

City Council Meeting

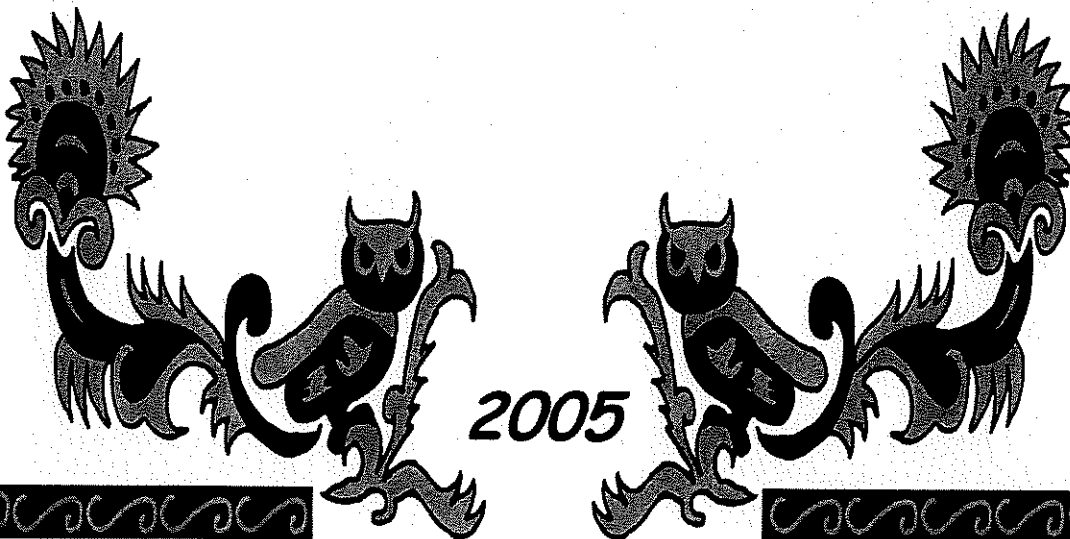
November 7, 2005



Dinner provided by:

Johnny's

Individually Selected Items



LEGISLATIVE/FINANCE COMMITTEE

November 7, 2005

Multi-Purpose Room

RUTH HOPKINS

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LEG2005-38	Consider Revisions to Fence Ordinance Ron Williamson, Bucher Willis and Ratliff	1 - 25
LEG2005-37	Consider Ordinance for Yield Sign at 84th Street and Fontana Chief Grover	26
LEG2005-36	Consider Ordinance Amendment to Residential Picketing Regulations Chief Grover	27 - 30

BILL GRIFFITH

LEG2005-39	Consider Contribution Allocation Recommended by UCS for Human Service Fund Grants in 2006 Barbara Vernon	31 - 39
PK2005-07	Consider 2006 Harmon Park Day Camp Agreement Josh Farrar	40 - 47
PK2005-08	Consider 2006 Pool Use Agreement Josh Farrar	48 - 53
PK2005-09	Consider Learn to Swim Contract Josh Farrar	54 - 58
PK2005-10	Consider 2006 Aquatic Examiner Contract Josh Farrar	59 - 63

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 1st 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)
- LEG2005-19 Consider Harmon Park & Pool Renovation Bond Refinancing (assigned 7/12/2005)
- LEG2005-36 Consider ordinance on residential picketing (assigned 10/18/2005)**
- LEG2005-37 Consider placement of a "Yield" sign at 84th & Fontana (assigned 10/18/2005)**
- PK2005-06 Consider 2006 50+ Programming Agreement (assigned 10/12/2005)
- PK2005-07 Consider 2006 Day Camp Contract (assigned 10/12/2005)
- PK2005-08 Consider 2006 Pool Use Contract (assigned 10/12/2005)
- PK2005-09 Consider 2006 Learn to Swim Contract (assigned 10/12/2005)
- PK2005-10 Consider 2006 Aquatic Examiner Contract (assigned 10/12/2005)
- LEG2005-38 Consider proposed ordinance revisions to PVMC 19.44.025 entitled "Height and Area Exceptions – Fences" (assigned 11/2/2005)
- LEG2005-39 Consider Contribution allocation for Human Services Grants in 2006 (assigned 11/3/2005)

**LEG2005-38 Consider proposed ordinance revisions to PVMC 19.44.025 entitled
“Height and Area Exceptions – Fences”**

Issue: Should the City’s current fence regulations be revised?

Background:

After hearing a request for a fence variance in June, the Planning Commission directed the Planning Consultant to review the entire fence regulations and identify where changes may be needed. The issues addressed were types of fences, fences to be excluded from the regulations, where fences are permitted, fence dimensions, exposed fence surfaces and required permits. Other issues discussed in conjunction with the regulations were the treatment of walls and hedges, drainage and rear yard gates. The Commission discussed the individual issues at their June and July meeting and based on those discussions new regulations were drafted for consideration in August. These regulations were further revised and presented to the Citizens Advisory Committee and homes association presidents for input in September. Final revisions were made and a public hearing was authorized and held on November 1, 2005. The existing section 19.44.025 will be repealed and replaced with the new language shown below:

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.

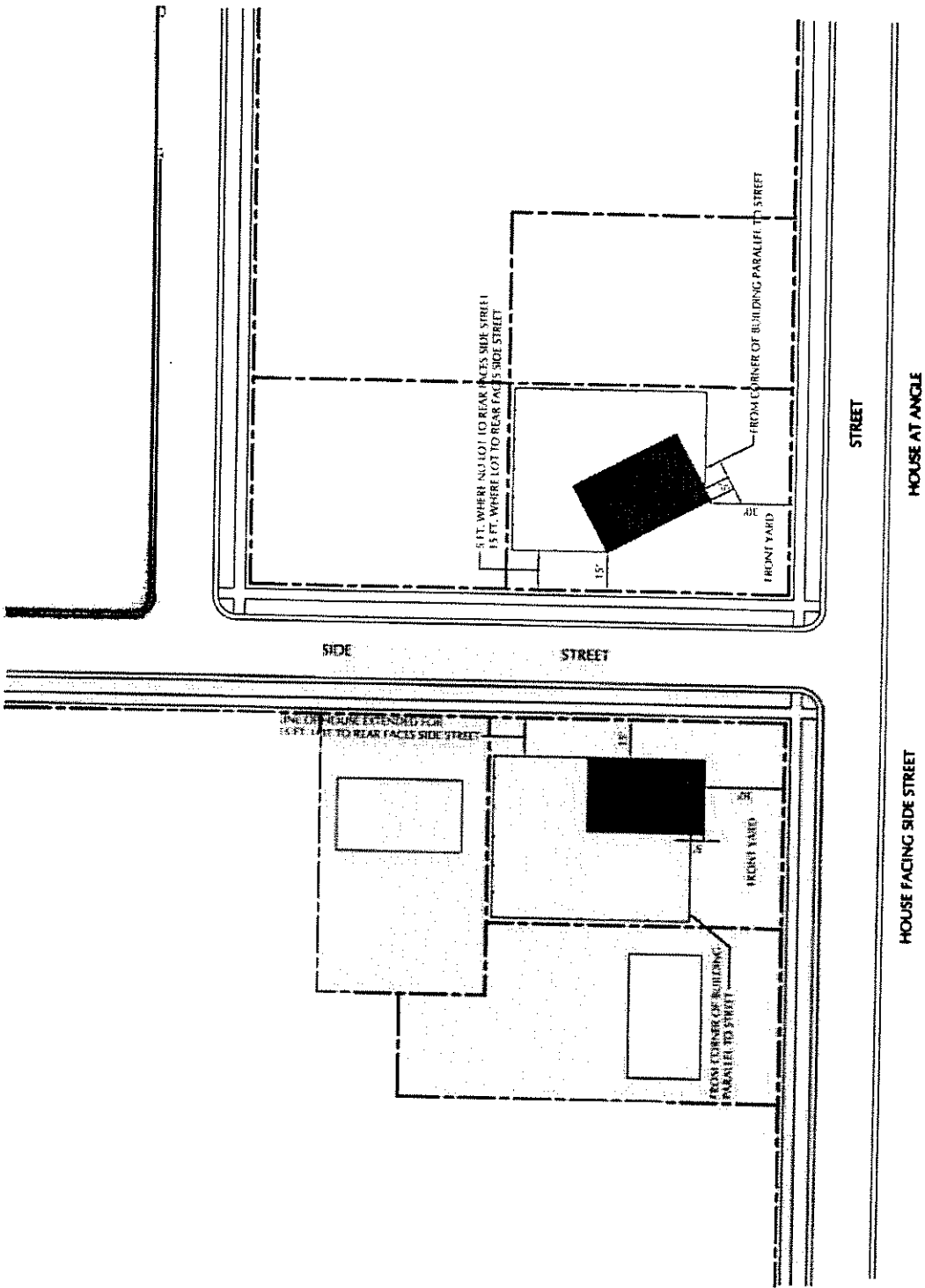
G. Site Plan Approval

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.

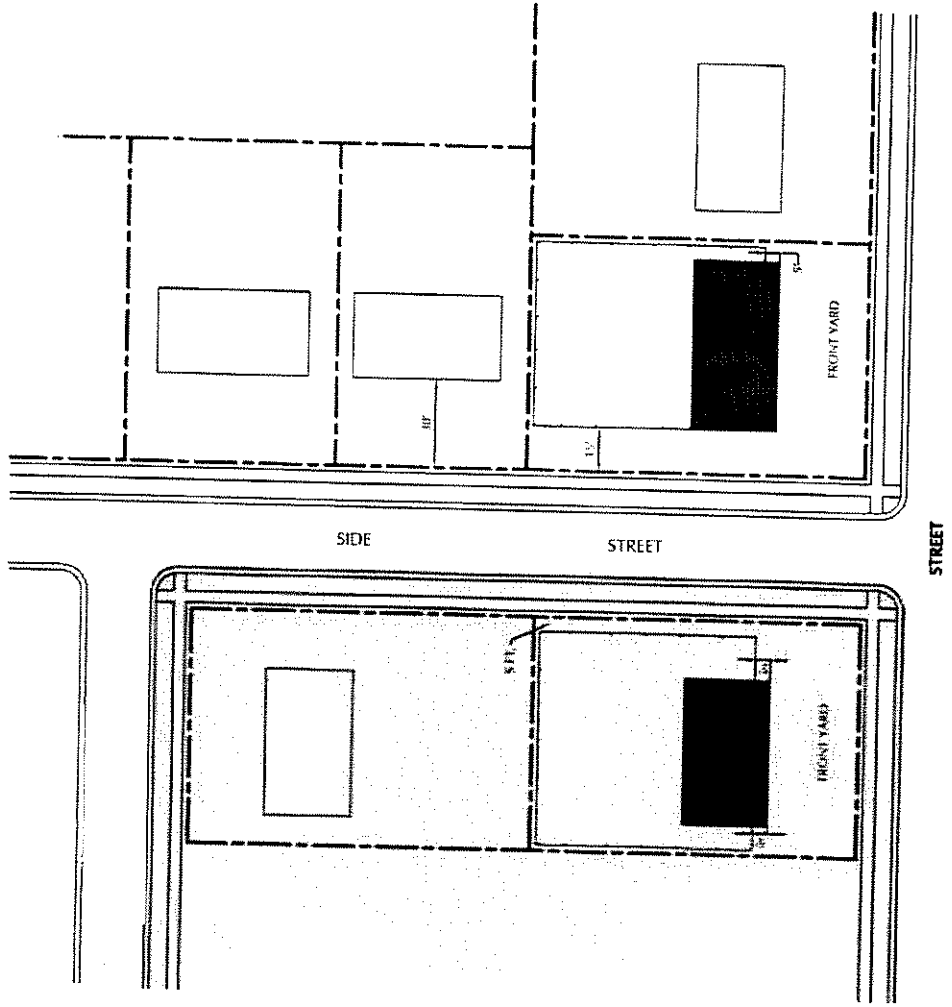
Also revised were the attached exhibits demonstrating the permitted location of fences. Included with this memo are copies of Planning Commission minutes reflecting discussion of this issue.

RECOMMENDATION

RECOMMEND THE CITY COUNCIL ADOPT AN ORDINANCE REPEALING SECTION 19.44.025 ENTITLED "FENCES" AND ADOPTING A NEW SECTION 19.44.025 ENTITLED "FENCES, WALLS AND RETAINING WALLS"



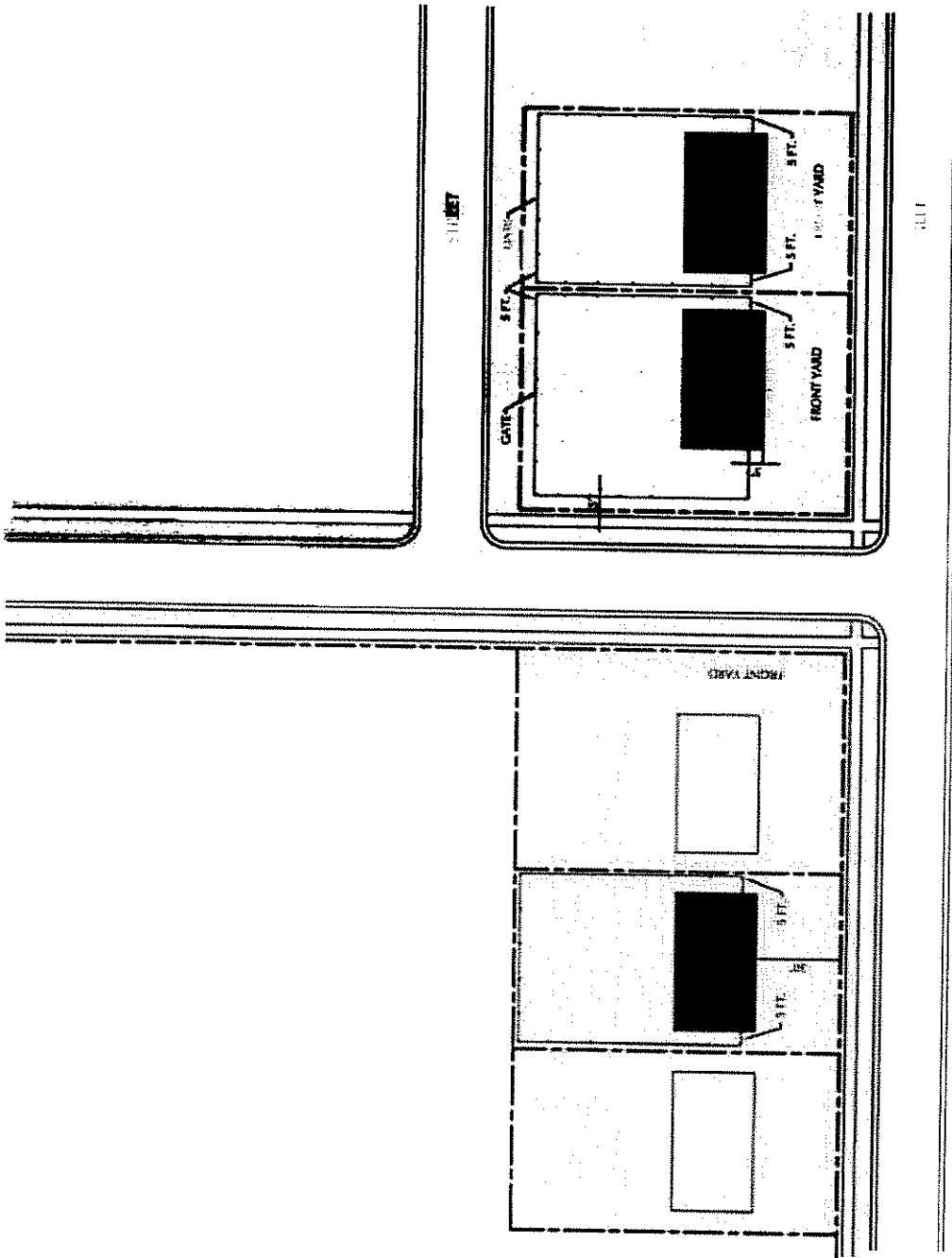
FENCE REGULATIONS
PRAIRIE VILLAGE, KANSAS



CORNER LOT -
 NO LOT FACING SIDE STREET

CORNER LOT -
 LOT IN REAR FACING SIDE STREET

FENCE STANDARDS
 PRAIRIE VILLAGE, KANSAS



F N C TANDARD

PLANNING COMMISSION MINUTES

June 7, 2005

Discussion of Fences

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

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

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

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

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

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

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

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

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

Meadowbrook Presentation

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

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

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

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

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

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

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

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

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

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

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

ADJOURNMENT

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

Ken Vaughn
Chairman

PLANNING COMMISSION MINUTES
July 5, 2005

Discussion of Fence Regulations

Ron Williamson stated his review of other cities' ordinances on fences found that most address only solid or decorative fences.

The following are issues were discussed regarding the existing fence regulations:

A. **Types of Fences**

The ordinance identifies four types of fences: A, B, C and D. Is this level of definition necessary? Most fence ordinances address three types of fences: solid, open and decorative. The types are set out as follows:

Type A Fence. Woven wire fabric, or metal bars having seventy five percent or more of the surface perforated when viewed from a ninety degree angle to the fence.

Type B Fence. Metal bars, boards, pickets, grade stakes or rails having between fifty (50) and seventy-five (75) percent of the surface perforated when viewed from a ninety (90) degree angle.

Type C Fence. Metal members, boards, pickets, stone or block having less than fifty percent of the surface perforated when viewed from a ninety degree angle.

Type D Fence. Any fence that is deemed by the Building Official as unusual or is to contain materials or have dimensions or locational characteristics that do not meet these regulations.

Bob Lindeblad stated the definitions should be simpler. Mr. Williamson noted some cities prohibit chain-link fences. Commission members felt chain-link fences were acceptable.

B. **Fences Excluded**

The regulation limits decorative fencing to 2 ½ feet in height setback 10 feet from the property line.

Mr. Williamson stated Lenexa and Leawood specify a 3 foot height and no setback. Liberty is 42 inches with no setback and Olathe is 48 inches with no setback. These regulations require that the fence be 50 percent or more open.

Commission members asked if the staff had experienced any problems with this section. It was noted there are very few decorative fences within the City. Mr. Williamson stated he was not aware of any problems with this regulation. Mr. Vaughn and Mr. Lindeblad stated they saw no reason to change the existing regulation. However, it was recommended for clarification to change the wording from "10 feet from the property line" to "10 feet from the right-of-way"

C. **Where Permitted**

The fence diagrams permit only fences 75 percent or more open in the side yard. Solid fences must be located at the rear of the house. If the house is expanded to the rear, the solid fence must also move to the new rear of the house. This could create a lack of side yard privacy and a waste of yard area. It would also add to the cost of a home expansion project.

During consideration of the Board of Zoning Appeals Application last month, the Commission members pointed out that it might be better to locate the fence off the front corners of the house so that side yards are not wasted. Many solid fences have been built at the front line of the house and are in violation of this regulation. Rather than create a straight line of houses and fences at the front setback line, it might be better to require fences to setback 5 feet to 10 feet back of the front corner of the house.

Bob Lindeblad stated the biggest complaint is from residents with properties on corner lots that the regulations reduce their usable yard area. Ken Vaughn noted residents desire to have fences further than the building line.

Ron Williamson suggested fences be setback consistent with the house. He noted on corner side yards houses are allowed 15' or ½ the distance of the front yard of the adjacent house. Mr. Lindeblad and Mr. Kronblad agreed that fences should be consistent with the house.

Robb McKim felt the fences need to relate to the house.

Nancy Vennard and Ken Vaughn felt the maximum should be the edge of the house for the side yard.

Commission members agreed the house should determine the location of the fence.

Bob Lindeblad asked if it mattered what type of fence was constructed if it was within the allowed location. Charles Clark noted the current diagrams allow for all types except unusual fences.

Ron Williamson noted concern was raised with allowing fences in the front yard adjacent to the house creating the potential for a solid wall of houses and fences. Robb McKim stated a 6' fence is conceptually part of the building and he feels the fence needs to be setback. He suggested requiring landscaping. Commission members felt landscaping was an individual matter and should not be addressed in the regulations. Ken Vaughn stated he would like to see the fence setback 5' or even 10' rather than at the front corner of the house. Bob Lindeblad recommended that a minimum number be selected as opposed to setting a firm setback. This would allow for the accommodation to windows, etc. Several different possible setbacks were discussed. Mr. Lindeblad suggested the city get input from the homes associations on this issue.

D. **Dimension of Fences**

The fence height for tennis courts is 10' while most ordinances allow 12'. The current regulations permit fences with a maximum height of 6 feet. However, a fence or "patio enclosure" located within the building envelope may be up to 8 feet tall.

Bob Lindeblad noted the City of Overland Park allows for 8' fences.

E. **Permit Required**

This section may need to be modified based on other changes that might be made in the regulations. Permits are currently required for fences. However, many fences are installed by both homeowners and contractors without permits.

F. **Exposure of Fence Surface**

This requirement is consistent with other ordinances.

OTHER ISSUES:

Walls and Hedges: Many regulations are fence, wall and hedge regulations rather than just fences. Retaining walls can become a problem if not properly constructed and may become an issue if a fence is constructed on top of a wall.

The Planning Commission discussed how to address fences built on berms or retaining walls, etc. Ken Vaughn stated he feels this is a major problem and would like to see where a slope of 4 to 1 is found that an engineering design is required.

Drainage: Fences and walls can restrict or direct the natural surface drainage and cause flooding on adjacent properties. A review by Public Works may be appropriate as a part of the permit application. However, enforcement of regulations regarding ground clearance would be very difficult to enforce.

Mr. Vaughn agreed this is an important issue and growing problem within the City. He feels strongly that it needs to be addressed. He would like to require that existing contours and swales be identified on fence permit applications. Nancy Vennard noted the damage that can be done by solid fences blocking or changing the flow of water. Bob

Lindeblad suggested requiring an on-site inspection made before issuing any permits for solid fences.

Rear Yard Gates: Lots that back up to street right-of-way such as those along Nall Avenue should be required to install a gate so that they can more easily maintain the right-of-way.

Commission members agreed that gates should be required.

Prohibited Fences: Many ordinances prohibit barbed wire, razor and electric fences. Ken Vaughn pointed out another area of concern is the construction of fences within utility easements and recommended this also be addressed in the regulations.

Commission members agreed the maximum fence height should remain at six feet and directed Mr. Williamson to continue working on additional revisions based on their discussion, particularly to the fence diagrams. They stressed the need for simpler, clearer diagrams and regulations.

Report on Comprehensive Plan

Marlene Nagel reported the Comprehensive Plan Steering Committee met last Thursday and processed comments from the forums. She noted that based on that information they developed major themes and issues.

The committee was also presented with the economic and demographic information as related to housing and commercial development. The Committee discussed at length what areas of the City should be studied in detail. The two areas selected were the 75th Street Corridor and the Corinth Shopping Center and adjacent properties. They chose not to study the Somerset School area as the School District has indicated they would be using that facility for several more years.

The economic study revealed the city has overbuilt for commercial property based on sales from the entire region. The study reflected the quality of the existing retail shops is excellent resulting in a performance level greater than expected. Bob Lindeblad noted the City's success is with destination retail development. Marlene Nagel noted the redevelopment of Johnson Drive could have a major impact on the Prairie Village Shopping Center. Charles Clark noted the square footage of retail space per capita nationwide has increased significantly over the past few years.

Ron Williamson noted the sense of place is becoming more important and is being acknowledged by retailers. National chains do not seem to work well in Prairie Village.

ADJOURNMENT

With no further business to come before the Commission, Chairman Ken Vaughn adjourned the meeting at 8:55 p.m.

Ken Vaughn
Chairman

DISCUSSION

Proposed Amendments to Fence Regulations

Ron Williamson presented the proposed amendments to the City's fence regulations as discussed during the last meeting. He noted that because the revisions were major, he has drafted an entire new regulation rather than the usual lineout and italics.

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 from all uses except public uses.
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. 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 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

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 registered in the State of Kansas. Said plans shall be reviewed prior to the issuance of a building permit. Retaining walls exceeding six (6) feet in height shall be required to be setback from the property line 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 Plan 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 to replace them.

F. Permits Required

1. All fences, 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. Decorative fences shall not require a permit. A deck or patio enclosure that meets the yard requirements for a principal building and which is not

more than eight (8) feet high shall be excluded from these regulations and shall not require a permit. Enclosures erected around compost piles in compliance with the conditions set forth in Chapter 7.24 of this code are excluded from these regulations and shall not require a permit. A dog containment enclosure located in the rear yard which is not more than six (6) feet high shall be 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 provided that it results in a project that is more compatible, provides better screening, or provides a more efficient 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.

Mr. Williamson noted the proposed regulations found in this section allow tennis court fences to be 12 feet in height. The existing regulations on tennis courts found in the accessory uses section of the zoning regulations only allow tennis enclosures to be 10 feet in height. These will need to be brought into agreement.

Mr. Williamson noted another area that may need further clarification is the addition of a possible limitation on the height of fence posts. The proposed regulations state, "The height of the fence shall be deemed to be the average distance from the finished grade to the highest point on the fence, excluding posts." Commission members agreed and directed Mr. Williamson to further investigate appropriate limitations for posts with the initial thought that a 12" extension for posts should probably be adequate.

Mr. Williamson noted under the proposed regulations fence permits are not required for decorative fences, a deck, patio or pool enclosure, enclosures around compost piles or dog containment enclosures. He suggested that only compost piles and dog enclosures not be required to get a permit.

Ken Vaughn stated he does not see dog enclosures as a problem but noted the language regulating them is vague and they could become an issue. Marlene Nagel expressed concern with the location of dog enclosures adjacent to other property owners. Mr. Luther responded that most are placed adjacent to other properties and they have not been a problem except for maintenance of the enclosures. He stated the city has had problems with patio enclosures and feels they should require a permit.

Nancy Vennard asked where pool fences were addressed. Mr. Luther responded they are addressed in the accessory use regulations and are permitted and inspected in conjunction with the installation of the pool. Mrs. Vennard asked if the City required proof of utility clearance to dig prior to issuing permits. Mr. Luther responded it is recommended, but not required. Mr. Lindeblad stated this would be very difficult to enforce.

Robb McKim asked why 8' fences are allowed for deck and patio enclosures. Mr. Williamson stated the regulations were changed to allow for 8' fences in response to many BZA variance applications because of the topography of the land. In many cases, due to topography, a six foot fence does not create the desired privacy from adjacent properties.

Commission members agreed that a fence permit should be required for all fences.

Robb McKim expressed his continued concern with the 5' setback allowed for fences parallel to the front of the house from an aesthetic and design point of view stating the installation of a solid fence creates a building mass along the front of the home that is not sufficiently softened by a 5' setback.

Ken Vaughn stated the regulations call for a minimum 5' setback. He feels it will be greater than 5' in many instances. Mr. Williamson noted the discussion at the last meeting, the Commission agreed upon a minimum 5' setback, but noted many fences would be set back further to allow for adjustments to be made for windows and other features of the house.

Bob Lindeblad stated he is comfortable with the minimum 5' setback noting that some people will do landscaping in that setback area and he feels the distance is sufficient to dispel the solid wall image.

Randy Kronblad confirmed the original fence regulations only allowed solid fences to be constructed from the rear of the house back.

Ron Williamson noted the language allows the Building Official to send unique fence plans to the Planning Commission for site plan approval. Mr. McKim stated he is still concerned with the appearance of the properties from the street.

Commission members stressed the need for input from the homes associations and general public on this issue. Mr. Williamson suggested recommendations could be presented to the homes association presidents at the City's next Citizen Advisory Committee meeting.

Ken Vaughn related concerns with the regulations for retaining walls. He feels the setback for walls over four feet in height should be one foot per foot of height of the wall over four feet, not one foot per two feet of height with a two foot minimum to allow for necessary maintenance. He also confirmed that retaining walls would be required to get a permit.

PLANNING COMMISSION MINUTES
September 6, 2005

OTHER BUSINESS

Discussion of Fence Regulations

Ron Williamson reviewed the revised draft of the proposed fence regulations based on the discussion by the Planning Commission at its regular meeting on August 2, 2005. The proposed changes are reflected below with deleted language lined out and the new language inserted in italics. However, he noted this is a major revision and not much of the old regulations will be retained in their current form, therefore it is written as a new regulation.

There are three primary changes. The first change is found in Section B 3 addressing the height of fence posts. Mr. Williamson stated in his research he was unable to find this issue addressed in ordinances from other cities. His suggested height is "not more than

twelve inches". Planning Commission members agreed this height should be reduced to "not more than eight inches".

The second change is found in Section D clarifying the setback for retaining walls as follows: "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, . . ."

The third change is found in Section F2 which stipulates **all** fences except enclosures erected around compost piles are required to get a permit.

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 ~~secure~~ *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. ~~from all uses except public uses.~~
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 ~~twelve~~ 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

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 ~~registered~~ *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, *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. ~~Decorative fences shall not require a permit. A deck or patio enclosure that meets the yard requirements for a principal building and which is not~~

~~more than eight (8) feet high shall be excluded from these regulations and shall not require a permit. Enclosures erected around compost piles in compliance with the conditions set forth in Chapter 7.24-15. Article 3 of this of the City Code are excluded from these regulations and shall not require a permit. A dog containment enclosure located in the rear yard which is not more than six (6) feet high shall be 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 provided that it results in a project that is more compatible, provides better screening, or provides a more efficient *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.

It is the desire of the Planning Commission that these regulations be presented to the Citizens Advisory Committee on Community Standards which contains representatives of the city's homes associations for input prior to a public hearing being held. Ken Vaughn confirmed the information given to the committee will include the revised fence diagrams.

Charles Clark moved the Planning Commission forward to the Citizens Advisory Committee for comment the revised fence regulations with the change in Section B (3) reducing the height of posts from 12 inches above the fence panel to 8 inches above the fence panel. The motion was seconded by Marlene Nagel and passed unanimously.

Planning Consultant Ron Williamson left the meeting.

Discussion on Selection of Consultant Process

City Administrator Barbara Vernon advised the Commission the firm of Bucher, Willis and Ratliff (BWR) has provided Planning Advisory services for the City for the past thirteen years. The change and transition from the former long term consultant, Dick Kellenberg, was initially difficult but through the years representatives of BWR provided excellent services that successfully guided City officials through some challenging redevelopment decisions.

Members of the City Council have asked Planning Commissioners to engage in a selection process to identify a Planning Consultant for the future. They believe there is a perceived conflict of interest in doing business with the firm in which the City's Mayor is a partner.

Mrs. Vernon presented a proposed Request for Qualifications (RFQ) to provide Planning Services to the City along with suggested firms and a proposed selection schedule.

**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.

**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 4th and asked the Commission when they wanted to hold the July meeting.

The possibility of meeting on the second Tuesday, July 11th 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 5th 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 5th. 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 14th 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 6th 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 11th.

ADJOURNMENT

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

Ken Vaughn
Chairman

YIELD SIGN AT 84th Fontana
LEGISLATIVE / FINANCE COMMITTEE

LEG2005-37

Issue:

Should the City of Prairie Village place “Yield” signs at the intersection of 84th Fontana?

Background:

The Manual of Procedures for Incorporating by Reference the Standard Traffic Ordinance for Kansas Cities states that governments can incorporate by reference the standard traffic ordinances from the State of Kansas rather than to publish their own. If omissions, changes or additions are required after the incorporating ordinance has been passed and published, they may be made by enacting an ordinance amending the incorporating ordinance.

On August 2, 2005, at 5:12 p.m. a traffic accident occurred at the aforementioned intersection. During the accident investigation the officer, Public Works and one of the drivers insurance companies noted the intersection does not have ‘Yield’ signs as almost every uncontrolled intersection in the city contains.

Recommendation:

Staff recommends the City Council pass the following ordinance:

Yield Intersections – Designation (KSA 8-2008)

Yield Intersections Other Than on Through Highways. The following intersection on through streets are hereby designated as a yield intersection and when signs are erected at one or more entrances as stated, the drivers of vehicles shall yield before entering the intersection as provided in section 59 of the Standard Traffic Ordinance.

Intersection of 84th Street and Fontana, north and south entrances;

TO APPROVE A CHANGE IN THE CITY ORDINANCE ON RESIDENTIAL PICKETING

Legislative/Finance Committee

LEG2005-36

Issue:

Should the City of Prairie Village approve a change in the City Ordinance, which governs residential picketing?

Background:

Recently, An activist group that wanted to stage a public demonstration during a funeral at a local church notified the Department of its intentions. In the Department's preparation for their demonstration, we observed differences between the city ordinance 9.16 and Kansas State Statute (K.S.A) 21-4015, which would make them in conflict with one another.

The differences were resolved operationally so that the City did not impinge upon the rights of the group. However, so that this situation does not again occur the issue was sent to the City Attorney for his opinion. The documents regarding his review are attached with the recommendation to remove the wording, "...or before or about any church in the city."

Recommendation:

STAFF RECOMMENDS THAT THE CITY OF PRAIRIE VILLAGE CHANGE CITY ORDINANCE 9.16 TO READ, "IT IS UNLAWFUL FOR ANY PERSON TO ENGAGE IN PICKETING BEFORE OR ABOUT THE RESIDENCE OR DWELLING OF ANY INDIVIDUAL IN THE CITY."

coupicket



CHARLES E. WETZLER
(913) 451-5111
EMAIL: CWETZLER@LATHROPGAGE.COM
WWW.LATHROPGAGE.COM

BUILDING 82, SUITE 1000
10851 MASTIN BOULEVARD
OVERLAND PARK, KANSAS 66210-1669
(913) 451-5100, FAX (913) 451-0875

September 23, 2005

Sgt. Curtis Winn
Planning and Research
Accreditation Manager
Prairie Village Police Department
7710 Mission Road
Prairie Village, Kansas 66208

Re: City ordinance on Residential Picketing

Dear Sergeant Winn:

Please find enclosed herewith a memo that was prepared for my review by Rebecca King with reference to the Prairie Village Ordinance relating to Residential Picketing. I have reviewed this Memorandum and agree with Rebecca's analysis. This also is consistent with your previous review which suggested that the current Prairie Village law with reference to picketing of churches is unconstitutional.

It would be my recommendation that this Ordinance be changed.

Please let me know if you wish to discuss this further or need further information from me.

Very truly yours,

Charles E. Wetzler
City Attorney for the City of Prairie
Village, Kansas

CEW:rgj
Enclosure

MEMO

To: Charles E. Wetzler

From: Rebecca J. King

Date: September 19, 2005

Subject: **Prairie Village Ordinance on Residential Picketing**

I. FACTS AND ISSUE

Per your request, I have looked into the request from Sgt. Curtis Winn regarding the constitutionality of the City's current code section relating to residential picketing. This section states, in relevant part, that

It is unlawful for any person to engage in picketing before or about the residence or dwelling of any individual in the city or before or about any church in the city.

Prairie Village Municipal Code, § 9.16. Sgt. Winn's concern is that this ordinance conflicts with the current state statute related to funeral picketing, K.S.A. 21-4015 (prohibiting picketing "before or about any cemetery, church or mortuary within one hour prior to, during and two hours following the commencement of a funeral").

II. ANALYSIS

The City's current ordinance is constitutional as it relates to the picketing of individual residences. The United States Supreme Court upheld a similar ordinance in *Frisby v. Schultz*, 487 U.W. 474 (1988). Given the City's significant interest in protecting residential privacy, the prohibition on picketing an individual residence survives scrutiny. *Id.* However, as recognized in *City of Prairie Village v. Hogan*, 253 Kan. 423 (1993), the City cannot prohibit residential picketing that is not focused on one particular residence.

However, the current ordinance as it relates to picketing "before or about any church" conflicts with state statute and is likely unconstitutional. The Prairie Village ordinance, on its face, prohibits any focused picketing of any church at any time. See *City of Prairie Village v. Hogan*, 253 Kan. 423 (1993). Kansas statute, however, allows such picketing within certain hours of a funeral. See K.S.A. 21-4015. Accordingly, these two laws are in conflict. Moreover, the City's ordinance is likely an unconstitutional ban on all focused picketing of a church. See *Olmer v. City of Lincoln*, 192 F.3d 1176 (8th Cir. 1999) (holding that city ordinance prohibiting focused picketing of church "within the period from one-half hour before to one-half hour after" a church activity was not narrowly tailored to protect a legitimate government interest and was, therefore, unconstitutional). The legitimate government interest identified in *Frisby v. Schultz*, 487 U.W. 474 (1988) (i.e. protecting residential privacy) is simply not implicated in circumstances related to the picketing of churches.

III. CONCLUSION

Therefore, the City's ordinance, as currently written, is unconstitutional and unenforceable as to church picketing. I would recommend amendment of the code to remove all reference to picketing "before or about any church in the city."

**LEG2005 – 39 Consider contribution allocation recommended by
United Community Services for Human Service
Fund grants in 2006**

Issue:

Should the City approve the allocation of funds recommended by United Community Services for 2006?

Background:

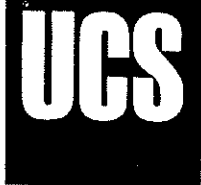
For the past several years, the City has contributed to the United Community Services (UCS) Human Service Fund. This fund helps support local non-profit agencies. The City's 2006 Parks, Recreation, & Community Services budget contains \$5,500 for this contribution.

The UCS Grant review committee and the UCS Board of Directors reviewed grant applications from a variety of agencies. Information about the agencies they interviewed and the UCS funding recommendations is attached.

If approved, the City's contribution to UCS will be pooled with funds from other cities in Johnson County and distributed to the agencies listed in the 2006 Human Service Fund Recommendation Report.

RECOMMENDATION

**RECOMMEND THE CITY COUNCIL APPROVE THE
RECOMMENDATIONS OF THE UCS GRANT REVIEW
COMMITTEE CONTAINED IN THE 2006 HUMAN
SERVICE FUND RECOMMENDATION REPORT AND
APPROVE A CONTRIBUTION TO UCS OF \$5,500 FROM
THE 2006 PARKS, RECREATION, & COMMUNITY
SERVICES BUDGET**



Mission: To identify human service needs in Johnson County, Kansas and marshal public and private resources to meet those needs.

BOARD OF DIRECTORS

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2006 HUMAN SERVICE FUND RECOMMENDATIONS REPORT

The Human Service Fund supports nonprofit agencies whose programs address one of two fundamental priorities: building economic self-reliance for families and individuals to meet basic needs, or protecting personal and community safety. United Community Services commends the 17 participating cities and County Government for their commitment to the 2006 Human Service Fund. Participating jurisdictions providing Human Service Fund support for 2006 are listed in Appendix A. Local government support for human services not only helps residents from every city that face difficult circumstances, but makes our community stronger.

COUNCIL OF ADVISORS

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- Dr. Marjorie Kaplan
- Betty Keim
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- Rabbi Mark Levin
- Dr. Robert Meneilly
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- Dr. Ron Wimmer

For 2006 UCS chose to broaden the impact of the Human Service Fund to address growing needs in our community through programs that have not previously received these dollars. The significant gap between available dollars and funding requests required, in some cases, reducing recommended awards below those granted for 2005, in order to extend the impact of these dollars in a meaningful way.

The grant review committee studied all applicants and made recommendations guided by how closely applicant agencies matched the funding priorities and criteria (see Appendix B). This Report contains the funding recommendations totaling \$191,400 approved by the United Community Services board of directors on October 7, 2005. Cities and the County government are asked to review this Report and take action on the recommendations by January 31, 2006.

EXECUTIVE DIRECTOR

- Karen Wulfkuhle



United Way's Planning Partner
in Johnson County

FUNDING HISTORY SUMMARY Rev. 11/05

Agency	2005 Request	2005 Grant	2006 Request	2006 Recommendation	Priority Service Area
CASA of Johnson & Wyandotte Counties (formerly Johnson County CASA)	\$22,000	\$17,000	\$19,000	\$17,000	Volunteer supervision of visits (or exchange) between a child and the non-residential parent due to safety concerns resulting from domestic violence, child abuse, substance abuse or a high level of parental conflict.
Catholic Community Services	\$58,000	\$58,000	\$58,000	\$55,000	Emergency assistance/Family Support Center to meet basic needs for low-income families at or below 150% of poverty.
CLASP	\$7,000	\$0	\$4,000	\$0	Child care subsidies for low- to moderate-income Johnson County families, utilizing licensed or registered child care providers.
El Centro	\$18,000	\$17,025	\$15,000	\$15,000	Emergency assistance and referrals through the Johnson County Family Service Center, including limited family and business translation help.
Episcopal Community Services	No request	No request	\$15,000	\$0	Alternative diversion for juvenile offenders that offers facilitated reparation and reconciliation in Johnson County, in conjunction with Johnson County Court Services.
The Family Conservancy (formerly Heart of America Family Services)	No request	No request	\$26,413	\$10,000	Individual Development Accounts (IDAs), incentive-based savings, and financial education program that restricts client funds for use for home purchase, higher education, or business development. NTF lead agency.
Girl Scouts of Mid-Continent Council	No request	No request	\$9,900	\$0	Camperships and assistance for Johnson County girls unable to afford scouting; youth development leads to economic self-sufficiency and healthy relationships.
Harvesters	No request	No request	\$20,000	\$0	Food collection and distribution to 59 Johnson County partner agencies that supply food items to low-income residents.
Head Start of Shawnee Mission	\$10,000	\$5,000	\$10,000	\$5,000	Wrap-Around Care scholarships, English translators, classroom supplies and other materials for 3-5 year-olds in low-income families either working or in school full-time.
Health Partnership Clinic of Johnson County	\$20,000	\$20,000	\$25,000	\$20,000	Health and dental care for low-income, uninsured, and underinsured Johnson County residents. NTF lead agency.
Johnson County Interfaith Hospitality Network	No request	No request	\$10,000	\$5,000	Case management, shelter, meals, and social service assistance for homeless families in Johnson County, for up to 90 days plus one year of follow-up support.
KVC Behavioral Healthcare	No request	No request	\$25,000	\$0	Independent Living for 17-21 year-old youth in foster care: academic skill-building and/or self-sufficiency, and positive adult relationship to support self-sufficiency behaviors.
Marillac	No request	No request	\$37,535	\$0	Independent Living Skills program assists adolescents in becoming self-reliant, including positive values and social competencies.
Midwest WholeChild Development Group	\$9,000	\$9,000	\$9,000	\$7,500	Emergency short-term child care assistance for working families, actively searching for work or in school earning at or below 200% of poverty. NTF lead agency.
SAFEHOME	No request	No request	\$10,000	\$6,900	Economic Advocacy Program promotes economic self-reliance for victims of domestic violence and in shelter.
Salvation Army (Olathe Corps)	\$20,000	\$20,000	\$15,000	\$15,000	Emergency and transitional housing for the homeless and near homeless families in Johnson County.
Sunflower House	\$30,000	\$27,025	\$35,000	\$25,000	Personal safety and prevention program for children pre-K through 9th grade, parents and teachers.
TLC for Children & Families	No request	No request	\$40,277	\$10,000	Family case management for Johnson County youth and their families who have experienced co-occurring domestic violence and child in need of care.
TOTAL (excludes grants to agencies not participating in 2006)	\$194,000	\$173,050	\$384,125	\$191,400	The 2005 federal poverty guideline for a family of four is \$19,350

PROGRAM SUMMARY AND AWARD JUSTIFICATION

CASA of Johnson & Wyandotte Counties (formerly Johnson County CASA)

Recommendation: \$17,000

CASA serves children birth to age 17 when domestic violence, child abuse, parental substance abuse, conflict or mental illness, has led to civil or criminal intervention. The agency trains and supervises volunteers, certified by the State of Kansas and appointed by district court judges, as advocates for children. CASA anticipates serving 105 Johnson County children in 2006. Funding is recommended for the Family Ties Program which provides monitored exchange and visitation programs to ensure safety of children and family members during supervised visits between a child and non-residential parent, or supervises the exchange of children from one parent to another.

Catholic Community Services

Recommendation: \$55,000

Catholic Community Services assists families living at or below 150% of federal poverty guidelines, without regard to religious affiliation, with basic life needs. The agency offers services through two Johnson County emergency assistance centers. The centers protect and promote the well-being of families and children by ensuring basic needs—food, shelter and clothing—are met, as well as emergency medical prescriptions, utility payments, and gasoline for emergencies or job transportation. This safety net of services enables families to stabilize rather than spiral into more serious circumstances. Case managers work with families to develop a plan to address family crises so that the family can move toward economic self-sufficiency. During 2006, the agency anticipates serving over 14,500 Johnson County residents. Funding is recommended for these emergency assistance centers.

CLASP

Recommendation: \$0

(Child Care for Low-Income Advocacy and Support Program)

CLASP provides direct subsidies to licensed child care providers enabling low- and very-low income families to afford home-based child care while continuing employment or employment preparation. CLASP was last funded in 2003. The committee acknowledges the contribution the agency makes to the community. No funding is recommended because it is not a research-based or model program and other child care subsidy options are available in the community.

El Centro

Recommendation: \$15,000

El Centro provides emergency assistance through its Johnson County Family Service Center, specifically helping the Hispanic population access safety net services—medical care, housing, clothing, and food—and enabling families to stabilize rather than spiral into more serious economic circumstances. The program also provides translation and advocacy services, and partners with other area providers. El Centro will help stabilize approximately 1,000 Johnson County residents in crisis during 2006. Funding is recommended for these services.

Episcopal Community Services

Recommendation: \$0

Episcopal Community Services, in conjunction with the Johnson County District Attorney's Office, seeks to replicate the successful model Victim Offender Reconciliation Program. The program for non-violent juvenile offenders is an alternative to diversion and includes mediated reconciliation, accountability to the victim, and reparation, restitution, or community service.

Funding would support up to 25 cases in 2006. The committee does not recommend funding for this new program that currently lacks other commitments for financial support, but recognizes the value this program could offer the community.

**The Family Conservancy
(formerly Heart of America Family Services)**

Recommendation: \$10,000

The Family Asset Building program will allow 50 Individual development accounts in Johnson County to be funded over the next three years. Individual development accounts are incentive-based savings accounts offering matching dollars, financial education and planning. Assets may be used for home purchase, opening a business, or higher education. Family Asset Building replicates a successful model program refined from the American Dream Demonstration in 1997. The Family Conservancy is the only individual development account provider in metropolitan Kansas City, and has federal, state and local funding commitments to expand into Johnson County. Funding is recommended for this expansion.

Girl Scouts of Mid-Continent Council

Recommendation: \$0

Scholarships for day and residential camps and membership fees for adolescent girls ages five to 17 in Johnson County would provide opportunities for those unable to afford scouting. Programming promotes physical and emotional safety, supportive relationship building, youth involvement and decision-making, and skill building. The committee does not recommend funding for these programs that do not fully address Human Service Fund priorities.

Harvesters

Recommendation: \$0

Harvesters' food bank operates within the 13-county metropolitan area and partners with 59 Johnson County nonprofit agencies and other local and national organizations. Activities include acquisition, transportation, sorting, packaging, storing and distributing food and household products to nonprofit agencies. The committee does not recommend funding for this program because it does not directly serve individuals or families in Johnson County.

Head Start of Shawnee Mission

Recommendation: \$5,000

Head Start of Shawnee Mission provides educational enrichment opportunities to children from families who meet federal poverty guidelines and reside within the Shawnee Mission School District. The Wrap Around Care Program provides full-day, full-year preschool for three- to five-year olds on a sliding fee scale. Funding will subsidize fees for children enrolled in the program whose parents may leave employment, education, or withdraw their children from the program due to inability to pay, fund translation services for parent conferences, and replace school supplies. Head Start proposes a scholarship application and matrix to ensure consistent allocation of fee subsidies. Funding is recommended to help families retain quality early childhood education.

Health Partnership Clinic of Johnson County

Recommendation: \$20,000

The Health Partnership Clinic provides basic health care and dental services at offices in Olathe and Overland Park for underinsured and uninsured residents with incomes at or below 200% of federal poverty guidelines. Physicians, dentists, and other health care professionals volunteer their services on-site or at their offices. The Clinic provides prompt treatment for acute illness and allows patients to control chronic conditions, enabling patients to remain employed,

continue in school, and avoid expensive emergency medical and dental treatment. The Clinic anticipates serving over 6,600 Johnson County residents in 2006. Funding is recommended to support this program.

Johnson County Interfaith Hospitality Network Recommendation: \$5,000

The Network provides homeless families with food, shelter, transportation, and employment assistance for up to 90 days, and housing assistance and linkage to other community resources. The strengths-based case management program follows a national model implemented in over 100 communities. The Network is managed by professional staff, but partners with 1,000 volunteers and 30 faith congregations that feed and shelter up to 14 individuals (or five family units) on a rotating schedule. The agency first accepted clients in May 2004 and expects to serve 90 Johnson County residents in 2006. Funding is recommended to support this program.

KVC Behavioral Healthcare Recommendation: \$0

KVC received the foster care reintegration contract from the Kansas Department of Social & Rehabilitation Services beginning July 2005, which partially funds the Independent Living Program targeting foster care youth ages 17 to 21. The program includes assessment, development of a transition plan out of foster care, and one-on-one assistance in moving to independent living. Human Service Fund support would partially fund a Life Skills Coordinator serving Johnson County, and provide limited financial assistance to youth making this transition. KVC anticipates serving 50 Johnson County youth during 2006. Funding is not recommended for a new program for which only public dollars have been allocated.

Marillac Recommendation: \$0

Marillac's proposed Independent Living Skills program would target foster care youth ages 14 to 17 with courses addressing living skills and developmental assets (*e.g.* commitment to learning, positive values, social competencies, and positive identity). Targeted youth are currently in treatment for behavioral or emotional disorders, but lack independent living skills to become healthy productive adults upon discharge from foster care. The committee does not recommend funding a new program for which other financial support has not yet been identified.

Midwest WholeChild Development Group Recommendation: \$7,500

The Midwest WholeChild Development Group offers short-term, temporary child care assistance for families experiencing an emergency or financial crisis (*e.g.* death, divorce, temporary unemployment, relocation, etc.). Recipients must be referred by a social service agency or the Kansas Department of Social & Rehabilitation Services and have earnings at or below 200% of federal poverty guidelines. The agency expends a maximum of \$600 per family for child care assistance, and estimates stabilizing 14 adults and 15 children in 2006 as they address temporary financial setbacks or other family disruption. Funding is recommended to support this program.

SAFEHOME Recommendation: \$6,900

SAFEHOME provides shelter and other assistance for victims of domestic violence. In 2004, two-thirds of shelter residents were unemployed; four of five had incomes below federal poverty guidelines. The Economic Advocacy Program assists every adult shelter resident with

an economic assessment, followed by participation in job search, training and education, or economic skill development. The program includes weekly life skills groups and linkage to community resources. The agency projects serving 30 Johnson County residents in 2006. Funding is recommended to support this program which has other funding commitments.

The Salvation Army (Olathe)

Recommendation: \$15,000

The Salvation Army Family Lodge assists homeless and near-homeless families in Johnson County with temporary emergency housing needs. The Lodge will also admit single women on a space-available basis, as well as those recently released from jail. Services include three meals a day, laundry facilities and case management services. As such, these individuals are safe and connected to needed services while they work to transition into permanent housing and stable financial circumstances. The Family Lodge anticipates serving 181 Johnson County residents in 2006. Funding is recommended to support this program.

Sunflower House

Recommendation: \$25,000

Sunflower House works to prevent child abuse and neglect through child-centered programs and interventions delivered primarily to elementary school children. *P.S. It's My Body* is designed for participants to learn information to lessen their susceptibility to potential abuse. The program includes a component for parents and teachers. The need for this service increases as new elementary schools open. The agency anticipates reaching 9,400 Johnson County residents in 2006. Funding is recommended to support the delivery of the agency's personal safety program, *P.S. It's My Body*, for children pre-kindergarten through ninth grade.

TLC for Children & Families

Recommendation: \$10,000

TLC's Family Case Management is an early intervention program for families experiencing co-occurrence of domestic violence and Child in Need of Care (court ordered removal of children from the home). A high positive correlation exists between children experiencing domestic violence or abuse, and substance abuse, poor school performance, and participation in violent acts. The Johnson County District Attorney's Office refers families to the program which provides prompt assessment and development of a family case plan, access to needed services, and case management for up to four months. The program is designed to increase child protection and reduce incidents of removing children from their homes, and anticipates serving 44 Johnson County youth in 2006. Funding is recommended to expand this program.

Grant Review Committee:

Ann Regnier, Committee Chair,
UCS Board Member

Gary Anderson, UCS Board President
Rev. Tom Are, Jr., UCS Board Member
Wes Ashton, Overland Park Chamber
of Commerce
Shane Cuevas, UCS Board Member

Janice Friedman, Kansas Dept. of Social &
Rehabilitation Services
Hon. Terrie Huntington, UCS Board Member
Janis McMillen, UCS Board Member
Pam Perilstein, UCS Board Member
Tom Rohling, UCS Board Member

Debbie Doud, UCS Director for Community Initiatives, Staff

**APPENDIX A
2006 HUMAN SERVICE FUND
PARTICIPATING JURISDICTIONS**

JURISDICTION	CONTRIBUTION
Johnson County	\$71,500
De Soto	\$1,320
Fairway	\$1,050
Gardner	\$2,800
Lake Quivira	\$198
Leawood	\$7,920
Lenexa	\$12,100
Merriam	\$2,000
Mission	\$4,950
Mission Hills	\$2,000
Mission Woods	\$468
Olathe	\$29,700*
Overland Park	\$46,200
Prairie Village	\$5,500
Roeland Park	\$2,838
Shawnee	\$15,400
Spring Hill	\$1,230
Westwood	<u>\$980</u>
Subtotal	\$208,154
Interest Income	<u>\$746</u>
Subtotal	\$208,900
UCS Administration	<u>\$17,500</u>
Total Available to Allocate	\$191,400

* Confirmation of funds pending

APPENDIX B

2006 HUMAN SERVICE FUND GUIDELINES

2006 FUNDING PRIORITIES

- Programs that provide safety net services for individuals and families in our community, thereby offering the opportunity to build economic self-reliance through development of job and life skills, and providing access to food, clothing, shelter, and medical care when facing economic crisis; *or*,
- Programs that protect personal and community safety by strengthening prevention and human service responses, and consequently improve safety for those individuals and others; *and*,
- Programs that reflect research-based principles, or are modeled after or replicate a successful program, including documentation of effectiveness of program design; *and*
- Programs that offer county-wide benefit to local government units by avoiding, deferring, or reducing costs that might otherwise be incurred by local government units.

MINIMUM ELIGIBILITY CRITERIA

Applicants for HSF must meet all of the following eligibility criteria:

- Current IRS Sec. 501(c)(3) designation and in good standing to do business as a nonprofit corporation.
- Not a program of city or County Government.
- Completed independent certified audit of the previous year's financial records if the total agency expenses in the preceding year exceeded \$100,000. Organizations with total agency expenses under \$100,000 in the previous year must provide an independent financial review prepared by a Certified Public Accountant.
- The program serves primarily Johnson County residents. Programs which do not meet these criteria may still be eligible if they provide services to Johnson County residents that would otherwise not be available to them.
- The program targets those Johnson County residents with limited ability to purchase services. Programs that do not meet these criteria may still be eligible if they provide services to Johnson County residents that would otherwise not be available to them.
- The program clearly defines and measures outcomes for participants.
- The organization complies with all Human Service Fund Agency Standards.

PK2005-07: Consider 2006 Harmon Park Summer Day Camp

Background:

The City of Prairie Village contracts with Johnson County Parks and Recreation District to provide a summer day camp in Harmon Park. This program provides children with camp counselors throughout the day at Harmon Park. The children are also offered a discounted daily pool entrance fee of \$3.50 per person per day. The City charges Johnson County Parks and Recreation District \$19.00 dollars per day to reserve exclusive use of the Harmon Park shelter.

Historically, the fee structure for the day camp program has been as follows:

Summer Day Camp Contract	2003	2004	2005	2006	
Cost to Participant (Camp)	\$350	\$350	\$350	\$350	
Fee Charged to JOCO (Camp)	\$19.00	\$19.00	\$19.00	\$19.00	per day
Cost to Participant (Swim)	\$3.50	\$3.50	\$3.50	\$3.50	per child per day

Prior to the 2004 season, the Legislative/Finance Committee requested JCPRD personnel make a presentation explaining the details and benefits of the program. A few Committee members questioned the idea of giving the camp sole use of the pavilion for essentially the entire summer. After the presentation, the Council Committee of the whole voted unanimously to approve the contract.

The 2006 contract is exactly the same as the 2004 and 2005 contracts which were all very successful.

Recommendation:

The Parks & Recreation Committee recommends approval of PK2005-07: Summer Day Camp 2006 Contract.

2006 CITY OF PRAIRIE VILLAGE DAY CAMP AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 2005 by and between the City of Prairie Village, Kansas, hereinafter referred to as "City", and the Johnson County Park and Recreation District, hereinafter referred to as the "District", each party having been organized and now existing under the laws of the State of Kansas.

WHEREAS, K.S.A. 19-2862 authorizes the District to enter into contract; and the City is authorized to enter into contracts by virtue of Article 12, Section 5, of the Kansas Constitution and K.S.A. 12-101; and

WHEREAS, the District has established and conducts a program to provide for the recreational, cultural, educational and social needs of children; and

WHEREAS, the City owns and operates Harmon Park, hereinafter referred to as the "Park", and the Prairie Village Municipal Swimming Pool, hereinafter referred to as the "Pool"; and

WHEREAS, the District desires to obtain permission of the City to operate a summer day camp program at the Park and to lease from the City the right to use parts of the Pool and the Park in program activities and the City is willing to lease the Park and parts of the Pool to the District; and

WHEREAS, the Governing Body of the City did approve and authorize its Mayor to execute this Agreement by official vote on the _____ day of _____, 2005; and

WHEREAS, the Governing Body of the District did authorize its chairperson to execute this agreement by official vote of said body on the _____ day of _____, 2005.

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

1. The District shall have access to and the use of the Park, including its shelter, restroom and playground facilities, and the Pool for the terms, times and use as mutually agreed upon herein.
2. Duration of Agreement and Termination. This Agreement shall be in effect from **May 31, 2006** through the period ending **August 11, 2006** provided that this Agreement may be terminated by either party, giving at least 30 days' prior written notice to the other party of its intention to terminate this Agreement; further provided that if the City or District shall fail or refuse to comply with any of the obligations or provisions herein agreed, the non-defaulting party shall have the right to notify the defaulting party in writing of such default; and if the defaulting party so notified shall remain in default for 10 days thereafter, the non-defaulting party may elect to cancel this Agreement immediately thereafter.
3. No Legal Entity Created. There will be no separate legal entity created under this Agreement.

4. Purpose of the Agreement. The purpose of this Agreement is to allow the District to operate a summer day camp at the Park and for the City to lease to the District the right to use the Park and parts of the Pool as hereinafter set forth in operating the District's day camp activities.
5. Financing. Except as may be otherwise provided herein, the District shall provide all funding and personnel necessary to manage the day camp program.
6. Acquisition Holding and Disposal of Property. The Park and Pool shall remain the property of the City. The District may not install any fixtures or make any physical changes to the premises and facilities of the Park or Pool except as otherwise provided in this Agreement. Any equipment used in the Park or Pool will either be owned by the City or the District. No equipment is to be jointly owned. In the event that this Agreement is terminated all property shall be returned to the owner agency. The maintenance, repair, replacement and general upkeep of equipment shall be the responsibility of the owner except as otherwise provided by this Agreement.
7. Administration of Program. The day camp program shall be administered, staffed and operated solely by the District.
8. Responsibilities

The District:

- a. Shall operate a fully licensed day camp program for children, ages 5 – 10. It is the responsibility of the District to ensure the program meets all licensing requirements established by the Kansas Department of Health and Environment.
- b. Shall pay the City a shelter rental fee for each day or part of a day of Park usage at a rate of \$19 per day.
- c. Shall pay the City a Pool usage fee for each day of Pool usage. The fee for day camp attendance will be \$3.50 per person per visit and must be paid in advance on dates listed in the Agreement in accordance with Prairie Village Council Policy #620. Pool usage will be as approved by the pool manager.
- d. Shall provide the City an annual report that includes the number of camp participants and a zip code summary of where they reside no later than September 30, 2006.
- e. Will make arrangement to transport participants to another location, not the Municipal Building, when there is inclement weather. City property may be used if necessary during tornado warnings or lightning storms.
- f. Shall provide an adequate number of supervisors at all times to operate the program with at least one adult on the site to manage the staff and program.

- g. Will provide supervised activities to interest the campers.
- h. Will provide trash containers and on each day of camp will collect trash created by participants in and around the facility and deposit in the City's trash dumpster.
- i. Will provide a telephone to eliminate use of City telephones.
- j. Will repair and/or replace property or equipment damage that is directly attributed to participants and/or District staff while the program is in session. This will be required to meet the standards of the City.
- k. Will provide locked storage box to be located in the Park shelter for the storage of camp supplies.
- l. Will provide refrigerator to be located in the Prairie Village Community Center for storage of participant lunches.

The City:

- a. Shall provide the District exclusive use of the park shelter from 7:00 a.m. to 5:30 p.m., each Monday through Friday, from May 31, through August 11, 2006 except as otherwise provided herein.
 - b. Shall provide the District with exclusive use of the Park Shelter on Thursday, June 1, 2006, from 10:00 a.m. to 8:00 p.m. for parent orientation.
 - c. Shall provide the District with entrance to the Pool per a schedule to be approved by the Pool manager on behalf of the City at the beginning of the swim season.
 - d. Shall allow the District to park a school bus in the south Harmon Park parking lot when not in use for participant transportation from May 31 through August 11, 2006.
9. Indemnification. In case any action in court is brought against the City or City's representatives, or any officer or agent of the City, for the failure, omission or neglect of the District to perform any of the covenants, acts, matter or damage caused by the alleged negligence of the District, the District shall indemnify and hold harmless the City, the City's representatives, and its officers and agents from all losses, damages, costs, expenses, judgements or decrees arising out of such action.
10. Disclaimer of Liability. The City shall not be liable or obligated to the District for damage incurred by the District upon the premises by fire, theft, casualty, acts of God, civil disaster and such other occurrences and events beyond the control of the City.

11. Insurance. The District shall secure and maintain, or have maintained throughout the duration of this Agreement, insurance of such types and in such amounts as may be necessary to protect the District and the City against all hazards or risks generated by the District or any of its agents. The District shall offer to the City evidence of such insurance coverage, and any and all renewals thereof, in the form of a Certificate of Insurance. This Certificate of Insurance shall list the City of Prairie Village as an additional insured. The Certificate of Insurance shall list the following insurance coverage:

Commercial General Liability:	
General Aggregate	\$2,000,000
Products and Complete Operations	\$2,000,000
Personal and Advertisement Injury	\$ 500,000
Fire Damage	\$ 300,000

Workers Compensation and Employers Liability as determined by Kansas Statutes

12. Miscellaneous Provisions
- a. The District shall pay to the City shelter rental on or before September 30, 2005.
 - b. The District shall pay to the City Pool fees on Friday of each week.
 - c. Residents of the City shall have permission to use the shelter during camp hours when the District program is off-site for field trips. The District shall provide the City with a notice of off-site scheduling on first day of each week.
 - d. All surface cleaning in the Park shelter and restroom shall be the responsibility of the District. Trash removal of general Park trash from containers and general maintenance shall remain the responsibility of the City.
13. Verbal Statements Not Binding. It is understood and agreed that the written terms and provisions of this Agreement shall supersede all prior verbal statements of any and every official and/or other representatives of the City and District, and such statements shall not be effective or be construed as entering into, forming a part of, or altering in any way whatsoever the written Agreement.
14. Inspection of Premises by City. The City shall have the right to inspect the premises and facilities occupied by the District within the Park and the Pool at all reasonable times.
15. Provisions Separable. It is the intent of the parties hereto in the preparation and execution of the Agreement to avoid a conflict with the applicable laws or regulations of the State of Kansas; and if any provision herein is found to be in conflict with the regulation, it is the intent of the parties hereto that such provision shall have no force and effect, and the remainder of the Agreement shall be valid as though such conflicting provision had not been written or made a part hereof.

16. Nonassignability of Agreement. This Agreement shall not be assigned, transferred, or sold, nor the premises and facilities, in whole or part, except with the express written consent of the City.
17. Non-Discrimination Clause. The District shall comply with all applicable state and federal laws in carrying out this Agreement. In connection with the performance of this Agreement, the District agrees to comply with the applicable provisions of all state and federal non-discrimination laws. The District further agrees to not discriminate against any person because of race, religion, color, sex, disability, age, national origin or ancestry in the admission or access to, or participation or employment in, its programs, services and activities.

If the City determines that the District has violated any applicable provision of any state or federal law, or discriminated against any person because of race, religion, color, sex, disability, age, national origin or ancestry in the admission or access to, or participation or employment in, its programs, services and activities, such violation and/or discrimination shall constitute a breach of this Agreement and the City may cancel, terminate or suspend this agreement in whole or in part, pursuant to the terms contained in paragraph 2.

The parties do not intend this provision to subject any party to liability under any state or federal law unless it applies.

IN WITNESS WHEREOF, two copies of the above and foregoing Agreement have been executed by each of the parties on the day and year first written above.

CITY OF PRAIRIE VILLAGE, KANSAS

Ronald L. Shaffer, Mayor

ATTEST:

APPROVED AS TO FORM:

Joyce Hagen Mundy, City Clerk

Charles E. Wetzler, City Attorney

JOHNSON COUNTY PARK AND
RECREATION DISTRICT

Dr. Marvin E. Wollen, Chair
Board of Commissioners

ATTEST:

APPROVED AS TO FORM:

Paul E. Alvarado, Jr., Secretary

Bill Tuley, District Legal Counsel

TO: City of Prairie Village**FROM: Johnson County Park and Recreation District****RE: 2006 Request for Large Pavilion at Harmon Park for Day Camp**

DAY	DATE	TIME	USE
Thursday,	June 1	10:00 a.m. - 8:00 p.m.	Set-up / Parent Orientation
Friday,	June 2	8:00 a.m. - 5:00 p.m.	Set-up
Monday-Friday,	June 5- June 9	7:00 a.m. - 5:30 p.m.	Day Camp
Monday,-Friday,	June 12 - June 16	7:00 a.m. - 5:30 p.m.	Day Camp
Monday-Friday,	June 19 - June 23	7:00 a.m. - 5:30 p.m.	Day Camp
Monday-Friday,	June 26- June 30	7:00 a.m. - 5:30 p.m.	Day Camp
Monday, Wednesday-Friday	July 3, July 5 – July 7	7:00 a.m. - 5:30 p.m.	Day Camp
No camp Tuesday	July 4th		
Monday-Friday,	July 10 - July 14	7:00 a.m. - 5:30 p.m.	Day Camp
Monday-Friday,	July 17- July 21	7:00 a.m. - 5:30 p.m.	Day Camp
Monday-Friday,	July 24 - July 28	7:00 a.m. - 5:30 p.m.	Day Camp
Monday-Friday,	July 31 – August 4	7:00 a.m. - 5:30 p.m.	Day Camp
Monday-Friday,	August 7- August 11	7:00 a.m. - 5:30 p.m.	Day Camp

The following is list of dates and times the Summer Escapades Camp located at the large Pavilion and run by Johnson County Park and Recreation District would like to swim at Prairie Village Pool for the 2006 pool season.

Tuesday, June 6 th .	1:00 p.m. until 3:00 p.m.
Wednesday, June 7 th .	2:00 p.m. until 4:00 p.m.
Thursday, June 8 th .	1:00 p.m. until 3:00 p.m.
Tuesday, June 13 th .	1:00 p.m. until 3:00 p.m.
Wednesday, June 14 th .	2:00 p.m. until 4:00 p.m.
Thursday, June 15 th .	1:00 p.m. until 3:00 p.m.
Tuesday, June 20 th .	1:00 p.m. until 3:00 p.m.
Wednesday, June 21 st .	2:00 p.m. until 4:00 p.m.
Thursday, June 22 nd .	1:00 p.m. until 3:00 p.m.
Tuesday, June 27 th .	1:00 p.m. until 3:00 p.m.
Wednesday, June 28 th .	2:00 p.m. until 4:00 p.m.
Thursday, June 29 th .	1:00 p.m. until 3:00 p.m.
Wednesday, July 5 th .	2:00 p.m. until 4:00 p.m.
Thursday, July 6 th .	1:00 p.m. until 3:00 p.m.
Tuesday, July 11 th .	1:00 p.m. until 3:00 p.m.
Wednesday, July 12 th .	2:00 p.m. until 4:00 p.m.
Thursday, July 13 th .	1:00 p.m. until 3:00 p.m.
Tuesday, July 18 th .	1:00 p.m. until 3:00 p.m.
Wednesday July 19 th .	2:00 p.m. until 4:00 p.m.
Thursday, July 20 th .	1:00 p.m. until 3:00 p.m.
Tuesday, July 25 th .	1:00 p.m. until 3:00 p.m.
Wednesday, July 26 th .	2:00 p.m. until 4:00 p.m.
Thursday, July 27 th .	1:00 p.m. until 3:00 p.m.
Tuesday, August 1 st .	1:00 p.m. until 3:00 p.m.
Wednesday, August 2 nd .	2:00 p.m. until 4:00 p.m.
Thursday, August 3 rd .	1:00 p.m. until 3:00 p.m.
Tuesday, August 8 th .	1:00 p.m. until 3:00 p.m.
Wednesday, August 9 th .	2:00 p.m. until 4:00 p.m.
Thursday, August 10 th .	1:00 p.m. until 3:00 p.m.

PK2005-08: Consider 2006 Pool Use Agreement

Background:

The Pool Use Agreement establishes an agreement in which Johnson County Parks & Recreation District administers three aquatics programs in the Prairie Village Pool. The first two are Water Exercise Classes, one for adults 16 and over and the other for adults 50 and over. The third program is the Master's Swim team. Johnson County pays the City per participant fees for use of the pool during the following time periods:

1. Water Exercise (16+) – Tuesday and Thursday
5:30–6:30 p.m. June 6 to August 31, 2006
2. Water Exercise (50+) – Monday and Wednesday
4:30–6:30 p.m. May 29 to August 30, 2006
3. Master's Swim Workouts – Monday through Thursday
6:30–8:00 p.m. May 30 to August 31, 2006

Financial Impact:

In 2004 and 2005, the County paid the City \$8.00 per hour for pool time for the Water Exercise classes and \$19.00 per participant per month for the Master's Swim team. Assessed a 2.5% increase the Water Exercise program would not increase this year, but the Master's Swim Workout fee would increase one dollar.

Recommendation:

The Parks & Recreation Committee recommends approval of PK2005-09: Learn to Swim 2006 Contract as amended to include an increase in Master's Swim Workout fee from \$18.00 per participant per month to \$19.00 per participant per month.

2006 CITY OF PRAIRIE VILLAGE POOL USAGE AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of _____, 2005 by and between the City of Prairie Village, Kansas, hereinafter referred to as "City", and the Johnson County Park and Recreation District, hereinafter referred to as the "District", each party having been organized and now existing under the laws of the State of Kansas.

WHEREAS, K.S.A. 19-2862 authorizes the District to enter into contract; and the City is authorized to enter into contracts by virtue of Article 12, Section 5, of the Kansas Constitution and K.S.A. 12-101; and

WHEREAS, the District has established and conducts a program to provide for the recreational, cultural, educational and social needs of senior citizens; and

WHEREAS, the City owns and operates Harmon Park, hereinafter referred to as the "Park", and the Prairie Village Municipal Swimming Pool, hereinafter referred to as the "Pool"; and

WHEREAS, a coordinated approach to the provision of recreational services to the population is most effective and efficient; and

WHEREAS, co-sponsorship of aquatics programs held at the Pool would ensure a coordinated approach to the provision of the needed services; and

WHEREAS, K.S.A. 12-2901 et seq., and amendments thereto, entitled the "Interlocal Cooperation Act", authorize the parties hereto to cooperate in sponsoring a swim program for the aforesaid reasons; and

WHEREAS, the Governing Body of the City 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 District did authorize its chairperson to execute this agreement by official vote of said body on the ____ day of _____, 2005.

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

1. The District shall have access to and the use of the Pool for the term, times and use as hereinafter specifically defined.

equipment, the class fee structure and other information as may be requested by the City.

- c. Shall provide a printed list, for review and approval by the City, of proposed facility improvements or program enhancements to benefit aquatic program participants utilizing the Prairie Village Swimming Pool.

The City:

- a. Shall provide access to the Pool during the following days and times:
 - 1. Water Exercise (16+)–Tuesday and Thursday
5:30–6:30 p.m. June 6 to August 31, 2006
 - 2. Water Exercise (50+) – Monday and Wednesday
4:30–6:30 p.m. May 29 to August 30, 2006
 - 3. Master’s Swim Workouts – Monday and Thursday
Monday – Thursday - 6:30–8:00 p.m May 30 to August 31, 2006
- 9. Indemnification. In case any action in court is brought against the City or City’s representative, or any officer or agent, for the failure, omission or neglect of the District to perform any of the covenants, acts, matter or damage caused by the alleged negligence of the District, the District shall indemnify and save harmless the City and the City’s representatives and its officers and agents from all losses, damages, costs, expenses, judgements or decrees arising out of such action.
- 10. Disclaimer of Liability. The City shall not be liable or obligated to the District for damage insured to the District upon the premises by fire, theft, casualty, acts of God, civil disaster and such other occurrences and events beyond the control of the City.
- 11. Insurance. The District shall secure and maintain, or have maintained throughout the duration of this contract, insurance of such types and in such amounts as may be necessary to protect the District and the City against all hazards or risks generated by the District or any of its agents. The District shall offer to the City other evidence of such insurance coverage, and any and all renewals thereof, in the form of a Certificate of Insurance. This certificate of insurance shall list the City of Prairie Village as an additional insured. The Certificate shall list the following insurance coverage:

Commercial General Liability	
General Aggregate	\$2,000,000
Products	\$2,000,000
Personal and Advertisement Injury	\$ 500,000
Personal & Advertisement (each occurrence)	\$ 500,000
Fire Damage	\$ 300,000
Excess Liability (each occurrence)	\$ 500,000
Excess Liability Aggregate	\$ 500,000

agrees to not discriminate against any person because of race, religion, color, sex, disability, age, national origin or ancestry in the admission or access to, or participation or employment in, its programs, services and activities.

If the City determines that the District has violated any applicable provision of any state or federal law, or discriminated against any person because of race, religion, color, sex, disability, age, national origin or ancestry in the admission or access to, or participation or employment in, its programs, services and activities, such violation and/or discrimination shall constitute a breach of contract and the City may cancel, terminate or suspend this agreement in whole or in part.

The parties do not intend this provision to subject any party to liability under state or federal laws unless it applies.

IN WITNESS WHEREOF, two copies of the above and foregoing agreement have been executed by each of the parties on the day and year first written above.

CITY OF PRAIRIE VILLAGE, KANSAS

Ronald L. Shaffer, Mayor

ATTEST:

APPROVED AS TO FORM:

Joyce Hagen Mundy, City Clerk

Charles E. Wetzler, City Attorney

JOHNSON COUNTY PARK AND RECREATION DISTRICT

Dr. Marvin E. Wollen, Chair
Board of Commissioners

ATTEST:

APPROVED AS TO FORM:

Paul E. Alvarado, Jr., Secretary

Bill Tuley, District Legal Counsel

2006 CITY OF PRAIRIE VILLAGE POOL USAGE AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of _____, 2005 by and between the City of Prairie Village, Kansas, hereinafter referred to as "City", and the Johnson County Park and Recreation District, hereinafter referred to as the "District", each party having been organized and now existing under the laws of the State of Kansas.

WHEREAS, K.S.A. 19-2862 authorizes the District to enter into contract; and the City is authorized to enter into contracts by virtue of Article 12, Section 5, of the Kansas Constitution and K.S.A. 12-101; and

WHEREAS, the District has established and conducts a program to provide for the recreational, cultural, educational and social needs of senior citizens; and

WHEREAS, the City owns and operates Harmon Park, hereinafter referred to as the "Park", and the Prairie Village Municipal Swimming Pool, hereinafter referred to as the "Pool"; and

WHEREAS, a coordinated approach to the provision of recreational services to the population is most effective and efficient; and

WHEREAS, co-sponsorship of aquatics programs held at the Pool would ensure a coordinated approach to the provision of the needed services; and

WHEREAS, K.S.A. 12-2901 et seq., and amendments thereto, entitled the "Interlocal Cooperation Act", authorize the parties hereto to cooperate in sponsoring a swim program for the aforesaid reasons; and

WHEREAS, the Governing Body of the City 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 District did authorize its chairperson to execute this agreement by official vote of said body on the ____ day of _____, 2005.

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

1. The District shall have access to and the use of the Pool for the term, times and use as hereinafter specifically defined.

equipment, the class fee structure and other information as may be requested by the City.

- c. Shall provide a printed list, for review and approval by the City, of proposed facility improvements or program enhancements to benefit aquatic program participants utilizing the Prairie Village Swimming Pool.

The City:

- a. Shall provide access to the Pool during the following days and times:
1. Water Exercise (16+)—Tuesday and Thursday
5:30–6:30 p.m. June 6 to August 31, 2006
 2. Water Exercise (50+) – Monday and Wednesday
4:30–6:30 p.m. May 29 to August 30, 2006
 3. Master’s Swim Workouts – Monday and Thursday
Monday – Thursday - 6:30–8:00 p.m May 30 to August 31, 2006
9. Indemnification. In case any action in court is brought against the City or City’s representative, or any officer or agent, for the failure, omission or neglect of the District to perform any of the covenants, acts, matter or damage caused by the alleged negligence of the District, the District shall indemnify and save harmless the City and the City’s representatives and its officers and agents from all losses, damages, costs, expenses, judgements or decrees arising out of such action.
10. Disclaimer of Liability. The City shall not be liable or obligated to the District for damage insured to the District upon the premises by fire, theft, casualty, acts of God, civil disaster and such other occurrences and events beyond the control of the City.
11. Insurance. The District shall secure and maintain, or have maintained throughout the duration of this contract, insurance of such types and in such amounts as may be necessary to protect the District and the City against all hazards or risks generated by the District or any of its agents. The District shall offer to the City other evidence of such insurance coverage, and any and all renewals thereof, in the form of a Certificate of Insurance. This certificate of insurance shall list the City of Prairie Village as an additional insured. The Certificate shall list the following insurance coverage:

Commercial General Liability

General Aggregate	\$2,000,000
Products	\$2,000,000
Personal and Advertisement Injury	\$ 500,000
Personal & Advertisement (each occurrence)	\$ 500,000
Fire Damage	\$ 300,000
Excess Liability (each occurrence)	\$ 500,000
Excess Liability Aggregate	\$ 500,000

agrees to not discriminate against any person because of race, religion, color, sex, disability, age, national origin or ancestry in the admission or access to, or participation or employment in, its programs, services and activities.

If the City determines that the District has violated any applicable provision of any state or federal law, or discriminated against any person because of race, religion, color, sex, disability, age, national origin or ancestry in the admission or access to, or participation or employment in, its programs, services and activities, such violation and/or discrimination shall constitute a breach of contract and the City may cancel, terminate or suspend this agreement in whole or in part.

The parties do not intend this provision to subject any party to liability under state or federal laws unless it applies.

IN WITNESS WHEREOF, two copies of the above and foregoing agreement have been executed by each of the parties on the day and year first written above.

CITY OF PRAIRIE VILLAGE, KANSAS

Ronald L. Shaffer, Mayor

ATTEST:

APPROVED AS TO FORM:

Joyce Hagen Mundy, City Clerk

Charles E. Wetzler, City Attorney

JOHNSON COUNTY PARK AND RECREATION DISTRICT

Dr. Marvin E. Wollen, Chair
Board of Commissioners

ATTEST:

APPROVED AS TO FORM:

Paul E. Alvarado, Jr., Secretary

Bill Tuley, District Legal Counsel

PK2005-09: Consider Learn to Swim Contract

Background:

The 2005 pool season was the third in which Johnson County Parks and Recreation District provided swim lessons at the Prairie Village pool. The County provided both swim instructors and lifeguards at no cost to the City during the morning lessons. In the afternoon, the City provides a lifeguard for the pool in which lessons are held. Prairie Village is the only City in the County that does not provide lifeguard services for the swim lesson program. Prairie Village receives a full service swim lesson program, and in return allows use of the Prairie Village pool to the District. Johnson County sets and collects the fees for this program.

2006 Fee Structure

- \$40 Learn to Swim per Session (Johnson County Resident)
- \$44 Learn to Swim per Session (Non-Johnson County Resident)
- \$40 for Four-20 minute Private Lessons (Johnson County Resident)
- \$44 for Four-20 minute Private Lessons (Non-Johnson County Resident)
- \$70 for Eight-20 minute Private Lessons (Johnson County Resident)
- \$77 for Eight-20 minute Private Lessons (Non-Johnson County Resident)
- \$40 per child for Four-30 minute Semi-Private Lessons (Johnson County Resident)
- \$44 per child for Four-30 minute Semi-Private Lessons (Non-Johnson County Resident)
- \$70 per child for Eight-30 minute Semi-Private Lessons (Johnson County Resident)
- \$77 per child for Eight-30 minute Semi-Private Lessons (non-Johnson County Resident)

The 2006 contract is essentially the same as the 2005 contract.

Recommendation:

The Parks & Recreation Committee recommends approval of PK2005-09: Learn to Swim 2006 Contract.

Johnson County Park and Recreation District Learn to Swim Program Participation Agreement – 2006

As a Community Service, the Johnson County Park and Recreation District agrees to provide the Learn to Swim program for the City of Prairie Village. The program will be held at the Prairie Village Pool Complex at 7711 Delmar in Prairie Village, Kansas.

1. The Johnson County Park and Recreation District will provide:
 - The Learn to Swim Program.
 - Private/Semi Private Lessons
 - The scheduling for the lessons in the program.
 - Sufficient certified staff.
 - A staff member to monitor and control the entrance.
 - Promotion of the program.
 - Registration of the participants.
 - Equipment needed for the program.
 - Emergency action plans and first aid kit.
- The City of Prairie Village will provide a temporary barrier at the entrance to assist staff in the control of patrons at the entrance.
2. The Johnson County Park and Recreation District will have use of the facility beginning June 5, 2006 and ending August 10, 2006.
 - Lessons offered Monday through Thursday, with Fridays to be held for make up and training days as needed.
 - Morning lessons held between 7:50 a.m. – 10:50 a.m. Session dates:
 1. June 5 – June 15
 2. June 19 – June 29
 3. July 3 – July 14
 4. July 17 – July 27
 5. July 31-August 10
 - Evening lessons held between 5p.m. and 8 p.m. Session dates:
 1. June 5 – June 15
 2. June 19 – June 29
 3. July 3 – July 14
 4. July 17 – July 27
 - Adult Learn to Swim: June 6 – July 27, Tuesdays and Thursdays
7:30 p.m. to 8:20 p.m.
3. The sessions will be:

7. The Johnson County Park and Recreation District will establish a routine to take a water test before the use of the pool to check for the chemical balance. This will aid in maintaining safety standards for the participants.

8. Non-Discrimination Clause

The Johnson County Park and Recreation District shall comply with all applicable state and federal laws in carrying out this agreement.

In connection with the performance of this agreement, the Johnson County Park and Recreation District agrees to comply with the applicable provisions of all state and federal discrimination laws.

The Johnson County Park and Recreation District further agrees not to discriminate against any person because of race, religion, color, sex, disability, age, national origin or ancestry in the admission or access to, or participation or employment in, its programs, services and activities.

If the City determines that the Johnson County Park and Recreation District has violated any applicable provision of any state or federal law, or has discriminated against any person because of race, religion, color, sex, disability, age, national origin, or ancestry in the admission or access to, or participation or employment in its programs, services and activities, such violation and/or discrimination shall constitute a breach of contract and the City may cancel, terminate or suspend this agreement in whole or in part. The parties do not intend this provision to subject any party to liability under state or federal laws unless it applies.

9. The Johnson County Park and Recreation District shall furnish to the City a valid certificate of broad form liability insurance, completed operations and products insurance coverage for personal injuries and property damage with combined single limits of coverage of not less than \$2,000,000.00 with the City named as an additional insured on such policies. Copies of said policies shall be provided to the City on or before May 31, 2006.

The Johnson County Park and Recreation District agrees to assume all liability and responsibility for damages in any form or for costs associated with its activities. Specifically, the Johnson County Park and Recreation District agrees to indemnify and hold the City harmless from and against any claims for damages (including attorney's fees necessitated in defending against such claims) resulting from the Johnson County Park and Recreation District's actions, conduct or inaction, whether said claim is premised upon negligence or upon intentional misconduct. The Johnson County Park and Recreation District specifically agrees to indemnify and hold the City harmless from and against claims resulting from persons who suffer any sort of injury from participation in swimming lessons conducted by the Johnson County Parks and Recreation District.

Johnson County Park and Recreation District

Learn to Swim Program

Participation Agreement – 2006

As a Community Service, the Johnson County Park and Recreation District agrees to provide the Learn to Swim program for the City of Prairie Village. The program will be held at the Prairie Village Pool Complex at 7711 Delmar in Prairie Village, Kansas.

1. The Johnson County Park and Recreation District will provide:
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 - Private/Semi Private Lessons
 - The scheduling for the lessons in the program.
 - Sufficient certified staff.
 - A staff member to monitor and control the entrance.
 - Promotion of the program.
 - Registration of the participants.
 - Equipment needed for the program.
 - Emergency action plans and first aid kit.
- The City of Prairie Village will provide a temporary barrier at the entrance to assist staff in the control of patrons at the entrance.
2. The Johnson County Park and Recreation District will have use of the facility beginning June 5, 2006 and ending August 10, 2006.
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 - Morning lessons held between 7:50 a.m. – 10:50 a.m. Session dates:
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 - Evening lessons held between 5p.m. and 8 p.m. Session dates:
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 - Adult Learn to Swim: June 6 – July 27, Tuesdays and Thursdays
7:30 p.m. to 8:20 p.m.
3. The sessions will be:

7. The Johnson County Park and Recreation District will establish a routine to take a water test before the use of the pool to check for the chemical balance. This will aid in maintaining safety standards for the participants.
8. Non-Discrimination Clause

The Johnson County Park and Recreation District shall comply with all applicable state and federal laws in carrying out this agreement.

In connection with the performance of this agreement, the Johnson County Park and Recreation District agrees to comply with the applicable provisions of all state and federal discrimination laws.

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If the City determines that the Johnson County Park and Recreation District has violated any applicable provision of any state or federal law, or has discriminated against any person because of race, religion, color, sex, disability, age, national origin, or ancestry in the admission or access to, or participation or employment in its programs, services and activities, such violation and/or discrimination shall constitute a breach of contract and the City may cancel, terminate or suspend this agreement in whole or in part. The parties do not intend this provision to subject any party to liability under state or federal laws unless it applies.

9. The Johnson County Park and Recreation District shall furnish to the City a valid certificate of broad form liability insurance, completed operations and products insurance coverage for personal injuries and property damage with combined single limits of coverage of not less than \$2,000,000.00 with the City named as an additional insured on such policies. Copies of said policies shall be provided to the City on or before May 31, 2006.

The Johnson County Park and Recreation District agrees to assume all liability and responsibility for damages in any form or for costs associated with its activities. Specifically, the Johnson County Park and Recreation District agrees to indemnify and hold the City harmless from and against any claims for damages (including attorney's fees necessitated in defending against such claims) resulting from the Johnson County Park and Recreation District's actions, conduct or inaction, whether said claim is premised upon negligence or upon intentional misconduct. The Johnson County Park and Recreation District specifically agrees to indemnify and hold the City harmless from and against claims resulting from persons who suffer any sort of injury from participation in swimming lessons conducted by the Johnson County Parks and Recreation District.

PK2005-10: Consider 2006 Aquatic Examiner Contract

Background:

The City contracts with the American Red Cross to participate in the Aquatic Examiner Program. The contract ensures that all lifeguards are trained or recertified in two classes, 1. *Lifeguard & CPR for the Professional Rescuer* and 2. *Waterpark Training*. The contract also requires the entire pool complex to undergo three unannounced onsite evaluations in which lifeguards on duty are tested on guarding and CPR skills.

Financial Impact:

The American Red Cross has kept the fees they charge for each service in the contract the same. In previous seasons, returning lifeguards were recertified in the lifeguard training class and only new guards took the Waterpark training class. In 2005, all guards were trained in Waterpark to catch up on those guards who have been with us for many years. For 2006, City staff recommends returning to only training new lifeguards in Water Park. Total cost will be:

<i>Lifeguard & CPR for the Professional Rescuer Challenge</i> 40 staff X \$60.00 per staff	\$2,400
<i>Waterpark Training</i> 40 staff X \$30.00 per staff	\$1,200
Three on-site evaluations X \$300 per evaluation plus two re-tests at \$50.00	\$1,000
Total	\$4,600

Recommendation:

The Parks & Recreation Committee recommends approval of the PK2005-10: Aquatic Examiner 2006 Contract.

American Red Cross Aquatic Examiner Service Agreement

This Agreement is made and entered into on November 3, 2005 by and between the Greater Kansas City Chapter of the American National Red Cross (Red Cross), having its principal address at 211 W. Armour Boulevard, Kansas City, MO 64111 and the City of Prairie Village, KS an organization with an aquatic facility with its principal address at 7700 Mission Road, Prairie Village, KS 66208.

I. RED CROSS AGREES TO:

Provide to the Facility one or more parts of the American Red Cross Aquatic Examiner Service as identified below (by initials of an authorized Facility representative in the spaces provided). For the purpose of this Agreement, the aquatic examiner service shall mean the Red Cross service as defined fully in Section 4 of the Aquatic Examiner Service Handbook published in 2003, and as amended from time to time, a copy of which has been provided concurrently with this Agreement and the provisions of which are incorporated herein by reference (Aquatic Examiner Service Handbook, Section 4). A. Initial conference: _____ (Initial here if selected). A Red Cross Aquatic Examiner Service Administrator will tour the Facility and review the Facility's policies and procedures and emergency action plans as described in the Aquatic Examiner Service Handbook, Section 4. Within two weeks, the Red Cross will provide a report identifying the results of the conference and suggestions for improvement. B. Lifeguard and support personnel training: As described in Aquatic Examiner Service Handbook, Section 4, the Red Cross will assist the Facility with:

(1) Annual or preseason orientation and training _____ (Initial here if selected);

(2) Annual Red Cross training _____ (Initial here if selected);

(3) In-service training _____ (Initial here if selected).

C. On-site lifeguarding evaluations: _____ (Initial here if selected). The Red Cross will administer unannounced on-site evaluations to specifically review the activities identified in the Lifeguard Skills Evaluation Checklist.

II. THE FACILITY AGREES TO:

Comply with all facility Aquatic Examiner Service requirements as set forth in the Aquatic Examiner Service Handbook, Section 4 including but not limited to:

A. Accepting responsibility for all activities associated with developing and implementing its own operational and emergency procedures.

B. Maintaining on a current basis all applicable government permits or licenses to operate the Facility.

C. Granting permission for Red Cross access to the Facility as necessary in order to conduct the initial conference, lifeguard and support personnel training, and on-site lifeguarding evaluations as applicable.

D. Assuring that to the extent the Facility elected annual or preseason orientation and training, annual Red Cross training, and/or in-service training that the relevant Aquatic Examiner Service requirements as outlined in the Aquatic Examiner Service Handbook, Section 4 are provided to Facility staff.

III. COMPENSATION

A. Upon invoicing, the Facility will provide compensation to the Red Cross for Aquatic Examiner services for each Facility location at the following rates net 30 days. Failure to pay will result in termination.

B. Rates: Refer to pricing sheet enclosed.

IV. USE OF RED CROSS NAME AND EMBLEM

Subject to full compliance with the Aquatic Examiner Service, the Facility shall have the right to use the Red Cross name and emblem (consisting of a red Greek cross) solely to acknowledge that the Facility has participated in the Red Cross Aquatic Examiner Service. Such acknowledgment shall only take the form of: **Proud participant of the American Red Cross Aquatic Examiner Service**. With the exception of the foregoing paragraph, the Facility acknowledges and agrees that nothing in this Agreement shall constitute a license or permission for the Facility to use the American Red Cross name or Red Cross emblem in connection with the Facility's business, facilities, employees or any Facility informational, marketing or advertising materials (whether in print, electronic or digital form).

V. INDEPENDENT CONTRACTORS

In performance of all duties and obligations under this Agreement, it is mutually understood and agreed that the Facility and the Red Cross are independent entities, are not related and are not to be considered the agent, servant, partner, employee or joint venturer of the other party.

VI. ASSIGNMENT

This Agreement shall not be assigned or the services subcontracted by either party without the prior written consent of the other party.

VII. CONFIDENTIALITY

Red Cross and the Facility acknowledge and agree that if during the term of this Agreement confidential information (as identified by the party providing the information) is disclosed by one party to the other, each party shall hold all such confidential information in the strictest confidence and shall not voluntarily sell, transfer, publish, disclose, display or otherwise make available to any third persons such confidential information or any portion thereof without the express written consent of the other party or unless compelled by subpoena, court order or other lawful means.

VIII. TERM

Subject to sections X and XIV below, this Agreement shall be in effect for seasonal facilities from the date first written above to; or (2) for year round facilities, one year from the date first written above. This Agreement shall not be renewed without the written consent of the Red Cross.

IX. CANCELLATION

Either party may cancel this Agreement for any reason by providing 30 days advance written notice to the other party.

X. INDEMNITY AND HOLD HARMLESS

Facility agrees to indemnify, defend, and hold harmless the Red Cross and its directors, officers, agents, volunteers, and employees against any and all claims, demands, damages, lawsuits, penalties, administrative proceedings, judgments, costs or expenses, including attorneys' fees, resulting from, or arising out of the acts or omissions of either party in connection with the Facility, its operations, or the performance or breach of this Agreement. The foregoing notwithstanding, Facility shall have no obligation to indemnify or hold harmless the Red Cross, its directors, officers, agents, volunteers and employees if it has been determined by the final order of a court of competent jurisdiction that a proportion of the liability thereof was caused by the willful misconduct or negligent activity of the Red Cross, its directors, officers, employees, volunteers or agents, in which case, the Red Cross shall be responsible solely for its proportionate share of the liability. This clause survives termination of this Agreement.

XI. EXCULPATORY CLAUSE

It is understood and agreed that wherever in this agreement the term Red Cross is used it shall mean the chapter of the American National Red Cross; that said chapter is a duly constituted local unit of the American National Red Cross, a federal corporation {36 U.S. Code 1 et seq}; and that all obligations of the Red Cross under this Agreement shall be undertaken and completed exclusively by said chapter and solely at the expense of the chapter without

resort in any event to, or commitment of, the funds and property of the American National Red Cross or any other unit thereof than the chapter.

XII. LIMITATION OF RED CROSS LIABILITY

Each party understands and agrees that:

- A. The Aquatic Examiner Service and the Red Cross's obligations there under are based solely upon the Red Cross lifeguard training and evaluation activities in the Aquatic Examiner Service Handbook as selected by the Facility and set forth in Section I of this Agreement. Accordingly, any review or suggestions offered by the Red Cross, its employees or agents with respect to the Facility, any operations or procedures thereof, or the Facility's lifeguarding equipment shall not be construed as approval of, or certification with respect to, the safe design, operation or function of the Facility or its equipment by the Red Cross. Participation by the Facility in the Aquatic Examiner Service does not guarantee that (i) the Facility will be accident free; (ii) the operations of the Facility are sufficient for safe operation, or (iii) the Facility is in compliance with any laws, codes or ordinances. The Red Cross is not responsible for the acts or omissions of the Facility, its agents, contractors or employees. The rights and obligations of the Red Cross under this Agreement to provide initial conference, lifeguard and support personnel training, or on-site lifeguarding evaluations as described in the Aquatic Examiner Service and selected by the Facility in Section I of this Agreement or review of any Facility lifeguarding equipment or physical aspect of the Facility shall not constitute an undertaking on behalf, or for the benefit, of the Facility or others.

- B. No supervisory activities will be performed by Red Cross. The Red Cross assumes no authority or obligation to make changes in Facility's operations or to have the Facility implement suggestions of the Red Cross. Suggestions made by the Red Cross to the Facility relate only to specific conditions and lifeguarding procedures observed by Red Cross while at the Facility's aquatic site (pool, lakefront, etc.) pursuant to the Aquatic Examiner Service. It is the Facility's sole responsibility to decide whether or not to follow suggestions made by the Red Cross, its agents or employees in the context of Aquatic Examiner Service.

XIII. TERMINATION

Failure to comply with the terms and conditions of this Agreement or the Aquatic Examiner Service may be interpreted as cause for immediate termination of the Agreement. Termination shall be effective upon written notice delivered to the other party.

XIV. LIMITATION OF WARRANTIES

With respect to the Red Cross, the foregoing is in lieu of all other warranties of merchantability and fitness for a particular purpose or otherwise and for all liability for special, indirect or consequential damages, including lost income or profits, even if the Red Cross has been advised of the possibility of such damages. In witness whereof, the parties have entered into this agreement as of the date first above written. By signing this agreement, the individuals indicate that he or she has the authority to sign this agreement.

Greater Kansas City Chapter of the National American Red Cross

Kevin Ryan, Program Manager, Professional Aquatics

Warren Hawblitzel, Director of Health Services

City of Prairie Village District Authorized Representative

Printed Name

Signature

**American Red Cross Greater Kansas City Chapter
Aquatic Examiner Services
Summary of Services for 2005**

Season Customer: City of Prairie Village
Contact: Josh Farrar
Address: 7700 Mission Road
City/State/Zip: Prairie Village, KS 66208
Business Phone: 913/381-6464 **Fax:** 913/381-7755
Proposal Date: October 5, 2005
American Red Cross Representative: Kevin Ryan, Program Manager, Professional Aquatics
Office Phone: 816/931-6662 ext. 234
Mobile Phone: 913/208-9969
Fax: 816/531-7306

Summary of Aquatic Examiner Services

Operations Review

Initial Conference Not scheduled for 2006

Service Area – II: Staff Training

Lifeguard & CPR for the Professional Rescuer Challenge

40 Staff x \$60.00 per staff \$2,400.00

Waterpark Training

40 Staff X \$30.00 per staff \$1,200.00

Please note that the cost will be adjusted to reflect the actual number of staff who participate in the training.

Service Area – III: On Site Evaluations

Three on-site evaluations X \$300.00 per evaluation plus two re-tests at \$50.00 \$1,000.00

TOTAL SERVICE PACKAGE: \$4,600.00

NOTE: This Statement of Summary of Services does not include any re-testing fees that may need to be applied during the implementation of the Aquatic Examiner Program. Additional re-testing fees of \$50.00 per hour will be issued upon completion of services. Your agency will be billed as the services have been provided.

POLICY / SERVICES COMMITTEE

Monday, November 7, 2005

Agenda

6:00 P.M.

Council Chambers

Al Herrera

	<u>Page #</u>
POL2005-28 <u>Consider Charter Ordinance No. 12</u> <u>“Public Improvements”</u> Bob Pryzby	1 - 8
POL2005-29 <u>Consider Council Policy No. 041 “Selection of</u> <u>Professional Consulting Services”</u> Bob Pryzby	9 - 13
POL2005-12 <u>Consider Project 190854: 2005 Pavement Repair</u> Bob Pryzby	14
POL2005-30 <u>Consider Project 190855: Tomhawk Road Bridge</u> Bob Pryzby	15 - 19
POL2005-31 <u>Consider Canterbury Sidewalk Petition</u> Bob Pryzby	20 - 24
*POL2005-32 <u>Consider Tree Trimming Area 43</u> Bob Pryzby	25

***Council Action requested same evening**

POLICY/SERVICES

- POL2003-14 Consider Project 190845: Mission Road – 75th St to 79th 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 – 71st to 75th (CARS) (assigned 2/25/2004)
- POL2004-09 Consider Project 190848: Mission Rd – Somerset to 83rd (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 95th 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 – 69th to 71st St. (assigned 1/31/2005)
- POL2005-04 Consider Project 190809: 75th 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)
- POL2005-22 Consider Storm Drainage Consultant (assigned 8/30/2005)
- POL2005-23 Consider Project 190857: Roe Avenue – 95th to 91st 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)**
- POL2005-32 Consider Tree Trimming Area 43 (assigned 11/1/2005)**

POL2005-28 CONSIDER CHARTER ORDINANCE NO.12 PUBLIC IMPROVEMENTS

Background:

Charter Ordinance No.12 pertains to obtaining cost estimates for projects costing more than \$10,000.00. Recently, because of increased costs of oil, construction bids have exceeded the estimate of the engineer. In reviewing Charter Ordinance No. 12 that was adopted by the City on 5 June 1989, I have determined that:

1. The Charter Ordinance provides that the City of Prairie Village "exempts itself from and makes inapplicable to it, the provisions of K.S.A. 13-1017".
2. The Charter Ordinance provides "substitute and additional provisions".
3. The "substitute and additional provisions" are the exact language contained in K.S.A. 13-1017, except the amount for sealed proposals is changed from \$2,000 (as in K.S.A. 13-1017) to \$10,000.
4. "'Public Improvement" is defined as to not include the making of repairs or the maintenance of any building, street, sidewalk, or other public facility in Prairie Village by employees of Prairie Village or the making of any expenditures from the city budget for such purposes." The Kansas Statute is the same except for substitution of "Prairie Village" for "City".

Clearly, Item 1 the City has exempted itself from K.S.A. 13-1017 making the preparation of sealed cost estimates a City defined requirement.

Item 2 shows that the City chose to adopt the language of K.S.A. 13-1017 and modified the language by increasing the dollar amount for sealed bids and changing the "city" to "Prairie Village".

There exists a conflict between the Item 3 and City Council Policy No.150 *Purchasing*. Policy 150 provides for sealed bids for any singular item costing \$20,000 or more and not \$10,000 as specified in Charter Ordinance No.12.

Staff interpretation of Item 4 was that any project not constructed by City forces will require a sealed engineer cost estimate. However, a closer reading could interpret "or the making of any expenditures from the city budget for such purposes" in the section to be contracted construction not performed by City forces.

I suggest that the Charter Ordinance No. 12 be vacated, a new Charter Ordinance be enacted that removes Sections 2, and City Council Policy 150 be amended to require professional consultant sealed cost estimates for any public improvement project having a value of \$100,000 or more. Cost estimates for this purpose will be prepared by a professional firm that is not the firm having prepared the design. "Public Improvement" shall mean any project undertaken by the City for the construction of any public infrastructure, and including without

limitation, streets, alleys, bridges, bikeways, parkways, sidewalks, sewers, storm drains, traffic control devices, street lights, public facilities, public buildings or public lands. Reconstruction, maintenance or repair of public improvement projects will not require a professional sealed cost estimate.

Financial Impact:

There will be financial impact for having a cost estimate prepared by another consultant.

Recommendation:

Staff recommends the City Council direct City Attorney to review the proposed changes and prepare appropriate documentation for City Council action.

CHARTER ORDINANCE EXEMPTING THE CITY OF PRAIRIE VILLAGE, KANSAS FROM CERTAIN PROVISIONS OF K.S.A. 13-1017, RELATING TO PUBLIC IMPROVEMENTS, ESTIMATE OF THE COST OF SUCH IMPROVEMENTS, CONTRACTS, BIDS, BOND ISSUE, WHEN, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

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

Section 1.

The City of Prairie Village, Kansas, by the power vested in it by Article XII, Section 5, of the Constitution of the State of Kansas, hereby elects and exempts itself from and makes inapplicable to it, the provisions of K.S.A. 13-1017, which apply only to certain cities of the first class, and to provide substitute and additional provisions as hereinafter provided.

Section 2.

Before undertaking the construction or reconstruction of any sidewalk, curb, gutter, bridge, pavement, sewer, or any other public improvement of any street, highway, public ground, or public building or facility, or any other kind of public improvement, shall be commenced or ordered by the Governing Body, or under its authority, a detailed estimate of the cost of the improvement shall be made under oath by the City Engineer (or some other competent person appointed for such purposes by the Governing Body), and said estimate shall be submitted to the Governing Body for its action thereon. In all cases where the estimated costs of the contemplated building, facility, or other improvement, amounts to more than \$10,000.00, sealed proposals for the improvement shall be invited by advertisement, published by the City Clerk once in the official city paper. The Governing Body shall let all such work by contract to the lowest responsible bidder, if there is any whose bid does not exceed the estimate. Notwithstanding the foregoing, the Governing Body reserves the right to refuse all or any part of any bid when it is felt that such action is in the best interest of the City.

If no responsible person proposes to enter into the contract at a price not exceeding the estimated cost, all bids shall be rejected and the same proceedings as before repeated, until some responsible person by sealed proposal offers to contract for the work at a price not exceeding the estimated costs. If no responsible bid is received within the estimate, the Governing Body shall have the power to make the improvement within the estimated cost thereof, and shall further have the power to purchase the necessary tools, machinery, apparatus and materials; employ the necessary labor; and construct the necessary plant or plants for the purpose of carrying into effect the provisions of this act. In no case shall the City be liable for anything beyond the estimated cost or the original contract price for doing such work or making such improvements.

Before any type of public improvement is commenced, the money to pay for the same must be available in the city treasury as provided by law or provision may be made for the issuance of internal improvement bonds to pay for any such improvement as provided by law. Provided that this section shall not be construed to include any repair or maintenance work not amounting to substantial alteration, addition or change in any structure, street or facility. "Public improvement" as used herein shall not include the making of repairs or the maintenance of any building, street, sidewalk, or other public facility in Prairie Village by employees of Prairie Village or the making of any expenditures from the city budget for such purposes.

Section 3.

This Ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

Section 5.

This is a Charter Ordinance and shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed and a referendum held on the Ordinance as provided in Article XII, Section 5, subdivision (c)(3) of the Constitution of Kansas, in which case the Ordinance shall become effective as approved by a majority of the electors voting thereon.

PASSED by the Governing Body of not less than two-thirds of the members elect voting in favor thereof the 5th day of June, 1989.


Monroe Taliaferro, Mayor

ATTEST:


Joyce Hagen Mundy, City Clerk

Approved as to Form:


Charles E. Wetzler
City Attorney

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13-1017

Chapter 13.--CITIES OF THE FIRST CLASS

PART I.--GOVERNMENT BY MAYOR AND COUNCIL AND GENERAL LAWS

Article 10.--PUBLIC IMPROVEMENTS

13-1017. Estimate of cost of improvements; contracts; bids; bond issue, when. Before undertaking the construction or reconstruction of any sidewalk, curb, gutter, bridge, pavement, sewer or any other public improvement of any street, highway, public grounds or public building or facility, or any other kind of public improvement in any city of the first class is commenced or ordered by the governing body, or under its authority, a detailed estimate of the cost of the improvements shall be made under oath by the city engineer (or some other competent person, appointed for such purposes by the governing body). Such estimate shall be submitted to the governing body for its action thereon. In all cases where the estimated cost of the contemplated building, facility or other improvement amounts to more than \$2,000, sealed proposals for the improvement shall be invited by advertisement, published by the city clerk once in the official city paper. The governing body shall let all such work by contract to the lowest responsible bidder, if there is any whose bid does not exceed the estimate.

If no responsible person proposes to enter into the contract at a price not exceeding the estimated cost, all bids shall be rejected and the same proceedings as before repeated, until some responsible person by sealed proposal offers to contract for the work at a price not exceeding the estimated cost. If no responsible bid is received within the estimate, the governing body shall have power to make the improvement within the estimated cost thereof, and shall further have the power to purchase the necessary tools, machinery, apparatus and materials; employ the necessary labor; and construct the necessary plant or plants for the purpose of carrying into effect the provisions of this act. In no case shall the city be liable for anything beyond the estimated cost or the original contract price for doing such work or making such improvements.

Before any type of public improvements is commenced, the money to pay for the same must be available in the city treasury as provided by law or provision may be made for the issuance of internal improvement bonds to pay for any such improvement as provided by law. This section shall not be construed to include any repair or maintenance work not amounting to substantial alteration, addition or change in any structure, street or facility. "Public improvement" as used herein shall not include the making of repairs or the maintenance of any building, street, sidewalk or other public facility in such cities by employees of such cities or the making of any expenditures from the city budget for such purposes.

History: L. 1903, ch. 122, § 153; L. 1909, ch. 68, § 1; L. 1913, ch. 90, § 1; L. 1917, ch. 99, § 1; R.S. 1923, § 13-1017; L. 1953, ch. 81, § 1; L. 1981, ch. 173, § 35; July 1.

	Policy No. <u>150</u> Date: 12/20/99 Page 1 of 2
PURCHASING	Last Revision Date: 10/16/95

I. **PURPOSE:** To establish a uniform policy for bid solicitation, purchase order system, and approval of change orders. This policy is intended to provide a method for the most prudent and effective expenditure of City funds and for maximum protection of the taxpayer.

II. **RESPONSIBILITY:** City Administrator.

III. **POLICY:** Purchasing.

A commodity or service should be obtained at the lowest cost possible consistent with the quality required to maintain efficient operations of city departments.

Even though the Governing Body approves a level of expenditures for any given program, that in itself is not a permit nor a directive to expend funds unless the need exists at the time of purchase and the item to be purchased is within the budget limits. Purchases will not be made only because funds are available.

--BIDS--

Bids from a minimum of three (3) vendors will be taken for any singular item purchased for the following amounts and by the following method:

1. No bids will be required for any singular item costing less than \$2000. All departments are encouraged to solicit three (3) bids if the costs saved by bidding outweigh the administrative costs of soliciting bids.
2. Phone bids will be required for any singular item costing \$2000 or more, but less than \$10,000.
3. Informal written price quotes will be required for any singular item costing \$10,000 or more, but less than \$20,000.
4. For any singular item costing \$20,000 or more, bids must be solicited by a notice in the paper and sealed bids will be received and opened by the City Clerk.
5. For capital improvements projects in excess of \$10,000, a City Charter Ordinance requires bids be solicited by a notice in the paper and sealed bids be received and opened by the City Clerk. The bids received must be lower than the Engineer's or Architect's estimate by state law.

--CHANGE ORDERS--

Change orders can be approved by the Mayor without council approval, but subject to council ratification, in amounts which total no more than 5% of the original contract for each change order submitted. "Original Contract Amount" is defined as the base bid plus alternates added at the time the original contract was approved. Change orders for work unrelated to the original projects must have council approval.

All routine change orders will be included on the Consent Agenda.

--PURCHASE ORDERS--

A purchase order will be required for items of expenditure purchased by the City as outlined below:

1. Purchase orders are not required for expenditures less than \$2000.
2. For any single item expenditure of \$2,000 or more, but less than \$10,000, a purchase order is required with the Department Head and City Administrator's approval.
3. For any single item expenditure of \$10,000 or more, but less than \$20,000, a purchase order is required with the Department Head and Mayor's approval.
4. For any single item expenditure of \$20,000 or more, the Council must approve the expenditure prior to the preparation of a purchase order.

EXPENDITURES NOT REQUIRING A PURCHASE ORDER ARE:

1. Expenditures of less than \$2000.
2. Monthly or regular expenditures for contractual agreements such as, but not limited to, the following:
 - a. Lease agreement payments
 - b. Utility payments Debt service payments
 - c. Payroll liability payments
3. **Blanket purchase orders**--may be used for those merchants from whom many repetitive purchases are made, as supplies are required. Blanket purchase orders may be used for items such as, but not limited to, the following: Office Supplies, Gasoline, Salt, Asphalt, Auto Parts, Tires, Tree Service, and Printing. If there is more than one accessible supplier, the bids will be taken and awarded to the best bidder. Bids may be taken on a yearly basis.
4. **Emergency Purchases**--An emergency shall be defined as situations when the department's operations would be severely hampered if the purchase were not made immediately. In these instances, the purchase order policy may be bypassed and the purchasing department will furnish a requisition as soon as possible. In these instances the Mayor shall have the authority to approve purchases in excess of \$20,000. "EMERGENCY" should be boldly written across the purchase requisition. The purchase order process should only be bypassed in extreme emergencies with department head approval.

All other expenditures which are \$2000 or more, not a regular expenditure, not a contractual expenditure, not covered by a blanket purchase order, and are not considered an emergency must have an approved purchase order BEFORE ordering. No warrant for payment shall be issued by the City unless a purchase order has been properly issued for the expenditure item.

--TAX EXEMPT STATUS--

The City is tax exempt as a political subdivision under Section 4221(b) of the IRS Code and K.S.A. 79-3606. Under Missouri Statute, the City's exempt status is valid only when items purchased from Missouri vendors are delivered within the State of Kansas.

**POL2005-29 CONSIDER CITY COUNCIL POLICY NO.041
SELECTION OF PROFESSIONAL CONSULTING SERVICES**

Background:

I am requesting a discussion of City Council Policy No.041 *Selection of Professional Consulting Services*. The recent comments by the City Council have raised a number of issues relative to this policy. I am prepared to discuss modifications to this policy, such as:

- Does this policy only apply to Public Improvement projects?
- Does there need to be a distinction between "Standing Committee" and "Staff Committee"?
- How is a list of qualified firms developed?
- Why is the distinction between "Class A" and "Class B" be \$10,000 when Council Policy No.150 calls for bids on singular items costing \$20,000 or more?
- Should the General Procedures be changed to permit use of pre-qualified firms without interviewing?
- Should the Department Manager do the interviewing?
- Should the Department Manager do the interviewing up to \$20,000?
- Should the Policy Services Committee do the interviewing?

I have attached copies of City Council Policy No.041 and City Council Policy No.150.

Financial Impact:

Financial Impact will be determined at a later date based on modifications approved.

Recommendation:

No recommendation is made at this time.

	<p>Policy No. 041</p> <p>Effective Date: 4/3/95</p> <p>Page 1 of 3</p>
<p>SELECTION OF PROFESSIONAL CONSULTING SERVICES</p>	<p>Last Revision Date: 2/19/91</p>

I. PURPOSE:

To establish procedures for selection of professional consulting services.

II. RESPONSIBILITY:

City Administrator

III. POLICY:

SECTION I - DEFINITIONS

1. The term "Professional Consulting Services" shall mean those services within the scope of practice of consultants as defined by Kansas Statutes annotated 12-6a01(c). "Consultant means engineers, architects, planners, attorneys and other persons deemed competent to advise and assist the governing body in planning and making of improvements."
2. The term "Firm" shall mean any individual, firm, partnership, corporation or association or other legal entity permitted by law to practice consulting services as defined above in the State of Kansas.
3. The term "Standing Committee" shall refer to a committee of the Council recommending the consulting services.
4. The term "Staff Committee" shall refer to a committee of the Council recommending the consulting services.

SECTION II- ROSTER OF CONSULTANTS

1. The City Administrator or designated staff may maintain a roster, classified by category of professional service, of qualified firms interested in performing professional consulting services for the city. Names of firms may be placed on

the roster upon their request; at the request of members of the City Council; or when recommended by City departments.

2. **CURRENT ADDRESS** - Each person or firm listed on the roster shall be responsible for maintaining a current address. This information shall be filed in the City Administrator's office.

SECTION III - CLASSES OF SERVICES

Projects will be divided into two (2) classes as follows:

Class A - Services for projects where fees will exceed \$10,000. The members of the appropriate Standing Committee will act as the screening and selection committee and recommend the firm and appropriate contract to the city Council for their approval.

Class B - Services for projects where fees will not exceed \$10,000. The firm will be selected by a staff committee who will recommend the firm and appropriate contract to the City Council for their approval.

SECTION IV- GENERAL PROCEDURES

1. **PROJECT INITIATION** - When a department of the City identifies projects for which professional services will be necessary, the department will draft a scope of services for those projects. This scope of services will be submitted to the City Administrator for authorization to initiate the project and a determination as to whether the appropriate Standing Committee or the Staff committee will act as the screening and selection committee.
2. **EXPRESSIONS OF INTEREST** - The administering department will contact those firms on the roster for a written expression of interest in the specific project. The written expression of interest shall request that the Request for Proposal (RFP) be sent to the firm. The administering department may add firms to those firms on the roster.
3. **INITIAL SCREENING OF PROPOSALS** - The submitted RFPs will then be presented to the appropriate committee for initial screening. The committee members will independently evaluate and rate each proposal based on the following criteria:
 1. Quality of similar work that has been provided for other public and private entities.

2. Comparable experience and background of the specific personnel that shall be assigned to the team by the firm.
 3. Overall responsiveness to the RFP.
 4. Extent of applicable resources available to the firm.
 5. Understanding of services required by the City as evidenced in the Letter of Transmittal.
4. **RANKING THE RFPS** Once each member of the Committee has rated each proposal and completed a rating sheet, a composite is developed which indicates the Committee's collective ranking of the highest rated proposals in a descending order. At this point the Committee may request additional submittals or will proceed to conduct interviews with only the top ranked firms.
 5. **INTERVIEW SCHEDULING** The Committee will set time and date for holding interviews with each of the qualified ranked firms. All interviews should be scheduled on the same and allow enough time for the selected firms to make a presentation and answer any committee questions.
 6. **SELECTION** Based on the response to the RFP, any additional required submittals, and the interview, the Committee will decide which consultants are qualified to provide the services.
 7. **COST PROPOSALS** Staff will obtain sealed cost proposals from the consultants selected as being qualified. The Committee will open the sealed cost proposals and select the consultant to provide the requested services.
 8. **AGREEMENT** The staff will prepare an agreement with the successful firm. The agreement will be prepared and submitted to the City Attorney for review, and then submitted to the City Administrator for presentation to the City Council for approval.

SECTION V- RIGHT TO WAIVE REQUIREMENTS

The City Council in its sole and absolute discretion, may waive any and all aforementioned procedural requirements.

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	Council Policy No. 016 Date: 10/17/94 Page 1 of 1
PRE-QUALIFICATION OF CONTRACTORS	Last Revision: 3/18/91

PURPOSE:

To establish a policy and the procedures necessary to pre-qualify contractors in order for them to be eligible to bid on and to perform street, curbing, sidewalk and/or storm drainage projects with a bid value of \$100,000 or more for the City of Prairie Village.

RESPONSIBILITY:

Director of Public Works.

PROCEDURE:

1. All contractors submitting bids of \$100,000 or more for street, curbing, sidewalk and/or storm drainage must be pre-qualified by the Kansas Department of Transportation (KDOT). This pre-qualification includes, among other things, financial rating, amount of required equipment, performance record, and previous experience on various types of construction work.
2. At a minimum, the prime contractor must be pre-qualified in asphalt or concrete, and must maintain his pre-qualification status, both currently and during the time the contract is in force. Some of the various other classifications may include grading, structures, base course, pavement marking, sod/landscaping, etc.
3. Notice of the pre-qualification of contractor's requirement shall be contained in the "Notice to Bidders."
4. The "Bid Proposal" and the " Contract Agreement" shall contain a statement certifying that the prime contractor is in fact currently listed on the official KDOT listing of pre-qualified contractors and that the prime contractor will do whatever is necessary to remain on that listing during the time the contract in question is in force.
5. The official business name of the contractor must appear on the KDOT listing currently on file in the office of the Director of Public Works at the time the bid is received. This list will be obtained at least annually from KDOT.

POL2005-12 CONSIDER PROJECT 190854 2005 PAVEMENT REPAIR PROGRAM

Background:

This is a new program. The work in this project is for repair of isolated deteriorated areas of pavement, which are much larger than potholes. This program was originally bid as part of the Street Resurfacing Program, but the cost exceeded available budget funds.

Staff elected to re-bid the work as a separate program. Two bids were received – McAnany Construction \$132,700.00 and Musselman & Hall \$135,362.55. The Street bids were higher than the Engineer Estimate. In compliance with Charter Ordinance No.12, the bids must be rejected.

Financial Impact:

The 2005 Public Works Operating Budget has \$75,000 allocated for this program.

Recommendation:

Staff recommends all bids for Project 190854 be rejected.

POL2005-30 CONSIDER PROJECT 190855: TOMAHAWK ROAD BRIDGE REPLACEMENT

Background:

The 2004 Biennial Bridge Study reported as follows:

"This bridge is a combination structure, originally constructed as a three-span concrete arch in about 1930, with a rigid frame box that was later added to the east end to increase the waterway area in approximately 1970. The bridge carries two through-traffic lanes, a left turn lane, and a five-foot sidewalk on the south side. The deck and sidewalk were reconstructed in 1980 and again in 2000.

Overall the bridge is in fair condition. The area of delamination on the south side of the east span, previously reported as patched, has begun to spall and has significant efflorescence around the edge of the patch. This indicates that water is penetrating through the top wearing surface and slab. The damaged railing previously reported for the pedestrian walk and the corral rails has been replaced with steel railing. The sidewalk at the east approach has settled with an approximate 4 inch difference in elevation creating a hazard.

The deck has an asphaltic wearing surface that prevents the top of the deck from being inspected; however, an asphaltic overlay typically contributes to the deterioration of the deck over time. Water can permeate the asphaltic surface, and become trapped between the asphalt and concrete surfaces. Freeze-thaw action then deteriorates the top of the concrete slab. The efflorescence under the structure, including areas of the deep-sectioned arches, indicates the possibility that the slab has begun to deteriorate. The wearing surface has a transverse crack through the width of the bridge indicating a possible crack in the top slab.

The arched barrels are in fair condition exhibiting a number of cracks with efflorescence. Both of the barrels have minor damage at weep holes. The central arch has two holes with some honeycombing which may indicate unseen deterioration of reinforcing. The west barrel has a small hole forming. Scour damage exists in many locations around the head of the barrels.

The box barrel at the east end is in fair condition exhibiting numerous minor cracks with efflorescence in addition to the patched area. Moderate scour damage exists at the west pier at the weep hole locations. Some of the scour damage approaches 2-inch in depth. Significant scour damage is visible at the tail of the west pier exposing reinforcing. A crack and hole with drainage is visible approximately 3-foot height.

The wing walls are generally in good condition. However, the southwest wing wall is beginning to show signs of wear from water run off and the drains.

The National Bridge Inventory considers highway bridges structurally deficient or functionally obsolete with a sufficiency rating of 80 or less. Those bridges appearing with a sufficiency rating of less than 50.0 will be eligible for replacement or rehabilitation while those with a sufficiency rating of 80.0 or less will be eligible for rehabilitation. To be considered for the classification, a structure must be of 20-foot bridge length, and had not been constructed or had major reconstruction within the past 10 years."

In 2004 the Biennial Bridge Report gave the bridge a sufficiency rating of 56.9. The history of previous ratings is:

Bridge \ Year	1990	1992	1994	1996	1998	2000	2002	2004
S-05 Tomahawk Road	57.5	Note 2	61.5	54.6	Note 1	37.1	56.9	56.9

Notes: 1) No data available for 1998 – KDOT did not supply ratings back to City
 2) Mission Hills performed the inspection

In 2000, a series of repairs were made as part of a Brush Creek Project. The repairs included deck, arch and foundation protection. This increased the rating to 56.9. After four years, the structure is exhibiting the same deterioration found in 2000. Consequently, one can expect the rating to decrease to less than 50 in the near future.

This bridge is not hydraulically efficient in that it has three archways and a reinforced concrete box that carry water of Brush Creek. The three arch piers hinder the flow of waters. There is a continual maintenance problem in that the outer cells silt up and are not fully available to carry water. The Cities must remove silt and clean them out every year or two to assure capacity is available.

The ownership of this bridge is shared with the City of Mission Hills. The City of Mission Hills is requesting the City of Prairie Village to partner in this bridge replacement project. They have agreed to be the administrator of a project.

Financial Impact:

Mission Hills currently has a contract with Black and Veatch for other City projects and requested a cost estimate from them to design a bridge replacement for the Tomahawk Bridge at Mission Road. Cost estimates for this project are \$131,000 for design, \$750,000 for construction and \$60,000 for Construction Administration. The total cost is \$941,000. The City of Mission Hills is requesting funding in the County Assisted Road Systems (CARS). CARS program does not fund design, but does fund up to 50% of construction and construction administration.

The City of Prairie Village share would be \$268,000. The City of Mission Hills has prepared an Interlocal agreement proposing that design for this bridge would be completed in 2006 and construction in 2007.

There are not sufficient funds in the Capital Infrastructure Program at this time to fund the \$268,000. It would be possible to fund the design cost of \$65,500 with current Capital Infrastructure Program funds and fund the construction in 2006.

Recommendation:

Staff recommends the City Council approves (1) proceeding with this project, and, (2) direct the Public Works Director to modify the Interlocal with the City of Mission Hills to fund the City share of the design using current Capital Infrastructure Program funds.

AGREEMENT BETWEEN THE CITY OF MISSION HILLS, KANSAS AND THE CITY OF PRAIRIE VILLAGE, KANSAS, FOR DESIGN AND CONSTRUCTION OF TOMAHAWK ROAD BRIDGE

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

WITNESSETH:

WHEREAS, the parties hereto have determined that it is in the best interests of the general public to provide the design and construction of certain public improvements to the Tomahawk Road Bridge.

WHEREAS, the laws of the State of Kansas authorize the parties to this Agreement to cooperate in the design and construction, and,

WHEREAS, the governing bodies of each of the parties hereto have determined to enter into this Agreement for the purpose of providing design and construction, 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 MISSION HILLS, 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 PRAIRIE VILLAGE, 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 providing the design and construction of the Tomahawk Road Bridge.
2. **ESTIMATED COST AND FUNDING OF PROJECT.**
 - A. The estimated cost of the design and construction for the said public improvement project covered by this Agreement is \$941,000.

Design/Engineering	\$131,000 (not reimbursable by Johnson County)
Construction	\$750,000
Construction Administration	<u>\$ 60,000</u>
	\$941,000

- B. The cost for the design and construction of said public improvement, as described hereinabove, shall be allocated between the parties as follows:
- (1) THE CITY OF MISSION HILLS, KANSAS shall pay Fifty Percent (50%) of the cost not reimbursed by the County for the design and construction of said public improvement (\$268,000).
 - (2) THE CITY OF PRAIRIE VILLAGE, KANSAS shall pay Fifty Percent (50%) of the cost, not reimbursed by the County, for the design and construction of said public improvement (\$268,000).
 - (3) The shared costs may be adjusted based on actual construction quantities.

4. **FINANCING.**

- A. THE CITY OF MISSION HILLS, KANSAS shall pay its portion of the cost for the design and construction of said public improvement, as herein agreed, with moneys appropriately budgeted, authorized, and appropriated by the governing body of the CITY OF MISSION HILLS, KANSAS.
- B. THE CITY OF PRAIRIE VILLAGE, KANSAS shall pay its portion of the cost for the design and construction of said public improvement, as herein agreed, with moneys appropriately budgeted, authorized, and appropriated by the governing body of the CITY OF PRAIRIE VILLAGE, KANSAS.

5. **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 construction. However, both cities shall have the right of review and comment on project decisions at any time throughout duration of this agreement, and any subsequent agreements hereto. The CITY OF MISSION HILLS, KANSAS, acting by and through the City Administrator, who shall be the principal public official designated as Project Administrator shall administer the design and construction of said public improvement. These duties shall be as follows:

- A. Submit to the CITY OF PRAIRIE VILLAGE, KANSAS, a monthly accounting of all costs incurred in the design and construction of the public improvement for the purpose of apportioning the same between the parties as provided in this Agreement. It is expressly understood and agreed that any changes in the design and construction will require the approval of both Cities and that any changes will be approved through written change order to be signed by all parties.
- B. It is understood and agreed that the CITY OF MISSION HILLS, 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 design and construction, and it shall only be responsible for any of its own negligent acts or omissions.

6. **PLACING AGREEMENT IN FORCE.** The attorney for the governing body administering this Project shall cause this Agreement to be executed in duplicate, and each party shall receive a duly executed copy of this Agreement for its official records.

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

ATTEST:

CITY OF MISSION HILLS, KANSAS

Jill Clifton, City Clerk

David J. Fromm, Mayor

APPROVED AS TO FORM:

Stephen P. Chinn, City Attorney

ATTEST:

CITY OF PRAIRIE VILLAGE, KANSAS

Joyce Hagen-Mundy, City Clerk

Ronald L. Shaffer, Mayor

APPROVED AS TO FORM:

Charles E. Wetzler, City Attorney

POL2005-32 CONSIDER CANTERBURY STREET SIDEWALK PETITION

Background:

On October 17, a petition for new sidewalks on Canterbury Street was presented to the City Council. The section of street is Canterbury Street from 79th Street to Somerset Drive. 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 for them where they can clean it and use it.

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.

I have informed all the residents that the petition will be discussed by the City Council Policy Services Committee on November 7 at 6 PM in the Council Chambers.

Financial Impact:

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.

Recommendation:

Because the City Council has voted earlier this year not to construct a sidewalk on the east side of Canterbury Street between 79th Street and Somerset Drive, and because funding is not available in Capital Infrastructure Program, staff recommends that the Public Works staff be directed to include a budget request in the 2007 Capital Infrastructure Program for construction of a sidewalk on the west side of the street.

Canterbury - 79th Street to Somerset
Sidewalk Petition



October 31, 2005

Robert Pryzby
Director of Public Works
Prairie Village, KS 66208

Greetings from 7951 Canterbury,

Some objections to a walkway on the East Side of Canterbury, 79th to Somerset:

The 9 ft. deep cut into our front yard and driveway is very disturbing. The driveway would be at least one car shorter than before. More cars would be parked in the street or jammed together in the front of the driveway.

We lose control of part of our property.

Even though we lose control, East Side residents would retain the responsibility for keeping the grass mowed and the walk clean. Ice and snow must be removed in the winter, leaves picked up in the fall. For older citizens this can be an added burden.

The possibility that someone may be injured on the walk and file a damage claim. Skateboards and bicycles may pose a risk.

Why put a walkway on the east side of the street? If for some reason the walk is essential now, perhaps the west side of the street could be used.

This would maintain the symmetry with the block north of us. Their curbside walk is on the west side of the street. A pedestrian walking south on Canterbury would have to cross 79th Street twice in order to reach an east side walk.

The City has said "No special favors to any resident" during the project. Conversely, this would mean no special harm to anyone. It would certainly be harmful to us if the walkway was installed.

Most of the residents on the east side do not want a sidewalk on their side of the street.

I am Romney Ketterman and live with my family at 7951 Canterbury, the wrong side of the street.

We are strongly opposed to installation of a walkway on the east side of Canterbury.

There is very little pedestrian traffic down our block on Canterbury. Perhaps one in the morning and one or two in the afternoon.

Our block is not a thoroughfare. It does not connect with 75th Street and ends here at Somerset. Only a three block area is involved.

Auto traffic from 79th Street is not a problem. Between Mission Rd. and Belinder, a driver has the option to reach Somerset by Reinhardt, Windsor, Falmouth, Fairway, Cherokee and Windsor, as well as Canterbury.

For 46 years we have lived here without a walkway. To our knowledge, no pedestrian has ever been injured.

It would be money expended where no walkway is needed.

If there is concern for children, a sidewalk could be placed on the west side of the street where the children are. I know of no school child on the east side.

The children would be on a walk in front of their house. Their parents could easily check on them. This would seem to be in the best interest of all. It would be much closer than a sidewalk across the street from their family.

Several months ago the City Council voted against a number of sidewalks including one on Canterbury. We believe this vote should be upheld.

Respectfully Submitted,



Romney Ketterman
7951 Canterbury

Bob Pryzby

From: Thomas Trienens [ttrienens@pvkansas.com]
Sent: Tuesday, October 25, 2005 2:28 PM
To: 'Justin Nichols'
Cc: Bob Pryzby (E-mail)
Subject: RE: Quick Question Re: P.V. Paving Program

Mr. Nichols,

Thank you for your email. Separate from this year's resurfacing project, there is a City Policy that allows for the petition of a new sidewalk and would be considered if more than 51% of the people are in favor of sidewalk.

I would suggest you attend the next Policy Services meeting to voice your opinion since it will be up to the Council to make this decision. Next meeting is November 7th, starting at 6 pm at the Municipal Office Complex in the City Council Chambers.

Please let me know if you have any more questions.

Thomas Trienens
Manager of Engineering Services
City of Prairie Village, Public Works
3535 Somerset Drive
Prairie Village, KS 66207
Ph: 913-385-4642
Fax: 913- 642-0117
Email: ttrienens@pvkansas.com

-----Original Message-----

From: Justin Nichols [mailto:justin_w_nichols@hotmail.com]
Sent: Sunday, October 23, 2005 9:21 PM
To: ttrienens@pvkansas.com
Subject: Quick Question Re: P.V. Paving Program

Mr. Trienens,

My wife and I live at 7955 Canterbury St. and as I'm sure you know there was sidewalk construction planned for our street this past summer/fall, but a number of people on our street asked that it be voted down.

My wife and I honestly do not care one way or another, but a number of people on our street have, after the fact, started petitions for and against getting a sidewalk again. I think it's a bit ridiculous that a couple folks seem to be very fired up about this again (I think one of the petitions was submitted before city council or something very recently). Regardless, I just wanted to see if you could give me some idea of whether or not the city would really come back in a year or two and construct a sidewalk after it was planned and voted down in 2005? I'm assuming not, but I wanted to see if you could give me a better idea and/or give me your thoughts on the issue.

For example, has something similar to this happened before and, if so, what happened there.

I would certainly appreciate any information/opinions you can provide.

Thanks very much!

Sincerely,
Justin Nichols

POL2005-32 CONSIDER TREE TRIMMING AREA 43

Background:

On October 21, 2005, the City Clerk received two bids for tree trimming in area 43. The bids received:

VanBooven Landscape and Tree Care	\$30,877.50
Shawnee Mission Tree	\$36,400.00

Financial Impact:

Funds are available in the 2005 Public Works Operating Budget.

Recommendation:

Staff recommends awarding the bid to VanBooven Landscape and Tree Care for \$30,877.50 using funds in the 2005 Public Works Operating Budget.

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Monday, November 7, 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 – October 17, 2005
2. Approve Claims Ordinance 2620
3. Approve continuation of the existing rental agreement with FP Mailing Solutions for the rental of a postage meter and scale for 2006 at a cost of \$140 quarterly with funding from the City Clerk's Operation Budget.
4. Approve the continuation of the following ongoing or multi-year agreements for 2006:
 - Board of Police Commissioner – ALERT System Participation
 - Dictaphone Corporation – Lease for Voice Logger
 - Ericsson, Inc – EDACS FX PD Software & Maintenance
 - City of Fairway – Building Inspector Services
 - DataMax – Public Works Copier
 - Highwoods Properties – PW Storage Building Lease
 - Johnson County Wastewater – Right-of-Way Agreement
 - Kansas City Crime Stoppers – TIPS Hotline
 - Leadsonline, Inc. – Public Safety Property Software Program
 - Mid America Regional Council – 800 MHz Radio Agreement
 - Mid America Regional Council – 9-1-1 Agreement
 - Midwest Office Technology – PD and CC Copier Leases
 - MHM Business Services – 125 Program Administration
 - New World Systems – IBM Support for CAD System
 - PayData – Payroll Services
 - FP mailing Solutions – PD Postage Meter Lease
 - Southwestern Bell – Pay Phone Lease
 - Sprint Telephone – Telephone System Lease
 - Water District #1 – Right of Way Agreement
 - Why Struggle – Web Site Agreement
5. Approve agreement for Employee Appreciation Dinner at the New Dinner Theatre Restaurant.

By Committee:

6. Adopt an Ordinance approving a Special Use Permit for the operation of a Child Care Program by the Kansas City Autism Training Center at the Congregation KOL AMI Property described as 7501 Belinder, Prairie Village, Kansas. (Council Committee of the Whole Minutes – October 17, 2005)

V. COMMITTEE REPORTS

Policy/Services Committee - Al Herrera

POL2005-32 Consider Tree Trimming Area 43

VI. OLD BUSINESS

Consider Storm Drainage Engineer Consultant – Bob Pryzby

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

CONSENT AGENDA

CITY OF PRAIRIE VILLAGE, KS

Monday, November 7, 2005

**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
October 17, 2005
-Minutes-**

The City Council of Prairie Village, Kansas, met in regular session on Monday, October 17, 2005, at 7:30 p.m. in the Council Chambers of the Municipal Building.

ROLL CALL

Mayor Ron Shaffer called the meeting to order with the following Council members responding to roll call: Al Herrera, Bill Griffith, Ruth Hopkins, Steve Noll, Greg Colston, Andrew Wang, Laura Wassmer, Pat Daniels, Kay Wolf, 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; Tom Trienens, Manager of Engineering Services; Captain Wes Jordan, Captain Tim Schwartzkopf and Joyce Hagen Mundy, City Clerk.

PUBLIC PARTICIPATION

Stan Plessner, 7935 Canterbury, addressed the Council thanking the City for the street repair on Canterbury. He stated although it was a long two month process, the work was excellent and the contractor was cooperative and helpful. Mr. Plessner presented to the City Clerk a petition representing 14 of the 15 households on the east side of Canterbury requesting the construction of a sidewalk. He noted the number of children in the neighborhood continues to increase, making the need for a sidewalk greater.

Kate Michaelis, 5800 Foxridge, Mission, Kansas, urged the City Council to give careful consideration to any request from the School District for financial assistance. She expressed her concern with the actions of the state toward the funding of education and stressed the importance of maintaining a quality education system to maintaining a quality and growing city.

Bill Cunningham, representing The Larkin Group, addressed the Council regarding recent comments regarding the quality of work performed by the Larkin Group and the subsequent recommendation not to continue the long-standing agreement with The Larkin Group to serve as the City's Storm Drainage Consultant.

Mr. Cunningham conceded his staff did make errors and make Tom Trienen's job more difficult, especially in the area of easements. There was a failure to verify information; however, the statements and inferences that his firm does not care about the work they do for Prairie Village is not correct. Mr. Cunningham stated he reviewed all records and e-mails from the City and responded to them. He stated not receiving the recommendation of the Policy/Services Committee was an eye-opener for them and they are taking the following actions to improve their service.

They will be outsourcing easement work and have quality checks done in addition to internal audits. They are making changes in the project managers assigned to City projects to ensure quality. Mr. Cunningham stated he has enjoyed working with Prairie Village for the last 28 years and respects the city's progressiveness in dealing with storm drainage issues. He stated regardless of the award of the consultant agreement, he and his staff will continue to honor their commitment to Prairie Village for the current projects within the City.

Bill Severns, 7535 Fontana, addressed the Council as a resident and representative of The Larkin Group. He stated the work of a consultant is primarily that of a relationship. The Larkin Group and the City of Prairie Village have had that relationship for the past 50 years. The key to good relationships is communication and making adjustments. He stressed The Larkin Group's commitment to its relationship with the City of Prairie Village.

Mayor Shaffner acknowledged the presence of two Boy Scouts from Troop #282 attending the meeting.

CONSENT AGENDA

Bill Griffith requested item #8 be removed from the Consent Agenda. Kay Wolf moved approval of the Consent Agenda for Monday, October 17, 2005 as amended:

1. Approve Regular Council Meeting Minutes – October 3, 2005
2. Approve the disposal of 11 Tactical Ballistic Vests by donation

3. Adopt a proclamation declaring the week of November 13 – 20, 2005 as Hunger and Homelessness Week
4. Approve an agreement with Alphagraphics, Inc. for the production of the 2006 issues of the City Newsletter and Recreation brochure.
5. Approve an Interlocal Agreement for Project 190856: 2005 CARS – 95th Street Nall to Mission Road with Johnson County Board of County Commissioners and the City of Prairie Village with the maximum county share of \$552,000.
6. Approve Engineering Change Order No. 2 with the Affinis Corporation on Project 190848: Mission Road – 83rd Street to Somerset Drive for a reduction of \$3721.68, bringing the final contract cost to \$37,248.32.
7. Approve Engineering Change Order No. 2 with the Affinis Corporation on Project 190841: Mission Road – 71st Street to 75th Street for a decrease of \$687.66 bringing the final contract cost to \$56,282.34.
8. Removed
9. Approve the Design Agreement with Affinis Corporation in an amount no to exceed \$63,000 for Project 190851: 2006 Paving Program with funding from the Capital Infrastructure Program.
10. Approve an Interlocal Agreement with the Johnson County Board of County Commissioners for Project 190857: Roe Avenue – 95th Street to 91st Street in an amount not to exceed \$213,000 from the County.
11. Approve Amendments to the City's Personnel Policy #211 Entitled "Vacations".
12. Approve Amendments to the City's Personnel Policy #215 Entitled "Funeral Leave".
13. Approve Amendments to the City's Personnel Policy #022 Entitled "Nepotism".
14. Approve the Third Amendment to the Police Pension Plan, eliminating automatic cash out distributions

A roll call vote was taken with the following members voting "aye": Herrera, Griffith, Hopkins, Noll, Colston, Wang, Wassmer, Daniels, Wolf (nay on #6 & #7), Ewy Sharp and Belz.

Bill Griffith noted in his ward the sidewalk was removed from 67th Terrace because of opposition; however, he feels it should have been constructed. He opposes the growing mentality of residents that there should not be sidewalks on their side of the street. The Council was elected to look out for the interests of all community and the Council has determined by policy that sidewalks are in the best interest of the community.

Al Herrera noted the sidewalks proposed for Roe Circle would not connect to anything and would have to be constructed 36' from the residents' front doors.

Bob Pryzby noted this project includes several streets which were carried over from the 2005 program with the Council taking action of those streets last year therefore, they were not considered again.

Diana Ewy Sharp asked why the City Council could not follow its own policy.

Pat Daniels asked if there was any way to reconsider the 2005 streets, noting he has regretted his previous vote on sidewalks for those streets and asked what needed to be done to reconsider. Mayor Shaffer stated the residents would need to be notified again.

Steve Noll stated residents have the option to request the construction of sidewalks at any time. Bill Griffith stated the petition process implies that only those residents living on the street are impacted by the sidewalks or lack thereof. He reminded the Council they were elected to look out for the interests of all residents.

Steve Noll moved the Council proceed with Project 190851: 2006 Paving Program including the construction of sidewalks except at Roc Circle and those previously exempted and directing the sidewalk along 81st Street to be placed adjacent to the curb. The motion was seconded by Kay Wolf.

The following votes were cast: "aye" Herrera, Noll, Colston, Wang, Wolf and Belz; and "nay" Griffith, Hopkins, Daniels, Wassmer and Ewy Sharp. The Mayor declared the motion passed.

Diana Ewy Sharp requested the Council discuss and review the sidewalk policy as it is not being followed. Mayor Shaffer stated the Public Works Director follows the ordinance and policy as written. Kay Wolf noted earlier discussion of the policy was delayed for input from the Village Vision process.

COMMITTEE REPORTS

Policy/Services Committee

POL2005-20 Consider Traffic Engineer Consultant

The Policy/Services Committee interviewed two firms to serve as the City's Traffic Engineer Consultant, Affinis Corporation and TranSystems. The primary function of the Traffic Engineer Consultant is the completion of the 5-year traffic study and other special studies or projects as assigned which are paid on an hourly basis. Both firms were determined to be qualified. The committee requested TranSystems submit a copy of their fee structure. The proposed fees submitted by TranSystems were higher than those being paid to existing consultants with the City. The committee directed Mr. Pryzby to request fees from the Affinis Corporation and advise TranSystems that fees were being requested from Affinis and offer them the opportunity to resubmit their fees.

On October 3rd, the committee reviewed the fee proposals submitted by both firms. Although both firms possessed the desired qualifications, the committee expressed concern with the limited number of traffic engineering staff at Affinis and recommended the City award the City Traffic Engineer Consultant agreement to TranSystems.

On behalf of the Policy/Services Committee, Steve Noll moved the City Council enter into an agreement with TranSystems to serve as the City's Traffic engineer for a three year period. The motion was seconded by Greg Colston.

Bill Griffith asked why there were two fee schedules submitted by TranSystems. Mr. Noll responded the second submittal was presented based on a proposed project to provide a better benchmark of true fees and to allow for a more accurate comparison, whereas the first submittal merely listed the rate charges for positions without identifying what positions would be involved on a project.

Bob Pryzby reviewed the policy for the selection of consultants; requiring first advertising, selecting candidates for interviews, interviewing, determining if qualified and finally asking for rate schedules. Both firms were determined to be qualified and in order to get a more accurate comparison of costs, the fee schedule requested was based on a specific project identified. Greg Colston confirmed the first submittal from TranSystems was too general to do an accurate reflection of costs.

The motion was voted on and passed unanimously.

POL2005-22 Consider Storm Drainage Engineer Consultant

The Policy/Services Committee interviewed URS, Burns & McDonald and The Larkin Group to serve as the City's Storm Drainage Engineer Consultant. All three firms were determined to be qualified and fee schedules were requested. On October 3rd, the Policy/Services Committee considered the three firms. The committee felt Burns & McDonald were highly qualified, but expressed concerns that the City would serve as a training ground for new employees because of the size of City projects in relation to other projects overseen by Burns & McDonald. The committee was impressed with both the presentations of Burns & McDonald and The Larkin Group. However, concern was expressed with recent quality of work performed by Larkin employees on projects. It was noted that although going with the lowest fees is not always the best action to take, the URS group did present some interesting environmental solutions to drainage issues.

Steve Noll noted this consultant was more involved in on-going capital improvement projects throughout the year. It was confirmed the agreement could be terminated prior to three years with due cause.

On behalf of the Policy/Services Committee, Steve Noll moved the City Council enter into an agreement with URS to serve as the City's Storm Drainage Engineer Consultant for a three-year period. The motion was seconded by Greg Colston.

Al Herrera stated he voted against the committee recommendations and felt the presentation by URS was the least impressive of the three interviews. Mr. Herrera stressed the value of the 50-year relationship with The Larkin Group, its knowledge of the city and history with the City. He acknowledged some working relationship problems have occurred during the past year but he does not feel they are significant enough to end the relationship established. Mr. Herrera noted the learning curve that will be required of URS to become effective with the City and the time required for them to provide the same services will be greater than that of Larkin staff. He feels it is a mistake to terminate the city's relationship with the Larkin Group and strongly opposes the motion.

David Belz stated he voted for URS because of the communication from Mr. Trienens that The Larkin Group was not being responsive to the City. He noted that since that meeting he has spoken with Mr. Pryzby and Bill Severns to express those opinions and after those discussions feels it would be crazy for the City not to continue with The Larkin Group and would be voting against the motion.

Diana Ewy Sharp confirmed with the city attorney that the city is not required to accept the low bid. Mr. Wetzler stated the basis for selection is the qualifications of the consultant. Mrs. Ewy Sharp stated she did not feel it would be a good decision to leave a company with 50 years history with the City.

Andrew Wang asked if there was a statutory requirement for a three-year agreement as opposed to one year. Mr. Pryzby responded the City has 3 basic agreements for consultants in the area of Storm Drainage, Traffic Engineering and City Engineer. Rather than to interview for these each year, approximately nine years ago the City went to three-year staggered agreements. He stated other consulting agreements with the City are for shorter terms. Mr. Wetzler further advised the Council that by statute the Council can not enter into more than a one-year agreement without an escape clause. It can not take action to bind future Councils. Therefore, all agreements contain standards for termination of an agreement.

Mr. Wang asked if there would be a negative impact if no action were taken at this time. Mr. Pryzby responded the delay would negatively impact the preliminary design of 2006 projects and design of on-going projects. Mr. Pryzby pointed out to the Council that it was not voting on an agreement, but on the selection of a consultant. Each project done by the consultant has its own agreement, with an escape clause, that must be approved by the Council.

Pat Daniels stated he feels long term relationships are important and acknowledged there are ups and downs in any relationship. However, from time to time, he feels it is beneficial to seek fresh alternatives. He does not see this as a harmful but as a constructive step in this particular case. Mr. Daniels would like to have the selection be for a one-year term. He is not supportive of the recommendation of URS but would like to have a broader search conducted.

Ruth Hopkins noted the minutes reflected an abstention and asked the reason behind the abstention, if there was a conflict of interest with any of the firms. Mr. Daniels stated he had abstained because he felt more candidates should be considered.

Greg Colston stated he originally supported The Larkin Group, but changed his mind based on comments made by Tom Trienens. He favored presentation made by The Larkin Group.

Steve Noll advised the Council that as chair of the committee he does not vote except in the case of a tie vote. In this instance the vote was 2 in favor of URS, 1 opposed and an abstention. This should not be perceived as a strong recommendation from the committee. For the past decade that he has chaired the Policy/Services Committee, the work completed by The Larkin Group has been good and he supports their continuation as the City's Storm Drainage Consultant. He will be voting in opposition to the motion on the floor.

Bill Griffith stated he has been in Larkin's situation, not on the winning side of a proposal, and he does not feel the Council should go against the recommendation merely because of last minute comments. He asked if the Council decided to oppose all three firms could the firms be asked to make a presentation before the entire Council. He does not feel he can vote without hearing from all the firms.

Kay Wolf confirmed that URS had been informed they were the recommended firm. Mrs. Wolf noted in the past the City has had minimal response to requests for proposal particularly in situations where the incumbent had a long-standing relationship with the City. Mr. Pryzby responded that eight firms were specifically sent requests for proposal in addition to the legal advertisement for proposals and responses were only received from four firms. The committee chose to interview only the top three. Mrs. Wolf applauded The Larkin Group for appearing before the Council but reports from staff do not indicate the problems have been satisfactorily addressed. Mr. Pryzby responded the staff has had conversations and taken steps to communicate problems. Some of the issues are new and the problems enumerated have involved all of the city's consultants – they are not unique to The Larkin Group.

Al Herrera noted the Council's past vote to overturn the recommendation of the committee in the awarding of the tree trimming and custodial agreements. He stated he was present for all three interviews of an hour each and was impressed only with that of The Larkin Group and Burns & McDonald. He stated he would expect a firm with a long-standing relationship to come out to maintain that relationship. Mr. Herrera expressed frustration with committee members voting for URS after stating they were not impressed with them, it does not make sense. He feels it would be a major mistake to ask the three firms to repeat their presentations to the entire Council.

Laura Wassmer stated that given the dissention seen on the Council, she is not comfortable making a decision and would like to be more aware of the facts.

Pat Daniels stated he has friends that have worked with all three firms. He was not impressed with the interviews and does not have anything against The Larkin Group, but feels it is time for a fresh look.

Diana Ewy Sharp confirmed all firms met the qualifications. She does not feel a price can be placed on 50 years of experience. The Larkin Group has performed leaps and bounds on city drainage problems. The issues with staff need to be worked out with staff. She does not see any compelling reason to change consultants.

David Belz stated he voted for URS in the hope that it would do as it did and provide a wake-up call to The Larkin Group who may have become complacent. After

talking with Mr. Pryzby he feels The Larkin Group has gotten the message and he does not want to terminate their relationship with the City.

Mr. Pryzby responded staff has followed the City policy, requests for proposal were mailed and published, firms were selected for interviews, interviews were conducted and firms were identified as meeting the required qualifications. Fee Schedules were requested from each firm. The City is not required to select the low bid, but to select a qualified firm. He feels taking everyone through the process again would be a disservice to all of the companies.

Mayor Shaffer called for the vote on the motion on the floor to select URS as the City's Storm Drainage Consultant. The motion failed by a vote of 10 to 1 with Colston voting "aye".

Diana Ewy Sharp moved the City enter into an agreement with The Larkin Group to serve as the City's Storm Drainage Engineer Consultant for a three-year period. The motion was seconded by Al Herrera.

Ruth Hopkins stated she feels there are sufficient unanswered questions to merit further study by the entire City Council. Mr. Griffith and Ms Wassmer agreed.

Al Herrera expressed frustration in the lack of respect for the time and energy put into interviewing and discussing this question by the Policy/Services and questioned why everything was not taken directly to the Council Committee of the Whole. He stated the minutes of all the meetings and the packet with background information is available to all Council members. If Council members have questions or concerns, they can question any committee member or staff member. He does not feel the entire process should be, or needs to be, repeated and to do so would be a serious error on the part of the Council.

Laura Wassmer stated she does not feel the entire process needs to be repeated, she simply wants the basic facts.

Diana Ewy Sharp stated the basic facts have been presented in the packet information and minutes. She stressed that damage that will be done to the city's capital improvement program if this selection is delayed. She had questions and investigated them and learned that the issue is not one of performance or qualifications but of errors made and not responded to as quickly as desired. This is not a compelling reason to terminate a relationship.

Bob Pryzby confirmed delay will impact the 2006 city programs. He repeated prior to the interviews staff prepared a list of problems experienced with all city consultants so they could be addressed in the interview process. The issues are communication issues and involve all consultants.

Pat Daniels moved to amend the motion to award only a one-year agreement. The motion was seconded by Steve Noll. Diana Ewy Sharp stated the City Attorney has already stated any agreement approved is only for a one-year period. The amendment to the motion was voted on with the following votes cast: 5 ayes, 5 nays and 1 abstention. Mayor Shaffer declared the amendment to the motion failed.

Ruth Hopkins stated comments made by staff indicate the problems have not been resolved and she is not comfortable going against a committee recommendation.

Bill Griffith stated if the recommendation is defeated and the city takes a 180, he can assure the Council of even fewer responses submitted on requests for proposal.

Bob Pryzby stated the issues with The Larkin Group are more clerical representing a lack of quality assurance, not design issues. He noted the City had bigger issues with Affinis Corporation. He does not have a basis to not accept the proposal of URS or of The Larkin Group.

Tom Trienens confirmed the problems experienced were not only with Larkin and that they were of the clerical nature – not checking work for accuracy, requiring him to spend a large amount of time correcting work. He noted the only firm to mention quality assurance in their presentation was Burns & McDonald.

Mayor Shaffer called for a vote on the original motion awarding the agreement for Storm Drainage Consultant to The Larkin Group for a three-year term. The following votes were cast: “aye” Herrera, Noll, Wang, Ewy Sharp and Belz; “nay” Griffith, Hopkins, Colston, Wassmer, Daniels and Wolf. The motion was defeated.

Mayor Shaffer directed Mr. Pryzby to supply additional information to the Council on the questions raised.

Laura Wassmer left.

Legislative/Finance Committee

LEG2005-30 Selection of Consultant for Compensation and Benefits Study

Bill Griffith noted a professional conflict of interest and left the room.

Ruth Hopkins reported the Legislative/Finance Committee interviewed the firms of FBD Consulting, Hay Group and Insight Management Consultants to conduct an independent review and analysis of the City's compensation and benefit program.

On behalf of the Legislative/Finance Committee, Ruth Hopkins moved the City Council approve an agreement with FBD to prepare a compensation and benefit study for the City at a cost of \$25,460 with an option for the Council to add the development of a performance management program at a cost of \$3,000 to \$5,000 if the review indicates improvement in the system is needed, and authorize the transfer of \$25,460 from the Contingency Fund to Human Resources Account 1-5-32-5160. The motion was seconded by Kay Wolf and passed by a vote of 9 to 1 with Ewy Sharp voting "nay" with Bill Griffith abstaining.

OLD BUSINESS

Village Voice

David Belz confirmed the next issue of the Village Voice will include an advertisement/promotion of the Prairie Village Gift Cards. Doug Luther advised the Council the gift cards are now available for purchase on-line through the city's website.

Pat Daniels confirmed the next issue of the Village Voice will also include information on the results of the Vision Village Process. Mr. Luther responded in addition to information in the Village Voice, the information is available on the city's website.

Open Ignition Ordinance

David Belz asked the status of the open ignition ordinance and its enforcement. Chief Grover stated if a car is running, the patrol officer will check to see if it is locked and if not, will go to the resident's door and advise them of the violation and give them an informational pamphlet. A ticket will not be issued on the first violation. Mr. Belz suggested the possibility of leaving a flyer on the window of those cars abiding by the ordinance thanking them for their compliance.

Mission Road

Mayor Shaffer confirmed the Mission Road School Speed Zones were totally operational.

Prairie Park

Mayor Shaffer asked about the sidewalk along the park/fountain. Mr. Pryzby noted the concrete was not acceptable and therefore, it is being removed and replaced by the contractor.

NEW BUSINESS

School Safety Question

Diana Ewy Sharp asked for additional information on the e-mail expressing concern with the school crossing at Somerset and Mission Road. Chief Grover responded he's had several communications with Mrs. Sada beginning after the closing of Somerset Elementary School. He is investigating other cities' policies on school crossing guards and will be coming back to the Council with a proposed policy to address this issue.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

Smoke Free Task Force	10/18/2005	7:00 p.m.
Prairie Village Arts Council	10/19/2005	6:00 p.m.
Environmental/Recycle Committee	10/26/2005	7:00 p.m.
Policy/Services Committee	11/07/2005	6:00 p.m.
Legislative/Finance Committee	11/07/2005	5:30 p.m.
Council	11/07/2005	7:30 p.m.

The Prairie Village Arts Council is pleased to feature an exhibit of Ted Defeo's Underwater Photography in the R.G. Endres Gallery during the month of October. In November the Mid-America Pastel Society will be featured in the R. G. Endres Gallery.

Flu Shots will be given November 2, 2005 7-9 a.m. in the Public Works Conference Room or 1-3 p.m. in the Multi- Purpose Room at City Hall.

Shawnee Mission East will be hosting its annual College Clinic on Wednesday, October 19th beginning at 6:30 p.m. More than 200 colleges will be represented. The municipal campus will be used for parking.

The City has completed another successful Peanut Butter Drive. We thank all the schools, churches and businesses for their participation. A full report will be included in your next packet.

Mayor Shaffer reminded Council members of the upcoming Legislative Regional Suppers and directed them to inform staff if they planned to attend.

The Mayor's Holiday Tree Lighting ceremony will be held on Monday, November 28th at 6:30 p.m.

The 50th 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 TREASURER'S WARRANT REGISTER

DATE WARRANTS ISSUED:

Warrant Register Page No. 1

November 1, 2005

Copy of Ordinance
2620

Ordinance Page No.

An Ordinance Making Appropriate for the Payment of Certain Claims.

Be it ordained by the governing body of the City of Prairie Village, Kansas.

Section 1. That in order to pay the claims hereinafter stated which have been properly audited and approved, there is hereby appropriated out of funds in the City treasury the sum required for each claim.

NAME	WARRANT NUMBER	AMOUNT	TOTAL
EXPENDITURES:			
Accounts Payable			
Check #81417-81516	10/3/2005	235,559.10	
Check #81517-81521	10/14/2005	52,969.46	
Check #81522-81646	10/17/2005	1,083,355.19	
Check #81647-81653	10/21/2005	9,345.10	
Check #81654-81659	10/27/2005	55,054.74	
Payroll Expenditures			
October 14/2005		197,743.12	
October 28/2005		195,525.40	
Electronic Payments			
United Healthcare -October	10/1/2005	58,580.15	
Jefferson Pilot - October	10/1/2005	1,457.08	
UNUM - October	10/1/2005	857.73	
Intrust Bank -September credit card fees (General Oper)	10/3/2005	266.11	
Intrust Bank - September credit card fees (Bonds)	10/10/2005	339.96	
Kansas City Power & Light -September	10/6/2005	12,082.45	
State of Kansas - September sales tax remittance	10/3/2005	121.03	
Marshall & Ilsley - September Police Pension remittance	9/30/2005	8,701.80	
Intrust Bank - September fee	10/21/2005	419.77	
MHM - Section 125 admin fees	10/25/2005	232.92	
Kansas Gas - September	10/17/2005	189.93	
Intrust Bank -September purchasing card transactions	10/24/2005	6,529.40	
TOTAL EXPENDITURES:			\$ 1,919,330.44
Voided Checks			
B & C Truck	#81427	(182.11)	
UMB Bank	#81410	(12,144.20)	
Rew Enterprises	#81385	(1,259.46)	
TOTAL VOIDED CHECKS:			(13,585.77)
GRAND TOTAL CLAIMS ORDINANCE			1,905,744.67

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

Passed this 7th day of November 2005.

Signed or Approved this 7th day of November 2005.

(SEAL)

ATTEST: _____

City Treasurer

Mayor

Issue: Consider Renewal of Postage Machine Rental Agreement

Background:

In June, 2002, the City Council approved an agreement for the continued rental of a postage meter and scale through Multiple Services Equipment at a fixed quarterly cost of \$140 guaranteed for a four-year period.

Financial Impact:

The quarterly cost of \$140.00 has been included in the 2006 City Clerk's operating budget.

Recommendation:

**RECOMMEND THE CITY COUNCIL APPROVE THE
CONTINUATION OF THE EXISTING RENTAL AGREEMENT
WITH FP MAILING SOLUTIONS FOR THE RENTAL OF A
POSTAGE METER AND SCALE FOR 2006 AT A COST OF
\$140 QUARTERLY WITH FUNDING FROM THE CITY
CLERK'S OPERATION BUDGET**

**COUNCIL ACTION REQUIRED
CONSENT AGENDA**

ISSUE: Should the City renew on-going and multi-year leases annually?

Background:

The City has agreements renew automatically or have been previously approved by the City Council for multiple years. Since the City can only make commitments for one year, the City Attorney has advised that although, by contract, the agreements are current; the agreements should have Council action each year accepting the continuation/renewal of these agreements for 2006. Funds have been budgeted, when needed, in the appropriate departments operating budgets for 2006.

Recommendation

Council authorize the continuation of the following ongoing or multi-year agreements for 2006:

- Board of Police Commissioner – ALERT System Participation
- Dictaphone Corporation – Lease for Voice Logger
- Ericsson, Inc – EDACS FX PD software & Maintenance
- City of Fairway – Building Inspector Services
- DataMax – Public Works Copier
- Highwoods Properties – PW Storage Building Lease
- Johnson County Wastewater – Right-of-Way Agreement
- Kansas City Crime Stoppers – TIPS Hotline
- Leadsonline, Inc. – Public Safety Property Software Program
- Mid America Regional Council – 800 MHz Radio Agreement
- Mid America Regional Council – 9-1-1 Agreement
- Midwest Office Technology – PD and CC Copier Leases
- MHM Business Services – 125 Program Administration
- New World Systems – IBM Support for CAD System
- PayData – Payroll Services
- FP Mailing Solutions – PD Postage Meter Lease
- Southwestern Bell – Pay Phone Lease
- Sprint Telephone - Telephone System Lease
- Water District #1 – Right of Way Agreement
- Why Struggle – Web Site Agreement

CONSENT AGENDA

New Dinner Theatre Restaurant Contract

Background:

For the past two years, the employees have gone to the New Dinner Theatre Restaurant for Employee Appreciation and have enjoyed themselves.

Financial Impact:

The financial impact would be approximately the same as last year: \$50.00 per person.

Recommendation:

Approval to have the Employee Appreciation Dinner at the New Dinner Theatre Restaurant.

GROUP SALES CONTRACT

NEW THEATRE RESTAURANT

9229 Foster, Overland Park, KS 66212

Phone (913) 649-0103 Ext. 116, 118 Toll Free (866) 333-7469 Fax (913) 649-8710

Web site: www.newtheatre.com E-mail: groups@newtheatre.com

Print Date: October 17, 2005
Show Name: FUNNY MONEY
Show Date: February 03, 2006 6:00PM
CITY OF PRAIRIE VILLAGE
ATTN: LAUREN CLAAS
7700 MISSION ROAD
SHAWNEE MISSION, KS 66208

Account #: 69522
Order #: G30266

Breakdown of Seats:

Number	Value	Total
186	36.20	6733.20
44	38.20	1680.80

Dinner Service Gratuity: @ \$2.00 per seat: 460.00
Drink & Dessert Dollars (#230 @ \$10.00): 2300.00

Order TOTAL: 11,174.00
less paid amount: 0.00
TOTAL AMOUNT DUE: 11,174.00

Non-refundable deposit of \$1,150.00 due: Nov 05, 2005
Final payment of \$10,024.00 due: Jan 04, 2006

GROUP SALES OFFICE HOURS: Monday through Friday, 9:00 a.m. – 6:00 p.m.

Deposit: A deposit in the amount quoted above must be received by the date listed or reservations will be released. Deposits are applied towards final payment. Please include order number on all payments.

Final Payment must be received by the date listed above or the reservation will be cancelled. Please mail payments before the due date to insure receipt by the deadlines above. NTR is not responsible for mail that is lost or misdirected.

Contract: One signed copy of the contract must be returned with the final payment. Complete front and back.

Cancellations: Prior to the final payment, cancellations over 30% will be subject to a \$5.00 per person penalty. All deposits and final payments are non-refundable or non-transferable. Extra tickets will not be refunded or exchanged. NTR reserves the right to cancel reservations if contract, deposits or final payments are not received by the dates listed.

This contract, the terms/conditions listed on the tickets, and the Amenity Contract (see back) constitute an enforceable agreement between you and the New Theatre Restaurant.

I have read this contract and agree to its terms.

Group Leader

Date

Disabilities/special needs within your group should be discussed with NTR upon receipt of contract. All seats are reserved and guests are seated according to the reserved table printed on their ticket. Please distribute all tickets to group members before arriving at NTR.

Gratuity is included in the ticket price for the salad and beverage service. Additional gratuity is appropriate on all additional purchases.

Please see Amenity Contract on back.

COUNCIL COMMITTEE OF THE WHOLE

October 17, 2005

The Council Committee of the Whole met on Monday, October 17, 2005 at 6:00 p.m. The meeting was called to order by Council President Kay Wolf with the following members present: Al Herrera, Bill Griffith, Ruth Hopkins, Steve Noll, Greg Colston, Andrew Wang, Laura Wassmer, Pat Daniels, Diana Ewy Sharp and David Belz. Staff members present: Barbara Vernon, City Administrator; Charles Grover, Chief of Police; Bob Pryzby, Director of Public Works; Doug Luther, Assistant City Administrator; Captain Wes Jordan and Captain Tim Schwarzkopf; Josh Farrar, Assistant to the City Administrator; Tom Trienens, Manager of Engineering Services and Joyce Hagen Mundy, City Clerk.

COU2004-20 Consider No Smoking Ordinance

In May, 2005, Mayor Shaffer appointed a ten member task force consisting of council members, residents, business owners, medical professionals and commercial office managers. The task force operated under the assumption that the City desired to eliminate second-hand smoke in working environments within the City and that the City wanted to protect its restaurants from unequal competition from establishments in surrounding cities.

Initial discussion was based around the model ordinance adopted by Kansas City, Missouri. It was noted under the Kansas City model, 85% of the metropolitan area could be smoke-free without getting adoption from large metropolitan areas.

- David Belz reviewed the primary provisions of the proposed ordinance. Smoking would be prohibited in all enclosed public places, including places of employment, except restaurants, 60 days after adoption by the City Council.
- Smoking would continue to be permitted in designated areas of restaurants until all cities contiguous to Prairie Village adopt regulations prohibiting smoking in restaurants. These cities are
 - Fairway, Kansas
 - Kansas City, Missouri
 - Leawood, Kansas
 - Mission, Kansas
 - Mission Hills, Kansas
 - Overland Park, Kansas

Mr. Belz noted if one of the contiguous cities failed to adopt regulations prohibiting smoking the ordinance could be amended.

Bill Griffith stated he understood the impact on restaurants, but asked if the task force had considered the potential impact in the leasing of office space. Mr. Belz responded this was discussed and noted the current city ordinance prohibits smoking in public places within buildings. Several of the city's businesses under that regulation are already smoke-free or have designated smoking areas. It was not felt that this would be an issue based on the extent of voluntary compliance seen.

Al Herrera questioned the need for the ordinance noting the high level of voluntary compliance already present in the City. He noted the City of Mission has voted against the adoption of a no smoking ordinance.

Mr. Belz responded that although many office buildings are in voluntary compliance with the regulations without an ordinance there is no way to enforce compliance. It is the desire of the task force to provide a smoke-free working environment for all employees within the City. The adoption of the ordinance reflects the importance placed by the City on its desire to provide a smoke-free environment.

Greg Colston advised that Overland Park and other cities are continuing to study and discuss this issue. The ordinance defeated in the City of Mission did not exclude bars and restaurants unlike the proposed ordinance.

Andrew Wang asked if the task force had any idea on the number of people and businesses that would be impacted by the proposed ordinance. Mr. Belz responded they did not have an exact number, but discussions have revealed more businesses had no smoking regulations in place than did not. The anticipated number of businesses/people expected to be impacted is relatively low. Doug Luther added most of the Highwoods Property buildings are voluntarily non-smoking buildings. He noted there may be some small independent business which allows smoking.

Laura Wassmer asked how this ordinance would be enforced and if complaints could be issued anonymously. Greg Colston noted Section 11-407 of the ordinance addresses non-retaliation. David Belz stated he saw the regulations being enforced in conjunction with the City's business licensing requirements.

Chief Grover stated the enforcement of the ordinance is an operational issue that would need to be resolved by the police department. At this time, there is no specific plan for enforcement.

Ms Wassmer asked how other cities were enforcing their ordinances. She noted she is supportive of the concept but noted the logistical challenges of enforcing such regulations and would like to have more information prior to approving the ordinance.

David Belz stated he did not feel this would become an ordinance in namesake only, but that it would become an expectation in the city. He acknowledged in the beginning compliance may be via the honors system. It comes back to the City creating a non-

smoking environment within Prairie Village. He does not have the answers on how to enforce the ordinance.

Doug Luther stated enforcement is always a challenge. He noted this ordinance is similar to the “pooper scooper” ordinance enacted a few years ago with the implementation of a strong education campaign after its adoption. These regulations are relatively new for cities and there isn’t a track record available on enforcement. He acknowledged getting proof to prosecute will be challenging and stated education is going to be the key.

Al Herrera stated based on the voluntary compliance under the existing code he does not see the need for the proposed ordinance and does not believe that it could be enforced.

Ruth Hopkins stated she strongly disagreed noting she is pleased to work in a smoke-free environment and feels the proposed ordinance would empower people to take their desire for a smoke-free environment to a higher level.

Diana Ewy Sharp asked for clarification on how this would impact Brighton Gardens and Claridge Court. Mr. Belz responded the ordinance would have no impact on private residences and he felt these establishments would be similar to apartments thereby not coming under the regulations. Barbara Vernon advised both Brighton Gardens and Claridge Court currently do not allow employees to smoke inside their facilities.

Mrs. Ewy Sharp asked if there was a strong calling for this by residents. Mr. Belz responded he has had several individuals voice their support to him, particularly in regard to smoking in restaurants. However, he has not had a groundswell of calls on the issue. City staff confirmed they have not had calls on this issue.

Pat Daniels thanked the task force for the time and study they did on this issue. Mr. Daniels feels it is important for the city to go on record as supporting fresh air and stated the proposed ordinance is thoughtfully drafted. In regard to enforcement of the ordinance, he feels it is fundamental in our society to obey laws and feels once adopted and educated our residents will obey. Mr. Daniels stressed the growing documentation on the damages of second-hand smoke to individuals.

Bill Griffith stated he sees two sides with the ordinance—the first being the economic side and secondly, work place safety. Economically he feels the ordinance will take care of itself as individuals cast their votes by how they spend their money. If they choose to only patronize smoke-free businesses, the businesses will adjust. The work place safety issues are best addressed by OSHA or a similar agency, not the city.

Kay Wolf asked what the vote of the task force was on the proposed ordinance. Mr. Belz responded the proposal was a compromise accepted by consensus. The medical professionals do not feel it is strong enough. The restaurant owners are not happy but are willing to accept the proposal with the safeguards in place. The task force feels this is a step in the right direction that will provide for fair competitive action.

Mrs. Wolf asked if the proposed ordinance was discussed with other cities. Doug Luther responded he has had on-going conversations with neighboring cities. Cities responses to this issue continue to change. The primary discussions have evolved around the format of the ordinance; i.e. will Prairie Village go it alone or will adopt the Kansas City model. The cities of Mission and Fairway have seen the Prairie Village proposal. Many cities are still waiting and watching as all want a “level playing field” with regard to the potential impact on businesses.

Louie Riederer, owner of Johnny’s and member of the task force, stated the ordinance is a compromise. He personally has concerns as a restaurant owner having seen the impact of similar regulations in Lawrence, but is comfortable with the proposal which calls for metro-wide compliance to prevent businesses in some cities from having a competitive edge.

Kay Wolf confirmed by metro-wide Mr. Riederer meant the cities identified in the proposed ordinance.

Ken Davis, from the City of Mission, addressed the Council as an advocate for the proposed ordinance. He stated the no-smoking ordinance defeated 4 to 3 by Mission addressed smoking unilaterally and noted that later in the meeting the Council stated they would support a region-wide no smoking ordinance. Mr. Davis introduced a joint resolution he supports calling for unified regional action on this issue.

Greg Colston made the following motion, which was seconded by David Belz:

**RECOMMEND THE CITY COUNCIL AMEND CHAPTER 11,
ARTICLE 4 OF THE PRAIRIE VILLAGE MUNICIPAL CODE
ENTITLED “SMOKING” BY REPEALING THE EXISTING
CHAPTER 11, ARTICLE 4 AND AMENDING IT TO READ AS
PROPOSED**

**COUNCIL ACTION REQUIRED
ROLL CALL VOTE**

Andrew Wang stated he agreed with the health care professional feeling the ordinance does not go far enough and acknowledges the City can not unilaterally enact an ordinance; however, if adopted he does not see who or what it would be regulating.

Diana Ewy Sharp stated she can not support the ordinance without further information on how it will be enforced.

David Belz stated the final resolve of the task force was that if the City adopts the proposed ordinance it will be the only city to do so and will hopefully be the first step in moving forward with regional legislation. He noted it is clear that second-hand smoke is not good for individuals. It is the desire of the task force to eliminate second-hand smoke for the work-place environment and promote a healthy environment throughout the City.

Mr. Belz acknowledged this is a difficult issue which will require a great deal of conversation and discussion to move it forward regionally.

Al Herrera stated he is opposed to smoking, but he does not see this or any other regulation getting rid of second-hand smoke in his lifetime. He doesn't feel it is needed and does not see it happening.

David Belz acknowledged the City can not do everything, but he strongly feels it should do whatever it can to address this issue.

Council President Kay Wolf called for a vote on the motion. The following votes were cast: "aye" Hopkins, Noll, Colston, Wassmer, Daniels, Wolf and Belz; "nay" Herrera, Griffith, Wang and Ewy-Sharp. Council President Kay Wolf declared the motion passed.

COU2005-39 Consider Economic Development Incentive Policy

Kate Michaelis, Vice President of Economic Development for the Northeast Johnson County Chamber, advised the Council on July 6th, the Executive Committee of the NEJC Economic Development Council agreed that a regional economic development incentive policy would facilitate economic development efforts in the region and would serve to lessen community-to-community competition based on incentives. The adoption of an Economic Development Policy by each community would allow the economic council to provide specific information about economic tools in each community when working with prospective developers.

Ms Michaelis stated if each city would pass individual economic development policies it would level the playing field in terms of competing with one another for potential development. She feels the general adoption of economic policies would stimulate investment. It is easier and less expensive to develop open spaces than to come into an area and "redevelop" existing spaces. By creating an economic development plan cities would be advising developers of the tools they are open to using to assist with and further development within their city. Ms Michaelis stressed that before any incentive is granted, the advantage to the city must be demonstrated by a cost benefit analysis done by the developer with each city determining their criteria for granting incentives.

Ms Michaelis reviewed the proposed resolution being presented to all the northeast Johnson County cities. The sample resolution listed the following economic development incentive policies from which cities could select for their use:

- Tax Increment Financing (TIF) KSA 12-1770
- Tax Abatement (TA) KSA 79-250
- Industrial Revenue Bonds (IRB) KSA 12-1740-49d
- Transportation Development District (TDD) KSA 12-17, 144 & 145
- Sales Tax Rebate Agreement
- Neighborhood Revitalization KSA 12-17, 114

Ms Michaelis noted the City has used some of these in the past and noted some would not be appropriate for Prairie Village. She recommended the resolution be forwarded to the Finance Committee or a Task Force for further study.

Bill Griffith noted the broad purpose sounds very positive, but expressed hesitation to lock the city into or point a business toward incentives independent of a particular application. Ms. Michaelis responded the resolution or policy does not lock the city into any action, but is merely a statement saying the city is willing to entertain applications.

Mr. Griffith asked for clarification on the impact of a Resolution. Barbara Vernon responded a resolution expresses the intent of the Council. Ms. Michaelis stated the resolution would simply open doors to the filing of an application and is not the adoption of a policy.

Pat Daniels stated he felt this was a thoughtful approach and merited independent study. He noted the timing of the resolution is critical as the city looks to the future and potential areas of redevelopment identified through the Village Vision process. He feels this or a similar action is necessary for the City to be able to move forward on development.

Mayor Shaffer noted the discussion that took place on the development of the Coulson property and their need for direction from the City before moving forward. He feels the adoption of the resolution and economic development policy is a good starting place for the City. Ms Michaelis noted most cities, like Prairie Village, do not have an economic development policy.

Andrew Wang asked Mrs. Vernon how she currently responds to questions regarding development. Mrs. Vernon replied she advises them the Council has a policy to decide on development incentives on a case by case basis.

Mr. Wang asked if the resolution or policy does not lock the city into anything how does it level the playing field and questioned if it was in the city's best interest to have a level playing field without negotiation. Ms Michaelis responded she is not personally concerned with leveling the playing field because she has found that businesses will go where they can afford. She does feel this is necessary to stimulate interest in northeast Johnson County and it will do so because we are saying by the resolution that we will consider applications. Mr. Wang confirmed the economic development policies from the individual cities will not be the same.

David Belz expressed concern with the language in the resolution that states the city "will" adopt economic development incentive policies. Ms. Michaelis noted this could be reworded.

Steve Noll asked if there were any statutory prohibitions against the proposed incentives. Mr. Wetzler confirmed there were not. Mr. Noll stated the City has never expressed opposition to the use of any of these incentives; however, he is concerned with sending

the message that the city is giving an open forum for any requested development. Ms. Michaelis noted the city would have the ability to weed out undesirable proposals during the application process. She feels this will open the gates to quality investment.

Pat Daniels made the following motion, which was seconded by Laura Wassmer and passed unanimously:

**RECOMMEND THE CITY COUNCIL FORWARD CONSIDERATION
OF AN ECONOMIC DEVELOPMENT INCENTIVE POLICY TO
THE LEGISLATIVE/FINANCE COMMITTEE**

COU2005-38 Consider Special Use Permit for Day Care Program at 7501 Belinder

Doug Luther presented the recommendation of Planning Commission on the request by the Kansas City Autism Training Center for a Special Use Permit for the operation of a child care program at Congregation Kol Ami located at 7501 Belinder Avenue. KCATC will provide professional, research-based interventions and training for children with a pervasive developmental disorder and their families. This care center is different than the previous child care center in that this facility will provide education to parents, educators, therapists and other direct service providers in the Kansas City area. The hours of operation will be from 8 a.m. to 5 p.m. The center will provide care for 5 full-time or 10 part-time children during its first year of operation; growing to 10 full-time for its second year. The care center will use one classroom, the Fellowship Hall, the kitchen and cafeteria inside the facility and the fenced outside play area.

The Planning Commission found the findings of fact to be favorable for the reasons set forth in the minutes of their October 4, 2005 and recommends that the City Council approve a Special Use Permit for the operation of a child care program at the Congregation Kol Ami located at 7501 Belinder Avenue by the Kansas City Autism Training Center subject to the following conditions:

- 1) The child care center is approved for a maximum of ten children.
- 2) The child care center is permitted to operate year round from 8 a.m. to 5 p.m. subject to the licensing requirements of the Kansas Department of Health and Environment.
- 3) The Special Use Permit is issued for the child care center for period of two years from the date of City council approval and if the applicant desires to continue the use, they shall file a new application for reconsideration by the Planning Commission and City Council.
- 4) If this permit is found not to be in compliance with the terms of the approval of the Special Use Permit it will become null and void within 90 days of notification of noncompliance unless the noncompliance is corrected.

Ruth Hopkins made the following motion, which was seconded by Greg Colston and passed unanimously:

**RECOMMEND THE CITY COUNCIL ADOPT AN ORDINANCE
APPROVING A SPECIAL USE PERMIT FOR THE OPERATION
OF A CHILD CARE PROGRAM BY THE KANSAS CITY
AUTISM TRAINING CENTER AT THE CONGREGATION KOL
AMI PROPERTY DESCRIBED AS 7501 BELINDER, PRAIRIE
VILLAGE, KANSAS**

**COUNCIL ACTION REQUIRED
CONSENT AGENDA**

COU2005-33 Consider Sales Tax for County, Schools and Cities

On Tuesday, September 28th, there was a special county-wide election to consider the continuation of a 4% sales tax for county, city and schools, . The county mayors have been involved in discussions regarding the possible return of funds given to the city from the sales tax back to the school district.

Mayor Shaffer also stated he had received a request from Superintendent of Schools, Dr. Marjorie Kaplan, asking the city to cover the cost of the special election. He noted at this point in time, the school district will cover the costs but they are seeking financial support from the cities.

Total revenue from the first 3-year sales tax authorized in 2003 is estimated to be approximately \$1,431,580. The Council conducted a public hearing in 2003 to determine how to budget funds the City would receive from the sales tax revenue. The Council agreed to place the funds in reserve to be used for economic development. Expenditures have included \$200,000 for the Skate Park in 2004 and \$185,895 for the Village Vision Comprehensive Plan in 2004.

It has been suggested the Council consider using a portion of the sales tax reserve fund for start-up costs of the Police Traffic Safety Division (\$40,000) and school zone beacons and signs (\$111,793).

Laura Wassmer said she thought the traffic safety unit was presented as being self-funding from the additional ticket revenue. Chief Grover responded the unit will be self-sustaining after a period of time. The recommendation addresses the start-up costs which includes the cost of the motorcycles and additional one-time expenditures.

Bill Griffith stated the Council has already determined through the public hearing how the funds from the initial sales tax were to be spent. He strongly feels the funds should remain directed to economic development and the City should honor its initial commitment. Regarding the funds to be received from the continuing sales tax, he doesn't feel the Council should designate those funds at this time.

Diana Ewy Sharp stated the outcomes from the Village Vision process will require funding and she feels funds should remain where it is until it is needed.

Ruth Hopkins stated early in the discussion Dr. Kaplan addressed the Council encouraging them to use funds in areas that would contribute to schools. She sees the use of these funds for the start-up costs of the traffic safety unit as a clear action taken by the City for the betterment of schools. She noted the contingency fund took a deep hit by the creation of this program and feels these funds should be replenished with this source of funding.

David Belz agreed with Mrs. Hopkins stressing this has a direct benefit relationship to the schools. If the money was intended to be used to support the schools, this proposed use is a good fit.

Diana Ewy Sharp felt the intent of Dr. Kaplan's comments were to take action towards redevelopment in the city to bring back young families with children to prevent future closings of schools. Kay Wolf agreed with Mr. Griffith and Mrs. Ewy Sharp supporting the continued use of these funds for economic development.

David Belz questioned how the creation of a skate park could be considered economic development. Bill Griffith responded he felt the skate park was a compromise and consensus reached by the Council to meet a need. Steve Noll stated part of the rationale behind the skate park was the promotion of Prairie Village as a youth friendly and family oriented environment.

COU2005-36 Consider 2006 Budget Process and 2007 Plan

Barbara Vernon reviewed the process followed for the 2006 budget and requested direction from the Council on whether a similar process should be followed for the 2007 budget.

Laura Wassmer stated she preferred having budget meetings in conjunction with other meetings rather than on separate evenings.

Diana Ewy Sharp stated she would like more time to discuss the process and consider how the January planning work session fits into the process.

Kay Wolf noted the time designated for the committee meeting had expired and stated this item would be carried over to a future meeting for consideration.

Council President Kay Wolf adjourned the meeting at 7:35 p.m.

Kay Wolf
Council President

ORDINANCE 2108

AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR THE OPERATION OF A CHILD CARE PROGRAM BY THE KANSAS CITY AUTISM TRAINING CENTER ON PROPERTY KNOWN AS THE CONGREGATION KOL AMI OTHERWISE DESCRIBED AS 7501 BELINDER AVENUE, PRAIRIE VILLAGE, KANSAS

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

Section I. Planning Commission Recommendation. At its regular meeting on October 4, 2005, the Prairie Village Planning Commission held a public hearing, found the findings of fact to be favorable and recommended that the City Council approve a Special Use Permit for the operation of a child care program by The Kansas Autism Training Center (KCATC) at the Congregation Kol Ami at 7501 Belinder Avenue subject to the following conditions:

1. The child care center shall be for a maximum of 10 children.
2. The child care center be permitted to operate year round from 8 a.m. to 5 p.m. subject to the licensing requirements of the Kansas Department of Health and Environment.
3. The Special Use Permit be issued for the child care center for period of two years from the date of City council approval and if the applicant desires to continue the use, they shall file a new application for reconsideration by the Planning Commission and City Council.
4. If this permit is found not to be in compliance with the terms of the approval of the Special Use Permit it will become null and void within 90 days of notification of noncompliance unless the noncompliance is corrected.

Section II. Findings of the Governing Body. At its meeting on November 7, 2005, the Governing Body adopted by specific reference the findings as contained in the minutes of the Planning Commission meeting of October 4, 2005, and the recommendations of the Planning Commission and approved the Special Use Permit as docketed PC2005-04.

Section III. Granting of the Special Use Permit. Be it therefore ordained that the City of Prairie Village grant a Special Use Permit to the Congregation Kol Ami for the Kansas City Autism Training Center to operate a child care program at 7501 Belinder Avenue, Prairie Village, Kansas subject to the four specific conditions listed above.

Section IV. Take Effect. That this ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper as provided by law.

PASSED AND ADOPTED THIS 7th DAY OF NOVEMBER, 2005.

CITY OF PRAIRIE VILLAGE, KANSAS

By: _____
Ronald L. Shaffer, Mayor

ATTEST:

APPROVED AS TO FORM:

Joyce Hagen Mundy, City Clerk

Charles E. Wetzler, City Attorney

COUNCIL ACTION REQUESTED

November 7, 2005

POL2005-32 CONSIDER TREE TRIMMING AREA 43

Background:

On October 21, 2005, the City Clerk received two bids for tree trimming in area 43. The bids received:

VanBooven Landscape and Tree Care	\$30,877.50
Shawnee Mission Tree	\$36,400.00

Financial Impact:

Funds are available in the 2005 Public Works Operating Budget.

Recommendation:

MOVE THE CITY COUNCIL AWARD THE BID FOR TREE TRIMMING AREA 43 TO VANBOOVEN LANDSCAPE AND TREE CARE FOR \$30,877.50 WITH FUNDING FROM THE 2005 PUBLIC WORKS OPERATING BUDGET

CONSIDER STORM DRAINAGE ENGINEER CONSULTANT

Background:

At the last City Council meeting the Mayor directed me, the Public Works Director, to supply additional information on the City Council questions raised on the selection of a drainage engineer.

The Policy Services Committee interviewed three firms, Burns & McDonald, The Larkin Group and URS Engineers. Some Committee members stated that Burns & McDonald was highly qualified, but that they may use the City project as training for new employees. However, some of the Committee members were impressed with the presentations by both Burns & McDonald and The Larkin Group. The URS presentation presented some interesting environmental solutions to drainage issues, but not considered as impressive by some Committee members. The Committee, after the interviews and discussion with Public Works staff, determined that all three firms were qualified to provide the requested services.

Public Works staff presented to the Committee, at the beginning of the interviews, a list of issues that has occurred with Affinis, Bucher, Willis, and Larkin. The intent of the list was to provide a source for questions that the Committee may wish to ask the interviewing consultants. It appears that there may have been a misunderstanding that these issues were solely pertaining to The Larkin Group. To clear-up any misunderstanding on this document, I will address each design issue.

- *Failure to check plans, specifications, bid documents, fee proposals and easements* – This is an issue that occurs with all consultants. I do not classify it as a failure, but one of lack of quality control.
- *Project manager not proof checking completed documents* - Common consultant error.
- *Errors in fee proposals (failure to check spreadsheet calculation formulae)* – All consultants have committed this error.
- *Easements contain incorrect addresses (even on corrected documents), incomplete ownership information, misspelled words, and insufficient margins as dictated by Johnson County Registrar of Deeds (which the consultant was previously informed of and should have known the Johnson County standards)* – These were primarily errors by The Larkin Group. The Larkin Group has recently addressed this matter internally.
- *Did not coordinate with other consultants to make sure inlets were not scheduled for replacement that were included in the another program. This was despite monthly meetings for coordination. A list of streets in the program was also emailed to project managers for coordination. Despite all this, the same inlets were shown to be replaced under two different programs* – Coordination with other consultants is the responsibility of Public Works staff, not the consultant. However, Larkin was given a list of streets that were in the Paving Program.
- *Designer did not include all inlets that needed to be replaced on a single street* – This is a significant error by The Larkin Group.

- *Designer did not update locations on construction plans as requested* – This is a significant error by both The Larkin Group and Affinis that requires staff to be vigilant.
- *Consultant did not field review all locations to determine what other items and how much needed to be replaced such as sidewalk, curb, ramps, etc* - This is a significant error by both The Larkin Group and Affinis that requires staff to be vigilant.
- *Consultant did not appropriately address potential utility conflicts during design. As a result delays were incurred* - This is a significant error by both The Larkin Group and Affinis.
- *Consultant relies too much on addendums to correct deficiencies in bid documents and construction documents* – This has occurred more with The Larkin Group, but has happened with Affinis.
- *Some projects appear, based on hour estimates, to be heavy of management* – Public Works staff reviews the fee schedule with breakdown by Consultant prior to recommending the City Council approve the consultant agreement. The agreements are approved with a maximum compensation, which can only be changed by Engineering Change Order. Consequently, Public Works staff had the opportunity to comment/negotiate the hour estimates prior to recommending approval of the agreement. Once the agreement is signed, Public Works staff must not micro-manage the assignment of the consultant employees on the project as hourly estimates are not a factor, but rather the total compensation.
- *Failure to follow contract requirements even after discussed in project kick-off meetings with the City* – Communication problem that all consultants need to consider.
- *Tardiness in completion of design at various phases* – This failure is attributable to the consultants and the Public Works staff.
- *Not notifying city of schedule changes* – Communication problem due to a recent change in Public Works management.
- *No contract documents or plans at site* – This is an inspection problem and not a design problem.
- *Incorrect responses to utilities, contractors and residents* - All consultants have taken the liberty of responding to field questions as trying to be helpful. Most of the times, the answers are correct. A few times, the consultants provide answers that are incorrect, lacking in verification or without contact with Public Works staff.
- *Not notifying city of private contractor and resident agreements* - This is an inspection problem and not a design problem.
- *Spending questionable time at and away from site* – This is an inspection problem and not a design problem.
- *Lacking communication between project manager and field representative* - This is an inspection problem and not a design problem.
- *Improper communication between field representative and project manager on design problems* – The type and scope of communication have been addressed with Affinis

Comment [bob1]:

- *Failure to correct design flaw in existing conditions i.e., driveway to City Hall and intersection at 79 and Mission Road* – This is a major design error by Affinis,
- *Conflicts between typical section and specifications such as sidewalk versus private property Catalina sidewalk and Mission Rd pavement* – This is a major design error by Affinis.
- *Failure to maintain proper agreed upon channels of communication* - This is an inspection problem and not a design problem.
- *Tardiness in completing consultant work as agreed* – All consultants have been guilty of being late. The consultants and Public Works staff shares the responsibility for this issue.
- *Typical Sections not matching specifications (cross slopes, etc)* – Lack of quality control by all consultants.
- *Failure to follow-up on issues (need to be reminded frequently about various items)* – A common problem with the workforce, even within Public Works

The City Council expressed a concern about a delay the selection of a drainage consultant. It is desirable to bid the construction work early in the construction season. As construction contractors are awarded contracts, there are fewer of them to bid, as their resources become fewer, thus higher costs. Higher costs are also a common factor with later bids due to inflation and the contractor taking advantage of the City desire to complete the project that season. The learning curve with a new consultant is a factor, but not significant as the drainage project is for routine maintenance and repair and not complicated. A delay in design will be affected by the previously mentioned factors. A delay of a February bidding to April or May will be subject to some higher costs, but June or July will be probably even more higher.

Long term relationships are important. However, I believe the integrity of the City process in selecting a consultant outweighs long term relationships. In this case, the procedure complied with City Council Policy No. 041 SELECTION OF PROFESSIONAL CONSULTING SERVICES and the decision to follow the procedure has been made by the City Council Standing Committee (Policy Services Committee). The Policy Services Committee requested proposals, conducted interviews and determined which consultants were qualified. Fee schedules were then requested. The Policy Services Committee selected URS and recommended approval by the City Council as required. The procedure was completed as required in City Council Policy 041.

Financial Impact:

The Capital Infrastructure Program has \$81,000 allocated for design for the 2006 Drainage Repair Program.

Recommendation:

Staff recommends the City Council approve the selection of URS for design only of the 2006 Drainage Repair Program.

MAYOR'S ANNOUNCEMENTS

Monday, November 7, 2005

Committee meetings scheduled for the next two weeks include:

Park and Recreation Committee	11/09/2005	7:00 p.m.
Sister City	11/14/2005	7:00 p.m.
Prairie Village Arts Council	11/16/2005	6:00 p.m.
Environmental/Recycle Committee	11/16/2005	7:00 p.m.
Council Committee of the Whole	11/21/2005	6:00 p.m.
City Council	11/21/2005	7:30 p.m.

The Prairie Village Arts Council is pleased to feature the Mid-America Pastel Society's exhibit in the R.G. Endres Gallery during the month of November. The opening reception will be held on November 11th, from 6:30 – 7:30 p.m.

Peanut Butter Week has ended. The total amounts received this year:

5,600 pounds of Peanut Butter

\$1,145 monetary donations

Thanks to everyone who participated.

The Mayor's Holiday Tree Lighting will be on Monday, November 28th at the Municipal Offices.

Mark your calendar for the Employee Appreciation/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.

Contact Lauren no later than Monday November 7 if you plan to attend the Dinner Theater event February 3.

The 50th Anniversary books, **Prairie Village Our Story**, are being sold to the public.

INFORMATIONAL ITEMS
November 7, 2005

1. City Administrator Report – November 2, 2005
2. Planning Commission Actions – November 1, 2005
3. Planning Commission Minutes – October 4, 2005
4. Prairie Village Municipal Foundation Minutes – October 13, 2005
5. Park and Recreation Committee Minutes – October 12, 2005
6. Prairie Village Arts Council Minutes – October, 19, 2005
7. Memo from Joyce Hagen Mundy concerning the success of Peanut Butter Week.
8. Mark your Calendar
9. Council Committee Agenda

CITY ADMINISTRATOR'S REPORT
November 2, 2005

Finance:

Each year we base the budget for the coming year on estimated assessed valuations, the final assessed valuations are not computed until well after budgets are adopted and certified to the County Treasurer. The 2005 values we used to compute the mill rate for 2006 were 4.6% higher than the previous year. Based on that estimate, the mill rate, which was estimated to be the same as this year 15.843, would create revenue of \$4,239,630.

When the County Clerk's office receives the final assessed valuation for the City, the total amount of tax revenue required by the City is divided by the new assessed valuation to arrive at the final tax levy rate for the City. The final values for 2005 (used for budget year 2006) totaled \$269,692,173, a 5.4% increase over the 2004 values.

	<u>2004</u> Assessed Value	<u>2005</u> Assessed Value
Real Estate Assessed Value	\$246,178,002	\$259,785,677
Personal Property	5,450,888	5,543,434
State Assessed Property	<u>4,162,647</u>	<u>4,363,062</u>
Total Assessed Value	<u>\$255,791,537</u>	<u>\$269,692,173</u>

The result of this unanticipated increase is a decrease in the mill levy rate published by the City. This year the rate is \$15.843 per \$1,000 of assessed valuation. The 2006 tax rate will be \$15.759 per \$1,000 of assessed valuation.

Personnel:

A new Finance Director has been hired for the City, she will start later this month. Karen Kindle has been an employee in the Finance Department of the City of Overland Park since 1998. Karen is a graduate of Drury University, is a Certified Public Accountant, Certified Internal Auditor and has completed most of the requirements to become a Certified Public Finance Officer. Karen formerly worked as Assistant County Auditor for St. Charles County, Missouri and performed audits of counties and state agency audits as an Auditor for the State of Missouri.

First Suburbs Coalition:

This group, coordinated by Mid America Regional Council, met last week. More than 40 representatives from first suburb cities on both sides of the State Line attended the meeting. This large group is divided into smaller task forces which are working on a specific issue related to first ring suburban cities.

The Planning Working Group developed the Idea Book for remodeling 1950's housing stock. This book has won several awards including one from the American Planning Association. As first suburbs age, they often continue to operate with zoning ordinances developed when subdivisions were being built several years ago. These ordinances may be a barrier to redevelopment. This working group is currently looking at alternative

approaches to zoning, such as form-based codes, that might provide tools to address particular first suburb issues.

The Housing Finance Working Group has been working to develop a loan program to assist remodeling of post WWII homes. They proposed a home remodeling finance program which would allow loans up to \$25,000 with second mortgages. The plan would be available to residents with income no higher than 120% of the area median income. Terms of the loan would require payment within five years. Loan rates would be between 6.0 and 6.5% which is 1.5 to 3% lower than conventional loans. Cities would designate eligible neighborhoods and provide a letter of credit of up to \$20,000 at a cost of approximately \$400 annually as a reserve for bad loans. Details of this proposal are not completely worked out but the basic idea was accepted by the group.

The Marketing Working Group is developing a new logo and tag line, a media kit and system for generating first suburb stories locally and regionally.

The Retail Working Group has set an agenda which includes researching new retail trends and players, they are also developing a joint program to bring new retailers to the first suburbs. They also plan to investigate the redevelopment of underutilized or abandoned shopping centers.

The Home Builders Association and Fannie Mae have joined forces to purchase a foreclosed property that is a typical post WWII house. They will use one of the plans in the Idea Book to remodel the home and put it on display in the Spring Homes Tour as an example of what can be done. The National Association of the Remodeling Industry is planning a similar project.

The MARC Housing Choices Coalition and First Suburbs Coalition are working together with the cities of Merriam and Raytown to develop a housing vision and policy.

These very active groups are working diligently to find ways to help first suburbs remain an attractive option for families.

Zoning issues

A proposed rezoning application, a Special Use Permit for McCrum Park, has created a significant amount of interest and activity by residents. Zoning changes must be recommended by the Planning Commission to the City Council for final action. Because zoning issues are important to those on both sides of the issue, decisions sometimes become the issue in litigation. It is important for Planning Commissioners and City Council members to keep an open mind and not express an opinion until they have an opportunity to hear both sides of the issue. The Public Hearing for this application will be before the Planning Commission on December 6th. If a recommendation is made at that time it will come before the Council Committee of the Whole on December 19th. If you are contacted, Charlie recommends you ask the individual to attend the Public Hearing and subsequent meetings or put their opinions in written form addressed to the Planning Commission.

**Planning Commission Actions
Tuesday, November 1, 2005**

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

The Planning Commission granted a requested continuance of this application until December 6th to ensure proper notice is given to adjoining property owners.

PC2005-06 Proposed Ordinance Revisions PVMC 19.44.025

Held a public hearing on proposed ordinance revisions to PVMC 19.44.025 entitled "Height and Area Exceptions – Fences". Forwarded to the City Council with recommendation for approval.

2006 Meeting Schedule

Approved the 2006 Meeting and filing deadline schedule.

**PLANNING COMMISSION MINUTES
MEETING OF OCTOBER 4, 2005**

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, October 4, 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, Robb McKim, Nancy Vennard and Charles Clark.

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

APPROVAL OF MINUTES

Charles Clark moved to approve the minutes of September 6, 2005 as written. The motion was seconded by Nancy Vennard and passed by a majority vote with McKim and Kronblad abstaining as they were not present at the meeting.

PUBLIC HEARINGS

**PC2005-04 Request for Special User Permit for Operation of Day Care Program
Congregation Kol Ami
7501 Belinder Avenue
Applicant: Kansas City Autism Training Center**

Catherine Cote, 5427 Johnson Drive #173, Mission, Kansas, representing the Kansas City Autism Training Center addressed the Commission on their application for a Special Use Permit for the operation of a Day Care Program at the Congregation Kol Ami facility at 7501 Belinder Avenue. The program will care for 5-10 children between infancy and age 7. KCATC will provide professional, research-based interventions and training for children with a pervasive developmental disorder (e.g., autism, asperger's syndrome) and their families. This care center will provide education to parents, educators, therapists and other direct service providers in the Kansas City area. The hours of operation for the care center will be from 8:00 am to 5:00 pm year around except for Holidays.

Ms Cote stated the enrollment for the first year has been capped at 5 full-time or 10 part-time students. They hope to double in size for the second year to 10 full-time students. The center will use one classroom, the Fellowship Hall, the kitchen and cafeteria inside the facility as well as outside fenced playground area.

A neighborhood meeting was held on Monday, September 26th with no one attending. Paul Herring, 5014 West 69th Terrace, spoke in support of the application stating the program would be a positive addition to the community.

With no one else wishing to speak on the application, Chairman Ken Vaughn closed the public hearing at 7:10 p.m.

Ken Vaughn confirmed the Kansas City Autism Training Center was a not-for-profit organization.

Ron Williamson confirmed the hours of operation would be 8 a.m. to 5 p.m. Ms Cote stated that perhaps one evening per month they would be open later as they provide parent training from 7 p.m. to 8 p.m.

Ken Vaughn asked how the children would get to the center. Mrs. Cote responded they would be brought by their parents. Nancy Vennard noted the hours of operation match the general public working hours.

Ron Williamson noted the staff to child ratio would be high based on the special needs of the children and stated the program is meeting a need that is not currently being met in the City. Ken Vaughn asked if the licensing requirements of the State are different for their program and other day care centers. Ms Cote stated the licensing requirements are the same.

Planning Commission members stated they were pleased with the proposed use of this existing building to provide this special need for the community.

The Planning Commission members reviewed the following findings of fact required for the issuance of a Special Use Permit:

1. The proposed special use complies with all applicable provisions of these regulations including intensity of use regulations, yard regulations and use limitations.

The proposed special use for the daycare program will be contained within an existing building and fenced playground which is in compliance with the zoning regulations.

2. The proposed special use at the specified location will not adversely affect the welfare or convenience of the public.

The proposed special use permit will be an asset to the community because it will provide a much needed service for taking care of the children with pervasive development disorders. This is a small but unique type of care center that meets a need that others do not.

3. The proposed special use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.

The proposed child care center, will be located within an existing structure, and will not create any problems for the adjacent property in the neighborhood. The applicant has requested approval for only a two year period.

4. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it, are such that this special use will not dominate the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use permit will so dominate the immediate neighborhood, consideration shall be given to: a) the location size and nature of the height of the building, structures, walls and fences on the site; and b) the nature and extent of landscaping and screening on the site.

The proposed child care center will accommodate a small group of children, less than 10, and will use the synagogue facility during normal working hours. This use will not have a dominating effect in the neighborhood because it is for a small number of children and will be located within an existing building. No expansion is proposed.

5. Off street parking and loading areas will be provided with standards set forth in these regulations and areas shall be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.

The proposed day care center will use the existing off street parking and loading areas that are currently being provided by the synagogue. The operation of the child care center will not be at the same time as other events at the synagogue.

6. Adequate utility, drainage and other necessary utilities have been or will be provided.

Since this use will be occupying an existing facility, utility services are already provided.

7. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent hazards and to minimize traffic congestion in public streets and alleys.

Adequate entrance and exit drives currently exist at the facility and this proposed special use will utilize the existing infrastructure that is already in place.

8. Adjoining properties will be adequately protected from any hazardous or toxic materials, hazardous manufacturing processes, obnoxious odors, or unnecessary intrusive noises.

This particular use does not have any hazardous materials, processes, odors or intrusive noises that accompany it.

9. **Architectural style and exterior materials are compatible with such style and materials used in the neighborhood in which the proposed structure is to be built or located.**

The proposed special use will not require any changes in the exterior architecture or style of the existing building.

Nancy Vennard moved the Planning Commission find favorably on the factors for consideration for the requested Special Use Permit and recommend the City Council issue a Special Use Permit for the operation of a daycare program by the Kansas City Training Center at 7501 Belinder Avenue subject to the following conditions: 1) That the daycare center be approved for a maximum of 10 children; 2) That the daycare center be permitted to operate year round from 8:00 a.m. to 5:00 p.m. subject to the licensing requirements of the Kansas Department of Health and Environment; 3) That the special use permit be issued for the child care center for a period of two years from the date of City Council approval and that if the applicant desires to continue the use, they shall file a new application for reconsideration by the Planning Commission and City Council and 4) If this permit is found not to be in compliance with the terms of the approval of the special use permit it will become null and void within 90 days of notification of noncompliance unless noncompliance is corrected. The motion was seconded by Charles Clark and passed unanimously.

NON-PUBLIC HEARINGS

**PC2005-116 Monument Sign Approval
2200 & 2210 West 75th Street
Zoning: C-0
Applicant: Luminous Neon**

David Costello, 5233 Verona, Leawood, Kansas and Jerry Kleveter, 1255 North Winchester, appeared before the Planning Commission to request approval for two monument signs identifying the freestanding office buildings at 2200 and 2210 West 75th Street. These two buildings were completely renovated recently and 2210 will be occupied by Re/Max Realty, while 2200 will be occupied by a dental clinic with multiple tenants. The two buildings will be separately owned.

The proposed signs are placed perpendicular to 75th Street on the west edge of the driveway entrances to both buildings and their location should not create any sight problems. The proposed signs meet minimum setback required by ordinance of 12 feet back from the curb with the signs located on private property.

The proposed sign faces will be white acrylic with colored letters and logo which will be enclosed in a light gray aluminum cabinet. The base of the sign is a combination of an aluminum encasement painted gray setting on a brick base that matches the brick of the buildings. The signs are five feet in height and have a sign face area of just slightly less than 20 square feet, which is in compliance with the city's regulations. The proposed signs will be internally illuminated.

The signs will be surrounded with liriopse plants between the sign base and the curbing. Planning Commission members confirmed liriopse plants are low growing plants that will not interfere with the sign lettering.

Bob Lindeblad questioned if the curbed island will have the radius available for driving. David Costello responded the rectangular curb has been inspected by city staff and has the appropriate radius around its corners.

Randy Kronblad noted the curbed islands appear to take up approximately two parking spaces and asked if the city's building official had reviewed the available parking. Mr. Costello responded the site plan approved earlier in the renovation of the buildings had an excess of parking spaces and the island only caused the removal of one parking space.

Ron Williamson noted the sign for 2200 West 75th Street has not identified the name of the building or business. The ordinance states that "said sign shall depict only the name and address of the building or business and may include one additional line of text that describes the services". He stated staff will need to review the text prior to issuing a sign permit.

David Costello stated at this time there are only two tenants planned for the building, both being dental related practices with one occupying the first floor and the other located on the second floor. Both tenants are aware of the restrictions for the text of the monument sign and will submit text in accordance with the requirements.

Nancy Vennard noted the address of the buildings is not located on the signs and asked if the building address would be located on the front of the building over the entrances. Mr. Costello responded the address of the building will be placed on the front building façade, but noted the entrances both buildings are located on the side. Ken Vaughn recommended the building address be located on the front of the building near the side entrance.

Ron Williamson noted that technically the applicant should submit sign standards for this development because it includes two buildings, one of which is multi-tenant. However, if no other signage is proposed, the approval of these two monument signs will essentially be the sign standards for the project. No additional exterior signage will be permitted until sign standards are submitted to the Planning Commission for review and approval.

Commission members expressed their pleasure with the renovation of the two buildings and site.

Bob Lindeblad moved the Planning Commission approve the proposed monument signs for 2200 and 2210 West 75th Street subject to the following conditions: 1) That the landscaping be installed at the time of sign installation; 2) That the applicant submit the text for the sign at 2200 West 75th Street to staff for review and approval prior to installation; and 3) That the only signage approval for these two office buildings are these two monument signs and if any additional exterior signage is proposed the

buildings or otherwise, sign standards will need to be prepared for the development and submitted to the Planning Commission for review and approval. The motion was seconded by Robb McKim and passed unanimously.

PC2005-117 Monument Sign Approval
7400 State Line Road
Zoning: C-0
Applicant: Ross Jensen, Acme Signs

Ross Jensen, 1313 Vernon, addressed the Planning Commission and presented a revised submittal for signage at 7400 State Line Road. Based on the staff recommendation, he is no longer proposing a second monument sign at this location, but a revision to the existing monument sign.

Mr. Jensen is proposing to reface the existing internally lit monument sign that currently states 7400 Place with routed logotype and copy stating "Prudential Kansas City Realty" backed by white acrylic. The sign will include the Prudential "rock" logo 14" in height in blue. The proposed white lettering for "Prudential" will be 7" in height with. "Kansas City Realty" lettering 3 ¾" in height. The non-illuminated address will be constructed ¼" aluminum plate numbers and letters painted white and peg mounted ½" off face of the brick base.

Bob Lindeblad confirmed there would be no change in the height of the sign. Robb McKim confirmed the name of the building is "7400 Place".

Bob Lindeblad and Randy Kronblad commended Mr. Jensen on the revised submittal as a good solution to meet the needs of his client and the city's regulations.

Bob Lindeblad moved the Planning Commission approved the revised monument sign for 7400 State Line Road as submitted. The motion was seconded by Randy Kronblad and passed unanimously.

PC2005-118 Request for Building Line Modification
Along Fonticello from 20' to 16' for
5014 West 69th Terrace
Zoning: R-1a
Applicant: Paul Herring

Paul Herring, 5014 West 69th Terrace, addressed the Planning Commission requesting a building line modification to allow the addition of a two-car garage that accesses front Fonticello. There is a 20 foot platted setback adjacent to Fonticello which the proposed garage encroaches four feet. The garage is proposed to be two stories and the adjustment is necessary to more efficiently connect the garage to the existing dwelling.

Randy Kronblad asked what would be located on the second story. Mr. Herring responded it would be an additional room used primarily for storage. He noted the roofline of the addition would match the existing roofline, with an extension of the roofline by a dormer.

Bob Lindeblad confirmed the home located behind their property was basically aligned with their home. Charles Clark noted that from his drive through the neighborhood the proposed modification would not look out of place because not all the homes are in alignment.

Mr. Herring stated he has attempted to contact the adjacent property owners as required by the Commission noting that one of the property owners recently moved and the home is vacant and the other property owner travels extensively for his job, but stated he would get the required approvals. Randy Kronblad asked if he had contacted the property owner to the West as that property owner would look out upon the addition. Mr. Herring stated he had not and that the home was also up for sale, but stated he would contact them if directed to do so.

Robb McKim asked if he had spoken with the homes association. Mr. Herring responded he had spoken with one of the board members and was told they would review his application at their next meeting. The Planning Commission Secretary advised the Commission she had reviewed the plans with a representative of the homes association who did not foresee any violation of their deed restrictions and felt approval would be forthcoming.

Charles Clark moved the Planning Commission approved the requested building setback line modification from 20 feet to 16 feet along Fonticello for the property located at 5014 West 69th Terrace for only that portion of the garage that will encroach into the side yard, subject to the applicant submitting written documentation from the adjacent property owners and the Homes' Association prior to obtaining a building permit. The motion was seconded by Nancy Vennard and passed unanimously.

OTHER BUSINESS

Discussion of Fence Regulations

Ron Williamson reported the proposed fence regulations were mailed to all homes association presidents and discussed at the September 20th meeting of the Citizens Advisory Committee. The City received several calls asking for information about the proposed regulations but no one expressed opposition. Only a few members of the Citizens Advisory Committee attended the meeting, but the comments received were positive expressing the feeling that the proposed regulations were an improvement to the current regulations. The major concern of residents was the management of drainage.

Ken Vaughn stated he felt the incorporation of a drainage review into the new regulations is important.

Robb McKim asked what questions were asked. Mr. Williamson most were regarding drainage and many were about existing conditions. Mr. Vaughn noted that historically drainage has been an on-going problem.

Bill Griffith asked for clarification of the placement of a retention wall. Mr. Williamson stated "retaining walls exceeding six feet in height are required to be setback from the property line one foot for each two feet of height. Mr. Griffith confirmed that a retaining wall could not be set at the property line and expressed concern with the void space between the end of the property and the wall especially if there is a neighboring fence or structure.

Ken Vaughn noted retaining walls are further complicated when there is a change in grade created by the wall. Ron Williamson stated the regulations could have the option of retaining walls deviating from the formula go to the Planning Commission for site plan approval.

Robb McKim repeated his concern with the proposed fence regulations allowing fences to come off the front of a home. He feels the appearance of a solid mass created by a fence at the houseline is aesthetically unpleasing and that the fences should be required to set back more than five feet to break the appearance of a continual wall.

Ken Vaughn asked if there should be separate setbacks required for perforated and solid fences. Mr. McKim stated that was a possibility or for different heights.

Bob Lindeblad stressed the need not to over-regulate fences. He noted the regulation of fences is an administrative nightmare as demonstrated by the number of fences built without a permit and not in compliance with city regulations. The reasoning is to make the directions clear and the process easier for the residents.

Mr. McKim agreed that there are several fences throughout the city that do not comply with the current regulations; however, he still feels the regulations, particularly regarding fences at the front houseline, have value.

Charles Clark moved the Planning Commission authorize a public hearing to be held on Tuesday, November 1st on the proposed revisions to the fence regulations. The motion was seconded by Randy Kronblad and passed by a vote of 5 to 1 with McKim voting "nay".

Discussion of Selection Process for Planning Consultant

Doug Luther advised the Commission that requests for proposal for Planning Consultant are due by 4 o'clock on Friday, October 7th. Requests were mailed to eight firms. Commission members will have the proposals and evaluation sheets delivered to them the

following week. Mr. Luther asked the Commission members to check their calendars for a possible meeting to determine who to interview based on the proposals and when to conduct the interviews.

Nancy Vennard and Robb McKim noted they would not be available the first week in November. After discussing several dates, the Commission agreed to meet on Thursday, October 20th at 6 o'clock in the executive conference room and decide at that time when to schedule the interviews. It was the consensus of the Commission that the interviews should not be held on the same day as a regular meeting.

Ken Vaughn noted the article included in the packet written by Melanie Mann entitled "With good planning, neighborhoods thrive" which recognized Prairie Village. The Commission members directed the Secretary to write a letter to Ms Mann expressing their appreciation for the article.

Ken Vaughn presented an update on the Comprehensive Plan Steering Committee meeting/process. He noted the renderings created in conjunction with the Comprehensive Plan Study are now posted on the city's website pvkansas.com.

ADJOURNMENT

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

Ken Vaughn
Chairman

**PRAIRIE VILLAGE MUNICIPAL FOUNDATION
EXECUTIVE COMMITTEE**

October 13, 2005

The Prairie Village Municipal Foundation Executive Committee met October 13, 2005. Present: President Marcia Jacobs, Bill Nulton, Diana Ewy Sharp, Marilyn Uppman, A.J. LoScalzo, Joan Kemp, Bill Rose, Mary Engelken and Doris Wieggers. Also present: John Kemp and Barbara Vernon.

Minutes

Bill Nulton moved approval of the minutes of the May 25, 2005 meeting. The motion was seconded and passed with a unanimous vote.

Status Report:

Simons Memorial Fund

Barbara Vernon said a letter was sent to Lori Siegel, Ms. Simons' daughter, offering to assist her in selecting a memorial to honor her mother. The envelope was not returned however, Ms. Siegel has not responded.

Mundy Tree Fund

The last report was in error. The negative balance of \$279.55 is in the memorial fund of Mr. Paulson. He ordered a tree planted in Franklin Park as a memorial to his wife. When funds were not received to reimburse the cost, we were told that Mr. Paulson was recently deceased. Mary Engelken moved to write off the amount due on the Paulson memorial. Diana Ewy Sharp seconded the motion which passed with a unanimous vote.

Gifts, Distributions and Fund Balances:

After review and discussion about the financial statement dated September 30, 2005, Marilyn Uppman moved for approval of the gifts, distributions and fund balances listed on the Statement of Activities/Fund Balances as of September 30, 2005. Diana Ewy Sharp seconded the motion which passed.

Holiday Tree:

Members agreed to schedule the annual Holiday Tree Lighting event for November 28, 2005 at 6:30 p.m.. Doris Wieggers and A.J. LoScalzo will pour the punch, A.J. will bring trays for cookies, Marilyn will bring a punch bowl and table cloths. City staff will contact a Junior High School to provide the music and a Santa, order cookies, prepare punch, get candy canes, cups and napkins, She will also contact Mely about donating a gingerbread house to be raffled.. Those who can attend the event will arrive early to help get things ready.

Election of Officers:

Marcia said it has been a pleasure to serve as President of the Executive Committee for the past two years but she feels it is time for her to step down. She opened the floor for nominations.

Diana Ewy Sharp nominated Bill Nulton for President, Doris Wieggers for Vice President, Mayor Shaffer Treasurer and Barbara Vernon Secretary. The slate of officers was approved by unanimous vote.

Marcia Jacobs said the terms of four members of the Executive Committee expire in October of 2005. She said each of them has agreed to serve another three year term. Marilyn Uppman, William C. Nulton, Doris Wieggers and Joan Peschka will be appointed to serve until October 2008.

The meeting was adjourned.

Barbara Vernon
Secretary

**Park and Recreation Committee
October 12, 2005
Meeting Minutes**

The Park and Recreation Committee met on October 12, 2005 in the Council Chambers of Prairie Village City Hall. Members present were Diana Ewy Sharp, David Belz, Shelly Trewolla, Diane Mares, Kathy Peterson, Clarence Munsch, Tod Hueser, Mary Beth Smith, David Voysey, A.J. LoScalzo and Peggy Couch. Members of the public present were Councilmember Bill Griffith and Danielle Gibbons. Staff present was Joshua Farrar.

CALL TO ORDER

Diana Ewy Sharp called the meeting to order at 7:05 p.m.

PUBLIC PARTICIPATION

Diana Ewy Sharp recognized Prairie Village City Councilmember Bill Griffith and his neighbor Danielle Gibbons who were in attendance to discuss the fountain at the corner of 69th and El Monte. Bill explained the fountain does not work and they are looking for help fixing it. Currently the fountain is owned by the Prairie Village Homes Association but the City maintains the grounds around it. The City also has an informal agreement to turn the water on to a trickle in the fountain. Bill said the explanation Bob Pryzby gave of the agreement was the City agreed to turn the water on slightly because the fountain does not have a recirculation system and to fully turn it on would waste a considerable amount of water at the City's expense. Bill believes there may now be a problem as during the summer the water saturated the green space around the fountain and would regularly flow into the street.

Committee members asked if the Prairie Village Homes Association had been consulted about fixing the fountain. Bill said he did not believe so. The Committee asked Bill to first consult the homes association. He agreed and suggested the homes association might be willing to give the fountain to the City.

CONSENT AGENDA

David Belz moved to approve the consent agenda for Wednesday, October 12, 2005 removing item number five.

1. Approve Committee minutes from September 7, 2005
2. PK2005-07: Consider 2006 Day Camp Contract

**COUNCIL ACTION REQUIRED
LEGISLATIVE/FINANCE COMMITTEE**

3. PK2005-08: Consider 2006 Pool Use Contract

**COUNCIL ACTION REQUIRED
LEGISLATIVE/FINANCE COMMITTEE**

4. PK2005-09: Consider 2006 Learn to Swim Contract

**COUNCIL ACTION REQUIRED
LEGISLATIVE/FINANCE COMMITTEE**

The motion was seconded and approved unanimously.

David Belz asked Mr. Farrar why the budget numbers for the 2006 Aquatic Examiner contract included 40 staff for both Lifeguarding and Water Park Training classes when the memo states only new guards will be trained in Water Park in 2006. He responded he expects to hire a larger number of new guards in 2006 because the pool manager has recommended not asking back significantly more guards than in previous years. The lifeguarding class is budgeted for 40 staff to cover those will return, but also cover new guards who may already be trained but still need a refresher course.

PK2005-10: Consider 2006 Aquatic Examiner Contract

David Belz moved to approve item number five of the consent agenda. The motion was seconded and approved unanimously.

**COUNCIL ACTION REQUIRED
LEGISLATIVE/FINANCE COMMITTEE**

REPORTS

Recreation Report

Josh Farrar told the Committee he did not have the season end recreation report because he does not have accurate expenditure numbers. Until the City hires a new Finance Director this information may be delayed. The same is true for a fee analysis.

OLD BUSINESS

Consider Streamside Signage Project

Diana told the Committee she spoke to Margaret Thomas, Chairperson for the Environmental Committee. She, David, Margaret, Bob and Josh will meet to help her develop a proposal for the Committee.

Consider Franklin Park Demo Garden

Diana informed the Committee the Environmental/Recycle Committee has put this project on the back burner in order to focus on more feasible items. Margaret asked Diana to check with Parks Committee members to determine if there are volunteers willing to assist with this project as it will require very active volunteer participation, particularly the first few years at it will require daily waterings. Diana asked members to let her know if they were interested.

Discuss Height Requirements for the Slides and Diving Board

Joshua Farrar introduced the issue by describing the practices of Fairway, Merriam, and Overland Park. He reminded the Committee of the recommendation of the City's risk management consultant and of the recommendation of the slide's manufacturer. Committee members discussed potential alterations to the rules. There was generally a split between those who felt the rule should be changed to allow parents to catch children

less than 48” tall at the base of the pool and those who felt the rule should remain in place as is. David Belz reminded the Committee that while they represent citizens it is also their responsibility to represent the City and for that reason liability factors should be given considerable weight. The Committee also discussed the logistics of changing the rules. Diana Sharp informed the Committee a motion would only be necessary if someone wished to make a change. If the Committee felt no change was necessary then no action was needed. Clarence Munsch made a motion, seconded by Mary Beth Smith

MOTION

CHANGE THE POOL RULES FOR THE SLIDES TO ALLOW A RESPONSIBLE ADULT TO RECEIVE CHILDREN UNDER 48” TALL AT THE BOTTOM OF THE SLIDES.

The motion failed on a vote of 2-8. With lack of support for a change to the slide rules the Committee dropped the issue. Diana will send a letter to Ms. Lynette Hogan letting her know of the committee’s discussion of the request.

NEW BUSINESS

PK2005-06: Consider 2006 50+ Programming Agreement

Joshua Farrar introduced this item to the Committee and explained the contract essentially served as a guarantee of facility reservation for the Prairie Village Community Center. Clarence Munsch made a motion, seconded by Shelly Trewolla and passed by unanimous vote.

MOTION

RECOMMEND APPROVAL OF PK2005-06: 2006 50+ PROGRAMMING CONTRACT.

**COUNCIL ACTION REQUIRED
LEGISLATIVE/FINANCE COMMITTEE**

The Committee agreed this item could be placed on the consent agenda next year.

Consider Reservation of Harmon Park Tennis Courts by the NCAA

Joshua Farrar reported he heard from the USTA and they would like to reserve the courts Wednesday and Thursday, May 10 and 11 for the day. The courts are for the NCAA Division II tennis championships to be hosted by Rockhurst University. The USTA is making the request on behalf of Rockhurst University and has requested the City waive the \$5.00/hour/court fee. Josh reminded the Committee the last request they received for courts and waiving the fee was denied, but that request was for a weekend and could have required Public Works employees to come in and clean up. Kathy Peterson removed herself from discussion because she is involved with this tournament. The Committee discussed the benefits of having a tournament of this level of play in the City which included indirect revenue through patronage of local businesses, an entertainment opportunity for PV and KC metro residents, and having a number of new visitors to the

City. If the reservations were for eight hours the Committee would be waiving a fee of about \$800.00. Clarence Munsch made a motion, seconded by David Belz.

MOTION

RECOMMEND WAIVING THE TENNIS COURT RESERVATION FEE FOR THE NCAA DIVISION II TENNIS CHAMPIONSHIPS.

The motion failed on a vote of 4-5.

The Committee continued to discuss the issue and asked Josh to find out the cost to clean up after an event like this from Public Works. If the USTA would be willing to pay this cost the Committee would be willing to waive the fee. The Committee agreed Josh should get this number and present the option to the USTA. If they agree Josh could then get Council approval to pay the clean up cost in lieu of the court reservation fee.

Consider Modifications to the Tennis Court Rules

Josh presented his findings to the Committee, explaining that the Prairie Village tennis courts already have a very good and comprehensive set of rules. He recommended making no change at this time. The Committee agreed and directed him to publish the rules in their current form to be available by citizens upon request.

Business Plan Sub-Committee Reports

Scope – The Scope Sub-Committee consisting of Kathy Peterson and Mary Beth Smith presented a list of proposed items to be included under the Committee.

Review of Codes, Policies, Budget and Ordinances – David Voysey presented on behalf of he and Mary Beth Smith. He gave a handout which included all mentions of parks or recreation services of the City from the 2006 budget. He explained these items and how they reinforce the actions the Committee is currently undertaking. He also presented a copy of the 2006 Community Programs, Parks & Recreation Department Budget.

Fiscal Policy – Joshua Farrar explained the structure of the budget and the Committee's \$80,000 budget. He also explained the Special Alcohol Tax which is redistributed to cities to be used for 1/3 park improvements, 1/3 drug and alcohol programming, and 1/3 to the general fund.

Logo – Tod Hueser discussed a potential logo for the Committee or the Parks & Recreation Department. He said it would be important to finalize the name of the Committee and potentially the department within city hall before this item could be completed. The Committee discussed whether to use the Prairie Village star or create a new logo. Consensus was to incorporate both the PV star and the committee's name into the logo.

Inventory of Facilities – Diane Mares reported that Josh sent her a list of city facilities and there were no real surprises.

Programming – Diane reported she and Shelly met to discuss programming and reiterated that almost all of the City's programming is geared towards youth and takes place during the summer months. While the focus is not a bad thing, it does leave opportunities for expansion. They felt the City should attempt to provide more community programs and programming offered throughout the rest of the year. Some suggestions were community

events, garden tours, movies in the park, streets dances, chili festivals and possibly sprucing up the Mayor's Christmas Party.

Village Vision – Peggy Couch reported the Village Vision ideas tie right into the programming. The majority of Parks & Recreation responses were for additional community programming and a new community center. This group also felt the Committee could get involved with signature plantings, banners, or street lights throughout the City which could help to create a distinct sense of place within the City which was consistently recognized theme in the Village Vision process. Other ideas included a dog park, garden tours, and walking paths.

Diana thanked the Committee for all their work and discussed the timetable for completing the business plan. The Committee decided the scope was the most important part and it should be prioritized and then given to a sub-committee to develop an outline for the plan. Once the outline is complete the Committee will give it to Josh to develop and write. The draft will then go back to the Committee to comment on and make changes. The Committee still has a goal of completing the project by Thanksgiving.

The meeting adjourned at 8:20 p.m.

City of Prairie Village, Kansas

2006 Annual Budget
Park and Recreation Committee
Review of Existing Code, Budget and Policies Sub-Committee
Mary Beth Smith, David Voysey, Josh Farrar, Bob Pryzby

Prairie Village, Kansas Community Vision Statement

The city of Prairie Village preserves the ambiance of a village with the livability of a neighborhood. The “village” lifestyle is enhanced by quality education and a variety of housing, recreation and local commerce in pedestrian friendly centers.

Long Term Priorities and Policies/Operational

A major emphasis of elected officials in Prairie Village is to “preserve the ambiance of a village with the livability of a neighborhood.” This priority created more focus on:

Long term planning for recreational facilities.

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Long Term Priorities and Policies/Expenditure Management

Develop a comprehensive program of services that provides for public safety, maintenance of all property, open and regular communication with the public and cultural/recreational programs.

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Sort Term Priorities and Policies/Operational

It is a city that is both safe and well maintained, a city with a variety of parks and recreational activities.

An increase of \$35,000 to the Community Parks and Recreation budget for additional activities to celebrate the City’s 55th anniversary.

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Program Budgeting

The 2006 Budget of the City of Prairie Village contains six Department areas.

1. City Governance
2. Public Works
3. Public Safety
4. Municipal Justice
5. Administration
6. Community Services, Park and Recreation

**Prairie Village Arts Council
19 October, 2005
Minutes**

The Prairie Village Arts Council met at 7:00 in the City Council Chambers. Members present: Randy Kronblad, Chair, Don Church, Inge Dugan, and Bob Endres. Also present: Doug Luther.

Minutes

Committee members approved minutes from the 21 September meeting as submitted.

Financial Report

Committee members approved financial reports dated 7 October, 2005 as submitted.

Council Report

David Belz was not present

October Exhibit/Reception

The reception for Ted DeFeo on 14 October was well attended.

November Exhibit/Reception

The November exhibit will feature the MidAmerica Pastel Society on Friday, 11 November. At a previous meeting the committee agreed to an exhibit time of 6-8 pm. The following members volunteered to help with the reception:

6-7 Inge, Bob, and Don
7-8 Randy and Annie

History Alive Program

Ms. Dugan said she attended the History Alive program at Brighton Gardens. The program was well received with over 40 people attending. She also noted that not all attendees were residents of Brighton Gardens.

Don Church

Mr. Church reported that he recently spoke to a group of 150 people at the Fellowship of Christian Athletes.

2006 Planning Session

Mr. Kronblad reminded committee members that the meeting on 16 November will focus on planning for the 2006 program year. The meeting will begin at 6:00 pm and dinner will be provided.

There being no further business, the meeting adjourned.

Randy Kronblad
Chair

MEMORANDUM

To: Mayor Shaffer
Council Members

From: Joyce Hagen Mundy

Date: October 31, 2005

Re: 2005 Peanut Butter Week

Approximately 5,600 pounds of peanut butter were collected from the following locations:

The Colonial Church	181 pounds
Mission Road Community of Christ	65 pounds
Nall Avenue Baptist Church	200 pounds
Asbury United Methodist Church	92 pounds
Nall Avenue Church of the Nazarene	30 pounds
Saint Ann's Catholic Church	420 pounds
Prairie Baptist Church	234 pounds
Belinder Elementary School	245 pounds
Brainwood Elementary School	460 pounds
Corinth Elementary School	202 pounds
Prairie Elementary School	970 pounds
Indian Hills Middle School	441 pounds
Mission Valley Middle School	235 pounds
Shawnee Mission East High School	1,112 pounds
Highlawn Montessori	170 pounds
Claridge court	266 pounds
Brighton Gardens	27 pounds
City of Prairie Village Municipal Offices	104 pounds
Prairie Village Public Works	116 pounds

In addition to the above, \$1,145 were collected for Harvesters. The 2004 peanut butter donation was 7,100 pounds and \$525. This was a strong response in view of recent contributions made by the community on behalf of Hurricane Katrina.

Council Members
Mark Your Calendars
November 7, 2005

November, 2005	Mid-America Pastel Society's exhibit in the R.G. Endres Gallery
Nov 11	Prairie Village Arts Council reception for MAPS Society exhibit
Nov 17	Regional Supper – Lenexa Conference Center
Nov 21	City Council Meeting
Nov 24/25	City offices closed in observance of Thanksgiving
Nov 28	Mayor Holiday Tree Lighting
December, 2005	Julie Johnson Photography exhibit in the R.G. Endres Gallery
Dec 2	Mayor's Holiday Party – Homestead Country Club
Dec 9	Prairie Village Arts Council reception for Julie Johnson's Photography exhibit
Dec 5	City Council Meeting
Dec 6 – 11	NLC Annual Conference, Charlotte, NC
Dec 14	Employee Appreciation/Holiday Celebration
Dec 19	City Council Meeting
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 13	Prairie Village Arts Council reception for art exhibit
January 16	Martin Luther King Day
January 17 Tuesday	City Council Meeting
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
February 21 Tuesday	City Council Meeting
March, 2006	Virginia Fortner watercolor exhibit in the R.G. Endres Gallery
March 6	City Council Meeting
March 10	Prairie Village Arts Council reception for art exhibit
March 11-15	NLC Congressional City Conference in Washington DC
March 20	City Council Meeting
April, 2006	Ms. Bobbi Toyne mixed media exhibit in the R.G. Endres Gallery
April 3	City Council Meeting
April 14	Prairie Village Arts Council reception for art exhibit
April 17	City Council Meeting

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
June 2006	Not filled yet 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
July 2006	Not filled yet exhibit in the R.G. Endres Gallery
July 3 Tuesday	City Council Meeting
July 4	City Offices closed in observance of 4 th of July
July 4	Villagefest
July 17	City Council Meeting
August 2006	Not filled yet exhibit in the R.G. Endres Gallery
August 7	City Council Meeting
August 21	City Council Meeting
September 2006	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
October 2006	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
November 2006	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
December 2006	Not filled yet 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 1st Quarter 2001)
COM2000-04 Consider the installation of marquees banners at City Hall to announce upcoming civic events (assigned Strategic Plan for 1st 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 4th 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)
COU2004-20 Consider No Smoking Ordinance (assigned 9/28/2004)
COU2004-22 Consider School Zone Policy (assigned 10/15/2004)
COU2005-12 Consider proposed Mission Hills Public Safety Budget for 2006 (assigned 8/3/2005)
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)
- COU2005-36 Consider 2006 Budget Process and 2007 Plan (assigned 9/14/2005)
- COU2005-38 Consider Special Use Permit for Day Care Program at 7501 Belinder Avenue (assigned 10/04/2005)
- COU2005-39 Consider Economic Development incentive Policy (assigned 10/10/2005)

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 1st 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)
- LEG2005-19 Consider Harmon Park & Pool Renovation Bond Refinancing (assigned 7/12/2005)
- LEG2005-36 Consider ordinance on residential picketing (assigned 10/18/2005)
- LEG2005-37 Consider placement of a "Yield" sign at 84th & Fontana (assigned 10/18/2005)
- PK2005-06 Consider 2006 50+ Programming Agreement (assigned 10/12/2005)
- PK2005-07 Consider 2006 Day Camp Contract (assigned 10/12/2005)
- PK2005-08 Consider 2006 Pool Use Contract (assigned 10/12/2005)
- PK2005-09 Consider 2006 Learn to Swim Contract (assigned 10/12/2005)
- PK2005-10 Consider 2006 Aquatic Examiner Contract (assigned 10/12/2005)
- LEG2005-38 Consider proposed ordinance revisions to PVMC 19.44.025 entitled "Height and Area Exceptions – Fences" (assigned 11/2/2005)
- LEG2005-39 Consider Contribution allocation for Human Services Grants in 2006 (assigned 11/3/2005)

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)
- PK2005-06 Consider 2006 50+ Programming Agreement (assigned to L/F Committee)
- PK2005-07 Consider 2006 Day Camp Contract (assigned to L/F Committee)
- PK2005-08 Consider 2006 Pool Use Contract (assigned to L/F Committee)
- PK2005-09 Consider 2006 Learn to Swim Contract (assigned to L/F Committee)
- PK2005-10 Consider 2006 Aquatic Examiner Contract (assigned to L/F Committee)
- PK2005 -11 Consider Use of right-of-way island at Somerset and Lee Blvd (assigned to L/F Committee)

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 2nd Qtr 2001)

POLICY/SERVICES

- POL2003-14 Consider Project 190845: Mission Road – 75th St to 79th 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 – 71st to 75th (CARS) (assigned 2/25/2004)
POL2004-09 Consider Project 190848: Mission Rd – Somerset to 83rd (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 95th 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 – 69th to 71st St. (assigned 1/31/2005)
POL2005-04 Consider Project 190809: 75th 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)
POL2005-22 Consider Storm Drainage Consultant (assigned 8/30/2005)
POL2005-23 Consider Project 190857: Roe Avenue – 95th to 91st 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)
POL2005-32 Consider Tree Trimming Area 43 (assigned 11/1/2005)

PRAIRIE VILLAGE ARTS COUNCIL

- PVAC2000-01 Consider a brochure to promote permanent local art and history (assigned Strategic Plan for the 1st Quarter of 2001)