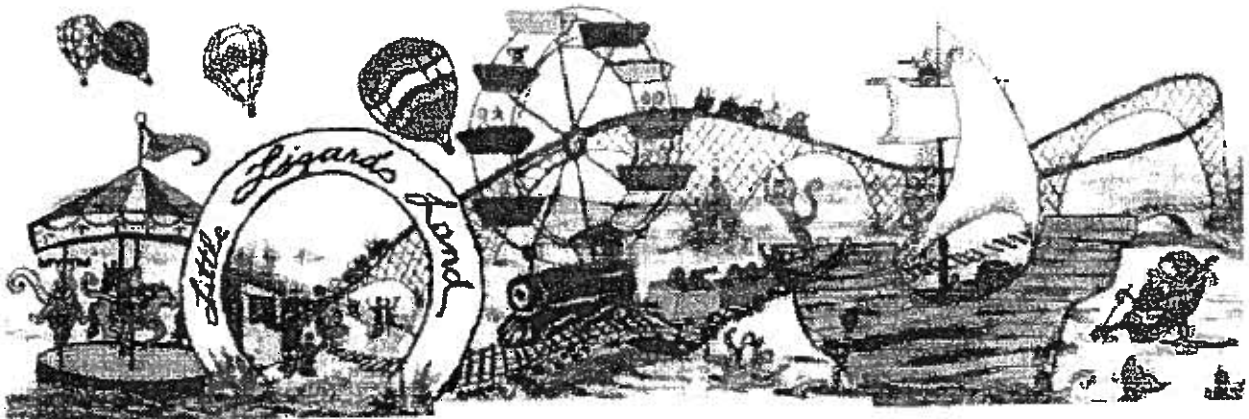


# City Council Meeting

*December 15, 2008*



*Dinner provided by:*

**SALTY IGUANA**

Tacos

Enchiladas

Beans and Rice

Iguana dip,

Chips and sauce

**Dessert will be cookies from Dolce Baking Co.**

**COUNCIL COMMITTEE  
December 15, 2008  
6:00 p.m.  
Council Chamber**

**AGENDA**

**DAVID VOYSEY, COUNCIL PRESIDENT**

**CONSENT AGENDA**

- COU2007-27 Consider Project 190864: 2008 Street Resurfacing Program-Construction Change Order**  
**COU2007-27 Consider Project 190864: 2008 Street Resurfacing Program-Engineering Change Order**

**AGENDA ITEMS FOR DISCUSSION**

**COU2008-97 Consider sidewalk on Homestead Circle - Project 190869: 2009 Street Resurfacing Program  
Tom Trienens**

**PRESENTATION - 2008 Exterior Grant Program Update  
Dennis Enslinger**

**COU2008-99 Consider agreement for Professional Financial Advisory Services  
Karen Kindle**

**PRESENTATION - Police Citizen Survey  
Chief Wes Jordan**

**Update on Citizen Inquiry on Leptospirosis  
Chief Wes Jordan**

**COU2007-51 Village Vision**



## PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: December 15, 2008  
Council Meeting Date: January 5, 2009

### COU2007-27 CONSIDER PROJECT 190864: 2008 STREET RESURFACING PROGRAM CONSTRUCTION CHANGE ORDER #7 (FINAL)

#### RECOMMENDATION

Staff recommends the City Council approves Construction Change Order #7 (FINAL) with O'Donnell & Sons Construction for an increase of \$5,477.43 to project 190864: 2008 Street Resurfacing Program.

#### BACKGROUND

This project is complete and the final as-built quantities have been computed.

#### FUNDING SOURCE

Funds are available in the Capital Infrastructure Program under Streets Unallocated.

#### RELATED TO VILLAGE VISION

- CC1a. Make streetscape improvements to enhance pedestrian safety and attractiveness of the public realm.*
- CFS3a. Ensure streets and sidewalks are in good condition by conducting maintenance and repairs as needed.*
- TR3a. Ensure the quality of the transportation network with regular maintenance as well as efficient responses to seasonal issues such as snow removal.*

#### ATTACHMENTS

1. Construction Change Order #7 (FINAL) with O'Donnell & Sons Construction.

#### PREPARED BY

S Robert Pryzby, Director of Public Works

November 25, 2008

CITY OF PRAIRIE VILLAGE  
PUBLIC WORKS DEPARTMENT  
CONSTRUCTION CHANGE ORDER NO. 7 (FINAL)

Consultant's Name: BHC Rhodes

Project Title: 2008 Paving Program

Date Requested: December 15, 2008

Owner's Project No.: 190864

Contract Date: March 3, 2008

Contractor's Name: O'Donnell & Sons

REQUIRED CHANGES IN PRESENT CONTRACT

Contract Quantity	Previous Amount	Unit	Item Description	Adj. Quant.	Unit Price	Adjusted Amount
1	\$21,000.00	LS	MOBILIZATION	\$21,000.00	\$21,000.00	\$21,000.00
1	\$86,750.00	LS	DEMOLITION	\$141,660.00	\$86,750.00	\$141,660.00
1	\$11,100.00	LS	CLEARING AND GRUBBING	\$11,100.00	\$11,100.00	\$11,100.00
0	\$0.00	EA	LARGE TREE REMOVAL	0	\$850.00	\$0.00
1	\$24,220.00	LS	TRAFFIC CONTROL	\$24,220.00	\$24,220.00	\$24,220.00
4081	\$140,794.50	LF	LINEAR GRADING	7195	\$34.50	\$248,227.50
2019	\$115,083.00	SY	PORTLAND CONCRETE PAVEMENT (MISSION ROAD)	5518.67	\$57.00	\$314,564.19
0	\$0.00	SY	PORTLAND CONCRETE PAVEMENT (ROE AVENUE)	0	\$66.00	\$0.00
2434	\$10,344.50	LF	EXISTING CONCRETE PAVEMENT JOINT SEALING	0	\$4.25	\$0.00
19140	\$24,882.00	SY	COLD MILLING (1 1/2")	11010	\$1.30	\$14,313.00
0	\$0.00	SY	COLD MILLING (2")	0	\$1.75	\$0.00
1745	\$99,988.50	TON	1 1/2" ASPHALT SURFACE (TYPE 3)	1163.33	\$57.30	\$66,658.81
1352	\$77,469.60	TON	2" ASPHALT SURFACE (TYPE 3)	2493.65	\$57.30	\$142,886.15
0	\$0.00	TON	2" ASPHALT SURFACE (TYPE 6)	0	\$59.05	\$0.00
2702	\$134,829.80	TON	4" ASPHALT BASE (TYPE 1)	5671.84	\$49.90	\$283,024.82
2526	\$37,890.00	TON	4" GRANULAR SUBBASE	2865	\$15.00	\$42,975.00
2054	\$68,398.20	SY	FULL DEPTH PAVEMENT REPAIR - RESIDENTIAL	1173	\$33.30	\$39,060.90
27	\$1,134.00	SY	FULL DEPTH PAVEMENT REPAIR - COLLECTOR/ARTERIAL	42.83	\$42.00	\$1,798.86
656	\$13,120.00	TON	12" SUBGRADE MODIFICATION	721	\$20.00	\$14,420.00
9135	\$205,537.50	LF	CONCRETE CURB AND GUTTER - REPLACED TYPE A	8760	\$22.50	\$197,100.00
2579	\$35,074.40	LF	CONCRETE CURB AND GUTTER - NEW TYPE A	5768	\$13.60	\$78,444.80
194	\$5,141.00	LF	CONCRETE CURB AND GUTTER - REPLACED TYPE B	1256	\$26.50	\$33,284.00
217	\$3,016.30	LF	CONCRETE CURB AND GUTTER - NEW TYPE B	232	\$13.90	\$3,224.80
488	\$12,248.80	LF	CONCRETE CURB - REPLACED TYPE E	236	\$25.10	\$5,923.60
77	\$1,239.70	LF	CONCRETE CURB - NEW TYPE E	80	\$16.10	\$1,288.00
15	\$9,000.00	LF	CONCRETE CURB - GABION WALL	15	\$600.00	\$9,000.00
2030	\$118,958.00	SY	REPLACED 6" CONCRETE DRIVEWAY	2234.64	\$58.60	\$130,949.90
0	\$0.00	SY	REPLACED 8" CONCRETE DRIVEWAY	0	\$70.50	\$0.00
83	\$4,897.00	SY	REPLACED 6" ASPHALT DRIVEWAY	83	\$59.00	\$4,897.00
1052	\$46,814.00	SY	REPLACED 4" SIDEWALK	1124.22	\$44.50	\$50,027.79
1674	\$57,920.40	SY	NEW 4" SIDEWALK	2251	\$34.60	\$77,884.60
15	\$5,250.00	LF	INTEGRAL SIDEWALK RETAINING WALL (8")	0	\$350.00	\$0.00
14.5	\$5,437.50	LF	INTEGRAL SIDEWALK RETAINING WALL (10")	0	\$375.00	\$0.00
215	\$13,760.00	SY	REPLACED ADA RAMP	240	\$64.00	\$15,360.00
116	\$6,844.00	SY	NEW ADA RAMP	116	\$59.00	\$6,844.00
638	\$14,323.10	SF	TRUNCATED DOME PANEL	674	\$22.45	\$15,131.30
85	\$1,530.00	LF	REMOVAL AND RESETTING FENCE (CHAINLINK)	85	\$18.00	\$1,530.00
10	\$500.00	LF	REMOVAL AND RESETTING FENCE (WOOD)	10	\$50.00	\$500.00
1027	\$5,391.75	SY	SOD - FESCUE	3064.11	\$5.25	\$16,086.58
110	\$522.50	SY	SOD - BLUEGRASS	0	\$4.75	\$0.00
261	\$1,631.25	SY	SOD - ZOYSIA	0	\$6.25	\$0.00
537	\$2,685.00	LF	LAWN SPRINKLER - PIPE REPLACE (EST)	537	\$5.00	\$2,685.00
23	\$1,150.00	EA	LAWN SPRINKLER - HEAD REPLACE (EST)	23	\$50.00	\$1,150.00
0	\$0.00	LF	EROSION CONTROL - SILT FENCE	0	\$5.00	\$0.00
4	\$600.00	EA	EROSION CONTROL - GRAVEL FILTER BAGS	4	\$150.00	\$600.00
4	\$11,600.00	EA	4'X4' STANDARD TYPE CURB INLET	4	\$2,900.00	\$11,600.00
1	\$3,000.00	EA	4'X5' STANDARD TYPE CURB INLET	1	\$3,000.00	\$3,000.00
2	\$6,200.00	EA	5'X4' STANDARD TYPE CURB INLET	2	\$3,100.00	\$6,200.00
1	\$3,200.00	EA	5'X5' STANDARD TYPE CURB INLET	1	\$3,200.00	\$3,200.00
1	\$3,300.00	EA	5'X6' STANDARD TYPE CURB INLET	1	\$3,300.00	\$3,300.00
3	\$11,100.00	EA	6'X4' STANDARD TYPE CURB INLET	3	\$3,700.00	\$11,100.00
1	\$4,025.00	EA	6'X5' STANDARD TYPE CURB INLET	1	\$4,025.00	\$4,025.00
1	\$4,125.00	EA	6.5'X4' STANDARD TYPE CURB INLET	1	\$4,125.00	\$4,125.00
0	\$0.00	EA	7'X4' STANDARD TYPE CURB INLET	0	\$4,750.00	\$0.00
2	\$5,800.00	EA	CURB INLET ADJUSTMENT	2	\$2,900.00	\$5,800.00
2	\$1,250.00	EA	12" CONCRETE COLLAR	2	\$625.00	\$1,250.00
1	\$650.00	EA	15" CONCRETE COLLAR	1	\$650.00	\$650.00

2	\$1,550.00	EA	18" CONCRETE COLLAR	2	\$775.00	\$1,550.00
1	\$1,050.00	EA	21" CONCRETE COLLAR	1	\$1,050.00	\$1,050.00
16	\$1,248.00	LF	12" R.C.P.	16	\$78.00	\$1,248.00
3	\$630.00	LF	15" R.C.P.	3	\$210.00	\$630.00
149	\$12,367.00	LF	18" R.C.P.	149	\$83.00	\$12,367.00
4	\$828.00	LF	21" R.C.P.	4	\$207.00	\$828.00
917	\$87,115.00	LF	24" R.C.P.	917	\$95.00	\$87,115.00
800	\$12,000.00	LF	UNDERDRAIN PIPE (EST)	0	\$15.00	\$0.00
120	\$2,400.00	LF	DRAIN TILE CONNECTION (EST)	20	\$20.00	\$400.00
1	\$2,000.00	EA	PIPE CONNECTION TO GABION WALL	1	\$2,000.00	\$2,000.00
0	\$0.00	SY	CONCRETE CAST IN PLACE CHANNEL	0	\$225.00	\$0.00
7	\$5,250.00	SY	GABION BASKET	7	\$750.00	\$5,250.00
1	\$9,000.00	LS	CONTRACTOR CONSTRUCTION STAKING	1	\$9,000.00	\$9,750.00
65	\$8,450.00	SY	STAMPED CONCRETE CROSSWALK	65	\$130.00	\$8,450.00
914	\$914.00	LF	4" YELLOW EPOXY PAVEMENT MARKING	0	\$1.00	\$0.00
487	\$487.00	LF	4" WHITE EPOXY PAVEMENT MARKING	1907	\$1.00	\$1,907.00
85	\$255.00	LF	12" WHITE EPOXY PAVEMENT MARKING	202	\$3.00	\$606.00
57	\$285.00	LF	18" WHITE EPOXY PAVEMENT MARKING	0	\$5.00	\$0.00
8	\$40.00	LF	18" YELLOW EPOXY PAVEMENT MARKING	0	\$5.00	\$0.00
189	\$1,323.00	LF	24" WHITE EPOXY PAVEMENT MARKING	456	\$7.00	\$3,192.00
7	\$350.00	EA	LEFT TURN EPOXY PAVEMENT MARKING SYMBOL	25	\$50.00	\$1,250.00
240	\$144.00	LF	4" YELLOW THERMOPLASTIC PAVEMENT MARKING	2203	\$0.60	\$1,321.80
0	\$0.00	LF	4" WHITE THERMOPLASTIC PAVEMENT MARKING	0	\$1.00	\$0.00
98	\$294.00	LF	12" WHITE THERMOPLASTIC PAVEMENT MARKING	98	\$3.00	\$294.00
0	\$0.00	LF	12" YELLOW THERMOPLASTIC PAVEMENT MARKING	0	\$3.00	\$0.00
12	\$60.00	LF	24" WHITE THERMOPLASTIC PAVEMENT MARKING	12	\$5.00	\$60.00
1	\$2,750.00	EA	REMOVE AND RESET SUBDIVISION MONUMENT	1	\$2,750.00	\$2,750.00
0	\$0.00	EA	COUNTY PROJECT SIGN	0	\$1,000.00	\$0.00
0	\$0.00	EA	Adjust Storm Sewer Manholes	4	\$1,200.00	\$4,800.00
0	\$0.00	EA	4' x 5' Curb Inlet	1	\$3,000.00	\$3,000.00
0	\$0.00	EA	Junction Box	1	\$3,100.00	\$3,100.00
0	\$0.00	LS	High Early Concrete	1	\$50.00	\$50.00
0	\$0.00	LS	Water One - NE Comer Mission/Somerset	1	\$3,380.65	\$3,380.65
0	\$0.00	LS	Water One - SE Comer Mission/Somerset	1	\$9,177.48	\$9,177.48
0	\$0.00	LS	Lava Rock	1	\$21.36	\$21.36
0	\$0.00	LS	Remove Exist. Pavt Marking (Mission Road)	1	\$605.00	\$605.00
	\$0.00	SY	Fly Ash	4.95	\$6,869.00	\$34,001.55

Contract Total \$1,631,516.30

Total Work to Date \$2,272,725.43  
Total Contract Increase \$641,209.13  
Previous Change Orders \$635,731.70  
Final Change Order \$5,477.43

Explanation of Changes

Project 190864; 2008 Paving Program. This change order is to cover the following items:

Final As-Built Quantities.

This change order increases the contract amount by \$5,477.43.

Calendar days were not added as result of this change order.

Original Contract Price	<u>\$1,631,516.30</u>
Current Contract Price, as adjusted by previous Change Orders	<u>\$2,267,248.00</u>
NET increase or decrease this Change Order	<u>\$5,477.43</u>
New Contract Price	<u>\$2,272,725.43</u>

Change to Contract Time:

The current contract deadline of December 1, 2008 will remain the same.

The City does not anticipate a related Engineering Change Order.

  
\_\_\_\_\_  
Thomas Trienens, Manager of Engineering Services  
City of Prairie Village, KS

11/26/08  
\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Joseph O'Donnell  
O'Donnell & Sons Construction

11-26-08  
\_\_\_\_\_  
Date



## PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: December 15, 2008

Council Meeting Date: January 5, 2009

### COU2007-27      CONSIDER PROJECT 190864: 2008 STREET RESURFACING PROGRAM ENGINEERING CHANGE ORDER #2 (FINAL) – CONSTRUCTION ADMINISTRATION

#### RECOMMENDATION

Staff recommends the City Council approves Engineering Change Order #2 (Final) with BHC Rhodes for an increase of \$3,610.80 to Project 190864: 2008 Street Resurfacing Program.

#### BACKGROUND

Construction Administration is complete for 2008 and this represents the final amount necessary to complete the work.

#### FUNDING SOURCE

Funds are available in the Capital Infrastructure Program with a transfer of \$3,610.80 from Streets Unallocated.

#### RELATED TO VILLAGE VISION

- CC1a. Make streetscape improvements to enhance pedestrian safety and attractiveness of the public realm.*
- CFS3a. Ensure streets and sidewalks are in good condition by conducting maintenance and repairs as needed.*
- TR3a. Ensure the quality of the transportation network with regular maintenance as well as efficient responses to seasonal issues such as snow removal.*

#### ATTACHMENTS

1. Engineering Change Order #2 (FINAL) from BHC Rhodes.

#### PREPARED BY

S Robert Pryzby, Director of Public Works

November 25, 2008

544

**CITY OF PRAIRIE VILLAGE  
PUBLIC WORKS DEPARTMENT**

**CHANGE ORDER NO. 2 (FINAL)**

Consultant's Name BHC Rhodes

Project Title: 2008 Street Resurfacing Program

Owner's Project No. 190864

Date Requested: December 1, 2008 Consultant's Project No. 9221

Original Agreement Date: March 3, 2008

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

Construction Administration is complete. This is the final total necessary to complete the work..

Original Agreement Amount	<u>\$115,500.00</u>
Net Previous Change Orders	<u>\$12,172.17</u>
Subtotal	<u>\$127,672.17</u>
Net Increase this Change Order	<u>\$3610.80</u>
New Agreement Amount	<u>\$131,282.97</u>

The Agreement Completion Date has not been changed.

CONSULTANT

CITY OF PRAIRIE VILLAGE, KANSAS

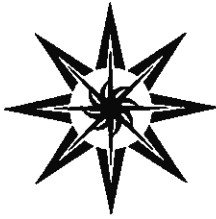
By Bill Brungardt  
Bill Brungardt, Vice President

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

CITY OF PRAIRIE VILLAGE, KANSAS

By Thomas Trienens  
Thomas Trienens, Manager of Eng. Services





## PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: December 15, 2008

Council Meeting Date: January 5, 2009

### COU2008-97 CONSIDER SIDEWALK ON HOMESTEAD CIRCLE, PROJECT 190869 – 2009 STREET RESURFACING PROGRAM

#### RECOMMENDATION

None.

#### BACKGROUND

Earlier this year the Council voted not to construct sidewalk on Rosewood Lane cul-de-sac and directed Public Works to draft a new sidewalk policy which addresses cul-de-sacs. Homestead Circle is part of the 2009 Street Resurfacing Program and currently has no sidewalk. Five foot sidewalk construction is currently planned for the west side adjacent to the curb. A resident has recently contacted us requesting that new sidewalk be deleted from this project. Homestead Circle is approximately 240 feet long with four houses and Rosewood Lane cul-de-sac is approximately 170 feet long with three houses.

#### FUNDING SOURCE

No funding is required.

#### RELATED TO VILLAGE VISION

- CC1a. Make streetscape improvements to enhance pedestrian safety and attractiveness of the public realm.*
- CFS3a. Ensure streets and sidewalks are in good condition by conducting maintenance and repairs as needed.*
- TR3a. Ensure the quality of the transportation network with regular maintenance as well as efficient responses to seasonal issues such as snow removal.*

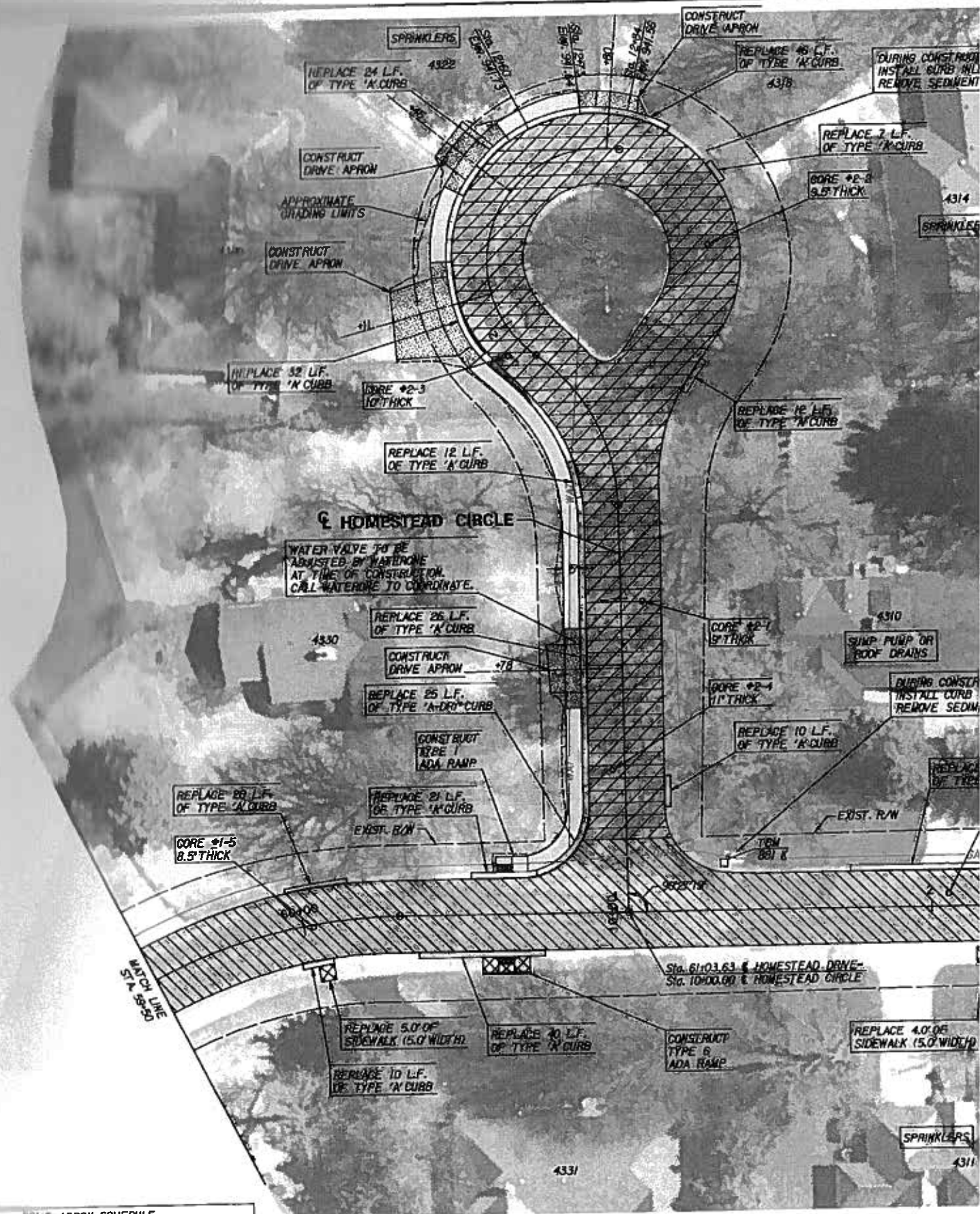
#### ATTACHMENTS

Plan Sheet showing proposed sidewalk on Homestead Circle

#### PREPARED BY

Thomas Trienens, Manager of Engineering Services

December 10, 2008



DRIVE APRON SCHEDULE

Drive Apron		Wings		Material	Curb
W	L	W	L		
10.0	5.0	5.0	5.0	Concrete	Type F
20.0	5.0	5.0	5.0	Concrete	Type F
11.8	5.0	5.0	5.0	Concrete	Type F
5.0	5.0	5.0	5.0	Concrete	Type F



## FINANCE COMMITTEE

Council Meeting Date: January 5, 2009  
Committee Meeting Date: December 15, 2008

**COU2008-99: Consider Agreement with Columbia Capital Management for Financial Advisory Services**

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### RECOMMENDATION

The Council approve an agreement with Columbia Capital Management, LLC, for financial advisory services pending approval by the City Attorney.

COUNCIL ACTION REQUESTED ON JANUARY 5, 2009

### SUGGESTED MOTION

Move that the Council approve an agreement with Columbia Capital Management, LLC, for financial advisory services pending approval by the City Attorney.

### BACKGROUND

In October, the Finance Committee directed staff to issue a Request for Proposal (RFP) for Financial Advisory Services. The RFP focused on two categories of services - (1) general financial advisory services, including evaluating developer proposals; (2) coordinate debt issues/arbitrage/rebate management/continuing disclosure.

The RFP was mailed to twelve firms and advertised in the Legal Record. Six firms responded - George K. Baum & Co., Springsted, Inc., PiperJaffray, Columbia Capital Management, LLC, Ehlers & Associates and DeWaay Financial Network. The Finance Committee reviewed the proposals and selected George K. Baum & Co., Columbia Capital Management, and PiperJaffray to interview. The Finance Committee unanimously selected Columbia Capital Management, LLC, to recommend to the Council.

### FUNDING SOURCE

Funding for financial advisory services is budgeted in the City Governance program or expenditures are reimbursed with bond issue proceeds.

**ATTACHMENTS:** Draft agreement with Columbia Capital Management, LLC.

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Prepared By:

Karen Kindle

Finance Director

Date: December 11, 2008

**AGREEMENT FOR FINANCIAL ADVISOR SERVICES**

THIS AGREEMENT is made as of the \_\_\_\_ day of \_\_\_\_\_, 2007~~2008~~, by and between the City of Prairie Village, Kansas, ("Client") and \_\_\_\_\_ Columbia Capital Management, LLC ("Advisor"), a \_\_\_\_\_ (list state) corporation~~Missouri limited liability company~~.

WHEREAS, the Client wishes to retain the services of the Advisor on the terms and conditions set forth herein, and the Advisor wishes to provide such services;

NOW, THEREFORE, the parties hereto agree as follows:

- 1. Services. Advisor shall perform the services ("Services") described in Exhibit A attached hereto. Task 2 "Coordinate Debt Issues" shall include the following Services: For each Debt Obligation issued by the Client during the term of this Agreement, the Advisor shall advise the Client as to the following matters related to the Debt Obligation, depending on the characteristics of the Debt Obligation and the needs of the Client; (a) the basis and procedure for authorization of the Debt Obligation; (b) the structure of the Debt Obligation; (c) the need for and type of collateral or other devices for securing repayment of the Debt Obligation or of any loan made by the Client with the proceeds of the Debt Obligation; (d) an estimate, based on data provided by the Client, as to the sufficiency of revenue to repay the Debt Obligation or any loan made by the Client with the proceeds of the Debt Obligation; (e) the ratability of the Debt Obligation; (f) the marketability of the Debt Obligation; and (g) the rate of interest at which the Debt Obligation should be issued. In addition, depending on the characteristics of the Debt Obligation and the needs of the Client, the Advisor may assist the Client in drafting the Official Statement related to the Debt Obligation, apply for a credit rating, print or arrange for printing of the Official Statement, the instruments evidencing the Debt Obligation, and any related documents. For the purposes of this Agreement the term "Debt Obligation" shall mean all indebtedness issued by the Client which is evidenced by a bond or similar instrument.
- 2. Compensation. For each Debt Obligation the Client shall compensate the Advisor at the rates set forth in Appendix B attached hereto.
- 3. Term and Termination. This Agreement shall commence as of the date hereof, and, subject to the annual availability of appropriation required by the State cash basis law, shall renew each year for 4 years or until terminated by Advisor by written notice given to City at least 60 days before the effective date of such termination or by City as provided in Appendix C.

4. Confidentiality; Disclosure of Information.

Client Information. All information, files, records, memoranda and other data of the Client which the Client provides to the Advisor or which the Advisor becomes aware of in the performance of its duties hereunder ("Client Information") shall be deemed by the parties to be the property of the Client. The Advisor may disclose the Client Information to third parties in connection with the performance by it of its duties hereunder.

Advisor Information. The Client acknowledges that in connection with the performance by the Advisor of its duties hereunder, the Client may become aware of internal files, records, memoranda and other data, including without limitation computer programs of the Advisor ("Advisor Information"). The Client acknowledges that all Advisor Information, except reports prepared by the Advisor for the Client, is confidential and proprietary to the Advisor, and agrees that the Client will not, directly or indirectly, disclose the same or any part thereof to any person or entity except upon the express written consent of the Advisor unless required by the Kansas Open Records Act, K.S.A. 45-215 et seq..

5. Miscellaneous

The following appendices, attached and incorporated herein, including this agreement and modifications issued hereafter, constitute the entire contract document ("Contract Document") between the Client and the Advisor.

Appendix A. Scope of Services

Appendix B. Schedule of Compensation for Services  
Appendix C. General Terms and Conditions

No Underwriting Participation. The Advisor shall not during the term of this Agreement directly or indirectly engage in the underwriting of any Debt Obligation.

Delegation of Duties. The Advisor shall not delegate its duties hereunder to any third party without the express written consent of the Client.

No Third Party Beneficiary. No third party shall have any rights or remedies under this Agreement.

Entire Contract; Amendment. This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof, and supersedes all prior written or oral negotiations, understandings or agreements with respect hereto. This Agreement may be amended in whole or in part by mutual consent of the parties, and this Agreement shall not preclude the Client and the Advisor from entering into separate agreements for other projects.

Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Kansas.

Severability. To the extent any provision of this Agreement shall be determined invalid or unenforceable, the invalid or unenforceable portion shall be deleted from this Agreement, and the validity and enforceability of the remainder shall be unaffected.

Notice. All notices required hereunder shall be in writing and shall be deemed to have been given when delivered, transmitted by first class, registered or certified mail, postage prepaid and addressed as follows:

If to the Client:

City of Prairie Village, Kansas  
7700 Mission Road  
Prairie Village, KS 66208  
Attention: Finance Director

If to the Advisor, to:

Columbia Capital Management, LLC  
6330 Lamar Avenue, Suite 200  
Overland Park, Kansas 66202  
Attention: Managing Director

The foregoing Agreement is hereby entered into on behalf of the respective parties by signature of the following persons each of whom is duly authorized to bind the parties indicated.

FOR CLIENT

FOR ADVISOR

Jeff White

Title

Title Senior Vice President

**APPENDIX A OF AGREEMENT BETWEEN  
The City of Prairie Village, Kansas**

**AND**

-----Columbia Capital Management, LLC

Effective as of \_\_\_\_\_

**SCOPE OF SERVICES**

Services will include, but are not limited to, the following tasks:

- Task 1: Other Financial Advisory Services
- Task 2: Coordinate Debt Issues
- Task 3: Arbitrage/Rebate Management/Continuing Disclosure

**Task 1: Other Financial Advisory Services**

The City has adopted the Village Vision Strategic Investment Plan. As the City Council works through the recommendations contained in that document the City may require the services of the financial advisor in evaluating funding options and evaluating developer requests for incentives/preparing fiscal impact studies. In addition, from time to time, the City may request assistance in other areas related to public finance, such as analyzing the City's operating and capital budgets and identifying funding alternatives, etc.

**Task 2: Coordinate Debt Issue**

The financial advisor will be responsible for the oversight of the issuance of all City debt. This includes all aspects of debt issuance from advising on the structure through the bond closing activities.

**Task 3: Arbitrage/Rebate Management/Continuing Disclosure**

The financial advisor will prepare arbitrage rebate calculations for the City's debt issues and assist the City in complying with continuing disclosure requirements.

This Appendix A. is acknowledged to be a part of the Agreement, effective as of \_\_\_\_\_, between the Client and the Advisor.

FOR CLIENT

FOR \_\_\_\_\_ADVISOR

\_\_\_\_\_  
Jeff White

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\_\_\_\_\_  
Title

\_\_\_\_\_  
TitleSenior Vice President

**APPENDIX B OF AGREEMENT BETWEEN  
The City of Prairie Village, Kansas**

**AND**

-----Columbia Capital Management, LLC

Effective as of \_\_\_\_\_

**SCHEDULE OF ADVISOR'S COMPENSATION FOR SERVICES RELATING TO CLIENT'S DEBT OBLIGATIONS:**

	Fee per Transaction	OR:	Rate per \$1,000 issued
Temporary Note Sales			\$15,000 plus \$0.90 per \$1,000 issued
General Obligation Bond Sale < \$5 million			\$15,000 plus \$0.90 per \$1,000 issued
Refunding Bond Sales < \$5 million			\$15,000 plus \$0.90 per \$1,000 issued

Columbia's fee on a \$5 million transaction would be \$19,450.

Consistent with its practice of building long-standing relationships with its clients, Columbia generally does not charge for advice and assistance in between transactions for work generally related to the City's debt and debt management. We want and encourage our clients to maintain regular contact with us. On occasion the City may want to engage Columbia for a project outside the normal scope of our engagement; in that case we are willing to work at hourly rates or on a fixed-fee basis to be negotiated at the time.

Staff Person Assigned	Hourly Rate
Managing Director/Executive VP	\$225
Senior VP/VP	\$200
Asst. VP/Analyst	\$150
Clerical/Support	\$80

Columbia would seek reimbursement for actual out-of-pocket expenses including travel costs for travel outside of Johnson County (transportation, hotels and meals), printing/duplicating, conference calling services, overnight delivery services, etc., and any transaction costs not directly related to financial advisory services that we are expected to pay, such as printing the official statement or rating agency fees. Columbia agrees to provide an estimate of such fees prior to each transaction upon request of the City. On a typical general obligation bond transaction, we would anticipate our expenses to be \$300 to \$500.

In addition, as mentioned earlier, to the extent it is necessary to engage outside legal counsel to assist with arbitrage/rebate compliance services, these fees would be considered outside of our regular financial advisory fees and vary depending upon the complexity of the task.

*Fee Schedule to be entered here-*

This Appendix B. is acknowledged to be a part of the Agreement, effective as of \_\_\_\_\_, between the Client and the Advisor.

FOR CLIENT

FOR \_\_\_\_\_ADVISOR

Jeff White

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Title

TitleSenior Vice President

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**APPENDIX C OF AGREEMENT BETWEEN  
The City of Prairie Village, Kansas**

**AND**

\_\_\_\_\_ Columbia Capital Management, LLC

Effective as of \_\_\_\_\_

**GENERAL TERMS AND CONDITIONS**

The following contract terms must be included in all contracts for financial advisory services.

**1. RIGHT OF CITY TO TERMINATE AGREEMENT**

**A. Termination for Cause.** Without in any manner limiting the right of the City to terminate this Agreement or declare the Advisor in default thereof for any reason set forth herein, if the work to be done under this contract shall be abandoned by the Advisor; or if this Agreement shall be assigned by the Advisor otherwise than as herein provided; or if the Advisor should be judged as bankrupt; or if a general assignment of its assets should be made for the benefit of its creditors; or if a receiver should be appointed for the Advisor or any of its property; or if at any time the City determines that the performance of the work under this contract is being unnecessarily delayed, that the Advisor is violating any of the conditions or covenants of this Agreement, that it is executing the same in bad faith or otherwise not in accordance with the terms of said Agreement; then, in addition to other rights the City may choose to exercise, the City may, at its option, serve written notice upon the Advisor of the City's intention to terminate this Agreement, and, unless within ten (10) days after the serving of such notice upon the Advisor a satisfactory arrangement be made for the continuance thereof, this Agreement shall cease and terminate unless the City otherwise agrees to continue the Agreement. In the event of such termination, the City shall immediately serve notice thereof upon the Advisor, and the City may take over the work and prosecute same to completion by contract with another Advisor or otherwise and in such event the City may take possession of and utilize in completing the work any and all documents and other materials as may be necessary therefor. When the Advisor's services have been so terminated, such termination shall not affect any rights or remedies of the City against the Advisor then existing or which may later accrue. Similarly, any retention or payment of monies due the Advisor shall not release Advisor from liability.

**B. Termination for Convenience.** The City reserves the right, in its sole discretion and for its convenience and without cause or default on the part of the Advisor, to terminate this Agreement by providing sixty (60) days prior written notice of such termination to the Advisor. Upon receipt of such notice from the City, the Advisor shall: (1) immediately cease all work or (2) meet with the City and, subject to the City's approval, determine what work shall be required of the Advisor in order to bring the services then being performed by Advisor to a reasonable termination in accordance with the request of the City. If the City shall terminate for its convenience as herein provided, the City shall compensate the Advisor for all work completed to date of termination. Compensation shall not include anticipatory profit or consequential damages, neither of which will be allowed. Any termination of the Agreement for alleged default by the Advisor that is ultimately determined to be unjustified shall automatically be deemed a termination for convenience of the City.

**2. DISPUTES.**

All controversies between the City and the Advisor which arise under, or are by virtue of, this Agreement and which are not resolved by mutual agreement, shall be decided by the Mayor in writing, within 30 days after a written request by the Advisor for a final decision concerning the controversy; provided, however, that if the Mayor does not issue a written decision within 30 days after written request for a final decision, or within such longer period as may be

agreed upon by the parties, then the Advisor may proceed as if an adverse decision had been received.

The Mayor shall immediately furnish a copy of the decision to the Advisor by certified mail, return receipt requested, or by any other method that provides evidence of receipt. Any such decision shall be final and conclusive, unless fraudulent, or the Advisor brings an action seeking judicial review of the decision in the District Court of Johnson County, Kansas.

The Advisor shall comply with any decision of the Mayor and proceed diligently with performance of this Agreement pending final resolution by the District Court of Johnson County, Kansas of any controversy arising under, or by virtue of, this Agreement, except where there has been a material breach of the Agreement by the City; provided, however, that in any event the Advisor shall proceed diligently with the performance of the Agreement where the Mayor has made a written determination that continuation of work under the contract is essential to the public health and safety

Notwithstanding any language to the contrary, no interpretation shall be allowed to find the City has agreed to binding arbitration, or the payment of damages or penalties upon the occurrence of any contingency. Further, the City shall not agree to pay attorney fees and late payment charges.

### 3. **INDEMNITY**

#### A. *Definitions*

For purposes of indemnification requirements, the following terms shall have the meanings set forth below:

i. The "Advisor" means and includes the Advisor, all of its employees, agents and assignees, and all of its affiliates and subsidiaries, its subcontractors and/or assignees and their respective servants, agents and employees; and

ii. "Loss" means any and all loss, damage, liability or expense of any nature whatsoever, whether incurred as a judgment, settlement, penalty, fine or otherwise (including attorney's fees and the cost of defense).

#### B. *Indemnity*

For purposes of this Agreement, the Advisor hereby agrees to indemnify, defend and hold harmless the City, and its employees and agents from any and all "Loss" where "Loss" is caused or incurred or alleged to be caused or incurred in whole or in part as a result of the negligence or other actionable fault of the Advisor. It is agreed as a specific element of consideration of this Agreement that this indemnity shall apply notwithstanding the joint, concurring or contributory or comparative fault or negligence of the City or any third party and, further notwithstanding any theory of law including, but not limited to, a characterization of the City's or any third party's joint, concurring or contributory or comparative fault or negligence as either passive or active in nature; provided, however, that the Advisor's obligation hereunder shall not include amounts attributable to the fault or negligence of the City. Nothing in this section shall be deemed to impose liability on the Advisor to indemnify the City for loss when a loss was caused in whole or in part by the City's gross negligence or when City's negligence or other actionable fault is the sole cause of loss.

**C. Disclaimer of Liability**

The City shall not hold harmless or indemnify the Advisor for any liability whatsoever.

**D. Payment of Taxes**

The City shall not be responsible for, nor indemnify the Advisor for any federal, state, or local taxes, which may be imposed or levied upon the subject matter of this Agreement. The Advisor shall pay the City any applicable occupation tax, or other similar city tax to do business within the limits of the City's jurisdictional boundaries, prior to execution of the Agreement.

**4. INSURANCE**

During the performance of this contract, the Advisor agrees to maintain for the duration of the contract insurance coverage of the types and minimum liability as set forth below. Before entering into a contract, the successful Advisor shall furnish to the City a Certificate of Insurance verifying such coverage. All general and automobile liability insurance shall be written on an occurrence basis unless otherwise agreed to in writing by the City.

Insurance Type	Coverage Limits
Professional Liability	\$1,000,000 each claim/aggregate
Commercial General Liability	
Each Occurrence	\$1,000,000
Personal & Advertising Injury	\$1,000,000
Products Completed/Completed	\$2,000,000
Operations Aggregate	
General Aggregate	\$2,000,000
Automobile Liability Insurance	Each accident, combined single limits, bodily injury and property damage: \$1,000,000
Protect against claims for bodily injury and/or property damage arising out of the ownership or use of any owned, hired and/or non-owned vehicle and must include protection for either: any auto or all autos/hire autos/non-owned autos	
Worker's Compensation	Worker's Compensation: Statutory
This insurance shall protect the Advisor against all claims under applicable state Workers' Compensation laws. The Advisor shall also be protected against claims for injury, disease or death of employees for which, for any reason, may not fall within the provisions of a Workers' Compensation law. The policy limits shall include "all States" insurance, and the liability limits shall not be less than the following:	Employer's Liability: <ul style="list-style-type: none"> <li>• Bodily Injury by Accident: \$100,000 each accident</li> <li>• Bodily Injury by Disease: \$500,000 policy limit</li> <li>• Bodily Injury by Disease: \$100,000 each employee</li> </ul>

**Industry Ratings**

The City will only accept coverage from an insurance carrier which offers proof that the carrier:

- Is licensed to do business in the State of Kansas
  - Carries a Best's Policyholder rating of A- or better; and
  - Carries at least a Class VII financial rating;
- OR**
- Is a company mutually agreed upon by the City and the Advisor.

Certification of insurance coverage in the sections above shall be on a separate form provided by the Advisor's insurance carrier.

**5. COMPLIANCE WITH APPLICABLE LAWS, REGULATIONS, RULES AND LAWS**

**A. Kansas Cash Basis Law**

This Agreement is subject to the Kansas Cash Basis Law, K.S.A. 10-1101. Any automatic renewal of the terms of the Agreement shall create no legal obligation on the part of the City. The City is obligated only to pay periodic payments or monthly installments under the Agreement as may lawfully be made from (a) funds budgeted and appropriated for that purpose during the City's current budget year or (b) funds made available from any lawfully operated revenue producing source.

**B. Equal Opportunity Laws**

The Advisor agrees that:

- The Advisor shall observe the provisions of the Kansas Act Against Discrimination (K.S.A. 44-1001 et seq.) and shall not discriminate against any person in the performance of work under the present Agreement because of race, religion, color, sex, national origin, ancestry or age;
- In all solicitations or advertisements for employees the Advisor shall include the phrase "equal opportunity employer" or a similar phrase to be approved by the Kansas Human Rights Commission ("Commission");
- If the Advisor fails to comply with the manner in which the Advisor reports to the Commission in accordance with the provisions of K.S.A. 44-1031 and amendments thereto, the Advisor shall be deemed to have breached the present Agreement, and it may be canceled, terminated or suspended, in whole or in part, by the contracting agency;
- If the Advisor is found guilty of a violation of the Kansas Act Against Discrimination under a decision or order of the Commission which has become final, the Advisor shall be deemed to have breached the present Agreement, and it may be canceled, terminated or suspended, in whole or in part, by the contracting agency; and
- The Advisor shall include the provisions of paragraphs (1) through (4) above in every subcontract or purchase order so that such provisions will be binding upon such subcontractor or vendor.
- The Advisor further agrees that the Advisor shall abide by the Kansas Age Discrimination In Employment Act (K.S.A. 44-1111 et seq.) and the applicable provision of the Americans With Disabilities Act (42 U.S.C. 1201 et seq.) as well as all other federal, state and local laws, ordinances and regulations applicable to this project and shall furnish any certification required by any federal, state or local laws, ordinances and regulations applicable to this project and shall furnish any certification required by any federal, state or local governmental agency in connection therewith.

**6. REPRESENTATIONS**

The Advisor makes the following representations:

- The price submitted is independently arrived at without collusion.

- It has not knowingly influenced and promises that it will not knowingly influence a City employee or former City employee to breach any of the ethical standards set forth within the City's applicable procurement regulations and the City's Code of Ethics.
- It has not violated, and is not violating, and promises that it will not violate any prohibition against gratuities and kickbacks set forth within the City's procurement regulations, as applicable.
- It has not retained and will not retain a person to solicit or secure a City contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business.

**7. MISCELLANEOUS**

**A. Ownership of Materials**

All property rights, including publication rights, in all interim, draft, and final reports and other documentation, including machine-readable media, produced by the Advisor in connection with the work pursuant to this Agreement, shall be in the City.

**B. Availability of Records and Audit**

The Advisor agrees to maintain books, records, documents, and other evidence pertaining to the costs and expenses of the services provided under the Agreement (hereinafter collectively called "records") to the extent and in such detail as will properly reflect all net costs, direct and indirect, of labor, materials, equipment, supplies, and services, and other costs and expenses of whatever nature for which reimbursement is claimed under the provisions of this Agreement. The Advisor agrees to make available at the offices of the City at all times during the period set forth in the Request for Proposals any of the records for inspection, audit, or reproduction by any authorized representative of the City. Except for documentary evidence delivered to the offices of the City, the Advisor shall preserve and make available to persons designated by the City his records for a period of three years from the date of final payment under the Agreement or until all audit questions have been resolved, whichever period of time is longer.

**C. Assignment**

Neither the Advisor nor the City shall sell, transfer, assign, or otherwise dispose of any rights or obligations created by the Contract Documents or any portion thereof without the written consent of the other party.

This Appendix C. is acknowledged to be a part of the Agreement, effective as of \_\_\_\_\_, between the Client and the Advisor.

FOR CLIENT

FOR \_\_\_\_\_ ADVISOR

\_\_\_\_\_  
Jeff White

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\_\_\_\_\_  
Title

\_\_\_\_\_  
Title Senior Vice President



**PRAIRIE VILLAGE POLICE DEPARTMENT**  
**WES JORDAN - CHIEF OF POLICE**

7710 Mission Road • Prairie Village, Kansas 66208  
Phone: 913/385-4621 • Fax: 913/385-7710



**2008 CITIZEN SURVEY RESULTS**

*Chief Wes Jordan*

In 2008, the Police Department completely revised the Citizen Survey Form and distribution methods in an effort to receive information that would be more useful in gauging opinions about the overall quality of law enforcement services we provide to our Community. In the past, the Department would send a fairly generic survey form to approximately 500 people who had previous contact with the Police Department. Unfortunately, the low rate of return made it difficult to really make any concrete conclusions.

The staff decided the most effective way to improve distribution was through the City's Newsletter, which reaches every residence and business within Prairie Village. Surveys were sent with the September issue of *The Prairie Village Voice* to approximately 10,000 residents and businesses, and also posted on the City's website. The Department received 271 completed surveys by the end of October, which equates to an overall return rate of just 2.71 percent. Although the return rate was much lower than anticipated, the Department did receive helpful information.

The Department has enjoyed a long tradition of positive relationships with our community and it is important to our Department that this successful partnership continues. We are very appreciative of the continued support from citizens and the business community. The surveys are certainly a valuable mechanism for people to confidentially express their views, opinions, and suggestions. We were also pleased to receive many positive comments and expressions of appreciation. The Survey Form also provided a means to communicate directly with the Department. We received many questions, as well as specific complaints about isolated problems.

I would like to compliment the men and women of the Prairie Village Police Department for their daily contributions. The overall tone of the surveys was very positive, which is a direct result of their professionalism and commitment to quality work. I would also like to recognize Jennifer Wright, Executive Assistant, for her contributions in creating this format and compiling the results.

The following report represents the calculations of responses to specific questions and also written comments (both positive and constructive) that were received. Data was rounded up to the nearest whole number, and for that reason, the information presented may not always total 100 percent.

**Analysis and Findings**

**How do you feel about the safety and security of the City of Prairie Village?**

<b>269 RESPONSES</b>	<input type="checkbox"/> Very Safe	<input type="checkbox"/> Safe	<input type="checkbox"/> Fairly Safe	<input type="checkbox"/> Not Safe	<input type="checkbox"/> No Opinion
Number of Responses	143	101	21	0	4
<b>Overall Percentage</b>	<b>53%</b>	<b>38%</b>	<b>8%</b>	<b>0%</b>	<b>1%</b>

**Do you feel your neighborhood is more safe, about as safe, or less safe than other neighborhoods in Prairie Village?**

<b>261 RESPONSES</b>	<input type="checkbox"/> More Safe	<input type="checkbox"/> About as Safe	<input type="checkbox"/> Less Safe	<input type="checkbox"/> Do Not Know
Number of Responses	91	147	8	15
<b>Overall Percentage</b>	<b>35%</b>	<b>56%</b>	<b>3%</b>	<b>6%</b>

**How often do you see Prairie Village Police officers in your neighborhood?**

<b>248 RESPONSES</b>	<input type="checkbox"/> generally not seen	<input type="checkbox"/> 1-3 times per week	<input type="checkbox"/> 4-10 times per week	<input type="checkbox"/> More than 10 times per week
Number of Responses	107	94	39	8
<b>Overall Percentage</b>	<b>43%</b>	<b>38%</b>	<b>16%</b>	<b>3%</b>

**Are there any specific concerns you have in your neighborhood of which we should be made aware? [Random Samples of Actual Responses]**

- ✓ No, we feel very safe and appreciate the reputation PV has resident safety.
- ✓ Loud car radios.
- ✓ Speed on Roe between 79<sup>th</sup> and 83<sup>rd</sup> Streets.
- ✓ Cars speeding on Tomahawk between Nall and Roe.
- ✓ Speeders on Colonial Drive.
- ✓ Speeding on 71<sup>st</sup> Street between Mission Road and State Line.
- ✓ Speeding on 72<sup>nd</sup> Terrace and dogs barking all night.
- ✓ Speeding in residential areas.
- ✓ Continue checking Porter Park.
- ✓ Bicycle riders on busy streets, especially Mission Road.

**Under what circumstances have you had contact with the Prairie Village Police in the last two years? (please check all that apply)**

**223 RESPONSES (several with multiple kinds of contact)**

	<input type="checkbox"/> Victim of a crime	<input type="checkbox"/> Witness to a crime	<input type="checkbox"/> Traffic stop
Number of Responses	36	15	32
<b>Overall Percentage</b>	<b>16%</b>	<b>7%</b>	<b>14%</b>

2008 CITIZEN SURVEY RESULTS

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	<input type="checkbox"/> D.A.R.E.	<input type="checkbox"/> Traffic accident	<input type="checkbox"/> Animal Control
Number of Reponses	17	16	55
Overall Percentage	8%	7%	25%
	<input type="checkbox"/> Telephone contact with Dispatch	<input type="checkbox"/> Citizens Police Academy	<input type="checkbox"/> Police Records
Number of Reponses	98	4	11
Overall Percentage	44%	2%	5%
	<input type="checkbox"/> SRO in high or middle schools	<input type="checkbox"/> Crime Prevention Contact	<input type="checkbox"/> House Watch Program
Number of Reponses	10	11	29
Overall Percentage	4%	5%	13%
	<input type="checkbox"/> Alarm response	<input type="checkbox"/> 911 call	<input type="checkbox"/> Motorist Assist
Number of Reponses	13	8	4
Overall Percentage	6%	4%	2%
	<input type="checkbox"/> Car Seat Installation	<input type="checkbox"/> Other	
Number of Reponses	3	25	
Overall Percentage	1%	11%	

Please rate the attributes of police officers and civilian employees with whom you have had contact:

<b>Level of Competence:</b>			
<b>241 RESPONSES</b>	<input type="checkbox"/> Very High	<input type="checkbox"/> High	<input type="checkbox"/> Average
Number of Reponses	131	82	13
Overall Percentage	54%	34%	5%
	<input type="checkbox"/> Low	<input type="checkbox"/> Very Low	<input type="checkbox"/> No Opinion
Number of Reponses	2	1	12
Overall Percentage	1%	1%	5%
<b>Helpfulness:</b>			
<b>239 RESPONSES</b>	<input type="checkbox"/> Very High	<input type="checkbox"/> High	<input type="checkbox"/> Average
Number of Reponses	146	66	10
Overall Percentage	61%	28%	4%
	<input type="checkbox"/> Low	<input type="checkbox"/> Very Low	<input type="checkbox"/> No Opinion
Number of Reponses	6	1	10
Overall Percentage	3%	1%	4%



2008 CITIZEN SURVEY RESULTS

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<b>Interest in Situation:</b>			
<b>242 RESPONSES</b>	<input type="checkbox"/> Very High	<input type="checkbox"/> High	<input type="checkbox"/> Average
Number of Reponses	126	73	26
<b>Overall Percentage</b>	<b>52%</b>	<b>30%</b>	<b>11%</b>
	<input type="checkbox"/> Low	<input type="checkbox"/> Very Low	<input type="checkbox"/> No Opinion
Number of Reponses	2	4	11
<b>Overall Percentage</b>	<b>1%</b>	<b>2%</b>	<b>5%</b>
<b>Courtesy:</b>			
<b>240 RESPONSES</b>	<input type="checkbox"/> Very High	<input type="checkbox"/> High	<input type="checkbox"/> Average
Number of Reponses	156	57	15
<b>Overall Percentage</b>	<b>65%</b>	<b>24%</b>	<b>6%</b>
	<input type="checkbox"/> Low	<input type="checkbox"/> Very Low	<input type="checkbox"/> No Opinion
Number of Reponses	3	4	5
<b>Overall Percentage</b>	<b>1%</b>	<b>2%</b>	<b>2%</b>
<b>Overall Attitude:</b>			
<b>239 RESPONSES</b>	<input type="checkbox"/> Very High	<input type="checkbox"/> High	<input type="checkbox"/> Average
Number of Reponses	144	66	14
<b>Overall Percentage</b>	<b>60%</b>	<b>28%</b>	<b>6%</b>
	<input type="checkbox"/> Low	<input type="checkbox"/> Very Low	<input type="checkbox"/> No Opinion
Number of Reponses	4	3	8
<b>Overall Percentage</b>	<b>2%</b>	<b>2%</b>	<b>3%</b>
<b>Neatness in Appearance:</b>			
<b>238 RESPONSES</b>	<input type="checkbox"/> Very High	<input type="checkbox"/> High	<input type="checkbox"/> Average
Number of Reponses	159	59	7
<b>Overall Percentage</b>	<b>67%</b>	<b>25%</b>	<b>3%</b>
	<input type="checkbox"/> Low	<input type="checkbox"/> Very Low	<input type="checkbox"/> No Opinion
Number of Reponses	0	0	13
<b>Overall Percentage</b>	<b>0%</b>	<b>0%</b>	<b>6%</b>

2008 CITIZEN SURVEY RESULTS

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If the Prairie Village Police Department assisted you in the last two years, please rate your satisfaction:

<b>Satisfaction with service provided:</b>			
<b>194 RESPONSES</b>	<input type="checkbox"/> High	<input type="checkbox"/> Average	<input type="checkbox"/> Low
Number of Reponses	160	11	9
<b>Overall Percentage</b>	<b>82%</b>	<b>6%</b>	<b>5%</b>
	<input type="checkbox"/> No Opinion		
Number of Reponses	14		
<b>Overall Percentage</b>	<b>7%</b>		
<b>Satisfaction with officer responding:</b>			
<b>191 RESPONSES</b>	<input type="checkbox"/> High	<input type="checkbox"/> Average	<input type="checkbox"/> Low
Number of Reponses	155	10	7
<b>Overall Percentage</b>	<b>81%</b>	<b>5%</b>	<b>4%</b>
	<input type="checkbox"/> No Opinion		
Number of Reponses	19		
<b>Overall Percentage</b>	<b>10%</b>		
<b>Satisfaction with detective following up on an investigation:</b>			
<b>181 RESPONSES</b>	<input type="checkbox"/> High	<input type="checkbox"/> Average	<input type="checkbox"/> Low
Number of Reponses	39	9	6
<b>Overall Percentage</b>	<b>22%</b>	<b>5%</b>	<b>3%</b>
	<input type="checkbox"/> No Opinion		
Number of Reponses	127		
<b>Overall Percentage</b>	<b>70%</b>		
<b>Satisfaction with dispatcher on the telephone:</b>			
<b>186 RESPONSES</b>	<input type="checkbox"/> High	<input type="checkbox"/> Average	<input type="checkbox"/> Low
Number of Reponses	119	14	2
<b>Overall Percentage</b>	<b>64%</b>	<b>8%</b>	<b>1%</b>
	<input type="checkbox"/> No Opinion		
Number of Reponses	51		
<b>Overall Percentage</b>	<b>27%</b>		

2008 CITIZEN SURVEY RESULTS

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<b>Satisfaction with Police Records on the telephone or at the counter:</b>			
<b>182 RESPONSES</b>	<input type="checkbox"/> High	<input type="checkbox"/> Average	<input type="checkbox"/> Low
Number of Responses	40	12	2
<b>Overall Percentage</b>	<b>22%</b>	<b>7%</b>	<b>1%</b>
	<input type="checkbox"/> No Opinion		
Number of Responses	128		
<b>Overall Percentage</b>	<b>70%</b>		

If you were not satisfied with the way the Prairie Village Police Department responded, please indicate the reason: *(check all that apply)*

**30 RESPONSES (several with multiple kinds of responses)**

	<input type="checkbox"/> Slow response time	<input type="checkbox"/> Officer was rude	<input type="checkbox"/> Traffic stop
Number of Responses	4	8	6
<b>Overall Percentage</b>	<b>13%</b>	<b>27%</b>	<b>20%</b>
	<input type="checkbox"/> Officer did not listen to victim	<input type="checkbox"/> Officer did not seem to care	<input type="checkbox"/> No arrest
Number of Responses	4	11	8
<b>Overall Percentage</b>	<b>13%</b>	<b>37%</b>	<b>27%</b>
	<input type="checkbox"/> Officer/Detective did not follow up		
Number of Responses	6		
<b>Overall Percentage</b>	<b>20%</b>		

**[Random Samples of Actual Responses]**

- ✓ I needed to file a report at the station and getting an officer to take the report took quite some time.
- ✓ My 911 call went to Overland Park, who transferred my call, but it took over 15 minutes for the Prairie Village Police to get to my house.
- ✓ All our contact, VillageFest, Citizens Academy, etc., has been positive.
- ✓ The officer seemed to think the disturbance I called about was nothing and let that be known.
- ✓ Those at the counter could be more courteous – smiles don't cost anything and soften a lot of harsh situations.
- ✓ A dog barking problem resulted in an ineffective door hanger warning and no on-going effort.
- ✓ I was fine with being pulled over – I was speeding, but I would have preferred a warning since I was stopped on the street where I live.
- ✓ He told me 'stop' means 'stop' – not to hesitate, look both ways and proceed.

2008 CITIZEN SURVEY RESULTS

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Which Police Department functions are most important to you? *(please check all that apply)*

	<input type="checkbox"/> general patrol	<input type="checkbox"/> citing parking violators	<input type="checkbox"/> response time to calls
Number of Reponses	217	37	197
<b>Overall Percentage</b>	<b>80%</b>	<b>14%</b>	<b>73%</b>
	<input type="checkbox"/> traffic law enforcement	<input type="checkbox"/> burglary investigation	<input type="checkbox"/> vandalism investigation
Number of Reponses	158	141	120
<b>Overall Percentage</b>	<b>58%</b>	<b>52%</b>	<b>44%</b>
	<input type="checkbox"/> animal control ordinances	<input type="checkbox"/> crime prevention programs	<input type="checkbox"/> Neighborhood Watch Programs
Number of Reponses	88	123	2
<b>Overall Percentage</b>	<b>32%</b>	<b>45%</b>	<b>1%</b>
	<input type="checkbox"/> drug arrests	<input type="checkbox"/> DARE in elementary schools	<input type="checkbox"/> House Watch Program
Number of Reponses	119	87	3
<b>Overall Percentage</b>	<b>44%</b>	<b>32%</b>	<b>1%</b>
	<input type="checkbox"/> enforcement of drunk driving laws	<input type="checkbox"/> neighborhood safety fairs	<input type="checkbox"/> Village Voice CP advice
Number of Reponses	143	30	3
<b>Overall Percentage</b>	<b>53%</b>	<b>11%</b>	<b>1%</b>
	<input type="checkbox"/> SROs in high and middle schools	<input type="checkbox"/> Speed Indicator Trailer	<input type="checkbox"/> domestic violence awareness/ sensitivity training
Number of Reponses	65	1	2
<b>Overall Percentage</b>	<b>24%</b>	<b>1%</b>	<b>1%</b>
	<input type="checkbox"/> code violations		
Number of Reponses	2		
<b>Overall Percentage</b>	<b>1%</b>		

2008 CITIZEN SURVEY RESULTS

Page No. 8

Following is a listing of community programs offered by the Prairie Village Police Department. Please check all with which you are familiar:

	<input type="checkbox"/> Citizens Ride-Along Program	<input type="checkbox"/> Citizens Police Academy
Number of Reponses	76	41
<b>Overall Percentage</b>	<b>28%</b>	<b>15%</b>
	<input type="checkbox"/> Speed Indicator Trailer	<input type="checkbox"/> Fingerprinting
Number of Reponses	113	51
<b>Overall Percentage</b>	<b>42%</b>	<b>19%</b>
	<input type="checkbox"/> D.A.R.E.	<input type="checkbox"/> Child Safety Seat Installation
Number of Reponses	148	69
<b>Overall Percentage</b>	<b>55%</b>	<b>25%</b>
	<input type="checkbox"/> House Watch / Business Watch	<input type="checkbox"/> Free home / business security surveys
Number of Reponses	107	53
<b>Overall Percentage</b>	<b>40%</b>	<b>20%</b>
	<input type="checkbox"/> Free 'No Parking' signs for sales, parties, events	
Number of Reponses	120	
<b>Overall Percentage</b>	<b>44%</b>	

Your suggestions are always appreciated. Please comment on anything you feel will help us serve you better: [Random Samples of Actual Responses]

- ✓ I have the highest regard for your department. Without a doubt it is one of the best in the county.
- ✓ I would like to see more police patrolling the neighborhood and interacting with kids and families. I would like to feel my children are safe to walk to and from school. Patrol more during school release hours. It would be nice to have officers on bicycles.
- ✓ This is a top-notch police department.
- ✓ The neighborhood watch program has been a real deterrent to crime on this block. I would like to see renewed emphasis all over PV on this program – it works.
- ✓ We were called about our garage door we accidentally left open – thanks! PV police are professionals – thanks for keeping us safe.
- ✓ I needed help when my husband fell and couldn't get up. I called 911 and help arrived in minutes. The police couldn't have been kinder. Your department is tops.
- ✓ PVPD needs black and white patrol cars – it's an industry standard. Your PT Cruiser is sharp. Keep up the good work and thanks for keeping us safe.
- ✓ Since I have had minimal contact, I would assume you are doing a good job. My most important issue is safety at home and walking. Please focus on crime prevention and professional/courteous officers.
- ✓ I feel our police department does an outstanding job. Their response is prompt and I feel they are professional and pleasant.
- ✓ Speeding is too prevalent on Mission Road from 71<sup>st</sup> Street to 95<sup>th</sup> Street – perhaps more patrolling would help.

## 2008 CITIZEN SURVEY RESULTS

Page No. 9

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- ✓ Many times we have requested a vacation house watch and on more than one occasion an officer has shown up before we have left – a wonderful feeling – thanks.
- ✓ I think Lamar should be a minimum of 30 mph and preferably 35 mph. I got a ticket for 37 in a 25 zone – Lamar should not be 25 mph. How can this be changed? Call me, please.
- ✓ I like to see the police at various functions – especially interacting with children.
- ✓ Please continue the House Watch Program. It is a very effective crime deterrent. Thanks for all your good work – we feel very safe.
- ✓ Prairie Village government agencies, including the police department, are very good. If I were to make one suggestion it would be to get to know the people better in a friendly, informative way. Stop and introduce yourself – exchange pleasantries.
- ✓ Well-trained and courteous, even as I was receiving a ticket – thanks for everything you do.
- ✓ You are doing a great job – I only wish people driving through Prairie Village were more considerate of each other and the speed limits.
- ✓ I always appreciate your service and approve of hiring more officers.
- ✓ We lived in KCMO for many years before moving to Prairie Village. We never saw the police presence in KC like we do in PV. I feel safer walking my dog now than I ever did before. I feel safer at home, too. Just seeing more of you is appreciated.
- ✓ We had a break-in several years ago – the police and detectives were all very professional and courteous. The stolen property and perpetrators were never found, but all interactions with the police were excellent.
- ✓ I love my city and am proud to live here – I also like that police know my house and my car – I like being known

**COUNCIL MEETING AGENDA  
CITY OF PRAIRIE VILLAGE  
December 15, 2008  
7:30 p.m.**

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. INTRODUCTION OF NEW VILLAGEFEST CHAIRMAN – JOHN CAPITO**
- IV. ROLL CALL**
- V. PUBLIC PARTICIPATION**
- VI. CONSENT AGENDA**

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

**By Staff:**

- 1. Approve Regular Council Meeting Minutes – December 1, 2008
- 2. Claims Ordinance 2854
- 3. Approve the issuance of four Cereal Malt Beverage Licenses for 2009

**By Committee:**

- 4. Approve Resolution 2008-07 establishing compensation 2009 ranges for the City of Prairie Village subject to the review and approval of the City Attorney (Council Committee of the Whole Minutes – December 1, 2008)
- 5. Approve the recommendations of the Drug and Alcoholism Council of Johnson County contained in the United Community Services Fund Recommendations Report and approve a contribution to UCS of \$15,000 from the 2009 Parks, Recreation & Community Services budget. (Council Committee of the Whole Minutes – December 1, 2008)
- 6. Approve a Letter of Understanding with the Johnson County Department of Human Services and Aging for administration of the Utility Assistance Program for Prairie Village residents. (Council Committee of the Whole Minutes – December 1, 2008)
- 7. Approve Engineering Change Order #1 with George Butler Associates Inc., for Project 190871: Mission Lane Bridge Replacement in the amount of \$5,000.00 and an additional transfer of \$1,000.00 to cover title search fees. (Council Committee of the Whole Minutes – December 1, 2008)
- 8. Approve the purchase of two 2009 Ford F250 3/4-ton pickup trucks from Shawnee Mission Ford for a total of \$32,584.00.
- 9. Approve the purchase of a 2009 model 61-inch lawn mower from Bledsoe's Rental for \$11,090.00. (Council Committee of the Whole Minutes – December 1, 2008)
- 10. Approve the transfer of \$120,010 from the General Fund to the Equipment Reserve Fund for the purchase of financial software. (Council Committee of the Whole Minutes – December 1, 2008)
- 11. Approve the amendment to the Police Pension Plan in order to comply with Internal Revenue Code Section 401(a)(9), adding required distributions at age 70 1/2. (Council Committee of the Whole Minutes – December 1, 2008)
- 12. Adopt Ordinance 2184 amending Chapter 4 of the Prairie Village Municipal Code, 2003, entitled "Buildings and Construction" by repealing Article 4-105 entitled "Amendments to Section 105.3" and adopting a new Article 4-105 entitled

"Amendments to Section 105.3" and approve an Interlocal Agreement with the Board of Johnson County Commissioners of Johnson County, Kansas regarding the administration and implementation of the Johnson County Contractor Licensing Program. (Council Committee of the Whole Minutes – December 1, 2008)

**VII. STAFF REPORTS**

**VIII. COMMITTEE REPORTS**

**COU2008-88 Consider Contingency Allocation for 2008 Property Tax Bill**

**Park and Recreation Committee – Diana Ewy Sharp**

**IX. OLD BUSINESS**

**X. NEW BUSINESS**

**XI. EXECUTIVE SESSION**

**XII. ANNOUNCEMENTS**

**XIII. ADJOURNMENT**

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

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



# **CONSENT AGENDA**

## **CITY OF PRAIRIE VILLAGE, KS**

**December 15, 2008**

**CITY COUNCIL  
CITY OF PRAIRIE VILLAGE  
December 1, 2008**

The City Council of Prairie Village, Kansas, met in regular session on Monday, December 1, 2008, at 7:30 p.m. in the Council Chambers of the Municipal Building.

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

**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, Michael Kelly, Andrew Wang, Dale Beckerman, Charles Clark, David Morrison, Diana Ewy Sharp and David Belz.

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

**EMPLOYEE RECOGNITION**

City Administrator Quinn Bennion stated that from time to time staff would like to recognize staff for their accomplishments and leadership. Mayor Shaffer presented a proclamation to Bettina Jamerson, Municipal Court Administrator, in recognition of her service on the Kansas Association for Court Management

Board on her completion of a two-year term as President of the organization. Ms. Jamerson has served on the Board since 2001 and continues to serve in the position of Past President.

### **PUBLIC PARTICIPATION**

Eric and Celtie Johnson, 2401 West 79<sup>th</sup> Street, addressed the City Council regarding a concern with diseases carried by wild animals, particularly raccoons. They were surprised to learn that a raccoon they captured with the assistance of animal control was later released in the City of Leawood. There particular concern with the disease of Leptospirosis, whose symptoms are difficult to detect in the early stages and lead to severe damage to both humans and animals.

Chief Jordan asked if they wanted the captured animals euthanized noting that under law, wildlife can only be euthanized if they are severely injured or have rabies. Bill Griffith suggested this issued be considered by the Animal Control Board. Chief Jordan stated he would speak with the City's veterinarian under contract. Eric Johnson noted the growing population of wild animals in the suburban areas. Celtie Johnson noted individuals and animals could become infected unknowingly through contact with infected soil or water. She feels it is important to keep these animals out of the City.

### **CONSENT AGENDA**

Andrew Wang moved the approval of the Consent Agenda for Monday, December 1, 2008:

1. Approve Regular Council Meeting Minutes - November 17, 2008

2. Approve the Interlocal Agreement with Johnson County for Project 190877: 83<sup>rd</sup> Street – Roe Avenue to Somerset Drive limiting the County share to 50% or \$131,000 of the project cost of \$262,000.
3. Approve the Interlocal Agreement with Johnson County for Project 190865: Roe Avenue – 83<sup>rd</sup> Street to Somerset Drive limiting the County share to 50% or \$263,000 of the project cost of \$526,000.
4. Approve the Interlocal Agreement with the Johnson County Park & Recreation District for the use of City facilities for 2009 fifty plus programming.
5. Adopt Ordinance 2183 approving the renewal of a special use permit for the operation of a day care program by the Kansas City Autism Training Center on property known as The Congregation Kol Ami otherwise described as 7501 Belinder Avenue, Prairie Village, Kansas.
6. Adopt the 2009 Joint Legislative Platform as written.
7. Approve the allocation of \$27,676 from contingency funds to purchase and install door locks, security cameras, recording devices and bullet resistant glass.

A roll call vote was taken with the following members voting “aye”:

Herrera, Griffith, Hopkins, Kelly, Wang, Beckerman, Clark, Morrison, Ewy Sharp and Belz.

## **STAFF REPORTS**

### **Public Works**

- Bob Pryzby reported he had received two e-mails regarding the Kansas City Star article on his plan to publish a booklet on the statues located in Prairie Village. One individual, knowledgeable on Greek and Roman mythology who volunteered her assistance.
- The public works crews and equipment are ready for snowfall.

### **Public Safety**

- The City has received the final report from the lightning strike expert with nine recommendations to address the problems experienced by the City.
- Using funds from a State Grant, the department focused on selective enforcement of DUI laws resulting in 15 arrests.
- In the past week there have been two houses and six+ parked vehicles struck by DUI drivers.
- Ruth Hopkins asked if the department was issuing citations for unattended running vehicles. Chief Jordan responded they are issuing warnings at this point in time.
- Chief Jordan reported on a police chase of three stolen vehicles through parts of the City this morning and the quick reaction of the school crossing guard at Belinder School to get the students off the sidewalk for safety. All three vehicles were eventually caught.

## **Finance**

- Karen Kindle asked that any expenses for 2008 be submitted to her by December 31<sup>st</sup>.

## **Administration**

- Quinn Bennion reported he, Dennis Enslinger and Chris Engle would be out of the office Thursday and Friday attending a City Managers Conference.

## **COMMITTEE REPORTS**

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

#### **COU2008-86 Consider Upgrading the Police Department's CAD (Computer Aided Dispatching) and Records Management System**

Chief Jordan reported that since the discussion at the Council Committee meeting two weeks ago, the cost figures for the upgrading of the CAD and Records Management System have decreased \$20,000. Chief reported when the department began investigating this purchase the projected cost was \$650,000. Through the cooperation of the City of Overland Park, City of Mission Hills and Intergraph the cost of the software is now approximately \$67,000.

On behalf of the Council Committee of the Whole, Andrew Wang moved that \$140,373.00 be allocated from the Equipment Reserve Fund to finance the proposed Intergraph System and related equipment expenses as follows: Intergraph Operating System Software (\$67,780), Intergraph 1<sup>st</sup> year Maintenance (\$11,016), Dispatch Conversion (\$10,000), Laptop Computers in Patrol Units (\$29,977), Vehicle Installation/Hardware (\$13,200) and Aircards (\$8,400). The motion was seconded by Michael Kelly and passed unanimously.

### **Prairie Village Municipal Foundation**

Diana Ewy Sharp reported the 2008 Mayor's Holiday Tree Lighting Event at the Corinth Square Shopping Center of Monday, November 24<sup>th</sup> was very

successful and thanked all those that participated in the event. Significant funds were raised for the Utility Assistance Program. Barbara Vernon served as the chair for the event which will continue to be held at the shopping center.

#### **NLC Advisory Council**

Ruth Hopkins shared with the Council the work of the National League of Cities Advisory Council on which she serves. The advisory council is active in identifying and advising lobbyists on issues of importance to cities. Mrs. Hopkins shared the most recent publication from the group with the Council and indicated copies were available. Diana Ewy Sharp commended Mrs. Hopkins on her work on the Board of Directors and the NLC Advisory Council.

#### **OLD BUSINESS**

There was no Old Business to come before the Council.

#### **NEW BUSINESS**

Al Herrera noted one of the amenities mentioned in the Parks Master Plan Survey was a skating rink. Mr. Herrera recently visited the new portable ice rink in the City of Leawood and encouraged other Council members to visit the site.

#### **EXECUTIVE SESSION**

Andrew Wang moved pursuant to KSA 74-4319(b)(6) that the Governing Body, recess into Executive Session for a period not to exceed 10 minutes for the purpose of consulting with the City Attorney on matters relating to the acquisition of real property.

Present will be the Mayor, City Council, City Administrator, Assistant City Administrator, Director of Public Works and City Attorney. The motion was seconded by Dale Beckerman and passed unanimously.

Mayor Shaffer reconvened the meeting at 8:22 p.m.

Andrew Wang moved the City Council approve a Real Estate Purchase Agreement with Highwoods Reality Limited Partnership and authorize the Mayor to execute the agreement in the form presented and reviewed by the City Council, outlining the purchase of property commonly known as 3541 Somerset Drive with the closing date anticipated in January 2009. The motion was seconded by Ruth Hopkins and passed unanimously.

#### **Executive Session**

Andrew Wang moved pursuant to KSA 74-4319(b)(2) that the Governing Body, recess into Executive Session for a period not to exceed 10 minutes for the purpose of consulting with the City Attorney on matters which are privileged in the attorney-client relationship.

Present will be the Mayor, City Council, City Administrator, Assistant City Administrator and City Attorney. The motion was seconded by Michael Kelly and passed unanimously.

Mayor Shaffer reconvened the Council meeting at 8:33 p.m.

#### **Executive Session**

Andrew Wang moved pursuant to KSA 74-4319(b)(2) that the Governing Body, recess into Executive Session for a period not to exceed 15 minutes for the purpose of consulting with the City Attorney on matters which are privileged in the attorney-client relationship.

Present will be the Mayor, City Council, City Administrator, Assistant City Administrator and City Attorney. The motion was seconded by Dale Beckerman and passed unanimously.

Mayor Shaffer reconvened the Council meeting at 8:52 p.m.

**ANNOUNCEMENTS**

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

Sister City Committee	12/08/2008	7:00 p.m.
Board of Zoning Appeals	12/09/2008	6:30 p.m.
Planning Commission	12/09/2008	7:00 p.m.
Park & Recreation Committee	12/10/2008	7:00 p.m.
Council Committee	12/15/2008	6:00 p.m.
Council	12/15/2008	7:30 p.m.

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The Prairie Village Arts Council is pleased to announce a mixed media exhibit by Tom Wilson, Melanie Nolker and Wendy Taylor. The reception will be held on Friday, December 12<sup>th</sup> from 6:30 to 7:30 p.m.

**Don't forget to attend the Mayor's Holiday Party on December 5, 2008 at Homestead Country Club.**

The Employee Appreciation Holiday lunch will be on December 12<sup>th</sup> from noon until 2 p.m. in the Council Chambers. This year's meal will be catered by Mi Ranchito.

The City offices will be closed Thursday, December 25<sup>th</sup> in observance of the Christmas holiday. Deffenbaugh also observes this holiday and trash service will be delayed a day.

The City will once again have Holiday Tree Recycling available for Prairie Village residents. You may take your holiday tree to the designated areas of Porter, Franklin, and Meadowlake Parks, and in the Harmon Park parking lot near the water tower between December 22, 2008 and January 18, 2009.

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



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

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

**ADJOURNMENT**

With no further business to come before the Council, the meeting was adjourned at 8:55 p.m.

Joyce Hagen Mundy  
City Clerk

**CITY TREASURER'S WARRANT REGISTER**

DATE WARRANTS ISSUED:

Warrant Register Page No.   1  

December 10, 2008

**Copy of Ordinance**  
2854

Ordinance Page No.       

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

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

NAME	WARRANT NUMBER	AMOUNT	TOTAL
<b>EXPENDITURES:</b>			
Accounts Payable			
90874-90874	11/5/2008	141.57	
90875-90876	11/7/2008	2,011.49	
90877-90877	11/11/2008	3,515.51	
90878-90969	11/14/2008	985,460.64	
90970-90970	11/14/2008	5,602.00	
90971-90977	11/19/2008	9,936.59	
90978-91045	11/26/2008	332,993.12	
Payroll Expenditures			
11/7/2008		218,835.64	
11/21/2008		225,342.03	
Electronic Payments			
Intrust Bank -credit card fees (General Oper)		546.39	
State of Kansas - sales tax remittance		4.57	
Marshall & Ilsley - Police Pension remittance		7,382.49	
Intrust Bank - fee		367.98	
KCP&L		6,532.44	
CBIZ - Section 125 admin fees		337.92	
Intrust Bank - purchasing card transactions		7,166.06	
United Health Care		74,998.80	
Kansas Gas		1,348.76	
<b>TOTAL EXPENDITURES:</b>			<b>\$ 1,882,524.00</b>
Voided Checks			
Travelers Ins.	#90865	(3,515.51)	
Dialogic Comm	#90901	(5,602.00)	
<b>TOTAL VOIDED CHECKS:</b>			<b>(9,117.51)</b>
<b>GRAND TOTAL CLAIMS ORDINANCE</b>			<b>1,873,406.49</b>

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

Passed this 15th day of December 2008.

Signed or Approved this 15th day of December 2008.

(SEAL)

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

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

\_\_\_\_\_  
Mayor



City Clerk

Council Meeting Date: December 15, 2008  
Consent Agenda

**Approve the issuance of Cereal Malt Beverage Licenses for the following businesses**

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**RECOMMENDATION**

Staff recommends the City Council approve the issuance of Cereal Malt Beverage Licenses for the following businesses for 2009.

Hen House 22 – 4050 West 83<sup>rd</sup> Street  
Hen House 28 – 6950 Mission Road  
Hy-Vee, Inc. – 7620 State Line Road  
PCF SALECO LLC DBA Circle K #6100 – 9440 Mission Road

**SUGGESTED MOTION**

I move that the Cereal Malt Beverage licenses listed above be approved for the 2009 licensing year.

**BACKGROUND**

The State of Kansas requires a Cereal Malt Beverage license for each business selling cereal malt beverages. The listed businesses have submitted applications for a 2009 Cereal Malt Beverage License to allow for the sale of beer in unopened original containers only. These applications are being submitted in accordance with Prairie Village Municipal Code 3-202. The applications are available for review in the City Clerk's Office.

**ATTACHMENTS**

None

**PREPARED BY**

Joyce Hagen - Mundy  
City Clerk

Date: December 11, 2008

**COUNCIL COMMITTEE OF THE WHOLE  
December 1, 2008**

The Council Committee of the Whole met on Monday, December 1, 2008 at 6:00 p.m. The meeting was called to order by Acting Council President Andrew Wang with the following members present: Mayor Shaffer, Al Herrera, Bill Griffith, Ruth Hopkins, Michael Kelly, 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; Karen Kindle, Finance Director; Dennis Enslinger, Assistant City Administrator; Chris Engel, Assistant to the City Administrator and Joyce Hagen Mundy, City Clerk.

David Belz moved the approval of the Consent Agenda for Monday, December 1, 2008:

- **Approve Resolution 2008-07 establishing compensation 2009 ranges for the City of Prairie Village subject to the review and approval of the City Attorney**
- **Approve the recommendations of the Drug and Alcoholism Council of Johnson County contained in the United Community Services Fund Recommendations Report and approve a contribution to UCS of \$15,000 from the 2009 Parks, Recreation & Community Services budget.**
- **Approve a Letter of Understanding with the Johnson County Department of Human Services and Aging for administration of the Utility Assistance Program for Prairie Village residents.**
- **Approve Engineering Change Order #1 with George Butler Associates Inc., for Project 190871: Mission Lane Bridge Replacement in the amount of \$5,000.00 and an additional transfer of \$1,000.00 to cover title search fees.**
- **Approve the purchase of two 2009 Ford F250 ¾ -ton pickup trucks from Shawnee Mission Ford for a total of \$32,584.00.**
- **Approve the purchase of a 2009 model 61-inch lawn mower from Bledsoe's Rental for \$11,090.00.**

**COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

The motion was voted on and passed unanimously.

**COU2008-88 Consider Contingency Allocation for 2008 Property Tax Bill**

Each year the City receives a property tax bill from Johnson County. While the City is tax exempt, the City is still subject to charges assessed by Johnson County Wastewater. Johnson County Wastewater has two special assessments the City pays - the Wastewater Cap and the Wastewater Usage. The City has budgeted for these.

When the City implemented the Stormwater Utility Fee this past summer, the decision was made to assess the fee to the City's parcels. When the 2008 budget was adopted in August of 2007, this expenditure was not included. In addition the numbers included in the 2008 budget were based on amounts paid in 2006, resulting in the following shortfall:

Public Works Department

\$3,542.03

Police Department	\$5,981.05
Administration	\$5,586.07
Parks	<u>\$5,707.89</u>
Total	\$20,817.14

Mayor Shaffer confirmed funds have been included in the 2009 budget for this assessment.

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

**MOVE THE CITY COUNCIL APPROVE ALLOCATING CONTINGENCY IN THE AMOUNT OF \$20,817.14 FOR PAYMENT OF THE CITY'S 2008 PROPERTY TAX COUNCIL ACTION REQUIRED**

**COU2008-89 Consider transfer to Equipment Reserve Fund**

The City Council approved \$130,000 in funding for the purchase of financial/budget software in the 2008 budget. This past summer, the Council approved a contract with Barry Strock Consulting Associates for \$9,990, which was funded from this budget, leaving a balance of \$120,010. Staff is requesting the remaining balance of \$120,010 be transferred to the Equipment Reserve Fund where other technology project budgets and expenditures are accounted for.

Bill Griffith confirmed these funds have already been allocated. Quinn Bennion noted the total amount included in the 2008 budget was for the software and hardware. The determination to have a consultant assist on the project was made after the budget was set. Mr. Griffith asked if staff expected the remaining funds to be sufficient for the purchase of the software. Karen Kindle responded the funding will cover the anticipated costs for the financial software. However, Mr. Bennion added the City is hoping to expand the scope to include more than just budget software with compatible licensing, work order and other related software using funding from the technology funds. Charles Clark noted part of the consultant agreement includes negotiation with the selected vendor on the city's behalf and it is anticipated the savings from that negotiation will be equal to or greater than the cost of his services.

Michael Kelly made the following motion, which was seconded by Ruth Hopkins and passed unanimously:

**MOVE THE CITY COUNCIL APPROVE THE TRANSFER OF \$120,010 FROM THE GENERAL FUND TO THE EQUIPMENT RESERVE FUND FOR THE PURCHASE OF FINANCIAL SOFTWARE**

**COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

**PRESENTATION OF CHEROKEE DRIVE TRAFFIC CALMING AFTER STUDY**

Bob Pryzby briefly reviewed the after study conducted after the installation of traffic calming measures on Cherokee Drive between 71<sup>st</sup> Street and 75<sup>th</sup> Street. The study revealed that after the installation of three speed tables, the average daily traffic on Cherokee Drive from 71<sup>st</sup> Street to 75<sup>th</sup> Street was reduced by 29%. The data collected also indicates that the 85<sup>th</sup>

percentile traffic speeds were reduced by approximately 3 miles per hour. The follow-up origin and destination study was conducted showed a reduction in cut-through traffic in both directions of Cherokee Drive with westbound traffic reduced by 30% and eastbound traffic reduced by 68%.

Mr. Pryzby noted the speed tables have clearly had a positive impact, but noted each area is different and this is not a universal solution. He has informed both new neighborhoods requesting traffic calming that they will be considering both areas around 71<sup>st</sup> Terrace and 71<sup>st</sup> Street together when they meet in late January.

Michael Kelly stated he has spoken with approximately 30 residents from the area and they have all been very pleased with the results. Ruth Hopkins asked if the City had received any complaints on the speed tables or displaced traffic. Mr. Pryzby responded he has not.

Andrew Wang said that there had been at least two residents in the immediate area that were not happy with the proposed calming solutions, but he had not heard from them since their installation.

Al Herrera stated the neighborhood may be happy, but he does not feel this is the answer as it is merely displacing the traffic. Mr. Pryzby stated he feels the majority of the traffic has been displaced to 75<sup>th</sup> Street as intended. Dale Beckerman asked what the prospect was for 71<sup>st</sup> Terrace to slow down traffic. Mr. Pryzby stated that area will be examined with a broader scope. He noted speed tables located throughout the City is not traffic calming.

Bill Griffith asked Chief Jordan about the prevailing speed vs. the posted speed. Chief Jordan responded the reference is to the 85% calculation which states the prevailing speed of 85% of the traffic should be the posted speed if there are no contradicting recommendations from traffic engineers.

**COU2008-97 Consider approving an amendment to the Police Pension Plan for required distributions at age 70 ½ in order to comply with Internal Revenue Code Section 401(a)(9)**

Charles Clark stated the IRS is requiring that governmental entities submit an application for their pension plans for a determination letter by January 31, 2009. In order for the City to submit the application for determination, the Police Pension Plan must be updated to include all applicable regulations. The Police Pension Plan was reviewed by Lathrop & Gage to determine issues of compliance and recommended an amendment for Internal Revenue Code Section 401(1)(9), which covers required distributions at age 70 ½ be approved prior to submitting for the IRS review. The implementation of this amendment will not have a financial impact on the plan. .

Charles Clark made the following motion, which was seconded by Andrew Wang and passed unanimously:

**MOVED THE GOVERNING BODY APPROVE THE AMENDMENT TO THE POLICE PENSION PLAN IN ORDER TO COMPLY WITH INTERNAL REVENUE CODE SECTION 401(a)(9), ADDING REQUIRED DISTRIBUTIONS AT AGE 70 ½.**

**COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

**COU2008-90 Consider amendments to Chapter Four of City Code regarding contractor certification and approval of an interlocal agreement with Johnson County Licensing Program**

Jim Brown, City Building Official, stated the Prairie Village Municipal Code, PVMC Chapter 4, Article 1, 4-105 (Ord. 2051, Sec 3, 2003 & Ord. 2139, Sec.1, 2007) sets forth the requirements for contractor licensing within the City of Prairie Village, whereas all electrical, plumbing and mechanical contractors must show proof of passing the Nationally Recognized Exam, Block/Experior, Thompson Prometric or ICC. The City of Prairie Village does not presently stipulate any requirements for general contractors.

In the past, the City of Prairie Village did not accept the Johnson County Contractor License as qualifying documentation to obtain a contractor license in the City of Prairie Village. This was because Johnson County did not necessarily require the Block/Experior, Thompson Prometric, or ICC exam.

Recently, Johnson County changed this requirement and currently the 2008 Johnson County Contractor Licensing Application states as follows:

***“Qualification requirements for all license classes”***

*“A full time employee that has passed the appropriate Nationally Recognized Exam (Block/Experior, Thompson Prometric, or ICC exam) with a score of 75% or higher for the appropriate license category. License types DM, DE, DF, DR and DS require certification of Master Designation through the appropriate Nationally Recognized Exam with a score of 75% or higher.”*

Johnson County License Types are as follows:

- A-** General Contractor (construct, remodel, repair and demolish any structure)
- B-** Building Contractor (construct, remodel, repair and demolish any structure not exceeding 3 stories in height)
- C-** Residential Contractor (construct, remodel, repair and demolish single family or duplex residences)
- DM-** Mechanical Contractor
- DE-** Electrical Contractor
- DP-** Plumbing Contractor
- DF-** Fire Protection Contractor
- DR-** Roofing Contractor
- DS-** Swimming Pool Contractor

Mr. Enslinger noted Johnson County Licensing requires items over and beyond our present requirements thus helping to assure only qualified contractors are licensed. These additional requirements include, but are not limited to, the following:

1. Proof of General Liability and Workman’s Compensation Insurance
2. Valid driver’s License or Government Issued Photo ID

3. Secretary of State Certificate of Good Standing
4. Minimum 8 hours of continuing education per year

It is staff's recommendation effective 12/15/08, that we accept the Johnson County Contractor License as proof of meeting the licensing requirements within the City of Prairie Village. By so doing, we can assure the most qualified contractors are licensed, expedite our contractor license renewals and eliminate any further explanations to contractors as to why we do not presently accept the Johnson County License.

Ruth Hopkins asked how contractors would be notified of the change. Mr. Brown stated the information will be sent out with the non-domiciled business license applications.

Quinn Bennion noted the cities of Prairie Village, Merriam and Mission Hills are the only cities that do not currently require contractors to have a Johnson County Contractor License. Dennis Enslinger added this will make licensing more uniform throughout the area.

Michael Kelly asked how many contractors the City licensed. Jim Brown responded approximately 650. Bill Griffith asked what the licensing fee was. Mr. Brown responded \$65. Mr. Griffith confirmed contractors would be required to get both the Johnson County Contractor License and the City License. He noted this is what makes northeast Johnson County difficult to work in with each city requiring duplicate licenses. He sees the merit to having the same requirements, but is against contractors having to get multiple licenses.

Dennis Enslinger responded it is common practice for each City to require a city license. By requiring the Johnson County Contractor's License the residents are getting the benefit of contractors having liability insurance.

Ruth Hopkins supports the individual city license fee as a way to cover the cost of the services. Mr. Enslinger noted all the related fees located do not capture the cost of the services provided. The department receives very few complaints regarding building inspections. The City provides inspection services not provided by other cities. The inspections ensure the contractors are in compliance with city and code regulations on behalf of the property owner. Quinn Bennion noted that if a contractor is working in other cities, he will already have the Johnson County License. This will be an additional license for very few contractors.

Andrew Wang asked if this would increase the City's regulatory power. Jim Brown responded it would in that if a complaint is filed against a contractor their license could be revoked.

Dennis Enslinger stated in order to do so, the City's current code, PVMC Chapter 4, Article 1, Section 4-105, needs to be amended to reflect the proposed change. It will also be necessary for the City to enter into an Interlocal Agreement with the Board of County Commissioners of Johnson County, Kansas regarding the administration and implementation of the Johnson County Contractor Licensing Program.

Michael Kelly made the following motion, which was seconded by Ruth Hopkins and passed by a vote of 9 to 1 with Mr. Griffith voting "nay".



**MOVE THE CITY COUNCIL ADOPT ORDINANCE 2184 AMENDING CHAPTER 4 OF THE PRAIRIE VILLAGE MUNICIPAL CODE, 2003, ENTITLED "BUILDINGS AND CONSTRUCTION" BY REPEALING ARTICLE 4-105 ENTITLED "AMENDMENTS TO SECTION 105.3" AND ADOPTING A NEW ACTICLE 4-105 ENTITLED "AMENDMENTS TO SECTION 105.3" AND APPROVE AN INTERLOCAL AGREEMENT WITH THE BOARD OF JOHNSON COUNTY COMMISSIONERS OF JOHNSON COUNTY, KANSAS REGARDING THE ADMINISTRATION AND IMPLEMENTATION OF THE JOHNSON COUNTY CONTRACTOR LICENSING PROGRAM**

**COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

**Review draft cell tower regulations**

Dennis Enslinger reported over the past several months the Planning Commission has been considering changes to the city's cell tower policy focusing on the following areas:

- Policy vs. Ordinance
- Adding Setbacks
- Adding Buffers
- Integration of Towers in Existing Buildings in Residential Areas
- Documentation of Sites Evaluated
- Master Plan of anticipated Locations by Provider
- Site Maintenance
- Golden Factors

Mr. Enslinger reviewed the major changes being proposed by the Planning Commission.

**1. Policy vs. Ordinance**

There are advantages and disadvantages to either approach. The primary advantage to a policy is that it can be changed quicker and easier than an ordinance. It should be noted, however, that the current policy has not been changed since it was adopted in 1996. A policy can be more responsive to change because hearings and publications are not required. Most of the neighboring communities have adopted ordinances and ordinances are more rigid than policies. Some individuals believe that an ordinance may standup better in a court of law than a policy.

***After reviewing the merits of a policy vs. an ordinance, the Planning Commission recommends the adoption of an ordinance. The ordinance provisions would be located in a new Chapter, Wireless Communications, and would allow for some applications to be conducted as a site plan approval (staff/Planning Commission review) while others would required a Special Use Permit (Planning Commission and City Council review).***

## 2. Adding Setbacks

In reviewing ordinances from other cities and model codes, there is a wide variation for the setback requirement. In order to understand the impact of the various setback alternatives, staff conducted a setback analysis related to specific sites within the City of Prairie Village. Ordinance provisions in neighboring communities use the height of the tower, 200 feet and 500 feet as setbacks.

Residents in Prairie Village have favored greater setbacks such as 500 feet. If a 500 feet setback were used, the site would need to be at least 1,000 feet in each direction. There are currently only two properties in Prairie Village large enough to meet this setback and they are Shawnee Mission East High School and Meadowbrook Country Club.

If the setback is reduced to 200 feet, a 400' x 400' site, a number of other sites are large enough in area to accommodate a tower. Those sites are:

### Public Sites

Indian Hills Middle School  
Corinth Elementary School  
Briarwood Elementary School  
Belinder Elementary School  
Somerset Elementary School (Roseland)  
City Hall  
Porter Park  
Harmon Park  
Franklin Park  
Prairie Elementary School

### Private Sites

St. Ann School  
Homestead Country Club  
The Village Center  
Corinth Square  
Hy-Vee Center  
Meadowbrook Village

No existing church sites are adequate in size to meet either the 500 feet or 200 feet minimum setback from the property line.

***Based upon the study, the Planning Commission is recommending the following setbacks:***

- ***Monopole or towers shall have a minimum distance from all property lines equal to the height of the tower times a multiplier of 1.5 but shall not be required to setback more than 200 feet from the property line.***
- ***Stealth towers that are truly integrated into the building shall maintain the same setbacks that are required for the primary building.***

***This would mean that if a tower could not meet these requirements a variance would need to be secured. It should be noted that this would limit the number of locations within the city that a monopole or tower could be constructed without Board of Zoning Appeals (BZA) approval. An alternative to BZA approval would be to allow for either the Planning Commission or City Council to grant a waiver from the setback provisions (this is not currently in the proposed ordinance provisions).***

Mr. Enslinger noted the granting of a waiver could require a higher vote than a simple majority. He noted strict enforcement of the proposed language without any waivers may result in shorter towers without co-location.

Diana Ewy Sharp noted that McCrum Park and the Fire Station would not meet the proposed criteria. Mr. Enslinger stated they possibly could have a shorter tower under the proposer 1.5 multiplier. Ms Ewy Sharp noted there are areas of the City where towers would not be allowed. Mr. Enslinger stated towers could still be constructed; however, they would have to be incorporated into a structure.

Charles Clark noted none of the identified areas are in the northwest corner of the City. He feels this creates a potential for lawsuits and would like to see the City Council have the ability to waive the setback requirement. He sees this as more of a political issue than a design issue and should be addressed by the City Council and not the Planning Commission. Dale Beckerman agreed the language seems to be too restrictive. Mr. Enslinger responded it does not prohibit towers but does preclude the design that is appropriate.

Mr. Enslinger asked if a waiver was allowed if the Council would like to have it as an open waiver, a waiver set on meeting certain criteria, or otherwise restricted. He noted most of the sites in Prairie Village would be zoned residential or surrounded by residential property.

Ruth Hopkins stated she would prefer an ordinance that can be lived with than to allow waivers.

David Morrison asked a 100' tree would be allowed. Mr. Enslinger responded it would be difficult to make a 100' tree blend into the landscape. Mr. Morrison asked if a tree would be considered integrated. Mr. Enslinger replied the Commission's view was to incorporate into an architectural structure.

Mr. Beckerman asked for background on policy vs. ordinance.

### **1. Policy vs. Ordinance**

There are advantages and disadvantages to either approach. The primary advantage to a policy is that it can be changed quicker and easier than an ordinance. It should be noted, however, that the current policy has not been changed since it was adopted in 1996. A policy can be more responsive to change because hearings and publications are not required. Most of the neighboring communities have adopted ordinances and ordinances are more rigid than policies. Some individuals believe that an ordinance may stand up better in a court of law than a policy.

***After reviewing the merits of a policy vs. an ordinance, the Planning Commission recommends the adoption of an ordinance. The ordinance provisions would be located in a new Chapter, Wireless Communications, and would allow for some applications to be conducted as a site plan approval (staff/Planning Commission review) while others would require a Special Use Permit (Planning Commission and City Council review).***

Al Herrera stated he would like to see an ordinance that specifically identifies where towers can be located similar to the language found in other cities' regulations. Mr. Enslinger responded the Planning Commission in essence does that with the establishment of setbacks and allowing integration into structures. He added if the tower/antenna were integrated into another structure, the application would not require a Special Use Permit with a public hearing, but would require only site plan approval and would be subject to the existing setbacks. Mr. Enslinger stated he was not aware of an ordinance that designates specific locations. He noted to do so would be similar to zoning which would require notification and public hearings. If the City wants to provide guidance, it should be done through the comprehensive plan where appropriate areas could be identified.

Ruth Hopkins asked how many structures in the City have the necessary height to accommodate a tower or antennas. Mr. Enslinger stated there are a number of churches and school buildings. The Fire Station had discussed creating a monument as the structure in which to incorporate the antenna.

Mr. Herrera read from the City of Leawood and Fairway regulations on the location of cell towers. Mr. Enslinger noted these ordinances create a checklist of general areas. He raised the question "is a church considered residential property". In essence the setback regulations proposed effectively provide the same kind of criteria and restrictions.

David Belz stated he agreed with Mrs. Hopkins' comment questioning the value of an ordinance if it allows the Council to waive its requirements. The ordinance would provide more strength and the residents are more comfortable with an ordinance. However, he sees a need for the waiver to address those areas of the city where strict adherence to the setback regulation would not allow for construction of a monopole. Mr. Enslinger responded the ordinance provides several options and provisions for the Commission the only area for which a waiver would be allowed is the setback.

Charles Clark stated he supports the ordinance as proposed with the waiver to the setback requirements being granted by the City Council rather than the Board of Zoning Appeals or the Planning Commission, as it is more of a political issue than a design issue.

Michael Kelly stated he also supports the ordinance format, but he agrees with Mr. Herrera that areas should be more clearly identified.

Diana Ewy Sharp asked if the setback requirements could be taken out of the regulations. Mr. Enslinger stated there are still other criteria on which to base action, but noted the setback was strongly supported by the neighborhood, In fact, they wanted a 500' setback.

Al Herrera feels the proposed ordinance leaves the location too open. Mr. Clark disagreed noting that under the setback regulations are only sixteen possible sites for a stand alone tower.

David Morrison stated he supported the ordinance. Dale Beckerman asked if the school sites were truly options. Mr. Enslinger stated currently there are no towers on any Shawnee Mission

School District sites. The School Board has not been open to having towers locate on their property. However, he noted the Fire District Board was previously not open to installations; however, with change of Board members and other conditions; they are now seeking a provider.

David Belz expressed concern with the ordinance denying the Federal regulations. Mr. Enslinger stated that if the proposed ordinance is declared non-compliant so will every city's regulations in the area.

Charles Clark made the following statement, which was seconded by David Belz and passed by a vote of 9 to 1 with Ruth Hopkins voting "nay":

**MOVE THE CITY COUNCIL SUPPORT THE PROPOSED REVISIONS TO THE CITY'S CELL TOWER REGULATIONS WITH THE CHANGE THAT THE CITY COUNCIL BE THE BODY FROM WHICH A WAIVER TO THE SETBACK REQUIREMENTS IS GRANTED**

Dennis Enslinger added one other issue mentioned by several City Council members was whether or not Special Use Permits would be subject to protest petitions. Other communities which process wireless communication facilities under the Special Use Permitting process allow for the submission of protest petitions, which if determined valid, would require a 3/4 majority of the Council (10 votes) to approve the Special Use Permit. It should be noted that if a protest petition is allowed it is typically applied to all Special Use Permits not a selective class of permits such as cell towers. Therefore, if City Council would like to provide this provision staff would recommend that it be applied to all Special Use Permits. This issue was not reviewed by the Planning Commission.

The City Council agreed the provision should be applied consistently to all Special Use Permits.

**Review Plans for CVS at Corinth Shopping Center**

Dennis Enslinger noted at the November 17, 2008 Council Committee of a Whole, staff briefed the Committee on the proposed plans for the CVS at Corinth Square Shopping Center. The proposed development requires the approval of a site plan and an associated Conditional Use Permit for a drive-through facility. Because the site plan and Conditional Use Permit are not reviewed by the City Council, it was determined that the Council would like the opportunity to provide comment to the Planning Commission regarding this item.

While there are a number of concerns with traffic circulation, site plan layout and the overall building elevations, staff has been especially concerned with the impact of the proposed development in relation to the goals and priorities established in Village Vision. This will be the first development in Corinth Square since the approval of Village Vision.

Chapter 7, Center Redevelopment – Corinth Square establishes a goal of redeveloping of Corinth Square Shopping Center into a mixture of uses as the true center of the community,

not strictly as a shopping center, with commercial being the only or predominant use (page 7.5). Village Vision further states that the center should be a “town center” configuration, which includes multi-story structures (page 7.7).

Village Vision makes a number of recommendations regarding the redevelopment of Corinth Square by looking at the Public Realm and the Private Realm. In the Public Realm, Village Vision recommends creating multiple smaller blocks, providing formal and informal gathering spaces, pulling the buildings closer to the street, providing on-street parking, and creating a pedestrian oriented streetscape and building designs.

In the Private Realm, Village Vision recommends the integration of uses vertically by providing mixed use in multi-story structures, screening of parking areas through the use of buildings and other methods, and providing structured parking which could be private, public, or private/public partnership.

Village Vision anticipates that redevelopment of Corinth Square will occur in an incremental fashion, allowing for many of the current uses in the development to transition into new buildings. The proposed CVS development appears to be an opportunity to begin this transition since CVS is currently located within the shopping center.

The proposed CVS development does not meet a number of the recommendations contained within Village Vision. These include: enhancement of the pedestrian activity at the street level, creation of a pedestrian oriented center, screening of parking areas through the use of building or other methods, and the vertical integration of uses. In addition, it is important to note that all four sides (elevations) of the proposed CVS building will be visible from the right-of-way. Staff has expressed concern over the proposed elevations based upon their visibility from the street and the lack of pedestrian/scale and orientation.

Mr. Enslinger reported staff has met with representatives of Highwoods and CVS to discuss their concerns resulting in minimal changes to the site plan. The current recommendation of staff will be for the Commission to deny the application based on its failure to address Planning Commission concerns and the direction given in Village Vision. Mr. Enslinger noted CVS has altered its store design in other locations to address concerns of the City and neighborhood. He shared photographs from a CVS in a mixed use development in Florida and noted the proposed CVS on the corner of 95<sup>th</sup> & Mission has been altered from its standard design to be more compatible with the shopping center. Mayor Shaffer noted a recent article in Ingram's Mazagine presented an alternative design of a CVS building at \_\_\_\_\_.

Charles Clark made the following statement, which was seconded by Michael Kelly and passed unanimously:

**The City Council is excited that CVS Pharmacy is looking at alternative sites within the Corinth Square Shopping Center and hopes that Highwoods, Cedarwood Development, and CVS can work with the Planning Commission to develop a plan that achieves the goals of the City's Comprehensive Plan, Village Vision, and meets the needs of CVS, Highwoods and Cedarwood Development.**

While there are a number of challenges in achieving the vision set forth in Village Vision of developing the Corinth Square Shopping Center into a mixed use town center configuration, the City is committed to working with Highwoods and identifying opportunities, including possible public/private partnerships, which help to achieve this vision.

David Belz asked what the expected response of Highwoods would be. Mr. Enslinger responded the staff report would be distributed to them prior to the meeting allowing them to withdraw the application or request a continuance.

### **ADJOURNMENT**

With no further business to come before the Council Committee of the Whole, Acting President Andrew Wang adjourned the meeting at 7:30 p.m.

Andrew Wang  
Acting Council President

**RESOLUTION** 2008-07

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

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

**NOW, THEREFORE**, be it resolved the Governing Body of the City of Prairie Village, Kansas, hereby adopts the following compensation ranges for 2007:

Compensation generally.

The elected officers, appointive officers and employees of the city shall be compensated within the salary ranges provided in this section. The amount of compensation shall be fixed by the Governing Body in accordance with personnel procedures as adopted by the Governing Body from time to time, provided, however, that the salaries and compensation during calendar year 2008 shall be within and determined by the following ranges:

	<b>2008</b>	
	<u>Minimum</u>	<u>Maximum</u>
<b>000 ADMINISTRATIVE SUPPORT</b>		
Receptionist A	29,300	43,900
Receptionist B	21,900	32,900
Administrative Support Specialist A	29,300	43,900
Administrative Support Specialist B	27,400	41,000
Management Intern	37,000	55,400
Management Assistant	51,000	76,600
Executive Assistant	37,000	55,400
Court Clerk A	29,300	43,900
Court Clerk B	26,400	39,600
Accounting Clerk A	29,300	43,900
Accounting Clerk B	25,400	38,000
Office Manager	38,400	57,600
Code Enforcement Officer	35,500	53,300
Building Inspector	38,500	57,700
Human Resources Specialist	39,800	59,800
Court Administrator	43,200	64,800
Building Official	55,100	82,700
City Clerk	51,100	76,700
Finance Director	75,200	112,800
Assistant City Administrator	68,000	102,000
City Administrator	101,300	151,900



**100 PUBLIC WORKS**

Laborer	23,200	32,800
Maintenance Worker	29,800	42,000
Senior Maintenance Worker	35,800	50,500
Crew Leader	41,100	58,000
Mechanic	31,500	47,300
Construction Inspector	38,500	57,700
Field Superintendent	49,800	74,600
Manager of Engineering Services	55,100	82,700
Public Works Director	79,600	119,400

**200 PUBLIC SAFETY**

Records Clerk A	29,300	43,900
Records Clerk B	28,600	43,000
Property Clerk	30,300	45,500
Community Service Officer A	30,200	45,200
Community Service Officer B	28,700	43,100
Dispatcher	32,500	49,700
Communications Supervisor	44,100	66,100
Police Officer	37,000	57,800
Police Corporal	49,600	66,100
Police Sergeant	58,700	78,200
Police Captain	68,500	102,700
Police Chief	78,600	117,800

**Police Officer Step System**

	<b>2007</b>	<b>2008</b>
1	36,000	37,000
2	37,125	38,150
3	38,250	39,300
4	39,375	40,450
5	40,500	41,600
6	41,625	42,750
7	42,750	43,900
8	43,875	45,050
9	45,000	46,200

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

<u>Seasonal/Part-Time Employees</u>	<u>Minimum</u>	<u>Maximum</u>
Seasonal Worker (hourly)	8.46	12.62
Tennis Assistant (hourly)	8.46	17.96
Concession Stand Worker (hourly)	6.55	8.86
Clerical Assistant (hourly)	8.98	13.18
Assistant Pool Manager (hourly)	9.49	15.80
Bailiff (hourly)	10.52	12.62
School Crossing Guards (session)	11.39	11.39
Swim/Dive Coaches (season)	2,108	5,797
Synchronized Coaches (season)	1,057	1,898
Assistant Synchronized Coach (season)	685	1,159
Assistant Coaches (season)	1,231	1,539
Pool Manager (season)	9,491	19,494

Employee/Consultant

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

Part-time Appointed Officials - Part-time appointed officials shall be compensated as follows in 2008:

	Ranges	
	<u>Minimum</u>	<u>Maximum</u>
Municipal Judge(s)	\$ 1,159	\$ 1,590
City Attorney (hourly)	\$ 108	\$ 180
Asst. City Attorney (hourly)	\$ 108	\$ 133
City Prosecutor (monthly)	\$ 1,580	\$ 1,898
City Prosecutor (hourly)	\$ 108	\$ 133
Treasurer	\$ 344	\$ 431

**BE IF FURTHER RESOLVED** that, the following ranges are hereby established for the calendar year 2008 for individuals employed by the City in the following classifications on December 31, 2008:

	<b>Annual Min.</b>	<b>Annual Max.</b>
Receptionist	29,300	43,900
Administrative Support Specialist	29,300	43,900
Court Clerk	29,300	43,900
Accounting Clerk	29,300	43,900
Community Service Officer	30,200	45,200

**Adopted this** \_\_\_\_\_ **Day of** \_\_\_\_\_.

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

ATTEST:

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

2009 ALCOHOL TAX FUND DISTRIBUTION BY PROGRAM

	<b>PRAIRIE VILLAGE</b>
	\$15,000
UCS administration plus special project	\$1,106
Blue Valley School District	\$0
DeSoto School District	\$0
Gardner/Edgerton School District	\$0
Olathe School District	\$0
Shawnee Mission School District	\$532
Spring Hill School District	\$0
Cypress Recovery, Inc.	\$1,218
Champions of Life	\$183
Friends of Recovery	\$347
The Family Conservancy	\$366
Heartland Regional Alcohol & Drug Assessment Center	\$731
Intensive Family Counseling	\$623
Johnson County Library	\$73
Johnson County Mental Health Center Adolescent Center for Treatment	\$1,796
Johnson County Mental Health Center Adult Detoxification Unit	\$3,246
Johnson County Mental Health Center Regional Prevention Center	\$1,068
Johnson County Dept. of Corrections	\$358
Johnson County Court Services	\$565
Marillac	\$409
National Council on Alcohol & Drug Dependence	\$183
SAFEHOME	\$218
Salvation Army/Harbor Light	\$756
Salvation Army/Olathe Adult Treatment	\$634
TLC for Children and Families	\$588

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

**2009 PROGRAM YEAR**

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

The parties do mutually agree to as follows:

**I. ELIGIBILITY**

Human Services & Aging will determine eligibility using the following factors:

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

**II. BENEFIT & SERVICE PROVIDED**

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

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

III. CONSIDERATION

In consideration of the above provisions the City will contribute \$ \_\_\_\_\_  
for the services listed in this Letter of Understanding for the **calendar year of 2009.**

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

IV. SPECIAL PROVISIONS

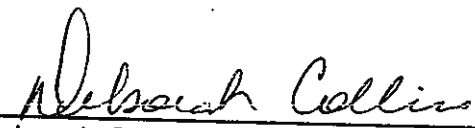
- A. Any exceptions to the above procedures will be discussed, and mutually agreed upon by a designated representative of the City and the County.
- B. The benefit amount to City residents will be reduced, when either City or County funds have been exhausted.
- C. This Letter of Understanding may be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

Executed in duplicate and on the date listed below.

**The City of Prairie Village**

**Johnson County Human Services & Aging**

\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Deborah Collins  
Director, Human Services & Aging

\_\_\_\_\_  
Title

10/28/08  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

CITY OF PRAIRIE VILLAGE  
PUBLIC WORKS DEPARTMENT

CHANGE ORDER NO. 1

Consultant's Name George Butler Associates, Inc.

Project Title: Design of Mission Lane Bridge Owner's Project No. 190871

Date Requested November 19, 2008 Consultant's Project No. 11716

Original Agreement Date March 24, 2008

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

Prepare an Ownership and Easement drawing for the Prairie Village Shopping Center Area based on ownership and encumbrance report numbers OE0809025, OE0809026 and OE0809027 provided by the City of Prairie Village. The drawing will be done in color for the ease of ownership discernment.

(Attach additional pages as necessary)

Original Agreement Amount	\$ <u>133,321.00</u>
Net Previous Change Orders	\$ <u>0.00</u>
Subtotal	\$ <u>133,321.00</u>
Net Increase or Decrease this Change Order	\$ <u>5,000.00</u>
New Agreement Amount	\$ <u>138,321.00</u>

The Agreement Completion Date has not changed

MANAGER OF ENG. SERVICES

CITY OF PRAIRIE VILLAGE, KANSAS

By Tom Trienens  
Tom Trienens, P.E.

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

CONSULTANT

By Clarence D Munsch  
Clarence D Munsch, P.E.



## PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: December 1, 2008

Council Meeting Date: December 15, 2008

### CONSIDER PURCHASE OF 2009 PICKUP TRUCK

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#### RECOMMENDATION

Staff recommends the City Council approve the purchase of two 2009 Ford F250 ¾-Ton pickup trucks from Shawnee Mission Ford for \$32,584.00 (\$16,292.00 each).

#### BACKGROUND

The 2009 Public Works Operating Budget contains a line item to replace two pickup trucks - #1050 - 2001 ¾-ton pickup with 64,851 miles and #1596 - 1999 ¾-ton pickup with 64,395 miles. Both trucks will be assigned to the Drain crews.

The new trucks will be purchased using the State of Kansas Bid. In the past, Public Works has purchased bids using the MARC bids which are for Dodge pickups and are slightly more (\$58.00) than the Ford. The existing City fleet of pickups is Ford. Additionally, the bidder of the Dodge pickup is in Odessa, MO while the Ford bidder in Shawnee, KS>

#### FUNDING SOURCE

Funding is available in the 2009 Public Works operating budget.

#### RELATION TO VILLAGE VISION

- CCF3a*    *Ensure streets and sidewalks are in good condition by conducting maintenance and repairs as needed.*
- TR3c*    *Ensure the quality of the transportation network with regular maintenance as well as efficient responses to seasonal issues such as snow removal.*

#### PUBLIC NOTICE

None required.

#### ATTACHMENTS

None

#### PREPARED BY

S Robert Pryzby, Director of Public Works

Date: December 12, 2008



## PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: December 1, 2008

Council Meeting Date: December 15, 2008

### CONSIDER PURCHASE OF 61-INCH RIDING MOWER

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#### RECOMMENDATION

Staff recommends the City Council approve purchase of 2009 model 61-inch riding lawn mower from Bledsoe's Rental for \$11,090.00.

#### BACKGROUND

The 2009 Public Works Operating budget has a line item to replace #1216 - a 2004 61-inch SCAG riding mower with 1,153 hours of operation. The replacement machine is a SCAG which has been a good operating machine. The dealer has provided excellent service and warranty. Parts and service are in Kansas City, MO.

Two additional quotations were obtained. Lawn & Leisure in Lee's Summit quoted \$10,645.00. Smithy's Lawn & Garden Equipment in Olathe quoted \$10,876.00. The decision to purchase from Bledsoe's is based on location of dealer and past service.

#### FUNDING SOURCE

Funding is available in the 2009 Public Works Operating Budget.

#### RELATION TO VILLAGE VISION

##### *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*

#### PUBLIC NOTICE

None required.

#### ATTACHMENTS

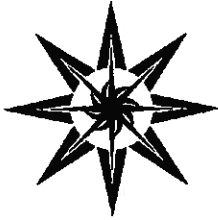
None

#### PREPARED BY

S Robert Pryzby, Director of Public Works

Date: November 24, 2008





## ADMINISTRATION

Council Meeting Date: December 15, 2008  
Committee Meeting Date: December 1, 2008

### COU2008-89 Consider Transfer to Equipment Reserve Fund

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#### RECOMMENDATION

The Council approve transferring \$120,010 from the General Fund to the Equipment Reserve Fund for the purchase of the Financial Software.

COUNCIL ACTION REQUESTED ON December 15, 2008

#### SUGGESTED MOTION

Move to approve transferring \$120,010 from the General Fund to the Equipment Reserve Fund for the purchase of the Financial Software.

#### BACKGROUND

The Council approved \$130,000 in funding for the purchase of financial/budget software in the 2008 Budget. This past summer, the Council approved a contract with Barry Strock Consulting Associates for \$9,990, which was funded from this budget, leaving a balance of \$120,010. Staff is requesting that the remaining budget of \$120,010 be transferred to the Equipment Reserve Fund where other technology project budgets and expenditures are accounted for.

#### FUNDING SOURCE

2008 Financial Management Program Budget

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Prepared By:

Karen Kindle

Finance Director

Date: November 24, 2008

**FIRST AMENDMENT  
TO THE  
PRAIRIE VILLAGE, KANSAS POLICE DEPARTMENT  
RETIREMENT PLAN**

(as amended and restated effective January 1, 2006)

Section 18.02 of the Prairie Village, Kansas Police Department Retirement Plan (the "Plan") maintained by the City of Prairie Village, Kansas (the "City"), provides that the City may amend the Plan at any time and from time to time. In accordance with the provisions of that Section, the Plan is amended as follows:

1. A new Section 9.05(B) shall be added to the Plan as follows:

(B) With respect to distributions under the Plan made for calendar years beginning on or after January 1, 2004, the minimum distribution requirements of the final and temporary Treasury regulations issued under Section 401(a)(9) of the Code on April 17, 2002 shall apply as follows:

- (1) General Rules.

(a) All distributions required under this Section shall be determined and made in accordance with Code §401(a)(9), including the incidental death benefit requirement in Code §401(a)(9)(G), and the Treasury regulations issued thereunder.

(b) Subject to the joint and survivor annuity requirements of the Plan, the requirements of this Section 9.05(B) shall take precedence over any inconsistent provisions of the Plan.

- (c) TEFRA Section 242(b)(2) Elections.

(i) Notwithstanding the other provisions of this Section, other than Section 9.05(B)(1)(a), distributions may be made on behalf of any Participant, including a five percent (5%) owner, who has made a designation in accordance with Section 242(b)(2) of the Tax Equity and Fiscal Responsibility Act (TEFRA) and in accordance with all of the following requirements (regardless of when such distributions commence):

(A) The distribution by the Plan is one which would not have disqualified such Plan under Code §401(a)(9) as in effect prior to amendment by the Deficit Reduction Act of 1984.

(B) The distribution is in accordance with a method of distribution designated by the Participant whose interest in the Plan is being distributed or, if the Participant is deceased, by a beneficiary of such Participant.

(C) Such designation was in writing, was signed by the Participant or beneficiary, and was made before January 1, 1984.

(D) The Participant had accrued a benefit under the Plan as of December 31, 1983.

(E) The method of distribution designated by the Participant or the beneficiary specifies the time at which distribution will commence, the period over which distributions will be made, and in the case of any distribution upon the Participant's death, the beneficiaries of the Participant listed in order of priority.

(ii) A distribution upon death will not be covered by the transitional rule of this Subsection (1)(c) unless the information in the designation contains the required information described above with respect to the distributions to be made upon the death of the Participant.

(iii) For any distribution which commences before January 1, 1984, but continues after December 31, 1983, the Participant, or the beneficiary, to whom such distribution is being made, will be presumed to have designated the method of distribution under which the distribution is being made if the method of distribution was specified in writing and the distribution satisfies the requirements in (i)(A) and (i)(E) of this Subsection (1)(c).

(iv) If a designation is revoked, any subsequent distribution must satisfy the requirements of Code §401(a)(9) and the Treasury regulations thereunder. If a designation is revoked subsequent to the date distributions are required to begin, the Plan must distribute by the end of the calendar year following the calendar year in which the revocation occurs the total amount not yet distributed which would have been required to have been distributed to satisfy Code §401(a)(9) and the Treasury regulations thereunder, but for the §242(b)(2) election. For calendar years beginning after December 31, 1988, such distributions must meet the minimum distribution incidental benefit requirements. Any changes in the designation will be considered to be a revocation of the designation. However, the mere substitution or addition of another beneficiary (one not named in the designation) under the designation will not be considered to be a revocation of the designation, so long as such substitution or addition does not alter the period over which distributions are to be made under the designation, directly or indirectly (for example, by altering the relevant measuring life).

(v) In the case in which an amount is transferred or rolled over from one plan to another plan, the rules in Treasury regulation Section 1.401(a)(9)-8, Q&A-14 and Q&A-15, shall apply.

(2) Time and Manner of Distribution.

(a) The Participant's entire interest will be distributed, or begin to be distributed, to the Participant no later than the Participant's "Required Beginning Date."

(b) If the Participant dies before distributions begin, the Participant's entire interest will be distributed, or begin to be distributed, no later than as follows:

(i) If the Participant's surviving spouse is the Participant's sole "Designated Beneficiary," then distributions to the surviving spouse will begin by December 31st of the calendar year immediately following the calendar year in which the Participant died, or by December 31st of the calendar year in which the Participant would have attained age 70 1/2, if later.

(ii) If the Participant dies before distributions begin and there is a "Designated Beneficiary," then the Participant's entire interest will be distributed to the "Designated Beneficiary" by December 31st of the calendar year containing the fifth anniversary of the Participant's death. If the Participant's surviving spouse is the Participant's sole "Designated Beneficiary" and the surviving spouse dies after the Participant but before distributions to either the Participant or the surviving spouse begin, then this Section 9.05(B)(2)(b)(ii) will apply as if the surviving spouse were the Participant. This Section 9.05(B)(2)(b)(ii) will apply to all distributions other than distributions to a surviving spouse.

(iii) If there is no "Designated Beneficiary" as of September 30th of the year following the year of the Participant's death, the Participant's entire interest will be distributed by December 31st of the calendar year containing the fifth anniversary of the Participant's death.

(iv) If the Participant's surviving spouse is the Participant's sole "Designated Beneficiary" and the surviving spouse dies after the Participant but before distributions to the surviving spouse begin, then this Section 9.05(B)(2), other than Section 9.05(B)(2)(b)(i), will apply as if the surviving spouse were the Participant.

For purposes of this Section 9.05(B)(2) and Section 9.05(B)(5), distributions are considered to begin on the Participant's "Required Beginning Date" (or, if Section 9.05(B)(2) applies, the date distributions are required to begin to the surviving spouse under Section 9.05(B)(2)(b)(i)). If annuity payments irrevocably commence to the

Participant before the Participant's "Required Beginning Date" (or to the Participant's surviving spouse before the date distributions are required to begin to the surviving spouse under Section 9.05(B)(2)(b)(i)), the date distributions are considered to begin is the date distributions actually commence.

(c) Unless the Participant's interest is distributed in the form of an annuity purchased from an insurance company or in a single sum on or before the "Required Beginning Date," as of the first "Distribution Calendar Year" distributions will be made in accordance with Sections 9.05(B)(3), 9.05(B)(4), and 9.05(B)(5). If the Participant's interest is distributed in the form of an annuity purchased from an insurance company, distributions thereunder will be made in accordance with the requirements of Code §401(a)(9) and the Treasury regulations thereunder. Any part of the Participant's interest which is in the form of an individual account described in Code §414(k) will be distributed in a manner satisfying the requirements of Code §401(a)(9) and the Treasury regulations thereunder applicable to individual accounts.

(3) Determination of Amount to be Distributed Each Year.

(a) A Participant who is required to begin payments as a result of attaining his or her "Required Beginning Date," whose interest has not been distributed in the form of an annuity purchased from an insurance company or in a single sum before such date, may receive such payments in the form of annuity payments under the Plan. Payments under such annuity must satisfy the following requirements:

(i) The annuity distributions will be paid in periodic payments made at intervals not longer than one year;

(ii) The distribution period will be over a life (or lives) or over a period certain not longer than the period described in Section 9.05(B)(4) or 9.05(B)(5);

(iii) Once payments have begun over a period certain, the period certain will not be changed even if the period certain is shorter than the maximum permitted; and

(iv) Payments will either be nonincreasing or increase only to the extent permitted by one of the following conditions:

(A) By an annual percentage increase that does not exceed the annual percentage increase in a cost-of-living index that for a 12-month period ending in the year during which the increase occurs or the prior year;

(B) By a percentage increase that occurs at specified times (e.g., at specified ages) and does not exceed the cumulative

total of annual percentage increases in an "Eligible Cost-of-Living Index" since the "Annuity Starting Date", or if later, the date of the most recent percentage increase. In cases providing such a cumulative increase, an actuarial increase may not be provided to reflect the fact that increases were not provided in the interim years;

(C) To the extent of the reduction in the amount of the Participant's payments to provide for a survivor benefit upon death, but only if the beneficiary whose life was being used to determine the distribution period described in Section 9.05(B)(4) dies or is no longer the Participant's beneficiary pursuant to a qualified domestic relations order within the meaning of Code §414(p);

(D) To allow a beneficiary to convert the survivor portion of a joint and survivor annuity into a single sum distribution upon the Participant's death;

(E) To pay increased benefits that result from a Plan amendment or other increase in the Participant's Accrued Benefit under the Plan;

(F) By a constant percentage, applied not less frequently than annually, at a rate that is less than five percent (5%) per year;

(G) To provide a final payment upon the death of the Participant that does not exceed the excess of the actuarial present value of the Participant's accrued benefit (within the meaning of Code §411(a)(7)) calculated as of the "Annuity Starting Date" using the applicable interest rate and the applicable mortality table under Code §417(e) over the total of payments before the death of the Participant; or

(H) As a result of dividend or other payments that result from "Actuarial Gains," provided:

(i) Actuarial gain is measured not less frequently than annually;

(ii) The resulting dividend or other payments are either paid no later than the year following the year for which the actuarial experience is measured or paid in the same form as the payment of the annuity over the remaining period of the annuity (beginning no later than the year following the year for which the actuarial experience is measured);

(iii) The "Actuarial Gain" taken into account is limited to "Actuarial Gain" from investment experience;

(iv) The assumed interest rate used to calculate such "Actuarial Gains" is not less than three percent (3%); and

(v) The annuity payments are not also being increased by a constant percentage as described in Subsection (F) above.

(b) Amount Required to be Distributed by Required Beginning Date.

(i) In the case of a Participant whose interest in the Plan is being distributed as an annuity pursuant to Subsection (1) above, the amount that must be distributed on or before the Participant's "Required Beginning Date" (or, if the Participant dies before distributions begin, the date distributions are required to begin under Section 9.05(B)(2)(b)(i)) is the payment that is required for one payment interval. The second payment need not be made until the end of the next payment interval even if that payment interval ends in the next calendar year. Payment intervals are the periods for which payments are received, e.g., bi-monthly, monthly, semi-annually, or annually. All of the Participant's benefit accruals as of the last day of the first "Distribution Calendar Year" will be included in the calculation of the amount of the annuity payments for payment intervals ending on or after the Participant's "Required Beginning Date."

(ii) In the case of a single sum distribution of a Participant's entire accrued benefit during a "Distribution Calendar Year," the amount that is the required minimum distribution for the "Distribution Calendar Year" (and thus not eligible for rollover under Code §402(c)) is determined under this paragraph. The portion of the single sum distribution that is a required minimum distribution is determined by treating the single sum distribution as a distribution from an individual account Plan and treating the amount of the single sum distribution as the Participant's account balance as of the end of the relevant valuation calendar year. If the single sum distribution is being made in the calendar year containing the "Required Beginning Date" and the required minimum distribution for the Participant's first "Distribution Calendar Year" has not been distributed, the portion of the single sum distribution that represents the required minimum distribution for the Participant's first and second "Distribution Calendar Year" is not eligible for rollover.

(c) Any additional benefits accruing to the Participant in a calendar year after the first "Distribution Calendar Year" will be distributed beginning with the first payment interval ending in the calendar year immediately following the calendar year in which such amount accrues. Notwithstanding the preceding, the Plan will not fail to satisfy the requirements of this paragraph and Code §401(a)(9) merely because there is an administrative delay in the commencement of the distribution of the additional benefits accrued in a calendar year, provided that the actual payment of such amount commences as soon as practicable. However, payment must commence no later than the end of the first calendar year following the calendar year in which the additional benefit accrues, and

the total amount paid during such first calendar year must be no less than the total amount that was required to be paid during that year under this paragraph.

(d) If a Participant dies after distribution of the Participant's interest begins in the form of an annuity meeting the requirements of this Section 9.05(B), then the remaining portion of the Participant's interest will continue to be distributed over the remaining period over which distributions commenced.

(4) Requirements For Annuity Distributions That Commence During Participant's Lifetime.

(a) If distributions commence under a distribution option that is in the form of a joint and survivor annuity for the joint lives of the Participant and the Participant's spouse, the minimum distribution incidental benefit requirement will not be satisfied as of the date distributions commence unless, under the distribution option, the periodic annuity payment payable to the survivor does not at any time on and after the Participant's "Required Beginning Date" exceed the annuity payable to the Participant. In the case of an annuity that provides for increasing payments, the requirement of this paragraph will not be violated merely because benefit payments to the beneficiary increase, provided the increase is determined in the same manner for the Participant and the beneficiary. If the form of distribution combines a joint and survivor annuity for the joint lives of the Participant and the Participant's spouse and a period certain annuity, the preceding requirements will apply to annuity payments to be made to the "Designated Beneficiary" after the expiration of the period certain.

(b) If the Participant's interest is being distributed in the form of a joint and survivor annuity for the joint lives of the Participant and a beneficiary other than the Participant's spouse, the minimum distribution incidental benefit requirement will not be satisfied as of the date distributions commence unless under the distribution option, the annuity payments to be made on and after the Participant's "Required Beginning Date" will satisfy the conditions of this Paragraph. The periodic annuity payment payable to the survivor must not at any time on and after the Participant's "Required Beginning Date" exceed the applicable percentage of the annuity payment payable to the Participant using the table set forth in Q&A-2(c)(2) of Section 1.401(a)(9)-6 of the Treasury regulations. The applicable percentage is based on the adjusted Participant/beneficiary age difference. The adjusted Participant/beneficiary age difference is determined by first calculating the excess of the age of the Participant over the age of the beneficiary based on their ages on their birthdays in a calendar year. If the Participant is younger than age 70, the age difference determined in the previous sentence is reduced by the number of years that the Participant is younger than age 70 on the Participant's birthday in the



calendar year that contains the "Annuity Starting Date". In the case of an annuity that provides for increasing payments, the requirement of this Paragraph will not be violated merely because benefit payments to the beneficiary increase, provided the increase is determined in the same manner for the Participant and the beneficiary. If the form of distribution combines a joint and survivor annuity for the joint lives of the Participant and a nonspouse beneficiary and a period certain annuity, the preceding requirements will apply to annuity payments to be made to the "Designated Beneficiary" after the expiration of the period certain.

(c) Unless the Participant's spouse is the sole "Designated Beneficiary" and the form of distribution is a period certain and no life annuity, the period certain for an annuity distribution commencing during the Participant's lifetime may not exceed the applicable distribution period for the Participant under the Uniform Lifetime Table set forth in Treasury regulation Section 1.401(a)(9)-9 for the calendar year that contains the "Annuity Starting Date". If the "Annuity Starting Date" precedes the year in which the Participant reaches age 70, the applicable distribution period for the Participant is the distribution period for age 70 under the Uniform Lifetime Table set forth in Regulation Section 1.401(a)(9)-9 plus the excess of 70 over the age of the Participant as of the Participant's birthday in the year that contains the "Annuity Starting Date". If the Participant's spouse is the Participant's sole "Designated Beneficiary" and the form of distribution is a period certain and no life annuity, the period certain may not exceed the longer of the Participant's applicable distribution period, as determined under this Section 9.05(B)(4)(c), or the joint life and last survivor expectancy of the Participant and the Participant's spouse as determined under the Joint and Last Survivor Table set forth in Treasury regulation Section 1.401(a)(9)-9, using the Participant's and spouse's attained ages as of the Participant's and spouse's birthdays in the calendar year that contains the "Annuity Starting Date".

(5) Requirements For Minimum Distributions Where Participant Dies Before Date Distributions Begin.

(a) If the Participant dies before the date distribution of his or her interest begins and there is a "Designated Beneficiary," the Participant's entire interest will be distributed, beginning no later than the time described in Section 9.05(B)(2)(b)(i), over the life of the "Designated Beneficiary" or over a period certain not exceeding:

(i) Unless the "Annuity Starting Date" is before the first "Distribution Calendar Year," the "Life Expectancy" of the "Designated Beneficiary" determined using the beneficiary's age as of the beneficiary's birthday in the calendar year immediately following the calendar year of the Participant's death; or

(ii) If the "Annuity Starting Date" is before the first

Distribution Calendar Year, the "Life Expectancy" of the "Designated Beneficiary" determined using the beneficiary's age as of the beneficiary's birthday in the calendar year that contains the "Annuity Starting Date".

(b) If the Participant dies before distributions begin and there is a "Designated Beneficiary," then the Participant's entire interest will be distributed to the "Designated Beneficiary" by December 31st of the calendar year containing the fifth anniversary of the Participant's death. This Section 9.05(B)(5)(b), will apply to all distributions other than distributions to a surviving spouse.

(c) If the Participant dies before the date distributions begin and there is no "Designated Beneficiary" as of September 30th of the year following the year of the Participant's death, distribution of the Participant's entire interest will be completed by December 31st of the calendar year containing the fifth anniversary of the Participant's death.

(d) If the Participant dies before the date distribution of his or her interest begins, the Participant's surviving spouse is the Participant's sole "Designated Beneficiary," and the surviving spouse dies before distributions to the surviving spouse begin, this Section 9.05(B)(5) will apply as if the surviving spouse were the Participant, except that the time by which distributions must begin will be determined without regard to Section 9.05(B)(2)(b)(i).

(6) Definitions.

(a) "Actuarial Gain" means the difference between an amount determined using the actuarial assumptions (i.e., investment return, mortality, expense, and other similar assumptions) used to calculate the initial payments before adjustment for any increases and the amount determined under the actual experience with respect to those factors. Actuarial Gain also includes differences between the amount determined using actuarial assumptions when an annuity was purchased or commenced and such amount determined using actuarial assumptions used in calculating payments at the time the Actuarial Gain is determined.

(b) "Annuity Starting Date" means the first day of the first period for which an amount is paid as an annuity, or in the case of a benefit not payable in the form of an annuity, the first day on which all events have occurred which entitles the Participant to such benefit.

(c) "Designated Beneficiary" means the individual who is designated as the beneficiary under the Plan and is the designated beneficiary under Code § 401(a)(9) and Treasury regulation Section 1.401(a)(9)-1, Q&A-4.

(d) "Distribution Calendar Year" means a calendar year for which a minimum distribution is required. For distributions beginning

before the Participant's death, the first Distribution Calendar Year is the calendar year immediately preceding the calendar year which contains the Participant's "Required Beginning Date." For distributions beginning after the Participant's death, the first Distribution Calendar Year is the calendar year in which distributions are required to begin pursuant to Section 9.05(B)(2).

(e) An "Eligible Cost-of-Living Index" means an index described below:

(i) A consumer price index that is based on prices of all items (or all items excluding food and energy) and issued by the Bureau of Labor Statistics, including an index for a specific population (such as urban consumers or urban wage earners and clerical workers) and an index for a geographic area or areas (such as a given metropolitan area or state); or

(ii) A percentage adjustment based on a cost-of-living index described in Subsection (i) above, or a fixed percentage, if less. In any year when the cost-of-living index is lower than the fixed percentage, the fixed percentage may be treated as an increase in an Eligible Cost-of-Living Index, provided it does not exceed the sum of:

(A) The cost-of-living index for that year, and

(B) The accumulated excess of the annual cost-of-living index from each prior year over the fixed annual percentage used in that year (reduced by any amount previously utilized under this Subsection (ii)).

(f) "Life Expectancy" means the life expectancy as computed by use of the Single Life Table in Treasury regulation Section 1.401(a)(9)-9.

(g) "Required Beginning Date" means the April 1st of the calendar year following the later of:

(i) the calendar year in which the Participant attains age 70 1/2, or

(ii) the calendar year in which the Participant retires.

2. A new Section 1.10(B)(3) shall be added to the Plan as follows:

(B) Effective for any Plan Year beginning or after July 1, 2007, except as specifically described herein, Compensation shall not include amounts paid to an Employee after his or her severance from employment with the Employer.

(1) Compensation shall include regular pay paid after an Employee's severance from employment with the Employer if (i) the payment is regular compensation for services performed during the Employee's regular working hours, or compensation for services performed outside of the Employee's regular working hours, commissions, bonuses, or other similar payments; (ii) the payment would have been paid to the Employee prior to a severance from employment if the Employee had continued in employment with the Employer and would have been treated as Compensation; and (iii) the payment is made by the later of 2 1/2 months after the date of the Employee's severance from employment with the Employer or by the end of the Plan Year that includes the date of the Employee's severance from employment.

(2) Compensation shall include payments to an individual who does not currently perform services for the Employer by reason of qualified military service (as that term is used in Section 414(u)(1) of the Code) to the extent these payments do not exceed the amounts the individual would have received if the individual had continued to perform services for the Employer rather than entering qualified military service.

IN WITNESS WHEREOF, the City of Prairie Village, Kansas has adopted this Amendment to the Prairie Village, Kansas Police Department Retirement Plan this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

**THE CITY OF PRAIRIE VILLAGE, KANSAS**

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



## **CODES ADMINISTRATION DEPARTMENT**

**Council Committee Meeting Date: December 1, 2008**

**City Council Meeting Date: December 15, 2008**

**COU2008-90:**      **Consider Amendment to Chapter 4, Buildings and Construction, Article 1, Section 4-105 to allow for acceptance of the Johnson County Contractor License as proof of competency and consider agreement with the Johnson County Board of Commissioners to administer the licensing program.**

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### **RECOMMENDATION**

Staff recommends the Council amend Chapter 4, Buildings and Constructions, Article 1, Section 4-105 to allow the Johnson County Contractor License as evidence of meeting proof of competency for licensing.

Staff also recommends the Council enter into an Interlocal Agreement with Board of County Commissioners of Johnson County, Kansas regarding the Administration and Implementation of the Johnson County Contractor Licensing Program. It should be noted that the proposed agreement is slightly different the draft reviewed by the Council Committee of Whole on December 1, 2008. The two differences are: the agreement termination language has been removed and the 30 day notice for changes to the Johnson County Licensing requirement has been removed. City staff and Legal Counsel are comfortable with these two changes.

### **SUGGESTED MOTIONS**

The City Council approve and authorize the Mayor to execute Ordinance # 2184 amending Chapter 4, Buildings and Construction, Article 1, Section 4-105.

The City Council authorize the Mayor to execute an Interlocal Agreement with Board of County Commissioners of Johnson County, Kansas regarding the administration and Implementation of the Johnson County Contractor Licensing Program

### **BACKGROUND**

The Prairie Village Municipal Code, PVMC Chapter 4, Article 1, 4-105 (Ord. 2051, Sec 3, 2003 & Ord. 2139, Sec.1, 2007) sets forth the requirements for contractor licensing within the City of Prairie Village, whereas all electrical, plumbing and mechanical contractors must show proof of passing the Nationally Recognized Exam, Block/Experior, Thompson Prometric or ICC. The City of Prairie Village does not presently stipulate any requirements for general contractors.

#### 4-105 Amendments to Section 105.3 (8)

##### *105.3(8) - Issuance of Permits to Licensed or Registered Craftsmen*

*Permits for general, electrical, plumbing and mechanical work shall be issued only to individuals or persons responsible to a company or organization who is the legal possessor of a valid and current certificate. ~~of competency issued by the state. The certificates of competency received by any person who successfully passed an examination designation by K.S.A. 1998 Supp. 121508 or 121525, (Block/Experior) and amendments thereto, shall be valid proof of competency for licensing, without additional examination, in any other county or city of the state which requires licenses for plumbers, electricians and mechanical heating and ventilating contractors practicing in such City. The Johnson County Contractor License shall be deemed valid proof of competency for licensing. Exception: Permits may be issued to homeowners performing general, electrical, plumbing and/or mechanical work on their own primary residence who do not possess a valid license or certificate.~~*

#### **ATTACHMENTS:**

- Ordinance #2184 (Approved by City Attorney)
- Agreement with Board of County Commissioners of Johnson County, Kansas regarding the Administration and Implementation of the Johnson County Contractor Licensing Program. (Approved by City and Legal Counsel for Johnson County)

#### **FUNDING SOURCE**

N/A

#### **PREPARED BY**

Dennis J. Enslinger  
Assistant City Administrator  
Date: December 12, 2008

Ordinance No. 2184

AN ORDINANCE AMENDING CHAPTER 4 OF THE PRAIRIE VILLAGE MUNICIPAL CODE, 2003, ENTITLED "BUILDINGS AND CONSTRUCTION" BY REPEALING THE EXISTING ARTICLE 4-105 ENTITLED "AMENDMENTS TO SECTION 105.3" AND ADOPTING A NEW ARTICLE 4-105 ENTITLED "AMENDMENTS TO SECTION 105.3"

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

**Section I.**

The existing Article 4-105 of Chapter 4 of the Prairie Village Municipal Code, 2003, entitled "Amendments to Section 105.3" is hereby repealed.

**Section II.**

Chapter 4 of the Prairie Village Municipal Code, 2003, entitled "Buildings and Construction" is hereby amended by adopting a new Article 4-105 entitled "Amendments to Section 105.3 " to read as follows:

4-105 Amendments to Section 105.3 (8) Section 105.3 of the Building Code is hereby amended by adding the new requirement to read as follows:

105.3(8) - Issuance of Permits to Licensed or Registered Craftsmen

Permits for general, electrical, plumbing and mechanical work shall be issued only to individuals or persons responsible to a company or organization who is the legal possessor of a valid and current certificate. The Johnson County Contractor License shall be deemed valid proof of competency for licensing. Exception: Permits may be issued to homeowners performing general, electrical, plumbing and/or mechanical work on their own residence who do not possess a valid license or certificate.

**Section III**

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

**PASSED AND APPROVED THIS 15<sup>th</sup> DAY OF DECEMBER, 2008.**

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

**ATTEST:**

**APPROVED AS TO FORM**

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

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

**AGREEMENT BETWEEN THE CITY OF  
PRAIRIE VILLAGE, KANSAS and THE BOARD OF COUNTY COMMISSIONERS  
OF JOHNSON COUNTY, KANSAS**

THIS AGREEMENT made and entered into on this 15<sup>TH</sup> day of December, 2008 by and between the City of Prairie Village, Kansas (“City”) and the Board of County Commissioners of Johnson County, Kansas (“County”).

**RECITALS**

A. The County and the City each have the separate authority under K.S.A. §§ 12-1510, 12-1527, 12-1543, and 12-1558, to adopt and enforce such codes, standards, and regulations as each deems appropriate for the regulation of i) plumbers, ii) electricians, iii) mechanical heating, ventilation and air conditioning (“HVAC”) contractors, and iv) general contractors, building contractors, and residential contractors (“Construction Contractors”). All of the foregoing are referred to as “contractors”.

B. The County on August 9, 2001 adopted the “Contractor Licensing Regulations” by Resolution 058-01 to provide for the licensing and regulation of Contractors.

C. The City, on December 15, 2008 adopted the “Contractor Licensing Regulations” by Ordinance No. \_\_\_\_\_.

D. The City and the County desire to enter into an agreement under K.S.A. 12-2908 to provide for the County’s administration and enforcement of the Contractor Licensing Regulations adopted by the City and the County (“Regulations”).

E. In furtherance of their desire for mutual cooperation, the jurisdictions find it necessary and advisable to enter into this agreement regarding the implementation and administration of the Regulations.



arising out of the County's licensing or failure to license any Contractor and for any action or inaction taken by the Contractor Licensing Review Board.

IV. **FUNDING.** It is the parties' intent that the County shall use all funds generated by Contractor licensing, including Contractor licensing fees and any proceeds from contractor education activities, to support Contractor licensing activities and expenses. The County shall account for all receipts and expenditures attributable to Contractor licensing activities and provide an annual income and expense statement to the City. All of the County's expenditures arising out of the administration of its Contractor licensing duties, including employee costs, equipment expense, a reasonable administrative overhead factor, Contractor Licensing Review Board expenses, and Contractor continuing education costs shall be paid from a separate fund established by the County for that purpose and funded by the licensing fees and other monies collected by the County in administering Contractor licensing activities.

If it appears that the County's Contractor licensing fund shall, in any fiscal year, produce a year-end fund balance of \$100,000.00 or more, the County shall implement an appropriate budget amendment or implement a temporary reduction in the Contractor licensing fee structure, or both, to reduce the surplus to less than \$100,000.00 during the following fiscal year. The City shall not be obligated to fund any budget shortfall that may result in the licensing fund.

V. **PROPERTY.** Assets, including any real or personal property, acquired by the County in connection with its administration of Contractor licensing shall be deemed

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

Attest

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

Approved as to Form:

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

**BOARD OF COUNTY COMMISSIONERS OF  
JOHNSON COUNTY, KANSAS**

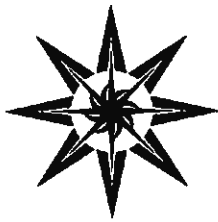
By \_\_\_\_\_  
Annabeth Surbaugh, Chairman

Attest

\_\_\_\_\_  
Casey Joe Carl, Clerk of the Board

Approved as to Form:

\_\_\_\_\_  
Robert A. Ford  
Assistant County Counselor



**COU2008-88 Consider Contingency Allocation for 2008 Property Tax Bill - AMENDED**

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**RECOMMENDATION**

The Council approve allocating contingency in the amount of ~~\$20,817.14~~ \$29,577.69 for payment of the City's 2008 property tax bill.

COUNCIL ACTION REQUESTED ON December 15, 2008

**SUGGESTED MOTION**

Move to approve allocating contingency in the amount of ~~\$20,817.14~~ \$29,577.69 for payment of the City's 2008 property tax bill.

**BACKGROUND**

Each year the City receives a property tax bill from Johnson County. While the City is tax exempt, the City is still subject to charges assessed by Johnson County Wastewater. Johnson County Wastewater has two special assessments the City pays - the Wastewater Cap and the Wastewater Usage. The City has budgeted for these assessments.

When the City implemented the Stormwater Utility Fee this past summer, the decision was made to assess the fee to the City's parcels. When the 2008 Budget was adopted in August 2007, this expenditure was not included. In addition, the numbers included in the 2008 Budget were based on amounts paid in 2006, the latest information available.

Department	Budget Amount	Actual Amount	Shortfall
Public Works	\$100.00	\$3,642.03	\$3,542.03
Police	-0-	5,981.05	5,981.05
Administration	525.00	6,111.07	5,586.07
Parks	180.00	5,887.99	5,707.89
Original Total	\$805.00	\$21,622.14	\$20,817.14
Adjustment - Additional Parcels			8,760.55
Adjusted Total			\$29,577.69

**AMENDMENT**

In the past the City received property tax bills for three parcels. These bills were received at the end of November. On December 9<sup>th</sup>, the City received bills for the rest of City parcels that were assessed the stormwater utility fee. These parcels had not received tax bills in the past and were not included in the mailing with the other tax bills.

**FUNDING SOURCE:** 2008 General Fund Contingency

**ATTACHMENT:** 2008 General Fund Contingency Report

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Prepared By:

Karen Kindle, Finance Director

Date: December 11, 2008

## MAYOR'S ANNOUNCEMENTS

Monday, December 15, 2008

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

Environmental/Recycle	12/19/2008	7:00 p.m.
Prairie Village Arts Council	12/17/2008	7:00 p.m.
Council Committee	01/05/2009	6:00 p.m.
Council	01/05/2009	7:30 p.m.

The Prairie Village Arts Council is pleased to announce a mixed media exhibit by Tom Wilson, Melanie Nolker and Wendy Taylor for the month of December.

Please RSVP to Penny by January 12<sup>th</sup> if you plan to attend the reception for Joyce DiDonato at Homestead Country Club on January 20<sup>th</sup> at 11:30 a.m.

The City offices will be closed Thursday, December 25<sup>th</sup> in observance of the Christmas holiday. Deffenbaugh also observes this holiday and trash service will be delayed a day.

The City will once again have Holiday Tree Recycling available for Prairie Village residents. You may take your holiday tree to the designated areas of Porter, Franklin, and Meadowlake Parks, and in the Harmon Park parking lot near the water tower between December 22, 2008 and January 18, 2009.

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

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

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

**INFORMATIONAL ITEMS**  
**December 15, 2008**

1. Board of Zoning Appeals Minutes - September 9, 2008
2. Board of Zoning Appeals & Planning Commission Actions - September 9, 2008
3. Planning Commission Minutes - November 4, 2008
4. Insurance Committee Minutes - November 25, 2008
5. Tree Board Minutes - December 3, 2008
6. Mark Your Calendars
7. Committee Agenda

**BOARD OF ZONING APPEALS  
CITY OF PRAIRIE VILLAGE, KANSAS  
MINUTES  
TUESDAY, SEPTEMBER 9, 2008**

**ROLL CALL**

The meeting of the Board of Zoning Appeals of the City of Prairie Village, Kansas was held on Tuesday, September 9, 2008 in the Multi-Purpose Room of the Municipal Building. Vice-Chairman Randy Kronblad called the meeting to order at 6:30 p.m. with the following members present: Bob Lindeblad, Dirk Schafer and Ken Vaughn. Also present in their advisory capacity to the Board of Zoning Appeals were: Ron Williamson, Planning Consultant, Jim Brown, Building Official and Joyce Hagen Mundy, Board Secretary.

**APPROVAL OF MINUTES**

Ken Vaughn moved to approve minutes of August 5, 2008 as written. The motion was seconded by Bob Lindeblad and passed by a 3 to 0 with Dirk Schafer abstaining.

**BZA2008-05 Request for a Variance from P.V.M.C. 19.16.025 to reduce the side yard setback from 15' to 5'9" for the construction of a Carport on the property located at 9029 Rosewood Drive  
Zoning : C-0 Office Business District  
Applicant: Thad Smith, Lenexa-Alden, LLC**

Vice-Chairman Randy Kronblad reviewed the procedures for the public hearing. The Secretary confirmed that the Notice of Public Hearing was published in the Johnson County Legal Record on Tuesday, August 19, 2008 and all property owners within 200' were mailed notices of the hearing.

Rick Jones, with NSP&J Architects at 3515 West 75<sup>th</sup> Street, addressed the Board on behalf of the applicant. Also present were Thaddeus Smith and Dan Smith with Lenexa-Alden, LLC., owner of the Windsor Building. Mr. Jones noted the recent exterior renovations to this building that was initially constructed in 1995. He presented photographs of the initial and the current building façade which features brick and a canopy.

Big Industrial, who currently operates out of 3515 West 75<sup>th</sup> Street, has outgrown their suite and will be relocating to 3500 West 75<sup>th</sup> Street. While at 3515 West 75<sup>th</sup> Street, they were able to use the carports located on that property and are seeking approval to construct similar carports at their new location.

Rick Jones reviewed both photo simulations and architectural drawings of the proposed carports. He noted the carports would both shield the parked cars from the adjacent residential properties as well as soften the impact of this large office

building façade providing a more aesthetically pleasing building. Mr. Jones noted the structural posts anchoring the carports should be located 16 feet back from the property line. The open structure would not have the same impact as a fully enclosed structure.

Mr. Jones confirmed the existing parking is non-conforming. He noted that through landscaping and the carports the parking would be shielded and would break up the large solid façade of the office building creating a more aesthetically pleasing building.

Mr. Jones added the 75<sup>th</sup> Street Corridor study encourages mixed use and noted this building will provide that with an upscale art gallery on the second floor. The covered carport will provide parking for those clients.

Dan Smith, owner of the building and principle with Lenexa-Alden, noted their firm has a reputation for quality projects. They have already upgraded the exterior of the building and are looking at future upgrades. He sees the carports as enhancing both the building and the property. The changes proposed will enhance the building architecturally, aesthetically and functionally. They are hoping to make similar enhancements to the adjacent Continental building to the west. He feels the granting of the variance will be a positive step towards those improvements.

With no one else wishing to address the Board, the Public Hearing was closed at 6:50 p.m.

Ken Vaughn asked how the carport spaces would be distributed. Dan Smith stated the majority would be assigned with some designated for art gallery patrons. Mr. Vaughn stated he appreciated the improvements that have been made to the building; however, he has concerns with new construction located so close to Windsor.

Ron Williamson briefly reviewed the application noting the applicant is proposing to construct a 10 unit carport in the existing parking lot adjacent to Windsor Street. The structure would be 101 feet 4 inches long and the height would vary from 9 feet to 12 feet because of the grade changes. In addition, there would be five decorative finials 18 feet 6 inches in height. The ordinance requires a landscaped buffer area 15 feet in width between the property line and the paved surface and the width is only 5 feet 9 inches. No landscaping except grass is currently in the buffer area but the applicant is proposing to plant trees and shrubs as a part of this project. The property is zoned "C-O" Office Building District and the side yard setback for buildings adjacent to Windsor Street is 15 feet. The property on the east side of Windsor Street is zoned R-1b and developed residentially. One of the dwellings faces the proposed carports.

The lot is 155 feet wide x 301 feet deep and has an area of 46,748 sq. ft. The footprint of the building is 9,691 sq. ft. or 20.7% lot coverage. There are parking

spaces on the north side of the building that could be covered and would not require a variance. The parking lot is approximately 150 feet in depth.

Bob Lindeblad stated he appreciates the upgrades made to the building. He noted he is not in favor of carports for office buildings. He stated there is nothing unique to this property in relation to other office building sites in the City to support the granting of a variance. Because of the adjacent residential property, he feels it is important to keep the required side yard setback and buffer. He does not feel that the desire for carports constitutes a substantial hardship and the significant size of the requested variance is not within the spirit and intent of the ordinance.

Rick Jones responded covered parking has become an important feature for office buildings. Mr. Lindeblad responded however this is not the normal expectation. Rick Jones noted this will be an enhancement to the site and noted the carports will provide protection from the steep slope of the parking lot. He reminded the Board this is not a solid structure and the parking spaces are already in violation. The solid posts for the carport will be located 16' from the property line.

Randy Kronblad led the Board in a review of the conditions the State Statutes require the Board to grant such a variance:

**A. Uniqueness**

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

In order for the property to meet the condition of uniqueness, it must have some peculiar physical surroundings, shape or topographical condition that would result in a practical difficulty as distinguished from a mere inconvenience to utilize the property without granting the variance.

There is nothing unique about this property. The grade drops from south to north and it is rectangular with no unusual natural features that need to be protected or addressed. There is a significant sized parking area on the north side of the building that could easily accommodate covered parking. It should also be noted that the main entrance to the building is on the north side. The parking lot is not landscaped with mature trees that would be adversely affected if the carport were located there.

Bob Lindeblad moved that the Board find that the variance does not arise from a condition unique to this property for the previously stated reasons. The motion was seconded by Ken Vaughn and passed 4 to 0.



**B. Adjacent Property**

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

The granting of the variance would permit the construction of a new building 5 feet 9 inches from the property line which would invade the open space and adversely affect the adjacent property owners. The office building currently sets back from Windsor Street approximately 34 feet which helps buffer the neighbors on the east side of Windsor Street. The construction of a carport in this location would have a significant visual impact on the residences that are located on the east side of Windsor Street.

Bob Lindeblad moved that the Board find that the variance would adversely affect adjacent property because it would be a significant visual impact.. The motion was seconded by Ken Vaughn and passed 4 to 0.

**C. Hardship**

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

There are other locations on the property where the carport could be built without having to obtain a variance. The location proposed serves the secondary entrance to the building according to the applicant. The building, with the exception of the Art Gallery, would be better served with a carport located in the north parking lot. It does not appear that the condition of unnecessary hardship can be found to exist.

Ken Vaughn moved that the Board find that a condition of hardship does not exist because there are other locations on the site to build the carports. The motion was seconded by Bob Lindeblad and passed 4 to 0.

**D. Public Interest**

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

The variance would adversely affect the public interest because it would add a significant structure into an already nonconforming landscape space that does not provide adequate buffering between the office building and the residences on the east side of Windsor Street.

Ken Vaughn moved that the Board find that the variance would adversely affect the public interest. The motion was seconded by Bob Lindeblad and passed 4 to 0.

**E. Spirit and intent of the Regulation**

**The granting of the variance desired will not be opposed to the general spirit and intent of these regulations.**

It is the intent of the ordinance to provide a 15 feet setback and landscaped buffer between the property line and any buildings or parking areas. This property was apparently developed prior to the landscape requirement being adopted into the zoning ordinance and only provides 5 feet 9 inches of green space. Even though a portion of the setback area is paved, the vehicles only park there during normal working hours and after that the area is at least open. The construction of buildings within this space would provide a permanent intrusion into the open space. The variance requested is not a minor adjustment but a request to reduce the setback by almost two-thirds of the requirement. The request does not meet the spirit and intent of the ordinance.

Bob Lindeblad moved that the Board find that the variance is opposed to the spirit and intent of the regulations because it is a major reduction in the setback.. The motion was seconded by Ken Vaughn and passed 4 to 0.

Bob Lindeblad moved that the Board, having found that none of the five conditions exist deny BZA Application 2008-05 for the requested variance from PVMC 16.025 for a reduction of the side yard setback from 15 feet to 5 feet 9 inches to build a carport. The motion was seconded by Dirk Schafer and passed by a vote of 4 to 0.

#### **NEW BUSINESS**

There was no New Business to come before the Board.

#### **OLD BUSINESS**

There was no Old Business to come before the Board

#### **ADJOURNMENT**

Ken Vaughn moved to adjourn the meeting of the Board of Zoning Appeals. The motion was seconded by Bob Lindeblad and passed unanimously with the meeting being adjourned at 7:05 p.m.

Randy Kronblad  
Vice-Chairman

**Board of Zoning Appeals &  
Planning Commission Actions  
September 9, 2008**

**BZA2008-06 Request for a Variance from P.V.M.C. 19.34.040(F) to allow for the location of a backup generator in the side yard at 8208 Juniper Lane**

The Board of Zoning Appeals granted the requested variance for the installation of the generator as proposed with the following conditions:

1. that the maximum noise level be 66 db and as much noise reduction as possible be incorporated into the unit.
2. that the generator testing only occur between the hours of 8 am to 3 pm
3. that the generator meet all the requirements of 19.34.040

**Election of Officers**

The Board elected Randy Kronblad to serve as Chairman and Nancy Vennard to serve as Vice-Chairman

**PC2008-10 Request for Conditional Use Permit for a Drive-thru at the southwest corner of Mission Road and Somerset**

This application was continued to the next Planning Commission meeting.

**PC2008-115 Request for Site Plan Approval for Retail Building - SW corner of Mission & Somerset**

This application was continued to the next Planning Commission meeting.

**PC2008-114 Request for Sign Standards & Monument Sign Approval at 1900 West 75<sup>th</sup> Street**

This application was approved with the following conditions:

1. Staff review and approval of flush mounted ground lighting
2. Staff review and approval of landscaping to conceal the sign base
3. The same font is used for all tenant names

**PC2008-118 Request for Site Plan Approval for First Floor Elevation 4820 West 68<sup>th</sup> Street**

The Planning Commission approved the requested 2.2 feet increase in elevation.

**Discussion on Cell Tower Regulations & proposed revisions to building height regulations.**

Staff will return with revised information in January. Public Hearing on proposed Building Height regulations authorized for February Commission meeting.

**PLANNING COMMISSION MINUTES  
MEETING OF NOVEMBER 4, 2008**

**ROLL CALL**

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, November 4, 2008 in the Council Chamber, 7700 Mission Road. Chairman Ken Vaughn called the meeting to order at 7:00 p.m. with the following members present: Randy Kronblad, Bob Lindeblad, Dale Warman, Marlene Nagel, Nancy Vennard and Dirk Schafer.

The following persons were present in their advisory capacity to the Planning Commission: Ron Williamson, Planning Consultant; Dennis Enslinger, Assistant City Administrator; Bob Pryzby, Director of Public Works; Jim Brown, City Building Official; Andrew Wang, Council Liaison and Joyce Hagen Mundy, City Clerk/Planning Commission Secretary.

**APPROVAL OF MINUTES**

Nancy Vennard moved approval of the minutes of October 7, 2008 with clarification of Bob Jones' comments on page 7. The motion was seconded by Randy Kronblad and passed unanimously.

**PUBLIC HEARINGS**

**PC2008-11 Request for Renewal of a Special Use Permit for a DayCare Center at  
7501 Belinder**

Chairman Ken Vaughn reviewed the rules and procedures for the public hearing.

Ron Johnson, President and Executive Director of the Kansas City Autism Center, addressed the Commission with their request for renewal of their existing Special Use Permit for the operation of a daycare center for children with autism. The program currently has seven children as three have recently graduated from their two year program and are now attending school. Mr. Johnson noted others will be transitioning soon.

The Kansas City Autism Training Center (KCATC) operates a child care center for 5-10 children between infancy and age 7. KCATC provides professional, research-based interventions and training for children with a pervasive developmental disorder and their families. Their care center also provides education to parents, educators, therapists and other direct service providers in the Kansas City area. The hours of operation for the care center are from 8:00 a.m. to 5:00 p.m. year round except for Holidays. Mr. Johnson

stated they want to expand their program from 10 to 15 students as they would like to add a transitioning classroom where their students could intermingle with regular students. Mr. Johnson noted they now occupy three classrooms in addition to the Fellowship Hall, the kitchen and the cafeteria inside the facility and the outside playground area which is fenced.

Ron Johnson stated they held a neighborhood meeting on October 26, 2008, in accordance with the Planning Commission Citizen Participation Policy and no residents attended the meeting.

Nancy Vennard asked the ages of their students. Mr. Johnson responded they are age 2½ to 7 with the majority of the students being younger. They have been successful in addressing autism when identified early. Their state license allows them to have children age 2½ to 12. Although they are licensed and classified by the state as a daycare program, they are essentially an individualized education program for these special need students.

Bob Lindeblad asked staff to address the references to maintenance of the parking lot and area in their report and the history of the problems. Mr. Williamson stated these were added as conditions to the Special Use Permit to ensure that they were addressed by the property owner. Mr. Lindeblad confirmed the applicant is not the property owner and questioned why the conditions were included in the Special Use Permit for the applicant as the applicant has no control over what happens on the property.

Randy Kronblad asked if the property owner had been notified of this meeting and recommendation. Staff responded they had not.

Marlene Nagel asked if their state license would allow for the additional students. Mr. Johnson responded their license allows for up to 30 students.

Dirk Schafer asked if there were any time constraints on the approval of this application. Ron Williamson noted the applicant's permit has expired but they would be allowed to continue to operate if the application was continued to another meeting date.

With no one else wishing to address the Commission on this application, Chairman Ken Vaughn closed the public hearing at 7:45 p.m.

Bob Lindeblad asked for more history on the maintenance problems on this property. Dennis Enslinger stated the Code Enforcement Officer received a complaint approximately a month ago regarding the compost pile and has been working with the property owner to find a solution. The codes do not specifically address compost piles on non-residential property and staff would recommend the issue be handled administratively with staff approval of the site plan for the compost pile and the repair of the parking lot.

Ken Vaughn asked if this needed to be tied to this application. Mr. Enslinger felt doing so would give more strength to the city in seeking compliance from the property owner.

Mr. Williamson noted the west parking lot is ok; however, the east parking lot that is being used by the center is in need of repair.

Nancy Vennard noted the compost pile used to be a public garden under the previous ownership.

Ken Vaughn and Randy Kronblad felt these issues should not be tied to the renewal of the Special Use Permit and that the application should be approved. Mr. Williamson noted the east parking lot provides access to the school and feels it is therefore related to the permit. Bob Lindeblad stated it is not the place of the Planning Commission to get into the repair of parking lots and property maintenance issues. Mr. Vaughn stated it would be different if the structure were not safe for use by the center for their students. Mr. Kronblad stated he does not want to penalize the Center on issues and property that it does not own nor can control.

Chairman Ken Vaughn let the Commission in consideration of the findings of fact relative to the request.

1. **The proposed special use complies with all applicable provisions of these regulations including intensity of use regulations, yard regulations and use limitations.**  
The child care program is contained within an existing building and fenced playground which is in compliance with the zoning regulations.
2. **The proposed special use at the specified location will not adversely effect the welfare or convenience of the public.**  
The child care program will be an asset to the community because it will provide a much needed service for taking care of the children with pervasive development disorders. This is a small but unique type of care center that meets a need that others do not.
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.**  
The child care center, is located within an existing structure, and has not created any problems for the adjacent property in the neighborhood. The City has not received any complaints about this use. The applicant has requested approval for five year period so it can be reevaluated at that time.
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 with 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 permit will so dominate the immediate neighborhood, consideration shall be given to: a) the location size and nature of the height of the building, structures, walls and fences on the site; and b) the nature and extent of landscaping and screening on the site.**

The child care center currently accommodates a small group of children, less than 10, and will use the synagogue facility during normal working hours. This use will not have a dominating effect in the neighborhood because it is for a small number of children and it will be located within an existing building. The applicant is proposing to increase the number of children to 15, which is still a very small use.

5. **Off street parking and loading areas will be provided with standards set forth in these regulations, and areas shall be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.**  
The child care center uses the existing off street parking and loading areas that are currently being provided by the synagogue. The operation of the child care center will not be operating at the same time as other events at the synagogue. The west parking lot is in good condition, but the asphalt in the east parking lot is in poor condition. While visiting the site, the east lot appeared to be the lot that is used the most for picking up and dropping off people.
6. **Adequate utility, drainage and other necessary utilities have been or will be provided.**  
Since this use will be occupying an existing facility, utility services are already provided.
7. **Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent hazards and to minimize traffic congestion in public streets and alleys.**  
Adequate entrance and exit drives currently exist at the facility and this proposed special use will utilize the existing infrastructure that is already in place.
8. **Adjoining properties will be adequately protected from any hazardous or toxic materials, hazardous manufacturing processes, obnoxious odors, or unnecessary intrusive noises.**  
This particular use does not have any hazardous materials, processes, odors or intrusive noises that accompany it. However, there is a compost pile on the east end of the parking lot that is unsightly and not well maintained. It is not a part of the child care operation, but it needs to be cleaned up and screened so that it is not a nuisance to the neighborhood. This is an issue the property owner needs to address. There have been complaints by surrounding neighbors.
9. **Architectural style and exterior materials are compatible with such style and materials used in the neighborhood in which the proposed structure is to be built or located.**  
The special use has not required any changes in the exterior architecture or style of the existing building.

Marlene Nagel moved the Planning Commission find favorably on the findings of fact and approve PC2008-11 recommending the City Council renew the Special Use Permit

for the operation of a child care program by the Kansas City Autism Training Center at 7501 Belinder Avenue subject to the following conditions:

1. That the child care center be approved for a maximum of 15 children
2. That the child care center be permitted to operate year round from 8 a.m. to 5 p.m. subject to the licensing requirements of the Kansas Department of Health and Environment.
3. That the Special Use Permit be issued for the child care center for a period of five years from the date of City Council approval and that if the applicant desires to continue the use after that time period expires, they shall file a new application for reconsideration by the Planning Commission and City Council.
4. If this permit is found not to be in compliance with the terms of approval of the Special Use Permit it will become null and void within 90 days of notification of noncompliance unless noncompliance is corrected.

The motion was seconded by Randy Kronblad and passed unanimously.

**PC2008-10 Request for Conditional Use Permit for Drive-thru  
8200 Mission Road**

Ken Vaughn stated the applicant has requested this application be continued. Bob Lindeblad moved the Commission continue consideration of PC2008-10 to the December meeting of the Planning Commission. The motion was seconded by Dale Warman and passed by a vote of 6 to 0 with Dirk Schafer abstaining.

**NON-PUBLIC HEARINGS**

**PC2008-115 Site Plan Approval for Retail Building on the SW corner of  
Somerset and Mission Road**

Ken Vaughn stated the applicant has requested this application be continued to the December meeting of the Planning Commission. Bob Lindeblad moved the Commission continue consideration of PC2008-115 to the December meeting of the Planning Commission. The motion was seconded by Randy Kronblad and passed by a vote of 6 to 0 with Dirk Schafer abstaining.

**PC2008-113 Site Plan Approval  
3500 West 75<sup>th</sup> Street**

Steve Shelter, addressed the Commission representing the owners of the buildings, with their request to construct a ten bay carport in the parking lot of their office building complex. They had originally proposed to locate the carport adjacent to Windsor Street and applied for a variance but was denied by the Board of Zoning Appeals. The new location meets all the setback requirements of the zoning ordinance and is situated where it will not be very visible from adjacent streets or residences and will be more accessible to both buildings.

The design of the carport is the same as the previous proposal which is unique and appears that it will complement the two existing buildings. The carport roof is a flat



horizontal design, will be approximately 10 feet high and the structural columns will be 19' 6" in height capped with a decorative finial.

Ron Williamson noted the construction of the carport will reduce parking spaces by three; however, there is more than sufficient parking for the buildings. He has recommended additional landscaping be planted to the proposed trees along Windsor. As this is a large asphalt parking area, he would like to see some trees planted in the parking lot also. Mr. Shelter stated the owners would provide the additional trees and he would submit a revised landscape plan for review by the Tree Board. He stated that they had started to plant trees before they realized the needed approval first. They have suspended work until the Tree Board approves the plan.

Ken Vaughn noted the application is on behalf of both 3500 West 75<sup>th</sup> Street and 3520 West 75<sup>th</sup> Street. Mr. Shelter stated the ownership group recently changed and they own both buildings.

Chairman Ken Vaughn led the Commission in a review of the site plan criteria.

**A. The site is capable of accommodating the building, parking areas and drives with appropriate open space and landscape.**

The proposed carport will simply cover existing parking spaces and will not affect the internal drives, circulation and parking. Three parking spaces will be lost by the construction of the carports, but the site has an excess of 29 spaces so that is not a concern.

The site as a whole lacks trees. The buildings are landscaped but the site is not. Consideration of installing street trees along Windsor Street and in the east-west parking bay north of the building and west of the proposed carport would breakup the vast sea of asphalt and provide a better overall development.

The applicant has made a significant investment in upgrading this property which is commendable, but a small investment in trees would add significantly.

**B. Utilities are available with adequate capacity to serve the proposed development.**

Utilities are currently in place serving the existing office buildings and are adequate to serve this minor expansion.

**C. The plan provides for adequate management of stormwater runoff.**

There will be no increase in impervious surface so stormwater is not an issue.

**D. The plan provides for safe and easy ingress, egress and internal traffic circulation.**

The proposed site will utilize existing drives and the general interior circulation of the site will not be changed.

**E. The plan is consistent with good land planning and good site engineering design principles.**

The proposed carport is being located in an area that will not be very visible from other adjacent properties and is generally consistent with good land planning and site engineering design principles. The only exception is that additional tree planting as previously mentioned would enhance the property significantly.

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

The design of the carports is unique but complements the upgrades to the existing office building. It is not a residential design like the surrounding residential uses but is compatible with the office complex.

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

One of the principles of the Village Vision was to focus on redevelopment and reinvestment in the community. These issues have become primary goals for the City and this project represents a step in that direction. This is the opportunity to enhance the office building to make it a more marketable project. Village Vision also recommends more landscaping be incorporated in projects as they upgrade and redevelop.

Bob Lindeblad moved the Commission find favorably on the findings for PC2008-113 and approve the site plan for a ten bay carport subject to the following conditions:

- 1) That all lighting used to illuminate the carports be installed in such a way as to not create any glare off the site and be in conformance with the Outdoor Lighting Ordinance.
- 2) That the applicant prepare and submit a landscape plan showing street trees adjacent to Windsor Street and trees within the parking lot to staff for review and approval. After approval by Staff, the landscape plan will be submitted to the Tree Board for approval.
- 3) That the trees be installed at the time the carport is constructed.

The motion was seconded by Marlene Nagel and passed unanimously.

**PC2008-114 Sign Standards & Monument Sign Approval  
1900 West 75<sup>th</sup> Street**

Kip Slattery, with Luminous Neon, has requested that this application be continued until the Commission's December meeting. Bob Lindeblad moved the Planning Commission continue Application PC2008-114 to their December meeting. The motion was seconded by Marlene Nagel and passed unanimously.

**PC2008-117 Site Plan Approval - Fence  
4210 Homestead Drive**

Kraig Kohring, 4210 Homestead Drive, noted they have been expanding their home over the past few years and are now looking at replacing the existing privacy fence. Mr.

Kohring noted their property sets significantly higher than the neighboring property and their neighbor has requested the height of the fence be raised for the portion of the fence near his deck area.

Ken Vaughn asked how much higher his driveway was than his neighbors property. Mr. Schafer responded he visited the site and the difference was approximately the height of his waist.

Randy Kronblad asked if the additional height would only be on the side. Mr. Kohring responded the fence would be higher on the side and in the front. He stated that both sections need to be eight feet high in order to provide the screen and a good appearance from the street. It would be of the same material as the existing fence and would connect to it. He noted the fence has already been replaced except for the section that he's proposing to make eight feet in height.

Bob Lindeblad asked if the finished side of the fence would be on the outside. Mr. Kohring responded the finished side on the front would be on the outside and the finished side on fence on the side would be facing his neighbor's property. Nancy Vennard confirmed the fence is located on Mr. Kohring's property.

Ron Williamson noted the request is for a 54-foot section of fence which ties into the front corner of the dwelling and then runs west to the property line and then north along the property line between 4206 and 4210 Homestead Drive. The home at 4210 Homestead was demolished and a new home was built and completed in the spring of this year. The elevation of the driveway and side entry to the new house was raised and the privacy to the yard, main living room and kitchen at 4206 Homestead Drive no longer exists. The increase of the height of the fence by two feet will be adequate to restore the privacy to its condition prior to the construction of the new home. The eight foot height would be limited to only that area affected by the elevated driveway. The request meets the criteria of the ordinance in that the eight foot fence will provide better screening than the six foot fence because of the elevated driveway.

Chairman Ken Vaughn led the Commission in its review of the application.

**A. The site is capable of accommodating the buildings, parking areas, and drives for appropriate open space and landscape.**

N/A

**B. Utilities are available with adequate capacity to serve the proposed development.**

N/A

**C. The plan provides for adequate management of stormwater runoff.**

Stormwater runoff does not appear to be a problem, but the installation will need to be reviewed by Public Works.

**D. The plan provides for safe and easy ingress, egress, and internal traffic circulation.**

N/A

- E. The plan is consistent with good land planning and site engineering design principals.**  
In reviewing this particular site in the field and considering the grade change between the two properties, it appears that this would be a good plan that would make provide better screening and privacy for the home at 4206 Homestead Drive.
- F. An appropriate degree of compatibility will prevail between the architectural quality of the proposed fence and the surrounding neighborhood.**  
The proposed section of fence will be rebuilt to match the other fence on the property.
- G. The plan represents an overall development pattern that is consistent with the comprehensive plan and other adopted planning policies.**  
One of the principles of the Prairie Village Comprehensive Plan is to encourage reinvestment in the community provided that it is compatible. This proposed improvement appears to be compatible in design with the neighborhood, will provide the owners more privacy, and therefore is consistent with the Comprehensive Plan.

Marlene Nagel moved the Planning Commission find the proposed eight foot fence is compatible in design with the existing dwellings and fencing in the area and provides better screening; and approve the eight foot height request for the only the 54-foot section as designated on the plan and that it match the existing fence that has been installed. The motion was seconded by Randy Kronblad and passed unanimously.

**PC2008-107 Request for Site Plan Approval for Emergency Generator  
4500 West 89<sup>th</sup> Street**

Mark & Emily Harding with Softek Solutions, Inc. at 4500 west 89<sup>th</sup> Street, appeared before the Commission to request approval of an amendment to the earlier approval of a site plan for a Permanent Standby Emergency Generator for an office at 4500 W. 89<sup>th</sup> Street. As producers of computer software, the need for a backup generator is essential to the success of their business. The initial approval given by the Commission in May was subject to the following conditions:

1. The generator will be located on the north or rear side of the building.
2. The generator shall be connected to a natural gas line.
3. The generator shall only be tested between the hours of 8:00 a.m. and 5:00 p.m.
4. The generator shall be installed in accordance with NFPA 37 Standards for the Installation and Use of stationary Combustion Engines and Gas Turbines.
5. The generator will provide sound attenuation at a Level 2 which is 75 db.
6. The fence detail be submitted to staff for approval prior to the installation of the unit.

Mark Harding stated as they will only be at this location for two years and have received an estimated cost of \$24,000 to move a natural gas generator to a new location. Therefore, they are now seeking to rent a generator for that period of time. Rental generators are typically diesel fueled rather than natural gas. Rental generators are generally rented for short periods of time until power is restored and that is why they have an attached fuel tank. Therefore, they are requesting a change in condition #2 of the approval changing the fuel source from natural gas to diesel fuel.

Ken Vaughn asked if there were any other diesel generators in the City. Mr. Williamson responded there was one at the Lockton Building, but it has been removed. He noted the City's ordinance only addresses permanent installations so those rented during a disaster are temporary and do not need City approval.

Ron Williamson presented the following staff comments on this application: Diesel fuel is not a highly combustible fuel but has other issues that are of concern. There is always the possibility that a tank could rupture so a secondary containment structure equal to the volume of fuel, which in this instance is 125 gallons, needs to be a part of the installation. Typically the fuel tank is designed with an outer tank that meets the secondary containment requirements. A second concern is fuel spills which can occur during refilling. A third concern is odor which diesel fuels have and natural gas does not. The fourth concern is truck traffic. The tank will need to be refilled from time-to-time and this property is located within a residential neighborhood. There also are building and fire code issues that need to be addressed when they apply for a permit. Tanks that are less than 660 gallons are exempt from KDHE regulations. Staff is concerned about the environmental issues of using diesel fuel for longer periods of time than just a short term after a disaster

Emily Harding stated they have talked with the Fire District who stated they have used diesel generators for eight years without any problems. Diesel fuel is safer now than it was in the past. Mark Harding added it would only be filled during crisis times.

Ken Vaughn asked where the air-intake was for the adjacent office building. Emily Harding responded the generator would be on the north side and the air-intake for the adjacent building in on the west side. Mr. Vaughn asked if they had spoken with the adjacent property owners regarding their use of a generator.

Nancy Vennard noted the wood privacy fence as having only three sides and felt it would be better for security to have the generator fully enclosed and locked.

Ron Williamson stated the fuel tank would be located under the generator. The unit would be self contained within a double wall. Mr. Williamson stated Gary Lamons with the Fire District stated their preference would be for natural gas as it is cleaner with no odor or chance of spill.

Mr. Williamson noted the other conditions were remain as approved. Emily Harding stated the diesel generator would only have a sound level of 65 db, not the 75 db stated in the original conditions.

Nancy Vennard noted this is something that is so seldom used and the length of time it would be used would be less than a week resulting in minimal truck traffic to refill the fuel supply. Ms Harding noted the generator would have a 125 gallon tank.

Ken Vaughn stated by on the 60 kilowatt generator rating he would estimate fuel usage would be less than five gallons per hour.

Dirk Shafer stated that he sees more diesel fuelled generators than natural gas.

Dale Warman agreed with Mrs. Vennard noting the office building was a very short distance from the substation and any outage should be minimal. He has seen a lot of diesel fuel usage without any problems and does not see a problem with approving the requested change to diesel fuel at this property.

Marlene Nagel stated she felt the Commission should continue to prefer the use of natural gas in residential areas. Ken Vaughn stated each application needs to be considered independently, noting this location is not in an area where the impact on neighboring properties would be a problem and the need for the backup generator is present.

Randy Kronblad moved the Planning Commission find in favor of the findings of factor and moved to approve the amended site plan for an emergency generator at 4500 West 89<sup>th</sup> Street subject to the following conditions:

1. The generator will be located on the north or rear side of the building.
2. The generator's fuel source will be diesel fuel.
3. The generator shall only be tested between the hours of 8:00 a.m. and 5:00 p.m.
4. The generator shall be installed in accordance with NFPA 37 Standards for the Installation and Use of stationary Combustion Engines and Gas Turbines.
5. The generator will provide sound attenuation at a Level 2 which is 65 db.
6. The fence detail be submitted to staff for approval prior to the installation of the unit.

The motion was seconded by Dale Warman and passed unanimously.

## **OTHER BUSINESS**

### **Discussion on Cell Tower Regulations**

Ron Williamson reviewed the proposed revisions to the City's cell tower regulations which incorporated changes recommended by the Planning Commission, Staff and the Assistant City Attorney Steve Horner.

Staff is recommending that some applications be approved by site plan and others through special use permits. Therefore a new chapter is proposed entitled "Wireless Communication Facilities" which will include both processes.

The text of the proposed amendment is as follows:

### **19.33 WIRELESS COMMUNICATION FACILITIES**

#### **19.33.005 Intent**

The Telecommunications Act of 1996 grants authority to local jurisdictions over decisions regarding the placement, construction, and modification of wireless communication facilities, towers and antennae. As the City has diverse and unique landscapes that perpetuate the identity of its residential neighborhoods, protection of these valuable resources is paramount. Accordingly, the Governing Body finds that the unregulated placement and design of wireless communication facilities, towers and antennae results in visual clutter that adversely affects community aesthetics and damages the character of the City. This ordinance is intended to provide minimum standards that ensure that the wireless communication needs of residents and businesses are met, while at the same time the general safety and welfare of the community is protected.

#### **19.33.010 Purpose**

A wireless communication facility, tower or antenna may be sited, constructed, designed or maintained in the city provided that it is in conformance with the stated standards, procedures, and other requirements of this ordinance. More specifically, these regulations are necessary to:

- A. Provide for suitable location of wireless communication facilities, towers and antennae so as to mitigate their negative effect on residential neighborhoods and land uses;
- B. Maintain community aesthetics by minimizing the negative visual effects of wireless communication facilities, towers and antennae through specific design and siting criteria;
- C. Maximize the use of existing towers and alternative tower structures so as to minimize the need for new tower locations;
- D. Encourage co-location among wireless service providers on existing and newly constructed sites in order to reduce the overall number of towers needed; and
- E. Promote the use of innovative stealth, camouflage and disguise techniques for wireless communication facilities, towers, and antennae so as to integrate their appearance with the many architectural and natural themes found throughout the City.

#### **19.33.015 Special Use Permit Requirement**

Unless otherwise exempted herein, wireless communication facilities, towers and antennae shall be allowed only upon approval of a Special Use Permit in accordance with the procedures setout in Chapter 19.28, Special Use Permit.

#### **19.33.020 Factors For Consideration**

It is not necessary that a finding of fact be made for each factor described herein. However, there should be a conclusion that the request should be approved or denied

based upon consideration of as many factors as are applicable. The factors to be considered in approving or disapproving a Special Use Permit for a wireless facility shall include, but not be limited to the following:

- A. The character of the neighborhood.
- B. The zoning and uses of property nearby.
- C. The extent that a change will detrimentally affect neighboring property.
- D. The relative gain to public health, safety and welfare by destruction of value of the applicant's property as compared to the hardship on other individual landowners.
- E. City Staff recommendations.
- F. The proposed special use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitations.
- G. The proposed special use at the specified location will not adversely affect the welfare or convenience of the public.
- H. 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 with respect to streets giving access to it are such that the 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:
  - 1. The location, size, nature and height of buildings, structures, walls, and fences on the site; and
  - 2. The nature and extent of landscaping and screening on the site.
- I. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations and such areas will be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.
- J. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
- K. 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.
- L. Adjoining properties and the general public shall be adequately protected from any hazardous or toxic materials, hazardous manufacturing processes, obnoxious odors or unnecessarily intrusive noises.
- M. Architectural design and building materials are compatible with such design and materials used in the neighborhood in which the proposed facility is to be built or located.

#### **19.33.025 Application Information**

At the time the application is filed, the applicant shall submit the following information:

- A. A study comparing potential sites within an approximate two mile radius of the proposed application area. The study shall include the location and capacity of



existing towers, potential surrounding sites, a discussion of the ability or inability of the tower or potential site to host a communications facility and reasons why certain tower or potential sites were excluded from consideration. The study must demonstrate to the City's satisfaction that alternative tower sites are not available due to a variety of constraints. It must also contain a statement explaining the need for the facility in order to maintain the system and include a map showing the service area of the proposed facility as well as other existing and proposed towers and antennas.

If the use of existing towers or potential sites are unavailable, a reason or reasons specifying why they are unavailable needs to be set out and may include one or more of the following: refusal by current tower or site owner; topographical limitations; adjacent impediments blocking transmission; site limitations to tower or facility construction; technical limitations of the system; equipment exceeds structural capacity of facility or tower; no space on existing facility or tower; other limiting factors rendering existing facilities or towers unusable. The documentation submitted must use technological and written evidence, that these sites are inadequate to fulfill the grid needs of the wireless service provider, or that a reasonable co-location lease agreement could not be reached with the owners of said alternative sites. The application shall be responsible for updating the inventory of existing, proposed, approved and/or constructed tower antenna location that occur within the two mile study area during the Special Use Permit process.

The applicant shall submit an overall plan that shows the coverage gaps in service throughout the entire city and provide an indication of future needed/proposed wireless communication facilities, towers, and/or antenna.

The applicant shall demonstrate how the proposed wireless communication facility, tower, and/or antenna will impact the overall network of the wireless service provider within the City of Prairie Village and adjacent cities on both sides of the state line. The applicant shall be required to update this information as necessary during the Special Use Permit process.

The study shall also provide documentation establishing the minimum height necessary to provide services for the primary carrier and the height required to provide for co-location.

- B. Multiple photo simulations of the proposed facility as viewed from the adjacent residential properties and public rights of way.
- C. When possible, all wireless communication towers and alternative structures must be designed to accommodate multiple providers co-location, unless the Planning Commission or City Council finds that the height or other factors required to make such an accommodation will have a more detrimental effect on the community than having multiple sites. Failure of a permit holder to provide fairly priced co-location opportunities, and/or to agree to binding arbitration to

determine the fair market value cost if an agreement cannot be negotiated shall be grounds for denial or revocation of the Special Use Permit. A signed statement shall be submitted indicating the applicant's intention to share space on the tower with other providers.

- D. A copy of the lease between the applicant and the landowner containing the following provisions.
  - 1. The landowner and the applicant shall have the ability to enter into leases with other carriers for co-location.
  - 2. The landowner shall be responsible for the removal of the communications tower facility in the event that the leaseholder fails to remove it upon abandonment.
  
- E. Any application for construction of a new wireless communication facility, tower, antenna or equipment compound must provide a detailed site plan of the proposed project. This properly scaled site plan will include one page (including ground contours) that portrays the layout of the site, as well as proposed and existing structures within 200 feet of the tower base and the identification of the specific trees, structures, improvements, facilities and obstructions, if any, that the applicant proposes to temporarily or permanently remove or relocate. Access to and from the site, as well as dimensioned proposed and existing drives, must be included on this plan. Detailed exterior elevations (from all views) of the tower, screening wall, and all proposed buildings must also be submitted. Finally, a landscape plan detailing location, size, number and species of plant materials must be included for review and approval by the Planning Commission.
  
- F. Description of the transmission medium that will be used by the applicant to offer or to provide services and proof that applicant will meet all federal, state and city regulations and law, including but not limited to FCC regulations.

The applicant shall provide an engineer's certification that anticipated levels of electromagnetic radiation to be generated by facilities on the site, including the effective radiated power (ERP) of the antenna, shall be within the guidelines established by the FCC. The cumulative effect of all antennae and related facilities on a site will also comply with the radio frequency radiation emission guidelines established by the FCC. An antenna radiation pattern shall be included for each antenna.
  
- G. Preliminary construction schedule including completion dates.
  
- H. Sufficient detail to establish the applicant's technical qualifications, experience and expertise as a provider regarding communication or utility facilities and services described in the application.

- I. Information to establish the applicant has obtained all other government approvals and permits to construct and operate communications facilities, including but not limited to approvals by the Kansas Corporation Commission.
- J. Copies of letters sent to other wireless communication providers and their response regarding their interest to co-locate.
- K. Any other relevant information requested by City Staff.
- L. An application fee. The applicant must agree to and reimburse the City for all costs related to the application for franchise to use or to occupy the public right-of-way including any legal, financial or administrative activities. Such application fee shall not be charged against the regular compensation to be paid to the City.

### 19.33.030 Design Requirements

#### A. Setbacks

1. The equipment compound shall meet the minimum required setbacks for a principal use in the district in which it is located.
2. Stealth towers that are truly architecturally integrated into the building shall maintain the same setbacks that are required for a principal building.
3. Monopoles or towers shall setback a minimum distance from all property lines equal to the height of the tower times a multiplier of 1.5 but shall not be required to setback more than 200 feet from the property line.

#### B. Screening and Landscape Buffer

Adequate screening of the equipment cabinets located at the tower base shall be provided by a solid or semi-solid wall or fence or a permanent building enclosure using materials similar to adjacent structures on the property. All equipment cabinets shall be adequately secured to prevent access by other than authorized personnel.

Landscaping shall be required around the base or perimeter of the screening wall or fence. A combination of coniferous and deciduous trees and shrubs is required and drought tolerant plant materials are encouraged. When the visual impact of the equipment compound would be minimal, the landscaping requirement may be reduced or waived by the Planning Commission or Governing Body.

#### C. Tower/Antennae Design

1. All towers shall maintain a hot dipped galvanized finish, and shall be a mono-pole design unless otherwise approved by the Planning Commission.
2. All antennae installed on towers shall be internal or shall be a panel antenna of "slim-line" design and shall be mounted parallel with the tower. Antenna bridges and platforms are not allowed. Public service omni-

- directional antennae operated by the City of Prairie Village and other governmental agencies are exempt from this requirement.
3. All antennae and related facilities installed on an alternative tower structure shall be of materials that are consistent with the surrounding elements so as to blend architecturally with said structure and to camouflage their appearance. Antennae on the rooftop or above a structure shall be screened, constructed and/or colored to match the structure to which they are attached.
  4. Antennae and related facilities shall be of materials and color that are consistent with the tower or alternative tower structure and surrounding elements so as to blend architecturally with said tower or structure. The antennae and related facilities shall be a neutral color that is identical to, or closely compatible with, the color of the tower or alternative tower structure so as to make the antennae and related facilities as visually unobtrusive as possible. Antennae mounted on the side of a building or structure shall be painted to match the color of the building or structure of the background against which they are most commonly seen.
  5. All electrical cables shall be within the monopole. For installations on buildings, water towers and other structures, cables shall be enclosed with a shield that is painted the same color as the building, water tower, or structure. Underground cables that are a part of the installation shall be required to be located at a safe depth underground.

D. Illumination

Communication towers may be only illuminated if required by the FCC and/or the FAA. Security lighting around the base of the tower may be installed, provided that no light is directed toward an adjacent residential property or public street.

E. Height

The maximum height for a wireless communication tower shall be 150 feet plus a lighting rod not exceeding ten feet (10').

F. Sealed Drawings

The plans for the tower shall be prepared and sealed by a structural engineer licensed in the State of Kansas. Construction observation shall be provided by the design engineer provided that said engineer is not an employee of the tower's owner. If the design engineer is an employee of the owner, an independent engineer will be required to perform construction observation.

- G. Anti-perch devices that prevent birds from perching or roosting on the installation shall be installed when appropriate.

**19.33.035 Conditions of Approval**

The Planning Commission and City Council may require any or all of the following conditions and may add additional conditions if deemed necessary for a specific location:

- A. The initial approval of the Special Use Permit shall be for a maximum of five years. At the end of the five year period, the permittee shall resubmit the application to the Planning Commission and shall demonstrate to the satisfaction of the Planning Commission that a good faith effort has been made to cooperate with other providers to establish co-location at the tower site, that a need still exists for the tower, and that all the conditions of approval have been met. The application may then be extended for an additional five years and the permittee shall resubmit after each five year reapproval.
- B. Any tower, antenna or other facility that is not operated for a continuous period of six months shall be considered abandoned and the owner of such tower, antenna or facility shall remove the same within 90 days after receiving notice from the City. If the tower, antenna or facility is not removed within that 90 days period, the governing body may order the tower, antenna or facility removed and may authorize the removal of the same at the permittee's expense. Prior to the issuance of the Special Use Permit, the applicant shall submit a bond to the City in an amount adequate to cover the cost of tower removal and the restoration of the site. This bond will be secured for the term of the Special Use Permit plus one additional year. In the event the bond is insufficient and the permittee otherwise fails to cover the expenses of any such removal, the site owner shall be responsible for such expense.

The City may, at its option, claim the abandoned tower for its own use instead of having it removed and the City may sell or lease the tower to other companies or use it for its own needs. If the City chooses this option, it shall release the applicant's bond.

- C. The applicant shall have a structural inspection of the tower performed by a licensed professional engineer licensed in the State of Kansas prior to every five year renewal and submit it as a part of the renewal application.
- D. Any permit granted for an antenna or tower installation which is found not to be in compliance with the terms of the Special Use Permit will become null and void within 90 days of notification of noncompliance unless the noncompliance is corrected. If the Special Use Permit becomes null and void, the applicant will remove the towers and all appurtenances and restore the site to its original conditional.
- E. The permittee shall keep the property well maintained including maintenance and replacement of landscape materials; free of leaves, trash and other debris; and either regularly cleaning up bird droppings or installing anti-perch devices that prevent birds from perching on the installation.
- F. Evidence of liability insurance with an insurance company licensed to do business in Kansas in an amount not less than one million (\$1,000,000) dollars per occurrence and two million (\$2,000,000) dollars in aggregate, to protect the City from and against all claims by any person whatsoever for loss or damage

from personal injury, bodily injury, death or property damage occasioned by the permit holder, or alleged to so have been caused or occurred. If the applicant is self-insured, it shall provide the City proof of compliance regarding its ability to self-insure and proof of its ability to provide coverage in the above amounts.

- G. Any wireless communication facility, tower or antenna which is not structurally maintained to a suitable degree of safety and appearance (as determined by the City and any applicable law, statute, ordinance, regulation or standard) shall be considered in violation of the Special Use Permit and shall be cured within sixty (60) days of written notice or removed as provided for herein.
- H. In the future should the levels of radio frequency radiation emitted be determined to be a threat to human health or safety, the wireless communication facility, tower or antenna shall be cured or removed as provided for herein. This finding must be either mandated by any applicable law, by federal legislative action, or based upon regulatory guidelines established by the FCC.
- I. In order to ensure structural integrity, all wireless communication facilities, towers and antennae shall be constructed and maintained in compliance with all applicable local building codes and the applicable standards for such facilities, towers and antennae that are published by the Electronic Industries Association.
- J. All wireless communication facilities, towers and antennae shall meet or exceed all minimum structural and operational standards and regulations as established by the FCC, FAA, EPA and other applicable federal regulatory agencies. If such standards and regulations are changed, then all facilities, towers, and antennae shall be brought into compliance within six (6) months of the effective date of the new standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency.
- K. It shall be the responsibility of any permit holder to promptly resolve any electromagnetic interference problems in accordance with any applicable law or FCC regulation.

#### **19.33.040 Site Plan Approval**

All installations shall have a site plan approval in accordance with Chapter 19.32 Site Plan Approval.

#### **19.33.045 Exceptions**

Any wireless communications facility, tower and antennae that are a stealth design, which means that they will be integrated as an architectural feature of a structure or building so that the wireless services installation is not readily apparent to the casual observer, shall be exempt from the Special Use Permit requirements and shall be approved in accordance with Chapter 19.32 Site Plan Approval.

The initial approval of the Site Plan shall be for a maximum of five years. At the end of the five year period, the applicant shall resubmit the application to the Planning

Commission and shall demonstrate to the satisfaction of the Planning Commission that a good faith effort has been made to cooperate with other providers to establish co-location at the tower site, that a need still exists for the tower, and that all the conditions of approval have been met. The application may then be extended for an additional five years.

#### **19.33.050 Existing Site Improvements**

Alterations or improvements to existing wireless communication sites shall be allowed when these alterations or improvements are implemented to:

- A. Accommodate additional wireless service providers, provided that the alterations or improvements meet all applicable requirements of this Chapter. Unless otherwise provided for by the current Special Use Permit, application for such alteration or improvement to an existing site will require approval through a new Special Use Permit. However, if provided by the current Special Use Permit, such application shall be considered a revised final site plan and will only require submission to and approval of the Planning Commission.
- B. Alter an existing facility, tower, or antenna in a manner that makes the facility, tower or antenna less obtrusive, such as lessening the tower height, converting the structure to an alternative tower structure, or modifying the antenna to a “slim line” or internal design. Such application shall be considered a revised final site plan and will only require the submission to and approval by the Planning Commission.
- C. Any such alteration or improvement shall meet any and all current applicable design and technical standards and requirements. The cumulative effect of any additional antennae and related facilities must comply with the radio frequency radiation emission guidelines established by the FCC.
- D. Additional Antennae. When provided for in the approved capacity limit of a multi-user tower’s current Special Use Permit, additional antennae or replacement of current antenna may be added through an application for a revised site plan and will only require submission to and approval by the Planning Commission. Any additional antennae that exceed the originally approved capacity limit shall be considered a revised application, and shall require a Special Use Permit to locate. Any additional antennae or replacement of current antennae shall meet any and all current applicable design and technical standards and requirements. The cumulative effect of any additional antennae and related facilities must comply with the radio frequency radiation emission guidelines established by the FCC.
- E. In the event that new technology provides a better alternative to the design requirements herein, the Planning Commission may reasonably approve or require an alternative design of a wireless communication facility, tower or antenna when the appearance of the same is deemed to be less obtrusive than the requirements permitted herein.

- F. Any proposal by a permit holder to replace a current antenna or to alter and improve an existing facility, tower or antenna in a manner to make the same less obtrusive shall be considered a revised site plan and will only require submission to and approval by the Planning Commission.
- G. Any such alteration or improvement shall meet any and all current applicable design and technical standards and requirements, and the cumulative effect of any additional antennae and related facilities must comply with the radio frequency emission guidelines established by the FCC.

**19.33.055 Nonconformities**

Pre-existing wireless communication facilities, towers and antennae operating with a valid Special Use Permit, shall be considered legal non-conforming structures and shall not be required to meet the mandates of this Ordinance until the expiration of their applicable Special Use Permit.

Dennis Enslinger stated the City Council, at its meeting on Monday, requested that they see the proposed language before a public hearing was authorized by the Commission.

Randy Kronblad confirmed the regulations would be written as an ordinance adding a new chapter to the zoning regulations. The language would be removed from the Special Use Permit chapter.

Mr. Kronblad noted the ordinance refers to residential neighborhoods and questioned if it should only apply to residential areas. Ron Williamson responded the applicant would have to get a Special Use Permit for any location. He would like to see it applied to a larger area without the reference to residential

Nancy Vennard confirmed the 200' notification area was measured from the property line. Mr. Williamson noted Homes Associations within 500' are also notified. Mr. Lindeblad stated 200' is a well established notification area. Mrs. Vennard noted the required notice for the CVS application using 200' was very minimal. Mr. Lindeblad responded that is why the property is also required to have signs placed noting the pending application. Ron Williamson stated the statutes require 200' notification for zoning and he feels that distance should be consistent throughout.

Andrew Wang raised questions regarding the accuracy of photo simulations and photographs based on how they are taken. Bob Lindeblad responded that will also be an issue.

Ken Vaughn suggested language the following language be added to the requirement for photo simulations: "as directed by City Staff". This will help to get the views the City wants to be able to see. Mr. Williamson noted the photographs on the last application were difficult because of the grade of the property and surrounding property.



Marlene Nagel stated she still has concerns with the situation where the applicant says "this is the only site" and would like to require them to provide a written that other potential sites are not available.

Bob Lindeblad does not believe the City can require the applicant to get to the point where there are no other options. There may be other options and there is nothing wrong with that; however, it is the applicant's responsibility to explain why these are not being used and why they have selected the location proposed. Nancy Vennard noted past applicant/s have presented inaccurate and conflicting information.

Andrew Wang stated the change from a ½ mile distance to a 2 mile distance seems excessive. Ken Vaughn asked if this was a radius or diameter. Mr. Williamson responded it is a radius with the intent of seeing how they are going to address the big picture regardless of the City limit lines. Both Leawood and Fairway use the two mile distance.

Randy Kronblad moved the proposed language with the revisions requested by the Commission be forwarded to the City Council for review. The motion was seconded by Marlene Nagel and passed unanimously.

#### **December Meeting**

Ron Williamson asked the Commission if they wanted to delay the December Commission meeting from December 2 to December 9<sup>th</sup> because of the Thanksgiving Holiday. Several Commissioners indicated they would be out of town for the holiday and it would be difficult for them to review the packet prior to the meeting.

Bob Lindeblad moved the Planning Commission change its December meeting from December 2<sup>nd</sup> to December 9, 2008. The motion was seconded by Marlene Nagel and passed unanimously.

#### **2009 Meeting Schedule**

The Commission Secretary presented the proposed meeting and submittal schedule for 2009. The only variation to meeting dates recommended is for the December meeting as it fall directly after Thanksgiving making it difficult both for staff to get out the packet with the shortened week and difficult for Commissioners to review the packet over the holiday. It was suggested the December meeting be held on the second Tuesday of the month.

Randy Kronblad moved to approved the proposed 2009 meeting schedule with the December meeting changed to the second Tuesday of the month and submittal dates adjusted accordingly. The motion was seconded by Dale Warman and passed unanimously.

**ADJOURNMENT**

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

Ken Vaughn  
Chairman

## **Insurance Committee Minutes**

November 25, 2008 meeting  
4PM, Multipurpose Room

Committee members present: Charles Clark (Chair), Dale Beckerman, Frank Young, Tom Cannon, Dick Callahan, and Quinn Bennion. Also present: Bob Frankovic of Cretcher Heartland, insurance consultant and broker.

Charles Clark chaired the meeting and called the meeting to order.

Bob Frankovic reviewed the current public insurance market conditions. The market is still soft, but could change in the future. The likely responding public entity carriers were discussed and includes Travelers, Great American, Houston Casualty and One Beacon. It is anticipated that several carriers will be very competitive. Mr. Frankovic anticipates an increase of 4 to 5% for the new term beginning May 2009.

Mr. Frankovic outlined the 2009 renewal strategy and timetable. In January, Cretcher Heartland will begin to prepare the annual renewal packet and gather information from City Hall. The renewal packets will be sent to carriers with a 60 day response period. Proposals will be due in March after which the insurance committee will review the responses. City Council will accept a proposal in April and the new term will begin May 1, 2009.

Bob Frankovic reviewed the open claims and losses. There was discussion about worker's compensation premium audits and the resulting increase in premiums. Traveler's recently audited the worker's compensation rates and classifications. It was discovered that the rates were significantly underestimated. The City has made a corrective payment for the period ending May 2008 and anticipates a similar additional payment for the current term. A portion of the corrective premium payment was a result of the pool employees classified incorrectly.

The committee discussed the recent denial of coverage by Traveler's. The City was challenged in federal district court over the denial of a T-mobile cell tower placement in a residential area. Traveler's was notified of the claim and was very slow in responding to whether the City would receive support for defending the claim and suggesting legal counsel. Due to the lack of response by Traveler's, the City secured an attorney and responded to the suit within the 20 day deadline. Traveler's provided a letter three months later stating that coverage would not be provided as the claim is for adjudicative relief and does not seek monetary damage. Quinn Bennion expressed frustration over the length of time for a response from Traveler's. Dale Beckerman mentioned that insurance carriers typically respond quickly with a reservation of rights letter. The Insurance Committee discussed whether the City should seek coverage for such items in

the future as most planning and zoning challenges would not involve monetary compensation.

The committee conversed about risk management practices. Mr. Frankovic offered to help departments with loss control ideas by creating a list of best practices. Mr. Bennion discussed the possibility of establishing a safety committee composed of representatives of each department. The safety committee would help create a safety culture within the organization. Cretcher Heartland is willing to engage an outside consultant to assist with loss control and safety practices.

Chair Clark announced that the next insurance committee meeting will be in March unless otherwise needed and he adjourned the meeting at approximately 5:15PM.

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Minutes prepared and submitted by  
Quinn Bennion  
City Administrator  
November 28, 2008

**TREE BOARD  
City of Prairie Village, Kansas**

**MINUTES**

**Wednesday - December 3, 2008, 6:00PM Meeting  
Public Works - Conference Room  
3535 Somerset Drive**

Board Members: Cliff Wormcke, Jim Hansen, Greg VanBooven, Deborah Nixon, Luci Mitchell, Art Kennedy, Tony Rostberg

Other Attendees: Suzanne Lownes

- 1) **Review and Approve minutes from November 5, 2008 meeting** - Motion by Greg VanBooven and seconded by Jim Hansen to accept the minutes.
- 2) **Sub-Committee Report**
  - 2.1) **Fall Seminar**
    - a) **Discussion of possible topics.** It was decided to wait on discussion until next year.
  - 2.2) **Arboretum Committee**
    - a) **Update.** Art Kennedy said that there was nothing new to report at this time.
  - 2.3) **Arbor Day**
    - a) **Arbor Day Poster Contest.** Art Kennedy discussed the Arbor Day Poster Contest for 5<sup>th</sup> graders through the Arbor Day Foundation. He said that there are 4 elementary schools in Prairie Village and that trying to get them involved in this event would be good. He suggested meeting with the Principals at each school to see if this could be done. Art said he would meet with Corinth and Prairie Elementary schools, Luci said she would contact Belinder Elementary and Deborah will contact Briarwood Elementary.
- 3) **Discussion of revising Tree Planting List for Right-of-way plantings.** Suzanne Lownes updated the group on the issue that some of the trees on the list are not appropriate for right-of-way planting so a new right-of-way list needs to be created to send to residents. Greg said that he will review the list and then bring it to the next meeting for final approval.
- 4) **Tree Removal at Corinth Shopping Center** - There was no update on this issue
- 5) **Old Business** - Suzanne Lownes updated the group on the issue of Tree removal at Corinth Shopping Center and showed plans of what trees have been removed. Suzanne Lownes stated that Bob Pryzby had suggested that the Tree Board suggest 8 to 12 trees and the type of species that should be planted throughout the shopping center. The committee decided to meet to look at the area and formulate a plan to submit to the shopping center. The meeting was scheduled for Saturday, January 3<sup>rd</sup> at 2:00pm at Panera located at 83<sup>rd</sup> & Mission.
- 6) **New Business** - Deborah Nixon updated the committee on the Park & Recreation Master Plan. She noted that trees and plantings are not in the scope of the plan. She suggested that the Tree Board might want to have a plan on how to maintain the urban forest in each of the parks. It was suggested that at least one Tree Board member should be reviewing the Park & Rec. Committee agendas for topics that would pertain to the Tree Board and attending meetings when they can. Luci Mitchell said that she will review the Park & Rec. Committee agendas. Suzanne Lownes said that she would get Luci Mitchell set up to receive the Park & Rec. Committee agendas.

Deborah Nixon stated that it was time to elect a new Chairperson for the committee. Greg VanBooven made a motion to make Luci Mitchell the new Chairperson for the Tree Board and Tony Rostberg seconded that motion. Starting in January Luci Mitchell will be then new Tree Board Chairperson, congratulations Luci.

- 7) **The next meeting agenda** - Next meeting will be January 7th at 6:00PM at Public Works.

Also please note the meeting to review Corinth Shopping Center Trees on Saturday, January 3<sup>rd</sup> at 2:00pm at Panera.

**Council Members  
Mark Your Calendars  
December 15, 2008**

- December 2008** Tom Wilson, Melanie Nolker & Wendy Taylor mixed media exhibit in the R. G. Endres Gallery 6:30 to 7:30 p.m.  
December 25 City offices closed in observance of Christmas
- January 2009** Prairie Village Arts Collection mixed media exhibit in the R. G. Endres Gallery  
January 1 City offices closed in observance of New Year's Day  
January 5 City Council Meeting  
January 19 City offices closed in observance of Martin Luther King Jr. Day  
January 20 Reception for Joyce DiDonato at Homestead Country Club  
January 20 (Tues.) City Council Meeting
- February 2009** Prairie Village Arts Collection mixed media exhibit in the R. G. Endres Gallery  
February 2 City Council Meeting  
February 16 City offices closed in observance of President's Day  
February 17 (Tues.) City Council Meeting
- March 2009** Deana Winter mixed media exhibit in the R. G. Endres Gallery  
March 2 City Council Meeting  
March 13 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.  
March 16 City Council Meeting
- April 2009** Christi Roberts-Bony oils exhibit in the R. G. Endres Gallery  
April 6 City Council Meeting  
April 10 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.  
April 20 City Council Meeting
- May 2009** Kay Trieb photography exhibit in the R. G. Endres Gallery  
May 4 City Council Meeting  
May 8 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.  
May 18 City Council Meeting  
May 25 City offices closed in observance of Memorial Day
- June 2009** L. Daniel Compton photography exhibit in the R. G. Endres Gallery  
June 1 City Council Meeting  
June 12 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.  
June 15 City Council Meeting
- July 2009** Mark Raynes photography exhibit in the R. G. Endres Gallery  
July 3 City offices closed in observance of Independence Day  
July 4 VillageFest  
July 6 City Council Meeting  
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 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**

December 15, 2008

### **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**

- COU2006-27 Consider Project 190855: Tomahawk Road Bridge Replacement (assigned 8/28/2006)
- COU2006-33 Consider Lease of Public Works from Highwoods Properties, Inc. (assigned 8/29/2006)
- COU2006-38 Consider Park & Recreation Committee Master Plan (assigned 09/27/2006)
- COU2007-02 Consider Reducing size of Council & term limits for elected officials (assigned 1/8/2007)
- COU2007-27 Consider Project 190864 - 2008 Paving Program (assigned 3/9/2007)
- COU2007-35 Consider reactivation of Project 190709: 83<sup>rd</sup> Street/Delmar Drainage Improvements
- COU2007-40 Consider Code Enforcement - Interior Inspections (assigned 5/2/2007)
- COU2007-74 Consider reactivation of Prairie Village Development Corporation (assigned 12/3/2007)
- COU2008-21 Consider Project 190865:2009 CARS - Roe Avenue Resurfacing from Somerset Drive to 83<sup>rd</sup> Street (assigned 2/26/2008)
- COU2008-22 Consider Project 190890: 2009 Street Resurfacing Program (assigned 2/26/2008)
- COU2008-25 Consider Project 190871: Mission Lane Bridge Replacement (assigned 2/27/2008)
- 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)
- COU2008-88 Consider Contingency Allocation for 2008 Property Tax Bill (assigned 11/21/2008)
- COU2008-89 Consider Transfer to Equipment Reserve Fund (assigned 11/21/2008)
- COU2008-90 Consider amendment to Chapter Four regarding Johnson County Contractor Licensing (assigned 11/24/2008)
- COU2008-91 Consider 2009 Salary Ranges (assigned 11/24/2008)
- COU2008-92 Consider contribution allocation recommended by the Drug & Alcoholism Council of Johnson County for 2009 Alcohol Tax Funds (assigned 11/24/2008)
- COU2008-93 Consider 2009 Utility Assistance Program (assigned 11/24/2008)
- COU2008-94 Consider purchase of 2009 pickup trucks (assigned 11/24/2008)
- COU2008-95 Consider purchase of 61-inch riding mower (assigned 11/24/2008)
- COU2008-96 Consider approving an amendment to the Police Pension Plan for required distributions at age 70 ½ in order to comply with Internal Revenue Code Section 401(a)(9) (assigned 11/24/2008)
- COU2008-97 Consider Sidewalk on Homestead Circle, Project 190869: - 2009 Street Resurfacing Program (assigned 12/8/2008)
- COU2008-98 Consider Policy amendment regarding pool passes for employees (assigned 12/10/2008)
- COU2008-99 Consider agreement for Professional Financial Advisory Services (assigned 12/10/2008)
- COU2008-100 Consider approval of ordinance affirming City Boundaries (assigned 12/10/2008)

### **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 1<sup>st</sup> Quarter of 2001)