

City Council Meeting

October 16, 2006



*Dinner
provided by:*

SALTY IGUANA

Burritos and Enchiladas

Beans and Rice

Iguana dip,

Chips and sauce

**COUNCIL COMMITTEE MEETING
October 16, 2006**

**Council Chamber
6:00 P.M.**

DAVID BELZ

I CONSENT AGENDA

COU2006-41 Consider Budget Transfer

COU2006-39 Consider Request from Volunteer Center of Johnson County

II NEW BUSINESS

COU2006-42 Consider Recommendation for Planning Consultant
Ken Vaughn, Planning Commission Chairman

COU2006-38 Consider Park and Recreation Proposed Committee Structure and
Responsibilities
Diana Ewy Sharp, Park and Recreation Committee Chairperson

COU2006-43 Consider 2005 Traffic Safety Report
Bob Pryzby, Public Works Director

Background:

On May 3rd of this year the City’s radio system stopped transmitting due to a lightning strike. Cost to repair the system was partially covered by insurance; however, an amount was also paid by the City to cover the deductible on the insurance coverage . The City’s accounting system requires proceeds from the insurance company to be recorded as revenue, total costs of the repairs are recorded as a cost to the City and are reported as a charge against a budget account. The result is a large, unplanned expenditure in the police Staff Services budget and an offsetting unanticipated increase in the insurance reimbursement revenue account of the General Operating Fund.

Each year the City budgets an amount in a Contingency Reserve Account to be used to cover unanticipated, extraordinary expenditures during the budget year. A transfer of budget from the Contingency Reserve Account to the Police Staff Services program in the amount of the insurance reimbursement will accurately reflect the use of Contingency Reserve Account budget to cover the unanticipated expenditure for repair to the City’s radio system.

Repair cost	\$62,794.80
Insurance reimbursement	\$57,940.80

Consent Agenda:

Authorize a budget transfer of \$ 57,940.80 from the General Operating Fund Contingency Reserve Account to the Police Staff Services budget in the same Fund

**CONSIDER REQUEST FROM VOLUNTEER CENTER OF
JOHNSON COUNTY**

Issue: Does the Council want to change its unwritten policy of denying requests for financial contributions to most community and school organizations ?

Background:

During the past few years the City Council has not approved contributions to most community or school organizations during the budget process. For that reason, funds were not included in the 2007 budget to finance requests of this type.

Two years ago the Municipal Foundation Executive Committee discussed this same issue but eventually agreed not to change their By-Laws to include donations or grants to community organizations like the Volunteer Center.

If the Council affirms the decision to deny this and other similar requests, staff will send a letter to Ms. Perilla explaining the budget does not include funding for the request.

Consent Agenda :

Affirm general policy to deny unbudgeted requests from community and school organizations.



Volunteer Center of Johnson County

Johnson County's Address For Volunteering!

Board of Directors 2006

Kay Weir
President

Matt Meyer
Vice-President

Elaine Perilla
Secretary

Mary Knollmeyer
Treasurer

Dr. Charles Carlsen
Linda Carlsen
Doug Clopton
Hon. Terry Goodman
Doug Graham
William Hammond
Roger Hoadley
John Nab
Pat Olney
Jim Overbay
Hon. Gerry Ray
Lauren Repine
Michael Ryan
Penny Sneider
Dan Stalp
Jean Wise

Advisory Board

David Battey
Mary Birch
Dick Bond
Sheryl Bosilevac
Randy Carlson
Ben Craig
Eugene Denton
Sherman Dreiseszun
Hon. Peggy Dunn
Ed Eilert
Elaine Polsky
Ann Regnier
Carol Sader
Ken Selzer
Hon. Annabeth Surbaugh

Executive Director
Elaine Perilla

September 14, 2006

The Honorable Ronald Shaffer
Mayor, City of Prairie Village
7700 Mission Rd.
Prairie Village, KS 66208

Dear Mayor Shaffer,

Some people define the quality of a community not by the size of the houses or the newness of the cars but by how the members of that community look out for each other.


Like you, I believe that we live, work and play in a wonderful community—good schools, a thriving business sector, and friendly people. And you might also agree that like any community, we have unmet needs—troubled youth, adult illiteracy, seniors isolated and alone and families in crisis. Every day in classrooms, hospitals, libraries and homes across this county, volunteers are working together to build new and creative solutions to our community needs. Last year the Volunteer Center recruited 6000 volunteers who go into our community daily to work in 280 nonprofit agencies.

I am writing today to ask that the City of Prairie Village allocate \$250 in funding for the Volunteer Center of Johnson County for the fiscal year 2007. Your contribution is vital to our ability to provide this service. The funds would be used to further the efforts to recruit volunteers. The nonprofit agencies in our community depend on volunteers to deliver their services.

I look forward to any opportunity to address the City Council to speak on behalf of the Volunteer Center.

Thank you for your consideration of this request.

Sincerely,


Elaine Perilla
Executive Director



COU2006-42

**CONSIDER RECOMMENDATION FOR PLANNING
CONSULTANT FOR 2007**

Background:

The Planning Consultant agreement for 2006 was approved by City Council on January 3, 2006 for a one year term.

Recommendation for a Planning Consultant agreement for 2007 was considered by the Planning Commission during their regular meeting on October 3, 2006. An excerpt from those minutes is attached.

Excerpt of
PLANNING COMMISSION MINUTES
MEETING OF OCTOBER 3, 2006

Consider Planning Commission Consultant

Barbara Vernon advised the Commission that Kansas Statute (12-745) authorizes members of the Planning Commission "to employ such persons deemed necessary and . . . contract for such services as the Commission requires."

Kansas Statute (12-746) authorizes the Governing Body to approve a planning commission budget and make such allowances to the Planning Commission as it deems proper, including funds for the employment of such employees or consultants as the Governing Body may authorize. . . The Governing Body may enter into such contracts as it deems necessary for the purposes of this act.

Before this legislation was adopted by the state, the City Planner was appointed by the Mayor. This new legislation assigned responsibility for "employing" a City Planner to the Planning Commission. However, budgeting, financing and contract approval remain the responsibility of the Governing Body.

In 1992, Ron Williamson, representing Bucher Willis & Ratliff, was hired as the City's Planning Consultant by the Planning Commission after an interview and selection process. Agreements with the firm have been approved annually without a periodic bid process as annual evaluations indicate the firm has provided good service.

In 2005, because some elected officials had expressed concern about a perceived conflict of interest as a result of Mayor Shaffer becoming associated with BWR, Mayor Shaffer asked the Council to prepare a recommendation for ways to deal with the perceived conflict of interest. They recommended changes to the contract language making it clear the Planning Consultant would deal directly with the Planning Commission Chair and the Assistant City Administrator only. They authorized a change in City procedure empowering the Planning Commission to contract for planning services as the Commission requires. The 2005 contract was approved.

In September, 2005, the City Council requested the Planning Commission engage in a selection process to identify a Planning Consultant for 2006. Seven requests for proposal were sent to Planning Consultants, the two firms responding to the request were Gould Evans and Bucher Willis & Ratliff. Both firms were interviewed by the Planning Commission.

The Planning Commission unanimously recommended Bucher Willis & Ratliff as the firm best qualified to serve as Planning Consultant to the City. After lengthy deliberation the Council voted to direct the Planning Commission to re-send requests for proposals to the seven firms previously contacted and consider hiring an in-house planner. They further recommended the contract with Bucher Willis & Ratliff be approved to provide consulting services on a month-to-month basis until a new consultant was hired.

The Commission considered the Council's request and, after lengthy debate, reaffirmed its recommendation to retain Bucher, Willis & Ratliff for routine planning support. If any larger scope planning studies or special projects are deemed to be needed by the City, the Commission recommended other qualified firms be hired. The City Council did approve an agreement for 2006 since the City was in the midst of redoing its Comprehensive Plan. This agreement will expire December 31, 2006.

Marc Russell stated he understands the need for continuity and asked if there was a conflict of interest. Mrs. Vernon responded it is a perceived conflict of interest. Prior to joining BWR, Mayor Shaffer consulted with the City Attorney and the State Board of Ethics and was advised his joining the firm would not be a conflict of interest.

Robb McKim asked for thoughts on having an in-house planner.

Barbara Vernon stated she does not feel the City has the magnitude of work for a planner and is confident that the City would not be able to hire someone with Mr. Williamson's experience and expertise.

Nancy Vennard compares Ron's position with that of the City Attorney. Mr. Wetzler provides the needed historical perspective, but if he needs others' expertise he has it available through Lathrop & Gage. The contract with Bucher Willis & Ratliff provides the City with both a person with strong historical perspective and with access to the capabilities of an entire firm. Mr. Vaughn agreed that Mr. Williamson working alone would not be as valuable as his working as part of BWR with its strengths.

Nancy Vennard noted she would like to see Mr. Williamson working more with other planners in BWR in a training/mentoring mode. Mr. Vaughn agreed noting Mr. Williamson will not always be available. Mrs. Vennard reminded the Commission the contract is with Bucher Willis & Ratliff, not with Ron Williamson.

Randy Kronblad stated the interview process last year clearly reflected BWR was significantly stronger and better able to meet the Planning needs of the City. Gould & Evans had only one individual with planning background and it was not extensive. Nancy Vennard noted she spoke with one of the firms who were sent the RFP last year about why they did not reply. Their response was the services being requested cover a very specific niche and they did not have people skilled in that area, nor want to get into that area of planning.

Laura Wassmer stated it would be helpful for the Council to hear the comments made by the Commission this evening. She noted the Council was previously split on the question and noted there are several new Council members who need to be made aware of the Commission's perspective and the reasons for your recommendation.

Ken Vaughn asked Mrs. Vernon how and when the Commission's recommendation should be given to the City Council. Mrs. Vernon replied she would check with the Council President as to when it could go before the Council Committee of the Whole and get back to the Commission. Mr. Vaughn asked Mr. Kronblad and Mrs. Vennard to join him in making the presentation before the Council and asked other Commission members to attend if possible.

October 11, 2006

Dear Mayor and Fellow Council Members,

On behalf of the Prairie Village Parks and Recreation Committee (PRC), I am pleased to present the proposed plan, "*Committee Structure and Responsibilities*". The proposal is the end product of a full year of essential review, extensive discussion, insightful visioning and decisive planning from the members of the committee. This work was a complete team effort and has afforded members an opportunity to define the committee's fundamental role and purpose. As you consider the proposal, I thought a bit of history might be helpful.

Following feedback from the City Council, Parks Chairperson Kay Wolf and I, serving as Vice Chairperson, asked the PRC to consider embarking on a visioning process. On Saturday, August 27, 2005, members met with facilitator Marty Stanley of Dynamic Dialog, Incorporated. The purpose of the full day workshop was to assist committee members in answering these questions:

- ~ Reason for involvement on the committee
- ~ What was going well for the committee
- ~ What needed improvement with the committee
- ~ What does the committee want to be known for
- ~ What actions might the committee want to be known for

Following the workshop, committee members agreed to serve on sub-committees to look at these questions more in depth and report back to the full committee. Committee members felt strongly about seeing this process through and generously invested additional time into these extra meetings. Sub-committees included Scope/Umbrella, Fiscal Policy, Logo Design, Inventory of Facilities, Programming, Village Vision, Review of Existing Code, Budget and Policies, and Review of Revenue Streams.

In addition, Vice Chairperson David Belz and I met with Mayor Shaffer and Barbara to advise them of the committee's plan of action.

Interesting items worth noting:

- ~ Consider the City Council's vision statement as you review the proposal: *The City of Prairie Village preserves the ambiance of a village with the livability of a neighborhood. The "village" lifestyle is enhanced by quality education and a variety of housing, recreation and local commerce in pedestrian friendly centers.*
- ~ As you will learn, many of the recommendations fall in line with the Village Vision Strategic Plan.

- ~ The need, determined by the committee, to consider more collaboration with other facilities and entities, particularly as it relates to adult programming needs, compliments the work of the Prairie Village Community Center Ad-Hoc Committee, as well as national trends.

It is important to take into account that the seven recommendations are *long term* objectives. The committee wants to be in a strong position to address the approaching needs of our community, taking into account the anticipated demographics of our city. As the committee contemplated the future of parks and recreation in our community, it became clear that dedicated staff would allow for better utilization of resources in terms of staff and money. Expanded, year round recreational programming is a key focus of the committee and will require additional resources as well. Important first steps of a Parks and Recreation Director will include a thorough inventory of existing programs and available facilities.

A critical component of the proposed plan is to prepare an infrastructure condition analysis along with a Capital Infrastructure Program. This Master Plan should serve as an effective tool for the committee and Governing Body as it relates to budgeting for not only immediate but long term expenditures. The objective is to have a plan in place to help alleviate some of the unplanned, unexpected parks and recreation expenses that the Council has been asked to consider outside the normal scope of the annual budget.

Lastly, raising the awareness of residents about our city's parks and recreational programming will be addressed by creating a logo as a branding tool. Ideas to aid in marketing the program include dedicated web pages as well as a monthly column and calendar in the community's newsletter. In addition, sending e-blasts to residents informing them of upcoming events and programs would aid in the effort to promote the committee and its offerings.

With these forward thinking recommendations in place, the Prairie Village Parks and Recreation Committee will be better suited and situated to serve the residents of our community. Thank you for your serious consideration of this proposed committee plan.

I am happy to answer any of your questions. Feel free to reach me this weekend at 913.383.2291.

All the Best,

Diana Ewy Sharp
Parks and Recreation Chairperson



**PRAIRIE VILLAGE
PARKS and RECREATION**

**PROPOSED COMMITTEE STRUCTURE
AND RESPONSIBILITIES**

OCTOBER 2006

**SECTION 1: PARKS and RECREATION COMMITTEE
VISION and MISSION**

VISION

The Committee participated in a work session facilitated by Marty Stanley of Dynamic Dialog on Saturday, August 27, 2005. During this daylong session, the Committee worked to establish its vision and mission statements and decided it was imperative to create a business plan which would help guide the Committee to fulfill these statements. **The committee agreed upon this vision statement:**

Responsive stewards of innovative and visionary community programs.

While the Committee will be striving to fulfill its goals, it will also be focusing on serving the City and its elected officials to accomplish city-wide goals. The vision statement of the City of Prairie Village is:

The City of Prairie Village preserves the ambiance of a village with the livability of a neighborhood. The “village” lifestyle is enhanced by quality education and a variety of housing, recreation and local commerce in pedestrian friendly centers.

The following goals have been established by the City Council with regard to parks, recreation, and community programs:

Through a strategic planning process in 2000, the City’s governing body, residents, and business operators worked together to identify issues which would impact the City’s future. Long term issues identified were:

- Preserving the City’s village ambiance and the livability of neighborhoods
- Maintaining a sense of place and a sense of community
- Providing a variety of housing and recreation
- Developing local commerce in pedestrian friendly centers

MISSION

After review of the City’s vision, ordinances, and policies, the committee agreed upon this **mission statement** for the Parks and Recreation Committee:

Provide a program of park development, recreational opportunities and community cultural programs to accomplish the long term goal of maintaining the highest quality of life in the City.

SECTION 2: ORDINANCES, POLICIES, AND PRACTICES

ORDINANCES

An ordinance is a local law or legislative act of a city. It has certain formal parts, including title and ordaining clause or style, and is brought into existence by prescribed procedure. It is much more formal than a motion or resolution in Kansas. Where there is to be a penalty for doing an act or failing to do an act, an ordinance must be used. Various statutes require action to be taken by ordinance. Usually, but not always, an ordinance is of a continuing nature. Ordinances in Kansas may be broadly divided into four classes:

1. General
2. Special
3. Appropriation
4. Charter

The first three have come to be known as ordinary ordinances to distinguish them from charter ordinances.

Ordinances are considered at a public meeting of the governing body. The statutes do not require ordinances to be read, except specifically at the same meeting when introduced, unless a specific statute provides otherwise. Often a proposed ordinance is introduced and then laid over for study for a period, sometimes with the intention of holding a hearing for interested parties.

The statute requires a majority of the members-elect of the Council to vote in favor of an ordinance to pass it. This means a majority of the Council whether all of the members are present or not. Where the number of favorable votes is one less than required, the Mayor has the power to cast the deciding vote in favor of the ordinance.

In this section, the five ordinances which directly relate to Parks, Recreation, and Community Programs have been provided for review.

Chapter I: Administration

Article 8: Committees

Section 1-801 GOVERNING BODY; PERMANENT STANDING COMMITTEES; ESTABLISHED.

The following committees are established as permanent standing bodies to the governing body:

- a. Policy/Services Committee
- b. Legislative/Finance Committee
- c. Parks and Recreation Committee
- d. Council Committee of the Whole
(Code 1973, 2.40.020; Ord. 1875, Sec. 1)

Section 1-802 COMPENSATION. No member of either a standing committee or a primary subcommittee shall receive compensation for serving on a committee unless compensation is approved by an ordinance of the governing body. (Code 1973, 2.50.010)

Section 1-803 POLICY/SERVICES COMMITTEE; MEMBERSHIP, DUTIES AND MEETINGS.

- a. The policy/services committee shall consist of six members of the city council appointed by the mayor for a one-year term. The mayor shall designate two members of the committee to serve as co-chairperson. In addition, the membership shall include the mayor as ex-officio member.
- b. The policy/services committee shall meet once each month at a regularly scheduled time and place which will be posted in the municipal building. The policy/services committee may also meet at such times and places as shall from time to time be designated by the governing body and/or the chairperson of the committee.
- c. The policy/services committee shall make recommendations to the governing body on matters pertaining to: construction projects if the project has been included in the capital expenditure plan, public safety, petitions for new services, council policies, personnel policies, changes to

city services or new services. The policy/services committee shall also serve as the final appeal board on employee grievances. (Code 1973, 2.40.020; Ord. 1875, Sec 1)

Section 1-804 LEGISLATIVE/FINANCE COMMITTEE; MEMBERSHIP DUTIES AND MEETINGS.

- a. The legislative/finance committee shall consist of six members of the city council appointed by the mayor for a one-year term. The mayor shall designate two members of the committee to serve as co-chairperson. In addition, the membership shall include the mayor as ex-officio member.
- b. The legislative/finance committee shall meet once each month at a regularly scheduled time and place which will be posted in the municipal building. The legislative/finance committee may also meet at such times and places as shall from time to time be designated by the governing body and/or the chairperson of the committee.
- c. The legislative/finance committee shall make recommendations to the governing body on matters pertaining to: proposed legislation, city codes, ordinance changes, regulation of franchise agreements, zoning and land use planning, interlocal agreements, service agreements, grants, assistance programs, wage/salary ordinance, employee benefit programs, financial planning, investment of city funds and audits of city records. (Code 1973, 2.40.030; Ord. 1875, Sec. 1)

Section 1-805 PARK AND RECREATION COMMITTEE; MEMBERSHIP, DUTIES AND MEETINGS. (*Current policy includes two student representatives as voting members of the committee)

- a. The park and recreation committee shall consist of 12 members. The mayor shall appoint one member of the council to serve as chairperson and one to serve as vice-chairperson of the park and recreation committee for a period of one year. In addition, the committee will include a member from each ward in the city, two members from the city at large, and one member each representing the swimming pool and tennis programs, who shall be appointed by the governing body to serve a three year term. Committee vacancies shall be filled by appointment of the mayor and council for the balance of the unexpired term. Members of the committee shall serve without compensation.
- b. The park and recreation committee shall meet once each month at a regularly scheduled time and place which will be posted in the municipal building. The park and recreation committee may also meet at such times and places as shall from time to time be designated by the governing body and/or the chairperson of the committee.
- c. The park and recreation committee shall recommend policies and guidelines to the governing body on matters pertaining to: recreational activities in the parks, intergovernmental agreements pertaining to park and recreation facilities, use of park system facilities, development of park system facilities, short and long-range plans for city parks, operations and activities related to the park system. (Code 1973, 2.40.040; Ord. 1875, Sec. 1)

Section 1-806 COUNCIL COMMITTEE OF THE WHOLE; MEMBERSHIP, DUTIES AND MEETINGS.

- a. The council committee of the whole shall consist of 12 members of the city council. The council president shall serve as the chairman of the council committee of the whole.
- b. The council committee of the whole shall meet once each month at a regularly scheduled time and place which will be posted in the municipal building. The council committee of the whole

may also meet at such times as shall from time to time be designated by the governing body and/or the chairperson of the committee.

- c. The council committee of the whole shall make recommendations to the governing body on matters pertaining to: issues where a public hearing is necessary to solicit citizen's input on an issue, long-range planning, the city's budget, capital expenditure plan, policy issues of a major impact and items that need to be expedited. (Code 1973, 2.40.050; Ord. 1875, Sec. 1)

Chapter XII: Public Property

Article 1: City Parks

Section 12-101 CITY LAWS EXTENDED TO PARK. The laws of the city shall extend to and cover all city parks. (Code 2003).

Section 12-102 POLICE JURISDICTION OVER PARKS. The city shall have police regulations governing any public parks belonging to the city and the chief of police and law enforcement officers of the city shall have full power to enforce city laws governing city parks and shall maintain order therein. (Code 2003)

Section 12-103 DAMAGING PARK PROPERTY. It shall be unlawful for any person, except duly authorized city employees, to willfully or wantonly remove, injure, tarnish, deface or destroy any building, walkway, bench, tree or improvement or property of any kind belonging to any park owned by the city.

Section 12-104 DANGEROUS WEAPONS NOT ALLOWED.

- a. Except as provided in subsection (b), it shall be unlawful for any person to carry or have in his or her possession any firearm or dangerous weapon or to shoot or discharge the same within the limits of any city parks.
- b. The provisions of subsection (a) above shall now apply to duly authorized law enforcement officers in the performance of official duty. (Code 2003)

Section 12-105 VEHICLE REGULATIONS.

- a. Motor vehicles, including any vehicle licensed to operate on public streets, roads and highways shall be operated on paved areas in a safe and prudent manner at all times in park areas.
- b. Except as provided in subsection (d), it shall be unlawful for any person to park any motor vehicle in any area not designated for such purpose.
- c. Except as provided in subsection (d), it shall be unlawful for any person to operate any motor vehicle within any city park except upon roads, drives and parking areas established by the city.
- d. Subsections (b) and (c) above shall not apply to authorized city employees while engaged in the maintenance and care of the park.
- e. It shall be unlawful to operate any such vehicle in any park area at a speed in excess of 20 m.p.h. (Code 2003; Ord. 2127, Sec II, 2006)

Section 12-106 HUNTING. It shall be unlawful for any person to pursue, catch, trap, maim, kill, shoot or take any wildlife, either bird or animal, in any manner at any time while in any city park. (Code 2003).

Section 12-107 FIRES. It shall be unlawful for any person to build or kindle any fire in any city park except in the ovens, stoves, or grills provided for that purpose by the city, and such fire must be

extinguished by the person, persons or parties starting such fire, immediately after use thereof. (Code 2003)

Section 12-108 **CAMPING PROHIBITED.** Overnight camping is hereby prohibited in city parks except upon specific approval by the governing body.

Section 12-109 **SANITATION.** All waste material, paper, trash, rubbish, tin cans, bottles, containers, garbage and refuse of any kind whatsoever shall be deposited in disposal containers provided for such purposes. No such waste or contaminating material shall be discarded otherwise. No sticks, stones, trash or other objects shall be thrown or discarded in or on any park lands, fountains, pools, drinking fountains, sanitary facilities, or other improvements.

Section 12-110 **PROHIBITION AGAINST ALCOHOLIC BEVERAGES AND CEREAL MALT BEVERAGES.** It is unlawful for any person to drink or consume alcoholic liquor or cereal malt beverages in or upon any city park or park ground subject to the following exceptions:

- a. Alcoholic liquor and cereal malt beverages may be sold and consumed on the property commonly known as Harmon Park, the title of which is vested in the city; provided that the beverage has been purchased through an approved city function.
- b. An approved city function is any function sponsored by the city that has obtained (1) prior approval from the governing body to sell alcoholic beverages and cereal malt beverages in Harmon Park, and (2) any necessary permit required by the State of Kansas.
- c. In determining whether or not to approve the sale and consumption of alcoholic liquor and cereal malt beverage in Harmon Park, the governing body shall consider and make findings of fact relating to the following issues:
 - 1. Does the applicant have a permit from the State of Kansas to sell alcoholic liquor and/or cereal malt beverages?
 - 2. Has the applicant taken appropriate measures to provide security to insure the health and safety of the users of Harmon Park during the time of the proposed event?
 - 3. Has the applicant given assurances that it has the capacity to and will comply with all city ordinances and state statutes relating to the sales and consumption of alcoholic liquor and cereal malt beverages?

The approval will specifically describe that area in Harmon Park where the sale and consumption can take place. The sale and consumption shall be limited to the area of Harmon Park as defined by the governing body at the time it approves the event. (Ord. 2011, Sec. 1)

Section 12-111 **PRESERVATION OF NATURAL STATE.** It shall be unlawful for any person, except duly authorized city employees, to take, injure, or disturb any live or dead tree, plant, shrub, or flower, or otherwise interfere with the natural state of city parks. (Code 2003)

Section 12-112 **PARK HOURS.** All city parks shall be opened to the public every day during the year from sunrise to 11:00 p.m. or during such other hours as the governing body may from time to time fix by resolution. At all other times the city parks shall be deemed closed to the public and all persons other than law enforcement officers and personnel, firefighters and authorized city employees and authorized personnel, shall remain off of the public parks of the city during the time the city parks shall be closed. (Code 1973, 12.12.010)

Article 2: Municipal Swimming Pool

Section 12-201 MANAGER AND EMPLOYEES; APPOINTMENT. The manager of the swimming pool shall have general police supervision over the swimming pool and over all people attending the swimming pool and the park area in which the swimming pool is located. It shall be his or her duty to preserve order, to enforce all provisions of this article and the rules and regulations of the city and the Kansas State Board of Health and the manager may exclude any person or persons from the pool and its grounds for the violations of this article, such rules and regulations as may be made by the city or the Kansas State Board of Health or when the manager deems such exclusion to be in the best interest of the orderly and peaceable operation and management of the pool. (Code 1973, 12.04.110)

Section 12-202 SAME; ADDITIONAL DUTIES AND AUTHORITY. It shall be the duty of the manager and/or the assistant manager of the city's swimming pools or any police officer of this city to maintain order and keep the public peace within the city parks and swimming pools of the city. (Code 1973, 12.04.020)

Section 12-203 RULES AND REGULATIONS; POSTING. The pool manager, by and with the consent of the governing body, is authorized to make and enforce such additional rules and regulations as may be necessary for the management and operation of the swimming pool. Copies of all rules shall be posted in conspicuous places about the swimming pool as may be determined by the manager. (Code 1973, 12.04.030)

Section 12-204 POOL OPEN; RULES AND REGULATIONS. The municipal swimming pool of the city shall be opened to the public as herein limited at all proper and seasonable times subject to such rules and regulations herein contained and as the governing body of the city may from time to time adopt or authorize and as provided by the rules and regulations of the Kansas State Board of Health. The city council may from time to time by resolution restrict the use of the municipal pool by nonresidents. (Code 1973, 12.08.010)

Section 12-205 CONTAGIOUS DISEASES; CERTIFICATE OF HEALTH REQUIRED; WHEN. It is unlawful and a violation of this article for any person or persons at any time to enter the water of the swimming pool who are afflicted with a venereal, infectious or contagious disease. The manager of the pool appointed herein, is authorized, directed and empowered within his or her discretion to require from any person requesting permission to enter the swimming pool a certificate of health from a physician licensed to practice medicine in the State of Kansas, dated within three days of the date admission is sought, stating that the person applying for admission to the pool is free from any infectious or contagious disease which might endanger the health of other occupants of the pool. (Code 1973, 12.08.020)

Section 12-206 WHEN ADMITTANCE MAY BE REFUSED. The manager appointed as provided for in section 12-201 is authorized, directed and empowered to refuse admission to any person applying for admission to the pool who is known to be not of good moral character, intoxicated or under the influence of drugs or opiates or any person having a skin disease, open sores or cuts. The manager may, when he or she deems the same to be in the best interest of orderly operation and management of the pool, refuse admission to any person or persons whatsoever. (Code 1973, 12.08.030)

Section 12-207 POLLUTION AND CONTAMINATION PROHIBITED. It is unlawful for any person or persons to throw or place in the waters of the pool any stones, debris, refuse or discarded

substances. It is further unlawful for any person in any manner willfully to pollute the waters of the pool.

Section 12-208 ANIMALS PROHIBITED. It is unlawful at all times for any person or persons to place in the waters of the swimming pool or cause or to suffer any dogs or any animals of any kind to enter to be therein. (Code 1973, 12.08.050)

Section 12-209 POOL HOURS; UNLAWFUL ENTRANCE. The hours during which the swimming pool shall be open for use shall be determined by the city governing body and the pool manager and it is unlawful for any person or persons to enter the waters of the pool except when the manager or a lifeguard is in charge of the swimming pool and on duty. (Code 1973, 12.08.060)

Section 12-210 CHARGES TO BE FIXED BY GOVERNING BODY. The charges of public use of the swimming pool shall be fixed by the city governing body. (Code 1973, 12.08.020)

Section 12-211 GUESTS; LIMITATION OF NUMBER. The pool manager of the city swimming pool shall have the authority to limit admittance of guests into the city swimming pool whenever, in his or her opinion, the pool is so crowded as to make it unsafe for the safety of the people to permit them. The manager shall, in addition, have authority to designate pool areas which guests and/or residents may use. (Code 1973, 12.08.100)

Section 12-212 REVOCATION OF SWIMMING PRIVILEGES. It is unlawful for any person or persons to violate the lawful orders of the swimming pool manager and/or the assistant swimming pool manager within the swimming pool area of the city park, and any person or persons who violate such order or orders shall forfeit their right to the swimming privileges of the pool. (Code 1973, 12.08.110; Code 2003)

Article 3: Tennis Program

Section 12-301 TENNIS COURT SUPERVISORS; DUTIES AND AUTHORITY. The tennis court supervisors shall be responsible for supervising the tennis facilities of the city and their use by any person. It shall be the duty of the tennis court supervisors of the city's tennis program, as well as the duty of any police officer of the city to maintain order and keep the public peace within the city parks and tennis facilities of the city. (Ord. 1914, Sec. 2)

Section 12-302 RULES AND REGULATIONS; POSTING. The park and recreation committee and the governing body of the city may from time to time adopt rules and regulations which may be necessary for the management and operation of the tennis facilities including hours of operation. The police officers of the city and tennis court supervisors are authorized and directed to enforce such rules and regulations as may be necessary for the management and operation of the tennis facilities. Copies of all rules and regulations shall be posted in conspicuous places about the tennis facilities. (Ord. 1914, Sec. 2)

Section 12-303 CHARGES FOR USE TO BE FIXED BY GOVERNING BODY. The governing body of the city may from time to time establish a fee that will be paid by users of the tennis facilities. The tennis court supervisors are responsible for collecting the fee. Registration for the use of the tennis facilities and for obtaining identification cards, patches or other devices to gain admission to the tennis facilities shall be determined and carried out by the office of the city clerk. It is unlawful for

any person or persons to use the tennis facilities without being registered in accordance with the rules and regulations. The tennis court supervisors are given the authority to determine whether or not the person or persons using the tennis facility is registered in accordance with the rules and regulations. (Ord. 1914, Sec. 2)

Section 12-304 VIOLATION; PENALTY. Any person or persons who violates any provision of this article, including the violation of any rule or regulations adopted by the governing body pertaining to the operation and management of the tennis facility of the city may be prosecuted in municipal court of violation of the provisions of this chapter. Upon conviction thereof, the person or persons shall be punished by a fine of not more than \$100 or by imprisonment of not more than 30 days, or by both such fine and imprisonment. (Ord. 1914, Sec. 2)

COUNCIL POLICIES

Council policies are written policies that define a definite course or method of action to be taken by the City of Prairie Village. These policies are designed to: not just focus on solving immediate problems, but rather prevent future problems; preserve the governing body's legal authority; clarify council/staff relations; officially express municipal objectives; provide guidance and direction to city employees; and foster stability and continuity. The governing body makes policy and decides "what will be done." Administrative staff members decide how to carry out the will of the governing body.

Council policies are essentially procedures for how certain items of city business will be handled. All council policies will include a purpose, identification of responsibility, and either a policy or procedure section, and sometimes both. The purpose is generally a simple statement of why the policy was created or what affect it is intended to have. The responsibility section identifies who is responsible for carrying out the procedure. The policy section is just that, a statement of the council policy. The procedure section is often a detailed description of procedures to be followed when carrying out the policy.

The City divides its Council Policies into six categories, Urban Management & Planning, Public Works, Public Safety, Municipal Justice, Parks & Recreation, and Community Services. There are a number of Council Policies that are pertinent to the activities of the Parks, Recreation, and Community Programs Committee and they are:

Urban Management & Planning

- Council Policy No. 001 – Public Committees
- Council Policy No. 002 – Committee Reports Submitted to the Council
- Council Policy No. 015 – Selection of Professional Consulting Services
- Council Policy No. 020 – Insurance Liability Clause in Consultant Contracts
- Council Policy No. 021 – Insurance Requirements for Miscellaneous Contract Services
- Council Policy No. 022 – Insurance Coverage for City Property and Art Exhibits
- Council Policy No. 045 – Use of Public Property
- Council Policy No. 046 – Reservation of City Facilities
- Council Policy No. 056 – Financial Management Policies
- Council Policy No. 057 – Capital Infrastructure Program
- Council Policy No. 061 – Purchasing

Public Works

- Council Policy No. 215 – Trees Damaged by Storms
- Council Policy No. 216 – Planting, Maintenance, Removal and Replacement of Trees
- Council Policy No. 220 – Maintenance of Plantings, Statues and Structures on Islands
- Council Policy No. 225 – Sod/Seed City Maintenance/Improvement Projects
- Council Policy No. 230 – Private Improvements on Public Right-Of-Way
- Council Policy No. 245 – Water Service for Fountains

Parks and Recreation

- Council Policy No. 501 – Naming of City Parks
- Council Policy No. 505 – Swimming Pool/Tennis Club Memberships
- Council Policy No. 506 – Swimming Pool Memberships – Business Owners
- Council Policy No. 507 – Recreation Membership
- Council Policy No. 508 – Pool Food Service Budget Practice
- Council Policy No. 509 – Swimming Pool Schedule
- Council Policy No. 510 – Swimming Pool/Tennis Memberships
- Council Policy No. 511 – Discount for Pool Employees on Food Service Items
- Council Policy No. 512 – Recreation Scholarships
- Council Policy No. 513 – Educational Expenses – Lifeguards
- Council Policy No. 514 – Swim Team Exceptions
- Council Policy No. 515 – Daycare at Swimming Pool
- Council Policy No. 516 – Sports Team Programs
- Council Policy No. 517 – Pool Closing
- Council Policy No. 520 – Recreational Program Refunds
- Council Policy No. 525 – Ball field Reservations for League Play
- Council Policy No. 526 – Reservation of Ball fields
- Council Policy No. 527 – Tennis Court Rental/Reservation Policy
- Council Policy No. 528 – Reservation of City Park Shelters
- Council Policy No. 530 – Fund Raising Events in City Parks

Administration

- Council Policy No. 605 – Municipal Gallery Exhibits

Each of the policies listed is available for review in Appendix A: Council Policies.

As seen by the extensive list of Council Policies relating to Parks, Recreation and Community Programs, a significant number of policies have been developed to assist the City Council, Committee, and staff to manage parks, recreation, and community programs in the City. The Council Policies listed were chosen because they may or do impact the functioning of the Committee. Whether it is very broad like Council Policy No. 056 Financial Management Procedures or very specific like Council Policy No. 517 Pool Closing, each of these policies has some effect on the actions of the Parks, Recreation, and Community Programs Committee and staff. For this reason, it is important that Committee members not only are familiar with these policies, but also consider the policies in order to reach its goals.

COMMON PRACTICE

The Parks and Recreation Committee meets on the second Wednesday of each month. All meetings are in the City Council Chambers at the City Municipal Offices, unless otherwise announced.

The agenda for the monthly meetings consists of a consent agenda, reports by the City Administrator's staff and Public Works Director, City Council updates and various items relative to parks and recreation.

The Committee is chaired by one City Councilmember and another City Councilmember who serves as Vice-Chairperson. Staff is provided through the City Administrator's office. The Public Works Director also attends the monthly meetings.

The Parks, Recreation, and Community Programs Committee consists of the following individuals appointed by the Mayor:

- The Committee Chairperson is also a City Councilmember.
- The Committee Vice Chairperson is also a City Councilmember.
- A representative from each of the six wards.
- Two At-Large representatives.
- A Tennis Representative.
- A Swimming Representative.
- Two Student Representatives.

Parks, Recreation and Community Programs are administratively split into two categories: programming and facilities.

Programs

Programming is staffed by: one part time employee from the City Administrator's staff, and a number of seasonal personnel including a Pool Manager, Assistant Pool Managers, lifeguards, concession stand workers and tennis pros. A staff member, under direction of the City Administrator, manages the day to day activities of Parks, Recreation and Community programs including personnel, budgeting, and purchasing. In addition, an employee from the City Administrator's staff serves as one of two staff liaisons to the Parks, Recreation and Community Programs Committee.

Programming is generally split into three categories: pool activities, tennis and contracted programming.

Pool Activities

Pool programming includes management of the swimming pool as well as those programs held within it and operated by the City including the Aquatics Program comprised of the swim team, synchronized swim team, and dive team.

Tennis

Tennis programming includes the Junior Tennis League, Youth Lessons, Adult Lessons, as well as Private and Semi-Private Lessons. All City tennis programs are held at the Harmon Park Tennis Courts.

Contracted Programming

Contracted programming includes all the programs for which the City signs a contract allowing an outside organization to offer recreation programming using City facilities. Johnson County Parks & Recreation District offers a number of programs in Prairie Village facilities. The County offers the Harmon Park Daycare program, a Learn to Swim program held in the Prairie Village Pool, aquatic exercise classes, the Master's Swim Team program, 50+ programming in the Prairie Village Community Center, and a nutrition program held in the Community Center.

The City also arranges daycare agreements with two Johnson County Parks & Recreation District Camps, St. Ann's Church, Asbury United Methodist Church, and St. Elizabeth's Church in Kansas City, MO to allow children to come to the Prairie Village pool during scheduled times at a discounted rate.

Challenger Sports has traditionally offered a general sports camp and two soccer camps in Meadowlake Park throughout the summer. In 2006, the general sports camp will be discontinued while an additional week of soccer camps will be added.

The Kansas City Comets traditionally offered three weeks of soccer camps in Porter Park, but the organization will be discontinuing all programming until 2007 when a new arena is expected to be completed in Overland Park. The Comets organization expressed interest in continuing the camps at that time.

Omega Soccer is a camp run by a Prairie Village resident over two weeks in Franklin Park.

In addition to these contracted programs, a number of other groups use Prairie Village parks and tennis courts including Shawnee Mission East High School, Bishop Miege High School, the United States Tennis Association, Three and Two Baseball, along with Prairie Village citizens.

Program Budgets

The Parks and Recreation programs budget currently is lumped into "Community Programs, Parks and Recreation" section. This budget section combines program budgets for Parks and Recreation, along with other community programs including Alcohol Prevention Programs, Annual Large Item Pick-up Program, Home Repair Programs, Municipal Arts Council, Park Development Program, Prairie Village Community Center Programs, Recycling (Environmental) Committee Programs, Sister City Committee, Town Hall Meetings, United Community Services Programs, and the VillageFest Committee. This budget is created and managed by the City Administrator's office staff.

The Recreation programs budget is split into three sub-categories: Swimming Pool, Pool Food Service, and Tennis programs. Responsibilities for these budgets are split between the Public Works Director and City Administrator's staff. The Public Works Director has responsibility for most contractual services and some capital expenditures while the City Administrator's staff member manages the personnel and commodities budgets along with some contract services.

It is important to note that the Parks and Recreation budget does not include expenses for Public Works staff, equipment, materials, etc. The budget for these employees, equipment and commodities are in the Public Works Department budget. The Public Works Director tracks the amount of funds

spent by the Public Works Department on parks, community programs and recreation programs services.

SECTION 3: PARK FACILITIES

PARK FACILITIES

Bennett Park is named after Mayor Robert F. Bennett who served from 1957 until 1965. The City received the deed to Bennett Park on November 16, 1964. The purchase cost was \$14,851.00. The park is located on 77th Street opposite Rosewood Drive and has 1.5 acres of land. It contains a pavilion for group activities, picnic tables, cooking grills, a multi-unit play structure, half-court for basketball, swings and a playing field. The site is ADA accessible. Limited parking is available along 77th Street.

Brenizer Park is named after Mayor Ralph A. Brenizer who served from 1951 until 1955. The park was dedicated on October 1, 2000, by Mayor Ronald L. Shaffer with Mayor Brenizer and family members in attendance. The park is located at Tomahawk Road across from Prairie Lane on 0.1 acres. It contains seating and a landscape area that is ADA accessible. No parking is available.

Carroll Plaza is a small park located at the intersection of 75th Street and Mission Road. It is named after former Street Superintendent Carroll. The park has a fountain, benches and flower gardens on 0.1 acres. The park is ADA accessible.

Franklin Park is named after Mayor William E. Franklin who served from 1973 to 1979. The park land was deeded to the City on March 13, 1980 and March 14, 1980 and covers 11.1 acres. The park is located between Roe Avenue and Somerset Drive. Portions of the land were a former nursery and polo grounds. The park contains a multi-unit play structure, swings, picnic tables, cooking grills, baseball field, playing fields, parking lot, measured walking trails and an exercise trail. A fountain is located at the intersection of Roe Avenue and Somerset Drive. The Hollub rose garden is a feature of the park. The park is ADA accessible.

Harmon Park is the largest park in size with 23.1 acres and is named after Mayor Austin Harmon who served from 1979 to 1983. The park is located off Delmar Street to the west of the Municipal Offices. The park was formerly known as Prairie View Park when the land was purchased on June 14, 1955. The park contains nine lighted tennis courts, a pool complex with seven pools and bathhouse, a skateboard facility, a multi-unit play structure, swings, a pavilion, picnic tables, cooking grills, measured walking trails, and parking lots. A feature of the park is the Mayor Roe Taliaferro Sculpture Garden located on Delmar Street at the entrance to the swimming pool. Mayor Taliaferro and his wife Helen have maintained the flower garden for many years. The park is ADA accessible.

McCrum Park is named after Mayor Robert D. McCrum who served as Mayor from 1969 to 1973. The land was a gift from J.C. Nichols Co. on June 9, 1952. Initially the park was called Roe Park. A large landscaping project was finished in 1973 during Mayor McCrum's term. The park is located on Roe Avenue between 69th Terrace and 70th Street on 1.0 acres. The park has a play area with spring toys, picnic tables, cooking grills, and a tennis court. The park is ADA accessible. Parking is on either 69th Terrace or 70th Street.

Meadowlake Park: The majority of this park land was acquired in 1971. A small portion was purchased in 1979. The park is located on 79th Street between Aberdeen Street and Norwood Drive on 4.6 acres. The site was part of a Country Club that had a small lake, golf course, club house and pool. Today, the land has a multi-unit play structure, two lighted tennis courts, half basketball court, pavilion, picnic courts, cooking grills, baseball field, playing field, measured walking trail and parking lot. A flower garden maintained for many years is located at the entrance to the park. The park is ADA accessible.

Municipal Campus is located along Mission Road in front of the Municipal Office Building. The total land mass is 3.0 acres. The campus has a full size basketball court, the Prairie Boy statue, rose garden, Peace Pole, picnic table and other landscape areas. The Community Center sits on the campus.

Porter Park is named in honor of the family who owned the land and for whom the now demolished school was named. Members of the Porter family still reside in the Prairie Village area. The park land was purchased on April 14, 1952 and dedicated on April 15, 1985 and totals 7.0 acres. The park is located at the intersection of Roe Avenue and Tomahawk Road. It borders with Brush Creek. The park has picnic tables, cooking grills, swings, two pavilions, a multi-unit play structure, half basketball court, measured walking trails, playing field, two baseball fields and a parking lot. A feature in this park is the Tex Mount stone structure. The park is ADA accessible.

Prairie Park is the newest park and is located at the intersection of Mission Road, Tomahawk Road and 69th Street. The park has picnic tables and benches on 0.8 acres. The feature of the park is the Prairie Family Statue and Fountain and the associated landscaping. Parking is available at the Prairie Village Shopping Center across Tomahawk Road. The park is ADA accessible.

Santa Fe Trail Park is located on Delmar Street between Harmon Park and the YMCA facility. It is named after the Santa Fe Trail, which passed over the land and the wagon wheel tracks are still visible. A pavilion, picnic tables, playing field and parking lot comprised the site are on 3.4 acres. A historic marker and graphic are on the site. The park is ADA accessible.

Schliffke Park is named after Mayor Carl C. Schliffke who served from 1965 to 1969. The park overlooks Brush Creek from Tomahawk Road Bridge to 68th Street and is across Mission Road from Prairie Park. It has a bench, flower garden and parking lot on 0.1 acres.

Weltner Park is named after former Mayor Sue Weltner who served from 1983 to 1989. The land was leased from the Johnson County Park and Recreation District until 1993 when the City purchased the land and named it State Line Park. The park is located between State Line Road, 78th Street and Cambridge Street on 1.8 acres. In 2003, the park was dedicated as Weltner Park. The park has a full size basketball court, a half size basketball court, a pavilion, picnic tables, cooking grills, sand volleyball court and parking lot. The park is ADA accessible.

Windsor Park was acquired in 1952. It is located on Windsor Street beside the St. Ann's Church property on 5.8 acres. The park has two lighted tennis courts, pavilion, picnic tables, swings, multi-unit play structure, sand volleyball court, baseball field, measured walking trails and parking lot. The park is ADA accessible. NOTE: The City has an agreement with St. Ann's Church to use their 5.8 acres containing two ball fields.

MAINTENANCE, REPAIR AND CONSTRUCTION

The Public Works Department provides all maintenance, repair and construction for all park facilities. The budget expenditures are generally listed in the Buildings and Grounds line accounts. The labor is provided by all Public Works employees on an as needed basis. For example, in the spring when grass growth is rapid, additional employees are assigned to the mowing crew. In the winter when snow storms occur, the mowing crew operates the trucks for clearing of ice and snow on City streets. Equipment is used on the same basis. Materials, almost exclusively, are purchased from the Buildings and Grounds line accounts.

The Community Center, Swimming Pool and Tennis Court expenditures for maintenance, repair and construction are charged to those program budgets, which provides funds for both programs and facilities.

Capital Infrastructure expenditures for major reinvestment or new infrastructure are requested by Public Works through the Capital Infrastructure Program annual request. This program details requests for the next budget year plus three additional years.

The administration responsibility for maintenance, repair and construction resides with the Public Works Director and the Public Works staff. Public Works staff tracks the expenditures of labor, equipment and material by work effort and facility.

SECTION 4: FUTURE VISON

The authority vested in the Parks, Recreation, and Community Programs Committee originated in Chapter I, Article 108, Section 1-801 of the City of Prairie Village ordinances where the Committee is statutorily created along with the Council Committee of the Whole, Policy/Services Committee, and Legislative/Finance Committee. In the same Article, Section 1-805 (c) the ordinance assigns the Committee the responsibilities to:

“recommend policies and guidelines to the governing body on matters pertaining to: recreational activities in the parks, intergovernmental agreements pertaining to park and recreation facilities, use of park system facilities, development of park system facilities, short and long-range plans for city parks, operations and activities related to the park system.”

As noted in the ordinance, the Committee is one of only four standing committees created at that time to serve the City Council in an advisory manner. The responsibilities assigned therein are very broad and do not spell out the manner in which they are to be met. The manner, in which either the Committee or City Council has decided these responsibilities are to be met, are often explained through Council Policies.

The common practices and make-up of the Committee are important factors in the success of the City. The staff dedicated to these programs and facilities has evolved over time and it is important for both the Committee, a mix of new and tenured members with diverse backgrounds, and staff to understand current practices as they look to improve for the future.

To this end, the committee, in visioning the future to fulfill the expectations of the governing body, studied its competitors in programs and facilities and other city programs and facilities. The recent KC

Star surveys about the amount of recreation and culture provided by the City of Prairie Village have provided impetus to the Committee to do a self analysis to verify or dismiss the KC Star comments.

Competitor Programs and Facilities

Other neighboring cities offer similar programs. The Cities of Roeland Park, Overland Park, Fairway, Leawood and Mission have at least one or more swimming pools. Some of the pools are in buildings and can be used all year. The City of Overland Park has considerable more park land as a result of annexation. Few cities have as many tennis courts as Prairie Village. Intercity walking and bike paths do not exist in the other cities with the exception of Overland Park.

Private entities such as Homestead Country Club, Meadowbrook Golf Club, YMCA and several small exercise businesses offer programs and facilities that Prairie Village does not offer. The Cities of Overland Park and Mission Hills offer both private and public golf facilities. The YMCA offers various health improvement programs, exercise equipment and an indoor swimming pool.

A prime competitor is the Johnson County Parks and Recreation Department. It has a wide array of programs and parks offering a myriad of activities. There are no County parks in Prairie Village. The County offers swimming lessons, home delivered meals and a summer day camp at Prairie Village facilities. The Shawnee Mission School District has eight school grounds that could be utilized for expansion or new programs, similar to the use of St. Ann’s Church grounds. Each of these schools has gymnasiums that could be used for new City programs or the inclusion of existing programs into those offered by the City.

There are other Prairie Village committees that offer cultural programming. The Sister City committee provides the opportunity to share culture with foreign entities. The VillageFest Committee presents a communitywide festival of activities on July 4th each year. The Arts Council sponsors a variety of arts events, showcases a different monthly art exhibit in the Robert G. Endres Gallery in the Municipal Offices, provides funding for the annual art show at the Prairie Village Shopping Center and has purchased pieces of art (paintings and objects) for display not only in City offices but on City grounds, such as the artwork at the skateboard facility. The Tree Board is creating mini-arboretums in each park by inventorying the trees and identifying selected species in an effort to educate the public. The Environmental Committee is studying opportunities to provide environmental demonstration projects and education opportunities such as a sign adjacent to the replacement Tomahawk Road Bridge over Brush Creek that will identify bio-technical features constructed on the creek. In addition, the committee partners with Shawnee Mission East High School to offer an Earth Fair each spring.

SECTION 5: POTENTIAL FUTURE VISION ACCOMPLISHMENTS

PROGRAMS

The primary need is to provide a full time staff person who will be responsible for overseeing, modifying and adding new programs. Each year, the City publishes a parks and recreation booklet in May listing all the programs offered by the City. More publication of activities continuously during the year could provide more timely reminders of events happening in the next few weeks/month. The staff person can explore other City, County and private programs that the residents of Prairie Village could avail themselves of the opportunities. Coordination of other City committee events may produce

better attendance to a wider range of residents. Certainly, the tracking of statistics would permit the Park & Recreation Committee to make better informed decisions about existing and future programs. The result should be better utilization of city funds for programs.

FACILITIES

The opportunity to provide more facilities is limited by the amount of available land. The Committee seeks to explore a possible partnership with the YMCA. This opportunity could resolve the demands for more community meeting space, an indoor swimming facility, and indoor exercise facilities while keeping an asset in the community.

The Committee recognizes a need for financial planning for major replacement and limited expansion of park infrastructure. The Community Center, swimming pool complex and tennis facilities will require reinvestment in the infrastructure as the end of life expectancy approaches. Certainly, new infrastructure, such as the skateboard facility, will be requested as the recreational and cultural needs of the City residents change.

The maintenance needs of the existing facilities are provided and met by the Public Works Department. The Committee found that more timely repairs and preventative maintenance should be investigated. Any increased activity will require additional labor, equipment and materials. The result will be longer life of the infrastructure and reduced resident complaints about facility condition and cleanliness.

The Committee found that some City facilities should be placed under the Parks and Recreation Committee management to ensure proper maintenance, development and coordination of activity. These facilities are the 210 islands at intersections that may contain statuary, fountains and/or gardens, City entrance signs with gardens, and the Community Center.

RECOMMENDATIONS

The Parks, Recreation and Community Programs Committee recommends that the governing body consider these items for further investigation:

1. City Council adoption of this plan to include the vision, mission, committee name change to “Prairie Village Parks, Recreation, and Community Programs” along with the following recommendations.
2. Reorganize the City parks, recreation and community programs and facilities by funding a full time Parks, Recreation, and Community Programs Manager in the Public Works Department – this action will provide close coordination with the facility management. The job description should include: “to develop, expand, and implement year round recreation and community programming.” All recreation facilities and programs would be in one program budget with sub-programs, which would provide complete financial disclosure.
3. Request the Public Works Director and/or outside consultant to provide an infrastructure condition analysis and Capital Infrastructure Program request – this action will provide a master plan for immediate and long term expenditures. A Parks,

Recreation, and Community Programs Master Plan should be prepared to allow for better informed decisions of the Committee and City Council.

4. Inventory programs offered by neighboring cities, private entities, churches and the school facilities in the City; Develop a year round program expansion that enhances existing recreational and cultural programs for City residents.
5. Explore the development of a partnership with the private entities and other Cities on programs and facilities – this action should result in a diversification of programs and facilities.
6. Explore the feasibility of a community center.
7. Approve and incorporate new committee logo into all parks, recreation and community programs materials for branding purposes in an effort to create and establish an identity for the committee among Prairie Village residents.

CONSIDER 2005 TRAFFIC SAFETY REPORT

Background:

The 2005 Traffic Safety Report has been completed. A copy of the Executive Summary is attached. The following are the recommendations.

71st Street and Roe Avenue –

Study Recommendations: Trim trees in advance of intersection.

Comment: Public Works will trim trees.

75th Street and State Line Road –

Study Recommendations: Install a Signal Ahead sign for southbound traffic. Include mast arm mounted signal heads for all directions of traffic when the next improvement project is planned at the intersection.

Staff Comment: Intersection has been reconstructed with new traffic signal.

75th Street and Windsor Street –

Study Recommendations: Trim bushes in the northeast corner of the intersection.

Staff Comment: Public Works will trim bushes.

75th Street and Delmar Road –

Study Recommendations: Include a westbound left-turn lane when the next improvement project is planned along 75th Street.

Staff Comment: Public Works could investigate and present costs for design and construction for possible inclusion in 2007 Resurfacing project.

75th Street and Roe Avenue –

Study Recommendation: Trim trees in advance of intersection. Change the signal phasing to provide protected only left-turn phasing for all directions of traffic.

Staff Comment: Public Works will trim trees.

79th Street and Mission Road –

Study Recommendation: Modify two of the existing side mounted signal heads so that they control northbound and southbound traffic.

Staff Comment: Public Works will request KCPL remount the side mounted signal heads to align correctly with northbound and southbound traffic.

79th Street and Roe Avenue –

Study Recommendations: Install a traffic signal at this intersection. Remove the existing pedestrian crossing signal just west of the intersection.

Staff Comments: This recommendation was included in the 1995 and 2000 Traffic Safety Study (attached). The decision of the City Council was not to install a traffic signal. A possible course of action is for the City Council to proceed with this project as part of the 2008 Capital Infrastructure Program.

83rd Street and Somerset Drive –

Study Recommendation: Change the signal phasing to provide protected only phasing for eastbound and westbound left-turn movements.

Staff Comments: Public Works will instruct KCPL to make the modification.

Financial Impact:

The financial impact is minimal except for 75th Street & Delmar Street and for 79th Street and Roe Avenue. A decision by the City Council to proceed with either or both of these projects will require the hiring of a consultant to provide costs.

Recommendation:

Staff requests City Council decision whether to proceed further with the 75th Street & Delmar Street recommendation and/or with the 79th Street and Roe Avenue recommendation.

MEMORANDUM

TO: Chief Grover
FROM: Bob Pryzby
DATE: October 5, 2006
RE: 2005 Traffic Safety Study Recommendations
CC:

71st Street and Roe Avenue –

Study Recommendations: Trim trees in advance of intersection.

Comment: Public Works will trim trees.

75th Street and State Line Road –

Study Recommendations: Install a Signal Ahead sign for southbound traffic. Include mast arm mounted signal heads for all directions of traffic when the next improvement project is planned at the intersection.

Staff Comment: Intersection has been reconstructed with new traffic signal.

75th Street and Windsor Street –

Study Recommendations: Trim bushes in the northeast corner of the intersection.

Staff Comment: Public Works will trim bushes.

75th Street and Delmar Road –

Study Recommendations: Include a westbound left-turn lane when the next improvement project is planned along 75th Street.

Staff Comment: Public Works will investigate.

75th Street and Roe Avenue –

Study Recommendation: Trim trees in advance of intersection. Change the signal phasing to provide protected only left-turn phasing for all directions of traffic.

Staff Comment: Public Works will trim trees. Signal phasing???

79th Street and Mission Road –

Study Recommendation: Modify two of the existing side mounted signal heads so that they control northbound and southbound traffic.

Staff Comment: Public Works will request KCPL remount the side mounted signal heads to align correctly with northbound and southbound traffic.

79th Street and Roe Avenue –

Study Recommendations: Install a traffic signal at this intersection. Remove the existing pedestrian crossing signal just west of the intersection.

Staff Comments:

83rd Street and Somerset Drive –

Study Recommendation: Change the signal phasing to provide protected only phasing for eastbound and westbound left-turn movements.

Staff Comments: Public Works will instruct KCPL to make the modification.

Non Signalized Intersections

Level-of-service is not defined for multi-way stop intersections. However, as traffic demand at multi-way stop intersections increases, vehicle delay also increases. The *Manual on Uniform Traffic Control Devices (MUTCD)*, which is incorporated into Kansas State traffic law, identifies the levels in traffic volume or accident experience at which signalization of the intersection is warranted.

79th Street and Roe Avenue

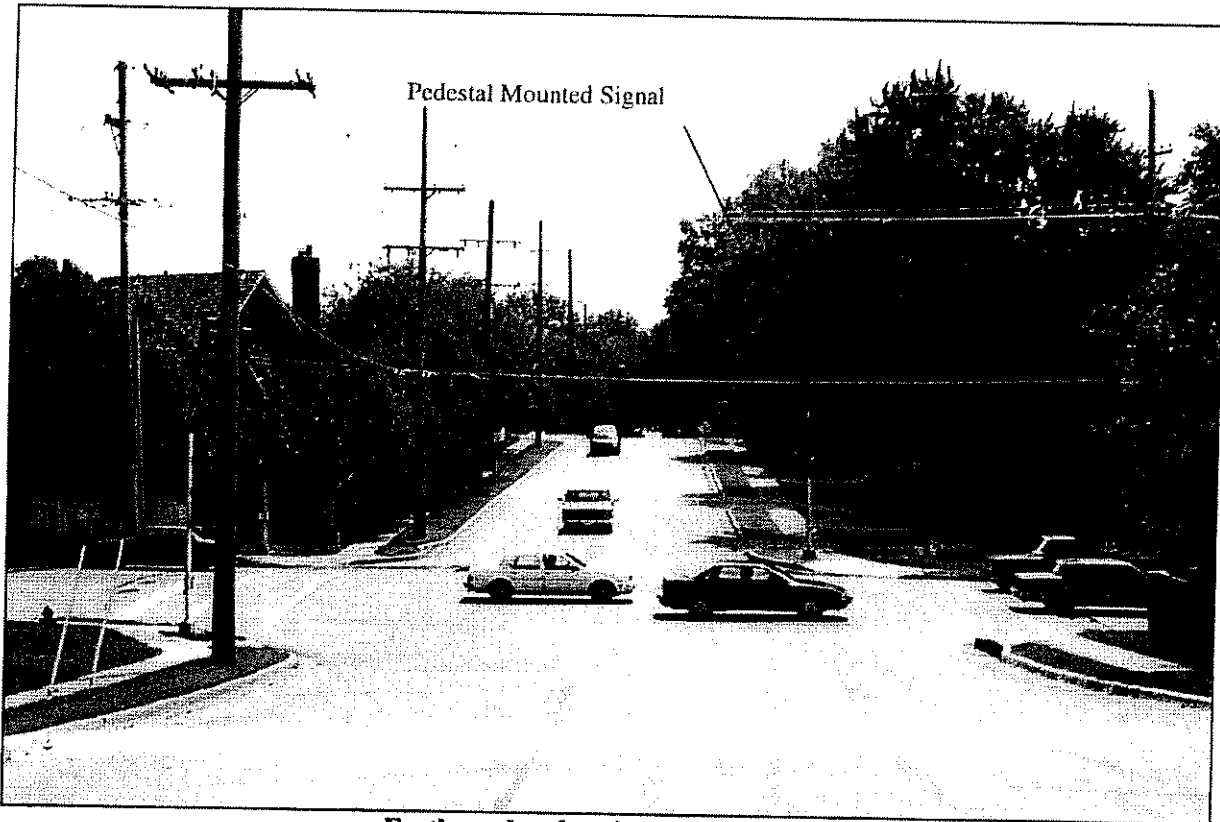
The intersection of 79th Street and Roe Avenue is an intersection where the existing four way stop intersection meets the MUTCD signalization warrant based on peak hour traffic demand. With installation of a new signal, it is also recommended for safety reasons, that the intersection be widened to provide an auxiliary left turn lane on each approach. The estimated cost for this project, including construction and engineering, but excluding right-of-way is \$500,000.

PRAIRIE VILLAGE

2000 Traffic Safety Study Update

79th and Roe Blvd – This intersection is controlled with a four-way stop. Accident reports indicate that most accidents are right-angle collisions, which are the typical pattern for multiway stop intersections. With a level-of-service of "F", traffic congestion may also contribute to the high rate of accidents. A traffic signal would most likely minimize the number of accidents and reduce vehicle delay at this location. In conjunction with the installation of a traffic signal, it is recommended that auxiliary left turn lanes be constructed on all approaches. An alternative to a traffic signal installation could be roundabout construction, which would require minimal right-of-way acquisition. A roundabout could accomplish the purposes of a traffic signal by relieving congestion and reducing accidents. Figure 3-2, depicts a possible roundabout layout.

79th and Mission Rd – This intersection only had a total of 15 accidents over the course of three years. However, five of these accidents involved injuries. After evaluation of the accident reports it was found that most collisions were due to driver inattentiveness. The predominant type of accident was the right-angle collision, which is typical in a situation where drivers do not notice the signal. Currently the traffic signals for 79th Street are pedestal mounted. These signals tend to have lower visibility than those with the signal heads that are suspended on a mast arm over the street. It is recommended that the current traffic signals for 79th be replaced with traffic signals on overhead mast arms. This configuration allows the signals to be placed directly over the road, making the signal more noticeable, and according to the HAL Manual, the frequency of accidents at this location could possibly decrease by 44%. Furthermore, the use of Light Emitting Diode (LED) signal heads would also enhance signal visibility. LED signal heads have a high visibility.



Eastbound pedestal mounted signals

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Monday, October 16, 2006
7:30 p.m.**

- I. **CALL TO ORDER**
- II. **ROLL CALL**
- III. **PLEDGE OF ALLEGIANCE**
- IV. **SPECIAL PRESENTATION – County Commissioner Ed Peterson**
- V. **PUBLIC PARTICIPATION**
- VI. **CONSENT AGENDA**

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

By Staff:

- 1. Approve Regular Council Meeting Minutes – October 2, 2006
- 2. Claims Ordinance 2631
- 3. Approve Resolution 2006-10 designating City officials to act on behalf of the City for the purpose of Municipal Court banking transactions.
- 4. Authorize the Mayor to issue the following proclamation:
Government and Commerce Initiative – China 2006, week of October 22 -31, 2006.
- 5. Approve Construction Change Order #2 for a time extension for Project 190851: 2006 Street Resurfacing Program.
- 6. Approve the Treasury Online User Agreement with Intrust Bank, subject to approval by the City Attorney.

By Committee:

- 7. Delete COU2006-29 from the Council Committee Agenda.
- 8. Adopt Ordinance 2136 amending Chapter XI of the Code of the City of Prairie Village, 2003, entitled "Public Offenses" by incorporating by reference The Uniform Public Offense Code for Kansas Cities, Edition 2006 with certain deletions and additions, and by repealing Chapter XI, Article 1 of the Prairie Village Municipal Code, and amending Chapter XI, Article 3 and amending Chapter XIV entitled "Traffic" by repealing Chapter XIV, Article 1 entitled "Standard Traffic Ordinance" and incorporating by reference The Standard Traffic Ordinance for Kansas Cities, Edition 2006 with certain deletions and additions; and prescribing additional regulations.
- 9. Approve Ordinance 2135 amending the approved use for the C-3 "Special Use Business District" located at 5301 W 75th Street from "Magazine Publishing Business" to "Law Office" with direction that the ordinance not be published until the final site plan is approved by the City's Planning Commission.
- 10. Approve amendments to Personnel Policy PP1007 entitled "Sick Leave" and Personnel Policy PP1005 entitled "Vacations."
- 11. Approve revisions to Council Policy 030 establishing a \$25 monthly communication stipend for elected officials.

- VII. **COMMITTEE REPORTS**
City entrance sign Committee – David Belz
- VIII. **OLD BUSINESS**
- IX. **NEW BUSINESS**
- X. **ANNOUNCEMENTS**
- XI. **ADJOURNMENT**

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

If you are unable to attend this meeting, comments may be received by e-mail at cityclerk@PVKANSAS.COM

CONSENT AGENDA

CITY OF PRAIRIE VILLAGE, KS

Monday, October 16, 2006

COUNCIL
CITY OF PRAIRIE VILLAGE
October 2, 2006
-Minutes-

The City Council of Prairie Village, Kansas, met in regular session on Monday, October 2, 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, Ruth Hopkins, David Voysey, Michael Kelly, Andrew Wang, Laura Wassmer, Pat Daniels, Charles Clark, Wayne Vennard, Diana Ewy Sharp and David Belz.

Also present were: Barbara Vernon, City Administrator; Charlie Wetzler, City Attorney; 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. He then requested approval of the Council to change the order of the agenda allowing public participation to precede the scheduled public hearing for the benefit of those attending the meeting to specifically address the Council. With there being no objection, Mayor Shaffer opened the floor to public participation.

PUBLIC PARTICIPATION

Paul Scholl, 3908 West 75th Street, addressed the Council with concerns regarding the handling of a water problem over the past month. Mr. Scholl reported his extensive communication with both the City's Public Works Department and WaterOne in an effort to correct a leak that caused flooding on his property and in his basement. It took more than a month before the problem was resolved and although those involved were courteous, Mr. Scholl felt the length of time it took WaterOne to resolve the problem resolved was excessive.

Ruth Hopkins advised Mr. Scholl to contact his representative on the WaterOne Board, Bob Reese, with his concerns. Mayor Shaffer stated the City would also look into the problem.

David Belz moved to close the City Council meeting for the scheduled public hearing. The motion passed unanimously with the City Council meeting closed at 7:45 p.m.

PUBLIC HEARING

Mayor Shaffer opened the public hearing to determine if the structure at 7618 Mohawk is unsafe. He called upon Katie Logan, with Lathrope & Gage acting as the City's Public Officer to present the City's findings. Ms Logan reviewed the actions taken to initiate this hearing beginning with the adoption of Resolution 2006-05 by the City Council on August 7, 2006 setting this hearing and its subsequent publication of notice of hearing in the City's official newspaper with delivery of the notice by certified mail to Mr. Stanley W. Siggs, owner of the property. The notice was also personally delivered by Mr. Siggs by the City's Code Enforcement Officer.

Ms Logan stated the report of the City's Building Official, Jim Brown, states the conditions constituting an unsafe or dangerous structure resulting from fire damage outlined in the Memorandum dated 7/31/06 continue on the property. Therefore, it is her recommendation that the property be declared unsafe or dangerous and that Mr. Siggs be ordered to commence the repair or removal of the structure within a reasonable period of time to be determined by the Council.

Mayor Shaffer called upon Jim Brown to present evidence of the condition of the structure. Mr. Brown presented pictures of the structure pointing out conditions which cause the home to be structurally unsafe. Mr. Brown stated only emergency repair of the roof to prevent further damage and to keep animals/people out of the house have been completed. Pat Daniels confirmed the exterior items had been removed and the yard cleared of trash and debris.

Ruth Hopkins confirmed the house has been posted as unsafe and is unoccupied.

Rick Forner, President of Forner Construction and a neighbor of Mr. Siggs, stated he completed the emergency repairs and clean-up and is working with Mr. Siggs to address the other issues. He noted when the exterior cleanup was completed, four 40 yard dumpsters were filled and 16,000 pounds of scrap metal were collected. He is trying to convince Mr. Siggs to sell

the structure; however, Mr. Siggs is struggling with the idea of selling. Mr. Forner noted that Mr. Siggs was a contractor and many of his assets remain in the house. The home needs to be gone through before the structure is demolished to ensure that any valuables, such as stock certificates and bonds, are removed.

David Belz asked what time frame Mr. Forner would recommend, if he felt it would be better to have a shorter or longer length of time. Mr. Forner stated items remaining in the house need to be gone through piece by piece, every box. He felt a month is probably too short a time, possibly six weeks. Mayor Shaffer asked who would determine what is valuable. Mr. Forner replied the primary things of value are stocks and bonds.

Diana Ewy Sharp asked if Mr. Siggs had any family. Mr. Forner replied he is divorced and has a brother and niece with whom he has no contact.

Wayne Vennard asked what length of time the City was requesting. Ms Logan replied the statutes required the length of time be "reasonable" which in this case appears to be in the 45 to 60 day range.

Laura Wassmer confirmed this was to commence the work, not to complete the work. Ms. Logan stated it is not clearly defined, but she feels it would be to commence the repair of the structure.

Diana Ewy Sharp asked if the City incurred any liability for injuries to individuals in the building. Ms Logan stated the City has posted the building as unsafe. Mr. Forner stated his workers would be covered by his insurance.

Andrew Wang expressed concern with further damage being done to the structure, possibly be another fire or storm, if repair was not commenced soon resulting in the possible loss of all Mr. Siggs' assets. Ms. Logan replied Mr. Siggs' personal assets are not the city's responsibility, only the structure.

Mrs. Ewy Sharp asked if the neighbors were still concerned with the property. Mr. Fortner responded the neighbors' primary concerns were addressed by clearing out the exterior of the property.

Doug Luther stated it is unknown how long it will take to repair the structure as a complete evaluation of the structure is not possible with the amount of debris and materials inside the house. Once repairs begin they will follow the permitting and code review procedures.

Mayor Shaffer asked if there were any other persons wishing to speak and seeing none, closed the public hearing at 8:10 p.m. reconvening the regular Council meeting.

Laura Wassmer moved the City adopt Resolution 2006-09 finding that an unsafe structure exists at 7618 Mohawk and directing that repair or removal of such structure shall commence within 45 days of written notice of the Resolution as required by law. The motion was seconded by David Belz and passed unanimously.

Andrew Wang confirmed the adoption of this resolution does not preclude work from beginning earlier than 45 days.

CONSENT AGENDA

David Belz moved the approval of the Consent Agenda for Monday, October 2, 2006:

1. Approve Regular Council Meeting Minutes - September 18, 2006
2. Approve a Letter of Understanding with Johnson County for the Johnson County 2007 Minor Home Rehabilitation Program in the amount of \$6,000 with funding from the 2007 Park, Recreation, and Community Services Budget.
3. Ratify the Mayor's appointment of Dylan Lehrbaum to the Environment/Recycle Committee with the term expiring in April, 2007.
4. Approve the agreement with Phil Jay for music and emcee services at the Mayor's Holiday Gala on December 1, 2006 at a cost of \$625.00.
5. Approve the disposal of the following Police Department vehicles through Easley's Auto Auction Service.
 - Unit #130 (2001 Ford Crown Victoria) VIN 2FAFP71WX1X153835
 - Unit #440 (2004 Ford Crown Victoria) VIN 2FAFP71W64X101106
 - Unit #670 (1996 Ford Taurus) VIN 1FALP52U6TA184922
6. Approve the agreement for design services with Wilson & Company for Project 191020: Pedestrian Bridge replacement over Brush Creek using funds in the amount of \$7,350.00 from the Capital Infrastructure Program

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

COMMITTEE REPORTS

Communications Committee

Andrew Wang reported the City received five bids for the production of the City's monthly newsletter from proposals sent to nine firms. The bids provided for two options. The first option was for a 2-color publication of the newsletter and Park & Recreation brochure and the second option was for a 4-color publication. None of the bids received for the 4-color publication were within the City's budget constraints.

The low bid received was from Alphagraphics, the current provider, in the amount of \$23,960. The City staff has been satisfied with the past performance of Alphagraphics.

On behalf of the Communications Committee, Andrew Wang moved the City Council approve an agreement with Alphagraphics for the production of the 2007 issues of the City Newsletter "The Village Voice" and Park & Recreation brochure at a cost of \$23,960 with funding from the 2007 operating budget. The motion was seconded by Ruth Hopkins and passed unanimously.

Parks and Recreation Committee

Diana Ewy Sharp stated at the last Park & Recreation Committee the issue of abandoned fountains was discussed, particularly the fountain at 69th and Oxford as the area Homes Association has requested that the City repair this fountain.

Bob Pryzby gave a pictorial presentation on fountains and statues within Prairie Village and addressed some of the problems encountered by them. He noted the fountain at 69th and Oxford has been in a state of disrepair for several years and his staff was unable to get it operating this year due to a leak under the base of the structure. The homes association is asking the City to recondition the fountain and increase the water flow. Currently the water flow is only a trickle which drains completely into the ground, there is no drain.

Three years ago a similar request was made for the fountain at 69th & Oxford with similar problems, no power to the site, no backflow and the need to reconnect to a drain. At that time he attained the cost for such work to be \$30,000 plus.

Mr. Pryzby reported there are seven City fountains on City islands and all except the Prairie Family are in need of repair. Mr. Pryzby noted a similar problem exists with statues located within the City, but noted this is an even ~~42~~ more difficult issue as the ownership of many of

the statues is unknown. A list of statues compiled in 1976 by Joan Shields identified 128 statues within the City. Five of these are listed on the Smithsonian Register - The Prairie Boy, The Prairie Family, The Relief on the Island behind the Prairie Family and two others on private property.

A few weeks ago he met with Paul Benson from the Nelson Art Museum who stated there are statues on some islands within the City that are of historical importance. Mr. Benson volunteered to train the Public Works staff on how to maintain and clean statues. Cleaning of statues should be done every 3 to 4 years depending on the location of the statue and other conditions.

Mr. Pryzby stressed his lack of expertise in this area, noting he can not determine what statues are of historical value or not. Nor does he have the knowledge of how to maintain, clean and recondition these structures. From his research to date, it appears that most of the statues within the City were purchased by J.C. Nichols and put in subdivisions as the City was developed. It is unclear whether the ownership of these has been transferred to the homes association or to the City with the dedication of right-of-way.

Mayor Shaffer asked Mr. Pryzby to explain the current actions taken by the City in regards to islands, fountains and statues.

Mr. Pryzby stated that every spring a letter is sent to Presidents of Homes Associations within the City asking them to let Public Works know by April 1st if they will be maintaining the islands located within their area. The City has 214 islands with one third of them being maintained by volunteers. The Department receives requests yearly for assistance to restore islands and there is a small amount of money for this in their budget. His staff will do as much as time and money permits. They have not done any work on statues. Mayor Shaffer confirmed the City maintains the remaining islands.

Laura Wassmer stated she felt the statues and fountains add significantly to the ambiance of the City and she feels there should be a coordinated effort/partnership between the City and the homes associations to support these both financially and physically. Mr. Pryzby responded some homes associations do not meet or have any funds, others meet but have no money and only a few meet and have funds available to them. He added the homes

associations can not do anything on an island without submitting a plan to Public Works for review. The Public Works review looks at the impact on maintenance and traffic/visibility.

Diana Ewy Sharp stated the City clearly does not have funds budgeted for this and she feels it should be established as a priority for the City with funds being budgeted. She suggested that perhaps the City could match funds expended by homes associations. Ruth Hopkins replied this has been an issue for years. She expressed concern with the City taking on the expensive task of maintaining statues and suggested that this would be a fabulous project for the Prairie Village Arts Council to take on. They could possibly establish a foundation for the repair and maintenance of statues, stressing the historical impact of the statues and secure non-taxpayer money. She would like to see something proactive done but can not support funding entirely by the City.

Wayne Vennard asked for an estimated cost to redo all the statues and fountains in the City. Bob Pryzby noted to do so would be to spend taxpayer money on something that may not be owned by the City. He stated he would need to get an expert to determine the necessary work and costs, similar to how the City determines what trees or streets need work. Mr. Vennard noted the City doesn't know the extent of the problem without knowing the cost to address it.

David Belz stated he would bring this issue up at the Arts Council and stated he has the same concerns as Mr. Vennard. He does not feel he can vote on the issue without knowing the costs for repair and the associated related on-going costs. Mr. Pryzby confirmed there would be annual operating costs for power and water flow for the fountains.

Diana Ewy Sharp acknowledged the concerns expressed regarding the costs, but stated she felt the fountains, regardless of their ownership, reflect upon the City. She feels the City must accept responsibility and establish a priority listing for repair.

Laura Wassmer stated she sees the fountains and statues as part of the City's infrastructure and urged the Council not to take them for granted. Mike Kelly stated he agreed the condition of these structures does reflect upon the City and their upkeep is important to the City. He supports a study to determine what can be done.

Al Herrera asked if the fountains were covered in the winter. Mr. Pryzby replied they are not and stated there is no benefit derived from covering them.

Andrew Wang asked what amount of staff time would be involved to enable the City to get its arms around this issue; i.e. to determine ownership, start-up costs, possibility of partnerships, repair/reconditioning costs and on-going related costs. He would also like these costs compared to the cost of merely landscaping the islands.

Mr. Pryzby stated the direction he is getting from the Council is to go to the Prairie Village Arts Council. He asked if the intent was to include private fountains. Mayor Shaffer stated he heard direction given to find someone to compile the information requested on the ownership, condition and value of the fountains and statues located within the City.

David Belz noted that even if the homes associations do not have ownership, they do have an investment in the statues and fountains.

Mr. Pryzby clarified that at some point, after receiving input from the Arts Council, someone has to contact the homes association and determine what type of ownership and responsibility they have. He expressed concern with the City infringing on the rights and responsibilities of homes associations. Ruth Hopkins noted the disparity in the economic conditions of the various homes associations within the City and feels this needs to be addressed.

Al Herrera supports the City doing whatever it can to save and protect the islands, fountains and statues in the City, noting they are a significant part of the identity of the City.

Laura Wassmer stated she would like to see the concept of establishing a foundation to save the statues and noted other possible sources of outside funding that may be available.

Solid Waste Management Committee

Ruth Hopkins reported from the MARC and County Committees on Solid Waste where she serves as the representative for Prairie Village. The MARC Solid Waste Management District has created an excellent website: www.recyclespot.org which provides information on

where to locate recycling centers for all types of materials. Mrs. Hopkins distributed information on the website to Council members and encouraged them to visit the site.

Sister City Committee

Michael Kelly reported on the visit last Monday from a delegation of 9 individuals from the Ukrainian Republic. The delegation was visiting through the International Visitors Council of Kansas City. Mr. Kelly thanked the Mayor and staff for their hospitality during the visit and noted a representative of the International Visitors Council will speak at the next Sister City Committee meeting.

Villagefest

Diana Ewy Sharp noted the recent issues raised by candidates campaigning at the Mission Art Fair and acknowledged this issue has been raised in conjunction with Villagefest in the past. She advised the Council the Villagefest Committee is paying close attention to the response by the City of Mission.

OLD BUSINESS

There was no Old Business to come before the Council

NEW BUSINESS

School Lockdown

Al Herrera commended the Police Department for their recent lock down of Prairie Village schools during the search for two suspects from an attempted residential burglary in the vicinity of the schools. He has received several comments from parents expressing their thanks for the professional manner in which the incident was handled.

Chief Grover noted this incident was a good example of how quickly a situation can grow. He noted his staff didn't do anything differently. The difficulty encountered was the timing factor with the incident occurring just shortly before the dismissal time for the students. He noted he had also received positive feedback, particularly from the mass communication that went out from the communication system. One-third of the calls to the area were answered, one-third went to voice mail or answering machines providing warning and information on the situation. In

evaluating the action taken, he noted areas for improved communication with school district officials.

CALEA

Chief Grover reported the CALEA on-site visit went very well. The evaluation team was on-site during the school lockdown incident and acknowledged the department followed their standards to the letter. Chief Grover noted of the 446 files of standards only 4 files were returned for revisions. This is an extraordinary accomplishment, noting on evaluations he has participated in the average number of files returned for revisions was 74.

Mayor Shaffer asked the Chief to relay his and the Council's congratulations to his entire staff.

Prairie Village Books

Mayor Shaffer noted each Council member had been given a book created by the Shawnee Mission School District and distributed to all the third grade classes within the City to learn about government and their City.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

Board of Zoning Appeals	10/03/2006	6:30 p.m.
Planning Commission	10/03/2006	7:00 p.m.
Sister City	10/09/2006	7:00 p.m.
City Entrance Sign Committee	10/10/2006	6:30 p.m.
Council Committee of the Whole	10/16/2006	6:00 p.m.
City Council	10/16/2006	7:30 p.m.

=====

The Prairie Village Arts Council is pleased to feature a mixed media exhibit by the Senior Arts Council in the R.G. Endres Gallery during the month of October. The opening reception will be held on October 13th at 6:30 p.m.

Peanut Butter week is October 2-6. There will be a collection barrel at the City Offices. Please bring peanut butter donations to the Council meeting.

Free Tree Seminar sponsored by the Tree Board on Wednesday, October 4th at 7 p.m. in the Council Chambers.

The Kansas League of Municipalities 2006 Annual Conference will be held in Topeka from October 7-10. Conference events will be held at the Capitol Plaza Hotel and the Kansas Expocentre.

Flu shots will be given on October 16th from 8:30 a.m. to 10 a.m. at Public Works and from 1 p.m. to 3 p.m. in the Multi-Purpose Room.

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

The 50th Anniversary books, Prairie Village Our Story, are being sold to the public.

ADJOURNMENT

With no further business to come before the Council, the meeting was adjourned at 9:15 p.m.

Joyce Hagen Mundy
City Clerk

CITY TREASURER'S WARRANT REGISTER

DATE WARRANTS ISSUED:

Warrant Register Page No. 1

October 16, 2006

Copy of Ordinance
2631

Ordinance Page No.

An Ordinance Making Appropriate for the Payment of Certain Claims.
Be it ordained by the governing body of the City of Prairie Village, Kansas.

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

NAME	WARRANT NUMBER	AMOUNT	TOTAL
EXPENDITURES:			
Accounts Payable			
84546-84630	9/8/2006	159,897.38	
84631-84635	9/13/2006	3,553.18	
84636-84742	9/22/2006	264,487.83	
84743-84748	9/27/2006	3,212.18	
Payroll Expenditures			
9/1/2006		213,925.51	
9/15/2006		221,586.94	
9/29/2006		209,551.47	
Electronic Payments			
Intrust Bank -credit card fees (General Oper)		364.12	
State of Kansas - sales tax remittance		560.23	
Marshall & Ilsley - Police Pension remittance		6,129.02	
Intrust Bank - fee		395.79	
KCP&L		15,270.02	
MHM - Section 125 admin fees		287.92	
Intrust Bank - purchasing card transactions		7,937.33	
United Health Care - Health Insurance		70,453.51	
Unum - Long Term Care		812.10	
TOTAL EXPENDITURES:			\$ 1,178,424.53
Voided Checks			
Accurate Auto #84636		39.44	
Lawson Products, Inc. #84692		524.31	
TOTAL VOIDED CHECKS:			563.75
GRAND TOTAL CLAIMS ORDINANCE			1,178,988.28

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

Passed this 16th day of September 2006.

Signed or Approved this 16th day of September 2006.

(SEAL)

ATTEST: _____

City Treasurer

Mayor

CONSIDER RESOLUTION FOR BANKING SERVICES

Background:

The City has an agreement with Intrust Bank to provide banking services. The bank requires a resolution be on file designating City officials authorized to act on behalf of the City for the purpose of all banking transactions, including, but not limited to the opening of deposit or checking accounts and the authorization of checks and order for payment of money.

Glenda Herring, the former Court Administrator, was designated on the initial resolution for municipal court accounts. The attached Resolution replaces that resolution and designates the current authorized individuals.

RECOMMENDATION:

APPROVE RESOLUTION 2006-10 AUTHORIZING DESIGNATED CITY OFFICIALS TO ACT ON BEHALF OF THE CITY FOR THE PURPOSE OF MUNICIPAL COURT BANKING TRANSACTIONS

RESOLUTION NO. 2006-10

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

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

<u>Name</u>	<u>Title</u>
Barbara Vernon	City Administrator
Bettina Jamerson	Court Administrator
Adela Diaz	Court Clerk

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

<u>Name</u>	<u>Title</u>
Barbara Vernon	City Administrator
Joyce Hagen Mundy	City Clerk

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

<u>Name</u>	<u>Title</u>
Barbara Vernon	City Administrator
Bettina Jamerson	Court Administrator
Adela Diaz	Court Clerk

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

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

ADOPTED THIS 16th DAY OF OCTOBER, 2006

By: _____
Ronald L. Shaffer, Mayor

ATTEST:

Joyce Hagen Mundy, City Clerk

CITY OF PRAIRIE VILLAGE

Government & Commerce Initiative – China 2006

WHEREAS, People to People International is a Kansas City – based organization founded by President Dwight D. Eisenhower in 1956 in an effort to enhance international understanding and friendship through the exchange of ideas and experiences among peoples of different countries and diverse cultures. It is dedicated to enhancing cross-cultural communication within and across communities and around the world.

WHEREAS, The People to People International Government and Commerce Initiative will allow 20 delegates, including former Mayor Betty T. Keim of neighboring Mission Hills, Kansas to travel to the People's Republic of China, to interact on a person-to-person basis with Chinese civic and business leaders. The mission recognizes that strengthening trade ties and the personal relationships between government leaders will lead to greater understanding and a more connected world.

WHEREAS, delegates will visit the major cities of Beijing, Shanghai and Chengdu, learning about Chinese culture, history and politics. They will then be able to utilize that knowledge to promote the City of Prairie Village, as well as the entire Kansas City area, as an excellent place to do business. This in turn will promote friendship, mutual understanding and continuance of our usage of products from China.

NOW, THEREFORE, I, Ronald L. Shaffer, Mayor of the City of Prairie Village, Kansas do hereby proclaim October 22 – October 31, 2006 as

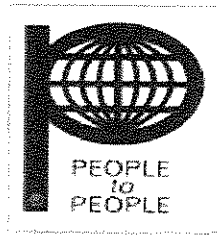
Government & Commerce Initiative – China 2006 week
and authorize former Mayor of Mission Hills, Kansas, Betty T. Keim, to present this proclamation upon my behalf



Mayor Ronald L. Shaffer

⁵²City Clerk

Date



*International
Peace through Understanding*

Government & Commerce Initiative—China 2006



Led by
Councilman Troy Nash
Member, Board of Directors
People to People International

October 22 – October 31, 2006

This initiative is sponsored by People to People International World Headquarters, a not-for-profit 501 (c) (3) organization dedicated to advancing international understanding and friendship among peoples of other cultures and nations.

CONSIDER PROJECT 190851: 2006 STREET RESURFACING PROGRAM

Background:

Miller Paving and Construction is requesting an extension of time for this project. The reasons for the request are:

- 78th Street was changed from a mill and overlay to a complete reconstruction
- Asphalt testing and gradation issues delayed the placement of asphalt
- Wet and unstable sub-base on Roe Circle delayed construction
- Unavailability of the sod contractor

Miller Paving has been conscious in completing the project. Therefore, staff finds the request to be reasonable.

Financial Impact:

There is no financial impact as this is for a request of additional days for each segment. There is no request for additional days for completion of the total project.

Recommendation:

Public Works staff recommends the City Council approve Construction Change Order #2 for a time extension for Project 190851: 2006 Street Resurfacing Program.

Soyle

CITY OF PRAIRIE VILLAGE
PUBLIC WORKS DEPARTMENT
CONSTRUCTION CHANGE ORDER NO. 2

Consultant's Name: Shafer, Kline and Warren
Project Title: 2006 Street Resurfacing Program
Date Requested: October 16, 2006
Owner's Project No.: 190851
Contractor's Name: Miller Paving & Construction

Contract Date: June 5, 2006

REQUIRED CHANGES IN PRESENT CONTRACT

Contract Quantity	Previous Amount	Unit	Item Description	Adj. Quant.	Unit Price	Adjusted Amount
30	0	Days	67th Terrace Calendar Days	105		75
30	0	Days	77th Place Calendar Days	82		52
30	0	Days	Granada Lane Calendar Days	97		67
30	0	Days	Roe Circle Calendar Days	99		69
45	0	Days	78th Street Calendar Days	96		51
				0	TOTAL	N/A
			NET	Increase	Decrease	\$0.00

Explanation of Changes

Project 190851; 2007 Street Resurfacing Program. This change order is to cover the following items:

This change order increases the contract amount by \$0.00.

Calendar days were added to each work segment as result of this change order for the following reasons:

1. 78th Street was changed from a mill and overlay to a complete reconstruct.
2. Issues with asphalt testing and gradation delayed the placement of asphalt.
3. Sub base issues (wet and unstable) on Roe Circle delayed the placement of asphalt.
4. Availability of sod contractor to complete work was limited.
5. Time of year to place sod is limited.

Original Contract Price	<u>\$897,530.70</u>
Current Contract Price, as adjusted by previous Change Orders	<u>\$854,580.09</u>
NET increase or decrease this Change Order	<u>\$0.00</u>
New Contract Price	<u><u>\$854,580.09</u></u>

Change to Contract Time

The current contract deadline of December 1, 2006 will remain the same.

The City does **not** anticipate a related Engineering Change Order.

Thomas Trienens _____ 10/9/06 _____
 Thomas Trienens, Manager of Engineering Services Date
 City of Prairie Village, KS

 Ronald L. Shaffer, Mayor Date
 City of Prairie Village, KS

Bradley F. Hinkle _____ 10-09-06 _____
 Charlie James Date
 Miller Paving and Construction

**CONSIDER FOR CONSENT AGENDA
TREASURY ONLINE USER AGREEMENT – INTRUST BANK**

BACKGROUND

Because of changes in bank policy, the City will no longer be able to request wire transfers via fax to the local branch. The bank is offering a wire transfer module for its online banking system as a replacement for the fax requests. The City's current Treasury Online User Agreement does not include the wire transfer module.

The module costs \$10 per month; however, wire transfers will cost less than they do now. Sufficient funding is available in the Finance Department budget.

RECOMMENDATION

Approve the Treasury Online User Agreement with Intrust Bank, subject to approval by the City Attorney.



INTRUST TREASURY ONLINE USER AGREEMENT

This Intrust Treasury Online User Agreement ("Agreement") is made and entered into this _____ day of _____, 20____ by and between City of Prairie Village ("Customer"), (collectively referred to as "Account Holders") and INTRUST Bank, N.A. ("Bank"). All parties agree that the services described and provided by Bank will be subject to the terms and conditions set forth below.

1. Services.

- a. Bank will provide Customer access to Intrust Treasury Online ("Internet Site") allowing Customer to obtain certain account information, receive reports electronically, and perform electronic funds transfer services via Customer's web browser and computer. Bank shall provide access to the Internet Site at a time specified and agreed by the parties. Bank hereby grants Customer a non-exclusive, non-transferable and revocable license to use the Internet Site and the services contained thereon solely for Customer's internal business purpose and subject to the terms and conditions of this Agreement.
- b. The Internet Site will contain the following services:
 - i. Account Reporting
 - ii. Stop Payment
 - iii. ACH Collections and Payments
 - iv. Wire Transactions

In addition, the Internet Site will contain a Book Transfer system ("Transfer Service"). Customer may make transfers through the Transfer Service as described in this Agreement below.

- c. The use of the term "Service" or "Services" herein shall mean all of the services listed above, including the Transfer Service, collectively or all of the services being accessed and utilized by Customer under the terms of this Agreement, whichever is applicable.
- d. The Internet Site will also contain a Loan Module which may be delivered at a later date. If the Loan Module is delivered at a later date, the term "Service " or "Services" herein shall then include the Loan Module as of date of final delivery.
- e. Customer shall pay all fees and charges for Treasury Online and each Service provided thereunder in accordance with the Intrust Business Accounts Fee Schedule as in effect at the time of execution of this Agreement and as may be amended from time to time.

2. Enrollment.

- a. Customer shall have access to those Services which are available on the Internet Site and for which Customer has executed a separate agreement with Bank ("Service Agreement"). Each Service Agreement so executed between Customer and Bank regarding any of the Services provided on the Internet Site is incorporated herein by reference. No additional Service Agreement is necessary for the Transfer Services, ACH Collections and Payments and Wire

Transactions. Customer shall use the Services in accordance with all written procedures or instructions provided by Bank.

- b. Customer and each Account Holder will execute a Corporate Authorization ("Authorization") at the time of execution of this Agreement. Said Authorization will include the name of an Agent ("Agent") authorized to execute on behalf of Customer or Account Holder all documents reasonably requested by Bank related to this Agreement, including but not limited to, agreements related to each Service provided hereunder. It is anticipated by the parties hereto that the Agent named by Customer and each Account Holder in their respective Authorizations will be the same individual. Any reference herein to Agent shall include the plural if not all Account Holders name the same individual as agent under their respective Authorizations. Account Holder acknowledges that a new Authorization may be required from time to time and agrees to promptly execute said document upon request of Bank.
- c. The Authorization shall also include the name of the Administrator of the Internet Site. Customer and all Account Holders must appoint the same individual as Administrator. No Internet Site will be allowed to have more than one Administrator. The Administrator may be changed only upon the re-execution of Authorizations by Customer and all Account Holders agreeing to a new individual.
- d. Customer and each Account Holder will complete and execute the Treasury Online Enrollment Form and appropriate attachments (all referred to herein after as "Enrollment Form") at the time of execution of this Agreement. The information on the Enrollment Form may only be modified by completion and execution of a new Enrollment Form by the Agent. Any new Enrollment Form shall not be effective until accepted by Bank and Bank has had a reasonable opportunity to implement the changes. Upon execution of the Enrollment Form, whether the initial Enrollment Form or a later executed Enrollment Form, such Enrollment Form is deemed a part of this Agreement and incorporated herein by this reference. Customer agrees to execute a new Treasury Online Enrollment Form upon reasonable request of Bank.

3. System Requirements and Security.

- a. Customer must have and maintain a computer system ("System") that has access to the Internet using a secure browser with 128-bit encryption. By signing this Agreement, Customer represents and warrants to Bank that Customer's System satisfies this requirement. Bank is not responsible for any upkeep or maintenance required by such System or for any System upgrades which may become necessary due to upgrades in the Services provided under this Agreement.
- b. A Customer ID, Customer Password, User ID and initial User Password will be assigned to Customer in accordance with the Bank's security procedures. Customer is solely responsible for controlling and safeguarding the Customer ID, Customer Password, User ID and User Password and will be required to change the initial User Password when signing on to the Internet Site for the first time. Customer agrees to change its password periodically. Bank may require Customer to change its password from time to time at Bank's sole discretion.
- c. Customer will be responsible for designating employees or affiliated persons ("Employees") who will be able to access Customer information through the Internet Site. Customer will provide the Customer ID, Customer Password, User ID and a User Password to each

Employee so designated. All Employees with access to the Internet Site will be required by Customer to change User Passwords periodically. Bank may require Employees to change their User Passwords from time to time at Bank's sole discretion. Each Employee will be responsible for controlling and safeguarding the Customer ID, Customer Password, User ID and the User Password.

d. Customer is responsible for all use of the Internet Site accessed through the Customer ID and Customer Password and any User ID and User Password. Customer hereby authorizes all transactions entered into the Internet Site by Employees or any other person who accessed the Internet Site via the Customer ID and Customer Password and any User ID and User Password, unless access to such Customer ID and Customer Password was improperly provided by or obtained from Bank. Each transaction conducted through the Internet Site is deemed to have been properly authorized regardless of whether the Employee entering the transaction is named as an "authorized representative" or similar authority on any Service Agreement or attachment thereto.

- e. Customer agrees to promptly notify Bank of the loss or theft of the Customer ID, Customer Password or any User ID or User Password.
- f. Customer agrees to notify Bank immediately if any Service does not perform as anticipated; as represented during training on the Internet Site; or in accordance with the applicable Service Agreement.

4. Transfer Services.

- a. Customer may make transfers through the Transfer Services only from accounts designated as From Accounts to accounts designated as To Accounts. Such designations shall be made by account number on the Enrollment Form. Customer may modify the accounts and their designation only by re-execution of the Enrollment Form as described above. Customer authorizes and directs Bank to transfer funds on the basis of the designated account numbers (debits and credits) even if such number identifies a person or account Customer did not intend.
- b. Bank will process and complete all transfers properly entered through the Transfer Service in accordance with the terms of this Agreement. Bank will not be responsible for any losses or damages if:
 - i. Through no fault of Bank there is insufficient funds in the From Accounts to make the transfer;
 - ii. The computer connection is malfunctioning and Customer knew about the malfunction when the transfer was started; or
 - iii. Circumstances beyond the control of the Bank (such as acts of God, fire, flood, adverse weather conditions or other catastrophes; interruption of transmission or communication facility; equipment failure; criminal acts; or other emergency conditions) prevent the proper completion of the transaction despite reasonable precautions by Bank to avoid these circumstances.

The Bank may transmit oral, electronic or written notice to the customer of any transfer order which is not completed. The Customer agrees that notice given orally, electronically, or in writing is commercially reasonable and that such notice shall be effective when given.

- c. Customer may not cancel or amend a transfer once the order has been transmitted to Bank.

5. ACH Collections and Payments.

- a. For the initiation of credit and debit Entries ("Entries"), Customer and Bank agree to be bound by this Agreement and the rules of the National Automated Clearing House Association ("NACHA") (the "Rules") as may be amended or modified from time to time. Customer acknowledges that a copy of the Rules may be obtained for a fee from Mid-America Payment Exchange Company. Capitalized terms used in this section of this Agreement shall have the meanings provided in the Rules unless otherwise defined herein. Customer acknowledges that some Entries may be governed by Article 4A of the Uniform Commercial Code, as amended from time to time.
- b. Files shall be delivered to Bank or Bank's agent in the manner and format as set forth in the Rules. If any File does not comply with the format as set forth by the Rules, Bank is not required to process and shall notify Customer within one (1) business day from receipt along with notice of the reason for not processing the File. It shall be Customer's responsibility to correct errors and submit a new File to Bank for processing. Bank will not edit any Files to correct errors or otherwise. Customer shall transmit Entries only in those Standard Entry Class Codes ("SEC") as provided on the Enrollment Form.
- c. Customer acknowledges that Bank and Customer have not agreed to any security procedures for the detection of any error in the transmission or content of a File, Entry or transaction. Any and all security procedures put in place by Bank are for the sole purpose of verification of authenticity of the transmitted data. Customer agrees to be bound by any payment order, File or Entry, whether or not authorized, issued in its name and accepted by Bank in compliance with its security procedures as in affect at the time of acceptance (and as amended from time to time), absent negligence or willful misconduct, including but not limited to fraud, on the part of the Bank or its employees and agents.
- d. The persons designated on the Enrollment Form as Authorized Individuals are the persons authorized to act on behalf of Customer in connection with ACH Instructions, including File origination or transmission, or deletion, reversal, remake or modification of any File or Entry. Bank shall be entitled to rely upon the authority of such Authorized Individuals until a new Enrollment Form is executed by the Agent. Customer shall obtain all consents and authorizations required by the Rules, if any, relating to Originators and shall retain such consents and authorizations for two (2) years after they expire.
- e. Warranties.
 - i. With respect to each and every Entry initiated by Customer as an Originator and transmitted to Bank, Customer represents and warrants:
 1. All Entries will be submitted to Bank in compliance with the Rules;
 2. Appropriate notice as required by the Rules has been provided to any consumer prior to submission of Entry;
 3. Each Entry is properly authorized, each credit Entry is timely, each debit Entry is for an amount which on Settlement Date will be due and owing to the Customer and each Entry otherwise complies with all requirements as set forth in the Rules; and

4. At the time of transmitting such Entry to the Bank:
 - a. Customer does not have actual knowledge of the revocation of such Authorization by the consumer or of the termination by the Receiving Bank of the arrangement under which such Entry is to be initiated by Originator and credited/debited by such Receiving Bank to the checking account or savings account of the consumer with such Receiving Bank; and
 - b. Customer, as Originator, has not terminated such arrangements.
 5. At the time such Entry is processed by the Receiving Bank, such Authorization has not been terminated in whole or in part by operation of law; provided, however, that this warranty shall not be applicable if, at the time of such processing, such Receiving Bank has actual knowledge of the circumstances giving rise to such termination and Originator does not have actual knowledge thereof; and
 6. Each Entry transmitted to Bank contains all information necessary by the Receiving Bank and in a format in compliance with the Rules.
- ii. In addition to the warranties set forth in (i.) above, with respect to any Point of Purchase ("POP") Entry transmitted under the SEC POP, the Customer as Originator represents and warrants:
 1. Each and every source document is returned voided to the consumer at the time of the transaction; and
 2. None of the source documents have been used to create prior POP Entries.
 - iii. In addition to the warranties set forth in (i.) above, with respect to any Telephone initiated ("TEL") Entry transmitted under the SEC TEL, the Customer as Originator represents and warrants:
 1. Commercially reasonable procedures have been employed to verify the identity of the consumer; and
 2. Commercially reasonable procedures have been used to verify the bank routing numbers provided by the consumer.
 - iv. In addition to the warranties set forth in (i.) above, with respect to any Internet initiated ("WEB") Entry transmitted under the SEC WEB, the Customer as Originator represents and warrants:
 1. A commercially reasonable fraudulent transaction detection system has been used to screen Entries;
 2. Commercially reasonable procedures have been used to verify the bank routing numbers provided by the consumer;
 3. The Internet session has been secured prior to keying of banking information by the consumer; and
 4. An annual audit is performed to ensure all financial information obtained via the Internet site is protected by security including, but not limited to:
 - a. Physical security from theft, tampering or damage;
 - b. Personnel and access controls to protect against unauthorized use; and

- c. Network security against capture, storage and distribution of financial information.
- v. In addition to the warranties set forth in (i.) above, with respect to any Accounts Receivable ("ARC") Entry transmitted under the SEC ARC, the Customer as Originator represents and warrants:
 - 1. All information is accurately entered from the source document;
 - 2. Each source document will be destroyed within fourteen (14) days from the Settlement Date and a copy of each such source document will be retained for a period of two (2) years from the Settlement Date of the Entry; and
 - 3. The source document will not be presented for payment.
- vi. In addition to the warranties set forth in (i.) above, with respect to any Represented Check ("RCK") Entry transmitted under the SEC RCK, the Customer as Originator represents and warrants:
 - 1. Appropriate notice as required under the Rules has been provided to the consumer including a separate notice agreed to in writing by the consumer for the collection of fees, if any;
 - 2. All information (including MICR) is accurately entered from the item;
 - 3. The original item will be retained for a period of ninety (90) days from the Settlement Date and a copy of each such item will be retained for a period of seven (7) years from the Settlement Date of the Entry;
 - 4. The item will not be presented for payment;
 - 5. Originator has no knowledge of any defense or claim which may be made by the consumer on the item; and
 - 6. The item does not contain a valid, enforceable restrictive endorsement.
- vii. Bank Warranties. The Bank warrants to the Customer as follows:
 - 1. Bank processes and procedures comply with the Rules, and with all applicable federal and state laws governing processing, transmittal and settlement of ACH transactions. Bank has in place such security systems as are required by applicable law for the receipt, transmittal, processing and settlement of Entries;
 - 2. Bank shall (a) process Entries received from Customer which conform with the specifications of this Agreement, (b) transmit such Entries as an Originating Depository Financial Institution to the Federal Reserve Bank as "ACH Operator", and (c) settle as provided by the Rules; and
 - 3. Bank shall transmit all Entries to the ACH Operator in compliance with the Rules and prior to Settlement Date.
- f. Customer acknowledges that any action by it taken in violation of the Rules could result in a fee levied against Bank under the Rules and that Bank will assess Customer for any violation which it causes or is created out of an Entry initiated by Customer, other than violations the Bank causes. Upon request Bank shall provide Customer with a description of fees in effect at the time of execution of this Agreement which could be levied. Bank shall also provide written notice of any assessment of fee levied due to Customer and the violation which caused the fee.

- g. Customer may send prenotification in accordance with the specifications provided in the Rules. If Customer chooses to send prenotifications, Customer may not then originate live dollar Entries until at least six (6) banking days following Settlement Date of the prenotification Entry.
- h. Customer shall have no right to cancel or amend any File or Entry after its receipt by Bank. However, Bank shall use reasonable efforts to act on a request by Originator for adjustment, reversal or deletion of a File or Entry prior to transmitting it to the ACH Operator or prior to crediting a Receiver's account, provided such request complies with the Rules. Bank shall have no liability if such adjustment, reversal or deletion is not effected.
- i. Bank shall notify Company by United States mail or other method agreed upon in writing, of the receipt of a returned Entry from the ACH Operator no later than three (3) banking days after the banking day of receipt of return. Notice shall include the reason for such return. Bank shall have no obligation to retransmit the Entry if Bank has complied with the Rules and all terms of this Agreement.
- j. Bank will provide notice of any File or Entry rejected no later than the business day on which such File or Entry would have been transmitted, which notice shall include the reason for the rejection. If the Entry is "on us", Bank will provide notice of rejection of the Entry no later than the Effective Entry Date along with the reason for the rejection. Notice is effective when given. Bank shall have no liability to Customer by reason of the rejections of any File or Entry or the failure to give notice prior to the times as set forth herein. Bank may reject any File or Entry if:
 - i. It does not comply with the specifications of the Rules;
 - ii. It contains an effective date ten (10) days after the date of receipt by the Bank;
 - iii. The Customer has not complied with the security procedures set forth by Bank as may be amended from time to time;
 - iv. The Customer has not complied with its account balance obligations as set forth in Paragraphs 5m and 5n herein; or
 - v. It is allowed under the Rules for an "on us" Entry.
- k. Customer shall retain all information necessary to remake any File or Entries for three (3) days after midnight of the Settlement Date and shall promptly provide such information to Bank if requested. Bank shall retain processing information relating to File or Entries, whether rejected or transmitted, for a period of seven (7) years.
- l. Payment by Customer with respect to Entries initiated by Customer and transmitted by Bank and with respect to any Entry's payment or posting which is stopped or reversed, adjusted or returned by Bank, as provided for herein, shall be by debit or credit, as appropriate, to Customer's Settlement Account as set forth on the Enrollment Form.
- m. For credit transfers, Originator shall maintain at all times in the Settlement Account collected funds, as defined by Bank's procedures, in the aggregate amount of all credit Entries transmitted to Bank pursuant to this Agreement and to which settlement has not yet been effected. Bank will not be required to transmit any credit Entry if, at the time Bank would otherwise transmit such credit Entry, Customer does not have sufficient collected funds in the Settlement Account or Customer is in default under any provision of this Agreement. Bank shall notify Customer of its decision not to transmit an Entry and the reasons for such decision.

- n. Bank shall, not later than the Settlement Date, cause immediately available collected funds to be deposited in the Settlement Account in satisfaction of debit entries initiated by Customer through Bank. Customer remains responsible for ensuring that sufficient immediately available collected funds remain in the Settlement Account for the charge-back (in accordance with the Rules) of any return Entries.
- o. If an unauthorized debit Entry is asserted by a Receiver, the Customer's Settlement Account will be debited for the amount thereof, and the Bank shall provide notice of such debit within three (3) business days of receipt of the return. If the balance in the Settlement Account is insufficient, Customer shall promptly provide immediately available funds to Bank to satisfy such insufficiency.
- p. The Customer may, at the discretion of the Bank, be required to submit annual financial statements, in a format reasonably approved by Bank or copies of federal income tax returns in order for Bank to ascertain whether Customer continually meets the Bank's internal credit policies.

6. Wire Transactions

a. Service.

Wire Transfer Orders ("Wire Orders") may be entered into the Internet Site by those Employees authorized by the Administrator. The Wire Orders will then continue through a wire transfer network in accordance with the Wire Order. Bank shall debit the deposit account listed for the Wire Order settlement on the Enrollment Form, as amended from time to time. Bank has no obligation to accept a Wire Order if there are not sufficient collected funds in the designated account regardless of the balances in other accounts held by Customer or Account Holders.

Wire Orders may only be sent through the Internet Site to locations within the United States in US dollars. Cut off time for accepting a Wire Order will be 4:00 p.m. C.T. Bank reserves the right to change such cut off time at its sole discretion. Cut off times may vary by customer and type of Wire Order placed. Wire Orders received after the cut off time will not be considered accepted until after processing for acceptance or rejection (as described below) which will be as of the next banking day.

Customer and Account Holders acknowledge that Bank and Customer have not agreed to any security procedures for the detection of any error in the transmission or content of Wire Orders or in limiting the amount of any one Wire Order or total Wire Orders placed in one day. Customer and Account Holders agree the use of Customer ID, Customer Password and User ID and User Password along with the limitations the Administrator may place on individual users are commercially reasonable security procedures for the transmission of Wire Orders. Bank has no obligation to view any Wire Order executed via the Service. Any and all security procedures put in place by Bank are for Bank's sole purposes and at Bank's sole discretion. Customer and Account Holders acknowledge Wire Orders are governed by Article 4a of the Uniform Commercial Code, as amended from time to time.

b. Duty to Report Mistakes.

Customer and Account Holders will receive written or electronic confirmation of each Wire Order accepted and executed through the Service. Customer and Account Holders must exercise reasonable care to discover any unauthorized wires or any error in execution of Wire Orders and notify Bank of any error and all relevant facts regarding the error within thirty (30) days after receipt of the written or electronic confirmation. You hereby acknowledge that thirty (30) days is a reasonable amount of time to make such notification.

c. Acceptance or Rejection of Orders.

Bank shall have no obligation to accept and execute any Wire Order if there are insufficient collected funds available in Customer or Account Holders' accounts with Bank; there are inconsistencies in the Wire Order; or Bank, in good faith, determines it has reasonable cause for rejecting the Wire Order. Bank may reject the Wire Order and notify Customer of the rejection through the Service. Bank may, in its sole discretion, execute Wire Orders for Customer or Account Holders with no duty to confirm the receiver's name or account number and no duty to identify and correct inconsistencies on such Wire Orders. Customer agrees to pay the amount of the Wire Order even if the person identified was not the intended recipient.

Payment of Wire Orders issued by Customer may be made by any bank receiving such Wire Order on the basis of an identifying or bank account number on the Wire Order even if such number identifies a person different from the named Beneficiary.

Bank will notify Customer electronically through the Internet Site of the rejection of a Wire Order. Customer and Account Holders agree this electronic notification is commercially reasonable and is effective when given.

Customer may cancel or amend a Wire Order only if Bank agrees to such cancellation or amendment.

d. Limitation on Bank's Liability.

Bank's liability to Customer or Account Holders for the late payment of a Wire Order is limited to the amount of interest owing to Customer, Account Holder or Beneficiary due to the delay in payment. If Bank improperly executes or fails to execute a Wire Order, Bank's liability shall be limited to Customer or Account Holders' expenses for the transaction and any incidental expenses and interest lost, provided such are allowed by law. Whenever Bank is obligated to pay interest under this Addendum, interest shall be calculated in accordance with applicable state statute. Bank shall not be liable for consequential damages or for attorney fees.

7. Limitations of Liability.

- a. Customer is solely responsible for the correctness and accuracy of all information entered in connection with the Services. Customer shall hold Bank harmless for the entry of any incorrect information by an Employee.
- b. THE SERVICES PROVIDED ON THE INTERNET SITE ARE DISTRIBUTED ON AN "AS IS" BASIS WITHOUT WARRANTIES OF ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, WARRANTIES OF TITLE OR IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE AND LACK OF VIRUSES OR OTHERWISE, OTHER THAN THOSE WARRANTIES OF SPECIFIC INTRUST PRODUCTS OR SERVICES TO WHICH INTRUST HAS EXPRESSLY AGREED. BANK

DOES NOT WARRANT THAT THE SERVICES PROVIDED WILL MEET SPECIFIC REQUIREMENTS OF CUSTOMER. BANK DOES NOT WARRANT THAT THE OPERATION OF THE INTERNET SITE WILL BE UNINTERRUPTED, ERROR FREE OR FREE FROM ANY OTHER PROGRAM LIMITATIONS.

- c. Customer agrees that all access and use of the Internet Site and its contents is at Customer's own risk. Bank shall be responsible only for performing the services expressly provided for in this Agreement. Except as required by applicable law, or express agreement, Bank specifically disclaims any liability (whether based in contract, tort, strict liability or otherwise) for any direct, indirect, incidental, consequential, punitive or special damages arising out of or in any way connected with Customer's use or inability to use the Services, any loss of information or for errors and delays in transmission or processing of Customer's transactions for any reason, or for any claim by another party (even if Bank has been advised of the possibility of such damages).
- d. Customer is solely responsible for any loss or liability arising due to Customer's failure to limit access to the Internet Site or maintain the confidentiality to the Customer ID or Password or the User ID or Password or any of Bank's security procedures.
- e. Customer agrees to defend, indemnify and hold Bank harmless from and against any and all claims, demands, liabilities, losses, damages (including, without limitation consequential, special and punitive damages) and expenses (including, without limitation, costs and expenses of litigation and reasonable attorneys' fees), directly or indirectly resulting from:
 - i. Any breach by Customer of any or all of the Customer's warranties under this Agreement;
 - ii. Any failure by Customer to comply with this Agreement; or
 - iii. Any and all actions, suits, proceedings, claims, demands, judgments, costs and expenses (including attorney fees) incidental to the foregoing.

8. Miscellaneous.

- a. Customer and Account Holders hereby acknowledge the confidential nature of the contents of the Internet Site, including all software used therein, and any printed material provided as a resource or guide to the Internet Site. Customer and Account Holders agree the contents of the Internet Site and written materials will not be duplicated by any means, including but not limited to, electronic media, nor disclosed in any manner whether oral, written or electronic, to any person or entity not affiliated with Customer by any Employee without the express written consent of Bank. Said limitation includes but is not limited to, any and all screens appearing on the Internet Site. Customer may however, duplicate said screens for training purposes for its Employees.
- b. Customer will not lease, sublease, sell or distribute software or resource materials to any third parties nor use software or resource materials in any time-sharing, service bureau or other similar arrangement or make any other use of the software and resource materials not expressly permitted hereunder.
- c. Notwithstanding any other provision of this Agreement; Bank shall have no responsibility for any damages arising directly or indirectly from any error; delay or failure to perform any obligation hereunder which is caused by fire, natural disaster, strike, civil unrest, terrorist

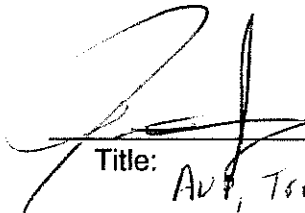
activity, inoperable communications facilities or any other circumstance beyond the reasonable control of Bank.

- d. This Agreement, along with any other Service Agreements entered into by Customer and Bank, Bank's Deposit Agreement and any other applicable rules or regulations, constitutes the complete and exclusive Agreement between the Customer and the Bank.
- e. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their legal representatives, successors or permitted assigns.
- f. Neither party shall assign this Agreement nor any of the rights or duties hereunder to any third party without the other party's consent. Such consent shall not be unreasonably withheld.
- g. This Agreement may be amended at any time by Bank. Bank will provide notice to Customer prior to the effective date of the amendment. Continued use of the Internet Site by Customer or any Employee after the effective date of the amendment will constitute acceptance and agreement to the amendment.
- h. This Agreement may be terminated by either party by giving written notice of termination to the other. Notwithstanding the termination of this Agreement, this Agreement shall remain in full force and effect as to all debit or credit Entries initiated by Customer prior to the termination date. **Bank may unilaterally terminate this Agreement at any time Bank suspects any fraud or other illegal activity in Customer's accounts. In such case, customer should contact Bank to verify status of transactions scheduled for dates after the termination of this Agreement.**
- i. In the event any provision of this Agreement shall be determined to be invalid, illegal or unenforceable to any extent, the remainder of this Agreement shall not be impaired or otherwise affected and shall continue to be valid and enforceable to the fullest extent permitted by law.
- j. The parties to this Agreement shall comply with all applicable federal and state statutes, laws, regulations or policies, all as may be amended or modified from time to time. This Agreement shall be construed in accordance with and governed by the laws of the state of Kansas.

City of Prairie Village

INTRUST Bank, N.A.

Title:



Title: *Asst. Treasury Mgmt.*

(Account Holder signatures on next page)

Account Holders:

Title:

(Must be authorized on Corporate Authorization)

Wire Application



Account Holder

Account Number

City of Prairie Village

8290512

By signing below, I certify I have reviewed the Intrust Treasury OnLine User Agreement and agree to be bound by all provisions therein. I acknowledge and agree each Wire Order sent by this application shall have a minimum of one (1) approval by Customer or Customer's Employee (as

Dated: _____, 20 _____

City of Prairie Village

Title:

Authorized Agent of Account Holders:

Title:

B825-65E (6/06)

COUNCIL COMMITTEE OF THE WHOLE
October 2, 2006

The Council Committee of the Whole met on Monday, October 2, 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, Ruth Hopkins, David Voysey, Michael Kelly, Laura Wassmer, Pat Daniels (arrived late), Charles Clark, Wayne Vennard and Diana Ewy Sharp. Staff members present: Barbara Vernon, City Administrator; 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 committee consent agenda for October 2, 2006 as follows:

- Delete COU2006-29 from the Council Committee Agenda without further action.

COUNCIL ACTION NEEDED
CONSENT AGENDA

The motion was voted on and passed unanimously.

COU2006-35 Consider Uniform Public Offense Code and Standard Traffic Ordinance for 2006

Captain Wes Jordan presented a review of the changes to the 2006 editions of the Uniform Public Offense Code and Standard Traffic Ordinance as prepared by the City's Prosecutor Chauncey Depew. Many of these changes need to be incorporated into the City's Municipal Code by adoption of an Ordinance prepared by Mr. Depew.

Captain Jordan reviewed some of the changes that would more strongly impact Prairie Village residents.

Section 182. Child Safety Restraints adds a seatbelt requirement for children ages 8 to 14, with certain weight exclusions and increases the fine substantially. Children between the ages of 7 - 9 and under 4'9" must have a booster seat. Capt. Jordan reported officers will be in the classrooms of city schools educating the students and getting information to the parents.

David Belz confirmed the enforcement of this regulation does not become effective until July 1, 2007.

Section 144. Required Headlamps adds criteria for when headlights must be on, most notably when windshield wipers are on, but requires a warning instead of a fine in that situation.

Section 10.1 Criminal Use of Weapons is changed in the UPOC. Capt. Jordan noted that in the past the City adopted its own regulations in this area that were more restrictive than past UPOC regulations; however, this year Mr. Depew is recommending the City adopt the UPOC regulations.

Captain Jordan reported that only 22 Prairie Village residents have applied for a permit to carry a concealed weapon.

Al Herrera asked if the officers would be made aware of individuals having a permit to carry a concealed weapon when they run an alert check in conjunction with a traffic stop. Capt. Jordan responded this information is given on Missouri checks, but he is not aware of plans to make it available in Kansas. Chief Grover confirmed the Kansas law does not indicate it will make that information available to officers.

David Belz asked for a clarification on the difference between “criminal use of weapons” and “concealed weapons” regulations. Captain Jordan responded the criminal use of weapons addresses the carrying of a weapon without a permit and concealed weapons identifies those places where concealed weapons are not allowed and how this should be posted.

Mayor Shaffer asked for clarification on Section 5.3 Unlawfully Hosting Minors Consuming Alcoholic Liquor or Cereal Malt Beverage as to when the parents would be held liable. Capt. Jordan responded parents are only charged if there is a strong case that the parents hosted and knowingly provided the alcohol.

Ruth Hopkins made the following motion, which was seconded by Al Herrera and passed unanimously:

**RECOMMEND THE CITY COUNCIL ADOPT ORDINANCE 2136
AMENDING CHAPTER XI OF THE CODE OF THE CITY OF
PRAIRIE VILLAGE, 2003, ENTITLED “PUBLIC OFFENSES” BY
INCORPORATING BY REFERENCE THE UNIFORM PUBLIC OFFENSE
CODE FOR KANSAS CITIES, EDITION 2006 WITH CERTAIN
DELETIONS AND ADDITIONS AND AMENDING CHAPTER XIV
ENTITLED “TRAFFIC” BY REPEALING CHAPTER XIV, ARTICLE 1
ENTITLED “STANDARD TRAFFIC ORDINANCE” AND
INCORPORATING BY REFERENCE THE STANDARD TRAFFIC
ORDINANCE FOR KANSAS CITIES, EDITION 2006.
COUNCIL ACTION REQUIRED
CONSENT AGENDA**

COU2006-34 Consider amending the approved use for the C-3 Special Use Business District at 5301 West 75th Street.

In 1996, the Planning Commission recommended and the City Council approved a C-3 Special Use Business District classification for the property at 5301 West 75th Street with the specific use as a “magazine publishing business”. The building has been sold to Rex & Lori Sharp, who want to operate Mr. Sharp’s law firm at this location.

The proposed application to change the use from a “magazine publishing business” to “law offices” would allow a use that is probably more compatible with the area while maintaining the residential character of the property. This use is less intensive than the previous use.

One of the primary concerns with this lot is the placement of the necessary parking on-site. The previous owner had negotiated arrangements for off-site parking with the Synagogue to the west. The applicant would like to have all parking on the site and questions were raised as to whether the grade of the property would allow for adequate parking.

The C-3 zoning district requires a specific site plan be approved by the Planning Commission; therefore, staff recommends the ordinance adopting the change in use not be published until the Planning Commission approves the site plan for the development of this property.

Ruth Hopkins asked why the Commission is recommending such a narrow use. Doug Luther responded the classification of “professional offices” was considered; however, the parking requirements for different types of offices vary and the parking available at this location is minimal.

Pat Daniels made the following motion, which was seconded by Laura Wassmer:

**RECOMMEND THE CITY COUNCIL APPROVE ORDINANCE
2135 AMENDING THE APPROVED USE FOR THE C-3 “SPECIAL
USE BUSINESS DISTRICT” LOCATED AT 5301 WEST 75TH
STREET FROM “MAGAZINE PUBLISHING BUSINESS” TO “LAW
OFFICE” WITH DIRECTION THAT THE ORDINANCE NOT BE
PUBLISHED UNTIL THE FINAL SITE PLAN IS APPROVED BY
THE CITY’S PLANNING COMMISSION
COUNCIL ACTION REQUIRED
CONSENT AGENDA**

Ruth Hopkins stated she felt this classification was too restrictive and noted the City should be encouraging business development.

Laura Wassmer noted the individual purchasing the building plans on remaining at that location for a long time. The available parking will accommodate the

proposed business; however, the Commission sees the lack of available parking as a major concern for this property.

Joyce Hagen Mundy explained this site was zoned under the C-3 Special Business District initially because it is too small to meet the requirements for commercial zoning and the use of the C-3 District would allow the development of the property. This zoning was designed to assist and encourage the development of commercial in-fill projects.

The motion was voted on and passed unanimously.

COU2006-36 Consider Personnel Policies - Vacation policy & Sick Leave Policy

Doug Luther presented proposed revisions to the City's vacation and sick leave policies to allow the immediate use of vacation leave and sick leave by employees as this benefit is accrued. The current policy requires an employee be employed with the City ninety days before he/she may use their vacation/sick leave benefit.

The change to allow immediate use of sick leave benefit was made by FBD in its Compensation and Benefits Study. Most cities allow for the use of sick leave as it is accrued. Employees accrue 4 hours each bi-weekly pay period; however, if an employee becomes ill during their first 90 days with the City, they have to take the time off without pay.

Diana Ewy Sharp asked if all City benefits started at the time of hire. Mr. Luther responded currently vacation and sick leave benefits have a 90 day waiting period, pension plans have a one-year waiting period and insurance coverage becomes effective the first day of the month after hire. Benefits all begin accruing immediately upon hire.

Mrs. Ewy Sharp confirmed the Department Heads supported the proposed change.

Doug Luther stated vacation begins accruing at a rate of 3.385 days per pay period beginning at the date of hire, but can not be used until after 90 days. The staff would like to keep both policies consistent and allow for the use of vacation as it is accrued. Mr. Luther noted managers have to approve vacation requests so there is a mechanism for checks and balance.

Laura Wassmer asked if the sick leave incentive was encouraging people to come to work when they were sick and questioned if that was desired. Mr. Luther responded this policy has been in place for several years and he does not feel it is causing people to come to work when they are ill.

Ruth Hopkins asked if the proposed revision had been requested by employees. Mr. Luther responded it had not. Mrs. Hopkins asked what the impetus for the change was if it was not requested by employees.

Chief Grover stated staff felt it was an issue of fairness. He noted the City struggles to hire individuals and wants to keep them on board. Staff felt it was not fair to prohibit employees from using a benefit they had earned. The situation has occurred with employees becoming ill, having accrued sick leave, but not allowed to use it. Staff does not feel this is fundamentally fair to new employees.

Wayne Vennard made the following motion, which was seconded by Diana Ewy Sharp and passed unanimously:

**RECOMMEND THE CITY COUNCIL APPROVE AMENDMENTS
TO PERSONNEL POLICY PP1007 ENTITLED "SICK LEAVE" AND
PERSONNEL POLICY PP1005 ENTITLED "VACATIONS"
COUNCIL ACTION REQUIRED
CONSENT AGENDA**

COU2006-37 Consider Communications Stipend

Doug Luther stated City Council Policy #030, which was adopted many years ago states the City will provide fax machines and telephone lines to elected officials upon request. However, with the implementation of the paperless packet system, elected officials may elect to receive a \$25/month internet access stipend. While the Internet Access stipend is not specified in policy, it was approved by the Council in conjunction with the approval of the paperless packet system.

Now that the paperless packet system has been fully implemented and elected officials are receiving the vast majority of communications via e-mail rather than fax, it is recommended Council Policy #030 be amended to reflect the change in technology.

Mr. Luther reviewed the possible amendment options including the following:

1. Delete Council Policy #030, officially discontinuing the practice of providing fax lines to elected officials.
2. Revise Council Policy #030 to state that elected officials may, upon request, receive both a City provided phone line and internet access stipend.
3. Revise Council Policy #030 to establish a "communication stipend" adding the current internet access stipend by Council Policy. This revision would give elected officials a fixed dollar amount for communications purposes of the elected official's choice.

(Mr. Luther noted the elected officials receiving the stipend may also receive a W-2 reflecting the value of the stipend.)

Diana Ewy Sharp stated she still has a fax line and uses both. She noted it is easier for her to check her fax for updates from the City than to check e-mail on her computer. She would prefer to get urgent news from the City via fax.

Michael Kelly noted you do not need a dedicated line to receive fax transmissions. Wayne Vennard stated he gets fax transmissions over his phone line.

Ruth Hopkins agreed with Mrs. Ewy Sharp but noted she has turned in her fax.

Pat Daniels noted the stipend could probably be offset on taxes as an expense.

Wayne Vennard made the following motion, which was seconded by Laura Wassmer and passed by a vote of 10 to 1 with Voysey voting "nay".

**RECOMMEND THE CITY COUNCIL APPROVE REVISIONS TO
COUNCIL POLICY 030 ESTABLISHING A \$25 MONTHLY
COMMUNICATION STIPEND FOR ELECTED OFFICIALS
COUNCIL ACTION REQUIRED
CONSENT AGENDA**

Ruth Hopkins confirmed the \$25 amount was included in the policy and questioned if it would be better not to include a specific amount in the policy to allow for more flexibility.

David Belz responded he felt flexibility existed as the policy can be reconsidered if the amount of the stipend needs to be amended.

COU2006-39 Consider annual review of Financial Management Policies CP056

In 2003, the City Council adopted new Financial Management Policies combining several previous policies into one document and requiring an annual review by the City Council. Mrs. Vernon noted this was not done last year due to the resignation of the Financial Director and there are areas of the policy that need to be revised to be in compliance with new direction and procedures set by the Council. Formal revisions will be presented to the Council at a later date.

Operating Budget Policies

Mrs. Vernon noted a change will be necessary under section e) Budgetary Controls to address the change made by the Governing Body in June of last year approving the review of claims ordinances on a monthly basis and allowing the release of checks prior to Council review. Mrs. Vernon stressed that all checks are audited as an internal control measure by the City Treasurer before they are released.

Mrs. Vernon also pointed out changes needed to address unanticipated major expenditures, such as the recent damage to the City's Communications System

during an electrical storm resulting in an expenditure of more than \$62,000. Under the current policies, the year-end report will show the public safety department significantly over budget as the funds received from the city's insurance have to be recorded as revenue and will not be reflected in the department's budget.

Mrs. Vernon stated she will bring a recommendation for the establishment of a reserve fund to address situations such as this. Charles Clark confirmed that most of these situations will have offsetting insurance claims.

Mayor Shaffer noted the City use to have an equipment reserve fund. Mrs. Vernon stated such a fund can be established for a specific purpose and may also be recommended to be re-established.

Revenue Policies

The City's policy is to set user fees and license fees to cover as much of the direct and indirect costs associated with the program as possible. Mrs. Vernon noted questions are raised regarding the level at which the City subsidizes recreation programs. When fees are set consideration is given to the cost of similar programs offered in the area as well as the cost of the program.

Pat Daniels felt the subsidizing of the program by the City was appropriate as the program benefits both its residents and the City itself. Charles Clark noted however the need to also be fair to the residents who do not use the recreation facilities/programs.

Mrs. Vernon noted section 5) Dedicated Revenues is not being followed in the handling of the school sales tax receipts. A fund needs to be established for those funds. Ruth Hopkins stated she thought the City had a dedicated economic development fund. Mrs. Vernon replied they are in a reserve fund within the General Fund and should be in their own specifically identified fund.

Charles Clark asked what action was necessary to make the change. Mrs. Vernon responded the adoption of a resolution by the City Council.

Reserve Policies.

This section needs to be revised as it states the City shall have a minimum of 5% of budget in cash reserve. Currently between 15 - 20% of the budget is in cash reserve. The state statute only allows for a maximum of 5%.

Mrs. Vernon explained the budget is prepared for the state on a cash basis and the budget approved by the Council is presented on a modified accrual basis. She stated the City needs to begin establishing funds reserved for specific purposes rather than including all reserved funds in the General Operating Fund.

Wayne Vennard asked how long the City has been in violation. Mrs. Vernon replied for the past two or three years the City has been reserving funds within

the General Fund rather than transferring them to a separate fund. Mr. Vennard asked what the City's cash revenue was today. Mrs. Vernon responded \$12 million. Mr. Vennard noted that puts the City in violation by two to three million dollars.

David Voysey asked what penalties could be assessed the City. Mrs. Vernon stated she did not know. She stressed the issue has been identified and will be dealt with as soon as possible. Ruth Hopkins asked why the auditors haven't addressed this issue. Mrs. Vernon responded, the auditors are concerned with how cash is handled and the accounting systems integrity. Auditors audit the City's compliance with the state statutes.

Diana Ewy Sharp stated she would totally support the formation of a small committee to investigate this issue.

Mrs. Vernon also noted Section 3b states the fund balance will not be used for on-going operating expenditures. This needs to be reviewed as it has been violated.

Debt Service

Mrs. Vernon stated the City currently has a debt of \$2.1 million which is .01% of total operating expenses. She noted all current City debt will be paid off in 2015.

Capital Budget Policies

The current policy states the City will prepare and adopt a three-year Capital Improvement Program. Bob Pryzby is now preparing five-year programs.

Investment Policies

Mrs. Vernon noted the State has changed their policy making it more liberal. Cities are now allowed to invest idle funds with financial institutions that operate either in their city or have a branch in their City or County. Mrs. Vernon noted the City bids investment funds as money becomes available and will accept the highest bid unless that institution already has a significant investment of City funds. This section needs to be amended to include investments in the Municipal Investment Pool (MIP) which the City has used for years because they often offer better rates of return.

Treasure Policies

Section 8b needs to be changed to reflect the review and approval of claims ordinances once a month.

Mrs. Vernon stated she would bring formal revisions back to the City Council for consideration. Ruth Hopkins requested the Financial Director be present at that time.

Adjournment

With no other business to come before the committee, Council President David Belz adjourned the committee meeting at 7:25 p.m.

David Belz
Council President

ORDINANCE NO. 2136

AN ORDINANCE AMENDING CHAPTER XI OF THE CODE OF THE CITY OF PRAIRIE VILLAGE, 2003, ENTITLED "PUBLIC OFFENSES" BY INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES", EDITION OF 2006, WITH CERTAIN DELETIONS AND ADDITIONS; PRESCRIBING ADDITIONAL REGULATIONS; AND REPEALING CHAPTER XI, ARTICLE 1 OF THE PRAIRIE VILLAGE MUNICIPAL CODE, AND AMENDING CHAPTER XI, ARTICLE 3; AND

AMENDING CHAPTER XIV OF THE CODE OF THE CITY OF PRAIRIE VILLAGE, 2003, ENTITLED "TRAFFIC" BY REPEALING CHAPTER XIV, ARTICLE 1 ENTITLED "STANDARD TRAFFIC ORDINANCE" AND INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES", EDITION OF 2006, WITH CERTAIN DELETIONS AND ADDITIONS; AND PRESCRIBING ADDITIONAL REGULATIONS.

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

A. CHAPTER XI, ARTICLE 1

SECTION ONE

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

11-101. **INCORPORATING UNIFORM PUBLIC OFFENSE CODE.** There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Prairie Village, Kansas, that certain code known as the "Uniform Public Offense Code," edition of 2006, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, with certain sections deleted and with additional and supplemental sections, such incorporations being authorized by K.S.A. §§12-3301 and 12-3302 and K.S.A. §§12-3009 through 12-3012. No fewer than three copies of said Uniform Public Offense Code shall be marked or stamped, "Official Copy as Adopted by Ordinance No. 2136" with such additional sections clearly marked and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

SECTION TWO

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

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

It shall be unlawful for any person:

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

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

SECTION THREE

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

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

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

Violation of this subsection is a violation punishable by a fine of not less than \$100.00 and not more than \$250.00 or by 40 hours of community service, or by both.

SECTION FOUR

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

Section 6.24 Unlawful Posting of Pictures and Advertisements.

- (a) Unlawful posting of pictures and advertisements is:
 - (1) The putting up, affixing or fastening of either or both to a traffic control device or traffic control standard or telegraph, telephone, electric light, power or other utility pole, but it is not unlawful to affix official traffic control devices to such poles; or
 - (2) The placement of either or both on public property other than as prescribed in subdivision 3 of this subsection;
 - (3) The placement of either or both on right-of-way without the consent of the landowner or the person in possession whose land lies along the right-of-way where such picture or advertisement is placed; or
 - (4) The placement of either on private property without the consent of the landowner or the person in possession of such property.
- (b) It is unlawful for any person within the city limits to tack, paste, paint, hang or place in any manner whatsoever, or cause to be tacked, posted, hung, or placed in any manner whatsoever, any handbills, dodgers, signs, or advertisements, written or unwritten, or printed matter, to or

upon any telephone or telephone pole, sidewalk, or building in the city, or to throw, scatter or cause to be thrown or scattered, any handbills, dodgers or other advertisements or propaganda, or of written or printed matter or paper of any kind upon any street, alley, sidewalk, vacant lot, city property, or yard within the city limits.

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

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

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

Violation of this section is a Class A violation.

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

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

Violation of this section is a Class B violation.

SECTION FIVE

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

Section 9.14 Loitering.

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

- (1) Obstruct any public street, public highway, public sidewalk or public building or any other place of public access by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians;
- (2) Committing in or upon any public street, public highway, public sidewalk or public building or any other place of public access any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or public building or any other place of public access, all of which prevents the free and

uninterrupted ingress, egress and regress therein, thereon and thereto.

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

Violation of this section is a Class C violation.

Section 9.15 Unsolicited Publications -- Penalty.

- (a) No person shall either directly or indirectly place or deposit or cause to be placed or deposited, upon any building or structures used for human abode, including the lot or lots upon which the structure is located or upon any right-of-way or city property within the city, any newspaper, magazine, publication or any other printed material if the owner or occupant of the structure has previously requested in writing that the publisher or deliverer of the material not place or deposit the material on the structure or lot.
- (b) Exceptions. The provisions of this section shall not apply to distributions made through the U.S. Postal Service or any other private postal service.
- (c) Penalties. Any person who violates the provisions of this section shall, upon conviction thereof, be punished for each such violation by a fine not exceeding \$100 for each such violation.

Section 9.16 Residential Picketing.

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

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

SECTION SIX

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

Section 10.1. Criminal Use of Weapons.

- (a) Criminal use of weapons is knowingly:
 - (1) selling, manufacturing, purchasing, possessing or carrying any bludgeon, sandclub, metal knuckles or throwing star, or any knife,

- commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward, or centrifugal thrust or movement;
- (2) carrying concealed on one's person, or possessing with intent to use the same unlawfully against another, a dagger, dirk, billy, blackjack, slung shot, dangerous knife, straight-edged razor stiletto or any other dangerous or deadly weapon or instrument of like character, except that an ordinary pocket knife, with no blade more than four inches in length, shall not be construed to be a dangerous knife or a dangerous or deadly weapon or instrument;
 - (3) carrying on one's person or in any land, water or air vehicle, with intent to use the same unlawfully, a tear gas or smoke bomb or projector or any object containing a noxious liquid, gas or substance;
 - (4) carrying any pistol, revolver, shotgun, rifle or other firearm with similar characteristics, concealed or exposed on or about the person, or in or on any part or area of any air, land or water vehicle unless the pistol, revolver or other firearm is unloaded and encased in a container that completely encloses the pistol, revolver or other firearm, except when on the person's land or in the person's abode or fixed place of business;
 - (5) setting a spring gun;
 - (6) possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.
- (b) Subsections (a)(1), (2), (3) and (4) shall not apply to or affect any of the following:
- (1) law enforcement officers, or any person summoned by an officer to assist in making arrests or preserving the peace, while actually engaged in assisting that officer;
 - (2) wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crimes, while acting within the scope of their authority;
 - (3) members of the armed services or reserve forces of the United States or the Kansas national guard, while in the performance of their official duty; or
 - (4) manufacture of, transportation to or sale of weapons to a person authorized under (b)(1) through (b)(3) of this section to possess those weapons.
- (c) Subsection (a)(4) does not apply to or affect the following:
- (1) watchmen, while actually engaged in the performance of the duties of their employment;
 - (2) licensed hunters or fishermen, while engaged in hunting or fishing;
 - (3) private detectives licensed by the state to carry the firearm involved, while actually engaged in the duties of their employment;
 - (4) detectives or special agents regularly employed by railroad companies or other corporations to perform full-time security or investigative service, while actually engaged in the duties of their employment; or
 - (5) the state fire marshal, the state fire marshal's deputies or any member of a fire department authorized to carry a firearm pursuant

to K.S.A. Supp. 31-157 and amendments thereto, while engaged in an investigation in which the fire marshal, deputy or member is authorized to carry a firearm, pursuant to K.S.A. 31-157 and amendments thereto.

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

10.1.1 Concealed Carry; Where Prohibited.

- (a) No license issued pursuant to Chapter 32 of the 2006 Session Laws of Kansas shall authorize the licenses to carry a concealed weapon into:
 - (1) Any place where an activity declared a common nuisance by K.S.A. 22-3901, and amendments thereto, is maintained;
 - (2) Any police, sheriff, or highway patrol station;
 - (3) Any detention facility, prison, or jail;
 - (4) Any courthouse;
 - (5) Any courtroom, except that nothing in this section would preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in the judge's courtroom;
 - (6) Any polling place on the day an election is held;
 - (7) Any meeting of the governing body of a court, city, or other political or taxing subdivision of the state, or any committee or subcommittee thereof;
 - (8) On the state fairgrounds;
 - (9) Any state office building;
 - (10) Any athletic event not related to or involving firearms which is sponsored by a private or public elementary or secondary school or any private or public institute of postsecondary education;
 - (11) Any professional athletic event not related to or involving firearms;
 - (12) Any portion of a drinking establishment as defined by K.S.A. 41-2601, and amendments thereto, except that this provision shall not apply to a restaurant as defined by K.S.A. 41-2601, and amendments thereto;
 - (13) Any elementary or secondary school building or structure used for student instruction or attendance;
 - (14) Any community college, college, or university facility;
 - (15) Any place where the carrying of firearms is prohibited by federal or state law;
 - (16) Any child exchange and visitation center provided for in K.S.A. 75-720 and amendments thereto;
 - (17) Any community mental health center organized pursuant to K.S.A. 19-4001 *et seq.*, and amendments thereto; mental health clinic organized pursuant to K.S.A. 65-211 *et seq.*, and amendments thereto; psychiatric hospital licensed under K.S.A. 75-3307b, and amendments

- thereto; or state psychiatric hospital, as follows: Larned state hospital, Osawatomie state hospital, or Rainbow mental health facility;
- (18) Any city hall;
 - (19) Any public library operated by the state or by a political subdivision of the state;
 - (20) Any day care home or group day care home, as defined in Kansas administrative regulation 28-4-113, or any preschool or childcare center, as defined in Kansas administrative regulation 28-4-420; or
 - (21) Any church or temple.
- (b) Violation of section is a class A violation. (2006 Session Laws of Kansas, Chapter 32)

10.1.2 Concealed Carry; Where Prohibited by Employers.

- (a) Nothing in Chapter 32 of the 2006 Session laws of Kansas shall be construed to prevent:
 - (1) Any public or private employer from restricting or prohibiting in any manner persons licensed under the act from carrying a concealed weapon while on the premises of the employer's business or while engaged in the duties of the person's employment by the employer; or
 - (2) Any entity owning or operating business premises open to the public from restricting or prohibiting in any manner persons licensed under the act from carrying a concealed weapon while on such premises, provided that the premises are posted in a manner reasonably likely to come to the attention of persons entering the premises, as premises where carrying a concealed weapon is prohibited; or
 - (3) A property owner from restricting or prohibiting to any manner persons licensed under the act from carrying a concealed weapon while on such property provided that the premises are posted, in a manner reasonably likely to come to the attention of persons entering the property where carrying a concealed weapon is prohibited.
- (b) Carrying a concealed weapon on premises in violation of any restriction or prohibition allowed by subsection (a), or in violation of any restriction or prohibition allowed by subsection (b) or (c) if the premises are posted as required by such subsection, is a class B violation. (2006 Session Laws of Kansas, Chapter 32)

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

SECTION SEVEN

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

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

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

- (a) The provisions of this section shall not apply to the consumption or possession of alcoholic liquor or cereal malt beverage upon property owned by the city and operated as the Prairie Village Community Center; provided further, that no person shall possess or consume any alcoholic liquor or cereal malt beverage at the Prairie Village Community Center unless:
- (1) That person is in attendance at an event or a function for which permit authorizing the serving and consumption of liquor and beer has been previously issued by the city, and
 - (2) The liquor or beer being consumed has been provided by the individual, person, or organization to which the permit has been issued.

Violation of this section is a Class C violation.

Section 10.25 Drunkenness.

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

Violation of this section is a Class B violation.

Section 10.26 Impersonating an Officer.

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

Violation of this section is a Class B violation.

Section 10.27 Vehicles in City Parks.

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

Violation of this section is a Class C violation.

Section 10.28 Smoking on Common Carrier Buses -- Penalty.

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

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

Section 10.29 Public Urination or Defecation.

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

Violation of this section is a Class C violation.

Section 10.30 Public Nudity.

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

Violation of this section is a Class A violation.

SECTION EIGHT

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

Section 11.13 Window Peeping.

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

Violation of this section is a Class A violation.

SECTION NINE Repeal

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

B. CHAPTER XI, ARTICLE 3

SECTION TEN

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

11-302. REGULATIONS.

- (a) It is unlawful for any person to deliver, possess, manufacture, have under his or her control, sell or offer for sale any drugs or controlled substances unless:
- (1) If a drug, such drug is delivered by a pharmacist or his or her authorized agent, in good faith upon prescription and there is affixed to the immediate container in which such drug is delivered a label bearing:
 - (A) The name and address of the owner of the establishment from which such drug was delivered,
 - (B) The date on which the prescription for such drug was filled,

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

C. CHAPTER XIV, ARTICLE 1

SECTION ELEVEN

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

14-101. INCORPORATING STANDARD TRAFFIC ORDINANCE

- A. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Prairie Village, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities," Edition of 2006, prepared and published in book form by the League of Kansas Municipalities, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed, such incorporation being authorized by K.S.A. 12-3301 and 12-3302 and K.S.A. 12-3309 through 12-3012. Not less than three copies of

said standard ordinance shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Prairie Village, Kansas," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Police Department, municipal judges and all administrative departments of the city charged with the enforcement of the ordinances shall be supplied, at the cost of the city, such number of official copies of such "Standard Traffic Ordinance" similarly marked, deleted and changed as may be deemed expedient.

SECTION TWELVE

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

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

SECTION THIRTEEN

14-102 is hereby adopted as follows:

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

- (a) An ordinance traffic infraction is a violation of any section of this article that prescribes or requires the same behavior as that prescribed or required by a statutory provision that is classified as a traffic infraction in K.S.A. Supp. 8-2118.
- (b) All traffic violations which are included within this article, and which are considered traffic offenses.

SECTION FOURTEEN

14-103 is hereby adopted as follows:

14-103. PENALTY FOR SCHEDULED FINES.

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

SECTION FIFTEEN

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

Article Four, Section 13.1, subsection (c) "The provisions of this section shall not apply to the operator, passenger, or owner of any of the following authorized

emergency or public works vehicles, in the course of such person's emergency or public safety duties:

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

SECTION SIXTEEN

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

SECTION SEVENTEEN Effective Date

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2006.

RONALD L. SHAFFER, MAYOR

ATTEST:

APPROVED AS TO FORM:

JOYCE HAGEN MUNDY
CITY CLERK

CHAUNCEY M. DEPEW,
ASSISTANT CITY ATTORNEY

Ordinance No. 2135

AN ORDINANCE AMENDING PERMITTED USE IN THE C-3 SPECIAL USE BUSINESS DISTRICT FROM A "MAGAZINE PUBLISHING BUSINESS" TO A "LAW OFFICE" ON PROPERTY LOCATED AT 5301 WEST 75TH STREET, PRAIRIE VILLAGE, KANSAS.

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

Section I. Planning Commission Recommendation. That having received a recommendation from the Planning Commission; proper notice having been given and hearing held as provided by law and under the authority of and subject to the provisions of the Zoning Regulations of the City of Prairie Village, Kansas, the permitted use is hereby amended on property legally described as set forth in Section II.

Section II. Amendment of C-3 Special Use Business District. That the "C-3" Special Use Business District located at 5301 West 75th Street, Prairie Village, Kansas and hereinafter described, to-wit:

RIDGE VIEW RESURVEY, Lots Fifteen (15) and Sixteen (16), the North 125 feet of Lot Five (5) except the East Five (5) feet and public Street, City of Prairie Village, Johnson County, Kansas.

is hereby amended changing the permitted use from a "Magazine Publishing Business" to a "law office".

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

PASSED AND APPROVED THIS ____ DAY OF OCTOBER, 2006.

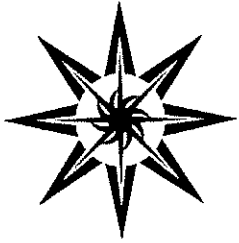
/s/ Ronald L. Shaffer
Ronald L. Shaffer, Mayor

ATTEST:

APPROVED AS TO FORM:

/s/ Joyce Hagen Mundy
Joyce Hagen Mundy
City Clerk

/s/ Charles E. Wetzler
Charles E. Wetzler
City Attorney



City Council Policy: PP1005 - VACATIONS

Effective Date: October 16, 2006

Amends: PP1005 - VACATIONS, October 17, 2005

Approved By: Governing Body, October 16, 2006

I. SCOPE

A. This policy applies to all trial, training and regular City employees.

II. PURPOSE

A. To provide eligible employees with paid time off from work.

III. RESPONSIBILITY

- A. The employee will be responsible for completing the necessary documentation and notifying his or her Manager of their request to utilize vacation leave.
- B. The Manager will be responsible for approving any vacation 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 #010 - Definitions of Employment Status*.
- C. "Vacation leave" is defined as cash compensation equivalent to the employee's approved rate of pay.
- D. "Sick leave" is defined as cash compensation equivalent to the employee's approved rate of pay, as allowed by *Personnel Policy #213 - Sick Leave*.
- E. "Hospitalization" is defined as being admitted to a hospital for medical care.
- F. "Health care provider" means a medical doctor or osteopathic doctor authorized to practice in the state, or other state licensed medical personnel such as a clinical psychologist, optometrist, dentist, chiropractor or nurse practitioner. Certain Christian Science practitioners are also considered health care providers.

V. POLICY

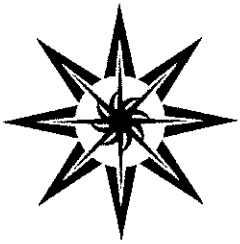
- A. Use of Benefit
1. Vacation leave may be taken in one-hour increments.
 2. Selection of vacation leave dates is subject to the approval of the employee's Manager.
 - a.) Vacation leave requests may be denied due to inadequate notice or staffing requirements.
 - Preference in selection of vacation leave will be determined by the Manager.
 - b.) Vacation leave must be scheduled and approved by the employee's Manager before becoming effective.
 3. If an employee has scheduled or is on vacation leave when a hospitalization occurs, the employee may request that the leave be charged as sick leave rather than vacation if an adequate amount of sick leave has been accumulated by the employee. The Manager in his or her sole discretion has the authority to change the leave classification for the period of the illness and/or recovery.
 - a.) Documentation from a health care provider will be required when an employee wishes to re-classify scheduled vacation leave to sick leave. That documentation should include:
 - Name of the employee; and
 - Name of the employee or immediate family member attended to; and
 - Date(s) the employee or immediate family member were hospitalized under the health care provider's care; and
 - Signature of the health care provider.
 4. Unused vacation leave may be paid to employees upon separation or termination provided they have completed at least 90 calendar days of continuous service.

PP1005 Vacations

5. **Vacation leave** may not be used as two-week resignation notice, unless requested and approved by the **Manager**.
 6. Should a City paid holiday fall during an **employee's vacation**, the **employee** will not be charged that day as **vacation leave**.
- B. Eligibility**
1. An **employee** may utilize his or her accumulated **vacation leave** benefit immediately after his or her date of hire.
- C. Accumulation of Benefits**
1. **Vacation leave** is earned and accrued in any pay period in which the **employee** is compensated the full time equivalent of forty (40) hours or more in a pay period.
 2. Regular part-time **employees** who are expected to work one-thousand forty (1,040) hours or more in a calendar year, will earn **vacation leave** based on total number of hours worked.
 3. An **employee's vacation leave** is based on the employee's length of continuous employment.
 - a.) First five years of service. During the first five years of continuous service full-time **employees** earn **vacation leave** at the rate of 3.385 hours per pay period.
 - b.) Six through ten years of service. After five years of continuous service full-time **employees** earn **vacation leave** at the rate of 4.62 hours per pay period.
 - c.) Eleven or more years of service. After ten years of continuous full-time service full-time **employees** earn **vacation leave** at the rate of 6.15 hours per pay period.
 4. **Unused Vacation Leave**
 - a.) An **employee's unused vacation leave**, up to his or her annual allocation may be carried over to the following year.
 - b.) Accumulated **vacation leave** in excess of an **employee's** annual allocation not taken within the year of eligibility, except authorized carryover, shall be forfeited.
 - c.) A regular **employee** who wishes to carry over more hours than his or her annual allocation must submit such a request in writing to his or her **Manager** by the end of business on December 31st of the current year.

VI. PROCEDURES

- A.** Prior to the **employee's** scheduled time to report for duty, he or she must notify his or her **Manager** no later than the time established as procedure for the **employee's** department, if possible, of his or her intent to use **vacation leave**.
- B.** **Employees** who are not exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) may take **vacation leave** in one (1) hour increments. This will prevent an **employee** from being assessed one (1) full day of **vacation leave** when absence is actually less.
- C.** **Employees** who are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) are not subject to salary or **vacation leave** reductions for absences of less than eight (8) hours.
- D.** The **employee** will be required to request the use of **vacation leave** prior to taking utilizing the leave time, if possible, or upon returning to work.
- E.** The request for use of **vacation leave** will be approved by the **Manager** before being charged as **vacation leave**.
- F.** Each department will maintain a department schedule and record the **vacation leave** taken by each **employee**.
- G.** The **vacation leave** balance for each **employee** will be recorded on **employee** pay stubs.



City Council Policy: PP1007 - SICK LEAVE

Effective Date: October 16, 2006

Amends: PP213 - SICK LEAVE, January 18, 1994

Approved By: Governing Body, October 16, 2006

I. SCOPE

A. This policy applies to all exempt and non-exempt trial and regular City employees.

II. PURPOSE

A. To provide income protection for employees who, because of illness or accident, are temporarily disabled and absent from work for limited periods of time.

III. RESPONSIBILITY

IV. DEFINITIONS

- A. Sick leave benefit is cash compensation equivalent to the employee's daily rate of pay.
- B. "Immediate family" is defined as someone the employee must take care of, i.e., spouse, child, mother, father, sister, brother, mother-in-law, father-in-law, or any blood relative residing in the employee's home.
- C. False reporting of sick time - When an employee reports to his supervisor that he/she is ill and unable to report for duty, time off is allowed.

V. POLICY

- A. The City has a direct interest in the welfare and productivity of its employees. The intent of this sick leave policy is to provide for instances when the employee is truly incapable of working, on when the employee should not be on the job because of a contagious condition. In no event is sick leave to be used as vacation or to be abused.
- B. Amount of Benefit.
 - 1. During absence from work caused by personal illness or injury as a result of an accident, an eligible employee's wage or salary will be continued according to his/her amount of accumulated benefits.
- C. This policy is intended to allow a minimum of time off during the year with pay so that employees are not penalized for being sick. In the same respect, it is not expected that an employee will use total sick days accumulated each year on a continual basis. This is excessive and is not the intent of the City's sick time policy.
- D. The City program allows an employee to accumulate sick time to assist with a major illness, not as a means to obtain extra days off per year.
- E. Accumulation of Benefits.
 - 1. A trial or regular employee earns and accrues one-half day of sick leave on a bi-weekly basis to a maximum of 12 days per calendar year. Accrual begins the pay period following the date of hire or transfer to regular position. If an employee is paid for any portion or all of the pay period, accrual is earned.
 - 2. Sick leave with pay may be accumulated to a maximum of one hundred forty days.
 - 3. Trial and regular part-time employees may earn sick leave benefits based on the total number of hours worked.
 - 4. The number of sick leave days credited is not intended to establish a guideline for acceptable attendance.
- F. Eligibility
 - 1. An employee is eligible for benefits if the following requirements are fulfilled:
 - 2. An employee may utilize his or her accumulated vacation leave benefit immediately after his or her date of hire.
 - 3. The City may require an employee to support a request for sick leave benefits by medical certification of disability by the City Physician.

VI. PROCEDURES

- A. These guidelines will be followed by department heads administering sick leave:
- B. Uses of Sick Leave:
 - 1. Personal illness, injury or disability.

2. Necessary medical treatment, with approval of the department head.
 - a.) Because many doctors and dentists will not schedule appointments after hours and on weekends, it is sometimes necessary for employees to schedule them during working hours. If the employee works part of the day and notifies the supervisor in advance of the appointment, it will be counted toward his/her sick time (but will not be counted towards the six illnesses described on page 4 Section F2 b1).
 3. Enforced quarantine of the employee, in accordance with community health regulations.
 4. Serious illness in the immediate family, with the approval of the department head. "Immediate family" is defined as someone the employee must take care of, i.e., spouse, child, mother, father, sister, brother, mother-in-law, father-in-law, or any blood relative residing in the employee's home.
- C. Reporting Sick Leave
1. Prior to the employee's scheduled time to report for duty, he/she must notify his/her immediate supervisor by telephone or messenger no later than the time established as procedure for the employee's department.
 2. Sick leave may be taken in one (1) hour increments. This will prevent an employee from being assessed one (1) full day of sick leave when absence is actually less.
 3. Maintenance of Contact.
 - a.) During a period of sick leave, an employee is expected to maintain regular contact with the supervisor (or make other suitable arrangements) in order for the supervisor to know the employee's estimated date of return of work.
 - b.) An employee taking sick leave is expected to be available to be contacted by his/her supervisor during the period of sick leave.
 - c.) Sick leave benefits are contingent upon maintenance of regular contact.
 4. Upon return to work, the employee must file a written report form stating the reasons for the absence. The Request for Sick Leave form will be investigated and approved by the department head before being charged to sick leave.
 5. A physician's report will be required when the sick leave extends beyond seven (7) consecutive calendar days, and at the end of each succeeding fifteen (15) day period. The City has the right to request a physician's report to verify illness or injury at such other times as may be deemed necessary by the City.
 6. Before an employee can be permitted to perform his/her duties after having sustained an injury or having been ill beyond seven (7) consecutive calendar days, he/she must present the department head with a physician's report which states he/she is able to return to his/her normal job.
- D. Extended Sick Leave
1. Whenever an employee has exhausted all sick leave, he/she may be placed on Family and Medical leave or leave of absence without pay according to the regulations pertaining to such leaves.
- E. Sick Leave Incentive
1. Employees who have taken 16 hours or less of sick leave for a calendar year will be eligible for a bonus of the amount equal to two days pay at the December 31 rate for the year.
 2. The employee, at his/her option may increase accumulated sick leave by two days and forego the cash payment. Employees must be employed by the City from January 1 through December 31, to be eligible.
- F. Terminal Leave
1. Employees who worked for the City prior to January 1, 1983, upon retirement* will be paid an amount equal to 50% of the December 31, 1982 accumulation (up to a maximum of 140 working days) or 50% of their retirement accumulation (up to a maximum of 140 working days) or \$5,000.00, whichever is the least.
 2. Such employees may elect to use half of the smaller accumulation, or the number of working days equal to \$5,000.00, whichever is the lesser, to retire that much earlier.
 3. In all cases, the retiring employee must give ten working days notice before he/she retires.
 4. *For the purposes of this section only; retiring means an employee with twenty years of service or at least 55 years of age.
- G. In a regular employee exhausts his/her paid sick leave reserve, he/she must then use his/her vacation leave.
- H. Abuse of sick leave benefits:
1. False reporting of sick time - When an employee reports to his supervisor that he/she is ill and unable to report for duty, time off is allowed. If an employee falsely reports being sick, the following actions will be taken:
 - a.) First offense - three day suspension without pay
 - b.) Second offense - Termination
- I. Abuse of sick time
1. The abuse of sick time is not acceptable. Employees are needed to provide the services of the City. Frequent illness indicates a need for medical assistance in order to improve physical condition. In

PP1007 Sick Leave

addition, each time one employee calls in sick, it requires that another employee perform that duty, or the work goes undone for that day. The following procedure will be followed:

- a.) Any employee who has filed more than six Request for Paid Sick Leave forms for personal illness during any twelve month period will submit subsequent forms in person to his/her department head upon returning to work.
 - b.) The department head may require the employee to provide verification of his/her physical condition. This verification shall either be provided by the City Physician or his/her personal physician, as determined by the Department Head.
 - c.) Abuse of sick leave may subject the employee to disciplinary action by the Department Head.
- J. Full-time employees who have exhausted all their sick leave and are suffering from a serious personal illness or injury or who must take care of an immediate family member with a serious illness may apply to the Personnel Director for donated sick leave.
1. The employee making the request must include the following information:
 - a.) The nature of the illness or injury, medical documentation of the illness or injury;
 - b.) Estimated duration of the condition;
 - c.) Whether the request is for the employee or an immediate family member; and
 - d.) A specific number of hours requested.
 2. The employee making the request will also indicate whether he or she would like his or her request made public to all City employees.
 3. Family members may request donated sick leave on behalf of employees who are unable to request for themselves.
 4. The employee making the request must have exhausted all accrued sick leave, vacation and other paid compensatory time off.
 5. The employee may only take sick leave for the reasons outlined in Personnel Policy #213, "Sick Leave" V.A.
 6. An employee will not accrue vacation or sick leave while receiving donated sick leave.

REQUEST FOR SICK LEAVE

With Pay

E M P L O Y E E R E Q U E S T	Name		Address	Telephone Number				
	Social Security Number		Position	Employment Date				
	Department			Sick Day(s)				
	Request is made for sick leave with pay, as indicated below:							
	___ Disability (including pregnancy)		___ Medical appointment					
	___ Disability - work related		___ Other _____					
	___ Illness		_____					
	<table border="1"> <tr> <th colspan="2">Dates</th> <th rowspan="2">Brief description of illness, symptoms, etc.</th> </tr> <tr> <th>Start</th> <th>Return</th> </tr> </table>		Dates		Brief description of illness, symptoms, etc.	Start	Return	
Dates		Brief description of illness, symptoms, etc.						
Start	Return							
I understand that the leave, if granted, may be used only for the purpose described above and use of the leave for any other purpose will be grounds for disciplinary action up to and including dismissal.								
Signature of Employee _____			Date _____					
P H Y S I C I A N	If requested by Department Head, have your physician complete the following statement: The above-named is a patient in my care, and is expected to be able to resume his/her usual occupation on or about _____.							
	Physician's Address _____			Telephone Number _____				
	Physician's Signature _____			Date _____				
A P P R O V A L	Department Manager		If denied, reason:					
	Approved							
	Denied							
			Signature _____	Date _____				
City Admin.		If denied, reason:						
Approved								
Denied								
		Signature _____	Date _____					

To: Personnel Director

Request for Donated Sick Leave

I, _____, need to be absent from _____ to _____ . I have exhausted all my accrued leave time, and I am soliciting a donation of _____ hours to cover this absence. I also understand that during the time of being recorded on donated sick leave that I will not accrue any leave time.

Employee Signature

Date

Voluntary Donation of Sick Leave

I, _____, wish to donate _____ (minimum of 40 hrs) hours of my accrued sick leave to _____. This donation will not reduce my sick leave accrual balance below 160 hours. I understand that this donation is an outright gift without any recourse.

Employee Signature

Date

ATTEST TO:

SUBSCRIBED AND SWORN before me this _____ day of _____, 20_____.

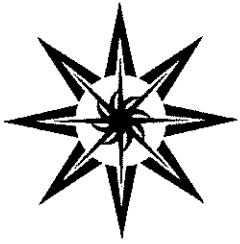
NOTARY PUBLIC

MY COMMISSION expires _____

Recommended By Department Head _____

Approved By Personnel Director _____

Transfer of Sick Leave Verified By _____



City Council Policy: CP030 - Communications Stipend

Effective Date: October 16, 2006

Amends: CP030 dated November 17, 2003

Approved By: City Council

I. SCOPE

II. PURPOSE

- A. To provide an effective and economical way to communicate important information to elected officials in a timely manner.

III. RESPONSIBILITY

- A. City Administrator

IV. DEFINITIONS

V. POLICY

- A. The City will provide a notebook PC to each member of the Governing Body, upon request.
B. The City will provide a communications stipend of \$25/month to each member of the Governing Body, upon request.
C. Upon departure from elected office, the elected official will return the notebook PC to the City and the communications stipend will be discontinued.
D. If required by law, the City will hold appropriate state and federal taxes based on the value of the communications stipend.

VI. PROCEDURES

CONSIDER REPLACEMENT OF CITY ENTRANCE SIGNS

Background:

Over the last ten months, a committee consisting of Kathy Peterson, Bill Rose, Tod Hueser and Bob Endres along with Mayor Shaffer and Bob Pryzby have been serving on an Ad-Hoc committee to replace the blue metal city entrance signs. Other attendees at various times are Ruth Hopkins, Diana Sharp, Randy Kornblad, and Steve Noll.

After the last meeting with the City Council, the committee has added the Prairie Village Star (which was redesigned to reflect the original star), investigated adding a light and reviewed the lettering font and layout.

The committee looked at adding a light powered by a solar panel because the provision of electricity was costly - \$1,500 to \$2,500 per sign. The committee decided against the solar powered light as unattractive and could be an objective of vandalism.

A mockup of the proposed City Entrance Sign (Monument) will be shown at the City Council meeting.

The material will be the faux stone as previously presented to the City Council.

In 2001, the Citizens Advisory Committee recommended 18 entrance signs to be located at:

63 rd Street & Mission Road	63 rd Street & Roe Avenue
<i>63rd Street & Nall Avenue</i>	67 th Street & Nall Avenue
71 st Street & State Line Road	71 st Street & Nall Avenue
75 th Street & State Line Road	75 th Street & Nall Avenue *
79 th Street & Lamar Avenue	83 rd Street & Nall Avenue
<i>87th Street & Nall Avenue</i>	95 th Street & Roe Avenue
95 th Street & Nall Avenue**	<i>Tomahawk Road & Mission Road</i>
Mission Valley School & Mission Road	Somerset Drive & Nall Avenue
<i>Somerset Drive @ Public Works</i>	Cambridge Street & State Line Road

* - Located further west at actual city line

** - Located at 94th Terrace and Nall Avenue

Italics – Signs not installed

There are two existing locations that were not on the 2001 recommendation list:

Somerset Drive & Cambridge Street 83rd Street at east City Line

The plan is to install new City Entrance signs at the present 16 locations plus one new location – 87th Street & Nall Avenue. The park identification signs will not be part of this program, but may be considered at a later date.

A final design is ready for City Council review, approval and possible funding.

Financial Impact:

The cost for each City Entrance Sign is \$3,000, which includes new monument and lettering by contract plus removal of existing landscaping and site preparation by Public Works. The 2006 and 2007 Public Works budget does not include funds for this work. If the project is to proceed, a transfer from the General Fund Contingency to the Capital Infrastructure Program will need to be considered.

City Council Motion:

Move to approve the funding, purchase and installation of 17 City Entrance Signs by transferring \$51,000 from the General Fund Contingency to Capital Infrastructure Program.

MAYOR'S ANNOUNCEMENTS

Monday, October 16, 2006

Committee meetings scheduled for the next two weeks include:

Police Pension Trustees	10/17/2006	4:00 p.m.
Prairie Village Arts Council	10/18/2006	7:00 p.m.
Parks and Recreation Committee (at Public Works)	10/18/2006	7:00 p.m.
Municipal Foundation	10/31/2006	5:30 p.m.
Police Pension Trustees	10/25/2006	1:00 p.m.
Environmental Recycle Committee	10/25/2006	7:00 p.m.
Sculpture Garden Committee	10/25/2006	7:00 p.m.
Tree Board (at Public Works)	11/01/2006	6:00 p.m.
Council Committee of the Whole	11/06/2006	6:00 p.m.
Council	11/06/2006	7:30 p.m.

The Prairie Village Arts Council is pleased to feature a mixed media exhibit by the Senior Arts Council in the R.G. Endres Gallery during the month of October.

Flu shots will be given on October 16th from 8:30 a.m. to 10 a.m. at Public Works and from 1 p.m. to 3 p.m. in the Multi-purpose room. The cost is \$10 and it will be deducted from your paycheck.

Johnson County elections will be on November 7th.

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 November 27th at 6:30 p.m.

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

INFORMATIONAL ITEMS

October 16, 2006

1. City Administrator's Report – October 12, 2006
2. Board of Zoning Appeals Minutes – September 5, 2006
3. Planning Commission Minutes – September 5, 2006
4. Planning Commission Action/Board of Zoning Appeals – October 3, 2006
5. Registration form for League of Kansas Municipalities 2006 Regional Suppers
6. Council Photos will be Monday, November 6th from 5:00 p.m. to 6:00 p.m.
7. Memo from MARC Solid Waste Management District about RecycleSpot.org Website
8. Thank You card from The International Visitors Council of Greater Kansas City in reference to The Citizen Participation in Democracy Delegation – Visitors from the Ukraine
9. Citizen comments about 2007 Budget
10. Mark Your Calendar
11. Council Committee Agenda

CITY ADMINISTRATOR'S REPORT October 12, 2006

PUBLIC WORKS

Citizen Surveys. When a citizen requests a specific service from the Public Works Department, a quality survey is mailed after the work is completed. The survey is designed to measure the work performed, the citizen's evaluation of the employees who worked on the project and the timeliness of the work performed. According to the most recent report, 90% of those surveyed rated all services as "excellent" or "good". Completed surveys are mailed directly to the City Administrator which gives me the opportunity to read the comments before they are passed on to the department. Many of the responses include comments thanking the department for their work. Most of the 10% who respond with "fair" or "poor" evaluations had unrealistic expectations of what could be done.

CODE ENFORCEMENT

Rental Inspections. The Code Enforcement Officer recently completed annual rental inspections. She performed an exterior inspection of 630 rental properties. Seventy-one violations were identified at thirty-three of the properties examined. Violations at eleven of these properties were severe enough for the City to withhold rental licenses. When the violations are corrected, licenses will be issued.

This represents a violation rate of 5% which is the same as the violation rate identified during the 2005 rental inspection program.

CONFERENCE REPORT

Earlier this week several Council members and staff attended the League of Kansas Municipalities (LKM) annual conference in Topeka. Speakers at the general sessions were excellent. As usual there was not much optimism about what will happen during the 2007 legislative session. Highlights from the roundtables and other sessions:

Municipal Revenue Trends

The assumption in this session was that City budgets in Kansas are essentially "revenue-driven".

Participants were urged to consider taking advantage of the new state law which affects local sales tax, excise and development excise taxes. According to the presenter, a state-wide sales tax increase during the 2007 Legislative session is a real possibility. If such a tax is adopted, it could jeopardize the ability of local governments to pass a local sales tax increase in the future.

SB55 permits the local sales tax to be raised in increments of \$0.005 and cannot exceed two cents for general purposes. Prairie Village currently has a one cent sales tax while most other cities in the county have rates of up to one and one-half cent.

An additional one cent sales tax may be added for special purposes but this tax must "sunset" after ten years.

Both of these types of taxes require voter approval.

In 2007 the City of Prairie Village will receive approximately \$2 million from the one cent local sales tax currently being collected, the equivalent of a 7 mill increase in the property tax rate..

The presenter, Director of Finance for LKM, also encouraged cities to consider implementation of a Stormwater Utility. This is a fee assessed on property in the City. The example in another City was a monthly fee of \$1 per residence and \$2 per commercial facility. This fee can be used to correct and repair aging infrastructure, and/or to comply with emerging stormwater regulations .

Kansas Public Employees Retirement System: Funding Outlook & Issues

During this session the Executive Director of KPERS explained the Fund is currently underfunded. Because this is a defined benefit plan, as the liability increases for newly retired participants, city contributions will be increased and/or benefits changed.

Federal Cable and Telecommunications Update

Increased use of cell phones as the only telephone for many people, declining use of fax lines, and new options for VOIP (voice over Internet Protocol) for telephone service, are threatening telephone companies financially. In the state of Ohio there has been a twenty percent decline in the number of traditional telephone lines. As a result, telephone companies believe they must expand into the cable business if they are to survive.

According to this presenter, telephone companies have as their goal:

- Expanding into cable business quickly

- Minimizing all regulation

- Eliminating local franchising

These companies are capitalizing on their historic strength with Congress, State legislatures and the FCC. They are having less success with City elected officials. The presenters believe that by the end of 2006 there will be Federal legislation that abrogates local franchises.

Eminent Domain

The use of eminent domain will probably become more difficult, if not impossible, to achieve after the 2007 legislative session. Legislation which will require all cases to be decided by the state legislature is gathering strong support and is expected to be adopted.

Federal Tax Audits

Late last year an IRS representative performed a compliance audit in Prairie Village. She reviewed some records, asked many questions about City procedures related to employee benefits, reporting, etc. She made several suggestions for changes which were implemented. Karen Kindle, the City's Finance Director was a presenter at this session along with the Finance Director of Salina. The audits conducted in Salina and in Hutchinson were full audits which resulted in fines costing their cities thousands of dollars. Although this City is in compliance with the limited findings in the first audit, we are reviewing other changes that are being made in other cities and should be made here. In the next few months Council will be asked to adopt policy and other changes to bring the City into total compliance.

**BOARD OF ZONING APPEALS
CITY OF PRAIRIE VILLAGE, KANSAS
MINUTES
TUESDAY, SEPTEMBER 5, 2006**

ROLL CALL

The meeting of the Board of Zoning Appeals of the City of Prairie Village, Kansas was held on Tuesday, September 5, 2006, in the Multi-Purpose Room of the Municipal Building. Vice Chairman Robert McKim called the meeting to order at 6:30 p.m. with the following members present: Randy Kronblad, Nancy Vennard, Marc Russell, Bob Lindeblad, Ken Vaughn and Marlene Nagel(arrived 6:40) Also present in their advisory capacity to the Board of Zoning Appeals were: Ron Williamson, Planning Consultant and Joyce Hagen Mundy, Board Secretary.

APPROVAL OF MINUTES

Ken Vaughn moved to approve minutes of May 2, 2006 as written. The motion was seconded by Randy Kronblad and passed by a vote of 5 to 0 with Nancy Vennard and Marc Russell abstaining as they were not present at the May 2nd meeting.

**BZA2006-02 Request for a Variance from P.V.M.C. 19.06.035
Rear Yard Setback reduction from 25 feet
2412 West 71st Street
Zoning: R-1a
Applicant: Terry Chapman**

Vice Chairman Robert McKim reviewed the procedures for the public hearing. The Board Secretary confirmed that the Notice of Public Hearing was published in the Johnson County Legal Record on Tuesday, August 8, 2006 and all property owners within 200' were notified of the hearing.

Terry Chapman, 2412 West 71st Street, addressed the Board requesting a variance to construct a garage addition directly behind his existing garage for the storage of antique vehicles which are currently stored off-site. He is proposing to enclose the existing carport and add an additional garage and storage area on the northwest corner of the existing dwelling. The total area of the proposed expansion is 361 square feet.

The proposed garage will extend into the rear yard setback approximately 11.5 feet. Mr. Chapman noted his lot is pie-shaped with approximately 110 feet in width at the street and 135 feet at the rear.

Mr. Chapman stated the front building setback on his lot is greater than any of the other lots in the neighborhood. The front setback line on the east side is platted at 57 feet compared to 50 feet for the property immediately adjacent to the east, while on the west side it is platted at 62 feet compared to 55 feet for the lot to the west. The platted setback on the north side of 71st Street is greater than normal because there is a gas line that runs through the front yards and a twenty foot gas line easement. His front setback is greater than the properties on the south side of 71st street which are platted at 40 and 45 feet.

Mr. Chapman noted that if his front yard setback was the same as the neighboring properties, he would be able to extend his garage as proposed without violating the established rear-yard setback.

Bob Lindeblad asked what impact the proposed addition would have on the property directly behind his. Mr. Chapman responded this property, which is located in Mission Hills, has a pool constructed within five feet of its rear property line with the fence surrounding the pool actually constructed on Mr. Chapman's property.

Ron Williamson noted because of the pie-shaped dimensions of the lot there will still be a significant amount of open space in the rear yard with the construction of this addition.

Ken Vaughn questioned the new light shown on the plans in the northeast corner of the lot. Mr. Chapman replied the light shown was mislabeled and is an existing light. No new lighting is being added.

Marc Russell asked if there were deed restrictions that would impact the proposed addition. Mr. Chapman responded he had met with the Board of his Homes Association and has received approval of the proposed plan as presented to the Board.

Robb McKim asked Mr. Chapman to expand on his statements regarding his setback being different than others in the neighborhood. Mr. Chapman explained there is a 20' utility gas line easement across the front of his property requiring his home to be setback further than required on neighboring properties.

Chairman Robb McKim noting no one was present to give testimony on his application closed the public hearing.

The Board reviewed the criteria required for the granting of a variance.

- A. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant.

The front yard setback on this lot is greater than any other lot in this subdivision with the dwelling setting back further from the street than the other dwellings in this area. The gas line easement in the front yard and the extra deep platted front yard setback on this particular lot make this a unique situation which was not created by an action of the property owner.

Bob Lindeblad stated he feels the property is unique as it relates to the properties surrounding it as noted above. He feels this is a unique condition meeting the first criteria and moved that the Board find favorably on Condition A relative to Uniqueness. The motion was seconded by Ken Vaughn and passed unanimously.

B. That the granting of the permit for the variance would not adversely affect the rights of adjacent property owners or residences.

The proposed garage addition would not adversely affect the property adjacent to the east because the proposed expansion is occurring on the northwest corner of the existing dwelling. The existing dwelling sets at an angle to the house to the west because of the curve in 71st Street and the proposed addition will be a significant distance away from the rear of the house to the west. The house to the north sets approximately 40 feet from the rear property line which provides an adequate separation for this minor improvement. It does not appear that any of the adjacent properties would be adversely affected by the proposed expansion.

Ken Vaughn moved that the Board finds favorably on Condition B relative to Adjacent Properties. The motion was seconded by Bob Lindeblad and passed unanimously.

C. That the strict application of the provisions of these regulations of which a variance is requested will constitute an unnecessary hardship on the property owner represented in the application.

The applicant has a side entry two-car garage and in order to expand using the existing driveway it must occur on the northwest corner of the house. Many dwellings on lots of this size have more than a two car garage and if the variance were not approved the applicant would not be permitted to store his vehicle at his residence. An enclosed carport and an additional garage bay will be a benefit to the applicant as well as a benefit to the neighbors since a vehicle would no longer be visible from adjacent properties. If this lot would have had a 45' front setback that is typical of this subdivision, the proposed garage and storage area would have been able to be built without a variance

Bob Lindeblad expressed concern with the degree of hardship that would be suffered by not allowing the applicant to have a four-car garage. Ken Vaughn stated he does not see the hardship as being related to the proposed garage, but the inability of the property owner to have the full opportunity to develop and use his property.

Ken Vaughn stated the denial of the variance would constitute an unnecessary hardship on the development of the property and moved that the Board find favorably on Condition C relative to Hardship. The motion was seconded by Randy Kronblad and passed unanimously.

- D. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

The proposed expansion of the garage and storage area on the northwest corner of the dwelling would not impair the views of any of the adjacent residences or adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

Randy Kronblad stated the proposed variance does has not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare and moved that the Board find favorably on Condition D relative to Public Interest. The motion was seconded by Ken Vaughn and passed unanimously.

- E. That the granting of the variance desired would not be opposed to the general spirit and intent of these regulations.

The purpose of the rear yard setback is to ensure sufficient distance between the rear of abutting dwellings so an adequate open space is available and the living areas of individuals would not encroach on the living areas of their neighbors. The setbacks are also established so that the lots are not overdeveloped. This dwelling including the proposed expansion would cover only about 22 percent of the lot which far below the maximum 30 percent allowed by ordinance. The proposed expansion will setback approximately 16 feet at its closest point to the west property line and there will be adequate open space for the residence adjacent to the west. It also should be noted that the rear property line is 135' in width compared to 110' at the front property line which provides a significant amount of open space in the rear yard. It does not appear that the granting of the variance would be opposed to the general spirit and intent of the regulations.

Bob Lindeblad stated the proposed variance does not oppose the general spirit and intent of these regulations and moved that the Board find favorably on Condition E relative to General Spirit & Intent. The motion was seconded by Marc Russell and passed unanimously.

Ken Vaughn moved that the Board having found favorably on all five conditions approve BZA Application 2006-02 for the requested variance from PVMC 19.06.035 to reduce the rear yard setback from 25 feet to approximately 13 feet 6 inches for only the proposed garage and storage area as shown on the plans

submitted to the Board. The motion was seconded Randy Kronblad and passed unanimously.

NEW BUSINESS

Election of Officers

Bob Lindeblad nominated Robb McKim for the position of Chairman. The nomination was seconded by Marlene Nagel. Ken Vaughn nominated Randy Kronblad for the position of Vice Chairman. The nomination was seconded by Bob Lindeblad. Nancy Vennard nominated Joyce Hagen Mundy for the position of Secretary. The nomination was seconded by Marlene Nagel.

Ken Vaughn moved that a unanimous ballot be cast for those persons nominated. The motion was seconded by Nancy Vennard and passed unanimously.

ADJOURNMENT

Bob Lindeblad moved to adjourn the meeting of the Board of Zoning Appeals. The motion was seconded by Randy Kronblad and passed unanimously with the meeting being adjourned at 6:50 p.m.

Robert McKim, Jr.
Vice Chairman

**PLANNING COMMISSION MINUTES
MEETING OF SEPTEMBER 5, 2006**

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, September 5, 2006 in the Multi-Purpose Room of the Municipal Building, 7700 Mission Road. Chairman Ken Vaughn called the meeting to order at 7:00 p.m. with the following members present: Randy Kronblad, Robb McKim, Marc Russell, and Marlene Nagel, Nancy Vennard and Bob Lindeblad.

The following persons were present in their advisory capacity to the Planning Commission: Ron Williamson, Planning Consultant; Laura Wassmer, City Council Liaison and Joyce Hagen Mundy, Planning Commission Secretary.

APPROVAL OF MINUTES

Bob Lindeblad moved the approval of the minutes of August 1st as written. The motion was seconded by Marlene Nagel and passed by a vote of 6 to 0 with Randy Kronblad abstaining due to absence from that meeting.

PUBLIC HEARINGS

**PC2006-07 Request to amend the permitted use from "magazine
"publishing business" to "professional Offices" for the
property Zoned C-3 Special Use Business District
located at 5301 W. 75th Street**

Chairman Ken Vaughn reviewed the procedures to be followed for the public hearing and opened the hearing on application PC2006-07.

Wes Welch, architect for the applicants, presented the application on behalf of Rex and Lori Sharp who have purchased the building to serve as the law office for Mr. Sharp. The office would have only three employees creating minimal parking demands. The previous owner had three on-site parking spaces and leased five spaces from the adjacent synagogue property. Mr. Welch stated it was their desire to locate all required parking on the site; however, to do so would require paving most of the front yard. He is proposing the use of parallel parking in the front because of the anticipated minimal use of this parking with employee and ADA parking located on the side. With the proposed circle drive, only 7 of the required 8 parking spots can be located on site. If an 8th space is required, the applicant would be willing to lease this space from a neighboring property owner.

Mr. Welch presented a revised proposed landscape plan for the property. The only change being made to the structure is the relocation of the front entrance. No additional square footage will be added to the structure.

Bob Lindeblad asked about the garage area shown on the plan. Mr. Welch noted the garage area has not been used as a garage for some time. Mr. Sharp is proposing to remove the garage and finish the side of the building. The area will be used primarily for the storage of materials with the ability to load and unload materials directly from the parking area.

Mr. Lindeblad questioned the slope of the property. Mr. Welch stated the plans were constructed from data taken off the County AIMS maps and not an actual survey of the land. He noted the gentle slope of the lot onto Ash. Mr. Lindeblad questioned the ability to get the required slope for the handicapped parking space and also noted the parallel parking spaces are shown 20 feet in length while the City regulations require 23 feet. Mr. Welch responded the parking spaces could be enlarged. He noted if adjustments needed to be made in the grade of the lot, they would be made.

Robb McKim confirmed the contours shown on the plan were two foot contours.

Nancy Vennard and Randy Kronblad expressed concern with the ability to provide the required ADA parking regulations. Mrs. Vennard noted all exit doors are shown on the plan as swinging inwards. Commercial exit doors are required to swing out. Mr. Welch stated they would be relocating the front doors and will have them swing out.

Robb McKim confirmed the required ramps and sidewalk would be provided for the ADA access. He questioned the use of parking arrangements on the adjacent properties as both these properties are currently for sale.

Chairman Ken Vaughn opened the hearing to comments from the public. With no one wishing to address the Commission, the Public Hearing was closed.

Planning Consultant Ron Williamson had the following staff comments on this application:

In 1996, the Planning Commission recommended and the City Council approved "C-3" Special Use Business District for this property. The specific use approved was for a "magazine publishing business." The magazine publishing business has vacated the premises and a new business desires to occupy the property. The new business is a law office that has a total of three employees. They have a very niched law practice and do not anticipate adding staff.

One of the primary concerns when the "C-3" District was approved was the provision of off-street parking. The applicant provided three on site spaces and leased additional spaces from the Ohev Shalom Synagogue to the west. The lease was with the magazine publishing business and expired when it left the site. The applicant prefers to meet the parking requirements on the site and not be dependent on off site locations to meet its needs. The Synagogue is for sale and its future is unknown. The proposed use will occupy approximately 2,527 sq. ft. The parking requirement for professional offices is one space per 300 sq. ft. of floor area which means that this project needs to provide eight off street parking

spaces. The applicant has submitted a site plan showing seven spaces and can lease space from the office on the east side of Ash Street.

The proposed application to change the use from a “magazine publishing business” to a “professional office” use would allow a use that is probably more compatible with the area while still maintaining the residential character of the property. This use is less intense than the magazine publishing business and staff recommends its approval.

Since this is a new use, the Planning Commission should consider and approve a new site plan. The Planning Commission shall give consideration to the following criteria in approving or disapproving the site plan:

- A. The site is capable of accommodating the building(s), parking areas, and drives with appropriate open space and landscape.**
The lot is approximately 14,196 sq. ft. with a 2,233 sq. ft. building footprint, creating a lot coverage of only 15.7 percent. There is a significant amount of land available on the site, but there are use limitations due to trees, setbacks and the location of the building on the site. The site can accommodate all the needed improvements but the applicant is requesting that only seven parking spaces be required on the site and they be allowed to lease an additional space.
- B. Utilities are available with adequate capacity to serve the proposed development.**
Utilities are available to the site and are adequate to serve the proposed use since it will be less intense than the previous use.
- C. The plan provides for adequate management of stormwater runoff.**
More site will be paved so there will be additional runoff. The applicant will need to prepare a storm water management plan to be submitted to and approved by the Department of Public Works. Perhaps the applicant should consider using grass pavers for part of the parking instead of asphalt or concrete. This will help maintain green space and reduce runoff.
- D. The plan provides for safe and easy ingress, egress, and internal traffic circulation.**
Ingress to the site is from 75th Street on a 12' wide residential driveway. The driveway for the Synagogue is immediately adjacent which creates somewhat of an awkward situation. It would be ideal if both properties could get together and combine the driveway entrance into one access for both uses. The applicant has proposed a driveway across the front yard that exits on Ash Street. This is a low traffic business so the Ash street exit should not create a traffic problem.
- E. The plan is consistent with good land planning and site engineering design principals.**

The site plan has attempted to minimize the negative impact of the redevelopment and retain the residential character of the property. The applicant is also making the building ADA accessible.

F. An appropriate degree of compatibility will prevail between the architectural quality of the proposed building(s) and the surrounding neighborhood.

The applicant is maintaining the integrity of the residential character of the building and is improving the west façade by removing the overhead doors and installing new siding. The building blends well with the residential area to the south and will continue to do so in the future.

G. The plan represents an overall development pattern that is consistent with the comprehensive plan and other adopted planning policies.

The proposed plan is consistent with the comprehensive plan in that it is representing an investment in the existing area while at the same time maintaining the quality of design to be compatible with the neighborhood.

It is the opinion of staff that the change in use from “magazine publishing business” to “professional offices” will have little if any negative impact on the area because it is a less intensive use. Therefore it is the recommendation of the Staff that the proposed land use amendment from “magazine publishing business” to “professional offices” be recommended to the City Council for approval and the Planning Commission approve the site plan subject to the following:

1. The applicant submit the final landscape plan to the staff for review and approval.
2. The applicant prepare a stormwater management plan and submit it to the Public Works for review and approval.
3. The applicant explore the use of grass pavers for some of the parking area in order to reduce runoff and maintain more green space.
4. That the design of the monument sign not be changed unless it is submitted to the Planning Commission for approval, however, the text of the sign may be changed to reflect the new use.

Ken Vaughn asked if Mr. Welch had any comments on the staff report.

Mr. Welch stated at this time no change in signage is anticipated except changing out the lettering in the existing sign. He has investigated the use of pavers and has concerns with the ability to keep them green during the hot/dry Kansas summers and noted it can not be done in the ADA parking area. He stated the only place it would make sense in on the parallel parking in the front that they expect to have minimal usage.

Ken Vaughn confirmed there was no underground storm drainage on the site. He would prefer to have all the parking located on-site.

Marlene Nagel questioned the need for two large conference rooms for this small law office. Rex Sharp responded he often meets at his clients' offices and uses

the conference rooms primarily as work areas to lay out materials while preparing his legal responses.

Randy Kronblad reiterated his concerns that the slope for the proposed ADA parking. Lori Sharp, the property owner, responded as an occupational therapist, ADA requirements are a high priority and she will ensure that they are fully met.

Robb McKim questioned the ability of the City to obligate another property owner to provide parking for this location. Mr. Williamson responded it was done by the previous owner. Mrs. Vennard noted the Prairie Village Shops have off-site parking to meet their parking requirements.

Ron Williamson stated the C-3 Zoning District was created to allow for a specific business with the ability of the Planning Commission to monitor and review changes in use. This also gives the neighboring property owners an opportunity to become involved in the process. The C-0 Zoning allows for a wide variety of office uses, C-3 allows for only a specific use. He noted the parking requirements for medical and general offices are different than those for professional offices.

Mr. Welch stated he understood the process to be very specific and that each property owner would be required to get new zoning. Mr. Williamson stated this would be the case only if the use changed.

Ken Vaughn suggested the use be more restrictive and identified not as "Professional Office" but as "Law Office". Nancy Vennard noted that even a law office in this size of building could have as many as eight or more employees.

Bob Lindeblad expressed his concern with the width of the circle drive, the slope of the land and the ability to satisfy ADA requirements. He stated he would like to see a survey of the property identifying the slope of the land and confirmed that storm drainage would be reviewed by City staff. Mr. Lindeblad said he could not approve the site plan based on the information provided; too many serious issues are not clearly addressed.

Mr. Welch asked if these could be addressed in the permitting process. Mr. Rex Sharp stated he would prefer to stay with the existing building plan than to delay the process for another month or more. He stated it would be less expensive for them to lease parking spaces than to construct them.

Robb McKim and Randy Kronblad stated their opposition to off-site parking

Nancy Vennard asked if the application could be acted upon with contingencies. Ken Vaughn stated he needed to see more concrete information before approving the site plan. Mr. Welch stated he would supply that information. He noted this building previously housed 13 employees and will now house 2 full-time and one part-time employee.

Ron Williamson stated there are two parts to the application and he felt the amendment to the rezoning could be forwarded to the City Council for their action

and the site plan could come back to the Planning Commission with more detailed information. The Board Secretary noted the earliest the Council could consider the rezoning would be in committee on September 18th and Council action on October 2nd. The Planning Commission would meet the following day and consider the site plan based on more detailed plan submittals addressing the issues raised.

Bob Lindeblad moved the Planning Commission forward PC2006-07 request for amendment of the "C-3" Zoning District Permitted Uses for the property located at 5301 West 75th Street from "magazine publishing business" to "law offices" subject to the approval of the site plan by the Planning Commission. The motion was seconded by Marlene Nagel and passed unanimously.

Bob Lindeblad commended the applicant on the excellent landscape plan submitted to the Planning Commission.

**PC2005-05 Reconsideration of Request for Special Use Permit for
Communication Antennas at 69th Terrace & Roe (McCrum Park)**

Ron Williamson confirmed the applicant is continuing to explore alternate locations and stated if a new location was found a separate application would be need to be filed. The applicant is requesting PC2005-05 be continued.

Randy Kronblad moved to continue PC2005-05 to the October 3rd meeting of the Planning Commission. The motion was seconded by Bob Lindeblad and passed unanimously.

NON PUBLIC HEARINGS

**PC2006-109 Site Plan Approval for a fence
4010 Homestead Drive**

Robb McKim stated he would be abstaining from any discussion on this application due to a conflict of interest as the applicant's reside in his neighborhood and excused himself from the meeting.

David Smalley and Sarah Krantz, 4010 Homestead Drive, presented their request to remove a chain link fence and replace it with a combination of glass block and an arbor gateway. The fence portion will be 12" x 12" glass blocks inserted in 4" x 4" wood frame. The fence height will be 53". The arbor will include two 34" x 74" doors with an 18" tall arbor cover shingled to match the house. The top of the arbor will be about 8 feet in height. The glass block is a more contemporary material.

Ken Vaughn confirmed the adjacent neighbor's fence is six feet in height. Nancy Vennard asked how the fences would be connected. Ms Krantz replied they proposed to use stair-stepping on the east side and the fence would be level on the other side. She noted the large trees on the property would be between the street and the fence area.

Bob Lindeblad asked if the doors would be painted. Ms Krantz replied originally they were to be stained but they are now thinking of painting them white to coordinate with their neighbor's white vinyl fence. Mr. Lindeblad confirmed the 4 x 4 posts would be natural. Mr. Smalley responded they would be natural or painted white.

Ken Vaughn asked how the fence would impact drainage. Mr. Smalley responded drainage will not be a problem, noting their lot is lower than the neighboring lots and they have a drainage system in place on the side of their property.

Bob Lindeblad asked Mr. Williamson to review the process established for approval as this is the first application to be reviewed under the new ordinance.

Ron Williamson stated when the fence regulations were amended this year a provision was included that allows application to the Planning Commission for site plan approval of a fence that is unique and does not have the location or design characteristics as set out in the regulations. The specific language is as follows:

Section 19.44025

G. Site Plan Approval

1. As a part of the site plan approval process as set out in Section 19.32 Site Plan Approval, the Planning Commission may make adjustments to the height and location of fences, walls and retaining walls provided that it results in a project that is more compatible, provides better screening, provides better storm drainage management, or provides a more appropriate utilization of the site.
2. An application may be made to the Planning Commission for site plan approval of a fence that is unique and does not have the locational or design characteristics set out in these regulations. (Ord. 2117, Sec. 2, 2006)

The application is required to be reviewed following the site plan approval process. Mr. Williamson reviewed his staff report on the application as follows:

- A. **The site is capable of accommodating the buildings, parking areas, and drives for appropriate open space and landscape.**
This is not applicable for this application.
- B. **Utilities are available with adequate capacity to serve the proposed development.**
This is not applicable for this application.
- C. **The plan provides for adequate management of stormwater runoff.**
Stormwater runoff does not appear to be a problem, but the installation will need to be reviewed by Public Works.
- D. **The plan provides for safe and easy ingress, egress and internal traffic circulations.**
This is not applicable for this application
- E. **The plan is consistent with good land planning and site engineering design principals.**

The fence is totally different in design from other fencing on the property as well as adjacent to the east and does not complement other fencing that will abut it.

- F. **An appropriate degree of compatibility will prevail between the architectural quality of the proposed fence and the surrounding neighborhood.**

The design concept for the fence does not appear to be compatible with the fencing in the area. It does not complement the white vinyl fence to the east or the wood picket fence currently on the property. The materials are not similar to any other fencing in the area or to the residence itself. The arbor height is eight feet while the maximum fence height limitations are six feet. There is no particular design reason for having a taller arbor at this location. In summary, the fence design and height are not compatible with the area.

- G. **The plan represents an overall development pattern that is consistent with the comprehensive plan and other adopted planning policies.**

One of the principles of the Prairie Village Comprehensive Plan is to encourage reinvestment in the community provided that it is compatible. This proposed improvement is not compatible in design with the neighborhood and therefore is not consistent with the Comprehensive Plan.

Bob Lindeblad confirmed the application is before the Commission because its height is greater than six feet. Mr. Lindeblad stated the question before the Commission is does this project provide a better solution than a fence of six feet or less in height.

Ken Vaughn expressed concern with the high entrances on the gate. Mr. Smalley stated the shingled covered could be removed. It was developed to tie the project into the roofline of the house. Mr. Vaughn responded he sees it simply as additional height.

Bob Lindeblad appreciates the applicant's efforts to use the doors but noted they increase the height of the fence to approximately 8 feet and he does not feel the doors make it a better project.

Randy Kronblad stated he did not feel the project meets the criteria necessary for approval.

David Smalley stated not using the arbor would bring the door height down to 6'4" and the glass block projects a more open appearance. Sarah Krantz stated the block would be place intermittently and not placed as a solid wall of block.

Bob Lindeblad moved to deny application PC2006-109 as it does not meet the criteria established for approval. The motion was seconded by Randy Kronblad and passed unanimously.

Commissioner Robb McKim returned to the meeting.

PC2006-110 Site Plan Approval for a fence
2903 West 71st Terrace

Linda Powers, 2903 West 71st Terrace, appeared before the Commission requesting approval to install a fence on the property line adjacent to 72nd Street on their corner lot. The proposed fence is 42 ½" in height and will be built out of cedar framing and welded wire fencing. Mrs. Powers feels the proposed open fence will increase the general friendliness of the neighborhood and allow for greater usable area of the property while providing a safer outdoor play environment for her daughter. The fence will not adversely affect adjacent property owners. The sight lines from neighboring driveways will not be impacted as the fence is low and of an open/transparent design allowing traffic to be visible.

Ken Vaughn asked if the existing chain-link fence connected to the wooden fence. Mrs. Powers responded there is a very small gap between the two fences. Mr. Vaughn asked if the redbud tree on the applicant's property would be enclosed within the fence. Mrs. Powers stated the tree would be outside the fence and visible from the street.

Marlene Nagel confirmed the existing fence would be removed.

Ken Vaughn confirmed the regulations require the fence to be located 15' from the property line. Bob Lindeblad noted this type of fence would be allowed within 10' if it were less than 30" in height.

Mr. Vaughn noted that over the years several solid fences have been placed in front of other people's property, he does not want to see the fence installed at the property line.

Ron Williamson noted there is a significant grade change between this property and the property to the south; therefore, the proposed fence will not cause a sight problem. On a side street where a lot does not front, the setback for a fence is 5 feet and any approved change should not be less than that. The location of the fence 5' back from the property line would provide better utilization of the yard.

Bob Lindeblad stated the proposed design was better than the existing 36" chain link fence.

Robb McKim asked if Mrs. Powers has discussed the proposed fence with the property owner to the south. Mrs. Powers stated she has and the neighbor supports the plan as does her homes association.

Bob Lindeblad asked if there were any plans to landscape outside the fence. Mrs. Powers responded there is currently some landscaping by the redbud tree. There will not be any major plants that would block the view as the intent of the fence is to provide openness.

Marc Russell asked if there were other fences in the area using the proposed materials. Mrs. Powers stated similar fences are located on 75th Terrace at

Eaton and on 71st Street. Mr. Vaughn noted there is a similar fence in Town & Country.

Bob Lindeblad stated if the fence is well-built it will look great, its appearance will be determined by how well it is constructed. Robb McKim asked what the diameter of the wire was. Mrs. Powers stated it is 14 gage wire. Mr. Vaughn indicated this is the smallest gage wire that can be used for electrical construction to help Commissioners visualize the wire.

Mr. Williamson reviewed the criteria established for approval:

- A. **The site is capable of accommodating the buildings, parking areas, and drives for appropriate open space and landscape.**
This is not applicable for this application.
- B. **Utilities are available with adequate capacity to serve the proposed development.**
This is not applicable for this application.
- C. **The plan provides for adequate management of stormwater runoff.**
Stormwater runoff does not appear to be a problem, but the installation will need to be reviewed by Public Works.
- D. **The plan provides for safe and easy ingress, egress, and internal traffic circulation.**
The proposed location of the fence is far enough away from the driveway to the south that it should not create any visibility issues.
- E. **The plan is consistent with good land planning and site engineering design principals.**
In reviewing this particular site in the field and considering the grade change between this property and the one to the south, it appears that this would be a good plan that would make much better use of the site except that the fence should not be closer to the property line than five feet in order to maintain a minimum setback.
- F. **An appropriate degree of compatibility will prevail between the architectural quality of the proposed fence and the surrounding neighborhood.**
Most of the fencing in this neighborhood is either chain link or wood picket. The proposed fence is open like the chain link fence so it will maintain a more open appearance for the area.
- G. **The plan represents an overall development pattern that is consistent with the comprehensive plan and other adopted planning policies.**
One of the principles of the Prairie Village Comprehensive Plan is to encourage reinvestment in the community provided that it is compatible. This proposed improvement appears to be compatible in design with the neighborhood provided it sets back five feet from the property line, will give

the owners better use of the site and therefore is consistent with the Comprehensive Plan.

Randy Kronblad moved the Planning Commission find the criteria for approval to be favorable for application PC2006-110 and approve the installation of the proposed fence subject to maintaining a five foot setback from the property line. The motion was seconded by Marlene Nagel and passed unanimously.

OTHER BUSINESS

Discussion of Utility Box Regulations

Mr. Williamson stated earlier this year AT&T submitted a list of 26 locations where they planned to install new utility boxes. These utility boxes are larger than what is permitted by the zoning regulations without obtaining a conditional use permit. Staff can approve utility boxes that have a footprint of 12 sq. ft. or less and a height of less than 54 inches. The new utility boxes are a part of the AT&T infrastructure upgrade for high-speed broad band, voice and data services.

Overland Park has the same requirements as Prairie Village and AT&T requested Overland Park to amend their regulations to allow a larger utility box. In August the Overland Park Planning Commission recommended that the height be increased to 66 inches and the footprint be increased to 20 sq. ft. The City Council has not acted on the recommendation as of the date of this memorandum.

Mr. Williamson asked the Commission if they wanted to review the Overland Park regulations and consider possible amendments to the current regulations. He noted that rather than the boxes getting smaller as technology improved, they are providing more and more services and therefore are requiring more equipment to be stored in the boxes thus increasing their size.

Mr. Williamson noted AT&T has submitted application for conditional use permits for boxes at three locations in the City that will be on the Commission's October agenda.

The consensus of the Commission was to hear the applications and then determine if it wanted to pursue changing regulations.

Signage

Mr. Williamson also advised the Commission that it would be requested to authorize a public hearing on revisions to the City's challenged "Informational Sign" regulations for November.

Laura Wassmer asked if when those regulations are reviewed if language could be considered addressing the location of the signs in relation to neighboring properties. She noted Mr. Quinley's sign is placed very near his property line giving the appearance that the sign could have been placed by his neighbor.

Announcements

The Commission Secretary announced that the Board of Zoning Appeals would meet in October to hear a request for a side yard setback variance from 5 feet to 3 feet. The Commission agenda at this time includes the 3 public hearings on the AT&T applications, the return of the site plan for 5301 West 75th Street, a building line modification request and informational signs.

Nancy Vennard asked staff to review the plans for the Mission Bible Church regarding the placement of duct work on the outside of the building.

ADJOURNMENT

With no further business to come before the Commission, Chairman Ken Vaughn adjourned the meeting at 8:45 p.m.

Ken Vaughn
Chairman

**Planning Commission Actions/
Board of Zoning Appeals
Tuesday, October 3, 2006**

BZA2006-03 Request for a Variance from PVMC 19.06.030 for a reduction in side yard setback

The Board of Zoning Appeals granted a variance from PVMC 19.06.0305 for the property at 7922 Reeds Road for a reduction in the side yard setback from 5 feet to 3 feet for only the proposed garage and kitchen expansion area as presented to the Board contingent upon the applicant receiving a vacation or authorization to encroach the 5 foot utility easement on the north side of his property.

PC2006-08 Request for a Conditional Use Permit for a Communication Utility Box to be located at 5431 Somerset Drive

The Planning Commission held a public hearing on this application and granted a Conditional Use Permit for the installation of a Communication Utility Box at 5431 Somerset Drive subject to the following conditions:

1. That the applicant maintains the landscaping and replaces any plant materials that die so that the integrity of the landscape screening is maintained throughout the life of the project.
2. That the applicant installs the landscaping immediately after installation of the utility box.
3. That the Conditional Use be approved for an indefinite period of time.
4. That should the equipment boxes become obsolete and not functional they shall be removed from the site within six months.

PC2006-10 Request for a Conditional Use Permit for a Communication Utility Box to be located at 5324 West 87th Street

The Planning Commission held a public hearing on this application and granted a Conditional Use Permit for the installation of a Communication Utility Box at 5324 West 87th Street subject to the following conditions:

5. That the applicant maintains the landscaping and replaces any plant materials that die so that the integrity of the landscape screening is maintained throughout the life of the project.
6. That the applicant installs the landscaping immediately after installation of the utility box.
7. That the Conditional Use be approved for an indefinite period of time.
8. That should the equipment boxes become obsolete and not functional they shall be removed from the site within six months.

PC2006-07 Request to amend the "C-3" Zoning District Permitted Use for 5301 West 75th Street from "Magazine Publishing Business" to "Law Office"

The Planning Commission approved the revised site plan for the law office at 5301 West 75th Street subject to the conditions recommended by Staff.

PC2005-05 Request for Special Use Permit for Wireless Communication Antenna and related equipment at 67th & Roe (McCrum Park)

The Planning Commission continued this application to their November 7, 2006 meeting at the request of the applicant.

PC2006-111 Request for Vacation of Easement

The Planning Commission acknowledged receipt of written authorization from all utilities allowing an encroachment of 2 feet into the utility easement and subject to the approval of the City Attorney accepted the authorization to encroach.

PC2006-113 Request for a Front Building Line Modification from 40 feet to 30 feet at 7922 Reeds Road

The Planning Commission approved by resolution the requested front building line modification of 10 feet for the garage expansion as shown on the plans submitted.

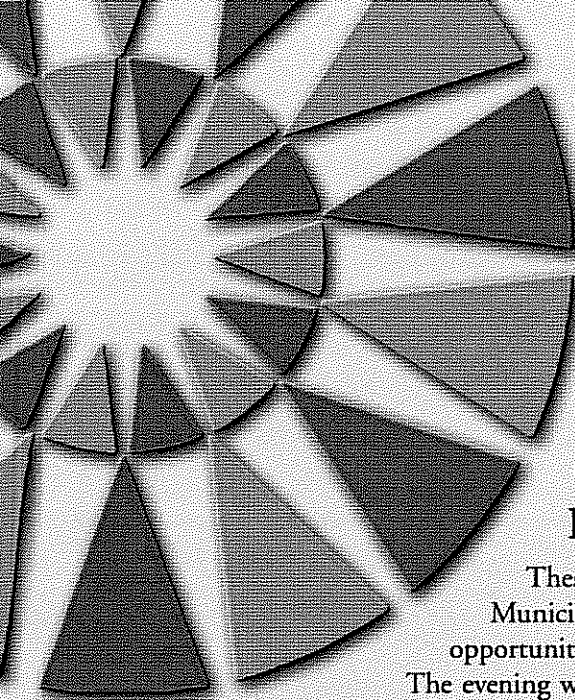
PC2006-112 Request for Amendment to Sign Standards for the Corinth Square Shopping Center

The Planning Commission approved the requested amendments to the Sign Standards for the Corinth Square Shopping Center as submitted.

New Business

The Planning Commission authorized a public hearing for proposed revisions to the Chapter 19.48 of the City's Zoning regulations entitled "Signs" at the November 7th meeting of the Commission.

The Commission considered the City Planning Consultant services of the past year and the selection of a City Planner for 2007 and will request that the City Council entered into an agreement with Bucher, Willis & Ratliff to provide these services in 2007.



Regional Suppers!

Please join us for the 2006 Regional Suppers!

These informative sessions will feature a discussion of the League of Kansas Municipalities 2006 Legislative Priorities. We hope you will take this important opportunity to network with local officials to discuss the upcoming legislative session. The evening will begin with a reception at 5:30 p.m. Following dinner, there will be a legislative program which will conclude by 7:30 p.m.

Please mark the supper you will be attending and return the form to LKM.

- | | |
|--|--|
| <input type="checkbox"/> Nov. 1—Liberal (SW)
Salty Dog Restaurant
303 N. Kansas
\$29.25 per person
RSVP by Oct. 25 | <input type="checkbox"/> Nov. 16—Pittsburg (SE)
Memorial Auditorium, Lower Level
503 N. Pine Street
\$17.57 per person
RSVP by Nov. 9 |
| <input type="checkbox"/> Nov. 2—WaKeeney (NW)
Roll Cage Sports Bar & Grill
717 S. 2nd Street
\$18.26 per person
RSVP by Oct. 26 | <input type="checkbox"/> Nov. 29—Clay Center (NC)
Elks Lodge
611 5th Street
\$19.93 per person
RSVP by Nov. 22 |
| <input type="checkbox"/> Nov. 15—Lawrence (NE)
Union Pacific Depot
402 N. 2nd Street
\$32.88 per person
RSVP by Nov. 8 | <input type="checkbox"/> Nov. 30—Andover (SC)
Central Park Lodge, Meeting Room #2
1607 E. Central Avenue
\$22.04 per person
RSVP by Nov. 22 |

City of _____

Name _____

Name _____

Name _____

Address _____

Phone _____

Fax _____

Title _____

Title _____

Title _____

Email _____

Please return to LKM by Mail/Fax to Anna DeBusk:

Attn: Anna DeBusk
League of Kansas Municipalities
300 S.W. 8th Avenue, Suite 100 • Topeka, KS 66603 126
Phone: (785) 354-9565 • Fax: (785) 354-4186

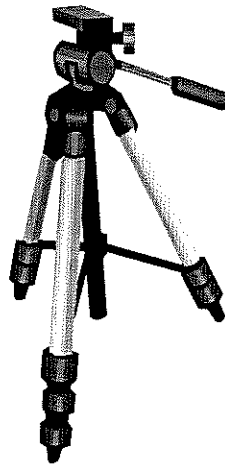
Written cancellations need to be made 72 hours prior to the meeting date or participant will be responsible for payment.

COUNCIL PHOTOS

MONDAY, NOVEMBER 6th

5:00 – 6:00pm

Council Chambers



Bring Your Smiles!



**We will be taking individual photos of each
Council member.**

Please notify Jeanne Koontz if you will not be there at jkoontz@pvkansas.com or
x4207 .

MEMORANDUM

DATE: October 5, 2006
TO: City and County Officials
FROM: Stan Salva, Chair, MARC Solid Waste Management District
SUBJECT: RecycleSpot.org Website

The MARC Solid Waste Management District is pleased to announce a one-stop "spot" where users can find recycling information for the entire Kansas City metro area.

In a recent survey of metro residents, 93 percent of respondents indicated they think recycling is important. So why don't more people recycle or recycle more? The most common reasons are: curbside recycling is not available, they do not know where to take materials, the times and locations to recycle are inconvenient, or they do not know what can be recycled or where to find recycling information.

In response, the district created **RecycleSpot.org** to help residents and businesses throughout the metro area quickly identify what is recyclable and find convenient recycling services. Users at **RecycleSpot.org** can find information on recycling aluminum cans, appliances, building materials, computers, old paint, leaves and brush, tires and many other items. This searchable, Web-based database allows users to:

- search by item
- search by address (available later this fall)
- locate nearby recycling centers
- find out what solid waste and recycling services are offered in their community
- get information specific to residents, businesses, schools, building designers and contractors.

RecycleSpot.org gives local government staff a quick and easy resource to help residents and local businesses with solid waste information. The city/county feature allows users to access information specific to their community such as cleanup days and bulky item pickup, trash haulers and recycling providers, yard waste and household hazardous waste services. This information can also help staff assess and improve the solid waste services currently offered.

RecycleSpot.org provides information for the eight counties in the MARC region, including all cities over 500 in population in: Cass, Clay, Jackson, Platte and Ray counties in Missouri; and Johnson, Leavenworth and Wyandotte counties in Kansas. **RecycleSpot.org** was developed by the Mid-America Regional Council for the MARC Solid Waste Management District. The project is partly funded by the Missouri Department of Natural Resources.

As landfill capacity declines and the effects of climate change become more apparent, recycling offers a measurable, attainable, long-term strategy that creates jobs, extends natural resources, and reduces greenhouse gas emissions. The region's four municipal solid waste landfills will close in the next 20 years — likely much sooner if we continue to choose disposal over reuse or recycling.

Please help us promote this important resource. In this packet, you will find samples of and an order form for the different types of promotional materials you can use to educate your employees, citizens and business community. These materials include magnets, fliers and stickers. Contact Matt Riggs, district outreach coordinator, at (816) 701-8313 or mriggs@marc.org for more information.

Chair
Ronald L. Shaffer
Mayor
Prairie Village, Kan.

1st Vice Chair
Gary Mallory
Presiding Commissioner
Cass County, Mo.

2nd Vice Chair
Tom Cooley
Commissioner
Unified Government
of Wyandotte County/
Kansas City, Kan.

Treasurer
Carol McCaslin
Presiding Commissioner
Clay County, Mo.

Secretary
Jim Schultz
Councilmember
Independence, Mo.

Executive Director
David A. Warm



ORDER FORM

For RecycleSpot.org Promotional Materials

The MARC Solid Waste Management District recently launched www.recyclespot.org, an interactive online database of recycling information for residents of the eight-county, bistate Kansas City region. A number of promotional materials are available at no cost, in limited quantities while supplies last, to cities, counties and non-profit agencies that would like to help promote this new service. Please call to discuss large quantity orders.

To order, fax this form to Matt Riggs, MARC Environmental Programs, at 816/421-7758, or e-mail your request to mriggs@marc.org.

Bumper Stickers
3" x 11.5"



Quantity _____


Logo Stickers
4" Round




Quantity _____

Recycling Bin Stickers
3" x 5"

Cans, Plastic Bottles, Cardboard or Office Paper




Qty _____ Qty _____




Qty _____ Qty _____

Picture Frame Magnets
4" x 6" outside measurement
2.5" x 4.5" opening




Quantity _____

Small Magnets
2" x 3.5"



Quantity _____

Posters
11" x 17"



Quantity _____

Your Name: _____
 Title: _____
 Organization: _____
 Street Address: _____
 City, State & Zip: _____
 Phone Number: _____
 E-mail Address: _____ 129 _____



United States Department of State

Thank You
so much for the
wonderful meeting.
Please share our
gratitude with the other
wonderful people at
Prairie Village City Hall for
making this a wonderful experience
for these social + political
leaders.

Thanks,
Mafalica Patrick Knox

"THE HEALTH OF A DEMOCRATIC SOCIETY
MAY BE MEASURED BY THE QUALITY
OF FUNCTIONS PERFORMED BY ITS
PRIVATE CITIZENS."

-ALEXIS de TOCQUEVILLE
1805-1859

The International Visitors Council of Greater Kansas City
and

The United States Department of State
gratefully acknowledges your recent assistance to

The Citizen Participation in Democracy Delegation
of

Ukraine

who traveled in the United States under the auspices
of the United States Department of State's
International Visitor Leadership Program.

City Council Adopts 2007 Budget

On August 7th the City Council adopted the City's 2007 budget. The approval of this nearly \$22 million spending plan is designed to maintain current service levels to citizens, emphasize the City's commitment to infrastructure, and look forward to future economic development. The 2007 budget will accomplish this without an increase in the tax rate, which will stay at 15.72 mills, or \$15.72 for each \$1,000 in assessed property valuation. *PROPERTY VALUE INCREASES AND YOU LAP UP THE INCREASE - MY TAXES \$1800 TO \$3400 IN 9 YEARS -*
The 2007 budget reflects a 2.3% increase from the City's 2006 budget, and a total expenditure of approximately \$2 million more than expected 2007 revenues, which will result in a reduction in the City's General Fund reserves.

The 2007 reduction is focused on two primary areas: increasing the City's funding of infrastructure maintenance and the establishment of a \$1.5 million fund for implementation of the City's Comprehensive Plan, both of which serve to maintain and improve the high quality of life enjoyed by Prairie Village residents.

Here are a few highlights included in the 2007 budget:

- \$143,000 for park improvement projects
- Return to monthly publication of the *Prairie Village Voice* newsletter *PVHV*
- \$40,000 for neighborhood traffic calming projects
- \$145,000 to increase the level of repairs to defective street surfaces
- \$5.5 million in infrastructure improvement projects (streets, sidewalks, and storm drainage projects) *UP UP UP - WAKE UP!*

To learn more about the City's 2007 budget contact the City Clerk's Office by calling 913-381-6464 or you can download a budget summary at www.pvkansas.com.

INSIDE:

Mayor's Message

Are You Cleaning Up & Cleaning Out for Fall?

Peanut Butter Week
FISCAL IRRESPONSIBLE !!
Attention: Home-Based Businesses

Recreation Wrap-Up

PV Arts Council

ON THE BACK:

Tree Board Fall Seminar

Shaffer Fills Slot on NARC Board

Congratulations -
Community Spirit Awards
BLICK
CYRUS WALKER

**Council Members
Mark Your Calendars
October 16, 2006**

October 2006	Senior Arts Council mixed media exhibit in the R.G. Endres Gallery
November 2006	Mid-America Pastel Society's exhibit in the R.G. Endres Gallery
November 6	City Council Meeting
November 7	Johnson County Election
November 10	Artist reception in R. G. Endres Gallery 6:00 to 8:00 p.m.
November 15	League of Kansas Municipalities Regional Supper in Lawrence
November 20	City Council Meeting
November 23-24	City offices closed in observance of Thanksgiving
November 27	Mayor's Holiday Tree Lighting 6:30 p.m.
December 2006	Marearl Denning photography and ceramics exhibit in the R.G. Endres Gallery
December 1	Employee Awards luncheon
December 1	Mayor's Holiday Gala
December 4	City Council Meeting
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**

January 2007	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 15	City offices closed in observance of Martin Luther King, Jr. Day
January 16 (Tuesday)	City Council Meeting
February 2007	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 19	City offices closed in observance of President's Day
February 20(Tuesday)	City Council Meeting
March 2007	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
April 2007	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.

May 2007	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
June 2007	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.
July 2007	No exhibit scheduled yet for R. G. Endres Gallery
July 4	City offices closed in observance of Independence Day
August 2007	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.
September 2007	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.
October 2007	No exhibit scheduled yet in the R. G. Endres Gallery
November 2007	Mid-America Pastel Society exhibit in the R. G. Endres Gallery
November 22-23	City offices closed in observance of Thanksgiving
December 2007	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 1st Quarter 2001)

COM2000-04 Consider the installation of marquees banners at City Hall to announce upcoming civic events (assigned Strategic Plan for 1st 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 4th 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)

COU2005-29 Consider service to remove oak pollen in gutters and curbs (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: 75th 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)

COU2006-34 Consider An Amendment to the C-3 Zoning of 5301 West 75th Street (assigned 09/20/2006)

COMMITTEE AGENDA

October 16, 2006

- COU2006-35 Consider Uniform Public Offense Code & Standard Traffic Offense Code (assigned 09/27/2006)
- COU2006-36 Consider Personnel Policies (assigned 09/27/2006)
- COU2006-37 Consider Communication Stipend (assigned 09/27/2006)
- COU2006-38 Consider Park & Recreation Committee Report (assigned 09/27/2006)
- COU2006-39 Consider request from Volunteer Center of Johnson County (9/29/2006)
- COU2006-40 Consider agreement with Shawnee Mission School District for School Resource Officers (10/11/2006)
- COU2006-41 Consider Budget Transfer (10/12/2006)
- COU2006-42 Consider Recommendation for Planning Consultant (10/12/2006)
- COU2006-43 Consider 2005 Traffic Safety Report (10/12/2006)

LEGISLATIVE/FINANCE COMMITTEE

- LEG2000-25 Review fee schedules to determine if they are comparable to other communities and where appropriate (assigned Strategic Plan for 1st 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 2nd 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 - 69th to 71st St. (assigned 1/31/2005)
- POL2005-04 Consider Project 190809: 75th 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 - 91st to 95th (assigned 4/25/2006) 11/20/2005)
- 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: 95th 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 1st Quarter of 2001)