

# City Council Meeting

*December 4, 2006*

*Dinner will be provided by:*  
**Johnny's Tavern**

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*Individual Meal Choices*

**COUNCIL COMMITTEE**

**December 4, 2006**

**COUNCIL CHAMBER  
6:00 P.M.**

**AGENDA**

**DAVID BELZ**

**CONSENT AGENDA**

- COU2006-51      Consider Alcohol Tax Fund Allocation**
- COU2006-20      Consider Project 191020 : Colonial Pedestrian Bridge  
Replacement**
- POL2005-03      Consider Project 190850: Reeds Street – 69th to 71st Streets**

**NEW BUSINESS**

- COU2006-52      Consider 2007 Salary Ordinance  
Doug Luther**
- COU2006-50      Consider Establishment of Personnel Policy 935 – Cellular  
Phone  
Doug Luther**
- COU2006-53      Consider Amendments to Personnel Policy 1012 – Civil Leave  
Doug Luther**
- COU2006- 48      Consider Revisions to Prairie Village Municipal Code Chapter  
19.48 – Signs  
Charlie Wetzler, City Attorney and Amii Castle , Lathrop &  
Gage**

**Issue: Allocation of 2007 budget in the Alcohol Tax Fund.****Background:**

The Special Alcohol Tax Fund was established in the Prairie Village accounting system in 1980 to comply with requirements of a state statute passed in 1979. The state law established a 10% gross receipts tax on the sale of any drink containing alcoholic liquor. Cities receive 70% of the total revenue from this tax for drinks sold in their city, the state retains 30%. One-third of all revenue from this source must be used for alcohol or drug prevention or rehabilitation programs. Prairie Village established the Special Alcohol Tax Fund for the 1/3 of the revenue to be used for these prevention programs.

Initially the City Council approved recommendations made by the Johnson County Drug and Alcohol Council (DAC) for all expenditures from this fund. Since 1998 this fund has also been used to finance the City's D.A.R.E. Program, leaving only a minor portion of the revenue for programs recommended by DAC.

The Drug and Alcoholism Council of Johnson County (DAC) is a committee of representatives from participating cities and service providers. When Greg Colston decided not to run for Council, he resigned as the City's representative on the committee. Before that other Council members or representatives from the City served on the committee.

Members of the DAC determine the amount each jurisdiction has budgeted for the program. The money from each jurisdiction is pooled along with some federal funds to be distributed to successful applicants. The review process conducted by the DAC provides a structured and accountable system that allows organizations, through one annual application, access to funds from multiple jurisdictions.

The Prairie Village 2007 budget includes appropriation of \$99,611 from the Special Alcohol Tax Fund. The one-third of the 10% sales tax is expected to produce revenue of \$80,000 for prevention, the balance of the budget for 2007 is from carryover of previous years.

In 2007 the D.A.R.E program will be totally financed with Special Alcohol Tax funds in the amount of \$84,611. Programs recommended by DAC will be financed by the remaining \$15,000.

Information about the programs recommended for funding by DAC is attached along with the list of contributions recommended for Prairie Village funds.

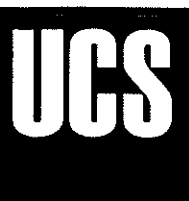
**Recommendation:**

Approve distribution of \$15,000 budgeted from the Special Alcohol Fund for the allocation recommended by DAC.

**2007 ATF DISTRIBUTION CHART  
THE CITY OF PRAIRIE VILLAGE**

*As recommended by the Drug & Alcoholism Council, October 2006*

<b>GRANTEES</b>	<b>TOTAL</b>
Cypress Recovery, Inc.	\$1,413
Friends of Recovery	\$286
The Family Conservancy	\$214
Heartland Regional Alcohol & Drug Assessment Center	\$715
Intensive Family Counseling	\$629
Johnson County Court Services	\$716
Johnson County Dept. of Corrections	\$286
Johnson County Library	\$86
Johnson County Mental Health Center: <i>Adolescent Center for Treatment</i>	\$2,007
Johnson County Mental Health Center: <i>Adult Detoxification Unit</i>	\$3,628
Johnson County Mental Health Center: <i>Regional Prevention Center</i>	\$1,139
Marillac	\$371
National Council on Alcoholism & Drug Dependence	\$141
SAFEHOME	\$143
Salvation Army/Shield of Service	\$715
Substance Abuse Center of Eastern Kansas	\$229
TLC for Children & Families	\$633
<b>SCHOOLS</b>	
Shawnee Mission School District	\$638
DAC Administration	\$1,011
<b>TOTAL</b>	<b>\$15,000</b>



# UNITED COMMUNITY SERVICES OF JOHNSON COUNTY

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

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

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## ALCOHOL TAX FUND 2007 GRANT REVIEW RECOMMENDATIONS REPORT DRUG & ALCOHOLISM COUNCIL OF JOHNSON COUNTY

*Participating jurisdictions: Johnson County, Gardner, Leawood, Lenexa, Mission, Olathe, Overland Park, Prairie Village and Shawnee*

The purpose of the grant review process conducted by the Drug & Alcoholism Council of Johnson County (DAC) is to direct local Alcohol Tax Funds (ATF) to alcohol and drug prevention, education, intervention, detoxification and treatment programs that serve Johnson County residents. This process provides a structured and accountable system that allows organizations, through one annual application, access to funds from multiple jurisdictions. The Board of County Commissioners and city councils have ultimate authority and responsibility for determining which recommended organizations receive funds from their respective jurisdictions based on the recommendations in this report.

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Alcohol Tax Funds are derived from a state excise tax on liquor sold by the drink. Part of the revenue generated is returned to the jurisdiction (city or county) in which it was collected, with the stipulation that a specified portion be used for programs "whose principal purpose is alcoholism and drug abuse prevention or treatment of persons who are alcoholics or drug abusers, or are in danger of becoming alcoholics or drug abusers" (KSA 79-41a04 1997). The Johnson County community as a whole benefits when substance abuse is prevented and/or effectively treated. Funding priorities for 2007 appear in Appendix A. A continuum of services from education through treatment significantly lowers drug and alcohol use, which in turn lowers healthcare costs, reduces crime, child abuse and neglect, and increases productivity in employment and lowers associated public costs.

For the 2007 grant review process, \$1,089,815 is available for distribution. Twenty-two funding requests, plus a Special Request for Application, totaled \$1,287,555. After reviewing applications and conducting agency meetings and deliberations, the DAC developed and approved funding recommendations in October 2006. This Report reflects those recommendations, and is organized in three sections: Special Request for Application; Education, Prevention & Intervention; and Treatment.

For additional information on the process or the programs, contact Debbie Doud, UCS Director for Community Initiatives, 913.438.4764 or [debbied@ucsjoco.org](mailto:debbied@ucsjoco.org).

## EXECUTIVE DIRECTOR

Karen Wulfkuhle



United Way's Planning Partner in Johnson County

## 2007 Alcohol Tax Fund Recommendations

### Grant History and 2007 Requests

Applicant	2004 Allocation	2005 Allocation	2006 Allocation	2007 Request	2007 Recommendations
<b>EDUCATION, PREVENTION &amp; INTERVENTION</b>					
Blue Valley	\$12,500	\$14,265	\$14,265	\$15,000	\$15,000
De Soto	\$12,500	\$24,200	\$24,200	\$38,500	\$24,200
Gardner-Edgerton	\$15,000	\$19,000	\$19,000	\$22,250	\$22,250
Olathe	\$22,314	\$33,064	\$32,500	\$35,000	\$35,000
Shawnee Mission	\$58,480	\$60,000	\$59,136	\$96,136	\$40,392
Spring Hill	\$15,820	\$16,265	\$16,947	\$23,332	\$19,138
Family Conservancy	\$10,000	\$13,000	\$13,000	\$15,000	\$15,000
Friends of Recovery	\$15,000	\$20,000	\$20,000	\$30,000	\$20,000
Johnson County Library	\$5,000	\$5,000	\$5,000	\$6,000	\$6,000
Juvenile Drug Court	Did not apply	\$13,526	\$50,087	\$54,065	\$50,087
Regional Prevention Center	\$68,100	\$82,700	\$79,700	\$79,700	\$79,700
TLC for Children & Families	\$22,934	\$31,947	\$38,734	\$49,841	\$44,288
<b>Subtotal</b>	<b>\$257,648</b>	<b>\$332,967</b>	<b>\$372,569</b>	<b>\$464,824</b>	<b>\$371,055</b>
<b>TREATMENT</b>					
Cypress Recovery	\$95,000	\$98,800	\$98,800	\$120,000	\$98,800
Dept. of Corrections	Did not apply	\$35,917	\$20,000	\$29,438	\$20,000
Intensive Family Counseling	\$26,400	\$44,000	\$44,000	\$54,070	\$44,000
Johnson County ACT	\$135,000	\$140,400	\$140,400	\$143,208	\$140,400
Johnson County ADU	\$244,000	\$253,760	\$253,760	\$258,835	\$253,760
Marillac	Did not apply	Did not apply	\$0	\$64,800	\$25,920
Natl Council on Alcoh & Drug Dependence	\$4,000	Did not apply	\$9,880	\$9,880	\$9,880
SAFEHOME	\$8,000	\$12,500	\$10,000	\$12,500	\$10,000
Salvation Army/SOS	\$38,000	\$50,000	\$50,000	\$50,000	\$50,000
Substance Abuse Ctr of Eastern Ks	\$22,000	\$25,917	\$20,426	\$30,000	\$16,000
RADAC (Special RFA)	Did not apply	Did not apply	Did not apply	\$50,000	\$50,000
<b>Subtotal</b>	<b>\$572,400</b>	<b>\$661,294</b>	<b>\$647,266</b>	<b>\$822,731</b>	<b>\$718,760</b>
<b>Subtotal</b>	<b>\$830,048</b>	<b>\$994,261</b>	<b>\$1,019,835</b>	<b>\$1,287,555</b>	<b>\$1,089,815</b>
<b>DAC Administration</b>	<b>\$57,960</b>	<b>\$71,018</b>	<b>\$75,437</b>	<b>\$78,712</b>	<b>\$78,712</b>
<b>TOTAL *</b>	<b>\$888,008</b>	<b>\$1,065,279</b>	<b>\$1,095,272</b>	<b>\$1,366,267</b>	<b>\$1,168,527</b>

\* Total does not include allocations to agencies not applying for 2007 funding.

## 2007 ALCOHOL TAX FUND RECOMMENDATIONS

### Special Request For Application (RFA)

#### **Heartland Regional Alcohol & Drug Assessment Center (RADAC)**

##### **Special RFA**

**Recommendation: \$50,000**

During 2005 and 2006, the DAC and Continuum of Care on Homelessness, studied the co-occurrence of substance abuse and homelessness in Johnson County, gathering data from substance abuse treatment and homeless services providers. This joint effort included studying local data as well as identifying successful model programs that matched well with the population identified in Johnson County with these co-occurring problems. This eight-month process resulted in development of specific recommendations for improving our community's response to this population.

The DAC issued a Special Request For Application (RFA) to allocate up to \$50,000 from 2007 ATF dollars address the co-occurrence of homelessness and substance abuse in Johnson County. This RFA also supports the ATF funding priority of reducing the incidence of relapse or recurrence of substance abuse. As written, the RFA contemplated a lead agency utilizing identified best practices, or treatment improvement protocols, around intensive case management and related services. The RFA was designed to promote collaboration to more effectively serve clients for whom this type of case management would otherwise not be available. The Johnson County Mental Health ADU and SAFEHOME, who typically work with a high percentage of homeless or near homeless clients with substance abuse issues, will be the primary partners. RADAC will ensure these individuals receive assessments, pretreatment, substance abuse treatment, and that housing needs are addressed, all utilizing existing community resources. Funding will not displace existing funding resources.

### Education, Prevention & Intervention

#### **Blue Valley School District**

**Request: \$15,000**

**Recommendation: \$15,000**

Funding is recommended to support Life Skills Training for elementary students, a nationally-recognized prevention program; parenting programs (including Baseline Training); and Sobriety Support Groups. The district will begin using the Communities That Care Student Survey instrument during the 2006-2007 year. Trend data for the district shows overall lower alcohol, marijuana and tobacco use during the past five years. This represents a modest funding increase for 2007.

#### **De Soto School District**

**Request: \$38,500**

**Recommendation: \$24,200**

Funding is recommended to support Parent Training, Teens as Teachers, Student Prevention and Education, staff development, and to partially support a social worker to coordinate these activities. The district experiences widespread participation in programming for students and parents, as well as the community at-large. The district uses Communities That Care data to identify programming needs of this culturally and economically diverse community. This represents level funding from 2006.

**Gardner-Edgerton School District****Request: \$22,250****Recommendation: \$22,250**

Funding is recommended to support multiple alcohol and drug prevention strategies, including Drug Free Schools, Character Education, Project Graduation, Red Ribbon Week and activities targeting at-risk students. The district continues to benefit from strong community support. The district uses Communities That Care student survey data to identify risk and protective factors prevalent among the student population, and adjusts programming accordingly. This represents a funding increase for 2007.

**Olathe School District****Request: \$35,000****Recommendation: \$35,000**

Funding is recommended to support Youth Resiliency Initiatives, specifically after-school programming, student drug assessments, and Youth Congress, as well as Guiding Good Choices parent workshops and additional teacher and school resource officer training. Junior high school after-school programming has contributed to reduced acts of violence, higher standardized test scores, and improved attendance. Further, the district reports increased participation by older students in school activities. This represents a funding increase for 2007.

**Shawnee Mission School District****Request: \$96,136****Recommendation: \$40,392**

Funding is recommended to support the district's alcohol and drug prevention in all seven middle schools and 20 elementary schools. This supports the second year of a three-year SAMHSA (Substance Abuse & Mental Health Services Administration) grant to implement Project Alert in all middle and elementary schools by 2007-08. ATF dollars have been awarded in previous school years to support Drug Free Clubs in all district schools, but were only functional in about half of the buildings. Further, measurable outcome data for Drug Free Clubs was not provided. This represents a funding decrease from \$59,136 in 2006.

**Spring Hill School District****Request: \$23,332****Recommendation: \$19,138**

Funding is recommended to support the district's comprehensive alcohol and drug prevention programs offered at the elementary, middle, and high schools: Project Alert, Body Walk, LINKS Academy, Natural Helpers, Reach Out America Life Education, S.A.D.D., Service Learning, individual and group counseling and educational conferences for parents. All students receive services from one or more funded programs. The district utilizes Communities That Care data to identify programming and has successfully incorporated portions of its education and prevention programming into grade-level curriculum. This represents a funding increase for 2007.

**The Family Conservancy****Request: \$15,000****Recommendation: \$15,000**

Funding is recommended for Active Parenting and Anger Management programs, for which the agency is an approved provider through the Johnson County court system, and The Incredible Years, a tested-effective Communities That Care prevention strategy that the agency utilizes with Johnson County clients. All participants presenting for these programs and other counseling services receive alcohol and substance abuse assessment at intake, during and at the conclusion of the program. In 2005, Johnson County clients presenting with defined risks for alcohol abuse



showed significant declines in risk of abuse over three months. The agency works closely with UMKC to analyze outcomes data. The agency uses a sliding fee scale and waives fees under some circumstances. This represents a funding increase for 2007.

### **Friends of Recovery Association**

**Request: \$20,000**

**Recommendation: \$20,000**

Funding is recommended to support this reintegration program through case management, crisis intervention, mediation, and mentoring services to residents of Oxford Houses. Oxford Houses are autonomous, democratically-run homes for men or women who are maintaining sobriety. Residents may not use alcohol or drugs, and must pay their share of expenses and abide by the democratic process in house management. Specific outcomes include maintaining current and new Oxford Houses and raising community awareness. The agency maintains 14 Oxford houses (three for women) in Johnson County. The agency continues to be financially stable and make progress toward diversifying its revenue sources. This represents level funding from 2006.

### **Johnson County Library**

**Request: \$6,000**

**Recommendation: \$6,000**

Funding is recommended for Changing Lives Through Literature, an alternative sentencing program targeting adult and youth offenders, more than 80% with drug or alcohol history. Participants meet weekly in a literary workshop setting to discuss the assigned book. The program has good utilization levels by eligible participants. For 2005, only 17% of those completing the program experienced probation revocations, compared with 28% revocations among all probationers supervised by the Dept. of Corrections. The program replicates a successful model, but provides more on-going interaction from volunteers affiliated with the court system than is typical, and enjoys strong partnerships with the judiciary, Dept. of Corrections, Johnson County Community College, and Backroads for Books (an advisory and fundraising entity). This represents a funding increase for 2007.

### **Johnson County Court Services, Juvenile Drug Court**

**Request: \$54,065**

**Recommendation: \$50,087**

Funding is recommended for the Juvenile Drug Court, which began in October 2001 and is one of only two programs statewide. The program offers alternative sentencing in lieu of prosecution to first-time drug offenders applying for diversion but presenting with serious drug and alcohol issues. Over half of youth successfully complete the program; of those, less than 9% re-offend within six months. Other positive indicators include improved school performance, enhanced resiliency and involvement in pro-social activities. Court Services is uniquely positioned to work with this relapse-prone group that is less likely to succeed with traditional diversion. This represents level funding from 2006.

### **Johnson County Mental Health Center, Regional Prevention Center (RPC)**

**Request: \$79,700**

**Recommendation: \$79,700**

Funding is recommended to support programs that focus on preventing the incidence and prevalence of substance use/abuse and misuse for all age groups. For 2006-07 the agency held its second high school Youth Summit for students and staff from public and private high schools throughout Johnson County, and its first middle school Youth Summit. The agency also provides technical assistance to schools in selection of prevention and education programs that

target a school community's needs and are implemented with fidelity. The RPC also tracks data on alcohol, tobacco and other drug use and community attitudes. The RPC reports increased knowledge and understanding by those participating in training, and partners with many Johnson County public and private agencies in an effort to ensure that prevention and education programs are available to all residents. This represents level funding from 2006.

### **TLC for Children & Families**

**Request: \$49,841**

**Recommendation: \$44,288**

Funding is recommended for the Shelter-Based Drug & Alcohol program serving adolescents ages 13-17. This population is at high risk of substance abuse as a consequence of experiencing abuse, neglect or family violence, and presenting with mental health issues, low self-esteem, and related concerns. The program focuses on group intervention and education to increase coping mechanisms and skills to avoid substance use and/or abuse. Shelter residents invest in their therapeutic community through mentoring, group presentations and similar activities. Youth who attended at least five sessions reported increased coping mechanisms and skills, and completed either a special topic presentation to their therapeutic group or explained their "story" to that group. The varied length of stays diminishes the opportunity for program completion and follow-up for this high-risk population. This represents a funding increase for 2007.

## **Treatment**

### **Cypress Recovery**

**Request: \$120,000**

**Recommendation: \$98,800**

Funding is recommended to support substance abuse treatment and relapse prevention services for men, women, and adolescents. The agency has a sliding fee scale for individuals without insurance, or who do not meet income guidelines to qualify for reimbursement with state funds. Client needs are met with gender- and treatment-specific (individual, group and or family counseling) plans. Program outcomes would be more meaningful if short-, intermediate- or long-term changes in client behavior, attitude, knowledge, condition, or the like, were measured. This represents level funding from 2006.

### **Johnson County Dept. of Corrections, Gender Specific Substance Abuse Treatment for Women**

**Request: \$29,438**

**Recommendation: \$20,000**

Partial funding is recommended for this program for gender-specific therapy groups for women at the Johnson County Dept. of Corrections' Residential Center located in Gardner. For 2005, 56 of 60 women successfully completed the gender-based and full residential program, and 93% of participants were successfully released from the Residential Center. This exceeds the Center's typical success rate of 76%. This represents level funding from 2006.

### **Intensive Family Counseling**

**Request: \$54,070**

**Recommendation: \$44,000**

Funding is recommended for the Functional Family Therapy program, a nationally recognized intensive, short-term family treatment model that has been demonstrated to successfully work with a wide range of problems facing youth and their families. National data indicates that families participating in this program show significant, long-term reduction in youth crime, drug

and alcohol use, violence and delinquent behaviors. Local outcome data reflects decreased drug/alcohol use and delinquent behavior and improved relationships in families and youth engaged in the program. ATF funds are only used for services to youth with identified substance abuse issues. This represents level funding from 2006.

**Johnson County Mental Health, Adolescent Center for Treatment (ACT)**

**Request: \$143,208**

**Recommendation: \$140,400**

Funding is recommended for Johnson County Mental Health Center's ACT program, the only residential youth substance abuse treatment program (intermediate) in the community, and one of three statewide. The residential, coeducational facility can house 20 youth ages 12-18. In addition to therapeutic programming, youth receive psychiatric and physical examinations, and participate in academic and recreational activities. Outpatient programming offers two to six hours of weekly counseling groups focusing on education, refusal/recovery, and relapse prevention. The ACT met or exceeded all but one outcome goal in 2005. A sliding fee scale is used to determine the fees charged, although inability to pay will not preclude treatment. The ACT continues to work closely with community partners in service delivery by providing assessments, consultation and training. This represents level funding from 2006.

**Johnson County Mental Health, Adult Detoxification Unit (ADU)**

**Request: \$258,835**

**Recommendation: \$253,760**

Funding is recommended to support one of only two adult social (non-medical) detoxification programs in the region. Services are available for adults who are intoxicated, in withdrawal, or at risk of withdrawal, on a 24-hour basis. In addition to contributing to public safety, the ADU interrupts the cycle of addiction and seeks to connect individuals to treatment or other appropriate community-based services. Law enforcement officers and emergency room staff deliver or transfer individuals to this safe environment. The ADU exceeded all outcome goals for 2005. The ADU continues to have strong working relationships with area treatment providers and other community partners. A sliding fee scale is used, although inability to pay will not preclude treatment. This represents level funding from 2006.

**Marillac**

**Request: \$64,800**

**Recommendation: \$25,920**

Funding is requested for youth with a primary diagnosis of substance abuse but who also have a mental health diagnosis. The program will serve youth in the Kansas foster care system referred from KVC Behavioral Healthcare with whom Marillac subcontracts to provide services pursuant to KVC's State contract. Funding is requested for the differential between the daily Medicaid reimbursement rate and the cost of service. Support is recommended at a lower level than requested and with the provision that ATF dollars not displace existing funding resources. This will allow for future assessment of the number of clients to be served and determination of the impact of changes in disbursement of Medicaid dollars.

**National Council on Alcohol & Drug Dependence (NCADD)**

**Request: \$9,880**

**Recommendation: \$9,880**

Funding is recommended to support the How to Cope program for parents of youth at the ACT. Curriculum will be adapted for parents of adolescents in recovery from substance abuse to create a home environment that fosters long-term abstinence. The program is offered in conjunction

with other parenting classes. How to Cope curriculum has shown increasingly positive outcomes since its adaptation in 2002 for this setting, in such measurements as improved knowledge of addiction as a family disease, participant identification of enabling and caretaking behaviors, development of action plans, support systems, and improved self-worth. This represents level funding from 2006.

### **SAFEHOME**

**Request: \$12,500**

**Recommendation: \$10,000**

Funding is recommended for the Substance Abuse Assessment & Referral Program. The agency provides shelter and support services to victims of domestic violence and their children, free of charge. The program addresses the high percentage of residents impacted by substance abuse, either personally or by their partner, and is available to all shelter residents. Intervention or treatment, including detoxification, inpatient, or outpatient programs, is recommended following assessment. In 2005, all residents identified with substance abuse problems received referrals, and 96% indicated understanding the need for referral. More follow-up to illustrate utilization of referral services and completion of treatment programs would be helpful, but the varied length of stay for residents and privacy concerns are barriers to these activities. This represents level funding from 2006.

### **Salvation Army/Shield of Service (SOS)**

**Request: \$50,000**

**Recommendation: \$50,000**

Funding is recommended to support intermediate and reintegration treatment services for men, including a relapse prevention program for chronic substance abusers from Johnson County. SOS offers group and individual counseling and case management services, and is unique in combining its treatment design with extended aftercare services for all clients. SOS continues to meet outcomes. A sliding fee scale is used, although inability to pay will not preclude treatment. This represents level funding from 2006.

### **Substance Abuse Center Of Eastern Kansas (SACEK)**

**Request: \$30,000**

**Recommendation: \$16,000**

Funding is recommended to provide intermediate inpatient services and outpatient treatment for women. The agency also provides intermediate reintegration and continuing care services, as well as residential treatment. This program targets the indigent, and is the only program on the Kansas side of the metropolitan area offering on-site child care for women with children. The agency needs to enhance data collection, provide accurate financial reporting, measure meaningful outcomes that reflect changes in client behavior, attitude, knowledge, condition, or the like. A sliding fee scale is used, although inability to pay will not preclude treatment. This represents a funding decrease from \$20,426 in 2006.

## APPENDIX A

### DRUG & ALCOHOLISM COUNCIL of JOHNSON COUNTY

#### 2007 FUNDING PRIORITIES

##### Alcohol Tax Fund priorities for 2007 are:

- Reduce underage substance use;
- Reduce substance abuse and misuse by adults; and/or,
- Reduce the incidence of relapse or recurrence of substance abuse among underage or adult populations.

##### Applications will be evaluated according to these criteria:

- Community Need
  - Program addresses a clearly stated community need, or opportunity to address a community need
  - Program targets populations with higher levels of need than other population groups in the community
  - Program focuses on particularly important needs of the targeted group
- Program Activities
  - Activities respond directly to the identified community need(s)
  - Program is accessible to the target population(s)
  - Program accommodates cultural differences and special needs
  - Activities replicate a research-based model or other established program for which documentation of effectiveness exists
- Coordination and Integration
  - The program coordinates with other community services to maximize the impact of available resources
  - The program provides integrated services to program participants
- Outcomes
  - The program defines clear and measurable outcome(s), and includes data collection for evaluating success in achieving those outcome(s)
  - The program demonstrates clear linkage between program design and the proposed outcome(s)
  - The program provides reasonable evidence of the achievement of previously identified outcome(s)
- Organizational Capacity
  - The program has attracted sufficient public, private, and volunteer resources to produce proposed outcomes
  - The program budget is realistic and reasonable in light of the proposed activities
  - The application demonstrates that Alcohol Tax Funds are critical to achieving the stated outcomes
  - The application and program comply with grant conditions

## APPENDIX B

### 2007 DRUG & ALCOHOLISM COUNCIL of JOHNSON COUNTY

*Cheryl Carpenter-Davis*, President  
Associate Dean, Blue River Community College, City of Mission Representative \*

*Lora Christian*, Vice-President  
Community Volunteer, City of Leawood Representative

*Curt Hoover*, Secretary, Grant Review Subcommittee Chair  
Assistant City Prosecutor, City of Olathe Representative \*

*Lill Bajich-Bock*, Johnson County Community College \*

*Steve Benz*, Gardner Public Safety Dept., City of Gardner Representative \*

*Heather Bradley-Geary*, Missouri Housing Development Commission \*

*Judith Gadd*, Consultant \*

*Heather Gonzales*, Service Coordinator, Phoenix Family Housing Corp. \*

*John Harvell*, Municipal Judge

*Mark Leiker*, Johnson County Sheriff's Dept. \*

*Cathy Mapes*, M.S.W., Baptist-Lutheran Medical Center \*

*John Miller*, Community Volunteer, City of Shawnee Representative

*Scott Moore*, Virtumundo, City of Overland Park Representative

*Dan Sullivan*, Ellerbe Becket, City of Lenexa Representative

*Brent Venneman*, Assistant District Attorney, Johnson County, Grant Review Subcommittee  
Chair \*

*Carrie Wagstaff*, Community Volunteer \*

*Carmen Williams*, Clinical Professional Counselors

*Jamie Wolf*, Johnson County Court Services

\* Denotes Grant Review Committee member

Staff: Debbie Doud, UCS, Director for Community Initiatives

**CONSIDER PROJECT 191020: PEDESTRIAN BRIDGE REPLACEMENT OVER BRUSH CREEK (77<sup>th</sup> STREET/COLONIAL DRIVE)**

**Background:**

On November 17, 2006, the City Clerk opened bids for Project 191020: Pedestrian Bridge Replacement over Brush Creek (77<sup>th</sup> Street/Colonial Drive). This program consists of the replacement of an existing pedestrian bridge over brush creek at 77<sup>th</sup> Street and Colonial Drive. Three bids were received:

Pyramid Construction	\$19,500.00
Brian Ohlmeimer Construction	\$34,265.00
Mega Industries	\$35,596.00
Engineer's Estimate	\$30,000.00

City staff has reviewed the bids for accuracy and found no errors. Construction Administration is included in the Design agreement with Wilson & Company.

**Financial Impact:**

Public Works will be closing Project 19086 95<sup>th</sup> Street – Mission Road to Nall Avenue with an unexpended balance of about \$100,000.00, which will be transferred to Street Unallocated.

**Suggested Motion:**

Move to approve the construction contract with Pyramid Construction for Project 191020: Pedestrian Bridge Replacement over Brush Creek (77<sup>th</sup> Street/Colonial Drive) for \$19,500.00 and approve a transfer of \$19,500.00 from Capital Infrastructure Program – Street Unallocated.

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**CONSIDER PROJECT 190850: REEDS STREET – 69<sup>TH</sup> STREET TO  
71<sup>ST</sup> STREET – FINAL PAYMENT**

**Background:**

Last year the City and the City of Overland Park agreed in an Interlocal agreement to reconstruct Reeds Street – 69<sup>th</sup> Street to 71<sup>st</sup> Street. The City of Overland Park administered the project and estimated the cost to be \$452,122.00 of which the City of Prairie Village share would be \$185,370.00. Due to actual field quantities and increased construction bid costs, the actual share for the City of Prairie Village is \$200,828.05, which is an increase of \$15,458.05 (8%).

**Financial Impact:**

Funding is available in the Capital Infrastructure Program – Street Unallocated.

**Suggested Motion:**

Move to approve the payment of \$15,458.05 to the City of Overland Park for Project 190850 from Capital Infrastructure Program – Street Unallocated...



## **Consider adoption of 2007 Salary Range by Resolution**

### **Background:**

The City annually adopts a resolution establishing salary ranges for all employment positions within the City. The 2007 Salary resolution is attached for your review.

The proposed 2007 salary ranges reflect the ranges proposed by the City's compensation consultant which were reviewed by the Council Committee of the Whole on 20 November, 2006.

During the 20 November, 2006 review, concerns were expressed regarding five salary ranges in which the proposed range maximum was lower than the current maximum.

After a review of these ranges and the current and projected future salaries of incumbents in those ranges, the consultant recommends and the City's department managers concur that salary ranges in the following classifications as of the effective date of the adoption of the 2007 salary resolution should be administered based on a separate set of ranges. In essence, salary ranges for employees in these five classifications will be "grandfathered" for as long as the employee remains with the City in his/her current classification. In addition, these "grandfathered" ranges will be adjusted annually based on a cost of labor factor, the same as other non-grandfathered ranges. As a result, the salary range maximum for these classifications will not decrease. The classifications are:

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

The "new" ranges established for these positions in the 2007 salary resolution will only apply to individuals who begin employment with the City after the adoption of the 2007 salary resolution.

Adjustments have also been made to the hourly wages for seasonal and part time employees based on a "cost of labor" adjustment factor of 2.6%. Actual percentage changes for these positions will vary slightly due to rounding.

Finally, as directed by the Park and Recreation Committee, the salary range for the Assistant Swim Team Coach has been increased significantly.

**RECOMMENDATION**

**RECOMMEND THE CITY COUNCIL ADOPT AND ADOPT RESOLUTION 2006-\_\_ ESTABLISHING COMPENSATION RANGES FOR THE CITY OF PRAIRIE VILLAGE UPON REVIEW AND APPROVAL BY THE CITY ATTORNEY.**

**RESOLUTION 2006-\_\_**

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

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

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

Compensation generally.

The elected officers, appointive officers and employees of the city shall be compensated within the salary ranges provided in this section. The amount of compensation shall be fixed by the Governing Body in accordance with personnel procedures as adopted by the Governing Body from time to time, provided, however, that the salaries and compensation from the date of adoption of this resolution until December 31, 2007, shall be within and determined by the following ranges:

<b>Classification</b>	<b>Annual Min.</b>	<b>Annual Max</b>
Receptionist	21,400	32,000
Admin Support Specialist	26,600	40,000
Executive Assistant (NE)	36,000	54,000
Office Manager (Exempt)	37,400	56,200
Court Clerk	25,800	38,600
Court Administrator	42,100	63,100
Management Intern	36,000	54,000
Accounting Clerk	24,700	37,100
Management Assistant	49,800	74,600
Code Enforcement Officer	34,600	52,000
Building Inspector	37,500	56,300
Human Resources Specialist	38,800	58,200
City Clerk	49,800	74,800
Building Official	53,800	80,600
Assistant City Administrator	66,200	99,400
Finance Director	73,300	109,900
City Administrator	98,700	148,100
Laborer	22,600	31,900
Maintenance Worker	29,000	40,900
Sr Maintenance Worker	34,900	49,200

Crew Leader	41,700	58,900
Mechanic	30,700	46,100
Construction Inspector	37,500	56,300
Mgr. of Engineering Services	53,800	80,600
Field Superintendent	48,500	72,700
Public Works Director	77,600	116,400
Police Officer	36,000	56,300
Police Corporal	48,300	64,400
Police Sergeant	57,200	76,300
Police Captain	66,700	100,100
Police Chief	76,600	114,800
Records Clerk	27,900	41,900
Community Service Officer	28,000	42,000
Property Clerk	29,500	44,300
Dispatcher	31,600	48,400
Communications Supervisor	43,000	64,400

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

<b>Seasonal / Part-Time Employees</b>	<b>Minimum</b>	<b>Maximum</b>
Seasonal worker (hourly)	8.25	12.30
Tennis Assistant (hourly)	8.25	17.50
Concession Worker (hourly)	5.65	7.45
Clerical Assistant (hourly)	8.75	12.85
Assistant Pool Manager (hourly)	9.25	15.40
Bailiff	10.25	12.30
School Crossing Guards (session)	11.10	11.10
Swim/Dive Coach (season)	2,055.00	5,650.00
Synchro Coach (Season)	1,030.00	1,850.00
Asst. Synchro Coach (season)	668.00	1,130.00
Assistant Coaches (season)	1,200.00	1,500.00
Pool Manager (season)	9,250.00	19,000.00

**Employee/Consultant**

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

**Part-time Appointed Officials -**

Part-time appointed officials shall be compensated as follows in 2007:

<b>Part-Time Appointed Officials</b>	<b>Minimum</b>	<b>Maximum</b>
Municipal Judge(s)	1,130.00	1,550.00
City Attorney (monthly)	125.00	160.00

City Attorney (hourly)	105.00	175.00
Asst. City Attorney (hourly)	105.00	130.00
City Prosecutor (monthly)	1,540.00	1,850.00
City Prosecutor (hourly)	105.00	130.00
Treasurer (monthly)	335.00	420.00

**BE IT FURTHER RESOLVED** that, the following ranges are hereby established for the calendar year 2007 for individuals employed by the City in the following classifications on the adoption date of this resolution:

<b>Classification</b>	<b>Annual Min.</b>	<b>Annual Max</b>
Receptionist	\$28,900	42,500
Administrative Support Specialist	\$28,900	42,500
Court Clerk	\$28,900	42,500
Accounting Clerk	\$28,900	42,500
Community Service Officer	\$31,400	\$43,800

**Adopted this \_\_\_\_ day of \_\_\_\_\_, 2006.**

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

ATTEST:

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

		Current Range			Proposed 2007 Range					
Employee	Job	Minimum	Midpoint	Maximum	Proposed	Proposed	Proposed	Diff from	Diff from	Diff from
Title	Family	Annual	Annual	Annual	Min	MRP	Max	Current Min	Current Mid	Current Max
Receptionist	Admin 1	28,200	34,800	41,400	21,400	26,700	32,000	-24.1%	-23.3%	-22.7%
Admin Support Specialist	Admin 2	28,200	34,800	41,400	26,600	33,300	40,000	-5.7%	-4.3%	-3.4%
Executive Assistant (NE)	Admin 3	33,000	39,600	46,200	36,000	45,000	54,000	9.1%	13.6%	16.9%
Office Manager (Exempt)		33,000	39,600	46,200	37,400	46,800	56,200	13.3%	18.2%	21.6%
Court Clerk	Court 1	28,200	34,800	41,400	25,800	32,200	38,600	-8.5%	-7.5%	-6.8%
Court Administrator	Court 2	41,400	51,300	61,200	42,100	52,600	63,100	1.7%	2.5%	3.1%
Management Intern		28,800	36,600	44,400	36,000	45,000	54,000	25.0%	23.0%	21.6%
Accounting Clerk		28,200	34,800	41,400	24,700	30,900	37,100	-12.4%	-11.2%	-10.4%
Management Assistant		28,800	36,600	44,400	49,800	62,200	74,600	72.9%	69.9%	68.0%
Code Enforcement Officer		32,400	39,300	46,200	34,600	43,300	52,000	6.8%	10.2%	12.6%
Building Inspector		33,600	42,300	51,000	37,500	46,900	56,300	11.6%	10.9%	10.4%
Human Resources Specialist		40,200	48,900	57,600	38,800	48,500	58,200	-3.5%	-0.8%	1.0%
City Clerk		46,200	57,000	67,800	49,800	62,300	74,800	7.8%	9.3%	10.3%
Building Official		46,200	55,500	64,800	53,800	67,200	80,600	16.5%	21.1%	24.4%
Assistant City Administrator		69,600	80,700	91,800	66,200	82,800	99,400	-4.9%	2.6%	8.3%
Finance Director		64,800	82,200	99,600	73,300	91,600	109,900	13.1%	11.4%	10.3%
City Administrator		88,800	99,000	109,200	98,700	123,400	148,100	11.1%	24.6%	35.6%
Laborer	PW 1	23,400	24,300	25,200	22,600	26,600	31,900	-3.4%	9.5%	26.6%
Maintenance Worker	PW 2	25,200	28,800	32,400	29,000	34,100	40,900	15.1%	18.4%	26.2%
Sr Maintenance Worker	PW 3	32,400	37,800	43,200	34,900	41,000	49,200	7.7%	8.5%	13.9%
Crew Leader	PW 4	33,600	41,400	49,200	41,700	49,100	58,900	24.1%	18.6%	19.7%
Mechanic		30,000	36,300	42,600	30,700	38,400	46,100	2.3%	5.8%	8.2%
Construction Inspector		33,600	42,600	51,600	37,500	46,900	56,300	11.6%	10.1%	9.1%
Manager of Engineering Services		50,400	62,700	75,000	53,800	67,200	80,600	6.7%	7.2%	7.5%
Field Superintendent		37,200	45,000	52,800	48,500	60,600	72,700	30.4%	34.7%	37.7%
Public Works Director		72,000	85,200	98,400	77,600	97,000	116,400	7.8%	13.8%	18.3%
Police Officer	S 1	34,200	43,200	52,200	36,000	45,000	56,300	5.3%	4.2%	7.9%
Police Corporal	S 2	42,420	50,910	59,400	48,300	53,700	64,400	13.9%	5.5%	8.4%
Police Sergeant	S 3	48,000	57,000	66,000	57,200	63,600	76,300	19.2%	11.6%	15.6%
Police Captain	S 4	59,400	74,400	89,400	66,700	83,400	100,100	12.3%	12.1%	12.0%
Police Chief	S 5	72,000	86,400	100,800	76,600	95,700	114,800	6.4%	10.8%	13.9%
Records Clerk		28,200	34,800	41,400	27,900	34,900	41,900	-1.1%	0.3%	1.2%
Community Service Officer		30,600	36,600	42,600	28,000	35,000	42,000	-8.5%	-4.4%	-1.4%
Property Clerk		28,200	34,800	41,400	29,500	36,900	44,300	4.6%	6.0%	7.0%
Dispatcher		33,000	40,500	48,000	31,600	37,200	48,400	-4.2%	-8.1%	0.8%
Communications Supervisor		39,600	48,600	57,600	43,000	53,700	64,400	8.6%	10.5%	11.8%

**"GRANDFATHERED" RANGES**

Classification	Minimum	Maximum
Receptionist	\$28,900	\$42,500
Administrative Support Specialist	\$28,900	\$42,500
Court Clerk	\$28,900	\$42,500
Accounting Clerk	\$28,900	\$42,500
Community Service Officer	\$31,400	\$43,800

**Range Movement 2.6%**

Seasonal / Part-Time Employees	Minimum	Maximum	Minimum	Maximum	Pct. Change	Pct. Change
Seasonal worker (hourly)	\$ 8.00	\$ 12.00	\$ 8.25	\$ 12.30	3.1%	2.5%
Tennis Assistant (hourly)	\$ 8.00	\$ 17.00	\$ 8.25	\$ 17.45	3.1%	2.6%
Concession Worker (hourly)	\$ 5.50	\$ 7.25	\$ 5.65	\$ 7.45	2.7%	2.8%
Clerical Assistant (hourly)	\$ 8.50	\$ 12.50	\$ 8.75	\$ 12.85	2.9%	2.8%
Assistant Pool Manager (hourly)	\$ 9.00	\$ 15.00	\$ 9.20	\$ 15.40	2.2%	2.7%
Bailiff	\$ 10.00	\$ 12.00	\$ 9.25	\$ 12.30	-7.5%	2.5%
School Crossing Guards (session)	\$ 10.23	\$ 10.23	\$ 11.10	\$ 11.10	8.5%	8.5%
Swim/Dive Coach (season)	\$ 2,000.00	\$ 5,500.00	\$ 2,055.00	\$ 5,650.00	2.8%	2.7%
Synchro Coach (Season)	\$ 1,000.00	\$ 1,800.00	\$ 1,030.00	\$ 1,850.00	3.0%	2.8%
Asst. Synchro Coach (season)	\$ 650.00	\$ 1,100.00	\$ 668.00	\$ 1,130.00	2.8%	2.7%
Assistant Coaches (season)	\$ 650.00	\$ 1,100.00	\$ 1,200.00	\$ 1,500.00	84.6%	36.4%
Pool Manager (season)	\$ 9,000.00	\$ 18,500.00	\$ 9,250.00	\$ 19,000.00	2.8%	2.7%

Part-Time Appointed Officials	Minimum	Maximum	Minimum	Maximum	Pct. Change	Pct. Change
Municipal Judge(s)	\$ 1,100.00	\$ 1,500.00	\$ 1,130.00	\$ 1,550.00	2.7%	3.3%
City Attorney (monthly)	\$ 120.00	\$ 160.00	\$ 125.00	\$ 165.00	4.2%	3.1%
City Attorney (hourly)	\$ 100.00	\$ 150.00	\$ 105.00	\$ 175.00	5.0%	16.7%
Asst. City Attorney (hourly)	\$ 100.00	\$ 125.00	\$ 105.00	\$ 130.00	5.0%	4.0%
City Prosecutor (monthly)	\$ 1,500.00	\$ 1,800.00	\$ 1,540.00	\$ 1,850.00	2.7%	2.8%
City Prosecutor (hourly)	\$ 95.00	\$ 100.00	\$ 105.00	\$ 130.00	10.5%	30.0%
Treasurer (monthly)	\$ 325.00	\$ 406.00	\$ 335.00	\$ 420.00	3.1%	3.4%

**COU2006-50 Consider Establishment of Personnel Policy 935 - Cellular Phones**

**Issue:**

Should the City Council approve the establishment of a Cellular Phone Policy?

**Background:**

Earlier this year, the City received a letter from its auditors informing us about recent compliance efforts by the IRS regarding cell phones. The auditors recommended that the City review its policy for compliance with IRS regulations.

The City does not have a policy regarding cell phones. City staff has spent the last several months reviewing current practices and IRS regulations in order to develop a policy.

IRS regulations classify cellular phones as "listed property." Because the nature of the property lends itself to personal use, strict substantiation requirements must be met or the value of all usage of the property must be included in the employees' wages and taxed accordingly. Substantiation requirements are met if the employee keeps track of business and personal usage and the value of personal usage is included in the employee's wages.

The City has several options for complying with these regulations.

1. Require employees to indicate personal calls on the bill and include that value in their wages.
2. Require employees to indicate personal calls on the bill and reimburse the City for those calls.
3. Do not require the employees to go through the bills and indicate personal calls. In this situation the entire cost of the phone plan would be included in the employees' wages.
4. Pay employees a monthly stipend through payroll and tax it accordingly. The employee would be responsible for obtaining and maintaining their own phone. Substantiation requirements do not have to be met in this case because the amount paid to the employee is taxed through payroll.

In determining which option would work best for the City, staff took into consideration the administrative burden and the fairness of taxation to employees related to each option. Staff determined that paying a monthly stipend is the best option. However, staff noted there are a few instances where this solution would not work and that a city-owned cell phone was a better option. Therefore, the policy includes provisions for the monthly stipend and for City-owned cell phones. City-owned cell phones would be subject to the substantiation requirements. Employees will be required to reimburse the City for personal calls.

**Financial Impact:**

Section V.A.1.a states that the stipend amount is \$25.00 per month. Section V.A.2.f states that the reimbursement rate for personal calls on a City-owned phone is \$.10 per minute. Total monthly cost under the new plan increases by \$77.90 per month, which is more than offset by the administrative cost there would have been if all phones continued to be City-owned and employees were required to go through the bills each month and indicate personal usage. In addition, complying with the IRS regulations will avoid costly penalties.

**Recommendation:**

**RECOMMEND THE CITY COUNCIL APPROVE ESTABLISHMENT OF COUNCIL POLICY PP935 - CELLULAR PHONES.**



## City Council Policy: PP935 - CELLULAR PHONES

Effective Date:

Amends:

Approved By: Governing Body,

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### I. SCOPE

A. This policy applies to all **employees**.

### II. PURPOSE

A. To maintain guidelines and procedures for authorization of **cellular phones** for **employees**.

### III. RESPONSIBILITY

- A. The **Manager** will be responsible for notifying the Finance Department of the need for an **employee** to receive the monthly **cellular phone** stipend
- B. The **Manager** will be responsible for reviewing the billing on a City-owned **cellular phone** for compliance with this policy prior to submitting the request for payment to the Finance Department.

### IV. DEFINITIONS

- A. "**Manager**" is defined as one of the following:
1. City Administrator;
  2. Assistant City Administrator;
  3. Chief of Police;
  4. Public Works Director;
  5. Or the designee of the positions listed.
- B. "**Employee**" is defined as anyone classified as such in *Personnel Policy #720 - Definitions of Employment Status*.
- C. "**Cellular Phone**" is a hand-held, mobile radio/telephone for use in an area divided into small sections (cells), each with its own short-range transmitter/receiver.

### V. POLICY

- A. The **Manager** will determine which of the following options an **employee** receive.
1. Monthly **Cellular Phone** Stipend
    - a.) **Employees** that have been designated by the **Manager** that they are required to have a **cellular phone** due to the nature of their employment will receive a monthly stipend for their business use in an amount of \$25.00.
    - b.) Payment of the monthly stipend will be made to the **employee** via the City's payroll system and is subject to taxation.
    - c.) The purchase, maintenance, and payment of services for the **cellular phone** will be the responsibility of the **employee**.
  2. City-owned **Cellular Phone**
    - a.) A **Manager** may elect to provide a City-owned **cellular phone** in lieu of a stipend; this request must be approved by the City Administrator.
    - b.) The City will be responsible for the purchase, maintenance, and payment of services for the **cellular phone**.
    - c.) All calls made via a City-owned **cellular phone** shall be recorded with the date, time, telephone number, and duration of all calls placed or received by the **employee** and will be required to be submitted with the request for payment; the monthly invoice with a detailed call list may be used.
    - d.) Employees are required to review the monthly call record and designate any calls that are personal in nature.
    - e.) Personal use of any City-owned **cellular phone** is strongly discouraged.
    - f.) Reimbursement of any personal use of a City-owned **cellular phone** will be at a rate \$0.10 per minute and will deducted from the **employee's** paycheck via the City's payroll system.
    - g.) Upon termination of employment or transfer to a position in which the need for a City-owned **cellular phone** does not exist, an employee will be required to return the **cellular phone** to the City.



**POL2006-~~53~~ Consider Amendments to Personnel Policy 1012 - Civil Leave**

**Issue:**

Should the City Council approve amendments to the City's Civil Leave Policy?

**Background:**

A review of the City's Personnel Policies regarding leave time has revealed the need to revise the policy to provide clarification and establish procedures regarding the civil leave process. The proposed policy revisions focus on the following issues:

**Section I**

Policy has been updated so that all active employees despite status will receive civil leave benefits.

**Section V.C**

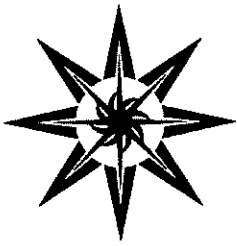
The policy has been updated to remove the managerial discretion and provide clarification for FLSA issues, reimbursement of jury duty payment and return to work requirements.

**Section V.D**

The current policy leaves the determination for court appearances up to the discretion of the manager. The policy has been updated to remove the managerial discretion and provide clarification for FLSA issues and return to work requirements.

**Recommendation:**

**RECOMMEND THE CITY COUNCIL APPROVE AMENDMENTS TO COUNCIL POLICY PP1012 - CIVIL LEAVE.**



City Council Policy: PP1012 - CIVIL LEAVE

Effective Date: ~~November 16, 1992~~

Amends: PP216 - CIVIL LEAVE, November 16, 1992

Approved By: Governing Body.

I. SCOPE

A. This policy applies to ~~regular~~ all employees.

II. PURPOSE

A. To enable ~~workers~~ employees to receive time away from work with or without pay for jury duty or court appearances.

III. RESPONSIBILITY

A. The employee will be responsible for completing the necessary documentation and notifying his or her Manager of their request to utilize civil leave.

B. The Manager will be responsible for approving any civil leave and ensuring that the necessary documentation is completed by the employee.

IV. DEFINITIONS

A. "Manager" is defined as one of the following:

1. City Administrator;
2. Assistant City Administrator;
3. Chief of Police;
4. Public Works Director;
5. Or the designee of the positions listed.

B. "Employee" is defined as anyone classified as such in Personnel Policy #720 - Definitions of Employment Status.

C. "Jury Duty" is defined as the civic duty to serve on a jury.

V. POLICY

A. While on civil leave, benefits shall accrue as though on regular duty.

B. Civil leave will be considered "hours worked" for overtime calculation purposes as defined in Personnel Policy #910 - Overtime: Non-Exempt Employees.

~~—Jury Duty~~

C.

1. An employee who serves on jury duty during his or her normal work hours shall be paid his or her normal rate of pay for such service.
2. An employee who serves on jury duty on a scheduled day(s) off or during non-work hours is not entitled to receive his or her regular compensation for such service.
3. Time spent on jury duty during non-work hours or days off does not count toward a non-exempt employee's overtime threshold.
4. If an employee is instructed to report to jury duty more than one hour after the start of his or her normal work day, or is excused from jury duty more than 1 hour before the end of his or her normal work day, he or she shall notify his or her Manager. The Manager shall direct the employee whether to report to work before reporting to jury duty or after being released from jury duty for the day.
5. In order to receive his or her regular compensation for time served on jury duty during normal work hours, an employee must turn in to the City the total amount of money received from the court for jury duty, minus the amount that is designated as a transportation allowance.

~~1. Upon receipt of the order requiring a regular employee to report for jury duty, the employee must notify his/her department head who shall review the order and grant permission.~~

~~2.6.~~ The amount earned for jury service duty, less travel costs, must be remitted to the City.

~~—Leave for jury duty will be with pay provided the employee remits the amount paid for jury service to the City.~~

7.

~~B. Court Appearances (not including those required because of positions in the City).~~

D.

## PP1012 CIVIL LEAVE

1. In order to receive payment for court appearances, an employee must be subpoenaed to testify and may not be the plaintiff or defendant in the proceeding.
2. An employee who is subpoenaed to serve as a witness on behalf of the Federal, State government or a political subdivision thereof in a criminal or civil proceeding during his or her normal work hours shall be paid his or her normal rate of pay for such service.
3. An employee who is subpoenaed to serve as a witness on behalf of the Federal, State government or a political subdivision thereof on a scheduled day(s) off or during non-work hours is not entitled to receive his or her regular compensation nor is such time counted toward an non-exempt employee's overtime threshold.
4. If an employee is required to provide testimony as a direct result of his or her employment with the City, they will be compensated at their normal rate of pay and such time will be counted toward an non-exempt employee's overtime threshold
5. If an employee is instructed to arrive at a proceeding for purposes of providing testimony more than 1 hour after the start of his or her normal work day, or is excused from the proceeding more than 1 hour before the end of his or her normal work day, he/she shall notify his or her Manager. The Manager shall direct the employee whether to report to work before reporting to or after being released from the proceeding.
6. In order to receive his or her regular compensation for time served as a witness, an employee must turn in to the City the total amount of witness fees received for his or her testimony, minus the amount that is designated as a transportation allowance.

1. If a regular employee is involved in a court case as a plaintiff, defendant, or witness, he/she may be granted leave by the department head if he/she furnishes a copy of the pleading requiring court appearance.
2. At the discretion of the department head, and with the approval of the City Administrator or Mayor, the leave may be with or without pay, or a combination of both.

### VI. PROCEDURES

### VI. PROCEDURES

- A. Upon receipt of the order requiring an employee to report for jury duty, the employee must notify his/her Manager who shall review the order and grant permission for Civil Leave.

### VII. \_\_\_\_\_

1. \_\_\_\_\_

**COU2006-48 Consider Revisions to Prairie Village Municipal Code Chapter 19.48 - Signs**

**Issue: Should the Council amend the Sign regulations as proposed by the Planning Commission?**

**Background:**

During the past months the Planning Consultant has worked with the City Attorney who has coordinated with representatives of the ACLU on revisions to the City's sign regulations based on the ruling of Judge John W. Lungstrum of the United States District Court in his Memorandum & Order on the lawsuit filed by John Quinly asserting the City's sign ordinance violates the First Amendment. A public hearing was held before the Planning Commission on Tuesday, November 7<sup>th</sup> on the proposed amendments. No one was present at the hearing to address the Commission. The Commission voted unanimously to recommend to the City Council the adoption of the proposed amendments with one change recommended by staff at the meeting. A copy of the minutes of that meeting are attached.

The proposed changes are identified in Attachment "A". Text to be deleted is ~~lined-out~~ and text to be added is in *bold italics*. In order to make it easier to read what is contained in the final document, all revisions have been made as set out in Attachment "B" including the revision made by the Planning Commission at their meeting.

**RECOMMENDATION**

**RECOMMEND THE CITY COUNCIL ADOPT ORDINANCE \_\_\_\_\_  
REPEALING THE EXISTING CHAPTER 19.48 ENTITLED "SIGNS"  
AND ADOPTING A NEW CHAPTER 19.48 ENTITLED "SIGNS"**

# ATTACHMENT

## A

## STAFF REPORT

**TO:** Prairie Village Planning Commission  
**FROM:** Ron Williamson, BWR, Planning Consultant  
**SUBJECT:** PC 2006-13: Proposed Revisions to Chapter 19.48 Signs of the Zoning Ordinance  
**DATE:** November 7, 2006 **BWR Project # 2006-0024.01**

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### COMMENTS:

Staff has worked with the City Attorney who has coordinated with representatives of ACLU. The proposed changes are identified in Attachment "A". Text to be deleted is ~~lined out~~ and text to be added is in ***bold italics***. Since the entire Sign Chapter needed to be revised, minor items were cleaned up as well. If the Commission would like other sections revised this can be accomplished at the public hearing.

In order to make it easier to read what is contained in the final document, all revisions have been made as set out in Attachment "B".

### RECOMMENDATIONS:

It is the recommendation of the Staff that the Planning Commission consider public input, make appropriate revisions and forward its recommendation to the City Council.

# ATTACHMENT

# A

## CHAPTER 19.48 - SIGNS

### Sections:

19.48.005	Regulations Generally.
19.48.010	Purpose.
19.48.011	Definitions.
19.48.012	Prohibited Signs.
19.48.015	Regulations Applicable to all Districts.
19.48.020	Regulations Applicable to Districts R-1a through R-4 Inclusive.
19.48.025	Regulations Applicable to Districts C-0, C-1, C-2, and C-3.
19.48.030	Prohibition of Nonconforming Signs.

### 19.48.005 Regulations Generally.

Signs shall be permitted in the various districts in accordance with the following regulations, which shall apply to all signs that are visible from beyond the lot line. Signs not authorized by the provisions of this Chapter 19.48 are prohibited. (Ord. 2004, Sec. II, 2001)

### 19.48.010 Purpose.

It is determined that regulation of the location, size, placement and certain features of signs is necessary to enable the public to locate goods, services, and facilities without difficulty and confusion; to prevent wasteful use of natural resources in competition among businesses for attention; to prevent hazards to life and property; to avoid visual clutter; to assure the continued attractiveness of the community and protect property values. (Ord. 2004, Sec. II, 2001)

### 19.48.011 Definitions

- ~~A. **Advertising Sign:** A sign which directs the attention of the public to any goods, merchandise, property, business, services, entertainment or amusement conducted or produced which is bought or sold, furnished, offered or dealt in elsewhere than on the premises where such sign is located or to which it is affixed.~~
- B. **Awning Sign:** A sign that is mounted on, painted on, or attached to an awning.
- C. **Bulletin Board Sign:** A sign that indicates the name of an institution or organization on whose premises it is located and which contains the name of the institution or organization, the name or names of persons connected with it, and announcement of persons, events or activities occurring at the institution. Such sign may also present a greeting or similar message.
- D. **Business Sign:** A sign which directs attention to a business or profession conducted, or to products, services or entertainment sold or offered upon the premises where such sign is located or to which it is affixed.
- ~~E. **Construction Sign:** A temporary sign indicating the names of the architects, engineers, landscape architects, contractors and similar artisans involved in the design and construction of a structure, complex or project. This sign is permitted only during the construction period and only on the premises on which the construction is taking place.~~



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- F. **Monument Sign:** Any sign placed upon, or supported by, the ground independent of the principal building or structure on the property *and is constructed with permanent building materials.*
- G. **Identification Sign:** A sign giving the name and address of a building, business, development or establishment. Such signs may be wholly or partly devoted to a readily recognized symbol.
- H. **Name Plate Sign:** A sign giving the name and/or address of the owner or occupant of a building or premises on which it is located, and where applicable, a professional status.
- I. **Pole Sign:** Any sign placed upon, or supported by, the ground independent of the principal building or structure on the property where the bottom edge of the sign is more than five (5) above the ground level.
- J. **Projecting Sign:** A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.
- K. **Real Estate Sign:** A sign pertaining to the sale or lease of a lot or tract of land on which the sign is located, or to the sale or lease of one or more structures, or a portion thereof on which the sign is located.
- L. **Wall Sign:** A sign fastened to or painted on a wall of a building or structure in such a manner that the wall becomes merely the supporting structure or forms the background surface, and which does not project more than 12 inches from such building. Wall signs shall not project above the top of the wall on which the sign is attached.
- M. **Portable Sign:** Any sign that is not permanently affixed to a building, structure, or the ground. (Ord. 2004, Sec. II, 2001)
- ~~N. **Commercial Sign:** A sign which identifies, advertises, or directs attention to a business, or is intended to induce the purchase of goods, property, or service, including, without limitation, any sign naming a brand of goods or services and real estate signs. (Ord. 2122, Sec. II, 2006)~~
- O. **Temporary Informational Sign:** A sign that *is intended for a temporary period of posting on public or private property, noncommercial sign that states, promotes or addresses an expression of free speech, a personal belief, or a political party, candidate or issue and is typically constructed from nondurable materials, including paper, cardboard, cloth, plastic and/or wall board or other similar materials which makes them temporary in nature and does not constitute a structure subject to the City's Building Code and Zoning provisions.* (Ord. 2122, Sec. II, 2006)
- P. **Off-Site Sign:** *A sign which displays any message directing attention to a business, product, service, profession, commodity, activity, event, person, institution or any other commercial message, which is generally conducted, sold, manufactured, produced, offered or occurs elsewhere than on the premises where such sign is located."*
- Q. **On-Site Sign:** *A site that is other than an off-site sign."*

**19.48.012 Prohibited Signs**

All signs not expressly permitted within this ordinance or exempted herein are prohibited in the city. Such prohibited signs include, but are not limited to:

- A. Animated Signs.
  - B. Awning Signs
  - C. Digital Readout or Electronic Graphic Signs.
  - D. Flashing or Blinking Signs.
  - E. ~~Advertising Signs.~~ *Off-Site Signs*
  - F. Pole Signs.
  - G. Portable Signs
  - H. Projecting Signs.
  - I. Roof Signs.
  - J. Rotating Signs.
  - K. Signs attached to any tree, fence or utility pole except warning signs issued and properly posted by that utility company.
- (Ord. 2004, Sec. II, 2001)

**19.48.015 Regulations Applicable to All Districts.**

- A. Sign Permit.
  - 1. Except as provided herein, or as may be provided by other ordinances or resolutions of the city, it shall be unlawful for any person to erect, install, alter, move or replace any new or existing sign or signage without first obtaining a permit and making payment of the sign permit fee as established in *the city fee schedule on file in the City Clerk's Office* ~~Section 16.20.010~~. A permit is not required for ordinary maintenance and repair of a sign *nor is a permit or fee required to post temporary signs*.
  - 2. Any person desiring to erect a sign for which a permit is required shall submit to the Building Official an application upon a form to be provided by the City which shall contain the following information.
    - a. Name, address and telephone number of the applicant;
    - b. Location of building, structure, or lot to which or upon which the sign is to be attached or erected;
    - c. Position of the sign in relation to nearby building or structures, streets and sidewalks; (Ord. 2004, Sec. II, 2001)
    - d. Drawing of sign and specifications describing the sign;
    - e. Length of time that sign will be displayed;
    - f. Written consent of the owner of the building, structure or land to which or on which the sign is to be erected;
    - g. Such other information as the Building Official shall require to show full compliance with this and all other laws and ordinances of the City.
  - 3. It shall be the duty of the Building Official upon filing of an application for a sign permit, to review the application and to conduct such other investigation as is necessary to determine the accuracy of the application. If it shall appear that the applicant has provided the information requested in the application and that said information is accurate and that the proposed sign when placed will comply with the ordinance of the City, (s)he shall issue a sign permit

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4. If the Building Official determines that the proposed sign is not in compliance with all requirements of this chapter or any other laws and ordinances of the city, (s)he shall not issue the requested permit and shall advise the applicant of the right to appeal *as set out in Section 19.54.025*. ~~Any person aggrieved by the refusal of the Building Official to issue a permit for any sign may appeal to the Board of Zoning Appeals by giving written notice to the Building Official not later than twenty (20) days after notice of refusal by the Building Official to issue the requested sign permit. In any such appeal, the Board of Zoning Appeals shall review the action of the Building Official, and if it determines that the action of the Building Official was incorrect, the Board shall order issuance of the permit under such terms and conditions as are appropriate.~~
  5. All rights and privileges acquired under the provisions of this chapter or any amendments thereto, are ~~mere licenses~~ revocable at any time by the city for cause, and all such permits shall contain this provision.
- B. Exceptions. A permit as provided for in Section 19.48.015(A) of this chapter shall not be required to erect, install, alter, move or replace the following signs:
1. Street markers, traffic sign and other appropriate signs displayed by the City or other governmental subdivision;
  2. ~~Temporary residential "For Sale" or "For Rent" signs;~~
  3. ~~Signs of community interest which are approved by the Director of Public Works;~~
  4. Temporary political signs ~~complying with Subsection L of this Section (Ord. 1946, Sec. I, 1998)~~
  5. ~~Temporary signs that advertise a garage sale;~~
  6. ~~Temporary signs at churches, synagogues, community centers, public and private schools, and at any other public, semi-public or civic organizations;~~
  7. Name plate signs for single-family dwellings. (Ord. 2004, Sec. II, 2003)
  8. ***Any sign required by the City's Building or Fire Codes for purposes of premises identification.***
- C. Aesthetic Considerations. All permanent signs shall be well constructed of permanent materials and shall be constructed with similar materials as used in other buildings on the site. (Ord. 2004, Sec. II, 2001)
- D. Obstruction of Exits. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape.
- E. Traffic Hazards. No sign shall be ~~directed~~ ***constructed*** at the intersection of any street in such a manner as to obstruct the free and clear vision of motorists, or any location where, by reason of the position, shape or color, said sign may interfere with, obstruct the view or be confused with any authorized traffic sign, signal or device.
- F. Certain Devices and Displays
1. Movement or the illusion of movement, flashing of lights or reflectors, likeness of human or animal forms, balloons, *or* searchlights, ~~obscene, profane or indecent material, flags or banners of all types~~ are prohibited. ~~except as provided in Paragraph 2 below.~~ (Ord. 1946, Sec. I, 1998)
  2. ~~Certain flags and banners are permitted under the following conditions:~~

- ~~a. Flags or emblems of a government or of a political, civic, philanthropic, educational or religious organization may be displayed on private property. (Ord. 2004, Sec. II, 2001)~~
2. ~~b. Permanent banners may be allowed as an architectural or decorative accessory in shopping centers and other developments provided they are generally uniform throughout the project, and are in harmony with the architectural theme of the development. No such banners shall be installed unless their location and design have first been approved by the Planning Commission. (Ord. 2004, Sec. II, 2001)~~
- ~~c. Not more than two banners, not more than one on a building facade, and bearing an announcement are permitted per each business establishment or organization for the purpose of announcing an opening or other major event provided the banner shall be attached against the building wall, shall be displayed not longer than ten (10) consecutive days, and not more than three such displays of one or two banners per business or organization shall occur in a calendar year unless otherwise approved by the City Council.~~
- ~~d. Banners attached to a rope or similar line may be mounted on residential property that is featured on an annual or semiannual homes tour that is sponsored by an organization that encourages ownership, remodeling or renovation during the days that the Homes Tour is in effect.~~
- ~~e. A banner may be displayed on school, church or synagogue property bringing attention to a special announcement or event at said school, church or synagogue once each calendar year for a period not to exceed ten (10) days unless otherwise approved by the City Council. (Ord. 2004, Sec. II, 2001)~~
- ~~f. Banners as permitted in Subparagraph 2b, 2c, 2d and 2e above shall not be installed until a permit has been issued by the City of Prairie Village. A permit for one or two banners 4 feet by 8 feet in size or smaller may be issued by the Building Official. Permits for larger banners or for periods exceeding ten (10) days must first be approved by the Planning Commission. If the Planning Commission does not approve the request, an appeal can be made to the City Council.~~
- ~~g. The fee for banner type permits shall be in the amount as adopted by the City Council and on file in the office of the Building Official. (Ord. 1945, Sec. 1, 1998)~~
- G. Unsafe and Unlawful Signs. If the Building Official or his/her representative find that any sign regulated herein is unsafe or insecure, or is a menace to the public, or, has been constructed or erected, or is being maintained in violation of the provisions of this chapter, (s)he shall give written notice to the *owner of the structure, lot or parcel upon which the sign is installed* permittee thereof. If the permittee fails to remove or alter the sign so as to comply with the standards herein set forth within forty-eight (48) hours after such notice, such sign may be removed or altered to comply by the Building Official at the expense of the permittee or owner of the property upon which it is located, and the permit shall be revoked. The Building Official shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The Building Official may cause any sign, which is an immediate peril to persons or property to be removed summarily and without notice.

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- H. Public Property. *Unless otherwise permitted in this Chapter*, no sign shall be placed within a public street right-of-way, public park or other public property, or on a utility pole, except that wall-mounted signs may protrude not more than eight (8) inches into a public street right-of-way if the sign is nine (9) feet or more above the sidewalk or the grade abutting said wall. ~~A monument sign shall not be located closer than twelve (12) feet to the back of the curb of a public street.~~ A permanent identification sign for a subdivision or other residential project may be located on street right-of-way if approved as required in Section 19.48.020, Paragraph E. (Ord. 2004, Sec. II, 2001)
- I. “For Sale Signs.” Only one “For Sale” sign shall be permitted for each project that is being offered for sale in a non-residential area. For purposes of this Ordinance, a Project shall mean a parcel of property which is uniformly owned or controlled by one person or legal entity, regardless of the size of the parcel and regardless of how many lots or improvements exist on the parcel and whether or not the parcel is divided by one or more public streets. Said sign shall not exceed ~~twenty (20)~~ **sixteen (16)** square feet in area per face, shall not have more than two faces, and shall not exceed a height of five (5) feet. Such sign shall be located so as to relate to and complement permanent monument signs and be integrated into the landscape features of the site. ***Such a sign may be posted for a period of up to ninety (90) days, at which time the sign shall be removed or replaced.*** ~~“For Sale” signs shall be removed within ten days after the close of the sale.~~ Any such sign and any supporting or supplemental structures shall be maintained in good condition, adjacent land areas shall be kept free of weeds and debris, and a neat appearance shall be maintained at all times. The responsibility for such maintenance shall be with the project owner served by said sign. (Ord. 1955, Sec. I, 1998)
- J. Type of Lettering and General Design Allowed.
1. The lettering and general design of all signs or signage shall be simple and straightforward. "General design" shall include the background panel, case or cabinet upon which the sign text is located.
  2. Exceptions to the above restrictions are all internationally recognized health and safety symbols. Other exceptions are medical, religious, and fraternal organization identifications and governmental seals and logos.
  3. Logos may be incorporated into a sign and will be subject to all regulations governing signs and be included within the square footage allotments. (Ord. 2004, Sec. II, 2001)
  4. All existing signs affected by the above restrictions shall conform to these restrictions whenever the existing signs are modified, altered, moved or replaced.
- K. Service stations shall be permitted the following signs:
1. One illuminated or non-illuminated detached post-supported or monument sign may be permitted. Such sign shall not be closer than fifty (50) feet to any boundary of a district, R-1a to C-0 inclusive, and shall not be located in the street right-of-way. Such sign shall not exceed ten (10) feet in height above the average grade of the lot, and further, shall not exceed seventy (70) square feet in area per face. If not sitting within the landscaped setback, the sign base shall be located within a curbed landscaped area, extending a minimum of three (3) feet on all sides of the sign base. If illuminated, the lighting shall be arranged so that no glare extends to land within Districts R-1a to C-0 inclusive.

2. No more than two illuminated or non-illuminated signs that display fuel prices shall be permitted. Such signs may be detached or wall-mounted but shall not exceed fifteen (15) square feet each.
3. Each fuel pump island may have a sign on each end identifying if that island is "full service" or "self-service." If the service station is completely self-service, a maximum of two (2) "self-service" signs shall be permitted. These signs shall not exceed four (4) square feet in area each.
4. A maximum of two (2) non-illuminated signs displaying credit card information shall be permitted. Such signs shall not exceed one (1) square foot each.
5. Fuel pumps may display signs indicating only the type and brand name of fuel, in addition to signs required by law, which shall be of minimum size and quantity.
6. ~~A maximum of two (2)~~ *An* additional non-illuminated sign not to exceed six (6) square feet in area shall be allowed and may be placed on *each side of* the pump island canopy.

L. **Informational Temporary Signs.**

1. Purpose and Findings.

The City of Prairie Village is enacting this Ordinance to establish reasonable regulations for the posting of informational signs on public and private property.

~~The City finds that Informational signs provide an important medium through which individuals may convey a variety of noncommercial messages. However, Temporary Signs left completely unregulated, Informational signs can become a threat to public safety as a traffic hazard, and a detriment to property values and the City's overall public welfare as an aesthetic nuisance.~~

By implementing these regulations, the City intends to:

- a. balance the rights of individuals to convey their messages through **Informational temporary** signs and the right of the public to be protected against the unrestricted proliferation of signs;
  - b. further the objectives of the City's comprehensive plan;
  - c. protect the public health, safety and welfare;
  - d. reduce traffic and pedestrian hazards;
  - e. protect property values by minimizing the possible adverse effects and visual blight caused by signs;
  - f. promote economic development;
  - g. ensure the fair and consistent enforcement of the **Informational temporary** sign regulations specified in the following.
2. Regulations:
- Informational Temporary** signs may be posted on property in all Zoning Districts of the City, subject to the following requirements:
- a. The total square footage for **Informational temporary** signs in any district, in the aggregate, shall not exceed ~~thirty-two (32)~~ **forty-eight (48)** square feet, with no individual sign exceeding sixteen (16) square feet. The total square footage of a sign is measured to include all of the visible display area of only one side of the sign and only the area of one side of a double sided sign is included in the aggregate calculation.
  - ~~b. Informational signs shall not display obscene, profane or indecent material.~~
  - ~~c. Signs shall be placed on private property.~~

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- d. Signs shall not exceed five (5) feet in height measured from the average grade at the base of the sign.
  - e. No sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant, or any other type of street furniture, or otherwise create a hazard, including a tripping hazard.
  - ~~f. Signs shall be designed to be stable under all weather conditions, including high winds.~~
  - g. No sign shall be illuminated or painted with light-reflecting paint.
  - h. A sign shall only be posted with the consent of the property owner or occupant. Signs posted in the public right-of-way may only be posted with the permission of the abutting property owner.
  - ~~i. An Informational *A temporary* sign may be posted for a period of up to ninety (90) days, at which time the sign shall be removed or replaced, except that those signs tied to an election shall be removed immediately after the date of the election.~~
  - ~~j. Signs shall not advertise or promote any commercial enterprise or event.~~
  - k. Signs shall not be posted on trees, utility poles, and other similar structures within the rights-of-way.
3. Removal or Replacement of Informational Signs:
- a. The person who has posted or directed the posting of the sign is responsible for the removal or replacement of that sign.
  - b. If that person does not remove or replace the sign in accordance with these regulations, then the property owner or occupant of the building or lot where the sign is posted is responsible for the sign's removal or replacement.
  - ~~e. The Code Enforcement Officer is authorized to remove any signs posted in violation of these regulations. (Ord. 2122, Sec. IV, 2006; Ord. 1946, Sec 1. 1998)~~
  - c. ***“If the Building Official finds that any sign is posted in violation of these regulations on public property, the Building Official is authorized to remove any such signs. If the Building Official finds that any sign posted in violation of these regulations on private property, (s)he shall give written notice to the person who has posted or directed the posting of the sign. If that person fails to remove or replace the sign so as to comply with the standards herein set forth within seventy-two (72) hours after such notice, such sign may be removed by the Building Official.”***
- M. Monument Signs: Monument signs shall not exceed five (5) feet in height above the average grade of the base; shall not exceed twenty (20) square feet in area per face; shall be placed on private property, not closer than three feet to the property line ***or 12 feet from the back of curb of the street*** and shall be landscaped at the base. All monument signs shall be constructed with permanent building materials that are similar to or complement existing building materials and colors used on the buildings located on the site. If the sign is not located within the landscape setback area, the sign base shall be located with a landscaped area extending a minimum of three (3) feet on all sides of the sign base and a landscape plan shall be submitted for approval. All monument signs including the landscape plan shall be reviewed and approved by the Planning

Commission based on the above requirements prior to obtaining a permit and being installed. (Ord. 2068, Sec I, 2004; Ord. 2004, Sec. II, 2001)

**N. Sign Area Calculations.**

1. **Monument Signs:** The area shall include the sign panel but not the sign base on which it is mounted or the structural elements or frames that form the perimeter of the panel.
2. **Wall Signs:** If the wall sign is contained within a panel, the sign area calculation shall be the area of the panel. If the sign consists of individual letter, symbols or words, either painted or mounted on the wall, the area shall be the smallest rectangular figure that can encompass all of the letters, words, logos or symbols.
3. **Band Signs:** The area of a band sign shall be the width of the band times the outside extremities of the letters, words, logos or symbols contained within the band.  
(Ord. 2004, Sec. II, 2001)

**O. *Setback:*** All signs shall setback a minimum of twelve (12) feet from the back of curb and five (5) feet from any adjacent side or rear property line.

**P. *Obscene Materials:*** Obscene signs, flags, banners, or any sign of any type are prohibited. “Obscene” is defined as any material that (a) whether the average person, applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest; (b) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and (c) whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

**Q. *Substitution of Messages:*** Subject to the land owner’s consent, a noncommercial message of any type may be substituted for any duly permitted or allowed commercial message or any duly permitted or allowed noncommercial message, provided that the Sign or Sign Structure is legal without consideration of message content. This substitution of message may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a parcel or land use, nor does it affect the requirement that a sign structure or mounting device be properly permitted. This provision does not allow for the substitution of an offsite commercial message in place of an onsite commercial message.

**19.48.020 Regulations Applicable to Districts R-1a through R-4 Inclusive**

No sign may be constructed, erected, or displayed in districts zoned R-1a through R-4 inclusive, except as provided in the Section 19.48.020.

**A. Public Churches, Synagogues, Schools, and Community Buildings.**

1. Churches, synagogues, private or public schools, community center buildings, libraries, art galleries, and museums shall be allowed not more than two (2) signs identifying the premises and activities provided therein. Such signs may either be wall mounted or monument signs and may be illuminated provided the source of illumination shall not be visible from off the premises. Wall signs shall not exceed five (5) percent of the total area of the facade of the building, on which it



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is attached and in no event shall exceed fifty (50) square feet in area. Such signs shall be of a design, location and size as to be in harmony with the neighborhood and the building served as determined by the Building Official. No such monument sign shall be constructed, installed or replaced until plans have been reviewed and approved by the Planning Commission and a building permit issued therefore. *The copy on the sign may be changed from time to time provided that the design of the sign is not changed from that approved by the Planning Commission.* (Ord. 2004, Sec. II, 2001; Ord. 2044, Sec. II, 2003)

- ~~2. Temporary signs at churches, synagogues, community centers, private or public schools, and at any other public, semi public, or civic organization may be displayed for twenty one (21) calendar days and shall not exceed thirty two (32) square feet in size. Not more than three such displays shall occur in a calendar year. (Ord. 2004, Sec. II, 2001)~~
3. In addition to the signs permitted in paragraph 1 and ~~2~~ above, schools are permitted to display an award sign. The award sign may be either a monument sign or wall mounted sign; however, the sign face for wall mounted signs shall not exceed five percent of the total area of the façade of the building on which it is attached, but in no event shall exceed 50 square feet in area and for monument signs, the sign face shall not exceed 20 square feet in area. Said monument sign shall not exceed five feet in height and shall not be constructed, installed or replaced until plans have been reviewed and approved by the Planning Commission and a building permit issued. There shall be no more than two wall signs or two monument signs with no more than a total of three signs. (Ordinance 2044, Sec. II, 2003)

**B. ~~Garage Sales.~~**

- ~~1. During the period when a sale is being held from a garage, as authorized in this title, one (1) temporary non illuminated sign stating "garage sale" may be placed in the yard of the private property on which the sale is being conducted. Said sign shall not exceed five (5) square feet in area and shall be placed on the property only during the time of the sale.~~
- ~~2. In addition to the sign authorized by section 19.48.020.B.1, four additional signs not exceeding the size allowed by this subsection may be placed on private property during the actual time of the sale with permission of the owner of the property; provided further, that no property shall have more than one sign displayed at any one time.~~

**C. ~~For Sale, For Rent, or For Lease.~~**

- ~~1. **Single Family or Two Family Dwellings.** During the period that a single family dwelling or two family dwelling or lot is offered for sale, for rent or for lease, one temporary, non illuminated, non reflective "For Sale," "For Rent," or "For Lease" sign shall be permitted on the premises being offered. No such sign shall extend more than five (5) feet above the point of entry, nor shall the width be greater than four (4) feet, nor shall the overall area of the sign exceed eight (8) square feet in area per face. Three (3) temporary "Open House" signs for a single family or two family dwelling that is being offered for sale shall be allowed in addition to the "For Sale" sign during the period that the property is actually open for inspection. One "Open House" sign may be placed on the property that is offered for sale. These signs shall not be placed upon any public property or right of way, but they may be placed on private property with the~~

~~permission of the owner of said property. "Open House" signs shall not exceed three square feet per side in area. The language "Sold" may be placed on said "For Sale" sign in such a manner so as not to increase the height or area of said sign in excess of the size limitations as prescribed in this section for a total period not to exceed seven (7) consecutive calendar days following the execution of the contract for sale.~~

- ~~D. Townhouse or Apartment. During the period an apartment or townhouse is offered for rent, for sale, or for lease, one temporary non illuminated, non reflective, "For Rent," "For Lease," "For Sale," or "Space Available" sign shall be permitted as follows:~~
- ~~1. If the permanent building identification sign is detached from the building, then the "For Rent," "For Lease," "For Sale," or "Space Available" sign must be adjacent (2' 0" maximum) to the permanent building sign. The combined size of this sign shall not exceed fifteen (15) square feet per face and shall not exceed five (5) feet in height;~~
  - ~~2. If the permanent building identification sign is applied to the building, then the detached "For Rent," "For Lease," "For Sale," or "Space Available" sign shall not exceed fifteen (15) square feet in area per face and shall be installed at a maximum five (5) feet in height.~~
- E. One or more signs which are for the sole purpose of identifying a subdivision or a residential project may be permitted under the following standards and procedures:
1. Detailed plans of the sign and any supporting or supplemental structure shall be submitted for Planning Commission review. If approved, a construction permit may be procured from the Building Official and all details of the approved plans and any conditions included by the Commission shall be met ***Subdivision signs are encouraged to be designed in accordance with the guidelines adopted by the Planning Commission;***
  2. Only the proper name of the subdivision or residential project shall be on the sign; provided, however, that the Planning Commission may approve further language or information it deems appropriate; (Ord. 1952, Sec. I, 1998)
  3. The sign and any supporting or other supplemental structure may be on private property or on public right-of-way provided the Planning Commission shall first determine that a location on public right-of-way will not create a traffic hazard, maintenance problem, nuisance or other condition adverse to the public interest;
  4. Walls, fences and other architectural features may be used to supplement said signs provided that traffic hazards, maintenance problems or other conditions which may be adverse to the public interest are not present;
  5. Any such sign and any supporting or supplemental structures shall be maintained in good condition, adjacent land areas kept free of weeds and debris, and a neat appearance displayed at all times. The responsibility for such maintenance shall be with the homeowner's association or the project owner served by said sign, the name, address and phone number of the responsible officer being kept on file in the Building Official's Office. The Planning Commission may, if long-term maintenance responsibilities are a concern, require that surety, acceptable to the City Council, be deposited with the City. The surety amount is to be equal to not less than the cost of one year's maintenance plus the cost of demolition and removal if such action is deemed by the City Council to be in the public interest.

*Chapter 19.48 – Signs*

6. Signs and supporting structure may be illuminated provided the source of illumination shall not be visible from a public street or from any dwelling that is part of said subdivision or project.
7. The design, shape, sizes and location of such signs and accompanying structure shall be in harmony with the neighborhood and the project that is served. Materials, lettering style, colors and size shall present a dignified appearance and be such that long-term maintenance can be readily and economically accomplished.

**19.48.025 Regulations Applicable to Districts C-0, C-1, C-2, and C-3.**

No sign may be constructed, erected, or displayed in districts zoned C-0, C-1, C-2, and C-3 inclusive, except as provided in this Section 19.48.025.

- A. Signs shall be permitted for uses permitted in Districts R-1a through R-4 inclusive in accordance with the regulations established therefore in Section 19.48.020.
- B. One illuminated or non-illuminated wall-mounted sign shall be permitted on each principal facade of each building or each shop or office therein provided that said shop or office has an exterior door and that the total area of such sign shall not exceed five (5) percent of the total area of the facade of each building or each shop upon which it is mounted and in no event shall such area exceed fifty (50) square feet. Facade shall mean that portion of the building's wall, which is contiguous with the tenant's gross leasable floor area. (Ord. 2068, Sec II, 2004; Ord. 2004, Sec. II, 2001)
- C. Monument signs; where allowed.
  1. In the case of a stand alone building, which is not a part of a "shopping center, office park or multi-tenant building" as defined in Paragraph J below, and which is occupied by a single tenant, one monument sign may be permitted in lieu of one of the wall signs permitted in B above. Said sign shall depict only the name and address of the building or business and may include an additional line of text that describes services. (Ord. 2068, Sec. II, 2004; Ord. 2004, Sec. II, 2001)
  2. In the case of a "shopping center, office park or multi-tenant building" as defined in Paragraph J below, and which is occupied by more than one tenant, one detached monument sign may be permitted for each street frontage in addition to the wall-mounted signs permitted in B above. The location of said signs will be approved by the Planning Commission. Said sign shall depict only the name and address of the center or grouping of shops or offices and may include an additional line of text that describes services. (Ord. 2068, Sec. II, 2004; Ord. 2004, Sec. II, 2001)
  3. A tenant and/or property owners within a "shopping center, office park or other grouping" as defined in Paragraph J, occupying a stand alone single-tenant building of at least 5,000 square feet may, in lieu of the wall sign permitted in Paragraph B above, have one detached monument sign depicting his business or product. The design and location of this sign shall be in accordance with Sections 19.48.015 and 19.48.025 and shall be subject to approval of the Planning Commission. (Ord. 2068, Sec. II, 2004 ; Ord. 2004, Sec. II, 2001)  
All of the above detached signs shall also conform to the following:  
Such sign shall not be closer than fifty (50) feet to any boundary of a Residential District. If flood lighted, the lighting shall be shielded so that the source is not visible. (Ord. 2068, Sect. II, 2004; Ord. 2004, Sec. II, 2001)

- D. Where canopies are permitted, one sign not to exceed three (3) square feet in area and allowing at least seven (7) feet six (6) inches clearance above the sidewalk shall be securely attached to the canopy and an additional sign not to exceed three (3) square feet may be mounted on the facade beneath the canopy.
- E. Buildings Under Construction. One temporary non-illuminated sign of not more than eighty (80) square feet in area, inclusive, shall be permitted for each building during its construction, ~~showing the names of architects, lenders, engineers, builders, or contractors and owner,~~ provided, that said sign shall be removed upon completion of the building.
- F. New Subdivisions or Developments. One temporary non-illuminated sign of not more than ~~one (100) hundred eighty~~ (80) square feet in area shall be permitted for each new subdivision or development project; provided, that the permit shall be issued for a period of not more than one (1) year.
- G. Off-Street Parking or Loading Facilities. One illuminated or non-illuminated sign with a maximum area of ten (10) square feet shall be permitted at each entrance to off-street parking or loading facility to identify such facility and present any regulations governing the use thereof. (Ord. 2004, Sec. II, 2001)
- H. Non-illuminated Signs Mounted Against Face of Building. In cases where non-illuminated signs are to be mounted flat against the face of the building, such signs shall not protrude more than three (3) inches from the face of the building and shall not extend above the height of the wall on which it is mounted.
- I. Regulations Pertaining to Illuminated Signs.
1. There shall be no exposed incandescent or neon or other tube-type lights; provided, that indirect flood lighting shall be permissible.
  2. There shall be no flasher-type lighting.
  3. If required to be mounted flat against the face of the building, such sign shall not protrude more than eight (8) inches from the face of the building and shall not extend above the height of the wall upon which it is mounted.
  4. Signs conveying the impression of movement through flashing lights or signs that fluctuate in light intensity shall be prohibited.
- J. Private Sign Standards Applicable to Office Parks, Shopping Centers, Multi Tenant Buildings and Planned Business Districts. In the case of an office park, shopping or multi-tenant building (new or remodeled), the developer or owner shall prepare and submit to the Planning Commission a set of sign standards for all permanent exterior signs. The purpose of the sign standards is to create uniform signage design throughout the development. Such standards shall run with all leases or sales of portions of the development. A full and accurate description of all signs shall be included indicating location, placement, materials, graphic design styles, type of illumination, etc. Sign permits shall not be issued until the Planning Commission has approved the sign standards. For purposes of this section the terms "shopping center, office park, or multi-tenant buildings" shall mean a project that has been planned as an integrated development on property under unified control or ownership at the time of development. The sale, subdivision, or other partition of the site does not exempt the project or portions thereof from complying with these regulations. (Ord. 2068, Sec. II, 2004; Ord. 2004, Sec. II, 2001)

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*Chapter 19.48 – Signs*

If multiple monument signs are proposed as part of the design standards, they shall be of uniform design regarding the sign base, frame, materials and proportions, but the Planning Commission may require that the monument signs located at stand alone buildings be smaller than the maximum area allowed per face by the ordinance. (Ord. 2068, Sec. II, 2004)

- K. A time and temperature device, mounted on a building, may be allowed in lieu of one of the above permitted wall or detached signs. The design, size, materials and illumination of such device shall be compatible and in harmony with the building and the degree and type of illumination shall be at such levels as to not unduly detract from traffic safety devices or have adverse effects on nearby residences or places of business. All such time and temperature devices hereafter installed shall be reviewed by the Planning Commission and approved prior to a permit being issued.
- L. Certain Devices and Displays.
1. Exposed neon tubing shall meet the following conditions:
    - a. Exposed neon tubing may not be placed on any exterior facade of a building.
    - b. Exposed neon tubing may be placed on the interior of any windows, doors, or on any interior wall.
    - c. Existing exposed neon tube signs declared to be nonconforming shall be removed within two years of the effective date of this ordinance.
  2. Unless otherwise prohibited, signs may be displayed inside windows or doors and the area of such signage shall be in addition to that permitted on the exterior facade, but the aggregate area of all signs within 48 inches of a window or door shall not exceed 20% of the window and door area. (Ord. 2004, Sec. II, 2001)
- M. “Semi-Permanent Leasing Signs.” Only one semi-permanent “For Lease” sign shall be permitted for the purpose of advertising the on-going leasing activities of each Project that is being offered for lease in a non-residential area. For purposes of this Ordinance, a “Project” shall mean a parcel of property which is uniformly owned or controlled by one person or legal entity, regardless of the size of the parcel and regardless of how many lots or improvements exist on the parcel and whether or not the parcel is divided by one or more public streets. The sign area shall not exceed twenty (20) square feet per face, shall not have more than two faces, shall not exceed a maximum height of five (5) feet; and shall not be placed closer than twenty (20) feet to the back of curb or be placed in a public right-of-way. Said sign shall be constructed of durable materials using vertical supports no larger than 4” x 4” and shall not be illuminated either internally or externally. The maximum dimensions of the sign shall be 4’ x 5’ and sign dimensions shall be reduced proportionally when the sign is reduced in area. The sign shall be located so as to relate to and complement permanent monument signs and be integrated into the landscape features of the site. Any such sign and any supporting or supplemental structures shall be maintained in good condition, adjacent land areas shall be kept free of weeds and debris, and a neat appearance shall be maintained at all times. The responsibility for such maintenance shall be with the project owner served by said sign. (Ord. 1955, Sec. II, 1998) In lieu of a separate leasing sign, said leasing sign may be combined with the project monument sign and the monument sign may be increased to thirty (30) square feet per face. (Ord. 2068, Sec. II, 2004; Ord. 2004, Sec. II, 2001)

- N. If the property is both for lease and for sale, the information shall be combined so that in addition to the permanent monument sign, only one additional sign which complies with all requirements as set forth in Sections 19.48.015 I. and 19.48.025 M. shall be placed on the project site. (Ord. 1955, Sec. III, 1998)
- O. Where one retail establishment (the “sub-tenant”) leases space and conducts business within another retail establishment (the “primary tenant”) but does not have an exterior business façade and an exterior door leading directly to the sub-tenant space, one exterior wall sign may be permitted for the sub-tenant if the following conditions are met:
1. The sub-tenant’s business establishment occupies at least 100 square feet of floor area, and is staffed and open for business during predetermined hours.
  2. The primary tenant’s business establishment occupies at least 25,000 square feet of floor area.
  3. The sub-tenant’s business is a separate legal entity from the primary tenant’s business, as opposed to a department, division or subsidiary of the primary tenant’s business.
  4. A sign criteria for the building or shopping center has been submitted to and approved by the Planning Commission which specifically provides for sub-tenant signage, including standards for the sign location, size, style, color and content. Such sign criteria shall include scale drawings of the facades of all primary tenants where sub-tenant signs are authorized showing the permitted locations for sub-tenant signs.
  5. The total area for all signs on the same façade does not exceed the allowable signage area for that district.
  6. The provisions of this section for sub-tenant signs shall not apply to businesses within an enclosed shopping mall or to businesses that are conducted primarily by automated machines. (Ord. 2004, Sec. II, 2001)

**19.48.030 Prohibition of Nonconforming Signs.**

All existing nonconforming signs which exist at the time of adoption of this amendment may remain and further provided that no changes in the basic structure, source of illumination, location of appearance shall be made in such signs and further provided that if the business to which the sign is related should move to another site, which move, in the opinion of the Building Official, creates in effect an off-site advertising sign, then such device shall be removed or otherwise brought into full conformance with this title.

# ATTACHMENT

## B

ORDINANCE \_\_\_\_\_

AN ORDINANCE AMENDING TITLE 19 OF THE PRAIRIE VILLAGE MUNICIPAL CODE, \_\_\_\_\_, ENTITLED "ZONING REGULATIONS" BY REPEALING CHAPTER 19.48 ENTITLED "SIGNS" AND ADOPTING A NEW CHAPTER 19.48 ENTITLED "SIGNS"

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

Section I.

The existing Chapter 19.48 the Prairie Village Municipal Code, \_\_\_\_\_, entitled "Signs" is hereby repealed.

Section II.

Title 19 of the Prairie Village Municipal Code, \_\_\_\_\_ entitled "Zoning Regulations" is hereby amended by adopting a new Chapter 19.48 entitled "Signs" with the following sections and to read as follows:

Sections:

19.48.005	Regulations Generally.
19.48.010	Purpose.
19.48.011	Definitions.
19.48.012	Prohibited Signs.
19.48.015	Regulations Applicable to all Districts.
19.48.020	Regulations Applicable to Districts R-1a through R-4 Inclusive.
19.48.025	Regulations Applicable to Districts C-0, C-1, C-2, and C-3.
19.48.030	Prohibition of Nonconforming Signs.

***19.48.005 Regulations Generally.***

Signs shall be permitted in the various districts in accordance with the following regulations, which shall apply to all signs that are visible from beyond the lot line. Signs not authorized by the provisions of this Chapter 19.48 are prohibited.

***19.48.010 Purpose.***

It is determined that regulation of the location, size, placement and certain features of signs is necessary to enable the public to locate goods, services, and facilities without difficulty and confusion; to prevent wasteful use of natural resources in competition among businesses for attention; to prevent hazards to life and property; to avoid visual clutter; to assure the continued attractiveness of the community and protect property values.

***19.48.011 Definitions.***

- A. **Awning Sign:** A sign that is mounted on, painted on, or attached to an awning.
- B. **Bulletin Board Sign:** A sign that indicates the name of an institution or organization on whose premises it is located and which contains the name of the institution or organization, the name or names of persons connected with it, and announcement of



persons, events or activities occurring at the institution. Such sign may also present a greeting or similar message.

- C. **Business Sign:** A sign which directs attention to a business or profession conducted, or to products, services or entertainment sold or offered upon the premises where such sign is located or to which it is affixed.
- D. **Identification Sign:** A sign giving the name and address of a building, business, development or establishment. Such signs may be wholly or partly devoted to a readily recognized symbol.
- E. **Monument Sign:** Any sign placed upon, or supported by, the ground independent of the principal building or structure on the property and is constructed with permanent building materials.
- F. **Name Plate Sign:** A sign giving the name and/or address of the owner or occupant of a building or premises on which it is located, and where applicable, a professional status.
- G. **Off-Site Sign:** A sign which displays any message directing attention to a business, product, service, profession, commodity, activity, event, person, institution or any other commercial message, which is generally conducted, sold, manufactured, produced, offered or occurs elsewhere than on the premises where such sign is located."
- H. **On-Site Sign:** A site that is other than an off-site sign.
- I. **Pole Sign:** Any sign placed upon, or supported by, the ground independent of the principal building or structure on the property where the bottom edge of the sign is more than five (5) above the ground level.
- J. **Portable Sign:** Any sign that is not permanently affixed to a building, structure, or the ground. (Ord. 2004, Sec. II, 2001)
- K. **Projecting Sign:** A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.
- L. **Real Estate Sign:** A sign pertaining to the sale or lease of a lot or tract of land on which the sign is located, or to the sale or lease of one or more structures, or a portion thereof on which the sign is located.
- M. **Temporary Sign:** A sign that is intended for a temporary period of posting on public or private property, and is typically constructed from nondurable materials, including paper, cardboard, cloth, plastic and/or wall board and does not constitute a structure subject to the City's Building Code and Zoning provisions.
- N. **Wall Sign:** A sign fastened to or painted on a wall of a building or structure in such a manner that the wall becomes merely the supporting structure or forms the background surface, and which does not project more than 12 inches from such building. Wall signs shall not project above the top of the wall on which the sign is attached.

#### 19.48.012 Prohibited Signs.

All signs not expressly permitted within this ordinance or exempted herein are prohibited in the city. Such prohibited signs include, but are not limited to:

- A. Animated Signs.
- B. Awning Signs.
- C. Digital Readout or Electronic Graphic Signs.
- D. Flashing or Blinking Signs.
- E. Off-Site Signs.
- F. Pole Signs.
- G. Portable Signs.
- H. Projecting Signs.
- I. Roof Signs.
- J. Rotating Signs.

- K. Signs attached to any tree, fence or utility pole except warning signs issued and properly posted by that utility company.

**19.48.015 Regulations Applicable to All Districts.**

- A. Sign Permit.
  - 1. Except as provided herein, or as may be provided by other ordinances or resolutions of the city, it shall be unlawful for any person to erect, install, alter, move or replace any new or existing sign or signage without first obtaining a permit and making payment of the sign permit fee as established in the city fee schedule on file in the City Clerk's Office. A permit is not required for ordinary maintenance and repair of a sign nor is a permit or fee required to post temporary signs.
  - 2. Any person desiring to erect a sign for which a permit is required shall submit to the Building Official an application upon a form to be provided by the City which shall contain the following information:
    - a. Name, address and telephone number of the applicant;
    - b. Location of building, structure, or lot to which or upon which the sign is to be attached or erected;
    - c. Position of the sign in relation to nearby building or structures, streets and sidewalks;
    - d. Drawing of sign and specifications describing the sign;
    - e. Length of time that sign will be displayed;
    - f. Written consent of the owner of the building, structure or land to which or on which the sign is to be erected; and
    - g. Such other information as the Building Official shall require to show full compliance with this and all other laws and ordinances of the City.
  - 3. It shall be the duty of the Building Official upon filing of an application for a sign permit, to review the application and to conduct such other investigation as is necessary to determine the accuracy of the application. If it shall appear that the applicant has provided the information requested in the application and that said information is accurate and that the proposed sign when placed will comply with the ordinance of the City, (s)he shall issue a sign permit.
  - 4. If the Building Official determines that the proposed sign is not in compliance with all requirements of this chapter or any other laws and ordinances of the city, (s)he shall not issue the requested permit and shall advise the applicant of the right to appeal as set out in Section 19.54.025.
  - 5. All rights and privileges acquired under the provisions of this chapter or any amendments thereto, are revocable at any time by the city for cause, and all such permits shall contain this provision.
- B. Exceptions. A permit as provided for in Section 19.48.015(A) of this chapter shall not be required to erect, install, alter, move or replace the following signs:
  - 1. Street markers, traffic sign and other appropriate signs displayed by the City or other governmental subdivision;
  - 2. Temporary signs;
  - 3. Name plate signs for single-family dwellings; and
  - 4. Any sign required by the City's Building or Fire Codes for purposes of premises identification.
- C. Aesthetic Considerations. All permanent signs shall be well constructed of permanent materials and shall be constructed with similar materials as used in other buildings on the site.

- D. Obstruction of Exits. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape.
- E. Traffic Hazards. No sign shall be constructed at the intersection of any street in such a manner as to obstruct the free and clear vision of motorists, or any location where, by reason of the position, shape or color, said sign may interfere with, obstruct the view or be confused with any authorized traffic sign, signal or device.
- F. Certain Devices and Displays
1. Movement or the illusion of movement, flashing of lights or reflectors, likeness of human or animal forms, or searchlights are prohibited.
  2. Permanent banners may be allowed as an architectural or decorative accessory in shopping centers and other developments provided they are generally uniform throughout the project, and are in harmony with the architectural theme of the development. No such banners shall be installed unless their location and design have first been approved by the Planning Commission.
- G. Unsafe and Unlawful Signs. If the Building Official or his/her representative find that any sign regulated herein is unsafe or insecure, or is a menace to the public, or, has been constructed or erected, or is being maintained in violation of the provisions of this chapter, (s)he shall give written notice to the owner of the structure, lot or parcel upon which the sign is installed. If the permittee fails to remove or alter the sign so as to comply with the standards herein set forth within forty-eight (48) hours after such notice, such sign may be removed or altered to comply by the Building Official at the expense of the permittee or owner of the property upon which it is located, and the permit shall be revoked. The Building Official shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The Building Official may cause any sign, which is an immediate peril to persons or property to be removed summarily and without notice.
- H. Public Property. Unless otherwise permitted in this Chapter, no sign shall be placed within a public street right-of-way, public park or other public property, or on a utility pole, except that wall-mounted signs may protrude not more than eight (8) inches into a public street right-of-way if the sign is nine (9) feet or more above the sidewalk or the grade abutting said wall. A permanent identification sign for a subdivision or other residential project may be located on street right-of-way if approved as required in Section 19.48.020, Paragraph E.
- I. "For Sale Signs." Only one "For Sale" sign shall be permitted for each project that is being offered for sale in a non-residential area. For purposes of this Ordinance, a Project shall mean a parcel of property which is uniformly owned or controlled by one person or legal entity, regardless of the size of the parcel and regardless of how many lots or improvements exist on the parcel and whether or not the parcel is divided by one or more public streets. Said sign shall not exceed sixteen (16) square feet in area per face, shall not have more than two faces, and shall not exceed a height of five (5) feet. Such sign shall be located so as to relate to and complement permanent monument signs and be integrated into the landscape features of the site. Such a sign may be posted for a period of up to ninety (90) days, at which time the sign shall be removed or replaced. Any such sign and any supporting or supplemental structures shall be maintained in good condition, adjacent land areas shall be kept free of weeds and

debris, and a neat appearance shall be maintained at all times. The responsibility for such maintenance shall be with the project owner served by said sign.

J. Type of Lettering and General Design Allowed.

1. The lettering and general design of all signs or signage shall be simple and straightforward. "General design" shall include the background panel, case or cabinet upon which the sign text is located.
2. Exceptions to the above restrictions are all internationally recognized health and safety symbols. Other exceptions are medical, religious, and fraternal organization identifications and governmental seals and logos.
3. Logos may be incorporated into a sign and will be subject to all regulations governing signs and be included within the square footage allotments.
4. All existing signs affected by the above restrictions shall conform to these restrictions whenever the existing signs are modified, altered, moved or replaced.

K. Service stations shall be permitted the following signs:

1. One illuminated or non-illuminated detached post-supported or monument sign may be permitted. Such sign shall not be closer than fifty (50) feet to any boundary of a district, R-1a to C-0 inclusive, and shall not be located in the street right-of-way. Such sign shall not exceed ten (10) feet in height above the average grade of the lot, and further, shall not exceed seventy (70) square feet in area per face. If not sitting within the landscaped setback, the sign base shall be located within a curbed landscaped area, extending a minimum of three (3) feet on all sides of the sign base. If illuminated, the lighting shall be arranged so that no glare extends to land within Districts R-1a to C-0 inclusive.
2. No more than two illuminated or non-illuminated signs that display fuel prices shall be permitted. Such signs may be detached or wall-mounted but shall not exceed fifteen (15) square feet each.
3. Each fuel pump island may have a sign on each end identifying if that island is "full service" or "self-service." If the service station is completely self-service, a maximum of two (2) "self-service" signs shall be permitted. These signs shall not exceed four (4) square feet in area each.
4. A maximum of two (2) non-illuminated signs displaying credit card information shall be permitted. Such signs shall not exceed one (1) square foot each.
5. Fuel pumps may display signs indicating only the type and brand name of fuel, in addition to signs required by law, which shall be of minimum size and quantity.
6. An additional non-illuminated sign not to exceed six (6) square feet in area shall be allowed and may be placed on each side of the pump island canopy.

L. Temporary Signs.

1. Purpose and Findings.

The City of Prairie Village is enacting this Ordinance to establish reasonable regulations for the posting of informational signs on public and private property.

Temporary Signs left completely unregulated, can become a threat to public safety as a traffic hazard, a detriment to property values as an aesthetic nuisance.

By implementing these regulations, the City intends to:

- a. balance the rights of individuals to convey their messages through temporary signs and the right of the public to be protected against the unrestricted proliferation of signs;
- b. further the objectives of the City's comprehensive plan;
- c. protect the public health, safety and welfare;
- d. reduce traffic and pedestrian hazards;
- e. protect property values by minimizing the possible adverse effects and visual blight caused by signs;
- f. promote economic development; and
- g. ensure the fair and consistent enforcement of the temporary sign regulations specified in the following.

2. Regulations:

Temporary signs may be posted on property in all Zoning Districts of the City, subject to the following requirements:

- a. The total square footage for temporary signs in any district, in the aggregate, shall not exceed forty-eight (48) square feet, with no individual sign exceeding sixteen (16) square feet. The total square footage of a sign is measured to include all of the visible display area of only one side of the sign and only the area of one side of a double sided sign is included in the aggregate calculation.
- b. Signs shall not exceed five (5) feet in height measured from the average grade at the base of the sign.
- c. No sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant, or any other type of street furniture, or otherwise create a hazard, including a tripping hazard.
- d. No sign shall be illuminated or painted with light-reflecting paint.
- e. A sign shall only be posted with the consent of the property owner or occupant. Signs posted in the public right-of-way may only be posted with the permission of the abutting property owner.
- f. A temporary sign may be posted for a period of up to ninety (90) days, at which time the sign shall be removed or replaced.
- g. Signs shall not be posted on trees, utility poles, and other similar structures within the rights-of-way.

3. Removal or Replacement of Informational Signs:

- a. The person who has posted or directed the posting of the sign is responsible for the removal or replacement of that sign.
- b. If that person does not remove or replace the sign in accordance with these regulations, then the property owner or occupant of the building or lot where the sign is posted is responsible for the sign's removal or replacement.
- c. "If the Building Official finds that any sign is posted in violation of these regulations on public property, the Building Official is authorized to remove any such signs. If the Building Official finds that any sign posted in violation of these regulations on private property, (s)he shall give written notice to the person who has posted or directed the posting of the sign. If that person fails to remove or replace the sign so as to comply with the standards herein set forth within seventy-two (72) hours after such notice, such sign may be removed by the Building Official."

M. Monument Signs: Monument signs shall not exceed five (5) feet in height above the average grade of the base; shall not exceed twenty (20) square feet in area per face;

shall be placed on private property, not closer than three feet to the property line or 12 feet from the back of curb of the street and shall be landscaped at the base. All monument signs shall be constructed with permanent building materials that are similar to or complement existing building materials and colors used on the buildings located on the site. If the sign is not located within the landscape setback area, the sign base shall be located with a landscaped area extending a minimum of three (3) feet on all sides of the sign base and a landscape plan shall be submitted for approval. All monument signs including the landscape plan shall be reviewed and approved by the Planning Commission based on the above requirements prior to obtaining a permit and being installed.

N. Sign Area Calculations.

1. Monument Signs: The area shall include the sign panel but not the sign base on which it is mounted or the structural elements or frames that form the perimeter of the panel.
2. Wall Signs: If the wall sign is contained within a panel, the sign area calculation shall be the area of the panel. If the sign consists of individual letter, symbols or words, either painted or mounted on the wall, the area shall be the smallest rectangular figure that can encompass all of the letters, words, logos or symbols.
3. Band Signs: The area of a band sign shall be the width of the band times the outside extremities of the letters, words, logos or symbols contained within the band.

O. Setback: All signs shall setback a minimum of twelve (12) feet from the back of curb and five (5) feet from any adjacent side or rear property line.

P. Obscene Materials: Obscene signs, flags, banners, or any sign of any type are prohibited. "Obscene" is defined as any material that (a) whether the average person, applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest; (b) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and (c) whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

Q. Substitution of Messages: Subject to the landowner's consent, a noncommercial message of any type may be substituted for any duly permitted or allowed commercial message or any duly permitted or allowed noncommercial message, provided that the Sign or Sign Structure is legal without consideration of message content. This substitution of message may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a parcel or land use, nor does it affect the requirement that a sign structure or mounting device be properly permitted. This provision does not allow for the substitution of an offsite commercial message in place of an onsite commercial message.

**19.48.020 Regulations Applicable to Districts R-1a through R-4 Inclusive.**

No sign may be constructed, erected, or displayed in districts zoned R-1a through R-4 inclusive, except as provided in the Section 19.48.020.

A. Public Churches, Synagogues, Schools, and Community Buildings.

1. Churches, synagogues, private or public schools, community center buildings, libraries, art galleries, and museums shall be allowed not more than two (2) signs identifying the premises and activities provided therein. Such signs may either be wall mounted or monument signs and may be illuminated provided the source of illumination shall not be visible from off the premises. Wall signs shall not exceed five (5) percent of the total area of the facade of the building, on which it is attached and in no event shall exceed fifty (50) square feet in area. Such signs shall be of a design, location and size as to be in harmony with the neighborhood and the building served as determined by the Building Official. No such monument sign shall be constructed, installed or replaced until plans have been reviewed and approved by the Planning Commission and a building permit issued therefore. The copy on the sign may be changed from time to time provided that the design of the sign is not changed from that approved by the Planning Commission.
  2. In addition to the signs permitted in paragraph 1 above, schools are permitted to display an award sign. The award sign may be either a monument sign or wall mounted sign; however, the sign face for wall mounted signs shall not exceed five percent of the total area of the façade of the building on which it is attached, but in no event shall exceed 50 square feet in area and for monument signs, the sign face shall not exceed 20 square feet in area. Said monument sign shall not exceed five feet in height and shall not be constructed, installed or replaced until plans have been reviewed and approved by the Planning Commission and a building permit issued. There shall be no more than two wall signs or two monument signs with no more than a total of three signs.
- B. One or more signs which are for the sole purpose of identifying a subdivision or a residential project may be permitted under the following standards and procedures:
1. Detailed plans of the sign and any supporting or supplemental structure shall be submitted for Planning Commission review. If approved, a construction permit may be procured from the Building Official and all details of the approved plans and any conditions included by the Commission shall be met. Subdivision signs are encouraged to be designed in accordance with the guidelines adopted by the Planning Commission;
  2. Only the proper name of the subdivision or residential project shall be on the sign; provided, however, that the Planning Commission may approve further language or information it deems appropriate;
  3. The sign and any supporting or other supplemental structure may be on private property or on public right-of-way provided the Planning Commission shall first determine that a location on public right-of-way will not create a traffic hazard, maintenance problem, nuisance or other condition adverse to the public interest;
  4. Walls, fences and other architectural features may be used to supplement said signs provided that traffic hazards, maintenance problems or other conditions which may be adverse to the public interest are not present;
  5. Any such sign and any supporting or supplemental structures shall be maintained in good condition, adjacent land areas kept free of weeds and debris, and a neat appearance displayed at all times. The responsibility for such maintenance shall be with the homeowner's association or the project owner served by said sign, the name, address and phone number of the responsible officer being kept on file in the Building Official's Office. The Planning Commission may, if long-term maintenance responsibilities are a concern, require that surety, acceptable to the City Council, be deposited with the City. The surety amount is to be equal to not

less than the cost of one year's maintenance plus the cost of demolition and removal if such action is deemed by the City Council to be in the public interest.

6. Signs and supporting structure may be illuminated provided the source of illumination shall not be visible from a public street or from any dwelling that is part of said subdivision or project.
7. The design, shape, sizes and location of such signs and accompanying structure shall be in harmony with the neighborhood and the project that is served. Materials, lettering style, colors and size shall present a dignified appearance and be such that long-term maintenance can be readily and economically accomplished.

**19.48.25 Regulations Applicable to Districts C-0, C-1, C-2, and C-3.**

No sign may be constructed, erected, or displayed in districts zoned C-0, C-1, C-2, and C-3 inclusive, except as provided in this Section 19.48.025.

- A. Signs shall be permitted for uses permitted in Districts R-1a through R-4 inclusive in accordance with the regulations established therefore in Section 19.48.020.
- B. One illuminated or non-illuminated wall-mounted sign shall be permitted on each principal facade of each building or each shop or office therein provided that said shop or office has an exterior door and that the total area of such sign shall not exceed five (5) percent of the total area of the facade of each building or each shop upon which it is mounted and in no event shall such area exceed fifty (50) square feet. Facade shall mean that portion of the building's wall, which is contiguous with the tenant's gross leasable floor area.
- C. Monument signs; where allowed.
  1. In the case of a stand alone building, which is not a part of a "shopping center, office park or multi-tenant building" as defined in Paragraph J below, and which is occupied by a single tenant, one monument sign may be permitted in lieu of one of the wall signs permitted in B above. Said sign shall depict only the name and address of the building or business and may include an additional line of text that describes services.
  2. In the case of a "shopping center, office park or multi-tenant building" as defined in Paragraph J below, and which is occupied by more than one tenant, one detached monument sign may be permitted for each street frontage in addition to the wall-mounted signs permitted in B above. The location of said signs will be approved by the Planning Commission. Said sign shall depict only the name and address of the center or grouping of shops or offices and may include an additional line of text that describes services.
  3. A tenant and/or property owners within a "shopping center, office park or other grouping" as defined in Paragraph J, occupying a stand alone single-tenant building of at least 5,000 square feet may, in lieu of the wall sign permitted in Paragraph B above, have one detached monument sign depicting his business or product. The design and location of this sign shall be in accordance with Sections 19.48.015 and 19.48.025 and shall be subject to approval of the Planning Commission.

All of the above detached signs shall also conform to the following:

Such sign shall not be closer than fifty (50) feet to any boundary of a Residential District. If flood lighted, the lighting shall be shielded so that the source is not visible.



- D. Where canopies are permitted, one sign not to exceed three (3) square feet in area and allowing at least seven (7) feet six (6) inches clearance above the sidewalk shall be securely attached to the canopy and an additional sign not to exceed three (3) square feet may be mounted on the facade beneath the canopy.
- E. Buildings Under Construction. One non-illuminated sign of not more than eighty (80) square feet in area, inclusive, shall be permitted for each building during its construction, provided, that said sign shall be removed upon completion of the building.
- F. New Subdivisions or Developments. One non-illuminated sign of not more than eighty (80) square feet in area shall be permitted for each new subdivision or development project; provided, that the permit shall be issued for a period of not more than one (1) year.
- G. Off-Street Parking or Loading Facilities. One illuminated or non-illuminated sign with a maximum area of ten (10) square feet shall be permitted at each entrance to off-street parking or loading facility to identify such facility and present any regulations governing the use thereof.
- H. Non-illuminated Signs Mounted Against Face of Building. In cases where non-illuminated signs are to be mounted flat against the face of the building, such signs shall not protrude more than three (3) inches from the face of the building and shall not extend above the height of the wall on which it is mounted.
- I. Regulations Pertaining to Illuminated Signs.
  - 1. There shall be no exposed incandescent or neon or other tube-type lights; provided, that indirect flood lighting shall be permissible.
  - 2. There shall be no flasher-type lighting.
  - 3. If required to be mounted flat against the face of the building, such sign shall not protrude more than eight (8) inches from the face of the building and shall not extend above the height of the wall upon which it is mounted.
  - 4. Signs conveying the impression of movement through flashing lights or signs that fluctuate in light intensity shall be prohibited.
- J. Private Sign Standards Applicable to Office Parks, Shopping Centers, Multi Tenant Buildings and Planned Business Districts. In the case of an office park, shopping or multi-tenant building (new or remodeled), the developer or owner shall prepare and submit to the Planning Commission a set of sign standards for all permanent exterior signs. The purpose of the sign standards is to create uniform signage design throughout the development. Such standards shall run with all leases or sales of portions of the development. A full and accurate description of all signs shall be included indicating location, placement, materials, graphic design styles, type of illumination, etc. Sign permits shall not be issued until the Planning Commission has approved the sign standards. For purposes of this section the terms "shopping center, office park, or multi-tenant buildings" shall mean a project that has been planned as an integrated development on property under unified control or ownership at the time of development. The sale, subdivision, or other partition of the site does not exempt the project or portions thereof from complying with these regulations.

If multiple monument signs are proposed as part of the design standards, they shall be of uniform design regarding the sign base, frame, materials and proportions, but the

Planning Commission may require that the monument signs located at stand alone buildings be smaller than the maximum area allowed per face by the ordinance.

- K. A time and temperature device, mounted on a building, may be allowed in lieu of one of the above permitted wall or detached signs. The design, size, materials and illumination of such device shall be compatible and in harmony with the building and the degree and type of illumination shall be at such levels as to not unduly detract from traffic safety devices or have adverse effects on nearby residences or places of business. All such time and temperature devices hereafter installed shall be reviewed by the Planning Commission and approved prior to a permit being issued.
- L. Certain Devices and Displays.
1. Exposed neon tubing shall meet the following conditions:
    - a. Exposed neon tubing may not be placed on any exterior facade of a building.
    - b. Exposed neon tubing may be placed on the interior of any windows, doors, or on any interior wall.
    - c. Existing exposed neon tube signs declared to be nonconforming shall be removed within two years of the effective date of this ordinance.
  2. Unless otherwise prohibited, signs may be displayed inside windows or doors and the area of such signage shall be in addition to that permitted on the exterior facade, but the aggregate area of all signs within 48 inches of a window or door shall not exceed 20% of the window and door area.
- M. "Semi-Permanent Leasing Signs." Only one semi-permanent "For Lease" sign shall be permitted for the purpose of advertising the on-going leasing activities of each Project that is being offered for lease in a non-residential area. For purposes of this Ordinance, a "Project" shall mean a parcel of property which is uniformly owned or controlled by one person or legal entity, regardless of the size of the parcel and regardless of how many lots or improvements exist on the parcel and whether or not the parcel is divided by one or more public streets. The sign area shall not exceed twenty (20) square feet per face, shall not have more than two faces, shall not exceed a maximum height of five (5) feet; and shall not be placed closer than twenty (20) feet to the back of curb or be placed in a public right-of-way. Said sign shall be constructed of durable materials using vertical supports no larger than 4" x 4" and shall not be illuminated either internally or externally. The maximum dimensions of the sign shall be 4' x 5' and sign dimensions shall be reduced proportionally when the sign is reduced in area. The sign shall be located so as to relate to and complement permanent monument signs and be integrated into the landscape features of the site. Any such sign and any supporting or supplemental structures shall be maintained in good condition, adjacent land areas shall be kept free of weeds and debris, and a neat appearance shall be maintained at all times. The responsibility for such maintenance shall be with the project owner served by said sign. In lieu of a separate leasing sign, said leasing sign may be combined with the project monument sign and the monument sign may be increased to thirty (30) square feet per face.
- N. If the property is both for lease and for sale, the information shall be combined so that in addition to the permanent monument sign, only one additional sign which complies with all requirements as set forth in Sections 19.48.015 I. and 19.48.025 M. shall be placed on the project site.

- O. Where one retail establishment (the "sub-tenant") leases space and conducts business within another retail establishment (the "primary tenant") but does not have an exterior business façade and an exterior door leading directly to the sub-tenant space, one exterior wall sign may be permitted for the sub-tenant if the following conditions are met:
1. The sub-tenant's business establishment occupies at least 100 square feet of floor area, and is staffed and open for business during predetermined hours.
  2. The primary tenant's business establishment occupies at least 25,000 square feet of floor area.
  3. The sub-tenant's business is a separate legal entity from the primary tenant's business, as opposed to a department, division or subsidiary of the primary tenant's business.
  4. A sign criteria for the building or shopping center has been submitted to and approved by the Planning Commission which specifically provides for sub-tenant signage, including standards for the sign location, size, style, color and content. Such sign criteria shall include scale drawings of the facades of all primary tenants where sub-tenant signs are authorized showing the permitted locations for sub-tenant signs.
  5. The total area for all signs on the same façade does not exceed the allowable signage area for that district.
  6. The provisions of this section for sub-tenant signs shall not apply to businesses within an enclosed shopping mall or to businesses that are conducted primarily by automated machines.

**19.48.030 Prohibition of Nonconforming Signs.**

All existing nonconforming signs which exist at the time of adoption of this amendment may remain and further provided that no changes in the basic structure, source of illumination, location of appearance shall be made in such signs and further provided that if the business to which the sign is related should move to another site, which move, in the opinion of the Building Official, creates in effect an off-site advertising sign, then such device shall be removed or otherwise brought into full conformance with this title.

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

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

CITY OF PRAIRIE VILLAGE, KANSAS

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

ATTEST:

APPROVED AS TO FORM:

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

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

EXCERPT  
PLANNING COMMISSION MINUTES  
MEETING OF NOVEMBER 7, 2006

PC2006-13 Proposed Revisions to the Prairie Village Zoning Regulations  
Chapter 19.48 entitled "Signs"  
Applicant: City of Prairie Village

City Attorney Charles Wetzler introduced Amii Castle a lawyer with his firm who represented the City of Prairie Village in the Quinley lawsuit against the City's sign regulations. He noted the entire sign regulations were reviewed. References to political signs were removed with the signs being classified as "informational signs". Ms Castle has been working closely with the attorney representing the ACLU and to address the rulings made by Judge John Lungstrum.

Ms Castle stated Judge Lungstrum's ruling in a nutshell prohibits any restriction that requires the City to look at the content of the sign or is context based. She noted governments can intervene under compelling government interests, but traffic safety and aesthetics are not considered to be compelling government interests.

The focus of the proposed revisions has been on the areas or issues addressed by the judge in his ruling. Only minor revisions were made in the area of commercial signs. The intent of the new regulations is to treat all temporary signs the same. Ms Castle noted that case law on the sign issues varies widely and doesn't provide anything for the City to "hang its hat on". She and Mr. Wetzler and Mr. Williamson have attempted to address the concerns of the ACLU with the proposed revisions.

Marlene Nagel asked if a permit was required for temporary signs and how can the length a sign has been posted be determined. Ms Castle responded it is unconstitutional to require a permit for temporary signs. The courts have upheld the 90 day replace or remove restrictions, however, it is very difficult to track the number of days, but this gives the City a mechanism if a sign becomes dilapidated to take action.

Laura Wassmer noted a resident requested language be added to address where the signs can be placed in relation to an adjoining property and asked if this has been done. Ron Williamson responded the new regulations require signs be setback five feet from the rear and side yard.

Ms Wassmer asked if under the proposed ordinance every resident in Prairie Village could have signs. Ms Castle responded they could up to a total of 48 square feet. She noted one court case has allowed up to 80 square feet of signs but the ACLU has agreed to accept the 48' restriction in Prairie Village.

Nancy Vennard asked if there were any regulations that addressed the number of signs per frontage of the lot noting 48' is less intrusive displayed on larger lots than on small lots. Ms Castle stated she was unaware of such regulations and felt they would be seen by the courts as discriminatory.

**COUNCIL MEETING AGENDA  
CITY OF PRAIRIE VILLAGE  
Monday, December 4, 2006  
7:30 p.m.**

**I. CALL TO ORDER**

**II. ROLL CALL**

**III. PLEDGE OF ALLEGIANCE**

**IV. PUBLIC PARTICIPATION**

**V. PUBLIC HEARING**

Unsafe Structure – 7618 Mohawk – Katie Logan

**VI. CONSENT AGENDA**

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

**By Staff:**

1. Approve Regular Council Meeting Minutes – November 20, 2006
2. Approve Construction Change Order #2 for a reduction of \$7,333.96 in the original contract amount and an addition of 15 calendar work days to Musselman & Hall Contractors.
3. Ratify the Mayor's appointment of Linda Bishop and Art Kennedy to the Tree Board with the terms expiring in April, 2007 and April, 2009.

**By Committee:**

4. Adopt Ordinance 2137 renewing the Special Use Permit for the installation of a wireless communication antenna and equipment at 7321 Mission Road subject to the conditions established by the Planning Commission. (Council Committee of the Whole Minutes – November 20, 2006)
5. Waive Council Policy CP204 entitled "sidewalks" and not construct a sidewalk on Briar Street from 75<sup>th</sup> Street north to Brush Creek as part of Project 190860: 2007 Street Resurfacing Program. (Council Committee of the Whole Minutes – November 20, 2006)
6. Accept as information the Compensation and Benefits Final Report of FBD Consulting, Inc. (Council Committee of the Whole Minutes – November 20, 2006)
7. Approve the School Resource Officer Agreement with the Shawnee Mission School District for the 2006-2007 school year. (Council Committee of the Whole Minutes – November 20, 2006)

**VII. COMMITTEE REPORTS**

**VIII. OLD BUSINESS**

Lease with Leawood on use of Island at Somerset and Lee – Charles Wetzler

**IX. NEW BUSINESS**

Consider Resolution on 7400 State Line Road – Gary Anderson

**X. ANNOUNCEMENTS**

**XI. ADJOURNMENT**

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

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

## City of Prairie Village

### Memorandum

To: Prairie Village City Council

From: Jim Brown, Building Official

CC: Catherine P. Logan, City Attorney  
Doug Luther, Assistant City Administrator  
David McAuliffe, Building Inspector  
Marcia Gradinger, Code Enforcement Officer

Date: 11/27/06

RE: 7618 Mohawk update

10/3/06- Mr. Siggs was personally served Resolution No. 2006-09 by Marcia Gradinger, Code Enforcement Officer.

10/18/06- Received call from Mr. Rick Forner (contractor). Mr. Forner stated that he was no longer associated with the project, due to Mr. Siggs becoming more and more difficult to deal with.

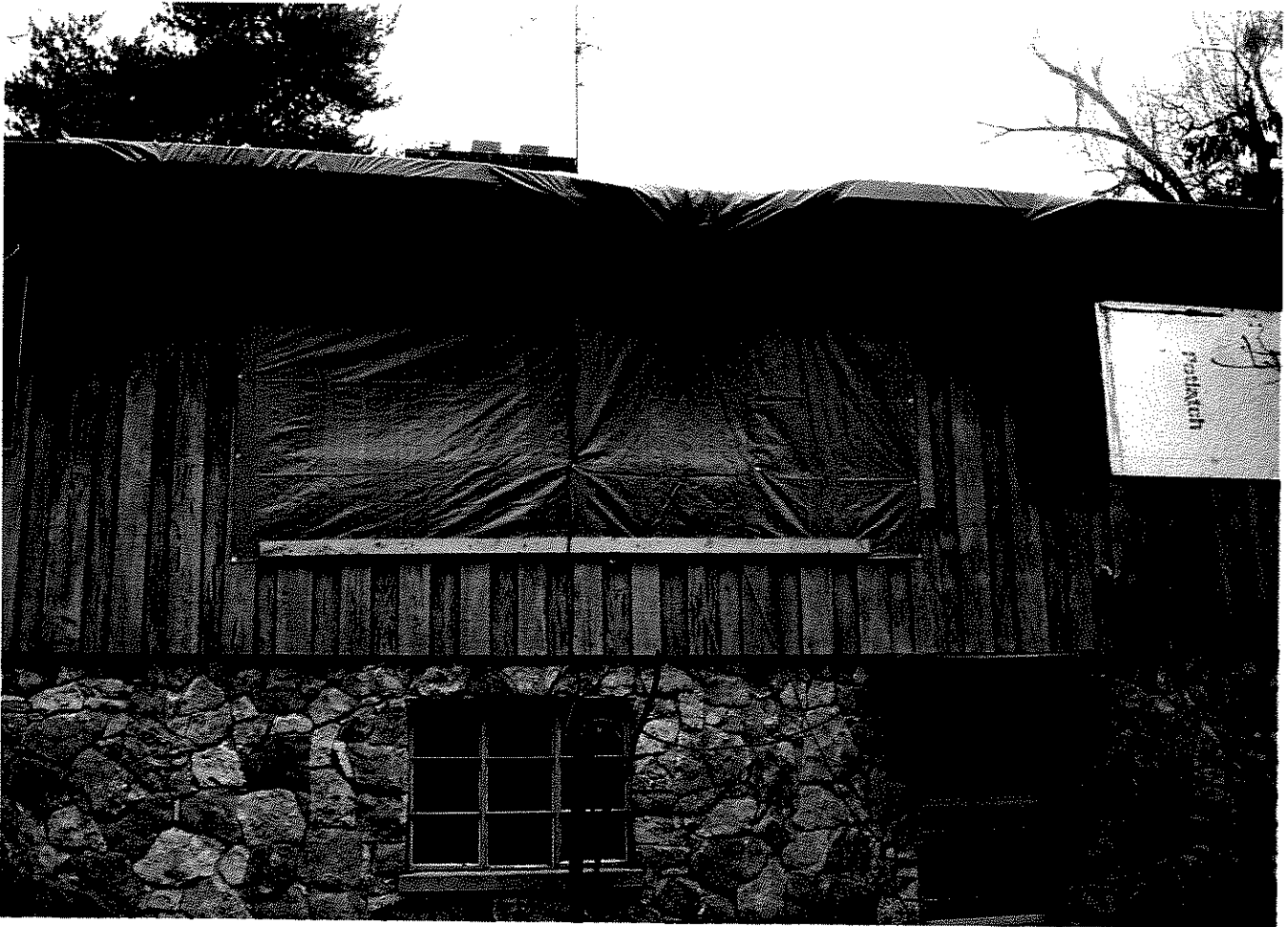
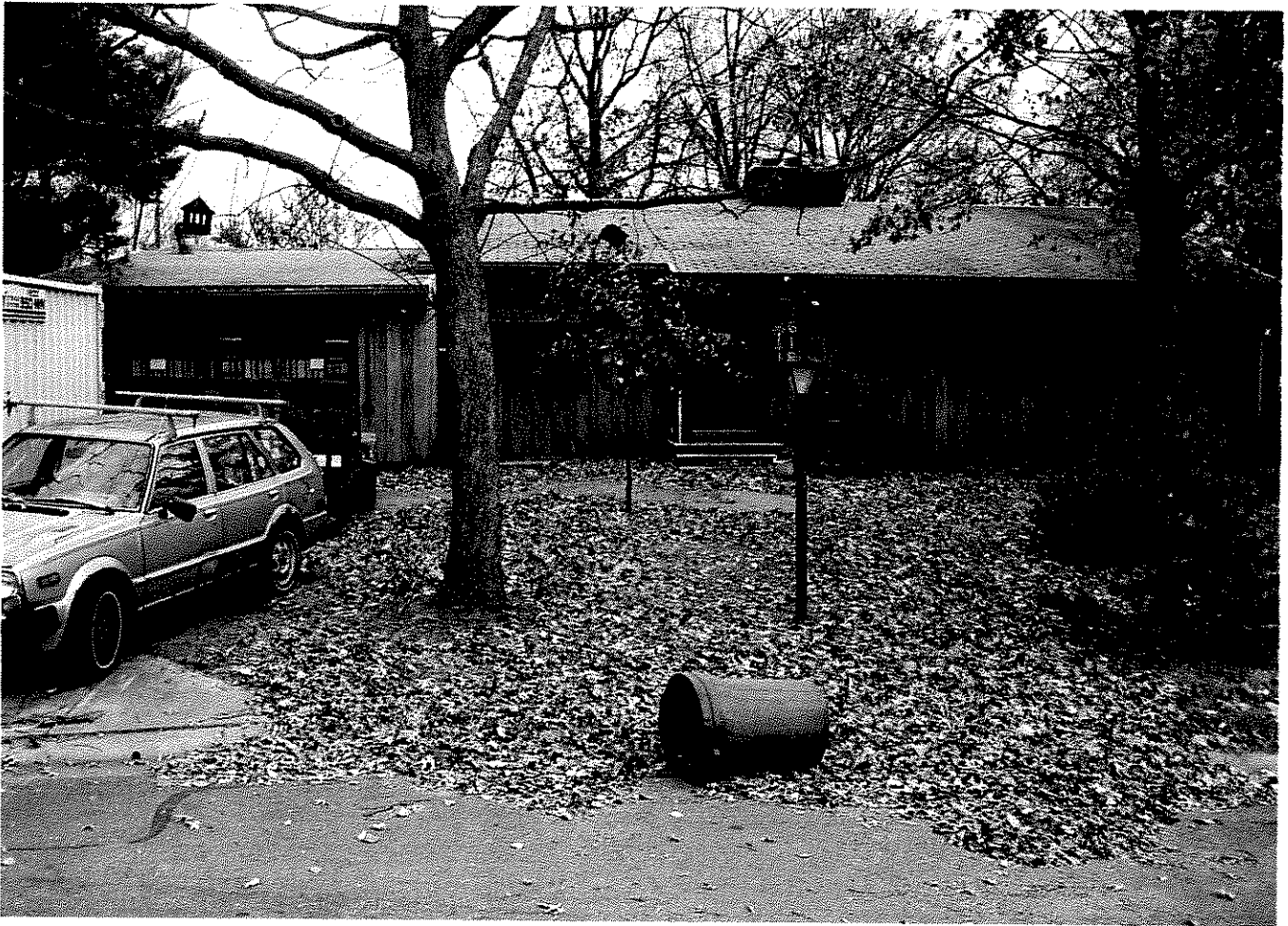
11/13/06- Received call from Mr. Sigg's caretaker (Brad). This conversation went as follows:

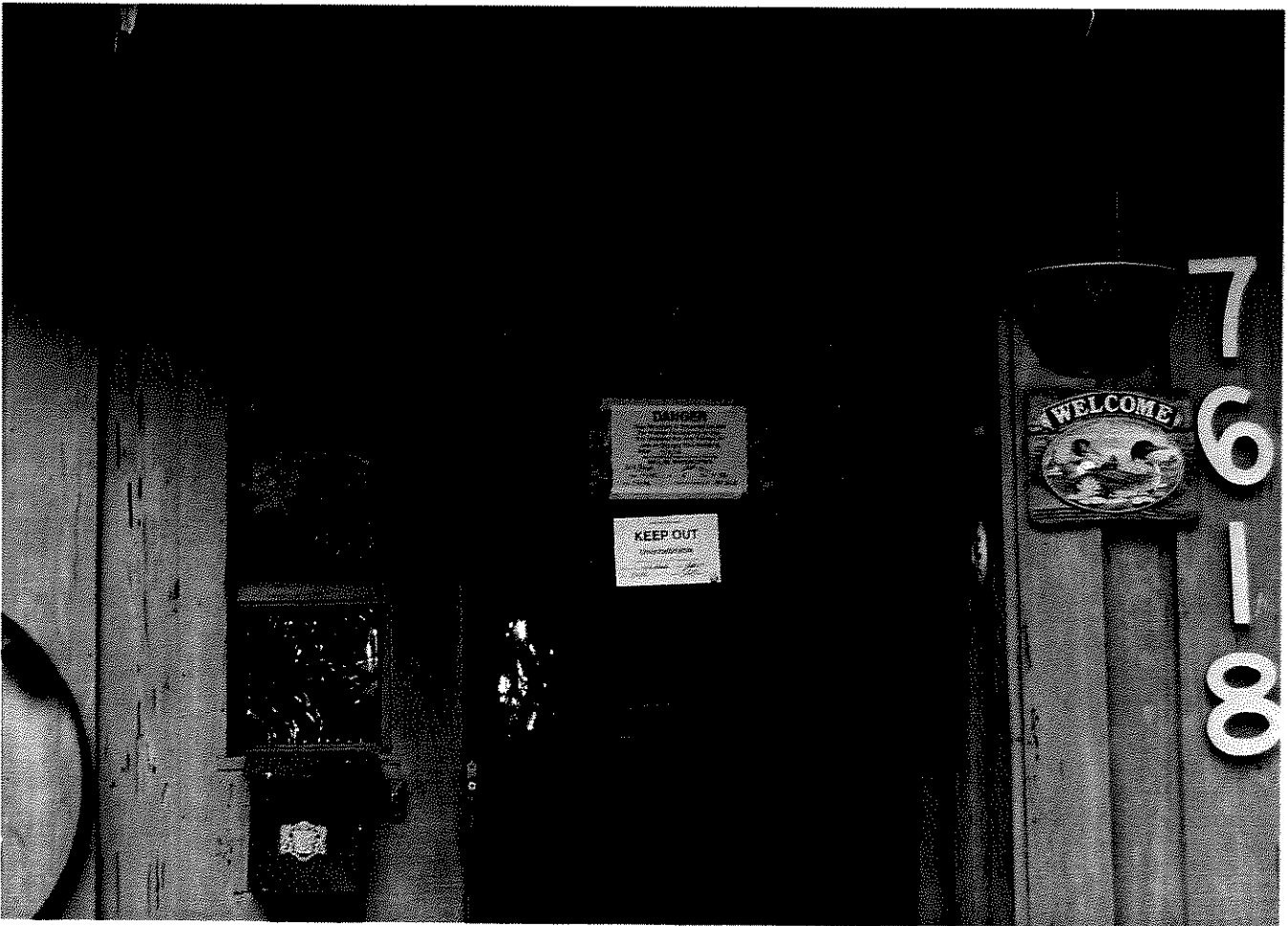
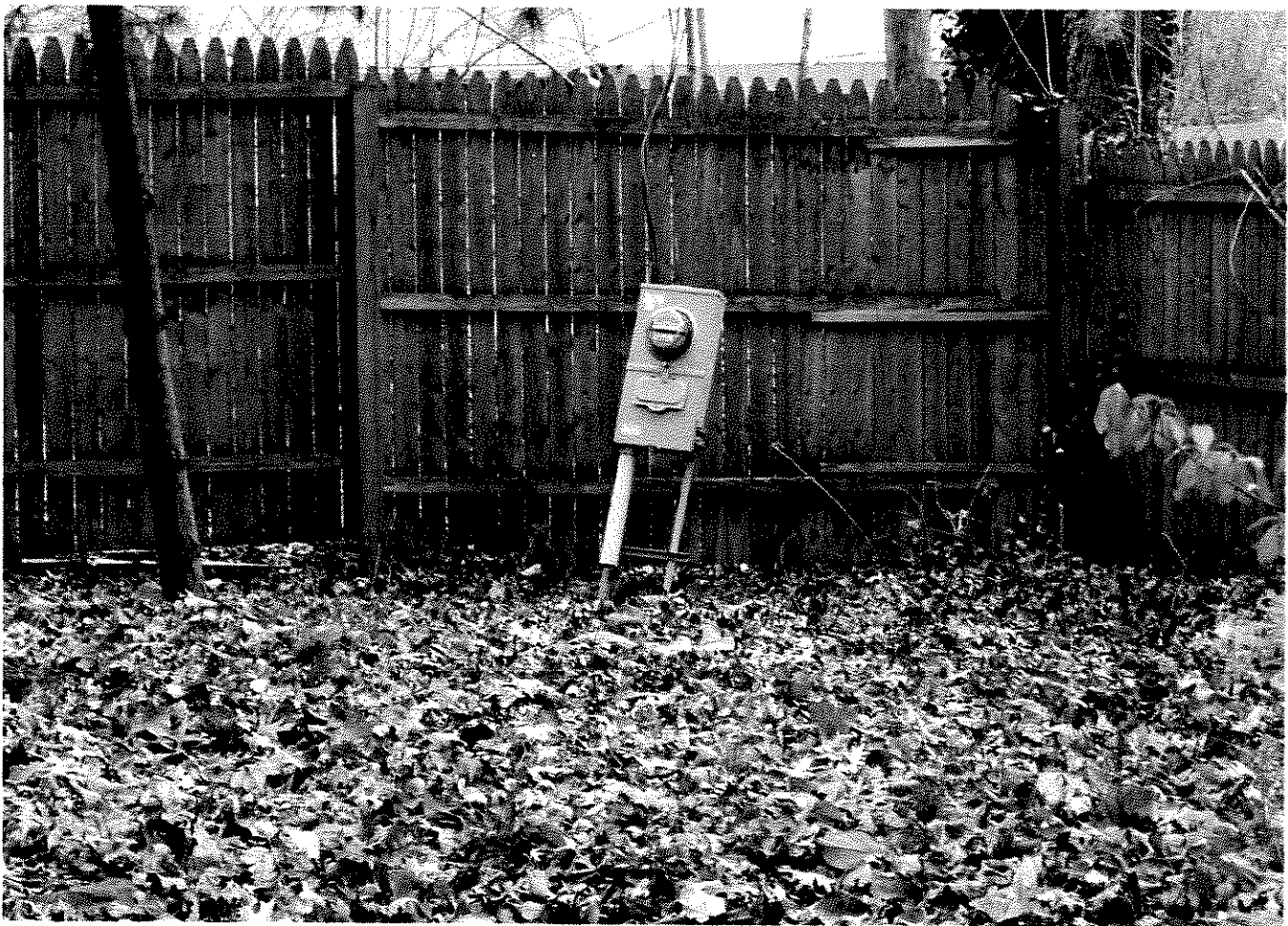
1. Mr. Siggs is going over there periodically to remove a few items at a time.
2. He and Mr. Forner, have continued to re-emphasize the importance of addressing this issue in a timely manner.
3. I once again emphasized the 45 day commencement of work stipulated in Resolution No. 2006-09.
4. I further explained that the next hearing regarding this issue would be 12/4/06.  
At that time Mr. Siggs would need to present his course of action, time frame, progress thus far and any other pertinent information to the City Council.
5. I also explained that I would be providing a memorandum to City Council to address if any permits have been issued or applied for, as well as progress thus far.

11/17/06- Received call from Mr. Siggs to address electrical repair questions. I provided Mr. Siggs with a list of electrical contractors licensed with the City of Prairie Village. Ron with Shawnee Mission Electric called later in the day to receive clarification as to what work needed to be done. I explained the situation to Ron, and he then stated he would go over to Mr Siggs house and provide an estimate.

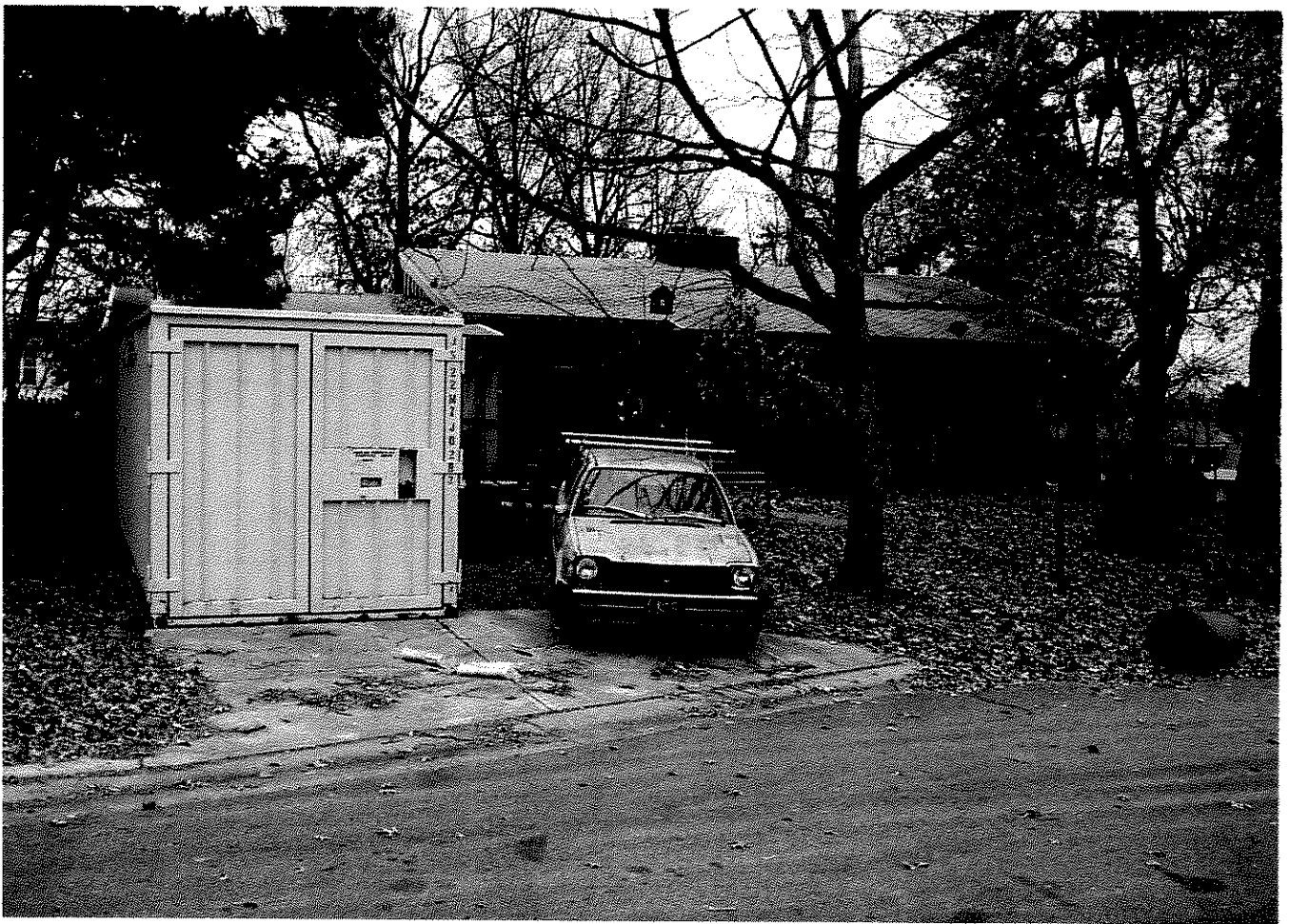
11/27/06- Have not heard back from either Mr Siggs or the electrician.

Although some items have been removed, no substantial work has been accomplished as of this date, verified as per site visit. Photos also taken on this date (attached)









## STATEMENT OF PUBLIC OFFICER

To: Governing Body City of Prairie Village, Kansas  
From: Catherine P. Logan, City Attorney acting as the City's Public Officer  
Date: November 30, 2006  
Subject: Statement of Dangerous or Unsafe Structure  
Property: 7618 Mohawk, legally described as:  
Mohawk Hills, Lot 19, Block 4, Prairie Village, Johnson County, Kansas,  
Parcel ID # OP31000004 0019

### **STATUS REPORT:**

Resolution No. 2006-09, adopted by the City on October 2, 2006, found the structure to be unsafe; directed that the repair or removal be commenced within 45 days from the date that a copy of the resolution is delivered to the owner ( this occurred 10/3/06); and resolved that the Governing Body will cause the unsafe structure to be razed and removed if such repair or removal is not commenced within the 45 day period.

The 45 day period expired November 17, 2006.

You have separately received the report of Jim Brown, the City's Building Official, dated 11/27/06 indicating that repairs have not been commenced as of that date.

If the property owner fails to comply with the directions of the City, the City is authorized under both the City Code (4-506, 4-508) and state statute (12-1751, 12-1753) to cause the unsafe structure to be raised and removed. The City Code does not authorize the City to undertake repair, although repair is an option in the state statute.

Because the property owner has failed to comply with Resolution No. 2006-09, without further notice, the City is authorized to raze and remove the structure. If the Governing Body elects this option, the City Code governing unsafe structures requires the City to take the following steps:

1. Keep an account of cost of work.
2. The City may sell the "salvage" from the structure and apply the proceeds of sale to costs of removing the structure (with any excess to owner).
3. Notify the owner of cost incurred by City in removing the structure and making the property safe and secure and that such costs are payable within 30 days of notice.
4. If the owner fails to pay costs within the 30 day period, the City may pursue collection plus interest by obtaining a person judgment against Mr. Siggs under KSA 12-1,115, and/or levying a special assessment against the property.
5. If there is property insurance, create a lien against insurance (I understand there is no property insurance in this case).

Penalty. In addition to the foregoing "self help" provisions, City Code 4-514 authorizes a prosecution in municipal court with fines.

Neither the state statutes nor the City Code specifically addresses the obligation of the City with regard to any personal property of Mr. Siggs located at the site, other than to the extent that the term "salvage" includes "personal property." The statutes do not define the term "salvage."

We found no Kansas cases directly in point. However, initial legal research of case law in other jurisdictions indicates that if the homeowner is given ample opportunity to remove his or her property but fails to do so, the City would be within its rights to remove the property and temporarily store it so that demolition could take place. The homeowner's own inaction could be used to argue against a compensation claim for any property missing or damaged after its removal on grounds that the property was essentially abandoned. Furthermore, as long as the City acts with reasonable care in removing and storing any such property, a subsequent compensation claim should be averted.

#### **OPTIONS:**

1. Extension. Governing Body may extend the current deadline by simply taking no action, or grant a formal extension to the 45 day period for commencing repairs.

2. Proceed with Removal. The City may proceed under the City Code and state statutes to raze and remove the structure. If this option is elected, I recommend the following specific actions:

A. The Governing Body direct staff to notify Mr. Siggs that he has a certain period of time to remove his personal property, and that if he fails to do so, any personal property remaining will be considered to be abandoned and may be disposed of by the City. I believe this period should be a minimum of 45 days.

B. If and to the extent Mr. Siggs fails to remove personal property, the City should make arrangements to remove, prepare a reasonably detailed inventory of items removed, store items of any apparent value in a secure storage facility, and notify Mr. Siggs to retrieve such items. If and to the extent such property consists of items which can be hand delivered to Mr. Siggs, such as stocks or securities, check books, etc..., such items should be delivered to Mr. Siggs and a receipt obtained for such items, if possible, and if not, confirmation by the person delivering those items, with a witness, that they were in fact delivered to Mr. Siggs.

C. If Mr. Siggs fails to accept or retrieve stored property of any apparent value, the City should consider filing an "interpleader" action in District Court for further directions.

D. To extent not included in any interpleader action, if Mr. Siggs has been given an ample opportunity to retrieve stored items, and fails to do so, such items of personal property may be considered abandoned and may be disposed of by the City.

**RECOMMENDATION:**

Based upon the Building Official's report, there is no evidence of any progress by Mr. Siggs to repair the property. Accordingly it does not appear that an extension would serve any purpose. Having said that, if Mr. Siggs does commence and continue repairs in a meaningful way before the City takes any action to remove personal property or thereafter to remove and raze the structure, the City can suspend its activities at the relevant time.

Accordingly, I recommend that the Governing Body authorize staff to proceed with enforcement of the City Code governing unsafe structures in consultation with the Public Officer as outlined under Option 2 above and report on the progress of such enforcement activities at regular meetings of the Governing Body. I recommend that staff also be instructed to suspend enforcement activities pending further instructions from the Governing Body in the event Mr. Siggs actually commences and continues repairs in a meaningful way.

This recommendation is based upon the information I have as of the date of this report.

A draft form of Resolution is attached.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AUTHORIZING REMOVAL OF UNSAFE STRUCTURE AT 7618 MOHAWK IN THE CITY OF PRAIRIE VILLAGE PURSUANT TO SECTION 4-506 OF THE CODE OF THE CITY OF PRAIRIE VILLAGE, KANSAS**

WHEREAS, on August 7, 2006, the public officer of the City of Prairie Village filed with the governing body a statement in writing that the structure hereinafter described, is unsafe and dangerous; and

WHEREAS, by Resolution 2006-05 adopted on August 7, 2006, the Governing Body of the City of Prairie Village, resolved that a hearing be held on the 2nd day of October, 2006 before the governing Body at 7:30 pm in the City Council Chambers of the City Hall located at 7700 Mission Road, Prairie Village, Kansas, at which time the owner, his or her agent, any lienholder of record, any occupant and any other parties in interest, as that term is defined by law, of the structure located at:

7618 Mohawk Drive, legally described as: MOHAWK HILLS LOT 19 BLK 4. Prairie Village, Johnson County, Kansas, Parcel ID# OP31000004 0019

may appear and show cause why such structure should not be condemned as an unsafe or dangerous structure and ordered repaired or demolished; and

WHEREAS, the City Clerk caused Resolution No 2006-05 to be published and has given notice of the aforesaid hearing in the manner provided by law; and

WHEREAS, a public hearing was held on October 2, 2006, at which all relevant parties, interest holders and relevant City officials were given the opportunity to present evidence concerning the status of such structure; and

WHEREAS, after the close of the public hearing, on October 2, 2006, the Governing Body adopted Resolution 2006-09 finding the structure to be unsafe and dangerous, and directing the owner of the property, Stanley W. Siggs, to commence repair or removal of the structure within 45 days from the date that a copy of the resolution is delivered to the owner of the property; and

WHEREAS, Resolution 2006-09 further provides that if the owner of such unsafe structure fails to commence the repair or removal of such unsafe structure within the time specified or fails to diligently commence and continue such action until the work is completed, the Governing Body will cause the unsafe structure to be razed and removed; and

WHEREAS, based upon the reports of Catherine P. Logan, City Attorney acting as the City's Public Officer, and Jim Brown, the City Building Official, presented to the Governing Body on December 4, 2006, and other information received by the Governing Body on such date, the Governing Body finds that the property owner was served with a copy of Resolution 2006-09 on October 3, 2006, that 45 days has elapsed since such service, and that the property owner has not, as of the date of this resolution, commenced the repair or removal of such structure.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS:

Section 1. The Governing Body directs the Building Official to notify the property owner, Stanley W. Siggs, that he has failed to comply with Resolution 2006-09, that accordingly the City will proceed to raze and remove the unsafe and dangerous structure; and that Mr. Siggs has \_\_\_ days to remove items of personal property from the structure.

Section 2. The Governing Body directs the Building Official to inventory, remove and store personal property not removed by the property owner at the end of the period specified in Section 1 and, to the extent practicable, to deliver items of personal property to the property owner.

Section 3. The Governing Body directs the Building Official to proceed, upon removal of all personal property from the structure; to raze and remove the structure in a manner which will render the property safe in accordance with the applicable provisions of the City Code.

Section 4. The Governing Body directs the Building Official to consult with the Public Officer in performing these duties and to report to the Governing Body at its regularly scheduled meetings on the progress of the foregoing code enforcement activities.

Section 5. The Governing Body directs the Building Official, in consultation with the Public Officer, to suspend the foregoing activities pending further instructions from the Governing Body if the property owner substantially commences repairs to the structure.

Adopted this 4th day of December, 2006.

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Ronald L. Shaffer  
Mayor

ATTEST:

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Joyce Hagen Mundy  
City Clerk

# **CONSENT AGENDA**

**CITY OF PRAIRIE VILLAGE, KS**

**Monday, December 4, 2006**

CITY COUNCIL  
CITY OF PRAIRIE VILLAGE  
NOVEMBER 20, 2006

The City Council of Prairie Village, Kansas, met in regular session on Monday, November 20, 2006, at 7:30 p.m. in the Council Chambers of the Municipal Building.

ROLL CALL

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

Also present were: Charles Grover, Chief of Police; Bob Pryzby, Public Works Director; Doug Luther, Assistant City Administrator; and Joyce Hagen Mundy, City Clerk.

Mayor Shaffer led all present in the Pledge of Allegiance.

Mayor Shaffer introduced and welcomed the new Star Reporter, Jennifer Bhargava.

PUBLIC PARTICIPATION

Bob Bliss, 2804 West 74<sup>th</sup> Street, acknowledged a 4-page letter he received from Chief Grover addressing the concerns raised at the last meeting regarding the property at 2817 West 74<sup>th</sup> Street. He asked for clarification on several statements made in the letter. Can 8' tall camper vans park in the street? How come nothing can be done about a vehicle parked in a yard and a car can be ticketed for being on the grass when parked in the street? Why did the flyers which arrived 18 hours before the street work state the vehicles would be towed when police have to give 48 hours? Mr. Bliss stated the vehicle although not up on blocks, had locks in front of each tire and is not operable. The letter stated the cars were moved under their own power, the truck was towed by a rope and does not run. Mr. Bliss stated an officer stated he would chalk the tires and follow-up with tickets if the vehicle had not been moved, but this was never done.

Gary Nusbaum, 2917 West 74<sup>th</sup> Street, advised the Council that this situation is becoming very uncomfortable in the neighborhood. On Tuesday, his wife pulled into their driveway and Mr. Welch



pulled up behind her and stayed for about ten minutes. On Saturday, Judy Bliss was tailgated by Mr. Welch. Mr. Nusbaum found packing peanuts all over his yard and while cleaning them up, Mr. Welch walked by and made taunting remarks.

Mr. Nusbaum urged the Council to continue reviewing rental properties and the permitting process. He suggested in addition to the one-time exterior inspection, code violation history, civil complaints filed and other conditions be considered. He would like the City to encourage owner occupied homes within the City. Mr. Nussbaum noted Prairie Village is becoming a historic neighborhood worthy of preserving its values and character.

Pat Daniels stated he did not feel this is specifically a rental vs resident-owned property issue. He hoped the City could do something to address this situation and asked if the City Attorney is aware of the problems. Mayor Shaffer responded that Councilmen Wang and Kelly are working on this. Wayne Vennard asked if Chief Grover had met with the neighbors. Chief Grover responded he had met with Mr. Welch and would be happy to meet with Mr. Bliss.

Chief Grover noted the vehicle parked in a yard is a code enforcement issue. His staff can not address issues on private property. However, the car parked on the public street can be ticketed by a police officer. He answered the question as to whether the one vehicle can be considered to be a camper is being reviewed by the City Prosecutor. Chief Grover responded his actions and decisions are based on facts as known, and stated he will continue to work with Mr. Kelly and Mr. Wang and the neighborhood to bring about resolution to the problems.

Gary Nusbaum stated the call on the car was made to police dispatch because it was observed in the evening after the code enforcement department was closed.

Bob Reese, 7913 Roe Avenue, addressed the Council on the possible traffic signal at the 79<sup>th</sup> & Roe Intersection expressing the overwhelming feedback of the neighborhood opposing such action. Mr. Reese noted the traffic studies addressed peak hour traffic demand. He asked when the studies were done, noting that if they were done while Mission Road was under construction the numbers would be skewed by rerouted traffic as they would if they were done while the school was in session or not. He stated the peak traffic covers only a period of 20 minutes.

Mr. Reese referenced the high costs given in the traffic studies for the installation of a traffic signal and noted they did not include the ongoing maintenance. The accidents referenced were right-angle collisions and assessed to traffic congestion, not mentioning line of sight issues. Mr. Reese noted the difficulty of vision caused by the rise in the road for traffic going north and stated this would not change with the installation of a traffic signal. Mr. Reese feels that if safety is the real concern, the correct action to take is to have a 4-way stop where all the traffic will need to stop and look.

Bob Mills, 7921 Roe, underscored the comments made by Mr. Reese. He questioned the expenditure of more than \$500,000 to address 15 collisions over a three-year period. He suggested that if the study indicates action needs to be taken that perhaps there is more appropriate and less costly action that can be taken, such as a flashing warning light before the intersection. Mr. Mills expressed concern with traffic trying to beat the light resulting in higher speed accidents and agrees the safest action would be a 4-way stop requiring all persons to slow down and stop.

Mike Wallace, 7901 Roe Avenue, confirmed the Council was not considering a roundabout which was suggested in an earlier study. He urged the Council to look at the type and seriousness of the accidents that are occurring and the level of service. The accidents over the past few years have been non-injury accidents. He stated a change from the existing 4-way stop to a traffic signal may create a significant increase in the number of rear-end collisions, noting the action would simply change to type of accidents, not prevent accidents.

Mr. Wallace urged the Council to look at other alternatives for addressing the problem such as the flashing warning light mentioned. The proposed change will not prevent accidents which are primarily the fault of inattentive drivers. It would be trading one type of accident for a different type of accident.

Regarding the level of service, the longest delay was reported to be 83 seconds at peak morning traffic with a 10 second delay in the afternoon. The current setting for traffic signals is 90 seconds. A traffic signal would create greater delays especially in non-peak hours of traffic--it will not improve the level of service. He encouraged the Council to consider the cost/benefit analysis of the installation of a traffic signal.

Dr. John Ingram, 80<sup>th</sup> and Roe, stated he has signed several petitions over the past years opposing the installation of a traffic signal. He acknowledged traffic does stack up to about 82<sup>nd</sup> Street during the time when the students get out of class at the two schools. He noted that 83<sup>rd</sup> and Roe was once a 4-way stop. He can't believe a traffic signal would cost \$500,000 and stated if 79<sup>th</sup> & Roe could be made to flow like 83<sup>rd</sup> and Roe that would not be a problem.

John VanDyke, 7905 Roe Avenue, stated he has appeared before the Council on 3 or 4 other times opposing a change to the existing 4-way stop at the 79<sup>th</sup> and Roe intersection. He stated those in the immediate area, who are most impacted by the stacking traffic, feel the current situation is working. He noted with cars having to stop for the stop sign, most vehicles will readily let cars out of their driveway and does not feel that would be the case if a traffic light were installed. He asked the Council not to spend money on something the residents do not want.

Dan Peugeot, 7916 Roe Avenue, did not feel the City was looking at an unacceptable safety or level of service issue, noting the statistics are barely over the established number. He noted it may be beneficial to have better identification of the 4-way stop, but a stop light is not warranted. Mr. Peugeot quoted studies done in the states of Texas and Washington. The Texas study stated the change from a 4-way stop to a signalized intersection results in fewer right angle collisions but more rear-end collisions. The Washington study stated such changes in traffic patterns move traffic to other streets.

David Gunasegaram, 7741 Reeds Road, addressed the Council with concerns with a neighboring rental property that has been cited for several code violations. He reported that several months ago he was subjected to racial epithets from the renter. He addressed his concerns to the property owner and reported the incident to the police. The neighbors have also talked with the property owner and were told it was "their problem". Recently, Mr. Gunasegaram was subjected to further racial epithets and has decided the best action for him is to move out of the City. He has placed his home on the market, but for the benefit of the future owner and the neighborhood, he would like to see the City look at the requirements for rental property to maintain neighborhoods.

Joe Leeper, 7749 Reeds, said the racial epithets that Mr. Gunasegaram has endured are unacceptable and acknowledged that responding to them is a civil issue. However, he urged the

Council to review landlord regulations and controls on rental properties. He acknowledged Prairie Village is a prime area for rental investment, but he would like to ensure the character of Prairie Village neighborhoods.

Susan Wasburn, 5606 West 77<sup>th</sup> Terrace, stated she is concerned with the code violations and lack of action on these violations. She noted these violations are impacting property values and if not addressed will continue to negatively impact property values.

Lisa Benlon, with the American Cancer Society, addressed the Commission representing Clean Air Kansas City Ms Benlon noted a recent Johnson County survey reflected overwhelming support for smoke free communities. She acknowledged the recent agreement between Clean Air Kansas City and the Restaurant Association on proposed language to address smoking in public restaurants. Ms Benlon noted several cities have now adopted smoke free ordinances and urged the City of Prairie Village to move forward without delay to bring about a smoke-free community.

## CONSENT AGENDA

David Belz moved the approval of the Consent Agenda for Monday, November 20, 2006:

1. Approve Regular Council Meeting Minutes - November 6, 2006
2. Approve an agreement between the City of Prairie Village and Midwest Power Files in the amount of \$530.00 to be paid out of 1-3-22-5240 for the maintenance of the power file in the Police Records Unit for 2007
3. Approve an agreement between the City of Prairie Village and Blue Valley Public Safety in the amount of \$3,192.00 for maintenance of the City's outdoor warning siren system to be paid out of 1-3-21-5240 for 2007
4. Approve an agreement between the City of Prairie Village and Allied Exterminators for rodent control in 2007
5. Approve the 911 wireless and VoIP Interlocal Cooperation Agreement with Johnson County
6. Approve the 2007 Public Safety Agreement with the City of Mission Hills
7. Approve Construction Change Order #2 for Project 190637: Meadowlake Tennis Court Reconstruction, to Mega Construction for \$3,741.12 using funds in the Capital Infrastructure Program
8. Approve the annual service agreement with Daymark Solutions, Inc. for the Recreation Card ID Printer at the cost of \$705 with funding from the City Clerk's 2007 operating budget
9. Approve the Laserfiche Software Maintenance agreement with R & D Computer Systems for 2007 at a cost of \$1,326 with funding from the City Clerk's operating budget
10. Approve the renewal of an annual service agreement with Unisource Document Products for the maintenance of a Kyocera KM-7530 digital copier and Kyocera 5016 color printer at an estimated monthly cost of \$225.00 with funding from the City Clerk's 2007 operating budget
11. Approve an agreement with TranSystems Corporation for additional traffic engineering services at a cost of \$6,500 with funding from the Public Works Operating Budget

12. Approve a one-year continuation on the agreement with Shafer, Kline & Warren for Construction Administration and with HNTB for Street Design Services and authorize requests for proposal for 2008 Storm Drainage Design Services
13. Amend City Council Policy CP202 to permit materials other than concrete for driveways in the city right-of-way provided that a document be filed with the Johnson County Land Records stating the property owner assumes all cost for maintenance, repair and replacement cost from a specified date forward and further stating any sidewalk constructed through the driveway would be of concrete construction
14. Approve a transfer of \$24,000 from the General Fund Contingency to the Capital Infrastructure Program for the replacement of the tank monitoring systems and the fuelmaster system replacement
15. Approve the City Council continuing under the current committee structure meeting only as a Committee of the Whole until July, 2007.

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

## COMMITTEE REPORTS

### **Community Center Study Committee**

David Belz reported the Community Center Committee met and decided to enlist the services of a consultant, Olsson Associates, to go into the community and conduct an asset inventory of available facilities and services to help the City determine if there is a need for a community center in the community and if a Prairie Village facility could be viable. Mr. Belz stated the actual agreement with Olsson Associates would be presented to the Council at a later date for approval.

### **Park and Recreation Committee**

On behalf of the Park & Recreation Committee, Diana Ewy Sharp moved the City Council approve the following fee structure for 2007 lessons for aquatic team members: Swim team lessons, (6) ½ hour semi-private lessons - \$30 and Dive team lessons, (6) ½ hour semi-private lessons - \$60. The motion was seconded by Ruth Hopkins and passed unanimously.

### **Planning Commission**

Laura Wassmer announced the application for a tower at McCrum Park has been tabled for the past several months by the applicant as Cingular had placed the project on hold. At the November meeting of the Commission, the applicant advised the Commission the application has been scheduled for action in 2007 and requested it be continued until the February 6, 2007 meeting.

## OLD BUSINESS

Ms Wassmer reiterated the concerns raised by the neighborhood residents. She does not feel further investigation will change her opposition to the recommendation for a traffic signal. Therefore, she can not support the expenditure of additional resources for a study, but would support the proposed alternative of installing flashing warning lights.

Laura Wassmer moved the City maintain the 4-way stop at 79<sup>th</sup> and Roe and further investigate the possibility of adding additional flashing lights based on the 2005 Traffic Safety Study without the expenditure of additional resources. The motion was seconded by Al Herrera.

Mayor Shaffer questioned if that was the motion tabled. Ms Wassmer stated the Council was looking at investing additional resources to look into the installation of a traffic signal. She does not believe that the analysis will say anything that will change the point of view regarding this intersection. She noted there is no other intersection within the configuration. She feels the residents were eloquent in addressing their concerns for safety, especially with traffic going from north to south, without a stop sign their speeds by the bottom of the hill will be 40 - 45 mph. With the current configuration people have to stop, yet the light pole at the bottom of the hill has been knocked down at least three times in the past few years, maybe more. She feels the change will be trading one kind of accident for more serious accidents. She does not believe that further investigation will change how she or her constituents feel. She would like to investigate adding some flashing warning lights.

Mayor Shaffer pointed out the motion made by Ms Wassmer was not the motion tabled during the last meeting and stated that motion needs to be returned to the Council for consideration before considering other motions. Ms Wassmer and Mr. Herrera withdrew their motion and second.

Bill Griffith moved the Council authorize City Staff to further investigate the recommendations of the 2005 Traffic Safety Study on the intersection at 79<sup>th</sup> Street and Roe Avenue. The motion was seconded by Ruth Hopkins.

Bob Pryzby stated the 2005 Traffic Safety Study presented five areas for improvements. He and Chief Grover have addressed three of those, the fourth (75<sup>th</sup> & Delmar) the Council acted on at their last meeting. The motion directs staff to seek on additional information and gather data.

Andrew Wang asked if the direction for further investigation included only the recommended traffic signal or if it included other alternatives as suggested by the residents. Mr. Pryzby responded his intent was to follow the MUTCD which identifies specific warrants be present for the installation of a traffic signal. He noted if the Council wanted other alternatives explored that can be done.

Mr. Wang confirmed the information gathered would include the kind of accidents, lay of the land, turning movements, traffic patterns, speed of traffic, current traffic counts, etc.

Al Herrera noted if the traffic counts were taken while Mission Road was under construction this would increase the volume and impact the potential for accidents. Mr. Pryzby responded he can go back and do further analysis. He can get new data on what is going on today.

Laura Wassmer questioned what would be done with new data if the Council is not open to installing a signal and asked what alternatives were possible and what would be the cost of gathering additional data. The residents clearly want to maintain the existing 4-way stop. She does not feel the expenditure of another \$10,000 to \$15,000 is warranted.

Ruth Hopkins stated she supported further investigation noting every traffic study has identified this as a dangerous intersection. She understands the opposition of the residents in the neighborhood, but feels the Council needs to address this issue on the basis of what is best for all residents of the City. There are many, many residents who do not live in the area that travel that roadway on a daily basis.

Pat Daniels asked for an approximate cost of an additional study. Mr. Pryzby stated he did not have an estimated cost. He noted to take additional traffic counts for a week takes a lot of labor and the cost could be \$10,000 to \$20,000. He could not say.

Mr. Daniels asked if the situation was worse today. Chief Grover replied the accidents are not of a serious nature because of the lower speed of traffic caused by the 4-way stop. The City has a policy that he and Mr. Pryzby adhere to that requires them to look at places with five or more accidents within a year to see if there is a way to reduce that number. The issue is for the past 15 years this intersection has continually been identified by professional consultants as having five or more accidents. Mr. Daniels noted "5" is an arbitrary figure and asked if this intersection is different than other 4-way stop intersection. Chief Grover responded two different traffic consultants in three

different traffic studies have identified the intersection as dangerous and at some point in time the City really needs to look into it to see how it can be addressed. Mr. Daniels noted sometimes the medicine is worse than the disease. He is not prepared to recommend a study.

David Belz asked if the traffic engineer would be present to answer any specific questions of the Council. Mr. Pryzby stated it is normally his intention to have the consultant present when the report is given to answer questions and he will see that these questions are addressed.

Al Herrera asked if this was the most dangerous intersection in the City. Chief Grover responded "No".

Laura Wassmer stated if the overall goal is to make this intersection safer, common sense will tell you that traffic signals will not make this intersection safer. You only have to look at other intersections. She noted the signalized intersection at 79<sup>th</sup> & Nall which is flat, has no line of sight issues and a protected left turn arrow has had almost as many accidents as this intersection. The level of service would only improve by a couple of seconds during peak periods but it would actually be reduced during non-peak hours. She feels having this discussion is addressing the issue, an additional study is not needed. She feels the experiences of the residents who have lived with the situation for several years are valid. She doesn't see them looking at it from a personal viewpoint, but from a community viewpoint expressing their fear of going from fender-bender accidents to serious injury accidents.

David Voysey stated he felt the City was trading one kind of accident for another. The installation of a traffic signal will not prevent accidents. If given the choice, he would not have a stop light. Mr. Pryzby agreed most accidents are caused by inattentive drivers, but with a traffic signal you bring some structure. His purpose in bringing the recommendation of the report forward is to have the Council determine what it wants to do.

Andrew Wang stated you can make decisions based on experience and common sense, but in some situations the Council chooses to go to professionals who have training and background in analyzing situations like this. This issue is not something that he is prepared to address with common sense. This is not a common sense issue, it's about what a professional engineer says is going on at this location beyond what he has heard and can see. It is beyond common sense.



Mr Herrera questioned if it was worth spending \$20,000. Andrew Wang urged the Council to stop politicizing hypothetical grizzly accidents. It was done with the school zones and its being done here. Al Herrera stated the Council has a fiscal responsibility to the residents. The stop lights placed on Mission Road have moved traffic to other streets, now we want to put stop lights there. Where will it stop--we can't keep putting stop lights throughout the City. He noted there have been more fatalities at 71<sup>st</sup> & Windsor and the City has not put a stop light at that location. There comes a time you have to stop throwing money out to consultants for studies.

Michael Kelly asked if safety was the primary reason this is being considered. Mr. Pryzby stated it is being considered because it has been recommended by three different traffic studies. Mr. Kelly asked if there were any other ways to address the issue. Mr. Pryzby replied there were several depending on what the Council wants. Mr. Pryzby noted he does not drive the intersection as he feels it is dangerous. Mr. Kelly responded he does drive it and finds it not to be a problem.

David Belz called the question. The motion was seconded by Diana Ewy Sharp and passed unanimously.

Mayor Shaffer restated the motion as follows: "Authorize City Staff to further investigate the recommendations of the 2005 Traffic Safety Study on the intersection at 79<sup>th</sup> Street and Roe." The motion was voted and passed by a vote of 7 to 5 with the following votes cast: "aye" Griffith, Hopkins, Wang, Clark, Vennard, Ewy Sharp and Belz; and "nay" Herrera, Voysey, Kelly, Wassmer and Daniels.

Pat Daniels asked if the investigation would be done by city staff or by an outside entity. Andrew Wang stated he does not feel staff can make the analysis and a professional study is necessary. Bob Pryzby stated a study would be done that would include addressing the issues raised by the Council and residents.

## **NEW BUSINESS**

### **No Smoking Ordinance**

Wayne Vennard noted the recent no smoking ordinance adopted by the City of Overland Park includes the recent recommendations approved by both Clean Air, Kansas City and the Restaurant Association which allows smoking to be permitted on outdoor patios and becomes effective in

January, 2008. He feels if the Restaurant Owners and Clean Air groups can agree on language it merits investigation by the City.

Wayne Vennard moved the City Council direct the City's Smoke free Workplace Committee to review the Overland Park No Smoking Ordinance for possible adoption and that the Committee will report back in January 2007. The motion was seconded by Michael Kelly.

David Belz stated he felt it was appropriate to take this back to the task force for review and recommendation. The motion was voted on and passed by a vote of 11 to 1 with Al Herrera voting "nay".

#### **City Attorney**

Ruth Hopkins expressed concern with the lack of legal counsel at the meeting. She feels legal counsel should be present at every meeting. Mayor Shaffer agreed and stated he would investigate the issue, noting Mr. Wetzler has several colleagues in his firm that could attend meetings in his absence.

#### **City Administrator's Report**

Pat Daniels questioned the difference between the budgeted assessed valuation and the actual valuation addressed in the City Administrator's report. David Voysey and Charles Clark explained it was necessary for the City to base its 2007 on estimated property valuations. The 2007 budget estimated property valuations were 2.6% higher than the actual. They noted the ad valorem tax dollar amount requested by the City did not change.

#### **ANNOUNCEMENTS**

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

Council Committee of the Whole	12/04/2006	6:00 p.m.
Council	12/04/2006	7:30 p.m.

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The Prairie Village Arts Council is pleased to feature a pastels exhibit by the Mid-America Pastel Society in the R.G. Endres Gallery during the month of November.

The necessary forms for receipt of the "Council Communications Stipend" have been placed at each Council member's chair. These forms need to be completed and returned by January 5<sup>th</sup>. If you have any questions please call Karen Kindle at ext. 4213.

The city offices will be closed November 23 and 24 in observance of Thanksgiving Day. Deffenbaugh will also be closed on Thanksgiving Day so trash pick-up will be delayed.

The Mayor's Holiday Tree Lighting will be on Monday, November 27<sup>th</sup> at 6:30 p.m. at Corinth Square. Donations to the Holiday Tree Fund will be utilized in assisting Prairie Village families and Senior Citizens needing help to pay their heating and electric bills during the cold winter months, as well as with home maintenance throughout the year. Your tax-deductible contributions are appreciated.

The Employee's Awards luncheon will be held on December 1<sup>st</sup> from noon to 2 pm at City Hall in the Council Chambers.

The Mayor's Holiday Gala will be Friday, December 1<sup>st</sup> at 6:30 p.m. at the Homestead Country Club. RSVP to Jeanne by November 27<sup>th</sup>.

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

### ADJOURNMENT

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

9:00 p.m.

Joyce Hagen Mundy  
City Clerk

## **CONSIDER PROJECT: 190858 CONSTRUCTION CHANGE ORDER #2 (FINAL)**

### **Background:**

This project is complete and final quantities have been calculated so the final construction change order can be processed. Because some of the planned work was included in another project, additional work was added by the City to this project. The Contractor requested a time extension of 15 calendar days in order to complete the project.

### **Financial Impact:**

Final Construction Change Order #2 results in a savings to the overall contract of \$7,333.96. These funds will be returned to the Public Works Operating Budget.

### **Suggested Motion:**

Move to approve Construction Change Order #2 for a reduction of \$7,333.96 in the original contract amount and an addition of 15 calendar work days to Musselman & Hall Contractors.

**Issue: Consider an appointment to the Tree Board**

**Background:**

Mayor Shaffer is pleased to place before you the appointment of Linda Bishop and Art Kennedy to the Tree Board with the terms expiring in April, 2007 and April, 2009. Their applications are attached.

**Recommendation:**

**Ratify the Mayor's appointment of Linda Bishop and Art Kennedy to the Tree Board with the terms expiring in April, 2007 and April, 2009.**

**CONSENT AGENDA**



**City of Prairie Village  
APPLICATION TO VOLUNTEER**

Please complete this form and return it to the City Clerk's Office, 7700 Mission Road, Prairie Village, Kansas 66208. If you have any questions, please contact the City Clerk's Office at 913-381-6464 or send an e-mail to [cityclerk@pvkansas.com](mailto:cityclerk@pvkansas.com).

Name LINDA M BISHOP Spouse's Name HARVEY BISHOP  
Address 5014 W. 68<sup>th</sup> TERR Zip 66208 Ward \_\_\_\_\_  
Telephone: Home 789-8337 Work \_\_\_\_\_ Fax \_\_\_\_\_  
E-mail LRB945@YAHOO.COM Other Number(s): \_\_\_\_\_

Business Affiliation \_\_\_\_\_

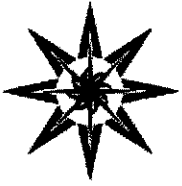
Business Address \_\_\_\_\_

What Committee(s) interests you? PARK & RECREATION / ARTS COUNCIL / ENV. RECYCLE / TREE BOARD

Please tell us about yourself, listing any special skills or experiences you have which would qualify you for a volunteer with the City of Prairie Village.

*I have been a Prairie Village resident for 25 years and have <sup>seen</sup> both mistakes and improvements made during that time. I feel that it is time for me to volunteer my services to ~~help~~ keep my neighborhood attractive & vibrant in years to come. my training, talent & experience are primarily in horticulture and landscape design with emphasis on sustainable native plantings. For the last 10 years, I have been a consultant to the Claycomo Park Board members when they have plant design & selection needs. (our landscaping at this our third house in P.V., was featured in the Star Magazine of the K.C. Star)*

Thank you for your interest in serving our community.



**City of Prairie Village  
APPLICATION TO VOLUNTEER**

Please complete this form and return it to the City Clerk's Office, 7700 Mission Road, Prairie Village, Kansas 66208. If you have any questions, please contact the City Clerk's Office at 913-381-6464 or send an e-mail to [cityclerk@pvkansas.com](mailto:cityclerk@pvkansas.com).

Name Art Kennedy Spouse's Name Tonyia  
Address 5219 W. 68 St Zip 66208 Ward \_\_\_\_\_  
Telephone: Home 913-362-2042 Work 913-345-3282 Fax \_\_\_\_\_  
E-mail art\_555@sbcglobal.net Other Number(s): \_\_\_\_\_  
Business Affiliation Piper Jaffray  
Business Address 11150 Overbrook Suite 300 Leawood KS 66211  
What Committee(s) interests you? Tree Board

Please tell us about yourself, listing any special skills or experiences you have which would qualify you for a volunteer with the City of Prairie Village.

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Thank you for your interest in serving our community.

**COUNCIL COMMITTEE OF THE WHOLE**  
**November 20, 2006**

The Council Committee of the Whole met on Monday, November 20, 2006 at 6:00 p.m. The meeting was called to order by Council President David Belz with the following members present: Mayor Shaffer, Al Herrera, Bill Griffith, Ruth Hopkins, David Voysey, Michael Kelly, Andrew Wang, Laura Wassmer, Pat Daniels, Charles Clark, Wayne Vennard and Diana Ewy Sharp. Staff members present: Charles Grover, Chief of Police; Bob Pryzby, Director of Public Works; Doug Luther, Assistant City Administrator and Joyce Hagen Mundy, City Clerk.

Al Herrera moved the approval of the consent agenda for November 20, 2006 as follows:

- Adopt Ordinance 2137 renewing the Special Use Permit for the installation of a wireless communication antenna and equipment at 7321 Mission Road subject to the conditions established by the Planning Commission.

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

The motion was voted on and passed unanimously.

**NEW BUSINESS**

**COU2006-49 Consider Briar Street Sidewalk Petition**

Bob Pryzby stated Public Works proposes to resurface Briar Street from 75<sup>th</sup> Street north to end near Brush Creek. City Council Policy CP204 - *Sidewalks*, states that sidewalks will be constructed on one side of local streets as part of a resurfacing project. Letters were sent to the property owners advising of the intended sidewalk construction.

At the October 9<sup>th</sup> meeting of the City Council several residents presented a petition requesting that sidewalks not be constructed. There are nine properties on this street section. The sidewalk is proposed for construction on the east side of the street in front of five properties. All five properties signed the petition requesting that sidewalks not be constructed. Eight other properties in the neighborhood also signed the petition. Mr. Pryzby noted the projected cost of sidewalk construction is \$30,000 to \$40,000. It is staff's recommendation that the sidewalk not be constructed.

Laura Wassmer agreed the construction of a sidewalk at this location does not make sense logistically. She noted this is a one-way street used predominantly by the residents in the area.

Diana Ewy Sharp stated sidewalks give value to neighborhoods. Future residents of those properties may want sidewalks and there may be walkers in



the area that would appreciate having sidewalks. She supports not waiving the Council's policy on the construction of sidewalks.

David Belz stated he generally supports sidewalks, but not for this area which is basically a large cul-de-sac.

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

**RECOMMEND THE CITY COUNCIL WAIVE COUNCIL POLICY CP204 ENTITLED "SIDEWALKS" AND NOT CONSTRUCT A SIDEWALK ON BRIAR STREET FROM 75<sup>TH</sup> STREET NORTH TO BRUSH CREEK AS PART OF PROJECT 190860: 2007 STREET RESURFACING PROGRAM.**

**COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

#### **COU2006-49 Consider Compensation and Benefits Project 2006 Final Report**

Steve Stein, with FBD Consulting, Inc. reviewed the benefits analysis conducted by his organization. The analysis established prevailing community benefit practices, including both private and public sectors, compared Prairie Village benefits, determined areas of strength and opportunities for improvement and reviewed areas for possible enhancement.

The findings of the broad-based study revealed that Prairie Village's benefits are generally competitive. The City leads the market in medical plan options, dental benefits and four retirement plans; however, Mr. Stein noted the study considered only the prevalence of options, not the actuarial value of the plans. The City lags in the areas of life insurance, vacation time off, paid military leave and cost of family medical coverage.

The Compensation analysis was conducted from data gathered from several sources, cities, and private industry, regional and national surveys, not solely from the MARC study as done in the past. New job descriptions were created for all positions and used to match City positions with positions in other organizations. The compensation ranges have been constructed on actual pay averages. Mr. Stein noted this is a departure from how ranges were established in the past. Previously the City looked at the MARC survey and took an average of the minimums and an average of the maximums of the salary ranges to establish new ranges.

This study looks at the actual prevailing pay rate, what was being paid to employees. This anchors the salary range with the minimum and maximum constructed around actual pay averages. This process is more precise with the City salaries based on actual salaries paid, not averages.

Most of the ranges begin at 80% of the Market Reference Point and go to 120% . He noted the Public Works ranges were recently increased to 120% to be more consistent with other ranges in the City. The Dispatcher range was increased to 130% because there are several dispatchers who are at or near maximum. The higher maximum provides more flexibility to keep staff in a highly trained position that is difficult to recruit for.

Salary ranges at 120 and 130 allow for positions that don't have rank or levels of hierarchy where there is no opportunity to promote to other positions to be career level positions. The minimum of the salary range allows the City to hire people in that have little experience, fresh out of school, and progress to the Market Reference Point as a function of budget and employee performance. You usually see someone reaching that Market Reference Point between 8 to 12 years depending on how much merit is in the budget and how well the individual performs.

Bill Griffith noted the progression discussed works well for companies of 1000, but in environments of 100 people the promotion pyramid is steep and asked if this is taken into account. Mr. Stein replied it does and it doesn't. For some of the positions you will see, for example, we've built a progression that allows for the police officer to be a career level position, and also progress toward the Market Reference Point over a period of 9 years by steps. However, doing that, takes away some of the Chief's flexibility in regard to performance, because you are saying every so often you will receive an increase. Where you have the range without progression steps it is a function of the merit budget and how well the individual performs. When you have a capital rich budget and have the opportunity to pass some of that along to employees, you can allow for a budget that will promote movement. It is their recommendation to look at the cost of labor every year and move the ranges accordingly. This year they are recommending 2.6% leaving 1 to 2 percent available for merit.

Mr. Stein noted there are some employees who will fall below the minimum of the new salary ranges. He urges Council to adopt the salary ranges in 2006 and apply the minimum increases this year so that when merit adjustments are given it is on top the raise to minimum. The cost to do this is approximately \$56,000.

For those salary ranges that are decreasing, he recommends they be administered against the previous higher range so they don't lose earning opportunity. If the employee has a salary at or above the maximum, he encourages the award of a lump sum award so they still have earning opportunity. They have recommended a "nobody loses philosophy and practice" for the City.

They have also looked at the City's salary administration practices, which are pretty sound. There was some fine tuning done, but the salary administration practices for the City are pretty tight.

Mr. Stein in summarizing the benefits portion of the study urged the City Council to at some point consider increasing the portion paid by the City towards family medical coverage, offer life insurance at \$20,000 instead of \$10,000, offer vacation time at an accelerated accrual rate, offer a paid military leave program for those employees called into service and also offer flexible savings accounts.

The fundamental change in the compensation study is building the range around the actual pay averages for the job. Salary ranges are flexible. Mr. Stein noted they have recommended a salary structure, but that doesn't mean the Council can not work with staff to change ranges as long as you keep in mind the market reference point (the average salary) for the position. He recommends ranges be reviewed and revised annually hopefully with a cost of labor adjustment made based on the prevailing labor rates.

### **Performance Management**

Mr. Stein stated in reviewing performance management practices it was very apparent that different practices were followed by different departments--some using a very narrative approach and others using a very numerical approach. They recommend a unified consistent performance structure in performance appraisal based on the City's goals and objectives, one that encourages communication upfront at the beginning of the year with the formation of goals and objectives and periodic evaluations over the course of the year.

Bill Griffith confirmed the study went outside the MARC study to determine what the City needs to pay to be competitive and to retain current employees. Mr. Stein responded "yes" and noted competitive means you are in the pack (in that 50% middle range), not leading or trailing behind. This is a competitive process built on prevailing rates outside of Johnson County. He noted senior management statistics were taken from regional and national sources.

Mr. Griffith asked to maintain that process how often does the City need to go through this process. Mr. Stein stated the shelf life of this study is 3 to 4 years. He recommends staff look of cost of labor annually, which they supply, as well as information available on-line. Mr. Griffith confirmed that in the next three years the City indexes the positions against cost of living.

David Voysey asked if the cost of labor or cost of living is used for the indexing. Mr. Stein recommended the cost of labor be used. By using this, on the average, ranges will be moving approximately 2.6% annually. This is the cost of doing business. It is currently 2.6% and this has been factored into the recommended ranges.

Charles Clark asked for clarification as to what the Council would be doing by approving the policy.

Steve Stein responded what the Council would be approving is primarily the salary ranges and endorsing the City's need to look at creating a tighter

performance appraisal system which will enhance communication between management and employees and senior management across and between the organization. Those are the two primary recommendations that come out of the study. The study looks at some benefit pieces to consider, but the primary thing is putting your salary ranges into place for 2007, approving the \$56,000 to bring individuals to the minimum of the range and add police to a progression step and he strongly urges putting some type of a unified consistent performance appraisal plan together for the City to use.

Ruth Hopkins stated her first and foremost thought on any change is to first do no harm and stated she is very bothered by the negative numbers in the data. Mr. Stein confirmed she was referring the to positions where the ranges moved down. He stated the Council can keep the ranges where they are. The data reflects what is being paid by others. He stated it was their recommendation that if an individual's salary range decreased, they would be kept at their existing/higher salary range.

He gave the example that if an individual's salary maximum was \$50,000 and the salary range decreased to \$40,000, the salary increases would be administered to existing salary range until the new range caught up to the market. Mrs. Hopkins questioned if the employee were at the top of the range, wouldn't they have several years at status quo until the range caught up. Mr. Stein responded that what the City has been doing according to the data is paying a premium over the prevailing rates. Mrs. Hopkins noted that is assuming the job descriptions have been exactly matched. Mr. Stein agreed this is the supposition. The Council has the option of administrating the individual against the higher range. The question the Council needs to answer is if it wants to pay a premium for those positions. Mrs. Hopkins noted this is assuming a perfect market analysis.

Mrs. Hopkins noted the lowering of a salary ranges goes against the "do no harm" philosophy. If she were told her salary would remain stable for a number of years that is doing harm. Mr. Griffith responded an individual would not necessarily stay static as the top of the range would increase 2.6% or so the next year, etc. Mrs. Hopkins noted at a rate of 2.6% it is going to take a long time to erase a \$10,000 deficit.

Bill Griffith asked if grandfathered individuals over the range, would have their salary increased by the cost of labor the next year and so on. Mr. Stein stated he would not recommend that. Mr. Griffith confirmed then Mrs. Hopkins assumption is correct. Mr. Stein advised the Council they could approve granting grandfathered employees cost of labor increases while hiring new individuals in within the established ranges, but noted this would be operating a dual pay process.

David Voysey confirmed the \$56,000 will simply bring employees to the new minimum ranges and place police officers on the step progression.

Diana Ewy Sharp echoed Mrs. Hopkins concerns. She asked how the cities included in the study were determined. She would have liked to see cities that were more comparable in size and does not feel the area studied provides a valid scientific reason for the changes to the ranges. Steve Stein reported for the initial part of the study they looked within a distance of 45 minutes to an hour driving time from the City. He stated this is what was approved for the basis of the study, not just Johnson County and adjacent cities, but looking at where people could go or where the City could recruit from for the City, to be competitive within the surrounding area. Mrs. Ewy Sharp agreed but noted that she does not see all those cities in the study. She asked how the cities listed in the study were determined. Mr. Stein replied it was based on City input and what cities they were able to gather data from. Mrs. Sharp noted she read some cities did not respond and questioned if the report was a scientific study of the market requested by the Council. Mr. Stein stated the study is valid. He noted other communities could be added, but noted when a survey is done not everyone invited participates.

Wayne Vennard noted he was in an organization where people who were above their salary grade were given increases of  $\frac{1}{2}$  the normal increase to prevent them from being frozen. Mr. Stein noted there are organizations that will take an employee down to the range, organizations who will freeze the employee, organizations who will pay lump sums or organizations who will red circle you and allow you to continue along until such time as you change jobs. What you do to implement the practice is a policy decision of the Council. Mr. Vennard confirmed that theoretically the City could compensate in some way an employee who was at maximum.

Steve Stein noted the study is covering 100+ employees and there are just a few being impacted by being over the top of the range where salary is going down and that is a function of the market conditions. The majority of employees have an upside opportunity created by the new ranges. There are far more employees below the market reference point than at the top. Mr. Vennard noted that morale needs to be considered.

Diana Ewy Sharp noted in the beginning she wanted to see the whole picture, salary plus benefit equals compensation and asked if there was anywhere in the report where that will be found. Mr. Stein replied they did not do what would be called a total remuneration. What you can do is look at what benefits are as a percent of payroll and add that to salary costs. You can do what's called a compurgation analysis. If you take all the salaries of the employees and add up all their mid-points and divide the salaries by the mid-points and then add 35% or 30% . This is something he can work with Doug on, but they did not do what is referred to in private industry as a benefit statement a total remuneration study.

Diana Ewy Sharp asked if anyone else on the Legislative/Finance Committee remember their discussions. She felt what was being sought was the ability to

look at the whole picture. Laura Wassmer and Andrew Wang agree that a full-picture analysis was wanted.

Bill Griffith stated the study does that, it is just broken out into 12 or 15 categories. He noted in the benefit categories that were identified as lagging behind of the market three of those are incredibly cheap to bring up to the market. What he took from the study is that the City is in the middle ground and competitive. He stated if you want to very competitive you can address some of the areas pointed out would bring the City to a very competitive level. Implementing a FSA plan is a no-brainer, increasing life insurance is a few cents a month, some of those things are very cheap to implement. The paid military leave is attractive, but noted that it could get very expensive very fast if you have 5 people deployed.

Diana noted adding the cost of benefits would not be same for each individual and asked if Mr. Stein could tell her the person who is having their salary range lowered is receiving sufficient benefits to compensate for the loss.

Mr. Griffith responded the study does not address that concern, but noted you can't call the study invalid because we have people falling below range. He is confident the data is pretty accurate. What the City Council does with this data is what is important. If you want to accept the study and when salary ranges are done essentially exempt those employees out, or build in a half a raise as suggested by Mr. Vennard, or grandfather their ranges that can be done.

Diana Ewy Sharp stated she is not saying the study is invalid but she is questioning if it meets the objectives, if there is something she can look at that says what she is looking for even if it is piecemeal. Can it be put in a readable format to address her concerns. She does not want to take the step to implement these salary ranges until she sees those pieces together.

Bill Griffith stated he feels the Council could accept the study and every year review salary ranges. Staff would look at salary ranges using this as their starting point and come in with justification for grandfathering or adjusting salary ranges.

Diana stated she wants to see that before implementing these ranges. She asked if this was accepted tonight. Mayor Shaffer stated action would not be taken on this tonight. Mrs. Ewy Sharp noted if these are to go into effect January 1<sup>st</sup> there are only two more Council meeting. Bill Griffith stated there has always been a separate agenda item for the adoption of salary ranges and feels that just because the Council accepts the study as being valid there is a second part where staff present the proposed salary ranges.

Mrs. Sharp asked if accepting the report accepts the salary ranges. Mr. Griffith responded "No". This gives staff a tool on which to base salary range recommendations based on scientific broad based data.

Laura Wassmer stated she feels the study is very valid and would have been concerned if it did not have any negatives.

Diana Ewy Sharp asked what was going to be done with those employees whose range falls. Mrs. Wassmer responded that is an entirely separate discussion.

Mrs. Ewy Sharp wants to be sure that by accepting the report the Council is not accepting the salary ranges. Bill Griffith responded the Council is giving them to staff as a tool to start their work with. Steve Stein stated the Governing Body has every right to exempt these people from the maximums of the salary ranges if you want to do no harm. It is a cost consideration. If you feel from employee relations and an employee morale standpoint that you want to let them march along with salary range adjustments you can do that. Just realize that based on the study, they are being paid a premium.

Laura Wassmer stated when she was at Hallmark, they gave out annual statements including the cost of benefits provided and she recommends that the City do that. Mr. Stein stated he would also encourage the City to do that. Ms Wassmer indicates that this reflects the true costs and the true benefits to the employee and can be used as a recruiting tool.

Pat Daniels said the sole motive of the Council is to be fair to employees. He feels the study is well done and felt the Council should move on to the next step. He suggested that instead of discussing the implementation with the entire Council that a sub-committee of Council members review the study in detail and bring forward a recommendation to the Council. He noted the study includes several recommendations and he is not in the position to accept them all at this time. He feels the data is present. Now it needs to be shaped into a plan for implementation.

Charles Clark stated that much of this will come back to the Council later. The salary ranges will be approved by the end of the year.

Steve Stein replied the Council has the basis for administration against the market. It's a matter of how you want to administer exceptions in positions where the ranges have fallen for those people to make sure they are taken of in the manner the City prescribes and this is something the Council must decide. These are all policy decisions that Human Resources will administer for you.

Pat Daniels asked if FBD had conducted previous studies for other cities or has their work been in the private sector. Mr. Stein responded they have performed studies for both organizations in the private sector as well as governmental entities. He noted they conducted a study for an area County with 200 employees and because they hadn't adjusted salaries for several years, their cost to bring employees' salaries into parity was over \$1 million.

Mr. Stein stated the point of the study is to provide you with accurate data on which you can make decisions on how to administer.

Michael Kelly said he doesn't believe the percentage drops are meant to do harm, but are a reflection of market conditions.

Diana Ewy Sharp stated she agreed with Mr. Daniels and noted it was ironic that former Councilman Jeff Anthony was in attendance because one of the suggestions he made before he left was to put together a committee with some Council members and take an in depth look at employee compensation and benefits. She suggested the Mayor put a committee together to look at the many parts and pieces of this study and come up with a recommendation.

Ruth Hopkins stated her understanding was that the salary ranges needed to be in place by January 1<sup>st</sup> so the new salary ranges could go into effect. She believed the Council budgeted funds to cover the cost of implementation. Her fear in going ahead in accepting the plan and accepting the salary ranges that the administration would have an incredibly good argument to say this is what you approved and this is what we're going to put into effect. She stated she had serious enough issues that this would do harm.

Mrs. Hopkins asked if the City's employee committee worked with him on the study? Mr. Stein responded "he presented the information to the employees, heard some of the issues they had and based on some of those issues, he worked with Chief Grover and Doug and Nick to refine some of the information that had been obtained and found that we were in the market place and competitive with those sub-select parts of the data we selected."

Ruth Hopkins stated what she was saying is that perhaps we need to be sure we find out what employees think. I know you are going to say they're not in charge, we're in charge; but we don't work their day to day jobs and haven't even heard from the administrative staff on their perceptions of this. She said she was glad to hear this will not be approved this evening although it was on the agenda and I think that was the expectation, but I'm glad to hear that is not the case.

Joyce Hagen Mundy responded to Mrs. Hopkins question stating the employee benefits committee that was established to review and discuss employee benefit issues was not involved in this process or report.

Doug Luther addressed two issues raised. The first on process and the other on employee involvement. Number 1 as far as the ranges, in 2007 there is a need to adopt a salary ordinance or resolution and that ordinance/resolution will establish the minimum and maximum for each of these ranges. According to the proposed ranges, there are five ranges where the maximum dropped. The recommendation is to put the ranges in place in 2006 so that employees who have not reached minimums can be brought to minimum and in 2007 have their performance or merit increase on top of that. The second issue on employee



feedback and involvement, there were two different series of meetings with employees as a whole to go over the ranges and there was very good participation at those. The employee benefits committee did not look at the ranges that was done through employees as a whole. The benefit recommendations, if approved, would be on staff's to do list to look at and those issues would be taken to the benefits committee to get their input, but the presentation of salary and salary ranges was given to the employees as a whole.

Mr. Luther asked for clarification on what Mrs. Hopkins met by ranges dropping. Mrs. Hopkins stated what was discussed earlier with the situation where an employee was currently earning more than the lowered maximum for their position, resulting in holding that employee's salary static while waiting for the range to catch up.

Doug Luther stated there are five ranges that decreased and with the exception of 1 range which has a decrease of 10%, the others are decreasing in the 3-4% range which would allow the range to catch up to the employee's salary quickly. There was one new position which has a significant reduction of 20% and that employee would continue to be administered under their previous range.

David Belz asked if the Council accepts the study are they accepting the salary ranges. Doug Luther replied, "You accept those ranges, and you would officially accept them in a salary resolution that will come before you at the next meeting."

David Belz asked how soon the Council needs to decide what to do with the maximums that have dropped. Mr. Luther responded that obviously sooner is better. On the maximums that have dropped what he would want to do is look at the employee census and see who is in immediate danger of topping out within the next six weeks and that can give you the information needed. If you wanted to work on those ranges you could.

David Belz confirmed it would be acceptable to take action by the second meeting in December. Doug Luther replied "adopt the salary ranges if you do that you would just say you would want these ranges to be effective whatever date would allow us to new minimum."

Bill Griffith noted this doesn't really deal with where are employees are currently in the range. When you look at the five ranges that have lowered maximums against actual employees, conceptually all of the employees in that range could be at the bottom of the range and not impacted by the change, making this a mute point. He stated the change does not guarantee there will be people pushing the top the new range. Staff needs to go back and plug in where the current census falls into the range and then it will make total sense.

Laura Wassmer agreed stating the Council needs to know where everyone is status wise on the ranges noting that information was necessary to determine the financial costs of implementation. Doug Luther stated the cost of implementation

is known. The cost to bring everyone to the minimum of their range and place police officers on their step progression will cost \$56,000. Mr. Luther stated he could come back with specific information on the placement of employees within the impacted ranges.

Charles Clark asked that staff come back with a recommendation on how to handle the employees impacted by the reduced ranges. He would favor leaving the ranges and do something specific with the individual employees, noting that people change, such as lump summing those individuals and leaving the range the same.

Pat Daniels requested permission to ask for comments from former Councilman Jeff Anthony.

Mr. Anthony stated he was present as this issue is near to his heart. He stated what he is hearing is the Council had an agenda in terms of a macro basis on what salary ranges were in the area and where the City stood within those ranges in comparison with competitors. "I think what you have at the staff level is individuals who are concerned with how to fight salary compression and with higher recruitment wages for an ever increasing salary base outside of the City and how they contend with those things, so maybe the charge of your consultant was not taken far enough. Maybe they need to come back and say here is where you are, and here's how you fight those things you are seeing out in the daily workforce and be real consultants rather than just doing the math and the numbers."

David Belz asked Mr. Luther if the Council needed to accept the report or if he had direction on where to go. Mr. Luther responded he had direction and replied the Council can approve the report knowing that you will see the ranges a second time in a salary resolution. You can do that, or you can hold back and accept all the report and the ranges at a December meeting.

Wayne Vennard felt a vote should be taken to find out how the Council stands.

Wayne Vennard moved the Council accept the proposed study. The motion was seconded by Laura Wassmer. Diana Ewy Sharp asked if accepting the study meant accepting the ranges. David Belz stated he felt the intent of the motion was to accept the study with the understanding that the Council would be receiving more information on the ranges.

David Voysey stated the study should be taken as what it is - just data. The report does not address policy as to its implementation, it is simply data.

Bill Griffith stated acceptance of the study is simply that acceptance of the study with the Council having the option to implement some, none or all of the recommendations at a later date.

Pat Daniels stated it is one thing to accept the study and another to apply the data.

Wayne Vennard and Laura Wassmer confirmed the intent of the motion is to accept the study and ranges as information.

David Belz restated the motion as follows:

**RECOMMEND THE CITY COUNCIL ACCEPT AS INFORMATION  
THE COMPENSATION AND BENEFITS FINAL REPORT OF FBD  
CONSULTING, INC.**

**COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

The motion passed by a vote of 10 to 2 with Hopkins and Ewy Sharp voting "nay".

Diana Ewy Sharp asked who was on the employee benefits committee. Mr. Luther responded it consisted of employee representatives for all the departments in the City. This committee brought forth the recent recommendations for health insurance coverage.

Mrs. Ewy Sharp stated this process has been very hard on employees and she would like to ensure the process is done better in the future. She feels that a Council member should be included on the employee benefits committee. This project has taken more than a year and she wants to see it handled better next time.

#### **COU2006-40 Consider Agreement with Shawnee Mission School District for School Resource Officer**

The Shawnee Mission School District has requested that the City of Prairie Village continue our relationship in providing School Resource Officers to the District. Since the inception of the School Resource Officer Program, the City and the District have entered into a standard contract with portions of the agreement pertaining to officer responsibilities, school responsibilities, agency responsibilities, length of contract and the consulting fee for the officer(s).

Chief Grover stated the Department became aware this year that the school district was not using a standard contract for all municipalities providing school resource officers. Thus, the Department has recommended several changes in the contract that better clarify the relationship between the Department and the School District. The Shawnee Mission District Administration and School Board have agreed to the recommended changes. The City Attorney has reviewed and approved the changes to the agreement.

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

**RECOMMEND THE CITY COUNCIL APPROVE THE SCHOOL  
RESOURCE OFFICER AGREEMENT WITH THE SHAWNEE  
MISSION SCHOOL DISTRICT FOR THE 2006-2007 SCHOOL  
YEAR**

**COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

With no further business to come before the Committee, Council President David Belz adjourned the meeting at 7:15 p.m.

David Belz  
Council President

ORDINANCE 2137

AN ORDINANCE APPROVING THE RENEWAL OF A SPECIAL USE PERMIT FOR THE INSTALLATION OF WIRELESS COMMUNICATIONS ANTENNA AND EQUIPMENT TO ST. ANN'S CHURCH FOR USE BY NEXTEL COMMUNICATIONS ON THE PROPERTY DESCRIBED AS FOLLOWS: 7231 MISSION ROAD, PRAIRIE VILLAGE, KANSAS.

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

Section I. Planning Commission Recommendation. At its regular meeting on November 7, 2006, the Prairie Village Planning Commission held a public hearing, found the findings of fact to be favorable and recommended that the City Council approve the renewal of a Special Use Permit for the wireless communications antenna installation on the steeple of St. Ann's Church at 7231 Mission Road with related equipment to be placed inside the building, subject to ten specific conditions contained in the minutes of the Planning Commission for that date.

Section II. Findings of the Governing Body. The Governing Body concurred with the findings of fact of the Planning Commission as contained in the minutes of the Planning Commission meeting of November 7, 2006, relating to the application for the renewal of a Special Use Permit, docketed as PC2006-11 and approved the Special Use Permit renewal for St. Ann's Church for use by Nextel Communications subject to the following conditions:

- 1) That the renewal of the special use permit be for a maximum of ten years. At the end of the ten-year period, and any subsequent renewal periods, the applicant shall resubmit the application and shall demonstrate to the satisfaction of the Planning Commission and the City Council that a need still exists for the antennas and that all the conditions of approval have been met. The permit may then be extended for additional years and new conditions may be required.
- 2) That all equipment cabinets and wiring shall be contained within the building and steeple.
- 3) That the antennas shall be painted a color that blends with the brick on the Church so that their visibility is minimized.
- 4) That the applicant shall not prevent other users from co-locating on the building.
- 5) That any permit granted which is found to be in non-compliance with the terms of the special use permit will become null and void within 90 days of notification of non-compliance, unless the non-compliance is corrected. If the special use permit becomes null and void, the applicant will remove the antennas, equipment cabinets, and all other appurtenances and shall restore the site to its original condition within 30 days.
- 6) That the applicant shall comply with all local, state and federal regulations.
- 7) That in the event that the leaseholder abandons the facility and fails to remove the installation; the landowners shall remove it within 30 days.
- 8) That the applicant shall submit a letter from a structural engineer licensed in the State of Kansas, stating that the antenna installation has not caused any adverse affect to the structure of the steeple.
- 9) That the applicant shall submit a copy of the lease agreement to the City.
- 10) That the site plan submitted with the original application shall be reincorporated as a part of the approval of this request.

Section III. Granting of Special Use Permit. Be it therefore ordained that the City of Prairie Village grant a Special Use Permit to St. Ann's Church for use by Nextel Communications for the installation wireless communications antennas on the steeple of the church at 7231 Mission Road, Prairie Village, Kansas with related equipment to be placed inside the building, subject to the specific conditions listed above.

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

PASSED AND ADOPTED THIS 4th DAY OF NOVEMBER, 2006.

CITY OF PRAIRIE VILLAGE, KANSAS

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

ATTEST:

APPROVED AS TO FORM:

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

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

## **AGREEMENT**

This agreement is entered into this 28<sup>nd</sup> day of August, 2006, by and between the City of Prairie Village, hereinafter referred to as "Agency" and the Shawnee Mission Unified School District No. 512, located at 7235 Antioch, a political subdivision of the State of Kansas, hereinafter referred to as "District," as follows:

### WITNESSETH

For and in consideration of the mutual promises, terms, covenants, and conditions set forth herein, the parties agree as follows:

1. Purpose of Agreement. The purpose of this Agreement is for the Agency to assign two uniformed law enforcement officers for the School Resource Officer program, to Shawnee Mission East High School, Mission Valley Middle School and Indian Hills Middle School. The officers will work with school personnel to provide educational programs that require law enforcement expertise maintain a safe campus environment, and take appropriate action regarding on-campus or school related criminal activity.
2. Term. The term of this Agreement shall be from the first day of school, which will be no earlier than August 17, 2006, through the end of school, which will be no later than May 30, 2007. The parties may mutually extend the terms of the agreement as they deem necessary to satisfy attendance requirements that may have been affected by weather or other factors. During days that schools are not in session, the officers shall perform regular police duties at a duty station as determined by the Chief of Police.
3. Termination. This Agreement may be terminated without cause by either party upon 30 days prior written notice.
4. Relationship of Parties.
  - 4.1. The city and assigned officers shall have the status of an independent contractor for purposes of this Agreement. The officers assigned to the District shall be considered the employee of the Agency and shall be subject to its control and supervision.
  - 4.2. The officers will be subject to current written directives in effect for Agency law enforcement officers, including attendance at all mandated training and testing to maintain state peace officer certification.
  - 4.3. This Agreement is not intended to and will not constitute, create, give rise to, or otherwise recognize a joint venture, partnership, or formal business association or organization of any kind between the parties, and the rights and obligations of the parties shall be only those expressly set forth in this Agreement. The parties agree that no person supplied by District to accomplish the goals of this agreement is a city employee and that no rights under Agency civil service, retirement, or personnel rules accrue to such person.

5. Cost. District agrees to pay Agency:
- 5.1. A consulting fee of \$185 per day for each day the officer works on site, when school offices are open, to a maximum of 190 days as determined by the school calendar for the 2006-07 school year.
- 5.2. The District will not pay Agency for:
- a. Overtime unless it is requested by the district.
  - b. Non school related expenses related to or resulting from law enforcement related activities, such as criminal investigations and court appearances.
- 5.3. The Agency shall be responsible for the officer's compensation on days schools are in session and the officer is not at his/her assigned school, unless the officer's absence is due to his/her attending an off campus activity at the school's request.
- 5.4. The Agency shall be responsible for said officer's compensation on days when school offices are closed which include:
- Labor Day - September 4
  - Thanksgiving – November, as scheduled
  - Winter Break - December – January, as scheduled
  - Martin Luther King's Birthday – January 15
  - Presidents' Day - February 19
  - Spring Break – March, as scheduled
  - Memorial Day - May 28
- 5.5. Agency agrees to pay all other costs including, training, vehicle, radio, equipment, and insurance.
- 5.6. Each party will maintain a budget for expenditures under this agreement.
- 5.7. Payment from the District to the Agency will be made upon receipt of an itemized statement, and a copy of the officer's time log.


6. Officer Responsibilities.

- 6.1. Work in concert with the school administrative staff.
- 6.2. Provide a program of educational leadership in addressing tobacco, alcohol, and other drug issues, and in addressing violence diffusion, violence prevention, and safety issues in the school community.
- 6.3. Act as a communication liaison with law enforcement agencies, provide basic information concerning students on campuses served by the officer.
- 6.4. Present programs to parents on issues related to tobacco, alcohol, and other drugs, violence prevention, and safety.
- 6.5. Provide informational inservices for staff on issues related to alcohol and other drugs and the law, violence, gangs, safety, and security.
- 6.6. Gather information regarding potential problems such as criminal activity, gang activity and student unrest, and identify particular individuals who may be a disruptive influence to the school and/or students.
- 6.7. Take the appropriate steps, consistent with Kansas statutes and agency written directives when a crime occurs.
- 6.8. Present educational programs to students and school staff on topics agreed upon by both parties.
- 6.9. Refer students and/or their families to the appropriate agencies for assistance when a need is determined.
- 6.10. Work in concert with the Student Assistance Team.
- 6.11 The School Resource Officers shall not act as a school disciplinarian, nor make recommendations regarding school discipline. SRO's are not to be used for regularly assigned lunchroom duties, as regular hall monitor, bus duties or other monitoring duties. If there is an unusual/temporary problem in one of these areas, the SRO may assist District employees until the problem is solved.

Provided further that nothing required herein is intended to or will it constitute a relationship of duty for the assigned law enforcement officer or the Agency beyond the general duties that exist for law enforcement officers within the state.



7. Time and Place of Performance. Agency will endeavor that the law enforcement officers will be available for duty at his/her assigned school(s) each day that school is in session during the regular school year. The agency is not required to furnish substitute officers on days when the regular school resource officers are absent due to illness or police department requirements. The officer's activities will be restricted to the assigned school grounds except for:
- 7.1. Follow-up home visits when needed as a result of school related student problems.
  - 7.2. School related off-campus activities when officer participation is requested by the principal and approved by Agency.
  - 7.3. Response to off campus, but school related, criminal activity.
  - 7.4. Response to emergency law enforcement activities or court appearances.
  - 7.5. Response to feeder elementary schools upon request of the school staff.
8. District Responsibilities. District will provide the law enforcement officer an office and such equipment as is necessary at his/her assigned school(s). This equipment shall include a telephone, filing space capable of being secured, and access to a computer.

By   
 Susan Metsker, President  
 Shawnee Mission Board of Education

Date 9/18/06

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

Date \_\_\_\_\_

**From:** Patty Bennett [mailto:pattyb@leawood.org]  
**Sent:** Wed 11/29/2006 2:25 PM  
**To:** Wetzler, Charlie  
**Cc:** Scott Lambers  
**Subject:** Somerset and Lee/Porchlights

Charlie,

This email is to confirm our recent conversations regarding the proposed use of the island at Somerset and Lee. Leawood initially was seeking a 100 year lease from Prairie Village. The long term was desired because of the amount of money the City will need to invest to improve the island. The estimate for design and construction of Porchlights is about \$90,000 to \$100,000. Further, the City would replace the street lighting on the island and need to run electricity to the island with an estimated cost of \$180,000. Thus, the total invested is estimated to be about \$270,000 to \$280,000.

While the 100 year agreement is far more preferable to Leawood, City Administrator Scott Lambers suggested that we explore the possibility of using a 50 year term for the lease. [I should note that this shorter length of term has not yet been submitted to our governing body for discussion].

The Leawood Arts Council believes that this would be an excellent location for the Porchlights piece and that it would benefit both cities. Please let me know if Prairie Village would be interested in such an arrangement.

Thank you for your help and please let me know if you need further information.

Patty  
Patricia A. Bennett  
City Attorney  
4800 Town Center Drive  
Leawood, KS 66211  
913 339 6700 ext. 222  
913 339 9325 [fax]  
pattyb@leawood.org

## Consider Resolution on 7400 State Line Road

### Background:

Gary Anderson, the City's Financial Consultant, has advised the City of the impending sale of the property at 7400 State Line Road, which was initially acquired and constructed through Industrial Revenue Bonds issued by the City, to 7400 Place, L.L.C., a Missouri limited liability.

In connection with the sale, the bonds will be paid in full and 7400 Place will provide for the payment of all Rental Payments and Additional Payments required under the Lease through the closing of the sale. 7400 Place has requested that the City convey title to 7400 Place pursuant to the provisions of the Lease.

The attached Resolution has been prepared and approved by the City's bond and legal counsel. Mr. Anderson advised that is generally viewed as administrative approval since the bonds will be paid off and all costs of the City will be covered by the company.

### RECOMMENDATION:

RECOMMEND THE CITY COUNCIL ADOPT RESOLUTION  
2006-11 AUTHORIZING THE CITY OF PRAIRIE VILLAGE,  
KANSAS TO CONVEY CERAIN REAL AND PERSONAL  
PROPERTY TO 7400 PLACE, L.L.C.; AND PRESECRIBING  
THE FORM OF AND AUTHORIZING THE EXECUTION AND  
DELIVERY OF CERTAIN DOCUMENTS IN CONNECTION  
THEREWITH

RESOLUTION NO. R-\_\_\_\_\_

**A RESOLUTION AUTHORIZING THE CITY OF PRAIRIE VILLAGE, KANSAS TO CONVEY CERTAIN REAL AND PERSONAL PROPERTY TO 7400 PLACE, L.L.C.; AND PRESCRIBING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS IN CONNECTION THEREWITH.**

---

**WHEREAS**, on August 1, 1999 the City of Prairie Village, Kansas (the "**City**") issued its Industrial Revenue Refunding Bonds, Series 1999 (Lockton Companies Inc. Project) in the aggregate principal amount of \$3,486,777.97 (the "**Bonds**") to refund the City's then outstanding Industrial Revenue Bonds (Lockton Insurance Agency Employee Partnership Project) which were issued to finance the acquisition, construction and installation of a commercial office, including real estate, buildings, equipment and fixtures (the real property, building, equipment and improvements financed in whole or in part out of Bond proceeds being collectively referred to as the "**Project**"); and

**WHEREAS**, the Bonds were issued pursuant to a Trust Indenture dated as of August 1, 1999 (the "**Indenture**") between the City and UMB Bank, N.A. (the "**Trustee**") as authorized by Ordinance No. 1967 passed by the governing body of the City on July 19, 1999 (the "**Ordinance**"); and

**WHEREAS**, in connection with the issuance of the Bonds, the City, as lessor, and 7400 Place, L.L.C., a Missouri limited liability ("**7400 Place**"), as lessee, entered into a Lease Agreement, dated as of August 1, 1999 (the "**Lease**"); and

**WHEREAS**, the 7400 Place has entered into a Real Estate Purchase Contract dated November 10, 2006 Tower Properties Company, a Missouri corporation (the "**Buyer**") to sell the Project to the Buyer or its assignee; and

**WHEREAS**, in connection with the sale of the Project to Buyer, the Bonds will be paid in full and 7400 Place will provide for the payment of all Rental Payments and Additional Payments required under the Lease through the closing of the sale of the Project to Buyer and no additional payments are due; and

**WHEREAS**, 7400 Place has requested that the City convey title to the Project to 7400 Place pursuant to the provisions of the Lease; and

**WHEREAS**, the City desires to convey the Project to 7400 Place;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF PRAIRIE VILLAGE, KANSAS, AS FOLLOWS:**

**Section 1. Approval of Conveyance.** The conveyance by the City to 7400 Place of (a) the Project (legally described in **Exhibit A** attached hereto and incorporated herein by reference), and (b) all machinery, equipment and other personal property paid for in whole or in part from the proceeds of the Bonds and the termination of the Lease is hereby approved.

**Section 2. Authorization of Documents.** The City hereby authorizes and approves the Special Warranty Deed, attached hereto as **Exhibit B**, the Bill of Sale, attached hereto as **Exhibit C** and the Termination of Lease, attached hereto as **Exhibit D**, in substantially the forms presented to and reviewed by the City Council of the City at this meeting and attached to this Resolution (copies of which documents shall be filed in the records of the City), with such changes therein as shall be approved by the officers of the City executing such documents, such officers' signatures thereon being conclusive evidence of their approval thereof.

**Section 3. Execution of Documents.** The Mayor is hereby authorized and directed to execute the Special Warranty Deed, the Bill of Sale and the Termination of Lease Agreement, and the City Clerk is hereby authorized and directed to attest to such documents, for and on behalf of the City.

**Section 4. Further Authority.** The Mayor and City Clerk are hereby authorized and directed to execute and deliver such other documents and certificates as may be necessary to transfer the Project, terminate all interest of the City in the Project, terminate the Lease and carry out the intent of this Resolution.

**Section 5. Effective Date.** This Resolution shall take effect and be in force from and after its adoption.

**ADOPTED by the City Council of the City of Prairie Village, Kansas, this 4th day of December, 2006.**

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

(Seal)

Attest:

By: \_\_\_\_\_  
City Clerk

## EXHIBIT A

### LEGAL DESCRIPTION

The following described real estate in Johnson County in the State of Kansas:

#### TRACT I:

LOTS 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, AND 402, GRANTHURST, A SUBDIVISION IN THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, ACCORDING TO THE RECORDED PLAT THEREOF.

#### TRACT II:

LOT 476, GRANTHURST, A SUBDIVISION IN THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, EXCEPT: BEGINNING AT THE SOUTHEAST CORNER OF LOT 476; THENCE NORTHERLY ALONG THE EAST LINE OF LOT 476, 188.00 FEET; THENCE NORTHWESTERLY IN A STRAIGHT LINE DEFLECTING 80 DEGREES 37 MINUTES TO THE LEFT FROM THE LAST MENTIONED COURSE, 116.56 FEET; THENCE NORTHERLY IN A STRAIGHT LINE DEFLECTING 80 DEGREES 37 MINUTES TO THE RIGHT FROM THE MENTIONED COURSE, 156.00 FEET; THENCE WESTERLY IN A STRAIGHT LINE AT RIGHT ANGLES TO THE LAST MENTIONED COURSE, 200 FEET; THENCE SOUTHERLY IN A STRAIGHT LINE AT RIGHT ANGLES TO THE LAST MENTIONED COURSE, 82.02 FEET; THENCE SOUTHWESTERLY IN A STRAIGHT LINE DEFLECTING 70 DEGREES 48 MINUTES 40 SECONDS TO THE RIGHT FROM THE LAST MENTIONED COURSE, 124.77 FEET TO A POINT ON THE WESTERLY LINE OF LOT 476; THENCE SOUTHEASTERLY ALONG THE WESTERLY LINE OF LOT 46, 255 FEET TO THE SOUTHWEST CORNER OF LOT 476; THENCE EASTERLY ALONG THE SOUTH LINE OF LOT 476, 349.03 FEET TO THE POINT OF BEGINNING.

**EXHIBIT B**

**SPECIAL WARRANTY DEED**

**THIS SPECIAL WARRANTY DEED**, made this \_\_\_\_\_ day of December, 2006, between the **CITY OF PRAIRIE VILLAGE, KANSAS**, a political subdivision and municipal corporation duly organized, incorporated and existing under and by virtue of the laws of the State of Kansas (the "**Grantor**"), and **7400 PLACE, L.L.C.**, a Missouri limited liability company (the "**Grantee**"), whose mailing address is c/o Lockton Companies, 444 W. 47<sup>th</sup> Street, Suite 900, Kansas City, Missouri 64112-1906, Attn: Alan Salts:

**WITNESSETH, THAT THE SAID GRANTOR**, in consideration of the sum of **ONE HUNDRED DOLLARS** (\$100.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, does by these presents Sell and Convey unto **GRANTEE**, its successors and assigns, that certain real estate situated in the County of Johnson, State of Kansas, as described in **Exhibit A** hereto and incorporated herein by reference, all improvements thereon and all of Grantor's right, title and interest therein and the estates, rights, privileges, easements and appurtenances belonging or in any way appertaining therein (collectively, the "**Property**")

Subject to: (a) those liens and encumbrances, if any, to which the title to the Real Estate was subject on the date of conveyance of the same to Grantor, (b) those liens and encumbrances created by Grantee or to the creation or suffering of which the Grantee consented, (c) those liens and encumbrances resulting from the failure of Grantee to perform or observe and of the agreements on its part contained in the lease which it heretofore occupied the Real Estate, and (d) if the Real Estate is being condemned, the rights and title of any condemning authority.

**TO HAVE AND TO HOLD THE SAME**, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining forever.

And said **GRANTOR**, for itself, its successors and assigns, does hereby covenant, promise and agree, to and with **GRANTEE**, its successors and assigns, that at the delivery of these presents, said interest in said premises is free, clear, discharged and unencumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and encumbrances, of any nature and kind whatsoever, by, through or under Grantor, except as above stated, and that it will **WARRANT** and **FOREVER DEFEND** the same unto the Grantee, its successors and assigns, against the Grantor, its successors and assigns, and all and every person or persons whomsoever, lawfully claiming or to claim the same by, through or under the Grantor.

**THIS CONVEYANCE IS FOR THE PURPOSE OF RELEASING SECURITY FOR A DEBT OR OTHER OBLIGATION AND IS EXEMPT FROM THE REQUIREMENTS OF A SALES VALIDATION QUESTIONNAIRE PURSUANT TO K.S.A. 79-1437e(2)**

IN WITNESS WHEREOF, the GRANTOR has hereunto caused this Deed to be signed on its behalf by its Mayor and to be attested by its City Clerk, and has caused the corporate seal to be hereunto affixed, the day and year first above written.

CITY OF PRAIRIE VILLAGE,  
KANSAS

[SEAL]

\_\_\_\_\_  
Name: Ron Shaffer  
Title: Mayor

ATTEST:

\_\_\_\_\_  
Name: Joyce Mundy  
Title: City Clerk

ACKNOWLEDGMENT

STATE OF KANSAS            )  
  ) SS.  
COUNTY OF JOHNSON        )

On this \_\_\_\_ day of December, 2006, before me, a Notary Public in and for said State, personally appeared **RON SHAFFER** and **JOYCE MUNDY**, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Prairie Village, Kansas, a municipal corporation and political subdivision duly authorized, incorporated and existing under and by virtue of the Constitution and laws of the State of Kansas, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed on behalf of said corporation by authority of its governing body, and said Mayor and City Clerk acknowledged said instrument to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

\_\_\_\_\_  
Notary Public - State of Kansas

[SEAL]

My appointment expires \_\_\_\_\_.



**EXHIBIT C**

**BILL OF SALE**

In furtherance of the terms of a certain Lease Agreement, dated as of August 1, 1999 (the "Lease"), between the **CITY OF PRAIRIE VILLAGE, KANSAS** and **7400 PLACE, L.L.C.** and for valuable consideration, the **CITY OF PRAIRIE VILLAGE, KANSAS** (the "Assignor") hereby transfers, assigns and conveys to **7400 PLACE, L.L.C.** ("Assignee"), a Missouri limited liability company, all machinery, equipment and other tangible and intangible personal property purchased or refinanced in whole or in part from the proceeds of the Industrial Revenue Refunding Bonds, Series 1999 (Lockton Companies Inc. Project) or located on the real property legally described on Exhibit A attached hereto (collectively, the "Property").

Subject to: (a) those liens and encumbrances, if any, to which the title to the Property was subject on the date of conveyance of the same to Assignor, (b) those liens and encumbrances created by Assignee or to the creation or suffering of which the Assignee consented, and (c) those liens and encumbrances resulting from the failure of Assignee to perform or observe and of the agreements on its part contained in the lease which it heretofore occupied the real estate described on Exhibit A

TO HAVE AND TO HOLD the Property unto Assignee, its successors and assigns forever; Assignor hereby covenanting that Assignor has good right to convey the same; that the Property is free and clear from any encumbrance done or suffered by Assignor or those under whom Assignor claims, except as stated above; and that Assignor will warrant and defend the title to said Property unto Assignee and Assignee's successors and assigns forever, against the lawful claims and demands of all persons claiming under Assignor.

**CITY OF PRAIRIE VILLAGE, KANSAS**

[SEAL]

\_\_\_\_\_  
Name: Ron Shaffer  
Title: Mayor

ATTEST:

\_\_\_\_\_  
Name: Joyce Mundy  
Title: City Clerk

**EXHIBIT D**

**TERMINATION OF LEASE  
BETWEEN THE  
CITY OF PRAIRIE VILLAGE, KANSAS, AS LANDLORD,  
AND 7400 PLACE, L.L.C., AS TENANT**

---

**WHEREAS**, on August 1, 1999 the City of Prairie Village, Kansas (the "**City**") issued its Industrial Revenue Refunding Bonds, Series 1999 (Lockton Companies Inc. Project) in the aggregate principal amount of \$3,486,777.97 (the "**Bonds**") to refund the City's then outstanding Industrial Revenue Bonds (Lockton Insurance Agency Employee Partnership Project) which were issued to finance the acquisition, construction and installation of a commercial office, including real estate, buildings, equipment and fixtures (the real property, building, equipment and improvements financed in whole or in part out of Bond proceeds being collectively referred to as the "**Project**"); and

**WHEREAS**, the Bonds were issued pursuant to a Trust Indenture dated as of August 1, 1999 (the "**Indenture**") between the City and UMB Bank, N.A. (the "**Trustee**") as authorized by Ordinance No. 1967 passed by the governing body of the City on July 19, 1999 (the "**Ordinance**"); and

**WHEREAS**, in connection with the issuance of the Bonds, the City, as lessor, and 7400 Place, L.L.C., a Missouri limited liability ("**7400 Place**"), as lessee, entered into a Lease Agreement, dated as of August 1, 1999 (the "**Lease**"); and

**WHEREAS**, a Memorandum of Lease Agreement was filed for record in the office of the Register of Deeds of Johnson County, Kansas, on \_\_\_\_\_, 1999 as Document No. \_\_\_\_\_ in Book \_\_\_ at Page \_\_\_; and

**WHEREAS**, the Bonds will be paid in full and 7400 Place has provided for the payment of all Rental Payments and Additional Payments required under the Lease through the date of this agreement and no additional payments are due.

**NOW, THEREFORE, THE CITY OF PRAIRIE VILLAGE, KANSAS DOES HEREBY STATE AND DECLARE AND THE PARTIES AGREE AS FOLLOW:**

That as of the date hereof the Lease and the Memorandum of Lease shall terminate and be of no further force and effect. The real property located in Johnson County, Kansas, affected by the Lease and this Termination of Lease is described in **Exhibit A** attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, the parties named above have caused this Termination of Lease to be duly executed by their duly authorized officers as of the \_\_\_\_ day of December, 2006.

CITY OF PRAIRIE VILLAGE, KANSAS

[SEAL]

\_\_\_\_\_  
Name: Ron Shafer  
Title: Mayor

ATTEST:

\_\_\_\_\_  
Name: Joyce Mundy  
Title: City Clerk

ACKNOWLEDGMENT

STATE OF KANSAS            )  
  ) SS.  
COUNTY OF JOHNSON        )

On this \_\_\_\_ day of December, 2006, before me, a Notary Public in and for said State, personally appeared **RON SHAFFER** and **JOYCE MUNDY**, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Prairie Village, Kansas, a municipal corporation and political subdivision duly authorized, incorporated and existing under and by virtue of the Constitution and laws of the State of Kansas, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed on behalf of said corporation by authority of its governing body, and said Mayor and City Clerk acknowledged said instrument to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

\_\_\_\_\_  
Notary Public - State of Kansas

[SEAL]

My appointment expires \_\_\_\_\_.

7400 PLACE, L.L.C.

By: \_\_\_\_\_  
\_\_\_\_\_, Member

**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ )  
 ) SS.  
COUNTY OF \_\_\_\_\_ )

BE IT REMEMBERED, that on this \_\_\_\_ day of December, 2006, before me the undersigned, a Notary Public in and for the County and State aforesaid, came \_\_\_\_\_ the Member of 7400 Place, L.L.C., a Missouri limited liability company, who is personally known to me to be such Member, and who is personally known to me to be the same person who executed, as such Member, the within instrument on behalf of said limited liability company, and such Member duly acknowledged the execution of the same to be the act and deed of said limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

[SEAL]

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_.

## MAYOR'S ANNOUNCEMENTS

Monday, December 4, 2006

Committee meetings scheduled for the next two weeks include:

Board of Zoning Appeals	12/05/2006	6:30 p.m.
Planning Commission	12/05/2006	7:00 p.m.
Tree Board	12/06/2006	6:00 p.m.
Sister City	12/11/2006	7:00 p.m.
Council Committee of the Whole	12/18/2006	6:00 p.m.
City Council	12/18/2006	7:30 p.m.

=====

The Prairie Village Arts Council is pleased to feature a photography and ceramics exhibit by Marearl Denning in the R.G. Endres Gallery during the month of December. The opening reception will be held on December 8<sup>th</sup> from 6:30 to 7:30 p.m.

Donations to the Holiday Tree Fund are being accepted. The funds will be used to assist Prairie Village families and Senior Citizens needing help to pay their heating and electric bills during the cold winter months, as well as with home maintenance throughout the year. Your tax-deductible contributions are appreciated.

The City offices will be closed December 25<sup>th</sup> in observance of Christmas. Deffenbaugh will observe the holiday and trash pickup will be delayed.

**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

December 4, 2006

1. Planning Commission Agenda – December 5, 2006
2. Sister City Committee Minutes – November 13, 2006
3. Prairie Village Arts Council Minutes – November 15, 2006
4. City Hall Day at the Capitol registration form – **Please let Jeanne know by January 17 if you plan to attend**
5. Letter of intent to retire from Municipal Judge Thomas A. Hamill
6. Letter from AT&T about AT&T U-Verse Internet Protocol
7. Letter from Prairie Village Resident about traffic signals
8. Mark Your Calendar
9. Council Committee Agenda

PLANNING COMMISSION AGENDA  
CITY OF PRAIRIE VILLAGE  
MUNICIPAL BUILDING - 7700 MISSION ROAD  
TUESDAY, NOVEMBER 5th  
COUNCIL CHAMBERS  
7:00 P. M.

I. ROLL CALL

II. APPROVAL OF PC MINUTES - November 7, 2006

III. PUBLIC HEARINGS

PC2006-14 Request for Conditional Use Permit for Communication Utility Box  
at 8300 Mission Road  
Zoning: C-0  
Applicant: Eric Stong, AT&T

PC2006-15 Request for Conditional Use Permit for Communication Utility Box  
at 3720 West 83<sup>rd</sup> Street  
Zoning: C-2  
Applicant: Eric Stong, AT&T

PC2006-16 Request for Conditional Use Permit for Communication Utility Box  
at 8099 Mission Road  
Zoning: R-3  
Applicant: Eric Stong, AT&T

PC2006-17 Request for Conditional Use Permit for Communication Utility Box  
at 7825 Juniper  
Zoning: R-1b  
Applicant: Eric Stong, AT&T

PC2006-19 Request for Renewal of Special Use Permit for Communication  
Antenna & Equipment at 7700 Mission Road  
Zoning: R-1a  
Applicant: Curtis Holland, Cingular Communications

IV. NON-PUBLIC HEARINGS

PC2006-115 Building Line Modification -  
8700 Catalina  
Zoning: R-1a  
Applicant: Tom Boozer

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@Pykansas.com](mailto:Cityclerk@Pykansas.com)

**SISTER CITY COMMITTEE**  
**November 13, 2006**  
**Minutes**

**I Call to Order**

Cleo Simmonds called the meeting to order. Present: Cleo Simmonds, Michael Kelly, Alyce Grover, James Hohensee, Bob McGowan, Alexandra Thompson, and Hildegard Knop.: Also present: Barbara Vernon, staff and Barbara Dolci, Executive Director of the International Visitors Council of Greater Kansas City.

**II. Welcome Barbara Dolci, International Visitors Council**

Mr. Simmonds thanked Ms. Dolci for attending the meeting to speak about her organization and the Prairie Village efforts to develop a relationship with another Sister City.

Ms. Dolci explained her organization makes arrangements for visits to the United States by persons from other countries. Her organization is a 501(c)(3) working directly with the United States Department of State through the Bureau of Educational and Cultural Affairs in their International Leadership program. This program brings persons nominated by their country to come to the U.S. to learn how governments work with a specific issue or problem. The Visitors Council receives a small amount of funding from this agency of the Federal Government.

She said Ukrain is currently a pivotal part of the world. Residents are happy to be separated from the Soviet Union because Russia was not kind to the people or the country. The country suffered greatly after World War II when Stalin caused the starvation of between six and twelve million people. Russians would go through the countryside gleaning fields and, in some cases, even removing the soil. Often residents of the country were shot by the Russians for no reason and no one was allowed to talk about what was happening to them.

The group that visited Prairie Village was from the Oblast (similar to a state) city of Dolyna (pronounced "doe-lane-a ") Because that part of Ukrain borders Poland and Rumania, residents of this area feel European. Dolyna sits on the Black Sea. Their language is Ukrainian, not Russian. Dolyna is a very old city dating from 979 AD, and is rich in culture. The City is more industrial than Prairie Village and very historical. The population is close to the population in Prairie Village. They are near a good ski area and their city is becoming a tourist area so they would like to promote that aspect of the City. Dolyna is a full service City 75 miles from the large city of Lviv.(pronounced "La-veev")

Ms. Dolci said the representatives who visited Prairie Village are very excited about the possibility of a sister City relationship with this City. Their desire is for a cultural and educational exchange, not financial. They would like to exchange their dance , music and art cultures in a variety of ways with those of this country.



It was suggested the first task before serious discussions about a sister city relationship begins is for both cities to make a wish list of what they would like to get from the relationship. What do the cities want their sister city to know about them and what kinds of exchanges would be acceptable to them. Michael Kelly said he read the "wish list" Dolyna prepared and found it to be very general in nature.

When asked about air travel, Ms. Dolci estimated the cost to be approximately \$1,000 to Ukrain. She said it is not necessary to have a visa to visit the country.

Jim Hohensee said this city is not part of a region like Prairie Village. He said it is probably more like a city in western Kansas than one in a metropolitan area. Ms. Dolci said it only 75 miles from Lviv, the second largest city in the region. Ali Thompson mentioned that it is near other cultural areas. She said when she traveled in Rumania, near this area, she felt comfortable.

Ms. Dolci said if this committee is focusing on cultural interests this would be a good country to consider because it is not crowded with cities that have Sister City relationships with cities in this country. Alyce Grover said it reminds her of a conversation she had with others interested in Sister City relationships who recommended Prairie Village choose a city in which they can make a difference, the purpose being to extend the relationships of this country across the world. Ms. Dolci said there are a tremendous number of persons in this area from Ukrain. They are well educated people and sophisticated. Kansas University has a Russian/Ukrainian program which can provide a strong resource for a relationship with this country.

One of the leaders of the group that visited Prairie Village was the head of the Chamber of Commerce in Dolyna. He said he spoke to the Mayor before coming to this country and was told their city was very interested in developing a relationship with a city in America.

Michael asked if the political situation in Ukrain is stable. She said it is at this time. She suggested the Ukrainian Club in Kansas City be contacted for more specific information. She will send contact information for Peter Smokoroski, a member of the club. The U.S. Ukrainian Foundation might also be helpful so she will also send that information.

Ms. Dolci ended her comments by reminding those present that military power is the hard power of government; programs like the Visitors Council, People to People and Sister Cities are the soft power of government. Mr. Simmonds and members of the committee thanked her for attending and sharing her knowledge with the committee.

Cleo Simmonds said he would like to appoint a committee of two or more members to develop more in-depth information about a potential sister city. The committee could define questions and bring them to the January meeting. They would provide more facts to assist the committee in making its decision. Mike and Bob agreed to work with Cleo on this committee. They will suggest responses to "what the committee wants" and

“ways to find what they want.” Jim was asked to invite the Ukrainian woman in his office to speak to this group at a future meeting. He agreed to talk to her.

Cleo said it is also important for the committee to maintain its focus on Germany. Bob said he is in communication with a person he met at the Shawnee Oktoberfest who said she could provide contact information for cities in Germany.

Jim distributed a sample of a letter of introduction that can be sent by the committee to cities in other countries. He reminded members it is a work in progress and encouraged input about changes to improve the document. Ali suggested the last two paragraphs be moved to the top of the document because they provide more information about the purpose of the letter.

### **Report from the Selection sub-committee.**

#### **a. Review community brochures.**

There were no brochures to review. Barbara Vernon was asked to bring the 50th anniversary brochure and History as well as the Shawnee Mission School District 3rd grade workbook about Prairie Village to the next meeting.

#### **b. Update of community profile being produced by Prairie Village**

Barbara Vernon reported the final draft of the new Community Profile is being prepared and should be ready before the end of this year.

### **Report for Community Involvement sub-committee**

#### **a.. Plans to get more participation and RSVP's.**

Michael said one of the problems was the person scheduled to receive reservations was out of town the weekend before the event. Several responses were received on his voice mail but were not recorded before the event was cancelled. Ali said another difficulty was the school would not provide telephone numbers of the students for follow-up calls. Now she has a parent contact to help with the next event.

#### **b. Re-schedule of welcome reception**

Barbara Vernon said she had dates in November and December the Council Chamber would be available. Committee members decided the holiday season is too busy with other activities during that time. Barbara will bring open dates for the Council Chambers in January and February to the next meeting.

### **VII Holiday event**

Members agreed to try Café' Provence for the December dinner meeting because that restaurant has agreed to help with the reception. Cleo said he would contact them and, if they cannot accommodate the group, he will call Tatsu's or one of the others recommended. The meeting will be December 11, 2006 at 6:30 pm in this location. After a brief meeting, the group will adjourn to the restaurant.

### **Other Business**

Michael agreed to send a thank you note to Barbara Dolci. Ali will send one to the foreign student exchange parent.

Cleo Simonds

PRAIRIE VILLAGE ARTS COUNCIL  
15 NOVEMBER, 2006  
MINUTES

The Prairie Village Arts Council met at 6:00 in the City Council Chambers. Members present: Randy Kronblad, Chairman, Pam Marshall, Pat Clothier, Inge Dugan, Bill Rose, Annie Brabson, and Bob Endres. Also present: Doug Luther.

Minutes

Committee members approved minutes from the 18 October, 2006 meeting as submitted.

MidAmerica Pastel Society

Mr. Kronblad reported that attendance was excellent for this reception.

December, 2006 Exhibit/Reception

Marearl Denning will be the featured artist in December. The reception will be on Friday, 8 December from 6:30 - 7:30 pm. Pat and Bob agreed to help with the reception.

2007 Budget Planning

Mr. Luther reported that the Arts Council's 2007 budget approved by the City Council is \$8,000, and that the City Council recently approved the carryover of unspent 2006 funds into 2007. This will be approximately \$1,000. He said the purpose of this meeting is to develop a spending plan for 2007 and identify the projects/events the Arts Council wants to plan for 2007. He reminded committee members that funds are also available in the Arts Council's Foundation account.

- Committee members agreed to allocate \$500 for art purchases
- Committee members agreed to allocate \$100 for sponsorship of Whispering Prairie Press
- Committee members agreed to budget \$3,300 for receptions.
- Committee members agreed to budget \$2,000 for sponsorship of the Prairie Village Art Show. Committee members agreed that this is a major event for the Arts Council each year and that it is very well received by the artists.
- Committee members agreed to budget \$1,500 for concerts.
- Committee members agreed to budget \$500 to help support the 2007 VillageFest celebration. These funds should be used to help underwrite the costs of a musical performance at the 2007 event.
- Committee members agreed to budget \$300 for a film festival. This event could take a variety of forms, which committee members will determine after the first of the year.

Committee members noted that \$500 has been budgeted for legal fees for the past several years, but has not been used. Committee members agreed to not budget any funds for legal advice in 2007.

Committee members agreed to budget \$500 from their funds in the Municipal Foundation to support the Shooting Stars Scholarship program. Members noted that the Arts Council provided \$1,000 in support in 2006, but this was for the event's 10<sup>th</sup> Anniversary.

Committee members had extensive discussion of hosting a juried exhibition in 2007. The committee's concept is to sponsor a major event in which artists would apply to exhibit in the Gallery, a juror or jury would select the pieces for the exhibit, and a special reception would be held to honor the artists. In addition, prizes would be awarded. This event would likely cost approximately \$6,500. Arts Council members believe that they will be able to offset approximately \$4,500 of this cost through charging an entry fee to artists and by obtaining corporate sponsorships for the prize money. While this event would be a major undertaking for the Arts Council, if successful, it could become an annual event and help attract high quality artists to the Gallery.

The major costs of this type of event would be in printing and publicity. It will be necessary to print call for artist forms, place ads in the newspaper to encourage attendance at the exhibit and at the reception, and to print exhibit invitations for distribution to both the public and the artists for their own distribution.

Committee members strongly support this idea, but recognize that it will require raising funds for prize money and that the event will require a transfer of funds from the brick money in the Municipal Foundation. Committee members agreed to budget \$5,800 from the 2007 operating budget and \$700 in Foundation money to host this event, recognizing that \$4,500 of this total amount will be offset by revenue from entry fees and corporate donations

Mr. Luther said that City Council approval will be required to approve the application fee and that the City Council should also endorse the event and fundraising efforts. Committee members asked Mr. Luther to prepare a program outline & proposal to present to the Council.

#### December, 2006 meeting

Committee members agreed to cancel the December meeting.

There being no further business, the meeting adjourned.

Randy Kronblad  
Chairman

**PRAIRIE VILLAGE ARTS COUNCIL  
2007 BUDGET**

<b>DESCRIPTION</b>	<b>2006 BUDGET</b>	<b>2006 ESTIMATE</b>	<b>2007 BUDGET</b>	<b>Notes</b>
<b>INCOME</b>				
City Council Allocation	\$ 8,000	\$ 8,000	\$ 8,000	
Other Income	\$ 1,700	\$ 670	\$ 1,450	
2006 Carryover			\$ 1,115	Estimate. Exact amt unknown until 1/1/07
Juried Show Prize Money			2000	
Juried Show entry fees			2500	
<b>Total Income</b>	<b>\$ 9,700</b>	<b>\$ 8,670</b>	<b>\$ 15,065</b>	
<b>EXPENSES</b>				
Art Purchases	\$ 500	\$ 630	\$ 500	
Arts Sponsorship	\$ 100		\$ 100	Whispering Prairie Press
Receptions	\$ 3,600	\$ 3,600	\$ 3,300	
Participation in Prairie Village Art Fair	\$ 1,800	\$ 1,850	\$ 2,000	
Concerts	\$ 1,750		\$ 1,500	
VillageFest	\$ 500	\$ 500	\$ 500	
Film Festival		\$ 100	\$ 300	
Dues & subscriptions	\$ 125	\$ 125	\$ 125	
Legal Fees	\$ 500		\$ -	
Day Trips / tours				
Miscellaneous	\$ 250	\$ 250	\$ 250	
Shooting Stars Contribution (PVMF)	\$ 1,000	\$ 500	\$ 500	
Brick purchase / installation (PVMF)	\$ 700	\$ 170	\$ 250	
Juried Show (PVMF)			\$ 700	juried show from brick money
Juried Show			\$ 5,800	4500 pass through +1300 GF
Shooting Stars (Operating Fund)		\$ 500	\$ -	
Contingency			\$ 690	
<b>Total Expenses</b>	<b>\$ 10,825</b>	<b>\$ 8,225</b>	<b>\$ 16,515</b>	
<b>PVMF Transfer</b>	<b>\$ 1,700</b>	<b>\$ 670</b>	<b>\$ 1,450</b>	
<b>Net Operating Expenses</b>	<b>\$ 9,125</b>	<b>\$ 7,555</b>	<b>\$ 15,065</b>	
<b>Under (Over) Budget</b>	<b>\$ 575</b>	<b>\$ 1,115</b>	<b>\$ -</b>	

# CITY HALL DAY AT THE CAPITOL

THURSDAY, JANUARY 25, 2007

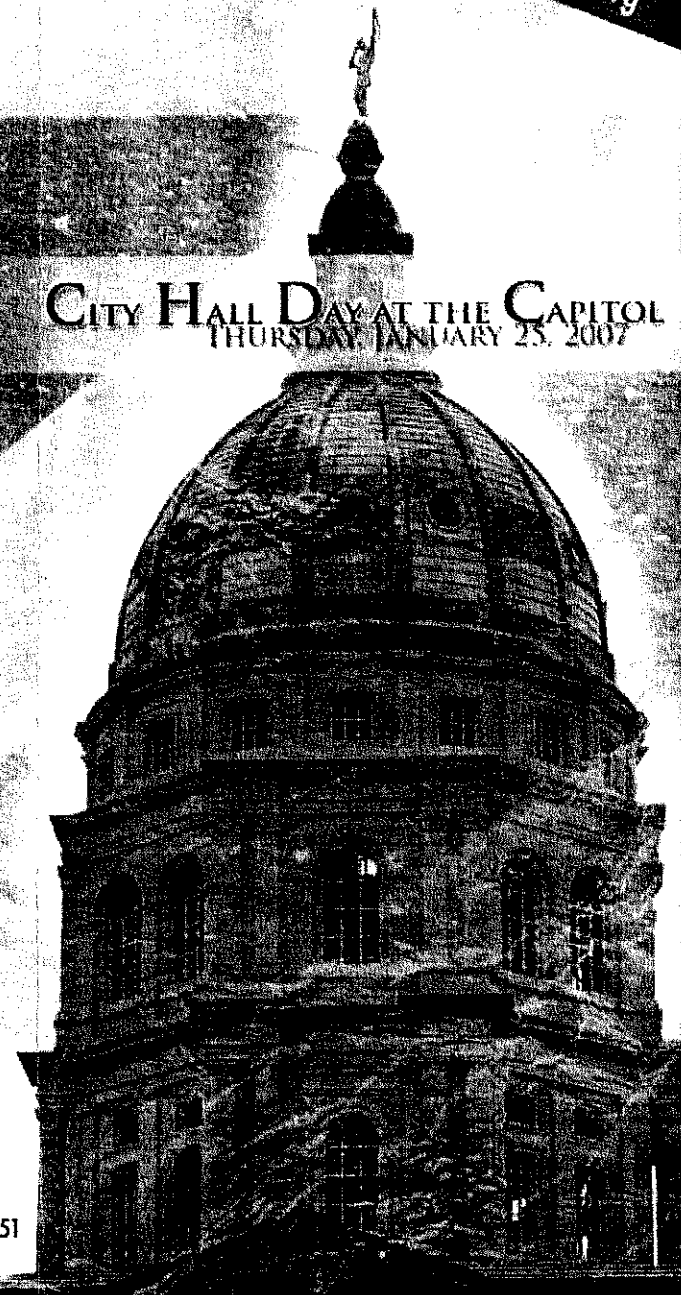
Register online at [www.lkm.org](http://www.lkm.org)

## LEGISLATIVE PRIORITIES

The prosperity of the State of Kansas is absolutely dependent upon the prosperity of our cities. Over 80% of Kansans live in an incorporated city. In an effort to promote healthy and sustainable communities, the elected and appointed city officials of Kansas hereby establish the following as our legislative action agenda for 2007:

- Support legislation which reinstates the Local Ad Valorem Tax Reduction (LAVTR) program.
- Support legislation that will provide more flexibility to local governments to use eminent domain for economic development purposes, including blight remediation, without seeking legislative approval.
- Oppose any state-imposed limits on the taxing and spending authority of cities, including the application of the Taxpayer Bill of Rights (TABOR).
- Encourage the Kansas Congressional Delegation and the Kansas Legislature to protect the ability of cities to manage their rights-of-way and impose franchise fees regarding telecommunications and cable companies.
- Oppose mandatory participation in the state one-call program as an unfunded mandate and erosion of local control. We support inclusion of municipal utilities in the state one-call system on a voluntary basis.
- Support legislation to reauthorize the use of STAR bonds.
- Support legislation that would authorize all cities to impose development excise taxes.
- Encourage the State of Kansas to work with local governments and private partners to develop a new comprehensive transportation program.

CITY HALL DAY AT THE CAPITOL  
THURSDAY, JANUARY 25, 2007



# GOVERNMENT IN ACTION!

The League of Kansas Municipalities is proud to present the fourth annual "City Hall Day at the Capitol" on January 25, 2007. There is a \$25 charge to attend this event. This fee includes lunch.

City officials from all across the state will gather in the Kansas State Capitol for an exciting and informative day. By holding this event in the State Capitol, we hope that you will have the opportunity to see state government in action and find time to visit with your legislators about issues that are important to your community.

Presentations will include briefings by legislative leaders and League staff beginning at 9:30 a.m. and ending by noon. Lunch will be provided from 12:00 p.m. to 1:00 p.m. on the first floor of the Capitol. Throughout the day, city officials will also have the opportunity to attend committee hearings and watch Senate and House floor action from the gallery.

All legislators are welcome to join us for lunch. Please take time to make personal contact with your legislators and invite them.

Sign up today to become a part of the legislative action in Topeka!

## SCHEDULED ACTIVITIES

- Discussion of topics on legislation of municipal interest for the 2006 Legislative Session
- Announcement and presentation of the awards in the statewide "If I Were Mayor" essay contest
- Legislative committee hearings
- Legislative floor action
- Lunch with state legislators
- Exhibits highlighting various cities from around the state

## CANCELLATIONS

**Cancellations will be accepted until January 23, 2007.  
Please make cancellation requests in writing.**

City Name: \_\_\_\_\_ Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_ Phone: \_\_\_\_\_  
Name: \_\_\_\_\_ Title: \_\_\_\_\_ E-mail: \_\_\_\_\_  
Name: \_\_\_\_\_ Title: \_\_\_\_\_ E-mail: \_\_\_\_\_  
Name: \_\_\_\_\_ Title: \_\_\_\_\_ E-mail: \_\_\_\_\_  
Name: \_\_\_\_\_ Title: \_\_\_\_\_ E-mail: \_\_\_\_\_

There is a registration fee of \$25 per person. (This includes lunch).

**You can also register online at [www.lkm.org](http://www.lkm.org)!**

Note: Please do not include payment at this time.  
You will be billed for the entire amount.

Please return by Tuesday, January 23, 2007, to:  
League of Kansas Municipalities  
300 SW 8th Avenue  
Topeka, Kansas 66603-3951  
Phone: (785) 354-9565 Fax: (785) 354-4186



**MARTIN | PRINGLE**  
ATTORNEYS AT LAW

**THOMAS A. HAMILL**  
Overland Park Office  
tahamill@martinpringle-kc.com

**MARTIN, PRINGLE, OLIVER, WALLACE & BAUER, L.L.P.**  
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6900 College Boulevard      4700 Belleview      100 N. Broadway  
Suite 700      Suite 210      Suite 500  
Overland Park, KS 66211      Kansas City, MO 64112      Wichita, KS 67202  
T 913.491.5500      T 816.931.1133      T 316.265.9311  
F 913.491.3341           F 316.265.2955

[www.martinpringle.com](http://www.martinpringle.com)

November 30, 2006

Mayor, Ron Shaffer  
City of Prairie Village  
7700 Mission Road  
Prairie Village, Kansas 66208

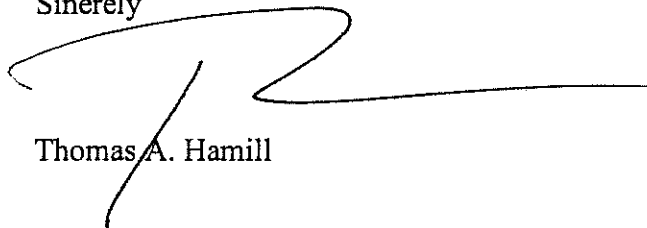
Dear Mayor Shaffer:

Confirming our discussion a few days ago, this letter is to notify you of my intent to retire as Municipal Judge for the City of Prairie Village.

It has been an honor and a privilege to serve as a Municipal Judge in the City of Prairie Village over the past thirty (30) years. I have enjoyed this service immensely, but feel it is time for me to allow someone else the opportunity to serve.

I would like for my retirement to be effective the end of this year. However, I would agree to serve after that date in order to allow the City adequate time to secure my replacement.

Sincerely



Thomas A. Hamill

TAH/crb





David D. Kerr  
President-Kansas

AT&T Kansas  
220 E. 6th Street  
Suite 500  
Topeka, KS 66603

T: 785.276.8201  
F: 785.276.1713

November 21, 2006

Ms. Barbara Vernon, City Manager  
City of Prairie Village  
7700 Mission Road  
Prairie Village, KS 66208

Dear Ms. Vernon:

Pursuant to new section 4(a) of Kansas SB 449 of 2006, this correspondence shall serve as notice to the City of Prairie Village that Southwestern Bell Telephone, L.P. d/b/a AT&T Kansas ("AT&T Kansas") will begin offering its new AT&T U-Verse<sup>SM</sup> Internet Protocol (IP)-based next-generation video product to customers in Prairie Village on or after December 26, 2006.

We value our relationship with Prairie Village and will take appropriate steps, as outlined in SB 449, to support the interests of your city.

We look forward to bringing choice to consumers in your city. If you would like more information about these new services, please contact AT&T Kansas' external affairs director for Prairie Village, Chris Carroll, at (913) 676-1519.

Sincerely,

David D. Kerr  
President – AT&T Kansas

CC: Mayor Ron Shaffer

4601 W 82<sup>ND</sup> ST 11/25/07

Near Leaves -

I read a couple of years ago that the traffic light at 79<sup>th</sup> and Roe was not installed due to protest from neighbors - Now I read it again -

Nowhere is a traffic light needed more than that location! I make every effort to circumvent that intersection - It is dangerous I have personally witnessed several accidents there -

The reasoning not to have one is totally false -

Please wake up k

John Davis

**Council Members  
Mark Your Calendars  
December 4, 2006**

<b>December 2006</b>	Marearl Denning photography and ceramics exhibit in the R.G. Endres Gallery
December 8	Artist reception in R. G. Endres Gallery 6:30 to 7:30 p.m.
December 5-9	NLC Congress of Cities Conference in Reno Nevada
December 18	City Council Meeting
December 25	City Offices Closed in observance of Christmas

**Council Members  
Mark Your Calendars  
2007**

<b>January 2007</b>	Rebecca Darrah watercolor on cloth exhibit in the R.G. Endres Gallery
January 1	City offices closed in observance of New Year's Day
January 2 (Tuesday)	City Council Meeting
January 12	Artist reception in R. G. Endres Gallery 6:30 to 7:30 p.m.
January 12	NE Johnson County Chamber of Commerce Annual Dinner – Lake Quivira Country Club
January 15	City offices closed in observance of Martin Luther King, Jr. Day
January 16 (Tuesday)	City Council Meeting
January 25	City Hall Day at the Capitol
<b>February 2007</b>	Ted DeFeo photography exhibit in the R.G. Endres Gallery
February 5	City Council Meeting
February 9	Employee Appreciation Dinner at New Theater
February 9	Artist reception in R. G. Endres Gallery 6:30 to 7:30 p.m.
February 15	NE Johnson County Chamber of Commerce lunch – State of the Cities at the Overland Park Marriott – each member Mayor will make a presentation
February 19	City offices closed in observance of President's Day
February 20(Tuesday)	City Council Meeting
<b>March 2007</b>	A. J. Weber mixed media exhibit in the R. G. Endres Gallery
March 5	City Council Meeting
March 9	Artist reception in R. G. Endres Gallery 6:30 to 7:30 p.m.
March 10-14	NLC Congressional Conference in Washington D.C.
March 19	City Council Meeting
<b>April 2007</b>	Kay Trieb photography exhibit in the R. G. Endres Gallery
April 13	Artist reception in R. G. Endres Gallery 6:30 to 7:30 p.m.
<b>May 2007</b>	David Payne oils exhibit in the R. G. Endres Gallery
May 11	Artist reception in R. G. Endres Gallery 6:30 to 7:30 p.m.
May 28	City offices closed in observance of Memorial Day
<b>June 2007</b>	Jack O'Hara watercolors exhibit in the R. G. Endres Gallery
June 8	Artist reception in R. G. Endres Gallery 6:30 to 7:30 p.m.
<b>July 2007</b>	No exhibit scheduled yet for R. G. Endres Gallery

July 4	City offices closed in observance of Independence Day
<b>August 2007</b>	Shawn Bohs photography exhibit in the R. G. Endres Gallery
August 10	Artist reception in R. G. Endres Gallery 6:30 to 7:30 p.m.
<b>September 2007</b>	Senior Arts mixed media exhibit in the R. G. Endres Gallery
September 3	City offices closed in observance of Labor Day
September 14	Artist reception in R. G. Endres Gallery 6:30 to 7:30 p.m.
<b>October 2007</b>	No exhibit scheduled yet in the R. G. Endres Gallery
<b>November 2007</b>	Mid-America Pastel Society exhibit in the R. G. Endres Gallery
November 22-23	City offices closed in observance of Thanksgiving
<b>December 2007</b>	No exhibit scheduled yet in the R. G. Endres Gallery
December 7	Mayor's Holiday Gala
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 (assigned 2000 Strategic Plan)

COU2000-45 Review current City definition for blight and redefine it where appropriate (assigned 2000 Strategic Plan)

COU2004-10 Develop programs to promote and encourage owner occupied housing (transferred from PVDC on 3/15/2004)

COU2004-11 Identify potential redevelopment areas and encourage redevelopment proposals (transferred from PVDC on 3/15/2004)

COU2004-12 Pursue development of higher value single-family housing (transferred from PVDC on 3/15/2004)

COU2004-13 Proactively encourage redevelopment to increase property values (transferred from PVDC on 3/15/2004)

COU2004-14 Meet with the Homes Association of the Country Club District (HACCD) to obtain their input regarding deed restrictions (transferred from PVDC on 3/15/2004)

COU2005-15 Consider planning meetings for the Governing Body (assigned 9/6/2005)

COU2005-16 Consider how to improve Council's effectiveness as a team (assigned 9/6/2005)

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)

COU2005-22 Consider Council mentoring program (assigned 9/6/2005)

COU2005-23 Consider sponsoring social events with other jurisdictions (assigned 9/6/2005)

COU2005-27 Consider concept of Outcomes Measurement or Quantifying Objectives (assigned 9/6/2005)

COU2005-30 Consider \$500 deposit from landlords for remediation of code violations (assigned 9/6/2005)

COU2005-44 Consider YMCA Partnership (assigned 12/14/2005)

COU2006-01 Consider Request for Special Use Permit for Communication Antennae at McCrum Park (assigned 12/7/2006) - returned to Planning Commission

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 Nall Avenue to Mission Road (CARS) (assigned 8/28/2006)

COU2006-27 Consider Project 190855: Tomahawk Road Bridge Replacement (assigned 8/28/2006)

COU2006-33 Consider Lease of Public Works from Highwoods Properties, Inc. (assigned 8/29/2006)

COU2006-38 Consider Park & Recreation Committee Report (assigned 09/27/2006)

COU2006-40 Consider agreement with Shawnee Mission School District for School Resource Officers (10/11/2006)

- COU2006-43 Consider 2005 Traffic Safety Report (10/12/2006)  
 COU2006-44 Consider 2007-2008 Consultant Selection ( assigned 11/2/2006)  
 COU2006-45 Consider Infrastructure Manual: Driveway - Requirements, Standards, Practices (assigned 11/2/2006)  
 COU2006-47 Consider Renewal of Special Use Permit for Wireless Antenna at 7321 Mission Road (assigned 11/8/2006)  
 COU2006-48 Consider Revisions to PVMC 19.48 entitled "Signs" (assigned 11/8/2006)  
 COU2006-49 Consider Briar Street Sidewalk Petition (assigned 11/6/2006)  
 COU2006-50 Consider Establishment of Personnel Policy #935 - Cell Phone use (assigned 11/30/2006)  
 COU2006-51 Consider Alcohol Tax Fund Allocation (assigned 11/30/2006)  
 COU2006-52 Consider 2007 Salary Ordinance (assigned 11/30/2006)  
 COU2006-53 Consider Amendments to Personnel Policy 1012 - Civil Leave (assigned 11/30/2006)

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)  
 LEG2004-31 Consider Lease of Park Land to Cingular Wireless (assigned 8/31/2004)  
 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)  
 COU2006-01 Consider Request for Special Use Permit for Communication Antennae at McCrum Park (assigned 12/7/2006)

POLICY/SERVICES

- POL2004-15 Consider Project 190709: Somerset, Delmar to Fontana (assigned 8/26/2004)  
 POL2004-16 Consider Project 190708: Tomahawk Road Nall to Roe (assigned 8/26/2004)  
 POL2005-03 Consider Project 190850: Reeds Street - 69<sup>th</sup> to 71<sup>st</sup> St. (assigned 1/31/2005)  
 POL2005-04 Consider Project 190809: 75<sup>th</sup> Street and State Line Road (assigned 2/1/2005)  
 POL2005-21 Consider Project 190851: 2006 Paving Program Sidewalks (assigned 8/30/05)  
 POL2005-30 Consider Project 190855: Tomahawk Road Bridge (assigned 11/1/2005)  
 POL2005-34 Consider Project 190717: 2006 Storm Drainage Repair Program  
 POL2006-09 Consider Project 190849: Roe Avenue - 91<sup>st</sup> to 95<sup>th</sup> (assigned 4/25/2006)  
 POL2006-10 Consider Project 190858: 2006 Crack/Slurry/Microsurfacing Program (assigned 3/2/2006)  
 POL2006-11 Consider Project 191014: 2006 Concrete Repair Program (assigned 3/2/2006)  
 POL2006-12 Consider Project 190856: 95<sup>th</sup> Street - Mission to Nall (assigned 4/25/2006)  
 POL2006-13 Consider Project 190851: 2006 Paving Program ( assigned 4/25/2006)

PRAIRIE VILLAGE ARTS COUNCIL

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