if any, shall either be public censor or ouster, provided that all action be in accordance with the applicable statutes of the State of Kansas."

Ms Logan distributed proposed rules for studying and investigating ethics complaints against public officials under Section 1-212 of the code of the City of Prairie Village, Kansas for consideration by the Council. She stated she does not feel there will be many of the facts claimed in the complaint disputed. She has requested input from the District Attorney whether deliberations may be taken in executive session, with action being taken in a public meeting at the conclusion of the executive session. She advised that a draft of the complaint received by members of the Council was presented to Mr. Morrison and his attorney on Friday, November 2nd during a meeting with herself, Quinn Bennion and Chief Jordan. At that time, his attorney requested four weeks to prepare for the hearing. The guidelines distributed call for a hearing to be held at least two weeks after the receipt of the complaint by the Council. She noted the hearing could be conducted at a special meeting of the Council Committee.

Michael Kelly asked if the facts are not in dispute why the committee can't move forward with action. Mrs. Logan responded they could do so only if Mr. Morrison waived his right to a hearing.

Laura Wassmer stated with the facts not being in dispute she does not see any reason for waiting four weeks to hold the hearing. Mrs. Logan stated she could not say all the facts are not in dispute, but many facts are not. Ms. Wassmer cannot see any advantage in waiting a month. Ms Logan responded that from the city's perspective two weeks is sufficient time.

Michael Kelly stated that under the circumstances he also feels the Council Presidency should revert back to the former Council President pending the results of the investigation.

Mrs. Logan stated the hearing could be set for two weeks and changed or continued if need be. She noted that she felt an entire Council Committee of the Whole meeting should be set aside for the hearing. Charles Clark asked Quinn Bennion if doing so would leave sufficient time for the committee to handle other matters in future meetings or should a special meeting be scheduled. Mr. Bennion responded committee agendas are usually set the week prior to the meeting and he knew of only a few items at this time.

Michael Kelly moved the Council Committee of the Whole schedule a public hearing on the alleged violation of the code of ethics as presented by the City Attorney for the Monday, November 19th meeting of the Council Committee of the Whole. The motion was seconded by Laura Wassmer and passed unanimously.

Ruth Hopkins moved the Council Committee of the Whole adopt the rules for studying and investigating ethics complaints against public officials under Section 1-212 of the Code of the City of Prairie Village, Kansas as presented. The motion was seconded by Steve Noll and passed unanimously.

Michael Kelly moved that pending the result of the investigation of the complaint against Council President David Morrison that the Council Presidency be returned to former Council President Charles Clark. The motion was seconded by Laura Wassmer and passed unanimously.

Adjournment

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

David Morrison
Council President



PUBLIC WORKS DEPARTMENT

Council Meeting Date: November 19, 2012

STAFF REPORT: 75TH STREET TRAFFIC SIGNALS COORDINATION- FINAL SUMMARY REPORT

INFORMATION

Attached report provided for information purposes.

BACKGROUND

Early in 2011 staff from the Mid-America Regional Council's (MARC) Operation Green Light traffic signal optimization program contacted City staff about improving the coordination of traffic signals on 75th St. in Prairie Village. After some discussion MARC arranged for a traffic engineering feasibility study for this project.

After the study was completed City staff reviewed it and provided feedback to MARC staff and their consultant. MARC staff completed the design process and implemented the changes in late 2011. They have now completed a final report (attached) which documents the costs and benefits of this project.

FUNDING SOURCE

The City did not pay any additional or special out of pocket costs for the traffic study or the implementation of this project. It was completed as a part of the Operation Green Light (OGL) program which the City supports with an annual contribution of approximately \$5000 per year through the Budget process. City staff also participates in the OGL Operations Committee which reviews similar projects throughout the metropolitan area.

RELATION TO VILLAGE VISION

CC1 Attractive Environment

CC1a Make streetscape improvements to enhance pedestrian safety and attractiveness of the public realm.

TR3 Traffic Calming

TR3b Synchronize traffic light systems to facilitate traffic flow

ATTACHMENT

Operation Green Light Traffic Signal Coordination Summary Report, 75th St.- Lamar to Mission

PREPARED BY

Bruce McNabb, Director of Public Works

Date: November 13, 2012



Operation Green Light Traffic Signal Coordination Summary Report 75th St - Lamar to Mission

Introduction

Operation Green Light is a regional effort to improve traffic flow and reduce fuel consumption and vehicle emissions. Managed by the Mid-America Regional Council (MARC), Operation Green Light works with federal, state and local agencies to develop and implement a system that will coordinate traffic signal timing plans and communication between traffic signal equipment across jurisdictional boundaries.

Corridor Activities

Through Operation Green Light new coordination plans were developed for 75th St from Lamar Ave to Mission Rd. The new plans were installed on the street in November and December of 2011 and they were evaluated for their effectiveness with before and after studies. See Figure 1 on the back of this report for a map of the study area. This corridor has an average daily traffic of approximately 19,000 vehicles.

Results

The results for individual drivers will vary by origin and destination, time of day and direction, as well as other factors outside the scope of traffic signal timing. Table 1 below is a summary of the results.

Table 1. Summary of results for 75th St Project

Improvement during morning, noon, and evening peak periods: (for drivers traveling the entire length of the corridor)				Approximate daily savings: (net change for all drivers impacted by the plans)	
Morning	Noon	Evening		Daily	
65.0%	79.4%	46.1%	less travel delay from signals	9	hours saved in travel time
66.8%	78.5%	56.8%	fewer stops	9700	fewer stops
13.3%	16.0%	14.4%	less fuel consumed	36	gallons of fuel saved
17.1%	24.4%	21.9%	fewer hydrocarbons emitted	7.4	kg less hydrocarbons emitted
11.1%	14.7%	17.7%	less carbon monoxide emitted	34.1	kg less carbon monoxide emitted
15.4%	28.6%	29.1%	less nitrous oxide emitted	7.7	kg less nitrous oxide emitted
Approximate economic savings from reduced travel time and fuel consumption:				Per Day	Per Year
				\$255	\$63,800

Benefit to Cost Ratio

The continued operations of the OGL system will cost approximately \$1800 per signal per year. Thus the cost of keeping the 75th St corridor a part of OGL is \$9,000 per year for the five signals updated. Therefore the benefit to cost ratio for this re-timing project is 7.1 to 1.

LOCHNER

MEMORANDUM

TO: Prairie Village City Council
FROM: Dennis Enslinger, Assistant City Administrator and Ron Williamson, Lochner, Planning Consultant
SUBJECT: Proposed Amendment to Chapter 19.28 Special Use Permits to Incorporate a Protest Process
DATE: November 19, 2012

COMMENTS:

At its regular meeting on November 5, 2012, the City Council discussed the issue of including protest petitions for Special Use Permits. There is a protest provision for zoning change requests which is mandated by State Statute. It states that if 20% of the property owners within the required notification area file a protest petition against the proposed change a 3/4 vote of all members of the Governing Body (10) are required to override the protest. There is no statutory requirement for protest petitions for Special Use Permits and each city can establish its own procedure. Prairie Village has had a Special Use Permit process in the ordinance since at least 1975 and probably longer, but has never included a protest provision.

If a protest provision is to be included, it is suggested that it be similar to the protest provision used for zoning change requests. A new section would need to be added to Chapter 19.28 Special Use Permits. The proposed language would generally be as follows, however, it may be modified and revised based on input from the public hearing:

19.28.041 Protest

Regardless of whether or not the Planning Commission recommends approval or disapproval of a Special Use Permit, if a protest petition against such Special Use Permit is filed in the Office of the City Clerk within 14 days after the date of the conclusion of the public hearing, signed by the owners of record of 20% or more of the total area required to be notified of the proposed Special Use Permit, excluding streets and public ways, such Special Use Permit shall not be passed except by at least a ¾ vote (10 votes) of all members of the Governing Body.

An amendment to the text of the zoning ordinance can be initiated by the Planning Commission or the Governing Body. Traditionally, in Prairie Village, amendments have been initiated by the Planning Commission. The Planning Commission sets a public hearing date and then forwards its recommendation to the Governing Body. The purpose of the public hearing is to obtain input from all interested parties and establish a written record as the basis for a recommendation.

As a caution, the Governing Body should not discuss the merits or details of the language at this time but should simply request the Planning Commission to hold a public hearing to consider including a protest petition process for Special Use Permits. The Governing Body will have ample opportunity to refine the language after the Public Hearing and the receipt of the Planning Commission Recommendation.

RECOMMENDATION:

If the Governing Body desires to consider including a protest provision for Special Use Permits, it should request the Planning Commission to hold a public hearing on Chapter 19.28 Special Use Permits to include a protest petition process. A memorandum of explanation would be on the December 4th Planning Commission Agenda with a request to authorize a Public Hearing for the January 8, 2013 Planning Commission Meeting.

MAYOR'S ANNOUNCEMENTS

November 19, 2012

Committee meetings scheduled for the next two weeks include:

Environmental/Recycle Committee	11/28/2012	7:00 p.m.
Council Committee of the Whole	12/03/2012	6:00 p.m.
City Council	12/03/2012	7:30 p.m.

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

The City offices will be closed Thursday, November 22 and Friday, November 23 in observance of Thanksgiving. Deffenbaugh observes the holiday on Thursday only.

The Mayor's Holiday Tree lighting will be November 29th from 6:00 - 7:00 p.m. at Corinth Square.

The Municipal Foundation will be hosting a Gingerbread House Decorating Party on Sunday, December 9th at Brighton Gardens, 7105 Mission Rd. There will be two sessions.

The employee holiday luncheon will be December 12th from 11:30 a.m. to 1:00 p.m. in the Council Chambers.

The Mayor's Holiday Gala for Volunteers will be Friday, December 14th at Homestead Country Club.

INFORMATIONAL ITEMS
November 19, 2012

1. Planning Commission Minutes - October 2, 2012
2. Board of Zoning Appeals Minutes - October 2, 2012
3. Sister City Committee Minutes - September 10, 2012
4. Mark Your Calendars

PLANNING COMMISSION MINUTES
October 2, 2012

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, October 2, 2012, in the Council Chamber, 7700 Mission Road. Vice Chairman Bob Lindeblad called the meeting to order at 7:00 p.m. with the following members present: Randy Kronblad, Dirk Schafer, Nancy Wallerstein, Gregory Wolf and Nancy Vennard.

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

APPROVAL OF MINUTES

Nancy Vennard moved to approve the minutes of September 11, 2012 with the following changes: on page 4 - 7th paragraph - *strong* should be *strongly*; 9th paragraph *centers* should be *buildings*; on page 7 2nd paragraph, 4th sentence should read "Prairie Village Center is becoming more urban than suburban". The motion was seconded by Randy Kronblad and passed by a vote of 6 to 0.

PUBLIC HEARINGS

**PC2012-08 Request for Conditional Use Permit for Drive-Thru Service Window
6920 Mission Road and**

**PC2012-113 Request for Site Plan Approval - PV Shopping Center NW corner of 71st
Street & Mission Road**

PC2012-114 Request for Preliminary & Final Plat Approval - PV Shopping Center

Ron Williamson stated that staff is recommending continuation of PC2012-08 Request for a Conditional Use Permit and PC2012-113 Site Plan approval for all but Phase 1 because all of the requested information has not been provided by the applicant. No elevations have been received for Hen House, nor has the entrance been determined. Staff has had discussions with the applicant on parking, but has not resolved any issues. The Commission asked for a response to the points raised by the tenants regarding the service area and these have not been addressed. The fire department is still reviewing emergency vehicle access information. This is a large project and staff does not recommend moving forward with a lot of loose ends. However, in order to be in compliance with the CID agreement, the Commission has adequate information to consider the entrances to the center from Mission Road and Tomahawk, which are Phase 1 of the Mission Lane Site Plan and the preliminary and final plats.

Curtis Petersen, with Polsinelli, Shughart, PC, representing the PV Shopping Center ownership, stated the applicant intended to come back with all three applications ready. They are very close to getting the needed answers from Hen House and discussions are moving forward on the new building. They are requesting the commission take action on what has been identified as (Phase 1) by staff on the site plan and the plat. The balance of the project will be submitted within the next few days for approval in November.

Gregory Wolf moved the Planning Commission continue PC2012-08 a request for a conditional use permit for a drive thru at 6920 Mission Road to the November 6th Planning Commission meeting. The motion was seconded by Nancy Vennard and passed unanimously.

PC2012-114 Request for Preliminary & Final Plat Approval - PV Shopping Center

Prairie Village Shopping Center is an unplatted tract of land that is bordered by Mission Road on the east, 71st Street on the south and Tomahawk Road on the west and north. The applicant is proposing to vacate Mission Lane and Prairie Lane which the City has been encouraging for several years and is a requirement of the CID agreement. The applicant proposes to change the parking configuration in the center and implement a major streetscape plan for Mission Lane. Vacating the public right-of-way will provide the applicant more flexibility in design. In order to vacate Mission Lane and still provide access to Tomahawk Road, the service station and bank have agreed to the street vacation and will sign the plat.

Since this is the platting of an existing developed area and is relatively uncomplicated, staff has agreed to allow the applicant to submit both the Preliminary and Final Plats for consideration at the same time. The applicant also has a time constraint and needs to have the plat approved and recorded in order to start construction on Mission Lane in November to be in compliance with the CID Agreement.

Preliminary Plat

The Preliminary Plat contains most all the information required by the subdivision regulations. There are a number of water, storm water and sanitary sewer lines on the property. Some of the lines are in easements and other lines are service lines to specific businesses. Since the applicant is submitting site plans for the redevelopment of the center in several phases, many items normally addressed in platting will be addressed through site plan approval.

The Flood Plain Zones are not currently labeled. The Zone X on the west side of Tomahawk is actually Zone AO. Also, the division line between Zone AD and Zone AE needs to be shown on the plat. The applicant needs to determine where the trail easement will be and show it on the plat. There is a KCP&L line running east and west across Lot 2 which needs to be in a utility easement or a letter needs to be obtained from KCP&L stating that an easement is not needed.

Staff recommends approval of the Preliminary Plat subject to the applicant making the Flood Plain corrections, adding the trail easements along Mission Road or Mission Lane and Tomahawk Road and resubmitting three copies of the revised document.

Final Plat

Curtis Petersen responded the applicant agrees with staff conditions 1 and 9, but does not agree with #1 & #3. Their study of Mission Road reflects that it is not possible to construct even a six foot trail along Mission Road under the proposed development plan. They do not feel the construction of a trail along Mission Lane would be prudent from a safety viewpoint.

In addressing the ability of pedestrians and bike traffic to get from the south end of the center to the north end, Mr. Petersen presented the following available means: 1) the existing 10' trail along Tomahawk, 2) the public easement would allow bike riding on Mission Lane and 3) sidewalks can be used for bikes.

The Final Plat essentially has all the information on it that is required.

The trail easements need to be shown on the plat for both Tomahawk Road and Mission Road or Mission Lane and dedicated.

As depicted in the master trail plan and as required in the CID agreement the applicant has indicated they would prefer only language referencing to the possible dedication of the trails along Tomahawk and Mission Road.

The Tomahawk Trail is a City Project funded by the CID and the CID agreement contains clear language regarding the general location and design of the proposed trail. Therefore Staff is comfortable referencing the CID agreement on the face of the plat related to the Tomahawk Trail.

However, based on the proposed site plan, the applicant has not adequately addressed how the City would construct a trail on the West side of Mission Road. Originally, the CID called for buildings to front along Mission lane to accommodate a trail on Mission Road (i.e. the US Bank building would be replaced). With the proposed site plan, the overall concept of buildings fronting along Mission Lane has been revised to accommodate the Hen House expansion. Based on the site plan, it would be impossible for a trail to be constructed along Mission Road. Staff has proposed an alternative, that the trail be constructed along Mission Lane at the time it is redeveloped. However, the applicant has indicated that this is not desirable.

With the redevelopment of the UMB Bank site, a 10 foot section of sidewalk was constructed along Mission Lane and Mission Road to accommodate a trail as per the Master Parks Trail Plan. The applicant needs to address how a future trail along Mission Road or Mission Lane will be accommodated prior the filing of the plat and any future easements should be shown on the face of the plat.

The City does not want the liability or responsibility for maintaining the portion of the storm drain that is within the enclosed conduit. However, it is critical that this stream water flow not be impaired. The following language should be added to the PROPERTY OWNER MAINTAINED DRAINAGE AREA section on the Final Plat:

The Property Owner Maintained Drainage Area shall remain free of any obstruction which would restrict the flow of stormwater and said Drainage area shall be maintained by the property owner. On or before May 1st of each year, the property owner shall submit a certification from a professional engineer licensed in the State of Kansas to the Director of Public Works that said Drainage area is in good repair and is fully functional. If it is determined that repair is needed, the property owner shall be given a reasonable opportunity to perform the required maintenance or repair. If the City is required to perform maintenance or repair for any reason including debris removal, it shall have the right to assess said costs to the property owner. The City shall be absolved from all liability for the Property Owner Maintained Drainage Area.

The "60' Storm Drainage Easement" needs to be changed to "Property Owner Maintained Drainage Area" on the face of the plat.

The existing KCP&L line crossing Lot 2 needs to be installed underground.

The text for the City Council needs to be revised as follows:

The Governing Body of the City of Prairie Village, Kansas does hereby accept all public easements, ways of land and approves the public street vacations contained herein, this ____ day of _____, 2012.

The following recommendation was provided by Staff: It is the recommendation of Staff that the Planning Committee approves the Final Plat of Prairie Village Shopping Center subject to the following conditions:

1. That the trail easement for Tomahawk Road be noted as Section 7.04 of the CID Agreement and easements for Mission Road or Mission Lane be shown on the plat.
2. That the "60' Storm Drainage Easement" be changed to "Property Owner Maintained Drainage Area".
3. That text be added to the Property Owner Maintained Drainage Area as follows:

The Property Owner Maintained Drainage Area shall remain free of any obstruction which would restrict the flow of stormwater and said Drainage area shall be maintained by the property owner. On or before May 1st of each year, the property owner shall submit a certification from a professional engineer licensed in the State of Kansas to the Director of Public Works that said Drainage area is in good repair and is fully functional. If it is determined that repair is needed, the property owner shall be given a reasonable opportunity to perform the required maintenance or repair. If the City is required to perform maintenance or repair for any reason including debris removal, it shall have the right to assess said costs to the property owner. The

City shall be absolved from all liability for the Property Owner Maintained Drainage Area.

4. That the KCP&L line running across Lot 2 be installed underground.
5. That the signature block for the Governing Body be revised as follows:
The Governing Body of the City of Prairie Village, Kansas does hereby accept all public easements, ways of land and approves the public street vacations contained herein, this _____ day of _____, 2012.
6. That letters of subordination from lenders be submitted.
7. That the applicant submit the Final Plat to the Johnson County surveyor for a review.
8. That the applicant submit a certificate showing that all taxes and special assessments due and payable have been paid.
9. That the Final Plat as approved be revised and three copies submitted to the City for their records.

Curtis Petersen stated in response to condition #1 that the applicant would like to add the following language because the CID agreement may be amended from time to time, "That the trail for Tomahawk Road be noted as Section 7.04 of the CID agreement." They also do not want trail easements shown on the plat. Regarding condition #3 they would agree to take ownership and maintain the drainage area; however, they would like language added that would reflect where the city has done work in the past the developer would be held harmless for any liability and maintenance.

Bob Lindeblad stated the biggest question on the plat is the inclusion of the trail easements and asked if staff had provided the applicant possible trail scenarios. Mr. Enslinger responded staff has discussed possible options but has not provided any trail design for potential locations to the applicant.

Nancy Vennard asked if the plat needed to be approved in order for them to begin work. Bob Lindeblad responded they need to vacate the street to get things going. Nancy Wallerstein asked what would happen on the west side of Mission Road for trails. Mr. Enslinger responded there are trail connections needed at Tomahawk and at the corner of 71st and Mission Road. He noted the applicant could dedicate some portions along Mission Road as an option, but are unwilling to do so because of loss of parking spaces. Dirk Schafer felt the issues were too complicated to resolve this evening. Mr. Enslinger stated the only action needed is approval of the site plan for the north end.

Nancy Wallerstein confirmed that if the date was changed in the CID, the entire agreement would be open to possible change. Mr. Enslinger noted that both parties have to approve the changes.

Bob Lindeblad asked why the trail easements were being required. Mr. Enslinger replied by requiring the easements future development would be allowed. He added at the north end of the UMB site there is already a ten foot trail/sidewalk provided. Mr. Lindeblad stated it goes back to the implementation of the Trails Master Plan. Mr. Enslinger responded the direction he received from the Council was for an easement along Mission Lane to be considered. Mr. Lindeblad stated he felt Mission Lane was the worst possible location. Mr. Enslinger stated the easement could be given along Mission

Road as was the original intent of the CID but noted the existence of the U.S. Bank building in the current development makes this impossible.

Dirk Schafer asked what action could be done by Planning Commission without over committing. Mr. Enslinger responded approval of the north end of phase 1 of the site plan would be the simplest action. Randy Kronblad asked if that could be done without the approval of the plat. Mr. Enslinger replied it could be done with the approval of all the signers on the plat. Mr. Williamson noted there are other property owners included on the plat. Mr. Enslinger stated he doubted the plat could be approved by the County and filed by November 1st.

Curtis Petersen stated their intent is to work on the property only after the plat is approved. . He stated the applicant would be amenable to adding the trail easements where feasible along Mission Road. They have talked with the County and feel they could get the plat filed by November 1st.

Dennis Enslinger pointed out the work on the north entrance can be done without plat approval, as landscape work at UMB bank was allowed, and continue to work on the plat. Public Works will issue the necessary right-of-way permit.

Bob Lindeblad said the problem is the master plan for trails requiring trails where they don't fit and he did not recommend requiring the easements. Mr. Enslinger stated staff will work with whatever direction they receive from the Commission.

Curtis Petersen clarified their easement proposal along the retail section of Mission Road, noting it does not include the Macy's property. Mr. Enslinger stated a condition of approval could be the construction of a trail from Mission Lane to 71st Street. Mr. Lindeblad stated as long there are buildings in the way, he does not feel it is the right time to ask for easements. Nancy Vennard asked why an easement couldn't be given on the Macy's property. Mr. Enslinger noted they would lose parking spaces with a trail. It needs to be decided prior to ensure desired greenspace or trail.

Bob Lindeblad confirmed the applicant had issues on conditions #1 and #3 on the staff recommendation. Mr. Enslinger responded the requested change to condition #3 would need to be approved by the City Attorney and he does not see the City waiving liability on the face of a plat.

Keith Bredehoeft stated the closed part of the channel has always been the owner's responsibility to maintain. He doesn't understand the proposed language as every piece of land vacated has had some city improvement at some time.

Ron Williamson stated the information on the preliminary plat should be the same as the final plat.

Dirk Schafer stated that while the trail easements as proposed lead nowhere, he feels they should be given. Randy Kronblad noted they could be vacated at a future time, but this places the responsibility on the owner.

Dirk Schafer moved the Planning Commission approve PC2012-113, the preliminary and final plats for the Prairie Village Shopping Center subject to the following conditions:

1. That the trail easement for Tomahawk Road be noted as Section 7.04 of the CID Agreement. An easement for Mission Road from UMB to the US Bank Building.
2. That the "60' Storm Drainage Easement" be changed to "Property Owner Maintained Drainage Area".
3. That text be added to the Property Owner Maintained Drainage Area to be worked out between the staff and the applicant prior to the Council meeting.
4. That the KCP&L line running across Lot 2 be installed underground.
5. That the signature block for the Governing Body be revised as follows:
The Governing Body of the City of Prairie Village, Kansas does hereby accept all public easements, ways of land and approves the public street vacations contained herein, this _____ day of _____, 2012.
6. That letters of subordination from lenders be submitted.
7. That the applicant submit the Final Plat to the Johnson County surveyor for a review.
8. That the applicant submit a certificate showing that all taxes and special assessments due and payable have been paid.
9. That the Final Plat as approved be revised and three copies submitted to the City for their records.

The motion was seconded by Randy Kronblad. The motion passed unanimously.

PC2012-113 Request for Site Plan Approval - PV Shopping Center NW corner of 71st Street & Mission Road

It is critical that the applicant move forward on implementation of the CID Agreement in November and therefore, Staff is recommending that the Planning Commission only consider and approve Phase 1 of the proposed Mission Lane improvements. Phase 1 is indicated in blue on Sheet AS102 Phasing Plan and includes the two entrances to the Center one from Tomahawk Road and the other from Mission Road. Site Plan Approval for the Hen House expansion and the new building, including the Conditional Use Permit, are recommended to be continued to a future meeting.

The entrance from Mission Road to Mission Lane will have a stone wall, a fountain and landscaping on each side. An elevation of the wall is shown on Sheet AS102. The trail has not been shown on the plan for either Mission Road or Mission Lane.

Sheet LX-10.1 indicates that a stone wall will be constructed at the Tomahawk Road entrance; however, there will not be a fountain because of limited area. An elevation of the proposed wall needs to be submitted. The wall was left off the Planting Plan Sheet.

The applicant held a Neighborhood Meeting on August 23, 2012 in accordance with the Planning Commission Citizen Participation Policy. There were 16 attendees, and a number of issues were discussed. The Mission Lane streetscape was presented; however, no questions concerned Phase 1.

The Planning Commission reviewed the following criteria for site plan approval relative to the proposed Phase 1:

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

The site is fully developed and the purpose of the proposed site plan is to improve pedestrian environment and the building and site aesthetics. Existing parking areas and drives will be utilized but enhanced with dedicated pedestrian ways and landscaping.

Phase 1 includes two very small areas while the remaining Phases 2 - 6 will have a significant impact on the aesthetics of the Center when they are completed.

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

Utilities are currently in place serving the Prairie Village Shopping Center and are adequate to serve this proposed improvement.

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

The proposed Mission Lane plan provides more green space by adding plant beds along both sides of the street. A storm water management plan was not required for Phase 1, but will be required for the proposed addition of the Hen House and the new building.

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

The proposed improvements in Phase 1 will not affect the ingress or egress from the Center or change traffic patterns. Later Phases of the Mission Road Improvements will change some of the parking layouts and the profile of Mission Lane. Overall the proposed improvements will make the Center more accessible for customers.

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

Essentially the renovation plan is consistent with good planning and design principles. Pedestrian circulation is being addressed and more green space and trees are being added. Additional shade trees and islands in the parking areas off Mission Lane would be added improvements in the future.

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

This is Phase 1 of the proposed 6 Phase improvement of Mission Lane. The proposed materials and landscaping are compatible and will enhance the aesthetic quality of the Center. A new material, stone, is being introduced to the center and is proposed to be incorporated into the facades of the new building and the Hen House expansion. The applicant has incorporated sculpture features into the Center and this program should be continued as the renovation progresses.

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

One of the principles of the Village Vision was to focus on redevelopment and reinvestment in the community. These issues have become primary goals for the City and this project represents a step in that direction. This is the opportunity to enhance the aesthetics of Prairie Village Shopping Center so that it appeals to today's market demands.

The Trail Plan has been adopted into the Comprehensive Plan and the trail needs to be located on Mission Road or on Mission Lane as an alternative.

It was the recommendation of the Staff that the Planning Commission approve this site plan for Phase 1 of Prairie Village Shopping Center subject to the following conditions:

1. That the applicant submit the Planting Plan to the Tree Board for review and approval prior to installation and an irrigation system be installed to provide water for all landscape improvements.
2. That the applicant submit an elevation for the proposed wall at the Tomahawk Road entrance to Staff for review and approval prior to obtaining a permit.
3. That the applicant submit a materials palette to Staff with samples of the actual products that will be used.

Curtis Petersen stated the applicant accepted the recommendation with the conditions stipulated by Staff.

Dirk Schafer ask why the Commission was asked to approve part of this and not all. Curtis Petersen stated the CID agreement requires that Project A (the streetscape/Mission Lane work) is begun by November 1, 2012. Therefore, to be in compliance with the agreement partial approval of the site plan is necessary. They would be ok with waiting for full approval, if that were not the case.

Dennis Enslinger noted there is not sufficient time to amend the CID agreement and noted a change to the date would open all areas of the CID agreement to consideration.

Nancy Wallerstein said she would be more comfortable to get it right than to take action prematurely noting this is a large and important project. Dennis Enslinger responded the CID agreement provided two years to begin work on this project. The Council has not indicated that they want to open the CID agreement and staff is seeking a way for the applicant to be in compliance with the agreement. He would suggest starting with the improvements on the north end as they have the least impact on the remainder of the project that has not been approved. Once construction is begun the applicant has five years to complete.

Ted Odell felt it didn't make sense to start, but agreed with Mr. Enslinger that the work on the north side would be the best starting point under the circumstances.

Curtis Petersen stated the applicant would agree if the Planning Commission felt it would make more sense to provide additional time and not approve anything at this

point in time. Dennis Enslinger noted the Commission does not have the authority to change the requirements of the CID agreement.

Nancy Vennard stated one of the significant problems from her viewpoint is the lack of detail on the parking situation. The day after their last meeting it was announced that a theater was moving into the center which will obviously result in changes to the needed parking. The Commission can't work off partial parking data when the entire parking center needs must be considered. She needs a complete parking count. Bob Lindeblad asked if that information would be available for the next meeting. Mr. Petersen responded that plans are 95% complete missing only a couple details from Hen House.

Randy Kronblad moved the Planning Commission approve PC2012-113 granting site plan approval for the northern portion of the site as identified as "Phase 1" as shown on Sheet AS702 subject to the following conditions:

1. That the applicant submit the Planting Plan to the Tree Board for review and approval prior to installation and an irrigation system be installed to provide water for all landscape improvements.
2. That the applicant submit an elevation for the proposed wall at the Tomahawk Road entrance to Staff for review and approval prior to obtaining a permit.
3. That the applicant submit a materials palette to Staff with samples of the actual products that will be used.

The motion was seconded by Nancy Vennard and passed by a vote of 6 to 0.

NON-PUBLIC HEARINGS

PC2012-115 Request for Site Plan Approval - Retaining Wall 2201 West 72nd Street

Maggie Fisher, attorney on behalf of Corey Scott, 2201 West 72nd Street, requested approval of a waiver requiring retaining walls to be a minimum of two (2) feet from the property line to allow for the construction of an approximately 20 inch high retaining wall along the west property along for approximately 75 feet. A portion of the wall has already been constructed. The wall is to be constructed of concrete block, will have a bonding coat and will be painted. The wall will also have a capstone. The wall was constructed on a gravel base and has some rebar enforcement.

Ms Fisher stated the wall is being constructed because of grade and drainage issues relative to an existing garage structure causing water damage to his house. She stated the neighboring property owner has agreed to the placement of the wall on their property and the installation of French drains. The northeast corner of the garage appears to be approximately 12" on the neighboring property. Ms Fisher indicated there is also an easement to allow the footing of the garage on the adjacent property and she is working on securing additional easements for the wall.

Mr. Scott plans are to build a "v" section around the corner of the garage and then continue the retaining wall to the south approximately 20 feet to just past the existing

garage allowing for grade changes. Mr. Enslinger stated staff is not sure if the “v” section of the wall would be contained within the existing easement and the applicant should document that the “v” section would be within the existing easement that was granted for the garage structure.

Nancy Wallerstein felt this application needs to be continued.

Maggie Fisher noted the staff recommendation for approval and noted they are working on securing a survey to document the location of the retaining wall and will secure additional easements if necessary.

Gregory Wolf moved the Planning Commission approve PC2012-115 granting a waiver from Section 19.44.025B for the retaining wall at 2201 West 72nd Street subject to the following conditions:

1. The applicant provide documentation that the retaining wall is located on the applicant’s property, or within the easement obtained from the adjacent property as part of the garage structure;
2. The applicant provide drainage on the west side of the retaining wall to address any drainage issues related to the site;
3. The applicant provide a sample of the capstone for staff approval; and
4. The applicant provide documentation that the adjacent property owner has approved the installation of the drainage (French drain) on the west side of the wall.

The motion was seconded by Dirk Schafer.

Randy Kronblad asked if there was any reason the wall could not be constructed the required two feet from the property line. Ms Fisher responded the wall needs to connect with the corner of the house.

Nancy Vennard asked what the capstone material would be. Mr. Scott replied it would be a cinder block capstone approximately 2” to 4”. He is just looking for a way to stop the water.

Randy Kronblad stated he appreciates Mr. Scott’s problem but feels there are other ways to resolve the problem. He is not concerned with the corner of the garage but questioned why the wall needs to go all the way to the street,

Nancy Vennard stated she does not want to approve the waiver without the easements in place. Dirk Schafer stated he was comfortable approving because according to the conditions of the motion without the easements it will not happen.

Bob Lindeblad stated he has always had issues with the required two foot setback. He does not see a problem with the wall being placed on the property line and feels the wall is fine as constructed.

Dirk Schafer noted it would be better if it didn’t extend to the street.

Bob Lindeblad asked if the wall was in the right-of-way. Keith Bredehoeft replied it probably was.

Dennis Enslinger clarified that the wall would be extended approximately 20' in the back. Bob Lindeblad stated he does not feel anything should be done in the rear yard without a survey. Gregory Wolf stated his motion was intended for the front. Mr. Enslinger stated there are also drainage issues in the rear that need to be addressed. Mr. Scott stated he intended to extend the wall into the back approximately 10 feet. Mr. Enslinger stated the water issues would not be solved without the approval of some wall.

Maggie Fisher confirmed an easement was needed for any section of the project that was not being completed on Mr. Scott's property.

Gregory Wolf withdrew his original motion and moved the Planning Commission continue this application to its November meeting. Dirk Schafer agreed with the withdrawal of the original motion and seconded the new motion, which was passed unanimously.

**PC2012-117 Request for Site Plan Approval - Spin Pizza
8226 Mission Road**

Chris Hafner, with Davidson Architecture & Engineering, was pleased to announce that Spin Pizza is locating in a portion of the old CVS Store and requesting elevation changes, a small expansion and approval of an outdoor eating area on the north and east sides of the proposed restaurant. The outdoor eating area is approximately 850 square feet with a seating capacity of 36. The proposed expansion is for a new vestibule of approximately eleven feet by thirteen feet. It also includes a door for access to the outdoor eating area.

The proposed outside seating area on the north side under the canopy would be located between the exterior building wall and the center of the canopy columns, which is approximately 11 feet in width. In order to maintain ADA accessibility through this area an unobstructed walkway of 42-inches should be maintained. That only allows one-way access. Two-way ADA access requires 60 inches. The distance between the columns and the curb is approximately 6'2" of which 30 inches is needed for vehicle overhangs and therefore would be adequate to accommodate an unobstructed 42-inch walkway in front of the canopy columns.

Corinth Center has approximately 313,139 square feet of leasable area including outdoor seating areas and the new CVS Pharmacy. The off-street parking requirement for mixed office/commercial center over 300,000 square feet is 3.5 spaces per 1,000 square feet. Therefore the required off-street parking is 1,096 spaces. LANE4 Property Group had a site survey prepared when the property was acquired and it indicates 1,238 spaces with 39 spaces designated as ADA accessible. The Center exceeds the minimum number of required off-street spaces by 142. The additional 800 square feet

added by Spin Pizza would require an additional 3 parking spaces. The CVS plan along with the revised parking layout along Mission Road increased the number of spaces by two. The Center would still exceed the minimum by 141 spaces.

An outdoor plaza is under construction on the east side of this proposed use. The exterior portion of the building is being upgraded in accordance with the redesign concept approved by the Planning Commission.

The plan shows planters on the east side but not on the north side. Staff recommended adding planters on the north side; however, Mr. Hafner stated they feel that would negatively impact ADA accessibility and would prefer to use hanging flower baskets placed on the wrought iron fence. Nancy Wallerstein confirmed the hanging flower baskets would be north of the sidewalk.

The Planning Commission reviewed the following site plan criteria:

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

The proposed site plan indicates the outdoor sidewalk location can accommodate the additional square footage for the outdoor eating area; however, it will need to meet ADA requirements for pedestrians to circulate along the covered walkway. No new parking areas or drives are required for this use. Planters are proposed between the plaza and the dining area on the east side. Hanging flower planters can be added to the north side. No plants have been identified on the plan and the applicant will need to submit that information to Staff for approval.

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

Utilities are currently in place serving the Corinth Square Center and are adequate to serve this minor expansion for outdoor seating.

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

There will be no increase in impervious surface so stormwater is not an issue.

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

The proposed site will utilize existing driveways and the general circulation of the Center will not be changed. Adequate pedestrian accessibility will need to be maintained between the seating area and the parking lot on the north side.

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

The addition of outdoor seating will help create a more vibrant atmosphere for the center and is consistent with good land planning practices. The primary site design issue is the need to maintain a minimum 42-inch walkway for ADA accessibility between the canopy columns and the parking lot curb.

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

The building façade will be changed significantly from the current predominantly stone to windows on both the north and east sides. The columns and stone will all be the same materials as the rest of the center so the proposed change will be compatible. The elevations indicate that the lower 42” of the glass area will be spandrel glass, but the color has not been identified. Spandrel glass is an additional material being introduced to the Center. The north elevation proposes glass to the floor while Land of Paws just to the west has a stone base under the windows. It would be preferable if the north elevation was consistent in design.

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

One of the principles of the Village Vision was to focus on redevelopment and reinvestment in the community. These issues have become primary goals for the City and this project represents a step in that direction. This is the opportunity to enhance and intensify the use of the building that will generate additional revenues for the City.

Randy Kronblad moved the Planning Commission approve PC2012-117, site plan for Spin Pizza’s outdoor dining area subject to the following conditions:

- 1) That all lighting used to illuminate the outdoor area be installed in such a way as to not create any glare off the site and be in conjunction with the outdoor lighting regulations.
- 2) That a minimum 42-inch wide accessible walkway be maintained on the north side between the canopy columns and the parking lot curb so as to not be obstructed by vehicle overhangs onto the sidewalk.
- 3) That the applicant installs hanging flower planters on the north side and submit final landscape plan to Staff for review and approval.
- 4) That the glass on the north elevation have a stone base similar to Land of Paws.
- 5) That the applicant submit the color of the spandrel glass to staff for approval prior to the installation.

The motion was seconded by Nancy Wallerstein.

Nancy Vennard noted she works for the company that will be doing the interior space for this project, but does not view this as a conflict of interest and will be voting. The motion was voted on and passed unanimously

OTHER BUSINESS

Presentation of Proposed Overlay Design District - Countryside East Homes Association

The City of Prairie Village has been looking at ways to assist homes associations with the issues involved with the construction of additions and new homes within existing residential areas. The City has implemented a notification process for notifying homes associations of projects which will significantly alter the exterior of the structure (porches, etc.) or add additional square footage.

In 2010, the City Council directed staff to work with the Countryside East Homes Association in the development of a neighborhood conservation overlay district and the development of development/design standards.

Staff has drafted the enabling language for the Neighborhood Conservation Overlay District. The draft language sets forth the criteria for the establishment of neighborhood conservation overlay districts, use of development/design standards and the appeal process.

The intent of the process is to have the Planning Commission, Governing Body, or at least 51% percent of the property owners within the proposed area, initiate the establishment of a district. There would be a formal hearing process before the Planning Commission and the Governing Body would have the final authority for the approval of each district. The area must be at least 25 years or older, minimum of 5 acres, and have “built environmental characteristics that create an identifiable setting, character or association.”

Dennis Enslinger stated projects subject to review would be reviewed at the City staff level for compliance with the approved development/design standards. If staff determines the project is not in compliance with the standards, the applicant could appeal the decision. The current draft language has a two-stage appeal process.

Staff and the Countryside East Homes Association, felt that it was important to have some input from the property owners within the overlay district in the appeal process. Therefore, the first appeal would consist of one member from the Planning Commission (appointed by the Chair) and two members from the participating neighborhood association (appointed by the homes association which is covered under the overlay district). This is a revision that is not included in the written documents submitted to the Planning Commission.

To comply with legal requirements, there must be a final appeal body which has final authority to review the decision of the first appeal body. The current draft establishes this body as the Board of Zoning Appeals.

Dan Blom, Chairman of the Overlay Committee, stated a committee of the home association was formed to review their deed restrictions and to determine what elements they wanted to address in the overlay district. The types of items to be included in the design overlay district guidelines are as follows:

- Focused on the street facing elevations
- Focused on “big ticket items” such as additions, porches and site placement of rebuilt homes, etc.
- Focused on providing options on how to expand existing homes within the neighborhood
- Focused on the “good neighbor approach”
- Focused on form of the additions and not on any particular style.

Mr. Blom reviewed the process which was started in 2009 by the Board. At their November Association meeting the concept of an overlay design district was presented. A neighborhood survey was then taken with more than 50% responding to the survey with 92% of the surveys approving the board moving forward on the concept. A neighborhood working group was formed. Full neighborhood group presentations were made as well as small group neighborhood presentations. Mr. Blom stated the committee worked with the following objectives in mind: 1) to allow flexibility for remodeling; 2) to protect the investment of current and future homeowners; 3) to maintain the character of the neighborhood with the guidelines; and 4) to encourage investment with clear guidelines.

Mr. Enslinger reviewed some of the proposed guidelines addressing building additions. A key component in the design overlay guideline is the definition of a one and a half story home. Although many of the Prairie Village homes associations have covenants that restrict development to one and a half story structures, those restrictions are not clearly defined as revealed in a recent court challenge of a homes association's deed restrictions.

Mr. Enslinger reviewed the proposed zoning amendment that would allow the overlay zoning district. This could be created in a residential or commercial zoning district. There are three ways to initiate the establishment of a district: 1) may be initiated by the Planning Commission; 2) may be initiated by the Governing Body or 3) may be initiated by petition when signed either by the owner of at least 51% of the area within the proposed NC District or by at least 51% of total number of landowners within the proposed district. The NC District does not change the underlying zoning.

The language has been added as a new Section 19.25.005 and addresses the purpose of such districts, the selection criteria and establishment of a district as well as the procedure and the development/design standards. The language also provides for an appeal process as described previously. The specific neighborhood conservation district would be adopted by reference.

Randy Kronblad confirmed there is no intent for this to become an architectural review board. He noted this will be a good tool to use at the beginning of a building process by a homeowner. Dennis Enslinger added this information would be available on the association's web site. Mr. Blom added it would be given out to and discussed with new residents moving into the area.

Mr. Enslinger stated based on the Commission's feedback the complete draft development/design standards for the Countryside Homes Association Overlay District will be presented to the Homes Association at their annual meeting in November.

Since the neighborhood overlay zoning district does not currently exist in the zoning code, the code amendment must first be approved and in place before the Countryside East Overlay District can be established. Once the zoning language is in place, it is the intent to either have the Planning Commission or City Council initiate the establishment

of the Countryside Homes Association Overlay District following the process outlined in the proposed amendment.

Bob Lindeblad stated he admired the homes association with staying on this project and keeping the process simple and addressing big items.

Nancy Vennard moved the Planning Commission authorize a public hearing on the proposed amendment to the City's Zoning Regulations by adding a new Chapter 19.25 entitled "Overlay Zoning District" for December 4th at the regular meeting of the Planning Commission. The motion was seconded by Randy Kronblad and passed unanimously.

**PC2011-121 Request for reconsideration of conditions of approval for
SUP for wireless antenna at
9011 Roe Avenue**

Gregory Wolf recused himself from hearing this application due to a professional conflict of interest.

Pete Ackers, representing Sprint, addressed the Commission regarding their earlier site plan approval for the addition of antennas and the replacement of equipment cabinets at the Fire Station site at 9011 Roe Avenue.

Sprint is requesting reconsideration of conditions #3 (that all equipment and wiring shall be below the screening fence) and #7 (that the applicant replaces the existing wood fence with a brick wall that is tall enough to screen the equipment boxes. The brick shall match the fire station brick as close as possible and plans for the wall shall be submitted to Staff for review and approval prior to obtaining a permit.

It was pointed out by Staff that the ice bridge is much higher on the pole than other installations and the intent was that it be lowered on the pole and the fence be increased to a height of 8 feet to screen all the cabinets and the ice bridge. However, Mr. Ackers stated that the ice bridge is owned by another carrier and Sprint does not have control of it and therefore cannot relocate it.

Mr. Ackers noted that the cost of building a wall that would screen the ice bridge as well as the cabinets would be cost prohibitive. He offered a compromise plan of an eight foot tall fence that is a combination of brick columns and vinyl panels. This equipment compound is located in a parking lot next to a driveway.

Ron Williamson noted vinyl is not as durable a material as brick and there are concerns regarding how well it will stand up in this location. Also there appears to be too much white. The Fire Station is red brick trimmed in white while this fence is white trimmed in red brick.

Staff concurred that constructing a wall tall enough to screen the ice bridge is more than what was intended. A compromise on the wall design from brick to white vinyl does not

achieve the aesthetic that was intended. The brick wall would blend with the Fire Station while the white vinyl fence would call attention to the equipment compound.

Randy Kronblad moved the Planning Commission's approval of PC211-122 for wireless antenna at 9011 Roe Avenue given on December 6, 2011, be amended to delete Condition #3 and retain Condition #7 as previously approved. The motion was seconded by Nancy Vennard and passed by a 5-0 vote with Gregory Wolf abstaining.

PC2012-03 Request for Reconsideration of Parking as shown on approved site plan for Highlawn Montessori School

Katherine Morrison on behalf of Highlawn Montessori, 3531 Somerset Drive, asked the Planning Commission to reconsider the location and number of parking spaces shown on the approved site plan approved by the Planning Commission on March 6, 2012.

The site plan approved by the Commission included four (4) additional parking spaces bringing the total parking spaces on the site to eighteen (18). The three spaces along the west edge of the property were to be constructed with grass pavers because they are in required green space setback. Mrs. Morrison stated that school has bid the cost of this type of construction and found it to be cost prohibitive. The required number of spaces by zoning ordinance provisions is two spaces for each classroom or sixteen (16) spaces.

Dennis Enslinger stated the applicant is seeking approval to provide three (3) additional spaces for a total of seventeen (17) spaces. One (1) of the spaces will be located at the south end of the existing lot as shown on the approved site plan. The applicant has located the two (2) remaining spaces on the adjacent parcel (playground area) in the driveway of the former residence on this location. Mr. Enslinger reviewed the proposed parking site locations.

Randy Kronblad moved the Planning Commission modify their March 6, 2012 site plan approval associated with PC2012-03 to provide a reduction of three parking spaces located on the west side of the property. The motion was seconded by Gregory Wolf and passed unanimously.

Bob Lindeblad asked when the new addition would open. Ms Morrison replied October 12th.

NEXT MEETING

Dennis Enslinger announced the filing deadline for the November 6th meeting is on Friday. The agenda will have the three continued applications from this evening and a residential fence height waiver has been filed. He also expect Standees to file for site plan approval in the Prairie Village Shopping Center. A possible BZA application for a side yard setback variance of just over a foot for garage addition at 5105 West 66th Street is expected.

Mr. Enslinger noted staff has met with Tutera regarding the Mission Valley School site. The school has been reserved for a preliminary presentation before the Planning Commission at the December meeting and a formal presentation with Commission action at the January 8, 2013 meeting. He noted at this time the plans only include a senior living facility that is larger than any of the existing facilities in the city.

Nancy Vennard asked about a tour of the Benton House facility. Mr. Enslinger stated they will be requesting of certificate of occupancy by Thanksgiving for marketing staff. He will contact them regarding arranging a tour for interested commission members.

ADJOURNMENT

With no further business to come before the Planning Commission, Vice-Chairman Bob Lindeblad adjourned the meeting at 9:40 p.m.

Bob Lindeblad
Vice-Chairman

**BOARD OF ZONING APPEALS
CITY OF PRAIRIE VILLAGE, KANSAS
AGENDA
TUESDAY, OCTOBER 2, 2012
6:30 P.M.**

Council Chamber

- I. ROLL CALL

- II. APPROVAL OF MINUTES - June 5, 2012

- III. ACTION ITEM
BZA2012-03 Request for a Variance from P.V.M.C. 19.46.015
To allow the parking lot & drive aisles to be extended to a
minimum of 5 feet from the public street at
8200 Mission Road
Zoning: C-2
Applicant: Andrew Buchwitz, LandPlan Engineering

- IV. NEW BUSINESS

- V. OLD BUSINESS

- VI. ADJOURNMENT

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

**BOARD OF ZONING APPEALS
CITY OF PRAIRIE VILLAGE, KANSAS
MINUTES
TUESDAY, OCTOBER 2, 2012**

ROLL CALL

The meeting of the Board of Zoning Appeals of the City of Prairie Village, Kansas was held on Tuesday, October 2, 2012 in the Council Chambers. Chairman Randy Kronblad called the meeting to order at 6:30 p.m. with the following members present: Bob Lindeblad, Dirk Schafer, Gregory Wolf, Nancy Vennard, Nancy Wallerstein and Ken Vaughn. Also present in their advisory capacity to the Board of Zoning Appeals were: Ron Williamson, Planning Consultant, Dennis Enslinger, Assistant City Administrator; Ted Odell, Council liaison; Jim Brown, Building Official and Joyce Hagen Mundy, Board Secretary.

APPROVAL OF MINUTES

Nancy Vennard clarified that Gregory Wolf was present at the June 5th meeting but abstained on the approval of the March 1, 2012 minutes as he was not on the board at that time. Nancy Vennard moved the minutes of the June 5th meeting of the Board of Zoning Appeals be approved with the clarification noted above. The motion was seconded by Dirk Schafer and passed unanimously.

BZA2012-03 Request for a Variance from P.V.M.C. 19.46.015 to allow the parking lot & drive aisles to be extended to a minimum of 5 feet from the public street at 8200 Mission Road

Chairman Randy Kronblad reviewed the procedures for the public hearing. The Secretary confirmed that the Notice of Public Hearing was published in the Johnson County Legal Record on Tuesday, September 11, 2012 and all property owners within 200' were mailed notices of the hearing.

Randy Kronblad called upon the applicant to present the application.

Brian Grassa, with Cedarwood Development at 1675 Merriman Road, Akron, Ohio, stated he is appearing before the Board on behalf of CVS customers who have indicated to them that the opening width of the right drive thru lane in the area of the canopy is too narrow. Therefore they are requesting an expansion of the drive-thru lane located on the northwest corner of the CVS Pharmacy. He acknowledged the drive-thru lane does work, but several customers are unhappy with its width. He stated that CVS would build a retaining wall to address the grade difference between the trail and the drive-thru and would install a fence on top of the wall for pedestrian safety.

Ron Williamson noted the drive-thru is a single lane until it nears the canopy and then it divides into two lanes; the left lane is for the window and the right lane that is for pneumatic transactions. The window lane is not a problem, but some customers are having a difficult time using the pneumatic lane. There are tire marks on the curb which means that some drivers are having difficulty accessing the pneumatic tube island drive-thru. The driveway width is 15' face of curb to face of curb. The width of the right lane is 12' between the north curb and the curb at the base of the stone column. A 12' wide lane is standard for major streets. The column is large and drivers may be concerned that they might bump it; however, no one has hit it to date. The problem appears that the window and canopy should have been moved further southwest on the building in order to more adequately accommodate drivers.

The applicant's request would eliminate the landscape area entirely and a retaining wall would be constructed immediately adjacent to the walking trail. The trail is 8' wide and the existing landscaped area is about 6.5' wide. This would create a potential hazard for those using the trail unless a fence or barrier was installed on top of the fence. There is a grade difference of approximately 30" between the walking trail and the top of the curb of the drive. The landscape area creates a good separation between vehicles and pedestrians.

It appears the drive-thru was constructed in accordance with the site plan that was approved by the Planning Commission. The drawing for the two lane drive-thru was drawn to scale but did not have dimensions. Having field checked the right lane; it technically does not appear to have a problem. One can easily maneuver through it to the unmanned pneumatic tube island.

Mr. Williamson noted there are a number of solutions available that could solve the problem without the variance. The column stone bases are 38" wide by 26" deep and they could be reduced in size. The columns could be moved closer together to provide better access to the pneumatic tube location.

Nancy Wallerstein confirmed the customers do not have any problem with the drive-thru next to the building. Mr. Grassa stated the drive-thru works, but some of their customers are uncomfortable using it and have requested it be changed. Mrs. Wallerstein suggested that those customers could use the window drive-thru lane.

Chairman Randy Kronblad asked if there was anyone present to address the Board on this application. Being none, the public hearing was closed at 6:40 p.m.

Chairman Randy Kronblad led the Board in the following review of the findings required for the variance:

A. Uniqueness

That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant.

There is nothing unique about the shape or topographical conditions of this property that made it unique. This was a new project designed on a parcel of land that had been totally cleared. CVS Pharmacy has many drive-thru facilities throughout the area and the design should have incorporated that experience. It does not appear that the condition of uniqueness can be found.

Dirk Schafer stated the similar drive-thru designs are used throughout the country and this site is not unique; therefore, he moved the Board find that the variance does not arise from a condition unique to this property. The motion was seconded by Nancy Wallerstein and passed by a vote of 7 to 0.

B. Adjacent Property

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

The granting of this variance would not adversely affect the rights of the adjacent property owner to the west and south as that is Corinth Square Shopping Center. The east is bordered by Mission Road which also would not be affected. The proposed variance would adversely affect the trail because it would eliminate the landscape separation between the trail and the drive-thru.

Bob Lindeblad moved the Board find that the variance does not adversely affect the rights of adjacent property owners or residences. The motion was seconded by Dirk Schafer and passed by a vote of 7 to 0.

C. Hardship

That the strict application of the provisions of these regulations from which a variance is requested will constitute an unnecessary hardship upon the property owner represented in the application.

This site was totally cleared and the new facility was designed to fit the site. The drive-thru as constructed appears to meet normal design standards. The island occupied by the pneumatic tube station could have been designed differently to provide easier access without encroaching in the setback area.

Nancy Vennard stated the drive-thru meets normal standards and agrees with Mrs. Wallerstein that those customers having difficulty with the drive-thru can use the wider drive-thru next to the building and therefore, moved the Board find that the denial of the variance would not constitute an unnecessary hardship upon the property owner. The motion was seconded by Gregory Wolf and passed by a vote of 7 to 0.

D. Public Interest

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

If the variance were granted, it would allow the driveway to be constructed immediately adjacent to the trail. This would require a retaining wall and would eliminate the landscape separation between pedestrians and vehicles for a portion of the drive. This would create a potential safety issue for those using the trail.

Dirk Schafer agreed the requested variance would create potential safety issues for those using the trail and therefore, moved the Board find that the variance will adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. The motion was seconded by Nancy Wallerstein and passed by a vote of 7 to 0.

E. Spirit and Intent of the Regulation

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

It is the intent of the ordinance to provide landscaped space adjacent to streets between the property line and parking areas, or driveways. The eight foot wide trail is located within the landscaped area at the request of the City. This still leaves approximately 6.5 feet for landscape separation. The proposed variance would entirely eliminate the landscape area for a portion of the drive and that would be opposed to the general spirit and intent of the regulations.

Bob Lindeblad noted it is the intent of the code to require setbacks that provide landscaping and greenspace for parking areas and therefore, moved that the Board find that the variance is opposed to the general spirit and intent of these regulations. The motion was seconded by Nancy Wallerstein and passed by a vote of 7 to 0.

Dirk Schafer moved that the Board having found four of the five of the conditions have not been met that BZA Application 2012-03 for the requested variance from PVMC 19.46.015 to reduce the landscape setback at 8200 Mission Road be denied. The motion was seconded by Gregory Wolf and passed by a vote of 7 to 0.

OTHER BUSINESS

There was no Other Business to come before the Board.

ADJOURNMENT

Chairman Randy Kronblad adjourned the meeting of the Board of Zoning Appeals at 6:50 p.m.

Randy Kronblad
Chairman

SISTER CITY COMMITTEE
10 September 2012
MINUTES

CALL TO ORDER

Chair Jim Hohensee called the meeting to order. Present: Vice Chair Carole Mosher, Bob Glywa, Vera Glywa, Ivan Novikov and Peter Jarosewycz. Also Present: Sally Hohensee. Staff: Chris Engel

MINUTES

Minutes from July 9, 2012 and August 13, 2013 were approved with corrections.

STUDENT RECEPTION

The Committee is looking at November 19 for the student reception. Carole will be out of town prior to the date but will coordinate most of the event before she leaves. The plan will be similar to years past where the reception occurs at same time as a City Council meeting so they can meet the students.

LIBRARY DISPLAY

The display is up at the Corinth Library. The library has added quite a few books to the display and they are getting checked out by the public. In addition, the public is taking pamphlets and magnifiers that were left to promote the Committee. Jim asked if the Committee could review the pamphlet for next month and an updated version could be printed on glossy stock. The Committee thanked Jim and Sally for their efforts and felt the display was nicely done.

SPEAKER SERIES

Jim reported he hadn't spoken to Emily but he and Sally would be happy to do a future presentation with photos of their upcoming visit to Ukraine. Bob shared he had invited Robin to visit and present when she has a break in classes in Oklahoma. There was discussion of defraying any of the costs that might be associated with her visit.

MEETING SCHEDULE

Jim proposed changing the meeting schedule to every other month. He does not believe there is enough business to warrant a monthly meeting. The Committee agreed there may not be enough business to meet every month but there are months that there is too much business and the committee has extra meetings. It was agreed that monthly meetings would remain scheduled with the understanding that every other will be cancelled unless a pressing matter arises. Accordingly, for the next 6 months the October and January meetings are scheduled to be cancelled. The next meetings will be November 12th and February 11th, with a Christmas gathering scheduled for December.

ART SHOW

Bob pointed out the art was hanging in the gallery and the reception was scheduled for Friday September 14th at 6:30pm. Chris asked the Committee if they would like wine at the event and explained wine requires a \$75 donation to the Art Gallery but the Committee could ask Arts Council to waive the fee. Bob requested the fee be waived and Jim shared the Committee would pay for wine if required. The topic of what to do with the art after the show was discussed. Bob will investigate the cost of renting a small storage locker somewhere and report back.

SUNFLOWERS

Carole has found bulk pricing on sunflower seeds. She is looking at the smaller variety for selling and planting in the City Hall courtyard. The difficulty is the smaller flowers are annuals and would need to be replanted each year. Another concern is they flower late in the season so they would need other flowers planted with them. Chris shared that Mayor was supportive but Public Works would need

detailed information on planting and caring for them or they would not be successful. Chris will look into setting up a meeting with Public Works to get them on board.

BRICKS

The Committee discussed having bricks for Dick Bills and Fr. Taras ordered. The City orders personalized bricks from Pennsylvania once a year in April and they are installed before Villagefest.

NEW BUSINESS

Vera moved and Carole seconded Jim and Sally be reimbursed for the items they have purchased to present to the Ukrainians while in Dolyna. Not anticipating this, there are receipts that have been thrown away. Chris asked that some sort of documentation, even handwritten, be provided. The motion carried.

The next meeting will be Monday, November 12, 2012.

Jim Hohensee
Chair

**Council Members
Mark Your Calendars
November 19, 2012**

November 2012 Greater Kansas City Art Association
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 12 Employee holiday luncheon 11:30 a.m. - 1:00 p.m. in the Council Chambers
December 14 Artist reception in the R. G. Endres Gallery 6:30 - 8:30 p.m.
December 14 Volunteer Appreciation Holiday Party
December 17 City Council Meeting
December 25 City offices closed in observance of Christmas

January 2013
January 1 City offices closed in observance of New Year's Day
January 7 City Council Meeting
January 11 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
January 21 City offices closed in observance of Martin Luther King Jr Day
January 22 City Council Meeting

February 2013
February 4 City Council Meeting
February 8 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
February 18 City offices closed in observance of Presidents' Day
February 19 City Council Meeting

March 2013
March 4 City Council Meeting
March 8 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
March 18 City Council Meeting

April 2013
April 1 City Council Meeting
April 12 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
April 15 City Council Meeting

May 2013
May 6 City Council Meeting
May 10 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
May 20 City Council Meeting
May 27 City offices closed in observance of Memorial Day

June 2013
June 3 City Council Meeting
June 14 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
June 17 City Council Meeting

July 2013

July 1 City Council Meeting
July 4 City offices closed in observance of Independence Day
July 4 VillageFest
July 12 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
July 15 City Council Meeting

August 2013

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

September 2013

September 2 City offices closed in observance of Labor Day
September 3 City Council Meeting
September 13 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
September 16 City Council Meeting

October 2013

October 7 State of the Arts Exhibit in the R. G. Endres Gallery
October 7 City Council Meeting
October 11 Artist reception in the R. G. Endres Gallery 6:00 - 8:00 p.m.
October 21 City Council Meeting

November 2013

November 4 City Council Meeting
November 8 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
November 18 City Council Meeting
November 25 City offices closed in observance of Thanksgiving
November 26 City offices closed in observance of Thanksgiving

December 2013

December 2 City Council Meeting
December 13 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
December 16 City Council Meeting
December 25 City offices closed in observance of Christmas

