

# City Council Meeting

*February 21, 2006*

*Dinner provided by:*



Burritos and Enchiladas

Beans and Rice

Iguana dip

Chips and sauce

**COUNCIL COMMITTEE**

**Tuesday, February 21, 2006  
Council Chambers  
6:00 P.M.**

**Agenda**

**Report:**

**Public Safety Report  
Chief Charles Grover**

**Agenda Item:**

**COU2005-20:     Develop a sidewalk policy  
                          Bob Pryzby**

# PRAIRIE VILLAGE

## FINAL CRIME REPORT 2005

CRIME	2002	2003	2004	2005	AVERAGE	2005 +/- AVG
Homicide	0	0	0	0	0.00	0.00
Rape	3	0	3	5	2.75	2.25
Robbery	14	4	3	8	7.25	0.75
Assault	78	111	93	97	94.75	2.25
Burglary**	111	78	58	56	75.75	-19.75
Residence	106	66	36	35	60.75	-25.75
Business	2	12	6	17	9.25	7.75
Miscellaneous	2	0	16	4	5.50	-1.50
Theft	210	200	181	224	203.75	20.25
Auto Theft	27	9	13	21	17.50	3.50
Arson	7	8	6	5	6.50	-1.50
Forgery	32	24	10	15	20.25	-5.25
Fraud	8	1	5	11	6.25	4.75
Criminal Damage	106	65	69	101	85.25	15.75
Sexual Offenses	8	12	14	9	10.75	-1.75
<b>TOTAL</b>	<b>604</b>	<b>512</b>	<b>455</b>	<b>552</b>	<b>530.75</b>	<b>21.25</b>

ACCIDENTS	2002	2003	2004	2005	AVERAGE	2005 +/- AVG
Fatal	2	0	0	0	0.50	-0.50
Street - Injury	44	30	28	30	33.00	-3.00
Street - Property + \$1000*	417	402	435	345	399.75	-54.75
Street - Property - \$1000*	33	38	46	47	41.00	6.00
Private - Injury	1	1	0	0	0.50	-0.50
Private - Property	85	93	88	69	83.75	-14.75
Walk-In - Property	78	73	67	69	71.75	-2.75
<b>TOTAL</b>	<b>660</b>	<b>637</b>	<b>664</b>	<b>560</b>	<b>630.25</b>	<b>-70.25</b>

<b>TOTAL CALLS</b>	<b>9,861</b>	<b>10,792</b>	<b>9,695</b>	<b>9,409</b>	<b>9,939.25</b>	<b>-530.25</b>
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\*2005 statute change to \$1000

\*\*Auto burglary eliminated

**PRAIRIE VILLAGE - MISSION HILLS  
FINAL  
CRIME REPORT - 2005**

<b>CRIME</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>AVERAGE</b>	<b>2005 +/- AVG</b>
Homicide	0	0	0	0	0.00	0.00
Rape	4	0	3	5	3.00	2.00
Robbery	14	4	3	10	7.75	2.25
Assault	82	116	99	102	99.75	2.25
Burglary	140	89	65	57	87.75	-30.75
Residence	134	76	43	36	72.25	-36.25
Business	2	13	6	17	9.50	7.50
Miscellaneous	3	0	21	4	7.00	-3.00
Theft	237	225	195	244	225.25	18.75
Auto Theft	35	12	14	22	20.75	1.25
Arson	9	8	7	5	7.25	-2.25
Forgery	32	24	10	15	20.25	-5.25
Fraud	8	1	8	11	7.00	4.00
Criminal Damage	122	78	76	103	94.75	8.25
Sexual Offenses	8	12	14	10	11.00	-1.00
<b>TOTAL</b>	<b>691</b>	<b>569</b>	<b>494</b>	<b>584</b>	<b>584.50</b>	<b>-0.50</b>

<b>ACCIDENTS</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>AVERAGE</b>	<b>2005 +/- AVG</b>
Fatal	2	0	0	0	0.50	-0.50
Street - Injury	46	34	29	32	35.25	-3.25
Street - Property + \$1000*	457	422	480	375	433.50	-58.50
Street - Property - \$1000*	38	43	50	52	45.75	6.25
Private - Injury	1	2	0	1	1.00	0.00
Private - Property	93	94	91	76	88.50	-12.50
Walk-In - Property	81	75	70	72	74.50	-2.50
<b>TOTAL</b>	<b>718</b>	<b>670</b>	<b>720</b>	<b>608</b>	<b>679.00</b>	<b>-71.00</b>

<b>TOTAL CALLS</b>	<b>12,348</b>	<b>13,350</b>	<b>12,855</b>	<b>12,305</b>	<b>12,714.50</b>	<b>-409.50</b>
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\* 2005 Statute change to \$1000



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## M E M O R A N D U M

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**TO:** Policy Services Committee  
**FROM:** Bob Pryzby  
**DATE:** February 14, 2006  
**RE:** Sidewalk – City Code, Policy & Procedure

During the last ten plus years, I have reviewed with the City Policy Services Committee and City Council the City Code, Policy and Procedures pertaining to Sidewalk construction and maintenance. This report is in response to a request of the Policy Services Committee to review the sidewalk matters.

Most of the discussion has been relative to these questions or issues:

- Should the City be a walking community?
- Should sidewalks be connected to other sidewalks to form a continuous walking route?
- Should a sidewalk be constructed if the property owners do not want a sidewalk?
- Should all sidewalks be 5-feet wide to accommodate two walkers side by side?
- Should sidewalks that are constructed next to the curb be 5-feet or 6-feet wide for increased safety?
- Should sidewalks in city parks be widen to 6-feet?
- How should Public Works advise the property owner of intent to construct a sidewalk?
- Should the present method of advising property owners be changed to include those properties within 1,000 feet?
- How should property owners express their opinions relative to sidewalks?
- How much weight should be given to property owner preference versus persons with disabilities?
- How much weight should be given to property owner preference versus children walking to school?
- How far for a school should sidewalks be provided for students?

- How much weight should be given to property owner preference versus the walking public?

Each of these questions or issues will generate additional questions or issues in pursuit of a response. Each of these questions or issues can only be addressed by the City Council.

For your reference, I have summarized the criteria used by Public Works pertaining to sidewalks. The criteria is:

### City Code

City **Code 13.08 Sidewalks** (attached) provides for construction permit, sidewalk specifications, petition for sidewalk, request by abutting owner, request by subdivision developer, and violation-penalty.

City **Code 13.12 Snow and Ice Removal** (attached) provides for the removal of snow and ice from sidewalks.

### City Policy

City Council **Policy 312 Sidewalks** (attached) specifies where sidewalks will be constructed.

City Council **Policy 331 Maintenance of Sidewalks** (attached) specifies the responsibility for replacement of sidewalks.

### City Comprehensive Plan

The Comprehensive Plan includes the following comments that are relevant to the transportation plan: “*Sidewalks* -- Priority emplacement of sidewalks is to be according to the School Crossing Route Plan (*now called School Route Plan by MUTCD*). Sidewalks will be emplaced on both sides of arterial streets. All collector and residential streets will have a sidewalk on one side of the street. Emplacement will occur at the time of rehabilitation or reconstruction, or by petition of 51 percent of the property owners along the street in question, at the City’s discretion.”

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

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

### American with Disabilities Act (ADA)

The American with Disabilities Act Accessible Guidelines (ADAAG) specify requires for sidewalks and ramps connecting sidewalk to street edge. Presently, the Access

Board is considering the final draft of the Public Utilities section to be added to the ADAAG. The proposal stresses the identification of a pedestrian access route.

"Pedestrian Access Route" is a key term that refers to the portion of the public right-of-way that serves as an accessible route. Since the technical requirements for this route are unique to public rights-of-way, the advisory committee wanted to use a term distinct from "accessible route," which is used by ADAAG in referring to routes on sites. In many cases, the pedestrian access route would not have to encompass the full width of sidewalks and other pedestrian ways. Thus, the term is used to refer to the compliant portion, which in effect, provides a continuous accessible means of passage.

In new construction, the pedestrian access route would comprise a continuous, unobstructed path connecting to all elements and spaces required to be accessible. In an alteration or addition, the requirements for pedestrian access routes would apply only to new or altered portions of public rights-of-way. As a result, there may be breaks in continuity where the pedestrian access route is interrupted by portions of the existing pedestrian network, which have not yet been altered. In such cases, the new or altered portions would be required to blend smoothly with the existing pedestrian network.

Specifications for pedestrian access routes address clear width, cross slope, grade, surface, changes in level, and other characteristics. The pedestrian access route may comprise sidewalks and walking surfaces, curb ramps and ramps, blended transitions, crosswalks, elevators, and other elements recognized by the guidelines.

### **Manual on Uniform Traffic Control Devices (MUTCD)**

The Manual on Uniform Traffic Control Devices (MUTCD) has a chapter for School Zones (attached), related to sidewalks. The manual provides guidance to establish a school route plan for each school serving elementary to high school students in order to develop uniformity in the use of school area traffic controls. School walk routes should be planned to take advantage of existing traffic controls and the availability of adequate sidewalks or off-roadway sidewalk areas to and from the location with existing control. The planning for school walk routes might make it necessary for children to walk an indirect route to an established school crossing located where there is existing traffic control and to avoid the use of a direct crossing where there is no existing traffic control.

### **Public Works Practice**

Sidewalk Scenarios	Repair Method
Expansion or contraction joints or	Grind sidewalk

cracks of ¼-inch to 1-inch vertical deflection	
Expansion or contraction joints or cracks of 1-inch or greater vertical deflection	Remove and replace sidewalk
Curb & gutter interfaces with ¼-inch to 1-inch or greater vertical deflection with sidewalk being lower	Do nothing
Curb & gutter interfaces with 1" or greater vertical deflection with sidewalk being lower	Do nothing
Curb & gutter interfaces with ¼-inch to 1-inch or greater vertical deflection with sidewalk being higher	Do nothing
Curb & gutter interfaces with 1" or greater vertical deflection with sidewalk being higher	Do nothing
Drain inlet interfaces with ¼-inch to 1-inch or greater vertical deflection with sidewalk being lower	Grind drain inlet
Drain inlet interfaces with 1" or greater vertical deflection with sidewalk being lower	Remove and replace sidewalk
Drain inlet interfaces with ¼-inch to 1-inch or greater vertical deflection with sidewalk being higher	Grind sidewalk
Drain inlet interfaces with 1" or greater vertical deflection with sidewalk being higher	Remove and replace sidewalk
Sidewalk panels with cracks greater than 25 % of panel	Remove and replace sidewalk

When Public Works applies the criterion (as mentioned above) for sidewalks and determines a need to construct a new sidewalk in accordance with City Policy, it makes a determination on the best location for the sidewalk and then advises the property owners of the City intent to construct a sidewalk. It was recently suggested that Public Works should mark the proposed sidewalk location in the field using stakes. This procedure has been implemented. If there is a majority of responses for not constructing the new sidewalk, Public Works then schedules a meeting with the City Council, as only City Council can waive the application of the City Policy.

It should be noted that the Shawnee Mission School District policy on busing is that the student must reside beyond a 2.5-mile radius of the school. This means that all Prairie Village students are within the 2.5-mile limit and therefore are in the walking zone.

In conclusion, the question of constructing sidewalks has become more contentious each year. Under the current situation, Public Works is spending considerable effort and expense to apply the City Council Policy in its current form, without constructing many new sidewalks. The Public Works mission of “Working for you, providing the right service, at the right time, at the right cost.” is being hampered by the current sidewalk policy and its application.

**Chapter 13.08****SIDEWALKS****Sections:**

- 13.08.010 Sidewalk Construction Permit.
- 13.08.020 Sidewalk Specifications.
- 13.08.030 Petition.
- 13.08.040 Request by Abutting Owner.
- 13.08.050 Request by Subdivision Developer.
- 13.08.060 Violation and Penalty.
- 13.08.070 Procedure Not Exclusive.

**13.08.010 Sidewalk Construction Permit.**

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

**13.08.020 Sidewalk Specifications.**

All sidewalks shall be constructed in accordance with standard design and specifications provided by the Department of Public Works. Any deviation from the standard design and specifications must be specifically noted on the construction permit.

**13.08.030 Petition.**

Citizens may petition for the construction or reconstruction of a sidewalk by submitting a petition on proper form to the City Clerk. The petition must bear the signatures of not less than 25 citizens owning real estate in the City, or 51 percent of the citizens owning real estate along the street where the proposed sidewalk construction or reconstruction is to occur. The City Council, at its discretion, may order such sidewalk constructed or reconstructed at City expense.

**13.08.040 Request by Abutting Owner.**

Nothing in this Chapter shall be construed to prohibit the owner of property abutting a sidewalk from constructing or reconstructing a sidewalk at his own expense. Such person shall obtain a permit in accordance with Section 13.08.010 of this Chapter.

**13.08.050 Request by Subdivision Developer.**

In subdivisions, sidewalks shall be constructed at the developer's expense on at least one side of all streets and around cul-de-sacs, except on both sides of streets designated as arterial. Such contractor shall obtain a permit in accordance with Section 13.08.010 of this Chapter.

**13.08.060 Violation and Penalty.**

Any person violating any of the provisions of this Chapter shall, upon conviction thereof, be punished as provided in Section 1.12.010 of this Municipal Code.

**13.08.070 Procedure Not Exclusive.**

Nothing in this Chapter shall preclude the procedure provided in K.S.A. Chapter 12, Article 6a or any Kansas Statute relating to the construction, or reconstruction of sidewalks.

## Chapter 13.12

### Snow and Ice Removal

#### 13.08.010 Purpose

The City of Prairie Village believes that it is in the best interests of the residents for the City to assume basic responsibility for removal of snow and ice from public streets. Reasonable ice and snow removal from public streets is necessary for routine travel and emergency services. The City will provide such removal in a safe and cost effective manner, keeping in mind safety, budget, personnel and environmental concerns. The City will use City employees, equipment, materials and/or private contractors to provide this service.

#### 13.08.020 Authority

The City's Director of Public Works or his/her designee shall be responsible for the removal of snow and ice from public streets.

#### 13.08.030 Removal of Illegally Parked Vehicles

Any motor vehicle parked in violation of this Code is deemed to be a nuisance that interferes with snow removal from the public streets. Any law enforcement officer may remove any such vehicle by means of towing or other means in order to facilitate proper snow removal. The removal of illegally parked vehicles shall not preclude prosecutions for violations of any provision of this Section.

#### 13.08.040 Sidewalk - Removal of Ice and Snow.

It shall be unlawful for the owner and/or occupant of any property abutting one or more public sidewalks to fail to cause to be removed from such sidewalks all snow and ice within 24 hours from the time that the snow or ice storm ends. If the snow falls or ice accumulates upon the sidewalks in the nighttime, removal of it must be within 24 hours after sunrise.

Where there shall be ice or compacted snow on any such sidewalk of such a character as to make it practically impossible to remove the same, the sprinkling of sand or non-corrosive chemicals on the accumulation of ice or snow in such a manner as to make such sidewalk reasonably safe for pedestrian travel shall be deemed sufficient compliance with provisions of this article until the ice or snow can be removed.



**13.08.050 Removal of Overhanging Snow.**

It is made the duty of the owner and of the occupant of any building or structure located near or adjacent to any public street, or public sidewalk to remove at his/her own expense any accumulation of snow or ice upon the roof or sides thereof which overhangs or is likely to fall on such public street, or public sidewalk.

**13.08.060 Snow and Ice Removed from Private Property**

It shall be unlawful for any person to remove snow from private property and place it upon any public street or public sidewalk.

**13.08.070 City Removal**

If any owner or occupant of any lot or lots shall refuse or neglect to clean or remove from the public sidewalk abutting the lot or lots all snow and ice within the time specified, the City may cause such snow and ice to be removed and the cost thereof shall be assessed against such abutting lot or lots and the City Clerk shall certify the same to the County Clerk for collection as provided by law.

The City will not remove any ice or snow accumulation from any private property.

**13.08.080 Costs on Tax Rolls**

The City Clerk shall, at the time of certifying other City taxes to the County Clerk, certify the unpaid costs for removal of snow and ice performed under the authority of this Section and the County Clerk shall extend the same on the tax roll of the county against the lot or parcel of ground. The cost of such work shall be paid from the general fund or other proper fund of the City, and such fund shall be reimbursed when payments therefore are received or when such assessments are collected and received by the City.

**13.08.090 Penalty**

Any person who fails or neglects to comply with the requirements of this Section shall, upon conviction thereof, be punished as provided in Section 1.12.010 of this Code.

**CITY COUNCIL POLICY 312: SIDEWALKS****PURPOSE:**

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

**RESPONSIBILITY:**

Director of Public Works

**PROCEDURE:****ARTERIAL STREETS**

All arterial streets will have sidewalks constructed on both sides of the street. The priority shall be given to sidewalks shown on the most current "School Crossing Plan".

When an arterial street is rehabilitated or reconstructed, a new sidewalk will be installed on at least one side of the arterial street in coordination with such street project. The construction cost may be paid from the street project. In future street projects, the sidewalk on the other side of the street may be constructed, until both sides of the arterial street have sidewalks.

**COLLECTOR AND RESIDENTIAL STREETS**

All collector or residential streets will have sidewalks constructed on one sides of the street. The priority shall be given to sidewalks shown on the most current "School Crossing Plan".

When a collector or residential street is rehabilitated or reconstructed, a new sidewalk will be installed on one side of the said street in coordination with such street project. The construction cost may be paid from the street project.

**CITIZEN PETITIONS**

Citizens may petition for the construction or reconstruction of a sidewalk by submitting a petition on proper form to the City Clerk. The petition must bear the signatures of not less than 25 of the citizens owning real estate in the City, or 51 percent of the citizens owning real estate along the street where the proposed sidewalk construction or

reconstruction is to occur. The City Council, in its discretion, may order such sidewalk constructed or reconstructed.

### **CONSTRUCTION BY ABUTTING PROPERTY OWNERS**

Nothing herein shall prohibit the owner of property abutting on a street who desires to construct or reconstruct a sidewalk from doing so without any petition or condemning resolution. The owner must do so at no cost to the City and in accordance with official plans and specifications.

Provided, that if such property owner desires the sidewalk to be constructed or reconstructed by the City and an assessment levied as provided in other cases, the owner shall file a request with the City Council. The City Council may provide, in its discretion, for the construction or reconstruction of the sidewalk in the same manner as in cases where citizens or taxpayers file petitions.

### **SUB-DIVISION REQUIREMENTS**

Sidewalks will be constructed on at least one side of all streets, around cul-de-sacs and on both sides of streets designed as arterial.

### **SIDEWALK PERMITS**

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

### **SETBACK REQUIREMENTS**

All newly constructed sidewalks shall have a minimum width of five feet on arterial and collector streets, and a minimum width of four feet on all other streets. The street side of the sidewalk shall not be located closer than five feet to the street face of curb or edge pavement

### **OBSTACLES**

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

**SIDEWALK RAMPS**

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

**CONSTRUCTION, RECONSTRUCTION AND REPAIR COSTS**

The City shall be responsible for the cost of construction, reconstruction and repairs of City sidewalks, except as provided otherwise by City Municipal Code.

**SPECIAL CIRCUMSTANCES**

In the case of extenuating circumstances, the City Council may choose to waive or modify parts of this Policy for that extenuating circumstance. The basis of such waiver or modification may be in the interest of the safety, health and welfare of its citizens. Such waiver or modification may not be interpreted for future application as precedent setting.

<b>CITY COUNCIL POLICY 331: MAINTENANCE OF SIDEWALKS</b>
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**Purpose:**

To establish responsibility for repair and replacement of sidewalks.

**Responsibility:**

Public Works Director.

**Policy:**

The City of Prairie Village will repair, replace and pay the entire cost for sidewalks on public streets within the City limits of Prairie Village that have deteriorated due to natural conditions.

Any person(s) who damages or causes there to be damages to any City sidewalk shall repair or replace the damaged sections as directed by the Director of Public Works.

Included in any public repair or replacement will be the seeding or replacement of sod in any excavated areas.

The Director of Public Works will notify abutting property owners that it is their responsibility to water and maintain the seeded or sod areas.

**AMERICAN WITH DISABILITIES ACT ACCESSIBLE GUIDELINES (ADAAG)****Pedestrian Access Route (1102.4, 1103)**

"Pedestrian Access Route" is a key term that refers to the portion of the public right-of-way that serves as an accessible route. Since the technical requirements for this route are unique to public rights-of-way, the advisory committee wanted to use a term distinct from "accessible route," which is used by ADAAG in referring to routes on sites. In many cases, the pedestrian access route would not have to encompass the full width of sidewalks and other pedestrian ways. Thus, the term is used to refer to the compliant portion, which, in effect, provides a continuous accessible means of passage.

In new construction, the pedestrian access route would comprise a continuous, unobstructed path connecting to all elements and spaces required to be accessible. In an alteration or addition, the requirements for pedestrian access routes would apply only to new or altered portions of public rights-of-way. As a result, there may be breaks in continuity where the pedestrian access route is interrupted by portions of the existing pedestrian network, which have not yet been altered. In such cases, the new or altered portions would be required to blend smoothly with the existing pedestrian network.

Specifications for pedestrian access routes address clear width, cross slope, grade, surface, changes in level, and other characteristics. The pedestrian access route may comprise sidewalks and walking surfaces, curb ramps and ramps, blended transitions, crosswalks, elevators, and other elements recognized by the guidelines.

***Minimum Clear Width (1103.3)***

The draft guidelines specify a minimum clear width of 48 inches for the pedestrian access route, excluding the width of curbs. The advisory committee had recommended a minimum width of 60 inches with various exceptions that would have permitted a reduction to 48 inches in order to accommodate certain fixtures and elements. A 60-inch width would provide wheelchair turning space and passing space. The Board has specified 48 inches minimum without exceptions, to be consistent with industry practice. The 48-inch width remains greater than the width ADAAG generally specifies for accessible routes on sites (36 inches).

***Grade (1103.5)***

A key issue of routes in public rights-of-ways is the grade or slope of the terrain. ADAAG requires accessible routes on sites that slope more than 1:20 to be treated as ramps. Ramps must have handrails on both sides, edge protection, and intermediate level landings at least every 30 feet, among other requirements. It would not be practical to apply ramp requirements generally to sidewalks in sloped areas. Consistent with an advisory committee recommendation, the grade of the pedestrian access route within a sidewalk is permitted to be as steep as the grade of the adjoining roadway. The grade can

be steeper than the roadway grade where the route slopes less than 1:20 or is treated as a complying ramp.

*Surfaces (1103.6)*

The advisory committee recommended that the pedestrian access route also contain a narrower route within its boundaries that was smooth and free of irregular surface features, such as granite pavers, cobble stones, and other types of rough or jointed surfaces. This would minimize the sometimes-painful vibration persons using wheeled mobility aids may experience traversing rough and uneven surfaces. However, the committee was not able to identify suitable methods for measuring surface roughness or rolling vibration that would help determine whether a given surface was sufficiently smooth. The advisory committee called attention to the need for research on the relationship between surface roughness and wheeled mobility aids, including possible measurement protocols. The Board agrees with the committee that such information needs to be developed, but believes that a requirement for surface smoothness should not be included until measurable technical specifications are identified. Thus, a requirement for surface smoothness has not been included. However, the pedestrian access route is subject to requirements in ADAAG (section 302), which require surfaces to be firm, stable, and slip resistant, and which prohibit openings that are more than 1/2 inch in one dimension, such as might occur in a grating. In addition, the Board has limited the frequency of permitted level changes along the pedestrian access route (discussed below at section 1103.8).

## MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD)

The Manual on Uniform Traffic Control Devices (MUTCD) has a chapter for School Zones (attached), related to sidewalks. The manual provides:

Standards – a statement of required, mandatory, or specifically prohibitive practice. The operative verb is “shall”.

Guidances – a statement of recommended, but not mandatory, practice in typical situations, with deviations allowed if engineering judgment or engineering study indicates the deviation to be appropriate. The operative verb is “should”.

Options – a statement of practice that is a permissive condition and carries no requirement or recommendation, but are may contain allowable modifications to a Standard or Guidance. The operative verb is “may”.

Supports – an informational statement that does not convey any degree of mandate, recommendation, authorization, prohibition, or enforceable condition. The operative verbs “shall”, “should”, and “may” are not used in Support statements.

### CHAPTER 7A. GENERAL SCHOOL ZONES

#### Section 7A.01 Need for Standards

Support:

It is important to stress that regardless of the school location, the best way to achieve reasonably safe and effective traffic control is through the uniform application of realistic policies, practices, and standards developed through engineering judgment. Pedestrian safety depends upon public understanding of accepted methods for efficient Traffic control. This principle is especially important in the control of pedestrians, bicycles, and other vehicles in the vicinity of schools. Neither pedestrians on their way to or from school nor road users can be expected to move safely in school areas unless they understand both the need for traffic controls and how these controls function for their benefit.

Procedures and devices that are not uniform might cause confusion among pedestrians and road users, prompt wrong decisions, and contribute to crashes. To achieve uniformity of traffic control in school areas, comparable traffic situations need to be treated in a consistent manner. Each traffic control device and control method described in Part 7 fulfills a specific function related to specific traffic conditions. A uniform approach to school area traffic controls assures the use of similar controls for similar situations (which promotes uniform behavior on the part of motorists, pedestrians, and bicyclists).

A school traffic control plan permits the orderly review of school area traffic control needs, and the coordination of school/pedestrian safety education and engineering activities.



**Guidance:**

A school route plan for each school serving elementary to high school students should be prepared in order to develop uniformity in the use of school area traffic controls and to serve as the basis for a school traffic control plan for each school. The school route plan, developed in a systematic manner by the school, law enforcement, and traffic officials responsible for school pedestrian safety, should consist of a map (see Figure 7A-1) showing streets, the school, existing traffic controls, established school walk routes, and established school crossings. The type(s) of school area traffic control devices used, either warning or regulatory, should be related to the volume and speed of vehicular traffic, street width, and the number and age of the students using the crossing. School area traffic control devices should be included in a school traffic control plan.

**Support:**

Reduced speed limit signs for school areas and crossings are included in this Manual solely for the purpose of standardizing signing for these zones and not as an endorsement of mandatory reduced speed zones.

**Section 7A.02 School Routes and Established School Crossings****Guidance:**

School walk routes should be planned to take advantage of existing traffic controls. The following factors should be considered when determining the feasibility of requiring children to walk a longer distance to a crossing with existing traffic control:

- A. The availability of adequate sidewalks or off-roadway sidewalk areas to and from the location with existing control;
- B. The number of students using the crossing;
- C. The age levels of the students using the crossing; and
- D. The total extra walking distance.

**Support:**

The planning criterion for school walk routes might make it necessary for children to walk an indirect route to an established school crossing located where there is existing traffic control and to avoid the use of a direct crossing where there is no existing traffic control.



# PRAIRIE VILLAGE POLICE DEPARTMENT

CHARLES F. GROVER - CHIEF OF POLICE

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## INTEROFFICE MEMORANDUM

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**DATE:** February 10, 2006

**TO:** Mayor Shaffer and City Council Members

**FROM:** Chief Charles F. Grover 

**SUBJECT:** 2005 DEPARTMENT SUPERVISORY RECOGNITION AWARDS

The Prairie Village Police Department's standard for professionalism is consistent with the Department's motto of "Committed to Excellence." There are times, however, when Department employees exceed our expectations and are recognized by the Department for the performance of their duties.

The highest award the Department bestows on an employee is the Department Recognition Award. This award recognizes an employee who knowingly and purposefully exposes him/herself to an extraordinary risk of personal harm to accomplish a meaningful police, civic or humanitarian goal.

The second type of award the Department issues to its employees is Supervisory Recognition Award. The Department presents this award to employees for outstanding performance displayed by competent applications of an employee's job skill, usually under difficult circumstances. This award may be given to an employee(s) for an incident or circumstance, which clearly shows an extraordinary level of expertise, thoroughness, conscientiousness, or determination.

At the February 21, 2006, City Council meeting, the Department will present its 2005 Supervisory Recognition Awards to 10 employees. The employees to be recognized with Supervisory Recognition Awards include:

Sgt. Wes Lovett  
Sgt. Curt Winn

Cpl. James Carney  
Cpl. Byron Roberson

Officer Rick Bohon  
Officer Eric McCullough  
Officer Dan Robles  
Det. Dan Stewart  
Officer Adam Taylor  
Det. Steve Taylor

**COUNCIL MEETING AGENDA  
CITY OF PRAIRIE VILLAGE  
Tuesday, February 21, 2006  
7:30 p.m.**

**I. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

**IV. SPECIAL PRESENTATION – Public Safety Department Awards**

**V. PUBLIC PARTICIPATION**

**VI. CONSENT AGENDA**

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

**By Staff:**

1. Approve Regular Council Meeting Minutes – February 6, 2006.
2. Approve the amended 2006 British Soccer Camp Contract.
3. Approve an agreement with Training @ Your Place for upgrades to the Municipal Court Software System.
4. Adopt Ordinance 2114 repealing Ordinance 2024 establishing a restricted residential parking area and the issuance of parking permits.
5. Adopt resolution 2006-01 designating City Officials and Staff authorized to act on behalf of the City for investments through the “Municipal Investment Pool”
6. Approve engineering change order #1 authorizing the preliminary and final design and bidding services for Project 190717: 2006 storm drainage repair program to URS Corporation for an increase of \$59,299.00 bringing the contract total to \$75,999.00. (Policy Services Committee Minutes – February 6, 2006)
7. Approve the 2007-2011 cars application. (Policy Services Committee Minutes – February 6, 2006)
8. Adopt an ordinance adding a new section 16-535 entitled “Water Discharges” to the Prairie Village Municipal Code Chapter XVI Zoning and Planning, Article 5, Stormwater Management. (Policy Services Committee Minutes – February 6, 2006)
9. Approve the revised council Policy #410 entitled Traffic Control Devices (Policy Services Committee Minutes – February 6, 2006)

**VII. COMMITTEE REPORTS**

Policy Services Committee – Al Herrera

POL2004-15 Consider Project 190709: 83<sup>rd</sup> Street, Somerset Drive, Delmar and Fontana

POL2005-35 Consider City Council Policy #372 entitled “Water Discharges”

Legislative Finance Committee – Ruth Hopkins

LEG2006-04 Consider CMB Sales at Service Stations

**VIII. OLD BUSINESS**

**IX. NEW BUSINESS**

**X. ANNOUNCEMENTS**

**XI. ADJOURNMENT**

**If any individual requires special accommodations -- for example, qualified interpreter, large print, reader, hearing assistance -- in order to attend the meeting, please notify the City Clerk at 381-6464, Extension 4616, no later than 48 hours prior to the beginning of the meeting.**

**If you are unable to attend this meeting, comments may be received by e-mail at [cityclerk@PVKANSAS.COM](mailto:cityclerk@PVKANSAS.COM)**

**CONSENT AGENDA**

**CITY OF PRAIRIE VILLAGE, KS**

**Tuesday, February 21, 2006**

**COUNCIL  
CITY OF PRAIRIE VILLAGE  
February 6, 2006  
-Minutes-**

The City Council of Prairie Village, Kansas, met in regular session on Tuesday, February 6, 2006 at 7:30 p.m. in the Council Chambers of the Municipal Building.

**ROLL CALL**

Council President Jeff Anthony 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, Wayne Vennard and David Belz.

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

**PUBLIC PARTICIPATION**

Council President Jeff Anthony noted there were several persons in the audience regarding the building issue on 71<sup>st</sup> Street and called upon City Planning Consultant Ron Williamson for information.

Ron Williamson stated the Planning Commission will reconsider the application for a building line modification for the property at 3308 West 71<sup>st</sup> Street at their meeting on Tuesday, February 7<sup>th</sup> at 7 p.m. Mr. Williamson stated a building line modification is considered an amendment to the subdivision regulations and under the jurisdiction of the Planning Commission and not the City Council.

Bill Toalson, 3208 West 71<sup>st</sup> Street, stated he was present to get the facts on this issue. He expressed concern with the requested 31' building line modification, noting that this structure would be the most prominent structure on 71<sup>st</sup> Street. He requested the City cooperate with the homes association to prevent this from occurring as he felt to allow this would be establishing an unsettling precedence for homes being rebuilt in Prairie Hills. Mr. Toalson noted he is aware of two other homes that will be torn down and rebuilt in this area .

Robert Laughlin, 3205 West 71<sup>st</sup> Street, presented a scenario of what is happening with the increasing number of properties being purchased with existing homes being torn down and new homes being built. He noted the high cost of the properties requires a significant investment to recover the money invested resulting in larger homes. Mr. Laughlin foresaw more problems if the City does not take action to stop this now and enforce the written regulations.

Ann Stevens, 3112 West 71<sup>st</sup> Street, stated that a petition has been formulated asking the City to establish certain criteria in their review and approval of building permits. Those items being requested are 1) Make it a requirement to check with the old plats on each property before issuing a building permit. 2) Set a limitation on the amount of variance that can be granted to the old plats. 3) Be more aggressive in monitoring construction to make sure that the project conforms in reality to the way it was set forth in plans and 4) Notify the homes associations involved when a homeowner submits a request for a permit for a building project that will alter the footprint of the existing house as it pertains to the front of the building.

Sharon Myers, 3108 West 71<sup>st</sup> Street, stated the proposed garage can be seen one-fifth of a mile away from the island at Cherokee & 71<sup>st</sup> Street. The structure can be seen from 14 houses to the east. Mrs. Myers questioned how this happened. She stated the platted building line is necessary because of the location of the sanitary sewer line along 71<sup>st</sup> Street. Mrs. Meyers also questioned the change in the elevation of the proposed structure noting it is two feet higher than the previous structure. She sought the Council's support in seeking a remedy to the process failure that created this situation.

Loring Leifer, 7301 Booth, noted the Planning Commission's approval was subject to the approval of adjacent property owners and the homes association. The homes association only has the authority to grant a 10' variance. Mrs. Leifer supports the recommendations listed on the petition being submitted to ensure that zoning regulations are strictly enforced. She stated the building permit application does state that deed restrictions for the property are to be checked by the applicant and suggested the City maximize that cooperation by requiring a signed statement that this has been done.

Council Jeff Anthony applauded the residents and the homes association on their research of this issue and presentation of information to the City; however, noting this is

an action under the jurisdiction of the Planning Commission, he encouraged them to attend the Planning Commission meeting on the 7<sup>th</sup>.

Bob Toalson readdressed the Council asking the City to place a stop order on any further building on this property.

### **CONSENT AGENDA**

Al Herrera moved the approval of the Consent Agenda for Monday, February 6, 2006:

1. Approve Regular Council Meeting Minutes – January 17, 2006
2. Approve Claims Ordinance 2623
3. Approve the disposal by auction of Assets 1036, 1051, 1340, and 1533.
4. Approve the purchase from Shawnee Mission Ford two Ford F350 1-Ton Diesel Dump Maintenance Trucks for \$102,131.28, one F350 1-Ton Diesel Gasoline Service Truck for \$13,868.72 and transfer \$4,000.00 from Public Works Street/Drains to Public Works Vehicle Maintenance. Approve disposal of Trucks 0468, 1260 and 1305 by auction.
5. Approve Engineering Change Order #1 for a deduction of \$16,222.88 in Project 190841 Construction Administration Agreement with Affinis Corp.
6. Approve Engineering Change Order #1 for a deduction of \$25,708.31 in Project 190847 Construction Administration Agreement with Affinis Corp.
7. Approve Engineering Change Order #1 for a deduction of \$2,083.57 in Project 190848 Construction Administration Agreement with Affinis Corp.
8. Authorize the Mayor to sign the 2005 Annual Report and the 5-year Program.
9. Approve the disposal of fixed asset #00931 "JVC Pro LCD Projector" either by auction or by destruction
10. Approve City Council Policy #050 entitled "Reservation of City Facilities" as revised.
11. Approve Charter Ordinance No. 22.

A roll call vote was taken with the following members voting "aye": Herrera, Griffith, Hopkins, Noll, Colston, Wang, Wassmer, Daniels, Vennard and Belz.

### **COMMITTEE REPORTS**

There were no Committee Reports

### **OLD BUSINESS**

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

### **NEW BUSINESS**

#### **Prairie School Crossing**

Al Herrera expressed concern with the school crossing at 67<sup>th</sup> & Mission Road for Prairie Elementary School. He feels there is still a safety hazard with traffic going southbound on Mission Road, particularly with the placement of cones in the turn lane and asked staff to investigate.



## 71<sup>st</sup> Street

Bill Griffith asked the City Attorney what power the City had to stop work on this project. Mr. Wetzler stated if the construction is in violation, the City can apply an injunction to stop work.

Charles Clark, member of the Planning Commission, explained the actions of the Commission noting they approved construction that was within the City's zoning regulations subject to the approval of the adjacent property owners and the homes association, which has been their practice.

Charles Wetzler stated there are several issues to be considered including the issuance of a building permit without the appropriate approvals; the fact that the city's regulations are less restrictive than those of the homes association and the plat. He stated the City does not have the authority to alter deed restrictions. He noted the size of the lots along 71<sup>st</sup> Street creates a somewhat unique situation.

Laura Wassmer confirmed the homes association can take action against the building noting this has been successfully done by the Town & Country Homes Association for violation of their deed restrictions.

Charles Clark stated the homes association met and made their recommendation to the Country Club Homes Association for denial. They are asking the Commission to enforce their deed restrictions.

Laura Wassmer stated she does not feel this is a Planning Commission issue, but a homes association issue. The proposed construction is within the zoning regulations of the City. Ruth Hopkins agreed that it was the responsibility of the homes association to enforce its regulations.

Bill Griffith noted that every day this issue remains unresolved the city's options become less and less.

Doug Luther reviewed the process followed by the Building Official. The project was initially presented as a remodel to the back of the existing house. A few weeks into the project it was discovered that the entire existing house was being removed. The work was stopped and the initial permit voided. A permit was then issued for the demolition. Revised plans were submitted for the construction of the new house. A permit was issued based on the revised plans with a front setback of 71.5' which significantly exceeds the

City's zoning ordinance requiring a 30 foot front yard setback. An on-site inspection revealed the actual construction of the garage created a front setback of 54'3" for the proposed garage. A stop work order was issued for the garage and the applicant advised that approval of a building line modification by the City's Planning Commission would be required.

Ruth Hopkins confirmed the applicant was told to stop work. Mr. Luther responded they were directed to stop work in the area of the encroachment but allowed to continue working in other areas.

Charles Wetzler asked about the height of the garage being in violation. Mr. Luther responded that he would need to look into the height issue.

Al Herrera stated he felt the contractor should be required to stop all work.

Pat Daniels stated there is fairly clear-cut case law documenting the city's right to stop work. Mr. Wetzler confirmed if the building is in violation of City ordinances, the City can stop them from building until the violations are resolved.

David Belz confirmed the City should not have issued a building permit. Mr. Luther responded the plans that were approved allowed for the front of the building to be within the City's zoning regulations, but in front of the platted setback line.

Laura Wassmer confirmed two permits were issued – one for the remodel and one for the construction of a new structure.

Pat Daniels moved the City Council direct the City to issue a stop work order on any construction at this address effectively immediately. Laura Wassmer seconded the motion.

Ruth Hopkins cautioned the Council about taking action without hearing from both sides on the issue. She also stated she felt this should be handled by the Planning Commission and not the City Council.

Mr. Herrera and Mr. Daniels stated the structure is clearly not in compliance.

Andrew Wang stated he did not feel Council action was necessary noting that the City can address the building issues with the contractor without City Council action. Mr. Wetzler confirmed the City's Building Official has the authority to issue a "Stop Order" if construction is in violation of City ordinances.

The motion on the floor was withdrawn by Mr. Daniels and Ms Wassmer.

Steve Noll urged the Council against taking action on a matter before the City's Planning Commission. He stated the Council should not go down that path.

Greg Colston asked if the final permit issued complies with deed restrictions for the property. Mr. Luther responded the City does not do a plan review based on homes association restrictions, the plan review is based on City and Building Code regulations. The plans complied with City and Building regulations.

Wayne Vennard asked if the Building Official had been to the site recently. Mr. Luther responded he did not know the date of the last inspection. Mr. Vennard asked if staff was reviewing the plan review process. Mr. Luther stated the department is reviewing procedures and processes.

Council President Jeff Anthony asked Mr. Clark if he felt the Planning Commission had sufficient information. Mr. Clark stated he could not speak for the entire Commission, but noted the legality of the Commission's actions is being questioned and he would like some direction from the City Attorney on the legal challenge being raised.

Pat Daniels confirmed the building staff does review plats in conjunction with a plan review.

**Tomahawk Bridge**

Bob Pryzby distributed to the Council Members the 1<sup>st</sup> draft of the proposed improvements to the Tomahawk Bridge. He noted the bridge will be five to eight feet wider than the existing bridge and will have sidewalks on both sides.

**No Standing Regulatory Sign**

Ruth Hopkins asked if there had been dialog with the school regarding the problem of standing traffic in the driveway of 3535 Somerset Drive. Mr. Pryzby noted in the past five years he has had several conversations both with the owners of vehicles blocking the drive and with school officials regarding the problem.

**ANNOUNCEMENTS**

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

Planning Commission	2/07/2006	7:00 p.m.
Park & Recreation Committee	2/08/2006	7:00 p.m.
Sister City	2/13/2006	7:00 p.m.
Prairie Village Arts Council	2/15/2006	7:00 p.m.
Council Committee of the Whole (Tuesday)	2/21/2006	6:00 p.m.
City Council (Tuesday)	2/21/2006	7:30 p.m.

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The Prairie Village Arts Council is pleased to feature a mixed media exhibit by Gary Mehl and Art Whorton in the R.G. Endres Gallery during the month of February.

Grand opening of Community America Credit Union, 7620 State Line Rd (inside the HyVee store) February 8, 2006 at 4 pm.

Eminent Domain-A Policy Forum for local elected officials  
Provided by: The Mid-America Regional Council –February 15, 2006 6:30-8:30 p.m. at the MARC Conference Center, 1<sup>st</sup> Floor, 600 Broadway, Kansas City, Missouri

Chamber of Commerce-State of the Cities Address  
February 16, 2006 at 11:30 am  
Milburn Country Club-7501 W 69<sup>th</sup> Street  
Each of the ten Mayors of Northeast Johnson County will share their City's outlook for 2006 and provide insight on the successes and challenges they have faced in 2005.

NLC Web Chat on First Suburbs in the Council Chamber – February 16, 2006 at 1:00 p.m.

One more Council Member is needed for the Ad-Hoc YMCA Partnership Committee. Let the Mayor know if you are interested.

**President's Day is NOT a recognized holiday for Deffenbaugh. Trash service will be on the regular pick-up schedule the week of February 20<sup>th</sup>.**

City offices will be closed on February 20<sup>th</sup> in observance of President's Day.

The City Council will **NOT** meet on Monday, February 20<sup>th</sup>, but **will meet on Tuesday, February 21<sup>st</sup>.**

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

#### **ADJOURNMENT**

With no further business to come before the Council, the meeting was adjourned at 8:30 p.m.

Joyce Hagen Mundy  
City Clerk

## **PK2005-11: Consider 2006 British Soccer Camp Contract Amendment**

### **Background:**

The City maintains a contract with British Soccer, a division of Challenger Sports, to provide two instructional soccer camps in a Prairie Village Park over the course of the summer. Over the past few years this camp has grown in popularity. Due to a scheduling error the time for the afternoon camps had to be changed from 5-8 p.m. to 1-5 p.m. Challenger agreed to accommodate us with the change in time. In return, they would like to offer two 1.5 hour camps in the afternoon rather than the usual 3 hour camp. Because the camps would be shorter challenger would be charging \$65 per participant instead of \$100. They have asked that the City on charge them \$5.00 per participant for the afternoon camps rather than the usual \$10.00.

### **Program Impact:**

The change in the afternoon camps would allow challenger to change from a 3 hour camp to two 1 and ½ hour camps.

### **Financial Impact:**

British soccer will still charge \$100 for the morning camps but will now charge \$65 per participant for the afternoon camps. The change from \$10 per participant to \$5 per participant for the City should keep revenue about the same as we'll be charging two times during the same 3 hour period.

### **Recommendation:**

Recommend the City Council approve the amended 2006 British Soccer Camp Contract.

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

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

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

### **Services Provided:**

British Soccer shall make available, conduct and maintain seven (7) instructional soccer camps in accordance with the terms of this Agreement. Coaches provided will hold the minimum of a Football Association Coaching License/Challenger/British Coaching certification. There will be at least one qualified coach for each coaching group (12-15) campers. The morning camps shall consist of five (5) sessions of at least three (3) hours each. The afternoon sessions during the week of June 5-9 shall consist of five (5) sessions of at least one and one half (1.5) hours each. The afternoon sessions during the week of July 17-21 shall consist of five (5) sessions of at least three (3) hours each. British Soccer shall not be required to conduct the camps if it is determined by mutual agreement of the parties that there is not sufficient interest among participants to justify the camp.

### **Cost of Camp:**

The cost for each participant for the morning camp sessions and the afternoon session during the week of July 17-21 shall be \$100.00. The cost for each participant for the afternoon camp sessions during the week of June 5-9 shall be \$65.00. British Soccer shall be in charge of collecting these fees from the participants.

### **Facility Reserved:**

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

### **Camp Date:**

The camps will take place from June 5, 2006 through June 9, 2006 and July 17, 2006 through July 21, 2006. In the event of a cancelled day of camp due to weather, the City will allow the use of said facility at no additional cost to the British Soccer for make-up days on days mutually agreed upon.

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

The City will allow British Soccer exclusive use of said facility from 9:00 a.m.-12:00 p.m. and 1:00 p.m.-5:00 p.m. daily during the days of the camp. This applies to all applicable areas of said facility, including but not limited to: all playing field areas, restrooms, and covered shelter areas. However, British Soccer understands that the facility is a public park and the residents of Prairie Village may reasonably use the portions of the facility not in use by British Soccer.

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

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

**Rental Payment:**

British Soccer agrees to pay a rental fee of ten U.S. dollars (\$10.00) per student enrolled in said morning camps and the afternoon session during the week of July 17-21. British Soccer agrees to pay a rental fee of five U.S. dollars (\$5.00) per student enrolled in said afternoon camps during the week of June 5-9. This fee is intended to reimburse the City for its costs in making the facility available for the camps. British Soccer will pay the City of Prairie Village by check no later than September 1, 2006. This shall be the only payment required in consideration of the use of said site for said camp. Enrollment rosters will be provided by British Soccer as proof of camp attendance.

**Insurance:**

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

**Liability:**

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

**The Agreement:**

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

\_\_\_\_\_  
British Soccer Representative

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

# City of Prairie Village

## At Meadow lake Park– 5 Day Camp Includes Free Ball & T-shirt

### June 5<sup>th</sup> - 9<sup>th</sup>

Ages 5-10	9.00am-12.00pm	Half-Day	\$100
Ages 7-10	1.00pm-2.30pm	Goalkeepers	\$65
Ages 11-16	2.30pm-4.00pm	Goalkeepers	\$65
Ages 7-10	1.00pm-2.30pm	Tricks and Flicks	\$65
Ages 11-16	2.30pm-4.00pm	Tricks and Flicks	\$65

### July 17<sup>th</sup> - 21<sup>st</sup>

Ages 5-8	9am-12pm	Half-Day	\$100
Ages 9-14	1pm-4pm	Half-Day	\$100

**FREE JERSEY** Deadline at [www.challengersports.com](http://www.challengersports.com)  
is 4/21 for June camp and 6/2 for July camp.

**Late fee:** Add \$10 if registration is not received 10 days prior to camp

**Mail applications and payment to:**

Challenger Sports, Simon Ambrose 8022 Flint Lenexa, KS 66214

**Checks payable to :** Challenger Sports

**More info:** Phone: 913-599-4884 ext 248

**email:** [sambrose@challengersports.com](mailto:sambrose@challengersports.com)

**CHALLENGER ORDER#:**  
**Quantity: 200**  
**RD Name: Simon Ambrose**


**SHIP TO**  
Josh Farrar  
7700 Mission Road  
Prairie Village  
KS 66208



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CITY OF PRAIRIE VILLAGE

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**TO:** MAYOR & CITY COUNCIL  
**FROM:** DOUG LUTHER   
**SUBJECT:** SOFTWARE UPGRADE FOR MUNICIPAL COURT  
**DATE:** 2/9/2006  
**CC:**

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The Municipal Court is required to submit summary reports and specific case information to State agencies, including the Department of Motor Vehicles. These reports are currently submitted by mail. The DMV now permits electronic submission of these reports. The electronic submission process will save both time and paper for the Court Clerks. It is likely electronic reporting will become mandatory in the next few years.

The Municipal Court software programmers, Training @ Your Place, propose to make the required software upgrade for a fee of \$500.

This item has been placed on the 21 February, 2006 Consent Agenda for your consideration.

**RECOMMEND THE CITY COUNCIL APPROVE AN AGREEMENT WITH TRAINING @ YOUR PLACE FOR UPGRADES TO THE MUNICIPAL COURT SOFTWARE SYSTEM.**



# Training@YourPlace



Phone: (913) 851-1348

Email: [info@taypetc.com](mailto:info@taypetc.com)

Fax: (913) 498-1251

*Training@YourPlace, LLC has the custom training or database solution for you!*

February 1, 2006

## **Proposal for Electronic Submissions of Abstracts, Suspensions and Reinstatements to the State of Kansas from the Training@YourPlace, LLC Court Software**

The purpose of this proposal is to add the processes, functionality and reports to allow for the electronic submission of the appropriate data to the State of Kansas. An outline of all of the items to be included within these functions is below. The cost of this project for the City of Prairie Village will be \$500.00. This proposal outlines all of the anticipated costs of development. The set up costs will be dependent upon environment specific items. Such as processes, network or other issues, a general estimate is included.

### **Ticket Entry Changes**

Error checking and data validation will be added to the master ticket entry to ensure the necessary information for electronic transmission is being completed. Items to be included but not limited to: error checking for length of ticket number, verification of a valid date of birth, entry of a driver's license number, and addition of a check box for CDL indicator.

### **Abstracts**

Currently the city generates printed abstracts by date range of the final disposition date. The flagging or identification of cases for which abstracts would be electronically sent would occur at the time of the court disposition entry – i.e. Guilty, No Contest, etc. It would not be dependant upon the final disposition date. An additional area would be added to the Master and Archive to show the electronic abstract information, date tagged for abstract, date transferred and date confirmed as available from data received within the packet from the State.

- Additions to Ordinance information (table) to check for electronic abstracting capability and confirmation of ordinance information with data from the state.
- Identification of records for potential electronic abstract – creation of temporary table.
- Creation of Default Transfer Data for state such as Court Jurisdiction, Court Type Number, etc. Creation of the export file for transfer.
- Develop Procedure within software for data transfer.
- Report listing those items which are electronically abstract-able for verification prior to file creation.
- Marking of record that item was transferred.
- Report listing items which have been transferred with a date stamp of transfer file creation.
- Capability of re-batching, if necessary due to error.
- Capability of removing transmittal date/status if error report is received.

**Suspensions/Reinstatements**

The City of Prairie Village currently creates Suspensions and Reinstatements when warrants are issued. This change would allow for the flagging of the record for transmission of the suspension versus the paper suspension letter generating. The reinstatement flag would generate at the time of reinstatement and fee payment.

- o Additions to Ordinance information (table) to check for electronic suspension/reinstatement capability.
- o Identification of records for potential electronic suspension/reinstatement – creation of temporary table.
- o Develop procedure within software for data transfer.
- o Marking of record that item was transferred
- o Report listing items which have been transferred with a date stamp of transfer file creation.
- o Capability of re-batching, if necessary due to error.
- o Capability of removing transmittal date/status if error report is received.
- o A Suspension Report listing those cases which have been suspended electronically.
- o A Reinstatement Report which lists those cases that have been reinstated electronically and the date.
- o Additions to the Court tab to show electronic Suspension date and Reinstatement Date information.

**System Requirements from State**

The state will require set up by the state technical group for the directory information. This will be initiated by the city. TAYP will be available to assist in this process upon request by the city. Additionally, the state requires that specific data be transmitted during the test phase. The states uses FTP protocol for the transfer process. TAYP will conduct appropriate testing related to the test data required by the state.

**Installation and Training**

It is estimated that installation and training in the use of the software will take between three and six hours. Installation and training hours will be provided pursuant to the City's telephone and software support agreement with TAYP.

The City of Prairie Village agrees to pay Training@YourPlace, LLC \$500.00 for the development and testing services described in this Agreement.

\_\_\_\_\_  
Name (City of Prairie Village)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name (Training@YourPlace, LLC)

\_\_\_\_\_  
Date

**Issue:** Adoption of Ordinance repealing Restricted Residential Parking District near 7400 State Line.

**Background:**

On December 19, 2005, the Council Committee of the Whole, considered a request to repeal the restricted residential park district located on Eaton, 74<sup>th</sup> Terrace and 74<sup>th</sup> Street. The Public Safety Department conducted a study of the area based on the criteria necessary for a restricted residential parking district and found the conditions no longer exist.

At the January 3<sup>rd</sup> meeting of the City Council a motion to adopt an ordinance repealing Ordinance 2024, which established the restricted residential parking district was approved. This ordinance has been drafted and is before the Council for official action, pending the approval of the language by the City Attorney.

**Recommendation:**

**RECOMMEND CITY COUNCIL ADOPT ORDINANCE 2114 REPEALING  
ORDINANCE 2024 ESTABLISHING A RESTRICTED RESIDENTIAL  
PARKING AREA AND THE ISSUANCE OF PARKING PERMITS  
COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

ORDINANCE NO. 2114

AN ORDINANCE REPEALING ORDINANCE 2024 ESTABLISHING A RESTRICTED RESIDENTIAL PARKING AREA AND THE ISSUANCE OF PARKING PERMITS

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

RECITALS

WHEREAS, the City of Prairie Village, Kansas has the authority to establish restricted residential parking areas; and

WHEREAS, Ordinance No. 2016 as found in Chapter 14, Article 8 of the Prairie Village Municipal Code provides for a procedure to establish restricted residential parking area and the issuance of parking permits; and

WHEREAS, following the established procedures, the City Council on December 17, 2002, found the conditions required for the establishment of a restricted residential parking district to be present; and

WHEREAS, on January 7, 2002, the City Council based on those findings, adopted Ordinance No. 2024 establishing a restricted residential parking area in the area identified as follows:

- North side of West 74<sup>th</sup> Street from State Line to the west property line of 2314 West 74<sup>th</sup> Street.
- South side of West 74<sup>th</sup> Street from Eaton to the west property line of 2311 West 74<sup>th</sup> Street.
- North and South sides of West 74<sup>th</sup> Terrace from Eaton to the west property lines of the residences at 2310 and 2309 West 74<sup>th</sup> Terrace.
- West side of Eaton from the South property line of the residence located at 2113 West 74<sup>th</sup> Terrace to 73<sup>rd</sup> Terrace
- East side of Eaton beginning on the north side of 74<sup>th</sup> Street to 73<sup>rd</sup> Terrace.

WHEREAS, in May of 2003, the business leasing the adjacent commercial property vacated the building and in December of 2005 the Prairie Village Police Department researched the criteria for a residential restricted parking district and presented those findings to the Governing Body; and

WHEREAS, after listening to the evidence presented on December 17, 2005 and after giving due consideration to the issues, a motion was duly made, seconded and passed on January 3, 2006 by the members of the Prairie Village City Council finding that the conditions do not exist for the previously identified restricted residential parking area adopted by Ordinance 2024.

Section I

NOW, THEREFORE, BE IT ORDAINED that Ordinance 2024 establishing a restricted residential parking area and the issuance of parking permits be repealed as the conditions for such are no longer met.

Section II

This ordinance described herein shall take effect and be enforced from and after its passage, approval and publication in the official City newspaper as provided by law.

PASSED AND ADOPTED THIS \_\_\_\_ DAY OF FEBRUARY, 2006.

CITY OF PRAIRIE VILLAGE, KANSAS

Ronald L. Shaffer, Mayor

ATTEST:

APPROVED AS TO FORM

Joyce Hagen Mundy  
City Clerk

Charles E. Wetzler  
City Attorney

**Issue:** Adoption of a resolution designating City Officials and staff authorized to act on behalf of the City for investments through the “Municipal Investment Pool” (MIP)

**Background:**

The City of Prairie Village participates in the Kansas “Municipal Investment Pool” (MIP) for the investment of city funds. The Pooled Money Investment Board, which operates the MIP requires a resolution identifying city officials and staff who are authorized to act on behalf of the City for the execution of documents and transmission and/or transfer of funds. The proposed resolution is attached and gives authorization to the following persons:

Barbara Vernon	City Administrator
Ronald L. Shaffer	Mayor
Joyce Hagen Mundy	City Clerk
Karen Kindle	Finance Director

**Recommendation:**

**RECOMMEND CITY COUNCIL ADOPT RESOLUTION 2006-01  
DESIGNATING CITY OFFICIALS AND STAFF AUTHORIZED TO ACT  
ON BEHALF OF THE CITY FOR INVESTMENTS THROUGH THE  
“MUNICIPAL INVESTMENT POOL”**

**COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

**RESOLUTION**

WHEREAS, the undersigned is a municipality, as defined in K.S.A. 12-1675, as amended,(the "Participant") and from time to time has funds on hand in excess of current needs, and

WHEREAS, it is the best interest of the Participant and its inhabitants to invest funds in investments that yield a favorable rate of return while providing the necessary liquidity and protection of the principal; and

WHEREAS, the Pooled Money Investment Board (the "PMIB"), operates the Municipal Investment Pool (MIP), a public funds investment pool, pursuant to Chapter 254 of the 1996 Session Laws of Kansas, and amendments thereto

NOW THEREFORE, be it resolved as follows:

1. The municipality designated below approves the establishment of an account in its name in the MIP for the purpose of transmitting funds for investment, subject to the MIP Participation Policy adopted by the Pooled Money Investment Board, and municipality acknowledges it has received a current copy of such Participation Policy. The Participant's taxpayer identification number assigned by the Internal Revenue Service is 48-6077081.

2 The following individuals, whose signatures appear directly below, are officers or employees of the Participant and are each hereby authorized to transfer funds for investment in the MIP and are each authorized to withdraw funds from time to time, to issue letters of instruction, and to take all other actions deemed necessary or appropriate for the investment of funds:

List officers or employees authorized to execute documents and make deposits and withdrawals:

Name Barbara Vernon Title City Administrator

Signature \_\_\_\_\_

Name Ronald Shaffer Title Mayor

Signature \_\_\_\_\_

Name Joyce Hagen Mundy Title City Clerk

Signature Joyce Hagen Mundy

~~Name: \_\_\_\_\_~~  
Name: Karen Kindle Title: Finance Director

Signature: Karen E. Kindle

3. Notice required by the PMIB's Municipal Investment Pool Participant Policy shall be provided to :

Contact Person Barbara Vernon

Address 7200 Mission Road

Prairie Village, Kansas 66208  
(City) (Zip)

Telephone 913 - 385 - 4601

Fax No. 913 - 381 - 7755

4. This Resolution and its authorization shall continue in full force and effect until amended or revoked by the Participant and until the PMIB receives a copy of any such amendment or revocation, the PMIB is entitled to rely on same.

This resolution is hereby introduced and adopted by the Participant at its regular/special meeting held on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Name of Participant

\_\_\_\_\_  
ATTEST

by: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Printed Name

NOTE: The State needs original signatures.  
Certified copy of resolution required.

\_\_\_\_\_  
Title



**Policy/Services Committee**  
**February 6, 2006**  
**-Minutes-**

The Policy/Services Committee met on Monday, February 6, 2006 at 6 p.m. in the Council Chamber for the City of Prairie Village. The meeting was called to order by Co-chairman Al Herrera with the following members present: Steve Noll, Greg Colston, Pat Daniels, Jeff Anthony and David Belz. Staff present: Bob Pryzby, Tom Trienens, Chief Grover, Sgt. Curt Winn and Joyce Hagen Mundy.

**POL2005-35 Consider Project 190717: 2006 Storm Drainage Program**

Bob Pryzby advised the committee URS Corporation, the city's storm drainage consultant, has finished the concept phase of this project. Engineering Change Order #1 is being presented to begin phases for the preliminary design, final design and bidding services. The change order is for an increase of \$59,299 with funding available in the Capital Infrastructure Program project allocation.

Steve Noll made the following motion, which was seconded by Greg Colston and passed unanimously:

**RECOMMEND THE CITY COUNCIL APPROVE ENGINEERING  
CHANGE ORDER #1 AUTHORIZING THE PRELIMINARY AND  
FINAL DESIGN AND BIDDING SERVICES FOR PROJECT 190717:  
2006 STORM DRAINAGE REPAIR PROGRAM TO URS  
CORPORATION FOR AN INCREASE OF \$59,299.00 BRINGING THE  
CONTRACT TOTAL TO \$75,999**

**COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

**POL2004-15 Consider Project 190709: 83<sup>rd</sup> Street, Somerset Drive, Delmar and Fontana**

Bob Pryzby stated the Council initially authorized the conceptual phase of this agreement. This has been completed satisfactorily and the requested engineering change order is for design services. He noted additional scope of services for Preliminary Design, Final Design and bidding have been added to the original Design Agreement with The Larkin Group, Inc.

The change order for these additional services is \$245,700 with the cost being shared with Johnson County – 75% County and 25% City. Funding is available in the Capital Infrastructure Program.

Steve Noll confirmed this authorized the complete design of the project.

Steve Noll made the following motion, which was seconded by David Belz and passed unanimously:

**RECOMMEND THE CITY COUNCIL APPROVE ENGINEERING CHANGE ORDER #1 AUTHORIZING THE PRELIMINARY AND FINAL DESIGN AND BIDDING SERVICES FOR PROJECT 190709: 83<sup>RD</sup> STREET, SOMERSET DRIVE, DELMAR STREET AND FONTANA STREET TO THE LARKIN GROUP, INC. FOR AN INCREASE OF \$245,700 BRINGING THE CONTACT TOTAL TO \$321,700.00**

**COUNCIL ACTION REQUIRED**

**POL2006-02 Consider 2007-2001 CARS Application**

In order to receive CARS funds, the City must annually submit an application containing a list of streets and the estimated costs. The following streets are recommended for the five-year CARS program, 2007-2011. The Public Works Department compiled the list based on the pavement condition. The work will include where necessary full depth pavement repair, curb and gutter replacement, sidewalk repair, and milling/overlaying the pavement.

<b>Program Year</b>	<b>Street Segment</b>	<b>Limits</b>	<b>Total Estimated Construction Cost</b>	<b>Prairie Village Cost</b>
2007	75 <sup>th</sup> Street	Nall Avenue to Mission Road	\$1,322,000	\$661,000
		<b>Total</b>	<b>\$1,322,000</b>	<b>\$661,000</b>
2008	75 <sup>th</sup> Street	Belinder Avenue to Stateline Road	\$625,000	\$312,500
2008	Roe Avenue	83 <sup>rd</sup> Street to Somerset Drive	\$583,000	\$291,500
		<b>Total</b>	<b>\$1,208,000</b>	<b>\$604,000</b>
2009	Mission Road	63 <sup>rd</sup> Street to 67 <sup>th</sup> Street	*\$481,500	\$120,375
2009	Somerset Drive	Roe Avenue to Nall Avenue	\$648,000	\$324,000
2009	Mission Road	67 <sup>th</sup> Street to Tomahawk Road	\$234,000	\$117,000
		<b>Total</b>	<b>\$1,363,500</b>	<b>\$561,375</b>
2010	75 <sup>th</sup> Street	Belinder Avenue to Mission Road	\$927,000	\$463,500
2010	83 <sup>rd</sup> Street	Mission Road to Somerset Drive	\$351,000	\$175,500
		<b>Total</b>	<b>\$1,278,000</b>	<b>\$639,000</b>
2011	Roe Avenue	91 <sup>st</sup> Street to Somerset Drive	\$426,000	\$213,000
2011	83 <sup>rd</sup> Street	Somerset Drive to Nall Avenue	\$535,500	\$267,750
		<b>Total</b>	<b>\$961,000</b>	<b>\$480,750</b>

Mr. Pryzby noted the City submits an application annually and can revise future year requests, noting that 75<sup>th</sup> Street work has been moved up to 2007 in this year's report due to the condition of the street. Design costs are not shown. He also noted the City of Mission Hills will participate at 50% on the Mission Road 63<sup>rd</sup> Street to 67<sup>th</sup> Street project.

Funding for the 2007 Program will be presented in the 2007 budget request.

Jeff Anthony asked if Mr. Pryzby felt County funding for this program will continue. Mr. Pryzby responded that funding has not increased over the past years and there is the possibility that the County could discontinue funding the program at some point.

Steve Noll asked given the experience of the past year with increased project costs what happens if projects again come in over projected costs. Mr. Pryzby responded that when this occurred last year, the City was able to request a change order for the additional costs.

Pat Daniels asked if there are any changes proposed for 75<sup>th</sup> Street. Mr. Pryzby stated at this time there has not been any design work completed on any of the proposed projects.

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

**RECOMMEND THE CITY COUNCIL APPROVE THE  
2007-2011 CARS APPLICATION  
COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

**POL2005-35 Consider Municipal Code Section 16-535 entitled Water Discharges**

Bob Pryzby noted that for City Council Policy 372 *Water Discharge to City Lands* to be effective, Public Works is requesting City Council consider a new section 16-535 for Municipal Code Chapter XVI *ZONING AND PLANNING*, Article 5 *Stormwater Management*. The suggested code would read as follows:

16-535 WATER DISCHARGES. No person shall discharge any water that is polluted, as determined by appropriate Federal, State or City laws, onto City property. No person shall discharge non-polluted water from any private property onto any City property without first obtaining a City drainage permit. No person who discharges non-polluted water shall cause a hazard, such as, but not limited to, ice, slipperiness, debris, or deterioration of any City sidewalk or City street. Any person found guilty of a violation of this section shall be subject to a penalty in accordance with City of Prairie Village Municipal Code 1-116.

Mr. Pryzby noted the purpose of the new code is to permit discharge of non-polluted water on private property or from private property to City drainage system. The new code provides for the prevention of polluted water discharges onto city lands. Currently,

there is no language in the Municipal Code relative to discharging of water or penalties for violation of these water discharges.

As part of the Municipal Code, enforcement with penalties is provided in Section 1-115 and 1-116. Section 1-116 provides for a fine of not more than \$1,000; or, imprisonment in jail for not more than 179 days; or, both such fine and imprisonment not to exceed \$1,000 or 179 days.

Any financial impact of this action would be the receipt of any fines assessed by the City Municipal Court.

David Belz confirmed this action moves the City toward the adoption of the proposed Council Policy revisions. Mr. Belz asked if the City had contacted major offenders that this is a problem and advised them of the city's proposed action. Mr. Pryzby stated he has not made contact as at this time the program has not been finalized and the costs have not been determined.

David Belz expressed concern with this being suddenly thrown at the residents without any advance notice. He would like to have some type of communication sent to those residents where problems have been identified. Mr. Pryzby responded his list of potential problem areas is not comprehensive. Mr. Belz stated he felt potential problems could be addressed by giving residents advance notice possibly through the City's newsletter and website.

Steve Noll confirmed this is designed for the chronic, overt situations where the property owners are aware of the problem. He also noted the installation of pipe and connection to the city's drainage system is only one solution to address the problem and the owners could address the problem by other means.

David Belz stated he wants to have advanced communication of the proposed Council Policy to the residents. Mr. Pryzby stated a letter would be sent to those individuals with problems advising them.

Jeff Anthony stated the city's first response would be a warning with attempts to resolve the situation with the penalty implemented as a last resort. Mr. Pryzby stated the proposed ordinance sends the violation to the municipal court with the judge determining the fine. Common practice is to talk with the residents and attempt to resolve the problem. The ordinance citation would be for those individuals who will not work with the city to resolve the problem. The first step is always informal communication.

Greg Colston confirmed the Public Works Department investigates anything in the right-of-way but only the code enforcement officer has the authority to write tickets.

Steve Noll confirmed the residents are free to deal with the problem however they desire. The City will not dictate the solution. Greg Colston expressed concern that this may lead to the residents sending the water onto neighboring properties.

Jeff Anthony confirmed the city can not regulate water flow through private property.

David Belz asked about the 10' restriction on the connection distance discussed in the earlier policy. Mr. Pryzby stated it was removed at the request of the Codes Department.

Greg Colston made the following motion, which was seconded by Jeff Anthony and passed unanimously.

**RECOMMEND THE CITY COUNCIL ADOPT AN ORDINANCE  
ADDING A NEW SECTION 16-535 ENTITLED "WATER DISCHARGES"  
TO THE PRAIRIE VILLAGE MUNICIPAL CODE CHAPTER XVI  
ZONING AND PLANNING, ARTICLE 5, STORMWATER  
MANAGEMENT**

**COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

**POL2005-35 Consider City Council Policy #372 entitled "Water Discharges to City Lands"**

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

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

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

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

Additionally, some property owners have piped their down spouts to the City right-of-way. This is often done because their yard cannot handle this channelized flow. Roof

drains are not as much of a problem in the City right-of-way as sump pumps, because they are only discharging water during rain events when everything is wet. However, sometimes roof drains are combined with sump pumps into one pipe that outlets in the right-of-way.

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

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

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

In researching what other cities do, the possibilities are:

1. The property owner pays 100% of the installation cost with the City owning and maintaining the pipe.
2. The City pays 100% of the installation cost and maintains ownership and control of the pipe.
3. The City pays 100% of the installation cost and charges the property owner a connection fee.

If the City Council approves Policy 372, Public Works will be requesting in the 2007 Capital Infrastructure Program a project for construction of these drainage pipes by the City. This project will have an initial budget that will be supplemented each year by the connection fees. The amount of installation in any given year will be limited by the available project funds.

A budget of \$50,000 to install the new 4-inch PVC pipes will be included in the 2007 Capital Infrastructure Program request. The project budget will be offset by revenue from a \$25.00 per property front foot assessment.

Pat Daniels stated he feels the proposed Council Policy is beneficial to both the residents and the City. However, he would like to see a 50/50 split of the costs between the residents and the City. Mr. Belz agreed with splitting of costs between the City and the residents noting it shows a spirit of cooperation that the City is willing to work with the homeowners.

Mr. Pryzby noted this could be done with the City paying 100% of the installation cost and reduce the proposed per foot pipe cost from \$25.00 to \$12.50.

Jeff Anthony asked if the problem has been caused by action of the homeowner. Mr. Pryzby stated in some instances it is the result of a natural spring. Mr. Anthony stated he did not support shared costs to correct a problem caused by the actions of the homeowner. He feels residents need to be responsible for their actions.

Al Herrera noted that several years ago Johnson County Wastewater provided free sump pumps to residents and in many cases it is these sump pumps that are creating the problem. Mr. Pryzby explained the sump pump program was instituted when Johnson County Wastewater was ordered to take action to separate out natural water from sanitary sewer as they faced capacity problems.

Greg Colston confirmed the connection would be made to the nearest drainage channel moving the water through an underground pipe.

Jeff Anthony asked what will trigger action by the City. Mr. Pryzby responded from the Public Works Department point it would be the repeated need for the City to break up ice on a street or public sidewalk. It could also be initiated by a complaint issued by a resident. Mr. Anthony expressed concern with the open ended financial implications of the program. Mr. Pryzby responded he would be creating a fund and would operate solely from that fund on a year to year basis.

Mr. Daniels stated he still supports shared costs between the homeowner and the City.

Mr. Pryzby stated he expects the biggest comment from the public to be “well it has been that way for 50 years”.

Steve Noll agreed noting this wasn't illegal until the City made it so and therefore, supports joint funding. He noted that once the problem is solved there will be no additional exposure to the resident as the City will maintain the pipe.

Al Herrera suggested that the policy be amended to address new homes and total rebuilds differently with them being responsible for the entire cost. Mr. Pryzby responded this could be done.

Greg Colston asked what the ratio is between homeowners discharging water to the back of their property vs. the front. Mr. Pryzby stated he did not have those figures, but would guess it to be 10-15% to the back with 15-90% to the front.

Steve Noll confirmed the City is ok with residents discharging into City channels. Mr. Pryzby stated this is not a problem unless the water is polluted and noted the only cost to the resident to do so would be the cost of a drainage permit.

David Belz made the following motion, which was seconded by Greg Colston and passed by a vote of 5 to 1 with Mr. Anthony voting “nay”.

**RECOMMEND THE CITY COUNCIL APPROVE THE DELETION OF COUNCIL POLICY #380 ENTITLED “SUMP PUMPS” AND THE ADOPTION OF A NEW COUNCIL POLICY #372 ENTITLED “WATER DISCHARGES” AND ESTABLISH A PROPERTY FRONT FOOT CONNECTING FEE OF \$25 EFFECTIVE MARCH 1, 2006 WITH NEW CONSTRUCTION AND REBUILDS PAYING 100% OF THE FEE AND EXISTING PROPERTIES PAYING 50%  
COUNCIL ACTION REQUIRED**

**POL2006-03 Consider City Council Policy No. 410 “Traffic Control Devices”**

Bob Pryzby advised the current policy on Traffic Control Devices was approved in September of 1984. Since that time, there have been procedural changes practiced by the Chief of Police and the Director of Public Works. Mr. Pryzby reviewed these changes found in the following areas of the policy:

- The definition of duties between the Chief of Police and the Director of Public Works
- Revisions to the Manual of Uniform Traffic Control Devices
- Technology improvements in data collection and mappings
- Procedures for adding, removing and modifying traffic control devices

He noted the policy is very similar to the existing policy with a clear definition of responsibilities of the Director of Public Works and the Chief of Police. Non-regulatory responsibilities fall with the Director of Public Works with regulatory responsibilities falling to the Police Department with some joint responsibilities.

Two other changes were noted by Mr. Pryzby. The first being that any enforceable signs need to be approved by action of the City Council. This was done recently with the approval of a yield sign for 84<sup>th</sup> and Fontana. The other change is in regard to the investigation of a problem. The current policy calls for a study to be conducted within a one-mile radius. This is being changed to within a one-block radius.

David Belz confirmed the changes are essentially clarification of responsibilities and procedures.

Pat Daniels made the following motion, which was seconded by David Belz and passed unanimously:

**RECOMMEND THE CITY COUNCIL APPROVED THE REVISED COUNCIL POLICY #410 ENTITLED TRAFFIC CONTROL DEVICES  
COUNCIL ACTION REQUIRED  
CONSENT AGENDA**



## **POL2005-33 Consider City policy establishing guidelines for the placement of School Crossing Guards**

On December 5, 2005, Chief Grover met with the Policy/Services Committee explaining the process followed by the Public Safety Department when school crossing guards are requested and to discuss whether the City should establish a council Policy to address this issue. The Committee directed Chief Grover to draft a policy.

Chief Grover reported his staff recently reviewed School Crossing Guard policies from Overland Park, Kansas; Olathe, Kansas; Thunder Bay, Canada; Province of British Columbia, Canada; Los Angeles, California Unified School District and Carrollton, Texas. Many of the policies were very similar. However, the report prepared by the subcommittee of the Public Safety Strategic Implementation Group for the City of Olathe was very impressive and was the joint effort of public safety officials, school officials, residents and their school crossing guard contractor. The policy features several objective criteria for consideration as well as addressing situations where the criteria change.

Chief Grover stated one question that will need to be addressed by the City Council is the determination of where the parents' responsibility ends and the City's responsibility begins. For example, is the City responsible for the safe crossing of an intersection several blocks from a school or is it the parents' responsibility. Chief Grover noted the City currently has a crossing guard at each elementary school with two guards at Briarwood.

The School Crossing section of the report lays out a criterion that stipulates what conditions need to be present for a location to obtain a crossing guard. Their report recommends that as conditions change so do the criteria to obtain a crossing guard. Sgt. Curt Winn reviewed the criteria set out by the City of Olathe:

1. A written request for a School Crossing Guard is received by the Chief of Police that includes the names of parents whose children use the requested locations. This identifies who is requesting the crossing guard.
2. Intersections must be where elementary school children cross or locations specific to elementary schools. This identifies the location.
3. A minimum number of children present at the identified location during school crossing periods must be an average of 15 students. Sgt. Winn noted the minimum number of students crossing in the various policies ranged from 5 to 30, 15 represent the average.
4. A traffic engineering study to determine pedestrian group size, vehicle gap time and vehicle volume at identified location.
  - a. Pedestrian group size study to determine the adequate gap time required for the 85<sup>th</sup> percentile group size for students to cross the street at a specified width at a given time.

- b. Vehicle gap study to determine the percentage of time during the school crossing periods when adequate gaps for safe crossing exist.
  - c. Measure the volume of vehicle traffic to determine if there are more than 125 vehicles in a 15-minute period or an average of eight vehicles per minute.
  - d. Review of traffic control devices at the identified location.
5. Are there alternatives to existing traffic control devices that can be implemented to increase gap times to allow for safe crossing.

Al Herrera asked what if only two or three students are crossing. Chief Grover noted an alternative that has always been offered by the Department is to train and supply necessary equipment for parents to serve as crossing guards.

Greg Colston asked if there were any streets within Prairie Village with a width greater than 72 feet. Sgt. Winn responded that 72' would be 6 lanes of traffic and only Somerset meets that criterion.

Mr. Colston asked if the policy was adopted and existing school crossing guard intersections did not meet the criteria would the crossing guards be pulled. Chief Grover stated the City has never pulled any guards and noted the existing locations could be grandfathered.

Pat Daniels asked if the City had a sense of existing pedestrian counts at the existing locations. Chief Grover responded that pedestrian counts have not been done for the past two years and would need to be done. He noted when done they need to be done both in the Spring and the Fall and should be taken without notice to the general public to get a more accurate reading.

Mr. Daniels stated he supported grandfathering existing locations but felt that the 72' street width should be eliminated as it does not apply to Prairie Village. Sgt. Winn noted the street width is an objective measurement to consider when determining the length of time it would take to get a group of children safely across the street. He noted that Olathe uses 80'.

David Belz agreed with Mr. Daniels noting the lack of 72' wide streets. Chief Grover noted a policy is a guideline. Mr. Belz stated he still had a problem with having the 72' criteria in the policy.

Steve Noll stated he felt it was suitable to grandfather existing locations with the possible exception of the guard for Somerset Elementary. He feels the crossing guards provide a presence of the Police Department within the City. Mr. Noll stated he would rather have a set of criteria in place to address requests than to rely on city economies. He felt the criteria presented are excellent.

Jeff Anthony asked what legal obligation the City had for supplying crossing guards. Charles Wetzler, City Attorney, responded the general rule is if there is a policy in place

and it is not being followed, the City incurs greater responsibility. Mr. Anthony asked what the school district's involvement was in this decision. Chief Grover stated he approached the school district about a year ago on this issue because of difficulties the City was having in hiring persons for the positions. They want the guards and want the City to provide them as they are aware if the City does not, they will need to do so. Charles Wetzler provided background on how the current situation evolved to having the City provide crossing guards noting that the responsibility was initially taken on by students at the individual schools and later by adults. However, questions were raised regarding the qualifications of these persons and the City stepped in.

David Belz stated he feels the criteria could be used to address how far out school crossing guards would be placed. Mr. Herrera stated he supports guards located near the schools, but questioned their value at locations away from the schools they serve.

Chief Grover stated he and Sgt. Winn had sufficient information on which to draft a policy for the City and noted they would return with a formal policy for consideration.

#### **POL2006-01 Consider Council Policy on enforcement of "No Smoking Ordinance"**

Chief Grover requested policy direction from the Policy/Services Committee on the enforcement of the "No Smoking Ordinance" adopted by the City in December of 2005. The enforcement process of any new ordinance requires a three-step process. The first step being its adoption. The second part is policy direction by the governing body on how the new ordinance will be enforced, with the final step being the creation of enforcement operational guidelines. His staff in review of the ordinance raised questions on the enforcement of several issues in the ordinance.

The primary questions related to who has the responsibility for enforcement, the business owner, the tenant or the individual. Also, is enforcement sought by the Council or does the Council want voluntary compliance or a combination of both. Questions were raised regarding signage. Chief noted the reference to non-retaliation is an issue that needs to be resolved as a civil issue. His staff can not handle.

Chief Grover referenced the following sections of the ordinance:

- 11-493 (b) The issue of enforcement of employers and/or business owners on violations committed by employees and customers?
- 11-403(c) The issue of enforcement of an employer who has not provided a written copy of the ordinance to employee(s)?
- 11-405 (a) In a proprietor setting should the focus of enforcement be on the owner/manager, the party actually smoking or both parties?
- 11-405 (b) What is the enforcement level of signage that proprietors are to conspicuously affix?
- 11-406 (a)(b) Same question as regards to enforcement?
- Is the ordinance tolerance to be one of voluntary compliance, no tolerance or an officer discretion issue?

- 11-407 regarding non-retaliation appears to be both a criminal and civil issue. The active criminal investigation of this subsection would appear to be out of the Police Department's expertise. Rights are usually matters controlled by civil actions.

Al Herrera stated he does not want an officer pulled off the street to respond to a smoking call. He feels it is up to Highwoods Properties to enforce the regulations. He noted he was originally opposed to ordinance as he did not feel it was the City's responsibility for enforcement.

David Belz stated Highwood Properties is not the only commercial property owner in the City. He stated the ordinance has been adopted and it is now the city's responsibility to enforce the regulations adopted.

Greg Colston feels the owner should be the individual responsible and that they should be given one warning prior to being cited.

Chief Grover noted the difficulty in prosecuting is that when the police officer arrives, the individual is no longer smoking and he/she can therefore, not testify to the violation. The city will need to secure individual's who would be willing to testify to the violation if the City were to pursue prosecution.

#### **CONTINUED**

Al Herrera noted the time allotted for the Policy/Services Committee meeting has come to an end and stated this item and the remaining agenda item would be carried over to the next Policy/Services Committee meeting.

Co-Chairman Al Herrera adjourned the meeting at 7:30 p.m.

Al Herrera  
Co-Chairman

CITY OF PRAIRIE VILLAGE  
PUBLIC WORKS DEPARTMENT

DESIGN ENGINEERING CHANGE ORDER NO. 1

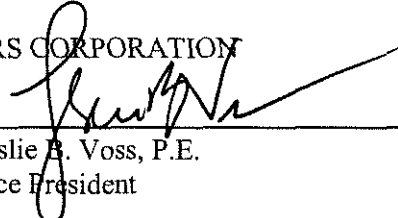
Consultant's Name: URS Corporation  
Project Title: 2006 Storm Drainage Repair Program Owner's Project No. 190717  
Date Requested: 30 January 2006 Consultant's Project No. 16530105  
Contract Date: 6 December 2005

The scope of work in the above Engineering Services Agreement has been modified as follows:

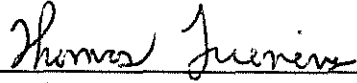
A requested increase in the Engineering Agreement to provide preliminary design, final design and bidding services. A schedule is attached. The scope of work is included in the original contract. Project 190717 -06 (Pedestrian Bridge) has been eliminated by the Dept. of Public Works.

Original Agreement Amount: \$16,700  
Net Previous Change Orders: \$0  
Subtotal: \$16,700  
Net Increase/~~Decrease~~ this change Order: \$59,299  
New Agreement Amount: \$75,999

The Engineering Consultant (~~does~~) (does not) anticipate a related Construction Change Order No. X  
in the amount of \$0

URS CORPORATION  
By   
Leslie B. Voss, P.E.  
Vice President

CITY OF PRAIRIE VILLAGE, KANSAS  
By \_\_\_\_\_  
Ronald Shaffer  
Mayor

By   
Thomas Trienens, P.E.  
Manager of Engineer Services

## SCHEDULE

PRELIMINARY DESIGN PHASE	7 WEEKS FROM NTP
PRELIMINARY DESIGN REVIEW	2 WEEKS FROM RECEIPT OF DRAFT
FINAL DESIGN PHASE	5 WEEKS FROM RECEIPT OF DRAFT COMMENTS
FINAL DESIGN REVIEW	2 WEEKS FROM RECEIPT OF FINAL
BIDDING SERVICES PHASE END	8 WEEKS* FROM RECEIPT OF FINAL COMMENTS

\* Assumes 45 day bid period

TOTAL 24 WEEKS

IF NTP RECEIVED ON FEBRUARY 6 THEN FINAL DESIGN COMPLETE BY MAY 29 AND  
CONSTRUCTION CONTRACTOR SELECTED BY JULY 24

## SCOPE OF CONSULTANT SERVICES

The Consultant shall perform all consulting services in a timely manner necessary for the design and construction of the "Project," including, but not limited to, the following specific items:

### **1.0 Preliminary Design**

After the City issues a notice to proceed, the Consultant shall proceed to provide these services:

- 1.1 Conduct field reconnaissance to evaluate and identify:
  - 1.1.1 Utility conflicts
    - 1.1.1.1 Determine location and scope of relocation
    - 1.1.1.2 Identify test pit locations of potential utility conflicts
  - 1.1.2 Location of bench marks and section markers
- 1.2 Prepare preliminary construction plans, including title sheet, site plan, plans profiles, cross-sections as appropriate, standard and special detail sheets, easement plan, erosion control plan and traffic control plan.
- 1.3 Easements
  - 1.3.1 Obtain Ownership and Easement (O&E) on project properties to determine existing easements.
  - 1.3.2 Prepare project related easement documents.
- 1.4 Office Check
  - 1.4.1 Participate in a project office check with City staff.
  - 1.4.2 Present one set of preliminary plans to City for review.
  - 1.4.3 Participate in office review with City staff.
- 1.5 Participate in a public meeting to present project intentions
- 1.6 Publish minutes of all meetings and disperse to City representative and all other attendees within five working days.
- 1.7 Present Preliminary plans to City for review.
  - 1.7.1 Conduct a field check of plans with City Staff.
  - 1.7.2 Draft project manual with specifications and general provisions.
  - 1.7.3 Present a detailed opinion of probable construction cost including a compilation of typical and non-typical construction pay items with quantities and current unit costs. Add to the total construction cost, a contingency of 15 percent.
  - 1.7.4 Submit one paper copy and one electronic copy in Microsoft Office, Microsoft Project, or AutoCAD of all documents for review by the City.

### **2.0 Final Design**

Following review and approval of preliminary design phase by the City and after the City issues a notice to proceed with this phase, the Consultant shall proceed to provide these services:

- 2.1 Review preliminary design documents.
- 2.2 Address comments from preliminary review.
- 2.3 Prepare final plans and contract documents.
- 2.4 Prepare standard and special detail sheets.
- 2.5 Submit final plans and specifications to the City and Utilities.
- 2.6 Request utility comments and schedule.
- 2.7 Finalize permanent drainage and temporary construction easement documents and submit to the City.
- 2.8 Prepare final itemized estimate of probable cost.
- 2.9 Prepare final bid documents
- 2.10 Keep minutes of meetings and distribute.
- 2.11 Provide hard copy and electronic copy in AutoCAD or Microsoft Office of all documents for review by the City.

### 3.0 Bidding Phase

Following final review by City staff and approval to proceed to bidding phase the consultant shall undertake the following bid services.

- 3.1 Bid Preparation
  - 3.1.1 Provide the City a Notice to Bid for publication.
  - 3.1.2 Mail Notice to Bid provided by the City to potential contractors.
  - 3.1.3 Provide plans, bid documents, and specifications for potential bidders to purchase to purchase from electronic plan room.
  - 3.1.4 Provide all utilities with bid set of plans and request attendance at pre-bid meeting.
  - 3.1.5 Conduct a pre-bid meeting and answer any questions as addenda to the contract bid.
  - 3.1.6 Provide to the City a Consultant's opinion of probable construction cost and bid tab sheet.
- 3.2 Bid Opening
  - 3.2.1 Attend bid opening and check all bids for accuracy.
  - 3.2.2 Evaluate the bidders and make a recommendation of award to the City.
- 3.3 Contract Preparation
  - 3.3.1 Assemble five construction documents, including bonds for execution by the contractor and the City.
  - 3.3.2 Submit contractor signed contract documents to the City for execution and award.
  - 3.3.3 Submit one paper copy and one electronic copy in Microsoft Office, Microsoft Project, or AutoCAD of all documents for review by the City
- 3.4 Prepare agreement for construction administration.



Project Estimating Sheet - Design Services													
DATE: 01/1/08													
CLIENT: Prairie Village, Kansas													
PROJECT 199709: 83 rd & Delmer Street DB-11-001													
LARKIN GROUP, INC.													
9200 Ward Parkway, Suite 400													
Kansas City, Missouri 64114													
PHASE/TASK	EST. HRS.>	PRINCIPAL	ASSOCIATE	ASSOCIATE ENGR.	ASST. ENGR.	CADD TECHNICIAN	CLERICAL	SURVEYOR MANAGER	PROJECT SURVEYOR	SURVEY TECHNICIAN	2 MAN SURVEY CREW	OTHER DIRECT COSTS	TOTAL COST
												ITEM	COST
1 Preliminary Design													
1.1 Field Reconnaissance	4	18	24	24									
1.2 Prepare preliminary construction plans and details	72	80	80	240	280			4	4	8	8		\$7,238.00
1.3 Easements													\$71,180.00
1.3.2 Obtain O&Es	4	8	12	16	8	24	4	16					
1.3.1 Prepare project related easement documents	6	18	24	24	32	8	4	8					\$7,568.00
Subtotal	10	26	36	40	40	32	8	24					\$10,786.00
1.4 Office Check													
1.4.1 Present one set of prelim plans to appropriate agencies and Utilities	4	12	16	16	16	16							
1.4.2 Present one set of plans to City for review	2	16	8	8	8	12							\$6,182.00
1.4.3 Participate in office review with City staff	12	8	12	32				16	32	40			\$4,558.00
Subtotal	18	36	36	56	28	18		16	32	40			\$13,008.00
1.6 Publish minutes of all meetings	8	4	4	16				16	32	40			\$23,718.00
1.7 Present Preliminary Plans to City	2		4	4	4	2							\$3,664.00
1.7.1 Conduct field review	12	8	8										\$1,222.00
1.7.2 Draft project manual with specifications and general provisions	4	2	12	4	16	16							\$3,940.00
1.7.3 Detailed opinion of probable cost	6		12		16	16							\$4,498.00
1.7.4 Submit one paper and electronic copy of plans to the City	2		12		2	2							\$2,426.00
Subtotal	24	10	32	8	18	18							\$648.00
1.8 Direct Costs													\$11,510.00
1.8.1 Total Station													\$1,500.00
1.8.2 GPS													\$1,500.00
1.8.3 Utility Prospecting													\$1,000.00
1.8.4 O&E's 10@8200													\$2,000.00
1.8.5 Mileage													\$150.00
1.8.6 Reproduction Costs													\$350.00
Subtotal													\$6,500.00
<b>Total Preliminary Design</b>	<b>138</b>	<b>172</b>	<b>216</b>	<b>306</b>	<b>338</b>	<b>88</b>	<b>18</b>	<b>88</b>	<b>48</b>	<b>88</b>	<b>16</b>		<b>\$143,746.00</b>
2 Final Design													
2.1 Review preliminary design documents	18	18	12	24									
2.2 Address comments from preliminary review	32	36	30	48	100	8		4	4	16			\$8,076.00
2.3 Prepare final plans and contract documents	10	60	16	80	36	8							\$26,728.00
2.4 Prepare standard and special detail sheets	10	32	16	32	32								\$30,418.00
2.5 Submit final plans and specs to city and utilities	4	2	2	2	16	0							\$12,168.00
2.6 Request utility comments and schedule	4												\$2,382.00
2.7 Finalize permanent drainage and temporary construction easement documents and submit to city	8	12	8	16	20	20	0						\$700.00
2.8 Prepare final finalized construction cost estimate	8	8	8	12									\$7,624.00
2.9 Prepare final bid documents	8	8	8	8	8	8							\$3,848.00
2.10 Keep minutes of meetings and distribute	2	4	4	4		8							\$3,708.00
2.11 Provide hard copy and electronic copy of reports and AUTOCAD plans to city	2		0	2	2	4	0	0	0	0	0		\$760.00
2.12 Direct Costs													\$762.00
2.12.1 Mileage													\$120.00
2.12.2 Reproduction costs													\$350.00
Subtotal													\$470.00
<b>Total Final Design</b>	<b>102</b>	<b>170</b>	<b>170</b>	<b>288</b>	<b>338</b>	<b>100</b>	<b>8</b>	<b>4</b>	<b>4</b>	<b>16</b>	<b>16</b>		<b>\$87,286.00</b>

Project Estimating Sheet - Design Services													
DATE: 01/11/06													
CLIENT: Prairie Village, Kansas													
PROJECT 196708: 83 rd & Delmar Street DB-11-001													
LARKIN GROUP, INC.		PRINCIPAL	ASSOCIATE	ASSOCIATE ENGR.	ASST. ENGR.	CADD TECHNICIAN	CLERICAL	SURVEYOR MANAGER	PROJECT SURVEYOR	SURVEY TECHNICIAN	2 MAN SURVEY CREW	OTHER DIRECT COSTS	TOTAL COST
2200 Ward Parkway, Suite 400 Kansas City, Missouri 64114												ITEM	COST
PHASE/TASK	HR/LY. FEE>	\$175.00	\$125.00	\$105.00	\$84.00	\$64.00	\$58.00	\$80.00	\$85.00	\$65.00	\$125.00		
	EST. HRS.>												
3 Bidding Phase													
3.1 Bid Preparation													
3.1.2 Notice to Bidders	2		4				2						
3.1.3 Mail Notice to Bidders to potential contractors	2		4				2					\$886.00	
3.1.4 Provide plans, bid documents and specifications for bidders	2		4	4	4	4	8					\$1,626.00	
3.1.5 Provide all utilities with plans	2		4									\$770.00	
3.1.6 Conduct pre-bid meeting and necessary addendums	8	4	8	4	2							\$3,204.00	
3.1.7 Provide Engineer's Estimate to city	4		4									\$1,120.00	
Subtotal	20	4	28	8	6	12						\$6,892.00	\$6,892.00
3.2 Bid Opening													
3.2.1 Attend bid opening and check bids for accuracy	4		4									\$1,120.00	
3.2.2 Evaluate bidders and make recommendation to City	4		8									\$1,540.00	
Subtotal	8		12									\$2,660.00	\$2,660.00
3.3 Contract Preparation													
3.3.1 Assemble 5 copies of contract documents	4		4									\$1,120.00	
3.3.2 Submit contractor signed docs to City	4		2	2			2					\$1,194.00	
3.3.3 Submit one paper copy and electronic files to City	2		2	2			2					\$494.00	
Subtotal	8		8	4		4						\$2,808.00	\$2,808.00
3.4 Prepare agreement for construction administration													
3.5 Direct Costs													
3.5.1 Mileage												\$70.00	
3.5.1 Reproduction Costs												\$350.00	
Subtotal												\$420.00	\$420.00
TOTAL HOURS	278	348	360	624	550	148	32	64	48	24			
TOTAL COSTS	\$48,300.00	\$43,250.00	\$37,800.00	\$52,416.00	\$35,200.00	\$8,488.00	\$2,560.00	\$4,160.00	\$3,120.00	\$3,000.00	\$238,274.00		
												TOTAL FEE	\$248,844.00

Ordinance No. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER XVI, ARTICLE 5 OF THE PRAIRIE VILLAGE CODE BY ADDING A NEW SECTION 16-535 ENTITLED "WATER DISCHARGES."**

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

**SECTION I.** The following new section 16-535 is hereby added to Article 5 Chapter XVI, Zoning and Planning, and shall read as follows:

16-535. Water Discharges.

No person shall discharge any water that is polluted, as determined by appropriate Federal, State or City laws, onto City property. No person shall discharge non-polluted water from any private property onto any City property without first obtaining a City drainage permit. No person who discharges non-polluted water shall cause a hazard, such as, but not limited to, ice, slipperiness, debris, or deterioration of any City sidewalk or City street. Any person found guilty of a violation of this section shall be subject to a penalty in accordance with City of Prairie Village Municipal Code 1-116.

**SECTION II.** This ordinance shall take affect and be in force from and after its passage, approval and publication as provided by law.

**PASSED AND APPROVED \_\_\_\_\_ DAY OF FEBRUARY, 2006.**

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

**ATTEST:**

**APPROVED AS TO FORM:**

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

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

City Council Policy No.372 WATER DISCHARGES TO CITY LANDS

Effective Date:

Amends: NEW POLICY

Approved By:

Page 1 of 2

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**I. Purpose:**

1. To establish policy for water discharges to City lands.

**II. Responsibility:**

1. Public Works Director

**III. Definition:**

1. “**City**” shall mean the City of Prairie Village.
2. “**City Clerk**” shall mean the City Clerk employed by the City of Prairie Village or designee.
3. “**City Lands**” shall mean any land owned in fee by the City of Prairie Village such as, but limited to, grounds at City buildings, City parks and City right-of-ways.
4. “**Connection Fee**” shall mean the fee paid by the property owner for connecting to the City storm drain system.
5. “**Front Feet**” shall mean the total length of the property line at the City right-of-way where the proposed pipe will be installed.
6. “**Public Works Director**” shall mean the Director of Public Works employed by the City or that person’s designee.
7. “**Storm Drain System**” shall mean any City owned pipe, structure, channel or other City drain facility.
8. “**Water Discharge**” shall mean any water from a sump pump system, roof drain, swimming pool or any other non-polluted water.

**IV. Policy:**

1. Polluted water will not be discharged onto any City land.
2. The City may install and maintain ownership of any pipe on City lands used to collect private property water discharges.
3. A Drainage Permit will be required to discharge water to the City storm drain system.

4. The City will charge a front foot fee as on file in the office of the City Clerk.
5. The Public Works Director may request an annual Capital Infrastructure Program budget amount for installation of the storm drain pipe.

**V. Procedure:**

1. A property owner must apply to the Public Work Director for a Drainage Permit to discharge water to the City storm drain system.
2. The property owner, prior to the issuance of a Drainage Permit, will pay the connection fee that is product of multiplying the front feet by the front fee.
3. The property owner will sign an agreement indemnifying, defending and holding the City harmless from any and all damage, loss, or liability of any kind occasioned by reason of injury to persons or damage to property which may occur as a result of the City permitting the property owner to attach their water discharge pipe into a pipe owned by the City.
4. The Public Works Director will determine the location and construction details of the pipe to collect the water discharge.
5. The Public Works Director will investigate reported water discharges and may request remedial action by the property owner for non-compliance with this policy. If the property owner fails to comply, the property owner may be issued a Code Violation citation by the City Code Enforcement Officer.

CITY COUNCIL POLICY No.410 TRAFFIC CONTROL DEVICES

Effective Date:

Amends: Council Policy No.410 General Guide for Use of the Uniform Traffic Control Ordinances and Devices in the City.

Approved By:

Page 1 of 7

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**I. Purpose:**

- A. The U.S. Secretary of Transportation, under authority granted by the Highway Safety Act of 1966, decreed that traffic control devices on all streets and highways open to public travel in accordance with 23 U.S.C. 109(d) and 402(a) in each State shall be in substantial conformance with the Standards issued or endorsed by the FHWA.
- B. Traffic control devices shall be defined as all signs, signals, markings, and other devices used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, pedestrian facility, or bikeway by authority of a public agency having jurisdiction.
- C. This policy and procedure are adopted for the use of traffic control devices within the City.

**II. RESPONSIBILITY:**

- A. The Chief of Police shall be responsible for:
  - 1. Regulatory traffic control devices
- B. The Director of Public Works shall be responsible for:
  - 1. Non-regulatory traffic control devices.
  - 2. Reviewing contracts entered into by the City for construction and maintenance to ensure that proper signing and traffic control is provided.
  - 3. Reviewing work of private companies including utility entities to provide construction signing and control in accordance with the MUTCD at no cost to the City.
- C. The Chief of Police and Director of Public Works will both be responsible for complying with:
  - 1. Standards:
    - a. The most current edition of the Uniform Traffic Control Devices (MUTCD) as issued or endorsed by the FHWA shall be the standard for used on traffic control devices throughout the City under the following guidelines:
      - i. Whenever the word SHALL is used in the MUTCD, it is considered a MANDATORY condition and no control will be used in conflict with these conditions set forth.
      - ii. Whenever the word SHOULD is used in the MUTCD, it is considered advisable, but not mandatory. The MUTCD should be

followed in these cases unless the governing body shall consider the recommendations of City Staff and of a professional traffic engineer.

- iii. Whenever the word MAY is used in the MUTCD, it is considered permissive and no requirements are set forth. When possible, the City will establish a set of policy guidelines to be followed on a routine basis in these cases.

2. Law:
  - b. United States Code
  - c. State of Kansas Statutes
  - d. City of Prairie Village Ordinances

### III. EXISTING CONTROLS, ORDINANCES AND SIGNAL DEVICES

- A. The traffic control devices presently used within the City have been developed throughout the incorporated history of the City and many were acquired through annexation.
- B. The Director of Public Works shall be responsible for compiling a complete inventory of all City traffic control devices. The inventory will list each device by type, condition and location. A map shall be maintained showing the location of each City traffic control device.
- C. The Chief of Police and the Director of Public Works shall periodically review the City traffic control devices to ensure compliance to standard and law.
- D. The Director of Public Works will make a recommendation to the City Council for any changes that are needed to bring non-regulatory traffic control devices into compliance with current laws, regulations and standards.
- E. The Chief of Police will prepare an ordinance for presentation to the City Council for approval to adopt all regulatory traffic control devices and repealing all previous ordinances or council requirements.
- F. An audit of accidents and traffic control devices in the City shall be conducted every five years by a professional traffic engineer.

### IV. PROCEDURES AND PROCESSING REQUESTS FOR TRAFFIC DEVICES

- A. Requests received to change, add to, or alter the traffic controls within the City will follow this procedure:
  1. The Chief of Police will receive any request pertaining to regulatory traffic control devices.
  2. The Director of Public Works will receive any request pertaining to non-regulatory traffic control devices.
  3. The Chief of Police and the Director of Public Works will be required to give written recommendations on the request, based on the requirements of the Laws, MUTCD and City Policy.
  4. The request may be either:

- a. Refused and the requesting party notified
  - b. Handled administratively and completed by City personnel
  - c. Forwarded to the City Council Policy Services Committee for City Council approval
- B. The following traffic controls or devices shall not be approved or altered except on the basis of a traffic engineering study and approval by the City Council:
1. Speed limits
  2. Automatic traffic control devices (traffic signals)
  3. Truck routes or no-through-trucks provisions
  4. Safe school routes, school zones, school pedestrian crossings
  5. Emergency snow routes
  6. Stop signs

#### V. STREET DESIGNATION

- A. Any street within the City that carries an average daily traffic volume in excess of 7,000 cars per 24-hour period will be classified as an arterial street.
- B. Any street that carries an average daily traffic volume in excess of 3,500 cars per 24-hour period will be classified as a collector street.
- C. All other streets will be classified as local streets.

#### VI. STANDARDS

- A. Street markings
  1. The City Council recognizes the importance placed on street markings in accordance with the MUTCD. To ensure that the City meets and uses those control devices, the following standards will be adopted:
    - a. For every street designated as arterial or collector street, shall have the centerline be clearly marked as required by the MUTCD
    - b. For every street with more than one lane in the same direction, the centerline and individual lanes will be marked as designated in the MUTCD
    - c. That the Director of Public Works shall use material that is effective and appropriate for long-term use
    - d. That every spring the Director of Public Works shall order an inspection of all markings for maintenance
- B. No Parking Restrictions
  1. To ensure a uniform policy and procedure for the placement of "No Parking" restrictions in the city, the following shall apply.
    - a. Any designated street, which carries a traffic volume in excess of 12,000 vehicles per day, will be posted "No Parking at Any Time".



- b. All four-lane streets shall be marked "No Parking at Any Time" in a manner required in the MUTCD, regardless of the volume of traffic present.
- c. Any designated street, which carries a traffic volume of between 7,000 and 12,000 vehicles in any 24-hour period, shall be posted, "No Parking Between the Hours of 7-9 a.m. and 4-6 p.m."
- d. Streets carrying a volume of traffic between 3,500 and less than 7,000 will be posted with "No Parking" restrictions after City Council approval. For those streets meeting this volume of traffic, and are not now posted, the following yearly evaluation will be made:
  - i. In January of each year, the Chief of Police will prepare an accident summary of those streets carrying 3,500 to 7,000 vehicles in a 24-hour period. Those streets with five or more accidents, which have as a direct or contributing cause with parked vehicles, the Chief of Police shall request no parking restrictions for the street to be marked according to the time in which the accidents occur. (For the purpose of this accident count, intersection accidents will not be included unless a parked car is involved.).
  - ii. For those streets carrying a volume of traffic of less than 3,500 vehicles, it shall be the general policy of the City not to restrict parking along or on either side of said street. Requests received from residents for no parking restrictions will be presented to the City Council for approval.

C. Public Street Parking in Commercial Areas

- 1. If a public street is adjacent to and a normal part of the parking area to be used by the general public for a commercial development, the City will authorize two-hour parking restrictions if more than 50% of the merchants affected request the restriction.
- 2. When the inconvenience caused to the residential neighborhood around commercial developments is such that the City desires to provide protection to the residents, the City will post restricted time parking around commercial developments under the following conditions:
  - a. The time restriction will be for the normal business hours of the affected area.
  - b. No restrictions shall apply on Sundays.
  - c. The request must come from a street that is adjacent to the commercial development.
  - d. No restriction will be considered unless a distance of one half-city block is involved.
  - e. A petition signed by more than 50% of the affected residents must be presented requesting such restrictions.
  - f. All residents must understand the restrictions apply to them equally as well as to those not living in the area.

- g. This policy shall also apply to areas adjacent to public or private schools within the City.

**D. Parking Restrictions in Residential Neighborhoods**

1. The general policy of the city will be to allow parking on either side of all residential streets unless a public safety condition exists. When requests are received from persons desiring no parking restrictions within a residential neighborhood, the following procedure will be followed:
  - a. A petition signed by more than 50% of the affected residents must be presented to the City requesting said restrictions.
  - b. The Chief of Police shall order a study to determine if an actual public safety condition exists.
  - c. If the safety condition is severe, an ordinance for a restriction will be presented to the City Council for approval.

**E. Stop Signs and Traffic Signals**

1. For every intersection with an arterial street by a collector or local street, a stop sign shall be considered on the collector or local street requiring all vehicles to stop prior to entry across or onto the arterial street.
2. When two arterial streets intersect, traffic movements shall be considered for control by an automatic traffic control device (traffic signal).
3. Stop signs and traffic signals for all streets will be reviewed against the warrants in the MUTCD.
  - a. The MUTCD does not recommend the common use of stop signs at intersections with light vehicle use. Stop Signs should be used only when warranted." K.S.A. 8-1526 and Prairie Village Ordinance 1517, Article 10, Section 57 clearly state the "right-of-way" provisions for uncontrolled intersections.
  - b. There is no requirement that the City place stop signs at intersections unless required warrants are met.
  - c. It shall be the general policy of this city:
    - i. Stop signs shall not be used as a speed control device unless a public safety condition exists which cannot be corrected by selective traffic enforcement. A safety condition shall exist if five or more accidents occur within a one-mile distance during a 12-month period with speed listed as the cause or contributing factor of the accident.
    - ii. When a stop sign is approved at an intersection without an arterial street classification, a 24-hour traffic count will be taken. The higher traffic count street will be given priority over the lesser traffic count street. To deviate from this standard shall require a traffic engineering study be made to identify a public safety condition.
4. The Chief of Police will receive requests for stop signs.
  - a. The Chief of Police will conduct an accident survey. If at any time five or more accidents are reported within a 12-month period, a public safety

condition does exist and the Chief of Police will prepare a recommendation for the Council Policy Services Committee.

- b. The Chief of Police shall conduct a 24-hour traffic count survey. If neither street has a 24-hour traffic count of more than 1,000 cars, signs will not be recommended to the Council Policy Services Committee, unless there is a sight restriction caused by curves, grade, etc. creates a hazard. The sight restriction will be determined within the following distances for these speeds:
  - i. 20 mph 100 feet
  - ii. 25 mph 175 feet
  - iii. 30 mph 250 feet
  - iv. 35 mph 325 feet
5. If a sight restriction is present that can be removed, the Chief of Police shall advise the Public Works Department.

#### F. Identification Signs

1. The Director of Public Works shall be responsible for seeing that every intersection within the City is identified with street identification signs placed as required in the MUTCD.
2. Signs shall be blue background with white letters with the City logo.
3. On streets with overhead light arms, a street identification sign shall be posted on the overhead arm as directed by the MUTCD.
4. Metal posts will be used for all installations.

### VII. TRAFFIC CONTROLS FOR CONSTRUCTION

- A. The MUTCD sets forth requirements for the proper signing and marking of streets under construction and repair.
- B. No construction or maintenance shall take place upon a public street within this city until the requirements of the MUTCD are met.
- C. Every contract entered into by the City shall detail the contractor's responsibility to provide signs, cones, flagmen, or any other material necessary to meet the requirements of the MUTCD.
  1. A traffic control plan shall be the responsibility of the contractor and shall be furnished to the Director of Public Works prior to work authorization.
  2. The Police Department shall not control traffic around street construction sites.
- D. Any time a lane of traffic upon a four-lane street is to be closed for more than a one-hour period, a light arrow board shall be placed in the roadway to warn motorists of the lane being closed ahead.
- E. A Police or Public Works Employee may provide emergency traffic control until the private contractor or utility has been notified and assume traffic control.

### VIII. CITY EMPLOYEE PROTECTION

- A. In order to protect the City from liability and provide safety for City employees, the following requirements shall be followed for all City Employees working within the public roadway:
- B. All City vehicles shall be equipped with flashing warning lights any time the vehicle is stopped upon a public roadway.
- C. All City vehicles shall be equipped with traffic cones and placed into use in accordance with the MUTCD.
- D. Any City employee working in the public roadway shall wear a reflective safety vest.

**LEGISLATIVE/FINANCE COMMITTEE  
6 FEBRUARY, 2006  
MINUTES**

The Legislative/Finance Committee met at 6:00 pm in the Multipurpose Room. Members present: Co-Chairs Bill Griffith and Ruth Hopkins, Laura Wassmer, Wayne Vennard, and Andrew Wang. Also present: Barbara Vernon, Doug Luther, Chief Grover, Ron Williamson, Josh Farrar, and Steve Stein.

**LEG2006-04: Consider CMB Sales at Service Stations**

Mr. Luther reported that the City's zoning regulations prohibit the sale of alcoholic beverages at service stations. Kevin Temple, representing Conoco/Phillips at 95<sup>th</sup> & Mission Road has requested this ordinance be revised to permit the sale of cereal malt beverage (3.2% beer) at service stations.

At its January, 2006 meeting the Planning Commission considered this request and decided not to authorize a public hearing to consider this ordinance revision. Commissioners felt the current ordinance requirement was designed to ensure that the primary business of service stations would remain gasoline sales. They also noted that there are other locations within the City where individuals can purchase beer.

In order to consider an ordinance amendment, the Planning Commission must conduct a public hearing on the matter. This hearing can be authorized by either the Planning Commission or the City Council. However, the hearing must be held before the Planning Commission according to state statutes.

Ms. Wassmer said the City should not legislate the inventory mix of a business. The items offered for sale should be determined by the business owner.

Mr. Wang agreed, noting that the 800 sq. ft retail area limitation included in the zoning regulations is sufficient to prevent service stations from becoming major convenience stores.

Mr. Vennard expressed concerns about expanding the availability of alcoholic beverages in the City, noting concerns with allowing the sale of both gasoline and alcohol at the same location.

Mrs. Vernon said that, historically, City Councils and Planning Commissions in Prairie Village have been resistant to allowing convenience stores in the City.

Mr. Williamson said that parking and traffic flow at service stations is very tight, and permitting beer sales may cause traffic congestion at service stations.

Mr. Luther confirmed that there are five service stations in the City, and that, if permitted to sell beer, service stations would still be required to comply with other state statutes regarding the hours at which beer could be sold. Mr. Temple said his company also has an aggressive program to prevent alcohol sales to minors.

Mrs. Hopkins noted that, historically, liquor laws in Kansas have been very restrictive, but these laws have been liberalized over the past few years.

Mr. Williamson noted that Overland Park permits beer sales in service stations, but requires that two employees be present. This may be too restrictive for Prairie Village, given the small amount of retail space permitted at service stations.

Mr. Vennard said Conoco/Phillips opened its station knowing that beer sales were prohibited and are now trying to change the rules.

Mr. Temple said that, last year, he was issued a license to sell beer at the location, but the license was not renewed this year. Council members inquired about the licensing process. Mr. Luther said CMB licenses are issued by the City Clerk with approval of the City Council. The CMB license for the service station had been issued in error.

Ms. Wassmer moved and Mr. Wang seconded the following motion which passed 3-2 with Mr. Griffith and Mr. Vennard voting nay.

**RECOMMEND THE CITY COUNCIL AUTHORIZE A PUBLIC HEARING  
BEFORE THE PLANNING COMMISSION REGARDING AMENDMENTS  
TO PVMC 19.34.035 TO PERMIT THE SALE OF CEREAL MALT  
BEVERAGE AT SERVICE STATIONS.  
COUNCIL ACTION REQUIRED**

#### **LEG2006-05: Compensation Objectives**

Mr. Stein, representing FBD, the consultant conducting a salary and benefits survey for the City, reported that he has been working with City staff and is now seeking policy guidance from the Committee regarding the City's employee compensation philosophy and objectives. He said that compensation encompasses three primary categories: pay, benefits, and other rewards.

The City's current approach has been to establish salary ranges based upon the median salaries paid to employees in other Johnson County municipalities with data obtained from the annual MARC salary survey. He said using survey data to establish market position is a common practice used by employers.

Mr. Griffith noted that, if cities continue to increase their salaries and are using the same survey tool for comparison, cities participating in the survey will continually increase salaries to catch up with their competitors, leading to salary inflation.

Mr. Stein said the MARC survey is a useful tool, but the City competes with other organizations for employees. He suggested the City establish salary ranges based on regional or national survey data for some positions, and also include private sector salaries for some classifications. He added that, while most ranges will likely be based on the median, there may be instances where the City may wish to be a market leader in pay. These may be positions that are very difficult to fill or where the City had had a problem retaining employees. Mr. Stein said that, due to the high cost of recruiting and training police officers, the City may wish to structure this salary range differently than others.

Ms. Wassmer said that pay is not the only issue employees consider. Mr. Stein agreed, noting that issues such as benefits and work environment are also important factors. He said a second component of this study will be to compare the benefits offered to Prairie Village employees with those offered by other employers in the greater Kansas City area. In addition, he recommended conducting a comprehensive market survey every three years to ensure the City's salary ranges are remaining competitive.

Mrs. Hopkins said that the City needs to better understand why employees leave. Mr. Stein suggested the City conduct an employee attitude survey annually to help identify these issues over time.

Mrs. Hopkins asked about the status of job descriptions for employees. Mr. Luther said the City has job descriptions, but many of them are out of date and don't reflect employees' current duties and responsibilities. As part of this study, employees and their supervisors have been responding to a job analysis questionnaire which will be used to update or create new job descriptions.

Ms. Wassmer said it would be helpful to identify the target market for each of the City's job classifications. Mr. Griffith said that approach may be too specific for formulating a general policy statement.

Mr. Stein said articulating the compensation philosophy, including the markets upon which salary ranges should be based, is necessary before salary ranges can be developed.

Committee members requested that Mr. Stein and City staff provide recommendations regarding which market reference points should be used for the City's various job classifications and present to the Committee for further discussion. Committee members indicated a willingness to hold a special meeting to review these recommendations.

## CONTINUE

### **LEG2005-38: Consider proposed ordinance revisions to PVMC 19.44.025 entitled "Height and Area Exceptions - Fences"**

Mr. Williamson reported that, at its January meeting, the Planning Commission considered the Committee's and City Council's concerns regarding the recommended revisions to the City's fence regulations. Commissioners have made some revisions to their original recommendations and are forwarding them to the Committee for discussion.

Mr. Williamson noted that the Committee and City Council may approve, reject, or modify the recommendation made by the Planning Commission, and that the matter does not need to be returned to the Commission if the Council wishes to revise the Planning Commission's recommendation.

Committee members discussed the three recommendations individually:

#### Setback

The Planning Commission recommends that fences be set back a minimum of five feet from the front corner of the dwelling. The current ordinance requires solid fences to be located at the back corner of the dwelling.

Ms. Wassmer said fences should be permitted at the front corner of the home. This will provide increased privacy for residents and allow them to use more of their side and rear yards. She added that many homes in the City have wing walls, and fences should be able to extend directly from wing walls. She said the 5 ft setback being recommended is a purely aesthetic issue, and that the City should not be dictating aesthetics. Mrs. Hopkins and Mr. Griffith agreed, noting that many fences are already located at the front building line and there is no compelling reason to require a 5 ft. setback.

#### Retaining Walls

The Commission recommends that applications for construction of retaining walls over 4 ft. in height be accompanied by design calculations from a professional engineer, and that the walls set back a minimum of two feet from side and rear property lines. The Commission's original recommendation was that retaining walls be set back a minimum of two feet from *all* property lines.



Ms. Wassmer said it is impractical for a retaining wall to end in the middle of a resident's yard, particularly in the cases of rear yards which are adjacent to drainage channels. Mr. Williamson said that, in most instances, a resident's property extends into the drainage channel, so meeting the 2 ft. requirement should not be a problem. He said that the setback provision is designed to allow for a smoother transition between the retaining wall and the neighboring property and allow for the installation of footings to support the wall.

Committee members agreed that this matter would require further discussion.

**CONTINUE**

**LEG2006-02: Consider the placement of "No Standing" regulatory sign for the driveway of 3535 Somerset Drive**

**CONTINUE**

**LEG2006-01: Consider an increase in the rate of the city charges for off-duty contractual employment of police officers**

**CONTINUE**

**LEG2006-03: Consider request for funding from Johnson County for smoking survey**

**CONTINUE**

The meeting adjourned.

Ruth Hopkins  
Co-Chair

Bill Griffith  
Co-Chair

## MAYOR'S ANNOUNCEMENTS

Tuesday, February 21, 2006

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

Environmental Recycle Committee	02/22/2006	7:00 p.m.
VillageFest Committee	02/23/2006	7:00 p.m.
Policy Services Committee	03/06/2006	6:00 p.m.
Legislative Finance Committee	03/06/2006	6:00 p.m.
Council	03/06/2006	7:30 p.m.

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

REMINDER: Johnson County Primary Election will be held February 28<sup>th</sup>.

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

Mark your Calendar the Large item pick-up has been scheduled for Saturday, April 22, 2006.

**INFORMATIONAL ITEMS**  
**February 21, 2006**

1. Planning Commission Minutes –January 3, 2006
2. VillageFest Committee Minutes – January 26, 2006
3. Citizens Advisory Committee Minutes – January 31, 2006
4. Tree Board Minutes-February 1, 2006
5. Mark your Calendar
6. Council Committee Agenda

**PLANNING COMMISSION MINUTES  
MEETING OF JANUARY 3, 2006**

**ROLL CALL**

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, January 3, 2006 in the Multi-Purpose Room 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, Nancy Vennard, Robb McKim and Charles Clark.

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

**APPROVAL OF MINUTES**

The secretary was commended for the detailed minutes of the December 3<sup>rd</sup> meeting. The following changes were requested – page 2 “Warm Design to Warman Design”, page 11 “Randy Kronbald to Randy Kronblad”, page 13 “questions to question”, and page 38 “two-car to one-car”. Charles Clark moved the approval of the Planning Commission Minutes of December 6, 2005 with the changes noted. The motion was seconded by Bob Lindeblad and passed unanimously.

**PC2006-101 Approval of Sign Standard Revisions for 79<sup>th</sup> Street Shops  
7910 State Line Road**

The following individuals were present to address the Commission regarding the requested change to the sign standards: Mark Bourgart, Mid America Sign Contractors, Connor Treanor, Block & Company and Mike Lokich, Store Manager/Partner with “Mediagomobile”.

Mark Bourgart stated the proposed revision to the signs standards is being requested in order to reflect the general sign criteria for the City using 5% of the façade for signage. The sign requested by Mediagomobile has been denied by the City as it does not conform to the established sign standards for the “79<sup>th</sup> Street Shops”. The proposed sign has a sign identifying the name of the company (Mediagomobile) with a tag line located beneath it identifying the service providers they represent.

Mr. Bourgart feels the sign standards as written are restrictive to new franchises and new business ventures such as “Mediagomobile” in that they fail to clearly identify the company’s business/services. He noted signs similar to that proposed have been used initially for such companies as “Home Depot” and “Beauty Brands”. He feels the City’s sign regulations allow for a sign face with 5% of the building façade. The proposed sign meets this size criteria, they are not asking for anything more. Mediagomobile represents only three cell phone companies and they use a part of their logo.

Connor Treanor representing Block & Company, the owners of the building, spoke in support of the application. He agrees that the business will struggle without the proposed signage identifying the telecommunications service providers it represents as a new business to the area.

Ron Williamson advised the applicant has a tenant that has requested signage that is different than the standards that were approved for the building when the site plan was approved. The initial and largest tenant – “Latte Land” – has installed its sign in accordance with the sign standards. To address this request, the applicant has requested that the sign standards be amended by the Commission. Minor but significant changes have been proposed in several paragraphs and were reviewed by Mr. Williamson.

Mr. Williamson reminded the Commission the purpose of sign standards is to create uniform signage design throughout a development.

**Sign Types:**

The first paragraph of the approved sign standards states that each tenant should be permitted one wall sign. The proposal is to delete that language and leave it open. Section 19.48.025 B of the sign regulations specifies that only one wall sign is permitted per façade. From the drawings submitted, the tenant actually wants two signs, one with individual letters and the other a box sign.

Mr. Williamson noted the proposed change is inconsistent with the sign regulations.

In the second paragraph of the revised proposal, the first sentence is deleted. This clarifies what is permitted and should be left in the standards. This paragraph also proposes to allow box signs when they originally were not permitted. There should not be a mixture of box signs and individual letter signs on a building this small. The individual letter sign standard has already been started by Latte Land, and this style should be continued in order to create uniform signage throughout the development.

**Sign Location:**

The sentence “awning mounted signs will not be permitted” has been deleted. Awning signs are prohibited by Section 19.48.012 so it should be left in as information for tenants.

**Sign Construction:**

The phrase “...pin mounted to the wall surface...” was proposed to be deleted, but it should be retained because it specifies a mounting technique.

**Letter Style:**

The next to the last sentence... “a second line of text shall not be allowed...” is proposed to be deleted. This needs to be kept in to provide more clarity. A second line of text is permitted for monument signs but not wall signs.

It is the staff's opinion that the proposed revisions directly contradict the sign regulations in some instances, delete sentences that clarify, and generally to not lend to uniformity of design.

Bob Lindeblad stated if the city wants to encourage new businesses it needs to step out of the box. He does not have a problem with tag lines; however, he doesn't want them 7' long. He would rather see them done individually and is not opposed to logos done in good taste.

Ken Vaughn noted this is an unusual situation with a relatively small building and multiple tenants, but expressed concern that whatever exceptions are made at this location will be requested elsewhere. He stated there is basic criteria the Commission seeks to maintain throughout the city.

Charles Clark noted the proposed revisions to the sign standards remove a lot of restrictions from a fairly recently approved sign standard.

Mike Lokich stated he felt the signs could be redesigned and does not feel the building will be overpowered by the signs. He noted they want to maintain a professional appearance.

Robb McKim stated he understood Mr. Lokich concerns, but stated he was uncomfortable with the potential impact of making an exception on future applications.

Bob Lindeblad asked if the Commissioners were all right with tag lines. Nancy Vennard responded the proposed signs are more than tag lines. They include graphics and signage and all have different fonts, etc. Mr. McKim stated he sees the proposed signs as advertising.

Charles Clark stated his opposition is to the changes made in the sign standards.

Nancy Vennard asked if there is some copy in words that could be used to describe their services. Mr. Lokich noted that is what they were trying to get away from. They want to have the identity with fortune 500 service providers as they are targeting professional-type clientele. Bob Lindeblad asked if they would be representing other providers in the future. Mr. Lokich responded they would not.

Ken Vaughn stated he understood the desire for additional signage as the name of the business does not clearly identify the services provided.

Mr. Lokich stated this is their first store in Prairie Village. He noted they have a store in Overland Park with signage similar to that being requested, except the three providers are identified in 3 separate 2' x 4' box signs. They felt that having only one sign would present a cleaner appearance.

Ken Vaughn noted he has concerns in concept with the multiple names.

Bob Lindeblad asked if there is a wall that could be seen through the front windows on which the signs could be placed. Mr. Lokich responded the windows are low and he did not feel it would be effective. Mr. Lindeblad responded this is done effectively in other stores

Mr. Bourgart noted they would have made the lettering for “Mediagomobile” larger if they were going to do that – the size of their name was reduced to allow for the other signage and stay within the 5% regulation.

Nancy Vennard noted this is a very heavily traveled street and if this were allowed at this location, she is confident there would be a proliferation of requests for box signs. She asked if it would be possible just to work with the company logos.

Bob Lindeblad noted he would prefer if the services could be provided by some text, i.e. “telecommunications wireless services”. Mr. Lokich said they want to stay away from what everyone else is doing.

Bob Lindeblad moved the Planning Commission continue this application until the February meeting to allow the applicant to further refine the sign standards and look into other options. The motion was seconded by Nancy Vennard and passed unanimously.

Mr. McKim stated it is important that whatever the solution it still complies with the zoning regulations as well as the sign criteria and encouraged the applicant to work with Mr. Williamson.

**PC2006-102 Request for Building Line Modification  
3308 West 71<sup>st</sup> Street  
Applicant: Daniel Andersen for Don Early**

Daniel Andersen, representing the property owner, stated the requested building line modification would result in a setback greater than that required by the City. He stated building permits have been issued for this complete teardown/rebuild project located on the north side of 71<sup>st</sup> Street and backing up to the Indian Hills Country Club. The modification is requested to allow for the construction of a side entry garage that would allow for extensive front landscaping of the property.

Mr. Andersen the applicant has been in contact with both of the adjacent property owners and Prairie Hills Homes Association. The neighbor to the east has signed a statement approving the requested building line modification. The other neighbor is out of the country and arrangements are being made to secure his written approval. The applicant will present their request to the board of the Prairie Hills Homes Association on January 9<sup>th</sup>.

Mr. Andersen stated he did not feel it was appropriate or legal for the city to make its approval contingent upon the approval of the neighbors and/or homes association. He further noted construction has begun and they were issued two building permits prior to being advised of the problem with the building line.

Mr. Williamson stated that this is a subdivision matter and not a Commission issue.

Ken Vaughn advised the platted setback overrides the city's setback regulations so the 30' is not applicable in this situation.

Charles Clark noted the Commission has historically required approval of the adjacent property owners and governing homes association for the modifications to platted building lines.

Ron Williamson stated the lot is approximately 90 feet by 214 feet, or 19,357 sq. ft. The house has been removed and the new one is under construction. The proposed garage for the new dwelling will extend into the platted setback approximately 21 feet. This lot along with the others on the bend on 71<sup>st</sup> Street are much deeper than other lots on the street. The platted setbacks in this area vary in depth rather than parallel 71<sup>st</sup> Street at a uniform depth. This is very unique. The setback on this lot is 70 feet on the west property line and 85 feet on the east property line. The lot to the west has an 80-foot setback on the east property line, and a 55-foot setback on the west property line. The lot to the east has a 75-foot setback. The setback for the proposed garage would be about 54 feet, compared to the platted setback of 85 feet. The setback on the lot to the east is approximately 10 feet less than the setback on the applicant's lot. The garage is proposed to be a side entry from the west, so the south façade will be landscaped. This is an active area in Prairie Village where extensive renovations and rebuilds are occurring. The proposed garage will be closer to the street than either of the houses to the east or west, but because of the bend in the road, this should not adversely affect the adjacent properties because it will still be set back approximately 54 feet.

The lot is zoned R-1a and the required setback by zoning is 30 feet. The proposed reduction to 54 feet would still more than adequately meet the minimum requirements of the zoning ordinance.

The Planning Commission requires that the applicant contact the owners on each side of their property that may be affected by the setback line modification and obtain their concurrence in writing. The Commission also requires that the applicant obtain a signed agreement from the Homes Association indicating that it is in concurrence with the proposed modification.

Nancy Vennard asked what the distance was between the house on the east and the front of the garage. Mr. Andersen responded 16 feet. The setback modification will be from 70' to 54'. Mrs. Vennard noted the houses in the neighborhood generally have a staggered setback.



Bob Lindeblad asked if there were ordinance requirements for the approvals. Mr. Williamson stated there were not, it has been the Commission's practice, based on a process developed by the City Attorney. He further pointed out the setback on the lot to the east is 75' making a reduction of 31'. He confirmed the rest of the building will setback 85 feet.

Robb McKim confirmed the house to the east set on the 85' building line.

Commission members questioned why the permits were issued when the proposed construction clearly violates the platted setback line.

Robb McKim stated that he appreciates the circumstances that may have influenced the platted setbacks within the subdivision and acknowledged that it was the intent of the developer in that building lines create uniformity and identity of subdivisions. Therefore, he feels to have a projection this far from the platted setback line is not compatible with the streetscape along this corridor.

Bob Lindeblad stated he agreed in concept with Mr. McKim but in this instance the City has already issued a permit and the owner to the east has approved the request.

Charles Clark noted that two other houses to the east have been rebuilt and are very attractive. Mrs. Vennard stated her approval of the use of a side entry garage for this long narrow lot.

Mr. Kronblad agreed with Mr. Lindeblad and noted the view of the house down the street will be blocked by the proposed garage.

Bob Lindeblad moved the Planning Commission approve the requested setback line modification from 85 feet to 54 feet for that portion of the lot that would accommodate the construction of the garage as shown on the plan submitted subject to the following conditions: 1) That prior to obtaining a building permit, the applicant obtain written concurrence from the adjacent property owners on the east and west, and submit it to the City. And 2) That prior to obtaining a building permit, the applicant obtain approval from the Prairie Hills Homes Association and submit written documentation to that effect to the City. The motion was seconded by Charles Clark and passed by a voted of 5 to 1 with McKim voting "nay".

## **OLD BUSINESS**

### **Discussion on Planning Consultant**

Barbara Vernon advised the Planning Commission that at their December 5, 2005 meeting, the City Council voted to return the Planning Consultant recommendation to the Planning Commission for further consideration. The motion was to ". . . return the Planning Consultant selection process to the Planning Commission with the direction to

re-send requests for proposals to the seven initial firms and to consider the hiring of an in-house planner.”

Mrs. Vernon also noted staff was directed to contract with Bucher, Willis & Ratliff to provide planning consultant services on an interim basis until a new planning consultant is hired. This agreement is on the January 3, 2006, Council agenda for approval.

Nancy Vennard expressed confusion with Andrew Wang’s comments and subsequent vote.

Bob Lindeblad stated he does not see any value in re-sending requests for proposal. Charles Clark noted the \$30,000 value of the contract and felt it was too small to merit bidding by many of the firms and did not feel a second request would result in any different proposals.

Robb McKim confirmed the selection was based on firm/individual qualification, not cost. In response to securing an in-house consultant, he felt that after the completion of the comprehensive plan study and its potential implementation there would be more work for that individual beyond the scope of service to the Planning Commission.

Bob Lindeblad stated based on his experience; the costs of an in-house planner would be costly. Overland Park experienced planners receive \$60,000 to \$70,000 annually, add to that cost of benefits, equipment and working space you are making a significant investment. Mrs. Vernon responded that staff is exploring the option of hiring an in-house planning consultant. Mr. Lindeblad noted that the city of Mission has recently hired a planner. He stated it would be great to have a planner, but there is no reason to have someone who is not good. He felt you would need to find a retired planner willing to work limited hours and with the experience and knowledge needed by the City.

Nancy Vennard noted the services provided by Ron Williamson on the day to day basis is totally different from what will be needed to implement recommendations of the Village Vision. She noted the City could hire an outside firm for implementation of the “Village Vision” noting several firms have experience in this, that do not have the qualifications/experience for day-to-day planning services.

Robb McKim noted there are two parts to the job, but feels you can have one person with the qualifications to cover both parts.

Bob Lindeblad stated the position can not be handled by a new graduate; a person with 10+ years of experience is needed.

Charles Clark stated the Commission needed to provide a clear written recommendation to the Council noting the Council never questioned the qualifications of the firm recommended by the Commission.

Bob Lindeblad stated he was offended by the accusation of impropriety by the Commission. Ken Vaughn questioned the Council's implication that the City needs to be held to an extraordinary standard propriety.

Barbara Vernon stated the Kansas Statutes in K.S.A. 12-745 lists planning commission powers, one of which is "The Commission may employ such persons deemed necessary and may contract for such services as the Commission requires." However, the Commission has not been designated any funds with which to employ.

Ken Vaughn stated the Commission does not need an individual three to four years out of school without experience. There is not necessarily a lot of time involved in the position, but a high experience level is essential to provide sound recommendations to the Commission. Getting a well-qualified individual is the issue.

Bob Lindeblad stated he does not feel the City is hiring Bucher, Willis & Ratliff, it is hiring Ron Williamson's personal services as it has done for the past 12 years. Continuity is very important. It was important when Dick Kellenberg served as the City's Planning Consultant prior to Ron Williamson and it remains essential today. What is in the best interest of the City in planning is to have long-term stability and knowledge of the City and its history, goals and vision from its Planning Consultant.

Nancy Vennard questioned if the Council has the authority to direct the Commission to redo the selection process and to refuse the Commission's recommendation.

Randy Kronblad stated the Council has the authority to hire and approve contracts.

Robb McKim stated the statutes states "may employ" and "may contract for services" which implies the ability to hire. He would like to have the Commission's recommendation received with some degree of respect.

Charles Clark distributed to the Commission written statements that he felt should be accompany the Commission's recommendation. The statements acknowledge the reasons for the action of the Commission.

Commission members discussed the comments and made suggestions for revisions and other comments to be included. Ken Vaughn recommended the statements be expanded to address the costs involved in hiring an in-house planner. Randy Kronblad asked if there was enough work to hire an in-house planner. Bob Lindeblad stated the individual would end up also doing inspections and issuing permits.

Bob Lindeblad offered to draft of the statement and send it to Barbara Vernon to be forwarded to the other Commission members for input.

Robb McKim asked if the Commission would address in its response the Council's perceived. Nancy Vennard responded she did not feel there is no conflict of interest.

Chairman Ken Vaughn confirmed the consensus of the Commission is to not go out to bid again, but to prepare a statement to be returned to the Council supporting its initial recommendation.

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

Ron Williamson stated the Legislative and Finance Committee met on November 7, 2005 to consider the proposed fence amendments. After much discussion, the Committee recommended that the City Council return the proposed amendment to the Planning Commission for reconsideration of the following items: Retaining Wall, Fence Setback and Permitting process.

Retaining Wall

The committee felt the retaining wall setback should be eliminated because it would not allow the wall to tie back to the property line, which may defeat its purpose, and the setback area will be unusable or become a maintenance problem.

The proposed Section D. Retaining Wall includes a requirement for a minimum setback of 2 feet from a property line for a retaining wall. The Council’s concern is that the retaining wall would be an island and the setback area from the property line would become a maintenance problem. The setback has other purposes such as protecting a neighbor’s property from a retaining wall failure, allowing enough room for excavation to construct the wall and its footing, and to permit maintenance after it is constructed. The setback may not be necessary when constructing a retaining wall along the front property line, because it is adjacent to street right-of-way.

Mr. Williamson suggested the following revision:

**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 set back a minimum of two feet from *side and rear* ~~the~~ property lines and retaining walls exceeding six (6) feet in height shall be required to be set back from *side and rear* ~~the~~ property lines 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.

## Fence Setback

The Committee felt the 5-foot setback off the front corner of the dwelling be eliminated because it reduces the usability of the side yard and presents security concerns for exposed bedroom windows. Also, many fences are already located off the front corner of dwellings, and this would create problems when fences are replaced.

Proposed Section C.2 Location requires a 5-foot setback off the front corner of the dwelling. This was probably the most discussed item by the Planning Commission in the proposed changes. The Council would like this requirement eliminated so that a fence could be built off the front corners as many have already been. Security and privacy were also concerns expressed by the Council, as well as the loss of usable side yard space.

Mr. Williamson suggested the following language to address the Council's concerns:

### **C. Location**

2. Fences, other than decorative fences, shall not be located in the front yard and ~~shall be setback at least five (5) feet from~~ may be attached to or extended from the front corner of the dwelling.

Robb McKim stated he feels the setback off the front corner of the dwelling should be more than five feet. Building of fences at the front corner creates an appearance of a solid wall across the property line.

Nancy Vennard asked if the Council was aware that the existing requirement prohibits fences beyond the back edge of the home and that the 5' setback was a compromise by the Commission to allow for additional fenced area while not creating a solid wall of houses and fences. She suggested a possible revision to allow for construction of a fence at the edge of the first window addressing security concerns and providing for additional space.

Bob Lindeblad stated he does not have an objection to fences off the front corner of the dwelling.

Mr. Clark and Mr. Vaughn stated they supported the proposed revision as drafted with a 5' setback.

Ron Williamson noted the existing ordinance prohibits fences beyond the rear of the dwelling and noted this is a reasonable accommodation and provides for more fenced area than currently allowed.

## Permitting Process/Easements

The Committee felt the permitting process needs to be refined so that it is not too time-consuming for residents to obtain a fence permit.

The Council was concerned about how much time it would take to get a fence or retaining wall permit because of the added Public Works review of drainage. Residents are accustomed to obtaining a permit on short notice, and this could add a significant amount of time.

Mr. Williamson suggested the following revision to address the concerns of the Council:

### 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.

Mr. Williamson noted the concern was the involvement of two different departments in the issuance of the permit. Bob Lindeblad noted that Public Works is not located in the municipal building and the Council wants to enable the resident to get a permit at one location. The question is who should issue the permit. If checked by public works after the installation and found to be in violation can it be required to be removed. Mr. Kronblad noted he felt this would be a problem as the City issued a permit. Mr. Lindeblad suggested this could be clearly stated on the permit.

Nancy Vennard asked what was needed to determine an easement. Mr. Lindeblad responded easements are indicated on plats and are generally not the problem, the problem occurs when there are swales or the property is regarded and that has to be determined by an on-site inspection.

Ken Vaughn stated he felt the Building Inspector could do the inspection and make that determination. He feels it is essential to address the impact on drainage. The problem is when this is determined after the fence is constructed.

Randy Kronblad noted the problem is the resident or contractor that comes in at 3 o'clock on Friday afternoon for a permit.

Mr. Vaughn stated the drainage flow should be determined prior to the issuance of a permit and this can be done by the codes department. If a fence is in violation, it needs to be redone.

Nancy Vennard asked about repair or replacement of existing fences. Mr. Vaughn and Mr. Lindeblad stated they felt they should be required to be in compliance.

Randy Kronblad moved the Planning Commission return the proposed fence regulations to the City Council with the following revisions: D. Retaining Walls revised per staff recommendation; E. Drainage and Utility Easements revised per staff recommendation with the direction that staff work out the implementation and C. Location to be returned as initially recommended with the 5' setback. The motion was seconded by Charles Clark and passed by a vote of 5 to 1 with Robb McKim voting "nay" because he feels urban design requires more than a 5' front setback for fences.

### **Discussion of Regulations for Service Stations (19.34.050)**

Ron Williamson stated the City received a letter from Conoco Phillips requesting the Planning Commission consider revisions to PVMC 19.34.035(C) which prevents convenience stores from selling cereal malt beverages.

The existing ordinance specifically lists what retail items can be sold and further restricts the retail floor area to 800 square feet. This was increased from 200 square feet.

Research of what is allowed in surrounding cities revealed the following:

- The City of Overland Park permits the sale of cereal malt beverages at gas stations provided the business has 1,200 sq. ft. of display area and two employees on the premises at all times.
- The City of Leawood prohibits the sale of cereal malt beverages at service stations.
- The City of Lenexa does not exclude or restrict gas stations selling cereal malt beverages, but approves all commercial projects through planned districts where it can restrict uses if it so chooses. In certain districts, gasoline sales require conditional use or special use permits.

It appears that the Leawood regulation is the same as Prairie Village, and the Overland Park regulation is close, but allows the sale of cereal malt beverages with a larger square footage of display area. The Prairie Village regulation appears to be consistent with other adjacent communities.

This regulation has been in the zoning ordinance since prior to 1992. The history is that Prairie Village did not want to permit larger convenience stores/gas stations because they would detract from and not be compatible with the Village atmosphere. The philosophy

apparently was to allow minimal retail sales areas and to not permit the sale of alcoholic beverages.

The sale of alcoholic beverages at gas stations creates issues of parking, signage, delivery vehicles, traffic circulation, etc., which may not be compatible with the "Village" character. Since these are neighborhood service stations, there may be some concerns about the sale of alcoholic beverages.

Nancy Vennard noted sales of cereal malt beverages would create additional traffic in relatively small areas that already contain gas pumps, car wash area and store area.

Ron Williamson stated he had spoken with Police Chief Charles Grover who expressed some concern with the possible change noting that service stations generally do not practice the same diligence with checking identification prior to making sales as done by grocery store personnel.

Nancy Vennard noted there are either liquor stores or grocery stores within a block of all service stations in the City at which an individual can make liquor purchases. It is not necessary to have sales at service stations.

Robb McKim moved the Planning Commission finds the regulation in its current form reflects the quality of character of Prairie Village and should remain as is and does not authorize any further study. The motion was seconded by Randy Kronblad and passed unanimously.

## **ADJOURNMENT**

With no further business to come before the Commission, Chairman Ken Vaughn adjourned the meeting at 9:05 p.m.

Ken Vaughn  
Chairman



**VILLAGEFEST 2006 Committee  
Meeting Minutes  
Thursday, January 26, 2006**

The VillageFest Committee met January 26, 2006 in the Community Center. Present: Ann Lilak, Chair and committee members Joel Crown, Ed Roberts, Amy Haulmark, Jim Hanson, Bob Pisciotta, Ann Bontrager, Diana Ewy Sharp, Doug Sharp, and Art Dick. Staff: Joshua Farrar, Bob Pryzby and Sgt. Steve Hunter. Chris Andrews was present representing Johnson County Fire District No. 2. John Capito was in attendance representing the Tree Board. Cleo Simmonds was present representing the Sister City Committee.

**Minutes**

Bob Pisciotta moved approval of the minutes from Thursday, July 28 2005. Ed Roberts seconded the motion which passed unanimously.

**Off Season Activities**

- a. **Fire Department** – Chris Andrews reported he has verbal agreements from the owner of an antique Fire Truck and from the ECC who operate the Johnson County Mobile Command unit for attendance at VillageFest.
- b. **Police Department** – Sgt. Hunter has been in contact with the County K-9 Unit and they requested he contact them again in February or March.
- c. **Fly-By** – Ann reported the paperwork is finished and she has submitted it to Congressman Moore's Office and they will submit it to the Pentagon for an approval letter.
- d. **Patriotic Service** – Bob Dole turned down Ann's request and she is now pursuing former Joint Chief of Staff Myers. She has received confirmation on a military color guard. She asked the Committee if they felt Marilyn Maye would be a good singer for the service. The Committee felt this was a good idea.
- e. **Corporate Sponsorships** – Ann has put requests in to many business/organizations, but has not yet received any funds. New requests were made to Highwoods Properties and Brighton Gardens.
- f. **Fireworks** – Diana Ewy Sharp reported that Meadowbrook has two committees working on redevelopment at this time so they are unsure if they will be able to partner for the 4<sup>th</sup>. More information should be available in February and March.

**VillageFest 2006**

- a. **Sub-Committee Introduction & Committee Sign Up Sheet** – Ann passed out the sign up sheet as well as the description of sub-committees and activities.

- b. **Confirm Date of the Event** – The Committee agreed the event would be on the 4<sup>th</sup>, but could not set a time until more information about entertainment is available.
- c. **Proposed Budget:** Joshua Farrar explained the tentative budget. The current version has been reorganized and includes money allocated by the City Council for the 10<sup>th</sup> Anniversary. Of the additional funds, \$15,000 is dedicated to Fireworks and \$3,000 for a City wide mailing.
- d. **Initial Staff Report** – Josh explained that Jim Cosgrove, KC Wolf, Sluggerrr, Chris Cakes and HyVee are all back on board for 2006. The price for Jim Cosgrove will go up \$100-\$200 dollars and the price for KC Wolf is up \$25.
- e. **New Ideas/ What will make this year special?** - The Committee came up with the following:
  - 1. Add a miniature train show to be put on by the owner of Bruce Smith Drugs. Jim Hanson will follow up.
  - 2. Increase the number of inflatables due to popularity.
  - 3. Have a brass band.
  - 4. Make the orchestra happen. Ann has talked to Jim Funkhouser.
  - 5. Have a pre-fourth of July night with fireworks and the orchestra/other activities on July 3.
  - 6. Kite Demo Team.
  - 7. Full Scale Parade – tie into the City's 55<sup>th</sup> Anniversary.
  - 8. Family Fun Walk.
  - 9. Andrew Jackson, Harry Truman, and Ben Franklin impersonators.
  - 10. Fire Brigade/Muster.
  - 11. Animal Haven pet adoption.
  - 12. Raise Money for the Mayor's Holiday Tree Fund (cake walk) with a box at the info booth.
  - 13. Sky Diver.
  - 14. PD Motorcycles.
  - 15. PD baseball throw with radar for speed.
  - 16. Red Cross Blood Unit.
  - 17. Golf/Tennis Tournament.
  - 18. Skate Demo.
- f. **Entertainment** - The idea should be to top Brewer & Shipley. Bob said the best option for this may be a country band. Potential candidates included:
  - o Rex Hobart & the Country Boys
  - o Leona Williams
  - o Olita Adams (Local)
  - o Sheryl Crow
  - o David Naster (Comedian)
  - o Funky Mama
  - o Bob Walkenhorst
  - o Kansas

- g. **Essay Contest** - A notice will be in the Village Voice. Amy Haulmark will look into getting the information into Homes Association bulletins. Ed Roberts will check on availability of the Shriners.
- h. **Community Spirit Awards** - The Committee felt this was a worthwhile project and suggested possibly recognizing outstanding public safety employees. Ann also said she will recognize those Fire and Police employees who went to New Orleans to help after Hurricane Katrina in the Patriotic Service.
- i. **Volunteers**: Amy Haulmark will work with Dennis Rice on this topic. She will also try to get this information into Homes Association newsletters.
- j. **Famous People in PV** - The Committee tried to identify famous people who may live in or be from Prairie Village.
  - 1. Cynthia Smith
  - 2. David Lawrence
  - 3. Nancy Prickard (writes books)
  - 4. Anne Peterson
- k. **Other** - John Capito suggested he knows of an antique biplane that may be willing to do a flyover.

The meeting adjourned at 8:25 p.m.

**CITIZENS ADVISORY COMMITTEE**  
**January 31, 2006**

The Citizens Advisory Committee met January 31, 2006. Present: Co-Chairmen Al Herrera and Pat Daniels, members Orville Matthies, Craig Doty, Shawn Hickey, Clarence Munsch and Joseph Speyer. Also present: Barbara Vernon and Bob Pryzby.

**Sidewalk Policy**

During the next few weeks the City Council will consider a sidewalk policy for the City. Last year the City sponsored two community events to which all residents were invited. More than 200 people attended to tell City officials what they thought was good about Prairie Village, what was missing, and improvements they would like to see. One of the major themes was the desire for an open, walkable community.

The City's current policy states that there shall be a sidewalk on at least one side of every neighborhood street and on both sides of major streets. When a major street project is constructed in an area without sidewalks, the plans are initially developed with a sidewalk on one side of the street. Often those who will be affected by the new sidewalk petition the Council to remove the sidewalk from the plans and Council members agree. As a result, there are areas where a portion of the neighborhood is walkable but the sidewalk ends abruptly, forcing the walkers (who often have babies in strollers and/or toddlers on tricycles) into the street.

The Council will consider a new policy. Committee members were asked to discuss the issue and develop a consensus about what they would like to see established as the Council policy. Bob Pryzby explained that often residents don't want a sidewalk because they will have to care for it. Others say the narrow distance of their house from the street makes the walk too close to their home and often property owners are concerned that they will lose mature trees if a sidewalk is installed.

Pryzby said he believes the current policy requiring a walk on one side of every street should be followed. He believes walks should be 5' or 6' wide. Pryzby said the City budgets \$400,000 annually for sidewalk replacement or installation.

Committee members agreed the City should be a walking community, there should be a sidewalk on one side of every street in the City.

**Illicit Water Discharge Policy**

The City is experiencing problems with residents discharging sump pumps onto City right-of-way and streets. The City has identified more than 50 problems in various areas which cause:

- Increased deterioration of curbs, gutters and streets.
- Safety issues from water and silt on sidewalks
- Icing of sidewalk areas in the winter
- Fungus and mosquitoes from water being in the gutter areas

The Director of Public Works proposed offering a program to install 4" PVC pipe behind the curb in the right-of-way to collect the discharge of sump pumps. The proposal calls for a shared cost for the pipe at a cost of \$21 per foot with the resident share based on the linear footage of the property frontage.

Committee members said there should definitely be a fee for the homeowner who will benefit from the project but they recommended the Council approve some sort of partnership between the City and the resident for cost sharing.

### **Citizens Advisory Committee**

This committee has a total of 60 members. Attendance at the past two meetings was three members at each meeting. The chairmen asked members to complete a survey which would determine level of interest in the committee and in the cases in which there continues to be interest, the preferred meeting schedule . Five responses were received to the survey:

- 3 votes for semi-annual meetings
- 1 vote for quarterly meetings
- 1 vote to disband.

During the meeting two other votes were cast , one to disband and one for quarterly meetings.

Members said they had expected the committee would be used as a sounding board from which elected officials would get opinions from a variety of citizens. They said they wanted to be involved in this community but felt this committee was a waste of time. They have received good information about operations of the City but don't feel they can make a contribution through this committee.

Pat Daniel said he thinks the group could provide a valuable service when there is need for discussion. The Committee could meet on an issue basis if called by the Council.

There was general consensus that this committee, in its present form, is no longer needed.

The meeting adjourned at 8:15 p.m.

Al Herrera  
Co-Chairman

**TREE BOARD**  
**City of Prairie Village, Kansas**

**MINUTES**

**Wednesday – February 1, 2006, 6:00PM Meeting**  
**City Hall – Multi-Purpose Room**  
**7700 Mission Road**

Attending Board Members: Cliff Wormcke, Jack Lewis, Jim Hansen, Gregory VanBooven, Deborah Nixon, John Capito, Luci Mitchell

Other Attendees: Bob Pryzby

- 1) Review and Approve minutes from January 4, 2006 meeting – approved on a motion by Greg VanBooven and seconded by Deborah Nixon.
  
- 2) Sub-Committee Report
  - 2.1) Arboretum:
    - a) Completion of Inventory – Bob Pryzby reported that he has inventories for Porter Park, Franklin Park, Meadowlake Park and McCrum Park. Jack Lewis is to check and see if he has the inventories for Bennett Park. He gave Bob a partial inventory for Harmon Park. Inventories are needed for Brenizer Park, Prairie Park, Weltner Park, Windsor Park, and balance of Harmon Park. The Board discussed working on the inventories in April when the weather is better and the trees have leafed out.
  
  - 2.2) Fall Seminar
    - a) Discuss 2006 Event – Greg requested possible topics from the Board. Suggestions were “under utilized trees and shrubs”, “Q& A”, “how to maintain a tree”, and “shade plants and ground cover”.
  
  - 2.3) Arbor Day
    - a) Outline Event – Greg suggested April 29. Deborah will check on possible conflict with Earth Day at SME. If there is a conflict, the date will be April 22. Once date is set, it will be emailed to all Board members. Jack Lewis will provide at City expense a Butterfly Magnolia for planting at Franklin Park near Rose Garden. Deborah recommended a useful website – [www.savygardener.com](http://www.savygardener.com)
  
- 3) Compare Tree List from Kansas Forestry Service to Arboretum list – Deborah received a copy of the tree list provided by Kansas Forest Service.
  
- 4) Old Business - none
  
- 5) New Business – The Board discussed the upcoming meeting with the Park & Recreation Committee. The Tree Board will present the concept that they have the jurisdiction over plants and trees in all City parks. Will also want to discuss procedures and improvements.

John Capito reported that he would like to do the same arrangement (tree form and digital photo) at the VillageFest this year. The Board agreed.
  
- 6) The next meeting will be March 8 at 8PM prior to Park & Recreation Committee meeting.

**Council Members  
Mark Your Calendars  
February 21, 2006**

<b>February, 2006</b> February 28	Gary Mehl and Art Whorton mixed media exhibit in the R.G. Endres Gallery Primary Election
<b>March, 2006</b>  March 6 March 10 March 11-15 March 20 March 31	Virginia Fortner watercolor exhibit in the R.G. Endres Gallery Sister City local young artists exhibit in the R. G. Endres Gallery City Council Meeting Prairie Village Arts Council reception for art exhibit NLC Congressional City Conference in Washington DC City Council Meeting Johnson County Leadership Summit of Elected Officials
<b>April, 2006</b> April 3 April 4 April 14 April 17 April 17 April 22	Ms. Bobbi Toyne & Bess Duston mixed media exhibit in the R.G. Endres Gallery City Council Meeting General Election Prairie Village Arts Council reception for art exhibit Council Committee of the Whole – 2007 PW Capital Projects Budget City Council Meeting Large Item Pick-up
<b>May, 2006</b> May 1 May 8 May 12 May 15 May 15 May 25 May 29	Studio West pastel exhibit in the R.G. Endres Gallery City Council Meeting Budget Worksession – Public Works & Public Safety Prairie Village Arts Council reception for art exhibit Council Committee of the Whole – 2007 Budget presentations – Admin., Ct. & Parks City Council Meeting Budget Worksession if needed City Offices closed in observance of Memorial Day
<b>June 2006</b> June 5 June 9 June 12 June 19 June 19 June 26	Kevin Spykerman oils and illustrations exhibit in the R.G. Endres Gallery City Council Meeting Prairie Village Arts Council reception for art exhibit Budget Worksession if needed Budget Worksession at Council Committee of Whole if needed City Council Meeting Budget Worksession if needed
<b>July 2006</b> July 3 July 4 July 4 July 17	Pat Deeter watercolor and pastels exhibit in the R.G. Endres Gallery City Council Meeting City Offices closed in observance of 4 <sup>th</sup> of July Villagefest City Council Meeting
<b>August 2006</b> August 7	John Roush and Mike Walsh pastel exhibit in the R.G. Endres Gallery City Council Meeting

August 21	City Council Meeting
<b>September 2006</b>	Dale Cole's Photography exhibit in the R.G. Endres Gallery
September 4	City Offices Closed observance of Labor Day
September 5 Tuesday	City Council Meeting
September 18	City Council Meeting
<b>October 2006</b>	Senior Arts Council mixed media exhibit in the R.G. Endres Gallery
October 2	City Council Meeting
October 7-10	League of Kansas Annual Conference in Topeka
October 16	City Council Meeting
<b>November 2006</b>	Mid-America Pastel Society's exhibit in the R.G. Endres Gallery
November 6	City Council Meeting
November 7	Johnson County Election
November 20	City Council Meeting
November 23-24	City offices closed in observance of Thanksgiving
<b>December 2006</b>	Marearl Denning photography and ceramics exhibit in the R.G. Endres Gallery
December 1	Mayor's Holiday Gala
December 4	City Council Meeting
December 5-9	NLC Congress of Cities Conference in Reno Nevada
December 18	City Council Meeting
December 25	City Offices Closed in observance of Christmas



**ANIMAL CONTROL COMMITTEE**

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

**COMMUNICATIONS COMMITTEE**

COM2000-01 Consider redesign of City flag (assigned 7/25/2000)  
COM2000-02 Consider a brochure to promote permanent local art and history (assigned Strategic Plan for 1<sup>st</sup> Quarter 2001)  
COM2000-04 Consider the installation of marquees banners at City Hall to announce upcoming civic events (assigned Strategic Plan for 1<sup>st</sup> Quarter of 2001)

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

COU99-13 Consider Property Audits (assigned 4/12/99)  
COU2000-42 Consider a proactive plan to address the reuse of school sites that may become available (assigned Strategic Plan for 4<sup>th</sup> Quarter 2001)  
COU2000-44 Provide direction to PVDC regarding its function / duties (assigned 2000 Strategic Plan)  
COU2000-45 Review current City definition for blight and redefine it where appropriate (assigned 2000 Strategic Plan)  
COU2004-10 Develop programs to promote and encourage owner occupied housing (transferred from PVDC on 3/15/2004)  
COU2004-11 Identify potential redevelopment areas and encourage redevelopment proposals (transferred from PVDC on 3/15/2004)  
COU2004-12 Pursue development of higher value single-family housing (transferred from PVDC on 3/15/2004)  
COU2004-13 Proactively encourage redevelopment to increase property values (transferred from PVDC on 3/15/2004)  
COU2004-14 Meet with the Homes Association of the Country Club District (HACCD) to obtain their input regarding deed restrictions (transferred from PVDC on 3/15/2004)  
COU2005-15 Consider planning meetings for the Governing Body (assigned 9/6/2005)  
COU2005-16 Consider how to improve the Council's effectiveness as a team (assigned 9/6/2005)  
COU2005-17 Consider how to expand leadership opportunities for Council members (assigned 9/6/2005)  
COU2005-18 Develop a school zone policy (assigned 9/6/2005)  
COU2005-19 Consider committee term limits for elected officials and residents (assigned 9/6/2005)  
COU2005-20 Develop a sidewalk policy (assigned 9/6/2005)  
COU2005-21 Develop a policy for use of Fund Balance (assigned 9/6/2005)  
COU2005-22 Consider Council mentoring program (assigned 9/6/2005)  
COU2005-23 Consider sponsoring social events with other jurisdictions (assigned 9/6/2005)  
COU2005-24 Develop and improve parliamentary procedures (assigned 9/6/2005)  
COU2005-25 Consider changing procedure for selecting Council President (assigned 9/6/2005)  
COU2005-27 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)

## **COMMITTEE AGENDA**

**February 21, 2006**

- COU2005-30 Consider \$500 deposit from landlords for remediation of code violations (assigned 9/6/2005)
- COU2005-40 Consider Planning Commission Recommendation – Planning Consultant (assigned 11/14/2005)
- COU2005-44 Consider YMCA Partnership (assigned 12/14/2005)
- COU2006-01 Consider Request for Special Use Permit for Communication Antennae at McCrum Park (assigned 12/7/2006)

### **LEGISLATIVE/FINANCE COMMITTEE**

- LEG2000-07 Consider current policies and procedures for code violations (Transferred from CCW 3/18/2002)
- LEG2000-25 Review fee schedules to determine if they are comparable to other communities and adjust where appropriate (assigned Strategic Plan for 1<sup>st</sup> Quarter of 2001)
- LEG2003-12 Consider Resident survey - choices in services and service levels, redevelopment (assigned 8/7/2003)
- LEG2004-31 Consider Lease of Park Land to Cingular Wireless (assigned 8/31/2004)
- LEG2005-38 Consider proposed ordinance revisions to PVMC 19.44.025 entitled “Height and Area Exceptions – Fences” (assigned 11/2/2005)
- PK2005 -11 Consider Use of right-of-way island at Somerset and Lee Blvd (assigned to L/F Committee)
- LEG2005-49 Consider Building Permit and Plan Review Fees (assigned 12//21/2005)
- LEG2006-01 Consider an Increase in the Rate the City Charges for Off-Duty Contractual Employment of Police Officers (assigned 1/4/2006)
- LEG2006-02 Consider placement of “No Standing” regulatory signs at 3535 Somerset (assigned 1/23/2006)
- LEG2006-03 Consider request for funding from Johnson County for Smoking Survey (assigned 2/1/2006)
- LEG2006-04 Consider request for amendment to ordinance to allow service stations to sell cereal malt beverages (assigned 2/1/2006)
- LEG2006-05 Consider Compensation Study (assigned 2/2/2006)
- LEG2006-06 Consider 2006 Minor Home Repair Program (assigned 2/6/2006)
- LEG2006-07 Consider CACCS Committee (assigned 2/15/2006)

### **PARKS AND RECREATION COMMITTEE**

- PK97-26 Consider Gazebo for Franklin Park (assigned 12/1/97)
- PK2003-06 Consider Capital Improvement Plan for 2004-2006 (assigned 8/13/2003)

### **PLANNING COMMISSION**

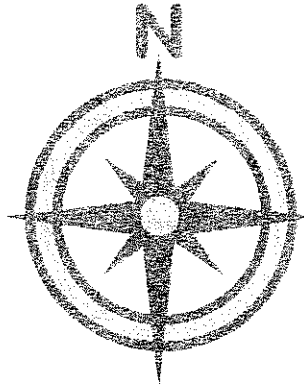
- PC2000-01 Consider the inclusion of mixed-use developments in the City and create guidelines criteria and zoning regulations for their location and development (assigned Strategic Plan)
- PC2000-02 Consider Meadowbrook Country Club as a golf course or public open space – Do not permit redevelopment for non-recreational uses (assigned Strategic Plan 2<sup>nd</sup> Qtr 2001)
- COU2006-01 Consider Request for Special Use Permit for Communication Antennae at McCrum Park (assigned 12/7/2006)

**POLICY/SERVICES**

- POL2003-14 Consider Project 190845: Mission Road – 75<sup>th</sup> St to 79<sup>th</sup> St (CARS) (assigned 7/3/2003)
- POL2004-06 Consider Project 190715: 2005 Storm Drainage Repair Program (assigned 2/25/2004)
- POL2004-08 Consider Project 190841: Mission Road – 71<sup>st</sup> to 75<sup>th</sup> (CARS) (assigned 2/25/2004)
- POL2004-09 Consider Project 190848: Mission Rd – Somerset to 83<sup>rd</sup> (CARS) (assigned 2/25/2004)
- POL2004-10 Consider Project: 190847: 2005 Street Paving Program (assigned 2/25/2004)
- POL2004-15 Consider Project 190709: Somerset, Delmar to Fontana Street (assigned 8/26/2004)
- POL2004-16 Consider Project 190708: Tomahawk Road Nall to Roe (assigned 8/26/2004)
- POL2004-18 Consider Sidewalk Policy (assigned 9/18/2004)
- POL2005-02 Consider Project 190616: Harmon Park Skate Facility (assigned 1/31/2005)
- POL2005-03 Consider Project 190850: Reeds Street – 69<sup>th</sup> to 71<sup>st</sup> St. (assigned 1/31/2005)
- POL2005-04 Consider Project 190809: 75<sup>th</sup> Street and State Line Road (assigned 2/1/2005)
- POL2005-11 Consider Project 190715: 2005 Storm Drainage Repair Program (assigned 6/2/2005)
- POL2005-12 Consider Project 190854: 2005 Pavement Repair Program (assigned 6/2/2005)
- POL2005-13 Consider Project 191012: 2005 Concrete Repair Program (assigned 6/2/2005)
- POL2005-14 Consider Project 190852: 2005 Crack/Slurry Seal Program (assigned 6/2/2005)
- POL2005-21 Consider Project 190851: 2006 Paving Program - Sidewalks (assigned 8/30/2005)
- POL2005-23 Consider Project 190857: Roe Avenue – 95<sup>th</sup> to 91<sup>st</sup> Street (CARS) (assigned 8/28/2005)
- POL2005-29 Consider Council Policy No. 041 “Selection of Professional Consulting Services (assigned 11/1/2005)
- POL2005-30 Consider Project 190855: Tomahawk Road Bridge (assigned 11/1/2005)
- POL2005-31 Consider Canterbury Street Sidewalk Petition (assigned 11/1/2005)
- POL2005-33 Consider establishment of school crossing guard policy (assigned 11/14/2005)
- POL2005-34 Consider Project 190717: 2006 Storm Drainage Repair Program (assigned 11/20/2005)
- POL2005-35 Consider illicit water discharge (assigned 11/30/2005)
- POL2006-01 Consider Policy on the enforcement of the “No Smoking” Ordinance (assigned 1/20/2006)
- POL2006-02 Consider 2007-2011 CARS Application (assigned 1/31/2006)
- POL2006-03 Consider Council Policy #410 “Traffic Control Devices” (assigned 1/31/2006)
- POL2006-04 Consider Public Defender for Municipal Court (assigned 2/1/2006)

**PRAIRIE VILLAGE ARTS COUNCIL**

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



# **NORTHEAST JOHNSON COUNTY ECONOMIC DEVELOPMENT**

## **2005 Annual Report**

**FAIRWAY**

**MERRIAM**

**MISSION**

**MISSION WOODS**

**NORTH OVERLAND**

**PARK**

**PRAIRIE VILLAGE**

# 2005 INVESTING PARTNERS

**City of Fairway**

**City of Merriam**

**City of Mission**

**City of Mission Woods**

**City of Overland Park**

**City of Prairie Village**

**City of Roeland Park**

*ScriptPro*<sup>®</sup>



**Bank Midwest**

**Bucher, Willis, & Ratliff Corp.**

**Commerce Bank**

**First National Bank**

**HarenLaughlin Construction**

**Home Builders Association of Greater Kansas City**

**Ira F. East Realty**

**Johnson County Community College**

**Kansas Gas Service**

**LaserEquipment**

**Metcalf Bank**

**Mission Bank**

**Missouri Bank**

**Rose Construction**

**AT&T**

**Stinson Morrison Hecker LLP**

**Time Warner Cable**

**Walter P Moore & Associates**

**West Star Development**

## MISSION

*To promote continued growth of the Northeast Johnson County tax base through the retention and expansion of existing businesses, the attraction and development of new businesses, through quality redevelopment- both commercial and residential, and through assistance for small business development.*

## BUSINESS DEVELOPMENT & RETENTION

*Goal: To retain and recognize existing businesses in NEJC and foster growth of new businesses.*

Recognized as a community business resource center, the Chamber/EDC staff daily consults with business owners and entrepreneurs providing data, information on resources, and connections to foster business growth and opportunities. The new economic development portion of the website contains information on demographics and area market information, business resources, steps to start a business, available real estate, and development opportunities.

In the public realm, the Chamber/EDC supports business and economic development issues through the media, public testimony, and public sector advocacy.

In 2005, the EDC staff consulted with more than ten potential startups, twelve area growth companies, three area developers, and six major real estate companies. Staff attended public hearings and city committee meetings when issues regarding the mission statement were involved and testified on two occasions. Letters were written in support of local businesses and the business environment. Staff also served as an advocate for a marked pedestrian crosswalk for employee safety and for consideration of effect of policy changes on businesses

Three area companies qualified for the Kansas High Performance Incentive Program including \$16,250 in workforce training grants.

### Existing business activity

#### Relocation assistance

Entercom	Yoga Gallery
Mission Pet Mart	Fairbrook Company
Nations Holding Co.	NAACP
JCCC	Keystone Chrysler
Herff Jones	Enterprise Leasing of Kansas
Confidential Inquiry 5000+ sf office space	O'Brien Pharmacy

#### Education

- Small Business Roundtables
- Nationally recognized author on employee retention
- Chamber speaker on business development through networking

## **Expansions**

Shawnee Mission Medical Center  
Educational Resources  
ScriptPro  
SBC/AT&T  
Netchemia  
Nations Holding Co.

## **Consolidations/ Mergers/ Acquisitions**

Enterprise Leasing of Kansas  
Entercom  
Channel 5 TV  
KU Hospital

## **Award/ Recognition nominations**

KC Small Business 25 Under 25  
Ingram's Corporate Champions

KC BizJournal Capstone Award  
Ingram's 40 Under 40

## **New business activity**

### **Commercial Redevelopment**

Merriam Pointe  
Merriam Village  
Bella Roe Plaza - Roeland Park  
The Gateway (former Mission Mall site)  
Nall to Woodson Floodplain reconstruction - Mission  
East Gateway visioning - Mission, Roeland Park, Fairway  
West Gateway visioning - Mission  
Village Vision - Prairie Village

## **Economic Development Incentive Policy**

Initiated by the executive committee of the EDC, a resolution for the adoption of an economic development policy was submitted to partner cities with the following reasons:

- Establishing the concept of cooperative, noncompetitive, regional economic development,
- Recognizing that investment in commercial real property, business development and quality job creation as vitally important to the area's economy,
- Maintaining investment in continued upkeep and renewal of housing stock, and
- Stimulating renewal, growth, and development through implementation of Kansas laws providing for public-private agreements.

The Mission Council approved the resolution to adopt and Prairie Village approved a modified version to consider adoption.

## **BUSINESS ATTRACTION & MARKETING**

***Goal: Increase awareness of NEJC as a place to start, grow, or relocate a business and facilitate business expansions, relocations, and new development.***

### **Prospect activity**

#### All Cities

750-1000 sf retail  
7500-12,000 sf office  
2 1/2 -3 acre site retail/industrial  
100-250 sf office  
10,000- 15,000 sf call center

#### Fairway

Prospective buyer for Lucy Lynn building: incentive information  
Information on available restaurant site  
Information on small office spaces available  
Information on Lucy Lynn building for Dallas broker seeking retail near Rainbow Blvd & SM Pkwy

#### Merriam

5-10,000 sf industrial/ whsle  
Retail startup seeking building on Merriam Drive  
Chevy's site referred to local business owner seeking investment property  
Drive-through coffee hut on Kmart site  
10,000 sf industrial

#### Mission

Brill Building prospect: incentive information  
Prospective buyer for existing Johnson Drive retailer: market profile and incentive information  
Prospective developer for former Herff Jones site: radius market study & promo packets  
Cameron Group developers  
800-900 sf Johnson Drive office/retail  
35,000-40,000 sf call center  
Brill Building prospect: incentive information

#### Prairie Village

Prospective new business referred to state regarding incentive package  
Assisted developer with possible sites for independent living facility  
Assisted realtor with identifying property ownership  
Interested restaurateur referred to Corinth Square available building  
Prairie Village investor assisted in search for site to build office building



## Marketing

### Feature articles

**Ingrams** feature article on Merriam Pointe January edition  
**Commercial Journal** feature article of Merriam's two new retail centers August/September edition  
**KC BizJournal** Guest Column: Johnson County Focus edition December  
**Ingrams** Economic Forecast Forum November edition  
**Commercial Journal** feature article on ScriptPro December/January edition  
**Northeast Johnson County Sun January 2005** Economic Development successes in NEJC

### Advertising

**Ingrams** 4C full page June & November issues  
**Commercial Journal** June/July; August/Sept; Oct/Nov  
**KC Small Business Monthly**: Jan & June calendars, Entrepreneur's Guide  
**Kansas City Jewish Life** Summer edition  
**Sponsorship signage at annual KTEC golf tournament**

Johnson County Realtor & Developer FAM Tour - featured Merriam Pointe

Johnson County Economic Development Summit - NEJC PowerPoint

KC Crew Vendor Fair - NEJC packets distributed

Marketing packets and radius profiles supplied to developers for sites in Merriam, Mission, and Prairie Village

## RESIDENTIAL REDEVELOPMENT

***Goal: To increase residential property tax revenues, sales tax revenues, and the school-age population through residential redevelopment aimed at attracting young families with children.***

### In Process:

**49 units** - Haven Development Group on former West Antioch Elementary site

**10 units** - Manor Home, 51st & Lamar

**49 unit** retirement complex plus condominiums- Merriam Village

### Future possibilities:

Merriam is collaborating with HBA, Housing Choices Coalition, and MARC to identify future housing development opportunities

Roeland Park favors residential construction on site of Roeland Park Elementary.

Vision for ***The Gateway*** (former Mission Mall site) and surrounding areas in Roeland Park, Fairway, and Mission includes residential options.

Flood plain reconstruction between Nall and Woodson in Mission will include new residential options.

Village Vision for Prairie Village includes mixed use development including residential options.

Vision for Mission's West Gateway includes 5800 residential units.

## **PARTNERSHIP/LIAISON DEVELOPMENT**

***Goal: To strive for an investing partner ratio of one-third private sector and two-thirds public sector.***

***Goal: To develop a broad and comprehensive network of public and private liaisons to aid in carrying out program initiatives.***

Seven new private sector partners joined in 2005 bringing the total to nineteen plus seven NEJC cities

Staff presented annual update to Prairie Village City Council

As part of the Fairway contract for services, staff presented quarterly reports to Fairway City Council and attended a meeting of the Business Development committee and a meeting with Highwoods Properties.

*NEJC: The Big Picture* was presented to the Leadership NE Class of 2005.

Staff attended meetings and events of KC CREW; networking to promote NEJC.

Staff attended meetings and participated in promotional events of the Johnson County Partnership.

Staff attended meetings of the First Suburbs Coalition.

Staff attended meetings of the Johnson County Bioscience Coalition.

Staff represented the EDC at a reception for the new KansasBio director held at the Enterprise Center of Johnson County.

*Economic Development Tools* was presented by Gilmore & Bell for NEJC elected officials; hosted by Roeland Park.

An overview of the Chamber and EDC was presented to the Shawnee Mission Optimist Club.

Staff actively participated in Mission's Floodplain and West Gateway visioning processes.

Staff actively participated in Prairie Village's *Village Vision* process.

## **GENERAL ADMINISTRATION**

***Goal: Staff will seek ways to minimize the time devoted to administrative activities in an effort to maximize the time spent on productive output.***

***Goal: Staff will continually strive to increase productivity.***

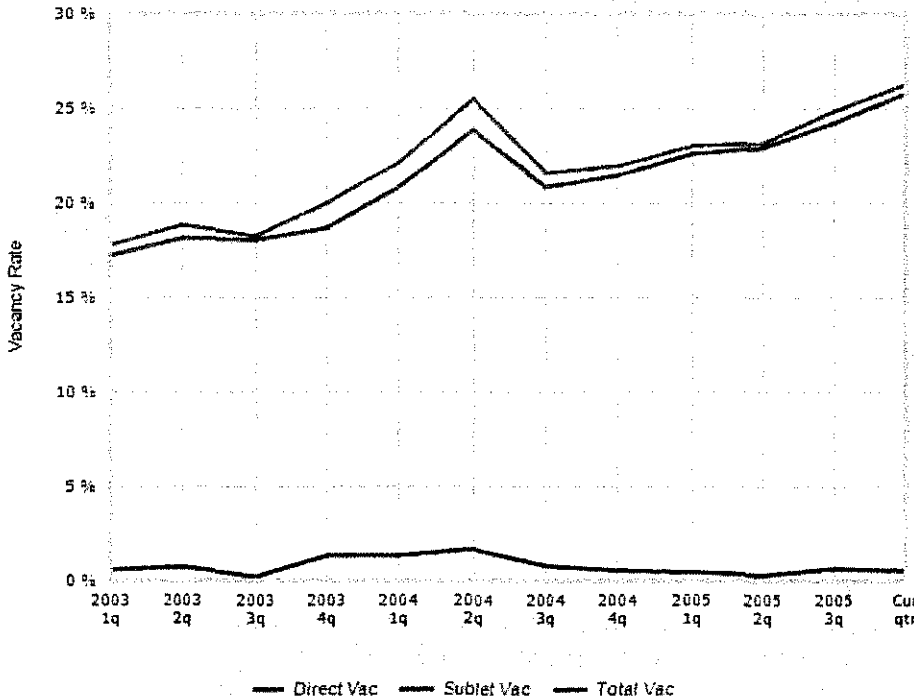
# Analytic NE Johnson County Submkt Office

103 properties



graph: **Vacancy Rates** 3 Years peering print big graph

quick stats



**occupancy**

Existing Bldgs: 102 of 103  
 # Spaces: 283  
 Existing RBA: 2,915,447  
 Vacant: <767,137> 26%  
 Occupied: 2,148,310 74%  
 Leased: 2,176,175 75%

**availability**

Vacant Avail: 754,282 26%  
 Total Avail: 807,819 28%  
 Direct Avail: 770,725 26%  
 Sublet Avail: 37,094 1%  
 Average Time: 17.9 Months

**leasing activity**

Leasing YTD: 225,463 8%  
 Net Absorp YTD: (142,278) (5%)

**direct gross rent**

Office Range: \$5.46-\$22.50/yr  
 Office Avg: \$15.82/yr

# NEJC Retail Analytic

60 properties

graph: **Vacancy Rates** 3 Years peering print big graph

quick stats



**occupancy**

Existing Bldgs: 60  
 # Spaces: 99  
 Existing RBA: 3,037,045  
 Vacant: <365,297> 12%  
 Occupied: 2,671,748 88%  
 Leased: 2,684,907 88%

**availability**

Vacant Avail: 365,138 12%  
 Total Avail: 400,107 13%  
 Direct Avail: 386,948 13%  
 Sublet Avail: 13,000 0%  
 Average Time: 11.8 Months

**leasing activity**

Leasing YTD: 44,397 1%  
 Net Absorp YTD: (162,164) (5%)

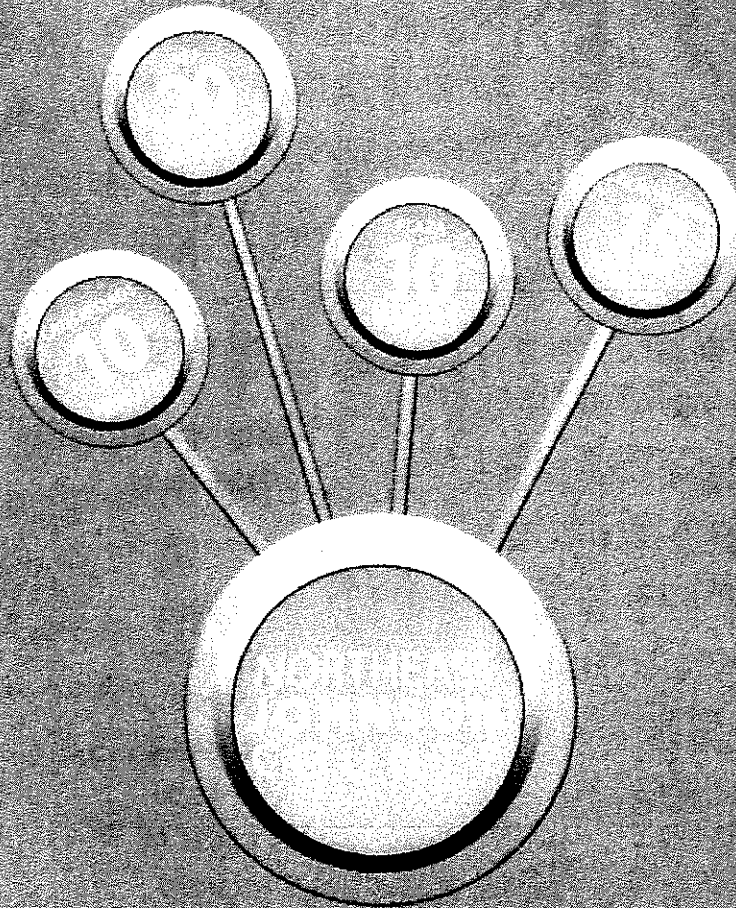
**direct triple net rent**

Retail Range: \$8.48-\$30.53/yr  
 Retail Avg: \$12.97/yr

**2005 Balance Statement**  
**Northeast Johnson County Economic Development Council**

	30-Jun-05	31-Dec-05
<b>Beginning balance</b>		
DRC cash in checking acct	\$9,688.51	\$9,688.51
DRC - CD	\$20,000.00	\$20,000.00
Cash balance forward	\$10,145.95	\$10,145.95
	<b>\$39,834.46</b>	<b>\$39,834.46</b>
<b>Income</b>		
Private Sector	\$14,800.00	\$15,700.00
Public Sector	\$69,505.95	\$70,176.00
Miscellaneous		\$716.29
Events & Luncheons	\$2,289.00	\$3,631.00
<b>Total Income</b>	<b>\$86,594.95</b>	<b>\$90,223.29</b>
<b>Total Cash Available</b>	<b>\$126,429.41</b>	<b>\$130,057.75</b>
<b>Expense</b>		
Bank Fees	\$25.00	\$25.00
Bookkeeping	\$3,499.98	\$4,666.64
Business Development/PR	\$9,898.13	\$20,861.42
Dues/Subscriptions	\$1,565.00	\$1,565.00
Life & Disability Insurance	\$669.00	\$1,338.00
Events & Luncheons	\$1,607.38	\$2,897.89
Mileage	\$942.27	\$1,989.17
Miscellaneous		\$570.52
Payroll Service	\$198.00	\$396.00
Payroll Taxes	\$2,305.98	\$4,612.18
Phone/DSL	\$755.38	\$1,570.77
Postage	\$41.66	\$41.66
Publications	\$249.66	\$274.18
Repairs & Maintenance		\$56.98
Salaries	\$25,749.96	\$51,499.92
Supplies	\$1,890.95	\$2,281.74
Website	\$7,000.00	\$7,000.00
<b>Total Expenses</b>	<b>\$56,398.35</b>	<b>\$101,647.07</b>
<b>Total Cash Balance</b>	<b>\$70,031.06</b>	<b>\$28,410.68</b>

# NORTHEAST JOHNSON COUNTY central location. big advantage.



Fairway • Merriam • Mission • Mission Hills • Mission Woods •  
North Overland Park • Prairie Village • Rockland Park • Westwood • Westwood Hills

- NEJOCO's central location gives unequalled access to the metro's prime consumer, business and labor markets.
- More than 3,000,000 square feet of office space with capacity for over 81,000 employees.
- Commercial and residential redevelopments provide unparalleled opportunities for virtually every industry.

For business development information contact:  
Northeast Johnson County Economic Development  
913.262.2141 [www.nejochamber.com](http://www.nejochamber.com)

bizwomen.com

from KANSAS CITY BUSINESS JOURNAL - December 12, 2005

[http://www.bizjournals.com/bizwomen/kansascity/content/story.html?story\\_id=1201698](http://www.bizjournals.com/bizwomen/kansascity/content/story.html?story_id=1201698)

bizwomen.com

Friday, December 12, 2005

Guest column

## Northeast JoCo is economic leader

By Michael E. Egan

Northeast Johnson County, or Shawnee Mission as it is well-known, began more than 50 years ago as 10 small, independent cities nestled within an attractive rural environment.

Close to the Country Club Plaza and the Downtown Business District, a charming colonial influence hallmarked neighborhood retail centers surrounded by carefully planned, family-friendly neighborhoods just steps away from rural homesteads on large green fields.

Homes south of 47th Street (County Line Road) and west of State Line Road quickly became the most sought-after addresses for young post-World War II families.

During the next 25 years, the addition of major corporations, such as Lee Jeans, Seaboard Farms Inc., Layne Christensen Co., SBC Communications Inc. (now AT&T Inc.) and General Electric Co., added to a burgeoning number of small businesses, creating an innovative job market. Concurrently, the Shawnee Mission School District emerged as the top-ranked district in the metro area and the state of Kansas.

With the success of the area, growth was inevitable, and Johnson County grew beyond the boundaries of the original northeast cities, carrying with it the standards of excellence set by the original cities.

Today, after an extended period of relative quiet, the first suburbs of Northeast Johnson County are once again experiencing new economic activity and leading in innovation.

Three major industry clusters are leading the resurgence in investment and job creation: health care, communications and retail.

In the area of health care, Shawnee Mission Medical Center in Merriam is expanding its campus and investing more than \$100 million to accommodate significant expansion in emergency and cardiac care services and family support areas.

The University of Kansas Hospital made the leap from Wyandotte County to Westwood with the purchase of the former Sprint Corp. headquarters, consolidating administrative services and relocating the outpatient cancer center.

Communication companies in Northeast Johnson County are growing through acquisitions and expanded services. KCTV 5, owned by Meredith Corp., acquired the broadcast license and all assets of WB 62 KSMO-TV, relocating 30 employees and investing \$2 million in a master control center at its facility in Fairway.

Intercom Communications Corp., Kansas City's largest radio broadcasting company, with more than 200 employees, is expanding to Mission from Westwood and investing \$11 million in equipment and renovation of its building.

With the acquisition of AT&T, SBC is sharing in an anticipated \$4 billion regional investment in technology buildout and expanded services, which will result in the expansion of fiber-optic services and Internet protocol.

ong with other areas in the metropolitan area, retail development has taken a front seat in Northeast Johnson County.

Roeland Park enthusiastically awaits completion of a renewed retail center anchored by Lowe's and Price Chopper's international market concept.

Merriam has approved two new major shopping center plans, and construction/demolition has been initiated by Fishman Realty and Developers Diversified.

The Cameron Group LLC purchased the Mission Center mall site with plans for extensive multiuse redevelopment. This undertaking will complement similar multiuse redevelopment of approximately 30 acres being reclaimed from the Rock Creek flood plain adjacent to Johnson Drive in Mission.

Amela Ducas, new president of the Northeast Johnson County Chamber, has readily recognized that the economic urgency and innovation in Northeast Johnson County is "directly related to the collaborative and proactive leadership evident in the NEJC cities."

Collaboration was first evident with the decision to form an area chamber of commerce and economic development council -- the only multi-city chamber in Johnson County.

This action was a precursor to other area and regional initiatives involving intercity cooperation and collaboration.

Terri Hiron, former mayor of Roeland Park, initiated the formation of MARC's First Tier Suburbs along with Mayor Frank of Raytown to address housing issues shared by the first suburbs. Today, the scope is expanding, and 19 metropolitan cities are participating.

Co-chaired by Mayor Laura McConwell of Mission and Mayor John St. Clair of Fairway, a coalition of Johnson County cities and private businesses has been formed to identify ways to foster economic growth through development and growth of bioscience companies.

Leaders from Fairway, Roeland Park and Mission have engaged cooperatively to plan for storm water and flood control and have joined together again on a visioning process for potential redevelopment of areas adjacent to the soon-to-be-developed Mission Center site.

*Amela Michaelis | Michaelis is vice president of economic development for the Northeast Johnson County Chamber of Commerce.*