

# City Council Meeting

*December 19, 2005*

*Dinner provided by:*



Burritos and Enchiladas

Beans and Rice

Iguana dip,

Chips and sauce

# COUNCIL COMMITTEE

**Council Chambers**

**December 19, 2005**

**6:00 P.M.**

**AGENDA**

	<u>Page #</u>
<b>SPECIAL PRESENTATION: County Commissioner Ed Peterson – Johnson County Update</b>	
<b>LEG2005 – 45 Consider ADA Appeal of James Olenick Rebecca King</b>	<b>1 - 3</b>
<b>LEG2005 – 44 Consider YMCA Partnership Barbara Vernon, Bob Pryzby, Josh Farrar</b>	<b>4 - 6</b>
<b>LEG2005 – 43 Consider Petition received from Canterbury Street residents Bob Pryzby</b>	<b>7 - 18</b>
<b>LEG2005 – 42 Consider dissolution of Residential Parking District Chief Charles Grover</b>	<b>19 – 22 &amp; maps</b>

## COUNCIL COMMITTEE

- COU99-13 Consider Property Audits (assigned 4/12/99)
- 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)
- COU2000-44 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)
- 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)
- COU2005-15 Consider planning meetings for the Governing Body (assigned 9/6/2005)
- COU2005-16 Consider how to improve the Council's effectiveness as a team (assigned 9/6/2005)
- COU2005-17 Consider how to expand leadership opportunities for Council members (assigned 9/6/2005)
- COU2005-18 Develop a school zone policy (assigned 9/6/2005)
- COU2005-19 Consider committee term limits for elected officials and residents (assigned 9/6/2005)
- COU2005-20 Develop a sidewalk policy (assigned 9/6/2005)
- COU2005-21 Develop a policy for use of Fund Balance (assigned 9/6/2005)
- COU2005-22 Consider Council mentoring program (assigned 9/6/2005)
- COU2005-23 Consider sponsoring social events with other jurisdictions (assigned 9/6/2005)
- COU2005-24 Develop and improve parliamentary procedures (assigned 9/6/2005)
- COU2005-25 Consider changing procedure for selecting Council President (assigned 9/6/2005)
- COU2005-26 Consider automated Council packets (assigned 9/6/2005)
- COU2005-27 Consider concept of Outcomes Measurement or Quantifying Objectives (assigned 9/6/2005)
- COU2005-28 Consider more effective public notice of Council and Committee vacancies (assigned 9/6/2005)
- COU2005-29 Consider City service to remove oak pollen in gutters and curbs (assigned 9/6/2005)
- COU2005-30 Consider \$500 deposit from landlords for remediation of code violations (assigned 9/6/2005)
- COU2005-31 Consider amending weed ordinance (assigned 9/6/2005)
- COU2005-32 Consider City service to eliminate weeds in the street (assigned 9/6/2005)
- COU2005-40 Consider Planning Commission Recommendation - Planning Consultant (assigned 11/14/2005)
- COU2005-42 Consider Dissolving the Restricted Residential Parking District (assigned 12/13/2005)**
- COU2005-43 Consider petition received from Canterbury Street residents (assigned 12/14/2005)**
- COU2005-44 Consider YMCA Partnership (assigned 12/14/2005)**
- COU2005-45 Consider ADA Appeal of James Olenick (assigned 12/14/2005)**

DRAFT

City Council Minutes of  
December 5, 2005

NEW BUSINESS

**ADA Appeal**

Al Herrera reviewed the procedures for the Appeal by Mr. James Olenick of a decision of the ADA Compliance Committee relative to the Skate Park Facility at Harmon Park.

Mr. Olenick appealed to that committee to close the Skate Park until the skate area is accessible to all individuals which includes smooth surfaces leading to the concrete play area and accessible parking spaces. The appeal was denied by the ADA Compliance Committee because, although the facilities were still under construction when the complaint was made, the full accessible facilities were complete at the time the hearing was conducted.

James Olenick, 4114 West 74<sup>th</sup> Street, commended the City on the creation of an excellent fully accessible skate park open now to all citizens of differing abilities. He understands and endorses the opening of the park early to honor the young man who got the ball rolling on this park. However, with this desire to open the park early, some things got put on the back burner – mainly access to the park for those who were unable to transverse curbs and gravel. The idea of the Americans with Disabilities Act was to ensure that anywhere able-bodied Americans can go in an urban setting, then wheelchairs should be able to go also. If a construction site is opened to the able-bodied, a person using a wheelchair must have access to that site. In all the planning for the opening of

this park the disabled were left at the curb. Mr. Olenick state he made his concerns known 60 days after the opening of the park in June. There were no curb cuts, no marked parking for the handicapped within reasonable distance and no direct access with hard surfaces to the park's hard surfaces.

Mr. Olenick stated the City codes department will not allow a commercial building to operate without being fully accessible, but yet every day for two months your City employees ignored the city's violation of state and federal laws.. This is similar to concerns raised in the past by Mr. Olenick – employees not being cognizant of their responsibilities to all the citizens of this city, reviewing past claims made against the City.

Mr. Olenick stated the city's problem has long been a lack of awareness as to how the employee's inattention to the law affects the lives of others. Now the park is open and accessible closure is not an option; however, he believes that the folks who planned and executed the construction of this park, and the codes administrator and employees associated with these offices and duties need to take a refresher course on ADA awareness, specifically on their job performance and its relation to access.

Bill Griffith confirmed the parking spaces are now painted.

David Belz asked why the skate park was not ADA compliant when opened. Mr. Pryzby responded it was still under construction. The problem was once the surface of completed, the kids started using. The shade structures and ADA access was planned and once the shade structures arrived this was done.

Wayne Vennard asked how long the skate park was in use before it was ADA compliant. Mr. Pryzby responded that he was not sure an ADA ruling existing stating

DRAFT

DRAFT

that skate parks needs to be accessible. He's taken the position that it should be made accessible; but has not found any requirement for accessibility. He noted a skate park may be similar to the slide mechanism at the swimming pool not have to be accessible.

Mr. Vennard clarified his question asking how long was the skate park being used before it was fully accessible. Mr. Pryzby responded two to three months.

Jeff Anthony asked Mr. Olenick what he would like to see happen. Mr. Olenick responded the main problem that he has had is with the City being aware of everything that is necessary for the disabled to be able to participate fully in city government, city processes and city recreation. Whether or not the disabled chose to use the park they should have access to the park to view other people using the park. The park should be accessible to the disabled.

What I'm asking for is that the City's employees take a refresher course on how their job impacts the physically impaired and/or the disabled in their use of city facilities.

Jeff Anthony asked is there is on-going training on ADA for employees. Mr. Pryzby responded that he has taken seminars on ADA and he oversees ADA requirements on construction.

Al Herrera closed the hearing and announced that the City Council would consider the appeal and render a decision as required by city policy.

**COU2005-44      CONSIDER PARTNERSHIP WITH YMCA ON A  
COMMUNITY CENTER**

**Issue: Need for a Community Center in the City**

**Background:**

Several months ago the YMCA of Greater Kansas City contacted the City Administrator to explore a joint venture that could maximize resources and organizational capacity to respond to current and future needs for a Community Center in this City.

The YMCA is considering future plans for improvements to their building on 79<sup>th</sup> Street at Delmar Street. This is one of their most active facilities in the metropolitan area and its membership needs to grow. The building is old and needs major renovations, expansion would also be possible if parking were available to facilitate more members.

The YMCA of Greater Kansas City has proposed a plan that could be a strategic fit, supported by a market study and economic feasibility of the project. The 79<sup>th</sup> Street site provides a location that could serve the Prairie Village area with life-enhancing programs to people of all races, ages, abilities and backgrounds irrespective of their economic situation.

Mark Hulet, Vice President of Capital Asset Management for the YMCA of Greater Kansas City invited Barbara Vernon, Bob Pryzby and Josh Farrar to tour the two new Platte County Community Centers which are a partnership between Platte County and the YMCA of Greater Kansas City. We were able to meet with managers of both facilities to ask questions about the operations of the facilities and the partnership with the County. We also had a long conversation with Brian Nowotny, Platte County Parks Director, about the basic decision-making structures, responsibility areas of both entities and working relationships. Some general information about YMCA partnerships in the area is attached.

One of the frequently mentioned "needs" of the community that was expressed in the recent community meetings was a City Community Center. This is an opportunity to explore a partnership to accomplish that for the community. City staff and YMCA representatives realize this would be a different kind of partnership than others in the area so it would require a unique arrangement to meet the requirements of City and YMCA officials. Negotiations would be complicated but worth the effort if the result was a new, well managed facility with adequate parking that would benefit the entire community.

**Recommendation:**

Questions for discussion:

Does the City Council wish to pursue further discussions with the YMCA of Greater Kansas City?

If the Council wants to pursue the idea, does the City Council want to appoint an Ad Hoc Committee to make a recommendation or assign this as an agenda item to a Council Committee?

**Platte County YMCA Community Centers**  
 A Model Story of Collaboration and Commitment of Service  
 to Build a Stronger Community

This astonishing story of collaboration and commitment to service began in July of 2001. The conversation commenced with a sharing of the mission, vision and values of the Platte County, Missouri Government, Platte County Parks and Recreation Department and the YMCA of Greater Kansas City. The more that we shared, the more that we saw we had mutual goals that were in a high degree of alignment.

Over the months that followed there were a series of meetings with a diverse group of citizens, tours of YMCA's, community centers, and ongoing discovery sessions with the Platte County Commissioners. A market study conducted by the Winfield Group was commissioned in the spring of 2002, funded by the County. The study provided independent scientific information on the unmet recreational needs of the people of Platte County, Missouri; what the demand would be for community centers, the level of interest at various locations, and what features and programs should be offered. This study provided the clarifying documentation for prudent planning, and critical path decisions.

In August of 2002 a memorandum of understanding was executed in a unifying fashion as we approached the agreement as partners. On December 30, 2002, Platte County, Missouri and the YMCA entered into a 15-year contract agreement with renewable options to provide services as part of the total indoor recreational system. The partnership has been blessed with honest communication, common goals, and a commitment to service. The Platte City facility opened in the October 2004 and the Parkville facility opened in February 2005.

**Platte County and the YMCA had the following shared interests:**

- Dedication to improving the quality of life for all residents by meeting the recreational needs for recreation programs and facilities to meet unmet needs of the community.
- Desire to make sound and appropriate decisions based on market research.
- A mutual desire to explore a joint venture that maximized resources, and organizational capacity to respond to current and future needs.

<b>County Assets/Benefits</b>	<b>YMCA Assets/Benefits</b>
Capital Resources raised by taxes, 20MM+	After 3 years of startup – operational risk
Progressive Commissioners and Staff	Market driven Volunteers and Staff
Fast growth in the recent years	150 years of continuous service
Sincere Citizens on the Advisory Group	Network of 14 centers in Greater KC
Desire to outsource staffing	National certification, and local expertise

If you have any questions, comments or would like to visit the Platte County Community Centers operated by the YMCA of Greater Kansas City, please feel free to contact:

Brian Nowotny  
 Platte County Parks Director  
 816.858.3541  
[parkguy@co.platte.mo.us](mailto:parkguy@co.platte.mo.us)

Mark Hulet  
 Vice President of Capital Asset Management  
 816.561.9622  
[mark-hulet@ymca-kc.org](mailto:mark-hulet@ymca-kc.org)



## **Why Choose the YMCA as a Community Partner?**

- The YMCA is an **experienced community partner**, having worked with schools, churches, hospitals, other not-for-profits, and local governments to provide needed community services for children, teens, families and seniors.
- The YMCA is uniquely **dedicated to serving all**, providing opportunities where people of all ages, races and backgrounds can come together. The YMCA's financial assistance program, funded by the Y's *Caring for People* program, United Way and other contributed funds, ensures that all are able to benefit from life-enhancing programs no matter what their economic situation.
- The YMCA is an organization with **market-driven volunteers and staff**. YMCA volunteers and staff are experienced in evaluating community needs with market research, and strategically utilizing the research to make sound and appropriate program and facility decisions.
- The YMCA is **fiscally responsible**, ethically managing its finances (both earned revenue and donations) to ensure a strong organization. Each year, the YMCA undergoes an independent financial audit. The YMCA earned the highest rating from its auditor for 2002.
- The YMCA is a **willing community partner** desiring to explore joint ventures that maximize resources and organizational capacity to respond to current and future needs.
- The YMCA is **experienced in opening new facilities**, successfully planning and implementing operational and marketing plans.
- The YMCA provides **affordable quality**. YMCA programs and services maintain high standards and are provided at affordable costs.
- The YMCA has **well-trained staff**. The YMCA's training program and national network of knowledge provide our community with **local expertise** in health and wellness, child care, sports, community development, aquatics, marketing and operations. The YMCA is committed to recruiting and retaining excellent staff.
- The YMCA of Greater Kansas City has a **network of 12 centers and over 100 program sites** in the metropolitan area. In addition, our YMCA is part of a national and international network of over 2000 YMCAs.
- The YMCA is a **values-based organization**, committed to challenging everyone to accept and demonstrate the positive values of caring, honesty, respect and responsibility.
- The YMCA is **adaptable and flexible**. The YMCA of Greater Kansas City has been serving the metropolitan community since 1860—meeting changing community needs for over 143 years!

## **LEG2005 – 43 Consider Petition Received from Canterbury Street Residents**

**Issue:** Should the petition submitted regarding construction of a sidewalk on Canterbury being accepted?

**Background:**

This petition was presented by Stan Plessner, 7938 Canterbury. Attached is the petition with 15 signatures, of which, 10 have been verified as owners of the properties. All but three of the signatures were from houses located on the west side of Canterbury. There are 10 houses on the west side of Canterbury and 7 of those houses are included on this petition. Also attached are minutes from the City Council meeting that was held December 5<sup>th</sup>, 2005 and minutes from the Policy/Services Committee meeting held on November 7<sup>th</sup>, 2005. Included in these minutes is discussion of POL2005-31 along with the current petition submittal.

**PETITION**  
**To the City of Prairie Village**

**We, the undersigned, do hereby petition the City of Prairie Village for the following:**

See The ATTACHED LETTERS

Printed Name	Signature	Address
<u>Daniel C Elifrits</u>	<u>Daniel C Elifrits</u>	<u>7950 Canterbury</u>
<u>Stacie B. Elifrits</u>	<u>Stacie B. Elifrits</u>	<u>7950 Canterbury</u>
<u>Pat Traxson</u>	<u>Patricia Traxson</u>	<u>7956 Canterbury</u>
<u>Amy Manske</u>	<u>Amy Manske</u>	<u>7944 Canterbury</u>
<u>MITSU SATO</u>	<u>Mitsu Sato</u>	<u>7920 Canterbury</u>
<u>KARLA BARNHILL</u>	<u>Karla Barnhill</u>	<u>7914 Canterbury</u>
<u>Joe Barnhill</u>	<u>Joe Barnhill</u>	<u>7714 Canterbury</u>
<u>BRIAN GAY</u>	<u>Brian Gay</u>	<u>7908 Canterbury</u>
<u>Annette Gay</u>	<u>Annette Gay</u>	<u>7908 Canterbury</u>
<u>Lori Bruce</u>	<u>Lori Bruce</u>	<u>7921 Canterbury</u>
<u>Jim Hargrove</u>	<u>James B. Hargrove</u>	<u>7921 Canterbury</u>
<u>Lebra Bromley</u>	<u>Lebra Bromley</u>	<u>7932 Canterbury</u>
<u>STANLEY PLESSER</u>	<u>Stanley Plessner</u>	<u>7938 Canterbury</u>
<u>Carole Plessner</u>	<u>Carole Plessner</u>	<u>7938 Canterbury</u>
<u>Julia Flynn</u>	<u>Julia A. Flynn</u>	<u>7901 Canterbury</u>

Council Policy #312 states sidewalk petitions 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 affected street.

Council Policy #360 states the City will consider a street lighting request, if a petition form is received from over 50 percent of the abutting properties within 500 feet of the proposed street light location.

The process for deciding whether to have and where to place a sidewalk on Canterbury between 79th and Somerset has unnecessarily created an adversarial atmosphere amongst the homeowners. The only way there can be any healing is for the final decision be made with complete transparency. In order to do this the homeowners need to see all documents relating to:

A.. The cost per side (including the cost to the utility companies if lines need to be moved).

B. The estimated amount of time that will be needed to complete the installation of the sidewalk on both sides of the street; including the time needed to move utility lines.

C. Cost of alterations and projected affect to the existing driveways and front yards: Five of the homes on the West side of Canterbury have relatively steep slopes whose properties will be adversely affected by a sidewalk installation. Not one of the homes on the East side of Canterbury have this problem.

D. The cost to the Utility Companies: Every effort should be made not to create additional costs for these companies. If we don't, the residents of Prairie Village will eventually have to absorb these costs through higher rates.

E. A Safety Evaluation for the proper placement of the sidewalk: On 79<sup>th</sup> St., there is a relatively steep hill from Falmouth east to Canterbury that obscures a pedestrians ability to see cars coming over the hill causing almost every person to cross 79<sup>th</sup> St. on the east side of Canterbury.

After all the facts and backup documents are presented for all the affected residents to examine can a true determination be made on which side of the street the sidewalk should be placed. Only after all these issues have been resolved can a final and informed vote be made by the City Council.

The homeowners on Canterbury who have signed this petition want a sidewalk, but want it on the side of the street that costs the least, takes the least time to finish, does the least damage to their property, and is most safe for pedestrians. Complete transparency, not a few complaining homeowners should determine the location of the sidewalk. Neither the City nor the Utility Companies should be bullied into spending any additional dollars to satisfy these complainers.

The process for deciding whether to have and where to place a sidewalk on Canterbury between 79th and Somerset has unnecessarily created an adversarial atmosphere amongst the homeowners. The only way there can be any healing is for the final decision be made with complete transparency. In order to do this the homeowners need to see all documents relating to:

A. The cost per side (including the cost to the utility companies if lines need to be moved).

B. The estimated amount of time that will be needed to complete the installation of the sidewalk on both sides of the street; including the time needed to move utility lines.

C. Cost of alterations and projected affect to the existing driveways: <sup>AND FRONT YARDS</sup> Five of the homes on the West side of Canterbury have relatively steep slopes whose properties will be adversely affected by a sidewalk installation. Not one of the homes on the East side of Canterbury have this problem.

D. The cost to the Utility Companies: Every effort should be made not to create additional costs for these companies. If we don't, the residents of Prairie Village will eventually have to absorb these costs through higher rates.

E. A Safety Evaluation for the proper placement of the sidewalk: On 79<sup>th</sup> St., there is a relatively steep hill from Falmouth east to Canterbury that obscures a pedestrians ability to see cars coming over the hill causing almost every person to cross 79<sup>th</sup> St. on the east side of Canterbury.

After all the facts and backup documents are presented for all the affected residents to examine can a true determination be made on which side of the street the sidewalk should be placed. Only after all these issues have been resolved can a final and informed vote be made by the City Council.

The homeowners on Canterbury who have signed this petition want a sidewalk, but want it on the side of the street that costs the least, takes the least time to finish, does the least damage to their property, and is most safe for pedestrians. Complete transparency, not a few complaining homeowners should determine the location of the sidewalk. Neither the City nor the Utility Companies should be bullied into spending any additional dollars to satisfy these complainers.

~~My~~ My wife and I honestly don't care if a sidewalk is put in or not, but we certainly would like the assessment and decision process to determine the outcome to be fair.

Justin Nichols

7955 CANTERBURY

The process for deciding whether to have and where to place a sidewalk on Canterbury between 79th and Somerset has unnecessarily created an adversarial atmosphere amongst the homeowners. The only way there can be any healing is for the final decision be made with complete transparency. In order to do this the homeowners need to see all documents relating to:

A. The cost per side (including the cost to the utility companies if lines need to be moved).

B. The estimated amount of time that will be needed to complete the installation of the sidewalk on both sides of the street, including the time needed to move utility lines.

C. Cost of alterations and projected affect to the existing driveways. <sup>AND FRONT YARDS</sup> Five of the homes on the West side of Canterbury have relatively steep slopes whose properties will be adversely affected by a sidewalk installation. Not one of the homes on the East side of Canterbury have this problem.

D. The cost to the Utility Companies: Every effort should be made not to create additional costs for these companies. If we don't, the residents of Prairie Village will eventually have to absorb these costs through higher rates.

E. A Safety Evaluation for the proper placement of the sidewalk: On 79<sup>th</sup> St., there is a relatively steep hill from Falmouth east to Canterbury that obscures a pedestrians ability to see cars coming over the hill causing almost every person to cross 79<sup>th</sup> St. on the east side of Canterbury.

After all the facts and backup documents are presented for all the affected residents to examine can a true determination be made on which side of the street the sidewalk should be placed. Only after all these issues have been resolved can a final and informed vote be made by the City Council.

The homeowners on Canterbury who have signed this petition want a sidewalk, but want it on the side of the street that costs the least, takes the least time to finish, does the least damage to their property, and is most safe for pedestrians. Complete transparency, not a few complaining homeowners should determine the location of the sidewalk. Neither the City nor the Utility Companies should be bullied into spending any additional dollars to satisfy these complainers.

If the sidewalk is to be installed on my side of the street (west) I would vote No. For the people on the East side of the street it is their decision yes or No on their side of the street. Dalene Ann Pantoy  
7926 Canterbury

I would like to state that I have  
no real preference whether there  
is a sidewalk constructed on  
Canterbury. However, if it would  
be safer for the children, I  
would support the petition for a  
sidewalk to be constructed along  
the east side of Canterbury

Patricia Trayson

PAT TRAYSON

7956 CANTEBURY

10-29-05

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

**PUBLIC PARTICIPATION**

Stan Plessner, 7938 Canterbury, addressed the Council to present a resubmittal for a petition to construct a sidewalk on Canterbury. Mr. Plessner stated that several individuals felt pressured to sign an earlier petition for the location of the sidewalk on the west side of the street. Mr. Plessner contends the process for deciding whether to have and where to place a sidewalk on Canterbury between 79<sup>th</sup> Street and Somerset has unnecessarily created an adversarial atmosphere amongst the homeowners. He feels the only way there can be any healing is for the final decision be made with complete transparency and requests that the following documents be made considered in the decision and made available for all homeowners to view:

1. The cost per side (including the cost to the utility companies if lines need to be moved.)
2. The estimated amount of time that will be needed to complete the installation of the sidewalk on both sides of the street; including the time needed to move utility lines;
3. Cost of alterations and projected affect to the existing driveways and front yards for the construction;
4. The cost to the utility companies; and
5. A safety evaluation for the proper placement of the sidewalk.

Mr. Plessner noted there is a relatively steep hill from Falmouth east to Canterbury that obscures a pedestrian's ability to see cars coming over the hill causing most people to cross 79<sup>th</sup> Street on the east side of Canterbury.

Mr. Plessner stated the homeowners on Canterbury who have signed the petition want a sidewalk, but want it on the side of the street that costs the least, takes the least time to finish, does the least damage to their property and is most safe for pedestrians.

Carole Plessner, 7938 Canterbury, noted some of the signatures on the earlier petition presented by residents on the west side of the street were invalid and urged the Council members to walk the area before making a decision on the location of the sidewalk. She noted there are elderly on both sides of the street and a growing population of young children



POLICY/SERVICES COMMITTEE MINUTES  
November 7, 2005

**POL2005-31 Consider Canterbury Sidewalk Petition**

Bob Pryzby advised that on October 17, a petition for new sidewalks on Canterbury Street from 79<sup>th</sup> Street to Somerset Drive was presented to the City Council. Fourteen of the nineteen properties signed the petition. Three of the fourteen could not be verified against the County land records, probably due absentee ownership or new owners. All but one of the property owners who signed the petition live on the west side of the street.

City Municipal Code Chapter XIII Article 1 Section 13-106 states: "When a petition, signed by no fewer than 25 citizens owning real estate in the City or 51% of the citizens owning real estate along the street where the proposed sidewalk construction or reconstruction is to occur, requesting construction of a sidewalk is filed with the City Clerk, the governing body may in its discretion, by a resolution, order such sidewalk constructed as herein provided."

City Council Policy No. 312 *Sidewalk* section RESIDENTIAL STREETS states: "All residential streets will have sidewalks on one side of the street. The construction cost may be paid as part of the street resurfacing or reconstruction program."

Two of the residents who live on the east side of the street came to my office to discuss the petition. Both residents asked why their side of the street was selected by the petitioners. One resident stated that there was no opposition to having a sidewalk but requested that it should be on both sides of the street so everyone is treated equally. He further stated that if the west side property owners want or feel that they need a sidewalk in the neighborhood, then it should be on their side of the street where they can clean it and use it. He noted that since the distribution of the packet, he has received a petition opposing the installation of the sidewalk signed by eight individuals, four of whom had sign the earlier petition in support of the petition.

Staff originally proposed constructing the sidewalk on the east side, because of less conflict with plantings, small trees and a slightly higher grade. The sidewalk can be constructed on the west side or the east side.

Mr. Pryzby advised the preliminary (without design) cost to construct a new sidewalk on the one side of the street is \$90,000 to \$100,000, which includes engineering design,

construction and construction administration. The costs include reconstructing the newly constructed driveways, as the driveways were not constructed to have a sidewalk cross over the driveway. No funding has been budgeted in the present Capital Infrastructure Program. 2006 funding for capital improvements has already been allocated. He will be preparing the 2007 capital improvements program in the next two months.

Arnold Katz, 7943 Canterbury, note he was present to oppose the construction of the sidewalk last year when the City decided not to build the proposed sidewalk. Mr. Katz questioned the fairness of the petition noting that the petition requests for a sidewalk on the street opposite from where most of the petitioners live. He does not feel the residents on the west side of the street should be able to request a sidewalk that will not be located on their property. He noted the construction of the sidewalk would require the neighborhood to suffer the inconvenience of having their neighborhood torn up for another several months. Mr. Katz stated the placement of a sidewalk on the west side is not consistent with the location of the other sidewalks in the area.

It has been stated that Prairie Village is a walking community; however, during the past 18 days only 60 people have been seen walking in this neighborhood – less than four per day. Mr. Katz said last Friday afternoon he observed kids playing football on the street unsupervised and oblivious to car traffic on the street. He feels construction of the sidewalk would only increase this type of activity.

Mr. Katz closed stated he felt the sidewalk was not needed, its construction would create a major inconvenience to the neighborhood. He felt this petition should have been presented last year before the street repairs were done noting the additional costs that will be incurred by the City to build the sidewalk now. This money can be better spent on other projects. There have not been sidewalks for 40 years. They are not needed now.

Stacie Elifrits, 7950 Canterbury, stated it does not matter what side of the street the sidewalk is location on. She has four children and feels the sidewalks are necessary for their safety. She agrees the construction, done at a separate time from the street repair, will be a major inconvenience for the neighborhood. The City's policy calls for the construction of sidewalk when street repair is done and it should have been followed and sidewalk already constructed at this location. Mrs. Elifrits stated the petition called for the sidewalk to be located on the east side of the street because of the lower cost to construct on the east side.

Stan Plessner, 7930 Canterbury, acknowledged the amount of time the Council has given this issue. He stated the petition was drafted for a sidewalk on the east side because the original proposal from the City was for sidewalk on the east side. He noted several houses on the west side have significantly sloping properties which would make sidewalk construction for difficult and more costly than if constructed on the flatter land on the east side.

Mr. Plessner noted three important considerations in the construction of the sidewalk. First, the cost consideration stating the sidewalk should be constructed where it is least

expensive for the City. Secondly, safety should be considered. He noted the speed of vehicles traveling down the hill on Canterbury and stated the location on the west side will provide a greater opportunity to see and respond to the traffic. He feels the sidewalk will be used primarily for residents traveling to the park. Finally, the geographic conditions of the land on the west side with sloping properties will make the construction process more difficult and more costly.

In response to residents signing both petitions, Mr. Plesser stated this has been a very difficult issue for the neighborhood. He knows of at least one individual who signed the second petition because they felt pressured.

Romney Ketterman, a 46-year resident at 7951 Canterbury, presented a letter to the Commission voicing his strong opposition to the construction of a sidewalk on the east side of Canterbury. In the letter he noted minimal pedestrian on this three block section which does not connect with 79<sup>th</sup> Street and ends at Somerset. Mr. Ketterman was concerned with the 9' cut into his yard and driveway for the sidewalk and the burden of keeping the sidewalk cleared. He felt the sidewalk, if constructed, should be on the west side of the street where most of the children in the neighborhood live noting it would maintain the symmetry with the block to the north whose sidewalk is on the west side. He stated he would not be opposed to a sidewalk being constructed on the west side.

Brian Gay, a new resident at 7908 Canterbury, stated he signed both petitions noting he walks his son to the curb daily for the school bus. He does not care where the sidewalk is located, but supports its construction. He has one of the steep driveways on the east side of Canterbury, but he would be ok with the sidewalk being construction on his property.

Mr. Elifrits, 7950 Canterbury, noted the sidewalk should have been constructed in compliance with the city's policy. The original sidewalk was proposed for the east side, but it can be placed on the west side. A sidewalk is needed for this area.

Lori Bruce, 7921 Canterbury, asked if the sidewalk would be constructed with a grass buffer or on the curb, noting she has a large tree that would need to be removed for the sidewalk. She reminded those present that the property for the sidewalk is an easement owned by the City and is not their property. She noted they would be willing to clear the sidewalk of her elderly neighbor.

Mrs. Bruce noted there are several new families in the neighborhood since the initial consideration for a sidewalk. She expressed frustration at this issue becoming a dividing ground for the neighborhood. The sidewalk should have been constructed in accordance with the City policy and not become an issue.

Joe Barnhill, 7941 Canterbury, thanked the committee for the time spent in consideration of this question. He feels the sidewalk will be a positive addition to the neighborhood and noted its benefit for the elderly and in making the area more ADA assessable.

Debra Burk, 7909 Canterbury, asked how far back into the residents' yard would the sidewalk be constructed and who is responsible for its maintenance. Mr. Pryzby responded the typical standard is to construct sidewalks one foot off the property line, which is approximately 10' in, one foot from the curb or next to the curb. The usual grass buffer is four feet. The maintenance and repair is the responsibility of the City with the homeowner being responsible for keeping the sidewalk clear. Mrs. Burk confirmed a ticket could be written if a complaint was called in to the City. She opposed the construction two years ago because she travels and does not want the additional responsibility that comes with a sidewalk. The area has not had a sidewalk for 50 years, one is not needed now.

Joe Katz, 7943 Canterbury, stated four of the five families have stated they would support a sidewalk located on the west side. He feels it should be constructed on the west side.

Carole Plesser 7938 Canterbury, stated she was outraged that the residents are now having this discussion. The sidewalk should have been constructed in compliance with the City policy. She feels the City Council acted irresponsibly in not adhering to its policy. There are valid safety concerns with vehicles driving down Canterbury and the growing number of children in the area. She does not feel the sidewalk should be constructed on the east side as it would not connect to Somerset. Mrs. Plesser asked the Council to be responsible and do what is appropriate for the well being of the community.

Mitsu Sato, 7920 Canterbury, stated he liked the neighborhood and supports the construction of a sidewalk on either side of the street. He noted the makeup of the neighborhood is changing as new families move in.

Al Herrera closed the public participation portion of the meeting. He stated he did not support the original petition not to construct sidewalks and agrees that the City policy should be followed.

Pat Daniels asked what the estimated would be for the sidewalk. Mr. Pryzby stated no design has been done for the sidewalk. His estimate would be \$90,000 to \$100,000. He noted any removal of utilities required for the construction of the side would be paid for by the utilities. The cost to construct on the west side would be higher but he did not feel it would be considerably higher.

Al Herrera asked if the tree on the east side would need to be removed for the sidewalk. Mr. Pryzby responded it is the city's intention to work around the tree unless it is absolutely impossible.

David Belz asked how long it would take to install the sidewalk. Mr. Pryzby stated from start to finish two to two-half months.

Jeff Anthony asked for clarification on the 51% stated in the ordinance. Mr. Pryzby advised there is no ordinance on this issue. The City's policy says any resident can petition for the construction of a sidewalk and the petition must include 51% of the

residents to be accepted. The Council Policy states when no sidewalk is present, a sidewalk will be constructed in conjunction with street repair.

Mr. Pryzby reminded the Committee the 2006 Capital Improvement Program has been set and unless funds are reallocated there is no funding for construction in 2006 unless funding is taken from the general fund contingency.

Jeff Anthony made the following motion, which was seconded by Pat Daniels:

**RECOMMEND THE CITY COUNCIL DIRECT THE PUBLIC WORKS STAFF TO INCLUDE A BUDGET REQUEST IN THE 2007 CAPITAL INFRASTRUCTURE PROGRAM FOR THE CONSTRUCTION OF A SIDEWALK ON THE WEST SIDE OF CANTERBURY STREET BETWEEN 79<sup>TH</sup> STREET AND SOMERSET DRIVE**

Pat Daniels stated he supports the construction on the west side because of its connectivity with existing sidewalks. He would recommend the placement of the sidewalk be at the curb to minimize the impact to the residents' properties. He feels this would be appropriate as this is a retrofit project.

Jeff Anthony stated the placement of the sidewalk should be addressed separately.

David Belz asked if the design can be done without knowing the location. Mr. Pryzby responded it could but it would be simpler and less costly to design if the location were known. He stated his preference as Public Works Director for safety reasons is to construct sidewalks one foot off the property line creating a five foot grass buffer.

David Belz noted the yards in this area are not large and the sidewalk on Reinhart is located at the curb. He understands the safety reasons behind the standard location but feels the City also needs to be sensitive to the amount of the residents' front yard that would be taken. He would like to see the sidewalk located on the curb.

The question was called and passed.

The motion was restated by the City Clerk as follows:

**RECOMMEND THE CITY COUNCIL DIRECT THE PUBLIC WORKS STAFF TO INCLUDE A BUDGET REQUEST IN THE 2007 CAPITAL INFRASTRUCTURE PROGRAM FOR THE CONSTRUCTION OF A SIDEWALK ON THE WEST SIDE OF CANTERBURY STREET BETWEEN 79<sup>TH</sup> STREET AND SOMERSET DRIVE**

**COUNCIL ACTION REQUIRED**

The motion was voted on and passed unanimously.

**COU2005-42 TO CONSIDER DISOLVING THE RESTRICTED RESIDENTIAL PARKING DISTRICT AS LOCATED ON EATON, 74<sup>TH</sup> TERRACE AND 74<sup>TH</sup> STREET.**

**Council Committee**

**Issue:**

Should the City of Prairie Village dissolve the restricted residential parking district located on Eaton, 74<sup>th</sup> Terrace and 74<sup>th</sup> Street?

**Background:**

On April 16, 2001, residents living in the area of LockLine, located at 7400 State Line Road, approached the City Council about the increasing number of vehicles parked on their residential streets. The residents complained of traffic congestion that restricted the flow of traffic, the inability to park near their homes, having their driveways blocked, declining property values and unsafe conditions for pedestrians and motorists.

The City made several attempts to work with the business concerning employee parking on residential streets. The business indicated they had more employees than off-street parking spaces and a resolution of the issue may be difficult. During the year, the business acquired additional parking spaces by purchasing a building on 75<sup>th</sup> Street, negotiating with a neighboring business to use additional parking spaces, and established internal procedures for management and supervisors to utilize satellite parking.

On September 17, 2001, the Police Department completed a parking study of the area. The purpose of the study was to verify health/safety conditions and determine the extent to which streets were being used by neighbors and/or commuters.

On October 1, 2001, the City Council passed a Residential Parking District Ordinance. The ordinance sets forth five findings that are reasons for restricting the use of public streets to residents only parking. The five criteria are:

1. The presence of conditions hazardous to motorists and pedestrians;
2. Traffic congestion;
3. Unreasonable burdens placed on residents in obtaining access to on-street parking near their dwelling units;
4. Degradation of property values in the area, and
5. Conditions detrimental to the peace, comfort and welfare of the residents of Prairie Village.

In order for an area to be considered eligible as a residential parking district, the City Council must make the following findings:

1. That three of the five criteria previously listed exist;
2. That some portion of the side of the street under consideration must be zoned residential and used for residential purposes, and
3. That the majority of the property owners in the area agree to abide by the restrictions established by the City Council.

On November 16, 2001, the City Clerk received a petition requesting a public hearing be held to consider the establishment of a residential parking district identified in the petition. The petition contained verified signatures that represented a majority of the 50 property owners included in the proposed district.

On December 17, 2001, the City Council held a public hearing concerning the establishment of a residential parking district. After residents addressed the City Council, the Council found that all five criteria were present for the establishment of a residential parking district along with the boundaries designated. At the conclusion of the vote, it was determined the action would be finalized through adoption of an ordinance at the January 7, 2002, City Council meeting.

On January 7, 2002, the residential parking district was passed and became effective with the specified restrictions on February 1, 2002. The Police Department administered the permit registration process for the residential parking district and has continued to renew and issue parking permits for residents.

In May 2003, LockLine relocated to another location. The building was left vacant until March of 2005 when part of the building was leased to Prudential/Kansas City Realty.

The Police Department recently reexamined the five criteria set forth in the residential parking district to determine if the aforementioned criteria were currently present.

1. The presence of conditions hazardous to motorists and pedestrians.

A review of accident data collected in 2000 and 2001, two years prior to the establishment of the residential parking district, indicated there were on average two motor vehicle accidents per year. In the years 2002–2004 during the implementation of the district, there were also on average two traffic accidents a year.

A review of recent accident data collected in 2005, where the residential parking district was still in effect but was not utilized due to LockLine vacating the

property, indicates there were three motor vehicle accidents in the district during that year.

The data indicates that the accident picture really did not change much pre, during and post the parking problems within the district. I believe the aforementioned data demonstrates that "conditions hazardous to motorist and pedestrians" are not present.

2. Traffic congestion.

The survey conducted by the Department and presented to City Council on September 17, 2001, indicated an average of 24 vehicles parked on residential streets in the proposed district.

Currently, there are approximately 98 employees of Prudential who frequent the building; however, only about 27 employees regularly occupy office space. The business informed the Department it might grow to 120 total employees who will occupy the building at various times during the day. The current parking lot has a capacity for 194 vehicles.

Recently, the Department conducted a survey a various times during business days to determine parking volume. At present, only an average of six vehicles are parked on the streets in the residential parking district and the parking lot at 7400 State Line Road is largely devoid of parked cars. As you can see since the departure of LockLine, traffic volume created by the business has been dramatically reduced as the traffic congestion caused by large numbers of employees working many shifts in a call center has been eliminated.

3. Unreasonable burdens placed on residents in obtaining access to on-street parking near their dwelling units.

Prior to the established residential parking district, the parking lot of 7400 State Line Road had no vacant parking spaces available, which created the need for vehicles to park on residential streets within the district.

With the departure of LockLine and the limited number of parking spaces required by the new business, the parking lot of 7400 State Line Road will have a large number of vacant parking spaces available. As a result, the burden placed on residents prior to the establishment of the district should no longer exist.

4. Degradation of property values in the area.

A sampling of appraised property values of the petitioners for the residential parking district indicated an average increase in the appraised property value of



12.85 percent from 2004 to 2005. The greatest increase in appraised value was 37.8 percent and the smallest increase in appraised value was 0.5 percent.

It appears that the conditions currently existing are not degrading property values.

5. Conditions detrimental to the peace, comfort and welfare of the residents of Prairie Village.

The City Council found in 2001 that the four preceding criteria contributed to the presence of the fifth condition. Since the current conditions no longer match the conditions in effect in 2001, I believe a finding could be made that the conditions detrimental to peace, comfort, and welfare as it relates to parking problems also is no longer occurring.

**Recommendation:**

**STAFF RECOMMENDS THAT THE CITY OF PRAIRIE VILLAGE DISOLVE THE CURRENT RESTRICTED RESIDENTIAL PARKING DISTRICT LOCATED ON EATON, 74<sup>TH</sup> TERRACE AND 74<sup>TH</sup> STREET AS THE CRITERIA REQUIRED BY THE ORDINANCE NO LONGER EXIST.**



RESIDENTIAL PARKING DISTRICT



**COUNCIL MEETING AGENDA  
CITY OF PRAIRIE VILLAGE  
Monday, December 19, 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 – December 5, 2005
2. Approve a carry-over of \$500 in unspent funds from the Environmental Committee's 2005 budget to 2006 for installation of informational streamway signs.
3. Approve a one-year agreement between the City of Prairie Village and Daymark Solutions, Inc. for photo identification system and card printer service.
4. Approve a two-year agreement between the City of Prairie Village and the Board of Police Commissioners of Kansas City, Missouri for for the Police Department's use of the Automated Law Enforcement Response Team (ALERT).
5. Approve the issuance of 2006 Cereal Malt Beverage Licenses to the Hen House #22 at 4050 West 83<sup>rd</sup> Street, the Hen House #28 at 6950 Mission Road and Hy-Vee, Inc. at 7620 State Line Road.
6. Approve an agreement with Synergetic Solutions to audit the City's workers compensation modification rate, classification and premium charges for the plan year 2005-2006.

**By Committee:**

7. Approve the transfer of \$32,300 from Project 191001 ADA improvements to project 191012: 2005 concrete repair program (Policy/Services Committee minutes – December 5, 2005).
7. Approve the interlocal agreement with the City of Leawood permitting the installation of School zone beacons on Mission Road near 85<sup>th</sup> Street in the City of Leawood (Policy/Services Committee minutes – December 5, 2005).
8. Adopt ordinances amending Chapter 3 of the Code of the City of Prairie Village to permit the sale of alcoholic liquor and cereal malt beverage of Sundays (Legislative/Finance Committee minutes – December 5, 2005)
9. Approve the contribution of \$15,000 to the following agencies with 2006 Alcohol Tax funds:

Cypress Recovery	\$	1,500
Friends of Recovery	\$	304
The Family Conservancy	\$	197
Intensive Family Counseling	\$	668
Johnson County Court Services	\$	760
Johnson County Dept. of Corrections	\$	304
Johnson County Library	\$	76
Johnson County Mental Health Center: Adolescent Treatment Center	\$	2,131

Johson County Mental Health Center: Adult Detox Unit	\$	3,852
Johson County Mental Health Center: Regional Prevention Center	\$	1,210
National Council on Alcoholism & Drug Dependence	\$	150
SAFEHOME	\$	152
Salvation Army / Shield of Service Substance Abuse Center of Eastern Kansas	\$	759
TLC for Children and Families	\$	310
Shawnee Mission School District	\$	588
DAC Administration	\$	1,006
Total	\$	1,033
	\$	15,000

(Legislative/Finance Committee minutes – December 5, 2005)

10. Approve an agreement with British Soccer Camps to conduct a camp in Meadowlake Park from 17-21 July, 2006 (Legislative/Finance Committee minutes – December 5, 2005)

## V. COMMITTEE REPORTS

**Legislative Finances Committee – Bill Griffith**  
LEG2005-40 Consider Economic Development Incentive Policy

LEG2005 -41 Consider 2006 Legislative Program

## VI. OLD BUSINESS

## VII. NEW BUSINESS

## 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@PVKANSAS.COM](mailto:cityclerk@PVKANSAS.COM)

# **CONSENT AGENDA**

**CITY OF PRAIRIE VILLAGE, KS**

**Monday, December 19, 2005**

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

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

**ROLL CALL**

Acting Council President Al Herrera called the meeting to order with the following Council members responding to roll call: Bill Griffith, Steve Noll, Andrew Wang, Laura Wassmer, Pat Daniels, Jeff Anthony, Wayne Vennard, Diana Ewy Sharp and David Belz.

Also present were: Barbara Vernon, City Administrator; Charles Wetzler, City Attorney; Charles Grover, Chief of Police; Bob Pryzby, Director of Public Works; Doug Luther, Assistant City Administrator; Josh Farrar, Assistant to the City Administrator and Joyce Hagen Mundy, City Clerk.

**PUBLIC PARTICIPATION**

Stan Plessner, 7938 Canterbury, addressed the Council to present a resubmittal for a petition to construct a sidewalk on Canterbury. Mr. Plessner stated that several individuals felt pressured to sign an earlier petition for the location of the sidewalk on the west side of the street. Mr. Plessner contends the process for deciding whether to have and where to place a sidewalk on Canterbury between 79<sup>th</sup> Street and Somerset has unnecessarily created an adversarial atmosphere amongst the homeowners. He feels the only way there can be any healing is for the final decision be made with complete transparency and requests that the following documents be made considered in the decision and made available for all homeowners to view:

1. The cost per side (including the cost to the utility companies if lines need to be moved.)
2. The estimated amount of time that will be needed to complete the installation of the sidewalk on both sides of the street; including the time needed to move utility lines;
3. Cost of alterations and projected affect to the existing driveways and front yards for the construction;
4. The cost to the utility companies; and
5. A safety evaluation for the proper placement of the sidewalk.

Mr. Plessner noted there is a relatively steep hill from Falmouth east to Canterbury that obscures a pedestrian's ability to see cars coming over the hill causing most people to cross 79<sup>th</sup> Street on the east side of Canterbury.

Mr. Plessner stated the homeowners on Canterbury who have signed the petition want a sidewalk, but want it on the side of the street that costs the least, takes the least time to finish, does the least damage to their property and is most safe for pedestrians.

Carole Plessner, 7938 Canterbury, noted some of the signatures on the earlier petition presented by residents on the west side of the street were invalid and urged the Council members to walk the area before making a decision on the location of the sidewalk. She noted there are elderly on both sides of the street and a growing population of young children.

#### **Citizen Police Academy Graduation**

Chief Charles Grover gave a brief history and description of the Citizen Police Academy Program started by the Department in 1991. The eleven week program is designed to provide insight to residents on the services provided by the Public Safety Department. He was pleased to introduce and present certificates of graduation to the 11 graduates of the eleven-week class just completed.

Drew Hawes, 7400 Roe Circle, addressed the Council on behalf of the class. He noted that during the 11 weeks the class covered over 30 topics and met with 30 Public Safety Employees. He was impressed by the active participation of 75% of the Department in the program. In the opening remarks to the class, Chief Grover stated he hoped those attending the class would come to see the integrity, trust and competence of the Department. Mr. Hawes described how he now viewed the department with the acronym PIP – a department with Passion, Integrity and Pro-actively meeting the needs of residents.

#### **CONSENT AGENDA**

Laura Wassmer asked for the removal of item #18 – “Return the Planning Consultant selection process to the Planning Commission with direction to re-send request for proposals to the seven initial firms and to consider the hiring of an in-house planner “ from the Consent Agenda. Jeff Anthony asked for the removal of item #20 – “Adopt an ordinance establishing the 2006 salary ranges for the City of Prairie Village”.



Bill Griffith moved the approval of the Consent Agenda for Monday, December 5, 2005 as amended

1. Approve Regular Council Meeting Minutes – November 21, 2005
2. Approve Claims Ordinance #2621
3. Approve a three-year agreement between the City of Prairie Village and Teague Electric for Electrical Services
4. Approve a three-year agreement between the City of Prairie Village and Shawnee Mission Tree Service for holiday tree lighting services
5. Approve a three-year agreement between the City of Prairie Village and Chief Heating & Cooling, Inc. for HVAC services
6. Approve a three-year agreement between the City of Prairie Village and Ice-Masters, Inc. for ice maker services
7. Approve a three-year agreement between the City of Prairie Village and Johnson County Key Service for locksmith services
8. Approve a three-year agreement between the City of Prairie Village and Lawrence Pest Control for pest services
9. Approve a three-year agreement between the City of Prairie Village and Johnny on the Spot for portable toilet services
10. Approve a one-year agreement between the City of Prairie Village and Alexander Open Systems (AOS) for network services
11. Approve the purchase of a 2006 Ford F250 truck for \$22,791.00 from Shawnee Mission Ford for the Community Service Officers
12. Approve a one-year agreement with R&D Computer Systems for laserfiche software maintenance
13. Approve the Mayor's appointment of Laura Deaver to the Prairie Village Tree Board completing the unexpired term of Shelly Trewolla expiring in April, 2006
14. Approve Engineering Change Order #1 for \$17,341.28 reduction in the Construction Administration agreement with The Larkin Group, Inc., and the transfer of these monies to the Capital Infrastructure Program Drainage Unallocated
15. Approve Construction Change Order #3 for a \$10,035.66 increase in the contract value with McAnany Construction
16. Approve Construction Change Order #1 for a deduction of \$1,153.09 to the contract with Musselman and Hall Contractors.
17. Approve Construction Change Order #1 to reduce the construction contract with Wildcat Construction by \$1,650.00
18. Removed
19. Direct Staff to contract with Bucher Willis & Ratliff to provide planning consultant services on an interim basis until a new planning consultant is hired
20. Removed
21. Direct staff to proceed with the implementation of a paperless packet system with the purchase of notebook pcs and related hardware to be administered in the most effective manner with funding from the 2005 General Contingency Fund
22. Approve the proposed calendar for consideration of the 2007 budget for the City of Prairie Village following the format used in the creation of the 2006 budget

A roll call vote was taken with the following members voting "aye": Griffith, Noll, Wang, Wassmer, Daniels, Anthony, Vennard, Ewy Sharp (nay on #22) and Belz.

#### Salary Ordinance

Jeff Anthony stressed the concern expressed at the last meeting that a Compensation and Benefits committee be appointed consisting of Council members,

outside representatives and staff to become actively involved in the review and establishment of employee compensation and benefits on a permanent basis to ensure that city staff needs are being addressed and are truly competitive.

#### Planning Consultant Services

Wayne Vennard noted that much of the discussion regarding the hiring of BWR to serve as the City's Planning Consultant revolved not around qualifications but on potential "conflict of interest". Mr. Vennard stated this issue is both important and difficult to pinpoint. He noted the Kansas Governmental Ethics Commission is the highest administrative agency in the state has the task of making decision on conflict of interest. He feels this issue needs to be resolved so a decision can be made on the selection of a planning consultant. He recommended the question be turned over to the City Attorney to request a review and analysis by the Kansas Governmental Ethics Commission on this.

Jeff Anthony respectfully stated that whatever decision the Commission returns he believes there is a conflict of interest by perception and his vote will not change.

Steve Noll stated from the beginning he has acknowledged that there is not a conflict of interest, but he feels it is inappropriate for the City to enter into a contract with a firm in which the Mayor of the City is a partner. It is not illegal, but it is totally inappropriate and he will not support it.

Wayne Vennard noted the City has had an agreement with BWR since 1992 and since joining the firm the Mayor has secluded himself from any discussion or action. He feels the city would be more harmed by the discontinuance of the excellent services provide by BWR. It makes no sense economically, ethically or morally.

Al Herrera noted the Mayor's appointment of members of the Planning Commission has to be approved by the City Council. He does not see any conflict and feels the City should move forward with this contract.

Diana Ewy Sharp stated she is supportive of sending the process back to the Planning Commission with them rebidding the position. If after rebidding, no other firms respond, then the Council will need to address the conflict of interest issue.

Wayne Vennard stated the Council can request the opinion of the Kansas Commission and go forward with returning the process to the Planning Commission.

Laura Wassmer asked the City Administrator if, based on filed statement of interests, there were other possible conflict of interest. Mrs. Vernon responded there were none with current councilmembers; however, there have been situations with past Councils and the parties have always recused themselves, abstaining themselves from participation and voting.

Pat Daniels stated he did not feel additional information would change any votes as the votes are based on "perception" not "fact". He can understand the concerns however, from a practical standpoint the can be addressed by following procedures and procedures have been followed in this situation.

Wayne Vennard moved the City Council submit to the Kansas Governmental Ethics Commission a written statement of facts and circumstances regarding the recently discussed contract proposal by the firm of Bucher Willis & Ratliff. And further that the City of Prairie Village request an advisory opinion from the Kansas Governmental Ethics Commission regarding issues raised by some members of the Prairie Village Governing Body concerning possible conflicts of interest involving the Bucher Willis & Ratliff contract. The motion was seconded by Laura Wassmer and failed by a vote of 5 to 5.

Diana Ewy Sharp moved the City Council return the Planning Consultant selection process to the Planning Commission with direction to re-send request for proposals to the seven initial firms and to consider the hiring of an in-house planner. The motion was seconded by Bill Griffith.

City Attorney Charles Wetzler stated the Planning Commission is created by the State Statute and has specific responsibilities and authority given by the State, unlike other city committees. K.S.A. 12-745 empowers the Planning Commission "to employ such persons deemed necessary or contract for such services as the commission requires". They have the ability to hire needed staff experts to assist them. The Governing Body does not have the authority to select the consultant or enter into an agreement. They have the ability to establish budget. The Planning Commission has the authority to hire, the Council has the authority to pay. Mr. Wetzler stressed the need for cooperation between the Commission and the Council. He noted the Commission members were appointed based on their expertise and understanding of the Planning function. They know what services are needed to best fulfill their responsibilities and are in the best position to

select the most qualified consultant. The focus of the Governing Body should be on the procedures followed and providing payment.

Bill Griffith stated the selection of the Mayor's firm by a group of individuals appointed by the Mayor does not "pass the nose test" – it reeks of impropriety, whether justified or not.

Mr. Wetzler responded with a similar situation in the city's past. He noted in 1963 he was appointed by Mayor Bennett as City Prosecutor while he was working for Mayor Bennett's law firm.

Al Herrera noted that several people now sitting on the Council were initially appointed by Mayor Shaffer to those positions and questioned how this was any different than his appointment of Planning Commission members. Based on the statements being made, it would imply that all appointed Council members' votes would be biased and should not be accepted. The Planning Commission members have followed the procedure established by the City, requesting proposals, interviewing all firms that submitted proposals and making a clear recommendation for the most qualified candidate, which some council members say isn't acceptable. Mr. Herrera expressed frustration in the inability of the Council to act on a \$30,000 agreement with a firm that has provided excellent service over the past 13 years. He does not see any conflict of interest.

Pat Daniels stated this is not being treated objectively, but subjectively.

Dave Belz stated there is no reason why the City should not strive to be above reproach in all it does. The action has nothing to do with the qualifications of Bucher Willis and Ratliff to provide the services. He feels the City should distance itself from a situation that could project impropriety.

Pat Daniels stated it is good at times to have a fresh approach from a new firm; however, his primary concern is the loss of continuity for the implementation of the "Village Vision" process/recommendations. He would like to see the City continue with Bucher Willis & Ratliff at least for the next 6 months – he does not support a change in key city staff at this time.

Wayne Vennard asked Council members if they really thought the Planning Commission members were under the thumb of the Mayor.

Andrew Wang stated he felt the Commission members were above reproach, they followed city policy sending requests for proposal to several firms, interviewed both firms that replied to the request, made their selection based on qualifications and ability to provide the day to day services needed by the Commission and the City. The firm unanimously selected by the Commission clearly had superior qualifications. If the Council chooses not to accept that recommendation it will be doing a great injustice to the residents of Prairie Village.

A vote was taken on the motion, which passed by a vote of 6 to 4 with the following votes cast "aye" Griffith, Noll, Wang, Anthony, Ewy Sharp and Belz; "nay" Herrera, Wassmer, Daniels & Vennard.

Bill Griffith moved the City Council adopt an ordinance establishing the 2006 salary ranges for the City of Prairie Village. The motion was seconded by David Belz.

Diana Ewy Sharp expressed her support for the establishment of a ad hoc committee on compensation and benefits recommended by Mr. Anthony.

A roll call vote was taken with the following members voting "aye": Griffith, Noll, Wang, Wassmer, Daniels, Vennard, Ewy Sharp and Belz. And "nay" Anthony

## **COMMITTEE REPORTS**

### **Policy/Services Committee**

#### **POL2004-14 Consider Project 190709: 83<sup>rd</sup> Street, Somerset Drive Drainage**

Two design alternatives for this project have been studied and presented to the area residents without adverse comment. The least expensive alternative is the original alternative to construct a new pipe on 83<sup>rd</sup> Street to Somerset Drive, then on Somerset Drive to the parking lot, then through the parking lot to Mission Valley School with the reconstruction of twin metal culverts and replacement of the cul-de-sacs with road flood warning lights. This alternative requires a waiver from the Stormwater Management Advisory Committee suspending the 7-inch water over a street requirement by permitting the installation of road flood warning lights on Delmar Street and Fontana Street.

On behalf of the Policy/Services Committee, Steve Noll moved the City council direct the Public Works Director to request a waiver of the 7-inch water over a street requirement from SMAC and not request any additional funds.

Bill Griffith asked if the flow of water would still exceed 7 inches after the improvements. Mr. Pryzby responded the improvements would decrease the amount of water flowing across the low area crossing, but because of storm intensity and collection of water at this location, he can not guarantee the water level would not exceed 7 inches. Mr. Griffith asked on what grounds the city was requesting the waiver. Mr. Pryzby responded to obtain approval of SMAC funds for this project.

The motion was seconded by Pat Daniels and passed by a vote of 9 to 1 with Griffith voting "nay".

POL2004-13 Consider Project 190708: Tomahawk Road Drainage Project

On behalf of the Policy/Services Committee, Steve Noll moved the City Council direct the Public Works Director to request from SMAC additional funding of \$1,200,000 for Project 190708: Tomahawk Road Drainage Project. The motion was seconded by Pat Daniels.

Mr. Pryzby reviewed the history of this project and background on this watershed. New County criteria called for a review of the hydraulic and hydrology computations for this project. The calculations found the flow had increased considerably, from 1.340 cubic feet per second to 1.950 cubic feet per second. As a consequence additional work will be required to protect six homes and to extend the proposed street systems further into the watershed. The estimated construction cost for this additional work is \$1,200,000.

Mr. Noll stated if additional funding is approved by SMAC the City's share of the cost for this project could increase by \$300,000. He stressed the change is not caused by actions or inactions by the City, but by changes in design criteria by the County.

Bill Griffith confirmed earlier work at this location and expressed concerns with the potential on-going significant costs for the benefit of a few homes. Mr. Pryzby said if nothing is done the water flow down Tomahawk will be significant impacting 18 different properties. He further stated that additional work may need to be done in the

future as technology provides more accurate understanding of water flow and design criteria are revised.

Pat Daniels confirmed this study by the county is the same one that impacted the River Woods project in Mission. He feels the City needs to support these changes even if the area may need to be revisited in the future.

The motion was voted on and passed unanimously.

POL2005-20 Consider 2005 Traffic Consultant

On October 17th, the City Council approved the selection of TranSystem Corporation as the City's Traffic Consultant. The 2005 Traffic Consultant Agreement contains the following tasks: #1 Traffic Safety Study Report; #2 Traffic Signal Operation and #3 -Traffic Counts. The agreement has been reviewed and approved by the City Attorney and the Public Safety and Public Works Department.

On behalf of the Policy/Services Committee, Steve Noll moved the City Council approve the 2005 Traffic Consultant Agreement with TransSystems Corporation using Public Safety Department 2005 budget funds of \$40,652 for Task #1 and #2 and Public Works Department 2005 budget funds of \$9,534 for Task #3. The motion was seconded by Jeff Anthony and passed unanimously.

POL2005-34 Consider Project 190717: 2006 Storm Drainage Repair Program

On November 7th, the City Council approved the selection of URS to serve as the City's Storm Drainage Consultant. The standard design agreement consists of four phases: Concept Study, Preliminary Design, Final Design and Bidding has been reviewed and approved by the City Attorney.

On behalf of the Policy/Services Committee, Steve Noll moved the City Council approve the Drainage Consultant Agreement with URS Corporation in the amount of \$16,700 with funding from the Capital Infrastructure Program for Project 190717. The motion was seconded by David Belz and passed unanimously.

**OLD BUSINESS**

**POL2005-35 Consider Illicit Water Discharge**

Steve Noll stated earlier in the evening the Policy/Services Committee was unable to complete their discussion and action on this item and called upon Mr. Pryzby to

present information. Bob Pryzby stated the City is experiencing problems with residents discharging sump pumps onto city right-of-way and streets. The city has identified approximately 52 such problems. As a possible solution to this he is proposing offering a program to install 4" PVC pipe behind the curb in the right-of-way to collect the discharge of sump pumps. The program could be done with the city covering the entire cost, or shared costs with the residents or with the residents covering the entire costs. His recommendation would be a shared cost for the pipe as a cost of \$21.00 per foot with the resident paying based on the linear footage of their frontage. The program could be started with a budget of \$50,000 with these funds being offset by revenue from a \$21 per property front foot assessment.

Laura Wassmer asked if the proposed \$50,000 would correct the 52 identified situations. Mr. Pryzby responded the \$50,000 is basically starter funding for the program.

Bill Griffith agreed that this is a real issue; however, stated he is leery to approve \$50,000 start up program without an idea of the long-term financial impact. He stated this could become yet another capital infrastructure program account.

Pat Daniels felt the issue should be returned to the committee to reconsider and come back with a policy for consideration by the City Council.

Mr. Pryzby asked if the Council could address the situation of for the Barr's

Rick Cato, with Doctor's Land and Landscaping, a contractor working with Bill Barr at 8600 Delmar Drive, reviewed the problem experienced by the Barr's and his proposed solution. They are proposing to run a 1½" pipe along the curb across their neighbor's property to connect with the City's drainage system.

Bill Griffith confirmed that a 1 ½" pipe could be pulled through, whereas, a 4" pipe would need to be buried causing more disruption to the property. Mr. Pryzby noted use of 4" pipe would allow others to connect to the same line.

David Belz confirmed that the property owner who has the pipe going across his property would not be assessed.

Diana Ewy Sharp stated she was not ready to vote and felt that doing so would set precedence. The City Attorney noted that every action taken by the Council does not necessarily set precedence. It would be better to take action based on an approved policy,



but noted the time involved to establish a policy. Permission for this resident to take this action does not mean others could take the same action in the future.

Laura Wassmer questioned if there are other houses with this problem that may want to connect to this pipe and confirmed that 1½" pipe is the largest size that could be pulled through the ground. She noted if 1½" pipe is allowed and others want to connect, the city is looking at the possibility of multiple lines. Mr. Cato stated there was sufficient space in the right-of-way for multiple lines.

Mr. Pryzby stated he does not need the policy approved this evening. Bill Griffith asked if an agreement would be made allowing Mr. Barr to connect to the city's system with their 1½" pipe.

Steve Noll confirmed the work would be done in the city right-of-way and need city approval and permits.

Bill Griffith moved the city allow Mr. Barr to connect to the City's storm drainage system as proposed using a 1½" pipe and exempt them from any future fees if a 4" line is put in by the City. The motion was seconded by Pat Daniels.

Wayne Vennard confirmed that any repair to the pipes would be made by the City.

Laura Wassmer questioned if the work was being funded jointly or totally by the resident.

Bill Barr stated the cost estimate received for the work was \$2000 and he would like to see the cost shared by the City. Ms. Wassmer stated she was not comfortable with the city sharing the cost without the policy being in place, but would support allowing Mr. Barr to connect if no city funds were used.

Steve Noll questioned who owned the pipe once installed. Mr. Pryzby responded it would be considered the city's property.

The motion was voted on and passed unanimously.

## **NEW BUSINESS**

### **ADA Appeal**

Al Herrera reviewed the procedures for the Appeal by Mr. James Olenick of a decision of the ADA Compliance Committee relative to the Skate Park Facility at Harmon Park.

Mr. Olenick appealed to that committee to close the Skate Park until the skate area is accessible to all individuals which includes smooth surfaces leading to the concrete play area and accessible parking spaces. The appeal was denied by the ADA Compliance Committee because, although the facilities were still under construction when the complaint was made, the full accessible facilities were complete at the time the hearing was conducted.

James Olenick, 4114 West 74<sup>th</sup> Street, commended the City on the creation of an excellent fully accessible skate park open now to all citizens of differing abilities. He understands and endorses the opening of the park early to honor the young man who got the ball rolling on this park. However, with this desire to open the park early, some things got put on the back burner – mainly access to the park for those who were unable to transverse curbs and gravel. The idea of the Americans with Disabilities Act was to ensure that anywhere able-bodied Americans can go in an urban setting, then wheelchairs should be able to go also. If a construction site is opened to the able-bodied, a person using a wheelchair must have access to that site. In all the planning for the opening of this park the disabled were left at the curb. Mr. Olenick state he made his concerns known 60 days after the opening of the park in June. There were no curb cuts, no marked parking for the handicapped within reasonable distance and no direct access with hard surfaces to the park's hard surfaces.

Mr. Olenick stated the City codes department will not allow a commercial building to operate without being fully accessible, but yet every day for two months your City employees ignored the city's violation of state and federal laws.. This is similar to concerns raised in the past by Mr. Olenick – employees not being cognizant of their responsibilities to all the citizens of this city, reviewing past claims made against the City.

Mr. Olenick stated the city's problem has long been a lack of awareness as to how the employee's inattention to the law affects the lives of others. Now the park is open and accessible closure is not an option; however, he believes that the folks who planned and executed the construction of this park, and the codes administrator and employees associated with these offices and duties need to take a refresher course on ADA awareness, specifically on their job performance and its relation to access.

Bill Griffith confirmed the parking spaces are now painted.

David Belz asked why the skate park was not ADA compliant when opened. Mr. Pryzby responded it was still under construction. The problem was once the surface of completed, the kids started using. The shade structures and ADA access was planned and once the shade structures arrived this was done.

Wayne Vennard asked how long the skate park was in use before it was ADA compliant. Mr. Pryzby responded that he was not sure an ADA ruling existing stating that skate parks needs to be accessible. He's taken the position that it should be made accessible; but has not found any requirement for accessibility. He noted a skate park may be similar to the slide mechanism at the swimming pool not have to be accessible.

Mr. Vennard clarified his question asking how long was the skate park being used before it was fully accessible. Mr. Pryzby responded two to three months.

Jeff Anthony asked Mr. Olenick what he would like to see happen. Mr. Olenick responded the main problem that he has had is with the City being aware of everything that is necessary for the disabled to be able to participate fully in city government, city processes and city recreation. Whether or not the disabled chose to use the park they should have access to the park to view other people using the park. The park should be accessible to the disabled.

What I'm asking for is that the City's employees take a refresher course on how their job impacts the physically impaired and/or the disabled in their use of city facilities.

Jeff Anthony asked is there is on-going training on ADA for employees. Mr. Pryzby responded that he has taken seminars on ADA and he oversees ADA requirements on construction.

Al Herrera closed the hearing and announced that the City Council would consider the appeal and render a decision as required by city policy.

#### **Election of Council President**

Al Herrera stated with the resignation of Kay Wolf, the seat of Council President is vacant. It is the opinion of the City Attorney that a new Council President should be elected at this time since several months remain on the term of office.

Al Herrera moved that Jeff Anthony be elected Council President. The motion was seconded by Bill Griffith.

David Belz asked Mr. Wetzler if he had a problem with the procedure being followed reverting back to the former Council President in the absence of the current President. Mr. Wetzler stated his feeling is that the position is vacant and needs to be filled. He is not comfortable with the position be vacant for six months.

Laura Wassmer questioned the logistics of electing Jeff at this time when he may or may not run for re-election or be re-elected.

Mr. Wetzler stated in 1993 Mayor Taliaferro established the process of having the most senior council member serve as Council President. He doesn't want to tell the Council how to select the individual to fill the position, but he feels the position should not remain vacant. Ms. Wassmer expressed her support of the continuing the process based on the excellent learning experience provided for the Council President.

Pat Daniels confirmed the election would be for the remainder of this term and if re-elected, he could be re-elected as President in May, when the position has historically been elected.

The motion was amended with a friendly amendment clarifying that the election as Council President would be for the unexpired term of former Council President Kay Wolf. The motion was voted on and passed unanimously.

#### **Pledge of Allegiance**

Wayne Vennard moved the members of the Governing Body of the City of Prairie Village, Kansas recite the Pledge of Allegiance subsequent to the call to order of each regularly scheduled meeting of the City Council of the City of Prairie Village. The motion was seconded by Pat Daniels.

Diana Ewy Sharp stated she was supportive of the motion but felt it was a mayoral decision.

The motion was voted on and failed by a vote of 3 (Wassmer, Daniels, Vennard) to 7 (Griffith, Noll, Wang, Herrera, Ewy Sharp & Belz).

#### **Lights**

Al Herrera noted the consent agenda approved a contract for holiday lights and expressed concern with the light display in the City of Prairie Village, acknowledging the excellent display put on by the City of Fairway.

## ANNOUNCEMENTS

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

Planning Commission	12/06/2005	7:00 p.m.
Tree Board	12/07/2005	6:00 p.m.
Park & Recreation Committee	12/14/2005	7:00 p.m.
Council Committee of the Whole	12/19/2005	6:00 p.m.
City Council	12/19/2005	7:30 p.m.

---

The Prairie Village Arts Council is pleased to feature a photography exhibit by Julie Johnson in the R.G. Endres Gallery during the month of December. The opening reception will be held on December 9<sup>th</sup>, from 6:30 – 7:30 p.m.

**Prairie Village Gift Cards are now on sale at the Municipal Building.** This is a great way to encourage others to “Shop Prairie Village”

Donations to the Mayor's Holiday Tree Fund are being taken. The funds will be utilized in assisting Prairie Village families and Senior Citizens needing help to pay their heating and electric bills during the cold winter months, as well as with home maintenance throughout the year. Your tax-deductible contributions are appreciated. As of December 1<sup>st</sup>, \$5,459 has been collected.

The Council of Mayors Holiday Dinner will be held on Tuesday, December 13<sup>th</sup>, contact Barbara or Lauren if you plan to attend.

Mark your calendar for the Employee Award/Holiday Celebration on Wednesday December 14 at noon in the MPR. Mayor and Council Members will need to be present to hand out promotion and tenure awards.

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 was adjourned  
at 9:00 p.m.

Joyce Hagen Mundy  
City Clerk


---

---

**CITY OF PARRIAIRE VILLAGE INTEROFFICE MEMORANDUM**

---

---

**TO:** MAYOR AND CITY COUNCIL  
**FROM:** DOUG LUTHER   
**SUBJECT:** CARRYOVER OF UNSPENT 2005 TO 2006 ENVIRONMENTAL COMMITTEE BUDGET  
**DATE:** 12/5/2005  
**CC:**

---

The Environmental Committee has been working with the Park & Recreation Committee to install informational streamway signs in several locations in the City. The Environmental Committee has allocated \$500 for this purpose, but will not be able to complete the project by the end of 2005.

At its 16 November, 2005 meeting the Environmental Committee approved a motion to request the City Council authorize a carry-over of \$500 in unspent funds from the Committee's 2005 budget into 2006. City Council action is required to authorize the carry-over.

This item has been placed on the 19 December, 2005 Consent agenda for your consideration.

Minutes of November 16, 2005 PV Environment/Recycle Committee

Members present: Margaret Thomas , Teri Carey, Bob Pierson, Tom Heintz, Pete Jarchow, Polly Swafford, Don Landes, Cheryl Landes, Anne-Marie Hedge, Kathy Riordan, Diane Mooney, Toby Grotz, Steve Noll, Dewey Ziegler, Scott Crosette, Linda Smith.

Guests: Joan Leavens, Ginny Moore  
Prospective member: Susan Krotzinger

Margaret Thomas opened the meeting at 7pm.

The minutes of the last meeting were approved as read.

Bob Pierson gave the Treasurer's report: \$808.21 left in the budget.

Margaret T. introduced our two guest speakers for the evening: Joan Leavens and Ginny Moore from the Blue River Watershed Association. Susan Krotzinger was introduced as a prospective member.

Margaret T. reported on the Kansas Environmental Issues symposium for educators she attended. She picked up a lot of literature for the library rack. There will be a Watershed conference in March that a volunteer should go to.

Kathy Riordan gave the final report on the Community Forum. 176 people attended, and 166 had supper. Expenses were \$788.00. We have to reserve the room early for next year.

Tom Heintz gave his report on the prospective interpretive signage near the remodeled streamway along Mission Rd. The request has not made its way through all the necessary committees yet, and will not be approved before the end of the year. He will not be able to spend the money for the signs from this year's budget.

Don Landes moved that the committee agree to hold over \$500.00 from this year's budget to use for the signs next year. Tom Heintz seconded the motion, and the committee members approved the motion to carry \$500 over to next year. The \$500 would be added to our \$3000.00 budget for next year. This request will be submitted to the City Council for approval.

Margaret T. announced there will be a meeting to begin planning for Earth Fair on Dec. 7<sup>th</sup> at her house. She passed around a sheet for volunteers to sign up for committees.

Joan Leavens, education director of the Blue River Watershed Assoc. give a very informative talk about what that organization does to educate students and teachers about the relationship of the watershed to our water supply. Cities now have been mandated by the Clean Water Act II to educate the public about the importance of the watershed. This organization gets its money to run educational programs in the schools from SMAC, private donations and, extra money given by specific cities, like Lenexa and Overland Park. Questions were asked about how the committee could help. We can advocate with the city to provide funding for the public. The committee also voted to donate \$300.00 to the Blue River Watershed Assoc. to help fund an educational program in a Prairie Village school. The water monitoring kits the organization provides for the students to use are expensive.

Pete Jarchow gave a report on the Watershed meetings he has been attending. Johnson County has many repairs to do. An official final report is due in January.

Dewey and Polly volunteered to think about what our committee could do for America Recycles Day next year. We missed it this year.

Teri reported that St. Ann's Fall Festival got a private underwriting to use all biodegradable tableware for next year.

The meeting was adjourned at 8:30pm.

Minutes submitted by Anne-Marie Hedge, secretary.



**Issue: Consider Renewal of Recreation Card ID Printer Service Agreement**

**Background:**

The photo identification system and card printer used for the City's recreational membership cards is serviced under an agreement with Daymark Solutions. The agreement provides for service as well as a loaner unit for the ID card printer while the unit is being repaired.

**Financial Impact:** The cost of this agreement has been included in the 2006 City Clerk's operating budget. The terms and cost for the 2006 agreement are the same as those for 2005.

**Recommendation:**

**RECOMMEND THE CITY COUNCIL APPROVE THE ANNUAL SERVICE AGREEMENT WITH DAYMARK SOLUTIONS, INC. AT THE COST OF \$705 WITH FUNDING FROM THE CITY CLERK'S 2006 OPERATING BUDGET.**

**COUNCIL ACTION REQUIRED  
CONSENT AGENDA**



8355 Melrose Drive • Lenexa KS 66214  
 913/541-8980 • toll free: 888/541-8980  
 FAX 913/438-4809 • toll free FAX: 800/909-4809

## SERVICE AGREEMENT

**Billing Address:**

**Installed Address:**

City of Prairie Village Accounts Payable 7700 Mission Road Prairie Village, KS 66208	Prairie Village Attn: Brett Wise 7700 Mission Road Prairie Village, KS 66208
---	---

**TERM:** 1/21/06 - 1/20/07

Equipment	Description	Serial No.	Type of Service*	Maintenance Charges per yr
Printer	Fargo Pro	A0010346	Express Swap	\$705.00
<b>TOTAL</b>				<b>\$705.00</b>

\* Services available:

- Standard Depot Maintenance (Rental printers available during repair)
- Express Swap (Includes loaner printer while printer is being repaired)

COMMENTS:

- Standard Depot Coverage
- Covered units must be returned to Daymark Solutions for repair
- Billing Frequency: Annually in advance
- Call 1-888-541-8980 when service is required
- Warranty coverage does not include printheads or the labor to install printheads
- Cameras cannot be renewed (except for ValCams)

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Title

\_\_\_\_\_  
PO Number

SUBJECT TO ALL TERMS, CONDITIONS, AND LIMITATIONS INCORPORATED BY REFERENCE AS SHOWN ON THE ATTACHED WARRANTY.

# CONSENT AGENDA

## **CONSIDER RENEWAL OF CRIMINAL JUSTICE INFORMATION USERS AGREEMENT WITH THE BOARD OF POLICE COMMISSIONERS OF KANSAS CITY, MISSOURI**

### **Issue:**

Should the City of Prairie Village enter into a users agreement with the Board of Police Commissioners of Kansas City, Missouri for the Police Department's use of the Automated Law Enforcement Response Team (ALERT)?

### **Background:**

The Police Department uses the ALERT system to gather and enter law enforcement information concerning individuals and articles that are stolen or recovered.

All agencies within the Kansas City metro area have been using this information system for many years. Every two years, the City and the Board of Police Commissioners sign this user agreement.

The City Attorney has reviewed this agreement and discussed with the attorney representing the Board of Police Commissioners one change that is found on "Indemnification" on Page No. 4. Attorneys for both jurisdictions have agreed to the language change.

### **Recommendation:**

**STAFF RECOMMENDS APPROVAL OF THE USERS AGREEMENT BETWEEN THE CITY OF PRAIRIE VILLAGE AND THE BOARD OF POLICE COMMISSIONERS OF KANSAS CITY, MISSOURI.**

**CRIMINAL JUSTICE INFORMATION  
USER AGREEMENT  
BETWEEN  
THE BOARD OF POLICE COMMISSIONERS OF  
KANSAS CITY, MISSOURI  
AND**

**PRAIRIE VILLAGE, KANSAS POLICE DEPARTMENT**

This agreement made and entered into this 24 day of October, 2005 by and between the Board of Police Commissioners of Kansas City, Missouri (BOARD), administrator of the Automated Law Enforcement Response Team (ALERT) System, hereinafter referred to as SYSTEM, and the PRAIRIE VILLAGE, KANSAS POLICE DEPARTMENT, here in after referred to as USER Agency.

**1. PURPOSE.**

This agreement provides for the (BOARD) to serve as the agency responsible for maintaining the computer SYSTEM containing data entered by USER AGENCY, and for exchanging criminal history record information and other criminal justice information between the SYSTEM and the USER Agency. In addition, it provides for the BOARD to serve as the CONTROL TERMINAL AGENCY to facilitate the interchange of criminal justice information between the USER Agency and other computerized systems, i.e., Missouri Department of Revenue (DOR), Kansas Criminal Justice Information System (KCJIS), Missouri Uniform Law Enforcement System (MULES), and the National Law Enforcement Telecommunications System (NLETS), depending upon access rights.

**2. ALERT SYSTEM RESPONSIBILITIES.**

The BOARD agrees to furnish to the USER Agency such criminal justice information available in the SYSTEM files. The BOARD will provide the necessary documentation and training so that personnel of the USER Agency can properly utilize the SYSTEM. The BOARD agrees to maintain the network interface necessary to facilitate the exchange of criminal justice data between the MULES and/or KCJIS. This interface will provide USER Agency a connection to the MULES, KCJIS and NLETS, depending upon USER Agency access rights.

**3. USER AGENCY RESPONSIBILITIES.**

The USER Agency agrees to abide by all present and future Federal and State laws and regulations, and with all ALERT, DOR, KCJIS, MULES and NLETS rules, regulations, procedures and policies relating to the collection, storage, retrieval, and dissemination of criminal justice information and all data accessed from these computer systems. USER Agency will familiarize its personnel with and fully adhere to U.S. Department of Justice Regulations, Title 28, U.S. Code and Chapter 610 of the Missouri Revised Statutes.

**A. PERSONNEL.**

The USER Agency agrees to conduct background investigations on all terminal operators and computer center personnel. The background investigation must include, but is not limited to, the following:

1. The individual must be fingerprinted and the fingerprint card must be submitted to the appropriate State Control agency and/or the FBI to establish true identity.
2. Completion of a record check through the ALERT System, the State Criminal History files and the NCIC, the NCIC Interstate Identification Index System, the Missouri Traffic Arrest System, the Missouri Alcohol-Drug Offenders Record

System (if applicable), and any other associated Department of Revenue/Motor Vehicle and Drivers Violation files.

USER Agency agrees to conduct a triennial record check through the above mentioned systems/files and retain all results for review by SYSTEM. If results of a record check indicate a conviction for a felony offense, ALERT network access will not be granted to the employee until a complete review of results has been conducted by the SYSTEM and/or the associated State Control Officer.

Note: After initial identity has been established via fingerprints, a biennial computer check of the above-mentioned systems is sufficient.

3. Personnel will be required to renew their ALERT certification biennially. ALERT certification is required within 6 months of an employee's hire date. ALERT certification is transferable within ALERT agencies.

#### B. COMPLIANCE.

1. The USER Agency agrees to make its records available to the BOARD for the purpose of conducting periodic reviews of USER Agency's compliance with all laws and regulations pertaining to the use of the SYSTEM. The BOARD is mandated to audit/review the records of each MISSOURI AGENCY triennially to assess compliance and effectiveness of automated operations. The USER Agency shall be involved in the total audit process to make the audit mutually beneficial.
2. The USER Agency agrees to be responsible for the accuracy, timeliness, and completeness of records entered through the SYSTEM. Timeliness is defined by the SYSTEM as seventy-two hours (72) after receipt of documentation.
3. The USER Agency must accept responsibility for the validity of all records entered by USER agency by signing the periodic ALERT, MULES, KCJIS and/or NCIC validation certification document distributed by the BOARD. The USER Agency head may designate an immediate subordinate staff member(s) with supervisory responsibilities for ALERT, MULES, KCJIS and NCIC record entries to verify and sign this document.
4. USER Agency must ensure that Criminal History Record Information received from ALERT network will only be used for those purposes for which it was provided. Any Criminal History Record data released or disseminated to any agency other than those identified by name or ORI as part of the inquiry must be noted in a dissemination log maintained by USER Agency for a period of at least thirteen (13) months from the date of release. USER Agency must be fully cognizant of the special laws which apply to the use and dissemination of criminal history data.
5. Immediately before disseminating any criminal history record information, USER Agency shall query the files to ensure that only the most current disposition data is being disseminated. In the event an error or inaccuracy comes to the attention of either USER Agency or the SYSTEM, correction shall be made by the contributing USER Agency or by SYSTEM, depending upon access rights.
6. The USER Agency must provide 24-hour, 7 day-a-week service on ALERT terminals to qualify for record entry or maintenance of SYSTEM and/or interface system files.

7. USER Agency will limit ALERT network access to ALERT, KCJIS and/or MULES certified personnel.

C. **TERMINAL AGENCY COORDINATOR.**

USER Agency agrees to designate a Terminal Agency Coordinator. This individual shall be responsible for ensuring compliance with ALERT/MULES/KCJIS/NCIC/NLETS policies and rules, and for informing other members within their agency of changes, notices, etc. ALERT inquiry and entries should be a regular function of this individual's job duties. This individual must maintain the current ALERT Inquiry and/or Entry Certification applicable to the agency for which they provide service.

4. **EQUIPMENT.**

A. It shall be the sole responsibility of the SYSTEM to determine the hardware and software that will maximize benefits to both the SYSTEM and the USER Agency.

B. The SYSTEM shall provide recommendations, technical assistance, and information concerning additions, modifications, deletions, and/or replacements to the network. All equipment connected to the SYSTEM shall be approved by the SYSTEM prior to USER Agency ordering or acquiring equipment that will subsequently access the SYSTEM.

C. USER Agency shall not assign dynamic addresses or pool devices connected to the ALERT network. All IP addresses will be static. Personal computers, Local Area Networks and distributed processors connected to the ALERT network may not have Internet access without firewall protection software sanctioned by the ALERT, KCJIS and/or MULES.

D. The USER Agency agrees to locate all devices connected to the ALERT network in a secure location with adequate physical security to protect against any unauthorized viewing or access to said devices and all stored or printed data.

5. **CHARGES FOR SERVICE.**

The USER Agency agrees to pay for information and services on a monthly basis. Charges are to be computed based upon teleprocessing charges, batch processing charges, telephone line charges, miscellaneous charges, and administrative charges.

6. **INDEMNIFICATION.**

USER Agency agrees to indemnify and hold harmless BOARD, SYSTEM, and their agents, servants, and employees from and against any and all claims, demands, actions, suits, judgments and proceedings by others and against all liability including, but not limited to, any liability for damages, attorney fees or costs by reason of or arising out of any false arrest, false imprisonment, or any loss, cost, expense, and damage resulting therefrom, arising out of or in connection with this agreement. *The indemnification described in Section 6 is not applicable to any cause of action based upon the negligence of the Board, its agents, servants or employees.*

7. **SUSPENSION OF SERVICE.**

The BOARD reserves the right to immediately suspend furnishing information covered by the terms of this agreement to USER Agency when any terms of this agreement are violated or reasonably appear to be violated. The BOARD shall resume furnishing such information upon receipt of satisfactory assurances that such violations did not occur or that such violations have been fully corrected or eliminated.

8. **CANCELLATION.**

Either the BOARD or the USER Agency may cancel this agreement upon at least forty-five (45) days notice to the other party. The USER Agency shall be advised of occurrences when USER Agency has failed to comply with the policies, procedures, mandates, and terms of this agreement. Upon said notice of failure to comply, the USER Agency shall have ten (10) days to make the changes necessary to bring their agency in compliance. If USER Agency fails to comply with the stipulations set forth by the SYSTEM, the BOARD reserves the right to immediately terminate the agreement.

**9. EFFECTIVE DATE**

This agreement will become effective on the 24 day of October in the year 2005.  
IN WITNESS WHEREOF, the parties hereto caused this agreement to be executed by the proper officers and officials.

**BOARD OF POLICE COMMISSIONERS  
KANSAS CITY, MISSOURI**

**USER AGENCY:**

BY: \_\_\_\_\_  
Chief James D. Corwin

\_\_\_\_\_  
Agency Name

Date: \_\_\_\_\_

\_\_\_\_\_  
Chief Administrator Signature

\_\_\_\_\_  
Chief Administrator Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City State Zip

\_\_\_\_\_  
Phone Number

**DATE: December 1, 2005**  
**TO: Mayor Shaffer & Council**  
**FROM: Joyce Hagen Mundy**  
**RE: Cereal Malt Beverage License Applications**

The following businesses have submitted applications for a 2006 Cereal Malt Beverage Licenses to allow for the sale of beer in unopened original containers only:

Hen House 22 – 4050 West 83<sup>rd</sup> Street  
Hen House 28 – 6950 Mission Road  
Hy-Vee, Inc. – 7620 State Line Road

These applications are being submitted to you for approval in accordance with Prairie Village Municipal Code 3-202.

Authorization to issue 2006 Cereal Malt Beverage Licenses to the Hen House #22 at 4050 West 83<sup>rd</sup> Street, the Hen House #28 at 6950 Mission Road and Hy-Vee, Inc. at 7620 State Line Road will be included on the Consent Agenda for your approval.



## **CONSIDER AGREEMENT WITH SYNERGETIC SOLUTIONS INC.**

Bob Frankovic, the City's insurance broker, recommended the City consider entering into an agreement with Synergetic Solutions, Inc., a firm that audits workers compensation modification rate calculations, insurance classifications and premiums. Bob said he has worked with the firm as they audit other clients who were able to reduce modification rates and premiums as a result of the company's audits. Bob has submitted a written statement that he has no direct or indirect relationship to the organization .

The fee for Synergetic Solutions will be 50% of the savings which result from their work for this one year only. It is payable only after the City receives a refund.

Charlie reviewed the agreement submitted by the company. His changes have been included in the revised agreement.

### **RECOMMENDATION:**

Approve the agreement with Synergetic Solutions to audit the City's workers compensation modification rate, classification and premium charges for the plan year 2005-2006.

## **CONSENT AGENDA**

This Auditing Agreement (“Agreement”), by and between City of Prairie Village Kansas and all subsidiaries, a corporation(s) organized and existing under the laws of the State of Kansas and having a principal place of business at 7700 Mission Road, Prairie Village, Kansas (“Client”), and Synergetic Solutions, Inc., a corporation organized and existing under the laws of the State of Minnesota and having a principal place of business at 308 15<sup>th</sup> Street SW, Suite 130, Forest Lake, Minnesota (“Auditor”), is entered December \_\_\_\_\_ 2005.

#### 1. Scope of Work

It is understood and agreed that this “Scope of Work” includes the review and/or audit of workers’ compensation insurance premiums. The review and/or audit may include premiums associated with policies that are effective prior to, or during, the term of this Agreement. The Auditor agrees to:

- Analyze information related to the development of Client’s workers’ compensation experience modification factor, application of the modification factor, and appropriateness of rates and charges impacting the cost of workers’ compensation insurance. Analysis may include any or all factors used to determine premium and related costs or payments such as (but not limited to) classifications, schedule credits, premium discounts, dividend plans, retention plans, surcharges, endorsements, credits, retrospective plan adjustments, etc.
- Request and coordinate corrections with insurance carrier(s) and rating association(s) in order to revise the experience modifier appropriately and/or reduce premiums.
- Work with insurance carrier(s) to assure the appropriate credit endorsements and/or audit revisions are issued.

#### 2. Payment for Services

Client agrees to pay Auditor fifty percent (50%) of premium reductions for “past” and “then current” policy periods that result from Auditor’s work. Auditor’s fee does not apply to premiums that have not been established or have not been estimated at the time of the audit (premiums are estimated in the current year). The reduction of premium resulting from auditor’s work is determined by Total Earned Premium (prior to auditor’s work) minus Total Earned Premium (after auditor’s work). The client will be fully aware of the changes prior to them being complete. For example: If the auditor reduces the 10/12/03-04 Modification factor, the final premium audit will be revised to reflect the new modification. The auditor will then take the original premium (\$144,362) and subtract from it the new premium to get the value of the auditor’s work. Payments are due upon Client’s receipt of reductions in premiums, or upon Client’s receipt of funds or upon Client’s receipt of other recoveries resulting from Auditor’s work, whichever occurs first. In the event that savings have been identified and requests for correction of data or requests for refund have been filed with the carrier(s) involved but savings have not been realized at the expiration of this Agreement, Client agrees to pay Auditor’s fee upon Client’s receipt of reductions in premiums, or Client’s receipt of refunds for overcharges or Client’s receipt of other recoveries resulting from Auditor’s work, whichever occurs first. The terms of this Article shall survive termination of this Agreement.

It is understood that the current year's, and in some cases the past year's final payroll/premium audit may be calculated using the revised experience modification factor (after Auditor's work). In such cases, in order to determine the amount of premium reduction, Auditor will provide a reconciliation worksheet indicating what the premium would have been at the unrevised modification factor (prior to Auditor's work). It is agreed that the difference between the premium (earned, estimated, estimated earned, etc.) calculated at the revised modification factor and the premium (earned, estimated, estimated earned, etc.) calculated at the previously published modification factor, is the amount of premium reduction and is the amount that Auditor's fee will be based on.

### 3. Obligations of Client

Client agrees to make available to Auditor, upon reasonable notice, data and documentation required by Auditor to complete the Scope of Work. Client also agrees to sign the attached Consent and Authorization Letter, which Auditor intends to provide to Client's Workers' Compensation Insurance Carrier(s) ("Carrier(s)") for the purpose of the Carrier(s) providing Auditor with information and documents related to the audit(s). Client agrees to cooperate as needed with Auditor in procuring this information and documents from the Client's Carrier(s).

### 4. Exclusivity

Client agrees that Auditor will be the exclusive provider of services described in the Scope of Work (Article 1). Client will not employ, retain or engage any other person or entity to perform the services itemized in the Scope of Work during the term of this Agreement. Furthermore, should Auditor identify a finding during the term of this Agreement and should Auditor agree not to pursue correction of the issue resulting in a reduction in premium, Client agrees to pay Auditor's fee in accordance with the payment article contained in this Agreement as though Auditor had corrected the issue. The terms of this Article shall survive termination of this Agreement.

### 5. Term

This Agreement shall commence on the final date of signing and shall terminate one year thereafter. This Agreement may be renewed by mutual written agreement of the parties upon the same terms and conditions or upon revised terms and conditions.

### 6. Limitation of Liability

Either party's liability to the other for any causes whatsoever whether in contract or in tort, including negligence, shall be limited to the amount to be paid under this Agreement. In no event shall either of the parties hereto be liable to the other for the payment of any consequential, indirect, or special damages, including lost profits.

### 7. Governing Law

This Agreement shall be governed and construed in accordance with the laws of the State of Kansas without regard to the conflicts of laws or principles thereof. The parties to this Agreement expressly consent to Johnson County Kansas as the exclusive jurisdiction and venue for any dispute arising with respect to this Agreement.

8. Waiver of Jury Trial

To the extent permitted by applicable law, each party to this Agreement irrevocably waives the right to trial by jury with respect to any and all actions or proceedings in which Client or Auditor is a party, whether or not those actions or proceedings arise out of this Agreement or any other agreement executed in conjunction with this Agreement.

9. Notices

Any notice or other communication required or permitted under this Agreement shall be given in writing and delivered by registered or certified mail, postage prepaid and return receipt requested, to the following person (or their successors pursuant to due notice):

If to Client

Barbara Vernon  
City of Prairie Village Kansas  
7700 Mission Road  
Prairie Village, KS 66208

If to Auditor

Patrick D. Charais  
Synergetic Solutions, Inc.  
308 15<sup>th</sup> Street SW  
Suite 130  
Forest Lake, MN 55025

Each party shall promptly communicate to the other party any change in name or address relevant to the giving of notice under this Agreement.

10. Entire Agreement

This Agreement constitutes the entire agreement between Auditor and Client. Each of the parties represent that there have been no inducements, promises, or representations leading to the execution of this Agreement except those that are expressly contained in this written document. Any prior agreements and undertakings, both written and oral, between the parties are superseded by this Agreement. No modification of this Agreement shall be effective unless in writing and signed by both parties.

11. Severability

If any provision of this Agreement is invalid or unenforceable under any statute or rule of law, the provision is to that extent to be deemed omitted, and the remaining provisions shall not be affected in any way.

12. Other Instruments

Both parties to this Agreement covenant and agree that they will execute any other instruments and documents as the parties jointly agree to be advisable to carry out this Agreement.

13. Binding Effect

This Agreement shall be binding upon, and inure to the benefit of, the parties' predecessors, successors and assigns. Neither party may assign this Agreement and the rights herein granted and obligated undertaken to any other party without the express written consent of the other party, which consent shall not be unreasonably withheld.

IN WITNESS THEREOF, and in acknowledgement that the parties hereto have read and understood each and every provision hereof.

**Client**

City of Prairie Village Kansas

**Auditor**

Synergetic Solutions, Inc.

---

Authorized Representative  
its

---

---

Patrick D. Charais  
its  
President

---

---

Date

---

Date

December 14, 2005

To Whom It May Concern:

City of Prairie Village Kansas has retained Synergetic Solutions, Inc. for the purpose of auditing its Workers' Compensation Experience Modification Factor and related Workers' Compensation Insurance costs. Accordingly, this letter is notification to you, your employees and your agents that Synergetic Solutions, Inc. will be acting as our agent and on behalf of the company for purposes of the audit. In order to complete the audit, Synergetic Solutions, Inc. will require certain information that may include:

- Claim data including loss runs and information for individual claims
- Payroll audits for Workers' Compensation coverage
- Final and/or revised audits or endorsements
- Classification surveys
- Experience Modification Factor Rating Worksheets
- Other related documents

In that regard, please release information directly to Synergetic Solutions as promptly as possible. If you should have any questions regarding this letter of authorization or Synergetic Solution's representation of this Company, please contact the undersigned immediately. Unless you are informed in writing otherwise from us, this authorization is valid for one (1) year from the date of this letter.

Finally, we assume that this letter of consent and authorization will suffice for purposes of your company:

- 1) Releasing information and documents to Synergetic Solutions, Inc. related to the city, its Workers' Compensation Experience Modification Factor(s) and related costs of Workers' Compensation Insurance; and
- 2) Cooperating with Synergetic Solutions, Inc. as necessary to complete the audit.

If your company requires any additional steps to be completed for this letter of consent and authorization to become operative, please notify me immediately in writing so that we can promptly comply with any and all reasonable requests and complete the audit.

Thank you for your assistance in this matter.

Sincerely,

---

Barbara Vernon

**Policy/Services Committee**  
**December 5, 2005**  
**-Minutes-**

The Policy/Services Committee met on Monday, December 5, 2005 at 6 p.m. in the Council Chamber for the City of Prairie Village. Present: Steve Noll, Al Herrera, Pat Daniels, Jeff Anthony and David Belz. Staff present: Bob Pryzby, Charles Grover, Bill Cunningham with The Larkin Group and Joyce Hagen Mundy.

**POL2004-14 Consider Project 190709: 83<sup>rd</sup> Street, Somerset Drive Drainage**

Bob Pryzby reviewed the three designs considered for this project. The first, to construct a pipe under 83<sup>rd</sup> Street to east side of Mission Road; the second, the removal of three homes from the flood plain and the third the original design to construct a new drain pipe under 83<sup>rd</sup> Street to Somerset Drive, then south on Somerset Drive to the parking lot, then west through the parking lot to Mission Valley School with the reconstruction of twin metal culverts and deletion of the cul-de-sacs concept. The current configuration will be retained with the addition of road flood warning lights.

Staff, in conjunction with the Larkin Group, reviewed cost options for all alternatives. The least expensive alternative is the original alternative. This alternative requires a waiver from the Stormwater Management Advisory Committee suspending the 7-inch water over a street requirement by permitting the installation of road flood warning lights on Delmar Street and Fontana Street while allowing the occasional flow of water over the streets.

Mr. Pryzby stated SMAC has agreed to consider the requested waiver. The new cost estimate for the project is \$2,083,000 with the maximum participation by SMAC of \$1.3 million. This is only a small increase over the original estimate for the project.

Steve Noll confirmed the warning lights would be triggered by sensors.

Jeff Anthony asked if gates would be installed. Mr. Pryzby responded no gates would be installed at this time noting they would increase the costs significantly.

Bill Cunningham, with The Larkin Group, stated because of the speed at which the water rises, the gates would have to be mechanically operated, manual gates could not be used. He also advised the project has been designed and will be built for the 100-year event with oversized pipe and culverts.

David Belz confirmed the warning signals would be LED.

William McKinney, 8301 Fontana, questioned the need for automated gates. Chief Grover responded that manual gates would need to be activated by police officers in conjunction with closing other gates and responding to calls which increase during weather events. The timely closure of the gates is difficult and can not be guaranteed.

John Hansen, 1800 Delmar, stated the original design selected is better than the proposed cul-de-sacs.

A resident present asked why this action was being taken. Mr. Pryzby reviewed the history of past water problems at this location.

Jeff Anthony asked if the project without gates is sufficient to mitigate possible litigation against the City. Mr. Pryzby responded warning signals with gates are the best choice; however, Johnson County has approved the use of the warning signs as appropriate action by the City. He noted there will always be the possibility of litigation in today's society.

Pat Daniels asked what kind of water levels are anticipated with the installation of the new system. Mr. Pryzby responded the system will handle 40-50% of the water previously creating problems sending it directly to the school property through underground pipes. However, he noted thunderstorms could be localized and if heavy downpours occur with a short period of time the water could rise quickly at this location, to as high or higher levels prior to the improvement.

Mike Buckles, 8333 Fontana, stated the majority of the residents were against the cul-de-sac alternative and are pleased with the proposed project. The backup water will be less and the water will clear out quickly.

Pat Daniels made the following motion, which was seconded by Al Herrera and passed unanimously:

**RECOMMEND THE CITY COUNCIL DIRECT THE PUBLIC  
WORKS DIRECTOR TO REQUEST A WAIVER OF THE 7-INCH  
WATER OVER A STREET REQUIREMENT FROM SMAC AND  
NOT REQUEST ANY ADDITIONAL FUNDS**

**COUNCIL ACTION TAKEN  
12/5/2005**

**POL2004-13 Consider Project 190708: Tomahawk Road Drainage Project**

Bob Pryzby advised the committee because the County watershed studies have modified the flow criteria The Larkin Group recomputed the hydraulic and hydrology formulae for this project. The computations resulted in unexpected findings. The flow has increased considerably, from 1.340 cubic feet per second to 1.950 cubic feet per second. As a consequence additional work will be required to protect six homes and to extend the proposed street systems further into the watershed off Tomahawk Road. The estimated construction cost for this additional work is \$1,200,000.



A culvert will need to be constructed in Nall to bring water down from Nall to Brush Creek. There will also need to be more structural work in the Tomahawk network. Mr. Pryzby noted the change was not caused by the City, but by changes made by the County and he feels the County should pick up their share of the additional costs. The additional city costs can be transferred from other funds.

Dave Belz asked where funds would be transferred from. Mr. Pryzby responded he anticipated using unallocated funds and funds remaining from other projects that came in under budget.

Pat Daniels made the following motion, which was seconded by Al Herrera:

**RECOMMEND THE CITY COUNCIL DIRECT THE PUBLIC WORKS DIRECTOR TO REQUEST FROM SMAC ADDITIONAL FUNDING OF \$1,200,000 FOR PROJECT 190708: TOMAHAWK ROAD DRAINAGE PROJECT WITH THE UNDERSTANDING THAT 75% OF FUNDING WOULD COME FROM JOHNSON COUNTY SMAC AND PRAIRIE VILLAGE COVERING 25%**

Steve Noll questioned the inclusion of the funding breakdown in the motion. Mr. Pryzby stated this is the standard funding breakdown and noted it would be addressed in the amended interlocal agreement.

Pat Daniels agreed with the deletion of the reference to funding in the motion. The motion was passed as amended.

**COUNCIL ACTION TAKEN  
12/5/2005**

**POL2005-20 Consider 2005 Traffic Consultant**

On October 17th, the City Council approved the selection of TranSystem Corporation as the City's Traffic Consultant. The 2005 Traffic Consultant Agreement contains the following tasks: #1 Traffic Safety Study Report; #2 Traffic Signal Operation and #3 – Traffic Counts. The agreement has been reviewed and approved by the City Attorney and the Public Safety and Public Works Department.

Pat Daniels made the following motion, which was seconded by Al Herrera and passed unanimously:

**RECOMMEND THE CITY COUNCIL APPROVE THE 2005 TRAFFIC CONSULTANT AGREEMENT WITH TRANSYSTEMS CORPORATION USING PUBLIC SAFETY DEPARTMENT 2005 BUDGET FUNDS OF \$40,652 FOR TASK #1 & #2 AND PUBLIC WORKS DEPARTMENT 2005 BUDGET FUNDS OF \$9,534 FOR TASK #3**

**COUNCIL ACTION TAKEN  
12/5/2005**

**POL2005-34 Consider Project 190717: 2006 Storm Drainage Repair Program**

On November 7, 2005, the City Council approved the selection of URS to service as the City's Storm Drainage Consultant. The standard design agreement consisting of four phases: Concept Study, Preliminary Design, Final Design and Bidding has been reviewed and approved by the City Attorney. Mr. Pryzby noted this agreement is for the concept study only, the design and bidding phases will be amendments to this agreement at later dates. Funding is available in the Capital Infrastructure Program.

David Belz made the following motion, which was seconded by Al Herrera and passed unanimously:

**RECOMMEND THE CITY COUNCIL APPROVE THE DRAINAGE  
CONSULTANT AGREEMENT WITH URS CORPORATION IN THE  
AMOUNT OF \$16,700.00 WITH FUNDING FROM THE CAPITAL  
INFRASTRUCTURE PROGRAM FOR PROJECT 190717  
COUNCIL ACTION TAKEN  
12/5/2005**

**POL2005-13 Consider Project 191012: 2005 Concrete Repair Program**

Bob Pryzby advised recent changes in the specifications for ADA sidewalk ramps have increased the cost of construction. The Capital Infrastructure Program ADA Improvement Project funds are intended to be used for providing ADA compliance. Because of the inflation in construction cost this year, there will be a deficit in the paving project. Nineteen ADA sidewalk ramps were constructed at a cost of \$32,300 (\$1,700 each). Mr. Pryzby requested authorization to transfer funds from the Capital Infrastructure Program ADA Project to Project 191012: 2005 Concrete Repair to cover this cost.

Al Herrera made the following motion, which was seconded by David Belz and passed unanimously:

**RECOMMEND THE CITY COUNCIL APPROVE THE TRANSFER OF  
\$32,300 FROM PROJECT 191001 ADA IMPROVEMENTS TO  
PROJECT 191012: 2005 CONCRETE REPAIR PROGRAM  
COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

**POL2005-16 Consider Project 190853: School Zones**

Bob Pryzby stated the City of Leawood has executed an Interlocal Agreement with the City for the installation of a school zone warning traffic device on Mission Road at 85<sup>th</sup> Street for Mission Valley School. The agreement approves the installation of this device in the City of Leawood. Mr. Pryzby noted the City of Prairie Village will pay 100% of

the cost of installation using funds in the Capital Infrastructure Program for Project 190853.

Pat Daniels asked if the speed differences at this location had been resolved. Mr. Pryzby responded the speed differences were at the Cure of Ars location, not at this location.

Jeff Anthony made the following motion, which was seconded by Al Herrera and passed unanimously:

**RECOMMEND THE CITY COUNCIL APPROVE THE INTERLOCAL AGREEMENT WITH THE CITY OF LEAWOOD PERMITTING THE INSTALLATION OF SCHOOL ZONE BEACONS ON MISSION ROAD NEAR 85<sup>TH</sup> STREET IN THE CITY OF LEAWOOD**  
**COUNCIL ACTION REQUIRED**  
**CONSENT AGENDA**

**POL2005-33 CONSIDER CITY POLICY ESTABLISHING GUIDELINES FOR THE PLACEMENT OF SCHOOL CROSSING GUARDS**

Chief Grover noted the City of Prairie Village does not have a policy on where school crossing guards should be placed. Requests for school crossing guards from residents present a three-fold problem for the Police Department. First, the City Council has already established the number of school crossing positions and the personnel funding for the year. Second, historically it has been very difficult to staff these positions and the hiring of additional staff members has been problematic. Third, since the City has no established policy regarding what conditions need to be present to warrant an additional crossing guard at a specific location, a rational decision-making process to make an informed decision is not present.

In past situations he has gone back to the schools offering the city's services in training, providing uniforms and supervising crossing guards. However, the schools have not responded when placed with the task of finding the individual to serve as a crossing guard.

The cities of Overland Park and Olathe have established the following guidelines:

Overland Park

- One crossing guard at each elementary school
- Determined by "Safe Gap" concept and number of students crossing the intersection, and
- Use of crossing guard and multiway stop determined by the Manual on Uniform Traffic Control Devices (MUTCD) guidelines and structure of intersection, traffic flow and posted speed limit.

## Olathe

- Use of crossing guard generally determined by the number of students crossing the street;
- Need for crossing guard changes based on non-controlled intersection, stop signs or signalized intersection;
- Additional factors could be a gap analysis of traffic to determine if students can cross street safely;
- A flow chart was developed to make the request for a school crossing guard a formalized process, and;
- Completed using a task force approach.

Chief Grover stated he is seeking direction from the committee on how to proceed, if the committee wants to continue under the status quo or if he should draft a policy to address the issue. He noted one of the questions that needed to be answered is where does the city's responsibility begin and end. Current crossing guards are stationed at crossings near the school, but requests have been received for guards away from the actual school.

Steve Noll confirmed the chief was seeking a formalized criteria for the establishment of a school crossing guard location. Chief Grover responded he would be more comfortable working from guidelines established by the City Council.

Pat Daniels noted the changing population with a declining number of young children and questioned if this was necessary.

Chief Grover responded this is an issue more of emotion than logic. He noted he would rather address the issue while no particular requests were before the City and have guidelines in place for the next request.

Jeff Anthony asked what the school district policy was on this issue. Chief Grover responded chiefs of police have met with school district personnel wanting to drop school crossing guards, but they have stated they want to have school crossing guards.

Jeff Anthony stated he was a firm believer that a policy is needed for any grey areas and he would like to have Chief move ahead and preparing guidelines for consideration by the Council. He noted he would like something that follows perhaps a national stance and would like as much input from other cities as possible to provide guidelines that can be substantiated.

David Belz asked for the cost of crossing guards. Chief Grover responded he budgets \$40,000 - \$45,000 per year. Mr. Belz asked if the policy was developed would existing guard locations be grandfathered. He agreed coming up with a policy would be good, but does not feel emotion should be taken totally out of the situation.

Chief Grover stated he felt the policy would include several criteria with student counts being only one consideration.

Al Herrera asked if policies could be written on a school by school basis. Chief felt if separate criteria were used for different locations it would give the appearance of being discriminatory. He would rather see the policy provide a review of several factors in the consideration of the establishing a school crossing guard location.

Steve Noll stated he felt it was appropriate to develop background research for criteria for providing school crossing guards. He noted very few cities are still providing this service.

Chief stated he felt comfortable with the direction of the committee to develop an outline of a policy/criteria/guidelines for school crossing guards and stated he would return to the committee at a later date with a draft for consideration.

### **POL2005-35 Consider Illicit Water Discharge**

Bob Pryzby stated Prairie Village residents and Public Works crews frequently experiences many problems with discharge of water from sump pumps, roof drains, and swimming pools. Because of the heavy clay soils in this region of the country, the clay soil does not allow water to drain into the ground so it must often be collected and directed to a specified location.

Consequently, much of this water is discharged to the City right-of-way and causing:

1. Increased deterioration of curbs and gutters and asphalt pavement
2. Creating safety issues from water and silt on sidewalks
3. Icing of sidewalk areas in the winter
4. Icing of streets during the winter
5. Deposit of quantities of water on City right-of-way, such as park areas, thus prohibiting grass growth and potentially creating breeding areas for mosquitoes
6. Growth of fungus and attracting mosquitoes from constant water being in the gutter areas

Sump pumps are probably the biggest cause of the above problems. They are utilized by many property owners to remove the ground water that may be entering the basement areas. In some locations in the City, the sump pumps operate often throughout the year, regardless of the amount of rainfall. Due to the large amount of water being pumped, many property owners cannot discharge it in their yard, but have chosen to pipe it to the City right-of-way and outlet it at the back of sidewalk, curb and gutter or sometimes even cut the curb to outlet it directly to the gutter and street surface.

As with sump pumps, property owners have piped their down spouts to the City right-of-way. This is often done because their yard cannot handle this channelized flow. Roof drains are not as much of a problem in the City right-of-way as sump pumps, because they are only discharging water during rain events when everything is wet anyway.

However, sometimes roof drains are combined with sump pumps into one pipe which outlets in the right-of-way. Mr. Pryzby showed slides of several locations identified in the City discharging water onto City streets and right-of-way. He noted his staff has identified 52 separate locations discharging water inappropriately.

There are property owners who have piped their swimming pool drains and backwash to the City right-of-way or public lands. This has caused standing pools of water, which prevent use of the area and a potential breeding ground for mosquitoes.

Currently the City does not have a city code regulating the placement of private drainage outlets or the directing of channelized flow on to City right-of-way. There is City Council Policy No.380 *Sump Pump Discharge*. Public Works has counseled property owners on how to resolve the problem with those discharges that are causing a hazard on public lands or right-of-way. Due to the continuous flow or large amount of water, City Council Policy No.380 does not work with the clay soils in the city. Without a City code or Policy, there is currently little that Public Works and Codes can do remove these illicit discharges.

The ideal solution would be for property owners to pipe their sump pumps, roof drains and swimming pools into the City's storm water system. Some residents have asked to have their sump pumps connected to the existing sanitary sewer system. This is strictly prohibited by Johnson County Wastewater. The only other choice is the City storm drain system. Unfortunately most property owners do not have storm drain systems on their street or are a long distance from the nearest system for them to utilize. To solve this problem it is possible to install small drainage pipe in back of the curb and gutter and to a storm drain or creek outlet.

Public Works has obtained cost estimates for installing a 4-inch PVC pipe behind the curb at a depth of 30-inches. The range of cost is from \$18.00 to \$21.00 per foot. The question is should the City or the property owner or both pay for the installation. There is the question of who pays for the connection tap to the 4-inch pipe.

In researching what other cities do, the possibilities are:

1. The property owner pays 100% of the installation cost
2. The City pays 100% of the installation cost and thereby maintains ownership and control of the pipe
3. The City pays 100% of the installation cost and charges a property front foot fee to the property owner for connection to the pipe.

Mr. Pryzby reviewed language he drafted City Council consideration as an amendment to the City's existing Municipal Code to address this problem as well as proposed changes to City Council Policies. He recommends Council Policy No.380 be deleted and a new City Council Policy No.371 *Water Discharges to City Lands and Right-of-Way* be approved.

Mr. Pryzby invited residents to share with the committee their problems in this area.

Rick Cato, Doctor's Land and Landscape, contractor working with Bill Barr, 8600 Delmar Drive, addressed the Council explaining the proposed solution to address water problems they are experiencing. They are proposing to run a 1½ pipe along the curb across their neighbor's property and connect with the city's drainage system.

Bernie Fremerman, 5301 West 84<sup>th</sup> Terrace, stated he had a problem in that he needs to replace his sanitary sewer because of frequent blockages. Johnson County Wastewater is requiring that he install a sump pump to remove the basement water from the sanitary sewer. He does not want to install a sump pump and is requesting that Johnson County allow him a variance to install a new sewer line that does not cut off the flow of ground water into the sanitary sewer.

He was told that they will probably not approve the request and will insist the flow be cut off. He is concerned that pumping it into the street could present an icing problem.

Mr. Fremerman stated that connecting with Sanitary sewer System was a County issue as the sanitary line is not a city line, stating the County policy allows for waivers to be granted by the Board. Mr. Pryzby restated connecting into the Wastewater System is not allowed and noted he is not aware of any waivers being granted. Steve Noll pointed out that the city is a customer of Johnson County Wastewater the same as residents and would not have any more ability to get a waiver than a resident.

Pat Daniels stated this solution assumed the availability of an underground system everywhere. Mr. Pryzby noted some may require the resident to go a long distance to connect, but it could be done.

The resident adjacent to the Barr's expressed concern with potential damage to sprinkler systems, invisible fences and yards with the placement of 4" pipe and would prefer use of smaller pipe. Mr. Pryzby stated that Public Works construction re-installs sprinkler pipes and dog fences. He stated the 4" pipe was selected to allow for multiple residents to connect into the line.

Steve Noll announced that he would have to adjourn the meeting of the Policy/Services Committee for the start of the scheduled City Council Meeting and noted this item would continue to be discussed under New Business during the Council Meeting.

The meeting was adjourned at 7:30 p.m.

Steve Noll  
Co-Chair

**AGREEMENT BETWEEN THE CITY OF PRAIRIE VILLAGE, KANSAS AND THE CITY OF LEAWOOD, KANSAS FOR THE INSTALLATION OF SOLAR POWERED SCHOOL ZONE FLASHING BEACONS WITH SPEED LIMIT SIGNS FOR MISSION VALLEY MIDDLE SCHOOL.**

THIS AGREEMENT made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2005 by and between the CITY OF PRAIRIE VILLAGE, KANSAS and the CITY OF LEAWOOD, KANSAS each party having been duly organized and now existing under the laws of the State of Kansas.

**WITNESSETH:**

**WHEREAS**, the City of Prairie Village has determined on the basis of an engineering and traffic investigation that it is in the best interests of the general public to install a school speed limit zone on Mission Road for Mission Valley Middle School and to install solar powered school zone flashing beacons with speed limit signs at said location; and

**WHEREAS**, the City of Leawood concurs that it is in the best interest of the general public to provide for said school speed limit zone improvements;

**WHEREAS**, the laws of the State of Kansas authorize the parties to this Agreement to cooperate in making the improvement; and

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

**WHEREAS**, the governing body of the CITY OF PRAIRIE VILLAGE, KANSAS did approve and authorize its Mayor to execute this Agreement by official vote of said body on the \_\_\_\_\_ day of \_\_\_\_\_, 2005 and;

**WHEREAS**, the governing body of the CITY OF LEAWOOD, KANSAS did approve and authorize its Mayor to execute this Agreement by official vote of said body on the \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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

1. PURPOSE OF AGREEMENT -The parties hereto enter into this Agreement for the purpose of installing solar powered flashing beacons (with speed limit signs) for Mission Valley Middle School. The following location/devices are within the City limits of Leawood. One wig-wag solar powered flashing beacons will be installed on the east side of Mission Road, south of 85<sup>th</sup> Street.
2. ESTIMATED COST AND FUNDING OF PROJECT
  - A. The cost of each beacon is approximately SIX THOUSAND DOLLARS (\$6000.00).



B. The cost for the design, installation and purchase of the beacons and signs, as described herein, shall be paid 100 percent by the CITY OF PRAIRIE VILLAGE, KANSAS.

3. OWNERSHIP, MAINTENANCE, OPERATION.

The CITY OF PRAIRIE VILLAGE, KANSAS shall maintain ownership and be responsible for the maintenance and operation of the beacons at no cost to the CITY OF LEAWOOD.

4. ADMINISTRATION OF PROJECT. It is acknowledged and understood between the parties that since there are two separate cities included within the proposed improvement, one of the cities should be designated as being "in charge" of the project to provide for its orderly design and construction. However, both cities shall have the right of review and comment on project decisions at any time throughout the duration of this Agreement, and any subsequent amendments hereto. The CITY OF PRAIRIE VILLAGE, KANSAS, shall perform the design and construction administration in-house and pay for the construction of the said public improvement, as herein agreed, with money appropriately budgeted, authorized, and appropriated by the governing body of the City of Prairie Village, Kansas. The Director of Public Works for the City of Prairie Village, Kansas shall be designated as Project Administrator to administer the design of said public improvement. These duties shall be as follows:

A. It is understood and agreed that the CITY OF PRAIRIE VILLAGE, KANSAS is serving as the Project Administrator as a matter of convenience to all of the parties to this Agreement. By serving in said capacity, it is not assuming full responsibility for the negligent acts or acts of omission by any contractor or engineer who participates in the preparation of the engineering design, and it shall only be responsible for its own negligent acts or omissions.

B. The CITY OF LEAWOOD shall be named as additional insured on all applicable certificates of insurance issued by the contractor for this project.

C. The CITY OF PRAIRIE VILLAGE shall include in contracts for construction a requirement that the contractor defend, indemnify and save the CITY OF LEAWOOD and the CITY OF PRAIRIE VILLAGE harmless against all liability for damages, costs, and expenses arising out of any claim, suit or action for injuries or damages sustained to persons or property by reason of the act or omissions of the contractor and the performance of his or her contract.

5. DURATION AND TERMINATION OF AGREEMENT. The parties agree that this Agreement shall remain in effect as long as the school zones remain in place. The maintenance and operational responsibilities set forth in section 3 shall continue for that entire period. The removal of said devices shall only occur with the approval of the governing bodies of the CITY OF PRAIRIE VILLAGE, KANSAS and the CITY OF LEAWOOD, KANSAS. This agreement shall automatically terminate simultaneous with the elimination of the school zones, without necessity of action by either party hereto.


6. PLACING AGREEMENT IN FORCE. The attorney for the governing body administering this project shall cause this Agreement to be executed in triplicate, and each party shall receive a duly executed copy of this Agreement for its official records.
  
7. AMENDMENTS. This Agreement cannot be modified or changed by any verbal statement, promise or agreement, and no modification, change nor amendment shall be binding on the parties unless it shall have been agreed to in writing and signed by both parties.
  
8. JURISDICTION. This Agreement shall be construed according to the laws of the State of Kansas and may be enforced in any court of competent jurisdiction.

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

CITY OF PRAIRIE VILLAGE, KANSAS

CITY OF LEAWOOD, KANSAS

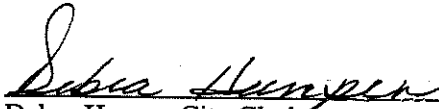
\_\_\_\_\_  
 Ronald L. Shaffer, Mayor

  
 \_\_\_\_\_  
 Peggy J. Dunn, Mayor

ATTEST:

ATTEST:

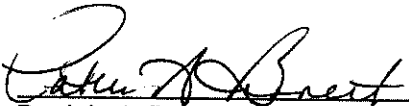
\_\_\_\_\_  
 Joyce Hagen-Mundy, City Clerk

  
 \_\_\_\_\_  
 Debra Harper, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

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

  
 \_\_\_\_\_  
 Patricia A. Bennett, Attorney for the City

LEGISLATIVE/FINANCE COMMITTEE  
5 DECEMBER, 2005  
MINUTES

The Legislative/Finance Committee met in the Multipurpose Room at 6:00 pm. Members present: Co-Chair Bill Griffith, Andrew Wang, Laura Wassmer, Wayne Vennard, and Diana Ewy Sharp. Also present: Doug Luther, Barbara Vernon, Josh Farrar, and Kate Michaelis.

**LEG2005-22 Consider Sunday Liquor Sales**

Mr. Luther presented two proposed ordinances. These ordinances would codify the decision made in August when the City Council adopted an ordinance permitting the retail sale of liquor and cereal malt beverages on Sunday.

Mr. Luther said the Sunday sales hours under the ordinances would be from noon - 8:00 pm, as required by state statute. This will also allow grocery stores to sell cereal malt beverage (3.2% beer) on Sundays.

Mrs. Ewy Sharp moved and Ms. Wassmer seconded the following motion which passed unanimously:

**RECOMMEND THE CITY COUNCIL ADOPT ORDINANCES AMENDING  
CHAPTER 3 OF THE CODE OF THE CITY OF PRAIRIE VILLAGE TO  
PERMIT THE SALE OF ALCOHOLIC LIQUOR AND CEREAL MALT  
BEVERAGE ON SUNDAYS.  
COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

**LEG2005-39 Consider Contribution Allocation Recommended by UCS for Alcohol Tax Fund Grants in 2006**

Mrs. Vernon reported that, in 2006, the City anticipates receiving \$80,000 in alcohol tax funds, which must be used to fund programs that provide education or treatment regarding alcohol or drug abuse. The majority of these funds are used to finance the operation of the City's DARE program. The 2006 budget also includes a \$15,000 allocation for funding to substance abuse programs.

For many years Prairie Village has participated with other communities in supporting various substance abuse treatment agencies by contributing to the United Community Services Alcohol Grant Fund. This program provides funding to programs throughout Johnson County. UCS conducts a grant review process and recommends funding levels for each City.

Committee members reviewed the recommended distribution chart recommended by UCS.

Mr. Vennard said he would abstain from voting on this item because he serves on the board of the Johnson County Mental Health Center, a recipient of alcohol tax funds.

Mrs. Ewy Sharp moved and Ms. Wassmer seconded the following motion which passed 4-0 with Mr. Vennard abstaining.

**RECOMMEND THE CITY COUNCIL CONTRIBUTE \$15,000 TO THE FOLLOWING AGENCIES WITH 2006 ALCOHOL TAX FUNDS:**

<b>Cypress Recovery</b>	<b>\$</b>	<b>1,500</b>
<b>Friends of Recovery</b>	<b>\$</b>	<b>304</b>
<b>The Family Conservancy</b>	<b>\$</b>	<b>197</b>
<b>Intensive Family Counseling</b>	<b>\$</b>	<b>668</b>
<b>Johnson County Court Services</b>	<b>\$</b>	<b>760</b>
<b>Johnson County Dept. of Corrections</b>	<b>\$</b>	<b>304</b>
<b>Johnson County Library</b>	<b>\$</b>	<b>76</b>
<b>Johnson County Mental Health Center: Adolescent Treatment Center</b>	<b>\$</b>	<b>2,131</b>
<b>Johnson County Mental Health Center: Adult Detox Unit</b>	<b>\$</b>	<b>3,852</b>
<b>Johnson County Mental Health Center: Regional Prevention Center</b>	<b>\$</b>	<b>1,210</b>
<b>National Council on Alcoholism &amp; Drug Dependence</b>	<b>\$</b>	<b>150</b>
<b>SAFEHOME</b>	<b>\$</b>	<b>152</b>
<b>Salvation Army / Shield of Service</b>	<b>\$</b>	<b>759</b>
<b>Substance Abuse Center of Eastern Kansas</b>	<b>\$</b>	<b>310</b>
<b>TLC for Children &amp; Families</b>	<b>\$</b>	<b>588</b>
<b>Shawnee Mission School District</b>	<b>\$</b>	<b>1,006</b>
<b>DAC Administration</b>	<b>\$</b>	<b>1,033</b>
<b>Total</b>	<b>\$</b>	<b>15,000</b>

**COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

**PK2005-12 Consider 2006 British Soccer Camp Agreement**

Mr. Farrar reported that British Soccer Camps would like to conduct two camps in Meadowlake Park next summer. There would be a morning and afternoon session from 17-21 July, 2006. Participants would be charged \$100. The City would receive a fee of \$10/participant.

Mrs. Ewy Sharp moved and Ms. Wassmer seconded the following motion which passed unanimously:

**RECOMMEND THE CITY COUNCIL APPROVE AN AGREEMENT WITH  
BRITISH SOCCER CAMPS TO CONDUCT A CAMP IN MEADOWLAKE  
PARK FROM 17-21 JULY, 2006.  
COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

**LEG2005-40 Consider Economic Development Incentive Policy**

Ms. Michaelis reported that the Northeast Johnson County Economic Development Council is recommending that cities in Northeast Johnson County develop policies to communicate their willingness to consider providing incentives for economic development projects to potential developers. While each city would develop policies tailored to its particular needs, she is encouraging all cities to adopt a resolution stating their intent to develop these policies.

Mr. Michaelis reviewed the draft resolution and provided general information about the economic development incentives available to local governments including:

- Tax Increment Financing (TIF)
- Tax Abatement
- Industrial Revenue Bonds
- Transportation Development Districts
- Sales Tax Rebate Agreement
- Neighborhood Revitalization Act

Mrs. Vernon added that, over the years, the City Council has adopted policies regarding Industrial Revenue Bonds, determining the revenue impact of zoning changes, and a general policy regarding providing financial assistance in redevelopment projects. In the past, the City has issued Industrial Revenue Bonds on several occasions and created a TIF district for a redevelopment project.

Mr. Vennard asked if other cities have adopted this resolution. Ms. Michaelis said that the cities of Merriam and Mission have adopted redevelopment policies.

Ms. Wassmer expressed concerns that adopting a resolution would commit the Council to adopting a specific policy. She feels it would be more appropriate to address redevelopment projects on a case by case basis.

Mr. Griffith noted that a resolution would not be binding, but might help communicate the City's willingness to provide incentives.

Ms. Michaelis said the resolution would be a statement of intent. The next step would be to develop a series of policies regarding redevelopment. These could be as general or specific as the City Council would like them to be.

Mrs. Ewy Sharp said the City already has a redevelopment policy in place, and questions the need for a separate resolution.

Committee members agreed to revise the resolution to state that the City would consider developing economic development policies that may include incentives such as those identified in the draft resolution.

Mr. Wang moved and Ms. Wassmer seconded the following motion which passed unanimously:

**RECOMMEND THE CITY COUNCIL ADOPT A RESOLUTION PROVIDING  
FOR THE CONSIDERATION OF THE ADOPTION OF AN ECONOMIC  
DEVELOPMENT POLICY.**

**COUNCIL ACTION REQUIRED**

Committee members noted that, if this resolution is approved, it would be necessary to carefully investigate the redevelopment tools available to the City and the specific circumstances under which the City may want to provide a financial incentive to encourage redevelopment. Committee members agreed that, if approved, the various redevelopment policies which may be developed should be considered by the Committee individually.

#### **LEG2005-41 Consider 2006 Legislative Program**

Mr. Farrar reported that the City Council annually develops a document to communicate the Council's legislative priorities to the City's Congressional and State legislative delegations. He provided a copy of the City's 2005 legislative program and issues that are included in similar programs being developed by the Mid America Regional Council and the League of Kansas Municipalities.

Committee members agreed that the bulk of the 2005 program should remain in the 2006 program

Committee members noted that eminent domain should be included in the City's 2006 program, noting that cities should retain the ability to utilize eminent domain for economic development purposes while strengthening the process to balance public and private interests.

Committee members agreed to remove items regarding the Kansas Public Records Act and Kansas Open Meetings Act from the 2006 program.

Committee members agreed to reword the item regarding franchises and franchise fees as recommended by staff.

Committee members discussed several items for inclusion in the 2006 program. These included:

- Taxpayers' Bill of Rights (TABOR) - a policy statement in opposition to a state imposed taxing or spending limitation on local governments.
- Banking Regulations - a policy statement supporting the ability of cities to invest public funds in financial institutions located outside the State of Kansas.
- Firearms regulation - A statement opposing legislation limiting local governments' ability to regulate firearms at the local level.

Mrs. Ewy Sharp and Mr. Vennard said a statement in opposition to TABOR legislation should be included in the 2006 legislative program.

Mr. Griffith moved and Ms. Wassmer seconded the following motion which passed 4-1 with Mrs. Ewy Sharp voting nay.

**RECOMMEND THE CITY COUNCIL ADOPT A 2006 LEGISLATIVE PROGRAM CONTAINING THE SAME ITEMS AS THE 2005 PROGRAM WITH THE FOLLOWING EXCEPTIONS:**

- **REMOVAL OF THE ITEM REGARDING THE OPEN RECORDS AND OPEN MEETINGS ACTS**
- **REWORDING OF THE EMINENT DOMAIN ITEM FROM THE 2005 PROGRAM TO READ "THE CITY OF PRAIRIE VILLAGE SUPPORTS LEGISLATION WHICH CONTINUES TO ALLOW FOR THE USE OF EMINENT DOMAIN FOR ECONOMIC DEVELOPMENT PURPOSES, AND STRENGTHENS THE PROCESS WHICH BALANCES PRIVATE PROPERTY INTERESTS AND THE WELFARE OF THE COMMUNITY AT LARGE.**
- **REWORDING OF THE FRANCHISES AND FRANCHISE FEES ITEM TO READ "THE CITY OF PRAIRIE VILLAGE ENCOURAGES THE KANSAS CONGRESSIONAL DELEGATION AND THE KANSAS LEGISLATURE TO PROTECT THE ABILITY OF CITIES TO MANAGE THEIR RIGHTS-OF-WAY AND IMPOSE A FRANCHISE FEES REGARDING TELECOMMUNICATIONS AND CABLE COMPANIES.**
- **ADDING AN ITEM TO READ "THE CITY OF PRAIRIE VILLAGE OPPOSES ANY LEGISLATION WHICH PREEMPTS LOCAL REGULATION OF FIREARMS.**

•  
**COUNCIL ACTION REQUIRED**

There being no further business, the meeting adjourned.

Bill Griffith  
Co-Chair

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 3 OF THE CODE OF THE CITY OF PRAIRIE VILLAGE, KANSAS, TO AUTHORIZE SUNDAY SALES OF ALCOHOLIC LIQUOR AND CEREAL MALT BEVERAGE WITHIN THE CITY OF PRAIRIE VILLAGE, KANSAS.

Whereas, on August 15, 2005 the Prairie Village City Council adopted Ordinance 2099 authorizing the Sunday sales of alcoholic liquor and cereal malt beverage in the City of Prairie Village in accordance with Chapter 201 of the 2005 Kansas Session Laws, and

Whereas, pursuant to Ordinance 2099, that ordinance shall take effect on 15 November, 2005, and

Whereas, Charter Ordinance 21 of the City of Prairie Village, Kansas, currently allows sales of alcoholic liquor on Sundays and certain holidays, and that said Ordinance becomes null and void on November 15, 2005; and

Whereas revisions to the Code of the City of Prairie Village are required to reflect the adoption and implementation of Ordinance 2099;

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

Section 1. Chapter 3, Section 309 of the Code of the City of Prairie Village is hereby amended to read as follows:

3-309 HOURS OF SALE. No person shall sell at retail any alcoholic liquor:

- (a) On Easter Sunday;
- (b) On all other Sundays, before 12 noon or after 8:00 pm;
- (c) before 9:00 am or after 11:00 pm on any other day other than Sunday.

Section 2. This ordinance shall take effect upon its passage, approval, and publication as provided by law, but not before November 15, 2005.

PASSED AND APPROVED THIS \_\_\_ DAY OF NOVEMBER, 2005

ATTEST:

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

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

APPROVED AS TO FORM

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



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 3 OF THE CODE OF THE CITY OF PRAIRIE VILLAGE, KANSAS TO AUTHORIZE SUNDAY SALES OF ALCOHOLIC LIQUOR AND CEREAL MALT BEVERAGE IN THE ORIGINAL PACKAGE WITHIN THE CITY OF PRAIRIE VILLAGE, KANSAS.

Whereas, on August 15, 2005 the Prairie Village City Council adopted Ordinance 2099 authorizing the Sunday sales of alcoholic liquor and cereal malt beverage in the City of Prairie Village, Kansas in accordance with Chapter 201 of the 2005 Kansas Session Laws, and

Whereas, Ordinance 2099 shall take effect on November 15, 2005, and

Whereas, Charter Ordinance 21 which authorized the sale of alcoholic liquor on certain hours and days will become null and void on November 15, 2005; and

Whereas revisions to the Code of the City of Prairie Village, Kansas are required to reflect the adoption and implementation of Ordinance 2099;

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

Section 1. Chapter 3, Article 2, Section 212 of the Code of the City of Prairie Village is hereby amended to read as follows:

3-212. BUSINESS REGULATIONS. It shall be the duty of every licensee to observe the following regulations:

(a) The place of business licensed and operating under this article shall at all times have a front and rear exit unlocked when open for business.

(b) The premises and all equipment used in connection with such business shall be kept clean and in a sanitary condition and shall at all times be open to the inspection of the police and health officers of the city, county and state.

(c) Except as provided by sub-section (d), no cereal malt beverage may be sold or dispensed in the original and unopened container between the hours of 12:00 midnight and 6:00 am. On Sundays, cereal malt beverages may only be sold between the hours of 12:00 noon and 8 pm, provided, however, no cereal malt beverages may be sold on Easter Sunday.

(d) Cereal malt beverages may be sold at retail any time alcoholic liquor is allowed by law to be sold at retail on premises which are licensed pursuant to K.S.A. 41-2701 et seq. and licensed as a club by the State Director of Alcoholic Beverage Control.

(e) The place of business shall be open to the public and to the police at all times during business hours, except that premises licensed as a club under a license issued by the State Director of Alcoholic Beverage Control shall be open to the police and not to the public.

(g) It shall be unlawful for any licensee or agent or employee of the licensee to become intoxicated in the place of business for which such license has been issued.

(h) No licensee or agent or employee of the licensee shall permit any intoxicated person to remain in the place of business for which such license has been issued.

(i) No licensee or agent or employee of the licensee shall sell or permit the sale of cereal malt beverage to any person under 21 years of age.

(j) No licensee or agent or employee of the licensee shall permit any gambling in the place of business for which such license has been issued.

(k) No licensee or agent or employee of the licensee shall permit any person to mix alcoholic drinks with materials purchased in said place of business or brought in for such purpose.

(l) No private rooms or closed booths shall be operated in the place of business, but this provision shall not apply if the licensed premises are also annually licensed as a club under a license issued by the State Director of Alcoholic Beverage Control.

(m) The windows and doors of every place within the city selling or dispensing cereal malt beverages shall be free and clear of any obstruction, either temporary or permanent. No sign or advertising bills or anything shall be placed on such windows or doors to interfere with the view of the inside of such establishment or place of business from the outside.

(n) No licensee shall permit a person under the legal age for consumption of cereal malt beverage in or about a place of business and no licensee shall permit a person under the legal age for consumption of cereal malt beverage to possess cereal malt beverage in or about a place of business, except that a licensee's employee who is not less than 18 years of age may dispense or sell cereal malt beverage if:

(1) The licensee's place of business is licensed only to sell cereal malt beverage at retail in original and unopened containers and not for consumption on the premises; or

(2) The licensee's place of business is a licensed food service establishment, as defined by K.S.A. 36-501 and amendments thereto, and not less than 50 percent of the gross receipts from the licensee's place of business is derived from the sale of food for consumption on the premises of the licensed place of business.

(o) No cereal malt beverage shall be served to any person in any automobile around or about such place of business.

(Code 1973, 5.12.070, 080, 110:120; Code 2003)

Section 2. This ordinance shall take effect upon its passage, approval, and publication as provided by law, but not before 15 November, 2005.

PASSED AND APPROVED THIS \_\_\_ DAY OF \_\_\_\_\_, 2005

CITY OF PRAIRIE VILLAGE, KANSAS:

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

ATTEST:

APPROVED AS TO FORM:

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

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

## **AGREEMENT BETWEEN THE CITY OF PRAIRIE VILLAGE AND BRITISH SOCCER**

The undersigned, British Soccer, a division of CHALLENGER SPORTS CORP., a corporation organized and existing under the laws of the State of Kansas, located at 8045 Flint, Lenexa, KS 66214 (hereinafter termed "British Soccer") and the City of Prairie Village, a municipal corporation (hereinafter termed "City"), enter into the following rental agreement with regard to the dates and terms specified below. This rental agreement is for the purpose of conducting a soccer camp for the children of Prairie Village and its surrounding area.

British Soccer and the City do hereby agree to the following terms:

### **Services Provided:**

British Soccer shall make available, conduct and maintain two (2) instructional soccer camps in accordance with the terms of this Agreement. Coaches provided will hold the minimum of a Football Association Coaching License/Challenger/British Coaching certification. There will be at least one qualified coach for each coaching group (12-15) campers. The camps shall consist of five (5) sessions of at least three (3) hours each. British Soccer shall not be required to conduct the camps if it is determined by mutual agreement of the parties that there is not sufficient interest among participants to justify the camp.

### **Cost of Camp:**

The cost for each participant for the camp session shall be \$100.00. British Soccer shall be in charge of collecting these fees from the participants.

### **Facility Reserved:**

British Soccer and City agree that the camp will be held at Meadowlake Park, which is located in the city of Prairie Village, Kansas.

### **Camp Date:**

The camp will take place from July 17, 2006 through July 21, 2006. In the event of a cancelled day of camp due to weather, the City will allow the use of said facility at no additional cost to the British Soccer for make-up days on days mutually agreed upon.

### **Facility Use/Condition:**

The City will allow British Soccer exclusive use of said facility from 9:00 a.m.-12:00 p.m. and 5:00 p.m.-8:00 p.m. daily during the days of the camp. This applies to all applicable areas of said facility, including but not limited to: all playing field areas, restrooms, and covered shelter areas. However, British Soccer understands that the facility is a public park and the residents of Prairie Village may reasonably use the portions of the facility not in use by British Soccer.

The City also agrees to prepare the facility (i.e. Proper lawn care, sanitize restrooms and shelters, removal of trash, etc.) prior to the first day of camp. The satisfactory condition of the facility will be agreed upon by British Soccer and the City within, seven (7) days prior to the start of the first day of camp. Any additional facility maintenance agreed upon by both parties will be provided by the City throughout the camp week at no additional charge.

In the event of any property damage caused directly through the negligence of or the act or actions of British Soccer or participants in said camp program, the City will notify British Soccer within five (5) business days of the damage and any related claims against British Soccer, and British Soccer shall be liable for the costs of repair or replacement thereof.

**Rental Payment:**

British Soccer agrees to pay a rental fee of nine U.S. dollars (\$10.00) per student enrolled in said camp. This fee is intended to reimburse the City for its costs in making the facility available for the camps. British Soccer will pay the City of Prairie Village by check no later than September 1, 2006. This shall be the only payment required in consideration of the use of said site for said camp. Enrollment rosters will be provided by British Soccer as proof of camp attendance.

**Insurance:**

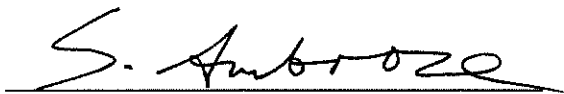
British Soccer will provide proof of insurance prior to the first day of camp. The City will be recognized as a Certificate Holder and a copy of the insurance certificate will be sent to the City.

**Liability:**

The City shall be free from all liabilities and claims for damages and/or suits for or by reason of any injury or injuries to any person or persons or property of any kind whatsoever, whether the person or property of British Soccer, its agents, employees, or camp attendants, from any cause of causes whatsoever while in or upon the facility or any part thereof during the term of the camp or occasioned by any occupancy or use of the facility or any activity carried on by British Soccer in connection therewith. British Soccer agrees to indemnify and save harmless the City from any claim or loss by reason of British Soccer's, or any camp attendant under the supervision of British Soccer, or person connected thereto, use of misuse of the facility and from any claim or loss by reason of any accident or damages, during the camp, to any person or property happening on or in said facility.

**The Agreement:**

When signed by an authorized representative of both parties, this document accurately reflects the entire and only agreement between these parties. This agreement may be modified only in writing signed by an authorized representative of each party. This constitutes as an agreement between British Soccer and the City with respect to the 2006 British Soccer Camp season, from May 1, 2006 to September 1, 2006, and supersedes all prior representations and agreements. This agreement also contains within the option to renew annually upon the written consent of both parties.

  
British Soccer Representative

19<sup>th</sup> October 2005  
Date

\_\_\_\_\_  
City of Prairie Village Representative

\_\_\_\_\_  
Date

**RESOLUTION NO. 2005-07  
CITY OF PRAIRIE VILLAGE, KANSAS**

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF  
PRAIRIE VILLAGE, KANSAS PROVIDING FOR THE ADOPTION OF AN  
ECONOMIC DEVELOPMENT POLICY.**

**Whereas**, the cities of Fairway, Merriam, Mission, Mission Woods, Prairie Village, and Roeland Park have joined together in support of the Northeast Johnson County Economic Development Council and the concept of cooperative, noncompetitive, regional economic development and,

**Whereas**, investment in commercial real property, business development and quality job creation is vitally important to the area's economy and,

**Whereas**, investment in continued upkeep and renewal of housing stock is essential to maintaining a high quality of life and,

**Whereas**, the State of Kansas has implemented incentive law for use by city and county governments to stimulate renewal, growth, and development through public-private agreements and,

**Whereas**, the cities of northeast Johnson County recognize that these incentives are valuable tools in encouraging investment in both commercial and residential renewal and growth,

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

**Section 1.** The City of Prairie Village will adopt an economic development incentive policy that will include policies on the use of incentives from amongst the following, but not limited to:

**Tax Increment Financing (TIF) KSA 12-1770**

The increase in property taxes resulting from improvements to property within a designated redevelopment or TIF district may be applied for up to twenty percent associated with finance costs necessary to implement the redevelopment project. These costs include but are not limited to: Land acquisition, Site preparation, Landscaping and Parking and Public Infrastructure. Private buildings and personal property may not be financed.

**Tax Abatement (TA) KSA 79-250**

To create incentive for capital investment in accordance with state law, all or part of the county's taxing entities may grant up to a 50% tax abatement on personal property for up to ten years for manufacturers, wholesalers, and research & development companies doing more than 51% of their business across state lines.

**Industrial Revenue Bonds (IRB) KSA 12-1740-49d**

Qualified non-retail companies can apply for exemption from ad valorem and/or sales tax exemption on a project for up to ten years through the use of IRB's for project financing. Property tax exemption cannot be a condition for issuing the bonds and a cost benefit analysis must be performed.

**Transportation Development District (TDD) KSA 12-17, 144 & 145**

Municipalities may facilitate TDD's to finance transportation and storm water management related projects or infrastructure. Projects may be located outside the boundaries of the District and are funded either by special assessments levied on property within the District benefited by the project or by a sales tax within the District.

**Sales Tax Rebate Agreement**

A city may contract to reimburse costs of public or private improvements through the reimbursement of certain incremental sales tax revenues by the city from the new project.

**Neighborhood Revitalization KSA 12-17, 114**

A municipality may designate a revitalization area that meets stated conditions. Revitalization is funded through the creation of a neighborhood revitalization fund from which any increment in ad valorem property resulting from improvement may be credited to the fund for the purpose of rebating all or part of the property increment to the taxpayer.

**ADOPTED** by the City Council of the City of Prairie Village, Kansas on December 19, 2005.

[SEAL]

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

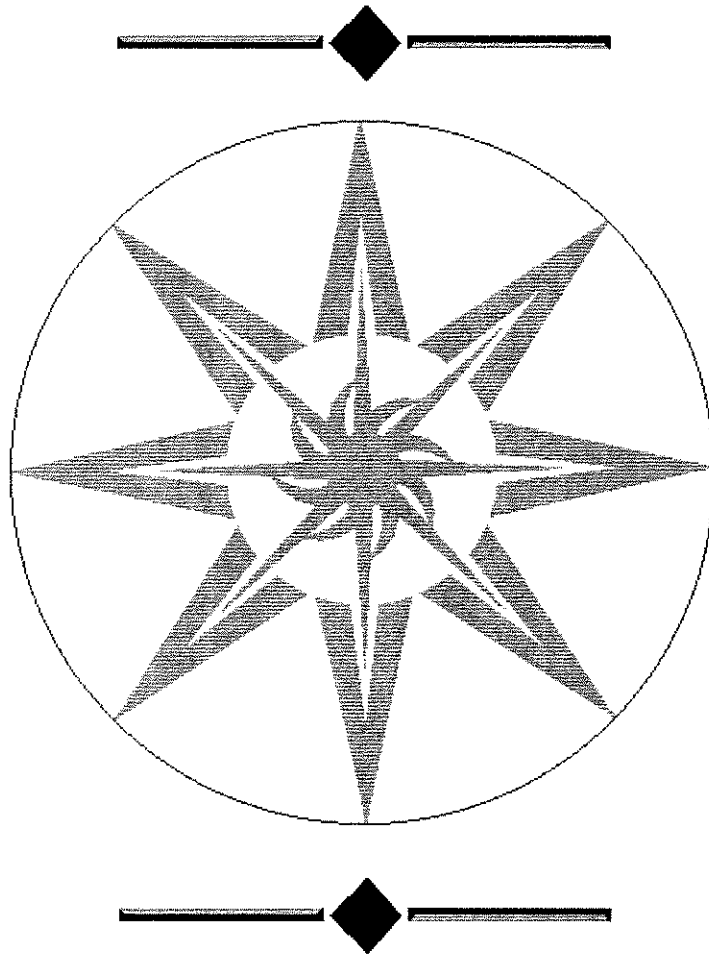
Attest:

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

Approved As To Form Only:

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

# **CITY OF PRAIRIE VILLAGE**



**LEGISLATIVE PROGRAM  
2006**

## 2006 Legislative Priorities

### EDUCATION

**State Funding of Public Education** – The City of Prairie Village supports legislation that would remove or raise school districts' local option budget cap – the limit on money a district can raise through taxes above its basic state aid. The City does not oppose a state tax increase to fund K-12 public education.

### REVENUE AND TAXATION

**Municipal Revenue** – The City of Prairie Village supports legislation that preserves existing municipal revenue sources, including state aid, or provides authority for local option municipal revenue enhancement.

**Unfunded State Mandates** – The City of Prairie Village opposes legislation that imposes additional state mandated functions, activities, or practices on units of local government.

**Spending Limitations and Tax Lids** – The City of Prairie Village opposes legislation imposing limits to either taxing or spending by local governments. Consistent with the concept of Home Rule authority, local governing bodies most appropriately make local taxing and spending decisions.

**Franchises and Franchise Fees** – The City of Prairie Village encourages the Kansas Congressional Delegation and the Kansas Legislature to protect the ability of cities to manage their rights-of-way and impose franchise fees regarding telecommunications and cable companies.

### LEGISLATIVE ITEMS

**Local Control of Firearms** – The City of Prairie Village supports legislation which defends local control and opposes preemption of local ordinances regarding firearms.

**Eminent Domain** – The City of Prairie Village supports legislation which continues to allow for the use of eminent domain for economic development purposes, and strengthens the process which balances private property interests and the welfare of the community at large.

## Listing of Elected City Officials

All public officials and appointed staff can be reached at the Prairie Village Municipal Building by calling 913-381-6464 or by sending an e-mail to their respective addresses.

### Mayor

4/2007 Ron SHAFFER  
mayor@pvkansas.com

### Council Member

#### **WARD I**

4/2006 Bill GRIFFITH  
bgriffith@pvkansas.com  
4/2008 Al HERRERA  
aherrera@pvkansas.com

#### **WARD II**

4/2006 Steve NOLL  
snoll@pvkansas.com  
4/2008 Ruth HOPKINS  
rhopkins@pvkansas.com

#### **WARD III**

4/2006 Greg COLSTON  
gcolston@pvkansas.com  
4/2008 Andrew WANG  
awang@pvkansas.com

#### **WARD IV**

4/2006 Laura WASSMER  
lwassmer@pvkansas.com  
4/2008 Pat DANIELS  
pdaniels@pvkansas.com

#### **WARD V**

4/2008 Wayne VENNARD  
wvenard@pvkansas.com  
4/2006 Jeff ANTHONY  
janthony@pvkansas.com

#### **WARD VI**

4/2006 David BELZ  
dbelz@pvkansas.com  
4/2008 Diana Ewy SHARP  
desharp@pvkansas.com



## MAYOR'S ANNOUNCEMENTS

Monday, December 19, 2005

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

Policy/Services Committee	01/03/2006	6:00 p.m.
Legislative/Finance Committee	01/03/2006	6:00 p.m.
Council	01/03/2006	7:30 p.m.

---

The Prairie Village Arts Council is pleased to feature the Julie Johnson exhibit in the R.G. Endres Gallery during the month of December. The Gallery will host an exhibit of mixed media by Gary Mehl and Art Whorton in January.

The Mayor's Holiday Tree Lighting Ceremony has received \$10,024.50 donations as of December 15<sup>th</sup>, 2005. Donations to the Holiday Tree Fund will be utilized in assisting Prairie Village families and Senior Citizens needing help to pay their heating and electric bills during the cold winter months, as well as with home maintenance throughout the year. Your tax-deductible contributions are appreciated.

Deffenbaugh will observe the Christmas Day holiday with the normal Monday pickup being done on Tuesday. The Municipal Offices will also be closed in observance of the holiday on Monday. Deffenbaugh will observe the New Year's Day holiday on Monday, January 2, 2006 with the normal Monday pickup being done on Tuesday. The Municipal Offices will also be closed in observance of the holiday on Monday.

Holiday tree recycling is available until January 16<sup>th</sup> at Harmon Park, Franklin Park, Porter Park and Meadowlake Park.

The 50<sup>th</sup> Anniversary books, **Prairie Village Our Story**, and Prairie Village Gift Cards continue to be sold to the public.

**INFORMATIONAL ITEMS**  
**December 19, 2005**

1. Planning Commission Actions – December 6, 2005
2. Planning Commission Minutes – November 7, 2005
3. Mark your Calendar
4. Council Committee Agenda

**Planning Commission Actions**  
**Tuesday, December 6, 2005**

**PC2005-1119          Request for Building Line Modification**

The Planning Commission granted the request for a front building setback modification from 75 feet to 62 feet for that portion of the lot at 8361 Delmar that would accommodate the construction of the garage allowing two feet of landscaping between the garage and the driveway as recommended by the homes association and presented.

**PC2005-120          Site Plan Review – New Canopy & Fascia**

The Planning Commission approved the application for the re-imaging of the Phillips 66 service station at 9440 Mission Road in accordance with the plans submitted.

**PC2005-121          Sign Approval – 3500 West 79<sup>th</sup> Street**

The Planning Commission continued this application to their January meeting to allow for the submittal of sign standards for this building in conjunction with the proposed signage.

**PC2005-05          Request for Special Use Permit for Wireless Antennae & Equipment Building**

The Planning Commission recommended the City Council deny the request of Cingular Wireless for a Special Use Permit to install wireless antenna and an equipment building in McCrum Park, 69<sup>th</sup> Terrace and Roe.

**PLANNING COMMISSION MINUTES  
MEETING OF NOVEMBER 1, 2005**

**ROLL CALL**

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, November 1, 2005 in the Council Chambers of the Municipal Building, 7700 Mission Road. Chairman Ken Vaughn called the meeting to order at 7:00 p.m. with the following members present: Bob Lindeblad, Randy Kronblad, Marlene Nagel and Charles Clark.

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

**APPROVAL OF MINUTES**

Charles Clark moved to approve the minutes of October 4, 2005 as written. The motion was seconded by Randy Kronblad and passed unanimously.

**PUBLIC HEARINGS**

Chairman Ken Vaughn announced the first item on the agenda was PC2005-05 a request for a special use permit for wireless communication antennae and equipment at 69<sup>th</sup> Terrace and Roe.

Curtis Holland, Attorney for Cingular Wireless, requested a continuance of this item until December 6, 2005 to ensure proper notice has been given to the adjoining property owners. Mr. Holland stated the city's ordinance requires that notice must be mailed to the adjoining property owners twenty days prior to the hearing date and the notices were mail on October 13<sup>th</sup> giving only 19 days notice. The notice of hearing was appropriately published in the newspaper on October 11<sup>th</sup> so it does not need to be republished. Based on the defective notice to the residents, however, the Planning Commission can not hear this application until proper notification is mailed to adjoining property owners.

Ron Williamson, City Planning Consultant, confirmed that the application had to be continued and the applicant would need to resubmit notice to the adjoining property owners at least twenty days prior to the December 6<sup>th</sup> meeting.

Charles Clark moved the Planning Commission continue consideration of application PC 2005-05 request for a Special Use Permit for wireless communication antennae and equipment at 69<sup>th</sup> Terrace and Roe until the December 6<sup>th</sup> Planning Commission Meeting. The motion was seconded by Bob Lindeblad.

Chairman Ken Vaughn explained to the residents in attendance that the Commission is bound by the regulations for proper notice and can not discuss this application. Only

comments or questions regarding the requested continuation will be entertained by the Chair. Mr. Vaughn noted the large number of residents present and interested in this application and apologized that comments on the application can not be heard at this time. He encouraged those present to return on December 6<sup>th</sup> and/or to send comments to the Planning Commission members through the City regarding this application. He noted several such comments have already been received by the Commission. Any comments received will be forwarded to the Commission members prior to the meeting allowing them time to thoughtfully review and consider the concerns expressed.

Curtis Holland apologized for the late request for the continuance. He stated that he tried to contact Ms. Nelson and spoke with Ms Hawley in hopes to get the word out to concerned residents.

Jori Nelson, 4802 West 69<sup>th</sup> Terrace, confirmed the reason for the continuance was that notice was not given to adjoining property owners at least twenty days prior to the meeting date.

Diane Fischer, 4911 West 69<sup>th</sup> Terrace, confirmed new notices would be sent to all property owners within 200' of the property. She asked how residents could get their questions answered. Mr. Vaughn responded the residents should contact Mr. Holland or Mr. Wood with their questions/concerns.

George Holter, 4705 West 70<sup>th</sup> Street, stated the lack of advance notice of the continuance of this application and the need to continue the application because of improper notice was irresponsible. He noted his disgust that the residents who took time to attend this meeting are not be able to speak and will need to return for another meeting in December.

The motion approving the continuance for PC 2005-05 was voted on and approved unanimously.

Stella Fenn, 4718 West 69<sup>th</sup> Terrace, asked what the Commissioners responsibility was for attendance at meetings, noting she spoke with two Commission members who stated they would not be attending this meeting. Chairman Ken Vaughn stated the Commission has an excellent attendance record and noted the two members not present this evening had advised the Commission at the meeting in October that they would be out of town on business and unable to attend. He assured Mrs. Fenn, they were not absent because of this application.

**PC2005-06 Proposed Ordinance Revisions PVMC 19.44.025  
“Height and Area Exceptions – Fences”**

Chairman Ken Vaughn opened the public hearing and noting no residents were in attendance for this public hearing, dispensed with the reading of the rules of procedure. Chairman Vaughn called upon City Planning Consultant, Ron Williamson, to present the proposed ordinance revisions on behalf of the City.

Mr. Williamson noted discussion of the city’s fence regulations started in June. A draft of the proposed regulations was presented in September to the Citizens Advisory

Committee and mailed to all homes association presidents. Comments at the Citizens Advisory Committee were supportive of the proposed regulations.

Mr. Williamson highlighted the most recent changes to the regulations, including the establishment of an 8" maximum height above fence panels for posts, the addition of walls and retaining walls to the regulations for site plan review and the requirement that all fences secure a fence permit from the City.

The proposed regulations call for the repeal of the existing regulations with the adoption of the new regulations in its place.

#### **19.44.025 FENCES AND RETAINING WALLS**

##### **A. Purpose and Intent**

1. **To buffer or screen uses that may have negative impact on adjacent uses.**
2. **To provide privacy in outdoor spaces.**
3. **To provide safety from hazards such as swimming pools, hot tubs, spas and other similar facilities.**
4. **To enhance the quality of appearance of developed land use.**

##### **B. Design**

1. **Appearance – Those fences which have surface material, whether it be wood, chain link, metal bars or other permitted material, attached on one side of posts and/or rails, thus producing a finished side and an unfinished side, shall be installed with the finished sides exposed toward the street and adjacent properties. When doubt exists as to which way the surface of the proposed fence shall face, the Building Official shall make the final determination.**
2. **Prohibited Fences – The installation of barbed wire, electric and razor ribbon fences or any similar type fence shall be prohibited.**
3. **Height – No fence shall exceed six (6) feet in height except tennis court enclosures which may not exceed twelve (12) feet in height and except fences which are located within the building envelope of a lot shall not exceed eight (8) feet in height. The height of the fence shall be deemed to be the average distance from the finished grade to the highest point on the fence panel, excluding posts which may project above the fence panel not more than eight inches. Where the terrain is not level the average dimension may, at the discretion of the Building Official, be applied to each eight (8) foot section of the fence. Fences built in combination with retaining walls and/or berms shall not exceed the required height restrictions. In addition, fences and walls built on slopes shall comply with the required height measurement along the line of the fence location.**
4. **Decorative Fences – Decorative fences shall be designed so that they are at least 50% open and do not exceed two and a half (2 ½) feet in height. Split rail and wrought iron fences are examples of this type of fence.**

**C. Location**

1. Decorative fences may be located in the front yard but shall be located no closer than ten (10) feet from a street right-of-way line.
2. Fences, other than decorative fences, shall not be located in the front yard and shall be setback at least five (5) feet from the front corner of the dwelling.
3. Fences located on the side street of a corner lot shall not be less than five (5) feet from the right-of-way line except that if an adjacent lot faces the side street, the fence shall be setback from the right-of-way line a distance of fifteen (15) feet or not less than one half the depth of the front yard of an adjacent building whichever is the greater setback.
4. If the rear of a through lot is fenced, a gate shall be installed to provide access to the right-of-way.
5. Diagrams depicting the location of fences on various types of lots are attached.

**D. Retaining Walls**

1. Retaining walls shall be designed and constructed to support lateral loads. Applications for retaining walls exceeding four (4) feet in height, whether terraced or not, shall be accompanied by design calculations and plans sealed by a professional engineer licensed in the State of Kansas. Said plans shall be reviewed prior to the issuance of a building permit. Retaining walls shall setback a minimum of two feet from the property line and retaining walls exceeding six (6) feet in height shall be required to be setback from the property line an additional one foot for each two feet, or part thereof, in excess of six (6) feet in height, e.g. a ten (10) foot high retaining wall would be required to set back a minimum of four (4) feet from the property line. Any exceptions or deviations from this formula shall require site plan approval by the Planning Commission.

**E. Drainage and Utility Easements**

1. Fences and walls shall not restrict natural surface drainage nor be constructed to divert or channel water flow with increased velocity. All fence applications shall be reviewed by Public Works prior to the issuance of a permit. Fences shall not be constructed in drainage easements if they affect the flow of storm water.
2. Fences installed in a utility easement may need to be removed in order to access the utilities. Fences constructed in easements are at the risk of the owner and shall not be the responsibility of the utility or city to replace them.

**F. Permits Required**

1. All fences, walls and retaining walls as defined herein, unless otherwise excepted, shall require a building permit. No fence may be erected, constructed or replaced until said permit has been procured from the Building Official. The Building Official may allow minor

deviations and adjustments relative to the dimensions set out in this section where topographic or other natural features, utility locations, meters, trees or other conditions so warrant and where the spirit and intent of this section will be preserved.

2. Enclosures erected around compost piles in compliance with the conditions set forth in Chapter 15. Article 3 of the City Code is excluded from these regulations and shall not require a permit.

#### **G. Site Plan Approval**

1. As a part of the site plan approval process as set out in Section 19.32 Site Plan Approval, the Planning Commission may make adjustments to the height and location of fences, walls and retaining walls provided that it results in a project that is more compatible, provides better screening, provides better storm drainage management, or provides a more appropriate utilization of the site.
2. An application may be made to the Planning Commission for site plan approval of a fence that is unique and does not have the locational or design characteristics set out in these regulations.

Chairman Ken Vaughn asked for public comments. With no one present to address the Commission, the public hearing was closed.

Randy Kronbald moved the Planning Commission recommend the existing Section 19.44.025 "Fences" be repealed and the proposed amendments to PVMC 19.44.025 "Fences and Retaining Walls" be approved and forwarded to the City Council for consideration. The motion was seconded by Marlene Nagel and passed unanimously.

#### **NON-PUBLIC HEARINGS**

There were no applications submitted for Commission consideration.

#### **OTHER BUSINESS**

##### **Discussion of 2006 Meeting Schedule**

The Planning Commission secretary presented a proposed schedule for 2006 meetings and filing submittal deadlines. She noted the first Tuesday in July for 2006 falls on July 4<sup>th</sup> and asked the Commission when they wanted to hold the July meeting.

The possibility of meeting on the second Tuesday, July 11<sup>th</sup> was discussed. This date was rejected as Mission Hills Court meets in the Council Chamber and Multi-Purpose Room that evening.

The meeting date of Wednesday, July 5<sup>th</sup> at 7 p.m. was agreed upon, noting if no applications are received for action by the Commission, the meeting would be cancelled.

Bob Lindeblad moved the Planning Commission adopt the proposed meeting schedule for 2006 with the July meeting date set for Wednesday, July 5<sup>th</sup>. The motion was seconded by Marlene Nagel and passed unanimously.



**Planning Consultant Interviews**

The Planning Commission will interview candidates to serve as the City's Planning Consultant on Monday, November 14<sup>th</sup> beginning at 7 p.m. in the Multi-Purpose Room. Commission members agreed to discuss the interview process informally after the conclusion of the meeting.

The December 6<sup>th</sup> agenda for the Planning Commission currently consists of the continued request for PC2005-05, an application by the Shawnee Mission School District for a conditional use permit for a maintenance facility at Mission Valley Middle School, and a building line modification located in the Town & Country Homes Association. The filing deadline for the December meeting is November 11<sup>th</sup>.

**ADJOURNMENT**

With no further business to come before the Commission, Chairman Ken Vaughn adjourned the meeting at 8:00 p.m.

Ken Vaughn  
Chairman

**Council Members  
Mark Your Calendars  
December 19, 2005**

**December, 2005** Julie Johnson Photography exhibit in the R.G. Endres Gallery  
Dec 26 City offices closed in observance of Christmas

**Mark Your Calendars  
2006**

**January, 2006** 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 5 2006 Johnson County Convener Reception  
January 13 Prairie Village Arts Council reception for art exhibit  
January 16 Martin Luther King Day – City offices closed  
January 17 Tuesday City Council Meeting  
January 24 Filing Deadline for 2006 elections, noon  
January 26 City Hall Day at the Capitol

**February, 2006** **Not Filled yet** exhibit in the R.G. Endres Gallery  
February 3 Employee Appreciation – New Dinner Theater  
February 6 City Council Meeting  
February 10 Prairie Village Arts Council reception for art exhibit  
February 20 President's Day – City offices closed  
February 21 Tuesday City Council Meeting  
February 28 Primary Election

**March, 2006** Virginia Fortner watercolor exhibit in the R.G. Endres Gallery  
Sister City local young artists exhibit in the R. G. Endres Gallery  
March 6 City Council Meeting  
March 10 Prairie Village Arts Council reception for art exhibit  
March 11-15 NLC Congressional City Conference in Washington DC  
March 20 City Council Meeting

**April, 2006** Ms. Bobbi Toyne & Bess Duston mixed media exhibit in the R.G. Endres Gallery  
April 3 City Council Meeting  
April 4 General Election  
April 14 Prairie Village Arts Council reception for art exhibit  
April 17 City Council Meeting

**May, 2006** 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 City Offices closed in observance of Memorial Day

<b>June 2006</b>	Kevin Spykerman oils and illustrations 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
<b>July 2006</b>	<b>Not filled yet</b> exhibit in the R.G. Endres Gallery
July 3 Tuesday	City Council Meeting
July 4	City Offices closed in observance of 4 <sup>th</sup> of July
July 4	Villagefest
July 17	City Council Meeting
<b>August 2006</b>	<b>Not filled yet</b> exhibit in the R.G. Endres Gallery
August 7	City Council Meeting
August 21	City Council Meeting
<b>September 2006</b>	Dale Cole's Photography exhibit in the R.G. Endres Gallery
September 4 Tuesday	City Offices Closed observance of Labor Day
September 5	City Council Meeting
September 18	City Council Meeting
<b>October 2006</b>	Senior Arts Council mixed media exhibit in the R.G. Endres Gallery
October 2	City Council Meeting
October 7-10	League of Kansas Annual Conference in Topeka
October 16	City Council Meeting
<b>November 2006</b>	Mid-America Pastel Society's exhibit in the R.G. Endres Gallery
November 6	City Council Meeting
November 7	Johnson County Election
November 20	City Council Meeting
November 23-24	City offices closed in observance of Thanksgiving
<b>December 2006</b>	Marearl Denning photography and ceramics exhibit in the R.G. Endres Gallery
December 1	Mayor's Holiday Gala
December 4	City Council Meeting
December 5-9	NLC Congress of Cities Conference in Reno Nevada
December 18	City Council Meeting
December 25	City Offices Closed in observance of Christmas

**ANIMAL CONTROL COMMITTEE**

AC96-04 Consider ban the dogs from parks ordinance (assigned 7/15/96)

**COMMUNICATIONS COMMITTEE**

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)  
COM2000-04 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)

**COMMUNITY STANDARDS COMMITTEE****COUNCIL COMMITTEE**

COU99-13 Consider Property Audits (assigned 4/12/99)  
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)  
COU2000-44 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)  
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)  
COU2005-15 Consider planning meetings for the Governing Body (assigned 9/6/2005)  
COU2005-16 Consider how to improve the Council's effectiveness as a team (assigned 9/6/2005)  
COU2005-17 Consider how to expand leadership opportunities for Council members (assigned 9/6/2005)  
COU2005-18 Develop a school zone policy (assigned 9/6/2005)  
COU2005-19 Consider committee term limits for elected officials and residents (assigned 9/6/2005)  
COU2005-20 Develop a sidewalk policy (assigned 9/6/2005)  
COU2005-21 Develop a policy for use of Fund Balance (assigned 9/6/2005)  
COU2005-22 Consider Council mentoring program (assigned 9/6/2005)  
COU2005-23 Consider sponsoring social events with other jurisdictions (assigned 9/6/2005)  
COU2005-24 Develop and improve parliamentary procedures (assigned 9/6/2005)  
COU2005-25 Consider changing procedure for selecting Council President (assigned 9/6/2005)  
COU2005-26 Consider automated Council packets (assigned 9/6/2005)  
COU2005-27 Consider concept of Outcomes Measurement or Quantifying Objectives (assigned 9/6/2005)  
COU2005-28 Consider more effective public notice of Council and Committee vacancies (assigned 9/6/2005)  
COU2005-29 Consider City service to remove oak pollen in gutters and curbs (assigned 9/6/2005)

- COU2005-30 Consider \$500 deposit from landlords for remediation of code violations (assigned 9/6/2005)
- COU2005-31 Consider amending weed ordinance (assigned 9/6/2005)
- COU2005-32 Consider City service to eliminate weeds in the street (assigned 9/6/2005)
- COU2005-40 Consider Planning Commission Recommendation – Planning Consultant (assigned 11/14/2005)
- COU2005-42 Consider Dissolving the Restricted Residential Parking District (assigned 12/13/2005)**
- COU2005-43 Consider petition received from Canterbury Street residents (assigned 12/14/2005)
- COU2005-44 Consider YMCA Partnership (assigned 12/14/2005)
- COU2005-45 Consider ADA Appeal of James Olenick (assigned 12/14/2005)

**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)
- LEG2005-38 Consider proposed ordinance revisions to PVMC 19.44.025 entitled “Height and Area Exceptions – Fences” (assigned 11/2/2005)
- LEG2005-40 Consider Economic Development incentive Policy (assigned 10/10/2005)
- LEG2005-41 Consider 2006 Legislative Program (assigned 11/30/2005)**
- PK2005 -11 Consider Use of right-of-way island at Somerset and Lee Blvd (assigned to L/F Committee)**
- LEG2005-42 Consider a letter of interest in participating in the First Suburbs Coalition/Fannie Mae home improvement and remodeling loan program (assigned 12/15/2005)**
- LEG2005-43 Consider 2006 Pool Fees (assigned 12/15/2005)
- LEG2005-44 Consider 2006 Team Fees (assigned 12/15/2005)
- LEG2005-45 Consider 2006 Twilight Pool Program Addition (assigned 12/15/2005)
- LEG2005-46 Consider Facility Reservation Fees (assigned 12/15/2005)
- LEG2005-47 Consider British Soccer Camp Amendment (assigned 12/15/2005)

**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)
- POL2005-17 Consider revising bidding ordinance (assigned July 19, 2005)
- POL2005-21 Consider Project 190851: 2006 Paving Program - Sidewalks (assigned 8/30/2005)
- POL2005-23 Consider Project 190857: Roe Avenue – 95<sup>th</sup> to 91<sup>st</sup> Street (CARS) (assigned 8/28/2005)
- POL2005-28 Consider Charter Ordinance No. 12 “Public Improvements” (assigned 11/1/2005)
- POL2005-29 Consider Council Policy No. 041 “Selection of Professional Consulting Services (assigned 11/1/2005)
- POL2005-30 Consider Project 190855: Tomahawk Road Bridge (assigned 11/1/2005)
- POL2005-31 Consider Canterbury Street Sidewalk Petition (assigned 11/1/2005)
- POL2005-33 Consider establishment of school crossing guard policy (assigned 11/14/2005)**
- POL2005-34 Consider Project 190717: 2006 Storm Drainage Repair Program (assigned 11/20/2005)**
- POL2005-35 Consider illicit water discharge (assigned 11/30/2005)**

**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)