

# **24th Annual Peanut Butter Week**

September 22<sup>nd</sup> - 26<sup>th</sup>



PLEASE BRING A JAR OF PEANUT BUTTER  
TO THE COUNCIL MEETING ON  
September 15<sup>th</sup>

# City Council Meeting

September 15, 2008

7:30 p.m.



**Dinner will be provided by:  
Dragon Inn**

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**Chicken with seasonal vegetables  
Peking Shrimp  
Hunan Pork  
Beef and Broccoli**

**COUNCIL COMMITTEE**

**September 15, 2008**

**6:00 p.m.**

**Council Chamber**

**AGENDA**

**Council Chamber**

**DAVID VOYSEY, COUNCIL PRESIDENT**

**CONSENT AGENDA**

- COU2007-27**      **Consider Project 190864: 2008 Street Resurfacing Program Construction Change Order #5**
- COU2008-71**      **Consider ordinance changing number of municipal codes maintained by City Clerk**
- \*COU2008-73**      **Consider the Tyco Electronics-M/A-COM Inc. Renewal Agreement for Maintenance of the EDACS System Components**

**AGENDA ITEMS FOR DISCUSSION**

- \*COU2008-68**      **Consider installation of additional speakers in hallway and Multi-Purpose Room  
Mike Helms**
- \*COU2008-69**      **Consider repairs to air conditioning unit at Municipal Office  
Mike Helms**
- COU2008-70**      **Consider Employee Health Insurance Alternatives  
Dave Johnson, CBIZ**
- COU2008-32**      **Consider Implementation of Phase 1 Safe Routes to School Grant Application for FY 2009  
Dennis Enslinger**
- Discussion of the Process for Considering Planning Commission Recommendations & Open Meetings  
Katie Logan, City Attorney**
- Presentation on Crisis Intervention Team  
Kyle Shipps**
- COU2007-51**      **Village Vision**

**\*Council Action Requested the Same Evening**



## PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: September 15, 2008

Council Meeting Date: October 6, 2008

### **COU2007-27: CONSIDER PROJECT 190864: 2008 STREET RESURFACING PROGRAM CONSTRUCTION CHANGE ORDER #5**

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#### **RECOMMENDATION**

Staff recommends the City Council approves Construction Change Order #5 with O'Donnell & Sons Construction for an increase of \$48,521.00 to project 190864: 2008 Street Resurfacing Program.

#### **COUNCIL ACTION REQUESTED ON OCTOBER 6, 2008**

#### **BACKGROUND**

In order to provide a stable road section, additional thickness of asphalt concrete was placed on 75<sup>th</sup> Terrace in lieu of using fly ash or other sub-base stabilization methods. The fly ash stabilization was a more costly option. As a local street will minimum truck traffic, the additional asphalt concrete will provide the needed sub-base.

#### **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 #5 with O'Donnell & Sons Construction.

#### **PREPARED BY**

S Robert Pryzby, Director of Public Works  
September 2, 2008

CITY OF PRAIRIE VILLAGE  
PUBLIC WORKS DEPARTMENT  
CONSTRUCTION CHANGE ORDER NO. 5

Consultant's Name: BHC Rhodes

Project Title: 2008 Paving Program

Date Requested: September 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
75th Terrace (75th Street to Colonial Drive)						
838	\$41,816.20	Ton	4" Asphalt Base (Type 1)	1795	\$49.90	\$89,570.50
724	\$10,860.00	Ton	4" Granular Subbase	0	\$15.00	\$0.00
75th Terrace (Colonial to Brush Creek)						
235	\$11,726.50	Ton	4" Asphalt Base (Type 1)	468	\$49.90	\$23,353.20
			Contingent Items			

	TOTAL	\$64,402.70		0	
			NET	0	
				0	TOTAL
					Increase
					\$112,923.70
					\$48,521.00

**Explanation of Changes**

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

Additional asphalt base required to stabilize subgrade.

This change order increases the contract amount by \$48,521.00.

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>\$2,178,671.60</u>
NET increase or decrease this Change Order	<u>\$48,521.00</u>
New Contract Price	<u>\$2,227,192.60</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 Triens, Manager of Engineering Services  
City of Prairie Village, KS

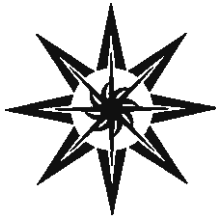
9/2/08  
\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

9-2-08  
\_\_\_\_\_  
Date



## **CITY CLERK DEPARTMENT**

**Council Committee Meeting Date: September 15, 2008**

**Council Meeting Date: October 6, 2008**

**Consent Agenda**

**COU2008-71 Consider ordinance changing number of municipal codes  
maintained by City Clerk**

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### **RECOMMENDATION**

Recommend the City Council adopt Ordinance 2176 amending Section 1 of Ordinance 2091 of the City of Prairie Village

### **BACKGROUND**

On February 5, 2005, the City Council adopted the codification of the City's Municipal Code by Ordinance 2091. Section 1 of this ordinance states "At least 10 copies of this code shall be certified by the City Clerk as the true and correct copies". The attached ordinance revision prepared by the City Attorney changes the number of required copies to the statutory requirement of three copies.

### **ATTACHMENTS**

Proposed Ordinance 2176

### **PREPARED BY**

Joyce Hagen Mundy  
City Clerk

Date: September 10, 2008

ORDINANCE NO. 2176

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2091 OF THE CITY OF PRAIRIE VILLAGE, KANSAS.

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

Section I.

Section 1 of Ordinance No. 2091 of the City of Prairie Village is deleted in its entirety and in lieu thereof, the following section of the same name and number is hereby adopted:

Section 1. The codification of ordinances of the City of Prairie Village, Kansas, authorized by Ordinance No. 1883 and K.S.A. 12-3014 and 12-3015, as set out in the following chapters, Chapters I to XVI and Appendices A and B, all inclusive, and entitled the "Code of the City of Prairie Village, Kansas, 2003," is hereby adopted and ordained as the "Code of the City of Prairie Village, Kansas, 2003." Said codification shall be effective after publication of Ordinance No. 2091. A copy of Ordinance No. 2091 as amended by this Ordinance 2176, along with a certificate of the City Clerk that the code, ordinance and the code published in book form are true and correct copies of the code, shall be on file with the City. At least 3 copies of this code shall be certified by the City Clerk as the true and correct copies and these copies shall impart absolute verity and be received in evidence in all courts and places without further proof.

Section II.

This Ordinance shall take effect and be in force from and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this \_\_\_\_\_ day of September, 2008.

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

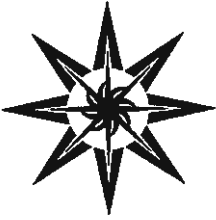
ATTEST:

APPROVED AS TO FORM:

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

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





## POLICE DEPARTMENT

Council Meeting Date: September 15, 2008

**CONSENT AGENDA:** Consider the Tyco Electronics-M/A-COM Inc. Renewal Agreement for Maintenance of the EDACS System Components

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### RECOMMENDATION

Staff recommends the Prairie Village City Council approve the maintenance agreement with Tyco Electronics-M/A Com Inc. for the EDACS system components from August 3, 2008 to August 2, 2009. Funds for this annual fee were approved by the City Council in the 2008 Public Safety Budget in line item 1-3-22-5240, and \$4,431.00 of the total cost will be shared with the City of Leawood.

### BACKGROUND

The City signed a contract with Ericsson Inc. in 1997 for the maintenance of the EDACS radio system utilized by the Prairie Village and Leawood Police Departments, as well as the Prairie Village, Mission Hills and Leawood Public Works Departments. The radio system operates seven days a week, twenty-four hours a day. The maintenance is required to keep the system operational by performing system checks and routine maintenance on a scheduled basis to help prevent failures of the radio system. Tyco Electronics-M/A Com Inc. was formerly Ericsson Inc. and is the manufacturer of our radio system components.

The Department has experienced no problems with the past contracts. The City Attorney has previously reviewed and approved this document.

### ATTACHMENTS

#### PREPARED BY

Capt. Wes Lovett  
Staff Services Division Commander  
Date: September 5, 2008



August 8, 2007

Captain Wes Lovett  
City of Prairie Village  
7710 Mission Road  
Prairie Village, KS 66208

This letter is to confirm that M/A-COM Inc agrees to extend EDACS System Maintenance Contract with City Prairie Village for an additional year to run from August 3, 2008 to August 2, 2009. This renewal is per section 5.2 of the contract. The contract price of \$19,728.00 for the period August 3, 2007 to August 2, 2008 will increase by 5.5% which has been calculated from the Bureau of Labor Statistics CPI-W Index. Please see the calculations below showing how the percentage of increase was determined.

CPI-W Calculations:

Index Value for June 2008 (Latest month available)	215.223
Index Value for June 2007	203.906
Index Value Change (increase)	11.317

Index Value Change  $11.317 \div 203.906 = 5.5\%$

$\$19,728.00 + 5.5\% = \mathbf{\$20,813.00}$  for period **August 3, 2008 to August 2, 2009**. This amount will be invoiced annually.

The link below is for the Bureau of Labor Statistics CPI-W index website.

<http://www.ssa.gov/OACT/STATS/cpiw.html>

### **Addition of Clause Regarding Parts Availability to Agreement**

Many M/A-COM EDACS radio systems seen successful service in excess of 10 years and some for over 15 years. These systems have equipment that has survived many years past the date when parts support was guaranteed. M/A-COM is adding the following clause to all existing maintenance agreements to address the possibility of obsolesce and non-availability of parts.

**Parts Availability Clause**

M/A-COM will support provisioning of its equipment for a period of five (5) years after final production of mobile and portable radios and seven (7) years after final production of fixed equipment. Third party equipment will be supported in accordance with the individual manufacturer's provisioning policy. M/A-COM will utilize commercially reasonable efforts to assure third party spare parts and equipment availability to support its maintenance obligations under this Agreement. M/A-COM shall not be liable to Customer for third party spare part and equipment obsolescence or unavailability under this Agreement beyond commercially reasonable efforts.

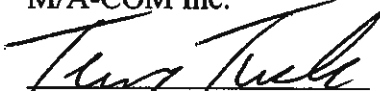
M/A-COM, working with our local Authorized Service Center (ASC) and Network Solutions Provider (NSP) Communications Associates, will continue to provide maintenance services to meet and exceed the needs of the users of the EDACS network for City of Prairie Village.

Please indicate by signature below, your concurrence to extension of this Maintenance Contract.

Sincerely,

Terry Tuck  
Regional Service Manager  
8105 N. Beltline Road  
Suite 170  
Irving, TX 75063-6070  
972-550-2310  
[tuckte@tycoelectronics.com](mailto:tuckte@tycoelectronics.com)


M/A-COM Inc.

  
Signature

TERRY TUCK  
Printed Name

8/13/08  
Date

City of Prairie Village, KS

  
Signature

Mrs Lovett  
Printed Name

8-27-08  
Date

We have provided four (4) copies of this document signed by M/A-COM. Please sign and return a minimum of two (2) copies of this document. We have provided a pre-addressed FedEx envelope for return of the signed documents.

Please enclose in the FedEx package your Purchase Order for these services.

# CITY OF PRAIRIE VILLAGE

## PURCHASE ORDER

**INVOICE ADDRESS:**

Accounts Payable  
 City of Prairie Village  
 7700 Mission Road  
 Prairie Village, KS 66208  
 (913) 381-6464

P.O. No.: 2116

Date: August 27, 2008

This is a confirmation:

This is an order:

**VENDOR ADDRESS:**

TYCO Electronics  
 8105 North Beltline Road  
 Suite 170  
 Irving, Texas 75063

**DELIVERY ADDRESS:**

Prairie Village Police Department  
 7710 Mission Road  
 Prairie Village, Kansas 66208

Vendor No.:

Delivery Date:

ITEM NO.	ACCOUNT NO.	DESCRIPTION	QUAN.	UNIT AMOUNT	TOTAL AMOUNT
	1-3-22-5240	EDACS System Maintenance contract August 3, 2008 - August 2, 2009			\$20,813.00
NOTE:	the City of Leawood will reimburse the City of Prairie Village \$4,431.00 of this amount				
				<b>GRAND TOTAL</b>	<del>\$20,813.00</del>

**Conditions of Purchase**

1. Purchase Order number must appear on all invoices, packages, packing slips, shipping papers, and correspondence.
2. Unless otherwise stated all prices F.O.B. Destination, Prairie Village, Kansas
3. Purchaser reserves the right to cancel all or any part of this order upon which deliveries have been delayed beyond thirty days, either after date of order or specified delivery date.
4. Defective goods will be returned at your expense and credit taken on vouchers. No goods returned as defective shall be replaced without our formal replace order.
5. Shipment of any part of this order constitutes acceptance of all conditions without reservation.
6. Purchase and/or payment is subject to appropriation of funds by the city council.
7. This municipality is exempt from all Kansas taxes, except state gasoline tax.
8. Samples or proofs, if requested, must be furnished at bidder's or vendor's expense for approval and will be returned on the same terms, if requested.

*[Signature]* 9/5/08

Authorized Signature



## **PUBLIC WORKS DEPARTMENT**

Council Committee Meeting Date: September 15, 2008  
Council Meeting Date: September 15, 2008

### **\*COU2008-68: CONSIDER INSTALLATION OF ADDITIONAL SPEAKERS IN HALLWAY AND MULTI-PURPOSE ROOM**

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#### **RECOMMENDATION**

Staff recommends the City Council approve the installation of three ceiling speakers in the hallway and one ceiling speaker in the Multi-purpose room with all speakers connected the City Council chamber audio system.

#### **COUNCIL ACTION REQUESTED ON SEPTEMBER 15, 2008**

#### **BACKGROUND**

During a recent public hearing held in the City Council chambers the number of attendees exceeded the room capacity requiring persons to stand in the hallway. Those persons in the hallway were given an opportunity to address the City Council, but could not hear the discussions as they were not allowed to remain in the City Council chamber.

This request is to install two ceiling speakers in the hallway in front of the City Clerk counter and one ceiling speaker opposite the Codes counter. The fourth ceiling speaker would be located in the Multi-purpose Room. The control of these four speakers will be by adding module to the existing audio system in the City Council Chamber.

#### **FUNDING SOURCE**

The cost for this new audio equipment and the necessary wiring is \$4,000.00.

#### **PREPARED BY**

S Robert Pryzby, Director of Public Works  
September 4, 2008



## **PUBLIC WORKS DEPARTMENT**

**Council Committee Meeting Date: September 15, 2008**

**Council Meeting Date: September 15, 2008**

### **\*COU2008-69: CONSIDER REPAIRS TO AIR CONDITIONING UNIT AT MUNICIPAL OFFICE**

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#### **RECOMMENDATION**

Staff recommends the City Council approve repair to the air condition unit at Municipal Office Building.

**COUNCIL ACTION REQUESTED ON SEPTEMBER 15, 2008**

#### **BACKGROUND**

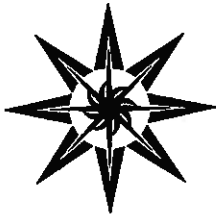
The air conditioning condenser coil has failed on the unit that provides air conditioning to the west wing that contains the Multi-Purpose Room, employee lunchroom and the communications room in the basement. During the replacement work it was discovered that the refrigerant lines are undersize for the unit which is the proper size. After several discussions, the HVAC contractor has recommended the re-location, to improve efficiency, of this unit and the other two condenser units next to the wall where the HVAC internal components are located. This new location will eliminate the necessity to cut the recently constructed concrete driveway and reduce the length of the refrigerant lines.

#### **FUNDING SOURCE**

The cost is estimated at \$7,500.00. The cost includes plumbing, electrical, and concrete pad. A transfer of \$7,500.00 from the General Fund Contingency to Capital Improvement Program - Buildings is required.

#### **PREPARED BY**

S Robert Pryzby, Director of Public Works  
September 4, 2008



## COUNCIL COMMITTEE

Council Meeting Date: October 6, 2008  
Committee Meeting Date: Sept. 15, Oct. 6, 2008

**COU2008-70:** Consider offering a high deductible health care plan with a Health Savings Account for the 2009 plan year and establishing the HMO option as the City's 'base' insurance plan.

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### SUGGESTED MOTION

Move that the Governing Body consider

- 1) Adding a high deductible health care plan with a Health Savings Account for the 2009 plan year (in addition to the two current plan options)
- 2) Establishing the HMO plan as the City's 'base' health insurance option for purposes of determining employer premium contributions

### BACKGROUND

The City currently contracts with United Healthcare for its health insurance plans. The plan year ends in December and consequently, proposals were sought for renewal or a new provider. The City retained the services of CBIZ, its employee benefits consultant, to assist and advise in the renewal process.

The City received seven (7) responses from health care providers and is still working with three (3) providers to refine their proposals: United Healthcare, Blue Cross Blue Shield of Kansas City, and Humana.

Council direction is desired at this stage of the process. With Council feedback, the plans proposals can be finalized and the Employee Benefits Committee can continue their discussion of the health plans.

All of the proposals include the two current health plans offered to employees (HMO & PPO) or equivalent. The request for proposal included the addition of a third plan: a high deductible health plan to be used with a Health Savings Account (HSA).

A high deductible plan does not cover first dollar medical expenses, with the exception of preventative care, and typically has a yearly deductible of \$2,000 or more dollars. Because of the higher deductible, the monthly premium is lower than that of a HMO or PPO plan.

The high deductible plan would be associated with the HSA: a special account owned by an individual used to pay for current and future medical expenses. The HSA allows an individual and/or employer to contribute funds to an account on a pre-tax basis. The participating individual can use the funds in the account for qualifying medical expenses (deductibles, prescriptions, hospital visits, glasses, orthodontics,

etc.) on a tax free basis. The funds in the HSA account are the individual's responsibility and are fully-owned by the participant; therefore, if the individual leaves employment or the City stops offering an HSA plan, the individual retains the funds in their HSA account. In concept, the HSA plan encourages the individual to be more accountable and aware of health costs.

United Healthcare presented a high deductible with HSA option as part of their renewal proposal. The HSA monthly premium is proposed at 29% less than the current cost for the HMO plan. United Healthcare also presented an option for the HMO and PPO renewal with a decrease of 8.7% and 6.8%, respectively if the HSA plan is added.

CBIZ representatives will be present on Monday night to present the concept of the HSA and benefits of such a plan. CBIZ recommends that the City use the HMO plan as the 'base' plan for determining the employer's premium contributions and pay the same amount per month for premium towards the HSA or the PPO plan.

In prior years, the Governing Body determined the cost sharing by the City and the employee to be as follows:

	<u>City</u>	<u>Employee</u>
EE Only	100%	0%
EE+1	83%	17%
Family	75%	25%

Based on this information and if Council is comfortable using the HMO at the 'base' premium level, the monthly cost sharing structure for the three plans are shown below. The plans have not been finalized and approved, therefore, the numbers are for illustration and may need to be modified.

<i>Base (HMO)</i>	2008 Plan Year			2009 Plan Year		
	Total	Employee	City	Total	Employee	City
EE Only	355.55	0.00	355.55	324.77	0.00	324.77
EE+1	860.57	146.30	714.27	786.08	133.64	652.44
Family	1,268.21	317.06	951.15	1,158.43	289.60	868.83

<i>Buy-Up (PPO)</i>	2008 Plan Year			2009 Plan Year		
	Total	Employee	City	Total	Employee	City
EE Only	439.97	84.42	355.55	410.11	85.34	324.77
EE+1	1,064.91	350.64	714.27	992.64	342.20	652.44
Family	1,569.35	618.20	951.15	1,462.84	594.01	868.83

<i>HSA w/ high deductible</i>	2009 Plan Year			
	Total	Employee	HSA Contribution	City
EE Only	251.07	0.00	73.70	324.77
EE+1	607.68	0.00	44.76	652.44
Family	895.53	86.70	0.00	868.83



Using the proposed premium contributions, the HSA option allows the City to fund a portion of the employee's HSA while still reducing overall total healthcare cost. The employee can also contribute to their HSA in the amount of the difference between the IRS annual contribution limit.

Should the decision be made to offer the HSA option, staff will discuss the carrier options with the City's Employee Benefits Committee for their recommendation and return to the Governing Body on October 6, 2008 for review and final approval of healthcare benefits. Staff hopes to bring dental renewal information at the same meeting.

If the HSA option is not pursued, United Healthcare has given an increase to the current plan premiums of 1.1% for the 2009 plan year for the HMO and PPO plans.

#### **FUNDING SOURCE**

Employee health insurance premiums are funded with General Fund. The 2009 budget anticipated a 5% health insurance increase in City premium contributions.

#### **PUBLIC NOTICE**

Not applicable.

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Prepared By:  
Nicholas Sanders  
Human Resources Specialist  
Date: September 11, 2008



## ADMINISTRATION

Council Committee Meeting Date: September 15, 2008  
Council Meeting Date: October 6, 2008

**Consider Authorizing the Mayor to Accept a Phase I Safe Routes to School Grant Application in the Amount of \$15,000.**

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### RECOMMENDATION

Recommend the City Council authorize the Mayor to sign an Agreement with the State of Kansas Department of Transportation accepting the conditions of the Safe Routes to School Grant to develop a SRTS Plan for the City of Prairie Village.

### BACKGROUND

On April 21<sup>st</sup> the City Council authorized staff to submit a grant application for the Safe Routes to School Program (SRTS).

The Safe Routes to School Program was authorized on August 10, 2005, through FY2009 under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). This program is intended to be a comprehensive planning tool for communities by looking at five components, often referred to as the "5 E's". These components are:

- Engineering - Creating operational and physical improvements to the infrastructure surrounding schools that reduce speeds and potential conflicts with motor vehicle traffic, and establish safer and fully accessible crossings, walkways, trails, and bikeways.
- Education - Teaching children, parents, neighbors and City and school officials about the broad range of transportation choices, instructing them in important lifelong bicycling and walking safety skills, and launching driver safety campaigns in the vicinity of schools.
- Enforcement - Partnering with local law enforcement to improve compliance with traffic laws in the vicinity of schools (this includes enforcement of speeds, yielding to pedestrians in crossings, and proper walking and bicycling behaviors), and initiating community enforcement such as crossing guard programs.
- Encouragement - Using events and activities to promote walking and bicycling.
- Evaluation - Monitoring and documenting outcomes and trends through the collection of data, including the collection of data before and after the intervention(s).

The Safe Routes to School Program (SRTS) requires a phased approach. Phase I is the creation of a Safe Routes to School (SRTS) Plan that includes all "5 E's" for K-8<sup>th</sup> grade schools. Phase I grants are limited to technical assistance, assessment and project planning activities. The maximum Phase I grant is award is \$15,000.

Phase II of the SRTS program will allow the city to apply for up to \$250,000 in grant funds to implement recommendations and/or projects contained in the approved Phase I SRTS Plan. These funds can be used for the following items:

**Infrastructure:**

- Sidewalk improvements
- Traffic calming and speed reduction improvements
- Pedestrian and bicycle crossing improvements
- On-street bicycle facilities
- Off-street bicycle facilities
- Secure bicycle parking facilities
- Traffic diversion improvements in the vicinity of schools

**Non-infrastructure:**

- Public awareness campaigns and outreach to the media and community leaders
- Traffic education and enforcement in the vicinity of schools
- Student sessions on bicycle and pedestrian safety, health, and environment
- Funding for training volunteers and managers of Safe Routes to School programs.

The legislation is currently pending so there is a possibility that funding for Phase II projects would not be available.

## **DISCUSSION**

The City of Prairie Village has received notification that it has been awarded a grant in the sum of \$15,000 to conduct a Safe Routes to School Plan. With these funds, the city would be able to hire assistance in the development of the SRTS Plan, which might include a traffic engineer to evaluate possible solutions, a facilitator to conduct public meeting(s), and/or offset any publication or advertising costs.

It is anticipated that the City would be able to cover any associated out-of-pocket costs related to fulfilling the obligations under the grant. There will be additional in kind costs such staff time associated with working with the various schools and staff time associated with administering the grant.

The initial application identified the following schools: Corinth Elementary, Prairie Elementary, Belinder Elementary, Briarwood Elementary, Mission Valley Middle School, and Indian Hills Middle School. The two private schools (Saint Ann's and Kansas City Christian School) located in Prairie Village could be added to the plan should they wish to participate.

Staff has developed the initial time line for the development of the Safe Routes to School Plan.

Fall/Winter 2008

- Work with the school administrators and Parent Teachers Associations of each school to get buy-in on the development of the plan. The City will also need to coordinate with the schools to conduct parent surveys and a walking/bicycling bench mark for each school. This survey would be conducted in the spring of 2009.
- Survey areas surrounding the schools physical/perceived barriers including a sidewalk inventory
- Develop Draft Plan Outlining Opportunities/Constraints and Solutions

Spring 2009

- Take benchmark survey of walkers/bicyclists
- Implement of some of the opportunities- to increase number of students walking/biking to school

Fall of 2009

- Conduct a follow-up survey to see if there has been an increase in the number of students walking or biking to school (This might also be done in late Spring of 09)

The lead department on the grant will be Administration, with assistance from the Police Department and the Public Works Department. While the exact number of hours required, is not known, it is anticipated that to coordinate all of the actives with the schools it will require at least 20-25 hours with each school. There will also be additional staff time associated with public meetings and development of the plan documents.

**FINANCIAL IMPACT**

Phase I Safe Routes to School Grants allow for the City to secure a maximum of \$15,000 in grant funds. The grant does not require any cash match but will require staff time to administer and coordinate the grant process and products. The grant is 100% reimbursable.

**RELATED TO VILLAGE VISION**

*LG2A Build on inter-municipal cooperative activities, agreements, and planning initiatives.*

*LRN1A Promote continued support of schools within the community.*

**ATTACHMENTS**

Safe Routes to School Grant Agreement (Currently being reviewed by Legal Counsel)

**PREPARED BY**

Dennis J. Enslinger

Date: September 11, 2008

PROJECT NO. 46-U-2196-01  
SAFE ROUTES TO SCHOOLS PROGRAM-Noninfrastructure Activities  
TYPE OF PROJECT: SAFE ROUTES TO SCHOOL PLAN  
CITY OF PRAIRIE VILLAGE, KANSAS  
JOHNSON COUNTY, KANSAS

### AGREEMENT

**PARTIES:** **DEBRA L. Miller, Secretary of Transportation,** Kansas Department of Transportation (KDOT), hereinafter referred to as the “Secretary,”

CITY OF PRAIRIE VILLAGE, hereinafter referred to as the “Local Sponsor,”

Collectively referred to as the “Parties.”

**PURPOSE:** The Secretary is authorized by the current Federal-Aid Transportation Act to allocate federal Safe Routes to Schools (SRTS) funds to eligible state agencies, local governments, Metropolitan Planning Organizations (MPO), and school districts for reimbursements for eligible SRTS expenses. The Secretary and the Local Sponsor are empowered by the laws of Kansas to enter into agreements for federal SRTS funding under the SRTS Provision of the current Federal-Aid Transportation Act.

Under the terms of the current Federal-Aid Transportation Act and the rules and regulations of the Federal Highway Administration (FHWA), states, local governments, MPO, and school districts are, under certain circumstances, entitled to receive assistance in the financing of SRTS projects, provided however, that in order to be eligible for such federal-aid, such work is required by federal law to be done in accordance with the laws of the state.

**PROJECT:** The Secretary and the Local Sponsor desire to enter into this Agreement and take such steps as are deemed by the Secretary to be necessary or advisable for the purpose of securing the benefits of the current Federal Transportation Act for the administration of a SRTS project, hereinafter referred to as the “Project”, for planning activities in the Prairie Village, Kansas, and is described as follows: Safe Routes to School Plan.

Development of a plan to promote walking and biking to school through education, encouragement, enforcement, and evaluation activities, and engineering that provides safer sidewalk routes to local schools.

### EFFECTIVE

**DATE:** The Parties in consideration of the premises and to secure the approval and construction of the Project shall mutually agree to perform in accordance with this Agreement as of the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

## ARTICLE I

### THE SECRETARY AGREES:

1. To reimburse the Local Sponsor for one hundred percent (100%) of total eligible and participating costs incurred for the Project, but not to exceed a total of \$15,000. The Secretary shall not be responsible for Project costs that exceed \$15,000.
2. To make partial payments to the Local Sponsor for amounts of no less than \$1,000 and no more frequently than monthly, to the Local Sponsor upon receipt of proper billings and progress reports.
3. To provide Local Sponsors with required SRTS Evaluation Forms and Instructions, as shown in the attached Exhibit A, for completion by the Local Sponsor.

## ARTICLE II

### THE LOCAL SPONSOR AGREES:

1. To furnish or contract to have furnished the necessary personnel, facilities, materials, equipment and such other professional services as may be required to fulfill the work identified and described in the Local Sponsors' approved application for SRTS funds and to administer both the Project and payments due for the Project. If the Local Sponsor chooses to use consultants for any or all of the Project, they shall use their Local Procurement Procedures, which should satisfy all requirements set forth by both the state and federal rules for procurement.
2. The Local Sponsor agrees to be responsible for one hundred percent (100%) of the Project costs which exceed the Secretary's maximum participation of \$15,000.
3. The term of this Project commences upon receipt of written notice from the Secretary to proceed and shall be completed two years (2) from the effective date of the notice.
4. Project shall incorporate the five components of the SRTS program. The Local Sponsor agrees the five components, referred to as the "5 E's", are: education, engineering, enforcement, encouragement, and evaluation.
5. If the Project includes traffic education and enforcement activities, said activities must take place within approximately two miles of a primary or middle school (grades K-8).
6. To prepare and deliver to the Secretary during and upon completion of the Project any and all reports as required by the Secretary including the required SRTS Evaluation Forms, as shown in Exhibit A, which is attached to this Agreement and made apart thereof. Further, the Local Sponsor agrees to follow the instructions found in Exhibit A for the surveys for the SRTS Evaluation Forms.
7. To pay actual Project costs prior to any reimbursement claim being made to the Secretary. The Local Sponsor agrees to submit for reimbursement invoices to the Secretary after costs have been incurred by the Local Sponsor in amounts no less than \$1,000 and no more frequently than monthly. The Local Sponsor shall provide proper billing and certification by the Local Sponsor that Project was completed in substantial compliance with the approved Local Sponsor's application for SRTS funds.

8. To adopt all necessary ordinances and/or resolutions and to take such legal steps as may be required to give full effect to the terms of this Agreement.

9. Funds provided under this Agreement shall not supplant any activity or expenditure provided for by Local Sponsor's current budget.

10. To maintain accounting records that shall be provided, upon request, to the Secretary, anytime during the agreement period and for five (5) years from the date of final payment.

11. To the extent permitted by law and subject to the maximum liability provisions of the Kansas Tort Claims Act, the Local Sponsor will defend, indemnify, hold harmless, and save the Secretary and its authorized representatives from any and all costs, liabilities, expenses, suits, judgments, damages to persons or property or claims of any nature whatsoever arising out of or in connection with the provisions or performance of this Agreement by the Local Sponsor, its employees, agents, or subcontractors. The Local Sponsor shall not be required to defend, indemnify, hold harmless, and save the Secretary for negligent acts or omissions of the Secretary or its authorized representatives or employees.

### **ARTICLE III**

#### **THE PARTIES AGREE:**

1. The Local Sponsors' approved application for SRTS funds is hereby incorporated by reference in this Agreement and made a part thereof.

2. A representative of the Secretary shall at all reasonable times have access to the premises to review and inspect the work and related records. Arrangements for all reviews and inspections by the appropriate federal agency shall be made by the Secretary. The Local Sponsor will direct or cause its contractor to accomplish any corrective action or work required by the Secretary's representative as necessary to the performance of this Agreement.

3. It is the policy of the Secretary to make final payments to the Local Sponsor in a timely manner. The Single Audit Standards set forth in federal O.M.B. Circular A-133 "Audits of State and Local Governments, and Non-Profit Organizations" require the Local Sponsor to comply in accordance with these standards.

The Secretary may pay the final amount due for authorized work performed based upon the Local Sponsor's most recent "Single Audit Report" available and a desk review of the claim by the Contract audit Section of the Bureau of Fiscal Services. The Local Sponsor, by acceptance of this Agreement, acknowledges the final payment is subject to all single audits which cover the time period of the expenses begin claimed for reimbursement. The Secretary and the Local Sponsor agree as the "Single Audit Report" becomes available for the reimbursement period, the Secretary will review it for items which are declared as not eligible for reimbursement. The Local Sponsor agrees that if payment has been made to the Local Sponsor for items subsequently found to be not eligible for reimbursement by audit, the Local Sponsor will refund to the Secretary the total amount of monies paid for same.



If the Local Sponsor is not subject to the Single Audit Report, the Local Sponsor agrees to cooperate with the Secretary during regular working days to provide all records as required by the Secretary for an audit.

4. During the Project, representatives of the Secretary shall make periodic inspection of the Project and the records of the Local Sponsor as may be deemed necessary or desirable. The Local Sponsor will direct or cause its contractor to accomplish any corrective action or work required by the Secretary's representative as necessary to the performance of this Agreement.

5. The following changes in the Project require the approval of the Secretary:

- a. Fiscal year the Project is to be awarded
- b. Project description
- c. Project scope

6. Special Attachment No. 1 attached hereto, pertaining to the implementation of the Civil Rights Act of 1964, is hereby made a part of this Agreement.

7. The provisions found in Contractual Provisions Attachment (Form DA-146a, Rev. 1-01), which is attached hereto, are hereby incorporated in this contract and made a part thereof.

8. The Local Sponsor agrees to comply with all appropriate State and Federal laws and regulations for the Project.

9. This Agreement and all contracts entered into under the provisions of this Agreement shall be binding upon the Secretary, the Local Sponsor and their successors in office.

10. It is expressly agreed that no third party beneficiaries are intended to be created by this Agreement, nor do the Parties herein authorize anyone not a party to this Agreement to maintain a suit for damages pursuant to the terms or provisions of this Agreement.

**The signature page immediately follows this paragraph.**

**IN WITNESS WHEREOF** the Parties hereto have caused this Agreement to be signed by their duly authorized officers on the day and year first above written.

ATTEST:

THE CITY OF PRAIRIE VILLAGE, KANSAS

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
AUTHORIZING OFFICIAL

Debra L. Miller  
Secretary of Transportation

(SEAL)

By: \_\_\_\_\_  
Jerome T. Younger, P.E.  
Deputy Secretary for Engineering and  
State Transportation Engineer

## KANSAS DEPARTMENT OF TRANSPORTATION

Special Attachment  
To Contracts or Agreements Entered Into  
By the Secretary of Transportation of the State of Kansas

NOTE: Whenever this Special Attachment conflicts with provisions of the Document to which it is attached, this Special Attachment shall govern.

THE CIVIL RIGHTS ACT OF 1964, and any amendments thereto,  
REHABILITATION ACT OF 1973, and any amendments thereto,  
AMERICANS WITH DISABILITIES ACT OF 1990, and any amendments thereto,  
AGE DISCRIMINATION ACT OF 1975, and any amendments thereto,  
EXECUTIVE ORDER 12898, FEDERAL ACTIONS TO ADDRESS ENVIRONMENTAL JUSTICE IN MINORITY  
POPULATIONS AND LOW INCOME POPULATIONS 1994, and any amendments thereto,  
49 C.F.R. Part 26.1 (DBE Program), and any amendments thereto

### NOTIFICATION

The Secretary of Transportation for the State of Kansas, in accordance with the provisions of Title VI and Title VII of the Civil Rights Act of 1964 (78 Stat. 252), §504 of the Rehabilitation Act of 1973 (87 Stat. 3555) and the Americans with Disabilities Act of 1990 (42 USC 12101), the Age Discrimination Act of 1975 (42 USC 6101), the Regulations of the U.S. Department of Transportation (49 C.F.R., Part 21, 23, and 27), issued pursuant to such ACT, Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations (1994), and the DBE Program (49 C.F.R., Part 26.1), hereby notifies all contracting parties that, the contracting parties will affirmatively ensure that this contract will be implemented without discrimination on the grounds of race, religion, color, gender, age, disability, national origin, or minority populations and low income populations as more specifically set out in the following seven "Nondiscrimination Clauses".

### CLARIFICATION

Where the term "consultant" appears in the following seven "Nondiscrimination Clauses", the term "consultant" is understood to include all parties to contracts or agreements with the Secretary of Transportation of the State of Kansas.

### Nondiscrimination Clauses

During the performance of this contract, the consultant, or the consultant's assignees and successors in interest (hereinafter referred to as the "Consultant"), agrees as follows:

- 1) **Compliance with Regulations:** The consultant will comply with the Regulations of the U.S. Department of Transportation relative to nondiscrimination in federally-assisted programs of the U.S. Department of Transportation (Title 49, Code of Federal Regulations, Parts 21, 23 and 27, hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- 2) **Nondiscrimination:** The consultant, with regard to the work performed by the consultant after award and prior to the completion of the contract work, will not discriminate on the grounds of race, religion, color, gender, age, disability, national origin or minority populations and low income populations in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The consultant will not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- 3) **Solicitations for Subcontractors, including Procurements of Material and Equipment:** In all solicitations, either competitive bidding or negotiation made by the consultant for work to be performed under a subcontract including procurements of materials and equipment, each potential subcontractor or supplier shall be notified by the consultant of the consultant's obligation under this contract and the Regulations relative to nondiscrimination on the grounds of race, religion, color, gender, age, disability, national origin or minority populations and low income populations.

- 4) **Information and Reports:** The consultant will provide all information and reports required by the Regulations, or orders and instructions issued pursuant thereto, and the Secretary of the Transportation of the State of Kansas will be permitted access to the consultant's books, records, accounts, other sources of information, and facilities as may be determined by the Secretary of Transportation of the State of Kansas to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a consultant is in the exclusive possession of another who fails or refuses to furnish this information, the consultant shall so certify to the Secretary of Transportation of the State of Kansas and shall set forth what efforts it has made to obtain the information.
- 5) **Employment:** The consultant will not discriminate against any employee or applicant for employment because of race, religion, color, gender, age, disability, or natural origin.
- 6) **Sanctions for Noncompliance:** In the event of the consultant's noncompliance with the nondiscrimination provisions of this contract, the Secretary of Transportation of the State of Kansas shall impose such contract sanctions as the Secretary of Transportation of the State of Kansas may determine to be appropriate, including, but not limited to,
  - (a) withholding of payments to the consultant under the contract until the contractor complies, and/or
  - (b) cancellation, termination or suspension of the contract, in whole or in part.
- 7) **Disadvantaged Business Obligation**
  - (a) Disadvantaged Business as defined in the Regulations shall have a level playing field to compete for contracts financed in whole or in part with federal funds under this contract.
  - (b) All necessary and reasonable steps shall be taken in accordance with the Regulations to ensure that Disadvantaged Businesses have equal opportunity to compete for and perform contracts. No person(s) shall be discriminated against on the basis of race, color, gender, or national origin in the award and performance of federally-assisted contracts.
  - (c) The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 C.F.R. Part 26 in the award and administration of Federally-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as the recipient deems appropriate.
- 8) **Executive Order 12898**
  - (a) To the extent permitted by existing law, and whenever practical and appropriate, all necessary and reasonable steps shall be taken in accordance with Executive Order 12898 to collect, maintain, and analyze information on the race, color, national origin and income level of persons affected by programs, policies and activities of the Secretary of Transportation of the State of Kansas and use such information in complying with this Order.
- 9) **Incorporation of Provisions:** The consultant will include the provisions of paragraphs (1) through (8) in every subcontract, including procurements of materials and equipment, unless exempt by the Regulations, order, or instructions issued pursuant thereto. The consultant will take such action with respect to any subcontract or procurement as the Secretary of Transportation of the State of Kansas may direct as a means of enforcing such provisions including sanctions for noncompliance: PROVIDED, however, that, in the event a consultant becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the consultant may request the State to enter into such litigation to protect the interests of the State.

## CONTRACTUAL PROVISIONS ATTACHMENT

Important: This form contains mandatory contract provisions and must be attached to or incorporated in all copies of any contractual agreement. If it is attached to the vendor/contractor's standard contract form, then that form must be altered to contain the following provision:

"The Provisions found in Contractual Provisions Attachment (Form DA-146a, Rev. 1-01), which is attached hereto, are hereby incorporated in this contract and made a part thereof."

The parties agree that the following provisions are hereby incorporated into the contract to which it is attached and made a part thereof, said contract being the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

1. **Terms Herein Controlling Provisions:** It is expressly agreed that the terms of each and every provision in this attachment shall prevail and control over the terms of any other conflicting provision in any other document relating to and a part of the contract in which this attachment is incorporated.
2. **Agreement With Kansas Law:** All contractual agreements shall be subject to, governed by, and construed according to the laws of the State of Kansas.
3. **Termination Due To Lack Of Funding Appropriation:** If, in the judgment of the Director of Accounts and Reports, Department of Administration, sufficient funds are not appropriated to continue the function performed in this agreement and for the payment of the charges hereunder, State may terminate this agreement at the end of its current fiscal year. State agrees to give written notice of termination to contractor at least 30 days prior to the end of its current fiscal year, and shall give such notice for a greater period prior to the end of such fiscal year as may be provided in this contract, except that such notice shall not be required prior to 90 days before the end of such fiscal year. Contractor shall have the right, at the end of such fiscal year, to take possession of any equipment provided State under the contract. State will pay to the contractor all regular contractual payments incurred through the end of such fiscal year, plus contractual charges incidental to the return of any such equipment. Upon termination of the agreement by State, title to any such equipment shall revert to contractor at the end of State's current fiscal year. The termination of the contract pursuant to this paragraph shall not cause any penalty to be charged to the agency or the contractor.
4. **Disclaimer Of Liability:** Neither the State of Kansas nor any agency thereof shall hold harmless or indemnify any contractor beyond that liability incurred under the Kansas Tort Claims Act (K.S.A. 75-6101 et seq.).
5. **Anti-Discrimination Clause:** The contractor agrees: (a) to comply with the Kansas Act Against Discrimination (K.S.A. 44-1001 et seq.) and the Kansas Age Discrimination in Employment Act (K.S.A. 44-1111 et seq.) and the applicable provisions of the Americans With Disabilities Act (42 U.S.C. 12101 et seq.) (ADA) and to not discriminate against any person because of race, religion, color, sex, disability, national origin or ancestry, or age in the admission or access to, or treatment or employment in, its programs or activities; (b) to include in all solicitations or advertisements for employees, the phrase "equal opportunity employer"; (c) to comply with the reporting requirements set out at K.S.A. 44-1031 and K.S.A. 44-1116; (d) to include those provisions in every subcontract or purchase order so that they are binding upon such subcontractor or vendor; (e) that a failure to comply with the reporting requirements of (c) above or if the contractor is found guilty of any violation of such acts by the Kansas Human Rights Commission, such violation shall constitute a breach of contract and the contract may be cancelled, terminated or suspended, in whole or in part, by the contracting state agency or the Kansas Department of Administration; (f) if it is determined that the contractor has violated applicable provisions of ADA, such violation shall constitute a breach of contract and the contract may be cancelled, terminated or suspended, in whole or in part, by the contracting state agency or the Kansas Department of Administration.  
  
Parties to this contract understand that the provisions of this paragraph number 5 (with the exception of those provisions relating to the ADA) are not applicable to a contractor who employs fewer than four employees during the term of such contract or whose contracts with the contracting state agency cumulatively total \$5,000 or less during the fiscal year of such agency.
6. **Acceptance Of Contract:** This contract shall not be considered accepted, approved or otherwise effective until the statutorily required approvals and certifications have been given.
7. **Arbitration, Damages, Warranties:** Notwithstanding any language to the contrary, no interpretation shall be allowed to find the State or any agency thereof has agreed to binding arbitration, or the payment of damages or penalties upon the occurrence of a contingency. Further, the State of Kansas shall not agree to pay attorney fees and late payment charges beyond those available under the Kansas Prompt Payment Act (K.S.A. 75-6403), and no provision will be given effect which attempts to exclude, modify, disclaim or otherwise attempt to limit implied warranties of merchantability and fitness for a particular purpose.
8. **Representative's Authority To Contract:** By signing this contract, the representative of the contractor thereby represents that such person is duly authorized by the contractor to execute this contract on behalf of the contractor and that the contractor agrees to be bound by the provisions thereof.
9. **Responsibility For Taxes:** The State of Kansas shall not be responsible for, nor indemnify a contractor for, any federal, state or local taxes which may be imposed or levied upon the subject matter of this contract.
10. **Insurance:** The State of Kansas shall not be required to purchase, any insurance against loss or damage to any personal property to which this contract relates, nor shall this contract require the State to establish a "self-insurance" fund to protect against any such loss or damage. Subject to the provisions of the Kansas Tort Claims Act (K.S.A. 75-6101 et seq.), the vendor or lessor shall bear the risk of any loss or damage to any personal property in which vendor or lessor holds title.
11. **Information:** No provision of this contract shall be construed as limiting the Legislative Division of Post Audit from having access to information pursuant to K.S.A. 48-1101 et seq.
12. **The Eleventh Amendment:** "The Eleventh Amendment is an inherent and incumbent protection with the State of Kansas and need not be reserved, but prudence requires the State to reiterate that nothing related to this contract shall be deemed a waiver of the Eleventh Amendment."

## **Exhibit A**

### **NCSRTS Safe Routes to School Clearinghouse Evaluation Materials**

- Brief SRTS Data Collection Description
- Specific Form Instructions
- SRTS Student Arrival and Departure Tally Sheet
- Survey About Walking and Biking to School for Parents

## SAFE ROUTES TO SCHOOL DATA COLLECTION OVERVIEW

The National Center for Safe Routes to School has developed a set of data collection forms and tools intended to help local and state Safe Routes to School programs measure and understand results.

### Downloadable Forms and Instructions

**How do I get the forms?** Data Collection forms and instructions are available for download at [www.saferoutesinfo.org/resources](http://www.saferoutesinfo.org/resources) under the "Evaluation" tab.

### Student Tally Form

**What does the tally form do?** The form helps measure how students get to school and identify changes in student travel behavior to and from schools with SRTS programs.

**Who fills out the form?** Teachers in each classroom or SRTS program volunteers.

**Who gets tallied?** K-8 graders at participating schools.

**How many days are students tallied?** The tallies should be conducted in each classroom on two days (Tuesday, Wednesday, or Thursday only – not Monday or Friday) of one week.

### Parent Survey Form

**What does the parent survey do?** The survey gathers information about factors that affect whether parents allow their children to walk or bike to school, the presence of safety-related conditions along routes to school, and other background information. Results help determine how to improve opportunities for children to walk or bike to school, and measure parental attitude changes as local SRTS programs occur.

**How is the survey administered?** Surveys can be administered in three main ways: as a take-home survey, distributed as part of parent-teacher conferences, or as part of homework assignments.

**Who gets surveyed?** Parents of all K-8 graders at participating schools should be asked to complete the survey. (One per household per school.)

### Timing of Tallies and Surveys

**When should the tallies and surveys occur?** Information should be collected at the beginning of the school year and at the end of the school year. Midyear counts are optional but helpful.

- Start of year: 2<sup>nd</sup>, 3<sup>rd</sup>, or 4<sup>th</sup> week of school year ("Baseline")
- End of year: during one of the last 4 weeks of school year ("Post Activity")

DataTools system  
will be available  
December 1, 2007

### Data Entry and Viewing

**How do I enter data?** Completed forms can be converted to useful data in two ways:

1. Enter the data yourself using the online "DataTools" program at [www.saferoutesinfo.org/tracking](http://www.saferoutesinfo.org/tracking). Data is available immediately for usage.; or
2. Send completed forms to the National Center's Centralized Data Entry Program. Forms are scanned and data is entered into the National SRTS Program Tracking Database. Local programs receive an email with instructions on how to access their data online. Data will be available in 2-4 weeks.

**Where do I send completed forms?** Completed forms, along with a one-page cover sheet (downloadable) can be sent to the address here.

National Center for Safe Routes to School  
Attn: SRTS Data Entry  
730 Martin Luther King, Jr. Blvd, Suite 300  
Chapel Hill, NC, 27599

**How do I view my data?** Once data is entered (either by the user or through the Central Data Entry Program), users can view their data through the online "DataTools" system. Summaries of data, including basic tables and charts, can be viewed and copied for local use. The completed data is also part of the National SRTS Program Tracking Database and can be used to help evaluate the national SRTS program.

**Detailed instructions are also available at [www.saferoutesinfo.org/resources](http://www.saferoutesinfo.org/resources).**  
Please contact: Craig Raborn, Program Manager, [raborn@unc.edu](mailto:raborn@unc.edu) for more information.

## **Instructions for Using the Student Travel Tally Sheet and Parent Survey** *(updated November 2007)*

Specific instructions on how to administer each tool are below:

*If you have any questions, please contact your State SRTS Coordinator or Craig Raborn, Program Manager, National Center for Safe Routes to School, at [raborn@unc.edu](mailto:raborn@unc.edu).*

### **Student Travel Tally Sheet**

The Student Travel Tally Sheet is intended to help track the number of children walking and biking to and from school at participating schools. The information will have many applications, including evaluating overall program success, estimating traffic congestion and environmental effects, learning travel patterns, and many more.

This information, when gathered before and after the SRTS activity or project, can help local SRTS programs measure any changes in walking, biking, and other forms of travel to and from school, which are frequently expected measures.

The tally sheet is designed so that teachers or volunteers involved with the Safe Routes program can ask students in each classroom how they got to school each morning, and how they will get home after school. It should take less than five minutes each morning for two days.

[NOTE: The Student Travel Tally Sheet was revised in October 2007 to only require data collection for a two-day period instead of the previous five-day data collection requirement. This change was based on analysis of initial raw data using the five-day process and is intended to further ease the overall data collection process. The revised form also better facilitates scanner-based data entry.]

#### **Administration Instructions:**

1. The Tally Sheet form can be downloaded from [www.saferoutesinfo.org/resources](http://www.saferoutesinfo.org/resources) under the "Evaluation" tab.
2. Forms should be printed at the highest resolution possible. A minimum resolution of 400 dots per inch should be used; most laser and inkjet printers meet this standard. Resolution under 300 dots per inch may prevent the forms from being readable by scanning systems.
3. The form should be given to all K-8 classrooms in the school, so that as complete a count as possible is achieved.
4. It is intended to be used on two days in the middle of a single week. By gathering travel information for two days in the middle of the week, an accurate average of student travel can be determined.



- a. Counts should be conducted on any two days from Tuesday, Wednesday, or Thursday. Counts conducted on Mondays or Fridays will distort the results. The following combinations of days are acceptable:
    - i. Tuesday and Wednesday
    - ii. Wednesday and Thursday
    - iii. Tuesday and Thursday
  - b. Weather conditions can be identified after counts are collected. We have found that internet-based weather reporting (for example, on [www.weatherunderground.com](http://www.weatherunderground.com)) is normally more accurate than personal observations.
    - i. Local coordinators can find this information online by time of day and Zip Code at [www.weatherunderground.com](http://www.weatherunderground.com). (Other weather-related Web sites may also provide this information.)
  - c. For national reporting purposes, counts are needed regardless of weather conditions.
  - d. In order to know how many students walk when it is not raining, local programs may choose to collect counts on an additional day if there were adverse weather conditions for both days of planned counts.
    - i. Use the additional day field provided on the tally sheet and, in the comments field at the bottom of the tally sheet, indicate that the third day is an alternate count due to adverse weather.
5. The Student Travel Tally Sheet should be administered at least twice during the school year:
- a. First, counts should be taken at some point during the second, third, or fourth weeks of the school year. This count establishes the baseline measure for that school.
    - i. Please do not conduct counts during weeks with special walking or biking-related events, such as Walk to School Day.
    - ii. If your SRTS program is conducting any events during the first three weeks of the school year, please attempt to conduct travel counts before the SRTS event.
  - b. A count should also be conducted during the last three weeks of the school year (i.e., during May). This count measures the change in travel behavior during the school year. If a mid-year count (see below) was conducted, this end-of-year count can also be used to evaluate the sustained effect of activities.
  - c. Mid-year counts are not required, but might also be useful:
    - i. A count conducted within 2-3 weeks of the completion of educational events or encouragement and enforcement campaigns can be used to measure immediate effects of these activities.
    - ii. A mid-year count can also be used to understand the seasonal variation in levels of walking and biking to and from school.

## Tally Sheet Data Entry Options

1. Raw counts from paper forms can be converted to useful data in three ways:
  - a. Centralized Data Entry – Users can collect their paper forms and send them, along with the Local Program Data Information Sheet (“cover sheet”), to the National Center for Safe Routes to School. The National Center processes the forms and provides the data to users through an online data viewing system.
    - i. The Local Program Data Information Sheet (“cover sheet”) can be downloaded from [www.saferoutesinfo.org/resources](http://www.saferoutesinfo.org/resources) under the “Evaluation” column. [Note: this form will be available for download by November 9, 2007.]
    - ii. Users send the cover sheet and their completed tally sheets to:  
National Center for Safe Routes to School  
SRTS Data Entry  
730 Martin Luther King, Jr. Blvd.  
Suite 300  
Chapel Hill, NC 27599
    - iii. The National Center will scan the forms, validate the data, and transfer the data to the National SRTS Program Tracking Database.
    - iv. The data entry process will take approximately 2 to 4 weeks, depending on workload. [Note: The Central Data Entry process is new, and this time requirement is an estimate that will likely be shortened as the system is implemented.]
    - v. Users will be sent an email as soon as their data has been processed. The email will contain information on how to login and access their data using the online “DataTools” system described below. Users will have access to summary reports and basic analysis tools, and will be able to download their data for any other applications they may have.
  - b. Online “DataTools” – Users can use the National Center’s online “DataTools” to enter their data directly into a system that provides immediate access to their data, the ability to generate some basic summary information in table and graphical forms. Users can also download their data in Excel format. [NOTE: The DataTools system will be available by December 1, 2007.]
    - vi. User creates account with the DataTools system at [www.saferoutesinfo.org/tracking](http://www.saferoutesinfo.org/tracking).
    - vii. User provides some basic background information about their SRTS program.
    - viii. User accesses data entry form. Online form replicates the basic appearance of the paper tally sheet to better facilitate data entry.
    - ix. When data entry is complete, user can view data and summary reports. Charts and tables can be copied and pasted into other documents such as program or progress reports.
  - c. [NOTE: The following option will be phased out during spring 2008 and is no longer recommended.] Data from the old (5-day) paper forms can be

entered into the Student Travel Behavior Report Excel spreadsheet available at for download from the National Center's FTP site. The spreadsheet can only be used with the previous tally sheet that requires a 5-day count. (Contact Craig Raborn, [raborn@unc.edu](mailto:raborn@unc.edu), for information about downloading the spreadsheet). *The spreadsheets and 5-day tally sheets will be phased out during spring 2008; users are strongly encouraged to switch to the updated 2-day count forms for all future counts.* Completed spreadsheets provide some basic summary statistics that can be used for local purposes, and sent to the National Center for Safe Routes to School ([raborn@unc.edu](mailto:raborn@unc.edu)) for inclusion in the National SRTS Tracking Program.

### **Parent Survey**

The Parent Survey is intended to collect information from parents about how their children travel to and from school, what barriers there are to walking or biking to and from school, and their attitudes about walking and biking to school. This information has numerous uses, including understanding the overall environment for walking and biking to school, why children don't walk or bike to school, and how attitudes change as a result of SRTS programs.

Local SRTS programs should be particularly interested in this information because it can be used to help them identify issues that need to be addressed to improve their SRTS activities. Information from parents might also identify unexpected opportunities to increase walking and biking to school.

[NOTE: The Parent Survey was revised slightly in October 2007 to reduce the number of pages from three to two, make minor changes to the categorization of data collected, and add data that allows better mapping and spatial analysis. The revised form also better facilitates scanner-based data entry.]

The Parent Survey form is designed with three potential means of administration (specific instructions for each approach are below):

- First, it can be handed out or placed in backpacks for students to take home, deliver to parents, and then have the students return to their teachers. The survey should take between 5-10 minutes to complete.
- Second, it can be given to parents to complete while they are waiting before parent-teacher conferences.
- Third, it can be assigned as part of a homework assignment, where the student would take home the form and fill it out as part of an interview with the parent.

The parent survey should be conducted twice during the school year. Exact timeframes are listed, and these should be followed when the survey is administered using the take-home method. But when the survey will be administered in conjunction with Parent-Teacher Conferences, the local SRTS program manager and teacher(s) should determine the best time to administer the survey.

- a. To collect baseline information, parents should be surveyed during the second, third, or fourth week of school.
- b. Parents should also be surveyed at the end of the school year to collect information about how attitudes and beliefs have changed during the year.
- c. A local SRTS program might also want to conduct the survey sometime during the year.
  - i. A survey conducted within 2-3 weeks of the completion of educational events or encouragement and enforcement campaigns can be used to measure immediate effects of these activities.
  - ii. A mid-year survey can also be used to understand the progress and early effects of long-term programs, as well as other variation in parental attitudes that affect walking and biking to and from school.

### **Downloading and Printing Instructions**

1. The Parent Survey form can be downloaded from [www.saferoutesinfo.org/resources](http://www.saferoutesinfo.org/resources) under the "Evaluation" tab.
2. Forms should be printed at the highest resolution possible. A minimum resolution of 400 dots per inch should be used; most laser and inkjet printers meet this standard. Resolution under 300 dots per inch may prevent the forms from being readable by scanning systems.
3. The Parent Survey form is two pages long. It can be printed double-sided to reduce costs.

### **[Alternate One] Take-Home Administration Instructions:**

1. Please distribute copies of these forms to teachers for each classroom, so that all parents will receive a copy of the survey.
2. Collect forms from teachers weekly for a two-week period after the surveys have been sent home.
3. Raw data from completed surveys can be converted to useful formats in three ways described below.

### **[Alternate Two] Parent-Teacher Conference Administration Instructions:**

1. Identify when parent-teacher conferences will occur and determine whether these times of the year are appropriate to collect baseline information and end-of-year information. (If the times do not seem appropriate, a take-home methodology might more successful.)
2. Distribute copies of the survey form to teachers for each classroom, so that all households will receive a copy of the survey during (or immediately before) the parent-teacher conference. (Note that teachers will be responsible for distributing and collecting surveys, and then returning the completed surveys to the local SRTS program manager.)
3. Ask teachers to provide forms to parents/caregivers so that they can fill out the forms while they wait for the conference.
  - a. A sign with simple instructions next to the stack of forms may help explain the process.

- b. Teachers may collect forms during their conference.
  - c. Parents may also complete the survey after their meeting with the teacher.
  - d. Teachers may allow parents to take the surveys home and send them back with the students. If this approach is followed, teachers should request that the forms be returned within a few days, and set a specific date. (Note that this approach will likely reduce the number of surveys that are returned.)
4. Collect forms from teachers weekly for a two-week period after the surveys have been sent home.
  5. Raw data from completed surveys can be converted to useful formats in three ways described below.

**[Alternate Three] Homework Instructions:**

1. Please distribute copies of these forms to teachers for each classroom, so that all parents will receive a copy of the survey.
2. Teachers can assign the surveys to be filled out as part of a homework assignment. The student would take the survey form home and fill it out during an interview with their parent, or along with their parents.
  - a. Other homework approaches can also be used, as long as the recommended form is used, and the parent provides the answers.
  - b. In many instances, curriculum changes or new homework assignments require approval from the principal or a curriculum committee. Local SRTS programs considering the homework approach should check on this potential issue early.
3. Collect forms from teachers weekly for a two-week period after the surveys have been sent home.
4. Raw data from completed surveys can be converted to useful formats in three ways described below.

**Parent Survey Data Entry Options:**

Raw counts from paper forms can be converted to useful data in three ways:

1. Centralized Data Entry – Users can collect their paper forms and send them, along with the Local Program Data Information Sheet (“cover sheet”), to the National Center for Safe Routes to School. The National Center processes the forms and provides the data to users through an online data viewing system.
  - a. The Local Program Data Information Sheet (“cover sheet”) can be downloaded from [www.saferoutesinfo.org/resources](http://www.saferoutesinfo.org/resources) under the “Evaluation” column. [Note: this form will be available for download by November 9, 2007.]
  - b. Users send the cover sheet and their completed parent surveys to:
    - National Center for Safe Routes to School
    - SRTS Data Entry
    - 730 Martin Luther King, Jr. Blvd.
    - Suite 300
    - Chapel Hill, NC 27599
  - c. The National Center will scan the forms, validate the data, and transfer the data to the National SRTS Program Tracking Database.

- d. The data entry process will take approximately 2 to 4 weeks, depending on workload. [Note: The Central Data Entry process is new, and this time requirement is an estimate that will likely be shortened as the system is implemented.]
  - e. Users will be sent an email as soon as their data has been processed. The email will contain information on how to login and access their data using the online “DataTools” system described below. Users will have access to summary reports and basic analysis tools, and will be able to download their data for any other applications they may have.
2. Online “DataTools” – Users can use the National Center’s online “DataTools” to enter their data directly into a system that provides immediate access to their data, the ability to generate some basic summary information in table and graphical forms. Users can also download their data in Excel format. [NOTE: The DataTools system will be available by December 1, 2007.]
    - i. User creates account with the DataTools system at [www.saferoutesinfo.org/tracking](http://www.saferoutesinfo.org/tracking).
    - ii. User provides some basic background information about their SRTS program.
    - iii. User accesses data entry form. Online form replicates the basic appearance of the paper survey form to better facilitate data entry.
    - iv. When data entry is complete, user can view data and summary reports. Charts and tables can be copied and pasted into other documents such as program or progress reports.
  3. [NOTE: The following option will be phased out during spring 2008 and is no longer recommended.] Data from the old (3-page) Parent Survey forms can be entered into the Parent Survey Report Excel spreadsheet available at for download from the National Center’s FTP site. The spreadsheet can only be used with the previous survey form that has slightly different questions in a slightly different sequence than the revised form. (Contact Craig Raborn, [raborn@unc.edu](mailto:raborn@unc.edu), for information about downloading the spreadsheet). *The spreadsheets and previous 3-page parent survey will be phased out during spring 2008; users are strongly encouraged to switch to the updated 2-page survey forms for all future administrations of the parent survey.* Completed spreadsheets provide some basic summary statistics that can be used for local purposes, and sent to the National Center for Safe Routes to School ([raborn@unc.edu](mailto:raborn@unc.edu)) for inclusion in the National SRTS Tracking Program.

# SAFE ROUTES TO SCHOOL

## STUDENT ARRIVAL AND DEPARTURE TALLY SHEET

School Name:  Zip Code:  -

Teacher:  Grade (K-8)

Monday's Date  /  /   # of students enrolled in class   
M M / D D / Y E A R

**Teachers, here are simple instructions for using this form:**

- Please conduct these counts on any two days from Tuesday, Wednesday, or Thursday of the assigned week. Only two days worth of counts are needed, but counting all 3 provides better data.
- Please do not conduct these counts on Mondays or Fridays.
- Before asking your students to raise their hands to indicate the *one answer* that is correct for them, read through all potential answers so they will know what the choices are.
- Ask your students as a group the question "How did you arrive at school today?"
- Read each answer and record the number of students that raised their hands for each.
- Place just one character or number in each box.
- Follow the same procedure for the question "How do you plan to leave for home after school?"
- Please conduct this count regardless of weather conditions (i.e., ask these questions on rainy days, too).

Step 1. Fill in the weather conditions and number of students in class each day.			Step 2. Ask students "How did you arrive at school today?" and "How do you plan to leave for home after school?" (record number of hands for each answer)							
	Weather S= sunny R= rainy O= overcast Sn= snow	Number of Students (in class when count made)	Walk	Bike	School Bus	Family Vehicle (only with children from your family)	Carpool (riding with children from other families)	Transit (city bus, subway, etc.)	Other (skateboard, scooter, inline skates, etc.)	
<b>SAMPLE</b>	<b>S</b>	<b>2 7</b>	<b>4</b>	<b>2</b>	<b>1 1</b>	<b>7</b>	<b>3</b>	<b>0</b>	<b>0</b>	
Tues AM										
Tues PM										
Wed AM										
Wed PM										
Thur AM										
Thur PM										

Comments (List disruptions to counts or any unusual travel conditions to/from the school on the days of the tally):

**Thank you for helping gather this information!**

# SURVEY ABOUT WALKING AND BIKING TO SCHOOL

## - FOR PARENTS -

**Dear Parent or Caregiver,**

Your child's school wants to learn your thoughts about children walking and biking to school. This survey will take about 5 - 10 minutes to complete. We ask that each family complete only one survey per school your children attend. If more than one child from a school brings a survey home, please fill out the survey for the child with the next birthday from today's date.

After you have completed this survey, send it back to the school with your child or give it to the teacher. Your responses will be kept confidential and neither your name nor your child's name will be associated with any results. **Thank you for participating in this survey!**

<b>School Name:</b>	
---------------------	--

**Completing this form: Please write with CAPITAL letters. Mark boxes with "X" instead of "✓".**

1. What is the grade of the child who brought home this survey? (K - 8)  grade
2. Is the child who brought home this survey male or female?     MALE     FEMALE
3. How many children do you have in Kindergarten through 8<sup>th</sup> grade?  children
4. What is the street intersection nearest your home? (provide the names of two intersecting streets)

	AND	
--	-----	--

5. How far does your child live from school? (choose one and mark box with X)
 

<input type="checkbox"/> a. less than 1/4 mile	<input type="checkbox"/> c. 1/2 mile up to 1 mile	<input type="checkbox"/> e. More than 2 miles
<input type="checkbox"/> b. 1/4 mile up to 1/2 mile	<input type="checkbox"/> d. 1 mile up to 2 miles	<input type="checkbox"/> f. Don't know

**6. On most days, how does your child arrive at school and leave for home after school? (select one choice per column, mark box with X)**

- Arrive at school**
- a. Walk
  - b. Bike
  - c. School Bus
  - d. Family vehicle (only with children from your family)
  - e. Carpool (riding with children from other families)
  - f. Transit (city bus, subway, etc.)
  - h. Other (skateboard, scooter, inline skates, etc.)

- Leave for home**
- a. Walk
  - b. Bike
  - c. School Bus
  - d. Family vehicle (only with children from your family)
  - e. Carpool (riding with children from other families)
  - f. Transit (city bus, subway, etc.)
  - h. Other (skateboard, scooter, inline skates, etc.)

**7. How long does it normally take your child to get to/from school? (fill-in circle for one choice per column)**

- Travel time to school**
- a. Less than 5 minutes
  - b. 5 - 10 minutes
  - c. 11 - 20 minutes
  - d. More than 20 minutes
  - e. Don't know / Not sure

- Travel time from school**
- a. Less than 5 minutes
  - b. 5 - 10 minutes
  - c. 11 - 20 minutes
  - d. More than 20 minutes
  - e. Don't know / Not sure



8. Has your child asked you for permission to walk or bike to/from school in the last year? (select one)  YES  NO

9. At what grade would you allow your child to walk or bike without an adult to/from school? (select a grade between K – 8)  grade (or  I would not feel comfortable at any grade)

10. Which of the following issues affected your decision to allow, or not allow, your child to walk or bike to/from school? (select all that apply, mark with X in box)

- Distance
- Convenience of driving
- Time
- Child's before or after-school activities
- Speed of traffic along route
- Amount of traffic along route
- Adults to walk or bike with
- Sidewalks or pathways
- Safety of intersections and crossings
- Crossing guards
- Violence or crime
- Weather or climate

11. Would you probably let your child walk or bike to/from school if this problem were changed or improved? (select one choice per line)

My child already walks or bikes to/from school

- |                              |                             |                                   |
|------------------------------|-----------------------------|-----------------------------------|
| <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> Not Sure |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> Not Sure |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> Not Sure |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> Not Sure |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> Not Sure |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> Not Sure |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> Not Sure |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> Not Sure |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> Not Sure |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> Not Sure |
| <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> Not Sure |

12. In your opinion, how much does your child's school encourage or discourage walking and biking to/from school? (select one, mark with X in box)

Strongly Encourage       Encourage       Neither       Discourage       Strongly Discourage

13. How much FUN is walking or biking to/from school for your child? (select one)

Very Fun       Fun       Neutral       Boring       Very Boring

14. How HEALTHY is walking or biking to/from school for your child? (select one)

Very Healthy       Healthy       Neutral       Unhealthy       Very Unhealthy

15. What is the highest grade or year of school you completed? (select one, mark with X in box)

- |   |  |
|---|--|
| <input type="checkbox"/> Grades 1 through 8 (Elementary)        | <input type="checkbox"/> College 1 to 3 years (Some college or technical school) |
| <input type="checkbox"/> Grades 9 through 11 (Some high school) | <input type="checkbox"/> College 4 years or more (College graduate)              |
| <input type="checkbox"/> Grade 12 or GED (High school graduate) | <input type="checkbox"/> Prefer not to answer                                    |

16. Please provide any additional comments below:


Thank you for participating in this survey!



## ADMINISTRATION

Council Committee Meeting Date: September 2, 2008  
September 15, 2008

### Discussion of the Process for Considering Planning Commission Recommendations.

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#### RECOMMENDATION

City Attorney, Katie Logan, the City's Planning Consultant, Ron Williamson, and city staff recommends that Planning Commission recommendations be sent directly to the City Council for consideration.

#### SUGGESTED MOTION

No Motion is necessary

#### BACKGROUND

At the July 21, 2008 Council Committee of a Whole meeting, staff presented a discussion about Planning and Zoning applications and the respective roles of the Planning Commission and City Council. During that presentation, City Attorney, Katie Logan, the City's Planning Consultant, Ron Williamson, and city staff presented a proposal that City Council should evaluate the current policy of sending Planning Commission recommendations to the Council Committee for a recommendation prior to forwarding to the City Council.

Some of the items mentioned during the presentation were that under current state and city ordinance provisions, the Planning Commission is identified as the body which makes the recommendation to the Governing Body on certain types of zoning and planning applications (see attached Roles and Responsibilities spreadsheet). State and city ordinance provisions indicate that the role of the Governing Body is to act in a "quasi-judicial" capacity in reviewing the Planning Commission recommendation and based on the relevant facts as contained in the application materials and heard at the Planning Commission public hearing.

The practice of having the Committee of a Whole consider Planning Commission recommendations was further discussed at the August 4, 2008 Council of Whole Meeting but due to time constraints, the Committee did not reach a resolution on this issue.

The Council Committee of Whole continued the discussion at the September 2, 2008 meeting and raised several questions. One of the questions was whether or not Council Members could attend Planning Commission meetings without public notice. Legal Counsel has prepared a memo on this issue. Staff will be prepared to discuss this memo and answer any additional questions regarding this topic.

**ATTACHMENTS**

Roles and Responsibilities Community Development Decisions

Memo from Katie Logan Regarding KOMA (Kansas Open Meetings Act) 9/09/08

**PREPARED BY**

Dennis J. Enslinger

Assistant City Administrator

Date: September 12, 2008

**ROLES AND RESPONSIBILITIES  
COMMUNITY DEVELOPMENT DECISIONS  
CITY OF PRAIRIE VILLAGE, KANSAS**

<b>Application Type</b>	<b>Staff</b>			<b>Appeals Go to</b>
Building Permits	Review and Issue			BZA or BCA
Sign Permits	Review and Issue	If within Code or Sign Standards		BZA
Flood Plain Development Permits	Review and Issue			BZA
Zoning Verifications	Review and Issue			BZA
Flood Plain Determinations	Review and Issue			BZA OR FEMA
Home Occupation/Family Day Care	Review and Issue			BZA
Accessory Dwelling Unit	Review and Issue	Must meet Standards		BZA
<b>Planning Commission Application Type</b>	<b>Staff</b>	<b>Planning Commission</b>	<b>Governing Body</b>	<b>Appeals Go To</b>
Rezoning	Staff Review	Recommendation	Final Approval	District Court
MXD-Planned/Preliminary Plan	Staff Review	Recommendation	Final Approval	District Court
Planned District-Preliminary Plan	Staff Review	Recommendation	Final Approval	District Court
Change in Use in MXD	Staff Review	Recommendation	Final Approval	District Court
Final Plan MXD or Planned District	Staff Review	Final Approval	No Review	District Court
Special Use Permit	Staff Review	Recommendation	Final Approval	District Court
Conditional Use Permit	Staff Review	Final Approval	No Review	District Court
Site Development Plan	Staff Review	Final Approval	No Review	City Council
Preliminary Plat of Subdivision	Staff Review	Final Approval	No Review	District Court
Final Plat of Subdivision	Staff Review	Final Approval	Acceptance of Dedications/Easements	District Court
Lot Split	Staff Review	Final Approval	No Review	District Court
Vacation of Right of Way	Staff Review	Recommendation	Final Approval	District Court
Building Line Modifications/Elevation Change	Staff Review	Final Approval	No Review	District Court
Text Amendments/Comprehensive Plan	Staff Review	Recommendation	Final Approval	District Court
Sign Standards	Staff Review	Final Approval	No Review	BZA
Compatibility Review	Staff Review	Final Approval	No Review	District Court
<b>Board of Zoning Appeals Application Type</b>	<b>Staff</b>	<b>Board of Zoning Appeals</b>		<b>Appeals Go To</b>
Appeals - Regarding Zoning Code	Explain Decision	Hear and Decide		District Court
Zoning Variances-Regarding Zoning Code	Staff Review	Hear and Decide		District Court
Exceptions-As Allowed by Zoning Code	Staff Review	Hear and Decide		District Court
<b>Board of Code Appeals Application Type</b>	<b>Staff</b>	<b>Board of Structure Appeals</b>		<b>Appeals Go To</b>
Appeals-Regarding Building Code	Explain Decision	Hear and Decide		District Court



**MEMO**

**To:** Members of the Governing Body of the City of Prairie Village  
**From:** Katie Logan, City Attorney  
**Date:** September 8, 2008  
**Subject:** **Kansas Open Meetings Act (“KOMA”)**

**Issue:** What KOMA open meeting and notice requirements apply when members of the governing body attend planning commission or neighborhood meetings?

**Answer:** The KOMA open meeting and notice requirements do not apply if a planning commission or neighborhood meeting is attended by 6 or fewer council members. The Mayor’s attendance does not count as attendance by a council member for KOMA purposes.

A meeting must be open to the public and KOMA notice is required only if at least 7 members of the city council attend the same neighborhood meeting or planning commission meeting, and the attendance of those council members is not “by chance” but rather is prearranged.

KOMA does not prohibit the attendance of 7 or more council members at a planning commission or neighborhood meeting. KOMA merely requires that such attendance, if not by chance, be treated as a “public meeting” of the governing body, that the requisite notice be given and that the meeting be open to the public.

**Discussion:**

*First*, for KOMA to be applicable, at least 7 members of the city council would have to attend a neighborhood or planning commission meeting. A meeting under KOMA is now defined as “a majority of the members of the body” (now 7), instead of “a majority of a quorum” (was 5). By AG Opinion 86-110, the mayor in a mayor-council form of government does not count as a member of the body for KOMA purposes.

*Second*, for KOMA to be applicable, the “meeting” must be “for the purpose of discussing the business or affairs of the body or agency.” K.S.A. 75-4317a

As to the “for the purpose of” element, a “chance meeting at which public business or affairs are discussed” by the requisite number of members of the body is not required to be open to the public.” KS AG Opinion No. 79-200

As to the “discussing the business or affairs” element, it is likely that a court would find that mere observation and information gathering is sufficient to satisfy

this element of KOMA. "Members need not transact business by formal motion and vote to be subject to the Act. Discussion of the affairs and business of the body is all that is necessary to invoke the provisions of the Act. This would be true even though the purpose of the meeting is merely the receipt or distribution of information and discussion by members of the body is limited." KS AG Opinion No. 79-200

There is no Kansas case law interpreting KOMA in the context of attendance of neighborhood or planning commission meetings, but case law from other jurisdictions provides some guidance as to the "chance meeting" exception.

A Wisconsin court found that because it was the regular practice of a majority of a quorum of council members to attend planning commission meetings, even without prearrangement as to any specific meeting, the "chance meeting" exception to the open meetings statute did not apply. State of Wisconsin ex rel. Badke v. Village Board of the Village of Greendale, 173 Wis. 2d 553, 494 N.W.2d 408 (1993).

A Minnesota court focused on the lack of discussion, in holding that the "chance meeting" exception did apply. The court held that as long as the nonmember commissioners (other than commissioners who were also members of the planning commission) did not engage in deliberations or render decisions at planning commission meetings, the meetings need not be posted as meetings of the board of commissioners. "The attendance of a quorum of the board of commissioners at the planning commission meeting in that situation would constitute a "chance gathering or conference not designed to avoid this act." Ryant v. Cleveland Township, 239 Mich. App. 430, 608 N.W.2d 101 (2000).

If KOMA applies, the meeting must be open to the public and notice of the public meeting must be given. The notice must be given a "reasonable time" before the meeting. No time frame is specified in KOMA. The notice does not have to be published in a newspaper. Notice must be given to all persons who have requested notice of public meetings.

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

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

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

**By Staff:**

1. Approve Regular Council Meeting Minutes – September 2, 2008
2. Claims Ordinance 2851
3. Ratify the Mayor's appointment of Karin McAdams to the Prairie Village Environment/Recycle Committee for a three year term.
4. Ratify the Mayor's appointment of Ann Bontrager to the Park and Recreation Committee.

**By Committee:**

**Council Committee of the Whole – David Voysey**

COU2008-68: Consider installation of additional speakers in hallway and Multi-Purpose Room

COU2008-69: Consider Repairs to Air Conditioning Unit at Municipal Office

COU2008-73: Consider the Tyco Electronics-M/A-COM Inc. Renewal Agreement for Maintenance of the EDACS System Components

- VI. STAFF REPORTS**
- VII. COMMITTEE REPORTS**
- VIII. OLD BUSINESS**
- IX. NEW BUSINESS**
- X. ANNOUNCEMENTS**
- XI. ADJOURNMENT**

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

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

# **CONSENT AGENDA**

**CITY OF PRAIRIE VILLAGE, KS**

**September 15, 2008**



**CITY COUNCIL  
CITY OF PRAIRIE VILLAGE  
SEPTEMBER 2, 2008**

The City Council of Prairie Village, Kansas, met in regular session on Tuesday, September 2, 2008, at 7:30 p.m. in the Council Chambers of the Municipal Building.

**ROLL CALL**

Mayor Ron Shaffer called the meeting to order and roll call was taken with the following Council members present: Al Herrera, Ruth Hopkins, David Voysey, Michael Kelly, Andrew Wang, Laura Wassmer, Dale Beckerman, Charles Clark and David Belz.

Also present were: Quinn Bennion, City Administrator; Captain Wes Lovett; Bob Pryzby, Director of Public Works; Dennis Enslinger, Assistant City Administrator; Karen Kindle, Finance Director; Chris Engel, Assistant to City Administrator and Joyce Hagen Mundy, City Clerk.

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

**PUBLIC PARTICIPATION**

No one was present to address the Council. Mayor Shaffer introduced proposed Planning Commission appointees Dale Warman and Dirk Schafer to the Council.

**CONSENT AGENDA**

Dale Beckerman asked for clarification on #8 noting he felt that action was taken at the last Council Committee meeting. Quinn Bennion confirmed this is the formal direction that was agreed upon at the committee meeting.

David Voysey moved the approval of the Consent Agenda for Tuesday, September 2, 2008:

1. Approve Regular Council Meeting Minutes – August 18, 2008
2. Ratify the Mayor's appointment of JoAnn Memming to the Sister City Committee
3. Ratify the appointment of Dale Warman to complete the unexpired term of Marc Russell and Dirk Schafer to complete the unexpired term of Rob McKim on the Prairie Village Planning Commission and Board of Zoning Appeals.
4. Authorize the Mayor to execute proclamations recognizing the 30<sup>th</sup> anniversary of the Kansas City Chapter of "The Whole Person", the youth volunteer fund-raising event for KSDS, Inc., and Constitution Week.
5. Approve Construction Change Order #2 with Miller Paving and Construction for Project 190719: 2008 Storm Drainage Repair Program for an increase of \$17,276.17 bringing the new total to \$407,183.07
6. Adopt the Finance Committee's recommendations regarding the implementation of GASB 45 as follows:
  1. Use the level dollar amortization method to amortize the unfunded actuarial accrued liability.
  2. Keep the premium for current retirees and those retiring before January 1, 2009 at 100% of the active employee premium.
  3. Increase retiree premiums to 125% of the active employee premium for employees retiring on or after January 1, 2009.
  4. Continue funding other post-employment benefit liabilities on a pay-as-you-go basis
7. Rescind the Transportation Cooperation Agreement approved on March 3, 2008 and approve the revised Interlocal Cooperation Agreement with Johnson County and other Johnson County cities to form a Johnson County Transportation Cooperative Council (TCC) and direct the Mayor to execute the agreement.
8. Adopt Ordinance 2174 establishing a Grant Fund
9. Direct Staff to prepare a revision to the Council Policy on sidewalks to address when sidewalks will be constructed on cul-de-sacs.

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

## **STAFF REPORTS**

### **Codes Administration - Dennis Enslinger**

- The City will be co-hosting an E-Recycle Event with Shawnee Mission East on Saturday, October 25<sup>th</sup>

- The City has been awarded a "Safe Schools Grant" and the award and its implementation will be discussed at a future committee meeting.

#### **Finance Department - Karen Kindle**

- The consultant assisting the City with the selection of new Finance software met with City staff this past week. He will be preparing the Request for Proposal based on the information gathered. The proposed schedule has the requests going out in October with proposals received in November and on/off-site demonstrations in December. Purchase, implementation and training will take place in early 2009.

#### **Parks - Chris Engle**

- The Parks Master Plan consultant has completed approximately one-fourth of their study. Citizen surveys were mailed to 2100 residents today with a return date of September 12<sup>th</sup>. Charles Clark asked how many returned surveys are necessary for a valid analysis. Mr. Engle responded 400 surveys and noted the consultant expected a greater number will be returned and will not conduct an analysis without 400. The pool has closed for the 2008 season.

### **COMMITTEE REPORTS**

#### **Sister City Committee**

Michael Kelly noted the success of the visit by representatives of Dolyna. He thanked all who participated in the activities of the week, opened their homes to the guests, to staff who spent time answering questions and sharing information with the delegation. They were very impressed with the City and its operation. Mr. Kelly noted special thanks to Chris Engle for his work with the Sister City Committee in coordinating the activities. He also acknowledged the participation of Johnson County Chairwoman Annabeth Surbaugh, Joe Waters and Mike Press in sharing information on County operations and facilities.

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

##### **COU2008-62 Consider Amendment to Special Use Permit for Kansas City Christian School**

David Voysey stated the Council Committee of the Whole discussed this issue on August 18<sup>th</sup> and recommended approval of the amendment with conditions identified by the Planning Commission.

Laura Wassmer stated she was generally pleased with the progress that has taken place on this issue; however, she would be more comfortable with the addition of a condition that required the school to submit at the start of each school year an updated student count reflecting the number of students in each grade and the number of classrooms used for each grade level for verification by the City. She noted this was the area of non-compliance that initiated this amendment and she would like to have this verified each year. Ms. Wassmer noted she has discussed this with the school's representative and he was amenable to providing that information annually.

Laura Wassmer moved the City Council adopt Ordinance 2175 approving an amendment to the Special Use Permit for the operation of a private school by Kansas City Christian School Society, Inc. on the property described as follows: 4801 West 79<sup>th</sup> Street, subject to the seven conditions recommended by the Planning Commission and that the school provide the City at the beginning of each school year an updated student count reflecting the number of students in each grade and the number of classrooms used for each grade level to be verified by the City. The motion was seconded by Charles Clark.

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

Ms Wassmer thanked the school, the staff and the residents for their cooperation in resolving concerns.

### **OLD BUSINESS**

There was no Old Business to come before the City Council.

### **NEW BUSINESS**

Al Herrera asked how Mrs. Hopkins and Mayor Shaffer's trip to "Southcliff" was being funded. Mrs. Hopkins responded the City of Mission has arranged scholarship funding for "Southcliff participants".

## **ANNOUNCEMENTS**

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

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

=====

The Prairie Village Arts Council is pleased to announce a mixed media exhibit by Images Group during the month of September. The artist reception will be held from 6:30 - 7:30 p.m. on September 12, 2008.

The Shawnee Mission Education Foundation Annual Fall Breakfast is Tuesday, September 23<sup>rd</sup> at the Overland Park Convention Center. RSVP to Jeanne by September 8<sup>th</sup> if you would like to attend.

Prairie Village Peanut Butter week will be September 22 - 26, 2008. Bring some peanut butter to the Council meeting on September 15<sup>th</sup>!

The art exhibit in the R. G. Endres Gallery for October will be the State of the Arts Exhibit. It will be a juried show featuring entries from local artists. There will be three prizes of \$1,000.00 each and the winners will be announced at the reception on October 10<sup>th</sup> from 6:00 to 8:00 p.m.

**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 7:50 p.m.

Joyce Hagen Mundy  
City Clerk

## CITY TREASURER'S WARRANT REGISTER

DATE WARRANTS ISSUED:

Warrant Register Page No.   1  

September 15, 2008

**Copy of Ordinance**  
2851

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			
90152-90260	8/8/2008	553,518.21	
90261-90261	8/12/2008	125.00	
90262-90264	8/13/2008	2,126.95	
90265-90265	8/15/2008	329.50	
90266-90266	8/19/2008	236.34	
90267-90378	8/22/2008	341,652.76	
90279-90380	8/22/2008	800.80	
90381-90381	8/25/2008	869.60	
90382-90390	8/29/2008	12,078.64	
Payroll Expenditures			
8/1/2008		252,784.83	
8/15/2008		257,209.16	
8/29/2008		246,201.78	
Electronic Payments			
Intrust Bank -credit card fees (General Oper)		522.48	
State of Kansas - sales tax remittance		2,680.91	
Marshall & Ilsley - Police Pension remittance		10,944.27	
Intrust Bank - fee		439.56	
KCP&L		17,394.59	
CBIZ - Section 125 admin fees		337.92	
Intrust Bank - purchasing card transactions		9,905.38	
United Health Care		72,742.89	
Kansas Gas		1,172.89	
<b>TOTAL EXPENDITURES:</b>			<b>\$ 1,784,074.46</b>
Voided Checks			
FBI-NAA	#90184	(125.00)	
Staples	#90361	(800.80)	
Embarq	#89137	(869.60)	
<b>TOTAL VOIDED CHECKS:</b>			<b>(1,795.40)</b>
<b>GRAND TOTAL CLAIMS ORDINANCE</b>			<b>1,782,279.06</b>

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

Passed this 15th day of September 2008.

Signed or Approved this 15th day of September 2008.

(SEAL)

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

City Treasurer

Mayor



**MAYOR**

**Council Committee Meeting Date:  
Council Meeting Date: September 15, 2008**

**Consent Agenda: Consider Appointment to Environment/Recycle Committee**

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**RECOMMENDATION**

Mayor Shaffer requests Council ratification of the appointment of Karin McAdams to the Prairie Village Environment/Recycle Committee for a three year term.

**BACKGROUND**

Karin McAdams has been actively involved with the committee for the past year serving as secretary and working on several committees. She brings enthusiasm and commitment to the committee. Ms McAdams volunteer application is attached.

**ATTACHMENTS**

Volunteer application

**PREPARED BY**

Joyce Hagen Mundy  
City Clerk

Date: September 10, 2008



**City of Prairie Village  
APPLICATION TO VOLUNTEER**

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

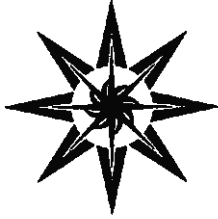
Name Karin McAdams Spouse's Name Linda Ray  
Address 4916 W. 78<sup>th</sup> Place Zip 66208 Ward \_\_\_\_\_  
Telephone: Home 913-642-7530 Work N/A Fax \_\_\_\_\_  
E-mail karinm@kcpr.com Other Number(s): 913-908-0231 (C)  
Business Affiliation retired, formerly Women's Employment  
Business Address \_\_\_\_\_ Network  
What Committee(s) interests you? Environmental Committee

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

I've been interested in many environmental issues since the 70's - I remember a neighbor child wondering why my baby's diapers weren't snowy white (I didn't use bleach) and now that baby is approaching middle age. As an informal committee member, I've served as secretary for the past year, worked on most committee events, and contributed a display on line-drying to our booth at Village Fest.

Thank you for your interest in serving our community.





## ADMINISTRATION DEPARTMENT

Council Meeting Date: September 15, 2008

**CONSENT AGENDA:      CONSIDER APPOINTMENT TO THE PARK &  
RECREATION COMMITTEE**

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### **RECOMMENDATION**

Ratify the Mayor's appointment of Ms. Ann Bontrager to the Park & Recreation Committee.

### **BACKGROUND**

Mayor Shaffer is pleased to place before you the appointment of Ann Bontrager to the Park & Recreation Committee. Ms. Bontrager's volunteer application is attached.

### **ATTACHMENTS**

1. Volunteer Application

### **PREPARED BY**

Jeanne Koontz, Deputy City Clerk  
September 12, 2008



**City of Prairie Village  
APPLICATION TO VOLUNTEER**

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

Name Ann H. Bontrager Spouse's Name M. Doyle  
Address 4048 W 79<sup>th</sup> Zip 66208 Ward 4

Telephone: Home 913-3859610 Work \_\_\_\_\_ Fax \_\_\_\_\_

E-mail annbon@sbcglobal.net Other Number(s): \_\_\_\_\_

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

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

What Committee(s) interests you? Parks & Recreation

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

Prior to returning "home" to Prairie Village I was a community volunteer working on annual festival and hiway signage project.

I have helped with Village Fest and Santa at Corinth.

I am a positive, enthusiastic supporter of our city. I was a child here when Prairie Village was founded

Thank you for your interest in serving our community

## MAYOR'S ANNOUNCEMENTS

Monday, September 15, 2008

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

Prairie Village Arts Council	09/17/2008	7:00 p.m.
Environmental/Recycle	09/24/2008	7:00 p.m.
Council Committee	10/06/2008	6:00 p.m.
Council	10/06/2008	7:30 p.m.

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The Prairie Village Arts Council is pleased to announce a mixed media exhibit by Images Group during the month of September.

Prairie Village Peanut Butter week will be September 22 - 26, 2008. Bring some peanut butter to the Council meeting on September 15<sup>th</sup>!

The Shawnee Mission Education Foundation Annual Fall Breakfast is Tuesday, September 23<sup>rd</sup> at the Overland Park Convention Center.

The art exhibit in the R. G. Endres Gallery for October will be the State of the Arts Exhibit. It will be a juried show featuring entries from local artists. There will be three prizes of \$1,000.00 each and the winners will be announced at the reception on October 10<sup>th</sup> from 6:00 to 8:00 p.m.

Flu shots for City of Prairie Village employees and Council members are scheduled for October 13<sup>th</sup> from 7:30 - 9:00 a.m. at Public Works and on October 14<sup>th</sup> from 2:00 - 4:00 p.m. at City Hall. Cost to the employee/Council member is \$10.

**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**  
**September 15, 2008**

1. Council Committee of the Whole Minutes - September 2, 2008
2. BZA & Planning Commission Action Sheet - September 9, 2008
3. BZA Minutes - August 5, 2008
4. Planning Commission Minutes - August 5, 2008
5. Sister City Committee Minutes - August 11, 2008
6. Tree Board Minutes - September 3, 2008
7. Environment/Recycle Committee Minutes - July 23, 2008
8. 24<sup>th</sup> Annual Peanut Butter Week reminder
9. Mark Your Calendars
10. Committee Agenda

**COUNCIL COMMITTEE OF THE WHOLE**  
**September 2, 2008**

The Council Committee of the Whole met on Tuesday, September 2, 2008 at 6:00 p.m. The meeting was called to order by Council President David Voysey with the following members present: Mayor Shaffer, Al Herrera, Ruth Hopkins, Michael Kelly, Andrew Wang, Laura Wassmer, Dale Beckerman, Charles Clark and David Belz. Staff members present: Quinn Bennion, City Administrator; Captain Wes Lovett; Bob Pryzby, Director of Public Works;; Dennis Enslinger, Assistant City Administrator; Chris Engel, Assistant to the City Administrator; Karen Kindle, Finance Director and Joyce Hagen Mundy, City Clerk.

**Update from Environmental/Recycle Committee**

David Voysey called upon Margaret Thomas and Kristin Riott with the Prairie Village Environment/Recycle Committee for an update of environmental activities within the City. Kristin Riott stated the City has much to be proud of having the longest standing Environment/Recycle Committee in the area and for being the first city in the area to provide 3 stage solid waste services to its residents. She noted city staff has conducted energy audits on city facilities. The City's recently adopted Village Vision addresses environmental issues, the need for increase density, for walkable communities, etc.

In July the City directed the Planning Commission to look into possible revisions to its zoning regulations to encourage sustainability. The City is looking into using solar lighting for its parks. The Environment/Recycle committee would like to address the issue of greenhouse gases. Ms Riott noted that 25% of greenhouse gases come from residential properties. She also stressed the need to address the rapidly filling landfills and rising heating costs.

Margaret Thomas, chair of the Environment/Recycle Committee, who has 30 years of experience with the Midwest Research Institute stated the committee would like to form a task force or subcommittee to work on creating an addendum to the Village Vision Plan that specifically addresses the issues raised above and bring forward recommendations for best practices to be implemented by the City. Mrs. Thomas noted these could include such things as walking & biking paths, connectivity to public transportation and increased density. She stated changes to the City's building and zoning codes can have a major impact on sustainability. There are several things that can be done to encourage energy conservation by residents. The committee is interested in contributing their knowledge and time to gather, review and disseminate this information.

Laura Wassmer stated she supported the preparation of the information for review by the Council.

David Belz stated he was uncomfortable with a separate group putting an addendum to the Comprehensive Plan created by City residents. He does not have a problem with the idea, but does with it being done as an addendum to Village Vision. Mrs. Thomas stated the committee is open to suggestions on how to best frame the information and recommendations. Ms Riott stated the committee has already reviewed best practices in place in other cities.

Michael Kelly noted Village Vision was a process in which the public participated. He supports moving forward but as a separate document from the Village Vision, noting that several of the items listed have already been identified in the Village Vision report.

Al Herrera stated he would be more comfortable if the report were to come from the City's Environment/Recycle Committee.

Charles Clark noted Bob Pryzby will be writing a policy manual in conjunction with the city's new stormwater utility fee that will identify actions that can be taken to possibly receive credits toward this fee and recommended that he be involved in this process.

David Voysey polled the committee and noted there was a consensus of support for the committee to move forward noting the comments made by council members regarding their concerns.

#### **Update regarding Everest Box Placement**

Dennis Enslinger reported Everest will be locating a number of boxes within the City to provide service to residents. Staff has been working with them to determine the optimal locations for the two very large boxes that are necessary. The option being considered is city owned property. These boxes will also require the placement of a natural gas generator. A site plan was distributed show two possible locations on the municipal campus. Staff is recommending option I which is locating near the existing communication tower on the back side of the municipal building. The City is exploring Everest providing services in lieu of payment to address the needs of the Police Department for a fiber optic line for their new communications system which would result in a savings of \$25,000.

David Voysey asked why Option 2 would be preferred. Mr. Enslinger responded that it would not require the construction of a retaining wall. Option I requires the construction of 2 sides of retaining wall next to the existing equipment compound.

Al Herrera questioned why a generator was necessary. Mr. Enslinger responded it is needed to provide back-up power in the event of a power outage. He noted it

would only be used as a back-up and would be tested one time per month for a short period. Everest will need to secure a Conditional Use Permit from the Planning Commission for the box and generator.

Quinn Bennion noted the site plan distributed was prepared prior to the parking lot expansion and the parking lot would be closed than it is shown on the plan. He noted there is a significant slope that would need to be addressed with Option 2.

David Voysey asked the height of the boxes. Mr. Enslinger responded they are six feet in height. Each box serves approximately 5000 households. There will need to be box added at a later date at a location not yet decided, but because of the size it will probably be on public property.

Laura Wassmer asked if Everest would be placing boxes where AT&T boxes are located. Dennis Enslinger responded the Everest boxes would be smaller (9" x 9" x 24") and one will be needed approximately every seven houses. He stated the City does not have much control over their location, but has requested a map showing the proposed locations. If the boxes are placed in City right-of-way a right-of-way permit will required from public works.

Michael Kelly asked when the residents would be notified. Mr. Enslinger stated for the small pedestal boxes no notification is required. They will be notified when the company begins boring on the property.

Laura Wassmer expressed concern with a proliferation of boxes and asked if companies would be required to use the same equipment boxes as they are required to co-locate on towers or could the City require they be buried. Mr. Enslinger stated the City does not have an ordinance to require that. The companies strongly oppose burying boxes because it makes them very difficult to maintain and concern with water getting into the box and causing damage.

Quinn Bennion stated he has spoken with Assistant City Attorney Steve Horner and there is not much the City can do to require specific placemen. Mr. Enslinger site plan approval will be done by City staff on the placement of the smaller boxes with a right-of-way permit required for any boring to take place in the street or City right-of-way. Mr. Pryzby added an individual permit is being required for each cut made for an installation.

#### **Discussion on Process for Considering Planning Commission Recommendations**

At the July 21<sup>st</sup> Council Committee of the Whole meeting staff presented a discussion about Planning and Zoning applications and the respective roles of the Planning Commission and the City Council. During that presentation, City Attorney, Katie Logan, the City's Planning Consultant, Ron Williamson and City staff presented a proposal that the City Council should evaluate the current policy

of sending Planning Commission recommendations to the Council Committee of the Whole for a recommendation prior to forward to the City Council.

It was noted at that meeting that under current state and city ordinance provisions, the Planning Commission is identified as the body which makes the recommendation to the Governing Body on certain types of zoning and planning applications. State and City ordinance provisions indicate that the role of the Governing Body is to act in a "quasi-judicial" capacity in reviewing the Planning Commission recommendation and based on the relevant facts as contained in the application materials and information presented at the Planning Commission public hearing. This was also discussed briefly at the August 4<sup>th</sup> meeting; however, the committee ran out of time before a decision could be reached.

Dennis Enslinger noted during the August 4<sup>th</sup> discussion concern was raised by council members with having sufficient time to make a decision. He noted the Council does not have to take action that evening. The Council can continue the application, just as the Commission can continue applications until they have all the information they need to make a decision. The City Council is to make its' decision based on the evidence presented to the Planning Commission at the public hearing. Actually, no new information should be presented to Council that was not presented to the Planning Commission.

If a protest petition has been filed, there must be fourteen days between the action of the Planning Commission and the action of the Governing Body.

Charles Clark supports Planning Commission items going directly to the City Council. The public hearing is held before the Planning Commission and action by the Council should be based on the recommendation and findings of the Planning Commission based on information presented to them; not on comments made before the Council.

Michael Kelly stated it is confusing for residents to know when they are allowed to speak. He asked if steps are taken to insure that residents are notified. Mr. Enslinger responded state statutes require that all property owners within 200 feet of the application site must be notified by certified mail at least 20 days prior to the public hearing. He added for most applications the property is also posted with a notice of the public hearing. He suggested that staff reports could be placed on the web site or the PC Actions could be placed on the website the day after the meeting.

Joyce Hagen Mundy added the Planning Commission requires the applicants to hold a neighborhood meeting prior to their appearance before the Planning Commission. Charles Clark noted that even when these meetings are held there



are several occasions when no one appears. People do not seem to get involved until well into the application process.

Dale Beckerman asked if the dates the item would go to the City Council could be noted on the Planning Commission agenda. Mr. Enslinger the date for Council consideration is announced at the public forum. This has been difficult not knowing whether the application would go to the committee or directly to the Council.

David Belz acknowledged that the Planning Commission makes the recommendation with the Governing Body making the ultimate decision; therefore, he feels it is helpful to have the application go through the committee first as it that meeting is primarily discussion and no formal action is taken for two weeks which gives time to get more information if desired. However, as long as it is understood that the Council does not have to take action the first evening it is on the agenda, he is ok with going directly to Council, but really likes to have that intervening step. David Voysey agreed with Mr. Belz that it is good to have the extra time to think and debate the application.

Dennis Enslinger reminded the Council they always have four options - to approve, to deny, to continue, or to return to the Planning Commission.

David Belz noted for 95% of the applications action the same evening will probably be satisfactory.

Ruth Hopkins noted she often feels she is lacking information on which to make a decision. She sees the committee meeting as the opportunity to get that information and ask questions. Mr. Enslinger stated the Planning Commission information could be sent out earlier than the regular packet information.

Michael Kelly stated it is up to the City Council to say they are not ready to vote and to continue the application. He stressed it needs to be made clear to the applicant that an appearance on the agenda does not guarantee Council action.

Charles Clark stated Council members could go to the Planning Commission members although they would not be allowed to speak. Mrs. Hopkins stated that is contrary to what they have been advised by Mr. Wetzler. Ms Wassmer said she thought his opinion was based on violation of open meetings regulations. She noted she has felt blindsided with information presented directly to the Council at times and uncomfortable with voting that evening. Mr. Voysey noted that for 95% of the applications before the Council there would probably be no problem.

Dennis Enslinger noted the minutes of the Council Committee meeting are not considered official records as they have not been approved by the Governing Body as Council and Planning Commission minutes are.

The Council agreed to have staff bring items directly from the Planning Commission to the City Council with the understanding that action could be continued to a later meeting.

#### **Consider Lancer Day involvement – SME 50<sup>th</sup> Anniversary**

Mayor Shaffer noted this is the 50<sup>th</sup> Anniversary of Shawnee Mission East High School and the anniversary will be marked with several special events including a larger Lancer Day Parade. The city has been asked if it wanted to participate in the parade. There will also be an open house at the school. There will be a large tailgating event prior to the SME and SMN football game at the district activity field.

Laura Wassmer noted the Council's participation in past Villagefest parades. Council members could ride in cars or the City could build a float. The Council agreed to participate in the parade with a float. Al Herrera will coordinate the construction of the float.

#### **STAFF REPORTS:**

##### **Public Works – Bob Pryzby**

- The east and west bound lanes of Mission Road are torn up due to WaterOne replacing lines between Claridge Court and Johnny's and from Claridge Court to the service station. This work will replace a leaking pipe that has caused several problems in the past.
- He has not received any complaints on the stormwater utility fee, but expects to when tax bills are distributed.
- Traffic signs have been stolen by Briarwood School
- New lights have been installed at the Santa Fe pavilion. The lights are very bright and no new vandalism has occurred.
- The Swimming Pool closed for the season on Monday.

##### **Public Safety – Capt. Wes Lovett**

- Each of the patrol cars will carry "Cold Fire" a product first used at NASCAR for putting out car fires. It reduces the heat within seconds. It cost \$3600 for the entire fleet with some smaller cans for the CSO vehicles. Capt. Lovett felt that most Johnson County public safety agencies will carry these by next year. Laura Wassmer confirmed the product is non-toxic.

Al Herrera advised that the school crossing lights on Mission Road were flashing over the weekend and other non-school times.

**Administration – Quinn Bennion**

- The City Attorney is not present due to a meeting conflict with the change of the meeting date from Monday to Tuesday.
- The Employee Appreciation Event will be held this Friday evening.
- There are currently five people who have registered for the NLC Conference in November. If any other council members wish to attend, they should let him or Jeanne know as soon as possible.
- There has not been any further communication from OPUS regarding Meadowbrook although staff has offered to meet with them.
- The City has not received any additional information on the “Open Meetings” complaint filed.

**ADJOURNMENT**

With no further business to come before the Council Committee of the Whole, Council President David Voysey adjourned the meeting at 7:25 p.m.

David Voysey  
Council President

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

**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 3500 West 75<sup>th</sup> Street**

The Board of Zoning Appeals denied the requested variance for the construction of a carport

**PC2008-06 Request for Conditional Use Permit for a Communications Utility Box at 5020 West 67<sup>th</sup> Street**

This application was withdrawn by the Applicant

**PC2008-07 Request for Site Plan Approval for a Carport at 3500 West 75<sup>th</sup> Street**

The necessary variance for the carport was denied; therefore, this application was continued to the next Planning Commission meeting for possible consideration of a revised location.

**Discussion on Cell Tower Regulations**

Ron Williamson reviewed the staff report which addressed the following items in relation to the City's current Cell Tower Policy:

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

Commission members responded to the staff report asking for additional information on certain areas but continued discussion of the issue until the October meeting when more Commission members will be in attendance.

**BOARD OF ZONING APPEALS  
CITY OF PRAIRIE VILLAGE, KANSAS  
MINUTES  
TUESDAY, August 5, 2008**

**ROLL CALL**

The meeting of the Board of Zoning Appeals of the City of Prairie Village, Kansas was held on Tuesday, August 5, 2008 in the Council Chamber of the Municipal Building. Chairman Robb McKim called the meeting to order at 6:30 p.m. with the following members present: Bob Lindeblad, Marlene Nagel, Nancy Vennard, Randy Kronblad (arrived late) and Ken Vaughn. Also present in their advisory capacity to the Board of Zoning Appeals were: Ron Williamson, Planning Consultant, Jim Brown, Building Official; Dennis Enslinger, Assistant City Administrator and Joyce Hagen Mundy, Board Secretary.

**APPROVAL OF MINUTES**

Ken Vaughn moved to approve minutes of July 1, 2008 as written. The motion was seconded by Marlene Nagel and passed by a 4 to 0 with Robb McKim abstaining.

**BZA2008-04 Request for a Variance from P.V.M.C. 19.50.030 to allow for the installation of solar panels on the dormer's roof and extending above the roofline on the property located at 9029 Rosewood Drive  
Zoning : R-1a Single Family Residential  
Applicant: Al Pugsley**

Chairman Robb McKim 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, July 15, 2008 and all property owners within 200' were mailed notices of the hearing.

Al Pugsley, 9029 Rosewood Drive, stated he strongly supports sustainable energy and is seeking a variance to allow the installation of solar panels on his home. The energy collected would be used to power his electric vehicle. Because of the location of his home and the orientation of the dwelling, the panels cannot be flush mounted and still be properly positioned to the sun.

Bob Solger, 8201 Rosewood Drive, addressed the Board on Mr. Pugsley's behalf as the contractor for the proposed solar panels. Mr. Solger stated the optimal exposure for solar panels is facing south with a perpendicular relationship from the sun to the panels. Under the City's current ordinance solar panels must be installed with a flush mount and black framing. As Mr. Pugsley noted, this is not feasible with the orientation of his home. The proposed installation would include 8 to 12 panels at a 39% angle in a portrait orientation. The installation would

produce 3000 kw of power and represent a 25% reduction in electric usage. The distance from the top of the panel to the roof is approximately 40 inches.

Nancy Vennard requested a photo simulation of the proposed installation. Mr. Solger presented a photo simulating an installation on Mr. Pugsley's home. Ken Vaughn stated the photograph was not an accurate representation, noting the panels will be at a 39% angle from the flat surface of the dormer.

Marlene Nagel asked how far above the ridge of the roof will the top of the panel be. Mr. Solger stated he doesn't know without an exact measurement. Mrs. Nagel asked if twelve panels were necessary or if eight panels would work eliminating the top row of panels so the projection above the roofline would be less. Mr. Solger responded that was a decision for Mr. Pugsley.

Ron Williamson noted the City Council has requested the Planning Commission review these regulations. The regulations were adopted in 1983 and have not been amended since that time. Staff has not had the opportunity to conduct research; however, it is anticipated that some changes would be made to these regulations. Mr. Williamson noted the applicant has chosen to pursue the variance procedure rather than wait for the ordinance changes in order to take advantage of a tax credit program for solar energy that expires at the end of the year. If installed, Mr. Williamson would recommend the framework be painted black.

No one was present to speak in support of the application.

William Fithian, 9058 Rosewood Drive, addressed the Board referencing a letter sent opposing the installation of the solar panels. Mr. Fithian stated their home is directly across from Mr. Pugsley's and the proposed panels will be visible from their home. He opposes the installation because of the angle and height of the proposed panels. He feels the solar panels will be unsightly and have a negative impact on their property.

Mr. Fithian also noted a letter was also sent to the Board by Barry Davis, 9060 Rosewood Drive opposing the requested variance.

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

Robb McKim led the Board in a review of the five criteria for approval.

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

In order for the solar panel array to work, it must have a southern exposure and needs to be on 300 square feet of roof. The orientation of the house is such that a

system integrated into the roof will not have the correct exposure and therefore will not achieve the energy savings desired. Bob Lindeblad note this orientation is common throughout the City and therefore, he does not see this as being unique.

Bob Lindeblad moved that the Board find that the variance does not arise from a condition unique to this property for the previously stated reason. The motion was seconded by Ken Vaughn and passed 5 to 0 with Randy Kronblad abstaining as he was not present for the entire hearing.

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

Nancy Vennard stated she supports green activities; however, she is concerned that it is not known how high the panels will stand above the roof line possibly three to four feet. Although the panels may be obscured by foliage during part of the year, at other times they will be clearly visible and could have an adverse affect on the adjacent property owners.

Nancy Vennard moved that the Board find that the variance would adversely impact adjacent property. The motion was seconded by Marlene Nagel and passed by a vote of 5 to 0 with Randy Kronblad abstaining.

**C. 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.**

Ken Vaughn stated that no information was given indicating that the applicant had explored other options such as ground mounted panels. Bob Lindeblad did not feel being unable to reduce the carbon footprint from his residence to be a hardship.

Ken Vaughn moved that the Board find that an unnecessary hardship would not be created by the application of this. The motion was seconded by Bob Lindeblad and passed by a vote of 5 to 0 with Randy Kronblad abstaining.

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

The granting of the variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

Bob Lindeblad moved that the Board find favorably on Condition D relative to the impact on the Public Interest. The motion was seconded by Ken Vaughn and passed and passed by a vote of 5 to 0 with Randy Kronblad abstaining.

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

Bob Lindeblad stated the proposed application is in conflict with the existing ordinance. Although he agrees the code needs to be reviewed, he would rather

change the ordinances than deal with requests through the variance process. He admires what the applicant is doing, but feels the ordinance needs to be amended and everyone have the same regulations with regard to solar energy. He does not feel a variance would be within the spirit and intent of the regulations.

Bob Lindeblad moved that the Board find that the variance does not meet the Spirit and Intent of the regulations. The motion was seconded by Marlene Nagel and passed by a vote of 5 to 0 with Randy Kronblad abstaining.

Robb McKim stated the Board has found unfavorably on four of the five factors and needed a motion for the denial of a variance.

Bob Lindeblad moved that the Board having found unfavorably on four of the five conditions that BZA Application 2008-04 for the requested variance from PVMC 19.50.030 for the installation of solar panels be denied. The motion was seconded by Marlene Nagel and passed by a vote of 5 to 0 with Randy Kronblad abstaining.

#### **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 Marlene Nagel and passed unanimously with the meeting being adjourned at 7:00 p.m.

Robb McKim  
Chairman



**PLANNING COMMISSION MINUTES  
MEETING OF AUGUST 5, 2008**

**ROLL CALL**

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, August 5, 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, Robb McKim, Marlene Nagel & Nancy Vennard.

The following persons were present in their advisory capacity to the Planning Commission: Ron Williamson, Planning Consultant; Dennis Enslinger, Assistant City Administrator; Tom Trienens for the Director of Public Works; Chief Wes Jordan, Captain Tim Schwartzkopf; Sgt. Bryon Roberson; Jim Brown, City Building Official and Joyce Hagen Mundy, City Clerk/Planning Commission Secretary.

**APPROVAL OF MINUTES**

Randy Kronblad noted on page 3, paragraph 5 the first sentence should read “. . . located from their property line” not “from their home” and on page 11, paragraph 5, should be “John Oman” not “Orman”. Nancy Vennard questioned the word “nullity” on page 9 by Mr. Housley. Mrs. Mundy stated that was verified by the audio tape of the meeting. Randy Kronblad moved the minutes of the July 1, 2008 meeting of the Planning Commission be approved with the corrections noted. The motion was seconded by Marlene Nagel and passed by a vote of 5 to 0 with Mr. McKim abstaining due to his absence at that meeting.

**PUBLIC HEARINGS**

Chairman Ken Vaughn noted there are three public hearings scheduled for this evening and reviewed the rules of procedure to be followed during the public hearings.

**PC2008-06 Request for a Conditional Use Permit for a  
Communications Utility Box  
5020 West 67<sup>th</sup> Street  
Zoning: R-1a**

Chris Carroll, representing AT&T at 8400 Indian Creek Parkway, stated this is a continuation of their expansion of UVerse service within Prairie Village. AT&T is requesting the approval of a Conditional Use Permit for the installation of a VRAD utility box that has a footprint of 50” x 26” (9.0 sq. ft.), a height of 45” and sets on a 60” x 60” (25 sq. ft.) pad that is 18” in height. The proposed VRAD utility box will be paired with an existing non-conforming SAI utility box that is located in an easement on the north side of 67<sup>th</sup> Street where Fonticello Road intersects.

Mr. Carroll stated at the time of the original submittal, they were unaware of a proposed sidewalk at this location. They have submitted two plans with revised locations to accommodate the future construction of a sidewalk by the City. There will be landscaping surrounding both boxes. They have met with the property owner to review the proposed landscaping. He noted some of the existing landscaping done by the property owner will need to be removed and will be replaced by their selection of plantings. The proposed utility box will be located in a utility easement east of the existing SAI Box (Plan A) or behind the existing SAI box (Plan B). The existing SAI box is 58" x 17" (6.9 sq. ft) and 62" in height.

Ron Williamson pointed out that 67<sup>th</sup> Street is scheduled for reconstruction in the future and at that time a five foot wide sidewalk is proposed to be constructed along the north side of the street. Sidewalks are normally installed within one foot of the property line. Therefore Staff would like the existing SAI box to be relocated further north and that no improvements including landscaping be closer to the street than the utility pole. Also the preference would be for the boxes and landscaping to not spread out along 67<sup>th</sup> Street and therefore Plan B is preferred by the City with the SAI box relocated further north. Because the boxes will be setting further back onto the property, staff would like to see additional landscaping added to their plan.

In accordance with the Planning Commission's Citizens' Participation Policy, the applicant held a meeting on July 23, 2008, at City Hall. Four residents attended the meeting and the concerns expressed were location of the box and landscaping. Taller plants were requested. AT&T agreed to meet with specific homeowners to address the landscaping concerns.

Randy Kronblad confirmed there was four feet between the two boxes. Nancy Vennard confirmed the existing box will be relocated. Ken Vaughn stated the City prefers to have green space between the sidewalk and the curb. Bob Lindeblad confirmed the sidewalk would be placed one foot back from the property line but would curve around the existing pole if it was not moved. He asked if the boxes could be closer than four feet. Mr. Carroll responded the width apart has to allow for the opening of the doors for service technicians. They would see if the space between could be reduced.

Bob Lindeblad confirmed the boxes are located within the easement. Mr. Lindeblad noted the site plan shows the pad extending beyond the easement. He confirmed the landscaping would be on private property.

Marlene Nagel stated there is another box on Fonticello and asked if there had been any consideration given to placing the box at that location. Mr. Carroll responded that box is within a different distribution service area with a different cabinet and would not work for this application.

Mrs. Nagel asked how often service technicians visited these sites noting 67<sup>th</sup> Street is a fairly well-traveled roadway. Mr. Carroll responded technicians would be present during installation and then as new subscribers are added. Ken Vaughn said based on his experience someone is present at least once a day.

Robb McKim stated he would like to see the boxes moved as close together as possible. Mr. Carroll stated he would have their engineers look at moving them closer together.

Bob Lindeblad asked how many feet the boxes could be moved back and still remain within the easement. Mr. Williamson responded three feet.

Chairman Ken Vaughn opened the floor to comments from the public.

John Oman, 5100 West 67<sup>th</sup> Street, noted the existing cabinet is on their side of the property line. He questioned if the cabinet which is currently 12' back could be moved back another five feet and not be on his property. Ken Vaughn stated there is a 25' right-of-way from the center line of the street to his property line and then a five foot easement on either side of the property line. The installation will be entirely within the easement.

Mr. Oman questioned if the boxes could be moved side by side so both cabinets are not on his property. He questioned why sidewalks were being proposed when there are already sidewalks one side of the street. Mr. Vaughn answered on arterial and collector streets the City policy is to have sidewalks on both sides of the street because of higher traffic volume. Mr. Oman did not think it was fair to have both boxes on his side.

Mary Oman, 5100 West 71<sup>st</sup> Street, stated in addition to her husband's concerns, she noted the proposed landscaping will take eight years to grow sufficiently to provide a true barrier. She feels this installation will have a detrimental affect on their property value. She would like to have the boxes located side by side.

Bob Lindeblad asked if this location was required because there was no utility easement behind the utility pole.

Nancy Vennard stated the existing box opens to the south and asked if the boxes could be placed back to back opening to the outside. This would significantly reduce the size of the footprint. Mr. Carroll noted some cabinets have doors on both sides, but noted he would have his engineers look into it. Mrs. Vennard stated if the yard posts are remaining they should be shown on the landscaping plan. Mr. Carroll noted with the movement of the boxes further back from the roadway, the poles may not be necessary.

Bob Lindeblad noted the plans show a retaining wall on the north and west and asked its height. Mr. Carroll replied it is not higher than two feet. Mr. Lindeblad stated the wall would help reduce the impact to the residents with landscaping placed behind the wall.

Randy Kronblad noted the existing SAI pad is 64 x 74 which is greater than the five foot easement. Mr. Carroll stated the existing pad will be removed and replaced with a smaller pad totally within the easement.

Marlene Nagel stated she would prefer to have the applicant revise the drawings and share them with the property owners before coming back to the Planning Commission.

Mr. Carroll noted the property owners have seen the plans, but they would resubmit them for review. Mr. Vaughn expressed concern with the pad being outside of the easement. Chris Carroll stated they would be happy to submit revised plans to staff for approval.

Rob McKim was unclear what guidance the Commission would be able to give staff as far as direction for approval when they don't know how the landscaping and retaining wall fit into the plan and how far back the boxes will sit or where. He felt the plans needed to be resubmitted to the Planning Commission. Chris Carroll stated they were comfortable with the staff recommendation and with either Plan A or Plan B.

Bob Lindeblad stated he prefers Plan B but doesn't know how far back it is setting. Mr. Carroll confirmed the property owners will both sign off the accepted landscape plan.

Randy Kronblad moved application PC2008-06 be continued to the September 9<sup>th</sup> meeting of the Planning Commission. The motion was seconded by Marlene Nagel and passed unanimously.

Bob Lindeblad added another option for consideration would be the placement of the narrower box east of the power pole against the right-of-way line.

Mr. Oman questioned whether the property line on each side had a five foot easement. Mr. Lindeblad stated the plans presented show a vacated easement along the property line. This needs to be clarified.

**PC2008-07 Request for Conditional Use Permit for  
Temporary Use for an Art Gallery in a Commercial  
Office Building - 3500 West 75<sup>th</sup> Street  
Zoning: C-0**

Thad Smith, with *B & G Industrial*, addressed the Commission representing the property owners of 3500 West 75<sup>th</sup> Street. They are requesting a Conditional Use Permit for a period of two years to have an art gallery in this three story office building. The art gallery will be located on the second floor (Suite 201) with 1953.2 square feet. The hours of operation will be 1 p.m. to 5 p.m. Tuesday thru Saturday and by appointment only. They do not anticipate a significant increase in traffic or parking. The entry to the gallery will be on the south side. The gallery will feature primarily fine arts and will hold quarterly events.

Ron Williamson stated the applicant is requesting the conditional use for a retail use rather than rezoning the property to commercial because the building is primarily office. The conditional use can only be approved for a maximum of two years, but it can be renewed upon reapplication. If the proposed use proves to be successful and more space is needed, consideration will be given to permanent commercial zoning. No changes are proposed for the building or parking, but signage will probably need to be addressed.

Mr. Williamson also noted the change in use will impact the parking requirements for this area. The parking will need to be sufficient to accommodate the existing office use as well as the gallery. There appears to be sufficient parking; however, if additional space is needed, it can be leased from the adjacent property.

In accordance with the Planning Commission's Citizen Participation Policy, the applicant held a meeting with the neighbors on July 22, 2008. No one attended the meeting.

Since this is a conditional use, limitations can be placed on it so that it is not a problem for neighbors. It can only be approved for a maximum of two years which will allow adequate time to evaluate its impact on the area.

This proposed conditional use is within an existing building and therefore a detailed site plan has not be required.

Robb McKim confirmed the gallery would be open to the public.

Chairman Ken Vaughn asked if there was anyone present to speak in this application. Being none, he closed the public hearing at 7:50 p.m.

Mr. Williamson stated staff recommends approval of the temporary use with the three conditions given in the staff report.

Randy Kronblad asked if any signage was proposed. Mr. Smith responded none was proposed at this time.

Marlene Nagel asked if the two year limitation was acceptable. Mr. Smith stated the owners want to see how the gallery does and two years should provide a reasonable period on which to evaluate it.

The Planning Commission reviewed the following findings of fact:

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

The proposed art gallery will be located in an existing building, and the existing building complies with all the regulations of the Zoning Ordinance.

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

The proposed art gallery will be within an existing office building and both are low intensity uses. Art galleries do not create heavy traffic during normal business hours when offices are also occupied. The holding of special events in the evenings and on weekends when offices are not in use is more typical. This use should not have an adverse impact on the area.

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

The building is adjacent to other office uses and because of the small size and low intensity of the art gallery, there should not be any substantial injury to the value of the adjacent property.

4. **The location and size of the conditional 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 given access to it are such that the conditional 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 should be given to:**

a. **The location, size, nature and height of buildings, structures, walls and fences on the site; and**

b. **The nature and extent of landscaping and screening on the site.**

This use is being conducted within an existing building and it is a very low intensity use. Because of its limited size and the fact that the area is already developed, the use will not dominate the immediate neighborhood or hinder the use of neighboring property.

5. **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 use and located so as to protect such residential uses from any injurious affect.**

The existing building is used as an office building. It contains 29,082 square feet of floor area and 82 parking spaces are provided on its lot. The Zoning Ordinance requires one parking space for each 300 square feet of floor area and therefore 97 spaces are required. The applicant also owns the building to the west and the combined square footage of the two buildings is 43,722, which requires 146 parking spaces. There are 175 parking spaces for both buildings.

The proposed art gallery contains 1953.2 square feet and the parking requirement is one space for 250 square feet of floor area. This will increase the required number of spaces by three.

The combined properties provide more spaces the required by the ordinance and therefore should not cause any problems in the adjacent residential area.

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

Since this use is within an existing built out area, there will not be a need for additional utilities drainage and other infrastructure.

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

This area already is developed and the exit and entrance drives that are currently in place will adequately handle the traffic that is generated by this use.

8. **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.**

The proposed use does not utilize any hazardous or toxic materials and does not generate any obnoxious odors or unnecessarily intrusive noises.

Bob Lindeblad stated this is a great use for this office building and represents what Village Vision wants to promote in Prairie Village. Mr. Lindeblad moved the Planning Commission find favorably on the findings of fact and approve the Conditional Use Permit subject to the following conditions:

1. That the temporary use for an art gallery be approved for a period not to exceed two years.
2. That the use can only be in Suite No. 201 and if it is expanded beyond that area, the Conditional Use Permit will need to be amended.
3. That adequate parking be made available from the property at 3520 West 75<sup>th</sup> Street. This property cannot be sold or separated from 3520 West 75<sup>th</sup> Street without some type of agreement guaranteeing that parking will be available.

The motion was seconded by Randy Kronblad and passed unanimously.

**PC2008-08 Request for Amendment to Special Use Permit  
For the operation of a private school  
4801 West 79<sup>th</sup> Street  
Zoned: R-1a**

Mike Rodgers, Chairman of the Board for Kansas City Christian School, appeared before the Commission to request an amendment to their Special Use Permit relative to the increase of high school classrooms from 9 to 11 and the related change in required parking. The current parking on site is 136 spaces. With the change in use from elementary classrooms to high school classrooms 148 parking spaces are required. The School has reconfigured its parking lot resulting in the creation of 174 parking spaces. This is 26 more than required and should allow for most of the student parking being on-site.

Ken Vaughn asked how they planned to implement this plan. Mr. Rodgers stated the parking spaces would be numbered and each student would be assigned a numbered parking space. Mr. Vaughn asked what happens when there are not sufficient spaces available.

Rib Schneeberger, principal of the school, stated they are currently having discussions with the Mission Road Bible Church regarding the possibility of leasing spaces from

them for additional parking. A shuttle will take student from that lot to the school. Mr. Schneeburger stated they will not know the number of student drivers they have until school starts August 20<sup>th</sup>. The number will change as more of the students become of age to drive during the year. They can not guarantee the number of student drivers at the beginning of the year will remain constant throughout the year.

Norma Herzog, 4822 West 78<sup>th</sup> Place, commended the school for their efforts but was concerned with drop-off and pick-up traffic. The school has a good program in place upon dismissal; however, there are people who do not follow the rules and will park along 78<sup>th</sup> Street to wait and pick up their children. She would like to see the current sign on her side of the street which prohibits parking until three o'clock be changed to prohibit parking until four o'clock. She feels this will eliminate traffic problems caused by parent parking. Mrs. Herzog asked if the lot is full with student parking, where will visitors be able to park?

Catherine Dayton, 4808 West 79<sup>th</sup> Street, which is directly across from the school shared her observations. From 2:30 p.m. on there are cars parked on the street waiting to pick up students. She agrees with Mrs. Herzog. The plan sounds good, but she has concerns with its enforcement. In the past, she has not seen school personnel tell parents to move their cars. The Police Department is not enforcing the "no parking" sign at this time. She feels the school needs to take a greater degree of control and actively make sure the plan is followed.

Ms Dayton noted the bus lane is directly across the street from her home. She has experienced problems with busses coming from other schools for events idling for long periods of time making it difficult for her to breathe. Both the school and the police department have not successfully addressed this problem. The Environmental Protection Agency states that buses should not idle for more than five minutes because of the release of damaging fumes. The school has done a great job controlling their own buses, but busses from other schools are more difficult.

Ms Dayton would like to see a condition added to the Special Use Permit to set the maximum amount of time vehicles may be idling to no more than five minutes. She feels it is the school's responsibility to control other buses and perhaps this will give them the power needed for enforcement.

Corey Lambert, 4726 West 80<sup>th</sup> Street, suggested adding a fee to the parking permit that can be used for maintenance of the campus. He purchased his home recently and has noticed trash from the school property. He asked if students were late would transportation from the Mission Road Bible Church site be available to get them to school; if not, they will be parking on the streets close to the school.

Dale Peterson, 4802 West 80<sup>th</sup> Street, expressed concern with the landscape and upkeep of the school property. He noted several plantings had died and not been replaced as well as the trash problem addressed by Mr. Lambert. He has had to clean out debris from storm drains on the school property. Last year, the previous headmaster had volunteers that would clean the area. He noted student parking was a problem last



year along the street directly behind the school. He noted there is a cement pad along the south side of the school where staff park. A berm was constructed to help with water flow, but the landscaping has died, especially along Corey's property line.

Joan Harr, 7911 Juniper Drive, asked what is happening with the busses. The permit allows for two and there are six busses. Do other schools have busses parked on their property 24/7? Mrs. Vennard responded no other private schools in the City own buses. Mr. Williamson stated they are requesting approval for four buses. She noted the school grounds are unsightly. The recent acts of vandalism have brought crime into the neighborhood.

Catherine Dayton stated the buses parked in front is unsightly. Mr. Williamson noted a condition of the permit is that the buses not be parked in the bus lane except when picking up and dropping off students; otherwise they are to be parked behind the building or off-site.

Jay Frazee, 8000 Roe Avenue, noted there is a walkway from the school to 80<sup>th</sup> Street and because of this many students park on 80<sup>th</sup> Street. He commends the school for its efforts but is concerned for the safety of the children in the neighborhood if students continue to park on the street. He asked how they would address those not following the rules.

Bill Wilkes, 4718 West 80<sup>th</sup> Street, felt students would continue to park on 80<sup>th</sup> Street and use the walkway. He asked how they would address students not following the plan. Mr. Vaughn advised the questions raised will be taken under consideration and discussed.

With no one else wishing to address the Commission the public hearing was closed at 8:25 p.m.

Ron Williamson reviewed the existing Special Use Permit for Kansas City Christian School which was approved by the City Council on January 18, 1999, subject to the following conditions:

1. That the applicant meet all the conditions and requirements of the Planning Commission for the approval of the Site Plan;
2. That the Special Use Permit not have a termination or expiration time established for it; however, if construction has not begun within 24 months from the approval of the Special Use Permit by the City Council, the permit shall expire unless the applicant reappears to the Planning Commission and receives an extension of time;
3. If the applicant violates any of the conditions of zoning regulations and requirements as a part of the Special Use Permit, the permit may be revoked by the City Council; and
4. That the applicant cannot further expand or amend the Site Plan without an amendment to the Special Use Permit requiring a public hearing before being approved.

The Planning Commission approved the Site Plan at its regular meeting on February 2, 1999, subject to the following conditions:

1. That all mechanical equipment be screened from the view of the adjacent neighbors on 79<sup>th</sup> Street;
2. That any trash storage area be properly screened and enclosed to prevent the blowing of debris and to obscure the view from adjacent property;
3. That any exterior lighting be installed so that it does not adversely affect any adjacent residential property;
4. That the 15' setback requirement for the parking adjacent to 79<sup>th</sup> Street be met; and
5. The applicant restudy and resubmit other options for the architectural appearance of the project including the height of the building. *(This was approved at the March meeting)*

When the Site Plan was approved, the classroom distribution and off-street parking requirements were as follows:

19 Elementary Classrooms	x 2 =	38 spaces
9 High School Classrooms	x 8 =	72 spaces
52 Staff	x .5 =	<u>26</u> spaces
<b>Total Required</b>		<b>136 spaces</b>

According to current information, the Kansas City Christian School has reorganized its classroom distribution by transferring two elementary classrooms to two high school classrooms and the off-street parking requirements have increased as follows:

17 Elementary Classrooms	x 2 =	34 spaces
11 High School Classrooms	x 8 =	88 spaces
51 Employees	x .5 =	<u>26</u> spaces
<b>Total Required</b>		<b>148 spaces</b>

The parking requirements have increased 12 spaces based on the classroom redistribution.

The Site Plan approval in 1999 indicates 72 spaces in the west lot, 43 spaces in the east lot, 15 spaces on the north along the drive, and 8 spaces behind the school building for a total of 138 spaces.

Parking on residential streets in the neighborhood became an issue last year and numerous complaints were made to the City. The Police Department has been working with the neighborhood and Kansas City Christian School to find a solution that works for both the neighbors and the School. While addressing this issue, it was discovered that the classroom distribution had changed and according to the conditions of the Special Use Permit approval, it is required that the Special Use Permit and Site Plan be amended.

The east parking lot was being used for a turnaround for parents who pick-up or drop-off students. This reduced the effective availability of parking by 12 to 14 spaces. Kansas

City Christian School has proposed a better solution for parents to pick-up and drop-off children and also provide more on-site parking.

The original Site Plan only identified parking for two busses and the School now has four busses and two passenger cars.

The operation of the Kansas City Christian School has also changed. Middle school students do not attend this facility the entire day, but are dropped off at this location and bussed to another campus. Kansas City Christian School has taken over the Oxford Park Academy at 132<sup>nd</sup> and Nall Avenue which currently serves preschool through third grade. Kansas City Christian School plans to build a Pre-K through eighth grade at this location. Ground breaking is anticipated in the spring of 2009. Kansas City Christian School is also in the process of acquiring 35 acres at 135<sup>th</sup> and Quivira to build a high school. The plan is to relocate the high school within four years.

The revised Site Plan shows 65 parking spaces on the east side of the school compared to 45 on the approved plan. The west lot remains the same at 72 spaces while the paved area on the south side of the school has increased from eight spaces to 19 spaces plus four bus spaces. The total parking being provided on the new plan is 171 spaces while the ordinance requirement is 148 spaces. The proposed plan exceeds the ordinance by 23 spaces but the facility may actually generate more vehicles than that and a plan needs to be put in place that addresses that problem. Providing adequate on-site parking for the school is the most critical issue to resolve in order for the school to be compatible with the neighborhood. The school was originally designed and built as an elementary school and not it is K-12, which has changed the parking requirements.

In 1998 the total enrollment was 543 students with 162 high school students. In 2007 the total enrollment was 469 students with 234 high school students. The total enrollment was 74 students less in 2007 but the high school enrollment was 72 students greater. The increase in high school students has obviously caused the parking problem.

The applicant held a neighborhood meeting on July 22<sup>nd</sup> in accordance with the Planning Commission Citizen Participation Policy and only four neighbors were present. Concerns were expressed about current street parking restrictions and the busses parked in front of the school that were left running. The school addressed those concerns and none of those neighbors expressed opposition to the proposed changes. A majority of the neighbors that have been meeting with the City relative to the parking problems and who have issues with the school did not attend this meeting.

The staff have recommended approval of the amendment to the Special Use Permit subject to the following conditions:

1. That the applicant meet all the conditions and requirements of the Planning Commission for the approval of the Site Plan.
2. That the Special Use Permit not have a termination or expiration time established for it.

3. If the applicant violates any of the conditions of zoning regulations and requirements as a part of the Special Use Permit, the permit may be revoked by the City Council.
4. That the applicant cannot further expand or amend the Site Plan without an amendment to the Special Use Permit requiring a public hearing before being approved.
5. That Kansas City Christian School adopt a policy that all students will park on site and develop a procedure for implementation and enforcement of the policy.
6. The number of high school classrooms shall be limited to 11.
7. Busses shall be parked in the rear of the school when not picking-up or dropping-off students and shall not idle during pick-up and drop-off.

Randy Kronblad expressed concern with the busses parking over the cafeteria and asked if a structural analysis has been done to insure the pad can bear the weight of the busses. Mr. Rogers replied the four busses had been parked at that location until recently when they were moved out front because of vandalism. He noted they have been working with KCP&L to add flood lighting directed toward the building to provide better lighting for the property. Mr. Williamson responded the plan shows parking on top of the cafeteria as they have for the past several years, but a structural analysis has not been submitted

Robb McKim asked if a survey of students who drive to school has been done to determine the demand for parking. Mr. Schneeburger stated it is driven by the size of the classes and noted they have a large sophomore class. It is difficult to know how many students have cars and are able to drive or if they will carpool until closer to the start of school. Permit requests are currently being compiled. The number of permits vary from year to year.

Ken Vaughn asked if there was a commitment on the schools part to maintain and repair the property. Mr. Rogers stated at the May School Board meeting a directive was given to the superintendent to prepare a plan to address landscaping on the property. There was a cleaning day during the last school year and another cleaning day has been set for August 9<sup>th</sup>. Mr. Vaughn stated he heard concerns with on-going maintenance of the property. Mr. Rogers stated the Board agrees and does not feel the property has been maintained to the standard they desire.

Marlene Nagel asked where the additional parking came from and if any green space was lost. Mr. Rogers stated an asphalt surface on the east side was being used for the pre-school playground area and they are now using the playground on the west side for both the elementary and pre-school children. This has resulted in the availability of additional parking spaces. Ken Vaughn asked the width of the parking spaces. Mr. Williamson stated they are the same size as the original parking spaces, but noted the plan submitted is not to scale. He has recommended that the applicant be required to submit a new site plan drawing to scale and with more detail as a condition of approval.

Nancy Vennard stated several points have been raised that the Planning Commission will deal with, but noted others such as parking signs, if the access to 80<sup>th</sup> Street should

be vacated and idling buses will need to be addressed by the City Council. These will not be discussed not because they are not a concern, but they are not within the role of the Planning Commission to address.

Bob Lindeblad asked if condition #7 regarding the idling of buses could be enforced by the police department. Chief Jordan stated officer can only enforce ordinances. Mr. Lindeblad stated he felt it could be enforced but felt the language used would make it very difficult for the police to do so.

Marlene Nagel asked if there was any signage required on 80<sup>th</sup> Street.

Chief Wes Jordan responded the department has looked at several proposals. The concern is to provide safe access to the building for the students. He noted these are public streets and any parking restrictions would apply equally to residents and students. The big question is will restrictions merely move the problem elsewhere. They looked at identifying and dividing the parking into three specific areas; however, they have placed all plans on hold pending the outcome of this application.

Chief Jordan stated the sign on 78<sup>th</sup> Street can be changed to 4 o'clock as requested. He suggested the signs be changed so they only address the starting and dismissal times for the school; i.e., "No Parking 7 to 9 a.m. and 2 to 4 p.m." This would also allow residents and their guests to park on the street during the day. They will work with the residents and noted the police have the authority to make the changes without Council approval. He noted there are several other schools in the City with worse parking problems.

Dennis Enslinger stated the City will not be able to resolve parent drop-off problems. The best solution will be to address the student parking. These are public streets and the public is allowed to park on them.

Robb McKim noted Prairie Elementary has a similar pathway to 66<sup>th</sup> Street with drop-off and pick-up problems. Mr. Enslinger stated the police can attest all schools within the City have parking related problems. Chief Jordan noted there is a lot of parking signage west of Shawnee Mission East School and there are still a lot of cars parked on neighborhood streets. They want to be consistent throughout the City with whatever signage is used.

Bob Lindeblad noted returning to the Special Use Permit and its scope the issues is the number of high school classrooms and related on-site parking requirements. The school has made a good faith effort to get back into compliance. He has concerns with the ability to enforce the idling of buses. He is ready to move on with confidence that the school, police and residents can work out remaining issues.

The Planning Commission reviewed the following factors based upon the particular evidence submitted to it relative to each of the factors relevant to this application:

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

No new building construction is being proposed. The applicant has redistributed the classroom allocation within the existing building and has submitted a plan that exceeds the off-street parking requirements.

2. **The proposed special use at the specified location will not adversely affect the welfare or convenience of the public.**

The school on this location was originally built in 1954 as a public elementary school and it was converted to a private school sometime after that. The overall use is not going to change from what it has been for the past 54 years; however, it is proposed that a redistribution of the classrooms from elementary to high school be permitted. This redistribution has created parking problems in the adjacent neighborhood that need to be resolved as a part of this application. The applicant has provided sufficient parking on-site to meet the parking standards as required by the zoning ordinance.

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.**

This site has been used as a school for 54 years and the approval of this Special Use Permit amendment will not change that use; therefore, it should not cause any substantial injury to the value of the property in the neighborhood. This is the modification of an existing use rather than the creation of a new use in the neighborhood. The property immediately to the east of the existing building expansion is well screened by landscape materials. Residential lots further south are considerably lower than the school site and the topography helps screen the view of the school. It does not appear that the proposed modified use will cause substantial injury to the value of the property in the neighborhood but it has been causing some inconvenience because of the on street parking.

4. **The location and size of the special use, the nature and intensity of the operation involved in and 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:**

- a. **the location, size and nature of the height of building structures, wall and fences on the site; and**

- b. **the nature and extent of landscaping and screening on site.**

No changes to the school facility are proposed. The amended Special Use Permit is to address the parking problem that has developed because of the redistribution of two classrooms from elementary to high school. The use is already there, the neighborhood is developed and therefore the approval of this Special Use Permit amendment should not hinder any development or use of neighboring property.

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

The ordinance requires that elementary, junior high and equivalent schools provide two parking spaces for each classroom, and high schools provide eight parking spaces for each classroom, plus one space for each two employees. According to the applicant, 17 classrooms will be devoted to elementary and junior high curriculum and 11 will be devoted to high school classes. They also employ 51 people at the facility and, therefore, the off-street parking requirement is 148 spaces. The applicant will be providing 171 spaces so they will exceed the minimum requirements by 23 spaces.

The application does meet the minimum off-street parking requirements of the Zoning Ordinance and has proposed screening and landscaping adjacent to the east lot to protect those adjoining residential uses from any negative affects of the parking lot.

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

The factor is not applicable to this application.

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

The exit and entrance drives will not be changed. The east parking lot will be reconfigured so that additional vehicles can park there and traffic will still be able to circulate through the lot to drop-off and pick-up students.

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

This particular use does not appear to have any hazardous or toxic materials, hazardous processes, or obnoxious odors or unnecessary intrusive noises that would adversely affect adjacent properties.

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

Since no new buildings are being constructed as a part of this application, this factor is not applicable.

Randy Kronblad asked if it would be appropriate to include the language used in Ms Dayton's letter which states the minimum guidelines from the EPA into condition #7. Mr. Lindeblad responded these are guidelines and in all practicality can not be enforced.

Mrs. Vennard noted the school owns the buses parked in the back, she thinks restrictions on their buses should be separately than visiting buses. She questioned enforcement of idling regulations on private property. Chief Jordan stated he felt a general ordinance relative to idling would be more effective for enforcement. Capt. Schwartzkopf stated the City does have a general ordinance 8-108 that addresses the idling of vehicles and can be enforced. It is a reasonableness issue, but could be used as a last resort. Therefore, he feels condition number 7 can be removed.

Ken Vaughn stated it is going to depend on the good faith efforts of the school administration to make it happen. Marlene Nagel noted #7 also addresses no more than four buses. She added there are a number of schools who have placed anti-idling signs on their property. Mr. McKim agreed it is important for the school to minimize this as much as possible.

Ken Vaughn stated he felt it was important to address on-going maintenance of the property. Mr. Enslinger responded if the Commission has approved a landscape plan, the applicant is required to maintain that plan.

Rob McKim felt the structural analysis should be added as a condition of the site plan approval.

Bob Lindeblad asked if the number of buses is tied to the Special Use Permit. Mr. Williamson responded a condition of the special use permit is that any change to the approved site plan requires an amendment to the Special Use Permit; however, the number of buses can be specifically listed in the Special Use Permit if desired.

Mr. Lindeblad stated he is looking for an easier means of enforcement and feels placing the restriction in the SUP is easier to monitor than as part of the site plan. He would like to see condition #7 replaced with "No more than four buses shall be permanently stored on site with the location as identified on the site plan."

Bob Lindeblad moved the Planning Commission find favorably on the findings and recommend the City Council approved the proposed amendment of the Special Use Permit for the Private School subject to the following conditions:

1. That the applicant meet all the conditions and requirements of the Planning Commission for the approval of the Site Plan.
2. That the Special Use Permit not have a termination or expiration time established for it.
3. If the applicant violates any of the conditions of zoning regulations and requirements as a part of the Special Use Permit, the permit may be revoked by the City Council.
4. That the applicant cannot further expand or amend the Site Plan without an amendment to the Special Use Permit requiring a public hearing before being approved.
5. That Kansas City Christian School adopt a policy that all students will park on site and develop a procedure for implementation and enforcement of the policy.



6. The number of high school classrooms shall be limited to 11.
7. That no more than four buses shall be permanently stored on site with their location as identified on the approved site plan.

The motion was seconded by Nancy Vennard. The motion was voted on and passed unanimously.

Mr. Lindeblad stated he would like to see anti-idling signage however that is not within the jurisdiction of the Commission. He encouraged the school and community to keep talking and working together.

The Planning Commission reviewed the criteria for approval of the site plan.

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

This site is approximately 7.4 acres and existing buildings cover about 17.6% of the site. The site is heavily utilized and the student-to-acre ratio is high. The site is small in comparison to current day standards; however, the school was built 54 years ago and these are existing conditions. The playground on the east side is being relocated to the west side of the building in order to provide more parking and improve the traffic circulation for pick-up and drop-off.

The layout of the parking lot appears to work, however, the applicant needs to prepare a more precise drawing to scale with dimensions. There needs to be a minimum of a 24' aisle to back out of a perpendicular parking space. The aisle is only 19' at the south end of the parking lot so two of the island spaces will need to be eliminated reducing the parking from 20 to 18 spaces in that area.

Space is being provided for bus parking behind the school building. This is over the cafeteria and the structure should be checked to make sure the building was designed to carry that much weight.

Some of the landscaping on the east parking lot apparently has died and needs to be replaced.

2. **Utilities are available with adequate capacity to serve the proposed development.**  
No new buildings are being proposed and the existing facilities are adequately served.
3. **The plan provides for adequate management of storm water runoff.**  
No additional impervious area will be created. The plan will reconfigure existing paved areas to increase the number of parking spaces and improve circulation.
4. **The plan provides for safe and easy ingress, egress, and internal traffic circulation.**  
The exit and entrance drives will not be changed. The east parking lot will be reconfigured so that vehicles can park there and traffic will still be able to circulate through the lot to drop-off and pick-up students.

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

The only change being made is to reconfigure the east lot so that it can accommodate more parking and handle traffic circulation. The plan appears to accomplish that.

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

No new buildings or expansions are proposed so this factor is not applicable.

7. **The plan represents an overall development pattern that is consistent with the Comprehensive Plan and other adopted plan policies.**

One of the primary objectives of the Comprehensive Plan is to encourage the reinvestment in residential, commercial, and business property to maintain a high quality of life in Prairie Village. The Kansas City Christian School is one of those amenities offered by Prairie Village that helps it compete with other communities in the metropolitan area to retain its residents. It offers another alternative for education that is not offered through the public school system or in all areas of the community. The application is consistent with the Comprehensive Plan in encouraging reinvestment in the community; however, the project must be in balance and must be compatible with the neighborhood. The increase in the number of parking spaces will help this use be more compatible with the adjacent residences.

Mr. Williamson stated he recommends as a condition of approval the applicant prepare a drawing to scale and dimensioned showing all the parking drives and bus spaces. Also including a table showing how many spaces are provided in each lot and how many spaces are required by ordinance.

Bob Lindeblad stated he would like to see as a condition the replacement of landscaping and the requirement for on-going maintenance of all landscaping.

Robb McKim moved the Planning Commission approve the site plan for Kansas City Christian School subject to the following conditions:

1. The applicant prepare a drawing to scale and dimensioned showing all the parking drives and bus spaces. Also, include a table showing how many spaces are provided in each lot and how many spaces are required by ordinance.
2. The applicant verify by a licensed professional engineer that the cafeteria roof can handle the load of busses and cars parking on it.
3. The applicant shall replace landscaping to match the originally approved landscape plan.

The motion was seconded by Randy Kronblad and passed unanimously.

**PC2008-111 Site Plan Approval for Retaining Wall  
8136 Juniper Drive  
Zoning: R-1a  
Applicant: David Soxman**

David and Julie Soxman, 8136 Juniper, appeared before the Planning Commission last month and were directed to obtain a drainage permit from the Public Works Department. They have obtained the necessary permit from Public Works. Tom Trienens with Public Works confirmed the permit was issued and the property inspected and found to meet the city's criteria. Mr. Soxman also submitted a report from Level 4 Engineering, LLC addressing the potential drainage issues stemming from the proposed construction of a retaining wall along his east property line. The firm found that the wall will not increase the amount of runoff onto the neighbor's property due to no increase in impervious surface; however, it will allow the low spot on Mr. Soxman's property to drain properly. The report recommended the wall be completed.

The Commission acknowledged the receipt of comments and pictures from the neighboring property owner. Tom Trienens with the City's Public Works Department stated he inspected the property and concurred with the findings of the applicant's engineer's report. The ponding on the neighbor's property will occur regardless of the construction of the proposed wall.

Ron Williamson recommended approval because the proposed retaining wall provides a better solution to control the storm water and is a more appropriate utilization of the site.

Nancy Vennard moved the Planning Commission approve PC2008-2111 site plan approval for the construction of a retaining wall at 8136 Juniper Drive as submitted. The motion was seconded by Marlene Nagel and passed unanimously.

**PC2008-108 Building Line Modification from platted Front Setback of 9'7"  
4306 West 89<sup>th</sup> Street  
Zoning: R-1a  
Applicant: Nicki Morrissey**

Scott Adams and Nicki Morrissey, 4306 West 89<sup>th</sup> Street, appeared before the Commission to request a platted front building line modification from 60 feet to 50 feet, 5 inches for the expansion of the existing garage to add another bay. Mr. Adams stated they have submitted their plans to their homes association and have received their approval for the expansion. They also have the approval of the neighboring property owners.

Ron Williamson stated this dwelling is located on the north side of 89<sup>th</sup> Street in the middle of a block that has only three homes. The homes to the east and west both face side streets so this is the only one that faces 89<sup>th</sup> Street. The property is zoned R-1a and has a 60' platted front setback adjacent to 89<sup>th</sup> Street.

The applicant is proposing to widen the existing garage 9' 7" to add another bay. The 60' platted setback will be reduced to 50' x 5". The zoning setback is 30' so the structure will more than adequately meet the ordinance. The dwelling on the west has no windows on the south façade and the dwelling to the east has its garage on the south side. Therefore, neither of them will be affected visually by the expansion into the setback.

The Planning Commission considered the following factors:

1. **That there are special circumstances or conditions affecting the property;**  
The lot has a very large platted front setback and the only way to add a bay to the garage is to expand into the setback. Three car garages are a typical amenity for homes of this size and value and this expansion is in keeping with the market place.
2. **The building line modification is necessary for reasonable and acceptable development of the property in question;**  
This is a large lot, approximately 27,420 square feet and the current dwelling only covers about 12 percent of the lot. Therefore this proposed addition of 200 square feet will not cause the lot to be overbuilt. Because of the design of the existing residence, the only logical direction to add garage is to the south. The proposed addition appears to be a reasonable and acceptable development for the lot and will be architecturally integrated into the existing dwelling.
3. **That the granting of the building line modification will not be detrimental to the public welfare or injurious to or adversely affect adjacent property or other property in the vicinity in which the particular property is situated;**  
The adjacent owners have reviewed the plan and have not indicated any objections. The proposed improvement will not be detrimental to the public at large but will be an improvement that adds value to the community. The proposed expansion will not create any obstructions to either adjacent dwellings, and will still be setback 50' from the front property line which is 20' more than the required zoning setback.

Nancy Vennard moved the Planning Commission find favorably on the three factors and approve the front yard building setback modification from 60 to 50'5" for only the garage expansion as shown on the site plan submitted. The motion was seconded by Marlene Nagel and passed unanimously.

## **OTHER BUSINESS**

The Secretary reviewed the anticipated agenda for the next meeting and reminded the Commission of the change in the meeting date from the first Tuesday in September to the second Tuesday, September 9<sup>th</sup>, due to the Labor Day holiday.

Robb McKim announced that he will be submitting his letter of resignation from the Planning Commission to Mayor Shaffer due to growing personal and business responsibilities. He has enjoyed his seven years of service on the Commission. He

appreciates the individual and *model* commitment of the Commission to the betterment of this community.

Chairman Ken Vaughn expressed the appreciation of the Commission for the service on the Commission and insight provided by Mr. McKim over the past seven years.

#### **ADJOURNMENT**

With no further business to come before the Commission, the meeting was adjourned at 9:30 p.m.

Ken Vaughn  
Chairman

**SISTER CITY COMMITTEE**  
**11 August, 2008**  
**MINUTES**

**Call to Order**

Chairperson Jim Hohensee called the meeting to order at 7.00pm. Members present: Michael Kelly, Cleo Simmonds, Carole Mosher, Dick Bills, Bob McGowan and Cindy Dwigans. Also present: Hildegard Knopp, Vera Glywa, Irina and David Leslie. Staff: Chris Engel.

Cindy moved for the inclusion of the Raphael contract for the Ukrainian stay in the minutes. Cleo seconded and it passed with Jim the lone dissenting vote.

Michael moved for the approval of the July 15 and July 23 minutes as written. Cleo seconded and it passed unanimously.

**Dolyna Visit**

Jim passed around a list of key phrases and menu items for the upcoming visit. He has called around for the casual dinner between the Committee and the Ukrainians on Friday evening. The Blue Moose said they did not have the space, Salty Iguana will be checking with the managers and getting back with him, and the Cactus Grille offered a percentage off their food and possibly some free appetizers.

Jim reviewed the press release with the Committee and corrections were made.

Michael gave an update on the fundraising that had been done so far. To date almost \$2,100 had been raised through private donations. In addition, there is ~\$2,700 still in the Committee budget. Michael stressed this was still not enough to cover the projected expenses and fundraising efforts needed to continue even after the guests had left.

Dick showed everyone the centerpiece flags he had purchased for the various events. Dick also informed the Committee he had been in contact with Benita Wilson with the Johnson County Department of Aging. They had offered to host the group at their Sunset building on the morning of August 20. In addition, Dick informed the Committee that Jim Hamil could personalize his art book to either the Mayor or the entire City of Dolyna. It was agreed to address it to the entire City for possible display in their library.

Bob updated the Committee he had arranged to take Oksana, the Superintendent of the School for the Visually Impaired, to visit the Kansas City School for the Visually Impaired. A young lady from the Ukrainian Club will be serving as interpreter.

Cindy and Carole will be taking the group shopping one afternoon. They will speak with the guests once they arrive to help determine where they will be going.

**New Business**

Cleo moved that Jo Ann Memming be approved for membership in the Sister City Committee. Cindy seconded the motion and it passed unanimously.

**Adjournment**

The next scheduled meeting will be Monday, September 8 at 7.00 pm in the Council Chambers. The meeting was adjourned at 8:50 p.m.

Jim Hohensee  
Chair

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

**MINUTES**

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

Board Members: Cliff Wormcke, Greg VanBooven, Deborah Nixon, Luci Mitchell,

Other Attendees: Bob Pryzby

**A QUORUM WAS LACKING. THEREFORE ONLY DISCUSSION OCCURRED WITH NO VOTES TAKEN**

- 1) **Review and Approve minutes from August 6, 2008 meeting** - No action taken.
- 2) **Sub-Committee Report**
  - 2.1) **Fall Seminar**
    - a) **Scheduled for October 1, 2008 at 7:00 in the Council Chamber at City Hall. Update on planning.** Greg and Deborah reviewed the preparations. Greg reported the speakers are ready. Deborah reported that she had invited other city tree boards and had arranged publication notices in several garden publications and the newspapers.
  - 2.2) **Arboretum Committee**
    - a) **Tree selection process for arboretum signage.** No action taken.
- 3) **Old Business** – Deborah reported the Consultant (Indigo) will be meeting with the Tree Board about the Park Master Plan.

Deborah requested that a Tree City 3x5 banner be purchased. She will be in contact with Suzanne Lownes about this purchase.
- 4) **New Business** Bob Pryzby mentioned the removal of trees at the Corinth Shopping Center. The Tree Board requested Bob pursue replacement of the trees in accordance of the plan approved for the shopping center. Bob will be in contact with Dennis Enslinger.
- 5) **The next meeting agenda will be the Fall Seminar on October 1.**

**PRAIRIE VILLAGE ENVIRONMENTAL COMMITTEE**  
**MINUTES July 23, 2008**

Margaret Thomas, chair, called the meeting to order at 7:00 p.m. Attending were Margaret, Barbara Brown, Deborah English, Margaret Goldstein, Anne-Marie Hedge, Cheryl Landes, Don Landes, Penny Mahon, Karin McAdams, Linda Smith, Polly Swafford and Dennis Enslinger.

Events and information (cleverly disguising a call for volunteers):

- At Village Fest several people showed an interest in our committee. Anne-Marie Hedge offered to contact them and invite them to our August meeting.
- Thanks to Dennis and others responsible for getting a resolution passed in the city council, opening up the code to more flexibility in environmental matters. Deborah suggested that this might apply to permeable driveway paving, as we may eventually face more taxation for surfaces that contribute to runoff.
- Amy Gottleib, daughter of Marilyn Koshland, is working in Africa on projects that include finding running shoes for local (in Malawi) runners. Margaret, Margaret and Karin volunteered to attend the next meeting to see if we can help.
- Bridging the Gap is trying to encourage more kids to walk to school, helping both the kids and air quality. The Walking School Bus program helps them walk together with supervision. Perhaps Steve Petrehn, Mayor of Roeland Park, could come to tell us more about this program. Note: Dennis mentioned that Prairie Village has applied for a federal grant to help with this effort, identifying obstacles and solutions.
- Barbara, Linda and Karin offered to attend the Johnson County Recycling Road Show on August 13 to learn more about the trail of trash and recyclables.

Reports:

- Village Fest: Those helping in the Bridging the Gap booth will advise them to use a briefer, catchier approach next time. Karin will write a short piece on line-drying for the Village Voice, to follow up on her display. If we start early, perhaps we can suggest a solution to offering drinking water that doesn't involve individual plastic bottles.
- Electronics Recycling is on October 25. We are still looking for volunteers, preferably high school age or older. Since they are needed from 8 a.m. to 4 p.m., four shifts are probably appropriate.
- Tote bags were suggested to be sold at next year's Village Fest, but the cost and competition could be a problem. We are not allowed to make a profit, although extra money can go into the municipal foundation. Dennis understands this.

New business:

- Sierra Club and KNRC have compiled a voters guide for the upcoming elections, focusing on Kansas. This could be very useful, but they need money for printing.
- ICLEI: Dennis reported that our committee never paid to join the organization, a \$600 fee. The committee voted unanimously to use \$600 from the electronics recycling budget for a 1-year membership.
- The committee is in agreement about canceling the 2009 Earth Fair and considering other priorities.
- On October 1 the Tree Board will have a seminar called Trees: the Green Impact on Cities.
- Barbara Kingsolver will speak at the Land Institute's Prairie Festival in September.

The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Karin McAdams, Secretary



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

<b>September 2008</b>	Images Group Show mixed media exhibit in the R. G. Endres Gallery
September 22-26	Prairie Village Peanut Butter week
September 23	Shawnee Mission Fall Breakfast at the Overland Park Convention Center
<b>October 2008</b>	State of the Arts exhibit in the R. G. Endres Gallery
October 6	City Council Meeting
October 10	Artist reception in the R. G. Endres Gallery 6:00 to 8:00 p.m.
October 11-14	League of Kansas Municipalities Conference in Wichita, KS
October 20	City Council Meeting
<b>November 2008</b>	Mid-America Pastel Society exhibit in the R. G. Endres Gallery
November 3	City Council Meeting
November 7	Artist reception in the R. G. Endres Gallery 6:00 to 8:00 p.m.
November 11-15	National League of Cities Conference, Orlando, FL
November 17	City Council Meeting
November 27	City offices closed in observance of Thanksgiving
November 28	City offices closed in observance of Thanksgiving
<b>December 2008</b>	Tom Wilson, Melanie Nolker & Wendy Taylor mixed media exhibit in the R. G. Endres Gallery 6:30 to 7:30 p.m.
December 1	City Council Meeting
December 5	Mayor's 2008 Holiday Party
December 12	Artist reception in the R. G. Endres Gallery 6:30 to 7:30 p.m.
December 15	City Council Meeting
December 25	City offices closed in observance of Christmas

## **COMMITTEE AGENDA**

September 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)
- COU2007-33 Consider Project 190719: 2008 Storm Drainage Repair Program (assigned 4/11/2007)
- 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)
- COU2007-49 Consider Project 190868: Roe - 91<sup>st</sup> to Somerset Drive (assigned 6/27/2007)
- COU2007-62 Consider Project 190863: Parking at Shawnee Mission East (assigned 10/12/2007)
- COU2007-74 Consider reactivation of Prairie Village Development Corporation (assigned 12/3/2007)
- COU2008-01 Consider Project SP105: 2008 Crack Seal/Slurry Seal Program (assigned 12/31/2007)
- COU2008-02 Consider Project SP107: 2008 Street Repair Program (assigned 12/31/2007)
- COU2008-03 Consider Project 191022: 2008 Concrete Repair Program (assigned 12/31/2007)
- 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)
- COU2008-68 Consider installation of additional speakers in hallway and MPR (assigned 9/9/2008)
- COU2008-69 Consider repairs to air conditioning unit at Municipal Office (assigned 9/9/2008)
- COU2008-70 Consider Health Insurance Alternatives (assigned 9/9/2008)
- COU2008-71 Consider ordinance changing number of municipal codes maintained by City Clerk (assigned 09/10/2008)
- COU2008-72 Consider adoption of 2008 Standard Traffic Ordinances and Uniform Public Offense Code (assigned 9/10/2008)
- COU2008-73 Consider the Tyco Electronics-M/A-COM Inc. Renewal Agreement for Maintenance of the EDACS System Components (assigned 9/12/2008)

### **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)