

# CITY OF PRAIRIE VILLAGE

**January 4, 2010**

**Committee Meeting  
6:00 p.m.**

**Council Meeting  
7:30 p.m.**





**City Council Meeting**

**January 4, 2010**

**Dinner provided by**

**Oklahoma Joe's Barbecue**

**Brisket and Pulled Pork**

**BBQ Beans**

**Potato Salad**

**Cole Slaw**

**Bread and Pickle Tray**

**Mely's Ice Cream Cake**

**COUNCIL COMMITTEE**

**January 4, 2010**

**6:00 p.m.**

**Council Chambers**

**AGENDA**

**MICHAEL KELLY, COUNCIL PRESIDENT**

**AGENDA ITEMS FOR DISCUSSION**

- \*COU2010-01      Consider approval of an agreement with MMG for the design of the website (Phase 1)  
Quinn Bennion**
  
- COU2009-114      Consider Approval of Council Policy 065 - Employee Service Awards  
Quinn Bennion**
  
- COU2010-03      Discussion of possible special sales tax vote and schedule for parks  
and recreation funding**

**\*Council Action Requested the same night**



## COUNCIL COMMITTEE

Council Meeting Date: January 4<sup>th</sup>, 2010  
Council Committee Meeting Date: January 4<sup>th</sup>, 2010  
Council Committee Meeting Date: Dec. 21<sup>st</sup>, 2009

**COU2010-01 Consider approval of Professional Services agreement with MMG Worldwide for strategic web design services (Phase I)**

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### SUGGESTED MOTION

Move to approve a professional services agreement with MMG Worldwide for strategic web design services in an amount not to exceed \$17,500.

### RECOMMENDATION

Staff and Communications Committee recommend approval.

### BACKGROUND

At the December 21<sup>st</sup> Committee meeting, Council approved a recommendation to secure MMG Worldwide for the design and renovation of the City's website. Additional information about the procurement process and selection of MMG is included in the previous packet.

### FUNDING SOURCE

The web services are split into two phases with a total budget of \$60,000. The first phase agreement is for \$17,500.

\$10,000 = 2008 web design services originally in general fund

\$10,000 = 2009 web design services originally in general fund

\$40,000 = economic development fund

The identified funds have been transferred to equipment reserve fund to track multi-year and project expenses.

### VILLAGE VISION

LG1 - Communication with the Public

LG1B - Enhance communication with public

LG1C - provide more opportunities for citizen engagement

PRS1C - promote Prairie Village for retail

**ATTACHMENTS:**

- 1) Proposed Professional Services Agreement with MMG Worldwide. The agreement has been reviewed by the City Attorney and MMG.

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Prepared By:

Quinn Bennion

City Administrator

Date: Dec. 31<sup>st</sup>, 2009

**AGREEMENT FOR  
PROFESSIONAL SERVICES  
FOR  
STRATEGIC WEB DESIGN SERVICES**

***THIS AGREEMENT***, made at the city of Prairie Village, Kansas, this 4th day of January, 2010, by and between the City of Prairie Village, Kansas, a municipal corporation with offices at 7700 Mission Road, Prairie Village, Kansas, 66208, hereinafter called the “City”, and **MMG Worldwide, Inc.** a corporation with offices at 4601 Madison Ave., Kansas City MO 64112 hereinafter called the “**Consultant**”.

***WITNESSED, THAT WHEREAS***, City has determined a need to retain a professional consulting firm to provide services for the Website Design Process process, hereinafter called the “**Project**”,

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

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

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

**1. CITY RESPONSIBILITIES**

- 1.1. The City has designated the Deputy City Clerk, Jeanne Koontz, to act as the representative for the City with respect to the services to be performed or furnished by the Consultant under this Agreement. This person shall have the authority to transmit instructions, receive information, interpret and define the City policies with respect to the Consultant’s services for this Project.
- 1.2. The City shall make available to the Consultant all existing data and records relevant to the Project and other information possessed by the City that is relevant to the Project. Consultant shall not be responsible for verifying or ensuring the accuracy of any information or content supplied by City or any other Project participant unless specifically defined by the scope of work, nor ensuring that such information or content does not violate or infringe any law or other third party rights. However, Consultant shall promptly advise the City, in writing, of any inaccuracies in the information provided or any other violation or infringement of any law or third party rights that Consultant observes. City shall indemnify Consultant for any infringement claims resulting from Consultant’s use of such content, materials or documents.

**2. CONSULTANT RESPONSIBILITIES**

- 2.1. The Consultant shall either perform for or furnish to the City professional contracting services and related services in all phases of the Project to which this Agreement applies as hereinafter provided.

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

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

- 3.1. Upon receipt of notice to proceed from the City, the Consultant shall provide consulting services related to this project including, but not limited to, these phases and tasks. The scope tasks are outlined below and detailed in Attachment A.

Task 1: Needs and Desires Determination

Task 2: Site Outline

Task 3: Conceptual Design

Task 4: Development Estimate

Task 5: Phasing Plan

### 4. **TIME SCHEDULE**

- 4.1. The Consultant's services and compensation under this Agreement have been agreed to in anticipation of orderly and continuous progress of the Project.

If the City fails to give prompt written authorization to proceed with any phase of services after completion of the immediately preceding phase, the Consultant shall be entitled to equitable adjustment of rates and amounts of compensations to reflect reasonable costs incurred by the Consultant as a result of the delay or changes in the various elements that comprise such rates of compensation.

Neither City nor Consultant shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the nonperforming party. For purposes of this Agreement, such circumstances include, but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; war, riots, and other civil disturbances; strikes, lockouts, work slowdowns, and other labor disturbances; sabotage; judicial restraint; and delay in or inability to procure permits, licenses, or authorizations from any local, state, or federal agency for any of the supplies, materials, accesses, or services required to be provided by either City or Consultant under this Agreement. Consultant shall be granted a reasonable extension of time for any delay in its performance caused by any such circumstances.

Should such circumstances occur, the consultant shall, within a reasonable time of being prevented from performing, give written notice to the City describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement.

- 4.2. Recognizing that time is of the essence, the Consultant proposes to complete the scope of services as specified in the Scope of Services according to the schedule outlined in Attachment C.

## 5. COMPENSATION

- 5.1. The City agrees to pay the Consultant as maximum compensation as defined in Attachment B.
- 5.2. The compensation will be billed by Phase detailing the position, hours and appropriate hourly rates (which include overhead and profit) for Consultant's personnel classifications and Direct Non-Salary Costs.
- 5.3. The term "Direct Non-Salary Costs" shall include the Consultant payments in connection with the Project to other consultants, transportation, and reproduction costs. Payments will be billed to the City at actual cost. Transportation, including use of survey vehicle or automobile will be charged at the IRS rate in effect during the billing period. Reproduction work and materials will be charged at actual cost for copies submitted to the City.
- 5.4. All billings must be submitted monthly for all services rendered in the previous month. The Consultant will invoice the City on forms approved by the City. All properly prepared invoices shall be accompanied by a documented breakdown of expenses incurred. This documentation shall include personnel by job classification, hourly rate, number of hours, description of sub-consultant services and detail list of Direct Non-Salary Costs.
- 5.5. The maximum fee shall not be changed unless adjusted by Change Order mutually agreed upon by the City and the Consultant prior to incurrence of any expense. The Change Order will be for major changes in scope, time or complexity of Project.

## 6. GENERAL PROVISIONS

- 6.1. **Opinion of Probable Cost and Schedule:** Since the Consultant has no control over the cost of labor, materials or equipment furnished by Contractors, or over competitive bidding or market conditions, the opinion of probable Project cost, construction cost or project schedules are based on the experience and best judgment of the Consultant, but the Consultant cannot and does not guarantee the costs or that actual schedules will not vary from the Consultant's projected schedules.
- 6.2. **Quantity Errors:** Negligent quantity miscalculations or omissions because of the Consultant's error shall be brought immediately to the City's attention. The Consultant shall not charge the City for the time and effort of checking and correcting the errors to the City's satisfaction.
- 6.3. **Intellectual Property:** All designs, documents, and other items of intellectual property designed, developed or furnished by the Consultant pursuant to this Agreement are works for hire in respect of the Project, and such items, along with items of intellectual property furnished by the City, shall be the property of the City. The Consultant is prohibited from reuse of such items of intellectual property without the expressed written permission of the City.
- 6.4. **Insurance:** The Consultant shall procure and maintain, at its expense, the following insurance coverage: (a) Workers' Compensation -- Statutory Limits, with Employer's Liability limits of \$100,000 each employee, \$500,000 policy limit; (b) Commercial General Liability for bodily injury and property damage liability claims with limits of not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate; (c) Commercial Automobile Liability for bodily injury and property damage with limits of not less than \$1,000,000 each accident for all owned, non-owned and hired automobiles.
  - 6.4.1 Consultant's insurance shall be from an insurance carrier with an A.M. Best rating of A-IX or better, shall be on the CG 0001 ISO Occurrence form or such other form as may be



approved by City, and shall name, by endorsement to be attached to the certificate of insurance, City, and its divisions, departments, officials, officers and employees, and other parties as specified by City as additional insureds as their interest may appear, except that the additional insured requirement shall not apply to Professional Liability. Each certificate of insurance shall state that such insurance will not be canceled until after thirty (30) days' unqualified written notice of cancellation or material change has been given to the City, except in the event of nonpayment of premium, in which case there shall be ten (10) days' unqualified written notice. Subrogation against City and City's Agent shall be waived. Consultant's insurance policies shall be endorsed to indicate that Consultant's insurance coverage is primary and any insurance maintained by City or City's Agent is non-contributing as respects the work of Consultant on those policies where City is an additional insured.

6.4.2 Before Consultant performs any portion of the Work, it shall provide City with certificates and endorsements evidencing the insurance required by this Article. Consultant agrees to maintain the insurance required by this Article of a minimum of three (3) years following completion of the Project if commercially available and, during such entire three (3) year period, to continue to name City, City's agent, and other specified interests as additional insureds thereunder.

6.4.3 Coverage shall contain a waiver of subrogation in favor of the City, and its subdivisions, departments, officials, officers and employees except on Professional Liability.

6.4.4 If due to the Consultant's negligent act, error or omission, any required item or component of the project is omitted from the Construction documents produced by the Consultant, the Consultant's liability shall be limited to the difference between the cost of adding the item at the time of discovery of the omission and the cost had the item or component been included in the construction documents.

6.5 **Termination:** This Agreement may be terminated by either party upon seven days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party; provided, however, the nonperforming party shall have 14 calendar days from the receipt of the termination notice to cure the failure in a manner acceptable to the other party. In any such case, the Consultant shall be paid the reasonable value of the services rendered up to the time of termination on the basis of the payment provisions of this Agreement. Copies of all completed or partially completed designs, plans and specifications prepared under this Agreement shall be delivered to the City when and if this Agreement is terminated, but it is mutually agreed by the parties that the City will use them solely in connection with this Project, except with the written consent of the Consultant (subject to the above provision regarding Reuse of Documents).

6.6 **Termination for Convenience:** The City, within its sole discretion, may elect to terminate the Agreement with the Consultant for convenience upon thirty (30) days written Notice to Consultant. In the event of such a termination, Consultant shall cease immediately all operations and shall be compensated for all work performed as of the date of termination in accordance with the terms of payment in this contract. Consultant shall not be entitled to any anticipatory profits of other costs other than direct costs of demobilization.

6.7 **Controlling Law:** This Agreement is to be governed by the laws of the State of Kansas.

6.8 **Indemnity:** To the fullest extent permitted by law, with respect to the performance of its obligations in this Agreement or implied by law, and whether performed by Consultant or any

sub-consultants hired by Consultant, the Consultant agrees to indemnify City, and its agents, servants, and employees from and against any and all claims, damages, and losses arising out of personal injury, death, or property damage, caused by the negligent acts, errors, or omissions of the Consultant or its sub-consultants, to the extent and in proportion to the comparative degree of fault of the Consultant and its sub-consultants. Consultant shall also pay for City's reasonable attorneys' fees, expert fees, and costs incurred in the defense of such a claim to the extent and in proportion to the comparative degree of fault of the Consultant and its sub-consultants.

**6.9 Severability:** Any provision or part of the Agreement held to be void or unenforceable under any law or regulation shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon the City and the Consultant, who agree that the Agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision. The provisions of this Article shall not prevent this entire Agreement from being void should a provision which is of the essence of this Agreement be determined void.

**6.10 Notices:** Any notice required under this Agreement will be in writing, addressed to the appropriate party at the address which appears on the signature page to this Agreement (as modified in writing from item to item by such party) and given personally, by registered or certified mail, return receipt requested, by facsimile or by a nationally recognized overnight courier service. All notices shall be effective upon the date of receipt.

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

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

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

**6.12 Additional Services:** The parties contemplate that upon mutual agreement, the parties may use this Agreement as the basis for additional services relating to a new website for the City, considered Phase II of such project. If City determines to award Phase II services to Consultant, upon terms mutually acceptable to City and Consultant, this Agreement may be extended to include Phase II by an amending agreement adding as attachments a Phase II scope of services, a Phase II cost and a Phase II time schedule. Nothing contained herein shall guarantee that Consultant will be awarded Phase II work.

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

**City:**

City of Prairie Village, Kansas

**Consultant:**

MMG Worldwide

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

By \_\_\_\_\_  
Don Montague, Chairman

Address for giving notices:

Address for giving notices:

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

MMG Worldwide  
4601 Madison Avenue  
Kansas City, MO 64112

Telephone: 913-385-4600

Telephone: 816-472-5988

ATTEST:

APPROVED AS TO FORM BY:

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

\_\_\_\_\_  
Catherine Logan, City Attorney

## **Attachment A – Scope of Services**

Consultant will provide the following services as part of the phase I design and development of a new website for the city of Prairie Village Kansas:

### **Task 1: Needs and Desires Determination**

Consultant will assess design and functional requirements for the new website and will make recommendations and create documentation in support of the project. Consultant will develop and tabulate an on-line survey to gather preferences and expectations of the residents and users of the web site. Consultant anticipates the following meetings as part of the needs assessment: 4-6 individual Council meetings, 2 Communication committee presentations, 2 stakeholder meetings (to be identified), 1 Council presentation and numerous staff meetings. City staff will coordinate the meeting dates, times and locations.

### **Task 2: Site Outline**

Consultant will work with City staff to determine the structure, content and organization of the new website. Consultant will create a site map and content matrix that will define the site navigational hierarchy and textual content of each page.

### **Task 3: Conceptual Design**

Consultant will provide initial wireframe mock-ups followed by conceptual designs for the website home page and interior page template. Each design may have up to two revisions at the City's request. The designs will incorporate and capture the Prairie Village image and brand as identified in Task 1.

### **Task 4: Development Estimate**

Based on the agreed to functional requirements and design concepts, Consultant will provide City with a detailed website development cost estimate. This estimate may also include alternatives for enhanced website features and content development.

### **Task 5: Phasing Plan**

Consultant will provide City with options for additional phases of website development that will allow the city to spread cost over time and work within annual budgets. These options will align with the City's milestones and targeted implementation objectives.

## **Attachment B – Phase I Cost Estimate**

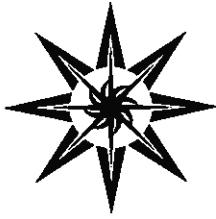
Consultant will provide the services defined in Attachment A at a cost of \$17,500.

### **Payment Terms**

- A. **Invoices.** All invoices will be billed on the first day of each month. Project expenses will be billed as the projects progress. For phase I Web Design Services, fifty percent (50%) of the project cost will be billed upon contract approval. The remaining fifty percent (50%) will be billed at the conclusion of the project once all Consultant deliverables have been received by City. Invoices will carry 30-day terms, except for postage and in such instances when cash advances are needed to reserve time or material in which case Client will provide advanced payment for said services.
- B. **Reimbursable Costs and Expenses.** When required, Client shall, upon presentation of reasonable documentation thereof, reimburse Agency for reasonable, and appropriate direct out-of-pocket costs or expenses in performing services under this Agreement, including postage, packaging, shipping, duplicating, phone or other out-of-pocket expenses (not to exceed \$2,000 without Client's approval). Agency will not earn any commissions on such costs, and all volume discounts, rebates or other benefits earned and allocable to services performed for Client under this agreement shall flow through to Client. Reasonable and necessary hotel and travel expenses of Agency personnel servicing Client's account will be billed net, provided that Client has approved such expenses in advance.
- C. **Additional Projects.** To the extent the parties mutually identify and agree to specific projects or services to be performed by Agency that will be outside the scope of this agreement, (including without limitation to traditional advertising and/ or public relations) staff time associated with such projects will be billed on a project basis as pre-estimated by Agency and pre-approved by Client.

## Attachment C – Time Schedule

<b>Project kickoff meeting</b>	<b>12/22/2009</b>
<b>Contract approval</b>	<b>1/8/2010</b>
<b>Stakeholder meetings/surveys completed</b>	<b>1/29/2010</b>
<b>Third party vendor integration defined</b>	<b>1/29/2010</b>
<b>Sitemap finalized</b>	<b>1/29/2010</b>
<b>Wireframes finalized</b>	<b>2/5/2010</b>
<b>Functional descriptions</b>	<b>2/19/2010</b>
<b>Initial design concepts</b>	<b>2/26/2010</b>
<b>Final approval of design concepts</b>	<b>3/22/2010</b>
<b>Phase I completed</b>	<b>3/31/2010</b>



## ADMINISTRATION DEPARTMENT

Council Committee Meeting Date: January 4, 2010

Council Meeting Date: January 19, 2010

**COU2009-114: Consider Council Policy 065 - Employee Service Awards**

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### RECOMMENDATION

Staff recommends the City Council approve revisions to Council Policy 065 - Employee Service Awards.

### BACKGROUND

Employee Service Awards are given in recognition of an employee service anniversary for 5 years, 10 years, etc. The current policy accounts for an award of approximately \$50. The practice over the last few years has reflected a tiered approach for each milestone. The City has also been recognizing employee anniversaries with the League of Kansas Municipalities (LKM). The attached revisions more accurately reflect current practices. The only change is to first offer the LKM gift before a monetary gift is offered.

### FUNDING SOURCE

Employee Service Awards are budgeted for in line 01-01-01-6350

### ATTACHMENTS

1. CP065 - Employee Service Awards Red-lined
2. CP065 - Employee Service Awards Final

### PREPARED BY

Jeanne Koontz

Deputy City Clerk

Date: December 2, 2009



City Council Policy: CP065 - Employee Service Awards

Effective Date: ~~July 6, 1992~~ December 21, 2009

Amends: CP065 - Employee Service Awards, July 6, 1992

Approved By: ~~City Council~~ Governing Body

I. **SCOPE**

II. **PURPOSE**

A. To provide guidelines for the purchase and selection of employee service awards recognizing employees on their recognized employment anniversaries.

III. **RESPONSIBILITY**

A. ~~City Clerk~~ Employee Events Committee

IV. **DEFINITIONS**

- A. Employee: All full-time and part-time regular employees.
- B. Seasonal Employees: Employees hired to meet seasonal work demands.
- ~~W-C. Elected Officials: Governing Body Members~~

V. **POLICY**

VI. **PROCEDURES**

~~A. The City shall authorize the expenditure of an average of \$50 per employee~~ The City shall authorize the purchase of a gift from the League of Kansas Municipalities Service Award Catalog for employees eligible for recognition of a service anniversary. The Employee Events Committee will select three or four items from the list of gifts which appropriately recognize the various lengths of service. The employee may then select their gift from this list.

~~B. An employee committee responsible for the selection of service awards shall select three to four items from a standardized list of gifts which appropriately recognizes the various lengths of service. Each employee is then allowed to select the item they want to receive for recognition of their service with the City~~ Employees, seasonal employees, and elected officials will be recognized in the League of Kansas Municipalities City Service Awards Program and the City's Annual Holiday Luncheon.

~~C. If the employee would prefer to receive a bonus payroll check, the employee must inform the Employee Events Committee. The bonus payroll check will be authorized based on the scale below for employees eligible for recognition of a service anniversary.~~

1.	5 years	\$25.00
2.	10 years	\$50.00
3.	15 years	\$75.00
4.	20 years	\$100.00
5.	25 years	\$125.00
6.	30 years	\$150.00
7.	35 years	\$175.00
B-8.	40 years	\$200.00

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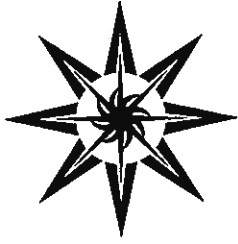
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City Council Policy: CP065 - Employee Service Awards

Effective Date: January 19, 2010

Amends: CP065 - Employee Service Awards, July 6, 1992

Approved By: Governing Body

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I. SCOPE

II. PURPOSE

- A. To provide guidelines for the purchase and selection of employee service awards recognizing employees on their recognized employment anniversaries.

III. RESPONSIBILITY

- A. Employee Events Committee

IV. DEFINITIONS

- A. **Employee:** All full-time and part-time regular employees.  
B. **Seasonal Employees:** Employees hired to meet seasonal work demands.  
C. **Elected Officials:** Governing Body Members

V. POLICY

VI. PROCEDURES

- A. The City shall authorize the purchase of a gift from the League of Kansas Municipalities Service Award Catalog for **employees** eligible for recognition of a service anniversary. The Employee Events Committee will select three or four items from the list of gifts which appropriately recognize the various lengths of service. The **employee** may then select their gift from this list.
- B. **Employees, seasonal employees, and elected officials** will be recognized in the League of Kansas Municipalities City Service Awards Program and the City's Annual Holiday Luncheon.
- C. If the **employee** would prefer to receive a bonus payroll check, the **employee** must inform the Employee Events Committee. The bonus payroll check will be authorized based on the scale below for **employees** eligible for recognition of a service anniversary.
- |    |          |          |
|----|----------|----------|
| 1. | 5 years  | \$25.00  |
| 2. | 10 years | \$50.00  |
| 3. | 15 years | \$75.00  |
| 4. | 20 years | \$100.00 |
| 5. | 25 years | \$125.00 |
| 6. | 30 years | \$150.00 |
| 7. | 35 years | \$175.00 |
| 8. | 40 years | \$200.00 |



## PARK & RECREATION COMMITTEE

Council Committee Date: January 4, 2010

**COU2010-03: Discussion of possible special sales tax vote and schedule for parks and recreation funding**

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### **DISCUSSION**

Does the City Council want to find a funding source for parks past 2011? If so, what funding source is most appropriate and for how much? Should the funding source have a sunset?

### **BACKGROUND**

There is approximately \$1,000,000 in park funding available in the 2010 General Fund Budget and up to \$1,000,000 earmarked in 2011. After 2011 no funding source has been identified to complete Parks Master Plan projects.

At their December meeting, the Finance Committee discussed the two primary funding options available for parks: a dedicated mill levy increase or a sales tax. The Finance Committee recommends exploring the sales tax option. Per state statute, cities and counties have the ability to raise the local sales tax levy to fund special projects. The levy must be approved by a public vote.

The City currently receives 1% of the 7.525% sales tax rate; the state receives 5.3%, Johnson County - 1.1% and Research Triangle - 0.125%. Prairie Village's 1% translates into approximately \$2,000,000. The current rate of 7.525% is one of the lowest rates in Johnson County (see attached).

If Council chooses to continue funding the parks past 2011 and accepts the recommendation of the Finance Committee, the most appropriate time to go to the public with such a measure would be during the November 2010 general election. This requires the process to start very soon to meet Johnson County Election Office deadlines for getting items placed on the November ballot. In addition, the City could not head up the campaign. The City can provide factual information. However, staff believes there are many people interested in this topic that attended the Village Vision meetings that would likely form a group to advocate for a sales tax for parks.

The Finance Committee also discussed the impact of a CID on the current rate. LANE4 has suggested a CID sales tax district at both shopping districts.

### **FINANCIAL IMPACT**

A 0.5% increase in sales tax would generate ~\$1,000,000 in revenue.

### **ATTACHMENTS**

Johnson County Sales Tax Rates for selected cities.

### **PREPARED BY**

Chris Engel

Assistant to the City Administrator

Date: 12/31/09

**Sales Tax Rates**  
**Selected Johnson County Cities (as of 4/1/009)**

Entity	Rate	TDD Increment
Prairie Village	7.525%	
Mission Hills	7.525%	
Fairway	7.525%	
Olathe	7.650%	
Overland Park	7.650%	
Mission	7.750%	
Merriam	7.775%	1.000%
Roeland Park	7.775%	
Shawnee	7.775%	
Lenexa	8.025%	
Gardner	8.025%	
Leawood	8.050%	
Overland Park Oak Park TDD*	8.150%	0.500%
Roeland Park Lot 2 TDD*	8.275%	0.500%
Olathe Gateway TDD No. 1a*	8.650%	1.000%
Olathe Gateway TDD No. 1b*	8.650%	1.000%
Olathe TDD*	8.650%	1.000%
Olathe Entertainment District Ph. 3*	8.650%	1.000%
Olathe Ridgeview Falls TDD*	8.650%	1.000%
Overland Park TDD*	8.650%	1.000%
Mission TDD	8.750%	1.000%
Roeland Park TDD*	8.775%	1.000%
Leawood TDD	9.050%	1.000%
Leawood Shops of 119th St TDD	9.050%	1.000%

note: will increase by 0.5% in 2010

**Highest Rate:**

Leawood TDDs 9.050%

**Highest TDD Increment:**

1.000%

Source: KS Dept of Revenue Website

Prepared by: Karen Kindle, Finance Director

Date: Dec 8, 2009

**COUNCIL MEETING AGENDA  
CITY OF PRAIRIE VILLAGE  
January 4, 2010  
7:30 p.m.**

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. PUBLIC PARTICIPATION**
- V. CONSENT AGENDA**

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

**By Staff:**

- 1. Approve Regular Council Meeting Minutes - December 21, 2009
- 2. Approve the following as designated City holidays pursuant to Personnel Policy 1006: Holidays.
- 3. Approve the purchase of three (3) 2010 Dodge Chargers from Odessa Dodge for no more than \$23,500 per vehicle. Two (2) of the units will be for Patrol, and one will be paid for by the City of Mission Hills.
- 4. Approve Resolution 2010-02 designating 2010 City Sponsored Functions as per City Council Policy 046 - Reservation of City Facilities.
- 5. Approve Resolution 2010-03 establishing City Council meeting dates for 2010.
- 6. Approve a Letter of Understanding with Johnson County Human Services for Administration of the 2010 Utility Assistance Program for Prairie Village residents.

**By Committee:**

- 7. Approve the Construction Administration Agreement with TranSystems for Project 2010 Bond in the total amount of \$771,858.00. (Council Committee of the Whole Minutes - Dec. 21, 2009)
- 8. Approve Engineering Change Order #1 with George Butler Associates for Project 190728: Prairie Land Drainage Project for \$9,500.00. (Council Committee of the Whole Minutes - Dec. 21, 2009)
- 9. Approve a Resolution of Support and Funding Commitment for a three year joint membership in Kansas City Area Development Council (KCADC) with the Northeast Johnson County Chamber and other northeast cities. (Council Committee of the Whole Minutes - Dec. 21, 2009)

- VI. MAYOR'S REPORT**  
**Appointment of Interim Public Works Director**

**Introduction of Transystems' inspection staff for 2010 capital projects.**

- VII. COMMITTEE REPORT**  
**COU2010-01 Consider approval of Professional Services agreement with MMG Worldwide for strategic web design services (Phase I)**

**VIII. STAFF REPORTS**

**IX. OLD BUSINESS**

**COU2008-36 Consider Request by OPUS Northwest to Amend Condition #10 related to the approval of the Rezoning of the Meadowbrook Country Club Property located at 91<sup>st</sup> & Nall from R-1a (Single Family Residential District) to MXD (Mixed Use District) as provided for in Ordinance #2168**

**X. NEW BUSINESS**

**XI. ANNOUNCEMENTS**

**XII. ADJOURNMENT**

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

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

# **CONSENT AGENDA**

**CITY OF PRAIRIE VILLAGE, KS**

**January 4, 2010**

**CITY COUNCIL  
CITY OF PRAIRIE VILLAGE  
December 21, 2009**

The City Council of Prairie Village, Kansas, met in regular session on Monday, December 21, 2009, 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, Dale Warman, Ruth Hopkins, Michael Kelly, Laura Wassmer, Dale Beckerman, Charles Clark, David Morrison, Diana Ewy Sharp and David Belz.

Also present were: Quinn Bennion, City Administrator; Katie Logan, City Attorney; Wes Jordan, Chief of Police; Bob Pryzby, Director of Public Works; Keith Bredehoeft, Project Manager; Dennis Enslinger, Assistant City Administrator; Karen Kindle, Finance Director; Chris Engel, Assistant to the City Administrator and Jeanne Koontz, Deputy City Clerk.

Mayor Shaffer led all those present in the Pledge of Allegiance.

Mayor Shaffer requested the Mayor's Report be moved before Presentations.

**PUBLIC PARTICIPATION**

Mayor Shaffer acknowledged Seth Thompson, owner of Overland Park Chiropractic located in the 7301 Mission office building. They specialize in chiropractics, acupuncture and disc injuries.

## CONSENT AGENDA

Michael Kelly moved the approval of the Consent Agenda for Monday, December 21, 2009:

1. Approve Regular Council Minutes - December 7, 2009
2. Approve Claims Ordinance 2866
3. Approve maintenance contracts with the City of Overland Park and Intergraph Inc. to support the Police Department's Computer Aided Dispatch (CAD), Mobile, and Record Management Systems (RMS). Funds were provided in the 2010 budget.
4. Approve an amendment to the existing Alexander Open Systems services agreement to continue providing services.
5. Approve the award of 2010 Annual Agreements for Pavement Marking to K&G Striping, Inc. for traffic marking, Keller Fire & Safety for fire extinguisher service, Teague Electric for electrician services, Arbor Masters Tree & Landscaping for tree planting and ACE House Painting Inc., for building painting.
6. Approve an Interlocal Agreement with Johnson County for Project 190883: Somerset Dr - Roe Ave to Mission Rd limiting the County share to 50% or \$550,000 of the projects construction costs.
7. Approve an Interlocal Agreement with Johnson County for Project 190876: 83<sup>rd</sup> St - Nall Ave to Roe Ave limiting the County share to 50% or \$315,000 of the projects construction costs.
8. Approve the contract with Animal Medical Center for animal impoundment and general veterinary or related animal services.
9. Approve the award for the bid for Project 190923: Prosecutor Office Construction to Zipco Construction in the amount of \$16,837.00
10. Approve the transfer from General Fund Contingency to Legal Services in the amount of \$42,000 for T-Mobile litigation fees and Natural Gas Transport Franchise legal fees.
11. Adopt the Joint 2010 County/City Legislative Platform as written.

A roll call vote was taken with the following members voting "aye": Herrera, Warman, Hopkins, Kelly, Wassmer, Beckerman, Clark, Morrison, Ewy Sharp and Belz.

## MAYOR'S REPORT

- Mayor Shaffer reported that this is Bob Pryzby's last meeting since he has decided to retire. Bob Pryzby said thank you to everyone including the hiring committee. He said it has been a labor of love and he has enjoyed every minute of it. Diana Ewy Sharp said the retirement party is planned for Friday January 8<sup>th</sup> from 5:00 to 7:00 pm at Indian Hills Country Club. Council Members expressed their thanks and respect to Mr. Pryzby and wished him best of luck.



- Mayor Shaffer attended the following events during the last two weeks: Prairie Village Employee Awards Luncheon, Mission Hills Appreciation Luncheon, DARE Graduation at St. Ann's, Ex-Chief Lemanske's funeral, Mission Bank brunch/reception, DARE Graduation at Belinder, MARC Board of Directors meeting, NE Mayor's luncheon with former mayors and DARE Graduation at Briarwood. The City has graduated around 7,000 kids from the DARE program since its inception.

## PRESENTATIONS

### Presentation by Arts Council members regarding JazzFest 2010

Michael Kelly introduced Randy Kronblad and Daniel Andersen with the Prairie Village Jazz Festival.

Randy Kronblad said the committee came to Council about two months ago to gain approval for the concept of a Jazz Festival in September. The event has taken on a momentum of its own and the intent is that it will be an annual event. Any money raised will go to promote the event for the following year. Money will also be set aside to design and build an amphitheater in Harmon Park. A small core group of volunteers has been meeting every two weeks to plan the event.

Daniel Andersen, festival director, said they have designed a logo and created an information packet to distribute to sponsors. The committee is still looking for a main headliner. The committee has raised \$15,000 so far and is looking for three year commitments from sponsors. The committee will be soliciting additional volunteers and the first meeting will be on January 27, 2010. The committee is seeking approval for staff support for their monthly meeting and staff support for insurance and legal assistance. The event will include beer and wine service.

Laura Wassmer said she is impressed and loves the logo. She suggested having Prairie Village stand out more on the website. She asked about a rain out plan. Daniel Andersen said it will be a rain or shine event.

Randy Kronblad said they also need approval for the first media release.

Ruth Hopkins asked about the hours of the event. Daniel Andersen responded 5 pm to 10 pm on Friday and 3 pm to 10 pm on Saturday.

Laura Wassmer asked where people would park. Daniel Andersen said he hoped to use both church parking lots, the Shawnee Mission East parking lot and the Corinth Shopping Center parking lot.

Diana Ewy Sharp asked to see a budget for staff time. Daniel Andersen said they need staff support for the committee and from the Police Department and Public Works Department before the event. They will not need staff for the stage or tents. Diana Ewy Sharp responded she is supportive of the event but knows from experience that the cost of staff time goes up quickly.

Dale Beckerman asked if there is an admission fee. Daniel Andersen said it will be a free event.

Michael Kelly moved the Governing Body assign a staff member to the Arts Council subcommittee for JazzFest. The motion was seconded by Dale Warman and passed unanimously.

Wes Jordan said Ordinances will need to be amended to allow alcohol and noise. Mayor Shaffer thanked the committee for all their hard work.

Presentation by Transystems and the City of Mission regarding the possible Reconfiguration of Nall Ave from Shawnee Mission Parkway to 67<sup>th</sup> Street

Keith Bredehoeft introduced Mike Scanlon, Martin Rivarola and Tom Swinson with Transystems.

Mike Scanlon gave a presentation on the City of Mission's plans to reconfigure Nall Ave from Shawnee Mission Parkway to 67<sup>th</sup> Street. The City of Prairie Village needs to weigh in prior to construction. The City of Mission will not move forward until they receive commitment from the City of Prairie Village. More than 95% of the costs need to be born by the City of Mission.

The proposed street improvements on Nall Avenue between 67<sup>th</sup> Street and Martway will change the existing four-lane street to a three-lane street - one through lane each way plus a center lane for making left turns. The project includes new curbs and sidewalks or trails, pavement rehabilitation, pavement markings, and signing. Traffic signals will be replaced at the Nall Avenue intersection with Shawnee Mission Parkway. While the street configuration is generally the same north and south of Shawnee Mission Parkway, some of the dimensions are slightly different. The currently proposed project, including all sidewalks and green space will be built within the existing pavement of Nall Avenue. No property acquisition will be necessary.

The function of Nall Avenue has stabilized at a level of traffic that can comfortably be handled with a 3-lane section. While Nall Avenue south of Shawnee Mission Parkway is four lanes wide in many areas, the section between 75<sup>th</sup> Street and 91<sup>st</sup> Street is only two lanes wide and neither Prairie Village nor Overland Park plans to widen it. North of Johnson Drive, Nall Avenue will always be only two lanes wide. In addition to calming traffic speeds, the proposed street configuration provides more

space to add sidewalk and/or multi-use trail amenities and set them apart from the street - without encroaching into yards.

The project is funding by the City of Mission and Johnson County CARS funding. The project has been expedited because funding from CARS became available. Traffic volumes support the conversion to a 3-lane road.

Mayor Shaffer asked Mr. Scanlon to share their past public presentations. Mike Scanlon said they gave presentations on December 3<sup>rd</sup> and 5<sup>th</sup> to neighborhoods being affected by the change. Mayor Shaffer asked if the additional CARS funding affected future considerations. Mr. Scanlon responded no.

Quinn Bennion said staff has discussed this at length and feels that Overland Park needs to participate in discussion about considering the area between 67<sup>th</sup> Street and 75<sup>th</sup> Street.

Al Herrera inquired why the trail was designated on the west side and asked if it could be moved to the east side. Mr. Scanlon responded they were trying not to disturb the curb in Prairie Village and the sidewalk in Prairie Village needs to be widened to become ADA compliant.

Diana Ewy Sharp said she was excited about the trail but concerned about traffic flow on a 3-lane road. Wes Jordan asked if truck traffic would still be allowed and expressed concern with the location where traffic will funnel down. He stated the Police Department currently receives many complaints about the 75<sup>th</sup> Street and 91<sup>st</sup> Street intersections where traffic merges to two lanes.

Michael Kelly expressed concern with moving traffic to other streets. Dale Warman applauded their efforts to fix the Shawnee Mission intersection but is concerned about the 67<sup>th</sup> Street intersection. David Morrison said has already heard

complaints from his constituents and is concerned about having truck traffic near bike paths. Dale Beckerman said he is intrigued by the idea but is afraid the change would be undone in 20 years. Ruth Hopkins expressed concern with stopping the project at 67<sup>th</sup> Street. David Belz asked if the project could be stopped just past the Shawnee Mission Parkway intersection instead of continuing it to 67<sup>th</sup> Street.

Michael Kelly asked if this would alter the original plan for the trail system. Quinn Bennion said a portion of the planned trail is located on Roe Avenue where there is not as much room and Nall Avenue could be a better solution. Michael Kelly expressed concern with placing the trail on the edge of the City.

Keith Bredehoeft said the next step would be a traffic study from 67<sup>th</sup> Street to 91<sup>st</sup> Street. Dennis Enslinger said there are funds in the 2009 budget to cover the expenses.

Michael Kelly said he will vote no because he thinks the traffic study will cause a lot of conflict. Dale Beckerman said it is the first step of due diligence. Keith Bredehoeft said the survey will be done with aerial photography.

Ruth Hopkins moved the Governing Body approve the expenditure of funds to conduct a traffic study between 67<sup>th</sup> Street and 91<sup>st</sup> Street. The motion was seconded by Charles Clark and passed by a majority with Michael Kelly and David Morrison voting "nay".

## COMMITTEE REPORTS

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

#### COU2009-118 Consider Diesel Engine Upgrade Project with Johnson County Environmental Department

On behalf of the Council Committee of the Whole, Michael Kelly moved the Governing Body approve the contract for a diesel engine upgrade project with Johnson County Environmental Department. The motion was seconded by Ruth Hopkins and passed unanimously.

#### COU2009-119 Consider Purchase of Replacement Transfer Switch for City Hall Emergency Generator from 2009 Contingency

On behalf of the Council Committee of the Whole, Michael Kelly moved the Governing Body approve the purchase of a replacement electrical transfer switch for the Municipal Office Building from Technical Power Services for \$44,500 and to approve a transfer from General Fund Contingency for \$50,000. The motion was seconded by Ruth Hopkins and passed unanimously.

#### COU2009-120 Consider Amendment to Deffenbaugh Contract

On behalf of the Council Committee of the Whole, Michael Kelly moved the Governing Body authorize the Mayor to finalize and execute the Fourth Amendment to the Solid Waste, Recycling, Compostables and Bulky Item Collection 2002 Contract. The motion was seconded by Ruth Hopkins and passed by a majority vote with David Morrison voting "nay".

#### COU2009-121 Consider Solid Waste Route Map

On behalf of the Council Committee of the Whole, Michael Kelly moved the Governing Body adopt the Solid Waste, Recycling, Compostables Collection Route Map

as shown in Attachment A. The motion was seconded by Ruth Hopkins and passed unanimously.

COU2009-122 Consider Final Change Orders for Project 190869: 2009 Street Resurfacing, Change Order #3 (Final), Project 190865: Roe Avenue - Somerset Drive to 83<sup>rd</sup> Street, Change Order #1 (Final), and Project 190877: 83<sup>rd</sup> Street - Roe Avenue to Somerset Drive, Change Order #1 (Final)

On behalf of the Council Committee of the Whole, Michael Kelly moved the Governing Body approve construction change order #3 (Final) with O'Donnell and Sons Construction for Project 190869: 2009 Street Resurfacing Program for \$62,053.12 and construction change order #1 (Final) with O'Donnell and Sons Construction for Project 190865: Roe Avenue Resurfacing for \$18,489.80 and construction change order #1 (Final) with O'Donnell and Sons Construction for Project 190877: 83<sup>rd</sup> Street Resurfacing for \$8,463.80. The motion was seconded by Ruth Hopkins and passed unanimously.

COU2009-125 Consider Construction Contract with O'Donnell and Sons for Project 2010 Bond

On behalf of the Council Committee of the Whole, Michael Kelly moved the Governing Body authorize the Mayor to sign the construction contract with O'Donnell and Sons Construction for Project 2010 Bond for \$6,550,000.00. The motion was seconded by Ruth Hopkins and passed unanimously.

### **Planning Commission**

Dennis Enslinger said the Monarch Montessori Preschool has a requested a Special Use Permit to establish a preschool at the Congregation Kol Ami Synagogue. The proposed Montessori Preschool will offer education for children from age 3 to 6. The hours of operation will be from 8:30 a.m. to 2:30 p.m. Monday through Friday from

late August until late May. A summer program will be offered in June and July three mornings per week from 9:00 a.m. to 12:00 pm. The preschool will be located in the garden level of the Synagogue which has access from the south. Parking will be provided in the west parking lot for drop off and pickup. The applicant held a neighborhood meeting and no residents attended the meeting. The Governing Body has four options:

- A. Adopt the recommendation of the Planning Commission and approve the Special Use Permit which requires a majority of those present, or
- B. Override the recommendation of the Planning Commission by a 2/3 vote of the Governing Body (9 votes), and deny the Special Use Permit, or
- C. Return the recommendation to the Planning Commission by a simple majority vote of the quorum present with a statement specifying the basis for the City Council's failure to approve or disapprove the recommendation.
- D. Continue the item to a designated meeting by a simple majority of the quorum present.

Dale Beckerman moved the Governing Body adopt Ordinance 2224 granting a Special Use Permit to allow the operation of a private preschool at 7501 Belinder Avenue subject to the conditions recommended by the Planning Commission. The motion was seconded by Laura Wassmer and passed unanimously.

### **Communications Committee**

Michael Kelly said the process for a new website began 1 ½ years ago. An RFP was sent out to redesign the website. The Communications Committee learned a lot from the process but an agreement could not be reached with Digital Evolution Group. In September, an RFQ was sent out for website design services and several responses were received. The Staff IT Committee narrowed the pool to two potential developers. The Communications Committee interviewed the finalists and recommend MMG Worldwide. The selection was a unanimous decision. The committee liked their



tremendous amount of experience in representing regions like the state of Colorado and the country of Barbados. The committee also liked their emphasis on creating a website that will help brand and market Prairie Village.

Quinn Bennion said an agreement for the Design/Scope Phase will go before the Council on January 4<sup>th</sup>.

David Morrison moved the Governing Body approve MMG Worldwide as the City's website designer and provider. The motion was seconded by Dale Beckerman and passed unanimously.

### **Park and Recreation Committee**

Diana Ewy Sharp reported the Park and Recreation Committee will have a presentation on the Franklin Park designs at their January 13, 2010 meeting at 7:00 pm.

## **STAFF REPORTS**

### **Administration**

- Karen Kindle said she will need 2009 expenses turned in as quickly as possible.
- Chris Engel said the deadline for the TE Trail Grant is December 30<sup>th</sup>
- Quinn Bennion said the second meeting in January will be on Tuesday, January 19<sup>th</sup>
- Leadership Northeast is still accepting applications
- Recognized Chief Jordan for finishing a full year as president of the Johnson County Chief's Association

## **OLD BUSINESS**

Chief Jordan said the Prairie Village Honor Guard participated in Chief LeManske's funeral service. The family appreciated it and the Police Department received an outpouring of positive remarks.

Dale Warman said he is proud of the Prairie Village Police Department and said the Honor Guard did a great job.

## NEW BUSINESS

### Consider Approval of a Transfer of \$10,000 from 2009 General Fund and \$40,000 from the Economic Development Fund to the Equipment Reserve Fund for the development of the website in 2010

Quinn Bennion said he is seeking permission to transfer \$10,000 in 2009 General Funds and \$40,000 from Economic Development Fund to the Equipment Reserve Fund. Having all the money in one fund will make it easier to track.

Michael Kelly moved the Governing Body approve a transfer of \$10,000 from the 2009 General Fund and \$40,000 from the Economic Development Fund to the Equipment Reserve Fund for the Development of the website in 2010. The motion was seconded by Laura Wassmer and passed unanimously.

### Update on Lawsuit involving Charter Ordinance

Catherine Logan said she received an offer from David Morrison's attorney to refrain from repealing the District Court's decision if the City will appeal the existing Charter Ordinance and reenact a new Charter Ordinance with a sunset.

Laura Wassmer asked if the City will go to court if we reject the offer.

Catherine Logan said the judgment was in favor of the City and it would go before the appellate court if appealed. She said Mr. Morrison has until December 30<sup>th</sup> to file the notice of appeal.

Dale Beckerman said the offer is poorly thought out and by accepting it the City would be bound to commit to a future decision.

Michael Kelly moved the Governing Body reject the offer from David Morrison's attorney. The motion was seconded by Ruth Hopkins and passed by a majority with David Morrison voting "nay".

## ANNOUNCEMENTS

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

Council Committee of the Whole	01/04/2010	6:00 p.m.
City Council	01/04/2010	7:30 p.m.

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The Prairie Village Arts Council is pleased to announce an oils exhibit by Mimi Pettegrew during the month of December.

The City offices will be closed on Friday, December 25<sup>th</sup> in observance of the Christmas holiday and on Friday, January 1<sup>st</sup> in observance of the New Year's holiday. Deffenbaugh observes both holidays and service will be delayed one day.

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

The City will once again have Holiday Tree Recycling available for Prairie Village residents. You may take your holiday tree to the designated areas of Porter, Franklin, and Meadowlake Parks, and in the Harmon Park parking lot near the water tower between December 21st and January 19th.

The City Clerk's office has a new style of ceramic coffee mug for sale. They are \$5.00 each.

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

Have a merry Christmas and happy new year

## ADJOURNMENT

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

Jeanne Koontz  
Deputy City Clerk



**COUNCIL COMMITTEE**

**Council Meeting Date: January 4, 2010**

**CONSENT AGENDA:** Consider approving the calendar designating 2010 City holidays.

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**SUGGESTED MOTION**

Move that the Governing Body approve the following as designated City holidays pursuant to Personnel Policy 1006: *Holidays*.

New Year's Day	Friday, January 1
Martin Luther King, Jr. Day	Monday, January 18
President's Day	Monday, February 15
Memorial Day	Monday, May 31
Independence Day	Monday, July 5
Labor Day	Monday, September 6
Thanksgiving Day	Thursday, November 25 and Friday, November 26
Christmas Day	Friday, December 24

**BACKGROUND**

Pursuant to Personnel Policy 1006: *Holidays*, the City has designated days to be recognized as official City Holidays with City offices being closed for holiday observation.

**FUNDING SOURCE**

Not applicable

**PUBLIC NOTICE**

Not applicable.

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Prepared By:

Nicholas Sanders, PHR  
Human Resources Specialist  
Date: December 15, 2009



## **POLICE DEPARTMENT**

**Council Committee Meeting Date: January 4, 2010**

**CONSENT AGENDA: PURCHASE REQUEST OF POLICE VEHICLES**

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### **RECOMMENDATION**

Staff recommends the purchase of three (3) 2010 Dodge Chargers from Odessa Dodge for no more than \$23,500 per vehicle. Two (2) of the units will be for Patrol, and one will be paid for by the City of Mission Hills.

Odessa Dodge was awarded the Mid America Council of Public Purchasing (MACPP) Metropolitan Joint Vehicle Bid.

**COUNCIL ACTION REQUESTED ON JANUARY 4, 2010.**

### **BACKGROUND**

On an annual basis, the Police Department replaces older police units due to age, mileage, and/or maintenance problems. The Department is seeking authorization to purchase these units from Odessa Dodge, who was awarded the 2010 MACPP Metro Bid. The approximate build time for these cars is 90-150 days.

This purchase was previously approved by the City Council as part of the 2010 Public Safety Budget.

### **FUNDING SOURCE**

01-03-25-7100 - \$47,000

### **PREPARED BY**

Capt. Tim M. Schwartzkopf  
Patrol Commander  
Date: December 18, 2009

## RESOLUTION 2010-02

**A RESOLUTION DESIGNATING 2010 CITY SPONSORED FUNCTIONS AS PER CITY COUNCIL POLICY 046 - RESERVATION OF CITY FACILITIES.**

**WHEREAS**, the Governing Body has adopted City Council Policy 046 - Reservations of City Facilities which outlines the process for serving and consumption of beer and wine in City Hall and the Municipal Courtyard ; and

**WHEREAS**, Section E of City Council Policy 046 states that the serving and consumption of beer and wine in conjunction with a city sponsored function may occur in City Hall and the Municipal Courtyard upon the approval of a Resolution by the Governing Body.

**NOW, THEREFORE, BE IT RESOLVED**, the Governing Body of the City of Prairie Village:

Section 1. Designates the Prairie Village State of the Arts 2010 Event, monthly Artist Receptions held in the R.G. Endres Gallery, and the Johnson and Wyandotte Mayor's Event as officially city sponsored events for 2010 allowing for the serving and consumption of wine and beer in City Hall and the Municipal Courtyard.

Section 2. Nothing herein shall authorize illegal activity prohibited by other provisions of the City Code or City Ordinances.

**THIS RESOLUTION IS ADOPTED AND PASSED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS, THIS 4th DAY OF JANUARY, 2010.**

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

ATTEST:

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



## CITY CLERK DEPARTMENT

Council Meeting Date: January 4, 2010  
Consent Agenda

### Consider 2010 City Council Meeting Schedule

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#### RECOMMENDATION

Recommend the Governing Body approve Resolution 2010-03 establishing City Council meeting dates for 2010

#### BACKGROUND

The Prairie Village Municipal Code establishes the City Council meeting dates as the first and third Mondays of each month. Due to the closure of City Offices in the observance of national holidays, Council meetings are moved to the following Tuesday. The third week in March is winter National League of Cities Conference and the designated "spring break" for the Shawnee Mission School District. These two events result in several Council members being unable to attend the regularly scheduled Council meeting.

The attached resolution establishes 2010 Council meeting dates with the following changed meeting dates:

Tuesday, January 19<sup>th</sup>  
Tuesday, February 16<sup>th</sup>  
Monday, March 22<sup>nd</sup>  
Tuesday, July 6<sup>th</sup>  
Tuesday, September 7<sup>th</sup>

#### ATTACHMENTS

Resolution 2010-03

#### PREPARED BY

Joyce Hagen Mundy  
City Clerk

Date: December 31, 2009

**CITY OF PRAIRIE VILLAGE  
RESOLUTION 2010-03**

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS, ESTABLISHING REGULAR CITY COUNCIL MEETING DATES FOR 2010**

**WHEREAS**, the Mayor and Council members of the City of Prairie Village, Kansas are required by Prairie Village Municipal Code Section 1-203 to meet on the first of third Monday of each month at 7:30 p.m. at the City Hall located in Prairie Village, Kansas; and

**WHEREAS**, there are meeting dates that conflict with observed holidays and community and professional events requiring the change of meeting dates.

**NOW THEREFORE, BE IT RESOLVED**, that the Governing Body adopt the following meeting schedule for 2010:

Monday, January 4	Tuesday, July 6
Tuesday, January 19	Monday, July 19
Monday, February 1	Monday, August 2
Tuesday, February 16	Monday, August 16
Monday, March 1	Tuesday, September 7
Monday, March 22	Monday, September 20
Monday, April 5	Monday, October 4
Monday, April 19	Monday, October 18
Monday, May 3	Monday, November 1
Monday, May 17	Monday, November 15
Monday, June 7	Monday, December 6
Monday, June 21	Monday, December 20

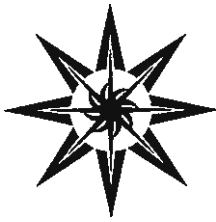
**Adopted by the Governing Body this 4<sup>th</sup> day of January, 2010.**

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

Attest:

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





## ADMINISTRATION DEPARTMENT

Council Meeting Date: January 4, 2010  
Consent Agenda

### Consider 2010 Utility Assistance Program

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#### RECOMMENDATION

Staff recommends the City Council approve a Letter of Understanding with Johnson County Human Services for Administration of the 2010 Utility Assistance Program for Prairie Village residents.

#### BACKGROUND

The City annually contracts with Johnson County Human Services & Aging to administer the Utility Assistance Program. This program helps low income Prairie Village residents with paying their utility bills. In order for Prairie Village residents to participate in the program, the City must enter into a Letter of Understanding with Johnson County for the administration of the program.

#### FUNDING SOURCE

Funding for the Utility Assistance Program is provided by the Prairie Village Municipal Foundation. There is no financial impact associated with entering into the Letter of Understanding for the City.

#### RELATION TO VILLAGE VISION

LG2 Intergovernmental Cooperation

LG2a Build on intermunicipal cooperative activities, agreements and planning initiatives.

#### ATTACHMENTS

1. Letter of Understanding

#### PREPARED BY

Jeanne Koontz  
Deputy City Clerk  
December 21, 2009

**LETTER OF UNDERSTANDING  
JOHNSON COUNTY UTILITY ASSISTANCE PROGRAM**

**2010 PROGRAM YEAR**

This Letter of Understanding is entered into by and between the Johnson County Human Services and the City of Prairie Village for the administration of the **UTILITY ASSISTANCE PROGRAM** available to residents of the City.

The parties do mutually agree to as follows:

**I. ELIGIBILITY**

Human Services will determine eligibility using the following factors:

- A. Verify that the applicant is a resident of the City and that the name of the applicant, spouse or another adult living in the household is on the utility bill.
- B. Verify that the applicant's household has gross income at or below the 200% of Poverty Guidelines as published in the Federal Register.
- C. Verify with the utility that, the client has made a self-payment on the utility bill within the previous three months.

**II. BENEFIT & SERVICE PROVIDED**

In providing utility assistance benefits to eligible City applicants, Human Services will:

- A. Determine the amount of payment to be made to the utility based on the amount of arrearage or the maximum benefit, whichever is lower.
- B. Match city funds with county funds up to \$\_00.00 per calendar year. County funds will match up to \$100.00 per year. Each household will be eligible to receive assistance up to the maximum benefit per calendar year.
- C. Process payments to the utility vendors through the county's voucher system.
- D. Provide energy conservation materials and referrals for other services to utility assistance clients.
- E. Provide the City with quarterly reports on the number of households served and funds expended.

### III. CONSIDERATION

In consideration of the above provisions the City will contribute \$ 0\* for the services listed in this Letter of Understanding for the calendar year of 2010.

At the end of the program year, any unobligated funds will be automatically transferred to the next program year or returned to the city upon request.

\*Matching funds to be provided by the Prairie Village Municipal Foundation, if needed.

### IV. SPECIAL PROVISIONS

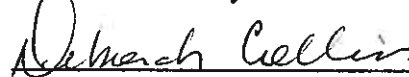
- A. Any exceptions to the above procedures will be discussed, a mutually agreed upon by a designated representative of the City and the County.
- B. The benefit amount to City residents will be reduced, when either city or County funds have been exhausted.
- C. This letter of understanding may be terminated by either party upon thirty days written notice.

Executed in duplicated and on the date listed below:

The City of Prairie Village

Johnson County Human Services

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

  
\_\_\_\_\_

\_\_\_\_\_  
Mayor

Deborah Collins, Director  
Johnson County Human Services

Title

Date: January 4, 2010

**COUNCIL COMMITTEE OF THE WHOLE**  
**December 21, 2009**

The Council Committee of the Whole met on Monday, December 21, 2009 at 6:00 p.m. The meeting was called to order by Council President Michael Kelly with the following members present: Mayor Shaffer, Al Herrera, Dale Warman, Ruth Hopkins, Michael Kelly, Laura Wassmer, Dale Beckerman, Charles Clark, David Morrison, Diana Ewy Sharp and David Belz. Staff members present: Quinn Bennion, City Administrator; Wes Jordan, Chief of Police; Captain We Lovett; Bob Pryzby, Director of Public Works; Keith Bredehoeft, Project Manager; Mike Helms, Field Superintendent; Steve Mills, Crew Leader; Katie Logan, City Attorney; Dennis Enslinger, Assistant City Administrator; Karen Kindle, Finance Director; Chris Engel, Assistant to the City Administrator and Jeanne Koontz, Deputy City Clerk.

**COU2009-118      Consider Diesel Engine Upgrade Project with Johnson County Environmental Department**

Bob Pryzby stated earlier this year the City missed out funding from the American Recovery and Reinvestment Act (ARRA). There are a lot of programs still available. Steve Mills found a program on upgrading diesel engines called the National Clean Diesel Grant Program. The program is coordinated through Johnson County.

Mike Helms said Johnson County is the facilitator of the funds. The City requested \$85,000. The final amount received by Johnson County was much less than expected. The City has been awarded \$6,500. The City will not have to put any money toward the project. The upgrades will purify the exhaust system of the trucks with diesel engines. Bob Pryzby stated the result is less pollution.

Ruth Hopkins commended Mike Helms and Steve Mills for their work. Mike Helms said Steve Mills put in a lot of work on this grant application

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

**MOVE THE CITY COUNCIL APPROVE THE CONTRACT FOR A DIESEL ENGINE UPGRADE PROJECT WITH JOHNSON COUNTY ENVIRONMENTAL DEPARTMENT**

**COUNCIL ACTION TAKEN**  
**12/21/2009**

**COU2009-119      Consider Purchase of Replacement Transfer Switch for City Hall Emergency Generator from 2009 Contingency**

Bob Pryzby said the transfer switch for the standby generator at City Hall has not been operating properly over the last three years. Several efforts have been made to repair the switch.

Steve Mills stated the transfer switch will transfer over to the generator but will not disengage when KCPL power returns. Two different vendors have examined the program but have not been able to determine the cause of the problem. The replacement switch has a manual bypass and can be repaired easily.

Diana Ewy Sharp asked how often the generator is used.

Mike Helms responded once every week in test mode.

Steve Mills said it is generally used during an ice storm or other severe weather or when a traffic accident knocks out an electrical pole.

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

**MOVE THE CITY COUNCIL APPROVE THE PURCHASE OF A REPLACEMENT ELECTRICAL TRANSFER SWITCH FOR THE MUNICIPAL OFFICE BUILDING FROM TECHNICAL POWER SERVICES FOR \$44,500 AND APPROVE A TRANSFER FROM GENERAL FUND CONTINGENCY FOR \$50,000.**

**COUNCIL ACTION TAKEN  
12/21/2009**

**COU2009-120      CONSIDER APPROVAL OF FOURTH (4) AMENDMENT TO THE SOLID WASTE, RECYCLING, COMPOSTABLES AND BULKY ITEM COLLECTION 2002 CONTRACT**

Dennis Enslinger said the City has been negotiating with Deffenbaugh Industries, Inc. to revise and extend the existing contract. Deffenbaugh has agreed to a four year contract extension with the first year (FY2010) per month fee of \$14.55 per household for solid waste, recycling and composting. Deffenbaugh has agreed to reduce the cost of bulky item pickup to \$30,000 for the once yearly event for the term of the contract extension. There will be a fixed fee of \$15.71 for FY2011 with the rate for FY2012 and 2013 not to exceed an increase of 5% per year.

Dennis Enslinger said a number of changes have been made based on the discussion with the City Council in June. These changes were based on recommendations from the adopted Johnson County Waste Management Plan (2007). The plan makes a number of recommendations to ensure that the Johnson County Landfill will be viable through its anticipated closure date of 2027 including: increase curbside recycling; eliminate disposal of yard waste in the landfill by 2011; implement a countywide volume-based waste collection structure. Beginning May 3, 2010, the City will be implementing policies to meet these recommendations. Residents will be provided with their own containers for solid waste disposal. Any excess can be set out in standard trash bags but will require an overflow sticker. Residents will also receive their own container for recycling. Yard Waste will be limited to 8 items in the low months and 12 items in the high months. Residents will no longer be able to use plastic bags for yard waste. There is a provision in the contract to allow for the collection of additional yard waste if it is determined that 12 items per week during the high months are not sufficient.

Dennis Enslinger said Deffenbaugh will also provide solid waste and recycling services to the following City facilities: Municipal Complex, Public Works, and Harmon Park/Pool Complex and no additional cost.

Laura Wassmer said she lives on a major street and averages 15 to 18 bags every time she rakes her yard. She said she would prefer to skew the number of bags lower during the low months and higher during the high months. She said the limit will not be enough.

David Belz said the Council approved the 8 and 12 limits in June. He asked if Dennis would bring back to Council the approval for unlimited items if there was push back from the residents.

Dennis Enslinger said if you have more than 12 items, you can buy stickers for the additional items. Based on feedback at public meetings and from the January newsletter, he may come back to Council to elect the unlimited bag option. However, there is a rate increase from Deffenbaugh for unlimited bags. There is enough money in the Solid Waste Utility Fund to cover 2010 but rates would have to be increased to cover 2011.

David Belz asked if the collection route map will be different than the current one and will Council need to approve the changes. Dennis Enslinger said currently any route changes would have to be approved by amending the contract. Adopting the route map allows for the Council to approve changes to the route map without amending the contract. Deffenbaugh is considering changing the routes and possibly moving to a four day collection. The route changes would be implemented at the same time as the other changes. Dennis Enslinger said the Council could deny the route changes and the contract would still be valid. Deffenbaugh's routes are not specifically tied to Prairie Village and the changes they propose will make it more cost effective.

Ruth Hopkins said many cities do not pick up yard waste at all. County Commissioners are going to make yard waste unallowable in the landfill in 2011. Deffenbaugh will do education outreach on composting. Dennis Enslinger said Deffenbaugh is open to other options on yard waste such as a secure drop-off at Public Works.

Al Herrera asked if trash could still be place in a plastic bag. Dennis responded that trash will be required to be in a plastic bag.

Al Herrera asked how residents will sign up for the trash carts. Dennis Enslinger said information will be sent out on an initial postcard about where to sign up.

Quinn Bennion asked if the City will still provide tubs for recycling. Dennis Enslinger said Deffenbaugh will provide a recycling cart. The cart must be full before a bin can be used. Deffenbaugh is moving toward one person trucks. The truck will pick up the cart. Charles Clark pointed out that yard waste does not rot or spoil so a resident could keep bags in their yard and put out a little each week.

Dennis Enslinger said he plans on holding two community meetings. The March issue of the Village Voice will also explain the changes and there will be postcard reminders.

Diana Ewy Sharp asked if the Planning Commission decided to allow trash carts to be stored on the side of homes. Dennis Enslinger said currently the code allows for it but the carts must be screened from the front view. This requirement may change based on feedback from residents.

Ruth Hopkins made the following motion, which was seconded by David Belz and passed 9-1 with David Morrison voting "nay":

**MOVE THE CITY COUNCIL AUTHORIZE THE MAYOR TO FINALIZE AND EXECUTE THE FOURTH AMENDMENT TO THE SOLID WASTE, RECYCLING, COMPOSTABLES AND BULKY ITEM COLLECTION 2002 CONTRACT WITH DEFFENBAUGH INDUSTRIES, INC.**

**COUNCIL ACTION TAKEN  
12/21/2009**

**COU2009-121      CONSIDER ADOPTION OF SOLID WASTE, RECYCLING, COMPOSTABLES COLLECTION ROUTE MAP**

Dennis requested adoption of the current route map. Deffenbaugh will most likely be requesting changes to the current routes sometime in 2010. Adopting a route map will save the City Council from needing to amend the contract again.

Dale Beckerman made the following motion, which was seconded by Ruth Hopkins and passed unanimously:

**MOVE THE CITY COUNCIL ADOPT THE SOLID WASTE, RECYCLING, COMPOSTABLES COLLECTION ROUTE MAP SHOWN IN ATTACHMENT A**

**COUNCIL ACTION TAKEN  
12/21/2009**

**COU2009-122      CONSIDER FINAL CHANGE ORDERS FOR PROJECTS 190869: 2009 STREET RESURFACING, CHANGE ORDER #3 (FINAL), PROJECT 190865: ROE AVENUE - SOMERSET DRIVE TO 83<sup>RD</sup> STREET, CHANGE ORDER #1 (FINAL) AND PROJECT 190877: 83<sup>RD</sup> STREET - ROE AVENUE TO SOMERSET DRIVE - CHANGE ORDER #1 (FINAL)**

Keith Bredehoeft asked for approval of the final change orders for the 2009 Street Resurfacing Program for two CARS projects and one regular street resurfacing project. The \$62,000 increase for the regular project was due to additional curb, gutter and sidewalk work on Homestead.

David Belz made the following motions, which were seconded by Dale Beckerman and passed unanimously:

**MOVE THE CITY COUNCIL APPROVE CONSTRUCTION CHANGE ORDER #3 (FINAL) WITH O'DONNELL AND SONS CONSTRUCTION FOR PROJECT 190869: 2009 STREET RESURFACING PROGRAM FOR \$62,053.12**

**MOVE THE CITY COUNCIL APPROVE CONSTRUCTION CHANGE ORDER #1 (FINAL) WITH O'DONNELL AND SONS CONSTRUCTION FOR PROJECT 190865: ROE AVENUE RESURFACING FOR \$18,489.80**

**MOVE THE CITY COUNCIL APPROVE CONSTRUCTION CHANGE ORDER #1 (FINAL) WITH O'DONNELL AND SONS CONSTRUCTION FOR PROJECT 190877: 83<sup>RD</sup> STREET RESURFACING FOR \$8,463.80**

**COUNCIL ACTION TAKEN  
12/21/2009**

**COU2009-125      CONSIDER CONSTRUCTION CONTRACT WITH O'DONNELL AND SONS FOR PROJECT 2010 BOND**

Keith Bredehoeft requested approval of the contract with O'Donnell and Sons for the 2010 Bond Project in the amount of \$6.55 million. The engineer's estimate was around \$7.5 million. The low bid came in under \$2 million. All four bids were competitive. Since 6.55 million was slated for the project, all the street and drainage projects that were planned can be included. There will also be the opportunity to do additional street projects.

David Belz said he assumes that after the first set of streets are completed, we will ascertain how much money is left before delving into additional street. Keith Bredehoeft said it will be ongoing effort that will be analyzed. Bob Pryzby said there will be two Interlocal projects next year not included in the bond project with Kansas City, MO and Mission Hills.

Quinn Bennion commended Bob Pryzby and Keith Bredehoeft for all their work on putting the bond project together.

Charles Clark made the following motion, which was seconded by Dale Beckerman and passed unanimously:

**MOVE THE CITY COUNCIL AUTHORIZE THE MAYOR TO SIGN THE CONSTRUCTION CONTRACT WITH O'DONNELL & SONS CONSTRUCTION FOR, PROJECT 2010 BOND FOR \$6,550,000.00**

**COUNCIL ACTION TAKEN  
12/21/2009**



**COU2009-124      CONSIDER CONSTRUCTION ADMINISTRATION AGREEMENT  
FOR PROJECT 2010 BOND**

Keith Bredehoeft requested approval of a Construction Administration agreement with Transystems for the 2010 Bond Project in the amount of \$771,000. The amount is based on 11.5% of construction costs. The contract is based on costs not to exceed. There was \$35,000 left from the 2009 projects. Transystems does exceptional work and will be a vital part of the project.

Dale Beckerman asked if they were hired by bid or interview. Bob Pryzby said they were hired by consultant interview.

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

**MOVE THE CITY COUNCIL APPROVE THE CONSTRUCTION  
ADMINISTRATION AGREEMENT WITH TRANSYSTEMS FOR PROJECT 2010  
BOND IN THE TOTAL AMOUNT OF \$771,858.00  
COUNCIL ACTION REQUIRED  
01/04/2010**

**COU2009-123      CONSIDER PROJECT 190728: PRAIRIE LANE DRAINAGE  
PROJECT - ENGINEERING CHANGE ORDER #1**

Keith Bredehoeft requested approval of an engineering change order for the Prairie Lane Drainage Project. This project also relates to the bond project.

Dale Beckerman made the following motion, which was seconded by David Belz and passed unanimously:

**MOVE THE CITY COUNCIL APPROVE ENGINEERING CHANGE ORDER #1  
WITH GEORGE BUTLER ASSOCIATES FOR PROJECT 190728: PRAIRIE  
LAND DRAINAGE PROJECT FOR \$9,500.00  
COUNCIL ACTION REQUIRED  
01/04/2010**

**COU2009-126:      CONSIDER APPROVAL OF A RESOLUTION OF SUPPORT AND  
FUNDING COMMITMENT FOR JOINT MEMBERSHIP IN KCADC  
WITH THE NE JOCO CHAMBER AND OTHER NE CITIES**

Quinn Bennion said this item relates to Economic Development initiatives. In the past, the City has participated in different arrangements for Economic Development such as the Economic Development Commission. The Northeast Johnson County Chamber (NEJCC) and other cities discussed having a joint membership in the Kansas City Area Development Council (KCADC). The total cost would be \$7,500 per year. This cost is split between eight cities and NEJCC based on population. The City's portion would be

\$2,800 per year. The KCADC is a regional organization that looks to attract jobs to the Kansas City area regardless of the county or state lines. Quinn Bennion requested the use of Economic Development Funds to join the KCADC. He said the Finance Committee has reviewed this item.

Al Herrera said he is concerned with the fee structure. Last time the City participated in an organization like this it was based on population. He said he felt that effort benefited Mission and Roeland Park more than Prairie Village. He said it should be based on businesses instead of population and asked if there was another way to split the cost.

Quinn Bennion said three formulas were discussed based on: population, appraised value and assessed value. The difference between the three formulas was about \$300. It is easier to administer the population formula.

Dale Beckerman asked what the fee structure would look like if it was based on sales tax. Quinn Bennion said that was not considered. He said Prairie Village would not likely benefit in any direct manner but would benefit indirectly through new residents. It also provides the opportunity for networking and access to the information distributed by KCADC.

Laura Wassmer asked if it is a one year membership. Quinn Bennion responded yes, however, the NEJCC is looking for a three year commitment. Laura Wassmer said she was concerned because it is an indirect, immeasurable benefit. Diana Ewy Sharp said she would support because it is not much money but is concerned with how to measure the benefit to Prairie Village. Michael Kelly said he has had experience with KCADC and they actively try to find businesses to relocate to the region and report that to their members. David Morrison said he would be voting against it because he cannot justify the cost of \$2,800 per year for three years with such an ambiguous benefit. Ruth Hopkins asked why the group was not represented tonight and would like to see some promotional information from them.

Quinn Bennion said the NEJCC hosted an informational meeting and six other cities were represented. He should he could have invited them this evening and if it is important to Council the item could be postponed.

Dale Warman said the biggest impact of economic development is the people who will move here. Dale Beckerman said he will support it and asked what is in the Economic Development Fund. Karen Kindle responded \$2.2 million.

Al Herrera said he is still uncomfortable with it and does not think it is the best way to spend money. David Belz said he will support it but feels that the City will not see any business movement.

Dale Beckerman said he has a few neighbors who have lost jobs and thinks that anything that will help increase economic development will help the job market.

Dale Beckerman made the following motion, which was seconded by Charles Clark and passed 9-1 with David Morrison voting "nay":

**MOVE THE CITY COUNCIL APPROVE RESOLUTION 2010-01 SUPPORTING AND FUNDING COMMITMENT FOR A THREE YEAR JOINT MEMBERSHIP IN KANSAS CITY AREA DEVELOPMENT COUNCIL (KCADC) WITH THE NE JOCO CHAMBER AND OTHER NE CITIES**

**COUNCIL ACTION REQUIRED  
01/04/2010**

**PRESENTATION BY THE POLICE DEPARTMENT REGARDING THE USE OF FORFEITURE FUNDS**

Wes Jordan said forfeiture funds cannot be used to purchase cars or for any normal operating expense. The funds may be used for special law enforcement purposes. Each year the City is required to report how the funds are spent and it is important to justify the use of funds. A portion of the funds were used to purchase tasers for the Police Department which Captain Wes Lovett did extensive research on.

Wes Lovett said the Police Department has discussed the topic of tasers for some time. He recently did a study on tasers. Recently, the City's workman's compensation insurer audited the Police Department and recommended the use of tasers for a less lethal option. The baton is not very effective and officers are not comfortable using pepper spray because it usually affects them as well. Currently three officers are certified to train others on the proper use of tasers. Twenty-five tasers have been purchased for the Police Department. Wes Jordan said they held meetings with people in the medical field who have done extensive research on tasers and the conclusion is they are safe.

Laura Wassmer asked if it was electricity. Wes Lovett responded it is 50,000 volts of electricity. Wes Jordan said it can be used on people with pacemakers and heart conditions. Laura Wassmer asked if there are any long term effects. Wes Jordan responded no. Quinn Bennion asked the lifespan of the tasers. Wes Lovett responded they have a five year life but some people have used them for 10 years. Dale Warman said it is important to have a non-lethal weapon in certain situations. Dale Beckerman asked if the tasers need to be added to the City's insurance policy. Quinn Bennion responded he will inquire.

Wes Lovett said the second purchase was for tactical vests for the CERT team. Currently the City is using borrowed vests from the Olathe Police Department which have expired.

Wes Lovett said the third purchase was to replace the traffic plates in the street. The current ones are damaged and Sgt. Roberson recommended purchase a new design. The new design utilizes radar technology and the plates sit on the side of the road.

## **Staff Reports**

### **Public Safety**

- Chief Jordan reported there was an incident at Harmon Park recently where a device was put in a hollowed out tree. The device turned out to be a geo cache and is part of a new high-tech game.
- There was a gas spill on the back side of the Shell station at Somerset and Mission. The company delivering has had several incidents in the past. There were no major injuries and no costs to the City. The spill has been cleaned up.

### **Public Works**

- Bob Pryzby reported there were snow storms on the 7<sup>th</sup> and 9<sup>th</sup> of December. The City spent almost \$20,000 with \$13,000 in labor and just under 2,000 hours.
- The Park ID Signs have been installed.
- The plumbing and electrical has been installed at El Monte Fountain. There is no completion date yet.
- Keith Bredehoeft reported that the road is still not open by the Walgreens on 95<sup>th</sup> Street but the access to the corner gas station is back.

### **Administration**

- Dennis Enslinger reported the Burnbaum property should be cleaned up by the end of the week. The City did not spend any money on it.
- The Arts Council will be sponsoring an Air Force Jazz Band on January 31<sup>st</sup> at Asbury United Methodist Church. The event is free and tickets will be available at City Hall.
- Cell tower application at the Fire Station may go before Planning Commission in February
- Rooney's gas station may be replaced with another structure. Issue would go before Planning Commission in February.
- Meadowbrook will be back on January 4<sup>th</sup> and is requesting the City Council extend the deadline. A notification will be sent out to those on the City's mailing list and information can be found on the website.

With no further business to come before the committee, Council President Michael Kelly adjourned the meeting at 7:29 p.m.

Michael Kelly  
Council President



## COUNCIL COMMITTEE

Council Meeting Date: January 4<sup>th</sup>, 2010

**Agenda Item: Consider approval of the appointment of an Interim Public Works Director**

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### **SUGGESTED MOTION**

Move to approve the Mayor's appointment of Keith Bredehoeft as the Interim Public Works Director.

### **BACKGROUND**

Starting Jan. 5<sup>th</sup>, the Public Works Director position will be vacated with the retirement of Bob Pryzby. Many thanks to Bob and his years of dedication and service to Prairie Village. His retirement party is planned for Friday, Jan. 8<sup>th</sup> from 5 to 7PM.

Keith Bredehoeft joined Prairie Village Public Works staff in June from the City of Olathe. At Olathe, he served as a senior project manager and traffic division manager. He also served as project manager at Johnson County Public Works and MoDOT.

The search process for a new Public Works Director is on the horizon. The process and schedule are dependent upon Council's direction. At the Jan. 19<sup>th</sup> committee meeting, there will be a discussion about the recruitment process.

### **FUNDING SOURCE**

To help with the budget, the voluntary separation offer anticipated a short-term vacancy in the position.

Salary is part of Public Works budget - General Fund.

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Prepared By:

Quinn Bennion

City Administrator

Date: Dec. 31<sup>st</sup>, 2009



## ADMINISTRATION

City Council Meeting Date: January 4, 2010

COU2008-36

Consider Request by OPUS Northwest to Amend Condition #10 related to the approval of the Rezoning of the Meadowbrook Country Club Property located at 91st & Nail from R-1a (Single Family Residential District) to MXD (Mixed Use District) as provided for in Ordinance #2168

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### SUMMARY OF POSSIBLE CITY COUNCIL ACTIONS

#### City Council Decides to Take no Action on the Request

No motion or vote is required. If the City Council takes no action on the request, Ordinance #2168 would remain in place and the rezoning would expire on January 28, 2010, if the conditions of approval are not met by that date.

#### City Council Decides to Delay Action on the Request until January 18, 2010

No Motion or vote is required. January 18, 2010 is the last possible date for consideration of the request by the City Council.

#### Council Decides to take Action on the Request

At least two motions would be required:

First, the Council must rescind Ordinance #2168.

Motion: The City Council rescind Ordinance #2168.

A motion to rescind requires 2/3 majority of a quorum of those present and voting.

If the motion is approved, then the City Council would then have the following options:

- follow the original recommendation of the Planning Commission and grant the application with the conditions recommended by the Planning Commission. This would mean the conditions would stand as previously approved. This would take 10 votes of the governing body. This action is not recommended since it will have the same effect as taking no action.

- follow the recommendation of the Planning Commission and grant approval of the rezoning with modified conditions, including, but not limited to, a new time line for submission of a final development plan and final plat. This would take 10 votes of the governing body.

Possible Motion: The City Council approve the rezoning of the Meadowbrook Country Club Property located at 91st & Nall from R-1a (Single Family Residential District) to MXD (Mixed Use District) with the following conditions: (list out the conditions of approval) It is recommended that only condition #10 be modified.

- not follow the original recommendation of the Planning Commission and deny the rezoning request. This would take a 2/3 majority of the governing body (9 votes). This action is not recommended since City Council previously approved the rezoning request and the current ordinance is due to expire on January 28, 2010, if the applicant does not submit a Final Development Plan/Final Plat.
- return the original recommendation back to the Planning Commission. This would require a vote of a simple majority of those present. The City Council must provide a statement specifying the basis for the City Council's failure to approve or disapprove the recommendation of the Planning Commission. This action is not recommended since the City Council previously approved the rezoning request.

## **BACKGROUND**

The City of Prairie Village has received a request from OPUS Northwest requesting the City Council consider extending the timeframe for submission of Final Development Plan/Final Plat (see attached letter).

The City Council approved the rezoning of the Meadowbrook Country Club Property located at 91st & Nall from R-1a (Single Family Residential District) to MXD (Mixed Use District) in July of 2008 with the following conditions of approval:

1. The applicant submit an outdoor lighting plan in accordance with the outdoor lighting regulations with the final development plan;
2. The applicant submit detailed plans for the monument sign facades with the final development plan;
3. The applicant obtain approval from the City of Prairie Village Public Works Department and the City of Overland Park for the Stormwater Management Plan prior to submitting the final development plan;
4. The applicant submit a copy of the final covenant documents preserving the open space and guaranteeing maintenance of improvements with the final development plan;

5. The applicant submit a detailed landscape plan with the final development plan for review and approval by the Planning Commission and Tree Board;
6. The applicant provide better pedestrian access to the commercial area to the south;
7. The golf course entrance road be a private street;
8. The split rail fence along Nall Avenue be relocated so that it does not cause sight problems for traffic exiting on Nall Avenue;
9. The applicant meet with emergency service providers to be sure that the golf course entrance road is adequate to accommodate emergency vehicles;
10. ***The applicant shall file a final Development Plan within 18 months of the approval of the Preliminary Development Plan and the ordinance approving the rezoning and Preliminary Development Plan shall not be published until such time as the Final Development Plan is approved. (The 18 month period currently expires on January 28, 2010.)***
11. The applicant shall be responsible for the construction of all necessary public improvements related to the approved development plan.

OPUS Northwest is requesting that the City grant an extension to Condition #10 (see above) to allow for the submission of the Final Development Plan and Final Plat to occur on or before December 31, 2010.

The Ordinance approved on July 28, 2008 (Ordinance #2168) is pending publication upon completion of condition #10 and, therefore, is not yet effective under Kansas law.

Although the Ordinance is not effective, the City Attorney has concluded that the Ordinance cannot be "amended" in piecemeal fashion, i.e. by simply extending the 18 month time period, because under Roberts, the action of the Governing Body on a motion to approve the Ordinance was final, and there was no reservation in the Ordinance itself of a power in the Governing Body to amend any of the stated conditions. Nor can the motion approving the Ordinance be "reconsidered" because that action must be taken at the same meeting.

However, since the Ordinance has not yet become effective, the Governing Body retains the power to "rescind" the Ordinance. A motion to rescind requires 2/3 majority of a quorum of those present and voting under Roberts. So in order to alter the conditions of approval, the Governing Body must first approve a motion to rescind the existing ordinance.



If a motion to rescind passes, then the entire Preliminary Plan approval and rezoning application is back to the status it had on July 28, 2008, before the Governing Body took action. Then, the Governing Body may, with the required majority of the Governing Body (10 votes because of the protest petition), follow the recommendation of the PC and grant the application (10 votes because of the protest petition); follow the recommendation of the PC and grant w/ conditions, including new time line; not follow the recommendation of the PC and deny the rezoning (only 9 votes of the Governing Body is required), or send back to Planning Commission (simple majority of those present is required).

**ATTACHMENTS:**

Request by OPUS Northwest Dated December 10, 2009

Ordinance #2168

**PREPARED BY**

Dennis J. Enslinger

Assistant City Administrator

Date: December 30, 2009



The Opus Group  
www.opuscorp.com

**OPUS NORTHWEST, L.L.C.**

460 Nichols Road, Ste. 300 | Kansas City, MO 64112  
Phone 816-480-4444 | Fax 816-480-4344

December 10, 2009

**VIA EMAIL:** [denslinger@pykansas.com](mailto:denslinger@pykansas.com)

Dennis J. Enslinger, AICP  
Assistant City Administrator  
Municipal Building  
7700 Mission Road  
Prairie Village, Kansas 66208

**RE: NOTICE OF REQUEST TO MODIFY STIPULATIONS  
ASSOCIATED WITH APPLICATION PC 2008-03**  
Request for Rezoning from R-1a (Single Family Residential District)  
to MXD (Mixed Use District) at 91<sup>st</sup> & Nall Avenue on the  
Meadowbrook Country Club Property  
Applicant: OPUS NWR, LLC

Dear Mr. Enslinger:

In light of continuing weakness in the housing and credit markets, and pursuant to the attached email from you, dated October 14, we hereby respectfully request the Prairie Village City Council consider the following actions with regard to the above referenced application at its January 4, 2010 meeting:

- (a) Approve a motion to rescind the existing ordinance; and
- (b) Approve a motion to follow the recommendation of the Planning Commission and grant the application with conditions, and stipulate December 31, 2010 as the new deadline for submittal of the project's Final Development Plan and Final Plat.

Both Opus and Stratford remain enthusiastic about, and committed to, the successful redevelopment of the Meadowbrook Golf & Country Club and look forward to discussing the project and the events precipitating this request with the City Council in January. In the meantime, we will work with City Staff to draft and send out the required notices to the surrounding property owners.

If you have any questions or comments, please feel free to call.

Best regards,

Richard L. Muller  
Director, Real Estate Development

## Muller, Rich

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**From:** Dennis Enslinger [denslinger@pvkansas.com]  
**Sent:** Wednesday, October 14, 2009 4:07 PM  
**To:** Muller, Rich  
**Cc:** Logan, Catherine; Quinn Bennion; Ronald A Williamson; Joyce Hagen Mundy; Harrison, Dave  
**Subject:** Meadowbrook Rezoning and Process to Change Conditions

Rich,

Ron Williamson indicated that you wanted to know the process for changing a condition of approval on the Meadowbrook Rezoning Ordinance. The following is our response:

Staff has discussed and reviewed with the city attorney the process which would be required to request that the Governing Body extend the 18 month time period in which Opus has to submit a final development plan for the Meadowbrook Development. The following would be the process for consideration of such a request:

The Ordinance approved on July 28, 2008 is pending publication upon completion of condition #10 (see attached ordinance) and therefore is not yet effective under Kansas law.

Although the Ordinance is not effective, the City Attorney has concluded that the Ordinance cannot be "amended" in piecemeal fashion, i.e. by simply extending the 18 month time period, because under Roberts, the action of the Governing Body on a motion to approve the Ordinance was final, and there was no reservation in the Ordinance itself of a power in the Governing Body to amend any of the stated conditions. Nor can the motion approving the Ordinance be "reconsidered" because that action must be taken at the same meeting.

However, since the Ordinance has not yet become effective, the Governing Body retains the power to "rescind" the Ordinance. A motion to rescind requires 2/3 majority of a quorum of those present and voting under Roberts. So in order to alter the conditions of approval the Governing Body must first approve a motion to rescind the existing ordinance.

If a motion to rescind passes, then the entire preliminary plan approval and rezoning application is back to the status it had on July 28, 2008, before the Governing Body took action. Then, the Governing Body may, with the required majority of the Governing Body (10 votes because of the protest petition), follow the recommendation of the PC and grant the application; follow the recommendation of the PC and grant w/ conditions, including new time line; not follow the recommendation of the PC and deny the rezoning, or send back to PC.

Staff has also discussed the timeline and notification requirements related to the consideration of the request. Staff believes that there should be notice given to current property owners within 200 ft. Opus would be responsible for mailing a notice (city staff will help draft) to the property owners and it could be mail by first class mail. So here is a proposed timeline for a request to modify the original conditions of approval.

- Opus should submit a written request three weeks prior to consideration of the request by City Council (last date to submit would be December 28, 2009 to be considered at the January 18<sup>th</sup> CC meeting). The actual expiration date of the 18<sup>th</sup> months is January 28<sup>th</sup>.
- The City would request that OPUS send notice to property owners within 200 feet by first class mail

rather than certified mail two weeks prior to the meeting.

- The City would put a notice on the web site and also send out notices to any email addresses that we have that have requested information on Meadowbrook.

Let me know if you have any additional questions or concerns.

Dennis

Dennis J. Enslinger, AICP  
Assistant City Administrator  
Municipal Building  
7700 Mission Road  
Prairie Village, Kansas 66208  
913-385-4603 (office)  
913-381-7755 (fax)  
[denslinger@pvkansas.com](mailto:denslinger@pvkansas.com)

Ordinance No. 2168

AN ORDINANCE REZONING PROPERTY LOCATED AT 91<sup>st</sup> & NALL AVENUE, PRAIRIE VILLAGE, KANSAS FROM R-1a (SINGLE FAMILY RESIDENTIAL DISTRICT) TO MXD (MIXED USE DISTRICT), DIRECTING AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF PRAIRIE VILLAGE, KANSAS; AND REINCORPORATING BY REFERENCE SAID ZONING MAP.

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

**Section I.** Planning Commission Recommendation. That having received a recommendation from the Planning Commission; proper notice having been given and hearing held as provided by law and under the authority of and subject to the provisions of the Zoning Regulations of the City of Prairie Village, Kansas, the zoning classification or districts of the lands hereinafter legally described are changed as set forth in Section 2 subject to the following conditions:

1. The applicant submit an outdoor lighting plan in accordance with the outdoor lighting regulations with the final development plan.
2. The applicant submit detailed plans for the monument sign façades with the final development plan.
3. The applicant obtain approval from the City of Prairie Village Public Works Department and the City of Overland Park for the Stormwater Management Plan prior to submitting the final development plan.
4. The applicant submit a copy of the final covenant documents preserving the open space and guaranteeing maintenance of improvements with the final development plan.
5. The applicant submit a detailed landscape plan with the final development plan for review and approval by the Planning Commission and Tree Board.
6. The applicant provide better pedestrian access to the commercial area to the south.
7. The golf course entrance road be a private street.
8. The split rail fence along Nall Avenue be relocated so that it does not cause sight problems for traffic exiting on Nall Avenue.
9. The applicant meet with emergency service providers to be sure that the golf course entrance road is adequate to accommodate emergency vehicles.
10. The applicant shall file a final Development Plan within 18 months of the approval of the Preliminary Development Plan and the ordinance approving the rezoning and Preliminary Development Plan shall not be published until such time as the Final Development Plan is approved.
11. The applicant shall be responsible for the construction all necessary public improvements related to the approved development plan.

**Section II.** Rezoning of Property. That the real estate located at 9101 Nall Avenue, Prairie Village, Kansas and hereinafter described, to-wit:

The property legally described as follows: ALL THAT PART OF THE West One-Half of Section 33, Township 12 South, Range 25 East, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Northwest corner of the Southwest Quarter of said Section 33; thence N 87°37'32" E, along the North line of the Southwest Quarter of said Section 33, a

distance of 30.00 feet to the point of beginning; thence continuing N 87°37'32" E, along the South line of the Northwest Quarter of said Section 33, a distance of 58.86 feet; then N 73°10'54" E (M) (N 75°00'00" E (D)), along the South line of Somerset Drive, as now established by the plat of WEST RIDING, a platted subdivision of land now in the City of Prairie Village, Johnson County, Kansas, a distance of 454.01 feet, to a point of curvature; thence Northeasterly, along the South line of said Somerset Dive, said South line being on a curve to the left having a radius of 640.00 feet, a distance of 176.13 feet; thence S 13°32'29" E, a distance of 183.42 feet to a point on the South line of the Northwest Quarter of said Section 33; thence N 87°37'32" E, along the South line of the Northwest Quarter of said Section 33, a distance of 325.00 feet; thence S 02°06'14" W, a distance of 1125.00 feet; thence S 87°53'46" W, a distance of 400.00 feet; thence N 02°06'14" W, a distance of 625.00 feet to the point of beginning, containing 62.9936 acres, more or less.

**Section III. Official Zoning District Map Amended.** That the City is hereby directed to amend the Official Zoning District Map of the City in accordance with the above.

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

**Section V. Take Effect.** The Governing Body authorizes the Mayor to sign the this Ordinance. This Ordinance shall take effect and be enforced from and after its passage, approval and publication in the official City newspaper, all as provided by law. Publication shall not occur, and this Ordinance therefore shall not take effect, until Condition #10 of Section I of this Ordinance have been satisfied.

**PASSED AND APPROVED THIS 28th DAY OF JULY, 2008.**

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

**ATTEST:**

**APPROVED AS TO FORM:**

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

\_\_\_\_\_  
Catherine P. Logan  
City Attorney

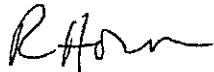
December 31, 2009

To the Prairie Village City Council:

The Stratford Companies is very much committed to the Meadowbrook project. Unfortunately I will be traveling on January 4<sup>th</sup> and will be unable to make the City Council meeting scheduled for that evening. As I am sure council members can understand starting new development projects in the current economic and capital environment is virtually impossible. Our view is that the fundamental demographics and the quality of the Meadowbrook location has not changed and we remain fully supportive of the project.

If anyone at Prairie Village has any questions for Stratford I can be contacted at 317-819-1888. We look forward to improving fundamentals in the economy in 2010.

Very Truly Yours,



Richard W. Horn  
Chairman & CEO  
The Stratford Companies

ST. LOUIS

DENVER

INDIANAPOLIS

NASHVILLE

**MAYOR'S ANNOUNCEMENTS**  
**January 4, 2010**

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

Parks & Recreation Master Plan Meeting	01/06/2010	6:00 p.m.
Communications Committee	01/12/2010	5:30 p.m.
Parks & Recreation Franklin Park Presentation	01/13/2010	7:00 p.m.
Sister City Committee	01/13/2010	7:00 p.m.
Council Committee of the Whole (Tuesday)	01/19/2010	6:00 p.m.
City Council (Tuesday)	01/19/2010	7:30 p.m.

=====

The Prairie Village Arts Council is pleased to announce a photography exhibit by Anne Nye during the month of January. The reception will be held on January 8th from 6:30 - 8:00 p.m.

The 2010 Johnson County Legislative Convener Reception will be held on Thursday, January 7, 2010 from 5:00 p.m. to 7:00 p.m. at the Zurich Financial Services Group - 7045 College Boulevard. **Please let Joyce know tonight if you plan to attend.**

The City will once again have Holiday Tree Recycling available for Prairie Village residents. You may take your holiday tree to the designated areas of Porter, Franklin, and Meadowlake Parks, and in the Harmon Park parking lot near the water tower between December 26<sup>th</sup> and January 17<sup>th</sup>.

The City offices will be closed on Monday, January 18, 2010 in observance of the Martin Luther King Jr. holiday. Deffenbaugh also observes this holiday and trash service will be delayed a day.

The City Clerk's office has a new style of ceramic coffee mug for sale. They are \$5.00 each.

The 50<sup>th</sup> Anniversary books, **Prairie Village Our Story**, are being sold to the public.



**INFORMATIONAL ITEMS**  
**January 4, 2010**

1. Finance Committee Minutes - December 7, 2009
2. Mark Your Calendars
3. Committee Agenda

**FINANCE COMMITTEE  
DECEMBER 7, 2009**

The Finance Committee met on December 7, 2009. Present: Mayor Ron Shaffer, Charles Clark, Dale Warman and Dale Beckerman. Staff Present: Quinn Bennion, Karen Kindle, Bob Pryzby and Keith Bredehoeft

Guests from Meadowbrook Country Club: Larry Baker, Controller; Dennis Nighswonger, Club President and Steve Wilson, Superintendent

**Meadowbrook Stormwater Utility Fee Exemption Request**

- At the November 2, 2009, Council Meeting, representatives from Meadowbrook Country Club had attended the meeting and requested that the Council exempt the cart paths from the City's Stormwater Utility Fee. Council referred the matter to the Finance Committee
- The three gentleman from Meadowbrook Country Club restated their case for exempting the cart paths from the City's Stormwater Utility Fee. The referenced the letter they had submitted at the November 2, 2009, Council Meeting.
  - They explained they would like the cart paths exempted vs. applying for the credit as provided in the City's policy. The maximum credit they could receive is 15% which would not even be enough to cover the engineering fees that would be incurred procuring the engineering report required by the policy. The cart paths represent approximately 50% of their bill, or approximately \$6,500.
  - They noted that they also have retention ponds that they utilize to water their grass. They do have the ponds metered and report that information to the State of Kansas.
  - They also explained that they felt their property was unique in that the majority of it is grass covered.
  - They noted they were requesting a refund of the fee paid in 2008 and a credit for the fee on the current bill.
    - Mrs. Kindle explained that a refund of the 2008 payment was possible should the Council decide to do that. However, it was likely too late to change the current bill. Meadowbrook would likely have to pay the bill and receive a refund from the City. She noted she would research that further and provide that information to the Finance Committee.
- Mr. Clark explained that the fee is based on the amount of impervious surface in Prairie Village – not where the runoff goes. The fee was established to fund the City's costs to maintain the stormwater system in compliance with federal standards. All properties in Prairie Village pay the fee, including churches and schools.
- The Finance Committee encouraged the gentlemen from Meadowbrook to apply for a credit under the policy based on their retention ponds. Mr. Clark noted that payback period for the engineering work necessary to qualify for the credit would be over multiple years because the credit would be applied each year.
- The Finance Committee discussed the request and decided to recommend that the Council deny the request and encourage Meadowbrook staff to pursue a credit under the policy. Their decision was based on the following factors:

**FINANCE COMMITTEE  
DECEMBER 7, 2009**

- The cart paths are similar to other items subject to the fee, such as running tracks and sidewalks. If the carts were to be exempted, all of these other items would have to be reviewed. The end result is that the items still subject to the fee would see increased fees since the cost of maintenance does not decrease – the same cost is being spread over a smaller basis.
- The policy adopted by the Council provides for a credit based on best management practices (BMPs) which is a similar policy adopted by numerous cities in the Country that have established a similar fee.
- Mr. Clark requested that staff notify the Meadowbrook representatives regarding when the Council will discuss the Finance Committee's recommendation. Mr. Bennion noted the plan was to discuss the recommendation at the December 21<sup>st</sup> Council Meeting and he would let the gentlemen know. Mr. Bennion also explained that Meadowbrook had been the first ones to go through the appeal process and had contacted the City shortly after receiving their first bill.
- Mr. Pryzby will call Mr. Wilson and go over the calculations in the policy so he would have the information he needs in order to talk to an engineer.

**CIP Update**

- Mr. Bennion gave an update on project changes since the plan was adopted in August. The changes relate to:
  - Issuing the bonds
  - Changes to the CARS program
  - The CDBG Grant
- Mr. Bennion noted that Mr. Pryzby and his staff were working on updating the plan and that they were targeting to have the plan ready to send to the Finance Committee at the end of December in advance of a January Finance Committee Meeting.

**Community Improvement District (CID)**

- Mr. Bennion noted that he, the Mayor and Mr. Enslinger along with Mr. Williamson from BWR met with representatives from Lane4 last week. Mr. Bennion explained that they are trying to have meetings like this on a quarterly basis.
- The Committee discussed the process if a CID petition is received from Lane4
  - The proposal would come to the Finance Committee first to analyze
  - The City's financial advisor, Columbia Capital, would be engaged at some point to review the data provided.
  - Then the information would be forwarded to the Council Committee of the Whole.
- Mr. Bennion and Mrs. Kindle commented that there is not a statutory limit on the sales tax rate for a CID. The limit is more of a practical one – how much can the sales base of Prairie Village handle? What happens if the State increases their rate (currently 5.3%)? Mr. Bennion said he and Mrs. Kindle would provide information regarding sales tax rates in Johnson County, including the rates for any special districts established in the County.

**FINANCE COMMITTEE  
DECEMBER 7, 2009**

- Mr. Bennion commented that staff explained to Lane4 that a detailed plan would likely be required by Council and encouraged Lane4 to work with staff on developing their application.

**Parks Master Plan Funding**

- Mr. Bennion explained that there is approximately \$1,000,000 in funding for 2010 and approximately \$1,000,000 in funding for 2011. After that, there has not been a funding source identified for Parks Master Plan projects.
- The Committee determined that the first step is to determine if the Council wants to find a funding source and then determine which of the possible funding sources should be pursued.
- Possible sources:
  - Sales tax
    - Mr. Bennion commented that the City could not head up the campaign. All the City could do is provide factual information. The Committee noted that there many people interested in this topic that attended the Village Vision meetings that there would likely be a group to advocate for a sales tax.
    - The Committee decided the best time to have the issue on the ballot will be the November general election.
    - The Committee discussed whether or not the sales tax should have a sunset and no decision was made.
  - Dedicated mill levy
- Next steps:
  - The Committee decided to recommend a sales tax to the Council and decided to get direction from the Council to pursue that option.
  - Discussions with Council will need to happen in January in order to meet the deadlines of the Election office for the November ballot. The Committee discussed putting the item on the December 21<sup>st</sup> agenda if possible.
    - The Committee would like the agenda sheet to include information regarding the funding options available, the sales tax rates in the County, where are the Transportation Development Districts in the County, what have been the election results for other sales tax initiatives in the City and note the pending CID in the City.

**Kansas City Area Development Council (KCADC)**

- Mr. Bennion explained that the Chamber approached the City about becoming a joint member of the KCADC along with other Northeast Johnson County cities.
- The membership fee is \$7,500 with Prairie Village's share being \$2,700. The fee was allocated to the participating cities based on population. Other formulas were considered; however, all of the formulas resulted in roughly the same amounts so population was chosen for its simplicity.
- Membership benefits: Bi-weekly communications regarding economic development in the metro area, monthly regional meetings, quarterly investor

**FINANCE COMMITTEE  
DECEMBER 7, 2009**

meetings. While the Northeast cities may not receive the big projects, they would benefit by having the employees of the new companies reside in their cities.

- The Committee decided to recommend the participating in the joint membership with the Northeast Johnson County Chamber.
- Mr. Bennion noted a possible funding source would be the Economic Development Fund.
- The Committee directed staff to include this as an item on the December 21<sup>st</sup> agenda.

**2011 Budget Outlook**

- Mr. Bennion noted that the outlook for the 2011 budget continues the trends from the 2010 budget. It is likely that the assessed valuation would decrease again and other revenues would be flat. The State budget situation continues to be a concern.
- Mr. Bennion mentioned all of the good things going on in Prairie Village and noted that the employee increases for 2010 were low. He mentioned that salary increases would be an important consideration during the 2011 budget deliberations.

**Council Members  
Mark Your Calendars  
January 4, 2010**

<b>January 2010</b>	Anne Nye photography exhibit in the R. G. Endres Gallery
January 7	2010 Legislative Convener Reception 5:00 - 7:00 p.m. Zurich Financial Services Group - 7045 College Boulevard.
January 8	Artist reception in the R. G. Endres Gallery 6:30 - 8:00
January 18	City offices closed in observance of Martin Luther King Jr. holiday
January 19(Tues.)	City Council Meeting
<b>February 2010</b>	Student mixed media Art Show in the R. G. Endres Gallery
February 1	City Council Meeting
February 12	Artist reception in the R. G. Endres Gallery 6:30 - 7:30
February 15	City offices closed in observance of Presidents' Day holiday
February 16(Tues.)	City Council Meeting
<b>March 2010</b>	Lynne Hodgman mixed media exhibit in the R. G. Endres Gallery
March 1	City Council Meeting
March 12	Artist reception in the R. G. Endres Gallery 6:30 - 7:30
March 15	City Council Meeting
<b>April 2010</b>	Dolyna Art Exhibit in the R. G. Endres Gallery
April 5	City Council Meeting
April 9	Artist reception in the R. G. Endres Gallery 6:30 - 7:30
April 19	City Council Meeting
<b>May 2010</b>	Rod Atteberry and Otto Miller mixed media exhibit in the R. G. Endres Gallery
May 3	City Council Meeting
May 14	Artist reception in the R. G. Endres Gallery 6:30 - 7:30
May 17	City Council Meeting
May 31	City offices closed in observance of the Memorial Day holiday
<b>June 2010</b>	Marearl Denning photography exhibit in the R. G. Endres Gallery
June 7	City Council Meeting
June 11	Artist reception in the R. G. Endres Gallery 6:30 - 7:30
June 21	City Council Meeting
<b>July 2010</b>	Ric Cummings photography exhibit in the R. G. Endres Gallery
July 4	VillageFest
July 5	City offices closed in observance of the Independence Day holiday
July 6 (Tuesday)	City Council Meeting
July 9	Artist reception in the R. G. Endres Gallery 6:30 - 7:30
July 19	City Council Meeting
<b>August 2010</b>	Senior Arts Council mixed media exhibit in the R. G. Endres Gallery
August 2	City Council Meeting
August 13	Artist reception in the R. G. Endres Gallery 6:30 - 7:30
August 16	City Council Meeting

**September 2010** Joan Gerding oils exhibit in the R. G. Endres Gallery  
September 6 City offices closed in observance of the Labor Day holiday  
September 7(Tues.) City Council Meeting  
September 10 Artist reception in the R. G. Endres Gallery 6:30 - 7:30  
September 20 City Council Meeting

**October 2010** State of the Arts exhibit in the R. G. Endres Gallery  
October 4 City Council Meeting  
October 8 Artist reception in the R. G. Endres Gallery 6 - 8 p.m.  
October 18 City Council Meeting

**November 2010** Mid-America Pastel Societ pastels exhibit in the R. G. Endres Gallery  
November 1 City Council Meeting  
November 12 Artist reception in the R. G. Endres Gallery 6:00 - 8:00  
November 15 City Council Meeting  
November 25 City offices closed in observance of the Thanksgiving holiday  
November 26 City offices closed in observance of the Thanksgiving holiday

**December 2010** Marcus Cain mixed meda exhibit in the R. G. Endres Gallery  
December 6 City Council Meeting  
December 10 Artist reception in the R. G. Endres Gallery 6:30 - 7:30  
December 20 City Council Meeting  
December 24 City offices closed in observance of the Christmas holiday

**ANIMAL CONTROL COMMITTEE**

AC96-04 Consider ban the dogs from parks ordinance (assigned 7/15/96)

**COMMUNICATIONS COMMITTEE**

COM2008-01 Consider upgrade to City's Website (assigned 10/8/2007)

**COUNCIL COMMITTEE**

- COU2007-02 Consider Reducing size of Council & term limits for elected officials (assigned 1/8/2007)
- COU2007-35 Consider reactivation of Project 190709: 83<sup>rd</sup> Street/Delmar Drainage Improvements
- COU2007-40 Consider Code Enforcement - Interior Inspections (assigned 5/2/2007)
- COU2007-74 Consider reactivation of Prairie Village Development Corporation (assigned 12/3/2007)
- COU2008-21 Consider Project 190865:2009 CARS - Roe Avenue Resurfacing from Somerset Drive to 83<sup>rd</sup> Street (assigned 2/26/2008)
- COU2008-22 Consider Project 190890: 2009 Street Resurfacing Program (assigned 2/26/2008)
- COU2008-67 Consider sidewalk policy relative to sidewalks (8200 Rosewood) (assigned 8/13/2008)
- COU2008-75 Consider approval of a modification to Personnel Policy 910 regarding "comp time" (assigned 10/1/2008)
- COU2008-100 Consider approval of ordinance affirming City Boundaries (assigned 12/10/2008)
- COU2009-03 Consider Project 191023: 2009 Concrete Repair Program (assigned 12/23/2008)
- COU2009-14 Consider Project 190870: 2010 Street Resurfacing Program (assigned 1/13/2009)
- COU2009-15 Consider Project 190721: 2009 Storm Drainage Repair Program (assigned 1/13/2009)
- COU2009-16 Consider Project 190876: 2010 CARS, 83<sup>rd</sup> Street Resurfacing from Nall Avenue to Roe Avenue (assigned 1/13/2009)
- COU2009-17 Consider Project 190877: 2009 CARS, 83<sup>rd</sup> Street Resurfacing: Roe Avenue to Somerset Drive (assigned 1/13/2009)
- COU2009-26 Consider Project 190722: 2010 Storm Drainage Repair Program (assigned 2/6/2009)
- COU2009-63 Consider Project 190866 - 75<sup>th</sup> Street Paving (assigned 6/10/2009)
- COU2009-97 Consider Project 190653 El Monte Fountain Improvements (assigned 10/12/2009)
- COU2009-98 Consider Project 190656 Community Center Study (assigned 10/12/2009)
- COU2009-100 Consider Project 190728: Prairie Lane Drainage Project (assigned 10/14/2009)
- COU2009-111 Consider Project 190653: El Monte Fountain Construction Change Order #1 (assigned 12/1/2009)
- COU2009-114 Consider Approval of Council Policy 065 - Employee Service Awards (assigned 12/1/2009)
- COU2009-123 Consider Project 190728: Prairie Lane Drainage Project - Engineering Change Order #1 (assigned 12/16/2009)
- COU2009-124 Consider Construction Administration Agreement for Project 2010 Bond with Transystems (assigned 12/16/2009)
- COU2009-125 Consider Construction Agreement with O'Donnell & Sons for Project 2010 Bond (assigned 12/16/2009)
- COU2009-126 Consider Approval of a Resolution of Support and Commitment for Joint Membership in KCADC with the NE Johnson County Chamber and other NE cities (assigned 12/16/2009)
- COU2010-01 Consider approval of an agreement with MMG for the design of phase 1 of the City's Website (assigned 12/30/2009)
- COU2010-02 Consider approval of Memorandum of Understanding with Johnson County and other cities in support of public transportation (assigned 12/30/2009)
- COU2010-03 Consider possible special sales tax vote and schedule for parks and recreation funding (assigned 12/30/2009)

**PARKS AND RECREATION COMMITTEE**

PK97-26 Consider Gazebo for Franklin Park (assigned 12/1/97)

**PLANNING COMMISSION**

- PC2007-01 Study City zoning regulations to address those items identified by the Village Vision Strategic Investment Plan in 2007 (assigned 8/20/2007)
- PC2008-02 Consider development of ordinances to support best practices for renewable energy and for green design related to residential and commercial building design (assigned 7/7/08)

**PRAIRIE VILLAGE ARTS COUNCIL**

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