

CITY OF PRAIRIE VILLAGE

November 3, 2014

Council Committee Meeting 6:00 p.m.

City Council Meeting 7:30 p.m.



**COUNCIL COMMITTEE OF THE WHOLE
Council Chambers
November 03, 2014
6:00 PM**

AGENDA

ASHLEY WEAVER, COUNCIL PRESIDENT

AGENDA ITEMS FOR DISCUSSION

Introduction of Teen Council members

Discuss the awarding and funding of the 75th Street project from State
Line Road to Mission Road, Project 75ST0001
Keith Bredehoeft

Review of RV storage regulations and public comment
Kate Gunja

***Council Action Requested the same night**



PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: November 3, 2014

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DISCUSS THE AWARDING AND FUNDING OF THE 75TH STREET PROJECT FROM STATELINE ROAD TO MISSION ROAD, PROJECT 75ST0001.

RECOMMENDATION

Option 1-

Recommend that the Kansas Department of Transportation award Project 75ST0001 to Amino Brothers Company for \$3,885,520.70 and approve the transfer of funds to this project as listed in Option 1 below.

Option 2-

Recommend that the Kansas Department of Transportation rejects all bids received on October 22, 2014 for Project 75ST0001 and to modify the project scope and rebid the project in early 2015.

BACKGROUND

Project 75ST0001, 75th Street- Stateline Road to Mission Road was selected by the Mid-America Regional Council (MARC) to receive Federal Funds in 2011. The Kansas Department of Transportation (KDOT) administers the Federal Funds for local communities in Kansas. This project was initiated by the City and coordinated through KDOT. GBA was hired by the City as the design consultant and the 75th Street Committee provided input into the project design.

Bids were opened for this project by KDOT on October 22, 2014. A summary of the bids are shown below.

| <u>Contractor-</u> | <u>Bid Amount-</u> |
|---------------------|--------------------|
| Amino Brothers | \$3,885,520.70 |
| O'Donnell and Son's | \$3,913,026.50 |
| Kansas Heavy Const. | \$4,025,217.60 |
| JM Fahey Const. | \$4,200,042.02 |
| Miles Excavating | \$4,344,043.44 |
| GBA Est. | \$2,721,911.85 |

The low bid is about \$1,200,000 over what was budgeted for the construction of this project. KDOT will not release specific bid prices until a decision is made to award the project.

Two options exist for the City-

Option 1- Recommend that KDOT awards the project for \$3,885,520. If this option is selected the City would have to change priorities for the 2015 Budget and reallocate additional funds to this project.

Possible funding changes are shown below.

- Utilize \$500,000 in unspent street rehabilitation funds from CIP projects closed out in 2014 as shown below. These funds would have otherwise been reallocated with the 2016 budget process for projects in 2016.
 - 2013 CARS- Somerset Drive **\$100,000**
 - 2013 Paving- **\$400,000**
- Reallocate funds from the 2015 Street Program in the amount of **\$400,000**. That would leave \$915,000 for the 2015 Paving Program.
- Reallocate 2015 Drainage Repair Program funds. Originally \$110,000 in drainage funds were allocated to this project. Actual drainage items included with this project total over \$500,000. An additional **\$300,000** in drainage funds could be allocated to this project which would be an appropriate use of drainage funds. That would leave about \$120,000 in the Drainage Repair Program for 2015.

The above changes total **\$1,200,000** and provide a possible way to move forward with the project as designed.

Option 2- Recommend that KDOT rejects all bids. Under this scenario the scope of the project would be modified to reduce construction costs. At this time all possibilities to reduce cost have not been explored with KDOT but the most obvious part of the project to change would be the addition of sidewalk on the south side of 75th Street from Canterbury to State Line Road. Adding this sidewalk was an option during design and if costs would have been fully understood we probably would not have included in the final design. The sidewalk removal would reduce project costs by about \$500,000. Items removed by eliminating this new sidewalk would include sidewalk, grading, retaining walls, and railings. While removing this portion of the project is not ideal we still would have the improved pedestrian corridor on the north side of 75th which includes a fully ADA compliant 7 foot wide sidewalk.

FUNDING SOURCE

Funding changes are summarized in Option 1 above.

RELATION TO VILLAGE VISION

- TR1a. *Ensure that infrastructure improvements meet the needs of all transportation users.*

ATTACHMENTS

None

PREPARED BY

Keith Bredehoeft, Public Works Director

November 3, 2014



Revisions to Recreational Vehicles and Equipment – Parking and Storage

BACKGROUND:

At the December 16, 2013 Council Meeting, the City Council heard a number of resident comments regarding recreational vehicle storage. Council directed staff to place the item on a future agenda for discussion. The item was placed on the January 21 Committee of the Whole Meeting.

At the City Council's direction, staff researched neighboring cities' restrictions regarding their parking and storage of recreational vehicles. Staff also sent a survey to all HOAs to inquire if they had specific provisions regulating RV storage.

At the January 21 Committee of the Whole Meeting, there was extensive discussion by the City Council ranging from leaving the ordinance as it currently is, to implementing further restrictions. On a 6 to 2 vote, the Council requested the Planning Commission (PC) evaluate the issue.

At the February 10 PC Meeting, Staff provided an overview of Council discussion from their January 21 meeting. PC requested more information on temporary parking and the size of different RVs.

Staff provided this information at the March 4 Planning Commission Meeting. The PC recommended revising the temporary parking provisions to, "not to exceed 7 days total in a 30 day period," from "not to exceed 72 hours within any 14 day period," and also agreed with a staff recommendation to move from the Zoning Regulations to the Municipal Code. The PC requested to see the proposed changes prior to holding a Public Hearing to remove the section from the Zoning Regulations.

A Work Group of 3 Councilmembers was formed to discuss moving the RV parking and storage provisions to the Municipal Code and to look at possible revisions. The Work Group met 4 times between May 7 and July 23.

A presentation of the recommended changes by the Work Group was made at the August 18 City Council Meeting. On an 11 to 1 vote, the City Council recommended moving forward with the revisions as presented.

Summary of current provisions and recommended changes/additions in **bold text**:

- All RVs must be parked on a hard surface
- **Items shall not be permanently parked in front of the front building line or in front of the front building line of the properties directly adjacent.**
- Five feet away from rear lot line
- Five feet away from side lot line

- In all instances, an RV must be at least 15 feet from the street.
- **RV must be fully screened up to 6 feet**
- **All covers must be custom fit to the contours of the boat, RV or trailer (Note, covers are not required, only if one is present).**

The Work Group also agreed with the March 4 PC recommendations noted above regarding revisions to the temporary storage time limit.

At the October 7 Planning Commission, the Commission held a public hearing and recommended approval of the Ordinance removing the RV Parking and Storage provisions from the Zoning Regulations. The Ordinance is now ready for consideration by the Governing Body and will be brought forward at the same time as the Ordinance to include the new regulations.

Attached is a copy Chapter 19.38 edited to include the information as presented at the August 18 Committee of the Whole meeting. This Article will become Article 15 of Chapter XI, Public Offenses and Traffic. At the November 17 meeting, staff plans to bring back additional suggested revisions to the definitions section.

Next steps:

- November 3, Committee of the Whole (COW) – Council provide feedback on the attached draft. Public comment will be accepted at the COW Meeting on this item.
- November 17, COW – Revisions (if needed) from November 3 meeting reviewed along with additional revisions to definitions. Public comment will be accepted at the COW Meeting on this item.
- December 1 or 15, City Council Meeting – Formal consideration by Council of the revisions. Public comment will be accepted at the meeting.

Attachments

- **Presentation** from August 18 Committee of the Whole Meeting
- **Redline version** of Chapter 19.38, edited
- **Draft version** of Chapter 19.38, edited, without redline

PREPARED BY:

Kate Gunja

Assistant City Administrator

Date: October 30, 2014

Recreational Vehicle Parking and Storage Presentation

Council Committee Meeting of the Whole
August 18, 2014

Overview of presentation

- Current City Ordinances
- Examples of RVs and recreational equipment regulated under City ordinances
- History of discussion
- Considerations discussed by the RV Work Group
- Options reviewed by the Work Group
- Recommendation of Work Group
- Possible next steps

Definitions

The following definitions are provided in Chapter 19.38:

- **"Recreational equipment"** - That which an occupant or owner may desire for convenience to store on his lot, but which item is normally and principally transported for use off the lot on a trailer or other vehicle and which is not used by the very nature and utility of the item in connection with customary accessory residential uses on the lot. Included in the meaning of equipment are such large items of equipment as slide-in campers, folding tent trailers, boats, hang gliders, snow mobiles, floats, rafts and jet skis. However, it is provided that in the case of those items which are transported on trailers designed to carry more than one item, such as jet skis and snowmobiles, such trailer shall be considered as the unit of recreational equipment and the item transported shall not be so considered.
- **"Recreational vehicle"** - Includes recreational conveyances, house trailers, trucks, trailers, pickup trucks, vans and converted vehicles. However, it is further provided that the term "recreational vehicle" shall not include the following defined vehicles: light trucks; light vans; light trucks having a slide-in camper.

Current ordinance – Permanent parking/storage

RVs may be stored in an enclosed structure, or it must meet several location requirements if stored outside.

The requirements are:

- All RVs must be parked on a hard surface.
- Not located in a required front yard (30 feet from the street)
- Five feet away from rear lot line
- Five feet away from side lot line
- In all instances, an RV must be at least 15 feet from the street.

Current ordinance – Temporary parking/storage

Parking on a resident's driveway for the purpose of loading, unloading, cleaning and minor emergency type repairs, and for a period **not to exceed 72 hours within any fourteen 14 day period.**

Examples of RVs

Class A Motor Home



Approximate specifications

10' – 13'6" tall

24—40' long

Class B Motor Home



Approximate specifications

6'9" -9'9" height

21-32' long

Class C Motor Home



Approximate specifications

10"-13'6" height

20-40' long

Travel Trailer



Approximate specifications

10' – 13'6" height

12-40' long

Folding Camper Trailer



Approximate specifications
When folded down,
typically 4-5' height

Fifth-wheel Trailer



Approximate specifications
10' – 13'6" height
12-40' long

Truck Camper



Approximate specifications
Up to 13'6' height

Trailers and boats



Utility Trailers – example, may be larger or smaller. May not have a higher tailgate.
6'x10' - approx 6' height at tailgate



Cargo Trailers –
5'x8' = approx 6'6" height
6'x10' = approx 7'7" height
7'x14' = approx 8'3' height



Boats –
Depending on size, approx 6'4" – 13'6" height

History of discussion

December 16 Council Meeting - City Council heard a number of resident comments regarding recreational vehicle storage. Council directed staff to place the item on a future agenda. Item placed on the January 21 Committee of the Whole Meeting.

At the City Council's direction, staff researched neighboring cities' restrictions regarding the parking and storage of recreational vehicles. Staff also sent a survey to all HOAs to inquire if they had specific provisions regulating RV storage.

History of discussion continued

January 21 Committee of the Whole - There was extensive discussion at the January 21 Meeting. The discussion ranged from leaving the ordinance as it currently is, to implementing further restrictions, to a complete ban.

On a 6 to 2 vote, the Council requested the Planning Commission evaluate the issue.

History of discussion continued

February 10 Planning Commission (PC) Meeting – Staff provided overview of Council discussion at their January 21 meeting. PC requested more information on temporary parking and the size of different RVs.

March 4 Planning Commission Meeting – PC reviewed staff information. Recommended the following:

- Revise temporary parking to, “not to exceed 7 days total in a 30 day period”
- Agreed with staff recommendation to move from the Zoning Regulations to the Municipal Code
- Prior to holding Public Hearing to remove the provisions from the Zoning Regulations, PC requested to see the proposed changes

History of discussion continued

April 7 Committee of the Whole Meeting – An overview from the discussion with the Planning Commission was presented under staff reports. The City Council expressed an interest in moving the RV parking and storage provisions to the Municipal Code and looking further at possible revisions.

Staff asked if several Council members were interested in forming a Work Group to look more closely at the issue. Council members Wassmer, Weaver and Gallagher volunteered to do so.

RV Work Group

The “RV Work Group” met four times:

- May 7
- May 21
- June 19
- July 23

Considerations

- The Work Group reviewed all of the information on other cities' provisions as compiled by Staff
- The Work Group agreed with the recommendation from the PC regarding temporary storage and revising to, “not to exceed 7 days total in a 30 day period”
- The Work Group focused on revisions to *permanent* storage (anytime longer than provided for in the definition of temporary storage).

Note: For purposes of the presentation, when referring to *storage* going forward, it means *permanent* storage (any storage longer than provided for in temporary storage). RV means any recreational vehicle or equipment.

Considerations

Work Group considered the following as it related to examples in the City:

- Screening provisions
- Setback provisions
- Parking on hard surface
- Limiting storage by height
- Limiting storage by length
- Limiting storage by weight or class

Options

Work Group came up with 4 options in general:

Option A: Make no changes, current ordinance

Option B: Current ordinance, plus:

1. Revise: Definition of temporary parking per PC recommendation
2. Add: Items shall not be stored in front of the front building line or the line of the building as it extends to each side of the property

Options continued

Option C: Option B, plus:

1. Add – RV must be fully screened up to 6 feet. RV may be over 6 feet in height, but must be screened up to 6 feet.

For purposes of this provision, “screening” means, at minimum, the use of evergreen plantings to substantially shield the RV from the view of neighboring properties on all sides.

2. Add – All covers must be custom fit to the contours of the boat, RV or trailer

Options continued

Option D:

1. Eliminate – Permanent storage of Class A, B, C vehicles, travel trailers, cargo trailers and boats
2. Allow utility trailers but require full screening

Diagram for discussion of Options

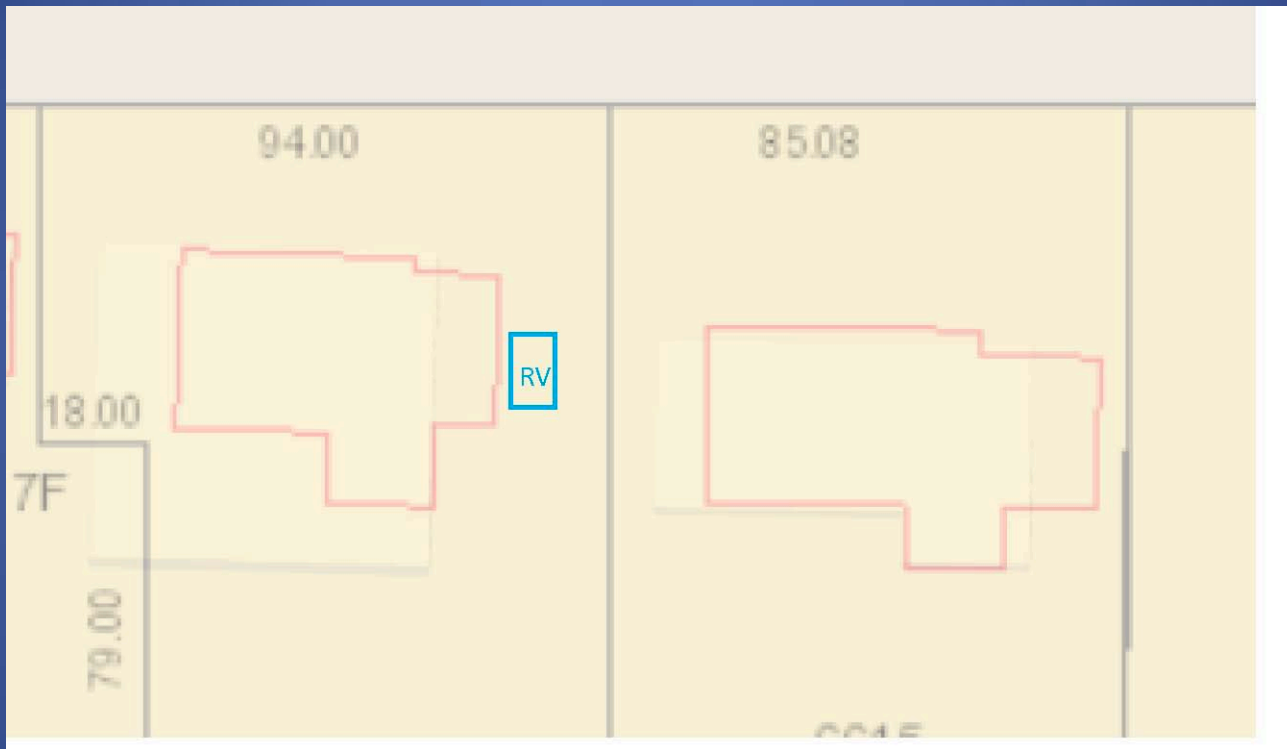
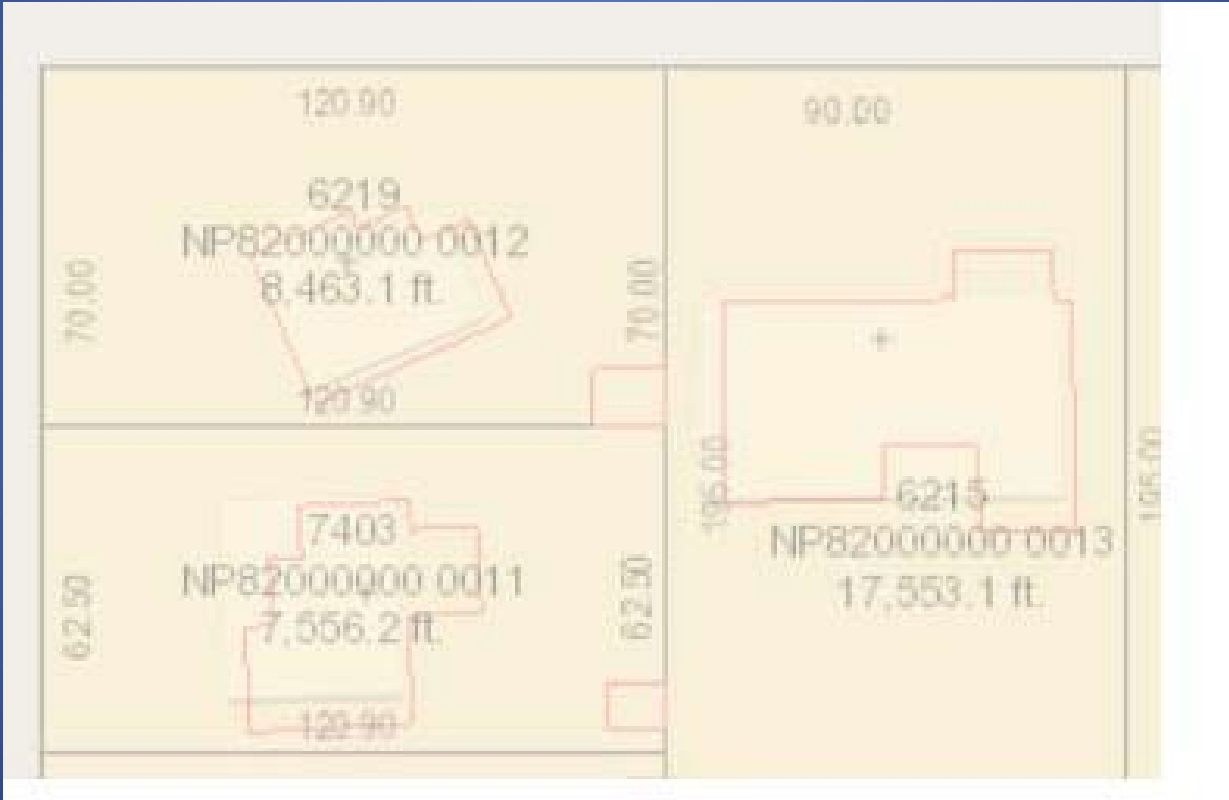


Diagram for discussion of Options



Recommendation

The RV Work Group recommends *Option C*.

Summary of current ordinance adding in **Option C**:

- All RVs must be parked on a hard surface.
- Items shall not be stored in front of the front building line or the line of the building as it extends to each side of the property.
- Five feet away from rear lot line
- Five feet away from side lot line
- In all instances, an RV must be at least 15 feet from the street.
- RV must be fully screened up to 6 feet
- All covers must be custom fit to the contours of the boat, RV or trailer

Recommendation continued

Work Group recommends Option C for the following reasons:

- Compromise on the spectrum of Options considered
- Improves the visual appearance of neighborhoods by increasing the screening and revising the location options for storage
- RVs are still allowed provided that they are able to be stored per the revised ordinance

Possible Next Steps

- Council provide feedback on recommendation
- Planning Commission hold Public Hearing to remove from the Zoning Regulations. Note: removal from Zoning Regulations would be contingent upon Council approval of new provisions in Municipal Code
- City Council hold Public Hearing to consider removal of provisions in Zoning Regulations and new Ordinance adding provisions to the Municipal Code

Note: Council may add an “effective date” to the Ordinance to allow residents time to make the appropriate modifications to come into compliance with the new Ordinance.

ARTICLE 15 ~~CHAPTER 19.38~~ - RECREATIONAL VEHICLES AND EQUIPMENT-PARKING AND STORAGE

Sections:

- ~~19.38.005 – Declaration of Purpose and Intent.~~
- ~~19.38.010 – Definitions.~~
- ~~19.38.015 – Parking and Storage.~~
- ~~19.38.020 – Inhabitation.~~
- ~~19.38.025 – Visitors.~~
- ~~19.38.030 – Utilities.~~
- ~~19.38.035 – Storage of Commercial Items.~~

~~11-1501~~19.38.005 Declaration of Purpose and Intent.

The City Council, in order to preserve the residential character of its neighborhoods, declares that it is necessary and desirable to adopt and impose reasonable regulations and restrictions on the storage and parking of recreational vehicles, and storage of commercial goods and equipment. The City Council finds that this is consistent with existing zoning ordinances and necessary to implement such existing zoning ordinances, which establish areas to be used exclusively for residential purposes. This chapter is adopted to promote the public safety, health and welfare of the city for the following reasons: improper storage of vehicles containing propane gas receptacles or permanent connections of electrical power to recreational vehicles provide potential fire hazards; parking of large recreational vehicles or recreational equipment on or near a public street can greatly reduce visibility for drivers proceeding on a public roadway; recreational vehicles frequently contains sanitary facilities which present substantial health problems if wastes are improperly disposed of. Recreational vehicles stored and potentially used on a permanent basis conflict with the principles of residential zoning, particularly with reference to the desired density, lot size and setback provided for in these zoning ordinances. Uncontrolled and unrestricted parking of the recreational vehicles may adversely affect the salability of adjoining lots and the property value of the residence.

~~11-1502~~19.38.010 Definitions.

- A. The definitions set forth in this section shall be applicable to this chapter exclusively and shall not supersede, amend or alter other regulatory or zoning ordinances or enactments of the city.
1. "Converted vehicles" - Any combination of the vehicles described in this section, which although not originally designed and not suitable for occupancy, have been converted or modified to provide temporary, movable living quarters containing facilities for cooking, sleeping, or sanitation.
 2. "House trailer" - A trailer or semi-trailer which is designed, constructed and equipped as a dwelling place, living abode, or sleeping place, either permanently or temporarily, and is equipped as a conveyance on streets or highways; a trailer or semi-trailer whose chassis and exterior shell is designed and constructed for use as a house trailer as defined above, but which is used instead permanently or temporarily, for advertising, sales, display, or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire and the transportation for distribution by a private carrier.

Chapter 19.38—Recreational Vehicles and Equipment Parking and Storage

3. "Light truck" - For purposes of this chapter, a "light truck" is a motor vehicle designed, used and maintained primarily for the transportation of property and materials, but which has a manufacturer's gross weight of three-fourths ton or less and does not at any point exceed seven (7) feet in height or eighteen (18) feet in length.
4. "Light van" - A vehicle otherwise meeting the definition of a van, but which has a manufacturer's gross vehicle weight rate of three-fourths ton or less and does not at any point exceed seven (7) feet in height or eighteen (18) feet in length.
5. "Permanent parking" - The parking on the permanent driveway of a residence or on a pad, or in the yard of any of vehicles or equipment for a period greater than ~~seven (7) days in a thirty (30) day period~~ the seventy-two hours.
6. "Person" - Any individual, partnership, joint venture, corporation, or other business or legal entity.
7. "Pickup truck" - For purposes of this chapter, is a motor vehicle with open cargo area designed, used and maintained primarily for the transportation of property which has a manufacturer's gross weight of greater than three-fourths ton and which, at any point, exceeds seven (7) feet in height or which, at any given point, exceeds eighteen (18) feet in length.
8. "Recreational conveyance" - A vehicular type unit built on or for use on a chassis and designed primarily as living quarters for recreational, camping, vacation or travel use, and which has its own motive power or is mounted on or drawn by another vehicle.
9. "Recreational equipment" - That which an occupant or owner may desire for convenience to store on his lot, but which item is normally and principally transported for use off the lot on a trailer or other vehicle and which is not used by the very nature and utility of the item in connection with customary accessory residential uses on the lot. Included in the meaning of equipment are such large items of equipment as slide-in campers, folding tent trailers, boats, hang gliders, snow mobiles, floats, rafts and jet skis. However, it is provided that in the case of those items which are transported on trailers designed to carry more than one item, such as jet skis and snowmobiles, such trailer shall be considered as the unit of recreational equipment and the item transported shall not be so considered.
10. "Recreational vehicle" - Includes recreational conveyances, house trailers, trucks, trailers, pickup trucks, vans and converted vehicles. However, it is further provided that the term "recreational vehicle" shall not include the following defined vehicles: light trucks; light vans; light trucks having a slide-in camper.
11. "Slide-in campers, shells and truck caps" - Those items structured and designed to be mounted temporarily or permanently in the bed of a pickup or light truck, to provide enclosed storage space for transportation or property or quarters for recreational, camping, vacation or travel use. When mounted, the entire unit, consisting of the pickup or light truck, and the slide-in camper, shell or truck cap constitutes a recreational vehicle. When dismounted, the slide-in camper, shell, or truck cap becomes an item of recreational equipment.
12. "Storage" - The placing of any of vehicles or equipment within an enclosed structure which obscures such vehicles from view.
13. "Temporary parking" - The parking on the permanent portion of a resident's driveway of any of the above described vehicles or equipment for the purpose of loading, unloading, cleaning and minor emergency type repairs, and for a period not to exceed seven (7) days ~~seventy-two (72) hours~~ within any thirtyfourteen (30+4) day period.

CITY OF PRAIRIE VILLAGE – ZONING REGULATIONS

Chapter 19.38 – Recreational Vehicles and Equipment Parking and Storage

- 14. "Trailer" - Any vehicle without motor power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.
- 15. "Truck" - A motor vehicle which is designed, used and maintained primarily for the transportation of property or materials.
- 16. "Van" - Includes panel trucks and those vehicles commonly known as auto vans which provide an enclosed cargo area for the transportation of property, or have been designed to carry passengers or provide quarters for recreational camping, vacation, or travel use; and designed to allow direct access from the driver's cab to the cargo and passenger area.

11-150319.38.015 Parking and Storage.

Recreational vehicles and recreational equipment may be stored or parked only within any district of the City which is zoned for residential use and only in accordance with the following:

- A. Recreational vehicles and recreational equipment as defined in this chapter may be stored within an enclosed structure (which structure otherwise conforms to the zoning requirements of the City), or may be permanently parked upon the premises of the owner of such recreational vehicle or recreational equipment; provided, however, that, except as otherwise provided in this section, said recreational vehicles or recreational equipment
shall not be permanently parked on or within any required front yard or on or within fifteen (15) feet of any street. ~~and said R~~recreational vehicles and recreational equipments shall not be permanently parked within five (5) feet of a rear or side property line. Recreational vehicles and recreational equipment shall not be permanently parked in front of the front building line of the property in which the recreational vehicle or recreational equipment resides, or in front of the front building line of properties directly adjacent.
- B. Recreational vehicles and recreational equipment shall be fully screened up to six (6) feet. For the purpose of this Article, full screening shall be, at minimum, the use of evergreen plantings to substantially screen the recreational vehicle or recreational equipment from public and ground level view from a neighboring property.
- ~~B. C.~~ The total number of recreational vehicles and ~~units of~~ recreational equipment, excluding those which are parked in an enclosed structure, which may be permanently parked at a residence shall not exceed one.
- ~~C. D.~~ Recreational vehicles and equipment may be permanently parked or stored in the approved locations; provided that vehicles and equipment are operable and carry a current license where required; that any point of such vehicle or equipment which touches the ground shall only be set on a hard non permeable surface; provided further that such vehicles or equipment have been safely secured for said storage or parking by disconnecting all utilities and life support systems, including liquefied petroleum gas containers, sewer drainage lines and repair of any valve defects all to be in accordance with the storage guidelines recommended by the manufacturer of such equipment or vehicle.
- E. Recreational equipment or recreational vehicles may be temporarily parked on the permanent driveway portion of the residence for the purpose of loading, unloading, cleaning and minor emergency type-repair for a period not to exceed ~~seven~~ seventy-two (72) days hours within any ~~thirtyfourteen (3014)~~ thirtyfourteen (3014) day period.
- ~~D. F.~~ All covers for any item (if present) must be custom fit to the contours of the recreational vehicle or recreational equipment. No tarps or other non-custom fit covers, or ready-fit or semi-custom covers may be used. A custom fit cover is designed,

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CITY OF PRAIRIE VILLAGE—ZONING REGULATIONS

Chapter 19.38—Recreational Vehicles and Equipment Parking and Storage

 manufactured or tailored to closely fit the body style and size group of the specific make,
 model and year of the item to be covered.

 G. The Planning Commission as a conditional use may permit a recreational vehicle
 that is used on a regular basis as a second car to be exempt from paragraphs A, B, C &

D.

E.

11-150419.38.020 **Inhabitation.**

At no time shall a permanently or temporarily parked or stored recreational vehicle or item of recreational equipment be occupied or used for living, sleeping, or housekeeping purposes except as provided in this chapter.

11-150519.38.025 **Visitors.**

Visitors to the city may be permitted to park a recreational vehicle or item of recreational equipment on the permanent driveway portion of a residence and occupy said vehicle or equipment for sleeping purposes only, or occupy for sleeping purposes a vehicle or equipment already stored or permanently parked upon the premises, by making application to the department of public works for a visitors permit. The Director of Public Works is authorized to annually grant three (3) visitors permits for each residence within a twelve (12) month period. Each permit shall be valid for a period of seven (7) days. Visitors may also park such vehicles or equipment on the street for a period of forty-eight (48) hours by permit.

11-150619.38.030 **Utilities.**

A recreational vehicle or recreational equipment may be connected only to the residential electrical utility system and only when said vehicle is temporarily parked as defined in this chapter or when a visitors permit has been issued. Such connection must be in accordance with the city electrical code, and said connection be made available for inspection during regular business hours by a city inspector.

11-150719.38.035 **Storage of Commercial Items.**

Commercial items, including inventory, equipment or goods used, transported or consumed in the course of a trade or business, shall only be stored within a recreational vehicle or item of recreational equipment if completely enclosed within such vehicle or equipment and not visible from adjacent property.

ARTICLE 15 - RECREATIONAL VEHICLES AND EQUIPMENT-PARKING AND STORAGE

11-1501 Declaration of Purpose and Intent.

The City Council, in order to preserve the residential character of its neighborhoods, declares that it is necessary and desirable to adopt and impose reasonable regulations and restrictions on the storage and parking of recreational vehicles, and storage of commercial goods and equipment. The City Council finds that this is consistent with existing zoning ordinances and necessary to implement such existing zoning ordinances, which establish areas to be used exclusively for residential purposes. This chapter is adopted to promote the public safety, health and welfare of the city for the following reasons: improper storage of vehicles containing propane gas receptacles or permanent connections of electrical power to recreational vehicles provide potential fire hazards; parking of large recreational vehicles or recreational equipment on or near a public street can greatly reduce visibility for drivers proceeding on a public roadway; recreational vehicles frequently contains sanitary facilities which present substantial health problems if wastes are improperly disposed of. Recreational vehicles stored and potentially used on a permanent basis conflict with the principles of residential zoning, particularly with reference to the desired density, lot size and setback provided for in these zoning ordinances. Uncontrolled and unrestricted parking of the recreational vehicles may adversely affect the salability of adjoining lots and the property value of the residence.

11-1502 Definitions.

- A. The definitions set forth in this section shall be applicable to this chapter exclusively and shall not supersede, amend or alter other regulatory or zoning ordinances or enactments of the city.
1. "Converted vehicles" - Any combination of the vehicles described in this section, which although not originally designed and not suitable for occupancy, have been converted or modified to provide temporary, movable living quarters containing facilities for cooking, sleeping, or sanitation.
 2. "House trailer" - A trailer or semi-trailer which is designed, constructed and equipped as a dwelling place, living abode, or sleeping place, either permanently or temporarily, and is equipped as a conveyance on streets or highways; a trailer or semi-trailer whose chassis and exterior shell is designed and constructed for use as a house trailer as defined above, but which is used instead permanently or temporarily, for advertising, sales, display, or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire and the transportation for distribution by a private carrier.
 3. "Light truck" - For purposes of this chapter, a "light truck" is a motor vehicle designed, used and maintained primarily for the transportation of property and materials, but which has a manufacturer's gross weight of three-fourths ton or less and does not at any point exceed seven (7) feet in height or eighteen (18) feet in length.
 4. "Light van" - A vehicle otherwise meeting the definition of a van, but which has a manufacturer's gross vehicle weight rate of three-fourths ton or less and does not at any point exceed seven (7) feet in height or eighteen (18) feet in length.

5. "Permanent parking" - The parking on the permanent driveway of a residence or on a pad, or in the yard of any of vehicles or equipment for a period greater than seven (7) days in a thirty (30) day period.
6. "Person" - Any individual, partnership, joint venture, corporation, or other business or legal entity.
7. "Pickup truck" - For purposes of this chapter, is a motor vehicle with open cargo area designed, used and maintained primarily for the transportation of property which has a manufacturer's gross weight of greater than three-fourths ton and which, at any point, exceeds seven (7) feet in height or which, at any given point, exceeds eighteen (18) feet in length.
8. "Recreational conveyance" - A vehicular type unit built on or for use on a chassis and designed primarily as living quarters for recreational, camping, vacation or travel use, and which has its own motive power or is mounted on or drawn by another vehicle.
9. "Recreational equipment" - That which an occupant or owner may desire for convenience to store on his lot, but which item is normally and principally transported for use off the lot on a trailer or other vehicle and which is not used by the very nature and utility of the item in connection with customary accessory residential uses on the lot. Included in the meaning of equipment are such large items of equipment as slide-in campers, folding tent trailers, boats, hang gliders, snow mobiles, floats, rafts and jet skis. However, it is provided that in the case of those items which are transported on trailers designed to carry more than one item, such as jet skis and snowmobiles, such trailer shall be considered as the unit of recreational equipment and the item transported shall not be so considered.
10. "Recreational vehicle" - Includes recreational conveyances, house trailers, trucks, trailers, pickup trucks, vans and converted vehicles. However, it is further provided that the term "recreational vehicle" shall not include the following defined vehicles: light trucks; light vans; light trucks having a slide-in camper.
11. "Slide-in campers, shells and truck caps" - Those items structured and designed to be mounted temporarily or permanently in the bed of a pickup or light truck, to provide enclosed storage space for transportation or property or quarters for recreational, camping, vacation or travel use. When mounted, the entire unit, consisting of the pickup or light truck, and the slide-in camper, shell or truck cap constitutes a recreational vehicle. When dismounted, the slide-in camper, shell, or truck cap becomes an item of recreational equipment.
12. "Storage" - The placing of any of vehicles or equipment within an enclosed structure which obscures such vehicles from view.
13. "Temporary parking" - The parking on the permanent portion of a resident's driveway of any of the above described vehicles or equipment for the purpose of loading, unloading, cleaning and minor emergency type repairs, and for a period not to exceed seven (7) days within any thirty(30) day period.
14. "Trailer" - Any vehicle without motor power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.
15. "Truck" - A motor vehicle which is designed, used and maintained primarily for the transportation of property or materials.
16. "Van" - Includes panel trucks and those vehicles commonly known as auto vans which provide an enclosed cargo area for the transportation of property, or have been designed to carry passengers or provide quarters for recreational camping, vacation, or travel use; and designed to allow direct access from the driver's cab to the cargo and passenger area.

11-1503 Parking and Storage.

Recreational vehicles and recreational equipment may be stored or parked only within any district of the City which is zoned for residential use and only in accordance with the following:

- A. Recreational vehicles and recreational equipment as defined in this chapter may be stored within an enclosed structure (which structure otherwise conforms to the zoning requirements of the City), or may be permanently parked upon the premises of the owner of such recreational vehicle or recreational equipment; provided, however, that, except as otherwise provided in this section, said recreational vehicles or recreational equipment shall not be permanently parked on or within any required front yard or on or within fifteen (15) feet of any street. Recreational vehicles and recreational equipment shall not be permanently parked within five (5) feet of a rear or side property line. Recreational vehicles and recreational equipment shall not be permanently parked in front of the front building line of the property in which the recreational vehicle or recreational equipment resides, or in front of the front building line of properties directly adjacent.
- B. Recreational vehicles and recreational equipment shall be fully screened up to six (6) feet. For the purpose of this Article, full screening shall be, at minimum, the use of evergreen plantings to substantially screen the recreational vehicle or recreational equipment from public and ground level view from a neighboring property.
- C. The total number of recreational vehicles and recreational equipment, excluding those which are parked in an enclosed structure, which may be permanently parked at a residence shall not exceed one.
- D. Recreational vehicles and equipment may be permanently parked or stored in the approved locations; provided that vehicles and equipment are operable and carry a current license where required; that any point of such vehicle or equipment which touches the ground shall only be set on a hard non permeable surface; provided further that such vehicles or equipment have been safely secured for said storage or parking by disconnecting all utilities and life support systems, including liquefied petroleum gas containers, sewer drainage lines and repair of any valve defects all to be in accordance with the storage guidelines recommended by the manufacturer of such equipment or vehicle.
- E. Recreational equipment or recreational vehicles may be temporarily parked on the permanent driveway portion of the residence for the purpose of loading, unloading, cleaning and minor emergency type-repair for a period not to exceed seven (7) days within any thirty (30) day period.
- F. All covers for any item (if present) must be custom fit to the contours of the recreational vehicle or recreational equipment. No tarps or other non-custom fit covers, or ready-fit or semi-custom covers may be used. A custom fit cover is designed, manufactured or tailored to closely fit the body style and size group of the specific make, model and year of the item to be covered.
- G. The Planning Commission as a conditional use may permit a recreational vehicle that is used on a regular basis as a second car to be exempt from paragraphs A, B, C & D.

11-1504 Inhabitation.

At no time shall a permanently or temporarily parked or stored recreational vehicle or item of recreational equipment be occupied or used for living, sleeping, or housekeeping purposes except as provided in this chapter.

11-1505 Visitors.

Visitors to the city may be permitted to park a recreational vehicle or item of recreational equipment on the permanent driveway portion of a residence and occupy said vehicle or equipment for sleeping purposes only, or occupy for sleeping purposes a vehicle or equipment already stored or permanently parked upon the premises, by making application to the department of public works for a visitors permit. The Director of Public Works is authorized to annually grant three (3) visitors permits for each residence within a twelve (12) month period. Each permit shall be valid for a period of seven (7) days. Visitors may also park such vehicles or equipment on the street for a period of forty-eight (48) hours by permit.

11-1506 Utilities.

A recreational vehicle or recreational equipment may be connected only to the residential electrical utility system and only when said vehicle is temporarily parked as defined in this chapter or when a visitors permit has been issued. Such connection must be in accordance with the city electrical code, and said connection be made available for inspection during regular business hours by a city inspector.

11-1507 Storage of Commercial Items.

Commercial items, including inventory, equipment or goods used, transported or consumed in the course of a trade or business, shall only be stored within a recreational vehicle or item of recreational equipment if completely enclosed within such vehicle or equipment and not visible from adjacent property.

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Council Chambers
November 03, 2014
7:30 PM**

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

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

By Staff

- 1. Approve City Council minutes of October 20, 2014

- VI. **MAYOR'S REPORT**
- VII. **COMMITTEE REPORTS**

Council Committee of the Whole

Discuss the award and funding of the 75th Street project from
State Line Road to Mission Road, Project 75ST0001

- VIII. **STAFF REPORTS**
- IX. **OLD BUSINESS**
- X. **NEW BUSINESS**
- XI. **ANNOUNCEMENTS**
- XII. **ADJOURNMENT**

If any individual requires special accommodations - for example, qualified interpreter, large print, reader, hearing assistance - in order to attend the meeting, please notify the City Clerk at 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

CONSENT AGENDA
CITY OF PRAIRIE VILLAGE

November 3, 2014

**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
October 20, 2014**

The City Council of Prairie Village, Kansas, met in regular session on Monday, October 20, 2014 at 7:30 p.m. in the Council Chambers at the Municipal Building, 7700 Mission Road, Prairie Village, Kansas.

ROLL CALL

Mayor Ron Shaffer called the meeting to order and roll call was taken with the following Council members present: Ashley Weaver, Jori Nelson, Steve Noll, Eric Mikkelson, Brooke Morehead, Dan Runion, Courtney McFadden, Ted Odell and Terrence Gallagher.

Also present were: Wes Jordan, Chief of Police; Keith Bredehoeft, Director of Public Works; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Kate Gunja, Assistant City Administrator; Nolan Sunderman, Assistant to the City Administrator; Lisa Santa Maria, Finance Director; and Meghan Buum, Deputy City Clerk/Public Information Officer.

Mayor Shaffer led those present in the Pledge of Allegiance.

PUBLIC PARTICIPATION

David Morrison, 9021 Delmar Street, shared that he was present because he believes that he is the rightfully elected City Council member of Ward 5 and should be sitting on the dais with the Council rather than in the audience. He noted that he has been elected twice to the council seat. The Kansas State Court of Appeals reversed the ouster decision and directed that he be reinstated. He stated that it flies in the face of

logic that he is not reinstated at this time. Mr. Morrison shared that to his knowledge, the District Attorney has not filed a motion to stay that direction. At this time, he is making official protest that he should be allowed to return to the council which he believes is fair and equitable. He was not allowed to retain his seat on the Council while the appeal went forward, and he thinks the same standard should be applied. He stated that by not returning him to his seat, a grave injustice is being committed. He believes that the longer this goes on, the more it delegitimizes this Governing Body.

Catherine Logan, City Attorney, clarified that the Court of Appeals has reversed the decision of the District Court that ousted Mr. Morrison. She stated that the City is not party to this action and the action was brought by the District Attorney against Mr. Morrison. The order that was issued by the Court of Appeals reversing the District Court decision does not take effect for a period of 30 days; therefore the District Attorney does not have to file a motion to stay that appeal. By the rules of the Kansas Supreme Court, the mandate of the court is automatically stayed. Ms. Logan has been informed that Mr. Morrison's attorney has filed a motion with the Court of Appeals to stay its own rule of automatic delay of the effectiveness of its order, and the Court may do that, but has not made a ruling on that request at this time. Ms. Logan stated that therefore, under the current law, the current decision is not allowed to undo the ouster and therefore, Mr. Morrison cannot be seated at this time.

Eric Mikkelson asked if the District Attorney has appealed to the Kansas Supreme Court. Ms. Logan replied that to her knowledge, they have not appealed however they have 30 days to file a request for review. The District Attorney has seven days to respond to the motion filed by Mr. Morrison's attorney. The Court of Appeals will

rule on his request for a stay after the District Attorney has an opportunity to respond. She stated that this may change before the next meeting.

Jay Culver, 4721 W. 81st Street, stated that he has been a Prairie Village resident for 28 years and has kept bees in Leawood for 27 years. He shared that he is a big proponent of bees for many reasons. He stated that the usual concern about beekeeping in an urban area is a fear of being stung; however, honey bees are not territorial like wasps or hornets. Honey bees are extremely docile and safe to be around unless disturbed. Other concerns are related to swarming, where thousands of bees move to a new location due to congestion, but bees are docile while in the swarm. Mr. Culver shared that there has been a rapid decline in the bee population which is a major issue for crop pollination and there are efforts throughout the country to increase the bee population. This is vital to residents who garden and just as important as fertilizer. Mr. Culver strongly urged the Council to consider allowing bee keeping in Prairie Village as it is quite safe and vital to community. He offered his assistance on developing a policy on beekeeping.

Bryan Brown, 4805 W. 72nd Street, addressed traffic challenges that he has encountered one block West of Mission Road and 67th Street near Prairie Elementary. He stated that currently, vehicles cannot turn left into a school entryway; there is signage in the area stating this. Over the three years he has been engaged at Prairie Elementary, it has continued to be problematic. He stated that Chief Jordan has deployed officers to the area, and the school principal has addressed parents as well, however, several individuals continue to violate the direction. He expressed concern that someone could get hurt. He would like to see collaboration between the school PTA, residents, and the City to solve the problem. It seems as if the most frequent

violators are parents taking their kids to school. He wanted to engage in dialogue to try and help create solutions.

Chief Jordan responded that he is aware of the situation and is working closely with Councilwoman Weaver and Councilwoman Nelson, and the principal at the school. They are also having issues at the crosswalk. He has a meeting on Wednesday to discuss their findings on crosswalk signage. The school is including articles about the issue in the school newsletter. He expressed frustration that the violators are parents at the school. He stated that there have been more resources present the last few weeks to help curtail the problem. Discussions are ongoing.

With no one else present to address the City Council public participation was closed at 7:48.

CONSENT AGENDA

Ashley Weaver moved the approval of the Consent Agenda for Monday, October 20, 2014.

1. Approve Regular Council Meeting Minutes - October 6, 2014
2. Ratify the Mayor's appointments of Bill Sanderson and Matthew Geary representing Wards 6 and 5 respectively to the Prairie Village Parks & Recreation Committee completing unexpired terms ending April, 2016 and April, 2017 respectively.
3. Approve Blue Cross Blue Shield of Kansas City as the City's health insurance provider for the 2015 plan year, with a 2.2% increase in premiums; approve Delta Dental of Kansas as the City's dental insurance provider for the 2015 plan year with a 0.0% increase in premiums and approve Superior Vision as the City's vision insurance provider for the 2015 plan year with a 3.5% increase in premiums.

A roll call vote was taken with the following members voting "aye": Weaver, Nelson, Noll, Mikkelson, Morehead, Runion, McFadden, Odell and Gallagher.

MAYOR'S REPORT

Mayor Shaffer reported he represented the City at several events during the past two weeks including the Briarwood 3rd Grade Chili Cook-Off, the Kansas City Chamber Celebration Under the Stars event, the Indian Hills 60th Anniversary Celebration, Prairie Village State of the Arts reception, the Shawnee Indian Mission weekend events, the Prairie Fields Homes Association Block Party, NEJoCo After Hours at the Blue Moose, NEJoCo Chamber Luncheon, Northeast Mayor's meeting, Village Presbyterian Church Faith and Fairness forum, and the MainStream Coalition Dinner.

COMMITTEE REPORTS

Council Committee of the Whole

COU2014-44 Consider the 2014 Tree Trimming Program

On behalf of the Council Committee of the Whole, Council President Ashley Weaver moved the City Council approve the agreement with Kansas City Tree Care, LLC in the amount of \$99,350.30 for the trimming of trees in City right-of-way and parks. Brooke Morehead seconded the motion and the motion was approved unanimously.

Prairie Village Teen Council Update

Jori Nelson shared that after significant discussions six students will be recognized as the Prairie Village Teen Council at the next City Council meeting. The students received notification last week. Teen Council members will meet with City staff before the next meeting at 5 p.m. Each Teen Council member has been assigned to a ward and will sit with their respective Council member at both the Committee of the Whole and City Council meetings. The Teen Council members will be able to participate in discussion at the meetings but not vote. Ms. Nelson encouraged her fellow Council members to come early for the meal to meet the Teen Council members. An

announcement will be shared in a coming issue of the Village Voice and on the City website. She shared that the information included in packet was distributed to them electronically.

Eric Mikkelson asked if the student assigned to each Council member lives in their ward. Ms. Nelson stated that they were randomly assigned this year, but there is potential for that in future years if enough applications are received.

Brooke Morehead stated that she noticed some typos in the materials and would work with Terrence Gallagher to correct them before sending to the Teen Council.

STAFF REPORTS

Public Safety

Chief Jordan reported that the Shawnee Mission East fireworks and bonfire have been rescheduled for Thursday, October 23.

Public Works

Keith Bredehoeft reported that he has been working with Johnson County regarding connecting Public Works to City Hall through a fiber optic connection to improve the communication between the two facilities. He stated that there are several options to consider should the City move forward with the project. The first option would be to put out to bid traditionally. The second option would be to use bids from other cities. For example, Overland Park has an ongoing contract for fiber optic services, so we could use their prices to save time and money on bid process. The City has used this process before when purchasing equipment or vehicles. Quinn Bennion added that a traditional bid would require a consultant to develop a bid package, which would add to the

expense or use another governmental entities bid to save money. Eric Mikkelson asked if the City would be able to ensure that our needs were covered if we use another government's bid since the two projects would differ. Mr. Bredehoeft stated that we would be able to account for differences. Mr. Mikkelson expressed concern that moving forward without a consultant wouldn't be the right direction due to differing projects and our lack of expertise on fiber optic projects. Mr. Bennion stated that Overland Park's bid was a general contract to be utilized for a variety of projects. Mr. Mikkelson clarified that in that case, the applicability would be obvious. Mr. Bredehoeft stated that the County is providing our IT services now and would help advocate on our behalf and help determine a fair price. Mr. Mikkelson commented that residents are waiting for Google Fiber. He stated that he doesn't want to make a move that would interfere with that process or overstep something that we could work with Google on in the future. Mr. Bennion stated that they have asked that same question, and will continue to do so. He shared that at this time, Google does not partner in this way with cities. Courtney McFadden stated that if Google does end up partnering with City, the City could resale the asset. Mr. Bredehoeft stated that the County could provide some support and funding for this if it remains as a standalone fiber network.

Administration

- Nolan Sunderman announced the coming visit from a sister city delegation from the Ukraine. A reception will be held at the Community Center on October 26 and the Council is invited to attend. October 29 will be "Prairie Village Day" when the delegates will spend time in our City and learn more about our operations.

- Kate Gunja announced that Mitch Dringman has been hired as the Building Official and started work on October 20th.
- Lisa Santa Maria shared the 3rd Quarter Financial Report with the Council. 75% of the year is complete with revenues at 78.4% of projections while expenditures are at 73.2% of appropriations. She provided a few notes on the U.S economy. The economy continues to slowly improve and it is anticipated that interest rates will remain low through 2015. In 2009, unemployment was at 10% and it is now at 5.9%. Oil prices are going down slightly. Property values are increasing which is helping local governments and sales and use taxes are improving. Ms. Santa Maria stated that the 2015 budget book was sent via email. It will be available on the website soon and printed copies will be available at the next meeting.
- Quinn Bennion shared that Google eCity designated the City of Prairie Village as the strongest online business community in the state.
- Quinn Bennion reminded Council members to RSVP to Meghan Buom for events.

OLD BUSINESS

Brooke Morehead asked for clarification that the City of Prairie Village did not initiate the appeal on Mr. Morrison's case. Catherine Logan responded that the City is not a party to the ouster proceedings. The District Attorney, on behalf of the state of Kansas brought the ouster proceeding against Mr. Morrison. The Kansas Court of Appeal reversed district Court decision, and that decision does not become final for a period of 30 days. Therefore, the only order issued with any current validity is that of the District Attorney. Ms. Morehead asked if the City is incurring legal fees on this matter. Ms. Logan responded that the only fees relate to the time she evaluates the case and reports to the

Council. Ms. Morehead asked if we have any way to dismiss the case. Ms. Logan stated that we are not a party so the City cannot take any action.

PC2014-4 Consider ordinance revision to Chapter 19.33 “Wireless Communications Facilities”

Kate Gunja stated that this item was discussed at the last regular meeting of the Governing Body, October 6, 2014. Approval of the Ordinance failed on a 5 to 6 vote. There was discussion that the proposed Ordinance did not match the September 9 Planning Commission minutes included in the packet, and feedback was provided to staff to make the language match the Planning Commission’s minutes.

Ms. Gunja outlined the information included in the packet. The attached minutes were approved at the October 7 Planning Commission. The attached Ordinance reflects the language included in the Minutes. In an effort to simplify the information for council consideration, a redline version of the original language is included along with the final proposed version. The changes begin on page 9 of each draft. If Council wishes to see the interim revisions, consult the October 6 City Council packet on this topic.

Ms. Nelson stated she didn’t understand why this has been proposed in the first place, let alone presented for the third time to the Council. Ms. Gunja stated that so many requests for site improvements for existing wireless communications facilities were coming before Planning Commission, that staff proposed a change to streamline the process by allowing staff to approve minor projects. Staff heard from the Council at the last meeting that they would like to consider acting on this ordinance if the language in the ordinance matched the minutes. Ms. Nelson stated she has other concerns besides the language matching, including the removal of the SUP.

Dan Runion stated that he believes that it is commendable that staff would like to take on the more administrative approvals; however it takes away the right of the citizen to weigh in on the process which causes him concern. He doesn't feel that it is up to the Council to disenfranchise the residents from the right to weigh in by taking away the SUP process.

Ted Odell expressed concern that this has come forward three times, and are continuing to ask the staff to take the time to modify the document. He stated that it is time for the Council take action on the item, and he believes it should be approved.

Terrance Gallagher stated that nothing in the proposal modifies the conditions of the SUP. Dan Runion disagreed. Mr. Gallagher stated that if a facility was approved under the SUP, only equal replacement would be allowed. A larger, more obtrusive replacement would not be allowed under this change, it would still go before Planning Commission. Mr. Runion stated that the language has been stricken on the page and believes that an existing authority has been established and shouldn't be taken away. He believes that this change was well intentioned, but goes far beyond what is necessary.

Kate Gunja stated that when this conversation was had initially, section "A" was stricken but has been added back in the document.

Eric Mikkelson stated that this ordinance originated with staff and asked if there has been any discussion with carriers about the change. Kate Gunja stated that carriers would prefer it but they have not given official input or worked on this process. Mr. Mikkelson echoed concern about taking away the public hearings and processes. There is a lack of specificity about what staff can approve that he takes issue with and believes the change would allow more than an equal swap. He gave the example that

replacement towers only need to be the same size or smaller, but nothing about noise. He stated his objection to the complete exception for stealth facilities and that it allows infinite number of stealth facilities. He believes that stealth is objective. He does not suggest Planning Commission deny carriers' requests for replacement, but he does have issue with removing the public review process. He stated that he would approve a change that would allow staff approval on exact replacement.

Kate Gunja clarified that after the last council meeting, the only thing changed was matching the ordinance to the minutes. Eric Mikkelson asked why other suggestions had not been included. Quinn Bennion stated that Council did not remand it back to the Planning Commission, they voted on the ordinance and it failed. If Council desires more changes, a majority would need to remand it back to Planning Commission with specific instructions. Ms. Gunja stated that after the first discussion on this topic, it was remanded back to Planning Commission, where they made the changes directed by Council. When it was presented back to the Council with the requested changes, it failed again.

Eric Mikkelson inquired about the number of replacement requests Planning Commission receives. Kate Gunja stated that there are between 0-4 requests per month. Quinn Bennion reiterated that staff recommended this to find a streamlined, efficient process for the carrier, staff and Planning Commission. Staff still has the discretion on these requests and a replacement that is significantly louder or unique would still be sent to Planning Commission. Mr. Mikkelson expressed his trust in staff but still has concerns about changing a process that currently works.

Jori Nelson expressed concern about the structural capacity of the towers. She stated that she visited each SUP site and looked at the footprint of each site and feels

that they are sufficiently full with to add anymore equipment. Kate Gunja stated that as part of the application process, an engineer has to determine structural soundness, regardless of who is issuing approval.

Courtney McFadden stated that she can't vote on this issue, but she wanted to weigh in on the benefits versus the risk. She stated that wireless communications companies are not replacing facilities with equipment that is of equal size, they are replacing facilities with smaller, more efficient equipment. The amount of money spent on upgrades in her company alone is more than \$21 billion, all to improve services for citizens. If a City is not seen as favorable to technology and tower enhancements, companies will spend the money to make improvements elsewhere.

Ted Odell moved the approval of the recommendations of Planning Commission and adopt ordinance 2318 with revisions to chapter 19.33 "Wireless Communications Facilities." Steve Noll seconded the motion. Discussion ensued. Dan Runion stated that he still can't reconcile the proposed changes that he believes have nothing to do with the stated objective of streamlining the process. Kate Gunja stated that the SUP has already occurred, and this is just considered a site plan revision.

Brooke Morehead commented on Mr. Bennion's announcement of the Google eCity award. She stated that we need to approve this change to live up to that high standard. Eric Mikkelson expressed that the award was won under the current version, and the status quo is technology friendly already. He stated that he doesn't want to create an impression that Prairie Village isn't favorable to technology. He believes that nothing about denying this prevents improvements from happening and the facilities can still be improved. This is about allowing the changes to be approved in a public hearing.

At the current level of requests, it is not overwhelming for the Planning Commission to keep the status quo.

Courtney McFadden stated her belief that the staff would not bring this forward for the Council to review without due cause. Citizens have not come forward on these issues, so she feels comfortable streamlining the process and believes the benefits outweigh the risks.

Kate Gunja shared an example of one Special Use Permit that states another carrier can locate on a tower with the approval of Planning Commission, and doesn't require a second SUP. Replacements that are not drastically different are also allowed under the same SUP as they currently stand.

Jori Nelson inquired about how much time would be shaved off the process by implementing this change. Kate Gunja responded that it would be about 60 days. Ms Nelson asked about the frequency in which carriers need to replace equipment. Courtney McFadden stated that if equipment fails, the carrier would want to replace equipment immediately and the delay in the process can be detrimental.

Eric Mikkelson stated that he agreed with the original intent of the ordinance. Courtney McFadden stated that the language was written at a time before the iPad was launched, and technology has made significant advancements; it is a different time now.

The motion was voted on and failed by a vote of 6 to 3 with Nelson, Mikkelson, and Runion in opposition. 7 affirmative votes were needed to pass.

PC2014-05 Consider Ordinance Revisions to Chapter 19.46 "Off-Street Parking Requirements" and Chapter 19.02 "Definitions"

Kate Gunja stated that at its regular meeting on October 6, 2014 the Governing Body considered proposed amendments to Chapter 19.46 entitled “Off-Street Parking Requirements” and Chapter 19.02 entitled “Definitions.” At that meeting, a motion was made to approve the Ordinance removing all proposed changes from “gross floor area” to “net leasable floor area.” At the previous meeting several Council members stated that they were not comfortable voting on the ordinance without seeing the final language. Ms. Gunja outlined the requested changes in the red line version included in the Council packet.

Brooke Morehead asked why considerations couldn't be made on a case by case basis. Catherine Logan said that “variance” is a legal term and we would be allowing a business to do something that another business could not. Under Kansas Law, it is not legally appropriate for a variance. A variance could be issued if something physically required it, such as an oddly shaped lot.

Dan Runion stated he was uncomfortable with item “D” which allows Planning Commission to have the authority to assign parking recommendations to businesses that don't exist yet. Mayor Shaffer responded that recommendations must begin somewhere, and Terrence Gallagher reiterated that point by stating that it is industry standard. Mr. Runion asked Fred Logan for his opinion. Mr. Logan stated that other cities provide a pathway when a use isn't specifically listed and a recommendation so businesses know where to begin.

Eric Mikkelson asked for clarification that unanticipated parking requirements are automatically reviewed by the Council. Catherine Logan stated that it was unclear, but adding the phrase “with approval of the Governing Body” would clarify it.

Eric Mikkelson asked about the removal of the requirements for hotels and motels, but leaving the reference in the definitions section. Kate Gunja stated that it could be allowed under a mixed use development, so leaving the definition in could be helpful.

Terrance Gallagher moved the approval of Ordinance 2317 revisions to chapter 19.46 "Off-Street Parking Requirements" and chapter 19.02 "Definitions" with the addition of the language "with approval of the Governing Body" under section 19.46.030 item D. Eric Mikkelson seconded the vote. Catherine Logan stated that 9 votes are required for approval.

The motion was voted on and passed by a vote of 10-0.

NEW BUSINESS

Eric Mikkelson acknowledged the success of the Kansas City Royals baseball team.

ANNOUNCEMENTS

| | | |
|--------------------------------|------------|-----------|
| Environment/Recycle Committee | 10/22/2014 | 7:00 p.m. |
| Council Committee of the Whole | 11/03/2014 | 6:00 p.m. |
| City Council | 11/03/2014 | 7:30 p.m. |

=====

Save the Date for the Northeast Johnson County Chamber of Commerce 2014 Annual Gala on Saturday, November 22, 2014 at the Overland Park Marriott.

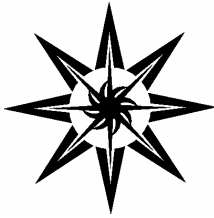
Save the Date for the Mayor's Holiday Tree Lighting on Thursday, December 4, 2014 from 6 p.m. to 7 p.m.

Save the date for the annual Gingerbread House decorating parties on Sunday, December 7, 2014 from 6 p.m. to 7 p.m.

ADJOURNMENT

With no further business to come before the City Council the meeting was adjourned
at 9:10 p.m.

Meghan Buum
Deputy City Clerk



PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: November 3, 2014

Council Meeting Date: November 3, 2014

DISCUSS THE AWARDING AND FUNDING OF THE 75TH STREET PROJECT FROM STATELINE ROAD TO MISSION ROAD, PROJECT 75ST0001.

RECOMMENDATION

Option 1-

Recommend that the Kansas Department of Transportation award Project 75ST0001 to Amino Brothers Company for \$3,885,520.70 and approve the transfer of funds to this project as listed in Option 1 below.

Option 2-

Recommend that the Kansas Department of Transportation rejects all bids received on October 22, 2014 for Project 75ST0001 and to modify the project scope and rebid the project in early 2015.

BACKGROUND

Project 75ST0001, 75th Street- Stateline Road to Mission Road was selected by the Mid-America Regional Council (MARC) to receive Federal Funds in 2011. The Kansas Department of Transportation (KDOT) administers the Federal Funds for local communities in Kansas. This project was initiated by the City and coordinated through KDOT. GBA was hired by the City as the design consultant and the 75th Street Committee provided input into the project design.

Bids were opened for this project by KDOT on October 22, 2014. A summary of the bids are shown below.

| <u>Contractor-</u> | <u>Bid Amount-</u> |
|---------------------|--------------------|
| Amino Brothers | \$3,885,520.70 |
| O'Donnell and Son's | \$3,913,026.50 |
| Kansas Heavy Const. | \$4,025,217.60 |
| JM Fahey Const. | \$4,200,042.02 |
| Miles Excavating | \$4,344,043.44 |
| GBA Est. | \$2,721,911.85 |

The low bid is about \$1,200,000 over what was budgeted for the construction of this project. KDOT will not release specific bid prices until a decision is made to award the project.

Two options exist for the City-

Option 1- Recommend that KDOT awards the project for \$3,885,520. If this option is selected the City would have to change priorities for the 2015 Budget and reallocate additional funds to this project.

Possible funding changes are shown below.

- Utilize \$500,000 in unspent street rehabilitation funds from CIP projects closed out in 2014 as shown below. These funds would have otherwise been reallocated with the 2016 budget process for projects in 2016.
 - 2013 CARS- Somerset Drive **\$100,000**
 - 2013 Paving- **\$400,000**
- Reallocate funds from the 2015 Street Program in the amount of **\$400,000**. That would leave \$915,000 for the 2015 Paving Program.
- Reallocate 2015 Drainage Repair Program funds. Originally \$110,000 in drainage funds were allocated to this project. Actual drainage items included with this project total over \$500,000. An additional **\$300,000** in drainage funds could be allocated to this project which would be an appropriate use of drainage funds. That would leave about \$120,000 in the Drainage Repair Program for 2015.

The above changes total **\$1,200,000** and provide a possible way to move forward with the project as designed.

Option 2- Recommend that KDOT rejects all bids. Under this scenario the scope of the project would be modified to reduce construction costs. At this time all possibilities to reduce cost have not been explored with KDOT but the most obvious part of the project to change would be the addition of sidewalk on the south side of 75th Street from Canterbury to State Line Road. Adding this sidewalk was an option during design and if costs would have been fully understood we probably would not have included in the final design. The sidewalk removal would reduce project costs by about \$500,000. Items removed by eliminating this new sidewalk would include sidewalk, grading, retaining walls, and railings. While removing this portion of the project is not ideal we still would have the improved pedestrian corridor on the north side of 75th which includes a fully ADA compliant 7 foot wide sidewalk.

FUNDING SOURCE

Funding changes are summarized in Option 1 above.

RELATION TO VILLAGE VISION

- TR1a. *Ensure that infrastructure improvements meet the needs of all transportation users.*

ATTACHMENTS

None

PREPARED BY

Keith Bredehoeft, Public Works Director

November 3, 2014

MAYOR'S ANNOUNCEMENTS

November 3, 2014

Committee meetings scheduled for the next two weeks include:

| | | |
|--------------------------------|------------|-----------|
| Board of Zoning Appeals | 11/04/2014 | 6:30 p.m. |
| Planning Commission | 11/04/2014 | 7:00 p.m. |
| Tree Board | 11/05/2014 | 6:00 p.m. |
| Sister City Committee | 11/10/2014 | 7:00 p.m. |
| JazzFest Committee | 11/11/2014 | 7:00 p.m. |
| Park & Recreation Committee | 11/12/2014 | 7:00 p.m. |
| Council Committee of the Whole | 11/17/2014 | 6:00 p.m. |
| City Council | 11/17/2014 | 7:30 p.m. |

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The Prairie Village Arts Council is pleased to present a mixed media exhibit by Jhulan Mukharji and Ada Koch in the R. G. Endres Gallery during the month of November. The artist reception will be Friday, November 12, from 6:00 - 7:30 p.m.

Save the Date for the Northeast Johnson County Chamber of Commerce 2014 Annual Gala on Saturday, November 22, 2014 at the Overland Park Marriott.

Save the date for the Mayor's Holiday Tree Lighting on Thursday, December 4, 2014 from 6 p.m. to 7 p.m.

Save the date for the annual Gingerbread House decorating parties on Sunday, December 7, 2014 at 1:30 p.m. OR 3:00 p.m.

Remember to Vote in the General Election tomorrow.

INFORMATIONAL ITEMS
October 20, 2014

1. Council Committee of the Whole Minutes - October 20, 2014
2. Board of Zoning Appeals Agenda - November 4, 2014
3. Planning Commission Agenda - November 4, 2014
4. Mark Your Calendar

**Council Committee of the Whole
Council Chambers
October 20, 2014 | 6:00 p.m.**

The Council Committee of the Whole met on Monday, October 20, 2014 at 6:00 p.m. in the Council Chambers. The meeting was called to order by Council President Ashley Weaver with the following members present: Mayor Ron Shaffer, Jori Nelson, Steve Noll, Eric Mikkelson, Brooke Morehead, Dan Runion, Courtney McFadden, Ted Odell, and Terrance Gallagher.

Staff Members present: Wes Jordan, Chief of Police; Keith Bredehoeft, Director of Public Works, Katie Logan, City Attorney; Quinn Bennion, City Administrator; Kate Gunja, Assistant City Administrator; Lisa Santa Maria, Finance Director; Nolan Sunderman, Assistant to the City Administrator; Cindy Gaunt, Animal Control Officer; and Meghan Boom, Deputy City Clerk/Public Information Officer.

COU2014-43 Review of Animal Control Ordinances

Wes Jordan advised that the Police Department was reviewing the current animal control ordinance. He introduced Cindy Gaunt, Animal Control Officer, who has been working on this project. The original intent was to introduce the ordinance changes with Committee on Committees report, as the Animal Control Board appeals mechanism are shifted to the Governing Body, but wanted to introduce the initial draft. He is presenting this information now so there is time to implement Council recommendations prior to the effective date of January 2, 2015.

Chief Jordan stated that this is a frequently used chapter of the Municipal Code. Last year almost 10% of the police call load was related to animals, totaling almost 600 calls. If an Animal Control Officer is not on duty, the call is assigned to another officer or an outside agency. He stated that he would like to use this as a model to implement in Mission Hills as well.

Chief Jordan highlighted significant changes to the chapter, including:

2-101: Chief Jordan stated that the current dangerous animal description was very ambiguous, and the new language expands the definition. He shared that Cindy Gaunt researched dangerous animal definitions from peer organizations to clarify and expand the descriptions. It is important to ensure the definitions are uniform, should an appeal be brought forward to the Governing Body.

2-102: Chief Jordan stated that this section was revised to strengthen the language and guidelines of when and why to classify an animal as dangerous. This section also confirms that an animal declared dangerous from another jurisdiction cannot be relocated to Prairie Village.

Eric Mikkelson asked for clarification on section 2-102 (b). He expressed that jurisdiction is a bit of a vague term and suggested the use of the term “governmental jurisdiction.” Mr. Mikkelson asked if deeming an animal dangerous always goes through a review process. Chief Jordan confirmed that there is always a review process.

Mr. Mikkelson asked if an animal has been declared dangerous in another jurisdiction has been transferred to Prairie Village before. Chief Jordan responded that this has occurred on one occasion that he is aware of and that if it were to happen in the future, relocated animals must meet the safety requirements. Mr. Mikkelson asked if an animal is only declared dangerous following a biting incident. Chief Jordan replied that it is typically a serious bite that requires stitches, but that doesn’t necessarily have to happen to declare an animal dangerous.

Chief Jordan stated he doesn't currently have the authority to declare an animal permanently dangerous and he recommends incorporating a clause that allows us to declare an animal as such, and have it permanently removed from the City by euthanasia or relocation. Eric Mikkelson confirmed that that language is not currently part of the proposed changes. Chief Jordan verified that it is not included at this time, but he would like council's consideration to include a sentence to give the Chief of Police the ability to declare an animal permanently dangerous. Mr. Mikkelson asked if the Chief is given the authority to euthanize, would the animal be impounded during the appeal process. Chief Jordan confirmed. Mr. Mikkelson stated his belief that it is appropriate to add this language if the right for appeal by the animal owner is preserved.

2.103. Chief Jordan stated that this section clarifies that beekeeping is prohibited. Historically, we have not allowed bee keeping in the City, under the nuisance section of the chapter (2-107). It is moved to this section because the Kansas Department of Agriculture classifies bees as livestock. He stated that there are several ways this can be approached. Beekeeping can either be prohibited outright or an ordinance could be passed to set parameters, as other cities have done. Chief Jordan shared that Overland Park has an ordinance that sets restrictions on beekeeping, for example: regulating the distance of a hive stand from a neighboring property. Using similar distance requirements would make beekeeping allowable only in areas of Prairie Village that have larger lots. Chief Jordan stated that there hasn't been an overwhelming call from the community to implement such an ordinance, but wanted to bring the information forward for consideration.

Jori Nelson noted that she has received inquiries from residents about the legality of raising chickens on their property. Eric Mikkelson has also gotten requests for chickens to be allowed within City limits. He would like to consider allowing this under appropriate circumstances after a review of the pros and cons. Chief Jordan believes that Roeland Park allows chickens with a permit and a fee. Ashley Weaver stated that the issue of raising chickens was brought up at a Prairie Village Homes Association meeting, and encouraged citizens interested in raising chickens to bring this up at their respective homes associations as a first step.

Ted Odell inquired about Overland Park's requirements for beekeeping, specifically if they require residents to secure a permit. He also asked that, should this be implemented, what additional training would be required for animal control officers. Chief Jordan stated that further research would be necessary should City Council decide to pursue this.

Courtney McFadden stated that citizens should express their desire to see this happen before we derail staff time with further research. Terrance Gallagher expressed his agreement that this should be addressed should citizens request it.

Chief Jordan asked for confirmation to leave section 2-103 as written. He reiterated that this does not change current practices, just reinforces it in writing. Eric Mikkelson stated that it is his belief that there is a change to the status quo, in that beekeeping is moved from the nuisance section to the livestock section. Courtney McFadden stated that she was comfortable with the addition of bees to the livestock section. Mr. Mikkelson stated that he would like to see more detail should the Council take up this issue. Ted Odell suggested tabling the bee portion of this ordinance. Chief Jordan stated that staff would bring more information forward at a later date.

2-107: Chief Jordan stated that this section provides guidelines for witnesses to provide evidence to substantiate complaints. He explained that we all have different tolerance levels for what we consider a nuisance and this clarifies what is needed from a witness for evidence to qualify as good testimony.

Mr. Mikkelson asked if it was necessary to have section 2-107 in writing, as it is true of any crime that witness testimony is varied and can be unreliable. Chief Jordan stated that it allows officers to refer citizens to the ordinances when filing a complaint. It strengthens the City's position and gives residents guidelines for officers require to help them rectify issues. Mr. Mikkelson stated he doesn't feel strongly about the issue but also doesn't see the necessity as it applies to any crime throughout the community. Cindy Gaunt clarified that many residents want an animal to be seized immediately following their complaint. Residents need to assume responsibility when they are making a complaint and incidents must be substantiated and well documented for officers to take action.

Mr. Mikkelson suggested codifying that there be a witness and adding continuity and detail to what is required for complaints. Chief Jordan stated that standards can fluctuate depending on circumstances such as time of day.

Eric Mikkelson asked to discuss section 2-105 regarding pit bull breeds and concern about having a breed specific ban. He would like to revisit this at some point in the future and would like to hear the pros and cons.

Chief Jordan stated that based on the severity and damage that pit bull attacks can cause; he cannot stand before the Governing Body in good conscience and recommend that the ban be removed. With a good owner, an animal can be kind and well trained, but that is not always the

case. There are more fatalities with pit bulls than any other breed. Other dogs may bite, but they can't do the damage that a pit bull can. Mr. Mikkelson stated that based on Chief Jordan's recommendation, he is comfortable leaving section 2-105 as it currently stands.

2-119: Chief Jordan stated should a person receive a permit to have a dangerous animal within City limits, there are specific safeguards required, including proof of liability insurance for the animal. The addition to this segment requires the City of Prairie Village to be listed as a certificate holder. This would ensure that the City is notified should the insurance expire or coverage is dropped.

Eric Mikkelson asked if City Attorney has reviewed the changes. Catherine Logan responded in the affirmative. Mr. Mikkelson noted several typos in the section references and asked that the ordinance be reviewed prior to presenting a final version.

2-120: Chief Jordan outlined the additional provisions and requirements to receive a permit for a dangerous animal. He stated that these are requirements already required in practice, and are implementing them in writing.

Eric Mikkelson asked if it was the intent that all listed provisions were mandatory for all animals. Cindy Gaunt stated that the provisions are all mandatory and required now, and she would like them to remain that way. Mr. Mikkelson stated that the City may want to err on the side of having discretion. Chief Jordan stated that further review will be done to the section.

2-126: Chief Jordan stated that this section changes the authority on appeals from the Animal Control Committee to the Governing Body.

Quinn Bennion asked how many appeals are requested in a given year's time. Chief Jordan clarified that it only occurs 1-2 times per year because the animals are difficult to insure, owners realize animal is unfit to live in a city or a danger to other residents, and choose not to move forward with the appeals process.

2-127: Chief Jordan stated this section was eliminated to remove the Animal Control Committee.

2-129: Chief Jordan stated that this section clarifies that a loose cat is not a violation, and outlines the threshold required for officers to impound a cat. He stated that dispatch receives many complaints on loose cats, and it would be impossible to respond to them all without increasing the number of staff. The section also clarifies the need for dogs to be leashed. There are no off leash areas in Prairie Village.

2-130: Chief Jordan stated that this section formally allows electronic fences. It does not allow electronic fences to be within 10 feet of public space or for dangerous animals.

2-131: Chief Jordan stated that officers often receive complaints about inappropriately tethered dogs and this section provides standards for owners and officers.

Jori Nelson stated that she would like to see further restrictions on tethering, such as time restraints. Cindy Gaunt shared that several cities have implemented time restrictions, for example, animals may only be tethered for no longer than one hour in length, for a total of no more than three hours per day. Chief Jordan stated that restrictions can be incorporated into the ordinance.

Brooke Morehead stated that she felt like the word tethering has a negative connotation which is not always the case. She said that if she personally didn't tether her small dog would be loose. She does not feel that tethering should be completely restricted and clarified that the ordinance should be only for unattended tethered animals. Jori Nelson agreed that the change should include supervision requirements. Chief Jordan stressed the importance of leaving discretion to the officer, and all agreed. Ted Odell asked if this would fall back to the cruelty towards animal section, and Chief Jordan affirmed.

Eric Mikkelson noted that there was a typo in section 2-132 (b) and again asked for proofreading prior to issuing the final version.

2-138: Chief Jordan stated that in certain circumstances, animals may be quarantined in the owner's home. This section now states that at the end of the observation period, an Animal Control Officer may require examination by a veterinarian. This ensures that the animal is safe and gives the victim peace of mind. The section also outlines court fines and animal disposal options for judges.

Eric Mikkelson stated that the section on court fines and disposal is drafted so that it applies only to a non-impounded dog. To apply to all cases it should be listed as (f) as opposed to (e-3).

Eric Mikkelson asked if three days were enough time to appeal. Chief Jordan stated that the appeal process is underway long before that comes around. Mr. Mikkelson suggested clarifying the intent that an animal won't be euthanized within three days.

2-141: Chief Jordan clarified that historically, Animal Control Officers have not removed dead animals from private property unless extenuating circumstances, and this is just formalizing the practice in writing.

Chief Jordan stated that no motion needed at this time. He and his staff will implement the suggested changes and return to the Governing Body at a later date with an updated version.

COU2014-44 Consider 2014 Tree Trimming Program Agreement

Keith Bredehoeft advised that staff requested and received bids for the annual trimming of trees in the City right-of-way. He recommends awarding the bid to Kansas City Tree Care, LLC. This company has worked for the City twice before, including this project last year.

Mr. Bredehoeft stated that seven sections of the City were bid for trimming this year and he shared a map of the areas. Trees are trimmed to remove dead wood larger than two inches, limbs interfering with sight lines, and limbs in the way of street lights and traffic signals.

Mr. Bredehoeft stated that the City has three different tree trimming related projects. This is a larger project so it goes out for bid every year. Kansas City Tree Care was the low bid on the project, and staff feels comfortable moving forward with the company.

Jori Nelson inquired as to when Ward One was last trimmed. Mr. Bredehoeft stated that there is approximately a seven year rotation, but he would provide her more specific detail.

Steve Noll asked who is responsible for removal if a limb falls in the right of way. Mr. Bredehoeft stated that type of service is covered under a different contract.

Eric Mikkelson moved the approval of the tree trimming program agreement with KC Tree Care, LLC. Steve Noll seconded the motion and it passed unanimously.

Update on Code Enforcement

Kate Gunja presented information on code enforcement as requested by the Governing Body at a previous meeting.

Ms. Gunja shared that the mission of the Codes Administration department is to promote and preserve property values, and ensure the safety and well-being of the residents and community through diligent code administration practices.

She stated that at the direction of Council, the department began a more aggressive code enforcement program, which included a hiring a part time seasonal Code Enforcement Officer from April through the end of August. He worked an additional week in October to assist with rental property inspections. The entire City was inspected at least one time over the summer. She also stated that the new code enforcement software, "Comcate", was implemented, and thanked the Governing Body for their support in implementing the new software. It offers improved reporting and response capabilities, and is user-friendly for the staff.

Ms. Gunja shared a comparison of code enforcement cases over the past three years. She stated that the information shared will be based on 621 cases in Comcate from 2014.

Eric Mikkelson stated that it is counterintuitive that there are twice as many documented cases but fewer are referred to court. Ms. Gunja stated that staff is having greater success not moving cases to court. Court is a last resort, and it is preferred that residents comply and make changes

rather than being referred to court. She also stated that two cases had been referred earlier in the day, bringing the total number of cases referred to court in 2014 to 14. Mr. Mikkelson stated that it is a good indicator of the success of the program.

Ted Odell asked how much time is typically given to residents to rectify violations. Ms. Gunja outlined the top violations and stated that the length of time given to rectify issues depends on the type of violation. Typically, 7-10 days are allowed for smaller items such as overgrown weeds. Larger projects such as peeling paint or tree removal are given more time because they are costly and time consuming. On these occurrences, staff asks residents to keep them informed on their progress. She shared an example of a violation notification letter and reiterated that the City wants to work with the resident to rectify their issues, rather than end up in court.

Ms. Gunja shared maps of closed violations, including overgrown vegetation, trash and debris, and peeling paint issues. She stated again that the new software allows for easy data capture.

Ms. Gunja provided an overview of rental properties. Rental properties are licensed by the City Clerk's department, and inspected by Code Enforcement. The cost for a license is \$77 annually. Prior to 2010, all rental licenses were due on October 31. After 2010, rental licenses are due in the month in which they are initially issued. There will be a concentration of renewals due in October. There are approximately 700 rental properties, which is around 8% of single family homes in Prairie Village.

Jori Nelson asked if that number has increased. Ms. Gunja stated that the number has decreased slightly.

Ted Odell asked how the City verifies if homes are rental properties, and how they are determined to be properly permitted. Ms. Gunja responded that Code Enforcement Officers look for signage when they are out, residents call, or owners self report.

Eric Mikkelson asked for clarification of ticketing for exposed trashcans. Ms. Gunja stated that most residents comply after a phone call, and citations are issued after a continuous occurrence. Mr. Mikkelson agreed that that was an appropriate approach.

Jori Nelson moved to recess the meeting at 7:27 p.m. due to insufficient time to cover the remaining items and reconvene after the City Council Meeting. Eric Mikkelson seconded the motion and it passed unanimously.

Council President reconvened the Council Committee of the Whole at 9:10 p.m.

Kate Gunja continued the code enforcement presentation and highlighted the Exterior Grant Program. \$50,000 is budgeted annually for the program. Grants are awarded as a 20% reimbursement of the actual cost of construction and materials. A minimum of \$5,000

investment is required by the homeowner, and the grants awarded range from \$1,000 to \$2,500.

Ms. Gunja shared that a Brush with Kindness project was just completed at 71st and Cedar. This is a partnership between the Codes Enforcement Department, the Municipal Foundation, and Heartland Habitat for Humanity. She stated that they are always looking for more homeowners to take part in the Brush with Kindness Program.

Brooke Morehead shared that the JazzFest Committee is making a \$500 donation to Brush with Kindness.

Ted Odell asked for more information on the Code Enforcement budget. He stated that the City is making good headway and wants to continue momentum. Ms. Gunja said she would report back with budget information.

Adjournment

With no further business to come before the Council Committee of the Whole, Council President Ashley Weaver adjourned the meeting at 9:20 p.m.

Ashley Weaver
Council President

**BOARD OF ZONING APPEALS
CITY OF PRAIRIE VILLAGE, KANSAS
AGENDA
November 4, 2014
6:30 P.M.**

I. ROLL CALL

II. APPROVAL OF MINUTES - October 7, 2014

III. ACTION ITEM

**BZA2014-04 Request for a Variance from P.V.M.C. 19.44.020(C4)
"Yard Exceptions" to increase the projection of the porta cochere
5115 West 81st Street
Zoning: R-1a Single Family Residential District
Applicant: Gerald Mancuso & Dr. Jana Goldsich**

**BZA2014-05 Appeal from Section 19.48H of the Zoning Ordinances
prohibiting signs from extending above the height of the wall on
which it is mounted & Section 19.48.012(I) "Roof sign"
2310 West 75th Street
Zoning: C-O Office Building District
Applicant: Mike Kress, Generator Studio**

**BZA2014-06 Request for a Variance from Section 19.14.030 "Rear Yard" for a
reduction from the 25' setback of 6'4" for an enclosed deck
7919 Pawnee Street
Zoning: RP-4 Condominium or Common Wall Dwelling District
Applicant: M. Christian Lewis**

IV. OTHER BUSINESS

V. OLD BUSINESS

VI. ADJOURNMENT

If you cannot be present, comments can be made by e-mail to
Cityclerk@Pvkansas.com

PLANNING COMMISSION AGENDA
CITY OF PRAIRIE VILLAGE
TUESDAY, NOVEMBER 4, 2014
7700 MISSION ROAD
7:00 P.M.

I. ROLL CALL

II. APPROVAL OF PC MINUTES - OCTOBER 7, 2014

III. PUBLIC HEARINGS

PC2014-08 Request for Amendment to Special Use Permit for Private School - Highlawn Montessori School
3531 Somerset Drive
Zoning: R-1a
Applicant: Kathy Morrison, Highlawn Montessori School
(Republished for the December 3, 2014 Meeting)

IV. NON-PUBLIC HEARINGS

PC 2014-118 Request for Sign Approval
7801 Delmar
Zoning: R-1a
Applicant: Emily Roseberry, Selective Site Consultants

PC 2014-119 Request for Site Plan Approval for Wireless Antennas
3921 West 63rd Street
Zoning: R-1a
Applicant: Chief Tony Lopez, Consolidated Fire District #2

PC 2014-120 Request for Site Plan Approval for patio
8101 Mission Road
Zoning: R-1a
Applicant: Larry Sanderson, Claridge Court

PC 2014-121 Request for Site Plan Approval for Wireless Antennas
3921 West 63rd Street
Zoning: R-1a
Applicant: Chris Ross, for AT&T

V. OTHER BUSINESS

VI. ADJOURNMENT

Plans available at City Hall if applicable
If you cannot be present, comments can be made by e-mail to
Cityclerk@Pvkansas.com

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

Council Members
Mark Your Calendars
November 3, 2014

November 2014 Jhulan Mukharji and Ada Koch mixed media exhibit in the R. G. Endres Gallery

November 4 General Election

November 12 League of Kansas Municipalities Regional Supper, Ottawa, KS

November 14 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.

November 17 City Council Meeting

November 18-22 National League of Cities Conference, Austin, TX

November 22 NEJC Chamber Gala

November 27 City offices closed in observance of Thanksgiving

November 28 City offices closed in observance of Thanksgiving

December 2014 Kathleen Manning photography exhibit in the R. G. Endres Gallery

December 1 City Council Meeting

December 4 Mayor's Holiday Tree Lighting

December 7 Gingerbread House Decorating Parties

December 12 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.

December 13 Volunteer Appreciation Holiday Party - Meadowbrook Country Club

December 15 City Council Meeting

December 25 City offices closed in observance of Christmas