

*July 18, 2005*



*City Council  
Meeting*



*Dinner will be provided by:*

***Dragon Inn***

*Chicken with Cashew Nuts  
Shrimp & Seasonal Vegetables  
Spicy Shredded Beef, Szechuan Style  
Sweet & Sour Pork  
Steamed Vegetables*

LEGISLATIVE/FINANCE COMMITTEE

18 July, 2005

6:30 p.m.  
Multi-Purpose Room

AGENDA

	<u>Page #</u>
<u>BILL GRIFFITH</u> LEG2005-19 Consider Bond Refunding David Arteberry	1 - 11
<u>RUTH HOPKINS</u> LEG2005-18 Consider Amendments to Weed Ordinance Doug Luther	12 - 16
* LEG2005-20 Consider sale of MARC Remodeling Idea Books Doug Luther	17

\*Council Action Requested Same Evening

**LEGISLATIVE/FINANCE COMMITTEE**

- LEG2000-07 Consider current policies and procedures for code violations (Transferred from CCW 3/18/2002)
- LEG2000-25 Review fee schedules to determine if they are comparable to other communities and adjust where appropriate (assigned Strategic Plan for 1<sup>st</sup> Quarter of 2001)
- LEG2003-12 Consider Resident survey - choices in services and service levels, redevelopment (assigned 8/7/2003)
- LEG2004-31 Consider Lease of Park Land to Cingular Wireless (assigned 8/31/2004)
- LEG2005-14 Consider Council Policy #055 Telecommunication and Cable Application Fees
- LEG2005-16 Consider "Open Ignition" Ordinance (assigned 5/23/2005)
- LEG2005-17 Consider on-line Gift Card Sales (assigned 5/27/2005)**
- LEG2005-18 Consider amendments to weed ordinance (assigned 7/11/2005)**
- LEG2005-19 Consider Harmon Park & Pool Renovation Bond Refinancing (assigned 7/12/2005)**
- LEG2005-20 Consider sale of MARC Remodeling Idea Books (assigned 7/14/2005)

## LEG2005-19 Consider Harmon Park and Pool Renovation Bond Refinancing

### Issue:

Should the City re-finance the 1994 Harmon Park expansion and 2000 Pool Renovation Bonds?

### Background:

In 1994, the City issued bonds for the acquisition of additional land in Harmon Park. The original amount of the bond issue was \$1,240,000. These bonds will mature in 2009. The average interest rate paid on the bonds is 4.86%. The amount of this bond issue outstanding on 31 December, 2004 was \$640,000.

In 2000, the City issued bonds to renovate the Pool Complex in Harmon Park. The original amount of this bond issue was \$1,600,000. These bonds will mature in 2014. The average interest rate paid on the bonds is 5.25%. The amount of the bond issue outstanding on 31 December, 2004 was \$1,200,000.

George K. Baum & Co. the City financial advisor, routinely monitors activity in the municipal bond markets to determine if the City can achieve cost savings by refinancing outstanding debt at a lower interest rate, approximately 3.2%.

The proceeds from the proposed refinancing issue would:

- Call and redeem the 1994 bonds
- Create an escrow fund to provide for the payment of the callable portion of the 2000 bonds
- The remaining proceeds would be paid off at a lower interest rate, maturing in 2014.

The City's financial advisor estimates that this refinancing result in a savings of approximately \$38,000 -- \$44,000 over the remaining life of the bonds. In present value terms, the net benefit to the City would be approximately 2.5 % of the outstanding value of the bonds.

Typically, refinancing is considered when the present value savings is 3% or greater. However, due to historically low interest rates, the City's financial advisor felt this information should be presented to the Legislative/Finance Committee for consideration.

David Arteberry from George K. Baum & Co. will attend the meeting to explain the refinancing information and answer committee members' questions.

### Recommendation:

**Bond Refunding Analysis**

**Refunding of Outstanding  
City of Prairie Village, Kansas  
General Obligation Bonds  
Series 1994-A & 2000-A**

**Table of Contents**

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6	Bonds to be Refunded - Series 2000-A
7	Estimated Escrow Cost

**City of Prairie Village, Kansas  
Bond Refunding Analysis**

**Summary of Benefits**

**OBJECTIVE**

Refinance the City's outstanding General Obligation Park Refunding Bonds, Series 1994-A and General Obligation Park Improvement Bonds, Series 2000-A (the "Refunded Bonds") at current interest rates to achieve interest cost savings.

**METHOD**

Issue refunding bonds, the proceeds of which will be used to call and redeem the Series 1994-A Bonds on their next optional redemption date of September 1, 2005. Proceeds would also be used to create an escrow fund containing U.S. Treasury securities. The escrow fund would provide for the payment of the callable portion of the Series 2000-A Bonds. Upon completion of the transaction, the City will then be responsible for the payment of noncallable Series 2000-A Bonds new, low interest rate bonds.

**BENEFITS**

Based on current interest rate levels, the City will realize the following benefits from refinancing the Series 1995 Bonds:

- Take advantage of historically low interest rates.
- Reduce total debt payments by approximately \$37,897 to \$44,517 (amount of savings depending on structure of new issue).
- Reduce interest rate on refinanced debt from approximately 5.10% to approximately 3.25%.
- Accomplish transaction with only bond proceeds, no additional City funds needed.

**Scenario 1: Equal Annual Savings**

**City of Prairie Village, Kansas  
General Obligation Refunding Bonds  
Series 2005-A**

**Estimated Savings Report**

Debt Service After Refunding									
Date	Principal	Rate	Interest	Debt Service on New Bonds		Old Bonds NOT Refunded	Net Debt Service	Old Bonds Savings	Total Savings
				Period Total	Annual Total				
09/01/05	-	-	-	21,380.00	21,380.00	-	275,748.75	275,748.75	-
03/01/06	165,000.00	2.750	21,380.00	186,380.00	207,760.00	115,337.50	323,097.50	325,910.00	2,812.50
03/01/07	165,000.00	2.800	19,111.25	184,111.25	203,222.50	115,537.50	318,760.00	324,367.50	5,607.50
03/01/08	170,000.00	2.900	16,801.25	186,801.25	203,602.50	115,445.00	319,047.50	322,075.00	3,027.50
03/01/09	180,000.00	3.000	14,336.25	194,336.25	208,672.50	-	208,672.50	214,035.00	5,362.50
03/01/10	130,000.00	3.100	11,636.25	141,636.25	153,272.50	-	153,272.50	155,477.50	2,205.00
03/01/11	130,000.00	3.250	9,621.25	139,621.25	149,242.50	-	149,242.50	154,297.50	5,055.00
03/01/12	140,000.00	3.350	7,508.75	147,508.75	155,017.50	-	155,017.50	157,797.50	2,780.00
03/01/13	145,000.00	3.450	5,163.75	150,163.75	155,327.50	-	155,327.50	160,710.00	5,382.50
03/01/14	150,000.00	3.550	2,662.50	152,662.50	155,325.00	-	155,325.00	158,025.00	2,700.00
<b>Total</b>	<b>1,375,000.00</b>		<b>216,442.50</b>	<b>1,591,442.50</b>	<b>1,591,442.50</b>	<b>622,068.75</b>	<b>2,213,511.25</b>	<b>2,248,443.75</b>	<b>34,932.50</b>

**Calculation of Net Savings**

Dated Date	09/01/05
Delivery Date	09/01/05
Accrued Interest	-
Bond Years	6,645.0
Average Life	4.833
Average Rate	3.2572%
Bond Yield	3.2483%
Present Value Savings	33,680.57
PV Savings as % of Old Par	2.6008%
PV Savings as % of New Par	2.4495%

**NET SAVINGS**

Gross Savings Amount	34,932.50
Add: Rounding Amount	2,964.37
Add: Accrued Interest	-
<b>NET SAVINGS</b>	<b>37,896.87</b>

**Scenario 2: Final Year Savings**

**City of Prairie Village, Kansas  
General Obligation Refunding Bonds  
Series 2005-A**

**Estimated Savings Report**

Date	Principal	Rate	Interest	Debt Service on New Bonds		Total	Debt Service on Old Bonds	Savings
				Period Total	Annual Total			

**Debt Service After Refunding**

09/01/05	-	-	-	21,285.00	-	21,285.00	275,748.75	-
03/01/06	170,000.00	2.750	21,285.00	191,285.00	-	191,285.00	327,907.50	(1,997.50)
03/01/07	170,000.00	2.800	18,947.50	18,947.50	-	18,947.50	324,367.50	935.00
03/01/08	170,000.00	2.900	16,567.50	16,567.50	-	16,567.50	322,075.00	(1,505.00)
03/01/09	185,000.00	3.000	14,030.00	14,030.00	-	14,030.00	213,060.00	975.00
03/01/10	135,000.00	3.100	11,255.00	11,255.00	-	11,255.00	157,510.00	(2,032.50)
03/01/11	135,000.00	3.250	9,162.50	9,162.50	-	9,162.50	154,297.50	972.50
03/01/12	145,000.00	3.350	6,968.75	6,968.75	-	6,968.75	158,937.50	(1,140.00)
03/01/13	150,000.00	3.450	4,540.00	4,540.00	-	4,540.00	160,710.00	1,630.00
03/01/14	110,000.00	3.550	1,952.50	1,952.50	-	1,952.50	158,025.00	44,120.00
<b>Total</b>	<b>1,375,000.00</b>		<b>209,417.50</b>	<b>1,584,417.50</b>	<b>1,584,417.50</b>	<b>1,584,417.50</b>	<b>2,206,486.25</b>	<b>41,957.50</b>

**Calculation of Net Savings**

Dated Date	09/01/05
Delivery Date	09/01/05
Accrued Interest	-
Bond Years	6,465.0
Average Life	4.702
Average Rate	3.2392%
Bond Yield	3.2307%
Present Value Savings	34,352.26
PV Savings as % of Old Par	2.6527%
PV Savings as % of New Par	2.4983%
<b>NET SAVINGS</b>	<b>44,516.79</b>
Gross Savings Amount	41,957.50
Add: Rounding Amount	2,559.29
Add: Accrued Interest	-



**City of Prairie Village, Kansas  
General Obligation Refunding Bonds  
Series 2005-A**

**Sources and Uses of Funds**

Sources of Funds	
Bond Proceeds	1,375,000.00
Accrued Interest	-
<b>Total Sources</b>	<b>1,375,000.00</b>

Uses of Funds	
Escrow Cost	1,340,321.96
Underwriting Discount	6,875.00
Costs of Issuance	25,243.75
Rounding	2,559.29
Accrued Interest	-
<b>Total Uses</b>	<b>1,375,000.00</b>

Prepared by George K. Baum & Company  
07/01/05



**City of Prairie Village, Kansas  
General Obligation Park Improvement Bonds  
Series 2000-A**

**Bonds to be Refunded - Series 2000-A**

Date	Principal	Rate	Interest	Bonds to be Refunded	
				Period Total	Annual Escrow Requirements

09/01/05	20,642.50	20,642.50	20,642.50	-	-
03/01/06	20,642.50	20,642.50	20,642.50	41,285.00	20,642.50
09/01/06	20,642.50	20,642.50	20,642.50	-	20,642.50
03/01/07	20,642.50	20,642.50	20,642.50	-	20,642.50
09/01/07	20,642.50	20,642.50	20,642.50	41,285.00	20,642.50
03/01/08	20,642.50	20,642.50	20,642.50	-	20,642.50
09/01/08	20,642.50	20,642.50	20,642.50	41,285.00	810,642.50
03/01/09	20,642.50	20,642.50	20,642.50	-	20,642.50
09/01/09	20,642.50	20,642.50	20,642.50	156,285.00	-
03/01/10	17,738.75	17,738.75	17,738.75	-	-
09/01/10	17,738.75	17,738.75	17,738.75	155,477.50	-
03/01/11	14,648.75	14,648.75	14,648.75	-	-
09/01/11	14,648.75	14,648.75	14,648.75	154,297.50	-
03/01/12	11,398.75	11,398.75	11,398.75	-	-
09/01/12	11,398.75	11,398.75	11,398.75	157,797.50	-
03/01/13	7,855.00	7,855.00	7,855.00	-	-
09/01/13	7,855.00	7,855.00	7,855.00	160,710.00	-
03/01/14	4,012.50	4,012.50	4,012.50	-	-
09/01/14	4,012.50	4,012.50	4,012.50	158,025.00	-
03/01/15	-	-	-	-	-
09/01/15	-	-	-	-	-
03/01/16	-	-	-	-	-
09/01/16	-	-	-	-	-
03/01/17	-	-	-	-	-
09/01/17	-	-	-	-	-
03/01/18	-	-	-	-	-
09/01/18	-	-	-	-	-
03/01/19	-	-	-	-	-
<b>Total</b>	<b>790,000.00</b>	<b>276,447.50</b>	<b>1,066,447.50</b>	<b>1,066,447.50</b>	<b>913,855.00</b>

**Bonds NOT Refunded**

Date	Principal	Rate	Interest	Bonds NOT Refunded	
				Period Total	Annual Debt Service

09/01/05	95,000.00	4.750	30,567.50	125,567.50	125,567.50
03/01/06	100,000.00	4.800	7,668.75	107,668.75	115,337.50
09/01/06	100,000.00	4.800	7,668.75	107,668.75	115,337.50
03/01/07	105,000.00	4.850	5,268.75	110,268.75	156,822.50
09/01/07	105,000.00	4.850	5,268.75	110,268.75	156,822.50
03/01/08	110,000.00	4.950	2,722.50	112,722.50	156,730.00
09/01/08	110,000.00	4.950	2,722.50	112,722.50	156,730.00
03/01/09	-	-	-	-	-
09/01/09	-	-	-	-	-
03/01/10	-	-	-	-	-
09/01/10	-	-	-	-	-
03/01/11	-	-	-	-	-
09/01/11	-	-	-	-	-
03/01/12	-	-	-	-	-
09/01/12	-	-	-	-	-
03/01/13	-	-	-	-	-
09/01/13	-	-	-	-	-
03/01/14	-	-	-	-	-
09/01/14	-	-	-	-	-
03/01/15	-	-	-	-	-
09/01/15	-	-	-	-	-
03/01/16	-	-	-	-	-
09/01/16	-	-	-	-	-
03/01/17	-	-	-	-	-
09/01/17	-	-	-	-	-
03/01/18	-	-	-	-	-
09/01/18	-	-	-	-	-
03/01/19	-	-	-	-	-
<b>Total</b>	<b>410,000.00</b>		<b>61,887.50</b>	<b>471,887.50</b>	<b>1,538,335.00</b>

Dated Date 09/01/05  
 Delivery Date 09/01/05  
 Accrued Interest -  
 Bond Years 5,265.0  
 Average Life 6.665  
 Average Rate 5.25066%

Prepared by George K. Baum & Company

**City of Prairie Village, Kansas  
General Obligation Refunding Bonds  
Series 2005-A**

**Estimated Escrow Cost**

Dated Date                    09/01/05  
 Delivery Date                09/01/05  
 Escrow Yield                 3.2306796%

Payment	Receipt	Escrow	Requirements	PV	PV of Requirement
Date	Date			Factor	

09/01/05	08/26/05	505,000.00	505,000.00	1.000445	505,224.84
03/01/06	02/26/06	20,642.50	20,642.50	0.984542	20,323.40
09/01/06	08/26/06	20,642.50	20,642.50	0.968891	20,000.33
03/01/07	02/26/07	20,642.50	20,642.50	0.953489	19,682.39
09/01/07	08/26/07	20,642.50	20,642.50	0.938331	19,369.50
03/01/08	02/26/08	20,642.50	20,642.50	0.923415	19,061.59
09/01/08	08/26/08	810,642.50	810,642.50	0.908736	736,659.92
<b>Total</b>					<b>1,340,321.96</b>

Prepared by George K. Baum & Company

07/01/05

CITY OF PRAIRIE VILLAGE, KANSAS  
 NOTES TO THE BASIC FINANCIAL STATEMENTS  
 December 31, 2004

**IV. DETAILED NOTES ON ALL FUNDS AND ACCOUNT GROUPS (CONTINUED)**

**F. Long-Term Liabilities**

The City issues general obligation bonds to provide funds for the acquisition and construction of major capital facilities such as the swimming pool, various public parks, and the public safety facility.

Change in long-term liabilities:

	Balance December 31, 2003	Additions	Deductions	Balance December 31, 2004	Current Portion
General Obligation Bonds	\$ 3,385,000	\$ -	\$ 400,000	\$ 2,985,000	\$ 415,000
Accrued Compensated Absences	<u>123,751</u>	<u>268,697</u>	<u>224,334</u>	<u>168,114</u>	<u>168,114</u>
	<u>\$ 3,508,751</u>	<u>\$ 268,697</u>	<u>\$ 624,334</u>	<u>\$ 3,153,114</u>	<u>\$ 583,114</u>

The balance outstanding as of December 31, 2004 was comprised of the following issues:

Bond Issue	Interest Rate	Date Issue	Original Issue Amount	Final Maturity	Balance Outstanding	Interest paid in 2004
Park refunding	3.90-5.00%	1/1/94	\$ 1,240,000	9/1/09	\$ 640,000	\$ 36,018
Police facility	3.70-4.00%	1/1/99	1,660,000	9/1/10	1,145,000	51,590
Pool improvement	4.75-6.50%	2/15/00	<u>1,600,000</u>	9/1/14	<u>1,200,000</u>	<u>66,535</u>
			<u>\$ 4,500,000</u>		<u>\$ 2,985,000</u>	<u>\$ 154,143</u>

Annual debt service requirements through maturity for general obligation bonds are as follows:

Year:	Principal	Interest	Total
2005	\$ 415,000	\$ 136,338	\$ 551,338
2006	435,000	118,720	553,720
2007	455,000	99,863	554,863
2008	475,000	79,770	554,770
2008	385,000	58,435	443,435
2010-14	<u>820,000</u>	<u>117,109</u>	<u>937,109</u>
Total	<u>\$ 2,985,000</u>	<u>\$ 610,235</u>	<u>\$ 3,595,235</u>

CITY OF PRAIRIE VILLAGE, KANSAS

COMPUTATION OF LEGAL DEBT MARGIN

December 31, 2004

(Unaudited)

Total assessed value	\$ 255,791,537
	<u>          </u>
	x 30%
Debt limitation percentage in accordance with K.S.A. 10-308	76,737,461
2004 debt limitation	<u>          </u>
Bond indebtedness	<u>2,985,000</u>
Legal debt margin	<u>\$ 73,752,461</u>

**Issue:**

Should the City revise its weed abatement ordinance?

**Background:**

A review of the City's weed abatement ordinance has revealed an inconsistency in defining the point at which the City may require a property owner to cut tall grass/weeds on his/her property. At one point, an 8 inch height is established, while at another point, the maximum height is 12 inches. An ordinance amendment is proposed to establish a maximum height of 8 inches.

Revisions are also being proposed to the procedure for notifying property owners of this ordinance violation. Specifically, if the Code Enforcement Officer is unable to personally serve a notice of violation to the property owner or agent, a notice will be sent via certified mail or, if the owner is unknown, a notice may be published in the official City newspaper.

The purpose behind the notification requirement is that, in order for the City to recover abatement costs, it must show that the property owner or agent was properly informed of the violation and given an opportunity to correct it or request a hearing before the governing body or its designated representative prior to the City's abatement of the violation.

An additional enforcement provision is also being proposed allowing the City to seek a personal judgment against a property in the event he/she fails to pay the weed abatement costs.

These ordinance revisions are primarily "housekeeping" measures and will not have a significant impact on the Codes Administration Department's operations.

**Recommendation"**

**RECOMMEND THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING CHAPTER 8 ARTICLE 30F THE PRAIRIE VILLAGE CITY CODE ENTITLED "WEEDS AND NOXIOUS PLANTS."**

**COUNCIL ACTION REQUIRED**

### ARTICLE 3. WEEDS AND NOXIOUS PLANTS

8-301. DEFINITIONS. The following terms, as used in this article, unless the context specifically indicates otherwise, are defined as follows:

(a) Calendar Year means that period of time beginning January 1 and ending December 31 of the same year.

(b) Noxious Plants means poison ivy, poison oak and poison sumac, at any height or state of maturity.

(c) Owner includes the real and actual owner of the fee title, the life tenant, adverse possessor, and any other person or entity asserting or having any ownership right, title or interest in any property in the city. The land records filed in the office of the Johnson County recorder of deeds and any other official record of such county or of the city, may be used to determine such owner as of any given date.

(d) Rank Weeds means all vegetation which may exhale unpleasant or noxious odors, or transmit pollen into the air at any state of maturity, and which exceeds eight (8) inches in height; also, all vegetation, regardless of height, including thickets, which conceals or invites filthy deposits, or which harbors rodents, refuse or vermin. Such rank weeds include, but are not limited to the following:

Large crabgrass, large hairy crabgrass (digitaria echinochloa sanguinalis); barnyard grass (ecinochloa crusgalli); Pennsylvania smartweed (polygonum pennsylvanicum); ladythumb, smartweed (polygonum persicaria); curled dock, sour dock (rumex crispus); lambsquarter (chenopodium album); rough pigweed, redroot (amaranthus retroflexus); shepard\*s purse (capsella bursapastoris); nodding spurge, upright spotted spurge (euphorbia maculata); velvet leaf, indian mallow (abutilon theophrasti); sticktight, blue stickseed (lappula echinata); common ragweed (ambrosia artemisiifolia); giant ragweed, horseweed, kinghead (ambrosia trifida); dandelion (taraxacum officinale); cocklebur, clobur (xanthium pennsylvanicum); downy bromegrass, downy chess (bromus tectorum); bermuda grass, devilgrass (cynodon dactylon); stinkgrass, lovegrass (eragrostis cilianesis); witchgrass, tumble panicgrass (panicum capillare); giant fox tail (setaria faberii); Johnson grass (sorghum halepense); hop sedge, sloughgrass (carex lupulina); hemp (cannabis sativa); stinging nettle, nettle (urtica procera); swamp smartweed, tanweed, devil\*s shoestring (polygonum coccineum); smooth dock (rumex altissimus); maple-leaved goosefoot (chenopodium hybridum); water hemp (acrida altissima); tumbleweed, tumble amaranth (amaranthus albus); common milkweed (asclepias syriaca); common mullen (verbascum thapsus); burdock (arctium minus); beggar tick, sticktight, devil\*s pitchfork (bidens frondosa); tall cone flower, golden glow (rudbeckia laciniata); gray goldenrod, field goldenrod (solidago nemoralis);

(e) Thickets means dense growths of wild shrubbery having stems or trunks less than one inch in diameter, and briar patches.

(f) Weeds means any of the following:

- (1) Brush and woody vines;
- (2) Weeds and grasses which may attain such large growth as to become, when dry, a fire menace to adjacent improved property;
- (3) Weeds which bear or may bear seeds of a downy or wingy nature.

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The following terms, as used in this chapter, unless the context specifically indicates otherwise, are defined as follows:

**Deleted:** as used herein

**Deleted:**

**Deleted:** occupant, tenant, lessee, tenant at will, tenant at sufferance,

**Deleted:** firm, partnership, corporation or association, or any agent, broker or representative thereof,

**Deleted:** lot, tract or parcel of land

**Deleted:** of the county within which any such lot, tract or parcel of land is located,

**Deleted:** , as hereinbefore defined,

**Deleted:** as used herein

**Deleted:** shall be classified as weeds



(4) Weeds which are located in an area which harbors rats, insects, animals, reptiles, or any other creature which either may or does constitute a menace to health, public safety or welfare;

(5) Weeds and grasses on or about any property which, because of their height, have a blighting influence on the neighborhood. Any such weeds and indigenous grasses shall be presumed to be blighting if they exceed eight (8) inches in height.

(6) Noxious plants and rank weeds, as hereinabove defined. (Ord. 1949, Sec. 2; Ord. 1950, Sec. 2; Ord. \_\_\_\_\_, Sec. 2)

Deleted: residential  
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8-302.

**WEEDS TO BE REMOVED.** It shall be unlawful for any owner, occupant, or agent, of any property in the city to permit weeds to remain upon said property or any area between the property lines of said property and the centerline of any adjacent street or alley, including, but not specifically limited to, sidewalks, streets, alleys, easements, rights-of-way and all other areas, public or private. All weeds as hereinabove defined are hereby declared a nuisance and are subject to abatement as hereinafter provided. (Ord. 1950, Sec. 2; Ord. \_\_\_\_\_, Sec. 2)

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8-303.

**PUBLIC OFFICER; NOTICE AND ORDER TO REMOVE.** The city administrator shall designate a public officer to be charged with the administration and enforcement of this article. The public officer or an authorized assistant shall direct the city clerk to issue a notice of violation and order to the owner, occupant or agent of any property in the city upon which weeds exist in violation of this article; provided, however, in the event a notice and order was previously served upon the owner, occupant or agent of the property for a violation of the city weed control ordinance during the same calendar year, no further notice shall be required prior to any abatement action by the city. Such notice and order shall be issued, in writing to the owner, occupant or agent by certified mail, return receipt requested or by personal service, if the property is unoccupied and the owner is a nonresident, such notice and order shall be sent by certified mail, return receipt requested, to the last known address of the owner. The notice and order may be made by publication in the official city newspaper in the event there is no resident agent and the owner is either unknown or is a nonresident (provided a nonresident owner with a known address is also sent notice by certified mail as required hereinabove). Such notice shall include the following:

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(a) That the owner, occupant or agent is in violation of the city weed control ordinance.

(b) That the owner, occupant, or agent is ordered to cut, destroy or remove the weeds within five (5) days of the receipt of the notice and order, or if the notice and order is served by publication, within ten (10) days of the date of publication (the applicable time period hereinafter referred to as the "correction period").

(c) That before the expiration of the correction period, the owner, occupant or agent may request a hearing before the governing body or its designated representative.

(d) That if the owner, occupant or agent fails to request a hearing or to cut, destroy or remove the weeds within the correction period, the city or its authorized agent will cut, destroy or remove the weeds and assess against the owner, occupant or agent the total costs of the cutting, destruction or removal

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of the weeds, including a reasonable administrative fee and the cost of all notice.

(e) That payment of the assessed total costs is due and payable within thirty (30) days following receipt of notice of such costs, or the city will levy such costs against the property as a special assessment. And further, pursuant to Kansas Statute, the city may also pursue the collection of such costs by seeking a personal judgment against the owner in Johnson County district court, as provided for by K.S.A. 12-1-115, and amendments thereto.

(f) That no further notice shall be given by the city prior to any additional cutting, destruction or removal of weeds on the property by the city or its authorized agent during the current calendar year, and that any such additional costs will be assessed in the same manner.

(g) That the code enforcement officer should be contacted if there are any questions regarding the notice and order.  
(K.S.A. 12-1617f Ord. 1950, Sec. 2; Ord. Sec. 2)

8-304.

**ABATEMENT; ASSESSMENT OF COSTS.** (a) If the owner, occupant, or agent fails to request a hearing or refuses or fails to cut, destroy or remove such weeds during the correction period prescribed above, the city or its authorized agent shall cut, destroy or remove such weeds and shall keep an account of the cost of same and report them to the city clerk. Provided, if a notice and order was previously served upon the owner, occupant or agent of the property for a violation of the city weed control ordinance during the same calendar year, the city or its authorized agent may proceed to cut, destroy or remove any weeds without any delay or further notice.

(b) The city shall issue a notice of costs to the owner, occupant or agent by certified mail, return receipt requested, providing the costs of abatement of the nuisance, which shall include the cost of cutting, destroying or removing the weeds, a reasonable administrative fee, and the cost of all notice. Such notice shall also state that payment of the costs is due and payable within thirty (30) days following receipt of the notice.

(c) If the costs of abatement remain unpaid after thirty (30) days following receipt of the notice of costs, a record of the costs of abatement shall be certified to the city clerk, who shall cause such costs to be assessed against the property. The city clerk shall certify the assessment to the county clerk at the time other special assessments are certified for spreading on the tax rolls of the county. Further, the city may also pursue the collection of such costs by seeking a personal judgment against the owner in Johnson County district court, as provided for by K.S.A. 12-1-115, and amendments thereto.

(d) If there is a change in the record owner of title to the property subsequent to the giving of notice pursuant to this article, the city may not recover any costs or levy an assessment for the costs incurred by the cutting, destruction or removal of weeds on the property unless the new record owner of title to the property is provided notice as required by this article.  
(K.S.A. 12-1617f; Ord. 1950, Sec. 2; Ord. Sec. 2)

8-305.

**RIGHT OF ENTRY.** The city or its authorized agents are hereby expressly authorized to enter upon private property at all reasonable hours for the purpose of cutting, destroying or removing such weeds in a manner not inconsistent with this article. (Ord. 1950, Sec. 2; Ord. Sec. 2)

**Deleted:** against the owner, occupant or agent in charge of the property.

**Deleted:** the owner, occupant or agent in charge of the property will be given an opportunity

**Deleted:** to pay the assessment, and, if it is not paid, it will be added to the property tax

**Deleted:** If there is a change in the record owner of title to property subsequent to the giving of notice pursuant to this subsection, the city may not recover any costs or levy an assessment for the costs incurred by the cutting or destruction of weeds on such property unless the new record owner of title to such property is provided notice as required by this section.

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8-306. UNLAWFUL INTERFERENCE. It shall be unlawful for any person to interfere with or to attempt to prevent the city or its authorized agent from entering upon any such property or from proceeding with such cutting, destruction or removal. Such interference shall constitute a code violation. (Ord. 1950, Sec. 2; Ord. \_\_\_\_\_, Sec. 2)

Deleted: the public officer or the public officer's authorized representative

Deleted: lot or piece of ground

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8-307. REFUSAL OF NOTICE. In the event any owner, occupant or agent of any property refuses acceptance of any notice or order prescribed by this article, the city clerk shall mail a copy of such notice or order by first class mail and notice shall then be deemed given at such time.

**Issue:**

Should the City sell the MARC Remodeling Idea Book?

**Background:**

The Mid America Regional Council's First Suburbs Coalition recently published a remodeling idea book. The *First Suburbs Coalition Idea Book* examines four of the most common housing types found in first suburbs, including Prairie Village - Ranch, Split Level, Two Story, and Cape Cod – and provides ideas for appropriate ways to update and make additions to them. The 40-page, folio-sized book offers color illustrations of each design and the elements which can be renovated or added.

The book also addresses windows, doors and garages as well as other basics of exterior appearance. Considerations such as energy efficiency, financing and universal design are also discussed in the book along with a section of guidelines for selecting and working with reliable contractors.

The book sells for \$10 through MARC.

The City has received several requests from residents who would like to purchase the book. Cities may purchase the books for \$5 each for re-sale at the \$10 price established by MARC. MARC requests that cities contribute the profits to the First Suburbs Coalition.

**Recommendation:**

**RECOMMEND THE CITY PURCHASE 25 REMODELING IDEA BOOKS FROM MARC AT A COST OF \$125 AND SELL THE BOOKS AT CITY HALL FOR \$10, DONATING PROFITS TO THE MID AMERICA REGIONAL COUNCIL'S FIRST SUBURBS COALITION.**

**COUNCIL ACTION REQUIRED**

**COUNCIL ACTION REQUESTED 18 JULY, 2005**

**POLICY / SERVICES COMMITTEE**

**July 18, 2005**

**Agenda**

**6:30 P.M.**

**Al Herrera**

**Page #**

**POL2004-16 Consider Project 190708: Tomahawk Road – 1 - 8**  
**Nall Avenue to Roe Avenue – Interlocal Agreement**  
**Bob Pryzby**

**POL2005-04 Consider Project 190809: 75<sup>th</sup> Street and State Line 19 - 12**  
**Intersection – Interlocal Agreement**  
**Bob Pryzby**

**POL2005-11- Consider Project 190715: 2005 Storm Drainage Repair 13 - 30**  
**Construction Administration Agreement**  
**Bob Pryzby**

**\* Council Action Requested Same Evening**

## POLICY/SERVICES

POL2003-14 Consider Project 190845: Mission Road – 75<sup>th</sup> St to 79<sup>th</sup> St (CARS) (assigned 7/3/2003)  
POL2004-06 Consider Project 190715: 2005 Storm Drainage Repair Program (assigned 2/25/2004)  
POL2004-08 Consider Project 190841: Mission Road – 71<sup>st</sup> to 75<sup>th</sup> (CARS) (assigned 2/25/2004)  
POL2004-09 Consider Project 190848: Mission Rd – Somerset to 83<sup>rd</sup> (CARS) (assigned 2/25/2004)  
POL2004-10 Consider Project: 190847: 2005 Street Paving Program (assigned 2/25/2004)  
POL2004-11 Consider Project 190849: Roe Avenue – Somerset to 95<sup>th</sup> St. (CARS) (assigned 2/25/04)  
POL2004-12 Consider Project 190714: 2004 Storm Drainage Repair Program (assigned 3/30/2004)  
POL2004-11 Consider Project 190847: 2005 Street Paving Program (assigned 7/29/2004)  
POL2004-15 Consider Project 190707: Somerset, Delmar to Fontana Street (assigned 8/26/2004)  
POL2004-16 Consider Project 190708: Tomahawk Road Nall to Roe (assigned 8/26/2004)  
POL2004-18 Consider Sidewalk Policy (assigned 9/18/2004)  
POL2005-02 Consider Project 190616: Harmon Park Skate Facility (assigned 1/31/2005)  
POL2005-03 Consider Project 190850: Reeds Street – 69<sup>th</sup> to 71<sup>st</sup> St. (assigned 1/31/2005)  
POL2005-04 Consider Project 190809: 75<sup>th</sup> Street and State Line Road (assigned 2/1/2005)  
POL2005-11 Consider Project 190715: 2005 Storm Drainage Repair Program (assigned 6/2/2005)  
POL2005-12 Consider Project 190854: 2005 Pavement Repair Program (assigned 6/2/2005)  
POL2005-13 Consider Project 191012: 2005 Concrete Repair Program (assigned 6/2/2005)  
POL2005-14 Consider Project 190852: 2005 Crack/Slurry Seal Program (assigned 6/2/2005)  
POL2005-15 Consider Traffic Engineer Scope of Services (assigned 6/2/2005)  
POL2005-16 Consider Project Interlocal Agreements for School Zone Devices and signs (assigned 6/2/2005)

**POL2004-16 CONSIDER PROJECT: 190708 TOMAHAWK ROAD –  
NALL AVENUE TO ROE AVENUE**

**Background:**

This is a drainage project to improve the storm drainage system on Tomahawk Road and adjoining streets between Nall Avenue and Roe Avenue. This project has been accepted for design funding the Stormwater Management Advisory Council (SMAC). The attached agreement provides SMAC funding share of the \$212,000 design costs.

**Financial Impact:**

SMAC funds 75% (\$159,000) of the design cost and the City will be responsible for 25% (\$53,000). Funding is available in the Capital Infrastructure Program.

**Recommendation:**

Staff recommends the City Council approve the Interlocal agreement with the Board of County Commissioners of Johnson County for Project 190708 design cost of \$212,000.00 and the County maximum share of \$159,000.00.

**Interlocal Agreement between  
Johnson County and the City of Prairie Village  
For Design of a Stormwater Management Project known as  
Improvements on Brush Creek at  
Tomahawk road: Roe Avenue to Nall Avenue  
BC-11-056**

This agreement is entered into by and between the Board of County Commissioners of Johnson County, Kansas (the "County") and the City of Prairie Village (the "City") pursuant to K.S.A. 12-2908.

**Recitals**

1. Pursuant to K.S.A. 19-3311, by Resolution No. 38-90, the County has established a county-wide retailers sales tax for the purpose of providing funds for stormwater management projects, and by Resolution No. 76-90, created a Stormwater Management Advisory Council to identify and recommend projects for inclusion in the Stormwater Management Program.
2. The County has established a Stormwater Management and Flood Control Fund for the purpose of funding Stormwater Management Program projects.
3. The County, by Resolution No. 66-92, as modified by Resolution No. 034-94, adopted the Johnson County Stormwater Management Policy and the Administrative Procedures for the Johnson County Stormwater Management Program ("Policy and Procedures") to promote interlocal cooperation between the County and the participating municipalities in stormwater management activities.
4. The County has established a Five-Year Master Plan consisting of a list of proposed stormwater management projects that meet the established criteria for funding from the Stormwater Management and Flood Control Fund. The County, upon the recommendation of the Stormwater Management Advisory Council, has selected certain projects from the Five Year Master Plan to be included in the County's Project Priority List which contemplates the timely design and construction of those selected projects.
5. In accordance with the Policy and Procedures, the City has requested that the County participate in the funding for the design of the stormwater management project identified as Improvements on Tomahawk road: Roe Avenue to Nall Avenue (the "Project Design"), which Project is on the County's Project Priority List, and the County is willing to provide such funding upon the terms and conditions set forth in this agreement.



## Agreement

In and for the consideration of the mutual covenants contained in this agreement and the mutual benefits to be derived from the Project, the City and the County agree as follows:

- 1. Policy and Procedures.** The City acknowledges receipt of the Policy and Procedures. The City and County agree that the Project Design shall be undertaken, designed, and administered in accordance with the terms and provisions of the Policy and Procedures provided, however, in the event a conflict exists between any provision of the Policy and Procedures and any provision of this agreement, the terms and conditions of this agreement shall control.
- 2. Design Costs.** The parties acknowledge and agree that this agreement only obligates the parties to proceed with design of the Project. For budget and accounting purposes, the estimated cost of the Project Design is Two Hundred Twelve Thousand Dollars (\$212,000).
- 3. Engineering and Design Services.** The City shall be responsible for the selection of qualified engineering professionals to provide engineering services for the design of the Project. The City may provide engineering services, in whole or in part, for the Project Design utilizing qualified City personnel. The City agrees to provide to the County for review the identity and the qualifications of engineering professionals and City personnel under consideration by the City prior to entering into any binding contract for engineering services and prior to permitting any City personnel to perform engineering services relating to the Project Design. The County shall have the right, but not the obligation, to comment upon the qualifications or suitability of the engineering professionals and City personnel. Upon the request of the County Engineer, the City agrees to provide additional information or clarification, if available, regarding the qualifications of the engineering professionals or City personnel.

It shall be the City's duty and obligation to select only qualified engineering professionals and to permit only qualified City personnel to perform Project Design related services. The parties agree that the County has no obligation to comment upon, evaluate, or object to the qualifications of any engineering professional or City personnel and the County's failure to do so shall not be deemed an approval of the engineering professional or the City personnel. In the event the County Engineer determines that the City's selection of an engineering professional or City personnel is not in the best interests of the Project, the County Engineer may request the City to reconsider its selection. Upon such request, the City shall either select a different engineering professional or City personnel, as the case may be, or shall seek a reconsideration by the County Engineer. In the event the City and the County cannot agree upon the selection, either party may terminate this agreement upon fifteen days notice to the other, and from and after the date of such termination, neither party shall have any further duties or obligations under this agreement.

Within sixty days from the date of the termination of this agreement as provided in this Paragraph, the City shall provide the County with a final accounting of Project Design costs and the County's share of such costs whereupon the County shall reimburse the City as provided in this agreement subject to any limitations on reimbursement set forth in the Policy and Procedures and this agreement.

4. **Estimated Project Cost.** The parties acknowledge and agree that the County Stormwater Management Program has established an estimated total design cost of the Project of Two Hundred Twelve Thousand Dollars (\$212,000) based upon engineering and design assumptions that the Preliminary Study may or may not confirm. The parties shall, upon the completion of the Preliminary Study, analyze and consider the proposed scope and conceptual design of the Project as set forth in the Preliminary Study. If the parties cannot agree upon the scope or conceptual design of the Project, then either party may terminate this agreement upon fifteen days notice to the other. Upon such termination, the City shall be reimbursed by the County for costs and expenses incurred in connection with the Preliminary Study subject to the limitations set forth in the Policy and Procedures and in this agreement.

5. **Option to Terminate.** In the event the Preliminary Study reveals that the estimated cost of Project Design exceeds either City or County expectations, the City and the County each shall have the option of terminating this agreement as set forth in this Paragraph.

The City agrees to notify the County whether it desires to terminate this agreement within thirty days following the delivery of the Preliminary Study to the County. Within thirty days after the City gives its notice of intent to terminate this agreement to the County, the County may, at its option, elect to contribute a higher percentage of the estimated Project Design costs sufficient to allow the Project Design to continue, in which event this agreement shall not terminate but shall continue in full force and effect except that the County's obligation for Project Design costs shall be increased accordingly.

Within forty-five days after the date the Preliminary Study is received by the County, the County agrees to either:

- A. Notify the City of the County's intent to terminate this agreement and re-prioritize the Project, or;
- B. Authorize the City to proceed with the preparation of the "Preliminary Project Plans and Specifications" (as defined in this agreement).

Within thirty days after the County gives its notice of intent to terminate this agreement to the City, the City may, at its option, elect to contribute a higher percentage of the estimated Project Design sufficient to allow the Project Design to continue, in which event this agreement shall not terminate but shall continue in full force and effect except that the City's obligation for Project costs shall be increased accordingly. If the City does not elect to participate in a higher percentage of the estimated Project Design costs, this agreement shall automatically terminate on the thirty-first day following the date on which the County gave its notice of intent to terminate this agreement.

Within sixty days from the date of the termination of this agreement as provided in this Paragraph, the City shall provide the County with a final accounting of Project Design costs

and the County's share of such costs whereupon the County shall reimburse the City subject to the limitations set forth in the Policy and Procedures and in this agreement.

Upon the termination of this agreement as provided in this Paragraph, the Project shall be re-prioritized according to the Policy and Procedures.

6. **Notice to Affected Municipalities.** The City shall contact all upstream and downstream municipalities that possibly may be adversely affected by the Project and shall inform such municipalities of the nature and scope of the Project. The City shall notify the County of any objection to the Project that is received by the City from any upstream or downstream municipality. The City agrees that it shall provide the upstream and downstream municipalities with an opportunity to review and comment upon the Preliminary Study prior to submitting the Preliminary Study to the County. The City shall keep the municipalities informed during the design, planning, and construction phases of the Project.

7. **Project Plans and Specifications.** Within \_\_\_\_\_ days following the County's notice to proceed with the preparation of "Preliminary Plans and Specifications" (as defined below), the City shall provide the County with a copy of the preliminary plans and specifications for the Project which shall include, without limitation, all proposed and draft engineering and construction documents, plans, drawings, construction schedules, cost estimates, and bid and contract documents ("Preliminary Plans and Specifications"). The County may, at its option, provide written comments and suggestions to the City regarding the proposed Preliminary Plans and Specifications and shall do so, if at all, within forty-five days from the date of receipt by the County of the Preliminary Plans and Specifications. Any comment, suggestion, approval, or disapproval by the County with respect to the Preliminary Plans and Specifications, or any portion thereof, shall be for the sole benefit of the City for its use and consideration in preparing its "Final Plans and Specifications" for the Project which shall include, without limitation, all final engineering and construction documents, plans, drawings, construction schedules, cost estimates, and bid and contract documents. It is expressly understood and agreed that the County's approval or disapproval of the Preliminary or Final Plans and Specifications shall not be considered, nor argued by the City in any court or proceeding, as a representation or warranty that the Plans and Specifications comply with or meet engineering or design principles or criteria or any applicable law.

The City shall submit its Final Plans and Specifications to the County for review within \_\_\_\_\_ days from the expiration of the forty-five day Preliminary Plans and Specifications review period. It is acknowledged and agreed by the parties that the County's role, and the purpose of the County's review, is to satisfy itself, to the extent practical, that the Project, as designed, is likely to meet the stormwater control desired and contemplated by Stormwater Management Program. As part of the County's review of the Preliminary and Final Plans and Specifications provided for in this agreement, the City agrees to and shall submit to the County for review a copy of the proposed construction contract or contracts for the Project.

In the event the City and the County cannot agree upon the Preliminary or the Final Plans and Specifications, either party may terminate this agreement upon fifteen days notice to the other and from and after the date of such termination neither party shall have any further duties or obligations under this agreement. In the event of such termination, the City shall be entitled to reimbursement for actual costs and expenses incurred in the preparation of the Preliminary

Study and the Preliminary and Final Plans and Specifications, subject to any limitations on reimbursement contained in the Policy and Procedures or this agreement.

8. **Administration of Project.** It is acknowledged and agreed that the City shall enter into all contracts relating to the Project Design in its own name and not as the agent of the County. The City agrees to be solely responsible for the administration of all contracts for the Project Design. Any contract disputes shall be resolved by the City at the City's sole cost and expense.  
  
The City shall require adequate indemnity covenants and evidence of insurance from engineering service providers for loss or damage to life or property arising out of the engineering service provider's negligent acts or omissions. The required insurance coverage and limits shall be established by the City but shall not, in any event, be less than \$1,000,000 and professional liability coverage for engineering service providers. The City may, in the exercise of its reasonable judgment, permit any insurance policy required by this agreement to contain a reasonable and customary deductible or co-insurance provision.
9. **County Contribution Toward Project Costs.** The County shall reimburse the City from the Stormwater Management and Flood Control Fund for expenditures made by the City for the Project Design as follows:  
  
Not more than once each calendar month, the City shall submit to the County a request for payment, invoice, or statement satisfactory in form and content to the County Engineer detailing total Project Design costs and expenses, in line-item detail, for the preceding calendar month ("Payment Request") and for year-to-date.  
  
The City's Payment Request shall list, by category, those particular expenditures that are reimbursable according to the Policy and Procedures. The City represents and warrants that each Payment Request shall seek reimbursement for only those expenditures that the City determines, in good faith, to be reimbursable by the County. The County Engineer may require the City to supplement the Payment Request as needed to satisfy the County Engineer, at his discretion, that the Payment Request accurately reflects properly reimbursable costs and expenses.  
  
The County agrees to make payment to the City within thirty days following the County Engineer's approval and acceptance of a properly documented Payment Request in an amount equal to seventy-five percent (75%) of the Payment Request.
10. **Limitation of Liability.** The City agrees to indemnify and hold the County, its officials, and agents harmless from any cost, expense, or liability not expressly agreed to by the County which result from the negligent acts or omissions of the City, its employees, or agents, or which result from the City's compliance with the Policy and Procedures.
11. ***Only if the City has proposed a Project design that contemplates a deviation from the American Public Works Association (APWA) specifications contained in Section 5600 Storm Drainage Systems and Facilities, shall the following provisions apply:***

- A. The City represents that it has determined that APWA Section 5600 specifications are not feasible, are impractical, or cannot be met without an expenditure of funds that, in the City's opinion, significantly exceeds the anticipated Project benefit.
- B. The City represents that, based upon its own analysis, the APWA Section 5600 specifications set forth on the attached Exhibit \_\_\_\_\_ are not feasible, are impractical, or cannot be met without an expenditure of funds that significantly exceeds the anticipated Project benefit.
- C. The City acknowledges and agrees that the costs of "flood proofing" any structure within the Project area shall not be a reimbursable expense under the Stormwater Management Program but shall be borne solely by the City. "Flood proofing," for purposes of this section, means any method by which a structure's windows, doors, or other openings are covered or sealed in an effort to prevent flood water entering the structure through such openings.
- D. The City acknowledges that it has, in its sole and absolute discretion, determined to deviate from APWA Section 5600 specifications by approving a Project design that may result in seven inches or more of water flooding over a street or roadway during a 100 year storm event. The City hereby represents that:
- E. The City has concluded that the relevant APWA Section 5600 specifications are not feasible, are impractical, or cannot be met without an expenditure of funds that, in the City's opinion, significantly exceeds the anticipated benefit.
- F. The City agrees to and shall develop an emergency plan to protect life and property at the anticipated flooded crossing point during a 100-year storm or other high-water event.
- G. The City represents that it has endeavored to advise its citizens in and near the Project area of the City's proposed deviation from APWA Section 5600 specifications and its alternative plans to protect life and property at the flooded crossing point during a 100 year storm or other high-water event.
- H. The City agrees to and shall take appropriate measures to protect the public at low-water crossings, which are allowed to exist as part of the City's Project.
- I. The City acknowledges that it is deviating from the APWA Section 5600 specifications upon its discretion based upon its own investigation, analysis, and risk assessment and without reliance upon SMAC or the Board of County Commissioners, or their respective employees or agents. The City expressly agrees to and shall hold SMAC and the Board of County Commissioners, and their respective employees and agents, harmless from any property loss, property damage, personal injury, or death arising out of the construction of the Project.

The City also agrees that not withstanding any assistance, advice, technical consulting, or engineering services provided by SMAC or the Board of County Commissioners, or the failure to provide any such assistance, advice, technical consulting, or engineering services, the City shall bear the sole and absolute responsibility for the Project's design, construction, maintenance, and repair.

12. **Notice Addresses.** Any notice required or permitted by this agreement shall be deemed properly given upon deposit in the U.S. mail, postage prepaid and addressed as follows:
- 13.

**If to the County:**

Mac Andrew, P.E.  
Director of Infrastructure & Transportation  
Johnson County Public Works  
1800 West 56 Highway  
Olathe, Kansas 66061

**If to the City:**

Bob Pryzby  
Director of Public works  
City of Prairie Village  
3535 Somerset Drive  
Prairie Village, KS 66208

In addition, any notice required or permitted by this agreement may be sent by telecopier or hand delivered and shall be deemed properly given upon actual receipt by the addressee.

13. **Effective Date.** Regardless of the date(s) the parties execute the agreement, the effective date of this agreement shall be \_\_\_\_\_ provided the agreement has been fully executed by both parties.

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

Annabeth Surbaugh, Chairman

**City of Prairie Village**

Ronald L. Shaffer, Mayor

Attest:

Casey Joe Carl  
Clerk of the Board

Attest:

City Clerk

Approved as to Form

Approved as to Form:

Robert A. Ford  
Assistant County Counselor

City Attorney

**POL2005-04 CONSIDER PROJECT 190809: 75<sup>TH</sup> STREET AND STATE LINE ROAD INTERSECTION**

**Background:**

Attached is the Interlocal agreement with Kansas City, MO (KCMO), for the reconstruction of the intersection at 75<sup>th</sup> Street and State Line Road. The Interlocal has been approved and signed by the City of Kansas City, MO, City Council. Last October, I advised the City of Kansas City, MO, that the City of Prairie Village was implementing the thirty day-notice of termination, in accordance with paragraph 12, of our Interlocal Agreement signed on May 11, 1998. The City of Prairie Village City Council took this action on September 20, 2004.

Since October, Public Works staff has held several meetings with KCMO at their request. A review of the cost sharing and the anticipated construction date were the primary items of discussion. After several revisions on how to apply the State Transportation Program (STP) program funds from the Federal Highway Administration, it was agreed to share equally the costs not covered by STP funds of \$470,000. The result is the estimated cost for Prairie Village of \$229,700.

KCMO is bidding the project at this time with estimated construction start late this summer.

It will be necessary to rescind the termination notice and approved this amendment to the prior Interlocal Agreement.

**Financial Impact:**

The Prairie Village share for this project is available in the Capital Infrastructure Program Street Unallocated.

**Recommendation:**

Staff recommends the City Council approve for Project 190809

- The rescinding of termination of the Interlocal Agreement with the City of Kansas City, MO;
- Amendment #1 to the Interlocal Agreement;
- The transfer of \$229,700 from the Capital Infrastructure Program Street Unallocated to Project 190809.

## FIRST SUPPLEMENTAL AGREEMENT

Project No. 89004097 - Intersection Improvements for 75<sup>th</sup> & State Line

THIS FIRST SUPPLEMENTAL INTERLOCAL AGREEMENT ("Supplemental Agreement") is made and entered into as of JUN 16 2005 by and between the City of Prairie Village, Kansas, (hereinafter "Prairie Village") and the City of Kansas City, Missouri, (hereinafter "Kansas City"), each being a municipality organized and existing under the laws of its respective state, whereby the parties desire to amend the original Interlocal Agreement that was entered into on 11<sup>th</sup> day of May, 1998.

### RECITALS

1. The City limits of Prairie Village and Kansas City abut along the Kansas and Missouri state line on State Line Road from just north of 71<sup>st</sup> Street/Gregory Street southerly to just south of Somerset Drive/79<sup>th</sup> Street.

2. The traffic signal and intersection geometric improvements at 75<sup>th</sup> Street and State Line Road, known hereinafter as the Project, the cities recognize that construction of its own portion of the roadway by each city would be extremely difficult, inefficient and costly, the cities agree to a joint singular project with the Kansas City, MO, assuming responsibility for administering design and construction for the Project within the agreed upon limits.

3. This supplemental agreement is predicated on the Kansas City receiving a STP construction grant in Federal Fiscal Year of 2005 for an amount of \$ 470,000.

NOW, THEREFORE, in consideration of the foregoing, the parties hereto hereby agree to amend the Interlocal Agreement as follows:

#### **Sec. 1. Sections Amended.**

A. Sec. 7 of the original Interlocal Agreement is amended by deleting that section and inserting a new section of like number to read as follows:

##### Sec. 7. Cost Sharing.

All project costs less federal STP construction grant is to be shared equally between Kansas City and Prairie Village.

**Sec. 2. Sections not Amended.** All other sections of the original Interlocal Agreement shall remain in full force and effect.



IN WITNESS WHEREOF, the parties hereto have caused this supplemental Agreement to be executed by their respective representatives, thereunto duly authorized, as of the day and year first above written.

**KANSAS CITY, MISSOURI**

By 


~~for~~ Director of Public Works

Date 6/24/05

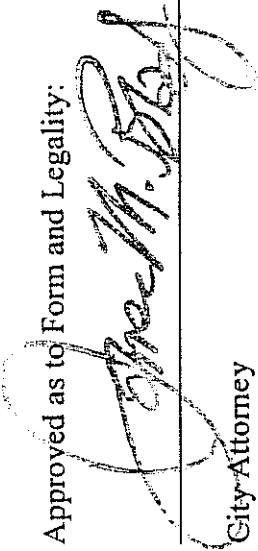
**PRAIRIE VILLAGE, KANSAS**

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

Date \_\_\_\_\_

ATTEST:  
By   
City Clerk  
Title \_\_\_\_\_

ATTEST:  
By \_\_\_\_\_  
City Clerk  
Title \_\_\_\_\_

Approved as to Form and Legality:  
  
City Attorney

Approved as to Form and Legality:  
\_\_\_\_\_  
City Attorney

ORDINANCE NO. 050700

Authorizing the Director of Public Works to enter into a First Amendment to an Interlocal Agreement with the City of Prairie Village, Kansas, for design and construction of intersection improvements at 75th Street and State Line Road and directing the City Clerk to file certain documents with the appropriate offices.

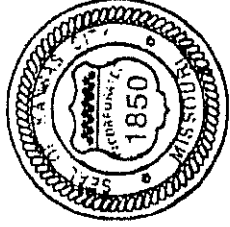
BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Director of Public Works is hereby authorized to enter into and execute, on behalf of the City, a First Amendment to an Interlocal Agreement with the City of Prairie Village, Kansas, a municipal corporation of the State of Kansas, for design and construction of intersection improvements at 75th Street and State Line Road, Federal Project No. STP-3413(402), in Council District 4, Project No. 89004097. A copy of the amendment, in substantial form, is attached hereto and incorporated herein by reference.

Section 2. That the City Clerk is hereby directed to file copies of this ordinance, together with the agreement attached hereto, in the office of the Secretary of State of Missouri and in the office of the Recorder of Deeds of Jackson County, Missouri, together with all other relevant documents.

Approved as to form and legality:

  
Nelson V. Munoz  
Assistant City Attorney



Authenticated as Passed

  
KAY BARNES, Mayor

  
City Clerk

DATE PASSED JUN 16 2005

**POL2005-11 CONSIDER PROJECT 190715: 2005 STORM DRAINAGE REPAIR PROGRAM**

**Background:**

This project has been bid and awarded by City Council. The Construction Administration agreement with The Larkin Group, Inc. has been prepared. The agreement has been modified to re-enforce the inspection elements.

**Financial Impact:**

The cost for this agreement is \$64,900.00. Funding has been budgeted in the Capital Infrastructure Program. Because of the increased construction cost, a transfer of \$22,200.00 will be requested from Capital Infrastructure Program Drainage Unallocated.

**Recommendation:**

Staff recommends approving:

- the construction administration agreement with The Larkin Group, Inc. for \$64,900.00 with funds from the Capital Infrastructure Program;
- the transfer of \$22,200.00 to the project from Capital Infrastructure Program Drainage Unallocated.

## AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES

FOR

### CONSTRUCTION ADMINISTRATION SERVICES

#### 2005 Storm Drainage Repair Program PV No. 190715

***THIS CONTRACT***, hereinafter, called the “**Agreement**”, made at Prairie Village, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 2005, by and between the City of Prairie Village, Kansas, a municipal corporation with offices at 7700 Mission Road, Prairie Village, Kansas, 66208, hereinafter called the “**CITY**” and Larkin Group Inc., a Missouri corporation with offices at 9200 Ward Parkway, Kansas City, Missouri 64114, hereinafter called the “**CONSULTANT**”.

***WITNESSETH, THAT WHEREAS***, the CITY has determined a need to retain a professional engineering firm to provide Civil Engineering services for construction administration for Project: **2005 Storm Drainage Program**, hereinafter called the “**Project**”,

***AND WHEREAS*** the CITY is authorized and empowered to contract with the CONSULTANT for the necessary services for the Project, and necessary funds for payment of said services are available,

***NOW THEREFORE***, the CITY hereby hires and employs the CONSULTANT as set forth here in this Agreement, which becomes effective on the date first written above.

#### ARTICLE I RESPONSIBILITIES OF THE CITY

The CITY designates Thomas Trienens, Manager of Engineering Services as representative of the CITY with respect to the services to be performed or furnished by the CONSULTANT under this Agreement. Mr. Trienens shall have the authority to transmit instructions, receive information, interpret and define the policies of the CITY, make decisions relevant to the services of the CONSULTANT.

The CITY shall do the following in a timely manner:

1. Make available to the CONSULTANT all existing data and records relevant to the Project, including but not limited to, maps, plans, correspondence, data and previous reports and studies possessed by the CITY.
2. Approve all criteria and information as to the requirements of the CITY for the Project, including objectives and constraints, performance requirements, and budgetary limitations.
3. Review and approve all correspondence transmitted and forms used by the CONSULTANT relative to this Project.
4. Review for approval all submittals such as change orders and payment requests by the CONSULTANT.

**ARTICLE II**  
**RESPONSIBILITIES OF THE CONSULTANT**

The CONSULTANT designates Greg Hauser, P.E., who shall direct the professional civil engineering and related construction inspection and administration services in all phases of the Project to which this Agreement applies as hereinafter provided. The CONSULTANT shall serve as the prime professional on this Project and shall work with of the Manager of Engineering Services.

The standard of care for all professional consulting services and related construction inspection and administration services either performed for or furnished by the CONSULTANT under this Agreement will be the care and skill ordinarily used by members of the CONSULTANT's profession, practicing under similar conditions at the same time and in the same locality.

The CONSULTANT shall consult with Manager of Engineering Services and act as CITY's representative. The extent and limitations of the duties, responsibilities and authority of CONSULTANT as assigned herein shall not be modified, except as CONSULTANT may otherwise agree in writing. All of CITY's instructions to Contractor will be issued through CONSULTANT, who shall have authority to act on behalf of CITY in dealings with Contractor to the extent provided in this Agreement, except as otherwise provided in writing.

The CONSULTANT shall conduct a pre-construction meeting, which will include the Manager of Engineering Services, Contractor, utility companies and any appropriate government agency parried with the CITY prior to commencement of Work at the Site.

The CONSULTANT shall coordinate with the Contractor on the taking of digital, pre-construction pictures.

The CONSULTANT shall make visits to the site at intervals appropriate to the various stages of construction, as CONSULTANT deems necessary, in order to observe as an experienced and qualified design professional the progress and quality of the Work. Such visits and observations by CONSULTANT, and the Resident Project Representative, if any, are not intended to be exhaustive or to extend to every aspect of the Work in progress or to involve detailed inspections of the Work in progress beyond the responsibilities specifically assigned to CONSULTANT herein, but rather are to be limited to spot checking, selective sampling, and similar methods of general observation of the Work based on CONSULTANT's exercise of professional judgment as assisted by the Resident Project Representative, if any. Based on information obtained during such visits and such observations, CONSULTANT will determine in general if Contractor's work is proceeding in accordance with the Project Manual, and CONSULTANT shall keep CITY informed of the progress of the Work.

The purpose of CONSULTANT's visits to, and representation by the Resident Project Representative, if any, at the Site of the Project, will be to enable CONSULTANT to carry out the duties and responsibilities assigned to and undertaken by CONSULTANT during the Construction Phase. By the exercise of CONSULTANT's efforts as an experienced and qualified design professional, will provide for CITY a greater degree of confidence that the completed Work will conform in general to the Project Manual and that the integrity of the design concept of the completed project as a functioning whole as indicated in the Project Manual has been implemented

and preserved by Contractor. CONSULTANT shall not, during such visits or as a result of such observations of Contractor's work in progress, supervise, direct, or have control over the Work, nor shall CONSULTANT have authority over or responsibility for the means, methods, techniques, sequences, or procedures of construction selected by Contractor, for safety precautions and programs incident to the Work, or for any failure of Contractor to comply with Laws and Regulations applicable to Contractor's furnishing and performing the Work. Accordingly, CONSULTANT neither guarantees the performance of any Contractor nor assumes responsibility for any Contractor's failure to furnish and perform its work in accordance with the Project Manual.

The CONSULTANT shall have authority to disapprove or reject Contractor's work while it is in progress if, on the basis of such observations, CONSULTANT believes that such work will not produce a completed project that conforms generally to the Project Manual or that it will prejudice the integrity of the design concept of the completed project as a functioning whole as indicated in the Project Manual.

The CONSULTANT shall issue necessary clarifications and interpretations of the Project Manual as appropriate to the orderly completion of the Work. Such clarifications and interpretations will be consistent with the intent of and reasonably inferable from the Project Manual. CONSULTANT may issue Field Orders authorizing minor variations from the requirements of the Project Manual.

The CONSULTANT shall recommend Change Orders and Field Orders to CITY, as appropriate, and prepare Change Orders and Field Orders as required.

The CONSULTANT shall review and approve or take other appropriate action in respect to Shop Drawings and Samples and other data which Contractor is required to submit, but only for conformance with the information given in the Project Manual and compatibility with the design concept of the completed project as a functioning whole as indicated in the Project Manual. Such reviews and approvals or other action will not extend to means, methods, techniques, sequences or procedures of construction or to safety precautions and programs incident thereto. CONSULTANT has an obligation to meet any Contractors submittal schedule that has earlier been acceptable to CONSULTANT.

The CONSULTANT shall evaluate and determine the acceptability of substitute or "or-equal" materials and equipment proposed by Contractor.

The CONSULTANT shall require such special inspections or tests of the Work as deemed reasonably necessary, and receive and review all certificates of inspections, tests, and approvals required by Laws and Regulations or the Project Manual. CONSULTANT's review of such certificates will be for the purpose of determining that the results certified indicate compliance with the Project Manual and will not constitute an independent evaluation that the content or procedures of such inspections, tests, or approvals comply with the requirements of the Project Manual. CONSULTANT shall be entitled to rely on the results of such tests.

The CONSULTANT shall render formal written decisions on all claims of CITY and Contractor relating to the acceptability of the Work or the interpretation of the requirements of the Project Manual pertaining to the execution and progress of the Work. In rendering such decisions, CONSULTANT shall be fair and not show partiality to CITY or Contractor and shall not be liable in connection with any decision rendered in good faith in such capacity.

The CONSULTANT shall based on CONSULTANT's observations as an experienced and qualified design professional and on review of Applications for Payment and accompanying supporting documentation:

1. Review the Contractor's monthly Applications for Payment to determine it represents the work accepted and is mathematically correct. CONSULTANT will provide recommendation for payment to the CITY. Such recommendations of payment will be in writing and will constitute CONSULTANT's representation to CITY, based on such observations and review, that, to the best of CONSULTANT's knowledge, information and belief, the Work has progressed to the point indicated, the quality of such is generally in accordance with the Project Manual (subject to an evaluation of the Work as a functioning whole prior to or upon Substantial Completion, to the results of any subsequent tests called for in the Project Manual and to any other qualifications stated in the recommendation), and the conditions precedent to Contractor's being entitled to such payment appear to have been fulfilled in so far as it is CONSULTANT's responsibility to observe the Work. In the case of unit price work, CONSULTANT's recommendations of payment will include final determinations of quantities and classifications of the Work (subject to any subsequent adjustments allowed by the Project Manual). The responsibilities of CONSULTANT are expressly subject to the limitations set forth herein.

2. By recommending any payment, CONSULTANT shall not thereby be deemed to have represented that observations made by CONSULTANT to check the quality or quantity of the Work as it is performed and furnished have been exhaustive, extended to every aspect of the Work in progress, or involved detailed inspections of the Work beyond the responsibilities specifically assigned to CONSULTANT in this Agreement and the Project Manual. Neither CONSULTANT's review of the Work for the purposes of recommending payments nor CONSULTANT's recommendation of any payment including final payment will impose on CONSULTANT responsibility to supervise, direct, or control the Work in progress or for the means, methods, techniques, sequences, or procedures of construction or safety precautions or programs incident thereto, or Contractor's compliance with Laws and Regulations applicable to the Work. It will also not impose responsibility on CONSULTANT to make any examination to ascertain how or for what purposes Contractor has used the moneys paid on account of the Contract Price, or to determine that title to any portion of the work in progress, materials, or equipment has passed to CITY free and clear of any liens, claims, security interests, or encumbrances, or that there may not be other matters at issue between CITY and Contractor that might affect the amount that should be paid.

The CONSULTANT shall receive and review maintenance and operating instructions, schedules, and guarantees.

The CONSULTANT shall receive bonds, certificates, or other evidence of insurance not previously submitted and required by the Project Manual, certificates of inspection, tests and approvals, Shop Drawings, Samples and other data approved as provided herein, and the annotated record documents which are to be assembled by Contractor in accordance with the Project Manual to obtain final payment.

CONSULTANT shall transmit to CITY promptly after notice from Contractor that Contractor considers the entire Work ready for its intended use, in company with CITY and Contractor, conduct an inspection to determine if the Work is Complete. If after considering any objections of

CITY, CONSULTANT considers the Work Complete, CONSULTANT shall deliver a certificate of Completion to CITY and Contractor.

CONSULTANT shall conduct a final payment inspection to determine if the completed Work of Contractor is acceptable so that CONSULTANT may recommend, in writing, final payment to Contractor. Accompanying the recommendation for final payment, CONSULTANT shall also provide proper notice that the Work is acceptable to the best of CONSULTANT's knowledge, information, and belief and based on the extent of the services provided by CONSULTANT under this Agreement.

The Construction Phase will commence with the execution of the first Construction Agreement for the Project or any part thereof and will terminate upon written recommendation by CONSULTANT for final payment to Contractors.

The CONSULTANT shall not be responsible for the acts or omissions of any Contractor, or of any of their subcontractors, suppliers, or of any other individual or entity performing or furnishing any of the Work. CONSULTANT shall not be responsible for failure of any Contractor to perform or furnish the Work in accordance with the Project Manual.

CONSULTANT shall furnish a Resident Project Representative (RPR), assistants, and other field staff to assist CONSULTANT to provide more extensive observation of Contractor's work by observing progress and quality of the Work. The RPR, assistants, and other field staff may provide full time representation or may provide representation to a lesser degree.

Through such additional observations of Contractor's work in progress and field checks of materials and equipment by the RPR and assistants, CONSULTANT shall endeavor to provide further protection for CITY against defects and deficiencies in the Work.

The duties and responsibilities of the RPR are as follows:

- 1 Attend meetings with Contractor, such as preconstruction conferences, progress meetings, job conferences and other project-related meetings, and prepare and circulate copies of minutes thereof.
- 2 Serve as CONSULTANT's liaison with Contractor, working principally through Contractor's superintendent, assist in providing information regarding the intent of the Project Manual.
- 3 Assist CONSULTANT in serving as CITY's liaison with Contractor when Contractor's operations affect CITY's on-Site operations.
- 4 Assist in obtaining from CITY additional details or information, when required for proper execution of the Work.
- 5 Report to CONSULTANT when clarifications and interpretations of the Project Manual are needed and transmit to Contractor clarifications and interpretations as issued by CONSULTANT.
- 6 Record date of receipt of Samples and approved Shop Drawings.
- 7 Receive Samples, which are furnished at the Site by Contractor, and notify CONSULTANT of availability of Samples for examination.



- 8 Advise CONSULTANT and Contractor of the commencement of any portion of the Work requiring a Shop Drawing or Sample submittal for which RPR believes that the submittal has not been approved by CONSULTANT.
- 9 Consider and evaluate Contractor's suggestions for modifications in Drawings or Specifications and report such suggestions, together with RPR's recommendations, to CONSULTANT. Transmit to Contractor in writing decisions as issued by CONSULTANT.
- 10 Conduct on-Site observations of Contractor's work in progress to assist CONSULTANT in determining if the Work is in general proceeding in accordance with the Project Manual.
- 11 Report to CONSULTANT whenever RPR believes that any part of Contractor's work in progress will not produce a completed Project that conforms generally to the Project Manual or will imperil the integrity of the design concept of the completed Project as a functioning whole as indicated in the Project Manual, or has been damaged, or does not meet the requirements of any inspection, test or approval required to be made; and advise CONSULTANT of that part of work in progress that RPR believes should be corrected or rejected or should be uncovered for observation, or requires special testing, inspection or approval.
- 12 Consult with CONSULTANT in advance of scheduled major inspections, tests, and systems startups of important phases of the Work.
- 13 Verify that tests, equipment, and systems start-ups and operating and maintenance training are conducted in the presence of appropriate CITY's personnel, and that Contractor maintains adequate records thereof.
- 14 Observe, record, and report to CONSULTANT appropriate details relative to the test procedures and systems start-ups.
- 15 Accompany visiting inspectors representing public or other agencies having jurisdiction over the Project, record the results of these inspections, and report to CONSULTANT.
- 16 Maintain at the Site orderly files for correspondence, reports of job conferences, reproductions of original Project Manual including all Change Orders, Field Orders, Work Change Directives, Addenda, additional Drawings issued subsequent to the execution of the Contract, CONSULTANT's clarifications and interpretations of the Project Manual, progress reports, Shop Drawing and Sample submittals received from and delivered to Contractor, and other Project-related documents.
- 17 Prepare a daily report or keep a diary or log book, recording Contractor's hours on the Site, weather conditions, data relative to questions of Change Orders, Field Orders, Work Change Directives, or changed conditions, Site visitors, daily activities, decisions, observations in general, and specific observations in more detail as in the case of observing test procedures; and send copies to CONSULTANT.
- 18 Record names, addresses, fax numbers, e-mail addresses, web site locations, and telephone numbers of all Contractors, subcontractors, and major suppliers of materials and equipment.
- 19 Maintain records for use in preparing Project documentation.

- 20 Upon completion of the Work, furnish original set of all RPR Project documentation to CONSULTANT.
  - 21 Furnish to CONSULTANT periodic reports as required of progress of the Work and of Contractor's compliance with the progress schedule and schedule of Shop Drawing and Sample submittals.
  - 22 Draft and recommend to CONSULTANT proposed Change Orders, Work Change Directives, and Field Orders. Obtain backup material from Contractor.
  - 23 Furnish to CONSULTANT and CITY copies of all inspection, test, and system start-up reports.
  - 24 Immediately notify CONSULTANT of the occurrence of any Site accidents, emergencies, acts of God endangering the Work, damage to property by fire or other causes, or the discovery of any Constituent of Concern.
  - 25 Review Applications for Payment with Contractor for compliance with the established procedure for their submission and forward with recommendations to CONSULTANT, noting particularly the relationship of the payment requested to the schedule of values, Work completed, and materials and equipment delivered at the Site but not incorporated in the Work.
  - 26 During the course of the Work, verify that materials and equipment certificates, operation and maintenance manuals and other data required by the Specifications to be assembled and furnished by Contractor are applicable to the items actually installed and in accordance with the Project Manual, and have these documents delivered to CONSULTANT for review and forwarding to CITY prior to payment for that part of the Work.
  - 27 Participate in a Substantial Completion inspection, assist in the determination of Completion and the preparation of lists of items to be completed or corrected.
  - 28 Participate in a final inspection in the company of CONSULTANT, CITY, and Contractor and prepare a final list of items to be completed and deficiencies to be remedied.
  - 29 Observe whether all items on the final list have been completed or corrected and make recommendations to CONSULTANT concerning acceptance and issuance of the Notice of Acceptability of the Work.
- Resident Project Representative shall not:
- 1 Exceed limitations of CONSULTANT's authority as set forth in the Agreement or the Project Manual.
  - 2 Undertake any of the responsibilities of Contractor, subcontractors, suppliers, or Contractor's superintendent.
  - 3 Advise on, issue directions relative to, or assume control over any aspect of the means, methods, techniques, sequences or procedures of Contractor's work unless such advice or directions are specifically required by the Project Manual.
  - 4 Advise on, issue directions regarding, or assume control over safety practices, precautions, and programs in connection with the activities or operations of CITY or Contractor.

- 5 Participate in specialized field or laboratory tests or inspections conducted off-site by others except as specifically authorized by CONSULTANT.
- 6 Accept Shop Drawing or Sample submittals from anyone other than Contractor.
- 7 Authorize CITY to occupy the Project in whole or in part.

The CONSULTANT and RPR are expected to conduct themselves at all times in such a manner as to reflect credit upon themselves and the CITY they represent. It is expected that the CONSULTANT and RPR will be suitably dressed for the work, and they will be clean and neat enough to be a suitable representative of the CITY to the Contractor and the public. The CONSULTANT and RPR will be pleasant, courteous and business-like in meeting the public. It is helpful and considerate to answer questions asked by the public. If the CONSULTANT and RPR cannot clearly answer the question, the CONSULTANT should refer the questioner to the Manager of Engineering Services.

The CONSULTANT and RPR will not engage in controversial activities relative to the project in public, particularly if it involves public speaking, public debate, public media, etc. All written communications intended for publication that relate to the project must be approved by the Manager of Engineering Services.

Keeping accurate records and reports is a very important function of the CONSULTANT. These records are necessary for a number of reasons. Some of the most common reasons for these records and their use as references are as follows:

1. Accounting for quantities for periodic progress payments and extra work under cost plus change order procedures
2. Verify actions and decisions of the CONSULTANT
3. Report job status and site conditions of an accident or liability claim
4. Clarify the continuity of project contract time, such as working days, delays, and weather.
5. Responses to inquiries and complaints
6. Evidence in legal action

The basic reporting medium is the RPR Daily Report. It is a continuing report of the job progress and provides an adequate record of each day's progress and activities. The record of activities should be reported in the sequence that they take place. Each report should be brief but at the same time be complete, clear and factual and include all work accomplished by the Contractor, as well as pertinent related information. The report should answer "who did what, when, where, how and how much". Abbreviations are acceptable as long as their meanings are not confusing and have a common acceptance.

A checklist of items contained in the RPR Daily Report is as follows:

Typical entries for general information -

1. All reports shall show the CITY Project number and title and the CARS or SMAC project number
2. All entries shall be printed in black ink or computer generated
3. Detail the CONSULTANT hours on the jobsite
4. Record weather conditions such as "sunny, temperature, precipitation type and amount (light, moderate, heavy)"
5. Complete the report the same day

6. Label the report using the consecutive numbers
7. Note any written or verbal instructions given to the Contractor
8. Note any non-compliance issued for the job
9. Record any unsatisfactory or non-compliant work and corrective actions taken
10. Report all job incidents involving the public such injuries, damages to property and equipment, safety conditions
11. Record the type, frequency and person providing testing
12. Detail job progress in terms of quantity, distances, stations, and weight as they are appropriate and applicable to project pay items
13. Record any factors adversely affecting progress of the work, such as utility conflict, material delivery, unforeseen conditions, plan changes, poor Contractor management, weather, etc.
14. Record any important visitors to the project and their nature of business
15. Sign and date the report
16. Send copy of report to Manager of Engineering Services

Typical entries for subgrade work –

1. Name of Contractor doing the work
2. Location and results of compaction tests completed and name of the testing laboratory
3. Limits of rough grade, cuts and fills
4. Thickness and type of material placed and compacted
5. Conformance with final grade specifications

Typical entries for curb, gutter, sidewalk and driveway work –

1. Name of Contractor doing the work
2. Station to station limits of forms placed when concrete is not placed the same day
3. Station to station limits of concrete placed, type of concrete and additives, number of cubic yards placed, source of concrete and copy of delivery ticket
4. Type and size of curb and gutter
5. Width and thickness of sidewalk
6. Width and thickness of driveways
7. Number and location of concrete tests for slump, cylinders taken, and name of testing laboratory

Typical entries for paving work –

1. Name of Contractor doing the work
2. Identification of milling, paving and roller equipment used
3. Source and type of material
4. Station to station and width limits of pavement placed, method of laying, material type, thickness, and weight of material laid based on delivery tickets
5. Number and location of material at delivery tests, density tests and name of testing laboratory

Typical entries for storm drains –

1. Station to station limits of excavation, pipe laid (including size and type), bedding material, backfill material and compaction method
2. Number and location of structure by type, backfill material and compaction method
3. Location of utility conflicts and resolution
4. Method of restoration, , compaction method and density test
5. Method of restoration, sidewalks, lawns

6. Televised inspection, dates and results

A primary responsibility of the CONSULTANT is to have a working knowledge of the controlling regulations, codes and directives dealing with the public convenience, public safety and construction safety. Though jobsite safety is contractually the Contractor's responsibility, the CONSULTANT should immediately report all unsafe conditions or practices to the proper authority. However, if in the opinion of the CONSULTANT, the precautions taken by the Contractor are found to be insufficient or inadequate in providing job or public safety at any time, the CONSULTANT shall notify the Manager of Engineering Services.

The CONSULTANT and RPR are expected to wear suitable clothing and protective gear on the jobsite. Hard hats must be worn at all times there is a danger of falling and flying material. Approved reflective vests must be worn for high visibility in close proximity to traffic and moving equipment. Clothing and protective gear should clearly identify the CONSULTANT.

Good housekeeping and sanitary provisions are the responsibility of the Contractor. The Contractor is responsible for public and private property and shall take every reasonable precaution to avoid damage by the construction activities. Throughout all phases of construction, the rubbish and debris on a project shall be held to a minimum and confined to organized disposal and storage areas. Dust nuisance is to be held to a minimum. The Contractor's equipment and construction activities shall not contribute to air pollution by excessively discharging smoke, exhaust and other contaminants in such quantities to be a nuisance and violation of contract. The RPR shall record such unacceptable conditions in the RPR Daily Report.

The responsibility of safe and proper handling of traffic rests with the Contractor. The CONSULTANT shall see that the Contractor provides proper handling of traffic as required by the contract and shall notify the Contractor to correct any potentially dangerous situation that exists. The section of the Manual of Uniform Traffic Control Devices (MUTCD) titled *Work Area Traffic Control Handbook* sets forth the principle and standards in order to provide safe and effective work areas and to warn, control, protect and expedite vehicular and pedestrian traffic through the construction project. The MUTCD by reference is part of the Contractor's construction documents. The CONSULTANT shall refer to this document when monitoring and coordinating traffic handling with the Contractor. The RPR shall record such unacceptable conditions in the RPR Daily Report.

The CONSULTANT and RPR are directed to avail themselves of the *Public Works Inspector's Manual*, latest edition published by the BNI Building News and available through the American Public Works Association. The manual is a complete operational and technical guidebook for inspecting all types of public works construction. The manual is the standard by which the CITY expects the CONSULTANT and RPR to meet and is part of this Agreement.

**ARTICLE III**  
**COMPENSATION**

The CITY agrees to pay the CONSULTANT Fee of \$64,900.00 for the scope of services as specified herein.

The CONSULTANT may submit an invoice on a monthly basis from an estimate of Services or upon the completion of services. The CONSULTANT shall bill reimbursable expenses, which



of the Services and the CONSULTANT shall retain an ownership and property interest therein whether or not the Services is completed. The CITY may make and retain copies for the use by the CITY and others; however, such documents are not intended or suitable for reuse by the CITY or others as an extension of the Services or on any other Services. Any such reuse without written approval or adaptation by the CONSULTANT for the specific purpose intended will be at the CITY's sole risk and without liability to the CONSULTANT, and the CITY shall indemnify and hold harmless the CONSULTANT from all claims, damages, losses and expenses including attorney's fees arising out of or resulting there from.

In a similar manner, the CONSULTANT is prohibited from reuse or disclosing any information contained in any documents, plans or specifications relative to the Services without the expressed written permission of the CITY.

**Insurance:** The CONSULTANT shall procure and maintain insurance for protection from claims under workers' compensation acts, claims for damages because of bodily injury including personal injury, sickness or diseases or death of any and all employees, and from claims or damages because of injury to or destruction of property including loss of use resulting there from. The CONSULTANT shall list the CITY as an additional insured on the CONSULTANT's general liability insurance policy.

The CONSULTANT, its agent, representatives, and employees shall also secure and maintain professional liability insurance for protection from claims arising out of the performance of this Agreement. Such insurance shall provide protection from claims arising out negligent performance of the Agreement, caused by any error, omission, or act of the CONSULTANT or its employees, agent or representatives.

The limits of insurance shall be:

Workers' Compensation and Employers' Liability	
Workers' Compensation Employers' Liability	Statutory Statutory
Comprehensive Automobile Liability Bodily Injury	\$250,000 each person \$500,000 each accident
Property Damage	\$100,000 each occurrence
Comprehensive General Liability Bodily Injury	\$250,000 each person \$500,000 each accident
Property Damage	\$100,000 each occurrence
Professional Liability Insurance	\$2,000,000 per claim and per annual aggregate

**Termination:** This Agreement may be terminated by either party upon seven days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party; provided, however, that in any such case, the

CONSULTANT shall be paid the reasonable value of the services rendered up to the time of termination on the basis of the payment provisions of this Agreement. Copies of all completed or partially completed designs, plans and specifications prepared under this Agreement shall be delivered to the CITY when and if this Agreement is terminated, but it is mutually agreed by the parties that the CITY will use them solely in connection with this Services, except with the written consent of the CONSULTANT.

**Controlling Law:** This Agreement is to be governed by the law of the State of Kansas.

**Indemnification:** The CONSULTANT agrees to indemnify and hold the CITY harmless from any damage, liability, or cost (including reasonable attorneys' fees and costs of defense) to the extent caused by the CONSULTANT's negligent acts, errors, or omissions in the performance of professional services under this Agreement and those of his or her sub-consultants or anyone for whom the CONSULTANT is legally liable, and arising from the Services that is the subject of this Agreement. If such claim proves to be groundless, false, or fraudulent, the CITY will reimburse for CONSULTANT's time, at hourly billing rates, and expenses incurred to investigate, handle, respond to, provide defenses for, and defend the CITY.

**Severability:** Any provision or part of the Agreement held to be void or unenforceable under any law or regulation shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon the CITY and the CONSULTANT, who agree that the Agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

**Notices:** Any notice required under this Agreement will be in writing, addressed to the appropriated party at the address which appears on the signature page to this Agreement (as modified in writing from time to time by such party) and given personally, by registered or certified mail, return receipt requested, by facsimile or by a nationally recognized overnight courier service. All notices shall be effective upon the date of receipt.

**Successors and Assigns:** The CITY and the CONSULTANT each is hereby bound and the partners, successors, executors, administrators, legal representatives and assigns of the CITY and the CONSULTANT are hereby bound to the other party to this Agreement and to the partners, successors, executors, administrators, legal representatives and assigns of such other party in respect of all covenants and obligations of this Agreement.

Neither the CITY nor the CONSULTANT may assign, sublet, or transfer any rights under or interest (including, but without limitation, moneys that are due or may become due) in the Agreement without the written consent of the other, except to the extent that any assignment, subletting or transfer is mandated by law or the effect of this limitation may be restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Agreement.

Nothing in this Agreement shall be construed to create, impose or give rise to any duty owed by the CONSULTANT to any Contractor, subcontractor, supplier, other person or entity or to any surety for or employee of any of them, or give any rights or benefits under this Agreement to anyone other than the CITY and the CONSULTANT.

***IN WITNESS WHEREOF:*** the parties hereto have executed this Agreement to be effective as of the date first above written.



**CITY:**

CITY OF PRAIRIE VILLAGE, KS

**CONSULTANT:**

LARKIN GROUP INC..

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



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



Mayor

Principal

Address for giving notices:

CITY of Prairie Village  
7700 Mission Road  
Prairie Village, Kansas, 66208  
913-381-6464

Address for giving notices:

Larkin Group Inc.  
9200 Ward Parkway, Suite 400  
Kansas City, Missouri 64114  
816-361-0440

ATTEST:

\_\_\_\_\_  
Joyce Hagen Mundy, CITY Clerk

APPROVED BY:

\_\_\_\_\_  
Charles E. Wetzler, CITY Attorney

THE LARKIN GROUP  
 Billing Rate Schedule  
 Rates for January 1, 2005

Professional Services

	BILLING RATE RANGE	
PRINCIPAL	\$150	to \$195
ASSOCIATE	\$105	to \$155
ASSOCIATE ENGINEER	\$85	to \$120
ENVIRONMENTAL SCIENTIST	\$65	to \$100
INTERN ENGINEER/ENGINEER IN TRAINING (IE/EIT)	\$75	to \$105
PROJECT REPRESENTATIVE	\$55	to \$90
DESIGN TECHNICIAN	\$85	to \$110
CAD TECHNICIAN	\$45	to \$95
LAND SURVEYOR	\$80	to \$95
SURVEY PARTY CHIEF	\$60	to \$80
ROD-INSTRUMENT OPERATOR	\$45	to \$60
PROJECT RELATED SUPPORT SERVICES	\$45	to \$90

Salary adjustments normally occur at approximately the end of each calendar year.

Equipment Charges:

AUTOMOBILE MILEAGE	\$	0.40/mile
COMPUTER TIME:	\$	12/hour
SURVEY VEHICLE MILEAGE	\$	0.50/mile
SURVEYING TOTAL STATION EQUIP	\$	20/hour
GLOBAL POSITIONING SYSTEM	\$	50/hour

REVISED @  
 01/03/05



THE LARKIN GROUP, INC.  
 9200 Ward Parkway, Suite 400  
 Kansas City, Missouri 64114

Special Projects  
 PROJECT ESTIMATING SHEET  
 Construction Administration

DATE:  
 CLIENT:  
 PROJECT:

July 11,2005  
 Prairie Village, Kansas  
 2005 Storm Drainage

PHASE/TASK	HRLY. FEE> EST. HRS.>	PRINCIPAL	ASSOCIATE	Field Observer	CLERICAL	OTHER DIRECT COSTS		TOTAL
		\$165.00	ENGR. \$90.00	\$65.00	\$55.00	ITEM	COST	COST
<b>Construction Services Phase</b>								
1 Participate in a Preconstruction meeting		1	3	4	1			\$750.00
2 Coordinate with the contractor for preconstruction photos			4	4	0			\$620.00
3 Serve as Liaison		4	8	0				\$1,380.00
4 Maintain Complaint and concern documentation			8	32	0			\$2,800.00
5 Keep and Submit Construction observation reports			2	32	4			\$2,480.00
6 Provide Daily Observation		0	48	580		mileage	\$2,000.00	\$42,020.00
7 Coordinate and schedule quality assurance testing			6	8				\$1,060.00
8 Schedule and attend coordination meetings		1	36	40	2			\$6,115.00
9 Review shop drawings		1	4		2			\$635.00
10 Issue necessary clarifications		2	4	4	2			\$1,060.00
11 Recommend and prepare construction change order		4	6	0	4			\$1,420.00
12 Review contractor's monthly pay requests and make		0	6	8	0			\$1,060.00
13 Conduct pre-final of work segments			2	16	0			\$1,220.00
14 Conduct a final inspection of the total project			4	8	0			\$880.00
15 Keep and disperse minutes			4		4			\$580.00
16 Transfer documentation to City		0	4	4	4			\$840.00
							\$0.00	\$0.00
<b>TOTAL HOURS</b>		13	149	740	23	<b>TOTAL EXPENSES</b>	\$2,000.00	\$0.00
<b>TOTAL COSTS</b>		\$2,145.00	\$13,410.00	\$48,100.00	\$1,265.00	<b>TOTAL LABOR COSTS</b>		<u>\$64,920.00</u>
						<b>TOTAL FEE</b>		\$64,920.00

**COUNCIL MEETING AGENDA  
CITY OF PRAIRIE VILLAGE**

**Monday, July 18, 2005**

**7:30 p.m.**

**I. CALL TO ORDER**

**II. ROLL CALL**

**III. PUBLIC PARTICIPATION**

**IV. CONSENT AGENDA**

All items listed below are considered to be routine by the Governing Body and will be enacted by one motion (Roll Call Vote). There will be no separate discussion of these items unless a Council member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the regular agenda.

**By Staff:**

1. Approve Regular Council Meeting Minutes – July 5, 2005
2. Approve disposal of Asset 1260, a 1996 Ford small dump truck by auction.
3. Authorize to exempt the following homes associations from city provided solid waste collection services for 2006:
  - Town & Country Homes Association
  - Countryside East Homes Association
  - Normandy Square Homes Association
4. Authorize publication of Notice Of Hearing for the 2006 Budget in the amount of \$21,497,000.

**By Committee:**

5. Approve the development of a program to allow on-line sales of the Prairie Village Gift Card at a cost of \$3,000 with funding from the 2005 Administrative Services Budget. (Council Committee of the Whole Minutes – July 5, 2005)

**V. COMMITTEE REPORTS**

**Park and Recreation Committee – Kay Wolf**

Consider Twilight Pool Fee

**Legislative/Finance Committee – Ruth Hopkins**

LEG2005-20 Consider sale of MARC Remodeling Idea Books

**VI. OLD BUSINESS**

Discussion of Canterbury sidewalks – Bob Pryzby

**VII. NEW BUSINESS**

Appointment of City Prosecutor

**VIII. ANNOUNCEMENTS**

**IX. 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 381-6464, Extension 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@PV.KANSAS.COM](mailto:cityclerk@PV.KANSAS.COM)**

**CONSENT AGENDA**

**CITY OF PRAIRIE VILLAGE, KS**

**Monday, July 18, 2005**

**COUNCIL  
CITY OF PRAIRIE VILLAGE  
July 5, 2005  
-Minutes-**

The City Council of Prairie Village, Kansas, met in regular session on Tuesday July 5, 2005, at 7:30 p.m. in the Municipal Building.

**ROLL CALL**

Mayor Ron Shaffer called the meeting to order with the following Council members responding to roll call: Ruth Hopkins, Steve Noll, Greg Colston, Andrew Wang, Pat Daniels, Jeff Anthony, Kay Wolf, Diana Ewy Sharp, and David Belz.

Also present were: Charles Weizler, City Attorney; Lt. Wes Jordan; Bob Pryzby, Director of Public Works; Doug Luther, Assistant City Administrator; Jamie Shell, Finance Director; Josh Farrar, Assistant to City Administrator and Lori Franke, Executive Assistant.

**PRESENTATION**

**2004 Comprehensive Annual Financial Report**

Finance Director Jamie Shell reviewed the 2004 Audit & Comprehensive Annual Financial Report prepared by Lowenthal Singleton Webb & Wilson. The document contains three primary sections. Section One is an Introductory Section prepared by the City containing the letter of transmittal and a list of principal City officials, an organizational chart and table of contents. The Financial Section contains the report of Lowenthal Singleton Webb & Wilson, independent auditors, Management's Discussion and Analysis as well as basic financial statements. The Management's Discussion and Analysis is intended to provide a narrative introduction, overview and analysis to accompany the basic financial statements. The Statistical Section contains a number of statistical tables presenting various financial, economic, social and demographic data on the City covering the past ten years.

Mr. Shell noted that the 2003 financial report was given an award for the 18<sup>th</sup> consecutive year by the Government Finance Officers Association (GFOA).

Mr. Shell reviewed the eight items listed in the internal control letter prepared by Lowenthal Singleton Webb & Wilson. Each item will be addressed and improvements will be made as needed, including the Government Accounting Standards Board (GASB) Statements.

Jeff Anthony inquired if there were any significant audit adjustments. Tom Singleton with Lowenthal Singleton Webb & Wilson stated that there were no significant audit adjustments necessary.

Ruth Hopkins inquired why values were not available on pages 49-50 in the Statistical Section. Mr. Shell explained that the City did not gather certain information until GASB Statement #34 was implemented.

Mayor Shaffer asked how many years ago the City switched to the GASB system. Mr. Shell stated that the City began switching over in 1999.

Mr. Singleton added that receiving the prestigious certificate from the GFOA puts the City in a very elite group.

Mayor Shaffer thanked Mr. Shell and Mr. Singleton for their report.

### PUBLIC PARTICIPATION

Stan Plesser, 7938 Canterbury Street, stated that he was a 40 year resident of Prairie Village and attended the Village Vision Worksessions which he thought were extraordinarily good. He added that it would be nice if the City had a dog park funded by a yearly tag fee paid by the residents.

Mr. Plesser stated that his real reason for attending the council meeting was to express his concern that vehicles use Canterbury Street as a cut through street between 79<sup>th</sup> Street and Somerset. The vehicles drive too fast and he fears that a child could be hit while walking to school because there are no sidewalks. Mr. Plesser pointed out that in the minutes from the November 1, 2004 council meeting that five out of nine residents on Canterbury Street wanted sidewalks. Mr. Plesser expressed his frustration with the Mayor for not returning his calls. He noted that nothing is more important than the safety of the children in the community.

Diana Ewy Sharp asked to be reminded of this council meeting discussion. Bob Pryzby stated that this was a discussion which involved several streets.

Mrs. Ewy Sharp asked if the motion was per street or for the entire group of streets. Mayor Shaffer stated that the majority of the members in the area were against having sidewalks and therefore the issue was grouped together.

Pat Daniels stated that he would like to review the number of residents requesting and if possible put a sidewalk on Canterbury Street.

Mr. Plesser added that he did not want to walk away from the council meeting and see nothing happen.

Greg Coulston asked if the street was scheduled to be replaced on Canterbury Street this year. Mr. Pryzby stated that it would be replaced and had already been bid without sidewalks.



Mayor Shaffer stated that the council will review the facts and issues from the November 1<sup>st</sup> meeting and notify Mr. Plessner when it is discussed at an upcoming council meeting.

### CONSENT AGENDA

Kay Wolf moved the approval of the Consent Agenda for Tuesday, July 5, 2005:

#### **By Staff:**

1. Approve Regular Council Meeting Minutes – June 20, 2005
2. Approve Claims Ordinances #2613 through #2616
3. Approve establishment of a special assessment in the amount of \$147,600/year for each property participating in the City's Solid Waste Management Program.

#### **By Committee:**

4. Approve the proposal for compensation and benefits consulting services with #7 under the scope of work to be changed from 90 days to 180 days and authorize the distribution of the request for proposal. (Council Committee of the Whole Minutes – June 20, 2005)
5. Approve ceasing the production of Claims Ordinances for Council approval prior to distribution of a monthly listing of all disbursements to be included in the first Council packet of the month. (Council Committee of the Whole Minutes – June 20, 2005)

A roll call vote was taken with the following members voting "aye": Hopkins, Noll, Colston, Wang, Daniels, Anthony, Wolf, Ewy Sharp and Belz.

### COMMITTEE REPORTS

#### Council Committee of the Whole

POL2004-08 Consider Project 190841: Mission Road – 71<sup>st</sup> Street to 75<sup>th</sup> Street

On behalf of the Council Committee of the Whole, Kay Wolf moved the Council approve the construction administration agreement with Affinis Corporation, Inc. in the amount of \$59,300.00 with funding from the Capital Infrastructure Program. The motion was second by David Belz and passed unanimously.

POL2004-09 Consider Project 190848: Mission Road – Somerset Drive to 83<sup>rd</sup> Street

Kay Wolf moved the Council approve the Construction Administration Agreement with Affinis Corporation, Inc. in the amount of \$24,000.00 with funding from the Capital Infrastructure Program. The motion was seconded by David Belz and passed unanimously.

POL2004-10 Consider Project 190847: 2005 Paving Program

Kay Wolf moved the Council approve of the Construction Administration Agreement with Affinis Corporation in the amount of \$97,200.00 with funding from the Capital Infrastructure Program. The motion was seconded by David Belz and passed unanimously.

POL2005-04 Consider Project 190853: School Zone Flashing Beacons – Bid Award

Kay Wolf moved the Council approve the construction contract with Wildcat Construction Company, 190853: School Zone Flashing Beacons for \$118,600 with funding from the Capital Infrastructure Program and a transfer of \$26,600 from the Capital Infrastructure Program – Street

Unallocated. The motion was seconded by Greg Coulston and passed with one opposing vote, Andrew Wang.

COU2005-11 Consider Employee Benefit Program for 2005-2006

Kay Wolf moved the City Council authorize the renewal of the following employee benefit plans for 2005-06:

1. The current health insurance plan provided by United Healthcare with an 8% increase in premiums.
2. The current dental insurance plan provided by Delta Dental with no change in premium.
3. The current life insurance plan provided by Standard Insurance with no change in premium.
4. The current long term disability insurance plan provided by Jefferson Pilot with no change in premium.

With the City retaining the current employee/employer allocation for monthly premium costs. The motion was seconded by Ruth Hopkins and passed with two opposing votes, Diana Ewy Sharp and Jeff Anthony.

VillageFest

Diana Ewy Sharp reported on the success of VillageFest. Even though it had rained the majority of the morning people continued to show up throughout the day. She stated that VillageFest brings positive PR to the City noting the front page coverage on the Kansas City Star and the presence of Channel 4. She acknowledged the Council, staff and committee members for their support and work. She noted that the Spirit Awards were presented to Jim Klammer, a 40 year resident of Prairie Village and to Bob Pryzby in honor of Jeanne Pryzby who served on the VillageFest Committee.

Mrs. Ewy Sharp updated the council on VillageFest 2006. The current and incoming board members of Meadowbrook Country Club are very supportive of working together for next year's VillageFest. However, due to the proposed development; Meadowbrook Country Club does not plan to take a formal vote before September, 2005.

Mayor Shaffer asked Ms. Sharp to convey the City Council's thanks to the VillageFest Committee and to Ann Lilak for a job well done.

Village Vision Steering Committee

Kay Wolf reported that the Village Vision Steering Committee met last week and reviewed the documentation accumulated from the worksessions. The consultants summarized the information into different topics. The committee developed goals which will be aimed towards the worksession comments. Two locations are being reviewed for potential development; 75<sup>th</sup> Street Corridor and Corinth Shopping Center.

**Smokefree Workplace Task Force**

David Belz reported that the Smokefree Workplace Task Force Committee met in June. The meeting was very productive with much discussion about statistics. The committee is in the process of gathering ideas and will meet on July 25<sup>th</sup>. Mr. Belz anticipates a recommendation shortly.

**OLD BUSINESS**

There was no old business to come before the Council.

**NEW BUSINESS**

Ruth Hopkins reported that Nation's City Weekly ran an article about Prairie Village. The article contains information that does not make sense. Mr. Luther said he would investigate the source and the cause of the problem.

**ANNOUNCEMENTS**

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

Sister City Committee	07/11/2005	7:00 p.m.
Park and Recreation Committee	07/13/2005	7:00 p.m.
Council Committee of the Whole	07/18/2005	6:00 p.m.
City Council	07/18/2005	7:30 p.m.

The Prairie Village Arts Council is pleased to feature the photographic work of Mairead Denning's pottery and photography in the R. G. Endres Gallery during the month of July. The opening reception will be held on Friday, July 8<sup>th</sup> from 6:30 – 7:30 p.m.

The Prairie Village Pool is open for its 2005 season. Swimming Pool and other recreational program memberships are on sale in the Municipal Building. Information & applications for all recreational programs can be found on the City's website [www.pvkansas.com](http://www.pvkansas.com).

The pool complex will close July 7 & July 14 at 5:00pm for swim meets. The slides and diving well will close at 5:00pm for dive meet.

The second moonlight swim of the season will be held on Friday, July 15<sup>th</sup> from 8:30 to 10:00pm.

Prairie Village Sister Cities, Cinema in the Chamber will be presenting the international films *Crouching Tiger, Hidden Dragon* on Friday, July 8<sup>th</sup> and *Chocolat* on Friday, August 12<sup>th</sup>.

The 50<sup>th</sup> Anniversary books, Prairie Village Our Story, are being sold to the public.

**ADJOURNMENT**

With no further business to come before the Council, the meeting adjourned at 8:26 p.m.

Lori Franke  
Administrative Assistant

## **CONSIDER DISPOSAL OF ASSET #1260 -1996 FORD SMALL DUMP TRUCK**

### **Background:**

About two weeks ago, this truck blew a spark plug out of the engine. Despite a couple of tries by the Public Works mechanics, they were unable to remove the remnants of the spark plug that was rusted into the engine block. The truck was towed to a local repair shop. The repair shop also was unable to remove the balance of the spark plug.

The repair shop stated the only course left was to replace the head at a cost of \$1,600 to \$3,800, depending on what they encountered.

This is 1996 Ford small dump truck that was purchased for \$31,629. To date, the repair costs total \$34,064.37

Funds have been requested in the 2006 Operating Budget to replace this truck with a slightly large one at a cost of \$58,000.

This truck is a maintenance truck used to transport materials and towed equipment during the non-winter months. During the winter it is used as plow truck for cul-de-sacs and other narrow streets. It has a stainless steel spreader that will be installed on the new truck. The plow and assembly will also be removed from 1260 and installed on the new truck.

### **Financial Impact:**

None.

### **Recommendation:**

Staff recommends the approval to dispose of Asset 1260, a 1996 Ford small dump truck by auction.

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# M E M O R A N D U M

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**DATE:** July 15, 2005  
**TO:** Mayor Shaffer & City Council  
**FROM:** Joyce Hagen Mundy  
**RE:** Solid Waste Exemptions for 2006

The following homes associations have submitted applications for exemption from city provided solid waste collection services for 2006:

Town & Country Homes Association  
Countryside East Homes Association  
Normandy Square Homes Association

Authorization to exempt these homes associations from city provided solid waste collection services in 2006 will be included on the Consent Agenda for your consideration.

i:cc/exmemo

## **CONSIDER NOTICE OF HEARING FOR THE 2006 BUDGET**

### **Issue:**

Should the Council authorize staff to publish a Notice of Budget Hearing for the 2006 Budget with total net expenditures of \$21,497,000 and tax requirement of \$4,239,630.

### **Background:**

State statute requires cities to conduct a public hearing on the proposed budget for the coming year by August 15<sup>th</sup> of the current year. The public hearing for the annual budget is the public's opportunity to make comments and suggestions about the budget proposed for the coming year. After the hearing, the Council can change the budget, then adopt it as amended unless the change increases total expenditures. If the Council decides to increase expenditures or increase the tax requirement after the Public Hearing Notice is published, the Notice must be amended and republished. Expenditure decreases have no impact on publication or public hearing requirements.

The Notice of Budget Hearing must be published at least ten days before the public hearing.

The proposed budget document for 2006 is not finished; however, it will be available for the Public Hearing.

If a majority of Council members believe the total for expenditures should be more than \$21,497,000 as listed in the Notice, a motion can be made at the Council meeting on July 18<sup>th</sup> or another worksession can be scheduled to determine the amount to be published. The Notice must be published no later than July 21<sup>st</sup> for the August 1<sup>st</sup> Public Hearing.

### **Options:**

1. Schedule a meeting for additional discussion of the Proposed Budget for 2006 to determine the amount which can be published in the Notice. Notice of Public Hearing must be submitted to the newspaper by noon on July 20<sup>th</sup>.
2. Authorize publication of the attached Notice of Budget Hearing on the 2006 Budget in the amount of \$21,497,000. This option will be included on the Consent for your approval or revision.

### **Recommendation:**

**AUTHORIZE PUBLICATION OF NOTICE OF HEARING FOR THE  
2006 BUDGET IN THE AMOUNT OF \$21,497,000.  
COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

**NOTICE OF BUDGET HEARING**

The governing body of City of Prairie Village will meet on the 1st day of August, 2005 at 7:30 P.M., at 7700 Mission Road for the purpose of hearing and answering objections of taxpayers relating to the proposed use of all funds and the amount of ad valorem tax.

Detailed budget information is available at City Clerk's Office and will be available at this hearing.

**BUDGET SUMMARY**

Proposed Budget 2006 Expenditures and the Amount of 2005 Ad Valorem Tax establish the maximum limits of the 2006 budget. Est Tax Rate\* is subject to change depending on final assessed valuation.

Fund	2004		2005		Proposed Budget 2006		
	Prior Year Actual Expenditures	Actual Tax Rate*	Current Year Estimate of Expenditures	Actual Tax Rate*	Expenditures	Amount of 2004 Ad Valorem Tax	Est Tax Rate*
General Operating	12,671,011	13.731	13,635,288	13.967	15,768,768	3,765,249	14.07
Solid Waste Mgmt	1,213,486	0	1,211,188	0	1,212,014	0	
Special Highway	628,452	0	615,900	0	605,000	0	
TIF	113,237	0	92,900	0	0	0	
Special Parks	58,000	0	80,000	0	80,000	0	
Special Alcohol	61,270	0	80,546	0	89,998	0	
Debt Services	554,154	2.034	551,338	1.876	553,720	474,381	1.773
Capital Projects	4,323,012	0	4,907,445	0	7,282,800		
Totals	19,622,622	15.765	21,174,605	15.843	25,592,300		15.843
Less: Transfers	3,206,952		3,187,843		4,094,900		
Net Expenditures	16,415,670		17,986,762		21,497,400		
Total Tax Levied	3,948,600		4,052,505		4,278,630		
Assessed Valuation	250,608,971		255,791,537		267,602,700		

	Outstanding Indebtedness, January 1	
	2003	2004
GO Bonds	3,765,000	3,385,000
Revenue Bonds		
No-Fund Warrants		
Lease Purchase Principal		
Total	3,765,000	3,385,000

\* Tax Rates are expressed in mills.

\_\_\_\_\_  
Clerk

## **COUNCIL COMMITTEE OF THE WHOLE**

July 5, 2005

The Council Committee of the Whole met on Monday, July 5, 2005 at 6:00 p.m. The meeting was called to order by Council President Kay Wolf with the following members present: Steve Noll, Ruth Hopkins, Greg Colston, Andrew Wang (arrived 6:35), Pat Daniels, Jeff Anthony, Diana Ewy Sharp and David Belz. Staff members present: Captain Wes Jordan; Bob Pryzby, Director of Public Works; Doug Luther, Assistant City Administrator; Jamie Shell, Finance Director; Tom Trienens, Manager of Engineering Services; Josh Farrar, Assistant to the City Administrator and Joyce Hagen Mundy, City Clerk.

### **POL2004-08 Consider Project 190841: Mission Road – 71<sup>st</sup> to 75<sup>th</sup> Street**

Tom Trienens stated the bid for this project has been awarded with construction slated to begin soon. The Construction Administration will be done by Affinis Corporation. Mr. Trienens noted the agreement has been modified to re-enforce the inspection elements of the agreement. The cost for the services is \$59,300.00 with funding budgeted in the Capital Infrastructure Program.

Ruth Hopkins asked how long the Water District would be working on Mission Road in this area. Mr. Trienens responded they should finish their work this week. He noted the City has already begun its work.

Pat Daniels made the following motion, which was seconded by Greg Colston and passed unanimously:

**RECOMMEND THE CITY COUNCIL APPROVE THE  
CONSTRUCTION ADMINISTRATION AGREEMENT WITH  
AFFINIS CORP. FOR PROJECT 190848: MISSION ROAD –  
71<sup>ST</sup> TO 75<sup>TH</sup> STREET IN THE AMOUNT OF \$59,300.00 WITH  
FUNDING FROM THE CAPITAL INFRASTRUCTURE PROGRAM  
COUNCIL ACTION TAKEN  
7/5/2005**

### **POL2004-09 Consider Project 190848: Mission Road – Somerset Drive to 83<sup>rd</sup> St**

Tom Trienens stated the bid for this project has been awarded with construction slated to begin soon. The Construction Administration will be done by Affinis Corporation. Mr. Trienens noted the agreement has been modified to re-enforce the inspection elements of the agreement. The cost for the services is \$24,000.00 with funding budgeted in the Capital Infrastructure Program.



Pat Daniels made the following motion, which was seconded by Greg Colston and passed unanimously:

**RECOMMEND THE CITY COUNCIL APPROVE THE  
CONSTRUCTION ADMINISTRATION AGREEMENT WITH  
AFFINIS CORP. FOR PROJECT 190848: MISSION ROAD –  
SOMERSET TO 83<sup>RD</sup> STREET IN THE AMOUNT OF \$24,000.00  
WITH FUNDING FROM THE CAPITAL INFRASTRUCTURE  
PROGRAM**

**COUNCIL ACTION TAKEN  
7/5/2005**

**POL2004-10 Consider Project 190847: 2005 Paving Program**

Tom Trienens stated the bid for this project has been awarded with construction slated to begin soon. The Construction Administration will be done by Affinis Corporation. Mr. Trienens noted the agreement has been modified to re-enforce the inspection elements of the agreement. The cost for the services is \$97,200.00 with funding budgeted in the Capital Infrastructure Program.

Diana Ewy Sharp made the following motion, which was seconded by David Belz and passed unanimously:

**RECOMMEND THE CITY COUNCIL APPROVE THE  
CONSTRUCTION ADMINISTRATION AGREEMENT  
WITH AFFINIS CORP. FOR PROJECT 190847: 2005  
PAVING PROGRAM IN THE AMOUNT OF \$97,200.00  
WITH FUNDING FROM THE CAPITAL INFRASTRUCTURE  
PROGRAM**

**COUNCIL ACTION TAKEN  
7/5/2005**

**COU2005-04 Consider Project 190853: School Zone Flashing Beacons Bid**

On June 17, 2005, the City Clerk opened bids for Project 190853: School Zone Flashing Beacons. This program consists of the installation of 14 solar powered school zone flashing beacons for six schools along Mission Road and supplying the City with four LED “No Turn on Red” signs for the intersection of 83<sup>rd</sup> Street and Mission Road. The following three bids were received:

	<u>Wildcat Construction</u>	<u>Capital Electric</u>	<u>Custom Lighting</u>	<u>Engineer’s Est.</u>
Base	\$110,200.00	\$110,656.00	\$109,174.00	\$133,400.00
Alt. A	\$8,400.00	\$9,072.00	\$10,150.00	\$11,270.00
Alt. B	\$6,356.00	\$6,860.00	\$7,840.00	\$9,660.00

Base + A	\$118,600.00	\$119,728.00	\$119,324.00	\$144,670.00
Base + B	\$116,556.00	\$117,516.00	\$117,014.00	\$143,060.00

The bids have been reviewed for accuracy and references checked for Wildcat Construction Company and found to be acceptable. Mr. Trienens explained Alt. "A" is school zone flashing beacons with two-way pagers. Two-way pagers allow the user to control the beacons from a remote location and retrieve information back on the current signal operation. A monthly paging service would be required at an approximate cost of \$5.00 per pager (12 units x 5.00 per unit/month = \$60.00 per month). Alt. "B" is a one-way paging system.

Base + Alt. "A" is recommended as it would allow staff to control the signals remotely and make necessary adjustments for unforeseen circumstances such as snow days, half days, etc. without having to go to each unit individually.

Funding is available in the Capital Infrastructure Program Project 190853 (\$92,000) with a transfer of \$26,600 from the Capital Infrastructure Program – Street Unallocated.

Diana Ewy Sharp asked what the time frame was for the installation of the beacons. Mr. Trienens responded it would take more than thirty days from the date of order to receipt for the solar panels. The contractor has stated he would schedule the installation immediately upon the receipt of the panels. Mrs. Ewy Sharp asked what the Council had told the proponents regarding the installation of the school zones. Mr. Anthony noted no specific date had been stated for the installation. The public was advised the City would attempt to have them in place by the beginning of the school year.

Jeff Anthony asked if the agreement contained any punitive language for failure to have the beacons in place prior to the start of school. Mr. Trienens responded the contract calls for installation by August 15<sup>th</sup> and allowed for \$500 per day in damages after that date. However, he noted that date may need to be adjusted dependent on the availability of the solar panels. Mr. Anthony confirmed the solar panels were critical to the function of the beacons.

Pat Daniels made the following motion, which was seconded by Greg Colston and passed unanimously:

**RECOMMEND THE CITY COUNCIL APPROVE THE CONTRACT  
WITH WILDCAT CONSTRUCTION COMPANY FOR PROJECT 190853:  
SCHOOL ZONE FLASHING BEACONS IN THE AMOUNT OF \$118,600  
WITH FUNDING FROM THE CAPITAL INFRASTRUCTURE  
PROGRAM AND AUTHORIZE A TRANSFER OF \$26,600 FROM THE  
CAPITAL INFRASTRUCTURE PROGRAM – STREET UNALLOCATED.  
COUNCIL ACTION TAKEN**

7/5/2005

**COU2005-11 Consider Employee Benefit Program for 2005-06**

Jamie Shell stated in 2003, an Employee Benefits Committee recommended a health insurance plan with higher co-pays and out-of-pocket maximums to the City Council. As a result of those changes, the City's 2004-05 premiums increased only 6.6%. At the time, the market was averaging an increase of 13-15%.

Mr. Shell reported that after some negotiation by Dave Johnson, our employee benefits consultant from CBIZ, United Healthcare has proposed an 8% increase with no plan changes for the 2005-06 plan years, which begins September 1<sup>st</sup>.

The following illustrates the effect of the proposed premium increase (based on current enrollment):

<b>HMO "Base" Plan</b>	<b>2004-05 Premium</b>	<b>Proposed 2005-06</b>
Employee only	\$267.05	\$288.41
Employee plus one dependent	\$646.36	\$698.07
Employee plus family	\$952.54	\$1,028.74
<b>PPO "Buy-Up" Plan</b>	<b>2004-05 Premium</b>	<b>Proposed 2005-06</b>
Employee only	\$330.45	\$356.89
Employee plus one dependent	\$799.83	\$863.82
Employee plus family	\$1,178.70	\$1,273.00

<b>Projected Annual Cost--City</b>	<b>\$520,391</b>	<b>\$562,019</b>
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<b>Monthly Employee Cost*</b>	<b>2004-05 Premium</b>	<b>Proposed 2005-06</b>
<b>HMO "Base" Plan</b>		
Employee only	\$0.00	\$0.00
Employee plus one dependent	\$109.88	\$118.67
Employee plus family	\$238.14	\$257.19
<b>PPO "Buy-Up" Plan</b>	<b>2004-05 Premium</b>	<b>Proposed 2005-06</b>
Employee only	\$63.40	\$68.48
Employee plus one dependent	\$263.35	\$284.42
Employee plus family	\$464.30	\$501.45

*\*Based on current allocation formula*

These projections are based on the City's current enrollment and formula for allocating employee health insurance premiums, which has the city contribution for employee only at 100%; for Employee plus one dependent at 83% and for Family coverage at 75%.

### Health Insurance Renewal – HSA Option

United Healthcare also has offered a second option, which adds a high-deductible health plan and employee health savings accounts (HSA) to the two current plans offered to employees.

In theory, a high-deductible plan benefits consumers for the following reasons:

1. More of the health care decision-making process is shifted to the consumer, who as a result of the higher deductible will more carefully examine their health care costs.
2. Deposits made to the health savings accounts can be invested tax-free until needed. Therefore, if the employee does not utilize the funds deposited into his or her HSA, the funds can be accumulated until an eligible health care need arises.
3. Premiums are typically lower than traditional health insurance plans.

In order for these types of plans to work, it is necessary to establish HSA's for employees. These accounts can be funded by the employer, employee or both, up to the amount of the plan's calendar year deductible. HSA's are owned by the employee and are portable. Therefore, if the employee were to terminate employment, any contributions to the plan are not returned to the employer.

Mr. Shell noted if the Council chooses this option, the current "base" plan premium will increase by 10.9% rather than 8%. If Council chooses to fully-fund employee health savings accounts, the City's share of the plan premium would be 15.6% higher than the current premium.

In addition to the premium increase, the maximum "out of pocket" expense an employee may incur under the high-deductible plan would more than double that of the current health insurance plan increasing from \$2,000 to \$4,400 for single coverage and from \$4,000 to \$8,800 for family coverage.

Mr. Shell stated he did not feel the implementation of the HSA program was appropriate at this time based on the relatively low premium increase quoted for the current program and the significantly larger out-of-pocket charges that would be incurred by employees. He also felt that remaining with the current program would be the best option, given that the City plans to conduct a comprehensive benefit analysis this year. He noted implementation of the HSA program would also require significant employee education.

Mr. Shell stated no change in premium or coverage is proposed for the city's dental, life or long-term disability insurance programs. The City's 2004-05 dental insurance provided by Delta Dental was renewed with a two year rate guarantee in 2004. The City's employee life insurance benefit provided by Standard Insurance has offered to extend the current premium of \$0.19 per \$1,000 of coverage through the 2005-06 plan year. The long term disability insurance benefit provided by Jefferson Pilot has offered to extend the current premium of \$0.46/\$100 of covered payroll through the 2005-06 plan year.

Diana Ewy Sharp stated she felt the Council had directed the City to look into a wellness program.

Mr. Shell responded that as part of the renewal process, United has also offered a free wellness program for employees and their dependents. The program begins with the participant completing an online health risk assessment. Based on the results of the assessments, United will identify the most important health-related issues facing City employees and their dependents. Using that information, employee newsletters will include health improvement articles. More hands-on programs to encourage things like smoking cessation may also be implemented to help improve the overall health of City employees and their dependents.

However, United Healthcare will only offer this program if at least 100 members of the health insurance plan must complete the health risk assessments.

Jeff Anthony noted this item has previously come before the Legislative/Finance Committee and questioned why it was not being brought to them for consideration. Mr. Shell responded it has been brought before the Council Committee because of the need for immediate action. Mr. Anthony expressed frustration with being asked to take action on a major component of the City's budget with such short notice and minimal opportunity for a thorough review. Mr. Shell responded the information was only received by the City last week. He noted United Health Care does not provide quotes until early June as they want to have a minimum of six months of claim experience available before providing a quote. Mr. Shell also noted the employee's share of the premium is taken from the second pay check issued in August requiring action by the Council in early July to ensure appropriate time to get information to employees, especially if a change in plan is proposed.

Pat Daniels noted the growing popularity of the Health Saving Account Programs. Mr. Shell responded these programs have been increasing as a means to address rising health care costs. He noted when this program was initially presented to the City the out-of-pocket costs were equivalent to the deductibles in place. The proposal presented this year has significantly larger out-of-pocket costs and there is very little time available to educate employees on the plan; therefore, he does not recommend the City moving to this option at this time.

Jeff Anthony noted the pre-tax status of HSA plan as offsetting the higher out-of-pocket costs. Mr. Shell confirmed the use of pre-tax dollars for the HSA plan, but noted the tax benefit provided varies greatly from employee to employee. He also noted the different number of ways the plan can be established and his belief that this is not the appropriate time to go forward with an HSA program.

Pat Daniels made the following motion, which was seconded by Ruth Hopkins:

**RECOMMEND THE CITY COUNCIL AUTHORIZE THE RENEWAL OF  
THE FOLLOWING EMPLOYEE BENEFIT PLANS FOR 2005-2006:**

- 1. The current health insurance plan provided by United Healthcare with an 8% increase in premiums.**
- 2. The current dental insurance plan provided by Delta Dental with**

- no change in premium.
3. The current life insurance plan provided by Standard Insurance with no change in premium.
  4. The current long term disability insurance plan provided by Jefferson Pilot with no change in premium.

**AND FURTHER APPROVE THE CONTINUATION OF THE EXISTING  
EMPLOYEE/EMPLOYER ALLOCATION FOR MONTHLY PREMIUM COSTS  
COUNCIL ACTION TAKEN**

**7/5/2005**

Diana Ewy Sharp stated she felt strongly the City should be working toward the implementation of a wellness program and is not sure if she can support the motion without the inclusion of a wellness program.

Ruth Hopkins stated a wellness program is a wonderful idea, but stressed that you have to have participation in the program to reap the benefits. She does not feel the City can mandate employee participation in the program. Steve Noll agreed participation is the employee's decision.

Jeff Anthony stated rising health insurance costs are detrimental to both the City and the employees and he feels the employees need to be encouraged to take action to address these costs through participation in a wellness program.

Kay Wolf questioned how the effectiveness of the wellness program would be measured. Mr. Shell responded it is extremely difficult to measure and/or monitor. He stated the city staff would be meeting with the program representative on Thursday to discuss the process and program.

Ruth Hopkins confirmed the program is only offered if the City has a minimum of 100 participants and would be given at no cost. She noted the difficulty at getting 100 participants and asked if an incentive could be offered to encourage participation. Mr. Shell responded that a reverse incentive had been discussed which assessed employee \$10 per month if they chose not to complete the health assessment required for the program.

Pat Daniels noted private industries have had significant success with wellness programs.

Jeff Anthony stated he did not feel the City would get full participation without a financial impact either in the proposed charge or in their premium. He noted there is currently no incentive for employees with single coverage as the City covers 100% of their insurance premium.

Jamie Shell distributed information showing that 100% coverage of insurance premiums for single coverage is provided by most cities. David Belz agreed with Mr. Anthony that covering 100% of the insurance premium does not encourage employees to better manage their health and felt this should be re-evaluated. Greg Colston asked how many

employees had single coverage. Mr. Shell responded that 50 of the 95 City's employees carry single coverage.

Kay Wolf asked if participation in the wellness program could be done at any time. Mr. Shell stated he thought the participation would need to begin at the beginning of the plan year, noting the difficulty in evaluating the program if it is not started at the beginning of the plan year by everyone involved.

Andrew Wang arrived.

Pat Daniels asked for input from Bob Pryzby and Captain Wes Jordan.

Bob Pryzby stated this issue has been discussed by an employee committee made up of representatives of all departments. He feels the implementation of a wellness program will pay off; however, he feels it will take time for the benefits to be realized. In response to the \$10 charge for not participating in the program, he would rather see the incentive addressed through increased or decreased insurance premiums.

Wes Jordan noted he is on the employee committee and stressed there is significant concern among employees on rising health care costs. The police department has employees at both spectrums with young families and retirees participating on the program. Captain Jordan reviewed some of the wellness programs offered through the police department. He does not see the single coverage employees producing significant claims. He stressed this is a significant area of concern for employees and he sees employees actively involved in trying to contain health care costs.

David Belz confirmed the \$10 per month assessment is only for those choosing not to participate in the on-line health questionnaire.

Ruth Hopkins stated she foresees people viewing the questionnaire as an invasion of their privacy. Mr. Shell responded the information gathered by the questionnaire would be strictly confidential with the City not receiving any specific information on employees.

Diana Ewy Sharp stated she can not support the motion without the inclusion of the wellness program.

David Belz stated he agreed with Mr. Anthony on the need for employee's to have a direct financial impact to ensure participation; however, he stated he would be voting in support of the motion.

Council President Kay Wolf asked the City Clerk to restate the motion and called for a vote. The motion was passed by a vote of 7 to 2 with Anthony and Ewy Sharp voting "nay".

## COU2005-10 Consider Committee Structure

Doug Luther said this item has been placed on the agenda to allow council members to consider changing the current structure of three standing committees comprised of City Council members. Currently, the Legislative/Finance Committee has dealt with issues related to ordinances and financial matters. The Policy/Services Committee has addressed Public works, Public Safety and Personnel matters. The Council Committee of the Whole has addressed issues which are potentially controversial, may generate a large amount of public input and items that both committees have expressed an interest in discussing.

To allow discussion of all items by all council members, the Legislative/Finance and the Policy/Services Committees could be eliminated with, all items being placed on a Council Committee of the Whole agenda.

Mr. Luther stated the City of Lenexa has recently adopted this format and is pleased with the results.

Ruth Hopkins questioned if this could be done time-wise, as it would double the number of agenda items. She noted several Legislative/Finance Committee meetings last the full 90 minutes available without adding items that had previously been considered by the Policy/Services Committee. Mr. Luther said it would be possible to use a committee consent agenda for more routine items

Jeff Anthony stated he likes the ability of the individual committee to delve deeply into items at the committee level.

Greg Colston expressed support for the current committee structure, noting very few instances when council members felt had insufficient information to act on an item coming from either the Legislative/Finance or Policy Services Committees.

David Belz stated that he would like to see all issues brought to the Council Committee of the Whole.

Mr. Anthony said that the Policy Services and Legislative Finance meetings could be staggered to allow council members an opportunity to attend each meeting.

Pat Daniels stated that he favored the current committee structure.

Diana Ewy Sharp stated that she did not recall discussing this particular idea at the council worksession, but rather thought the discussion revolved more around what items should be placed on which agenda.

Steve Noll stated that he supported the current committee structure. He added that he liked the two pools of expertise that is created by having two separate committees.



Ms. Hopkins noted that Barbara Vernon is very good at contacting the committee chairs with controversial items that may need to be forwarded to the Council Committee of the Whole agenda.

Kay Wolf stated that she supports the current committee structure.

Committee members agreed to delete this item without action and return the current committee structure.

Mr. Anthony inquired when council would have the option of selecting committees for his year. Mayor Shaffer responded that questionnaires were not sent out this year until this issue was discussed.

#### **LEG2005-17 Consider on-line Gift Card Sales**

Doug Luther reported that approximately 700 Prairie Village gift cards have been sold for a total of over \$21,000. Of this amount, nearly \$13,000 has already been spent at Prairie Village businesses.

The card is currently sold at City Hall, the Prairie Village Merchants Association offices, and the Missouri Bank and US Bank buildings in the Prairie Village Shopping Center. A mail-order form is also available. Since the card has been available for sale, one of the greatest challenges to increasing sales has been the availability and accessibility of sales outlets.

One new way to provide additional opportunities for individuals to purchase gift cards is to allow on-line ordering through the City's website. The card would be purchased through a secure internet connection by credit card. Using this approach, gift cards could be purchased any time of the day or night, and they could be delivered by mail.

There are two types of costs involved. Start-up costs involve the creation and design of web pages for the on-line shopping cart, training for City staff, and the purchase of software for on-line sales and security certificates necessary to secure on-line credit card transactions. Start-up costs would range from \$3,000 to \$3,575.

Recurring costs deal with subscriptions to services necessary to conduct secure on-line sales. These are items such as security certificate renewals, merchant identification number maintenance fees, etc. Recurring costs would range from \$400 to \$1,060.

The primary reason for the difference in both start-up and recurring costs is due to whether or not the City wants to perform on-line verification of customers' credit card information. On-line verification makes the payment process more efficient, but is not necessary. Staff recommends implementing the program without conducting on-line credit card verification. This issue should be revisited if sales volume increases significantly.

This program could lay the foundation for on-line sale of other items.

Staff proposes the development of a program to allow on-line purchases of gift cards through the City's website at a cost of \$3,000 with funds from the 2005 Administrative Services budget.

Pat Daniels asked if the workload would remain the same for City staff. Mr. Luther noted that this process would be more efficient for staff than having residents waiting in line to purchase gift cards.

David Belz questioned if staff would do credit card verification after the order was placed. Mr. Luther confirmed that after the order is received a City staff person would key in the credit card number and authorize the card at that point.

Steve Noll noted that he uses this program and it is incredibly convenient.

Jeff Anthony expressed his objection to the City underwriting the cost of the gift cards. He added that a link could be provided from the City website to the Prairie Village Merchants Association to purchase a gift card there.

Diana Ewy Sharp stated that she would be more supportive if the City had planned on doing more e-commerce in the future.

Andrew Wang stated that it would be great to be able to do City transactions on line; however, he didn't feel the level of expense was warranted for gift cards only. He questioned where the money goes if the cards are not used. Mr. Luther stated that after 12 months there is a \$2.00 per month maintenance fee that is assessed. The fee after one year is split 60/40 with the City receiving 40% and Store Financial, who administers the gift card program, receives 60%.

Kay Wolf questioned if shipping costs should be implemented now or addressed at a later date. Mr. Luther stated that he would like to get an idea of the type of volume before applying shipping costs.

Mr. Belz stated that he supported selling gift cards on-line.

Ruth Hopkins made the following motion, which was seconded by David Belz and passed by a vote of 5 to 4 with the following votes cast: "aye" Griffith, Hopkins, Noll, Daniels and Belz; voting "nay" Colston, Wang, Anthony and Ewy Sharp.

**RECOMMEND THE CITY COUNCIL APPROVE THE DEVELOPMENT  
OF A PROGRAM TO ALLOW ON-LINE SALES OF THE PRAIRIE  
VILLAGE GIFT CARD AT A COST OF \$3,000 WITH FUNDING FROM  
THE 2005 ADMINISTRATIVE SERVICES BUDGET  
COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

With no further business to come before the Council Committee, Council President Kay Wolf adjourned the meeting at 7:26 p.m.

Kay Wolf  
Council President

## **Park and Recreation Committee July 13, 2005 Meeting Minutes**

The Park and Recreation Committee met on July 13, 2005 at the Prairie Village Pool. Members present were Kay Wolf, Shelly Trewolla, Diane Mares, Kathy Peterson, David Voysey, Clarence Munsch, and Peggy Couch. Luke Shelton and Coby Young were present to discuss the BMX bikes. Staff present was Joshua Farrar and Bob Pryzby.

### **Approval of the Minutes**

Diane Mares made a motion, seconded by David Voysey, and passed by unanimous vote to approve the minutes from the meeting on June 8, 2005.

### **Discuss BMX Bikes at the Skate Park**

The man who left BMX information at the June 20 City Council meeting was not in attendance. The Committee asked Luke and Coby what they would like to discuss. They asked why BMX bikes were not allowed in the Skate Park. They also explained how far they had to travel to get to a park that allows bikes. Committee members explained the City had been through an extensive and thorough process which included fundraising and a significant number of opportunities for public input. The boys said they were never made aware of these activities. Kathy Peterson responded she was at Indian Hills Middle School two years ago for two weeks asking kids to sign up or show interest. No BMX riders responded. The boys then said that bikes do not damage the parks and referred the Committee to the BMX information included in their packets. Kathy explained that grinding on the lip of the bowl with pegs probably is not any different than grinding with skateboard trucks. She said the major damage comes when the bikes fall and the end of the pegs either scratch or divot the surface of the bowl.

Committee members explained that the park did not happen over night. Kathy, along with a dedicated group of skaters petitioned the City for three years and also raised close to \$65,000 before the City took action to help finance the park. Committee members recommended Luke and Coby continue to petition their home City of Roeland Park to build a BMX friendly park. They did not expect Prairie Village to change its stance on BMX. Kathy Peterson offered to help the boys get started.

### **Recreation Report**

Joshua Farrar gave updated membership and team registration numbers to the Committee. The latest membership numbers are about 100 less than 2004, but with memberships going half price on Monday Josh expects they will exceed the 2004 total. The team numbers were strong for the season except for Synchronized Swimming. The Synchro team will hold the Annual show and lifeguards will put on a performance to help lengthen the program.

Attendance numbers are very high so far and revenue from front gate and concession sales are up as a result.

### **Twilight Pool Fee**

Peggy Couch asked the Committee to consider reducing the daily admission fee by half after 5:30 p.m. She believes it is unreasonable to ask people to pay the same price 3 hours or less versus the entire day. The Committee felt this was a good idea. Josh Farrar said if they would like to reduce the fee he would prefer it be either \$2.00 or \$3.00 to avoid making coin change at the front desk.

Clarence Munsch made a motion, seconded by Peggy Couch, and passed by unanimous vote.

### **MOTION**

**RECOMMEND APPROVAL OF A REDUCED POOL DAILY ENTRANCE FEE OF \$3.00 PER PERSON AFTER 5:30 P.M EFFECTIVE AS SOON AS POSSIBLE.**

### **COUNCIL ACTION REQUIRED**

Peggy also asked if anyone else experienced a shortage of chairs at the pool. Josh Farrar said the pool actually has more chairs than in previous seasons, but because of the unusually high attendance it probably seems like there are fewer chairs. A number of older chairs have rust stains and are in storage. He will ask the Pool Manager to put them out. The Committee felt this would be a good idea.

### **Skate Park Crime Report**

Prairie Village Police Officer Dawn Clausius was in attendance to bring a number of things to the Committee's attention. She gave the following list of complaints of activities and crimes committed at the Skate Park.

- Use of BMX bikes
- Fighting
- Shooting with an air rifle
- Theft
- Criminal Damage to Property including graffiti, use of trash cans and cones as obstacles, damage to Police Department vehicles and personal vehicles.
- Public Urination
- Foul Language

Dawn said many of these incidents include Prairie Village children and often occur after hours. She suggested possibly lighting the area at night so Police could see what was going on. She also suggested limiting the hours of operation for the park. She said some type of fencing might be useful.

Kathy Peterson said she tried to partner with the Police Department since the beginning of the process but they had been unresponsive. Dawn said the SRO should be her contact. Kathy said she tried to talk to SRO's for the past three years and they had not been interested. Kathy felt like the PD cooperating with a number of the local skaters would be a positive way to enforce rules at the park. Dawn said she would try to get Kathy some help. Kathy also suggested that the Prairie Village park is the most popular

one right now, but the Independence park will open soon and Shawnee will open in the fall. She felt many of the problems would dissipate over time.

Bob Pryzby said he and Chief Grover talked about this issue a number of times. He felt a fence around the Police vehicles would curb that vandalism, but lighting the park would not help significantly deter crime. Kay asked Dawn to provide a list to Bob of offenses which could be enforced by the police. This would allow posting of the offenses at the park. Dawn agreed to do so. Bob said he would speak with Chief Grover again about stricter enforcement of rules at the park accompanied by better signage. Kay asked Dawn to return in August to update the Committee.

Bob asked the Committee to consider the e-mail complaint he received about the condition of a park pavilion rented for a weekend party. Bob said the pavilions are not maintained on weekends. The City doesn't charge anything for pavilion rental and does not include language about cleaning up in the rental contract. He suggested charging a deposit or rental fee which is high enough to offset the costs of having public works crews clean the pavilions on the weekend. The Committee felt this was a good idea as many other Cities do charge for rental of park structures. Bob will bring the associated costs for public works to maintain the shelters to the August meeting.

**Project 190634: Prairie Park Expansion**

Bob reported bids will open on July 29 for the project.

**Project 190635: Swimming Pool Concession Expansion**

Bob reported bids will open on July 29 for the project. Bob showed the Committee the area where the concession stand would potentially be expanded to. He also explained there are two options in the bid which will allow for potential cost savings.

**Project 190636: Weltner Park Basketball Court Replacement**

This project is completed.

**Discussion: 75<sup>th</sup> Street and Stateline Road Island**

Bob asked the Committee if they felt these items came under jurisdiction of the Park & Recreation Committee. The Committee felt islands were more of a Public Works maintenance issue.

Bob also asked the Committee to consider if they should be in charge of City entry signs. The Committee felt these signs do come under Parks & Recreation authority. Bob asked permission, and Committee members unanimously agreed, to remove the current entry signs. They are very faded and in disrepair. Kay and Josh suggested Bob wait on a decision of what to replace the signs with as the Comprehensive Plan will be completed in September and will likely have suggestions for City entryway signage. Bob said he was tentatively thinking of flat limestone with the City name engraved surrounded by flowers.

### **Wildflower Garden Discussion**

Shelly reported she and Bob met to discuss options. She said they plan to move the tall sunflowers to locations flanking the Wildflower Garden sign to anchor the garden. She also said the edge has been mowed and now looks more sculpted. Shelly said they plan to create a walkway to the sign and then also possibly throughout the garden. The garden would need to be expanded slightly to accommodate the pathway. Shelly said they will not be able to complete these items until fall. Kay asked if there was a way to identify the plantings. Shelly thought perhaps a flyer layout of the planting with associated names could be done. These could possibly be provided in a box attached to a pole near the garden. Bob felt this was appropriate because he has a number of projects lined up and would need to see if budget money will be available.

Shelly said the Environment/Recycle Committee would still like to do a xeriscape garden on the berm near the Wildflower Garden. She suggested it be an agenda item for August.

### **Skate Park Competition Policy**

Kathy reported that KCMO charges \$100 for a competition. She felt the City could hold off on this item until the security issues are addressed. Bob Pryzby said the Insurance Committee discussed the issue at some point.

### **Other Business**

Kay Wolf asked the Committee to think about what they would like to see in a Community Center. She and Bob will discuss the issue at the next meeting.

The Committee was reminded of the Park Master Plan retreat on Saturday, August 27.

The meeting adjourned at 8:35 p.m.

The next regularly scheduled meeting will be Wednesday, August 10, 2005 at 7:00 p.m.

## **Consider Reduced Pool Daily Admission Fee**

### **Background:**

The current pool daily admission fee is \$5.00 per person or \$3.50 for a limited number of daycare admissions. The fee is \$5.00 per person whether a customer arrives at 1:00 a.m. when the pool opens or 8:15 p.m. when the pool has 15 minutes left. The other options available are pool memberships which are available to both residents and non-residents, and 10 Swim Cards which are available to residents. The 10 Swim Card sells 10 entries to the pool for \$40.00, bring the price down to \$4.00 per entry if all 10 swims are used.

At the July 13 Parks & Recreation Committee meeting a Committee member brought up the issue of reducing the fee in the evening. The minutes of that meeting are available. A motion was made to approve a fee of \$3.00 per person for daily pool admissions after 5:30 p.m.

### **Financial Impact:**

Use of Point of Sale started at the pool on Monday July 11, 2005. Tuesday was a swim meet so the data for that day is irrelevant. Taking revenue from just Monday, July 11 and Wednesday, July 13 the change in fee would have decreased front gate sales by about \$442.50 for those two days.

Using the data from those same two days we can see that approximately 16.5% of all front gate sales are generated after 5:30 p.m. throughout the season. Applying the fee to 16.5% of the total front gate sales generated this season would decrease revenue by approximately \$5,031. (This information is available on the attached spreadsheet)

Recreation Fee revenue estimates were originally made for the current and 2006 budget assuming the original \$5.00 daily admission all day, every day for the entire season. The reduced fee will slightly reduce the ability to reach those revenue estimates in 2005 and could considerably hinder the ability to reach the estimates in 2006.

### **Program Impact:**

With the point of sale system now up and running the only task will be to add this fee and a button on the point of sale screen. This could be completed by the last week in July so the new fee could go into affect on August 1.

### **Recommendation:**

The Parks and Recreation Committee recommends the City Council approve a reduced fee of \$3.00 per person for entry to the Prairie Village Pool after 5:30 p.m. for the remainder of the 2005 season.



Time of Day	Membership Entries (5/28 to 7/13)	Percent Total Memberships (5/28 to 7/13)	Front Gate Entries (7/11 and 7/13)	Percent Total Front Gate (7/11 and 7/13)*	Total Loss (7/11 and 7/13)
11:00 - 12:00	2971	9.88%	94	14.20%	
12:00 - 1:00	4088	13.60%	132	19.94%	
1:00 - 2:00	4729	15.73%	120	18.13%	
2:00 - 3:00	4401	14.64%	110	16.62%	
3:00 - 4:00	3907	13.00%	55	8.31%	
4:00 - 5:00	3584	11.92%	43	6.50%	
5:00 - 6:00	2508	8.34%	39	5.89%	\$97.50
6:00 - 7:00	2148	7.14%	54	8.16%	\$270.00
7:00 - 8:00	1595	5.31%	15	2.27%	\$75.00
8:00 - 9:00	133	0.44%	0	0.00%	\$0.00
	30064	100.00%	662	100.00%	\$442.50

Percent of Membership Usage after 5:30 p.m. 17.06%

Percent of Daily Sales after 5:30 p.m. 16.31%

Total Gate Fees in 2005 (Through 7/9) \$76,221

Percent of Revenue after 5:30 p.m. (Through 7/9)\*\* \$12,576.53

Number of Sales after 5:30 p.m.(Through 7/9) 2,515

Number of Sales after 5:30 p.m. X \$3.00 \$7,545.92

Difference with Twilight Fee in affect All Season \$5,030.61

\* Use of RecNet point of sale for daily admission sales started on Monday July 11. Tuesday, July 12 the pool closed at 5:00 p.m. for a swim meet so the data for that day would have been irrelevant.

\*\* Used Daily Sales percentage after 5:30 p.m of 16.50%

**ACTION REQUESTED**  
**07/18/2005**

From Legislative/Finance Committee – Ruth Hopkins

LEG2005-20 Consider sale of MARC Remodeling Idea Books

**RECOMMEND THE CITY PURCHASE 25 REMODELING  
IDEA BOOKS FROM MARC AT A COST OF \$125 AND SELL  
THE BOOKS AT CITY HALL FOR \$10 DONATING THE  
PROFITS TO THE MID AMERICA REGIONAL COUNCIL'S  
FIRST SUBURBS COALITION**

**Old Business**

**Discussion of  
Canterbury Sidewalks**

**Bob Pryzby**

*/ Nov. 2004 Public Services Packet*

**POL2004-10 CONSIDER PROJECT 190847: 2005 STREET RESURFACING PROGRAM**

**Background:**

The 2005 Street Resurfacing Program consists of 16 sections of streets. As is the practice required by City Council Policy 312, Public Works determined that ten of the streets do not have sidewalks as required by the Policy. The streets without sidewalks are:

- 67<sup>th</sup> Terrace (Delmar Drive to Mission Road) – Based on the topography of the properties adjacent to the street, the south side is best suited for a parkway (grass strip between sidewalk and curb) sidewalk installation.
- 77<sup>th</sup> Place CDS (Roe Avenue to end of CDS)
- 78<sup>th</sup> Street (Belinder Avenue to Cambridge Street) – Based on the topography of the properties adjacent to the street, the south side is best suited for a parkway style sidewalk. However, very large trees align both sides of the street and will require acquisition of permanent sidewalk easements.
- 81<sup>st</sup> Street (Lamar Avenue to Nall Avenue) – Based on the topography of the properties, the north side of the street is best suited for a parkway sidewalk installation.
- 84<sup>th</sup> Terrace (Mission Road to Reinhardt Lane)
- Canterbury Street (79<sup>th</sup> Street to Somerset Drive)
- Eaton Street (71<sup>st</sup> Terrace to 73<sup>rd</sup> Street)
- Linden Drive (70<sup>th</sup> Terrace to 71<sup>st</sup> Street)
- Linden Drive CDS (Linden Drive to end of CDS)
- Mohawk Drive (75<sup>th</sup> Street to 77<sup>th</sup> Street)

The property owners have been advised by Public Works of the intent to construct sidewalks. Public Works staff has received various communications from the property owners about the intended construction. The petitions and letters are attached as well as a spreadsheet of phone calls and emails received.

**Financial Impact:**

The project has funds to construct the sidewalks. If the City Council decides not to construct a section of sidewalk, the funds will remain in the Capital Infrastructure Program for future projects.

**Recommendation:**

Staff recommends the City Council approve the construction of sidewalks on the above ten listed streets in accordance with City Council Policy 312.

**SIDEWALK SURVEY - 2005 Streets Program - Project No. 190847**

**67th Terrace (Mission to Delmar) PETITION 17 houses on South side**

Address	Name	Form of Conta	Phone	Date	Comments
4011	Susan Schauble	Phone	384-3953	10/4/04	Opposed
4117	John Welter	Phone	677-2719	10/4/04	
4017	Julie Patterson	Phone	722-6074	10/4/04	opposed, planters
	Carla Welch	Phone	262-9203		Opposed
	Tracy	Phone	219-3907(cell),		opposed
4117	Douglas Kibets	Phone	677-0788		opposed, S/S
	William Knight	Phone	816-807-1032	10/5/04	Opposed
	Rick Dimond	Email	722-4193		Opposed
4104	Corinne Jordan	Email	831-3450	10/5/04	Opposed
3901	Joann Francisco	phone	829-0099	10/7/04	opposed
				10/15/04	Opposed

**77th Place (off Roe) PETITION**

7732 Roe	Ron Pruitt	Phone	642-3717,963-9332 (cell)	10/4/04	opposed
4722	Tom Bowman	Phone	649-6992		
4811	Peter Abbey	Email	385-9443	10/7/04	opposed
4810	Howard Snelder	Phone/Email	642-4389	10/11/04	Opposed
4805	Muriel Snyder	Card		10/14/04	Opposed
4716	Jim Edwards	email		10/15/04	oposed
	Kevin McShane	email		10/17/04	Opposed

**78th Street (Belinder to Cambridge)**

23 Houses  
on North  
side

Address	Name	Form of Conta	Phone	Date	Comments
2410	Tom Mallone	Phone	642-9005	10/04/04	opposed
2230	Ron Burkett	Phone			opposed, Rental properties -
2622	Christina Young	Phone	888-2588 x107	10/05/04	write to owners, N/s vs S/S
2224	Dorothy Umphlet	Phone/Email	649-4475	10/6, 10/12	N/S vs S/S, 60 yr old Tulip Tree
2318	Jan Showly	Phone			Many roof drains on her
2616	Cristin Estes	Card/Letter		10/14/04	side, E/O Belinder, hydrant
	Dennis Comstock	email	648-8440	10/22/04	opposed

**84th Terrace (Mission to Reinhardt) PETITION 10 Houses on North side**

3615	Bill Sneed	Phone/Letter		10/4/04	Opposed
3808	Steve Thompson	Phone/email	381-8038	10/6/04	Opposed
	Doug	Phone	648-1571	10/4/04	left message
3510	Lendall Caldwell	Phone	648-4333	10/19/04	Opposed. Will send email
3600	Helen Hogan	Phone/Card/Lr	642-2808	10/7/04	N/S, Opposed
3701	Bob Smith	Phone	649-8754	10/10/04	Opposed
3700	Mary Haughinberry	Letter		10/15, 10/19	Opposed
	James Waers	Email/Letter	649-1353	10/18/04	opposed
3607	Lee Harris	email		10/25/04	Opposed
	David Lillard	email	649-8930		

**Canterbury (Somerset to 79th Street) 9 Houses on East side**

7951	Romney Ketterman	Letter	649-1791	10/12/04	opposed
7955	Arnold Katz	Phone		10/14/04	Opposed
7909	Justin Nichols	email		10/14/04	FOR SIDEWALKS
7915	Ron Burk	letter		10/26/04	opposed
	Lynn Knewtson	letter		10/26/04	opposed

**Eaton (71st Ter to 73rd St) 5 Houses along East side, only 1 ON**

2110	72nd & Diana Cooper	Phone	677-1681		Flooding, Sewer grate, auger, corner Eaton/72nd St
	corner,				
72nd/Eaton	Megan Hey	Phone	980-7977 (cell)		concerns, trees
2115	71st				
Ter	Bruce Johnson	2 Emails, letter	789-7187	10/6/2004, 1	FOR SIDEWALKS, see sketch

**Linden CDS 4 Houses on CDS, West side**

8220	Lynette Hogan	Phone/Email		10/12/04	Opposed
8216	Chuck Renstedt	Phone		10/15/04	Opposed
	Jim Gilbertson	Phone		10/22/04	FOR SIDEWALKS
	Bill McComber	phone/email	341-9227		Opposed

**Linden Drive (Briar to 83rd St)**

8208	John Shelton	Phone	816-932-7228		left message 10/6
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**Policy/Services Committee**  
**November 1, 2004**  
**-Minutes-**

The Policy/Services Committee met on Monday, November 1, 2004 at 6:00 p.m. in the Council Chambers. Present: Steve Noll, Al Herrera, Greg Colston, Pat Daniels, Kay Wolf, David Belz and Mayor Ron Shaffer. Staff present: Bob Pryzby, Tom Trienens, Charles Grover and Joyce Hagen Mundy.

Chairman Steve Noll announced to accommodate those present regarding sidewalks, the committee would move the first item on the agenda to the end of the agenda and begin the meeting with POL2004-18 Consideration of the Sidewalk Policy

**POL2004-18 Consider Sidewalk Policy**

Bob Pryzby reported that during the past ten years, the Council has routinely reviewed its policy on sidewalks. Most of the discussion has been relative to the following questions:

- Should the City be a walking community, if so sidewalks should connect one area to another.
- Should a sidewalk be constructed if the property owners do not want a sidewalk?
- Should all sidewalks be 5-foot wide to accommodate two walkers side by side? Mr. Pryzby noted the City's current sidewalks are 4-foot wide.
- How should Public Works advise the property owner of the intent to construct a sidewalk? Currently written notice is sent with an opportunity to respond at a designated meeting.
- How much weight should be given to property owner preference versus the general public and persons with disabilities? As the City's ADA Coordinator, Mr. Pryzby sees sidewalks as being very important.
- How much weight should be given to property owner preference versus children walking to school? This has become a major issue for Corinth Elementary school population.

Mr. Pryzby reviewed the current city codes and policies regarding sidewalks. The Code provides specifications for sidewalks and allows for residents to petition for sidewalks. The Council Policy on sidewalks specifies where sidewalks will be constructed and addresses the responsibility for maintenance and replacement of sidewalks

The City's Comprehensive Plan states "Priority emplacement of sidewalks is to be according to the School Route Plan by MUTCD. Sidewalks will be emplaced on both sides of arterial streets. All collector and residential streets will have a sidewalk on one side of the street. Emplacement will occur at the time of rehabilitation or reconstruction, or by petition of 51 percent of the property owners along a street in questions, at the City's discretion.

"All new sidewalks shall have a minimum width of four feet and, where possible, five feet on arterial and collector streets. Where possible, the sidewalks will be located no closer than four feet from the curb, or, if no curb exists, five feet from the edge of the road."

“Obstacles in the sidewalk path will be relocated where possible. Otherwise the sidewalk will be located around existing obstacles. Handicap ramps will be emplaced at the sidewalk intersections with the curb and gutter of the adjacent street.”

Mr. Pryzby reviewed the American with Disabilities Act Accessible Guidelines which requires sidewalks and ramps connecting sidewalk to street edge. New guidelines are expected in the near future requiring the identification of a pedestrian access route. These will initially be presented as guidelines; however, Mr. Pryzby anticipates they will become law within a few years.

The Manual of Uniform Traffic Control Devices (MUTCD) addresses as they specifically relate to school zones. It was noted that the Shawnee Mission School District policy on busing is that the student must reside beyond 2.5 mile radius of the school. This means that all Prairie Village students are within the 2.5 mile limit and therefore are in the walking zone.

Mr. Pryzby reviewed the current practices of the Public Works Department for repair and maintenance of sidewalks.

When a neighborhood has been designated for paving, the public works crews will look to see if existing sidewalks meet the city’s requirements. If they do not, the city plans to construct sidewalks at the necessary locations. The property owner is then sent a notice of intent to construct advising them that per City Policy sidewalks will be constructed on their property. The public works crews will also stake the probable location of the sidewalks.

Kay Wolf asked if there is a timeframe in which the residents must respond to the notice of intent. Mr. Pryzby responded there has not been a time limit and stated the Council may want to consider a 30 days limit. He stated that he would like to see the response in the form of a petition; but noted that his staff also recorded telephone responses and e-mails.

Mrs. Wolf noted the late response of the residents on Catalina cost the City significant money for the design of sidewalks that were never constructed. She feels a limited time period for residents to respond could have prevented the unnecessary expenditure of city funds.

Steve Noll stated that in the past a global public information meeting was held on the entire street project. These were very poorly attended. Now the City is taking more focused action to address the sidewalk question. He also noted the action is being taken prior to the expenditure of design funds.

Greg Colston confirmed the 4-foot distance from the curb is to allow for a grass median and to address the concerns of sidewalks located close to the roadway while working within city right-of-way. Mr. Pryzby noted however that in some cases, such as Mission Road, there was no right-of-way remaining for the construction of sidewalks so the City was required to get easements from the property owners.

Greg Colston stated he would like to see all residential sidewalks be 5 feet in width and the sidewalks in the park be 8 feet in width.



Greg Colston moved to amend the City policy to change the width of city sidewalks from 4 feet to 5 feet. The motion died for the lack of a second.

Steve Noll asked if it was the consensus of the committee to continue with the existing policy.

Al Herrera and Greg Colston supported the addition of a timeframe in which the residents must respond as suggested by Kay Wolf.

Steve Noll stated he has been working with Mr. Pryzby over the past several years to improve the notification process and he supports amending the current process to include notification at the earliest date possible, written notification and placement of stakes showing probable location of the sidewalk. He questioned if notice could be given out as early as September after the adoption of the budget in August and it is known what streets have been approved for work. Mr. Pryzby stated the only problem would be that at that time they would not know what side of the street the sidewalk will be located as it would be prior to any engineering work being done.

Kay Wolf made the following motion, which was seconded by Al Herrera and passed unanimously:

**RECOMMEND THE CITY COUNCIL AMEND COUNCIL POLICY 312  
BY ADDING THAT ONCE NOTICE OF INTENT TO CONSTRUCT IS  
GIVEN TO THE AFFECTED PROPERTY OWNERS FOR THE  
CONSTRUCTION OF SIDEWALKS, THEY HAVE THIRTY (30) DAYS IN  
WHICH TO VOICE THEIR OPPOSITION TO CONSTRUCTION AND DIRECT  
PUBLIC WORK STAFF TO GIVE WRITTEN NOTICE TO THE AFFECTED  
PROPERTY OWNERS AND OTHER RESIDENTS IN THE GENERAL AREA  
FOLLOWED BY THE STAKING OF THE AFFECTED PROPERTIES TO  
REFLECT THE PROBABLE LOCATION OF THE SIDEWALK  
COUNCIL ACTION TAKEN  
11/01/2004**

Al Herrera asked why the policy connects street resurfacing with the construction of sidewalks. Steve Noll responded the policy has been in place since before 1991. He feels the probable reasoning of the Council was do both sidewalks and street work at the same time to minimize the interruptions to the residents and for the possible cost benefits through economy of scales combining the work.

Mr. Pryzby noted that some people want sidewalks, sidewalks are most prevalent for safe working in school areas. The city has received petitions to install sidewalks, such as the one received for 79<sup>th</sup> Street. The underlying goal is to provide safe walking within the City with the option for residents to voice their opinion.

**POL2004-10 Consider Project 190847: 2005 Street Resurfacing Program**

The 2005 Street Resurfacing Program consists of 16 sections of street. Ten of these streets to not have sidewalks as required by Council Policy 312 and 7 have no sidewalks. Mr. Pryzby advised the residents on these streets have been advised of the city's intent to construct sidewalks and

their ability to comment on the proposed construction. He noted many of the residents are present at this meeting.

Tom Trienens, Manager of Engineering Services, reviewed the streets without sidewalks and the response received from the affected property owners.

- 67<sup>th</sup> Terrace (Delmar Drive to Mission Road) – Based on the topography of the properties adjacent to the street, the south side is best suited for a parkway (grass strip between sidewalk and curb) sidewalk installation.
  - 28 of the 31 total property owners opposed to the construction of sidewalk
  - 16 of the 17 property owners on the south side (proposed sidewalk location) opposed to the sidewalk
- 77<sup>th</sup> Place CDS (Roe Avenue to end of CDS)
  - 12 of the 13 property owners opposed to the construction of the sidewalk.
- 78<sup>th</sup> Street (Belinder Avenue to Cambridge Street) – Based on the topography of the properties adjacent to the street, the south side is best suited for a parkway style sidewalk. However, very large trees align both sides of the street and will require acquisition of permanent sidewalk easements.
  - 11 of the 23 property owners on the north side opposed to the construction of sidewalk
  -
- 81<sup>st</sup> Street (Lamar Avenue to Nall Avenue) – Based on the topography of the properties, the north side of the street is best suited for a parkway sidewalk installation.
- 84<sup>th</sup> Terrace (Mission Road to Reinhardt Lane)
  - 19 of the 20 property owners opposed to the construction of sidewalk
- Canterbury Street (79<sup>th</sup> Street to Somerset Drive)
  - 4 of the 9 property owners opposed to the construction of sidewalk
- Eaton Street (71<sup>st</sup> Terrace to 73<sup>rd</sup> Street)
  - Only two house on Eaton
- Linden Drive (70<sup>th</sup> Terrace to 71<sup>st</sup> Street)
- Linden Drive CDS (Linden Drive to end of CDS)
  - 3 of the 4 property owners opposed to the construction of sidewalks
- Mohawk Drive (75<sup>th</sup> Street to 77<sup>th</sup> Street)

Chairman Steve Noll opened the meeting to public comment.

William Knight, 4006 West 67<sup>th</sup> Terrace, reminded the committee that 28 of the 31 property owners for his neighborhood signed a petition opposing the construction of sidewalk. Two of those not signing were rental properties, where the owner was unable to be contacted during the past two weeks. No one they spoke with supported the construction of sidewalks. He sees the issue as one of following a policy vs. the aesthetics of a neighborhood.

Tracy McCluskey, 3907 West 67<sup>th</sup> Terrace, shared with the committee of pictures of sidewalks within Prairie Village that she felt were in need of repair. She stated the city should repair its existing sidewalks before tearing up property to install additional sidewalk. She is concerned with the impact a sidewalk in the middle of her front yard would have on her privacy.

Ron Pruitt, 7732 Roe Avenue adjacent to 67<sup>th</sup> Place, feels the sidewalk is unnecessary at this location as it is a cul-de-sac that people do not use and goes no where. He noted children play in the cul-de-sac.

Douglas Kibets, 4160 West 67<sup>th</sup> Terrace, asked what the correlation was between the repair of the street and the construction of sidewalk. Steve Noll responded they are done at the same time to minimize the disruption to the neighborhood, for cost savings and to ensure all areas of the city are looked at.

Julie Patterson, 4117 West 67<sup>th</sup> Terrace, expressed concern with the location of the sidewalk noting the large trees that would need to be accommodated. She has two children and does not see the need for the sidewalk as she does not see children walking in the neighborhood.

Mr. Stout, 7900 Canterbury, stated his home was built 50 years ago without any sidewalk and does not feel one needs to be constructed now. He felt it would create a traffic hazard with cars parking on the street limiting vision. He did a survey of walkers both in his area and in areas in adjacent cities with sidewalks and found very few people walking. He does not feel we are a walking society. He does not want sidewalks on residential streets or the parked cars they will bring.

Helen Hogan, 3510 West 84<sup>th</sup> Terrace between Mission Road and Reinhardt cul-de-sac. She stated hers is a walking community; however, it is so without any sidewalks. She presented a petition with 19 of the 20 property owners on 84<sup>th</sup> Terrace opposing the construction of sidewalks. She noted that this is not a through street and has minimal traffic. The front yards are narrow and the placement of sidewalk would significantly impact the front yards. Mrs. Hogan stated the money designated for sidewalks at this location could be better spent elsewhere.

Howard Sneider, 4811 West 77<sup>th</sup> Place, stated a sidewalk at this location would be a sidewalk to nowhere. He has lived at this location for 41 years and no one walks down their street. Mr. Sneider submitted a petition with 12 of the 13 property owners in the neighborhood opposing the construction of sidewalk.

Ron Burkett, 2230 West 78<sup>th</sup> Street, stated his street does not have traffic or children and a sidewalk is not needed, but he would like to see the speed of traffic reduced.

Diana Cooper, 2110 West 72<sup>nd</sup>, stated she doesn't want a sidewalk 10 feet into her front yard. She noted many runners use the street, not sidewalk for running. She is unable to shovel snow from the sidewalk and does not want the expense of hiring someone to remove snow from a sidewalk she did not request or want.

Laura Staley, 2306 West 78<sup>th</sup> Street, stated she has lived in her home for 24 years and is puzzled why now, when the neighborhood school has been closed, the city wants to construct a sidewalk. She stated she often walks the sidewalk on nearby 79<sup>th</sup> Street, which is very uneven, and feels safer walking in the street. She is concerned of pets walking a sidewalk on her property. She feels it would be a sidewalk to nowhere and is not necessary. 13 property owners oppose.

Steve Thompson, 3808 West 84<sup>th</sup> Terrace, thanked the committee for accepting input from the residents He noted that although his property is close to Corinth Elementary, it is on a cul-de-sac and not used by children walking to school. He opposes the construction of a sidewalk.

Megan Hey, corner 72<sup>nd</sup> Terrace/Eaton, stated that as a corner lot, she would have approximately  $\frac{3}{4}$  of a block that would be sidewalk. She would also probably lose 3 large trees if a sidewalk was constructed, or if it was constructed on the other side of the trees, people would be able to look into her home. She currently walks the neighborhood without any sidewalk and opposes the construction of a sidewalk.

Chuck Grinstead, 8224 Linden, stated a sidewalk in his neighborhood would be 60 feet of concrete going nowhere. There are five homes in the neighborhood and 4 of them are opposed to the sidewalk. Mr. Grinstead commended the public works staff on their response to his questions.

Christina Young, 2622 West 78<sup>th</sup> Street, noted that her area covers two separate blocks and questions only 11 people opposing the sidewalk. She noted the area has several large trees and is on a slope making the construction of sidewalks very difficult. She strongly opposes their construction.

Nancy Plumber, 2312 West 78<sup>th</sup> Street, stated 27 years ago she begged for a sidewalk when she had young children. However, now that the neighborhood has matured the only way sidewalks could be constructed would be at the loss of several large trees or located in the middle of front yards to avoid the trees. She feels the property owners should have the right to not have sidewalks.

Cristin Estes, 2318 West 78<sup>th</sup> Street, questioned the proposed location of the sidewalk for 78<sup>th</sup> street, noting there are twice as many trees on the north side of the street as there are on the south side. She personally has two large trees that would be affected by the proposed sidewalk. Cristin felt the sidewalks on 79<sup>th</sup> and Booth were sufficient for the neighborhood.

Kathy Young, 2221 West 78<sup>th</sup> Street, spoke in support of sidewalks. She expressed concern for the safety of children currently riding their bicycles in the street.

Jim Gilbertson, 8220 Linden, noted that Prairie Village demographically is one of the oldest communities in the area and it is beginning to go through a change. Of the five properties on his cul-de-sac, 2 are new families with young children who play in the street. This cul-de-sac is used as a turnaround. The proposed sidewalk is not practical as it would serve only two houses. Mr. Gilbertson noted this is the first city in which he has lived where the city pays the cost for the construction of sidewalks. This is an established neighborhood, a curb edge sidewalk is preferable to one set inside because of the established landscape, similar to that found in the Corinth Hills area.

Amy Mason, 2306 West 78<sup>th</sup> Street, stated she has lived in her home for 17 years and never felt the lack of sidewalks to be an issue. She feels safe in her neighborhood.

Greg Colston asked if it was practical to put the sidewalks at curbside on cul-de-sacs. Mr. Pryzby responded the location of the sidewalks would be determined during the design phase of the project. The sidewalks could be located next to the curb or on the house side of trees. It is not known at this time.

Residents asked if they would have any input in the location of the sidewalk. Mr. Pryzby responded that residents will have the opportunity for input.

Al Herrera asked about the location of the sidewalk on 67<sup>th</sup> Street. Steve Noll responded exact location has not been determined as the city does not want to spend money designing sidewalks that will never be constructed.

Kay Wolf made the following motion, which was seconded by Pat Daniels:

**RECOMMEND THE CITY COUNCIL NOT CONSTRUCT SIDEWALKS AT THE FOLLOWING LOCATIONS IN CONJUNCTION WITH THE 2005 STREET RESURFACING PROGRAM: 67<sup>TH</sup> TERRACE (MISSION TO DELMAR); 77<sup>TH</sup> PLACE (OFF ROE); 78<sup>TH</sup> STREET (BELINDER TO CAMBRIDGE); 84<sup>TH</sup> TERRACE (MISSION ROAD TO REINHARDT LANE); CANTERBURY STREET (79<sup>TH</sup> STREET TO SOMERSET DRIVE); EATON STREET (71<sup>ST</sup> TERRACE TO 73<sup>RD</sup> STREET) AND LINDEN DRIVE CUL-DE-SAC.**

Pat Daniels stated when he moved to Juniper Lane he signed a petition requesting a sidewalk and has used it regularly. He is disheartened to hear the comments by the residents opposing sidewalks. He understands the concerns with trees and the impact on front yards; but he truly feels there is a definite trend towards more walking, younger families with children moving into the city who will want to use sidewalks. He feels in the long term the decision to not construct sidewalks is one the city will regret.

Greg Colston stated he agreed with Mr. Daniels and supports the construction of sidewalks, but in this instance because of the impact on mature trees he will be voting for the motion on the floor; although he believes the city should be walkable.

David Belz stated he will be voting against the motion. People will walk whether there are sidewalks or not; however, the most important issue is the safety of the children. Kids on sidewalks are safer than kids in the street. He understands the residents concerns; however, it is the city's responsibility to provide the opportunity for children to safely walk to school and in the end he feels the City will be a better community with sidewalks than without sidewalks.

The question was called and seconded with a roll call vote taken on the motion and the following votes cast: "aye" Colston, Daniels, Wolf; "nay" Herrera & Belz. The motion was declared passed.

**COUNCIL ACTION TAKEN**  
**11/01/2004**

With the appointed time for the City Council meeting, Chairman Steve Noll adjourned the committee meeting at 7:30 p.m. stating the agenda would be continued under New Business during the City Council meeting.

Steve Noll  
Co-Chairman

Greg Colston asked if the suggested barriers for the sidewalk adjacent to the street were being addressed. Mr. Pryzby responded he didn't remember them being addressed, but noted that he and Chief could work on that issue without incurring the additional expense with BWR.

**NEW BUSINESS**

**POI.2004-18 Consider Sidewalk Policy**

Steve Noll announced that at the earlier Policy/Services Committee meeting, the committee reviewed the existing sidewalk policy. The committee felt the existing policy should remain in place, however, they felt a modification in the notification and response process would be advantageous.

On behalf of the Policy/Services Committee, Steve Noll moved the City Council amend Council Policy 312 by adding that once the notice of intent to construct is given to the affected property owners for the construction of sidewalks, they would have thirty (30) days in which to voice their opposition to the construction and directed public works to give written notice to the affected property owners and other residents in the general area followed by the staking of the affected properties to reflect the potential location of the sidewalk. The motion was seconded by Greg Colston.

Laura Wassmer asked if this timeframe was acceptable. Mr. Pryzby responded that his staff should be able to make the initial investigation as streets are being considered.

Ruth Hopkins questioned how this amendment was different than what is being done. Mr. Pryzby responded in the past "public information meetings" were held to address all the issues of the entire project. The design of the sidewalks was already completed with engineering costs incurred by the City. Under the proposed plan, the residents are notified specifically about the construction of possible sidewalks on their property both by written notice and staking of their property and given the opportunity to respond before engineering costs are incurred to design sidewalks that may or may not be constructed.

Bill Griffith asked if the motion on the floor addressed the ability of the residents to "opt out" of having sidewalks constructed. Steve Noll responded the committee is

recommending the existing policy, which allows residents to “opt out” of sidewalks be retained with the proposed amendments.

The motion amending Council Policy 312 was voted on and passed by a vote of ten to one with Bill Griffith voting “nay”.

POI.2004-10 Consider Project 190847: 2005 Street Resurfacing Program

Steve Noll reported that earlier this evening, the Policy/Services met and received extensive input from residents regarding the proposed construction of sidewalks as part of the 2005 Street Resurfacing Program in accordance with Council Policy 312.

On behalf of the Policy/Services Committee, Steve Noll moved the City Council approve the residents’ request that sidewalks not be constructed as part of the 2005 Street Resurfacing Program at the following locations: 67<sup>th</sup> Terrace (Delmar Drive to Mission Road), 77<sup>th</sup> Place cul-de-sac (Roe Avenue to the end of the cul-de-sac), 78<sup>th</sup> Street (Belinder Avenue to Cambridge Street), 84<sup>th</sup> Terrace (Mission Road to Reinhardt Lane), Canterbury Street (79<sup>th</sup> Street to Somerset Drive), Eaton Street (71<sup>st</sup> Terrace to 73<sup>rd</sup> Street) and Linden Drive Cul-de-Sac. The motion was seconded by Kay Wolf.

Ruth Hopkins asked if more than 50% of the property owners for these streets had signed petitions opposing construction of sidewalks. Tom Trienens responded that in some cases the opposition was done by formal petitions, but noted that public works staff also recorded e-mail and telephone responses.

For the streets listed in the motion the City received the following response:

- 67<sup>th</sup> Terrace (Delmar Drive to Mission Road) – on the sidewalk street side 16 of 17 opposed the sidewalk, overall 28 of 31 in the neighborhood oppose the sidewalk
- 77<sup>th</sup> Place Cul-de-Sac (Roe Avenue to end of cul-de-sac) 12 of 13 property owners oppose the sidewalk
- 78<sup>th</sup> Street (Belinder Avenue to Cambridge Street) 21 of 47 property owners oppose the sidewalk
- 84<sup>th</sup> Terrace (Mission Road to Reinhardt Lane) 19 of 20 property owners oppose the sidewalk
- Canterbury (79<sup>th</sup> Street to Somerset) 4 of 9 property owners opposed the sidewalk
- Eaton Street (71<sup>st</sup> Terrace to 73<sup>rd</sup> Street) 4 of 8 property owners oppose the sidewalk
- Linden Drive Cul-de-Sac (Linden Drive to end of cul-de-sac) 3 of the 4 property owners oppose the sidewalk

Bill Griffith said six years ago a sidewalk was constructed in front of his home.

He sees the sidewalk being used regularly and is more and more uncomfortable with residents requesting that sidewalks not be constructed. He sees this as a bigger issue than

residents' desires. The Council has stated it wants the City to become more walkable, pedestrian friendly and this can not occur without the construction of sidewalks. He recognizes a large number of people don't want sidewalks, but feels there must be a more compelling reason than neighborhood wishes to go against a policy set for the benefit and safety of the entire City.

Ruth Hopkins can see the rationale for not constructing sidewalks in cul-de-sacs, but she does not feel it is fair for a vocal minority of the city's residents to receive priority over what is in the best interest of the entire City.

Al Herrera doesn't want to lose large mature trees in this area; however, he is concerned that the City has set a policy and keeps backing out of it because of neighborhood opposition.

Greg Colston stated he strongly supports sidewalks, but is torn in this instance because of the potential loss of large mature trees.

Laura Wassmer said she is a huge tree-lover and trees were one of the reasons she moved to Prairie Village, but also stated she is a walker and loves to walk through the City. She is disappointed with the comments against sidewalks and does not understand the problem with having people walk by ones home. She enjoys having people walk by, stopping to talk and feels it strengthens the neighborhood.

Mayor Shaffer stated comments were heard earlier in the evening by the Policy/Services Committee and noted that two individuals spoke in favor of the construction of sidewalks. He advised residents present they would be able to address the Council, but asked them to keep their comments brief.

Tracy McCluskey, 3907 West 67<sup>th</sup> Terrace, felt the construction of a sidewalk in her front yard, particularly if constructed on the house side of the trees in her yard would be an invasion of her family's privacy. She reminded the Council that 28 of the 31 property owners in her neighborhood oppose the construction of sidewalks.

Cristin Estes, 2318 West 78<sup>th</sup> Street, questioned the proposed location of the sidewalk for 78<sup>th</sup> Street, noting there are twice as many trees on the north side of the street as there are on the south side. She does not feel sidewalks are needed on every street and that the sidewalks on 79<sup>th</sup> and Booth were sufficient for the neighborhood.



Steve Thompson, 3808 West 84<sup>th</sup> Terrace, urged the Council to look at each street individually. His street forms a horseshoe and is generally a closed area. A petition presented this evening reflected opposition from 21 of 22 property owners. He commended the Council for asking for input and urged them to acknowledge and support the requests of nearly 100% of the property owners on 84<sup>th</sup> Terrace.

Diana Cooper, 2110 West 72<sup>nd</sup> Street, noted that most of the properties in her neighborhood have shallow front yards and the construction of a sidewalk would significantly impact their yard.

She understands the safety concerns for children, but noted this area is not near schools. She stated a majority of the existing trees would need to be removed for the construction of a sidewalk and noted that people, she included, often use the street even when there are existing sidewalks.

Mrs. Cooper questioned the interpretation of no responses to be individuals supporting sidewalks, she felt if they really wanted sidewalks they would have responded. She urged the Council to spend money on something that was really wanted Tom Malone, 2410 West 78<sup>th</sup> Street, an 18 year resident of Prairie Village questioned the need for sidewalks especially with the recent closing of Somerset Elementary School. He noted the slope of the land along 78<sup>th</sup> street will make sidewalks both difficult to construct and to walk on. He does not feel there is a need for sidewalks and feels the construction of sidewalks will diminish the hometown feeling of the area and damage existing landscape. Mr. Malone reminded the Council the majority of the property owners on both sides of 78<sup>th</sup> Street oppose the construction of a sidewalk.

Laura Wassmer left the meeting.

Doug Kibbets, 4160 West 67<sup>th</sup> Terrace, stated his neighborhood has responded appropriately gathering petitions representing 28 of the 31 properties in the area requesting that a sidewalk not be constructed. He urged the Council to support the will of the people. He does not see a need for the sidewalk, he walks in the street, 67<sup>th</sup> Terrace is not a major street and the loss of even one tree would be a shame. Sidewalks are great on some streets, but not at this location.

William Knight, 4006 West 67<sup>th</sup> Terrace, noted the petitions submitted reflect a supermajority of the property owners within the area. He questioned how the Council could deny the request when earlier petitions have been honored.

Jim Gilbertson, 8220 Linden Drive, noted this area is a cul-de-sac with four of the five property owners opposing the sidewalk. Prairie Village is a village of trees, trees that make the City unique and are positively reflected in property values and home sales. Trees are very important to the people of Prairie Village; therefore, if sidewalks were necessary, he would ask that they be constructed at the edge of the curb to minimize the impact on existing trees. He noted as a cul-de-sac, vehicular traffic safety is not a major concern and he feels sidewalks at the curb would be appropriate.

Eileen Hungerford, 2114 West 72<sup>nd</sup> Terrace, stated she would lose three large trees to the construction of the sidewalk. She stated she did not understand how the Council could ignore the clear voice of the majority of impacted property owners and allow for the construction of a sidewalk.

Ruth Hopkins stated she would be very uncomfortable voting for the streets as a whole and would like to consider them individually.

Kay Wolf stated she was not opposed to considering the streets individually. She noted the streets she had listed in her motion had the following responses, including those received this evening:

- 67<sup>th</sup> Terrace (Delmar Drive to Mission Road) – overall 28 of 31 in the neighborhood oppose the sidewalk
- 77<sup>th</sup> Place Cul-de-Sac (Roe Avenue to end of cul-de-sac) 12 of 13 property owners oppose the sidewalk
- 78<sup>th</sup> Street (Belinder Avenue to Cambridge Street) 21 of 47 property owners (45%) oppose the sidewalk
- 84<sup>th</sup> Terrace (Mission Road to Reinhardt Lane) 21 of 22 property owners oppose the sidewalk
- Canterbury (79<sup>th</sup> Street to Somerset) 4 of 9 property owners opposed the sidewalk
- Eaton Street (71<sup>st</sup> Terrace to 73<sup>rd</sup> Street) 4 of 8 property owners oppose the sidewalk
- Linden Drive Cul-de-Sac (Linden Drive to end of cul-de-sac) 4 of 5 property owners oppose the sidewalk

Mr. Pryzby stated the city can only count those individuals who have responded.

He noted most of the houses on Eaton will have the sidewalk on their side yard.

A resident suggested the city consider having a bike lane rather than constructing sidewalks.

Steve Noll called for the question. The motion was seconded by Greg Colston, which passed unanimously. A hand vote was taken on the motion to not include the construction of sidewalks in conjunction with the 2005 Street Resurfacing program at the following locations: 67<sup>th</sup> Terrace (Delmar Dive to Mission Road), 77<sup>th</sup> Place cul-de-sac (Roe Avenue to end of cul-de-sac), 78<sup>th</sup> Street (Belinder Avenue to Cambridge Street), 84<sup>th</sup> Terrace (Mission Road to Reinhardt Lane), Canterbury (79<sup>th</sup> Street to Somerset), Eaton Street (71<sup>st</sup> Terrace to 73<sup>rd</sup> Street) and Linden Drive cul-de-sac (Linden Drive to end of cul-de-sac).

The following votes were cast: “aye” Herrera, Noll, Anthony, Colston and Wolf; “nay” Griffith, Hopkins, Wang, Daniels and Belz. With a tie vote of 5 to 5, Mayor Shaffer voted in support of the motion and declared the motion passed.

POL2004-08 Consider Project 190848: Mission Road from 83<sup>rd</sup> Street to Somerset Drive

Steve Noll reported last March the City requested funding from the County Assisted Road System (CARS) to resurface Mission Road from 83<sup>rd</sup> Street to Somerset Drive. The County has approved the request and prepared an interlocal agreement for the project. The County share of this project will be \$171,000.

Bill Griffith asked what the project entailed. Mr. Pryzby responded it would be a mill & overlay project with sidewalk and curbing work. The City would cover half of the cost and the county cover half.

On behalf of the Policy/Services Committee, Steve Noll moved the City Council approve the interlocal agreement with Johnson County for County Assistance Road System (CARS) funding in the amount of \$171,000 for Project 190848: Mission Road from 83<sup>rd</sup> Street to Somerset. The motion was seconded by Greg Colston and passed by a vote of 9 to 1 with Jeff Anthony voting “nay”.

POL2004-08 Consider Project 190841: Mission Road from 71<sup>st</sup> Street to 75<sup>th</sup> Street

Steve Noll reported last March the City requested funding from the County Assisted Road System (CARS) Program to resurface Mission Road from 71<sup>st</sup> Street to 75<sup>th</sup> Street. The County has approved the request and prepared an interlocal agreement for the project. The County’s share of this project will be \$235,000.

<p><i>City of Prairie Village, Kansas</i></p> <p><b>City Council Policy</b></p>	<p><b>Policy No. 312</b></p> <p><b>Effective Date: 11/01/2004</b></p> <p><b>Page 1 of 3</b></p> <p><b>Last Revision Date: 09/05/2000</b></p>
<p><b>Sidewalks</b></p>	

**I. PURPOSE:**

To establish a Public Works policy for the construction, reconstruction and repair of City sidewalks for the safe and convenient conveyance of pedestrians.

**II. RESPONSIBILITY:**

Director of Public Works

**III. POLICY:**

ARTERIAL STREETS

- A. All arterial streets will have sidewalks constructed on both sides of the street. The priority shall be given to sidewalks shown on the most current "School Crossing Plan".
- B. When an arterial street is reconstructed, the City will install a sidewalk on both sides of the arterial street. The construction cost may be paid as part of the street reconstruction project.
- C. When an arterial street is resurfaced and there is no sidewalk, the City will install a sidewalk on one side of the street. The construction cost may be paid as part of the street resurfacing project.

COLLECTOR STREETS

- A. All collector streets will have sidewalks constructed on both sides of the street when the street is reconstructed. The construction cost may be paid as part of the street reconstruction project.

- B. When a collector is resurfaced, a new sidewalk will be installed on one side of the said street. The construction cost may be paid from the street resurfacing project.

RESIDENTIAL STREETS

- A. All residential streets will have sidewalks constructed on one side of the street. The construction cost may be paid as part of the street resurfacing or reconstruction project.

CITIZEN PETITIONS

- A. Citizens may petition for the construction or reconstruction of a sidewalk by submitting a petition on proper form to the City Clerk. The petition must bear the signatures of not less than 25 of the citizens owning real estate in the City, or 51 percent of the citizens owning real estate along the street where the proposed sidewalk construction or reconstruction is to occur. The City Council, in its discretion, may order such sidewalk constructed or reconstructed.
- B. Sidewalks to be constructed as part of a street resurfacing project in accordance with this Council Policy will require a **written** notice to be sent to all affected property owners and residents in the general area before design work is begun followed by the staking of the affected properties to reflect the potential location of the sidewalk.
- C. Once the notice of intent to construct is given to the affected property owners for the construction of sidewalks, they have thirty (30) days in which to comment on the construction.

CONSTRUCTION BY ABUTTING PROPERTY OWNERS

- A. Nothing herein shall prohibit the owner of property abutting on a street who desires to construct or reconstruct a sidewalk from doing so without any petition or condemning resolution. The owner must do so at no cost to the City and in accordance with official plans and specifications.
- B. Provided, that if such property owner desires the sidewalk to be constructed or reconstructed by the City and an assessment levied as provided in other cases, the owner shall file a request with the City Council. The City Council may provide, in its discretion, for the construction or reconstruction of the sidewalk in the same manner as in cases where citizens or taxpayers file petitions.

SIDEWALK PERMITS

- A. All persons constructing or reconstructing sidewalks in the City shall apply and obtain a permit from the Director of Public Works. The person proposing to do the construction or reconstruction shall submit a plan showing the intended work, location, grade and material.

SETBACK REQUIREMENTS

- A. All newly constructed sidewalks shall have a minimum width of five feet on arterial and collector streets, and a minimum width of four feet on all other streets. The street side of the sidewalk shall not be located closer than five feet to the street face of curb or edge pavement if no curb is present.
- B. If because of extenuating circumstances, a sidewalk must be constructed within 5-feet of a street curb, then that sidewalk will be 5-foot wide.

OBSTACLES

- A. All obstacles in the path of a sidewalk shall be reviewed to determine if it is feasible to relocate the obstacle. If the obstacle cannot be removed, the sidewalk may be relocated around the obstacle.

SIDEWALK RAMPS

- A. When a sidewalk terminates at a street pavement, a sidewalk ramp shall be constructed to the plans and specifications of the Public Works Department.

CONSTRUCTION, RECONSTRUCTION AND REPAIR COSTS

- A. The City shall be responsible for the cost of construction, reconstruction and repairs of City sidewalks, except as provided otherwise by City Municipal Code.3.11 SPECIAL CIRCUMSTANCES3.11 In the case of extenuating circumstances, the City Council may choose to waive or modify parts of this Policy for that extenuating circumstance. The basis of such waiver or modification may be in the interest of the safety, health and welfare of its citizens. Such waiver or modification may not be interpreted for future application as precedent setting.

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CITY OF PRAIRIE VILLAGE

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**TO:** CITY COUNCIL  
**FROM:** RON SHAFFER, MAYOR  
**SUBJECT:** APPOINTMENT OF CITY PROSECUTOR  
**DATE:** 7/12/2005  
**CC:**

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I am pleased to submit the name of Chauncey M. Depew for appointment at City Prosecutor. As you are aware, an Interim Prosecutor has been serving since April.

After conducting a recruitment process attracting numerous qualified applicants, a panel consisting of myself, Charlie Wetzler, Doug Luther, and Capt. Wes Jordan interviewed several fine candidates, Mr. Depew distinguished himself as the most qualified individual for this position and will meet the needs identified by both the Municipal Court and Police Department.

As his attached resume demonstrates, Mr. Depew has considerable experience as a City Prosecutor, having previously served in this capacity in the cities of Overland Park and Merriam. Mr. Depew is now in private practice.

This matter will be addressed under New Business at the 18 July, 2005 City Council meeting

# COPY CHAUNCEY M. DEPEW

ATTORNEY AT LAW

RECEIVED  
RICK  
Gandy

Chauncey M. Depew, L.L.C.  
3145 Broadway  
Kansas City, Missouri 64111  
(816) 561-2555

501 Quail Creek Drive  
Independence, Missouri 64055  
(816) 373-6120

## PROFESSIONAL EXPERIENCE

### **July 2004 to Present**

#### **Chauncey M. Depew, L.L.C.**

Solo Practitioner, focusing law practice on local, state and federal criminal defense, worker's compensation and personal injury. Manage operations and finances independently.

### **February 2000 to July 2004**

#### **Weber, Pickett & Gale, L.L.C.**

Partner in a small, full-service law firm handling a variety of civil and criminal cases. Responsible for daily administration, financial oversight, and coordinating the work of two full-time employees. My practice focused mainly on federal, state, and local criminal defense, as well as worker's compensation and personal injury.

### **February, 1997 to June, 2001**

#### **City of Merriam, Kansas**

City Prosecutor. Handled cases in all stages from investigation through to trial or plea. Advised police and conducted training on legal issues relevant to municipal court. Conducted legal research and drafted many briefs and motions. Developed many policies and practices, and coordinated efforts of full and part-time court staff. Filed and prosecuted cases in Johnson County District Court. Also filled-in as City Attorney during transition period, advising city council and mayor on various legal issues. Handled inquiries from media concerning election issues, and worked closely with city employees and commissions.

### **November, 1995 to February, 2000**

#### **Lance E. Hanson, L.L.C.**

Partner in a small law firm handling mainly worker's compensation cases, personal injury and state and local criminal defense. Responsible for financial oversight and daily law firm administration.

### **October, 1993 to November, 1995**

#### **City of Overland Park, Kansas**

Assistant City Attorney/City Prosecutor. Handled municipal court cases in all stages, from arraignment to appellate filing. Wrote two appellate briefs, as well as various responses to Motions. Conducted legal research. Responsible for developing current filing system used in the prosecutor's office. Coordinated efforts of two full-time employees. Advised police on minor legal issues. Filed and prosecuted cases in Johnson County District Court.

## EDUCATION

B.A., DePauw University, Greencastle, Indiana, English Literature (1990)  
J.D., University of Missouri, Kansas City School of Law (1993)

Admitted to Kansas Bar, 1993  
Admitted to Missouri Bar, 2002



## MAYOR'S ANNOUNCEMENTS

Monday, July 18, 2005

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

Prairie Village Arts Council	07/20/2005	7:00 p.m.
Smoke-free Workplace Meeting	07/25/2005	7:00 p.m.
Environmental/Recycle Committee	07/27/2005	7:00 p.m.
VillageFest Committee	07/28/2005	7:00 p.m.
Policy/Services Committee	08/01/2005	6:00 p.m.
Legislative/Finance Committee	08/01/2005	6:00 p.m.
Council	08/01/2005	7:30 p.m.

The Prairie Village Arts Council is pleased to feature an exhibit of Marearl Dennings pottery & photography in the R.G. Endres Gallery during the month of July. In the month of August Lynne Hodgman's handmade paper & calligraphy will be featured in the R. G. Endres Gallery.

½ price Swimming Pool memberships are now on sale in the Municipal Building. Information & applications for all recreational programs can be found on the City's website [www.pvkansas.com](http://www.pvkansas.com).

Join us for the Prairie Village Synchronized Swim Show on July 31<sup>st</sup> at 8:30 p.m.

Prairie Village will host the NE Chamber Coffee on Tuesday, August 9<sup>th</sup> at 8 a.m. Please plan to attend.

The last of Prairie Village Sister Cities, Cinema in the Chamber will be presenting the international film **Chocolat** on Friday, August 12<sup>th</sup>.

The 50<sup>th</sup> Anniversary books, Prairie Village Our Story, are being sold to the public.

**INFORMATIONAL ITEMS**  
**July 18, 2005**

1. Assistant City Administrator Report – July 14, 2005
2. Planning Commission Minutes –June 7, 2005
3. Planning Commission Actions – July 5, 2005
4. Sister City Committee – July 11, 2005
5. Sister City Committee – June 13, 2005
6. Memo from the Mayor – Committee appointment interests
7. Letter from Karen K. Sanders concerning Concert in Franklin Park
8. Letter from Board of County Commissioners – Ruth Hopkins reappointment
9. Mark your Calendar
10. Council Committee Agenda
11. Noteworthy

Assistant City Administrator's Report  
14 July, 2005

Orange Barrel Update

- 71st Street will continue to be closed, west of Mission Road for at least one more week while brick crosswalks are installed and drainage work is completed.
- Somerset will be closed, west of Roe Avenue beginning July 18th, Monday for a period of one or two weeks while a new drainage pipe is installed across Somerset. Water One will also be doing some work in this area, taking advantage of the closure for City work.

Sidewalks

At the 5 July Council meeting, a resident inquired about why sidewalks were not being constructed on Canterbury from 79<sup>th</sup> Street to Somerset. A review of Policy/Services Committee and City Council meetings show that, on 1 November, 2004, the Policy/Services Committee considered several sidewalk construction projects, including the one on Canterbury. Of the 9 properties on the East side of the street, five property owners responded. Four of the five were opposed to sidewalk construction on Canterbury. One resident spoke in opposition to the Canterbury sidewalk at the Policy/Services meeting. The committee recommended the City Council not construct sidewalks on Canterbury from 79<sup>th</sup> St. to Somerset.

At the City Council meeting later that evening, the Council voted 5-5 to not construct sidewalks at several locations in the City, including on Canterbury. The Mayor cast the deciding vote to not construct the sidewalks.

Skate Park

Earlier this week Officer Dawn Clausius met with the Park & Recreation Committee to discuss problems the Police Department has encountered since the park opened. These include:

- Use of BMX bikes
- Fighting
- Shooting with an air rifle
- Theft
- Criminal Damage to Property including graffiti, use of trash cans and cones as obstacles, damage to Police Department vehicles and personal vehicles.
- Public Urination
- Foul Language

Several suggestions were made for improving the situation, including lighting, fencing, additional signage, and more stringent enforcement by the Police Department.

Bob and Chief Grover will continue to monitor the situation and keep the Park & Recreation committee informed of future issues or problems.

**PLANNING COMMISSION MINUTES  
MEETING OF JUNE 7, 2005**

**ROLL CALL**

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, June 7, 2005 in the Council Chamber, 7700 Mission Road. Chairman Ken Vaughn called the meeting to order at 7:10 p.m. The following Commissioners were present: Robb McKim, Bob Lindeblad, Randy Kronblad, Marlene Nagel, Nancy Vennard and Charles Clark.

The following persons were present in their advisory capacity to the Planning Commission: Ron Williamson, City Planning Consultant; Doug Luther, Assistant City Administrator; Barbara Vernon, City Administrator and Joyce Hagen Mundy, Planning Commission Secretary.

**APPROVAL OF MINUTES**

Nancy Vennard noted the Harmon Park Skate Dedication referenced on page 4 of the minutes should read "Tuesday, June 7<sup>th</sup>," not "Thursday, June 7<sup>th</sup>." She confirmed the "35,137 square feet" on page 5 reference the lot size for 4400 West 89<sup>th</sup> Street. Charles Clark moved to approve the minutes of May 3, 2005 as amended on page 4. The motion was seconded by Randy Kronblad and passed 6 - 0 with Robb McKim abstaining due to his absence at that meeting.

**PUBLIC HEARINGS**

There were no Public Hearings before the Planning Commission.

**NON-PUBLIC HEARINGS**

**PC2005-109 Sign Approval – Normandy Square Subdivision**  
**Applicant: Ralph Latshaw for Normandy Square Homes Assn.**

Randy Kronblad stated he would recuse himself from discussion on this application due to a professional conflict of interest and left the meeting.

Ralph Latshaw, 5205 West 83<sup>rd</sup> Terrace, representing the Normandy Square Homes Association presented the request from the Board of Directors of the Normandy Square Homes Association for approval to modify five existing signs at entries to the subdivision. The signs are located at 83<sup>rd</sup> Street and Juniper Lane, 83<sup>rd</sup> Street and Rosewood Lane, 83<sup>rd</sup> Street and Nall Avenue, 84<sup>th</sup> Street and Nall Avenue and 84<sup>th</sup> Terrace and Nall Avenue.

The modifications will consist of removing the roof and wood timber uprights and replacing them with concrete block columns approximately 5' tall and 20" square, finished with a dark red or brown colored stucco. The columns will be topped by a concrete or stone cap approximately 35" square and 4" thick. An accent tile of brick or stucco will be placed on the street-facing side of the column approximately 6" from the

top. The interior of the sign is currently latticed brick. This will be replaced by concrete block with light brown or tan stucco applied on both the front and back. The existing sign “Normandy Square” will be relocated from the top of the brick structure to approximately 18” below the top of the brick structure.

Mr. Latshaw noted the proposed modifications will reduce the visual impact of the existing signs from approximately nine feet tall to five feet tall. The signs will have a cleaner, newer look reflecting changes in the neighborhood and maintain the standards set by neighboring homes associates that have recently updated their entry signs.

Ron Williamson stated Section 19.48.020E of the sign regulations list the following requirements for approval of subdivision identification signs:

1. The applicant shall submit detailed plans of the sign and any supporting or supplemental structure.
2. Only the proper name of the subdivision shall be on the sign, however, the Planning Commission may approve further language or information it deems appropriate.
3. The sign and any supporting structure may be on either private property or public property, provided that it will not create a traffic hazard, maintenance problem, nuisance or other condition that is adverse to the public interest.
4. Walls, fences and other architectural features may be used to supplement said signs provided that traffic hazards, maintenance problems or other conditions, which may be adverse to the public interest re not present.
5. Said signs and supporting structure shall be maintained in good condition.
6. The signs may be illuminated.
7. The design, shape, size and location of the signs shall be in harmony with the neighborhood.

Mr. Williamson noted that in addition to the Sign Ordinance, the City Council has approved guidelines for entry and monument signs. The guidelines include the recommendation that the Prairie Village Star (bronze or brass) be placed on every sign with the idea of establishing continuity within the City and having a standard feature that would identify Prairie Village as an area different from adjoining cities. He noted that the Town & Country Homes Association used the star in their new subdivision signs approved a few years ago.

Mr. Williamson stated the drawing of the elevation of the revised sign which uses masonry type materials appears to be very compatible with the area. The reduction in height is a positive modification and the new design has a more modern appearance. Site plan location maps have been submitted for each location. All signs are located on private property and are located back from the street a sufficient distance to not create any site problems for traffic at these intersections. Mr. Williamson noted the height of the sign located at 84<sup>th</sup> Terrace and Nall will probably be more than six feet tall because of the grade change at that location. This exceeds the five foot height guideline for monument signs, but is a height improvement over the existing sign.

Ken Vaughn asked if the applicant had considered adding the Prairie Village star to their signs. Mr. Latshaw stated they would be willing to consider incorporating the star.

Charles Clark suggested Mr. Latshaw contact the Town & Country Board regarding where to get the mold for the Star.

Bruce Kelly, 5219 West 84<sup>th</sup> Terrace, stated association members had not seen the design or been apprised of the cost of the signs and related maintenance. He requested the Commission delay action until information on the design and cost was obtained.

Chairman Ken Vaughn noted the board appreciated Mr. Kelly's comments but advised him the Commission's responsibility is to review the sign application based on the City's regulations and does not get involved in homes association matters.

Mr. Kelly asked if 84<sup>th</sup> Terrace was a public street. Mr. Williamson responded it was.

Donna Marquart, 5300 West 84<sup>th</sup> Terrace, expressed frustration that the City would approve the proposed signs, without the members of the homes association having seen and approved the signs.

Mrs. Vennard stated the City is not installing the signs. The Commission is stating the proposed signs meet the regulations of the City and whether or not the signs have been approved by the members is an association issue, not the Planning Commission's.

Mrs. Marquart asked if the signs could be installed without the approval of the individual association members. Mrs. Vennard responded it depended on the rules and by-laws of the home association and noted the City does not have the authority over homes association's by-laws and restrictions.

Charles Clark noted the Board of Directors has submitted a plan for approval and the Commission has reviewed the plan and is saying it meets the City's sign regulations.

Ralph Latshaw responded that notification of the proposed signs was mailed to all association members with their dues and meetings were held to discuss the proposed signs.

Bob Lindeblad moved the Planning Commission approve application PC2005-109 for the proposed modifications of the Normandy Squares Subdivision identification signs at the five locations subject to the following conditions:

1. That the applicant confirms with the Department of Public Works that the sign column extensions will not create a traffic hazard at the five locations.
2. That the design of the sign be in accordance with the concept plans submitted to the Planning Commission.
3. That the applicant consider incorporating the Prairie Village Star into the new sign design.
4. That the Normandy Square Homes Association maintains the signs in good condition.

The motion was seconded by Charles Clark and passed unanimously.

## INFORMAL PRESENTATION

### **Proposed New Development at Meadowbrook Country Club**

Steve Rose addressed the Commission informally on a new development being considered at the Meadowbrook Country Club. Also addressing the Commission were Ron Gould, the developer and Ron Davidow, architect for the project.

Mr. Rose stated that due to the magnitude of the proposed development they felt it was appropriate to notify the City Council and Planning Commission of what is being discussed by the leadership of the country club, noting the plans are still a work in progress. There are no final architectural drawings. The height and number of buildings is still being considered. At this time, they are looking at a \$150 to \$200 million project. They are also negotiating with Tom Watson for a complete redesign of the golf course.

Ron Davidow reviewed a possible site plan for the development. Ron Gould, TK Development, explained the plan calls for 300 luxury resort-type condominium units in three to four 14 story buildings located on the south side of the property adjacent to the office buildings at 94<sup>th</sup> Terrace. The condo prices would range from \$750,000 to \$1.5 million with most units being two-bedroom with 2,000 to 2,400 square feet. Parking is planned to be below grade. Mr. Gould noted the large number of units is needed to offset the significant infrastructure costs involved with the project. The pool, spa, golf course, sewer, etc. are expected to cost \$20 go \$25 million.

In conjunction with the project the entire golf course would completely redesigned and rebuilt as the first phase of the project at an estimated cost of \$5 to \$7 million. This first phase is expected to take approximately one year.

Nancy Vennard noted in recent meetings held in conjunction with the review of the City's Comprehensive Plan a similar concept was raised. Mr. Gould stated they are working with ACP, the consultant doing the City's Comprehensive Plan review.

Marlene Nagel asked if a mixed use type of development had been considered. Mr. Gould responded there is not sufficient room for both commercial and residential development.

Nancy Vennard strongly recommended the developers contact the owner of the Meadowbrook Shopping Center and discuss the proposed redevelopment and its implication on the center. She felt it would be excellent if the redevelopment could include both the country club area and the commercial/retail area in the center.

Randy Kronblad asked if the project would be constructed in phases. Mr. Gould responded the first phase would be the construction of the golf course and clubhouse in 2006 with the course opening in 2007. At that same time they would begin grading for the condo units with probably 100 to 150 units constructed initially.

Mr. Gould stated there would be significant pre-selling and pre-marketing with the units being offered initially to Meadowbrook members.

Marlene Nagel asked if any of the lake area or green space would be available to the public. Mr. Gould responded it will have to be private because it will be part of the golf

course. He noted one of the requirements for purchasing a unit would be also purchasing a club membership, and therefore it would be available to members.

Mr. Rose thanked the Commission for the opportunity to meet with them informally.

## **OTHER BUSINESS**

### **Discussion of Lighting Standards**

At its regular meeting on May 3, 2005, The Planning Commission requested Staff to continue research on outdoor lighting, and bring additional information back to the Commission for its review and consideration.

Mr. Williamson stated his research led him to the International Dark-Sky Association (IDA) who has accumulated a vast amount of information on outdoor lighting and it is available on their website ([www.darksky.org](http://www.darksky.org)). IDA was incorporated in 1988 and its initial goal was to minimize up lighting or to prevent sky glow but it has a broader perspective now and includes all obtrusive aspects or lighting such as light pollution, glare, trespass, energy waste, etc.

Generally speaking, there are three types of lighting which are described as follows:

- A. **General Illumination** – This lighting provides simple visibility in areas used by pedestrians such as walkways and parking lots. The lighting is used to allow the relatively simple tasks of navigation, avoiding hazards such as people, curbs, or other vehicles and for locating vehicles.
- B. **Security Lighting** – This lighting is difficult to define because there is an uncertainty about what is meant by the term “Security.” Studies indicate that lighting provides a feeling of comfort or freedom for persons using the area, but it does not necessarily provide personal safety or prevention from property crimes. In discussions with the Prairie Village Police Department it was pointed out that parking lot security is not a safety issue in the City and the department does not see a need for security lighting in parking lots.
- C. **Decorative Lighting** – This lighting is for flag and monument, building façade, roof and landscape illumination. Decorative lighting is generally viewed as less important to the general public and may have more limitations imposed upon it.

### **Regulatory Issues**

Mr. Williamson reviewed with Commission members some of the major issues involved in outdoor lighting regulations. He noted regulations could be very simple or very complex.

- A. **Lighting Zones** – Different areas may require differing levels of appropriate lighting usage because they have different sensitivities to the various levels of outdoor lighting. In this case a community may be divided into three to five zones each of which has a different set of standards. The development of Prairie Village is urban and reasonably uniform throughout negating the need for more than one zone. Commission agreed Lighting Zones were not necessary.



- B. **Shielding Requirements** – The regulations must include some type of shielding requirements and the level will need to be determined which may range from partial to full cutoff. Commission members agreed this needs to be addressed in the regulations.
- C. **Mounting Height Limits** – This is a difficult issue because if the height of poles is limited, more poles and lights will be needed to provide the desired coverage. It might be visually preferable particularly in the daytime to have fewer taller poles. Cost also becomes an issue because more poles and fixtures will be more expensive.
- D. **Types of Lamps** – Most regulations provide some type of limitation on the types of lamps that are permitted. The basic lamps are incandescent, fluorescent, mercury vapor, metal halide, high-pressure sodium, and low pressure sodium.
- E. **Types of Fixtures** – The types of fixtures provide a wide variance, but there are those that provide a better control of the light. IDA has begun a process of reviewing light fixtures and has approved nearly 500 so there is not a shortage of good lighting fixtures. Examples of Good and Bad Lighting fixtures were identified.
- F. **Residential Lighting** – The enforcement of residential lighting restrictions is problematic at best. Residential lighting is normally not reviewed when plans are submitted and it is frequently changed by the owner. Residential lighting can be obtrusive to a neighbor, however, but any regulations will need to be carefully considered. The recommended approach to residential uses is education of both the homeowner and the retailers who sell the fixtures, but not a formal permitting process.

Marlene Nagel agreed noting such regulations would be extremely difficult to enforce. She feels the approach to this issue should be through the encouragement and education by making available examples of good residential lighting.

- G. **Special Uses** – There are certain types of uses that have unique needs that cannot be addressed through a normal set of restrictions such as sport fields, construction lighting and lighting of public monuments. These may need to be addressed as a Conditional Use Permit or a Special Use Permit.
- H. **Lighting Levels** – Many ordinances specify a minimum average luminance which tends to result in over lighting. Rather than set minimums, it is recommended that maximums be established in order to control the level of lighting and limit the visual obtrusions. Commission members agreed with the establishment of maximum lighting levels.
- I. **Curfews** – Part of the problem with lighting is that no time limit is set for when they are turned off and this becomes a neighborhood problem. This can be complicated because of the different uses, different lighting types and different hours of operation.

Commission members agreed curfews would be very difficult to regulate and enforce. Nancy Vennard compared its regulation to sound regulations; however, she expressed concerns with appropriate lighting for office parking lots. It was noted that energy costs will have an impact on the amount of lighting.

- J. **Implementation and Enforcement** – Enforcement will be critical to the success of the ordinance. Additional time will be needed to review plans and the

regulations will need to be clearly written so that the applicant and the building official can easily understand them without a lot of interpretation.

K. **Applicability** – How will this regulation be applied? Many uses already have lighting installations that will not conform to these regulations. It will need to be determined at what point triggers compliance. Is it any use that requires site plan approval? Should a time limit be set, say, five years in which all lighting shall be in conformance? Existing uses may be grandfathered in but for how long?

Bob Lindeblad doesn't feel the establishment of a time period for compliance is feasible. Charles Clark supported consideration as part of the site plan review. Nancy Vennard asked when electrical permits were required. Doug Luther responded permits are required when changing or upgrading service, when moving electrical lines and for all commercial application.

Ron Williamson reviewed the problem that occurred at Prairie Baptist when lighting fixtures were changed. Mr. Luther noted the adding of additional poles would require a permit from the City.

Charles Clark questioned where/how candlepower was considered.

Bob Lindeblad noted that changing out a light is different than replacing a light, which would be considered maintenance, and should have a permit. Mr. Lindeblad stressed the regulations need to required full and cut-off fixtures.

L. **Signs** – The lighting of signs is included in the sign regulations but perhaps it should be included in the lighting regulations.

Mr. Williamson shared with the Commission photographs of different exterior lighting currently in the City at both public and private locations.

Bob Lindeblad advised the Commission that Shell is testing a new “spotlight” type lighting in Overland Park where the light shines on the pumps.

The control of outdoor lighting is an evolving technology and it is in a bit of confusion because there is one side that is promoting minimum levels of lighting while another is promoting maximum levels of lighting to prevent over-lighting. There are, however, some terms and definitions that need to be set out in the regulations and the following includes the most common ones:

1. **Ambient light:** The general overall level of lighting in an area.
2. **Brightness:** Strength of the sensation that results from viewing surfaces from which the light comes to the eye.
3. **Candela (cd):** Unit of luminous intensity. Once candela is one lumen per steradian. Formerly called the candle.
4. **Candlepower distribution curve:** A plot of the variation in luminous intensity of a lamp or luminaire.
5. **Candlepower:** Luminous intensity expressed in candelas.
6. **Cut off angle, of a luminaire:** The angle, measured up from the nadir (i.e. straight down), between the vertical axis and the first line of sight at which the bare source (the bulb or lamp) is not visible.
7. **Cutoff fixture:** A fixture that provides a cutoff (shielding) of the emitted light.

8. **Disability glare:** Glare resulting in reduced visual performance and visibility. It is often accompanied by discomfort.
9. **Discomfort glare:** Glare that produces discomfort, but does not necessarily diminish visual performance.
10. **Fixture:** The assembly that holds the lamp in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.
11. **Floodlight:** A fixture designed to “flood” a well defined area with light.
12. **Footcandle:** Illuminance produced on a surface one foot from a uniform point source of one candela.
13. **Full-cutoff fixture:** A fixture that allows no emission above a horizontal plane through the fixture.
14. **Glare:** Intense and blinding light. Never helps visibility.
15. **Light pollution:** Any adverse effect of manmade light. Often used to denote urban sky glow.
16. **Light trespass:** Light falling where it is not wanted or needed. Spill light. Obtrusive light.
17. **Lumen:** Unit of luminous flux; the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela. One foot-candle is one lumen per square foot. One lux is one lumen per square meter.
18. **Luminaire:** The complete lighting unit, including the lamp, the fixture, and other parts.
19. **Mounting height:** The height of the fixture or lamp above the ground.
20. **Semi-cutoff fixture:** A fixture that provides some cutoff, but less than a full-cutoff fixture.
21. **Stray light:** Emitted light that falls away from the area where it is needed or wanted. Light trespass.

Mr. Williamson stated an important element of the lighting regulations is setting out the intent and purpose of the regulations. This provides the direction for the actual development of the detailed regulations. He prepared the following draft of a statement of intent and purpose for the Planning Commission to review.

### **Section 1. Purpose and Intent.**

It is the intent of this Code to define practical and effective measures by which the obtrusive aspects of excessive and/or careless outdoor light usage can be minimized, while preserving safety, security, and the nighttime use and enjoyment of property. These measures will curtail the degradation of the nighttime visual environment by encouraging lighting practices that direct appropriate amounts of light where and when it is needed, increasing the use of energy-efficient sources, and decreasing the wastage of light and glare resulting from over lighting and poorly shielded or inappropriately directed lighting fixtures.

All business, residential, public, institutional, and semi-public use lighting should be installed with the idea of being a “good neighbor,” with attempts to keep unnecessary direct light from shining onto abutting properties or streets.

Ken Vaughn said he felt the statement of purpose and intent is an accurate reflection of what the Commission is seeking to accomplish.

Commission members directed Mr. Williamson to continue drafting of proposed regulations based on the information discussed.

### **Discussion of Fences**

The Commission Members discussed the current fence regulations and the questions of interpretation that have been raised. Bob Lindeblad asked when the current regulations were written. Mr. Williamson responded they were written prior to his firm serving as Planning Consultant, which would be prior to 1992.

Bob Lindeblad stated that most cities allow fences to be installed from the front of the house back. Ken Vaughn noted you have appearance issues when the fences are allowed to come up to the front of the house. He feels not having the fences have a flush appearance with the front of the house is important.

Randy Kronblad noted the fence application before the BZA the fence was not forward of the neighbor's house but questioned what happens when all the houses are not in alignment.

Bob Lindeblad stated whatever regulations are drafted; he feels they should be kept simple.

Nancy Vennard noted during the discussion of neighborhood compatibility last year one of the issues addressed was the establishment of a neighborhood setback. She also questioned allowing split rail fences in the front yard.

Robb McKim felt the issues to be addressed include position, height, visibility from the street and design.

Bob Lindeblad felt it was the homes associations' responsibility to address design – not the City's. Ken Vaughn noted that most homes associations do not have authority to control that.

Mr. Vaughn also noted the issue of the height of fences placed on raised grades near property lines. Mr. Williamson responded the current ordinance allows for an 8 foot fence within the building footprint. Mr. Vaughn expressed concern with the structural integrity of large walls and fences on or near them.

The Commission requested staff prepare revisions to the fence regulations based on comments for consideration at the next meeting.

### **Meadowbrook Presentation**

Ron Williamson noted the proposed development for the Meadowbrook Country Club would require a zoning change to RP-4. Bob Lindeblad suggested the Commission create a new zoning district for the development.

Nancy Vennard stated she would like to see sidewalks required along Nall Avenue. She would also like to see variety in the height of the buildings – not all high-rise, but including some mid-rise units.

Bill Griffith asked if a separate zoning district was established, how the City would be able to address the change of the current height restriction of 3 stories to 14+ stories. Mr. Williamson responded that a different height restriction would be established for that district.

It was noted the City is under a zoning change moratorium until the completion of the Comprehensive Plan study. Bill Griffith stated the City Council has the authority to lift the moratorium.

Charles Clark stated he would want to see a traffic study required because of the location of the entrances on Nall and 95<sup>th</sup> Street.

Robb McKim sees this development as a policy issue for the City with the City determining the optimum use of this land the focus of part of the update of the Comprehensive Plan. Nancy Vennard agreed that this corner needs development, but she is not convinced the plan presented addresses the need.

Bill Griffith feels the 14 story height is going to be a major issue to overcome.

Bob Lindeblad questioned if there was a market for high-rise residential development in the City. Mr. Williamson responded the developers feel the market is present.

Mr. Williamson asked if the Commission would like to consider a new zoning district. Mr. Lindeblad felt it would be good to look at the issue at this time without the influence of a specific application to consider.

Bill Griffith stated there are an infinite number of possibilities for the development of this area and would like to see it explored in conjunction with the comprehensive plan. Marlene Nagel stated that initially the comprehensive plan was to address the possible development of the Somerset Elementary School site, but that direction was removed because of the long-term use of the land by the School District. She noted this area could be substituted for the school for evaluation by the Comprehensive Plan Consultant.

Ken Vaughn noted there would be more public input session in September with the formal report coming to the Planning Commission during the last quarter of the year.

## **ADJOURNMENT**

With no further business to come before the Commission, Chairman Ken Vaughn adjourned the meeting at 8:30 p.m.

Ken Vaughn  
Chairman

**Planning Commission Actions**  
**Tuesday, July 5, 2005**

**Discussion of Exterior Lighting Standards**

The Planning Commission continued their discussion on exterior lighting regulations and authorized a public hearing on the proposed regulations for Tuesday, August 2, 2005

**Discussion of Fence Regulations**

The Planning Commission discussed possible revisions to the existing fence regulations for the City and directed the Planning Consultant to draft language for further consideration at their August meeting.

**Report on Comprehensive Plan**

Marlene Nagel gave an update on the status of the Comprehensive Plan Process.

The two areas identified by the Steering Committee for detailed specific study are

- 1) The 75<sup>th</sup> Street Corridor and 2) The Corinth Square Shopping Center and
- 2) adjacent area.

## **Sister City Committee July 11, 2005 Minutes**

The Sister City Committee meeting was held in the multi-purpose room of the Prairie Village Municipal Offices. The meeting was officially called to order at 7:05 p.m. Members present were Cindy Dwigans – Vice Chairperson, Cleo Simmonds, and Chris Haggerty. Staff present was Joshua Farrar.

### **Approval of the Minutes**

The minutes of June 13, 2005 could not be approved because a quorum was not present.

### **Discuss KC Sister City Organization**

Chris distributed a letter which was passed on from the Mayor to Ruth to Leigh-Ann. Leigh-Ann is drafting a response. The Committee felt cooperating with the Metropolitan Sister City Organization didn't have any downsides and they should pursue the opportunity.

### **Discuss Sister City Locations (Africa)**

Chris reported Leigh-Ann received a request from a group in Africa. More information will be available at the next meeting. The Committee discussed the fact that African cities often expect significant financial support or economic development opportunities.

### **Movie Night #2 Debriefing**

The Committee was pleased that three non-committee members came to the event, but still disappointed with the overall attendance. Those who attended thoroughly enjoyed the event. Those present discussed moving the sign from Mission Road to the patio next to the entrance of City Hall or some other location with more foot traffic. The Committee also discussed the possibility of working with the Arts Council to see if they would co-sponsor the Movie night because it coincides with their Art Gallery opening each month. Cleo will talk to Randy Kronblad.

### **VillageFest Plans**

Overall, the Committee was pleased with the VillageFest experience. Kids enjoyed the activity sheets, a number of people put a sticker on the map to show where their ancestors were from and three people signed the e-mail list to be kept up to date on Committee activities. Germany was the most common place of ancestry followed by Scotland. For next year, the Committee felt offering some type of food would be a good idea.

### **Committee Business Cards**

Cindy said she tried to put together a card and has not had much success. Cleo has the graphics in one document and the contact info in another. He felt if he could print the cards twice it would achieve the desired effect. Josh said he would try to use Microsoft Publisher to see if he could create something. Cindy leaves on July 27 for the conference so cards need to be ready before then.

The meeting ended at 8:35 p.m.

## MEMO

DATE: July 14, 2005  
TO: City Council Members  
FROM: Mayor Shaffer  
RE: Committee appointments

I will reassign committee duties in the near future. Please indicate on the form attached your interest in serving on a particular committee. **Please return this to me by July 25<sup>th</sup>.**



**COUNCIL MEMBERS 2005 - 2006 SERVICE ON COMMITTEES**

Place a check beside the committees you would like to serve. (Put a star beside the committees you would like to chair) *Please return by July 25th:*

NAME: \_\_\_\_\_

- \_\_\_\_\_ Legislative/Finance Committee (Six Councilmembers meeting 1st Mon. at 6 p.m.)
- \_\_\_\_\_ Policy/Services Committee (Six Councilmembers meeting 1st Mon. at 6 p.m.)
- \_\_\_\_\_ Park and Recreation Committee (Council liaison serve as Chairman and Vice Chairman; Committee meets 2nd Wed at 7:00 p.m.)
- \_\_\_\_\_ Prairie Village Arts Council (Council representative, a resident serves as Chairman; Committee meets 3rd Wed at 7:00 p.m.)
- \_\_\_\_\_ Planning Commission (Council liaison, a resident serves as Chairman; Commission meets 1st Tues. at 7:00 p.m.)
- \_\_\_\_\_ Citizens Advisory Committee on Community Standards (Meets regularly/bi-monthly – 3<sup>rd</sup> Tuesday of the month, with a representative from each homes association - Councilmembers serve as Chairman and Vice-Chairman)
- \_\_\_\_\_ Communications Committee (Meets monthly – 3<sup>rd</sup> Tuesday at as needed - Councilmembers serve as Chairman and Vice-Chairman)
- \_\_\_\_\_ Insurance Committee (Meets as needed - Councilmembers serve as Chairman and Vice-Chairman)
- \_\_\_\_\_ Supplemental Pension Advisory Committee (Meets semi-annually or as needed; two council members serve with an employee representative.)
- \_\_\_\_\_ Animal Control Committee (Meets as needed, Council liaison)
- \_\_\_\_\_ Environment/Recycle Committee (Meets 4<sup>th</sup> Wednesday, - two Councilmembers serve as liaisons to the committee)
- \_\_\_\_\_ Sister City Committee (Council liaison, resident serves as Chairman meets 2nd Monday of the month )
- \_\_\_\_\_ Tree Board (Council liaison, meets first Wednesday of the month as needed)
- \_\_\_\_\_ Villagefest (Council liaison – residents serve as chairmen)
- \_\_\_\_\_ ADA Advisory Committee (Council liaison, meets as needed)

## **Sister City Committee June 13, 2005 Minutes**

The Sister City Committee meeting was held in the multi-purpose room of the Prairie Village Municipal Offices. The meeting was officially called to order at 7:10 p.m. Members present were Leigh-Ann Haggerty – Chairperson, Cleo Simmonds, Chris Haggerty, Cindy Dwigans, Ruth Hopkins and Bob McGowan. Staff present was Joshua Farrar.

### **Approval of the Minutes**

Ruth Hopkins made a motion, seconded by Chris Haggerty and passed by a unanimous vote to approve the minutes from the meeting on May 9, 2005.

### **Rockhurst Report Discussion**

Since Allan was not in attendance and the Committee had not received the actual report the discussion was limited. Bob McGowan gave Josh a copy of the slide show presentation to convert into a pdf file and send to the Committee. Leigh-Ann suggested next steps for the Committee based on the report and the early facilitation are placed on the agenda for July.

### **Movie Night #1 Debriefing**

The Committee discussed how to improve attendance for the second show. It was agreed with an add in the Pitch Weekly, a notice in the KC Star, continued flyer distribution and a more main stream movie, attendance should increase. Cleo gave the requirement for submitting a press release to the KC Star to Josh. The Committee also felt VillageFest would be a great opportunity to advertise for movie night. Leigh-Ann will make an exit questionnaire to give to participants at the next movie. The Committee discussed the fact that the sign was not completed in time for Friday, but will be available for the July event.

Cindy reported the Committee made \$6.20 on popcorn and drinks. Josh will deposit the money into account #01-00-00-2094. She also gave Josh receipts for the purchase of the popcorn, drinks and materials for a sign.

### **VillageFest Plans**

Leigh Ann asked Committee members if they will be available to staff the booth on the 4<sup>th</sup>. She will put together a schedule and send it out. With Alan not present the Committee could not discuss the possibility of belly dancing at the event. Cindy suggested there is a belly dancing instructor at the Sylvester Powell Community Center and she might be contacted.

The following to do items were assigned for VillageFest:

- Bring Map and Artwork – Cleo (after receiving from Josh on 7/1)

C:\Documents and Settings\JoyceMu\Local Settings\Temporary Internet Files\OLK5E\minutes 06-13-2005.doc

- Talk to Alyce about the Video, Scrap book and café backdrop – Ruth
- Create and bring the activity sheet – Leigh Ann
- Get TV and VCR for day of event – Josh
- Bring DVD's and DVD player – Chris and Leigh Ann
- Create a sheet to take e-mail info – Leigh Ann
- Bring a Card Table – Cindy
- Crayons – Leigh Ann
- Bring extension cord and power strip – Haggerty's
- Create sign for Food area - ?
- Push pins for the map - ?

#### **Other Business**

The Committee discussed the possibility of creating a website. Josh suggested Chris look at the PV site to determine where he thinks the Committee could fit on the site. He also suggested Chris or the Committee develop the content for the site beforehand. Chris asked if Doug could send him the format/template he could develop it and not take up staff time. Josh will speak to Doug again.

A motion to adjourn was made, seconded and passed by unanimous vote. The meeting adjourned at 8:15 p.m.

PA-057

June 28, 2005

Dear Mayor Shaffer,

What an enjoyable evening we had at Franklin Park on Friday evening June, 24. I walk at Franklin Park several days a week and saw a sign that said there would be a Music Concert at Franklin Park. I told my husband about it and we decided to go.

This was a well planned event with lots of families. I was impressed by the people who collected trash through out the concert in order to keep things clean. It was a most enjoyable event and I wanted to thank Prairie Village for allowing this church group to use the park and invite the community to participate. It was such a pleasure sitting under the trees at Franklin Park and listening to a live band. Price Chopper also participated with food and drinks. What a great community activity. We are hoping it continues.

Sincerely yours,

A handwritten signature in cursive script that reads "Karen K. Sanders".

Karen K. Sanders



**06.24.05** Franklin Park  
**07.22.05** TBA  
**08.26.05** TBA  
**6:30 p.m. - 8:30 p.m.**  
**Franklin Park**  
(Roe & Somerset)

# Fourth Friday CONCERTS IN THE PARK

*Big band and hot dogs will be center stage at the Fourth Friday Concerts. Spend a great summer evening relaxing with friends and listening to the music of Moon City Big Band at Franklin Park located at the intersection of Roe and Somerset in Prairie Village. Bring a blanket or a lawn chair and join the fun. June, July and August will have a whole new flavor this summer!*

*featuring*

**MOON CITY  
BIG BAND**

For more information call  
Dori at 913.901.2338  
or visit us at  
[www.hillcrestcovenant.org](http://www.hillcrestcovenant.org)

*Sponsored by*

- 95th & Nall Price Chopper
- Hillcrest Covenant Church

**Council Members**  
**Mark Your Calendars**  
**July 18, 2005**

<b>July, 2005</b>	Marearl Denning Mixed Media exhibit in the R.G. Endres Gallery
<b>August, 2005</b>	Lynne Hodgman exhibit in the R.G. Endres Gallery
August 1	City Council Meeting – 2006 Budget Hearing
August 9 Tuesday	Chamber Coffee in the Council Chambers
August 12	Prairie Village Arts Council reception for Lynne Hodgman exhibit
August 12	PV Sister Cities Cinema in the Chamber presents “Chocolat”
August 12	Moonlight Swim
August 15	City Council Meeting
<b>September, 2005</b>	Senior Arts Marcia Vogel – Mixed Media
Sept 5	City offices closed in observance of Labor Day
Sept 5	The Prairie Village Pool Closes for season
Sept 6 Tuesday	City Council Meeting
Sept 9	Prairie Village Arts Council reception for art exhibit
Sept 19	City Council Meeting
Sept. 27	<b>Special County Election</b>
<b>October, 2005</b>	Masters of the Midwest exhibit in the R.G. Endres Gallery
Oct 3	City Council Meeting
Oct 8-11	League of Kansas Municipalities annual meeting in Wichita
Oct 14	Prairie Village Arts Council reception for Masters of the Midwest exhibit
October 17	City Council Meeting
<b>November, 2005</b>	MAPS Society exhibit in the R.G. Endres Gallery
Nov 7	City Council Meeting
Nov 11	Prairie Village Arts Council reception for MAPS Society exhibit
Nov 21	City Council Meeting
Nov 24/25	City offices closed in observance of Thanksgiving
<b>December, 2005</b>	Julie Johnson Photography exhibit in the R.G. Endres Gallery
Dec 2	Mayor’s Holiday Party – Homestead Country Club
Dec 9	Prairie Village Arts Council reception for Julie Johnson’s Photography exhibit
Dec 5	City Council Meeting
Dec 6 – 11	NLC Annual Conference, Charlotte, NC
Dec 19	City Council Meeting
Dec 26	City offices closed in observance of Christmas

## **Council Members Mark Your Calendars 2006**

<b>January, 2006</b>	Gary Mehl & Art Whorton mix media exhibit in the R.G. Endres Gallery
January 2	New Year's Holiday
January 3 Tuesday	City Council Meeting
January 13	Prairie Village Arts Council reception for art exhibit
January 16	Martin Luther King Day
January 17 Tuesday	City Council Meeting
<b>February, 2006</b>	<b>Not Filled yet</b> exhibit in the R.G. Endres Gallery
February 6	City Council Meeting
February 10	Prairie Village Arts Council reception for art exhibit
February 20	President's Day
February 21 Tuesday	City Council Meeting
<b>March, 2006</b>	Virginia Fortner watercolor exhibit in the R.G. Endres Gallery
March 6	City Council Meeting
March 10	Prairie Village Arts Council reception for art exhibit
March 12-15	NLC Congressional Conference in Washington DC
March 20	City Council Meeting
<b>April, 2006</b>	Ms. Bobbi Toyne mixed media exhibit in the R.G. Endres Gallery
April 3	City Council Meeting
April 14	Prairie Village Arts Council reception for art exhibit
April 17	City Council Meeting
<b>May, 2006</b>	Studio West pastel exhibit in the R.G. Endres Gallery
May 1	City Council Meeting
May 12	Prairie Village Arts Council reception for art exhibit
May 15	City Council Meeting
May 29	Memorial Day
<b>June 2006</b>	<b>Not filled yet</b> exhibit in the R.G. Endres Gallery
June 5	City Council Meeting
June 9	Prairie Village Arts Council reception for art exhibit
June 19	City Council Meeting

**ANIMAL CONTROL COMMITTEE**

AC96-04 Consider ban the dogs from parks ordinance (assigned 7/15/96)

**COMMUNICATIONS COMMITTEE**

COM97-12 Consider TCI proposal for partnership for use of Channel 3A (assigned 8/4/97)  
COM2000-01 Consider redesign of City flag (assigned 7/25/2000)  
COM2000-02 Consider a brochure to promote permanent local art and history (assigned Strategic Plan for 1<sup>st</sup> Quarter 2001)  
COM2000-03 Consider a promotional program to encourage shopping in Prairie Village (assigned Strategic Plan for 3<sup>rd</sup> Quarter 2001)  
COM2000-04 Consider the installation of marquees banners at City Hall to announce upcoming civic events (assigned Strategic Plan for 1<sup>st</sup> Quarter of 2001)  
LEG2000-10 Consider having an entire graphics package developed for the City (assigned 5/17/2000 – 2/20 transferred to Communications Committee)

**COMMUNITY STANDARDS COMMITTEE****COUNCIL COMMITTEE**

COU99-13 Consider Property Audits (assigned 4/12/99)  
COU2000-23 Consider ordinance for location and relocation of utility facilities (assigned 7/12/2000)  
COU2000-42 Consider a proactive plan to address the reuse of school sites that may become available (assigned Strategic Plan for 4<sup>th</sup> Quarter 2001)  
COU2000-43 Consider impact of utilities on the aesthetic value of neighborhoods (assigned 2000 Strategic Plan)  
COU2000-44 Provide direction to PVDC regarding its function / duties (assigned 2000 Strategic Plan)  
COU2000-45 Review current City definition for blight and redefine it where appropriate (assigned 2000 Strategic Plan)  
COU2003-22 Consider City's Comprehensive Plan and Action Plan (assigned 7/2/2003)  
COU2004-10 Develop programs to promote and encourage owner occupied housing (transferred from PVDC on 3/15/2004)  
COU2004-11 Identify potential redevelopment areas and encourage redevelopment proposals (transferred from PVDC on 3/15/2004)  
COU2004-12 Pursue development of higher value single-family housing (transferred from PVDC on 3/15/2004)  
COU2004-13 Proactively encourage redevelopment to increase property values (transferred from PVDC on 3/15/2004)  
COU2004-14 Meet with the Homes Association of the Country Club District (HACCD) to obtain their input regarding deed restrictions (transferred from PVDC on 3/15/2004)  
COU2004-20 Consider No Smoking Ordinance (assigned 9/28/2004)  
COU2004-22 Consider School Zone Policy (assigned 10/15/2004)  
COU2005-03 Consider 2006 Capital Equipment Program (assigned 3/2/2005)  
COU2005-04 Consider Project 190853 Mission Road School Zones (assigned 4/13/2005)  
COU2005-07 Consider 2006 Budget (assigned 4/28/2005)  
COU2005-08 Consider Request for Proposal for Compensation/Benefits Consulting Services (assigned 6/15/2005)  
COU2005-09 Consider Council Packets (assigned 6/15/2005)



**LEGISLATIVE/FINANCE COMMITTEE**

- LEG2000-07 Consider current policies and procedures for code violations (Transferred from CCW 3/18/2002)
- LEG2000-25 Review fee schedules to determine if they are comparable to other communities and adjust where appropriate (assigned Strategic Plan for 1<sup>st</sup> Quarter of 2001)
- LEG2003-12 Consider Resident survey - choices in services and service levels, redevelopment (assigned 8/7/2003)
- LEG2004-31 Consider Lease of Park Land to Cingular Wireless (assigned 8/31/2004)
- LEG2005-14 Consider Council Policy #055 Telecommunication and Cable Application Fees
- LEG2005-16 Consider "Open Ignition" Ordinance (assigned 5/23/2005)
- LEG2005-17 Consider on-line Gift Card Sales (assigned 5/27/2005)
- LEG2005-18 Consider amendments to weed ordinance (assigned 7/11/2005)
- LEG2005-19 Consider Harmon Park & Pool Renovation Bond Refinancing (assigned 7/12/2005)
- LEG2005-20 Consider sale of MARC remodeling books (assigned 7/14/2005)

**PARKS AND RECREATION COMMITTEE**

- PK97-26 Consider Gazebo for Franklin Park (assigned 12/1/97)
- PK2003-06 Consider Capital Improvement Plan for 2004-2006 (assigned 8/13/2003)

**PLANNING COMMISSION**

- PC2000-01 Consider the inclusion of mixed-use developments in the City and create guidelines criteria and zoning regulations for their location and development (assigned Strategic Plan)
- PC2000-02 Consider Meadowbrook Country Club as a golf course or public open space -- Do not permit redevelopment for non-recreational uses (assigned Strategic Plan 2<sup>nd</sup> Qtr 2001)

**POLICY/SERVICES**

- POL2003-14 Consider Project 190845: Mission Road -- 75<sup>th</sup> St to 79<sup>th</sup> St (CARS) (assigned 7/3/2003)
- POL2004-06 Consider Project 190715: 2005 Storm Drainage Repair Program (assigned 2/25/2004)
- POL2004-08 Consider Project 190841: Mission Road -- 71<sup>st</sup> to 75<sup>th</sup> (CARS) (assigned 2/25/2004)
- POL2004-09 Consider Project 190848: Mission Rd -- Somerset to 83<sup>rd</sup> (CARS) (assigned 2/25/2004)
- POL2004-10 Consider Project: 190847: 2005 Street Paving Program (assigned 2/25/2004)
- POL2004-11 Consider Project 190849: Roe Avenue -- Somerset to 95<sup>th</sup> St. (CARS) (assigned 2/25/04)
- POL2004-12 Consider Project 190714: 2004 Storm Drainage Repair Program (assigned 3/30/2004)
- POL2004-11 Consider Project 190847: 2005 Street Paving Program (assigned 7/29/2004)
- POL2004-15 Consider Project 190707: Somerset, Delmar to Fontana Street (assigned 8/26/2004)
- POL2004-16 Consider Project 190708: Tomahawk Road Nall to Roe (assigned 8/26/2004)
- POL2004-18 Consider Sidewalk Policy (assigned 9/18/2004)
- POL2005-02 Consider Project 190616: Harmon Park Skate Facility (assigned 1/31/2005)
- POL2005-03 Consider Project 190850: Reeds Street -- 69<sup>th</sup> to 71<sup>st</sup> St. (assigned 1/31/2005)
- POL2005-04 Consider Project 190809: 75<sup>th</sup> Street and State Line Road (assigned 2/1/2005)
- POL2005-11 Consider Project 190715: 2005 Storm Drainage Repair Program (assigned 6/2/2005)
- POL2005-12 Consider Project 190854: 2005 Pavement Repair Program (assigned 6/2/2005)
- POL2005-13 Consider Project 191012: 2005 Concrete Repair Program (assigned 6/2/2005)
- POL2005-14 Consider Project 190852: 2005 Crack/Slurry Seal Program (assigned 6/2/2005)

**PRAIRIE VILLAGE ARTS COUNCIL**

- PVAC2000-01 Consider a brochure to promote permanent local art and history (assigned Strategic Plan for the 1<sup>st</sup> Quarter of 2001)

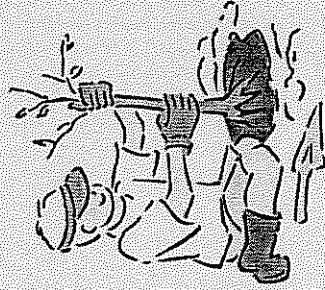
# NOTEWORTHY

July 2005

## JULY BIRTHDAYS & ANNIVERSARIES

### *Birthday Wishes to...*

Nicholas Sanders	Human Res. Spec	07/01
Carl Westerdahl	Public Works	07/03
Lorra Jagow	Police Records	07/07
John Waller	Public Works	07/09
Latina Knight	Police	07/16
Tim Schwartzkopf	Police	07/23
John Nuramaker	Public Works	07/29
Jeff Patterson	Public Works	07/30
Daniel Timmons	Public Works	07/31



**Welcome.....** to Joe Constanza and Ryan Futrell, two new Police Officers. Also Donna Blake began as temporary Receptionist.

Former Police Officer Don Chance reports to the City on July 18 as our new Community Service Officer. Welcome Back!

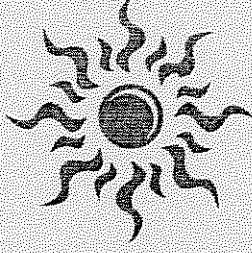
**With our Best Wishes....** to Gary Pruitt who retired on 7/3/2005 with 32 years of service.

**Promotions ....** Congratulations to the following Prairie Village Officers:

To Captain Tim Schwartzkopf  
To Sergeant Myron Ward  
To Corporal Jason Kuder

*We appreciate your years of service...*

Daryl Thompson	Police	13 yrs
Tina Jorgensen	Police	11 yrs
Connie Walsh	Codes	6 yrs



### 2005-06 EMPLOYEE BENEFITS

At their last meeting, the City Council approved the renewal of employee health, dental, life and long-term disability insurance benefits for 2005-06. Open enrollment meetings will be conducted later this month or in early August. Employees will be notified of the exact dates/times of those meetings in the near future.

The following are the employee's per paycheck share of the new premiums. If you have any questions, please feel free to contact Nic Sanders at ext. 4664 or nsanders@pvkansas.com, or Jamie Shell at ext. 4213 or jshell@pvkansas.com.

	Employee Only	Employee +1	Family
Base plan (current)	\$0.00	\$54.94	\$119.07
Base plan (2005-06)	\$0.00	\$59.34	\$128.60
Buy up plan (current)	\$31.70	\$131.68	\$232.15
Buy up plan (2005-06)	\$34.24	\$142.21	\$250.73