



**City Council Meeting**

**November 5, 2007**

Dinner will be  
provided by:

***Oklahoma Joe's BBQ***

*Wood Smoked Combo:  
Brisket and Pulled Pork  
BBQ Beans, Potato Salad,  
Coleslaw. Bread & Pickles*

COUNCIL COMMITTEE  
November 5, 2007  
6:00 p.m.  
Council Chamber

ANDREW WANG, COUNCIL PRESIDENT

AGENDA

CONSENT AGENDA

Consider Transfer of Funds  
Consider 2008 UCS Contribution Allocation

AGENDA ITEMS FOR DISCUSSION

- COU2007-65            Consider 2008 Salary Ordinance  
Doug Luther
- COU2007-35            Consider Project 190709 : 83rd St./Delmar Drainage  
Improvements  
Tom Trienens
- \* COU2007-67            Consider HNTB Engineering Change Order #4 for SME  
parking lot and transfer of \$22,550 from the  
Contingency Fund  
Tom Trienens
- COU2007-68            Consider 2007 Uniform Public Offense Code (UPOC) and  
2007 Standard Traffic Ordinance  
Captain Tim Schwartzkopf
- COU2007-69            Consider Citizen-Chaired Committees  
Andrew Wang
- COU2007-53            Consider EasyRide Program  
Doug Luther
- COU2007-51            Village Vision  
Leadership and Governance - Offer workshops to  
educate and inform residents about issues  
related to zoning, building codes, and home  
maintenance in residential neighborhoods  
Doug Luther
- 75th Street Corridor Committee Report  
Pat Daniels

**\*Council Action Requested Same Evening**

## **CONSIDER TRANSFER OF FUNDS**

### **Background:**

The budget for 2007 was developed in April-May of 2006. At that time only one employee retirement was planned and little or no succession planning had been done.

In November 2006, the Police Chief announced his retirement. Mayor Shaffer appointed a Selection Committee to develop a plan for hiring replacements for both the Police Chief and City Administrator. The committee decided to conduct nationwide searches for both positions. Council approved Consultant agreements for both.

Expenses for both search processes have far exceeded the amount originally budgeted. Travel for candidates, meeting costs, moving and other related costs add to the need for a transfer of funds from the Contingency.

### **Recommend:**

**MOVE TO TRANSFER OF \$50,000 FROM CONTINGENCY TO THE  
MAYOR AND COUNCIL PROGRAM ACCOUNT #01-01-00-6350.**

**CONSENT AGENDA**

**COU2007 – 64      Consider contribution allocation recommended by  
United Community Services for Human Service  
Fund grants in 2008**

**Issue:**

Should the City approve the allocation of funds recommended by United Community Services for 2008?

**Background:**

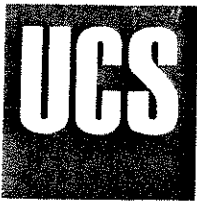
For the past several years, the City has contributed to the United Community Services (UCS) Human Service Fund. This fund helps support local non-profit agencies. The City's 2008 Community Programs, Parks & Recreation budget contains \$6,300 for this contribution.

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

If approved, the City's contribution to UCS will be pooled with funds from other cities in Johnson County and distributed to the agencies listed in the 2008 Human Service Fund Recommendation Report.

**RECOMMENDATION**

**RECOMMEND THE CITY COUNCIL APPROVE THE  
RECOMMENDATIONS OF THE UCS GRANT REVIEW  
COMMITTEE CONTAINED IN THE 2008 HUMAN  
SERVICE FUND RECOMMENDATION REPORT AND  
APPROVE A CONTRIBUTION TO UCS OF \$6,300 FROM  
THE 2008 PARKS, RECREATION, & COMMUNITY  
SERVICES BUDGET**



# UNITED COMMUNITY SERVICES OF JOHNSON COUNTY

Drug & Alcoholism Council of Johnson County • Johnson County Children's Coordinating Council

*Celebrating 40 years as a catalyst for positive community change*

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## EXECUTIVE DIRECTOR

Karen Wulfkuhle

October 9, 2007

To: Honorable Ron Shaffer  
Mayor, City of Prairie Village  
From: Karen Wulfkuhle, Executive Director  
RE: 2008 Human Service Fund Recommendations Report

The United Community Services Board of Directors has approved the Grant Review Committee's recommendations for allocations from the 2008 Human Service Fund. The report is submitted for the City's action.

The Human Service Fund agreement gives participating jurisdictions the authority and responsibility for determining allocations from this fund. **The governing body is requested to take action to approve or modify the recommendations and notify UCS no later than January 31, 2008.** After that date, the recommendations will stand as presented. Final funding levels will be determined at that time, based on action taken by each participating jurisdiction.

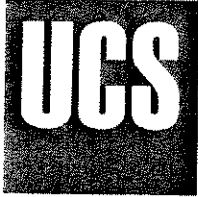
If you would like a representative from UCS to attend a Council meeting, or if you have any questions about the recommendations or process, please contact me at (913) 438-4764. Thank you.

Enclosure: 2008 Human Service Fund Recommendations Report

cc: Barbara Vernon



United Way's Planning Partner  
in Johnson County



*Celebrating 40 years as a catalyst for positive community change*

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**2008 HUMAN SERVICE FUND  
RECOMMENDATIONS REPORT**

The Human Service Fund supports nonprofit agencies whose programs address one of two fundamental priorities: building economic self-reliance for families and individuals to meet basic needs, or protecting personal and community safety. Programs must also offer county-wide benefit to local jurisdictions by avoiding, deferring, or reducing costs that would otherwise be incurred by cities and County Government.

A growing number of poor in Johnson County grapple with a broad spectrum of human service needs: safe, decent housing; utility service; transportation to jobs; childcare; health care and nutrition needs. When incomes are insufficient to meet basic needs, the well-being and safety of these individuals and families is at risk. Public safety costs may be lowered if basic human services are available to stabilize persons in need.

- In 2006, more than 27,000 Johnson County residents earned poverty-level incomes, more than twice as many as in 1990. Further, one in seven residents (approximately 72,400) live in households with incomes below 200% of federal poverty levels.
- Approximately 35,000 Johnson County residents—including over 7,000 children—lack health insurance. For adults, illness or medical emergencies may mean job loss and homelessness.
- In 2006, over 300 child abuse and neglect cases were filed, more than twice the number in 1995. Children lacking a safe, secure, and healthy environment can be negatively affected in all areas of growth and development.

United Community Services commends County Government and 16 participating cities for their commitment to the 2008 Human Service Fund. (See Appendix A). Government support for human services helps those facing difficult circumstances, regardless of their city residence, and strengthens the community as a whole.

The grant review committee studied all applications and made recommendations guided by how closely applicant agencies matched the funding priorities and criteria. (See Appendix B). This Report contains funding recommendations totaling \$241,500 approved by the United Community Services board of directors on September 7, 2007. Cities and the County Government are asked to review this Report and take action on the recommendations by January 31, 2008.

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- Dr. Ron Wimmer

**EXECUTIVE DIRECTOR**

- Karen Wulfkuhle



<b>Applicant</b>	<b>2006 Grant</b>	<b>2007 Grant</b>	<b>2008 Request</b>	<b>2008 Recommendation</b>	<b>Priority Service Area</b>
CASA of Johnson & Wyandotte Counties	\$17,000	\$18,000	\$20,000	\$18,000	Court-ordered intervention by trained volunteers includes individual family and child support, facilitating family visits, and educational workshops for children and adults.
Catholic Community Services (Emergency Assistance)	\$55,000	\$55,000	\$60,000	\$59,500	Emergency Assistance/Family Support Center to meet basic needs for low-income families at or below 150% of poverty.
Catholic Community Services (Low-Income Childcare Assistance)	\$7,500	\$7,500	\$7,500	\$7,500	Temporary childcare subsidies to assist parents working full- or part-time, attending school full-time, or actively seeking employment, with incomes between 185-200% of federal poverty guidelines.
El Centro	\$15,000	\$18,305	\$40,000	\$20,000	Emergency assistance and referrals through the Johnson County Family Service Center, including family and business translation.
The Family Conservancy	\$10,000	\$12,000	\$29,148	\$12,000	Individual Development Accounts (IDAs) (incentive-based savings) and financial education program that targets client funds to home purchase, higher education, or business development.
Head Start of Shawnee Mission	\$5,000	\$6,000	\$7,500	\$7,500	Wrap-Around-Care scholarships for 3-5 year-olds in low-income families needing childcare to maintain either full-time education or employment.
Health Partnership Clinic	\$20,000	\$25,000	\$40,000	\$30,000	Health and dental care for low-income, uninsured Johnson County residents.
Johnson County Interfaith Hospitality Network	\$5,000	\$7,500	\$10,000	\$7,500	Case management, shelter, meals, and social service assistance for homeless families in Johnson County for up to 90 days plus one year of follow-up support.
Kansas Children's Service League	No request	No request	\$10,000	\$5,000	Weekly in-home education and support for families and young children who are at-risk for child abuse and neglect.
SAFEHOME	\$6,900	\$10,000	\$10,000	\$10,000	Economic Advocacy Program promotes economic self-reliance for victims of domestic violence who are in shelter.
Salvation Army Family Lodge (Olathe)	\$15,000	\$15,000	\$20,000	\$15,000	Emergency and transitional housing for homeless and near homeless families in Johnson County, including related services and case management.
Sunflower House	\$25,000	\$30,000	\$40,000	\$33,000	Personal safety and prevention program for children pre-K through 9th grade, parents and teachers.
TLC for Children & Families	\$10,000	\$15,000	\$20,000	\$16,500	Case management for Johnson County youth and their families who have experienced co-occurring domestic violence and child abuse.
YMCA (Olathe Early Learning Center)	No request	No request	\$20,000	\$0	Childcare support for families not receiving state subsidies, and who need full-time childcare to maintain employment or pursue education.
<b>Total (excludes grants to agencies not participating in 2008)</b>	<b>\$191,400</b>	<b>\$219,305</b>	<b>\$314,148</b>	<b>\$241,500</b>	The 2007 federal poverty level for a family of four is \$20,650.

## **2008 HUMAN SERVICE FUND PROGRAM SUMMARY AND AWARD JUSTIFICATION**

### **CASA of Johnson & Wyandotte Counties** **Recommendation: \$18,000**

Funding is recommended for the Divorce/Custody program that will be consolidated with the Family Ties Program for 2008. The program includes three components: Individual Families, Family Visits, and Educational Groups. CASA serves children birth to age 17 when domestic violence, child abuse, parental substance abuse, conflict or mental illness, has led to civil or criminal intervention. The agency trains and supervises volunteers, certified by the State of Kansas and appointed by district court judges, as children's advocates. CASA anticipates serving 182 Johnson County children in 2008 through the combined program.

### **Catholic Community Services (Emergency Assistance)** **Recommendation: \$59,500**

Funding is recommended to support emergency assistance to families. The program helps families living at or below 150% of federal poverty guidelines with basic life needs without regard to religious affiliation. The program protects and promotes the well-being of families and children by meeting food, shelter and clothing needs, as well as prescription medication, utility payments, and gasoline for emergencies or job transportation. This safety net enables families to stabilize rather than spiral into more serious circumstances. Case managers help clients develop a plan to move toward economic self-sufficiency while addressing family crises. During 2008 the agency anticipates serving over 15,000 Johnson County residents.

### **Catholic Community Services (Low-Income ChildCare Assistance)** **Recommendation: \$7,500**

Funding is recommended for short-term, temporary childcare assistance for families with incomes at or below 200% of federal poverty guidelines experiencing emergencies or family crisis. Clients are referred from agencies serving low-income families, and must utilize a licensed or registered childcare provider. The program stabilizes families who may face job loss due to inability to pay for childcare. The program anticipates serving 36 children during 2008.

### **El Centro** **Recommendation: \$20,000**

Funding is recommended for emergency assistance through the Johnson County Family Service Center. Safety net services—housing, clothing, and food—help the growing Hispanic population stabilize when in crisis, and gain access to other community social services. The program also offers translation and advocacy services, offers health care education and screening. The agency expects to serve nearly 600 Johnson County residents during 2008.

### **The Family Conservancy** **Recommendation: \$12,000**

Funding is recommended for Family Asset Building which replicates a successful model program refined from the American Dream Demonstration in 1997. Individual Development Accounts (IDAs) are incentive-based savings accounts offering matching dollars, financial education and planning. Savings may be used for home purchase, opening a business, or higher education. The Family Conservancy was the first IDA provider in metropolitan Kansas City, and in 2004 attracted federal, state and local funding commitments to expand into Johnson County. These funds will support 50 IDAs in Johnson County through 2009.



**Head Start of Shawnee Mission****Recommendation: \$7,500**

Funding is recommended for fee subsidies for the Wrap-Around-Care Program providing full-day, full-year preschool for three- to five-year olds on a sliding fee scale. Head Start of Shawnee Mission provides educational enrichment opportunities to children whose families meet federal poverty guidelines and reside within the Shawnee Mission School District. Funding will target children enrolled in the program and whose parents are in financial crisis and unable to pay. Families would otherwise withdraw their children from the program, and lose educational or employment opportunities vital to the family's financial stability. Subsidies will assist approximately 110 children in 2008.

**Health Partnership Clinic of Johnson County****Recommendation: \$30,000**

Funding is recommended for basic health care and dental services at offices in Olathe and Overland Park for uninsured residents with incomes at or below 200% of federal poverty guidelines. Physicians, dentists, and other health care professionals volunteer their services on-site or at their offices. The Clinic utilizes a medical home model capable of treating patients for a range of health problems, and coordinates with WyJo Care to offer medical specialty services. The Clinic anticipates serving over 3,900 Johnson County residents in 2008.

**Johnson County Interfaith Hospitality Network****Recommendation: \$7,500**

Funding is recommended to provide homeless families with food, shelter, transportation, and employment assistance. The program offers support in gaining permanent housing, linkage to other community resources, and up to a year of aftercare. The strengths-based case management program follows a national model implemented in over 100 communities. The Network is managed by professional staff, but partners with more than 1,100 volunteers and 31 faith congregations that feed and shelter up to 14 individuals (or five family units) on a rotating schedule. The agency expects to serve 84 Johnson County residents in 2008.

**Kansas Children's Service League****Recommendation: \$5,000****(Healthy Families Johnson County)**

Funding is recommended to support Healthy Families Johnson County, a program supporting pregnant women, their children and families. The program targets new parents identified through an assessment process, as being at-risk. Participants receive weekly at-home visits, referrals, child development and parent education, and linkage to health care services, with an overarching goal of preventing child abuse and neglect within at-risk families. The agency coordinates with other social service providers in Johnson County, and utilizes bilingual staff to ensure culturally competent service delivery. The agency expects to serve 110 families during 2008.

**SAFEHOME****Recommendation: \$10,000**

Funding is recommended to support the Economic Advocacy Program serving all shelter residents. The program provides an economic assessment, followed by participation in job search, training and education, or economic skill development. The program includes weekly life skills groups and linkage to community resources. SAFEHOME provides shelter and other assistance for victims of domestic violence. In 2006, 72% of shelter residents were unemployed; four of every five had incomes below federal poverty guidelines. The agency projects the program will serve 95 persons in 2008, more than one-third Johnson County residents.

**The Salvation Army (Olathe Family Lodge) Recommendation: \$15,000**

Funding is recommended to assist homeless and near-homeless families in Johnson County with temporary emergency housing. The Family Lodge also admits single women on a space-available basis. Additional services include three daily meals, laundry facilities and case management. Clients are safe and connected to needed services while they work to transition into permanent housing and stable financial circumstances. The Family Lodge anticipates serving 190 Johnson County residents in 2008.

**Sunflower House Recommendation: \$33,000**

Funding is recommended to support *P.S. It's My Body*, a personal safety program for children pre-kindergarten through ninth grade. *P.S. It's My Body* teaches participants how to be less vulnerable to potential abuse, and includes a component for parents and teachers. Sunflower House prevents child abuse and neglect through child-centered programs and interventions delivered primarily to elementary school children. The agency anticipates reaching over 16,000 Johnson County residents in 2008.

**TLC for Children & Families Recommendation: \$16,500**

Funding is recommended for Family Case Management, an early intervention program for families experiencing co-occurrence of domestic violence and Child in Need of Care (court ordered removal of children from the home). A high positive correlation exists between children experiencing domestic violence or abuse, substance abuse, poor school performance, and participation in violent acts. The Johnson County District Attorney's Office refers families to the program which provides prompt assessment and development of a family case plan and case management for up to four months. The program is designed to increase child protection and reduce incidents of out-of-home placement. The agency anticipates serving 105 Johnson County families in 2008.

**YMCA of Greater Kansas City Recommendation: \$0**  
**(Olathe Early Learning Center)**

The Early Learning Center offers full-day childcare for children from 30 months to five-years of age. Over 40% of families with enrolled children qualify for either state childcare assistance or agency scholarships. Scholarships are awarded for one year and only when the family cannot receive a state childcare subsidy. Funding is not recommended. The proposal did not adequately quantify the need for this service and lacked information on programmatic outcomes.

**APPENDIX A  
2008 HUMAN SERVICE FUND  
PARTICIPATING JURISDICTIONS**

<b>JURISDICTION</b>	<b>ALLOCATION</b>
Johnson County	\$100,000
De Soto	\$3,000
Fairway	\$1,050
Gardner	\$3,300
Leawood	\$9,500
Lenexa	\$13,975
Merriam	\$2,000
Mission	\$5,800
Mission Hills	\$2,310
Mission Woods	\$540
Olathe	\$33,815
Overland Park	\$53,360
Prairie Village	\$6,300
Roeland Park	\$3,200
Shawnee	\$17,790
Spring Hill	\$1,425
Westwood	<u>\$1,075</u>
Interest	<u>\$3,060</u>
Subtotal	\$262,500
UCS Administration	<u>\$20,000</u>
<b>Total Available to Allocate</b>	<b>\$241,500</b>

## **APPENDIX B**

### **2008 HUMAN SERVICE FUND GUIDELINES**

#### **2008 FUNDING PRIORITIES**

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

#### **MINIMUM ELIGIBILITY CRITERIA**

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

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

#### Grant Review Committee:

Ann Regnier, *Committee Chair*, UCS Board Member  
Wes Ashton, Overland Park Chamber of Commerce  
Shane Cuevas, UCS Board Member  
Janice Friedman, Kansas Dept. of Social & Rehabilitation Services  
Hon. Terrie Huntington, UCS Board Member  
Michelle Lawrence, UCS Board Member  
Janis McMillen, UCS Board Member  
Loretta Summers, UCS Board Member  
Karlyn Wilkins, UCS Board Member

*Debbie Doud, UCS Director for Community Initiatives, Staff*

## Consider adoption of 208 Salary Range by Resolution

### Background:

The City annually adopts a resolution establishing salary ranges for all employment positions within the City. The 2008 Salary Resolution is attached for your review.

The proposed ranges continue the process of salary administration begun in 2006 with a comprehensive compensation study. This study resulted in the establishment of market-based ranges for all employment classifications in 2007. Each employment classification is assigned a market reference point, and minimum and maximum ranges are established as a percentage of the market reference point.

FBD Consulting, the firm that performed the compensation study, has provided a range adjustment recommendation for 2008 of 2.6%. This adjustment would apply to all employment classifications. As a result, minimum and maximums for each classification would be increased accordingly. The adjustment factor of 2.6% is based upon national and regional survey data provided by both public and private sector employers.

Adoption of the 2008 salary resolution will not automatically increase an employee's salary unless that employee's pay would fall below the minimum established for the range. As in prior years, employees who are at the maximum of their salary range may receive a lump-sum bonus.

It should be noted that there are five classifications that have both an A and B range:

- Accounting Clerk
- Receptionist
- Court Clerk
- Administrative Support Specialist
- Community Service Officer

The "A" range applies to employees who were employed with the City at the time the 2007 ranges were put into place. These employees are in "grandfathered" ranges, which will be adjusted annually in the same manner as other ranges. New employees hired into these positions will be administered against the B salary range. This system was implemented in order to maintain and increase the earning potential of employees in these classifications which would not have been possible under the ranges established by the 2006 compensation study.

Finally, the same 2.6% adjustment has been applied to the City's part-time positions as well.

## **RECOMMENDATION**

**RECOMMEND THE CITY COUNCIL ADOPTAND ADOPT A RESOLUTION ESTABLISHING COMPENSATION RANGES FOR THE CITY OF PRAIRIE VILLAGE UPON REVIEW AND APPROVAL BY THE CITY ATTORNEY.**

## RESOLUTION 2007-\_\_

WHEREAS, the Governing Body of the City of Prairie Village is authorized to establish salary ranges for city positions; and

WHEREAS, it is the desire of the Governing Body that these salary ranges be reviewed annually to ensure appropriate funds are budgeted and the salary ranges remain competitive;

NOW, THEREFORE, be it resolved the Governing Body of the City of Prairie Village, Kansas, hereby adopts the following compensation ranges:

Compensation generally.

The elected officers, appointive officers and employees of the City shall be compensated within the salary ranges provided in this section. The amount of compensation shall be fixed by the Governing Body in accordance with personnel procedures as adopted by the Governing Body from time to time, provided, however, that the salaries and compensation from January 1, 2008 through December 31, 2008, shall be within and determined by the following ranges:

<b>000 ADMINISTRATIVE SUPPORT</b>	<b>2008</b>	
	<b>Min</b>	<b>Max</b>
Receptionist A	29,300	43,900
Receptionist B	21,900	32,900
Administrative Support Specialist A	29,300	43,900
Administrative Support Specialist B	27,400	41,000
Management Intern	37,000	55,400
Management Assistant	51,000	76,600
Executive Assistant	37,000	55,400
Court Clerk A	29,300	43,900
Court Clerk B	26,400	39,600
Accounting Clerk A	29,300	43,900
Accounting Clerk B	25,400	38,000
Office Manager	38,400	57,600
Code Enforcement Officer	35,500	53,300
Building Inspector	38,500	57,700
Human Resources Specialist	39,800	59,800
Court Administrator	43,200	64,800
Building Official	55,100	82,700
City Clerk	51,100	76,700
Finance Director	75,200	112,800
Assistant City Administrator	68,000	102,000
City Administrator	101,300	151,900

**100 PUBLIC WORKS**

Laborer	23,200	32,800
Maintenance Worker	29,800	42,000
Senior Maintenance Worker	35,800	50,500
Crew Leader	41,100	58,000
Mechanic	31,500	47,300
Construction Inspector	38,500	57,700
Field Superintendent	49,800	74,600
Manager of Engineering Services	55,100	82,700
Public Works Director	79,600	119,400

**200 PUBLIC SAFETY**

Records Clerk A	29,300	43,900
Records Clerk B	28,600	43,000
Property Clerk	30,300	45,500
Community Service Officer A	30,200	45,200
Community Service Officer B	28,700	43,100
Dispatcher	32,500	49,700
Communications Supervisor	44,100	66,100
Police Officer	37,000	57,800
Police Corporal	49,600	66,100
Police Sergeant	58,700	78,200
Police Captain	68,500	102,700
Police Chief	78,600	117,800

	<b>2007</b>	<b>2008</b>
<b>Police Officer Step System</b>		
1	36,000	37,000
2	37,125	38,150
3	38,250	39,300
4	39,375	40,450
5	40,500	41,600
6	41,625	42,750
7	42,750	43,900
8	43,875	45,050
9	45,000	46,200



**Seasonal/Part-time Employees** - Seasonal/Part-time employees shall be compensated as follows:

<b>Seasonal/Part-Time Employees</b>	<b>2008</b>	
	<b>Min</b>	<b>Max</b>
Seasonal Worker (hourly)	8.46	12.62
Tennis Assistant (hourly)	8.46	17.96
Concession Stand Worker (hourly)	6.55	8.86
Clerical Assistant (hourly)	8.98	13.18
Assistant Pool Manager (hourly)	9.49	15.80
Bailiff (hourly)	10.52	12.62
School Crossing Guards (session)	11.39	11.39
Swim/Dive Coaches (season)	2,108	5,797
Synchronized Coaches (season)	1,057	1,898
Assistant Synchro Coach (season)	685	1,159
Assistant Coaches (season)	1,231	1,539
Pool Manager (season)	9,491	19,494

**Employee/Consultant**

A person may be compensated in a category defined as “independent contractor consultant”. The rate of pay and other terms of employment for an individual in this category will be established and approved by the City Council.

**Part-time Appointed Officials** -

Part-time appointed officials shall be compensated as follows in 2008:

<b>Part-Time Appointed Officials</b>	<b>2008</b>	
	<b>Min</b>	<b>Max</b>
Municipal Judge (monthly)	1,159	1,590
City Attorney (hourly)	108	180
Assistant City Attorney (hourly)	108	133
City Prosecutor (monthly)	1,580	1,898
City Prosecutor (hourly)	108	133
Treasurer (monthly)	344	431

BE IT FURTHER RESOLVED that, the following ranges are hereby established for the calendar year 2008 for individuals employed by the City in the following classifications on December 31, 2006:

	2008	
	Annual Min	Annual Max
Receptionist	29,300	43,900
Administrative Support Specialist	29,300	43,900
Court Clerk	29,300	43,900
Accounting Clerk	29,300	43,900
Community Service Officer	30,200	45,200

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2007.

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

ATTEST:

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

2008 Salary Ranges						
	2007			2008		
	Min	MRP	Max	Min	MRP	Max
<b>000 ADMINISTRATIVE SUPPORT</b>						
Receptionist A	28,900	35,700	42,500	29,300	36,600	43,900
Receptionist B	21,400	26,700	32,000	21,900	27,400	32,900
Administrative Support Specialist A	28,900	35,700	42,500	29,300	36,600	43,900
Administrative Support Specialist B	26,600	33,300	40,000	27,400	34,200	41,000
Management Intern	36,000	45,000	54,000	37,000	46,200	55,400
Management Assistant	49,800	62,200	74,600	51,000	63,800	76,600
Executive Assistant	36,000	45,000	54,000	37,000	46,200	55,400
Court Clerk A	28,900	35,700	42,500	29,300	36,600	43,900
Court Clerk B	25,800	32,200	38,600	26,400	33,000	39,600
Accounting Clerk A	28,900	35,700	42,500	29,300	36,600	43,900
Accounting Clerk B	24,700	30,900	37,100	25,400	31,700	38,000
Office Manager	37,400	46,800	56,200	38,400	48,000	57,600
Code Enforcement Officer	34,600	43,900	52,000	35,500	44,400	53,300
Building Inspector	37,500	46,900	56,300	38,500	48,100	57,700
Human Resources Specialist	38,800	48,500	58,200	39,800	49,800	59,800
Court Administrator	42,100	52,600	63,100	43,200	54,000	64,800
Building Official	53,800	67,200	80,600	55,100	68,900	82,700
City Clerk	49,800	62,300	74,800	51,100	63,900	76,700
Finance Director	73,300	91,600	109,900	75,200	94,000	112,800
Assistant City Administrator	66,200	82,800	99,400	68,000	85,000	102,000
City Administrator	98,700	123,400	148,100	101,300	126,600	151,900
<b>100 PUBLIC WORKS</b>						
Laborer	22,600	26,600	31,900	23,200	27,300	32,800
Maintenance Worker	29,000	34,100	40,900	29,800	35,000	42,000
Senior Maintenance Worker	34,900	41,000	49,200	35,800	42,100	50,500
Crew Leader	41,700	47,100	58,900	41,100	48,300	58,000
Mechanic	30,700	38,400	46,100	31,500	39,400	47,300
Construction Inspector	37,500	46,900	56,300	38,500	48,100	57,700
Field Superintendent	48,500	60,600	72,700	49,800	62,200	74,600
Manager of Engineering Services	53,800	67,200	80,600	55,100	68,900	82,700
Public Works Director	77,600	97,000	116,400	79,600	99,500	119,400
<b>200 PUBLIC SAFETY</b>						
Records Clerk A	28,900	35,700	42,500	29,300	36,600	43,900
Records Clerk B	27,900	34,900	41,900	28,600	35,800	43,000
Property Clerk	29,500	36,900	44,300	30,300	37,900	45,500
Community Service Officer A	31,400	35,700	43,800	30,200	37,700	45,200
Community Service Officer B	28,000	35,000	42,000	28,700	35,900	43,100
Dispatcher	31,600	37,200	48,400	32,500	38,200	49,700
Communications Supervisor	43,000	53,700	64,400	44,100	55,100	66,100
Police Officer	36,000	45,000	56,300	37,000	46,200	57,800
Police Corporal	48,300	53,700	64,400	49,600	55,100	66,100
Police Sergeant	57,200	63,500	76,300	58,700	65,200	78,200
Police Captain	66,700	83,400	100,100	68,500	85,600	102,700
Police Chief	76,800	95,700	114,800	78,600	98,200	117,800
<b>Police Officer Step System</b>						
		2007	2008			
	1	36,000	37,000			
	2	37,125	38,150			
	3	38,250	39,300			
	4	39,375	40,450			
	5	40,500	41,600			
	6	41,625	42,750			
	7	42,750	43,900			
	8	43,875	45,050			
	9	45,000	46,200			
<b>2008 Seasonal/Part-Time Salary Ranges</b>						
		2007		2008		
<b>Seasonal/Part-Time Employees</b>		Min	Max	Min	Max	
Seasonal Worker (hourly)		8.25	12.30	8.46	12.62	
Tennis Assistant (hourly)		8.25	17.50	8.46	17.96	
Concession Stand Worker (hourly)		5.85	7.45	6.55	8.86	* adjusted due to min. wage increase
Clerical Assistant (hourly)	v	8.75	12.85	8.98	13.18	
Assistant Pool Manager (hourly)		9.25	15.40	9.49	15.80	
Bailiff (hourly)		10.25	12.30	10.52	12.62	
School Crossing Guards (session)		11.10	11.10	11.39	11.39	
Swim/Dive Coaches (season)		2,055	5,650	2,108	5,797	
Synchronized Coaches (season)		1,030	1,850	1,057	1,898	
Assistant Synchro Coaches (season)		668	1,130	685	1,159	
Assistant Coaches (season)		1,200	1,500	1,231	1,539	
Pool Manager (season)		9,250	19,000	9,491	19,494	
<b>Part-Time Appointed Officials</b>						
Municipal Judge (monthly)		1,130	1,550	1,159	1,590	
City Attorney (hourly)		105	175	108	180	
Assistant City Attorney (hourly)		105	130	108	133	
City Prosecutor (monthly)		1,540	1,850	1,580	1,898	
City Prosecutor (hourly)		105	130	108	133	
Treasurer (monthly)		335	420	344	431	

## COU2007-35 CONSIDER PROJECT 190709: SOMERSET DRIVE, DELMAR STREET, FONTANA STREET DRAINAGE

### Background:

This project has been more commonly referred to as the “low water crossings” on Delmar Street and Fontana Street. On October 6, 2007, the Johnson County Stormwater Management Advisory Council (SMAC) sent a letter (attached) requesting whether the City intends to move forward with this project.

The history of the project began at least twelve years ago during the heavy rains in the mid to late 90s. In 2000, the City applied for SMAC funds to alleviate the street flooding on Delmar Street and Fontana Street. The Preliminary Engineering Estimate submitted to the Johnson County Stormwater Management Advisory Committee (SMAC) in January 2002 contained four alternatives.

Alternative 1 was to rebuild the system to increase the capacity and replace the low water crossings at Fontana Drive and Delmar Street with box culverts. The cost estimate was \$1,416,300.

Alternative 2 was the same as Alternative 1 plus build a bypass from 83<sup>rd</sup> Street to Mission Valley School. The cost estimate was \$2,280,700.

Alternative 3 was the same as Alternative 2, but deleted the box culverts and would install a light warning system on Fontana Drive and Delmar Street. The cost estimate was \$1,552,300.

Alternative 4 was to do nothing.

The City Council selected Alternative 2, but to delete the box culverts on Fontana Drive and Delmar Street and to install a light warning system at the two low water crossings. The subsequent agreement with SMAC provides funding for the lowest cost alternative, which is \$1,416,300. The maximum SMAC funding is \$1,062,200.

The Larkin Group, Inc. has completed the design process and has provided an engineer’s probable cost estimate of \$2,372,400. Based on the construction estimate the project cost is:

Project Work Description	Total	SMAC	City
Design	\$ 321,700	\$ 241,275	\$ 80,425
Construction	\$ 2,372,400	\$ 820,925	\$ 1,551,475
Construction Administration	\$ 190,000	\$ 0	\$ 190,000
Total	\$ 2,884,100	\$ 1,062,200	\$ 1,821,900
Budgeted City Funds			<u>\$ 436,900</u>
Total			<u>\$ 1,385,000</u>

The options to address this shortage of funds for this project considered by the City Council were:

1. Request additional funds from SMAC at their next meeting in early May. The original commitment of funding from the SMAC is for the lowest cost alternative - \$1,416,300. The City has selected Alternative 3. It is unlikely that SMAC will consider any change in the funding any alternative except Alternative 1.
2. Resubmit Project 190709 for consideration in the 2008 SMAC funding at the revised cost. Construction would delay the project start for several months and new bids would be obtained. The first concern is that the project may not rank high enough in the priority to receive funding in 2008. The second concern is SMAC may still fund the lowest cost project and not the alternative selected by the City. The third consideration is the new bids would be probably higher.
3. Request additional City funds of \$1,385,000 in the 2008 Capital Infrastructure Program. The SMAC funding remains the same and the City share increases considerably.
4. Change the project scope. Deleting portions of the work will adversely affect the SMAC priority ranking.
5. Change the project scope and reject SMAC funding. The City could do the planned repairs to the channel bottom \$40,000, repairs to the culvert bottom \$77,000 and install the high water warning system \$135,000. The total cost is \$252,000.
6. Cancel the project.

The City Council during the 2008 Capital Infrastructure Program budget discussions choose not to provide additional funding.

One of concerns of SMAC is the status of projects that continue to be on the approved for funding list. Consequently, SMAC is now diligent to remove projects that are unlikely to be constructed and thus freeing the fund allocation for other SMAC projects.

**Financial Impact:**

There is \$371,417 in unspent funds in the Capital Infrastructure Program for this project. If the project is canceled, these funds will be transferred to Capital Infrastructure Program Drainage Unallocated and can be used for other City drainage projects.

**Suggested Motion:**

The City Council moves to advise the Johnson County Stormwater Management Advisory Committee (SMAC) that the City is withdrawing this project from the SMAC program.

## CONSIDER PROJECT 190864 - 2008 PAVING PROGRAM ENGINEERING CHANGE ORDER #4

### Background:

The City Council voted to participate in the expansion of parking for Shawnee Mission East High School and to include this work in the 2008 Street Resurfacing Program. A fee for the design of this work was requested from HNTB and amounts to \$22,550.00 (9.6% increase in current contract amount).

### Financial Impact:

The cost for this design would come from the General Fund Contingency as previously approved by the Council. Half of the \$22,550.00 or \$11,275.00 will be paid by the Shawnee Mission School District.

### Suggested Motion:

Move to approve Engineering Change Order #4 with HNTB for Project 190864 (2007 Street Resurfacing Program) with a transfer of \$22,550.00 from the General Fund Contingency.

**ACTION REQUESTED SAME EVENING**

Jayce

CITY OF PRAIRIE VILLAGE  
PUBLIC WORKS DEPARTMENT

CHANGE ORDER NO. 3

Consultant's Name HNTB Corporation

Project Title 2008 Paving Program Owner's Project No. 190864

Date Requested October 30, 2007 Consultant's Project No. 45021

Original Agreement Date March 19, 2007

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

Construction Plans parking a parking lot expansion at Shawnee Mission East High School

See Exhibits A & B for the detailed scope of services.

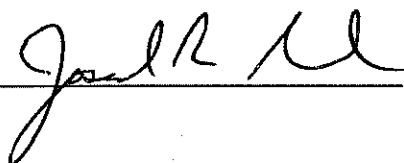
(Attach additional pages as necessary)

Original Agreement Amount	\$ <u>215,200.00</u>
Net Previous Change Orders	\$ <u><del>78,800.00</del> 20,525</u>
Subtotal	\$ <u><del>294,000.00</del> 235,725</u>
Net Increase or Decrease this Change Order	\$ <u>22,550.00</u>
New Agreement Amount	\$ <u><del>316,550.00</del> 258,275</u>

The Agreement Completion Date has not been changed.

CONSULTANT

CITY OF PRAIRIE VILLAGE, KANSAS

By 

By Ronald L. Shaffer, Mayor

## **EXHIBIT A - EXTRA SCOPE OF SERVICES**

### **Shawnee Mission East High School Parking Lot Expansion**

**2008 Paving Program**  
**City Project No. 190864**  
**Prairie Village, Kansas**  
**October 26, 2007**

#### **Project Description**

This scope of services is for additional services that will be required for the 2008 Paving Program in Prairie Village, Kansas. These additional services include providing preliminary and final design plans for the expansion of the south parking lot of Shawnee Mission East High School in the northwest quadrant of the 77<sup>th</sup> Street/Mission Road intersection. Construction administration, inspection, or shop drawing review services are not included with this scope of services and fee estimate. Design services include data collection, plan production, contract documents, and quantity/cost estimating.

Approximately 150 new parking spaces will be added as part of the expansion. Pavement will be added along with new curb and gutter and potentially a modular block retaining wall in the southeast corner of the property, approximately 300 feet of fill wall. There will also be modification of some existing islands to provide additional parking capacity. Storm sewer improvements will include removing and replacing three inlets in the islands that are being modified. No storm sewer calculations or design will be performed.

#### **Mapping, Data Collection, Design**

CAD files obtained from Olsson Associates will be used as base mapping for the preparation of the Final Plans including the locations of existing utilities. Visual field reconnaissance will be conducted to become familiar with the existing conditions and the survey file obtained from Olsson Associates. HNTB is not responsible for the correctness or completeness of the survey. The following sheets will be developed: 1) General layout sheet; 2) Plan sheet with contours and curb elevations; 3) Pavement marking and dimensioning sheet; 4) Retaining wall profile; 5) Typical section and standard details. Quantities and cost estimates will also be provided.

#### **Project Schedule**

The project schedule will be generally as follows:

Notice to Proceed: Anticipated November 6, 2007

Preliminary Plans: December 1, 2007

Final Plans: December 15, 2007

Project Letting: January 15, 2008

#### **Assumptions**

1. Property lines obtained from Olsson Associated will be used. No title work will be obtained.



2. This project will be advertised and constructed along with the other streets on the 2008 Paving Program 2008 CARS Program using one set of plans and specifications.
3. This scope of services does not include design of sprinkler systems, septic systems, landscaping or other privately owned facilities.
4. Retaining wall along the south side of the parking lot will be modular block. Borings will be performed by a geotechnical consultant contracted by the City. The manufacturer of the modular block wall will be responsible for designing any soil modifications or supporting materials for the wall including the foundation.
5. An NPDES permit will not be needed for construction. Standard erosion control details will be included in the plans but an erosion control plan will not be prepared.
6. It is assumed that lighting affected by the improvements will be relocated by others and no design will be provided by HNTB.
7. Utility coordination will include providing the improvement plans to utilities for determination of needed relocations, but does not include any survey of existing utilities or relocation design.

**Exhibit B - Extra Scope of Services Compensation Estimate  
2008 Paving Program - Shawnee Mission East High School Parking Lot Expansion  
City Project No. 190864**

**Scope/Fee Estimate**

Tasks	Principal	Project Manager	Project Engineer	Engineer	Const. Engineer	Survey Manager	Technician	Field Surveyor	TOTAL
<b>TASK 1 - PRELIMINARY DESIGN PHASE</b>									
1.1 Conduct field reconnaissance to evaluate and identify:									
1.1.1 Issues determined in the concept phase	0	0	0	0	0	0	0	0	0
1.1.2 Identify existing drainage components in project area (size, material, capacity, storm design adequacy, and condition)	0	0	2	2	0	0	0	0	4
1.1.3 Need for drainage improvements	0	0	0	0	0	0	0	0	0
1.1.4 Need for pavement repairs	0	0	0	0	0	0	0	0	0
1.1.5 Need for sidewalk replacement	0	0	0	0	0	0	0	0	0
1.1.6 Need for curb and gutter replacement	0	0	1	1	0	0	0	0	2
1.1.7 Need for and limits of driveway replacement	0	0	0	0	0	0	0	0	0
1.1.8 Need for which type of ADA ramps	0	0	0	0	0	0	0	0	0
1.1.9 Location of existing pavement markings	0	0	0	0	0	0	0	0	0
1.1.10 Tree conflicts	0	0	1	1	0	0	0	0	2
1.1.11 Utility conflicts									
1.1.11.1 Determine location and scope of relocation	0	1	2	2	0	0	0	0	5
1.1.11.2 Identify test pit locations of potential utility conflicts	0	0	0	0	0	0	0	0	0
1.1.12 Location of bench marks and section markers	0	0	0	0	0	0	0	0	0
1.1.13 Visual field reconnaissance of survey obtained from Olsson Associates	0	0	2	2	0	0	0	0	4
1.2 Prepare preliminary construction plans (80%)									
1.2.1 Prepare a project title sheet	0	0	0	0	0	0	0	0	0
1.2.2 Prepare general site plan showing house outline, street, elevations, trees, address and owner names based on latest AIMS coverage data, field surveys, as well as boring locations	0	0	2	2	0	0	8	0	12
1.2.3 Prepare plan and profiles for street and drainage showing best information for all utility conflicts and test pits for location identification including drainage, sanitary sewer, water, gas, electric, telephone, drainage, signals, street lights									
1.2.3.1 Prepare Plan Sheets showing improvements including curb elevations and contours	1	4	16	24	0	0	24	0	69
1.2.3.2 Prepare pavement marking and dimensioning sheet	0	2	4	8	0	0	8	0	22
1.2.3.3 Prepare retaining wall w/ handrail profile and details	0	14	14	20	0	0	12	0	60
1.2.4 Prepare a cross section plan of typical sections.	0	0	0	0	0	0	0	0	0
1.2.5 Prepare a standard and special detail plan showing City details, drawings and other special details pertinent to the project	0	1	2	2	0	0	4	0	9
1.2.6 Prepare an easement plan of intended construction and required easements (both permanent and temporary) as well as right of entry.	0	0	0	0	0	0	0	0	0
1.2.7 Prepare a traffic control plan showing temporary and permanent traffic control measures per MUTCD for various phases of construction	0	0	0	0	0	0	0	0	0
1.2.8 Prepare an erosion and sediment control plan showing all areas to be controlled during construction.	0	0	0	0	0	0	0	0	0
1.3 QA/QC by Senior Level Engineer	2	4	0	0	0	0	0	0	6
1.4 Prepare all right of entry documents and tract maps and submit to City	0	0	0	0	0	0	0	0	0
1.5 Present one set of preliminary plans to appropriate governmental agencies and utility companies requesting comments and verification of potential conflicts	0	0	0	0	0	0	0	0	0
1.6 Present one set of preliminary plans for City review	0	0	0	0	0	0	0	0	0
1.7 Participate in a public meeting to present project intentions (Includes preparation for meeting with one exhibit)	0	0	0	0	0	0	0	0	0
1.8 Present draft of detail specifications (green pages) and special conditions (pink pages) for City review	0	0	0	0	0	0	0	0	0

**Exhibit B - Extra Scope of Services Compensation Estimate  
2008 Paving Program - Shawnee Mission East High School Parking Lot Expansion  
City Project No. 190864**

Tasks	Principal	Project Manager	Project Engineer	Engineer	Const. Engineer	Survey Manager	Technician	Field Surveyor	TOTAL
1.9 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	0	2	4	8	0	0	0	0	14
1.10 Suggest additions or deductions to adjust the total project cost to equal approximately 1.15 times the project budget	0	0	0	0	0	0	0	0	0
1.11 Attend and publish minutes of all meetings (held at least monthly) and disperse to City representative and all other attendees within five working days. (Assumes 2 meetings)	0	0	0	0	0	0	0	0	0
1.12 Submit one paper copy and one electronic copy in Microsoft Office, Microsoft Project, or AutoCAD of all documents for review by the City	0	0	0	0	0	0	0	0	0
1.13 Conduct a field check with the City and school	0	2	2	0	0	0	0	0	4
<b>Task 2 Totals:</b>	<b>3</b>	<b>30</b>	<b>52</b>	<b>72</b>	<b>0</b>	<b>0</b>	<b>56</b>	<b>0</b>	<b>213</b>
<b>Hourly Rate:</b>	<b>\$ 165</b>	<b>\$ 130</b>	<b>\$ 100</b>	<b>\$ 85</b>	<b>\$ 132</b>	<b>\$ 135</b>	<b>\$ 66</b>	<b>\$ 70</b>	
<b>Subtotal Labor Fee:</b>	<b>\$ 495</b>	<b>\$ 3,900</b>	<b>\$ 5,200</b>	<b>\$ 6,120</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 3,696</b>	<b>\$ -</b>	<b>\$ 19,411</b>

<b>TASK 2 - FINAL DESIGN PHASE</b>									
2.1 Prepare final design documents based on preliminary plans and comments received from City and other review agencies	0	2	4	8	0	0	8	0	22
2.2 Prepare final project manual	0	0	0	0	0	0	0	0	0
2.3 Present one set of final design plans and specifications for City review	0	0	0	0	0	0	0	0	0
2.4 Submit one set of final plans and specifications to other appropriate governmental agencies and utility companies with identification of significant changes to preliminary design plans	0	0	0	0	0	0	0	0	0
2.5 Request utility comments and construction schedule	0	0	0	0	0	0	0	0	0
2.6 Prepare a final opinion of probable construction cost including a compilation of construction pay items with quantities and current unit cost estimates	0	1	2	4	0	0	0	0	7
2.7 Prepare all bid documents using the City's standard bid and contract	0	0	0	0	0	0	0	0	0
2.8 QA/QC by Senior Level Engineer	1	2	0	0	0	0	0	0	3
2.9 Attend and publish minutes of all meetings and disperse to City representative and all other attendees within five working days. (Assumes 2 meetings)	0	0	0	0	0	0	0	0	0
2.10 Submit one paper copy and one electronic copy in Microsoft Office, Microsoft Project, or AutoCAD of all documents for review by the City	0	0	0	0	0	0	0	0	0
<b>Task 3 Totals:</b>	<b>1</b>	<b>5</b>	<b>6</b>	<b>12</b>	<b>0</b>	<b>0</b>	<b>8</b>	<b>0</b>	<b>32</b>
<b>Hourly Rate:</b>	<b>\$ 165</b>	<b>\$ 130</b>	<b>\$ 100</b>	<b>\$ 85</b>	<b>\$ 132</b>	<b>\$ 135</b>	<b>\$ 66</b>	<b>\$ 70</b>	
<b>Subtotal Labor Fee:</b>	<b>\$ 165</b>	<b>\$ 650</b>	<b>\$ 600</b>	<b>\$ 1,020</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 528</b>	<b>\$ -</b>	<b>\$ 2,963</b>

<b>Total Labor Hours</b>	4	35	58	84	0	0	64	0	245
<b>% of Project Hours</b>	2%	14%	24%	34%	0%	0%	26%	0%	
<b>Total Labor Fee</b>	<b>\$ 660</b>	<b>\$ 4,550</b>	<b>\$ 5,800</b>	<b>\$ 7,140</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 4,224</b>	<b>\$ -</b>	<b>\$ 22,374</b>

<b>Expenses:</b>	Transportation	\$ 51
	Printing and Misc.	\$ 125

**Total Labor and Expenses: \$ 22,550**

## MEMORANDUM

TO: City Council

FROM: Chauncey Depew

DATE: October 15, 2007

RE: Uniform Public Offense Code and Standard Traffic Ordinance for 2007;  
Summary of Changes and proposed changes

After reviewing the recently issued updates to the Uniform Public Offense Code (UPOC) and the Standard Traffic Ordinance (STO), it appears that there are some changes that need to be made to the Prairie Village City Code, Ordinance 2091 Chapter XI and Chapter XIV. I have detailed the changes that I recommend below.

Additionally, there are a few corrections which need to be made to the existing Code which have nothing to do with the new UPOC or STO, which I have also outlined below.

### UPOC

A summary of the changes is as follows:

#### **Section 1.1 Definitions.**

1. Adds definition of Regulated Scrap Metal:
  - Means wire, cable, bars, ingots, wire scraps, pieces, clamps, aircraft parts, pipes, or connectors made from aluminum; catalytic converters containing platinum, palladium, or rhodium; and copper, titanium, tungsten, and nickel in any form; for which the purchase price was primarily based on the content therein of aluminum, copper, titanium, tungsten, nickel, platinum, palladium, or rhodium. Aluminum shall not include food or beverage containers.
2. Adds definition of Regulated Scrap Metal Yard:
  - Any yard, plot, space, enclosure, building, or any other place where regulated scrap metal is collected, gathered together and stored or kept for shipment, sale, or transfer.
3. Adds definition of Scrap Metal Dealer:
  - Any person that operates a business out of a fixed location, and that is also either:
    - (a) Engaged in the business of buying and dealing in regulated scrap metal;

- (b) Purchasing, gathering, collecting, soliciting or procuring regulated scrap metal; or
  - (c) Operating, carrying on, conducting, or maintaining a regulated scrap metal yard or place where regulated scrap metal is gathered together and stored or kept for shipment, sale, or transfer.
4. An error found in definition for Smoke Detector:
- In the third line, it should read "dwelling unit or at the **point** of installation" rather than "dwelling unit or at the **pont** of installation."

**Section 5.1 Contributing to a Child's Misconduct or Deprivation.**

Section (a)(1) Adds the word "revised" so the section reads "**revised** Kansas code for care of children."

Section (a)(4) Changes the statute from "K.S.A. 38-1663" to read in the 2007 UPOC "K.S.A. 38-2361."  
 Parentheses at the end of (a)(4) adds the words "as amended."

**Section 5.3 Unlawfully Hosting Minors Consuming Alcoholic Liquor or Cereal Malt Beverage.**

Section (a) Changes the wording at the end from "by persons under the age of 18" to read in the 2007 UPOC "by a minor."

Section (b) Changes the definition of a minor from "under the age of 18" to read in the 2007 UPOC "under 21 year of age."

**Section 6.24 Unlawfully Selling Scrap Metal. (New Section)**

Section (a) Makes it unlawful for any person to sell items of regulated scrap metal to a scrap metal dealer where:

- the seller gives name, residence, place of business (if any)
- the dealer must keep a register for each purchase or receipt of any items, and for each such transaction shall:
- cross-reference to previously received information, or enter the seller's name, residence, and place of business (if any)
- include a description made in accordance with the commodity code standards of the trade of items purchased;
- the price paid for items;
- include a copy of the seller's photo driver's license or other government-issued photo identification.

Section (b) Section (a) does not apply to:

- Transactions involving regulated scrap metal, except for catalytic converters, for which the total sale price for all regulated scrap metal is \$50 or less;

- Transactions involving only catalytic converters for which the total sale price is \$30 or less;
- Transactions in which the seller is also a scrap metal dealer; or
- Transactions for which the seller is known to the purchasing scrap metal dealer to be an established business that operates out of a fixed business location and that can reasonably be expected to generate regulated scrap metal.
- Class C Violation.
- Class A Violation if the person is convicted for a third and subsequent time within a two-year period.

**Section 6.25 Unlawfully Buying Scrap Metal. (New Section)**

- Makes in unlawful for a dealer to purchase any items of regulated scrap metal in a transaction for which Section 6.24 requires information;
- Dealer must file and maintain a record of information obtained in compliance with Section 6.24;
  - Records shall be open at all times to peace or law enforcement officers and be kept for two years;
  - If information is kept electronically, dealer shall provide a printout of the information to peace or law enforcement officers.
- Class C Violation.
- Class A Violation if the person is convicted for a third and subsequent time within a two-year period.

**Section 10.1.1 Concealed Carry; Where Prohibited.**

- Section has been deleted.

**Section 10.1.2 Concealed Carry; Where Prohibited by Employers.**

- Section has been deleted.

**Section 10.1.3 Concealed Carry; When Impaired.**

- Section has been deleted.

**Section 11.1 Promoting Obscenity. (New Section)**

Section (a) Defines promoting obscenity is knowingly or recklessly manufacturing, offering or agreeing to manufacture, or possessing with the intent to issue, sell, give, provide, lend, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, present, exhibit or advertise obscene material or obscene device; or producing, presenting, or directing an obscene performance or

participating in a portion thereof which is obscene or which contributes to its obscenity.

Section (b) Any person is presumed to knowingly and recklessly promote obscene materials or obscene devices if such materials or devices were promoted to emphasize their prurient appeal; or any person who is not a wholesaler and promotes the materials or devices in the course of the person's business.

Section (c)(1) Any material or performance is defined as being obscene if:

- The average person would find the materials or performance, taken as a whole, appeals to the prurient interest;
- The average person would find that the material or performance has patently offensive representations or descriptions of sexual acts, normal or perverted, actual or simulated, including sexual intercourse or sodomy; or masturbation, excretory functions, lewd exhibition of genitals; sadomasochistic abuse;
- A reasonable person would find the material or performance, taken as a whole, lacks serious literary, educational, artistic, political or scientific value.

Section (c)(2) Material is defined as any tangible thing which is capable of being used or adopted to arouse interest, whether throughout the medium of reading, observation, sound or other manner.

Section (c)(3) Obscene Device is defined as a device, including a dildo or artificial vagina, designed or marketed as useful primarily for the stimulation of human genital organs, except such devices disseminated or promoted for the purpose of medical or psychological therapy.

Section (c)(4) Performance is defined as any play, motion, picture, dance or other exhibition performed before an audience.

Section (c)(5) Sexual intercourse and Sodomy have the meaning provided by K.S.A. 21-3501 and amendments thereto.

Section (d) Defenses to a prosecution for obscenity include:

- The persons who allegedly viewed the obscene material or performance consisted of persons having scientific, educational or governmental justifications for possessing or viewing the same;
- The defendant is an officer, director, trustee or employee of a public library, and the allegedly obscene material was disseminated in accordance with regular library policies;

- The allegedly obscene material or device was purchased by a school, college or university, and was distributed by a teacher, instructor, professor or other faculty member as part of or incident to an approved course or program of instruction.

Section (e) The provisions in this section do not apply to a projectionist or assistant projectionist, if such person has no financial interest in the show or in its place of presentation other than as a projectionist or assistant projectionist and no knowledge of the contents of the motion picture. The provisions do not exempt a projectionist or assistant projectionist from criminal liability for any act unrelated to projection of motion pictures in commercial showings to the general public.

- Class A violation

### **Section 11.2 Promoting Obscenity to Minors. (New Section)**

Section (a) Promoting obscenity to minors is defined as promoting obscenity where the recipient of the obscene material or obscene device or a member of the audience of an obscene performance is a child under the age of 18 years.

Section (b) Affirmative defenses to any prosecution under this section:

- Defendant had reasonable cause to believe that the minor involved was 18 or older, and that minor exhibited an official or apparently official document purporting to establish that said minor was 18 or older;
- The allegedly obscene material or device was purchased by a school, college or university, and was distributed by a teacher, instructor, professor or other faculty member as part of or incident to an approved course or program of instruction.
- The allegedly obscene material or device was purchased by a school, college or university, and was distributed by a teacher, instructor, professor or other faculty member as part of or incident to an approved course or program of instruction;
- Exhibition in a state of nudity is for a bona fide scientific or medical purpose, or for an educational or cultural purpose for a bona fide school, museum or library.

- Class A violation

### **Section 11.3 Commercialization of Wildlife. (New Section)**

(a) Commercialization of wildlife is knowingly committing any of the following, except as permitted by statute or rules and regulations:



- Capturing, killing, possessing, selling, bartering, purchasing, shipping, exporting, or importing for profit or commercial purposes, all or any part of any wildlife protected by this section;
  - Purchasing, for personal use or consumption, all or any part of any wildlife protection by this section.
- (b) This section lists out the wildlife protected and the minimum value of each animal.
- (c) Possession of wildlife, captured or killed, whole or in part, with an aggregate value of \$1,000 or more is considered evidence for profit or commercial purposes.
- Class A violation for possession of wildlife with an aggregate value of less than \$1,000
  - A court convicting a person of the crime of commercialization of wildlife may confiscate all equipment used in the crime and may revoke all licenses and permits issued by the KS Department of Wildlife and Parks for up to 10 years; and may order restitution paid to the KS Dept. of Wildlife and Parks for wildlife taken, and such restitution shall be not be less than the aggregate value of wildlife taken
- (d) Provisions of this section only apply to wildlife illegally harvested and possessed by any person having knowledge that such wildlife was illegally harvested.

I recommend adopting these changes to the UPOC by adopting the attached ordinance.

**STO**

A summary of the changes is as follows:

**Section 30 Driving Under the Influence of Intoxicating Liquor or Drugs; Penalties.**

- Language in Subsection (f) has been changed to read "Any person convicted of violating this section who had **one or more children**" from "a child." It also adds the words "minimum mandatory" to describe the penalty imposed for violating this section. A sentence has been added: "Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law." The last sentence has deleted the words "one month" in describing the enhanced penalty. [bold added to changes]
- Subsection (i)(1) has been changed to read "any other penalty which may be imposed upon " **a first conviction**" from "a person convicted." [bold added to changes]
- Adds a new subsection providing that a second or subsequent conviction of this section the court can order an ignition interlocking device or have the car

impounded or immobilized for two years. The convicted person must pay all costs associated with his/her punishment from the above choices. It allows a person to remove his/her personal property of the vehicle prior to or during impoundment or immobilization. If the car that is impounded or immobilized is under a lease that expires in less than two years, then the car will be impounded or immobilized for the time remaining on the lease.

- Adds a new subsection that provides that for every conviction for violating this section, the courts shall order the person to submit to a pre-sentence alcohol and drug abuse evaluation.
- Editor's Note to this section notes that the Kansas Legislature, in Senate Bill 31 acted to give municipal courts jurisdiction over a third and subsequent DUI, but was not added to this code due to concerns about sentencing issues and cost. If a city wishes to implement provisions of SB 31, a separate ordinance will need to be adopted.

### **Section 103 Using Headphones in Vehicles.**

- Subsection about television receivers in vehicles has been deleted.

### **Section 114.1 Unlawful Operation of All-Terrain Vehicle.**

- Changes the language to say it is unlawful to operate an ATV "Within the corporate limits of any city unless authorized by the city," from "Within the corporate limits of any city of the first class."

### **Section 114.2 Unlawful Operation of a Work-Site Utility Vehicle.**

- Language in this section has been completely changed from 2006.
- It makes it unlawful after July 1, 2007 for any person to operate a work-site utility on any interstate, federal or state highway or within the corporate limits of any city unless authorized by the city. Work-site utility vehicles may be operated incidentally upon a federal or state highway.
- Work-site utility vehicles may be operated on any highway, street or road if they comply with the equipment requirements under the provisions of Article 17 of Chapter 8 of KSA.

### **Section 182 Child Passenger Safety Restraining Systems.**

- Deletes the language: "Prior to July 1, 2007, a law enforcement officer shall issue a warning citation to anyone violating subsection (a)(2)"
- The subsection regarding the definition of passenger car has been changed to read at the end of the sentence: "does not include a motorcycle or a **motor-driven cycle. (K.S.A. Supp. 8-1343a:1345, as amended)**" [bold added to changes]

### **Section 182.1 Seat Belts.**

- Subsection (a) has been added to include subsection (c) when referring to "except as provided." It has also been changed that every front seat occupant who is 18 or older shall have a safety belt properly fastened.
- Adds a new subsection regarding everyone occupant of a moving vehicle who is at least 14 but less than 18 shall have safety belt properly fastened at all times.
- Subsection (d) has been changed to read "shall not stop drivers for violations of subsection (a)" rather than "violations of this section."
- Adds a new subsection providing that from and after July 1, 2007 through prior to January 1, 2008, a law enforcement officer shall issue a warning citation for anyone violating subsection (b); from and after January 1, 2008 anyone violating subsection (b) shall be fined \$60 including court costs; and persons violating subsection (a) shall be fined \$30 including court costs.
- The subsection regarding the definition of passenger car has been changed to read at the end of the sentence: "does not include a motorcycle or a **motor-driven cycle. (K.S.A. Supp. 8-2502:2504, as amended)**" [bold added to changes]

#### **Section 194 Driving While License Canceled, Suspended or Revoked; Penalty.**

Expands the subsection "A person on a third or subsequent conviction of this section" to say that a person is sentenced to 90 days and fined not less than \$1,500 if the person's privilege to drive was canceled, suspended, or revoked because the person refused to submit to any test requested by law enforcement; was convicted of violating the provisions of KSA 40-3104, relating to liability insurance coverage; was convicted of vehicular homicide, involuntary manslaughter while driving under the influence of alcohol or drugs, or any other murder or manslaughter crime from the result of operating a motor vehicle; or was convicted of being a habitual violator.

#### **Section 107 Unattended Motor Vehicle**

I have amended this Section in the proposed ordinance by adding that this Section can be enforced on both private and public property, thus eliminating the need for Section 11-213 of our city code, which I propose deleting.

I recommend adopting these changes to the STO by adopting the attached ordinance.

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

AN ORDINANCE AMENDING CHAPTER XI OF THE CODE OF THE CITY OF PRAIRIE VILLAGE, 2003, ENTITLED "PUBLIC OFFENSES" BY INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES", EDITION OF 2007, WITH CERTAIN DELETIONS AND ADDITIONS; PRESCRIBING ADDITIONAL REGULATIONS; AND REPEALING CHAPTER XI, ARTICLE 1 OF THE PRAIRIE VILLAGE MUNICIPAL CODE, AND AMENDING CHAPTER XI, ARTICLE 3; **AND**

AMENDING CHAPTER XIV OF THE CODE OF THE CITY OF PRAIRIE VILLAGE, 2003, ENTITLED "TRAFFIC" BY REPEALING CHAPTER XIV, ARTICLE 1 ENTITLED "STANDARD TRAFFIC ORDINANCE" AND INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES", EDITION OF 2007, WITH CERTAIN DELETIONS AND ADDITIONS; AND PRESCRIBING ADDITIONAL REGULATIONS.

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

**A. CHAPTER XI, ARTICLE 1**

**SECTION ONE**

11-101. is hereby adopted to read as follows:

**11-101. INCORPORATING UNIFORM PUBLIC OFFENSE CODE.**  
There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Prairie Village, Kansas, that certain code known as the "Uniform Public Offense Code," edition of 2007, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, with certain sections deleted and with additional and supplemental sections, such incorporations being authorized by K.S.A. §§12-3301 and 12-3302 and K.S.A. §§12-3009 through 12-3012. No fewer than three copies of said Uniform Public Offense Code shall be marked or stamped, "Official Copy as Adopted by Ordinance No. \_\_\_\_\_" with such additional sections clearly marked and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

**SECTION TWO**

Article 5 of the Uniform Public Offense Code is hereby amended by deleting existing Section 5.6 and inserting in place thereof the following:

**Section 5.6 Purchase or Possession of Cigarettes or Tobacco Products by a Minor.**

It shall be unlawful for any person:

- (a) Who is under 18 years of age to purchase or attempt to purchase cigarettes or tobacco products; or
- (b) Who is under 18 years of age to possess or attempt to possess cigarettes or tobacco products. (K.S.A. 79-3321:3322, as amended)

Violation of this section shall be an ordinance cigarette or tobacco infraction for which the fine shall be a minimum of \$25 and a maximum of \$100. In addition, the judge may require the juvenile to appear in court with a parent or legal guardian.

### **SECTION THREE**

Article 5 of the Uniform Public Offense Code is hereby amended by deleting the existing Section 5.8 and inserting in place thereof the following:

#### **Section 5.8 Unlawful Possession, Consumption, and Acquisition of Alcohol or Cereal Malt Beverages by a Minor.**

- (a) No person under 21 years of age shall possess or consume alcoholic liquor or cereal malt beverages except as authorized by law.  
Violation of this subsection is a violation punishable:
  - (1) By a fine of not less than \$200.00 or by 40 hours of community service or by both, if committed on premises licensed pursuant to Article 26 of Chapter 41 of the Kansas Statutes Annotated; or
  - (2) By a fine of not less than \$200.00 or by 10 hours of community service, or by both, if committed on any other premises.
- (b) No person under 21 years of age shall obtain or purchase, or attempt to obtain or purchase, alcoholic liquor or cereal malt beverages from any person except as authorized by law.  
Violation of this subsection is a violation punishable by a fine of not less than \$100.00 and not more than \$250.00 or by 40 hours of community service, or by both.

### **SECTION FOUR**

Article 6 of the Uniform Public Offense Code is hereby supplemented to add the following provisions:

#### **Section 6.24 Unlawful Posting of Pictures and Advertisements.**

- (a) Unlawful posting of pictures and advertisements is:
  - (1) The putting up, affixing or fastening of either or both to a traffic control device or traffic control standard or telegraph, telephone, electric light, power or other utility pole, but it is not unlawful to affix official traffic control devices to such poles; or
  - (2) The placement of either or both on public property other than as prescribed in subdivision 3 of this subsection;

(3) The placement of either or both on right-of-way without the consent of the landowner or the person in possession whose land lies along the right-of-way where such picture or advertisement is placed; or

(4) The placement of either on private property without the consent of the landowner or the person in possession of such property.

(b) It is unlawful for any person within the city limits to tack, paste, paint, hang or place in any manner whatsoever, or cause to be tacked, posted, hung, or placed in any manner whatsoever, any handbills, dodgers, signs, or advertisements, written or unwritten, or printed matter, to or upon any telephone or telephone pole, sidewalk, or building in the city, or to throw, scatter or cause to be thrown or scattered, any handbills, dodgers or other advertisements or propaganda, or of written or printed matter or paper of any kind upon any street, alley, sidewalk, vacant lot, city property, or yard within the city limits.

Unlawful posting of pictures and advertisements is a Class C violation.

#### **Section 6.25 Opening, Damaging or Removing Coin-Operated Machines.**

Opening, damaging or removing coin-operated machines is willfully and knowingly opening, removing or damaging any parking meter, coin telephone, vending machine dispensing goods or services, money changer or any other device designed to receive money in the sale, use or enjoyment of property or services or any part thereof, with intent to commit theft.

Violation of this section is a Class A violation.

#### **Section 6.26 Possession of Tools for Opening, Damaging or Removing Coin-Operated Machines.**

Possession of tools for opening, damaging or removing coin-operated machines is the possession of any key, tool, instrument or other device, or any drawing, print or mold of a key or other device or any explosive specifically designed for or suitable for the use in opening or breaking into any parking meter, coin telephone, vending machine dispensing goods or services, money changer or any other device designed to receive money in the sale, use or enjoyment of property or services with intent to commit theft.

Violation of this section is a Class B violation.

### **SECTION FIVE**

Article 9 of the Uniform Public Offense Code is hereby supplemented to add the following provisions:

#### **Section 9.14 Loitering.**

(a) Loitering is loafing, wandering, standing or remaining idle, either alone or in concert with others, in a public place in such manner so as to:

(1) Obstruct any public street, public highway, public sidewalk or public building or any other place of public access by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians;

(2) Committing in or upon any public street, public highway, public sidewalk or public building or any other place of public access any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or public building or any other place of public access, all of which prevents the free and uninterrupted ingress, egress and regress therein, thereon and thereto.

(b) When any person causes or commits any of the conditions enumerated in this section, a law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such order is guilty of a violation of this section.

Violation of this section is a Class C violation.

#### **Section 9.15 Unsolicited Publications -- Penalty.**

(a) No person shall either directly or indirectly place or deposit or cause to be placed or deposited, upon any building or structures used for human abode, including the lot or lots upon which the structure is located or upon any right-of-way or city property within the city, any newspaper, magazine, publication or any other printed material if the owner or occupant of the structure has previously requested in writing that the publisher or deliverer of the material not place or deposit the material on the structure or lot.

(b) Exceptions. The provisions of this section shall not apply to distributions made through the U.S. Postal Service or any other private postal service.

(c) Penalties. Any person who violates the provisions of this section shall, upon conviction thereof, be punished for each such violation by a fine not exceeding \$100 for each such violation.

#### **Section 9.16 Residential Picketing.**

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

Every person convicted of violating this section shall be imprisoned for not more than one year or fined not more than \$2,500 or by both such fine and imprisonment, provided that any person convicted of a second or subsequent conviction shall be required to be confined to not less than five consecutive days in the county jail in addition to any penalty assessed, which period of imprisonment shall not be suspended nor the defendant placed on probation until the five consecutive days are served.

## **SECTION SIX**

Article 10 of the Uniform Public Offense Code is hereby amended by deleting existing Section 10.1 and inserting in place thereof the following:

### **Section 10.1. Criminal Use of Weapons.**

- (a) Criminal use of weapons is knowingly:
- (1) selling, manufacturing, purchasing, possessing or carrying any bludgeon, sandclub, metal knuckles or throwing star, or any knife, commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward, or centrifugal thrust or movement;
  - (2) carrying concealed on one's person, or possessing with intent to use the same unlawfully against another, a dagger, dirk, billy, blackjack, slung shot, dangerous knife, straight-edged razor stiletto or any other dangerous or deadly weapon or instrument of like character, except that an ordinary pocket knife, with no blade more than four inches in length, shall not be construed to be a dangerous knife or a dangerous or deadly weapon or instrument;
  - (3) carrying on one's person or in any land, water or air vehicle, with intent to use the same unlawfully, a tear gas or smoke bomb or projector or any object containing a noxious liquid, gas or substance;
  - (4) carrying any pistol, revolver, shotgun, rifle or other firearm with similar characteristics, concealed or exposed on or about the person, or in or on any part or area of any air, land or water vehicle unless the pistol, revolver or other firearm is unloaded and encased in a container that completely encloses the pistol, revolver or other firearm, except when on the person's land or in the person's abode or fixed place of business;
  - (5) setting a spring gun;



- (6) possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.
- (b) Subsections (a)(1), (2), (3) and (4) shall not apply to or affect any of the following:
- (1) law enforcement officers, or any person summoned by an officer to assist in making arrests or preserving the peace, while actually engaged in assisting that officer;
  - (2) wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crimes, while acting within the scope of their authority;
  - (3) members of the armed services or reserve forces of the United States or the Kansas national guard, while in the performance of their official duty; or
  - (4) manufacture of, transportation to or sale of weapons to a person authorized under (b)(1) through (b)(3) of this section to possess those weapons.
- (c) Subsection (a)(4) does not apply to or affect the following:
- (1) watchmen, while actually engaged in the performance of the duties of their employment;
  - (2) licensed hunters or fishermen, while engaged in hunting or fishing;
  - (3) private detectives licensed by the state to carry the firearm involved, while actually engaged in the duties of their employment;
  - (4) detectives or special agents regularly employed by railroad companies or other corporations to perform full-time security or investigative service, while actually engaged in the duties of their employment; or
  - (5) the state fire marshal, the state fire marshal's deputies or any member of a fire department authorized to carry a firearm pursuant to K.S.A. Supp. 31-157 and amendments thereto, while engaged in an investigation in which the fire marshal, deputy or member is authorized to carry a firearm, pursuant to K.S.A. 31-157 and amendments thereto.

- (d) Subsections (a)(1) and (6) shall not apply to any person who sells, purchases, possesses or carries a firearm, device or attachment that has been rendered unserviceable by steel weld in the chamber and marriage weld of the barrel to the receiver and that has been registered in the national firearms registration and transfer record in compliance with 26 U.S.C. 5841 et seq. in the name of that person and, if that person transfers that firearm, device or attachment to another person, has been so registered in the transferee's name by the transferor.
- (e) It shall be a defense that the defendant is within an exemption. (K.S.A. 21-4201)
- (f) Violation of this section is a Class A violation.

**10.1.1 Concealed Carry; Where Prohibited.**

- (a) No license issued pursuant to Chapter 32 of the 2006 Session Laws of Kansas shall authorize the licenses to carry a concealed weapon into:
  - (1) Any place where an activity declared a common nuisance by K.S.A. 22-3901, and amendments thereto, is maintained;
  - (2) Any police, sheriff, or highway patrol station;
  - (3) Any detention facility, prison, or jail;
  - (4) Any courthouse;
  - (5) Any courtroom, except that nothing in this section would preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in the judge's courtroom;
  - (6) Any polling place on the day an election is held;
  - (7) Any meeting of the governing body of a court, city, or other political or taxing subdivision of the state, or any committee or subcommittee thereof;
  - (8) On the state fairgrounds;
  - (9) Any state office building;
  - (10) Any athletic event not related to or involving firearms which is sponsored by a private or public elementary or secondary school or any private or public institute of postsecondary education;

- (11) Any professional athletic event not related to or involving firearms;
- (12) Any portion of a drinking establishment as defined by K.S.A. 41-2601, and amendments thereto, except that this provision shall not apply to a restaurant as defined by K.S.A. 41-2601, and amendments thereto;
- (13) Any elementary or secondary school building or structure used for student instruction or attendance;
- (14) Any community college, college, or university facility;
- (15) Any place where the carrying of firearms is prohibited by federal or state law;
- (16) Any child exchange and visitation center provided for in K.S.A. 75-720 and amendments thereto;
- (17) Any community mental health center organized pursuant to K.S.A. 19-4001 *et seq.*, and amendments thereto; mental health clinic organized pursuant to K.S.A. 65-211 *et seq.*, and amendments thereto; psychiatric hospital licensed under K.S.A. 75-3307b, and amendments thereto; or state psychiatric hospital, as follows: Larned state hospital, Osawatomie state hospital, or Rainbow mental health facility;
- (18) Any city hall;
- (19) Any public library operated by the state or by a political subdivision of the state;
- (20) Any day care home or group day care home, as defined in Kansas administrative regulation 28-4-113, or any preschool or childcare center, as defined in Kansas administrative regulation 28-4-420; or
- (21) Any church or temple.

(b) Violation of section is a class A violation. (2006 Session Laws of Kansas, Chapter 32)

### **10.1.2 Concealed Carry; Where Prohibited by Employers.**

- (a) Nothing in Chapter 32 of the 2006 Session laws of Kansas shall be construed to prevent:
  - (1) Any public or private employer from restricting or prohibiting in any manner persons licensed under the act from carrying a concealed

weapon while on the premises of the employer's business or while engaged in the duties of the person's employment by the employer; or

- (2) Any entity owning or operating business premises open to the public from restricting or prohibiting in any manner persons licensed under the act from carrying a concealed weapon while on such premises, provided that the premises are posted in a manner reasonably likely to come to the attention of persons entering the premises, as premises where carrying a concealed weapon is prohibited; or
  - (3) A property owner from restricting or prohibiting to any manner persons licensed under the act from carrying a concealed weapon while on such property provided that the premises are posted, in a manner reasonably likely to come to the attention of persons entering the property where carrying a concealed weapon is prohibited.
- (b) Carrying a concealed weapon on premises in violation of any restriction or prohibition allowed by subsection (a), or in violation of any restriction or prohibition allowed by subsection (b) or (c) if the premises are posted as required by such subsection, is a class B violation. (2006 Session Laws of Kansas, Chapter 32)

**10.1.3 Concealed Carry; When Impaired.** It is a class A violation for a person licensed pursuant to Chapter 32 of the 2006 Session Laws of Kansas to carry a concealed weapon while under the influence of alcohol or drugs, or both. (2006 Sessions Laws of Kansas, Chapter 32)

## **SECTION SEVEN**

Article 10 of the Uniform Public Offense Code is hereby supplemented to add the following provisions:

### **Section 10.24 Intoxicating Liquor and Cereal Malt Beverage -- Consumption and Possession of Open Containers Prohibited at Certain Places.**

It is unlawful for any person to drink, consume, or possess an open container of alcoholic liquor or cereal malt beverage upon the public streets, alleys, roads or highways, or upon property owned by the City.

- (a) The provisions of this section shall not apply to the consumption or possession of alcoholic liquor or cereal malt beverage upon property owned by the city and operated as the Prairie Village Community Center; provided further, that no person shall possess or consume any alcoholic liquor or cereal malt beverage at the Prairie Village Community Center unless:

(1) That person is in attendance at an event or a function for which permit authorizing the serving and consumption of liquor and beer has been previously issued by the city, and

(2) The liquor or beer being consumed has been provided by the individual, person, or organization to which the permit has been issued.

Violation of this section is a Class C violation.

#### **Section 10.25 Drunkenness.**

It is unlawful for any person to be drunk on any highway, street or in any public place or building in the city.

Violation of this section is a Class B violation.

#### **Section 10.26 Impersonating an Officer.**

It is unlawful for any person to exercise or to assume to exercise any of the powers conferred upon any police officer, or to represent himself or herself to be any such officer, or to possess the power and authority thereof, unless such person is a duly authorized officer of the law.

Violation of this section is a Class B violation.

#### **Section 10.27 Vehicles in City Parks.**

It is unlawful to run, stand or park any motor vehicle or motorized bicycle through or across or over any part of any city park, other than roadways or parking areas so designated.

Violation of this section is a Class C violation.

#### **Section 10.28 Smoking on Common Carrier Buses -- Penalty.**

(a) No person shall smoke or carry in his or her hand a lighted cigar, cigarette or pipe, while in or upon any motorbus operated in common carrier passenger service upon the streets or public ways of the city.

(b) Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$100.

#### **Section 10.29 Public Urination or Defecation.**

No person shall urinate or defecate in any place open to the public or while exposed to public view, except while using appropriate fixtures in a restroom or other facility designed for the sanitary disposal of human waste.

Violation of this section is a Class C violation.

#### **Section 10.30 Public Nudity.**

No person shall knowingly or intentionally appear in a state of nudity in a public place. Nudity is defined as the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering; the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernible state of sexual arousal.

Violation of this section is a Class A violation.

## **SECTION EIGHT**

Article 11 of the Uniform Public Offense Code is hereby supplemented to add the following provision:

### **Section 11.13 Window Peeping.**

Window peeping is the going upon property owned or occupied by another without such person's consent for the purpose of looking into any window, door, skylight or other opening into a house, room or building.

Violation of this section is a Class A violation.

## **SECTION NINE** Repeal

Existing Section 11-213 is hereby repealed.

## **SECTION TEN** Repeal

Existing Article 1 of Chapter XI of the Prairie Village Municipal Code is hereby repealed.

## **B. CHAPTER XI, ARTICLE 3**

### **SECTION ELEVEN**

Existing Chapter XI, Article 3 of the Prairie Village Municipal Code, entitled, "Drugs" is hereby amended as follows: (emphasis supplied)

#### 11-302. REGULATIONS.

(a) It is unlawful for any person to deliver, possess, manufacture, have under his or her control, sell or offer for sale any drugs **or controlled substances** unless:

(1) **If a drug**, such drug is delivered by a pharmacist or his or her authorized agent, in good faith upon prescription and there is affixed to the immediate container in which such drug is delivered a label bearing:

(A) The name and address of the owner of the establishment from which such drug was delivered,

(B) The date on which the prescription for such drug was filled,

- (C) The number of such prescription as filed in the prescription files of the pharmacist who filed such prescription;
  - (D) The name of the practitioner who prescribed such drug;
  - (E) The name and address of the patient, and if such drug was prescribed for an animal, a statement showing the species of the animal; and
  - (F) The direction for use of the drug and cautionary statements, if any, as contained in the prescription.
- (2) In the event that such delivery is pursuant to telephonic order, such prescription shall be promptly reduced to writing and filed by the pharmacist; or
- (3) Such drug is delivered by a practitioner in good faith and in the course of his or her professional practice only.
- (b) It is unlawful for any person to refill any prescription for a drug unless such refilling is specifically authorized by the prescriber.
- (c) It is unlawful for any person to possess a drug unless such person obtained such drug on the prescription of a practitioner or in accordance with subdivision (3) of subsection (a) of this section or from a person licensed by the laws of any other state or the District of Columbia to prescribe or dispense drugs.
- (d) It is unlawful for any person to obtain or attempt to obtain a drug by fraud, deceit, misrepresentation or subterfuge; or by the forgery or alteration of a prescription; or by the use of a false name or the giving of a false address.
- (e) It is unlawful for any person to sell, offer for sale or have in his or her possession with the intent to sell any **controlled substance** described in section 11-301.
- (f) It shall be unlawful for any person to sell, offer to sell, dispense, give away or display any instrument or simulated controlled substance or simulated drug in or upon any premises which: (1) are premises open to minors, unless the instruments, simulated controlled substances or simulated drugs are kept in such part of the premises that is not open to view by minors or to which minors do not have access; or (2) are in close proximity to a school. Provided, however, that display of any such items at a place of display for education or scientific purpose shall not be unlawful.

## C. CHAPTER XIV, ARTICLE 1

### SECTION TWELVE

14-101. is hereby adopted to read as follows:

#### **14-101. INCORPORATING STANDARD TRAFFIC ORDINANCE**

A. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Prairie Village, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities," Edition of 2007,

prepared and published in book form by the League of Kansas Municipalities, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed, such incorporation being authorized by K.S.A. 12-3301 and 12-3302 and K.S.A. 12-3309 through 12-3012. Not less than three copies of said standard ordinance shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Prairie Village, Kansas," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Police Department, municipal judges and all administrative departments of the city charged with the enforcement of the ordinances shall be supplied, at the cost of the city, such number of official copies of such "Standard Traffic Ordinance" similarly marked, deleted and changed as may be deemed expedient.

### **SECTION THIRTEEN**

Article 13, Section 87 of the Standard Traffic Ordinance is hereby amended as follows:

Article 13, Section 87, subsection (e)(2): Violation of subsection (e)(1) is punishable by a mandatory fine of \$100.

### **SECTION FOURTEEN**

14-102 is hereby adopted as follows:

#### **14-102. SAME; TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES.**

(a) An ordinance traffic infraction is a violation of any section of this article that prescribes or requires the same behavior as that prescribed or required by a statutory provision that is classified as a traffic infraction in K.S.A. Supp. 8-2118.

(b) All traffic violations which are included within this article, and which are not ordinance traffic infractions as defined in subsection (a) of this section, shall be considered traffic offenses.

### **SECTION FIFTEEN**

14-103 is hereby adopted as follows:

#### **14-103. PENALTY FOR SCHEDULED FINES.**

The fine for violation of an ordinance traffic infraction or any other traffic offense for which the municipal judges establish a fine in a fine schedule shall not be more than \$500. A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has



been established in a schedule of fines shall pay a fine fixed by the court not to exceed \$500.

### **SECTION SIXTEEN**

Article Four, Section 13.1 of the Standard Traffic Ordinance is hereby amended as follows:

Article Four, Section 13.1, subsection (c) “The provisions of this section shall not apply to the operator, passenger, or owner of any of the following authorized emergency or public works vehicles, in the course of such person’s emergency or public safety duties:

- (1) Publicly owned fire department vehicles
- (2) Publicly owned police vehicles
- (3) Motor vehicles operated by ambulance services permitted by the emergency medical services board; or
- (4) Publicly owned public works vehicles during snow removal operations.

### **SECTION SEVENTEEN**

Article 13, Section 107 of the Standard Traffic Ordinance is hereby amended as follows:

Subsection (c) is added:

- (c) This section shall apply to vehicles on both public and private property.

### **SECTION EIGHTEEN**

Existing Article 1 of Chapter XIV of the Prairie Village Municipal Code is hereby repealed.

### **SECTION NINETEEN**      Effective Date

This ordinance shall take effect and be enforced from and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007.

\_\_\_\_\_  
RONALD SHAFFER, MAYOR

ATTEST:

\_\_\_\_\_  
JOYCE HAGEN MUNDY, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CHAUNCEY M. DEPEW, ASSISTANT CITY ATTORNEY

## CONSIDER CITIZEN-CHAired COMMITTEES

Prepared by Andrew Wang

There are ten committees chaired by citizens operating under the umbrella of the City of Prairie Village:

Animal Control	Insurance
Board of Code Appeals	Prairie Village Arts Council
Board of Zoning Appeals	Sister City
Civil Service	Tree Board
Environmental/Recycling	Villagefest

Three of the committees are authorized funds by the City Council

	<b>2008 Budget</b>
Arts Council	\$13,500
Environment/Recycling	\$8,000
Sister City	\$4,000
Village Fest	\$16,000

These groups having differing histories of establishment from ordinance to citizen interest. They all have differing levels of council attention, city funding and barriers for entry.

Should the council take a more active role to ensure that the actions of these committees reflect the needs or concerns of the residents of Prairie Village or their elected representatives?

Does the current leadership structure of these committees lend itself to maintenance of the status quo? Is that what the council/our residents desire?

Should council representation on these committees be upgraded to Chair? Co-Chair with a citizen co-chair? Can this be done without stifling the creative energy/civic enthusiasm of the citizen-members?

Are all citizens wishing to participate in committees permitted to do so? Does the council provide them with a committee structure which allows them the opportunity to contribute in the capacity which suits their ability?

## Consider Easy Ride Bus Program

### Issue:

Should the City of Prairie Village develop an Easy Ride community transit program?

### Background:

Following a brief presentation at the 20 August, 2007 Council Committee of the Whole meeting, Staff was directed to further explore the possibility of Prairie Village participating in the Easy Ride program which provides point to point bus service for Prairie Village residents. The program would be in the form of a partnership between the City and Johnson County Transit.

Following discussions with other communities, a representative from the Mr. Goodcents Foundation, a primary sponsor of the Easy Ride Program, and Johnson County transit, Staff has determined that, if the City wishes to further pursue an Easy Ride program the following steps should be taken. This process has been used successfully in other communities.

#### 1. Form a Citizen Task Force

The first step would be for the Mayor to appoint a task force to study the issue and provide recommendations to the City Council. The task force should include elected officials, citizens, business leaders, City staff, representatives from Johnson County Transit, Human Services and Aging, and Park & Recreation Departments, and representatives from the Mr. Goodcents Foundation. In most instances the task force is able to complete its work and return a recommendation to the City Council in 6-9 months.

#### 2. Conduct a Market Study

This is a critical step in developing a successful program. The purpose of the market study will be to determine if there is a need and/or desire for this type of service in the community. The study would be in the form of a survey seeking input from Prairie Village residents regarding their transit needs, including issues such as:

- Dates/times of service
- Desired routes/locations for stops
- Willingness to pay for the service

The results of the survey can then be analyzed to help develop the size and scope of a program.

### **3. Develop a Program Outline**

The Task Force and Johnson County Transit will use the results of the Market Study to determine appropriate route structures and develop ridership projections. The survey results will also assist in determining if it would be more appropriate for Prairie Village to operate a stand-alone system or merge with the Easy Ride program currently serving the cities of Merriam, Mission, Roeland Park, and Fairway.

The attached chart shows ridership information for the Northeast Johnson County Easy Ride program from 2005 to the present. On average, the program averages approximately 150 trips/month, with the majority of riders living in Merriam and Mission. Ridership significantly increased in July, 2007 when the program began operating 5 days per week. In speaking with representatives from other cities, it appears ridership is directly attributable to a city's ability to make residents aware of the program.

### **4. Develop a Program Budget**

Based on the program outline, it will be possible to estimate operating costs for the program. Costs will vary based on the size of the bus route(s), number of buses required, and the number of stops on each route. At this point, it will also be possible to determine if other funding sources, such as federal or state grants, would be available to assist with financing the program.

These four steps basically represent research and planning work necessary to develop the program and estimate its operating costs. These "planning costs" would likely be less than \$1,000 and largely go toward printing and mailing costs for the surveys. Additional "soft" costs would be City staff time required to provide support to the Task Force and analyze the survey results.

## 5. Task Force Report to City Council

When these tasks are complete, the Task Force would make a recommendation to the City Council regarding Prairie Village's participation in an Easy Ride bus program. This recommendation would be accompanied by a funding request. Funding requirements cannot be determined until the needs assessment is complete and a proposed route is developed. However, other cities which participate in the program estimate an annual cost of approximately \$1 per resident per year.

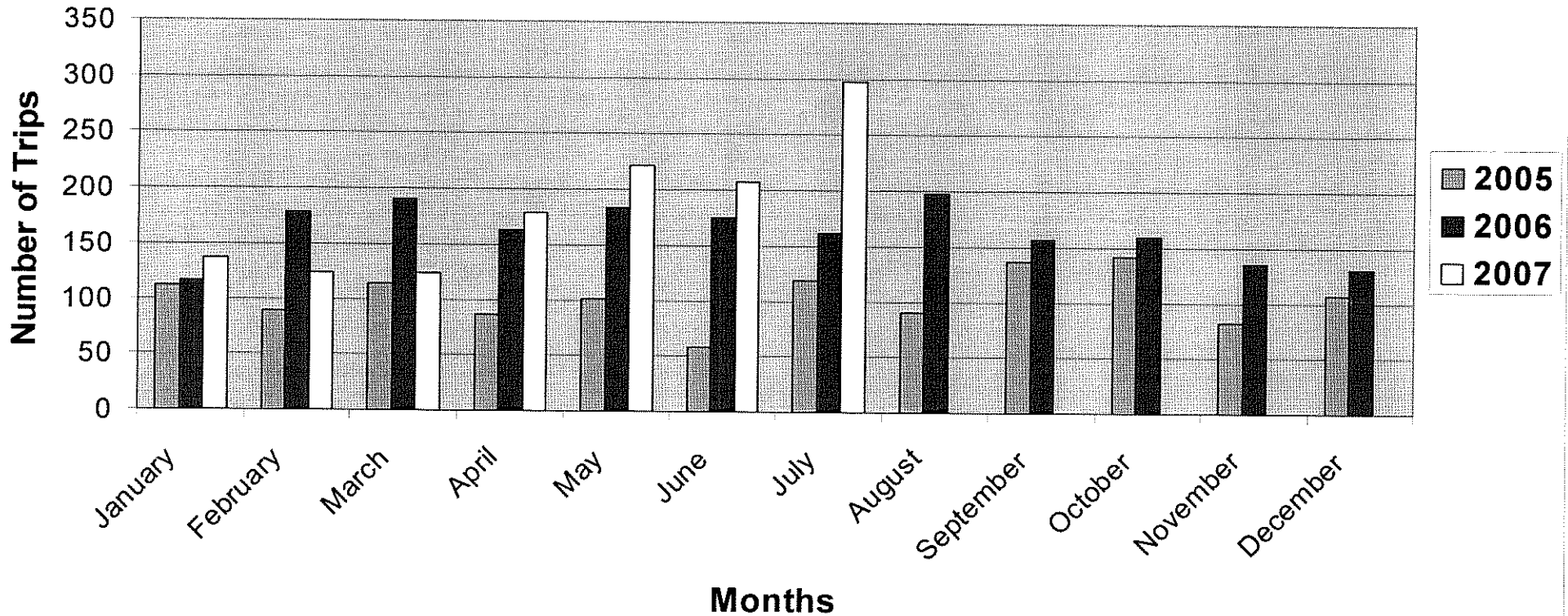
If the Task Force and City Council decide to implement the program, the City would:

1. Enter into an Inter-local agreement with Johnson County Transit to operate the program and define the specifics of the program.
2. Finalize a route schedule and days of operation for the program.
3. Market the program in the community.
4. Set an implementation date.
5. Launch the program.
6. Develop an ongoing system by which the Task Force will monitor utilization of the program, identify and resolve service issues, make adjustments to the program, and identify future program needs. In essence, the Task Force will serve as an oversight committee for the program. The Task Force would periodically report its activities to the City Council.

## 2005 - 2007 EasyRide Ridership

(note - February 2006, an extra day of service was added)

(note- July 2007, two extra days of service was added)



	January	February	March	April	May	June	July	August	September	October	November	December
<b>2005</b>	111	89	114	86	101	58	119	90	137	142	82	107
<b>2006</b>	116	178	190	163	183	175	162	198	157	160	136	131
<b>2007</b>	137	123	123	178	222	207	297					

CITY OF PRAIRIE VILLAGE, KANSAS

RESOLUTION # \_\_\_\_\_

WHEREAS transportation is a necessity of life for Prairie Village residents; and

WHEREAS transportation alternatives may assist Prairie Village residents in retaining their transportation independence and ability to remain in their Prairie Village homes; and

WHEREAS concerns exist regarding preservation of the environment and rising gasoline prices; and

WHEREAS action must be taken to identify the transportation needs of Prairie Village residents and the existing resources; and

WHEREAS this could be accomplished by conducting a needs assessment and inventory of transportation resources; and

WHEREAS, Johnson County Transit and the Mr. Goodcents Foundation have agreed to work with the City to conduct this planning effort;

NOW THEREFORE BE IT RESOLVED that a Transportation Task Force be established to guide the planning effort and help lead the City in improving mobility for all Prairie Village residents, including senior citizens, persons with disabilities, persons with low income, and students.

I have hereunto set my hand, in the City of Prairie Village this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

ATTEST

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

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



**COUNCIL MEETING AGENDA  
CITY OF PRAIRIE VILLAGE  
Monday, November 5, 2007  
7:30 p.m.**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. PLEDGE OF ALLEGIANCE**
- IV. PUBLIC PARTICIPATION**
- V. PRESENTATION BY LENNY DOBENS AND ALEX HORVATH**
- 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 – October 15, 2007
2. Approve the Employment Agreement with Quinn Bennion for the position of City Administrator.
3. Approve Construction Change Order #5 with Radmacher Brothers Excavating Company, Inc. for a reduction of \$25,765.88 to project #190718: 2007 Storm Drainage Repair Program.
4. Approve Construction Change Order #3 with Miller Paving and Construction for a reduction of \$61,166.36 to project #190851: 2006 Street Resurfacing Program.
5. Approve Construction Change Order #1 with Linaweaver Construction, Inc. in the amount of \$1,806.20.
6. Approve an agreement with Alphagraphics for production of the 2008 issues of the Prairie Village Voice and Park & Recreation brochure.
7. Approve Resolutions 2007-06 through 2007-18 designating the authority to act on behalf of the City for the execution of documents and transmission and/or transfer of funds and designating the “Plan Administrator” for the City’s pension plans.

**By Committee:**

8. Adopt Ordinance 2154 amending Chapter 1 of the Prairie Village Municipal Code Entitled “Administration” by amending Article 3 entitled “Officers and Employees” by amending Section 1-301 entitled “Appointive Officers and Employees, Terms and Salary”; Section 1-302 entitled “Employees”; Section 1-303 entitled “Removal”; and Subsections (a) and (f) of Section 1-313 entitled “City Administrator: Duties”. (Council Committee of the Whole Minutes – October 15, 2007)
9. Adopt Ordinance 2155 Amending Chapter 1 of the Prairie Village Municipal Code entitled “Administration” by amending Section 2 entitled “Governing Body” by amending Section 1-205 entitled “Powers of the Mayor”. (Council Committee of the Whole Minutes – October 15, 2007)

10. Adopt Ordinance 2156 amending Chapter X of the Prairie Village Municipal Code entitled "Police" by amending Article 10 entitled "Police Department" by amending Section 10-109 entitled "Control of Police by the Mayor and Chief of Police: Suspension, Demotions, Removal from Office". (Council Committee of the Whole Minutes – October 15, 2007)
11. Adopt Ordinance 2157 granting the requested zoning change from office building district (C-0) to planned restricted business district (CP-1) for the property located at 7920 State Line Road and approve the preliminary development plan subject to the nine conditions approved by the Planning Commission. (Council Committee of the Whole Minutes – October 15, 2007)
12. Authorize the Public Works Director to prepare an Interlocal agreement with the Shawnee Mission School District to construct additional parking spaces at Shawnee Mission East High School. (Council Committee of the Whole Minutes – October 15, 2007)

**VI. OATH OF OFFICE – NEW CITY ADMINISTRATOR QUINN BENNION**

**VII. STAFF REPORTS**

**VIII. COMMITTEE REPORTS**

**Council Committee of the Whole – Andrew Wang  
COU2007-67 Consider HNTB Engineering Change Order #4 for SME parking lot**

**Finance Committee – David Voysey**

**Community Center Committee – David Belz**

**IX. OLD BUSINESS**

**X. NEW BUSINESS**

**XI. ANNOUNCEMENTS**

**XII. 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**

**November 5, 2007**

**COUNCIL  
CITY OF PRAIRIE VILLAGE  
October 15, 2007  
-Minutes-**

The City Council of Prairie Village, Kansas, met in regular session on Monday, October 15, 2007, at 7:30 p.m. in the Council Chambers of the Municipal Building.

**ROLL CALL**

Mayor Ron Shaffer called the meeting to order with the following Council members present: Al Herrera, Bill Griffith, Ruth Hopkins, David Voysey, Michael Kelly, Andrew Wang, Laura Wassmer, Pat Daniels, Charles Clark, Wayne Vennard, Diana Ewy Sharp and David Belz.

Also present were: Barbara Vernon, City Administrator; Charles Wetzler, City Attorney; Police Chief Wes Jordan; Bob Pryzby, Public Works Director; Karen Kindle, Finance Director and Joyce Hagen Mundy, City Clerk.

Mayor Shaffer led all present in the Pledge of Allegiance.

**PUBLIC PARTICIPATION**

No one was present to address the Council.

**CONSENT AGENDA**

Andrew Wang moved the approval of the Consent Agenda for Monday, October 15, 2007:

1. Approve Council Meeting Minutes - October 1, 2007
2. Approve Claims Ordinance 2643
3. Pass a resolution in support of a National EMS Memorial in Kansas City.
4. Approve authorizing ADP, Inc. to prepare and file Kansas Unemployment Tax forms and make deposits.
5. Approve the frequency reconfiguration agreement between the City of Prairie Village and Nextel.
6. Approve Construction Change Order #5 with J.M. Fahey Construction Company in the amount of \$1,379.16

7. Ratify the Mayor's appointment of Sally Holmes to the City's Park & Recreation Committee as student representative.
8. Designate Jeanne Koontz as Deputy City Clerk for the City of Prairie Village.

A roll call vote was taken with the following members voting "aye": Herrera, Griffith, Hopkins, Voysey, Kelly, Wang, Wassmer, Daniels, Clark, Vennard, Ewy Sharp and Belz.

## **STAFF REPORTS**

### **Director of Public Works**

- Bob Pryzby, Charles Clark and David Voysey met with the City Administrator of Mission Hills to present the proposal for Prairie Village to provide Public Works Services to the City of Mission Hills.
- Construction on the Tomahawk Bridge is progressing well. The barrier walls are scheduled to be poured by the end of the week.
- WaterOne is looking at replacing a 14" water main in this area - no schedule has been set for the work at this time
- Mr. Pryzby represented MARC discussion on traffic signals. Nationally traffic signals received a "C" rating, but noted the "Operation Green Light" program was recognized as a leader in this area.

### **City Administrator**

- Barbara Vernon reported on the recent League of Kansas Municipalities she attended. She attended sessions on revenue sources and telecommunications.
- A recent FTC ruling requires telecommunications providers to have backup systems in place for all their systems. This will impact both the city's communications towers. Zoning regulations may have to be changed to allow for additional equipment in other areas of the City.
- Mrs. Vernon also attended a session on the use of e-mail and open meeting regulations as they relate to Council members. The leader stressed the need for Council members to execute caution in this area. Meetings of more than four Councilmembers are required to be announced in advance of the meeting. The only exclusion allowed is for public education.
- The Legislature is considering legislation that would require tape recording executive sessions. The League is working against this proposed legislation.

### **Chief of Police**

- Chief Wes Jordan introduced Sgt. Greg Hudson for a presentation on the Department's Traffic Unit. The current traffic unit is the result of a reorganization done in 2004 based on studies completed by Tim Schwartzkopf while attending Northwestern University of Staff and Command School and Wes Jordan in conjunction with his Master's program at Baker University.
- Sgt. Hudson introduced the current traffic unit of Chad Loughman, Travis Gray and Adam Taylor and commended them for their excellent work. He noted the traffic unit is about safety and education.
- Reasons for Implementation
  - Improve selective enforcement in school zones

- Improve ability to provide selective enforcement in response to citizen complaints
- Improve enforcement at high accident locations and deter accident causing violations
- Deploy manpower to aid in traffic studies
- Improve selective enforcement by use of motorcycles
- Augment patrol officers to assist in DUI saturation patrols
- Improve quality and clearance rate on hit and run accidents
- Increase public awareness through education
- Lead accident investigations covering serious injury accidents.
- In 2006, 46 complaints were received from residents and all were investigated leading to the issuance of 214 summons for traffic violations alone.
- Thus far in 2007, 40 complaints have been received and investigated.
- In addition to traffic enforcement, the traffic unit performs several other services for the community including:
  - School zone enforcement
  - School programs on car seat and booster seat compliance
  - Car seat installations - all three officers are certified installation technicians
  - Bicycle safety programs & “Headstrong for Jake” program with more than 1081 bicycle helmets given out thus far in 2007.
  - Distribution of Public Service Information Cards
- The use of the speed trailer has increased. The trailer has been on the road for 20 weeks so far in 2007
- Sgt. Hudson stated the Traffic Unit isn’t about revenue, but revenue figures show the program to be self-sustaining with over \$400,000 collected in 2006.
- The Traffic unit is committed to providing safe roadways and addressing traffic congestions in and around schools. It provides safety programs, selective enforcement assignments, assists patrol with advanced accident investigation analysis as well as distribution of safety equipment to the public.

David Belz asked how a resident would go about requesting the speed trailer.

Sgt. Hudson responded they simply need to contact him, then he reviewed the process followed once a request is made.

Council members expressed appreciation for the presentation and the services the officers are providing residents.

Mayor Shaffer acknowledged Sgt. Hudson’s 23<sup>rd</sup> anniversary of service with the City with a proclamation swearing him in as an honorary “Texas Ranger” and presentation of badge and autographed picture.

## **COMMITTEE REPORTS**

### **Communications Committee**

Andrew Wang reported the Communications Committee met and discussed the concerns raised by the Council regarding the city's website. The committee will be sending out requests for proposals to firms for redoing the city's website.

### **Park & Recreation Committee**

Al Herrera reported the earlier vandalism that was occurring at the city's parks had decreased considerably. Pat Daniels added that Friday evening he talked with skateboarders at the park who felt the City's facility was the best in the area.

### **Prairie Village Arts Council**

Barbara Vernon reported the artist reception for the State of the Arts Exhibit on Friday, October 12<sup>th</sup> was attended by more than 250 persons and both the exhibit and the event were well received.

### **Finance Committee**

David Voysey reported the Finance Committee met and selected the financial advisor from the five proposals received. They will bring forward a recommendation for approval of a financial consulting services agreement at the next Council meeting.

## **OLD BUSINESS**

### **Consider Resolution in support of Mayors Climate Protection Agreement**

Mayor Shaffer called upon Margaret Thomas, Chairman of the city's Environment/Recycle Committee, to address the Council on this issue.

Margaret Thomas, 8401 Roe Avenue, stated two of the most powerful tools for economic development are renewable energy development and energy efficiency investment. Mrs. Thomas acknowledged committee members present and thanked the "climate protection subcommittee" which has already spent over 164 hours evaluating a number of strategies that are not only fiscally responsible but will actually generate

income. The plan is still preliminary, but when the Council adopts the resolution to support climate protection, the committee stands ready to help accomplish this goal. Possible actions that can be taken to meet this goal are reduce the use of energy in heating, cooling and lighting citywide, encourage home renovating for higher efficiency standards, reduce auto use in the city overall, achieve more walking, biking, carpooling etc. In addition to reducing greenhouse gases, these actions will have other benefits such as conserve limited resources, improve air quality, reduce water pollution and stimulate economic development. Some level of warming, perhaps 2 degrees by mid century, is inevitable but warming beyond that will be determined by our response now.

Al Pugsley, 9029 Rosewood, addressed the Council as a member of Village Presbyterian Church encouraging the signing of the agreement. His church supports this goal and has done several things to support these efforts. For example, in April, they distributed 1500 fluorescent light bulbs. If everyone in the United States would change five light bulbs, we could take 21 coal-fired power plants off line as they would not be needed.

Eric Hamilton, 4503 West 93rd Terrace, senior at Shawnee Mission East and member of environment club, expressed the support of the Shawnee Mission East club and of the East Community.

Kristin Riott, 4411 West 64<sup>th</sup> Terrace, stated over 630 United States cities have signed this document with only Portland, Oregon meeting the goal. She acknowledged the goal is huge, but stated it should not impede the City from taking action to improve the environment by whatever means it feels is appropriate.

Mayor Shaffer closed the public participation and called upon the City Council to give him direction on the signing of this resolution. He stated several cities' Mayors will be gathering on November 2<sup>nd</sup> to sign this resolution on behalf of their cities and several have already signed. He is seeking the direction of the Council.



Al Herrera noted the City has already taken steps to improve the environment. He is against signing this resolution. He feels it will be costly to implement this program and does not see a reason to enter into the program at this time. As a small city, he does not feel the actions of Prairie Village will impact the environment as a whole.

Wayne Vennard moved the City Council authorize Mayor Shaffer to sign a resolution in support of the Mayors Climate Protection Agreement and the Cities for Climate Protection Campaign on November 2, 2007. The motion was seconded by Ruth Hopkins.

Ruth Hopkins stated she is strongly in favor of this resolution. She feels it sets a tone and is something the City can begin to incorporate into all the areas of the City and fits into Village Vision. She does not feel it will be cost prohibitive to implement and acknowledged that individually several Council members are taking steps to improve the environment.

Al Herrera stated in the SUN newspaper the 11 points of the resolution were reviewed. He noted the student from Shawnee Mission East expressed East's support of this, yet they will not implement restrictions to reduce the number of vehicles at East.

David Belz supports the environment but has some concerns with some of the items listed in the resolution as far as what they mean and what the cost will be to implement. He is concerned about the language of commitment and resolve. He sees signing this as stating these actions become a priority for the City. He would be ok if it said the city would consider these items where reasonable. He feels our signing is a commitment to action and although these items are important they need to be considered among everything else the City is doing and not become an overarching commitment.

Mayor Shaffer responded the Environment committee is supportive of this and will provide answers to some of the questions of "what does this mean".

Diana Ewy Sharp echoed Mr. Belz's statements. She felt if the City is taking steps to urge the Federal and State government to support these polices, the City needs to be following them. She has no idea what it would cost residents in tax dollars to do these things. There are numerous unanswered questions. Her preference would be to put something together at the local level that can be done and where there are firm costs and the impact of such actions can be determined.

Laura Wassmer agreed, noting that she is pro-environment, but she would like to take the items the environment committee is working on and ensure that they make sense for the City and fit in with other things happening in the City. She sees this as another unfunded mandate with insufficient information on which to act. Ms Wassmer feels the City can still make a difference and does not need to sign this resolution to do so.

Michael Kelly urged the Mayor not to sign, restating advice given to him when he came on Council - to ask what it costs, what are the risks, what are the alternatives and are you willing to raise the residents' taxes to do this. There has not even been a baseline established making it impossible to determine costs to achieve the desired goal.

Andrew Wang stated he sees similarities between this and the earlier discussion regarding Shawnee Mission East parking expansion with the unknown costs and impact and lack of control. He feels a lot is being read into the agreement that is not there. There are lofty goals to strive for, but it does not commit to anything specific. The Environment Committee will develop a plan, but the City has no idea of the costs or impact, yet it is being asked to make a blind commitment.

Ruth Hopkins stated Johnson County has picked up the commitment to do the baseline study and is setting up a sustainability office to serve as a resource to cities. Karen Riott confirmed Ms. Hopkins statement and added the Johnson County Climate

Control is already underway in building this baseline with the cooperation of KCP&L and county to determine current emissions.

Michael Kelly stated he was pleased to see Johnson County's support, but noted this has been in the works for two years and the questions raised at that time still have not been answered. He doesn't see this issue to be about whether global warming is real or not, but it is about "do we know the costs" and we do not.

Wayne Vennard stressed that this is a resolution and does not involve the appropriation of any money.

Mayor Shaffer stated this is a subject that is in all the publications and, being supportive of leaders everywhere whether you like it or not, the world is going green.

Pat Daniels went on record stating his personal support and noted as a representative of his ward, he is comfortable with being part of a public effort to bring this sizeable issue to the forefront in our metropolitan area and stated he would be disappointed if the City of Prairie Village did not sign this resolution recognizing the need for action. He does not feel this forces the City to do anything. What it does is places the city as a leader in this important movement to improve our environment.

Pat Daniels asked the City Attorney if he saw any language in this resolution that would commit the City to any legal exposure. Mr. Wetzler stated, as he reads the resolution, the City is resolving that this is a problem and they commit to work to alleviate the problem.

Pat Daniels asked for input from Bob Pryzby, Director of Public Works. Mr. Pryzby responded he feels the test is to look at what you want to do, to determine the reasonableness of it, is it cost effective and is now the time to do it. He noted changes in technology are reducing the costs of implementation. He reads the resolution as a resolution and does not see it as a commitment to specific action but a commitment to look at the issue and do something. He noted every year the City has taken some action

to improve energy effectiveness. He feels it is a reasonable approach and that some goals can be accomplished. Mr. Daniels noted this is not a black and white issue and there will be changes along the way. He sees this as the City committing to reduce energy consumption.

Laura Wassmer does feel that if the City does not sign, it is a statement that the City is not environmentally friendly. The City is doing things and she wants to see this continue, but on its own resolution, not through signing a resolution that is unclear. She can not support signing a resolution she doesn't understand.

Charles Clark stated this is a resolution of good intention noting that specific actions with costs will be brought back to the City by the Environment Committee and he supports signing the Resolution.

Diana Ewy Sharp stated as she listens to discussion this appears to be one of the biggest decisions the Council will be asked to make and being so, she questioned the urgency. She needs to know the financial implications before voting, she doesn't feel the City needs to rush into this.

Mayor Shaffer noted a number of people look at this City as a progressive city. He restated Mr. Clark's comment that any expenditure of funds will be dealt with on a case by case basis.

David Belz stated if the Environmental Committee is going to bring forward recommendations with costs then let's do it. He does not feel comfortable signing something when he does not know exactly what it means and has concerns with the language just so Prairie Village can be among those cities signing on November 2<sup>nd</sup>. He suggested not signing the resolution, but publishing what the City is doing to address this issue.

Al Herrera agreed with Mr. Belz. He stated by not signing this we are not saying the City is not environmentally friendly. He sees this like signing a contract without any

cost figures included. He does not see the need to sign tonight and would like to see the discussion continued.

Mayor Shaffer stated there are several other cities that have already signed

David Voysey stated his concern is if the City is going to be prepared to do what it may be asked to do. For example, we just commended a police officer for driving up and down streets to find a broken license plate, which is probably not environmentally friendly. Are we prepared to do what it takes to reduce emissions from motorcycles and patrol cars. The Council has a certain level of commitment to the City and the residents and he is not sure it can be maintained if the City is asked to take some of these actions.

Mayor Shaffer responded the City's services and commitment to residents will not diminish. We will not let that happen.

Michael Kelly echoed Mrs. Ewy Sharp's question, "Why Tonight" He feels the Council is saying they are open to the resolution, but need more information, more facts, the risks, the costs, etc.

Ruth Hopkins stated action does not have to be taken tonight. She sees Prairie Village as a very public city with people and press watching what happens in the City. The Johnson County Commission has voted to go forward with the resolution as a whole, noting individual cities may opt away. She noted the respect Ron carries as Mayor and feels the Council is placing him in a very awkward position if it does not give him support to sign the resolution. This is an issue bigger than the City. She feels not signing will reflect badly on the City. She fails to see any the downside. It is not committing funds, this is not an unfunded mandate, and it is a resolution that says the City agrees to work to move forward. Mrs. Hopkins stated she is hearing councilmember's say the City is already doing this. If so, this would simply be a statement of our commitment to continue to do so.

Bill Griffith noted the City will do all of the things mentioned eventually. He sees the question being does the City want to lead the way or let it come as it comes. He does not see any huge downside to making the statement.

Andrew Wang does not feel the City is rushing this - this is simply the time for action and there is no reason to put it off. He is confident the City would never approve action that would jeopardize public safety or safe streets to save a couple kilowatts of power or barrels of oil.

Pat Daniels stated this is about Prairie Village adding its voice to a movement that is critical to this society.

Wayne Vennard called the question and requested a roll call vote be taken, the motion was seconded by Ruth Hopkins. The motion was voted on and passed unanimously.

The motion was restated as follows: The City Council authorizes Mayor Shaffer to sign a resolution in support of the Mayors Climate Protection Agreement and the Cities for Climate Protection Campaign on November 2, 2007.

A roll call vote was taken with the following votes cast: "aye" Griffith, Hopkins, Voysey, Wang, Daniels, Clark and Vennard and "nay" Herrera, Kelly, Wassmer, Ewy Sharp and Belz. The motion was declared passed by a vote of 7 to 5.

## **NEW BUSINESS**

### **Appointment of City Administrator**

Ruth Hopkins stated the selection was one of the most difficult decisions she has made as there were incredibly qualified candidates. There was intense discussion among the selection committee and she feels very good about their decision.

Michael Kelly echoed the high level of qualifications and experience among the candidates. He feels the City came out ahead with the candidate selected.

David Belz thanked the selection committee for their efforts on behalf of the Council and noted his appreciation for the time they expended. He feels the committee did an excellent job.

Diana Ewy Sharp stated it is difficult for her to make a decision on the recommendation without having any knowledge of the other final candidates. She supports the process of having a selection committee that brings forth a recommendation, but feels there is room to have the entire Council more involved in the final process. Mrs. Hopkins stated the candidates in this process included several local candidates who really begged for confidentiality during the committee interview. She noted any discussion with a larger group of Council members brings the discussion under "open meeting" and "public record" regulation and prevents the confidentiality sought by the candidates. Mrs. Ewy Sharp stated personnel matters can be discussed in executive session allowing other Council members the opportunity to receive more information.

Bill Griffith supported both the process and the selection. The selection of senior level management positions in any environment normally is done by a small group. The Council has to be very sensitive to the sensitivity to the selection process.

Andrew Wang agreed with Mr. Griffith, except when the process includes the consent or ratification of that selection. Under those circumstances, he feels the voting body needs information on which to base their vote. He does not want to be on the selection committee, but would like access to more information and feels it would be

appropriate for a Council member to be trusted with confidential information. He does not agree that this process went better than the last one. Finding out 24 hours ahead of time is a difference without distinction.

Pat Daniels stated this is a matter of delegated authority. He feels the process is healthy, that it worked and the City has a great new City Administrator. Michael Kelly stated there are always ways a process can be improved, but he feels it worked and noted the City Council was notified immediately after the decision was made.

Wayne Vennard stated he felt the process was excellent. A national selection firm secured qualified applications, reviewed them and made initial recommendations. A group including one third of the Council, the Mayor and citizens interviewed candidates and made a recommendation. It is the process followed in cities across the country.

Charles Clark stated if the concern is with not knowing who the candidates were that were not selected, that is not the emphasis of the search process. The committee did not reject someone else, it selected the most qualified candidate.

Al Herrera expressed his support of the process and agreed with the need for a high level of confidentiality for the candidates. David Voysey stated with the infrequency of this high level hiring, he can handle not knowing everything and appreciated the time and effort expended by the committee to make this difficult decision for the City.

Andrew Wang enthusiastically moved the City Council appoint Quinn Bennion as City Administrator for the City of Prairie Village to assume those duties after he becomes duly-qualified by formally taking the oath of office; and authorize the Mayor to negotiate and sign an employment agreement which will be ratified by the Council. The motion was seconded by Diana Ewy Sharp and passed unanimously.

## **ANNOUNCEMENTS**

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

Prairie Village Arts Council

10/17/2007

7:00 p.m.



Environment/Recycle Committee	10/24/2007	7:00 p.m.
Municipal Foundation	10/25/2007	5:30 p.m.
Council Committee of the Whole	11/05/2007	6:00 p.m.
City Council	11/05/2007	7:30 p.m.

=====

The Prairie Village Arts Council is pleased to feature the State of the Arts Exhibit in the R.G. Endres Gallery during the month of October. It will be a juried show featuring 31 entries from local artists.

Reminder - Flu shots for City employees and Council members are scheduled to be given on Monday, October 15<sup>th</sup> from 8:30 a.m. to 10 a.m. at Public Works and from 1 to 3 p.m. in the Multi-Purpose room at City Hall. They will be \$8.50, to be deducted through payroll.

Mayor Shaffer announced Charles Clark will be a featured speaker at the Plaza Library on Sunday, October 21st regarding Kansas/Missouri history.

The Employee Appreciation Dinner will be held February 2, 2008 at the New Dinner Theatre. Please RSVP by October 26, 2007 to Jeanne Koontz at [jkoontz@pvkansas.com](mailto:jkoontz@pvkansas.com)

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

**ADJOURNMENT**

With no further business to come before the Council, the meeting was adjourned at 9:25 p.m.

Joyce Hagen Mundy  
City Clerk

## **CONSIDER EMPLOYMENT AGREEMENT WITH QUINN BENNION**

The Council approved the Appointment of Quinn Bennion as City Administrator for the City of Prairie Village at the last Council meeting. The attached Employment Agreement has been negotiated with Quinn Bennion and is subject to approval of the Council. It will be added to the Consent Agenda for Council approval.

**Move for approval of the Employment Agreement with Quinn  
Bennion for the position of City Administrator.  
Consent Agenda**

CITY ADMINSTRATOR  
EMPLOYMENT AGREEMENT

This agreement (Agreement) is made and entered into this 5th day of November 2007, by and between the City of Prairie Village, Kansas (City) and Quinn Bennion (Employee).

RECITALS

1. The City desires to employ the services of Employee as City Administrator of the City of Prairie Village, Kansas.
2. It is the desire of the Governing Body of the City of Prairie Village, Kansas, (Council) which includes the Mayor, to provide certain benefits, establish certain conditions of employment and to set working conditions of said Employee.
3. It is the desire of the Council to secure and retain the services of Employee and to provide incentive for him to remain in such employment.
4. It is the desire of the Council to make possible full work productivity by assuring Employee's morale and peace of mind with respect to future security.
5. Employee desires to accept employment as City Administrator of the City of Prairie Village, Kansas.

In consideration of the mutual covenants, conditions and promises contained herein, the parties hereto agree as follows:

1. DUTIES

The City agrees to employ Quinn Bennion as City Administrator to perform the functions and duties of City Administrator as specified in the ordinance creating the position (Section 1-312 ), and other reasonable and legally permissible duties as assigned by the Council.

2. TERM

This Agreement shall remain in full force and effect from the date of its execution until terminated by one or both of the parties under the terms of Section 3 below.

3. TERMINATION

- The City may terminate the employment of the Employee and this Agreement at any time. In the event of such termination, while the Employee is willing and able to perform the duties of City Administrator, the City agrees to pay the Employee severance pay. Severance pay includes full salary, all applicable and accrued benefits including unused vacation and sick leave, and deferred compensation contributions by City for six (6) full months from the date of termination.

Severance pay shall be based upon Employee's salary and benefits rate in effect at the time of termination. The severance pay is payable in installments at the same time other employees of the City are paid or a lump sum payment equal to such amount, with the method of payment to be determined by the Employee. Vacation and sick leave does not accrue after the termination date. The City's contribution to life insurance, disability insurance, and health insurance premiums cease at the time of termination.

- a. The Employee may terminate this Agreement and employment with the City with a 30 day written notice. No severance shall be paid. Employee will be paid any accrued and unpaid/unused benefits in accordance with city policy.
- b. In the event, the City refuses, following written notice, to comply with any provision benefiting Employee herein, or the Council discusses the performance of Employee in a public meeting, the Employee may, at his option, deem this Agreement 'terminated' effective the date of event and the City agrees to pay the Employee severance pay outlined in Section 3.a. The Council shall discuss the performance of Employee in Executive Session.
- c. In the event the Employee is terminated because of conviction of any illegal act involving personal gain to him, or for any felony, the City is not obligated to pay Employee the severance pay as described in Section 3.a. If the Employee is indicted or formally charged with any such act or crime the City shall not be obligated to pay Employee severance pay unless and until the case is resolved in favor of the Employee.

#### 4. SALARY

The City agrees to pay the Employee for his services an initial annual base salary of \$118,000 which is equal to \$4,538.46 bi-weekly. Any adjustments made to the overall compensation plan, such as across-the-board or salary range adjustments, approved by the Council shall also be given to the City Administrator. In addition, the City may grant bonuses and benefits to Employee for performance, excellence, or meritorious service.

#### 5. INDEMNIFICATION

The City shall defend, save harmless and indemnify the Employee against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of the Employee's duties as City Administrator. The City will defend or settle any such claim or suit and pay the amount of the settlement or judgment rendered thereon. Such indemnification will apply to any alleged act or omission occurring on or prior to termination date.

#### 6. PERFORMANCE EVALUATION

The Mayor, in consultation with the City Council, shall review and evaluate the performance of Employee at least annually, typically in the month of December so that Employee's salary may be set for the ensuing year. The review and evaluation shall be conducted in accordance with a criteria developed jointly by the Mayor, City Council, and Employee.

#### 7. DUES, SUBSCRIPTIONS, AND PROFESSIONAL DEVELOPMENT

The City agrees to pay for the professional dues and subscriptions of Employee necessary for his participation in national, regional, state, and local professional associations and organizations necessary and desirable for his continued professional participation and growth and for the benefit of the City, all as approved in the City's annual budget. The City agrees to pay for the continuing education, seminars, institutes, and training of the Employee including travel, registration, and subsistence cost that are appropriate for his continued professional development and for the benefit of the City.

#### 8. AUTOMOBILE ALLOWANCE

The Employee is required to be on call all hours of the day, therefore it is necessary for him to have access to a vehicle for City business which may also be used for private use. The City agrees to pay Employee an automobile allowance of \$450 per month payable in bi-monthly installments. Employee is responsible for the purchase or lease and maintenance and operation costs for said vehicle.

#### 9. DEFERRED COMPENSATION

The City agrees to contribute 5% of base pay salary per pay period to the City's deferred compensation plan (ING Plan) in addition to the City retirement benefits offered to other City employees.

#### 10. OTHER COMPENSATION

The City agrees to pay for a one-time relocation allowance of \$5,000 to be used by Employee for relocation costs. The relocation allowance is payable to Employee after review by the Mayor of contract to purchase or lease agreement. After initial relocation, Employee agrees to maintain residency in Prairie Village during the term of this Agreement. Should Employee voluntarily resign as described in Section 3(b) of this Agreement within eighteen (18) months of the date of this Agreement, Employee agrees to reimburse the City the full relocation allowance.

#### 11. PERSONNEL RULES

All provisions of the City's regulations and rules relating to vacation, sick leave, retirement, holiday, and other benefits and working conditions now in effect shall apply to the Employee except as otherwise noted herein. The City will provide medical / dental

coverage to Employee starting December 1, 2008. The City shall not at any time reduce the salary, compensation, or other benefits of Employee except to the degree of such a reduction across-the-board for all employees of the City.

12. OTHER TERMS AND CONDITIONS OF EMPLOYMENT

The Council, in agreement with the Employee, shall fix any such other terms and conditions of employment, as it may determine from time to time, relating to the performance of the Employee, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement. This Agreement may be amended in writing with signed approval by both parties.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
QUINN BENNION

THE CITY OF PRAIRIE VILLAGE, KANSAS

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

ATTEST:

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

Approved as to form:

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

**CONSIDER PROJECT 190718 – 2007 STORM DRAINAGE REPAIR  
PROGRAM: CONSTRUCTION CHANGE ORDER #5 - FINAL**

**Background:**

The final as-built quantities have been determined. This is the final change order for this project that has resulted in a decrease of \$25,765.88(decrease of 2.4% under the original contract amount).

**Financial Impact:**

The unexpended project funds will be transferred to the Capital Infrastructure Program Drainage Unallocated.

**Suggested Motion:**

Move to approve Construction Change Order # 5 with Radmacher Brothers Excavating Company, Inc. for a reduction of \$25,765.88 to project #190718: 2007 Storm Drainage Repair Program.

CITY OF PRAIRIE VILLAGE  
PUBLIC WORKS DEPARTMENT  
CONSTRUCTION CHANGE ORDER NO. 5 & Final

Consultant's Name: Shafer, Kline & Warren, Inc.

Project Title: 2007 Storm Drainage Program Project No 190718

Date Requested: 16-Oct-07

Owner's Project No.: 190718 Contract Date: 5-Mar-07

Contractor's Name: Radmacher Brothers Excavating Company, Inc.

REQUIRED CHANGES IN PRESENT CONTRACT

Item Number	Contract Quantity	Previous Amount	Unit	Item Description	Adj. Quant.	Unit Price	Adjusted Amount
1-8C	375	\$ 18,750.00	CY	Grading & Excavation	358.0	\$ 50.00	\$ 17,900.00
1-9C	350	\$ 1,050.00	LF	Silt Fence	600.00	\$ 3.00	\$ 1,800.00
1-10C	20	\$ 4,000.00	CY	Water Ways Rip Rap	21.00	\$ 200.00	\$ 4,200.00
1-11C	8.50	\$ 1,700.00	CY	Coarse Aggregate	12.00	\$ 200.00	\$ 2,400.00
1-14C	1.50	\$ 75.00	SY	Remove & Replace Sidewalk	14.00	\$ 50.00	\$ 700.00
1-17C	375	\$ 26,250.00	CY	Sandy Soil Mix	115.00	\$ 70.00	\$ 8,050.00
1-18C	150	\$ 4,500.00	CY	Compost	2.00	\$ 30.00	\$ 60.00
1-19C	150	\$ 3,750.00	CY	Mulch	180.00	\$ 25.00	\$ 4,500.00
1-20C	592	\$ 14,208.00	EA	1 Quart Pots Installed	636.00	\$ 24.00	\$ 15,264.00
1-21C	1	\$ 120.00	EA	1 Gallon Pots Installed	6.00	\$ 120.00	\$ 720.00
1-22C	45	\$ 5,400.00	EA	3 Gallon Pots Installed	41.00	\$ 120.00	\$ 4,920.00
		\$ 0.00			0.00	\$ 0.00	\$ 0.00
1-25C	260	\$ 3,120.00	SF	Block Wall Caps Installed	86.00	\$ 12.00	\$ 1,032.00
1-26C	7.25	\$ 11,962.50	CY	Concrete Leveling Pads	8	\$ 1,650.00	\$ 13,200.00
2-9C	617	\$ 17,893.00	SY	Subgrade Aggregate	503	\$ 29.00	\$ 14,587.00
2-10C	617	\$ 49,360.00	SY	4" Concrete Channel	653	\$ 80.00	\$ 52,240.00
2-14C	10,000	\$ 3,600.00	SF	Hydroseeding	3,842	\$ 0.36	\$ 1,383.12
3-11C	465	\$ 7,905.00	SF	Street Patch Repair	468	\$ 17.00	\$ 7,956.00
3-12C	45	\$ 3,645.00	LF	15" RCP	80	\$ 81.00	\$ 6,480.00
3-20C	50	\$ 2,500.00	SY	4" Sidewalk Remove and Replace	26	\$ 50.00	\$ 1,300.00
3-22C	60	\$ 3,300.00	LF	Curb & Gutter	54	\$ 55.00	\$ 2,970.00
4-6C	525	\$ 105,000.00	CY	Pavement Remove & Disposal	478	\$ 200.00	\$ 95,600.00
4-7C	2,700	\$ 175,500.00	SY	7" Concrete Flatwork	2,469	\$ 65.00	\$ 160,485.00
		\$ 0.00					\$ 0.00
TOTAL		\$ 463,588.50					\$ 417,747.12
					Net		
						Decrease	-\$ 45,841.38



CITY OF PRAIRIE VILLAGE  
PUBLIC WORKS DEPARTMENT  
CONSTRUCTION CHANGE ORDER NO. 5 and Final

Consultant's Name: Shafer, Kline & Warren, Inc.

Project Title: 2007 Storm Drainage Program Project No 190718

Date Requested: 16-Oct-07

Owner's Project No.: 190718-1 Contract Date: 5-Mar-07

Contractor's Name: Radmacher Brothers Excavating Company, Inc.

Page 2

REQUIRED CHANGES IN PRESENT CONTRACT

Item Number	Contract Quantity	Previous Amount	Unit	Item Description	Adj. Quant.	Unit Price	Adjusted Amount	
		\$ 0.00		Page One Carryover	1.0	-\$ 45,841.38	-\$ 45,841.38	
5-6C	396	\$ 79,200.00	CY	Pavement Remove & Dispose	427.00	\$ 200.00	\$ 85,400.00	
5-7C	2,033	\$ 132,145.00	SY	7" Concrete Flatwork	2204.00	\$ 65.00	\$ 143,260.00	
6-7C	3	\$ 1,500.00	CY	Pavement Remove & Dispose	4.00	\$ 500.00	\$ 2,000.00	
6-8C	36	\$ 1,440.00	SY	Subgrade Base 6"	17.00	\$ 40.00	\$ 680.00	
6-9C	36	\$ 216.00	SY	Tack Coat	6.00	\$ 6.00	\$ 36.00	
6-10C	91	\$ 4,550.00	SF	Concrete Valley Gutter Replace	100.00	\$ 50.00	\$ 5,000.00	
6-11C	104	\$ 1,768.00	SF	Street Patch Repair	50.00	\$ 17.00	\$ 850.00	
6-12C	20	\$ 2,120.00	LF	24" x 36" CMP	24.00	\$ 106.00	\$ 2,544.00	
6-19C	14,465	\$ 14,465.00	\$	Repair damage by KCP&L	12,883.00	\$ 1.00	\$ 12,883.00	
7-6C	76	\$ 15,200.00	CY	Pavement Remove & Dispose	149.00	\$ 200.00	\$ 29,800.00	
7-7C	385	\$ 30,800.00	SY	7" Concrete Flatwork	769.00	\$ 80.00	\$ 61,520.00	
7-11C	8,462	\$ 52,887.50	LF	Concrete Sealant	3,728.00	\$ 6.25	\$ 23,300.00	
8-6C	48	\$ 9,600.00	CY	Pavement Remove & Dispose	33	\$ 200.00	\$ 6,600.00	
8-7C	144	\$ 11,520.00	SY	7" Concrete Flatwork	171	\$ 80.00	\$ 13,680.00	
9-7C	8	\$ 1,600.00	CY	Pavement Remove & Dispose	7	\$ 200.00	\$ 1,400.00	
9-8C	172	\$ 6,880.00	SY	Subgrade Base 6"	24	\$ 40.00	\$ 960.00	
9-9C	34	\$ 204.00	SY	Tack Coat	24	\$ 6.00	\$ 144.00	
9-10C	306	\$ 5,202.00	SF	Street Patch Repair	218	\$ 17.00	\$ 3,706.00	
9-11C	74	\$ 6,364.00	LF	24" RCP	64	\$ 86.00	\$ 5,504.00	
9-12C	4	\$ 8,000.00	EA	RCP Connection	2	\$ 2,000.00	\$ 4,000.00	
9-15C	6	\$ 300.00	SY	Sidewalk Remove & Replace	5	\$ 50.00	\$ 250.00	
9-17C	0	\$ 0.00	SY	Sod	225	\$ 12.00	\$ 2,700.00	
10-10C	500	\$ 180.00	SF	Hydroseeding	0	\$ 0.36	\$ 0.00	
TOTAL		\$ 386,141.50				TOTAL	\$ 360,375.62	
						Net	Decrease	\$ -25,765.88

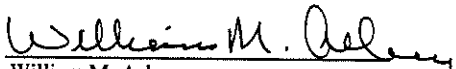
### Explanation of Changes

Project No. 190718; 2007 Storm Drainage Program This change order is to balance the contract with the amount actually expended to construct the project. All items were either increased or decreased to the actual quantities used in the construction.

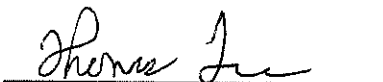
Original Contract Price for 2007 Storm Drainage Program	<u>\$ 1,081,000.00</u>
Current Contract Price, as adjusted by previous Change Orders No. 4	<u>\$ 1,106,130.00</u>
NET increase or decrease this Change Order	<u>-\$25,765.88</u>
New Contract Price	<u>\$ 1,080,364.12</u>

Change to Contract Time:  
15 Calendar Days

The Engineering Consultant does not anticipate a related Engineering Change Order .

  
\_\_\_\_\_  
William M. Asbury  
Project Manager, Shafer, Kline & Warren, Inc.

10/18/07  
Date

  
\_\_\_\_\_  
Tom Trienens, P.E.  
Manager of Engineering Services, City of Prairie Village, KS

10/22/07  
Date

\_\_\_\_\_  
Ronald L. Shaffer  
Mayor, City of Prairie Village, KS

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Roger Rupard  
Project Manager, Radmacher Brothers Excavating Co., Inc.

10-19-07  
Date

**CONSIDER PROJECT 190851: 2006 STREET RESURFACING  
PROGRAM CONSTRUCTION CHANGE ORDER #3 (FINAL)**

**Background:**

This project could not be finalized last year since some additional sod (zoysia) had to be placed this past spring when it was in season. This work has been accomplished and the final quantities for this project were computed as shown in this change order for an overall reduction in the project cost of \$61,166.36 (6.8%).

**Financial Impact:**

The unexpended project funds will be transferred to the Capital Infrastructure Program Street Unallocated.

**Suggested Motion:**

Move to approve Construction Change Order # 3 with Miller Paving and Construction for a reduction of \$61,166.36 to project #190851: 2006 Street Resurfacing Program.

*Joyce Bishop*

CITY OF PRAIRIE VILLAGE

PUBLIC WORKS DEPARTMENT

CONSTRUCTION CHANGE ORDER NO. 3 & FINAL

Consultant's Name: Shafer, Kline & Warren, Inc.

Project Title: 2006 Street Resurfacing Final

Date Requested: 3-Oct-07

Owner's Project No.: 190851 Contract Date: \_\_\_\_\_

Contractor's Name: Miller Paving and Construction, LLC

REQUIRED CHANGES IN PRESENT CONTRACT

Item Number	Contract Quantity	Previous Amount	Unit	Item Description	Adj. Quant.	Unit Price	Adjusted Amount
5C	6,721	\$27,892.15	SY	Cold Milling	6,618.9	\$4.15	\$27,468.44
7C	1,666	\$114,954.00	Tons	4" AC Base (Type 1)	1507.70	\$69.00	\$104,031.30
10C	160	\$7,360.00	SY	Full Depth Paving Patch	110.00	\$46.00	\$5,060.00
11C	341	\$8,525.00	Tons	12" Subgrade Modification	245.00	\$25.00	\$6,125.00
12C	25	\$2,300.00	SY	Street Patch (Collector)	21.30	\$92.00	\$1,959.60
13C	257	\$6,939.00	LF	Replace Curb & Gutter	271.40	\$27.00	\$7,327.80
14C	4,589	\$73,424.00	LF	New Curb & Gutter	4600.90	\$16.00	\$73,614.40
15C	2,133	\$53,325.00	LF	Replace Type E Curb	2,132.40	\$25.00	\$53,310.00
16C	36	\$3,600.00	SY	Valley Gutter	37.80	\$100.00	\$3,780.00
17C	888	\$49,950.00	SY	Replace Concrete Drive	960.40	\$56.25	\$54,022.50
18C	76	\$5,130.00	SY	Replace 6" AC Drive	51.80	\$67.50	\$3,496.50
19C	169	\$8,610.55	SY	Replace Sidewalk	230.00	\$50.95	\$11,718.50
21C	86	\$9,030.00	SY	Replace ADA Ramp	48.80	\$105.00	\$5,124.00
25C	815	\$17,644.75	LF	Underdrain (EST)	0	\$21.65	\$0.00
26C	890	\$19,580.00	LF	Drain Tile Connect (EST)	0	\$22.00	\$0.00
28C	120	\$1,230.00	LF	Erosion Control Bag (EST)	78	\$10.25	\$799.50
29C	4,027	\$7,852.65	LF	Silt Fence	0	\$1.95	\$0.00
30C	838	\$4,064.30	SY	Bluegrass Sod	2,360	\$4.85	\$11,446.00
31C	838	\$4,190.00	SY	Fescue Sod	54.1	\$5.00	\$270.50
32C	420	\$3,780.00	SY	Zoysia Sod	189.3	\$9.00	\$1,703.70
38C	8	\$3,600.00	LF	12" RCP	6.5	\$450.00	\$2,925.00
39C	152	\$15,960.00	LF	15" RCP	152.1	\$105.00	\$15,970.50
42C	2	\$1,000.00	EA	Sprinkler Head	0	\$500.00	\$0.00
43C	40	\$1,200.00	LF	Sprinkler Pipe	0	\$30.00	\$0.00
46C	0	\$0.00	EA	Replace Damaged Sign	1	-\$178.20	-\$178.20
<b>TOTAL</b>		<b>\$451,141.40</b>				<b>TOTAL</b>	<b>\$389,975.04</b>
				<b>Net</b>	<b>Increase</b>	<b>Decrease</b>	<b>-\$61,166.36</b>

### Explanation of Changes

Project 190581; 2006 Street Resurfacing Program. This change order is to cover the following items:  
The above contract items numbered 5C through 43C were increased or decreased to the actual amounts used in the construction.  
Items 25C, 26C, 29C, 42C & 43C were not used and were deleted from the contract.  
Item 46C Replace Damaged Sign. Is an additional item. During his operations the contractor accidentally damaged the street name sign at 78th & Booth Ave. The contractor elected to have the City replace the sign at a cost of \$178.20 instead of doing the work with his own forces.

Original Contract Price for 78th Street	<u>\$ 897,530.70</u>
Current Contract Price, as adjusted by previous Change Orders No's 1 & 2	<u>\$ 854,581.30</u>
NET increase or decrease this Change Order	<u>\$ (61,166.36)</u>
New Contract Price	<u>\$ 793,414.94</u>

Change to Contract Time:

N/A

The Engineering Consultant does not anticipate a related Engineering Change Order .

William M. Asbury  
William M. Asbury  
Project Manager for Consultant

10/3/07  
Date

Tom Trienens  
Tom Trienens  
Manager of Engineering Services, City of Prairie Village, KS

10/9/07  
Date

\_\_\_\_\_  
Ronald L. Shaffer  
Mayor, City of Prairie Village, KS

\_\_\_\_\_  
Date

Charlie James  
Charlie James, Miller Paving & Construction, LLC  
Project Manager for Contractor

10/3/07  
Date

**CONSIDER PROJECT 190708 – TOMAHAWK ROAD DRAINAGE  
IMPROVEMENTS (ROE AVENUE TO NALL AVENUE)  
CONSTRUCTION CHANGE ORDER #1**

**Background:**

While excavating for the installation of storm inlet #81, a sanitary sewer force main was discovered to be in conflict. The design engineer recommended that a specially designed storm inlet be substituted resulting in a contract increase of \$1806.20 (0.08% increase from the current contract amount).

**Financial Impact:**

Funds are available in the Capital Infrastructure Program under Project 190708. Seventy five percent of the \$1806.20 (\$1354.65) will be paid by the County since this is a SMAC project.

**Suggested Motion:**

Move to approve Construction Change Order #1 with Linaweaver Construction, Inc. in the amount of \$1806.20.

CITY OF PRAIRIE VILLAGE  
PUBLIC WORKS DEPARTMENT  
CONSTRUCTION CHANGE ORDER NO. 1

Consultant's Name: Shafer, Kline & Warren, Inc.

Project Title: Tomahawk Road Storm Drainage Improvements

Date Requested: 28-Sep-07

Owner's Project No.: 190708 Contract Date: 20-Feb-07

Contractor's Name: Linaweaver Construction, Inc.

REQUIRED CHANGES IN PRESENT CONTRACT

Item Number	Contract Quantity	Previous Amount	Unit	Item Description	Adj. Quant.	Unit Price	Adjusted Amount
39	38	\$ 129,200.00	EA	6' X 3' Concrete Curb Inlet	37.0	\$ 3,400.00	\$ 125,800.00
86C	0	\$ 0.00	EA	6' x 3' CI Material Cost Only	1.00	\$ 1,507.00	\$ 1,507.00
87C	0	\$ 0.00	EA	Special Inlet No. 81	1.00	\$ 3,699.20	\$ 3,699.20
	0	\$ 0.00					\$ 0.00
		\$ 0.00					\$ 0.00
		\$ 0.00					\$ 0.00
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		\$ 0.00					\$ 0.00
		\$ 0.00					\$ 0.00
		\$ 0.00					\$ 0.00
TOTAL		\$ 129,200.00					\$ 131,006.20
					Net	Increase Decrease	\$ 1,806.20

### Explanation of Changes

Project No. 190708; Tomahawk Road Storm Drainage Improvements. This change order is to cover the following items:

While excavating for the installation of Inlet No. 81 a 16" sanitary sewer force main was encountered that was in conflict with the proposed curb inlet. Following review by the design engineer, the City and SKW a decision was made to delete the standard inlet and install a special designed inlet. This CO provides for the deletion of the original inlet. The payment to the contractor of the material cost only of the furnished inlet which was delivered to the City and the cost of furnishing and installing the special inlet.

Original Contract Price	<u>\$ 2,178,915.25</u>
Current Contract Price, as adjusted by previous Change Orders (0)	<u>\$ 2,178,915.25</u>
NET increase or decrease this Change Order	<u>\$ 1,806.20</u>
New Contract Price	<u>\$ 2,180,721.45</u>

Change to Contract Time:  
N/A

The Engineering Consultant does not anticipate a related Engineering Change Order .

William M. Asbury  
William M. Asbury  
Project Manager, Shafer, Kline & Warren, Inc.

9/28/07  
Date

Tom Trienens  
Tom Trienens, P.E.  
Manager of Engineering Services, City of Prairie Village, KS

10/8/07  
Date

\_\_\_\_\_  
Ronald L. Shaffer  
Mayor, City of Prairie Village, KS

\_\_\_\_\_  
Date

John Will  
John Will  
Project Manager, Linaweaver Construction, Inc.

9/28/07  
Date




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CITY OF PRAIRIE VILLAGE

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TO: MAYOR & CITY COUNCIL  
FROM: DOUG LUTHER   
SUBJECT: 2008 NEWSLETTER SERVICES  
DATE: 10/16/2007  
CC:

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In late 2006 the City re-bid newsletter services. At that time, Alphagraphics was selected to provide design, printing, and mailing services for the newsletter. The current cost of these services is \$23,960/year.

Alphagraphics has proposed to print the 2008 issues of the *Prairie Village Voice* and recreation brochure with no price increase. This proposal was has been reviewed and approved by the Communications Committee.

Funds are available in the 2008 budget.

**RECOMMEND THE CITY COUNCIL APPROVE AN AGREEMENT WITH  
ALPHAGRAPHS FOR PRODUCTION OF THE 2008 ISSUES OF THE  
PRAIRIE VILLAGE VOICE AND PARK & RECREATION BROCHURE.  
COUNCIL ACTION REQUIRED**

## AGREEMENT FOR PRODUCTION OF CITY NEWSLETTERS

THIS AGREEMENT is made this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

BY AND BETWEEN the City of Prairie Village, Kansas, hereinafter called the "City", and **Alphagraphics**, hereinafter called the "Contractor".

NOW, THEREFORE, IN CONSIDERATION OF THE COVENANTS AND AGREEMENTS herein contained, the parties agree as follows:

### ARTICLE I SCOPE OF SERVICES

The Contractor shall perform the following services as identified in the following and the attached Specifications:

- A. Provide layout, design, and associated creative services necessary to ensure the publication of eleven (11) issues of the *Prairie Village Voice*, to be distributed to each residence and business within the corporate limits of Prairie Village, Kansas within fourteen (14) days of the City's submission of all information pertaining to the newsletter to the Contractor beginning with the January, 2008 issue.
- B. Provide layout, design, and associated creative services necessary to ensure the publication of one (1) recreation brochure to be distributed to each residence and business within the corporate limits of Prairie Village, Kansas within fourteen (14) days of the City's submission of all information pertaining to the newsletter to the Contractor to be distributed in April, 2008
- C. Provide all paper and printing services necessary to ensure the production and distribution of all publications identified in A and B in accordance with the attached Specifications.
- D. Provide an electronic version of each of the eleven (11) issues of the *Prairie Village Voice* and the recreation brochure and provide this electronic copy to the City at the time of publication of each issue. The electronic copy shall be in PDF format.
- E. Provide mailing services necessary to ensure labeling and sorting of publications for delivery by the United States Postal Service and delivery to the United States Postal Service, Prairie Village substation, for distribution. All postage costs shall be paid by the City.
- F. Provide the City with a minimum of one (1) and a maximum of three (3) drafts of each publication.
- G. Provide one (1) "blue-line" copy of each publication prior to printing.
- H. Provide the City with 500 copies of each publication for internal distribution.

- I. Provide the City with two (2) large print editions of each publication identified in this Agreement.
- J. All newsletter copies representing printing overages will be delivered to the City for additional distribution.

No publications shall be delivered for printing without the authorization of the City Administrator or the Mayor.

## ARTICLE II COMPENSATION

**The City agrees to compensate the Contractor for performing the services described in Article I and the attached Specifications according to the following schedule:**

<i>Prairie Village Voice</i>	<i>\$1,615 per issue</i>	
<i>Total for eleven (11) issues</i>		\$17,765
 Recreation brochure		 \$ 6,195
 <b>Total for all publications</b>		 <b>\$23,960</b>

After delivery of all copies of a publication to the United States Postal Service for distribution, the Contractor shall submit a statement to the City indicating the amount due as described above. The City shall make payment within thirty (30) calendar days of the date said statement is received by the City. Payment to the Contractor will be made only for services approved by the City Administrator or the Mayor.

### ARTICLE III MISCELLANEOUS PROVISIONS

#### Term of Contract

**This agreement shall be effective from \_\_\_\_\_, 2007 and shall continue until the 31<sup>st</sup> day of December, 2008.** The parties may renegotiate or decrease or increase unit quantities or unit prices if the City elects to renew the contract on an annual basis, and the renewal of such contract shall accordingly be contingent on the ability of the parties to reach a satisfactory agreement on unit quantities and unit prices for the new contract term. If the City intends to renew the Contract pursuant to this Section, it shall provide the Contractor with written notice of such intent no later than ninety (90) days prior to the date on which each contract term is to expire. All renewal periods will be subject to satisfactory performance by the contractor of his/her contract the previous year and appropriation of funds.

#### Termination

The City or the Contractor may terminate this Agreement at any time and for any reason by giving to the other party a notice in writing at least ninety (90) days prior to the effective date of such termination. In the event this Agreement is terminated as herein provided, the City agrees to pay to the Contractor any and all sums due and owing for services rendered in accordance with the terms of this Agreement as of the effective date of such termination.

#### Assigning or Subletting the Contract

The Contractor shall not assign or sublet the contract or any portion of the contract without providing the City with written notification of the assignment or sublease and the identity(ies) of the assignee or subcontractor(s). Any assignment or sublease agreement entered into by the Contractor shall not be construed as making the City a party of such subcontract or subjecting the City to liability of any kind to any subcontractor. No subcontract shall under any circumstances relieve the Contractor of his liability and obligation under the contract. All transactions will be made through the Contractor. Subcontractors will be recognized and dealt with only as workers and representatives of the Contractor and as such shall be subject to the same requirements of Contractor.

IN WITNESS WHEREOF, said parties have affixed their name, the day and year first written above.

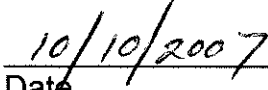
**CONTRACTOR:**

**CITY:**



Signature

Ronald L. Shaffer, Mayor



Date

Date

**APPROVED AS TO FORM**

**ATTEST:**

Charles Wetzler, City Attorney

Joyce Hagen Mundy, City Clerk

Issue: Adoption of resolutions designating City Officials and staff authorized to act on behalf of the City for investments and financial transactions.

**Background:**

The City Administrator is designated the authority to act on behalf of the City for the execution of documents and transmission and/or transfer of funds with several different agencies and is the designated "plan administrator" for the City's pension programs. The resolutions approved designate the authority by "name" as well as "title"; therefore, with the change in City Administrator new resolutions need to be approved by the City Council. The following resolutions change that authorization from Barbara Vernon to Quinn Bennion:

Resolution 2007-06	Safe Deposit Boxes
Resolution 2007-07	Supplemental Pension Plan Administrator
Resolution 2007-08	Municipal Investment Pool
Resolution 2007-09	Banking Resolution - Capital Federal Savings
Resolution 2007-10	Banking Resolution - Commerce Bank
Resolution 2007-11	Banking Resolution - Mission Bank
Resolution 2007-12	Banking Resolution - United Missouri Bank
Resolution 2007-13	Banking Resolution - Intrust Bank, Court
Resolution 2007-14	Banking Resolution - Intrust Bank
Resolution 2007-15	Federal Home Loan Bank
Resolution 2007-16	Federal Reserve Bank of Boston
Resolution 2007-17	Police Pension Plan
Resolution 2007-18	ING Life Insurance and Annuity Company

**Recommendation:**

**RECOMMEND THE CITY COUNCIL APPROVE RESOLUTIONS 2007-06 THROUGH 2007-18 DESIGNATING THE AUTHORITY TO ACT ON BEHALF OF THE CITY FOR THE EXECUTION OF DOCUMENTS AND TRANSMISSION AND/OR TRANSFER OF FUNDS AND DESIGNATING THE "PLAN ADMINISTRATOR" FOR THE CITY'S PENSION PLANS**

**COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

**RESOLUTION NO. 2007-06**

**WHEREAS**, the City of Prairie Village finds it necessary to maintain a safe deposit box for storage of certain legal documents; and

**WHEREAS**, Bank of America of Prairie Village, Kansas has by resolution, been designated an official depository of the City;

**WHEREAS**, the Treasurer of the City is authorized to contract with said bank for the lease of a deposit box.

**NOW, THEREFORE, BE IT RESOLVED**, that the persons holding the following positions individually be permitted entry into said safe deposit box upon their individual signatures:

<u>Name</u>	<u>Title</u>
Ronald L. Shaffer	Mayor
Quinn Bennion	City Administrator
Joyce Hagen Mundy	City Clerk
Douglas E. Luther	Asst. City Administrator

**BE IT FURTHER RESOLVED** that this resolution shall continue in force and said Bank may consider the facts concerning the holders of said offices, herewith until written notice to the contrary is duly served on said Bank.

**ADOPTED THIS 5<sup>TH</sup> DAY OF NOVEMBER, 2007.**

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

ATTEST:

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

## RESOLUTION NO. 2007-07

**WHEREAS**, The City of Prairie Village, a Municipal Corporation (hereinafter referred to as "Corporation") established by Agreement dated December 19, 1989 by and between the Corporation and United Missouri Bank of Kansas City, N.A., as Trustee, a retirement plan and trust known as the Supplemental Pension and Benefit Plan and Trust (hereinafter referred to as "Trust") for the benefit of the employees of the Corporation, and

**WHEREAS**, UMB Bank has transferred and assigned its duties and responsibilities to provide such services stated in the agreement to Marshall & Ilsley Trust Company N.A. ("M&I") and

**WHEREAS**, pursuant to the Agreement, the Corporation is to act as the Plan Administrator, and

**WHEREAS**, the Corporation desires to name the City Administrator to act on its behalf as Plan Administrator.

**NOW, THEREFORE, BE IT RESOLVED** that (1) Quinn Bennion, City Administrator is appointed to serve on behalf of the Employer as Plan Administration, and (2) that the Trustee of the Trust may rely upon this appointment until notified in writing by the Corporation of a different appointment.

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

ATTEST:

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



RESOLUTION 2007-08

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 in 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 2996 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, 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:

Officers or employees authorized to execute documents and make deposits and withdrawals:

Mayor Ronald L. Shaffer
City Administrator Quinn Bennion
City Clerk Joyce Hagen Mundy
Finance Director Karen E. Kindle

- 3. Notice required by the PMIB's Municipal Investment Pool Participant Policy shall be provided to: Contact Person: Quinn Bennion, City Administrator 7700 Mission Road Prairie Village, KS 66208 Telephone: 913-385-4601 Fax Number: 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 meeting held on the 5th day of November, 2007.

The City of Prairie Village
Name of Participant

ATTEST

By: Signature

City Clerk Title

Ronald L. Shaffer, Mayor
Printed Name & Title

NOTE: The State needs Original Signatures. Certified copy of Resolution required.

**RESOLUTION NO. 2007-09**

**WHEREAS**, the City of Prairie Village finds it necessary to regularly invest temporarily idle funds of the City in short term certificates of deposit; and

**WHEREAS**, Capital Federal Savings & Loan Association of Prairie Village, Kansas has, by Ordinance, been designated as an official depository of the City of Prairie Village;

**NOW, THEREFORE, BE IT RESOLVED**, that Capital Federal Savings & Loan Association located in Prairie Village, Kansas, is hereby designated a depositor of the City of Prairie Village, Kansas for the purpose of purchasing certificates of deposit from said institution, and that the following persons are authorized to act on behalf of the City for the purpose of purchasing certificates of deposit:

<u>Name</u>	<u>Title</u>
Fielding Norton, Jr.	Treasurer
Quinn Bennion	City Administrator
Karen Kindle	Finance Director

**BE IT FURTHER RESOLVED** that the following individuals are hereby individually authorized to endorse said certificates of deposit on behalf of the City for purposes of redemption:

<u>Name</u>	<u>Title</u>
Ronald L. Shaffer	Mayor
Fielding Norton, Jr.	Treasurer
Quinn Bennion	City Administrator
Joyce Hagen Mundy	City Clerk
Douglas Luther	Asst. City Administrator

**BE IT FURTHER RESOLVED** that the following individuals acting individually, are authorized to instruct said financial institutions, either by written or verbal instructions, or electronic transactions to deposit proceeds for the credit of this City at any bank or savings and loan association:

<u>Name</u>	<u>Title</u>
Fielding Norton, Jr.	Treasurer
Quinn Bennion	City Administrator
Douglas Luther	Asst. City Administrator

**BE IT FURTHER RESOLVED** that the City acknowledges and agrees that the Financial Institution may rely on alternative signature and verification codes issued to or obtained from the individual(s) named on this resolution. The Term "alternative signature and verification codes" includes, but is not limited to, facsimile signatures on file with the Financial Institution, personal identification numbers (PIN), and digital signatures. If a facsimile signature specimen has been provided on this resolution, (or that is filed separately by the City with the Financial Institution from time to time) the Financial Institution is authorized to treat the facsimile signature as the signature of the individual(s) regardless of by whom or by what means the facsimile signature may have been affixed so long as it resembles the facsimile signature on file. The City authorizes each individual to have custody of the City's private key used to create a digital signature and to request issuance of a certificate listing the corresponding public key. The Financial Institution shall have responsibility or liability for unauthorized use of alternative signature and verification codes unless otherwise agreed in writing.

**BE IT FUTHER RESOLVED** that this resolution shall continue in force and said financial institutions may consider the facts concerning and holders of said offices, respectively, and their signatures, to be and continue as set forth herewith until written notice to the contrary is duly served on said financial institution.

**ADOPTED THIS 5<sup>TH</sup> DAY OF NOVEMBER, 2007.**

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

ATTEST:

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

**RESOLUTION NO. 2007-10**

**WHEREAS**, the City of Prairie Village finds it necessary to regularly invest temporarily idle funds of the City in short term certificates of deposit; and

**WHEREAS**, Commerce Bank has, by Ordinance, been designated as an official depository of the City of Prairie Village;

**NOW, THEREFORE, BE IT RESOLVED**, that Commerce Bank, located in Prairie Village, Kansas, is hereby designated a depositor of the City of Prairie Village, Kansas for the purpose of purchasing certificates of deposit from said institution, and that the following persons are authorized to act on behalf of the City for the purpose of purchasing certificates of deposit:

<u>Name</u>	<u>Title</u>
Fielding Norton, Jr.	Treasurer
Quinn Bennion	City Administrator
Karen Kindle	Finance Director

**BE IT FURTHER RESOLVED** that the following individuals are hereby individually authorized to endorse said certificates of deposit on behalf of the City for purposes of redemption:

<u>Name</u>	<u>Title</u>
Ronald L. Shaffer	Mayor
Fielding Norton, Jr.	Treasurer
Quinn Bennion	City Administrator
Joyce Hagen Mundy	City Clerk
Douglas Luther	Asst. City Administrator

**BE IT FURTHER RESOLVED** that the following individuals acting individually, are authorized to instruct said financial institutions, either by written or verbal instructions, or electronic transactions to deposit proceeds for the credit of this City at any bank or savings and loan association:

<u>Name</u>	<u>Title</u>
Fielding Norton, Jr.	Treasurer
Quinn Bennion	City Administrator
Douglas Luther	Asst. City Administrator

**BE IT FURTHER RESOLVED** that the City acknowledges and agrees that the Financial Institution may rely on alternative signature and verification codes issued to or obtained from the individual(s) named on this resolution. The Term "alternative signature and verification codes" includes, but is not limited to, facsimile signatures on file with the Financial Institution, personal identification numbers (PIN), and digital signatures. If a facsimile signature specimen has been provided on this resolution, (or that is filed separately by the City with the Financial Institution from time to time) the Financial Institution is authorized to treat the facsimile signature as the signature of the individual(s) regardless of by whom or by what means the facsimile signature may have been affixed so long as it resembles the facsimile signature on file. The City authorizes each individual to have custody of the City's private key used to create a digital signature and to request issuance of a certificate listing the corresponding public key. The Financial Institution shall have responsibility or liability for unauthorized use of alternative signature and verification codes unless otherwise agreed in writing.

**BE IT FUTHER RESOLVED** that this resolution shall continue in force and said financial institutions may consider the facts concerning and holders of said offices, respectively, and their signatures, to be and continue as set forth herewith until written notice to the contrary is duly served on said financial institution.

**ADOPTED THIS 5<sup>TH</sup> DAY OF NOVEMBER, 2007.**

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

ATTEST:

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

**RESOLUTION NO. 2007-11**

**WHEREAS**, the City of Prairie Village finds it necessary to regularly invest temporarily idle funds of the City in short term certificates of deposit; and

**WHEREAS**, Mission Bank has, by Ordinance, been designated as an official depository of the City of Prairie Village;

**NOW, THEREFORE, BE IT RESOLVED**, that Mission Bank located in Prairie Village, Kansas , is hereby designated a depositor of the City of Prairie Village, Kansas for the purpose of purchasing certificates of deposit from said institution, and that the following persons are authorized to act on behalf of the City for the purpose of purchasing certificates of deposit:

<u>Name</u>	<u>Title</u>
Fielding Norton, Jr.	Treasurer
Quinn Bennion	City Administrator
Karen Kindle	Finance Director

**BE IT FURTHER RESOLVED** that the following individuals are hereby individually authorized to endorse said certificates of deposit on behalf of the City for purposes of redemption:

<u>Name</u>	<u>Title</u>
Ronald L. Shaffer	Mayor
Fielding Norton, Jr.	Treasurer
Quinn Bennion	City Administrator
Joyce Hagen Mundy	City Clerk
Douglas Luther	Asst. City Administrator

**BE IT FURTHER RESOLVED** that the following individuals acting individually, are authorized to instruct said financial institutions, either by written or verbal instructions, or electronic transactions to deposit proceeds for the credit of this City at any bank or savings and loan association:

<u>Name</u>	<u>Title</u>
Fielding Norton, Jr.	Treasurer
Quinn Bennion	City Administrator
Douglas Luther	Asst. City Administrator

**BE IT FURTHER RESOLVED** that the City acknowledges and agrees that the Financial Institution may rely on alternative signature and verification codes issued to or obtained from the individual(s) named on this resolution. The Term "alternative signature and verification codes" includes, but is not limited to, facsimile signatures on file with the Financial Institution, personal identification numbers (PIN), and digital signatures. If a facsimile signature specimen has been provided on this resolution, (or that is filed separately by the City with the Financial Institution from time to time) the Financial Institution is authorized to treat the facsimile signature as the signature of the individual(s) regardless of by whom or by what means the facsimile signature may have been affixed so long as it resembles the facsimile signature on file. The City authorizes each individual to have custody of the City's private key used to create a digital signature and to request issuance of a certificate listing the corresponding public key. The Financial Institution shall have responsibility or liability for unauthorized use of alternative signature and verification codes unless otherwise agreed in writing.

**BE IT FUTHER RESOLVED** that this resolution shall continue in force and said financial institutions may consider the facts concerning and holders of said offices, respectively, and their signatures, to be and continue as set forth herewith until written notice to the contrary is duly served on said financial institution.

**ADOPTED THIS 5<sup>TH</sup> DAY OF NOVEMBER, 2007.**

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

ATTEST:

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

**RESOLUTION NO. 2007-12**

**WHEREAS**, the City of Prairie Village finds it necessary to regularly invest temporarily idle funds of the City in short term certificates of deposit; and

**WHEREAS**, United Missouri Bank has, by Ordinance, been designated as an official depository of the City of Prairie Village;

**NOW, THEREFORE, BE IT RESOLVED**, that United Missouri Bank located in Prairie Village, Kansas, is hereby designated a depositor of the City of Prairie Village, Kansas for the purpose of purchasing certificates of deposit from said institution, and that the following persons are authorized to act on behalf of the City for the purpose of purchasing certificates of deposit:

<u>Name</u>	<u>Title</u>
Fielding Norton, Jr.	Treasurer
Quinn Bennion	City Administrator
Karen Kindle	Finance Director

**BE IT FURTHER RESOLVED** that the following individuals are hereby individually authorized to endorse said certificates of deposit on behalf of the City for purposes of redemption:

<u>Name</u>	<u>Title</u>
Ronald L. Shaffer	Mayor
Fielding Norton, Jr.	Treasurer
Quinn Bennion	City Administrator
Joyce Hagen Mundy	City Clerk
Douglas Luther	Asst. City Administrator

**BE IT FURTHER RESOLVED** that the following individuals acting individually, are authorized to instruct said financial institutions, either by written or verbal instructions, or electronic transactions to deposit proceeds for the credit of this City at any bank or savings and loan association:

<u>Name</u>	<u>Title</u>
Fielding Norton, Jr.	Treasurer
Quinn Bennion	City Administrator
Douglas Luther	Asst. City Administrator

**BE IT FURTHER RESOLVED** that the City acknowledges and agrees that the Financial Institution may rely on alternative signature and verification codes issued to or obtained from the individual(s) named on this resolution. The Term "alternative signature and verification codes" includes, but is not limited to, facsimile signatures on file with the Financial Institution, personal identification numbers (PIN), and digital signatures. If a facsimile signature specimen has been provided on this resolution, (or that is filed separately by the City with the Financial Institution from time to time) the Financial Institution is authorized to treat the facsimile signature as the signature of the individual(s) regardless of by whom or by what means the facsimile signature may have been affixed so long as it resembles the facsimile signature on file. The City authorizes each individual to have custody of the City's private key used to create a digital signature and to request issuance of a certificate listing the corresponding public key. The Financial Institution shall have responsibility or liability for unauthorized use of alternative signature and verification codes unless otherwise agreed in writing.

**BE IT FUTHER RESOLVED** that this resolution shall continue in force and said financial institutions may consider the facts concerning and holders of said offices, respectively, and their signatures, to be and continue as set forth herewith until written notice to the contrary is duly served on said financial institution.

**ADOPTED THIS 5<sup>TH</sup> DAY OF NOVEMBER, 2007.**

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

ATTEST:

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

**RESOLUTION NO. 2007-13**

**WHEREAS**, Intrust Bank, N.A. has, by Ordinance, been designated as an official depository of the City of Prairie Village;

**NOW, THEREFORE, BE IT RESOLVED**, that Intrust Bank, N.A. ("Financial Institution") is hereby designated a depositor of the City of Prairie Village, Kansas for the purpose of banking services, and that the following are authorized to act on behalf of the City for the purpose of all Municipal Court banking transactions:

<u>Name</u>	<u>Title</u>
Quinn Bennion	City Administrator
Bettina Jamerson	Court Administrator
Adela Diaz	Court Clerk

**BE IT FURTHER RESOLVED** that the following individuals are hereby individually authorized to open any deposit or checking accounts in the name of the City for the Municipal Court operations; to endorse or authorize checks and orders for the payment of money and withdraw funds on deposit with the said Financial Institution:

<u>Name</u>	<u>Title</u>
Quinn Bennion	City Administrator
Joyce Hagen Mundy	City Clerk

**BE IT FURTHER RESOLVED** that the following individuals acting individually, are authorized to instruct said financial institutions, either by written or verbal instructions, or electronic transactions to deposit proceeds for the credit of this City at any bank or savings and loan association to Municipal Court accounts:

<u>Name</u>	<u>Title</u>
Quinn Bennion	City Administrator
Bettina Jamerson	Court Administrator
Adela Diaz	Court Clerk

**BE IT FURTHER RESOLVED** that the City acknowledges and agrees that the Financial Institution may rely on alternative signature and verification codes issued to or obtained from the individual(s) named on this resolution. The Term "alternative signature and verification codes" includes, but is not limited to, facsimile signatures on file with the Financial Institution, personal identification numbers (PIN), and digital signatures. If a facsimile signature specimen has been provided on this resolution, (or that is filed separately by the City with the Financial Institution from time to time) the Financial Institution is authorized to treat the facsimile signature as the signature of the individual(s) regardless of by whom or by what means the facsimile signature may have been affixed so long as it resembles the facsimile signature on file. The City authorizes each individual to have custody of the City's private key used to create a digital signature and to request issuance of a certificate listing the corresponding public key. The Financial Institution shall have responsibility or liability for unauthorized use of alternative signature and verification codes unless otherwise agreed in writing.

**BE IT FUTHER RESOLVED** that this resolution shall continue in force and said financial institutions may consider the facts concerning and holders of said offices, respectively, and their signatures, to be and continue as set forth herewith until written notice to the contrary is duly served on said financial institution.

**ADOPTED THIS 5<sup>TH</sup> DAY OF NOVEMBER, 2007**

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

ATTEST:

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

## RESOLUTION NO. 14

**WHEREAS**, Intrust Bank, N.A. has, by Ordinance, been designated as an official depository of the City of Prairie Village;

**NOW, THEREFORE, BE IT RESOLVED**, that Intrust Bank, N.A. ("Financial Institution") is hereby designated a depositor of the City of Prairie Village, Kansas for the purpose of banking services, and that the following are authorized to act on behalf of the City for the purpose of all banking transactions:

<u>Name</u>	<u>Title</u>
Fielding Norton, Jr.	Treasurer
Quinn Bennion	City Administrator
Joyce Hagen Mundy	City Clerk

**BE IT FURTHER RESOLVED** that the following individuals are hereby individually authorized to open any deposit or checking accounts in the name of the City; to endorse or authorize checks and orders for the payment of money and withdraw funds on deposit with the said Financial Institution:

<u>Name</u>	<u>Title</u>
Ronald L. Shaffer	Mayor
Fielding Norton, Jr.	Treasurer
Quinn Bennion	City Administrator
Joyce Hagen Mundy	City Clerk

**BE IT FURTHER RESOLVED** that the following individuals acting individually, are authorized to instruct said financial institutions, either by written or verbal instructions, or electronic transactions to deposit proceeds for the credit of this City at any bank or savings and loan association:

<u>Name</u>	<u>Title</u>
Fielding Norton, Jr.	Treasurer
Quinn Bennion	City Administrator
Joyce Hagen Mundy	City Clerk

**BE IT FURTHER RESOLVED** that the City acknowledges and agrees that the Financial Institution may rely on alternative signature and verification codes issued to or obtained from the individual(s) named on this resolution. The Term "alternative signature and verification codes" includes, but is not limited to, facsimile signatures on file with the Financial Institution, personal identification numbers (PIN), and digital signatures. If a facsimile signature specimen has been provided on this resolution, (or that is filed separately by the City with the Financial Institution from time to time) the Financial Institution is authorized to treat the facsimile signature as the signature of the individual(s) regardless of by whom or by what means the facsimile signature may have been affixed so long as it resembles the facsimile signature on file. The City authorizes each individual to have custody of the City's private key used to create a digital signature and to request issuance of a certificate listing the corresponding public key. The Financial Institution shall have responsibility or liability for unauthorized use of alternative signature and verification codes unless otherwise agreed in writing.

**BE IT FUTHER RESOLVED** that this resolution shall continue in force and said financial institutions may consider the facts concerning and holders of said offices, respectively, and their signatures, to be and continue as set forth herewith until written notice to the contrary is duly served on said financial institution.

**ADOPTED THIS 5<sup>TH</sup> DAY OF NOVEMBER, 2007.**

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

ATTEST:

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

## RESOLUTION NO. 2007-15

WHEREAS, securities pledge by depository banks as collateral for City deposits are kept in the City's account at the Federal Home Loan Bank; and

WHEREAS, The Federal Home Loan Bank requires the City to designate individuals who are authorized to handle this account;

NOW, THEREFORE, BE IT RESOLVED, the following individuals are authorized to act on behalf of the City for the purpose of releasing collateral:

<u>Name</u>	<u>Title</u>
Quinn Bennion	City Administrator
Joyce Hagen Mundy	City Clerk
Karen E Kindle	Finance Director

BE IT FURTHER RESOLVED that the City acknowledges and agrees that the Financial Institution may rely on alternative signature and verification codes issued to or obtained from the individual(s) named on this resolution. The Term "alternative signature and verification codes" includes, but is not limited to, facsimile signatures on file with the Financial Institution, personal identification numbers (PIN), and digital signatures. If a facsimile signature specimen has been provided on this resolution, (or that is filed separately by the City with the Financial Institution from time to time) the Financial Institution is authorized to treat the facsimile signature as the signature of the individual(s) regardless of by whom or by what means the facsimile signature may have been affixed so long as it resembles the facsimile signature on file. The Financial Institution shall have responsibility or liability for unauthorized use of alternative signature and verification codes unless otherwise agreed in writing.

BE IT FUTHER RESOLVED that this resolution shall continue in force and said financial institution may consider the facts concerning and holders of said offices, respectively, and their signatures, to be and continue as set forth herewith until written notice to the contrary is duly served on said financial institution.

ADOPTED THIS 5<sup>TH</sup> DAY OF NOVEMBER, 2007.

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

ATTEST:

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



**RESOLUTION NO. 2007-16**

**WHEREAS**, securities pledge by depository banks as collateral for City deposits are kept in the City’s account at the Federal Reserve Bank of Boston; and

**WHEREAS**, The Federal Reserve Bank of Boston requires the City to designate individuals who are authorized to handle this account;

**NOW, THEREFORE, BE IT RESOLVED**, the following individuals are authorized to act on behalf of the City for the purpose of releasing collateral:

<u>Name</u>	<u>Title</u>
Quinn Bennion	City Administrator
Joyce Hagen Mundy	City Clerk
Karen E Kindle	Finance Director

**BE IT FURTHER RESOLVED** that the City acknowledges and agrees that the Financial Institution may rely on alternative signature and verification codes issued to or obtained from the individual(s) named on this resolution. The Term “alternative signature and verification codes” includes, but is not limited to, facsimile signatures on file with the Financial Institution, personal identification numbers (PIN), and digital signatures. If a facsimile signature specimen has been provided on this resolution, (or that is filed separately by the City with the Financial Institution from time to time) the Financial Institution is authorized to treat the facsimile signature as the signature of the individual(s) regardless of by whom or by what means the facsimile signature may have been affixed so long as it resembles the facsimile signature on file. The Financial Institution shall have responsibility or liability for unauthorized use of alternative signature and verification codes unless otherwise agreed in writing.

**BE IT FUTHER RESOLVED** that this resolution shall continue in force and said financial institution may consider the facts concerning and holders of said offices, respectively, and their signatures, to be and continue as set forth herewith until written notice to the contrary is duly served on said financial institution.

**ADOPTED THIS 5<sup>TH</sup> DAY OF NOVEMBER, 2007.**

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

ATTEST:

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

# Pledgee Agreement Form

To: **Federal Reserve Bank of Boston**  
PO Box 55882  
Boston, MA 02205  
Attn: **Joint Custody**

Tel: 800-327-0147, #1  
Fax: 877-973-8972

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

We, the City of Prairie Village, KS agree to the terms of **Appendix C** of your *Operating Circular 7*, dated August 19, 2005, as it may be amended from time to time with respect to the account on your books designated J2BJ. (4 digit alpha-numeric account number)

We further agree that you may accept par for par substitutions: securities from the Pledgor as a replacement of, or in substitution for, those securities presently held (please check one):

NO (Instructions required for each withdrawal)       YES (Standing approval)

provided that the replacement or substitution does not reduce the aggregate par amount of securities held in custody for us. (See *Operating Circular 7, Appendix C, Section 4.3.*)

We authorize you to use the following call-back procedure for securities transactions pertaining to this account (please check one):

Three-party call-back       Four-party call-back

We certify that the individuals listed below may take authoritative action on our behalf with respect to the account, including a direction to release collateral from the account. You may rely on the authority of these individuals with respect to the account until we otherwise notify you.

Telephone: 913-385-4601  
Fax: 913-381-7755

Print Name: Quinn Bennion Title: City Administrator  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Telephone: 913-281-6464 ext 4213  
Fax: 913-381-7755

Print Name: Karen Kindle Title: Finance Director  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Telephone: 913-385-4616  
Fax: 913-381-7755

Print Name: Joyce Hagen Mundy Title: City Clerk  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Pledgee Agreement  
(page 2 of 2)

Telephone: 913-381-6464

Print Name: Ronald L. Shaffer Title: Mayor

Fax: 913-381-7755

Signature: \_\_\_\_\_ Date: 11/5/07

The Undersigned hereby certifies that he/she is the present lawful incumbent of the designated public office.

**Pledgee**

City of Prairie Village, Kansas

Name of governmental unit

7700 Mission Road

Street Address or P.O Box Number

Prairie Village, KS 66208

City, State, Zip Code

\_\_\_\_\_  
Official Signature/ Date

Ronald L. Shaffer, Mayor  
Printed Name and Title

**Notary**

State of KANSAS

County of JOHNSON

On this \_\_\_\_ day of \_\_\_\_\_, 200\_ before me personally appeared  
Ronald L. Shaffer, to me personally known or satisfactorily proven, who by me duly sworn, did depose and say that  
he/she resides at 4011 Homestead Drive, in the City of Prairie Village, in the  
State of Kansas, that he/she is the Mayor [Title] of  
Prairie Village and that he/she executed this document on behalf of  
Prairie Village before me.

\_\_\_\_\_  
(Signature of Notary)

\_\_\_\_\_  
(Print name of Notary)

My commission expires on \_\_\_\_\_ [Date]

RESOLUTION NO. 2007-17

**WHEREAS,** The City of Prairie Village, a Municipal Corporation (hereinafter referred to as "Corporation") established the Prairie Village, Kansas, Police Department Retirement Plan (hereinafter referred to as "Plan") and entered into an agreement with United Missouri Bank of Kansas City, N.A. as Trustee for the benefit of the employees of the Corporation, and

**WHEREAS,** UMB Bank has transferred and assigned its duties and responsibilities to provide such services stated in the agreement to Marshall & Ilsley Trust Company, N.A. ("M&I") and

**WHEREAS, PURSUANT TO THE** Agreement, the Corporation is to act as the Plan Administrator, and

**WHEREAS,** the Corporation desires to name the City Administrator to act on its behalf as Plan Administrator.

**NOW, THEREFORE, BE IT RESOLVED** that (1) Quinn Bennion, City Administrator is appointed to serve on behalf of the Employer as Plan Administrator, and (2) that the Trustee of the Trust may rely upon this appointment until notified in writing by the Corporation of a different appointment.

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

ATTEST:

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

## RESOLUTION NO. 2007-18

**WHEREAS**, The City of Prairie Village, a Municipal Corporation (hereinafter referred to as "Employer") elected to participate as a joint contractowner in a Group Variable Annuity Contract (K575 and any Success Contract) issued by Aetna Life Insurance and Annuity Company to the State of Kansas for the benefit of the employees of the City.

**WHEREAS**, the State of Kansas amended, re-established and re-affirmed the State of Kansas Deferred Compensation Plan as established on July 1, 1980 pursuant to Section 457 of the Internal Revenue Code of 1954, as amended and K.S.A. Supp. 75-5521 et seq., and

**WHEREAS**, pursuant to the Agreement, the Corporation is to designate an individual act as the authorized signer for transactions on the Plan as administered by ING Life Insurance and Annuity Company, and

**WHEREAS**, the Corporation desires to name the City Administrator to act on its behalf; and

**NOW, THEREFORE, BE IT RESOLVED** that (1) Quinn Bennion, City Administrator is appointed to serve on behalf of the Employer as authorized signer , and (2) that this appointment shall remain until notified in writing by the Corporation of a different appointment.

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

ATTEST:

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

**COUNCIL COMMITTEE OF THE WHOLE**  
October 15, 2007

The Council Committee of the Whole met on Monday, October 15, 2007 at 6:00 p.m. The meeting was called to order by Council President Andrew Wang with the following members present: Mayor Ron Shaffer, Al Herrera, Bill Griffith, Ruth Hopkins, David Voysey, Michael Kelly, Andrew Wang, Laura Wassmer, Pat Daniels, Charles Clark, Wayne Vennard, Diana Ewy Sharp and David Belz. Staff members present: Barbara Vernon, City Administrator; Wes Jordan, Chief of Police, Bob Pryzby, Director of Public Works; Captain Tim Schwartzkopf; Karen Kindle, Finance Director and Joyce Hagen Mundy, City Clerk..

Council President introduced Quinn Bennion, who has been recommended by the executive search committee for the position of City Administrator. Mr. Bennion stated he was pleased to be selected and looks forward to working with the City Council and Staff. He has read the Village Vision report and is excited for the opportunity to work with the City to implement the recommendations.

Charles Clark noted there were 71 candidates for the position with several from the local area and all extremely well qualified. He noted the committee was unanimous in its selection of Quinn.

Wayne Vennard asked when he would be able to start. Mr. Bennion stated his current contract requires 30 days notice; however, he will seek to start earlier if possible.

David Voysey expressed thanks to the selection committee for their work.

### Consent Agenda

David Belz moved the approval of the Consent Agenda for Monday, October 15, 2007:

- Adopt Ordinance 2154 amending Chapter 1 of the Prairie Village Municipal Code entitled "Administration" by amending Article 3 entitled "Officers and Employees" by amending Section 1-301 entitled "Appointive Officers and Employees, Terms and Salary"; Section 1-302 entitled "Employees"; Section 1-303 entitled "Removal"; and Subsections (a) and (f) of Section 1-313 entitled "City Administrator: Duties".
- Adopt Ordinance 2155 Amending Chapter 1 of the Prairie Village Municipal Code entitled "Administration" by amending Section 2 entitled "Governing Body" by amending Section 1-205 entitled "Powers of the Mayor".
- Adopt Ordinance 2156 amending Chapter X of the Prairie Village Municipal Code entitled "Police" by amending Article 10 entitled "Police Department" by amending Section 10-109 entitled "Control of Police by the Mayor and Chief of Police: Suspension, Demotions, Removal from Office".

**COUNCIL ACTION REQUIRED**  
**CONSENT AGENDA**

The motion was voted on and passed unanimously.

## COU2007-61 Consider Rezoning of 7920 State Line Road from C-0 to CP-1

Ron Williamson, City Planning Consultant, brought before the Council the recommendation of the Planning Commission for the rezoning of 7920 State Line Road from C-0 to CP-1.

On October 2, 2007, a public hearing was held by the Planning Commission on the requested rezoning of the property at 7920 State Line Road from C-0 (Office Building District) to CP-1 (Planned Restricted Business District).

This property is located immediately south of the converted service station at the intersection of Somerset and State Line Road. The property has 156 feet of frontage on State Line Road and has a depth of approximately 273 feet. The site has an irregular boundary and contains approximately 0.82 acres. The site is currently occupied by an office building that was built in 1958. The applicant plans to demolish that building and build a Panda Express fast food restaurant that will have a drive-up window.

The applicant proposes to construct a 2,488 sq. ft. building that will be setback 35.5 feet from the front property line and a 14' x 21' x 3" shelter that will setback 15 feet from the front property line. The shelter will provide an outdoor eating area during nice weather.

Both driveways will be retained but will be moved closer to the building to provide more green space on each side. The north drive will have an exit and an entrance while the south drive will be two exit lanes. Based upon seating capacity the ordinance requires 29 parking spaces and the applicant is providing 31.

The applicant held a meeting for the neighborhood property owners on September 17, 2007 and one resident appeared. The resident was interested in the hours of operation, site lighting and screening. She also expressed concern about rodents around the building to the north. She was not opposed to the project, but was interested in conveying her feelings to the Planning Commission.

The zoning ordinance sets out eight factors the Planning Commission must consider to recommend approval or denial of a zoning change. The Planning Commission has reviewed those factors and found the project to meet them.

In planned zoning the zoning is based on a specific plan. In conjunction with the application, a preliminary development plan is presented showing the intended use of the property. The preliminary plan is reviewed in conjunction with the requested rezoning. If the zoning is approved by the Governing Body, the applicant will present to the Planning Commission a final development plan for approval.

The preliminary development plan presented for this site was approved by the Planning Commission subject to the following conditions:

1. That prior to obtaining a permit for construction the applicant shall submit a final plan for review and approval by the Planning Commission.

2. That if the applicant intends to have any exterior lighting on the project, that a plan be included with the submission of the final development plan and be designed in accordance with the outdoor lighting regulations of the zoning ordinance.
3. That if the HVAC units are installed externally, either on the roof or on the ground, they shall be screened from adjacent properties.
4. That the landscape plan as approved shall be installed as a part of the development construction.
5. That the applicant shall submit the landscape plan to the Tree Board for review and approval prior to submitting the final development to the Planning Commission for approval.
6. That the sidewalk north of the north driveway be realigned to connect to the existing sidewalk on commercial property to the north.
7. That the monument sign designated Option 2 be approved subject to it not exceeding 5 feet in height, 20 sq. ft. per sign face and being placed at least 12 feet back of the curb on private property.
8. That the applicant removes all "weed" trees along the northwest property line, and plant new trees to provide more screening for the adjacent residences. The revised plan shall be submitted to Staff for review and approval.
9. That the applicant submits a fence detail that will be used to screen adjacent residences.

Diana Ewy Sharp asked what the drive-thru hours would be. Mr. Williamson responded it would be open until 10 p.m. Mrs. Ewy Sharp asked if the residents' concerns for screening would be addressed. Mr. Williamson stated the applicant has agreed to additional screening.

Charles Clark agreed with the staff that there are not many places in Prairie Village where a drive-thru would be appropriate; however, it is very appropriate for this location.

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

**RECOMMEND THE CITY COUNCIL ADOPT ORDINANCE 2157 GRANTING THE REQUESTED ZONING CHANGE FROM OFFICE BUILDING DISTRICT (C-O) TO PLANNED RESTRICTED BUSINESS DISTRICT (CP-1) FOR THE PROPERTY LOCATED AT 7920 STATE LINE ROAD AND APPROVE THE PRELIMINARY DEVELOPMENT PLAN SUBJECT TO THE NINE CONDITIONS APPROVED BY THE PLANNING COMMISSION**

**COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

**COU2007-62 Consider Construction of Additional Parking at Shawnee Mission East**

Bob Pryzby stated during the discussions relative to the proposed building additions and subsequent changes to the parking lot and entrances, it was mentioned about the possibility of constructing additional parking spaces on the south side of the existing lot.



The Shawnee Mission School District requested that their architect prepare a preliminary plan and cost estimate. The additional parking is not included in the building expansion project. However, it was noted that during the construction approximately 400 of the existing parking spaces will be lost.

The plan is to construct about an additional 148 parking spaces by adding two rows of parking. The estimated construction cost is \$150,000. It is estimated that the design and construction observation will increase the project cost by \$25,000.

The proposal is for the City to design and construct the additional parking spaces as part of the City 2008 Paving Program.

The proposal would require an Interlocal Agreement between the Shawnee Mission School District and the City. The agreement would be for the design and construction costs of \$175,000 to be shared equally. It is proposed that the City share be paid by a transfer from General Fund Contingency.

Laura Wassmer asked how the City ends up paying one half of the cost. Mr. Pryzby stated during initial discussions with the school district they stated there were no funds available. If the work is added to the City's existing 2008 paving program, it is anticipated that, because of the volume of work for the entire project, the cost for materials and construction would be less than if it were bid separately.

Ruth Hopkins expressed concern with the lack of involvement by the school district. Laura Wassmer asked if the City had done joint projects with the school district previously. Barbara Vernon responded the driveway between the pool and the parking lot was a joint project.

Wayne Vennard asked if the school district or the high school was taking any proactive measures to address the parking problems. Mr. Pryzby responded that is currently being discussed. Chief Jordan stated during the construction at Shawnee Mission West, the school did issue fewer parking permits. Ruth Hopkins asked if they have discussed any incentives for carpooling.

Bill Griffith noted when dealing with parking problems in the past, the city has gotten very little support from the school district. For the parking lot to be constructed with the City picking up one-half the costs, does not fit for him. The school district passed a large bond issue with the backing of the city and its residents, he does not feel the City should be bailing them out by paying for their parking.

David Voysey noted this is a non-tax paying entity taking more green space and creating more hard surface and potential water run-off. He does not have a good feeling about the proposal.

David Belz asked what happens if the City does not construct the parking. Mr. Pryzby responded it is possible it would not get done. Mr. Belz stated this would place more cars parking on the surrounding neighborhood streets. He does not want to take the

chance of the school district doing nothing to address this problem and residents coming to the City to complain.

Bill Griffith responded they should be directed to the school district to voice their complaints because they failed to take any action. Mr. Belz noted the school district will say they offered to share costs with the City for construction of additional parking and the City refused. He feels the City should go forward with the proposal to address potential future problems.

Diana Ewy Sharp noted the parking lot meets the required number of parking spaces and the school district has no incentive to add more. She questions the need for the City to pay when the school district has funds to place synthetic turf on their athletic fields.

Bob Pryzby noted the parking spaces meet City requirements now and will after the conclusion of the building expansion; however, for the projected two and a half year construction period, they will have significantly fewer spaces than required and needed.

Michael Kelly agreed with Mr. Belz that this is looking ahead to address potential future problems. He noted one of the goals of Village Vision is to increase population and this would provide additional parking for when that occurs.

Wayne Vennard said he would support the proposal if the school district would limit the number of parking permits issued. David Voysey noted the high school currently issues more permits than there are parking spaces and questions how that is being a good neighbor.

Andrew Wang stated if the City could know the cars parking in the street would end up in the parking spaces and there would not be an additional vehicle filling the space he would be more supportive. He noted this could be done at a later time if enrollment increased at the school and stated he is not supportive of taking action now.

Bob Pryzby stated Claridge Court is currently leasing parking space from the Mission Bible Church so those spaces will not be available to students.

Diana Ewy Sharp noted there are currently vacant spaces in the senior lot and questions why the school can not let other students use these. She asked Barbara Vernon how much money was available in the contingency fund. Mrs. Vernon responded, there is \$546,852.45 currently in the fund.

Pat Daniels stated he has empathy for those not supportive of the proposal but he sees reasons to move forward although this flies in the face of environmental concerns for increased gas emissions. He is supportive but feels there needs to be some type of restriction put in place to reduce the number of cars in the high school lot.

Chief Jordan stated if the City does not construct the parking spaces, they will not be constructed for two to five years.

Laura Wassmer asked if the intersections could be made more visible with painting. Bob Pryzby responded the City currently paints two parallel 2" wide lines with two foot blocks painted between the lines as stipulated in the MUTCD.

Ruth Hopkins stated she agreed with the basic philosophy and noted that if nothing is done the situation will be catastrophic during the construction period. Unfortunately, she does not feel the City can place any stipulations on the school district since it is their property.

Ruth Hopkins made the following motion, which was seconded by David Belz:

**MOVE THE CITY COUNCIL AUTHORIZE THE PUBLIC WORKS  
DIRECTOR TO PREPARE AN INTERLOCAL AGREEMENT WITH  
THE SHAWNEE MISSION SCHOOL DISTRICT TO CONSTRUCT  
ADDITIONAL PARKING SPACES AT SHAWNEE MISSION EAST  
HIGH SCHOOL**

**COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

Wayne Vennard stated an agreement between two parties can include restrictions.

David Voysey asked if the Council would be taking the same action for a private school. Al Herrera responded the City has done work for private schools.

Andrew Wang repeated his concern with the expenditure of funds without any control beyond the construction. He does not feel it is a good expenditure.

The motion was voted on and passed by a vote of eight to four with the following members voting "nay" Griffith, Voysey, Wang and Vennard.

### **COU2007-63 Consider MUTCD "Stop for Pedestrian" signs**

Captain Tim Schwartzkopf presented information on the possible use of "Stop for Pedestrian" signs that can be placed in the middle of an intersection. They are currently being used by the City of Mission on Johnson Drive which has four lanes of traffic. The signs are 47" tall and can be moved for snow removal. They are designed for use in non-signalized intersections. The signs cost \$225 each.

He has been asked to investigate the possible use of these signs at the following locations:

67<sup>th</sup> & Delmar  
Tomahawk & Prairie Lane  
Tomahawk and Oxford

The Police Department has not received any complaints regarding crossing at these locations.

Ruth Hopkins asked if vehicles have to stop for pedestrians. Capt. Schwartzkopf responded Kansas law requires vehicles to "yield".

Laura Wassmer asked how effective the "zebra stripping" was at intersections. She suggested instead of purchasing the signs to repaint the intersections. Bob Pryzby stated the City is currently painting solid 2" wide lines following the MUTCD.

Chief Jordan stated some agencies have experimented with ground level strobe lights which have been successful in improving visibility, however, they are very expensive.

David Belz asked if the signs were effective in Mission. Captain Schwartzkopf responded their Deputy Chief stated they have been and makes enforcement easier. Mr. Belz asked why the locations were chosen. Al Herrera responded a parent had approached him regarding these locations noting trees limit the visibility and he has seen students lined up waiting for a break in traffic to cross. He would like to have something that would slow down traffic and noted another possible location would be in front of Hen House on Prairie Lane.

Diana Ewy Sharp expressed concern that once they were placed several other neighborhoods would want the signs. She is more supportive of stripping. Ruth Hopkins agreed noting the signs would be requested at every school and park in the City. Wayne Vennard stated if they are used it would be important to develop a standard or criteria for determining where they can be placed. Laura Wassmer asked Mr. Pryzby to look into the cost of reflective paint for the crosswalk markings.

Captain Schwartzkopf stated the signs could provide a false sense of security for pedestrians. He also noted that too many signs on the roadway distract drivers from paying attention to driving.

Laura Wassmer stated she agrees with the issue but would like to investigate painting instead of signs to make the crossings more visible.

### **Village Vision Reports**

Pat Daniels reported the City received nine proposals from firms for the 75<sup>th</sup> Street Corridor Improvements. They have been distributed to committee members who will be meeting on October 23<sup>rd</sup> to discuss the proposals and narrow the field for interviews. He does not anticipate the committee will have a recommendation until early December.

With no further business to come before the committee, Council President Andrew Wang adjourned the meeting at 7 p.m.

Andrew Wang,  
Council President

ORDINANCE NO. 2154

AN ORDINANCE AMENDING CHAPTER I OF THE PRAIRIE VILLAGE MUNICIPAL CODE ENTITLED "ADMINISTRATION" BY AMENDING ARTICLE 3 ENTITLED "OFFICERS AND EMPLOYEES" BY AMENDING SECTION 1-301 ENTITLED "APPOINTIVE OFFICERS AND EMPLOYEES; TERMS AND SALARY;" SECTION 1-302 ENTITLED "EMPLOYEES;" SECTION 1-303 ENTITLED "REMOVAL;" AND SUBSECTIONS (a) AND (f) OF SECTION 1-313 ENTITLED "CITY ADMINISTRATOR; DUTIES."

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

Section I.

Section 1-301 of the Prairie Village Municipal Code entitled "APPOINTIVE OFFICERS AND EMPLOYEES; TERMS AND SALARY" is deleted in its entirety and in lieu thereof, the following section of the same number is hereby adopted:

Section 1-301 APPOINTIVE OFFICES; TERMS AND SALARY. The Mayor, with the approval of the City Council, and after receiving recommendations from the City Administrator, may appoint a City Attorney, Assistant City Attorney, City Prosecutor, City Clerk, City Treasurer, Assistant City Administrator, City Engineer, Director of Public Works, City Architect, and Chief of Police. The term of all elected and appointive officers shall be for four years and until their successors are appointed and duly-qualified, and the salaries of all such officers shall be fixed by Ordinance.

Section II.

Section 1-302 of the Prairie Village Municipal Code entitled "EMPLOYEES" is deleted in its entirety and in lieu thereof, the following section of the same number is hereby adopted:

Section 1-302 APPOINTMENT OF CITY ADMINISTRATOR. The Mayor, with the approval of the City Council, shall appoint a City Administrator.

Section III.

Section 1-303 of the Prairie Village Municipal Code entitled "REMOVAL" is deleted in its entirety and in lieu thereof, the following section of the same number is hereby adopted:

Section 1-303 REMOVAL OF CITY ADMINISTRATOR AND APPOINTIVE OFFICERS.

- (a) The City Administrator may be removed either by the Mayor, with the approval of a majority of the City Council, or by the City Council alone if at least nine members vote in favor of removal. If requested by the City Administrator, the Mayor and the City Council shall grant the City Administrator a public hearing within 30 days following notice of such removal. During the interim, the Mayor, with the approval of a majority of the City Council, may suspend the City Administrator from duty, but shall continue his or her salary for two calendar months following the final removal date; provided, however, that if the City Administrator shall be removed for acts of dishonesty or acts of moral turpitude, such salary shall not be continued.

- (b) Subject to personnel system regulations, and after receiving a recommendation from the City Administrator, all other appointive officers may be removed either by the Mayor, with the approval of a majority of the City Council, or by the City Council alone if at least nine members vote in favor of removal.

Section IV.

Subsections (a) and (f) of Section 1-313 of the Prairie Village Municipal Code entitled "CITY ADMINISTRATOR; DUTIES" are deleted in their entirety and in lieu thereof, the following subsections of the same name and number are hereby adopted:

Section 1-313 CITY ADMINISTRATOR; DUTIES.

- (a) Administrative Office: The City Administrator shall be the chief administrative assistant to the Mayor and the Governing Body and, as such, shall be the administrative officer of the City government. Except as otherwise specified by Ordinance or by law of the State of Kansas, the City Administrator shall coordinate and generally supervise the operation of all departments of the City.
- (f) Personnel System: The City Administrator shall act as the personnel officer of the City. The City Administrator shall directly supervise all department heads and make recommendations to the Governing Body concerning their appointment, salaries, and removal. In addition, subject to the personnel system regulations, the City Administrator shall have the power to hire all other employees of the City and, after consultation with department heads, shall approve all terminations and advancements of such employees. The City Administrator, after consultation with department heads, shall also approve appropriate pay increases for all such City employees within the pay plan and position classification system adopted by the City Council. For purpose of this Ordinance, the term "department heads" shall mean the City Clerk, Assistant City Administrator, Director of Public Works and Chief of Police and shall further include any additional employee or officer that the Governing Body may designate in the future as a "department head".

Section V.

This Ordinance shall take effect and be in force from and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this 5<sup>th</sup> day of November, 2007.

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

ATTEST:

APPROVED AS TO FORM:

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

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

ORDINANCE NO. 2155

AN ORDINANCE AMENDING CHAPTER 1 OF THE PRAIRIE VILLAGE MUNICIPAL CODE ENTITLED "ADMINISTRATION" BY AMENDING ARTICLE 2 ENTITLED "GOVERNING BODY" BY AMENDING SECTION 1-205 ENTITLED "POWERS OF THE MAYOR."

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

Section I.

Section 1-205 of the Prairie Village Municipal Code entitled "POWERS OF THE MAYOR" is deleted in its entirety and in lieu thereof, the following section of the same name and number is hereby adopted:

Section 1-205 POWERS OF THE MAYOR. The Mayor shall preside at all meetings of the Governing Body. The Mayor shall have the tie-breaking vote on all questions when the members present are equally divided. The Mayor shall:

- (a) Have the superintending control of all officers and affairs of the City, which control may be delegated to the City Administrator as chief administrative assistant to the Mayor in accordance with Article 3 of this Chapter;
- (b) Monitor that the Ordinances of the City are complied with;
- (c) Sign the commissions and appointments of all officers elected and appointed;
- (d) Endorse the approval of the Governing Body on all official bonds;
- (e) From time to time communicate to the City Council such information and recommend such measures as he or she may deem advisable;
- (f) Have the power to approve or veto any Ordinance in any manner as provided by state law;
- (g) Sign all orders and drafts drawn upon the City treasury for money; and
- (h) Cause all subordinate officers to be dealt with promptly for any neglect or violation of duty.

Section II.

This Ordinance shall take effect and be in force from and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this 5<sup>th</sup> day of November, 2007.

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

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Charles E. Wetzler

ORDINANCE NO. 2156

AN ORDINANCE AMENDING CHAPTER X OF THE PRAIRIE VILLAGE MUNICIPAL CODE ENTITLED "POLICE" BY AMENDING ARTICLE 10 ENTITLED "POLICE DEPARTMENT" BY AMENDING SECTION 10-109 ENTITLED "CONTROL OF POLICE BY THE MAYOR AND CHIEF OF POLICE; SUSPENSION; DEMOTIONS; REMOVAL FROM OFFICE."

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

Section I.

Section 10-109 of the Prairie Village Municipal Code entitled "CONTROL OF POLICE BY THE MAYOR AND CHIEF OF POLICE; SUSPENSION; DEMOTIONS; REMOVAL FROM OFFICE" is deleted in its entirety and in lieu thereof, the following section of the same number is hereby adopted:

Section 10-109 CONTROL OF POLICE BY CHIEF OF POLICE; SUSPENSION; DEMOTIONS; TERMINATIONS

The Chief of Police, in the discharge of his or her duties, shall be responsible for all police policy and procedure.

- (a) All new commissioned police officers shall be hired under a one-year probationary period, and the period of probation may be removed by the Chief of Police after one year, and upon recommendation of the Chief of Police, the civil service status shall apply, and removal shall be as provided by the rules and regulations set forth in the Civil Service Commission Standard Operations Procedure Manual and Personnel Policy Manual adopted by the City Council.
- (b) All promotions to police rank position shall be upon the recommendation of the Civil Service Commission to the Chief of Police with final decision by the Chief of Police.
- (c) A police department supervisor may place a commissioned police officer on a temporary administrative suspension when he or she has a reasonable cause to believe:
  - (1) The officer's continued performance of his or her duties poses a threat to the health, safety, and general welfare of the public, the department, or the officer; or
  - (2) The officer has killed, wounded or physically injured another, either in the line of duty or otherwise.

The Chief of Police must review the temporary suspension within 24 hours of its issue. If, after his or her review, the Chief has reasonable cause to believe that conduct falling within either subsections (1) or (2) above has occurred, he or she may issue an administrative suspension. Such suspension will be with pay and may be issued for up to seven calendar days commencing with the date of issuance of the administrative suspension by the Chief. There shall be no right to appeal an administrative suspension with pay issued pursuant to this Section 10-109(c). The purpose of such an administrative suspension shall be to afford the Chief of Police an opportunity to investigate the conduct and circumstances giving rise to the administrative suspension in order to determine whether remedial action or discipline is appropriate. During such period, the Chief may order the officer to undergo physical and/or mental examinations as provided in the Standard Operations Procedure



Manual. Refusal to submit to said examination may result in disciplinary action or discipline as provided in the Standard Operations Procedure Manual. At the conclusion of the investigation, the Chief shall promptly notify the suspended officer of his or her determination in accordance with the Standard Operations Procedure Manual. If the above-described investigation results in a suspension without pay, a demotion, or a termination, the affected officer shall have an immediate right to appeal the suspension without pay, demotion, or termination pursuant to the appeals procedure set forth in Section 1-808(5) of the Prairie Village Municipal Code.

**Section II.**

This Ordinance shall take effect and be in force from and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this 5<sup>th</sup> day of November, 2007.

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

ATTEST:

APPROVED AS TO FORM:

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

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

Ordinance No. 2157

AN ORDINANCE REZONING PROPERTY LOCATED AT 7920 STATE LINE ROAD, PRAIRIE VILLAGE, KANSAS FROM C-0 (OFFICE BUILDING DISTRICT) TO CP-1 (PLANNED RESTRICTED BUSINESS DISTRICT), DIRECTING AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF PRAIRIE VILLAGE, KANSAS; AND REINCORPORATING SAID ZONING MAP BY REFERENCE.

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

**Section I. Planning Commission Recommendation.** That having received a recommendation from the Planning Commission; proper notice having been given and hearing held as provided by law and under the authority of and subject to the provisions of the Zoning Regulations of the City of Prairie Village, Kansas, the zoning classification or districts of the lands hereinafter legally described are changed from C-0 Office Building District to CP-1 Planned Restricted Business District and a Preliminary Development Plan is adopted as set forth in Sections II and III.

**Section II. Rezoning of Property.** That the real estate located at 7920 State Line Road, Prairie Village, Kansas and hereinafter described, to-wit: MEADOW LAKE NELY TR LOT 14, 123 FT ON S & 62.85 FT ON W & ALL LOT 15 BLK 8 PVC-7790N commonly referred to as

7920 State Line Road, Prairie Village, Kansas

is hereby rezoned in its entirety from C-0, Office Building District to CP-1 Planned Restricted Business District.

**Section III. Preliminary Development Plan.** That a Preliminary Development Plan as revised and presented to the Planning Commission on October 2, 2007 is hereby approved subject to the following conditions:

1. That prior to obtaining a permit for construction the applicant shall submit a final plan for review and approval by the Planning Commission.
2. That if the applicant intends to have any exterior lighting on the project, that a plan be included with the sub mission of the final development plan and be designed in accordance with the outdoor lighting regulations of the zoning ordinance.
3. That if the HVAC units are installed externally, either on the roof or on the ground, they shall be screened from adjacent properties.
4. That the landscape plan as approved shall be installed as a part of the development construction.
5. That the applicant shall submit the landscape plan to the Tree Board for review and approval prior to submitting the final development to the Planning Commission for approval.
6. That the sidewalk north of the north driveway be realigned to connect to the existing sidewalk on commercial property to the north.
7. That the monument sign designated Option 2 be approved subject to it not exceeding 5 feet in height, 20 sq. ft. per sign face and being placed at least 12 feet back of the curb on private property.
8. That the applicant removes all "weed" trees along the northwest property line, and plant new trees to provide more screening for the adjacent residences. The revised plan shall be submitted to Staff for review and approval.
9. That the applicant submits a fence detail that will be used to screen adjacent residences.

**Section IV. Reincorporation By Reference of Prairie Village, Kansas, Zoning District Map as Amended.** That the Official Zoning District Map of the City is hereby amended in accordance with Section II, of this ordinance and is hereby reincorporated by reference and declared to be the Official Zoning District Map of the City as provided for and adopted pursuant to the provisions of Section 19.04.010 of the Title 19 Zoning of the Prairie Village Zoning Regulations.

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

**PASSED AND APPROVED THIS 5th DAY OF NOVEMBER, 2007.**

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

**ATTEST:**

**APPROVED AS TO FORM:**

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

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

## FINANCE COMMITTEE

October 15, 2007

The Finance Committee met on October 15, 2007. Present: Chairman David Voysey, Charles Clark, Bill Griffith and Wayne Vennard. Staff Present: Barbara Vernon and Karen Kindle.

The Committee met to discuss the information gathered by staff as directed at the meeting on October 10, 2007.

### Hourly Rates for George K. Baum

- The firm does not charge for analyses done in between bond issues.
- They would only receive compensation from the City if the City issued bonds.

### Springsted Reference Checks

#### City of Mission

- Springsted has been an integral part of the negotiations with the developer of the Gateway project. Springsted did a thorough review of the developer's assumptions and created an executive summary of the development agreement for Council presentations.
- Mission has not had any accessibility problems even though their main contact is located in St. Paul, MN.
- Mission has also used Springsted for bond issues and other analysis projects and has been very satisfied with the level of service they receive.

#### City of Merriam

- Merriam has had a long-standing relationship with Springsted – dating back to at least 1997.
- Merriam has used Springsted primarily for work on economic development projects.
- Merriam feels that Springsted's knowledge of what is going on in the region is good experience to draw from when helping with their development projects.
- Merriam has not experienced any problems resulting from Springsted's home office being located in St. Paul, MN.

#### City of Spring Hill

- Spring Hill uses Springsted for a variety of projects from bond issues to benefit districts to TDD's.
- Spring Hill likes the depth of staff that Springsted brings to the table. With the variety of projects they have, their main contact can draw from a wide base of experience.
- Spring Hill also liked Springsted's connection to the financial markets.

After the discussion on the reference checks, the David Voysey made a motion to recommend Springsted and it passed with a unanimous vote. The Committee directed staff to determine the average contract period Springsted has with other customers and begin the contract negotiation process.

**RECOMMEND APPROVAL OF HIRING SPRINGSTED AS THE CITY'S  
FINANCIAL ADVISOR.**

**COUNCIL ACTION REQUIRED**

**FINANCE COMMITTEE  
October 15, 2007**

**Economic Development Fund**

- Barbara Vernon noted that since the fund had been approved by the Council, it was time to transfer money to the fund. The 2007 Budget included \$1,500,000 in expenditures from the School Sales Tax money.
- Karen Kindle noted that \$7,500 of the \$1,500,000 had been spent on the Council Retreat.
- David Voysey made a motion to recommend authorizing a transfer to the Economic Development Fund from the General Fund in the amount of \$1,492,500. It passed with a unanimous vote.

**RECOMMEND AUTHORIZING A TRANSFER TO THE ECONOMIC  
DEVELOPMENT FUND FROM THE GENERAL FUND IN THE  
AMOUNT OF \$1,492,000.**

**COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

## AGREEMENT FOR FINANCIAL ADVISOR SERVICES

THIS AGREEMENT is made as of the \_\_\_\_ day of \_\_\_\_\_, 2007, by and between the City of Prairie Village, Kansas, ("Client") and Springsted Incorporated ("Advisor"), a Minnesota corporation.

WHEREAS, the Client wishes to retain the services of the Advisor on the terms and conditions set forth herein, and the Advisor wishes to provide such services;

NOW, THEREFORE, the parties hereto agree as follows:

1. Services. Advisor shall perform the services ("Services") described in Exhibit A attached hereto. Task 2 "Coordinate Debt Issues" shall include the following Services: For each Debt Obligation issued by the Client during the term of this Agreement, the Advisor shall advise the Client as to the following matters related to the Debt Obligation, depending on the characteristics of the Debt Obligation and the needs of the Client; (a) the basis and procedure for authorization of the Debt Obligation; (b) the structure of the Debt Obligation; (c) the need for and type of collateral or other devices for securing repayment of the Debt Obligation or of any loan made by the Client with the proceeds of the Debt Obligation; (d) an estimate, based on data provided by the Client, as to the sufficiency of revenue to repay the Debt Obligation or any loan made by the Client with the proceeds of the Debt Obligation; (e) the ratability of the Debt Obligation; (f) the marketability of the Debt Obligation; and (g) the rate of interest at which the Debt Obligation should be issued. In addition, depending on the characteristics of the Debt Obligation and the needs of the Client, the Advisor may assist the Client in drafting the Official Statement related to the Debt Obligation, apply for a credit rating, print or arrange for printing of the Official Statement, the instruments evidencing the Debt Obligation, and any related documents. For the purposes of this Agreement the term "Debt Obligation" shall mean all indebtedness issued by the Client which is evidenced by a bond or similar instrument.
2. Compensation. For each Debt Obligation the Client shall compensate the Advisor at the rates set forth in Appendix B attached hereto.
3. Term and Termination. This Agreement shall commence as of the date hereof, and, subject to the annual availability of appropriation required by the State cash basis law, shall renew each year for 4 years or until terminated by Advisor by written notice given to City at least 60 days before the effective date of such termination or by City as provided in Appendix C.
4. Confidentiality; Disclosure of Information
  - 4.1 Client Information. All information, files, records, memoranda and other data of the Client which the Client provides to the Advisor or which the Advisor becomes aware of in the performance of its duties hereunder ("Client Information") shall be deemed by the parties to be the property of the Client. The Advisor may disclose the Client Information to third parties in connection with the performance by it of its duties hereunder.
  - 4.2 Advisor Information. The Client acknowledges that in connection with the performance by the Advisor of its duties hereunder, the Client may become aware of internal files, records, memoranda and other data, including without limitation computer programs of the Advisor ("Advisor Information"). The Client acknowledges that all Advisor Information, except reports prepared by the Advisor for the Client, is confidential and proprietary to the Advisor, and agrees that the Client will not, directly or indirectly, disclose the same or any part thereof to any person or entity except upon the express written consent of the Advisor unless required by the Kansas Open Records Act, K.S.A. 45-215 et seq..

5. Miscellaneous

5.1 The following appendices, attached and incorporated herein, including this agreement and modifications issued hereafter, constitute the entire contract document ("Contract Document") between the Client and the Advisor.

- Appendix A. Scope of Services
- Appendix B. Schedule of Compensation for Services
- Appendix C. General Terms and Conditions

5.2 No Underwriting Participation. The Advisor shall not during the term of this Agreement directly or indirectly engage in the underwriting of any Debt Obligation.

5.3 Delegation of Duties. The Advisor shall not delegate its duties hereunder to any third party without the express written consent of the Client.

5.4 No Third Party Beneficiary. No third party shall have any rights or remedies under this Agreement.

5.5 Entire Contract; Amendment. This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof, and supersedes all prior written or oral negotiations, understandings or agreements with respect hereto. This Agreement may be amended in whole or in part by mutual consent of the parties, and this Agreement shall not preclude the Client and the Advisor from entering into separate agreements for other projects.

5.6 Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Kansas.

5.7 Severability. To the extent any provision of this Agreement shall be determined invalid or unenforceable, the invalid or unenforceable portion shall be deleted from this Agreement, and the validity and enforceability of the remainder shall be unaffected.

5.8 Notice. All notices required hereunder shall be in writing and shall be deemed to have been given when delivered, transmitted by first class, registered or certified mail, postage prepaid and addressed as follows:

If to the Client:

City of Prairie Village, Kansas  
7700 Mission Road  
Prairie Village, KS 66208  
Attention: Finance Director

If to the Advisor, to:

Springsted Incorporated  
380 Jackson Street, Suite 300  
St. Paul, MN 55101-2887  
Attention: Managing Principal

The foregoing Agreement is hereby entered into on behalf of the respective parties by signature of the following persons each of whom is duly authorized to bind the parties indicated.

FOR CLIENT

SPRINGSTED Incorporated

\_\_\_\_\_  
\_\_\_\_\_  
Title

\_\_\_\_\_  
Tom L. Kaleko  
Senior Vice President/Client Representative  
\_\_\_\_\_  
Title

APPENDIX A OF AGREEMENT BETWEEN  
The City of Prairie Village, Kansas

AND

Springsted Incorporated

Effective as of \_\_\_\_\_

**SCOPE OF SERVICES**

Services will include, but are not limited to, the following tasks:

- Task 1: Evaluate Operating and Capital Funding Alternatives
- Task 2: Coordinate Debt Issues
- Task 3: Arbitrage/Rebate Management/Continuing Disclosure
- Task 4: Other Financial Advisory Services

**Task 1: Evaluating Funding Alternatives**

The financial advisor will review and analyze the City's operating and capital budgets in order to assist the City in identifying funding alternatives. As mentioned above, the City's Finance Committee is studying ways to increase revenue and fund services so as to minimize future mill levy increases.

**Task 2: Coordinate Debt Issue**

The financial advisor will be responsible for the oversight of the issuance of all City debt. This includes all aspects of debt issuance from advising on the structure through the bond closing activities.

**Task 3: Arbitrage/Rebate Management/Continuing Disclosure**

The financial advisor will prepare arbitrage rebate calculations for the City's debt issues and assist the City in complying with continuing disclosure requirements.

**Task 4: Other Financial Advisory Services**

As noted above, the City has adopted the Village Vision Strategic Investment Plan. As the City Council works through the recommendations contained in that document the City may require the services of the financial advisor in evaluating funding options and evaluating developer requests for incentives/preparing fiscal impact studies. In addition, from time to time, the City may request assistance in other areas related to public finance.

This Appendix A. is acknowledged to be a part of the Agreement, effective as of \_\_\_\_\_, between the Client and the Advisor.

FOR CLIENT

SPRINGSTED Incorporated

\_\_\_\_\_

\_\_\_\_\_

Tom L. Kaleko

Senior Vice President/Client Representative

Title

Title



**APPENDIX B OF AGREEMENT BETWEEN  
The City of Prairie Village, Kansas**

**AND**

**Springsted Incorporated**

Effective as of \_\_\_\_\_

**SCHEDULE OF ADVISOR'S COMPENSATION FOR SERVICES RELATING TO CLIENT'S DEBT OBLIGATIONS:**

Section 1. General obligation debt:

<b>General Obligation Bonds</b>	
<b>Par Amount</b>	<b>Fee</b>
Under \$1,000,000	\$7,500
\$1,000,000 to \$2,999,999	\$10,000
\$3,000,000 to \$4,999,999	\$12,500
\$5,000,000 and Over	\$15,000

<b>Temporary Notes</b>	
<b>Par Amount</b>	<b>Fee</b>
Under \$500,000	\$2,500
\$500,000 to \$2,999,999	\$5,000
\$3,000,000 and Over	\$6,000

<b>Special Assessment General Obligation Bonds</b>
Same as General Obligation Bonds schedule. Assistance with preparation of assessment rolls billed on an hourly or not-to-exceed basis.

The foregoing schedule shall include the Advisor's services through closing of a Debt Obligation. If the Advisor performs post-closing services relative to a Debt Obligation, it shall be compensated for such services at the hourly rates set out in Section 5 herein.

Section 2. Refunding bonds:

Current refundings at same fee schedule as general obligation bonds. Advanced refundings at 1.25 times general obligation bonds schedule.

Section 3. Revenue, special obligation, and 3<sup>rd</sup> party private placement bonds:

1.25 times general obligation bonds schedule.

Section 4. Expenses:

The Client shall be responsible for issuance expenses including, without exclusion of other expenses: (i) printing and distributing the Official Statement, (ii) publication of notices, (iii) legal fees, (iv) printing, (v) delivery and settlement, (vi) travel, (vii) rating fees, (viii) out-of-pocket Debt Obligation related expenses, and (ix) governmental and governmental agency fees and charges.

Section 5. Schedule of hourly rates for non-Debt Obligation related services:

Hourly Fee Schedule	
Title	Rate
Principal & Senior Officer	\$210
Officer & Project Manager	\$180
Senior Associate	\$150
Associate	\$135
Support Staff	\$ 60

Section 6. In the event it is necessary for the Advisor to repeat Debt Obligation services because of events beyond the Advisor's control, the Advisor shall be compensated for such repetitive services at the hourly rates set out in the foregoing Section 5 of this Appendix. The Advisor shall not be entitled to compensation under this section for failed referenda unless otherwise provided by agreement between the Client and the Advisor.

Section 7. Due Dates:

1. The Advisor's fees for a Debt Obligation shall be contingent upon closing of the Debt Obligation, except that if the Debt Obligation is awarded but cannot be closed by reason of an error or act of commission or omission by the Client, the Advisor shall be paid the amount which would have been due upon closing. If, however, the reason for non-closing is beyond the control of the Client and without fault of the Client, then the Advisor shall be compensated at one-half the amount which would have been due upon closing.
2. Amounts due the Advisor for expenses and services charged at hourly rates shall not be contingent.
3. All amounts due the Advisor shall be due upon the Client's receipt of billing.

Section 8. The fees set out herein shall be effective for 12 months from the effective date of the Agreement and shall extend to any Debt Obligation for which the Advisor has performed a service pursuant to the Agreement relative to the Debt Obligation within said 12-month period. Thereafter, the Advisor's compensation shall be at the rates charged other similar clients as of the time a Debt Obligation is commenced.

ABANDONMENT:

If a Client Debt Obligation is abandoned for any reason and the Advisor is without fault for such abandonment, the Advisor shall be paid a fee in the amount that would have been due if the Advisor's services to the point of abandonment had been charged at the hourly rate set out in Section 5 herein. A Debt Obligation shall be deemed abandoned upon notice by the Client to the Advisor of abandonment or whenever the Client has taken no action with respect to the Debt Obligation within one year, whichever occurs first.

Delay in the issuance of Debt Obligations resulting from failed authorization referenda shall not constitute abandonment unless otherwise provided by agreement between the Client and the Advisor.

This Appendix B. is acknowledged to be a part of the Agreement, effective as of \_\_\_\_\_, between the Client and the Advisor.

FOR CLIENT

SPRINGSTED Incorporated

\_\_\_\_\_  
Title

\_\_\_\_\_  
Tom L. Kaleko  
Senior Vice President/Client Representative  
Title

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APPENDIX C OF AGREEMENT BETWEEN  
The City of Prairie Village, Kansas

AND

Springsted Incorporated

Effective as of \_\_\_\_\_

**GENERAL TERMS AND CONDITIONS**

The following contract terms must be included in all contracts for financial advisory services.

**1. RIGHT OF CITY TO TERMINATE AGREEMENT**

**A. Termination for Cause.** Without in any manner limiting the right of the City to terminate this Agreement or declare the Advisor in default thereof for any reason set forth herein, if the work to be done under this contract shall be abandoned by the Advisor; or if this Agreement shall be assigned by the Advisor otherwise than as herein provided; or if the Advisor should be judged as bankrupt; or if a general assignment of its assets should be made for the benefit of its creditors; or if a receiver should be appointed for the Advisor or any of its property; or if at any time the City determines that the performance of the work under this contract is being unnecessarily delayed, that the Advisor is violating any of the conditions or covenants of this Agreement, that it is executing the same in bad faith or otherwise not in accordance with the terms of said Agreement; then, in addition to other rights the City may choose to exercise, the City may, at its option, serve written notice upon the Advisor of the City's intention to terminate this Agreement, and, unless within ten (10) days after the serving of such notice upon the Advisor a satisfactory arrangement be made for the continuance thereof, this Agreement shall cease and terminate unless the City otherwise agrees to continue the Agreement. In the event of such termination, the City shall immediately serve notice thereof upon the Advisor, and the City may take over the work and prosecute same to completion by contract with another Advisor or otherwise and in such event the City may take possession of and utilize in completing the work any and all documents and other materials as may be necessary therefor. When the Advisor's services have been so terminated, such termination shall not affect any rights or remedies of the City against the Advisor then existing or which may later accrue. Similarly, any retention or payment of monies due the Advisor shall not release Advisor from liability.

**B. Termination for Convenience.** The City reserves the right, in its sole discretion and for its convenience and without cause or default on the part of the Advisor, to terminate this Agreement by providing sixty (60) days prior written notice of such termination to the Advisor. Upon receipt of such notice from the City, the Advisor shall: (1) immediately cease all work or (2) meet with the City and, subject to the City's approval, determine what work shall be required of the Advisor in order to bring the services then being performed by Advisor to a reasonable termination in accordance with the request of the City. If the City shall terminate for its convenience as herein provided, the City shall compensate the Advisor for all work completed to date of termination. Compensation shall not include anticipatory profit or consequential damages, neither of which will be allowed. Any termination of the Agreement for alleged default by the Advisor that is ultimately determined to be unjustified shall automatically be deemed a termination for convenience of the City.

**2. DISPUTES.**

All controversies between the City and the Advisor which arise under, or are by virtue of, this Agreement and which are not resolved by mutual agreement, shall be decided by the Mayor in writing, within 30 days after a written request by the Advisor for a final decision concerning the controversy; provided, however, that if the Mayor does not issue a written decision within

30 days after written request for a final decision, or within such longer period as may be agreed upon by the parties, then the Advisor may proceed as if an adverse decision had been received.

The Mayor shall immediately furnish a copy of the decision to the Advisor by certified mail, return receipt requested, or by any other method that provides evidence of receipt. Any such decision shall be final and conclusive, unless fraudulent, or the Advisor brings an action seeking judicial review of the decision in the District Court of Johnson County, Kansas.

The Advisor shall comply with any decision of the Mayor and proceed diligently with performance of this Agreement pending final resolution by the District Court of Johnson County, Kansas of any controversy arising under, or by virtue of, this Agreement, except where there has been a material breach of the Agreement by the City; provided, however, that in any event the Advisor shall proceed diligently with the performance of the Agreement where the Mayor has made a written determination that continuation of work under the contract is essential to the public health and safety.

Notwithstanding any language to the contrary, no interpretation shall be allowed to find the City has agreed to binding arbitration, or the payment of damages or penalties upon the occurrence of any contingency. Further, the City shall not agree to pay attorney fees and late payment charges.

### 3. INDEMNITY

#### A. *Definitions*

For purposes of indemnification requirements, the following terms shall have the meanings set forth below:

i. The "Advisor" means and includes the Advisor, all of its employees, agents and assignees, and all of its affiliates and subsidiaries, its subcontractors and/or assignees and their respective servants, agents and employees; and

ii. "Loss" means any and all loss, damage, liability or expense of any nature whatsoever, whether incurred as a judgment, settlement, penalty, fine or otherwise (including attorney's fees and the cost of defense).

#### B. *Indemnity*

For purposes of this Agreement, the Advisor hereby agrees to indemnify, defend and hold harmless the City, and its employees and agents from any and all "Loss" where "Loss" is caused or incurred or alleged to be caused or incurred in whole or in part as a result of the negligence or other actionable fault of the Advisor. It is agreed as a specific element of consideration of this Agreement that this indemnity shall apply notwithstanding the joint, concurring or contributory or comparative fault or negligence of the City or any third party and, further notwithstanding any theory of law including, but not limited to, a characterization of the City's or any third party's joint, concurring or contributory or comparative fault or negligence as either passive or active in nature; provided, however, that the Advisor's obligation hereunder shall not include amounts attributable to the fault or negligence of the City. Nothing in this section shall be deemed to impose liability on the Advisor to indemnify the City for loss when the City's negligence or other actionable fault is the sole cause of loss.

C. *Disclaimer of Liability*

The City shall not hold harmless or indemnify the Advisor for any liability whatsoever.

D. *Payment of Taxes*

The City shall not be responsible for, nor indemnify the Advisor for any federal, state, or local taxes, which may be imposed or levied upon the subject matter of this Agreement. The Advisor shall pay the City any applicable occupation tax, or other similar city tax to do business within the limits of the City's jurisdictional boundaries, prior to execution of the Agreement.

4. **INSURANCE**

During the performance of this contract, the Advisor agrees to maintain for the duration of the contract insurance coverage of the types and minimum liability as set forth below. Before entering into a contract, the successful Advisor shall furnish to the City a Certificate of Insurance verifying such coverage. All general and automobile liability insurance shall be written on an occurrence basis unless otherwise agreed to in writing by the City.

<b>Insurance Type</b>	<b>Coverage Limits</b>
Professional Liability	\$1,000,000 each claim/aggregate
Commercial General Liability Each Occurrence Personal & Advertising Injury Products Completed/Completed Operations Aggregate General Aggregate	\$1,000,000 \$1,000,000 \$2,000,000 \$2,000,000
Automobile Liability Insurance  Protect against claims for bodily injury and/or property damage arising out of the ownership or use of any owned, hired and/or non-owned vehicle and must include protection for either: any auto or all autos/hire autos/non-owned autos	Each accident, combined single limits, bodily injury and property damage: \$1,000,000
Worker's Compensation  This insurance shall protect the Advisor against all claims under applicable state Workers' Compensation laws. The Advisor shall also be protected against claims for injury, disease or death of employees for which, for any reason, may not fall within the provisions of a Workers' Compensation law. The policy limits shall include "all States" insurance, and the liability limits shall not be less than the following:	Worker's Compensation: Statutory  Employer's Liability: <ul style="list-style-type: none"><li>• Bodily Injury by Accident: \$100,000 each accident</li><li>• Bodily Injury by Disease: \$500,000 policy limit</li><li>• Bodily Injury by Disease: \$100,000 each employee</li></ul>

Industry Ratings

The City will only accept coverage from an insurance carrier which offers proof that the carrier:

- Is licensed to do business in the State of Kansas
- Carries a Best's Policyholder rating of A- or better; and
- Carries at least a Class VII financial rating;

**OR**

- Is a company mutually agreed upon by the City and the Advisor.

Certification of insurance coverage in the sections above shall be on a separate form provided by the Advisor's insurance carrier.

## 5. COMPLIANCE WITH APPLICABLE LAWS, REGULATIONS, RULES AND LAWS

### A. Kansas Cash Basis Law

This Agreement is subject to the Kansas Cash Basis Law, K.S.A. 10-1101. Any automatic renewal of the terms of the Agreement shall create no legal obligation on the part of the City. The City is obligated only to pay periodic payments or monthly installments under the Agreement as may lawfully be made from (a) funds budgeted and appropriated for that purpose during the City's current budget year or (b) funds made available from any lawfully operated revenue producing source.

### B. Equal Opportunity Laws

The Advisor agrees that:

- The Advisor shall observe the provisions of the Kansas Act Against Discrimination (K.S.A. 44-1001 et seq.) and shall not discriminate against any person in the performance of work under the present Agreement because of race, religion, color, sex, national origin, ancestry or age;
- In all solicitations or advertisements for employees the Advisor shall include the phrase "equal opportunity employer" or a similar phrase to be approved by the Kansas Human Rights Commission ("Commission");
- If the Advisor fails to comply with the manner in which the Advisor reports to the Commission in accordance with the provisions of K.S.A. 44-1031 and amendments thereto, the Advisor shall be deemed to have breached the present Agreement, and it may be canceled, terminated or suspended, in whole or in part, by the contracting agency;
- If the Advisor is found guilty of a violation of the Kansas Act Against Discrimination under a decision or order of the Commission which has become final, the Advisor shall be deemed to have breached the present Agreement, and it may be canceled, terminated or suspended, in whole or in part, by the contracting agency; and
- The Advisor shall include the provisions of paragraphs (1) through (4) above in every subcontract or purchase order so that such provisions will be binding upon such subcontractor or vendor.
- The Advisor further agrees that the Advisor shall abide by the Kansas Age Discrimination In Employment Act (K.S.A. 44-1111 et seq.) and the applicable provision of the Americans With Disabilities Act (42 U.S.C. 1201 et seq.) as well as all other federal, state and local laws, ordinances and regulations applicable to this project and shall furnish any certification required by any federal, state or local laws, ordinances and regulations applicable to this project and shall furnish any certification required by any federal, state or local governmental agency in connection therewith.

## 6. REPRESENTATIONS

The Advisor makes the following representations:

- The price submitted is independently arrived at without collusion.

- It has not knowingly influenced and promises that it will not knowingly influence a City employee or former City employee to breach any of the ethical standards set forth within the City's applicable procurement regulations and the City's Code of Ethics.
- It has not violated, and is not violating, and promises that it will not violate any prohibition against gratuities and kickbacks set forth within the City's procurement regulations, as applicable.
- It has not retained and will not retain a person to solicit or secure a City contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business.

**7. MISCELLANEOUS**

**A. Ownership of Materials**

All property rights, including publication rights, in all interim, draft, and final reports and other documentation, including machine-readable media, produced by the Advisor in connection with the work pursuant to this Agreement, shall be in the City.

**B. Availability of Records and Audit**

The Advisor agrees to maintain books, records, documents, and other evidence pertaining to the costs and expenses of the services provided under the Agreement (hereinafter collectively called "records") to the extent and in such detail as will properly reflect all net costs, direct and indirect, of labor, materials, equipment, supplies, and services, and other costs and expenses of whatever nature for which reimbursement is claimed under the provisions of this Agreement. The Advisor agrees to make available at the offices of the City at all times during the period set forth in the Request for Proposals any of the records for inspection, audit, or reproduction by any authorized representative of the City. Except for documentary evidence delivered to the offices of the City, the Advisor shall preserve and make available to persons designated by the City his records for a period of three years from the date of final payment under the Agreement or until all audit questions have been resolved, whichever period of time is longer.

**C. Assignment**

Neither the Advisor nor the City shall sell, transfer, assign, or otherwise dispose of any rights or obligations created by the Contract Documents or any portion thereof without the written consent of the other party.

This Appendix C. is acknowledged to be a part of the Agreement, effective as of \_\_\_\_\_, between the Client and the Advisor.

FOR CLIENT

SPRINGSTED Incorporated

\_\_\_\_\_

Tom L. Kaleko  
Senior Vice President/Client Representative

Title

Title



## MAYOR'S ANNOUNCEMENTS

Monday, November 5, 2007

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

Planning Commission	11/06/2007	7:00 p.m.
Park & Recreation Committee	11/07/2007	7:00 p.m.
Sister City	11/12/2007	7:00 p.m.
75 <sup>th</sup> St Committee Interviews	11/12/2007	5:30 p.m.
Board of Code Appeals	11/14/2006	6:00 p.m.
Council Committee of the Whole	11/19/2007	6:00 p.m.
City Council	11/19/2007	7:30 p.m.

=====

The Prairie Village Arts Council is pleased to feature an exhibit by the Mid-America Pastel Society in the R.G. Endres Gallery during the month of November. The reception will be held on November 9th from 6:00 to 8:00 p.m.

The League of Kansas Municipalities Regional Supper will be held on November 28, 2007 at 6:00 p.m. at the Olathe Fire Department - Olathe Room - 1225 S. Hamilton Circle. **Please RSVP to Jeanne by November 19<sup>th</sup> if you plan to attend.**

The Northeast Johnson County Chamber Annual Dinner will be held at the Lake Quivira Country Club on November 30<sup>th</sup>. Contact Jeanne for more information.

Donations for Prairie Village Peanut Butter Week will provide 4,300 meals from 5,600 pounds of peanut butter and the monetary contributions totaled \$1,520.00.

The City offices will be closed on November 22 and 23 in observance of the Thanksgiving holiday. Deffenbaugh is also closed on November 22<sup>nd</sup> and trash pickup will be delayed one day.

The Employee Appreciation Holiday lunch will be on December 14<sup>th</sup> from noon until 2 p.m. in the Council Chambers. This year's meal will be catered by McGonigle's Market.

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

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

**INFORMATIONAL ITEMS**  
**November 5, 2007**

1. City of Prairie Village 3<sup>rd</sup> Quarter 2007 Financial Report - Unaudited
2. Prairie Village / Mission Hills 3<sup>rd</sup> Quarter Crime Report - 2007
3. Planning Commission Agenda - November 6, 2007
4. Supplemental Retirement Advisory Board Minutes - September 29, 2007
5. Sister City Committee Minutes - October 8, 2007
6. Finance Committee Minutes - October 10, 2007
7. Park and Recreation Committee Minutes - October 10, 2007
8. Prairie Village Police Pension Plan Board of Trustees Minutes - October 11, 2007
9. Mark Your Calendars
10. Committee Agenda

# CITY OF PRAIRIE VILLAGE

3<sup>rd</sup> QUARTER 2007

FINANCIAL REPORT

UNAUDITED



**City of Prairie Village  
3<sup>rd</sup> Quarter 2007 Financial Report**



The following pages contain the financial reports for the 3<sup>rd</sup> Quarter of 2007. Below are highlights of the information contained in these reports. These reports are unaudited.

**Fund Balance – General Fund**

The chart on this page is the same the chart presented during the 2008 Budget discussions. The only difference is the amount reserved for open purchase orders is broken out from the unreserved fund balance. The emergency reserve portion of the fund balance was calculated using 15% of budgeted revenue per the 2008 Budget discussions.

The fund balance at September 30<sup>th</sup> is significantly less than it was at June 30<sup>th</sup> because the transfer to the Capital Projects Fund was made during September.

**Balance Sheet**

This report shows the balance sheet information for all of the City's funds at September 30<sup>th</sup>. The Risk Management Reserve Fund was established in September and has been added to this report

**Combined Statement of Revenue, Expenditures and Changes in Fund Balance**

This report shows the income statement information for all of the City's funds as of September 30<sup>th</sup>. The Risk Management Reserve Fund was established in September and has been added to this report.

**Revenue Summary**

This report shows revenue received to date in all funds by major categories. As noted in the 2<sup>nd</sup> Quarter Report, we have received the majority of the property tax revenue – our largest revenue source. Sales and use taxes appear to be behind when you look at the percent collected. While we have had nine months of activity in 2007, there have been only seven months of distributions posted to the current fiscal year. The January and February distributions are posted to the prior fiscal year since they cover November and December sales periods. In comparison to the same time last year, sales tax revenue is up .2%. Interest revenue is 24% higher than at September 30, 2006. This is due to higher rates received on investments. The rest of the revenue sources are all very close to the amount received as of this time last year.

Capital-Intergovernmental revenue is significantly higher compared to the same period last year. This revenue will fluctuate from year to year depending on which CARS and SMAC projects are in process and what the stage of construction is.

**Expenditure Summary**

This report shows expenditures for all funds broken out by fund, department and category. As of September 30<sup>th</sup>, 75.44% of the budget has been utilized which is reasonable considering we are 75% through the budget year.



**City of Prairie Village  
3<sup>rd</sup> Quarter 2007 Financial Report**



### **Program Expenditure Summary**

This report presents expenditures broken down by program. It should be noted that this report does not include the contingency budget and transfers in the calculation of the percent of budget obligated.

### **Statement of Cash Investments**

This report shows the City's cash and investment balances at September 30<sup>th</sup>. By state law, some investments are required to be collateralized. This report contains information regarding the City's compliance with these collateral requirements. At September 30<sup>th</sup>, the City's investment portfolio totaled \$11,000,000. As the year progresses, the investment balance will decrease as cash is used to pay expenditures.

The negative balance in the General Operating Account is caused by checks issued by not yet approved for distribution. The City keeps a small balance in the General Operating Account. The rest of the funds are invested in Certificates of Deposit or in the Municipal Investment Pool.

### **Use of Contingency Reserve**

This report lists the Council approved uses of the contingency budget. Only 21.9% of this budget has been used to date and half of the year is over.

### **Local Sales Tax Receipts**

This report breaks down the City's sales tax receipts by business type. The total to date for 2007 is lower than the total sales tax reported on the Revenue Summary because this data reflects only the City's levy. The total sales tax on the Revenue Summary also includes the City's share of County sales taxes. In addition this report shows actual money received in 2007. As noted earlier under the Revenue Summary section of this report, for accounting purposes sales tax revenue received in January and February is posted to the prior fiscal year.

In total, there was a 3.3% increase compared to the same period in 2006. This increase consisted of increases in gas stations, grocery stores and retail.

### **Johnson County Schools Sales & Use Tax Reserve**

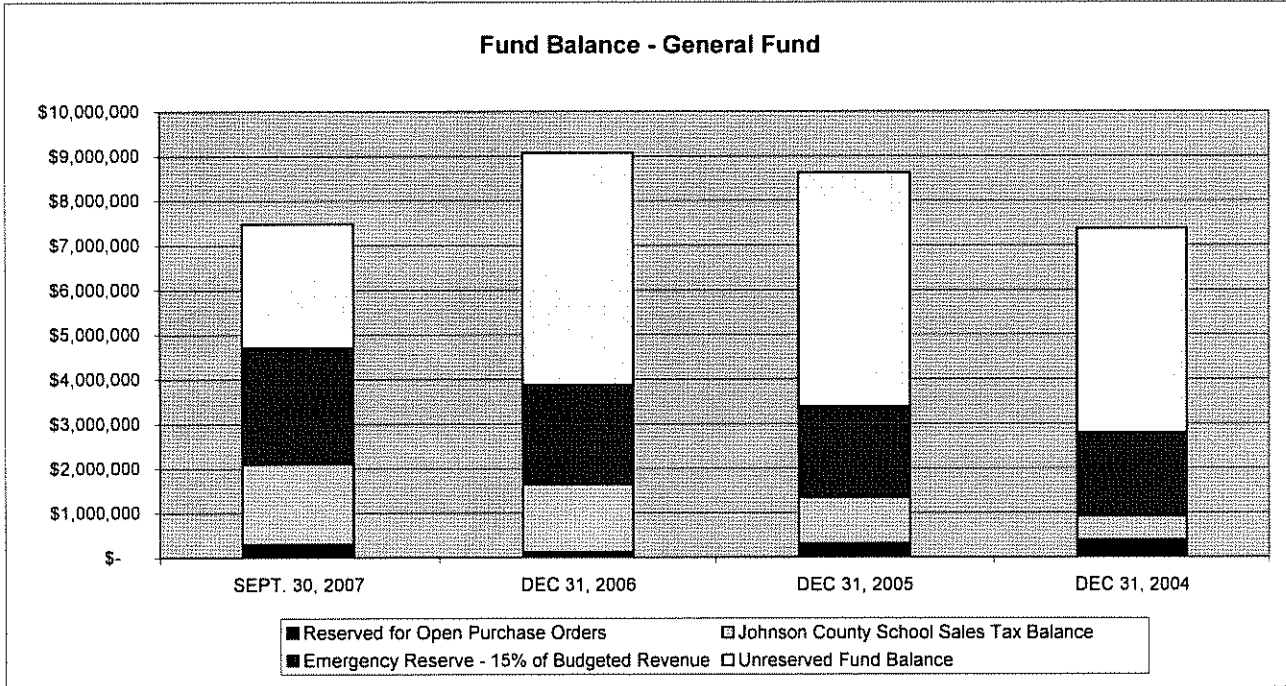
This page displays the status of the School Sales Tax reserve at September 30<sup>th</sup>. The balance grows each month as the City receives its sales tax distributions. At the October 1st Council Meeting, the Governing Body passed an ordinance establishing the Economic Development Fund. Before the end of the year, staff will seek approval of a transfer of the reserve amount to this new fund.

### **Risk Management Reserve Fund**

Earlier this year, the Governing Body approved a resolution establishing the Risk Management Reserve Fund to pay uninsured losses, such as insurance deductibles. Two types of uninsured losses will be paid from this fund: losses related to workers comp and losses related to property and casualty. This page shows the activity in the fund as of September 30<sup>th</sup>.

**CITY OF PRAIRIE VILLAGE, KANSAS  
GENERAL FUND - FUND BALANCE  
SEPT. 30, 2007**

	<b>SEPT. 30, 2007</b>	<b>DEC 31, 2006</b>	<b>DEC 31, 2005</b>	<b>DEC 31, 2004</b>
Reserved for Open Purchase Orders	\$ 287,741	\$ 106,738	\$ 301,539	\$ 372,558
Johnson County School Sales Tax Balance	1,807,545	1,538,568	1,040,244	542,686
Emergency Reserve - 15% of Budgeted Revenue	2,602,035	2,216,473	2,029,701	1,870,991
Unreserved Fund Balance	2,779,709	5,206,473	5,249,342	4,579,159
<b>Total Fund Balance</b>	<b>\$ 7,477,030</b>	<b>\$ 9,068,251</b>	<b>\$ 8,620,826</b>	<b>\$ 7,365,394</b>



CITY OF PRAIRIE VILLAGE  
BALANCE SHEET  
SEPTEMBER 30, 2007

	General	Solid Waste Management	Special Highway	Special Parks & Recreation	Special Alcohol	Bond & Interest	Capital Projects	Risk Management	Total
<b>ASSETS</b>									
<i>Pooled Cash &amp; Investments</i>									
Cash									
General Operating	(\$2,189.12)	\$0.00		\$0.00	\$0.00		(\$551,579.91)	\$0.00	(\$553,769.03)
Payroll	\$375.79								\$375.79
Gift Card Clearing	\$5,651.51								\$5,651.51
Petty Cash	\$1,149.00								\$1,149.00
Money Market	\$0.00								\$0.00
Treasury Notes	\$0.00							\$0.00	\$0.00
Certificates of Deposit	\$6,669,500.00						\$4,245,500.00	\$85,000.00	\$11,000,000.00
Municipal Investment Pool	\$280,566.98	\$577,191.06	\$18,018.40	\$40,060.64	\$19,701.43	\$22,873.62	\$0.00	\$0.00	\$958,412.13
Total Pooled Cash & Investments	\$6,955,054.16	\$577,191.06	\$18,018.40	\$40,060.64	\$19,701.43	\$22,873.62	\$3,693,920.09	\$85,000.00	\$11,411,819.40
<i>Accounts Receivable</i>									
Property Taxes	\$34,950.48	\$1,679.38				\$2,966.68			\$39,596.54
Interest on Investments	\$262,809.39							\$349.32	\$263,158.71
Other Receivables	\$219,527.78								\$219,527.78
Due from Other Governments	\$687,584.75		\$0.00				\$1,609,763.08		\$2,297,347.83
Due from Other Funds							\$0.00		\$0.00
Total Accounts Receivable	\$1,204,872.40	\$1,679.38	\$0.00	\$0.00	\$0.00	\$2,966.68	\$1,609,763.08	\$349.32	\$2,819,630.86
<i>Prepaid Expenditures</i>									
	\$166,678.97				\$1,022.52				\$167,701.49
<i>Restricted Assets</i>									
	\$68,772.93								\$68,772.93
<b>TOTAL ASSETS</b>	<b>\$8,395,378.46</b>	<b>\$578,870.44</b>	<b>\$18,018.40</b>	<b>\$40,060.64</b>	<b>\$20,723.95</b>	<b>\$25,840.30</b>	<b>\$5,303,683.17</b>	<b>\$85,349.32</b>	<b>\$14,467,924.68</b>
<b>LIABILITIES</b>									
Accounts Payable & Other Liabilities	\$217,190.28	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$217,190.28
Compensated Absences	\$5,396.97	\$0.00				\$0.00			\$5,396.97
Payable from Restricted Assets	\$68,772.94								\$68,772.94
Deferred Revenue	\$626,988.58	\$1,679.38				\$3,089.68	\$1,383,211.02		\$2,014,968.66
<b>TOTAL LIABILITIES</b>	<b>\$918,348.77</b>	<b>\$1,679.38</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$3,089.68</b>	<b>\$1,383,211.02</b>	<b>\$0.00</b>	<b>\$2,306,328.85</b>
<b>FUND BALANCE</b>									
<i>Reserved Fund Balance</i>									
Reserve for Current Year Encumbrances	\$263,657.30	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,497,125.78	\$0.00	\$3,760,783.08
Reserve for Prior Year Encumbrances	\$24,083.67						\$588,833.22		\$612,916.89
Reserve for Johnson County School Sales Tax	\$ 1,807,545.29								\$1,807,545.29
Reserve for Incomplete Capital Projects							(\$165,486.85)		(\$165,486.85)
Total Reserved Fund Balance	\$2,095,286.26	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,920,472.15	\$0.00	\$6,015,758.41
<i>Unreserved Fund Balance</i>									
1/1/07 Unreserved Fund Balance	\$ 7,422,945.09	\$144,861.01	\$17,570.59	\$40,060.64	\$30,568.10	\$48,310.31	\$1,978,556.06	\$0.00	\$ 9,682,871.80
Prior Period Adjustment	\$0.00								\$0.00
Prior Year Encumbrances Written Off	\$ 755.28						\$ 89,438.68		\$ 90,193.96
YTD Revenues	\$12,167,718.75	\$1,267,555.06	\$261,918.71	\$60,785.16	\$61,060.16	\$529,302.81	\$5,774,483.61	\$85,349.32	\$ 20,208,173.58
YTD Expenditures/Encumbrances	(\$13,940,698.07)	(\$835,225.01)	(\$261,470.90)	(\$60,785.16)	(\$70,904.31)	(\$554,862.50)	(\$8,007,965.20)	\$0.00	\$ (23,731,911.15)
Amount Reserved - Current Year	(268,977.63)						\$165,486.85		\$ (103,490.78)
Total Unreserved Fund Balance	\$ 5,381,743.42	\$577,191.06	\$18,018.40	\$40,060.64	\$20,723.95	\$22,750.62	(\$0.00)	\$85,349.32	\$6,145,837.41
<b>TOTAL FUND BALANCE</b>	<b>\$7,477,029.68</b>	<b>\$577,191.06</b>	<b>\$18,018.40</b>	<b>\$40,060.64</b>	<b>\$20,723.95</b>	<b>\$22,750.62</b>	<b>\$3,920,472.15</b>	<b>\$85,349.32</b>	<b>\$12,161,595.82</b>
<b>TOTAL LIABILITIES &amp; FUND BALANCE</b>	<b>\$8,395,378.46</b>	<b>\$578,870.44</b>	<b>\$18,018.40</b>	<b>\$40,060.64</b>	<b>\$20,723.95</b>	<b>\$25,840.30</b>	<b>\$5,303,683.17</b>	<b>\$85,349.32</b>	<b>\$14,467,924.68</b>



**CITY OF PRAIRIE VILLAGE**  
**COMBINED STATEMENT OF REVENUE, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE - ALL FUNDS**  
**SEPTEMBER 30, 2007**

<u>REVENUES</u>	<u>GENERAL FUND</u>	<u>SOLID WASTE MGMT.</u>	<u>SPECIAL HIGHWAY</u>	<u>SPECIAL PARKS RECREATION</u>	<u>SPECIAL ALCOHOL FUNDS</u>	<u>DEBT SERVICE</u>	<u>CAPITAL PROJECTS</u>	<u>RISK MGMT</u>	<u>TOTALS</u>
Taxes:									
Property	\$ 3,984,041	\$ -	\$ -	\$ -	\$ -	\$ 464,380	\$ -		\$ 4,448,421
Sales	2,481,460								2,481,460
Use	527,436								527,436
Franchise Fees	1,300,884								1,339,691
Licenses & Permits	304,526								304,526
Intergovernmental	1,583,875		261,471	60,785	60,785	53,521	576,728		2,597,165
Charges for Services	253,687	1,238,690							1,492,378
Fines & Forfeits	759,950								759,950
Recreational Fees	433,278								433,278
Interest	490,949	28,865	448			11,402		349	532,013
Other	47,633				275			-	47,908
<b>Total Revenue</b>	<b>12,167,719</b>	<b>1,267,555</b>	<b>261,919</b>	<b>60,785</b>	<b>61,060</b>	<b>529,303</b>	<b>576,728</b>	<b>349</b>	<b>14,964,225</b>
Transfers From Other Funds							5,197,756	85,000	5,282,756
<b>Total Revenue &amp; Transfers</b>	<b>12,167,719</b>	<b>1,267,555</b>	<b>261,919</b>	<b>60,785</b>	<b>61,060</b>	<b>529,303</b>	<b>5,774,484</b>	<b>85,349</b>	<b>20,208,174</b>
<b>EXPENDITURES</b>									
City Governance	450,112								450,112
Public Works	3,423,956						7,932,799		11,356,756
Public Safety	3,492,221				55,904	230,495			3,778,620
Municipal Justice	259,130								259,130
Administrative Services	740,032	835,225							1,575,257
Parks & Community Programs	614,747				15,000	324,368	75,166		1,029,280
Risk Management Reserve								-	-
<b>Total Expenditures</b>	<b>8,980,198</b>	<b>835,225</b>	<b>-</b>	<b>-</b>	<b>70,904</b>	<b>554,863</b>	<b>8,007,965</b>	<b>-</b>	<b>18,449,155</b>
Transfer to Other Funds	4,960,500		261,471	60,785					5,282,756
<b>Total Expenditures &amp; Transfers</b>	<b>13,940,698</b>	<b>835,225</b>	<b>261,471</b>	<b>60,785</b>	<b>70,904</b>	<b>554,863</b>	<b>8,007,965</b>	<b>-</b>	<b>23,731,911</b>
<b>Revenue/Transfers Over (Under)</b>									
<b>Expenditures/Transfers</b>	<b>(1,772,979)</b>	<b>432,330</b>	<b>448</b>	<b>-</b>	<b>(9,844)</b>	<b>(25,560)</b>	<b>(2,233,482)</b>	<b>85,349</b>	<b>(3,523,738)</b>
<b>Unreserved Fund Balance - 1/1/07</b>	<b>7,422,945</b>	<b>144,861</b>	<b>17,571</b>	<b>40,061</b>	<b>30,568</b>	<b>48,310</b>	<b>1,978,556</b>	<b>-</b>	<b>9,682,872</b>
<b>2007 Fund Balances Reserved</b>	<b>(268,978)</b>						<b>165,487</b>		<b>(103,491)</b>
<b>PY POs closed less than balance</b>	<b>755</b>						<b>89,439</b>		<b>90,194</b>
<b>Fund Balance (Budget Basis)</b>	<b>\$ 5,381,743</b>	<b>\$ 577,191</b>	<b>\$ 18,018</b>	<b>\$ 40,061</b>	<b>\$ 20,724</b>	<b>\$ 22,751</b>	<b>\$ 0</b>	<b>\$ 85,349</b>	<b>\$ 6,145,837</b>

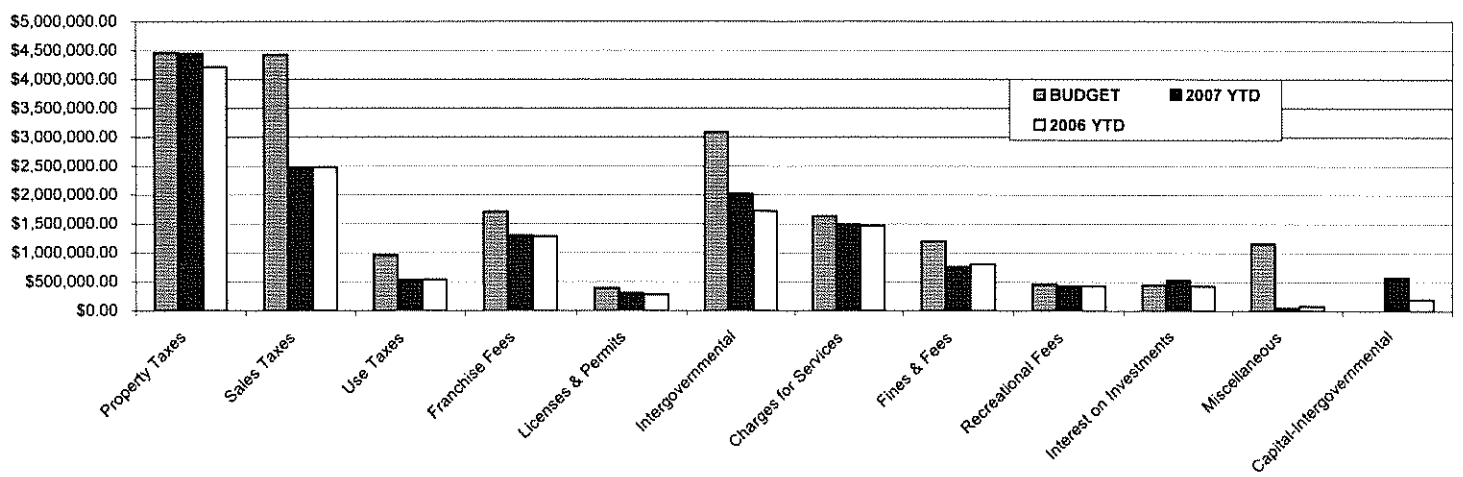


**CITY OF PRAIRIE VILLAGE  
REVENUE SUMMARY  
AS OF SEPTEMBER 30, 2007**

CATEGORY	2007 ORIGINAL BUDGET	2007 AMENDED BUDGET	MTD	YTD	BUDGET BALANCE	% COLLECTED	9/30/2006 YTD
<b>Taxes</b>							
Property Taxes	\$4,459,764.00	\$4,459,764.00	\$76,473.43	\$4,448,420.57	\$11,343.43	99.75%	\$4,216,599.49
Sales Taxes	\$4,425,000.00	\$4,425,000.00	\$333,777.58	\$2,481,460.18	\$1,943,539.82	56.08%	\$2,475,489.89
Use Taxes	\$960,000.00	\$960,000.00	\$80,360.24	\$527,436.37	\$432,563.63	54.94%	\$541,515.25
Franchise Fees	\$1,712,000.00	\$1,712,000.00	\$386,457.29	\$1,300,883.50	\$411,116.50	75.99%	\$1,284,465.31
Licenses & Permits	\$390,000.00	\$390,000.00	\$96,862.81	\$304,525.57	\$85,474.43	78.08%	\$278,612.48
Intergovernmental	\$3,087,828.00	\$3,087,828.00	\$509,285.44	\$2,020,437.44	\$1,067,390.56	65.43%	\$1,725,752.50
Charges for Services	\$1,637,000.00	\$1,637,000.00	\$51,920.94	\$1,492,377.54	\$144,622.46	91.17%	\$1,468,614.92
Fines & Fees	\$1,199,900.00	\$1,199,900.00	\$88,165.24	\$759,949.84	\$439,950.16	63.33%	\$805,850.55
Recreational Fees	\$464,000.00	\$464,000.00	\$14,710.23	\$433,277.51	\$30,722.49	93.38%	\$429,986.77
Interest on Investments	\$450,000.00	\$450,000.00	\$52,118.77	\$532,012.97	(\$82,012.97)	118.23%	\$427,683.30
Miscellaneous	\$1,160,000.00	\$1,160,000.00	\$2,944.47	\$47,908.48	\$1,112,091.52	4.13%	\$85,612.10
<b>Operating Revenues</b>	<b>\$19,945,492.00</b>	<b>\$19,945,492.00</b>	<b>\$1,693,076.44</b>	<b>\$14,348,689.97</b>	<b>\$5,596,802.03</b>	<b>71.94%</b>	<b>\$13,740,182.56</b>
Capital-Intergovernmental	\$0.00	\$0.00	\$146,899.89	\$576,727.55	(\$576,727.55)	N/A	\$199,619.21
Interfund Transfers	\$5,619,500.00	\$5,619,500.00	\$4,983,409.20	\$5,282,756.06	\$336,743.94	94.01%	\$3,788,418.25
<b>Total Revenues</b>	<b>\$25,564,992.00</b>	<b>\$25,564,992.00</b>	<b>\$6,823,385.53</b>	<b>\$20,208,173.58</b>	<b>\$5,356,818.42</b>	<b>79.05%</b>	<b>\$17,728,220.02</b>

FUND	2007 ORIGINAL BUDGET	2007 AMENDED BUDGET	MTD	YTD	BUDGET BALANCE	% COLLECTED	9/30/2006 YTD
General Fund	\$17,346,897.00	\$17,346,897.00	\$1,590,677.14	\$12,167,718.75	\$5,179,178.25	70.14%	\$11,590,592.14
Solid Waste Management	\$1,258,000.00	\$1,258,000.00	\$25,555.75	\$1,267,555.06	(\$9,555.06)	100.76%	\$1,230,948.46
Special Highway	\$644,000.00	\$644,000.00	\$31.12	\$261,918.71	\$382,081.29	40.67%	\$257,382.53
Special Parks & Recreation	\$80,000.00	\$80,000.00	\$22,909.20	\$60,785.16	\$19,214.84	75.98%	\$60,635.72
Special Alcohol	\$80,000.00	\$80,000.00	\$23,184.20	\$61,060.16	\$18,939.84	76.33%	\$60,635.72
Bond & Interest	\$536,595.00	\$536,595.00	\$30,369.71	\$529,302.81	\$7,292.19	98.64%	\$539,987.99
Capital Projects	\$5,619,500.00	\$5,619,500.00	\$5,045,309.09	\$5,774,483.61	(\$154,983.61)	102.76%	\$3,988,037.46
Risk Management	\$0.00	\$0.00	\$85,349.32	\$85,349.32	(\$85,349.32)	N/A	\$0.00
<b>Total Revenues</b>	<b>\$25,564,992.00</b>	<b>\$25,564,992.00</b>	<b>\$6,823,385.53</b>	<b>\$20,208,173.58</b>	<b>\$5,356,818.42</b>	<b>79.05%</b>	<b>\$17,728,220.02</b>

**2007 YTD Revenues By Type (Budget vs. Actual)**

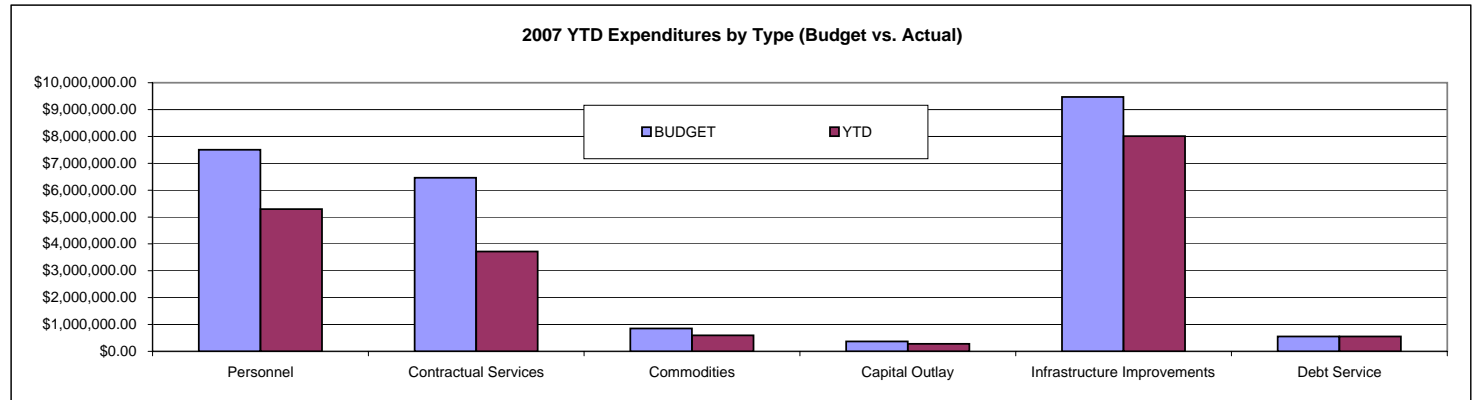
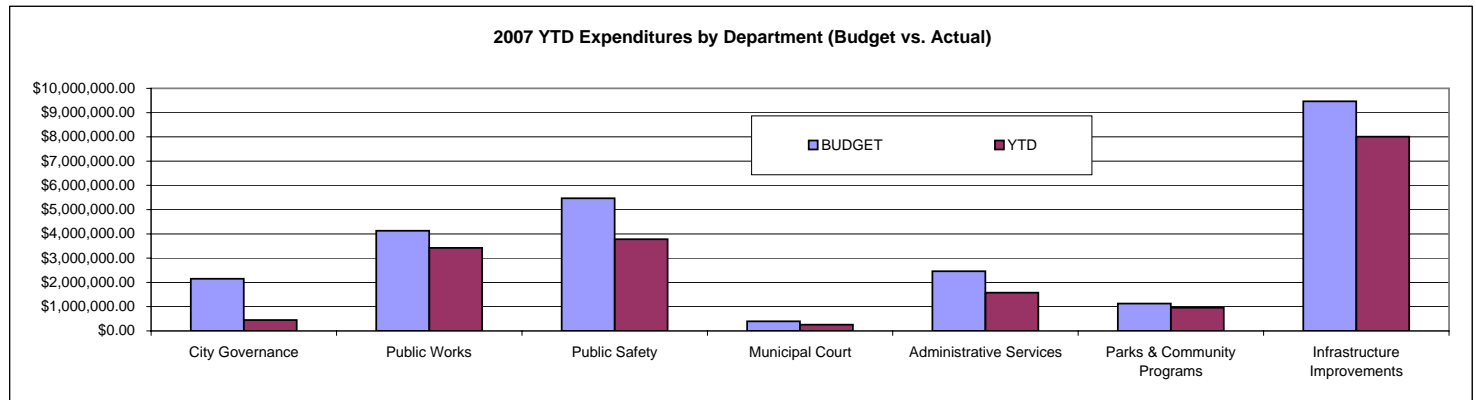


**CITY OF PRAIRIE VILLAGE  
EXPENDITURE SUMMARY  
AS OF SEPTEMBER 30, 2007**

FUND	2007 ORIGINAL BUDGET	2007 AMENDED BUDGET	MTD	YTD	ENC	TOTAL	BUDGET BALANCE	9/30/2007 % UTILIZED
General Fund	\$19,332,538.00	\$19,332,223.56	\$6,310,761.86	\$13,677,040.77	\$263,657.30	\$13,940,698.07	\$5,391,525.49	72.11%
Solid Waste Management	\$1,260,489.00	\$1,260,489.00	\$104,090.40	\$835,225.01	\$0.00	\$835,225.01	\$425,263.99	66.26%
Special Highway	\$644,000.00	\$644,000.00	\$0.00	\$261,470.90	\$0.00	\$261,470.90	\$382,529.10	40.60%
Special Parks & Recreation	\$100,000.00	\$100,000.00	\$22,909.20	\$60,785.16	\$0.00	\$60,785.16	\$39,214.84	60.79%
Special Alcohol	\$99,611.00	\$99,925.44	\$5,948.22	\$70,904.31	\$0.00	\$70,904.31	\$29,021.13	70.96%
Bond & Interest	\$554,862.00	\$554,862.00	\$0.00	\$554,862.50	\$0.00	\$554,862.50	(\$0.50)	100.00%
Capital Projects	\$5,619,500.00	\$9,467,453.57	\$1,192,199.51	\$4,510,839.42	\$3,497,125.78	\$8,007,965.20	\$1,459,488.37	84.58%
Risk Management Reserve	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A
<b>Total Expenditures</b>	<b>\$27,611,000.00</b>	<b>\$31,458,953.57</b>	<b>\$7,635,909.19</b>	<b>\$19,971,128.07</b>	<b>\$3,760,783.08</b>	<b>\$23,731,911.15</b>	<b>\$7,727,042.42</b>	<b>75.44%</b>

Department	2007 ORIGINAL BUDGET	2007 AMENDED BUDGET	MTD	YTD	ENC	TOTAL	BUDGET BALANCE	9/30/2007 % UTILIZED
City Governance	\$2,167,253.00	\$2,149,950.94	\$67,744.47	\$437,986.51	\$12,125.00	\$450,111.51	\$1,699,839.43	20.94%
Public Works	\$4,039,994.00	\$4,127,426.33	\$785,535.37	\$3,239,431.85	\$184,524.30	\$3,423,956.15	\$703,470.18	82.96%
Public Safety	\$5,493,058.00	\$5,470,803.62	\$364,939.25	\$3,712,556.39	\$66,064.00	\$3,778,620.39	\$1,692,183.23	69.07%
Municipal Court	\$395,871.00	\$397,894.72	\$22,912.61	\$259,130.20	\$0.00	\$259,130.20	\$138,764.52	65.13%
Administrative Services	\$2,469,639.00	\$2,463,543.77	\$178,676.87	\$1,574,313.16	\$944.00	\$1,575,257.16	\$888,286.61	63.94%
Parks & Community Programs	\$1,105,981.00	\$1,130,528.17	\$40,491.91	\$954,114.48	\$0.00	\$954,114.48	\$176,413.69	84.40%
Infrastructure Improvements	\$5,619,500.00	\$9,467,453.57	\$1,192,199.51	\$4,510,839.42	\$3,497,125.78	\$8,007,965.20	\$1,459,488.37	84.58%
Risk Management Reserve	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	N/A
<b>Sub-total</b>	<b>\$21,291,296.00</b>	<b>\$25,207,601.12</b>	<b>\$2,652,499.99</b>	<b>\$14,688,372.01</b>	<b>\$3,760,783.08</b>	<b>\$18,449,155.09</b>	<b>\$6,758,446.03</b>	<b>73.19%</b>
Contingency	\$700,204.00	\$546,852.45					\$546,852.45	0.00%
Interfund Transfers	\$5,619,500.00	\$5,704,500.00	\$4,983,409.20	\$5,282,756.06	\$0.00	\$5,282,756.06	\$421,743.94	92.61%
<b>Total Expenditures</b>	<b>\$27,611,000.00</b>	<b>\$31,458,953.57</b>	<b>\$7,635,909.19</b>	<b>\$19,971,128.07</b>	<b>\$3,760,783.08</b>	<b>\$23,731,911.15</b>	<b>\$7,727,042.42</b>	<b>75.44%</b>

Category	2007 ORIGINAL BUDGET	2007 AMENDED BUDGET	MTD	YTD	ENC	TOTAL	BUDGET BALANCE	9/30/2007 % UTILIZED
Personnel	\$7,490,451.00	\$7,503,510.89	\$535,536.04	\$5,294,391.75	\$0.00	\$5,294,391.75	\$2,209,119.14	70.56%
Contractual Services	\$6,515,184.00	\$6,460,375.66	\$850,704.04	\$3,609,470.13	\$106,789.25	\$3,716,259.38	\$2,744,116.28	57.52%
Commodities	\$851,599.00	\$851,599.00	\$60,968.40	\$581,966.31	\$15,604.05	\$597,570.36	\$254,028.64	70.17%
Capital Outlay	\$259,700.00	\$369,800.00	\$13,092.00	\$136,841.90	\$141,264.00	\$278,105.90	\$91,694.10	75.20%
Infrastructure Improvements	\$5,619,500.00	\$9,467,453.57	\$1,192,199.51	\$4,510,839.42	\$3,497,125.78	\$8,007,965.20	\$1,459,488.37	84.58%
Debt Service	\$554,862.00	\$554,862.00	\$0.00	\$554,862.50	\$0.00	\$554,862.50	(\$0.50)	100.00%
<b>Sub-total</b>	<b>\$21,291,296.00</b>	<b>\$25,207,601.12</b>	<b>\$2,652,499.99</b>	<b>\$14,688,372.01</b>	<b>\$3,760,783.08</b>	<b>\$18,449,155.09</b>	<b>\$6,758,446.03</b>	<b>73.19%</b>
Contingency	\$700,204.00	\$546,852.45					\$546,852.45	0.00%
Interfund Transfers	\$5,619,500.00	\$5,704,500.00	\$4,983,409.20	\$5,282,756.06	\$0.00	\$5,282,756.06	\$421,743.94	92.61%
<b>Total Expenditures</b>	<b>\$27,611,000.00</b>	<b>\$31,458,953.57</b>	<b>\$7,635,909.19</b>	<b>\$19,971,128.07</b>	<b>\$3,760,783.08</b>	<b>\$23,731,911.15</b>	<b>\$7,727,042.42</b>	<b>75.44%</b>

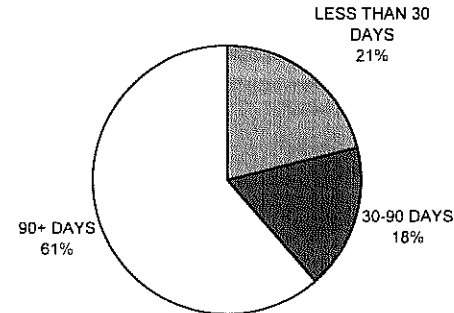
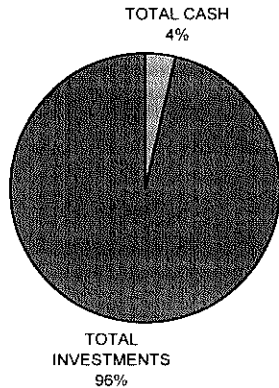


**CITY OF PRAIRIE VILLAGE, KANSAS  
PROGRAM EXPENDITURE SUMMARY REPORT  
AS OF SEPTEMBER 30, 2007**

DEPARTMENT	2007 ORIGINAL BUDGET	2007 AMENDED BUDGET	MTD	YTD	ENC	TOTAL	BUDGET BALANCE	% OBLIGATED
<b>City Governance</b>								
Mayor & Council	\$124,200.00	\$131,700.00	\$7,505.48	\$98,341.97	\$12,125.00	\$110,466.97	\$21,233.03	83.88%
Management & Plannir	\$2,043,053.00	\$2,018,250.94	\$60,238.99	\$339,644.54	\$0.00	\$339,644.54	\$1,678,606.40	16.83%
<b>TOTAL</b>	<b>\$2,167,253.00</b>	<b>\$2,149,950.94</b>	<b>\$67,744.47</b>	<b>\$437,986.51</b>	<b>\$12,125.00</b>	<b>\$450,111.51</b>	<b>\$1,699,839.43</b>	<b>20.94%</b>
<b>Public Works</b>								
Administration	\$848,692.00	\$955,581.10	\$77,073.01	\$566,624.28	\$128,604.57	\$695,228.85	\$260,352.25	72.75%
Vehicle & EQ Maint.	\$358,837.00	\$357,762.67	\$12,854.32	\$259,650.63	\$0.00	\$259,650.63	\$98,112.04	72.58%
Streets & Drains	\$1,948,777.00	\$1,938,363.60	\$644,669.22	\$1,777,218.40	\$35,829.05	\$1,813,047.45	\$125,316.15	93.53%
Buildings & Grounds	\$883,688.00	\$875,718.96	\$50,938.82	\$635,938.54	\$20,090.68	\$656,029.22	\$219,689.74	74.91%
<b>TOTAL</b>	<b>\$4,039,994.00</b>	<b>\$4,127,426.33</b>	<b>\$785,535.37</b>	<b>\$3,239,431.85</b>	<b>\$184,524.30</b>	<b>\$3,423,956.15</b>	<b>\$703,470.18</b>	<b>82.96%</b>
<b>Public Safety</b>								
Administration	\$793,679.00	\$791,051.27	\$34,798.34	\$605,972.94	\$0.00	\$605,972.94	\$185,078.33	76.60%
Staff Services	\$1,250,775.00	\$1,248,756.72	\$75,506.82	\$815,112.33	\$0.00	\$815,112.33	\$433,644.39	65.27%
Patrol	\$2,644,420.00	\$2,632,260.32	\$196,514.84	\$1,761,702.17	\$66,064.00	\$1,827,766.17	\$804,494.15	69.44%
Investigations	\$749,202.00	\$743,980.98	\$51,960.45	\$492,760.51	\$0.00	\$492,760.51	\$251,220.47	66.23%
Off-Duty Contractual	\$54,982.00	\$54,754.33	\$6,158.80	\$37,008.44	\$0.00	\$37,008.44	\$17,745.89	67.59%
<b>TOTAL</b>	<b>\$5,493,058.00</b>	<b>\$5,470,803.62</b>	<b>\$364,939.25</b>	<b>\$3,712,556.39</b>	<b>\$66,064.00</b>	<b>\$3,778,620.39</b>	<b>\$1,692,183.23</b>	<b>69.07%</b>
<b>Municipal Court</b>								
Judicial	\$24,291.00	\$24,264.77	\$2,628.22	\$23,558.82	\$0.00	\$23,558.82	\$705.95	97.09%
Prosecutor	\$40,065.00	\$39,966.04	\$2,248.57	\$28,852.58	\$0.00	\$28,852.58	\$11,113.46	72.19%
Court Clerks	\$331,515.00	\$333,663.91	\$18,035.82	\$206,718.80	\$0.00	\$206,718.80	\$126,945.11	61.95%
<b>TOTAL</b>	<b>\$395,871.00</b>	<b>\$397,894.72</b>	<b>\$22,912.61</b>	<b>\$259,130.20</b>	<b>\$0.00</b>	<b>\$259,130.20</b>	<b>\$138,764.52</b>	<b>65.13%</b>
<b>Administrative Services</b>								
Human Resources	\$142,033.00	\$121,529.62	\$5,015.45	\$60,385.58	\$0.00	\$60,385.58	\$61,144.04	49.69%
Administrative Service:	\$152,805.00	\$150,177.79	\$8,977.82	\$78,991.10	\$944.00	\$79,935.10	\$70,242.69	53.23%
Financial Management	\$196,271.00	\$208,037.01	\$14,067.80	\$129,746.76	\$0.00	\$129,746.76	\$78,290.25	62.37%
Codes Administration	\$335,970.00	\$341,795.93	\$23,302.36	\$242,013.54	\$0.00	\$242,013.54	\$99,782.39	70.81%
Solid Waste Mgt	\$1,260,489.00	\$1,260,489.00	\$104,090.40	\$835,225.01	\$0.00	\$835,225.01	\$425,263.99	66.26%
City Clerk	\$382,071.00	\$381,514.42	\$23,223.04	\$227,951.17	\$0.00	\$227,951.17	\$153,563.25	59.75%
<b>TOTAL</b>	<b>\$2,469,639.00</b>	<b>\$2,463,543.77</b>	<b>\$178,676.87</b>	<b>\$1,574,313.16</b>	<b>\$944.00</b>	<b>\$1,575,257.16</b>	<b>\$888,286.61</b>	<b>63.94%</b>
<b>Park &amp; Community Programs</b>								
Community Programs	\$231,350.00	\$246,436.22	\$4,610.75	\$188,037.87	\$0.00	\$188,037.87	\$58,398.35	76.30%
Swimming Pool	\$774,435.00	\$774,044.90	\$32,505.33	\$663,649.86	\$0.00	\$663,649.86	\$110,395.04	85.74%
Pool Food Service	\$55,697.00	\$55,697.00	\$2,782.09	\$64,754.41	\$0.00	\$64,754.41	(\$9,057.41)	116.26%
Tennis	\$44,499.00	\$54,350.05	\$593.74	\$37,672.34	\$0.00	\$37,672.34	\$16,677.71	69.31%
<b>TOTAL</b>	<b>\$1,105,981.00</b>	<b>\$1,130,528.17</b>	<b>\$40,491.91</b>	<b>\$954,114.48</b>	<b>\$0.00</b>	<b>\$954,114.48</b>	<b>\$176,413.69</b>	<b>84.40%</b>
<b>Total Operating</b>	<b>\$15,671,796.00</b>	<b>\$15,740,147.55</b>	<b>\$1,460,300.48</b>	<b>\$10,177,532.59</b>	<b>\$263,657.30</b>	<b>\$10,441,189.89</b>	<b>\$5,298,957.66</b>	<b>66.33%</b>
<b>Infrastructure Improvements</b>								
Park Projects	\$143,000.00	\$151,013.53	\$20,953.28	\$73,775.00	\$1,390.72	\$75,165.72	\$75,847.81	49.77%
Drainage Projects	\$851,000.00	\$4,311,079.42	\$459,033.32	\$1,640,030.07	\$1,691,572.47	\$3,331,602.54	\$979,476.88	77.28%
Street Projects	\$4,050,500.00	\$4,312,597.37	\$685,613.11	\$2,156,351.26	\$1,804,162.59	\$3,960,513.85	\$352,083.52	91.84%
Building Projects	\$0.00	\$27,203.06	\$0.00	\$0.00	\$0.00	\$0.00	\$27,203.06	0.00%
Concrete Projects	\$575,000.00	\$665,560.19	\$26,599.80	\$640,683.09	\$0.00	\$640,683.09	\$24,877.10	96.26%
<b>TOTAL</b>	<b>\$5,619,500.00</b>	<b>\$9,467,453.57</b>	<b>\$1,192,199.51</b>	<b>\$4,510,839.42</b>	<b>\$3,497,125.78</b>	<b>\$8,007,965.20</b>	<b>\$1,459,488.37</b>	<b>84.58%</b>
<b>Risk Management Reserve</b>								
Workers Comp	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	#DIV/0!
Property & Casualty	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	#DIV/0!
<b>TOTAL</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>#DIV/0!</b>
<b>GRAND TOTAL</b>	<b>\$21,291,296.00</b>	<b>\$25,207,601.12</b>	<b>\$2,652,499.99</b>	<b>\$14,688,372.01</b>	<b>\$3,760,783.08</b>	<b>\$18,449,155.09</b>	<b>\$6,758,446.03</b>	<b>73.19%</b>

CITY OF PRAIRIE VILLAGE  
STATEMENT OF CASH INVESTMENTS  
SEPTEMBER 30, 2007

TYPE OF INVESTMENT	INSTITUTION	ACCOUNT NUMBER	PURCHASE DATE	MATURITY DATE	INVESTED AMOUNT	YIELD	WEIGHTED YIELD	COLLATERAL REQUIRED	COLLATERAL MARKET VALUE	OVER/ (UNDER) COLLATERALIZED
<b>Cash</b>										
General Operating (XX-00-00-1001)	Intrust Bank	8290512			(\$553,769.03)	3.74%	-0.18%			
Gift Card Clearing (01-00-00-1004)	Intrust Bank	40766217			\$5,651.51	3.74%	0.00%			
Payroll (01-00-00-1011)	Intrust Bank	8290520			\$375.79	3.74%	0.00%	-	1,667,485.00	1,667,485.00
Petty Cash					\$1,149.00	0.00%	0.00%	N/A		
Municipal Investment Pool - overnight	State of Kansas	0040			\$958,412.13	4.68%	0.39%	N/A - State handles collateral		
<b>TOTAL CASH</b>					<b>\$411,819.40</b>		<b>0.21%</b>			
<b>Investments</b>										
Certificates of Deposit (XX-00-00-1050)										
	Commerce Bank		3/15/2007	3/13/2008	\$1,000,000.00	4.99%	0.44%	1,000,000.00	4,084,642.00	3,084,642.00
	Capitol Federal Bank		2/20/2007	10/16/2007	\$2,000,000.00	5.14%	0.90%			
	Capitol Federal Bank		2/20/2007	12/20/2007	\$1,000,000.00	5.14%	0.45%			
	Capitol Federal Bank		2/20/2007	2/14/2008	\$1,000,000.00	5.14%	0.45%	4,300,000.00	5,582,599.00	1,282,599.00
	Mission Bank		2/20/2007	11/15/2007	\$1,000,000.00	5.11%	0.45%			
	Mission Bank		6/27/2007	6/14/2008	\$1,000,000.00	5.05%	0.44%	\$1,900,000.00	2,243,187.00	343,187.00
	365 day MIP		5/21/2007	5/20/2008	\$2,000,000.00	5.07%	0.89%	N/A - State handles collateral		
	365 day MIP		6/14/2007	6/13/2008	\$1,000,000.00	5.19%	0.45%	N/A - State handles collateral		
	365 day MIP		6/27/2007	6/26/2008	\$1,000,000.00	5.00%	0.44%	N/A - State handles collateral		
					<b>\$11,000,000.00</b>		<b>4.91%</b>			
<b>TOTAL INVESTMENTS</b>					<b>\$11,000,000.00</b>		<b>4.91%</b>			
<b>TOTAL CASH &amp; INVESTMENTS</b>					<b>\$11,411,819.40</b>		<b>5.12%</b>			



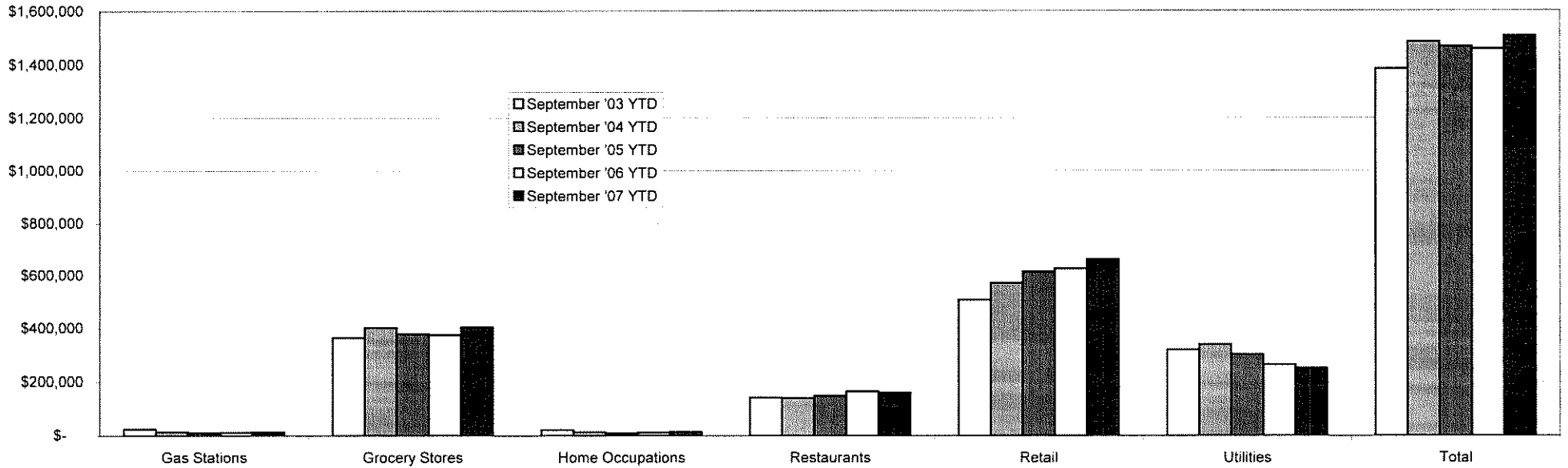
**CITY OF PRAIRIE VILLAGE  
USE OF CONTINGENCY RESERVE  
THROUGH SEPTEMBER 30, 2007**

<b>DATE OF COUNCIL ACTION</b>	<b>APPROVED USE</b>	<b>AMOUNT AUTHORIZED</b>	<b>BALANCE</b>
	Beginning balance		\$ 700,204.00
12/18/2006	Police Department Life Insurance	13,059.89	687,144.11
12/18/2006	Carry Forward 2006 Ending Balance - Environmental Committe	3,717.84	683,426.27
11/6/2006	Carry Forward 2006 Ending Balance - Arts Council	857.26	682,569.01
3/19/2007	New Payroll/HRIS Processor and Software	9,616.56	672,952.45
2/5/2007	Juried Art Show	4,500.00	668,452.45
4/2/2007	Transfer to Capital Project 190855	235,000.00	433,452.45
5/21/2007	Funds Not Needed in Capital Project 190855	(235,000.00)	668,452.45
6/18/2007	Sister City Program	1,500.00	666,952.45
6/18/2007	Duct Cleaning/Mold Remediation	110,100.00	556,852.45
8/6/2007	Harmon Park Tennis Court Repairs	10,000.00	546,852.45

**CITY OF PRAIRIE VILLAGE  
LOCAL SALES TAX RECEIPTS  
AS OF SEPTEMBER 30, 2007**

Business Type	September '03 YTD	%	September '04 YTD	%	September '05 YTD	September '06 YTD	%	September '07 YTD	%	Growth
Gas Stations	\$ 24,886	1.80%	\$ 14,385	0.97%	\$ 10,997	\$ 11,911	0.82%	\$ 12,846	0.85%	-48.38%
Grocery Stores	\$ 364,696	26.34%	\$ 403,060	27.13%	\$ 377,932	\$ 375,106	25.71%	\$ 404,055	26.82%	10.79%
Home Occupations	\$ 22,517	1.63%	\$ 14,213	0.96%	\$ 9,991	\$ 12,700	0.87%	\$ 14,291	0.95%	-36.53%
Restaurants	\$ 143,677	10.38%	\$ 141,561	9.53%	\$ 151,085	\$ 166,682	11.43%	\$ 161,662	10.73%	12.52%
Retail	\$ 507,674	36.67%	\$ 572,307	38.52%	\$ 615,598	\$ 627,167	42.99%	\$ 662,027	43.94%	30.40%
Utilities	\$ 321,039	23.19%	\$ 340,120	22.89%	\$ 303,277	\$ 265,329	18.19%	\$ 251,751	16.71%	-21.58%
<b>Total</b>	<b>\$ 1,384,488</b>	<b>100.00%</b>	<b>\$ 1,485,647</b>	<b>100.00%</b>	<b>\$ 1,468,880</b>	<b>\$ 1,458,895</b>	<b>100.00%</b>	<b>\$ 1,506,632</b>	<b>100.00%</b>	<b>8.82%</b>

**Local Sales Tax Receipts By Business Type (2003-2007)**



CITY OF PRAIRIE VILLAGE, KANSAS  
 JOHNSON COUNTY SCHOOLS SALES & USE TAX RESERVE  
 SEPTEMBER 30, 2007

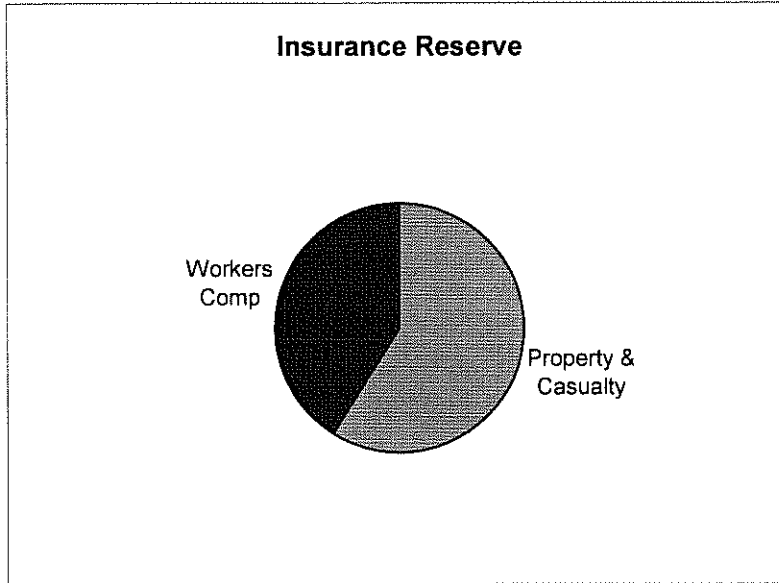
FISCAL YEAR	SALES TAX	USE TAX	TOTAL	USES*	BALANCE
2003	\$ 392,898.21	\$ 42,805.83	\$ 435,704.04	\$ -	\$ 435,704.04
2004	394,733.41	98,143.48	492,876.89	(385,895.00)	542,685.93
2005	396,156.91	101,401.25	497,558.16	-	1,040,244.09
2006	395,571.45	102,752.12	498,323.57	-	1,538,567.66
2007 YTD	221,581.70	54,895.93	276,477.63	(7,500.00)	1,807,545.29
	<u>\$ 1,800,941.68</u>	<u>\$ 399,998.61</u>	<u>\$ 2,200,940.29</u>	<u>\$ (393,395.00)</u>	<u>\$ 1,807,545.29</u>

\* USES

PURPOSE	YEAR	AMOUNT
Skatepark construction	2004	\$ (200,000.00)
Strategic Plan	2004	(185,895.00)
Council Retreat	2007	(7,500.00)
		<u>\$ (393,395.00)</u>

**CITY OF PRAIRIE VILLAGE, KANSAS  
RISK MANAGEMENT RESERVE FUND  
SEPTEMBER 30, 2007**

	Balance at 8/31/2007	Revenues				Expenditures	Balance at 9/30/2007
		Insurance Claim Reimb	Interest Earned	Transfers In	Total		
Property & Casualty	\$ -	\$ -	\$ 203.44	\$ 50,000.00	\$ 50,203.44	\$ -	\$ 50,203.44
Workers Comp	-	-	145.88	35,000.00	35,145.88	-	35,145.88
<b>Totals</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 349.32</b>	<b>\$ 85,000.00</b>	<b>\$ 85,349.32</b>	<b>\$ -</b>	<b>\$ 85,349.32</b>





# PRAIRIE VILLAGE - MISSION HILLS

## THIRD QUARTER CRIME REPORT - 2007

CRIME	2003	2004	2005	2006	2007	AVERAGE	2007 +/- AVG
Homicide	0	0	0	0	0	0.00	0.00
Rape	0	1	4	2	2	1.80	0.20
Robbery	3	2	7	3	1	3.20	-2.20
Assault	69	71	79	53	55	65.40	-10.40
Burglary	84	42	47	28	34	47.00	-13.00
Residence	61	27	32	15	23	31.60	-8.60
Business/ Miscellaneous	12	5	11	13	11	10.40	0.60
Theft	211	147	165	191	185	179.80	5.20
Auto Theft	8	14	18	16	25	16.20	8.80
Arson	6	4	5	1	4	4.00	0.00
Forgery	24	8	11	18	12	14.60	-2.60
Fraud	5	5	8	18	4	8.00	-4.00
Criminal Damage	84	57	73	99	75	77.60	-2.60
Sexual Offenses	10	10	8	5	6	7.80	-1.80
<b>TOTAL</b>	<b>504</b>	<b>361</b>	<b>425</b>	<b>434</b>	<b>405</b>	<b>425.40</b>	<b>-22.40</b>

ACCIDENTS	2003	2004	2005	2006	2007	AVERAGE	2007 +/- AVG
Fatal	0	0	0	0	0	0.00	0.00
Street - Injury	23	24	23	22	20	22.40	-2.40
Street - Property + \$1,000*	317	345	252	287	257	291.60	-34.60
Street - Property - \$1,000*	29	42	42	34	39	37.20	1.80
Private - Injury	7	0	13	0	0	4.00	-4.00
Private - Property	59	63	44	58	69	58.60	10.40
Walk-In - Property	55	49	51	33	45	46.60	-1.60
<b>TOTAL</b>	<b>490</b>	<b>523</b>	<b>425</b>	<b>434</b>	<b>430</b>	<b>460.40</b>	<b>-30.40</b>

<b>TOTAL CALLS</b>	<b>9,183</b>	<b>9,600</b>	<b>9,672</b>	<b>9,141</b>	<b>8,746</b>	<b>9,268.40</b>	<b>-522.40</b>
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\* 2005 statute change to \$1,000

# PRAIRIE VILLAGE

## THIRD QUARTER CRIME REPORT - 2007

CRIME	2003	2004	2005	2006	2007	AVERAGE	2007 +/- AVG
Homicide	0	0	0	0	0	0.00	0.00
Rape	0	1	4	2	2	1.80	0.20
Robbery	3	2	5	3	1	2.80	-1.80
Assault	67	67	74	50	55	62.60	-7.60
Burglary	76	35	46	19	28	40.80	-12.80
Residence	59	21	31	*9	17	25.60	-8.60
Business/ Miscellaneous	11	4	11	10	11	9.40	1.60
Theft	195	136	149	174	162	163.20	-1.20
Auto Theft	6	13	18	12	22	14.20	7.80
Arson	6	3	5	1	4	3.80	0.20
Forgery	24	8	11	18	12	14.60	-2.60
Fraud	5	4	8	18	4	7.80	-3.80
Criminal Damage	72	52	72	88	66	70.00	-4.00
Sexual Offenses	10	10	8	5	6	7.80	-1.80
<b>TOTAL</b>	<b>464</b>	<b>331</b>	<b>400</b>	<b>360</b>	<b>382</b>	<b>399.60</b>	<b>-27.40</b>

ACCIDENTS	2003	2004	2005	2006	2007	AVERAGE	2007 +/- AVG
Fatal	0	0	0	0	0	0.00	0.00
Street - Injury	21	23	22	21	18	21.00	-3.00
Street - Property + \$1,000*	287	313	231	249	240	264.00	-24.00
Street - Property - \$1,000*	27	39	38	28	34	33.20	0.80
Private - Injury	7	0	12	0	0	3.80	-3.80
Private - Property	55	60	39	53	69	55.20	13.80
Walk-In Property	52	49	50	32	41	44.80	-3.80
<b>TOTAL</b>	<b>449</b>	<b>484</b>	<b>382</b>	<b>363</b>	<b>402</b>	<b>422.00</b>	<b>-20.00</b>

<b>TOTAL CALLS</b>	<b>7,572</b>	<b>7,130</b>	<b>7,418</b>	<b>7,472</b>	<b>7,227</b>	<b>7,398.00</b>	<b>74.00</b>
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\*2005 statute change to \$1,000

# MISSION HILLS

## THIRD QUARTER CRIME REPORT - 2007

CRIME	2003	2004	2005	2006	2007	AVERAGE	2007 +/- AVG
Homicide	0	0	0	0	0	0.00	0.00
Rape	0	0	0	0	0	0.00	0.00
Robbery	0	0	2	0	0	0.40	-0.40
Assault	2	4	5	3	0	2.80	-2.80
Burglary	8	7	1	9	6	6.20	-0.20
Residence	2	6	1	6	6	4.20	1.80
Business	1	1	0	3	0	1.00	-1.00
Theft	16	11	16	17	23	16.60	6.40
Auto Theft	2	1	0	4	3	2.00	1.00
Arson	0	1	0	0	0	0.20	-0.20
Forgery	0	0	0	0	0	0.00	0.00
Fraud	0	1	0	0	0	0.20	-0.20
Criminal Damage	12	5	1	11	9	7.60	1.40
Sexual Offenses	0	0	0	0	0	0.00	0.00
<b>TOTAL</b>	<b>48</b>	<b>30</b>	<b>25</b>	<b>44</b>	<b>41</b>	<b>36.00</b>	<b>5.00</b>

ACCIDENTS	2003	2004	2005	2006	2007	AVERAGE	2007 +/- AVG
Fatal	0	0	0	0	0	0.00	0.00
Street - Injury	2	1	1	1	2	1.40	0.60
Street - Property + \$1,000*	30	32	21	38	17	27.60	-10.60
Street - Property - \$1,000*	2	3	4	6	5	4.00	1.00
Private - Injury	0	0	1	0	0	0.20	-0.20
Private - Property	4	3	5	5	0	3.40	-3.40
Walk-In - Property	3	0	1	1	4	1.80	2.20
<b>TOTAL</b>	<b>41</b>	<b>39</b>	<b>33</b>	<b>51</b>	<b>28</b>	<b>36.40</b>	<b>-10.40</b>

<b>TOTAL CALLS</b>	<b>1,611</b>	<b>2,470</b>	<b>2,254</b>	<b>1,669</b>	<b>1,519</b>	<b>1,904.60</b>	<b>-235.60</b>
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\*2005 statute change to \$1,000

PLANNING COMMISSION AGENDA  
CITY OF PRAIRIE VILLAGE  
MUNICIPAL BUILDING - 7700 MISSION ROAD  
TUESDAY, NOVEMBER 6, 2007  
Council Chambers  
7:00 P. M.

I. ROLL CALL

II. APPROVAL OF PC MINUTES - October 2, 2007

III. PUBLIC HEARINGS - 7 p.m.

PC2007-23 Request for Rezoning from R-1a to MXD  
Single Family Residential District to Mixed Use District  
91<sup>st</sup> & Nail (Meadowbrook Country Club)  
Applicant: Gastinger Walker Harden Architects

IV. NON-PUBLIC HEARINGS

PC2007-114 Preliminary Plat Approval  
3101 West 75<sup>th</sup> Street  
Zoning: R-1a  
Applicant: Paul Werner Architects for Suzanne Morgren

PC2007-118 Request for Site Plan Approval  
Mission Road (Corinth Elementary School)  
Zoning : R-1a - Single Family Residential  
Applicant: DLR, Group

PC2007-119 Building Line Modification  
6801 Cedar  
Zoning: R-1a  
Applicant: Steve & Casey Roth

V. OTHER BUSINESS

Approve 2008 Meeting & Submittal Schedule

VI. ADJOURNMENT

Plans available at City Hall if applicable

If you can not be present, comments can be made by e-mail to

[Cityclerk@Pvkansas.com](mailto:Cityclerk@Pvkansas.com)

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

## SUPPLEMENTAL RETIREMENT ADVISORY BOARD

**Meeting  
September 29, 2007**

The Supplemental Retirement Advisory Board met September 29, 2007. Members present, Chairman Charles Clark and Wayne Vennard. Staff: Barbara Vernon and Doug Luther.

### **Minutes**

Minutes of the January 20, 2007 meeting were approved.

### **Ratify Distributions**

Members ratified 2007 distributions to former employees:

Tina Fenoughty	Lori Franke
Glenda Herring	James Jarrett
Roger Wyatt	

### **Investment Review**

Lance Zimmerman and Timothy Duncan, representing M&I , attended the meeting to explain portfolio performance during the past several months.

Total market value of the portfolio on September 30, 2007 was \$2.6 million. The Performance Summary for the third quarter of 2007 (6/30/07 – 9/30/07) indicates increase in the total portfolio of 1.81 which is 60 basis points behind the goal established for the Fund. This shortfall can be attributed to underperformance in small and mid cap investments. A downturn in the real estate market also had an adverse effect on fixed investments which contributed to underperformance for the quarter.

Assets are invested 100% in Growth Balanced MAAP. International investments are 20% of the total equity position and domestic equity investments are 80% of the total. Major holdings in fixed income investments include 62% intermediate bonds and 29% mortgage-backed bonds.

Tim Duncan reviewed specific performance of some investments in the Mutual Fund. He noted that certain investments, such as PIMCO, Davis Venture, Dodge & Cox and Harbor Capital Appreciation are currently performing below the goal but are solid performers M&I expects to improve in the long term. Others, such as Harbor Small Cap, and Oakmark are on a watch list to be closely monitored.

Duncan said the portfolio performance is expected to improve overall by yearend, ending with earnings in double digits..

Overview of the economy is the country is not in recession but is not as robust as it was several months ago. The real estate market, which is declining 7.5% per year , is expected to continue that decline for another year. M&I believes credit tightening will slow down the GDP. They believe large cap investments will continue to lead along with international emerging markets.

**Adjournment**

The meeting adjourned at 4:00 p.m.

Charles Clark  
Chairman

**SISTER CITY COMMITTEE**  
**8 October, 2007**  
**MINUTES**

**Call to Order**

Chairperson Cindy Dwigans called the meeting to order at 7:00 pm. Members present: Michael Kelly, Bob McGowan, Cleo Simmonds, and Dick Bills. Guests: Hildegard Knopp, and Pamela Fellin. Also present: Barbara Vernon and Jeanne Koontz.

**Approval of Minutes**

Bob McGowan moved for approval of the minutes from September 10<sup>th</sup> and 26<sup>th</sup>. Michael Kelly seconded the motion which passed unanimously.

**Budget Report**

Cindy Dwigans reported that the budget had been supplemented with \$1500 for Michael Kelly's visit to Ukraine. He has submitted receipts for this trip but they have not been posted. Without the \$1500, there is about \$279 left. Cleo Simmonds asked if there were plans for the remaining budget. He said he has about \$80 in receipts for gifts. Cindy Dwigans said that would leave about \$200.

Cindy Dwigans introduced visitor Pam Fellin to the committee. She said Pam has filled out an application for the committee and is here to observe.

**Council Policy Adoption**

Barbara Vernon apologized for the mix-up concerning the Sister City Council policy. She reported the Council adopts a policy when a new committee is formed. There is one policy that lists various committees. The Sister City Committee formed in the late nineties and the original policy followed the organization of the charter of Sister Cities International. This organization was much different than the other City committees. It consisted of three officers with one year terms and allowed for as many members as the committee wanted. This open membership policy became a problem because it was difficult to get a quorum. The committee and staff worked for about a year to fix this problem.

In December of 2003, the committee adopted a model that resembled other City committees. It changed the number of members and the way officers were elected. There was now a 12 member cap and the 1-year terms were done away with for officers. Staff served as Secretary/Treasurer. Cleo Simmonds stated the intent of the committee was the officers serve for 2 years but it did not make it in the policy.

Barbara Vernon said the City Clerk keeps a copy of the policies as they change through the years and believes that when there was a revision in 2006 for another committee, an old copy of the policy that had the original Sister City language was amended. This policy was approved by the Council. It is a clerical error and if the

committee would like to go back to the other policy, it would need to be brought to Council for approval.

Cleo Simmonds asked if the whole policy could be revised again. Barbara Vernon said it might be a good idea since there is no language about succession. Cindy Dwigans said she envisions having shepherds for each Sister City who might want to stay on for ten years and thinks they should be on the committee without having to be reappointed. Michael Kelly said he thinks reappointment is good in case the member wants to leave and it allows the committee to look like the other City committees. Cleo Simmonds said he would like to think about this issue more and bring it up at the next meeting.

Nominations were opened for the position of Chair because no one has been elected under the new policy.

Cleo Simmonds nominated Cindy Dwigans to continue as Chair until a procedure is established. Dick Bills seconded the nomination which passed unanimously.

Cleo Simmonds made a motion to place the discussion and resolution of the council policy on the agenda for the November meeting. Michael Kelly seconded the motion which passed unanimously. Michael suggested Cleo come with a sample policy that the committee could work from. Cindy Dwigans asked that a draft be distributed with the agenda.

### **Kansas Open Meetings Act**

Jeanne Koontz reviewed the Kansas Open Meetings Act. The law applies to councils, committees and subcommittees so the Sister City Committee falls under this law. The act covers meetings defined as a gathering, assembly, telephone call, or any other means of interactive communication by a majority of a quorum of the membership of an agency or body for the purpose of discussing the business or affairs of the body. In regard to discussing "the business or affairs of the body," binding action or voting is not necessary. It is the discussion itself which triggers the requirements of the open meeting law be met. In essence, the majority of the quorum of the committee can meet but the meeting must be publicized and an agenda must be set.

### **Ukraine**

Cindy Dwigans said the presentation on the Ukrainian trip went well. She said she is looking for a few suggestions on how the committee will continue to interact with Dolyna. Michael Kelly said municipal interaction would be the next step. Specifically, he would like to have Mayor Volodymyr come to Prairie Village and meet with our City Officials. Dick Bills asked if there had been any discussion about them coming. Michael Kelly said they are enthusiastic about coming and he would imagine that Mayor Volodymyr, Sasha, and Larissa, the translator, would visit if asked. Cindy Dwigans said she felt there could be visits back and forth before the sister city status is formalized.



Cindy Dwigans said she would like to identify the areas to follow up with and would like a support structure to support these areas. Cleo Simmonds identified six areas to explore: have Mayor Volodymyr visit; work out a collaboration between Children's Mercy and Dolyna's children's hospital; work out a collaboration between the School for the Blind in Olathe and Dolyna's school for the blind; send books to help their Specialized School for English; start a Rotary or Kiwanis club in Dolyna; and foster a student exchange. Cindy Dwigans said she would like to find individuals to shepherd each area and build community support to support the relationship.

Cindy Dwigans asked if we would need to provide assistance in getting them to Kansas. Michael Kelly said he thought the Mayor and Sasha could pay their own way but we would need to provide assistance for the interpreter. Bob McGowan clarified that we would be responsible for the expenses once they get here. He asked if they would consider home stays. Michael Kelly said he believes they will expect a hotel but is not certain.

Michael Kelly said he feels a decision needs to be made before they are invited over. He said they take things quite literally and they believe we have already decided to become Sister Cities. They are expecting an answer. Cindy Dwigans said she feels there is not a support system in place right now to handle a formal Sister City relationship. Michael Kelly said the committee could still look at the steps required to make it happen. Bob McGowan said he does not want another disaster like the Sister City in Belgium. He would like to be careful about this decision. Michael Kelly said he would like a decision sooner rather than later. Cindy Dwigans suggested comparing Dolyna against the criteria established to select a Sister City.

Dick Bills suggested listing a few action steps regarding Ukraine for the next meeting. Michael Kelly said he would determine key people for the Mayor to meet with. Cleo Simmonds said he would come up with possible home stay sponsors. Dick Bills suggested making a proposed list of commitments for collaboration and monetary support.

#### **Newry & Mournie**

Bob McGowan said he has not received any communication from Newry & Mournie and does not expect any until they make a decision about the other cities they are interested in. There is a possibility they could visit before the July Sister City Conference in Kansas City. They will be at the 2008 conference in Kansas City.

#### **Germany**

Bob McGowan reported that he has finally heard back from Germany after a year. They have received our communication. A number of the committee members met with a delegation from Germany to Shawnee. Members of the delegation are publicizing Prairie Village's desire to have a German sister city.

#### **Website/Sister City email account**

Cindy Dwigans reported the website and email account are up and running.

### **Fundraising**

Cindy Dwigans reported that Carole has contacted Borders and the committee can wrap presents for a 4 hour shift and collect tips.

### **Other Business**

Cleo Simmonds said he received a resume (via Chris Engel) from a native Ukrainian who is working on her Masters in Public Administration at KU. She was active in government in Ukraine and has a lot of contacts. One requirement of the Masters program is to do 40 hours of service and she would like to do the service with this committee. She has done an initial exploration on the availability of funds and did not find very much. Mr. Simmonds said she is available for help if needed.

### **Adjournment**

The next meeting will be November 12, 2007 in City Hall. The meeting was adjourned at 9:00 pm.

Cindy Dwigans  
Chairman

**FINANCE COMMITTEE**  
**October 10, 2007**

The Finance Committee met on October 10, 2007. Present: Chairman David Voysey, Charles Clark and Wayne Vennard. Staff Present: Barbara Vernon, Doug Luther and Karen Kindle.

Financial Advisor Interviews

- The Committee interviewed three firms, George K. Baum, PiperJaffray and Springsted.
- After the interviews the Committee directed staff to talk to customer references provided by Springsted.
- The Committee was interested in comments provided by the City of Mission as Springsted is their financial advisor on the Gateway project. The Committee was also interested in customer comments about Springsted's home office and a majority of their staff being located in St. Paul, MN.
- The Committee also directed staff to obtain the hourly rates for other services from George K. Baum. The rates were not included in their proposal.
- The Committee decided to meet after the Council Meeting on Monday, October 15, 2007 to review the information provided by the customer references.

**PARK AND RECREATION COMMITTEE**  
**October 10, 2007**

The Park and Recreation Committee met October 10, 2007 at 7:00 p.m.

Present and presiding, Vice-Chairperson Al Herrera. Members present: Diane Mares, Shawn Hickey, Joe Nolke, Jim Bernard, Jr., Peggy Couch, A.J. LoScalzo, and Kathy Peterson. Also present: Barbara Vernon, Jeanne Koontz, and Mike Helms.

**PUBLIC PARTICIPATION**

Al Herrera welcomed Sally Holmes to the Park Board. Sally is up for appointment as a youth representative at the next council meeting.

**CONSENT AGENDA**

A.J. LoScalzo moved approval of the consent agenda. The motion was seconded by Jim Bernard which passed unanimously.

**REPORTS**

1. Public Works Report

Mike Helms reported the improvements at McCrum Park are finished. He will be putting in bricks around the benches. The decking on the bridge at Windsor Park was replaced with a new composite wood.

Mr. Helms distributed a copy of the vandalism/graffiti report. Some of the damages have been expensive. Public Works goes into the parks on Mondays, Wednesdays and Fridays to clean and they examine for vandalism at that time. Al Herrera commented that the vandalism appears to have dropped after police patrols increased. He asked if a new light was put in near the playground equipment at Franklin Park. Mike Helms said it has not been installed yet; he has received quotes. Sally Holmes inquired about the vandalism at the Harmon Park Tennis Courts. Mr. Helms said the courts have been fixed and he is not sure why it is not on the report.

2. Recreation Program Report

Barbara Vernon said Chris Engel is at an ICMA conference and there is no report. He will have a report for the next meeting.

3. Aquatics Program Report

Barbara Vernon reported the aquatics programs went well this year and are working better because the teams are doing things together.

4. Sculpture Garden Sub-Committee

Jim Bernard said there is no report.

5. Community Center Sub-Committee

Diane Mares said she was just appointed to the committee and has no report at this time.

6. Municipal Foundation Gazebo Project Update

A.J. had nothing to report.

7. Island Sub-Committee

Shawn Hickey said he was just appointed to the committee and they have not had a meeting yet. He mentioned Joanie Shields, Prairie Village resident, who started an Adopt a Monument Foundation and works closely with the City of Fountains Foundation. Jim Bernard said she would be a great resource for the committee.

Jim Bernard said when Kansas City, Missouri accepts a new foundation or sculpture they require a 25% endowment on it for extreme maintenance. Shawn Hickey asked where the endowment comes from. Jim Bernard said whoever donates the item pays for the endowment.

8. Chairperson's Report

a. Rubber Playground Mulch Report

Al Herrera distributed a report from Bob Pryzby. Mike Helms said there is no basic conclusion in the research that says the material is hazardous. The committee agreed that according to research the material seems to be fine.

b. Sub-committee appointments

Diane Mares was appointed to the Community Center Sub-Committee and Shawn Hickey was appointed to the Islands Sub-Committee.

## **OLD BUSINESS**

There was no old business to come before the committee.

## **NEW BUSINESS**

1. Park Hours

Jeanne Koontz said there is a concern about the park hours from sunrise to 11:00 pm. Shawn Hickey said there had been some complaints about people playing tennis at 6:00 am. Kathy Peterson said people like to walk in the park early before going to work and said if new hours were implemented they would have to be enforced. The committee recommended to leave the hours as is for now.

## **INFORMATION ITEMS**

The next meeting will be on **November 7<sup>th</sup>** at 7 pm at City Hall.

Joe Nolke invited the committee to attend the Remodeling Show sponsored by the City of Mission and the City of Prairie Village on October 27<sup>th</sup> at the Sylvester Powell Jr. Community Center.

The meeting adjourned at 7:50 pm.

Al Herrera  
Vice-Chairperson

**PRAIRIE VILLAGE POLICE PENSION PLAN  
BOARD OF TRUSTEES**

**Meeting  
October 11, 2007**

The Prairie Village Police Pension Plan Board of Trustees met October 11, 2007. Present and presiding, Chairman Charles Clark. Members present: Jim Whittier and Captain Tim Schwartzkopf. Staff present Barbara Vernon and Karen Kindle.

**Approval of Minutes**

Jim Whittier moved approval of minutes of the April 30, 2007 meeting. Capt. Schwartzkopf seconded the motion which was approved.

**Presentation of Portfolio Performance Report**

K.C. Matthews from United Missouri Bank (UMB) distributed the Performance Review Report for the Plan through March 31 2007. He said total returns for this year have been good. Total year to date return has been 12.86%, the City's benchmark of similarly invested funds for this period is 7.06%.

Matthews said his plan is to pull back on stocks to take advantage of gains. Since August the bond market has rallied, he believes now is the best time to increase investment in bonds. Now that the domestic stock market is slowing down, he will begin looking at companies with good foreign investments.

**Discussion of suggestions made by the Actuarial consultant at an earlier meeting.**

Glen Gahan, Actuarial Consultant for the Police Pension Plan, suggested Board members consider changes that could be made to some of the Plan's actuarial assumptions.

1) Consider update from the 1983 mortality table to the RP2000 table for 2008. Gahan said this change would increase the required annual contributions 3% - 5% and it would provide a more valid actuarial basis for the Plan.

Staff surveyed other jurisdictions to determine which tables they use. Overland Park and Wichita are the other cities in Kansas that provide private pension plans for police officers. Overland Park uses the 1984 table, Wichita uses the RP2000 table. Kansas state pension plans, Kansas Public Employee Retirement System (KPERS) and Kansas Police and Fire (KP&F) use RP2000.

After some discussion, Tim Schwartzkopf moved to approve use of the RP2000 mortality table for assumptions when preparing future valuations. Jim Whittier seconded the motion which passed unanimously.

2) Consider retirement rate assumptions. Currently, the following rates are being used for the Police Pension Plan:

20% will retire when first eligible, 5% per year will retire between the ages of 50 and 54, 100% will retire at age 55.

Captain Schwartzkopf prepared an analysis of the actual pattern of Prairie Village police retirements during the past few years. His analysis indicates :

27% retired when eligible with 20 years of service (ages 43, 48, 55), 36% retired with 22 years of service (ages 45, 47, 48, 49), 18% retired with 24 years of service (ages 46 and 55) and 18% retired with 25 or more years of service (ages 51 and 58).

Assumptions used by the cities of Overland Park and Wichita as well as those used for KPERS and KP&F were reviewed by the committee. Staff was asked to send this information to Glen Gahan with a request that he analyze assumptions used by other jurisdictions and prepare a recommendation if he thinks those used for this Plan should be changed. If he recommends a change, the Board would like advice on whether the change should be made for the 2008 report or if it can be deferred to the following year,

3) Consider actuarial method being used. Gahan said the method being used does not respond to inflation, but it does smooth out the annual contribution rate. Several years ago, during a period of rapidly changing market conditions, Board members decided to use this method which smooths investment gains and losses and results in less volatile City contributions. Gahan said the method being used is an acceptable asset valuation method which he will monitor to confirm whether it continues to be appropriate for this Plan.

### **Approve 2007 Contribution**

Annual contribution requirement for 2007 is \$139,270. Staff requested authority to make this contribution. Tim Schwartzkopf moved to authorize the annual contribution in the amount of \$139,270. The motion was seconded by Jim Whittier and passed with a unanimous vote.

### **Ratify Distributions**

Jim Whittier moved to ratify distribution and payments to the following: Richard Dec, Bobbe Hines (Loomis), Charles Grover, John Jagow, Danny Rayfield and Robert E. Steffens.

### **Next Meeting**

The next Board meeting will be in April unless there is a need to meet earlier.

Charles Clark  
Chairman

## Council Members Mark Your Calendars November 5, 2007

<b>November 2007</b>	Mid-America Pastel Society exhibit in the R. G. Endres Gallery
November 9	Artist reception in R. G. Endres Gallery 6:00 to 8:00 p.m.
November 13-17	National League of Cities Annual Conference in New Orleans
November 19	City Council Meeting
November 22-23	City offices closed in observance of Thanksgiving
November 26	Mayor's Holiday Tree Lighting - Corinth Shopping Center
November 28	LKM Regional Supper - Olathe Fire Dept 6:00 p.m.
November 30	NE Johnson County Chamber's Annual Dinner - Lake Quivira Country Club
<b>December 2007</b>	Christi Roberts-Bony mixed media exhibit in the R. G. Endres Gallery
December 3	City Council Meeting
December 7	Mayor's Holiday Gala
December 14	Employee Holiday Lunch - noon to 2 p.m. in Council Chambers
December 14	Artist reception in R. G. Endres Gallery 6:30 to 7:30 p.m.
December 17	City Council Meeting
December 25	City offices closed in observance of Christmas
<b>January 2008</b>	Rusty Leffel photography exhibit in the R. G. Endres Gallery
January 1	City offices closed in observance of New Years Day
January 7	City Council Meeting
January 11	Artist reception in the R. G. Endres Gallery 6:30 to 7:30 p.m.
January 21	City offices closed in observance of Martin Luther King Jr. Day
January 22 (Tues.)	City Council Meeting
<b>February 2008</b>	Mark Glover oil exhibit in the R. G. Endres Gallery
February 4	City Council Meeting
February 8	Artist reception in the R. G. Endres Gallery 6:30 to 7:30 p.m.
February 18	City offices closed in observance of President's Day
February 19 (Tues.)	City Council Meeting
<b>March 2008</b>	Clark Stoeckley exhibit in the R. G. Endres Gallery
March 3	City Council Meeting
March 8-12	NLC Congressional Conference
March 14	Artist reception in the R. G. Endres Gallery 6:30 to 7:30 p.m.
March 17	City Council Meeting
<b>April 2008</b>	Margaret Godfrey acrylics exhibit in the R. G. Endres Gallery
April 7	City Council Meeting
April 11	Artist reception in the R. G. Endres Gallery 6:30 to 7:30 p.m.
April 21	City Council Meeting
<b>May 2008</b>	Marearl Denning photography and ceramics exhibit in the R. G. Endres Gallery
May 5	City Council Meeting
May 9	Artist reception in the R. G. Endres Gallery 6:30 to 7:30 p.m.
May 19	City Council Meeting
May 26	City offices closed in observance of Memorial Day



<b>June 2008</b>	Steve Karol digital art exhibit in the R. G. Endres Gallery
June 2	City Council Meeting
June 13	Artist reception in the R. G. Endres Gallery 6:30 to 7:30 p.m.
June 16	City Council Meeting
<b>July 2008</b>	Senior Arts Council exhibit in the R. G. Endres Gallery
July 4	City offices closed in observance of Independence Day
July 4	VillageFest
July 7	City Council Meeting
July 11	Artist reception in the R. G. Endres Gallery 6:30 to 7:30 p.m.
July 21	Cit Council Meeting
<b>August 2008</b>	Venus Auxier botanical art exhibit in the R. G. Endres Gallery
August 4	City Council Meeting
August 8	Artist exhibit in the R. G. Endres Gallery 6:30 to 7:30 p.m.
August 18	City Council Meeting
<b>September 2008</b>	Images Group Show mixed media exhibit in the R. G. Endres Gallery
September 1	City offices closed in observance of Labor Day
September 2 (Tues.)	City Council Meeting
September 12	Artist reception in the R. G. Endres Gallery 6:30 to 7:30 p.m.
September 15	City Council Meeting
<b>October 2008</b>	State of the Arts exhibit in the R. G. Endres Gallery
October 6	City Council Meeting
October 10	Artist reception in the R. G. Endres Gallery 6:30 to 7:30 p.m.
October 20	City Council Meeting
<b>November 2008</b>	Mid-America Pastel Society exhibit in the R. G. Endres Gallery
November 3	City Council Meeting
November 7	Artist reception in the R. G. Endres Gallery 6:00 to 8:00 p.m.
November 17	City Council Meeting
November 27	City offices closed in observance of Thanksgiving
November 28	City offices closed in observance of Thanksgiving
<b>December 2008</b>	Tom Wilson, Melanie Nolker & Wendy Taylor mixed media exhibit in the R. G. Endres Gallery 6:30 to 7:30 p.m.
December 1	City Council Meeting
December 5	Mayor's 2008 Holiday Party
December 12	Artist reception in the R. G. Endres Gallery 6:30 to 7:30 p.m.
December 15	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)

**COUNCIL COMMITTEE**

COU2006-26 Consider Project 190862: 75<sup>th</sup> Street from Nall Avenue to Mission Road (CARS) (assigned 8/28/2006)  
COU2006-27 Consider Project 190855: Tomahawk Road Bridge Replacement (assigned 8/28/2006)  
COU2006-33 Consider Lease of Public Works from Highwoods Properties, Inc. (assigned 8/29/2006)  
COU2006-38 Consider Park & Recreation Committee Report (assigned 09/27/2006)  
COU2006-55 Consider Project SP105: 2007 Crack Seal/Slurry Seal/Microsurfacing Program (assigned 12/27/2006)  
COU2007-02 Consider Reducing the size of the Council & term limits for elected officials (assigned 1/8/2007)  
COU2007-11 Consider SP107: 2007 Street Repair Program (1/31/2007)  
COU2007-19 Consider Project 190860: 2007 Street Resurfacing Program (assigned 2/14/2007)  
COU2007-22 Consider Project 190718: 2007 Storm Drainage Repair Program (assigned 2/28/2007)  
COU2007-27 Consider Project 190864 - 2008 Paving Program (assigned 3/9/2007)  
COU2007-31 Consider City Administrator/City Manager forms of government (assigned 3/19/32007)  
COU2007-33 Consider Project 190719: 2008 Storm Drainage Repair Program (assigned 4/11/2007)  
COU2007-35 Consider Project 190709: 83<sup>rd</sup> Street/Delmar Drainage Improvements (moved from POL 2004-15 - assigned 4/11/2007)  
COU2007-40 Consider Code Enforcement - Interior Inspections (assigned 5/2/2007)  
COU2007-43 Consider Providing Public Works Services to the City of Mission Hills (assigned 5/29/2007)  
COU2007-47 Consider using MUTCD "Stop for Pedestrian" signs. (assigned 6/19/2007)  
COU2007-49 Consider Project 190868: Roe - 91<sup>st</sup> to Somerset Drive (assigned 6/27/2007)  
COU2007-53 Consider EasyRide Program (assigned 7/13/2007)  
COU2007-54 Consider Project 190708: Tomahawk Road / Nall to Roe (assigned 8/26/2004 - was POL2004-13)  
COU2007-61 Consider Rezoning of Property at 7920 State Line Road from CP-0 to CP-1 (assigned 10/2/2007)  
COU2007-62 Consider Construction of Additional Parking at Shawnee Mission East (assigned 10/12/2007)  
COU2007-63 Consider MUTCD "Stop for Pedestrian" signs (assigned 10/12/2007)  
COU2007-64 Consider 2008 UCS Allocation (assigned 10/12/2007)  
COU2007-65 Consider 2008 Salary Ordinance (assigned 10/30/2007)  
COU2007-66 Consider Financial Advisor Agreement  
COU2007-67 Consider HNTB Engineering Engineering Change Order #4 for SME parking lot  
COU2007-68 Consider 2007 Uniform Public Offense Code & Standard Traffic Ordinance (assigned 10/30/2007)  
COU2007-68 Consider Citizen Chaired Committees (assigned 10/30/2007)

**PARKS AND RECREATION COMMITTEE**

PK97-26 Consider Gazebo for Franklin Park (assigned 12/1/97)

**PLANNING COMMISSION**

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)

PC2007-01 Study City zoning regulations to address those items identified by the Village Vision Strategic Investment Plan in 2007 (assigned 8/20/2007)

**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)