

CITY OF PRAIRIE VILLAGE

October 5, 2015

Council Committee Meeting 6:00 p.m.

City Council Meeting 7:30 p.m



**COUNCIL COMMITTEE OF THE WHOLE
Council Chambers
Monday, October 05, 2015
6:00 PM**

AGENDA

BROOKE MOREHEAD, COUNCIL PRESIDENT

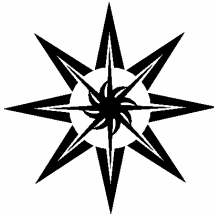
AGENDA ITEMS FOR DISCUSSION

COU2015-34 Consider purchase of two Ford F-550's to replace two dump trucks and disposal of asset #1111, and #1134 by auction.

Consider approval of a resolution determining the intent of the Governing Body regarding certain provisions in the Meadowbrook Park and Village area project plan and the proposed redevelopment district.

Discussion regarding changing local election ordinances and terms to comply with new state statutes.

***Council Action Requested the same night**



PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: October 5, 2015

Council Meeting Date: October 5, 2015

COU2015-34 CONSIDER PURCHASE OF TWO FORD F-550's TO REPLACE TWO DUMP TRUCKS AND DISPOSAL OF ASSET #1111, and #1134 BY AUCTION.

RECOMMENDATION

Staff recommends that City Council approve the purchase of two Ford F-550's from Shawnee Mission Ford for \$101,093.12 and the disposal of Asset #1111, and #1134 by auction.

BACKGROUND

The 2015 Public Works Operating Budget provides for the replacement of Asset #1111, a 2003 International Dump Truck. Public Works had decided not to replace this Dump Truck as well as the one planned for replacement in 2016. We have determined that Public Works only needs four large dump trucks and will replace the two dump trucks with smaller F-550's. The F-550 will plow snow as well as the large trucks on our residential streets and they will be more functional for other public works activities throughout the year. We are proposing to purchase two F-550's this year utilizing the funds planned for the large dump truck as the cost for two F-550's are similar to one large dump truck. This change will save about \$150,000 going forward as the F-550's are about 50% of the cost of the large dump trucks.

Staff proposes to purchase the Ford F-550's using the MACPP-Metropolitan Joint Vehicle Bid through the Mid-America Regional Council. This item is for two base F-550's only. Costs for additional equipment and assembly will be considered under a separate council item once bids are obtained for that work, currently \$175,000 is included in the Equipment Reserve Fund for the replacement dump truck.

FUNDING SOURCE

The 2015 Equipment Reserve Fund includes the purchase of a replacement dump truck.

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, Director of Public Works

October 5, 2015

RESOLUTION NO. _____

A RESOLUTION DETERMINING THE INTENT OF THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS TO INCLUDE CERTAIN PROVISIONS IN A PARK AND VILLAGE AREA PROJECT PLAN OF A PROPOSED REDEVELOPMENT DISTRICT PURSUANT TO K.S.A. 12-1770 ET SEQ.

WHEREAS, the City of Prairie Village, Kansas (the “City”), by the adoption of Ordinance No. 2337 on September 8, 2015, proposed a redevelopment district (the “Redevelopment District”) consisting of two redevelopment project areas (the “Park and Village Area” and the “Commercial Area”), all pursuant to K.S.A. 12-1770 et seq. as amended (the “Act”); and

WHEREAS, A map of the proposed Redevelopment District and of the Park and Village Area and the Commercial Area is attached hereto as **Exhibit A**. The proposed Redevelopment District and the Park and Village Area and the Commercial Area are legally described as shown on **Exhibit B** hereto; and

WHEREAS, the City anticipates the filing of a redevelopment project plan for the Park and Village Area (the “Park and Village Area Project Plan”) which will provide for the redevelopment of the Park and Village Area within the Redevelopment District; and

WHEREAS, pursuant to the Act, the Unified School District No. 512 of Johnson County, Kansas (the “School District”), acting through the Board of Education, may, until October 8, 2015, by resolution determine if the proposed Redevelopment District will have an adverse effect on the School District; and

WHEREAS, in connection with its consideration of the proposed Redevelopment District, the Board of Education has requested that the Governing Body of the City adopt this Resolution stating its intent that the approved Park and Village Area Project Plan will include certain provisions relating to the payment of bonds contemplated in the Park and Village Area Project Plan and the removal of the Park and Village Area from the Redevelopment District upon the payment of such bonds

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS:

Section 1. The Governing Body determines and declares the intent to include the following provisions in the Park and Village Area Project Plan for the Park and Village Area of the proposed Redevelopment District:

A. Tax increment in the Redevelopment District will be used to pay debt service on bonds issued by the City (“TIF Bonds”), the proceeds of which will be used to fund park land acquisition and other public improvements identified in the Park and Village Area Project Plan, and to fund reserves and costs of issuing the TIF Bonds.

B. The TIF Bonds will be structured so that tax increment in excess of the amount necessary to pay annual debt service on the TIF Bonds will be used to prepay outstanding TIF Bonds when such TIF Bonds are eligible for prepayment according to the legal documents governing the TIF Bonds.

C. Upon payment in full of the TIF Bonds, the City declares its intent to take such actions as required under the Act to terminate the use of the tax increment from the Park and Village Area for uses in the Redevelopment District and to remove the Park and Village Area from the Redevelopment District.

Section 2. Effective Date. This Resolution shall be effective upon adoption by the Governing Body of the City.

ADOPTED October 5, 2015.

**CITY OF PRAIRIE VILLAGE,
KANSAS**

By: _____
Laura Wassmer, Mayor

[SEAL]

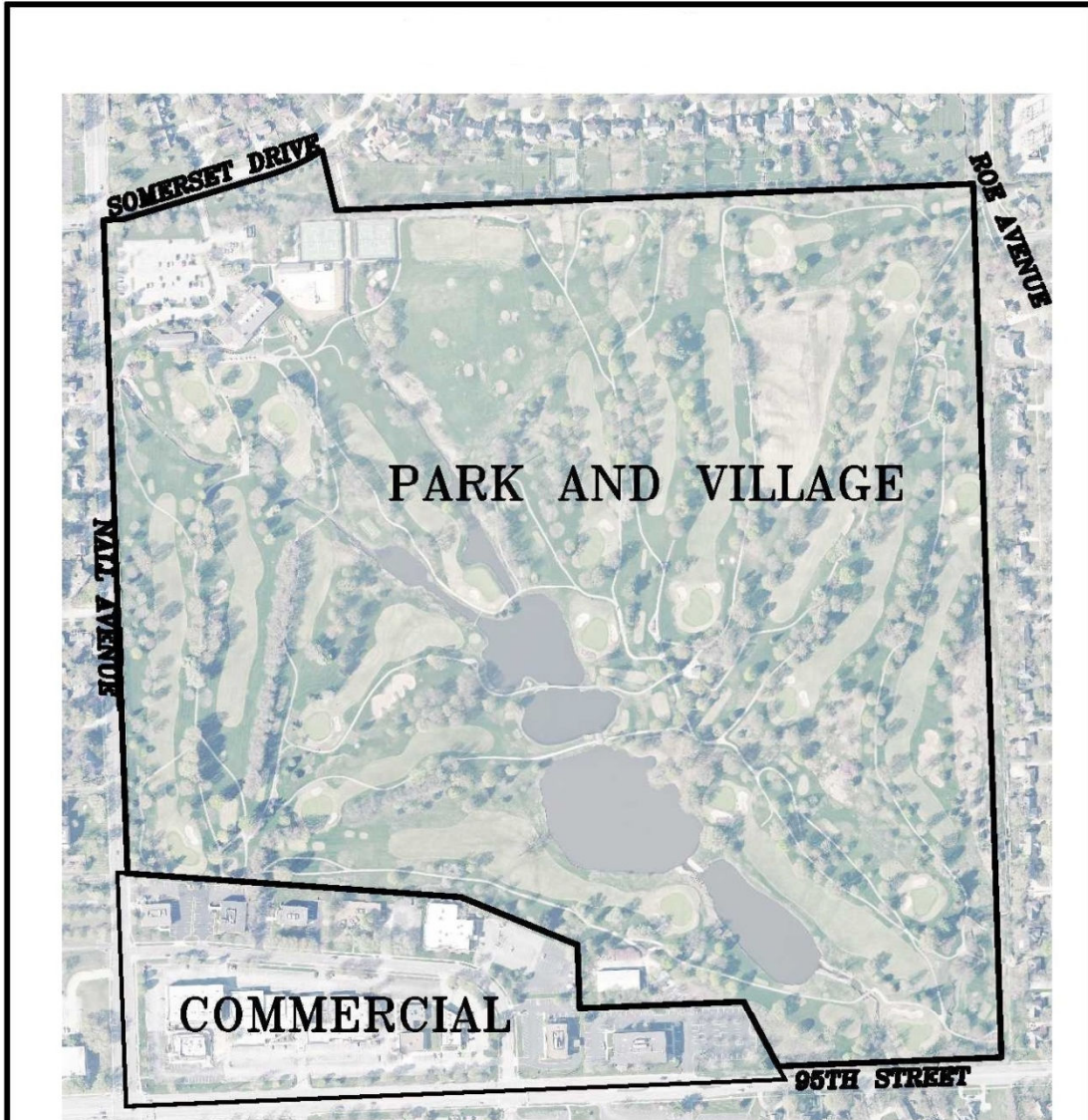
ATTEST:

Joyce Hagen Mundy, City Clerk

Approved as to form:

By: _____
Catherine P. Logan, City Attorney

**EXHIBIT A
MAP OF PROPOSED REDEVELOPMENT DISTRICT**



SCALE: 1"=500'



Z:\P\120457\DWG\Exhibits\Project Location.dwg Layout:1-P Jul 20, 2015 - 10:12am



PLANNING
ENGINEERING
IMPLEMENTATION

PHELPS ENGINEERING, INC (913) 393-1155
 1270 N. Winchester Fax (913) 393-1166
 Olathe, Kansas 66061 www.phelpsengineering.com

CERTIFICATE OF AUTHORIZATION KANSAS LAND SURVEYING - LS-82
ENGINEERING - E-301
CERTIFICATE OF AUTHORIZATION MISSOURI LAND SURVEYING-2007001128
ENGINEERING-2007005058

PROJECT NO. 120457
DATE: 7/20/15
BY: DAU

EXHIBIT B

LEGAL DESCRIPTION OF REDEVELOPMENT DISTRICT

The following property located in Johnson County, Prairie Village, Kansas:

Park and Village Project Area:

LOTS 1 THROUGH 12, INCLUSIVE, AND LOT A, EXCEPT THE SOUTH 10 FEET THEREOF, BLOCK B, MEADOWBROOK ACRES, A SUBDIVISION IN THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS;

AND ALL OF THE SOUTHWEST ONE-QUARTER (SW ¼) OF SECTION THIRTY-THREE (33) TOWNSHIP TWELVE (12) RANGE TWENTY-FIVE (25) IN THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, EXCEPT THAT PART PLATTED AS MEADOWBROOK ACRES; AND EXCEPT THE SOUTH 40 FEET THEREOF IN 95TH STREET; AND EXCEPT THE WEST 30 FEET THEREOF IN NALL AVENUE;

AND EXCEPT A TRACT DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 25 EAST, JOHNSON COUNTY, KANSAS; THENCE NORTH 0° 00' 00" EAST ALONG THE WEST LINE OF SAID SECTION 33, A DISTANCE OF 700.00 FEET TO A POINT; THENCE SOUTH 83° 50' 00" EAST A DISTANCE OF 1,030.00 FEET TO A POINT; THENCE SOUTH 65° 35' 00" EAST, A DISTANCE OF 375.00 FEET TO A POINT; THENCE SOUTH 0° 00' 00" WEST, A DISTANCE OF 429.24 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 33; THENCE SOUTH 89° 47' 09" WEST ALONG THE SOUTH LINE OF SAID SECTION 33 A DISTANCE OF 1,365.51 FEET TO THE PLACE OF BEGINNING;

AND EXCEPT A TRACT DESCRIBED AS FOLLOWS: ALL THAT PART OF THE SOUTHWEST ¼ OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 25 EAST, NOW IN THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST ¼ OF SAID SECTION 33, THENCE SOUTH 89° 47' 09" WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST ¼ OF SECTION 33, A DISTANCE OF 676.70 FEET, TO THE TRUE POINT OF BEGINNING OF SUBJECT TRACT; THENCE CONTINUING SOUTH 89° 47' 09" WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST ¼ OF SAID SECTION 33, A DISTANCE OF 605 FEET; THENCE NORTH 0° 00' 00" EAST, A DISTANCE OF 240 FEET; THENCE NORTH 89° 47' 09" EAST ALONG A LINE PARALLEL TO THE SOUTH LINE OF THE SOUTHWEST ¼ OF SAID SECTION 33, A DISTANCE OF 490 FEET; THENCE SOUTH 25° 38' 32" EAST, A DISTANCE OF 265.74 FEET TO THE TRUE POINT OF BEGINNING OF SUBJECT TRACT;

ALSO: A PART OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 33, TOWNSHIP 12, RANGE 25, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE AND 88.86 FEET EAST OF THE SOUTHWEST CORNER OF THE NORTHWEST $\frac{1}{4}$ OF SAID SECTION 33; THENCE NORTH 75° EAST, ALONG THE SOUTH LINE OF SOMERSET DRIVE, AS ESTABLISHED BY THE PLAT OF WEST RIDING, A SUBDIVISION OF LAND NOW IN THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, A DISTANCE OF 454.01 FEET, TO A POINT OF CURVATURE; THENCE NORTHEASTERLY, ALONG THE SOUTH LINE OF SAID SOMERSET DRIVE, SAID SOUTH LINE BEING ON A CURVE TO THE LEFT HAVING A RADIUS OF 640 FEET, A DISTANCE OF 176.13 FEET; THENCE SOUTH $11^{\circ} 43' 23''$ EAST, A DISTANCE OF 183.42 FEET, TO A POINT ON THE SOUTH LINE OF THE NORTHWEST $\frac{1}{4}$ OF SAID SECTION 33; THENCE SOUTH $89^{\circ} 26' 38''$ WEST, ALONG THE SOUTH LINE OF THE NORTHWEST $\frac{1}{4}$ OF SAID SECTION 33, A DISTANCE OF 637.59 FEET, TO THE POINT OF BEGINNING.

Commercial Project Area:

ALL THAT PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 25 EAST, IN THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE N $2^{\circ}06'14''$ W, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, A DISTANCE OF 700.00 FEET; THENCE S $85^{\circ}56'14''$ E, A DISTANCE OF 1029.95 FEET; THENCE S $67^{\circ}41'14''$ E, A DISTANCE OF 375.00 FEET; THENCE S $02^{\circ}06'14''$ E, A DISTANCE OF 189.07 FEET; THENCE N $87^{\circ}40'29''$ E, A DISTANCE OF 490.00 FEET; THENCE S $27^{\circ}45'12''$ E, A DISTANCE OF 265.74 FEET; TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE S $87^{\circ}40'29''$ W, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, A DISTANCE OF 1970.54 FEET TO THE POINT OF BEGINNING, EXCEPT THAT PART IN ROADS, CONTAINING 22.1018 GROSS ACRES, MORE OR LESS

SAMPLES OF VARIOUS OPTIONS FOR CHANGING ELECTION DATES

GROUP 1 INCUMBENTS: Weaver, Hopkins, Wang, Morehead, Morrison, Odell

GROUP 2 INCUMBENTS: Nelson, Noll, Mikkelson, Myers, Runion, Gallagher

GROUP 3 – MAYOR: Laura Wassmer

TABLE 1

THIS TABLE ILLUSTRATES RETAIN CURRENT CYCLE OF EVEN YEAR ELECTIONS FOR COUNCIL BEGINNING NOVEMBER, 2016 AND RETAIN ODD YEAR CYCLE FOR MAYOR

ELECTION DATES	Group 1 current term extended to 1/2017 (9 mos) and stay on even year election cycle	Group 2 current term extended to 1/2019 (9 mos) and stay on even year election cycle	Group 3 current term extended to 1/2020 (9 mos) and stay on odd year election cycle
April 2016			
November 2016	Election for 4 yr. term = 1/2017 – 1/2021		
November 2017			
November 2018		Election for 4 yr. term = 1/2019 – 1/2023	
November 2019			Election for 4 yr. term = 1/2020 – 1/2024

TABLE 2

THIS TABLE ILLUSTRATES CHANGING ELECTION CYCLE TO ODD YEARS FOR COUNCIL BEGINNING NOVEMBER, 2017 AND CHANGE TO EVEN YEARS FOR MAYOR

ELECTION DATES	Group 1 current term extended to 1/2018 (21 mos) to get on odd year election cycle	Group 2 current term extended to 1/2020 (21 mos) to get on odd year election cycle	Group 3 current term extended to 1/2021 (21 mos) to get on even year election cycle
April 2016			
November 2016			
November 2017	Election for 4 yr. term = 1/2018 – 1/2022		
November 2018			
November 2019		Election for 4 yr. term = 1/2020 – 1/2024	
November 2020			Election for 4 yr. term = 1/2021 – 1/2025

TABLE 3

THIS TABLE AND TABLE 4 ILLUSTRATE MORE COMPLEX CHANGES, COMBINING SHORTER EXTENSION OF CURRENT COUNCIL TERMS WITH SHORT INITIAL TERM TO CONVERT COUNCIL ELECTIONS TO ODD YEARS AND MAYOR ELECTIONS TO EVEN YEARS – STARTING WITH NOVEMBER, 2016 ELECTIONS

ELECTION DATES	Group 1 current term extended to 1/2017 (9 mos) then initial short 3 year term Jan 2017 – Jan 2020 to get on odd year cycle and election for 4 year terms thereafter	Group 2 current term extended to 1/2019 (9 mos) then initial short 3 year term Jan 2019 – January 2022 to get on odd year election cycle and election for 4 year terms thereafter	Group 3 (Mayor) current term shortened to 1/2018 (15 mos), then initial short 3 year term (to adjust to even cycle), and election for 4 year terms thereafter [Grp 1 and 2 same in Tables 3 and 4 – this table uses option of shortening current term Grp 3]
April 2016			
November 2016	Election for 3 yr. term = 1/2017 – 1/2020		
November 2017			Election for 3 yr. term = 1/2018 – 1/2021
November 2018		Election for 3 yr. term = 1/2019 – 1/2022	
November 2019	Election for 4 yr. term = 1/2020 – 1/2024		
November 2020			Election for 4 yr. term = 1/2021 – 1/2025
November 2021		Election for 4 yr. term = 1/2022 – 1/2026	

TABLE 4

SAME AS TABLE 3 FOR GROUPS 1 AND 2 ONLY

ELECTION DATES	Group 1 current term extended to 1/2017 (9 mos) , initial 3 year term Jan 2017 – Jan 2020 to get on odd year election cycle	Group 2 current term extended to 1/2019 (9 mos) then initial short 3 year term Jan 2019 – Jan 2021 to get on odd year election cycle	Group 3 (Mayor) current term extended to 1/2021 (21 mos) to adjust to even cycle, then election for 4 year terms thereafter [Grp 1 and 2 same in Tables 3 and 4 – this table uses option of extend current term Grp 3]
April 2016			
November 2016	Election for 3 yr. term = 1/2017 – 1/2020		
November 2017			
November 2018		Election for 3 yr. term = 1/2019 – 1/2022	
November 2019	Election for 4 yr. term = 1/2020 – 1/2024		
November 2020			Election for 4 yr. term = 1/2021 – 1/2025
November 2021		Election for 4 yr. term = 1/2022 – 1/2026	

TABLE 5

THIS TABLE ILLUSTRATES:

- APRIL, 2016 ELECTIONS GROUP 1
- CHANGE COUNCIL ELECTIONS TO ODD YEARS
- CHANGE MAYOR ELECTIONS TO EVEN YEARS

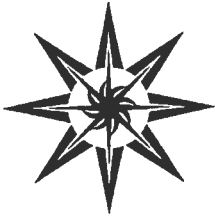
ELECTION DATES	Group 1 current term expires as scheduled, 2016 Election for shortened 45 mos term April, 2016 – January 2020 to convert to odd year cycle and election for 4 year terms thereafter	Group 2 current term shortened to 1/2018 (3 mos) to convert to odd year cycle then election for 4 year terms thereafter	Group 3 current term shortened to 1/2019 (3 mos) to convert to even year cycle then election for 4 year terms thereafter
April 2016	Election for 45 mos term = 4/2016 – 1/2020		
November 2016			
November 2017		Election for 4 yr. term = 1/2018 – 1/2022	
November 2018			Election for 4 yr. term = 1/2019 – 1/2023
November 2019	Election for 4 yr. term = 1/2020 – 1/2024		

TABLE 6

THIS TABLE ILLUSTRATES:

- APRIL, 2016 ELECTIONS GROUP 1
- RETAIN COUNCIL ELECTIONS IN EVEN YEARS
- RETAIN MAYOR ELECTIONS IN ODD YEARS

ELECTION DATES	Group 1 current term expires as scheduled, initial 57 mos term (Election for 48 mos + 9 mos) April, 2016 – January 2021 to retain even year cycle and election for 4 year terms thereafter	Group 2 extend current term to 1/2019 (9 mos) to retain even year cycle then election for 4 year terms thereafter	Group 3 current term extended to 1/2020 (9 mos) to retain odd year cycle then election for 4 year terms thereafter
April 2016	Election for 57 mos term = 4/2016 – 1/2021		
November 2016			
November 2017			
November 2018		Election for 4 yr. term = 1/2019 – 1/2023	
November 2019			Election for 4 yr. term = 1/2020 – 1/2024
November 2020	Election for 4 yr. term = 1/2021 – 1/2025		



Committee of the Whole Meeting: October 5, 2015

Discussion Regarding Changing Local Election Ordinances and Terms to Comply with New State Statutes

Background:

The Kansas Legislature passed House Bill 2104 which moves local elections from the spring to November. This subject has been debated for the last few years in Topeka. Some state legislators supporting the change claimed it was to save election costs and increase voter turnout. Many believe the change is designed as the first step to move local offices to partisan elections. The city officially opposed this legislation. The final legislation contains numerous issues which the League of Kansas Municipalities, Kansas Secretary of State's Office, and the Johnson County Election Office disagree depending on their interpretation of the bill. Katie Logan, City Attorney, is prepared to discuss the legal interpretations of the new law.

Local elections in Prairie Village for City Council have been held in the April of even-years, with the elected member being seated at the first meeting following certification of the election. These elections must now be held in November, with the term of office commencing on the second Monday in January following certification of the election. City staff recommends these elections occur in the fall of odd-years to avoid national, state, and other elections.

Major Discussion Point for the City Council to Consider:

- Hold City Council elections in the fall of even years or odd-years?
- Continue to stagger terms with the City Council members and the Mayor?

The attached diagram illustrates two options both of which assume the preference is to continue to stagger the Mayoral term. Group 1 is for those terms which expire in April 2016 – Council members Ashley Weaver, Ruth Hopkins, Andrew Wang, Brooke Morehead, David Morrison, and Ted Odell. Group 2 is for those terms which expire in April 2018 – Jori Nelson, Steve Noll, Eric Mikkelson, Sheila Myers, Dan Runion, and Terrence Gallagher. Option 1 details fall of odd-year elections for City Council members and the Mayor's election to occur in the fall of even years. Option 2 details the fall of even-year elections for City Council members with the Mayor's election to occur in the fall of odd-years. Other options may be identified during discussion and can be illustrated.

April 2016 candidates will need to file for office in late January 2016. A charter ordinance will be required to modify the election cycle which requires a 60 day protest period. Based on discussions with the City Council, a draft ordinance will be presented in October or November for City Council consideration.

Attachments:

1. HB 2104 (Pages 6-8 and 28-31)
2. League of Kansas Municipalities Kansas Government Journal Best Practices – *Transitioning to November Elections*
3. List of Offices Elected During Upcoming Elections
4. Election Transition Diagram
5. Potential Election Tables

Prepared By:

Nolan Sunderman
Assistant to the City Administrator
Date: September 17, 2015

son agrees to accept the nomination. The chairperson or vice-chairperson shall transmit such certificate and the nominee's written statement accepting the nomination to the secretary of state or appropriate county election officer, as the case may be, within 14 days of receipt of the notice that the vacancy has occurred or will occur.

(c) For the purposes of this section, the word "shall" imposes a mandatory duty and no court may construe that word in any other way.

New Sec. 6. Each political party which is a recognized political party in accordance with K.S.A. 25-302a, and amendments thereto, shall have procedures to select a presidential nominee and shall select a presidential nominee in accordance with such party procedures for the 2016 presidential election, and every fourth year thereafter.

New Sec. 7. (a) On and after January 1, 2017, all primary elections for members of the governing body and other elected officials of any municipality shall be held on the first Tuesday in August of 2017 and on such date thereafter of odd-numbered years, and all general elections for members of the governing body and other elected officials of any municipality shall be held on the Tuesday succeeding the first Monday in November of 2017 of odd-numbered years and on such date thereafter.

(b) The term of members of governing bodies and other elected officials of any municipality that would expire at any time in 2017 shall expire on the second Monday in January of 2018, when newly elected members of the governing body and other newly elected officials shall take office.

(c) The governing body of the municipality shall establish by ordinance or resolution terms of office of elected officials to comply with this act.

(d) Primary elections for any municipality shall be conducted as provided in K.S.A. 25-202, and amendments thereto. A primary election shall only be required as provided in K.S.A. 25-2021 and 25-2108a, and amendments thereto, or as otherwise required by law.

(e) The filing deadline for all candidates for any municipality, unless otherwise provided by law, shall be as provided in K.S.A. 25-205, and amendments thereto.

(f) Any person who meets the qualifications for the office sought may become a candidate for municipal office by filing a declaration of intent to become a candidate with the county election officer accompanied by a filing fee of \$20.

(g) "Municipality" means: (1) Any city, consolidated city-county created under K.S.A. 12-340 et seq., and amendments thereto, and K.S.A. 2014 Supp. 12-360 et seq., and amendments thereto, school district, any board of public utilities created under K.S.A. 13-1220 et seq., and amendments thereto, community college, drainage district, extension district created under K.S.A. 2-623 et seq., and amendments thereto, irrigation district, improvement district created under K.S.A. 19-2753 et seq., and amendments thereto, water district created under K.S.A. 19-3501 et seq., and amendments thereto, and hospital district created under K.S.A. 80-2501 et seq., and amendments thereto.

(2) The term does not include any special district where the election of members of the governing body is conducted at a meeting of the special district.

(h) Cities may provide for elections of elected officials in even-numbered years in order to provide for staggered terms of office or for three-year terms of office for elected officials.

New Sec. 8. (a) A city shall continue to operate under its current form of government whether established at an election, or by adoption of a charter ordinance or ordinance until such time that the city's form of government is changed as provided by law.

(b) All existing ordinances and charter ordinances relating to a city's form of government, except those provisions relating to the timing of city primary and general elections, shall remain in effect until amended or repealed by such city.

New Sec. 9. (a) Subject to subsection (b) and section 10, and amendments thereto, any city may adopt by ordinance one of the following forms of government:

- (1) Commission;
- (2) mayor-council;

- (3) commission-manager;
 - (4) mayor-council-manager;
 - (5) council-manager; or
 - (6) any other form of government authorized by law or by ordinance or charter ordinance of the city.
- (b) Any city which has operated for four or more years under a form of government may abandon such form and adopt a different form of government. The provisions of K.S.A. 12-184, and amendments thereto, shall govern the procedure for the adoption or abandonment of such form of government.
- (c) The governing body of the city may establish by ordinance any of the following:
- (1) The powers and duties of the governing body, including the mayor and other elected officials;
 - (2) the terms of office of members of the governing body, including the mayor and other elected officials of either two, three or four years;
 - (3) the election by ward or district of members of the governing body, if applicable;
 - (4) the powers and duties of the city manager, if applicable;
 - (5) the administrative departments of the city; and
 - (6) other matters deemed appropriate by the governing body.

New Sec. 10. (a) Any city may adopt the commission-manager, mayor-council manager or council manager form of government in the manner herein provided and shall thereafter be governed by the provisions of this act. A proposition to adopt such form of government must first be submitted to a vote of the qualified electors of the city at any primary or general election. The governing body of the city may submit the proposition by resolution and must submit it upon the filing of a petition signed by at least 10% of the qualified electors of the city. The petition shall be headed "Petition for an election of the city of _____, Kansas, to vote on the adoption of the _____ (commission-manager, mayor-council manager or council manager) form of government," and shall be addressed to the governing body of the city, and be filed with the election officer of the county in which the city is located. The petition shall conform to the requirements of article 36 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto, and its sufficiency shall be determined in the manner therein provided and shall be certified to the city clerk by the county election officer.

(b) The resolution or the petition shall establish the membership and terms of office of the governing body. Upon the adoption of a resolution or the certification of a petition as provided in this section, the governing body of the city shall submit the proposition at the next primary or general election. Notice thereof shall be published in the manner provided by K.S.A. 25-105, and amendments thereto.

(c) The form of the ballots to be used at the election shall be as follows:

"Shall the city of _____ adopt the _____ (commission-manager, mayor-council manager or council manager) form of government and become a city operating under such form of government?"

Yes No

If a majority of the votes cast shall be in favor of adopting the commission-manager, mayor-council manager or council manager plan of government, then at the next regular city election the governing body of the city shall be elected as provided in the resolution or petition.

New Sec. 11. (a) The governing body shall establish by ordinance the qualifications, oath and powers and duties and terms of office of the governing body.

(b) Any action taken by the city governing body shall be by a majority vote of the members unless a greater number of votes are specifically required by another provision of law.

(c) The city governing body shall appoint a city manager to be responsible for the administration and affairs of the city. The city manager shall see that all laws and ordinances are enforced. The city manager shall serve at the pleasure of the governing body.

(d) The city manager shall appoint and remove all heads of departments and all subordinate officers and employees of the city. All appointments shall be made upon merit and fitness alone.

New Sec. 12. Any city operating under the provisions of this act may abandon the commission-manager, mayor-council manager or council manager form of city government in the same manner as is provided in section 10, and amendments thereto, for the adoption of such form of city government except as herein otherwise provided, and except that the word "abandonment" instead of the word "adoption" shall be used in the petition therefor, and the word "abandon" instead of the word "adopt" shall be used in the form of the ballot and in the election proclamation. If a majority of votes cast upon the proposition shall be in favor of abandoning the commission-manager, mayor-council manager or council manager form of city government, then the city shall operate under the alternative form of government established in the resolution or petition.

New Sec. 13. (a) All unified school districts shall make suitable school buildings available for polling places at the request of a county election officer for the county in which all or any portion of the school district is located.

(b) The county election officer shall give notice on or before January 1 of each year to the superintendent of the school district of the need to use one or more school buildings as polling places for any primary or general election.

(c) The terms "primary election" and "general election" shall have the meanings as provided in K.S.A. 25-2502, and amendments thereto.

New Sec. 14. (a) The secretary of state shall develop a public information program to inform the public generally of changes made as a result of moving spring elections to fall elections. Such public information program shall include, at a minimum, the explanation of which public office elections are being transferred from spring to fall elections. The program shall include the use of advertisements and public service announcements as well as posting of information on the opening pages of the official internet websites of the secretary of state and county election officers. The secretary of state and county election officers shall develop dedicated websites to provide voter education and sample ballots for elections.

(b) The county election officers in consultation with the secretary of state shall develop ways to reduce the ballot length and expedite the voting process on election days.

New Sec. 15. (a) The secretary of state shall develop the style and form of the official primary ballot and the official general election ballot for municipal offices.

(b) The declaration of intent to become a candidate shall be prescribed by the secretary of state. The declarations shall be filed with the county election officer not later than 12 noon, June 1, prior to the primary election in both even-numbered and odd-numbered years, or if such date falls on a Saturday, Sunday or holiday, then before 12 noon of the next day that is not a Saturday, Sunday or holiday.

(c) For municipalities where a primary election is not authorized or otherwise required by law, the declaration of intent to become a candidate shall be filed with the county election officer not later than 12 noon, September 1, prior to the general election in odd-numbered years, or if such date falls on a Saturday, Sunday or holiday, then before 12 noon of the next day that is not a Saturday, Sunday or holiday.

(d) The secretary of state shall establish primary election procedures for primary elections for municipalities.

(e) The secretary of state shall establish general election procedures for general elections for municipalities.

(f) County election officers shall conduct municipal elections in odd-numbered years and elections in even-numbered years if needed.

(g) The secretary of state shall adopt rules and regulations to implement this section on or before July 1, 2016.

New Sec. 16. Sections 7, 8 and 13 through 16, and amendments thereto, may be cited as and shall be known as the help Kansas vote act.

Sec. 17. K.S.A. 2-623 is hereby amended to read as follows: 2-623.

(a) Prior to July 1 of any year, any two or more county extension councils may establish an extension district composed of all of the counties of such councils by entering into an agreement in accordance with this section to combine the extension programs for each county involved into one extension program serving the extension district. No such agreement shall be effective unless such agreement has received the prior approval of: (1)

shall hold office until a successor is elected or appointed and qualified and shall serve for a term of four (4) years.

Sec. 49. K.S.A. 2014 Supp. 25-2102 is hereby amended to read as follows: 25-2102. (a) "General election" means the election ~~elections~~ held on the Tuesday succeeding the first Monday in November of ~~both odd-numbered and even-numbered years, the elections held for officers on the first Tuesday in April;~~ and in the case of special elections of any officers to fill vacancies, the election at which any such officer is finally elected.

(b) "Primary election" means the election ~~elections~~ held on the first Tuesday in August of ~~both odd-numbered and even-numbered years, the election held five weeks preceding the election on the first Tuesday in April, and any other preliminary election at which part of the candidates for special election to any national, state, county, city or school office are eliminated by the process of the election but at which no officer is finally elected.~~

(c) "District method" means the election of city officers where the city is divided into member districts or wards.

(d) "Election at large method" means the election of city officers without member districts or wards.

Sec. 50. K.S.A. 25-2107 is hereby amended to read as follows: 25-2107. (a) The general election of city officers shall be held on the first Tuesday in April. ~~Except as otherwise provided by law or as provided by charter ordinance passed after April 30, 1968, pursuant to article 12, section 5, of the constitution of Kansas, every city shall have an election of city officers in odd-numbered years only, and the terms of city officers shall be two (2) years. Provided, however, That the provisions of this section shall not invalidate, repeal or otherwise affect any charter ordinance of any city of the third class having a population of not less than one thousand five hundred (1,500) nor more than two thousand (2,000) located in a county having a population of not less than fifty thousand (50,000) nor more than one hundred thousand (100,000), which ordinance had become effective prior to April 30, 1968 Tuesday following the first Monday in November of each odd-numbered and even-numbered years, if needed.~~

(b) A primary may be held on the first Tuesday in August of each odd-numbered and even-numbered year, if needed, as prescribed in K.S.A. 25-205 and 25-2108a, and amendments thereto.

Sec. 51. K.S.A. 2014 Supp. 25-2108a is hereby amended to read as follows: 25-2108a. (a) There shall be a primary election of city officers on the first Tuesday preceding by five weeks the first Tuesday in April of every year that such city has a city election, except as otherwise provided in subsection (b) or subsection (c) of this section in August of each odd-numbered and even-numbered year, if needed.

(b) In cities in which a district method of election is in effect, if there are more than three qualified candidates for any member district, the county election officer shall call, and there shall be held, a primary election in each such member district. The names of the two candidates receiving the greatest number of votes for any such member district at the primary election shall appear on the ballots in the general election. If there are three or fewer qualified candidates for any member district there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.

(c) In cities in which the election at large method of election is in effect, if there are more than three times the number of candidates as there are members to be elected, the county election officer shall call, and there shall be held, a primary election. The names of twice the number of candidates as there are members to be elected who received the greatest number of votes at the primary election shall appear on the ballots in the general election. If there are not more than three times the number of candidates as there are members to be elected there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.

(d) On the ballots in general city elections, blank lines for the names of write-in candidates shall be printed at the end of the list of candidates for each different office. The number of blank lines for each elected office shall be equal to the number of candidates to be elected thereto. The

purpose of such blank lines shall be to permit the voter to insert the name of any person not printed on the ballot for whom such voter desires to vote for such office. No lines for write-in candidates shall appear on primary city election ballots.

Sec. 52. K.S.A. 25-2109 is hereby amended to read as follows: 25-2109. The filing deadline for all city elections shall be ~~12:00 o'clock noon of the Tuesday preceding by 10 weeks the first Tuesday in April at 12 noon on June 1 as provided in K.S.A. 25-205, and amendments thereto.~~

Sec. 53. K.S.A. 2014 Supp. 25-2110 is hereby amended to read as follows: 25-2110. (a) ~~In cities of the first and second class, any person desiring to become a candidate for a city office elected at large shall file with the city clerk before the filing deadline a statement of such candidacy on a form furnished by the county election officer as specified by the secretary of state. The city clerk of any city upon receiving any filing under this section shall record the same and transmit it, together with the filing fee or petition herein provided, within three business days to the county election officer. In cities of the third class, Any person desiring to become a candidate for city office elected at large shall file with the county election officer of the county in which the city is located, or of the county in which the greater population of the city is located if the city extends into more than one county, or the city clerk, before the filing deadline, established in K.S.A. 25-205, and amendments thereto, a statement declaration of candidacy on a form furnished by the county election officer as specified by the secretary of state.~~

(b) ~~In cities having a population of less than 5,000, each such filing shall be accompanied by a filing fee of \$5 or, in lieu of such filing fee, by a petition signed by 25 qualified electors of the city or by a number of such qualified electors of the city equal to not less than 10% of the ballots cast at the last general city election, whichever is less.~~

(c) ~~In cities having a population of not less than 5,000 nor more than 100,000, each such filing shall be accompanied by a filing fee of \$10 or, in lieu of such filing fee, by a petition signed by 50 qualified electors of the city or by a number of such qualified electors of the city equal to not less than 1% of the ballots cast and counted at the last general city election, whichever is less.~~

(d) ~~In cities having a population of more than 100,000, each such filing shall be accompanied by a filing fee of \$50 or, in lieu of such filing fee, by a petition signed by 100 qualified electors of the city or by a number of qualified electors of the city equal to 1% of the ballots cast at the last general city election, whichever is less. The number of qualified electors of the city which must sign a nomination petition, shall be established by the city governing body by passage of an ordinance.~~

~~(c)~~ Within three days from the date of the filing of a nomination petition or a declaration of intention to become a candidate for a city office elected at large, the county election officer shall determine the validity of such petition or declaration.

~~(d)~~ If a nomination petition or declaration is found to be invalid, the county election officer shall notify the candidate on whose behalf the petition or declaration was filed that such nomination petition or declaration has been found to be invalid and the reason for the finding. Such candidate may make objection to the finding of invalidity by the county election officer in accordance with K.S.A. 25-306, and amendments thereto.

~~(c)~~ All city elections shall be conducted by the county election officer of the county in which such city is located, or of the county in which the greater population of the city is located if the city extends into more than one county.

Sec. 54. K.S.A. 25-2113 is hereby amended to read as follows: 25-2113. ~~(a) Except as provided in subsection (b) of this section, City elections shall be nonpartisan or partisan as determined by the governing body and shall be conducted in accordance with chapter 25 of the Kansas Statutes Annotated, and amendments thereto. Laws applicable to elections occurring at the same time as city elections shall apply to city elections to the extent that the same are not in conflict with the provisions of this act.~~

~~(b) The provisions of this subsection (b) shall apply to cities of the first class in counties which have been declared urban areas as authorized~~

~~by article 2, section 17, of the constitution of Kansas. Election laws of a general nature which are applicable to partisan elections and which are not in conflict with this subsection (b) or any specific law applicable to election of city officers in any city to which this subsection (b) applies, shall apply to elections held under the provisions of this subsection (b). The county election officer shall prescribe the forms, ballots and ballot labels for every election conducted under this subsection (b), and shall make such rules and regulations not inconsistent with this subsection (b) as may be necessary for the conduct of such elections.~~

Sec. 55. K.S.A. 25-2115 is hereby amended to read as follows: 25-2115. Names of candidates appearing on the ballots in primary and general city elections in cities of the first and second class shall be listed in the various possible orders in rotation and as provided in K.S.A. 25-212 and 25-610, and amendments thereto.

Sec. 56. K.S.A. 25-2118 is hereby amended to read as follows: 25-2118. The city clerk shall certify to the county election officer a list of all city offices to be voted upon at each city election not later than January 1 of every year that such city has a city election.

Sec. 57. K.S.A. 25-2120 is hereby amended to read as follows: 25-2120. The county election officer who conducts the city election shall promptly certify to the city governing body the determination of election results made by the county board of canvassers. The term of office shall commence with and include the first regular meeting of the governing body on the second Monday in January following certification of the election.

Every person elected or appointed to city office, before entering upon the duties of such office, shall take and subscribe an oath or affirmation as specified in K.S.A. 54-106, and amendments thereto, and every such oath or affirmation shall be filed with the city clerk.

Sec. 58. K.S.A. 2014 Supp. 25-2311 is hereby amended to read as follows: 25-2311. (a) County election officers shall provide for the registration of voters at one or more places on all days except the following:

(1) Days when the main offices of the county government are closed for business, except as is otherwise provided by any county election officer under the provisions of K.S.A. 25-2312, and amendments thereto;

(2) days when the main offices of the city government are closed for business, in the case of deputy county election officers who are city clerks except as is otherwise provided by any county election officer under the provisions of K.S.A. 25-2312, and amendments thereto;

(3) the 20 days preceding the day of primary and general-state elections;

~~(4) the 20 days preceding the day of primary city and school elections, if either has a primary;~~

~~(5) the 20 days preceding each first Tuesday in April of odd-numbered years, being the day of city and school general elections;~~

~~(6)~~ (4) the 20 days preceding the day of any election other than one specified in paragraphs (2), (4) and (5) of this subsection; and

~~(7)~~ (5) the day of any primary or general election or any question submitted election.

(b) For the purposes of this section in counting days that registration books are to be closed, all of the days including Sunday and legal holidays shall be counted.

(c) The secretary of state shall notify every county election officer of the dates when registration shall be closed preceding primary and general state, city and school elections. The days so specified by the secretary of state shall be conclusive. Such notice shall be given by the secretary of state by mail at least 60 days preceding every primary and general-state, city and school election.

(d) The last days before closing of registration books as directed by the secretary of state under subsection (c) of this section, county election officers shall provide for registration of voters during regular business hours, during the noon hours and at other than regular business hours upon such days as the county election officers deem necessary. The last three business days before closing of registration books prior to state primary and general elections, county election officers may provide for registration of voters until 9 p.m. in cities of the first and second class any city.

(e) County election officers shall accept and process applications received by voter registration agencies and the division of motor vehicles not later than the 21st day preceding the date of any election; mailed voter registration applications that are postmarked not later than the 21st day preceding the date of any election; or, if the postmark is illegible or missing, is received in the mail not later than the ninth day preceding the day of any election.

(f) The secretary of state may adopt rules and regulations interpreting the provisions of this section and specifying the days when registration shall be open, days when registration shall be closed, and days when it is optional with the county election officer for registration to be open or closed.

(g) Before each primary and general election held in even-numbered and odd-numbered years, and at times and in a form prescribed by the secretary of state, each county election officer shall certify to the secretary of state the number of registered voters in each precinct of the county as shown by the registration books in the office of such county election officer.

Sec. 59. K.S.A. 25-2502 is hereby amended to read as follows: 25-2502. (a) "General election" means the ~~election elections~~ held on the Tuesday ~~succeeding~~ following the first Monday in November of both even-numbered and odd-numbered years, ~~the elections held for officers on the first Tuesday in April~~; and in the case of special elections of any officers to fill vacancies, the election at which any such officer is finally elected.

(b) "Primary election" means the ~~election elections~~ held on the first Tuesday in August of both even-numbered and odd-numbered years, ~~the election held five weeks preceding the election on the first Tuesday in April~~; and any other preliminary election at which part of the candidates for special election to any national, state, county, township, city or school or other municipal office are eliminated by the process of the election but at which no officer is finally elected.

Sec. 60. K.S.A. 25-2804 is hereby amended to read as follows: 25-2804. (a) Each person recommended as provided in ~~subsection (a)~~ of K.S.A. 25-2803(a), and amendments thereto, shall be a resident of the area served by the voting place in which such person is to be a judge or clerk.

(b) Except as otherwise provided by this subsection, all judges and clerks shall have the qualifications of an elector in the election at which they serve, and no judge or clerk shall be a candidate for any office, other than the office of precinct committeeman or precinct committeewoman, to be elected at such election. The county election officer may appoint persons who are at least 16 years of age to serve as election judges or clerks if such persons meet all other requirements for qualification of an elector and have a letter of recommendation from a school teacher, counselor or administrator. No more than ~~one person under the age of 16~~ may be appointed to each election board ~~1/3 of the persons appointed to each election board may be under the age of 18.~~

(c) The county election officer may establish a pool of trained judges and clerks who shall be recommended by the county chairpersons specified in ~~subsection (a)~~ of K.S.A. 25-2803(a), and amendments thereto. Judges and clerks in such pool may serve at voting places other than their own if:

(1) The chairpersons specified in ~~subsection (a)~~ of K.S.A. 25-2803(a), and amendments thereto, or either of them, have failed to make appropriate recommendations;

(2) it is impossible to obtain judges and clerks for a voting place in any other way; or

(3) voting machines are used, in which case the third judge, who shall be trained in the use of voting machines, need not necessarily live in the area of the voting place.

(d) Any judge or clerk serving in a voting place not located in the area in which such judge or clerk resides or serving on a special election board established under ~~subsection (c)~~ of K.S.A. 25-1133(c), and amendments thereto, shall be allowed to vote an advance voting ballot in accordance with the provisions of K.S.A. 25-1119, and amendments thereto,

Best Practices

by Michael Koss

Transitioning to November Elections

This year, the Kansas Legislature passed HB 2104 (the Act), which moved city elections from April of odd-years to November of odd-years. Because the Act is a compromise version of multiple bills, it contains numerous ambiguities and contradictions. This article provides guidance on what cities should do to comply with the Act and to adjust for the timing changes.

Timing, Terms, and Primary Elections

Three subsections of the Act authorize cities to continue using numerous combinations of staggered or non-staggered terms:

- L. 2015, ch. 88, sec. 7(c) requires that cities establish by ordinance the terms of office of their elected officials;
- L. 2015, ch. 88, sec. 9(c)(2) allows governing bodies to establish by ordinance terms of two, three, or four years; and
- L. 2015, ch. 88, sec. 7(h) allows cities to hold elections in November of even-numbered years for the purposes of staggering elections or to establish three-year terms of office.

Whatever election cycles a city establishes, terms of office must now begin on the second Monday in January following the certification of the election.¹ Previous language from K.S.A. 25-2120 stated that these terms began at the “first regular meeting of the governing body following certification of the election results.” If your city has incorporated this statutory language into an ordinance, that ordinance should be changed to reflect the new commencement date. Since commencement is now tied to a specific date rather than a meeting, it may also be appropriate for cities to amend their regular meeting ordinance. Creating an additional regular meeting on the second Monday in January following certification of an election would allow all newly elected officials to take their oaths of office on the day that their terms begin. Alternatively, cities could call a special meeting on that date, specifically for newly elected officials to take their seats.

Many cities of the second and third class have chartered out of K.S.A. 14-201, K.S.A. 14-1204, K.S.A. 15-201, and K.S.A. 15-1302 to change the length or stagger the terms of their governing body.² Cities do not need to change these charter ordinances unless they specifically reference an April election. If the charter ordinance does reference April, the city should amend it to reflect the November election date. Cities of the first class should also amend their ordinances to reflect this change. For cities that do not have any ordinance or charter ordinance establishing the terms of office for their governing body members, the Act requires the city to adopt an ordinance establishing terms.³ The League has developed several

model ordinances for this purpose, which you can view at <http://www.lkm.org/resources/ordinances/elections>.

Some cities have passed charter ordinances exempting themselves from the provisions of K.S.A. 25-2107 in order to hold elections in April of even-years, and/or exempted themselves from K.S.A. Supp. 25-2108a to avoid holding a primary election. Because K.S.A. 25-2101, *et seq.* has been made uniform by the Act, it is the League’s opinion that these charter ordinances are now repealed.⁴ For cities that have held elections in April of even-years, the League recommends that they pass an ordinance establishing a new election cycle using either odd-year or even-year November elections. For cities that had exempted themselves from the statutory primary election rules, they now must comply with K.S.A. 25-2108a. For cities with odd-year elections, that have also adopted ordinances incorporating the old April odd-year election language in K.S.A. 25-2107, these ordinances should be amended to reflect the changes to the statute.

The Act authorizes cities to hold partisan elections after passing an ordinary ordinance. However, the Hatch Act prohibits federal employees and active duty military officers from running for partisan offices. Changing to partisan elections would also impact a city’s primary election process. Any city considering holding partisan elections is encouraged to call the League to discuss these issues.

Transitions

Once a city establishes terms, it needs to consider how current office-holders will transition their terms to the new election cycle. The Act only contains one section controlling term transitions. L. 2015, ch. 88, sec. 7(a) states that terms that would have ended in April 2017 will now end in January 2018, when the officials elected in the November 2017 general election take office.⁵ The Act does not address the transition for city officials whose terms end in April 2016, 2018, or 2019. It is the League’s opinion that, because all filing deadline and primary election statutes accommodating spring elections have been amended or repealed, cities that previously held even-year elections do not have the authority to hold a final April general election in 2016. The League is considering introducing legislation next session that will extend officials’ terms that end in April 2016, 2018, or 2019, until the January of the following year when those elected in the November general election take office. However, it’s not certain that that legislation will pass, and even if it does, it may not be in time to deal with those officials whose terms would have ended in April 2016.

Because a legislative solution is uncertain, it may be advisable for cities with terms ending in April 2016 to use the authority in L. 2015, ch. 88, sec. 7(c) to pass an ordinance extending those terms to January 2017 (if the city wants to stay on the even-year cycle) or January 2018 (if the city wants to move those terms to the odd-year cycle).⁶ This extension should be included in the same ordinance that establishes or amends the terms of office of the elected officials.

Cities could also choose to do nothing, and the current office-holders would continue in office until the next election for that office.⁷ *Murray v. Payne*, 137 Kan. 685 (1933), explains that, where the legislature has changed municipal terms of office so that there is an interim period between when one term was to end and the new term is to begin, the current office-holders continue in office until the newly-elected officials take office. Therefore, if no action is taken regarding the extension of terms for elected officials whose terms were to end in April 2016, those officials will continue in office until the term commences for the next person elected to that position (the commencement date would be determined by the city's ordinance). The same rule applies to officials whose terms end in 2018 or 2019 – an ordinance can be passed extending their terms, or the city can do nothing, and the officials will continue in office until the term commences for the next person elected to that office.

Some officials have expressed concern that action taken by officials during these interim transition periods will not be binding, which could expose cities to potential litigation from parties seeking to invalidate governing body actions during this period. Luckily, the Kansas Supreme Court has already addressed this issue. In *Hale v. Bischoff*, 53 Kan. 301 (1894), the Court stated that, “[a]n officer whose official term has expired, but who remains in possession of the office, having full control thereof and exercising the functions of the same, is an officer de facto, and all of his acts, within the limits of his official power, are valid as respects the public and third persons.” Therefore, cities should not worry that action taken during these interim periods could be invalidated by subsequent litigation.

Appointments and Statement Of Substantial Interests Deadlines

Several city officials have pointed out that the new term commencement dates no longer correspond to appointment dates for city officers. However, only mayor-council cities of the third class are required to make appointments during a specific month. K.S.A. 15-204 states that appointments for these cities are to be made “at the first regular meeting in May of each year....” For cities that have chartered out of this statute, it may be advisable to amend the charter ordinance so that the appointment date is the first regular meeting in February (or whatever month the council chooses). For mayor-council cities of the third class that have not chartered out of K.S.A. 15-204, or do not plan on doing so, appointments should continue to take place at the first regular meeting in May. The League is considering introducing legislation to amend this statute so the appointment month corresponds to the new commencement day for elected officials.

For mayor-council cities of the second class, and commission cities of the second and third class, state statutes do not designate a specific month for appointments; they only designate that the terms of appointed officers be for one year.⁸ However, since those appointments likely have taken place during meetings in April or May in the past (depending on the city's ordinance), without action, new officials who take office in January would now have to wait three to four months to vote on renewing the city appointee's one-year terms. Any cities that have not chartered out of these statutes may want to consider amending their ordinances so that appointments take place at a regular meeting in February (or whatever month works best for the city). Once that change is made, the end of the current appointee's one-year terms in April or May can simply be ignored, so those officials continue in office as “holdovers” until the next, newly-established February appointment meeting. Cities of the first class that have not chartered out of K.S.A. 13-527 must establish terms of city officers by ordinance, so they may need to consider a similar ordinance amendment and transition process.

Another statute that was not changed to correspond to the new election cycle is K.S.A. 75-4302a, which requires that statements of substantial interests be filed:

- By an individual appointed on or before April 30 of any year to fill a vacancy in an elective office of a governmental subdivision, between April 15 and April 30, inclusive, of that year.
- By an individual appointed after April 30 of any year to fill a vacancy in an elective office of a governmental subdivision, within 15 days after the appointment.
- By any individual holding an elective office of a governmental subdivision, between April 15 and April 30, inclusive, of any year if, during the preceding calendar year, any change occurred in the individual's substantial interests.

These dates continue in effect even though they no longer correspond with municipal election dates. The League is considering legislation to amend the dates in this statute.

Filing Deadlines and Requirements

The Act also contains numerous changes to candidate filing requirements. Unfortunately, it has contradictory language regarding the new candidate filing deadline. Read together, L. 2015, ch. 88, sec. 15(b) and L. 2015, ch. 88, sec. 15(c) seem to indicate that, for cities meeting the primary election thresholds in K.S.A. 25-2108a, the candidate filing deadline is June 1, and for cities not meeting the thresholds, the filing deadline is September 1. However, L. 2015, ch. 88, sec. 52 of the Act states that the filing deadline for all city candidates is June 1.⁹ The League believes the intent was for L. 2015, ch. 88, sec. 52 to apply only to cities required to have a primary election under K.S.A. Supp. 25-2108a. We are seeking

clarification on this issue from the secretary of state, pursuant to his authority under L. 2015, ch. 88, sec. 15(d) and L. 2015, ch. 88, sec. 15(g). However, until that occurs, or there is legislation resolving the conflict, cities should operate under the assumption that the filing deadline for all city candidates is June 1.

The Act also changed rules for the notification of vacant offices, candidate filing fees, where candidates must file for office, and nomination petitions. City clerks must now inform the county election officer of all city offices to be voted on at the next election not later than May 1 of every year that the city has an election.¹⁰ Also, the filing fee for city office is now \$20 for all sizes of cities.¹¹ Additionally, candidates may no longer file through the city clerk's office - all candidate filings must take place at the county election office.¹² Finally, cities must establish by ordinance the number of qualified electors of the city that must sign a nomination petition.¹³ The League has developed a model ordinance to meet this requirement.¹⁴ Because of the increased filing fee for cities of the second and third class, the League encourages cities to create a low threshold for nomination petitions, so that potential candidates have an inexpensive means of filing for city office.

City Manager Form of Government

To move elections to November for all cities, the legislature repealed what was commonly known as the City Manager Plan Act (the CMPA), which over sixty Kansas cities had used to adopt the city manager form of government. City managers and city attorney's across the state expressed alarm at the repeal of these statutes, and the potential to use ordinary ordinances to overturn voter-approved adoptions of the CMPA for those city governments. The League responded by introducing an amendment recodifying the core parts of the CMPA, and retaining the continued operation of the CMPA for those cities that had adopted it. In L. 2015, ch. 88, sec. 8(a), the League amendment establishes that cities shall continue to operate under current forms of government adopted via an election (which is how cities were required to adopt the CMPA). In L. 2015, ch. 88, sec. 9(a), our amendment makes a city's ability to adopt a new form of government with an ordinance subject to the recodified version of the CMPA, which continues to require an election for adoption. Finally, L. 2015, ch. 88, sec.'s 10 through 12 contain the new language of the uniform CMPA, including provisions requiring that its abandonment can only occur via an election. For these reasons, it is the League's opinion that cities that have adopted the city manager form of government by election now operate under the provisions in L. 2015, ch. 88, sec.'s 10 through 12. If a city desires, it may affirm this fact by stating as much in an ordinary ordinance. The League has developed a model ordinance for this purpose.¹⁵

The savings clause in L. 2015, ch. 88, sec. 8 for existing forms of government also applies to all existing charter ordinances related to a city's form of government. Therefore, it is the League's opinion that cities that have adopted the CMPA via election, but have chartered out of some of its provisions, continue to operate under L. 2015,

ch. 88, sec.'s 10 through 12, and those sections are supplemented by the city's charter ordinances relating to its form of government.

Filling Governing Body Vacancies

The Act also creates new rules for filling governing body vacancies. The intent of L. 2015, ch. 88, sec.'s 71 through 73 is to require cities to hold special elections to fill vacancies in the governing body if those vacancies are not filled within sixty days. However, these sections conflict with a number of current statutes, and there are numerous ways to interpret their effect. L. 2015, ch. 88, sec. 71 requires vacancies in the governing body be filled by a majority vote of its remaining members if a city does not have a policy to fill governing body vacancies. This directly conflicts with K.S.A. 15-201, which requires that mayors in mayor-council cities of the third class fill vacancies with the consent of the council. The League has identified two different ways to interpret L. 2015, ch. 88, sec.'s 71 through 73:

- Treat these sections as a separate, standalone vacancy-filling process, which would allow cities to choose to use them OR ignore them and use the city's own vacancy-filling process or the statutory process for its respective class and form of city. If the city chose the latter interpretation, it could ignore the special election requirement for vacancies not filled within sixty days; OR
- Read L. 2015, ch. 88, sec.'s 71 through 73 together with existing vacancy-filling statutes. Under this interpretation, cities may fill their vacancies using their own procedure for filling vacancies (or, if none, a majority of the remaining governing body members), and if the vacancy isn't filled after sixty days, a special election must be held to fill it.

The League anticipates that L. 2015, ch. 88, sec.'s 71 through 73 will be codified in a non-uniform article of the statute books, and we encourage cities to consider chartering out of their requirements.

Conclusion

Ending 154 years of spring elections will be a cumbersome process for many cities, but the legislature has created several mechanisms to deal with the move to November. We hope this article provides useful guidance for your city's transition, but if you have any questions, please do not hesitate to contact the League or your city attorney.

✂ Michael Koss is Legal Counsel & Member Services for the League of Kansas Municipalities. He can be reached at mkoss@lkm.org or (785) 354-9565. He would like to thank the League staff and city officials who contributed to the creation of this article.

**You can view the sources for this article on the next page.*

Actions required of cities by the Act

- If an ordinance, charter ordinance, or city code section states that the commencement date of terms of office for elected officials is the "first regular meeting of the governing body following certification of the election results," it should be changed to "the second Monday in January following certification of odd-year elections" (or even-year elections, if the city chooses to have an even-year cycle).
- Any ordinances, charter ordinances, or city code sections that reference an April election should be amended to reflect the new November election day.
- For cities that do not have any ordinance or charter ordinance establishing the terms of office for their governing body members, the Act requires the city to adopt an ordinance establishing their terms.
- Cities that have held elections in April of even-years should pass an ordinance establishing a new odd-year November or even-year November election cycle.
- City clerks should update their annual calendars to reflect the new May 1 deadline for notifying county election officers of all city offices to be voted on at the next election every year that the city has an election.
- Cities must establish by ordinance the number of qualified electors of the city which must sign a nomination petition.

- To allow elected officials to take office on the day their terms begin, cities should consider amending their regular meeting ordinance so that there is a regular meeting held on the second Monday in January following certification of odd-year elections (or even-year elections, if the city chooses to have an even-year cycle).
- Since charter ordinances exempting cities from the primary election rules in K.S.A. Supp. 25-2108a are now ineffective, to reduce confusion, the city should consider repealing those charter ordinances.
- For mayor-council cities of the third class that have chartered out of K.S.A. 15-204, it may be advisable to amend the charter ordinance so that the appointment date is the first regular meeting in February (or whatever month the council chooses).
- Mayor-council cities of the second class, commission cities of the second and third class, and cities of the first class that have not chartered out of K.S.A. 13-527, should consider amending their ordinances so that officer appointments take place at a regular meeting in February (or whatever month works best for the city). Once that change is made, the end of all current appointee's one-year terms in April or May can simply be ignored, and the officials can continue in office as "holdovers" until the next, newly-established appointment meeting.
- For cities with terms ending in April 2016, it may be advisable to use the authority in New Section 7(c) to pass an ordinance extending those terms to January 2017 (if the city wants to stay on the even-year cycle) or January 2018 (if the city wants to move those terms to the odd-year cycle). The same can be done for officials whose terms end in April of 2018 or 2019.
- Cities may affirm that they continue to operate under the city manager form of government by passing an ordinance stating as much.
- Depending on where L. 2015, ch. 88, sec. 's 71 through 73 are placed in the statute book, cities should consider chartering out of their requirements.

Sources

1. L. 2015, ch. 88, sec. 57.
2. For example, to lengthen terms from two to four years, with three council members elected in one year and two council members and the mayor elected two years later.
3. L. 2015, ch. 88, sec. 7(c).
4. See generally *Bigy v. City of Wichita*, 271 Kan. 455 (2001) (discussing the Legislature's ability to make a nonuniform state law uniform by amending the nonuniform provision, and that any charter ordinances opting out of those statute are repealed).
5. See generally *Murray v. Payne*, 137 Kan. 685 (1933) (discussing the Legislature's power to require incumbent city officials holding four-year terms of office to continue in office until the next city election).
6. See generally *Milman v. Blomberg*, 504 F.3d 587 (2d Cir. 2009) (discussing the authority of municipalities to extend the terms of sitting elected officials).
7. But see *Wilson v. Clark*, 63 Kan. 505 (1901) (indicating that cities may have Home Rule authority to declare offices with interim terms as vacant).
8. See K.S.A. 14-201, K.S.A. 14-1501 and K.S.A. 15-1001.
9. A similar reference is made in L. 2015, ch. 88, sec. 7(d), but its reference to K.S.A. 25-202 appears to be a drafting error.
10. L. 2015, ch. 88, sec. 56.
11. L. 2015, ch. 88, sec. 7(b); L. 2015, ch. 88, sec. 29(a).
12. L. 2015, ch. 88, sec. 53(a).
13. L. 2015, ch. 88, sec. 53(b).
14. <http://www.lkm.org/resources/ordinances/elections>
15. <http://www.lkm.org/resources/ordinances/elections>

Potential legislative and regulatory actions by the League

- Potential amendment to K.S.A. 15-204 so that the appointment of city officers occurs closer to the time when elected officials take office.
- Potential amendment to the statement of substantial interest filing deadlines in K.S.A. 75-1002a.
- Potential creation of term extensions for officials whose terms are to end in April of 2016, 2018, or 2019, until January of the following year when those elected in the November general election take office.
- The League will seek clarification from the Secretary of State regarding the apparent conflict between L. 2015, ch. 88, sec. 15(c) and L. 2015, ch. 88, sec. 52.

Find sample documents to help with your city's transition at <http://www.lkm.org/resources/ordinances/elections>

- Sample ordinances establishing terms of office, and sample ordinances and resolutions extending terms of office.
- A sample ordinance establishing the number of qualified electors of the city which must sign a nomination petition.
- Sample ordinance affirming that a city continues to operate under the city manager form of government.

Johnson County Election Office

Calendar 2016

Scheduled elections, deadlines and positions to be elected in 2016 in Johnson County

Primary Election - March 1, 2016

General Election - April 5, 2016

Election of Officials in the following cities

- Leawood - Council Members Wards 1, 2, 3, 4 - 4 Year Term
- Mission - Council Members Wards 1, 2, 3, 4 - 4 Year Term
- Prairie Village Council Members Wards 1, 2, 3, 4, 5, 6 - 4 Year Term
- Westwood - Mayor - 4 Year Term, 2 Council Members At-Large - 4 Year Term
- City Candidates file at their respective city halls

January 26

Filing and Withdrawal Deadline (12 noon) - ten weeks prior to general election

KSA 25-2106, KSA 25-2109

Deadline for questions to be placed on the Primary Election ballot

February 9

Registration books close - last day to register KSA 25-2311(a)(4)

February 10

Advance voting by mail begins - 20 days prior to Election Day

KSA 25-1123(a)

February 23

Advance voting in person begins at Election Office

February 29

Advance voting in person closes (12 noon) KSA 25-1122(f)

March 1

SPRING PRIMARY ELECTION KSA 25-2102(b), KSA 25-2502(b)

March 7

Primary Canvass KSA 25-3104

Deadline for questions to be placed on the General Election ballot

March 15

Registration books close - last day to register KSA 25-2311(a)(5)

March 16

Advance voting by mail begins - 20 days prior to Election Day
KSA 25-1123(a)

March 29

Advance voting in person begins at Election Office

April 4

Advance voting in person closes (12 noon) KSA 25-1122(f)

April 5

SPRING GENERAL ELECTION KSA 25-2107, KSA 25-2502(a)

April 11

General Canvass KSA 25-3104

Primary Election - August 2, 2016

General Election - November 8, 2016

Election of National Officials

- President and Vice President - 4 Year Term
- United States Senator - 6 Year Term
- United States Representative (District 3) - 2 Year Term

Election of State Officials

- State Senators (Districts 6 - 11, 21, 23, 37) - 4 Year Term
- State Representatives (Districts 8, 14 - 30, 38, 39, 43, 48, 49, 78, 121) - 2 Year Term
- District Attorney (District 10) - 4 Year Term
- State Board of Education - District 2 - 4 Year Term
- Supreme Court Justices (November General Election only) - 6 Year Term
- Kansas Court of Appeals Judges (November General Election only) - 4 Year Term
- 10th Judicial District Judges - Divisions 2-6, 8, 12-13, 15-19 - (November General Election only) - 4 Year Term
- District Magistrate Judges, 10th Judicial District, Positions 1, 2, 3 - (November General Election only) - 4 Year Term
- The above offices file at the Secretary of State Office

Election of County Officials

- County Commissioner - Districts 2, 3, 6 - 4 Year Term (non-partisan)
- Sheriff - 4 Year Term
- Precinct Committeeman (August Primary Election only) - 2 Year Term

- Precinct Committeewoman (August Primary Election only) - 2 Year Term
- Township Trustee - 4 Year Term
- Township Treasurer - 4 Year Term

- The above offices file at the Johnson County Election Office

June 1

Filing and Withdrawal Deadline (12 noon) KSA 25-205, KSA 25-305(a), KSA 25-306(a)
Deadline for questions to be placed on the Primary Election ballot

July 12

Registration books close - last day to register KSA 25-2311(3)

July 13

Advance voting by mail begins - 20 days prior to Election Day
KSA 25-1123(a)

July 18

Advance voting in person begins - 14 days prior to Election Day

August 1

Advance voting in person closes (12 noon) KSA 25-1122(f)
Filing deadline for Independent nominations (12 noon) KSA 25-305(b)
Filing deadline for District Court Retention of Judges (12 noon) KSA 25-2908

August 2

FALL PRIMARY ELECTION KSA 25-203, KSA 25-2502(b)

August 8

Primary Canvass KSA 25-3104

September 1

Deadline for questions to be placed on the General Election ballot
Deadline for State Board of Canvassers to meet (Primary) KSA 25-3205

September 9

Filing deadline for Supreme Court and Court of Appeals Judges to file for retention
Kansas Constitution Article 3 Section 5(c) KSA 20-3006(b)

October 18

Registration books close - last day to register KSA 25-2311(a)(3)

October 19

Advance voting by mail begins - 20 days prior to Election Day
KSA 25-1123(a)

October 24

Advance voting in person begins - 15 days prior to Election Day

November 7

Advance voting in person closes (12 noon) KSA 25-1122(f)

November 8

FALL GENERAL ELECTION

Tuesday after the first Monday in November in even numbered years
KSA 25-101, KSA 25-2502(a)

November 14

General Canvass KSA 25-3104

Last Updated: August 08, 2013 04:29 PM

[Home](#) | [Contact Us](#) | [Voter Information](#) | [Election Worker Information](#) | [Archives](#) | [Privacy](#)

Johnson County Election Office 2101 East Kansas City Road Olathe, KS 66061

Office Hours: Monday - Friday 8:00 AM - 5:00 PM

Phone: (913) 782-3441

Fax: (913) 791-1753

[Directions to the Election Office](#)

E-mail: election@jcoelection.org

Johnson County Election Office

Calendar 2017

Scheduled elections, deadlines and positions to be elected in 2017 in Johnson County

Primary Election - August 1, 2017

General Election - November 7, 2017

Election of Officials in the following cities

- Bonner Springs - Mayor - 2 Year Term, Council Member Ward 4 - 4 Year Term
- De Soto - Mayor - 4 Year Term, 2 Council Members At-Large - 4 Year Term
- Edgerton - Mayor - 4 Year Term, 2 Council Members At-Large - 4 Year Term
- Fairway - Mayor - 4 Year Term, Council Members Wards 1, 2, 3, 4 - 4 Year Term
- Gardner - Mayor - 4 Year Term, 2 Council Members At-Large - 4 Year Term
- Lake Quivira - Mayor - 2 Year Term, 2 Council Members At-Large - 4 Year Term
- Lenexa - Council Members Wards 1, 2, 3, 4 - 4 Year Term
- Merriam - Mayor - 4 Year Term, Council Members Wards 1, 2, 3, 4 - 4 Year Term
- Mission Hills - Mayor - 4 Year Term, 2 Council Members At-Large - 4 Year Term
- Mission Woods - Mayor - 2 Year Term, 5 Council Members At-Large - 2 Year Term
- Olathe - 1 Council Member At-Large - 4 Year Term, Council Members Wards 3, 4 - 4 Year Term
- Overland Park - Mayor - 4 Year Term, Council Members Wards 1, 2, 3, 4, 5, 6 - 4 Year Term
- Roeland Park - Mayor - 4 Year Term, Council Members Wards 1, 2, 3, 4 - 4 Year Term
- Shawnee - Council Members Wards 1, 2, 3, 4 - 4 Year Term
- Spring Hill - Mayor - 4 Year Term, 2 Council Members At-Large - 4 Year Term
- Westwood Hills - Mayor - 2 Year Term, 5 Council Members At-Large - 2 Year Term

Election of Board Positions for:

- USD 229 Blue Valley Board Members - Positions 4, 5, 6 - 4 Year Term
- USD 230 Spring Hill Board Members - Positions 4, 5, 6 - 4 Year Term
- USD 231 Gardner Edgerton Board Members - Positions 4, 5, 6 - 4 Year Term
- USD 232 De Soto Board Members - Positions 4, 5, 6 - 4 Year Term
- USD 233 Olathe Board Members - Positions 3, 5, 6 - 4 Year Term
- USD 289 Wellsville Board Members - Positions 4, 5, 6 - 4 Year Term
- USD 491 Eudora Board Members - 3 At-Large Positions - 4 Year Term
- USD 512 Shawnee Mission Board Members - Positions 2, 4, 6 At-Large - 4 Year Term
- Johnson County Community College Trustees - 4 At-Large Positions - 4 Year Term
- Water District #1 of Johnson County - Positions 3, 4, 5 - 4 Year Term
- The above offices file at the Johnson County Election Office.

Exceptions: USD 289 candidates file at the Franklin County Clerk's Office,
USD 491 candidates file at the Douglas County Clerk's Office,
Bonner Springs candidates file at the Wyandotte County Election Office.

June 1

Filing and Withdrawal Deadline (12 noon) - ten weeks prior to general election
KSA 25-2106, KSA 25-2109
Deadline for questions to be placed on the Primary Election ballot

July 11

Registration books close - last day to register KSA 25-2311(a)(4)

July 12

Advance voting by mail begins - 20 days prior to Election Day
KSA 25-1123(a)

July 25

Advance voting in person begins at Election Office

July 31

Advance voting in person closes (12 noon) KSA 25-1122(f)

August 1

FALL PRIMARY ELECTION KSA 25-2102(b), KSA 25-2502(b)

August 7

Primary Canvass KSA 25-3104
Deadline for questions to be placed on the General Election ballot

October 17

Registration books close - last day to register KSA 25-2311(a)(5)

October 18

Advance voting by mail begins - 20 days prior to Election Day
KSA 25-1123(a)

October 31

Advance voting in person begins at Election Office

November 6

Advance voting in person closes (12 noon) KSA 25-1122(f)

November 7

FALL GENERAL ELECTION KSA 25-2107, KSA 25-2502(a)

November 13

General Canvass KSA 25-3104

Last Updated: August 08, 2013 04:29 PM

[Home](#) | [Contact Us](#) | [Voter Information](#) | [Election Worker Information](#) | [Archives](#) | [Privacy](#)

Johnson County Election Office 2101 East Kansas City Road Olathe, KS 66061

Office Hours: Monday - Friday 8:00 AM - 5:00 PM

Phone: (913) 782-3441

Fax: (913) 791-1753

[Directions to the Election Office](#)

E-mail: election@jcoelection.org

Johnson County Election Office

Calendar 2018

Scheduled elections, deadlines and positions to be elected in 2018 in Johnson County

Primary Election - August 7, 2018 **General Election - November 6, 2018**

Election of National Officials

- United States Representative (District 3) - 2 Year Term

Election of State Officials

- Governor/Lieutenant Governor - 4 Year Term
- Secretary of State - 4 Year Term
- Attorney General - 4 Year Term
- State Treasurer - 4 Year Term
- Commissioner of Insurance - 4 Year Term
- State Representatives - Districts 8, 14 - 30, 38, 39, 43, 48, 49, 78, 121 - 2 Year Term
- State Board of Education - Districts 1, 3 - 4 Year Term
- Kansas Supreme Court Justices - 6 Year Term (November General Election only)
- Kansas Court of Appeals Judges - 4 Year Term (November General Election only)
- 10th Judicial District Judges - Divisions 1, 7, 9, 10, 11, 14, 15, 16, 17 (November General Election only) - 4 Year Term
- District Magistrate Judges, 10th Judicial District - Position 4 - 4 Year Term (November General Election only)
- *The above offices file at the Secretary of State Office*

Election of County Officials

- County Commissioner Chair - 4 Year Term (non-partisan)
- County Commissioner - Districts 1, 4, 5 - 4 Year Term (non-partisan)
- Precinct Committeeman (August Primary Election only) - 2 Year Term
- Precinct Committeewoman (August Primary Election only) - 2 Year Term
- Township Clerk - 4 Year Term

Election of Officials in the following cities

- Leawood - Mayor - 4 Year Term, Council Members Wards 1, 2, 3, 4 - 4 Year Term
- Mission - Mayor - 4 Year Term, Council Members Wards 1, 2, 3, 4 - 4 Year Term
- Prairie Village Council Members Wards 1, 2, 3, 4, 5, 6 - 4 Year Term
- Westwood - 3 Council Members At-Large - 4 Year Term

• *The above offices file at the Johnson County Election Office*

June 1

Filing and Withdrawal Deadline (12 noon) KSA 25-205, KSA 25-305(a), KSA 25-306a
Deadline for questions to be placed on the Primary Election ballot

July 17

Registration books close - last day to register KSA 25-2311(3)

July 18

Advance voting by mail begins - 20 days prior to Election Day
KSA 25-1123(a)

July 23

Advance voting in person begins

August 6

Advance voting in person closes (12 noon) KSA 25-1122(f)
Filing deadline for Independent nominations (12 noon) KSA 25-305(b)
Filing deadline for District Court Judges Retention of Judges (12 noon) KSA 20-2908

August 7

FALL PRIMARY ELECTION

First Tuesday in August in even numbered years KSA 25-203, KSA 25-2502(b)

August 13

Primary Canvass KSA 25-3104

September 1

Deadline for questions to be placed on the General Election ballot
Deadline for State Board of Canvassers to meet (Primary) KSA 25-3205

September 7

Filing deadline for Supreme Court and Court of Appeals judges to file for retention
Kansas Constitution Article 3 Section 5(c) KSA 20-3006(b)

October 16

Registration books close - last day to register KSA 25-2311(a)(3)

October 17

Advance voting by mail begins - 20 days prior to Election Day KSA 25-1123(a)

October 22

Advance voting in person begins

November 5

Advance voting in person closes (12 noon) KSA 25-1122(f)

November 6

FALL GENERAL ELECTION

Tuesday after the first Monday in November in even numbered years
KSA 25-101, KSA 25-2502(a)

November 12

General Canvass KSA 25-3104

Last Updated: August 08, 2013 04:29 PM

[Home](#) | [Contact Us](#) | [Voter Information](#) | [Election Worker Information](#) | [Archives](#) | [Privacy](#)

Johnson County Election Office 2101 East Kansas City Road Olathe, KS 66061

Office Hours: Monday - Friday 8:00 AM - 5:00 PM

Phone: (913) 782-3441

Fax: (913) 791-1753

[Directions to the Election Office](#)

E-mail: election@jocoelection.org

Prairie Village - Transition to November Elections

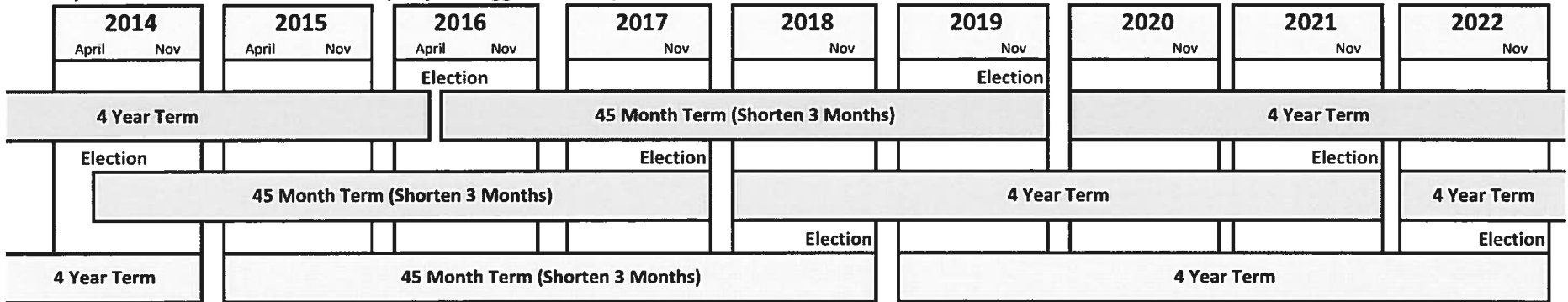
Two possible options illustrated are the least impact to terms and term extensions. Other options may be identified during City Council discussion.

Group 1 - Council Members - Terms Expire April 2016

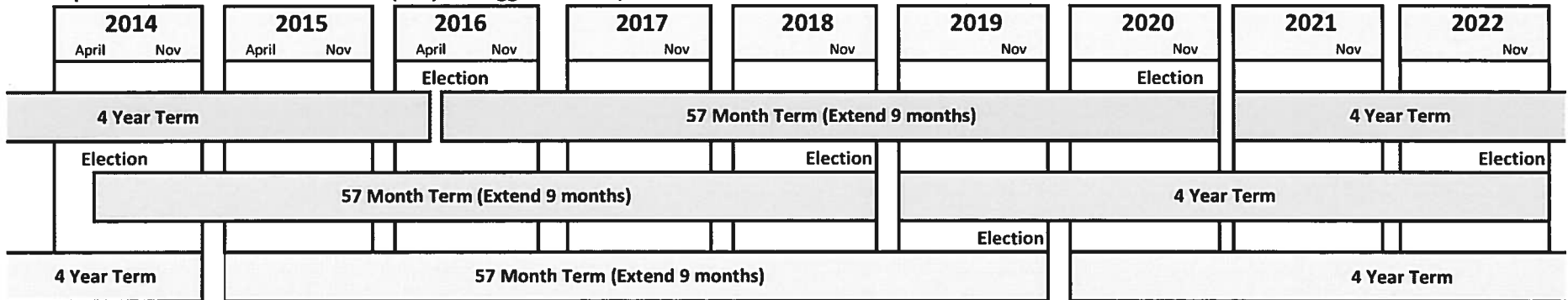
Group 2 - Council Members - Terms Expire April 2018

Group 3 - Mayor Term Expires April 2019

Option 1 - Fall Odd-Year Elections (Mayor Staggered Term)



Option 2 - Fall Even-Year Elections (Mayor Staggered Term)



**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Council Chambers
Monday, October 05, 2015
7:30 PM**

- I. **CALL TO ORDER**
- II. **ROLL CALL**
- III. **PLEDGE OF ALLEGIANCE**
- IV. **INTRODUCTION OF STUDENTS & SCOUTS**
- V. **PUBLIC PARTICIPATION**

(5 minute time limit for items not otherwise listed on the agenda)

VI. **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 the regular Council meeting minutes - September 21, 2015

By Committee

- 2. Approve the removal of the traffic signal located at Somerset Drive and Belinder Avenue and approve \$8,858.64 payment to Kansas City Power and Light for the removal

VII. **COMMITTEE REPORTS**

Council Committee of the Whole

COU2015-34 Consider purchase of two Ford F-550's to replace two dump trucks and disposal of asset #1111, and #1134 by auction.

Consider approval of a resolution determining the intent of the Governing Body regarding certain provisions in the Meadowbrook Park and Village area project plan and the proposed redevelopment district.

VIII. **MAYOR'S REPORT**

IX. **STAFF REPORTS**

X. OLD BUSINESS

Consider pleadings for dismissal and agreed journal entry in pending lawsuits relating to city's denial and approval of SUPs on the former Mission Valley School site.

XI. NEW BUSINESS

XII. ANNOUNCEMENTS

XIII. 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

**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
September 21, 2015**

The City Council of Prairie Village, Kansas, met in regular session on Monday, September 21, 2015 at 7:30 p.m. in the Council Chambers at the Municipal Building, 7700 Mission Road, Prairie Village, Kansas.

ROLL CALL

Mayor Laura Wassmer called the meeting to order and roll call was taken with the following Council members present: Ashley Weaver, Jori Nelson, Steve Noll, Eric Mikkelson, Andrew Wang, Brooke Morehead, Sheila Myers, Dan Runion, David Morrison, Ted Odell and Terrence Gallagher.

Staff present was: Tim Schwartzkopf, Chief of Police; Keith Bredehoeft, Public Works Director; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Wes Jordan, Assistant City Administrator; Nolan Sunderman, Assistant to the City Administrator; Lisa Santa Maria, Finance Director and Joyce Hagen Mundy, City Clerk. Also present was Planning Consultant Chris Brewster.

Mayor Laura Wassmer led all present in the Pledge of Allegiance.

INTRODUCTION OF STUDENTS & SCOUTS

Two boy scouts were in attendance to earn their "Citizenship in the Community" badges.

PUBLIC PARTICIPATION

With no one wishing to address the Council, public participation was closed at 7:35.

Mayor Wassmer recognized JazzFest Committee members present and Chairman JD Kinney for the very successful 6th Annual Prairie Village Jazz Festival held last Saturday. She noted that one of the musicians back stage told her that this was the best run festival he had ever seen and how pleased he was with how well the musicians were treated. She acknowledged the work of the committee members, city staff and volunteers for putting together such a professionally run event featuring local and recognized jazz artists. This is a great event for Prairie Village and we thank you for all the work that goes into making it happen each year.

CONSENT AGENDA

Eric Mikkelson removed item #1 and asked that the minutes of the September 8th meeting reflect the confirmation by Gary Anderson that there was no intended office use to be construction in conjunction with the TIF project, except for ancillary offices related to the proposed apartments and/or hotel.

Council President Brooke Morehead moved for the approval of the Consent Agenda for September 21, 2015 as amended:

1. Approve amended City Council Minutes - September 8, 2015
2. Approve claims ordinance #2933
3. Approve 2016 Mission Hills Agreement for Police and Court Services
4. Approve Construction Change Order #1 (Final) with Metro Asphalt, Inc. for Project P5001: 2015 Street Repair Program in the amount of \$4,330.28 bringing the final contract amount to \$154,330.28

A roll call vote was taken with the following members voting "aye": Weaver, Nelson, Noll, Mikkelson, Wang, Myers, Morehead, Runion, Morrison, Odell and Gallagher.

COMMITTEE REPORTS

JazzFest Committee

Brooke Morehead added her thanks to the JazzFest Committee for their work in putting together a very successful 2015 Jazz Festival and noted there would be a wrap-up meeting to review the event and financial results.

Mayor's Report

Mayor Wassmer reported she has had a very busy two weeks attending the Shawnee Mission Educational Foundation Breakfast, meetings on the Meadowbrook Project, meetings with representatives of First Washington on improvements proposed for the shopping centers, attending the 6th Annual Prairie Village Jazz Festival, attending a regional Mayors' meeting on economic growth in Kansas City, attending a planning meeting for a proposed overlay district, the Citizens Police Academy, Constitution Day activities at Belinder Elementary, a tour of the Deffenbaugh facility, participating in the Brush with Kindness event and hosting the Northeast Johnson County Mayors at WireCo Corporate Headquarters at 2400 West 75th Street.

STAFF REPORTS

Public Safety

- Chief Schwartzkopf reported on the second "Coffee with a Cop"
- Saturday, September 26th the Department will be participating in the "Drug Take Back" program collecting prescription drugs at a drop-off outside of the police station.

Public Works

- Keith Bredehoeft provided updates on Roe Avenue Project and the 75th Street Projects
- Mr. Bredehoeft responded to questions on the water main break at Somerset & Mission Road on Sunday. He noted that the Water District is planning improvements to its water lines on Mission Road in 2016. The process will be similar to that followed this past year on 75th Street
- Letters were mailed last week to residents impacted by Emerald Ash Bore additional information is available on the city's website.

Administration

- Wes Jordan reported on the “Brush with Kindness” projects in Prairie Village. A second and third project will be done on Wednesday, September 23rd and Saturday, September 26th. He will send additional information to the Council and a presentation will be made later this fall on the work done.
- Mr. Jordan provided additional information on the employee appreciation event to be held this Friday at Royals Stadium.
- Lisa Santa Maria noted that this is the final quarter of the fiscal year and encouraged Council members to submit any requests for reimbursement.
- Quinn Bennion noted the upcoming Public Meeting/Open House held by Johnson County Park & Recreation District to gather input on the development of the park land at Meadowbrook. The meeting will be Tuesday, September 29th from 3:30 to 7:30 p.m.
- There will be a special council meeting on Monday, October 12th from 5:30 to 6:00 at Meadowbrook followed by a joint workshop.
- Mr. Bennion stated he will be out of the office next week attending the International City Managers Conference. The point of contact in his absence will be Assistant City Administrator Wes Jordan.

OLD BUSINESS

PC2015-06 Consider Request for Rezoning 7930 State Line Road from R-1b and C-0 to CP-1 and Approval of Preliminary Development Plan

City Planning Consultant Chris Brewster noted this application was first heard by the Planning Commission on June 2, 2015, and then again on July 7, 2015. The Planning Commission recommended approval of the rezoning and preliminary site plan subject to 15 conditions. Additionally the Planning Commission approved a Conditional Use Permit for a drive through based on the site plan, subject to 3 conditions - one it being contingent upon approval of the Zoning and Preliminary Site Plan by the Governing Body. The Governing Body considered the application at its August 3 meeting and failed to approve the application. A motion was approved to send the application back to the Planning Commission to look at specific issues associated with the drive through and relationship with abutting residential property. A revised site plan based on this motion was created by the applicant.

The primary issues from the City Council were the drive-through and noise. A new site plan was developed to further address these issues. While the new plan addresses these issues, other issues are created. The applicant is willing to move forward with either plan. A revised landscape plan has been created using more plants and trees suggested at the Council meeting. The revised landscape plan will be implemented with either site plan recommended by the Planning Commission. An engineering firm was hired to conduct a noise analysis of the proposed drive through speakers and the existing noise levels. The dumpster has been moved further from the residential properties to minimize noise.

Specifically the Planning Commission discussed the following with respect to the issues identified:

- Drainage - since the proposed application is reducing impervious surface and further increasing landscape elements, an improvement over current conditions is possible.
- Traffic - while the proposed use could increase traffic for the site, the traffic study found that the current capacity of State Line road can handle the proposed uses traffic patterns and site configuration.
- Lighting - the final development plan will be required to meet all outdoor lighting standards which require design standards to ensure no light spill over onto adjacent residential property.
- Smell and Noise - the operation, performance standards and site design are arranged in a manner to best mitigate any potential impacts of noise and smell.

The revised site plan includes additional landscape materials, and a revised circulation plan that does not circulate parking and drive-through traffic as far back (west) on the site. Instead, two stacking lanes turn into the drive-through closer to the building on the central part of the lot. The speaker boxes for the drive through remain in the same location as the original application and are oriented to the south west - towards the office property to the south. While additional landscape materials and reduced potential for all traffic circulating to the back portion of the lot could reduce perceived noise impacts on abutting

residential property, the revised plan also presents a potential circulation issue. There is only one drive lane to the majority of the site parking on the north side of the lot, and if more than 12 cars begin to stack at the drive-through area, there is the potential for customers trying to access parking to stack in that line along the east side of the applicants property. This option was originally proposed by the applicant prior to the initial application, but due to potential stacking issues staff requested the circulation option shown on the original application.

After significant discussion by the Planning Commission, the Commission voted to return its original recommendation to the City Council. The primary reasons for not selecting the revised plan were pedestrian safety concerns for patrons walking from the parking lot to the restaurant and potential stacking of vehicles interfering with traffic flow created by the new plan proposed. Based on the findings of the noise study they amended condition #15 and added condition #16 stipulating the enhanced landscaped plan prepared be implemented.

Mr. Brewster at this point the Planning Commission's recommendation can be approved, denied or amended by a simple majority vote of the Governing Body based on the Golden Factors.

Dan Runion asked what happens if traffic does back up onto State Line Road. Mr. Brewster replied there is room for the stacking of 12 vehicles before it impacts traffic flow on the property and an additional 10 vehicles before it would impact State Line Road. This will not be a problem.

Terrence Gallagher stated he appreciated the enhanced landscape and but raised concern with odor emissions with the trash dumpster located adjacent to

neighboring properties. Mr. Brewster replied a condition of approval from the Planning Commission was that the dumpster be moved from next to the residences to the south side of the property farthest away from the residential properties.

Eric Mikkelson questioned the effectiveness of the eight foot fence due to the elevation of this property in comparison with the adjacent properties and if 49 parking spaces were necessary. Mr. Brewster responded the 8 foot fence will provide adequate screening particularly with the enhanced landscaping. He noted the determination of parking counts is an inexact science. The issues was not addressed by the Commission as the applicant submitted plans with the number of parking spaces required by code. However, he added that under the requested Planned Zoning designation, the City has the ability to approve few parking spaces. He feels the requested number of spaces is appropriate for the size of this building and operation.

Mitch Dicarlo, with Block and Company, introduced Jeff Bartz with BHC Rhodes, Danny Potts with Klover Architecture and Mo Yaganeh, President & Operating Partner with KC Slim LLC.

Jeff Bartz presented a comparison of the original plan approved by the Planning Commission and the revised plan created based on the requests of the City Council. The goal of new plan is to minimize noise. They have done so with additional landscaping using recommended trees and adding landscaping around the sound boards and moving dumpster further away from residents. Only parking will be located in the deepest part of the lot by the residential properties.

A study was completed by Henderson Engineers, Inc. on August 19th and 20th. Noise levels were measured on the proposed site and the existing Slim Chickens restaurants in Independence, Missouri and Overland Park, Kansas at noon. The results

indicate the intercom noise is primarily inaudible except at times of no traffic, though locust, wind noise and other typical outdoor ambient noises will be approximately equivalent or louder than the intercom system. Based on testing, the estimated level from the drive through speaker at the northwest property line on the proposed site is 42.2 decibels with the existing ambient noise level of 51.5 decibels. Noise from the two locations tested revealed noise levels at 10 and 15 feet from the speakers to be less than existing traffic noise from the street.

Eric Mikkelson stated he was bothered by the plan having the required number of parking spaces when there is the flexibility to have fewer spaces. Mr. Bartz replied they would be willing to reduce the parking by one or two spaces. Mr. Yaganeh stated the majority of the patrons park and come in to eat with only approximately 30% using the drive-through facilities. Adequate parking spaces are important to their patrons.

Mr. Mikkelson asked about the potential for a higher fence. Mr. Bartz replied there are greater structural concerns with a fence in excess of 8 feet, the proposed 8 foot fence would match that installed by Panda Express and the proposed landscaping will create a solid wall buffer. Mr. Mikkelson asked if there would be a solid wall year-round. Mr. Bartz replied the proposed trees are evergreen that have been planted as close to one another as possible allowing for future growth.

Jori Nelson stated her biggest concern is parking adjacent to residential properties and the impact of car headlights as well as noise. Mr. Bartz noted the majority of the parking is on the south side of the site minimizing the noise to the neighboring residents on the north. Ms Nelson stated she visited the Panda Express site to confirm the noise level of their drive-through speakers and found it to be minimal.

Mr. Bartz replied the findings of the noise study, without the benefit of the proposed buffering landscaping, indicate that noise will not be a serious issue for adjacent residential properties.

Ted Odell stated the City needs to be careful when considering lowering parking requirements. He likes the additional landscaping and feels the 8-foot fence is appropriate. Brooke Morehead agreed that the revised landscape plan is a significant improvement over what currently exists. Sheila Myers asked what was at the front of the building. Mr. Bartz replied an outside seating area with a canopy.

Ted Odell moved the Governing Body adopt Ordinance 2333 approving the rezoning of 7930 State Line Road from R-1b and C-0 to CP-1 (Restricted Business District) and the revised Preliminary Development Plan subject to 16 conditions recommended by the Planning Commission. The motion was seconded by Andrew Wang.

Mayor Wassmer opened the meeting to comments from residents in attendance.

Carly Bailey, 2021 Somerset Drive, stated the opposition to this project by the neighbors on Somerset has not diminished. Concerns remain regarding security, noise pollution, light pollution, traffic, water runoff and employees hanging around late in the evening. She noted that Panda Express was the only similarly zoned property with a drive-through in Prairie Village, pointing out the others are all located in Kansas City, Missouri. She and her mother were “adamantly opposed to Slim Chickens” coming to the neighborhood. She pointed to the problems associated with the presence of Panda Express on the neighboring parcel and said she worried that another restaurant with a drive through window would only exacerbate noise, odors and light pollution.

Ms Bailey pointed out that KCP&L routinely trims the trees on this property to protect their power line and that the trees on the Panda Express property do not provide screening. As a neighboring resident Panda Express has been a resounding failure. Ms. Bailey citing court zoning related rulings, urged the City Council to deny this application and protect the property values of the surrounding property owners.

Audrey Martin, 2119 Somerset Drive, stated that no one wants a massive solid wall in their back yard and that no more trees are needed. She noted the pavement is necessary for access for maintenance of the power lines.

Harlan Burkhead, 7909 Sagamore, noted that the construction of a ten foot wall would block headlights, but it would also block sunlight from coming into their backyards and negatively impacting the growth of plants. Mr. Burkhead stated the traffic study presented by the applicant was not done independently nor recently. The study used 2011 data from Kansas City, Missouri and is not signed by a certified engineer. Over the years he has lived at this location, he has seen traffic volume increase significantly and feels that this additional business will result in traffic accidents.

David Woolridge, 2115 Somerset, stated he can hear the speakers from Panda Express on his property. The proposed evergreens will provide minimal sound buffering and the power company will cut the trees back preventing them from reaching the height to be effective for screening. Mr. Woolridge stated the sound study conducted was not descriptive or comparative. He noted that you can't measure sound from something that has not been constructed. This is a seven day a week operation with the greatest noise coming during the evening hours which were not measured. He asked the City Council to not allow this most intrusive commercial development to be constructed behind their homes.

Jori Nelson asked if the City verified the traffic study. Keith Bredehoeft replied the study was reviewed by city staff and the city's traffic consultant. Based on their findings a full traffic study was not requested. Mitch DiCarlo stated that the Police Department's research found no accidents at this location in the past three years.

Mitch DiCarlo of Block stated that the company had been responsive to the concerns of both the Planning Commission and the council doing everything we could come up with or conceive of...to address all of the concerns that were raised. He noted that traffic created by this project is not in addition to existing traffic, it is replacing the traffic generated by the previous office use.

Jori Nelson asked if the business was successful how much vehicular traffic would be generated during a day. Mo Yaganeh responded that most of their traffic would be between the hours of 11 - 1:30 and 4 to 8 p.m. with very little traffic after 8 p.m. It was difficult to estimate traffic at this point stating it could be 400 to 500 vehicles per day. He encouraged the City Council members to go on Facebook and read the reviews on the recent Slim Chickens operation that opened in Overland Park. This is not a "chicken shack", but a well designed operation that will bring revenue and jobs to Prairie Village. There is no comparison for the proposed \$2.5M operation in Prairie Village.

David Morrison commended Mr. DiCarlo on their presentation and proposed business; however, he noted that they are requested the rezoning of this property from a residential use to a retail/commercial use. He would like to see the office building use continue. He does not see an overwhelming reason to change the zoning for the benefit of this developer over the objection of the neighboring residential property owners who will be negatively impacted. He feels it is time for the City Council to stand behind its residents and say no to the proposed rezoning.

Eric Mikkelson stated he agreed with most of Mr. Morrison's comments including the comments regarding the outstanding presentation provided by the applicant. However, he is concerned that it will be a number of years before the proposed landscaping will become a solid wall protecting the residents from vehicle lights shining on their property. Mr. Mikkelson moved to amend the motion with the following two conditions: that the eight foot fence be increased to 10 feet in height and that four to six parking spaces located closest to neighboring residential properties be removed. The amendment was seconded by Dan Runion.

Ted Odell questioned the changing elevation between the properties and its impact on the screening of headlights. Mr. Bartz replied there is a three foot difference in elevation. Mr. Gallagher noted the proposed landscaping is far greater than that required by other cities and will create an effective buffer. He does not support a ten foot wall across the back of these residential properties. Mr. Odell noted the stated difficulties in constructing and maintaining a ten foot wall. Mr. Mikkelson stated the additional two feet would ensure that the headlights would be screened. Brooke Morehead suggested the construction of a berm.

Sheila Myers stated she appreciated what the applicant has done, but this site does not support the use they are proposing. They are trying to retrofit a business on a site that cannot accommodate it.

Andrew Wang questioned the City Council's tinkering with the architecturally designed site approved by a Planning Commission with experience and expertise. He stated this is not a residential site. It is a highly travelled major corridor of commercial businesses. If office use was the optimal use for this property, the office building would have been successful.

Jori Nelson expressed concern with the number of vehicles that would be coming onto to property over the course of a year based on the estimate given.

Ted Odell stated he would be more comfortable with the proposed amendment if it were to simply reduce the number of parking spaces and prevent headlights from shining onto adjacent properties rather than stating a specific number of parking spaces to be removed and requiring a 10 foot fence.

Dan Runion asked what the adjacent business properties along State Line Road in Prairie Village were zoned. Chris Brewster stated they were zoned CP-1, the same zoning being requested.

Terrence Gallagher noted that the issue is the headlights shining upon adjacent property and suggested that it be addressed not by a required ten foot fence but through a sight-line study that would determine the minimum height required to prevent that from occurring.

Eric Mikkelson amended his proposed amendment to require the fence be construction at a height determined by a sight analysis to prevent any overflow of headlight lights onto neighboring property and that the six parking spaces closest to the adjacent residential properties be removed.

Chris Brewster noted the applicant stated he could removed one or two and that the city needs to make sure that sufficient parking is available. He feels the number of spaces should be determined by the applicant and noted this could also be addressed through the use of compact spaces. Jeff Bartz noted they could designate those parking spaces nearest to residential properties as employee parking limiting the impact. Mr. Mikkelson stated he has a difficult time having parking spaces that are not needed. Mr. Bartz noted the parking spaces are a minimum of 15 feet from the residential property

lines. Mr. Mikkelson responded he'd like to see them a minimum 20 feet back. Mr. Bartz noted code only requires a five foot setback.

Caroline Bailey, 2021 Somerset, noted that Somerset is angled to State Line and they already look onto the site and parking.

Mayor Wassmer suggested removing two from the top and two from the bottom. She also likes designating them as employee parking.

Terrence Gallagher suggested moving the parking on the north side to the south side and move the trash enclosure farther away from residents. Mr. Bartz stated those changes could be made in the final development plan that will go back to the Planning Commission.

Eric Mikkelson moved the following amendment to the motion on the floor - that condition #8 be amended to read: the fence height shall be set at the height necessary to prevent headlights from high profile vehicles from entering adjacent residential lots from the highest point of the property and condition #17 be added to read: that the applicant shall remove four (4) parking spaces closest to the residential properties or relocate them so they are no closer to the residential properties than the closest spot after they are removed. The amendment was seconded by Dan Runion and passed by a vote of 9 to 3.

The motion as amended that the Governing Body adopt Ordinance 2333 approving the rezoning of 7930 State Line Road from R-1b and C-0 to CP-1 (Restricted Business District) and the revised Preliminary Development Plan subject to 17 conditions recommended by the Planning Commission and Governing Body was voted on by roll call vote with the following votes cast: "aye" Weaver, Nelson, Noll, Mikkelson, Wang,

Morehead, Runion, Morrison, Odell, Gallagher, Wassmer and “nay” Hopkins (in absence) and Myers.

NEW BUSINESS

Councilman David Morrison reported that he had just returned from a National League of Cities Conference and encouraged other council members to participate in these valuable educational experiences.

Committee meetings scheduled for the next two weeks:

Environment/Recycle Committee	09/23/2015	5:30 p.m.
Council Committee of the Whole	10/05/2015	6:00 p.m.
City Council	10/05/2015	7:30 p.m.

=====

The Prairie Village Arts Council is pleased to present a photo exhibit by the Dolyna Photo Club in the R. G. Endres Gallery during the month of September.

The Annual Prairie Village Peanut Butter Week in support of Harvesters Food Bank will be held October 5 - 9, 2015. Support the drive through donations at City Hall, or at your local church or school.

The Annual League of Kansas Municipalities will be held October 10 - 12, 2015 in Topeka.

Save the Date - the Northeast Johnson County Chamber of Commerce Annual Gala will be held on Saturday, November 21st.

ADJOURNMENT

With no further business to come before the City Council the meeting was adjourned at 9:45 p.m.

Joyce Hagen Mundy
City Clerk

COUNCIL COMMITTEE OF THE WHOLE
September 21, 2015

The Council Committee of the Whole met on Monday, September 21, 2015 at 6:00 p.m. in the Council Chambers. The meeting was called to order by Council President Brooke Morehead with the following members present: Mayor Laura Wassmer, Ashley Weaver, Jori Nelson, Steve Noll, Eric Mikkelson, Andrew Wang, Sheila Myers, Dan Runion, David Morrison, Ted Odell and Terrence Gallagher.

Staff Members present: Tim Schwartzkopf, Chief of Police; Keith Bredehoeft, Public Works Director; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Wes Jordan, Assistant City Administrator; Nolan Sunderman, Assistant to the City Administrator, Lisa Santa Maria, Finance Director and Joyce Hagen Mundy, City Clerk.

Presentation and discussion regarding the Wireless Communication Facility at 63rd and Mission Road with Selective Site Consultants

Wes Jordan stated that in an effort to provide clearer direction Selective Site Consultants has requested permission to appear before the Governing Body to present wireless communication facility options being considered at the fire station at 63rd and Mission Road prior to submitting a formal application to the Planning Commission. Mr. Jordan noted that Shannon Marcano, city's legal consultant on wireless applications was also present.

City Attorney Katie Logan advised the Governing Body that they would be previewing an application that would ultimately come before them for approval as they act in a quasi judicial position. Mrs. Logan stated Lathrop & Gage represents both SSC and the Fire District creating a conflict of interest for her.

Justin Anderson, representing Selective Site Consultants provided a historical background on cellular applications within Prairie Village and their search for acceptable alternate locations to provide the coverage needed by Sprint. It is their goal to provide a long-term solution at this location that would meet the needs of multiple providers and future growth.

The current facility was approved in 2010. It is 30" in diameter and 150' tall with six 10' canisters. Two carriers (Verizon and AT&T) are located inside and Sprint is located outside at 79' via a three year permit issued in 2015.

Mr. Anderson presented the following three options:

Option #1

- 36" in diameter and 150' in height
 - From 98' to 150' the diameter will increase to 90" and will have 4 - 10' canisters

- 4 carriers will be located inside; Sprint, Verizon, AT&T and a future carrier (probably T-Mobile)
- This design allows 1 carrier at each centerline
- It allows current and future loading to maintain consumer demand
- Mitigates foreseeable application for a new tower in this area.

Option #2

- 36" in diameter and 165' in height
 - From 100' to 165' the diameter will increase to 90" and will have 5 - 10' canisters
- 5 carriers will be located inside; Sprint, Verizon, AT&T and 2 future carriers
- This design allows 1 carrier at each centerline
- It allows current and future loading to maintain consumer demand
- Mitigates foreseeable application for new tower in this area.

Option #3

- 36" in diameter and 165' in height
 - Sprint = 25' canister; 140' - 165'
 - Verizon = 2 10' canisters; 120' - 140'
 - AT&T = 2 10' canisters; 100' - 120'
 - Future = 1 10' canister; 90' - 100'
 - From 100' to 165' the diameter will increase to 90" and will have 5 - 10' canisters
- 4 carriers will be located inside; Sprint, Verizon, AT&T and 1 future carrier
- Requires carriers to use multiple centerlines
- Allows current loading, but may not be able to be modified to maintain consumer demand
- Foreseeable application for new tower in this area from current tenants

Mr. Anderson showed photo simulations comparing the existing facility with the proposed options.

Mayor Wassmer asked if the pole could be painted to blend in better. Mr. Anderson replied that it is currently a galvanized grey, but could be painted.

Jori Nelson asked if there were any flag pole applications in the area. Mr. Anderson stated there was one at 127th and Quivira. Ms. Nelson asked if there were other towers of the 150' to 165' height in the area. Mr. Anderson replied 126th & Wornall and others stating he would provide a list of locations. These are in Johnson County and are on or near residential areas.

Dan Runion confirmed that the existing pole would be removed and replaced with the new design.

Dallas Pelland, with SSC, noted the current design was created in 2003 and reviewed the impact of recent design changes and their ability to allow growth within the site. He

stated stealth applications do not allow for future growth. The proposed design will allow for growth internally with no externally visible changes. He stated that flag pole applications are usually taken down within a year because of the difficulty to maintain them, the noise and the exterior lighting required.

Eric Mikkelson asked about tree installations. Mr. Pelland stated that monopines were an option. He noted a 150' monopine would be highly visible surrounded by 50' natural trees.

Terrence Gallagher asked about construction using a radio tower. Mr. Pelland replied they are restricted and not allowed by the FCC. Mr. Gallagher noted the photosimulation was not an accurate representation of the project heights.

Jori Nelson asked why they could not locate in Fairway. Mr. Anderson stated that there are not any properties available in Fairway with the required setback.

Sheila Myers asked what they would do if their application at this location was not approved if they would continue to look for other possible sites in Prairie Village.

Jori Nelson stated that she goggled the KU Edwards Campus for a view of the flag installation and she feels it is a viable option. Mr. Pelland noted the only way to change out the flags is through the use of scaffolding.

Ted Odell asked what was being asked of the Council. Wes Jordan replied that in presenting design options, the applicant is seeking direction on what would be acceptable to the Council.

Mr. Odell stated he would like to see a more blended option. Mr. Mikkelson would like to see the tree option explored. Mayor Wassmer does not support the flag option due to the noise and noted that most of the trees in Prairie Village are 70' in height making a 150' monopine very noticeable. She felt a pole application blended into the sky coloring would be the least obtrusive. She would like to see something that would accommodate growth.

Justin Anderson noted that option #1 has been constructed in Leawood at 435 & Mission and has not changed in the past 15 years.

David Morrison asked what percentage of Prairie Village residents would be served by the application. Mr. Anderson replied those to the south and southeast of the facility would be Prairie Village residents.

Jori Nelson would like to hear how loud the noise is from a flag installation.

Andrew Wang agreed with Mayor Wassmer and Mr. Odell and does not support a giant flagpole or giant fake tree.

COU2015-33 Consider approval of the removal of the traffic signal located at Somerset Drive and Belinder Avenue and approval of \$8,858.64 payment to Kansas City Power and Light for the removal

Keith Bredehoeft that since the school at Somerset Drive and Belinder Ave was closed the Police Department and Public Works felt the traffic signal at that location might not be warranted. TranSystems performed a traffic signal warrant analysis which confirmed that the signal does not meet warrants. Given this, TranSystems traffic engineers, the Police Department, and Public Works feel the signal should be removed. This signal is owned by KCPL and we lease 50% of this signal and Leawood pays for the other 50% of this signal. The Kansas Corporation Commission allows KCPL to charge an unexpired life cost when leased assets are removed. That cost is \$17,717.28 for this signal and the City of Leawood will share that cost with us. Leawood has reviewed the warrant analysis by TranSystems and agrees that the signal should be removed. Prairie Village currently pays \$3,582.00 per year for this signal which we will no longer pay with the removal of the signal.

Mr. Bredehoeft noted the removal study/process will take a few months and is described the process.

Terrence Gallagher stated he was disappointed with the recommendation to remove this signal. He noted this is located on one of the dominant bike paths in the City. He feels the removal of the traffic signal will also increase speeding on Somerset as there will not be any traffic signals for an extended distance.

Ted Odell asked if it were removed if an installation similar to that new Weltner Park could be installed. Mr. Bredehoeft responded he felt there are adequate crossing locations for this area.

Mayor Wassmer confirmed that the intersection no longer meets the criteria for having a traffic signal. It needs to be removed.

Eric Mikkelson stated Mr. Gallagher's comments concern him and would like to know the impact on bike ability in this area. Is there a safety need relative to biking that still remains? Mr. Bredehoeft responded that at key intersections drivers have to determine if it is safe to proceed as they routinely do. Overall this removal reduces a safety issue.

Eric Mikkelson made the following motion, which was seconded by Ashley Weaver and passed by a majority vote with Nelson, Runion, Morrison and Gallagher voting in opposition.

**MOVE THE CITY COUNCIL APPROVE THE REMOVAL OF
THE TRAFFIC SIGNAL LOCATED AT SOMERSET DRIVE
AND BELINDER AVENUE AND THE PAYMENT OF \$8,858.64
TO KANSAS CITY POWER AND LIGHT FOR THE REMOVAL
COUNCIL ACTION REQUIRED
CONSENT AGENDA**

Discussion regarding changing local election ordinances and terms to comply with new State Statutes

Quinn Bennion stated the Kansas Legislature passed House Bill 2104 which moves local elections from the spring to November. This subject has been debated for the last few years in Topeka. The city officially opposed this legislation. The final legislation contains numerous issues which the League of Kansas Municipalities, Kansas Secretary of State's Office and the Johnson County Election Office disagree depending on their interpretation of the bill.

Local elections in Prairie Village for City Council have been held in the April of even-years, with the elected member being seated at the first meeting following certification of the election. These elections must now be held in November, with the term of office commencing on the second Monday in January following certification of the election. City staff recommends these elections occur in the fall of odd-years to avoid national, state, and other elections. The City has both a Charter Ordinance and code that have to be amended to be in compliance with the new regulations. He noted that Prairie Village is one of only four cities including Mission, Westwood and Leawood that currently have elections in even years. Staff has been in contact with these cities and each is approaching the change differently.

Major Discussion Points for the City Council to Consider are 1) whether to hold City Council elections in the fall of even or odd years And 2) whether to continue to stagger terms with the City Council members and the Mayor.

A diagram was distributed illustrating two options both of which assume the preference is to continue to stagger the Mayoral term. Group 1 is for those terms which expire in April 2016 - Council members Ashley Weaver, Ruth Hopkins, Andrew Wang, Brooke Morehead, David Morrison, and Ted Odell. Group 2 is for those terms which expire in April 2018 - Jori Nelson, Steve Noll, Eric Mikkelson, Sheila Myers, Dan Runion, and Terrence Gallagher. Option 1 details fall of odd-year elections for City Council members and the Mayor's election to occur in the fall of even years. Option 2 details the fall of even-year elections for City Council members with the Mayor's election to occur in the fall of odd-years. Other options may be identified during discussion and can be illustrated.

April 2016 candidates will need to file for office in late January 2016. A charter ordinance will be required to modify the election cycle which requires a 60 day protest period. Based on discussions with the City Council, a draft ordinance will be presented in October or November for City Council consideration.

Katie Logan noted the feasibility of April elections is still being discussed. Eric Mikkelson stated he would like to see the cost impact from changing the election dates.

It was suggested that in reconsidering the election dates it may also be appropriate to use this opportunity to also review other fundamental changes to the council structure,

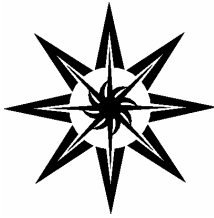
including compensation, limitation of terms, number of council seats, possible at-large representation.

The Council recognized the need to take action by October, however, was concerned with the magnitude of the potential changes and wanted additional time to review the information prior to making in recommendations.

ADJOURNMENT

With no further business to come before the Council Committee of the Whole, Council President Brooke Morehead adjourned the meeting at 7:20 p.m.

Brooke Morehead
Council President



PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: September 21, 2015

Council Meeting Date: October 5, 2015

CONSIDER REMOVAL OF TRAFFIC SIGNAL AT SOMERSET DRIVE AND BELINDER AVENUE

RECOMMENDATION

Move to approve the removal of the traffic signal located at Somerset Drive and Belinder Avenue and approve \$8,858.64 payment to Kansas City Power and Light for the removal.

BACKGROUND

Since the school at Somerset Drive and Belinder Ave was closed the Police Department and Public Works felt the signal might not be warranted. TranSystems performed a traffic signal warrant analysis which confirmed that the signal does not meet warrants. Given this, TranSystems traffic engineers, the Police Department, and Public Works feel the signal should be removed. This signal is owned by KCPL and we lease 50% of this signal and Leawood pays for the other 50% of this signal. The Kansas Corporation Commission allows KCPL to charge an unexpired life cost when leased assets are removed. That cost is \$17,717.28 for this signal and the City of Leawood will share that cost with us. Leawood has reviewed the warrant analysis by TranSystems and agrees that the signal should be removed. Prairie Village currently pays \$3,582.00 per year for this signal which we will no longer pay with the removal of the signal.

The removal study/process will take a few months and is described below.

1. Public Notification of the removal process.
2. Operate the signal in flash for 45 days. Belinder in red flash and Somerset in yellow flash.
3. After the 45 days install stop signs on Belinder and turn off the signal.
4. After another 45 days if the operations are acceptable the signal will be removed.

FUNDING SOURCES

Funding will come from the City's Operating Budget

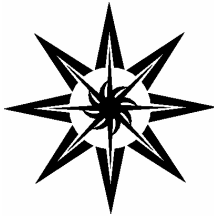
ATTACHMENTS

None

PREPARED BY

Keith Bredehoeft, Public Works Director

November 21, 2015



PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: October 5, 2015

Council Meeting Date: October 5, 2015

COU2015-34 CONSIDER PURCHASE OF TWO FORD F-550's TO REPLACE TWO DUMP TRUCKS AND DISPOSAL OF ASSET #1111, and #1134 BY AUCTION.

RECOMMENDATION

Staff recommends that City Council approve the purchase of two Ford F-550's from Shawnee Mission Ford for \$101,093.12 and the disposal of Asset #1111, and #1134 by auction.

BACKGROUND

The 2015 Public Works Operating Budget provides for the replacement of Asset #1111, a 2003 International Dump Truck. Public Works had decided not to replace this Dump Truck as well as the one planned for replacement in 2016. We have determined that Public Works only needs four large dump trucks and will replace the two dump trucks with smaller F-550's. The F-550 will plow snow as well as the large trucks on our residential streets and they will be more functional for other public works activities throughout the year. We are proposing to purchase two F-550's this year utilizing the funds planned for the large dump truck as the cost for two F-550's are similar to one large dump truck. This change will save about \$150,000 going forward as the F-550's are about 50% of the cost of the large dump trucks.

Staff proposes to purchase the Ford F-550's using the MACPP-Metropolitan Joint Vehicle Bid through the Mid-America Regional Council. This item is for two base F-550's only. Costs for additional equipment and assembly will be considered under a separate council item once bids are obtained for that work, currently \$175,000 is included in the Equipment Reserve Fund for the replacement dump truck.

FUNDING SOURCE

The 2015 Equipment Reserve Fund includes the purchase of a replacement dump truck.

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, Director of Public Works

October 5, 2015

RESOLUTION NO. _____

A RESOLUTION DETERMINING THE INTENT OF THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS TO INCLUDE CERTAIN PROVISIONS IN A PARK AND VILLAGE AREA PROJECT PLAN OF A PROPOSED REDEVELOPMENT DISTRICT PURSUANT TO K.S.A. 12-1770 ET SEQ.

WHEREAS, the City of Prairie Village, Kansas (the “City”), by the adoption of Ordinance No. 2337 on September 8, 2015, proposed a redevelopment district (the “Redevelopment District”) consisting of two redevelopment project areas (the “Park and Village Area” and the “Commercial Area”), all pursuant to K.S.A. 12-1770 et seq. as amended (the “Act”); and

WHEREAS, A map of the proposed Redevelopment District and of the Park and Village Area and the Commercial Area is attached hereto as **Exhibit A**. The proposed Redevelopment District and the Park and Village Area and the Commercial Area are legally described as shown on **Exhibit B** hereto; and

WHEREAS, the City anticipates the filing of a redevelopment project plan for the Park and Village Area (the “Park and Village Area Project Plan”) which will provide for the redevelopment of the Park and Village Area within the Redevelopment District; and

WHEREAS, pursuant to the Act, the Unified School District No. 512 of Johnson County, Kansas (the “School District”), acting through the Board of Education, may, until October 8, 2015, by resolution determine if the proposed Redevelopment District will have an adverse effect on the School District; and

WHEREAS, in connection with its consideration of the proposed Redevelopment District, the Board of Education has requested that the Governing Body of the City adopt this Resolution stating its intent that the approved Park and Village Area Project Plan will include certain provisions relating to the payment of bonds contemplated in the Park and Village Area Project Plan and the removal of the Park and Village Area from the Redevelopment District upon the payment of such bonds

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS:

Section 1. The Governing Body determines and declares the intent to include the following provisions in the Park and Village Area Project Plan for the Park and Village Area of the proposed Redevelopment District:

A. Tax increment in the Redevelopment District will be used to pay debt service on bonds issued by the City (“TIF Bonds”), the proceeds of which will be used to fund park land acquisition and other public improvements identified in the Park and Village Area Project Plan, and to fund reserves and costs of issuing the TIF Bonds.

B. The TIF Bonds will be structured so that tax increment in excess of the amount necessary to pay annual debt service on the TIF Bonds will be used to prepay outstanding TIF Bonds when such TIF Bonds are eligible for prepayment according to the legal documents governing the TIF Bonds.

C. Upon payment in full of the TIF Bonds, the City declares its intent to take such actions as required under the Act to terminate the use of the tax increment from the Park and Village Area for uses in the Redevelopment District and to remove the Park and Village Area from the Redevelopment District.

Section 2. Effective Date. This Resolution shall be effective upon adoption by the Governing Body of the City.

ADOPTED October 5, 2015.

**CITY OF PRAIRIE VILLAGE,
KANSAS**

By: _____
Laura Wassmer, Mayor

[SEAL]

ATTEST:

Joyce Hagen Mundy, City Clerk

Approved as to form:

By: _____
Catherine P. Logan, City Attorney

**EXHIBIT A
MAP OF PROPOSED REDEVELOPMENT DISTRICT**

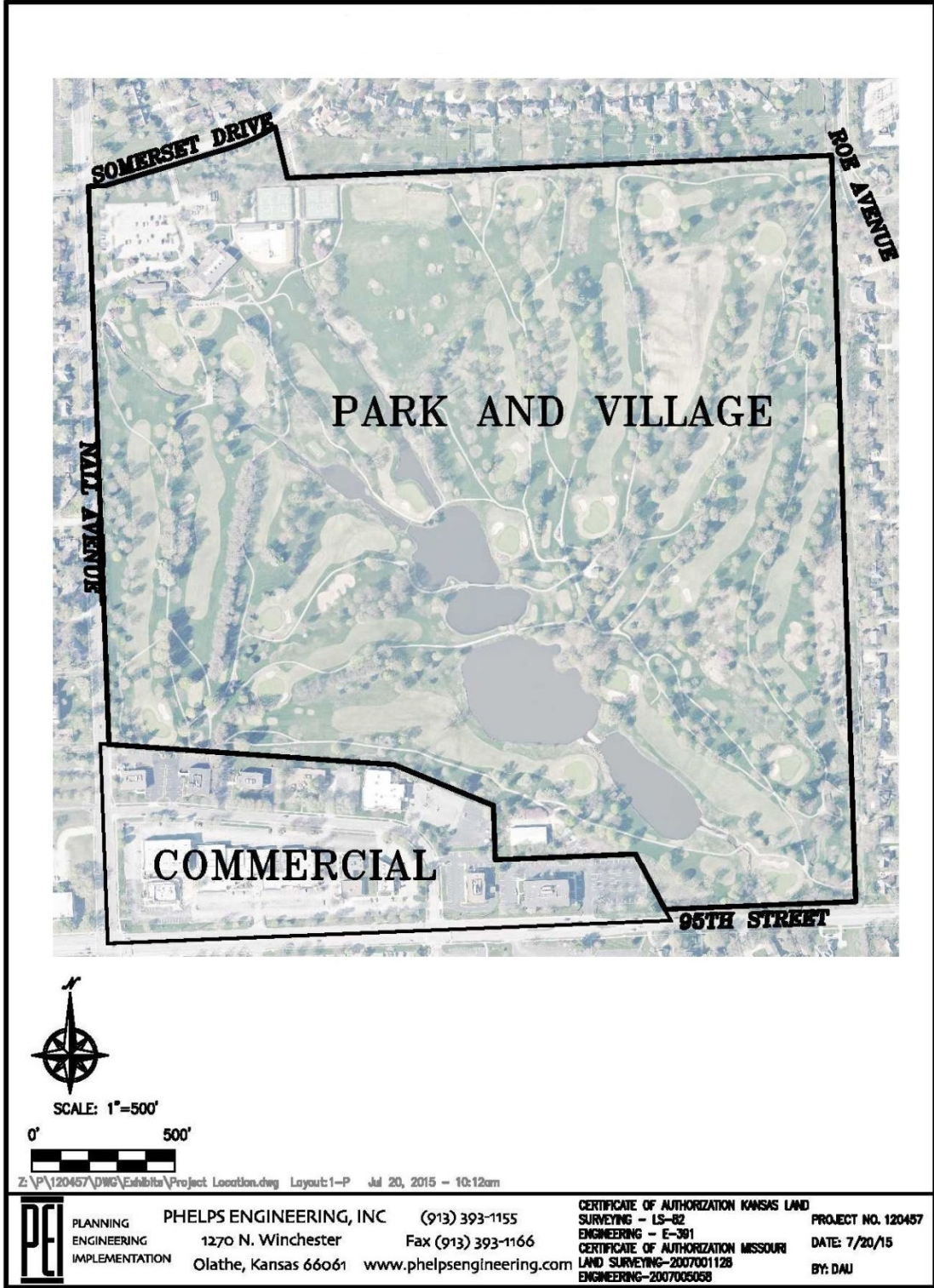


EXHIBIT B

LEGAL DESCRIPTION OF REDEVELOPMENT DISTRICT

The following property located in Johnson County, Prairie Village, Kansas:

Park and Village Project Area:

LOTS 1 THROUGH 12, INCLUSIVE, AND LOT A, EXCEPT THE SOUTH 10 FEET THEREOF, BLOCK B, MEADOWBROOK ACRES, A SUBDIVISION IN THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS;

AND ALL OF THE SOUTHWEST ONE-QUARTER (SW $\frac{1}{4}$) OF SECTION THIRTY-THREE (33) TOWNSHIP TWELVE (12) RANGE TWENTY-FIVE (25) IN THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, EXCEPT THAT PART PLATTED AS MEADOWBROOK ACRES; AND EXCEPT THE SOUTH 40 FEET THEREOF IN 95TH STREET; AND EXCEPT THE WEST 30 FEET THEREOF IN NALL AVENUE;

AND EXCEPT A TRACT DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 25 EAST, JOHNSON COUNTY, KANSAS; THENCE NORTH 0° 00' 00" EAST ALONG THE WEST LINE OF SAID SECTION 33, A DISTANCE OF 700.00 FEET TO A POINT; THENCE SOUTH 83° 50' 00" EAST A DISTANCE OF 1,030.00 FEET TO A POINT; THENCE SOUTH 65° 35' 00" EAST, A DISTANCE OF 375.00 FEET TO A POINT; THENCE SOUTH 0° 00' 00" WEST, A DISTANCE OF 429.24 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 33; THENCE SOUTH 89° 47' 09" WEST ALONG THE SOUTH LINE OF SAID SECTION 33 A DISTANCE OF 1,365.51 FEET TO THE PLACE OF BEGINNING;

AND EXCEPT A TRACT DESCRIBED AS FOLLOWS: ALL THAT PART OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 25 EAST, NOW IN THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST $\frac{1}{4}$ OF SAID SECTION 33, THENCE SOUTH 89° 47' 09" WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 33, A DISTANCE OF 676.70 FEET, TO THE TRUE POINT OF BEGINNING OF SUBJECT TRACT; THENCE CONTINUING SOUTH 89° 47' 09" WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST $\frac{1}{4}$ OF SAID SECTION 33, A DISTANCE OF 605 FEET; THENCE NORTH 0° 00' 00" EAST, A DISTANCE OF 240 FEET; THENCE NORTH 89° 47' 09" EAST ALONG A LINE PARALLEL TO THE SOUTH LINE OF THE SOUTHWEST $\frac{1}{4}$ OF SAID SECTION 33, A DISTANCE OF 490 FEET; THENCE SOUTH 25° 38' 32" EAST, A DISTANCE OF 265.74 FEET TO THE TRUE POINT OF BEGINNING OF SUBJECT TRACT;

ALSO: A PART OF THE NORTHWEST ¼ OF SECTION 33, TOWNSHIP 12, RANGE 25, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE AND 88.86 FEET EAST OF THE SOUTHWEST CORNER OF THE NORTHWEST ¼ OF SAID SECTION 33; THENCE NORTH 75° EAST, ALONG THE SOUTH LINE OF SOMERSET DRIVE, AS ESTABLISHED BY THE PLAT OF WEST RIDING, A SUBDIVISION OF LAND NOW IN THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, A DISTANCE OF 454.01 FEET, TO A POINT OF CURVATURE; THENCE NORTHEASTERLY, ALONG THE SOUTH LINE OF SAID SOMERSET DRIVE, SAID SOUTH LINE BEING ON A CURVE TO THE LEFT HAVING A RADIUS OF 640 FEET, A DISTANCE OF 176.13 FEET; THENCE SOUTH 11° 43' 23" EAST, A DISTANCE OF 183.42 FEET, TO A POINT ON THE SOUTH LINE OF THE NORTHWEST ¼ OF SAID SECTION 33; THENCE SOUTH 89° 26' 38" WEST, ALONG THE SOUTH LINE OF THE NORTHWEST ¼ OF SAID SECTION 33, A DISTANCE OF 637.59 FEET, TO THE POINT OF BEGINNING.

Commercial Project Area:

ALL THAT PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 25 EAST, IN THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE N 2°06'14" W, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, A DISTANCE OF 700.00 FEET; THENCE S 85°56'14" E, A DISTANCE OF 1029.95 FEET; THENCE S 67°41'14" E, A DISTANCE OF 375.00 FEET; THENCE S 02°06'14" E, A DISTANCE OF 189.07 FEET; THENCE N 87°40'29" E, A DISTANCE OF 490.00 FEET; THENCE S 27°45'12" E, A DISTANCE OF 265.74 FEET; TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE S 87°40'29" W, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, A DISTANCE OF 1970.54 FEET TO THE POINT OF BEGINNING, EXCEPT THAT PART IN ROADS, CONTAINING 22.1018 GROSS ACRES, MORE OR LESS



Council Meeting Date: October 5, 2015

Approve Pleadings for Dismissal and Agreed Journal Entry in Pending Lawsuits relating to City's denial and approval of SUPs on the former Mission Valley School Site

Summary of Pending Lawsuits:

First Lawsuit: MVS, LLC, Plaintiff v. City of Prairie Village, KS, Defendant, 13CV06998 pending in the District Court of Johnson County, KS – challenges denial by City of the “first” application for Special Use Permit application by MVS, LLC for the Mission Valley Site. Some neighboring property owners are parties by intervention.

Second Lawsuit: Marsh, et al., Plaintiffs v. City of Prairie Village, KS, Defendant, District Court of Johnson County, KS Case No. 13CV08544, challenges the granting by the City of the “second” application for Special Use Permit for the Mission Valley Site. MVS, LLC is a party by intervention. An appeal by Plaintiffs of the Second Lawsuit is pending before the Kansas Supreme Court in Case No. 14-112706-AS

Summary of “Settlement Agreement” between MVS, LLC and neighboring property owners:

Pursuant to a Settlement Agreement, the parties to the two lawsuits (other than the City) have agreed that upon an Ordinance approving a “third” application for a Special Use Permit on the Mission Valley Site becoming final without appeal, the lawsuits would be dismissed.

The Settlement Agreement specified certain provisions required in the “third” application, including conditions and a prohibition against a skilled nursing facility on the site.

The Governing Body adopted Ordinance No. 2336, approving the “third” application on August 17 and a summary was published on August 25, 2015. The thirty (30) day statutory period for a lawsuit to challenge Ordinance No. 2336 expired on September 24, 2015. MVS, LLC has provided the City with a search of county court records (attached) confirming that as of September 30, 2015, no lawsuit has been filed relating to Ordinance No. 2336.

The Settlement Agreement contemplates that upon the expiration of the appeal period relating to approval of the “third” application, by agreement of the parties, the First Lawsuit will be dismissed, the Second Lawsuit will be remanded to the District Court, and the District Court will enter an agreed upon Entry of Judgment which prohibits a skilled nursing facility on the Mission Valley Site, as specified therein.

Action for Approval by City Council:

Counsel for MVS, LLC and the Marsh Plaintiffs have presented the documents described below to the City Attorney. The City Attorney requests the approval by the City Council, by motion, to the execution by Lathrop & Gage on behalf of the City of the following:

“Joint Stipulation of Dismissal” to be filed in District Court of Johnson County Case No. 13CV06998.

“Joint Motion for Remand to District Court for Entry of Agreed Journal Entry of Judgment” to be filed in Kansas Supreme Court Case No. 14-112706-AS.

“Agreed Journal Entry of Judgment” to be filed in District Court of Johnson County Case No. 13CV08544.

ATTACHMENTS

Report of Coffelt Title Company

Joint Stipulation of Dismissal

Joint Motion for Remand to District Court for Entry of Agreement Journal Entry of Judgment

Agreed Journal Entry of Judgment

PREPARED BY

Katie Logan
City Attorney

September 30, 2015



COFFELT
LAND TITLE, INC.

262 NE Tudor Road, Lee's Summit, MO 64086

ph: 877.831.4152 | fax: 816.525.7451
coffeltlandtitle.com

September 30, 2015

Coffelt Land Title Inc., hereby certifies that a search of the records of the Johnson County, Kansas District Court was performed and that all available evidence indicates no filing of an appeal or suit to challenge the validity of Ordinance 2336 approving Special Use Permit issued by the City of Prairie Village in regards to the Operation of an Adult Senior Dwelling Community known as Mission Chateau at 8500 Mission Road, Prairie Village, Kansas.

By: _____

John J. Bastion – Title Operations Manager

**IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
CIVIL DIVISION**

MVS, LLC,)	
)	
	Plaintiff,	Case No. 13CV06998
v.)	
)	Division No. 4
CITY OF PRAIRIE VILLAGE, KANSAS,)	
)	K.S.A. Chapter 60
Defendant.)	

JOINT STIPULATION OF DISMISSAL

COME NOW, Plaintiff MVS, LLC, Defendant City of Prairie Village, Kansas and Adjoining Landowners Gary W. Marsh, Deanna L. Marsh, Brian D. Doerr, Cynthia E. Doerr, Steven F. Carman, Alice B. Carman, Benjamin J. Frisch, Stacey L. Frisch, Martha A. Mick, Whitney E. Kerr, Jr., Deborah R. Kerr, Thomas M. Johnston and Rhetta Johnson, by and through their attorneys, and pursuant to K.S.A. 60-241(a), state that all claims are dismissed with prejudice, the parties to bear their own costs.

Respectfully submitted,

POL SINELLI PC

By: /s/ Timothy J. Sear
TIMOTHY J. SEAR (KS #14813)
6201 College Boulevard, Suite 500
Overland Park, KS 66211
Telephone: (913) 451-8788
Facsimile: (913) 451-6205
E-mail: tsear@polsinelli.com

ATTORNEYS FOR PLAINTIFF
MVS LLC

And

LATHROP & GAGE LLP

By: /s/ Jennifer M. Hannah
JENNIFER M. HANNAH (#19111)
MARK A. SAMSEL (#24551)
10851 Mastin Boulevard, Suite 1000
Overland Park, KS 66210
Telephone: 913-451-5100
Facsimile: 913-451-0875
E-mail: jhannah@lathropgage.com
E-mail: msamsel@lathropgage.com

ATTORNEYS FOR DEFENDANT
CITY OF PRAIRIE VILLAGE, KANSAS

And

DUGGAN SHADWICK DOERR & KURLBAUM LLC

By: /s/ Andrew I. Spitsnogle
JOHN M. DUGGAN (#14053)
ANDREW I. SPITSNOGLE (#25788)
11040 Oakmont
Overland Park, KS 66210
Telephone: 913-498-3536
Facsimile: 913-498-3538
E-mail: jduggan@kc-dsdlaw.com
E-mail: aspitsnogle@kc-dsdlaw.com

ATTORNEYS FOR ADJOINING LANDOWNERS

IN THE SUPREME COURT OF THE STATE OF KANSAS

GARY W. MARSH, *et al.*,

Plaintiffs-Appellants,

v.

CITY OF PRAIRIE VILLAGE, KANSAS, *et al.*,

Defendants-Appellees.

Case No. 14-112706-AS

**JOINT MOTION FOR REMAND TO DISTRICT COURT FOR ENTRY OF AGREED
JOURNAL ENTRY OF JUDGMENT**

Appellants, Appellee City of Prairie Village, Kansas (“City”), and Appellee MVS LLC (“MVS”), jointly state:

1. The issues which were the subject of this action have been settled by Appellants and MVS.
2. Appellants’ and MVS’s settlement agreement involves remanding this case to the District Court for entry of the Agreed Journal Entry of Judgment attached hereto as Exhibit 1.
3. The City has also agreed to the Agreed Journal Entry of Judgment, and has no objection to remanding this case to the District Court for entry of the Agreed Journal Entry of Judgment.

WHEREFORE, Appellants, Appellee City of Prairie Village, Kansas, and Appellee MVS LLC respectfully request this Court’s Order remanding this case to the District Court for the District Court’s entry of the Agreed Journal Entry of Judgment attached hereto as Exhibit 1; and for such other and further relief as the Court deems just and proper.

Respectfully Submitted,

DUGGAN SHADWICK DOERR & KURLBAUM LLC

By:  _____

John M. Duggan, #14053

Andrew I. Spitsnogle, #25788

11040 Oakmont

Overland Park, Kansas 66210

jduggan@kc-dsdlaw.com

aspitsnogle@kc-dsdlaw.com

Tele: (913) 498-3536

Fax: (913) 498-3538

Attorneys for Appellants

AND

By: _____

Catherine P. Logan, KS #13480

Jennifer M. Hannah, KS #19111

Mark A. Samsel, KS #24551

LATHROP & GAGE LLP

10851 Mastin Boulevard, Suite 1000

Overland Park, Kansas 66210

(913) 451-5100

Fax (913) 451-0875

clogan@lathropgage.com

jhannah@lathropgage.com

msamsel@lathropgage.com

Attorneys for City of Prairie Village, Kansas

AND

By: _____

Timothy J. Sear, #14813

POLSINELLI PC

6201 College Boulevard, Suite 500

Overland Park, Kansas 66211

(913) 451-8788

Fax (913) 451-602

tsear@polsinelli.com

Attorneys for MVS LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the above and foregoing was served, via first class, United States mail, postage paid, on the following counsel of record this ____ day of _____, 2015, by Andrew I. Spitsnogle, Duggan Shadwick Doerr & Kurlbaum LLC, Fax # 913-498-3538.

Catherine P. Logan, KS #13480
Jennifer M. Hannah, KS #19111
Mark A. Samsel, KS #24551
LATHROP & GAGE LLP
10851 Mastin Boulevard, Suite 1000
Overland Park, Kansas 66210
Tele: (913) 451-5100
Fax: (913) 451-0875
clogan@lathropgage.com
jhannah@lathropgage.com
msamsel@lathropgage.com
*Attorneys for Defendant-Appellee City of
Prairie Village, Kansas*

Timothy J. Sear, #14813
POL SINELLI PC
6201 College Boulevard, Suite 500
Overland Park, Kansas 66211
Tele: (913) 451-8788
Fax: (913) 451-6205
tsear@polsinelli.com
Attorneys for Defendant-Appellee MVS LLC

An Attorney for Plaintiffs-Appellants

**IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
CIVIL COURT DEPARTMENT**

GARY W. MARSH, *et al.*,

Plaintiffs,

v.

CITY OF PRAIRIE VILLAGE, KANSAS, *et al.*,

Defendants.

Case No. 13CV08544

Division 14

Pursuant to K.S.A. Chapter 60

AGREED JOURNAL ENTRY OF JUDGMENT

NOW on this _____ day of _____, _____, this cause comes before the Court by agreement between Plaintiffs,¹ Defendant MVS LLC (“MVS”), and Defendant City of Prairie Village, Kansas (“City”) to enter this Agreed Journal Entry of Judgment. John M. Duggan and Andrew I. Spitsnogle appear on behalf of Plaintiffs. Timothy J. Sear appears on behalf of MVS. Jennifer M. Hannah and Mark A. Samsel appear on behalf of the City. After examining the

¹ Gary W. Marsh; Deanna L. Marsh; Brian D. Doerr; Cynthia E. Doerr; Whitney E. Kerr, Jr.; Deborah R. Kerr; Steven F. Carman; Alice B. Carman; Benjamin J. Frisch; Stacey L. Frisch; Michelle A. Schmidt; Jarret B. Schmidt; Martha A. Mick; William Carolan; Cameron B. Jones, Co-Trustee of the Cameron B. Jones Trust dated May 3, 2003; Deborah L. Jones, Co-Trustee of the Cameron B. Jones Trust dated May 3, 2003; Ann D. Egan; Thomas M. Johnston; Rhetta Johnston; Board of Managers of Chateau Home Owner’s Association; Harold C. Marine, Co-Trustee of the Harold C. Marine and Theresa Marine Revocable Trust dated January 20, 2004; Theresa Marine, Co-Trustee of the Harold C. Marine and Theresa Marine Revocable Trust dated January 20, 2004; Gudrun B. Dalberg; Candice L. Vanderpool; Dimitra Rhudy; John H. Schnieders, Co-Trustee of the John H. Schnieders and Sharon Schnieders Trust dated October 12, 2011; Sharon J. Schnieders, Co-Trustee of the John H. Schnieders and Sharon Schnieders Trust dated October 12, 2011; John D. Petrowski; Janet L. Petrowski; Howard Woosley, Co-Trustee under trust dated July 19, 1990; Mary Gay Woosley, Co-Trustee under trust dated July 19, 1990; Matthew R. Wohlgemuth; Jaclyn Anderson; Frances L. Rainey; George A. Dexter; Bruce P. Dexter; Catherine K. Barton, Trustee of the Catherine K. Barton Trust dated August 18, 2002; Mary Waller Nesselrode, Trustee of the Mary Waller Nesselrode Trust dated May 25, 1994; Max Milton Barlow; Suzanne L. Harris; Robert Steven Richard; Barbara C. Bevan, Trustee of the Bevan Family Trust dated November 12, 1992; Frances P. Deets; Stephen A. Cullen; Peggy A. Cullen-Reese; Nancy E. Mirikitani, Co-Trustee of the Frank K. Mirikitani and Nancy E. Mirikitani Trust Agreement dated January 28, 2005; and Clare S. Flemington.

pleadings and files in the above-captioned case, and the records made during this case, the Court finds, concludes, and ORDERS as follows:

1. The Court has jurisdiction over all parties and the subject matter of this action.
2. Plaintiffs, MVS, and the City have each agreed to entry of this Agreed Journal Entry of Judgment as reflected by their counsel's signature below.
3. MVS is the owner of certain real property located at 8500 Mission Road, Prairie Village, Johnson County, Kansas which is more specifically described on Exhibit "A" attached hereto (the "MVS Property").
4. Plaintiffs and/or Plaintiffs' successors or assigns are owners of certain real properties adjacent to the MVS Property, whose statutory addresses are set forth on Exhibit "B" hereto ("Plaintiffs' Properties").
5. Plaintiffs and MVS have entered into the Settlement Agreement attached hereto as Exhibit "C" (the "Settlement Agreement") providing for, among other things, the resolution of all claims asserted in this action and the submission of a new special use permit application for the MVS Property.
6. The Settlement Agreement is incorporated herein by reference and its terms are part of this Agreed Journal Entry of Judgment.
7. The Court expressly orders that the construction or operation of any skilled nursing facility and the offering of skilled nursing services upon the MVS Property shall be strictly prohibited. This restriction is a covenant running with the land and shall continue and be binding upon MVS and its successors, successors in interest, assigns, personal representatives, transferees, occupants, tenants, licensees, and heirs until December 31, 2065, and shall automatically be continued thereafter for successive periods of twenty (20) years each; provided,

however, that eighty percent (80%) of the then current owners of Plaintiffs' Properties may consent to release the MVS Property from the restrictions herein set forth by executing and acknowledging an appropriate agreement in writing for such purpose and filing the same for record in the Office of the Register of Deeds for Johnson County, Kansas. This restriction is: (a) made for the direct benefit of Plaintiffs' Properties; and (b) will inure to the benefit of each Plaintiff and each Plaintiff's successors and assigns.

8. Any owner of any portion of the MVS Property and/or any Plaintiffs' Property, including any successors and assigns, shall have the right to request that this Court enforce the covenants and restrictions imposed hereunder and under the Settlement Agreement. Failure by any owner or Plaintiff to enforce any covenant, duty, or restriction contained herein and under the Settlement Agreement shall in no event be deemed a waiver of the right to do so thereafter. Any covenant, duty, or restriction contained herein and under the Settlement Agreement may be enforced by this Court, upon motion by (a) any owner of any portion of the MVS Property; (b) any owner of any portion of Plaintiffs' Property; and/or (c) the City, against any person or entity violating or attempting to violate any covenant, duty, or restriction, either to restrain violation, or to recover damages, or for both restraining and recovery of damages; provided, however, that a violation of any covenant, duty, or restriction shall not affect the lien of any mortgage now of record or which may hereafter be placed of record upon the MVS Property or any part thereof.

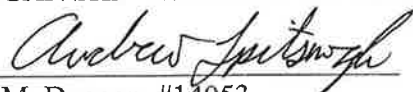
9. The parties shall each bear their own costs and attorneys' fees.

IT IS SO ORDERED.

Hon. Judge Kevin P. Moriarty
Judge of the District Court
Division 14

Respectfully Submitted,

DUGGAN SHADWICK DOERR & KURLBAUM LLC

By: 

John M. Duggan, #14053

Andrew I. Spitsnogle, #25788

11040 Oakmont

Overland Park, Kansas 66210

jduggan@kc-dsdlaw.com

aspitsnogle@kc-dsdlaw.com

Tele: (913) 498-3536

Fax: (913) 498-3538

Attorneys for Plaintiffs/Appellants

AND

By: _____

Catherine P. Logan, KS #13480

Jennifer M. Hannah, KS #19111

Mark A. Samsel, KS #24551

LATHROP & GAGE LLP

10851 Mastin Boulevard, Suite 1000

Overland Park, Kansas 66210

(913) 451-5100

Fax (913) 451-0875

clogan@lathropgage.com

jhannah@lathropgage.com

msamsel@lathropgage.com

Attorneys for City of Prairie Village, Kansas

AND

By: _____

Timothy J. Sear, #14813

POLSINELLI PC

6201 College Boulevard, Suite 500

Overland Park, Kansas 66211

(913) 451-8788

Fax (913) 451-602

tsear@polsinelli.com

Attorneys for MVS LLC

MAYOR'S ANNOUNCEMENTS

Monday, October 5, 2015

Committee meetings scheduled for the next two weeks include:

Planning Commission	10/06/2015	7:00 p.m.
Prairie VillageTree Board Fall Seminar	10/07/2015	7:00 p.m.
Jazz Fest Committee	10/08 /2015	5:30 p.m.
Special Planning Commission Meeting	10/12/2015	5:00 p.m.
Special City Council Meeting @ Meadowbrook	10/12/2015	5:30 p.m.
Council Worksession @ Meadowbrook	10/12/2015	6:00 p.m.
Park & Recreation Committee	10/14/2015	6:30 p.m.
Council Committee of the Whole	10/19/2015	6:00 p.m.
City Council	10/19/2015	7:30 p.m.

=====

The Prairie Village Arts Council is pleased to present the 2015 State of the Arts Exhibit featuring selective artists using multi-media in the R. G. Endres Gallery during the month of October. The artist reception will be Friday, October 9th, from 6:00 - 8:00 p.m. with awards announced at 7:30 p.m.

Remember this is Peanut Butter Week. Bring your donation to City Hall or area schools or churches.

The Annual League of Kansas Municipalities will be held October 10 - 12, 2015 in Topeka.

Save the Date - The Northeast Johnson County Chamber of Commerce Annual Gala will be held on Saturday, November 21st.

INFORMATIONAL ITEMS
October 5, 2015

1. Planning Commission Agenda - October 6, 2015
2. Environment/Recycle Committee Minutes - July 22, 2015
3. Tree Board Minutes - September 2, 2015
4. JazzFest Committee Minutes - September 10, 2015
5. Mark Your Calendar

**PLANNING COMMISSION AGENDA
CITY OF PRAIRIE VILLAGE
TUESDAY, OCTOBER 6, 2015
7700 MISSION ROAD
7:00 P.M.**

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF PC MINUTES - SEPTEMBER 1, 2015
- IV. PUBLIC HEARINGS
None
- V. NON-PUBLIC HEARINGS

PC2015-115 Request for Site Plan Approval
7501 Mission Road
Current Zoning: C-0
Applicant: Chris Hafner, Davidson Architecture
(Applicant has requested this be continued to 11/3/2015)

PC2015-116 Request for Building Line Modification
8440 Roe Avenue
Current Zoning: R-1a
Applicant: Dana Blay

PC2015-117 Request for Building Elevation Modification
6715 Granada
Current Zoning: R-1a
Applicant: Rick Jones, NSPJ Architecture

PC2015-06 Request for Approval of Final Development Plan
7930 State Line Road
Applicant: Mitch DiCarlo with Block & Company

- VI. OTHER BUSINESS
- VII. ADJOURNMENT

Plans available at City Hall if applicable
If you cannot be present, comments can be made by e-mail to
Cityclerk@Pvkansas.com

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

PRAIRIE VILLAGE ENVIRONMENT AND RECYCLE COMMITTEE

Pete Jarchow, for the Steering Committee, opened the meeting at 5:30 p.m.

Members attending were Pete, Thomas O'Brien, Karin McAdams, Margaret Goldstein, Al Pugsley, Polly Swafford, Penny Mahon, Deb English, Robert Roberge Jr., Maurine Kierl and Barbara Brown. From the city were Ruth Hopkins, City Council, and Wes Jordan, Asst. City Manager. Maurine Kierl is a new committee member. Visitors included Lauren Abel, Catherine Sinclair and Jamie Arnold (representing Glass Bandit, a curbside glass pickup service).

The minutes from the May meeting were approved as written.

Announcements:

- Congratulations to Thomas O'Brien, winner of this year's Citizen's Award for his work on the community garden.
- Deb English has become a member of the Kansas Organization of Recyclers and will keep us up to date on their activities.
- Al Pugsley announced that Sustainable Sanctuaries Coalition is presenting a Reuters reporter discussing the biotech industry. Date is Monday, July 27 at 7:00 p.m., Village Church.

Committee reports:

▪ **Village Fest:**

- Was very successful. It would be a good idea to reprint Ben's posters from last year and also to have a poster for the bike.
- The recycling bins did not work well, and the electric cars need to be relocated.
- The survey that the public completed will be passed along to the education committee.
- Thanks to Tom who ran the bike activity! He thought the participants were impressed.
- The flyer was useful and still needs to have contact information and coordination with the website.

▪ **Community Forum:**

- Date is Thursday, October 1.
- The topic will be a panel on Environmental Challenges in Rural Kansas; how people from the suburbs can help.
- This year instead of a catered supper there will be hors d'oeuvres stations featuring food by the Broadmoor Technical Center culinary students.
- The program will begin at 6:45, including the legislative update from KNRC.
- Most invitations will go out by email.

- **Community Gardens:**

- There have been thefts in the garden in spite of warning signs. Otherwise, it's been a good year.
- In answer to a question: subscribers grow what they want and then generally donate what is left to the Village Church food bank.
- There will be an Equinox party.

- **Earth Fair:**

- The date of the next fair is April 30.
- The committee is searching for a new coordinator to replace Linda Gourley. This is an urgent need.
- We need to contact the new SME librarian to find out if they want to have a book fair next year and to tell them the date.

Old business:

- **Upcoming meeting times:**

- Official meetings will be held every other month from 5:30 to 7:00 p.m.
- Additional meetings may be held with no city staff present as long as they are announced and are held in the city buildings. It was moved and approved to hold extra meetings on the 4th Wednesdays in October 2015 and February 2016.

- **Updates from Wes Jordan:**

- **Team Thrift**, which had a presence at Village Fest, will now include "hard goods" in their collections. This could constitute furniture items.
 - In April they collected 16,000 pounds of textiles, but in June there were only 8,000 pounds. This is disappointing, especially combined with customer service issues (for example, a committee member reported putting out clothing many times before it was picked up) and a great deal of work for city staff.
 - The contract is for one year and will be renegotiated. Perhaps service could be seasonal. Pickups at garage sales could be expanded.
- **Meadowbrook** – is moving to the developer agreement phase. This is a unique financing arrangement, with the developer buying 50% of the bonds. TIF funds will be used for the park, which will be maintained by Johnson County.
- **Deffenbaugh** has appointed a new community liaison, John Blessing.
 - They want to expand the composting program, keeping Normandy Square as a part of the pilot area and adding Corinth Hills.
 - Deffenbaugh currently picks up the big Ripple Glass containers, although there continue to be complaints about the noise.

- Deffenbaugh is interested in curbside glass collection; Glass Bandit has already entered that market.
 - Deffenbaugh will be introducing compressed gas use in its vehicles.
- The committee will ask Mr. Blessing to the next meeting.
- Deffenbaugh may be able to get individual statistics on recycling.
- **Subcommittees:** These are the official members of each committee:
 - **Education:** meets the 2nd Thursday of every month at 7:00 at Panera. Members are: Ben Claypool, Thomas O'Brien, Maurine Kierl, Penn Mahon, Barbara Brown and Robert Roberge. Pete Jarchow will attend if someone else is absent.
 - **Village Fest:** meets as needed. Al Pugsley, Ben, Deborah English, Thomas O'Brien, Pete Jarchow and Robert Roberge.
 - **Earth Fair:** will establish a schedule when meetings start in the fall. Members are Karin McAdams, Margaret Goldstein, Barbara Brown, Pete Jarchow, and Catherine Sinclair.
 - **Steering committee:** Pete Jarchow, Thomas O'Brien, Barbara Brown, Penny Mahon and Robert Roberge. Meets monthly.
- **Maurine Kierl** noted the usefulness of social media in our activities, especially as it pertains to the education committee.

The meeting adjourned at 7:00 pm. The next meeting will be on September 23 at 5:30 p.m.

Respectfully submitted,

Karin McAdams

TREE BOARD

City of Prairie Village, Kansas

MINUTES (draft)

Wednesday September 2, 2015

Public Works Conference Room

3535 Somerset Drive

Board Members: Deborah Nixon, Luci Mitchell, Rick Howell, Jonathan Pruitt, Frank Riott

Other Attendees: David Morrison, Suzanne Lownes, Rick Montgomery with the Kansas City Star

Deborah Nixon called the meeting to order at 6:00 p.m. with a quorum present.

- 1) **Review and Approve Minutes of July 1, 2015** - Motion by David Morrison to accept the minutes, seconded by Frank Riott. **Approved unanimously.**
- 2) **Fall Seminar** - It was reminded that the Fall Seminar is Wednesday October 7, 2105 at 7:00pm in the Council Chamber. Rick Howell volunteered to introduce the speakers at the event. The speakers will be Kim Bomberger with the State Forestry on the Value of Trees and Robert Whitman with Gould Evans on Great Communities and Street Trees. The two will split the time with each having a 30 minute presentation.

The Board decided to contact the other local city Tree Boards and invite them to the seminar. The following is the outlined contact list:

- Mission - Jonathan Pruitt
- Roeland Park - Jonathan Pruitt
- Overland Park - Deborah Nixon
- Kansas City, KS - Deborah Nixon
- Mission Hills - Deborah Nixon
- Fairway - Frank Riott
- Leawood - Frank Riott
- Kansas City, MO - Luci Mitchell
- Olathe - Luci Mitchell
- Shawnee - Suzanne Lownes
- Lenexa - Suzanne Lownes
- Merriam - David Morrison
- Westwood - David Morrison

- 3) **Old Business** - Suzanne Lownes handed out the Arbor Day Association handbook and flyer for the Committee to review. There are enough books for everyone but only two of the handouts and Jonathan Pruitt and Deborah Nixon said they would review the handouts to see if they seemed beneficial and more could be ordered.

Deborah Nixon updated the group on the Meadowbrook Project walk-through. Jonathan Pruitt, Frank Riott, and Luci Mitchell all said they would be interested in joining in the walk-through if their schedules allowed and to keep them in the loop.

- 4) **New Business** - Suzanne Lownes and the Board welcomed new member Frank Riott for his first meeting.

Suzanne Lownes updated the group that the Field Superintendent position had been filled by Corey Hansen who previously worked at Jackson County and MODOT. The Committee said they would like Corey Hansen to attend a Tree Board meeting so they could meet him.

Rick Montgomery wanted to meet with the board members about an article he was doing concerning EAB and Countryside East Homes Association.

- 5) Next Meeting** - Fall Seminar will be October 7, 2015 at 7:00pm
The next meeting will be November 4, 2015 at 6:00pm

The meeting adjourned at 7:10 p.m.
Minutes prepared by Suzanne Lownes.

JazzFest Committee Meeting September 9, 2015

Present: J.D. Kinney, Dave Hassett, Amanda Hassett, Dan Andersen, Donelea Hesse, Mike Polich, Brian Peters, Meghan Buom, Joyce Hagen Mundy, John Wilinski, Brooke Morehead and Jane Andrews.

The minutes of the August 25, 2015 meeting were distributed and approved.

Event Update

- There will be four coolers located throughout the area for water for volunteers – VIP Tent, Main Gate, Pool Gate, Stage Area.
- Stage Banners will recognize our major sponsors and hang along the side of the stage. The Festival Banner will hang across the stage.
- Vendor Tables were confirmed for Renewal By Andersen, Tutera, PV Post, JAMM, Metheny Foundation, Prairie Village Arts Council and YMCA/Boy Scouts
- Sound checks are set
- Chairs and music stands will be provided by SME; JD will pick up
- Bags for the raffle will be at Gates #1 & #2 and the merchandise tent.

Vendors

- Beer and Ice Trucks will arrive on Friday afternoon
- Portable Toilets will arrive on Friday
- Food Trucks will arrive around noon on Saturday.
- VIP food will be served at 6 p.m.

Volunteers

- Gates will open at noon, committee members should arrive by 10 a.m.
- Volunteer check in will be at the main gate by the Police Station
- Volunteer training was held at the conclusion of the meeting and T-shirts and lanyards were distributed. A tour of the site was provided for volunteers.
- Dan Andersen reviewed the security hours that needed to be covered by volunteers and stressed the need for volunteers for take down on Sunday.

Adjournment

The meeting was adjourned at 6:10 p.m. for volunteer training.

**Council Members
Mark Your Calendars
October 5, 2015**

October 2015	State of the Arts exhibit in the R.G. Endres Gallery
October 5 - 9	Prairie Village Peanut Butter Week
October 9	State of the Arts Reception in the R. G. Endres Gallery 6:00-8:00 p.m.
October 10 - 12	League of Kansas Municipalities Conference - Topeka, KS
October 12	Special Planning Commission Meeting to consider approval of the TIF Plan - 5:00 p.m.
October 12	Special City Council Meeting and Worksession at Meadowbrook - 5:30 p.m.
October 19	City Council Meeting
October 20	Prairie Village Foundation meeting - 5:30 p.m.
November 2015	Chun Wang exhibit in the R.G. Endres Gallery
November 2	City Council Meeting
November 13	Artist reception in the R. G. Endres Gallery 6:30 - 8:00 p.m.
November 16	City Council Meeting
November 21	Northeast Johnson County Chamber of Commerce Annual Gala
November 26/27	City Offices Closed for Thanksgiving Holiday
December 2015	Peter Smokorowski exhibit in the R.G. Endres Gallery
December 4	Volunteer Appreciation Holiday Party
December 7	City Council Meeting
December 11	Artist reception in the R. G. Endres Gallery 6:30 - 8:00 p.m.
December 21	City Council Meeting
December 25	City Offices Closed for Christmas Holiday