

City Council Meeting

Monday, July 6, 2009



Dinner will be provided by
Stroud's

Salad with Ranch Dressing
Pan-fried Chicken
Mashed Potatoes & Gravy
Green Beans
Cinnamon Rolls

COUNCIL COMMITTEE

July 6, 2009

6:00 p.m.

Council Chamber

AGENDA

MICHAEL KELLY, COUNCIL PRESIDENT

AGENDA ITEMS FOR DISCUSSION

***COU2009-67 Consider Project 190722 - 2010 Storm Drainage Repair Engineering Change Order #1 for \$64,920.00 with Affinis Corporation
Bob Pryzby**

**COU2009-68 Consider Construction Change Order #3 with McAnany Construction for \$6,360.00 for Project 191023 - 2009 Concrete Repair Program
Bob Pryzby**

**COU2009-69 Consider Stormwater Utility Fee Credit Policy
Bob Pryzby**

***COU2009-63 Consider Project 190866 - 75th Street Paving
Bob Pryzby**

Discussion regarding Tour de Village Concept and related Ordinance Amendments

**COU2009-66 Consider Cul-de-sac Sidewalks
Bob Pryzby**

***Council Action Requested the same night**



PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: July 6, 2009

Council Meeting Date: July 6, 2009

***COU2009-67: CONSIDER PROJECT 190722 - 2010 STORM DRAINAGE REPAIR
ENGINEERING CHANGE ORDER #1 FOR \$64,920.00 WITH AFFINIS CORPORATION**

RECOMMENDATION

Staff recommends the City Council approve Engineering Change Order for Project 190722 to proceed with preliminary and final designs by replacing the existing contract with a new contract with Affinis Corporation.

COUNCIL ACTION REQUESTED ON JULY 6, 2009

BACKGROUND

The consultant has completed the concept phase and Public Works Staff has agreed on the list of projects for this program. The attached consultant agreement provides for a fee and completion date as follows:

Preliminary Design	Maximum Fee \$ 49,790.00 by October 1, 2009
Final Design	Maximum Fee \$ 15,130.00 by December 15, 2009.

FUNDING SOURCE

Funding is available in the Capital Improvement Program.

RELATION TO VILLAGE VISION

CFS3 Streets and Sidewalks

CCF3a Ensure streets and sidewalks are in good condition by conducting maintenance and repairs as needed.

PUBLIC NOTICE

None

ATTACHMENTS

Engineering Change Order #1

PREPARED BY

S Robert Pryzby, Director of Public Works

Date: June 15, 2009



CITY OF PRAIRIE VILLAGE
PUBLIC WORKS DEPARTMENT
ENGINEERING CHANGE ORDER NO. 1

City's Project: 190722
Date Requested: June 12, 2009 Contract Date: March 2, 2009
Consultant's Name: Affinis Corp Contractor's Name: n/a

REQUIRED CHANGES TO PRESENT CONTRACT

Contract Quantity	Previous Amount	Unit	Item Description	Adj. Quant.	Unit Price	Adjusted Amount
	\$26,300.00		Additional Engineering Services			\$91,220.00

TOTAL \$26,300.00

TOTAL \$91,220.00
NET Increase \$64,920.00

EXPLANATION OF CHANGE - This change order is to cover the following items:

The original contract only included fee for the concept study phase of the program. Upon completion of the concept study phase of the contract, a list of projects was identified to be constructed with the 2010 Storm Drainage Repair program. This change order allows the consulting engineer to proceed with the preliminary and final design phases for the selected project areas. The amended contract and its exhibits are included with this change order request.

~~The Consultant does not anticipate a related Engineering Change Order.~~

	Contract Value	Contract Days
Original Contract	\$26,300.00	
Current Contract including previous Change Orders	\$26,300.00	
NET This Change Order	\$64,920.00	
New Contract Price	\$91,220.00	

n/a
Contractor

Date

John B. Ahern
Engineer

6/16/2009
Date

Bob Pryzby, Director of Public Works
City of Prairie Village, KS

Date

Ronald L. Shaffer, Mayor

Date

AGREEMENT FOR PROFESSIONAL ENGINEER

For

DESIGN SERVICES

Of

PROJECT 190722: 2010 STORM DRAINAGE REPAIR PROGRAM

THIS AGREEMENT, made at the Prairie Village, Kansas, this ____ day of _____, 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 Affinis Corporation, a corporation with offices at 7401 West 129th Street, Suite 110 Overland Park, KS, 66213 hereinafter called the "Consultant".

WITNESSED, THAT WHEREAS, City has determined a need to retain a professional engineering firm to provide civil engineering services for Design Services of Project 190722: 2010 Storm Drainage Repair Program, hereinafter called the "Project",

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

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

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

1 CITY RESPONSIBILITIES

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

- 1.6 The City has funded approximately \$505,000 for this project with the following proposed locations of work:
 - 1.6.1 Existing storm drainage structure (13 each) and pipe replacement in various locations throughout the City. Replacing existing curb inlets, junction boxes and pipe due to their condition or lack of capacity.
 - 1.6.2 Cedar Drive (86th Street to 87th Street). Water seepage area causes two locations of pavement deterioration which were repaired in 2008. Check for swimming pool discharges. Possible underdrain construction.
 - 1.6.3 Windsor Park Tennis Courts. Design under drain or bmp to intercept water off of hill on south side of courts.
 - 1.6.4 Roe Avenue (southbound, north of Briar). Water seepage out of gas pavement repair.
 - 1.6.5 Southeast corner of 69th Street and Roe Avenue. Water seepage area. Resident request.
 - 1.6.6 71st Street water seepage at pavement deterioration. (E/B between Cedar and Linden).
 - 1.6.7 71st Street/Linden water seepage. (S/W corner).
 - 1.6.8 Alhambra Drive (west of Mission Road. Add storm sewer system to convey yard and street runoff.
- 1.7 Other drainage work may also be added at a later date.

2 CONSULTANT RESPONSIBILITIES

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

Upon receipt of notice to proceed from the City, the Consultant shall provide all consulting services related to this project including, but not limited, to these phases and tasks. The scope is generally defined below and in more details in Exhibit A.

3.1 Concept Study

- 3.1.1 Schedule and attend one startup meeting with the City to confirm project goals, schedule, budget and expectations. Project number, budget and project philosophy will be discussed.
- 3.1.2 Review available plans, previous studies, and pertinent information regarding the Project with City staff.
- 3.1.3 Make on site field investigations as required, to define and to verify Project construction needs, limits, alignment, underground utilities, nature and extent of proposed Project. Special attention will be given to facilities, and other items needed to define clearly the Project intent.
- 3.1.4 Prepare a schematic plan.
- 3.1.5 Prepare an estimate of probable cost detailing typical construction pay items, separate consulting costs, acquisition of land and easements. Add to the total of construction, consulting and other costs a contingency of 20 percent.
- 3.1.6 Attend monthly meetings with City to review and prioritize the preliminary findings.
- 3.1.7 Keep minutes of all meetings and disperse to all attendees within five work days.
- 3.1.8 Deliver map, list of project locations, probable cost, and description of construction contained within a feasibility report to the City.

3.2 Preliminary Design

Following review and approval of concept/feasibility study phase by the City and after the City issues a notice to proceed with this phase; the Consultant shall proceed to provide these services:

- 3.2.1 Prepare preliminary documents for construction. Preliminary construction documents shall show the nature and extent of improvements, the conditions under which the Contractor shall work and the general conditions of contractual relations.
- 3.2.2 Preliminary plans shall include:
 - 3.2.2.1 Cover Sheet
 - 3.2.2.2 Typical Sections
 - 3.2.2.3 Preliminary Plan and Profile Sheet for Storm Sewers
 - 3.2.2.4 Standard Detail Sheets
 - 3.2.2.5 Special Detail Sheets
- 3.2.3 Present one set of preliminary plans each to the City and to the other appropriate governmental agencies and utility companies as required.
- 3.2.4 Prepare an estimate of probable cost detailing typical construction pay items, separate consulting costs, acquisition of land or easements. Add a contingency fee of 20 percent to the sum of the construction cost, consulting fees and other pertinent costs such as acquisition of either land or easement.
- 3.2.5 Attend one public information meeting.
- 3.2.6 Keep minutes of all meetings and disperse to all attendees within five working days.
- 3.2.7 Conduct a field check of plans with City staff.
- 3.2.8 Update the City's Storm Drainage Study maps to show the completed improvements to the storm drainage system that are included in this program. Update the City Geographical Information System records to reflect changes.

3.3 Final Design

Following review and approval of preliminary design phase by the City and after the City issues a notice to proceed with this phase; the Consultant shall proceed to provide these services:

- 3.3.1 Review the preliminary design documents.
- 3.3.2 Address any comments from preliminary review.
- 3.3.3 Finish design documents.
- 3.3.4 Add necessary standard and special details sheets.
- 3.3.5 Submit one set of final plans and specifications to the City and to other appropriate governmental agencies and utility companies.
- 3.3.6 Write legal descriptions for permanent and temporary right-of-way and easements. Provide two copies of each document to the City.
- 3.3.7 Prepare a final construction cost estimate, including a compilation of typical construction pay items with unit work quantities and current estimated cost estimates. Add a contingency of 15 percent to the sum of the construction cost, consulting fees and other pertinent costs such as acquisition of either land or easement.
- 3.3.8 After receiving the permits and approvals, prepare all bid documents using City standard contract documents.
- 3.3.9 Keep minutes of all meetings and disperse to all attendees with five work days.
- 3.3.10 Provide one hard copy and electronic copy of any report.
- 3.3.11 Provide files of the plan or drawing in PDF Format.

3.4 Bidding Phase

Following final review by City staff and approval to proceed to bidding phase the Consultant shall undertake the following services:

- 3.4.1 Provide the City a notice of bid to Contractors for publication.
- 3.4.2 Mail notice to potential Contractors.
- 3.4.3 Provide to printing house, plans, bid documents, and specifications for purchasing by potential bidders.
- 3.4.4 Conduct a pre-bid meeting and answer questions as addenda to the contract bid.
- 3.4.5 Provide to the City a Consultant's estimate and bid tab sheet.
- 3.4.6 Attend bid opening and check all bids for accuracy.
- 3.4.7 Evaluate the bidders and make recommendation of award to the City.

4 TIME SCHEDULE

- 4.1 The Consultant's services and compensation under this Agreement have been agreed to in anticipation of orderly and continuous progress of the Project through completion of the Concept Phase, Preliminary Design Phase, Final Design Phase and Bidding Phase.

- 4.2 If the City fails to give prompt written authorization to proceed with any phase of services after completion of the immediately preceding phase, the Consultant shall be entitled to equitable adjustment of rates and amounts of compensations to reflect reasonable costs incurred by the Consultant as a result of the delay or changes in the various elements that comprise such rates of compensation.
- 4.3 Neither City nor Consultant shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the nonperforming party. For purposes of this Agreement, such circumstances include, but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; war, riots, and other civil disturbances; strikes, lockouts, work slowdowns, and other labor disturbances; sabotage; judicial restraint; and delay in or inability to procure permits, licenses, or authorizations from any local, state, or federal agency for any of the supplies, materials, accesses, or services required to be provided by either City or Consultant under this Agreement. Consultant shall be granted a reasonable extension of time for any delay in its performance caused by any such circumstances.
- 4.4 Should such circumstances occur, the consultant shall, within a reasonable time of being prevented from performing, give written notice to the City describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement.
- 4.5 Recognizing that time is of the essence, the Consultant proposes to complete the scope of services as specified in the Scope of Services:
- | | | |
|-------|---------------------------|--------------------------|
| 4.5.1 | Concept Phase: | Completed - May 1, 2009 |
| 4.5.2 | Preliminary Design Phase: | Due by October 1, 2009 |
| 4.5.3 | Final Design Phase: | Due by December 15, 2009 |
| 4.5.4 | Bid Advertising Date: | Due by January 12, 2010 |
| 4.5.5 | Letting Date: | Due by February 12, 2010 |

5 COMPENSATION

- 5.1 The City agrees to pay the Consultant as maximum compensation as defined in Exhibit B for the scope of services the following fees:
- | | | |
|-------|--|--|
| 5.1.1 | Concept Phase -Total Maximum Fee: | <u>Completed</u> |
| 5.1.2 | Preliminary Design Phase -Total Maximum Fee: | <u>\$49,790.00</u> |
| 5.1.3 | Final Design Phase - Total Maximum Fee: | <u>\$15,130.00</u> |
| 5.1.4 | Bidding Phase - Total Maximum Fee: | <u>To Be Determined After Final Design</u> |
| 5.1.5 | Total Fees - | <u>\$64,920.00</u> |
- 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 an Engineering Change Order mutually agreed upon by the City and the Consultant prior to incurrence of any expense. The Engineering Change Order will be for major changes in scope, time or complexity of Project.

6 GENERAL PROVISIONS

- 6.1 **Opinion of Probable Cost and Schedule:** Since the Consultant has no control over the cost of labor, materials or equipment furnished by Contractors, or over competitive bidding or market conditions, the opinion of probable Project cost, construction cost or project schedules are based on the experience and best judgment of the Consultant, but the Consultant cannot and does not guarantee the costs or that actual schedules will not vary from the Consultant's projected schedules.
- 6.2 **Quantity Errors:** Negligent quantity miscalculations or omissions because of the Consultant's error shall be brought immediately to the City's attention. The Consultant shall not charge the City for the time and effort of checking and correcting the errors to the City's satisfaction.
- 6.3 **Reuse of Documents:** All documents including the plans and specifications provided or furnished by the Consultant pursuant to this Agreement are instruments of service in respect of the Project. The Consultant shall retain an ownership and property interest upon payment therefore whether or not the Project is completed. The City may make and retain copies for the use by the City and others; however, such documents are not intended or suitable for reuse by the City or others as an extension of the Project or on any other Project. Any such reuse without written approval or adaptation by the Consultant for the specific purpose intended will be at the City's sole risk and without liability to the Consultant. The City shall indemnify and hold harmless the Consultant from all claims, damages, losses and expenses including attorney's fees arising out of or resulting reuse of the documents. In a similar manner, the Consultant is prohibited from reuse or disclosing any information contained in any documents, plans or specifications relative to the Project without the expressed written permission of the City.
- 6.4 **Insurance:**
 - 6.4.1 The Consultant shall procure and maintain, at its expense, the following insurance coverage: (a) Workers' Compensation -- Statutory Limits, with Employer's Liability limits of \$100,000 each employee, \$500,000 policy limit; (b) Commercial General Liability for bodily injury and property damage liability claims with limits of not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate; (c) Commercial Automobile Liability for bodily injury and property damage with limits of not less than \$1,000,000 each accident for all owned, non-owned and hired automobiles; (d) errors and omissions coverage of not less than \$1,000,000. Deductibles for any of the above coverage shall not exceed \$25,000 unless approved in writing by City. In addition, Consultant agrees to require all consultants and sub-consultants to obtain and provide insurance in identical type and amounts of coverage together and to require satisfaction of all other insurance requirements provided in this Agreement.

- 6.4.2 Consultant's insurance shall be from an insurance carrier with an A.M. Best rating of A-IX or better, shall be on the GL 1986 ISO Occurrence form or such other form as may be approved by City, and shall name, by endorsement to be attached to the certificate of insurance, City, and its divisions, departments, officials, officers and employees, and other parties as specified by City as additional insureds as their interest may appear, except that the additional insured requirement shall not apply to Errors and Omissions coverage. Such endorsement shall be ISO CG2010 11/85 or equivalent. "Claims Made" and "Modified Occurrence" forms are not acceptable, except for Errors and Omissions coverage. Each certificate of insurance shall state that such insurance will not be canceled or coverage reduced until after thirty (30) days' unqualified written notice of cancellation or reduction has been given to the City, except in the event of nonpayment of premium, in which case there shall be ten (10) days' unqualified written notice. Subrogation against City and City's Agent shall be waived. Consultant's insurance policies shall be endorsed to indicate that Consultant's insurance coverage is primary and any insurance maintained by City or City's Agent is non-contributing.
- 6.4.3 Before Consultant performs any portion of the Work, it shall provide City with certificates and endorsements evidencing the insurance required by this Article. Consultant agrees to maintain the insurance required by this Article of a minimum of three (3) years following completion of the Project and, during such entire three (3) year period, to continue to name City, City's agent, and other specified interests as additional insureds thereunder.
- 6.4.4 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. The Consultant will be responsible for any retrofit expense, waste, any intervening increase in the cost of the component, and a presumed premium of 10% of the cost of the component furnished through a change order from a contractor to the extent caused by the negligence or breach of contract of the Consultant or its subconsultants.
- 6.5 Termination: This Agreement may be terminated by either party upon seven days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party; provided, however, the nonperforming party shall have 14 calendar days from the receipt of the termination notice to cure the failure in a manner acceptable to the other party. 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 three (3) days written Notice to Consultant. In the event of such 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:
- 6.11.1 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.
- 6.11.2 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.
- 6.11.3 Nothing in this Agreement shall be construed to create, impose or give rise to any duty owed by the Consultant to any Contractor, subcontractor, supplier, other person or entity or to any surety for or employee of any of them, or give any rights or benefits under this Agreement to anyone other than the City and the Consultant.

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

City:

City of Prairie Village, Kansas

By: _____

Ronald L. Shaffer, Mayor

Address for giving notices:

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

Telephone: 913-385-4600

ATTEST:

Joyce Hagen Mundy, City Clerk

Consultant:

Affinis Corporation

By: _____

John Thomas, P.E., Principal

Address for giving notices:

Affinis Corporation
7401 West 129th Street, Suite 110
Overland Park, KS 66213

Telephone: 913-239-1100

APPROVED AS TO FORM BY:

Catherine Logan, City Attorney

Exhibit A

Project 190722
2010 Storm Drainage Repair Program
Prairie Village, Kansas
June 11, 2009

Project Description:

The following scope of services and fee estimate are based on the services described below to produce construction plans for the project areas as outlined by the City of Prairie Village. The description of work is outlined in further detail below and is based on findings from the concept study:

1. 13 Curb inlet replacements (VHB rating < 53)
 - a. Prepare appropriate solutions to replace 13 drainage structures/inlets throughout the City. The solutions will consider structure type, structure size, impact to surrounding features, potential utilities conflicts, sump pump outlets on same property, structure location and impact to incoming and outgoing pipes.
 - b. Field survey is required for each location and will include adjacent sidewalk, curb, trees and other amenities.
 - c. Affinis will provide the City with a list of pipes requiring video survey so the condition of pipe can be verified by July 1, 2009.
2. Cedar Drive (86th Street To 87th Street)
 - a. A transverse underdrain will be installed on the north side (down slope) of the northerly street patch. An edge drain will be installed behind the west curb an appropriate distance south of the transverse underdrain and will then extend north to 86th Street. The edge drain will be connected to the existing storm drainage system. The curb adjacent to the inlet on the southwest corner of Cedar Drive/86th Street will be reconstructed to provide positive drainage to the inlet.
 - b. Through the sump pump drain ordinance, the City will request residents along the west side of the street to connect to the new edge drain. Design will provide for connection to the edge drain.
 - c. Field survey is required for this location and will extend north to the existing storm sewer system on 86th Street. The proposed curb and gutter modification at Cedar Drive/86th Street will be field surveyed.
3. Windsor Tennis Courts
 - a. An underdrain system will be installed along the south and east sides of the tennis courts. This drain system will outlet into the existing channel just north of the tennis courts. A grate inlet (HDPE) will be installed at the southeast corner of the system to drain an existing low spot. The underdrain trench will be backfilled with clean rock (pea gravel) up to finished grade.
 - b. Field survey was completed during the concept phase.
4. Roe Avenue (southbound lane north of Briar Street)
 - a. An edge drain will be installed under or at the back of sidewalk from approximately 80 feet south of the street patch and extend north to Briar Street. The edge drain will be connected to an existing inlet on the southwest corner of Briar Street/Roe Avenue. Sidewalk replacement will be required to install the edge drain.
 - b. Field survey is required for this location.
5. Southeast corner 69th Street/Roe Avenue

- a. An underdrain will be installed along the east curb line between 69th Terrace and 69th Street. A new curb inlet will be installed on Roe Avenue at the southeast corner of 69th Street and the new underdrain will connect to it.
- b. Field survey is required for this location.
- 6. 71st Street (Eastbound lane between Cedar Street and Linden Street)
 - a. A transverse underdrain will be installed on the west side of the seepage area. An edge drain will be installed under or at the back of sidewalk along the south side of 71st Street. The edge drain will extend east and be connected to the existing storm drainage system.
 - b. Affinis will identify any existing sump pump or roof drain lines in the immediate area.
 - c. Through the sump pump drain ordinance, the City will request residents along the west side of the street to connect to the new edge drain. Design will provide for connection to the edge drain and sump pumps. Field survey is required for this location.
- 7. 71st Street/Linden Street (SW corner)
 - a. An edge drain will be installed under or at the back of sidewalk along the south side of 71st Street. The edge drain will extend east and be connected to the existing storm drainage system.
 - b. Affinis will identify any existing sump pump or roof drain lines in the immediate area.
 - c. Through the sump pump drain ordinance, the City will request residents along the west side of the street to connect to the new edge drain. Design will provide for connection to the edge drain and sump pumps.
 - d. Field survey is required for this location.
- 8. Alhambra Drive (West of Mission Road)
 - a. Install a new storm drainage system along Alhambra and connect it to the existing storm drainage system at Mission Road. It is estimated that approximately five to six new inlet structures and 700 linear feet of pipe will be required. Edge drains will be installed as needed to address ground water and to provide a connection for sump pump drains.

Project Schedule:

The project schedule will generally be:

Approximate Notice to Proceed for Design:	June 23, 2009
Preliminary Design Phase Completed:	October 1, 2009
Final Design Phase Completed:	December 15, 2009
Bid Advertising Date:	January 12, 2010
Letting Date:	February 12, 2010

Assumptions:

1. The City will provide Affinis with history of any work orders or resident requests regarding the listed project areas.
2. Existing plats and Johnson County AIMS mapping will be used to develop/determine property lines as needed. No title work (last deeds of record or ownerships/encumbrances) will be obtained by Affinis as part of this scope of services.
3. All work within this program will be coordinated with other City funded programs (i.e. CARS, Paving, Concrete Repair, etc.).
4. The City will obtain rights of entry or easements as needed for the construction of the project. Affinis will prepare all right of entry and easement description documents for the City.

5. The City will distribute any and all correspondence to adjacent residents or property owners regarding the project.
6. Affinis will include storm and sanitary sewer manhole adjustments in the plans. All other utility relocation plans will be prepared by others. Affinis' role in utility coordination is limited to identifying utility potential conflict locations by way of mapping provided by utilities and field locations, and submitting preliminary design plans to utilities and requesting relocation designs and relocation schedules.
7. Based on information provided by the City, provide identification by plan notes of sprinkler systems, electric/invisible dog fences, septic systems or other amenities that could be impacted with the construction of this project .
8. The project areas listed will be included in one set of plans and specifications.
9. Utility potholing will be performed by utility companies or contracted directly by the City. Field survey of utility potholes and locations will be performed by Affinis. A total of 5 locations for all project areas are included with this scope of services.
10. Retaining wall design will be for walls less than 30 inches tall. Retaining wall profiles will be included in the plans.
11. The City will contract directly with a geotechnical firm to perform all soil borings and pavement cores. The City will provide Affinis with the information gathered and reported by the geotechnical firm. Affinis will coordinate directly with the geotechnical firm for locations and reports.
12. Provide a digital set on preliminary design plans and project manual in addition to one copy of plans in 11 by 17 inch format and paper copy of project manual.



EXHIBIT B
PROJECT ESTIMATING SHEET
 PV Project Number: 190722
 2010 Storm Drainage Repair Program
 Prairie Village, Kansas

Date: 6/3/2009

Made By: KEL/CMS

Tasks	PRINCIPAL	SR. PROJECT	SENIOR		SR CAD	CAD	ADMIN.	LAND	SURVEY	SURVEY	LABOR	OTHER DIRECT COSTS		TOTAL
		MANAGER	ENGINEER	ENGINEER	TECH	TECH	SUPPORT	SURVEYOR	TECH.	CREW	COSTS	ITEM	COST	FEE
PRELIMINARY DESIGN PHASE	\$190.00	\$160.00	\$135.00	\$120.00	\$77.50	\$75.00	\$70.00	\$120.00	\$75.00	\$150.00				
FIELD WORK														
Field survey (topo)								24	32	80	\$17,280	GPS	\$800.00	\$18,080
Utility potholing & locates (coordination)				4	4			4		8	\$2,470	Mileage	\$270.00	\$2,740
Horiz. & Vert. Control (Benchmarks & Sec. Corners)								4	4	12	\$2,580	Records & filing	\$200.00	\$2,780
PRELIMINARY PLANS														
Cover Sheet					1						\$78			\$78
Typical sections				1							\$198			\$198
Storm drainage design		4	24	40	16						\$9,920			\$9,920
Details				2	4						\$550			\$550
Plan/profile sheets		2	8	24	48						\$8,000			\$8,000
Plan submittal (City & utilities)					2						\$155			\$155
Quantities and OPCC (+20%)				8	8						\$1,580			\$1,580
Public Meeting		4		4			2				\$1,260			\$1,260
Project Meetings (Monthly) & documentation (4 meetings) (see 2010 Streets Program)											\$0			\$0
Field Check (All)		8		8	8		2				\$3,000			\$3,000
QC/QA	1	2	4								\$1,050			\$1,050
												Mileage	\$100.00	\$100
												Repro./Delivery	\$300.00	\$300
PRELIMINARY DESIGN PHASE - SUBTOTAL HOURS	1	20	36	91	92	0	4	32	36	100	\$48,120			
PRELIMINARY DESIGN PHASE - SUBTOTAL FEE	\$190	\$3,200	\$4,860	\$10,920	\$7,130	\$0	\$280	\$3,840	\$2,700	\$15,000	\$48,120		\$1,670.00	\$49,790
FINAL DESIGN PHASE														
FINAL PLANS														
Review preliminary design documents	1	4	4	4							\$1,850			\$1,850
Address review comments				8	16						\$2,200			\$2,200
Final plan documents (plans & specs)		4		8	24						\$3,460			\$3,460
Plan submittal to utilities				2	4		2				\$690			\$690
Legal descriptions (right of way and perm. & temp. easements)				2				8	4		\$1,500			\$1,500
Quantities & OPCC				8	8						\$1,580			\$1,580
QC/QA	1	2	2								\$780			\$780
Bid documents		4		8	8		2				\$2,360			\$2,360
Project Meetings (Monthly) & documentation (2 meetings) (see 2010 Streets Program)											\$0			\$0
Deliverables (hard copy & PDF)					4						\$310			\$310
												Mileage	\$100.00	\$100
												Repro./Delivery	\$300.00	\$300
FINAL DESIGN PHASE - SUBTOTAL HOURS	2	14	6	40	64	0	4	8	4	0				
FINAL DESIGN PHASE - SUBTOTAL FEE	\$380	\$2,240	\$810	\$4,800	\$4,960	\$0	\$280	\$960	\$300	\$0	\$14,730		\$400.00	\$15,130
Design Services - Grand Total														\$64,920



PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: July 6, 2009

Council Meeting Date: July 20, 2009

COU2009-68: CONSIDER CONSTRUCTION CHANGE ORDER #3 WITH MCANANY CONSTRUCTION FOR \$6,360.00 FOR PROJECT 191023 - 2009 CONCRETE REPAIR PROGRAM

RECOMMENDATION

Staff recommends the City Council approve Construction Change Order #3 for Project 191023: 2009 Concrete Repair Program for concrete flume at Roe Avenue Fire Station

COUNCIL ACTION REQUESTED ON JULY 20, 2009

BACKGROUND

Last summer during the 2008 Roe Avenue Paving project the flume off of 90th Terrace to a drain inlet on the corner was repaired using sod in place of concrete. Because of the large volume of water coming off of 90th Terrace, the water has been destroying the sod. This change order is to replace the sod flume with a concrete flume.

FUNDING SOURCE

Funds are available in Project 191023.

RELATION TO VILLAGE VISION

CC1 Attractive Environment

CC1a Make streetscape improvements to enhance pedestrian safety and attractiveness of the public realm.

PUBLIC NOTICE

None

ATTACHMENTS

Construction Change Order #3

PREPARED BY

S Robert Pryzby, Director of Public Works

Date: June 15, 2009



**CITY OF PRAIRIE VILLAGE
PUBLIC WORKS DEPARTMENT
CONSTRUCTION CHANGE ORDER NO. 3**

City's Project: #191023 2009 Concrete Repair Program

Date Requested: May 8, 2009

Contract Date: January 20, 2009

Consultant's Name: None

Contractor's Name: McAnany Construction

REQUIRED CHANGES TO PRESENT CONTRACT

Contract Quantity	Previous Amount	Unit	Item Description	Adj. Quant.	Unit Price	Adjusted Amount
1	\$6,360.00	EA	6' wide flume approximately 60' long to control erosion at 90th Terrace and Roe Ave. at the fire station	1	\$6,360.00	\$6,360.00

TOTAL \$6,360.00

TOTAL \$6,360.00
NET Increase \$6,360.00

EXPLANATION OF CHANGE - This change order is to cover the following items:
Construct a flume to control erosion at the fire station located at 90th Terrace and Roe Ave.

The Consultant does not anticipate a related Engineering Change Order.

	Contract Value	Contract Days
Original Contract	\$585,000.00	169
Current Contract including previous Change O	\$585,000.00	169
NET This Change Order	\$6,360.00	0
New Contract Price	\$591,360.00	169

Paul McAnany
Contractor

6/2/09
Date

Engineer

Date

Bob Pryzby, Director of Public Works
City of Prairie Village, KS

Date

McAnany Concrete

11912 West 49th Terrace

Shawnee, Ks 66216

(913) 406-7691 cell (913) 928-6772

pmcanany@yahoo.com

Date: May 6, 2009

Proposal:

Submitted to: city of Prairie Village, Ks

Project: by fire distact no.2 ne Johnson county

1. remove, grading and replace flume 120 lf high back curb, 6 feet wide x 60 feet long
2. use 4000 kcmmb concrete, re-bar

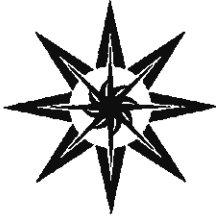
Total = \$6,360.00

All material is to comply substantially with specifications. Work will be completed in a substantial workman like manner according to the specifications submitted per standard practices. Alterations or deviations from the project specifications involving extra costs will be executed only upon written approval/orders and will be an extra charge over and above this estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Our workers and subcontractors are fully covered by workman's compensation insurance.

_____ Authorized signature McAnany Concrete

_____ Authorized signature

The above prices, specifications, and conditions are satisfactory and hereby accepted. McAnany Concrete is authorized to do the work as specified. Payment will be made as outlined above.



PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: July 6, 2009

Council Meeting Date: July 20, 2009

COU2009-69: CONSIDER STORMWATER UTILITY FEE CREDIT POLICY

RECOMMENDATION

Staff recommends the City Council approve City Council CP257 Stormwater Utility Fee Credit.

COUNCIL ACTION REQUESTED ON JULY 20, 2009

BACKGROUND

Last year the City Council approved the creation of a Stormwater Utility Fee. At that time it was noted that a credit policy would be written to provide a fee credit based on reduction impact on the amount of impervious surface area.

The attached policy is written to provide credits for educational efforts as well as structural credits based on the accepted Best Management Practices adopted by the City Council as City Council Policy 258 BMP Manual.

FUNDING SOURCE

None required.

RELATION TO VILLAGE VISION

ATTACHMENTS

City Council Policy 257.

PREPARED BY

S Robert Pryzby, Director of Public Works

Date: June 29, 2009



Policy: **CP257 Stormwater Utility Fee Credit**

Effective Date: **August 1, 2009**

Amends:

Approved By: **Governing Body, 2009**

1. SCOPE

- a. The purpose of this Policy is to establish a Stormwater Utility Fee Credit process.

2. PURPOSE

- a. In 2008, the City established the Stormwater Utility Fee in order to provide stable and non-discriminatory funding for its stormwater activities. The impact on individual properties in the stormwater system is quantified based on the amount of impervious area on a parcel of property as defined in Prairie Village Municipal Code Chapter 14 Article 4 *Stormwater Utility*.
- b. The Stormwater Utility Fee does not take into account the value provided by some property owners that independently implement and maintain Best Management Practices (BMPs) that offset, to some extent, the impact of their developed property on the components of the stormwater drainage system, both natural and man-made.
- c. Using the Stormwater Utility Fee Credit process, the City may make an adjustment to the Stormwater Utility Fee paid by a property owner that provides value-added stormwater management services that support and complement the City's stormwater management goals.
- d. The granting of a Stormwater Utility Fee credit is an administrative recognition of the value of a variety of significant stormwater management activities provided by the property owner for as long as the approved activities continue and accomplish their intended purposes.

3. RESPONSIBILITY:

- a. The responsibility for administering the Stormwater Utility Fee Credit will be the City Director of Public Works.

4. DEFINITIONS

- a. In addition to the words, terms and phrases elsewhere defined in this policy, the following words, terms and phrases, as used in this policy shall have the following meanings:
 - i. **CITY**- means the City of Prairie Village.
 - ii. **CREDIT** ~ means a conditional reduction in the amount of the Stormwater Utility Fee paid by an individual property owner based on the provision and continuation of an effectively

- documented Education Credit or BMP Credit, which system, facility, services or components reduces the volume of stormwater the rate at which it discharges.
- iii. **DEVELOPED PROPERTY** - means real property, other than Undeveloped Land.
 - iv. **DIRECTOR** - means the Director of Public Works or the designated person.
 - v. **IMPERVIOUS AREA** - means as defined in Prairie Village Municipal Code Chapter 14 Article 4.
 - vi. **PROPERTY OWNER**- means any partnership, corporation or any person who alone or jointly and severally with others, either as tenants in common or otherwise has:
 - 1. Legal title to any real property or building, with or without accompanying actual possession thereof: or
 - 2. Has charge, care or control of any property or building as owner or agent of the owner, or as executor, executrix administrator, administrator, trustee, or guardian of the estate of the owner.
 - vii. Any such partnership, corporation or person representing the actual owner shall be bound to comply with the provisions of this policy to the same extent as if they were the owner.
 - viii. **STORMWATER MANAGEMENT PROGRAM** - mean as defined in Prairie Village Municipal Code Chapter 14 Article 2.
 - ix. **STORMWATER SYSTEM** - means as defined in Prairie Village Municipal Code Chapter 14 Article 2.
 - x. **STORMWATER UTILITY FEE** - means a fee authorized by Prairie Village Municipal Code Chapter 14 Article 4 and charged to owners of property served and benefited by the City Stormwater System.

5. POLICY

a. Restrictions

- i. No public or private property shall receive credit to offset Stormwater Utility Fee for any condition or activity unrelated to the City cost of providing stormwater management services.
- ii. The maximum Credit will be equal or less than 15% of the Stormwater Utility Fee.
- iii. No credit will be applied to any parcel that reduces the Stormwater Utility Fee to an amount less than \$75.00.
- iv. Credits outline in this policy will be given only to any property located within the boundaries of the City.
- v. Credit shall only be given for that portion of the Stormwater Utility Fee paid by the property owner.

b. Terms

- i. To receive a credit, an application must be submitted to the Public Works Director on the required form.
- ii. Credits will only be applied if requirements outlined in this Policy are met, including, but not limited to, guaranteed right-of-entry by Public Works for inspections and submittal of annual reports by the property owner to Public Works.
- iii. Credits will be defined as a percentage (%) reduction applied as a Credit adjustment to the Stormwater Utility Fee calculation.
- iv. Credits for BMPs constructed or installed prior to the creation of the Stormwater Utility Fee will be applied if the credit application is approved and inspected by Public Works before the June 1, 2010.
- v. Credits will be applied to the next billing year for credit applications approved and inspected after June 1 of any year.
- vi. Credits are valid as long as the BMP is implemented as approved (as demonstrated by the annual report and Public Works inspection).
- vii. If the approved BMP is not implemented as approved or is terminated, the Credit reduction will be canceled.
- viii. Once a Credit has been canceled, a property owner may not reapply for a Credit for a period of 12 months and only if the deficiency has been corrected as determined by a Public Works inspection.

6. EDUCATION CREDIT

- a. Those schools, public or private, wishing to receive a Credit for educating its students and employees in the area of water quality awareness and protection must agree to the following minimum standards:
 - i. Devote two hours per half student year (four hours annually) to educating the fourth and ninth grade students about water quality awareness and protection. Topics must rotate on at least an annual basis for each grade level. Credit allowance is five percent for each grade.
 - ii. Devote one-half hour twice a year (one hour annually) to educating employees about water quality awareness and protection. Each new employee will receive one-half hour about water quality and protection at time of hiring. Credit allowance is five percent.
 - iii. The maximum Education Credit will be fifteen (15) percent.
 - iv. A pre and post education survey of students and staff will be required.

- v. Schools will be required to submit an annual report to the Public Works Director for the proposed education sessions that will include information on the number of attendees, time(s), locations(s), and topic(s) covered during each session. Copies of materials disseminated must be provided to Public Works with the annual report.
- vi. Educational information may be obtained from the United States Environmental Protection Agency, the Kansas Department of Health and Education, the Mid-America Regional Council (MARC), Johnson County Stormwater Management (SMAC), or any other reputable educational resource approved by the Director.

7. BMP CREDIT

- A.** A basic goal for BMP Credit is to maintain predevelopment peak flows, runoff volumes, and water quality by the installation of an approved BMP.
- B.** Those residential and non-residential properties wishing to receive a Credit of reducing the quantity and quality of stormwater entering the City Stormwater System must agree to construction of a BMP approved by Public Works on a developed site, and must agree to the following minimum standards:
 - I.** Install an appropriate BMP as provide in the Kansas City Metro Chapter of American Public Works and the Mid-America Regional Council Manual of Best Management Practices for Water Quality published in March 2008 and as amended.
 - II.** Provide document for choosing the selected BMP.
 - III.** Provide the design calculations for the selected BMP.
 - IV.** Provide the intended maintenance practice and schedule.
 - V.** Provide the area in square feet provided by the BMP.
 - VI.** Credit allowance will be the percentage calculated by dividing the area of the BMP by the total impervious area on the property.
 - VII.** The maximum BMP Credit for each property is fifteen (15) percent.
 - VIII.** Property owners will be required to submit a written annual report to the Public Works Director for the proposed BMP Credit that will include description of the BMP, location of BMP, and maintenance provided for the BMP.

8. APPLICATION PROCEDURE

- a. A property owner seeking a Stormwater Utility Fee Credit must comply with the procedures outlined in this Policy and must submit a Stormwater Utility Fee Credit application.
- b. All information necessary for the Public Works Director to make a determination must be supplied as outlined in this Policy.
- c. Failure to comply with the procedures will result in denial of the Stormwater Utility Fee Credit application.
- d. The Director will review and make a determination of the Stormwater Utility Fee Credit application within sixty (60) calendar days of receipt of the complete application.
- e. The City reserves the right to review the application for accuracy and/or inspect and review the documentation confirming the provision of the BMP Credit or Education Credit at any time.
- f. A determination of the Credit value will be mailed to the applicant and the Stormwater Utility Fee will be adjusted accordingly for the following year as stated in Section V.B.4 of this policy.
- g. Appeals of the Credit decision by the Director may be made to the City Administrator within thirty (30) calendar days of date of decision by the Director.

9. ENFORCEMENT

- a. An annual report will be required to be submitted every May 1 to the Director to document the continuing provision of BMP Credit or Education Credit.
- b. If, after its review or inspection, the Director finds either the application or annual report to be inaccurate or the projected level of service is not being provided or continued, the property owner will be notified in writing and given thirty (30) calendar days to correct the deficiency. The property owner must provide written documentation to the Director within thirty (30) calendar days of the original notice that the deficiency has been corrected.
- c. If, in the opinion of the Director, the deficiency is not satisfactorily corrected, the Stormwater Utility Fee Credit attributable to the deficiency will be terminated on the next billing cycle and will remain in effect for a minimum of twelve (12) months before a new Credit application may be submitted.



PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: June 15, 2009

Council Meeting Date: July 6, 2009

***COU2009-63: CONSIDER PROJECT 190866 - 75TH STREET PAVING**

RECOMMENDATION

Staff recommends the City Council approve Public Works hiring a consultant for Project 190866 - 75th Street Paving.

COUNCIL ACTION REQUESTED ON JULY 6, 2009

BACKGROUND

Public Works Staff is requesting permission to repave 75th Street from State Line Road to Mission Road. The pavement surface is in the rapid deterioration portion of life curve that will lead to continuous patching. Previous action was delayed in deference to the 75th Street Corridor Steering Committee. This Committee's efforts have produced a list of items to be considered with repaving 75th Street. The comments relative to the street are:

- ✓ 75th Street is a primary east-west arterial that serves as a major commuter route within the community.
- ✓ Because this route is a "window" to the community, there is no reason why it cannot be a signature travel way that Prairie Village residents can take pride in and visitors can envy.
- ✓ Past widening of the pavement has eroded pedestrian experience and made the environment inhospitable to walking.
- ✓ Most lanes measure 11 to 12 feet in width
- ✓ It is not necessary to have a 12 foot lane for speeds of 35 miles per hour or less
- ✓ A short curb radius tends to slow down vehicles making the turn
- ✓ Curb radius should be short enough to create a safe environment for pedestrians crossing the street but long enough for trucks.
- ✓ Minimal street trees and landscaping
- ✓ Pedestrians are directly exposed to traffic traveling 35 miles per hour with little protection from passing vehicles.
- ✓ Reducing the lane width from 12 to 11 feet or even to ten feet in strategic locations could create an additional four to eight feet of green space
- ✓ Install a median to provide a safe harbor for pedestrians crossing the street

- ✓ Construct missing sidewalk segments and additional sidewalk width with tree lawns with appropriate tree species
- ✓ More than normal maintenance should take place
- ✓ Modify intersections and access points to simplify traffic signal sequences and to minimize traffic congestion
- ✓ Use compelling, informative and consistent signage
- ✓ Creating attractive walkways to maximize the quality of pedestrian movement
- ✓ Configure sidewalks so people feel safe and comfortable; make sidewalks wide, appealing and shady
- ✓ Provide lighting that is uniform, indirect, energy efficient for sidewalks and roadway
- ✓ Install high quality, well designed street furniture
- ✓ Success will not be easy or fast as there are no quick fixes for 50 years of development. But the tasks are doable, the problems solvable, and corridor is salvageable.
- ✓ The concept of two lanes was resoundingly rejected by the residents in favor of keeping four lanes.
- ✓ Bike lanes were favored to be on sidewalk and not in street

Public Works Staff requests permission to hire a consultant to provide plans and specifications for repaving 75th Street and for other improvements as listed by the 75th Street Corridor Steering Committee. The project will not consider burying the utilities. The project will have two components - State Line Road to Belinder Avenue and Belinder Avenue to Mission Road. The reason for the two components is for future construction options and potential grant eligibility.

FUNDING SOURCE

Funding is available in the Capital Improvement Program.

RELATION TO VILLAGE VISION

CC1 Attractive Environment

CC1a Make streetscape improvements to enhance pedestrian safety and attractiveness of the public realm.

CC1b Evaluate street cleaning and sanitation practices to identify potential gaps in service provision. Offer supplementary services as necessary to keep streets clean.

CCS2 Parks and Green Space

CC2a Preserve and protect natural areas.

CC2b Enhance parks for active and passive recreation through capital improvements such as landscaping, tree and flower planting, shelters, picnic facilities, athletic fields, etc.

CFS3 Streets and Sidewalks

CCF3a Ensure streets and sidewalks are in good condition by conducting maintenance and repairs as needed.

TR1 Bike and Pedestrian Friendly

TR1a Provide sidewalks in new and existing areas to allow for continuous pedestrian movement around Prairie Village.

TR1b Provide interconnected bike routes, lanes and paths to facilitate safe bicycle travel throughout the Village.

TR1c Ensure that infrastructure improvements meet the needs of all transportation users.

PUBLIC NOTICE

None required.

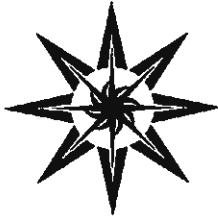
ATTACHMENTS

None

PREPARED BY

S Robert Pryzby, Director of Public Works

Date June 8, 2009



PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: July 6, 2009
Council Meeting Date: July 20, 2009

COU2009-66: CONSIDER CUL-DE-SAC SIDEWALKS

RECOMMENDATION

Staff recommends the City Council approve changing City Code 18.04.060 and City Council Policy 204 to incorporate a provision to construct sidewalks on cul-de-sacs that are 501 feet or longer

COUNCIL ACTION REQUESTED ON JULY 20, 2009

BACKGROUND

A few months ago the question was raised at a City Council meeting whether the City should be spending money to construct sidewalks on one side of a cul-de-sac street. The City Council voted to direct Public Works staff to prepare a revision to the City Council Policy on sidewalks to address when sidewalks will be constructed on cul-de-sacs. This document is in response to that directive.

Previous discussions on sidewalks have generated these comments:

- "the placement of sidewalks on cul-de-sacs has always resulted in angry residents"
- "sidewalks available for walking as a lack of sidewalks creates a safety issue"
- "whether to place sidewalks goes beyond the current property owner wishes as the City must look at the broader picture including pedestrians and potential future property owners"
- "sidewalks should not go nowhere".

A review of Prairie Village Municipal Code, City Subdivision Regulations, the American with Disabilities Act and the Manual on Uniform Traffic Control Devices (MUTCD) was conducted.

City Municipal Code Chapter XIII Streets and Sidewalks, Article 1 Sidewalks does not address sidewalks on cul-de-sac streets.

The City Subdivision Regulations provide these regulations relative to sidewalks:

- 18.04.130 *Sidewalk Requirements* - Sidewalks shall be constructed on both sides of all public streets, and around cul-de-sacs. The location shall be fixed by the Director of Public Works.

- 18-04-060 *Cul-de-sacs and Loop streets* - Cul-de-sacs shall provide proper access to all lots and shall generally not exceed 500 feet in length, and a landscaped turnaround shall be provided at the closed end, with a vertical curb on the inside diameter of a minimum of 40 feet and an outside gutter with a minimum diameter of 80 feet. The use of loop streets is encouraged.

Public Works staff has been applying the regulation 18.04.130 unless directed otherwise by vote of the City Council.

The American with Disabilities has provisions relative to a Pedestrian Access Route:

- Pedestrian Access Route is a key term that refers to the portion of the public right of way that serves as an accessible route.
- In new construction, the pedestrian access route would comprise a continuous, unobstructed path connecting to all elements and spaces required to be accessible
- In alteration or addition, the requirements for pedestrian access routes would apply only to new or altered portions of public rights of way.
- As a result, there may be breaks in continuity where the pedestrian access route is interrupted by portions of the existing pedestrian network, which have not been altered or constructed.

As the City ADA Coordinator, I have interpreted this to mean that if the City is constructing or altering (reconstruction or paving) that sidewalks are required to provide an access route. The continuity of a pedestrian access route is can be broken by crossing a street, but continue on the other side of the street.

The Manual on Uniform Traffic Control Devices (MUTCD) provisions apply to school route. The MUTCD provides guidance to establish a school route plan for each school serving elementary to high school students. School walk routes should be planned to take advantage of existing traffic control devices and adequate sidewalks. Shawnee Mission School District policy on busing is that the student must reside beyond a 2.5 mile radius in order to ride on the bus.

Using GIS and drawing a 2.5 mile radius around each school shows that all Prairie Village students are within the 2.5 mile radius limit and therefore do not qualify for busing.

There are two City policy statements - Council Policy CP204 *Sidewalks* and VillageVision - that have statements relative to sidewalks.

The current Council Policy CP204 Sidewalks provides that:

- A. All arterial streets will have sidewalks constructed on both sides of the street
- B. All collector streets will have sidewalks constructed on both sides of the street
- C. All local streets will have sidewalks constructed on one side of the street

- D. Sidewalks may be constructed on one side of a street as part of a street resurfacing project.
- E. Sidewalks installed by the City will be financed by the City
- F. A notice of intent to construct a sidewalk will be sent to property owners before design work is begun.
- G. The City will repair or replace and pay the entire cost for sidewalks on public streets within the City limits that have deteriorated due to natural conditions, except as otherwise provided by PVMC Chapter XIII Article 1 SIDEWALKS

Provision C is the one applied to cul-de-sacs as those streets are considered as local streets. The last revision to City Council Policy CP204 was provision F to provide notice to residents before design is begun.

The VillageVision provides:

Neighborhoods, Infrastructure: Enhance the pedestrian experience - Residents have expressed a preference for making Prairie Village more pedestrian friendly by building more sidewalks in strategic locations to enhance continuity

Goals and Actions - Transportation: Many participants emphasized the importance of expanding and connecting sidewalk systems for pedestrians

Goals and Actions - Bike & Pedestrian friendly: Sidewalks in some neighborhoods lack connectivity, either ending abruptly or failing to reach nearby commercial corridors or neighboring subdivisions. Enhancing sidewalk connectivity in Prairie Village will improve the quality of life, particularly for those residents who have limited access to cars.

Finally, there are some statistics to be considered.

- There are 80 cul-de-sacs in the City.
- The length varies from 200 feet to 1,613 feet.
- The average length is 491 feet and the mean is 400 feet.
- 25 cul-de-sacs are longer than 500 feet
- Five of the 25 cul-de-sacs are longer than 1,000 feet.

Public Works Staff recommends that sidewalks be constructed all around the cul-de-sac that is 501 feet and longer. This action will require Planning Commission action to change Subdivision Regulation 18.04.130 before City Council Policy CP204 can be changed.

FUNDING SOURCE

Implementing the changes will result in less sidewalk construction costs.

RELATION TO VILLAGE VISION

CC1 Attractive Environment

CC1a Make streetscape improvements to enhance pedestrian safety and attractiveness of the public realm.

CFS3 Streets and Sidewalks

CCF3a Ensure streets and sidewalks are in good condition by conducting maintenance and repairs as needed.

TR1 Bike and Pedestrian Friendly

TR1a Provide sidewalks in new and existing areas to allow for continuous pedestrian movement around Prairie Village.

PUBLIC NOTICE

None required.

ATTACHMENTS

Map showing location of cul-de-sacs.

PREPARED BY

S Robert Pryzby, Director of Public Works

Date June 8, 2009

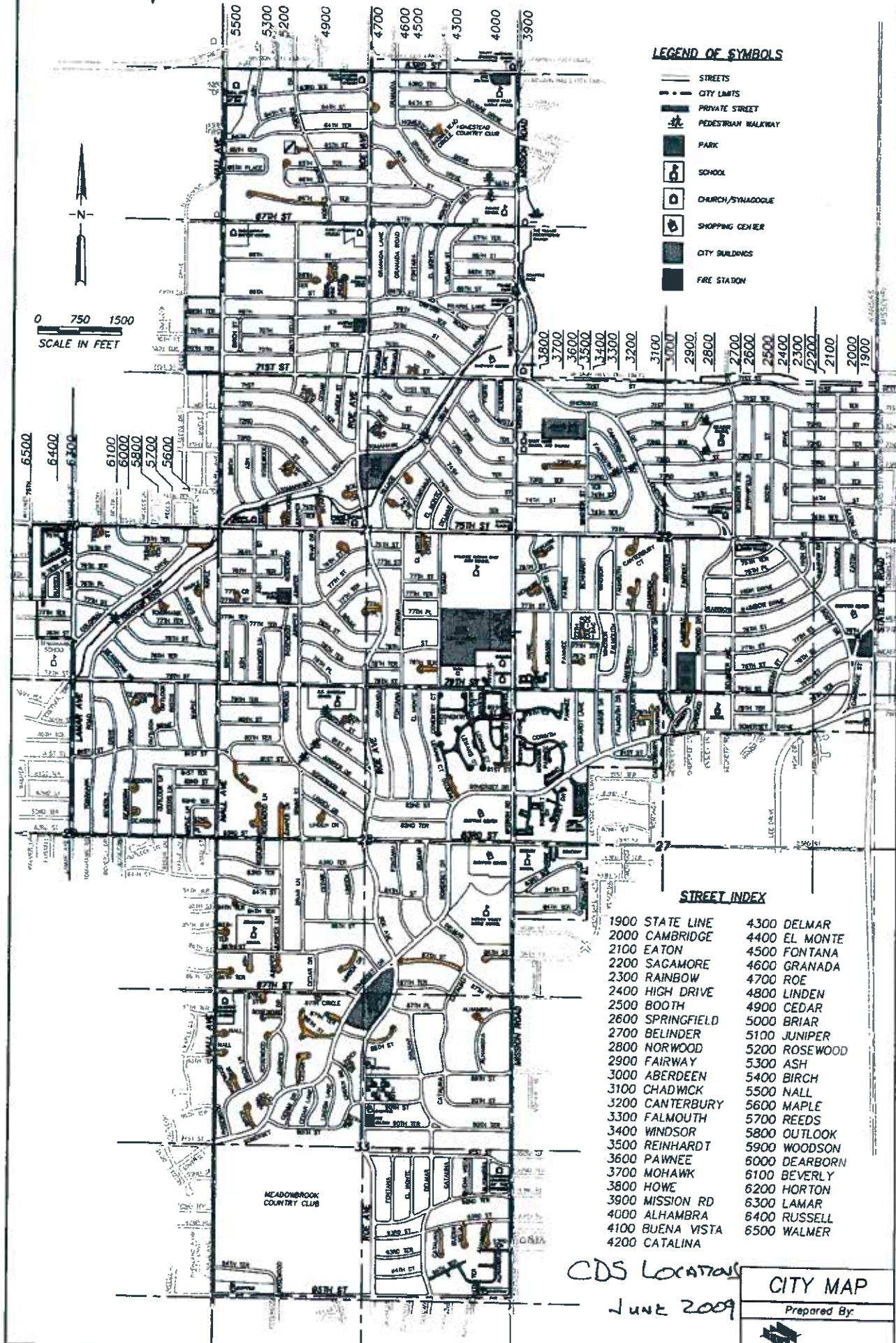


CITY OF PRAIRIE VILLAGE *Star of Kansas*



LEGEND OF SYMBOLS

- STREETS
- CITY LIMITS
- PRIVATE STREET
- PEDESTRIAN WALKWAY
- PARK
- SCHOOL
- CHURCH/SYNAGOGUE
- SHOPPING CENTER
- CITY BUILDINGS
- FIRE STATION



STREET INDEX

- | | |
|------------------|---------------|
| 1900 STATE LINE | 4300 DELMAR |
| 2000 CAMBRIDGE | 4400 EL MONTE |
| 2100 EATON | 4500 FONTANA |
| 2200 SAGAMORE | 4600 GRANADA |
| 2300 RAINBOW | 4700 ROE |
| 2400 HIGH DRIVE | 4800 LINDEN |
| 2500 BOOTH | 4900 CEDAR |
| 2600 SPRINGFIELD | 5000 BRIAR |
| 2700 BELINDER | 5100 JUNIPER |
| 2800 NORWOOD | 5200 ROSEWOOD |
| 2900 FAIRWAY | 5300 ASH |
| 3000 ABERDEEN | 5400 BIRCH |
| 3100 CHADWICK | 5500 NALL |
| 3200 CANTERBURY | 5600 MAPLE |
| 3300 FALMOUTH | 5700 REEDS |
| 3400 WINDSOR | 5800 OUTLOOK |
| 3500 REINHARDT | 5900 WOODSON |
| 3600 PAWNEE | 6000 DEARBORN |
| 3700 MOHAWK | 6100 BEVERLY |
| 3800 HOWE | 6200 HORTON |
| 3900 MISSION RD | 6300 LAMAR |
| 4000 ALHAMBRA | 6400 RUSSELL |
| 4100 BUENA VISTA | 6500 WALMER |
| 4200 CATALINA | |

CDS LOCATIONS
June 2009

CITY MAP

Prepared By:



List of CDS Streets

Name	Fr Segment	To Segment	Length
CDS ROSEWOOD DRIVE CDS	ROSEWOOD DRIVE	MIDDLE CUL-DE-SAC	200
CDS ROE AVENUE	ROE AVENUE	ROE AVENUE	202
CDS 81ST STREET CDS	MISSION ROAD	81ST STREET CDS	245
CDS 65TH STREET CDS	HODGES DRIVE	65TH STREET CUL-DE-SAC	250
CDS 90TH STREET CDS	90TH STREET	90TH ST CUL-DE-SAC	250
CDS 87TH STREET CDS	87TH STREET	87TH STREET CUL-DE-SAC	260
CDS 71ST STREET LOOP	71ST STREET	71ST STREET	268
CDS LINDEN DRIVE CDS	LINDEN DRIVE CDS	LINDEN DRIVE	268
CDS MAPLE ST CDS	MAPLE STREET	MAPLE STREET	270
CDS 87TH CIRCLE	87TH STREET	87TH STREET	273
CDS 88TH STREET CDS	88TH STREET	88TH ST CUL-DE-SAC	278
CDS 77TH TERRACE CDS	77TH TERRACE CUL-DE-SAC	77TH TERRACE	285
CDS 77TH CIRCLE	77TH CIRCLE	77TH STREET	300
CDS DEARBORN DR CDS NORTH	DEARBORN DR	DEARBORN DR	300
CDS SOMERSET DRIVE CDS	SOMERSET DRIVE	SOMERSET DRIVE CDS	300
CDS ROSEWOOD DRIVE CDS	ROSEWOOD DR CDS	ROSEWOOD DR CDS	306
CDS MOHAWK DRIVE CDS	NORTH MOHAWK DR CDS	MOHAWK DRIVE	310
CDS ASH STREET CDS	ASH STREET CDS	75TH STREET	311
CDS DEARBORN DR CDS SOUTH	DEARBORN DRIVE	DEARBORN DRIVE	312
CDS NALL AVENUE CDS NORTH	NALL AVE CDS NORTH	NALL AVENUE	315
CDS NALL AVE CDS SOUTH	NALL AVE CDS SOUTH	NALL AVENUE	315
CDS 75TH TERRACE CDS	75TH TERRACE	75TH TERRACE CUL-DE-SAC	317
CDS LINDEN STREET CDS	LINDEN STREET CDS	69TH STREET	319
CDS 79TH TERRACE CDS	CHADWICK STREET CUL-DE-SAC	79TH TERRACE CUL-DE-SAC	320
CDS DEARBORN CIRCLE	DEARBORN CIRCLE	DEARBORN DRIVE	333
CDS 75TH STREET CDS	75TH STREET	75TH STREET CUL-DE-SAC	340
CDS 78TH STREET CDS	78TH STREET CUL-DE-SAC	PAWNEE STREET	340
CDS LINDEN DRIVE CDS	LINDEN DRIVE	LINDEN DRIVE CDS	340
CDS TOMAHAWK ROAD CDS	TOMAHAWK ROAD	TOMAHAWK ROAD CDS	340
CDS ALHAMBRA STREET CDS	ALHAMBRA STREET CDS	ALHAMBRA STREET	350
CDS 71ST TERRACE CDS	71ST TERRACE CUL-DE-SAC	71ST TERRACE	357
CDS 86TH TERRACE CDS	86TH TERRACE CUL-DE-SAC	NALL AVENUE	362
CDS 80TH STREET CDS	80TH STREET CUL-DE-SAC	80TH STREET	368
CDS 72ND TERRACE CDS	72ND TERRACE	72ND TERRACE CUL-DE-SAC	369
CDS CEDAR STREET CDS	68TH STREET	CEDAR STREET CDS	372
CDS ROSEWOOD DRIVE CDS	ROSEWOOD DRIVE CDS	75TH STREET	385
CDS 85TH TERRACE CDS	85TH TERRACE CUL-DE-SAC	NALL AVENUE	388
CDS HOMESTEAD CIRCLE	HOMESTEAD CIRCLE	HOMESTEAD DRIVE	392
CDS VILLAGE DRIVE CDS SOUTH	VILLAGE DRIVE	VILLAGE DRIVE CDS	396
CDS 76TH STREET CDS	76TH STREET CUL-DE-SAC	76TH STREET	400
CDS VILLAGE DRIVE CDS NORTH	VILLAGE DRIVE	VILLAGE DRIVE CDS	400
CDS MOHAWK DRIVE CDS	MOHAWK DRIVE	SOUTH MOHAWK DR CDS	402
CDS ELMONTE CIRCLE	75TH STREET	ELMONTE CIRCLE	410
CDS 65TH STREET CDS	65TH STREET	65TH STREET CUL-DE-SAC	415
CDS 75TH TERRACE CDS	75TH TERRACE CUL-DE-SAC	COLONIAL DRIVE	420
CDS ROSEWOOD DRIVE CDS	ROSEWOOD DRIVE	SOUTH CUL-DE-SAC	424
CDS 87TH TERRACE CDS	SOMERSET DRIVE	87TH TERRACE CUL-DE-SAC	435
CDS 68TH TERRACE CDS	68TH TERRACE CUL-DE-SAC	FONTICELLO STREET	437
CDS CANTERBURY COURT CDS	75TH STREET	CANTERBURY COURT CDS	440
CDS ROSEWOOD DRIVE CDS	ROSEWOOD DRIVE	NORTH CUL-DE-SAC	448
CDS BRIAR STREET CDS	BRIAR STREET CDS	75TH STREET	454

List of CDS Streets

Name	Fr Segment	To Segment	Length
CDS JUNIPER LANE CDS	86TH STREET	JUNIPER LANE CDS	455
CDS 73RD STREET CDS	73RD STREET	73RD STREET CUL-DE-S/	465
CDS ASH LANE CDS	86TH STREET	ASH LANE CDS	475
CDS 78TH TERRACE CDS	DELMAR ROAD	78TH TERRACE CUL-DE-1	485
CDS 82ND PLACE CDS	82ND PLACE CUL-DE-SAC	MAPLE LANE	503
CDS BIRCH STREET CDS	BIRCH STREET CDS	SOMERSET DRIVE	530
CDS ROE CIRCLE	ROE AVENUE	ROE CIRCLE	532
CDS DELMAR STREET CDS	DELMAR ST CDS	SOMERSET DR	577
CDS CHADWICK LANE CDS	CHADWICK LANE CDS	SOMERSET DRIVE	600
CDS FAIRWAY STREET CDS	77TH STREET	FAIRWAY STREET CDS	600
CDS 77TH PLACE CDS	ROE AVENUE	77TH PLACE CDS	615
CDS LINDEN DRIVE CDS	86TH STREET	LINDEN DRIVE CDS	645
CDS OUTLOOK STREET CDS	79TH STREET	OUTLOOK STREET CDS	655
CDS 86TH STREET CDS	MISSION ROAD	86TH STREET CUL-DE-S/	694
CDS JUNIPER LANE CDS	JUNIPER LANE CDS	83RD STREET	709
CDS ROSEWOOD DRIVE CDS	ROSEWOOD DRIVE CDS	83RD STREET	714
CDS 88TH STREET CDS	88TH STREET CUL-DE-SAC	ROE AVENUE	727
CDS ALHAMBRA STREET CDS	93RD STREET	ALHAMBRA CUL-DE-SAC	750
CDS CHADWICK DRIVE CDS	CHADWICK DRIVE CDS	77TH STREET	767
CDS BUENA VISTA ST CDS	93RD STREET	BUENA VISTA CDS	786
CDS CATALINA DRIVE CDS	93RD STREET	CATALINA DRIVE CDS	806
CDS ASH STREET CDS	81ST STREET	ASH STREET CDS	833
CDS 73RD STREET CDS	WINDSOR STREET	73RD STREET CUL-DE-S/	860
CDS CEDAR DRIVE CDS	CEDAR DRIVE CDS	SOMERSET DRIVE	993
CDS HOWE DRIVE CDS	77TH STREET	HOWE DRIVE CDS	1,052
CDS CANTERBURY DRIVE CDS	CANTERBURY DRIVE CDS	77TH STREET	1,092
CDS 88TH STREET CDS	SOMERSET DRIVE	88TH STREET CUL-DE-S/	1,148
CDS 87TH STREET CDS	DELMAR ROAD	87TH ST CUL-DE-SAC	1,314
CDS 66TH TERRACE CDS	HODGES DRIVE	66TH TERRACE CDS	1,613
	Count	80	Average Mean 491 400

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
July 6, 2009
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 - June 15, 2009
- 2. Ratify the Mayor's appointment of Linda Forman to the Arts Council with her term expiring in April 2011.

- VI. **MAYOR'S REPORT**
Presentation by Northeast Johnson County Chamber

- VII. **COMMITTEE REPORTS**
Planning Commission - Consider amendment to Special Use Permit - Highlawn
Montessori - Dennis Enslinger

**COU2009-67 Consider Project 190722 - 2010 Storm Drainage Repair Engineering
Change Order #1 for \$64,920.00 with Affinis Corporation - Michael Kelly**

COU2009-63 Consider Project 190866 - 75th Street Paving - Michael Kelly

- VIII. STAFF REPORTS
- IX. OLD BUSINESS
- 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

CONSENT AGENDA

CITY OF PRAIRIE VILLAGE, KS

July 6, 2009

**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
June 15, 2009**

The City Council of Prairie Village, Kansas, met in regular session on Monday, June 15, 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, Bill Griffith, Ruth Hopkins, David Voysey, Michael Kelly, Andrew Wang, Dale Beckerman, Charles Clark, David Morrison, Diana Ewy Sharp and David Belz.

Also present were: Quinn Bennion, City Administrator; Wes Jordan, Chief of Police; Bob Pryzby, Director of Public Works; Dennis Enslinger, Assistant City Administrator; Karen Kindle, Finance Director and Joyce Hagen Mundy, City Clerk.

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

PUBLIC PARTICIPATION

Christina Kanas, 505 Goode Avenue, addressed the Council regarding incidents of June 1, 2009, when she was stopped by the Prairie Village police for a headlight violation. Ms Kanas was upset that two police vehicles were called and tickets were written to both her and to her passenger. She had the headlight repaired the following day and tried to take care of the ticket without success. She was angry over the way she was treated by City staff and felt the \$165 she had to pay was extortion. She felt the actions of the City reflected corruption and extortion by government.

Rob Johnson, President of the Northeast Johnson County Chamber of Commerce, addressed the Council with an update on Chamber activities. He announced the upcoming Night at the Royals event on July 24th and hoped for strong participation from the City. He also stated he was present in support of Dale Warman who would be appointed to the City Council later in the evening.

Mayor Shaffer acknowledged the presence of Ms Charlotte Kelly, the mother of Councilman Kelly.

CONSENT AGENDA

Michael Kelly moved the approval of the amended Consent Agenda for Monday, June 15, 2009.

1. Approve Regular Council Meeting Minutes - June 1, 2009
2. Approve Claims Ordinance 2860
3. Approve the following Villagefest contracts: The Treat Trike (pays \$175); Creative Carnivals & Events (\$300); Wacky Banana (\$1700); Ararat Shrine (\$450); Hiccup "Productions (\$2,100); HyVee (pays \$175); Ron Mayer (\$200) Trent Carter (pays \$175)
4. Ratify the Mayor's appointments of Michael Riley to the Prairie Village Arts Council with his term expiring in April 2012 and David Paul Stoutenborough as a student representative to the Arts Council for a one year term.
5. Adopt Resolution 2009-05 designating Friday, July 3, 2009 for the observance of the City's July 4th Holiday
6. Approve the construction of a workout facility in the basement of City Hall at a cost not to exceed \$27,500 and to approve a transfer from the General Fund to the Capital Projects Fund in the amount of \$21,000 to be funded from the 2009 JIAC Budget allocation (\$17,000), the 2009 Police Department Training Budget (\$2,000) and the 2009 Building Maintenance Budget (\$2,000) for the construction of the City Hall fitness room.
7. Approve the 2009 Police Pension Plan contribution amount of \$430,000 and the use of \$210,000 from the City's Contingency to fund the difference between the 2009 budgeted contribution amount of \$220,000 and the recommended contribution of \$430,000.
8. Adopt Charter Ordinance 24 exempting the City of Prairie Village from the provisions of K.S.A. 25-2108a and providing substitute and additional provisions on the same subject relating to the requirements for primary elections for City Officers.

A roll call vote was taken with the following members voting “aye”: Herrera, Griffith, Hopkins, Voysey, Kelly, Wang, Beckerman, Clark, Morrison, Ewy Sharp and Belz.

MAYOR’S REPORT

Recognition of former Councilman Bill Griffith

Mayor Ron Shaffer recognized Bill Griffith with a proclamation acknowledging his eleven years of service representing the residents of Ward 1. Mr. Griffith stated he had enjoyed his years of service and appreciated the experiences shared with Council members and staff throughout the past years. He stressed to the Council the importance of their actions in adopting the City’s budget, noting nine out of ten actions taken by the City Council are a direct response to budget actions. The adoption of the budget is the Council’s most important single action and should be treated with the greatest investigation and forethought.

Diana Ewy Sharp thanked Mr. Griffith for his financial mentoring and human resources guidance over the past years.

Appointment of Dale Warman

Michael Kelly moved the City Council ratify the Mayor’s appointment of Dale Warman to complete the unexpired term of former Councilman Bill Griffith’s term expiring in April, 2010. The motion was seconded by Dale Beckerman and passed unanimously.

City Clerk Joyce Hagen Mundy administered the oath of office to Mr. Warman.

Land4 Representatives

Mayor Ron Shaffer welcomed Jeff Berg, Senior Vice President with Lane4, the new owners of the Prairie Village and Corinth Square Shopping Centers. Mr. Berg stated his company jumped at the opportunity to purchase these properties as much because of the community in which they were located as the value of the properties themselves. He noted these centers are part of a strong community with excellent schools and residents that are actively involved in their community. Lane4 is excited to have the opportunity to provide services to the community and recognizes its responsibilities to both the residents of Prairie Village as well as to the tenants of the shopping centers.

Diana Ewy Sharp thanked Mr. Berg for Lane4's recent participation in hosting an event for the gathering of the National League of Cities First Tier Suburbs Council at the Prairie Village Shopping Center.

COMMITTEE REPORTS

COU2009-64 Consider revisions to the City's Fee Schedule

On behalf of the Council Committee of the Whole, Michael Kelly moved the City Council approve the addition of the following fees to the Prairie Village Fee Schedule effective July 1, 2009: \$90 - Assessment for a Court Appointed Attorney; and \$35 per day assessment against a defendant in each case where the defendant is incarcerated pursuant to an order of the Municipal Court Judge. The motion was seconded by Dale Beckerman and passed unanimously.

COU2009-65 Consider funding of Mayor and staff travel to Dolyna, Ukraine

On behalf of the Council Committee of the Whole, Michael Kelly moved the City Council approve funding from the City Council travel budget to pay for travel to and from Dolyna, Ukraine for Mayor Shaffer and one staff member not to exceed \$2,500 each. The motion was seconded by David Voysey and passed unanimously.

Finance Committee

Quinn Bennion noted one of the strategies for reduction of the 2010 budget gap was to explore the possibility of offering retirement incentives to City employees. Staff undertook this review with the understanding that the purpose of the incentive package would be budgetary savings and not a reduction in force.

Staff reviewed the packages offered by other area cities and met with employees eligible for retirement to see what aspects of a package would be important to them. The proposed package would be offered to four eligible public works employees and to a police sergeant. Currently, the sergeant position is overstaffed as the result of restructuring with CALEA changes and military leave. The package contains the following elements: 1) one week of pay for each year of service as of the end of 2009; 2) \$10,000 health insurance assistance (lump sum payment); 3) for those eligible for retiree health insurance, cost of insurance would be at the COBRA rate of 100% vs. the retiree rate of 125%; and 4) for those eligible for retiree health insurance, a \$5,000 additional lump sum for waiver of retiree health insurance.

Mr. Bennion noted the cost savings would result from lower replacement cost. Staff recognizes the non-budgetary impacts including an earlier than expected loss of tenured employees with institutional knowledge and experience. The 2009 and 2010

budgets would actually reflect an increase with the implementation of the program; however, significant cost savings are realized in 2011 and 2012. If approved, the City Attorney would prepare and formalize the retirement package, agreements and documents. The package would be offered to the five employees giving them a period to respond. Mr. Bennion stressed the program is entirely voluntary. The retirements would take place in late 2009 or early 2010 based on employee situations and preferences. The retirement incentive expenditures will come out of the 2009 budgeted funds and/or 2009 contingency.

Mayor Shaffer confirmed staff is requesting approval of the concept. Mr. Bennion responded if approved in concept, staff would direct the City Attorney to prepare the documents without any further review by the City Council, unless significant changes were made.

Ruth Hopkins asked if this would be an on-going or a one-time program. Mr. Bennion responded it is intended to be a one-time program, although staff can not predict future budget needs. Any employees not accepting the offer at this time, would only receive the usual employee benefits upon retirement at a later date.

David Belz confirmed all five positions being offered the incentive package would result in budget savings if accepted.

David Morrison moved the City Council approve the proposed retirement incentive. The motion was seconded by Dale Beckerman and passed unanimously.

Planning Commission

Dennis Enslinger reported the Mission Road Animal Clinic currently located at 3910 West 95th Street is seeking to relocate into a portion of the vacant building at 9410-

9420 Mission Road. The Clinic is a full service veterinarian clinic for dogs and cats providing medical, surgical, dental, grooming and limited boarding services as well as the sale of retail products for pets. There is no proposed change to the original site plan approved by the Planning Commission with the initial redevelopment of this area in 1996. The vacated Blockbuster space is approximately 6,500 square feet and the clinic plans to use approximately 3,000 square feet in the center portion of the building.

The current zoning for this area is C-1 (Restricted Business District) with the proposed zoning to be C-3 (Special Use Business District) for approved C-1 District uses and veterinary hospital/clinic use.

David Belz noted the Clinic is proposing to use the center space of the building and asked if this would negatively impact the possibility for lease of the other spaces. Mr. Enslinger replied the space remaining on both sides of the clinic would be approximately the same size as the existing space leased by Planet Sub at the north end of the building.

Dale Warman noted he served on the Planning Commission when this application came before the Commission and would therefore be abstaining from voting.

Dale Beckerman moved the City Council adopt Ordinance 2196 rezoning the property at 9410-9420 Mission Road, Prairie Village, Kansas from C-1 (Restricted Business District to C-3 (Special Use Business District) for approved C-1 District Uses and veterinary hospital/clinic use, directing amendment to the official zoning map of the City of Prairie Village, Kansas; and reincorporating said zoning map by reference. The motion was seconded by David Voysey.

A roll call vote was taken with the following votes cast: “aye” Herrera, Hopkins, Voysey, Kelly, Wang, Beckerman, Clark, Morrison, Ewy Sharp and Belz; abstaining: Warman. The ordinance was declared adopted.

VillageFest Committee

Diana Ewy Sharp reminded the City Council of the upcoming VillageFest Celebration. She noted details and a schedule of the events would be coming out in the Village Voice. The committee is continuing to look for volunteers for two-hour blocks of time during the day. Any council members who are able to volunteer should contact her or Quinn Bennion. She encouraged all council members to attend the event.

Park & Recreation Committee

Diana Ewy Sharp announced that she and Al Herrera would be meeting with the Board of the Prairie Village Homes Association tomorrow afternoon regarding options for the El Monte Fountain.

STAFF REPORTS

Administration

- Quinn Bennion advised the Council each received a printed copy of the final Parks Master Plan
- City Attorney Katie Logan had a previous meeting commitment out of town and called to state she would not be able to get back for this evenings meeting.
- Mission Hills has notified the City that the pedestrian bridge that crosses from Mission Hills over Brush Creek and into the parking lot at Village Presbyterian Church is being replaced. They hope to have the bridge completed and open before school begins in the fall.
- Dennis Enslinger reported the City’s Amnesty day was a success with 195 warrants processed and more than \$12,000 collected.
- The City has been informed by Rep. Dennis Moore that the City was not included in the STAG appropriation. The City had submitted for 83rd Street and Somerset Drive Improvements. The only award in Kansas was to the City of DeSoto.
- The first issue of the new Village Voice format will be arriving in homes shortly.

Public Woks

- Bob Pryzby gave his annual winter storm update reporting the city crews worked 11 events, using 1200 ton of salt and plowing 1800 miles of streets.
- The Mill & Overlay project at 83rd & Fontana is scheduled for pavement tomorrow with 73rd Street - Nall to Tomahawk being done next.
- The bridge pylons for the Mission Lane Bridge are in and the T-Beams will be delivered soon.
- The Slurry Seal program will begin this week weather permitting.

Public Safety

- Chief Wes Jordan reported on the June 6th demonstration at 75th & Nall. Over 100 protestors participated. The biggest problem was with drive-by traffic. The City of Overland Park assisted with traffic.
- Chief Jordan reported on a successful SIU operation conducted by the Department over a three-day period at a City apartment complex.

OLD BUSINESS

Statues and Islands

Ruth Hopkins stated she felt very sad that the fountain at 75th Street and Mission Road is not functioning and feels it is a big loss to the City. Diana Ewy Sharp noted repair of this fountain was removed from the Park & Recreation budget when the 75th Street Corridor study was done and asked if the Council would like to have the committee consider putting these repairs back in their budget. Mrs. Hopkins stated she felt this was a larger issue than the repair of one fountain. She feels the City needs to look seriously at all fountains and statutory within the City.

Mayor Shaffer asked Bob Pryzby the status of his work on statues. Mr. Pryzby responded he has completed an inventory on all statues in the City. He is still concerned with the lack of clarity on the ownership of statues located in islands and within City right-of-way. He is also has several questions on 75th Street issues.

Diana Ewy Sharp stated she continues to hear from several council members that they feel the maintenance of the statues is important and feels if so the Council needs to place money in a line item to address their repair and maintenance.

Mayor Shaffer stated that he would meet with staff to discuss the status of ad hoc committees on 75th Street, Community Center, Islands, Statues and homes associations

NEW BUSINESS

Michael Kelly expressed Bob McGowan's thanks to the Police Department for the recent Code Red alert and their response in making the subsequent arrest.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

Prairie Village Arts Council	06/17/2009	7:00 p.m.
Environment/Recycle Committee	06/24/2009	7:00 p.m.
VillageFest Committee	06/25/2009	7:00 p.m.
Council Committee of the Whole	07/06/2009	6:00 p.m.
City Council	07/06/2009	7:30 p.m.

The Prairie Village Arts Council is pleased to announce a photography exhibit by L. Daniel Compton for the month of June.

City offices will be closed Friday, July 3rd in observance of July 4th.

Don't forget to attend VillageFest on Saturday, July 4, 2009.

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

ADJOURNMENT

With no further business to come before the Council, the meeting was adjourned at 8:25 p.m.

Joyce Hagen Mundy
City Clerk



MAYOR

Council Meeting Date: July 6, 2009

Consent Agenda Consider appointment to Prairie Village Arts Council

RECOMMENDATION

Mayor Shaffer requests Council ratification of the appointment of Linda Foreman to the Arts Council with her term expiring in April 2011.

BACKGROUND

Linda Foreman is a Prairie Village resident and works for Commerce Bank. She is an avid collector and supporter of local artists.

ATTACHMENTS

1. Volunteer applications

PREPARED BY

Jeanne Koontz
Deputy City Clerk

Date: June 26, 2009



**City of Prairie Village
APPLICATION TO VOLUNTEER**

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

Name Linda Foreman Spouse's Name N/A
Address 2319 W. 76th St. PV, KS Zip 66208 Ward 2
Telephone: Home 913-385-9043 Work 816-234-2626 Fax _____
E-mail lforeman@kenet.com Other Number(s): _____
Business Affiliation Commerce Bank
Business Address 1000 Walnut KCMO 64106
What Committee(s) interests you? Prairie Village Arts Council

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

My interest in volunteering for the Prairie Village Arts Council is because I understand the importance of culture within a community. I am an avid collector and supporter of local artists including Ken Ferguson, Jim Leedy, Rita Blitt, and Tom Gross. I would bring my enthusiasm of culture to the Arts Council and contribute in making Prairie Village the great place to live that it is.

Thank you for your interest in serving our community.



PLANNING COMMISSION

Council Committee Meeting Date:
Council Meeting Date: July 6, 2009

Consider Amendment to Special Use Permit for Highlawn Montessori School

RECOMMENDATION

Recommend the City Council adopt Ordinance 2197 amending the Special Use Permit to allow the expansion of the school at 3531 Somerset Drive to include a playground at 3409 Somerset Drive subject to the conditions recommended by the Planning Commission.

BACKGROUND

Highlawn Montessori School was given its first Special Use Permit in 1977, with an amendment for expansion in 1984 and again in 1993. The Highlawn Montessori School has had a long history in this neighborhood and has consistently grown and expanded to accommodate its students. Currently the school has approximately 140 students from preschool through sixth grade. The school achieved the maximum development on the existing site and is proposing to expand to the east to provide more playgrounds and open space.

They will demolish the existing house and garage, fence the area along Somerset Drive and install playground equipment. The garage slab will be kept for hard surface activities. All mature trees will be saved and the driveway will remain up to the fence gates. The applicant is proposing to install a four foot tall board on board natural finish fence thirty feet from the property line along Somerset Drive.

The applicant held a neighborhood meeting on May 20, 2009 in accordance with the Planning Commission Citizen Participation Policy and no neighbors attended. However, adjacent property owners attended the hearing requesting fencing or screening of the proposed playground area to mitigate the noise from the children. This will be addressed by the Planning Commission in the review and approval of the Site Plan. The minutes of the June 2nd meeting and public hearing are attached.

The Planning Commission reviewed the criteria for approval of the amendment to the Special Use Permit and found favorably on the criteria recommending approval subject to the following conditions:

1. That the applicant encloses the dumpster so that it is not visible from adjacent streets and properties.
2. That any outdoor lighting installed shall be in accordance with the lighting ordinance.
3. That the applicant protects existing major trees during the demolition and installation of new improvements.

4. That the Special Use Permit be approved for an indefinite period of time.
5. If the applicant is found to be in non-compliance with the conditions of the Special Use Permit, the permit will become null and void within 90 days of notification of non-compliance, unless the non-compliance is corrected.
6. Secure demolition permit and drainage permit as required.
7. That the applicant receives approval of a revised site plan by the Planning Commission.
8. That all conditions of Special Use Permit 93-08 are still in effect.

The Governing Body (which includes the Mayor and City Council) shall make its findings of fact based on the "Golden Factors" and either:

- A. Adopt the recommendation of the Planning Commission and approve the amendment to 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 amendment to 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.

RELATED TO VILLAGE VISION

LRN1 Promote continued support of schools within the community.

ATTACHMENTS

Planning Commission minutes of June 2, 2009
Staff Report & Application for PC2009-08
Proposed Ordinance

PREPARED BY

Joyce Hagen Mundy
City Clerk
Date: June 29, 2009

**PLANNING COMMISSION MINUTES
JUNE 2, 2009**

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, June 2, 2009 in the Council Chambers, 7700 Mission Road. Chairman Ken Vaughn called the meeting to order at 7:00 p.m. with the following members present: Bob Lindeblad, Dale Warman, Randy Kronblad and Nancy Vennard.

The following persons were present in their advisory capacity to the Planning Commission: Ron Williamson, Planning Consultant; Dennis Enslinger, Assistant City Administrator; Jim Brown, City Building Official; Dale Beckerman, Planning Commission Liaison; and Joyce Hagen Mundy, City Clerk/Planning Commission Secretary.

APPROVAL OF MINUTES

Nancy Vennard moved the approval of the minutes of May 27, 2009 as submitted. The motion was seconded by Randy Kronblad and passed by a vote of 4 to 0 with Dale Warman abstaining due to his absence on May 27th.

PUBLIC HEARINGS

Chairman Ken Vaughn reviewed the rules of procedure to be followed for the public hearing.

**PC2009-08 Request for Amendment to Special Use Permit for Private School at 3531 and 3409 Somerset Drive for Highlawn Montessori School
Current Zoning: R-1a**

Oliver Trug, President of the Board, presented the application for Highlawn Montessori. Also present were Board members John Coe and Reuben Perin. The school owns the property immediately to the east, 3409 Somerset Drive and wants to convert this property into a playground and open space for use by the school. Highlawn Montessori School was established in 1963 and features one of the first AMI accredited Primary Programs in the Kansas City Area. The City Council approved the first phase of the Highlawn Montessori School as a Special Use Permit on March 7, 1977; the second phase was approved on April 16th, 1984 and a third phase was approved on October 18, 1993. Currently the school has approximately 140 students ranging from preschool to sixth grade.

The school proposes to demolish the existing house and garage at 3409 Somerset, fence the area along Somerset Drive and install playground equipment. The garage slab will be kept for hard surface activities. All mature trees will be saved and the driveway will remain up to the fence gates. Mr. Trug stated they are proposing to install a four foot tall board on board natural finish fence 30 feet from the property line along Somerset drive and new signage is also proposed.

Ken Vaughn confirmed the applicant received and agrees with the staff report and recommendations on its application. Randy Kronblad asked if the proposed sign would be made of EFIS or treated wood. John Coe responded they are still working with the sign company on the details of the signage. They are looking at cedar trim similar in appearance to the building but have not received firm cost figures yet.

Ron Williamson noted the Special Use Permit application would go forward to the Governing Body for approval; however, the signage approval would be part of the site plan approval by the Planning Commission.

Chairman Ken Vaughn opened the public hearing for comments:

Lynn Schultz, 3226 West 81st Terrace, stated when the school purchased the adjacent property the neighboring property owners were assured that a privacy fence would be constructed surrounding the property. The property was initially used as a rental property and is now being proposed as a playground and open play area. Mrs. Schultz states she operates a home based business out of her home and is concerned with the potential additional noise created by the proposed use, as well as, the impact on her property value. The existing chain link fence does not provide any mitigation to the noise caused by the operation of the school. If this application is approved, she would like to see the applicant replace the existing chain-link fence with a solid privacy fence. She also pointed out that a Special Use Permit was requested several years ago and a traffic study was requested.

Shirley Bruemmer, 3401 Somerset, stated her main concern is with parking from school events. She noted during a recent event cars were parked to the end of her driveway on Somerset making it dangerous for her to see to get safely out of her driveway.

Kevin Gittermeier, 3218 West 81st Terrace, expressed concerns with the existing fencing as their property is directly behind the proposed lot for the playground equipment. He expressed concern with the trimming of the trees along the back property line. He also would like to see a privacy fence installed separating his property from the playground. Mr. Gittermeier noted the zoning regulations in Leewood do not allow him to construct a six-foot privacy fence on his property at this location.

Elaine Lenhart, 3317 West 81st Street, asked what type of fence was being constructed along Somerset. Mr. Trug responded a four-foot tall board on board natural finish fence is being proposed and showed Mrs. Lenhart the site plan showing both the location and appearance of the proposed fence. Shirley Bruemmer confirmed the proposed fence would not block her view from her driveway.

Lynn Schultz, 3226 West 81st Terrace, asked why the fence that was agreed upon during their earlier application was never constructed.

John Coe responded that he has only been on the board for three years and the previous application being referenced was more than five years ago and noted that application was withdrawn without action. He stated the school is willing to work with the neighbors and noted that the neighborhood meeting held on May 20th to discuss

this application was not attended by any neighbors. He stated the school has not had any contact with the neighbors since 2007.

Ron Williamson noted the previous application which was withdrawn by the applicant, included the addition of three additional classrooms and the Planning Commission requested a traffic study be completed because of the potential additional traffic created by the additional student enrollment. He noted the existing application does not reflect any changes in enrollment in the school and thus staff has not requested a traffic study be done.

Bob Lindeblad asked how often the playground area would be used during the day. Mr. Coe responded the school operates from 8:30 to 2:30 with an after school program. Each of the classes has staggered time scheduled on the playground, with two classes using the playground at a time. Nancy Vennard confirmed the existing playground areas would continue to be used.

Nancy Vennard noted the application mentions garden areas and asked for clarification. John Coe responded there are currently garden areas on the property that are primarily landscaping and flowers.

Mrs. Vennard noted most privacy fences in Prairie Village are six feet in height, but noted eight-foot fences are allowed in some instances.

Bob Lindeblad confirmed the City boundary follows the property line. He noted to place a privacy fence along the back of this property would require approximately 600 feet of fence. With solid wood fencing costing \$30 to \$40 per square foot, this would be a significant cost for the applicant.

Nancy Vennard asked if the applicant had contacted "Project Restore" or Habitat for Humanity regarding the demolition of the residence.

Bob Lindeblad noted that approval of this Special Use Permit is for an indefinite period of time. He can see the merits of having the two different playground areas and noted it would be best if these could be fenced areas, but acknowledged the significant financial burden this would place on the applicant at this time. He suggested the Commission make it a requirement that within "x" years a fence be constructed. This would give the school time to budget for this expenditure and time to work with the neighbors on coming up with a fence and/or landscaping that would provide the necessary buffer and noise mitigation desired. He would support the use of landscaping as well as fencing and noted the benefit of having the teachers able to see across the playground area. The concern being expressed by the neighbors is primarily noise and this could be addressed by landscape as well as fencing.

Mr. Lindeblad stated he does not have a problem sending the Special Use Permit on to the Governing Body with the Planning Commission continuing the site plan approval for one month with the applicant coming back at that time with a screening/landscape plan for the playground area that could be implemented over a stated period of time. He feels this would both address the neighborhood concerns as well as the financial concerns of the applicant.

Dennis Enslinger confirmed the Special Use Permit could go forward to the Governing Body with the understanding that a condition of approval would be the approval of the site plan by the Planning Commission, as well as, any other conditions desired by the Commission.

Jane Temple, 3643 Somerset, spoke in support of demolishing the house noting she felt it was an eyesore to the City.

Bill Vanatta, 3408 Somerset, confirmed there is no proposed change to the drop-off and pick-up areas for the students and that there would be no dropping off of students at 3409 Somerset.

Lynn Schultz, 3226 West 81st Terrace, stated she did not understand the concerns for the applicant's financial position, noting they committed to a fence earlier and should have made appropriate plans in their budgeting. She stated she wants a privacy fence constructed and has does not need to meet with the applicant further. She added if a fence is not constructed she will take down the existing chain-link fence which is on her property and those are her final comments on the matter.

Chairman Ken Vaughn closed the public hearing at 7:45 p.m.

Ron Williamson noted the property has a platted front yard setback of 40 feet that will require the placement of the proposed fence along Somerset to be setback forty feet rather than the proposed thirty feet unless the setback is waived. The applicant is requesting a waiver from this provision as provided by the zoning regulations.

Ken Vaughn stated it is clear from the comments that there are concerns with the playground noise that need to be addressed by the applicant with the adjacent property owners before anything changes and recommends that be added as the seventh condition of the site plan approval.

Dennis Enslinger confirmed that it is the Commission intent that the applicant be required to provide some type of screening with their application for site plan approval and that the Special Use Permit can move forward with a the condition of the site plan being approved by the Planning Commission.

Chairman Ken Vaughn led the Commission in a review of the findings of fact for approval of a Special Use Permit.

- 1. The proposed Special Use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations, and use limitations.**

The property is zoned R-1A Residential and is occupied by an existing single-family dwelling residence with an attached garage. The existing dwelling and garage will be removed and the proposed improvements will meet all regulations with the exception of the fence that is proposed to setback 30 feet from the front property line. The front platted setback line is 40 feet, which will require site plan approval of the fence location.

- 2. The proposed Special Use at the specified location will not adversely affect the welfare or convenience of the public.**

The proposed expansion of the Highlawn Montessori School is to add playground and open space. The existing single-family dwelling is falling in disrepair and would need substantial investment for it to be marketable as a single-family dwelling. Therefore, its removal and the cleaning up of the site should have a positive affect in the neighborhood.

3. The proposed Special Use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.

Through proper screening and buffering, adjacent property should be protected from any negative aspects of this particular use. The primary negative condition would be additional noise generated by the children during periods of outdoor play. Therefore with proper landscaping and buffering on the south and east property lines the proposed project should not cause substantial injury to the property in the neighborhood.

4. The location and size of the Special Use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site which respect to streets giving access to it, are such that this Special Use will not dominate the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the Special Use will so dominate the immediate neighborhood consideration shall be given to:

a Location, size and nature of the height of building structures, walls and fences on the site; and;

b The nature and extent of landscape and screening on the site.

This proposed expansion will create a playground and open space by the removal of a dwelling on one residential lot. The proposed expansion is not of a size that will dominate the neighborhood or hinder development or redevelopment.

5. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations, and said areas shall be screened from adjoining residential uses and located so as to protect such residential uses from any injurious affect.

The proposed expansion is for playground and open space which does not require additional parking area.

6. Adequate utility drainage and other necessary facilities have been or will be provided.

It should be noted that with the removal of the house and other hard surfaced areas there will be less impervious area and therefore runoff from the site will be reduced. Drainage will not be a problem.

7. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.

There will be no vehicular access on the site. The driveway will be retained to the gate to allow access for maintenance. A pedestrian path will be provided to connect the school with the playground.

- 8. Adjoining properties and the general public shall be adequately protected from any hazardous or toxic materials, hazardous manufacturing process, obnoxious odors or unnecessary intrusive noises.**

This particular use does not appear to have any hazardous or toxic materials, hazardous processes or obnoxious odors related to its use. There may be some noise generated from the outdoor play of the children but it should be mitigated through fencing and landscape screening on the adjacent property lines.

- 9. Architectural style and exterior materials are compatible with such styles and materials used in the neighborhood in which the proposed building is to built or located.**

The improvements will be minimal including playground equipment and a fence along Somerset Drive. The design of these improvements will be consistent with similar facilities in the neighborhood.

Bob Lindeblad moved the Planning Commission find the findings of fact favorable and forward PC2009-08 to the Governing Body with a recommendation for approval of the amendment to the Special Use Permit for Highlawn Montessori School at 3531 and 3409 Somerset Drive subject to the following conditions:

1. That the applicant encloses the dumpster so that it is not visible from adjacent streets and properties.
2. That any outdoor lighting installed shall be in accordance with the lighting ordinance.
3. That the applicant protect existing major trees during the demolition and installation of new improvements.
4. That the Special Use Permit be approved for an indefinite period of time.
5. If the applicant is found to be in non-compliance with the conditions of the Special Use Permit, the permit will become null and void within 90 days of notification of non-compliance, unless the non-compliance is corrected.
6. Secure demolition permit and drainage permit (if necessary).
7. That the applicant receives approval of a revised site plan by the Planning Commission.

The motion was seconded by Dale Warman and passed unanimously.

Bob Lindeblad moved the Planning Commission continue site plan approval for PC2009-08 to the July 7, 2009 meeting of the Commission with direction that the applicant return with a proposed landscape/screening plan. The motion was seconded by Nancy Vennard and passed unanimously.

Dennis Enslinger announced the Special Use Permit application would be considered by the City Council on July 6, 2009.

PC2009-103 Site Plan Approval for fence 4615 Homestead Drive

Mark Lieb, 4615 Homestead Drive, presented his application for approval to build a fence along a portion of their property at 4615 Homestead Drive. He noted they have two young children who they would like to provide a fenced play area, noting the existing fenced area essentially contains the pool and does not provide sufficient play area. Their property is unique in that it has been platted with two front yards which

SPECIAL USE PERMIT APPLICATION

CITY OF PRAIRIE VILLAGE, KANSAS

For Office Use Only

Case No.: PC 2009-08
Filing Fees: \$100
Deposit: \$500
Date Advertised: 5/12/09
Date Notices Sent: 5/12/09
Public Hearing Date: 6/2/09

APPLICANT: Highlawn Montessorij School PHONE: 913-649-6160

ADDRESS: 3531 Somerset Drive, Prairie Village, KS ZIP: 66208

OWNER: Friends of Montessori Association who operates Highlawn Montessori School

PHONE: 913-649-6160

ADDRESS: 3531 Somerset Drive, Prairie Village, KS ZIP: 66208

LOCATION OF PROPERTY: 3409 Somerset Drive, Prairie Village, KS 66208

LEGAL DESCRIPTION:

SOMERSIDE Lot 16, PVC-10470

27-12-25 BGAT PT ON E/L W1/2 1065/ 10' N SE COR N 350.91' TO CTR/L OF SOMERSET DR SW
ALG CTR/L 360.25' 40' & 102.92' SE ON CURVE 97.87' E 144.39' YO PY OG BG 1.6 AC M/L
SCHOOL PVC 613 8 BTAO 3408 81 TX

ADJACENT LAND USE AND ZONING:

	<u>Land Use</u>	<u>Zoning</u>
North	<u>RESIDENTIAL</u>	<u>R-1</u>
South	<u>RESIDENTIAL</u>	<u>R-1</u>
East	<u>RESIDENTIAL</u>	<u>R-1</u>
West	<u>RESIDENTIAL</u>	<u>R-1</u>

Present Use of Property: Single Family Dwelling/Rental Property

Please complete both pages of the form and return to:

Planning Commission Secretary
City of Prairie Village
7700 Mission Road
Prairie Village, KS 66208

Does the proposed special use meet the following standards? If yes, attach a separate Sheet explaining why.

	<u>Yes</u>	<u>No</u>
1. Is deemed necessary for the public convenience at that location.	_____	x
2. Is so designed, located and proposed to be operated that the public health, safety, and welfare will be protected.	x	_____
3. Is found to be generally compatible with the neighborhood in which it is proposed.	x	_____
4. Will comply with the height and area regulations of the district in which it is proposed.	x	_____
5. Off-street parking and loading areas will be provided in accordance with the standards set forth in the zoning regulations, and such areas will be screened from adjoining residential uses and located so as to protect such residential use from any injurious effect.	x	_____
6. Adequate utility, drainage, and other such necessary facilities have been or will be provided.	x	_____

Should this special use be valid only for a specific time period? Yes _____ No x

If Yes, what length of time? _____

SIGNATURE: Katherine Morrison

DATE: 5/1/09

BY: _____

TITLE: Highland Montessori Director

Attachments Required:

- Site plan showing existing and proposed structures on the property in questions, and adjacent property, off-street parking, driveways, and other information.
- Certified list of property owners

Special Use Permit Application

2. No issues.

3. N/A

Highlawn Montessori is proposing to replace existing, outdated signage. The existing sign does not comply with current regulations. The new signage will meet new standards and be moved within property line.

Highlawn Montessori is requesting to add an additional sign on the east end of school building. New sign will meet Prairie Village standards.

See site plan for sign details.

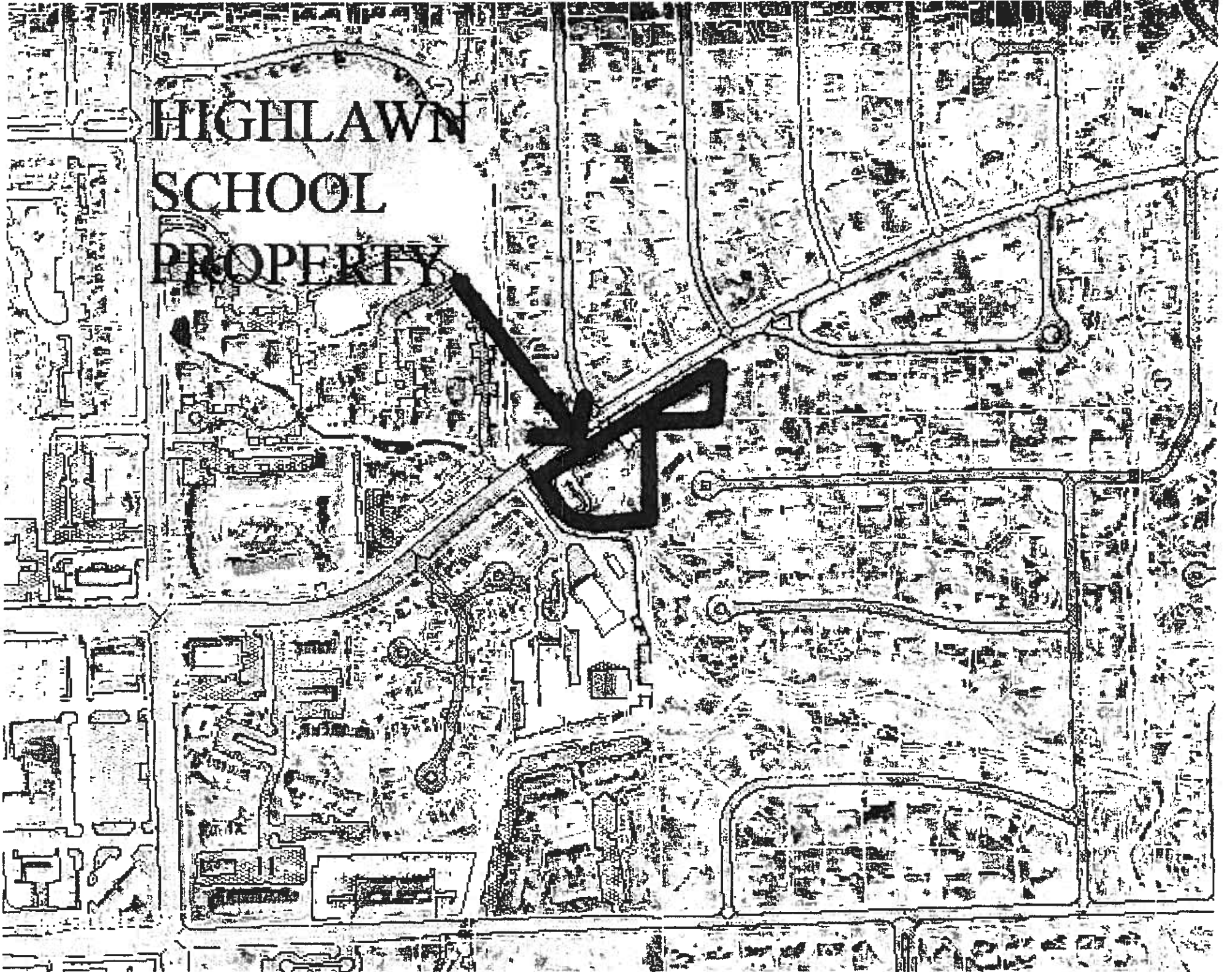
4. N/A

Permit application is requesting to use space for green space, gardens and outdoor playground area for students.

5. There will be no need for parking on property

6. Highlawn Montessori plans to create natural/green space with garden areas, and additional play ground areas for students. No utilities are required for plan.

HIGHLAWN SCHOOL PROPERTY



Neighborhood Meeting Agenda Highlawn Montessori School



May 20, 2009
7:00 pm

Re: Application for Special Use Permit as applied to the property at
3409 Somerset Drive.

- I. Introductions
- II. Vision from Highlawn Board
Oliver Troug, Board President
- III. Site Plan Review
Reuben Perin, Board Member
- IV. Discussion
- V. School Contact for Neighbors

Kathy Morrison, School Director
Highlawn Montessori School
6160 Somerset Drive
Prairie Village, KS 66208
913-649-6160



Prairie Village, KS Planning Commission
7700 Mission Road
Prairie Village, Kansas 66208-4230

Friday, May 1, 2009

Dear Planning Commission:

Highlawn Montessori School, established in 1963, features one of the first AMI accredited Primary Programs in the Kansas City Area. The school has gradually expanded from one Primary Classroom of 20 children, ages three to six, to five Primary Classes of 24 children. Highlawn also offers a growing Montessori Elementary Program for children from first to sixth grade.

Highlawn is a Kansas 501-C-3 Not-for-Profit Corporation under the operative organization, Friends of Montessori Association. The property and business of the corporation is controlled and managed by a Board of Directors consisting of current Highlawn parents. The mission of Highlawn Montessori School is to provide a child-centered Montessori community which facilitates the social, emotional, physical and cognitive development of each child.

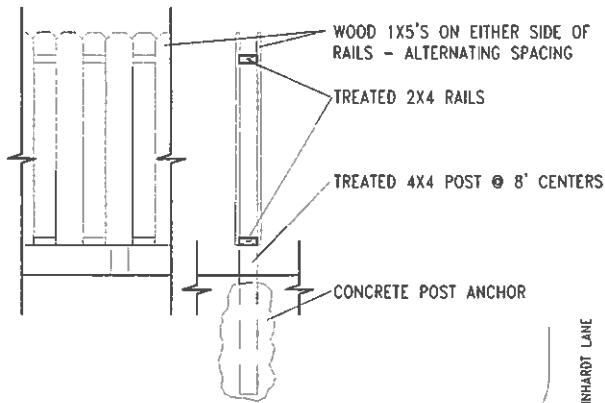
In 2003, the Highlawn Board of Directors purchased the property, 3409 Somerset Drive, directly to the east of the current school building, 3501 Somerset Drive. Since then, 3409 Somerset, has been used as rental property. The current Board of Directors has determined that the students at Highlawn would benefit from additional outdoor play space. Consequently, we are applying to the Prairie Village Planning Commission to consider our application to use SOMERSIDE Lot 16, PVC-10470 as additional outdoor green space and playground area.

Our site plan outlines our plan in detail. We look forward to meeting with you to discuss our application. I am available for any questions.

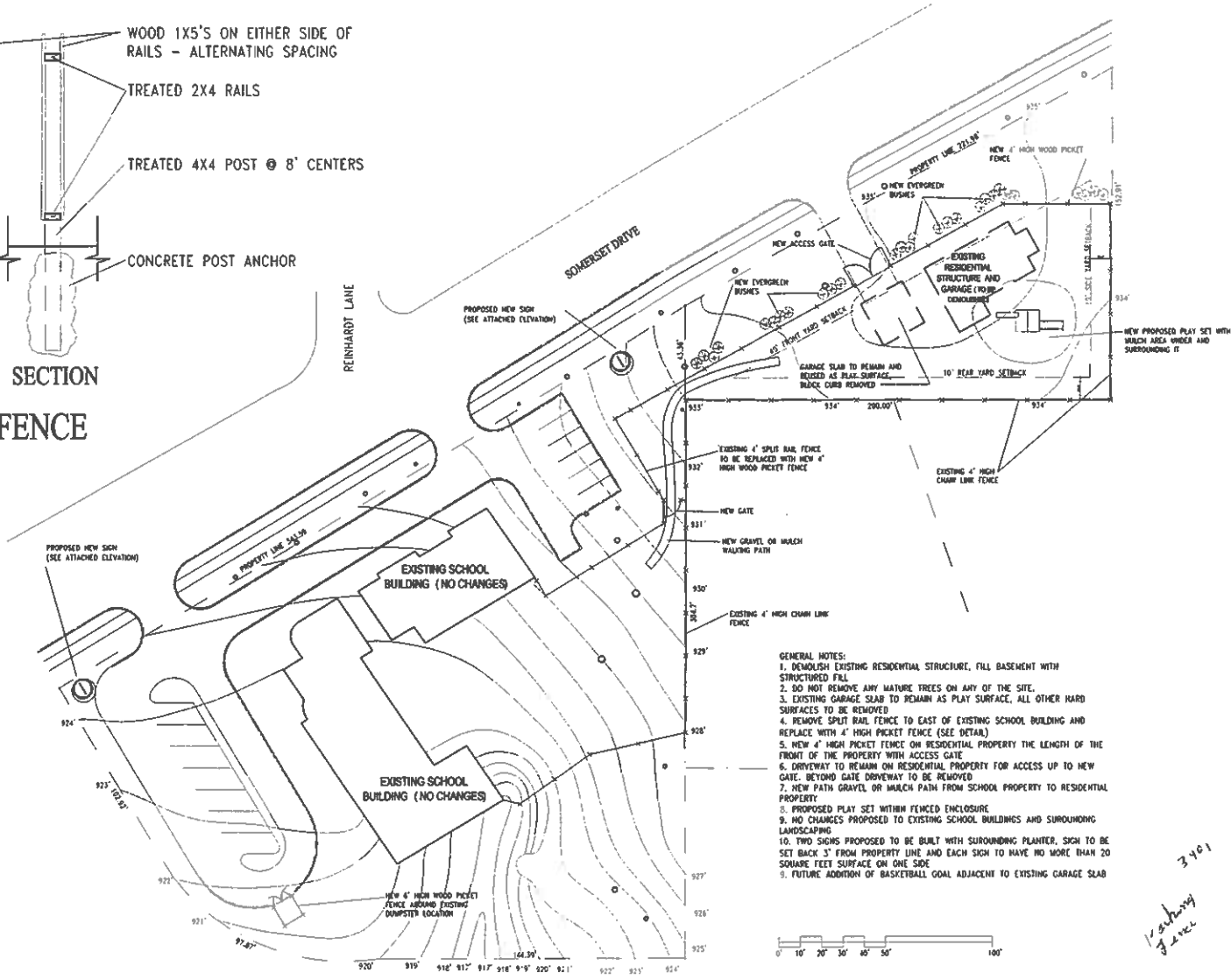
Kathy Morrison
Highlawn Montessori School, Director
3531 Somerset Drive
Prairie Village, KS 66208
913-649-6160

Sincerely,
Kathy Morrison
Kathy Morrison
School Director

3531 Somerset Drive . Prairie Village, KS 66208 . 913-649-6160
Fax 913-649-0323 www.highlawn.org
Member Association Montessori Internationale



ELEVATION SECTION
DETAIL OF FENCE



- GENERAL NOTES:**
1. DEMOLISH EXISTING RESIDENTIAL STRUCTURE, FILL BASEMENT WITH STRUCTURED FILL
 2. DO NOT REMOVE ANY MATURE TREES ON ANY OF THE SITE.
 3. EXISTING GARAGE SLAB TO REMAIN AS PLAY SURFACE, ALL OTHER HARD SURFACES TO BE REMOVED
 4. REMOVE SPLIT RAIL FENCE TO EAST OF EXISTING SCHOOL BUILDING AND REPLACE WITH 4' HIGH PICKET FENCE (SEE DETAIL)
 5. NEW 4' HIGH PICKET FENCE ON RESIDENTIAL PROPERTY THE LENGTH OF THE FRONT OF THE PROPERTY WITH ACCESS GATE
 6. DRIVEWAY TO REMAIN ON RESIDENTIAL PROPERTY FOR ACCESS UP TO NEW GATE, BEYOND GATE DRIVEWAY TO BE REMOVED
 7. NEW PATH GRAVEL OR MULCH PATH FROM SCHOOL PROPERTY TO RESIDENTIAL PROPERTY
 8. PROPOSED PLAY SET WITHIN FENCED ENCLOSURE
 9. NO CHANGES PROPOSED TO EXISTING SCHOOL BUILDINGS AND SURROUNDING LANDSCAPING
 10. TWO SIGNS PROPOSED TO BE BUILT WITH SURROUNDING PLANTING, SIGN TO BE SET BACK 3' FROM PROPERTY LINE AND EACH SIGN TO HAVE NO MORE THAN 20 SQUARE FEET SURFACE ON ONE SIDE
 9. FUTURE ADDITION OF BASKETBALL GOAL ADJACENT TO EXISTING GARAGE SLAB

*1/24/09
 3/4/09*

Documents Prepared by:
 Reuben Perlin, Architect
 2330 Stury Lane
 Shrewsbury, Mass
 01545-6608
 Tel: 513-261-5500
 REUBEN PERLIN/ARCHITECT

REVISIONS		
NO.	DESCRIPTION	DATE

**MONUMENT SIGNAGE AND FENCE PROPOSAL
 HIGHLAWN MONTESSORI SCHOOL**

100% PRICING DOCUMENTS
 ISSUE DATE:
 May 1, 2009
 Job No. 09.004.01

ORDINANCE ____

AN ORDINANCE APPROVING AN AMENDMENT TO THE SPECIAL USE PERMIT FOR THE OPERATION OF A PRIVATE SCHOOL BY HIGHLAWN MONTESSORI AT 3531 AND 3409 SOMERSET DRIVE, PRAIRIE VILLAGE, KANSAS

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

Section I. Planning Commission Recommendation. At its regular meeting on June 6, 2009, the Prairie Village Planning Commission held a public hearing, found the findings of fact to be favorable and recommended that the City Council approve an amendment to the Special Use Permit for the operation of a private school by Highlawn Montessori at 3531 and 3409 Somerset Drive subject to the following conditions:

1. That the applicant encloses the dumpster so that it is not visible from adjacent streets and properties.
2. That any outdoor lighting installed shall be in accordance with the lighting ordinance.
3. That the applicant protects existing major trees during the demolition and installation of new improvements.
4. That the Special Use Permit be approved for an indefinite period of time.
5. If the applicant is found to be in non-compliance with the conditions of the Special Use Permit, the permit will become null and void within 90 days of notification of non-compliance, unless the non-compliance is corrected.
6. Secure demolition permit and drainage permit as required.
7. That the applicant receives approval of a revised site plan by the Planning Commission.
8. That all conditions of Special Use Permit 83-08 are still in effect.

Section II. Findings of the Governing Body. At its meeting on July 6, 2009, the Governing Body adopted by specific reference the findings as contained in the minutes of the Planning Commission meeting of June 2, 2009, and the recommendations of the Planning Commission and approved the amendment to the Special Use Permit as docketed PC2009-08.

Section III. Granting of the Special Use Permit. Be it therefore ordained that the City of Prairie Village grant an Amendment to the Special Use Permit for Highlawn Montessori Training Center to operate a private school at 3531 and 3409 Somerset Drive, Prairie Village, Kansas subject to the four specific conditions listed above.

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

PASSED AND ADOPTED THIS 6th DAY OF JULY, 2009.

CITY OF PRAIRIE VILLAGE, KANSAS

By: _____
Ronald L. Shaffer, Mayor

ATTEST:

APPROVED AS TO FORM:

Joyce Hagen Mundy, City Clerk

Catherine P. Logan, City Attorney

**SPECIAL USE PERMIT
CITY OF PRAIRIE VILLAGE, KANSAS**

**No. 93-08
Effective Date of Permit:
October 18, 1993
Expiration Date:
Indefinite**

WHEREAS, pursuant to the provisions of Chapter 19.26 of the Prairie Village Municipal Code, the Highlawn Montessori Private School applied for a special use permit on certain real property located at 3531 Somerset Drive, Prairie Village, Johnson County, Kansas, for the purpose of expanding their facility, such application being numbered 93-08

WHEREAS, the Prairie Village Planning Commission, after publishing Notice of Public Hearing on said application, did on August 10, 1993, conduct a public hearing on said application; and

WHEREAS, the Governing Body, after hearing all of the testimony produced as well as the written transcripts of the proceedings before the Planning Commission and other information it deemed relevant in File No. 93-08 of the Planning Commission, and carefully considering and understanding the same;

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Prairie Village, Kansas, that:

Upon the recommendation of the Planning Commission for the Special Use Permit for the expansion of the existing facility on the following described real estates, to-wit:

**3531 Somerset Drive
Prairie Village, Kansas**

such special use permit is hereby approved and issued by the City Council of the City of Prairie Village, Kansas, to the Highlawn Montessori Private School, (the "Holder"), subject to the following conditions:

1. That the Holder of this Special Use Permit comply with all of the provisions of Chapter 19.26 of the Prairie Village Municipal Code pertaining to special uses. The expansion of the facility shall be in accordance with the plans and specifications that were submitted and approved by the Prairie Village Planning Commission on August 10, 1993.
2. That the property will not be used in any manner that is in conflict with the ordinances of the City of Prairie Village, Kansas, statutes and regulations of the State of Kansas, and any and all other applicable laws and regulations.
3. That this special use permit has been issued to the Holders and is not assignable or transferable without the consent of the Prairie Village Planning Commission; that in the event title to the property is transferred or if the property is leased to any other company, person or entity other than the Holder or one of its subsidiaries, prior approval shall be obtained from the Prairie Village Planning Commission before transfer of said property; that this permit shall terminate if the Planning Commission refuses to authorize a transfer of title or approve the leasing of the property
4. That this Special Use Permit is contingent upon all the conditions set forth herein, and that failure of applicant to comply with all the terms of this permit shall constitute a termination of this permit, after an appropriate due process hearing before the Governing Body of this City.

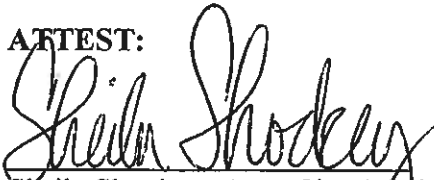
Adopted this 18th day of October, 1993.

**THE GOVERNING BODY OF THE CITY OF
PRAIRIE VILLAGE, KANSAS**



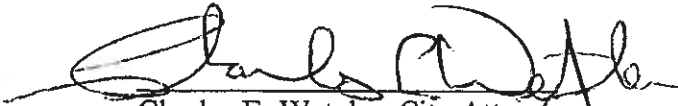
Mayor Monroe Taliaferro
10/21/93

ATTEST:



Sheila Shockey, Asst. City Admin/City Clerk

APPROVED AS TO FORM:



Charles E. Wetzler, City Attorney

ACCEPTANCE OF TERMS OF SPECIAL USE PERMIT

The Highlawn Montessori Private School, hereby accepts all of the terms and conditions of the Special Use Permit adopted by the Governing Body of the City of Prairie Village, Kansas, on October 18, 1993, in Special Use Permit No. 93-08, and does hereby agree to be bound by the terms and conditions of said Special Use Permit.

Executed this 26th day of October, 1993.

**THE HIGHLAWN MONTESSORI
PRIVATE SCHOOL**

By Carelyn M Godfrey

Title Administrator

MAYOR'S ANNOUNCEMENTS
Monday, July 6, 2009

Committee meetings scheduled for the next two weeks include:

Planning Commission	07/07/2009	7:00 p.m.
Sister City Committee	07/13/2009	7:00 p.m.
Prairie Village Arts Council	07/15/2009	7:00 p.m.
Council Committee of the Whole	07/20/2009	6:00 p.m.
City Council	07/20/2009	7:30 p.m.

=====

The Prairie Village Arts Council is pleased to announce a photography exhibit by Mark Raynes for the month of July. The reception will be held on July 10th from 6:30 - 7:30 p.m.

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

INFORMATIONAL ITEMS
July 6, 2009

1. Planning Commission Agenda - July 7, 2009
2. Council Committee of the Whole Minutes - June 15, 2009
3. Semi-Annual Report on ADA Activities from July through December 2008.
4. Semi-Annual Report on ADA Activities from January through June 2009.
5. Mark Your Calendars
6. Committee Agenda

**PLANNING COMMISSION AGENDA
CITY OF PRAIRIE VILLAGE
MUNICIPAL BUILDING - 7700 MISSION ROAD
TUESDAY, JULY 7, 2009
Council Chambers
7:00 P. M.**

I. ROLL CALL

II. APPROVAL OF PC MINUTES - June 2, 2009

III. PUBLIC HEARINGS

**PC2009-09 Revisions to the Prairie Village Zoning Regulations
Chapter 19.48 entitled "Special Use Permit" & Chapter
19.52 entitled "Procedural Provisions"
Applicant: City of Prairie Village**

**PC2009-10 Amendment to Prairie Village Comprehensive Plan
Village Vision, to include the Prairie Village Parks &
Recreation Master Plan 2009
Applicant: City of Prairie Village**

IV. NON-PUBLIC HEARINGS

**PC2009-104 Site Plan Approval for 3531 and 3409 Somerset
Highlawn Montessori School
Current Zoning : R-1 (Single Family Residential District)
Applicant: Kathy Morrison, Director
Highlawn Montessori School**

**PC2009-105 Site Plan Approval for Emergency Generator
8421 Fontana
Current Zoning: R-1a (Single Family Residential District)
Applicant: Kit Staff for Jim Kuklenski**

**PC2009-106 Site Plan Approval for Emergency Generator
8300 Fontana
Current Zoning: R-1a (Single Family Residential District)
Applicant: R.S. Andrews for Charles Clark**

V. OTHER BUSINESS

**PC2009-03 Consider Proposed Wireless Communications Facilities Ordinance -
Chapter 19.33**

Consider revisions to Chapter 19.34 "Accessory Uses"

VI. ADJOURNMENT

Plans available at City Hall if applicable

If you can not be present, comments can be made by e-mail to

Cityclerk@Pvkansas.com

***Any Commission members having a conflict of interest, shall acknowledge that conflict prior to the hearing of an application, shall not participate in the hearing or discussion, shall not vote on the issue and shall vacate their position at the table until the conclusion of the hearing.**

COUNCIL COMMITTEE OF THE WHOLE
June 15, 2009

The Council Committee of the Whole met on Monday, June 15, 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, Ruth Hopkins, David Voysey, Andrew Wang, Dale Beckerman, Charles Clark, David Morrison, Diana Ewy Sharp and David Belz. Staff members present: Quinn Bennion, City Administrator; Wes Jordan, Chief of Police; Bob Pryzby, Director of Public Works; Katie Logan, City Attorney; Dennis Enslinger, Assistant City Administrator; Karen Kindle, Finance Director; Chris Engel, Assistant to the City Administrator and Joyce Hagen Mundy, City Clerk.

PRESENTATION & DISCUSSION 2010 BUDGET

Follow Up Discussion - 2010 Operating Budget

Karen Kindle reported during the June 8, 2009 discussion of the proposed operating budget the City Council directed staff to make several changes to the proposed budget. These changes are noted below:

- Restore committee budgets to 2009 budget levels (\$6,000)
- Restore support of NEJC Chamber of Commerce Golf Tournament (\$850)
- Reduce Council communications stipend to \$25/month
- Cell phone stipends for City staff be set at \$40/month
- Increase Natural Gas Transport Fee revenue to \$40,000
- Decrease Facility Reservation revenue by \$5,000
- Other miscellaneous adjustments and corrections

Mrs. Kindle stated these changes resulted in a net decrease in the transfer to the Capital Projects Fund of \$9,224, but leaves the proposed 2010 budget balanced.

Karen Kindle also stated Bob Pryzby had completed his analysis of the Stormwater Utility Fund based and is proposing an increase in the stormwater utility fees from \$0.037 per square foot of impervious area to \$0.038 per square foot for 2010. The operating costs for the stormwater management program are paid out of the General Fund and reimbursed by the Stormwater Utility Fund. The transfer amount is based on an estimate of the time Public Works staff will spend on stormwater activities as well as the contract services, commodities and capital outlay related to the stormwater program. This increase to the fee results in a net increase in the transfer to Capital Projects Fund of \$77,170.

David Belz asked for clarification on the actual impact of the proposed changes. Dale Beckerman clarified that the more the City spends in operations the less money will be available to transfer to the Capital Improvements Program. He confirmed the budget has been balanced on the back of the CIP.

David Voysey confirmed the City's deficit has not changed. Mrs. Kindle responded the goal is to keep the City's fund balance at 25 percent.

Michael Kelly confirmed that staff had simply transferred funds other areas to keep the committee budgets at their previous level.

David Belz felt the direction of the Council was to see if funds could be found to replace the \$6,000 cut from committee. He sees the proposed action by staff as putting the City in a worse financial position.

Quinn Bennion explained the actions reported by Mrs. Kindle are two separate actions. The first was to restore funds to those budget areas identified by the Council as wanting to maintain. In order to do this, the funding available for transfer to the Capital Improvements Project Fund was reduced by \$9,224.

Secondly, during the time between the last meeting and last Friday Mr. Pryzby was able to conduct his analysis of the stormwater utility fund and presented his recommendation to increase the stormwater utility fee from \$0.037 to \$0.038 for 2010. This change resulted in an increase to the funds available for transfer to the Capital Projects Fund.

Andrew Wang asked for clarification of the adjustments made by staff. Mrs. Kindle reviewed the adjustments which resulted in a net decrease in the amount of funds available for transfer to the Capital Projects Fund by \$9,224. She reported additional adjustment was made to reflect the proposed increase in the stormwater utility fee. Mr. Wang stated it was not his intent to raise the stormwater utility fee.

Quinn Bennion responded the stormwater utility fee is intended to be evaluated and if necessary adjusted on an annual basis. Due to time constraints, Mr. Pryzby was not able to complete his analysis prior to the submittal of the initial proposed budget and therefore, these changes are being included now. He added the budget is a document in transition and as more information becomes available numbers will continue to be revised to reflect the most up to date information and estimates. Bob Pryzby reviewed the process he followed in his analysis of the stormwater utility fund and in determining his recommended fee.

Ruth Hopkins asked if the Council would be able to see what is not being included in the Capital Improvement Program because of these reductions. Quinn Bennion stated the budget document does not identify specifically where reductions were made. It identifies what projects are to be done with the available funding. Bob Pryzby added there have not been significant reductions to the program.

Some Council members voiced concern in that all the areas in question have been grouped together and they support some but do not support others and struggle to give a blanket approval of the changes as a whole. Charles Clark noted the Council has already discussed and given direction on each of the items included.

Several Council members stated the proposed budget does not reflect sacrifices in the level of expenditures to address budget concerns but merely moves money from one account to another and does not truly reduce city expenditures.

The Council accepted the changes as made by staff and the recommended increase to the stormwater utility fee. Quinn Bennion advised the Council their will continue to be adjustment made until the final publication of the budget as staff gets more information, specifically the appraisal estimate from Johnson County.

COU2009-64 Consider revisions to Prairie Village Fee Schedule

In November of 1997, the City Council approved Charter Ordinance No. 18 which allows the city to collect costs associated with administration of the Municipal Court. Dennis Enslinger stated in preparation of the 2010 budget, staff looked at the services and fees associated with the Municipal Court program and is recommending two changes.

The first is setting a fixed assessment of \$90 for defendants who are provided a court appointed attorney. This is roughly the equivalent of the hourly rate for the City's court appointed attorney. Currently, the city requires the applicant to fill out a financial affidavit indicating that they do not have sufficient funds to pay for an attorney. If the application is approved, the City covers the entire cost of the attorney. It has been the Court's experience that individuals could typically pay a small amount towards the cost of the attorney, but rarely pay any amount.

Should the court determine that an individual who has been appointed counsel does not have the financial means to pay the assessment fee within 30 days after the appointment or after the fee has been assessed as court costs, the Court will have the option of reducing or waiving the fee as deemed appropriate.

The second change is the establishment of a fee against a defendant in each case where the defendant is incarcerated pursuant to an order of the municipal court judge. Mr. Enslinger stated that currently the city does not collect fees associated with jail costs for a defendant. The current per day rate at the Johnson County Adult Detention Center is \$35. Mr. Enslinger noted that many of the surrounding communities assess this fee.

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

**MOVE THE CITY COUNCIL ADD THE FOLLOWING FEES TO THE PRAIRIE VILLAGE FEE SCHEDULE:
\$90 ASSESSMENT FOR A COURT-APPOINTED ATTORNEY
\$35/DAY AGAINST A DEFENDANT IN EACH CASE WHERE A DEFENDANT IS INCARCERATED PURSUANT TO AN ORDER OF THE MUNICIPAL COURT JUDGE WITH THE FEES BECOMING EFFECTIVE JULY 1, 2009.
COUNCIL ACTION TAKEN
06/15/2009**

COU2009-65 Consider Funding of Mayor and staff travel to Dolyna, Ukraine

In January 2008, the Mayor and City Council approved Dolyna, Ukraine as a Sister City. In August, 2008 a delegation including the Mayor of Dolyna visited Prairie Village for the official signing of the Sister City agreements. The Sister City agreement identified four goals: 1) to provide opportunities for student exchanges (this is in process); 2) to provide for cultural exchanges; 3) to provide for business exchanges and 4) to provide for municipal exchanges. The City of Dolyna has had the opportunity to visit Prairie Village on multiple occasions through the Sister City Program as well as through the "Open World" program.

In return for the hospitality shown to that delegation an official invitation has been extended to attend their Independence Day celebration and sign the official documents in Dolya. The proposed dates for the trip are August 18th through 26th. The expenditure of funds will be used primarily for the cost of travel. All costs once in Dolya will be covered by the hosts.

The visiting delegation will be comprised of the mayor, a City Council member, a staff member, five Sister City Committee members and possibly a few residents. The trip costs for the other participants will be funded personally or through donations. Mr. Engel noted there may be funding from the Sister City account for gifts or other minor trip related costs.

Mr. Engel noted that with only three council members attending the Spring NLC conference there is sufficient funding in the City Council travel budget.

Ruth Hopkins asked if Council members would be attending. Michael Kelly stated he would be attending and would be covering his expenses personally. Andrew Wang felt the focus should be more community-wide with residents and/or business leaders attending rather than staff.

Chris Engel stated as a City new to the democratic process, the City of Dolya is very interested in municipal operations and a City staff member would have that information and experience to share with their leaders. By having a staff member present, that individual could assist the Mayor and others with the coordination of travel and plans similar to the role of staff at national City Council conferences.

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

MOVE THE CITY COUNCIL APPROVE FUNDING FROM THE CITY COUNCIL TRAFEL BUDGET TO PAY FOR TRAVEL TO AND FROM DOLYNA, UKRAINE, IN AN AMOUNT NOT TO EXCEED \$2,500 EACH FOR MAYOR SHAFFER AND ONE STAFF MEMBER

**COUNCIL ACTION TAKEN
06/15/2009**

Capital Improvement Program

Bob Pryzby stated the proposed 2010 Capital Improvement Program is presented in the pages distributed to the Council. The program is similar to that of past years with the exception of the addition of \$500,000 in the Park Projects budget to cover the start of implementation of the Parks Master Plan adopted by the City Council on June 1, 2009. He noted he simply designated funds in the budget and that the next step is for the Park & Recreation Committee to look at the plan and determine what projects they want to be done with the money budgeted.

Mr. Pryzby stated the paving projects have been reduced by \$127,000 with total street projects reduced by \$563,000. He noted this reduction is not the result of the funding of the parks master plan, but the completion of large projects such as the Mission Lane

Bridge Project. Drainage projects have been reduced approximately \$500,000; however, he noted the annual repair program is back up to \$600,000.

There are only two building projects proposed - replacement of the municipal campus brick wall and public safety building roof replacement.

Sidewalk and Curb projects include the customary amount for the ADA compliance Program; \$25 for the concrete repair program and \$130,000 for replacement of the Mission Road brick crosswalks. Mr. Pryzby noted there will be no additional funding of the traffic calming or the tree trimming programs in 2010.

Diana Ewy Sharp asked if it would be possible to get funds from the contractor that did the crosswalk work. Mr. Pryzby replied the City reached a settlement with the contractor as the result of its earlier lawsuit and no further action can be taken against him. David Belz asked why the crosswalk was failing. Mr. Pryzby responded the failure is the result of the bricks being inserted into a concrete base. He noted that last year the City replaced the crosswalks at Somerset and Mission with stamped concrete that has the appearance of bricks as desired by the Main Street Committee. Michael Kelly stated he preferred the use of stamped concrete over bricks.

David Belz questioned the increase in the cost for the traffic lights. Mr. Pryzby stated the City is paying for one-fourth the cost and noted the original amount budgeted was based on an estimate by the City of Overland Park and they have now received actual costs.

Quinn Bennion added the City will consider alternative energy installations in conjunction with the replacement of the roof on the public safety building. He is not sure what will be able to be done, but alternatives will be explored. Michael Kelly stated the City should explore the availability of possible grant funding in conjunction with the use of alternative energy installations.

Economic Development Fund

Quinn Bennion reviewed the status of the Economic Development Fund and the projects that were funded from this account in 2009

- Exterior Grant Program - \$50,000
- Website renovation & upgrades - \$40,000
- 75th Street Corridor Study - \$63,784

The staff is proposing the following projects be funded from this account in 2010 for a total of \$70,000:

- Exterior Grant Program - \$50,000
- Johnson County Home Repair Program - \$20,000

Mr. Bennion noted the Johnson County Home Repair Program is different than the Minor Home Repair Program that is currently funded through the Municipal Foundation. This program includes both interior and exterior renovation and is funded 25% by the City and 75% by HUD and coordinated by the County. Mr. Bennion reviewed the criteria for funding and noted there is a clause in the agreement that provides for forgiveness of 10% of the loan for each year the property owner remains in their home. He noted there are currently

eight homes in the City of Prairie Village on the waiting list for funding. The average project/application is for \$8,000.

Diana Ewy Sharp asked if these homes had code violations. Mr. Bennion stated that staff could get that information, but it would not be public. Dennis Enslinger responded that most of the violations are building code related rather than property maintenance. A common application would be for a roof replacement or an electrical upgrade. David Belz stated he is supportive of the use of these funds for this type of program.

David Morrison stated he does not support this program as he does not feel it is the City's job to spend money to benefit individual citizens and feels this should be funded through the municipal foundation, not citizen taxes.

Dale Beckerman asked how much funding was being budgeted. Mr. Bennion stated the first year's budget is \$20,000 which would cover approximately two and a half projects. Mr. Morrison noted that in several residents who received the exterior grant program funds stated they would have made the improvements even if they had not received funding.

David Voysey and Michael Kelly expressed their support for this use of the Economic Development Grant Funds.

Quinn Bennion asked if the budget was approved if the Council would be open to making its payment into the program in 2009 to allow projects to get started earlier. There was concurrence.

Michael Kelly noted there are homes facing 75th Street between Belinder and El Monte that he would like to see included in the areas identified for possible exterior grant funding in 2010. Dennis Enslinger responded that staff would make their year-end report in October or November and he felt that would be the appropriate time to discuss and make any changes to the identified areas. Quinn Bennion added the 2009 Exterior Grant Program has accepted 11 applications with three of the projects completed and one application pending.

Solid Waste Fund

Dennis Enslinger reviewed the current Deffenbaugh Contract which provides collection at a cost of \$13.47 per month with an additional cost of \$40,125 for the large item pick-up. The contract was capped with a maximum 4% annual increase and expires at the end of the year.

He and Ruth Hopkins have met with representatives of Deffenbaugh to discuss options for renewing the contract. The initial proposed rates presented reflected increases of 14.3%, 22% and 25% depending on the level of service provided. They are proposing the following changes:

- Solid Waste - collection in a 65 gal or 34 gal poly-cart with overflow trash bags at a cost of \$1.25 each
- Recycling - 65 gal poly-cart, no additional bins but could put out other container
- Yard Waste - Collected in Kraft paper bags or rigid containers not exceeding 35-gallon capacity or properly bundled. Overflow yard waste bags at \$1.25 each
- The new contract will include pick-up of solid waste and recycling at City facilities

- The bulky item pick-up cost is reduced from \$40,125 to \$30,000.
- Citizen composting material (spring/fall)
- Johnson County landfill access for public works
- Possible recycling rebate program in the second year of the contract
- Participation in City sponsored events

The current options for consideration are as follows:

Option A

- Solid Waste and Recycling Poly-carts
- Limits on yard waste: 8 units (January - September) 12 units (October-December)
- 4 year contract
 - 1st year - \$14.55
 - 2nd year - \$15.71
 - 3rd year - \$16.65
 - 4th year - not to exceed 5% based on Refuse Rate Index)
- Cost to residents:
 - Non-exempt - \$14.80/month - \$177.60/year
Increase of \$10.44/year (6.2%)
 - Exempt - \$6.43/year (\$3 exemption fee & \$3.43 for Large Item Pickup)
Decrease of \$1.57/year (19.6%)

Option B

- Solid Waste and Recycling Poly-carts
- Limits on yard waste: 8 units (January, February, May, June, July, August & September) No limits (March, April, October, November, December)
- 4 year contract
 - 1st year - \$14.82
 - 2nd year - \$16.30
 - 3rd year - \$17.28
 - 4th year - not to exceed 5% based on Refuse Rate Index)
- Cost to residents:
 - Non-exempt - \$15.10/month - \$181.20/year
Increase of \$14.04/year (8.4%)
 - Exempt - \$6.43/year (\$3 exemption fee & \$3.43 for Large Item Pickup)
Decrease of \$1.57/year (19.6%)

Option C

- No service changes from the current process, except that yard waste would be collected in Kraft paper bags, rigid containers not exceeding 35-gallon capacity or properly bundled.
- 4 year contract
 - 1st year - \$15.63
 - 2nd year - \$18.13
 - 3rd year - \$19.22
 - 4th year - not to exceed 5% based on Refuse Rate Index)
- Cost to residents:
 - Non-exempt - \$15.99/month - \$191.88/year
Increase of \$24.72/year (14.8%)
 - Exempt - \$6.43/year (\$3 exemption fee & \$3.43 for Large Item Pickup)
Decrease of \$1.57/year (19.6%)

Dennis Enslinger noted staff has some reservations on Option C based on actions being discussed by Johnson County.

Michael Kelly asked if this item could be continued after the City Council meeting and the committee move forward to discussion of bonding while the City's bond advisor was present.

Consider 2009 Bond Issue

David Voysey noted the Finance Committee during their May 28th and June 10th meetings discussed the use of bond financing as a cash flow management tool and have asked Jeff White with Columbia Capital to present an overview of the option to the City Council.

Jeff White stated that for cities with AAA or a high AA bond rating the bond market remains very strong with access to unlimited funds with low rates. Mr. White noted three factors that merit the City considering bond financing at this time.

- 1) The City has a high bond rating and would be able to benefit from these low rates.
- 2) Between 2009 and 2010 the City's outstanding bond debt will decline by more than \$500,000 leaving a very low debt service level. Currently staff plans to shift those available funds into the general fund.
- 3) The City historically transfers \$3.1 million for the completion of capital projects this could be funded through bond financing at a 3.6% interest rate.

Mr. White noted the impact of construction inflation over the past years and stated he anticipates that inflation to return. By using bond financing the City would be able to accelerate the completion of projects both benefiting from completing them at a lower cost. Bonding also allows the City to take a long list of projects and spread the costs over several years instead of using cash basis financing that requires immediate payment. This would also reduce the cash demand giving more flexibility in the budget to meet other needs.

David Voysey stated the Finance Committee is only seeking authorization to continue their investigation into this.

Ruth Hopkins moved the City Council authorize the Finance Committee to continue their investigation into the use of bond financing. The motion was seconded by Michael Kelly and passed by a vote of ten to one with David Morrison voting "nay".

Council President Michael Kelly recessed the Council Committee of the Whole meeting at 7:28 p.m. until the conclusion of the City Council meeting.

Council President Michael Kelly reconvened the Council Committee of the Whole meeting at 8:25 p.m.

Solid Waste Fund

David Voysey stated he feels the Council needs to prepare the residents for the forthcoming changes, but feels that going immediately with Option A would be too brutal and supports Option B.

Andrew Wang stated the allowance of 8 units per week seems large to him and does not encourage composting and said that if the staff has any flexibility with that number he would like to see it lowered. Mr. Enslinger responded that 8 appeared to be the norm throughout the area and that there would not be any significant cost savings from lowering that number.

Al Herrera confirmed that Large Item Pickup charges are included

Dennis Enslinger noted the charges vary over the course of the four-year agreement. He would like to see the third year limited to the 5% cap seen in the 4th year. The charges quoted for the first two years appear to be firm.

Al Herrera confirmed the new carts are included in the charges and asked where/how residents could get additional bags. Mr. Enslinger responded they would be available through retailers and City Hall. Deffenbaugh is working out the details.

Dale Beckerman noted the primary difference between the options is Option A is more restrictive on the number of bags allowed.

Diana Ewy Sharp thanked Dennis and Ruth for their work and stated her biggest concern was how the residents would be informed and educated on the changes. She does not feel notice on the website is enough.

Dennis Enslinger responded the program would start in the Spring and not at the first of the year to provide more time for notification. Deffenbaugh would be doing direct mailings to all residents. Mr. Enslinger stated he planned on working with the homes associations. There would be flexibility in the phasing in of the program.

David Belz stated he did not see the program as being a great deal different than what many residents are doing. He would like to see along with the educational component the residents encouraged to mulch and recycle more. He supports Option A.

Al Herrera asked how the proposed rates compare with those paid by other cities. Mr. Enslinger responded he has had contact with area cities and the proposed rates are comparable if not better than what other cities are paying. He stated Deffenbaugh wants to retain Prairie Village as a client and has been very open in their negotiations and have reduced charges from their initial proposal.

Chief Jordan expressed concern with the enforcement of violations with residents putting out more bags than can be picked up or improperly disposing of yard wastes. He stated the City needs to be ready to address this as it will occur.

Dale Warman confirmed the exempt homes associations are assessed for the large item pick-up. Mr. Enslinger stated this past year was the first year and several homes

associations were upset by the assessment, but primarily because the short notice provided by the City did not allow them to budget for the additional cost.

Dennis Enslinger advised the Council there may be route revisions under the new contract.

Michael Kelly called for direction by the Council as to which option should be pursued by the staff. The Council preferred option A over Option B by a vote of 9 to 2.

Council President Michael Kelly stated the final item on the agenda, "COU2009-63 Consider Project 190866 - 75th Street Paving" would be moved to the July 6th agenda and adjourned the meeting at 8:45 p.m.

Michael Kelly
Council President

M E M O R A N D U M

TO: Mayor and City Council Members
FROM: Bob Pryzby
DATE: June 23, 2009
RE: Semi-Annual Report on American with Disabilities Act (ADA) Activities

This report will cover my activities as ADA Coordinator from July through December 2008.

Activities during this period:

- No Complaints were received.
- 73 sidewalk sections were ground to eliminate an elevation change
- Project 190719 2008 Drainage Repair – ADA ramps replaced during construction as needed
- Project 190868 Roe Avenue (Somerset Drive to 91st Street) – ADA ramps replace during construction as needed
- Project 190864 2008 Paving Program – ADA ramps replaced during construction as needed
- Project 191022 2008 Concrete Repair – ADA ramps replaced during construction as needed
- Responded to three telephones calls about ADA.

During this period, I spent 1.5 administration hours on ADA matters.

M E M O R A N D U M

TO: Mayor and City Council Members
FROM: Bob Pryzby
DATE: June 23, 2009
RE: Semi-Annual Report on American with Disabilities Act (ADA) Activities

This report will cover my activities as ADA Coordinator from January through June 2009.

Activities during this period:

- No Complaints were received.
- 22 sidewalk sections were ground to eliminate an elevation change
- Project 190721 2009 Drainage Repair – ADA ramps are being replaced during construction as needed
- Project 190865 Roe Avenue (83rd Street to Somerset Drive) – ADA ramps are being replaced during construction as needed
- Project 190869 2009 Paving Program – ADA ramps are being replaced during construction as needed
- Project 190877 83rd Street (Somerset Drive to Roe Avenue)– ADA ramps are being replaced during construction as needed
- Project 191023 2009 Concrete Repair – ADA ramps are being replaced during construction as needed
- Responded to three telephones calls about ADA.

During this period, I spent 2.5 administration hours on ADA matters.

**Council Members
Mark Your Calendars
July 6, 2009**

July 2009	Mark Raynes photography exhibit in the R. G. Endres Gallery
July 10	Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
July 20	City Council Meeting
August 2009	Senior Arts Council mixed media exhibit in the R. G. Endres Gallery
August 3	City Council Meeting
August 14	Artist reception in the R. G. Endres Gallery 6:30 - 7:30
August 17	City Council Meeting
September 2009	
September 7	City offices closed in observance of Labor Day
September 8 (Tues.)	City Council Meeting
September 21	City Council Meeting
October 2009	State of the Arts exhibit in the R. G. Endres Gallery
October 3-6	2009 LKM Annual Conference - Topeka Expocentre & Capitol Plaza Hotel
October 5	City Council Meeting
October 9	Artist reception in the R. G. Endres Gallery 6:00 - 8:00
October 19	City Council Meeting
November 2009	Mid America Pastel Society exhibit in the R. G. Endres Gallery
November 2	City Council Meeting
November 13	Artist reception in the R. G. Endres Gallery 6:00 - 8:00
November 16	City Council Meeting
November 26	City offices closed in observance of Thanksgiving
November 27	City offices closed in observance of Thanksgiving
December 2009	Mimi Pettigrew oils exhibit in the R. G. Endres Gallery
December 4	Mayor's 2009 Holiday Party
December 7	City Council Meeting
December 11	Artist reception in the R. G. Endres Gallery 6:30 - 7:30
December 21	City Council Meeting
December 25	City offices closed in observance of Christmas

COMMITTEE AGENDA

July 6, 2009

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

- COU2006-38 Consider Park & Recreation Committee Master Plan (assigned 09/27/2006)
- COU2007-02 Consider Reducing size of Council & term limits for elected officials (assigned 1/8/2007)
- COU2007-35 Consider reactivation of Project 190709: 83rd 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 83rd 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)
- COU2009-04 Consider Project P5000: 2009 Crack Seal/Slurry Seal Program (assigned 12/23/2008)
- COU2009-05 Consider Project P5001: 2009 Street 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, 83rd Street Resurfacing from Nall Avenue to Roe Avenue (assigned 1/13/2009)
- COU2009-17 Consider Project 190877: 2009 CARS, 83rd Street Resurfacing: Roe Avenue to Somerset Drive (assigned 1/13/2009)
- COU2009-26 Consider Project 190722: 2010 Storm Drainage Repair Program Design Agreement (assigned 2/6/2009)
- COU2009-27 Consider Project 190871: Mission Lane Bridge Replacement (assigned 2/6/2009)
- COU2009-63 Consider Project 190866 - 75th Street Paving (assigned 6/10/2009)
- COU2009-66 Consider Cul-de-sac Sidewalks (assigned 6/29/2009)
- COU2009-67 Consider Project 190722 - 2010 Storm Drainage Repair Engineering Change Order #1 for \$64,920.00 with Affinis Corporation (assigned 6/29/2009)
- COU2009-68 Consider Construction Change Order #3 with McAnany Construction for \$6,360.00 for Project 191023 - 2009 Concrete Repair Program (assigned 6/29/2009)
- COU2009-69 Consider Stormwater Utility Fee Credit Policy (assigned 6/29/2009)

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)
- PC2008-01 Consider Cell Tower Policy (assigned 3/19/2008)
- 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 1st Quarter of 2001)