Members of the Governing Body will participate by video call-in only due to the COVID19 pandemic. The public will be able to view the meeting at https://www.facebook.com/CityofPrairieVillage

COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Council Chambers
Monday, January 04, 2021
6:00 PM

I. CALL TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF THE AGENDA

V. PUBLIC PARTICIPATION

If you would like to speak live during the public participation portion of the meeting, please notify City Clerk Adam Geffert at cityclerk@pvkansas.com, and provide your name, address, and email address prior to 3 p.m. on January 4. The City will provide you with a link to join the meeting and will call on those who signed up to speak for up to 3 minutes once public participation begins.

To submit written comment to Council, please email cityclerk@pvkansas.com prior to 3 p.m. on January 4 to be shared with Councilmembers prior to the meeting.

VI. CONSENT AGENDA

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

By Staff

1. Approval of regular City Council meeting minutes - December 21, 2020
2. Consider the renewal of information technology services between Johnson County DTI and the City of Prairie Village
3. Consider purchase request of police vehicle
4. Consider approval of design agreement with BBN Architects, Inc. for the design of the park projects at Taliaferro Park
5. Consider Project BG3900001: Harmon Park skate park construction contract and transfer of $50,000 from park reserve to Project

VII. **COMMITTEE REPORTS**

Committee report and recommendations from Diversity Task Force
Jameelah Lang and Dennis Solis

VIII. **MAYOR'S REPORT**

IX. **STAFF REPORTS**

X. **OLD BUSINESS**

XI. **NEW BUSINESS**

COU2021-01 Consider appointment of Chief of Police
Mayor Mikkelson

COU2021-02 Consider election of 2021 Council President

COU2021-03 Consider ratification of 2021 legislative platform
Jamie Robichaud

XII. **COUNCIL COMMITTEE OF THE WHOLE** (Council President presiding)

COU2021-04 Discuss proposed changes to annual bulk item pickup for 2021
Jamie Robichaud

2020 exterior grant report and 2021 program changes
Jamie Robichaud

COU2021-05 Consider proposed tree protection regulations
Jamie Robichaud / Chris Brewster

XIII **ANNOUNCEMENTS**

XIV. **ADJOURNMENT**

If any individual requires special accommodations – for example, qualified interpreter, large print, reader, etc., please notify the City Clerk at 385-4616, 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.

Walter N. Vernon III (Walt)

Claridge Court, Apt. 142 8101 Mission Road

Prairie Village, KS 66208 wvernon@att.net 913-766-5924

December 24, 2020

TO: Prairie Village, Kansas City Council Members,

I have resided in Prairie Village since 1979 with my wife, Barbara, mostly at 7928 Rosewood Drive. Until her retirement in 2009, she had served 30 years as Prairie Village City Administrator. We moved into Claridge Court in the fall of 2018, on which she had assisted with the financing arrangements involving City Bonds, around 1995. She died this past May. Our three sons join with me.

1. Soon after her death my letter on naming a physical structure in her honor was sent to the Mayor and Council but as far as I know, it never reached Council members. The family decided to try again and have been working on this letter for several months. We (again) respectfully ask the City to name a permanent physical structure in her honor. Maybe the drive in front of City Hall, the Community Center, the big room inside City Hall, the pool complex, or some other visible physical structure. I have read in the newspaper that Kansas City, Missouri and a Johnson County City have given thought to naming a street for former city Managers.

In support, we cite her 30 years of exemplary service, usually working nights and weekends away from family. Her efforts and honors are mostly covered in an article in the July/August issue of the VOICE, attached as you may have little knowledge of her Prairie Village career which began 40 years ago and probably never knew her. She assisted more than 50 Council members, beginning with a workshop about the City departments and programs; , and worked closely with and supported five Mayors. In fact, she was the ghost writer for most. Five former Mayors have been honored by having City Parks named after them, but she did most of the work establishing three of them. The Mayors deserved their naming, however none served 30 years. She was one of the first women City Managers/Administrators in the Nation, which speaks well for the City as well as for her, although she well understood the phrase: "bumping up against the glass ceiling".

Do I need to point out that when entering the circular drive in front of City Hall, the first sign one sees features the name of Bob Endress, that stands out in gold letters, with the Art Gallery (an internal hallway) named for him. I knew Bob – a nice man who did a lot to promote the arts. But he did not serve the city for 30 years, or come anywhere close to accomplishing all that Barbara did. In fact, Barbara was in a position to, and did support his efforts to create the gallery. Is it too strong to say that this lack of a similar honor for her is an injustice to her memory and service?

2. Upon her retirement the City, financed by the Prairie Village Foundation, erected a statue by Tom Corbin, a noted sculptor, in her honor. It is a woman holding a bird above her head about to take flight and is named: "The Spirit of Prairie Village." It was placed to the left of the front door of City so that it

could be seen by people going in and out. We deeply appreciated that. It moved her to tears when unveiled.

However, some years ago it was moved to a much less visible place. It is now in a lovely garden but is around the corner to the left up and adjacent to a walkway which few use. I was told of the move but did not realize how it would end up. If you have not observed it close-up, I urge you to do so and as you drive by, I dare you to spot it driving by, or even walking by, from Mission Road or the sidewalk. I was not told it was to be replaced by a memorial to a deceased soldier. That was a nice tribute, but he was not the only Prairie Village citizen killed in military service. I assume his family made the request for that location and I have no quarrel with them, only the current location of the Spirit of Prairie Village statute. Two of our sons also served in the Military so we do not begrudge the memorial placed in what was the statue's place, but we wish *The Spirit of Prairie Village* had not been moved virtually out of sight. We know the move was not intended to diminish her importance to the City but it has clearly significantly diminished its prominence and opportunity to be seen by the many who daily enter the Municipal Building. When I mention it to friends, none have ever noticed it when at City Hall.

In this season of good will, we respectfully request that if the statute cannot be moved to a more prominent place (our strong first choice) because it is hard to see from Mission Road and is partially hidden by plantings, we would at least like for it to be placed on a much higher base for increased visibility by the public.

In closing, can you see how these two apparent slights, which we know were not intended as such, featuring Bob's name on a structure in Gold letters as you enter the drive but not doing anything similar for her, and almost hiding the statute placed to honor her, have upset us and feel her treatment (or lack thereof) is unjust to her memory and her 30 years of excellent service to the citizens of Prairie Village? After all, the City dates from 1951, so in the following 70 years, Barbara was its nerve center for almost half of its existence.

We would love to sit down with City representatives to see what actions, if any, could be taken by the city to deal with our concerns.

Lastly, an issue of lesser importance. We would like City permission to purchase and install at family expense, a small stone or concrete three-piece bench (two legs and a seat across) with a small plaque, reading: "Installed in memory of Barbara Vernon, City Administrator 1979 – 2009, by her family" on the east side of the grassy plot between the Municipal Building and the Police Station in a space now empty. I orally asked permission of Public Works to do this but got no reply.

To close on a positive note, when we asked, this spring the city planted a small tree in her honor near Mission Road where it could be seen from the office she occupied. This was done so that we could (and did) place some of her ashes with its roots – a moving event. We appreciate this very much. Our offer to cover the cost was graciously declined.

Respectfully submitted, Walt Vernon

Prairie Village Municipal Office
7700 Mission Road
Prairie Village, KS 66208

Reader Feedback
Please send your comments to:
info@pvkansas.com
913-385-4674

Final farewell to longtime city administrator

Barbara Vernon, who served as City Administrator of Prairie Village for 30 years, passed away in May. Her contributions to Prairie Village were innumerable.

Vernon was one of the first female city administrators/city managers in the United States. She mentored several younger women in the field and lectured on Women in Management at Avila College and on Public Administration at UMKC.

Along with Mayor Sid Powell of Mission, she organized the North East Johnson County Economic Development Council which became the North East Johnson County Chamber of Commerce, served on its board for many years, and was named Ambassador of the year in 2001.

At Prairie Village, she instituted an award-winning annual budget and financial statement as well as long-range planning for budgets and city finances. She also served as interim public works director, riding snow plows at 2 a.m. She helped select several police chiefs, helped develop and manage several parks and the pool complex and negotiated with the developer of Claridge Court.

Vernon participated in the Leadership Kansas program, was a member of many professional associations and organizations, represented the City with the National League of Cities, The Kansas League of Cities, the Kansas Legislature, and received many professional awards, including the 2007 L.P. Cookingham Award For Outstanding Public Service from the Greater K.C. Chapter of the Association of Public Administration. She also served on the Greater Kansas City United Way review board.

Following retirement in 2007, she served on the Prairie Village Foundation Board, raising money for residents in need, organized the mayor's annual holiday tree project and the ginger bread house decorating event. She was named the City's Volunteer of the Year in 2015. Upon retirement, the Foundation placed a statue, 'The Spirit of Prairie Village,' in the Municipal Campus's garden in her honor.

City Contact Information

CITY HALL AND MUNICIPAL COURT
7700 Mission Road

Wes Jordan, City Administrator
Jamie Robichaud, Deputy City Administrator
Meghan Buum, Assistant City Administrator
Adam Geffert, City Clerk
Lisa Santa Maria, Finance Director

POLICE DEPARTMENT
7710 Mission Road

Tim Schwartzkopf, Chief of Police

PUBLIC WORKS
7720 Mission Road

Keith Bredehoeft, Public Works Director

EVERYONE MAY PARTICIPATE
If anyone requires an accommodation to participate in public meetings, contact the City Clerk's office at 913-381-6464 (TDD 800-766-2777) at least 48 hours prior to the scheduled meeting time, if possible, to make arrangements.

913-381-6464 ■ info@pvkansas.com ■ www.pvkansas.com

The City Of
Prairie Village, Kansas

CITY COUNCIL
CITY OF PRAIRIE VILLAGE
DECEMBER 21, 2020

The City Council of Prairie Village, Kansas, met in regular session on Monday, December 21, 2020, at 6:00 p.m. Due to the COVID-19 pandemic, Councilmembers attended a virtual meeting via the Zoom software platform. Mayor Mikkelson presided.

ROLL CALL

Roll was called by the City Clerk with the following Councilmembers in attendance remotely via Zoom: Chad Herring, Inga Selders, Ron Nelson, Tucker Poling, Bonnie Limbird, Sheila Myers, Piper Reimer, Dan Runion, Courtney McFadden, Ian Graves and Terrence Gallagher. Staff present via Zoom: Tim Schwartzkopf, Chief of Police; Major Byron Roberson; Keith Bredehoeft, Director of Public Works; City Attorney David Waters, attorney with Lathrop & Gage; Wes Jordan, City Administrator; Jamie Robichaud, Deputy City Administrator; Meghan Buum, Assistant City Administrator; Adam Geffert, City Clerk.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Mrs. Myers made a motion to approve the agenda for December 21, 2020. Mr. Nelson seconded the motion, which passed 11-0.

PRESENTATIONS

The Mayor recognized retiring Police Chief Tim Schwartzkopf, noting his 27 years of service to the Police Department and the City.

PUBLIC PARTICIPATION

No requests to address the Council were received.

CONSENT AGENDA

Mayor Mikkelson asked if there were any items to remove from the consent agenda for discussion.

1. Approval of regular City Council meeting minutes – December 7, 2020
2. Approval of Expenditure Ordinance #2996 and #2997
3. Consider interlocal agreement with Johnson County for Project DRAIN19X: State Line Road (71st to 74th) and 71st Street RCB culvert replacement
4. Consider agreement with Berberich, Trahan & Co., P.A. to audit the City's 2020 financial statements

5. Consider approval of memorandum of understanding with the City of Overland Park for the sharing of traffic camera video for law enforcement and traffic engineering purposes

Mr. Nelson made a motion to approve the consent agenda as presented. A roll call vote was taken with the following votes cast: "aye": Herring, Selders, R. Nelson, Poling, Limbird, Myers, Reimer, Runion, McFadden, Graves, Gallagher. The motion passed 11-0.

COMMITTEE REPORTS

- **Insurance Committee**

  COU2020-74 Consider approval of a recommendation to renew insurance coverage with Travelers Insurance

  Mr. Nelson stated that the Insurance Committee met with the City's insurance agent, Hub International, to review potential rate increases for 2021. He noted that the City could expect a single-digit increase for all non-health insurance rates, which would be lower than most similarly sized communities. The Insurance Committee decided not to go out to bid, but instead stay with Travelers, the city's current provider.

  Mrs. Myers made a motion to approve the recommendation of the Insurance Committee as presented. Ms. Selders seconded the motion, which passed 11-0.

- Ms. Reimer shared that Shawnee Mission School District Superintendent Mike Fulton had announced his retirement as of July 1, 2021. She added that middle and high school students would continue to attend classes remotely until at least January 22, due to the COVID-19 pandemic. Lastly, ballots for the proposed bond measure for the district would be sent by mail in early January.

- Ms. Limbird said that committee applications would continue to be received through January 1, 2021.

MAYOR'S REPORT

- Mayor Mikkelson stated that individual donations to the Prairie Village Foundation made before the end of the year would be matched by an anonymous donor up to a total of $10,000.
- The Mayor participated in the "Shop with a Cop" event the prior week.
- The Mayor provided an update on the COVID-19 pandemic, noting that in Johnson County, the moving 14-day percent positive rate was down from two weeks ago, at 12.7%. New hospitalizations were down slightly, though deaths were trending upward. Vaccinations of front-line healthcare workers began the prior week.
- The Mayor thanked those that shared messages with City employees for staff appreciation week.

- The Mayor and staff met with Kyle Palmer, editor of the Shawnee Mission Post. Juliana Garcia will start as the full-time reporter for the City in January.
- The Mayor and Mr. Graves participated in a "climate mayors" call, at which a discussion of sustainability projects was held.
- The City of Mission Hills hired a new City Administrator, Jennifer Lee, to replace retiring administrator Courtney Christensen.
- The Northeast Johnson County Mayors met the prior week with School District President Heather Ousley and other district officials to discuss ways to promote the bond issue.
- The Va Bene Italian restaurant in the Corinth Shops had recently opened for carryout and delivery.
- The Mayor recognized the Council's accomplishments throughout the year.

STAFF REPORTS
None

OLD BUSINESS
There was no old business to come before the Council.

NEW BUSINESS
COU2020-75 **Provide a one-time, year-end hazard/stress disbursement to city employees in recognition of extraordinary workload, risk and results through the COVID-19 pandemic**

Mayor Mikkelson stated that City staff had made extraordinary sacrifices and contributions in 2020 to keep the City running smoothly while facing the dangerous COVID-19 pandemic. He added that the City's good financial position presented a unique opportunity to acknowledge their extraordinary performance, and that doing so would have a positive impact on morale, retention and recruitment.

The proposed 1.5% disbursement would total approximately $101,250, and would be paid to employees in 2020. Because of budgetary action in the early stages of the pandemic which reduced spending, the City was expected to end the year with $1.4 million in funds exceeding budgeted reserves.

Mr. Poling made a motion to approve the one-time pay disbursement as presented. Mr. Nelson seconded the motion.

Mr. Runion made a motion to amend the motion to allow Council to grant the Mayor the authority to direct the expenditure of funds for the proposed bonuses. The motion was seconded by Mrs. McFadden.

After further discussion, A roll call vote on the motion to amend the motion was taken with the following votes cast: "aye": Limbird, Myers, Runion, McFadden. "nay": Herring, Selders, R. Nelson, Poling, Reimer, Graves, Gallagher. The motion failed 7-4.

A roll call vote on the original motion was taken with the following votes cast: "aye": Herring, Selders, R. Nelson, Poling, Limbird, Reimer, McFadden, Graves, Gallagher; "nay": Myers, Runion. The motion passed 9-2.

Mrs. Myers made a motion that the City Council move to the Council Committee of the Whole portion of the meeting. The motion was seconded by Ms. Limbird, and passed 11-0.

COUNCIL COMMITTEE OF THE WHOLE

Discuss 2021 Legislative Platform

Ms. Robichaud stated that at its December 7 meeting, the Council discussed possibly adopting the League of Kansas Municipalities' Statement of Municipal Policy each year and then identifying the City's top priorities. The Council asked staff to put together a side-by-side comparison of the League's statement with the City's 2020 platform, which was included in the meeting packet for review. The League's statement, with highlights noting items that were not included in the City's platform, was also included.

Mr. Nelson stated the League's statement was written with the intention of representing over 500 cities in the state, and as such, did not adequately address the specific legislative priorities of the City. Ms. Selders and Mr. Poling were in agreement.

Dr. Stuart Little and Mallory Lutz of Little Government Relations, the City's lobbying firm, were in attendance at the meeting. Ms. Reimer asked them if there was an advantage to making the League's statement the City's own. Ms. Lutz stated she did not feel it would be a disadvantage, particularly if additional City-specific priorities were included. Mr. Little added that local legislators would likely view issues specific to the City with more interest.

Ms. Limbird made a motion to adopt the League of Kansas Municipalities' Statement of Municipal Policy as the City's Legislative Platform, and for the City Council to select five priorities from any source to provide to legislators. Mrs. McFadden seconded the motion. The motion passed 6-5, with Ms. Selders, Mr. Nelson, Mr. Poling, Ms. Reimer and Mr. Graves in opposition.

After further discussion, Ms. Limbird made a motion for each Councilmember to provide their top five priorities to staff, who would then collate the lists and present them to Council for further discussion. Ms. Reimer seconded the motion, which failed 7-4 with Mr. Herring, Mr. Nelson, Ms. Selders, Mr. Poling, Mr. Runion, Mr. Graves and Mr. Gallagher in opposition.

Mr. Graves made a motion to elevate language from the 2020 Legislative Platform related to the following items for 2021:

- State funding of public education
- Internet sales tax collections
- Maintaining local control
- Addressing the climate crisis
- Tax policy and the "dark store" theory
- Non-discrimination policy
- Repeal of the property tax lid

Mr. Nelson seconded the motion, which passed 9-2, with Mrs. Myers and Mr. Runion in opposition.

Mr. Gallagher made a motion to defer discussion on the decriminalization of marijuana until the Council had an opportunity to see the presentation that would be given by Ms. Selders and Mr. Graves at the January 4, 2021 meeting. There was no second to the motion.

Ms. Selders moved to change the language of the existing "Medical Marijuana" item on the 2020 Legislative Platform to the following:

> Legalization of Marijuana
>
> "We support the legalization of marijuana and its derivatives for the purpose of improving the quality of life for individuals with medical conditions that can benefit from its use. We support the legalization of marijuana because racial disparities in marijuana enforcement are widespread and longstanding. Legalizing marijuana would correct these disparities. We support the legalization of marijuana because taxes generated from legal sales will boost our economy, fund public programs, and create new jobs. We support the legalization of marijuana because it would free up police resources and end costly enforcement."

The motion was seconded by Mr. Graves, and failed 7-4, with Mr. Nelson, Ms. Limbird, Mrs. Myers, Ms. Reimer, Mr. Runion, Mrs. McFadden and Mr. Gallagher in opposition.

Ms. Limbird made a motion to use the language developed by the League of Kansas Municipalities regarding the legalization of marijuana:

> "The legislature should carefully weigh the impact of medical marijuana on law enforcement and human resources. In addition, medical marijuana should be subject to existing state and local sales tax and cities should be able to levy their own excise fees and receive a portion of any state funds to offset the impact of medical marijuana. Also, cities should have the ability to opt-in to allowing dispensaries in their city. Kansas should only allow the cultivation and processing of medical marijuana and THC in licensed facilities and should not allow residential

grow operations of any sort. In addition, Kansas should delay implementation to give time to study any issues that might result from the passage of medical marijuana legislation."

Mr. Herring seconded the motion, and moved to amend it to by adding the first sentence of Ms. Selders' suggested edits to the beginning of the language provided by the League. Mr. Nelson seconded the motion, which passed 7-4, with Ms. Selders, Ms. Reimer, Mr. Runion and Mr. Gallagher in opposition.

The vote on the original motion as amended failed 6-5, with Ms. Selders, Mrs. Myers, Ms. Reimer, Mr. Runion, Mrs. McFadden and Mr. Gallagher in opposition.

Ms. Robichaud said that she would provide a one-page summary stating that the City supported the League's statement along with the list of the seven items to be elevated at the January 4, 2021 meeting.

COU2020-76 Consider approval of design agreement with BBN Architects, Inc. for the design of the park projects at Taliaferro Park

Mr. Bredehoeft said that Public Works had requested proposals from firms to provide professional services for park design in 2018. BBN Architects was selected to provide those services for the three-year period of 2018-2020.

The proposed agreement included two park projects at Taliaferro Park: the shelter renovation project, to replace the shelter and repair the retaining wall surrounding the northern edge of the structure, and the restroom project, which included the construction of a permanent restroom for the park. Mr. Bredehoeft added that both projects would be constructed at the same time, reducing the impact on park patrons.

Mrs. McFadden made a motion to approve the design agreement as presented. Mr. Gallagher seconded the motion, which passed 11-0.

COU2020-77 Consider Project BG3900001: Harmon Park skate park construction contract and transfer of $50,000 from park reserve to Project BG3900001

Mr. Bredehoeft stated that Public Works had selected O'Donnell and Sons Construction to serve at the local general contractor for the new skate park. The project would be added to their existing contract with the City, as a change order to Project PAVP2020. O'Donnell and Sons would perform the general site work and manage the project, while New Line Skate Parks would complete the specialty construction work on the park.

Mr. Bredehoeft added that the final skate park design was based on the concept presented at the third public meeting for the project. As the final design was developed, some of the

cost estimates increased, and as such, the project would require an additional $50,000 from the Park Reserve Fund to build the same concept and cover miscellaneous expenses. Construction was expected to begin in the summer of 2021.

Mrs. McFadden made a motion to approve the agreement as presented. Mr. Graves seconded the motion, which passed 11-0.

Ms. Limbird moved that the City Council end the Council Committee of the Whole portion of the meeting. The motion was seconded by Mrs. McFadden and passed 11-0.

ANNOUNCEMENTS

Announcements were included in the Council meeting packet.

ADJOURNMENT

Ms. Limbird made a made a motion to adjourn the meeting. The motion was seconded by Mrs. Myers, and passed 11-0.

Mayor Mikkelson declared the meeting adjourned at 8:01 p.m.

Adam Geffert
City Clerk

POLICE DEPARTMENT

Council Meeting Date: January 4th, 2021
Consent Agenda

COU2021-06 **Consider the Renewal of Information Technology Services between Johnson County DTI and the City of Prairie Village**

RECOMMENDATION

Staff recommends approval of the 2021 DTI contract for $44,991.00.

COUNCIL ACTION REQUESTED ON: January 4th, 2021

BACKGROUND

Johnson County DTI has provided network services and support for the past six years. In early 2017, the City of Prairie Village was able to reduce required services, but still relies on DTI to provide network and security services. DTI provides connectivity on a county-wide basis and allows for operations in each department at a reduced cost.

The included renewal contract is the standard agreement between Johnson County DTI and other municipalities. The only change in the contract is the fee increase for added security software licenses from $42,278.00 in 2020 to $44,991.00 in 2021. The increased fee is due to increased IT needs for remote and virtual work caused by the pandemic. The portions of the contract that pertain to description of managed services, network coverage, and security services have not changed. The City Attorney has previously reviewed and approved the contract.

The total cost of DTI contracted services is within the 2021 IT budget and will not require additional funding.

ATTACHMENTS

2021 Information Technology Services Agreement with DTI

PREPARED BY

Captain Eric McCullough
Staff Services Division Commander
December 30, 2020

RENEWAL OF INFORMATION TECHNOLOGY SERVICES AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF JOHNSON COUNTY, KANSAS AND THE CITY OF PRAIRIE VILLAGE, KANSAS

THIS RENEWAL OF INFORMATION TECHNOLOGY SERVICES AGREEMENT ("Renewal") is made and entered into this __ day of _____, 2021 by and between the City of Prairie Village, Kansas ("City") and the Board of County Commissioners of Johnson County, Kansas ("County").

WITNESSETH:

WHEREAS, the City and the County entered in that certain Information Technology Services Agreement dated August 21, 2014, and subsequent Renewal thereof dated January 1, 2017, regarding the provision of information technology services (together hereinafter the "Agreement"); and

WHEREAS, the City and the County desire to renew and amend the Agreement.

NOW, THEREFORE, in consideration of the above and foregoing recitals, the mutual promises and covenants hereinafter given, and pursuant to and in accordance with the statutory authority vested in the City and the County, the parties hereto agree as follows:

1. Renewal. The City and the County hereby agree that the Agreement shall be, and hereby is, renewed and extended, but with amendment, for an additional term from January 1, 2021 through December 31, 2021 (the "Renewal Term"), subject to the terms and conditions set forth hereinbelow.

2. Services. During the Renewal Term, the County agrees to provide the services set forth in Exhibit A and the City agrees to share in the costs of those services by paying the amounts set forth in Exhibit A, which are the annual costs of the services. These rates are valid for the Renewal Term and are valid only if the City obtains and maintains a high speed data connection of at least 10mb between the City's facility and any County facility on its high speed network. The County reserves the right to raise these rates if the City fails to obtain and maintain high speed connectivity. The City agrees to pay the costs set forth in Exhibit A on a quarterly basis commencing upon execution of this Renewal. The City agrees to adhere to the County security policies, procedures, and processes, including to allow scanning of any devices attached to the Johnson County network.

3. Additional Services. The parties agree that during the Renewal Term, if the City requests additional professional services that are not included in the services set forth in Exhibit A, then the County's hourly rates for such services shall be as follows:

Tier 1 Support per hour	$44.00	Support Center
Tier 2 Support per hour	$63.00	Systems, Phone, Network, Applications
Consulting per hour	$75.00	Security, Project Management
DBA Support per hour	$85.00	Data Administration

4. Agreement Effective. Except as expressly modified by this Renewal, the terms and provisions of the Agreement shall remain unchanged and in full force and effect.

5. The City shall protect, defend, indemnify, and hold harmless the County, its officers, employees and agents free from any and all claims, losses, penalties, damages, settlements, costs, charges, professional fees, or other expenses or liabilities of every kind and character arising from or in any way related to the negligent or intentional act, error or omission of the City, its officers, employees or agents, in performing under, arising from, or related to this Agreement.

6. The County is not responsible for providing insurance or self-insurance for the benefit of the City. For this reason, it is recommended that the City shall, at all time during the term of this Agreement and for not less than three (3) years after the expiration or termination thereof, maintain Data Privacy & Security (Cyber) insurance, with limits not less than $1,000,000 per claim and aggregate, underwritten by an insurance company authorized to write insurance in the state of Kansas. City shall furnish a Certificate of Insurance to the County at the time of execution of this Agreement and within five (5) days of the date of renewal of this insurance. Certificate Holder shall be, Board of County Commissioners, Johnson County, Kansas, c/o Risk Manager, 111 S. Cherry Street, Suite 2400, Olathe, KS 66061. If City does not carry the above referenced Cyber insurance, City shall be responsible for the cost of and hold County harmless for any resulting damages and costs arising from any data breach incident or claim that would otherwise be covered by Cyber insurance.

7. The County expressly disclaims any express or implied warranties, representations or endorsements regarding any data, information, services or products provided in connection with, included in, or regarding this Agreement. No advice or information given by County officers, employees, agents or contractors shall create a warranty.

8. All County employees providing services on behalf of the County under this Agreement shall remain employees of the County for all purposes and shall not be deemed employees of the City of Prairie Village under any circumstances. Similarly, all employees of the City coordinating with or providing any assistance to the County in the performance of services under this Agreement shall remain employees of the City for all purposes and shall not be deemed employees of the County under any circumstances.

IN WITNESS WHEREOF, the parties hereto have caused this Renewal to be executed in two (2) counterparts by their duly authorized representatives and made effective the day and year first above written.

CITY OF PRAIRIE VILLAGE, KANSAS

By _____
Eric Mikkelson, Mayor

Date _____

BOARD OF COUNTY COMMISSIONERS OF JOHNSON COUNTY, KANSAS

By _____
William P. Nixon, Jr., Chief Information Officer

Date _____

APPROVED AS TO FORM:

_____
Ryan Haga, Assistant County Counselor

Date _____

EXHIBIT A—SERVICES

# Full Time Users # Part Time Users (<4 hrs) # of Devices (PC's & Servers	City of Prairie Village Description of Managed Services	City 47 0 100	Police 61 0 75
Network	DTI will be responsible for network monitoring - Includes all network systems, core appliances and switches Network administration and support - Review of event logs and implementation of manufacturer-recommended firmware updates for routers and switches. Network hardware replacement - Identify and recommend network hardware replacements, assisting with the installation as required and needed. Internet Connection including Guest WiFi	$9,364.00	$10,804.00
Security	Firewall and VPN Management - Monitor, maintain and support the clients firewall and current VPN system. Provide firewall security reviews upon request, limit 1 annually, to address best practices in controls. Network Security Monitoring and Intrusion-Prevention Services – Monitor internal and external network traffic to identify malicious activity and block and/or report on activity dynamically based upon County security best practices. Anti-Virus and Threat Management - Monitor, maintain and support the client's anti-virus to ensure AV signatures are current and active across all devices. Internet filtering per Count best practices	$9,364.00	$10,804.00
Sub Totals		$18,728.00	$21,608.00
Support Services		$40,336.00	
Software	Check Point 175 device licenses @ $25 ea; 30 server licenses @ $4 ea	$2,580.00	$1,915.00
Other Billable Items	Domain Renewals @ $40/ea (pvkansas.com; pvkansas.org; pvkansas.us; prairievillagefoundation.com)	$160.00	
Total - Managed Services		**$44,991.00**	

* Standard Support Monday-Friday 7:30am-5pm. Emergency on-call phone support as needed

POLICE DEPARTMENT

Council Meeting Date: January 4, 2021

CONSENT AGENDA: **PURCHASE REQUEST OF POLICE VEHICLE**
COU2021-07

RECOMMENDATION

Staff recommends the purchase of one (1) 2021 Jeep Grand Cherokee for $27,893.

COUNCIL ACTION REQUESTED ON JANUARY 4, 2021.

BACKGROUND

On an annual basis, the Police Department replaces older vehicles due to age, mileage, and/or maintenance problems. The Jeep Grand Cherokee was selected since it is not a traditional unmarked police vehicle and will assist the Department in various situations to include undercover operations and surveillance. This vehicle purchase will replace a 2007 Honda Accord.

The Department obtained bids for the Jeep Grand Cherokee from Landmark Dodge Chrysler Jeep ($27,893), Reed Jeep Chrysler Dodge Ram ($27,893) and Lee's Summit Dodge Chrysler Jeep ($33,778). The Department is seeking authorization to purchase this unit for the Investigations Division at a cost of $27,893 from Reed Dodge Chrysler Jeep, who also price matched the 2021 MACPP Metro Bid.

This vehicle will be purchased in **2021** and was previously approved by the City Council as part of the 2021 Public Safety Budget.

FUNDING SOURCE 01-03-27-8006-000 - $30,000.00

PREPARED BY
Captain Ivan Washington
Investigations Commander
Date: December 29, 2020

REED JEEP CHRYSLER DODGE RAM
7020 W FRONTAGE RD
MERRIAM, KS 662034656

Configuration Preview

Date Printed:	2020-12-28 1:30 PM	**VIN:**		**Quantity:**	1
Estimated Ship Date:		**VON:**		**Status:**	BA - Pending order
				FAN 1:	~~00KBJ Johnson County Kansas~~
				FAN 2:	City of P.V.
				Client Code:	KS.
				Bid Number:	TB1065
				PO Number:	

Sold to:
REED JEEP CHRYSLER DODGE RAM (27066)
7020 W FRONTAGE RD
MERRIAM, KS 662034656

Ship to:
REED JEEP CHRYSLER DODGE RAM (27066)
7020 W FRONTAGE RD
MERRIAM, KS 662034656

Vehicle: **2021 GRAND CHEROKEE LAREDO 4X4 (WKJH74)**

	Sales Code	Description	MSRP(USD)
Model:	WKJH74	GRAND CHEROKEE LAREDO 4X4	34,650
Package:	2BE	Customer Preferred Package 2BE	1,550
	ERC	3.6L V6 24V VVT Engine Upg I w/ESS	0
	DFT	8-Spd Auto 850RE Trans (Make)	0
Paint/Seat/Trim:	PXJ	Diamond Black Crystal P/C	245
	APA	Monotone Paint	0
	*A5	Cloth Bucket Seats	0
	-X9	Black	0
Options:	4DH	Prepaid Holdback	0
	4ES	Delivery Allowance Credit	0
	MAF	Fleet Purchase Incentive	0
	MDA	Front License Plate Bracket	0
	5N6	Easy Order	0
	4FM	Fleet Option Editor	0
	4FT	Fleet Sales Order	0
	174	Zone 74-Denver	0
	4EA	Sold Vehicle	0
Non Equipment:	4FA	Special Bid-Ineligible For Incentive	0
Bid Number:	TB1065	Government Incentives	0
Discounts:	YG1	7.5 Additional Gallons of Gas	0
Destination Fees:			1,495
		Total Price:	37,940

Order Type:	Fleet	**PSP Month/Week:**	
Scheduling Priority:	1-Sold Order	**Build Priority:**	99
Salesperson:			
Customer Name:			
Customer Address:			
	USA		
Instructions:			

bid @ 27998.00.

Note: This is not an invoice. The prices and equipment shown on this priced order confirmation are tentative and subject to change or correction without prior notice. No claims against the content listed or prices quoted will be accepted. Refer to the vehicle invoice for final vehicle content and pricing. Orders are accepted only when the vehicle is shipped by the factory.

LANDMARK DODGE CHRYSLER JEEP
1900 S NOLAND RD
INDEPENDENCE, MO 640551316

Configuration Preview

Date Printed: 2020-12-02 4:51 PM
Estimated Ship Date:

VIN:
VON:

Quantity: 1
Status: BA - Pending order
FAN 1:
FAN 2:
Client Code:
Bid Number:
PO Number:

Sold to:
LANDMARK DODGE CHRYSLER JEEP (44378)
1900 S NOLAND RD
INDEPENDENCE, MO 640551316

Ship to:
LANDMARK DODGE CHRYSLER JEEP (44378)
1900 S NOLAND RD
INDEPENDENCE, MO 640551316

Vehicle: **2021 GRAND CHEROKEE LAREDO 4X4 (WKJH74)**

	Sales Code	Description	MSRP(USD)	FWP(USD)
Model:	WKJH74	GRAND CHEROKEE LAREDO 4X4	34,670	34,371
Package:	2BE	Customer Preferred Package 2BE	1,550	750
	ERC	3.6L V6 24V VVT Engine Upg I w/ESS	0	0
	DFT	8-Spd Auto 850RE Trans (Make)	0	0
Paint/Seat/Trim:	PXJ	Diamond Black Crystal P/C	245	220
	APA	Monotone Paint	0	0
	*A5	Cloth Bucket Seats	0	0
	-X9	Black	0	0
Options:	5N6	Easy Order	0	0
	4FM	Fleet Option Editor	0	0
	4FT	Fleet Sales Order	0	0
	174	Zone 74-Denver	0	0
	4EA	Sold Vehicle	0	0
Non Equipment:	4WA	Misc Commercial Account	0	0
Discounts:	YG1	7.5 Additional Gallons of Gas	0	20
Destination Fees:			1,495	1,495
		Total Price:	37,960	36,856

Order Type: Fleet
Scheduling Priority: 1-Sold Order
Salesperson:
Customer Name: Prairie Village
Customer Address: 33
PRAIRIE VILLAGE KS 11111 USA

Instructions:

PSP Month/Week:
Build Priority: 99

AS ON MACPP BID
YOUR COST
$ 27,893.00
THANKS

Note: This is not an invoice. The prices and equipment shown on this priced order confirmation are tentative and subject to change or correction without prior notice. No claims against the content listed or prices quoted will be accepted. Refer to the vehicle invoice for final vehicle content and pricing. Orders are accepted only when the vehicle is shipped by the factory.

Manager: **Dakota Nichols**

FOR INTERNAL USE ONLY

BUSINESS NAME *CITY OF PRARIE VILLAGE* Home Phone :

CONTACT *ERIC MIESKE*

Address : ,

Work Phone :

E-Mail : *EMIESKE@PVKANSAS.COM*

Cell Phone : *(913) 38*

VEHICLE

Stock # : New / Used : **New** VIN : Mileage:

Vehicle : Color :

Type :

Loan Payments	Estimated		
Cash Down	**1,000**	**2,000**	**3,000**
72 Months / 5.990000 * 760 - 900 *	**549 - 559**	**532 - 542**	**515 - 525**
72 Months / 7.990000 * 690 - 759 *	**583 - 593**	**565 - 575**	**547 - 557**
72 Months / 9.990000 * 645 - 689 *	**618 - 628**	**599 - 609**	**580 - 590**

** A.P.R. Subject to equity and credit requirements.*

Type Comments Here:

Market Value Selling Price	37,585
Wheel Locks and Dest	1
Adjusted Price	39
Discount	5
Total Purchase	33
Doc Fee	
Non Tax Fees	
Balance	33,778

Customer Approval: _____ Management Approval: _____

By signing this authorization form, you certify that the above personal information is correct and accurate, and authorize the release of credit and empl information. By signing above, I provide to the dealership and its affiliates consent to communicate with me about my vehicle or any future vehicles us electronic, verbal and written communications including but not limited to eMail, text messaging, SMS, phone calls and direct mail. Terms and Condit subject to credit approval. For Information Only. This is not an offer or contract for sale.

Let me know if there is anything else I can do to serve you from here!

Thanks Again,
Dakota Nichols
Sales Manager
Lees Summit CDJR
816-525-9825

PUBLIC WORKS DEPARTMENT

Council Meeting Agenda: December 21, 2020

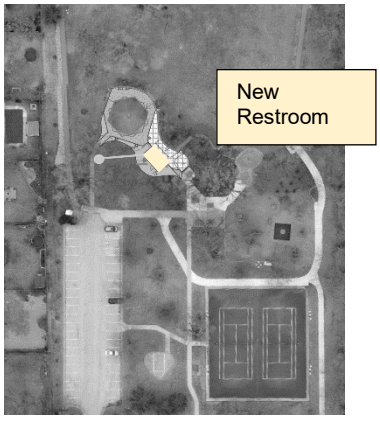
COU2020-76 **CONSIDER APPROVAL OF DESIGN AGREEMENT WITH BBN ARCHITECTS, INC. FOR THE DESIGN OF THE PARK PROJECTS AT TALIAFERRO PARK**

RECOMMENDATION

Move to approve the design agreement with BBN Architects, Inc. for the design of the Parks Projects at Taliaferro Park: Taliaferro Park Shelter (BG460001) and Taliaferro Park Restroom (BG460002) in the amount of $43,407.

BACKGROUND

The City of Prairie Village requested proposals from firms to provide professional services for Parks Design for a period of three years in 2018. BBN was selected for these services for the three year period of 2018-2020.



This agreement encompasses two park projects at Taliaferro Park. The Shelter Renovation project is to replace the shelter and repair the retaining wall surrounding the northern edge of the structure and the Restroom project includes the construction of a permanent restroom for the park (shown in the photo on the right).

BBN has done a preliminary scoping of the locations for restrooms and determined that the best location for park patrons for this restroom is central to the site near the shelter. While this location is central for the shelter, playground, tennis courts, and ballfield it also provides a cost effective connection to the sanitary sewer.

These projects will be combined into one project and constructed at one time. This will reduce the impact on park patrons in addition to coordinating the overlapping construction areas. The funding for this construction will be rolled into project BG460001.

FUNDING SOURCE

There is funding for the design in the CIP projects BG460001 and BG460002.

ATTACHMENTS

1. BBN Professional Services Agreement

PREPARED BY

Melissa Prenger, Senior Project Manager December 16, 2020

AGREEMENT

For

DESIGN SERVICES

Of

TALIFERRO PARK SHELTER RENOVATION – BG460001
TALIAFERRO PARK RESTROOM – BG460002

THIS AGREEMENT, made at the Prairie Village, Kansas, this _____ day of _____, by and between the City of Prairie Village, Kansas, a municipal corporation with offices at 7700 Mission Road, Prairie Village, Kansas, 66208, hereinafter called the "**City**", and **BBN ARCHITECTS, INC.**, a corporation with offices at 411 Nichols Road #246, Kansas City, MO 64112, hereinafter called the "**Consultant**".

WITNESSED, THAT WHEREAS, the City has determined a need to retain a professional engineering firm to provide civil engineering services for the Design of the _____, hereinafter called the "**Project**",

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

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

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

Article I City Responsibilities

A. **Project Definition** The City is preparing to design and construct improvements to Taliaferro Park.

B. **City Representative** The City has designated, Melissa Prenger, Public Works Senior Project Manager, to act as the City's representative with respect to the services to be performed or furnished by the Consultant under this Agreement. Such person shall have authority to transmit instructions, receive information, interpret and define the City's policies and decisions with respect to the Consultant's services for the Project.

C. **Existing Data and Records** The City shall make available to the Consultant all existing data and records relevant to the Project such as, maps, plans, correspondence files and other information possessed by the City that is relevant to the Project. Consultant shall not be responsible for verifying or ensuring the accuracy of any information or content supplied by City or any other Project participant unless specifically defined by the scope of work, nor ensuring that such information or content does not violate or infringe any law or other third party rights. However, Consultant shall promptly advise the City, in writing, of any inaccuracies in the information provided or any other violation or infringement of any law or third party rights that Consultant observes. City shall

indemnify Consultant for any infringement claims resulting from Consultant's use of such content, materials or documents.

D. **Review For Approval** The City shall review all criteria, design elements and documents as to the City requirements for the Project, including objectives, constraints, performance requirements and budget limitations.

E. **Standard Details** The City shall provide copies of all existing standard details and documentation for use by the Consultant for the project.

F. **Submittal Review** The City shall diligently review all submittals presented by the Consultant in a timely manner.

G. **Correspondence to Property Owners** Obtain mailing list and approve all correspondence to property owners in the project area. Typical, but not all inclusive, correspondence is:

1. Frequently Asked Questions (FAQ)
2. Intent to begin construction
3. Website survey
4. Public Information meeting

H. The City has funded the Project which may include: 2020 and 2021 CIP.

Article II Consultant Responsibilities

A. **Professional Services** The Consultant shall either perform for or furnish to the City professional services and related engineering services in all phases of the Project to which this Agreement applies as hereinafter provided.

B. **Prime Consultant** The Consultant shall serve as the prime professional Consultant for the City on this Project.

C. **Standard Care** The standard of care for all professional consulting services and related services either performed for or furnished by the Consultant under this Agreement will be the care and skill ordinarily used by members of the Consultant's profession, practicing under similar conditions at the same time and in the same locality.

D. **Consultant Representative** Designate a person to act as the Consultant's representative with respect to the services to be performed or furnished by the Consultant under this Agreement. Such person shall have authority to transmit instructions, receive information, and make decisions with respect to the Consultant's services for the Project.

Article III Scope of Services

See attachment A – SUPPLEMENT FOR PROJECT SCOPE

Article IV Time Schedule

A. **Timely Progress** The Consultant's services under this Agreement have been agreed to in anticipation of timely, orderly and continuous progress of the Project.

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

C. **Default** Neither City nor Consultant shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the nonperforming party. For purposes of this Agreement, such circumstances include, but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; war, riots, and other civil disturbances; strikes, lockouts, work slowdowns, and other labor disturbances; sabotage; judicial restraint; and delay in or inability to procure permits, licenses, or authorizations from any local, state, or federal agency for any of the supplies, materials, accesses, or services required to be provided by either City or Consultant under this Agreement. Should such circumstances occur, the consultant shall within a reasonable time of being prevented from performing, give written notice to the City describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement.

D. **Completion Schedule** Recognizing that time is of the essence, the Consultant proposes to complete the scope of services as specified in the Scope of Services:

Design Phase

Issued to Contractor

Article V Compensation

A. **Maximum Compensation** The City agrees to pay the Consultant as maximum compensation as defined in Attachment B for the scope of services the following fees:

Design Phase	$ 33,605.00
Construction Services Phase	$ 9,802.00
Total Fee for Project	$ 43,407.00

B. **Invoices** The compensation will be invoiced by phase, detailing the position, hours and appropriate hourly rates (which include overhead and profit) for Consultant's personnel classifications and the Direct Non-Salary Costs.

C. **Direct Non-Salary Costs** The term "Direct Non-Salary Costs" shall include the Consultant payments in connection with the Project to other consultants, transportation, and reproduction costs. Payments will be billed to the City at actual cost. Transportation, including use of survey vehicle or automobile will be charged at the IRS rate in effect during the billing period. Reproduction work and materials will be charged at actual cost for copies submitted to the City.

D. **Monthly Invoices** All invoices must be submitted monthly for all services rendered in the previous month. The Consultant will invoice the City on forms approved by the City. All properly prepared invoices shall be accompanied by a documented breakdown of expenses incurred and description of work accomplished.

E. **Fee Change** The maximum fee shall not be changed unless adjusted by Change Order mutually agreed upon by the City and the Consultant prior to incurrence of any expense. The Change Order will be for major changes in scope, time or complexity of Project.

Article VI General Provisions

A. **Opinion of Probable Cost and Schedule:** Since the Consultant has no control over the cost of labor, materials or equipment furnished by Contractors, or over competitive bidding or market conditions,

the opinion of probable Project cost, construction cost or project schedules are based on the experience and best judgment of the Consultant, but the Consultant cannot and does not guarantee the costs or that actual schedules will not vary from the Consultant's projected schedules.

B. **Quantity Errors**: Negligent quantity miscalculations or omissions because of the Consultant's error shall be brought immediately to the City's attention. The Consultant shall not charge the City for the time and effort of checking and correcting the errors to the City's satisfaction.

C. **Reuse of Consultant Documents:** All documents including the plans and specifications provided or furnished by the Consultant pursuant to this Agreement are instruments of service in respect of the Project. The Consultant shall retain an ownership and property interest upon payment therefore whether or not the Project is completed. The City may make and retain copies for the use by the City and others; however, such documents are not intended or suitable for reuse by the City or others as an extension of the Project or on any other Project. Any such reuse without written approval or adaptation by the Consultant for the specific purpose intended will be at the City's sole risk and without liability to the Consultant. The City shall indemnify and hold harmless the Consultant from all claims, damages, losses and expenses including attorney's fees arising out of or resulting reuse of the documents.

D. **Reuse of City Documents** In a similar manner, the Consultant is prohibited from reuse or disclosing any information contained in any documents, plans or specifications relative to the Project without the expressed written permission of the City.

E. **Insurance** The Consultant shall procure and maintain, at its expense, the following insurance coverage:

1. Workers' Compensation -- Statutory Limits, with Employer's Liability limits of $100,000 each employee, $500,000 policy limit;
2. Commercial General Liability for bodily injury and property damage liability claims with limits of not less than $1,000,000 per occurrence and $2,000,000 in the aggregate;
3. Commercial Automobile Liability for bodily injury and property damage with limits of not less than $1,000,000 each accident for all owned, non-owned and hired automobiles;
4. Errors and omissions coverage of not less than $1,000,000. Deductibles for any of the above coverage shall not exceed $25,000 unless approved in writing by City.
5. In addition, Consultant agrees to require all consultants and sub-consultants to obtain and provide insurance in identical type and amounts of coverage together and to require satisfaction of all other insurance requirements provided in this Agreement.

F. **Insurance Carrier Rating** Consultant's insurance shall be from an insurance carrier with an A.M. Best rating of A-IX or better, shall be on the GL 1986 ISO Occurrence form or such other form as may be approved by City, and shall name, by endorsement to be attached to the certificate of insurance, City, and its divisions, departments, officials, officers and employees, and other parties as specified by City as additional insureds as their interest may appear, except that the additional insured requirement shall not apply to Errors and Omissions coverage. Such endorsement shall be ISO CG2010 11/85 or equivalent. "Claims Made" and "Modified Occurrence" forms are not acceptable, except for Errors and Omissions coverage. Each certificate of insurance shall state that such insurance will not be canceled until after thirty (30) days' unqualified written notice of cancellation or reduction has been given to the City, except in the event of nonpayment of premium, in which case there shall be ten (10) days' unqualified written notice. Subrogation against City and City's Agent shall be waived. Consultant's insurance policies shall be endorsed to indicate that Consultant's insurance coverage is primary and any insurance maintained by City or City's Agent is non-contributing as respects the work of Consultant.

G. **Insurance Certificates** Before Consultant performs any portion of the Work, it shall provide City with certificates and endorsements evidencing the insurance required by this Article. Consultant agrees to maintain the insurance required by this Article of a minimum of three (3) years following

completion of the Project and, during such entire three (3) year period, to continue to name City, City's agent, and other specified interests as additional insureds thereunder.

H. **Waiver of Subrogation** Coverage shall contain a waiver of subrogation in favor of the City, and its subdivisions, departments, officials, officers and employees.

I. **Consultant Negligent Act** If due to the Consultant's negligent act, error or omission, any required item or component of the project is omitted from the Construction documents produced by the Consultant, the Consultant's liability shall be limited to the difference between the cost of adding the item at the time of discovery of the omission and the cost had the item or component been included in the construction documents. The Consultant will be responsible for any retrofit expense, waste, any intervening increase in the cost of the component, and a presumed premium of 10% of the cost of the component furnished through a change order from a contractor to the extent caused by the negligence or breach of contract of the Consultant or its subconsultants.

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

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

L. **Indemnity** To the fullest extent permitted by law, with respect to the performance of its obligations in this Agreement or implied by law, and whether performed by Consultant or any sub-consultants hired by Consultant, the Consultant agrees to indemnify City, and its agents, servants, and employees against all claims, damages, and losses, including reasonable attorneys' fees and defense costs, caused by the negligent acts, errors, or omissions of the Consultant or its sub-consultants, to the extent and in proportion to the comparative degree of fault of the Consultant and its sub-consultants.

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

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

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

P. **Written Consent to Assign** Neither the City nor the Consultant may assign, sublet, or transfer any rights under the Agreement without the written consent of the other, which consent shall not be

unreasonably withheld; provided, Consultant may assign its rights to payment without Owner's consent, and except to the extent that any assignment, subletting or transfer is mandated by law or the effect of this limitation may be restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Agreement.

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

R. **Non Discrimination** The Consultant agrees that it shall abide by the Prairie Village Non Discrimination Code (Section 5-801 et seq) and shall not discriminate against any person in the performance of Work under the present contract because of race, religion, color, sex, sexual orientation, gender identity, disability, age, national origin, or ancestry. If the City determines that the Consultant has violated any applicable provision of any local, state or federal law, or has discriminated against any person because of race, religion, color, sex, sexual orientation, gender identity, disability, age, national origin, or ancestry, such violation and/or discrimination shall constitute a breach of contract and the City may cancel, terminate or suspend this agreement in whole or in part.

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

City:	**Consultant:**
City of Prairie Village, Kansas	BBN Architects, Inc.
By: _____ Eric Mikkelson, Mayor	By _____
Address for giving notices:	Address for giving notices:
City of Prairie Village Department of Public Works 3535 Somerset Drive Prairie Village, Kansas 66208	BBN Architects, Inc. 411 Nichols Road, #246 Kansas City, MO 64112
Telephone: 913-385-4640 Email: publicworks@pvkansas.com	Telephone: 816-753-2550 Email: sbingham@bbnarchitects.com
ATTEST:	APPROVED AS TO FORM BY:
_____ Adam Geffert, City Clerk	_____ David Waters, City Attorney

Prairie Village – 2020 Park Projects
ATTACHMENT A – SUPPLEMENT FOR PROJECT SCOPE
December 9, 2020

This supplemental section further defines the project scope of services and fee proposal for the park improvements at Taliaferro Park. The design team for this work includes architects and landscape architects from BBN Architects, with the following subconsultants: SK Design Group (civil engineering), Leigh & O'Kane (structural engineering) and Antella (M/E/P engineering). It is assumed the steering committee will include City Staff and members of the Prairie Village Parks and Recreation Committee.

Please find the following description of our proposed scope of services, anticipated schedule, and proposed fee for your consideration.

Assumptions

1. The demolition of the existing shelter and the associated pavement and retaining wall at Taliaferro Park will be included in the scope.
2. The restroom structure at the park will be similar in scope, scale and style as the restroom design and constructed at Wassmer Park. The restroom will be heated and vented, but not air-conditioned.
3. The replacement shelter at Taliaferro Park will be a prefabricated structure with an approximate size of 30x34, but will have custom features including sealed wood decking, faux stone column bases and security lighting.
4. The public engagement will consist of a single outdoor meeting at the park and a Survey Monkey administered by the City.
5. The civil engineering scope assumes that the existing storm and sewer infrastructure will remain in place and that the project will not require a sewer main extension.
6. This proposal assumes that the increase in impervious area will be insignificant so stormwater detention, a stormwater study and stormwater quality best management practices are excluded from this proposal.
7. The restrooms will not impact the flood plain nor require grading within the flood plain. Consequently, a flood plain study, elevation certificate, USACE permitting, and/or FEMA permitting will not be required.
8. This proposal excludes replatting, modifications to existing plats, and updates to existing JCW as-builts that may be requested by JCW as part of the project.
9. This proposal assumes that the necessary topographic and utility survey of both sites will be provided by the client for our use. The survey information recently provided to us is on an assumed datum. For the submittal to JCW, SK Design will convert the numerical manhole top elevations and flowline elevations from the assumed datum to the JCW as-built datum by equation. All other conversions are specifically excluded from this proposal.
10. This proposal excludes a Stormwater Pollution Prevention Plan (SWPPP), all Notice of Intent to Disturb Land notifications to the Kansas Department of Health and Environment (KDHE), and any local erosion control permitting. Basic erosion control measures will be identified on the demolition plan.
11. This proposal does include preparation of plans for a new JCW sewer service for the new permanent restroom. It is assumed that the new service will connect into the existing

manhole within the anticipated project area. The scope also includes the design of a new water service to serve the restroom building. This scope does not include communications or gas.

12. Foundations for the restrooms will take a conservative approach and follow International Building Code standards rather than conducting a geotechnical study of the site.
13. Construction administration progress meetings will be held bi-weekly during the active construction period. Requested site meetings beyond the stated maximum will be charged on an hourly basis (see Attachment C for the hourly rate schedule). The city will provide site inspections and any required field testing.

Scope of Services

Taliaferro Park

1) **Assessment of existing conditions and initial direction:** The design team will utilize the 2015 Taliaferro & Bennett Park Improvements bid drawings provided by the city as a basis for the proposed restroom, shelter and site wall at Taliaferro Park. BBN has already met with City Staff to discuss the initial direction for the concept development, including the structures' locations, the size and shape of the proposed pre-fabricated shelter, and the supporting site improvements necessary.
   a) Deliverables
      i) Restroom location alternatives
      ii) Pre-fabricated and custom shelter alternatives
      iii) Conceptual site plans comparing hexagon and rectangular shelters

2) **Concept Development:** Based on the direction given by City Staff to pursue a rectangular shelter approximately with a 30 x 34 footprint, the design team will develop a concept for the proposed structures, including floor plans, elevations and a site plan to relate it to the existing park. BBN will present the concepts for the structures, along with an order of magnitude estimate of construction cost to City Staff.
   a) Deliverables
      i) one design concept for each structure/element, (restroom, shelter and retaining wall), with corresponding order of magnitude cost estimate.

3) **Public Engagement:** BBN will attend and present aspects of the concepts at an outdoor public meeting at the park. It is assumed City Staff will organize and promote the meeting. BBN will also supply City Staff with the graphics used at the meeting for a Survey Monkey. The purpose of this survey will be to receive feedback on key aspects of the design and educate the public on how and when the improvements will be undertaken. It is assumed that City Staff will administer the survey.

4) **Final Concept:** At the conclusion of the survey, BBN will meet with City Staff to discuss the results. The objective of this meeting will be to reach consensus on the direction of the final concept for each structure and their siting, (including the proposed retaining wall). BBN will then produce and share a final concept for these elements and their projected costs with City

Staff. It is assumed City Staff will present these documents to City Council for comment. Deliverables will include final concept site drawings and supporting images along with projected construction costs.

5) **Bid Documents:** Based on the direction given by City Staff, the BBN team will develop construction bid documents for the Taliaferro Park Improvements. This will include drawings and specifications for the proposed work. The bid documents, along with the projected costs, will be reviewed with City Staff at 50% and 95% progress milestones.

6) **Bidding:** BBN will provide the bid documents to a commercial online plan room for bidding and will attend a city-led pre-bid meeting. The design team will respond to bidder inquiries and issue addenda if needed. After bidding, BBN will review the bids with City Staff and make a recommendation to award. Deliverables for this task will include bid addenda, bid evaluation (bid tab) and a recommendation to award.

7) **Construction Administration**: During the course of construction, the BBN team will attend (6) contractor-led pre-construction meetings at the site and observe the work being done. This will include substantial and final punch list reviews documenting items observed that are not in conformance with the bid documents. The BBN team will respond to contractor requests for information, review submittals and issue any additional documentation as necessary. Deliverables will include construction administration documents and correspondence.

This supplemental section further defines the scope of services and fee proposal for the park improvements at Taliaferro Park. BBN proposes an hourly not to exceed fee for the scope of services described above. A modest allowance for local travel and in-house printing is included in the fee, with the assumption that the distribution of the documents will be done electronically. Please refer to the attached fee summary outlining the hours and fees for each task.

FEE SUMMARY - TALIAFERRO PARK SHELTER (BG460001) & RESTROOM (BG460002)

Task	Principal Arch Hrs	Principal Arch Fee	Principal LA Hrs	Principal LA Fee	Cost Estimator Hrs	Cost Estimator Fee	Project Arch Hrs	Project Arch Fee	Arch Intern Hrs	Arch Intern Fee	BBN Hours	BBN Fee	SK Design Fee	Leigh O'Kane Fee	Antella Fee	
Rate		$ 245		$ 170		$ 160		$ 100		$ 78						Team Fee
EXISTING CONDITIONS ASSESSMENT	0	$ -	2	$ 340	0	$ -	0	$ -	4	$ 312	6.0	$ 652				$ 652.00
CONCEPT DEVELOPMENT	1	$ 245	4	$ 680	4	$ 640	4	$ 12	24	$ 1,872	37.0	$ 3,449	$ -	$ 500	$ 370.00	$ 4,319.00
PUBLIC MEETING	0	$ -	5	$ 850	0	$ -	3	$ 300	3	$ 234	11.0	$ 1,384				$ 1,384.00
FINAL CONCEPT	0	$ -	2	$ 340	2	$ 320	2	$ 200	2	$ 156	8.0	$ 1,016				$ 1,016.00
BID DOCUMENTS	4	$ 980	12	$ 2,040	2	$ 320	52	$ 5,200	14	$ 1,092	84.0	$ 9,632	$ 5,000	$ 1,000	$ 8,530	$ 24,162.00
BIDDING	0	$ -	3	$ 510	0	$ -	3	$ 300	4	$ 312	10.0	$ 1,122	$ -			$ 1,122.00
CONSTRUCTION ADMINISTRATION	2	$ 490	12	$ 2,040	0	$ -	24	$ 2,400	24	$ 1,872	62.0	$ 6,802	$ 1,000	$ 1,000	$ 1,000	$ 9,802.00
EXPENSES												250	$ 500		$ 200	$ 950
Total Project	7	$ 1,715	40	$ 6,800	8	$ 1,280	88	$ 8,412	75	$ 5,850	218.0	$ 24,307	$ 6,500	$ 2,500	$ 10,100	**$ 43,407.00**

Prairie Village – 2020 Park Projects
ATTACHMENT C – SUPPLEMENT FOR PROJECT FEE

Schedule of Hourly Rates

Principal Architect	$245.00
Principal Landscape Architect	$170.00
Cost Estimator	$160.00
Project Architect	$100.00
Intern Architect	$78.00

PUBLIC WORKS DEPARTMENT

Council Agenda: December 21, 2020

COU2020-77 **CONSIDER PROJECT BG3900001: HARMON PARK SKATE PARK CONSTRUCTION CONTRACT AND TRANSFER $50,000 FROM PARK RESERVE TO PROJECT BG3900001.**

RECOMMENDATION

Move to approve Construction Change Order #1 to Project PAVP2020 with O'Donnell and Son's Construction for the construction of the Harmon Park Skate Park and transfer $50,000 from Park Reserve to Project BG3900001

BACKGROUND

It is proposed to utilize O'Donnell and Son's Construction to be the local general contractor for the construction of the new skate park. This work will be added to their existing contract PAVP2020 as Change Order #1. O'Donnell and Son's will perform the general site work and manage the construction project while New Line Skate will perform all the specialty skate park work. There are a limited number of specialty contractors in the United States so we are fortunate that this work will be performed by New Line Skate Parks. O'Donnell and Son's solicited bids from 10 specialty contractors and three submitted bids. New Line was the lowest of the three and given that they designed the project we are very comfortable having them perform the specialty concrete work. The cost break out between O'Donnell and New Line is shown below.

O'Donnell- $100,221.00

New Line- $499,500.00

Total- $599,721.00

The final skate park design is based on the design concept that was presented at the third public meeting for the project and is basically the same square footage as the existing skate park. As final design was developed some of the cost estimates increased more than desired but we felt we needed to bid the same design that was presented at the final public meeting. Now that we have bid the project with O'Donnell and Son's construction and the final actual prices are determined we are in need of adding $30,000 to the project funding to be able to build the project presented at the public meeting. We also need to add an additional $20,000 for any inspection, material testing and other miscellaneous costs. In total we are proposing to add $50,000 from Park Reserve to the total project funding.

Construction is expected to take about 4 months and will be completed this summer. It is expected that construction will be ongoing during Village Fest.

PREPARED BY

Keith Bredehoeft, Public Works Director December 16, 2020

FUNDING SOURCE

BG3900001-	$650,000
Addition Park Reserve-	$50,000
Total Project Funding	$700,000- Includes Design, Construction, and Utility costs.

ATTACHMENTS

1. Construction Change Order #1 with O'Donnell and Son's Construction
2. Final Skate Park Plan

PREPARED BY

Keith Bredehoeft, Public Works Director December 16, 2020

CITY OF PRAIRIE VILLAGE

PUBLIC WORKS DEPARTMENT

CONSTRUCTION CHANGE ORDER NO. 1

City's Project: PAVP2020

Date Requested: DECEMBER 21, 2020 Contract Date: MAY 18,2020

Consultant's Name: N/A Contractor's Name: O'DONNELL AND SONS CONSTRUCITON

REQUIRED CHANGES TO PRESENT CONTRACT

Contract Quantity	Previous Amount	Unit	Item Description	Adj. Quant.	Unit Price	Adjusted Amount
0	$0.00	LS	Harmon Park Skate Park			$599,721.00

TOTAL $0.00 TOTAL $599,721.00

NET Increase $599,721.00

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

adding Harmon Park Skate Park to Construction Manager contract for local management of specialty construction

	Contract Value	Contract Days
Original Contract	$2,710,000.00	
Current Contract including previous Change Orders	$2,710,000.00	
NET This Change Order	$599,721.00	
New Contract Price	$3,309,721.00	

Matthew Bowen
O'Donnell and Sons Construction

Date

Keith Bredehoeft, Public Works Director
City of Prairie Village, KS

Date

Eric Mikkelson, Mayor
City of Prairie Village, KS

Date

COMING SOON: HARMON PARK SKATEPARK

Conceptual 3D Renderings

PRAIRIE VILLAGE, KANSAS

For more information visit:

www.pvkansas.com/city-government/projects/skate-park

NEWLINE SKATEPARKS

DIVERSITY TASK FORCE

Council Meeting Date: January 4, 2021

Committee Report and Recommendations from Diversity Task Force

BACKGROUND

This fall, Mayor Mikkelson created a Diversity Task Force, who was charged with the mission of developing a set of advisory recommendations for the Governing Body to attract and retain diverse residents in Prairie Village.

The Diversity Task Force met three times this fall on September 22, October 20, and November 18. Through those meetings, the task force put together a list of prioritized recommendations for the City Council to consider.

Task Force members Jameelah Lang and Dennis Solis will be present at the meeting to present the recommendations of the Task Force.

The Diversity Task Force's recommendations for immediate action include the following:

1. Continue the Prairie Village Diversity Task Force as a standing committee with regular periodic meetings.
2. Finalize the process and take action to remove racist deed restrictions and covenants

The Task Force also identified a list of future committee action items. The full list of their recommendations is attached for the Council's review.

ATTACHMENTS

Diversity Task Force Recommendations
Correspondence from Prairie Village Homes Association regarding deed restrictions

PREPARED BY

Jamie Robichaud
Deputy City Administrator
Date: December 30, 2020

City Council Recommendations:

01 Continue the Prairie Village Diversity Task Force as a standing Committee with regular periodic meetings

- 4: Engage in civil discourse and listen to the needs of the community
- 6: Directly confront ideas and beliefs that are harassing and racist
- 9: Committee also serves as a community-police relations advisory board to the Police Department, including the review of any racial profiling complaints that are received by the City
- 11: Reviews police and court data to determine the percentage of citations that are given to persons of color and create an independent group to evaluate and audit this data

02 Finalize process and take action to remove racist deed restrictions and covenants

Future Committee Actions:

3: Host one or more town hall meetings around the topics of social justice and race.

12: Issue a resolution or proclamation from the Governing Body acknowledging (and possibly apologizing) for the past discriminatory practices that have occurred in Prairie Village.

5: Ensure the City's practices and policies approach issues in a humanitarian way and make people feel more welcome.

8: Hire a person of color for a full-time position to focus on diversity, equity, and inclusion.

10: Require diversity and implicit bias training for city employees and offer it to the community as a whole.

15: Put people of color in influential roles throughout the community – the face of Prairie Village should change with intentionality.

7: Prioritize affordable/attainable housing as a top City priority

14: Accept more density and diversity in terms of the housing stock in Prairie Village

Future Committee Actions cont'd:

13: Decriminalize marijuana and/or reduce fines.

16: Partner with the library on a diverse literature initiative and diverse reading hours.

17: Create a video campaign to acknowledge PV's history, including discriminatory housing practices, and promote the diversity initiative taking place to be a welcoming community for all.

23: Promote the Dividing Lines tour and encourage city and community leaders to participate.

18: Help persons of color demystify police and court processes.

19: Plan cultural festivals and partner with other communities in NE Johnson County to plan events that celebrate diversity.

20: Celebrate Black History Month.

Future Committee Actions cont'd:

21: Create a Black Lives Matter mural and/or other multi-cultural murals – including artists of color in the process and making it a community event.

22: Host an 'Artists of Color' art show in the City art gallery every year (in partnership with the PV Arts Council).

24: Create a permanent art installation by a person of color.

25: Create a policy for placing banners on Mission Road to celebrate diversity and various months of celebration (ie BHM, Gay Pride Month, etc.)

26: Create meal boxes for the homeless population through a partnership with the PV foundation

27: Partner with other cities in the metro that are in need of assistance.

Jamie Robichaud

From: Lissa <kcliss@yahoo.com>

Sent: Monday, December 21, 2020 2:07 PM
To: Council Members
Cc: Cheryl Murphy; Pat Roberts; Elizabeth Jones
Subject: Prairie Village Homes Association Deed Restrictions
Attachments: 2007 PVHA Resolution.pdf

This is an EXTERNAL email. Please use caution. DO NOT open attachments or click links in unexpected emails or from unknown senders.

Mayor Mikkelson and Prairie Village City Council members –

We are sending this email on behalf of the Prairie Village Homes Association Board to inform you of past and present actions taken to remove racist restrictions from the original Prairie Village Homes Association Deed Restrictions created by J.C. Nichol in 1941.

Let us be clear. Every member of the Board of Directors of the Prairie Village Homes Associations believes that the language restricting ownership of properties in the Prairie Village Homes Association to certain races is racist and abhorrent. Over the past 15 years, the Prairie Village Homes Association Board of Directors has had many discussions about what actions could be taken to remove the racist language.

For background, the original Prairie Village Homes Association's Declaration of Restrictions was created in 1941–before any houses were built–and before Prairie Village itself existed as a city. The homes association formed the basis of the creation of the City of Prairie Village; the Homes Association was created in 1941, the City of Prairie Village was incorporated in 1951.

The original Prairie Village Homes Association restrictions provided, "None of said land may be conveyed to, used, owned, or occupied by negroes as owners or tenants." A second document–an amendment filed in 1946–incorporates the provisions of the 1941 general Declaration of Restrictions, but focuses on the minimum cost of houses built, front and side yard setbacks, and other similar kinds of restrictions. The 1946 document does not repeat or emphasize any of the previous racist restrictions found in the original 1941 filing.

JCN added twenty-three different plats to PVHA as new homes were added to the development. Each plat is governed by its own set of individual restrictions, but the original 1941 Declaration of Restrictions provided that when any other lands or properties were added or platted, they would be subject to the same restrictions. There is a racist restriction in some, but not all the deed restrictions placed on the various properties depending on when the lot was platted.

Race-based deed restrictions were invalidated nation-wide by the United States Supreme Court in the 1948 case of Shelley vs. Kraemer, which found that race-based deed restrictions could not be enforced in any court in the United States. With that decision,

race-based restrictions throughout the country became null and void and no longer effective.

In 2007 the PVHA Board passed a resolution–and signed additional documents–specifically striking from the Prairie Village Homes Association Deed Restrictions any restrictions contained in the Prairie Village Homes Association Deed Restrictions based on race. That document was then filed at the Johnson County Register of Deeds in 2007 (and is attached).

In addition, the PVHA Board recently formed a sub-committee to continue researching what, if anything, could or should be done to rid the homes association and the city of this blot on its legacy. To that end, the subcommittee

- spoke with several lawyers, including one with extensive experience in Homes Association law, about what could be done. All the attorneys consulted informed us that the language in the 1941 document is no longer legally binding because of the 1948 Supreme Court decision. Those attorneys also advised us that although it has been suggested that a new "cleaned-up" version of the restrictions should be filed; the original document cannot be rewritten or "cleaned up." The document on file is a historical document. And much like the US Constitution that itself contains racist and exclusionary language, the PVHA Deed Restrictions cannot be rewritten or sanitized even though it contains outdated and offensive language that has since been amended.

- crafted a statement to be included on the PVHA website denouncing the racist language found in the Prairie Village Homes Association Deed Restrictions, explaining the actions taken in 1948 and 2007 to invalidate it. Our website is in the process of being updated.

- spoke with the Director of the Home Associations of Kansas City (HA-KC) to better understand what Deed Restrictions information is currently being sent to new homeowners. We discovered that the 2007 resolution was not being sent out, but that will be corrected going forward.

Our Board and this sub-committee are committed to seeing this through to resolution. We look forward to partnering with the Diversity Task Force on this matter.

Sincerely,

The Prairie Village Homes Association Board of Directors

Jason Anderson
Leslie Bowman
Maura Coleman
Lissa Haag
Elizabeth Jones
Cheryl Murphy
George Ransom
Lacey Ransom
Pat Roberts

Sent from Mail for Windows 10

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Above Space Reserved for Register of Deeds Certification and Use

Document Title:	Resolution of the Board of Directors of the Prairie Village Homes Association Amending Declaration of Restrictions Under House Bill No. 2582, 2006 Regular Session of the Kansas Legislature
Document Date:	August 12, 2007
Grantor Name:	Prairie Village Homes Association, by its Board of Directors
Grantee Name:	Prairie Village (Insert name of subdivision – Not name of homes association)
Statutory Address:	Not applicable
Legal Description:	See page 2
Reference Book and Page:	Doc. No. 289997, Book 26, Page 349 (Insert recording information for the original declaration of restrictions)

RESOLUTION OF THE BOARD OF DIRECTORS OF THE PRAIRIE VILLAGE HOMES ASSOCIATION AMENDING DECLARATION OF RESTRICTIONS UNDER HOUSE BILL NO. 2582, 2006 REGULAR SESSION OF THE KANSAS LEGISLATURE

Recitals

A. WHEREAS, the Prairie Village Homes Association is authorized and formed as a Kansas non-profit corporation for providing improvements, maintenance, and other services for the following subdivision in Johnson County, Kansas according to the plat thereof recorded with the Register of Deeds of Johnson County, Kansas:

Prairie Village
(Name of Subdivision Plat)

Plat
Date: May 2, 1941

Date Recorded: May 5, 1941
No. 289996 , Book 10 , Page 47

B. WHEREAS, the Prairie Village Homes Association is authorized and formed as a Kansas non-profit corporation for providing such improvements, maintenance, and other services for such subdivision under the following homes association declaration:

Prairie Village Homes Association
(Name of Association)

Homes Association Declaration
Date: May 5, 1941
Date Recorded: May 5, 1941
No. 289999, Book 26, Page 358

C. WHEREAS, a declaration of restrictions for such subdivision, as set forth below, sets forth various restrictive covenants encumbering the lots, blocks and properties within such subdivision, as follows:

Prairie Village
(Name of Subdivision)
Lots 1 - 34, Block 1
Lots 1 - 34, Block 2
Lots 1 - 34, Block 3
Lots 1 - 34, Block 4
Lots 1 - 16, Block 5

Declaration of Restrictions

Date: April 29,1941
Date Recorded: May 5, 1941
No. 289997, Book 26, Page 349

D. WHEREAS, such Declaration of Restrictions sets forth various restrictive covenants on the ownership, use, possession, and occupancy of properties within such subdivision; and

E. WHEREAS, one such restrictive covenant in such declaration prohibits the sale, use, possession, or occupancy of such properties by persons of the colored or Negro race, as follows:

> Declaration of Restrictions dated April 29, 1941, Prairie Village (insert name of subdivision plat), Sec. 2, stating "None of said land may be conveyed to, used, owned, or occupied by negroes as owners of tenants." *For example: "None of the said lots shall be conveyed to, used, owned, nor occupied by negroes as owners or tenants."*

F. WHEREAS, the Board of Directors of the Prairie Village Homes Association finds abhorrent and vigorously opposes restrictions on the sale, ownership, use, or occupancy of property because of race or color as provided in such declaration; and

G. WHEREAS, Kansas law, at K.S.A. Secs. 44-1016 and 44-101, prohibits as unlawful, various forms of housing and real estate discrimination because of a person's race, religion, color, sex, disability, familial status, national origin, or ancestry; and

H. WHEREAS, the State of Kansas has passed House Bill No. 2582, 2006 Regular Session of the Kansas Legislature ("House Bill No. 2582"), which prohibits restrictive covenants in violation of K.S.A. Secs. 44-1016 and 440-1017, based on race, religion, color, sex, disability, familial status, national origin, or ancestry; and

I. WHEREAS, House Bill No. 2582 permits and directs governing bodies of homes associations by a vote of any such governing body to amend declarations of restrictions, without a vote or consent of property owners and members of a homes association notwithstanding contrary provisions in such

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a declaration of restrictions as may be required for amendments thereof, to eliminate, delete, remove, release, and make naught provisions and restrictive covenants of such declarations as may be in violation of K.S.A. Secs. 44-1016 and 44-1017 as to race, religion, color, sex, disability, familial status, national origin, or ancestry; and

J. WHEREAS, the Board of Directors wishes to avail itself of the opportunity and authority to amend the aforesaid Declaration of Restrictions to eliminate, delete, remove, release, and make naught provisions thereof that prohibit the sale, use, possession, and occupancy because of race or color as provided in House Bill No. 2582;

Resolution

NOW, THEREFORE, BE IT RESOLVED on this day by the Board of Directors of the Prairie Village Homes Association that (a) the following section of the following declaration be and hereby is repealed, deleted, eliminated, removed, released, and made naught and, further, it shall in all respects be unenforceable and void; and (b) all properties subject to the declaration set forth below be and hereby are released from the restrictions of such section of such declaration set forth below, all as permitted and authorized by House Bill No. 2582:

Prairie Village
(Name of Subdivision)

Declaration of Restrictions
Section 2
Date: April 29, 1941
Recording Information:
No. 289997, Book 26, Page 349

BE IT FURTHER RESOLVED that the Secretary of the Homes Association and Board of Directors be and hereby is authorized and directed to lay before and record this Resolution of the Board of Directors of the Prairie Village Homes Association Amending Declaration of Restrictions forthwith with the Register of Deeds of Johnson County, Kansas.

Signatures of Members of the Board of Directors

Susan Forrest

Printed Name: SUSAN FORREST

Date: 09-11-07

Acknowledgement

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

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On this 11th day of Sept, 2007, before me, ~~SUSAN FORBES~~ Andre Brooks a notary public in and or said state, personally appeared SUSAN FORBES members of the Board of Directors of the Prairie Village Homeowners Association, a Kansas non-profit corporation, known to me to be the persons who executed the within instrument, who did say that they are all the members of the Board of Directors of the Prairie Village Homes Association, that they each executed the foregoing instrument on behalf of said Prairie Village Homes Association, by authority of articles and bylaws, and who further acknowledged to me that the execution of the foregoing instrument was the free act and deed of said persons, and that they executed the same for the purposes therein stated.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the place aforesaid, the day and year first above written.

ANDRE BROOKS
Notary Public State of Kansas
My Appt Exp 8/12/2011

Notary Public

Printed Name: Andre Brooks

My Commission Expires:

8/12/2011

Signatures of Members of the Board of Directors

Printed Name: Ashley Weaver

Date: 9-13-2007

Acknowledgement

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

On this 13th day of September, 2007, before me, Kenneth Boling a notary public in and or said state, personally appeared Ashley Weaver members of the Board of Directors of the Prairie Village Homes Association, a Kansas non-profit corporation, known to me to be the persons who executed the within instrument, who did say that they are all the members of the Board of Directors of the Prairie Village Homes Association, that they each executed the foregoing instrument on behalf of said Prairie Village Homes Association, by authority of articles and bylaws, and who further acknowledged to me that the execution of the foregoing instrument was the free act and deed of said persons, and that they executed the same for the purposes therein stated.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the place aforesaid, the day and year first above written.

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KENNETH BOLING
Notary Public - State of Kansas
My Appt. Exp.

Notary Public

Printed Name: Kenneth Boling

My Commission Expires:

10/10/2009

KENNETH BOLING
Notary Public - State of Kansas
My Appt. Exp. 10/10/2009

Signatures of Members of the Board of Directors

Printed Name: Sharon M. Chinnery

Date: 9/14/07

Acknowledgement

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

On this 14 day of September, 2007, before me, Julie M. Blocher a notary public in and or said state, personally appeared Sharon M. Chinnery members of the Board of Directors of the Homes Association, a Kansas non-profit corporation, known to me to be the persons who executed the within instrument, who did say that they are all the members of the Board of Directors of the Prairie Village Homes Association, that they each executed the foregoing instrument on behalf of said Prairie Village Homes Association, by authority of articles and bylaws, and who further acknowledged to me that the execution of the foregoing instrument was the free act and deed of said persons, and that they executed the same for the purposes therein stated.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the place aforesaid, the day and year first above written.

JULIE M. BLOCHER
Notary Public - State of Kansas
My Appt. Expires 08/10/2011

Notary Public

Printed Name: Julie M. Blocher

My Commission Expires:

08/10/2011

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Signatures of Members of the Board of Directors

William T. Chinnery

Printed Name: WILLIAM T. CHINNERY

Date: 9-14-07

Acknowledgement

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

On this 14 day of September, 2007, before me, Julie M. Blocher a notary public in and or said state, personally appeared William T. Chinnery members of the Board of Directors of the Homes Association, a Kansas non-profit corporation, known to me to be the persons who executed the within instrument, who did say that they are all the members of the Board of Directors of the Prairie Village Homes Association, that they each executed the foregoing instrument on behalf of said Prairie Village Homes Association, by authority of articles and bylaws, and who further acknowledged to me that the execution of the foregoing instrument was the free act and deed of said persons, and that they executed the same for the purposes therein stated.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the place aforesaid, the day and year first above written.

JULIE M. BLOCHER
Notary Public - State of Kansas
My Appt. Expires 08/10/2011

Julie M. Blocher
Notary Public

Printed Name: Julie M. Blocher

My Commission Expires:

08/10/2011

Signatures of Members of the Board of Directors

Richard W. Haun

Printed Name: RICHARD W. HAUN

Date: 09/14/07

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Acknowledgement

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

On this 14 day of September, 2007, before me, Megan A. Miller a notary public in and or said state, personally appeared Richard W. Hawn members of the Board of Directors of the Homes Association, a Kansas non-profit corporation, known to me to be the persons who executed the within instrument, who did say that they are all the members of the Board of Directors of the Prairie Village Homes Association, that they each executed the foregoing instrument on behalf of said Prairie Village Homes Association, by authority of articles and bylaws, and who further acknowledged to me that the execution of the foregoing instrument was the free act and deed of said persons, and that they executed the same for the purposes therein stated.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the place aforesaid, the day and year first above written.

Megan A. Miller
Notary Public

Printed Name: Megan A. Miller

My Commission Expires:

July 29, 2008

MEGAN A. MILLER
NOTARY PUBLIC • STATE OF KANSAS
MY APPT. EXPIRES 7/29/2008

Signatures of Members of the Board of Directors

Susan Spencer

Printed Name: Susan Spencer

Date: Oct. 27, 2007

Acknowledgement

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

VICKI WARRIOR
NOTARY PUBLIC - State of Kansas
My Appt. Exp. 8/3/09

On this 27th day of October, 2007, before me, Vicki Warrior a notary public in and or said state, personally appeared Susan L. Spencer members of the Board of Directors of the Prairie Village Homes Association, a Kansas non-profit corporation, known to me to be the persons who executed the within instrument, who did say that they are all the members of the Board of Directors of the Prairie Village Homes Association, that they

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each executed the foregoing instrument on behalf of said Prairie Village Homes Association, by authority of articles and bylaws, and who further acknowledged to me that the execution of the foregoing instrument was the free act and deed of said persons, and that they executed the same for the purposes therein stated.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the place aforesaid, the day and year first above written.

MARY J. HARP
Notary Public - State of Kansas
My Appt. Expires Sept. 2, 2009

Mary J Harp
Notary Public

Printed Name: MARY J HARP

My Commission Expires:

9-2-09

Signatures of Members of the Board of Directors

Michelle Nash

Printed Name: Michelle Nash

Date: 9/19/07

Acknowledgement

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

On this 19 day of September, 2007, before me, Mary J. Harp a notary public in and or said state, personally appeared Michelle Nash members of the Board of Directors of the Prairie Village Homes Association, a Kansas non-profit corporation, known to me to be the persons who executed the within instrument, who did say that they are all the members of the Board of Directors of the Prairie Village Homes Association, that they each executed the foregoing instrument on behalf of said Prairie Village Homes Association, by authority of articles and bylaws, and who further acknowledged to me that the execution of the foregoing instrument was the free act and deed of said persons, and that they executed the same for the purposes therein stated.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the place aforesaid, the day and year first above written.

MARY J. HARP
Notary Public - State of Kansas
My Appt. Expires Sept. 2, 2009

Mary J Harp
Notary Public

Printed Name: MARY J HARP

20071107-0001865 11/07/2007
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JO CO KS BK:200711 PG:001865

My Commission Expires:

_____

Signatures of Members of the Board of Directors

Printed Name: SUSAN BRITTON

Date: 27Oct07

Acknowledgement

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

On this 27th day of October, 2007, before me, ~~Susan Britton~~ Vicki Warrior a notary public in and or said state, personally appeared SUSAN Britton members of the Board of Directors of the PRAIRIE VILLAGE HOMES Association, a Kansas non-profit corporation, known to me to be the persons who executed the within instrument, who did say that they are all the members of the Board of Directors of the Prairie Village Homes Association, that they each executed the foregoing instrument on behalf of said Prairie Village Homes Association, by authority of articles and bylaws, and who further acknowledged to me that the execution of the foregoing instrument was the free act and deed of said persons, and that they executed the same for the purposes therein stated.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the place aforesaid, the day and year first above written.

VICKI WARRIOR
NOTARY PUBLIC - State of Kansas
My Appt. Exp. 8/3/09

Vicki Warrior
Notary Public

Printed Name: Vicki Warrior

My Commission Expires:

8/3/09

Signatures of Members of the Board of Directors

Printed Name: Jori Nelson

20071107-0001865 11/07/2007
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JO CO KS BK:200711 PG:001865

Date: 11/3/07

Acknowledgement

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

On this 3rd day of November, 2007, before me, ~~Jori Nelson~~ Robin Gaona notary public in and or said state, personally appeared Jori Nelson members of the Board of Directors of the Prairie Village Homes Association, a Kansas non-profit corporation, known to me to be the persons who executed the within instrument, who did say that they are all the members of the Board of Directors of the Prairie Village Homes Association, that they each executed the foregoing instrument on behalf of said Prairie Village Homes Association, by authority of articles and bylaws, and who further acknowledged to me that the execution of the foregoing instrument was the free act and deed of said persons, and that they executed the same for the purposes therein stated.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the place aforesaid, the day and year first above written.

Notary Public

Printed Name: Robin Gaona

My Commission Expires:

ROBIN GAONA
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 4-8-8

BEING ALL MEMBERS OF THE BOARD OF DIRECTORS

Secretary's Certification

The undersigned, as the Secretary of the Board of Directors of the Prairie Village Homes Association, on this 12th day of August, 2007, certifies that the above and foregoing resolution was duly passed by a vote of the Board of Directors of the Prairie Village Homes Association on the 12th day of August, 2007 as aforesaid.

Secretary
Prairie Village Homes Association

20071107-0001865 11/07/2007
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Register of Deeds T20070046793
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Printed Name: Sharon M Chinnery

Date: 9/14/07

20071107-0001865 11/07/2007
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MAYOR

Council Meeting Date: January 4, 2021

COU2021-01 Consider appointment of Chief of Police

RECOMMENDATION

Mayor Mikkelson requests Council ratification of the appointment of Byron Roberson to serve as Chief of Police for the City of Prairie Village, with an anticipated starting date of January 4, 2021.

MOTION

Move to ratify Mayor Mikkelson's appointment of Byron Roberson as Chief of Police.

BACKGROUND

Major Roberson has been with the Police Department for 25 years and is currently serving as Deputy Chief of Police. The City looks forward to working with Byron in his new role as our Police Chief.

Mayor Mikkelson has met with Major Roberson to discuss his expectations and goals for the position. Major Roberson has also met with the City Administrator, Wes Jordan, to discuss the same and concurs with the Mayor's recommendation. Mayor Mikkelson has talked with Mayor Dickey from Mission Hills and he is also in agreement that Major Roberson has demonstrated the qualifications, leadership, and experience to be an excellent Chief of Police for both Prairie Village and Mission Hills.

ATTACHMENTS

Major Roberson's Bio

PREPARED BY

Adam Geffert
City Clerk
Date: December 30, 2020

Chief Byron K Roberson

Byron Roberson will be the 7th Chief of Police in the history of the Prairie Village Police Department when he is appointed on Jan 4th, 2021. Byron began his Law Enforcement career at the City of Plattsburg, Missouri where he served as a Police Officer for two years. Byron has served the City of Prairie Village and Mission Hills Kansas for over 25 years starting his career as a Police Officer in 1995. During his career at Prairie Village, he has served as a Field Training Officer, Narcotics Detective and Shift Supervisor. Byron taught firearms and tactics for several years and was the Department Range Master for ten years. As a Police Commander, he managed the Patrol Division. Byron was appointed Deputy Chief of Police in April 2019. Byron holds a Bachelor's Degree in Criminal Justice from Jackson State University, Jackson Miss and a Master's Degree in Administration of Justice from the University of Central Missouri. Byron is an Adjunct Professor in the Criminal Justice Department at the University of Missouri Kansas City. He is a graduate of the 369th Session of Northwestern University's School of Police Staff and Command and also a graduate of the 269th Class of the FBI National Academy.

MAYOR

City Council Meeting Date: January 4, 2021

COU2021-02 Consider Election of 2021 Council President

RECOMMENDATION
Hold a City Council election to select the next Council President to serve from January 2021 to January 2022.

MOTION
Move to ratify the election of Courtney McFadden as the new Council President.

BACKGROUND
Chapter I, Article II of the Prairie Village Municipal Code stipulates that the City Council elects one Council Member to serve as President of the Council. The Council President presides at all meetings of the Council in the absence of the Mayor. Current practice has been to elect the longest serving Council Member who has not yet served as Council President. Mrs. Courtney McFadden has been on City Council since April 2016.

ATTACHMENTS
N/A

PREPARED BY
Adam Geffert
City Clerk
Date: December 30, 2020

ADMINISTRATION

Council Meeting Date: January 4, 2021

COU2021-03: Consider Ratification of the 2021 Legislative Platform

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RECOMMENDATION
Make a motion to approve COU2021-03: Ratification of the 2021 Legislative Platform

BACKGROUND
At the December 21 meeting, the Council Committee of the Whole voted to change the City's 2021 legislative platform by endorsing the League of Kansas Municipalities 2021 Statement of Municipal Policy and identifying the top seven legislative priorities for the City in 2021. The identified priorities were as follows:

1. Non-Discrimination
2. Repeal of the Tax Lid
3. Dark Store Theory
4. Addressing the Climate Crisis as a Public Policy Priority
5. State Funding of Public Education
6. Internet Sales Tax Collection
7. Local control

The CCOW directed staff to put together a revised platform that reflected these priorities, which is attached for the Council's review and ratification.

ATTACHMENTS
2021 Legislative Platform
2021 LKM Statement of Municipal Policy

PREPARED BY
Jamie Robichaud
Deputy City Administrator
Date: December 29, 2020

CITY OF PRAIRIE VILLAGE

2021 LEGISLATIVE PRIORITIES

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The City of Prairie Village endorses the League of Kansas Municipalities 2021 Statement of Municipal Policy. In addition, the following topics are the top legislative priorities for the City of Prairie Village in 2021:

2021 LEGISLATIVE PRIORITIES

NON-DISCRIMINATION

We strongly believe all people should be treated fairly and equally under the law. However, in Kansas, a gap currently exists in the applicable state and federal discrimination laws leaving LGBTQ people without protection from discrimination in housing, employment, and public accommodations. While the City of Prairie Village has passed a local non-discrimination ordinance to fill this gap, we urge the State to pass legislation to extend these protections state-wide.

TAX POLICY & DARK STORE THEORY

We support stable revenue sources and urge the Kansas Legislature to avoid applying any further exemptions to the ad valorem property tax base, including exceptions for specific business entities or the state/local sales tax base, as well as industry-specific special tax treatment through exemptions or property classification. The local tax burden has shifted too far to residential property taxes due to state policy changes. We do not support changes in State taxation policy that would narrow the tax base or significantly reduce available funding for key programs. These changes put Kansas counties and cities at a competitive sales tax disadvantage with Missouri. We also strongly support legislation that would require commercial properties to be appraised and valued based on their highest and best use and oppose any legislation that would allow commercial properties to utilize the "dark store theory" to appeal their assessed valuations. Municipalities rely on property tax revenue from large commercial retailers to pay for their share of essential city services. Any change in the way these properties are valued will have a detrimental impact to municipal operations and will result in the property tax burden shifting to residential property owners to make up for lost revenue.

TAX LID REPEAL

We strongly oppose any state imposed limits on the taxing and spending authority of cities and counties and urge the repeal of the property tax lid legislation passed during the 2015 session and revised in the 2016 session of the Kansas Legislature. We believe those elected to manage the affairs of cities and counties can be most responsive to the local taxpayers and make budget and tax decisions that are most reflective of the community's needs and financial interests. We note that these same taxing and spending limits on cities and counties were not placed on state government. State government should abide by the same taxing and spending decisions as they impose upon cities and counties. Absent repeal, the state-imposed tax lid on local governments should be modified to require a public vote based on a protest petition provision. Additionally, the Kansas Legislature should review and consider including appropriate exemptions that existed largely under the prior tax lid but were not included in the current law, such as human resources costs, KPERS, intellectual and development disabilities costs, transit equipment, and mental health services, among other items. Further, the Kansas Legislature should review and consider amending the current statute to include a "hold harmless" provision that would allow local governments to lower property tax rates, and within the subsequent five years, return the property tax rate to prior level if necessary.

KANSAS.COM

ADDRESSING THE CLIMATE CRISIS AS A PUBLIC POLICY PRIORITY

We urge state government to recognize the consensus reached by the scientific community, including the United Nations Intergovernmental Panel on Climate Change, that climate change poses a global economic, social, and public safety crisis. At all levels of government, policy makers should elevate sustainability, carbon emission reduction, and carbon capture to be included among the top line of policy priorities.

INTERNET SALES TAX COLLECTIONS

The inability of governments to collect local option sales or compensating use tax on remote sales continues to erode a viable and fair revenue source. The League supports state legislation establishing a program to help the state collect state and local sales and compensating use taxes due from in-state purchasers. Remitted taxes should be distributed using existing methods/formulas for the state and local governments. The City further supports the adoption of the safe harbor provisions as used by South Dakota to ensure constitutional compliance with the recent U.S. Supreme Court decision in South Dakota v. Wayfair, Inc et al, 138 S Ct. 2080 (2018).

STATE FUNDING OF PUBLIC EDUCATION

We strongly support constitutionally adequate, equitable, and responsible funding for the public school system to a level that places Kansas among the leading states in support of a "world class" education. We oppose any further reduction in school funding, including any constitutional amendment releasing the legislature from this important duty. We also urge the state government to fund special education at the level required by K.S.A. 72-3422.

LOCAL CONTROL

Our local communities across the state are best served and residents' values and standards are best reflected when local taxing and spending are determined by local voters and taxpayers. We support the retention and strengthening of local home rule authority to allow locally elected officials to conduct the business of their jurisdiction in a manner that best reflects the desires of their constituents and results in maximum benefit to that community.

2021 Statement of Municipal Policy

THE LEAGUE OF KANSAS MUNICIPALITIES

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Mission Statement

The mission of the League shall be to strengthen and advocate for the interests of the cities of Kansas to advance the general welfare and promote the quality of life of the people who live within our cities.

Governing Body

President
Sara Caylor
Mayor Pro Tem, Ottawa

Vice President
Jason Jones
Councilmember, Hesston

Immediate Past President
John McTaggart, Mayor, Edwardsville

Past Presidents
Mike Boehm, Mayor, Lenexa
Daron Hall, City Manager, Pittsburg
Carl Gerlach, Mayor, Overland Park
Terry Somers, Mayor, Mount Hope

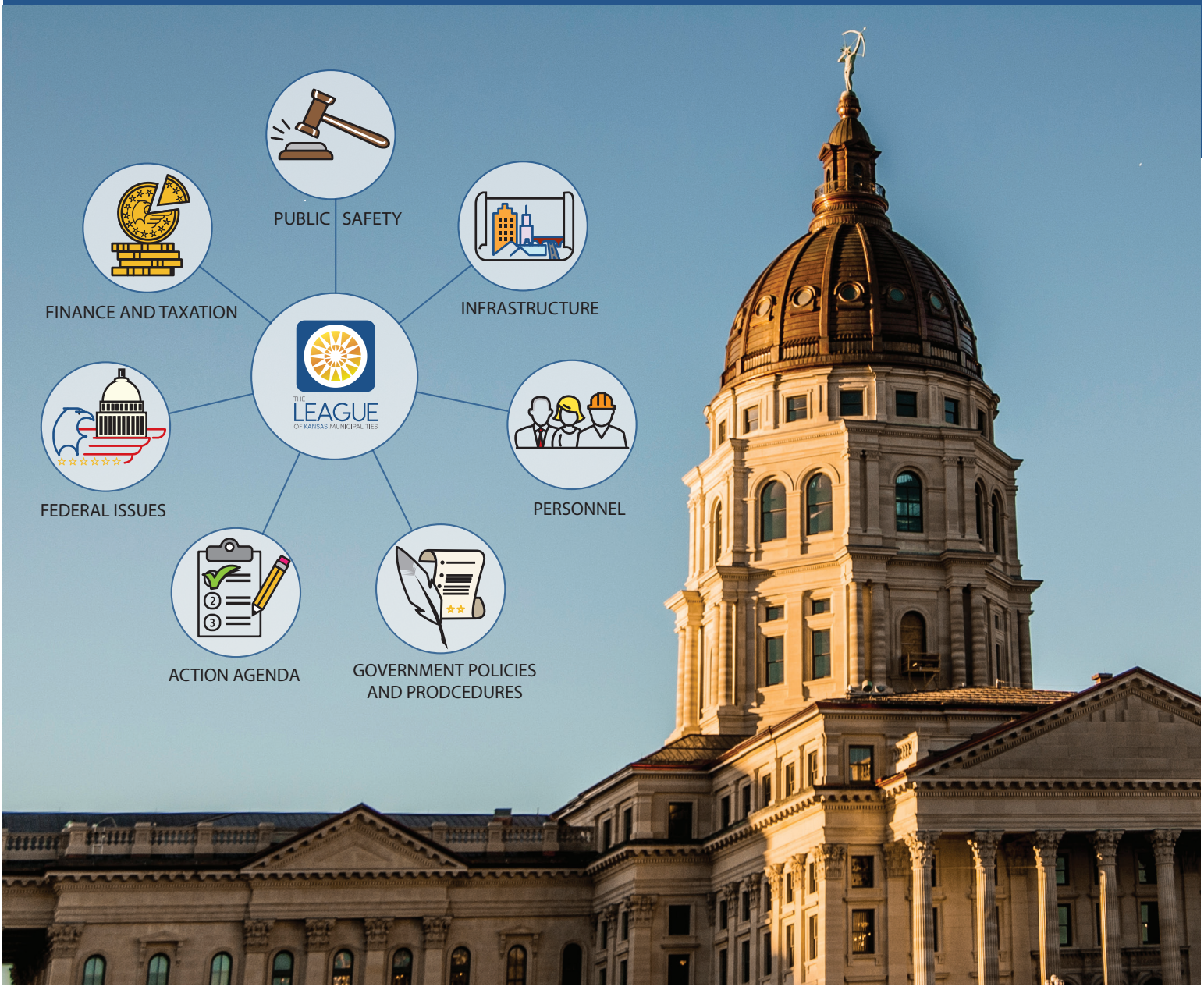
Directors
Gary Adrian, Mayor, Colby
David Alvey, Mayor, Unified Government of Wyandotte County/Kansas City
Becky Berger, City Manager, Atchison
Thomas Brown, Mayor, McPherson
Brenda Davis, City Clerk, Scott City
Michelle De La Isla, Mayor, Topeka
John Dudte, City Administrator, Chapman
Mark Govea, Mayor, Osawatomie
Julie Lyon, Mayor, Stafford
Troy Tabor, Council President, Andover
Joyce Warshaw, Commissioner, Dodge City
Toni Wheeler, City Attorney, Lawrence
Brandon Whipple, Mayor, Wichita
J. Michael Wilkes, City Manager, Olathe

Executive Director
Erik Sartorius

About the League

Supporting Kansas Cities

The League of Kansas Municipalities is a membership association that advocates on behalf of cities, offers training and guidance to city appointed and elected officials, and has a clear purpose of strengthening Kansas communities. Since 1910, the League has been a resource for cities across Kansas and has acted as a body to share ideas, facilitate communication between members and provide information on best practices in city operations.



LEGISLATIVE PRIORITIES

The prosperity of the State of Kansas is absolutely dependent upon the prosperity of our cities. Over 83% of Kansans live in an incorporated city. In an effort to promote healthy and sustainable communities, the elected and appointed city officials of Kansas hereby establish the following as our legislative priorities for 2021:

Home Rule. Consistent with the Home Rule Amendment of the Kansas Constitution approved by voters in 1960, we support local elected officials making decisions for their communities, particularly local tax and revenue decisions.

Property Taxes. We recognize in areas of the state there is a large reliance on property taxes to fund local and state government. All property taxing authorities, including cities, counties, the state, school districts, special districts, and community colleges should be equally transparent, and have to abide by the same limitations, restrictions and requirements. Any additional transparency measures should not be burdensome or costly. We encourage the state and local governments to work on making government more efficient and recognize the need to work together on innovative approaches to reduce reliance on property taxes. In addition, we call on the state to authorize alternative revenue options for local governments.

Tax Lid Repeal. We support repeal of the property tax lid.

Internet Sales Tax Collections. The inability of governments to collect local option sales or compensating use tax on remote sales continues to erode a viable and fair revenue source. The League supports state legislation establishing a program to help the state collect state and local sales and compensating use taxes due from in-state purchasers. Remitted taxes should be distributed using existing methods/formulas for the state and local governments.

Property Valuation. We support appraisals based on fair-market value as historically used in Kansas. We oppose caps in property valuations as unconstitutional and inequitable.

Budget Timeline. The current statutory framework for the adoption of municipal budgets makes it difficult for cities to plan for budgets that must be presented to governing bodies five months before the start of the fiscal year. We support legislation to allow the adoption of City budgets by November 30 but keep the August 25 deadline for certification of the amount of ad valorem tax revenue needed.

EMS/Hospital Funding. Municipal hospitals and emergency medical services (EMS) are challenged in meeting their communities' needs. We support the expansion of Medicaid in Kansas to allow such entities access to federal funding, helping cities maintain and provide critical services for their citizens. If the Legislature fails to approve Medicaid Expansion, additional state funding needs to be made available to rural hospitals in order to retain businesses and their employees and sustain the health and lives of Kansans.

Mental Health. We support allocating additional resources for mental health programs. Funds should be allocated for community mental health centers and additional bed space for patients with mental health issues.

Police Reform. We support the work of our local police departments to make our communities safer for all. Any federal or state proposals for police reform should be focused on providing resources for local law enforcement, incentivizing transparency, and encouraging good police practices, including equity and justice.

Special District Consolidation. The current statutory framework requires separate legislation every time a special district of government consolidates into a city. We support statutory changes creating a uniform process for smaller units of government to consolidate into cities when it is in the best interest of the city.

FINANCE & TAXATION

An adequate source of revenue is necessary to fund the essential services of city government. Each city is unique in both services provided and the ability to pay for such services; maximum flexibility should be granted to local governing bodies to determine the amount and source of funding for city services.

Internet Sales Tax Collections. The inability of governments to collect local option sales or compensating use tax on remote sales continues to erode a viable and fair revenue source. The League supports state legislation establishing a program to help the state collect state and local sales and compensating use taxes due from in-state purchasers. Remitted taxes should be distributed using existing methods/formulas for the state and local governments. The League further supports the adoption of the safe harbor provisions as used by South Dakota to ensure constitutional compliance with the recent U.S. Supreme Court decision in South Dakota v. Wayfair, Inc et al., 138 S. Ct. 2080 (2018) in order to bring tax fairness to Kansas brick-and-mortar businesses.

Tax/Spending Lid. Local spending and taxing decisions are best left to the local officials representing the citizens that elected them. We strongly oppose any state-imposed limits on the taxing and spending authority of cities and support repeal of the property tax lid.

Tax Lid. We support repeal of the tax lid. If repeal of the tax lid does not occur, the cost of elections and timing of the budget approval process, in coordination with such an election, make the tax lid unfeasible. We support removing the election process under the tax lid and replacing with a protest petition. We support additional exemptions to make the law more workable.

Property Valuation. We support appraisals based on fair-market value as historically used in Kansas. We oppose caps in property valuations as unconstitutional and inequitable.

Mandatory Spending. We oppose any law that requires a city spend a certain threshold to receive and maintain state dollars. All spending decisions should remain at the local level.

LAVTR. The State Legislature, as required by Kansas statutes, should help to relieve the burden on property taxpayers by funding the Local Ad Valorem Tax Reduction (LAVTR) program. This should include keeping the promises made with reference to the machinery and equipment mitigation legislation, future gaming revenues and the existing statutory formula.

EMS/Hospital Funding. Municipal hospitals and emergency medical services (EMS) are challenged in meeting their communities' needs. We support the expansion of Medicaid in Kansas to allow such entities access to federal funding, helping cities maintain and provide critical services for their citizens. If the Legislature fails to approve Medicaid Expansion, additional state funding needs to be made available to rural hospitals in order to retain businesses and their employees and sustain the health and lives of Kansans.

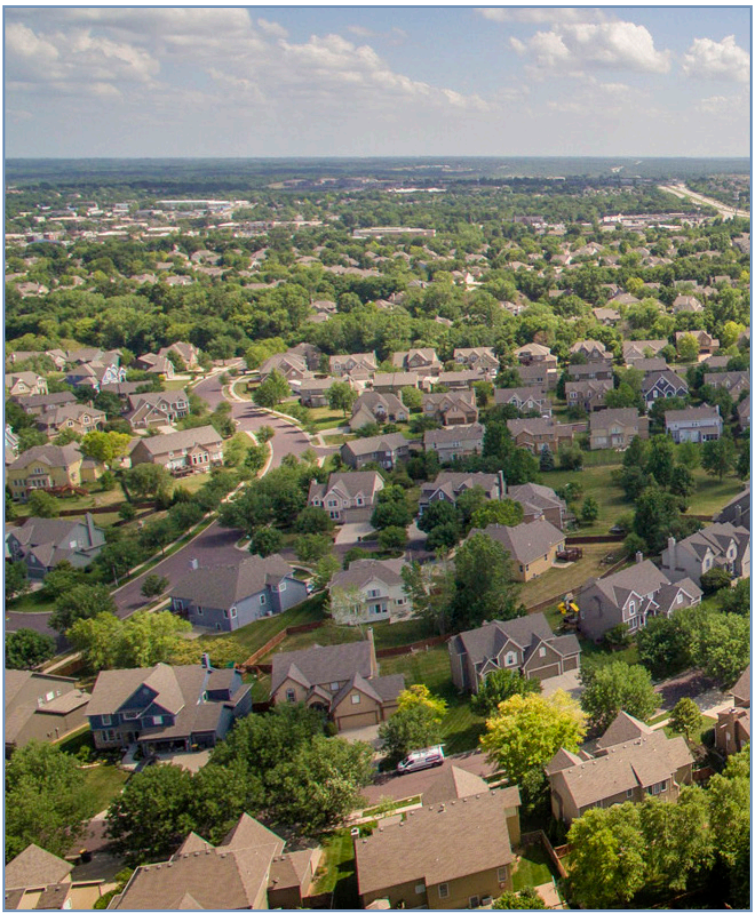
Tax Policy. The League supports the long-established philosophy of balancing revenue from income, sales, and property taxes to assure the fiscal ability of the state and local governments to provide the services citizens want and need. Changes to tax policies should not be undertaken without a full understanding of the overall impact upon all taxpayers, taxing entities, and the sources and amounts of tax revenues to be generated or eliminated by such policy changes.

Budget Timeline. The current statutory framework for the adoption of municipal budgets makes it difficult for cities to plan for budgets that must be presented to governing bodies five months before the start of the fiscal year. We support legislation to allow the adoption of City budgets by November 30 but keep the August 25 deadline for certification of the amount of ad valorem tax revenue needed.

Finance Policies. Cities should be allowed to set financial policies in-line with bond rating requirements and other generally accepted best practices for municipal management.

Property Taxes. We recognize in areas of the state there is a large reliance on property taxes to fund local and state government. All property taxing authorities, including cities, counties, the state, school districts, special districts, and community colleges should be equally transparent, and have to abide by the same limitations, restrictions and requirements. Any additional transparency measures should not be burdensome or costly. We encourage the state and local governments to work on making government more efficient and recognize the need to work together on innovative approaches to reduce reliance on property taxes. In addition, we call on the state to authorize alternative revenue options for local governments.

Property Tax Exemptions. We support a broad tax base and believe the existing property tax base should be protected. We encourage the Legislature to resist any proposal to further exempt any specific property classification from taxation, including industry-specific exemptions. We support the current statutory definition of machinery and equipment and the exemption should not be expanded. The Legislature should actively review existing exemptions to determine if they should continue or be repealed.



Sales Tax. Kansas should have a broad sales tax on all goods and services. Cities should be able to impose voter-approved local sales taxes. Sales tax exemptions should be limited to those for which the benefit outweighs the tax dollars lost.

Unfunded Mandates. We oppose unfunded mandates. If the state or federal governments seek to promote particular policy objectives, such mandates should be accompanied by an appropriate level of funding.

City and County Revenue Sharing. The State Legislature should fund existing city and county revenue sharing programs as required by Kansas statutes.

Alternative Revenue Sources. Cities should be authorized to approve alternative revenue sources in order to maintain appropriate levels of funding for the health, safety and welfare of our citizens.

Telecommunications Taxes. We support cities' continued ability to impose and collect taxes and fees on telecommunications providers.

Banking and Investment Restrictions. We support maximum banking and investment choices for local government. At a minimum, all cities, counties and school districts should have the same banking and investment authority the state has granted to itself.

Federal Loan Programs. We support changes to allow local governments to participate directly in federal loan programs.

Tax credits. We support the continued availability of tax credits as a tool for economic development.

Summary Publication of Resolutions. We support legislation allowing cities to publish a summary of a resolution, with the full text of any resolution posted on the city's official website, in lieu of publication of the full resolution.

Taxes Paid Under Protest. Due to the effect that taxes paid under protest can have on cities, the state and the county where the city is located should be required to notify cities when taxes, including compensating use and ad valorem taxes, are paid under protest so that cities have accurate data when making budgetary decisions.

Expanded Gaming. If the State Legislature authorizes expanded gaming, cities should receive funds to offset the impact, similar to agreements for other gaming that occurs in Kansas.

PUBLIC SAFETY

Cities play a critical role in the protection of the health and safety of the citizens of Kansas. Because mandated programs are costlier and less efficient, government at all levels should cooperate in the development of health and safety programs.

Asset Forfeiture. We support the use of asset forfeiture as an important component in reducing financial gains from criminal acts while providing civil due process. All assets forfeited, or the proceeds of the sale of the same, should remain with the local government that seizes the property.

Municipal Court. Municipal courts serve a vital role protecting an individual's right to equal protection under the law following arrest or detainment. We support the local control of, and judicial authority of, municipal courts. All assessed court funds under a municipal court order, other than restitution collected and payable to a third party and state assessments paid under K.S.A. 12-4117, shall be retained by the local municipality. We support municipalities' ability to set appropriate fines and fees. We support increased use of audio-visual technology to allow greater flexibility and access to the judicial system.

Law Enforcement and Public Safety. We believe cooperative efforts, rather than state and federal mandated requirements, are vital to the efficient and effective development of local law enforcement and public safety programs.

Emergency 911 Services. Cities and counties should maintain local control of the 911 system and the 911 tax should continue to include both wireline and wireless communications. We support legislation providing flexibility for local governments to utilize these funds to provide emergency services. 911 funds should not be diverted by the legislature for other uses.

Emergency Management. Because cities play a crucial role in effective emergency management, implementation strategies must promote cooperative efforts between federal, state and local governments. Changes to the Emergency Management Act should consider the role of the city in responding to disasters.

Medical Charges. The cost of health care services for prisoners and individuals in custody is a growing concern for cities. We strongly believe the first person responsible for the payment of medical costs should be the individuals in custody. Another needed change, to begin addressing these costs, is to clarify that the entity charging for a crime is responsible in the event those costs cannot be recovered. We support the pooling of resources between all state and local law enforcement agencies.

Law Enforcement Discretion. We support local governments' discretion in establishing law enforcement vehicle pursuit policies and the ability of law enforcement officers to use discretion in determining when to make an arrest.

Service Animal Fraud. We recognize the important role service animals play for the disabled community. The use of such animals is being tainted, by service animal fraud. We support strengthening and redefining the crime of service animal fraud to disincentivize individuals from asserting their animal is a service animal in order avoid vicious animal, exotic, livestock, or breed-specific ordinances.

Alcohol & CMB Regulation. We support the authority of cities to license and regulate alcoholic liquor and cereal malt beverage retailers and establishments.

Medical Marijuana. The Legislature should carefully weigh the impact of medical marijuana on law enforcement and human resources. In addition, medical marijuana should be subject to existing state and local sales tax and cities should be able to levy their own excise fees and receive a portion of any state funds to offset the impact of medical marijuana. Also, cities should have the ability to opt-in to allowing dispensaries in their city. Kansas should only allow the cultivation and processing of medical marijuana and THC in licensed facilities and should not allow residential grow operations of any sort. In addition, Kansas should delay implementation to give time to study any issues that might result from the passage of medical marijuana legislation.

Firearms and Weapons. We support the local regulation of firearms and weapons.

Homeland Security. First responders at the local level serve as the front-line defense in the prevention and response to terrorism and other security risks. Local governments should be granted maximum flexibility and discretion over implementation of monies and strategies regarding homeland security.

Regulation. Any regulation should balance the costs to the benefit of the regulation. Existing regulations that no longer pass this balancing test should be repealed.

Cybersecurity. Organizations of every size constantly face cyber-related incidents. We encourage the State to provide collaborative discussions, training programs, and feasibility studies for the impact of cyber-attacks on cities. Cities will use information provided by the state government to determine best practices and policies for municipal implementation.

Scrap Metal. Cities are currently preempted from regulating scrap metal. We support a narrowing of this preemption so that cities can address issues at the local level.

Mental Health. We support allocating additional resources for mental health programs. Funds should be allocated for community mental health centers and additional bed space for patients with mental health issues.

INFRASTRUCTURE

Cities construct, manage, operate and maintain numerous infrastructure components that provide a high quality of life. Infrastructure involving transportation, municipal utilities, energy services, and water and environmental structures are all dependent on the ability of local officials to self-determine what's appropriate for their own communities. This self-governance relies on the expectation of cooperation from the state government and full funding as required by law under current statutory programs from both the state and federal government.

TRANSPORTATION

Connecting Links. The State should maintain KDOT's funding for connecting link programs at the FY 2020 level for cities to provide for the maintenance of state highways within city limits. We support full funding of the City Connecting Link Improvement Program (CCLIP).

City-County Highway Fund. The City-County Highway Fund is essential to maintaining local roads and bridges and should be fully funded and not be diverted for other purposes. Such funding should include the transfer of fees from the registration of out-of-state commercial vehicles, as directed by K.S.A. 9-3425i. The proceeds from any increases to the motor fuel tax rates should be allocated in accordance with current statutory provisions.

Comprehensive Transportation Program. We support full funding of the Eisenhower Legacy Transportation Program. We oppose any use of these funds to balance the state's General Fund budget. Any reduction in funding jeopardizes existing programs.

Transportation Safety. The State should work in cooperation with local governments to continue to provide safe roads and bridges within Kansas. The State should focus on all users of the transportation systems and recognize that a system that is designed for use by pedestrians, bicycles, and vehicles is safer and more economically prosperous for all Kansans.

Transportation Maintenance. Because transportation infrastructure is critical to state and local development activities, we support the continued maintenance of the transportation infrastructure in Kansas. We further support continued funding to support multimodal transportation networks, including for mass transit, biking, and walking infrastructure.

Electric Charging Station Infrastructure. We support the expansion of electric charging station infrastructure throughout the state in order to increase the pace of electric vehicle adoption and positively impact local communities. We support a change to allow sales of electricity at EV charging stations and for EV charging stations to not be classified as regulated utilities.

Airport Funding. We support the continued use of state economic development dollars (EDIF funds) to enhance airport facilities and services.

Transportation Development Districts. We support the continued ability of cities to establish transportation development districts to meet the economic development and transportation infrastructure needs in the community.

Recreational Trails. We support the development of recreational trails, including rails to trails, aquatic trails, and hike-and-bike on levee trails projects, and oppose any legislation that would make such development more burdensome or costly.

Rail Service. We support existing and enhanced passenger and freight rail service in Kansas and seek a strong partnership with the state and federal government to achieve meaningful improvements.

Uniform Traffic Code. We support a comprehensive review and recodification of the Uniform Traffic Code.

Utilities

Broadband. Access to reliable broadband service is increasingly important to the economic health of Kansas cities. We support the establishment of the Broadband Deployment Grant Fund to facilitate broadband expansion in Kansas. Guidance for the grant program and broadband-related statutes must recognize the important role local governments play in such expansion and not remove important planning and right of way authority from local governments.

Service Territory. Municipalities must retain the authority to purchase, construct, or extend the infrastructure necessary to supply the cities and their inhabitants with public utilities, including electric services. We believe in the current statutory framework which allows cities' jurisdictional limits to change over time, due to the annexation of land, including land located within the service territory of another utility provider.

Municipal Operation. We support the ability of cities to operate municipal gas, water, electric, sewer, telecommunications, broadband, solid waste, stormwater or other utility services. We further support the ability of cities to set and control the rates for locally owned and operated utilities, and support the current defined service territory statutes.

Right of First Refusal. We support municipal utilities having the ability to invest in new electric/transmission projects in order to provide reliable, affordable service to local customers. We oppose efforts prohibiting competition for transmission projects in Kansas.

Franchise Authority. We oppose any legislation restricting the current franchise authority for cities, including limits on franchise fees.

Mandates. We oppose unfunded federal and state mandates regulating the operation of municipal gas, water, electric, sewer, telecommunications, solid waste, stormwater utilities or other utility services. Any mandates passed down to cities should not be imposed without a cost-benefit analysis and should be accompanied by appropriate funding. In addition, regulations should provide for a reasonable implementation schedule.

Public Water Supply Supervision Program. We support changes to the statutory language increasing the funding stability for the Kansas Department of Health and Environment's Public Water Supply Supervision program. These changes must balance municipal cost concerns and recognize the state has a responsibility to contribute to these important public health matters. In addition, we recognize a need to update standards to meet federal clean drinking water standards.

Right-of-Way. Cities must maintain their ability to regulate the public right-of-way and recover reasonable compensation for use of the right-of-way. Kansas policy should not be dictated by overreaching federal mandates. We oppose efforts to codify at the state level federal directives limiting cities' powers.

Energy

Electric Utility Deregulation. Community-owned and operated municipal electric utilities make long-term power supply decisions and investments with the goal of benefiting their overall community. We support continued local control over power supply decisions.

Statewide Energy Policy. We support the development of a coordinated and comprehensive Energy Plan. Further, we support creative and cooperative implementation of renewable energy and energy efficient technologies that are environmentally sustainable and economically successful.

Energy Efficiency. Energy efficiency saves money, drives investment across all sectors of the economy, creates jobs, and reduces the environmental impact of energy use. Accordingly, we support public and private incentives to encourage energy efficiency and renewable energy.

Building Codes. We oppose any measures to preempt local building energy codes with respect to prohibiting the incentivization or requirement of net zero or net-zero ready building requirements.

Water and Environment

Water Quality. We support a clean and safe public water supply and the protection of public health and aquatic life. We endorse regional and cooperative solutions to water quality challenges that address point and non-point source pollution while balancing municipal cost concerns.

Water Quantity. Government at all levels should aggressively pursue the conservation, protection and development of current and future municipal water supplies. We support cost-effective efforts to extend the life of reservoirs and to expand reservoir storage for use by municipal water suppliers. We support immediate state action, in consultation with municipal providers, to address over-appropriated surface and groundwater resources while respecting priority of water rights. The water rights management tools that have been developed in recent years should be modified or expanded so that they provide the same type of flexibility and authority to any water rights holder regardless of class.

Water Planning. We support increased municipal representation on the Kansas Water Authority; broad-based revenue sources and distribution for the state Water Plan Fund; and a re-evaluation of the process for adopting the annual state Water Plan Fund budget.

Infrastructure Funding. We support increased federal and state funding to assist local communities with their water, wastewater, stormwater, levee and dam infrastructure and associated security needs.

Stormwater Management. We endorse regional and cooperative solutions to stormwater quality and quantity challenges that address point and non-point source pollution. We further endorse state measures to incentivize and enable investment in green infrastructure (e.g., street trees, use of native plants, etc.) to support sustainable communities.

Solid Waste. The home rule powers of cities to dispose of and manage municipal solid waste should not be restricted. This includes local control and decision-making surrounding recycling and composting programs.

Hazardous Waste. We support a comprehensive state-local approach to provide assistance in identifying hazardous wastes and to develop programs to monitor and dispose of such wastes. We encourage state agencies to work cooperatively with local governments in the development and approval of programs to identify, monitor and dispose of hazardous waste. Further, appropriate education and training should be provided prior to the implementation of such programs.

Clean Air. We support air quality controls and a state-developed air quality plan that protects the health and safety of Kansans while balancing municipal cost concerns.

Water and Wastewater Certification. We support improved certification programs that better align the necessary skillsets for real world water and wastewater system operation with the content of the corresponding exams. We support review of water and wastewater certification to ensure validity and reliability. These certifications need to continue to be protective of the public health and environment. We encourage contracting and collaboration to help utilities acquire the knowledge, skills, abilities, and certifications needed to effectively and efficiently serve Kansas rate payers.

HUMAN RESOURCES

City employees are the foundation of effective city government. City governing bodies must have the authority to develop local personnel policies to attract and maintain a high-quality public workforce.

Workers' Compensation. We support reasonable and just benefits for employees injured within the course and scope of their public employment, and effective enforcement of the Workers' Compensation Act.

KPERS & KP&F. We support the full funding of the Kansas Public Employees Retirement System (KPERS) and Kansas Police & Fire (KP&F) retirement systems and honoring all commitments that have been made by KPERS and KP&F. The local KPERS system should remain separate from the state and school retirement system. Changes to the KPERS system should not impact a city's ability to hire and retain qualified public employees, including any undue burden on hiring KPERS retirees, or reduce benefits promised to employees.

Public Employer-Employee Relations Act (PEERA)/Collective Bargaining. We oppose any federal or state mandate requiring collective bargaining at the local level.

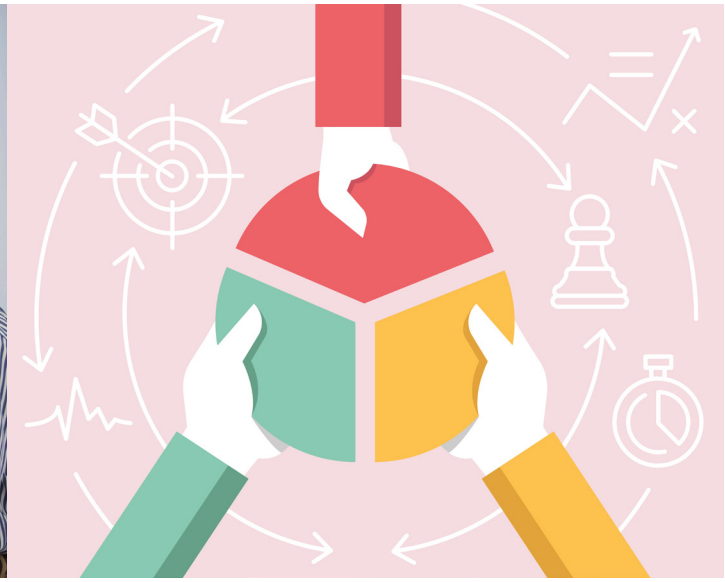
Personnel Mandates. We oppose state and federal mandates involving public personnel.

Weapons and Firearms. We support the ability of local governments to set policies regarding the carrying of weapons and firearms by municipal employees while they are engaged in their work.

Prevailing Wage. We oppose federal and state mandates requiring or prohibiting the payment of prevailing wage.

Health Care & Other Benefits. We support cooperation and active study of ways to relieve the financial burden of securing employee health care coverage, including the continued option for cities to participate in the state health care program.

Unemployment. We support reasonable and just benefits for employees who are qualified individuals under the Kansas Employment Security Law. We oppose the finding that volunteers, who are paid a nominal stipend, are considered a qualified individual. We support legislation to define "volunteer" in Kansas employment law such that it is consistent with federal law.



GOVERNMENT POLICIES & PROCEDURES

Abiding by the longstanding constitutional Home Rule authority of Kansas cities, there is a need to ensure local governments maintain autonomy and the authority of self-governance to create a safe and sustainable quality of life for residents. In an effort to construct appropriate policies for their community, such as economic and community development initiatives, cities should be committed to implementing procedures which ensure ethical and transparent governance from their officials.

Home Rule. Consistent with the Home Rule Amendment of the Kansas Constitution approved by voters in 1960, we support local elected city officials making decisions for their communities, particularly local tax and revenue decisions.

Protection of the First Amendment. The right of the people through their democratically elected and appointed officials to petition and speak to their government officials shall not be abridged. We support cities' First Amendment right of freedom of association to work together to accomplish common goals.

City Elections. City elections should remain non-partisan and separate from state and national elections.

Filing for Office. In order to encourage a higher number of candidates to file for office, the filing location for city elections should return to the city clerk's office.

Filling of Vacancies. The current statutes for filling vacancies have served the state well for over fifty years. Vacancy filling should remain the responsibility of local governing bodies made up of duly elected officials.

Annexation. The ability of cities to grow is inherent in the economic growth and development of the state. Therefore, we support local jurisdictions' ability to make their own decisions regarding orderly growth through annexation.

Non-Discrimination. We oppose any discrimination against persons, by reason of their race, religion, color, sex, disability, national origin, ancestry, sexual orientation, or gender identity.

Sign Regulation. We support the authority of local government to regulate signs in compliance with federal law.

Public Property & Rights-of-Way. We support the ability of cities to control and manage public property and rights-of-way and to impose franchise or use fees on those entities that utilize the rights-of-way.

Eminent Domain. Eminent domain is a fundamental municipal power. The authority to acquire property through condemnation proceedings is critical for public improvement projects. We support increased flexibility for local governments to use eminent domain for economic development purposes, including blight remediation, without seeking legislative approval.

Interlocal Cooperation. We support the principle of voluntary cooperation among all levels of government.

Governmental Immunity. We support continued immunity for cities from tort liability and legislation strengthening the Kansas Torts Claims Act.

Police Powers. We support the authority of cities to regulate in order to protect the health, safety, and welfare of the public.

City/County Consolidation. We support processes for local consolidation without undue statutory barriers. We further believe the issue of consolidation is an inherently local one and the voters should be allowed to determine whether consolidation with another unit of government occurs.

Special District Consolidation. The current statutory framework requires separate legislation every time a special district of government consolidates into a city. We support statutory changes creating a uniform process for smaller units of government to consolidate into cities when it is in the best interest of the city.

Community Development

Abandoned and Blighted Housing. We support legislation that streamlines and expedites the process for local governments, neighborhood organizations and private businesses to deal with the blight of abandoned, nuisance, foreclosed housing, and commercial structures to protect the rights and property values of surrounding property owners.

Economic Development Partnerships. State and regional partnerships are vital to the sustained growth of the state and should be supported by policy and with adequate funding.

Tax Abatements. We support the authority of cities to offer tax abatements to encourage business investment in their communities.

Tax Increment Financing (TIF). We support the continued use of TIF to promote economic development. TIF laws should allow maximum flexibility and allow for efficient use by communities.

Revitalization Tools. We support the continued use of the Neighborhood Revitalization Act, the Downtown Redevelopment Act, the Transportation Development District Act and the Community Improvement District Act to promote local neighborhood development.

Tourism. We support cooperative ventures between the state and local government in Kansas to promote tourism as an industry that is vital to growth and development all across the state.

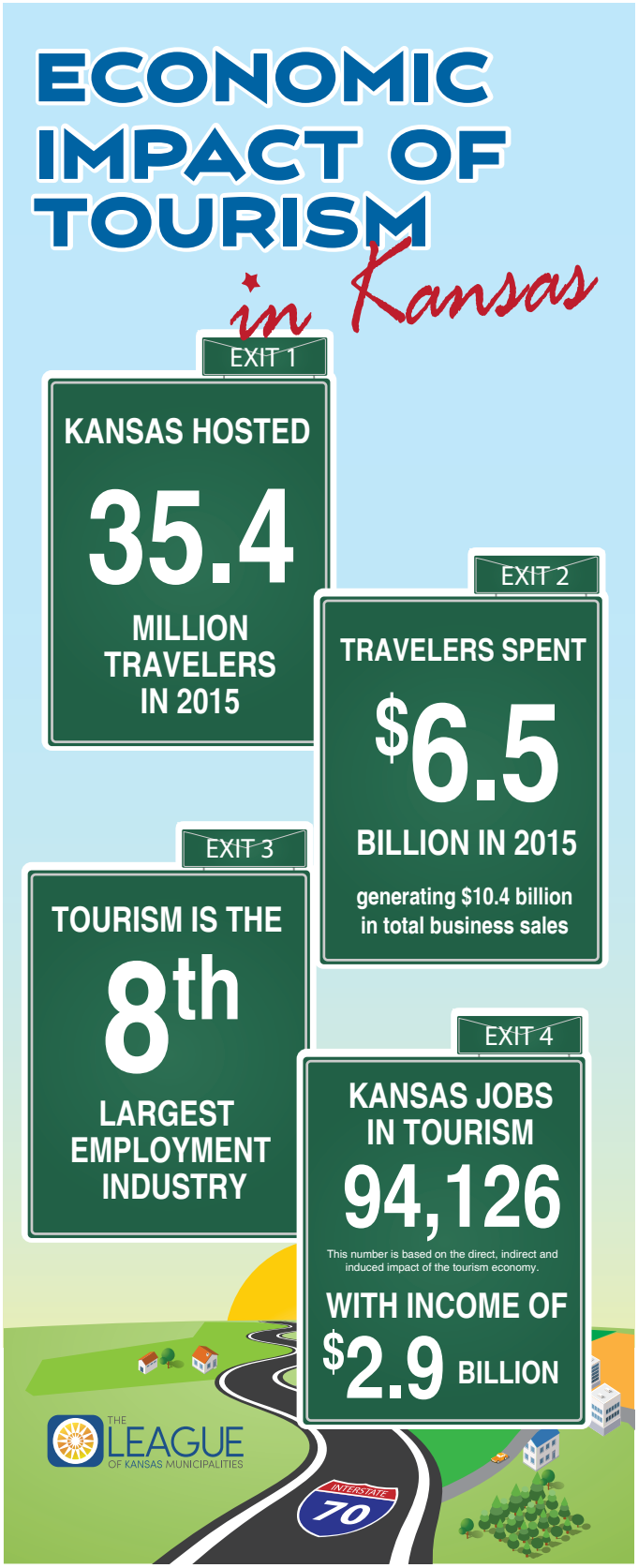
STAR Bonds. We support the ability of cities to utilize STAR bonds to promote economic development in their communities.

Land Use and Zoning. We support the ability of local officials to make land use and zoning decisions within their community, including decisions about the location, placement, size, appearance and siting of transmission and receiving facilities and any other communications facilities.

Housing. The lack of quality housing across the state creates an impediment to growth and economic development. The Legislature should support programs that encourage access to quality housing, such as the Moderate Income Housing Program.

Exports. We support the Kansas Department of Commerce providing assistance to Kansas businesses who may become Kansas exporters, whether by direct provision of services or through outsourcing.

Housing-Rental Inspections. We support giving cities the authority to require inspections of rental housing for the safety of tenants and to protect the rights and property values of surrounding property owners.



The Effects of Blighted Property

Abandoned and blighted property is not just a big-city issue. It is a statewide issue. This issue impacts public safety, the values of adjoining properties, and discourages improvements to adjoining property.

89%

of member cities identify abandoned or blighted property as a significant or very significant concern in their communities.*

4+ *years*

The median length of time a property was reported as abandoned was ***four years***. One-third of responding cities noted some of the properties had been ***abandoned for 10 or more years***.*

Abandoned property affects the health, safety, and welfare of the entire community - taxpayers, property owners, and residents. Other concerns associated with abandoned property include ***increased police calls*** for theft, prowlers, drug issues, and squatting. Additionally, cities reported an ***increase in fire calls*** responding to accidental fires and arson.*

Code enforcement issues related to abandoned property include ***overgrown vegetation, dilapidated structures, wildlife, illegal dumping, and additional demand for sanitation services***.* Abandoned properties have a strong potential to become dangerous structures as they continue to deteriorate.

Unpaid property taxes on abandoned properties ***creates a higher tax burden*** on others to provide necessary city services. As these properties fall further into disrepair, the neglect can cause a blighting effect and result in ***loss of property values of surrounding properties***.*

Abandoned property and blight is a welcoming ***environment for pests and vermin*** as well as a potentially ***dangerous nuisance*** for a neighborhood.

** The League completed several member surveys about the impact of blighted and abandoned property. The median population of responding cities was 2,500.*

Transparency in Government

Open Meetings. All levels of government should be subject to the same open meetings requirements. These laws should not be unduly burdensome.

Open Records. All levels of government should be subject to the same open records requirements. State laws governing open records should balance the public's right of access, with the necessity of protecting the privacy of individual citizens, and the ability of public agencies to conduct their essential business functions. We support a city's ability to recoup reasonable costs associated with open records requests.

Intergovernmental Dialogue. Communication between all levels of government is critical to the successful delivery of public services to the citizens of Kansas. Representatives from cities provide facts and information crucial to intergovernmental relations, and as such, should have the same rights and responsibilities as private interest lobbyists. We support current law regarding the use of state and local public moneys to provide information and advocate on behalf of our cities and citizens. Any reporting system should not increase the administrative burden on local governments.

Body Cameras. We support the ability of local governments to determine when and how body cameras will be used by law enforcement officers. We support the establishment of reasonable regulations concerning public access to recordings, balancing the needs of law enforcement and the individuals whose images are captured in the recordings.

FEDERAL ISSUES

Local officials welcome the opportunity to work together with federal and state officials on policies impacting local communities. Federal agencies should research and understand the fiscal impact on local units of government when implementing new guidelines or laws. Cities manage their finances, infrastructure and personnel more effectively without unfunded federal mandates.

Local Control. We support local elected officials making decisions for their communities. Though the Home Rule powers granted cities in the Kansas Constitution do not affect federal powers, we call on our representatives and federal agencies to look at federal legislation and regulations with local control in mind.

Federal Recovery Money for Cities. The Federal Government should recognize that the events of 2020 have caused negatively impacted revenues to cities, and that direct federal aid for revenue replacement is essential to prevent a further economic collapse.

Advanced Refunding of Bonds. In order to allow cities to quickly recover from this current recession, we urge Congress to allow cities to issue tax exempt advance refunding municipal bonds. Cities refinancing bonds will be able to free much needed cash flow to reduce taxes or create capital investments.

Police Reform. We support the work of our local police departments to make our communities safer for all. Any federal or state proposals for police reform should be focused on providing resources for local law enforcement, incentivizing transparency, and encouraging good police practices, including equity and justice.

Community Development Block Grants (CDBG). We support continued funding for Community Development Block Grants, Community Service Block Grants and HOME Grants. These programs' funding is an essential component of cities' strategies to fund critical community services and infrastructure needs.

Municipal Bonds. We support the removal or modification of overly burdensome and costly restrictions affecting the issuance of municipal bonds. Further, we support the continued tax-exempt status for municipal bonds.

Broadband Deployment & Municipal Oversight. Access to reliable broadband service is increasingly important to the economic health of Kansas cities. However, federal action via legislation or orders from federal agencies must recognize the key role local governments play in such expansion, and it must not remove important planning and right of way authority from local governments. Cities must be afforded the continued right to address safety, health and welfare for both their citizens and other entities with valuable infrastructure in the right of way. In addition, the right of way serves as an important resource for citizens, and the right to offset costs of management and levy taxes should not be limited.

Immigration Reform. We support a federal solution to immigration reform. Any immigration policy should not negatively impact local governments with additional law enforcement or administrative burdens. We support Congress continuing assistance to under-served areas with large immigrant populations, who are attempting to remain in compliance with the United States Citizenship and Immigration Services.

Transportation. We support consistent federal funding and timely renewal of the Fixing America's Surface Transportation Act (FAST ACT) by Congress with increased support to critical regional infrastructure priorities.

Stormwater. We support simple and flexible federal regulations of municipal stormwater run-off that allows for orderly and cost-effective development. The federal government should appropriate funds for research and for the development of pilot projects on stormwater management.

Water Quality. We support a clean and safe public water supply and the protection of public health and aquatic life. We endorse federal investments and cooperative solutions that address water quality challenges and take into account municipal cost concerns.

Hazardous Waste. We urge federal agencies to work cooperatively with state and local governments in the development and approval of programs to identify, monitor and dispose of hazardous waste. Appropriate education and training should be provided prior to the implementation of such programs.

Telecommunications Data. We support the continued ability of public safety officials to access data from telecommunications companies in times of emergencies to assist investigations.

Rail Service. We support existing and enhanced passenger and freight rail service in Kansas. In many cases, this service is the only affordable alternative to highway transportation in communities. Changes to Amtrak service should not sacrifice this alternative nor the investments in the service by cities.

Railroad Quiet Zones. We urge Congress to reexamine the Train Horn Rule with the Federal Railroad Administration. Rules for implementing quiet zones should be less burdensome and allow for differences in community circumstances while continuing to protect public safety. We also request Congress provide federal funds for the purpose of establishing quiet zones and consider new technology which may enhance the safety of quiet zones while minimizing or eliminating train horn noise.

Medicare Reimbursement Rates. We encourage the federal government to establish reasonable reimbursement rates.

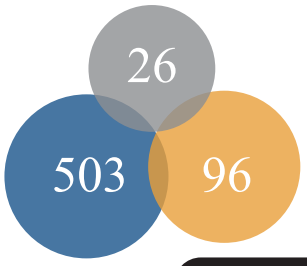
City Facts

Total Number of Incorporated Cities = 625

Total Population of the State = 2,913,314

Total City Population = 2,418,311

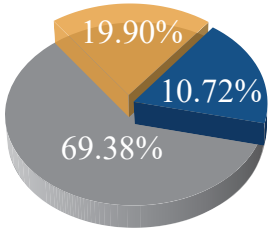
Number of Cities



Class of City

- Cities of the First Class
- Cities of the Second Class
- Cities of the Third Class

% of Total City Population



Over 83.01% of the state's population resides in an incorporated city.

Population Group	Number of Cities
25,000 and over	15
10,000 - 24,999	20
5,000 - 9,999	24
2,000 - 4,999	59
1,000 - 1,999	72
500 - 999	96
400 - 499	32
300 - 399	29
200 - 299	65
100 - 199	100
Under 100	113

Form of Govenment	Number of Cities
Mayor-Council	554
Commission	10
Commission-Manager	37
Mayor-Council-Manager	20
Modified Mayor-Council	2
Consolidated City-County	2

LEAGUE LEGISLATIVE STAFF

Erik Sartorius
Executive Director
esartorius@lkm.org
(21st Session)

Trey Cocking
Deputy Director
tcocking@lkm.org
(6th Session)

Amanda Stanley
General Counsel
astanley@lkm.org
(6th Session)

Deborah Barnes
Staff Attorney
dbarnes@lkm.org
(3rd Session)

John Goodyear
Staff Attorney
jgoodyear@lkm.org
(3rd Session)

Policy Development

This *Statement of Municipal Policy* defines the core principles of the organization. It was developed by city officials through the League's policy committees. There are three policy committees that are focused in specific areas: Finance & Taxation, Public Officers & Employees, and Utilities & Environment. The fourth committee, the Legislative Policy Committee, reviews the entire *Statement* and the recommendations of the three specific committees. The *Statement* is then submitted to the Governing Body and is ultimately adopted by the Convention of Voting Delegates at the League's Annual Conference. For more information about the League policy committees or process, check out the League website at *www.lkm.org* or contact us at (785) 354-9565.

The League Advocates for Cities

The League advocates on our members' behalf to sponsor and encourage beneficial legislation for cities and oppose legislation that would be detrimental to our members' interest.

The League Offers Guidance

Member cities can contact the League with a legal inquiry or question. Additionally, we provide sample ordinances and guidance on legislation and rulemaking from both the state and federal level.

Communications & Outreach

Since 1914, the League has published the *Kansas Government Journal*, a publication for city, county and state government officials that is printed ten times a year. The League publishes a weekly e-newsletter, researches municipal issues affecting Kansas communities and develops programs for cities to use to engage their residents and reinforce the importance of civic engagement.

Municipal Training & Education

The League offers members a variety of education and training opportunities throughout the year. Our annual conference brings together leaders in municipal government to offer innovative ideas for cities. Throughout the year, the League works with professionals in the field to train, inspire and solve problems facing municipal leaders at all levels. The League offers over 30 manuals and publications on municipal issues ranging from finance and budgeting, personnel, planning, economic development, open meetings and open records to traffic ordinances.

Contract Services

The League offers members a competitive rate to have the League engage in contract services, which include codification services, executive personnel search program (LEAPS) and personnel policies.

THE
LEAGUE
OF KANSAS MUNICIPALITIES

300 SW 8th Avenue, Suite 100
Topeka, KS 66603
(785)354.9565
www.lkm.org

A Publication of The League of Kansas Municipalities
November, 2020

ADMINISTRATION

Council Committee Meeting Date: January 4, 2021

COU2021-04 Discuss Proposed Changes to Annual Bulk Item Pickup for 2021

RECOMMENDATION

Make a motion to move forward with Option 1, splitting the city into four sections for bulk item pickup.

BACKGROUND

One of the stipulations in the City's contract with Republic Services is that they will provide collection of unlimited large bulky items once per calendar year to all houses in Prairie Village. This collection is normally scheduled for two weekends – one weekend for those north of 75th Street and/or east of Belinder, and one for those south of 75th Street. For the past several years, Republic has had difficulty completing the routes in two weekends due to the large volume of items being placed out for collection. This has resulted in a large volume of calls coming in to City Hall and increased frustration amongst residents. To address these issues for future years, city staff began having conversations with Republic this fall on how the process can be improved.

Republic provided the City with three different options for consideration:

1. Split the City into four weekends instead of two
2. Split the City into three weekends and limit the service to five items per house. This option would also include one additional bulk service anytime the resident would request throughout the year with an additional limit of five items by scheduling directly with Republic.
3. Allow residents to have two bulk pickups throughout the year limited to 5 items to be scheduled directly with Republic.

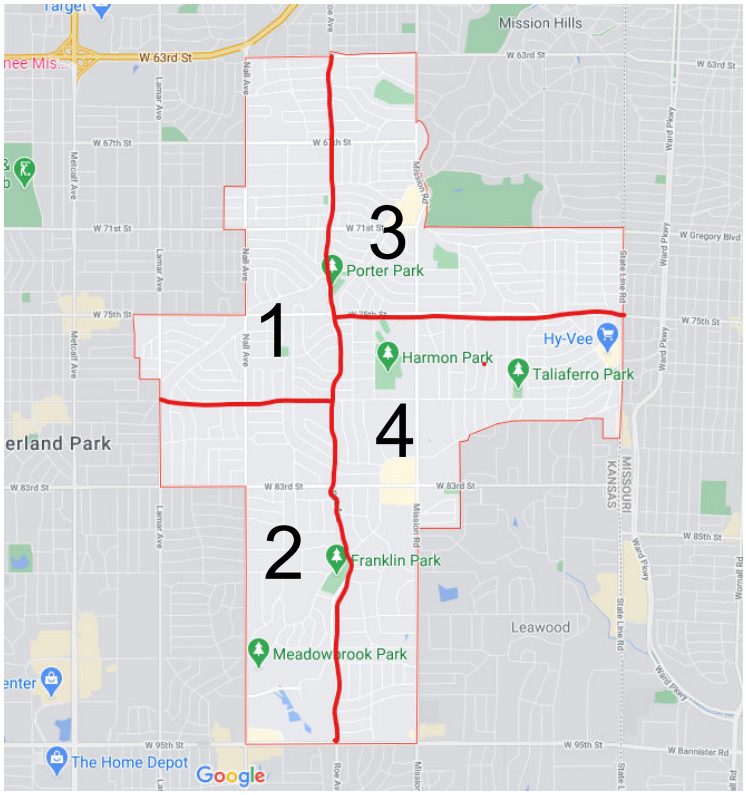
Republic said that their preferred option was Option 2. However, staff has concerns with moving forward with Option 2 and 3, as it would require a deviation from the requirements of the City's contract with Republic and would also result in a reduced service and benefit to Prairie Village residents.

Staff is recommending moving forward with Option 1, which would split the City into four different collection weekends to be held on April 10, April 17, April 24, and May 1. The City would be split into the following sections:

- Week 1 - April 10: all homes west of Roe and north of 79th Street
- Week 2 - April 17: all homes west of Roe and south of 79th Street
- Week 3 - April 24: all homes east of Roe and north of 75th Street

- Week 4 – May 1: all homes east of Roe and south of 75th Street

PROPOSED ROUTE MAP



City staff plans to work with Republic to send out two mailers to inform residents of this change as well as provide information on how to recycle many household items rather than sending it to the landfill through bulk item pickup. Residents will also be asked not to place items at the curb that can be collected as part of the normal weekly recycling and trash pickup. We will also include the information in the March edition of the Village Voice and on the City's website and social media pages.

The Environmental Committee has also been having discussions about hosting a recycling event prior to bulk item pickup this year. If those plans come to fruition, the mailers will also be used to help promote this event and encourage recycling.

PREPARED BY
Jamie Robichaud
Deputy City Administrator
Date: December 30, 2020

ADMINISTRATION

Council Committee Meeting Date: January 4, 2021

2020 Exterior Grant Report and 2021 Program Changes

BACKGROUND

In 2008, the Exterior Grant Program was funded to encourage homeowners to invest in their home's curb appeal. Each year, City staff prepares an annual report for the Governing Body that outlines how the Exterior Grant Program funds were utilized. In 2020, the City allocated $68,000 from the Economic Development Fund to this grant program. The following eligibility criteria were approved as part of the 2020 program:

- The appraised value of the home must be $250,000 or less and must be located in Prairie Village.
- The home must be zoned R-1A, R-1B, or R-2.
- A building permit may be required depending on the type of improvements.
- The improvements must be in conformance with the Prairie Village Municipal Code.
- The property must be owner-occupied or a rental license must have been in place for the past 365 days in order to be eligible.
- Each property can only receive one grant in a 10 year period.

Below is a brief overview of the 2020 program results:

- **30 exterior grants** awarded totaling **$46,240**
- **11 trash can grants** awarded totaling **$1,056**
- Total homeowner investment: **$239,424**
- Average grant award for exterior grant: **$1,250**
- Average grant award for trash container screening: **$96**
- Average total project cost for exterior grant: **$6,471**
- Average appraised value for homes receiving grants: **$223,949**
- No applications were on wait list, 14 projects were approved but abandoned by the grant recipient, mostly due to COVID-19

If the City Council would like to make changes ahead of the 2021 program, staff would like to receive direction on what those changes would be. Consider the following questions:

- Should the appraised value threshold for 2021 be increased? Staff recommends increasing the appraised value threshold from $250,000 to $275,000 (3,804 homes meet this threshold)
- Should the leftover funds from the 2020 program be carried over to the 2021 Exterior Grant program?
- In 2020, the Council directed staff to put together a proposed environmental grant program separate from the exterior grant program that would provide reimbursement to residents for energy efficiency improvements in their home. This project was tabled due to COVID-19 and uncertainty of funding source and was not earmarked in the 2021 budget. Should the leftover funds from the 2020 Exterior Grant program be allocated to fund this program instead?

ATTACHMENTS

Exterior Grant Presentation

PREPARED BY

Jamie Robichaud
Deputy City Administrator
Date: December 30, 2020

2020 EXTERIOR GRANT REPORT

JANUARY 4, 2021

PROGRAM OVERVIEW

- Grants reimburse 20% of total project cost, up to $12,500
- Grants range from $500 to $2,500 depending on total project cost
- Funds for 2020 came from Economic Development Fund
- Projects must be on the list of eligible improvements, abide by municipal code, and may require a building permit

ELIGIBILITY REQUIREMENTS

- Appraised value not to exceed $250,000
- Repairs must total at least $2,500
- Property must be owner-occupied or must have active rental license for last 365 days

ELIGIBLE IMPROVEMENTS

- Roofs
- Masonry
- Building Additions
- Windows & Exterior Lighting
- Foundation Repairs
- Exterior Paint/Siding
- Awnings, Shutters, and Gutters
- Concrete Work – at front of house
- Doors (front & garage)
- Fencing and Decks (front facing)
- Trash container screening

INELIGIBLE EXPENSES

- Ladders
- Construction Tools
- Decks and Fencing (unless front-facing)
- Interior Home Improvements

2020 BY THE NUMBERS

30

Exterior Grants Awarded

11

Trash Can Grants Awarded

$239,424

Total Homeowner Investment

$47,296

In grant money awarded

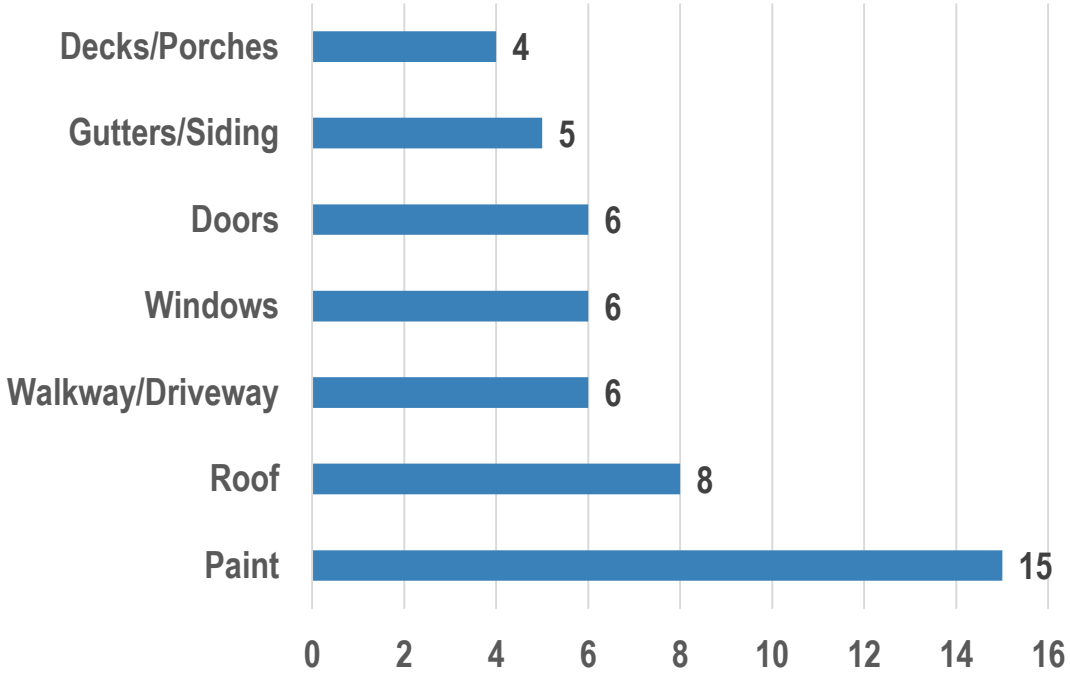
$1,250

Average Grant Amount

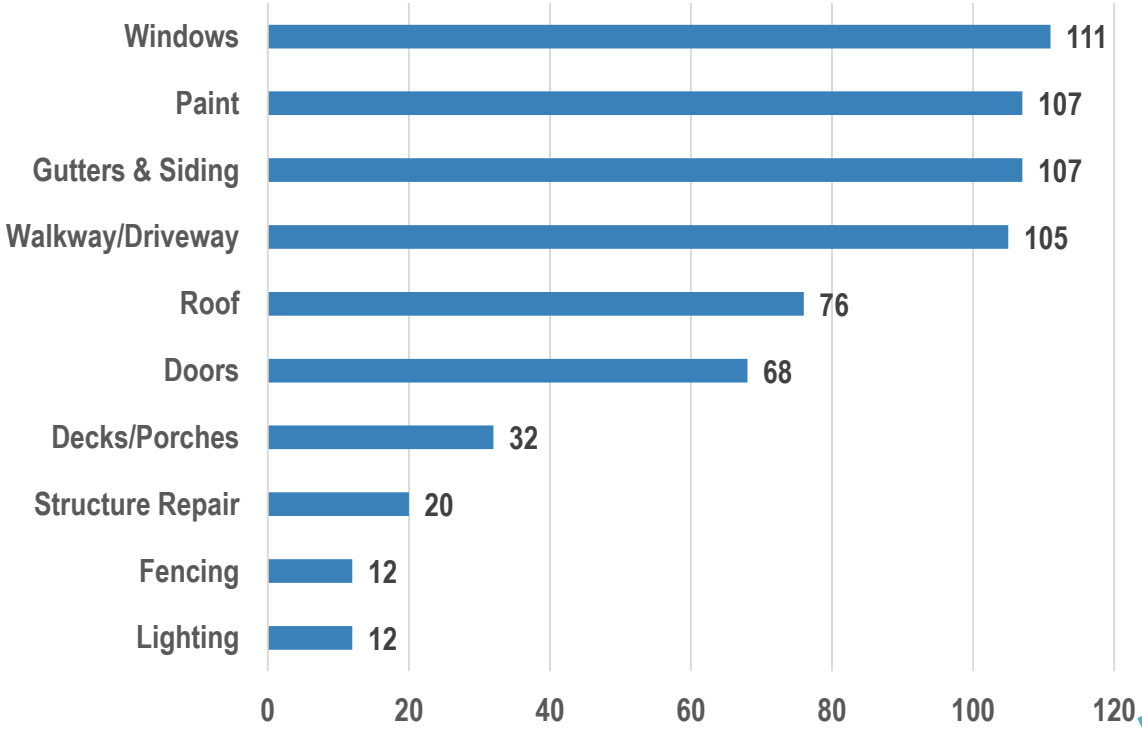
$223,949

Average Appraised Value of all homes that received grants

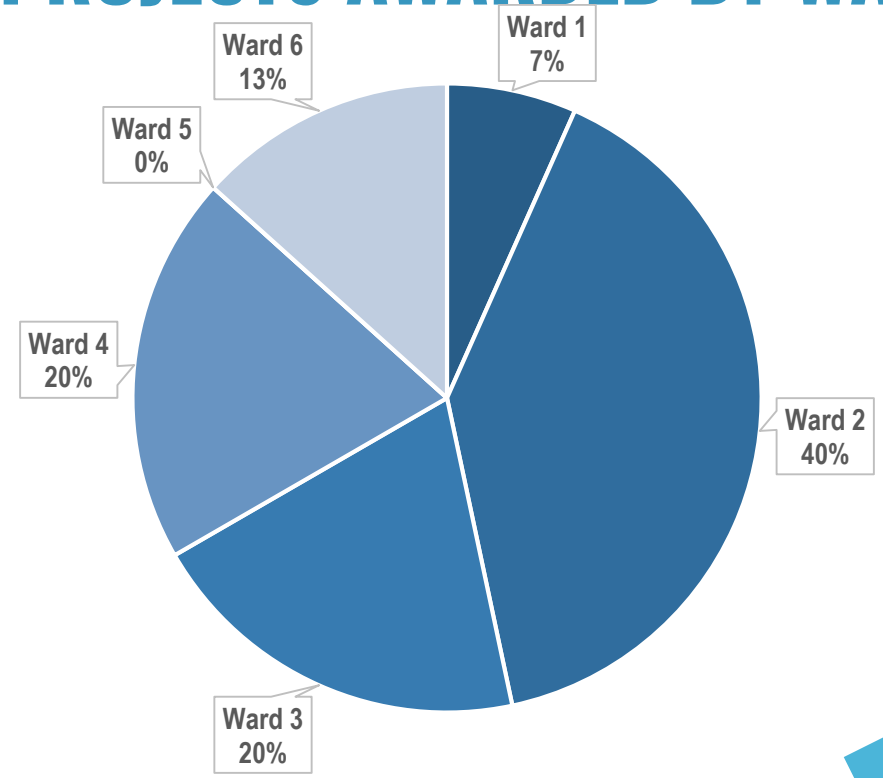
2020 PROJECTS BY CATEGORY



PROJECTS BY CATEGORY 2008 - 2020



PROJECTS AWARDED BY WARD IN 2020



BEFORE & AFTER

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TRASH CONTAINER SCREENING

2008 – 2020 PROGRAM RESULTS

YEAR	AWARDED	OWNER	TOTAL
2008	$32,772	$185,479	$218,251
2009	$42,984	$235,657	$278,641
2010	$40,727	$257,418	$298,145
2011	$34,320	$149,808	$184,128
2012	$39,252	$233,957	$273,209
2013	$46,208	$295,858	$342,066
2014	$33,219	$209,121	$242,340
2015	$44,768	$237,941	$282,709
2016	$35,949	$198,066	$234,015
2017	$42,211	$237,392	$279,603
2018	$47,126	$292,446	$339,571
2019	$48,525	$287,966	$336,491
2020	$49,393	$239,424	$288,817
Total	**$535,357**	**$3,060,533**	**$3,595,890**

PROGRAM CHANGES FOR 2021

- **Increase appraised value threshold?**
  - Staff recommends an increase to $275,000 for 2021
    - Homes valued under $225,000 = 1,915
    - Homes valued between $225K & $250K = 941
    - Homes valued between $250K & $275K = 948
    - Homes valued over $275K = 5,316
- **Carryover unused 2020 funds to 2021 program or allocate to unfunded environmental grant program?**
  - 2020 budget was $68,000 - $20K remaining of 2020 funds
  - 2021 budgeted amount is $74,000

ADMINISTRATION

Council Committee Meeting Date: January 4, 2021

COU2021-05 Consider proposed tree protection regulations

ACTION NEEDED

Provide direction to staff if any further revisions are needed before setting the draft ordinance for public hearing and final adoption.

BACKGROUND

The Tree Board gave a presentation at the August 17, 2020 city council meeting requesting that the Council consider adopting an ordinance to provide greater protection for trees in Prairie Village. The City Council directed staff at that meeting to review the proposed ordinance by the Tree Board and draft a final ordinance for further review and consideration.

Planning, Codes, and Public Works staff met several times this fall to refine and finalize an ordinance for the Council's review. The proposed ordinance would be a part of Chapter 19.47 of the City's zoning regulations, which requires public notice, a public hearing, and a recommendation from the Planning Commission prior to final adoption by the Governing Body. The draft was presented to the Tree Board in November and the Planning Commission and Environmental Committee in December for further review and input.

Planning Consultant Chris Brewster will be present at the meeting to present the proposed ordinance and answer questions. Once the Council gives direction to staff to move forward, the ordinance will be set for a public hearing at an upcoming Planning Commission meeting (20 days public notice required) and then will come to the City Council for final consideration before going into effect.

ATTACHMENTS

Draft tree protection ordinance
Presentation

PREPARED BY

Jamie Robichaud
Deputy City Administrator
Date: December 30, 2020

The following approach adds Tree Protection as a subset of the Landscape Standards, Chapter 19.47:

19.47.010 Intent & Applicability

[add the following additional intent to A. Intent:]

6. Preserve the tree canopy and streetscape of Prairie Village for the aesthetic, economic and environmental benefits of tree preservation.

[add the following additional applicability to B. Applicability:]

4. The tree protection provisions apply as specifically stated in Section 19.47.060.

19.47.020 Required Landscape

[make the following edit:]

B. ***Credits for Existing Vegetation.*** Preservation of existing landscape material that is healthy and of a desirable species may count towards these requirements provided protection measures in Section 19.47.060 are taken to ensure the survival of the vegetation through construction and all other location and design standards are met. Credits shall be on a 1 for 1 basis provided existing trees shall be at least 3" caliper to count. Landscape material that is of exceptional quality due to size, maturity and health may be credited on a 2 for 1 basis.

[add the following new section:]

19.47.060 Tree Protection

A. ***Applicability***. The provisions of this section shall specifically apply to:
   1. Any removal of a tree in the public right-of-way.
   2. All applications that are subject to the landscape standards in Section 19.47.010.B; and
   3. Other situations in R-1A and R-1B zoning districts where:
      a. Any new residential structure is built on a vacant lot;
      b. A tear down of an existing residential structure, whether it is just a demolition or a demolition and rebuild of a new residential structure.
      c. Any remodel of an existing residential structure that adds more than 600 square feet to the existing footprint; and
      d. Any remodel of an existing residential structure that tears down more than 10% of the existing structure associated with the new construction.

B. ***Tree Protection and Removal Plan***. A tree protection and removal plan shall be provided for all applicable projects where:
   1. The property has a tree protected by Section 19.47.060.C.
   2. As part of a landscape plan associated with development, where existing trees will be retained and protected to meet landscape requirements.
   3. Any trees are proposed to be removed as part of a building permit associated with grading or demolition.

   The tree protection and removal plan shall show all existing trees size and species, identify trees proposed for removal and those to be retained, and include locations of protection fences and other protection measures required by this Section.

C. ***Protected Trees.*** Trees are protected based on their size and location, as specified in Table ### and Figure ###. Protected trees require mitigation if removed; trees prohibited from removal require special circumstances and approval to remove the tree, and require additional mitigation if authorized to be removed.

Table ### Protected Trees

Location	*Protected Tree* (caliper at DBH)	*Mitigation if removed [2]*	*Prohibited from Removal [1]* (caliper at DBH)	*Mitigation if removed [2]*
Area 1: Street Trees	--	--	All trees	1 tree for each 6" caliper removed (maximum 3)
Area 2: Frontage Trees	3" – 6"	1 for 1 tree replacement	6" +	1 tree for each 6" caliper removed (maximum 3)
Area 3: Lot Trees	6" – 20"	1 for 1 tree replacement	20" +	1 tree for each 12" caliper removed
Area 4: Buildable Area Trees	6" – 30"	1 for 1 tree replacement	30" +	1 tree for each 15" caliper removed
All Areas	--	--	Any Kansas State Champion Tree	1 tree for each 6" caliper removed (maximum 3)

[1] Trees prohibited from removal may only be removed as provided in Section 19.47.060. E.
[2] Replacement trees shall be at least 2" caliper trees, as required by Section 19.47.030.B.

1. *Area 1:* Area 1, "street trees" includes any tree that is in the public right-of-way.
2. *Area 2.* Area 2, "frontage trees" includes any tree that is 3" caliper or more, on private property and within 20 feet of the front lot line.
3. *Area 3.* Area 3, "lot trees" includes any tree that is 6" caliper or more, on private property, but outside of the frontage or buildable area.
4. *Area 4.* Area 4, "buildable area trees" includes any tree that is 6" caliper or more, and in the buildable area determined by the zoning setbacks applicable to the principle building.

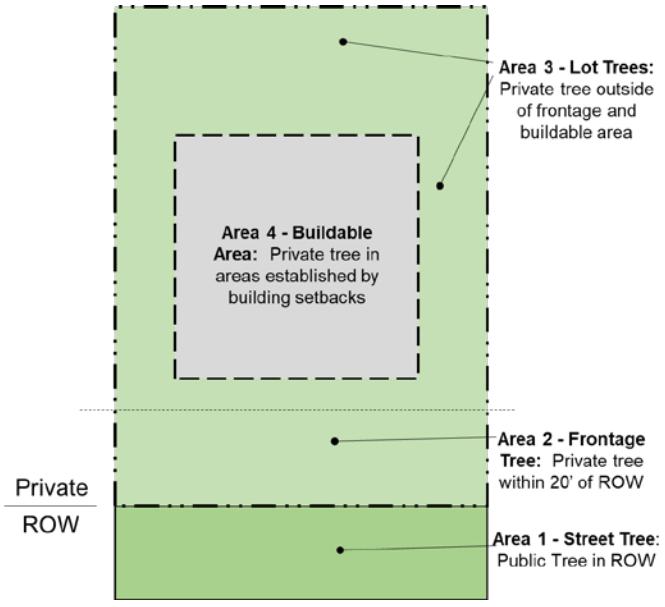

Figure ###. Tree protection provisions and required mitigation is based on the area of the lot and the size of trees in particular areas.

D. ***Protection Measures.*** All trees that are prohibited from removal and any other tree that will remain on site according to the Tree Protection and Removal Plan shall be protected by the following measures.

1. *Fences.* Protective/temporary fences shall be required for all trees noted to remain on the tree protection and removal plan, or otherwise not authorized for removal. Fences shall be a snow fence, chain-link fence, orange vinyl construction fence or other similar fencing with a minimum four feet (4') height. The protective fence shall prevent infringement on the root system from any construction-related activities and be installed according to Table ###

Table ### Protective Fencing		
Tree Size	*Fenced Area (lessor of); 5' minimum in all cases*	
> 28" DBH	20' from center of tree	Fencing protecting at least 75% of the drip line
20" DBH – 28" DBH	15' from center of tree	
< 20" DBH	10' from center of tree	
All required protective/temporary fences shall be at least 4' high On lots less than 10,000 square feet, the Director may approve fences 15' from the center of tree for trees > 28" DBH and 10' form the center of tree for trees up to 28" DBH.		

Fenced areas shall exclude any preexisting structures, foundations, slabs, roadways, sidewalks, and driveways. The fence shall be installed along the edge of the driveways/roadways encompassing the tree to restrict access from the street side. All fences shall appear on construction documents and be installed prior to any other construction-related activity. The fence shall remain in place at all times until all other construction-related activity has been completed or final grade achieved. The City may authorize that fences be moved at certain times for final grading, access or other work. As part of a permit or review of a tree protection and removal plan, the City may determine that areas of the site removed from construction activity and where damage to roots is not likely may not need protective fences.

2. *Prohibited Activities.* Except for utility work or in association with other activity approved by the City, the following activities are not allowed within the Protective Fencing area.
   a. Stock piling of construction materials or waste from the construction process;
   b. The cleaning of construction equipment;
   c. Parking, storage or placement of any vehicles, construction equipment or temporary structures;
   d. Grade changes, cut of fill, in excess of 2 inches
   e. New paving with asphalt, concrete, or other materials; and..
   f. No signs, wires or other attachments other than those of a protective nature shall be attached to any tree.

E. ***Exceptions for Removal.*** It is the property owner's responsibility to ensure that no person remove, damage, or otherwise impair any tree prohibited from removal without written authorization from the Building Official to remove the tree. The Building Official may consider an exception to remove the tree only upon a written request indicating the specific tree and documentation establishing justification for removal. The Building Official shall generally grant the exception for the following:

1. The tree is dead;
2. The tree is diseased or dying, and constitutes a threat to healthy trees, property, or public safety; or
3. Removal of the tree is necessary for construction, development or redevelopment under the following criteria:

a. All reasonable efforts have been made to avoid removing the tree through comparable alternative designs;
b. The presence of the tree places an undue financial burden on the applicant; and
c. No other reasonable accommodations, including adjustments to the otherwise allowable building footprint or site design can be made to preserve the tree.

The Building Official may seek advice from the Prairie Village Tree Board, other staff or departments, or a third party consultant. Written authorization by the Building Official shall be valid for the duration of any permit associated with the authorization. Except for applications associated with a Site Plan approved by the Planning Commission, the Building Official's decision may be appealed as provided in Section 19.54.025.

F. ***Violation and Enforcement***. Removal, damage or impairment of any protected tree, except as provided in this Section, is a violation of this ordinance, enforceable as provided in Section 19.01.045, and each tree shall be considered a separate incident. Any fines and penalties shall be in addition to the mitigation measures required in sub-section C. for removal of protected trees.

[review zoning ordinance definitions section vs. this draft and update a simplified version of definitions; consider if any other definitions or other changes to the Chapter 19.47 Landscape Standards should be made in association with this update.] Terms to define include:

Diameter at breast height (DBH) means the diameter in inches of a tree as measured through the main trunk at a point four and one-half feet (4.5') above the natural grade level.

Drip line means a vertical line run through the outermost portion of the canopy of a tree and extending down to the ground. [if needed; PW revisions to sub-section D. may eliminate use of term "drip line."]

Kansas Champion tree means a tree of unique distinction, representing the largest tree of a species, located in the state of Kansas and recognized by the Kansas Forest Service. Such trees may be located on public and/or private property within Prairie Village.

Tree Protection Ordinance

City Council

January 4, 2021

PRAIRIE VILLAGE
THE STAR OF KANSAS

Background

- Tree Board tree protection proposal to City Council (August 17, 2020)
- Council Direction to Staff (August 17, 2020)
- Staff Committee revisions (August - October, 2020)
- Tree Board review (November 4, 2020)
- Planning Commission introduction (December 1, 2020)
- Environmental Committee review (December 2, 2020)
- Initial Draft (tonight)

Related Efforts

- Neighborhood Design Standards (2016; 2018)
- Landscape Ordinance (2019)

Strategy is to incorporate it into a subsection of recently adopted landscape ordinance (19.47)

INITIAL DRAFT

Applicability (19.47.060.A)

- All right-of-way trees
- Site plans where landscape standards apply
- Residential teardown / rebuild / rehabs
  - New structure on vacant lot
  - Demolition / Demolition + rebuild
  - Remodels - 10% tear down or 600 s.f. additions

INITIAL DRAFT

What's Protected? (19.47.060.C.)

- Priority by area and size

Table ### Protected Trees				
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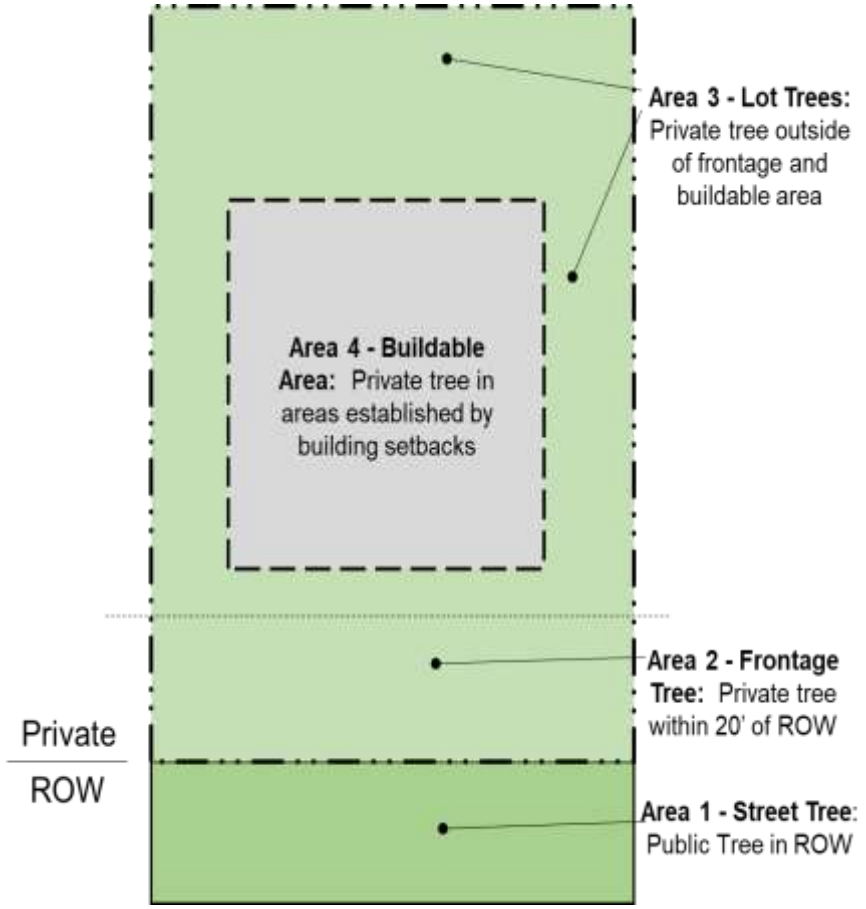


Initial Draft

What's Protected? (19.47.060.C.)

- Protected vs. Prohibited from Removal
  - Protected = Must be replaced if removed.
  - Prohibited from Removal =
    - Requires permission prior to removal / penalty if removed without permission
    - Removal for special situations
    - Requires additional mitigation / replacement
  - All trees to be saved require protective fencing

Initial Draft

What Trees Can be Removed? *(19.47.060.E.)*

- Any tree where the ordinance is not applicable
- Any tree not protected (size by zone)
- Any "protected tree" (but requires replacement)
- Trees "prohibited from removal," IF:
  - Health of the tree compromised (dead / dying / storm damage)
  - Other public safety issues
  - "Necessary for construction, development, redevelopment…"
  - Heightened mitigation when removed with permission
  - Penalty / enforcement if removed without permission

Initial Draft

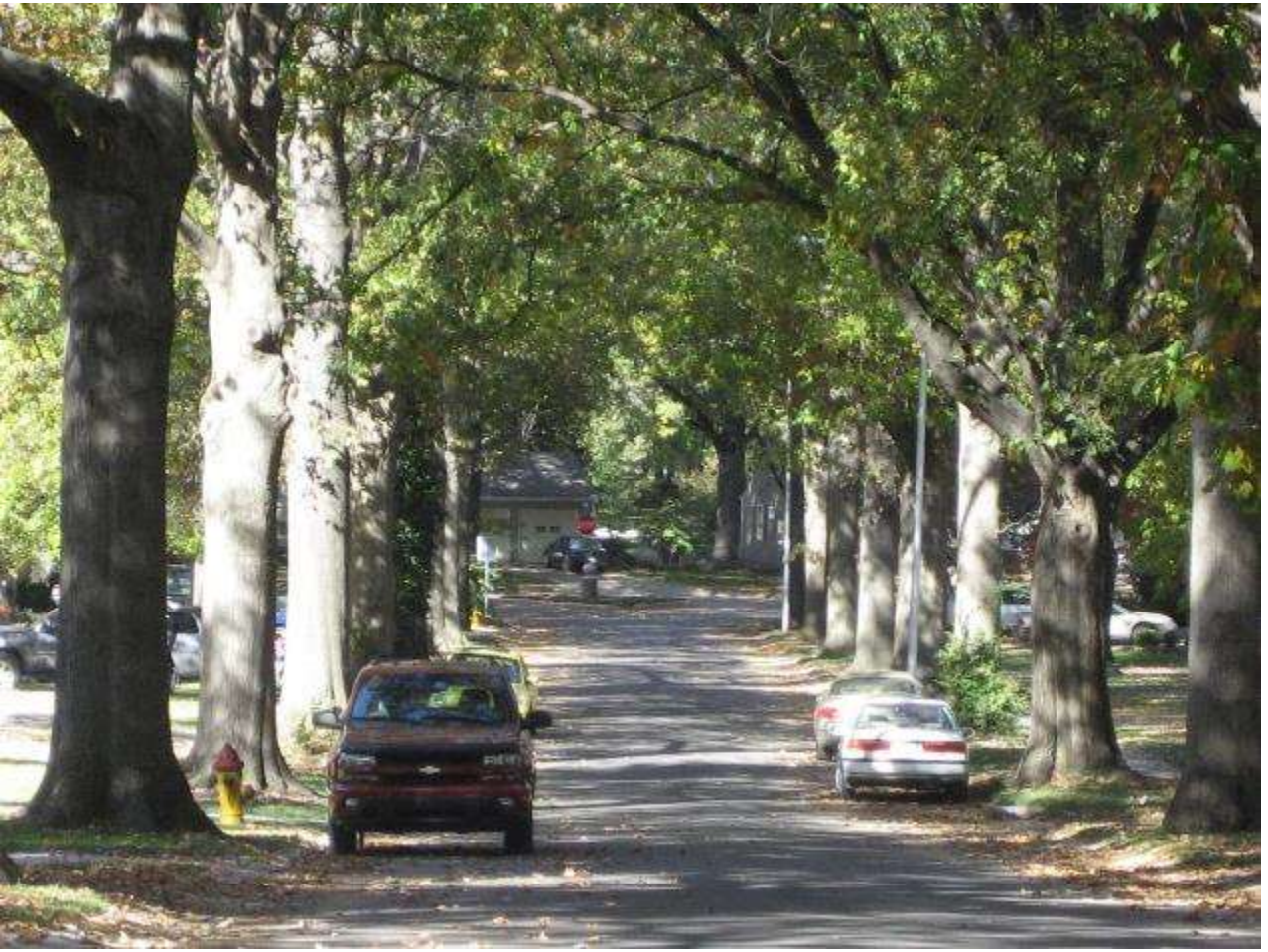
How Are Trees Protected? (19.47.060.D.)

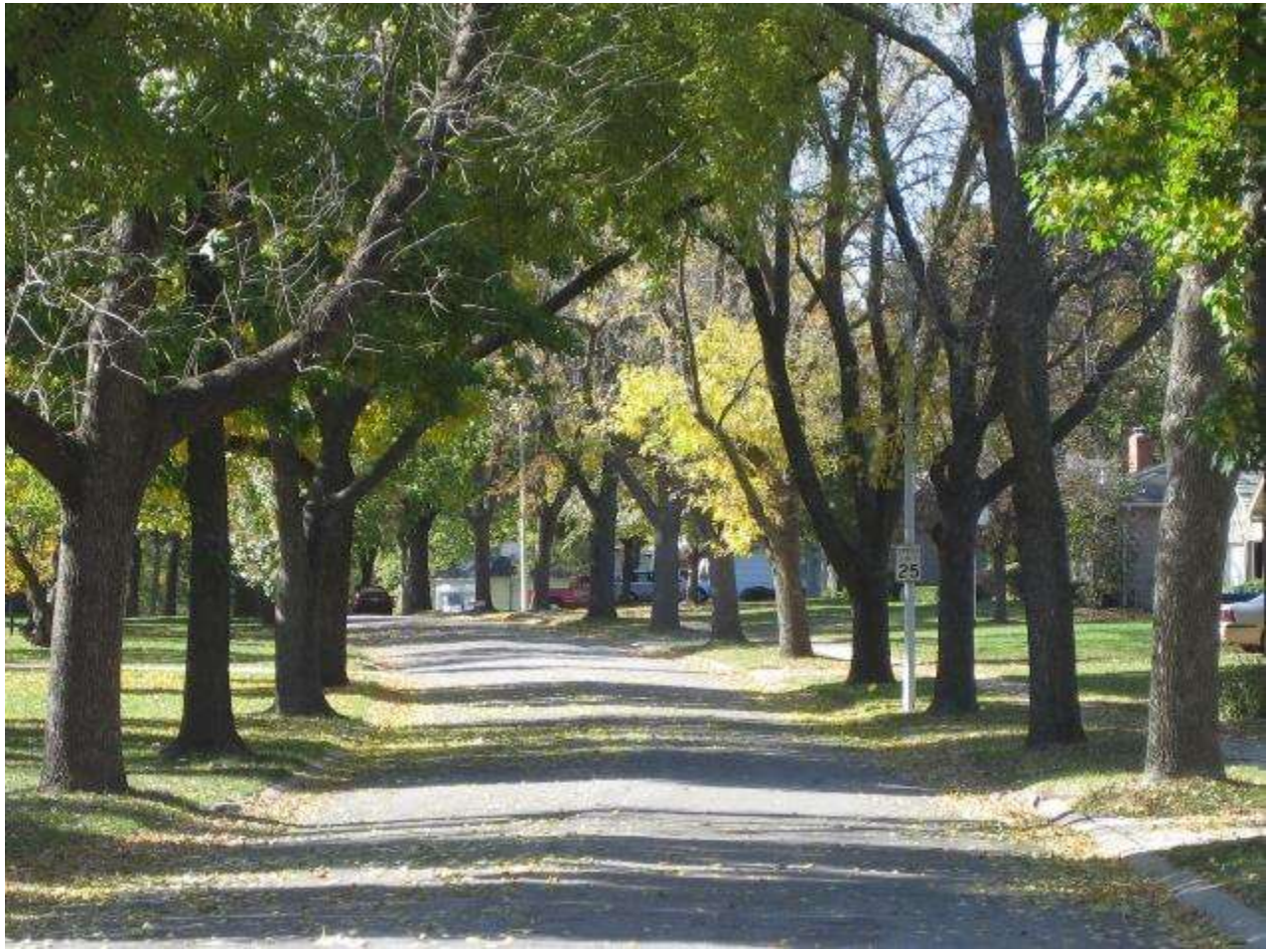
- Site plans or construction plans require tree protection plan.
- Protecting root zones
- Required fencing to limit activities
- Prohibited activities in protected zone

Next Steps

- Staff finalize draft based on input and direction
- Final reviews by staff and City Attorney
- Public Hearing at Planning Commission (February)
- City Council adoption (February)

Discussion
PRAIRIE VILLAGE
THE STAR OF KANSAS

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Due to COVID-19 restrictions, most meetings will be held virtually. Please continue to check http://pvkansas.com for access details.

MAYOR'S ANNOUNCEMENTS
Monday, January 4, 2021

BZA/Planning Commission Meeting	01/05/2021	6:30 p.m.
Parks and Recreation Committee meeting	01/13/2021	5:30 p.m.
Martin Luther King Jr. Day – City offices closed	01/18/2021	
City Council	01/19/2021	6:00 p.m.
Environmental Committee	01/27/2021	5:30 p.m.
VillageFest Committee	01/28/2021	5:30 p.m.

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INFORMATIONAL ITEMS
January 4, 2021

1. January Plan of Action

THE CITY OF PRAIRIE VILLAGE

STAR OF KANSAS

DATE: December 29, 2020

TO: Mayor Mikkelson
City Council

FROM: Wes Jordan

SUBJECT: **JANUARY PLAN OF ACTION**

The following projects will be initiated during the month of January:

- 2021 Recreation Fees - Meghan (01/21)
- Superpass Agreement - Meghan (01/21)
- JCPRD Programming - Meghan (01/21)
- Finance Director Orientation - Lisa (01/21)
- Council Work Session (Possible Cancellation) - Wes (01/21)
- New Building Inspector Orientation - Jamie/Mitch (01/21)
- Annual Health Risk Assessments - Cindy (01/21)
- Council President Election - Adam/Wes (01/21)
- Police Chief Appointment - Adam/Wes (01/21)
- State of the Cities - Staff/Mayor (01/21)
- Master Personnel Spreadsheet Updates - Cindy/Jamie/Nickie (01/21)
- AT&T Small Cell Agreement - Jamie/Keith/David (01/21)
- Hazard Mitigation Plan Agreement w/County - Tim (01/21)
- Coordination of Marijuana Agenda Item (Inga/Ian request) - Tim (01/21)
- Special Event Coordinator Hiring Process - Meghan (01/21)
- Pool Reopening Plan - Meghan (01/21)
- 2021 Pool Staffing/Hiring - Meghan/Suzanne (01/21)

In Progress

- Orientation Process for New Volunteer Committee Members - Staff (12/20)
- Staff Reassignments to Committees - Wes (12/20)
- Ordinance Update For Food/Alcohol Serving Compliance - Adam/David (12/20)
- Travelers Insurance Renewal Application - Lisa/Cindy/Jamie (12/20)
- 2021 Large Item Pickup Planning - Jamie (12/20)
- Diversity Task Force Recommendation(s) to Council - Jamie (12/20)
- Harmon Park All Inclusive Playground Equipment Presentation - Keith (12/20)
- Annual Applications for Committees - Staff (11/20)
- Exterior Grant Update - Jamie (11/20)

- Annual Meetings with County/State Elected Officials - Jamie/Wes/Mayor (11/20)
- Review of the Virtual Court Process - Jamie/Wes (11/20)
- Geothermal Software Upgrade - PW (10/20)
- E/V Charging Station Installation - Meghan/PW (10/20)
- Dynamhex Implementation - Meghan (10/20)
- Diversity Task Force - Mayor/Staff (09/20)
- Historic Trail Signage - Keith (09/20)
- Tree Protection Zoning Consideration - Staff (08/20)
- Bias Training - Byron (07/20)
- Meadowbrook Park Public Art Project - Jamie/Ron (06/20)
- Energy Efficiency Audit Public Buildings - David McAuliffe (04/20)
- 2018 Building Code Adoption - Jamie/Mitch (01/20)
- PW New Facility Planning - Keith (09/19)
- Memorial Plaques in Parks Criteria Review - Staff (08/19)
- JOCO Municipalities Housing Study Task Force - Jamie (07/19)
- Research Viability of Interior Rental Inspections - Jamie (06/19)
- Statuary Maintenance Plan - Meghan (05/19)
- Longevity Service Award Update - Cindy/Jamie (05/19)
- Property Maintenance Code Revisions - Jamie (03/19)
- Contractor's License Requirements/Revisions - Jamie (03/19)
- Personnel Policy Updates - Cindy/Jamie (07/18)
- Organization of City Records/Contracts - Adam (05/19)
- Village Vision/Comp Plan Update - Chris/Jamie/Wes (11/17)

<u>Completed</u>

- Annual Beverage Licenses - Adam (12/20)
- Skate Park Construction Presentation - Keith (12/20)
- Annual First Washington Update - Wes (12/20)
- Civic Center Ad-Hoc Committee Presentation - Wes/Sheila (12/20)
- Health Dept. Enforcement Agreement With JOCO - Wes/David (12/20)
- Recommendation for New City Administration Position -Wes (12/20)
- Update SAM Registration (Bullet Proof Vest Grant) - PD (12/20)
- Annual Contract Renewal - Staff (12/20)
- Councilmember Preference List for Committees - Staff (12/20)
- 2021 Insurance Renewals - midpoint evaluation - Lisa/Wes (12/20)
- Taco Republic Special Use Permit - Jamie (12/20)
- Finalizing Open Enrollment and Benefit Changes - Cindy/Jamie (12/20)
- 2021 Employee Status Sheet Updates - Cindy/Jamie (12/20)
- 2020 Employee Evaluations - Dept. Supervisors (11/20)
- Year-End Budget Expenditure Review - Lisa/Dept. Heads (11/20)
- Village Vision 2.0 Work Sessions with Council - Jamie (10/20)
- Legislative Platform - Jamie/Wes (10/20)
- Holiday Events Coordination - Meghan (10/20)

- Employee Appreciation/Recognition - Meghan (10/20)
- Cares Fund Reimbursement - Lisa/Wes (08/20)

Tabled Initiatives

- 20/20 Fitness Business Introduction to Council - Wes (04/20) [delayed]
- Civic Center Action Plan - Staff (03/20) [on hold]
    - Bond Capacity Discussion w/Council - Jeff White [completed]
    - Framework of Partnership Agreements with YMCA & Library
    - MOU - Public Engagement & Site Design
- Review & update the City Code/Ordinances
- Review & Update City Policies
- Review of Smoking Ordinance/e-cigs
- Sculpture Unveiling - Keith (11/19) [delayed]
- Sustainability Grant Program - Jamie (02/20) [pending Council direction]
- Single Use Plastic Bag Discussion - Staff (02/20) [pending Council direction]