

CITY OF WESTWOOD  
HILLS

(First published in Johnson County Herald  
Wednesday June 15, 1977)

ORDINANCE NO. 106

AN ORDINANCE AMENDING ORDINANCE  
NO. 82 OF THE CITY OF WESTWOOD HILLS,  
KANSAS, TO PROVIDE FOR REVISION OF  
THE RATES AND CHARGES IN THE TRAFFIC  
SIGNAL CONTRACT BETWEEN KANSAS CITY  
POWER & LIGHT COMPANY AND THE CITY  
OF WESTWOOD HILLS, KANSAS

WHEREAS, Kansas City Power & Light  
Company (the "Company"), a corporation duly  
created, organized, and existing by virtue of  
the laws of the State of Missouri and qualified  
to do business in the State of Kansas as a  
foreign corporation for the purpose of  
generating, transmitting and distributing  
electric energy, has filed its written acceptance  
of the provisions of Ordinance No. 82 of the  
terms of which constitute a contract between the  
Company and the City of Westwood Hills,  
Kansas (the "City"); and

WHEREAS, the Company and the City,  
pursuant to the provisions of Section 5, Article  
VII, of Ordinance No. 82 agree that a revision of  
the rates and charges set forth in the Contract  
is reasonable and proper;

NOW, THEREFORE, be it ordained by the  
Governing Body of the City of Westwood Hills,  
that its Contract with the Company be  
amended and revised as follows:

Section 1. Article III of Ordinance No. 82 of  
the City is hereby repealed and the following  
substituted in lieu thereof:

ARTICLE III  
Purchase of Energy

The City shall purchase and receive from the  
Company and the Company shall sell and  
deliver to the City all of the electric energy  
required for the operation of the Traffic Control  
System (the charge therefor being included in  
the rates and charges set forth in the  
Company's Rate Schedule 2-TR for Municipal  
Traffic Control Signal Service or in accordance  
with any superseding schedule therefor as may  
hereafter be in effect and on file with the State  
Regulatory Commission from time to time  
during the term hereof), and the Company will  
provide this service in a manner consistent with  
applicable existing law concerning public utility  
service.

Section 2. Section 1 of Article VI of  
Ordinance No. 82 of the City is hereby repealed  
and the following substituted in lieu thereof:

Section 1. Traffic control systems or  
equipment, in addition to the systems or  
equipment in operation on the effective date of  
this Ordinance, may be authorized from time to  
time by written order of a legally authorized  
officer of the City, and the Company shall  
institute action to provide for the installation of  
such systems or equipment at designated  
locations upon receipt of a written order  
therefor from the City signed by a legally  
authorized officer of said City; provided,  
however, that the Company shall not be  
required to make such installation unless it  
shall, within thirty (30) days from and after the  
receipt of said written order, file with the City  
Clerk of said City its written acceptance  
thereof. Upon said acceptance being filed,  
such additional traffic control systems or  
equipment shall be subject to the terms and  
conditions of this Ordinance. In the event of the  
failure of said Company to file such acceptance  
within the time specified in this section, such  
order shall ipso facto cease and become null  
and void. The City agrees to accept and pay for  
such additional traffic control systems or  
equipment so ordered by it at the same rates  
as are set out in the Company's Rate Schedule  
2-TR for Municipal Traffic Control Signal  
Service or in accordance with any superseding  
schedule therefor as may hereafter be in effect  
and on file with the State Regulatory  
Commission from time to time during the term  
hereof.

Section 3. Section 2 of Article VI of  
Ordinance No. 82 of the City is hereby repealed  
and the following substituted in lieu thereof:

Section 2. The City, by written order of a  
legally authorized officer of the City, may  
require the Company to change any Individual  
Control intersection to a coordinated  
intersection, in which case the rate specified in  
the Company's Rate Schedule 2-TR for  
Municipal Traffic Control Signal Service or in  
accordance with any superseding schedule  
therefor as may hereafter be in effect and on  
file with the State Regulatory Commission form  
time to time during the term hereof shall apply  
from and after the date of completion of the  
change.

Section 4. Article VII of Ordinance No. 82 of  
the City is hereby repealed and the following  
substituted in lieu thereof:

ARTICLE VII  
Rates and Charges

Section 1. The City shall pay the Company  
for Traffic Control Signal Service furnished by  
the Company hereunder at the rates and  
charges as provided for in the Company's Rate  
Schedule 2-TR for Municipal Traffic Control  
Signal Service or in accordance with any  
superseding schedule therefor as may  
hereafter be in effect and on file with the State  
Regulatory Commission from time to time  
during the term hereof.

Section 2. "Exhibit A," attached hereto and  
made a part hereof, is a list of traffic control  
locations existing and/or authorized as of the  
effective date of this Ordinance.

Section 5. Article VIII and IX of Ordinance  
No. 82 of the City are hereby repealed.

Section 6. Except as expressly modified  
herein, Ordinance No. 82 of the City shall  
continue in full force and effect and is hereby  
ratified and affirmed.

Section 7. This amending Ordinance shall  
take effect and be in force from and after its  
passage and publication as provided by law  
and upon acceptance in writing by the  
Company within thirty (30) days from and after  
publication, and shall remain in full force and  
effect for a term ending May 18, 1982.

PASSED AND APPROVED THIS 2 day of  
May, 1977.

/s/ Al Pikwart, Jr.  
Mayor

ATTEST:  
/s/ Janet Whitehead  
City Clerk

JOHNSON COUNTY

Herald

AFFIDAVIT OF PUBLICATION

State of Kansas, Johnson County, ss:

WILL CRAIG being first duly sworn,  
Deposes and says: That he is the editor of the Johnson  
County Herald, a weekly newspaper printed in the State of  
Kansas, and published in and of general circulation in  
Johnson County, Kansas, with a general paid circulation on  
a weekly basis in Johnson County, Kansas; and that said  
newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly, published at least weekly  
50 times a year; has been published continuously and uninter-  
ruptedly in said county and state for a period of more than  
five years prior to the first publication of said notice; and  
has been admitted at the post office of Shawnee Mission,  
in said County as second class matter.

That the attached notice is a true copy thereof and was  
published in the regular and entire issue of said newspaper

for \_\_\_\_\_ consecutive weeks, the  
first publication thereof being made as aforesaid on the

15th day of June, 1977, with  
subsequent publications being made on the following dates:

\_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_, 19\_\_\_\_

Will Craig

Subscribed and sworn to before me this 16th

day of June, 1977

JO ANN W. SHIPPEE  
NOTARY PUBLIC  
JOHNSON COUNTY, KANSAS

Notary Public in and for  
Johnson County, Kansas

My Appt. Exp. \_\_\_\_\_  
My Commission expires: July 7/1980

Notary Fee ----- \$ \_\_\_\_\_

Printer's fee ----- \$ 24.15

Additional copies ----- \$ 5.00

Total Charge ----- \$ 29.15

Johnson County Herald — Fully qualified to  
publish legal notices

Official Paper for the cities of Countryside, Fairway, Lake  
Quivira, Merriam, Mission, Mission Hills, Mission Woods,  
Overland Park, Prairie Village, Roeland Park, Shawnee, West-  
wood, and various Johnson County school districts, sewer  
districts, townships, and other governmental agencies.

AN ORDINANCE PROVIDING FOR ELECTRIC TRAFFIC CONTROL SYSTEMS IN THE CITY OF WESTWOOD HILLS, KANSAS, BY CONTRACT WITH KANSAS CITY POWER & LIGHT COMPANY, ITS SUCCESSORS, ASSIGNS, AND GRANTEES TO FURNISH SAID ELECTRIC TRAFFIC CONTROL SYSTEMS FOR THE CITY OF WESTWOOD HILLS, KANSAS, FOR A TERM OF TEN (10) YEARS.

WHEREAS, Kansas City Power & Light Company (the "Company"), is a corporation duly created, organized, and existing by virtue of the laws of the State of Missouri and qualified to do business in the State of Kansas as a foreign corporation for the purpose of generating, transmitting, and distributing electric energy; and

WHEREAS, it is to the best interest of the parties that electric traffic control systems be installed and operated by the Company pursuant to the terms hereof.

NOW, THEREFORE, be it ordained by the Governing Body of the City of Westwood Hills, Kansas (the City), that the City does contract with the Company as follows:

#### ARTICLE I

##### Cancellation of All Prior Traffic Control Ordinances

All ordinances, parts of ordinances and resolutions in conflict herewith are hereby repealed as of the effective date of this Ordinance.

#### ARTICLE II

##### Term of Ordinance

This Ordinance shall take effect and be in force from and after its passage and its publication as provided by law and, upon acceptance in writing by the Company as set forth in Article XII, shall constitute a contract to remain in full force and effect for a term of ten (10) years from the effective date of this Ordinance.

#### ARTICLE III

##### Purchase of Energy

Replaced by 106

The City shall purchase and receive from the Company and the Company shall sell and deliver to the City all of the electric energy required for the operation of the Traffic Control System (the charge therefor being included in the rates and charges set forth in Article VII, and the Company will provide this service in a manner consistent with applicable existing law concerning public utility service.

#### ARTICLE IV

##### Force Majeure

The Company shall have no obligation to furnish service hereunder during the time service is interrupted by an Act of God or any other cause not within the control of the Company, including but not limited to, failure of facilities, load shedding for the protection or restoration of system operations, flood, drought, earthquake, storm, lightning, fire, explosion, epidemic, war, riot, civil disturbance, invasion, insurrection, labor disturbance, strike, sabotage, collision, or restraint or order by any court or public or military authority having jurisdiction. Any strike or labor disturbance may be settled at the discretion of the Company.

#### ARTICLE V

##### Operation and Maintenance of the Traffic Control System

Section 1. The Traffic Control System shall be defined as and shall consist of traffic control signals, poles, lamps, control cables, conductors and all other facilities necessary for the operation of such signals in all existing and future portions of the City now or hereafter located within the present and any future limits of the Company's certificated service territory. All such facilities shall be owned by the Company, and shall be procured, installed, maintained and operated by the Company.

Section 2. The traffic control signals are of a type meeting the recommended specifications of the Institute of Traffic Engineers, in effect at the time of installation, using a green light to signify a moving traffic period, an amber light to signify a caution period, and a red light to signify a stop period, or using other lens combinations acceptable to the Company and the City. The signals are normally equipped with 69-watt lamps of the type recommended by said Institute for traffic signal service for a signal unit with an 8-inch lens. Such signal units are mounted in a vertical position at a height of approximately 10'6" from the center of the lower light to the street pavement at the curb line, with the green light in the lower position, the amber light in the central position and the red light in the upper position. Such signal units so mounted are hereinafter referred to as "standard signal units." There are normally four such standard signal units at each controlled intersection, each with three lamps and three 8-inch lenses, traffic approaching the intersection from any direction being normally controlled by the standard signal unit at the far righthand corner of the intersection. The length of the control cables connecting the standard signal units shall not exceed 250 feet per intersection, and such control cables

may be installed overhead or underground, at the election of the City.

Section 3. All signal units shall be operated by the Company twenty-four hours per day. In the event of an interruption in such continuous operation of a signal unit, the Company will, after notice of such interruption is received through its Customer Service Center, restore such signal unit to operation as soon as reasonably practicable. During the period of such an interruption, the City shall use its best efforts to obtain appropriate police control of traffic affected thereby.

Section 4. The City has the sole responsibility and authority to establish the timing of traffic signals. The Company shall regulate its equipment so as to establish the timing of traffic signals as nearly as practicable in accordance with schedules and instructions therefor submitted to the Company by a legally authorized officer of the City.

#### ARTICLE VI

##### Additions, Changes and Removals

*Replaced 106*  
Section 1. Traffic control systems or equipment, in addition to the systems or equipment in operation on the effective date of this Ordinance, may be ordered on behalf of the City from time to time by written order of a legally authorized officer of the City and the Company shall institute action to provide for the installation of such systems or equipment at designated locations upon receipt of such a written order therefor; provided, however, that the Company shall not be required to make such installation unless it shall, within thirty (30) days from and after the receipt of said written order, file with the City Clerk of said City its written acceptance thereof. Upon said acceptance being filed, such additional traffic control systems or equipment shall be subject to the terms and conditions of this Ordinance. In the event of the failure of said Company to file such acceptance within the time specified in this section, such order shall ipso facto cease and become null and void. The City agrees to accept and pay for such additional traffic control systems or equipment so ordered by it at the same rates as are set out in Article VII hereof.

*Replaced 106*  
Section 2. The City, by written order of a legally authorized officer of the City, may require the Company to change any Individual Control intersection to a coordinated intersection, in which case the rate specified in Section 1, paragraph (5) or paragraph (6) (b), of Article VII shall apply from and after the date of completion of the change.

Section 3. The City, by written order of a legally authorized officer of the City, may require the Company to discontinue or change the type, location or direction of any facilities of the Traffic Control System. Such discontinuances or changes shall be completed by the Company as soon as reasonably practicable after receipt of such an order. The City shall pay to the Company the cost to the Company of labor, transportation, and material, including among other things, applicable overhead, insurance, taxes and remaining value of such facilities, but without profit, for each such discontinuance or change.

ARTICLE VII

Rates and Charges

IN 25P

*Replaced 106*  
Section 1. Basic Installations. A brief description of and the monthly rates applicable to each Basic Installation of the Traffic Control System are set forth below.

- (1) Individual Control. This basic installation consists of four mounted 3-light signal units all with 8-inch lenses, and is operated by its own controller (having no more than fourteen signal circuits), which is activated by a synchronous motor. The monthly rate for this basic installation is \$41.00.
- (2) Pedestrian Push Button Control. This basic installation consists of two 3-light signal units for vehicular control, two 2-light "Walk-Wait" signal units for pedestrian control all with 8-inch lenses, a pair of push buttons for pedestrian actuation, a controller, and a flashing device. The monthly rate for this basic installation is \$34.10.

Section 2. Supplemental Equipment. A brief description of and the monthly rates applicable to each type of Supplemental Equipment of the Traffic Control System are set forth below:

- (1) Multi-Dial Controller. This supplemental equipment consists of a 2-dial or 3-dial controller with automatic switching equipment used on any basic installation. The monthly rate for this supplemental equipment is \$5.75.
- (2) 3-Light Signal Unit. This supplemental equipment consists of one 3-light signal unit with 8-inch lenses installed at any controlled intersection where the 3-light signal unit can be connected to the existing control cable and controller at such intersection. The monthly rate for this supplemental equipment is \$5.45.
- (3) 2-Light Signal Unit. This supplemental equipment consists of one 2-light signal unit with 8-inch lenses installed at any controlled intersection where the 2-light signal unit can be connected to the existing control cable and controller at such intersection. The 2-light signal unit may have one lens worded "Walk" and the other lens worded "Wait", if specified by the City. The Monthly rate for this supplemental equipment is \$5.10.

- (4) 1-Light Signal Unit. This supplemental equipment consists of one 1-light signal unit with an 8-inch lens installed as an addition to an existing signal unit at any controlled intersection where the 1-light signal unit can be connected to the existing control cable and controlled at such intersection. The monthly rate for this supplemental equipment is \$1.20.
- (5) Push Buttons. This supplemental equipment can be installed at any controlled intersection where the equipment can be connected to the existing control cable and controller at such intersection, and operated by the existing controller at such intersection by the addition of necessary cams and relays.
- (a) Pair of Push Buttons. This supplemental equipment consists of a pair of push buttons for pedestrian actuation which may be installed as pedestrian actuation devices at a basic Individual Control installation where Treadle Detectors are used or as additional stations at a basic Pedestrian Push Button Control installation. The monthly rate for this supplemental equipment is \$0.80.
- (b) Pair of Illuminated Push Buttons. This supplemental equipment consists of a pair of push buttons as described in paragraph (6) (a) above, equipped so that the words "Wait Please" are illuminated when the push buttons are activated. The monthly rate for this supplemental equipment is \$1.40.
- (6) 12-Inch Round Lens. This supplemental equipment consists of one 1-light signal unit with a 12-inch diameter round lens and one 116-watt traffic signal type lamp which are substituted for one 1-light signal unit with an 8-inch lens and one 69-watt lamp. The monthly rate for this supplemental equipment is \$1.40.
- (7) 9-Inch Square Lens. This supplemental equipment consists of one 1-light signal unit with a 9-inch square lens and one 116-watt traffic signal type lamp which are substituted for one 1-light signal unit with an 8-inch lens and one 69-watt lamp. The monthly rate for this supplemental equipment is \$1.55.
- (8) Vehicle - Actuation Units.
- (a) Treadle Detector. This supplemental equipment consists of one pressure sensitive treadle detector installed in the pavement so that the pressure of passing vehicles operates the controller at the intersection. A treadle detector may be 6 feet or 8 feet in length and of the directional or non-directional type. The monthly rate for this supplemental equipment is \$8.40.
- (b) Loop Detector.
- (i) Single. This supplemental equipment consists of one loop detector and one loop installed in the pavement so that vehicles passing over the loop operate the controller at the intersection. The monthly rate for this supplemental equipment is \$7.20.
- (ii) Double. This supplemental equipment consists of one loop detector and two loops installed in the pavement so that vehicles passing over the loops operate the controller at the intersection. The monthly rate for this supplemental equipment is \$11.80.

- (9) Flasher Equipment. This supplemental equipment consists of the necessary clock-controlled flasher equipment so that all signals at a controlled intersection may flash yellow to traffic on the main street and flash red to traffic on the cross street during certain preset periods of time. The monthly rate for this supplemental equipment is \$2.05.
- (10) Mast Arm. This supplemental equipment consists of a steel mast arm not to exceed 30 feet in length supported on a steel pole which may or may not also support a street lighting unit. The pole and mast arm shall be of a "classic" style with standard mast arm lengths of 15, 20, 25 or 30 feet, providing a minimum clearance for the traffic signal unit of 15 feet above the street.
- (a) Single. The monthly rate for this supplemental equipment, including pole, one mast arm, wiring cable and traffic signal unit attachments, but excluding traffic signal unit, is \$11.55.
- (b) Double. The monthly rate for this supplemental equipment, including pole, two mast arms, wiring cable and traffic signal unit attachments, but excluding traffic signal units, is \$15.80.
- (11) Back Plate. This supplemental equipment consists of one back plate mounted behind a single head to extend 8 inches beyond the signal in all directions. The monthly rate for this supplemental equipment is \$0.35.

Section 3. The monthly rates for each type of Supplemental Equipment at an intersection are in addition to the monthly rate for the Basic Installation at that intersection.

Section 4. "Exhibit A", attached hereto and made a part hereof, is a list of traffic control locations existing or authorized as of the effective date of this Ordinance, showing the rates and charges applicable under this Ordinance to each type of Basic Installation and Supplemental Equipment at each such location.

Section 5. The rates and charges specified in this Article shall be subject to review at the written request of either party five years after the effective date of this Ordinance and on each anniversary date thereafter during the term of this Ordinance. If either party desires a review of rates and charges at any such time, it shall so notify the other party in writing not later than sixty (60) days prior to the review date; thereafter representatives of the parties will meet and in good faith attempt to reach an agreement with respect to the rates and charges sought to be reviewed. If no agreement is reached within such sixty (60) day period, either party may at any time thereafter elect, in writing delivered to the other party, to submit for arbitration the matter of rates and charges hereunder sought to be reviewed to the State Corporation Commission of the State of Kansas, and both parties agree to be bound by the findings of said Commission with respect to the matter thus submitted. Any revised rates and charges determined by agreement or by said Commission shall be effective as of the review date.

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ARTICLE VIII

Tax Adjustment

IN

SCHD  
2-TR

In addition to all other charges set forth in this Ordinance, the City shall pay the Company a sum equal to the aggregate amount of all license, franchise, gross receipts, occupation or similar charge, fee or tax imposed by any governmental authority (i) upon the Company and measured by the amounts of electric energy and service delivered hereunder or by the revenues to it therefrom, or (ii) upon the electric energy and service delivered by the Company hereunder or upon the sale by it thereof if it is required to pay such imposed charge, fee or tax.

ARTICLE IX

Wage Rate Adjustment

IN 2-TR

The rates and charges set forth herein are based on the weighted average hourly straight time rate for bargaining unit employees of the Company of \$4.1153 per hour. In the event such average hourly rate of pay is increased or decreased 5% or more, the charges for traffic signals shall be increased or decreased by 0.165% for each full 1% that such average hourly rate of pay is above or below \$4.1153.

ARTICLE X

New Styles and Designs

If the City shall request the installation of any style or design of traffic signal not referred to in this Ordinance, the rates and charges therefor shall be agreed upon in writing by the parties and shall be set forth in an ordinance amending this Ordinance.

ARTICLE XI

Billing

The City shall pay all bills rendered by the Company for services furnished under this Ordinance within fifteen (15) days after receipt thereof. If any such bill is not paid within such period, a default shall have occurred and the City shall become liable to pay the Company interest on such bill at the rate of ten percent (10%) per annum until such bill is paid. If any bill shall remain in default for ninety (90) days, the Company may, at its option, discontinue the furnishing of services provided for in this Ordinance, until such time as the delinquent payments, together with all interest thereon, shall have been paid, and the City shall also be liable to the Company for the value of its investment in the Traffic Control System.



ARTICLE XII

Publication and Acceptance

Within thirty (30) days from and after the publication of this Ordinance in the official paper of the City, the Company, its successors, assigns, or grantees, shall file with the City Clerk its written acceptance of the provisions hereof and upon said acceptance being filed as herein provided, this Ordinance shall constitute a contract between the City and the Company for the period set forth herein; in the event of the failure of the Company to file acceptance within the time specified in this section, this Ordinance shall ipso facto cease and become null and void.

PASSED AND APPROVED THIS 3RD DAY OF April, 1972.

Christopher H. Miller  
Mayor

ATTEST:

Oran M. Ambrey  
City Clerk

"EXHIBIT A"

Westwood Hills, Kansas Traffic Control Ordinance

Traffic Control Locations  
Existing or Authorized  
as of the Effective Date of  
Ordinance No. \_\_\_\_\_

BASIC INSTALLATIONS:

(1) Individual Control	<u>\$41.00</u>
None	
(2) Pedestrian Push Button Control	<u>\$34.10</u>
50th Street and Rainbow Boulevard	<u>0.5</u>
Total Units	0.5

SUPPLEMENTAL EQUIPMENT:

(1) Multi-Dial Controller	<u>\$ 5.75</u>
None	
(2) 3-Light Signal Unit	<u>\$ 5.45</u>
50th Street and Rainbow Boulevard	<u>1.5</u>
Total Units	1.5
(3) 2-Light Signal Unit	<u>\$ 5.10</u>
None	
(4) 1-Light Signal Unit	<u>\$ 1.20</u>
None	
(5) Push Buttons	
(a) Pair of Push Buttons	<u>\$ 0.80</u>
None	
(b) Pair of Illuminated Push Buttons	<u>\$ 1.40</u>
None	
(6) 12-Inch Round Lens	<u>\$ 1.40</u>
50th Street and Rainbow Boulevard	<u>3.5</u>
Total Units	3.5
(7) 9-Inch Square Lens	<u>\$ 1.55</u>
None	
(8) Vehicle-Actuation Units	
(a) Treadle Detector	<u>\$ 8.40</u>
50th Street and Rainbow Boulevard	<u>1</u>
Total Units	1
(b) Loop Detector	
(i) Single	<u>\$ 7.20</u>
None	
(ii) Double	<u>\$11.80</u>
None	
(9) Flasher Equipment	<u>\$ 2.05</u>
None	
(10) Mast Arm	
(a) Single	<u>\$11.55</u>
None	
(b) Double	<u>\$15.80</u>
None	

SUPPLEMENTAL EQUIPMENT: (continued)

(11) Back Plate  
None

\$ 0.35