

# CITY OF PRAIRIE VILLAGE

**November 4, 2013**

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

**City Council Meeting 7:30 p.m.**



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

**AGENDA**

**DALE WARMAN, COUNCIL PRESIDENT**

**AGENDA ITEMS FOR DISCUSSION**

- \*COU2013-49 Consider requesting the Planning Commission to consider amending the zoning ordinance to include a Reapplication Waiting Period for rezoning and Special Use Permit applications  
Ron Williamson
  
- \*COU2013-47 Consider adoption of the 2013 Standard Traffic Ordinance for Kansas Cities and additional amendments to the 2012 Uniform Public Offense Code for Kansas Cities  
Katie Logan
  
- \*COU2013-48 Consider JazzFest Funding  
JazzFest Committee

**EXECUTIVE SESSIONS**

\*Council Action Requested the same night

## MEMORANDUM

**TO:** Prairie Village City Council  
**FROM:** Ron Williamson, FAICP, Lochner, Planning Consultant  
**SUBJECT:** Reapplication Waiting Period for Rezoning and Special Use Permits  
**DATE:** October 31, 2013 Project # 000005977

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### COMMENTS:

Several members of the Council have inquired about a time limitation on filing successive rezoning and special use permit applications on the same property. The Prairie Village Zoning Ordinance does not have a time limitation; however, many of the Johnson County cities do and the following is a summary of their requirements:

<u>City</u>	<u>Zoning Reapplication Waiting Period</u>	<u>Special Use Permit Reapplication Waiting Period</u>
Leawood	6 months	6 months
Olathe	1 year	1 year
Shawnee	none	none
Overland Park	6 months	none
Lenexa	1 year	none
Mission	6 months	none

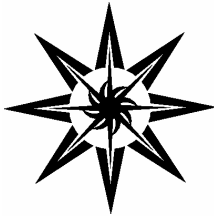
The question is whether the City Council is interested in pursuing an amendment to the Zoning Ordinance to include a reapplication waiting period. The Governing Body or Planning Commission can authorize a Public Hearing on the matter. In past practice, the Governing Body has sent a request to the Planning Commission requesting it to authorize a public hearing. The Planning Commission has studied the matter, held a public hearing and made a recommendation to the Governing Body. The process would be as follows:

- November 4<sup>th</sup> Governing Body requests Planning Commission to hold a Public Hearing.
- December 3<sup>rd</sup> Planning Commission reviews Staff Memorandum and authorizes a Public Hearing.
- January 7<sup>th</sup> Planning Commission holds Public Hearing and makes recommendation to the Governing Body.
- January 20<sup>th</sup> Governing Body considers Planning Commission recommendation and considers approval of a zoning ordinance amendment.

### ACTION:

If the Governing Body desires to pursue this amendment, the following motion is suggested:

Move to request the Planning Commission consider amending the Zoning Ordinance to include a Reapplication Waiting Period and authorize a Public Hearing.



## Municipal Court/Police Department

Council Committee Date: November 4, 2013

Council Meeting Date: November 4, 2013

**\*COU2013-47: Consider adoption of the 2013 Standard Traffic Ordinance for Kansas Cities and additional amendments to the 2012 Uniform Public Offense Code for Kansas Cities**

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### RECOMMENDATION

Staff recommends that Governing Body adopt Ordinance No. 2295 further amending the Uniform Public Offense Code edition of 2012 (UPOC) which was incorporated by Ordinance 2263 adopted October 1, 2012, and Ordinance No. 2296 incorporating the Standard Traffic Ordinance edition of 2013 (STO) prepared and published by the League of Kansas Municipalities with certain sections deleted and with additional and supplemental sections.

\*City Council action is requested at the November 4, 2013 meeting.

### BACKGROUND

On an annual basis, the City receives the latest edition of the UPOC and the STO from the League of Kansas Municipalities. The UPOC and STO were reviewed against current City ordinances for any discrepancies. Any deletions or additions were reviewed and approved by the City Attorney and City Prosecutor in consultation with the Police Department. The following addresses changes to the 2012 UPOC and STO made by the attached ordinances.

#### **UPOC Ordinance No. 2295:**

Because of certain changes to the Kansas statutes effective July 1, 2013 relating to the ability of cities to regulate the carrying of certain knives and other weapons with blades, the current provisions of the 2012 UPOC, as amended by Ordinance No. 2263, must remain in place in order for possession or carrying of such weapons to remain a violation of city code. Also, because there were relatively few changes to the 2013 UPOC, it was determined that instead of adopting the 2013 UPOC, the City should retain the 2012 UPOC with additional amendments to reflect certain provisions in the 2013 UPOC.

Section One: Article 4 of the 2012 UPOC is amended to incorporate changes in the 2013 UPOC sections 4.3, 4.4 and 4.5. These sections are changes from former sections governing prostitution, now titled "Selling Sexual Relations" and "Buying Sexual Relations." Summarized, the changes are to add a defense for persons subjected to human trafficking. There are also changes to the description of violations under the section titled "buying sexual relations". Additionally, a provision is added that requires that in addition to any other

sentence imposed, a person convicted under that section shall be fined \$2,500. All fines collected pursuant to this subsection shall be remitted to the State human trafficking victim assistance fund.

Section Two: Article 6 of the 2012 UPOC is amended to incorporate changes in the 2013 UPOC sections 6.1, 6.5 and 6.7. 6.1 Theft: changes the penalties for certain violations of that section. 6.5 Criminal Deprivation: excludes firearm from the Class A violation. 6.7 Criminal Trespass: adds a statutory reference to the provision which refers to trespass on property which is “posted” no trespass.

Section Three: Article 7 of the 2012 UPOC is amended to incorporate changes in the 2013 UPOC sections 7.2 and 7.5. 7.2 Interference With a Law Enforcement Officer: adds “law enforcement agency” to entities to whom a false report may be a violation of that section; adds to violations under that section for false report of a crime; deletes concealment or destruction of evidence as a violation; and provides that the offense is a violation if the underlying offense is a code violation or civil case.

Section Four: Article 10 of the 2012 UPOC is amended to redefine the provision 10.1.2 Concealed Carry; Where Prohibited By Employers which was added by Prairie Village Ordinance 2263. The change is required by state statute and provides that a person who violates an employer’s statutory right to prohibit conceal carry on the premises may be guilty of criminal trespass.

Except for the above changes, the 2012 UPOC, as incorporated and amended by City Ordinance No. 2263, remains in effect. The provisions prohibiting open carry are still in effect.

### **STO Ordinance No. 2296:**

Section One: Incorporates 2013 Standard Traffic Ordinance for Kansas Cities

Section Two: Adds language from Prairie Village Municipal Code Ordinance 11-705, DEFINITIONS, PEDESTRIANS to the 2013 Standard Traffic Ordinance for Kansas Cities, Definition of Pedestrians. Carries over same provision from 2012.

Section Three: Establishes Prairie Village Municipal Code 11-602, SAME; TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES, which defines traffic offenses and infractions under the Prairie Village Municipal Code. Carries over same provision from 2012.

Section Four: Establishes Prairie Village Municipal Code 11-602, PENALTY FOR SCHEDULED FINES, which establishes fines for offenses or infractions which do not have a penalty section under the 2013 Standard Traffic Ordinance for Kansas Cities or the Prairie Village Municipal Code. Carries over same provision from 2012.

Section Five: Deletes Article 4, Section 13.1, Subsection (c) of the 2011 Standard Traffic Ordinance for Kansas Cities, Traffic Control Signal Preemption Devices, and replaces with Prairie Village Municipal Code Ordinance 11-604, TRAFFIC CONTROL SIGNAL PREEMPTION DEVICES, allowing Public Works vehicles during snow to possess a traffic control signal device. Carries over same provision from 2012.

Section Six: Adds to Article 13, of the 2013 Standard Traffic Ordinance for Kansas Cities, Prairie Village Municipal Code Ordinance 11-605, UNATTENDED MOTOR VEHICLE, adding language allowing for remote control starts of vehicles. Carries over same provision from 2012.

Section Seven: Adds to Article 19, Sec. 193 of the Standard Traffic Ordinance, Sec. 193(1) which requires driver's license holder to notify the Kansas Department of revenue- motor vehicles of a name or address change within 10 days of such change. Carries over same provision from 2012.

Section Eight: Repeals Ordinance No. 2264 (which adopted the 2012 STO)

Section Nine: Date changes take effect.

Other Changes to 2013 STO made by the League are summarized as follows:

- Definitions added or modified: Electronic Certificate of Title, Electric Vehicle, Highway, Owner, Pole Trailer and Trailer.
- Provisions added to allow evidence of insurance to be produced by displaying on a cellular phone or other type of election device.
- Provision added requiring prior conviction of aggravated battery be taken into account in sentencing for certain offences
- Changes relating to motorcycle head lamps and stop lamps

## **FUNDING SOURCE**

N/A

## **ATTACHMENTS**

Ordinance 2295

Ordinance 2296

## **PREPARED BY**

Catherine P. Logan

City Attorney  
November 1, 2013

**ORDINANCE NO. 2295**

**AN ORDINANCE AMENDING ARTICLE I OF CHAPTER XI ARTICLE I OF THE CODE OF THE CITY OF PRAIRIE VILLAGE, 2003, ENTITLED “PUBLIC OFFENSES & TRAFFIC” BY MAKING CERTAIN ADDITIONAL DELETIONS, CHANGES AND ADDITIONS TO THE “UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES”, EDITION OF 2012**

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

**SECTION ONE**

11-103 is hereby adopted to read as follows:

**11-103. UNIFORM PUBLIC OFFENSE CODE; AMENDMENTS AND DELETIONS.**

Article 4 of the Uniform Public Offense Code edition of 2012 is hereby amended by deleting existing Sections 4.3, 4.4 and 4.5 and inserting in place thereof the following:

**4.3 SELLING SEXUAL RELATIONS.** Selling Sexual Relations is performing for hire, or offering or agreeing to perform for hire where there is an exchange of value, any of the following acts:

- (a) Sexual intercourse;
- (b) Sodomy; or
- (c) Manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another.
- (d) It shall be an affirmative defense to any prosecution under this section that the defendant committed the violation of this section because such defendant was subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child. (K.S.A. Supp. 21-6419)

Selling Sexual Relations is a Class B violation.

**4.4 RESERVED FOR FUTURE USE.**

**4.5 BUYING SEXUAL RELATIONS.** Buying sexual relations is knowingly:

- (a) Entering or remaining in a place where sexual relations are being sold or offered for sale with intent to engage in manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the



offender or another, sexual intercourse, sodomy or any unlawful sexual act with a person selling sexual relations who is 18 years of age or older; or

(b) hiring a person selling sexual relations who is 18 years of age or older to engage in manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another, sexual intercourse, sodomy or an unlawful sexual act. (K.S.A. Supp. 21-6421)

Buying Sexual Relations is a Class A violation on conviction of a first offense. In addition to any other sentence imposed, a person convicted under this section shall be fined \$2,500. All fines collected pursuant to this subsection shall be remitted to the human trafficking victim assistance fund.

## **SECTION TWO**

11-105. is hereby adopted to read as follows:

### **11-105. UNIFORM PUBLIC OFFENSE CODE; AMENDMENT**

Article 6 of the Uniform Public Offense Code edition of 2012 is hereby amended by deleting existing Sections 6.1, 6.5 and 6.7 and inserting in place thereof the following:

#### **6.1 THEFT.**

(a) Theft is any of the following acts done with the intent to deprive the owner permanently of the possession, use or benefit of the owner's property or services:

- (1) Obtaining or exerting unauthorized control over property or services;
- (2) Obtaining control over property or services by deception;
- (3) Obtaining control over property or services by threat; or
- (4) Obtaining control over stolen property or services knowing the property or services to have been stolen by another.
- (5) Knowingly dispensing motor fuel into a storage container or the fuel tank of a motor vehicle at an establishment in which motor fuel is offered for retail sale and leaving the premises of the establishment without making payment for the motor fuel. (K.S.A. Supp. 21-5801)

(b) Theft of property or services of the value of less than \$1,000 is a class A violation, except as provided below.

- (1) Property of the value of less than \$1,000 from three separate mercantile establishments within a period of 72 hours as part of the same act or

transaction or in two or more acts or transactions connected together or constituting parts of a common scheme or course of conduct;

(2) Property of the value of less than \$1,000 if committed by a person who has been convicted of theft two or more times; and

(3) Property which is a firearm of the value of less than \$25,000.

(c) As used in this section:

(1) Conviction or convicted includes being convicted of a violation of K.S.A 21-3701, prior to its repeal, this section or a municipal ordinance which prohibits the acts that this section prohibits;

(2) regulated scrap metal means the same as in K.S.A. 2011 Supp. 50-6,109, and amendments thereto; and

(3) value means the value of the property or, if the property is regulated scrap metal, the cost to restore the site of the theft of such regulated scrap metal to its condition at the time immediately prior to the theft of such regulated scrap metal, whichever is greater.

**6.5 CRIMINAL DEPRIVATION OF PROPERTY.** Criminal deprivation of property is obtaining or exerting unauthorized control over property, with intent to deprive the owner of temporary use thereof, without the owner's consent but not with the intent of depriving the owner permanently of the possession, use or benefit of such owner's property. (K.S.A. Supp. 21-5803)

Criminal deprivation of property that is a motor vehicle upon a first or second conviction is a Class A violation. Upon a first conviction of this paragraph, a person shall be sentenced to not less than 30 days nor more than one year's imprisonment and fined not less than \$100. Upon a second conviction of this paragraph, a person shall be sentenced to not less than 60 days nor more than one year's imprisonment and fined not less than \$200. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served the minimum mandatory sentence as provided herein. The mandatory provisions of this subsection shall not apply to any person where such application would result in a manifest injustice.

Criminal deprivation of property other than a motor vehicle or a firearm is a Class A violation. Upon a second or subsequent conviction of this subsection, a person shall be sentenced to not less than 30 days imprisonment and fined not less than \$100, except that the provisions of this subsection relating to a second or subsequent conviction shall not apply to any person where such application would result in a manifest injustice.

6.7 **CRIMINAL TRESPASS.**

(a) Criminal trespass is:

(1) Entering or remaining upon or in any land, nonnavigable body of water, structure, vehicle, aircraft or watercraft other than railroad property by a person with knowledge that such person is not authorized or privileged to do so, and:

(A) Such person enters or remains therein in defiance of an order not to enter or to leave such premises or property personally communicated to such person by the owner thereof or other authorized person; or

(B) Such premises or property are posted as provided in K.S.A. 32-1013, and amendments thereto, or in any other manner reasonably likely to come to the attention of intruders, or are locked or fenced or otherwise enclosed, or shut or secured against passage or entry; or

(C) Such person enters or remains therein in defiance of a restraining order issued by a court of competent jurisdiction and the restraining order has been personally served upon the person so restrained.

(2) Entering or remaining upon or in any public or private land or structure in a manner that interferes with access to or from any health care facility by a person who knows such person is not authorized or privileged to do so and such person enters or remains thereon or therein in defiance of an order not to enter or to leave such land or structure personally communicated to such person by the owner of the health care facility or other authorized person.

(b) As used in this section:

(1) Health Care Facility means any licensed medical care facility, certificated health maintenance organization, licensed mental health center, or mental health clinic, licensed psychiatric hospital or other facility or office where services of a health care provider are provided directly to patients.

(2) Health Care Provider means any person:

(A) Licensed to practice a branch of the healing arts;

(B) Licensed to practice psychology;

(C) Licensed to practice professional or practical nursing;

(D) Licensed to practice dentistry;

(E) Licensed to practice optometry;

(F) Licensed to practice pharmacy;

(G) Registered to practice podiatry;

- (H) Licensed as a social worker; or
- (I) Registered to practice physical therapy. (K.S.A. Supp. 21-5808)

(c) This section shall not apply to a land surveyor, licensed pursuant to article 70 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto, and such surveyor's authorized agents and employees who enter upon lands, waters, and other premises in the making of a survey.

Criminal trespass is a Class B violation.

Upon a conviction of a violation of subsection (a) (1)(C), a person shall be sentenced to not less than 48 consecutive hours of imprisonment which must be served either before or as a condition of any grant of probation or suspension, reduction of sentence or parole.

### **SECTION THREE**

11-105. is hereby adopted to read as follows:

#### **11-105. UNIFORM PUBLIC OFFENSE CODE; AMENDMENTS AND DELETIONS.**

Article 7 of the Uniform Public Offense Code edition of 2012 is hereby amended by deleting existing Sections 7.2 and 7.5, and by inserting in place thereof the following:

**7.2 INTERFERENCE WITH A LAW ENFORCEMENT OFFICER.** Interference with a law enforcement officer is:

- (a) Falsely reporting to a law enforcement officer, law enforcement agency, or state investigative agency:
  - (1) That a particular person has committed a crime, knowing that such information is false and intending that the officer or agency shall act in reliance upon such information;
  - (2) any information, knowing that such information is false and intending to influence, impede or obstruct such officer's or agency's duty; or
  - (3) that a crime has been committed or any information concerning a crime or suspected crime, knowing that such information is false and intending that the officer or agency shall act in reliance upon such information; or
- (b) Knowingly obstructing, resisting or opposing any person authorized by law to serve process in the service or execution or in the attempt to serve or execute any writ, warrant, process or order of a court, or in the discharge of any official duty. (K.S.A. Supp. 21-5904)

Interference with a law enforcement officer is a Class A violation if the underlying offence is a code violation or a civil case.

**7.5 RESERVED FOR FUTURE USE.**

## **SECTION FOUR**

11-110 is hereby adopted to read as follows:

### **11-110. UNIFORM PUBLIC OFFENSE CODE; ADDITIONS AND AMENDMENTS.**

Article 10 of the Uniform Public Offense Code edition of 2012 is hereby amended by adding Section 10.1.2 “Concealed Carry; Where Prohibited by Employers”

#### **10.1.2 CONCEALED CARRY; WHERE PROHIBITED BY EMPLOYERS.**

- (a) Nothing in K.S.A. Supp. 75-7c01 through 75-7c17, and amendments thereto (the "Act"), shall be construed to prevent:
  - (1) Any public or private employer from restricting or prohibiting by personnel policies persons licensed under the Act from carrying a concealed handgun while on the premises of the employer’s business or while engaged in the duties of the person’s employment by the employer, except that no employer may prohibit possession of a handgun in a private means of conveyance, even if parked on the employer's premises; or
  - (2) Any private business or city, county or political subdivision from restricting or prohibiting persons licensed or recognized under the Act from carrying a concealed handgun within a building of such entity, provided that building is posted in accordance with rules and regulations adopted by the Attorney General pursuant to the Act as a building where carrying a concealed handgun is prohibited; or
- (b) It shall be a violation of this Section to carry a concealed handgun in violation of any restriction or prohibition allowed by subsection (a) if the building is posted in accordance with rules and regulations adopted by the Attorney General pursuant to the Act. Any person who violates this Section and enters or remains on the premises in defiance of an order not to enter or to leave a building may be charged with Criminal Trespass under Section 6.7 of the Uniform Public Offense Code.

#### **SECTION FIVE**                      Effective Date

This ordinance shall take effect and be enforced from and after its passage, approval, and publication as provided by law.

**PASSED AND APPROVED THIS 4th DAY OF NOVEMBER, 2013**

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RONALD L. SHAFFER, MAYOR

**ATTEST:**

**APPROVED AS TO FORM:**

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JOYCE HAGEN MUNDY, CITY CLERK

\_\_\_\_\_  
CATHERINE P. LOGAN, CITY ATTORNEY

ORDINANCE NO. 2296

AN ORDINANCE AMENDING ARTICLE 6 OF CHAPTER XI OF THE CODE OF THE CITY OF PRAIRIE VILLAGE, 2003, ENTITLED "PUBLIC OFFENSES & TRAFFIC" BY REPEALING CHAPTER XI, ARTICLE 6 ENTITLED "STANDARD TRAFFIC ORDINANCE" AND INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES", EDITION OF 2013 WITH CERTAIN DELETIONS AND ADDITIONS; AND PRESCRIBING ADDITIONAL REGULATIONS.

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

**SECTION ONE**

11-601. is hereby adopted to read as follows:

**11-601. INCORPORATING STANDARD TRAFFIC ORDINANCE**

A. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Prairie Village, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities," Edition of 2013, prepared and published in book form by the League of Kansas Municipalities, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed, such incorporation being authorized by K.S.A. 12-3301 and 12-3302 and K.S.A. 12-3309 through 12-3012. Not less than two copies of said standard ordinance shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Prairie Village, Kansas," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Police Department, municipal judges and all administrative departments of the city charged with the enforcement of the ordinances shall be supplied, at the cost of the city, such number of official copies of such "Standard Traffic Ordinance" similarly marked, deleted and changed as may be deemed expedient.

**SECTION TWO**

Article 1, DEFINITIONS, PEDESTRIAN, Standard Traffic Ordinance for Kansas Cities is hereby amended as follows, adding:

(d) The term pedestrian includes individuals who are walking, jogging or running within the city limits of Prairie Village, Kansas. When this article requires that pedestrians walk in a certain fashion, the term walk shall be defined to include the acts of running and jogging.

**SECTION THREE**

11-602. is hereby adopted as follows:

**11-602. SAME; TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES.**

(a) An ordinance traffic infraction is a violation of any section of this article that prescribes or requires the same behavior as that prescribed or required by a statutory provision that is classified as a traffic infraction in K.S.A. Supp. 8-2118.

(b) All traffic violations which are included within this article, and which are not ordinance traffic infractions as defined in subsection (a) of this section, shall be considered traffic offenses.

**SECTION FOUR**

11-603. is hereby adopted as follows:

**11-603. PENALTY FOR SCHEDULED FINES.**

- (a.) The fine for violation of an ordinance traffic infraction or any other traffic offense for which the municipal judges establish a fine in a fine schedule shall not be more than \$500. A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has been established in a schedule of fines shall pay a fine fixed by the court not to exceed \$500.
- (b.) Every person convicted of a violation of any of the provisions of this ordinance for which another penalty is not provided by this ordinance or by the schedule of fines established by the judge of the municipal court shall be punished for first conviction thereof by a fine of not more than \$500 or by imprisonment for not more than one month or by both such fine and imprisonment; for a second such conviction within one year thereafter that person shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than six months or both such fine and imprisonment; upon a third or subsequent conviction within one year after the first conviction such person shall be punished by a fine of not more than \$2,500 or by imprisonment for not more than one year or by both such fine and imprisonment. (K.S.A. 8-2116; K.S.A. 21-4503; K.S.A. 21-4503a).

**SECTION FIVE**

11-604. is hereby adopted as follows:

**11-604. TRAFFIC CONTROL SIGNAL PREEMPTION DEVICES**

Article 4, Section 13.1 of the Standard Traffic Ordinance is hereby amended as follows:

Article 4, Section 13.1, subsection (c) is deleted and replaced with the following:

“(c) The provisions of this section shall not apply to the operator, passenger, or owner of any of the following authorized emergency or public works vehicles, in the course of such person’s emergency or public safety duties:

- (1) Publicly owned fire department vehicles
- (2) Publicly owned police vehicles
- (3) Motor vehicles operated by ambulance services permitted by the emergency medical services board; or
- (4) Publicly owned public works vehicles during snow removal operations.”

**SECTION SIX**

11-605. is hereby adopted as follows:

**11-605. UNATTENDED MOTOR VEHICLE.**

Article 13of the Standard Traffic Ordinance is hereby amended adding Section 107 to read as follows:

**“Sec. 107. Unattended Vehicles.** No person either operating or in charge of a motor vehicle shall leave the vehicle unattended and unlocked on either a public or private area within the City unless the ignition of such vehicle is in the locked position, the keys are removed from the ignition and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway. These provisions shall not apply if the windows are closed and the doors locked or the vehicle is



in a closed and secure building or when an engine has been activated by a remote starter system when the keys are not in the motor vehicle. A vehicle shall be presumed unattended if the owner or person in charge of the vehicle is not in the vehicle or is not in the immediate vicinity so as to have direct control or access to the vehicle.”

**SECTION SEVEN**

Article 19, Sec. 193 of the Standard Traffic Ordinance is hereby amended by adding Sec. 193(1) to read as follows:

**“Sec. 193(1) Driver’s License Notice of Change of Address or Name.** Whenever any person, after applying for or receiving a driver’s license shall move from the mailing address or residence address named in such application or in the driver’s license issued to such person, or when the name of the licensee is changed by marriage or otherwise, such person, within ten (10) days thereafter, shall notify the Kansas Department of Revenue motor vehicles division in writing of such person’s old and new mailing and / or residence address and / or of such former and new name(s) and the driver’s license number of such person.”

**SECTION EIGHT**

Ordinance No. 2264 is hereby repealed.

**SECTION NINE**

Effective Date

This ordinance shall take effect and be enforced from and after its passage, approval, and publication as provided by law.

**PASSED AND APPROVED THIS 5th DAY OF NOVEMBER, 2013.**

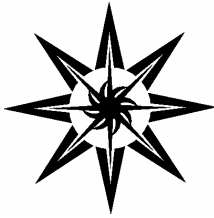
\_\_\_\_\_  
Ronald L. Shaffer, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

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

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



## JAZZFEST COMMITTEE

Council Committee Meeting Date: November 4, 2013

City Council Meeting Date: November 4, 2013

### Consider Jazzfest Funding

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#### **SUGGESTED MOTION:**

**CITY COUNCIL AUTHORIZE THE JAZZFEST COMMITTEE TO UTILIZE THE \$10,000 ONE-TIME LOAN APPROVED JANUARY 22, 2013 TO COVER FESTIVAL EXPENDITURES AND USE THE REMAINDER AS SEED FUNDING FOR THE 2014 FESTIVAL.**

#### **BACKGROUND**

From the first year, the JazzFest Committee has strived to fund the event expenses without budgeted funds through sponsorships and revenue raised. At the January 22<sup>nd</sup> City Council meeting the City Council approved a memorandum of understanding for professional fund raising services and a one-time \$10,000 loan to enable the Committee to enter into the agreement. The Committee sought outside services to secure a broader base of support for the funding of the jazz festival. With requests being made to Prairie Village residents and businesses to support several city sponsored events such as Villagefest and State of the Arts as well as other community program, felt it needed to broaden its base of support for the benefit of all the community programs seeking funds.

Through early fund-raising the committee had the funds to secure an excellent talent line-up including Marilyn May and Bobby Watson and his All-Stars. The talent, which is the primary expense of the festival, is also a prime component in the procurement of sponsorships, as one begets the other. The Prairie Village Jazz Festival has become "the best outdoor Jazz Festival in the last five years". The fabulous line-up drew a huge crowd; but the committee exceeded the proposed talent budget with two "headline" performers.

The committee went into the event having raised over \$55,000 (\$20,000 through the efforts of the fund-raiser) and had not accessed the loan funds committed to the committee. This is more than twice the amount available at the beginning of the 2012 festival. Following the lead of Jazz in the Woods, the committee offered corporate tables to high level qualifying sponsors and a VIP Tent. There were 20 companies/individuals sponsors contributing over \$500. For their contribution they were received tickets to the VIP Tent or were able to purchase a corporate table for 8. To accommodate this additional tents, tables and chairs were rented and catering was arranged.

Increases in these two areas, combined with less than expected food and drink sales have resulted in the need to access the one-time loan granted last January to fund festival expenses.

While the 2013 festival was a huge success with 10,000+ people in attendance and previous festivals also drawing several thousand in attendance, through the past four years, the committee was unable to adequately cover its costs. The committee believes strongly in the value of this event and wants to continue its efforts for the 2015 Prairie Village Jazz Festival next September; however, it recognizes it will take the continued support of sponsors and a year when both the talent and weather are excellent to be able to repay the city's loan.

## **ATTACHMENTS**

JazzFest Historical Financial Analysis

## **PREPARED BY**

Joyce Hagen Mundy  
City Clerk

October 24, 2013

# JAZZFEST HISTORICAL ANALYSIS

	<b>2010 Actual</b>	<b>2011 Actual</b>	<b>2012 Actual</b>	<b>2013 Actual</b>
<b>INCOME</b>				
Contribution from Arts Council	\$ 5,000	\$ 1,500	\$ 1,500	\$ 1,500
Sponsorships	\$ 19,900	\$ 20,795	\$ 14,342	\$ 49,353
Grants	\$ 5,000	\$ 1,500	\$ 2,000	\$ 3,000
Donations - PV	\$ 3,221			
Fund Raising	\$ 57	\$ 10,350	\$ 7,020	
Corporate Tents				\$ 1,500
<b>Total Income before Event</b>	<b>\$ 28,503</b>	<b>\$ 34,145</b>	<b>\$ 24,862</b>	<b>\$ 55,353</b>
Vendors	\$ 2,357	\$ 1,500		\$ 947
Merchandise Sales	\$ 515	\$ 525	\$ 1,502	
Drink & Merchandise Sales	\$ 9,571	\$ 1,314	\$ 5,916	\$ 8,114
<b>Total Income</b>	<b>\$ 40,946</b>	<b>\$ 37,484</b>	<b>\$ 32,280</b>	<b>\$ 64,414</b>
<b>EXPENSES</b>				
Brenda Pelofsky & Apprec event				\$ 10,584
Talent	\$ 21,910	\$ 14,378	\$ 18,294	\$ 26,670
Stage/Audio Equipment	\$ 5,639	\$ 6,762	\$ 6,230	\$ 8,121
Tent Rental	\$ 755	\$ 365	\$ 1,926	\$ 6,505
Advertising/marketing	\$ 6,783	\$ 3,800	\$ 3,959	\$ 4,200
Banners/Yard Signs	\$ 2,448	\$ 1,783	\$ 100	\$ 2,587
Catering & Food				\$ 4,962
Event Expenses	\$ 5,086	\$ 4,422	\$ 1,448	\$ 2,909
Merchandise Expenses	\$ 791	\$ 2,958	\$ 2,218	\$ 1,487
Wine/Sangria				\$ 1,964
2012 unpaid expenses				\$ 2,150
<b>Total Expenses</b>	<b>\$ 43,412</b>	<b>\$ 34,468</b>	<b>\$ 34,175</b>	<b>\$ 72,139</b>
Received \$1000 of 2013 PVAC donation in 2012 to cover expenses				\$ (7,725)

**COUNCIL MEETING AGENDA  
CITY OF PRAIRIE VILLAGE  
Council Chambers  
November 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 Council Meeting Minutes - October 7, 2013
- 2. Approve Claims Ordinance 2910
- 3. Approve a contract with Promail Services for six bi-monthly issues of the Village Voice
- 4. Ratify the Mayor's approval of the issuance of a fireworks display permit requested by the Shawnee Mission East Booster Club in conjunction with homecoming activities on Thursday, October 10th
- 5. Authorize the Mayor to execute a proclamation establishing November 16, 2013 as "John F. Kennedy-Shawnee Mission East High School Day"
- 6. Authorize the Mayor to execute a proclamation designating November 2013 as "National American Indian Heritage Month"
- 7. Approve the agreement with Berberich, Trahan & Co., P.A. to audit the City's 2013 financial statements
- 8. Ratify the Mayor's appointment of Eric Mikkelson to the Parks & Recreation Committee with his term expiring in April 2015
- 9. Approve the bid of \$69,991.00 by American Equipment Company for the purchase and assembly of truck equipment for new dump truck #827
- 10. Approve following existing Purchasing Policy and seeking bids for all identified services and commodities

**By Committee**

- 11. Approve Change Order #2 with GBA for project 75ST0001: 75th Street Rehabilitation from State Line Road to Mission Road in the amount of \$37,709.00 (Council Committee of the Whole - October 7, 2013)
- 12. Approve the 2014 Parks Project Design Services Contract with Indigo Design in the amount of \$34,360.00 (Council Committee of the Whole -

October 7, 2013)

VI. **MAYOR'S REPORT**

Consider confirmation of appointment of Public Works Director

VII. **COMMITTEE REPORTS**

Council Committee of the Whole

- COU2013-49 Consider requesting the Planning Commission to consider amending the zoning ordinance to include a Reapplication Waiting Period for rezoning and Special Use Permit applications
- COU2013-47 Consider adoption of the 2013 Standard Traffic Ordinance for Kansas Cities and additional amendments to the 2012 Unified Public Offense Code for Kansas Cities
- COU2013-48 Consider JazzFest funding

VIII. **STAFF REPORTS**

IX. **OLD BUSINESS**

X. **NEW BUSINESS**

XI. **ANNOUNCEMENTS**

XII. **ADJOURNMENT**

If any individual requires special accommodations - for example, qualified interpreter, large print, reader, hearing assistance - in order to attend the meeting, please notify the City Clerk at 385-4616, no later than 48 hours prior to the beginning of the meeting.  
If you are unable to attend this meeting, comments may be received by e-mail at [cityclerk@pvkansas.com](mailto:cityclerk@pvkansas.com)

**CONSENT AGENDA**

**CITY OF PRAIRIE VILLAGE, KS**

**November 4, 2013**

**CITY COUNCIL  
CITY OF PRAIRIE VILLAGE  
October 7, 2013**

The City Council of Prairie Village, Kansas, met in regular session on Monday, October 7, 2013, at 6:30 p.m. in the Council Chambers of the Municipal Building.

**ROLL CALL**

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

Also present were: Wes Jordan, Chief of Police; Keith Bredehoeft, Interim Director of Public Works; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Lisa Santa Maria, Finance Director; Nic Sanders, Human Resources Specialist; Danielle Dulin, Assistant to the City Administrator and Joyce Hagen Mundy, City Clerk. Also present was City Planning Consultant Ron Williamson.

The Police Honor Guard presented the colors and led all those present in the Pledge of Allegiance.

**PRESENTATION**

Chief Wes Jordan presented the Department's Supervisory Recognition Award to Officer Josh Fahlgren for his efforts on the morning of June 17<sup>th</sup> in recognizing a house fire, alerting the Fire Department and getting the two elderly residents safely out of the home preventing potential extensive fire damage to the home and possible loss of life.

Officers Matt Boggs, Louis Curtis and Seth Meyer were presented with Life Saving Awards for their efforts on June 10<sup>th</sup> when Officer Curtis found a man slumped



over in his vehicle unresponsive and not breathing. He radioed dispatch for Med Act and began CPR. Officers Boggs and Meyers arrived on the scene and attached the AED and continued CPR until Med Act arrived.

The officers and family members present for the presentation of the awards were acknowledged.

### **PUBLIC PARTICIPATION**

Council President Dale Warman recognized Dr. Brandon Hunter as a new Prairie Village business owner. Hunter Family Vision opened at Somerset and Mission Road in August.

Mr. Warman acknowledged three high school students in attendance from Rockhurst High School for their American Government class.

No one was present to address the Council and public participation was closed.

### **CONSENT AGENDA**

Charles Clark moved the approval of the Consent Agenda for Monday, October 7, 2013:

1. Approve Regular Council Meeting Minutes - September 16, 2013
2. Ratify the Mayor's appointment of Glenn Ferdman and Susan Giffen to the Communications Committee; Shervin Razavian, Kim Horgan and Wayne Wilkes to the Prairie Village Arts Council; and the reappointment of Marie Ramirez as the City's representative to the Drug & Alcoholism Council of Johnson County.
3. Authorize the Mayor to execute a proclamation recognizing October 20 - 26, 2013 as "Male Breast Cancer Awareness Week"
4. Approve Ordinance 2294 amending Section 11-804 (B) & (D) of the Prairie Village Municipal Code entitled "Notice to Owner of Towed Vehicle"
5. Approve Construction Change Order #1 (Final) with Wm White and Son's Construction for Project CONC2013: 2013 Concrete Repair Program for \$17,337.08
6. Approve Blue Cross Blue Shield of Kansas City as the City's Health Insurance provider for the 2014 plan year with a 3.43% increase in premiums; Approve Delta Dental of Kansas as the City's Dental Insurance provider for the 2014

plan year with a 3.5% increase in premiums; and Approve Superior Vision as the City's Vision Insurance provider for the 2014 plan year with a 0.0% increase in premiums.

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

## **MAYOR'S REPORT**

There was no Mayor's Report due to his absence.

## **COMMITTEE REPORTS**

### **Planning Commission**

PC2013-08 Consider request for rezoning of 3101 West 75<sup>th</sup> Street from R-1a (Single Family Residential District) to RP-1b (Planned Singled Family Residential District) and approval of Preliminary Development Plan.

Ron Williamson stated the proposed rezoning is for a planned single family residential in-fill project named Chadwick Court at 3101 West 75<sup>th</sup> Street requiring rezoning from R-1a to RP-1b for a proposed development named Chadwick Court. The RP stands for Residential Planned District. He noted this is the first planned zoning district that has come before the Governing Body in many years. It will be necessary to consider the change in zoning classification by evaluating the factors commonly referred to as the "golden" factors. In addition to this evaluation, the applicant has also submitted a preliminary plan which will need to be reviewed, considered and approved. This is a two-step process: the zoning change request and the preliminary plan are reviewed and recommended for approval, conditional approval or denial by the Planning Commission and that recommendation is sent forward to the Governing Body for its action. Upon approval of the Governing Body, the applicant is then authorized to prepare a final plan which is then submitted to the Planning Commission for final approval. The planned

zoning district allows deviations in yard requirements, setbacks, lot coverage, etc. provided that it is deemed by the Planning Commission and Governing Body that other amenities or conditions will be gained to the extent that an equal or higher quality development will be produced.

The objective of the planned district is to permit the applicant to deviate from established and customary development techniques. It is intended to encourage efficient development and redevelopment of small tracts, innovative and imaginative site planning, conservation of natural resources, and a minimum waste of land. In return for approving a plan that is unique, the applicant is required to submit more detailed information on his proposal and the plan becomes an approved part of the rezoning.

The proposed application area consists of approximately 117,519 sq. ft. or 2.70 acres. The applicant has requested the RP-1B district because it allows one dwelling unit per 6,000 sq. ft. rather one unit per 10,000 sq. ft. as required in the R-1A district. The applicant has proposed six new dwelling units for the site in addition to the existing single-family dwelling for a total of seven lots. It should be pointed out that this is the same district (RP-1B) that Mission Pines is zoned; which is located on the northeast corner of 79<sup>th</sup> and Mission Road. Mission Pines was originally approved for more units than have actually been built and the current plan is for 25 units on 4.3 acres of land, which is a density of 7,549 sq. ft. per unit. This compares with a density of 16,788 sq. ft. per unit for the proposed plan. The existing dwelling is large and is located on the south portion of the tract. It will have a lot area of 50,555 sq. ft. The water detention area adjacent to 75<sup>th</sup> Street is 7,308 sq. ft. so the net area left for the six dwellings is 49,605 sq. ft. or 8,268 sq. ft. per dwelling unit. If the detention area is included in the calculation the area would be 9,489 sq. ft. per dwelling unit for the six units.

The applicant has submitted a plan generally showing how the proposed dwellings will be located on each lot. The proposed development will be served with a private street 26 feet in width back of curb to back of curb. The building setbacks will be 15 feet from the front, 25 feet from the rear and 6 feet on each side. Lots 1, 2, 4 and 5 are 79 feet wide by 99 feet deep. Lots 3 and 6 are 108 feet wide by 99 feet deep.

The building setbacks in the R-1B district are 30 feet for the front yard; 4 feet on the side yard with 12 feet between dwellings; and 25 feet for the rear yard. The minimum lot width is 60 feet, the minimum lot depth is 100 feet and the minimum lot area is 6,000 sq. ft. The proposed development meets the minimum side yard, lot width and lot area requirements of the traditional district. Modifications will need to be approved for the front yard and lot depths.

Under the Planned District, modifications may be made to the setbacks, lot area coverage and other requirements provided the proposed development produces a better development than under the standard zoning regulations.

The applicant held a neighborhood meeting on August 26<sup>th</sup> and three neighbors attended. Concerns expressed were verification of the east property line and maintaining the trees along the east property line. The east property line has been verified by a survey and the application proposes maintaining the trees along the east property line.

At its regular meeting on September 10, 2013, the Planning Commission held a public hearing on the proposed rezoning. No one was present to speak in opposition to the application. Prior to making its recommendation, the Planning Commission made its

findings of fact based on the “Golden Factors” which are reflected in the attached Planning Commission Minutes of September 10, 2013.

The applicant requested the following four deviations from the ordinance requirements:

1. Reduce the front yard setback from 30 feet to 15 feet.
2. Reduce the rear yard setback from 25 feet to 20 feet.
3. Increase the lot coverage from 30% to 35%.
4. Reduce the lot depth from 100 feet to 99 feet.

The Commission had concerns with the size of the proposed homes and the requested reduction in yard setbacks and increase in lot coverage. In their recommendation for approval of the application, they are requiring the required 25 foot rear yard setback and the required maximum 30% lot coverage.

The Planning Commission found favorably on the ordinance factors and the Golden Factors and forward PC2013-08 to the Governing Body with a recommendation for approval of the requested rezoning from R-1a to RP-1b for the property at 3101 West 75<sup>th</sup> Street subject to the following conditions:

1. Approve the front yard setback of 15 feet.
2. Approve the rear yard setback for 25 feet.
3. Approve the lot coverage for 30%.
4. Approve the lot depth of 99 feet.

In addition to the above, the following conditions need to be included in a favorable recommendation to approve the Preliminary Development Plan for Chadwick Court subject to twelve conditions recommended by staff.

No protest petition has been submitted; therefore, a simple majority vote of the Governing Body is required for approval. The Governing Body shall make its findings of fact based on the “Golden Factors” and either:

- A. Adopt the recommendation of the Planning Commission and approve the rezoning and Preliminary Development Plan which requires a simple majority, or
- B. Override the recommendation of the Planning Commission by a 2/3 vote of the Governing Body (9 votes), and deny the rezoning and Preliminary Development Plan, or revise the conditions of approval, or
- C. Return the recommendation to the Planning Commission by a simple majority vote with a statement specifying the basis for the City Council's failure to approve or disapprove the recommendation.
- D. Continue the item to a designated meeting by a simple majority.

Mr. Williamson noted the applicant has requested to address the Governing Body on the rezoning request.

Robert Mogren, owner of the property at 3101 West 75<sup>th</sup> Street, stated that the reduction of lot coverage from 35% to 30% reduces the building footprint by 400 square feet or the equivalent of a 20' x 20' room. They are looking to market these homes to "empty nesters" that will require a master bedroom and bath on the first floor as well as kitchen/dining and living area. They have three builders interested in building on the proposed lots.

Bob Royer, 7805 Mission Road, provided some background on the development of this property. They have shared the proposed floor plan with the builders interested in building on the lots and they felt that they would not have a marketable product with the removal of 400 square feet.

Mr. Royer stated he believes his requested modifications are reasonable and referenced Village Vision which encourages higher density developments. He noted that buildable area has already been reduced by the 10' right-of-way along 75<sup>th</sup> Street to the City and the 27 foot roadway required by the Fire Department.

David Belz asked why the Planning Commission wanted the 25' rear yard setback. Mr. Williamson responded that if the proposed street were a public street it would have to be 50' in width and the Commission felt that was already a significant

concession allowed. They felt the proposed footprint was too large for the proposed lots.

Ruth Hopkins confirmed the staff recommendation was for approval as requested. She noted with the limited available land in Prairie Village, in-fill developments should be encouraged.

Andrew Wang asked for a review of the requested variances. Mr. Williamson responded the requested variances by Mr. Royer are to increase the lot coverage from 30% to 35% and noted the two lots on the south already meet that requirement. Mr. Wang asked if the neighbors had any objections. Mr. Williamson stated they had no objections to the proposed lot sizes or proposed size of the homes. They were concerned with the maintenance of the existing trees which has been added by staff as a condition of approval and agreed upon by Mr. Royer.

David Belz confirmed the information given to the Planning Commission was the plan desired by Mr. Royer.

Brooke Morehead asked what the projected list price of the homes. Mr. Royer replied \$650,000 to \$750,000. She asked if these would take as long to fill as the Crescent Court development across the street from City Hall. Mr. Royer stated he has builders committed to build his proposed plan.

Ted Odell asked if the proposed rear elevations conflicted with the existing homes on Aberdeen. Mr. Mogren responded they did not. Mr. Royer stated they were very similar in height.

City Attorney Katie Logan confirmed it would require a 2/3 vote of the Governing to approve the rezoning with different conditions than recommended by the Planning Commission.

Ruth Hopkins moved the Governing Body Commission find favorably on the ordinance factors and the Golden Factors as found by the Planning Commission and approve the requested rezoning from R-1a to RP-1b for the property at 3101 West 75<sup>th</sup> Street subject to the following conditions:

1. Approve the front yard setback of 15 feet.
2. Approve the rear yard setback for 20feet.
3. Approve the lot coverage for 35%.
4. Approve the lot depth of 99 feet.

and approval of the Preliminary Development Plan for Chadwick Court with the conditions stipulated by the Commission. The motion was seconded by David Belz.

David Belz confirmed if the motion fails to get the required 9 votes it could then be sent back to the Planning Commission for reconsideration.

David Morrison stated the Planning Commission has studied this application in detail and he feels the Governing Body should give serious consideration to its recommendation. He will not be voting in support of the proposed motion.

Bob Mogren stated that three years ago he proposed the redevelopment of this area with three larger homes but the infrastructure costs to do so were over \$500,000.

Steve Noll confirmed that there was not any public opposition. Andrew Wang asked if there was a particular reason or risk put forth by the Planning Commission. Mr. Williamson responded they felt there was too much house for the size of the lots and that most R-1a homes have a 25' rear yard setback and they felt it would be a better development with the required rear yard and lot coverage regulations.

Ruth Hopkins stated the people she has talked to want less yard to take care of.

Ted Odell asked if the proposed detention area would negatively impact the proposed work on 75<sup>th</sup> Street. Keith Bredehoeft stated with the 10' right-of-way required there will be no negative impact on possible placement sidewalk.



A roll call vote was taken with the following members voting “aye”: Weaver, Warman, Hopkins, Noll, Wang, Odell and Belz and “nay” Morehead, Clark, Morrison. The motion failed to obtain the required 9 votes.

Charles Clark asked the applicant if he would prefer the Governing Body approve the rezoning as recommended or send it back to the Planning Commission..

Ron Williamson noted that if the same recommendation comes back from the Planning Commission after reconsideration, the Governing Body can change the recommendation by a simple majority vote. This was confirmed by the City Attorney.

Charles Clark moved the City Council return PC2013-08 to the Planning Commission for reconsideration of the rear yard setback and required lot coverage. The motion was seconded by Brooke Morehead and passed unanimously.

### **Prairie Village Arts Council**

Ted Odell announced the October Art Exhibit will be the Annual State of the Arts Exhibit with the artist reception on Friday, October 11<sup>th</sup> from 6 to 8 p.m.

### **STAFF REPORTS**

Staff reports were given during the earlier Council Committee of the Whole Meeting.

### **OLD BUSINESS**

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

### **NEW BUSINESS**

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

### **ANNOUNCEMENTS**

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

Parks & Recreation Committee	10/09/2013	7:00 p.m.
Sister City Committee	10/14/2013	7:00 p.m.
Prairie Village Arts Council	10/16/2013	7:00 p.m.
Council Committee of the Whole	10/21/2013	6:00 p.m.
City Council	10/21/2013	7:30 p.m.

=====

The October exhibit in the R. G. Endres Gallery will be the annual State of the Arts. The reception will be held on Friday, October 11, from 6:00 - 8:00 p.m. with the awards being announced at 7:30 p.m.

The League of Kansas Municipalities will hold its annual conference in Overland Park, October 12 - 14. Council members are encouraged to attend.

Save the Date for the Northeast Johnson County Chamber of Commerce 2013 Annual Gala on Saturday, November 23, at the Overland Park Marriott.

Charles Clark noted the feature article on Prairie Village resident and world acclaimed opera singer Joyce DiDonato.

**ADJOURNMENT**

With no further business to come before the City Council, the meeting was adjourned at 8:20 p.m.

Joyce Hagen Mundy  
City Clerk

**CITY TREASURER'S WARRANT REGISTER**

DATE WARRANTS ISSUED:

Warrant Register Page No. 1

October 21, 2013

**Copy of Ordinance  
2910**

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			
5692-5698	9/6/2013	208,186.45	
5699	9/9/2013	1,963.44	
5700	9/10/2013	1,400.11	
5701-5794	9/13/2013	993,129.40	
5795-5797	9/20/2013	5,500.08	
5798-5870	9/27/2013	249,469.18	
5871	9/28/2013	26.32	
5872	9/30/2013	189,366.12	
 Payroll Expenditures			
9/6/2013		253,143.35	
9/20/2013		257,509.18	
 Electronic Payments			
Electronic Pmnts	9/4/2013	17,052.73	
Electronic Pmnts	9/6/2013	874.58	
Electronic Pmnts	9/11/2013	1,744.68	
Electronic Pmnts	9/12/2013	3,706.60	
Electronic Pmnts	9/18/2013	1,601.41	
Electronic Pmnts	9/23/2013	3,488.68	
Electronic Pmnts	9/24/2013	1,690.51	
Electronic Pmnts	9/30/2013	16,154.79	
 <b>TOTAL EXPENDITURES:</b>			2,206,007.61
 Voided Checks	Check #	( Amount )	
 <b>TOTAL VOIDED CHECKS:</b>			-
 <b>GRAND TOTAL CLAIMS ORDINANCE</b>			<b>2,206,007.61</b>

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

Passed this 21st day of October 2013.

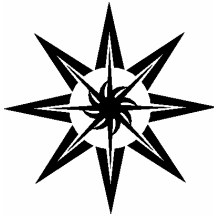
Signed or Approved this 21st day of October 2013.

(SEAL)

ATTEST: \_\_\_\_\_

\_\_\_\_\_  
City Treasurer

\_\_\_\_\_  
Mayor



ADMINISTRATION

Council Meeting Date: November 4, 2013

Consent Agenda: Consider Renewal of *Village Voice* Agreement

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## RECOMMENDATION

Staff recommends the City Council approve a contract with Promail Services for six bi-monthly issues of the *Village Voice*.

## BACKGROUND

Promail Services currently designs, prints and mails our newsletter. They have been providing these services for two years. Their contract will expire on December 31, 2013. The current contract includes provisions for renewing the contract. Staff is satisfied with the quality of the work and Promail is willing to continue the current pricing structure through 2014. Staff recommends continuing their contract through December 31, 2014.

## FUNDING SOURCE

01-01-01-6009-022

## RELATION TO VILLAGE VISION

LG1B Enhance communication between government officials and the public.  
Enhance transparency of processes and financial accountability.

## ATTACHMENTS

Contract

## PREPARED BY

Jeanne Koontz  
Deputy City Clerk/Public Information Officer  
October 10, 2013

## AGREEMENT FOR PRODUCTION OF CITY NEWSLETTERS

THIS AGREEMENT is made this 10<sup>th</sup> day of October, 2013.

BY AND BETWEEN the City of Prairie Village, Kansas, hereinafter called the "City", and **Promail Services**, hereinafter called the "Contractor".

NOW, THEREFORE, IN CONSIDERATION OF THE COVENANTS AND AGREEMENTS,  
Herein contained, the parties agree as follows:

### ARTICLE I SCOPE OF SERVICES

The Contractor shall perform the following services as identified in the following and the attached Specifications:

- A. Provide design services for six (6) rotating templates for a full-color, eight (8) page, twelve (12) page or sixteen (16) page newsletter as dictated by content.
- B. Provide layout, design, and associated creative services necessary to ensure the publication of six (6) issues (February/March, April/May, June/July, August/September, October/November and December/January) of the *Prairie Village Voice*, to be distributed to each residence and business within the corporate limits of Prairie Village, Kansas within fourteen (14) days of the City's submission of all information pertaining to the newsletter to the Contractor beginning with the February/March, 2014 issue.
- C. Provide all paper and printing services necessary to ensure the production and distribution of all publications identified in B in accordance with the attached Specifications.
- D. Provide an ftp site for uploading digital pictures to be used in the newsletter.
- E. Provide an electronic version of each of the six (6) issues of the *Prairie Village Voice* and provide this electronic copy to the City at the time of publication of each issue. The electronic copy shall be in PDF format.
- F. Provide mailing services necessary to ensure certification, labeling and sorting of publications for delivery by the United States Postal Service, Prairie Village substation, for distribution.  
All postage costs shall be paid by the City.
- F. Provide the City with a minimum of one (1) and a maximum of four (4) drafts of each publication.
- G. Provide one final PDF copy of each publication prior to printing.
- H. Provide the City with 250 copies of each publication for internal distribution.

- I. All newsletter copies representing printing overages will be delivered to the City for additional distribution.

No publications shall be delivered for printing without the authorization of the City Administrator or his appointee.

## **ARTICLE II COMPENSATION**

**The City agrees to compensate the Contractor for performing the services described in Article I and the attached Specifications according to the following schedule:**

<i>Prairie Village Voice – 8 page</i>	\$2,730 per issue*
<i>Prairie Village Voice – 12 page</i>	\$3,900 per issue*
<i>Prairie Village Voice – 16 page</i>	\$4,290 per issue*

\*Based on 10,000 circulation

After delivery of all copies of a publication to the United States Postal Service for distribution, the Contractor shall submit a statement to the City indicating the amount due as described above. The City shall make payment within thirty (30) calendar days of the date said statement is received by the City. Payment to the Contractor will be made only for services approved by the City Administrator or his appointee.

### ARTICLE III MISCELLANEOUS PROVISIONS

#### Term of Contract

**This agreement shall be effective from the 10 day of October, 2013 and shall continue until the 31<sup>st</sup> day of December, 2014.** The parties may renegotiate or decrease or increase unit quantities or unit prices if the City elects to renew the contract on an annual basis, and the renewal of such contract shall accordingly be contingent on the ability of the parties to reach a satisfactory agreement on unit quantities and unit prices for the new contract term. If the City intends to renew the Contract pursuant to this Section, it shall provide the Contractor with written notice of such intent no later than sixty (60) days prior to the date on which each contract term is to expire. All renewal periods will be subject to satisfactory performance by the contractor of his/her contract the previous year and appropriation of funds.

#### Termination

The City or the Contractor may terminate this Agreement at any time and for any reason by giving to the other party a notice in writing at least sixty (60) days prior to the effective date of such termination. In the event the Agreement is terminated as herein provided, the City agrees to pay to the Contractor any and all sums due and owing for services rendered in accordance with the terms of this Agreement as of the effective date of such termination.

#### Assigning or Subletting the Contract

The Contractor shall not assign or sublet the contract or any portion of the contract without approval by the City. Any assignment or sublease agreement entered into by the Contractor shall not be construed as making the City a party of such subcontract or subjecting the City to liability of any kind to any subcontractor. No subcontract shall under any circumstances relieve the Contractor of his liability and obligation under the contract. All transactions will be made through the Contractor. Subcontractors will be recognized and dealt with only as workers and representatives of the Contractor and as such shall be subject to the same requirements of Contractor.

#### Proprietary Rights


The Contractor acknowledges that any and all writings, documents, information, data, and other tangible or intangible materials (whether reduced to written form or otherwise) which are protectable under copyright or trademark law, and all associated intellectual property rights, that City creates, develops or delivers in connection with any printing and publication services contemplated by this Agreement, shall be the sole and exclusive property of City ("City Property"). The parties acknowledge and agree that any new graphics or artwork to be placed upon

any publications produced by Contractor for City under this Agreement which are protectable under copyright or trademark law, and all intellectual property rights associated therewith, that Contractor and City jointly create, develop or deliver, shall be the sole and exclusive property of City and are included in the definition of City Property as used herein. Upon request of City, Contractor hereby agrees to execute and deliver such documentation as may reasonably be requested to transfer any ownership rights which it has in such jointly created, developed or delivered graphics or artwork to City to permit City to perfect its intellectual property rights in such items. Contractor and its agents are not authorized to and may not use City Property for any purpose without the express written consent of City.

IN WITNESS WHEREOF, said parties have affixed their name, the day and year first written above.

**CONTRACTOR:**

**CITY:**

  
\_\_\_\_\_  
**Signature**

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

10/10/13  
\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Date**

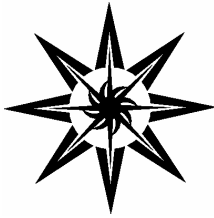
**APPROVED AS TO FORM**

**ATTEST:**

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

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





## CITY CLERK DEPARTMENT

City Council Meeting Date: November 4, 2013  
CONSENT AGENDA

### Consider Confirmation of a FireWorks Permit for SME Event

---

#### **SUGGESTED MOTION:**

**RATIFY THE MAYOR'S APPROVAL OF THE ISSUANCE OF A FIREWORKS DISPLAY PERMIT REQUESTED BY THE SHAWNEE MISSION EAST BOOSTER CLUB IN CONJUNCTION WITH HOMECOMING ACTIVITES ON THURSDAY, OCTOBER 10<sup>TH</sup>.**

#### **BACKGROUND**

On Wednesday, October 9, 2013, a member of the Shawnee Mission East Booster Club submitted an application to the City Clerk for a FireWorks Permit in conjunction with the high school's homecoming activities on Thursday, October 10<sup>th</sup>. The processing of these permits requires coordination between the City, the City's Police Department and the Fire Department. The City Clerk forwarded the application to the appropriate departments for review. Through extra efforts of staff the application was reviewed, safety measures were implemented for the event and the adjacent property owners were notified through JoCo Notify and Code Red. Representatives of both the police and fire departments were on site during the event. Due to the lateness of the application, Mayor Shaffer was consulted and authorized the issuance of the permit subject to the conditions required by the reviewing department.

#### **PREPARED BY**

Joyce Hagen Mundy  
City Clerk

October 31, 2013



**MAYOR**

**Council Meeting Date: November 4, 2013**

**Consent Agenda: Consider John F. Kennedy-Shawnee Mission East High School Day**

---

**RECOMMENDATION**

Recommend the City Council authorize the Mayor to execute a proclamation establishing November 16, 2013 as “John F. Kennedy-Shawnee Mission East High School Day”.

**BACKGROUND**

In 1960, U.S. Senator John F. Kennedy made a speech at Shawnee Mission East High School in the closing days of the 1960 presidential campaign. There will be a reenactment of John F. Kennedy’s visit to Prairie Village on Sat. Nov. 16 at 6 p.m. in the Shawnee Mission East High School auditorium.

**ATTACHMENT**

Proclamation

**PREPARED BY**

Jeanne Koontz, Deputy City Clerk/Public Information Officer  
October 10, 2013

# CITY OF PRAIRIE VILLAGE

## John F. Kennedy-Shawnee Mission East High School Day

WHEREAS, this is the fiftieth anniversary of the assassination of President John F. Kennedy ; and

WHEREAS, U.S. Senator John F. Kennedy made a speech at Shawnee Mission East High School in Prairie Village in the closing days of the 1960 presidential campaign the day after his appearance before a nationwide televised audience in the final Nixon-Kennedy debate; and

WHEREAS, the Prairie Village Arts Council has seen fit to help sponsor a reenactment of John F. Kennedy's visit to Prairie Village in an event at 6 p.m., Sat. Nov. 16, in the Shawnee Mission East High School auditorium after which time a permanent memorial to JFK's visit will be dedicated.

NOW THEREFORE, I, Ronald L. Shaffer, Mayor of Prairie Village, Kansas, do hereby proclaim **November 16, 2013** as

### **“John F. Kennedy-Shawnee Mission East High School Day”**

In the City of Prairie Village and invite Prairie Village residents to attend a commemoration of John F. Kennedy's visit with the unveiling of rare photos of the event and a reenactment of JFK's speech at 6 p.m., Sat. Nov. 16 in the Shawnee Mission East High School auditorium.

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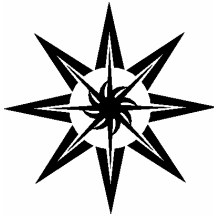
**Mayor Ronald L. Shaffer**

---

**City Clerk**

---

**Date**



**MAYOR**

**Council Meeting Date: November 4, 2013**

**Consent Agenda: Consider National American Indian Heritage Month**

---

**RECOMMENDATION**

Recommend the City Council authorize the Mayor to execute a proclamation establishing November 2013 as “National American Indian Heritage Month”.

**BACKGROUND**

November was first recognized as National American Indian Heritage Month in 1990.

**ATTACHMENT**

Proclamation

**PREPARED BY**

Jeanne Koontz, Deputy City Clerk/Public Information Officer  
October 28, 2013



# CITY OF PRAIRIE VILLAGE

## National American Indian Heritage Month November, 2013

Whereas, the history and culture of our great nation have been significantly influenced by American Indians and indigenous peoples; and

Whereas, the contributions of American Indians have enhanced the freedom, prosperity, and greatness of America today, and

Whereas, their customs and traditions are respected and celebrated as part of a rich legacy throughout the United States; and

Whereas, Native American Awareness Week began in 1976 and recognition was expanded by Congress and approved by President George Bush in August 1990, designating the month of November as National American Indian Heritage Month, community celebrations as well as numerous cultural, artistic, educational and historical activities have been planed;

NOW THEREFORE, I, Ronald L. Shaffer, by virtue of the authority vested in me as Mayor of the City of Prairie Village in the State of Kansas do hereby proclaim the month of November, 2013 as

### **NATIONAL AMERICAN INDIAN HERITAGE MONTH**

And urge all citizens our citizens to observe this month with appropriate programs, ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Prairie Village, Kansas, to be affixed at my office in the City of Prairie Village, Kansas, the 4th day of November, 2013.

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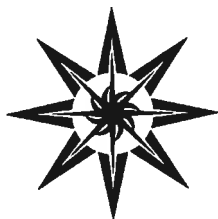
Mayor Ronald L. Shaffer

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City Clerk

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Date



## ADMINISTRATION

Council Meeting Date: October 21, 2013

### **CONSENT AGENDA - Consider Agreement with Berberich, Trahan & Co., P.A. to Audit the City's 2013 Financial Statements**

---

#### **SUGGESTED MOTION**

Move that the Council approve the agreement with Berberich, Trahan & Co., P.A. to audit the City's 2013 financial statements.

#### **BACKGROUND**

KSA 75-1124 requires the City to have an annual audit. In 2012, the City issued a Request for Proposals for auditing services and selected Berberich, Trahan & Co., for the 2012 audit. The engagement was for a three (3) year contract with two (2), one (1) year options to renew (2013 and 2014). Renewal is subject to an annual review, the concurrence of the City Council and the annual availability of an appropriation. The firm performed the audit of the 2012 financial statements.

Staff noted that BT& Co. services have been satisfactory. Staff recommends maintaining the services of the auditor for 2013 financial statements.

The proposed fee for the 2013 audit is \$22,634, a 3% increase over the cost of the 2012 audit (\$21,975). This agrees with the fee schedule that was submitted during the RFP process.

#### **FUNDING SOURCE**

Funding for the financial statement audit is included in the 2013 budget for the Financial Management Program.

**ATTACHMENTS:** Agreement with Berberich Trahan & Co., P.A.

---

Prepared By: Lisa Santa Maria, Finance Director    Date: October 15, 2013



BERBERICH TRAHAN & CO., P.A.  
Certified Public Accountants

October 8, 2013

Mayor and City Council  
City of Prairie Village, Kansas  
7700 Mission Road  
Prairie Village, Kansas 66208

### **The Objective and Scope of the Audit of the Financial Statements**

You have requested that we audit the financial statements of the City of Prairie Village, Kansas (the City), which comprise governmental activities each major fund and the aggregate remaining fund information as of and for the year ended December 31, 2013 which collectively comprise the basic financial statements. We will also apply certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America and will report on whether supplementary information is fairly stated, in all material respects, in relation to the financial statements as a whole. We are pleased to confirm our acceptance and our understanding of this audit engagement by means of this letter.

Our audit will be conducted with the objective of our expressing an opinion on the financial statements.

### **The Responsibilities of the Auditor**

We will conduct our audit in accordance with auditing standards generally accepted in the United States of America (GAAS) and the "Kansas Municipal Audit and Accounting Guide." Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement. An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements may not be detected exists, even though the audit is properly planned and performed in accordance with GAAS. Also, an audit is not designed to detect errors or fraud that is immaterial to the financial statements.

BERBERICH TRAHAN & CO., P.A.

3630 SW Burlington Rd., Topeka, KS 66611-2050

T 785-234-3427 Toll-Free 800-530-5526 F 785-233-1768

btandcocpa.com

An Independently Owned Member  
**McGLADREY ALLIANCE**





Mayor and City Council  
City of Prairie Village, Kansas  
Page 2

In making our risk assessments, we consider internal control relevant to the City's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we have identified during the audit.

We will also communicate to the City Council (a) any fraud involving senior management and fraud (whether caused by senior management or other employees) that causes a material misstatement of the financial statements that becomes known to us during the audit, and (b) any instances of noncompliance with laws and regulations that we become aware of during the audit (unless they are clearly inconsequential).

#### **The Responsibilities of Management and Identification of the Applicable Financial Reporting Framework**

Our audit will be conducted on the basis that management and when appropriate, those charged with governance, acknowledge and understand that they have responsibility:

- a. For the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America;
- b. For the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error; and
- c. To provide us with:
  - (1) Access to all information of which management is aware that is relevant to the preparation and fair presentation of the financial statements such as records, documentation, and other matters;
  - (2) Additional information that we may request from management for the purpose of the audit; and
  - (3) Unrestricted access to persons within the entity from whom we determine it necessary to obtain audit evidence.

As part of our audit process, we will request from management and when appropriate, those charged with governance, written confirmation concerning representations made to us in connection with the audit including among other items:

- a. That management has fulfilled its responsibilities as set out in the terms of this letter; and
- b. That it believes the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

Management is responsible for identifying and ensuring that City complies with the laws and regulations applicable to its activities, and for informing us about all known material violations of such laws or regulations. In addition, management is responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the entity involving management, employees who have significant roles in internal control, and others where the fraud could have a material effect on the financial statements. Management is also responsible for informing us of its knowledge of any allegations of fraud or suspected fraud affecting the entity received in communications from employees, former employees, analysts, regulators, short sellers, or others.





Mayor and City Council  
City of Prairie Village, Kansas  
Page 3

Management is responsible for the preparation of the RSI and supplementary information presented in accordance with accounting principles generally accepted in the United States of America. Management agrees to include the auditor's report on the RSI and supplementary information in any document that contains the supplementary information and that indicates that the auditor has reported on such RSI and supplementary information. Management also agrees to present the supplementary information with the audited financial statements or, if the supplementary information will not be presented with audited financial statements, to make the audited financial statements readily available to the intended users of the supplementary information no later than the date of issuance of the supplementary information and the auditor's report thereon.

The City Council is responsible for informing us of its views about the risks of fraud within the entity, and its knowledge of any fraud or suspected fraud affecting the entity.

You have informed us that you may issue public debt in the future and that you may include our report on your financial statements in the offering statement. You have further informed us that you do not intend that we be associated with the proposed offering.

We agree that our association with any proposed offering is not necessary, providing the City agrees to clearly indicate that we are not associated with the contents of any such official statement or memorandum. The City agrees that the following disclosure will be prominently displayed in any such official statement or memorandum:

Berberich Trahan & Co., P.A., our independent auditor, has not been engaged to perform, and has not performed, since the date of its report included herein, any procedures on the financial statements addressed in that report. Berberich Trahan & Co., P.A. also has not performed any procedures relating to this [official statement] [memorandum].

Because Berberich Trahan & Co., P.A. will rely on the City and its management to discharge the foregoing responsibilities, the City holds harmless and releases Berberich Trahan & Co., P.A., its directors, and employees from all claims, liabilities, losses, and costs arising in circumstances where there has been a knowing misrepresentation by a member of the City's management which has caused, in any respect, Berberich Trahan & Co., P.A.'s breach of contract or negligence. This provision shall survive the termination of this arrangement for services.

### **The City's Records and Assistance**

If circumstances arise relating to the condition of the City's records, the availability of appropriate audit evidence, or indications of a significant risk of material misstatement of the financial statements because of error, fraudulent financial reporting, or misappropriation of assets, which in our professional judgment, prevent us from completing the audit or forming an opinion, we retain the unilateral right to take any course of action permitted by professional standards, including declining to express an opinion, issue a report, or withdraw from the engagement.

During the course of our engagement, we may accumulate records containing data that should be reflected in the City's books and records. The City will determine that all such data, if necessary, will be so reflected. Accordingly, the City will not expect us to maintain copies of such records in our possession.



The assistance to be supplied by City personnel, including the preparation of schedules and analyses of accounts, has been discussed and coordinated with Lisa Santa Maria, Finance Director. The timely and accurate completion of this work is an essential condition to our completion of the audit and issuance of our audit report.

If, in connection with our audit, you request us to perform accounting services necessary for the preparation of the financial statements (such as maintaining depreciation schedules, drafting the financial statements, etc.), you agree to designate an appropriate individual to oversee the services, make all management decisions involved in those services, evaluate the adequacy and results of the services, and accept responsibility for the results of the services.

#### **Other Relevant Information**

From time to time and depending upon the circumstances, we may use third-party service providers to assist us in providing professional services to you. In such circumstances, it may be necessary for us to disclose confidential client information to them. We enter into confidentiality agreements with all third-party service providers and we are satisfied that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others.

#### **Fees, Costs, and Access to Workpapers**

Our fees for the audit and accounting services described above are based upon the value of the services performed and the time required by the individuals assigned to the engagement, plus direct expenses. Our fee estimate and completion of our work is based upon the following criteria:

- a. Anticipated cooperation from City personnel
- b. Timely responses to our inquiries
- c. Timely completion and delivery of client assistance requests
- d. Timely communication of all significant accounting and financial reporting matters
- e. The assumption that unexpected circumstances will not be encountered during the engagement

If any of the aforementioned criteria are not met, then fees may increase. We propose that our fee for this audit engagement, which includes out-of-pocket expenses, will be \$ 22,634. The quoted fee for the year ended December 31, 2013 will be the maximum for the work described in this letter unless the scope of the engagement is changed, the assistance which the City has agreed to furnish is not provided, or unexpected conditions are encountered. No changes will be made in the maximum agreed to amount without discussion with you regarding the proposed change. All other provisions of this letter will survive any fee adjustment. No changes will be made to the fee without discussion with you regarding the proposed change. Interim billings will be submitted as work progresses and as expenses are incurred. Billings are due upon submission.

In accordance with our policy, a finance charge of 1% per month will be applied to balances that are over 60 days old. Payments will be applied first to the accrued finance charges and then to outstanding invoices.



Mayor and City Council  
City of Prairie Village, Kansas  
Page 5

In the event we are requested or authorized by the City or are required by government regulation, subpoena, or other legal process to produce our documents or our personnel as witnesses with respect to our engagement for the City, the City will, so long as we are not a party to the proceeding in which the information is sought, reimburse us for our professional time and expenses, as well as the fees and expenses of our counsel, incurred in responding to such requests.

You have informed us that you intend to prepare a comprehensive annual financial report (CAFR) and submit it for evaluation by the Government Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting Program. Our association with the CAFR is to consist of performing a review of the CAFR to insure its readiness for submission.

#### **Claim Resolution**

The City and Berberich Trahan & Co., P.A. agree that no claim arising out of services rendered pursuant to this agreement shall be filed more than two years after the date of the audit report issued by Berberich Trahan & Co., P.A. or the date of this arrangement letter if no report has been issued. The City waives any claim for punitive damages. Berberich Trahan & Co., P.A.'s liability for all claims, damages and costs of the City arising from this engagement is limited to the amount of fees paid by the City to Berberich Trahan & Co., P.A. for the services rendered under this arrangement letter.

If any dispute arises among the parties hereto, the parties agree first to try in good faith to settle the dispute by mediation administered by the American Arbitration Association under its Rules for Professional Accounting and Related Services Disputes before resorting to litigation. The costs of any mediation proceeding shall be shared equally by all parties.

The City and Berberich Trahan & Co., P.A. both agree that any dispute over fees charged by Berberich Trahan & Co., P.A. to the City will be submitted for resolution by arbitration in accordance with the Rules for Professional Accounting and Related Services Disputes of the American Arbitration Association. Such arbitration shall be binding and final. In agreeing to arbitration, we both acknowledge that, in the event of a dispute over fees charged by Berberich Trahan & Co., P.A., each of us is giving up the right to have the dispute decided in a court of law before a judge or jury and instead we are accepting the use of arbitration for resolution.

#### **Reporting**

We will issue a written report upon completion of our audit of the City's financial statements. Our report will be addressed to the City Council of the City. We cannot provide assurance that an unmodified opinion will be expressed. Circumstances may arise in which it is necessary for us to modify our opinion, add an emphasis-of-matter or other-matter paragraph(s), or withdraw from the engagement.

This letter constitutes the complete and exclusive statement of agreement between Berberich Trahan & Co, P.A. and the City, superseding all proposals, oral or written, and all other communications, with respect to the terms of the engagement between the parties.



Mayor and City Council  
City of Prairie Village, Kansas  
Page 6

Please sign and return the attached copy of this letter to indicate your acknowledgment of, and agreement with, the arrangements for our audit of the financial statements including our respective responsibilities.

Very truly yours,

BERBERICH TRAHAN & CO., P.A.

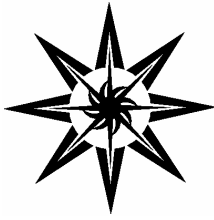
Karen K. Linn  
Managing Director

KKL:tls  
Enclosures

Confirmed on behalf of the City of Prairie Village, Kansas:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



**MAYOR**

**Council Meeting Date: November 4, 2013**

**CONSENT AGENDA:      CONSIDER APPOINTMENT TO THE PARKS &  
RECREATION COMMITTEE**

---

**RECOMMENDATION**

Ratify the Mayor's appointment of Eric Mikkelson to the Parks & Recreation Committee with his term expiring in April 2015.

**BACKGROUND**

Mayor Shaffer is pleased to place before you the appointment of Eric Mikkelson to the Parks & Recreation Committee. His volunteer application is attached.

**ATTACHMENTS**

1. Volunteer Application

**PREPARED BY**

Jeanne Koontz, Deputy City Clerk  
October 28, 2013



City of Prairie Village  
APPLICATION TO VOLUNTEER

Please complete this form and return it to the City Clerk's Office, 7700 Mission Road, Prairie Village, Kansas 66208. If you have any questions, please contact the City Clerk's Office at 913-381-6464 or send an e-mail to [cityclerk@pvkansas.com](mailto:cityclerk@pvkansas.com).

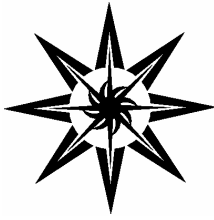
Name Eric Mikkelson Spouse's Name Margo  
Address 3601 West 71<sup>st</sup>. Zip 66208 Ward IV  
Telephone: Home [REDACTED] Work [REDACTED] Fax \_\_\_\_\_  
E-mail [REDACTED] Other Number(s): \_\_\_\_\_  
Business Affiliation Lawyer at Stinson Morrison Hecker  
Business Address 1201 Walnut, KCMO 64106  
What Committee(s) interests you? Parks & Rec, Budget, other

Please tell us about yourself, listing any special skills or experiences you have which would qualify you for a volunteer with the City of Prairie Village.

I've been on the Board of Directors, and Vice - President, of the Prairie Hills Homes Association for over 3 years. In that capacity I've interacted with the City and Council on many issues, including deed restrictions and traffic matters.

My family (3 children) and I are frequent users of several PV parks.

Thank you for your interest in serving our community.



## PUBLIC WORKS DEPARTMENT

Council Meeting Date: November 4, 2013

### CONSENT AGENDA: CONSIDER BIDS FOR THE PURCHASE AND ASSEMBLY OF TRUCK EQUIPMENT FOR NEW DUMP TRUCK #827.

---

#### RECOMMENDATION

Staff recommends City Council approve the bid of \$69,991.00 by American Equipment Company for the purchase and assembly of truck equipment for new dump truck #827.

#### BACKGROUND

The 2013 Public Works Operating Budget provided for the replacement of Asset #827, a 2000 International Dump Truck. The truck purchase was approved by City Council in August 2013. Bids were received for the purchase and assembly of the equipment for the new dump truck. Examples of the equipment to be purchased and installed are the dump bed, the hydraulic system, the salt spreader, and the front and side plows.

#### Summary of Bids

American Equipment-	\$69,991.00
Kranz of Kansas City	\$72,900.00

The bids were review by Public Works and are reasonable for this work.

#### FUNDING SOURCE

The 2013 Public Works Operating Budget includes the purchase of this item.

#### RELATION TO VILLAGE VISION

*TR3a. Ensure the quality of the transportation network with regular maintenance as well as efficient responses to seasonal issues such as snow removal.*

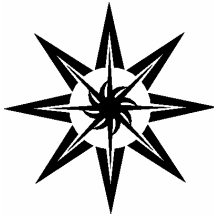
#### ATTACHMENTS

None

#### PREPARED BY

Keith Bredehoeft, Interim Director of Public Works

October 30, 2013



## PUBLIC WORKS DEPARTMENT

Council Meeting Date: November 4, 2013

### CONSENT AGENDA: REVIEW LIST OF SERVICE CONTRACTS THAT ARE READY FOR BID.

---

#### SUGGESTED MOTIONS

1. No motion is required if the contracts for the expiring service contracts are to be bid per the City's Purchasing Policy. or
2. If the City Council wants to retain an incumbent provider without going through the bidding process, then a motion similar to the following should be made.

Move that City Council remove the contract for \_\_\_\_\_ from the bid list and direct staff to attempt to retain the incumbent provider with a contract renewal to be approved by City Council.

#### RECOMMENDATION

Staff recommends following the Purchasing Policy seeking bids for all identified services.

#### BACKGROUND

Each year the City Council is given the ability to determine if a service provider's contract should be renewed without following the City's Purchasing Policy. Adding this to the Consent Agenda was requested by the Finance Committee in 2011 due to the City Council awarding two incumbent provider's contracts even though they were not the low bid for that service. If Council desires to retain a service provider then the service will not be bid.

#### List of Current Service Providers-

<u>Current Vendor</u>	<u>Service</u>	<u>Expires</u>
Sanitol (retiring/will not bid)	Custodial Services	12/31/2013
VanBooven Tree	Tree Services	12/21/2013
Weather or Not	Weather Forecasts	12/31/2013
Lexington Plumbing	Plumbing Services	12/31/2013
Deffenbaugh	Trash Roll-Off Containers	12/31/3013

#### PREPARED BY

Keith Bredehoeft, Interim Director of Public Works

October 30, 2013



**COUNCIL COMMITTEE OF THE WHOLE**  
**October 7, 2013**

The Council Committee of the Whole met on Monday, October 7, 2013 at 6:00 p.m. in the Council Chambers. The meeting was called to order by Council President Dale Warman with the following members present: Ashley Weaver, Ruth Hopkins, Steve Noll, Andrew Wang (arrived late), Brooke Morehead, David Morrison (arrived late), Charles Clark, Ted Odell and David Belz. Staff Members present: Wes Jordan, Chief of Police; Keith Bredehoeft, Interim Public Works Director; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Lisa Santa Maria, Finance Director; Nic Sanders, Human Resources Specialist; and Danielle Dulin, Assistant to the City Administrator and Joyce Hagen Mundy, City Clerk.

**COU2013-45 Consider Engineering Change Order #2 for Project 75ST0001 - 75<sup>th</sup> Street from State Line to Mission Road**

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

This project is a Federally Funded project and therefore any construction easements or permanent easements must follow all Federal guidelines. Most properties along this corridor will require a temporary construction easement so the contractor can construct the project improvements adjacent to the right of way. There will be 72 temporary construction easements and 21 permanent easements needed for the project. Additional property research and title information has to be obtained to develop these easements. Property descriptions and tract maps for each property will also be needed. This Engineering Change Order is for the work required to prepare the documents necessary to acquire these easements. The permanent easements that will need to be acquired are necessary to clean up issues that previously existed along the corridor. Originally staff had hoped to not have this number of easements and therefore, did not include this in the original contract.

Mr. Bredehoeft noted that as a federally funded project, the property owners must receive just offer of compensation for the easement. He noted, however, that the City would be willing to accept a donation of the property for the easement, which is what usually occurs. Funding is available under Project 75ST0001: 75<sup>th</sup> State Line Road to Mission Road in the amount of \$37,709.00.

Mr. Bredehoeft reviewed the next steps in the process which included the issuance of a contract for the work, neighborhood and council input with the hope of being able to bid the project next Spring.

Ted Odell confirmed that no additional design work would be necessary requiring another change order.

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

**Move to approve Change Order #2 with GBA for project 75ST0001:  
75<sup>th</sup> Street Rehabilitation from State Line Road to Mission Road in  
the amount of \$37,709.00.**

**COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

**COU2013-46 Consider contract with Indigo Design for 2014 Park  
Projects**

Keith Bredehoeft presented the contract for design services for the 2014 Parks Projects. City Council approved 2014 funding for improvements to McCrum, Prairie, Taliaferro, and Harmon Parks. Design will begin now so a construction project can be let in early 2014. If all goes well these park improvements will all be able to be functional for residents by the middle of summer in 2014.

Once preliminary plans are developed, a public meeting will be held for residents to see the plans and offer comments on the improvements.

Indigo Design was the City's consultant for the Parks Master Plan and helped with the concepts for the parks project planned for the next 4 years and thus was selected to design these improvements. Funding is available in the CIP under the Park Infrastructure Reserve Fund.

Ted Odell asked if there were set fees by Indigo for continued park work. Mr. Bredehoeft responded that Indigo did the Parks Master Plan which included the initial design work and then did the work on Franklin Park. There would be a new contract and addition fees for the design and creation of construction documents for this project.

Brooke Morehead asked why this work was not bid. Mr. Bredehoeft responded Indigo was selected due to their excellent past work and familiarity with the projects. It could be bid if the Council desires.

Ted Odell stated he does not have a problem with Indigo, but feels that future park work should not be automatically given out, but should be bid.

Ruth Hopkins stated that Indigo Design has so much invested in these projects already she would expect other firms starting from scratch would have higher costs.

Brooke Morehead stated she had received comments from neighbors unhappy with the work at Franklin and she doesn't want to see the continued awarding of projects to

previous contractors without going through due process. She asked if the council had approved the plan.

Keith Bredehoeft responded the scope is what has been created by the Parks and Recreation Committee in concept. There have not been any public meetings, but there will be when the plans are more fully developed. Mrs. Morehead questioned if that wasn't putting the cart before the horse, don't you ask for input before you design? Ashley Weaver responded direction has been given based on previous public input. Mr. Bredehoeft noted it is similar to the preliminary to final design process.

Quinn Bennion stated he envisioned the city following the same process as followed in the Weltner Park Improvements. Once the conceptual designs are ready, there will be public meetings to receive comments on the designs.

Ashley Weaver made the following motion, which was seconded by David Belz and passed unanimously:

**Move the City Council approve the 2014 Parks Project Design  
Services Contract with Indigo Design in the amount of \$34,360.00.  
COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

### **EXECUTIVE SESSION**

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 40 minutes for the purpose of consulting with the City Attorney on matters of pending litigation. Present will be the Mayor, City Council, City Administrator and City Attorney. The motion was seconded by Brooke Morehead and passed unanimously.

Council President Dale Warman reconvened the meeting at 7:00 p.m.

### **STAFF REPORTS**

#### **Public Works**

- Keith Bredehoeft noted the annual fall seminar was held last week with an update on the Emerald Ash Borer - The Tree Board has completed its inventory of the city's more than 650 Ash trees.
- Tanya Smith, a 16 year employee at Public Works, retired last week. The City has received over 120 applications for her position.
- Saturday was the Rock Creek Watershed tour.

#### **Public Safety**

- Captain Wes Lovett participated in a NAACP forum last week.
- The Citizen's Police Academy is underway with a large class including council members Odell and Weaver.

#### **Administration**

- Danielle Dulin reported pool membership sales were down 13.8%. pool attendance was down 27.5% and pool revenue was down 16.2%. She noted that

last summer's average temperature was 95 degrees compared to 84 degrees this past summer.

- Mrs. Dulin and Sgt. Roberson attended an integrated emergency management seminar with 70 staff members from around the country participating in a simulated emergency.
- The Multi-Purpose Room has been painted and new tables and chairs purchased.
- Lisa Santa Maria reported that year-end activities have begun. She advised council members with any outstanding receipts for reimbursement or mileage need to turn them in.
- The auditor has been scheduled for the third week in March, 2014.
- Quinn Bennion reported on a recent meeting city staff had with Google staff and engineers regarding future plans. He advised council to direct anyone with questions or interested in getting Google services to register on their website.
- MVS, LLC has filed a new application with the Planning Commission. It is now available on the city's website. The Planning Commission will consider the application on Tuesday, November 5<sup>th</sup> at the Village Church.
- The Assistant City Administrator search continues with the search committee meeting earlier this evening.
- The Public Works Director selection committee interviewed five final candidates a couple of weeks ago. Mercer is conducting additional reference checks.
- Many city staff are involved in the District Court proceedings being held this week at Johnson County. The proceedings are set to conclude on Wednesday.

## **ADJOURNMENT**

With no further information to come before the Council Committee of the Whole, Chairman Dale Warman adjourned the meeting at 7:28 p.m.

Dale Warman  
Council President

## MEMORANDUM

**TO:** Prairie Village City Council  
**FROM:** Ron Williamson, FAICP, Lochner, Planning Consultant  
**SUBJECT:** Reapplication Waiting Period for Rezoning and Special Use Permits  
**DATE:** October 31, 2013 Project # 000005977

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### COMMENTS:

Several members of the Council have inquired about a time limitation on filing successive rezoning and special use permit applications on the same property. The Prairie Village Zoning Ordinance does not have a time limitation; however, many of the Johnson County cities do and the following is a summary of their requirements:

<u>City</u>	<u>Zoning Reapplication Waiting Period</u>	<u>Special Use Permit Reapplication Waiting Period</u>
Leawood	6 months	6 months
Olathe	1 year	1 year
Shawnee	none	none
Overland Park	6 months	none
Lenexa	1 year	none
Mission	6 months	none

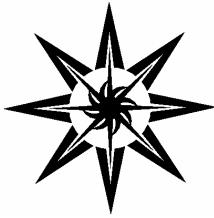
The question is whether the City Council is interested in pursuing an amendment to the Zoning Ordinance to include a reapplication waiting period. The Governing Body or Planning Commission can authorize a Public Hearing on the matter. In past practice, the Governing Body has sent a request to the Planning Commission requesting it to authorize a public hearing. The Planning Commission has studied the matter, held a public hearing and made a recommendation to the Governing Body. The process would be as follows:

- November 4<sup>th</sup> Governing Body requests Planning Commission to hold a Public Hearing.
- December 3<sup>rd</sup> Planning Commission reviews Staff Memorandum and authorizes a Public Hearing.
- January 7<sup>th</sup> Planning Commission holds Public Hearing and makes recommendation to the Governing Body.
- January 20<sup>th</sup> Governing Body considers Planning Commission recommendation and considers approval of a zoning ordinance amendment.

### ACTION:

If the Governing Body desires to pursue this amendment, the following motion is suggested:

Move to request the Planning Commission consider amending the Zoning Ordinance to include a Reapplication Waiting Period and authorize a Public Hearing.



## Municipal Court/Police Department

Council Committee Date: November 4, 2013

Council Meeting Date: November 4, 2013

**\*COU2013-47: Consider adoption of the 2013 Standard Traffic Ordinance for Kansas Cities and additional amendments to the 2012 Uniform Public Offense Code for Kansas Cities**

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### RECOMMENDATION

Staff recommends that Governing Body adopt Ordinance No. 2295 further amending the Uniform Public Offense Code edition of 2012 (UPOC) which was incorporated by Ordinance 2263 adopted October 1, 2012, and Ordinance No. 2296 incorporating the Standard Traffic Ordinance edition of 2013 (STO) prepared and published by the League of Kansas Municipalities with certain sections deleted and with additional and supplemental sections.

\*City Council action is requested at the November 4, 2013 meeting.

### BACKGROUND

On an annual basis, the City receives the latest edition of the UPOC and the STO from the League of Kansas Municipalities. The UPOC and STO were reviewed against current City ordinances for any discrepancies. Any deletions or additions were reviewed and approved by the City Attorney and City Prosecutor in consultation with the Police Department. The following addresses changes to the 2012 UPOC and STO made by the attached ordinances.

#### **UPOC Ordinance No. 2295:**

Because of certain changes to the Kansas statutes effective July 1, 2013 relating to the ability of cities to regulate the carrying of certain knives and other weapons with blades, the current provisions of the 2012 UPOC, as amended by Ordinance No. 2263, must remain in place in order for possession or carrying of such weapons to remain a violation of city code. Also, because there were relatively few changes to the 2013 UPOC, it was determined that instead of adopting the 2013 UPOC, the City should retain the 2012 UPOC with additional amendments to reflect certain provisions in the 2013 UPOC.

Section One: Article 4 of the 2012 UPOC is amended to incorporate changes in the 2013 UPOC sections 4.3, 4.4 and 4.5. These sections are changes from former sections governing prostitution, now titled "Selling Sexual Relations" and "Buying Sexual Relations." Summarized, the changes are to add a defense for persons subjected to human trafficking. There are also changes to the description of violations under the section titled "buying sexual relations". Additionally, a provision is added that requires that in addition to any other

sentence imposed, a person convicted under that section shall be fined \$2,500. All fines collected pursuant to this subsection shall be remitted to the State human trafficking victim assistance fund.

Section Two: Article 6 of the 2012 UPOC is amended to incorporate changes in the 2013 UPOC sections 6.1, 6.5 and 6.7. 6.1 Theft: changes the penalties for certain violations of that section. 6.5 Criminal Deprivation: excludes firearm from the Class A violation. 6.7 Criminal Trespass: adds a statutory reference to the provision which refers to trespass on property which is “posted” no trespass.

Section Three: Article 7 of the 2012 UPOC is amended to incorporate changes in the 2013 UPOC sections 7.2 and 7.5. 7.2 Interference With a Law Enforcement Officer: adds “law enforcement agency” to entities to whom a false report may be a violation of that section; adds to violations under that section for false report of a crime; deletes concealment or destruction of evidence as a violation; and provides that the offense is a violation if the underlying offense is a code violation or civil case.

Section Four: Article 10 of the 2012 UPOC is amended to redefine the provision 10.1.2 Concealed Carry; Where Prohibited By Employers which was added by Prairie Village Ordinance 2263. The change is required by state statute and provides that a person who violates an employer’s statutory right to prohibit conceal carry on the premises may be guilty of criminal trespass.

Except for the above changes, the 2012 UPOC, as incorporated and amended by City Ordinance No. 2263, remains in effect. The provisions prohibiting open carry are still in effect.

### **STO Ordinance No. 2296:**

Section One: Incorporates 2013 Standard Traffic Ordinance for Kansas Cities

Section Two: Adds language from Prairie Village Municipal Code Ordinance 11-705, DEFINITIONS, PEDESTRIANS to the 2013 Standard Traffic Ordinance for Kansas Cities, Definition of Pedestrians. Carries over same provision from 2012.

Section Three: Establishes Prairie Village Municipal Code 11-602, SAME; TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES, which defines traffic offenses and infractions under the Prairie Village Municipal Code. Carries over same provision from 2012.

Section Four: Establishes Prairie Village Municipal Code 11-602, PENALTY FOR SCHEDULED FINES, which establishes fines for offenses or infractions which do not have a penalty section under the 2013 Standard Traffic Ordinance for Kansas Cities or the Prairie Village Municipal Code. Carries over same provision from 2012.

Section Five: Deletes Article 4, Section 13.1, Subsection (c) of the 2011 Standard Traffic Ordinance for Kansas Cities, Traffic Control Signal Preemption Devices, and replaces with Prairie Village Municipal Code Ordinance 11-604, TRAFFIC CONTROL SIGNAL PREEMPTION DEVICES, allowing Public Works vehicles during snow to possess a traffic control signal device. Carries over same provision from 2012.

Section Six: Adds to Article 13, of the 2013 Standard Traffic Ordinance for Kansas Cities, Prairie Village Municipal Code Ordinance 11-605, UNATTENDED MOTOR VEHICLE, adding language allowing for remote control starts of vehicles. Carries over same provision from 2012.

Section Seven: Adds to Article 19, Sec. 193 of the Standard Traffic Ordinance, Sec. 193(1) which requires driver's license holder to notify the Kansas Department of revenue- motor vehicles of a name or address change within 10 days of such change. Carries over same provision from 2012.

Section Eight: Repeals Ordinance No. 2264 (which adopted the 2012 STO)

Section Nine: Date changes take effect.

Other Changes to 2013 STO made by the League are summarized as follows:

- Definitions added or modified: Electronic Certificate of Title, Electric Vehicle, Highway, Owner, Pole Trailer and Trailer.
- Provisions added to allow evidence of insurance to be produced by displaying on a cellular phone or other type of election device.
- Provision added requiring prior conviction of aggravated battery be taken into account in sentencing for certain offences
- Changes relating to motorcycle head lamps and stop lamps

## **FUNDING SOURCE**

N/A

## **ATTACHMENTS**

Ordinance 2295

Ordinance 2296

## **PREPARED BY**

Catherine P. Logan



City Attorney  
November 1, 2013

**ORDINANCE NO. 2295**

**AN ORDINANCE AMENDING ARTICLE I OF CHAPTER XI ARTICLE I OF THE CODE OF THE CITY OF PRAIRIE VILLAGE, 2003, ENTITLED “PUBLIC OFFENSES & TRAFFIC” BY MAKING CERTAIN ADDITIONAL DELETIONS, CHANGES AND ADDITIONS TO THE “UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES”, EDITION OF 2012**

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

**SECTION ONE**

11-103 is hereby adopted to read as follows:

**11-103. UNIFORM PUBLIC OFFENSE CODE; AMENDMENTS AND DELETIONS.**

Article 4 of the Uniform Public Offense Code edition of 2012 is hereby amended by deleting existing Sections 4.3, 4.4 and 4.5 and inserting in place thereof the following:

**4.3 SELLING SEXUAL RELATIONS.** Selling Sexual Relations is performing for hire, or offering or agreeing to perform for hire where there is an exchange of value, any of the following acts:

- (a) Sexual intercourse;
- (b) Sodomy; or
- (c) Manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another.
- (d) It shall be an affirmative defense to any prosecution under this section that the defendant committed the violation of this section because such defendant was subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child. (K.S.A. Supp. 21-6419)

Selling Sexual Relations is a Class B violation.

**4.4 RESERVED FOR FUTURE USE.**

**4.5 BUYING SEXUAL RELATIONS.** Buying sexual relations is knowingly:

- (a) Entering or remaining in a place where sexual relations are being sold or offered for sale with intent to engage in manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the

offender or another, sexual intercourse, sodomy or any unlawful sexual act with a person selling sexual relations who is 18 years of age or older; or

(b) hiring a person selling sexual relations who is 18 years of age or older to engage in manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another, sexual intercourse, sodomy or an unlawful sexual act. (K.S.A. Supp. 21-6421)

Buying Sexual Relations is a Class A violation on conviction of a first offense. In addition to any other sentence imposed, a person convicted under this section shall be fined \$2,500. All fines collected pursuant to this subsection shall be remitted to the human trafficking victim assistance fund.

## **SECTION TWO**

11-105. is hereby adopted to read as follows:

### **11-105. UNIFORM PUBLIC OFFENSE CODE; AMENDMENT**

Article 6 of the Uniform Public Offense Code edition of 2012 is hereby amended by deleting existing Sections 6.1, 6.5 and 6.7 and inserting in place thereof the following:

#### **6.1 THEFT.**

(a) Theft is any of the following acts done with the intent to deprive the owner permanently of the possession, use or benefit of the owner's property or services:

- (1) Obtaining or exerting unauthorized control over property or services;
- (2) Obtaining control over property or services by deception;
- (3) Obtaining control over property or services by threat; or
- (4) Obtaining control over stolen property or services knowing the property or services to have been stolen by another.
- (5) Knowingly dispensing motor fuel into a storage container or the fuel tank of a motor vehicle at an establishment in which motor fuel is offered for retail sale and leaving the premises of the establishment without making payment for the motor fuel. (K.S.A. Supp. 21-5801)

(b) Theft of property or services of the value of less than \$1,000 is a class A violation, except as provided below.

- (1) Property of the value of less than \$1,000 from three separate mercantile establishments within a period of 72 hours as part of the same act or

transaction or in two or more acts or transactions connected together or constituting parts of a common scheme or course of conduct;

(2) Property of the value of less than \$1,000 if committed by a person who has been convicted of theft two or more times; and

(3) Property which is a firearm of the value of less than \$25,000.

(c) As used in this section:

(1) Conviction or convicted includes being convicted of a violation of K.S.A 21-3701, prior to its repeal, this section or a municipal ordinance which prohibits the acts that this section prohibits;

(2) regulated scrap metal means the same as in K.S.A. 2011 Supp. 50-6,109, and amendments thereto; and

(3) value means the value of the property or, if the property is regulated scrap metal, the cost to restore the site of the theft of such regulated scrap metal to its condition at the time immediately prior to the theft of such regulated scrap metal, whichever is greater.

**6.5 CRIMINAL DEPRIVATION OF PROPERTY.** Criminal deprivation of property is obtaining or exerting unauthorized control over property, with intent to deprive the owner of temporary use thereof, without the owner's consent but not with the intent of depriving the owner permanently of the possession, use or benefit of such owner's property. (K.S.A. Supp. 21-5803)

Criminal deprivation of property that is a motor vehicle upon a first or second conviction is a Class A violation. Upon a first conviction of this paragraph, a person shall be sentenced to not less than 30 days nor more than one year's imprisonment and fined not less than \$100. Upon a second conviction of this paragraph, a person shall be sentenced to not less than 60 days nor more than one year's imprisonment and fined not less than \$200. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served the minimum mandatory sentence as provided herein. The mandatory provisions of this subsection shall not apply to any person where such application would result in a manifest injustice.

Criminal deprivation of property other than a motor vehicle or a firearm is a Class A violation. Upon a second or subsequent conviction of this subsection, a person shall be sentenced to not less than 30 days imprisonment and fined not less than \$100, except that the provisions of this subsection relating to a second or subsequent conviction shall not apply to any person where such application would result in a manifest injustice.

6.7 **CRIMINAL TRESPASS.**

(a) Criminal trespass is:

(1) Entering or remaining upon or in any land, nonnavigable body of water, structure, vehicle, aircraft or watercraft other than railroad property by a person with knowledge that such person is not authorized or privileged to do so, and:

(A) Such person enters or remains therein in defiance of an order not to enter or to leave such premises or property personally communicated to such person by the owner thereof or other authorized person; or

(B) Such premises or property are posted as provided in K.S.A. 32-1013, and amendments thereto, or in any other manner reasonably likely to come to the attention of intruders, or are locked or fenced or otherwise enclosed, or shut or secured against passage or entry; or

(C) Such person enters or remains therein in defiance of a restraining order issued by a court of competent jurisdiction and the restraining order has been personally served upon the person so restrained.

(2) Entering or remaining upon or in any public or private land or structure in a manner that interferes with access to or from any health care facility by a person who knows such person is not authorized or privileged to do so and such person enters or remains thereon or therein in defiance of an order not to enter or to leave such land or structure personally communicated to such person by the owner of the health care facility or other authorized person.

(b) As used in this section:

(1) Health Care Facility means any licensed medical care facility, certificated health maintenance organization, licensed mental health center, or mental health clinic, licensed psychiatric hospital or other facility or office where services of a health care provider are provided directly to patients.

(2) Health Care Provider means any person:

(A) Licensed to practice a branch of the healing arts;

(B) Licensed to practice psychology;

(C) Licensed to practice professional or practical nursing;

(D) Licensed to practice dentistry;

(E) Licensed to practice optometry;

(F) Licensed to practice pharmacy;

(G) Registered to practice podiatry;

- (H) Licensed as a social worker; or
- (I) Registered to practice physical therapy. (K.S.A. Supp. 21-5808)

(c) This section shall not apply to a land surveyor, licensed pursuant to article 70 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto, and such surveyor's authorized agents and employees who enter upon lands, waters, and other premises in the making of a survey.

Criminal trespass is a Class B violation.

Upon a conviction of a violation of subsection (a) (1)(C), a person shall be sentenced to not less than 48 consecutive hours of imprisonment which must be served either before or as a condition of any grant of probation or suspension, reduction of sentence or parole.

### **SECTION THREE**

11-105. is hereby adopted to read as follows:

#### **11-105. UNIFORM PUBLIC OFFENSE CODE; AMENDMENTS AND DELETIONS.**

Article 7 of the Uniform Public Offense Code edition of 2012 is hereby amended by deleting existing Sections 7.2 and 7.5, and by inserting in place thereof the following:

**7.2 INTERFERENCE WITH A LAW ENFORCEMENT OFFICER.** Interference with a law enforcement officer is:

(a) Falsely reporting to a law enforcement officer, law enforcement agency, or state investigative agency:

- (1) That a particular person has committed a crime, knowing that such information is false and intending that the officer or agency shall act in reliance upon such information;
- (2) any information, knowing that such information is false and intending to influence, impede or obstruct such officer's or agency's duty; or
- (3) that a crime has been committed or any information concerning a crime or suspected crime, knowing that such information is false and intending that the officer or agency shall act in reliance upon such information; or

(b) Knowingly obstructing, resisting or opposing any person authorized by law to serve process in the service or execution or in the attempt to serve or execute any writ, warrant, process or order of a court, or in the discharge of any official duty. (K.S.A. Supp. 21-5904)

Interference with a law enforcement officer is a Class A violation if the underling offence is a code violation or a civil case.

**7.5 RESERVED FOR FUTURE USE.**

## **SECTION FOUR**

11-110 is hereby adopted to read as follows:

### **11-110. UNIFORM PUBLIC OFFENSE CODE; ADDITIONS AND AMENDMENTS.**

Article 10 of the Uniform Public Offense Code edition of 2012 is hereby amended by adding Section 10.1.2 “Concealed Carry; Where Prohibited by Employers”

#### **10.1.2 CONCEALED CARRY; WHERE PROHIBITED BY EMPLOYERS.**

- (a) Nothing in K.S.A. Supp. 75-7c01 through 75-7c17, and amendments thereto (the "Act"), shall be construed to prevent:
  - (1) Any public or private employer from restricting or prohibiting by personnel policies persons licensed under the Act from carrying a concealed handgun while on the premises of the employer’s business or while engaged in the duties of the person’s employment by the employer, except that no employer may prohibit possession of a handgun in a private means of conveyance, even if parked on the employer's premises; or
  - (2) Any private business or city, county or political subdivision from restricting or prohibiting persons licensed or recognized under the Act from carrying a concealed handgun within a building of such entity, provided that building is posted in accordance with rules and regulations adopted by the Attorney General pursuant to the Act as a building where carrying a concealed handgun is prohibited; or
- (b) It shall be a violation of this Section to carry a concealed handgun in violation of any restriction or prohibition allowed by subsection (a) if the building is posted in accordance with rules and regulations adopted by the Attorney General pursuant to the Act. Any person who violates this Section and enters or remains on the premises in defiance of an order not to enter or to leave a building may be charged with Criminal Trespass under Section 6.7 of the Uniform Public Offense Code.

## **SECTION FIVE**                      Effective Date

This ordinance shall take effect and be enforced from and after its passage, approval, and publication as provided by law.

**PASSED AND APPROVED THIS 4th DAY OF NOVEMBER, 2013**

\_\_\_\_\_  
RONALD L. SHAFFER, MAYOR

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
JOYCE HAGEN MUNDY, CITY CLERK

\_\_\_\_\_  
CATHERINE P. LOGAN, CITY ATTORNEY



ORDINANCE NO. 2296

AN ORDINANCE AMENDING ARTICLE 6 OF CHAPTER XI OF THE CODE OF THE CITY OF PRAIRIE VILLAGE, 2003, ENTITLED "PUBLIC OFFENSES & TRAFFIC" BY REPEALING CHAPTER XI, ARTICLE 6 ENTITLED "STANDARD TRAFFIC ORDINANCE" AND INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES", EDITION OF 2013 WITH CERTAIN DELETIONS AND ADDITIONS; AND PRESCRIBING ADDITIONAL REGULATIONS.

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

**SECTION ONE**

11-601. is hereby adopted to read as follows:

**11-601. INCORPORATING STANDARD TRAFFIC ORDINANCE**

A. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Prairie Village, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities," Edition of 2013, prepared and published in book form by the League of Kansas Municipalities, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed, such incorporation being authorized by K.S.A. 12-3301 and 12-3302 and K.S.A. 12-3309 through 12-3012. Not less than two copies of said standard ordinance shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Prairie Village, Kansas," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Police Department, municipal judges and all administrative departments of the city charged with the enforcement of the ordinances shall be supplied, at the cost of the city, such number of official copies of such "Standard Traffic Ordinance" similarly marked, deleted and changed as may be deemed expedient.

**SECTION TWO**

Article 1, DEFINITIONS, PEDESTRIAN, Standard Traffic Ordinance for Kansas Cities is hereby amended as follows, adding:

(d) The term pedestrian includes individuals who are walking, jogging or running within the city limits of Prairie Village, Kansas. When this article requires that pedestrians walk in a certain fashion, the term walk shall be defined to include the acts of running and jogging.

**SECTION THREE**

11-602. is hereby adopted as follows:

**11-602. SAME; TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES.**

(a) An ordinance traffic infraction is a violation of any section of this article that prescribes or requires the same behavior as that prescribed or required by a statutory provision that is classified as a traffic infraction in K.S.A. Supp. 8-2118.

(b) All traffic violations which are included within this article, and which are not ordinance traffic infractions as defined in subsection (a) of this section, shall be considered traffic offenses.

**SECTION FOUR**

11-603. is hereby adopted as follows:

**11-603. PENALTY FOR SCHEDULED FINES.**

- (a.) The fine for violation of an ordinance traffic infraction or any other traffic offense for which the municipal judges establish a fine in a fine schedule shall not be more than \$500. A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has been established in a schedule of fines shall pay a fine fixed by the court not to exceed \$500.
- (b.) Every person convicted of a violation of any of the provisions of this ordinance for which another penalty is not provided by this ordinance or by the schedule of fines established by the judge of the municipal court shall be punished for first conviction thereof by a fine of not more than \$500 or by imprisonment for not more than one month or by both such fine and imprisonment; for a second such conviction within one year thereafter that person shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than six months or both such fine and imprisonment; upon a third or subsequent conviction within one year after the first conviction such person shall be punished by a fine of not more than \$2,500 or by imprisonment for not more than one year or by both such fine and imprisonment. (K.S.A. 8-2116; K.S.A. 21-4503; K.S.A. 21-4503a).

**SECTION FIVE**

11-604. is hereby adopted as follows:

**11-604. TRAFFIC CONTROL SIGNAL PREEMPTION DEVICES**

Article 4, Section 13.1 of the Standard Traffic Ordinance is hereby amended as follows:

Article 4, Section 13.1, subsection (c) is deleted and replaced with the following:

“(c) The provisions of this section shall not apply to the operator, passenger, or owner of any of the following authorized emergency or public works vehicles, in the course of such person’s emergency or public safety duties:

- (1) Publicly owned fire department vehicles
- (2) Publicly owned police vehicles
- (3) Motor vehicles operated by ambulance services permitted by the emergency medical services board; or
- (4) Publicly owned public works vehicles during snow removal operations.”

**SECTION SIX**

11-605. is hereby adopted as follows:

**11-605. UNATTENDED MOTOR VEHICLE.**

Article 13 of the Standard Traffic Ordinance is hereby amended adding Section 107 to read as follows:

**“Sec. 107. Unattended Vehicles.** No person either operating or in charge of a motor vehicle shall leave the vehicle unattended and unlocked on either a public or private area within the City unless the ignition of such vehicle is in the locked position, the keys are removed from the ignition and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway. These provisions shall not apply if the windows are closed and the doors locked or the vehicle is

in a closed and secure building or when an engine has been activated by a remote starter system when the keys are not in the motor vehicle. A vehicle shall be presumed unattended if the owner or person in charge of the vehicle is not in the vehicle or is not in the immediate vicinity so as to have direct control or access to the vehicle.”

**SECTION SEVEN**

Article 19, Sec. 193 of the Standard Traffic Ordinance is hereby amended by adding Sec. 193(1) to read as follows:

**“Sec. 193(1) Driver’s License Notice of Change of Address or Name.** Whenever any person, after applying for or receiving a driver’s license shall move from the mailing address or residence address named in such application or in the driver’s license issued to such person, or when the name of the licensee is changed by marriage or otherwise, such person, within ten (10) days thereafter, shall notify the Kansas Department of Revenue motor vehicles division in writing of such person’s old and new mailing and / or residence address and / or of such former and new name(s) and the driver’s license number of such person.”

**SECTION EIGHT**

Ordinance No. 2264 is hereby repealed.

**SECTION NINE**

Effective Date

This ordinance shall take effect and be enforced from and after its passage, approval, and publication as provided by law.

**PASSED AND APPROVED THIS 5th DAY OF NOVEMBER, 2013.**

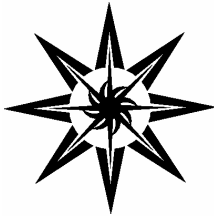
\_\_\_\_\_  
Ronald L. Shaffer, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

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

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



## JAZZFEST COMMITTEE

Council Committee Meeting Date: November 4, 2013

City Council Meeting Date: November 4, 2013

### Consider Jazzfest Funding

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#### **SUGGESTED MOTION:**

**CITY COUNCIL AUTHORIZE THE JAZZFEST COMMITTEE TO UTILIZE THE \$10,000 ONE-TIME LOAN APPROVED JANUARY 22, 2013 TO COVER FESTIVAL EXPENDITURES AND USE THE REMAINDER AS SEED FUNDING FOR THE 2014 FESTIVAL.**

#### **BACKGROUND**

From the first year, the JazzFest Committee has strived to fund the event expenses without budgeted funds through sponsorships and revenue raised. At the January 22<sup>nd</sup> City Council meeting the City Council approved a memorandum of understanding for professional fund raising services and a one-time \$10,000 loan to enable the Committee to enter into the agreement. The Committee sought outside services to secure a broader base of support for the funding of the jazz festival. With requests being made to Prairie Village residents and businesses to support several city sponsored events such as Villagefest and State of the Arts as well as other community program, felt it needed to broaden its base of support for the benefit of all the community programs seeking funds.

Through early fund-raising the committee had the funds to secure an excellent talent line-up including Marilyn May and Bobby Watson and his All-Stars. The talent, which is the primary expense of the festival, is also a prime component in the procurement of sponsorships, as one begets the other. The Prairie Village Jazz Festival has become "the best outdoor Jazz Festival in the last five years". The fabulous line-up drew a huge crowd; but the committee exceeded the proposed talent budget with two "headline" performers.

The committee went into the event having raised over \$55,000 (\$20,000 through the efforts of the fund-raiser) and had not accessed the loan funds committed to the committee. This is more than twice the amount available at the beginning of the 2012 festival. Following the lead of Jazz in the Woods, the committee offered corporate tables to high level qualifying sponsors and a VIP Tent. There were 20 companies/individuals sponsors contributing over \$500. For their contribution they were received tickets to the VIP Tent or were able to purchase a corporate table for 8. To accommodate this additional tents, tables and chairs were rented and catering was arranged.

Increases in these two areas, combined with less than expected food and drink sales have resulted in the need to access the one-time loan granted last January to fund festival expenses.

While the 2013 festival was a huge success with 10,000+ people in attendance and previous festivals also drawing several thousand in attendance, through the past four years, the committee was unable to adequately cover its costs. The committee believes strongly in the value of this event and wants to continue its efforts for the 2015 Prairie Village Jazz Festival next September; however, it recognizes it will take the continued support of sponsors and a year when both the talent and weather are excellent to be able to repay the city's loan.

## **ATTACHMENTS**

JazzFest Historical Financial Analysis

## **PREPARED BY**

Joyce Hagen Mundy  
City Clerk

October 24, 2013

# JAZZFEST HISTORICAL ANALYSIS

	<b>2010 Actual</b>	<b>2011 Actual</b>	<b>2012 Actual</b>	<b>2013 Actual</b>
<b>INCOME</b>				
Contribution from Arts Council	\$ 5,000	\$ 1,500	\$ 1,500	\$ 1,500
Sponsorships	\$ 19,900	\$ 20,795	\$ 14,342	\$ 49,353
Grants	\$ 5,000	\$ 1,500	\$ 2,000	\$ 3,000
Donations - PV	\$ 3,221			
Fund Raising	\$ 57	\$ 10,350	\$ 7,020	
Corporate Tents				\$ 1,500
<b>Total Income before Event</b>	<b>\$ 28,503</b>	<b>\$ 34,145</b>	<b>\$ 24,862</b>	<b>\$ 55,353</b>
Vendors	\$ 2,357	\$ 1,500		\$ 947
Merchandise Sales	\$ 515	\$ 525	\$ 1,502	
Drink & Merchandise Sales	\$ 9,571	\$ 1,314	\$ 5,916	\$ 8,114
<b>Total Income</b>	<b>\$ 40,946</b>	<b>\$ 37,484</b>	<b>\$ 32,280</b>	<b>\$ 64,414</b>
<b>EXPENSES</b>				
Brenda Pelofsky & Apprec event				\$ 10,584
Talent	\$ 21,910	\$ 14,378	\$ 18,294	\$ 26,670
Stage/Audio Equipment	\$ 5,639	\$ 6,762	\$ 6,230	\$ 8,121
Tent Rental	\$ 755	\$ 365	\$ 1,926	\$ 6,505
Advertising/marketing	\$ 6,783	\$ 3,800	\$ 3,959	\$ 4,200
Banners/Yard Signs	\$ 2,448	\$ 1,783	\$ 100	\$ 2,587
Catering & Food				\$ 4,962
Event Expenses	\$ 5,086	\$ 4,422	\$ 1,448	\$ 2,909
Merchandise Expenses	\$ 791	\$ 2,958	\$ 2,218	\$ 1,487
Wine/Sangria				\$ 1,964
2012 unpaid expenses				\$ 2,150
<b>Total Expenses</b>	<b>\$ 43,412</b>	<b>\$ 34,468</b>	<b>\$ 34,175</b>	<b>\$ 72,139</b>
Received \$1000 of 2013 PVAC donation in 2012 to cover expenses				\$ (7,725)

## MAYOR'S ANNOUNCEMENTS

November 4, 2013

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

Planning Commission	11/05/2013	7:00 p.m.
Tree Board	11/06/2013	6:00 p.m.
Parks and Recreation Committee	11/13/2013	7:00 p.m.
Council Committee of the Whole	11/18/2013	6:00 p.m.
City Council	11/18/2013	7:30 p.m.

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The Prairie Village Arts Council is pleased to present a pastel exhibit by the MidAmerica Pastel Society as the November exhibit in the R. G. Endres Gallery. A reception will be held this Friday, November 8, from 6:30 - 7:30 p.m.

The Northeast Johnson County Chamber of Commerce 2013 Annual Gala is on Saturday, November 23 at the Overland Park Marriott. RSVP to Jeanne Koontz if you would like to attend.

Due to the winter holidays, the Environment/Recycle Committee will combine their November and December meetings into a single meeting on Wednesday, December 4 at 7:00 p.m. in the MPR.

The Johnson and Wyandotte Counties Council of Mayors Holiday Social is Wednesday, December 4 at 5:30 p.m. at the OP Convention Center. RSVP to Jeanne Koontz by November 20<sup>th</sup> if you would like to attend.

The Mayor's Holiday Tree Lighting will be Thursday, December 5 from 6:00 - 7:00 p.m. at Corinth Square.

The Employee Holiday Luncheon will be Wednesday, December 11 from 11:30 a.m. - 1:00 p.m. in the Council Chambers.

The Mayor's Holiday Gala for Volunteers will be Friday, December 13 at Homestead Country Club.

## INFORMATIONAL ITEMS

November 4, 2013

1. Quarterly Financial Report - September 30, 2013
2. Third Quarter 2013 Crime Report
3. Sister City Committee Minutes - August 12, 2013
4. Environmental/Recycle Committee Minutes - August 28, 2013
5. Parks & Recreation Committee Minutes - September 11, 2013
6. Mark Your Calendars



# **City of Prairie Village**

## **Third Quarter**

Financial Report for the third quarter

Ended September 30, 2013

Relating to Fiscal Year 2013

Unaudited



**GENERAL FUND**

**General Fund Balance.** The chart, below, shows with 75 percent of the year complete revenues are at 76.5 percent of projections while expenditures are at 56 percent of appropriations. The third quarter for 2012 ended with revenues at 76.8% of projections and expenditures at 59.5% of appropriations. The chart also reports the budgeted fund balance at the start of 2013, which is \$5,647,459 and the audited actual fund balance, which is \$7,490,278.

General Fund	Budget	YTD	Percent
Fund Balance 1/1	\$ 5,647,459	\$ 7,490,278	
Revenues	16,192,382	12,394,634	76.5%
Expenditures	17,863,131	10,009,082	56.0%
Balance	3,976,710	9,875,830	

The economy tended to be mostly positive in the third quarter despite the Federal Reserve and government shut down. Employment numbers had a steady downtrend during the quarter. With the government shutdown there are no numbers on unemployment for the month of September. Unemployment numbers will not come out again until the government resumes operations.

Housing prices, as measured by the S&P, continue to rise, although at a slower rate than expected. The 20-city index rose 0.6% in July over the month, which was below the 0.8% expected.

The Consumer Confidence index fell from 82.1 at the end of June to 79.7 at the end of September. This could be an indication that consumers may be more frugal over the holiday season, which affects City sales and use tax revenues.

The uncertainty surrounding the US Budget and the debt ceiling can be expected to have both short term and long-term effects on the economy. How this will affect the local economy will depend on how long the two issues go unresolved.

The focus of this report is on 2013 revenues and expenditures. The city’s goal is to achieve a “positive outlook” in all key financial areas.

Discussed, on page 2, are differences between individual revenues and expenses between 2013 and 2012.

**Rating Scale for Key Variances:**

- Positive Outlook
- Reason for Concern or Comment
- Negative Outlook



**Key variances include:**

- **Sales Tax.** Sales tax revenues are \$94,909 greater compared to the last fiscal year, and are at 59.4 percent of the budget estimate. The fourth quarter is traditionally the strongest month for sales tax revenue. In 2012 we were at 63 percent of the budget estimate, but by the end of the fourth quarter we had reached 111.2 percent.
- **Use Tax.** Use tax revenues are \$13,511 greater compared to the last fiscal year, and are at 58.6 percent of the budget estimate. Use tax is a tax on goods purchased outside our taxing jurisdiction but would have been taxable had they taken place within it. The fourth quarter is traditionally the strongest month for use tax revenue also. In 2012 we were at 68.3 percent of the budget estimate, but by the end of the fourth quarter we had reached 121 percent.
- **Motor Vehicle Tax.** Motor Vehicle tax revenues are \$112,246 greater compared to 2012, and are at 92.6 percent of the budget estimate. The basis of this tax is the valuation of registered motor vehicles within the City. The Treasury and Financial Management Department at Johnson County provide the estimates that are used during the budget process. In 2012 we were at 88 percent of the budget estimate.
- **Liquor Tax.** Liquor tax revenues have decreased \$4,873 compared to the last fiscal year, but are at 92.2 percent of the budget estimate. Liquor tax is allocated 1/3 General Fund, 1/3 Parks & Recreation and 1/3 Special Alcohol. In 2012 we were at 111.8 percent of the budget estimate.
- **Franchise Fees.** Franchise fee revenues have declined \$184,956 compared to the last fiscal year, and are at 69 percent of the budget estimate. The decline is in part a result of a change in how the KCP&L franchise fee (September 2012 to February 2013) was accounted for during the audit process. In 2012 we were at 74.7 percent of the budget estimate.

- Recreation Fees.** Recreation fee revenue declined \$48,806 compared to last fiscal year, but is at 90.1 percent of the budget estimate. In 2012 we were at 105.1 percent of the budget estimate. The weather played a big role in pool attendance revenue this year. Daily admissions to the pool were \$23,239 below the budget estimate.
- Interest on Investments.** Interest receipts are \$26,654 greater compared to 2012, and are at 98.5 percent of the budget estimate. The City began a new investment program in 2013 (March) with the assistance of Columbia Capital. In 2012 we were at 7.3 percent of the budget estimate.
- Capital Outlay.** Capital Outlay expenses are typically expenditures that add a fixed asset or increase the value of an existing fixed asset. These expenditures happen throughout the year. The 2013 General Fund budget included:

Capital Outlay - 2013 Budget		
Item to be Replaced/Major Repair	Department	2013 Budget
Office Equipment	Adinistration	2,050
Council Chairs	All	12,000
MPR Furniture	All	16,000
Field Equipment	Codes	450
Miscellaneous Equipment	Codes	550
Office Equipment	Codes	250
Hardware for field staff	IT	5,000
Miscellaneous Equipment	IT	2,000
Monitors and printer replacement	IT	9,500
PC's - city-wide	IT	10,500
Pool Vacuum / Miscellaneous Equipment	Parks	5,000
Miscellaneous Equipment	Police	13,000
Office Equipment	Police	5,000
Taser Replacement (10)	Police	9,000
Vehicles (3)	Police	79,500
Building upgrades	Public Works	53,000
Drinking Fountain (Harmon)	Public Works	7,200
KW Generator	Public Works	4,350
Restroom (Harmon)	Public Works	5,000
Riding Mower	Public Works	13,500
Wood Chipper	Public Works	47,000
		<b>\$ 299,850</b>

The chart, below, provides summary comparison information on revenues, expenditures and transfers for the third quarter ending September 2013 versus September 2012.

<b>Year to Date Comparison to Prior Year</b>				
<b>General Fund</b>	<b>2013</b>	<b>2012</b>	<b>Over (Under)</b>	
<b>Revenues:</b>				
Property Taxes	3,924,792	4,146,049	(221,257)	-5.34%
Sales Taxes	2,724,077	2,629,168	94,909	3.61%
Use Tax	509,571	496,060	13,511	2.72%
Motor Vehicle Tax	422,950	310,704	112,246	36.13%
Liquor Tax	87,943	92,816	(4,873)	-5.25%
Franchise Fees	1,233,712	1,418,668	(184,956)	-13.04%
Licenses & Permits	363,540	330,981	32,560	9.84%
Charges for Services	1,225,630	1,103,533	122,097	11.06%
Fines & Fees	923,802	791,829	131,973	16.67%
Recreational Fees	422,869	471,675	(48,806)	-10.35%
Interest on Investments	29,558	2,904	26,654	917.88%
Miscellaneous	102,722	98,897	3,825	3.87%
<b>Total Revenue</b>	<b>\$11,971,167</b>	<b>\$11,893,284</b>	<b>\$77,883</b>	<b>0.65%</b>
<b>Transfers from Other funds:</b>				
Transfer from General Fund	-	-	-	
Transfer from Special Highway Fund	-	-	-	
Transfer from Stormwater Utility Fund	423,467	450,000	(26,533)	
Transfer from Special Parks & Rec Fur	-	-	-	
Transfer from Special Alcohol Fund	-	-	-	
<b>Total</b>	<b>423,467</b>	<b>450,000</b>	<b>(26,533)</b>	
<b>Total Sources</b>	<b>\$12,394,634</b>	<b>\$12,343,284</b>	<b>\$51,350</b>	
<b>Expenditures:</b>				
Personal Services	6,064,450	6,326,604	(262,154)	-4.14%
Contract Services	3,179,767	2,996,601	183,166	6.11%
Commodities	586,796	532,709	54,087	10.15%
Capital Outlay	178,069	217,330	(39,261)	-18.07%
Debt Service	-	-	-	
Infrastructure	-	-	-	
Contingency	-	-	-	
<b>Total Expenditures</b>	<b>10,009,082</b>	<b>10,073,244</b>	<b>(64,162)</b>	
<b>Transfers to Other Funds:</b>				
Transfer to Capital Projects Fund	2,518,855	1,636,649	882,206	53.90%
Transfer to Bond & Interest Fund	-	-	-	
Transfer to Risk Management Fund	35,000	35,000	-	0.00%
Transfer to Economic Development	-	-	-	
Transfer to Equipment Reserve Fund	275,000	252,500	22,500	8.91%
<b>Total</b>	<b>2,828,855</b>	<b>1,924,149</b>	<b>904,706</b>	
<b>Total Uses</b>	<b>12,837,937</b>	<b>11,997,393</b>	<b>840,544</b>	

The charts, on page 5, provide information on revenue variances for the General Fund and Property Tax for the third quarter ending September 2013.

**Revenue Variances.** The chart, below, shows General Fund revenues.

General Fund	Budget	Received YTD Actual	Percent Received	
Revenues:				
Property Taxes	3,924,171	3,924,792	100.0%	
Sales Taxes	4,586,904	2,724,077	59.4%	Yellow
Use Tax	868,837	509,571	58.6%	Yellow
Motor Vehicle Tax	456,712	422,950	92.6%	Green
Liquor Tax	95,422	87,943	92.2%	Yellow
Franchise Fees	1,787,100	1,233,712	69.0%	Red
Licenses & Permits	472,497	363,540	76.9%	
Charges for Services	1,833,534	1,225,630	66.8%	
Fines & Fees	1,166,406	923,802	79.2%	
Recreational Fees	469,238	422,869	90.1%	Yellow
Interest on Investments	30,000	29,558	98.5%	Green
Miscellaneous	78,094	102,722	131.5%	
<b>Total Revenue</b>	<b>\$15,768,915</b>	<b>\$11,971,167</b>	<b>75.9%</b>	

The chart, below, shows Property Tax revenues.

Property Tax	2013 Budget	YTD Comparison		Percent Budget Received
		2013	2012	
Revenues:				
General Fund	3,924,171	3,924,792	4,146,049	100.0%
Bond & Interest Fund	1,575,598	1,568,560	1,322,424	99.6%
<b>Total Revenue</b>	<b>\$5,499,769</b>	<b>\$5,493,352</b>	<b>\$5,468,473</b>	<b>99.9%</b>

## OTHER FUNDS

The Statement of Revenues and Expenses for the quarter ended September 30, 2013 are shown on page 6.

	Solid Waste Management	Special Highway	Stormwater Utility	Special Parks & Rec	Special Alcohol	Bond & Interest	Capital Projects	Risk Mgmt	Economic Development	Equipment Reserve	CID Corinth	CID PV Shops
<b>Revenues:</b>												
Property Taxes						1,568,561					259,032	250,151
Sales Taxes												
Bond Proceeds												
Motor Vehicle Tax				87,943	87,943							
Liquor Tax			3,360									
Licenses & Permits	193	263,222					168,357					
Intergovernmental	1,335,509		1,571,516									
Charges for Services	2,855	11	3,521	194	314	1,655	45,830	390	7,868	1,997	992	2,194
Interest on Investments	9,344			1,454				3,349				
Miscellaneous												
<b>Total Revenue</b>	<b>1,347,900</b>	<b>263,232</b>	<b>1,578,397</b>	<b>88,137</b>	<b>89,711</b>	<b>1,707,292</b>	<b>214,188</b>	<b>3,739</b>	<b>7,868</b>	<b>1,997</b>	<b>260,024</b>	<b>252,345</b>
<b>Transfers from Other funds:</b>												
Transfer from General Fund							2,518,855	35,000		275,000		
Transfer from Special Highway							565,813					
Transfer from Storm Water Utility Fund						312,752	840,357					
Transfer from Special Parks & Rec Fund							95,422					
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>312,752</b>	<b>4,020,447</b>	<b>35,000</b>	<b>-</b>	<b>275,000</b>	<b>-</b>	<b>-</b>
<b>Total Sources</b>	<b>1,347,900</b>	<b>263,232</b>	<b>1,578,397</b>	<b>88,137</b>	<b>89,711</b>	<b>2,020,044</b>	<b>4,234,635</b>	<b>38,739</b>	<b>7,868</b>	<b>276,997</b>	<b>260,024</b>	<b>252,345</b>
<b>Expenditures:</b>												
Personal Services	17,701				51,269							
Contract Services	925,258				17,092			41,823	62,306		605,272	411,546
Commodities					640							
Capital Outlay										94,817		
Debt Service												
Infrastructure												
Bond Costs												
<b>Total Expenditures</b>	<b>942,959</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>69,000</b>	<b>1,999,385</b>	<b>3,877,304</b>	<b>41,823</b>	<b>62,306</b>	<b>94,817</b>	<b>605,272</b>	<b>411,546</b>
<b>Transfers to Other Funds:</b>												
Transfer to General Fund			423,467									
Transfer to Bond & Interest Fund			312,752									
Transfer to Capital Projects Fund		565,813	840,357	95,422								
Transfer to Equipment Reserve Fund												
<b>Total</b>	<b>-</b>	<b>565,813</b>	<b>1,576,576</b>	<b>95,422</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Total Uses</b>	<b>942,959</b>	<b>565,813</b>	<b>1,576,576</b>	<b>95,422</b>	<b>69,000</b>	<b>1,999,385</b>	<b>3,877,304</b>	<b>41,823</b>	<b>62,306</b>	<b>94,817</b>	<b>605,272</b>	<b>411,546</b>
<b>Sources Over/(Under) Uses</b>	<b>404,941</b>	<b>(302,581)</b>	<b>1,821</b>	<b>(7,285)</b>	<b>20,711</b>	<b>20,659</b>	<b>357,331</b>	<b>(3,084)</b>	<b>(54,438)</b>	<b>182,181</b>	<b>(345,246)</b>	<b>(159,202)</b>

# PRAIRIE VILLAGE - MISSION HILLS

## THIRD QUARTER CRIME REPORT - 2013

CRIME	2009	2010	2011	2012	2013	AVERAGE	2013 +/- AVG
Homicide	0	0	0	0	0	0.00	0.00
Rape	3	4	4	5	1	3.40	-2.40
Robbery	6	1	3	3	2	3.00	-1.00
Assault	52	81	65	61	72	66.20	5.80
Burglary	82	52	57	38	48	55.40	-7.40
Residence	63	46	53	33	43	47.60	-4.60
Business/Miscellaneous	19	6	4	5	5	7.80	-2.80
Theft	214	198	196	179	149	187.20	-38.20
Auto Theft	12	18	13	10	23	15.20	7.80
Arson	2	5	3	2	1	2.60	-1.60
Forgery	16	4	7	5	6	7.60	-1.60
Fraud	10	9	11	21	18	13.80	4.20
Criminal Damage	120	153	132	108	94	121.40	-27.40
Sexual Offenses	1	10	9	9	10	7.80	2.20
<b>TOTAL</b>	<b>518</b>	<b>535</b>	<b>500</b>	<b>441</b>	<b>424</b>	<b>483.60</b>	<b>-59.60</b>

ACCIDENTS	2009	2010	2011	2012	2013	AVERAGE	2013 +/- AVG
Fatal	0	1	1	0	1	0.60	0.40
Street - Injury	17	28	19	18	18	20.00	-2.00
Street - Property + \$1,000*	202	206	223	240	150	204.20	-54.20
Street - Property - \$1,000*	34	36	48	54	50	44.40	5.60
Private - Injury	0	3	0	0	1	0.80	0.20
Private - Property	51	65	65	58	52	58.20	-6.20
Walk-In - Property	33	39	42	29	33	35.20	-2.20
<b>TOTAL</b>	<b>337</b>	<b>378</b>	<b>398</b>	<b>399</b>	<b>305</b>	<b>363.40</b>	<b>-58.40</b>

MENTAL HEALTH	2009	2010	2011	2012	2013	AVERAGE	2013 +/- AVG
Suicide			2	1	3	2.00	1.00
Attempted Suicide			11	9	7	9.00	-2.00
Involuntary Committal			20	14	12	15.33	-3.33
Voluntary Committal			11	23	18	17.33	0.67
All Other Mental Health			51	64	99	71.33	27.67
<b>TOTAL</b>			<b>95</b>	<b>111</b>	<b>139</b>	<b>115.00</b>	<b>24.00</b>

<b>TOTAL CALLS</b>	<b>7,685</b>	<b>7,705</b>	<b>6,189</b>	<b>5,995</b>	<b>5,759</b>	<b>6,666.60</b>	<b>-907.60</b>
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# PRAIRIE VILLAGE

## THIRD QUARTER CRIME REPORT - 2013

CRIME	2009	2010	2011	2012	2013	AVERAGE	2013 +/- AVG
Homicide	0	0	0	0	0	0.00	0.00
Rape	2	3	4	5	1	3.00	-2.00
Robbery	5	1	3	2	2	2.60	-0.60
Assault	47	78	64	55	69	62.60	6.40
Burglary	68	51	55	33	43	50.00	-7.00
Residence	52	45	51	28	38	42.80	-4.80
Business/Miscellaneous	16	6	4	5	5	7.20	-2.20
Theft	173	179	163	156	134	161.00	-27.00
Auto Theft	10	16	12	9	18	13.00	5.00
Arson	2	5	3	2	0	2.40	-2.40
Forgery	16	4	7	5	6	7.60	-1.60
Fraud	10	9	11	18	18	13.20	4.80
Criminal Damage	98	141	109	90	86	104.80	-18.80
Sexual Offenses	1	10	9	8	10	7.60	2.40
<b>TOTAL</b>	<b>432</b>	<b>497</b>	<b>440</b>	<b>383</b>	<b>387</b>	<b>427.80</b>	<b>-40.80</b>

ACCIDENTS	2009	2010	2011	2012	2013	AVERAGE	2013 +/- AVG
Fatal	0	1	1	0	1	0.60	0.40
Street - Injury	14	26	18	18	18	18.80	-0.80
Street - Property + \$1,000*	179	191	204	218	134	185.20	-51.20
Street - Property - \$1,000*	33	26	41	45	47	38.40	8.60
Private - Injury	0	3	0	0	0	0.60	-0.60
Private - Property	49	62	63	56	49	55.80	-6.80
Walk-In Property	33	36	42	27	33	34.20	-1.20
<b>TOTAL</b>	<b>308</b>	<b>345</b>	<b>369</b>	<b>364</b>	<b>282</b>	<b>333.60</b>	<b>-51.60</b>

MENTAL HEALTH	2009	2010	2011	2012	2013	AVERAGE	2013 +/- AVG
Suicide			2	1	3	2.00	1.00
Attempted Suicide			11	9	6	8.67	-2.67
Involuntary Committal			17	14	7	12.67	-5.67
Voluntary Committal			11	22	16	16.33	-0.33
All Other Mental Health			48	59	96	67.67	28.33
<b>TOTAL</b>			<b>89</b>	<b>105</b>	<b>128</b>	<b>107.33</b>	<b>20.67</b>

<b>TOTAL CALLS</b>	<b>6,271</b>	<b>6,350</b>	<b>5,076</b>	<b>4,947</b>	<b>4,753</b>	<b>5,479.40</b>	<b>-726.40</b>
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# MISSION HILLS

## THIRD QUARTER CRIME REPORT - 2013

CRIME	2009	2010	2011	2012	2013	AVERAGE	2013 +/- AVG
Homicide	0	0	0	0	0	0.00	0.00
Rape	1	1	0	0	0	0.40	-0.40
Robbery	1	0	0	1	0	0.40	-0.40
Assault	5	3	1	6	3	3.60	-0.60
Burglary	14	1	2	5	5	5.40	-0.40
Residence	11	1	2	5	5	4.80	0.20
Business/Miscellaneous	3	0	0	0	0	0.60	-0.60
Theft	41	19	33	23	15	26.20	-11.20
Auto Theft	2	2	1	1	5	2.20	2.80
Arson	0	0	0	0	1	0.20	0.80
Forgery	0	0	0	0	0	0.00	0.00
Fraud	0	0	0	3	0	0.60	-0.60
Criminal Damage	22	12	23	18	8	16.60	-8.60
Sexual Offenses	0	0	0	1	0	0.20	-0.20
<b>TOTAL</b>	<b>86</b>	<b>38</b>	<b>60</b>	<b>58</b>	<b>37</b>	<b>55.80</b>	<b>-18.80</b>

ACCIDENTS	2009	2010	2011	2012	2013	AVERAGE	2013 +/- AVG
Fatal	0	0	0	0	0	0.00	0.00
Street - Injury	3	2	1	0	0	1.20	-1.20
Street - Property + \$1,000*	23	15	19	22	16	19.00	-3.00
Street - Property - \$1,000*	1	10	7	9	3	6.00	-3.00
Private - Injury	0	0	0	0	1	0.20	0.80
Private - Property	2	3	2	2	3	2.40	0.60
Walk-In - Property	0	3	0	2	0	1.00	-1.00
<b>TOTAL</b>	<b>29</b>	<b>33</b>	<b>29</b>	<b>35</b>	<b>23</b>	<b>29.80</b>	<b>-6.80</b>

MENTAL HEALTH	2009	2010	2011	2012	2013	AVERAGE	2013 +/- AVG
Suicide			0	0	0	0.00	0.00
Attempted Suicide			0	0	1	0.33	0.67
Involuntary Committal			3	0	5	2.67	2.33
Voluntary Committal			0	1	2	1.00	1.00
All Other Mental Health			3	5	3	3.67	-0.67
<b>TOTAL</b>			<b>6</b>	<b>6</b>	<b>11</b>	<b>7.67</b>	<b>3.33</b>

<b>TOTAL CALLS</b>	<b>1,414</b>	<b>1,355</b>	<b>1,113</b>	<b>1,048</b>	<b>1,006</b>	<b>1,187.20</b>	<b>-181.20</b>
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**PRAIRIE VILLAGE**  
**SISTER CITY COMMITTEE MINUTES**  
***August 12, 2013***

Members in attendance: Cindy Dwigans, Jim Hohensee, Peter Jarosewycz, Bob McGowan, Carole Mosher, Ivan Novikov, Craig Stramel

June meeting minutes: Carole Mosher made a motion to approve June's minutes and Bob McGowan seconded. The minutes were approved.

Sunflowers: **August 22-24.** Carole checked the area in which they are to be planted. Carole and Danielle Dulin met with the Public Works Department. The top tier will be kept mostly the same. Roses and grass will be relocated. Carole has picked out two different sunflower varieties. On Thursday and Friday at 3:30 p.m., Carole will start preparing the area with whomever is available. She has a tiller. The planting party will be Saturday at 2:00 p.m. Afterwards there will be a cookout at the Hohensee's. Carole will order the plants as soon as she receives approval from Public Works. Danielle will check with Public Works on the approval.

Village Fest recap: **July 4.** We used about 200 balloons and had some leftover helium (about 25 balloons worth) from the three tanks which had been purchased. Next year we will plan for three cans of helium and about 250 balloons. New flyers were handed out. More people were familiar with Prairie Village having a sister city than previously. An extra \$30 was spent for additional copies of the brochures. A motion was made by Cindy Dwigans and seconded by Craig Stramel to approve the additional expense for printing brochures. Cindy Dwigans said that the Kansas Visitor's Center near Wichita was handing out free sunflowers. She will check with them to see if we can get them for free next year.

Craig's presentation about Ukraine: **September 9, 7:00 p.m..** Danielle says to bring the presentation on a flash drive. Notices will be posted on the PV Post (on-line) and on community bulletins boards at Hy Vee, Starbucks, Corinth Library, etc. Jim Hohensee will bring the refreshments - coffee (both regular and decaf) and cookies. No paper products are needed as we have enough. A motion to authorize up to \$100 for refreshments was made by Cindy Dwigans and seconded by Craig Stramel.

Sister Cities International meeting: **July 12-13,** San Antonio. Craig Stramel presented highlights of the meeting. Opening ceremony – very nice. Urban environmental accord – sustainability session was geared toward larger cities. Keynote speaker suggested that sister cities have web sites with video and Skype with each other once a month. Archiving history session – going to digital or on-line. Social media session. Sister City International website session. Benefits of membership in Sister Cities International – consultations, insurance, directory, young artists and author showcase, administrative and operations support. Craig will scan the benefits information to be distributed with the minutes. Training and best practices toolkits. Diplomatic corps panel. Fundraising sessions – writing grants. Communications session. Luncheon keynote speaker – Hundred Thousand Strong. Sports diplomacy session – sports in an international language. Protocol and communications. Networking – small Texas city has a Ukrainian sister city.

Social media: Monthly or quarterly Skype discussion on various topics or questions from the English Club or schools. Danielle mentioned the possibility of using Johnson County facilities. Cindy will check.

Ethnic Enrichment Festival: **August 16-18**. This weekend Friday-Sunday. Peter Jarosewycz will check to see if it will have a Ukrainian booth.

Ukrainian Club picnic: **September 21?** Peter will check on the date.

Brainstorming/planning meeting for the coming year: **September 28**. 8:30 a.m. Saturday at the Roasterie in the Hen House in the Corinth shopping center. Jim suggested an off-site meeting to discuss the coming year. Topics will include an art exchange, Facebook, Skype, brick location. Come with ideas.

Bricks update: Danielle says that new conceal/carry laws from the Kansas legislature may cause City Hall to change the building entrance for security enhancements. The brick location may change. To be discussed at the September 28 meeting.

Exchange students' reception: Carole will check on a reception for the foreign exchange students at Shawnee Mission East H.S.

Upcoming meetings:

Craig's presentation about Ukraine: **September 9**

Brainstorming/planning meeting: **September 28**

*Next regular committee meeting*: **October 14**

Adjournment: A motion to adjourn was made by Bob McGowan and seconded by Ivan Novikov. The meeting was adjourned at 8:30 p.m.

**MEMBERS**

1	Cindy	Dwigans
2	Bob	Glywa
3	Vera	Glywa
4	Jim	Hohensee
5	Peter	Jarosewycz
6	Bob	McGowan
7	Carole	Mosher
8	Aaron	Noll
9	Craig	Stramel
student	Ivan	Novikov
liaison	Ron	Shaffer

## PRAIRIE VILLAGE ENVIRONMENT AND RECYCLE COMMITTEE

Minutes, August 28, 2013

Pete Jarchow, for the Steering Committee, opened the meeting at 7:00 p.m. Attending were Thomas O'Brien, Al Pugsley, Margaret Goldstein (briefly), Penny Mahon, Deb English, Ashley Weaver, Dennis Engslinger, Ruth Hopkins, Karin McAdams, Polly Swafford, Ben Claypool and city government visitor Danielle Dulin.

The minutes from July were approved as written.

**Dennis Engslinger** will be leaving Prairie Village to take a position in Gaithersburg, MD. Members of the committee wished him well and announced that a brick will be installed at the Prairie Village Community Center in his honor, from the PVERC. Dennis introduced Danielle Dulin, who will be taking his place until the city finds a permanent successor for his position.

### Upcoming events:

- **True Blue Women** will be sponsoring "Trouble in the Air" on September 17 from 6:30-9 pm at the Matt Ross Community Center.
- **Concert for the Climate** will take place September 28 at Kaw Point Riverfront Park from 11 am to 6 pm. This event is free.
- **Bill McKibben** will be speaking at Unity on the Plaza on September 27. His topic is "Oil or Honey." He will also speak at the Concert for the Climate.

### Reports and business

- **Community Gardens**
  - Aside from a problem with a member, the garden is going well.
  - A new leadership team will be elected in October, and they will issue a call for new gardeners in December or January.
  - Community Gardeners used Deffenbaugh compost and reported it satisfactory.
- **Community Forum:** the committee addressed postcards for the forum as the discussion proceeded.
  - Deb English will call exhibitors this week to remind them to sign up. A few have.
  - Margaret Goldstein is trying to recruit student servers.
  - Kathy Riordan and others have invited the state legislators to attend and have received a very small number of responses so far.
  - KNRC will begin the program by presenting the Bill Ward award to Scott White. They will provide legislative updates as well.
  - Because there are different costs for the program and the program plus dinner, the registration needs one or two more volunteers. Al Pugsley offered to help.
  - Tom O'Brien will send another email soon, and of course some will get cards as well.
  - Margaret and Kathy will start setting up at 1:00 p.m. on the 3<sup>rd</sup>.
- **Earth Fair:**
  - The committee met and chose a theme: "Celebrating Sustainability: Are You In?" Pete has contacted the new commercial art instructor at SME about having her class create Earth Fair posters as a class project, and she was positive about it.
  - We are still looking for a manager to replace Jared Cole, who has moved out of town.

- **Education Committee:**

- The committee is ready to restart; Penny or Ben will contact people on the committee to suggest a date.
- Since the Earth Hour Challenge will be coming up in the spring (March 29, 2014 at 8:30 p.m.), planning an activity for it seems like a natural project for the Education Committee.

- **Other business:**

- The need to improve the rate of recycling was discussed. Some cities reward people who recycle; could there be a contest to praise those who do – or a tactful letter to those who have not been recycling?
- Deffenbaugh may have ways to track those who do and don't recycle; Dennis offered to check with them about it.

The meeting adjourned at 8:15

The next meeting will be held on September 25 at 7:00 p.m.

Respectfully submitted,

Karin McAdams

## **PARK AND RECREATION COMMITTEE**

**September 11, 2013**

**City Hall**

Park and Recreation Committee met at 7:00 PM. In attendance: Ashley Weaver, Vice Chair, Clarence Munsch, Diane Mares, Diane Pallanich, Dan Searles, Peggy Couch. Staff: Danielle Dulin, Keith Bredehoeft

Ms. Weaver called the meeting to order at 7 PM.

### **PUBLIC PARTICIPATION**

#### **CONSENT AGENDA**

The consent agenda was approved unanimously as submitted.

1. Minutes from May 8, 2013

#### **REPORTS**

##### **1. Public Works Report**

Mr. Bredehoeft stated that since the park tour in May, eight (8) recycling bins have been designated in the parks, and Public Works is evaluating whether or not more are needed. He indicated that the park bench that had been removed from Brenzier Park when the water main broke is going to be reinstalled. Mr. Bredehoeft explained that the original company that installed the trail in Franklin Park has gone out of business so he has been working with the bonding company to repair the trail. He indicated that the work would be done in October and would include some milling and paving and a seal so that the trail looks consistent and uniform. Ms. Mares asked if the City was getting money from the bonding company to do this. Mr. Bredehoeft stated it is difficult to prove that the deterioration is completely the contractor's fault so the City and the bonding company are splitting the cost. Mr. Bredehoeft indicated that the tree trimming contract is going out for bid later this fall and will include several parks.

##### **2. Recreation Report**

Ms. Dulin reported that the Prairie Village Piranhas did well at the swim and dive all-city meets and had a successful season overall. Additionally, the Junior Tennis League 13 and Over Boys Team received a banner for their efforts this summer. The Committee agreed that it would be nice to hang the banner at the tennis courts next summer and to note the All-City swimmers in the Park and Recreation brochure in the spring.

##### **3. Chairperson's Report**

No report.

#### **NEW BUSINESS**

#### **OLD BUSINESS**

##### **1. Park priorities and maintenance needs**



Ms. Dulin presented the park priorities that were included in the Capital Improvement Plan for 2014.

Mr. Bredehoeft indicated that he is working with Doug Pickert to get plans together for the improvements that will take place in 2014. He stated that there would be a public meeting with the neighbors in regards to the improvements at McCrum Park. Mr. Bredehoeft stated that the bid will go out in early winter, the work will take place in the spring, and the improvements can be enjoyed in the summer.

Mr. Searles indicated that he was interested in being involved in the design of the disc golf course.

### **GENERAL DISCUSSION**

There was a general discussion regarding the maintenance of islands throughout the city. Mr. Bredehoeft stated that some islands are maintained by neighbors in homes associations, but there are many that are maintained by the Public Works crews.

**Meeting adjourned at 7:47 PM.**

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

<b>November 2013</b>	Mid-America Pastel Society exhibit in the R.G. Endres Gallery
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 23	Northeast Johnson County Chamber of Commerce 2013 Annual Gala
November 28	City offices closed in observance of Thanksgiving
November 29	City offices closed in observance of Thanksgiving
<b>December 2013</b>	Greater Kansas City Arts Association exhibit in the R. G. Endres Gallery
December 2	City Council Meeting
December 5	Mayor's Holiday Tree Lighting, Corinth Square, 6:00 - 7:00 p.m.
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
<b>January 2014</b>	
January 6	City Council Meeting
January 10	Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
January 20	City offices closed in observance of Martin Luther King, Jr. Day
January 21	City Council Meeting
<b>February 2014</b>	
February 3	City Council Meeting
February 14	Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
February 17	City offices closed in observance of President's Day
February 18	City Council Meeting
<b>March 2014</b>	
March 3	City Council Meeting
March 14	Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
March 17	City Council Meeting
<b>April 2014</b>	
April 7	City Council Meeting
April 11	Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
April 21	City Council Meeting
<b>May 2014</b>	
May 5	City Council Meeting
May 9	Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
May 19	City Council Meeting
May 26	City offices closed in observance of Memorial Day
<b>June 2014</b>	
June 2	City Council Meeting

June 13 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.  
June 16 City Council Meeting

**July 2014**

July 4 City offices closed in observance of Independence Day  
July 4 VillageFest  
July 7 City Council Meeting  
July 11 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.  
July 21 City Council Meeting

**August 2014**

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

**September 2014**

September 1 City offices closed in observance of Labor Day  
September 2 City Council Meeting  
September 6 JazzFest  
September 12 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.  
September 15 City Council Meeting

**October 2014**

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

**November 2014**

November 3 City Council Meeting  
November 14 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.  
November 17 City Council Meeting  
November 27 City offices closed in observance of Thanksgiving  
November 28 City offices closed in observance of Thanksgiving

**December 2014**

December 1 City Council Meeting  
December 112 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.  
December 15 City Council Meeting  
December 25 City offices closed in observance of Christmas