

A decorative border surrounds the text, featuring a ribbon at the top and bottom, and two floral arrangements on the left and right sides. The ribbons are tied in bows, and the flowers are stylized tulips.

# City Council Meeting

*July 2, 2007*

*Dinner will be  
provided by:*

**Johnny's Tavern**

*Individual meal choices*

**COUNCIL COMMITTEE**

**July 2, 2007  
6:00 p.m. Council Chamber**

**Agenda**

**CONSENT AGENDA**

- COU2006-57      Continue Special Use Permit for Communications**
- COU2007-49      Consider Project 190868 – Roe Avenue – 91st Street to  
Somerset Drive Engineering Change Order #1**

**AGENDA**

- COU2007-31      Consider City Administrator/City Manager forms of  
government  
Barbara Vernon**
- COU2007-50      Consider Ordinance to adopt Risk Management Reserve  
Fund  
Doug Luther**
- COU2007-51      Consider Village Vision Implementation Strategy  
Doug Luther**

**COU2007-49 CONSIDER PROJECT 190868 - ROE AVENUE - 91<sup>ST</sup> STREET TO SOMERSET DRIVE ENGINEERING CHANGE ORDER #1**

**Background:**

The City submitted Roe Avenue, 91<sup>st</sup> Street to Somerset Drive, for consideration as a CARS project for 2008. This project continues the improvements to Roe Avenue, which were made in 2006, without leaving any gaps.

In the CARS program only the first priority project is guaranteed, which in 2008 is 75<sup>th</sup> Street from Belinder Avenue to Stateline Road. Current discussions with the County are that the City will not get funding for Roe Avenue for 2008, but the official CARS list still has not been released by the County. Since this section of Roe Avenue is in need of work, regardless of the funding source, it is proposed that it be designed and possibly be constructed using City funds. The proposed fee for design is \$68,900.00.

**Financial Impact:**

Funds are available in the Capital Infrastructure Program under Project 190865.

**Suggested Motion:**

Move to approve Engineering Change Order #1 with HNTB Corporation in the amount of \$68,900.00 with a transfer of \$70,000.00 from Project 190865 to Project 190868.

CITY OF PRAIRIE VILLAGE  
PUBLIC WORKS DEPARTMENT

CHANGE ORDER NO. 1

Consultant's Name HNTB Corporation  
Project Title 2008 Paving Program Owner's Project No. 190864  
Date Requested June 25, 2007 Consultant's Project No. 45021  
Original Agreement Date March 19, 2007

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

Construction Plans for Roe Avenue from 91<sup>st</sup> Street to Somerset.  
See Exhibits A & B for the detailed scope of services.

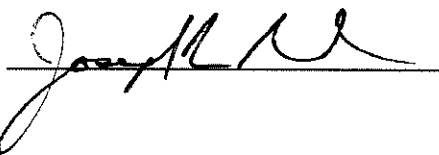
(Attach additional pages as necessary)

|  |                      |
|--|----------------------|
| Original Agreement Amount                  | \$ <u>215,200.00</u> |
| Net Previous Change Orders                 | \$ <u>0.00</u>       |
| Subtotal                                   | \$ <u>215,200.00</u> |
| Net Increase or Decrease this Change Order | \$ <u>68,900.00</u>  |
| New Agreement Amount                       | \$ <u>284,100.00</u> |

The Agreement Completion Date has not been changed.

CONSULTANT

CITY OF PRAIRIE VILLAGE, KANSAS

By 

By Ronald L. Shaffer, Mayor

## EXHIBIT A - EXTRA SCOPE OF SERVICES

### 2008 Paving Program - Roe Avenue (91<sup>st</sup> Street to Somerset) City Project No. 190864 Prairie Village, Kansas June 25, 2007

#### Project Description

This scope of services and fee estimate is for additional services that will be required for the addition of Roe Avenue from 91<sup>st</sup> Street to Somerset Drive to the 2008 Paving Program. The project will be developed in phases as outlined by the City's standard scope of services to include a Concept Phase, Preliminary Design Phase, Final Design Phase, and Bidding Phase. Construction administration, inspection, or shop drawing review services are not included with this scope of services and fee estimate. Design services include data collection, field evaluations, limited field surveys, coordination with utility companies and other agencies, plan production, contract documents, and quantity/cost estimating.

The project is anticipated to be mill and overlay of Roe Avenue asphalt pavement from just north of 91<sup>st</sup> Street to the south curb returns at Somerset. Along with mill and overlay of the pavement, it is expected that the majority of the existing curb and gutter and several portions of the existing sidewalk will be reconstructed to improve drainage or replace sections in need of repair. A new portion of sidewalk will be added along the east side from approximately 100 feet north of 91<sup>st</sup> Street to 90<sup>th</sup> Street to match into the existing sidewalk at both ends. Full depth replacement of asphalt pavement at isolated locations on Roe Avenue is also anticipated and will be determined by field reconnaissance and pavement core evaluations. The intersecting side streets are not part of the project, but evaluation of the curb returns for these side streets is included. Some drives and drainage system components are expected to be replaced or modified. All of the sidewalk ramps and associated curbs will be reconstructed to current ADA standards. There are several locations at box culverts where the need for guardrail may need to be evaluated for safety requirements and recommendations will be developed where it should be replaced.

Data Collection: AIMS mapping background and aerial from Johnson County, pavement cores already obtained by Geotechnology, Inc., existing drainage and pavement plans from the City, and existing plats as needed from Johnson County.

Field Surveys and Evaluations: Centerline and edge of pavement elevations at 50' intervals to determine cross slope, and detailed topography at the following spot locations: 1) Utility potholes/key locations (assumed 5 locations); 2) along the east side of the street from the back of curb to 10 feet beyond the property lines from 91<sup>st</sup> Street to 90<sup>th</sup> Street for installation of a new sidewalk; 3) three isolated locations where guardrail may need to be located in order to determine grading necessary to place the guardrail; 4) Pavement core locations (assumes 15 locations).

Plans and Quantity/Cost Estimating: 1) Typical sections (assumes 2); 2) Plan sheets with centerline stationing, locations of mill and overlay, full depth replacement, curb/sidewalk/drive apron/ramp replacements, and drainage improvements; 3) Guardrail layout sheets; 4) Standard Details; 6) Cross

Sections at 25' intervals for guardrail and sidewalk installation; 7) Quantity/Cost Estimating at project milestones

## **Project Schedule**

The project schedule will be generally as follows:

Notice to Proceed: July 6, 2007

Concept Phase Completed: August 1, 2007

Preliminary Plans to City: October 1, 2007 (Matches contract schedule)

Final Plans to City: December 1, 2007

Advertise Project: December 15, 2007

Project Letting: January 15, 2008

## **Assumptions**

1. Existing plats and AIMS information will be used to develop property lines as needed. No title work will be obtained. The City will obtain right of entry from adjacent property owners as necessary to obtain field data and to allow for construction beyond the existing street right-of-way.
2. The City will coordinate with KCP&L for the design and placement of video detection at the Somerset signal.
3. Utility potholing will be performed by the utility company or contracted directly with the City. Field survey of utility potholes and locations will be performed (assumed to be a total of 5 locations).
4. Sidewalk ramp designs will be completed for each crossing of a public street or commercial entrance. Truncated domes are only necessary at public street crossings. Detailed elevations of points on ramps are not included, but instead the City standard details will be used to govern construction of ramps.
5. Traffic projections or analysis are not included in the services.
6. HNTB will be responsible for storm and sanitary sewer manhole adjustment plans. All other utility relocation plans will be developed by others. Utility coordination is limited to identifying utility locations, submitting plans to utilities, and requesting relocation designs and schedules.
7. This project will be advertised and constructed along with the other streets on the 2008 Paving Program and 2008 CARS Program using one set of plans and specifications.
8. This scope of services does not include design of sprinkler systems, septic systems or other privately owned facilities.
9. It is assumed no traffic control plans will be produced and traffic control can be handled with standard details.
10. It is assumed a concrete approach will not be constructed on the south leg of the Somerset intersection.

**Consider City Administrator/City Manager Forms of Government****Background:**

During the March 19, 2007 Council meeting a question was raised about the current administrative form of Prairie Village governance. (excerpt of the minutes is attached). The City Attorney was asked to prepare information on which to make a decision from his legal perspective.

The City Attorney prepared an extensive report (copy attached) for the Council Committee meeting held April 2, 2007. (excerpt of the discussion from that meeting is attached) According to Wetzler's report, 45% of cities adopt the City Administrator form and 55% adopt the Manager form. He cautioned, because an election is required to change to the Manager form, residents would expect to have compelling reasons for approving the change. It was the consensus of the Council Committee that a special election to change the form of government was not merited at this time but the Council wanted to continue to discuss possible changes to the job description of the City Administrator position.

The type of management Prairie Village Council members want can be ensured by changing some ordinances to make it more clear that the Mayor is the Chief Executive Officer of the City, the City Administrator is the Chief Administrative Officer of the City and department managers report to the City Administrator.

When the Prairie Village City Administrator ordinance was written, it was patterned after the Leawood and Lenexa ordinances. Since that time, both of those cities have revised their ordinances by aligning the authority of the position with its responsibilities making it similar to those of a City Manager but not removing final approval by the Mayor and Council. The cities of Merriam and Mission recently revised their ordinances, which originally had been patterned after the Prairie Village ordinance, to strengthen the position in their cities and relieve their Mayors of daily responsibility for supervision of staff and operations.

For the past 15 years the Prairie Village Mayor and Council have appointed professional administrators as department managers which made it possible to work within the City's ordinances most of the time. This has not always been the case. In the few instances when a manager or other appointed official was not doing his/her job well, the situation was difficult and sometimes costly.

Managers want to have meaningful input into the hiring decisions of the individuals they must oversee. When Chief Grover came to Prairie Village, the Civil Service Commission made final hiring and other personnel decisions related to police officers. One of the first things he did was recommend and receive approval for ordinance changes transferring those final decisions to the Chief of Police. This significantly improved the level of professionalism in the department.

## **Office of the Mayor**

Prairie Village Ordinance 1-205 and State Statute 13-502 state the Mayor shall:

- have superintending control of all officers and affairs of the City  
(In Prairie Village there are 11 appointed positions the Mayor is required by statute to supervise, evaluate, hire and fire)
- monitor that the ordinances of the city are complied with

KSA 13-527 and Prairie Village ordinance 1-301 state: The Mayor, by and with the consent of Council:

- may appoint a city attorney, assistant city attorney, city prosecutor, city clerk, city treasurer, city administrator, assistant city administrator, municipal judge or judges, city engineer, director of public works, city architect and chief of police. (State statute KSA 13-527 also includes a requirement for police officers to be appointed. Prairie Village adopted a charter ordinance several years ago to eliminate this requirement).

Prairie Village ordinance 1-302 states: The Mayor shall have:

- authority to hire and terminate all other employees, or such authority may be delegated to the respective department heads

Prairie Village ordinance 1-303 states: The Mayor:

- shall have authority to remove, without cause, any appointed employee if approved by the governing body
- shall have the authority to remove any appointed officer for good cause

These City ordinances were written before there was a city administrator. This language in the Municipal Code establishes the Mayor as the person who has the responsibility to oversee and control everything that happens in the City. This is a burden for a person who is not trained to be a professional manager, who has another career and who is not on site on a daily basis.

## **Recommend :**

**Remove PVMC 1-302 and 1-303 which state the Mayor:**

- *shall have authority to hire and terminate all other employees, or such authority may be delegated to the respective department heads*  
(Personnel policies adopted by Council establish hiring, disciplinary and termination procedures and formal job descriptions designate the department heads responsible for managing departmental personnel )
- *shall have authority to remove, without cause, any appointed employee if approved by the governing body*  
(This exposes the City to liability which can be avoided if personnel procedures are followed)
- *shall have the authority to remove any appointed officer for good cause*  
(Personnel policies and job descriptions address procedures for termination to limit the City's exposure to liability.)



**Adopt new ordinances that state: The Mayor:**

- shall be the elected chief executive of the City
- shall have authority to hire and terminate the city administrator
- shall have authority to remove the city administrator for cause

Although Ordinance 1-205 and State Statute 13-502 make the Mayor responsible for supervision and monitoring of all City operations, most cities have not chosen to remove that requirement. Those duties are usually delegated by ordinance to the City Administrator.

**City Administrator**

Most cities in Johnson County using the City Administrator form of governance have amended ordinances to transfer responsibility for day-to-day management of the city and its appointed officials from the Mayor to a professional city administrator. Prairie Village has not formally made this change. Although most of this City's formal job descriptions for appointed employees state the positions report to the City Administrator, ordinance language makes the structure unclear.

In this City, the City Administrator is appointed to "... be the chief administrative assistant to the mayor and governing body and as such shall be the administrative officer of the city government." (PVMC 1-313). The definition of an administrative officer is one responsible for "...execution of public affairs as distinguished from policy making". The title is clear but the system in Prairie Village places administrative responsibilities on both the Mayor and the City Administrator.

According to the Prairie Village City Administrator's ordinance, the individual shall act as the personnel officer, appropriating pay increases, approving terminations and advancements, etc. It also states "the city administrator may make recommendations of appointment and removal of appointive city employees to the mayor" PVMC 1-313(f). Since the ordinance language is permissive ("may" rather than "shall" make recommendations), the Mayor determines the extent to which the Administrator can be involved in the interview and hiring decision of individuals he/she must supervise, coordinate and work with on a daily basis.

There is no mention of who evaluates appointed officials. For the past 30 years mayors in this city have directed the City Administrator to evaluate and make salary recommendations for the Police Chief, Public Works Director, City Clerk and Assistant City Administrator. Other appointed officials are evaluated annually by those who work closely with them, the results are combined and completed by the City Administrator.

There are eleven appointed officials in Prairie Village. By City ordinance the only individual who can officially evaluate, reward, discipline and/or terminate any of

them is the Mayor. By City ordinance the City Administrator “may” make a recommendation to remove an appointed official. This permissive ordinance language leaves the decision to terminate to the Mayor. There have been situations in the past when the City Administrator documented poor performance, worked with the employee(s) to improve performance but eventually recommended termination of the employee(s) to a Mayor. In these cases most of the Mayors were reluctant to terminate the employee and in some situations postponed or refused to take action.

**Recommend:**

**Change ordinances to clearly establish the City Administrator as the Chief Administrative Officer of the City. Establish hiring, management and removal process for appointed officials that involve the administrator in the hiring process and, after appointments are made, require the City Administrator to supervise appointed officials who are department managers according to Council approved Personnel Policies.**

**(1) Amend PVMC 1-313 (f) which states: “...city administrator may make recommendations of appointment and removal of appointive city employees to the mayor” to one or a combination of the following:**

*“The City Administrator and Mayor shall recommend appointment of all department heads and other official staff positions...”*  
(Merriam 2-37(B))

*“The City Administrator shall have the power to appoint and remove all subordinate employees of the City subject to the personnel system regulations and shall make recommendations to the Governing Body concerning the appointment and removal of department heads...”*  
(Leawood 1-305(f))

*“The City Administrator shall:  
Recommend appointment and removal of all department heads  
Supervise all department heads...”*  
(Lenexa 1-6-F-(2))

*“The City Administrator shall have the power to hire and remove all subordinate employees of the City subject to the personnel system regulations. The City Administrator shall seek approval of the Mayor before removing a direct report.”*  
(Mission 120.150 (7))

## **Department Managers**

Prairie Village also has ordinances for appointed department managers: Director of Public Works , Assistant City Administrator, Police Chief, and City Clerk. These were developed to establish duties and qualifications before the City had formal job descriptions. Some cities do not have specific ordinances listing duties and qualifications, but the titles are listed making it clear which positions are subject to the appointment process. Others establish the positions with a limited paragraph listing areas of responsibility.

These ordinances can be updated to be more general and to include reference to term of office and manner of termination which should follow established personnel policies. The Chief of Police ordinance has the potential of creating more concern for a future City Administrator than the others.

PVMC 10-109 *states:*

*“The chief of police in discharge of his or her duties shall be responsible for all police policy and procedures and shall be subject to the orders of the mayor only. Matters of personnel policy and administrative policy shall be subject to the direction of the city administrator as provided by section 1-315.”*

This language can create a situation in which neither the City Administrator or the Chief of Police is clear about the definition of administration or the difference between “administration” and “policy” . If the City Administrator is required to be responsible for serving as the administrative officer for the City, appointed department managers including the Chief of Police should report to the Administrator. In order to make the lines of reporting clear, the following changes should be considered:

### **Amend PVMC 10-109 to read:**

*“The chief of police in discharge of his or her duties shall be responsible for all police policy and procedures.”*

(The job description for Chief of Police should also be changed from reference to this ordinance to : Reports to the City Administrator. This change will have the Chief reporting the same as other department manager positions in the City and ensure that Council approved personnel policies are followed in all actions related to the position).

These minor changes recommended in the Mayor’s responsibilities, and changes to clarify the relationship between the City Administrator position and department managers will make the administrator position more attractive to professional managers who have operated in this type of environment in the past.

**NEW BUSINESS**

Michael Kelly said he would like to discuss merits of a City Administrator vs a City Manager form of government. David Belz stated he did not feel the Council had sufficient information to discuss that question at this time and stated he would add it to the Council Committee agenda for discussion soon.

Bill Griffith asked where the City was in the search process for Chief of Police and City Administrator. Charles Clark responded the consultant hired to assist in the process has begun the search for Chief of Police. Applications for that position close on March 30<sup>th</sup> and then the consultant will screen the applications and provide the Council with recommended candidates to interview. This is anticipated to happen by May 1<sup>st</sup> with a decision made by the City Council in May. The City Administrator will retire in October and the process for filling that position will begin shortly.

Charles Clark stated a major difference between a City Administrator and City Manager is that the City Manager has the ability to hire and fire department heads, whereas these positions are appointed by the Mayor/Council under a City Administrator form of government.

Ruth Hopkins stated the Council needs information and opinions from knowledgeable persons on the merits of having a City Administrator vs a City Manager and noted this needs to be done soon.

Wayne Vennard asked if a change would require a charter change. Charles Wetzler, City Attorney, stated the role of the Mayor, Council and City Officials is clearly set out in the City Code and this would be changed significantly under a City Manager form of government.

Bill Griffith asked if the consultant has background and information that could be presented to the Council on the merits of the different forms. Charles Clark stated he may, and noted he has not discussed the question with him.

Bill Griffith agreed with Mrs. Hopkins that the Council needed information on which to make a decision from the legal perspective from the city attorney and from the personnel perspective from the Consultant and that this needs to be done soon. David Belz responded he did not feel this could be done by the next meeting. He suggested that possibly the information be distributed to the Council two weeks before the discussion to allow time to review and determine if additional information is needed prior to the action discussion of the issue.

Wayne Vennard asked if the advertisement for Mrs. Vernon's position could note that the Council is considering both the City Administrator and City Manager forms of government. Pat Daniels noted the salary requirements for a City Manager may be different than for a City Administrator.

Staff was directed to compile information for the Council on this issue.

**ANNOUNCEMENTS**



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March 28, 2007

Mayor Ronald L. Shaffer  
Member of the Prairie Village City Council  
City of Prairie Village  
7700 Mission Road  
Prairie Village, KS 66208

Re: City Manager Government

Dear Mayor Shaffer and Member of the Council:

Please find attached a memo which generally and briefly describes the differences between the various forms of City Manager Government in Kansas along with references to some articles that describe the advantages and disadvantages of the various forms of City government. As stated in the Memorandum, in order to change our current form of Mayor/Council form of government to a Mayor/Council/Manager form of government would require a city election.

One suggestion that you may want to consider is reviewing the current duties of the City Administrator. I am enclosing herewith a copy of the current ordinance (1-312 and 1-313 of the Prairie Village Municipal Code). Before giving consideration to the hiring of a City Manager or a City Administrator, you may want to review the duties and decide if changes are in order.

Please let me know if you want additional information or if I can be further assistance on this matter.

Very truly yours,

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

CEW:rgj  
Enclosure

CWDOCS 523612v1

Change Your Expectations<sup>SM</sup>

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**MEMO**

**To:** Mayor Ronald L. Shaffer  
Members of the Prairie Village Governing Body  
**From:** Charles E. Wetzler *CEW*  
**Date:** March 28, 2007  
**Subject:** **City Manager Government**

**I. Forms of City Manager Government in Kansas**

Kansas has three variations of the city manager plan: (1) mayor-council-manager; (2) commission-manager; and (3) council-manager. To adopt any of these three forms of government, the City of Prairie Village must submit the issue to the qualified voters of the city at an election.

**A. Mayor-Council-Manager, K.S.A. 12-1021, *et seq.***

Under the mayor-council-manager form of government, the city manager administers the affairs of the city under the direction of the mayor and council who set the policy for the city. The mayor and city council are directly elected by the voters.

Any city which is operating under the council form of government may vote upon the question of adopting a city-manager plan of government by submitting the issue to the qualified electors of the city in the manner provided by K.S.A. 12-184. *See* K.S.A. 12-1021, 12-1022. Before the question of adopting or abandoning the form of government may be submitted to the qualified electors of the city, K.S.A. 12-184 requires either (1) the passage of a resolution by the city's governing body providing for the submission of such question or (2) a petition signed by not less than ten percent of the qualified electors of the city requesting the submission of such question. K.S.A. 12-184(a). The issue is

then submitted “at the next city or state general or primary election” at least sixty days following the adoption of such a resolution or the certification of such petition. K.S.A. 12-184(b). Notice of the election must be given in accordance with K.S.A. 25-105. *See* K.S.A. 12-184(b).

If a majority of all the votes cast at the election favor the appointment of a city manager, then the city’s governing body must appoint a city manager within sixty (60) days of the election and fix his or her salary by ordinance. K.S.A. 12-1023. The city manager holds office at the pleasure of the governing body. K.S.A. 12-1024. The manager must be chosen based on administrative ability, and must not be limited by any resident qualifications. K.S.A. 12-1025.

The city manager is responsible for the administration of the city’s business, including the enforcement of the laws and ordinances, and the city administrative officers and employees. *Id.* In particular, the manager is responsible for appointing and removing all non-elective heads of departments, officers, and employees of the city. *Id.* The city manager may even act as the head of any department for which he or she is qualified, and has the power to designate one person to be the head of two or more departments or offices of the city. *Id.*

A city may abandon the city-manager plan only upon the submission of the question to the qualified electors of such city. K.S.A. 12-1027. If the majority of all the votes cast at such an election favor the abandonment of the city-manager plan, then the governing body of such city shall within 60 days after the election discharge the city manager, and assume the powers and duties delegated to such governing body under

Kansas law, and in the same manner and extent as though the city-manager plan had never been adopted. K.S.A. 12-1028.

B. Commission-Manager, K.S.A. 12-1001, *et seq.*

Under the commission-manager form of city government, a city manager administers the affairs of the city and the commissioners set the policy for the city. The commissioners do not act as department heads. A city may adopt the commission-manager plan by “by a majority of all electors voting at a special election called for that purpose, or at any general election.” K.S.A. 12-1001.

C. Council-Manager, K.S.A. 12-1029, *et seq.*

The council-manager form of government is similar to the mayor-council-manager form of government, except that the mayor is not directly elected by the people. Instead, the mayor is selected from the membership of the council.

A city of first class may adopt the council-city manager form of government at any primary or general city election or state primary or general election. K.S.A. 12-1029. If the majority of all votes cast at the election favor the adoption of the council-manager form of government, the governing body of such city shall, within thirty days after such adoption, divide the city into wards. K.S.A. 12-1030. The number of wards is determined by the governing body, but in no case shall there be less than five wards, and there shall always be an odd number of wards. *Id.* A city may abandon the council-city manager form of government in the same manner provided for cities operating under the commission-city manager form of government. K.S.A. 12-1035.



## **II. Advantages and Disadvantages to Adopting a City Manager Form of Government**

A. Julianne Duvall, "Contemporary Choices for Citizens," in Roger L. Kemp, ed. *Forms of Local Government: A Handbook on City, County and Regional Options*. Jefferson, NC: McFarland & Co., 1999, pg. 65.

This article lists the following advantages and disadvantages to a council-manager form of government:

### Advantages

- professional manager in charge of managing city
- council retains policy control
- city run in business-like manner

### Disadvantages

- no strong, effective political leadership
- tendency for manager to usurp policy making functions
- manager may be a stranger to the city, seeking only to advance his or her own career

B. Georgetown University's Graduate Public Policy Institute, "Options for Managing D.C. Government" (Year Unavailable).

This article lists the following advantages and disadvantages to a council-manager form of government:

### Advantages

- Its business-like approach to city government maximizes efficiency and technical expertise.
- It fosters consensus and coalition-building, which is needed to bridge diverse interests within a city.

- It attempts to take politics out of city government through neutral management of local functions.
- It controls political patronage and decreases influences in city management.

#### Disadvantages

- It lacks the traditional separation of powers.
- The appointed chief executive is not directly accountable to the citizens.
- It creates confusion among the council and the citizens as to who is really in charge of city affairs.
- It causes a lack of formal provision for strong policy leadership.
- This structure is more easily led to factionalism and divisiveness because council members often represent the interests of their district rather than the city as a whole.

#### C. Bruce Garraway, Mayor & Council-Manager Form of Government: More Bureaucracy or Better Efficiency? (taken from [www.brucegarraway.com](http://www.brucegarraway.com))

This website lists the following advantages and disadvantages to a council-manager form of government:

#### Advantages

- City Managers have the training and experience in operating a city. City Managers often feel that they can save the city far more than the cost of their salary by efficient money-saving practices and by streamlining local government and eliminating overlapping waste.
- Frees the mayor and council to lead and guide the city. Mayor and Council become the figures that symbolize "city government" to the people"
- City Manager helps separate politics from the normal business operations of the city. Makes what you know more important than who you know.

Disadvantages

- Citizens may believe the city manager can obtain too much power for someone who has not been elected by the people.
- Citizens may feel someone not living in the community cannot fully understand its problems.
- Citizens may feel a manager cannot truly respond to the particular needs of the city's various interest groups.

D. Kevin T. Deno and Stephen L. Mehay, *Municipal Management Structure and Fiscal Performance: Do City Managers Make a Difference?*, *Southern Economic Journal* (Jan. 1987).

The article examines the effect of government structure on expenditures, and on employee wages and compensation. The article concludes that differences in expenditure levels between city manager and mayor-council cities should be minimal or nonexistent, i.e., it does not appear that simply appointing a professional city manager either mutes the forces of electoral politics or provides incentives for efficiency that did not previously exist.

E. Kathy Hayes and Semoon Chang, *The Relative Efficiency of City Manager and Mayor-Council Forms of Government*, *Southern Economic Journal* (July 1990).

This article studies whether or not the council-manager form is more efficient than the mayor-council form in formulating and implementing public policies. The article concludes that there is no statistical difference in efficiency between the mayor-council and city manager forms of government. The article points out that city managers may not be any better trained to be a head administrator than a mayor's chief appointed administrator.

PV

- (e) Perform all duties required of city attorneys by state statutes or ordinances of the city;
- (f) Assist in the drafting of ordinances of the city.  
(Code 1973, 2.16.050)

1-311.

**ASSISTANT CITY ATTORNEY; OFFICE; DUTIES.** There is hereby established the office of assistant city attorney. No person shall be eligible for the office of assistant city attorney who is not an attorney at law admitted to practice in the Supreme Court of Kansas. The assistant city attorney shall be appointed by the mayor with the approval of the governing body. The assistant city attorney shall:

- (a) Prosecute all municipal court cases, including cases appealed to another court, when the city is a party litigant.
- (b) Assist city attorney on legal matters concerning the city when requested by the city attorney, mayor or governing body.
- (c) Perform duties of city attorney when the city attorney is unavailable or is unable to perform the duties of the office.  
(Code 1973, 2.16.060)

1-312.

**CITY ADMINISTRATOR; OFFICE GENERALLY.** (a) There is hereby created and established the office of city administrator for the city. The city administrator was formerly referred to as the director of administration. Wherever the term director of administration appears in any section of this code, the term is synonymous to the term city administrator.

(b) A qualified person shall be appointed city administrator for the city by the mayor, such appointment shall be approved by a majority of the entire city council. The term of office and manner of termination shall be in accordance with sections 1-301 and 1-303.

(c) The person appointed to the office of city administrator shall be a resident of the city at the time of the effective date of such appointment, or shall become a resident within the time limit established by council policy; and shall be a graduate of an accredited university or college, majoring in public administration shall have the equivalent qualifications and experience.  
(Ord. 1527, Secs. 1:3)

1-313.

**CITY ADMINISTRATOR; DUTIES.** (a) Administrative Office: The city administrator shall be the chief administrative assistant to the mayor and governing body and as such shall be the administrative officer of the city government. Except as otherwise specified by ordinance or by law of the State of Kansas, the city administrator shall coordinate all departments of the city.

(b) Purchasing: The city administrator shall be the purchasing agent for the city and all purchases shall be made under the direction and supervision of this office and all such purchases shall be made in accordance with purchasing rules and procedures approved by the city council.

(c) Budget: The city administrator shall be the budget officer of the city and with the assistance of all departments heads shall assemble estimates of the financial needs and resources of the city for each ensuing year and shall prepare a program of activities within the financial power of the city, embodying in it a

- budget document with proper supporting schedules and an analysis to be proposed to the mayor and city council for their final approval.
- (d) Financial Reports: The city administrator shall make periodic reports to the mayor and the city council relative to the financial condition of the city. Such reports shall show the financial condition of the city in relation to the budget.
- (e) Annual Report: The city administrator shall prepare and present an annual report of the city's affairs to the mayor and city council, including in such report a summary of reports of all departments and such other reports as the mayor and city council may require.
- (f) Personnel System: The city administrator shall act as the personnel officer of the city. The city administrator, after consultation with department heads, shall approve termination's, advancements and also appropriate pay increases within the council approved pay plan and position classification system. The city administrator may make recommendations of appointment and removal of appointive city employees to the mayor.
- (g) Policy Formulation: The city administrator shall recommend adoption of such measures as may be necessary or expedient for the health, safety, or welfare of the city or for the improvement of administrative services for the city.
- (h) City Council Agenda: The city administrator shall submit a proposed agenda for each council meeting to the mayor.
- (i) Board and Committees: The city administrator shall work with all city boards and committees to help coordinate the work of each.
- (j) Attend City Council Meetings: The city administrator shall attend all meetings of the city council.
- (k) Bid Specifications: All bid specifications for service and equipment shall be coordinated through the city administrator in accordance with council policy.
- (l) State and Federal Aid Programs: The city administrator shall coordinate federal and state programs which may have application to the city.
- (m) Conference Attendance: The city administrator shall attend state and regional conferences and programs applicable to the office and the business of the city when such attendance is directed and approved by the mayor.
- (n) Press Releases: The city administrator shall be responsible for keeping the public informed of the purposes and methods of city government through all available news media, as approved by the mayor.
- (o) Record Keeping: The city administrator shall keep full and accurate records of administrative actions, and shall safely and properly keep all such records and papers which shall be and remain the property of the city and be open to inspection by the mayor and city council at all times.
- (p) Miscellaneous: In addition to the foregoing duties the city administrator shall perform any and all other duties or functions prescribed by the mayor.

(q) City Property: The city administrator shall have responsibility for: all real and personal property of the city and all inventories of such property and upkeep of such property. Personal property may be sold only with approval of the city council. Real property may be sold only with the approval of the city council, by resolution or ordinance.

(r) Coordinate Departments: The city administrator shall have responsibility for coordinating the work of all departments of the city, and at times of an emergency, shall have authority to assign the employees of the city to any department where they are needed for the most effective discharge of the functions of city government.

(s) Investigate and Report: The city administrator shall have the power to investigate and to examine or inquire into the affairs or operation of any department of the city, and shall report on any condition or fact concerning the city government requested by the mayor or city council.

(t) Appear Before the City Council: The city administrator shall have the authority to appear before and address the city council at any meeting.  
(Ord. 1527, Sec. 4)

1-314.

ASSISTANT CITY ADMINISTRATOR; OFFICE GENERALLY. (a) There is hereby created and established the office of assistant city administrator for the city.

(b) A qualified person shall be appointed assistant city administrator by the mayor, with approval of a majority of the members of the governing body. The term of office and manner of termination shall be in accordance with sections 1-301 and 1-303.

(c) The person appointed to the office of assistant city administrator shall demonstrate the ability to acquire comprehensive knowledge of applicable state statutes and city ordinances, business practices, English and composition; ability to work with the public, government officials and the press; knowledge of municipal administrative policies and procedures.

A graduate degree from an accredited four year college or university in public or business administration or related field is preferred. Five years of experience in municipal government with some supervisory experience preferred.  
(Code 1973, 2.16.150:170; Ord. 1592, Sec. 4)

1-315.

ASSISTANT CITY ADMINISTRATOR. (a) The assistant city administrator shall have and exercise under specific administrative direction of the director of administration/finance, the duties and responsibilities of office, as designated by the director of administration/finance, with approval of the mayor; and shall serve as staff assistant to committees, commissions, and boards as directed by the city administrator/finance with approval of the mayor.

(b) The assistant city administrator shall assist the mayor, governing body and other city officials in planning, organizing, and coordinating the delegated city programs and services and shall perform special studies and projects at the direction of the mayor and/or city administrator/finance.  
(Code 1973, 2.16.180)

1-316.

DIRECTOR OF PUBLIC WORKS; OFFICE GENERALLY. The director of public works was formerly referred to as the superintendent of public works.

### ARTICLE 3. CITY ADMINISTRATOR

**1-301. CITY ADMINISTRATOR; COMPENSATION.**

- (a) There is hereby created and established the office of city administrator for the City of Leawood, Kansas.
- (b) The city administrator shall receive such compensation as may be determined from time to time by the city council and such compensation shall be payable bi-weekly.

(Ord. 642; 08-06-79)

**1-302. APPOINTMENT.** The mayor, with the approval of a majority of the city council, shall appoint the city administrator to serve at the pleasure of the governing body.

(Code 1984)

**1-303. QUALIFICATIONS.**

- (a) The person appointed to the office of City Administrator shall be a resident of Johnson County at the time of the effective date of such appointment, and shall be a graduate of an accredited university or college, qualifications and experience in financial and/or administrative fields.
- (b) In the event the office of City Administrator is vacant and an Interim Administrator is appointed to carry out the duties and responsibilities of the City Administrator, all qualifications set forth in Section 1-303, subsection A, shall be waived and shall not be applicable.

(Ord. 642; 08-06-79)

(Ord. 1880C; 12-04-00)

**1-304. BOND.** Repealed by Ordinance No. 1758C, November 2, 1998.

**1-305. REMOVAL.** The mayor, with the consent of a majority of the members-elect of the city council, may remove the city administrator from office at any time. If requested by the city administrator, the mayor and city council shall grant the city administrator a public hearing within 30 days following notice of such removal. During the interim, the mayor, with the approval of a majority of the city council, may suspend the city administrator from duty, but shall continue his or her salary for two calendar months following the final removal date, provided, however, that if the city administrator shall be removed for acts of dishonesty or acts of moral turpitude, such salary shall not be continued.

(Ord. 642; 08-06-79)

**1-306. DUTIES.** The City Administrator shall:

- (a) Be the chief administrative assistant to the mayor and as such shall be the administrative officer of the city government. Except as otherwise specified by ordinance or by law of the State of Kansas, the city administrator shall coordinate and generally supervise the operation of all departments of the city;
- (b) Be the purchasing agent for the city, and all purchases or contracts for purchase amounting to less than \$15,000 shall be made under his or her general direction and supervision. Purchases of \$15,000 or more shall be approved by the Governing Body, except for emergency repair or maintenance to city-owned facilities or equipment; or any and all necessary expenditures to carry out the daily operations of the management of IRONHORSE Golf Club. Those emergency repairs or maintenance purchases shall be approved by the city administrator. All purchases made by the city administrator, or his or her designee, shall be in accordance with the purchasing rules and procedures approved by the Governing Body;
- (c) Be the budget officer of the city and with the assistance of all department heads shall assemble estimates of the financial needs and resources of the city for each ensuing year and shall prepare a program of activities within the financial power of the city, embodying in it a budget document with proper supporting schedules and an analysis to be proposed to the Governing Body for their final approval;
- (d) Make quarterly reports to the Governing Body relative to the financial condition of the city. Such reports shall show the financial condition of the city in relation to the budget;
- (e) Prepare and present to the Governing Body an annual report of the city's affairs, including in such a report a summary of reports of department heads and such other reports as the Governing Body may require;
- (f) Act as the personnel officer of the city and shall administer the Personnel Rules and Regulations Administrative Policy including making appropriate changes to the Policy to facilitate the efficient and effective daily operations of the City. The City Administrator shall report any amendment of or changes to the Personnel Rules and Regulations Administrative Policy to the Governing Body as soon as is practical. The City Administrator shall recommend an appropriate pay plan to the Governing Body and, after consultation with department heads, shall approve advancement and appropriate pay increases within the approved pay plan and the position classification system. The City Administrator shall have the power to appoint and remove all subordinate employees of the City subject to the personnel system regulations and shall make recommendations to the Governing Body concerning the appointment and removal of department heads;



- (g) Recommend to the Governing Body adoption of such measures as he or she may deem necessary or expedient for the health, safety, or welfare of the city or for the improvement of administrative services for the city;
- (h) Submit to the Governing Body a proposed agenda for each council meeting at least 72 hours before the time of the regular council meeting;
- (i) Work with all city commissions and committees to help coordinate the work of each;
- (j) Attend all meetings of the Governing Body unless excused by the mayor;
- (k) Supervise the preparation of all bid specifications for services and equipment, and receive sealed bids for presentation to the Governing Body;
- (l) Coordinate federal and state programs which may have application to the city;
- (m) Attend state and regional conferences and programs applicable to the office, and the business of the city, whenever such attendance is directed and approved by the Governing Body;
- (n) Keep full and accurate records of all actions taken by him or her in the course of his or her duties, and he or she shall safely and properly keep all records and papers belonging to the city and entrusted to his or her care in accordance with federal and Kansas state statutes. All such records shall be and remain the property of the city and be open to inspection by the Governing Body at all times;
- (o) Perform any and all other duties or functions prescribed by the Governing Body.

(Ord. 1230C; 07-15-91)  
 (Ord. 1877C; 11-06-00)  
 (Code 2000)  
 (Ord. 2027C; 10-06-03)

**1-307. POWERS.** The City Administrator shall:

- (a) Have responsibility for all real and personal property of the city. He or she shall have responsibility for all inventories of such property and for the upkeep of all such property. He or she shall be responsible to see the city has adequate procedures to insure against major insurable risks;

- (b) Have the power to prescribe such rules and regulations as he or she shall deem necessary or expedient for the conduct of administrative agencies subject to the authority, and he or she shall have the power to revoke, suspend, or amend any rule or regulation of the administrative service except those prescribed by the city council;
- (c) Have the power to sign his or her name to any check issued by the city as a substitute for the signature of the city clerk when the city clerk is not available to provide his or her own signature;
- (d) Have the power to coordinate the work of all the departments of the city, and, at times of an emergency, with the approval of the mayor and acting through the appropriate department heads, shall have authority to assign the employees of the city to any department where they are needed for the most effective discharge of the functions of city government;
- (e) Report on any condition or fact concerning the city government requested by the mayor or city council;
- (f) Have the power to overrule any administrative action taken by a department head, and may thereby supersede him or her in the functions of the office but only with the prior approval of the mayor and in accordance with Kansas statutes;
- (g) Have the power to appear before and address the city council at any meeting;
- (h) Have the authority to enter into and execute, on behalf of the City, all contracts and agreements for goods or services when consideration for each such contract or agreement is less than \$15,000 and is otherwise authorized by the approved budget;
- (i) At no time have the power to supersede any action by the mayor and city council.  
 (Ord. 642; 08-06-79)  
 (Code 1984)  
 (Code 2000)  
 (Ord. 2027C; 10-06-03)

## ARTICLE 4. OFFICERS AND EMPLOYEES

- 1-401. **OFFICERS APPOINTED; DATE.** All officers whose position has been established by ordinance including but not limited to: City Clerk, Police Chief, Fire Chief, Public Works Director, Planning/Development Director, Information Services Director, Director of Parks and Recreation, City Attorney, Human Resources Director, and City Treasurer shall be appointed by the City Administrator with the consent of the governing body. Any appointment recommended by the City Administrator shall become effective upon approval by a majority vote of the governing body. The City Clerk shall enter every appointment to office and the date thereof on the journal of proceedings.  
(Ord. 1056C; 06-20-88)  
(Code 2000)
- 1-402. **OATH OF OFFICE.** Officers appointed as herein provided shall qualify for office by taking and subscribing the following oath: "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of Kansas, and faithfully perform the duties of \_\_\_\_\_, so help me God," and securing any bond, certificate or security as may be required by the governing body, if required, to secure the faithful performance of his or her duties.  
(Ord. 696; 05-04-81)
- 1-403. **BOND.** Repealed by Ordinance No. 1758C, November 2, 1998.
- 1-404. **OFFICERS APPOINTED.** The Mayor shall, by and with the consent of the City Council, appoint (a) Municipal Judge(s). Prior to appointment of the Municipal Judge(s), candidates for that position shall be screened in the manner provided by Section 9-106 of the Code.  
  
Officers so appointed shall hold their office until their successors are appointed and qualified. The City Clerk shall enter every appointment to office and the date thereof in the journal of proceedings.  
(Ord. 1547C; 12-04-95)
- 1-405. **CITY CLERK.** The City Clerk shall:
- (a) Be custodian of all city records, books, files, papers, documents and other personal effects belonging to the city and not properly pertaining to any other office;
  - (b) Carry on all official correspondence of the city;

- (c) Attend and keep a record of the proceedings of all regular and special meetings of the governing body;
- (d) Enter every appointment of office and the date thereof in the journal;
- (e) Enter or place each ordinance of the city in the ordinance books after its passage;
- (f) Publish all ordinances, except those appropriating money, and such resolutions, notices and proclamations as may be required by law or ordinance;
- (g) Have charge of the corporate seal of the city;
- (h) Administer oaths for all purposes pertaining to the business and affairs of the city;
- (i) Sign all warrant checks along with the mayor and treasurer;
- (j) Perform such other duties as may be delegated by the governing body or the Kansas statutes.

(Ord. 696; 05-04-81)  
(Code 2000)

**1-406. CITY TREASURER.** The City Treasurer shall:

- (a) Keep a full and accurate financial record of and for the city;
- (b) Publish a quarterly financial statement;
- (c) Be responsible for the receipt of all moneys belonging to the city;
- (d) Deposit all public moneys and sign all checks of the city;
- (e) Pay out the funds of the city upon warrant and checks properly signed by the mayor and city clerk;
- (f) Have the purchasing authority up to and including \$14,999 or less. Purchases exceeding \$14,999 shall be approved by the Governing Body, except for emergency repair or maintenance to city-owned facilities or equipment. Purchases made by the City Treasurer, or his or her designee, shall be in accordance with the purchasing rules and procedures approved by the Governing Body; and
- (g) Perform such other duties as may be delegated by the governing body or the Kansas statutes.

(K.S.A. § 10-803; K.S.A. 12-1608)  
(Ord 696; 05-04-81)  
(Code 2000)  
(Ord. 1879C; 12-04-00)  
(Ord. 2028C; 10-06-03)

- 1-407. CITY ATTORNEY.** The City Attorney shall:
- (a) Attend, so far as reasonably possible, all meetings of the governing body;
  - (b) Advise the governing body and all officers of the city upon such legal questions affecting the city and its offices as may be submitted to him or her;
  - (c) When requested by the governing body, give opinions in writing upon any legal questions;
  - (d) Draft such ordinances, contracts, leases, easements, conveyances and other instruments in writing as may be submitted to him or her in the regular transaction of affairs of the city;
  - (e) Perform such other duties as may be delegated or appropriate.

(Ord. 696;05-04-81)  
(Code 2000)

- 1-408. ASSISTANT CITY ATTORNEY. – Repealed by Ordinance No. 1972C.**

(Ord. 1569C; 03-25-96)  
(Code 2000)  
(Ord. 1972C; 12-02-02)

- 1-409. DIRECTOR OF PUBLIC WORKS.** The director of public works shall have the general supervisory control of the operations of the public works department and thereby, the construction, alteration, maintenance and repair of all streets, storm drainage structures, bridges, tunnels, sidewalks, curbs, gutters, public thoroughfares of the city and public property. The director shall review and approve all construction or installation and all plans and specifications relating thereto within public right-of-way, public property and easements dedicated to the city.

(Ord. 696; 05-04-81)  
(Code 2000)

- 1-410. DIRECTOR OF PLANNING AND DEVELOPMENT.** The Director of Planning and Development shall serve as administrative officer for enforcement of the City's zoning and subdivision regulations and advisor to the City Planning Commission. The Director shall also examine plans and specifications submitted for permits and certify that such plans comply with the zoning ordinances of the City.

(Code 2000)  
(Ord. 1971C; 12-02-02)

- 1-411. **ASSISTANT CITY CLERK.**  
Repealed by Ordinance No. 1928C; January 22, 2002  
(Ord. 1928C; 01-22-02)  
(Ord. 1162C; 05-07-90)  
(Code 2000)
- 1-412. **DIRECTOR OF PARKS AND RECREATION.** The Director of Parks and Recreation shall have the general supervisory control of the operation of the parks and recreation department, including parks and facility maintenance, recreation programming, facility development, special events and pool administration. The Director shall also serve as advisor to the Parks and Recreation Advisory Board.  
(Ord. 1214C; 04-01-91)  
(Code 2000)

**ARTICLE III. OFFICERS AND EMPLOYEES\***

**GENERALLY**

**Sec. 2-36. Personnel rules and regulations.**

There shall be adopted for the purpose of establishing employee personnel rules and regulations for the City, an "Employee Handbook of Merriam, Kansas", prepared and published in booklet form by the City of Merriam, Kansas. Not less than three (3) copies of said personnel rules and regulations, as from time to time amended, shall be marked or stamped "Official Copy", and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. All departments of the City shall be supplied with official copies of such rules and regulations as may be deemed necessary. Such rules and regulations may be amended from time to time by Resolution of the City Council. (Ord. No. 773, § 1, 2-6-78; Ord. No. 1021, § 1, 7-21-86; Ord. No. 1134, § 1, 7-20-92; Ord. 1146, § 1, 11-16-92; Ord. No. 1232, § 1, 12-19-94; Ord. No. 1258, §1, 12-18-95; Ord. No. 1270 § 1, 5-20-96, Ord. No. 1311 § 1, 8-25-97, Ord. No. 1317 § 1, 11-24-97).

**Sec. 2-37. Appointments.**

(A) Appointment of appointed officers.

The Mayor, by and with the consent of the Council, shall appoint the following officers: municipal judge, city treasurer, city attorney, city prosecutor (hereinafter referred to as "Appointed Officers") as set forth in Charter Ordinance No. 20. The Appointed Officers shall hold office for a term of two years, from June 1 to May 31 of odd-numbered years. Vacancies shall be filled as set forth in Charter Ordinance No. 20 (Ord. No. 1358, §1, 6-28-99, Ord. No. 1442, §1, 3-24-03, Ord. No. 1497, § 1(A), 03-28-05).

(B) Appointment of department heads and other official staff positions.

The City Administrator and Mayor shall recommend appointment of all department heads and other official staff positions, including, but not limited to the following: (Ord. No. 1358, §1, 6-28-99, Ord. No. 1497 § 1(B), 03-28-05)

- Assistant City Administrator
- City Clerk
- City Engineer
- Community Development Director
- Director of Parks and Recreation
- Finance Director
- Fire Chief
- Local Freedom of Information Officer
- Police Chief
- Public Works Director

Said appointed officers, department heads and staff officials shall be approved by a majority vote of the Governing Body. (Code 1976, § 1-202; Ord. No. 1127, § 1, 4-20-92; Ord. No. 1146, § 1, 11-16-92; Ord. No. 1203, § 1, 6-27-94, Ord. No. 1259, §1, 12-18-95, Ord. No. 1315, §1 9-22-97, Ord. No. 1358, §1, 6-28-99, Ord. No. 1382, § 1, 07-24-00)

**State law reference--**Appointment and terms of officers, K.S.A. 14-201.

**Sec. 2-38. Terms.**

Except as provided in Section 2-41, the terms of all department heads shall be an indefinite terms, and/or until removed as provided herein. (Ord. 1127, § 2, 4-20-92)

**Sec. 2-39. Removal of department heads.**

Upon recommendation of the city administrator and/or the mayor, department heads may be removed by a majority vote of the Governing Body. (Ord. 1127, § 2, 4-20-92)

**Sec. 2-40. Salary ranges for employees.**

The salary range for employees shall be set by Governing Body resolution annually. Any annual adjustments to the salary ranges may be based on a review of several factors including but not limited to; the regional public and private sector labor markets and projected and actual range adjustments made in other cities in the region, costs of providing employee benefits, the City's financial condition and the previous twelve month CPI as of October. It shall be the responsibility of the city administrator to evaluate and make pay adjustments to employee salaries pursuant to the city's personnel policy and within the adopted salary ranges. Such evaluations shall be conducted annually and salaries set for the ensuing year within the department's budgetary appropriation. (Ord. No. 1127, § 1, 4-20-92; Ord. No. 1146, § 1, 11-16-92; Ord. 1398, §1, 11-27-00).

**Sec. 2-41. Removal of appointed officers.**

Appointed Officers may be removed from office as set forth in Charter Ordinance No. 20 (Ord. No. 1127, § 2, 4-20-92, Ord. No. 1497, § 2, 03-28-05).

**Sec. 2-42. Salary for appointed officers.**

Compensation for appointed officers shall be set by the Governing Body based upon the recommendation of the Mayor. This will be reviewed and established as part of the annual City budget. (Ord. No. 1127, § 2, 4-20-92, Ord. No. 1442, § 2, 3-24-03)

**Secs. 2-43--2-45. Reserved.**

**CITY ADMINISTRATOR**

**Sec. 2-46. City Administrator.**



There is hereby created and established the position of city administrator. The city administrator shall be appointed by the mayor by and with the consent of the Governing Body and shall be the administrative head of the City under direction of the mayor and Governing Body. The city administrator shall be appointed on the basis of qualification and ability to carry out the stated functions of the position and need not be a resident of the city. The city administrator shall be appointed by the mayor and Governing Body for an indefinite term, unless an employment agreement with a stated term in writing, is negotiated and executed. Upon recommendation of the mayor and two Councilmembers, the city administrator may be removed following a review by majority vote of the Governing Body. (Ord. No. 688, § 1, 4-19-76; Ord. No. 1127, § 3, 4-20-92, Ord. No. 1146, § 1, 11-16-92)

**Sec. 2-47--2-48. Reserved.**

**Sec. 2-49. Functions.**

Except as otherwise provided by law or the ordinances of the city the city administrator shall:

- (1) Manage, direct, control and supervise all the administrative departments and services of the city;
- (2) Recommend to the mayor and city council for hiring all department heads;
- (3) Supervise, direct and assign the duties of all department heads and employees;
- (4) Prepare and submit the annual budget to the Governing Body and keep the Governing Body fully, completely and timely advised as to the financial condition of the city;
- (5) Exercise general supervision and control over all city purchases and expenditures in accordance with the budget and such policies as may be established by the Governing Body;
- (6) Recommend to the Governing Body a schedule of salaries for all department heads and employees;
- (7) Have the care and management of all city-owned land, property, buildings and equipment;
- (8) Develop and prepare such planning, short-range as well as long-range, as the Governing Body shall request and shall submit such planning to the Governing Body for action;
- (9) Attend all meetings of the Governing Body and such other meetings of committees, commissions, and other organizations as the Governing Body shall designate and shall regularly report on the status of the city and its services to the Governing Body;

- (10) Make such recommendations to the Governing Body as are deemed necessary for effective administration of all city services;
- (11) Be responsible for the proper and efficient discharge of the duties of all city administrative officers and employees;
- (12) Perform such other duties as the Governing Body may direct. (Ord. No. 688, § 2, 4-19-76; Ord. No. 1146, § 1, 11-16-92)

**Sec. 2-50. Orders and reports.**

It shall be the general practice of the Governing Body to issue all orders and directives to all city officers and departments and receive reports and communiqués therefrom through the office of the city administrator. (Ord. No. 688, § 3, 4-19-76; Ord. No. 1127, § 3, 4-20-92)

**Sec. 2-51. Review and compensation.**

The city administrator shall receive such compensation as the Governing Body shall fix. There shall be at least an annual performance evaluation by the Governing Body and the Mayor. Any changes in the employment agreement with the city administrator shall require approval of the City Council. Such evaluation shall normally be conducted in December and salary for the ensuing year set. The salary for the city administrator shall be within the salary range as set forth and described in the city personnel policies. (Ord. No. 1127, § 4, 4-20-92; Ord. No. 1127, § 3, 4-20-92, Ord. No. 1368, §2, 12-20-99)

**Secs. 2-52--2-65. Reserved.**

*Lenexa*

## LENEXA CITY ADMINISTRATOR ORDINANCE

### Section 1-6-F-1 OFFICE CREATED; APPOINTMENT AND REMOVAL; RESIDENCY.

There is hereby created and established the position of City Administrator. The City Administrator shall be appointed by the Governing Body and shall be the administrative head of the City under direction of the Mayor and City Council. The City Administrator shall be appointed on the basis of qualification and ability and need not be a citizen of Lenexa. However, upon appointment, he shall reside in the City within six (6) months of such appointment. The City Administrator shall be appointed by the Mayor and City Council for an indefinite term, unless a contract agreement, in writing, is negotiated and executed. Upon recommendation of the Mayor or two (2) Councilmembers, the City Administrator may be removed by majority vote of the Mayor and City Council. (1984 Code §1-312; 1994 Code)

### Section 1-6-F-2 POWERS AND DUTIES.

The City Administrator shall:

- A. Recommend appointment and removal of all department heads.
- B. Supervise all department heads.
- C. Attend all meetings of the City Council and render such advice and recommendations as may be required or necessary.
- D. Ensure that policy as set forth by the Mayor and City Council is carried out.
- E. Be responsible for preparation of an annual budget for approval by the Governing Body.
- F. Establish and administer appropriate rules, regulations, policies and procedures.
- G. Execute contracts not exceeding fifty thousand dollars (\$50,000.00) before the City shall be liable thereon.
- H. Establish and administer a Purchasing Policy that includes appropriate rules, regulations, policies and procedures governing the purchase or lease of goods and services made on the City's behalf. The Purchasing Policy may

include delegation of authority to the Acting City Administrator to execute contracts not exceeding fifty thousand dollars (\$50,000.00) in the City Administrator's absence or incapacity, and may also include delegation of authority to members to execute contracts not exceeding \$10,000.

I. Perform such other duties as may be directed by the Mayor and City Council. (Ord. 4087, 7-1-1997, eff. 9-14-1997)

#### **Section 1-6-F-3 PERFORMANCE REVIEW; COMPENSATION.**

There shall be a performance evaluation by the Mayor and City Council with the Mayor performing the preliminary review which shall be submitted, in writing, to the City Council for discussion, modification and review. Such evaluation shall be conducted according to the terms of the current contract which shall provide for a review at least every twelve (12) months. The City Administrator shall receive such compensation as the Mayor and City Council shall fix. (Ord. 3695, 8-15-1991; 1994 Code)

#### **Section 1-6-F-4 ORDERS AND REPORTS.**

It shall be the general practice of the Mayor and/or the City Council to issue all orders and directives to all City officials and department heads and receive reports and communications through the office of the City Administrator. (1984 Code §1-315; 1994 Code)

16. Perform any and all other duties or functions prescribed by the Governing Body. (CC 2000 §1-305; Ord. No. 1023 §1-305(B), 9-26-01; Ord. No. 1138, 12-8-04)

### SECTION 120.150: POWERS OF CITY ADMINISTRATOR

The City Administrator shall:

1. Have responsibility for all real and personal property of the City. He/she shall have responsibility for all inventories of such property and for the upkeep of all such property. He/she shall be responsible to see the City has adequate procedures to insure against major insurable risks. Personal property may be sold by the City Administrator only with approval of the Governing Body. Real property may be sold only with the approval of the Governing Body by resolution or ordinance;
2. Have the power to prescribe such rules and regulations as he/she shall deem necessary or expedient for the conduct of administrative agencies subject to the authority, and he/she shall have the power to revoke, suspend or amend any rule or regulation of the administrative service except those prescribed by the Governing Body;
3. Have the power to coordinate the work of all the departments of the City and at times of an emergency and in conjunction with the City of Mission's Emergency Plan, acting through the appropriate department heads, shall have authority to assign the employees of the City to any department where they are needed for the most effective discharge of the functions of City Government. The Governing Body shall be notified as soon as practical or within twenty-four (24) hours;
4. Have the power to investigate and to examine or inquire into the affairs or operation of any department of the City under his/her jurisdiction and shall report on any condition or fact concerning the City Government to the Governing Body as requested by the Mayor or City Council;
5. Report on any condition or fact concerning the City Government to the Governing Body as requested by the Mayor or City Council;
6. Have the power to overrule any administrative action taken by a department head and may thereby supersede him/her in the functions of the office in accordance with Kansas Statutes;
7. Have the power to appear before and address the Governing Body at any meeting;
8. At no time have the power to supersede any action by the Governing Body. (CC 2000 §1-305; Ord. No. 1023 §1-305(C), 9-26-01)

4. With the assistance of the City Clerk assemble estimates of financial needs and resources of the City for each ensuing year and meet with all department heads to prepare a budget document with proper supporting schedules and analysis to be proposed to the Governing Body for their final approval;
5. Be responsible for making monthly reports to the Governing Body relative to the financial condition of the City. Such reports shall show the financial condition of the City in relation to the budget;
6. Prepare and present to the Governing Body an annual report of the City's affairs, including in such a report a summary of reports of department heads and such other reports as the Governing Body may require;
7. Act as the Personnel Officer of the City and shall administer the Personnel Rules and Regulations Administrative Policy, including making appropriate changes to the policy to facilitate the efficient and effective daily operations of the City. The City Administrator shall report any amendment of or changes to the Personnel Rules and Regulations Administrative Policy to the Governing Body as soon as is practical. The City Administrator shall recommend an appropriate pay plan to the Governing Body and, after consultation with department heads, shall approve advancement and appropriate pay increases within the approved pay plan and the position classification system. The City Administrator shall have the power to hire and remove all subordinate employees of the City subject to the personnel system regulations. The City Administrator shall seek the approval of the Mayor before removing a direct report;
8. Recommend to the Governing Body adoption of such measures as he/she may deem necessary or expedient for the health, safety or welfare of the City or for the improvement of administrative services for the City;
9. Be responsible for submitting to the Governing Body a proposed agenda for each Council meeting at least seventy-two (72) hours before the time of the regular Council meeting;
10. Work with all City commissions and boards and committees to help coordinate the work of each;
11. Attend meetings of the Governing Body;
12. Supervise the preparation of all bid specifications for services and equipment and receive sealed bids for presentation to the Governing Body;
13. Coordinate Federal, County and State programs which may have applications to the City;
14. Attend State and regional conferences and programs applicable to the office and the business of the City whenever such attendance is directed and approved by the Governing Body;
15. Keep full and accurate records of all actions taken by him/her in the course of his/her duties, and he/she shall safely and properly keep all records and papers belonging to the City and entrusted to his/her care in accordance with Federal and Kansas State Statutes. All such records shall be and remain the property of the City and be open to inspection by the Governing Body at all times, with the exception of personnel records;

**SECTION 120.110: APPROVAL OF BONDS**

All bonds given to the City shall be approved as to their form by the City Attorney and as to surety and sufficiency by the Governing Body, unless otherwise provided by the laws of the State of Kansas. (Code 1974 §1-404; CC 2000 §1-406)

**SECTION 120.120: SURETY BONDS—FILING**

All surety bonds shall be filed with the City Clerk except the City Clerk's bond which shall be filed with the City Treasurer. (Code 1974 §1-405; CC 2000 §1-407)

**ARTICLE III. CITY ADMINISTRATOR****SECTION 120.130: CITY ADMINISTRATOR—QUALIFICATIONS**

- A. The person appointed to the office of City Administrator shall be a resident of Johnson County, Kansas, within six (6) months of the effective date of such appointment and shall have a Bachelor of Arts and/or a Bachelor of Sciences degree and a Masters of Public Administration or equivalent Masters degree from an accredited university or college, qualifications and five (5) years' experience in financial and/or public administration fields.
- B. In the event the office of City Administrator is vacant and an interim Administrator is appointed by Mayor and approved by a majority of Council to carry out the duties and responsibilities of the City Administrator, all qualifications set forth in Subsection (A) shall be applicable. (CC 2000 §1-305; Ord. No. 1023 §1-305(A), 9-26-01)

**SECTION 120.140: DUTIES OF CITY ADMINISTRATOR**

The City Administrator shall:

1. Be the Administrative Officer of the City Government. Except as otherwise specified by ordinance or by law of the State of Kansas, the City Administrator shall coordinate and generally supervise the operation of all departments of the City;
2. Be the Purchasing Agent for the City and all purchases amounting to ten thousand dollars (\$10,000.00) or less shall be made under his/her general direction and supervision. Purchases exceeding ten thousand dollars (\$10,000.00) shall be approved by the Governing Body, except for emergency repair or maintenance to City-owned facilities or equipment. Those emergency repairs or maintenance purchases shall be approved by the City Administrator. All purchases made by the City Administrator, or his/her designee, shall be in accordance with the purchasing rules and procedures approved by the Governing Body;
3. Be bonded in the amount of five hundred thousand dollars (\$500,000.00);

other vendor to consider for the work. Mr. Pryzby noted the work could all be done at one time or it could be split into multiple years based on most pressing need.

Andrew Wang asked if there was a documented health risk. Mr. Pryzby responded this is similar to the problems being experienced after Hurricane Katrina. The proposed UV lamps will kill the spores and a coating will also be applied to the duct surface. He noted the lamps are not expensive and they are commonly being used.

Ruth Hopkins noted all mold is not harmful. She would like to have someone with knowledge say there is a valid health concern before going forward with the proposed work. She feels more information is needed and that this can be delayed until more information is received. She would like to have the mold tested. Ms. Wassmer agreed.

Andrew Wang stated the testing should be done by someone not involved with abatement. Mayor Shaffer suggested Mr. Pryzby contact the Mayor of Westwood who operates an environmental firm.

David Belz stated this item will be continued until further information can be obtained.

**CONTINUED**

**COU2007-31 Consider City Administrator/City Manager forms of government**

Charles Wetzler stated he reviewed several articles on both the City Administrator and City Manager forms of government. He noted approximately 45% of municipalities follow the Council/Mayor form with 55% using the City Manager form. Mr. Wetzler stated to change from the current Council/Mayor form would require an election.

Under the City's current Council/Mayor format the Council does everything. The City Administrator administers the affairs of the city under the direction of the Mayor and Council who set policy for the City. Under the City Manager form the City Manager is more like a CEO with the Council operating as a Board of Directors. The City Manager is responsible for the administration of the city's business, including the enforcement of the laws and ordinances and the city administrative officers and employees. In particular, the manager is responsible for appointing and removing all non-elective heads of departments, officers and employees of the City.

Mr. Wetzler noted Johnson County went through the process five or six years ago spending several years investigating and coordinating the change to City Manager form of government. He felt if the Council decides to have an election



to change the form of government, he would feel the residents would expect the Council to have compelling reasons for requesting the change.

Ruth Hopkins stated she had been told by several persons, the City would not get the best candidates for a City Administrator position and City Managers have more power with the ability to hire and fire. She is concerned the City gets the best candidates applying for the city's top position.

Michael Kelly stated he is looking at it as an opportunity to improve the efficiency of city government and looking to the future of the city. He noted Mayor Franklin in his appointment of a City Administrator professionalized the position.

Al Herrera noted 50 years of excellent leadership. He does not see the need to make a change and feels the City's focus should be on the implementation of the Village Vision.

Charles Clark expressed concern with the timing. He does not want to delay the hiring of a Police Chief noting the selection process has begun and that working with temporary leadership is difficult for employees and bad for morale. The election process to make the change would take a long time and he does not want to delay the hiring process for either of these key leadership positions.

Andrew Wang asked what is not working that would indicate a change is needed. He does not share Mrs. Hopkins concerns with getting the best candidates to apply. He feels the City will get the best candidates for a City Administrator based on the job description given.

Pat Daniels confirmed the basic difference is the ability of the City Manager to hire and fire department heads. He sees this form used in cities with populations over 50,000 people and a large number of employees. The only Johnson County cities with City Managers are Overland Park, Olathe and Shawnee. He would like to have a compelling reason to make the change and he does not see any at this point in time. However, if the Council wishes to go forward, the hiring of a Police Chief needs to be delayed.

Michael Kelly is looking to improve how the city operates. He does not feel the Police Chief selection needs to be delayed. He would feel more power given to the City Administrator would improve the efficiency of the City.

Mayor Shaffer stated he needs to be convinced a change is needed. He feels the current form has been successful and stated the search process started can not be delayed.

David Belz sees timing as the problem. He would like to fully explore the possible change and would have liked to have seen it begun 18 months ago. He has no problem continuing to discuss this.

Diana Ewy Sharp stated she sees no compelling reasons to make such a significant change. Residents have confidence in how the city is being run and feels that efficiency can be improved without changing the form of government. The delay of the search process for a Chief of Police would be totally inappropriate. This is a philosophy question that should be dealt with by the City Council on a retreat with a facilitator to discuss the big picture for the City. She feels there is a lack of cohesiveness among the Council and now is the time to talk.

Laura Wassmer asked what could be done by a City Manager that isn't being done now. Michael Kelly responded there are things a City Manager can do that a City Administrator cannot now do. He is open to enhancing the job description for the City Administrator. He feels the two positions are not interchangeable and individuals are specifically seeking a City Administrator position or a City Manager position.

Bill Griffith noted in larger more politicized environments there is a stronger concern among department heads with potential change with changes of Mayors. He noted this has not been a problem in Prairie Village and noted the length of service of current city officials.

Pat Daniels stated he had been told by both City Administrators and City Managers that the search would probably have a slightly larger base as a City Manager position; however, he does not see any compelling reason to make the change at this time.

Diana Ewy Sharp asked what the timeline was for the hiring. Charles Clark responded applications for the position of Police Chief closed on March 30. He expects to have a list of candidates with interviews in May. Barbara Vernon stated she had talked with Mr. Mercer who stated they had received several applications with very strong qualifications and felt they would have a short list to the City for interviews by the end of April.

Mr. Clark stated the search for the City Administrator has not begun. The first step will be writing the job description for the position. Mrs. Vernon noted the process will not take as long since the background information on the City has already been prepared for the Police Chief search.

Diana Ewy Sharp asked if it was the intent of the committee to have someone in place before Mrs. Vernon leaves. Mayor Shaffer stated he does not want an interim City Administrator. He intends to have a City Administrator in place immediately following Mrs. Vernon's retirement.

David Belz confirmed it was the consensus of the Council committee that a special election to change the city's form of government was not merited at this time, but the Council will continue to discuss possible changes to the job

description for the City Administrator position. Mr. Belz noted the agenda for the April 16<sup>th</sup> meeting is full and that budget discussions would begin in May.

### **Adjournment**

Council President David Belz adjourned the meeting at 7:30 p.m.

David Belz  
Council President

**Issue:**

Should the City Council establish a Risk Management Reserve Fund

**Background:**

The City's Insurance Committee and the City Council recently made decisions to achieve premium savings by accepting higher deductibles, effectively self-insuring against many workers compensation and property/casualty losses. For example the City is now responsible for the first \$10,000 of insurable workers compensation losses and the first \$25,000 on most property/casualty losses.

In order to financially prepare for future losses, the Insurance Committee and Council agreed to set aside funds to pay claims not covered by insurance. State statutes specify the conditions and manner by which reserve funds may be established.

Once a risk management reserve fund is established, all insurable losses not covered by the City's insurance policies will be paid from this fund. Based on the City's loss experience, it will be necessary to transfer money from the General Fund to the Insurance Reserve Fund periodically. Following an annual review of loss experience, the size of this transfer will be determined during the City's annual budgeting process in order to keep an appropriate amount of reserves in the fund. Once funds are placed in a Risk Management Reserve Fund, they may only be used for the purposes stated in the ordinance establishing the Fund.

On 16 April, 2007 the City Council approved a motion to establish an Insurance Reserve Fund in the amount of \$50,000 to cover property/casualty losses. This amount is available in the 2007 budget through premium savings achieved by raising deductible limits.

The 2007 budget also includes \$35,000 for payment of workers compensation claims, which can be transferred into a Risk Management Reserve Fund.

**Recommendation:**

**RECOMMEND THE CITY COUNCIL ADOPT AN ORDINANCE ESTABLISHING A RISK MANAGEMENT RESERVE FUND.**

**RECOMMEND THE CITY COUNCIL APPROVE THE TRANSFER OF \$85,000 FROM THE GENERAL FUND TO THE RISK MANAGEMENT RESERVE FUND  
COUNCIL ACTION REQUIRED**

ORDINANCE NO.

AN ORDINANCE ESTABLISHING A MUNICIPAL RISK MANAGEMENT RESERVE FUND IN THE CITY OF PRAIRIE VILLAGE

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

SECTION I. Fund Established

In accordance with K.S.A. 12-2615 there is hereby established a municipal risk management reserve fund which shall be used by the City to pay the costs related to uninsured losses. The Governing Body shall provide for the transfer of moneys from other City funds which may incur such losses to the municipal risk management reserve fund.

SECTION II. Policy Objective

It is the policy objective of the Governing Body that the municipal risk management reserve fund shall be used to pay the costs of uninsured losses incurred by the City. Such uninsured losses include, but are not limited to, insurance deductible payments.

SECTION III. 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

**Issue:**

Review status of Village Vision Action Items.

**Background:**

On 21 May, 2007 the City Council adopted the Village Vision Strategic Investment Plan after over two years of study, public input, and discussion by the City Council, Planning Commission, and the Village Vision Steering Committee.

The Village Vision Plan contains 48 Action Items. 16 of these items are categorized as Short Term. 11 of these 16 items are listed as the plan's "Action Agenda" as priority items. The plan indicates that these items should be considered by the end of 2009, even if final action or completion of the action item does not occur by that time.

Prior to the adoption of the Village Vision, the Council, Planning Commission, and Village Vision Steering Committee held a worksession on 27 January, 2007 to review the draft plan's action items and develop an initial set of priorities. During this worksession, participants reviewed responses to a survey designed to develop an initial set of implementation priorities. This process led to the creation of the Village Vision Action Agenda.

The next step in implementing Village Vision is for the City Council to prioritize items within the Action Agenda. This prioritization will provide direction to the Council, advisory committees, and City staff regarding where to focus their energies.

Does the Council want to pursue implementation based on the rankings established in January? If so, what items should receive immediate attention?

A listing of Action Agenda Items and their current status is attached:

VILLAGE VISION ACTION AGENDA STATUS - 2 JULY, 2007

**Action Agenda Theme: Improve the Development / Redevelopment Process**

| Action  | Responsibility         | Priority<br>(1/27/07) |
|---|------------------------|-----------------------|
| Update the zoning ordinance to reflect contemporary land use issues while preserving the identity and character of Prairie Village. | Planning<br>Commission | 2                     |

**Status**

The recently adopted mixed-use zoning district partially addresses this action item. However, a comprehensive review of the City's entire zoning ordinance has not been conducted.

| Action   | Responsibility         | Priority<br>(1/27/07) |
|--|------------------------|-----------------------|
| Consider revising the zoning ordinance to allow for more residential, commercial, and office development, particularly in walkable, mixed-use areas of greater intensity | Planning<br>Commission | 3                     |

**Status**

The recently adopted mixed-use zoning ordinance will permit, upon approval by the Planning Commission and City Council, the type of development described in this action item. However, the specific development project will be reviewed and considered on a case-by-case basis

| Action  | Responsibility                        | Priority<br>(1/27/07) |
|---|---------------------------------------|-----------------------|
| Consider updating building codes to facilitate renovation and rehabilitation activities | Codes<br>Administration<br>Department | 3                     |

**Status**

This was initially listed as a mid-term item, but was moved to the short-term category at the 27 January worksession.

In March, 2007 the City Council adopted the current versions (2006) of the International Building and Residential Codes. These codes have provisions allowing alternative design, construction methods, and materials when strict adherence with the code is not feasible.

There are other model codes which deal specifically with existing buildings. A review of these code requirements and their applicability to Prairie Village has not been researched at this time.



**Action Agenda Theme: Encourage Appropriate Redevelopment**

| Action  | Responsibility         | Priority<br>(1/27/07) |
|---|------------------------|-----------------------|
| Permit higher residential densities and mixed uses near existing commercial areas and along arterial roadways | Planning<br>Commission | 4                     |

**Status**

The City recently adopted a Mixed-Use Zoning District ordinance. This ordinance could permit a developer, upon approval by the Planning Commission and City Council, to develop a mixed use project incorporating residential and commercial development within a single project area.

| Action   | Responsibility         | Priority<br>(1/27/07) |
|--|------------------------|-----------------------|
| Consider developing a redevelopment plan for the Meadowbrook Country Club property | Planning<br>Commission | 7                     |

**Status**

The recently adopted mixed-use zoning district ordinance will likely be used to address an anticipated redevelopment proposal for the Meadowbrook Country Club property. This zoning designation will allow the Planning Commission and City Council to have a significant amount of input regarding the type, style, and character of redevelopment proposed for the site.

**Action Agenda Theme:           Keep Neighborhoods Vibrant**

| Action  | Responsibility | Priority<br>(1/27/07) |
|---|----------------|-----------------------|
| Examine incentive programs to encourage home renovation | City Council   | 2                     |

**Status**

This was initially listed as a mid-term action item. However, it was moved to the short-term category at the 27 January worksession.

In February, 2007, Prairie Village, Mid America Regional Council, and CommunityAmerica Credit Union created the First Suburbs Home Improvement Loan program. Supported through a \$2 million commitment from CommunityAmerica, this program makes low-interest home improvement loans to qualified property owners throughout the metro area. To qualify, properties must be located in a participating city, and the county appraised value of the home cannot exceed \$200,000. To date, 5 loans totaling \$101,500 have been issued to Prairie Village residents.

Also in cooperation with the First Suburbs Coalition, the City is selling remodeling idea books. These books provide ideas, tips, and suggestions for renovating and expanding single family homes such as ranches and cape cods. These books are provided free of charge to all recipients of First Suburbs loans and are sold at the City's Codes Administration office. During 2007, 25 of books have been sold.

At its 18 June meeting, the Council Committee of the Whole heard a presentation from Gary Anderson regarding economic development incentives available to local governments.

| Action   | Responsibility         | Priority<br>(1/27/07) |
|--|------------------------|-----------------------|
| Allow for a greater variety of housing types throughout Prairie Village. | Planning<br>Commission | 5                     |

**Status**

The City recently adopted a Mixed-Use Zoning District ordinance. This ordinance could permit a developer, upon approval by the Planning Commission and City Council, to incorporate a variety of housing types into a planned development project.

| Action  | Responsibility      | Priority<br>(1/27/07) |
|---|---------------------|-----------------------|
| Develop and promote the use of a design style guide for renovation to create housing that meets the preferences of today's homebuyers and is sensitive to the character of existing neighborhoods | Planning Commission | 5                     |

**Status**

No action has been taken on this item

| Action  | Responsibility                  | Priority<br>(1/27/07) |
|---|---------------------------------|-----------------------|
| Offer workshops to educate and inform residents about issues related to zoning, building codes, and home maintenance in residential neighborhoods | Codes Administration Department | 7                     |

**Status**

The 2008 Codes Administration budget contains funding for hosting a remodeling workshop.

**Action Agenda Theme:        Improve Communications**

| <b>Action</b>   | <b>Responsibility</b> | <b>Priority<br/>(1/27/07)</b> |
|---|-----------------------|-------------------------------|
| Enhance communication between government officials and the public. Enhance transparency of processes and financial accountability | City Council          | 8                             |

**Status**

No action has been taken on this item

| <b>Action</b>  | <b>Responsibility</b> | <b>Priority<br/>(1/27/07)</b> |
|--|-----------------------|-------------------------------|
| Consider more aggressively marketing Prairie Village to attract new business establishment and expand the tax base | City Council          | 9                             |

**Status**

No action has been taken on this item

## Short-Term Action Items Not Included on the Action Agenda

| Action  | Responsibility | Priority<br>(1/27/07) |
|---|----------------|-----------------------|
| Conduct an assessment of community needs and preferences and feasibility study for a new or expanded community center, or reciprocal relationships with other facilities. | City Council   | 8                     |

### Status

The Community Center Study Committee has met several times to discuss options and alternatives regarding this issue. In late 2006, the Committee recommend the City retain a consultant to conduct a study to identify current fitness and meeting facilities in the area in order to help the City determine if a service gap exists which could be addressed by a Prairie Village Community Center. This proposal was rejected by the City Council.

Committee members have agreed to develop and conduct their own survey to address these issues.

| Action  | Responsibility | Priority<br>(1/27/07) |
|---|----------------|-----------------------|
| Consider designating a Director of Economic Development who will be responsible for overseeing economic development initiatives | City Council   | 11                    |

### Status

No action has been taken on this item

| Action  | Responsibility | Priority<br>(1/27/07) |
|---|----------------|-----------------------|
| Consider creating a Parks & Recreation Department to coordinate recreation, community activities, and cultural events | City Council   | 13                    |

### Status

No action has been taken on this item

| Action  | Responsibility | Priority<br>(1/27/07) |
|---|----------------|-----------------------|
| Participate in region-wide initiatives to assess and implement public transit improvements. | City Council   | 3                     |

**Status**

This item was initially listed as a long-term item. However, it was moved into the short-term list at the 27 January worksession.

The Mayor appointed David Belz to a County transportation committee which is studying this issue.

| Action                            | Responsibility                  | Priority<br>(1/27/07) |
|-----------------------------------|---------------------------------|-----------------------|
| Expand Community Arts Programming | Prairie Village<br>Arts Council | 10                    |

**Status**

Through its annual budget allocation from the City Council, the Prairie Village Arts Council continues to promote the arts in Prairie Village. In October, 2007, the City Council approved additional funding for a juried art exhibition in the Municipal Offices' R.G. Endres Gallery.

An ad-hoc committee representing members of the Prairie Village Arts Council and Park & Recreation Committee met to consider the construction of a sculpture garden on the Municipal Campus. A proposal for the sculpture garden was presented to the Council Committee of the Whole in May, 2007.

**COUNCIL MEETING AGENDA  
CITY OF PRAIRIE VILLAGE  
Monday, July 2, 2007  
7:30 p.m.**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. PLEDGE OF ALLEGIANCE**
- IV. PUBLIC PARTICIPATION**
- V. 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 – June 18, 2007
- 2. Claims Ordinance 2638
- 3. Approve disposal of the following items from the Public Safety Investigations Dept. by Surplus Exchange or auction:
  - Two 25 inch televisions (asset no. X-202)
  - Two SVHS recorders (asset nos. 00802 and 00803)
- 4. Approve Construction Changer Order #3 for Project SP107: 2007 Street Repair Program with Musselman and Hall Contractors, Inc. in the amount of \$14,674.44.
- 5. Approve the Design Agreement with The Larkin Group for \$5,100.00 with a transfer of \$33,100 from Project 190640, Meadow Lake Field Improvements to Project 190649: Windsor Ball Field Improvements.
- 6. Approve Engineering Change Order #2 for Project 190864: 2008 Paving Program to HNTB for \$9,900.00 for design of replacement for failing concrete pavement.
- 7. Approve the Engineering Services Agreement with The Larkin Group, Inc. for \$23,280.00 to provide a compliance review of the NPDES permit for the City.

**By Committee:**

- 8. Approve the Letter of Understanding with Deffenbaugh setting the unit price for solid waste, recyclable, and yard waste collection services for participants in the City's Solid Waste Management program at \$12.95/household/month for calendar year 2008. (Council Committee of the Whole Minutes – June 18, 2007)
- 9. Approve a fee for 2008 of \$13.10/household/month for City collection of solid waste, recyclable material, and yard waste. (Council Committee of the Whole Minutes – June 18, 2007)
- 10. Approve the Regional Public Works Mutual Aid Agreement as proposed by MARC. (Council Committee of the Whole Minutes – June 18, 2007)

- VI. COMMITTEE REPORTS**
- VII. OLD BUSINESS**
- VIII. NEW BUSINESS**
  - Report from Ruth Hopkins**
  - Shadowcliff Environmental Conference – Climate Change and Sustainable Governance
- IX. ANNOUNCEMENTS**
- X. 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.**

# **CONSENT AGENDA**

**CITY OF PRAIRIE VILLAGE, KS**

**July 2, 2007**



**COUNCIL  
CITY OF PRAIRIE VILLAGE  
June 18, 2007  
-Minutes-**

The City Council of Prairie Village, Kansas, met in regular session on Monday, June 18, 2007, at 7:30 p.m. in the Council Chambers of the Municipal Building.

**ROLL CALL**

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

Also present were: Barbara Vernon, City Administrator; Charles Wetzler, City Attorney; Captain Wes Jordan; Bob Pryzby, Public Works Director; Doug Luther, Assistant City Administrator; and Jeanne Koontz, Executive Assistant.

Mayor Shaffer led all present in the Pledge of Allegiance.

Mayor Shaffer noted the agenda was amended to include a Sister City Report under Committee Reports.

**PUBLIC PARTICIPATION**

Mayor Shaffer acknowledged the attendance of Boy Scout, Ian Wiseman, from Troop 381 attending for his "citizenship in the community" merit badge requirement.

**CONSENT AGENDA**

Wayne Vennard requested the removal of item #6 from the consent agenda.

Andrew Wang moved the approval of the Consent Agenda for Monday, June 18, 2007 as amended:

1. Approve Regular Council Meeting Minutes - June 4, 2007
2. Approve the contract with the Shawnee Mission School District for the 2007-2008 school year.
3. Approve an annual retail advertising contract with the Kansas City Star.
4. Approve the updated corporate resolution with Intrust Bank for the City's corporate credit cards.

5. Ratify the Mayor's appointment of Frank A. Young to the City's Insurance Committee.
6. Removed.
7. Approve the renewal of the Animal Medical Center contract for 2007-2008.
8. Approve the following contracts for VillageFest 2007:
  - Hiccup Productions for \$1,800.00
  - All Seasons Party & Tent Rental for \$671.25
  - Wacky Banana for \$1,800.00
  - Linda McGuckin for \$170.00
  - Mr. James Funkhouser for \$3,000.00
  - Kaw Valley Fife and Drum Corps for \$100.00
9. Approve a letter of Understanding with Johnson County Human Services and Aging in the amount of \$5,000 for Utility Assistance Services in 2007 with funding from the Prairie Village Municipal Foundation
10. Approve the transfer of \$110,100 from the General Fund Contingency to Public Works Operating Budget and approve a waiver of bid for Midwest Duct Cleaning Services and Chief Heating and Cooling.

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

Mr. Vennard expressed support for the concept of the agreement between the City of Prairie Village and the City of Leawood for the art project. His hesitation with the agreement is the lack of language prohibiting signage on the location. He said this language was previously requested by the Council but is not in the agreement.

Mayor Shaffer asked Mr. Vennard to suggest how to move forward.

Mr. Vennard moved to add the language that "no signage would be allowed without the agreement of both parties". Ms. Wassmer seconded the motion.

Mr. Pryzby said there will be a sign on the structure itself with the artist's name and the City of Leawood on it. He recalled the sign issue discussed by the Council was in a different part of the agreement dealing with the lights and this issue has been removed.

Mr. Vennard expressed frustration that there is not a picture of the final project for the Council to view tonight.

Mr. Wetzler said the agreement can be sent back.

Mr. Vennard said he does not want a sign saying "Welcome to Leawood" but nothing about Prairie Village.

Mr. Pryzby said he received a final document from Leawood today that shows the actual property line on the island. The document shows exactly what is being put on the property. He stated the lights that bothered him before have been removed.

Mr. Wetzler pointed out under Article #2, it says "the agreement cannot be modified without approval of both parties".

Mr. Herrera said he would be embarrassed to send the agreement back again with changes. He said he is for passing the agreement the way it is.

Ms. Wassmer withdrew her second.

Mr. Kelly seconded Mr. Vennard's previous motion.

Mr. Wang asked if there was any way a sign could be added that says the artwork belongs to the City of Leawood or the island is under lease to the City of Leawood.

Mr. Pryzby said the island is not under lease. He said any sign would have to pass the guidelines of the sign ordinance.

Mr. Kelly withdrew his second.

Mayor Shaffer stated the motion dies without a second.

Ms. Wassmer moved approval of the agreement between the City of Prairie Village, Kansas, and the City of Leawood, Kansas, for the use of property for public art purposes. The motion was seconded by Mr. Herrera and passed 6 to 2, with Mr. Vennard and Mrs. Ewy Sharp voting nay.

## **COMMITTEE REPORTS**

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

Mr. Wang moved to adopt Ordinance 2147 Amending Title 19 of the Prairie Village Municipal Code, 2003, Entitled "Zoning Regulations" by adopting a new chapter

19.23 entitled "MXD" planned mixed use district. Mrs. Hopkins seconded the motion and the following votes were cast: "aye" Herrera, Hopkins, Kelly, Wang, Wassmer, Daniels, Vennard, and Ewy Sharp. Mayor Shaffer declared the motion passed.

### **Sister City Committee**

Mr. Kelly reported in September 2006 the City welcomed a Municipal Delegation from Ukraine. The City was asked by the Ukrainian City of Dolyna to pursue a Sister City relationship with them. The committee will update you on this matter.

Cindy Dwigans, Sister City Committee Chair and Ward IV resident, thanked the council for allowing them to speak and asked the committee members to introduce themselves. The following members were present: Bob McGowan, Cleo Simmonds, Carole Mosher, Dick Bills, and Jim Hohensee.

Ms. Dwigans said as a result of the delegation visit in September, the committee was approached by Dolyna to look into a Sister City relationship. The Mayor of Dolyna has formally invited the committee to visit during their "Town Days" in early September. The City of Dolyna will cover meals and lodging. Cleo Simmonds and Dick Bills will cover their own travel expenses. Ms. Dwigans said the committee would like to request the support and approval of funds to cover the travel expenses of Michael Kelly estimated at \$1,500. She stated \$4,000 is allocated to the committee for their efforts each year and in most years over half has been returned to the City. The committee is working on many possibilities: Heidelberg, Germany; Newry and Mourne, Northern Ireland; and Cumbaya, Ecuador. Also, Cindy and Bob McGowan are traveling to the Sister Cities International Conference in July. She stated Sister Cities International is built on citizen diplomacy. Its purpose is to foster citizen to citizen relationships.

Ms. Wassmer asked why they are requesting \$1,500 when they have only spent \$1,100 of their budget.

Ms. Dwigans said some of the expenses for the International Conference in July still need to come out of the budget.

Mrs. Ewy Sharp said she has been supportive of a Sister City from the beginning. She asked for more information about Dolyna and how it might be a good fit for Prairie Village.

Cleo Simmonds said Dolyna is about the size of Prairie Village in the Western part of Ukraine which is more progressive and democracy oriented than the Eastern part. The City itself is part State owned, part privately owned. The contact in Dolyna is 43 years old and is the head of the Association of Entrepreneurs. Mr. Simmonds said the main thing we have to offer them is help with their democracy. We would get an education in another way of life, the satisfaction of helping others, and teaching our citizens there is something beyond Prairie Village.

Mrs. Ewy Sharp asked if there was a way to continue working towards establishing this relationship without making a trip to Dolyna this year and maybe waiting until next year.

Cleo Simmonds said we have received a formal invitation that needs a yes or no response. He said we could wait but we have reached a point where a visit is a logical next step. Sister Cities International recommends one or two visits before establishing a formal relationship. He said it would be embarrassing to wait but it could be done.

Mr. Kelly said this is a unique situation because their Municipal Officials have already visited our City and met with our Mayor. He said we are at the point to take the next step and if we wait we will most likely miss the opportunity to continue this special relationship.

Cleo Simmonds said the committee is trying to avoid what happened with the last Sister City and go through a proper investigation.

Mrs. Ewy Sharp asked how the committee will investigate.

Mr. Simmonds said they will tour businesses, make sure a committee is set-up and there is citizen support for the relationship.

Mr. Kelly said the purpose of the visit is to find reciprocal support in the City. He said the committee has established criteria for selecting a city.

Mrs. Ewy Sharp expressed concern with the cost to explore all of the countries the committee is looking into.

Ms. Dwigans said Ukraine is a unique situation; it is more difficult and expensive to get to. She does not expect the committee to come back to the council to request money for travel to other cities.

Ms. Wassmer said she is in support of the opportunity.

Mr. Daniels concurred and said he sees it as a constructive, exploratory effort.

Cindy said the committee hopes to develop a web presence, and do fundraising. She said it is not the committee's goal to come back to the council to ask for money.

Mr. Wang questioned if Mr. Simmonds and Mr. Bills could go without Mr. Kelly on the first trip.

Ms. Dwigans said it is a unique opportunity and feels Mr. Kelly is the person to go because he has a relationship with the people there. She would like more than two people to go.

Mr. Herrera said if an ex-Soviet country can afford to send people here then it would be embarrassing for us to say no. He is in favor of funding the exploration.

Mrs. Hopkins moved to approve the expenditure of \$1,500 for Mr. Kelly's travel expenses to Ukraine. Ms. Wassmer seconded the motion which passed unanimously.

Mayor Shaffer thanked the committee members for their time and effort.

## **OLD BUSINESS**

There was no old business to come before the Council.

## NEW BUSINESS

Mr. Herrera noted the handout on pedestrian crossing signs that the Council received. He said the City of Mission put up pedestrian crossing yield signs because of the traffic on Johnson Drive. He spoke with their Chief of Police who said there has been a considerable difference in traffic flow since the signs were installed. Mr. Herrera feels the pedestrian crossings are completely ignored. The signs are around \$200 each and they are permanent fixtures. He said he knows of 6 locations that need a sign. He asked how to proceed to get funding to put these up throughout the City.

Mayor Shaffer said this matter could be addressed by the appropriate committee.

Mrs. Vernon said it would go to the Council Committee.

Mr. Daniels recognized Ken Vaughn who was awarded Distinguished Engineer by the KU Engineering School.

Mayor Shaffer announced there is a new Police Chief to appoint. There was a successful interview process over the weekend and a new Police Chief was suggested. He brought before the Council the appointment of Captain Wes Jordan to fulfill the obligations of Police Chief in the absence of our previous Police Chief. He said Mr. Jordan rose to the top of the interviews conducted last Saturday.

Mr. Vennard moved to appoint Captain Wes Jordan to Police Chief. Mr. Daniels seconded the motion which passed unanimously.

Chief Jordan introduced his wife Patty and daughters, Joanna and Ally. He expressed appreciation for their support and sacrifices. He recognized his colleagues and thanked them for being there. He stated he is committed to safeguarding our community and our sense of community. He thanked the Council for this opportunity.

Mayor Shaffer expressed appreciation for Chief Jordan's interest and his sense of honesty. He congratulated his family and thanked the department for attending the meeting.

## ANNOUNCEMENTS

Mrs. Ewy Sharp requested volunteers for Village Fest.

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

|                                 |            |           |
|---------------------------------|------------|-----------|
| Prairie Village Arts Council    | 06/18/2007 | 7:00 p.m. |
| Budget Work Session             | 06/25/2007 | 6:00 p.m. |
| Environmental Recycle Committee | 06/27/2007 | 7:00 p.m. |
| Village Fest Committee          | 06/28/2007 | 7:00 p.m. |
| Council Committee of the Whole  | 07/02/2007 | 6:00 p.m. |
| Council                         | 07/02/2007 | 7:30 p.m. |

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The Prairie Village Arts Council is pleased to feature a watercolors exhibit by Jack O'Hara in the R.G. Endres Gallery during the month of June.

The City Offices will be closed July 4<sup>th</sup> to observe the Independence Day holiday. Deffenbaugh also observes this holiday and trash pick-up will be delayed one day.

June 19 - Dive Team Meet - Slides and Diving well close at 5:00 p.m.

June 22 - Moonlight Swim -Pool complex remains open until 10:00 p.m.

June 28 - Swim Team Meet - Pool complex closes at 5:00 p.m.

July 3 - Dive Team Meet - Slides and Diving well close at 5:00 p.m.

July 4 - Village Fest 2007 - Free swim for all Prairie Village residents - Pool complex closes at 6:00 p.m.

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

## ADJOURNMENT

With no further business to come before the Council, the meeting was adjourned at 8:20 p.m.

Jeanne Koontz  
Executive Assistant



## CITY TREASURER'S WARRANT REGISTER

DATE WARRANTS ISSUED:

Warrant Register Page No.   1  

  June 20, 2007  

**Copy of Ordinance**  
2638

Ordinance Page No.       

An Ordinance Making Appropriate for the Payment of Certain Claims.

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

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

| NAME  | WARRANT NUMBER | AMOUNT     | TOTAL                  |
|---|----------------|------------|------------------------|
| <b>EXPENDITURES:</b>                          |                |            |                        |
| Accounts Payable                              |                |            |                        |
| 86503-86620                                   | 5/4/2007       | 308,424.46 |                        |
| 86621-86628                                   | 5/10/2007      | 7,857.08   |                        |
| 86629-86746                                   | 5/18/2007      | 748,347.90 |                        |
| 86747-86752                                   | 5/23/2007      | 4,297.83   |                        |
| 86753-86755                                   | 5/25/2007      | 4,544.11   |                        |
| Payroll Expenditures                          |                |            |                        |
| 5/11/2007                                     |                | 214,122.08 |                        |
| 5/25/2007                                     |                | 223,207.74 |                        |
| Electronic Payments                           |                |            |                        |
| Intrust Bank -credit card fees (General Oper) |                | 684.50     |                        |
| State of Kansas - sales tax remittance        |                | 7.39       |                        |
| Marshall & Iisley - Police Pension remittance |                | 6,605.65   |                        |
| Intrust Bank - fee                            |                | 391.89     |                        |
| KCP&L   |                | 7,002.80   |                        |
| MHM - Section 125 admin fees                  |                | 287.92     |                        |
| Intrust Bank - purchasing card transactions   |                | 6,891.72   |                        |
| United Health Care                            |                | 71,971.35  |                        |
| Kansas Gas                                    |                | 2,624.01   |                        |
| <b>TOTAL EXPENDITURES:</b>                    |                |            | <b>\$ 1,607,268.43</b> |
| Voided Checks                                 |                |            |                        |
| Janet Luering # 86213                         |                | (192.00)   |                        |
| Alphagraphics # 86507                         |                | (565.34)   |                        |
| Myron Ward # 86752                            |                | (500.00)   |                        |
| <b>TOTAL VOIDED CHECKS:</b>                   |                |            | <b>(1,257.34)</b>      |
| <b>GRAND TOTAL CLAIMS ORDINANCE</b>           |                |            | <b>1,606,011.09</b>    |

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

Passed this 2nd day of July 2007.

Signed or Approved this 2nd day of July 2007.

(SEAL)

ATTEST: \_\_\_\_\_

\_\_\_\_\_  
*City Treasurer*

\_\_\_\_\_  
*Mayor*

# **CONSENT AGENDA**

## **CONSIDER DISPOSAL OF PUBLIC SAFETY EQUIPMENT**

### **Background:**

One of the Investigations Divisional goals for 2007 was the upgrade of interview room recording equipment to a digital format. This transition is complete, and as a result old equipment is no longer needed by the Department. That equipment is two (2) 25 inch TV's (asset no. X-202) and two (2) SVHS video recorders (asset no. 00802/00803). The TV's are 25 years old, and one is not working. The SVHS recorders are 11 years old. The equipment will be disposed of by Surplus Exchange or auction.

### **Recommendation:**

**STAFF RECOMMENDS THE CITY COUNCIL APPROVE DISPOSAL OF THE ABOVE LISTED CITY PROPERTY.**

**CONSIDER PROJECT SP107 – 2007 STREET REPAIR PROGRAM**  
**CONSTRUCTION CHANGE ORDER #3 (FINAL)**

**Background:**

The project has been completed and the final quantities resulted in an overrun of \$14,674.44 (16% increase). Part of additional work was due to a repair area on Cherokee Drive that had to be increased due to an unknown undermined condition.

**Financial Impact:**

Funds are available in the Public Works Operating Budget under Project SP107.

**Suggested Motion:**

Move to approve Construction Change Order #3 with Musselman And Hall Contractors, Inc. in the amount of \$14,674.44.





## **CONSIDER PROJECT 190649: WINDSOR PARK BALL FIELD IMPROVEMENTS**

### **Background:**

The existing ball field is used often and has a history of holding water in several areas. The design agreement with Larkin Group is for survey and design in the amount of \$5100.00. Funds were previously budgeted for improvements to Meadow Lake Fields, Project 190640, but after survey information was obtained it was determined that regrading would not be of any measurable benefit.

### **Financial Impact:**

Funds are available in the Capital Infrastructure Program.

### **Suggested Motion:**

Move to approve the Design Agreement with The Larkin Group for \$5100.00 with a transfer of \$33,100 from Project 190640, Meadow Lake Field Improvements to Project 190649, Windsor Ball Field Improvements.

# AGREEMENT FOR PROFESSIONAL ENGINEER

For

## DESIGN SERVICES

Of

### PROJECT 190649: WINDSOR BASEBALL FIELD IMPROVEMENTS

*THIS AGREEMENT*, made at the Prairie Village, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 2007, by and between the City of Prairie Village, Kansas, a municipal corporation with offices at 7700 Mission Road, Prairie Village, Kansas, 66208, hereinafter called the "City", and Larkin Group, Inc., a corporation with offices at 9200 Ward Parkway, Suite 400, Kansas City, MO 64114, hereinafter called the "Consultant".

*WITNESSED, THAT WHEREAS*, City has determined a need to retain a professional engineering firm to provide civil engineering services for Design Services of Project 190649: Windsor Baseball Field Improvements, hereinafter called the "Project",

*AND WHEREAS*, the City is authorized and empowered to contract with the Consultant for the necessary consulting services for the Project,

*AND WHEREAS*, the City has the necessary funds for payment of such services,

*NOW THEREFORE*, the City hereby hires and employs the Consultant as set forth in this Agreement effective the date first written above.

#### 1. CITY RESPONSIBILITIES

- 1.1. The City shall has designated the Manager of Engineering Services, Mr. Thomas Trienens, to act as the representative for the City with respect to the services to be performed or furnished by the Consultant under this Agreement. This person shall have the authority to transmit instructions, receive information, interpret and define the City policies with respect to the Consultant's services for this Project.
- 1.2. The City shall make available to the Consultant all existing data and records relevant to the Project such as, maps, plans, correspondence files and other information possessed by the City that is relevant to the Project. Consultant shall not be responsible for verifying or ensuring the accuracy of any information or content supplied by City or any other Project participant unless specifically defined by the scope of work, nor ensuring that such information or content does not violate or infringe any law or other third party rights. However, Consultant shall promptly advise the City, in writing, of any inaccuracies in the in formation provided or any other violation or infringement of any law or third party rights that Consultant observes. City shall indemnify Consultant for any infringement claims resulting from Consultant's use of such content, materials or documents
- 1.3. The City shall review for approval all criteria, design elements and documents as to the City requirements for the Project, including objectives, constraints, performance requirements and budget limitations.
- 1.4. The City shall provide copies of all existing standard details and documentation for use by the Consultant for the project.

- 1.5. The City shall diligently review all submittals presented by the Consultant.
- 1.6. The City has funded \$32,000 for construction of this project with the following proposed locations of work:
  - **Windsor Baseball Field Improvements**  
Regrade to eliminate existing ponding areas.

## 2. CONSULTANT RESPONSIBILITIES

- a. The Consultant shall either perform for or furnish to the City professional civil engineering services and related services in all phases of the Project to which this Agreement applies as hereinafter provided.
  - b. The Consultant shall serve as the prime professional Consultant for the City on this Project
  - c. The standard of care for all professional consulting services and related services either performed for or furnished by the Consultant under this Agreement will be the care and skill ordinarily used by members of the Consultant's profession, practicing under similar conditions at the same time and in the same locality.
  - d. Designate a person to act as the Consultant's representative with respect to the services to be performed or furnished by the Consultant under this Agreement. Such person shall have authority to transmit instructions, receive information, and make decisions with respect to the Consultant's services for the Project.
- 2.5 The proposed locations of work and the basic scope of work in order of priority are:

## 3. SCOPE OF CONSULTANT SERVICES

- 3.1 Upon receipt of notice to proceed from the City, the Consultant shall provide all consulting services related to this project including, but not limited, to these phases and tasks.
- 3.2 **Topographic Survey and Engineering Design**
  - 3.2.1 Surveyors will set control points to reference elevations to the Johnson County, Kansas Datum (NAVD 83), State Plane coordinate system.
  - 3.2.2 A topographic survey will be conducted to collect data sufficient to develop one-half foot interval spots of the surveyed area. Effort will be made to locate the local low and high spots of the surveyed area.
  - 3.2.3 A line drawing base map will be created depicting the surveyed area.
  - 3.2.4 Provide field layout to the appropriate sport field standards.
  - 3.2.5 Design grading and drainage of the infield portion of the ball field.
  - 3.2.6 Develop drawings sufficient for price quotes, depicting the layout and grading of the infield.
  - 3.2.7 Develop the supporting material specifications to support the design.

Deliverables will be:

- One draft copy for review and comment by the City of Prairie Village.
- Five final copies for City use.
- A CD\_ROM disc containing the survey drawing and design drawing in AutoCAD 2006, and any specification files in Microsoft Word.



4. TIME SCHEDULE

- 4.1 The Consultant's services and compensation under this Agreement have been agreed to in anticipation of orderly and continuous progress of the Project through completion.
- 4.2 If the City fails to give prompt written authorization to proceed with any phase of services after completion of the immediately preceding phase, the Consultant shall be entitled to equitable adjustment of rates and amounts of compensations to reflect reasonable costs incurred by the Consultant as a result of the delay or changes in the various elements that comprise such rates of compensation.
- 4.3 Neither City nor Consultant shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the nonperforming party. For purposes of this Agreement, such circumstances include, but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; war, riots, and other civil disturbances; strikes, lockouts, work slowdowns, and other labor disturbances; sabotage; judicial restraint; and delay in or inability to procure permits, licenses, or authorizations from any local, state, or federal agency for any of the supplies, materials, accesses, or services required to be provided by either City or Consultant under this Agreement. Consultant shall be granted a reasonable extension of time for any delay in its performance caused by any such circumstances.
- 4.4 Should such circumstances occur, the consultant shall, within a reasonable time of being prevented from performing, give written notice to the City describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement.
- 4.5 Recognizing that time is of the essence, the Consultant proposes to complete the scope of services as specified in the Scope of Services:

Completed by **August 1, 2007**

5 COMPENSATION

- 5.1 The City agrees to pay the Consultant as maximum compensation for the scope of services the following fees:  
Total Fees (Maximum).....\$5100.00
- 5.2 The compensation will be billed detailing the position, hours and appropriate hourly rates (which include overhead and profit) for Consultant's personnel classifications and Direct Non-Salary Costs.
- 5.3 The term "Direct Non-Salary Costs" shall include the Consultant payments in connection with the Project to other consultants, transportation, and reproduction costs. Payments will be billed to the City at actual cost. Transportation, including use of survey vehicle or automobile will be charged at the IRS rate in effect during the billing period. Reproduction work and materials will be charged at actual cost for copies submitted to the City.
- 5.4 All billings must be submitted monthly for all services rendered in the previous month. The Consultant will invoice the City on forms approved by the City. All properly prepared invoices shall be accompanied by a documented breakdown of expenses incurred. This documentation shall include personnel by job classification, hourly rate, number of hours, description of subconsultant services and detail list of Direct Non-Salary Costs.

- 5.5 The maximum fee shall not be changed unless adjusted by an Engineering Change Order mutually agreed upon by the City and the Consultant prior to incurrence of any expense. The Engineering Change Order will be for major changes in scope, time or complexity of Project.

## 6 GENERAL PROVISIONS

- 6.1 **Opinion of Probable Cost and Schedule:** Since the Consultant has no control over the cost of labor, materials or equipment furnished by Contractors, or over competitive bidding or market conditions, the opinion of probable Project cost, construction cost or project schedules are based on the experience and best judgment of the Consultant, but the Consultant cannot and does not guarantee the costs or that actual schedules will not vary from the Consultant's projected schedules.
- 6.2 **Quantity Errors:** Negligent quantity miscalculations or omissions because of the Consultant's error shall be brought immediately to the City's attention. The Consultant shall not charge the City for the time and effort of checking and correcting the errors to the City's satisfaction.
- 6.3 **Reuse of Documents:** All documents including the plans and specifications provided or furnished by the Consultant pursuant to this Agreement are instruments of service in respect of the Project. The Consultant shall retain an ownership and property interest upon payment therefore whether or not the Project is completed. The City may make and retain copies for the use by the City and others; however, such documents are not intended or suitable for reuse by the City or others as an extension of the Project or on any other Project. Any such reuse without written approval or adaptation by the Consultant for the specific purpose intended will be at the City's sole risk and without liability to the Consultant. The City shall indemnify and hold harmless the Consultant from all claims, damages, losses and expenses including attorney's fees arising out of or resulting reuse of the documents.

In a similar manner, the Consultant is prohibited from reuse or disclosing any information contained in any documents, plans or specifications relative to the Project without the expressed written permission of the City.

- 6.4 **Insurance:** The Consultant shall procure and maintain, at its expense, the following insurance coverage: (a) Workers' Compensation -- Statutory Limits, with Employer's Liability limits of \$100,000 each employee, \$500,000 policy limit; (b) Commercial General Liability for bodily injury and property damage liability claims with limits of not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate; (c) Commercial Automobile Liability for bodily injury and property damage with limits of not less than \$1,000,000 each accident for all owned, non-owned and hired automobiles; (d) errors and omissions coverage of not less than \$1,000,000. Deductibles for any of the above coverage shall not exceed \$25,000 unless approved in writing by City. In addition, Consultant agrees to require all consultants and subconsultants to obtain and provide insurance in identical type and amounts of coverage together and to require satisfaction of all other insurance requirements provided in this Agreement.
- 6.4.1 Consultant's insurance shall be from an insurance carrier with an A.M. Best rating of A-IX or better, shall be on the GL 1986 ISO Occurrence form or such other form as may be approved by City, and shall name, by endorsement to be attached to the certificate of insurance, City, and its divisions, departments, officials, officers and employees, and other parties as specified by City as additional insureds as their interest may appear, except that the additional insured requirement shall not apply to Errors and Omissions coverage. Such endorsement shall be ISO CG2010 11/85 or equivalent. "Claims Made" and "Modified Occurrence" forms are not acceptable, except for Errors and Omissions coverage. Each certificate of insurance shall state that such insurance will not be canceled or coverage reduced until after thirty (30) days' unqualified written notice of cancellation or reduction has been given to the City, except in the event of nonpayment of premium, in which

case there shall be ten (10) days' unqualified written notice. Subrogation against City and City's Agent shall be waived. Consultant's insurance policies shall be endorsed to indicate that Consultant's insurance coverage is primary and any insurance maintained by City or City's Agent is non-contributing.

- 6.4.2 Before Consultant performs any portion of the Work, it shall provide City with certificates and endorsements evidencing the insurance required by this Article. Consultant agrees to maintain the insurance required by this Article of a minimum of three (3) years following completion of the Project and, during such entire three (3) year period, to continue to name City, City's agent, and other specified interests as additional insureds thereunder.
- 6.4.3 If due to the Consultant's negligent act, error or omission, any required item or component of the project is omitted from the Construction documents produced by the Consultant, the Consultant's liability shall be limited to the difference between the cost of adding the item at the time of discovery of the omission and the cost had the item or component been included in the construction documents. The Consultant will be responsible for any retrofit expense, waste, any intervening increase in the cost of the component, and a presumed premium of 10% of the cost of the component furnished through a change order from a contractor to the extent caused by the negligence or breach of contract of the Consultant or its subconsultants.
- 6.5 **Termination:** This Agreement may be terminated by either party upon seven days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party; provided, however, the nonperforming party shall have 14 calendar days from the receipt of the termination notice to cure the failure in a manner acceptable to the other party. Copies of all completed or partially completed designs, plans and specifications prepared under this Agreement shall be delivered to the City when and if this Agreement is terminated, but it is mutually agreed by the parties that the City will use them solely in connection with this Project, except with the written consent of the Consultant (subject to the above provision regarding Reuse of Documents).
- 6.6 **Controlling Law:** This Agreement is to be governed by the laws of the State of Kansas
- 6.7 **Indemnity:** To the fullest extent permitted by law, with respect to the performance of its obligations in this Agreement or implied by law, and whether performed by Consultant or any subconsultants hired by Consultant, the Consultant agrees to indemnify City, and its agents, servants, and employees from and against any and all claims, damages, and losses arising out of personal injury, death, or property damage, caused by the negligent acts, errors, or omissions of the Consultant or its subconsultants, to the extent and in proportion to the comparative degree of fault of the Consultant and its subconsultants. Consultant shall also pay for City's reasonable attorneys' fees, expert fees, and costs incurred in the defense of such a claim to the extent and in proportion to the comparative degree of fault of the Consultant and its subconsultants.
- 6.8 **Severability:** Any provision or part of the Agreement held to be void or unenforceable under any law or regulation shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon the City and the Consultant, who agree that the Agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision. The provisions of this Article shall not prevent this entire Agreement from being void should a provision which is of the essence of this Agreement be determined void.
- 6.9 **Notices:** Any notice required under this Agreement will be in writing, addressed to the appropriate party at the address which appears on the signature page to this Agreement (as modified in writing from item to time by such party) and given personally, by registered or certified mail, return receipt requested, by

facsimile or by a nationally recognized overnight courier service. All notices shall be effective upon the date of receipt.

6.10 **Successors and Assigns:** The City and the Consultant each is hereby bound and the partners, successors, executors, administrators, legal representatives and assigns of the City and the Consultant are hereby bound to the other party to this Agreement and to the partners, successors, executors, administrators, legal representatives and assigns of such other party in respect of all covenants and obligations of this Agreement.

Neither the City nor the Consultant may assign, sublet, or transfer any rights under the Agreement without the written consent of the other, which consent shall not be unreasonably withheld; provided, Consultant may assign its rights to payment without Owner's consent, and except to the extent that any assignment, subletting or transfer is mandated by law or the effect of this limitation may be restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Agreement.

Nothing in this Agreement shall be construed to create, impose or give rise to any duty owed by the Consultant to any Contractor, subcontractor, supplier, other person or entity or to any surety for or employee of any of them, or give any rights or benefits under this Agreement to anyone other than the City and the Consultant.

**IN WITNESS WHEREOF:** the parties hereto have executed this Agreement to be effective as of the date first above written.

**City:**

City of Prairie Village, Kansas

By:

Ronald L. Shaffer, Mayor

Address for giving notices:

City of Prairie Village  
7700 Mission Road  
Prairie Village, Kansas 66208

Telephone: 913-385-4600

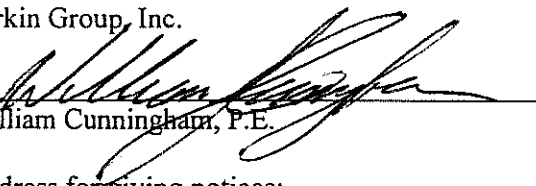
**ATTEST:**

Joyce Hagen Mundy, City Clerk

**Consultant:**

Larkin Group, Inc.

By

  
William Cunningham, P.E.

Address for giving notices:

Larkin Group, Inc.  
9200 Ward Parkway, Suite 400  
Kansas City, MO 64114

Telephone: 816-361-0440

**APPROVED AS TO FORM BY:**

Charles E. Wetzler, City Attorney

# ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YY)  
12/14/06

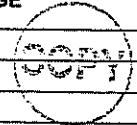
**PRODUCER**  
Van Gilder Agency Co. (KS)  
6700 Antioch, Suite 200  
Merriam, KS 66214  
913 671-7877

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

**INSURERS AFFORDING COVERAGE**

**INSURED**  
Larkin Group, Inc.  
9200 Ward Parkway, Suite 400  
Kansas City, MO 64114

INSURER A: **United States Fidelity & Guaranty**  
INSURER B: **Hartford Accident & Indemnity**  
INSURER C: **Liberty Insurance Underwriters**  
INSURER D:  
INSURER E:




**COVERAGES**

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE  | POLICY NUMBER | POLICY EFFECTIVE DATE (MM/DD/YY) | POLICY EXPIRATION DATE (MM/DD/YY) | LIMITS   |
|----------|--|---------------|----------------------------------|-----------------------------------|--|
| A        | <b>GENERAL LIABILITY</b><br><input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY<br><input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR<br><input checked="" type="checkbox"/> <b>Broad Form</b><br><input type="checkbox"/> <b>Contractual</b><br>GEN'L AGGREGATE LIMIT APPLIES PER:<br><input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC | BK01978449    | 01/01/07                         | 01/01/08                          | EACH OCCURRENCE <b>\$1,000,000</b><br>FIRE DAMAGE (Any one fire) <b>\$300,000</b><br>MED EXP (Any one person) <b>\$10,000</b><br>PERSONAL & ADV INJURY <b>\$1,000,000</b><br>GENERAL AGGREGATE <b>\$2,000,000</b><br>PRODUCTS - COMP/OP AGG <b>\$2,000,000</b> |
| A        | <b>AUTOMOBILE LIABILITY</b><br><input checked="" type="checkbox"/> ANY AUTO<br><input type="checkbox"/> ALL OWNED AUTOS<br><input type="checkbox"/> SCHEDULED AUTOS<br><input checked="" type="checkbox"/> HIRED AUTOS<br><input checked="" type="checkbox"/> NON-OWNED AUTOS  | BA01978461    | 01/01/07                         | 01/01/08                          | COMBINED SINGLE LIMIT (Ea accident) <b>\$1,000,000</b><br>BODILY INJURY (Per person) \$<br>BODILY INJURY (Per accident) \$<br>PROPERTY DAMAGE (Per accident) \$  |
|          | <b>GARAGE LIABILITY</b><br><input type="checkbox"/> ANY AUTO   |               |                                  |                                   | AUTO ONLY - EA ACCIDENT \$<br>OTHER THAN EA ACC \$<br>AUTO ONLY: AGG \$  |
| A        | <b>EXCESS LIABILITY</b><br><input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE<br>DEDUCTIBLE<br><input checked="" type="checkbox"/> RETENTION \$0   | BK01978449    | 01/01/07                         | 01/01/08                          | EACH OCCURRENCE <b>\$4,000,000</b><br>AGGREGATE <b>\$4,000,000</b><br>\$<br>\$<br>\$   |
| B        | <b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b>   | 34WBGKE5016   | 01/01/07                         | 01/01/08                          | <input checked="" type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER<br>E.L. EACH ACCIDENT <b>\$1,000,000</b><br>E.L. DISEASE - EA EMPLOYEE <b>\$1,000,000</b><br>E.L. DISEASE - POLICY LIMIT <b>\$1,000,000</b>                           |
| C        | <b>OTHER Professional Liability</b>  | AEE1960650106 | 01/21/06                         | 01/21/07                          | <b>\$2,000,000 per claim</b><br><b>\$2,000,000 annl aggr.</b>  |

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

|   |  |  |
|---|--|--|
| <b>CERTIFICATE HOLDER</b>   | <b>ADDITIONAL INSURED; INSURER LETTER:</b> | <b>CANCELLATION</b>  |
| City of Prairie Village<br>7700 Mission Road<br>Prairie Village, KS 66208 |  | SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.<br>AUTHORIZED REPRESENTATIVE<br> |

LARKIN GROUP, INC  
 Billing Rate Schedule  
 Rates for January 1, 2007

| Professional Services                         | BILLING<br>RATE RANGE |    |       |
|---|-----------------------|----|-------|
| PRINCIPAL                                     | \$160                 | to | \$205 |
| ASSOCIATE                                     | \$95                  | to | \$150 |
| ASSOCIATE ENGINEER                            | \$90                  | to | \$115 |
| ENVIRONMENTAL SCIENTIST                       | \$70                  | to | \$105 |
| INTERN ENGINEER/ENGINEER IN TRAINING (IE/EIT) | \$70                  | to | \$95  |
| PROJECT REPRESENTATIVE                        | \$60                  | to | \$95  |
| DESIGN TECHNICIAN                             | \$80                  | to | \$115 |
| CAD TECHNICIAN                                | \$50                  | to | \$85  |
| LAND SURVEYOR                                 | \$85                  | to | \$110 |
| SURVEY PARTY CHIEF                            | \$60                  | to | \$75  |
| ROD-INSTRUMENT OPERATOR                       | \$55                  | to | \$65  |
| PROJECT RELATED SUPPORT SERVICES              | \$45                  | to | \$95  |

Salary adjustments normally occur at approximately the end of each calendar year.

Equipment Charges:

|                           |               |
|---------------------------|---------------|
| AUTOMOBILE MILEAGE        | \$ 0.485/mile |
| SURVEY VEHICLE MILEAGE    | \$ 0.60/mile  |
| GLOBAL POSITIONING SYSTEM | \$ 25.00/hour |

REVISED @  
12/27/06

**CONSIDER PROJECT 190864 – 2008 PAVING PROGRAM**  
**ENGINEERING CHANGE ORDER #2 – MISSION ROAD**  
**CONCRETE PAVEMENT REPLACEMENT**

**Background:**

Mission Road, from 75<sup>th</sup> Street to Somerset Drive, was rehabilitated as part of the City's 2004 CARS program. There has been some major failure to the concrete pavement at four different intersections: 75<sup>th</sup> Street, 77<sup>th</sup> Street, 79<sup>th</sup> Street and Somerset Drive. See memo dated July 2, 2007 for more information. A fee for design of the concrete pavement improvements was requested from HNTB and totals \$9,900.00.

**Financial Impact:**

Funds are currently not budgeted specifically for the design or construction of the above improvements. Staff proposes to use the unallocated design funds in Project 190864 for this work

**Suggested Motion:**

Move to approve Engineering Change Order #2 to HNTB for \$9,900.00 to design of replacement of failing concrete pavement.

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# MEMORANDUM

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**TO:** Mayor Shaffer and City Council  
**FROM:** Thomas Trienens, Public Works  
**DATE:** July 2, 2007  
**RE:** Concrete Pavement Deterioration  
**CC:** Barbara Vernon, City Administrator

In the summer of 2004, Mission Road was repaved between 75<sup>th</sup> Street and Somerset Drive. Part of this project included concrete pavement at the intersection approaches for the purpose of eliminating asphalt "shoving" and rutting as a result of vehicles stopping. The intersections, with Mission Road, under this project included 75<sup>th</sup> Street, 77<sup>th</sup> Street, 79<sup>th</sup> Street and Somerset Drive. These intersections also included brick crosswalks, which have a concrete base.

Approximately two years later, rather significant longitudinal cracking was observed in the left through lane of westbound Somerset Drive at Mission Road. It was thought that this was an isolated case and possibly due to sub-base failure. In the late fall of 2006, it became evident that the concrete pavement was experiencing major surface failure in several lanes at the intersection of Mission Road and Somerset Drive. During the winter of 2006-2007, the concrete pavement continued to deteriorate and expand causing the adjacent asphalt pavement to move and create rather large bumps. The areas had to be temporary milled and patched on two different occasions. The concrete pavement began to spall and also requires continuous temporary patching.

Since it is clear, this deterioration is more than an isolated area, it was decided to perform further investigation in order to determine the cause and extent of this problem. We reviewed the inspector's reports provided by Affinis (the design consultant), the testing lab's reports and concrete tickets collected at the job site in order to answer the following questions:

- When was the concrete placed?
- What were the weather conditions?
- What was the type and source of all materials in the concrete?
- What company supplied the concrete?
- What type of sub base was used?
- Where there any issues with the concrete testing in the field?

Other Cities were contacted to see if they experienced a similar problem and none was discovered.



Geiger Ready Mix was contacted, since they were one of two suppliers on this project, to see if they could help determine the cause. (Note that the Contractor, Miles Excavation, was not contacted since a previous litigation agreement released them from any responsibility.) Geiger was willing to assist and contacted their cement supplier, Ash Grove, whom has an excellent concrete laboratory. The City provided concrete cores samples to Ash Grove who in turn conducted extensive testing on the samples at no cost to the City. Upon completion of the testing, they gave a slide presentation with all their results. In summary, Ash Grove determined that the cause of the accelerated concrete pavement deterioration was "sulfate/sulfite attack" which is the abnormally high presence of sulfate/sulfite in the concrete which caused it to expand and crack.

This led to the obvious question of, "Where did the sulfate come from?"

Unfortunately, the Affinis inspector's reports were somewhat misleading, which made it difficult to determine which suppliers provided the concrete to each specific area. Since there were two different suppliers, we began to investigate what materials in the concrete may have had in common. The only common material was type III cement.

Since the causing issue could not be resolved, we decided to look at some of the concrete areas that were not failing and compare them to the areas which had failed. I requested the assistance of KDOT and they were nice enough to help us out. They came out to look at the issues and also performed some testing on concrete cores that the City provided. It should be noted that KDOT, along with everyone else, had never seen anything quite like what we have been experiencing. The bottom line, after all this investigation, is that all of us are still not sure of the cause of this problem. There is a possibility that the concrete, which contained a high early cement accelerator, may not have been used in the appropriate manner.

Regardless of the cause, we now have to decide how to treat the problem. There is concern that another winter may make the concrete deteriorate much further and create problems to adjacent pavement by allowing water to infiltrate the sub base. And, unfortunately, it is uncertain as to whether or not the concrete deterioration will show up in other areas where there currently is no sign of failure. There is also concern that the concrete under the brick crosswalks may have the same problem.

We contacted our street consultant, HNTB, and requested a proposed fee to design the replacement of the deteriorating concrete at the previously referenced intersections. Their fee of \$9,900 is contained in Engineering Change Order #2 for the Council's consideration. Part of this fee includes a detailed field review to determine all areas (concrete pavement and brick crosswalk bases) that are failing or may show signs of failing in the future. It is currently estimated that ten areas in need of replacement may cost \$200,000.00. This estimate would be refined during the design phase if the decision is made to proceed. Obtaining an early estimate of cost will provide the option to the City to include the work in the 2008 Paving Program.

CITY OF PRAIRIE VILLAGE  
PUBLIC WORKS DEPARTMENT

CHANGE ORDER NO. 2

Consultant's Name HNTB Corporation

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

Date Requested June 25, 2007 Consultant's Project No. 45021

Original Agreement Date March 19, 2007

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

Construction Plans for concrete approach replacement on Mission Road at the intersections of Somerset, 79<sup>th</sup> Street, 77<sup>th</sup> Street, and 75<sup>th</sup> Street.

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

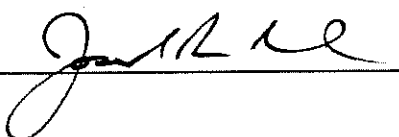
(Attach additional pages as necessary)

|  |                      |
|--|----------------------|
| Original Agreement Amount                  | \$ <u>215,200.00</u> |
| Net Previous Change Orders                 | \$ <u>68,900.00</u>  |
| Subtotal                                   | \$ <u>284,100.00</u> |
| Net Increase or Decrease this Change Order | \$ <u>9,900.00</u>   |
| New Agreement Amount                       | \$ <u>294,000.00</u> |

The Agreement Completion Date has not been changed.

CONSULTANT

CITY OF PRAIRIE VILLAGE, KANSAS

By 

By Ronald L. Shaffer, Mayor

## **CONSIDER ENGINEERING SERVICES FOR NPDES STORMWATER PERMIT COMPLIANCE REVIEW**

### **Background:**

The City is now in the third year of a five year National Pollution Discharge Elimination System (NPDES) permit with Kansas Department of Health and Environment. Each year a series of requirements must be met. In this third year, attention is focused on conclusion of mapping the storm drainage system, adopting new municipal code and implementation of Best Management Practices (BMP).

The engineering services agreement outlines Section 3 SCOPE OF CONSULTANT SERVICES the work to be performed.

### **Financial Impact:**

Funds are available in the Public Works Operating Budget.

### **Suggested Motion:**

The City Council moves to approve the Engineering Services Agreement with The Larkin Group, Inc. for \$23,280.00 to provide a compliance review of the NPDES permit for the City.

# AGREEMENT FOR PROFESSIONAL ENGINEER

For

## ENGINEERING SERVICES

For

### NPDES STORMWATER PERMIT REVIEW AND COMPLIANCE

***THIS AGREEMENT***, made at the Prairie Village, Kansas, this \_\_\_\_ day of \_\_\_\_\_, 2007, by and between the City of Prairie Village, Kansas, a municipal corporation with offices at 7700 Mission Road, Prairie Village, Kansas, 66208, hereinafter called the "City", and Larkin Group, Inc., a corporation with offices at 9200 Ward Parkway, Suite 400, Kansas City, MO 64114, hereinafter called the "Consultant".

***WITNESSED, THAT WHEREAS***, City has determined a need to retain a professional engineering firm to provide engineering services for certain activities required by the City's NPDES Stormwater Permit, hereinafter called the "Project",

***AND WHEREAS***, the City is authorized and empowered to contract with the Consultant for the necessary consulting services for the Project,

***AND WHEREAS***, the City has the necessary funds for payment of such services,

***NOW THEREFORE***, the City hereby hires and employs the Consultant as set forth in this Agreement effective the date first written above.

#### **1. CITY RESPONSIBILITIES**

- 1.1. The City has designated the Director of Public Works, Mr. Bob Pryzby, to act as the representative for the City with respect to the services to be performed or furnished by the Consultant under this Agreement. This person shall have the authority to transmit instructions, receive information, interpret and define the City policies with respect to the Consultant's services for this Project.
- 1.2. The City shall make available to the Consultant all existing data and records relevant to the Project such as, maps, plans, correspondence files and other information possessed by the City that is relevant to the Project. Consultant shall not be responsible for verifying or ensuring the accuracy of any information or content supplied by City or any other Project participant unless specifically defined by the scope of work, nor ensuring that such information or content does not violate or infringe any law or other third party rights. However, Consultant shall promptly advise the City, in writing, of any inaccuracies in the information provided or any other violation or infringement of any law or third party rights that Consultant observes. City shall indemnify Consultant for any infringement claims resulting from Consultant's use of such content, materials or documents.
- 1.3. The City shall review for approval all criteria, design elements and documents as to the City requirements for the Project, including objectives, constraints, performance requirements and budget limitations.
- 1.4. The City shall provide copies of all existing standard details and documentation for use by the Consultant for the project.
- 1.5. The City shall diligently review all submittals presented by the Consultant.

## **2. CONSULTANT RESPONSIBILITIES**

- a. The Consultant shall either perform for or furnish to the City professional civil engineering services and related services in all phases of the Project to which this Agreement applies as hereinafter provided.
- b. The Consultant shall serve as the prime professional Consultant for the City on this Project
- c. The standard of care for all professional consulting services and related services either performed for or furnished by the Consultant under this Agreement will be the care and skill ordinarily used by members of the Consultant's profession, practicing under similar conditions at the same time and in the same locality.
- d. Designate a person to act as the Consultant's representative with respect to the services to be performed or furnished by the Consultant under this Agreement. Such person shall have authority to transmit instructions, receive information, and make decisions with respect to the Consultant's services for the Project.

2.5 The proposed locations of work and the basic scope of work in order of priority are:

## **3. SCOPE OF CONSULTANT SERVICES**

3.1 Upon receipt of notice to proceed from the City, the Consultant shall provide all consulting services related to this project including, but not limited, to these phases and tasks.

### **1. Task 1 – Background Research**

- 1.1. Review the City's NPDES Phase II storm water management plan. Interview key City staff and Johnson County SMP staff to determine current status of pertinent activities.

### **2. Task 2 – Codes and Ordinances**

- 2.1. Review City's Municipal Code to identify parts that are pertinent to storm water management.
- 2.2. Review model ordinances provided by Johnson County SMP; including illicit discharges, erosion control, and post-construction best management practices.
- 2.3. Identify gaps, conflicts, inconsistencies, and redundancies within the existing municipal code as it pertains to the pending new ordinance requirements. Make recommendations for changes to the existing code to accommodate the new requirements. Provide recommended modifications to the model ordinances provided by the County.

### **3. Task 3 – Construction Site Storm Water Runoff Control**

- 3.1. Review APWA Erosion and Sediment Control (ESC) Design Criteria (Review version that is currently under revision in subcommittee).
- 3.2. Provide recommended exceptions, if any, to the APWA ESC Criteria.
- 3.3. Review Division 10 of the City's standard specifications for construction projects. Provide recommended revisions, if required, to incorporate "good housekeeping" construction site practices.
- 3.4. Audit plan review process and recommend changes to incorporate water quality considerations into process. Provide updated review checklist.
- 3.5. Work with City staff to develop written procedures for site inspection and enforcement of construction site controls.

### **4. Task 4 – Post-construction Storm Water Management**

- 4.1. Review APWA BMP Manual (review version that is currently under revision in subcommittee).
- 4.2. Apply BMP Manual to hypothetical site as a test case. (May use Shawnee Mission East or Meadowbrook Country Club as an example site).
- 4.3. Recommend exceptions, if any.

Deliverables will be:

- Memoranda, as required, to provide all recommendations in writing.

#### **4. TIME SCHEDULE**

- 4.1 The Consultant's services and compensation under this Agreement have been agreed to in anticipation of orderly and continuous progress of the Project through completion.
- 4.2 If the City fails to give prompt written authorization to proceed with any phase of services after completion of the immediately preceding phase, the Consultant shall be entitled to equitable adjustment of rates and amounts of compensations to reflect reasonable costs incurred by the Consultant as a result of the delay or changes in the various elements that comprise such rates of compensation.
- 4.3 Neither City nor Consultant shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the nonperforming party. For purposes of this Agreement, such circumstances include, but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; war, riots, and other civil disturbances; strikes, lockouts, work slowdowns, and other labor disturbances; sabotage; judicial restraint; and delay in or inability to procure permits, licenses, or authorizations from any local, state, or federal agency for any of the supplies, materials, accesses, or services required to be provided by either City or Consultant under this Agreement. Consultant shall be granted a reasonable extension of time for any delay in its performance caused by any such circumstances.
- 4.4 Should such circumstances occur, the consultant shall, within a reasonable time of being prevented from performing, give written notice to the City describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement.
- 4.5 Recognizing that time is of the essence, the Consultant proposes to complete the scope of services as follows:
- Task 1 completed no later than: **July 1, 2007**
- Task 2 completed no later than: **August 1, 2007**
- Task 3 completed no later than: **August 15, 2007**
- Task 4 completed no later than: **October 1, 2007**

#### **5 COMPENSATION**

- 5.1 The City agrees to pay the Consultant as maximum compensation for the scope of services the following fees:
- Total Fees (Maximum).....**\$23,280.00**
- 5.2 The compensation will be billed detailing the position, hours and appropriate hourly rates (which include overhead and profit) for Consultant's personnel classifications and Direct Non-Salary Costs.
- 5.3 The term "Direct Non-Salary Costs" shall include the Consultant payments in connection with the Project to other consultants, transportation, and reproduction costs. Payments will be billed to the City at actual cost. Transportation, including use of survey vehicle or automobile will be charged at the IRS rate in effect

during the billing period. Reproduction work and materials will be charged at actual cost for copies submitted to the City.

- 5.4 All billings must be submitted monthly for all services rendered in the previous month. The Consultant will invoice the City on forms approved by the City. All properly prepared invoices shall be accompanied by a documented breakdown of expenses incurred. This documentation shall include personnel by job classification, hourly rate, number of hours, description of subconsultant services and detail list of Direct Non-Salary Costs.
- 5.5 The maximum fee shall not be changed unless adjusted by an Engineering Change Order mutually agreed upon by the City and the Consultant prior to incurrence of any expense. The Engineering Change Order will be for major changes in scope, time or complexity of Project.

## **6 GENERAL PROVISIONS**

- 6.1 **Opinion of Probable Cost and Schedule:** Since the Consultant has no control over the cost of labor, materials or equipment furnished by Contractors, or over competitive bidding or market conditions, the opinion of probable Project cost, construction cost or project schedules are based on the experience and best judgment of the Consultant, but the Consultant cannot and does not guarantee the costs or that actual schedules will not vary from the Consultant's projected schedules.
- 6.2 **Quantity Errors:** Negligent quantity miscalculations or omissions because of the Consultant's error shall be brought immediately to the City's attention. The Consultant shall not charge the City for the time and effort of checking and correcting the errors to the City's satisfaction.
- 6.3 **Reuse of Documents:** All documents including the plans and specifications provided or furnished by the Consultant pursuant to this Agreement are instruments of service in respect of the Project. The Consultant shall retain an ownership and property interest upon payment therefore whether or not the Project is completed. The City may make and retain copies for the use by the City and others; however, such documents are not intended or suitable for reuse by the City or others as an extension of the Project or on any other Project. Any such reuse without written approval or adaptation by the Consultant for the specific purpose intended will be at the City's sole risk and without liability to the Consultant. The City shall indemnify and hold harmless the Consultant from all claims, damages, losses and expenses including attorney's fees arising out of or resulting reuse of the documents.

In a similar manner, the Consultant is prohibited from reuse or disclosing any information contained in any documents, plans or specifications relative to the Project without the expressed written permission of the City.

- 6.4 **Insurance:** The Consultant shall procure and maintain, at its expense, the following insurance coverage: (a) Workers' Compensation -- Statutory Limits, with Employer's Liability limits of \$100,000 each employee, \$500,000 policy limit; (b) Commercial General Liability for bodily injury and property damage liability claims with limits of not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate; (c) Commercial Automobile Liability for bodily injury and property damage with limits of not less than \$1,000,000 each accident for all owned, non-owned and hired automobiles; (d) errors and omissions coverage of not less than \$1,000,000. Deductibles for any of the above coverage shall not exceed \$25,000 unless approved in writing by City. In addition, Consultant agrees to require all consultants and subconsultants to obtain and provide insurance in identical type and amounts of coverage together and to require satisfaction of all other insurance requirements provided in this Agreement.

- 6.4.1 Consultant's insurance shall be from an insurance carrier with an A.M. Best rating of A-IX or better, shall be on the GL 1986 ISO Occurrence form or such other form as may be approved by City, and

shall name, by endorsement to be attached to the certificate of insurance, City, and its divisions, departments, officials, officers and employees, and other parties as specified by City as additional insureds as their interest may appear, except that the additional insured requirement shall not apply to Errors and Omissions coverage. Such endorsement shall be ISO CG2010 11/85 or equivalent. "Claims Made" and "Modified Occurrence" forms are not acceptable, except for Errors and Omissions coverage. Each certificate of insurance shall state that such insurance will not be canceled or coverage reduced until after thirty (30) days' unqualified written notice of cancellation or reduction has been given to the City, except in the event of nonpayment of premium, in which case there shall be ten (10) days' unqualified written notice. Subrogation against City and City's Agent shall be waived. Consultant's insurance policies shall be endorsed to indicate that Consultant's insurance coverage is primary and any insurance maintained by City or City's Agent is non-contributing.

- 6.4.2 Before Consultant performs any portion of the Work, it shall provide City with certificates and endorsements evidencing the insurance required by this Article. Consultant agrees to maintain the insurance required by this Article of a minimum of three (3) years following completion of the Project and, during such entire three (3) year period, to continue to name City, City's agent, and other specified interests as additional insureds thereunder.
- 6.4.3 If due to the Consultant's negligent act, error or omission, any required item or component of the project is omitted from the Construction documents produced by the Consultant, the Consultant's liability shall be limited to the difference between the cost of adding the item at the time of discovery of the omission and the cost had the item or component been included in the construction documents. The Consultant will be responsible for any retrofit expense, waste, any intervening increase in the cost of the component, and a presumed premium of 10% of the cost of the component furnished through a change order from a contractor to the extent caused by the negligence or breach of contract of the Consultant or its subconsultants.
- 6.5 **Termination:** This Agreement may be terminated by either party upon seven days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party; provided, however, the nonperforming party shall have 14 calendar days from the receipt of the termination notice to cure the failure in a manner acceptable to the other party. Copies of all completed or partially completed designs, plans and specifications prepared under this Agreement shall be delivered to the City when and if this Agreement is terminated, but it is mutually agreed by the parties that the City will use them solely in connection with this Project, except with the written consent of the Consultant (subject to the above provision regarding Reuse of Documents).
- 6.6 **Controlling Law:** This Agreement is to be governed by the laws of the State of Kansas.
- 6.7 **Indemnity:** To the fullest extent permitted by law, with respect to the performance of its obligations in this Agreement or implied by law, and whether performed by Consultant or any subconsultants hired by Consultant, the Consultant agrees to indemnify City, and its agents, servants, and employees from and against any and all claims, damages, and losses arising out of personal injury, death, or property damage, caused by the negligent acts, errors, or omissions of the Consultant or its subconsultants, to the extent and in proportion to the comparative degree of fault of the Consultant and its subconsultants. Consultant shall also pay for City's reasonable attorneys' fees, expert fees, and costs incurred in the defense of such a claim to the extent and in proportion to the comparative degree of fault of the Consultant and its subconsultants.
- 6.8 **Severability:** Any provision or part of the Agreement held to be void or unenforceable under any law or regulation shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon the City and the Consultant, who agree that the Agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to



expressing the intention of the stricken provision. The provisions of this Article shall not prevent this entire Agreement from being void should a provision which is of the essence of this Agreement be determined void.

- 6.9 **Notices:** Any notice required under this Agreement will be in writing, addressed to the appropriate party at the address which appears on the signature page to this Agreement (as modified in writing from item to time by such party) and given personally, by registered or certified mail, return receipt requested, by facsimile or by a nationally recognized overnight courier service. All notices shall be effective upon the date of receipt.
- 6.10 **Successors and Assigns:** The City and the Consultant each is hereby bound and the partners, successors, executors, administrators, legal representatives and assigns of the City and the Consultant are hereby bound to the other party to this Agreement and to the partners, successors, executors, administrators, legal representatives and assigns of such other party in respect of all covenants and obligations of this Agreement.

Neither the City nor the Consultant may assign, sublet, or transfer any rights under the Agreement without the written consent of the other, which consent shall not be unreasonably withheld; provided, Consultant may assign its rights to payment without Owner's consent, and except to the extent that any assignment, subletting or transfer is mandated by law or the effect of this limitation may be restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Agreement.

Nothing in this Agreement shall be construed to create, impose or give rise to any duty owed by the Consultant to any Contractor, subcontractor, supplier, other person or entity or to any surety for or employee of any of them, or give any rights or benefits under this Agreement to anyone other than the City and the Consultant.

**IN WITNESS WHEREOF:** the parties hereto have executed this Agreement to be effective as of the date first above written.

**City:**

City of Prairie Village, Kansas

**By:**

Ronald L. Shaffer, Mayor

**Address for giving notices:**

City of Prairie Village  
7700 Mission Road  
Prairie Village, Kansas 66208

Telephone: 913-385-4600

**ATTEST:**

Joyce Hagen Mundy, City Clerk

**Consultant:**

Larkin Group, Inc.

**By**

William Cunningham, P.E.

**Address for giving notices:**

Larkin Group, Inc.  
9200 Ward Parkway, Suite 400  
Kansas City, MO 64114

Telephone: 816-361-0440

**APPROVED AS TO FORM BY:**

Charles E. Wetzler, City Attorney

**COUNCIL COMMITTEE OF THE WHOLE**  
**June 18, 2007**

The Council Committee of the Whole met on Monday, June 18, 2007 at 6:00 p.m. The meeting was called to order by Council President Andrew Wang with the following members present: Mayor Shaffer, Al Herrera, Ruth Hopkins, Michael Kelly, Laura Wassmer, Pat Daniels, Wayne Vennard and Diana Ewy Sharp. Staff members present: Barbara Vernon, City Administrator; Capt. Wes Jordan; Bob Pryzby, Public Works Director; Doug Luther, Assistant City Administrator; Chris Engel, Assistant to the City Administrator; and Jeanne Koontz, Executive Assistant.

Al Herrera moved the approval of the Consent Agenda for Monday, June 18, 2007:

- **Continue Special Use Permit for Communications Antenna at 7700 Mission Road**  
**CONTINUE**
- **Approve the Letter of Understanding with Deffenbaugh setting the unit price for solid waste, recyclable, and yard waste collection services for participants in the City's Solid Waste Management program at \$12.95/household/month for calendar year 2008.**
- **Approve a fee for 2008 of \$13.10/household/month for City collection of solid waste, recyclable material, and yard waste.**

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

The motion was voted on and passed unanimously.

**\*COU2007-38                      Consider "MXD" Planned Mixed Use District Amendment**

On May 1, 2007, the Planning Commission held a public hearing on the proposed revisions. They sent it to the Council with no recommendation. On May 7, 2007, the City Council considered the proposed "MXD" District and returned it to the Planning Commission for reconsideration of two items: adding a height restriction and resolve the concerns regarding the definition of mixed use. On June 4, 2007, the Planning Commission reconsidered the proposed ordinance on the direction of the City Council and after deliberation determined that no changes were needed regarding height and definition of mixed use.

Ron Williamson said he researched the height requirement of surrounding cities. Many of these cities had no height requirement. They decided to determine the height requirement on a case to case basis based on the plan. Mr. Williamson said the commission also decided not to define mixed use. He said it really is a planned district. The whole purpose is to create a better project. This idea is set out in the purpose and intent section. The Planning Commission approved it with a 4 to 1 vote. The vote against was not opposed to mixed use but wanted more restrictions in the ordinance.

Michael Kelly suggested establishing a height requirement and a variance could be looked at for each project. Mr. Williamson said the variance only works by meeting five requirements

that are set by state statute which most of the plans would not pass. He said most of the other cities are not having problems with the height. The preliminary project plan will come before City Council for approval. Mr. Kelly pointed out that some cities did establish a height requirement. Mr. Williamson said if a 90 foot maximum is set, everyone will want to do that, but if you leave it open the City can determine the appropriate height on a case by case basis.

Mr. Kelly asked if this would become the primary project in the City. Mr. Williamson said he foresees the following using this district: Meadowbrook, Corinth redevelopment, Somerset School, Tower Properties redevelopment, and a 75<sup>th</sup> and State Line redevelopment. He does not anticipate it being used in many other locations.

Mrs. Ewy Sharp asked for clarification on the approval process. Mr. Williamson said the Council will approve the preliminary plan and the zoning district. The final plan will be approved by the Planning Commission.

Mrs. Hopkins made the following motion, which was seconded by Mr. Herrera and passed by a unanimous vote:

ADOPT THE RECOMMENDATION OF THE PLANNING COMMISSION  
TO APPROVE THE "MXD" PLANNED MIXED USE DISTRICT  
ORDINANCE

COUNCIL ACTION TAKEN  
06/18/2007

Mr. Wang invited guests to ask for clarification if they need it.

#### **PRESENTATION Economic Development Incentives**

Gary Anderson, Counsel to the City with Gilmore and Bell, was invited to talk about economic development tools that would be requested in connection with the Meadowbrook project.

Mr. Anderson reviewed Tax Increment Financing, Industrial Revenue Bonds and Special Benefit District Bonds. Mayor Shaffer asked for clarification on the difference in uses of TIF Bonds in Kansas and Missouri. Mr. Anderson said in Missouri they can use TIF to pay for buildings and the County and School District do not have the right to veto.

TIF Bonds can be used for land acquisition, site preparation, landscaping and parking, and public infrastructure. Buildings and personal property may not be financed with TIF. The first step is to establish a redevelopment district. This process requires notice and a public hearing. The second step is the redevelopment project plan. The County and the School District have the right to veto the plan. The plan includes a legal description of the area and a brief description of what will be built. A TIF is up to 20 years per project. The City can require the builder to exceed the building and planning requirements. The school district receives 20 Mills on the increased assessed valuation from the redevelopment project.

Mrs. Hopkins asked who determines the size of the district. Mr. Anderson said the governing body has the final say. The developer will usually present an idea to the City.

Funding methods for the TIF are Developer Reimbursement or Bond Financing with the option of Special Obligation Revenue Bonds or Full Faith and Credit Bonds.

Industrial Revenue Bonds are used for property tax abatement, which is limited to 10 years but the school district does not get 20 mills with IRBs. The developer receives a sales tax exemption on construction materials. Another option is Special Benefit District Bonds. This can be initiated by the City or the property owner. The benefited property is assessed all or a portion of the costs for the project.

Ms. Wassmer asked if this is how Kansas City, MO charges their residents for their sidewalks. Mr. Anderson said yes; many cities in Johnson County have used this for public improvements.

Mr. Vennard asked if there was a rule of thumb for a timeframe for a TIF or IRB. Mr. Anderson said it is whatever gets the project back to a level playing field.

Mrs. Ewy Sharp asked if the TIF had to apply to a blighted area. Mr. Anderson said it applies to blighted areas, conservation areas, floodplains, and major commercial and entertainment areas.

Ms. Wassmer asked for clarification on the definition of a conservation district. Mr. Anderson said a conservation district is an area that is deteriorating but not yet blighted with 50% or more of the structures older than 35 years.

Mr. Wang asked where the bond is created with IRBs. Mr. Anderson said the City holds title to the project and enters into a lease with the developer. The company buys the bond. Mr. Wang asked where the revenue comes from. Mr. Anderson said the developer makes the lease payments.

Mr. Daniels asked if any type of development can qualify for TIF. Mr. Anderson said anything but a casino.

Mr. Wang thanked Mr. Anderson for his presentation.

#### **COU2007-46          Consider Regional Public Mutual Aid Agreement**

Marlene Nagel with MARC stated MARC began working with Public Works officials in the Kansas City area three years ago to talk about mutual aid issues. Public Works officials have discussed the need for an agreement that covers liability, overtime, and workmen's compensation issues when communities send their personnel or equipment to aid their neighbors. FEMA has made it easier for communities to help one another and a number of communities have already adopted the agreement. This agreement does not prevent the City from entering into agreements with other agencies.

Mr. Wang clarified the agreement lays out mutual understandings between communities. Marlene Nagel said if personnel are sent out with equipment, the City's equipment is covered

by its insurance and prior to sending anyone or anything out the Public Works officials will agree on the issue of compensation.

Mr. Daniels commended MARC for their work on this matter.

Mrs. Hopkins made the following motion which was seconded by Mr. Herrera and passed by a unanimous vote:

**APPROVE THE REGIONAL PUBLIC WORKS MUTUAL AID AGREEMENT AS  
PROPOSED BY MARC.**

**COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

**Adjournment**

Council President Andrew Wang adjourned the meeting at 7:00 pm.

Andrew Wang  
Council President

## MAYOR'S ANNOUNCEMENTS

Monday, July 2, 2007

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

|                                |            |           |
|--------------------------------|------------|-----------|
| Sister City                    | 07/09/2007 | 7:00 p.m. |
| Planning Commission            | 07/10/2007 | 7:00 p.m. |
| Park & Recreation Committee    | 07/11/2007 | 7:00 p.m. |
| Council Committee of the Whole | 07/16/2007 | 6:00 p.m. |
| City Council                   | 07/16/2007 | 7:30 p.m. |

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The Prairie Village Arts Council is pleased to feature a mixed media exhibit by the Senior Arts Council in the R.G. Endres Gallery during the month of July. The opening reception will be July 13<sup>th</sup> from 6:30 to 7:30 p.m.

The City Offices will be closed July 4<sup>th</sup> to observe the Independence Day holiday. Deffenbaugh also observes this holiday and trash pick-up will be delayed one day.

Recreation memberships are now on sale at the City Clerk's Office.

July 3 - Dive Team Meet - Slides and Diving well close at 5:00 p.m.

July 4 - VillageFest 2007 - Free swim for all Prairie Village residents - Pool complex closes at 6:00 p.m.

July 13 - Moonlight Swim - Pool Complex remains open until 10:00 p.m.

July 17 - All-City Swim Team Meet - Pool Complex closed all day to public

July 29 - Water Show at 8:30 p.m. Pool complex closes at 5:00 p.m.

**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**  
**July 2, 2007**

1. City Administrator's Report - June 28, 2007
2. Planning Commission Agenda - July 10, 2007
3. Council Committee of the Whole Minutes - June 25, 2007
4. VillageFest Committee Minutes - May 31, 2007
5. Sister City Committee Minutes - June 11, 2007
6. Prairie Village Arts Council - June 20, 2007
7. Northeast Johnson County Chamber of Commerce Annual Dinner -  
Sponsorship Opportunities - November 30, 2007
8. Mark Your Calendars
9. Committee Agenda

**CITY ADMINISTRATOR'S REPORT**  
**June 28, 2007**

**Public Safety:**

Several promotions and lateral transfers have been announced in the Public Safety department.

Promotions:

Sgt. Wes Lovett is now Capt. Wes Lovett  
Cpl. James Carney will be promoted to Sergeant  
Officer Dan Stewart will be promoted to Corporal

Transfers:

Capt. Tim Schwartzkopf will be the new Patrol Division Commander  
Cpl. Jason Kuder will be assigned to the Special Investigations Unit  
Officer Seth Meyer will be transferred to the Detective unit as the new  
School Resource Officer.

**Home Improvement Loans:**

Several months ago the City Council approved participation in a home loan program developed through Mid America Regional Council with Community America Credit Union. Forty remodeling loans have been completed through this program; the loans total just over \$729,000. Although a majority of the loans were made to Kansas City, Kansas and Kansas City, Missouri property owners, several were made in Johnson County. Five Prairie Village residents received loans totaling \$74,500. Two of the Prairie Village properties are in Ward 1. The other three are in Ward 2, Ward 3 and Ward 6.

**Municipal Court**

Doug recently warned of two issues which could have a potentially significant impact on the Municipal Court. If the City has to implement the requirements of these state statutes, additional staff will be required. These are the types of unfunded mandates adopted by other levels of government that add to the financial burdens of cities.

**Concurrent Jurisdiction in Select Felony Cases**

SB 31, adopted by the 2007 Kansas Legislature, will give Municipal Courts concurrent jurisdiction with District Courts on some violations, even if the violation would be a felony. As a general rule, Municipal Courts do not hear felony cases. The violations affected are: DUI (3<sup>rd</sup> + offense), domestic battery, theft, worthless checks, and possession of marijuana. Under current procedures, cases representing the above violations are filed directly with the District Attorney's office by the Police Department. They are not processed by the Municipal Court, nor are they prosecuted by the City Prosecutor. Under SB 31, Municipal Courts would also have jurisdiction in these cases.



According to the court caseload for 2006, the following cases were filed with the District Attorney's office

- 17 charges of felony DUI
- 39 charges of domestic battery
- 10 charges of felony theft
- 5 charges of possession of marijuana

The potential transfer of these cases from the District Court to the Prairie Village Municipal Court could have a significant impact on court operations. The City Prosecutor indicates that these cases are currently addressed by the District Court for a variety of reasons, one of which is because smaller Municipal Courts are not equipped to handle felony cases. For example, the potential punishments are very high for multiple DUI's, so they would need to be aggressively prosecuted by the City and would likely lead to an increased number of trials in Municipal Court.

Domestic battery is another example. These cases also are likely to go to trial, and will need to be aggressively prosecuted, which will include securing attendance of victims at hearings, serving subpoenas, increasing court security, and providing assistance/advocacy for victims of domestic violence.

Currently, the Court conducts approximately thirty-five trials per year, so this could potentially nearly triple the trial volume in the Prairie Village Municipal Court.

In order for the Prairie Village Municipal Court to hear these violations, it will be necessary to adopt an ordinance formally granting the Municipal Court jurisdiction in these cases. The League of Kansas Municipalities is developing a model ordinance for cities to adopt.

At this time, there is no way to determine the potential cost of implementing SB 31 in Municipal Courts. This is largely because the impact will depend on the number of charges filed and the number of cases the District Attorney's office chooses to return to the Municipal Court for prosecution.

#### Fingerprinting

Another issue deals with fingerprinting. KSA 12-4517 requires defendants convicted of class A or B misdemeanors or assault to be fingerprinted, and the prints sent to the Kansas Bureau of Investigation (KBI). Typical violations in these categories are "No Proof of Insurance", "Driving while Suspended", and "No Driver's License". Currently, when the police department cites people for these violations, they are not arrested, but are issued a Notice to Appear and given a court date. As a result, they are not fingerprinted. It is then the responsibility of the court to see that they are printed upon conviction. The Court

tries its best to obtain prints on these convictions, but it is not always possible. The KBI has not been aggressively pursuing compliance with this provision, but there are indications that the KBI will be seeking increased compliance in the near future.

In 2006 there were 460 cases in which prints would have been required. Obviously, this would be a significant increased burden on the court staff, who are not trained in taking fingerprints. The Bailiff (a retired police officer) currently does the fingerprinting. Obtaining good fingerprints is a difficult task, particularly when the person being printed is less than eager to participate in the process.

The City's Judges are exploring the possibility of issuing Court Orders for obtaining fingerprints, creating a special docket for this purpose, and determining if it is possible to charge defendants a fee for obtaining prints.

### **Financial Report for May 31, 2007**

The attached financial report does not include details of revenue or expenditures. This is the Balance Sheet which lists assets, liabilities, reserved and unreserved fund balance. Year-to-date revenue and expenditure amounts are included by total to arrive at the May 31, 2007 Fund Balance.

Most of the City's cash is invested in instruments earning an average interest rate of approximately 5%.

Total Unreserved Fund Balance on January 1, 2007 of \$9.7 million had grown to \$11.6 million by May 31, 2007. Revenue during that five month period exceeded expenditures by \$2 million because a major portion of the revenue from property tax is received in January and most of the public works capital improvement projects were shut down for the winter. The next few reports will reflect revenue more capital project expenditures and a reduced Fund Balance..

CITY OF PRAIRIE VILLAGE  
BALANCE SHEET (Unaudited)  
May 31, 2007

|   | General                | Solid Waste Management | Special Highway    | Special Parks & Recreation | Special Alcohol   | Bond & Interest     | Capital Projects      | Total                  |
|---|------------------------|------------------------|--------------------|----------------------------|-------------------|---------------------|-----------------------|------------------------|
| <b>ASSETS</b>                               |                        |                        |                    |                            |                   |                     |                       |                        |
| <u>Pooled Cash &amp; Investments</u>        |                        |                        |                    |                            |                   |                     |                       |                        |
| Cash  |                        |                        |                    |                            |                   |                     |                       |                        |
| General Operating                           | \$318,596.00           | (\$683.00)             |                    | \$0.00                     | (\$2,327.00)      |                     | \$0.00                | \$315,586.00           |
| Payroll                                     | \$376.00               |                        |                    |                            |                   |                     |                       | \$376.00               |
| Gift Card Clearing                          | \$5,168.00             |                        |                    |                            |                   |                     |                       | \$5,168.00             |
| Petty Cash                                  | \$1,650.00             |                        |                    |                            |                   |                     |                       | \$1,650.00             |
| Money Market                                | \$0.00                 |                        |                    |                            |                   |                     |                       | \$0.00                 |
| Treasury Notes                              | \$0.00                 |                        |                    |                            |                   |                     |                       | \$0.00                 |
| Certificates of Deposit                     | \$9,946,748.00         | \$452,031.00           | \$17,788.00        | \$40,061.00                | \$7,105.00        | \$295,952.00        | \$2,053,252.00        | \$12,812,937.00        |
| Municipal Investment Pool                   | \$347,666.00           |                        |                    |                            |                   |                     | \$140,186.00          | \$487,852.00           |
| Total Pooled Cash & Investments             | \$10,620,204.00        | \$451,348.00           | \$17,788.00        | \$40,061.00                | \$4,778.00        | \$295,952.00        | \$2,193,438.00        | \$13,623,569.00        |
| <u>Accounts Receivable</u>                  |                        |                        |                    |                            |                   |                     |                       |                        |
| Property Taxes                              | \$1,674,935.00         | \$1,216,730.00         |                    |                            |                   | \$193,860.00        |                       | \$3,085,525.00         |
| Interest on Investments                     | \$238,538.00           |                        |                    |                            |                   |                     |                       | \$238,538.00           |
| Other Receivables                           | \$239,332.00           |                        |                    |                            |                   |                     |                       | \$239,332.00           |
| Due from Other Governments                  | \$662,677.00           |                        | \$0.00             |                            |                   |                     | \$1,098,364.00        | \$1,761,041.00         |
| Due from Other Funds                        |                        |                        |                    |                            |                   |                     | \$111,994.00          | \$111,994.00           |
| Total Accounts Receivable                   | \$2,815,482.00         | \$1,216,730.00         | \$0.00             | \$0.00                     | \$0.00            | \$193,860.00        | \$1,210,358.00        | \$5,436,430.00         |
| <u>Prepaid Expenditures</u>                 |                        |                        |                    |                            |                   |                     |                       |                        |
|   | (\$18,324.00)          |                        |                    |                            | (\$964.00)        |                     |                       | (\$19,288.00)          |
| <u>Restricted Assets</u>                    |                        |                        |                    |                            |                   |                     |                       |                        |
|   | \$68,703.00            |                        |                    |                            |                   |                     |                       | \$68,703.00            |
| <b>TOTAL ASSETS</b>                         | <b>\$13,486,065.00</b> | <b>\$1,668,078.00</b>  | <b>\$17,788.00</b> | <b>\$40,061.00</b>         | <b>\$3,814.00</b> | <b>\$489,812.00</b> | <b>\$3,403,796.00</b> | <b>\$19,109,414.00</b> |
| <b>LIABILITIES</b>                          |                        |                        |                    |                            |                   |                     |                       |                        |
| Accounts Payable & Other Liabilities        | \$154,517.00           | \$0.00                 | \$0.00             | \$0.00                     | \$0.00            | \$0.00              | \$0.00                | \$154,517.00           |
| Compensated Absences                        | \$5,397.00             | \$0.00                 |                    |                            |                   | \$0.00              |                       | \$5,397.00             |
| Payable from Restricted Assets              | \$68,703.00            |                        |                    |                            |                   |                     |                       | \$68,703.00            |
| Deferred Revenue                            | \$2,511,067.00         | \$1,215,212.00         |                    |                            |                   | \$193,983.00        | \$1,092,780.00        | \$5,013,042.00         |
| <b>TOTAL LIABILITIES</b>                    | <b>\$2,739,684.00</b>  | <b>\$1,215,212.00</b>  | <b>\$0.00</b>      | <b>\$0.00</b>              | <b>\$0.00</b>     | <b>\$193,983.00</b> | <b>\$1,092,780.00</b> | <b>\$5,241,659.00</b>  |
| <b>FUND BALANCE</b>                         |                        |                        |                    |                            |                   |                     |                       |                        |
| <u>Reserved Fund Balance</u>                |                        |                        |                    |                            |                   |                     |                       |                        |
| Reserve for Current Year Encumbrances       | \$41,835.00            | \$0.00                 | \$0.00             | \$0.00                     | \$0.00            | \$0.00              | \$0.00                | \$41,835.00            |
| Reserve for Prior Year Encumbrances         | \$0.00                 |                        |                    |                            |                   |                     | \$607,076.00          | \$607,076.00           |
| Reserve for Johnson County School Sales Tax | \$1,606,694.00         |                        |                    |                            |                   |                     |                       | \$1,606,694.00         |
| Reserve for Incomplete Capital Projects     |                        |                        |                    |                            |                   |                     | \$0.00                | \$0.00                 |
| Total Reserved Fund Balance                 | \$1,648,529.00         | \$0.00                 | \$0.00             | \$0.00                     | \$0.00            | \$0.00              | \$607,076.00          | \$2,255,605.00         |
| <u>Unreserved Fund Balance</u>              |                        |                        |                    |                            |                   |                     |                       |                        |
| 1/1/07 Unreserved Fund Balance              | \$7,355,041.00         | \$144,861.00           | \$17,571.00        | \$40,061.00                | \$30,568.00       | \$48,310.00         | \$2,053,558.00        | \$9,689,970.00         |
| Prior Period Adjustment                     | \$0.00                 |                        |                    |                            |                   |                     |                       | \$0.00                 |
| Prior Year Encumbrances Written Off         | \$-                    |                        |                    |                            |                   |                     | \$-                   | \$0.00                 |
| YTD Revenues                                | \$6,025,370.00         | \$726,217.00           | \$140,404.00       | \$18,202.00                | \$18,202.00       | \$297,450.00        | \$342,146.00          | \$7,567,991.00         |
| YTD Expenditures/Encumbrances               | (\$4,282,559.00)       | (\$418,212.00)         | (\$140,186.00)     | (\$18,202.00)              | (\$44,956.00)     | (\$49,931.00)       | (\$691,763.00)        | (\$5,645,809.00)       |
| Amount Reserved - Current Year              | \$0.00                 |                        |                    |                            |                   |                     |                       | \$0.00                 |
| Total Unreserved Fund Balance               | \$9,097,852.00         | \$452,866.00           | \$17,789.00        | \$40,061.00                | \$3,814.00        | \$295,829.00        | \$1,703,941.00        | \$11,612,152.00        |
| <b>TOTAL FUND BALANCE</b>                   | <b>\$10,746,381.00</b> | <b>\$452,866.00</b>    | <b>\$17,789.00</b> | <b>\$40,061.00</b>         | <b>\$3,814.00</b> | <b>\$295,829.00</b> | <b>\$2,311,017.00</b> | <b>\$13,867,757.00</b> |
| <b>TOTAL LIABILITIES &amp; FUND BALANCE</b> | <b>\$13,486,065.00</b> | <b>\$1,668,078.00</b>  | <b>\$17,789.00</b> | <b>\$40,061.00</b>         | <b>\$3,814.00</b> | <b>\$489,812.00</b> | <b>\$3,403,797.00</b> | <b>\$19,109,416.00</b> |

**PLANNING COMMISSION AGENDA  
CITY OF PRAIRIE VILLAGE  
MUNICIPAL BUILDING - 7700 MISSION ROAD  
TUESDAY, JULY 10, 2007  
COUNCIL CHAMBERS  
7:00 P. M.**

- I. ROLL CALL
- II. APPROVAL OF PC MINUTES - June 5, 2007
- III. PUBLIC HEARINGS - 7 p.m.
  - PC2007-13 Request for Conditional Use Permit for Communication Utility Boxes at 7135 Buena Vista  
Zoning: R-1b (Single Family Residential District)  
Applicant: AT&T; Eric Stong
  - PC2007-18 Request for Special Use Permit for Communications Tower at 3921 West 63<sup>rd</sup> Street  
Zoning: R-1  
Applicant: Justin Anderson, Selective Site Consultants for T-Mobile Communications - Withdrawn
- IV. NON-PUBLIC HEARINGS
  - PC2007-104 Approval of Sign Standards & Signs  
2200 West 75<sup>th</sup> Street  
Applicant: Jerry Kleveter, Luminous Neon
  - PC2007-105 Request for Building Line Modification of platted front setback from 35' to 30' at 3916 Prairie Lane  
Zoning: R-1a  
Applicant: Jim Carollo
  - PC2007-106 Request for Site Plan Approval for building expansion at 7500 Mission Road (Shawnee Mission East)  
Zoning: R-1a  
Applicant: DLR Group
  - PC2007-107 Request for Site Plan Approval - Bldg elevation  
4502 West 66<sup>th</sup> Terrace  
Zoning: R-1a  
Applicant: Phil Rogler
- V. 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)

**COUNCIL COMMITTEE OF THE WHOLE**  
**June 25, 2007**

The Council Committee of the Whole met in a budget work session on Monday, June 25, 2007 at 6:00 p.m. The meeting was called to order by Former Council President David Belz with the following members present: Al Herrera, David Voysey, Michael Kelly, Laura Wassmer, Pat Daniels, Charles Clark, Wayne Vennard and Diana Ewy Sharp. Staff members present: Barbara Vernon, City Administrator; Wes Jordan, Chief of Police; Doug Luther, Assistant City Administrator and Joyce Hagen Mundy, City Clerk.

Barbara Vernon stated the Council has reviewed all departmental budgets and the capital improvement budgets for infrastructure and parks. Expenditures removed from the original budget requests were submitted by department managers and considered. Expenditures totaling \$1,901,000 were returned to the total budget at the June 11<sup>th</sup> budget work session for total expenditures of \$22,968,884.

This week staff revised 2007 and 2008 revenue projections. Mrs. Vernon noted sales tax revenue has not been received and may alter the projections slightly when received.

The 2008 beginning fund balance has been revised to reflect the 2006 audited balance and 2007 revised revenue and expenditure estimates.

|  |                              |
|--|------------------------------|
| <b>2008 Beginning Operating Fund Balance Estimates</b> | <b>\$6.6 million</b>         |
| <b>2008 Revenue Estimate</b>                           | <b>19.3 million</b>          |
| <b>2008 Expenditure Estimate</b>                       | <b><u>(23.0) million</u></b> |
| <b>2008 Ending Fund Balance Estimate</b>               | <b><u>\$ 2.9 million</u></b> |

Mrs. Vernon noted \$2.9 million is 15% of revenue.

Mrs. Vernon reviewed the relationship between cash and fund balance for the past three years showing the impact on cash when designated funds are removed from the fund balance. In 2008, the ending fund balance/cash estimate is 5.73 million with the following breakdown:

|                            |            |
|----------------------------|------------|
| General Operating Funds    | 2.90       |
| Designated CIP Funds       | .08        |
| Economic Development Funds | 2.50       |
| PD Radio Reserve Funds     | <u>.25</u> |
|                            | 5.73       |

David Belz confirmed the fund balance guideline is based on revenue not expenditures. David Voysey confirmed if the 2008 projected expenditures are spent there would be no discretionary funds available for the 2009 budget.

Doug Luther stated that historically the city's revenue has increased between one and two percent annually while expenditures have increased four to five percent.

Wayne Vennard asked if the City has ever faced an unexpected emergency expenditure exceed 15% of revenue. Mrs. Vernon responded, no.

#### **Consideration of Fund Balance Level**

According to current Council policy, the Fund Balance reserve requirement is a minimum of 5%. In 2003, the Long Range Finance Committee recommended a Fund Balance of 18% of revenue. However, this recommendation was not incorporated into the Council policy. In recent years the Council has wanted to have a fund balance of 20% or more. Mrs. Vernon stated there is no formally established standard for Fund Balance although rating agencies say they would like to see balances of 15% to 20%.

Laura Wassmer stated she was not comfortable with 15% and felt 20% was too high. She would support establishing Fund Balance at 18%. David Belz confirmed 18% would be equivalent to \$3.5 million.

Diana Ewy Sharp asked how the minimum of 5% was determined. Mrs. Vernon replied it was felt by the Legislative/Finance Committee that the City should not commit to a firm amount higher than that.

David Voysey asked if a level of 15% was adopted, the proposed deficit budget would erode the fund balance and asked what would happen. Mrs. Vernon responded the City can not deficit spend and would need to adopt balanced budgets by either significantly reducing expenses in 2009 or authorizing new revenue sources.

Laura Wassmer noted the need to find a balance between lowering expenditures and increasing revenue. She can not support raising taxes based on some of the expenditures in the proposed budget. The Council needs to consider the impact of adding new programs and their on-going maintenance costs. She feels some of the items added back into the budget are not "needed items". Ms Wassmer would like to discuss other revenue options.

David Voysey responded the options for 2008 are limited to increasing the mil levy and amending the required fund balance. The other options considered by the finance committee will take additional investigation and time to implement.

David Belz noted discussion of expenditures and revenue would be discussed later in the meeting and requested discussion remain on the issue of establishing a fund balance reserve target.

Wayne Vennard moved the Council establish a Fund Balance reserve level at 15% of revenue. The motion was seconded by Charles Clark.

Michael Kelly noted there is not much difference between 15% and 20% in terms of dollars, but feels the 15% will allow the City the flexibility needed while addressing future issues.

Diana Ewy Sharp reminded the Council that historically the City spends 96% of its budget, which would return approximately \$1 million to the budget and noted that funds available in the economic development account. She does not support increasing the mill levy.

Charles Clark stated the Finance Committee will continue to work on other revenue options for 2009. He stated the items returned to the budget were needed items that if postponed would cost the City more when done in the future.

Laura Wassmer asked for clarification on the motion, if it is intended to be a fund balance of 15% or a minimum of 15%.

The motion was clarified to state the City Council establishes a minimum Fund Balance reserve of 15% of revenue. Those present voted unanimously to approve the motion.

#### **Consider 2008 Expenditures as amended 06/11/2007**

Expenditures budgeted for 2008 total approximately \$23 million. These expenditures include:

- Funds to continue current service levels
- Funds to improve budgeting and financial management technology
- Funds to implement some Village Vision recommendations
- Reserve funds for future major capital costs
- Reserve funds for economic development projects
- Funds to continue and increase capital improvement project levels

Laura Wassmer felt if the Council waited until 2009 to take actions, the necessary action would need to be significant. She would prefer that smaller actions be taken now to minimize the negative impact on residents.

Wayne Vennard confirmed the items added back to the budget at the last budget work session were included in the presented \$23 million expenditure figure.

David Voysey again confirmed the adoption of the budget with the stated expenditures would result in no discretionary funds for 2009 and would require the Council to adopt a balanced budget in 2009.

Pat Daniels moved the City Council accept the proposed expenditures of approximately \$23 million in the 2008 budget as presented by staff. The motion was seconded by Charles Clark.

Diana Ewy Sharp asked why the City needed to set aside another million dollars in the economic development fund and what was the projected use of these funds.

Laura Wassmer stated money is needed to create new revenue streams. Ms Ewy Sharp asked why not use bonding. David Voysey responded bonding is another possible revenue stream but stated strategic investments funds also need to be available. It can not be done by bonding alone.

David Belz stated he would like to have some solid direction/concrete ideas for the use of these funds.

Pat Daniels stated the Village Vision plan has several action plans to be considered by the City Council, all of which will require funding, some of it substantial. He feels the implementation of recommendations from this plan will easily require the expenditure of \$1.5 million. Charles Clark confirmed the Council would be discussing the implementation of Village Vision after the adoption of the budget.

Michael Kelly stated he understood Mrs. Ewy Sharp's concerns with these funds not being clearly designated. He feels it was the intention of past Council's to have a vague designation to not limit projects that could be funded by these funds. He suggested that these funds could be used for the implementation of recommendations/programs, such as those allowed by the Kansas Neighborhood Revitalization Program.

David Voysey asked Mrs. Vernon how close the 2007 revenue projections are. She responded they are close, but may be slightly lower than projected.

Laura Wassmer stated she was uncomfortable discussing expenditures without addressing revenue questions.

David Voysey stated the only actions that can be taken by the Council to impact the 2008 budget in regarding revenue is changing the Fund Balance level and changing the mill levy. He feels expenditures need to be reduced.

Diana Ewy Sharp stated she did not feel any significant reductions could be made to expenditures. Laura Wassmer disagreed noting removal of small items add up and can make an impact. She does not feel the repair of the El Monte fountain, the Traffic Calming Program or budget software are necessary "have to" items and would add \$200,000 back into the budget.

David Belz felt the \$1 million designated for economic development could be removed as \$1.5 million is already available. Wayne Vennard expressed concern with cutting back economic development funds before projects were even considered. Mr. Belz said that was his point, we haven't done anything with



those funds and don't have anything specific designated. He cannot support increase taxes while these funds remain untouched.

Ms Wassmer stated she felt it would be short-sighted to remove these funds. Mr. Kelly stated it would be irresponsible to remove these funds before discussing the possible actions that could be implemented with them.

The motion on acceptance of proposed expenditures for the 2008 budget was withdrawn and David Belz called for discussion of 2008 revenue.

### **Consideration of 2008 Revenue**

The Finance Committee has recommended a 2 mill increase which would create new revenue of approximately \$550,000 and increase in the future as property values increase.

Without a mill rate increase for 2008, ending Fund Balance is estimated to be a 15% of revenue on 12/31/2008.

- An increase of one mill would increase the 2008 Fund Balance estimate to approximately \$3.2 million which is 16.5% of revenue
- An increase of two mills would increase the 2008 Fund Balance estimate to approximately \$3.4 million which is 17.6% of revenue.

Laura Wassmer stated she would like to see a 1 mill increase.

Pat Daniels moved the City Council approve a 2 mil increase for the 2008 budget. The motion was seconded by Wayne Vennard. Charles Clark confirmed 2 mills would raise approximately \$550,000.

Diana Ewy Sharp asked for discussion on requesting a sales tax increase. David Voysey stated a ½ cent sales tax increase would result in approximately \$1 million in revenue. Mrs. Ewy Sharp stated she would prefer a sales tax increase to a property tax increase. David Voysey advised an increase in sales tax would require a vote by the residents and would not be possible to do in 2008.

Doug Luther stated the earliest the question could be placed on the ballot for vote would likely be in April, 2008. He also noted these funds need to be designated for a specific purpose. Mrs. Ewy Sharp asked why the question couldn't be voted on in November. Mrs. Vernon replied there are no other elections in November, so the City would have to cover the entire cost of the election.

David Belz asked for additional information on benefit districts. David Voysey replied it is another possible revenue stream that would apply to all properties within the City, including currently non-taxed schools and churches. Charles Clark added the City would determine the amount of funds needed and back into the appropriate assessment amount. It is the committee's thought that these funds be used for drainage improvements and would include both new projects

as well as maintenance and repair. He noted it will take additional time and study to put this into effect.

Mr. Belz noted the proposed budget meets the fund balance of 15% as established. Mr. Voysey noted, however, the \$3 million deficit means there can be no increases in future budgets. Mr. Belz stated the implementation of the proposed actions to create more revenue would impact funding available for the 2009 budget.

Diana Ewy Sharp repeated that historically the City can expect to carry over 4% or \$1 million from the 2007 budget. Laura Wassmer felt that was cutting it too close and was not comfortable with a \$3 million deficit. Mrs. Ewy Sharp stated she can defend the expenditures included in the 2008 budget.

Pat Daniels asked what the 2003 mill increase was. Mrs. Vernon replied it was 2.6 mills.

Michael Kelly confirmed a 2 mill increase on a \$200,000 home would result in an annual increase of \$15. He noted this increase would yield long-term benefits as property values increase. However, he did not feel it was appropriate to raise the mill levy without decreasing expenditures. He doesn't feel the entire gap can be eliminated, but an attempt to reduce expenditures needs to be made.

Al Herrera pointed out the increased cost of delaying routine preventative maintenance of the city's infrastructure. Pat Daniels agreed stating it is fiscally responsible to maintain the city's infrastructure.

David Belz stated the question before the Council is does the mill levy need to be increased. He is not comfortable raising the mill levy with \$2.5 million sitting in an economic development reserve without any specific direction for its use. Laura Wassmer stated that if the economic development funds were removed, there would still be a \$1.5 million deficit. The City needs to begin addressing its need for additional revenues.

The motion to increase the City's mill levy by 2 mills in 2008 was voted on and passed by a vote of 6 to 3 with the following votes cast: "aye" Herrera, Voysey, Wassmer, Daniels, Clark and Vennard and "nay" Kelly, Ewy Sharp and Belz.

Charles Clark noted again the Finance Committee would continue to explore alternate sources of revenue and bring additional information and recommendations back to the council for consideration. The different options could be discussed conceptually at the council retreat.

## Consider 2008 Expenditures

David Voysey stated he would like to see the CIP funds removed at the June 11<sup>th</sup> meeting returned to the budget and asked if Mr. Pryzby could move forward in 2009 without those funds. Mr. Luther responded design funds would be needed for 2009 projects. Ms Wassmer supported leaving \$94,000 for design of 2009 projects.

Al Herrera stated he felt assured the residents would accept the increase to maintain the level of services they receive. Wayne Vennard agreed.

Diana Ewy Sharp noted that city staff already cut \$2 million before the budget was presented and feels the council is being fiscally responsible.

Pat Daniels pointed out the increased cost required when capital improvement projects are delayed. Once you get behind it is very difficult to catch up. He would rather see economic development cut than preventative infrastructure maintenance. Ms Wassmer agreed noting the recent increases in construction costs over the past years. Doing the projects one year later will increase their costs.

David Voysey stressed if additional action was not taken now, both cuts and increased taxes will be necessary in the future. He feels both sides of the balance sheet need to be addressed by the City Council.

In response to a question about the availability of sales tax revenue, Barbara Vernon stated it would take four to six months for the city to see any impact of an increase in sales tax.

Wayne Vennard moved the City Council accept the proposed 2008 expenditures of approximately \$23 million as presented by staff. The motion was seconded by Charles Clark and passed by a vote of 7 to 2 with Wassmer and Voysey voting "nay".

With no further business to come before the committee, the meeting was adjourned at 7:45 p.m.

David Belz  
Acting Chairman

## VILLAGEFEST COMMITTEE

May 31, 2007

The VillageFest Committee met May 31, 2007. Present and presiding, Chairman Bob Pisciotta. Members present: Ann Lilak, Diana Ewy Sharp, Doug Sharp, Jim Bernard, Jr., Art Dick, Jim Hanson, Kathy Peters, Ed Roberts, John Capito, Luci Mitchell, Chris Andrews, Bob Pryzby, Mike Helms, Wes Jordan, Jeanne Koontz and Barbara Vernon.

### Minutes

John Capito moved approval of minutes of the April 2007 meeting. Ed Roberts seconded the motion which passed.

### Budget

Ann Lilak said Keller-Williams will be a sponsor but she does not know how much they will donate. She said she is still waiting to hear from Meadowbrook and the Bank of PV.

### Schedule

Bob Pisciotta said the sub-committee met and made changes to the VillageFest schedule. The groups affected have been contacted and they are agreeable to the change.

|                             |               |
|-----------------------------|---------------|
| Chinook                     | 9:00 landing  |
| Dino O'Dell                 | 9:30 – 10:00  |
| Cosgrove                    | 10:00 – 11:00 |
| Elite Frogs                 | 11:00         |
| Children's Parade/Cobras    | 11:00 – 12:00 |
| Orchestra/Patriotic Service | 12:00 – 1:15  |
| Police Dept Demo            | 1:15          |
| Chinook                     | 1:30 takeoff  |

Bob said the orchestra will be the headlining act.

### Contracts

Jeanne Koontz handed out a contract status report. Barbara Vernon stated that the City Attorney said the City may not need a contract with the Elite Frogs since the performance is being sponsored without City support. Jeanne noted she stills needs more information before she sends contracts to the orchestra and the fife and drum corp. Bob Pisciotta said he would get with Joel Crown on the fife and drum corp. He suggested having them play at the pancake breakfast from 8 – 11 and then lead the children's parade at 11.

### Food Vendors

Bob Pisciotta said Minsky's may be a source of funds for the Elite Frogs sponsorship. He said in return they request to bring their truck on site and sell pizza. He said he still needs to contact Hy-Vee to see if it will be a problem but is waiting until he gets more details from Minsky's. Diana Ewy Sharp asked if they are charging for the pizza and stated if they are they need to pay the vendor fee. Wes Jordan said he will get

clarification from Adam and let Bob know the details. The committee agreed to let Minsky's sell pizza if the donation is a considerable sum and it is okay with Hy-Vee. Bob Pryzby suggested putting them by the Public Works Displays.

### **Patriotic service**

Bob Pisciotta introduced Christy Green. Christy originally wanted to speak with the Municipal Foundation to see how the City could honor Ian Anderson. Ian was a soldier from Prairie Village who died in January while serving in Iraq. His wife was also serving in Iraq and his family still lives in Prairie Village. Christy helped conduct the Liberty Memorial Service where Ian was honored with a brick place in the memorial walk. She said her original idea was a tree and plaque in Prairie Village in Ian's honor. She asked the committee for their suggestions on some type of recognition during VillageFest. Luci Mitchell said there would be a way to do a tree and plaque but it would be separate from VillageFest and it would be too hot in July to plant a tree. Christy suggested planting the tree on Veterans Day. She said the VillageFest recognition could be for other fallen soldiers too. John Capito asked if his family would be agreeable to being introduced during the Patriotic Service at VillageFest. Christy said she has not spoken with the family but thinks they would be appreciative. Bob Pisciotta said this introduces a complexity in the schedule. Diana Ewy Sharp suggested an acknowledgement during the patriotic service. Ann asked if an honorary service award would be appropriate. Diana suggested a brick for the patio or a proclamation for Ian Anderson Day. She volunteered to work with Christy to come up with some type of recognition. Ann Lilak suggested having a moment of silence. John suggested if the tree idea works out, a moment of silence could be observed and then the Veterans Day tree planting could be announced. Jim Bernard asked if other Prairie Village soldiers have lost their lives. Christy said Ian is the only one she knows of. The committee agreed that Diana and Christy could plan the recognition.

Bob Pisciotta said there are a few issues with the patriotic service schedule. He said one option is to begin with music then do the presentations and then back to music. The other option is to have the orchestra play for a block of time and have the service before or after. The conductor said he is honored the orchestra will be the headliner. He has requested to play in a block of time since 12 members are Union Members who will need to be paid overtime if we exceed an hour. Jim Hanson said he would like to begin with the patriotic service and end with the orchestra. Diana Ewy Sharp said she was the one who suggested the combined event and she pulled the suggestion off the table. She said she would like the patriotic service to go first and then have the orchestra play. Bob Pryzby said it took longer for the orchestra to set up last year than to get off the stage. Ann Lilak suggested having 15 minutes between the service and the orchestra.

### **Entertainment**

Bob Pisciotta said Cosgrove is okay with switching to an earlier time. He asked they be notified that the sound system is needed until 1:30 pm.

### **Family Activities**

Ann Lilak said she followed up with the Shriner Clowns. They are willing to come and perform. They will not be soliciting donations. Instead they will charge \$50 per hour for each clown. Ann said there are 2 clowns, Alfie and Bucky. The committee agreed to have the clowns come from 10 – 1 for a cost of \$300.

### **Aerial Exhibits**

The Chinook is a done deal. The Elite Frogs are basically a done deal. Bob Pisciotta said Adam is working very hard on this. He said he thinks the committee would have a little extra money to help cover costs if it is needed. He asked if anyone has reservations to offering monetary assistance if required. Bob said Adam has \$1,000 right now. Diana Ewy Sharp asked what happened to the Headstrong for Jake backup. Wes Jordan said he is still under the impression that Headstrong will pay the rest of the money needed. Bob asked the committee if it would be okay to give \$1,000 if it would smooth things along. Bob Pryzby said he thinks this is a decision for the chair to make. The committee agreed to give up to \$1,000 if needed. Bob Pisciotta said Q104 is still under negotiation. Wes Jordan said he will check with Adam and get the Elite Frogs issue ironed out.

### **Bike Rodeo**

The Bike Rodeo will be from 10 – 12.

### **Blood Drive**

There will not be a blood drive because the KU Med Van will be on site.

### **Skate Park Demos**

There will not be a demo but the skate park will be open.

### **Creativity Center**

Tracy Hill will be leading this again and she has already ordered supplies.

### **Children's Parade**

Ed Roberts asked if Community America is leading the parade. Ann Lilak said she is 99% certain they will not but they will have their car on site.

### **Car show**

Ann Lilak said the Mustangs will be there.

### **KU Med Van**

Art Dick said it is ready and he believes it will be the same driver.

### **Train show**

Jim Hanson said they will set-up at 7 pm the night before. They need one table in the middle and some chairs.

### **Public Safety**

Wes Jordan said they will be doing flash bangs to signal the Chinook departure. Child fingerprinting will be available from 10 – 2. The video will not be available.

### **Fire District**

Chris Andrews said he has the Com 1 vehicle and the antique fire truck if there is room. Bob Pryzby said there is room for both. Chris said there is a muster this Saturday in Olathe and he will be able to get a better idea of the size of water tag. Chris asked what the church parking lot is being used for. Bob Pryzby said it is being used for parking.

### **Student Contest**

Five entries have been received at the City. Ed Roberts said he will contact Joel to see if he has received any entries so far. Diana Ewy Sharp asked if there is any way to involve the Mayor in VillageFest this year. Chris Andrews said he could dress him in fire gear and have him participate in the water games.

### **Information Booth**

Jim Bernard, Jr. said he needs a complete schedule and map.

### **Publicity**

John Capito said he used the AIMS photo of the grounds and put the time and place of each event on the map for the brochure. The front of the brochure will have a new logo and a listing of all events and sponsor logos. John said it will cost \$785 to have 6,000 printed and \$810 to have 7,000 printed. Bob Pryzby said go ahead and print 7,000. John said he will try to get volunteers to deliver. He said he got a call from the Sun. They will run an advertisement for \$300. He asked the committee if they wanted to do this. Jim Bernard said he recalled there being discussion about the committee not being happy with the Sun. Ann Lilak suggested asking for \$250. John asked what if it is \$300 and a story. Bob Pryzby said go for it if it is appropriate for \$300. John said he sent the press releases out. He asked who gets pancake tickets. Ann said the corporate sponsors and patriotic service participants. John said he will give them to the Chinook people too.

### **Hospitality**

Doug Sharp said he needs a head count of committee members and volunteers. Barbara Vernon said a judgment needs to be made on who is a volunteer.

### **Volunteers**

The pancake breakfast is covered. Bob Pisciotta requested teenagers to help in the creativity center because they always need volunteers. Jim Hanson said his wife Marian would like to help in the creativity center again. Jeanne Koontz said the Northeast Johnson County Chamber of Commerce could help at the information booth and with decorating.

### **City Committees**

Parks and Recreation, Municipal Foundation, Sister City, and the Tree Board will all be present.

### **Decorations**

Kathy Peters said she will do the breakfast and the flags. She said she feels stymied on new ideas. Diana Ewy Sharp said the balloon bouquets last year were great. Ann Lilak agreed. Kathy Peters said she might need to replace the flags. Bob Pisciotta increased the decorating budget to \$800.

#### **Committee shirts**

Bob Pisciotta said he got in touch with Kathy Frankum and last year's shirt is no longer available. The committee picked a shirt and Bob passed around a sign-up sheet.

#### **Other**

Bob Pisciotta said Sam Brewster is on board to be the announcer.

Doug Sharp said the speaker wrote a book and would like to sell it at VillageFest. The committee agreed that would be okay.

Mike Helms asked if we need any new signs. Jim Hanson suggested signs for the train show and City Hall.

#### **Adjournment**

Jim Bernard moved to adjourn. The motion was seconded by Doug Sharp and passed unanimously.

Bob Pisciotta  
Chair



## SISTER CITY COMMITTEE

11 June 2007

### Minutes

#### **Call to Order**

Chairperson Cindy Dwigans called the meeting to order at 7:07p. Present: Cleo Simmonds, Hildegard Knopp, Dick Bills, Carole Mosher, Bob McGowan (and Jim Hohensee - see below).

Staff: Chris Engel.

#### **Approve Minutes from May, 2007 meeting**

Cindy postpones approval due to the lack of a quorum. (see below for approval)

#### **Council Liaison report - Mike**

Council Liaison Report postponed because Mike was at a Council meeting.

#### **Update on communications with target cities**

Carole gave an update on Cumbaya, Ecuador. She believes that they are out as an option because they do not have a government to work with. In turn, Martha has recommended another city that is located about an hour outside of Quito. Cleo asked if Martha knew anything about it but Carole did not believe so. Dick mentioned that one of the advantages of Cumbaya was they knew someone on the inside but now they would be going in cold. Carole said she believed Martha would be happy with any city in Ecuador but Cleo suggested that with no contact there it was not worth it. There was general consensus because there were still three other possible cities to work with.

Bob said there was nothing to report on Northern Ireland. He did not believe they were as enthused about the proposition as we would like. Cindy said she was still working on a video link but in all likely hood, the first time we would talk to them would probably be at the Sister City Conference in Ft. Lauderdale on July 18, 2007.

#### **Development of Prairie Village informational packet for use at Ft. Lauderdale Sister Cities International meeting and visit to Ukraine. Discuss packet from Newry/Mourne.**

Carole asked if Cindy would be bringing anything to Ft. Lauderdale. Cindy passed around the Newry/Mourne packet and said she and Bob were working on something similar. Bob mentioned that he wished he had these (Newry/Mourne) booklets a long time ago. Many of the questions the committee has would have been answered by the booklet and they would not look so foolish asking certain questions.

Jim Hohensee arrived.

Cindy passed around a booklet developed by Kansas City Missouri and asked for ideas to aid in the development of their own. Cindy then asked if the City had any folders or binders that said 'Prairie Village' on them to be used by the Committee.

The question was raised if the folder from Ireland was created specifically for the purpose of finding a Sister City and Bob said he did not believe so but was instead created by a district council recruiting organization. For this reason he believed that any packet the Committee creates should include the Kansas City metro area.

Jim, Carole, Dick, and Cindy agreed to determine a time and place to meet and put booklets together for Ft. Lauderdale. Jim interjected that the City was supposed to supply the Committee with digital photos to use but nothing had materialized. If they had the photos then they could burn them to disc and hand that out with an information packet. Jim requested the City locate, and forward, said photos to the Committee. If they could not be located or did not exist he would be willing to take the City's digital camera and take photos on his own for the packet. Cindy pointed out that the photos should show off the public access areas of the City and not some of the large homes as it may turn off potential sister cities. Dick disagreed because there are streets with smaller charming homes that represent the City much better than stores, pools, and statutes.

Cleo gave an update on the trip to Dolyna in the Ukraine. He believes it would be an insult to send less than three people on the trip but other than him and Dick they have not found anyone else to go. Dick mentioned that he had a helpful contact there that had set out a full itinerary that included a town festival and a visit to many local businesses. Cleo also mentioned that he had contacted the president of the local Kansas City Ukrainian Club and received a few new contacts that Cleo has been attempting to contact to no avail. Cleo has also contacted Newton and Muscatine Iowa who have Ukrainian sister cities. He has sent a list of 10 questions to one of the contacts and is waiting for an answer.

Dick questioned if the Committee should not just let the Ukraine go. He reminded everyone that the country was in a period of political upheaval and voiced concern over how stable the government was. Cleo said there was promise in the strides they were taking and that he believed they wanted democracy and needed our help.

Cindy asked if perhaps the third person could be from Johnson County government. Since this was going to be an exploratory visit and no one knew exactly what Dolyna expected it might be beneficial to have someone from the county there to assist. She said she would ask Barbara Vernon for a contact with the County.

Dick suggested that the Committee should get business cards printed up with English on one side and Ukrainian on the other. He also suggested the City pay for it. Cindy replied she did not believe printing business cards would be a problem.

Cleo pointed out that whoever was the third traveler would probably need to already have a passport because of the new regulations that make obtaining one so time consuming. He also reiterated the need to accept the Mayor of Dalyna's invitation soon or it would be viewed as having no interest. Bob mentioned the City could send Mike Kelly. He had been a key player in the beginning and his youth would be a

plus. Bob also pointed out that the Committee did not have the money to send him so the City would need to be approached to do so.

Cindy suggested that the Sister City budget could pay the visa fees the members of the Committee.

Jim moved that the visa fees of the members going on the trip be paid out of Sister City committee budget.

Dick mentioned gifts for the trip. Jim asked if the City owned the rights to the 'Homesteaders' statue. If so, they should have small reproductions cast as gifts to be used by all the various City committees. Dick pointed out that whatever gifts they brought they would need to be easy to travel with and non-breakable.

**Jim Hohensee moved that some Committee funds be used to pay for the costs of the visas for the trip. Bob McGowan seconded the motion which passed unanimously.**

Dick passed out a hand-out that Cleo had put together with various expectations of the Dolyna trip and asked if everyone would add to or edit it. Cindy mentioned she believed that the Committee should meet again in two weeks on June 25, 2007 at City Hall because they have so much to cover and are operating under time constraints. All agreed. She next asked Dick if he had any contact with the Rotary / Kiwanis to which he replied 'no'. He mentioned that the Kiwanis had collected \$80M for iodine deficiency and were donating it to countries so they could put it into salt. Ukraine is a big salt producer so he was trying to contact UNICEF to find out how much of that money went to Ukraine.

#### **Update on web posting**

Jim gave an update on the web posting. He had a disc with a PowerPoint presentation on it he wanted delivered to Doug Luther. He also requested a link to a Sister City webpage. He said he will be contacting Doug soon about these matters. Dick mentioned he will be bringing a camera to the Ukraine and the pictures should be put on the website. It was also decided that a 'Contact Us' option should be included on the site. Cleo said he believes if the Committee is going to have a website then there needs to be a commitment to keep it updated. Jim recommended that the site include basic info about the Committee such as what they do, who they are, cities they are looking at, etc.

**Cindy Dwigans moved to approve minutes from May 2007 meeting. Carol seconded and it passed unanimously.**

#### **VillageFest preparations**

Cindy asked what would be displayed. Jim said he would work up a black and white brochure to hand out. Carole commented that she would like there to be photos included. Cleo asked if a PowerPoint display would be possible, if so, he recommends it. Carole recommended soliciting volunteer help with a sign up sheet. Carole will draft something.

### **Other Business**

Cindy next discussed a tentative itinerary created by Lynnly Marcotte for visiting delegations. All agreed the itinerary was helpful but agreed that it would need to be modified depending on where the guests were coming from.

Barbara Vernon arrived.

Cindy and Cleo asked Barbara if the City would consider sending Michael Kelly to the Ukraine at the City's expense. Barbara asked the approximate cost and the consensus was it would not need to be more than \$1500. Barbara replied that if a motion came from the Committee to the City Council it might be possible. It was pointed out that Michael would still need to be talked to about going. Cindy asked if anyone would pass a motion.

**Jim Hohensee motioned that in the event that Michael Kelly was willing and able to travel the Committee would request the funds from the City Council to pay for the trip not to exceed \$1500. Bob McGowan and Cleo Simmonds simultaneously seconded and it passed unanimously.**

Cindy and Cleo mentioned they would talk to Michael about the trip.

### **Adjournment**

The next meeting will be June 25 in City Hall. The meeting was adjourned at 8:45p.

PRAIRIE VILLAGE ARTS COUNCIL  
20 JUNE, 2007  
MINUTES

The Prairie Village Arts Council met at 7:00 pm in the City Council Chambers. Members present: Randy Kronblad, Chairman, Annie Brabson, Jack Shearer, Bill Rose, and Inge Dugan. Also present: Doug Luther and Pat Clothier.

Minutes

Committee members reviewed and approved minutes from the 16 May, 2007 meeting as submitted.

Recognition of Pat Clothier

Mr. Kronblad noted that Pat Clothier recently resigned from the Arts Council after nine years of service. He presented Mrs. Clothier with a proclamation signed by Mayor Shaffer thanking Pat for her work to support the Arts in Prairie Village.

Council Report

Mr. Belz was not present. Mr. Luther reported that City Council has approved an agreement with Leawood that will allow the construction of the *Porch Lights* sculpture on the traffic island at Somerset and Lee Blvd. Mr. Luther said he did not know when construction would begin, but would keep the Arts Council updated on the status of the project.

Financial Report

Committee members reviewed and approved financial reports dated 15 June, 2007 as submitted.

June Exhibit/Reception

Committee members reported that attendance at the reception for Jack O'Hara was good; much better than at receptions over the past several months. Mr. Kronblad noted that Mr. O'Hara sold several pieces as well.

Mr. Kronblad reported that the Arts Council purchased one of Mr. O'Hara's paintings, *Campsite*. This piece will become part of the City's permanent collection when the exhibit closes.

July Exhibit/Reception

The July exhibit will feature the Senior Arts Council. The reception will be on Friday, 13 July from 6:30 - 7:30 pm. Attendance at this event is usually high, so volunteers are needed. Jack, Bill, Inge, and Randy volunteered to help.

Prairie Village Art Show

Mr. Rose said this year's Prairie Village Art Show was great. The weather was terrific and artists enjoyed the hospitality provided by Arts Council members.

Mr. Luther said Donna Potts indicated that sales were very good. In fact, some artists sold out during the show.

Committee members reviewed expenses. The Arts Council budgeted \$2,000 for sponsorship of the Art Show, and spent \$1,528.28 on food, refreshments, co-sponsoring the Friday night concert, and sponsoring the Best of Show Award.

Mr. Kronblad reported that the Arts Council also spent \$600 on two pieces of art, which will become part of the City's permanent collection and put on display in City offices.

Committee members discussed possible improvements for the show next year. They noted that communication with Hen House should be improved in order to get the meals ready to deliver on time on Saturday.

It was also suggested that breakfast on Sunday start later, as some artists do not arrive at their booths by 11:00 am.

#### State of the Arts Exhibition

Mr. Luther said the Call for Artists went out in late May and entries are due by 6 July. Several have been received, but the show budget anticipates 100 entries. Mr. Rose noted that most artists do not submit their applications until the last minute.

Mr. Kronblad encouraged committee members to contact artists and encourage them to participate in the show.

#### Sculpture Garden

Mr. Kronblad said it is unlikely the sculpture garden proposal will be included in the City's 2008 budget. However, it may be possible sometime in the future.

#### Public Art

Committee members noted that this item has been on the agenda for some time. Committee members discussed how they should approach the issue. Mr. Kronblad said that, if the Arts Council wants to develop a public art program, the committee should work to develop a detailed program proposal to present to the City Council.

Mr. Shearer noted that funding seems to be a major concern, as evidenced by the sculpture garden proposal.

Mr. Rose noted that there are several possible ways to obtain new funding for arts programming. He said this will likely be important as City budgets will continue to be tight and there will be other projects competing with the arts for funding.

Committee members agreed that any proposal coming from the Arts Council should include a funding component. They also noted that it would likely take several years to accumulate enough money to fund a public art project.

Committee members noted that Leawood budgets \$5 per resident for arts programming.

Mr. Kronblad noted that the potential redevelopment of Meadowbrook Country Club will present an opportunity for public art, and the City should be prepared for this possibility.

Committee members agreed to further discuss this at the July meeting.

#### Statuary

Mr. Luther said a council member has asked that the Arts Council look into developing a program to address statuary on traffic islands in the City. At the November, 2006 meeting, this issue was discussed by the Arts Council. At that time, the committee indicated it would be willing to assist with selecting statuary for traffic islands, but did not have the staff or expertise to address maintenance of the statuary.

Mr. Shearer said many of the statues are owned by homes associations, and thought the associations were responsible for maintaining them. Mr. Kronblad said that, while this may be the case, many associations do not have the funds to maintain or replace statues when they are broken. Committee members, noted, however, that the island statues are part of the character of Prairie Village neighborhoods, and agreed to discuss this further at the next meeting.

Committee members noted that the Arts Council should be cautious in getting involved in issues that are homes association responsibility.

#### Exhibit Application

Mr. Luther presented an application from artists at the Images Gallery submitted by Loreta Feedback. He noted that several of these artists have exhibited in the gallery before as individuals or as part of the MidAmerica Pastel Society. Committee members approved the application.

There being no further business, the meeting adjourned.

Randy Kronblad  
Chairman

NORTHEAST JOHNSON COUNTY  
CHAMBER OF COMMERCE

Sponsorship  
Opportunities

Lake Quivira  
Country Club  
November 30, 2007

Becoming a sponsor of the Northeast Johnson County Chamber's Annual Dinner comes with many benefits. You will be able to position your organization in front of many area businesses and also receive:

If you are interested or have questions about a sponsorship, please contact the Chamber office at 913.262.2141



**Council Members  
Mark Your Calendars  
July 2, 2007**

|                       |   |
|-----------------------|---|
| <b>July 2007</b>      | Senior Arts Council mixed media exhibit in the R. G. Endres Gallery         |
| July 4                | VillageFest 2007  |
| July 4                | City offices closed in observance of Independence Day                       |
| July 7                | <b>Council Retreat</b>  |
| July 9                | <b>Budget Worksession</b>   |
| July 13               | Artist reception in R. G. Endres Gallery 6:30 to 7:30 p.m.                  |
| July 13               | Moonlight Swim - 8:30 to 10:00 p.m.   |
| July 16               | City Council Meeting  |
| July 17               | All city Swim Team Meet - Pool closed to the public all day                 |
| July 29               | Water show at 8:30 p.m.   |
| <b>August 2007</b>    | Shawn Bohs photography exhibit in the R. G. Endres Gallery                  |
| August 6              | City Council Meeting  |
| August 10             | Artist reception in R. G. Endres Gallery 6:30 to 7:30 p.m.                  |
| August 10             | Moonlight Swim - 8:30 to 10:00 p.m.   |
| August 13             | Reduced hours at the pool begin - opens at 4:30 p.m. weekdays               |
| August 20             | City Council Meeting  |
| August 23             | Shawnee Mission Education Foundation 15 <sup>th</sup> Annual Fall Breakfast |
| <b>September 2007</b> | Barney Newcom oils exhibit in the R. G. Endres Gallery                      |
| September 3           | City offices closed in observance of Labor Day                              |
| September 3           | Pool closes for the season at 6:00 p.m.                                     |
| September 4(Tuesday)  | City Council Meeting  |
| September 14          | Artist reception in R. G. Endres Gallery 6:30 to 7:30 p.m.                  |
| September 17          | City Council Meeting  |
| <b>October 2007</b>   | No exhibit scheduled yet in the R. G. Endres Gallery                        |
| October 1             | City Council Meeting  |
| October 6-9           | League of Kansas Municipalities Annual Conference - OP Convention Center    |
| October 15            | City Council Meeting  |
| <b>November 2007</b>  | 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       |
| <b>December 2007</b>  | 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                              |

**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)  
 COU2005-17 Consider how to expand leadership opportunities for Council (assigned 9/6/2005)  
 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)  
 COU2006-05 Consider Committee Structure (assigned 4/25/2006)  
 COU2006-20 Consider Project 191020: Colonial Pedestrian Bridge Replacement (assigned 8/1/2006)  
 COU2006-26 Consider Project 190862: 75<sup>th</sup> Street from Nail 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)  
 COU2006-56 Consider Project 191019: Canterbury Street Sidewalk Improvements (assigned 12/21/2006)  
 COU2007-02 Consider Reducing the size of the Council (assigned 1/8/2007)  
 COU2007-08 Consider 2008 Budget (assigned 1/11/2007)  
 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)

## COMMITTEE AGENDA

July 18, 2007

- COU2007-19 Consider Project 190860: 2007 Street Resurfacing Program (assigned 2/14/2007)  
COU2007-22 Consider Project 190718: 2007 Storm Drainage Repair Program (assigned 2/28/2007)  
COU2007-27 Consider Project 190864 - 2008 Paving Program (assigned 3/9/2007)  
COU2007-31 Consider City Administrator/City Manager forms of government (assigned 3/19/32007)  
COU2007-33 Consider Project 190719: 2008 Storm Drainage Repair Program (assigned 4/11/2007)  
COU2007-34 Consider Traffic Engineer Report for 79<sup>th</sup> Street and Roe Avenue Intersection (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)  
COU2007-42 Consider 2007 Utility Assistance Program (assigned 5/21/2007)  
COU2007-43 Consider Providing Public Works Services to the City of Mission Hills (assigned 5/29/2007)  
COU2007-44 Consider 2008 Solid Waste Agreement (assigned 6/8/2007)  
COU2007-45 Consider 2008 Solid Waste Assessment (assigned 6/8/2007)  
COU2007-46 Consider Regional Public Mutual Aid Agreement (assigned 6/13/2007)  
COU2007-47 Consider using MUTCD "Stop for Pedestrian" signs. (assigned 6/19/2007)  
COU2007-48 Consider Employee Benefit Renewal (assigned 6/27/2007)  
COU2007-49 Consider Project 190868: Roe - 91<sup>st</sup> to Somerset Drive (assigned 6/27/2007)  
COU2007-50 Consider Ordinance to adopt Risk Management Reserve Fund (assigned 6/27/2007)  
COU2007-51 Consider Village Vision Implementation Strategy (assigned 6/27/2007)

### 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

- PC2000-01 Consider the inclusion of mixed-use developments in the City and create guidelines criteria and zoning regulations for their location and development (assigned Strategic Plan)  
PC2000-02 Consider Meadowbrook Country Club as a golf course or public open space - Do not permit redevelopment for non-recreational uses (assigned Strategic Plan 2<sup>nd</sup> Qtr 2001)

### POLICY/SERVICES

- POL2004-15 Consider Project 190709: Somerset, Delmar to Fontana (assigned 8/26/2004)- Moved to COU2007-35  
POL2004-16 Consider Project 190708: Tomahawk Road Nall to Roe (assigned 8/26/2004)  
POL2005-04 Consider Project 190809: 75<sup>th</sup> Street and State Line Road (assigned 2/1/2005)  
POL2005-30 Consider Project 190855: Tomahawk Road Bridge (assigned 11/1/2005) - Moved to COU2006-27

### 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)