

# CITY OF PRAIRIE VILLAGE

February 4, 2013

Council Committee Meeting 6:00 pm

City Council Meeting 7:30 pm



**COUNCIL COMMITTEE OF THE WHOLE  
Council Chambers  
February 04, 2013  
6:00 PM**

**AGENDA**

**CHARLES CLARK, COUNCIL PRESIDENT**

**AGENDA ITEMS FOR DISCUSSION**

Presentation by Consolidated Fire District 2  
Chief Hodgdon

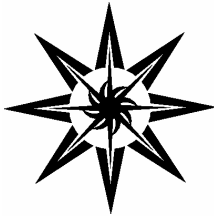
COU2013-04 Consider approval of a multi-city agreement to begin the Rock Creek  
Watershed Planning & Management Study  
City of Fairway and Burns and McDonnell

COU2013-05 Consider approval of an amendment to the Employee Handbook - 1.7  
Residency Requirement  
Quinn Bennion

COU2013-06 Consider approval of an Ordinance amending Chapter 5 entitled  
"Business Licenses" of the Prairie Village Municipal Code relating to  
massage provisions and minors  
Quinn Bennion

Presentation of initiative to expand City's investment authority  
Lisa Santa Maria

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



## ADMINISTRATION DEPARTMENT

Council Committee Meeting Date: February 4, 2013

Council Meeting Date: February 19, 2013

**COU2013-04: Consider approval of a multi-city agreement to begin the Rock Creek Watershed Planning & Management Study**

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### **MOTION**

Move that the Council approve a multi-jurisdictional agreement among the City of Fairway, Kansas, the City of Mission, Kansas, the City of Overland Park, Kansas, the City of Roeland Park, Kansas, the City of Prairie Village, Kansas, the City of Westwood, Kansas, and the City of Mission Hills, Kansas for the Rock Creek Watershed Planning & Management Study

### **RECOMMENDATION**

Staff recommends the City Council approve a multi-jurisdictional agreement.

### **BACKGROUND**

The Rock Creek Watershed Planning & Management Study was initiated by the City of Fairway to resolve ongoing stormwater items with an upstream jurisdiction. Bill Stogsdill, Public Works Director for the City of Fairway, and Andy McCaskill with Burns and McDonnell will be present to explain the watershed planning and management study.

The project consists of developing a watershed management plan that will set forth a new multi-jurisdictional approach to stormwater management in the Rock Creek Watershed. The agreement is a partnership between seven cities that have property in the Rock Creek Watershed area.

Prairie Village property makes up 2% (0.1 sq miles) of the total Rock Creek Watershed Area (4.8 sq. miles). The planning and management study is estimated to cost a total of \$250,000. There is no direct cost to the City at this point. The Johnson County Stormwater Management Program (SMP) will fund 90% of the planning and management study. The Cities of Mission and Fairway will share funding of the other 10%. The planning and management study is the first step in the process and may or may not lead to any future actions.

The City is committing to participation of the study process including publicizing the public meetings and staff time.

### **FUNDING SOURCE**

N/A

### **ATTACHMENTS**

1. Proposed Agreement and Scope of Services

### **PREPARED BY**

Jeanne Koontz  
Deputy City Clerk  
January 31, 2013

## **MULTI-JURISDICTIONAL AGREEMENT FOR ROCK CREEK WATERSHED PLANNING & WATERSHED MANAGEMENT STUDY**

This Agreement is entered into as of January 1 2013, by and among the City of Fairway, Kansas (Fairway), the City of Mission, Kansas (Mission), the City of Overland Park, Kansas (Overland Park), the City of Roeland Park, Kansas (Roeland Park), the City of Prairie Village, Kansas (Prairie Village), the City of Westwood, Kansas (Westwood), and the City of Mission Hills, Kansas (Mission Hills). Fairway, Mission, Overland Park, Roeland Park, Prairie Village, Westwood and Mission Hills are hereinafter collectively referred to as the "Cities".

### **Recitals**

- A The Cities support the idea of multi-jurisdictional cooperation and management of the Rock Creek Watershed and the effort to further study and develop a watershed management plan for the Rock Creek Watershed (the Project).
- B The Project consists of developing a watershed management plan that will set forth a new multi-jurisdictional approach to stormwater management in the Rock Creek Watershed, as agreed to by the Cities. The Project will include but not limited to development of a vision and mission, governance structure, funding strategy, and implementation goals. Specific Project tasks can be found in the attached Exhibit A, "Scope of Services."
- C The Johnson County Stormwater Management Program ("SMP") supports funding the Project, as recommended by the Stormwater Management Advisory Council ("SMAC"). The SMP at 90% of costs, with the partner cities funding 10% of costs up to a total project cost of \$250,000. The breakdown of contributing parties is detailed below in the Agreement, item #3.
- D No funds will be expended by the SMP until the governing body of Johnson County, Kansas (the "County"), the Board of County Commissioners ("BOCC") has formally approved the SMP's 90% share of the cost of the Project
- E If funding is approved by the BOCC, no funds can be expended by the County until such time as the County and Fairway enter into a study agreement that outlines the County's and Fairway's responsibilities.
- F At no point will the SMP fund more than 90% of \$250,000 (\$225,000) for the completion of the Project.
- G All parties will identify a contact person to represent their entity for meetings and report back to their respective governing bodies.

### **Agreement**

- 1 Fairway agrees to undertake the Project and shall enter into, in its name, appropriate contracts for the completion of the study contemplated by the Project.
- 2 The Project shall, generally, encompass the work described on the attached Scope of Services and Fairway shall endeavor to have the Project completed by December 31, 2014.
- 3 The Project costs are anticipated to be approximately \$250,000 which the parties agree shall be shared as follows: the County shall contribute 90% of the cost of the Project, up to \$225,000.

The remaining 10% of the cost of the Project shall be paid for as follows: Fairway and Mission shall each contribute \$12,500. If the Project costs are less than \$250,000, then the share of the Project cost to be paid by Fairway and Mission shall be reduced prorata.

- 4 Mission shall be entitled to receive a detailed invoice from Fairway for their share of costs from Fairway and Fairway shall supply an appropriate and detailed statement of such costs. Fairway shall not include as Project costs any costs other than those billed to Fairway by a third-party contractor and no costs incurred by the County or Fairway for County of Fairway staff time or overhead shall be included as a reimbursable expense.
- 5 Mission agrees to promptly remit to Fairway their share of Project costs upon the receipt of a properly documented statement from the Fairway.
- 6 This Agreement is entered into under the home rule powers of each entity granted by Article 12, § 5 of the Kansas Constitution and is not subject to approval by the attorney general under K.S.A. 12-2901 *et seq.* because, pursuant to K.S.A. 12-2908, it is an agreement between municipalities to perform governmental activities that each is authorized by law to perform, and thus not regarded as a interlocal agreement under the provision of K.S.A. 12-2901 *et seq.*.

This Agreement is entered into as of the January 1, 2013, even though the execution may have occurred before or after such date.

CITY OF FAIRWAY, KANSAS

By: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_

CITY OF MISSION, KANSAS

By: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_

CITY OF OVERLAND PARK, KANSAS

By: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_

CITY OF ROELAND PARK, KANSAS

By: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_

CITY OF PRAIRIE VILLAGE, KANSAS

By: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_

CITY OF WESTWOOD, KANSAS

By: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_

CITY OF MISSION HILLS, KANSAS

By: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_

## EXHIBIT A

### Scope of Services

#### **Rock Creek Watershed Coalition Strategic Plan**

Task 1 – Formation of Coalition Committee: A Coalition Committee (Committee) made up of representatives from each of the seven cities will be formed to develop recommendations regarding governance including but not limited to a watershed coalition (the “Coalition”) and funding. The Committee provides an opportunity to consider issues in more detail and provide representation for their respective cities. Individual Committee members are anticipated to be City Administrators / Managers and Public Works Directors or their appointed designees.

Pursuant to the provisions of the attached Agreement, Fairway will engage a Consultant to assist in the completion of the Project (the “Consultant”) Fairway may be referred to in this Exhibit A as, “Client”. Activities to be performed by the Consultant include:

- Meet with Client to identify needs and objectives
- Development membership lists and recommendations
- Develop recruitment plan
- Create information packets for potential members
- Assist with execution of recruitment plan

Task 2 - Questionnaires: A questionnaire will be distributed to the Committee members before the first meeting and in between the second and third meeting. The questionnaires will gather input regarding preferences, opinions, and understanding the issues surrounding formation of a watershed coalition. This will be administered electronically with paper copies made available to those who are not able to complete it electronically. Information about the potential governance coalition options can also be communicated to recipients of the questionnaire so it can also serve as an educational tool. Activities to be performed by the Consultant include:

- Develop questionnaire content and review it with client
- Create electronic questionnaire
- Distribute questionnaire
- Prepare summary of results
- Present results

Task 3 - Stakeholder Interviews: Committee members will likely have varied opinions, concerns and desires. Stakeholder interviews are helpful early in the process when trying to gather key background information before coalition building process begins. In addition, these interviews allow for Committee members to communicate their thoughts and opinions on a more personal level. We recommend stakeholder interviews be conducted with each community representative prior to the first Committee meeting and before the third meeting.

A standardized tool which includes a list of questions will be used for all participants. Interviews might be with individuals and they might be with small groups. In addition to soliciting input, such stakeholder interview meetings can also be used to educate the various stakeholders about the formation of a coalition as well as manage expectations about the process. Activities to be performed by the Consultant include:

- Develop list of interviewees



- Develop interview questions
- Distribute a questionnaire in advance
- Manage logistics
- Conduct interviews
- Prepare interview notes/ summary and distributive
- Meet with Client to debrief and present findings

Task 4 – Meetings: A series of five (5) meetings will be held in which all Committee members will be invited to participate. The meetings will be a combination of data and information presented by the Consultant as well as collaborative discussions with Committee members. Each meeting will build progressively towards shaping a final plan for creating a Coalition. Following is a list of the anticipated meetings and general topics to be discussed:

Meeting #1: Orientation, Vision & Mission – Committee members will be introduced to each other and the Consultant team. Discussions will center on the Committee members’ ideas for the vision and mission of the Coalition.

Meeting #2: Preliminary Goals & Objectives / Governance Structure – Consultant will lead the Committee through the process of identifying preliminary goals and objectives. Data from the questionnaire and stakeholder interviews will be presented and discussed. Consultant will present possible governance structures and seek input from Committee.

Meeting #3: Finalize Governance Structure / Preliminary Priorities / Funding – Consultant will present a proposed governance structure based on feedback from the Committee through meetings, questionnaires and stakeholder interviews. Committee will begin identifying priorities within the watershed. Consultant will present possible funding strategies and seek input from the Committee.

Meeting #4: Finalize Priorities / Finalize Funding / Draft ILA– Committee will finalize priorities within the watershed including a plan of action for the next two years. Consultant will present a proposed funding structure based on feedback from the Committee through meetings, questionnaires and stakeholder interviews. Consultant will present a Draft Final Report of all findings and recommendations including an inter-local agreement to establish the Coalition.

Meeting #5: Finalize Recommendations / Final ILA – Consultant and Committee will discuss the Draft Final Report including any questions or comments. Following the meeting, Consultant will issue a Final Report which will include a draft inter-local agreement.

Activities to be performed by the Consultant include:

- Prepare for meetings
- Manage logistics
- Attend pre-meeting work session with Client to prepare for meeting
- Attend and facilitate meeting
- Prepare agenda packets for meetings
- Distribute agenda packets and notices
- Prepare meeting notes
- Address following items
- Develop final report

**Task 5 - Bus Tour/Field Trip:** Tours and field trips provide an excellent opportunity to develop rapport with key stakeholders. A bus tour may be more powerful than presentations within the confines of a meeting room and necessary choices become more familiar to participants. A tour or field trip can allow for questions and answers about the problems and potential solutions in the watershed. The bus tour/field trip will include a watershed tour guide. A bus tour/field trip is recommended between the second and third Committee meeting. Activities to be performed by the Consultant include:

- Develop tour agenda, itinerary and handouts
- Manage logistics
- Develop tour map or field guide for participants
- Lead or participate in tour/ field trip
- Meet with Client to debrief

**Task 6 - Strategies Workshop:** A Strategies Workshop is useful to bring together stakeholders around to explore in-depth opportunities regarding various strategies that may be implemented by a Rock Creek Watershed Coalition. Formal presentations about potential strategies including planning, projects, codes/standards will be made followed by break-out groups and discussions. This could include other public officials from the communities that don't serve on the Coalition Formation Committee but that could be involved in implementation of strategies. The Strategies Workshop should be held between the second and third workshop. Activities to be performed by the Consultant include:

- Meet with client to identify desired outcomes
- Prepare event plan
- Arrange and attend pre-meeting
- Identify and research possible speakers
- Develop presentations, displays and meeting materials
- Train staff assisting with event
- Create and manage an invitation distribution list
- Recruit participants
- Staff and facilitate event
- Manage logistics
- Compile documents (sign in sheets, comment cards, etc.)
- Prepare and distribute a summary
- Hold a debriefing meeting

**Task 7 - Elected Officials Briefing:** Elected officials from each of the communities should be briefed during the process. We will provide tools to help the Committee members and County staff brief elected officials periodically throughout the Coalition formation process. Activities to be performed by the Consultant include:

- Prepare briefing materials
- Schedule briefing
- Meet with elected officials
- Conduct follow up

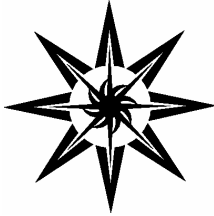
**Task 8 – Technical Support:** The Consultant will provide the following technical engineering and planning services as necessary to support the various tasks under this agreement:

- **Evaluation of Existing Studies:** Conduct a review of all relevant studies of the watershed in an effort to piece together a comprehensive picture of previously documented stormwater and development challenges facing the watershed. Provide a current summary and status report of the improvements that are recommended in each of the studies.
- **Identification of Changes to the Watershed:** Identify significant changes to the watershed that have occurred since the most recent study activity. Examples of such changes would include capital improvements, new development and redevelopment within the watershed.
- **Development Policy Review:** Provide an initial review of the development policies for each of the communities and Johnson County to assess their ability to guide future growth and development with regards to stormwater management. A review of the comprehensive plans, stormwater management plans and other policy documents will be conducted and a summary of those policies impacting stormwater management practices will be prepared.
- **Development Regulation Review:** Provide a brief overview of each of the local communities and Johnson County zoning ordinances, and other development codes, to assess the development code impact on stormwater management practices. Code requirements and practices impacting stormwater management along the Rock Creek corridor will be identified and summarized.
- **Stormwater Management Practices Review:** A basic review of current storm water management practices will be prepared to identify potential options for applications within the Rock Creek Watershed. The intent of the review is to generally demonstrate the different practices and their potential impacts on the development patterns of a community as well their impact to the watershed.
- **Enabling Legislation Review:** A review of the State of Kansas enabling legislation will be conducted to provide an understanding of the process and documentation to formally recognize a watershed management organization.

## Rock Creek Watershed & Statistics



<b>Community</b>	<b>Watershed Area (Sq. Mile)</b>
Mission	1.7
Roeland Park	1.2
Fairway	0.8
Overland Park	0.8
Prairie Village	0.1
Mission Hills	0.1
Westwood	0.1
<b>TOTAL</b>	<b>4.8</b>



## ADMINISTRATION

Council Committee Meeting Date: February 4, 2013  
Council Meeting Date: February 18, 2013

### Consider approval of an amendment to the Employee Handbook – 1.7 Residency Requirement

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#### **RECOMMENDED MOTION:**

Move that City Council approve an amendment to the Employee Handbook to modify residency requirement of the Public Works Director and Chief of Police positions.

#### **BACKGROUND:**

This item was discussed by Council Committee at the January 22, 2013 meeting. Council Committee approved a motion to direct staff to prepare necessary amendments to modify the residency requirements of the Police Chief and Public Works Director positions.

The proposed amendment states (with strikethrough and additions in **bold**):

#### 1.7 RESIDENCY REQUIREMENTS

The City Administrator, ~~Chief of Police and Public Works Director~~ must become **be** a residents of Prairie Village, Kansas within two (2) years of being appointed to the position and remain a residents of the City during the rest of their appointment. **The Chief of Police and Public Works Director must be a resident of Johnson County, Kansas within two (2) years of being appointed to the position and remain residents of the County 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.

In preparing the amendment, it was realized that the proposed residency changes only requires modifying the Employee Handbook. The residency requirements for Department Heads are not included in the City Code.

Currently, the City Code and Employee Handbook require that the City Administrator, Public Works Director and Chief of Police be residents of Prairie Village within two years of position appointment and remain residents. All other employees must live within a 35 mile radius of their place of work. The other appointed positions of City Clerk and Assistant City Administrator do not have a residency requirement beyond the standard 35 mile radius provision.

This topic was mentioned as a future discussion item during the Handbook revisions in November. Prairie Village is one of a few cities in Johnson County that require the Department Head to reside in the City.

City Administrator recommends removing the residency requirement for the Public Works Director and Chief of Police positions. The primary reason for the recommendation is to increase the applicant pool during a Director search. A residency requirement dissuades quality candidates who reside in nearby communities and place a high value on their current neighborhood, house, or school.

On the other side, consideration could be given to the advantage of residency including possible greater involvement in the immediate community, schools and a Prairie Village neighborhood.

**ATTACHMENT:**

- Proposed amendment to Section 1.7 of the Employee Handbook
- Comparison of Johnson County city residency requirements

**PREPARED BY:**

Quinn Bennion

City Administrator

Date: February 1, 2013

## 1.7 RESIDENCY REQUIREMENTS

The City Administrator, ~~Chief of Police and Public Works Director~~ must ~~become be a~~ residents of Prairie Village, Kansas within two (2) years of being appointed to the position and remain ~~a~~ residents during the rest of their appointment. The Chief of Police and Public Works Director must be a resident of Johnson County, Kansas within two (2) years of being appointed to the position and remain residents of the County 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.

*Modified 02/04/13: Change in residency requirements of Public Works Director and Chief of Police.*

## Comparison of Johnson County city requirements

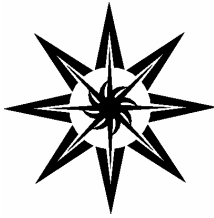
	City Administrator	Public Works Director	Chief of Police	Comments
<b>Leawood</b>	Y	N	N	PD & Fire within a given response time
<b>Lenexa</b>	Y	Y	Y	
<b>Merriam</b>	N	N	N	No residency requirements
<b>Mission</b>	N	N	N	Just need to live in Johnson County
<b>Olathe</b>	Y	N	N	Asst City Manager req'd. If director is hired from outside of area, they must move to Olathe.
<b>Overland Park</b>	N	N	N	Officer w/in 45 minute response time. Director preferred, but not req'd.
<b>Shawnee</b>	Y	Y	Y	Current Metro resident when hired/promoted, not req'd; Outside Metro when hired, Shawnee resident w/in 1 year
<b>Mission Hills</b>	N	N	N	
<b>Fairway</b>	N	N	N	Police Chief within a given response time - believed to be 30 mins City Administrator must live within Johnson County
<b>Roeland Park</b>	N	N	N	

## EMPLOYEE HANDBOOK

### 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 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.





## CITY CLERK DEPARTMENT

Council Committee Meeting Date: February 4, 2013

Council Meeting Date: February 19, 2013

**COU2013-06: Consider approval of an Ordinance amending Chapter 5 entitled "Business Licenses" of the Prairie Village Municipal Code relating to massage provisions and minors**

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### **MOTION**

Move that Council approve an Ordinance amending Section 5-522 entitled "Persons under eighteen prohibited from premises" of Article 5 entitled "Massage Therapy" of Chapter 5 entitled "Business Licenses" of the Prairie Village Municipal Code

### **RECOMMENDATION**

Staff recommends the City Council approve the changes.

### **BACKGROUND**

The attached Ordinance reflects changes to the Massage Therapy regulations. The revisions were initiated after a question raised by a council member regarding massages for persons under eighteen. Currently the City prohibits massages for persons under eighteen without being accompanied by a parent or legal guardian. The recommended provisions will allow massage on persons under eighteen if:

- (a) such person is accompanied by a parent or legal guardian; or
- (b) a parent or legal guardian who is not present has authorized such massage therapy in writing; and (i) the licensee performing massage therapy is of the same gender as such person, and (ii) the massage therapy is provided in a massage establishment which is not a private residence.

The following cities also allow persons under eighteen to receive massages with written authorization or a parent or legal guardian present: Cities of Mission, Overland Park, Merriam, Lenexa, Leawood, and Olathe.

### **FUNDING SOURCE**

N/A

### **ATTACHMENTS**

1. Proposed Ordinance amending the Code

### **PREPARED BY**

Jeanne Koontz  
Deputy City Clerk  
January 31, 2013

ORDINANCE \_\_\_\_\_

**AN ORDINANCE AMENDING SECTION 5-522 ENTITLED “PERSONS UNDER EIGHTEEN PROHIBITED FROM PREMISES” OF ARTICLE 5 ENTITLED “MASSAGE THERAPY” OF CHAPTER V ENTITLED “BUSINESS LICENSES” OF THE PRAIRIE VILLAGE MUNICIPAL CODE**

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

**Section 1.** Section 5-522 of the Prairie Village Municipal Code entitled “Persons Under Eighteen Prohibited From Premises” is hereby amended by repealing Section 5-522 and enacting in lieu thereof a new Section 5-522 to read as follows:

5-522. PERSONS UNDER EIGHTEEN. No licensee shall perform any massage therapy for or permit any massage therapy to be provided to any person under the age of eighteen (18) years of age unless:

- (a) such person is accompanied by a parent or legal guardian; or
- (b) a parent or legal guardian who is not present has authorized such massage therapy in writing; and (i) the licensee performing massage therapy is of the same gender as such person, and (ii) the massage therapy is provided in a massage establishment which is not a private residence.

**Section 2.** All ordinances and parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed.

**Section 3.** This ordinance shall become effective upon approval by the Governing Body of the City of Prairie Village and publication as provided by law.

Approved by the Governing Body of the City of Prairie Village this \_\_\_ day of \_\_\_\_\_, 2013.

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

ATTEST:

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

APPROVED AS TO FORM:

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Catherine P. Logan  
City Attorney

5-522. PERSONS UNDER EIGHTEEN PROHIBITED FROM PREMISES. No licensee shall perform any massage therapy for or permit any massage therapy to be provided to any person under the age of eighteen (18) years of age unless accompanied by a parent or legal guardian:

- (a) such person is accompanied by a parent or legal guardian; or
- (b) a parent or legal guardian who is not present has authorized such massage therapy in writing; and (i) the licensee performing massage therapy is of the same gender as such person, and (ii) the massage therapy is provided in a massage establishment which is not a private residence.

**COUNCIL MEETING AGENDA  
CITY OF PRAIRIE VILLAGE  
Council Chambers  
February 04, 2013  
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 City Council Meeting Minutes - January 22, 2013
- 2. Approve the interlocal agreement with Johnson County and the City of Leawood, Kansas for Project SODR0003: Somerset Drive- Reinhardt Lane to Belinder Avenue
- 3. Approve an increase in the rate charged for off-duty contractual services from \$44.69 to \$46.53 per hour, upon appropriate notification of those entities that contract with the Police Department for such services.
- 4. Approve Claims Ordinance 2902

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

Consider Final Plat for PV Shopping Center - Applicant has requested deferral to February 19th

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

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

**CONSENT AGENDA**

**CITY OF PRAIRIE VILLAGE, KS**

**February 4, 2013**

**CITY COUNCIL  
CITY OF PRAIRIE VILLAGE  
January 22, 2013**

The City Council of Prairie Village, Kansas, met in regular session on Tuesday, January 22, 2013, at 7:30 p.m. in the Council Chambers of the Municipal Building.

**ROLL CALL**

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

Also present were: Wes Jordan, Chief of Police; Keith Bredehoeft, Project Manager; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Dennis Enslinger, Assistant 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**

Mayor Shaffer acknowledged the presence of three Boy Scouts present to earn their "Citizenship in the Community" badges.

Charles Schollenberger, 3718 West 79<sup>th</sup> Terrace, commented on the earlier discussion in the committee of the whole meeting regarding the naming of City facilities. He does not feel city facilities should be named after employees after their retirement. Although he acknowledged the dedication and service of retiring employees, he would prefer the traditional plaque and/or gold watch.



Kristina Kanis from Grandview addressed the Council regarding the homeless issue. She shared a personal story about her interactions with the homeless and stated she felt the actions being taken against Councilman Morrison for letting a homeless person stay at City Hall stunk and that he should be commended for his good deed. She urged the Mayor and City to show some “chicken soup for the soul” sensitivity to those in need.

Jori Nelson, 4802 West 69<sup>th</sup> Terrace, spoke in support of the Special Use Protest petition amendment as she believes residents should have a voice in the development of property surrounding their property. She noted that Prairie Village is one of very few cities that do not already allow for this process in the consideration of special use permits. She feels this process will encourage a more open line of communication between the developer, the City and the residents. Ms. Nelson stated that when residents become involved the outcome is better development and urged the Commission to vote to recommend the adoption of the proposed language.

With no one else to address the Council public participate was closed.

## **CONSENT AGENDA**

Mayor Shaffer noted the Consent Agenda had been amended with the addition of item #9. Ted Odell asked to remove item #5 and Brooke Morehead asked to remove item #3 for further consideration. Charles Clark moved the approval of the Consent Agenda for January 22, 2013 as amended:

1. Approve the Regular Council Meeting Minutes - January 7, 2013
2. Approve Claims Ordinance 2901
3. Removed
4. Approve the recreation contracts with Challenger Sports for Flag Football and British Soccer camps as written
5. Removed
6. Ratify the Mayor’s appointment of Shelly Trewolla as Chair of the Prairie Village Arts Council.

7. Ratify the Mayor's appointment of Benjamin Claypool to the Environment/Recycle Committee with her term expiring in April, 2015.
8. Approve Resolution 2013-01 establishing revised salary ranges for 2013
9. Ratify the Mayor's appointment of Marie Ramirez to the Prairie Village Civil Service Commission to fill the vacancy created by the retirement of David Lillard with the term expiring in January, 2016.
10. Approve the request from the City of Overland Park to add microsurface and chip seal streets.

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

Ted Odell noted that he had heard numerous complaints regarding overcrowding due to the use of the SuperPass and asked how the pass worked and if the fees being charged by other cities were comparable. Quinn Bennion responded five area cities have joined together to allow shared use of pool facilities with the purchase of a regular membership for their pool and a SuperPass. 50% of the revenue from the SuperPass is returned to the selling city with the other 50% based on pool usage. He stated he doesn't have specific numbers but would e-mail them to Council. Mr. Bennion noted the first year of the SuperPass there was some discrepancy in the fees charged by the participating cities, but that has been corrected. There is no indication that usage was greater in 2012 than in 2011. The attendance numbers of SuperPass do not correlate to crowding in 2012.

Michael Kelly noted the City of Mission is replacing their pool and asked what impact that would have. Mr. Bennion replied the work on the Mission pool is scheduled to begin at the close of the 2013 season and be completed prior to the beginning of the 2014 season.

Charles Clark moved the City Council approve the agreements by and among the City of Prairie Village, Kansas, the City of Merriam, Kansas, the City of Leawood, Kansas, the City of Mission, Kansas, the City of Fairway, Kansas, the City of Roeland Park, Kansas and Johnson County Parks and Recreation District for use of swimming pool facilities for 2013 SuperPass

program and Letter of Understanding with Hosting Agencies of the Johnson County Swim and Dive League or the MOKAN Swim and Dive League. The motion was seconded by Ruth Hopkins and passed unanimously.

Brooke Morehead noted the proposed increases to the 2013 recreational membership fees reflect a 2.9% increase for residents and a 2.8% increase for non-residents. She would like to see no increase in fees for residents.

Ruth Hopkins responded that the city has established fees at a level to cover a portion of the operating costs for the program. If the fees are not increased, residents will see their money spent as the City covers increased operating costs. Mrs. Moorhead suggested the fees be increased by 5% for non-residents with no increase for residents.

Quinn Bennion noted the general fund currently subsidizes approximately \$78,000 for the operation of the recreational programs. The goal is to set a balance between user fees and the use of general funds.

Charles Clark noted the use of general funds penalizes Prairie Village residents, many of whom are on fixed incomes that do not use the facilities by increased property taxes to cover operational costs. He feels the primary portion of the costs should be covered by user fees.

Charles Clark moved to approve the 2013 Recreation Fee Schedule as follows:

Resident Memberships	
Household of 4	\$157
Two Person Family	\$147
Individual	\$76
Senior	\$59
Babysitter	\$60
10 Swim Card	\$55
Non-Resident Memberships	
Household of 4	\$262
Two Person Family	\$159
Individual	\$108
Senior	\$108
Babysitter	\$65

10 Swim Card	\$60
Aquatics	
Resident	\$99
Additional child	\$93
Non-Resident w/o membership	\$142
Non-Resident w/membership	\$99
Lessons (.5 hour)	\$36
Tennis	
JTL	\$100
Additional Child	\$90
Warm-Up Session	\$52
Cardio Tennis	\$69
Pee-Wee	\$43
Mighty Mites	\$57
Future Stars	\$57
Adult Lessons	\$69
Private Lessons (.5 hour)	\$24
Semi-Private Lessons (.5 hour)	\$16
Three & a Pro (hour)	\$18
Pool Rental	\$300
Daily Gate	\$7
Twilight Gate (after 5:30 p.m.)	\$5
Daycare	\$5

The motion was seconded by Ruth Hopkins and passed unanimously.

Mayor Shaffer noted item number 9 on the Consent Agenda was the appointment of Marie Ramirez to the Civil Service Commission replacing retiring David Lillard. Mayor Shaffer acknowledged and thanked Mr. Lillard, who was in attendance, for his many years of service on the Commission. Chief Jordan explained to those present the role of the Commission and the importance it has in the development of a highly qualified police staff and thanked Mr. Lillard for his dedication, wisdom and knowledge shared during his many years of service.

### **MAYOR'S REPORT**

Mayor Shaffer reported he attended the following events on behalf of the City: Johnson County Mayors meeting, Johnson County Conveners Breakfast, MARC meeting at which Ruth Hopkins was honored for her environmental work, PV Arts Council Gallery Reception, Chili

Cook-off at Brighton Gardens, State of the State, NE Johnson County State of the Cities, KS aging meeting, Johnson County Chamber Breakfast and Benton House Open House.

Charles Clark moved the Governing Body ratify the Mayor's appointment of Keith Bredehoeft to serve as Interim Public Works Director for the City of Prairie Village. The motion was seconded by Michael Kelly and passed unanimously.

## **COMMITTEE REPORT**

### **Planning Commission**

PC2013-01 Consider Proposed Amendment to Chapter 19.28 "Special Use Permits" to incorporate a protest process.

Dennis Enslinger stated in November, 2012, the City Council directed the Planning Commission to consider the addition of language allowing for the protest petition process in the consideration of Special Use Permits as it is in consideration of rezoning applications.

Staff researched other cities' regulations and prepared language for consideration by the Planning Commission at a public hearing held on Tuesday, January 8, 2013. Several members of the public were present at the public hearing to express their support of the proposed amendment. The Planning Commission voted unanimously to recommend adoption of the proposed amendment to the Governing Body.

Katie Logan, City Attorney, noted that there is a 2003 Kansas Court Case that has ruled the protest procedure which applies to rezoning applications also applies to special use permit applications. She would recommend the Council's adoption of the proposed ordinance.

Michael Kelly asked if the ruling would apply to Conditional Use Permits. Ms Logan responded that she has not researched its application to Conditional Use Permits and can do so. However, she noted that the City Council does not take any action on Conditional Use Permits.

Charles Clark moved the Governing Body adopt Ordinance #2269 amending Chapter 19 of the Prairie Village Municipal Code entitled "Special Use Permits" by adding Section 19.28.041 entitled "Protest". The motion was seconded by Ted Odell.

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

## **STAFF REPORTS**

### **Administration**

- Dennis Enslinger announced the Tutera Group will be holding a neighborhood meeting on the proposed development of Mission Valley on Thursday, January 24<sup>th</sup> at Shawnee Mission East beginning at 6:30 p.m. The City has posted preliminary drawings on the Project Page on its website.
- The Waid's building at the PV Shopping Center has been demolished.
- The Final Plat for the Shopping Center will be on the Council's February 4<sup>th</sup> agenda.
- City Hall Day at the Capitol is Wednesday, February 6<sup>th</sup>. Council members interested in attending should contact Dennis.
- The Legislative Breakfast & Council Worksession will be held on Saturday, February 2<sup>nd</sup> at Homestead Country Club.
- The next Legislative Breakfast featuring a Prairie Village representative will be March 9<sup>th</sup>.
- Lisa Santa Maria reported the City had been visited by the IRS. Their visit was short and went very well.
- Lisa noted she would be coordinating the Council Worksession on February 2<sup>nd</sup>. Charles Clark added the format for the worksession would be different than in the past and will focus on discussion and the presentation of background information on several subjects, not focusing on one issue as in the past.
- Katie Logan reminded the Council of their quasi-judicial Role in the consideration of Special Use Permits which requires that they cannot pre-judge or determine their vote. If they do so, they need to recuse themselves.
- Quinn Bennion stated recruitment has begun for the position of Assistant to the City Administrator.
- Quinn announced that Lisa is completing her term as President of the Eastern Kansas GFOA group.

## **OLD BUSINESS**

**Consider Ordinance 2270 repealing Ordinance 2265 which established a moratorium on the consideration of Special Use Permits**

Dennis Enslinger stated that with the adoption of Ordinance 2269 amending Chapter 19.28 adding Section 19.28.041 entitled “Protests” the moratorium should be repealed.

Charles Clark moved the Governing Body adopt Ordinance 2270 of the City of Prairie Village, Kansas, repealing Ordinance No. 2265 establishing a temporary moratorium on all Special Use Permit applications. The motion was seconded by Ruth Hopkins.

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

David Morrison confirmed both ordinances would become effective upon their publication next Tuesday, January 29<sup>th</sup> .

### **Request by JazzFest Committee**

Mayor Shaffer called upon Jack Shearer, chairman of the JazzFest Committee, who noted that at the last meeting of the City Council questions were raised regarding the proposed contract with Brenda Pelofsky for professional funding raising services. The Council has received a copy of the proposed agreement which has been reviewed by the City Attorney and information gathered in reference checks as well as a letter from Kate Fields regarding the contract and proposed services.

The committee has unanimously approved entering into the proposed agreement and sees the following advantages for entering into this agreement:

- This individual has extensive experience in raising funds and metro-wide contacts.
- The outside contacts will benefit the community by getting a broader advertising base for the festival bringing more people and publicity to Prairie Village for the Festival.
- With outside funding sources, the requests made to Prairie Village residents and businesses (who are receiving requests for multiple City events - Villagefest, State of the Arts, JazzFest, Mayors’ Holiday Tree, Shop with a Cop, etc.) will be less.
- With an organized fund-raising campaign early in the year, it is the goal of the committee to have all costs for the Festival covered prior to the festival, allowing festival funds to be donated and kept as seed money for future festivals.

- This will allow committee members time to solicit in-kind donations and to organize fund-raising events.
- The early receipt of funding will allow for artist contracts to be negotiated and executed by spring, providing for greater opportunities to secure and promote the desired talent.
- The line-up, which is the primary expense for the festival, is also a prime component in the securing sponsorships, as one begets the other. Having a professional fund-raised focused now on securing funds will enable the procurement of desired artists early that will in turn bring in additional funding and additional people to the festival.

While there is no guaranteed level of funds that will be raised under the contract, which is standard for such services, the committee through discussions with Ms Pelofsky and discussions with organizations and agencies that have used her services, is confident that she will be able to raise the funds necessary for the City to again hold “the best outdoor Jazz Festival in the last five years”. Mr. Shearer presented to the Council a proposed budget reflecting earned funds of \$50,000 and best case scenario of \$75,000 which includes both payment to Heartland Habitat and repayment in full of the \$10,000 to the City.

Charles Clark moved the City Council approve the Memorandum of Agreement on behalf of the JazzFest Committee with Pelofsky & Associates and authorize a one-time loan up to \$10,000 from the general contingency fund to the Prairie Village JazzFest Committee. The motion was seconded by Steve Noll. The motion was defeated by a vote of 5 to 6 with the following members voting in opposition: Weaver, Hopkins, Kelly, Wang, Morrison and Odell.

Brooke Morehead noted the importance of having funding early to secure the artists for the festival and asked if the Council would consider a loan of \$10,000 to be used solely for the execution of talent contracts.

David Morrison stated he is not opposed to seed money for the festival. He objects to the high cost for the fund raising services related to the dollars raised. Michael Kelly also expressed opposition to the fee for services and would like to see the fee further negotiated.



Jack Shearer responded the fee is paid over a 7-month period and per the terms of the agreement the contract can be terminated without payment of the entire contract. The basis for the computation of any bonus is based on new funds raised, funds given by any previous donor will not be included. He noted the letter submitted by Kate Fields, who has experience in this area that states the fee requested in standard for these services.

Steve Noll stated in reality this event is hamstrung in that it cannot enter into a contract without funding. This event needs someone who knows people, can get in to see people and can work to raise money. The estimated \$12,500 is the basic retainer for these services. It is not a lot of money in the fund-raising world.

Dale Warman added that more non-for-profits are using the services of fund-raisers. He noted this individual can go outside this small geographic area, broadening its financial base and spreading the exposure for the event. He is supportive.

Quinn Bennion noted the intention to enter into a contract obligates the city for up to \$10,000. JazzFest has funds available now to enter into the contract and as funds are raised they will be designated toward payment of this fee. She will receive payment from funds as they are raised.

Katie Logan noted the agreement includes a provision that compensation will not be more than the amount of funds raised.

Michael Kelly asked if the committee had looked at any other fund-raisers. Mr. Shearer responded the committee's review of other fund-raisers found that they provided advisory services and did not actually make the calls or have the established contacts. They did not provide the services needed. He added he spoke with both references and outside businesses regarding Ms Pelofsky's services and was told over and over that she is a professional, excellent at what she does and respected in the business community.

Ruth Hopkins stated that she voted in opposition because she did not have the information she needed and noted that after this discussion, she is supportive of the request.

Brooke Morehead noted this is the fourth year for this event and she believes this is a way to grow the event and to make it better for the community. She noted the Council routinely pays for consultants to prepare reports and this contract is very similar in that it is paying for the expertise and services of this individual.

Ruth Hopkins moved to reconsider the previous motion. The motion to reconsider was seconded by Steven Noll and passed by a vote of 8 to 3 with Michael Kelly, Andrew Wang and Ted Odell voting in opposition.

Ruth Hopkins moved the City Council approve the Memorandum of Agreement on behalf of the JazzFest Committee with Pelofsky & Associates and authorize a one-time loan up to \$10,000 from the general contingency fund to the Prairie Village JazzFest Committee. The motion was seconded by Steve Noll. The motion passed by a vote of 7 to 4 with the following members voting in opposition: Kelly, Wang, Morrison and Odell.

**ANNOUNCEMENTS**

Environment/Recycle Committee	01/23/2013	7:00 p.m.
VillageFest Committee	01/24/2013	7:00 p.m.
Council Committee of the Whole	02/04/2013	6:00 p.m.
City Council	02/04/2013	7:30 p.m.

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The Prairie Village Arts Council is pleased to announce an oil painting exhibit by Eileen McCoy in the R. G. Endres Gallery for the month of January.

The Legislative Breakfast and Council Worksession is February 2<sup>nd</sup> at Homestead Country Club.

The League of Kansas Municipalities will be hosting City Hall Day on Wednesday, February 6<sup>th</sup> in Topeka. RSVP to Jeanne Koontz at [jkoontz@pvkansas.com](mailto:jkoontz@pvkansas.com) or 913-385-4662.

Trash pick-up will be delayed one day the week of January 21<sup>st</sup> in observance of Martin Luther King, Jr. Day.

The annual large item pick-up has been scheduled. Homes on 75<sup>th</sup> Street and north of 75<sup>th</sup> Street will be collected on Saturday, April 13<sup>th</sup>. Homes south of 75<sup>th</sup> Street will be collected on Saturday, April 20<sup>th</sup>.

Mayor Shaffer announced that the Council would be going into Executive Session and would not be conducting any further business this evening.

### **Executive Session**

Charles Clark moved pursuant to KSA 75-4319 (b) (1) that the Governing Body, recess into Executive Session for five (5) minutes for the purpose of consulting with the City Attorney on personnel matters of nonelected personnel. Present will be the Mayor, City Council, City Administrator and City Attorney. The motion was seconded by David Belz and passed unanimously.

Mayor Shaffer reconvened the Council meeting at 8:40 p.m.

City Attorney Katie Logan stated that since the Mayor dismissed the public and announced that no further business would take place, action related to the executive session will need to be delayed until the next council meeting.

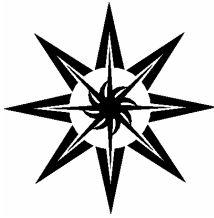
Charles Clark moved pursuant to KSA 75-4319 (b) (1) that the Governing Body, recess into Executive Session in the Multi-Purpose Room for a period not to exceed 10 minutes for the purpose of consulting with the City Attorney on a matters which are privileged in the attorney-client relationship. Present will be the Mayor, City Council, City Administrator, Chief of Police and City Attorney. The motion was seconded by Steve Noll and passed unanimously.

Mayor Shaffer reconvened the Council meeting at 8:55 p.m.

## ADJOURNMENT

With no further business to come before the City Council, the meeting was adjourned at 8:56 p.m.

Joyce Hagen Mundy  
City Clerk



## PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: February 4, 2013

Council Meeting Date: February 19, 2013

### **COU2013-08: CONSIDER INTERLOCAL AGREEMENT WITH JOHNSON COUNTY AND THE CITY OF LEAWOOD, KANSAS FOR PROJECT SODR0003: SOMERSET DRIVE- REINHARDT LANE TO BELINDER AVENUE**

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#### **RECOMMENDATION**

Move to approve the interlocal agreement with Johnson County and the City of Leawood, Kansas for Project SODR0003: Somerset Drive- Reinhardt Lane to Belinder Avenue.

#### **BACKGROUND**

Johnson County has approved Project SODR0003: Somerset Drive- Reinhardt Lane to Belinder Avenue rehabilitation project. An Interlocal Agreement has been received from Johnson County for execution by the Prairie Village and the City of Leawood, Kansas. This agreement will limit the County share to 50% of the project's construction costs or \$369,000. The County's funding for this project comes from the County Assistance Road System(CARS) Program. This project is a joint project with the City of Leawood, Kansas and will be administered by Prairie Village.

This project is a part of the 2013 CIP.

#### **FUNDING SOURCE**

Funding is available under the Capital Infrastructure Program, Project SORD0003: Somerset Drive- Reinhardt Lane to Belinder Avenue for the City's portion of the project.

#### **RELATION TO VILLAGE VISION**

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

#### **ATTACHMENTS**

1. Interlocal Agreement with Johnson County.

#### **PREPARED BY**

Keith Bredehoeft

January 30, 2013

**Agreement among Johnson County, Kansas,  
the City of Prairie Village, Kansas, and  
the City of Leawood, Kansas, for the Public Improvement of  
Somerset Drive from Belinder Avenue to Reinhardt Lane  
(320000952)**

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by and among the Board of County Commissioners of Johnson County, Kansas ("Board"), the City of Prairie Village, Kansas ("Prairie Village"), and the City of Leawood, Kansas ("Leawood"). Prairie Village and Leawood are collectively referred to as the "Cities".

WITNESSETH:

WHEREAS, the parties have determined that it is in the best interests of the general public in making certain public improvements to Somerset Drive from Belinder Avenue to Reinhardt Lane (the "Project"); and

WHEREAS, the laws of the State of Kansas authorize the parties to this Agreement to cooperate in undertaking the Project; and

WHEREAS, the governing bodies of each of the parties have determined to enter into this Agreement for the purpose of undertaking the Project, pursuant to K.S.A. 12-2908 and K.S.A. 68-169, and amendments thereto; and

WHEREAS, the Project has been approved, authorized, and budgeted by the Board as an eligible project under the County Assistance Road System ("CARS") Program; and

WHEREAS, the Board has, by County Resolution No. 106-90, authorized its Chairman to execute any and all Agreements for County participation in any CARS Program project which has been approved and authorized pursuant to the Policies and Guidelines adopted by the Board and for which funding has been authorized and budgeted therefore; and

WHEREAS, the governing body of Prairie Village did approve and authorize its Mayor to execute this Agreement by official vote of said body on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

WHEREAS, the governing body of Leawood did approve and authorize its Mayor to execute this Agreement by official vote of said body on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter contained, and for other good and valuable consideration, the parties agree as follows:

1. **Purpose of Agreement.** The parties enter into this Agreement for the purpose of undertaking the Project to assure a more adequate, safe, and integrated roadway network in the developing and incorporated areas of Johnson County, Kansas.
  
2. **Estimated Cost and Funding of Project**
  - a. The estimated cost of the Project (“Project Costs”), a portion of which is reimbursable under this Agreement is Eight Hundred Four Thousand Dollars (\$804,000).
  - b. Project Costs include necessary costs and expenses of labor and material used in the construction of the Project and construction inspection and staking for the Project.
  - c. The Project Costs shall be allocated between the parties as follows:
    - i. The Board shall provide financial assistance for the Project in an amount up to but not exceeding Fifty Percent (50%) of the Project Costs. However, the Board's financial obligation under this Agreement shall be limited to an amount not to exceed Three Hundred Sixty Nine Thousand Dollars (\$369,000). For purposes of this Agreement, Project Costs shall not include any portion of costs which are to be paid by or on behalf of any state or federal governmental entity or for which the Cities may be reimbursed through any source other than the general residents or taxpayers of the Cities. Further, it is understood and agreed by the parties hereto that the Board shall not participate in, nor pay any portion of, the Costs incurred for or related to the following:
      1. Land acquisition, right-of-way acquisition, or utility relocation;
      2. Legal fees and expenses, design engineering services, Project administration, or financing costs;

3. Taxes, licensing or permit fees, title reports, insurance premiums, exactions, recording fees, or similar charges;
4. Project overruns;
5. Project scope modifications or major change orders which are not separately and specifically approved and authorized by the Board; and
6. Minor change orders which are not separately and specifically approved and authorized by the Director of Public Works & Infrastructure of Johnson County, Kansas ("Public Works Director"). Minor change orders are those which do not significantly alter the scope of the Project and which are consistent with the CARS Program Policies and Guidelines and administrative procedures thereto adopted by the Board.

It is further understood and agreed that notwithstanding the designated amount of any expenditure authorization or fund appropriation, the Board shall only be obligated to pay for the authorized percentage of actual construction costs incurred or expended for the Project under appropriate, publicly bid, construction contracts. The Board will not be assessed for any improvement district created pursuant to K.S.A. 12-6a01 *et seq.*, and amendments thereto, or any other improvement district created under the laws of the State of Kansas.

- ii. The Cities shall pay all Project Costs not expressly the Board's obligation to pay as provided in this Agreement.



3. **Financing**

- a. The Board shall provide financial assistance, as provided in Paragraph 2.c. above, towards the cost of the Project with funds budgeted, authorized, and appropriated by the Board and which are unencumbered revenues that are on-hand in deposits of Johnson County, Kansas. This paragraph shall not be construed as limiting the ability of the Board to finance its portion of the costs and expenses of the Project through the issuance of bonds or any other legally authorized method.
- b. The Cities shall pay their portion of the Project Costs with funds budgeted, authorized, and appropriated by the governing bodies of the Cities.

4. **Administration of Project.** The Project shall be administered by Prairie Village acting by and through its designated representative who shall be the Cities' public official designated as Project Administrator. The Project Administrator shall assume and perform the following duties:

- a. Cause the making of all contracts, duly authorized and approved, for retaining consulting engineers to design and estimate the necessary costs and expenses of the Project Costs.
- b. Submit a copy of the plans and specifications for the Project to the Public Works Director for review prior to any advertisement for construction bidding, together with a statement of estimated Project Costs which reflects the Board's financial obligation under the terms of this Agreement. The Public Works Director or his designee shall review the plans and specifications for the Project and may, but shall not be obligated to, suggest changes or revisions to the plans and specifications.
- c. If required by applicable state or federal statutes, solicit bids for the construction of the Project by publication in the official newspaper of the City of Prairie Village. If the Project is located in more than one city, then the Project Administrator shall be responsible for determining proper publication. In the solicitation of bids, the appropriate combination of best bids shall be determined by the Project Administrator.
- d. Cause the making of all contracts and appropriate change orders, duly authorized and approved, for the construction of the Project.

- e. Submit to the Public Works Director a statement of actual costs and expenses, in the form of a payment request, with attached copies of all invoices and supporting materials, on or before the tenth day of each month following the month in which costs and expenses have been paid. The Public Works Director shall review the statement or payment request to determine whether the statement or payment request is properly submitted and documented and, upon concurrence with the Finance Director of Johnson County, Kansas (“Finance Director”), cause payment to be made to the Project Administrator of the Board's portion of the Project Costs within thirty (30) days after receipt of such statement or payment request. In the event federal or state agencies require, as a condition to state or federal participation in the Project, that the Board make payment prior to construction or at times other than set forth in this subsection, the Public Works Director and Finance Director may authorize such payment.
- f. Except when doing so would violate a state or federal rule or regulation, cause a sign to be erected in the immediate vicinity of the Project upon commencement of construction identifying the Project as part of the CARS Program. The form and location of the sign shall be subject to the review and approval of the Public Works Director.

Upon completion of the construction of the Project, the Project Administrator shall submit to each of the parties a final accounting of all costs and expenses incurred in the Project for the purpose of apportioning the same among the parties as provided in this Agreement. It is expressly understood and agreed that in no event shall the final accounting obligate the parties for a greater proportion of financial participation than that set out in Paragraph 2.c. of this Agreement. The final accounting of Project Costs shall be submitted by the Project Administrator no later than sixty (60) days following the completion of the Project construction.

It is further understood and agreed by the Cities to the extent permitted by law and subject to the immunity and maximum liability provisions of the Kansas Tort Claims Act, to indemnify and hold the Board harmless for and from any costs, expenses, liabilities or obligations which result from actions or omissions of the Cities, their respective employees,

contractors, or agents relating to or in connection with the administration or construction of the Project.

In addition, the Cities shall, and hereby agree to, insert as a special provision of its contract with the general contractor ("Project Contractor") chosen to undertake the Project construction as contemplated by this Agreement the following paragraphs:

The Project Contractor shall defend, indemnify and save the Board of County Commissioners of Johnson County, Kansas and the City harmless from and against all liability for damages, costs, and expenses arising out of any claim, suit, action or otherwise for injuries and/or damages sustained to persons or property by reason of the negligence or other actionable fault of the Project Contractor, his or her sub-contractors, agents or employees in the performance of this contract.

The Board of County Commissioners of Johnson County, Kansas shall be named as an additional insured on all policies of insurance issued to the Project Contractor and required by the terms of his/her agreement with the City.

**5. Acquisition of Real Property for the Project**

- a. The Board shall not pay any costs for acquisition of real property in connection with the Project.
- b. Each City shall be responsible for the acquisition of any real property, together with improvements thereon, located within such City's corporate boundaries, which is required in connection with the Project. Such real property acquisition may occur by gift, purchase, or by condemnation as authorized and provided by the Eminent Domain Procedure Act, K.S.A. 26-201 et seq. and K.S.A. 26-501 et seq., and any such acquisition shall comply with all federal and state law requirements.

6. **Duration and Termination of Agreement**

- a. The parties agree that this Agreement shall remain in full force and effect until the completion of the Project, unless otherwise terminated as provided for in Paragraph 6.b. hereinbelow. The Project shall be deemed completed and this Agreement shall be deemed terminated upon written certification to each of the parties by the Project Administrator that the Project has been accepted as constructed. The Project Administrator shall provide a copy of the Project Administrator's certification to both the Public Works Director and the Finance Director within thirty (30) days of the Project Administrator's determination that the Project is complete.
- b. It is understood and agreed that the Public Works Director shall review the status of the Project annually on the first day of March following the execution of this Agreement to determine whether satisfactory progress is being made on the Project. It is further understood and agreed that the Board shall have the option and right to revoke funding approval for the Project and terminate this Agreement should the Board find, based upon the determination of the Public Works Director, that satisfactory progress is not being made on the Project. Should the Board exercise its option as provided herein, it shall send written notice of the same to the Cities and the Board shall have no further liability or obligation under this Agreement. For purposes of this Agreement, it shall be deemed "satisfactory progress" if the City administering the Project shall have entered into a construction contract for the Project which contract provides for the timely completion of the Project.

7. **Placing Agreement in Force.** The attorney for the Cities shall cause sufficient copies of this Agreement to be executed to provide each party hereto with a duly executed copy of this Agreement for its official records.

IN WITNESS WHEREOF, the above and foregoing Agreement has been executed by each of the parties hereto and made effective on the day and year first above written.

**Board of County Commissioners of  
Johnson County, Kansas**

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Ed Eilert, Chairman

Attest:

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Melissa McChesney  
Interim Clerk of the Board

Approved as to form:

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Robert A. Ford  
Assistant County Counselor

**City of Prairie Village,  
Kansas**

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Ronald L. Shaffer, Mayor

Attest:

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City Clerk

Approved as to form:

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City Attorney

**City of Leawood,  
Kansas**

---

Peggy J. Dunn, Mayor

Attest:

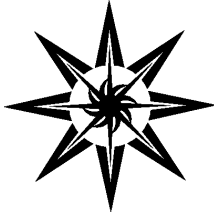
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City Clerk

Approved as to form:

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City Attorney



## POLICE DEPARTMENT

Council Meeting Date: February 4, 2013

### CONSENT AGENDA:

Consider an increase in the rate the City charges for off-duty contractual employment of police officers.

### RECOMMENDATION

Staff recommends the rate charged for off-duty contractual services be increased from \$44.69 to 46.53 per hour, upon appropriate notification of those entities that contract with the Police Department for such services. The increase will cover the annual increase in salaries, benefits and equipment costs.

### BACKGROUND

City Council Policy #320 authorizes Prairie Village police officers to work off duty within the City as police officers. The purpose of this policy is to provide a means to “increase law enforcement presence within the community by allowing police officers to perform duties for private employers while wearing the police uniform and equipment, thereby reducing crime within the community.”

The last increase was put into effect in February 2, 2010. In 2012, officers worked 889 hours performing contractual assignments, with billable hours totaling \$39,699.60.

### PREPARED BY

Wes Jordan  
Chief of Police  
Date: January 24, 2013

WLJ:jlw

13 off-duty contractual

**CITY TREASURER'S WARRANT REGISTER**

DATE WARRANTS ISSUED:

Warrant Register Page No.   1  

February 4, 2013

**Copy of Ordinance**  
2902

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
<b>EXPENDITURES:</b>			
Accounts Payable			
4033-4082	1/4/2013	172,744.75	
4083	1/9/2013	13,060.00	
4084-4126	1/11/2013	59,263.47	
4127-4203	1/18/2013	529,971.41	
4204-42442	1/25/2013	59,014.31	
Payroll Expenditures			
1/11/2013		261,397.22	
1/25/2013		275,536.71	
Electronic Payments			
Electronic Pmnts	1/9/2013		886.41
Electronic Pmnts	1/11/2013		20,112.95
Electronic Pmnts	1/14/2013		5,063.32
Electronic Pmnts	1/21/2013		450,000.00
Electronic Pmnts	1/23/2013		1,138.07
Electronic Pmnts	1/25/2013		850.45
Electronic Pmnts	1/26/2013		14,621.52
Electronic Pmnts	1/30/2013		12167.26
<b>TOTAL EXPENDITURES:</b>			<b>\$ 1,701,338.87</b>
Voided Checks			
<b>TOTAL VOIDED CHECKS:</b>			<b>-</b>
<b>GRAND TOTAL CLAIMS ORDINANCE</b>			<b>2,206,178.85</b>

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

Passed this 4th day of February 2013.

Signed or Approved this 4th day of February 2013.

(SEAL)

ATTEST: \_\_\_\_\_  
*City Treasurer*
*Mayor*

**MAYOR'S ANNOUNCEMENTS**  
**February 4, 2013**

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

Planning Commission	02/05/2013	7:00 p.m.
Sister City Committee	02/11/2013	7:00 p.m.
Parks & Recreation Committee Meeting	02/13/2013	7:00 p.m.
Council Committee of the Whole	02/19/2013	6:00 p.m.
City Council	02/19/2013	7:30 p.m.

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The Prairie Village Arts Council is pleased to announce an exhibit by Richard Findley in the R. G. Endres Gallery for the month of February. The reception will be held on February 8th from 6:30 to 7:30 p.m.

The City offices will be closed February 18<sup>th</sup> in observance of President's Day. Trash will not be delayed this week.

City Hall Day is February 6, 2013 in Topeka, KS.

The annual large item pick-up has been scheduled. Homes on 75<sup>th</sup> Street and north of 75<sup>th</sup> Street will be collected on Saturday, April 13<sup>th</sup>. Homes south of 75<sup>th</sup> Street will be collected on Saturday, April 20<sup>th</sup>.



**INFORMATIONAL ITEMS**  
**February 4, 2013**

1. Planning Commission Agenda - February 5, 2013
2. Council Committee of the Whole Minutes - January 22, 2013
3. Jazz Fest Committee Minutes - December 11, 2012
4. VillageFest Committee Minutes - July 26, 2012
5. 2012 Forfeiture Trust Fund Annual Report
6. Mark Your Calendars

**PLANNING COMMISSION AGENDA  
CITY OF PRAIRIE VILLAGE  
MUNICIPAL BUILDING - 7700 MISSION ROAD  
TUESDAY, FEBRUARY 5, 2013  
COUNCIL CHAMBERS  
7:00 P. M.**

- I. ROLL CALL
- II. APPROVAL OF PC MINUTES - January 8, 2012
- III. PUBLIC HEARINGS
  - PC2013-02 Ordinance Revisions to Section 19.25 "Overlay Zoning District" to adopt Design Guidelines for Countryside East Homes Assn  
Applicant : City of Prairie Village  
(This item will be continued to the March 5, 2013 meeting)
- IV. NON-PUBLIC HEARINGS
  - PC2013-101 Site Plan Approval - Roe 89 Shops  
8825 & 8839 roe Avenue  
Zoning: CP-1  
Applicant: Gastinger Walker Harden  
(Continued to the March 5, 2013 meeting at request of applicant)
  - PC2013-104 Preliminary & Final Plat Approval - St. Ann's  
7231 Mission Road  
Zoning: R-1a  
Applicant: Arnie Tulloch, Shafer, Kline & Warren
  - PC2013-105 Amendment to Sign Standards  
4617 West 90<sup>th</sup> Street  
Zoning: C-2  
Applicant: Jennifer Schellhase
- V. OTHER BUSINESS
  - PC2011-116 Consideration of requested sign change at Corinth Square
- VI. ADJOURNMENT

Plans available at City Hall if applicable

If you can not be present, comments can be made by e-mail to

[Cityclerk@Pvkansas.com](mailto:Cityclerk@Pvkansas.com)

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

**COUNCIL COMMITTEE  
TUESDAY, JANUARY 22, 2013  
6:00 P.M.  
Council Chambers**

**AGENDA**

**CHARLES CLARK, COUNCIL PRESIDENT**

**AGENDA ITEMS FOR DISCUSSION**

Presentation regarding Community Center Feasibility Study  
360 Architecture

Presentation of annual report on the 2012 Exterior Grant Program  
Dennis Enslinger

Discussion regarding naming of public facilities

Discussion regarding residency requirement for appointed positions  
Quinn Bennion

**COUNCIL COMMITTEE OF THE WHOLE**  
**January 22, 2013**

The Council Committee of the Whole met on Tuesday, January 22, 2013 at 6:00 p.m. in the Council Chambers. The meeting was called to order by Council President Charles Clark with the following members present: Mayor Ron Shaffer, Ashley Weaver, Dale Warman, Ruth Hopkins, Steve Noll, Michael Kelly, Andrew Wang, Brooke Morehead, Charles Clark, David Morrison, Ted Odell and David Belz. Staff Members present: Wes Jordan, Chief of Police; Keith Bredehoeft, Public Works Project Manager; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Dennis Enslinger, Assistant City Administrator; Lisa Santa Maria, Finance Director and Joyce Hagen Mundy, City Clerk.

Council President Charles Clark noted the agenda for the evening is full and in order to ensure that those items which need to be discussed are he is requesting that the discussion of residency requirements for appointed positions be moved to follow the presentation of the Community Center Feasibility Study.

**Presentation on Community Center Feasibility Study**

David Belz, chair of the Community Center Feasibility Study, stated the presentation is for information only. The Council is encouraged to ask questions, but no action will be taken tonight. Discussion will be at a future meeting. Mr. Belz called upon Chris DeVolder with 360 Architects to present their findings.

Mr. DeVolder stated the study looked to address three questions: 1) will the proposed center fit on the available site; 2) what services will the center provide and 3) what will the facility cost. With a number of community center facilities in the area (13 facilities within the identified area), there needs to be a unique facility and program that will reach out and bring people in. The unique feature that has been proposed is the construction of a 50 meter aquatic center with the capability to host high school and regional events.

To establish a program and construct a facility that meets the requirements of the citizens, a random resident survey was conducted by Leisure Vision of Olathe to over 1500 homes in Prairie Village. A total of 376 surveys were completed and returned. The survey feedback indicated the following four features were desired in the facility:

- Weight room/cardiovascular equipment area
- Indoor running/walking track
- Aerobics/fitness/dance space/yoga/Pilates
- Indoor aquatics/swimming center

Eighty-one percent of household were either very supportive or somewhat supportive of the city partnering with Johnson County Park & Recreation District in developing and operating a new indoor community/aquatic center. Fifty-five percent would support paying at least \$125 per year in additional property taxes to fund the construction and sixty-sever percent would possibly vote in favor of a half-cent sales tax to fund construction. Thirty-five percent prefer a ½ cent sales tax for funding the costs of

operating and constructing a new indoor community center/aquatic center and 21% prefer a combination of a property tax increase and a ½ cent sales tax.

The proposed location for the facility is within Harmon Park. The following three program design options were presented:

Option 1: a community center similar to the Matt Ross Community Center in Overland Park, along with a full aquatics component that includes an indoor 50 meter natatorium pool with bleachers to accommodate 1,500 spectators for swim/dive meets and a leisure pool with slides and zero-entry features. This would be a 136,349 sf structure with an estimated construction cost of \$43,891,000. The estimated operation and maintenance costs are \$3,033,000 with projected revenue of \$2,246,000.

Option 2: a community center similar to the Matt Ross Community Center in Overland Park, along with full aquatics component that includes an indoor 25m x 25 yard natatorium pool with bleachers to accommodate 1,500 spectators for swim/dive meets and a leisure pool with slides and zero-entry features. This would be a 130,005 sf structure with an estimated construction cost of \$41,849,000. Estimated operation and maintenance costs of \$2,821,000 with projected revenue of \$2,101,000.

Option 3: a hybrid community center option modeled on the components of the Matt Ross Community Center and the Gamber Center in Lee's Summit. This option does not include aquatics features, an indoor track or a gymnasium. It is envisioned only as a community gathering area with smaller space exercise functions. This would be a 21,081 sf structure with an estimated construction cost of \$5,122,000. Estimated operation and maintenance costs of \$710,000 with projected revenue of \$420,000.

Mr. DeVolder reviewed possible funding scenarios and identified the following potential partners: Shawnee Mission School District, Johnson County Park & Recreation District, YMCA, City of Mission, City of Overland Park and City of Leawood. The proposed facility, by virtue of the competition pool, leisure pool, multiple gymnasium space, youth fitness, running track, fitness rooms, meeting/party rooms and hearth/community area differentiates this facility from other facilities in the area. The design team's focus can best be described as creating "Healthy Buildings for Healthy Bodies".

Ted Odell asked for further thoughts on the potential use of this facility by Missouri residents. Mr. DeVolder responded that the majority of the other facilities in the area are in Kansas and he believes the Prairie Village location would fill a need for Missouri residents with a strong potential for annual membership sales.

Brooke Morehead asked if any considerations were given to increased membership rates for members across the state line as the facility would be available to Missouri residents.

Ashley Weaver reported the Park & Recreation Committee received this presentation at their last meeting and the general feedback from the committee was relative to the high

cost with the committee feeling that those people using the facility should bear the primary costs for the operation of the facility.

There were no further questions of Mr. DeVolder. City Council will discuss the feasibility study at a future meeting.

#### **Discussion regarding residency requirement of appointed positions**

Quinn Bennion noted the City Code and Employee Handbook require that the City Administrator, Public Works Director and Chief of Police be residents of Prairie Village within two years of position appointment and remain residents. All other employees must live within a 35-mile radius of their place of work. The other appointed positions of City Clerk and Assistant City Administrator do not have a residency requirement beyond the standard 35-mile radius provision. Prairie Village is one of few cities in Johnson County that require the Department Head to reside in the city as depicted in the table included in the packet information.

City Administrator Quinn Bennion recommended removing the residency requirement for the Public Works Director and Chief of Police positions. The primary reason for his recommendation is to increase the applicant pool during a Director search. A residency requirement dissuades quality candidates who reside in nearby communities and place a high value on their current neighborhood, house or school. He does not feel the other Department Heads which are not required to live in the City are less qualified and dedicated to their positions. However, he noted it does make it easier for individuals living within the city to become more involved in the immediate community, schools and Prairie Village neighborhoods.

Michael Kelly stated he supports the current residency requirement and noted significant interest in the past in these positions. He noted that the Independence School District is looking to require its principals to reside in the District. Ted Odell agreed with Mr. Kelly noting as a resident the Public Works Director would be more aware of the City's needs relative to its parks and streets.

Ruth Hopkins stated she has discussed this issue with leaders throughout the country and most do not have the residency requirements and do not see it as a problem. She noted the 35-mile radius and asked if staff would be open to possibly using a smaller radius. She feels a 35-mile radius is too large.

David Morrison stated the City should hire the very best qualified individuals regardless of where they live.

Steve Noll stated he felt the City Administrator needs to reside in the City. The Chief of Police and Public Works Director are hired for their technical expertise and experience. He would be accepting of only requiring Johnson County residency. Individuals residing within the county know and understand the expectations of Prairie Village and adjoining cities and should have a choice.

Dale Warman noted the residency requirements were created prior to the transportation and communication technology that exists today. He does not feel that living in the city is going to result in more community involvement. As the information presented indicates, most cities have moved away from residency requirements.

Brooke Morehead prefers requiring Johnson County residency rather than a mile radius. He noted there is a "Johnson County Culture".

Chief Jordan stated the 35-mile radius would go beyond Johnson County. He felt a 25-mile radius would stay within the Johnson County radius.

Ruth Hopkins asked if other cities required Johnson County residency. Mr. Bennion responded two area cities did.

Ruth Hopkins made the following motion, which was seconded by David Morrison:

**DIRECT STAFF TO PREPARE AN ORDINANCE AND AMENDMENT  
TO THE EMPLOYEE HANDBOOK TO MODIFY THE RESIDENCY  
REQUIREMENT OF THE PUBLIC WORKS DIRECTOR AND  
CHIEF OF POLICE POSITIONS TO REQUIRE JOHNSON COUNTY  
RESIDENCY**

Michael Kelly stated he would rather have someone live in Brookside than in southern Johnson County. Andrew Wang noted as a resident you experience the same issues as the residents you serve. If you are not a resident, he feels the closer proximity to the city the better.

Brooke Morehead noted that as a Johnson County resident one would share many of the same issues i.e., taxes, school issues, streets, etc. These are not the same for Missouri residents.

The motion was voted on and passed by a vote of 8 to 3 with Michael Kelly, Andrew Wang and Ted Odell voting in opposition.

**Presentation of Annual Report on 2012 Exterior Grant Program**

Dennis Enslinger stated the City's Exterior Grant Program began in 2007. The grant program is awarded as a 20% reimbursement of the actual cost of construction and/or material costs. The minimum required private investment is \$5,000 with no maximum investment amount. The minimum grant is \$1,000 up to the maximum grant amount of \$2,500. Eligible improvements include, but are not limited to: complete exterior house painting or siding, door/window repair or replacement, new roof, masonry, foundation repair, awnings, building additions, and landscaping. New construction is also eligible.

Three key areas identified for implementation were:

Area 1: All PV addresses from 69<sup>th</sup> to 71<sup>st</sup> from Reeds to Nall; 71<sup>st</sup> to 75<sup>th</sup> from Nall east to Roe and 71<sup>st</sup> and Nall to Tomahawk

Area 2: All PV addresses on Belinder and Norwood, 71<sup>st</sup> to Somerset, east to State Line

Area 3: All PV addresses from 75<sup>th</sup> to 79<sup>th</sup> from Walmer east to Delmar

Mr. Enslinger stated to be eligible for the grant the property must be located within a designated grant improvement area. In addition, all property taxes must be current, adequate property insurance must be in effect, and all improvements must conform to City of Prairie Village Municipal Code and other applicable building codes. There is a limit of one grant per property every ten years. The program applies to all residential property owners regardless of residency in the home. While a single owner may apply for multiple properties within a program year, these grants cannot run concurrently; only one property at a time will be approved. The City Council allocated \$37,500 from the Economic Development Fund in the initial year of operation and anticipated a private investment of \$150,000 as a result of the program. The program continues to meet the needs of residents with the following growth and participation:

<b>Year</b>	<b>Grant Budget</b>	<b>Number of Grants</b>	<b>Grant Award</b>	<b>Private Investment</b>
<b>2008</b>	<b>\$37,500</b>	<b>16</b>	<b>\$30,133</b>	<b>\$174,214</b>
<b>2009</b>	<b>\$50,000</b>	<b>28</b>	<b>\$42,802</b>	<b>\$256,789</b>
<b>2010</b>	<b>\$50,000</b>	<b>19</b>	<b>\$37,024</b>	<b>\$274,663</b>
<b>2011</b>	<b>\$50,000</b>	<b>16</b>	<b>\$34,320</b>	<b>\$184,127</b>
<b>2012</b>	<b>\$50,000</b>	<b>26</b>	<b>\$39,252</b>	<b>\$273,209</b>
<b>Totals</b>	<b>\$237,500</b>	<b>105</b>	<b>\$183,531</b>	<b>\$1,163,002</b>

Over the past five years, a \$1 investment by the City has returned a \$5.50 investment from the residents in improvements to their property. Approximately 110 hours are spent in administering the program from the initial site visit and application to the final inspection. He commended Nancy Ihle for her work with the applicants.

In 2012 the City funded 26 grants. As of January 1, 2013, 25 projects have been completed with a City investment of \$39,251.64 and resident investment of \$233,956.93. The \$273,208.57 total investment in 2012 exceeds the total for 2011 projects by \$89,081.33.

<b>Area</b>	<b>Number of Grants</b>	<b>Total Investment</b>
<b>1</b>	<b>6</b>	<b>\$51,641.58</b>
<b>2</b>	<b>8</b>	<b>\$82,783.14</b>
<b>3</b>	<b>11</b>	<b>\$138,783.85</b>
<b>Totals</b>	<b>26</b>	<b>\$273,208.57</b>

The top uses for the grant funds in 2012 were for 1) landscaping, 2) windows, 3) Siding/Paint, 4) Roof and 5) Doors. Before and after photos were shown of several of the properties receiving grant funds.



Mr. Enslinger noted that Channel 5 will be doing a feature on the grant program in the future.

David Morrison asked how much of this work would have been done if grant funds had not been available. Mr. Enslinger responded this has not been tracked.

Ted Odell asked if the recipient had to reside in the home. Mr. Enslinger replied the grant can be awarded for a registered rental property. The program was initially created to address property maintenance issues that were most visible from the street and some of these were rental properties.

Michael Kelly confirmed the grant area does include those housed that front 75<sup>th</sup> Street.

Dennis Enslinger recommended that in the future the grant applications be overslated to realize a cost closer to \$50,000 annually and increase the grant opportunities. Council did not have objections or changes to the program.

#### **Discussion regarding naming of public facilities**

Quinn Bennion stated at an earlier meeting the Council approved new facility identification signs and questions were raised regarding the identification of the R.G. Endres Art Gallery and Public Works Facility named for former Public Works Director Bob Pryzby. Research by staff confirmed that the naming of the Art Gallery was recommended by the Arts Council and approved by the City Council. However, the naming of the Public Works facility was never voted on by the City Council. Staff is seeking direction on how to proceed as this issue is not addressed in any city code or policy. Mr. Bennion noted that no action has been taken on either of the signs pending ratification of past action and or new direction.

Michael Kelly stated he felt any naming of facilities should be approved by the Governing Body.

Ruth Hopkins provided background on the naming noting when the City Administrator retired she stated she would like a statue. When the Public Works Director retired he was asked if he would like the newly acquired public works building named after him. There was no written agreement.

Ted Odell stated he felt there should be a policy going forward.

Charles Clark stated there were two issues to be addressed - 1) whether or not to confirm the naming of the public works facility and 2) direction on how to proceed in the future.

Ruth Hopkins moved the City Council reaffirm the naming of the Public Works Facility after former Public Works Director Bob Pryzby. The motion was seconded by David Belz.

Brooke Morehead questioned setting a precedence of having building named for a staff member. She feels there needs to be a strong reason to name a building after a public employee.

David Morrison stated at the time he asked Diana Ewy Sharp what the City was doing for Bob to which she responded they were naming a building after him. He was surprised that there was no discussion or action taken by the City Council. Therefore, this action would not really be reaffirming Council action as previous action was not taken.

Steve Noll stated markers/signs need to be generic. People are seeking City Hall or Public Works - the signs need to identify the building function.

The motion was voted on and passed by a 6 to 5 vote with the following votes cast in opposition: Weaver, Kelly, Morehead, Morrison and Odell.

Steve Noll moved that henceforth city facilities/structures shall not be named for employees; however, that it is appropriate to acknowledge an individual with the placement of a plaque. The motion was seconded by Michael Kelly. The motion was voted on and passed by a vote of 6 to 5 with the following votes cast in opposition: Warman, Hopkins, Wang, Clark and Belz.

Steve Noll moved to amend the motion to include such action shall take place with the approval of the Governing Body. Mr. Kelly accepted the amendment.

The motion as amended was voted on and passed.

## **STAFF REPORTS**

### **Public Safety**

- Chief Jordan distributed the 2012 crime statistics noting they reflected an overall decrease similar to the 2008 level.
- Chief reported their had been ten residential burglaries since the first of the year. A map showing the locations was distributed and Chief discussed briefly the actions being taken by the City.

### **Public Works**

- Keith Bredehoeft reported the Franklin Park Trail that was constructed in 2010 has several cracks. Staff is working with the contractor's bonding company and the trail will be repaired this spring.
- Maintenance crews are focusing on catch basins and the trimming of trees in the parks.

### **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.

Charles Clark  
Council President

**JAZZ FEST COMMITTEE**  
**December 11, 2012**  
**7:00 p.m.**

Present: Jack Shearer, Gloria Shearer, Mary Ann Watkins, Donelea Hespe, Dan Andersen, JD Kinney, Diane Mares, Peggy Wright, Brooke Morehead, Chris Huff and Joyce Hagen Mundy.

Minutes of the November 8, 2012 meeting were approved as written.

**Mission Statement**

Jack Shearer led discussion regarding the possible revision of the JazzFest Mission Statement with a stronger focus on the partnership with Heartland Habitat for Humanity. He presented language that he had drafted for review. The committee began an outgrowth of the Arts Council with the focus on celebrating jazz music and its heritage in the Kansas City area with the thought that any funds raised would support a possible permanent outdoor amphitheatre. It was noted that Habitat only receives the excess funds, not all funds raised. The event is for the promotion of jazz with some of the funds being maintained to be able to continue the event with the excess going to Habitat.

Dan Andersen explained the flow of funds through the Municipal Foundation to allow for the 501(c) (3) designation and tax benefit for contributions given. However, the committee maintains control of how those funds are used. It was confirmed the committee's mission statement does not need approval of either the City or the Foundation. Dan pointed out that the initial mission statement is printed in the promotional brochures which the committee is still using. Committee members, although recognizing the importance of the partnership with Habitat, did not feel it belonged in the mission statement for the committee. It was the consensus of the committee to retain the existing mission statement and find other means to promote the partnership between the event and Heartland Habitat. Several options were discussed including dual logos on correspondence, a cover letter referencing the partnership and continued promotion in advertising. It was noted that this discussion needs to include Kate Fields.

**Fundraising**

Jack Shearer, Kate Fields and Diane Mares met with a professional fundraiser, Brenda Pelofsky regarding possible services she could provide. Her services include the making of the actual fund-raising calls, although she would like referrals and names of individuals to call on, in addition to her individual contacts. If someone has a special relationship with an individual or organization, she would like that person to be involved in the contact. JD recommended offering specific sponsorships for specific items, i.e. sponsorship of talent, tents, marketing etc. The fund-raiser would work closely with the committee representative and/or chairman.

The committee discussed the pros and cons of hiring a fund-raiser. Dan noted the outside connections of the fundraiser provide an excellent opportunity to grow the

sponsorship beyond Prairie Village to the metropolitan area. Concern was expressed with the cost. Peggy Wright asked if others were contacted and do we have anything on which to compare the costs. Jack responded that the others provided advisory services and did not actually make the calls or do the legwork. They will follow-up once a commitment has been made. Kate Fields who has reviewed several proposals has indicated that the fee is the standard fee in this market.

JD noted the question is if the committee is willing to pay to take the risk that the individual can raise more funds, net the cost of services, than the committee members could raise themselves. He asked if the committee would continue to do other fund-raising events.

Dan Andersen moved the committee proceed with securing Brenda Pelofsky as a fundraiser for the 2013 Prairie Village Jazz Festival. The motion was seconded by Donelea Hesse and passed.

It was noted that the contract would need to be approved by the City Council with the Mayor signing the agreement. The funds would come from the committee's funds in the Municipal Foundation account.

Jack Shearer stated the contract would be drawn up to be funded in monthly payments with incoming money from her efforts being available to pay future amounts.

Dan Andersen moved the committee approve entering into a contract in the amount of \$10,000 for the first \$25,000 raised and a 10% bonus for any additional funds raised. The motion was seconded by Donelea Hesse.

Rod stated he doesn't like the \$10,000 fee for \$25,000. Chris Huff noted her credentials on her website are impressive. Dan responded that money raised from previous donors will not be included in the funds considered to be raised by the fundraiser.

The motion was voted on and passed.

JD asked what delineated between a sponsor and donations. It was agreed that the committee members should be involved with the in-kind donations. JD suggested that perhaps a wine tasting event be held, not as a fund-raiser, but for sponsors.

### **Budget**

Jack Shearer announced that he is meeting with Scott Sjoberg, who was previously with Fox4 News, but is starting his own marketing business regarding providing marketing for the committee. He feels it is important to continue to work with the INK people as an in-kind sponsor and radio. He believes Scott would be willing to do the work pro-bono with possible payment later if funds exist. The committee still needs to find a vendor for printing. Brooke Morehead stated she has a potential vendor for any banners. The committee authorized Jack to proceed with securing the services of Scott Sjoberg to provide marketing services to the committee.

## **Talent**

Larry Kopitnik will serve again as talent coordinator for the 2013 festival. Peggy Wright will provide all the follow-up with the artists regarding contracts, accommodations, stage/sound requirements. Additional possible talent options were mentioned by committee members.

## **Friday Evening Event**

Dan Andersen reported on his conversations related to having a related Friday evening event featuring student artists. It was noted high school students may have difficulty with a Friday evening event because of football games and suggested perhaps working with college and community college student artists. JD noted the high school students created the desired community tie in. Rod stated he would still like to see an educational component tie in between the professional artists and the students. He noted this was also an important feature in securing grants.

Dan suggested that if instructors were included it may be able to schools as sponsors such as UMKC and use their music contacts.

Concerns were raised regarding the impact of the Friday night on the actual festival attendance, the additional vendors and additional volunteers needed.

Jack noted the committee is looking at having multiple food vendors operating under a flat fee contract providing a variety of food types. The committee noted the positive response the attendees had to BRGR. Jack stated based on his discussions with BRGR he is hopeful that BRGR would still be interested in being a sponsor, but not the sole sponsor.

## **JCCC Jazz Winterlude**

Jack recommended committee members attend Johnson County Community College's annual Jazz Winterlude Program on January 18<sup>th</sup> & 19<sup>th</sup>. This year's program will feature Deborah Brown and Eldar. It was suggested that the committee explore handing out "Save the Date" flyers at the event.

## **Next Meeting**

Committee members suggested starting earlier or keeping the meetings shorter. The next meeting will be on Thursday, January 17<sup>th</sup> beginning at 6:30 p.m. at Dan's house.

## **Adjournment**

The meeting was adjourned at 8:50 p.m.

## VILLAGEFEST COMMITTEE

July 26, 2012

The VillageFest Committee met July 26, 2012 at 7:00 pm. Present and presiding, Marianne Noll. Members present: Beth Cavanaugh, Ed Roberts, Art Dick, Susan Forrest, Cindy Clark, Patty Jordan, Dale Warman, Toby Fritz, Ted Fritz, Byron Roberson, Mike Helms, and Jeanne Koontz.

Marianne Noll thanked everyone for an amazing event.

### Minutes

Ed Roberts moved approval of the minutes of the June 28, 2012 meeting. Toby Fritz seconded the motion which passed unanimously.

### Budget Report

Marianne Noll reported that the event took in more money than expended. There is money in the Municipal Foundation to spend next year. The committee suggested using some of the money for a misting tent.

### Staff Reports

A. Administration - No report.

#### B. Public Works

Misting fans were a good idea. Public Works will work on setting up a misting tent next year.

#### C. Police Department

There were a few disturbances this year that were handled fairly well. There was a larger crowd that was more spread out than before.

Patty Jordan gave a report on the disturbance at the community center. She suggested not advertising the community center as a respite next year. The committee suggested only doing two crafts so that people are in the building a shorter amount of time. She would like a sign that reads Children's Craft Center (12 & Under).

The petting zoo trailer was in the way.

#### D. Fire Department

The Fire Department Display went really well but blocked parking.

### Recap this year's VillageFest

The stage worked well. The committee suggested getting a big top for shade. The committee really liked the flyover; there were many positive comments received. A different location may drive more traffic to the Video Game Van. The kids loved the trackless train. The committee is not sure Laughing Matters was worth the \$500. The Yo-Yo champion would prefer to do a 20 minute demonstration on stage which would be much cheaper.

### Ending Time

The committee agreed to end the event by 1:00 pm because most everyone is gone by then. The committee will discuss at the next meeting whether to start the events earlier at 9:00 am.

### Volunteers

Beth Cavanaugh sent thank you notes to all the volunteers. Marianne Noll said she would like to find a way to get more people to respond.

**Volunteer Hospitality**

Marianne Noll noted there was too much food leftover. Beth Cavanaugh volunteered to handle the hospitality room next year.

**Craft Show**

Patty Jordan reported that Cindy Clark will be coordinating the Craft Show next year. One of the vendors noted that it takes at least three years to establish a craft fair.

**Pancake Breakfast**

The pancake breakfast was a huge success and went smoothly. Marianne Noll noted that the Masons have volunteered to brew coffee next year.

**History Display**

Ted Fritz noted there was not as big of a crowd as last year. He suggested doing a display on Native American tribes for next year. Marianne Noll suggested contacting the Shawnee Mission Indian Mission to see if they have a display they could loan us.

**Food Vendors**

The committee discussed charging a different food vendor fee for those that require the City to provide power.

**Burger Contest**

There is no room at the pavilion at 10:30 am for a Burger Contest. Susan Forrest suggested having a pie baking competition.

**Other Business**

Patty Jordan suggested having the Marching Cobras back.

Dale Warman suggested having a student representative on the committee.

The meeting adjourned at 8:37 pm.

Marianne Noll  
Chair





# PRAIRIE VILLAGE POLICE DEPARTMENT

"A Tradition of Service"

Chief Wes Jordan



**DATE:** January 30, 2013  
**TO:** Mayor Shaffer and City Council Members  
**FROM:** Chief Wes Jordan *WJ 77*  
**SUBJECT:** FORFEITURE TRUST FUND 2012 ANNUAL REPORT

As per Council Policy No. 325, I am submitting the following annual report for the time period of January 1 through December 31, 2012.

**SIU – 01-00-00-2117-000**

**Fund Total - January 1, 2012: \$44,689.45**

**Expenditures**

Vermillion Morrison LLC	
forfeiture – 2001 BMW 330	(676.00)
forfeiture – 2004 Subaru Outback	(572.00)
Buy Fund	(4,000.00)
Vermillion Morrison LLC	
forfeiture – 1997 Pontiac Grand Am	(252.59)
Fire Suppression Consultants – Cold Fire / mount for DPU	(308.36)
Forfeiture – 1996 Ford Bronco – moved to 01-00-00-2118-000	(1,700.00)
Vermillion Morrison LLC	
forfeiture – 2006 Cadillac	(642.75)
forfeiture – 2000 Acura	(295.49)
License Plate Reader (ELSAGNorth America)	(22,550.00)
E-Ticketing for Directed Patrol Unit – Advanced Public Safety	(2,022.05)
LED Emitter (Opticom) for Directed Patrol Unit – Mid American Signal	(995.00)
Vermillion Morrison LLC	
forfeiture cash – Jamile S. Phillips	(460.75)
forfeiture – 1996 Ford Taurus	(255.75)
Vermillion Morrison LLC	
forfeiture – 1999 Ford Explorer	(486.75)
New equipment for Directed Patrol Unit – Ka-Comm	(5,506.19)
lights/siren/trunk tray/push bumper/transport seat/etc.	
Gun mount/computer mount for Directed Patrol Unit – Ka-Comm	(1,168.01)

(continued)

FORFEITURE TRUST FUND 2012 ANNUAL REPORT

January 30, 2013

Page No. 2

Toughbook computer for Directed Patrol Unit – Turn-Key Mobile, Inc.	(4,071.00)
In-Car Video System for Directed Patrol Unit – ICOP	(4,110.34)
Vermillion Morrison LLC	
forfeiture – 2000 Cadillac	(492.50)
VPN for Directed Patrol Unit – NetMotion Wireless	(122.88)
Buy Fund	(4,000.00)
Citrix User Licenses for Directed Patrol Unit – CDW-G Government	(717.79)
Install Equipment for Directed Patrol Unit – Ka-Comm Inc.	(2,115.12)
Install Digital Graphics on Directed Patrol Unit – Sign Graphics	(612.94)
New Equipment for Directed Patrol Unit – Ka-Comm Inc.	(625.42)
Floor Pan for Directed Patrol Unit – Ka-Comm Inc.	(189.97)

**Revenue**

Interest – January	.68
Restitution – State vs. Heather Heuwinkel	39.53
Restitution – State vs. Heather Heuwinkel	41.00
Restitution – State vs. Jacob Pratt	633.00
Restitution – State vs. Jarred Whiteman	50.00
Restitution – State vs. Heather Heuwinkel	58.81
Interest – February	.81
Restitution – State vs. Heather Heuwinkel	7.18
Restitution – State vs. Heather Heuwinkel	30.77
Restitution – State vs. Elizabeth Long	160.00
Restitution – State vs. Heather Heuwinkel	56.53
Forfeiture – three vehicles	
1996 Ford Bronco (for Patrol - moved to 01-00-00-2118-000)	1,700.00
2002 Honda Odyssey EX	6,500.00
1995 Honda Accord LX	1,150.00
Interest – March	1.02
Restitution – State vs. Heather Heuwinkel	6.18
Restitution – State vs. Connie Rucker	60.00
Forfeiture – Henry M. Stoever (BMW)	7,000.00
Interest – April	1.21
Restitution – State vs. Johnathan Russell	163.00
Drug Tax Distribution	229.98
Interest – May	3.91
Restitution – State vs. Jarred Whiteman	25.00
Drug Tax Distribution	688.76
Restitution – State vs. Kyle Taylor	35.00
Interest – June	3.30
Restitution – State vs. Kyle Taylor	35.00
Restitution – State vs. Natalia Pena	30.00

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FORFEITURE TRUST FUND 2012 ANNUAL REPORT

January 30, 2013

Page No. 3

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Interest – July	.83
Restitution – State vs. Joshua Wright	9.50
Restitution – State vs. Natalia Pena	30.00
Drug Tax Distribution	15,270.34
Interest – August	1.32
Forfeiture Cash – Jamile S. Phillips	1,689.00
Vehicle Forfeiture - Samuel Oatis (buy back car)	500.00
Forfeiture – 2006 Cadillac DTS	7,200.00
Interest – September	.65
Lenexa – payment for	173.63
Restitution – State vs. Natalia Pena	30.00
Forfeiture Cash – Otis E. Warren	2,100.00
Interest – October	1.42
Restitution – State vs. Natalia Pena	30.00
Drug Tax Distribution	14,232.16
Forfeiture – 1999 Ford Explorer	1,200.00
Interest – November	1.28
Restitution – State vs. Jarred Whiteman	20.00
Restitution – State vs. Mason Henshaw	34.49
Restitution – State vs. Jessica Lundquist	33.50
Forfeiture – 2000 Cadillac Seville	775.00
Interest – December	.99
<b>FUND BALANCE - December 31, 2012:</b>	<b>\$39,732.68</b>

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**Department – 01-00-00-2118-000**

**Fund Total - January 1, 2012:** **\$13,341.64**

**Expenditures**

none

**Revenue**

Interest – January	.20
Interest – February	.20
Forfeiture – 1996 Ford Bronco	1,700.00
Interest – March	.25
Interest – April	.33
Interest – May	1.04

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FORFEITURE TRUST FUND 2012 ANNUAL REPORT

January 30, 2013

Page No. 4

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Interest – June	.90
Interest – July	.23
Interest – August	.26
Interest – September	.20
Interest – October	.33
Interest – November	.34
Interest – December	.36

**FUND BALANCE - December 31, 2012:** **\$15,046.28**

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**Federal Equitable Sharing Reserve – 01-00-00-2119-000**

**Fund Total - January 1, 2012:** **\$468.61**

**Expenditures**

none

**Revenue**

Interest – January	.01
Interest – February	.01
Interest – March	.01
Interest – April	.01
Interest – May	.03
Interest – June	.03
Interest – July	.01
Interest – August	.01
Interest – September	.01
Interest – October	.01
Interest – November	.01
Interest – December	.01

**FUND BALANCE - December 31, 2012:** **\$468.77**

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**FORFEITURE TRUST FUND BALANCE:** **\$55,247.73**

WLJ:jlw

cc: Accounting

**Council Members  
Mark Your Calendars  
February 4, 2013**

**February 2013**

February 2	Richard Findley exhibit in the R.G. Endres Gallery
February 4	Council Worksession and Legislative Breakfast
February 6	City Council Meeting
February 6	City Hall Day
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 9-13	National League of Cities Conference in D.C.
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
September 25	Shawnee Mission Education Foundation Fall Breakfast

**October 2013**

	State of the Arts Exhibit in the R. G. Endres Gallery
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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 12 - 16 National League of Cities Conference in Seattle, WA  
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