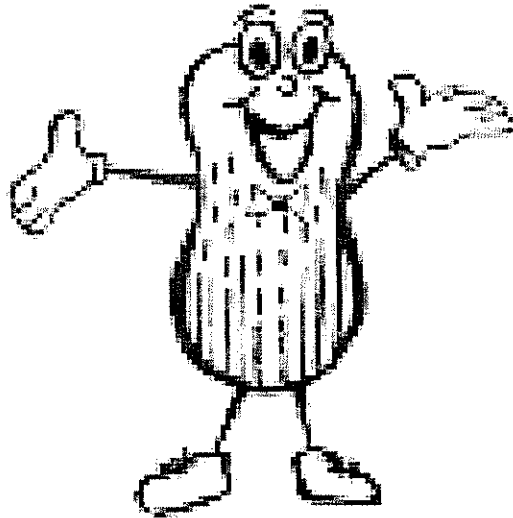


# **23rd Annual Peanut Butter Week**

October 1<sup>st</sup> - 5<sup>th</sup>



PLEASE BRING A JAR OF PEANUT BUTTER  
TO THE COUNCIL MEETING ON  
October 1, 2007

# *City Council Meeting*

*October 1, 2007*

*Dinner will be served at 5:00 p.m.*

Dinner provided by:



**O'Neill's**  
Restaurant & Bar



*Chicken Alfredo*  
*Caesar Salad*  
*Rolls & Butter*  
*Brownie Tray*



**JOINT MEETING  
COUNCIL COMMITTEE AND  
PLANNING COMMISSION**

**October 1, 2007**

**5:00 p.m. Council Chamber**

**Agenda**

**Meal will be served at 5:00 p.m.**

**MEETING AGENDA**

**Issues that affect housing in the metropolitan area**

**Tim Underwood,**

**Executive Vice President for Home Builders Association of Greater  
Kansas City**

**Tim Underwood has served as Executive Vice President of the Home Builders Association of Greater Kansas City (HBA) for the past 24 years.**

**Tim has a Masters degree in Public Administration from KU. Following graduation he worked in the cities of Emporia and Lawrence.**

**He also worked in the Governmental affairs area for United Telecom (now part of Sprint) and was a lobbyist for the Kansas Association of Realtors before joining HBA.**

**Tim recommended participants read the speech made by Bruce Katz at the Kansas City Housing Matters Forum. The speech, entitled “The Sticker Shock of Sprawl; Housing/Transportation Tradeoffs in Metro Kansas City”, raises some of the issues Tim will be discussing.**

**Bruce Katz, Director**  
**Brookings Institution Metropolitan Policy Program**  
**Speech before the Kansas City Housing Matters Forum**  
**“The Sticker Shock of Sprawl:**  
**Housing/Transportation Tradeoffs in Metro Kansas City”**  
**April 12, 2007**

**Introduction**

Good morning everyone. It is a real pleasure to be back in Kansas City – one of my favorite communities in the United States. I am particularly looking forward to visiting the new WWI museum.

I also want to commend the Housing Choices Coalition and their partners for organizing and supporting this forum today. I have enormous respect for this coalition because it understands that affordable housing is not just an end, it is a means to multiple ends.

When housing policy expands choices – of housing type, of housing location, of housing product -- it gives families an opportunity to live closer to good schools and quality jobs and, if they are homeowners, grow assets and meet the demands of retirement, college education and medical emergencies. An expansive housing policy also gives communities a vehicle for achieving smart metropolitan growth patterns that are competitively wise, environmentally sustainable and fiscally efficient.

If housing policy is to achieve its full potential, it cannot be crafted and executed in isolation but rather, it must be shaped in tandem with related policies like transportation, land use, economic development, financial services and even education.

Today, I want to talk about the fundamental necessity of joining up transportation, land use and housing policies for the good of families and communities.

First, I want to present some powerful national and regional evidence about the inextricable link between housing and transportation costs. For too long, we have defined housing affordability in limited ways, only measuring the relationship of housing costs to incomes and wages. Yet in today’s distended, exit ramp economy, where 40 percent of our work commutes are from suburb to suburb, we must combine housing and transportation costs together if we are to get a true picture of the burdens placed on working families. A recent study shows that the Kansas City metropolis stands out as a place where transportation costs are, on average, far outstripping the costs of housing -- placing severe demands on working families struggling to make ends meet.

Second, I want to explain why this is happening. Unbalanced, unfocused and unsustainable growth patterns in this region are compelling many working families to live far away from their place of work in neighborhoods that lack the density or connectivity that enable a broader range of transportation choices beyond the car. Many families are

making a brutal tradeoff between buying homes at reasonable prices and the need to purchase and maintain two to three cars to carry out the necessities of daily life. This is what I call the “sticker shock of sprawl.” Unfocused growth also imposes real economic and environmental costs on the region as a whole, threatening long term competitiveness in our changing economy.

Finally, I want to discuss ways that this region, your states and the nation can develop policies that facilitate more balanced growth patterns ... and, by so doing, improve your competitiveness, save public resources, promote energy efficiency ... and lower costs to working families throughout the area.

### **First, the evidence.**

In October 2006, the Center for Housing Policy released a national study entitled “A Heavy Load: The Combined Housing and Transportation Burdens of Working Families.”

The study built on earlier research that had examined the not surprising fact that working families that move further and further out in the search for low-cost housing pay higher and higher transportation costs. The earlier research had found that, nationally, for every dollar a working family saves on housing, it spends 77 cents more on transportation. At some distance, generally 12 to 15 miles away from a center of employment, the increase in transportation costs outweighs the savings on housing – and the share of household income required to meet these combined expenditures rises.

The 2006 study went further than this national picture and examined the combined costs of housing and transportation for working families -- families earning between \$20,000 and \$50,000 -- living in some 28 metropolitan areas, including the Kansas City metropolis.

On average, the study found that working families spend about 57 percent of their income on the combined costs of housing and transportation, with roughly 28 percent of income going for housing and 29 percent going for transportation.

As you would expect, the combined costs of transportation and housing varies markedly from metropolis to metropolis, within metropolitan areas and across different kinds of households.

Across metros, the combination of housing and transportation costs ... and the breakdown between these costs ... are affected by a broad range of factors, including the nature of the economy, the health and vitality of the central city and older suburban areas, the extent of employment decentralization, the concentration of poverty, the level of racial and ethnic segregation, the maturity and reach of public transit systems and the price of housing in disparate parts of the region.

The combined costs range from a low of 54 percent in Pittsburgh to a high of 63 percent in San Francisco.

So how does the Kansas City metro stack up??

Kansas City is a study in contrasts.

Working families in the KC metro, on average, pay 56 percent of their total income on housing and transportation costs, just below the metropolitan average for the nation.

Yet the split between housing and transportation costs is wildly uneven.

On one hand, working families in the KC metro spend only 23 percent of their income on housing, second lowest among all the metros studied. Only working families in the Pittsburgh metro spend a lower portion of their income on housing.

On the other hand, working families in KC spend an incredible 33 percent of their income on transportation, which puts KC at the head of the pack, along with Tampa and Pittsburgh.

The average transportation cost for working families in KC is almost \$11,000 per household. That's the highest total cost of all the metros studied.

Yet metropolitan averages only take you so far. Metro areas are aggregates of different kinds of neighborhoods ranging from living downtown communities (where residents may pay a high premium for condo style living but are able to walk to work) to new exurban communities on the periphery (where residents are able to purchase homes at reasonable prices but are compelled to buy two or three cars).

The characteristics of neighborhoods -- density, walkability, the availability and quality of transit service, convenient access to amenities such as grocery stores, dry cleaners and day care and movie theaters and the number of accessible jobs – also affect the combination of housing and transportation costs.

The areas of the Kansas City metro area where transportation burdens are above average are not surprising: the outlying areas of fast-growing, auto-dependent, low-density counties like Ray, Clinton, Platte, Lafayette, Johnson, Cass and Miami.

Yet there are also specific neighborhoods where both transportation and housing burdens are above average: Excelsior Springs in Clay County, Lone Jack and Grain Valley in Jackson County and Chiles in Miami County.

**Let's now turn to the reasons for this harsh reality. Why are transportation costs outstripping the costs of housing for many working families in the KC metro?**

The answer will be no surprise to many people in this room – the KC metropolis stands out as one of the most “stretched out” in the nation.

The land area inside the Kansas City freeway loop is almost two times that of the Chicago loop.

The city of KC, MO covers 318 square miles, more than the cities of Boston, Miami, San Francisco, and Washington combined!

At 7,848 square miles, the KC metro is larger than the New York City metro region, which spans four states (New York, New Jersey, Connecticut, and Pennsylvania) and 6,714 square miles.

You have the highest number of freeway lane miles per capita in the nation, including 8 federal highways and 49 state roads.

More workers use a private vehicle to commute to work in Kansas City than in any of the other top 28 metros.

Incredibly, 93 percent use a private vehicle, while just 1 percent use public transportation, 2 percent walk or bike, and 4 percent work from home.

On average each local resident travels around 29 miles per day in a vehicle, 36 percent more than average for the 68 largest metro areas in the country.

Despite the incredible assets of the central cities, the decentralization of economic and residential life dominates the physical landscape.

During the 1990s, the city of Kansas City, Missouri only grew by 1.5 percent (or by 6,400 people); by contrast, the metropolitan area grew by 12 percent and added 193,000 people.

So the population rebound in Kansas City, Missouri represented only 3 percent of the region's total population growth during the 1990s.

By contrast, Johnson County, Kansas grew by 27 percent or 96,000 people ... Clay County grew by 20 percent or 31,000 people ... Cass County grew by almost 29 percent or 18,000 people ... Platte County grew by 27 percent or 16,000 people.

From 2000 to 2005, the metropolitan area grew another 4 percent overall, with Cass County leading the way with a 13.6 percent increase in population. Johnson, Platte, and Clay continue to experience larger than average growth rates, along with outlying Clinton County. Jackson lost 1 percent of its population, while Wyandotte lost 2.4 percent.

Less than 3,500 new residents moved into Kansas City, MO (.8 percent), while over 2,650 moved out of Kansas City, KS (-1.8 percent). The trends are similar in



the area's inner-ring suburbs. Twelve of the metro area's 17 first suburban jurisdictions lost population between 2000 and 2005.

As population goes, so do jobs.

The Kansas City metropolis has emerged as one of the most decentralized employment regions in the United States. In 2002, less than 14 percent of the jobs in this metropolitan area were located within 3 miles of the central business district, ranking the region 73<sup>rd</sup> out of the 88 metros with populations over 500,000. Less than 43 percent of the jobs were located within 10 miles of the CBD, ranking the region 76<sup>th</sup> out of 88.

Not surprisingly, the spreading out of the metro area affects the travel patterns of households throughout the region. With the metro area sprawling, with low density settlement patterns dominating, with suburbs growing in a disjointed way (where residential areas are separate from office areas which are separate from commercial areas), families are completely dependent on the car.

During the 1990s, vehicle miles traveled grew more than twice as fast as population. VMT grew by 26 percent in the region compared to the 12 percent population growth.

As Kansas City's population, jobs and development continue to decentralize, the region's poor and minority residents remain concentrated in the core.

Brookings 2002 report on Missouri was unequivocal in its discussion of KC's growth trajectory.

"Metro KC continues to grow in spatially divided ways, with wealth and opportunity accumulating in its many rings of suburbs while slow growth, minority residents and lower income households accumulate in the center."

87 percent of the metro areas black residents lived in Jackson and Wyandotte counties in 2000; over 80 percent live in Kansas City, Kansas and Kansas City, Missouri alone.

Kansas City is the 30<sup>th</sup> most racially segregated of the country's 272 metropolitan areas.

Further, 17 percent of KC, KS residents and 14 percent of KC, MO residents live in poverty compared to just over 5 percent in the rest of the metropolitan area.

I raise these realities about racial and economic segregation because they have profound influence on broader metropolitan growth patterns ... and the tradeoff between housing and transportation costs that we were discussing earlier.

One reason that low income families live bunched together in one part of metropolitan areas is that there is almost no affordable housing elsewhere. Subsidized housing tends

to be disproportionately located in distressed inner city and older suburban neighborhoods because wealthier suburbs practice exclusionary zoning and limit affordable housing within their borders.

When the supply of affordable housing is limited in scale and limited in place, several things happen.

First, many working poor get concentrated in particular parts of a metropolis, usually far from educational and employment opportunities.

Second, the housing/jobs imbalance worsens the area's traffic congestion by forcing families to travel long distances to their place of employment.

Third, the housing/jobs imbalance places enormous stresses on the region's employers by limiting the pool of workers who can live within a reasonable commuting distance.

Fourth, affordable housing concentration forces leapfrog development. Moderate income families usually don't want to live in distressed areas of a region where schools are failing and crime is relatively high. And they can't afford to live in high priced areas, many of which tend to be located in the center portion of the region. So these families are forced to move further out in a great game of leapfrog, which unfortunately characterizes most, if not all, American metropolitan areas.

So the location and supply of affordable housing is inextricably linked to the current growth patterns in metropolitan areas and must be part of the policy conversation if alternative growth patterns are to be pursued.

### **So where does Kansas City go from here?**

How does Kansas City grow in more balanced ways that improve the attractiveness of the region, support existing communities, lower costs, and enhance opportunity?

Here are four things to consider.

**First, the metropolis should consider making information on the combined costs of transportation and housing available on an annual basis.**

At Brookings, we have worked with several partners – the Center for Transit Oriented Development, the Center for Neighborhood Technology – to create a Housing and Transportation Affordability Index. This tool prices the tradeoffs that households make between housing and transportation costs and the savings that derive from living in communities that are near shopping, schools, and work and that boast a transit rich environment. We believe that it can provide consumers, policymakers, lenders and

investors with the information needed to make better decisions about which neighborhoods are truly affordable.

Updating this Index on an annual basis would provide a transparency to the combined costs of housing and transportation that heretofore have been borne by consumers but absent from public discussion and policymaking.

When supplemented with additional information, it can provide the fine grained information the region needs ... and consumers need ... to make smart, strategic, cost effective decisions:

Where is affordable housing located in the metro area? For very low income renters? For moderate income renters? For first-time homebuyers?

To what extent is market activity meeting demand for new housing and renovated housing?

To what extent is there a jobs/housing imbalance in this area? Are moderate income workers – teachers, nurses, policemen, hospital workers – locked out of growing employment areas?

In the end, information moves markets and sets the context for a host of policy decisions. Current, accurate, meaningful information has not been easily accessible to businesses, consumers, and governments. But given the advances in information technology over the past decade, there is a vastly expanded potential for delivering information on housing and transportation costs at relatively low financial and transaction costs.

**Second, Kansas City needs to plan for both affordable housing and transportation at the regional level, the true geography of housing markets, commuter sheds and the broader economy.**

During the 1990s, federal transportation laws empowered metropolitan planning organizations to plan on a metropolitan scale and set priorities for transportation spending.

By contrast, federal housing laws continue to devolve such power and responsibility to either state governments or parochial local governments or authorities.

The sheer number of plans leads to multiple priorities, redundant efforts and, most importantly, fragmented funding sources for affordable housing development. This fragmentation requires developers to seek multiple funding sources for a single affordable housing development. Our housing programs, in essence, are less than the sum of their parts.

I have long argued that the metropolitan region is the logical level at which to administer many housing programs, particularly programs like vouchers that are geared to the market. That will be tough to achieve.

But what if every city and municipality and county in this region got together and created a regional housing strategy? What if this region created a streamlined system for identifying and accessing resources ... a system that meets the market's need for certainty and predictability and timeliness? Such actions would be a positive step towards resolving the affordable housing challenge on the metro level.

The Mid-America Regional Council serves as a strong example of proactive regional leadership and planning for metropolitan regions around the country. MARC has myriad efforts underway in Kansas City to promote balanced, sustainable, and inclusive growth in the region. The MetroGreen program is one of the region's best examples of how jurisdictions across the area can work together toward common goals. If implemented, MetroGreen's network of 1,144-miles of open spaces and trails linking seven counties will be a significant regional asset.

Imagine if MARC were to apply this cross-jurisdictional coordination to housing policy by conducting a full assessment of where low- and moderate-income housing is currently located in the region, and where it needs to be expanded to enhance independence, choice, and mobility in both housing and transportation for low- and moderate-income residents?

**Third, Missouri, Kansas and jurisdictions in the Kansas City metropolis need to expand transportation and housing choices throughout the region.**

In many respects, transportation and housing policies have restricted choices for tens of millions of Americans.

Transportation policy continues to favor road projects over all other transportation alternatives and even continues to favor the expansion of road capacity at the fringe of metropolitan areas and beyond, extending the size of metropolitan areas and complicating the daily commutes and lives of tens of millions of Americans.

Housing policy continues to favor the concentration of affordable housing in central cities. Until recently, federal public housing catered almost exclusively to the very poor by housing them in special units concentrated in isolated neighborhoods. Even newer federal efforts -- for example, the low-income housing tax credit program -- are generally targeted to areas of distress and poverty, not to areas of growing employment. We now know that concentrating poor families in a few square blocks undermines almost every other program designed to aid the poor -- making it harder for the poor to find jobs and placing extraordinary burdens on the schools and teachers that serve poor children.

The effect of all these policies: they lower the costs — to individuals and firms — of living and working outside or on the outer fringes of our metro regions, while increasing

the costs of living and working in the core. They push investment out of high-tax, low-service urban areas and into low-tax, high-service favored suburban quarters, while concentrating poverty in the central city core. And they deny choices to people and firms, whose preferences are changing markedly in this country.

So where should transportation and housing policies head?

A new transportation agenda must be more balanced and flexible, providing metropolitan areas with new transportation choices that reduce the heavy cost burden on working families and create access to opportunity by linking areas of job growth with affordable housing. It is essential, in particular, that city and suburban leaders come together to articulate a sound, region shaping vision for transit and then follow up with the kinds of land use and zoning changes to densify development along transit corridors.

On this issue, Kansas City's problem is not lack of vision, but lack of regional action. Recognizing the importance of an efficient, integrated public transportation system to the region's competitiveness and quality of life, MARC convened leaders from around the region to develop SmartMoves, a regional public transportation plan connecting seven counties with improved transit service. But the implementation of the plan remains uncertain for lack of funding. The Kansas City region must agree to a regional funding mechanism to deliver on the promise of extended regional transit service, a prerequisite for competitiveness in the 21<sup>st</sup> century.

At the same time, a new housing agenda must expand housing opportunities for moderate- and middle-class families in the cities and close-in suburbs while creating more affordable, "workforce" housing near job centers. Ideally, regional elected leaders should balance their housing markets through zoning changes, subsidies and tax incentives so that all families – both middle class and low income – have more choice about where they live and how to be closer to quality jobs and good schools.

This will require some real change.

To make it easier to build housing in older communities, local zoning rules for downtown areas – as well as commercial and even industrial areas in cities and older suburbs -- need to be reexamined and revised.

To make it easier to rehabilitate older buildings, state and local building codes need to be changed.

To make it easier to renovate older homes, particularly in the inner suburban areas of the region, the city and counties and the states need to consider special loan funds – like the ones created in Minnesota, Cuyahoga County and Cook County.

To make it easier to increase densities, states should permit – and localities should adopt – programs that allow the transfer of development rights from greenfields to urban communities.

To make it easier to build new workforce housing in fast-growing employment areas, fast-growing counties should consider adopting inclusionary zoning ordinances that require a portion of all major subdivision developments to be affordable to low and moderate income renters. Excellent examples include ordinances in counties like Montgomery County, Maryland, Fairfax County, Virginia and King County in Washington State.

To make it easier to build subsidized housing in fast growing areas, Kansas and Missouri should also reexamine how and where they allocate federal low income housing tax credits.

**Finally, Kansas, Missouri and Kansas City need to understand that you cannot go it alone. We need to resurrect smart national housing and transportation policies and KC needs to be part of that effort.**

Kansas City and other top metropolitan areas play a critical function in our national economy. With demographic change and economic restructuring, these major metros have become our engines of national and state prosperity.

The top 100 metros in the country occupy only 12 percent of our land mass, but house more than 2/3 of our population, 74 percent of our most educated citizens and 82 percent of our foreign born population. More importantly, they drive and dominate the leading edges of our economy: technology, business, financial, and professional services. They are our immigrant gateways, our ports of trade, our centers of knowledge and innovation.

Here is the bottom line: our nation's ability to compete rests largely on the ability of major metropolitan areas in the country to realize their full economic potential and the ability of metropolitan areas to do that, in turn, depends on the federal government and states giving them the tools and the rules they need to adapt to economic change and prosper.

We need, in short, a *Blueprint for National Prosperity*, a roadmap for unleashing the full economic and fiscal potential of our metropolitan areas. The Blueprint will identify key federal and state reforms and initiatives that are needed to give metropolitan communities the tools to leverage their economic strengths, grow in environmentally sustainable ways and build a strong middle class.

What specific policies are we talking about?

If metros are going to grow a high road economy, we need strategic federal and state investments in science and technology, advanced research, and innovation, as well as support for business growth, particularly small businesses: skills training, health care, capital access, and entrepreneurial support.

If metros are going to grow in sustainable ways, we need smart federal and state investments in transportation, housing, land reclamation, and energy efficiency as well as incentives for effective and efficient local government.

If metros are going to grow a strong middle class, we need a federal and state commitment to inclusive growth around strategies that improve access to quality education at all levels, enhance skills, supplement incomes, reduce the price of being poor, and ultimately grow assets and wealth.

That's a rich and complex agenda but, frankly, that is the agenda (holistic, integrated, sophisticated) that is already being discussed, debated, and acted upon in states and metro areas across the country.

Over the next year, Brookings intends to release a series of papers that (a) demonstrate the nation-shaping roles of our major metropolitan areas; (b) show how federal policies are outmoded and increasingly irrelevant to the realities of American life; and (c) propose a series of specific, systemic reforms in key areas of domestic policy like innovation, infrastructure, immigration, housing and education. As always, we will work closely with metropolitan leaders to ensure that federal policies build on the best of state and local action.

## **Conclusion**

Kansas City has an incredible opportunity to shape its destiny.

This is a great place to live and work and raise children. It is a place with enormous assets.

It can become one of the leading cities and metropolitan areas of the next century.

But you need to deal with some critical issues – housing and transportation affordability and balanced growth among them – if you are going to get there.

If you are going to make progress on these issues, you desperately need to define them in new terms that appeal to a broad-based citizenry.

You also need to build new kinds of coalitions – at the local level where zoning and land use decisions are made – but also at the metropolitan level where the market operates.

You need to build new kinds of coalitions that cross borders (both local and state), that unite constituencies (homebuilders and neighborhood advocates), and transcend racial and ethnic divisions.

These are issues worth fighting for and worth fighting about.

I wish you well.

**COUNCIL MEETING AGENDA  
CITY OF PRAIRIE VILLAGE  
Monday, October 1, 2007  
7:30 p.m.**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. PLEDGE OF ALLEGIANCE**
- IV. SPECIAL PRESENTATION – COMMISSIONER ED PETERSON**
- V. SPECIAL PRESENTATION – ANDREW BERGER**
- VI. PUBLIC PARTICIPATION**
- VII. 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 – September 17, 2007
- 2. Approve a letter of understanding with Johnson County for the rehab of a home with funds from the Prairie Village Municipal Foundation.
- 3. Approve an agreement with Lowenthal, Singleton, Webb, & Wilson for the audit of the City's 2007 financial statements.
- 4. Authorize the Mayor to execute a proclamation for "Lancer Day."

**By Committee:**

- 5. Approve Ordinance 2152 amending Chapter 19.10 entitled "District R-2 two family residential district" by amending Section 19.10.005 entitled "Use regulations." (Council Committee of the Whole Minutes – September 4, 2007)
- 6. Approve the deletion of the following committee assignments from the Council Committee Agenda: COU99-13, COU2000-42, COU2000-44, COU2000-45 and LEG2000-25. (Council Committee of the Whole Minutes – September 4, 2007)
- 7. Approve the deletion of the following committee assignments from the Council Committee Agenda: COU2004-10, COU2004-11, COU2004-13, LEG2003-12, COU2004-12 and COU2004-14. (Council Committee of the Whole Minutes – September 4, 2007)
- 8. Approve the deletion of COU2005-21 from the Council Committee Agenda. (Council Committee of the Whole Minutes – September 4, 2007)
- 9. Approve the deletion of the following committee assignments from the Council Committee Agenda: COU2005-27, COU2005-44 and LEG2005-49. (Council Committee of the Whole Minutes – September 4, 2007)
- 10. Approve the deletion of COU2007-10 from the Council Committee Agenda. (Council Committee of the Whole Minutes – September 4, 2007)
- 11. Approve the deletion of COU2007-51 from the Council Committee Agenda. (Council Committee of the Whole Minutes – September 4, 2007)



**VIII. STAFF REPORTS**

**IX. COMMITTEE REPORTS**

**Finance Committee – David Voysey**

**X. OLD BUSINESS**

**XI. NEW BUSINESS**

**Consider Property at 4807 W 64<sup>th</sup> Street – Doug Luther**

**XII. ANNOUNCEMENTS**

**XIII. 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**

**October 1, 2007**

**CITY COUNCIL  
CITY OF PRAIRIE VILLAGE  
September 17, 2007**

The City Council of Prairie Village, Kansas, met in regular session on Monday, September 17, 2007, at 7:30 p.m. in the Council Chambers of the Municipal Building.

**ROLL CALL**

Council President Andrew Wang called the meeting to order and roll call was taken with the following Council members present: Al Herrera, Bill Griffith, Ruth Hopkins, David Voysey, Michael Kelly, 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; Wes Jordan, Chief of Police; Doug Luther, Assistant City Administrator; and Joyce Hagen Mundy, City Clerk.

Andrew Wang led all those present in the Pledge of Allegiance.

**PUBLIC PARTICIPATION**

Cindy Dwigans, 7900 Fontana, chair of the Sister City Committee reported the Sister City Committee will present a full report at a future meeting on the recent trip of Michael Kelly and Cleo Simmonds to Dolyna, Ukraine.

Kathy Riordan, 2410 West 73<sup>rd</sup> Street, and Teri Carey, 3911 West 68<sup>th</sup> Terrace, invited the Council on behalf of the Environment/Recycle Committee to attend the upcoming 6<sup>th</sup> Annual Community Forum on Kansas Environmental Issues. The forum will be held on Thursday, October 11<sup>th</sup> at Village Presbyterian Church. The forum will begin at 5:15 with appetizers & exhibits by Kansas environmental organizations, followed with a dinner served at 6 p.m. catered by Blue Bird Bistro with the speaker beginning at 7 p.m. This year's speaker is Dr. Don Worster, Professor of environmental history, speaking on "The Waters of Kansas: Past, Present, Future".

Teri Carey stated she could be contacted with any questions or to make reservations for the event.

Kurt and Susan Wallace, 7745 Chadwick, addressed the Council concerning a fence issue. Their neighbor has constructed a fence within a fence leaving an exposed, unmaintained area between fences that is visible to them and is an eyesore. They suggested the City may want to address this issue in the future.

Doug Luther stated he had met with the Wallaces and confirmed both fences are on the neighbor's property and, although built without a permit, are in compliance with the City's existing regulations. He noted this instance is unique in that one individual owns both fences. This situation occurs more often when adjacent property owners construct fences leaving a gap between fences. The issue is a code enforcement issue regarding maintenance. The fences are in compliance with existing zoning regulations. If the Council desires these to be changed, it would require action by the Planning Commission.

## CONSENT AGENDA

David Belz moved the approval of the Consent Agenda for Monday, September 17, 2007:

1. Approve Regular Council Meeting Minutes - September 4, 2007
2. Approve Claims Ordinance 2642
3. Approve Construction Change Order #4 to Project 190718: 2007 Storm Drainage Repair Program with Radmacher Brothers Excavating Company, Inc. for an increase of \$3,317.00, bringing the new contract amount to \$1,106,130
4. Approve amendments to Council Policy CP001 – Public Committees to include the Homes Association Committee.
5. Approve contracting with Property Room Internet Auction Company to dispose of unclaimed property in the Police Department's evidence room.
6. Approve the 2008 Public Safety agreement with the City of Mission Hills.
7. Adopt Resolution 2007-04 proclaiming the week of October 1-5, 2007 as Prairie Village Peanut Butter Week.
8. Authorize the Mayor to execute proclamations for "Constitution Week" and "In Recognition of Congregation Ohev Sholom's 130<sup>th</sup> Anniversary."
9. Approve an Alcohol Permit fee of \$50 and request staff to research the rental of facility fees.
10. Approve the Mission Hills Public Safety Budget as presented.

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

## STAFF REPORTS

### **Shawnee Mission East Traffic Report - Chief Wes Jordan**

Chief Jordan reported that significant progress had been made to address the traffic and pedestrian safety concerns raised by him and Bob Pryzby by the school district and project staff. The school district has agreed to a traffic study with the costs of the study shared by the school district and the City. Chief Jordan introduced Tom Fulton of Olsson Associates and Andy Anderson, Jr. of the DLR Groups to present the proposed scope of the study.

Tom Fulton stated the study will focus on what is happening now at the drop-off and pick-up hours at the school. Traffic counts will be taken at all entrances including Delmar during these hours. The counts will take place beginning this Thursday morning. Mr. Fulton stated the traffic study would look at the traffic flow, moving queues, delay of traffic and circulation patterns within the parking area to clearly identify what is happening now to better evaluate the impact of the proposed changes. The results will be presented in a brief memorandum that will include signing and marking recommendations.

Pat Daniels asked if the day of the week was important. Mr. Fulton responded they want a "typical" day but would hope for a day with good weather to possibly allow them to also gather information on pedestrian traffic. He noted the counts need to be taken soon as it will take approximately 20 to 25 days to prepare the report after the gathering of the information.

Chief Jordan advised the Council of a proposed parking lot expansion that would provide 148 additional parking spaces and would be overseen by the City. The construction of this additional parking would lessen the impact of the lost parking spots during construction. He and Mr. Pryzby felt that some<sup>21</sup> of the safety concerns raised could be

addressed by signage, traffic markings and sidewalks. He also felt the relocation of the primary drop-off area from the circle drive to the actual parking area should be helpful as it will allow for more stacking of vehicles without impacting Mission Road traffic.

Diana Ewy Sharp acknowledged the work and cooperation of both staff and the school district personnel in quickly addressing concerns raised by residents and thanked all involved for their efforts.

#### **Administration - Barbara Vernon**

- The Mayor is attending the Greater Kansas City Chamber Leadership Exchange in Seattle. 125 Kansas City metro leaders from private and public sectors were invited to participate in the three day meeting
- KCP&L had requested a \$47 Million rate increase and last week agreed to a \$28 million rate increase effective January 1, 2008, which will be reflected in an approximately 8% increase in fees. The 2008 budget included an 8.5% increase. This will also result in some additional franchise revenue. David Voysey confirmed the additional franchise revenue was not projected in the 2008 budget.
- Tomahawk Bridge construction is ahead of schedule due to favorable weather. The base is firmly established. There have been no claims for losses from weather and none are anticipated at this stage. The contractor hopes to have construction completed before Christmas.
- It was anticipated that Council members would want to have Ward meetings in 2007 with the adoption of the Village Vision. Funds are available for each ward to have a meeting. Staff have a ten-minute DVD presentation on Village Vision that would be available for use.
- The Kansas League of Municipalities Annual Conference is October 6 to 9 at the Overland Park Convention Center. Mrs. Vernon stated it is not necessary to attend the entire conference and encouraged councilmembers to attend some of the sessions as their availability allows. The City has four voting delegates and persons interested in serving as a delegate should let her know. Diana Ewy Sharp added the conference has excellent speakers and workshops and encouraged Councilmembers to attend.

#### **COMMITTEE REPORTS**

##### **Council Committee of the Whole**

##### **COU2006-57 Consider Special Use Permit for Communications Antenna at 7700 Mission Road**

On behalf of the Council Committee of the Whole, David Belz moved the City Council adopt Ordinance 2139 renewing the Special Use Permit for the installation of wireless communication antennas and equipment at 7700<sub>2</sub>Mission Road for a ten year period subject

to the conditions established by the Planning Commission and authorize the City Attorney to prepare an amendment to the lease agreement between the City and Cingular increasing the lease fee from \$200 to \$400 per month. The motion was seconded by David Voysey.

A roll call vote was taken with the following members voting "aye": Herrera, Griffith, Hopkins, Voysey, Kelly, Wassmer, Daniels, Clark, Ewy Sharp and Belz with Vennard voting "nay" The ordinance was declared adopted by a vote of 11 to 1.

#### **COU2007-60 Consider Community Center Fees**

On behalf of the Council Committee of the Whole, David Belz moved the City Council approve the following fee structure for the reservation of meeting rooms:

Weekday and Evening Reservations for residents & non-residents	\$10 per hour
Weekend Reservations for residents & non-residents	\$15 per hour

The motion was seconded by Laura Wassmer.

Diana Ewy Sharp moved to amend the motion to include Scouts in Group A reservations at no cost. The motion was seconded by David Belz.

Ruth Hopkins expressed opposition to the amendment noting she did not feel it was appropriate to single out "scouts". Mrs. Ewy Sharp replied she feels this is a burden on these groups and would not result in a significant loss of funds to the City.

Pat Daniels asked how many "Scout" groups used the community center and if there were other groups that should be considered. Joyce Hagen Mundy, City Clerk, responded there are three or four scout groups meeting with their meetings generally being on weekdays from 3 to 5 p.m. Groups related to the School District are included in the "no charge" group. She noted a previous fee structure had separated non-profit groups (requiring documentation of non-profit status) and parties/events. She noted there are several special interest groups, which are in essence non-profit, but do not have formal non-profit status.

Al Herrera noted that many of the scouts are sponsored by churches or schools and meet in their facilities.

Michael Kelly stated he did not feel the City should get involved in classifying groups and supported the original motion with a set fee for all.

The amendment to the motion was voted on and defeated by a vote of 2 to 10. The motion to establish community center fees at \$10 per hour for weekday reservations and \$15 per hour for weekend reservations was voted on and passed by a vote of 10 to 2 with Ewy Sharp and Belz voting "nay".

#### **COU2007-59 Consider Home Renovation Workshop**

On behalf of the Council Committee of the Whole, David Belz moved the City Council approve co-sponsoring a Home Renovation Workshop for a fee of \$500 with funds from the 2007 Codes Administration Budget. The motion was seconded by David Voysey and passed unanimously.

#### **Executive Search Committee**

Charles Clark reported 71 applications were received for the position of City Administrator. Mercer has narrowed the number of candidates to 18. The Committee will meet on September 18<sup>th</sup> to determine how many and who to interview. The interviews will be conducted on October 2<sup>nd</sup> and 3<sup>rd</sup>.

Bill Griffith asked for demographic information on the candidates. Mr. Clark responded the search covered a very broad demographic area with representations from across the country and locally and candidates of both genders, varying ages and experience levels.

#### **Finance Committee**

Charles Clark reported the committee was unable to meet with representatives of Mission Hills regarding the request for public works services. A meeting will be scheduled when Mr. Pryzby returns.

#### **Park & Recreation Committee**



Diana Ewy Sharp advised the Council of concerns raised at their last meeting from the environment/recycle committee regarding the fall zone material being used in the City's parks. She advised City staff and they did extensive research through John County Park & Recreation and consumer reports on materials prior to approving the initial installations through Johnson County Park & Recreation and consumer reports on the material. They have researched the material again in view of the concerns raised and are recommending the City continue to use the existing material.

Al Herrera noted the Shawnee Mission School District uses the same material at their schools. Mrs. Ewy Sharp also noted the material being used meets the requirements of ADA, whereas the former wood chips used were not ADA compliant. She stated she expects the issue to be brought forward to the City Council.

### **OLD BUSINESS**

Bill Griffith reported the homes association suit against the recent tear-down at Prairie Lane has been struck down by the courts because the homes association's definition of "story and a half" was ambiguous. The proposed house is within the City's regulations and is going forward.

Michael Kelly thanked the Council for the opportunity to travel to Dolyna, Ukraine to represent the City in discussions regarding the development of a sister city relationship with Dolyna. He reported as he toured the emerging democracy in the city of 20,000 people, he was moved by the welcome he and Cleo Simmonds received. The people of Dolyna have just completed a strategic investment plan which identified some of the same items identified in Prairie Village. Mr. Kelly shared with the Council a calendar that was created with pictures drawn by school children depicting how they would like Dolyna to be in the future. He will be presenting a full report at a future Council meeting.

## NEW BUSINESS

There was no New Business to come before the Council.

## ANNOUNCEMENTS

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

Prairie Village Arts Council	09/19/2007	7:00 p.m.
Environmental Recycle Committee	09/26/2007	7:00 p.m.
Council Committee and Planning Commission Joint Meeting	10/01/2007	5:00 p.m.
Council	10/01/2007	7:30 p.m.

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The Prairie Village Arts Council is pleased to feature an oils exhibit by Barney Newcom in the R. G. Endres Gallery during the month of September.

The art exhibit in the R. G. Endres Gallery for October will be the State of the Arts Exhibit. It will be a juried show featuring 31 entries from local artists. There will be three prizes of \$500.00 each and the winners will be announced at the reception on October 12<sup>th</sup> from 6:00 to 8:00 p.m.

The League of Kansas Municipalities Annual Conference is October 6-9 at the Overland Park Convention Center.

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

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

The second annual Johnson County Leadership Summit is Friday, September 28 from 8 a.m. to 1:30 p.m. Breakfast and lunch will be served. If you can attend and have not made a reservation tell Barbara tonight - reservations closed Friday, but they have agreed to accept a few in the morning.

## ADJOURNMENT

With no further business to come before the Council, the meeting was adjourned at

8:20 p.m.

Joyce Hagen Mundy  
City Clerk

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**CITY OF PRAIRIE VILLAGE**

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**TO:** MAYOR & COUNCIL  
**FROM:** DOUG LUTHER   
**SUBJECT:** LETTER OF UNDERSTANDING WITH JOHNSON COUNTY – HOME REHAB PROGRAM  
**DATE:** 9/20/2007  
**CC:**

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The Prairie Village Municipal Foundation recently approved providing \$7,000 in matching funds to rehabilitate a property at 2400 W. 79<sup>th</sup> Terrace. The rehabilitation work will be performed by Johnson County's Human Services & Aging Department under the HOME Program. This program combines federal grant funds with City matching funds.

Funding for this project will come from the Municipal Foundation. However, the City needs to enter into an agreement with Johnson County in order for this project to proceed.

This item has been placed on the October 1, 2007 Consent Agenda for your consideration.

## LETTER OF UNDERSTANDING FOR THE JOHNSON COUNTY HOME REHABILITATION PROGRAM

This service agreement is between the Housing Services office of the Johnson County Department of Human Services & Aging and the **CITY OF Prairie Village, KANSAS**. This agreement is specific to the residence of Marian Nielsen located at 2400 W. 79<sup>th</sup> Terr., Prairie Village, Kansas.

### PURPOSE

The purpose of this agreement is to enable Johnson County Housing Services to provide more extensive home repairs to qualified low to moderate income residents of the City as long as funds are available for this purpose.

### ADMINISTRATION

The Housing Services office, located at 12425 W. 87<sup>th</sup> Street Pkwy. Ste. 200 Lenexa, KS 66215 will provide all personnel necessary to administer and manage an effective program.

The program will be administered according to HOME guidelines and the Policies and Procedures for the Johnson County Minor Home Rehabilitation Program (Copies of Policies & Procedures available upon request). These Policies and Procedures are made a part of this agreement and are incorporated herein by reference.

### FUNDING

The Home Rehabilitation Program is a partnership program between the County and participating Cities. In order to leverage non-federal dollars, the County agrees to match City funds on a dollar for dollar basis with County HOME funds to the extent these funds are made available. **With this Letter of Understanding the City agrees to provide City funding in an amount up to \$ ~~6,225.00~~ 7,000.00 for the Home Rehabilitation Program.** This amount represents 110% of the bid for completion of repairs on the property located at 2400 W. 79<sup>th</sup> Terr., Prairie Village, Kansas.

### HOLD HARMLESS

The County agrees to hold and save the City harmless from any and all claims, settlements, and judgements for personal injury, bodily injury, property damage, and/or death arising out of the County's or any of its officers', employees' or agents' negligent

acts and/or omissions with respect to the performance of home repairs provided under this agreement.

### **INSURANCE**

The County will maintain coverage of the types of insurance and in such amounts as may be necessary to protect itself and the City against all hazards or risks of loss.

In no event shall the County be subjected to any liability greater than found in the Kansas Tort Claims Act, K.S.A. 75-6101 et seq., and amendments thereto.

### **AMENDMENT**

This Agreement may be amended by supplemental writing signed by the parties to the agreement.

### **TERMINATION**

This agreement may be terminated by either party upon thirty (30) days' written notice. In the event of termination, all unexpended City funds shall be returned to the City within thirty (30) days of termination.

### **RENEWAL**

A new agreement will be signed for each project completed in each calendar year. Any portion of funds not used for the current year will be automatically transferred to the next program year or returned to the City upon request. **Requests must be received in writing, in our office, no later than December 1, 2007.**

### **GOVERNING LAW**

This agreement shall be governed by, construed, and enforced in accordance with the laws of the State of Kansas.

### **NON DISCRIMINATION**

The County shall not discriminate against any person in the performance of work under this Agreement because of race, religion, age, color, sex, handicap, national origin, familial status or ancestry.

## PAYMENT

Upon execution of this agreement, payment in the amount of \$6,225.00 shall be made to Johnson County Housing Services.

## RECORDS AND REPORTS

The County agrees to retain all program records for a minimum of three years. The City shall have access to program records at all reasonable times upon request.

The Housing Services office shall prepare and submit to the City a statement at the end of each quarter showing expenditures to date and the remaining balance of City funds. Other data, pertinent to the City, may also be included with the quarterly report.

**CITY OF Prairie Village, KANSAS**

HOUSING SERVICES OFFICE,  
JOHNSON COUNTY HUMAN  
SERVICES & AGING

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Deborah Collins  
Director, Human Services and Aging

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**PRAIRIE VILLAGE MUNICIPAL FOUNDATION  
EXECUTIVE COMMITTEE  
September 11, 2007**

**Minutes**

The Prairie Village Municipal Foundation Executive Committee met September 11, 2007. Present and presiding: Chairman Bill Nulton. Members present: A.J. LoScalzo, Diana Ewy Sharp, Mary Engelken, Marilyn Uppman, Doris Wieggers, Joan Peschka and Andrew Wang. Also present: Barbara Vernon and Doug Luther.

**Approval of May 17, 2007 minutes**

Mary Engelken asked that minutes be amended to correct spelling of her name in the first paragraph. Doris Wieggers moved approval of the minutes of May 17 as amended. Mary Engelken seconded the motion which passed.

**Holiday Tree Lighting**

Doris Wieggers reported the sub-committee met June 11, 2007 and is scheduled to meet again September 17, 2007. She said plans are being developed by committee members; they are planning for a large crowd. She thinks the event will be more exciting this year than in the past. The event will be on November 26, 2007 beginning at 6:30 p.m.

She asked Doug Luther to make certain the next two newsletters include information about the Holiday Tree event.

**HOME Program Report**

Mayor Carl Wilkes attended the meeting to explain the HOME Program and request payment for a project recently completed and a deposit for one to begin soon. Home improvements financed through this program match funds of the County of 75% of the project cost with 25% from the City. The Municipal Foundation has set aside \$16,250 as the City's matching funds for HOME projects.

A HOME project recently completed required installation of accessibility devices and equipment. Total cost for the project was \$18,107.44, the City's share is \$4,526.86.

A second HOME project will finance work required to eliminate lead paint on both the exterior and interior of the house. Siding, electrical service and plumbing in the home must be replaced. The City's share of this project will be approximately \$6,225.00.

Mayor Wilkes assured committee members money paid in advance by the City will not be released to the contractor until work is inspected and approved.

A.J. LoScalzo moved to authorize release of \$4,426.86 from the Holiday Tree and Garden Tour Fund for a Prairie Village HOME program project recently completed in Prairie Village. Joan Peschka seconded the motion which passed.

A.J. LoScalzo moved approval of a deposit up to \$7,000 for a HOME project to be completed in Prairie Village. Mary Engelken seconded the motion which passed.

### **Financial Report**

Joan Peschka move for approval of the Financial Report dated July 31, 2007. The motion was seconded and passed with a unanimous vote.

### **Approval of Gifts and Expenditures**

Mary Engelken moved approval of the statement of gifts and expenditures listed on the 2007 Mid Year Report. Doris Wieggers seconded the motion which passed.

### **President's Report**

Bill Nulton reported that he and Doris Wieggers staffed an area during the Kansas University rally at Corinth Square to call attention to the Foundation. He said those in attendance were not interested in talking about the Foundation. He and Doris suggested the Foundation not participate in the event next year.

### **Elections**

Bill Nulton nominated Doris Wieggers for President of the Foundation for the 2007-2008 term. She was elected by a unanimous vote.

Marcia Jacobs was nominated to be Vice-President for the 2007-2008 term. Her election was unanimously approved.

The incumbent City Administrator was elected to continue serving as Secretary until there is a successor.

Mayor Ron Shaffer was unanimously elected Treasurer.

The meeting was adjourned.

Barbara Vernon  
Secretary



**CONSIDER FOR CONSENT AGENDA  
APPROVE AGREEMENT WITH LOWENTHAL, SINGLETON, WEBB &  
WILLSON TO AUDIT THE CITY'S 2007 FINANCIAL STATEMENTS**

**BACKGROUND**

KSA 75-1124 requires the City to have an annual audit. In 2004, the City issued a Request for Proposals for auditing services and selected Lowenthal, Singleton, Webb & Wilson for the 2004 audit with the option of auditing the financial statements for the three subsequent fiscal years (2005, 2006 and 2007). The firm has performed the audits of the 2004, 2005 and 2006 financial statements.

The proposed fee for the 2007 audit is \$19,990, a 2.5% increase over the cost of the 2006 audit. Sufficient funding for the 2007 audit is included in the Financial Management Program budget.

**RECOMMENDATION**

Approve the agreement with Lowenthal, Singleton, Webb & Wilson for the audit of the City's 2007 financial statements.

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**LOWENTHAL SINGLETON WEBB & WILSON**  
P R O F E S S I O N A L   A S S O C I A T I O N

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CERTIFIED PUBLIC ACCOUNTANTS

900 Massachusetts, Suite 301  
Lawrence, Kansas 66044-2868  
Phone: (785) 749-5050  
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David A. Lowenthal, CPA  
Thomas E. Singleton, CPA  
Patricia L. Webb, CPA  
Thomas G. Wilson, CPA  
Audrey M. Odermann, CPA

Abram M. Chrislip, CPA  
Angela R. Motsinger, CPA  
Brian W. Nyp, CPA

Members of American Institute  
and Kansas Society of  
Certified Public Accountants

September 19, 2007

Mayor and City Council  
City of Prairie Village  
7700 Mission Road  
Prairie Village, KS 66208

We are pleased to confirm our understanding of the services we are to provide the City of Prairie Village, Kansas (the City), for the year ended December 31, 2007. We will audit the financial statements of the governmental activities, the business-type activities, each major fund, budgetary comparison schedules and the aggregate remaining fund information, which collectively comprise the basic financial statements of the City as of and for the year ended December 31, 2007.

Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management discussion and analysis (MD&A), to accompany the City's basic financial statements. As part of our engagement, we will apply certain limited procedures to the City's RSI. These limited procedures will consist principally of inquiries of management regarding the methods of measurement and presentation, which management is responsible for affirming to us in its representation letter. Unless we encounter problems with the presentation of the RSI or with procedures relating to it, we will disclaim an opinion on it. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited: management's discussion and analysis.

Supplementary information other than RSI, such as combining and individual fund financial statements, also accompanies the City's basic financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the basic financial statements and will provide an opinion on them in relation to the basic financial statements: combining statements and individual fund statements.

The following additional information accompanying the basic financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements and for which our auditor's report will disclaim an opinion: introductory and statistical sections.

## **Audit Objective**

The objective of our audit is the expression of opinions as to whether your basic financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to above when considered in relation to the basic financial statements taken as a whole. Our audit will be conducted in accordance with U.S. generally accepted auditing standards and the Kansas Municipal Audit Guide and will include tests of the accounting records and other procedures we consider necessary to enable us to express such opinions. If our opinions on the financial statements are other than unqualified, we will fully discuss the reasons with you in advance. If for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

## **Management Responsibilities**

Management is responsible for establishing and maintaining internal controls, including monitoring ongoing activities; for the selection and application of accounting principles; and for the fair presentation in the financial statements of the respective financial position of the governmental activities, the business-type activities, each major fund, budgetary comparison schedules and the aggregate remaining fund information of the City and the respective changes in financial position and where applicable, cash flows, in conformity with U.S. generally accepted accounting principles. Management is responsible for the basic financial statements and all accompanying information as well as all representations contained therein. You are also responsible for management decisions and functions; for designating an individual with suitable skill, knowledge or experience to oversee our financial statement preparation services, and any other nonattest services we provide; for evaluating the adequacy and results of those services and accepting responsibility for them.

Management is responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. Management is responsible for adjusting the financial statements to correct material misstatements and for confirming to us in the representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud and illegal acts affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud and illegal acts could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws and regulations. With regards to the electronic dissemination of audited financial statements, including financial statements published electronically on your website (if any), you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

## **Audit Procedures-General**

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws and governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity.

Because an audit is designed to provide reasonable, but not absolute, assurance and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us. In addition, an audit is not designed to detect immaterial misstatements, or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors and any fraudulent financial reporting or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will also require certain written representations from you about the financial statements and related matters.

## **Audit Procedures-Internal Control**

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. An audit is not designed to provide assurance on internal control or to identify deficiencies in internal control. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under professional standards.

## **Audit Procedures-Compliance**

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City's compliance with applicable laws and regulations and the provisions of contracts and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

## **Audit Administration, Fees and Other**

When delivered to the City, the audit reports and financial statements produced in connection with this engagement letter are public records and may be used (a) to fulfill the requirements of continuing disclosure under SEC Rule 15c2-12, (b) as inserts or incorporated by reference in offering documents issued by the City, and ( c ) for any lawful purpose of the City, all without subsequent consent from us. Any official statements in connection with debt issuances which include the above mentioned audit reports and financial statements shall contain the following: "Our independent auditor has not been engaged to perform and has not performed, since the date of its report included herein, any procedures on the financial statements addressed in that report. The independent auditor also has not performed any procedures relating to this official statement."

In the interest of facilitating our services to your organization, we may communicate by facsimile transmission or send electronic mail over the Internet. Such communications may include information that is confidential to your organization. Our firm employs measures in the use of facsimile machines and computer technology designed to maintain data security. While we will use our best efforts to keep such communications secure in accordance with our obligations under applicable laws and professional standards, you recognize and accept that we have no control over the unauthorized interception of these communications once they have been sent and consent to our use of these electronic devices during this engagement.

We will prepare a general ledger trial balance for use during the audit. Our preparation of the trial balance will be limited to formatting information in the general ledger into a working trial balance. Also, as part of the audit we will prepare a draft of your financial statements and related notes. You will be required to review and approve those financial statements prior to their issuance and have a responsibility to be in a position in fact and appearance to make an informed judgment on those financial statements. Further, you are required to designate a qualified management-level individual to be responsible and accountable for overseeing our services.

Our audit engagement ends on delivery of our audit report. Any follow-up services that might be required will be a separate, new engagement. The terms and conditions of that new engagement will be governed by a new, specific engagement letter for that service.

The workpapers for this engagement are our property and constitute confidential information. However, we may be requested to make certain workpapers available to others pursuant to authority given by law, regulation or other legal process. If requested, access to such workpapers will be provided under the supervision of firm personnel. Furthermore, upon request, we may provide photocopies of selected workpapers to governmental agencies who may intend or decide to distribute the photocopies or information contained therein to others, including other governmental agencies. You agree to reimburse us for our personnel and other costs associated with our compliance with such requests. Our policy is to retain workpapers for five years after the engagement. During the term of this engagement, we agree to comply with the provisions of K.S.A. 44-1030.

You agree that the term "those charged with governance" , as used in Statement on Auditing Standards No. 114 for defining our communication responsibilities under that standard, consists of the mayor, city council, and the city administrator.

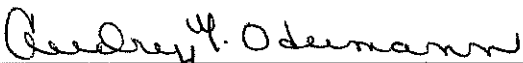
It is understood that the services provided by our firm necessarily rely, to some extent, on information provided by your organization, including management representations, as well as information and documents. Accordingly, your organization indemnifies our firm and its owners and employees, and holds them harmless from all claims, liabilities, losses or costs in connection with services provided by our firm that are affected in any way by erroneous, misleading, or incomplete information furnished by your organization. This indemnification will survive any terminations under this letter.

We agree that our gross fee, including all expenses, for the above services shall not exceed \$19,990, except as noted above and below. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit, including, but not limited to, delays resulting from the untimely delivery of or incomplete preparation of schedules or questionnaires we have requested from your staff. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

We appreciate the opportunity to be of service to the City of Prairie Village, Kansas and believe this letter accurately summarized the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,

LOWENTHAL, SINGLETON, WEBB & WILSON  
Professional Association  
Certified Public Accountants

By   
Audrey M. Odehmann, CPA

RESPONSE:

This letter correctly sets forth the understanding of the City of Prairie Village, Kansas.

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

Title: \_\_\_\_\_

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

# Memo

**To:** City Council  
**From:** Mayor Ron Shaffer  
**Date:** 09/27/2007  
**Re:** PROCLAMATIONS

---

I have been requested to issue the following proclamation:

“Lancer Day” – September 27, 2007

Authorization for the Mayor to execute a proclamation for “Lancer Day” will be included on the Consent Agenda.

# CITY OF PRAIRIE VILLAGE

**WHEREAS**, a closer relationship between the citizens and associates of our excellent educational facility, Shawnee Mission East, is desired, we, hereby decree: That the City of Prairie Village, Kansas will be changed to Lancer Village, Kansas for the duration of one day – said day to be designated as LANCER DAY; and

**WHEREAS**, to properly note the occasion, blue, black and white will become the official colors and Lancer Village will be decorated with such colors; further those loyal to the cause will wear the previously designated colors to so note their allegiance; and

**WHEREAS**, such a momentous occasion should be duly celebrated, a parade beginning at 2:00 p.m. on the appointed day will proceed from LANCER HIGH SCHOOL (Shawnee Mission East) by way of LANCER AVENUE (Mission Road) to the parking area in front of the clock tower in LANCER VILLAGE (Prairie Village Shopping Center), where those assembled will be treated to a pep rally and addresses by dignitaries of the City and school; and

**WHEREAS**, Drew Popplewell, President of the Student Congress, will with this proclamation take over the duties of Honorary Mayor of Lancer Village.

**NOW, THEREFORE**, I, Ronald L. Shaffer, Mayor of the City of Prairie Village, do hereby proclaim Thursday, September 27, 2007 to be

## LANCER DAY

**IN WITNESS THEREOF**, I hereunto set my hand and cause the Seal of the City of Prairie Village, Kansas to be affixed this 27th day of September 2007.

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Mayor Ronald L. Shaffer

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City Clerk

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Date

**COUNCIL COMMITTEE OF THE WHOLE**  
**September 4, 2007**

The Council Committee of the Whole met on Monday, September 17, 2007 at 6:00 p.m. The meeting was called to order by Council President Andrew Wang with the following members present: Al Herrera, Bill Griffith, Ruth Hopkins, David Voysey, 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, Mike Helms, Public Works Superintendent; Doug Luther, Assistant City Administrator and Joyce Hagen Mundy, City Clerk..

**COU2007-58 Consider Zoning Ordinance Revision PVMC 19.10**

Ron Williamson, City Planning Consultant, noted the proposed ordinance revision was initiated by a call received by the City Administrator from an individual who had split his duplex lot. The split has been recorded at the County and shows up on the appraisal records for the County; however, the Planning Commission has never approved the lot split. Therefore, the division is illegal and should not have been recorded. It has been discovered there are several duplexes in the City that have been sold off individually. The problem this creates is if a sold off unit is partially or totally destroyed, a permit could not be issued to rebuild because it is an illegal nonconforming use.

There are several positive points in allowing duplexes to sell-off. It creates another housing choice which is supported by the Village Vision; it converts rental property to owner occupied property and it should help stabilize property values. There are no major negatives, but there are issues that need to be addressed when selling off attached units such as insurance, setbacks, access, easements, maintenance, covenants, etc. At this time, there are only two areas zoned "R-2". They are on the west side of Corinth Square and on the west side of the cemetery on 83<sup>rd</sup> Street. There are ten duplex units in the City and approximately half of them have already been split.

Laura Wassmer stated a property owner can not get a mortgage without the property being legally divided and supports the proposed ordinance change.

Bill Griffith asked how these homes were different from those in Corinth Downs. Mr. Williamson advised Corinth Downs was zoned and platted for separate ownership of attached homes.

Mr. Williamson noted one question raised by the Commission was relative to insurance coverage for these homes. Ms. Wassmer responded each property owner would be required to have their own insurance coverage.



Charles Clark made the following motion, which was seconded by Laura Wassmer and passed unanimously:

**RECOMMEND THE CITY COUNCIL APPROVE ORDINANCE 2152  
AMENDING CHAPTER 19.10 ENTITLED "DISTRICT R-2 TWO FAMILY  
RESIDENTIAL DISTRICT" BY AMENDING SECTION 19.10.005  
ENTITLED "USE REGULATIONS"**

**COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

**COU2007-59 Consider Co-Sponsorship of Home Renovation Workshop**

Doug Luther reported the City has been invited to co-sponsor a home renovation workshop with the City of Mission on Saturday, October 27<sup>th</sup> at the Sylvester Powell Community Center. The program will be from 9 a.m. to 3 p.m. and feature information on home renovation topics such as remodeling, selecting a contractor, painting, etc. The program will also feature vendors and non-profit organizations to provide information, tips and suggestions for residents seeking to renovate their homes. As a co-sponsor the City Codes Department would attend and provide information and answer questions for Prairie Village residents. Mr. Luther stated he has also talked with some Prairie Village businesses that are interested in participating.

The City of Mission is requesting a \$500 co-sponsorship fee. Funds are available in the 2007 Codes Administration budget. Mr. Luther stated encouraging home renovation is one of the action items listed in the Village Vision Strategic Investment Plan and the city's participation in this event will help further this goal. The program also complements the City's effort to encourage Prairie Village residents to remodel through the City's participation in the First Suburbs Home Improvement Loan Program.

Michael Kelly asked how Prairie Village residents would be informed about this program. Mr. Luther responded the October Village Voice would include information on the workshop as well as the City's website. He would also anticipate support from the local press to get the word out.

Ruth Hopkins made the following motion, which was seconded by David Voysey and passed unanimously:

**RECOMMEND THE CITY COUNCIL APPROVE CO-SPONSORING  
A HOME RENOVATION WORKSHOP WITH THE CITY OF MISSION  
FOR A FEE OF \$500 WITH FUNDING FROM THE 2007 CODES  
ADMINISTRATION BUDGET.**

**COUNCIL ACTION TAKEN  
9/17/2007**

Doug Luther requested Council action on this item this evening to allow more time for communication and publicity on the program.

## **COU2007-60 Consider Community Center Fees**

Doug Luther stated at the last Council Committee of the Whole meeting Council members requested additional information on community center reservation fees, cost of operation and fees of neighboring communities. The City Clerk has compiled the requested information as well as a history of the city's fees.

One of the questions raised was whether or not the fees being charged were covering the city's operational costs for the Community Center, particularly in view of the additional costs incurred for weekend custodial services.

A review of neighboring cities' fees showed the City's fees to be lower than that charged by other cities. It was noted a true comparison of facility to facility would be a comparison of Prairie Village with the original area community centers in the City of Overland Park. The centers in the other neighboring cities are newer facilities with multiple rooms and accommodations.

Mr. Luther noted the current fees were set in 2006 with a separate fee for residents and non-residents. The 2007 reservations reflect a significant decrease in the number of non-resident reservations. Many applications for groups are being filed by members who are Prairie Village residents to secure the lower fee. To address the increased custodial fees incurred by weekend reservations, staff is recommending an increase of \$5 per hour for weekend reservations.

Laura Wassmer stated she felt it made sense to have one hourly rate for both residents and non-residents of \$10 per hour with an increase in the fee charged for weekend reservations. She feels it is important for the City to be recovering its operational costs. Mr. Luther noted that some operational costs such as heat are incurred regardless of whether the center is being reserved.

Diana Ewy Sharp asked what impact the change would have on scout troops. Joyce Hagen Mundy responded most of the scouts using the facility dropped out after the fee change in 2006. The three or four troops meeting generally meet from 3 to 5 on weekdays, so they would not be impacted by the weekend fee increase but resident troops would have a fee increase.

Wayne Vennard noted there was discussion regarding additional cleaning time after parties where alcohol was served and asked if this was being addressed. Mr. Luther stated there is the greater likelihood of additional clean-up, however, this is a small portion of the reservations. Mrs. Hagen Mundy noted in talking with custodial staff the additional cleaning time would be a couple of hours and this cost is addressed in the alcohol permit fee approved at the last committee meeting. Mr. Vennard stated he agreed with Ms Wassmer that City costs should be covered.

Laura Wassmer asked if a \$10 hourly fee for everyone, the alcohol permit fee and the additional weekend fee would cover operational costs. Charles Clark, stated based on the information given, it would. Mr. Luther noted setting fees is not a

clear science as you can not predict the potential impact of the fees and how they will affect the number of reservations. Council members noted the proposed fees are still the lowest in the area.

Laura Wassmer made the following motion, which was seconded by Wayne Vennard:

**RECOMMEND THE CITY COUNCIL APPROVE THE FOLLOWING  
FEES FOR COMMUNITY CENTER RESERVATIONS:**

**\$10 PER HOUR FOR WEEKDAY RESERVATIONS**

**\$15 PER HOUR FOR WEEKEND RESERVATIONS**

**COUNCIL ACTION TAKEN**

**9/17/2007**

David Belz asked if the \$10 fee alone would cover operating costs stating he does not feel the community center should be a profit making venture. Mrs. Hagen Mundy responded the cost calculations used are dated and therefore are probably low. She is confident the proposed motion will allow the City to cover operational costs or bring the City very close. Mr. Luther noted some groups may choose not to use the facility at the new rates. Diana Ewy Sharp stated she was still concerned with the impact on "scout programs".

The motion was voted on and passed by a vote of 10 to 2 with Ewy Sharp and Belz voting "nay".

#### **COU2007-51 Consider Village Vision**

Barbara Vernon presented the following status report on the implementation of the Village Vision action items:

Items in the first category, **Improve Development/Redevelopment Process**, are being worked on by the Planning Commission or have been completed.

- **Update the zoning ordinance to reflect contemporary land use issues while preserving the identity and character of Prairie Village**

*Assigned to Planning Commission*

- **Consider revising zoning ordinance to allow more residential, commercial, and office development, particularly in walkable, mixed-use areas of greater intensity.**

*Ordinance adopted*

- **Consider updating building codes to facilitate renovation and rehabilitation activities**

*Assigned to Planning Commission*

Items in the second category, **"Keep Neighborhoods Vibrant"**, are being addressed as follows:

- **Examine incentive programs to encourage home renovation**

*Community America program  
(Council members added the Community Revitalization Program)  
(1) Engage in public education programs about state and local Funds that might be available (2) Consider tax rebate incentives)*

- Allow for greater variety of housing types  
*Mixed use ordinance addresses this*
- Develop and promote use of design style guide for renovation to create housing that meets preferences of today's homebuyers and is sensitive to character of existing neighborhoods.  
*Design Style Guide Task Force - Laura Wassmer*
- Offer workshops to educate and inform about issues related to zoning, building codes, and home maintenance in residential areas.

*Budgeted in 2008  
(Council approved Co-Sponsoring of Home Renovation Workshop with the City of Mission on October 27, 2007)*

Laura Wassmer noted Wells Fargo and several other financial institutes have home renovation financing programs available. Charles Clark noted if the necessary funds for renovation exceed the amount available under the First Suburbs program, Community America will direct residents to other funds available through Community America.

Council members directed the Community Revitalization Program to be added to the incentive programs encouraging home renovation. They also added the co-sponsorship of the Home Renovation Workshop with the City of Mission to offering workshops to educate.

Items in the third category, "Encourage Appropriate Redevelopment", are being addressed as follows:

- Permit higher residential densities and mixed uses near existing commercial areas and along arterial roadways  
*75th Street Corridor Task Force - Pat Daniels*
- Consider developing a redevelopment plan for Meadowbrook Country Club  
*Developer's plan on Planning Commission agenda 10/2/2007*

Pat Daniels confirmed that mixed use zoning districts have not been identified by the City. Mrs. Vernon responded they need to be requested by the developer or property owner. Mr. Daniels stated he felt if the City really wanted redevelopment to happen, it should identify areas by rezoning them or at least applying an overlay district designation.

Mike Kelly disagreed stating he felt the current process works and he does not feel overlay districts are needed. Ruth Hopkins expressed strong opposition to the City identifying areas as she feels it would cause panic in neighborhoods. Mr.

Daniels did not disagree, but stated without taking such action the City is only going part way towards promoting redevelopment.

Items in the fourth category, "Improve Communications", are being addressed as follows:

- Enhance communication between government officials and the public. Enhance transparency of processes and financial accountability  
*Communication Committee - Andrew Wang*
- Consider more aggressively marketing Prairie Village to attract new business establishments and expand the tax base.  
*>>>> Consideration and/or action needed*  
*((1)Enlist help of consultant (2)Develop data base that describes benefits of doing business in Prairie Village (3)Review ways other cities market)*

Michael Kelly noted a retooling of the City's website could more strongly address marketing of the City. Pat Daniels stated the whole aspect of marketing Prairie Village is just starting to be addressed and he feels it needs more serious discussion. He believes the new City Administrator may inherit that task as the City needs to be more proactive in how it presents Prairie Village.

Barbara Vernon asked the Council how they wanted updates on Village Vision handled. Currently staff have placed the items on the committee agenda to allow more discussion. Updates could be given as staff and committee reports or they could be added as agenda items on the Council agenda.

Andrew Wang and Laura Wassmer stated they preferred discussion at the committee level. Ruth Hopkins and Diana Ewy Sharp felt it did not matter whether the information was presented at committee or at council. Andrew Wang stressed the need for it be to regular and noted that sometimes there is not sufficient time for discussion during committee meetings.

Mrs. Hopkins and Mrs. Ewy Sharp agreed with the recommendation of Jim Hunt that the discussion take place at Council meetings. David Belz noted if the committee agenda is full, discussion could be carried over to the Council agenda to ensure regular discussion.

It was the consensus of the Council that reporting needed to happen on a regular basis and could be done at committee if there was the commitment to carry it over to the Council meeting if time prevented its discussion in committee.

Wayne Vennard asked what was being done regarding the city's website. Andrew Wang noted that is a project being undertaken by the Communications Committee, but noted recent problems in getting the committee together. Mr. Vennard felt the current website is extremely dull and stressed the need for action. Michael Kelly stated it is a matter of setting the item on the committee

agenda and moving forward. He agreed the website is very important and can accomplish a great deal for the City. He noted an individual's first visit to the City is often via the website.

Laura Wassmer stated from her involvement with the initial installation of the city's website that sufficient funding and professional resources are essential for a successful upgrade. She does not believe it can be handled internally by staff. Mr. Vennard suggested the staff look at websites from other cities. Mr. Kelly feels the research should not be limited to other city websites - he wants the committee to look outside the box.

Barbara Vernon noted how the Council was energized after the Council retreat and encouraged the Council to set another retreat for late April or early May after next year's elections. This retreat could focus on both Village Vision and on Council mentoring. Laura Wassmer noted it could be a kick off to budget!

### Consider Agenda Items

Barbara Vernon reviewed the current Council Committee assignments noting some of the items could be combined with others, some assigned to staff and others deleted. The following action was recommended by staff:

#### 1999

\*COU99-13 Consider Property Audits  
*Recommend this be assigned to staff with annual reporting to Council*

#### 2000

- \*COU2000-42 Consider proactive plan to address reuse of school sites that may become available  
*This item is now part of Village Vision and can be eliminated from this agenda*
- \*COU2000-44 Provide direction to PVDC regarding its function / duties  
*A Community Development Corporation is recommended for consideration in Village Vision, this item can be eliminated from this agenda and considered as part of implementation of Village Vision strategy*
- \*COU2000-45 Review current City definition for blight and redefine it where appropriate  
*This was assigned when the City was considering using "blight" as the basis for redevelopment. Rejected in previous Council discussions but never deleted.*
- \*LEG2000-25 Review fee schedules to determine if they are comparable to other communities and where appropriate, recommend increase  
*General policy is 3% increase annually. Assign to staff to determine if 3% increase is appropriate*

The 1999 and 2000 items came from the 2000 Strategic Plan with many of them repeated in Village Vision. Property audits have been completed by staff and could be assigned to staff with annual reporting to Council. David Belz asked for further explanation of property audits. Mrs. Vernon responded an area of the City is studied looking at several criteria that reflect the health of the neighborhood. The idea behind the studies was to have initial studies completed on all areas and then several years later update studies to compare findings and determine if significant changes have occurred.

Andrew Wang confirmed that Gary Anderson had stated there was an alternate process that allowed TIF funding without finding "blight".

Laura Wassmer stated she would like to see the specific language carried over to retain the intent of the items. Doug Luther stated the Village Vision items are worded more broadly. Charles Clark stated if action hasn't been taken in seven years he feels they can be deleted.

Wes Jordan reported that during a recent conversation with Superintendent Marjorie Kaplan she stated the school district does not have any plans to sell Somerset Elementary. The district has invested significant funds in the building and plans to use the space for district offices. Pat Daniels noted the committee assignment addressed the use of school sites not the Somerset site only.

David Belz made the following motion, which was seconded by Charles Clark and passed unanimously:

**RECOMMEND THE FOLLOWING COMMITTEE ASSIGNMENTS  
BE DELETED FROM THE COUNCIL COMMITTEE AGENDA AS  
RECOMMENDED BY STAFF: COU99-13, COU2000-42, COU2000-44  
COU2000-45 AND LEG2000-25 .**

**COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

In 2003, consideration of a resident survey was assigned. Mrs. Vernon noted many cities conduct surveys annually to determine resident satisfaction. She said the item was postponed until Village Vision was completed. She said many cities schedule surveys on a regular basis to determine if residents are satisfied with services. Pat Daniels stated he likes surveys and feel they compliment the Village Vision and provide valuable information.

Bill Griffith questioned the value of surveys. He noted the last city-wide survey conducted was discussed by the Council for 15 minutes with no resulting action taken as the findings reported residents to be satisfied with the services of the City. He does not feel the large financial output required for a survey is merited.

Laura Wassmer feels surveys are important if they address a specific issue. Wayne Vennard stated the citizen input gathered during Village Vision is sufficient. David Belz feels this item could be assigned to the Communications

Committee. Diana Ewy Sharp noted individual departments and programs already conduct individual surveys on resident satisfaction.

Staff recommendations for the 2004 committee assignments are as follows:

2004

- \*COU2004-10 Develop programs to promote and encourage owner occupied housing  
*Recommended in Village Vision, can be deleted here*
- \*COU2004-11 Identify potential redevelopment areas and encourage redevelopment proposals  
*Although not specifically stated in Village Vision, this is the general overall direction of the report, this item can be deleted.*
- COU2004-12 Pursue development of higher value single-family housing  
*Village Vision recommended more mixed-use and moderately price housing, this item should be discussed by Council*
- \*COU2004-13 Proactively encourage redevelopment to increase property values  
*Major focus of Village Vision, this item can be deleted*
- COU2004-14 Meet with the Homes Association of the Country Club District (HACCD) to obtain their input regarding deed restrictions  
*Deed restrictions are being collected by staff. More direction related to possible outcome of the meeting is needed by staff.*

Charles Clark made the following motion, which was seconded by David Belz and passed unanimously:

**RECOMMEND THE FOLLOWING COMMITTEE ASSIGNMENTS  
BE DELETED FROM THE COUNCIL COMMITTEE AGENDA: COU2004-  
10, COU2004-11 AND COU2004-13, LEG2003-12, COU2004-12 AND  
COU2004-14.**

**COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

Staff recommendations for the 2005 committee assignments are as follows:

2005

- COU2005-19 Consider term limits for elected officials and committees  
*Term limit for committee members was discussed and rejected, limit for Council members was not discussed. Can be combined with 2007-02*
- \*COU2005-21 Develop a policy for use of Fund Balance  
*During the last budget process a policy was discussed with the general decision that it should not be written but be general in nature and considered on an annual basis. This could be deleted.*
- COU2005-27 Consider concept of Outcomes Measurement or Quantifying Objectives  
*Not considered*
- \*COU2005-44 Consider YMCA Partnership  
*Assigned to Community Center Committee as part of Village Vision recommendation - can be deleted*
- \*LEG2005-49 Consider Building Permit and Plan Review Fees  
*Same as LEG2000-25, can be deleted.*

It was agreed that the consideration of term limits could be combined with consideration of reducing the size of the Council.

Council members were unclear on the status of COU2005-21. Some felt it was assigned to the Finance Committee. Others felt it was decided to be addressed on an annual basis in conjunction with budget discussions. Council members



questioned if setting a fund balance percentage was the same as setting a policy for its use.

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

**RECOMMEND COU2005-21 BE DELETED FROM THE COUNCIL COMMITTEE AGENDA**

**COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

COU2005-27 to consider the concept of Outcomes Measurement or Quantifying Objectives has not been discussed. Andrew Wang stated he added this to the agenda during discussion of the school traffic zones and traffic safety unit because he feels it is important for there to be quantitative ways to measure if a program is meeting its objectives. Diana Ewy Sharp agreed this is needed. Laura Wassmer noted this is appropriate for each project and discussed at that time. Mr. Wang stated that it is not added routinely and he wants to have a means by which to measure or evaluate the success of a program.

Bill Griffith responded he sees this as the mother of all unfunded mandates requiring extensive staff time. Mr. Wang said he can see how this could spin out of control, but he doesn't see how a program can be put into place without a way to measure its success.

Chief Jordan stated this is being done internally with each program as part of its budget presentation to the Council. He stated he would also favor this being addressed by staff in staff reports to the Council. Mrs. Vernon reminded Council each program area in the budget lists performance indicators. Pat Daniels stated on-going measurement of programs is being done and he does not feel a specific policy is needed.

Pat Daniels made the following motion, which was seconded by Laura Wassmer and passed by a vote of 10 to 2 with Wang and Ewy Sharp voting "nay":

**RECOMMEND THE FOLLOWING COMMITTEE ASSIGNMENTS BE DELETED FROM THE COUNCIL COMMITTEE AGENDA:  
COU2005-27, COU2005-44 AND LEG2005-49.**

**COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

Staff recommendations for the 2006 and 2007 committee assignments are generally to remain on the agenda as they are on-going projects:

**2006**

- COU2006-26 Consider Project 190862: 75<sup>th</sup> Street from Nall Avenue to Mission Road (CARS)  
*Ongoing project*
- COU2006-27 Consider Project 190855: Tomahawk Road Bridge Replacement  
*Ongoing project*
- COU2006-33 Consider Lease of Public Works from Highwoods Properties, Inc.

- COU2006-38 *Ongoing*  
Consider Park & Recreation Committee Report  
*Ongoing - some recommendations in the report are also in Village Vision*
- COU2006-55 Consider Project SP105: 2007 Crack Seal/Slurry Seal/Microsurfacing Program  
*Ongoing project*

**2007**

- COU2007-02 Consider Reducing the size of the Council  
*This item can be combined with COU2005-15 Term limits*
- COU2007-10 Consider Recognition of Prairie Village families with service personnel in Iraq, Afghanistan or other dangerous areas  
*Not completed*
- COU2007-11 Consider SP107: 2007 Street Repair Program  
*Ongoing*
- COU2007-19 Consider Project 190860: 2007 Street Resurfacing Program  
*Ongoing*
- COU2007-22 Consider Project 190718: 2007 Storm Drainage Repair Program  
*Ongoing*
- COU2007-27 Consider Project 190864 - 2008 Paving Program  
*Ongoing*
- COU2007-31 Consider City Administrator/City Manager forms of government  
*Ordinance being prepared by City Attorney*
- COU2007-33 Consider Project 190719: 2008 Storm Drainage Repair Program  
*Ongoing*
- COU2007-35 Consider Project 190709: 83<sup>rd</sup> Street/Delmar Drainage Improvements  
*Ongoing*
- COU2007-40 Consider Code Enforcement - Interior Inspections  
*Ongoing*
- COU2007-43 Consider Providing Public Works Services to the City of Mission Hills  
*Ongoing*
- COU2007-47 Consider using MUTCD "Stop for Pedestrian" signs.  
*Not considered*
- COU2007-49 Consider Project 190868: Roe - 91<sup>st</sup> to Somerset Drive  
*Ongoing*
- COU2007-51 Consider Village Vision Implementation Strategy  
*Need to consider if the strategy developed during the Saturday meeting with Consultant covers this*
- COU2007-53 Consider EasyRide Program  
*General recommendation in Village Vision*
- COU2007-54 Consider Project 190708: Tomahawk Road / Nall to Roe  
*Ongoing*
- COU2007-58 Consider Zoning Ordinance Revision PVMC 19.10  
*9/17 agenda*

Pat Daniels asked that COU2007-10 be renamed as the concept has expanded beyond service personnel in Iraq, Afghanistan or other dangerous area to recognition of all veterans. He noted the he and Michael Kelly are still working on this and will bring it forth to the Council at a later date. Laura Wassmer asked if this could be assigned to the Villagefest Committee. Mr. Kelly replied at this time he would like to see it remain separate. Andrew Wang suggested this item be removed at this time and reassigned when the information was ready for presentation.

Laura Wassmer made the following motion, which was seconded by Bill Griffith and passed unanimously:

**RECOMMEND COU2007-10 BE DELETED FROM THE  
COUNCIL COMMITTEE AGENDA**

**COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

COU2007-47 consideration of MUTCD "Stop for Pedestrian" signs has not been discussed by the Council. Laura Wassmer suggested this could be covered under Village Vision. Doug Luther stated as this is a proposal for a specific action, he would recommend it remain on the agenda as is.

Barbara Vernon asked Council if they felt COU2007-51 consideration of the Village Vision Implementation Strategy has been addressed. Council members felt it had.

Charles Clark made the following motion, which seconded by Diana Ewy Sharp and passed unanimously:

**RECOMMEND COU2007-51 BE DELETED FROM THE  
COUNCIL COMMITTEE AGENDA**

**COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

Mrs. Vernon noted COU2007-53 consideration of the EasyRide Program was added by the Mayor. Bill Griffith stated he has some very vocal residents in his ward that are requesting this and noted he would like to see research on the numbers and cost to participate for possible inclusion in the 2009 budget. Charles Clark stated Mr. Luther is already gathering that information.

With no further information to come before the Council Committee of the Whole, Council President Andrew Wang adjourned the meeting at 7:20 p.m.

Andrew Wang  
Council President

Ordinance No. 2152

AN ORDINANCE AMENDING CHAPTER 19 OF THE PRAIRIE VILLAGE MUNICIPAL CODE, ENTITLED "ZONING REGULATIONS" BY AMENDING CHAPTER 19.10 ENTITLED "DISTRICT R-2 TWO FAMILY RESIDENTIAL DISTRICT" BY AMENDING SECTION 19.10.005 ENTITLED "USE REGULATIONS".

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

**Section I. Planning Commission Recommendation.**

After having received a recommendation from the Planning Commission and proper notice having been published and hearing held on September 4, 2007, 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 Ordinance is amended as set forth in Section II.

**Section II.**

Section 19.19.005 is hereby amended to read as follows:

**19.10.005 Use Regulations**

In District R-2 no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

- A. Any use permitted in District R-1s;
- B. Dwellings, two family;
- C. Accessory uses as provided in Chapter 19.34;
- D. Conditional Use Permits as approved in accordance with Chapter 19.30
- E. Special Use Permits as approved in accordance with Chapter 19.28;
- F. Two-Family dwellings may be divided at the party wall as to ownership and owned as separate dwelling units by separate owners and such ownership shall not constitute violation of the lot and yard requirements of the Chapter subject to the following conditions:
  - 1. Utilities are provided to each unit separately and appropriate easements are dedicated.
  - 2. Direct access shall be provided to a public street for each unit or an access easement shall be provided.
  - 3. The property must be in conformance within the subdivision regulations and either be replatted or have a lot split approved.

**Section III**

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 1st day of October, 2007.

/s/ Ronald L. Shaffer  
Ronald L. Shaffer, Mayor

ATTEST:  
/s/ Joyce Hagen Mundy  
Joyce Hagen Mundy  
City Clerk

APPROVED AS TO FORM:  
/s/ Charles E. Wetzler  
Charles E. Wetzler  
City Attorney

**FINANCE COMMITTEE**  
**August 28, 2007**

**Minutes**

Present: David Voysey, Chairman, Mayor Shaffer, Charles Clark, and Wayne Vennard. Staff: Barbara Vernon, Bob Pryzby, Doug Luther and Karen Kindle.

**Mission Hills Contract for Public Works Services**

Bob Pryzby explained the method used for developing the proposed startup and annual cost to provide this service. Mission Hills requested an hourly cost for each service, their plan was to use the services as needed. The Prairie Village governing body directed staff to develop a proposal to provide the service on an annual basis.

Charles Clark said he and Bob worked out a proposal which would be equitable for both cities. This proposal will cover direct costs to provide basic public works services for Mission Hills and a portion of the indirect cost of the Prairie Village Public Works Department for providing this additional service.

Committee members agreed to recommend Council authorize presenting this proposal to the City of Mission Hills in response to their request.

**Consultant for GASB 45 evaluation**

Karen Kindle asked committee members if they wanted to issue a Request For Proposal to prepare an evaluation of the City's employee benefit liability. This evaluation must be computed with an "as of" date of January 1, 2008 in order to be in compliance with audit requirements.

The City's actuarial consultant, Silverstone, has experience preparing this type of evaluation for both the public and private sectors. They will develop the information for Prairie Village for a cost of \$7,000.

Louis Ellis Co. in Overland Park, has prepared similar evaluations for cities in Johnson County, They will develop the information for \$5,750.

City policy requires preparation of a Scope of Services and interview process for consulting services. Silverstone was retained to provide pension fund services after an extensive interview process, they have provided good service to the City for the Police Pension Plan.

Committee members agreed to recommend the City retain Silverstone to prepare the GASB 45 evaluation.

**AUTHORIZE SILVERSTONE TO PREPARE GASB 45 EVALUATION**  
**COUNCIL ACTION REQUIRED**

### **Financial Planning Consultant**

Barbara Vernon said the City has used George K. Baum and Associates to provide financial planning services for several years. In the past, when financial services were needed, Council waived the policy requiring a selection process for such services.

When the financial community learned about potential redevelopment of Meadowbrook Country Club property, financial managers called staff to offer their services to the City. After considering the issue, Committee members agreed to engage in a selection process for a financial consultant.

Staff was directed to prepare a Request for Proposal (RFP) to provide these services. The RFP will be emailed to committee members for approval then mailed to Financial Advisors as soon as possible. Responses to the RFP will be required by October 1, 2007, interviews will begin at 4:00 pm on October 10, 2007.

### **Economic Development Fund**

David Voysey said he and Doug Luther are working on a draft for an ordinance establishing the Economic Development Fund. When they have a complete draft it will be circulated to committee members for comment.

**AMENDMENT TO THE  
ACTUARIAL AND ADMINISTRATIVE SERVICES AGREEMENT –  
GASB 45/OTHER POSTEMPLOYMENT BENEFITS - SILVERSTONE GROUP**

**BACKGROUND**

The City provides postemployment benefits to its retirees in accordance with KSA 12-5040, which mandates that the City make its health plan available to retirees until they are eligible to receive Medicare benefits. Personnel Policy PP1025 covers health insurance and Personnel Policy PP1030 covers dental insurance. Both policies require that the retiree pay the entire cost of their premiums. There are four (4) retirees participating in the health insurance plan and three (3) retirees participating in the dental plan.

The Governmental Accounting Standards Board (GASB) issued Statement No. 45, "Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions" to provide more complete reporting regarding the costs of these types of benefits. It is similar to an accounting standard that has been in effect in the private sector for the past fourteen years. GASB 45 now requires that these benefits be accounted for in a method similar to that of pension plans. Up to this point, these benefits have been accounted for on a "pay-as-you-go" basis.

GASB 45 requires that an actuarial valuation of the other postemployment benefits (OPEB) be performed every other year. The City's first valuation must have an effective date on or before January 1, 2008. Only an update of the valuation is required in the off years. GASB 45 contains information on how the valuation should be calculated.

GASB 45 is effective for the City's December 31, 2008 financial statements. The "number" obtained from the valuation is called the Unfunded Actuarial Accrued Liability (UAAL). The City will report this number in the notes to the financial statements. The City will report a liability in the financial statements – the net OPEB obligation - for the amount of the annual OPEB cost that is not paid (basically the difference between the Annual Required Contribution as determined by the actuarial valuation and the expenses paid on the "pay as you go basis").

GASB 45 requires the City to account for the other postemployment benefits like a pension plan. However, GASB 45 does not require the City to set up a trust and fund the benefits like a pension plan. GASB 45 contains criteria that a trust must meet in order to consider the postemployment benefit plan funded. Current Kansas statutes do not allow cities to establish the form of trust that meets the requirements contained in GASB 45, and so the benefits will continue to be funded on a "pay-as-you-go" basis.

The attached document from GASB contains additional information about GASB 45.

The Finance Committee has reviewed the GASB 45 information and has discussed options for obtaining the actuarial services needed to implement GASB 45. Based up on its review, the Finance Committee is recommending that the City amend its contract with SilverStone Group for actuarial services related to the Police Pension Plan to include GASB 45 actuarial services. SilverStone Group is familiar with the City through its work on the Police Pension Plan, has performed its Police Pension Plan services in a satisfactory manner and has experience with the private sector postemployment benefit valuations as well as GASB 45 valuations.

Once the actuarial valuation is complete, the Finance Committee will bring the results to a future Council meeting.

**FISCAL IMPACT**

The fee for the valuation is \$7,000. Adequate funds are available in the 2007 City Governance program budget.

**RECOMMENDATION**

Approve the amendment to the Actuarial and Administrative Services Agreement with SilverStone Group to include GASB 45 services.



## GASB STATEMENT 45 ON OPEB ACCOUNTING BY GOVERNMENTS A FEW BASIC QUESTIONS AND ANSWERS

### 1. Why was Statement 45 on OPEB accounting by governments necessary?

Statement 45 was issued to provide more complete, reliable, and decision-useful financial reporting regarding the costs and financial obligations that governments incur when they provide postemployment benefits other than pensions (OPEB) as part of the compensation for services rendered by their employees. *Postemployment healthcare benefits*, the most common form of OPEB, are a very significant financial commitment for many governments.

### 2. How was OPEB accounting and financial reporting done prior to Statement 45?

Prior to Statement 45, governments typically followed a “pay-as-you-go” accounting approach in which the cost of benefits is not reported until after employees retire. However, this approach is not comprehensive—only revealing a limited amount of data and failing to account for costs and obligations incurred as governments receive employee services each year for which they have promised future benefit payments in exchange.

### 3. What does Statement 45 accomplish?

- When they implement Statement 45, many governments will report, for the first time, annual OPEB cost and their unfunded actuarial accrued liabilities for past service costs. This will foster improved accountability and a better foundation for informed policy decisions about, for example, the level and types of benefits provided and potential methods of financing those benefits.

The Standard also:

- Results in reporting the estimated cost of the benefits as expense each year *during the years that employees are providing services* to the government and its constituents in exchange for those benefits.
- Provides, to the diverse users of a government’s financial reports, more accurate information about the *total cost of the services* that a government provides to its constituents.
- Clarifies whether the amount a government has paid or contributed for OPEB during the report year has covered its annual OPEB cost. Generally, the more of its annual OPEB cost that a government chooses to defer, the higher will be (a) its unfunded actuarial accrued liability and (b) the cash flow demands on the government and its tax or rate payers in future years.
- Provides better information to report users about a government’s *unfunded actuarial accrued liabilities* (the difference between a government’s total obligation for OPEB and any assets it has set aside for financing the benefits) and changes in the *funded status of the benefits* over time.

#### 4. What are the most common misconceptions about Statement 45?

- a. **That it requires governments to fund OPEB.** Statement 45 establishes standards for *accounting and financial reporting*. How a government actually finances benefits is a policy decision made by government officials. The objective of Statement 45 is to more accurately reflect the financial effects of OPEB transactions, including the amounts paid or contributed by the government, whatever those amounts may be.
- b. **That it requires immediate reporting of a financial-statement liability for the entire unfunded actuarial accrued liability.** Statement 45 does not require immediate recognition of the unfunded actuarial accrued liability (UAAL) as a financial-statement liability. The requirements regarding the reporting of an OPEB liability on the face of the financial statements work as follows:
  - Governments may apply Statement 45 prospectively. At the beginning of the year of implementation, nearly all governments will start with zero financial-statement liability.
  - From that point forward, a government will accumulate a liability called the *net OPEB obligation*, if and to the extent its actual OPEB contributions are less than its annual OPEB cost, or expense.
  - The net OPEB obligation (not the same as the UAAL) will increase rapidly over time if, for example, a government's OPEB financing policy is pay-as-you-go, and the amounts paid for current premiums are much less than the annual OPEB cost.

Statement 45 does, however, also require the *disclosure* of information about the *funded status* of the plan, including the UAAL, in the notes to the financial statements—and the presentation of multi-year funding progress trend information as a required supplementary schedule.

- c. **That it requires governments to report “future costs” for OPEB.** It is misleading and incorrect to describe accrual accounting for OPEB as requiring the expensing of “future costs.” From an accrual accounting standpoint (the basis of accounting required for all transactions in the government-wide financial statements), the reported expenses relate entirely to transactions (exchanges of employee services for the promised future benefits) that *already have occurred*. Statement 45 requires governments to report costs and obligations incurred as a consequence of receiving employee services, for which benefits are owed in exchange. The *normal cost* component of annual expense is the portion of the present value of estimated total benefits that is attributed to services received in the current year. The annual expense also includes an amortization component representing a portion of the UAAL, which relates to past service costs. Estimated benefit costs associated with *projected future years of service* are *not reported*.

## Kansas Legislature

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### 12-5040

#### Chapter 12.--CITIES AND MUNICIPALITIES Article 50.--RETIREMENT SYSTEMS

**12-5040. Group health care benefits plan; availability for retirants; coverage, end; eligibility; cost of coverage; definitions.** (a) Each local government which provides an employer-sponsored group health care benefits plan for the employees of the local government shall make coverage under such group health care benefits program available to retired former employees and their dependents, upon written application filed with the clerk or secretary thereof within 30 days following retirement of the employee, as provided by this section. Coverage under the employee group health care benefits plan may cease to be made available upon (1) the retired employee attaining age 65, (2) the retired employee failing to make required premium payments on a timely basis, or (3) the retired employee becoming covered or becoming eligible to be covered under a plan of another employer.

(b) Each such local government shall make such coverage available to all persons who were employed by the local government for not less than 10 years and who retired from such employment after December 31, 1988, and may make such coverage available to other retired employees and their dependents. Each such retired employee who elects to continue such coverage may be required to contribute to the employee group health benefits plan, including the administrative costs thereof, but such contribution shall not exceed 125% of the premium cost for other similarly situated employees. The local government may pay for all or part of the cost of continuing the employee group health care benefits plan coverage for such retired former employees and their dependents.

(c) As used in this section, "local government" means any county, city, township, special district, unified school district or any instrumentality of any one or several of such governmental entities; and "retired" means any employee who has terminated employment and is receiving a retirement or disability benefit for service with the local government from which they terminated employment.

**History:** L. 1988, ch. 302, § 18; July 1.



## Dispelling OPEB “Urban Legends”

By Stephen J. Gauthier

Recently, it has become apparent that there are a number of common misconceptions about what GASB Statement No. 45 does and does not require. To avoid potential misunderstandings, this article underscores five important facts about GASB Statement No. 45.

In July 2004, the Governmental Accounting Standards Board (GASB) issued Statement No. 45, *Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions*. States and large local governments will be required to implement the new guidance starting with the fiscal year that ends December 31, 2007. Medium-size and small governments will be required to do the same starting with the fiscal year ending December 31, 2008, and December 31, 2009, respectively.

The main thrust of GASB Statement No. 45 is to require for the first time that public-sector employers recognize the cost of other postemployment benefits (OPEB) over the active service life of their employees rather than on a pay-as-you-go basis. Early indications are that OPEB cost calculated in accordance with GASB Statement No. 45 is likely to be as much (or more) than three times the amount of pay-as-you-go payments, raising understandable concerns about the potential financial, managerial, and public-policy implications of implementing the new guidance.

Naturally, decision makers must have a sound understanding of the requirements of GASB Statement No. 45 if they are to develop an appropriate strategy for dealing with the issues raised by the implementation of that pronouncement. Unfortunately, many in this position appear to be laboring under some serious misapprehensions regarding exactly what the new GASB

guidance does and does not require. Indeed, five such misunderstandings have become so widespread as to take on a status akin to an accounting-style “urban legend.” This article seeks to dispel such legends so decision makers can focus on the real rather than the imaginary effects of implementing GASB Statement No. 45.

### URBAN LEGEND 1 — THE OPEB-FUNDING POLTERGEIST

**“We have no choice — we have to change how we fund OPEB if we want to keep getting a clean opinion from our auditors.”**

The GASB’s authority is strictly limited to accounting and financial reporting. That is, the GASB cannot tell a government what to do — only how to reflect what it has done. Nothing in GASB Statement No. 45 prevents a government that elects to continue to finance OPEB on a pay-as-you-go basis from receiving an unqualified opinion from its independent auditors on the fair presentation of its financial statements.

### URBAN LEGEND 2 — THE LOST FUND BALANCE

**“The new accounting for OPEB will wipe out our fund balance overnight!”**

“Fund balance” is reported only in funds that use the modified accrual basis of accounting (i.e., “governmental funds”). Under the modified accrual basis of accounting, expenditures for OPEB will

continue to be recognized *only as funding occurs*, regardless of how the amount thus funded is calculated (i.e., advance funding, pay-as-you-go funding). That is, *fund balance* will only be affected in a given year by the amount actually funded in that year, on whatever basis.

### URBAN LEGEND 3 — THE GHOST OF OPEB PAST

**“We are going to have to report a huge liability right away on the face of the financial statements for all of the OPEB we promised in the past.”**

The present value of benefits earned to date but not funded (i.e., the *unfunded actuarial accrued liability*) will *not* be reported on the face of *any* financial statement. Instead, that amount will be amortized as part of *future* cost (i.e., a component of the actuarially determined *annual required contribution* — ARC) over a period not to exceed 30 years. As long as employers fully fund each year's ARC, they will *never* report a liability on the face of their financial statements. Moreover, even if they do *not* fully fund the ARC, a liability (for the unfunded portion of the ARC rather than for the full amount of the unfunded actuarial accrued liability) would only be recognized *gradually*.

### URBAN LEGEND 4 — WARDING OFF THE OPEB EVIL EYE

**“We don't have to worry about OPEB because we have no written agreement and the law specifically states that benefits are subject to appropriation each year.”**

Accounting traditionally has emphasized economic substance over legal form. Accordingly, the GASB's *Implementation Guide to GASB Statements 43 and 45* explains that employers can have OPEB to report even in the absence of a written

plan (question 56) and even in situations where “benefits are limited by the amount of funding approved by the legislature on an annual basis” (question 57). Simply put, OPEB exist whenever there is a mutual understanding between employers and employees (i.e., *substantive plan*) that such benefits will be provided, period.

### URBAN LEGEND 5 — THE OPEB OSTRICH

**“As long as the retirees pay the full amount of their healthcare premium, there is no OPEB for the employer to report.”**

If retirees are allowed to pay the same healthcare premium as active employees, they are, in fact, enjoying an *implicit rate subsidy*. The GASB requires that such an implicit rate subsidy be treated as OPEB in its own right, even though the employer makes no direct payments on behalf of retirees. Thus, an employer must report OPEB cost today for active employees who will be able to continue to purchase health insurance once they retire at the same premium paid for active members.

### CONCLUSION

There are important financial, managerial, and public-policy ramifications associated with the new employer accounting for OPEB. Clearly, a government's failure to control OPEB costs could have a serious negative impact on the its future financial position and economic condition. Consequently, rating agencies will likely take the new information furnished by GASB Statement No. 45 into account in assigning future ratings. It seems reasonable, in this latter regard, to expect that governments that craft a workable strategy for financing their OPEB in the wake of GASB Statement No. 45 will probably fare better than those that do not.

Many observers expect to see significant changes in how OPEB are managed and funded in the wake of GASB Statement No. 45. It is important that decisions regarding such changes be based upon a sound assessment of what ultimately is best for the government financially and economically, rather than upon a misapprehension of what generally accepted accounting principles do or do not require. |

STEPHEN J. GAUTHIER is director of GFOA's Technical Services Center.

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**Amendment to the  
Actuarial and Administrative Services Agreement**

**Between**

**The City of Prairie Village**

**And**

**SilverStone Group**

**October 1, 2007**

THIS AMENDMENT TO THE ACTUARIAL AND ADMINISTRATIVE SERVICES AGREEMENT (“Amendment”) is made and entered into effective as of the 1<sup>st</sup> day of October, 2007 (“Effective Date”), by and between SilverStone Group, doing business from Omaha, Nebraska, (hereinafter referred to as “SilverStone Group”), and the City of Prairie Village, Kansas (hereinafter referred to as “the City”).

WITNESSETH

WHEREAS, the City and SilverStone Group entered into an agreement for actuarial and administrative services effective January 1, 2007.

WHEREAS, the City maintains a post-retirement medical and dental plan, “Post-Retirement Medical Plan,” which is under the general management and administration of the City.

WHEREAS, SilverStone Group submitted a proposal for Governmental Accounting Standards Board (GASB) Statement 45 actuarial services for other post-employment benefits dated March 22, 2007 (the “Proposal”).

WHEREAS, subject to the terms and conditions set forth herein and in the Actuarial and Administrative Services Agreement effective January 1, 2007, the City deems it appropriate to engage SilverStone Group to provide certain actuarial and administrative services for the Post-Retirement Medical Plan and for such other plan, program or arrangement (collectively the “Plan” or “Plans”) affected or applicable to the GASB standards referred to herein, and SilverStone Group desires to accept such engagement.

NOW THEREFORE, in consideration of the mutual promises and covenants set forth herein and in the Actuarial and Administrative Services Agreement effective January 1, 2007, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties do hereby agree to amend the Actuarial and Administrative Services Agreement effective January 1, 2007, as follows:

**1. Actuarial Services**

SilverStone Group shall render their actuarial services to the Plan as appropriate for the City to comply with the Governmental Accounting Standards Board (GASB) Statements 43 and 45. SilverStone Group shall perform such services as described in their Actuarial Services Proposal dated March 22, 2007, which is part of this Amendment by reference.

These services shall specifically include, but shall not be limited to, the services described as follows:

- A. Annual Required Contribution
- B. GASB 43 and 45 Disclosure Report
- C. Periodic meetings with representatives of the City
- D. Consultative services regarding implementation of GASB 43 and 45

**2. Actuarial Fees**

As consideration for the services set forth in this Amendment, the City agrees to pay SilverStone Group the fees that are applicable and as otherwise set forth in Section 3 of this Amendment as well as in accordance with Section 5 of the Actuarial Services Proposal dated March 22, 2007. To the extent there is any inconsistency in the fee or rate information contained in this Amendment and the Proposal in the initial year of this Amendment, the terms of the Proposal fee schedule shall control.

**3. Exhibit – Cost Proposal**

Post-Retirement Medical Plan

- Actuarial Valuation \$5,300
- GASB 45 Disclosure and Required Supplement Information 1,700
- “What If” Analysis Project/Time
- Employee Education Project/Time
- Ongoing Services Time
- Optional Services Project/Time

Hourly Rates

Group Medical Consultant	\$250
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**IN WITNESS WHEREOF**, the City and SilverStone Group have duly executed this **AMENDMENT** to the **ACTUARIAL AND ADMINISTRATIVE SERVICES AGREEMENT** effective as of the day and year first above written.

THE CITY OF PRAIRIE VILLAGE

SILVERSTONE GROUP

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

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

Its: \_\_\_\_\_

Its: \_\_\_\_\_

**Addresses**

The City of Prairie Village, Kansas  
Municipal Building  
7700 Mission Road  
Prairie Village, Kansas

SilverStone Group  
11516 Miracle Hills Drive  
Omaha, NE 68154



FINANCE COMMITTEE  
26 September, 2007

Minutes

Present: David Voysey, Chairman, Charles Clark, and Wayne Vennard. Staff: Barbara Vernon, Doug Luther and Karen Kindle.

**Economic Development Reserve Fund**

Committee members reviewed a draft ordinance to establish an Economic Development Reserve Fund. The following issues were discussed:

Should the ordinance specify the source of funds?

The intent is that funds collected from the city's share of the current county-wide economic development sales tax would be placed in the fund. Committee members agreed that money collected from the renewal of the sales tax after the current tax expires should not be automatically placed in the fund.

The City Council should have the ability to place money from other sources into the fund as well.

Minimum Expenditure

Committee members discussed if a minimum expenditure should be set. Committee members agreed that the fund should be used to help provide funding for substantial projects in the City.

Committee members agreed to set a minimum expenditure of \$5,000, with a provision that the Council could approve expenditures less than this amount if special circumstances exist which would justify the expenditure.

Should the fund be used to pay salaries?

Committee members agreed that the fund should not be used to pay salaries of City employees. However, the fund could be used to pay for consulting services.

Should the fund be used to reimburse the City for foregone revenue?

Committee members agreed that the fund should not be used to reimburse the City's general fund for the cost of providing economic development incentives.

Definition of Economic Development

Several definitions of economic development were reviewed and discussed. Committee members emphasized that the fund should be used for significant projects that would impact the future of Prairie Village. Mr. Clark suggested

expenditures from the fund focus on projects which will improve the City's financial position, rather than only address lifestyle issues.

Committee members agreed that economic development should include improvements to both residential and commercial properties.

Members said there should be a clear logical link between a proposed expenditure from the fund and its result, such as increased city revenues, population, or property values. They added that projects to help plan for projects with these results would also be appropriate uses for the fund.

Mr. Luther said he would revise the draft ordinance based on the committee's discussion. Committee members said the ordinance should be presented to the City Council at the 1 October meeting.

#### **Develop schedule and procedure for Financial Advisor interviews**

Mrs. Kindle said that RFPs were sent to 12 firms. Proposals are due on 1 October. Interviews will be on 10 October. Committee members agreed to meet at 3:00 pm to conduct interviews.

Committee members asked Mrs. Kindle to forward all proposals, along with a summary to the committee. They agreed that it would be best to interview no more than three firms. To determine the three to interview, each member will provide a list of his top three firms. Mrs. Kindle will compile the responses. If three top candidates cannot be identified, a meeting will be held to determine the firms to interview. Interviews for each firm will last 30 minutes.

Once a candidate is chosen the City will negotiate an agreement. The committee's goal will be to present a recommendation to the City Council at the 5 November Council meeting.

There being no further business, the meeting adjourned.

David Voysey  
Chairman

## ORDINANCE NO.

### **AN ORDINANCE ESTABLISHING AN ECONOMIC DEVELOPMENT FUND IN THE CITY OF PRAIRIE VILLAGE AND ESTABLISHING POLICIES AND PROCEDURES FOR SPENDING THE FUND.**

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

#### **SECTION I. Fund Established**

In accordance with K.S.A. 12-101 and the authority of the City to exercise its rights to establish separate funds based on its Home Rule powers, there is hereby established an Economic Development Fund which shall be used by the City to finance activities that foster and promote economic development within the City. The Governing Body shall provide for the transfer of moneys from the General Fund to the Economic Development Fund.

#### **SECTION II. Policy Objective**

It is the policy objective of the Governing Body that the economic development fund be used to disburse and expend funds for economic development projects; to foster and promote economic development in the City of Prairie Village Kansas; and to provide the means by which land or other property may be acquired, held, used, conveyed, or otherwise disposed of in order to meet present and future needs in the City of Prairie Village for purposes of economic development in the City.

#### **SECTION III. Definition.**

The following definition of Economic Development shall be used to evaluate proposed expenditures from this Fund, consistent with the Policy Objective stated above:

A project will be considered an "Economic Development Project" if it is to directly increase city revenues, and/or city population, and/or property values of either commercial or residential property. These projects may include, but not be limited to the purchase of real property, encouragement of the creation and/or retention of businesses, the encouragement of redevelopment of property both commercial and residential, and the encouragement of property maintenance.

#### **SECTION IV. Authorized Uses of Funds**

Funds from the Economic Development Fund may only be used for the following:

1. To provide funds for economic development activities
2. To provide for the improvement and maintenance of areas designated for redevelopment or reinvestment initiatives.
3. To purchase or otherwise acquire real property or any interest therein
4. To acquire, receive, hold title to, administer, sell, lease or otherwise dispose of real and personal property or any interest therein and to use said property or the proceeds

thereof for the purposes encouraging and promoting economic development in the City.

5. To foster and promote public awareness of economic development needs and activities in the City
6. To enlist the services of planners, consultants, legal counsel, and other professional services incidental to accomplishing the policy objectives identified in this Ordinance.
7. To carry on such other activities as may be incidental to or will assist in the accomplishment of the above-stated purposes.
8. To engage in any projects, programs or improvements within the City of Prairie Village deemed by the Governing Body as appropriate and related to economic Development within the City.

#### **SECTION V. Revenues Credited to the Fund**

Monies received from the following sources shall be credited to the Economic Development Reserve Fund on at least a quarterly basis:

1. Sales and Compensating Use Tax revenues generated from a sales tax ballot measure approved by the voters of Johnson County, Kansas in 2003 and subsequently renewed in 2005.
2. Any other funds approved by the Governing Body to be credited to the Economic Development Reserve Fund.

#### **SECTION VI. Expenditures From the Fund**

The Governing Body shall have the authority to use and expend monies in the Economic Development Fund as follows:

1. All expenditures from the fund shall be consistent with the policy objectives and authorized uses identified in this ordinance.
2. Approval of the Prairie Village Governing Body will be required for all expenditures from the fund.
3. No single expenditure from the Fund shall be in an amount less than \$5,000 unless the Governing Body finds that special circumstances exist.
4. Expenditures from this fund may not be used to pay costs associated with the employment of full or part-time City employees. However, this shall not prevent monies in the Economic Development Fund to be used to obtain the services of professionals and contract employees as described in this Ordinance.

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

**PASSED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_.**

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

ATTEST:

APPROVED AS TO FORM:

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

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


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CITY OF PRAIRIE VILLAGE

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**TO:** MAYOR & CITY COUNCIL  
**FROM:** DOUG LUTHER   
**SUBJECT:** NUISANCE AT 4807 W 64<sup>TH</sup> ST  
**DATE:** 9/27/2007  
**CC:**

---

On 6 September, 2007 the City's Code Enforcement Officer issued a violation notice to the owner of the home at 4807 W. 64<sup>th</sup> St. regarding a damaged tree which had fallen on the property leaving dead limbs and debris. The City has learned that the house is vacant. County records show that the owner lives in California. Given these circumstances, it is unlikely the owner will correct the violation voluntarily.

In order for the City to abate this violation, the situation needs to be declared a nuisance. The presence of the dead limb resting on the house and the limbs on the property meet definition of Nuisance described in the ordinance Section 4-502(g). Photos of the property are attached.

In order to proceed with enforcement activities, the City Council needs to Direct City Staff to Issue an Order of Abatement by approving the following motion:

**Move that the condition of the property at 4807 W. 64<sup>th</sup> St, including the damaged tree and limbs, is a Nuisance and direct City Staff to issue an Order of Abatement.**

Upon approval of this motion, the property owners will be sent a notice directing them to correct the violation or request a hearing before the Governing Body by filing a request with the City Clerk within ten days.

If the violation is not corrected and a hearing is not requested by the expiration of the ten day period, the City may take action to abate the violation and assess the costs against the property.













## ARTICLE 5. NUISANCES AND UNSAFE STRUCTURES

### 4-501. LEGISLATIVE FINDINGS.

- a) The purpose of this Article is to provide reasonable controls restricting and prohibiting the allowance of nuisances and unsafe structures to exist on property within the City; to declare that certain conditions constitute public nuisances or structures, which are unsightly, are a menace and dangerous to the health of the inhabitants of the City, or of any residential or commercial area and the residents thereof, and are offensive to the general public health, safety and welfare of the community; to provide a method of enforcement of this article; to provide procedures to notify property owners or those in control of real property that a violation exists and to allow for self-abatement by such person; to provide property owners, or those in control of real property, notification and an opportunity to be heard concerning violations of this article; to provide administrative procedures to allow the City to direct the abatement of violations; to provide a method of assessment or collection of costs for abatement by the City; to declare that the existence of such violations are unlawful; and to provide penalties for enforcement through the municipal court system.
- (b) The Governing Body of the City hereby finds that the allowances of nuisances and unsafe or dangerous structures, as defined herein, on private property or adjacent rights-of-way or easements are public nuisances which are unsightly, a menace dangerous to the health of the inhabitants of the City, of the residential or commercial area and the residents thereof, and are offensive to the general public health, safety, and welfare of the community. Such nuisances or unsafe structures promote conditions which may cause disease; pollution; proliferation of rats, vermin, mosquitoes and snakes; the spread of fire a harmful environment for transients and to the community as a result of transient use; harmful attractions for children; creates short and long-term impacts on the area including the diminution of property values and the integrity of the neighborhood; and interferes with the orderly development of property in the City. (Ord. 1845, Sec. 1, 1994)

### 4-502. DEFINITIONS. For purposes of this article, the following definitions shall apply:

- (a) City -- The City of Prairie Village, Kansas.
- (b) Property Owner -- The named property owner as indicated by the Register of Deeds or Appraiser's Office in Johnson County, Kansas.
- (c) Representative -- Any person or entity listed in the Johnson County, Kansas Appraiser's Office or Treasurer's Office for the purposes of paying taxes; a registered agent with the Kansas Secretary of State's Office for corporate or partnership ownership; an agent or manager directed by the property owner, estate, or court order to represent the interests of the property or to otherwise control activities on the real property; or a corporate officer;
- (d) Person -- Any individual; individuals' partnership; corporation; unincorporated association; other business organization; committee; board; trustee; receiver;

agent; or any representative who has charge, care or responsibility of maintenance of any property, lot or parcel of land regardless of status of owner, tenant or lessee and regardless of whether such person has possession;

- (e) Tenant -- Any person who has a severable or nonseverable interest in the real property either oral or written lease or covenant or by other methods of conveying a limited interest in such lands; or by any person who occupies or has possession of such real property;
- (f) Perennial Violator -- Any person who shows an annual pattern of failing to comply with this article which may be shown by repeated notices of abatement, notices of costs, or previous violations of this article;
- (g) Nuisance -- Any condition which causes or creates an unreasonable interference with the rights of the general public and shall include, but not be limited to graffiti, rank vegetation; rank or infested compost heaps; dense smoke; excessive dust, ash or fine articles in the air; rank ponds or standing water including swimming pools, water receptacles and undrained areas; cesspools creating on or rising to the surface; rank odors; unkempt trash, refuse, brush and limbs, debris or building materials; rank sewage or septic system; excessive accumulation of animal waste; exposed animal carcasses after death; sheds, garages or other outbuildings allowing infestation of rodents or insects or left unsecured to allow the entry of animals, humans or the natural elements such as rain, hail and snow, or otherwise left unkempt or unsightly, except for outdoor dog or pet houses maintained in a clean and reasonable manner; trees, shrubs or plants which are dead, diseased or infested which present a harmful or dangerous condition to the public; exposed refrigerators or freezers or other appliances left unsecured; and any other condition which is determined to present a dangerous or harmful condition to the public;
- (h) Unsafe Structure -- Any structure or part of a structure which remains or is damaged to present a dangerous or unsafe condition to the public including, but not limited to, structures damaged by fires, damaged by natural events or elements such as wind, tornadoes, earthquakes, flooding or settling of the ground; damaged by insect infestation; damaged due to the failure to provide reasonable maintenance; structures occupied or unoccupied which have broken windows, missing boards or siding, unsecured doors, or unsecured openings which allow the harboring of animals, insects, transients or create an attraction to children; structures which, due to the opinion of qualified experts or inspectors, including but not limited to, fire, engineering, or architectural experts, present an unsafe or dangerous condition to those on or near the property; unfinished structures where no occupancy permit has been issued, and any building permit has lapsed for more than 30 days; structures which remain unfinished, or without an occupancy permit, after 18 months from the date of the first building permit and where no inspection for newly completed work has been requested from the city within the last 45 days;
- (i) Qualified Expert -- A person who is regularly employed to conduct structural inspections to comply with life, safety, mechanical, health and building codes or a licensed professional in the field of engineering or architecture.

- (j) Graffiti – Any drawing, painting, writing, inscription, figure or mark, regardless of its content, of the type which is commonly known and referred to as graffiti, which is written, drawn, painted, sprayed, scratched or otherwise placed or affixed, regardless of the nature of the material used, on any wall, window, rock, building portion thereof, fence, gate, sign, other structure, tree or other real or personal property, either publicly or privately owned, and that is visible from any adjacent public or private property or public or private right-of-way.  
(Ord. 1845, Sec. 1, 1994)

4-503. NUISANCES OR UNSAFE STRUCTURES UNLAWFUL; RESPONSIBILITY TO ABATE. It shall be unlawful for any property owner, owner's agent or tenant of real property to allow or maintain a nuisance or unsafe structure on any lot or parcel of ground within the City, including any areas between the property lines of said property and the center line of any adjacent street or alley including sidewalks, streets, alleys, easements and rights-of-way. The property owner, owner's agent or tenant shall be responsible for the removal or abatement of any nuisance or unsafe structure. (Ord. 1845, Sec. 1, 1994; Ord. 2076, Sec. 1, 2004)

4-504. ENFORCEMENT AGAINST NUISANCES; DESIGNATION OF OFFICER; NOTICE TO APPEAR; NOTICE OF ABATEMENT; HEARING.

- (a) The Building Official shall assist the Governing Body with the administration and enforcement of this article with regard to nuisances. The Building Official shall authorize the investigation of nuisances by his or her designated agents. If it is determined that a nuisance exists, then the Building Official shall file a written report with the Governing Body describing the situation, its location, and the circumstances supporting the determination that the matter is a nuisance. If the Governing Body concurs with the Building Official's report, it shall issue an Order of Abatement directing the property owner, owner's agent or tenant to remove and abate the nuisance within ten days.
- (b) The Order of Abatement shall state:
- (1) A common or legal description of the property, or both;
  - (2) That the property is in violation of this article;
  - (3) The nature of the nuisance, including relevant ordinances or statute, with sufficient information to reasonably enable the recipient to determine the nature of the violation to allow for self-abatement;
  - (4) That the recipient should remove and abate the nuisance within ten days of receipt of the order;
  - (5) That the recipient, upon written request, may obtain a hearing before the Governing Body or its designated representative, provided that such request is received by the City Clerk within the ten day period;
  - (6) That failure to comply with the order shall result in the city's right to remove and abate the nuisance with assessment of the City's costs being made against the property and the recipient;
  - (7) That failure to pay such assessment within 30 days of the City's notice of costs of such removal and abatement shall result in the filing of a tax lien against the property, or the filing for a personal judgment against the recipient, or both;

- (8) That such violations are subject to prosecution, and that such prosecution shall be independent of the order of any enforcement of the order.
- (c) The Order of Abatement shall be served on the property owner, owner's agent or tenant by certified mail, return receipt requested, or by personal service; provided, any order served on a tenant shall also be served on the owner or owner's agent. If the property is unoccupied and the owner is a nonresident, then the order will be mailed by certified mail, return receipt requested, to the owner's last known address. If during the preceding twenty-four (24) month period the owner, owner's agent or tenant has failed to accept delivery or to otherwise effectuate receipt of a notice or order sent pursuant to this article, in addition to the methods of service described above, the Governing Body may serve on such person any further order by other methods, including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail; provided, if the property is unoccupied and the owner is a nonresident, any alternative notice provided for this paragraph shall be given by telephone communication or first class mail.
- (d) If a recipient of an order of Abatement makes a written request for a hearing within the ten day period, a hearing shall be immediately scheduled before the Governing Body or its designated representative. At such hearing, all relevant parties, interest holders and City officials shall be allowed to present evidence concerning the status of the property and the conditions creating the nuisance. Thereafter, the Governing Body or its designated representative may rescind, modify or uphold the Order of Abatement. In making such determination the Governing Body or its designated representative shall describe the relevant facts and specific statute or Code provisions being relied upon, and state any such other stipulations, methods of removal and abatement or orders as deemed necessary. If the Order of Abatement is either modified or upheld, the property owner, owner's agent or tenant shall be given a reasonable time to remove and abate the nuisance, not to exceed ten days.
- (e) If an authorized public officer determines that a violation of this article exists, he or she may issue a notice to appear in municipal court for such violation. No other procedures are required as a prerequisite to the issuance of a notice to appear. The imposition of any removal and abatement action described herein shall not preclude any appropriate prosecution or penalties. Likewise, the imposition of any prosecution or penalties shall not preclude any appropriate action described herein to remove or abate a nuisance or to collect removal and abatement costs. (Ord. 1845, Sec. 1,1994; Ord. 2076, Sec. 1, 2004)

4-505. ABATEMENT OF NUISANCE BY CITY; NOTICE OF COSTS; ASSESSMENT AND COLLECTION.

- (a) If the recipient of the notice of abatement fails to comply with the Order of Abatement or, if appropriate, with any order after a hearing on the matter, then the City shall have the right to go onto the property to remove and abate the nuisance in a reasonable manner. It shall be unlawful for any person to interfere with or attempt to prevent the City or its agents from such action. The

## MAYOR'S ANNOUNCEMENTS

Monday, October 1, 2007

Committee meetings scheduled for the next two weeks include:

Planning Commission	10/02/2007	7:00 p.m.
Tree Board	10/03/2007	6:00 p.m.
Sister City	10/08/2007	7:00 p.m.
Communications Committee	10/08/2007	6:00 p.m.
Park & Recreation Committee	10/10/2007	7:00 p.m.
Council Committee of the Whole	10/15/2007	6:00 p.m.
City Council	10/15/2007	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. There will be three prizes of \$500.00 each and the winners will be announced at the reception on October 12<sup>th</sup> from 6:00 to 8:00 p.m.

The League of Kansas Municipalities Annual Conference is October 6-9 at the Overland Park Convention Center.

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

**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

October 1, 2007

1. Planning Commission Agenda - October 2, 2007
2. Sister City Committee Minutes - September 10, 2007
3. Holiday Tree Lighting Sub-Committee Minutes - September 17, 2007
4. Mark Your Calendars
5. Prairie Village Employee Noteworthy
6. Committee Agenda

PLANNING COMMISSION AGENDA  
CITY OF PRAIRIE VILLAGE  
MUNICIPAL BUILDING - 7700 MISSION ROAD  
TUESDAY, OCTOBER 2, 2007  
Council Chambers  
7:00 P. M.

I. ROLL CALL

II. APPROVAL OF PC MINUTES - September 4, 2007

III. PUBLIC HEARINGS – 7 p.m.

IV. PC2007-21 Request for Rezoning from CP0 to CP-1  
Planned Office District to Planned Restricted Business District  
7920 State Line Road  
Applicant: Klover Architects for Panda Express

PC2007-22 Request for Conditional Use Permit for Drive-thru  
7920 State Line Road  
Zoning: CP-1  
Applicant: Klover Architects for Panda Express

PC2007-23 Request for Rezoning from R-1a to MXD  
Single Family Residential District to Mixed Use District  
91<sup>st</sup> & Nall (Meadowbrook Country Club)  
Applicant: Gastinger Walker Harden Architects

PC2007-117 Request for Preliminary Plat Approval  
91<sup>st</sup> & Nall  
Zoning: MXD  
Applicant: Gantinger Walker Harden Architects

V. 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

PC2007-115 Request for Monument Sign Approval  
5225 West 75<sup>th</sup> Street  
Zoning : C-0 (Commercial Office District)  
Applicant: Johnston Fiss Insurance

PC2007-116 Request for Site Plan Approval - First Floor Elevation  
8029 Canterbury Street  
Zoning: R-1a (Single Family Residential District)  
Applicant: Bill Prelogar, NSP&J

VI. OTHER BUSINESS

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.

## **SISTER CITY COMMITTEE**

**September 10, 2007**

### **Call to Order**

Chairperson Cindy Dwigans called the meeting to order. Members present: Carole Mosher, Bob McGowan, Jim Hohensee. Guests: Hildegard Knopp. Staff: Chris Engel.

### **Approve Minutes from August, 2007 meeting.**

The minutes were unanimously approved.

### **Budget Report**

Chris reported there were no changes in the account balance since the last meeting.

### **Ukraine**

Cindy passed around an email from Barbara Vernon that gave an update on Michael's trip to Ukraine. The brief email mentioned that he and Cleo had arrived, met with the delegation, and had left. It also mentioned that Mike believes Dolyna is looking for a sister city to help them build their government operations and infrastructure. Cindy mentioned that she would be contacting a KU MPA student from Ukraine who had expressed interest in the Committee.

### **Newry & Mourne**

Bob informed everyone that the package sent last month had arrived. Bob also mentioned that he had received a pleasant letter from the Deputy Mayor acknowledging their meeting in Ft. Lauderdale. The letter reiterated to Bob that they had narrowed down their options to three and were going through the selection process right now to choose a sister city. Bob said he had written and mailed a reply. There was mention that even if Prairie Village was not selected the learning process was a good one.

### **Sister City Conference 2008**

Bob and Cindy told everyone they had been at a meeting earlier in the evening of the Kansas City Sister City Committee and some of the members from Washington, DC had been there doing site inspections. Bob mentioned that one of the gentlemen had mentioned that South Africa would be an interesting proposition as a sister city. Bob said Mike Wood had called him and invited him to do a walk-through of the Nelson-Atkins museum; they will be hosting the networking night next year. Cindy added that while there she had met a woman from Hanover, GER and they would be contacting one another at a later date. It was brought up that it would be nice if there was a city-wide sister city organization for networking purposes. Cindy informed everyone that there would be a Citizen Diplomacy Summit breakfast meeting on the morning of October 27 similar to the one held last year. The cost will be \$20 each.

### **Sister City Web site**

Jim reported there have been no emails received yet. Bob said there were pictures the Committee would like to post from the Ft. Lauderdale trip.

### **Fundraising**

Carole mentioned she would like to start a membership drive; Cindy agreed and said she liked the idea of an advisory board also. Discussion began over the level of preparedness needed to host a visiting delegation. The list of things that were needed to feel ready would be \$5000 in the bank, home-stay volunteers, volunteers for daytime activities, meals, and a routine itinerary to show off Prairie Village broken down seasonally. It would also be important to identify any points of interest from the visiting delegation. The question was raised if Germans came, would residents of German decent need to be involved or Italians for Italians, etc. A robust host committee that best represented the city was determined to be good enough.

Discussion next turned to acquiring the necessary people and who they would be. The key demographic was believed to be retirees because of their availability and ability to help financially. Carole brought up the idea of volunteering at Barnes and Noble to wrap presents as a fundraiser. The need for an elevator message was addressed again as well as the desire to get that message into church bulletins and library bulletin boards. The possibility of linking contributing businesses from our website was also discussed.

Cindy next asked everyone to come up with a list of ten names. These individuals would be sent a personalized informational letter about the Committee and solicited for help, advise, time, or money. It was also mentioned that perhaps a letter could be included in one of the upcoming Village Voice articles. Jim agreed to write the letter and then send it to everyone for approval. Jim also mentioned that getting the letter included in some of the homes associations newsletters could help.

### **Adjournment**

The next meeting will be October 8, 2007 in City Hall. The meeting was adjourned at 8:10 p.m.

Cindy Dwigans  
Chairman

Holiday Tree Lighting Sub-Committee  
September 17, 2007  
Minutes

Doris Wieggers called the meeting together. Also Present: Diana Ewy Sharp, Mely Ballard, Donna Potts, Ann Bontrager, and Jeanne Koontz.

Donna said the banners are made. Doris asked the event be advertised in the next 2 issues of the Voice.

Donna is taking care of the dancers. The committee decided to limit the dancers to 15 minutes of performance time. Ann said it was difficult to see the dancers. Donna said she has a stage at the Prairie Village shops she uses for the art fair but it would be too small. She said renting a stage is too expensive. Ann suggested roping off the dance area so people cannot crowd in as close.

Donna is also taking care of the raffle. She would like to sell raffle tickets in the stores at Corinth up to 2 weeks before the event to raise more money. Jeanne raised the concern that this might be a liability for the City. Mely said she will provide a Gingerbread house to raffle off at the event again. Donna suggested a note about the raffle be sent with the letters.

Highwoods ordered the tree. It is being paid for by the tenants. Highwoods will decorate the tree this year. Mely said she was talking to Intrust about sponsoring the tree for \$1,000 to raise more money. She said it would probably be best if someone from the Foundation spoke with them or sent them a letter. Doris said she would handle this. The committee suggested the following benefits to Intrust for their major donation: mentioned in Program and newsletter and sign in front of the tree. The committee discussed soliciting other major donors. Jeanne said all the businesses in Prairie Village are sent a letter each year requesting a donation. She suggested sticking with Intrust this year and revisiting this with the Municipal Foundation Board next year.

Jeanne will contact Corinth Elementary School Choir to participate this year. They will perform for 15 minutes. The committee asked that they lead the crowd in a few carols.

Ann and Jeanne will coordinate Santa's arrival. Jeanne will contact John Scheuch to be this year's Santa.

Mely is taking care of the refreshments.

Diana is helping with the publicity.

The next meeting will be on November 19<sup>th</sup> at noon at Mely's.

## Council Members Mark Your Calendars October 1, 2007

**October 2007**  
 October 6-9 Prairie Village State of the Arts Exhibit in the R. G. Endres Gallery  
 October 12 League of Kansas Municipalities Annual Conference - OP Convention Center  
 October 15 Artist reception in R. G. Endres Gallery 6:00 to 8:00 p.m.  
 October 15 City Council Meeting  
 October 15 Flu shots scheduled at Public Works and City Hall

**November 2007**  
 November 5 Mid-America Pastel Society exhibit in the R. G. Endres Gallery  
 November 5 City Council Meeting  
 November 9 Artist reception in R. G. Endres Gallery 6:30 to 7:30 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 30 NE Johnson County Chamber's Annual Dinner - Lake Quivira Country Club

**December 2007**  
 December 3 Christi Roberts-Bony mixed media R. G. Endres Gallery  
 December 3 City Council Meeting  
 December 7 Mayor's Holiday Gala  
 December 14 Artist reception in R. G. Endres Gallery 6:30 to 7:20 p.m.  
 December 17 City Council Meeting  
 December 25 City offices closed in observance of Christmas

**January 2008**  
 January 1 City offices closed in observance of New Years Day  
 January 7 City Council Meeting  
 January 21 City offices closed in observance of Martin Luther King Jr. Day  
 January 22 (Tues.) City Council Meeting

**February 2008**  
 February 4 City Council Meeting  
 February 18 City offices closed in observance of President's Day  
 February 19 (Tues.) City Council Meeting

**March 2008**  
 March 3 City Council Meeting  
 March 17 City Council Meeting

**April 2008**  
 April 7 City Council Meeting  
 April 21 City Council Meeting

**May 2008**  
 May 5 City Council Meeting  
 May 19 City Council Meeting  
 May 26 City offices closed in observance of Memorial Day

**June 2008**  
 June 2 City Council Meeting  
 June 16 City Council Meeting

**July 2008**

July 4 City offices closed in observance of Independence Day  
July 4 VillageFest  
July 7 City Council Meeting  
July 21 Cit Council Meeting

**August 2008**

August 4 City Council Meeting  
August 18 City Council Meeting

**September 2008**

September 1 City offices closed in observance of Labor Day  
September 2 (Tues.) City Council Meeting  
September 15 City Council Meeting

**October 2008**

October 6 City Council Meeting  
October 20 City Council Meeting

**November 2008**

November 3 City Council Meeting  
November 17 City Council Meeting  
November 27 City offices closed in observance of Thanksgiving  
November 28 City offices closed in observance of Thanksgiving

**December 2008**

December 1 City Council Meeting  
December 5 Mayor's 2008 Holiday Party  
December 15 City Council Meeting  
December 25 City offices closed in observance of Christmas

# NOTEWORTHY

October 2007

## OCTOBER BIRTHDAYS & ANNIVERSARIES

### *Birthday Wishes to...*

10/12	Myron Ward	Police Department
10/14	David McAuliffe	City Hall
10/17	Dan Robles	Police Department
10/20	Jason Wakefield	Police Department
10/24	Richard Bohon	Police Department
10/26	Craig Caster	Police Department
10/29	Ryan Futrell	Police Department
10/31	Troy Johnson	Police Department

### *We appreciate your years of service...*

Greg Hudson	Police Department	23 years
Seth Meyer	Police Department	3 years

### **Upcoming Employee Appreciation Events**

Thank you to all the employees who made the Employee Luncheon a success. \$364 was raised to benefit the United Way!

The Employee Holiday Lunch will be on December 14<sup>th</sup> at noon in the Council Chambers. Stay tuned for more information about this event.

The Employee Appreciation Dinner will be on February 2<sup>nd</sup> at the New Theatre Restaurant. We will be seeing "Out of Order" starring Gary Sandy from "WKRP in Cincinnati". All employees may bring one guest. Join us before the show in the meeting room starting at 5:30 for drinks. There will be a cash bar. RSVP to Jeanne Koontz by October 26<sup>th</sup> at [jkoontz@pvkansas.com](mailto:jkoontz@pvkansas.com) or ext. 4207. Final reservations are due by December 17<sup>th</sup>.



### **Flu Shots**

Monday, October 15<sup>th</sup>  
8:30 – 10:00 – Public Works  
1:00 – 3:00 – Multi-Purpose Room  
Employee Cost: \$10.00

### **23<sup>rd</sup> Annual Peanut Butter Week**

The 23<sup>rd</sup> Annual Prairie Village Peanut Butter Week is Oct. 1 – 5 this year. Don't forget to bring a jar of peanut butter to work. The Peanut Butter collected goes to Harvesters Community Food Network who then distributes it to area food pantries to benefit those in need of food. What an easy way to give back!



### **Trick-or-Treating**

Every year for Halloween, the City invites area daycares to trick-or-treat at City Hall. They will be trick-or-treating on October 31<sup>st</sup> this year. Don't forget to stock up on candy and treats!





**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**

COU99-13 Consider Property Audits (assigned 4/12/99)  
COU2000-42 Consider a proactive plan to address the reuse of school sites that may become available (assigned Strategic Plan for 4<sup>th</sup> Quarter 2001)  
COU2000-44 Provide direction to PVDC regarding its function / duties (2000 Strategic Plan)  
COU2000-45 Review current City definition for blight and redefine it where appropriate (assigned 2000 Strategic Plan)  
COU2004-10 Develop programs to promote and encourage owner occupied housing (transferred from PVDC on 3/15/2004)  
COU2004-11 Identify potential redevelopment areas and encourage redevelopment proposals (transferred from PVDC on 3/15/2004)  
COU2004-12 Pursue development of higher value single-family housing (transferred from PVDC on 3/15/2004)  
COU2004-13 Proactively encourage redevelopment to increase property values (transferred from PVDC on 3/15/2004)  
COU2004-14 Meet with the Homes Association of the Country Club District (HACCD) to obtain their input regarding deed restrictions (transferred from PVDC on 3/15/2004)  
COU2005-19 Consider term limits for elected officials and committees (assigned 9/6/2005)  
COU2005-21 Develop a policy for use of Fund Balance (assigned 9/6/2005)  
COU2005-27 Consider concept of Outcomes Measurement or Quantifying Objectives (assigned 9/6/2005)  
COU2005-44 Consider YMCA Partnership (assigned 12/14/2005)  
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)  
COU2006-54 Consider Renewal of Special Use Permit at 7700 Mission Road (assigned 12/7/2006)  
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 (assigned 1/8/2007)  
COU2007-10 Consider Recognition of Prairie Village families with service personnel in Iraq, Afghanistan or other dangerous areas (assigned 1/11/2007)  
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 3/19/2007)  
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)
- COU2007-51 Consider Village Vision Implementation Strategy (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)
- COU2007-58 Consider Zoning Ordinance Revision PVMC 19.10 (assigned 9/5/2007)

**LEGISLATIVE/FINANCE COMMITTEE**

- LEG2000-25 Review fee schedules to determine if they are comparable to other communities and where appropriate (assigned Strategic Plan for 1<sup>st</sup> Quarter of 2001)
- LEG2003-12 Consider Resident survey - choices in services and service levels, redevelopment (assigned 8/7/2003)
- LEG2005-49 Consider Building Permit and Plan Review Fees (assigned 12//21/2005)

**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)