

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Council Chambers
Monday, October 15, 2018
6:00 PM**

- I. **CALL TO ORDER**
- II. **ROLL CALL**
- III. **PLEDGE OF ALLEGIANCE**
- IV. **APPROVAL OF THE AGENDA**
- V. **INTRODUCTION OF STUDENTS & SCOUTS**
- VI. **PRESENTATIONS**

Introduction of Teen Council

Recycling Challenges
Lisa McDaniel (MARC), Hank Potts (Republic Services)

Solid Waste Management Plan
Megan England, Johnson County Solid Waste Management Committee

- VII. **PUBLIC PARTICIPATION**

(5 minute time limit for items not otherwise listed on the agenda)

- VIII. **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 the regular City Council meeting minutes - October 1, 2018
2. Approve the School Crossing Guard Contract Renewal with All City Management Services, Inc.

- IX. **COMMITTEE REPORTS**
- X. **MAYOR'S REPORT**
- XI. **STAFF REPORTS**
- XII. **OLD BUSINESS**

XIII. NEW BUSINESS

Discussion related to the consideration of adopting a non-discrimination ordinance
Tucker Poling

COU2018-42 Consider approval of the renewal of the City's health, dental, and vision insurance providers, as recommended by City staff
Amy Hunt

COU2018-43 Consider adoption of the 2018 Standard Traffic Ordinance for Kansas Cities and the 2018 Uniform Public Offense Code for Kansas Cities
Deana Scott

COU2018-44 Consider approval of the reorganization plan of the City Clerk's office and corresponding job classification title changes specific to City Ordinance, Chapter 1
Wes Jordan

XIV. COUNCIL COMMITTEE OF THE WHOLE (Council President presiding)

COU2018-45 Consider approval of a request to install a new streetlight at the end of Chadwick Lane
Keith Bredehoeft

XV. ANNOUNCEMENTS

XVI. 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

Recycling Contamination

Recycling Contamination

- The recycling industry has reached a crisis with the current model, and this crisis is affecting markets Nationwide
- Contamination has become rampant through our local recycling programs

Drivers



Drivers



Driver



Contamination



Contamination



Contamination



Contamination



Contamination



Contamination



Contamination



Contamination



Contamination



The Economics of Recycling

- **Any guesses on how much a modern recycling plant cost to build and equip**
- **What happens when the commodity return from the mills is less than the processing cost?**
- **For a local resident the best way to help reduce the sorting cost, and make recycling more cost efficient is to control contamination**

Next Steps

- Recycling facility talked to hauler...
- Hauler explains issue to city
- City and hauler work together to create education program
- Hauler route contamination audit
- Hauler works with MRF keeping them informed of the education process and looks for feedback as they watch the load

What does all of this mean?

- We have to partner together developing dynamic and mutually beneficial programs
- Invest in better education programs to change current behaviors
- Sharing of educational resources (MARC is a great example)

The Changing Global Recycling Market

September 17, 2018



Background

- China became the world's main solid waste importer in the 1980's when it need cheap, raw materials to feed its growing economy.
- Contamination of recycling has been an issue for some time.



Photo: Jerry Powell,
Resource Recycling

Background

- Sizable changes in the Chinese economy have created a vast and surging middle-class.
- The government has initiated major anti-corruption and pollution control initiatives.



Background

Customs Enforcement

- 2013:
 - The Green Fence
 - Reject recycling shipments at ports if they were too contaminated.
- February 2017:
 - As part of a broader “National Sword” campaign
 - Customs enforcement began a one-year crack down on illegal smuggling of “foreign waste.”



Background

Materials Ban

- July 18, 2017:
 - Notified the World Trade Organization (WTO) of intent to ban 24 materials from being imported.
 - These include mixed plastic and mixed paper effective January 1, 2018.
- April 19, 2018
 - China announces that additional materials will be prohibited from import by the end of the year:
 - Post-industrial plastics
 - Scrap metals
 - Announces that more materials will be banned by end of 2019.
- July 18, 2018
 - New proposal would completely ban recovered fiber imports and every form of “solid waste” in 2020 (but likely to be earlier).



Background

Quality Standard

- Late July, 2017:
 - Announced a new quality standard for material, limiting impurities to 0.3 percent (down from 1.5 percent).
 - This requirement applies to all materials, even those that are not banned (such as ONP or OCC).
- November 2017
 - Revised quality standard to an allowable limit of 0.5 percent contamination.
- Effective March 1, 2018.
- Mid-March 2018
 - China enforces the import restrictions as part of Blue Sky 2018.



Background

Trade Wars and Tariffs

- Late March 2018
 - Trade wars and tariffs:
 - The U.S. imposed tariffs on Chinese steel and aluminum.
 - China enacted a 25 percent duty on U.S. scrap aluminum (April 2).
- August 8, 2018
 - Growing tariffs:
 - China proposes 25% tariff on U.S. shipments of cardboard, recovered fiber and scrap plastic.
 - Another proposal targets paper pulp



Background

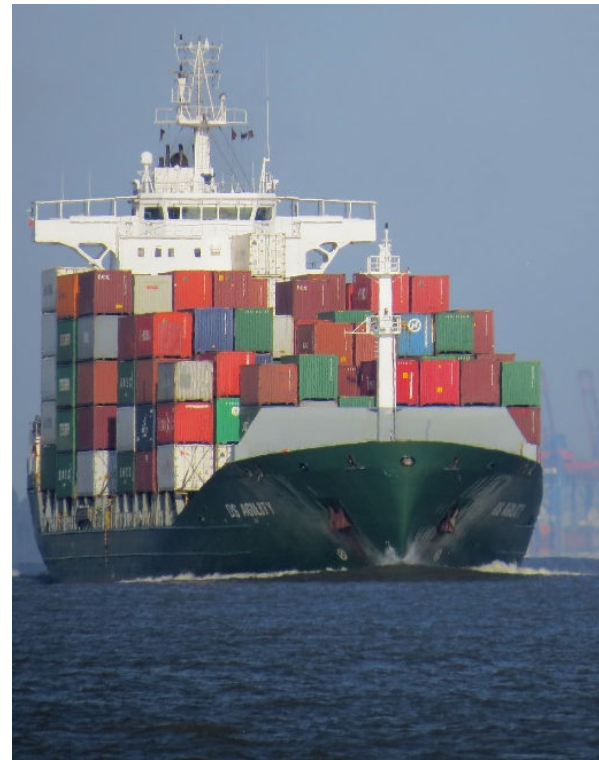
Result:

- There will be/has been a reduction of all recyclable tons entering China.



Why do China's policies matter?

- Lots of stuff headed to China...
- Global issue – EU, Canada, Japan all experience restrictions



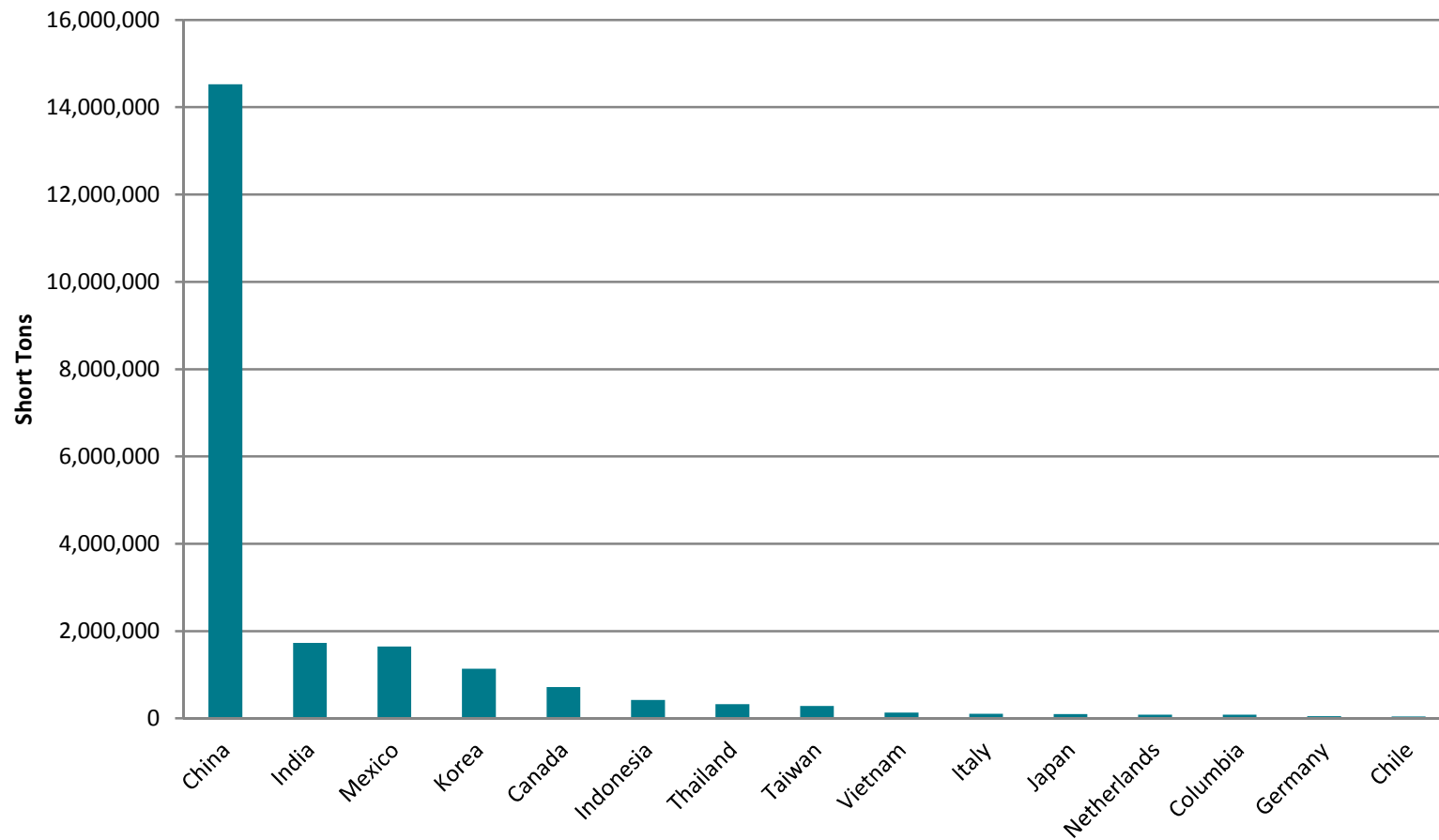
Recycling Industry Exports

- Exports:
 - 37 million metric tons exported from U.S.
 - \$16.5B value of U.S. materials exported
- Approximately 30% of scrap processed in US is destined for export
- China is the single largest consumer of recyclable materials exported from the United States.



US Paper Exports

US Recovered Paper and Fiber Export Volume - 2016



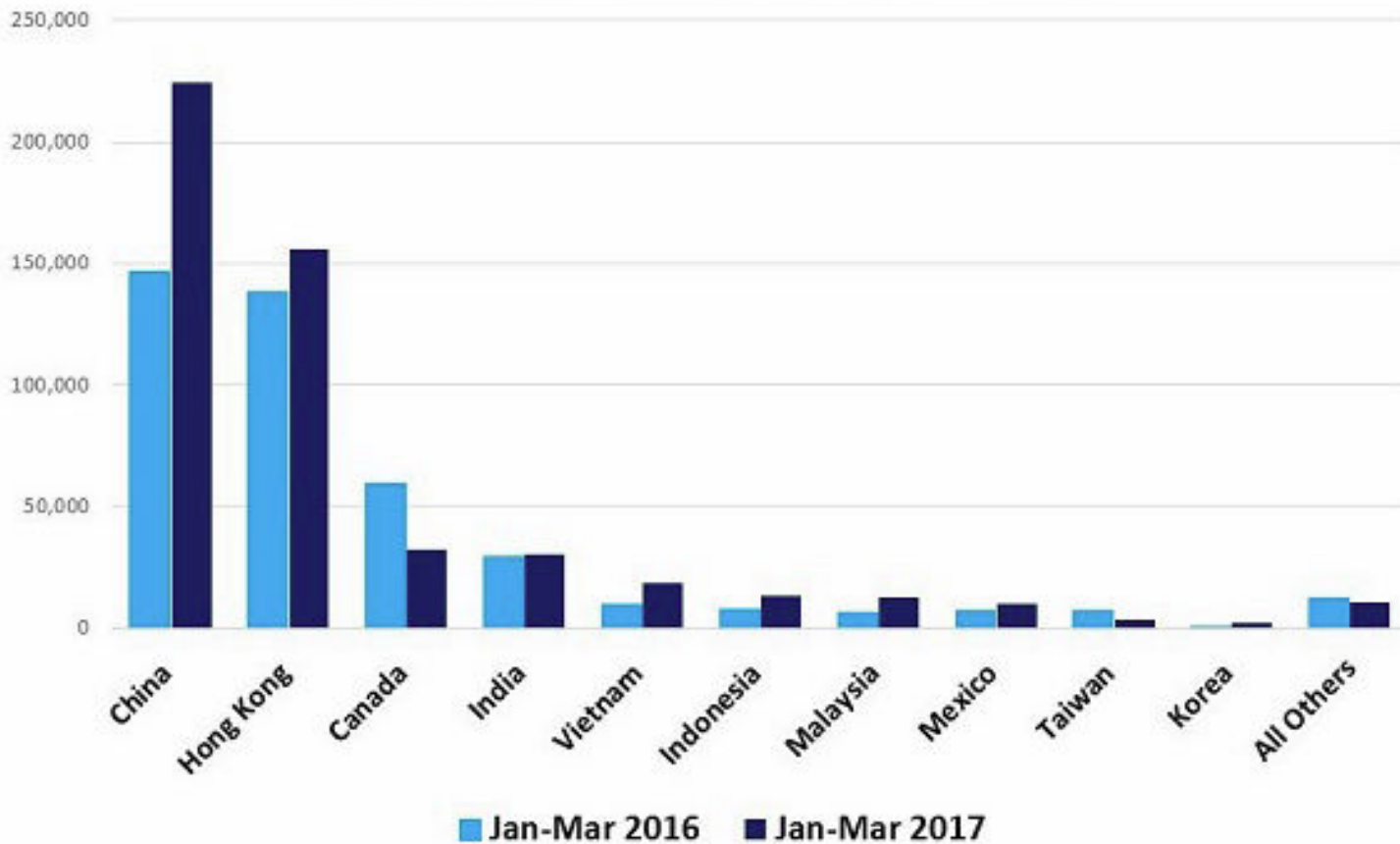
Source ISRI



US Plastic Exports

YTD U.S. Plastic Scrap Exports by Major Destination (metric tons)

Sources: U.S. Census Bureau/U.S. International Trade Commission



Source ISRI



Impact of Ban

- The ability of other international markets (e.g., Malaysia, Indonesia, Taiwan, Vietnam) to absorb all the recyclables will be strained.
 - Vietnam has stopped accepting plastic and new requirements for paper.
 - Thailand banned scrap plastic imports.
- One quarter of the export market has disappeared.
- Domestic markets will not be able to respond.
- Some materials may not be able to find an end market:
 - Drop in commodity prices,
 - Reduction in the types of materials accepted in recycling programs,
 - Stockpiling of materials,
 - Closures of recycling facilities,
 - Landfilling of recyclable materials.



Industry Response

- The recycling industry is working to better sort incoming recyclables to lower contaminant levels and improve the quality of the material that is exported:
 - Increasing its workforce
 - Slowing down processing times.
- First half of 2018, hauler recycling revenues fall.



Photo: Waste
Management of
Kansas

Municipal Impacts

- Ban could have significant adverse impacts on municipal recycling programs in the United States:
 - Additional charges due to excessive contamination
 - Risk sharing
 - Price increases
 - Fewer rebates
 - Elimination of materials accepted in recycling programs



Bright Spots?

- A push for domestic solutions.
- Chinese processors looking to set up U.S. operations:
 - Recycled pulp
 - Clean plastic pellets
- China needs our materials. Will it loosen its bale standards?



Education

- Contamination of recycling has been an issue for some time.
 - Increase in single-stream recycling.
 - Underinvestment in education and communication, resulting in gaps in public knowledge.
- Help us!



Available
at
RecycleSpot.org

recycle **more**  recycle **better**

Every little bit counts.

YES

These items go in your curbside recycling bin!



Aluminum Cans



Steel (tin) Cans



Aerosol Cans
(empty only, make no "hiss" sound)



Aluminum Foil
& Pans



Cardboard



Paperboard



Junk Mail



Office Paper



Magazines & Catalogs



Phone Books



Newspaper



Paper Cartons



Plastic Bottles & Containers *(have #1 - #7 inside arrow symbol on container)*

- Keep items loose, do not put in bags or boxes.
- Rinse all containers (plastic, metal, etc.).
- Collect metal caps and lids in steel (tin) can and squeeze shut.
- Put caps and lids back on plastic bottles and containers.
- Break down or flatten boxes.
- No liquid.
- No plastic bags or film.
- No food.

NO

These items do NOT go in your curbside recycling bin!



Plastic Bags
& Film*



Clothing*



Food



Liquids



Scrap Metal*



Electronics*

Thank You!

Lisa McDaniel
lmcdaniel@marc.org
816-474-4240





Johnson County Solid Waste Management Committee (SWMC)



Recycling in the KC Metro

- <https://www.kshb.com/news/local-news/changes-in-china-affecting-kansas-city-recycling>

Purpose of SWMC

- Preparation and Oversight of JoCo Solid Waste Management 5-Year Plans
 - 65-3405. Solid waste management plan required; solid waste management committee; process for adoption and revision of plan; contents of plan.
(a) Each county of this state, or a designated city, shall submit to the secretary a workable plan for the management of solid waste in such county.

Attached Documents: Full state statute, 2013 SWMC Plan

SWMC Members

Council of Mayors Appointees:

Cities of the 1st class:

Kent Seyfried (Olathe)
Lisa McDaniel (Shawnee)
Don Seifert (Olathe)
Maggie Roby (Overland Park)
Ruth Hopkins (Prairie Village)

Cities of the 2nd class:

Debra Kring (Mission)
Megan England (Roeland Park)
Dave Drovetta (Gardner)

Cities of the 3rd class:

Vacant

County Commission Appointees:

Raymond Manley (General Public)
Scott Martin (Private Industry)
Anne Melia (Citizen Organization)
Daniel Jones (Solid Waste Industry)
Mike Hey (Recycling Industry)
Vacant (Unincorporated)

Past Plan Successes

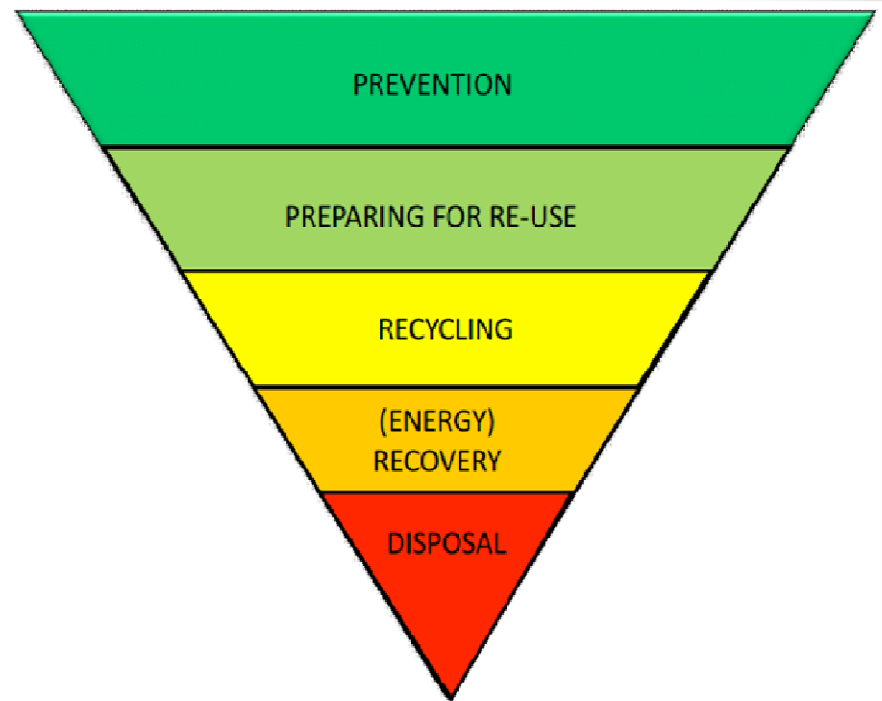
- Code of Hauler Regulations:
 - Yard waste diversion
 - Recycling for all
 - Pay-as-you-throw stickers for over 96 gal.
- Extended landfill use permit from the City of Shawnee
 - From 2027 to 2043

Curbside Recycling Survey Results

City	Total houses	Total participating	Participation Rate	Total bagged recyclables	Bagging rate	Other notable contaminants	Plastic rate	% of loads that contained bags or were bagged
Gardner	80	54	67.5%	5	9.3%	Plastic bags and film- 6	11.1%	20.4%
Lenexa	75	67	89.3%	4	6.0%	Plastic bags and film- 3	4.5%	10.4%
Merriam	75	61	81.3%	6	9.8%	Plastic bags and film- 9	14.8%	24.6%
Mission	75	64	85.3%	11	17.2%	Plastic bags and film- 8	12.5%	29.7%
Mission Hills	75	71	94.7%	8	11.3%	Plastic bags and film- 10	14.1%	25.4%
Olathe	75	64	85.3%	5	7.8%	Plastic bags and film- 8	12.5%	20.3%
Overland Park- North	75	66	88.0%	4	6.1%	Plastic bags and film- 9	13.6%	19.7%
Overland Park- South	75	67	89.3%	8	11.9%	Plastic bags and film- 10	14.9%	26.9%
Prairie Village	75	70	93.3%	7	10.0%	Plastic bags and film- 16	22.9%	32.9%
Roeland Park	75	61	81.3%	5	8.2%	Plastic bags and film- 5	8.2%	16.4%
Shawnee	75	70	93.3%	7	10.0%	Plastic bags and film- 20	28.6%	38.6%
Spring Hill	75	39	52.0%	6	15.4%	Plastic bags and film- 4	12.1%	27.5%
Westwood Hills	60	47	78.3%	10	21.3%	Plastic bags and film- 3	6.4%	27.7%
Total	965	801	83.0%	86	11.1%		13.5%	24.6%

Major Plan Update: 2018/19

- Stakeholder meetings
- Goal setting
 - Infrastructure needs after 2043
- Ensuring a sustainable waste management future



How can cities help?

- Participate in stakeholder meetings in early 2019
 - Burns & McDonnell will be conducting
 - Look for invite
 - Promote participation (Sustainability Committees, interested members of community, etc)
- Support waste reduction, reuse and recycling in your city and communications
 - @Johnson County Recycles
 - @JoCoRecycles

Life of a Strawberry

- <https://www.youtube.com/watch?v=WREXBUZBrS8>

References

- [Solid Waste Management Plan 2013](#)
- [KS Statute](#)



**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
October 1, 2018**

The City Council of Prairie Village, Kansas, met in regular session on Monday, October 1, 2018, at 6:00 p.m. in the Council Chambers at the Municipal Building, 7700 Mission Road, Prairie Village, Kansas. Mayor Laura Wassmer presided.

ROLL CALL

Roll was called by the City Clerk with the following Council Members in attendance: Chad Herring, Jori Nelson, Serena Schermoly, Ronald Nelson, Tucker Poling, Andrew Wang, Sheila Myers, Brooke Morehead, Dan Runion, Courtney McFadden, Ted Odell, and Terrence Gallagher. Staff present: Tim Schwartzkopf, Chief of Police; Keith Bredehoeft, Director of Public Works; David Waters, Interim City Attorney; Wes Jordan, City Administrator; Jamie Robichaud, Assistant City Administrator; Alley Porter, Assistant to the City Administrator, and Joyce Hagen Mundy, City Clerk. Also present was City Planner Chris Brewster with Gould Evans.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Ron Nelson moved the approval of the agenda for October 1, 2018 as presented. The motion was seconded by Sheila Myers and passed unanimously.

INTRODUCTION OF STUDENTS & SCOUTS

No students or scouts were in attendance.

PUBLIC PARTICIPATION

Courtney Reyes spoke on behalf of the Kansas City Home Builders Association noting the negative impact the proposed Neighborhood Design Guideline regulations regarding windows and impervious surface could have. She urged the City Council to return the proposed regulations to the Planning Commission for further consideration with input from local builders.

Gary Mayerle, 6503 West 78th Street, an architect with Boyle & Mayerle advised the Council that the proposed regulations would affect remodels and additions within the city. He did not feel residents were upset with remodels and additions, but with new construction of large homes on sites previously having smaller older homes. He also felt residents were impacted with increased property appraisals and taxes resulting from the new homes.



John Matthews, 4916 West 65th Street, stated the number of people seeking smaller homes with one-car garages is dwindling. He noted if redevelopment is pushed out of the City by the proposed regulations everyone will suffer.

Terri Powell, a 50-year resident in the area of 74th & Cherokee, urged the Council to adopt the regulations to maintain the cohesiveness of the City, noting many of the newer homes simply do not fit.

Mark Kettlewell, 4122 Prairie Lane, expressed concern with the number of restrictions being placed on homes by the proposed regulations. He noted he'd like to build a new modern home in Prairie Village to better meet the needs of his family but felt it would not be possible under the proposed regulations.

Susan Forrest, 6837 El Monte, spoke in support of the proposed standards. However, she encouraged the Council to move the effective date of the regulations from February 1, 2019 as proposed to January 1, 2019.

Scott Koenigsdorf, Koenig Building + Restoration, spoke in support of the proposed standards noting the City of Fairway has had similar standards in place for two years. He added the exceptions proposed in the ordinance would address unique or special situations.

With no one else to address the Council, public participation was closed at 6:15 p.m.

CONSENT AGENDA

Mayor Wassmer asked if there were any items to be removed from the consent agenda and discussed.

Tucker Poling moved for the approval of the Consent Agenda of October 1, 2018:

- 1. Approval of the Regular City Council meeting minutes for September 17, 2018.**
- 2. Approval of claims ordinance #2970.**
- 3. Approval of installation of pedestrian activated beacons at 87th Street and Somerset Drive, 67th Street and Delmar and 83rd Street and Juniper.**
- 4. Approval of Resolution 2018-05 authorizing the Prairie Village Arts Council State of the Arts reception to be held October 12, 2018 as a special event and authorizing the sale, consumption and possession of alcoholic liquor and cereal malt beverages within the designated public areas of the event.**
- 5. Ratified the Mayor's appointment of Mark Morgan to the Tree Board for a two-year term.**
- 6. Ratified the Mayor's appointment of Sheila Evans to the Prairie Village Arts Council to complete an unexpired term ending February 2019.**
- 7. Approval of an agreement with Kansas City Tree Care, LLC for the 2018 Tree Trimming Program.**



A roll call vote was taken with the following votes cast: “aye” Herring, J. Nelson, Schermoly, R. Nelson, Poling, Wang, Myers, Morehead, Runion, McFadden, Odell and Gallagher.

COMMITTEE REPORTS

Planning Commission

COU2018-41 Consider approval of Ordinance 2392 amending the City of Prairie Village, Kansas Zoning Regulations by adding neighborhood design standards for R-1a and R-1b zoning districts, addressing building massing and frontage design, reorganizing and adjusting development standards, adding impervious coverage limits and accessory buildings, setback and lot exceptions

City Planning Consultant Chris Brewster reviewed the history of the development of the proposed design standards and zoning amendments. The proposed design standards were developed by an ad-hoc design standards committee, presented to the public at three public meetings, reviewed by the City Council, forwarded to the Planning Commission for review on August 7th with a public hearing held on Tuesday, September 11, 2018.

Mr. Brewster reviewed the proposed revisions:

- Street Tree Requirements
- Minimum frontage greenspace
- Break up massing on larger wall planes
- Require minimum percentage of windows and doors
- Limit the extent, projection and massing of garages on front elevations
- Add total lot impervious surface limit
- Clarify/revise standards for accessory structures
- Refine/limit current standards on setback encroachments
- Create non-variance process and criteria to “design standards”
- Require notice to neighbors for teardowns or new structures

The Planning Commission recommends adoption of Ordinance 2392 implementing the proposed standards with seven changes. The most significant changes made by the Commission were to increase the impervious coverage limit from 35% to 40% and that if approved, the changes would become effective February 1, 2019.

Mr. Brewster reviewed the options available to the City Council.

Council members requested clarification on the applicability of the standards, impact of the standards on drainage issues created by new construction, massing standards particularly related to smaller lots, required windows and impervious surface requirements.



Terrence Gallagher noted many of the e-mails received reference size and scale of homes. The restrictions set in 2016 allow large homes to continue to be built. The new standards proposed address design issues to have these homes blend in better with the existing neighborhoods.

Jori Nelson stated over the past four years only 4% of the building permits issued were for home additions noting a small number of residents will be impacted and residents will continue to be able to make improvements to their homes. She thanked the design standards committee, Planning Commission and staff for their extensive work to address the residents' concerns with this issue.

Jori Nelson moved the Governing Body approve Ordinance 2392 amending the City of Prairie Village, Kansas Zoning Regulations by adding neighborhood design standards for R-1a and R-1b zoning districts, addressing building massing and frontage design, reorganizing and adjusting development standards, adding impervious coverage limits and accessory buildings, setback and lot exceptions. Brooke Morehead seconded the motion.

Mayor Wassmer allowed for continued discussion with concerns raised regarding the proposed window regulations, regulation applicability to non-conforming properties, when a drainage permit was needed, massing and impervious surface regulations with several different scenarios presented and discussed.

Serena Schermoly expressed concern with the limited response from residents that the changes are being based. She also believed there was confusion on applicability of the regulations on existing homes with many residents thinking the regulations only apply to tear down and rebuilds. She believes the regulations are making "one-size fits all" regulations and prefers the creation of an architectural review board to address homes individually. She presented a comparison of similar regulations from other area cities.

Serena Schermoly moved to amend the motion by exempting existing homeowners from the greenspace and massing regulations. Brooke Morehead seconded the motion.

Discussion was held on whether the amendment, which substantially changes the motion, was "out of order". City Attorney stated the motion was in order, but as it is a change to the recommendation of the Planning Commission would require a two-thirds majority to pass.

Ted Odell expressed concern with the proposed regulations and added restrictions could prohibit or discourage homeowners from adding on to their homes or improving their properties. Redevelopment in the City is good and should be encouraged particularly in Wards with aging housing stock. He has concerns with several of the proposed regulations. Additional clarification was requested on the regulations for lot coverage, impervious surface and frontage greenspace.



Mayor Wassmer stated the City has been working on this issue for four years. The regulations seek common ground that applies to all homes to address the character of neighborhoods. She noted the proposed ordinance is not perfect, but it was vetted by professionals and the public to address a serious concern of Prairie Village residents. It can, and in all likelihood, will be changed in the future if issues arise.

Mayor Wassmer called for a vote on the proposed amendment with the motion failing with a vote of 2 (Schermoly, Morehead) to 10.

Mayor Wassmer called for a vote on the original motion adopting Ordinance 2392 as presented.

A roll call vote was taken with the following votes cast: “aye” Herring, J. Nelson, R. Nelson, Poling, Wang, Myers, Morehead, Runion, McFadden, Gallagher and Wassmer; voting “nay” Schermoly and Odell. The ordinance was adopted.

Mayor Wassmer recognized the extensive work that has gone into the development of these regulations by the ad-hoc committee, architects, builders, city staff, the Planning Commission and substantial input from residents. She expressed her thanks to all involved in this lengthy process.

Environment/Recycle Committee

Sheila Myers invited all to attend the Mayoral forum on environmental issues sponsored by the Environment/Recycle Committee on Wednesday, October 3 from 7 to 8 p.m. in the Council Chambers.

Teen Council

Terrence Gallagher announced the 2018 Teen Council will attend the October 15 meeting.

Statutory Committee

Terrence Gallagher announced the Statutory Committee would be hosting a two-hour statue cleaning class with Paul Benson on Saturday, October 13 at 9 a.m. He noted a Boy Scout Troop would be helping take care of city statues.

Prairie Village Arts Council

Serena Schermoly encouraged all to attend the upcoming Artist reception for the State of the Arts Show to be held on Friday, October 12 from 6 to 8 p.m.

Park & Recreation Committee

Chad Herring announced that the October 10 meeting would begin at 5:30 p.m. due to a conflict with College Night being held at Shawnee Mission East. At their September 12 meeting, the committee approved playground equipment for Franklin Park with their recommendation being presented to the Council on October 15.



MAYOR'S REPORT

Mayor Wassmer reported she participated in the Mission Hills luncheon recognizing the police department's service to their city, the St. Ann's School/Brighton Gardens Relays and ribbon cutting for the opening of the Kessler apartments at Meadowbrook.

Mayor Wassmer announced the city will issue requests for qualifications for the position of City Attorney to allow the city to gain a greater perspective and comparison of the services available and fees. Interim City Attorney David Waters will be participating in this process. As this is a two-year mayoral appointment, the process has been discussed and approved by both candidates for mayor. Mayor Wassmer reviewed the timetable noting that the official appointment will be made in January by the Mayor-elect.

STAFF REPORTS

Public Safety

- Chief Schwartzkopf announced national coffee with a cop day will be recognized on Wednesday, October 3 from 7 a.m. to 9 a.m. at Starbucks in the Village Shops

Public Works

- Keith Bredehoeft reported a public meeting would be held on the Mission Road/68th Street flooding/drainage study on Tuesday, October 9 at 4:30 p.m. in the Multi-purpose Room. One of the options from the study is the regrading and raising of the area along Schliffke Park. This is proposed to be a future SMAC project with the county paying 75% of the estimated \$1.5M in costs.
- Mr. Bredehoeft advised that the steeple from the church previously located on the North Park site would not be able to be incorporated with the park structure as originally planned.
- Johnson County is now working to place an ATA bus stop/structure at Meadowbrook on 95th Street just east of Rosewood. The associated costs of \$35,000 were previously factored in the TIF District.

Courtney McFadden expressed concern with the development of the trails in Meadowbrook Park. Wes Jordan responded he has spoken with Jill Geller at JCPRD and asked her to present an update to the City Council on the development of the park and timetable for its opening. He is hopeful that this will occur in November.

- Mr. Bredehoeft provided an update on the emergency road repair at 67th and Mission Road.

Administration

- Jamie Robichaud asked Council members to respond to her if they are interested in the landfill tour being offered on October 18 by Republic.
- Wes Jordan reviewed the items anticipated to be on the October 15 Council agenda.



OLD BUSINESS

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

NEW BUSINESS

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

COUNCIL COMMITTEE OF THE WHOLE

There were no items for consideration by the Council Committee of the Whole.

EXECUTIVE SESSION

Dan Runion moved that the Governing Body, recess into Executive Session in the MPR for 20 minutes to discuss a staffing transition plan pursuant to KSA 75-4319 (b) (1) for the purpose of consulting with the City Attorney on personnel matters of nonelected personnel. Present will be the Mayor, City Council, City Administrator and City Attorney. The motion was seconded by Tucker Poling and passed unanimously. The open meeting will resume in the City Council Chambers at 8:35 p.m.

Mayor Wassmer announced to the public that no official business would take place after the conclusion of the executive session.

The City Council meeting was reconvened by Mayor Wassmer at 8:35 p.m. in open session from executive session where no binding action was taken.

ANNOUNCEMENTS

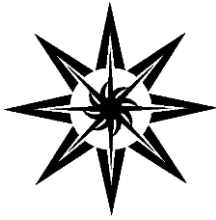
Mayor Wassmer announced there would be a Mayoral Forum on Thursday, October 11 hosted by the Shawnee Mission Post.

Chad Herring announced that Ward 1 will be hosting an open house forum and update on plans for North Park on Saturday, October 6 at 3:30 p.m. at the Community Center for its residents, adding that others are welcome to attend.

ADJOURNMENT

With no further business to come before the City Council, Mayor Wassmer declared the meeting adjourned at 8:40 p.m.

Joyce Hagen Mundy
City Clerk



POLICE DEPARTMENT

Council Meeting Date: October 15, 2018

CONSENT AGENDA: Consider the School Crossing Guard Contract Renewal with ALL CITY MANAGEMENT SERVICES (ACMS) INC.

RECOMMENDATION

Staff recommends approval of the contract with ACMS Inc. for the 2018-2019 school year.

COUNCIL ACTION REQUESTED ON October 15, 2018.

BACKGROUND

The City has used a private company to contract school crossing guard services since 2014. The City began contracting with ACMS for the 2017-2018 school year. The only change to the proposed 2018-2019 school year contract is the re-activation of the crossing at 95th & Roe which will be a shared cost with the City of Overland Park.

The City will pay the contractor \$20.60 per hour, per crossing guard. Guard shifts should not exceed 2 hours per guard, per day. This is within the budgeted amount.

The City Attorney has reviewed and approved the contract.

PREPARED BY

Capt. Byron Roberson

Patrol Commander

Date: October 11, 2018



AGREEMENT FOR CROSSING GUARD SERVICES

This AGREEMENT made and entered into as of the last date of signature indicated below, by and between the CITY OF PRAIRIE VILLAGE, KANSAS, hereinafter called the "City", and ALL CITY MANAGEMENT SERVICES, INC., hereinafter called the "Contractor";

WITNESSETH

The parties hereto have mutually covenanted and agreed as follows:

1. This Agreement is for a one school year period which commences no later than July 1, 2018 and ends on June 30, 2019 and for such term thereafter as the parties may agree upon.
2. The Contractor will provide personnel equipped and trained in appropriate procedures for crossing pedestrians in marked crosswalks. Such personnel shall be herein referred to as a "Crossing Guard". Contractor will perform fingerprint and criminal background checks on prospective personnel in accordance with Department of Justice fingerprint and criminal investigation requirements. The Contractor is an independent Contractor and the Crossing Guards to be furnished by it shall at all times be its employees and not those of the City.
3. The City's representative in dealing with the Contractor shall be designated by Prairie Village Police Department.
4. The City shall determine the locations where Crossing Guards shall be furnished by the Contractor. The Contractor shall provide at each designated location personnel properly trained as herein specified for the performance of duties as a Crossing Guard. The Contractor shall provide supervisory personnel to see that Crossing Guard activities are taking place at the required places and times, and in accordance with all items of this Agreement.
5. The Contractor shall maintain adequate reserve personnel to be able to furnish alternate Crossing Guards in the event that any person fails to report for work at the assigned time and location and agrees to provide immediate replacement.
6. In the performance of their duties the Contractor and all employees of the Contractor shall conduct themselves in accordance with the conditions of this Agreement and the laws and codes of the State of Kansas and the City of Prairie Village.
7. Persons provided by the Contractor as Crossing Guards shall be trained in the laws and codes of the State of Kansas and the City of Prairie Village pertaining to general pedestrian safety in school crossing areas.
8. Crossing Guard Services (the "Services") shall be provided by the Contractor at the designated locations on all days in which school is in session. The Contractor also agrees to maintain communication with the designated schools to maintain proper scheduling.
10. The Contractor shall provide all Crossing Guards with apparel by which they are readily visible and easily recognized as Crossing Guards. Such apparel shall be uniform for all persons

performing the duties of Crossing Guards and shall be worn at all times while performing said duties. This apparel must be appropriate for weather conditions. The Contractor shall also provide all Crossing Guards with hand held Stop signs and any other safety equipment which may be necessary.

11. The Contractor shall at all times provide workers' compensation insurance covering its employees, and shall provide and maintain liability insurance for Crossing Guard activities. The Contractor will provide to the City a Certificate of Insurance naming the City and its officials, officers and employees as additional insureds; provided, that as to Contractor's Services as to the 95th and Roe intersection, Contractor shall also provide City a Certificate of Insurance naming the City of Overland Park, Kansas ("Overland Park"), and its officials, officers and employees as additional insureds. Such insurance shall include commercial general liability with a combined single limit of not less than \$2,000,000.00 per occurrence and in aggregate for property damage and bodily injury. Such insurance shall be primary with respect to any insurance maintained by the City and shall not call on the City's insurance contributions (same as to Overland Park). Such insurance shall be endorsed for contractual liability and personal injury and shall include the City, its officers, agents and interest of the City (same as to Overland Park). Such insurance shall not be canceled, reduced in coverage or limits or non-renewed except after thirty (30) days written notice has been given to the designee for the City of Prairie Village.
12. Contractor agrees to defend, indemnify and hold harmless the City (and Overland Park, as to the 95th and Roe intersection), their respective officers, employees, agents and representatives, from and against any and all actions, claims for damages to persons or property, penalties, obligations or liabilities (each a "Claim" and collectively, the "Claims") that may be asserted or claimed by any person, firm, entity, corporation, political subdivision or other organization arising out of the negligent acts or omissions, or willful misconduct, of Contractor, its agents, employees, subcontractors, representatives or invitees.
 - a) Contractor will defend any action or actions filed in connection with any of said Claims, damages, penalties, obligations or liabilities and will pay all costs and expenses including attorney's fees incurred in connection herewith.
 - b) Contractor will promptly pay any judgment rendered against the City or Overland Park, their respective officers, agents or employees for any such claims, damages, penalties, obligations or liabilities.
 - c) In the event the City (and/or Overland Park, as to the 95th and Roe intersection), their respective officers, agents or employees is made a party to any action or proceeding filed or prosecuted against Contractor for such damages or other Claims arising out of or in connection with the negligence of Contractor hereunder, Contractor agrees to pay the City and Overland Park, their respective officers, agents, or employees, any and all costs and expenses incurred by the City, Overland Park, their respective officers agents or employees in such action or proceeding, including, but not limited to, reasonable attorneys' fees.
 - d) Notwithstanding the foregoing, to the extent permitted by Kansas law and subject to any limitations or defenses provided City and Overland Park under the Kansas Tort Claims Act, as amended, in the event that a court determines that liability for any Claim was caused or contributed to by the negligent act or omission or the willful misconduct of the City or Overland Park, liability will be apportioned among Contractor, City, and Overland Park based upon the parties' respective degrees of culpability, as

determined by the court, and Contractor's duty to indemnify the City and Overland Park will be limited accordingly.

13. The City shall have the right to terminate this Agreement for convenience by giving thirty (30) days written notice to Contractor; provided, that the City shall have the right to terminate this Agreement at any time upon default by Contractor.
14. The Contractor shall not have the right to assign this Contract to any other person or firm except with the prior written consent of the City.
15. The City agrees to pay the Contractor for services rendered pursuant to this Agreement the sum of Twenty Dollars and Sixty Cents (\$20.60) per hour, per Crossing Guard during the term of this contract. Contractor shall bill a minimum of 2.0 hours per Crossing Guard, per school day. Crossing Guard shifts shall be a maximum of 1.0 hour in the morning and 1.0 hour in the afternoon, unless otherwise requested by the City.
16. Payment is due within thirty (30) days of receipt of Contractor's properly prepared invoice.
17. In the event this Agreement is extended beyond June 30, 2019; the compensation and terms for services shall be established by mutual consent of both parties.
18. This Agreement constitutes the complete and exclusive statement of the agreement among the parties with respect to the subject matter hereof and supersedes all prior written or oral statements among the parties, including any prior statements, warranties, or representations. This Agreement is binding upon and will inure to the benefit of the parties hereto and their respective heirs, administrators, executors, successors, and assigns. Each party hereto agrees that this Agreement will be governed by the law of the state in which the Services are to be performed, without regard to its conflicts of law provisions. Any amendments, modifications, or alterations to this Agreement must be in writing and signed by all parties. There will be no presumption against any party on the ground that such party was responsible for preparing this Agreement or any part of it. Each provision of this Agreement is severable from the other provisions. If any provision of this Agreement is declared invalid or contrary to existing law, the inoperability of that provision will have no effect on the remaining provisions of the Agreement which will continue in full force and effect.

Sites covered for the 2018-2019 fiscal year are as follows:

1. 94th St./Mission Rd.
2. 72nd Terrace/Mission Rd.
3. 72nd Terrace/Belinder Ave.
4. 86th St./Ash Ln
5. 83rd St. Mission Rd.
6. 67th St./Mission Rd.
7. 79th St./Lamar Ave.
8. 95th /Roe

[Signature Page Follows Directly]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the dates listed below.

City of Prairie Village, KS

All City Management Services, Inc.

By _____
Laura Wassmer, Mayor

By _____
Demetra Farwell, Corporate Secretary

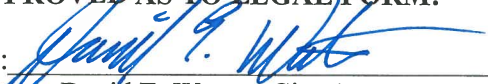
Date _____

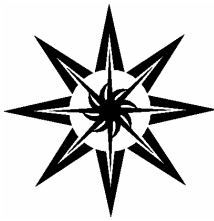
Date _____

ATTEST:

By: _____
Joyce Hagen Mundy

APPROVED AS TO LEGAL FORM:

By:  _____
David E. Waters, City Attorney



**Discussion Related to Consideration of Adopting a
Nondiscrimination Ordinance.**

DISCUSSION

Councilman Poling has asked consideration of adopting a Nondiscrimination Ordinance to provide uniform legal protection within the City of Prairie Village against discrimination based on race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, marital status, familial status, or veteran status, and to provide a complaint and enforcement process to enforce such protection.

Councilman Poling has submitted an attached draft ordinance (amended 10/10/18) as a framework for discussion. If the Council elects to move forward, Staff would then review the proposal and work with the City Attorney to prepare an ordinance for consideration.

Non Discrimination Resolution Update

In June, the City Council directed staff to prepare a resolution in support of the principles of Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) without any expenditures of funds or additional action being taken at this time, with an annual review to be conducted to determine the implementation of further action. The resolution was prepared by staff and brought to Council for consideration for approval on August 20, 2018.

It should be noted at the August 20, 2018, Council meeting the Council voted 7-5 to refer the proposed CEDAW resolution back to staff for revisions that the City of Prairie Village is committed to complying with Federal and State law prohibiting illegal discrimination. Staff did initiate this project in late September; however, has not completed this resolution update due to the prioritization of other projects. Staff anticipates having this item for consideration in the very near future unless otherwise directed by Council.

Attachments:

1. Draft - Prairie Village Ordinance Against Discrimination.
2. Copy on the Manhattan NDO w/letter from Mayor.
3. Copy of the Roeland Park NDO w/letter from Mayor.
4. Omaha NDO (relevant portions).
5. Human Rights Campaign - Enforcement Options
6. Map of LGBTQ Discrimination Protection
7. Memo from Councilman Poling/Herring
8. Kansas Equality Profile
9. Letters and e-mails received from the Public

PREPARED BY

Wes Jordan
City Administrator
Date: October 11, 2018

THE PRAIRIE VILLAGE ORDINANCE AGAINST DISCRIMINATION

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES OF THE CITY OF PRAIRIE VILLAGE, KANSAS; RELATING TO CIVIL RIGHTS.

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

WHEREAS, Prairie Village is a community that respects and actively seeks to welcome and protect all those who reside, visit, or do business in our community; and,

WHEREAS, the governing body finds that providing protection against wrongful discrimination contributes to the creation of a diverse, welcoming community that promotes harmony and mutual respect, and otherwise promotes the health, safety and welfare of the citizens of Prairie Village; and,

WHEREAS, the governing body finds that discrimination based on race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, marital status, familial status, or veteran status is wrongful discrimination and inconsistent with the community's goals, values, health, and welfare; and,

WHEREAS, state and federal laws provide protection against discrimination against certain classes of persons in employment, housing and public accommodations, and provide a complaint and enforcement process for parties who allege discrimination in violation of state or federal law; and,

WHEREAS, state and federal laws do not currently provide clear protection against discrimination on the basis of sexual orientation or gender identity in employment, housing or public accommodations, and parties who allege such discrimination do not have a complaint or enforcement process to pursue; and,

WHEREAS, due to the gap in legal protection from discrimination that currently exists under state and federal law, the governing body's intent is to provide uniform legal protection within the City of Prairie Village against discrimination based on race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, marital status, familial status, or veteran status, and to provide a complaint and enforcement process to effectuate such protection.

THEREFORE, Chapter 5 of the Code of the City of Prairie Village is amended, adding Article 8 to the existing Articles of that Chapter, as follows:

ARTICLE 8. PROHIBITED DISCRIMINATION IN EMPLOYMENT, HOUSING, OR PUBLIC ACCOMODATIONS.

5 – 801. DEFINITIONS.

Except to the extent they are in conflict with the definitions below, the definitions contained within the Kansas Acts Against Discrimination, K.S.A. 44-1001 et seq., the Kansas Age Discrimination in Employment Act, K.S.A. 44-1111 et seq., and the Discrimination Against Military Personnel Act, K.S.A. 44-1125 et seq., and amendments thereto, shall be applicable under this article. For purposes of this article, certain terms shall be interpreted or defined as follows unless the context clearly indicates otherwise.

- (a) **City** means the City of Prairie Village, Kansas.
- (b) **Code** means the Code of the City of Prairie Village, Kansas.
- (c) **Business** means any person or entity employing four or more employees and all departments, boards and agencies of the City. Business shall include the City and any City Contractor. For purposes of this article, no non-profit private club shall be considered to be a business.
- (b) **Place of public accommodation** shall include every business within the City that is open to the public and offers, any product, service or facility. The term place of public accommodation shall include, but not be limited to, all taverns, hotels, motels, apartment hotels, apartment houses with more than four tenant units, restaurants or any place where food or beverages are sold, retail and wholesale establishments, hospitals, theaters, motion picture houses, museums, bowling alleys, golf courses and all public conveyances, as well as the stations or terminals thereof. This shall not, however, apply to any hotel, motel, restaurant or theater operated by a bona fide private club not conducted for the purpose of evading this article when the accommodations, advantages, facilities and services are restricted to the members of such club and their guests; nor to any bona fide social, fraternal, civic, political or religious organization, when the profits of such accommodations, advantages, facilities and services, above reasonable and necessary expenses, are solely for the benefit or mission of such organization. A church, mosque, temple, synagogue, or other place principally devoted to religious practice or religious teaching shall not be considered a place of public accommodation.
- (c) **Rental housing** means any real property, consisting of more than four dwelling units, which is required to obtain a license or permit pursuant to the provisions of Chapter 5 of the Code.
- (d) To **rent** means to lease, to sublease, to let or otherwise to grant for a consideration the right to occupy premises not owned by the occupant.
- (e) **Employee** means any person authorized to perform services for any business within the City, and includes an officer, employee or elected official of the United States, a state, territory, or any political subdivision thereof or any agency or instrumentality thereof, and an officer of a corporation. Employee does not include any individual employed by such individual's parents, spouse or child or in the domestic service of any person.

- (f) **Person** means an individual, corporation, partnership, association, labor organization, legal representative, mutual company, joint-stock company, trust, unincorporated organization, trustee, trustee in bankruptcy, receiver and fiduciary.
- (g) **Familial status** means persons 18 years of age or older who are spouses, former spouses, parents or stepparents and children or stepchildren, and persons who are presently residing together or have resided together in the past, and persons who have a child in common regardless of whether they have been married or have lived together at any time.
- (h) **Sexual orientation** means an individual's real orientation or orientation perceived by another as heterosexual, homosexual, bisexual or asexual.
- (i) **Gender identity** means the actual or perceived gender-related identity, expression, appearance, or mannerisms, or other gender-related characteristics of an individual, regardless of the individual's designated sex at birth.
- (j) **Military status** means a person who is serving or has served in the uniformed services, and who, if discharged or released under conditions other than dishonorable, as specified in 38 U.S.C. 101(2), or amendments thereto. Uniformed services is defined as set forth in 20 C.F.R. 1002.5(o), or amendments thereto.
- (k) **Investigator** means one or more persons appointed by the Mayor, with the approval of the City Council, who shall be charged with investigating alleged violations of this article. If the person charged with violating the provisions of this article is the City, the Investigator shall not otherwise be an employee, agent, or contractor of the City
- (l) **Hearing officer** means a person appointed by the Mayor, with approval of the City Council, who is charged with determining the validity of alleged violations of this article, and upon determining that a violation has occurred, assessing appropriate damages, penalties and/or costs as provided in this article.
- (m) **Religious organization** means a church, mosque, temple, synagogue, or other entity principally devoted to religious practice or religious teaching.

5 – 802. DECLARATION OF POLICY.

- (a) The right of an otherwise qualified person to be free from discrimination because of that person's real or perceived race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, marital status, familial status, or military status is hereby recognized. This right shall include, but not be limited to, any of the following:
 1. The right to pursue and hold employment and the benefits associated therewith without wrongful discrimination.
 2. The right to the full enjoyment of any of the accommodations, advantages, or privileges of any place of public resort, accommodation, assemblage, or amusement without wrongful discrimination.
 3. The right to engage in property transactions, including obtaining housing for rental or sale and credit therefor, without wrongful discrimination.

4. The right to exercise any right granted under this ordinance without suffering coercion or retaliation.

5 – 803. UNLAWFUL PRACTICES.

- (a) **Employment.** It shall be an unlawful discriminatory practice for a business, because of the race, religion, color, sex, disability, familial status, national origin, ancestry, sexual orientation, gender identity, or military status of any person to refuse to hire or employ such person to bar or discharge such person from employment or to otherwise discriminate against such person in compensation or in terms, conditions or privileges of employment; to limit, segregate, classify or make any distinction in regards to employees; or to follow any employment procedure or practice which, in fact, results in discrimination, or segregation without a valid business necessity. This article shall not apply to employment by a religious organization that consists of religious teaching, ministry, or other religious duties or practices.
- (b) **Housing.** It shall be an unlawful discriminatory practice for a business to discriminate against any person in the terms, conditions or privileges of sale or rental of real property or rental housing, or in the provision of services or facilities in connection therewith, because of race, religion, color, sex, disability, familial status, national origin, ancestry, sexual orientation, gender identity or military status, or to discriminate against any person in such person's use or occupancy of rental housing because of the race, religion, color, sex, disability, familial status, national origin ancestry, sexual orientation, gender identity, or military status of the people with whom such person associates. Nothing in this article shall prohibit a religious organization or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, from limiting the sale, rental or occupancy of real property which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons.
- (c) **Public Accommodation.** It shall be an unlawful discriminatory practice for any business, as defined herein being the owner, operator, lessee, manager, agent or employee of any place of public accommodation, to refuse, deny or make a distinction, directly or indirectly, in offering its goods, services, facilities, and accommodations to any person as covered by this article because of race, religion, color, sex, disability, familial status, national origin, ancestry, sexual orientation, gender identity, or military status. Notwithstanding the above, nothing in this article shall be construed to prevent any business as defined in this article from offering, affording or providing any additional benefit or additional discount to a person because of such person's military or senior citizen status.
- (d) Nothing in this article shall prohibit a nonprofit private club in fact not open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.
- (e) Nothing in this article shall prohibit an employer from requiring an employee, during the employee's hours at work, to adhere to reasonable dress or grooming standards not prohibited by other provisions of Federal, State, or local law.

- (f) Nothing in this article shall be construed to prohibit a business from requiring all of its employees, as a condition of employment, to utilize the business' applicable established internal human resource procedure(s) to address any allegation of discrimination in the workplace. The fact that a business requires an employee to utilize the business' applicable established internal human resource procedure(s) to address any allegation of discrimination in the workplace shall not, in itself, be deemed a violation of this article.
- (g) Nothing in this article shall be construed to require any entity subject to this article to make changes requiring a building permit to any existing facility, except as otherwise required by law.

5 – 804. ENFORCEMENT.

- (a) An aggrieved person may file a complaint that the person has been, or is being, discriminated against by an alleged unlawful discriminatory practice set forth in this Article on his or her own behalf or through an attorney; or if a minor, through his or her parent or legal guardian or attorney; by completing and signing the form provided by the city. The complaint form shall state the names and contact information of the aggrieved person, the person(s) alleged to have committed the unlawful discriminatory practice(s), and the respondent; shall describe the unlawful act or discriminatory practice; and shall include all other information as may be required by the city.
- (b) The complaint form shall be submitted to an investigator, and shall only be considered complete if all information requested has been provided to the extent such requested information is reasonably available to the aggrieved person.
- (c) The complaint form must be filed within 60 days of the alleged unlawful discriminatory practice, unless the act complained of constitutes a continuing pattern or practice of discrimination, in which event it must be filed within 60 days of the last act of discrimination.
- (d) Upon receipt of a completed complaint, the investigator shall notify the respondent of the complaint, providing sufficient details related to the complaint so the respondent may respond. The investigator shall give the respondent thirty (30) days to file a written answer to the complaint, and to provide any documentation or evidence related to the complaint. The investigator may, at the respondent's request, extend the answer period an additional thirty (30) days.
- (e) Following the conclusion of the answer period, the investigator may initiate an investigation period, requesting that the complainant and/or respondent provide additional information, documentation or testimony as needed to facilitate the investigation of the complaint. This investigation period shall be concluded within 60 days of the investigator's last request for information.
- (f) Within thirty (30) days of the conclusion of the investigation period, the investigator will review all information provided to the investigator and make a determination of whether probable cause exists that the respondent committed an unlawful discriminatory practice. If

the investigator finds that probable cause does not exist, then the investigator shall notify the complainant and the respondent, and no further action shall be taken by the city. If the investigator finds that probable causes exists that an unlawful discriminatory practice was committed by respondent, the investigator shall notify the complainant and respondent and request conciliation and settlement.

- (g) If the investigator finds that probable causes exists that the respondent committed an unlawful discriminatory act against the complainant, the investigator will attempt to conciliate and settle the complaint between the parties. If a party refuses to participate in conciliation and settlement, or if a settlement agreement is not executed within 60 days of the date of the finding of probable cause, the matter shall be referred to the hearing officer for a hearing.
- (h) If the investigator has determined that probable cause exists that the respondent committed an unlawful discriminatory practice against the complainant, and the complaint could not be conciliated and settled within 60 days of the date of such determination, the complaint shall be set for a hearing before the hearing officer. At such hearing, the parties and the investigator shall be entitled to call witnesses and to present such other evidence as appropriate. The hearing shall be conducted in accordance with such procedures as may be established by the hearing officer, but the rules of evidence used in courts of law need not be strictly enforced. The hearing officer shall issue a written determination within 10 days of the date of the hearing. The determination shall indicate whether the preponderance of the evidence proves that respondent committed the unlawful discriminatory practice against the complainant. The hearing officer shall preserve all documents or evidence considered by the hearing officer in considering the complaint or rendering the written determination. If the hearing officer finds that a violation of this article has occurred, the hearing officer may award to the complainant actual damages, or a civil penalty in the amount of \$500.00, whichever is greater, for each violation. In addition, the Investigator's fees, if any, and the hearing officer's fees, if any, shall be assessed to the non-prevailing party unless the hearing officer determines that the circumstances warrant assessing the costs in some other manner.
- (i) Any person aggrieved by a determination of the hearing officer under this section or any determination of insufficient evidence to warrant a hearing made by the Investigator, may appeal that determination to the District Court of Johnson County, Kansas, in accordance with K.S.A. 60-2101(d), and amendments thereto. Within 30 days of service of the notice of appeal pursuant to K.S.A. 60-2101(d), or within further time allowed by the court or by other provision of law, the City shall transmit to the court the original or a copy of the written determination of the hearing officer and all documents or evidence considered by the hearing officer in considering the complaint or rendering the written determination. On appeal, the district court may enter such order or judgment as justice shall require, and may award court costs and reasonable attorney fees to the prevailing party.
- (j) The filing of a complaint for the alleged violation of this article shall in no way preclude any person from seeking other relief under state or federal law. Further, due to the existence of state and federal legal processes to address allegations of discrimination based on race, religion, color, sex, disability, familial status, national origin, ancestry, or military status, City staff may advise those seeking to file a complaint for the alleged violation of this article arising out of discrimination based on race, religion, color, sex, disability, familial status,

national origin, ancestry, or military status of the appropriate state or federal agency in which such complaints may be filed.

- (k) Nothing in this article shall be construed to prohibit a business from requiring all of its employees, as a requirement of employment, to utilize the business' applicable established internal human resource procedure(s) to report any allegation of discrimination in the workplace. The enforcement by an employer of any such requirement shall not, in itself, be deemed a violation of this article. However, nothing in this article shall be construed to require an employee to utilize the employer's internal human resource procedure(s) as a prerequisite to filing a complaint for the alleged violation of this article.

5 – 805. SEVERABILITY.

Should any section, subsection, sentence, clause or phrase of this article, or the application thereof to any person or circumstance, be declared to be unconstitutional or invalid or unenforceable, such determination shall not affect the validity of the remaining portions of this article.

(Ord. No. _____, ____, __-__-2018)

CERTIFICATION OF CLERK

I, Brenda K. Wolf, the duly appointed, qualified, and Assistant City Clerk of Manhattan, Kansas, do hereby certify that the foregoing Ordinance was duly adopted at a meeting of the City of Manhattan, Kansas, held on the 16th day of August, 2016, and that said Ordinance has been compared by me with the original thereof on file and of record in my office, is a true copy of the whole of said original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Manhattan, Kansas, 17th day of August, 2016.



Brenda K. Wolf, CMC, Assistant City Clerk

ORDINANCE NO. 7235

AN ORDINANCE AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES OF THE CITY OF MANHATTAN, KANSAS; RELATING TO CIVIL RIGHTS.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MANHATTAN, KANSAS:

WHEREAS, state and federal laws provide protection against discrimination against certain classes of persons in employment, housing and public accommodations, and provide a complaint, investigation and enforcement process for parties who allege discrimination in violation of state or federal law; and,

WHEREAS, state and federal laws do not provide protection against discrimination on the basis of sexual orientation or gender identity in employment, housing or public accommodations, and parties who allege such discrimination do not have a complaint, investigation or enforcement process to pursue; and,

WHEREAS, Chapter 10 of the City Code relates to civil rights, establishing a policy against discrimination against certain classes of persons in employment, housing and public accommodations; and,

WHEREAS, the governing body desires to extend the policy against discrimination to include sexual orientation and gender identity discrimination; and,

WHEREAS, the governing body finds that providing individuals with protection from discrimination due to sexual orientation and gender identity promotes the health, safety and welfare of the citizens of Manhattan, and is in the public interest; and,

WHEREAS, the governing body finds that providing protection against discrimination contributes to the creation of a diverse, welcoming community that promotes harmony and mutual respect; and,

WHEREAS, the governing body's intent is to extend its policy against discrimination in housing, employment and public accommodation to prohibit discrimination on the basis of sexual orientation or gender identity; and,

WHEREAS, because no process currently exists at the state or federal level, the governing body's further intent is to create a complaint, investigation and enforcement process for sexual orientation or gender identity discrimination that arises within the City of Manhattan.

Section 1. That the existing provisions of Article I of Chapter 10, of the Code of Ordinances of the City of Manhattan, Kansas are hereby repealed and replaced with the following provisions, amended to read as follows:

Sec. 10-1. Declaration of policy.

- (a) The practice or policy of discrimination against individuals by reason of race, sex, familial status, military status, disability, religion, age, color, sexual orientation, gender identity, national origin or ancestry is a matter of concern to the city since such discrimination threatens not only the rights and privileges of the inhabitants of the city but menaces the institutions and foundations of a free democratic state. It is hereby declared to be the city's policy, as implemented in this chapter, to eliminate and prevent discrimination in all employment relations, to eliminate and prevent discrimination, segregation or separation in all areas of public accommodations, and to eliminate and prevent discrimination, segregation or separation in housing.
- (b) It is also declared to be the policy of the city, as implemented in this chapter, to assure equal opportunities and encouragement to every citizen regardless of race, sex, military status, disability, religion, age, color, sexual orientation, gender identity, national origin or ancestry, in securing and holding, without discrimination, employment in any field of work or labor for which a person is properly qualified, to assure equal opportunity to all persons within the city to full and equal public accommodations, and to assure equal opportunities in housing without distinction on account of race, sex, familial status, military status, disability, religion, color, sexual orientation, gender identity, national origin or ancestry. It is further declared that the opportunity to secure and to hold employment, the opportunity for full and equal public accommodations, and the opportunity for full and equal housing are civil rights of every citizen.
- (c) To protect these rights, it is hereby declared to be the purpose of this chapter to establish a city human rights and services advisory board to identify, discuss and prevent segregation and discrimination contrary to this chapter.
- (d) To further protect these rights, it is hereby declared to be the purpose of this chapter to provide a local process for the acceptance, investigation and resolution of complaints of discrimination relating to sexual orientation and/or gender identity arising hereunder.

Sec. 10-2. Definitions.

The definitions in the Kansas Acts Against Discrimination, K.S.A. 44-1001 to 44-1044; the Kansas Age Discrimination in Employment Act, K.S.A. 44-1111 to 44-1121; and the Discrimination Against Military Personnel Act, K.S.A. 44-1125 to 44-1128; all as may be amended from time to time, shall apply to this chapter unless specifically defined herein. In addition, the following words and phrases shall have these meanings when used in this Chapter:

Aggrieved person means any person who claims to be the person injured by an unlawfully discriminatory practice.

Employee means any person employed by an employer, but does not include any individual employed by such individual's parents, spouse or child, or in the domestic service of any person.

Employer means any person in this city employing four (4) or more employees; and, any person acting directly or indirectly for an employer, labor organizations, nonsectarian organizations, organizations engaged in social service work, but shall not include a religious organization or a nonprofit fraternal or social association.

Gender identity means one's perceived or actual self-identification as a male or a female, regardless to one's anatomical sex at birth. It can be described as cisgender or transgender.

Hearing Officer means the Municipal Judge.

Investigator means the City Attorney, or his/her designee.

Nonprofit fraternal or social association/corporation means an association or corporation that meets all the following requirements: (1) it is organized in good faith for social or fraternal purposes; (2) membership entails the payment of bona fide initiation fees or regular dues; (3) there exists a regularly established means of self-government by the members thereof clearly set forth in a constitution or by-laws adopted by the membership; (4) there is a regularly established means of and criteria for admitting members and for expulsion of members by the existing membership or by their duly elected or appointed delegates; and (5) it is not operated, directly or indirectly for purposes of profit for any individual or groups of individuals other than the membership as a whole.

Public Accommodation means any person who caters or offers goods, services, facilities or accommodations to the public. Public accommodations include, but are not limited to, any lodging establishment or food service establishment, as defined by K.S.A. 36-501 and amendments thereto; any bar, tavern, barbershop, beauty parlor, theater, skating rink, bowling alley, billiard parlor, amusement park, recreation park, swimming pool, lake, gymnasium, mortuary or cemetery which is open to the public; or any public transportation facility. Public accommodation shall not include a religious organization or a nonprofit fraternal or social association/corporation, and it shall not include a jail.

Religious organization includes but is not limited to churches, mosques, synagogues, temples, nondenominational ministries, interdenominational and ecumenical organizations, mission organizations, faith-based social agencies, and other entities whose principal purpose is the study, practice, or advancement of religion.

Rental housing means any real property, consisting of more than four dwelling units, but shall not include any real property owned or operated by a religious organization or a nonprofit fraternal or social association.

Respondent means the person against whom a complaint alleging discrimination has been filed with the investigator.

Sexual orientation means one's perceived or actual emotional, romantic, or sexual attraction to other people. It can be described as heterosexual, homosexual, or bisexual.

Sec. 10-3. Construction.

- (a) The provisions of this chapter shall be construed liberally for the accomplishment of the purposes thereof.
- (b) Nothing in this chapter shall be construed to mean that an employer shall be forced to hire or retain unqualified or incompetent personnel, or to discharge qualified or competent personnel.

Sec. 10-4. Invalidity of part.

If any clause, sentence, paragraph or part of this chapter or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction to be invalid such judgment shall not affect, impair or invalidate the remainder of this chapter and the application thereof to other persons or circumstances, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered and the persons or circumstances involved. It is hereby declared to be the legislative intent that this chapter would have been adopted had such provisions not been included.

Sec. 10-5. Reserved.

Section 2. That Sec. 10-7 of the Code of Ordinances of the City of Manhattan, Kansas is hereby repealed and replaced with the following provision, amended to read as follows:

Sec. 10-7. Composition, appointment .

- (a) The Human Rights and Services Board shall consist of seven (7) members. All board members shall be residents of the city and shall be appointed by the mayor with the advice and consent of the governing body.
- (b) The membership of the Human Rights and Services Board shall be maintained on a basis that will give representation to a broad segment of the citizenry, reflecting citizens of various economic standings, employment, races, religions, colors, disabilities, familial statuses, military statuses, sexual orientations, gender identities, national origins or ancestries, sexes and age.

Section 3. That Sec. 10-14 of the Code of Ordinances of the City of Manhattan, Kansas is hereby repealed and replaced with the following provision, amended to read as follows:

Sec. 10-14. Powers and duties.

The Human Rights and Services Board is an advisory board that shall have the following functions, powers and duties;

- (a) Recommend to the governing body, non-discrimination, equal opportunity and

civil rights policies, procedures and programs which will protect against discrimination, promote the health, safety, and welfare of the citizens of the city, and/or which will create a welcoming, diverse community.

- (b) Receive and consider questions or proposals which in and of themselves do not constitute formal complaints of unlawful discrimination but are related issues.
- (c) Provide education and outreach on the policies, procedures and purposes of this chapter.
- (d) Accept contributions from any person to assist in the implementation of this chapter and to seek and enlist the cooperation of private, charitable, religious, labor, civic and benevolent organizations for the purposes of this chapter.
- (e) Regularly inform the members of the governing body, through distribution of its agendas, minutes, memoranda, reports, and other pertinent documents, of the items of business before the board, the ongoing status of such items, and the disposition of such items.
- (f) Cooperate with the federal and state agencies and other organizations or agencies whose purposes are not inconsistent with those of this chapter.
- (g) After obtaining governing body approval, the board shall be authorized to make application to any person, organization, city, county, state or federal governmental unit or agency for funds to implement or further the purposes of this chapter.

Section 4. That Sec. 10-15 and Sec. 10-16 of the Code of Ordinances of the City of Manhattan, Kansas are hereby repealed and replaced with the following provisions, amended to read as follows:

Sec. 10-15—Sec.10-16. Reserved.

Section 5. That Sec. 10-17 the Code of Ordinances of the City of Manhattan, Kansas is hereby repealed and replaced with the following provision, amended to read as follows:

Sec. 10-17. Unlawful Discriminatory Practices Related to Sexual Orientation and Gender Identity.

- (a) **Employment.** It shall be an unlawful discriminatory practice for an employer, because of the sexual orientation or gender identity of any person, to refuse to hire or employ such person, to bar or discharge such person from employment, or to otherwise discriminate against such person in compensation or in terms, conditions or privileges of employment; to limit, segregate, separate, classify or make any distinction in regards to employees; or to follow any employment procedure or practice which, in fact, results in discrimination, segregation or separation without a valid business necessity.
- (b) **Housing.** It shall be an unlawful discriminatory practice for any person to discriminate against any person in the terms, conditions or privileges of the sale of real property or lease of rental housing, or in the provision of services or facilities in connection therewith, because of sexual orientation or gender identity, or to discriminate against any person in such person's use or occupancy of rental housing because of the sexual orientation or gender identity of the people with

whom such person associates. This provision shall not apply to the sale or rental of real property or rental housing owned by a religious organization, nor shall it apply to a jail.

- (c) **Public Accommodation.** It shall be an unlawful discriminatory practice for any person, as defined herein being the owner, operator, lessee, manager, agent or employee of any place of public accommodation, to refuse, deny or make a distinction, directly or indirectly, in offering its goods, services, facilities, and accommodations to any person as covered by this chapter because of sexual orientation or gender identity.
- (d) Nothing in this Chapter shall be construed to make it lawful to discriminate against individuals by reason of race, sex, familial status, military status, disability, religion, age, color, or national origin or ancestry. Such discrimination is not addressed in Articles III and IV of this Chapter because federal and state law address unlawful discriminatory practices related to those protected classes, as well as provide a complaint, investigation and enforcement process for those protected classes.

Section 6. That Article IV of Chapter 10 of the Code of Ordinances of the City of Manhattan, Kansas is hereby repealed and replaced with the following new title and provisions, amended to read as follows:

Article IV. ENFORCEMENT

Sec. 10-18. Initiation of complaint.

- (a) An aggrieved person may file a complaint that he or she has been, or is being, discriminated against by an alleged unlawful discriminatory practice set forth in this Chapter on his or her own behalf or through an attorney; or if a minor, through his or her parent or legal guardian or attorney; by completing and signing the form provided by the city. The complaint form shall state the names and contact information of the aggrieved person, the person(s) alleged to have committed the unlawful discriminatory practice(s), and the respondent; shall describe the unlawful act or discriminatory practice; and shall include all other information as may be required by the city.
- (b) The complaint form shall be submitted to the investigator, and shall only be considered complete if all information requested has been provided.
- (c) The complaint form must be filed within 60 days of the alleged unlawful discriminatory practice, unless the act complained of constitutes a continuing pattern or practice of discrimination, in which event it must be filed within 60 days of the last act of discrimination.

Sec. 10-19. Notification to respondent; respondent's answer.

Upon receipt of a completed complaint, the investigator shall notify the respondent of the complaint, providing sufficient details related to the complaint so the respondent may respond. The investigator shall give the respondent thirty (30) days to file a written answer to the complaint, and to provide any documentation or evidence related to the complaint. The investigator may, at the respondent's request, extend the answer period an additional thirty (30) days.

Sec. 10-20. Investigation; determination of probable cause.

- (a) Following the conclusion of the answer period, the investigator may initiate an investigation period, requesting that the complainant and/or respondent provide additional information, documentation or testimony as needed to facilitate the investigation of the complaint. This investigation period shall be concluded within 60 days of the investigator's last request for information.
- (b) Within thirty (30) days of the conclusion of the investigation period, the investigator will review all information provided to the investigator and make a determination of whether probable cause exists that the respondent committed an unlawful discriminatory practice. If the investigator finds that probable cause does not exist, then the investigator shall notify the complainant and the respondent, and no further action shall be taken by the city. If the investigator finds that probable cause exists that an unlawful discriminatory practice was committed by respondent, the investigator shall notify the complainant and respondent and request conciliation and settlement.

Sec. 10-21. Finding of probable cause; conciliation and settlement.

If the investigator finds that probable cause exists that the respondent committed an unlawful discriminatory act against the complainant, the investigator will attempt to conciliate and settle the complaint between the parties. If a party refuses to participate in conciliation and settlement, or if a settlement agreement is not executed within 60 days of the date of the finding of probable cause, the matter shall be referred to the hearing officer for a hearing, pursuant to Section 10-22.

Sec. 10-22. Hearing.

If the investigator has determined that probable cause exists that the respondent committed an unlawful discriminatory practice against the complainant, and the complaint could not be conciliated and settled within 60 days of the date of such determination, the complaint shall be set for a hearing before the hearing officer. At such hearing, the parties and the investigator shall be entitled to call witnesses and to present such other evidence as appropriate. The hearing shall be conducted in accordance with such procedures as may be established by the hearing officer, but the rules of evidence used in courts of law need not be strictly enforced. The hearing officer shall issue a written determination within 10 days of the date of the hearing. The determination shall indicate whether the preponderance of the evidence proves that respondent committed the unlawful discriminatory practice against the complainant. If so, the hearing officer's

determination may order any remedy set forth in Section 10-23. Either party may appeal the hearing officer's order pursuant to K.S.A. 60-2101, as amended.

Sec. 10-23. Civil penalty.

The investigator's settlement agreement, or the hearing officer's order, may impose a civil penalty of up to \$500, if discrimination is found.

Sec. 10-24. Exemptions.

Because of the existence of other state and federal law protections and processes, the city will not enforce violations of Section 10-17 against the following:

- (a) Educational institutions, including but not limited to a school district, a school, or a university;
- (b) A department, agency, or political subdivision of the United States of America;
- (c) A department, agency or instrumentality of the State of Kansas;
- (d) Riley County or Pottawatomie County.
- (e) Riley County Law Enforcement Agency, including the Riley County Police Department and other departments thereof.

Section 7. That this ordinance shall be published in the official city newspaper and shall be effective on November 1, 2016.

PASSED AND ADOPTED BY THE GOVERNING BODY OF THE CITY OF MANHATTAN, KANSAS, ON THIS 16TH DAY OF AUGUST, 2016.



ATTEST:



Gary S. Fees, MMC, City Clerk



Usha Reddi, Mayor


(PUBLISHED IN *THE MANHATTAN MERCURY* ON AUGUST 21, 2016)

ORDINANCE NO. 7235 SUMMARY

On August 16, 2016, the governing body of the City of Manhattan, Kansas passed an ordinance entitled:

AN ORDINANCE AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES OF THE CITY OF MANHATTAN, KANSAS; RELATING TO CIVIL RIGHTS.

The Ordinance extends the current policy of discrimination against certain classes of persons in employment, housing and public accommodations to include sexual orientation and gender identity discrimination. It also creates a complaint, investigation and enforcement process for sexual orientation or gender identity discrimination. The complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, City Hall, 1101 Poyntz Ave., Manhattan, Kansas, 66502, Monday – Friday, 8 a.m. – 5 p.m., and is available for at least one week following the publication date of this summary at www.cityofmhk.com. This Summary certified to be legally accurate and sufficient by City Attorney Katharine Jackson.



City Attorney
Date certified: 8/16/16



Office of the Mayor

September 7, 2018

Councilman Poling
Prairie Village City Council
3321 W. 74th Street
Prairie Village, KS 66208

Re: City of Manhattan Non-Discrimination Ordinance

Dear Councilman Poling:

Thank you for reaching out regarding our amendment to our Non-Discrimination Ordinance (NDO) that was approved by the City Commission and went into effect on November 1, 2016. We are happy to provide an overview.

The process to amend our NDO involved multiple steps. In early 2016, a majority of the City Commission asked City Administration to explore a change to the non-discrimination ordinance to add sexual orientation and gender identity for protection against discrimination in employment, housing and public accommodations. The City Commission also asked our Human Rights and Services Board to provide input, which the Board voted 5-1 in support of an amended ordinance. City Administration then provided the Commission with an overview for options to consider, and a majority of the Commission wanted to pursue initially mirroring Roeland Park's ordinance to include the two newly protected classes, as well as explore some level of enforcement and penalties to be administered locally.


Subsequently, a draft ordinance was prepared and the City Commission reviewed the material during a work session in May 2016 that included many comments from public. Educational materials pertaining to the proposed amendment were made available to the public including a draft of the ordinance, Frequently Asked Questions (FAQ), and a flow chart containing the proposed complaint and enforcement process. All this information was housed on a dedicated web page on the City's website created and managed by staff. All this information is still available to our residents on our website and can be accessed here: <https://cityofmhk.com/2787/Non-Discrimination-Ordinance>

The City Commission considered a 1st Reading of the amended ordinance in July 2016, and a 2nd Reading in August 2016. Both passed with full support from the City Commission. During those considerations we received minimal public comment in opposition of the proposed ordinance. The approved amendment was then set to go into effect November 1, 2016, in order to give City Administration time to educate the public and businesses. City Administration held multiple public

meetings with business associations and one in coordination with the Manhattan Area Chamber of Commerce. Overall, the majority of conversations with the business community were met with little negativity or concern. We have also dedicated resources to multiple organizational-wide staff trainings related to discrimination, diversity and inclusion. Furthermore, since 2015, our Municipal Equality Index (MEI) rating from the Human Rights Campaign, which examines how inclusive municipal laws, policies, and services are of LGBTQ people who live and work communities throughout the country, has continually increased each year. To date, we have had zero complaints filed with the City pertaining to discrimination based on sexual orientation or gender identity.

If you have any additional questions, please have you or your City Staff contact myself or our City Manager's Office at (785)-587-2404.

Respectfully,

A handwritten signature in cursive script that reads "Linda Morse".

Linda Morse, Mayor
City of Manhattan, KS

CC:

- **Usha Reddi**, Manhattan City Commissioner

Sec. 5-1201. - Definitions.

Except to the extent they are in conflict with the definitions below, the definitions contained within the Kansas Acts Against Discrimination, K.S.A. 44-1001 et seq., and amendments thereto, shall be applicable under this article. For purposes of this article, certain terms shall be interpreted or defined as follows unless the context clearly indicates otherwise.

- (a) *Business* means any person or entity, with four or more employees, conducting business within the City which is required to obtain a license or permit pursuant to the provisions of Article 1, Article 3, Article 5, Article 6, Article 8, or Article 9 of Chapter 5 of the Code, and all departments, boards and agencies of the City of Roeland Park. For purposes of this article, no religious organization, private fraternal and benevolent association or society, non-profit private club, agency or department of Johnson County, or school district, as defined in K.S.A. 72-8201 et seq., and amendments thereto, shall be considered to be a business (notwithstanding licensure by the City).
- (b) *Place of public accommodation* shall include every business within the City, whether wholesale or retail, which is open to the general public and offers, for compensation, any product, service or facility. The term place of public accommodation shall include, but not be limited to, all taverns, hotels, motels, apartment hotels, apartment houses with more than four tenant units, restaurants or any place where food or beverages are sold, retail and wholesale establishments, hospitals, theaters, motion picture houses, museums, bowling alleys, golf courses and all public conveyances, as well as the stations or terminals thereof. This shall not, however, apply to any hotel, motel, restaurant or theater operated by a bona fide private club not conducted for the purpose of evading this article when the accommodations, advantages, facilities and services are restricted to the members of such club and their guests; nor to any bona fide social, fraternal, educational, civic, political or religious organization, when the profits of such accommodations, advantages, facilities and services, above reasonable and necessary expenses, are solely for the benefit or mission of such organization.
- (c) *Rental housing* means any real property, consisting of more than four dwelling units, which is required to obtain a license or permit pursuant to the provisions of Article 7 of Chapter 5 of the Code.
- (d) *To rent* means to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.
- (e) *Employee* means any person authorized to perform services for any business within the City of Roeland Park, and includes an officer, employee or elected official of the United States, a state, territory, or any political subdivision thereof or any agency or instrumentality thereof, and an officer of a corporation. Employee does not include any individual employed by such individual's parents, spouse or child or in the domestic service of any person.
- (f) *Person* means an individual, corporation, partnership, association, labor organization, legal representative, mutual company, joint-stock company, trust, unincorporated organization, trustee, trustee in bankruptcy, receiver and fiduciary.
- (g) *Familial status* means persons 18 years of age or older who are spouses, former spouses, parents or stepparents and children or stepchildren, and persons who are presently residing together or have resided together in the past, and persons who have a child in common regardless of whether they have been married or have lived together at any time.
- (h) *Sexual orientation* means an individual's real orientation or orientation perceived by another as heterosexual, homosexual, bisexual or asexual.
- (i) *Gender identity* means consistently having and/or expressing a self-image or identity not traditionally associated with their biological sex.
- (j) *Military status* means a person who is serving or has served in the uniformed services, and who, if discharged or released under conditions other than dishonorable, as specified in 38

U.S.C. 101(2), or amendments thereto. Uniformed services is defined as set forth in 20 C.F.R. 1002.5(o), or amendments thereto.

- (k) *Investigator* means one or more persons appointed by the Mayor, with the approval of the City Council, who shall be charged with investigating alleged violations of this article.
- (l) *Hearing officer* means a person appointed by the Mayor, with approval of the City Council, who is charged with determining the validity of alleged violations of this article, and upon determining that a violation has occurred, assessing appropriate damages, penalties and/or costs as provided in this article.

(Ord. No. 894, § 2, 8-4-2014)

Sec. 5-1202. - Unlawful Practices.

- (a) It shall be an unlawful discriminatory practice for a business, because of the race, religion, color, sex, disability, national origin, ancestry, sexual orientation, gender identity or military status of any person to refuse to hire or employ such person to bar or discharge such person from employment or to otherwise discriminate against such person in compensation or in terms, conditions or privileges of employment; to limit, segregate, separate, classify or make any distinction in regards to employees; or to follow any employment procedure or practice which, in fact, results in discrimination, segregation or separation without a valid business necessity.
- (b) It shall be an unlawful discriminatory practice for a business to discriminate against any person in the terms, conditions or privileges of sale or rental of real property or rental housing, or in the provision of services or facilities in connection therewith, because of race, religion, color, sex, disability, familial status, national origin, ancestry, sexual orientation, gender identity or military status, or to discriminate against any person in such person's use or occupancy of rental housing because of the race, religion, color, sex, disability, familial status, national origin ancestry, sexual orientation, gender identity, or military status of the people with whom such person associates.
- (c) It shall be an unlawful discriminatory practice for any business, as defined herein being the owner, operator, lessee, manager, agent or employee of any place of public accommodation, to refuse, deny or make a distinction, directly or indirectly, in offering its goods, services, facilities, and accommodations to any person as covered by this article because of race, religion, color, sex, disability, national origin, ancestry, sexual orientation, gender identity, or military status. Notwithstanding the above, nothing in this article shall be construed to prevent any business as defined in this article from offering, affording or providing any additional benefit or additional discount to a person because of such person's military status.
- (d) Nothing in this article shall be construed to mean that a business shall be forced to hire unqualified or incompetent personnel, or discharge qualified or competent personnel.
- (e) Nothing in this article shall prohibit an employer from requiring an employee, during the employee's hours at work, to adhere to reasonable dress or grooming standards not prohibited by other provisions of Federal, State, or local law.
- (f) Nothing in this article shall prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting the sale, rental or occupancy of real property which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, national origin or ancestry. Nor shall anything in this article prohibit a nonprofit private club in fact not open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.
- (g) Nothing in this article shall be construed to require any entity subject to this article to make changes requiring a building permit to any existing facility, except as otherwise required by law. Any

construction after enactment of this article shall ensure individual privacy in all restrooms, public shower spaces and dressing rooms.

(Ord. No. 894, § 3, 8-4-2014; Ord. No. 901, § 1, 11-17-2014)

Sec. 5-1203. - Enforcement.

- (a) Any person aggrieved by an alleged violation of this article may file a complaint with the City Clerk on a form to be provided by the City. Any such complaint must be filed within 60 days after the alleged act of discrimination. The complaint shall be referred to a mediator for non-binding mediation. Participation in mediation shall be voluntary on the part of the person charged with violating this article. The mediator shall either be a person agreed upon by the complainant and the person accused of the violation or, if no such agreement can be reached within a reasonable time following the filing of the complaint, a person selected by the City to serve as the mediator. Any fees charged by the mediator shall be split equally between the parties, unless at the conclusion of the mediation, the mediator assesses the costs of mediation in some other manner.
- (b) Any mediation hereunder shall be conducted in accordance with procedures to be established by the mediator.
- (c) If, within 15 days of the conclusion of the mediation, either party notifies the City Clerk in writing that such person is dissatisfied with the results of the mediation, or if the person charged with violating the provisions of this article elects not to participate in mediation, the complaint shall be referred to the Investigator for investigation.
- (d) After initial investigation by the Investigator or such person as may be assigned to investigate the complaint by the Investigator, the Investigator shall make a determination whether there is sufficient evidence of discrimination to conduct a hearing on the complaint. If the Investigator determines that there is not sufficient evidence of discrimination to conduct a hearing on the complaint, the complaint shall be dismissed and the fees of the Investigator for investigation of the complaint shall be assessed against the complainant. Upon a finding of sufficient evidence to warrant a hearing and upon reasonable notice to the complainant and the person charged with violating the provisions of this article, the Investigator shall refer the matter to the Hearing Officer who shall conduct a hearing on the complaint. At such hearing, the parties and the Investigator shall be entitled to call witnesses and to present such other evidence as appropriate. The hearing shall be conducted in accordance with such procedures as may be established by the Hearing Officer, but the rules of evidence used in courts of law need not be strictly enforced. Following the conclusion of the hearing, the Hearing Officer may announce a determination or may take the matter under advisement for determination at a later date. Any determination of the Hearing Officer shall be in writing, shall be based upon the preponderance of the evidence and shall set forth the essential elements of the determination. If the Hearing Officer finds that a violation of this article has occurred, the Hearing Officer may award to the complainant actual damages, or a civil penalty in the amount of \$500.00, whichever is greater, for each violation. In addition, the Investigator's fees and the Hearing Officer's fees shall be assessed to the non-prevailing party unless the Hearing Officer determines that the circumstances warrant assessing the costs in some other manner.
- (e) Any person aggrieved by a determination of the Hearing Officer under this section or any determination of insufficient evidence to warrant a hearing made by the Investigator, may appeal that determination to the District Court of Johnson County, Kansas, in accordance with K.S.A. 60-2101(d), and amendments thereto. On appeal, the district court may enter such order or judgment as justice shall require, and may award court costs and reasonable attorney fees to the prevailing party.
- (f) The filing of a complaint for the alleged violation of this article shall in no way preclude any person from seeking other relief under state or federal law.

(Ord. No. 894, § 4, 8-4-2014; Ord. No. 901, § 2, 11-17-2014)

Sec. 5-1204. - Severability.

Should any section, subsection, sentence, clause or phrase of this article, or the application thereof to any person or circumstance, be declared to be unconstitutional or invalid or unenforceable, such determination shall not affect the validity of the remaining portions of this article.

(Ord. No. 894, § 5, 8-4-2014)



City of Roeland Park

4600 W. 51st Street
Roeland Park, KS 66205
(913) 722-2600

September 13, 2018

Prairie Village City Council
7700 Mission Rd
Prairie Village, KS 66208

Dear Friends,

Roeland Park is a friendly and accepting community by its nature. In formally adopting its Non-Discrimination Ordinance in 2014, our community provided not just a welcoming and inclusive gesture to both current and prospective community members, but at a time when our state and nation still does not have clear federal laws barring discrimination on the basis of sexual orientation or gender identity, we provided an avenue of enforcement to ensure true equal treatment under the law.

We enacted this ordinance because we believe that everyone deserves the opportunity to find and keep a job in a safe work environment with a living wage. Further, we believe everyone deserves fair access to housing. We believe these issues cut across all lines of gender, race and ethnicity, gender identity, and sexual orientation.

In the past four years, I'm happy to report that the sky in Roeland Park is not falling. In fact, we've seen quite the opposite. Businesses have not fled, but have reinvested and expanded in Roeland Park. Home values have risen at a rate as high, if not higher, than any community in Johnson County. Residents report satisfaction with all levels of city services. The ordinance has raised no public safety concerns. Personally, residents have told me that the ordinance has provided them with a feeling of community and a sense of place. While kindness and neighborly treatment may have always existed, public recognition and assurance of fair treatment have encouraged residents to put down roots and volunteer in civic activities, strengthening our community.

Unfortunately, we live in a time when hate and discrimination have entered the mainstream. While it's easy to remain complacent, I'm proud that cities are taking steps forward and are leading the way. I am happy to support Prairie Village, and other communities, taking steps to ensure equality. Roeland Park remains a resource and partner for our neighbors.

Very Truly Yours,



Mike Kelly

Sec. 13-82. - General definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them:

- (a) *Age*: Forty through 70 years of age inclusive for employment purposes and all ages 40 and above on all matters; provided, however, that the definition of "age" as contained in this section shall not apply to the mandatory retirement age for uniformed personnel of the police and fire departments as established by section 23-309.
- (b) *Charge*: A written statement under oath or affirmation which alleges an unlawful practice and which is filed with the director.
- (c) *Charge filed with the director*: A charge which is received and accepted by the director for further action.
- (d) *Charging party*: The individual making a charge alleging an unlawful practice, or the director.
- (e) *Director*: The human rights and relations director or a designate.
- (f) *Discrimination*: Any act or failure to act, whether by itself or as a part of a practice, the effect of which is to differentiate between or among individuals or groups of individuals by reason of race, color, creed, religion, sex, marital status, sexual orientation, gender identity, national origin, age or disability.
- (g) *Disability*: The physical or mental condition of an individual who:
 - (1) Has a physical or mental impairment which substantially limits one or more major life activities;
 - (2) Has a record of such impairment; or
 - (3) Is regarded as having such impairment.
- (h) *Gender identity* : The actual or perceived appearance, expression, identity or behavior of a person as being male or female, whether or not that appearance, expression, identity or behavior is different from that traditionally associated with the person's designated sex at birth.
- (i) *Hearing board*: The civil rights hearing board created by this article.
- (j) *Individual*: Includes individuals.
- (k) *Marital status*: The state of being married, single, divorced, separated or widowed or the changing of such state.
- (l) *National origin*: Ancestry, lineage, name, place of birth or any factor indicative of any of these; includes the national origin of an ancestor.
- (m) *Person*: Any individual, association, committee, corporation, joint apprenticeship committee, joint-stock company, labor organization, legal representative, mutual company, partnership, receiver, trust, trustee, trustee in bankruptcy, unincorporated organization, and any other legal or commercial entity, the city or any governmental entity or agency, excluding the United States of America and the State of Nebraska, or any agent or representative of any of the foregoing.
- (n) *Religious organization*: A bona fide religious corporation, association, institution or society which does not limit or exclude or discriminate against individuals on the basis of race, color, national origin, sex or disability.
- (o) *Respondent*: Any person against whom a charge has been filed.
- (p) *Sex*: The state of being either male or female.
- (q) *Sexual orientation* : Actual or perceived heterosexuality, homosexuality, or bisexuality.
- (r) *Unlawful practice*: A practice or act within the city which is designated as discriminatory under the terms of this article.

(Code 1980, § 13-82; Ord. No. 37101, § 2, 8-9-05; Ord. No. 39262, § 1, 3-13-12)

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 13-83. - "Place of public accommodation" defined.

For the purposes of this division, the following phrase shall have the meaning ascribed to it:

Place of public accommodation: Unless the context otherwise requires, any place or business offering or holding out to the general public goods, services, privileges, facilities, advantages, and accommodations for the peace, comfort, health, welfare, and safety of the general public, and any public place providing food, shelter, recreation and amusement, including but not limited to:

- (1) Any inn, hotel, motel or other establishment which provides lodging to transient guests, other than an establishment located within a building occupied by the owner of that establishment where the owner-occupant anticipates the necessity of regularly sharing a kitchen or bath with the guest and where the owner-occupant makes available for rental or hire no more than four sleeping rooms within the building;
- (2) Any restaurant, cafeteria, lunchroom, lunch counter, soda fountain or other facility principally engaged in selling food for consumption on the premises, including but not limited to any such facility located on the premises of any retail establishment;
- (3) Any gasoline station, including all facilities located in the premises of such station and made available to the patrons thereof;
- (4) Any motion picture house, theater, concert hall, sports arena, stadium, or other place of exhibition or entertainment;
- (5) Any public facility owned, operated or managed by or on behalf of this state or any agency or subdivision thereof, or any public corporation, and any such facility supported in whole or in part by public funds; and
- (6) Any establishment which is physically located within the premises of any establishment otherwise covered by this section or within the premises of which is physically located any such covered establishment and which holds itself out as serving patrons of such covered establishment.

(Code 1980, § 13-83)

Sec. 13-84. - Unlawful practices.

It is an unlawful practice for any person, wholly or partially because of race, color, creed, religion, sex, marital status, sexual orientation, gender identity, national origin, age or disability, to do any of the following:

- (a) To deny an individual a full and equal enjoyment of any place of public accommodation;
- (b) To discriminate against or segregate any individual in a place of public accommodation;
- (c) Directly or indirectly to refuse, withhold from or deny to any individual the accommodations, advantages, facilities, services or privileges of a place of public accommodation;
- (d) To attempt to refuse, withhold from or deny to any individual, directly or indirectly, the accommodations, advantages, facilities, services or privileges of a place of public accommodation; or
- (e) To print, circulate, post, or mail or otherwise cause to be published a statement, advertisement, or sign which indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation will be

refused, withheld from, or denied an individual because of race, color, creed, religion, sex, marital status, sexual orientation, gender identity, national origin, age, or disability, or that an individual's patronage of or presence at a place of public accommodation is objectionable, unwelcome, unacceptable, or undesirable, because of race, color, creed, religion, sex, marital status, sexual orientation, gender identity, national origin, age or disability.

(Code 1980, § 13-84; Ord. No. 39262, § 2, 3-13-12)

Sec. 13-85. - Authorized exceptions—Religious preference.

It is not an unlawful practice for any place of public accommodation owned by or operated on behalf of a religious organization to give preference in the use of such place to members of the same faith as that of the administering body. The provisions concerning discriminatory practices that relate to sexual orientation and gender identity shall not apply to any place of public accommodation owned by or operated on behalf of a religious organization.

(Code 1980, § 13-85; Ord. No. 39262, § 3, 3-13-12)

Sec. 13-86. - Same—Private clubs; establishments not open to the public.

The provisions of section 13-84 shall not apply to a private club or other establishment not in fact open to the public, except to the extent that the facilities of such club or establishment are made available to the customers or patrons of an establishment within the scope of section 13-83.

(Code 1980, § 13-86)

Sec. 13-88. - Definitions.

For the purposes of this division, the following words and phrases shall have the meanings respectively ascribed to them:

- (a) *Because of sex:* Includes, but is not limited to, because of or on the basis of pregnancy, childbirth or related medical conditions; and women affected by pregnancy, childbirth or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work, and nothing in section 13-95(c) of this division shall be interpreted to permit otherwise. This subsection shall not require an employer to pay for health insurance benefits for abortion.
- (b) *Employee:* An individual employed by an employer.
- (c) *Employer:*
 - (1) Any person who has six or more employees, excluding the employer's parents, spouse, children or domestic servants; or
 - (2) Any agent of an employer.
- (d) *Employment agency:*
 - (1) Any person who undertakes with or without compensation to procure opportunities to work or to procure, recruit, refer or place employees; or
 - (2) Any agent of an employment agency.
- (e) *Labor organization:*

- (1) Any organization of any kind, any agency or employee representation committee, group association or plan in which employees participate and which exists for the purpose, in whole or part, of collective bargaining or of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours or other terms or conditions of employment among its members;
 - (2) Any conference, general committee, joint or system board, or joint council which is subordinate to a national or international labor organization; or
 - (3) Any agent of a labor organization.
- (f) *Religion*: All aspects of religious observance and practice, as well as belief, unless an employer demonstrates that the employer cannot reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.

(Code 1980, § 13-88)

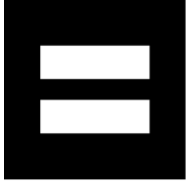
Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 13-89. - Unlawful practices—Employers.

It is an unlawful practice for an employer, wholly or partially because of race, color, creed, religion, sex, marital status, sexual orientation, gender identity, national origin, age, or disability, to do any of the following:

- (a) To fail or refuse to hire an individual;
- (b) To discharge an individual;
- (c) To discriminate against an individual with respect to compensation, benefits, or the terms, conditions or privileges of employment; provided, however, that this section shall not be interpreted to require an employer provide employment benefits to same sex partners; or
- (d) To limit, segregate or classify an employee or any prospective employee in a way which would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect an individual's employment status.

(Code 1980, § 13-89; Ord. No. 39262, § 4, 3-13-12)



HUMAN
RIGHTS
CAMPAIGN®

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Washington, D.C. 20036
web: www.hrc.org
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fax: 202/347-5323

OPTIONS IN ENFORCING A MUNICIPAL NON-DISCRIMINATION ORDINANCE

Enforcement of a municipal non-discrimination ordinance may take one of a variety of forms. These include creating a Human Rights Commission; creating a private right of action; vesting a city executive with enforcement (often the city manager or city attorney); distributing enforcement authority to topical commissions (i.e. a housing commission); or some combination of these various forms.

The nationwide best practice in enforcing these ordinances is to create a Human Rights Commission that oversees the receipt and investigation of the claim and any settlement proceedings, ultimately issuing a right-to-sue letter if cause is found and the parties are unable to come to a settlement. Of the ten most populous cities in the country with non-discrimination ordinances, most follow a variation on this model: New York, Chicago, Philadelphia, Phoenix, and San Diego.

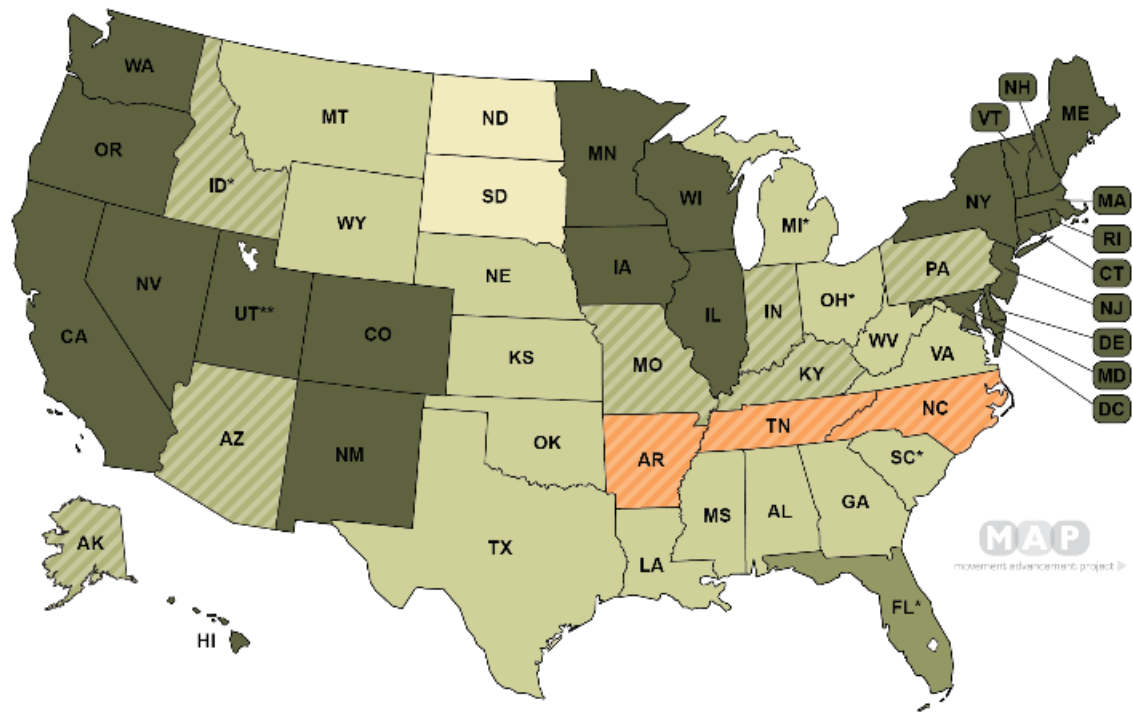
Some cities simply create a private right of action. This is simple, elegant, and less expensive for the city to administer, but it comes with different challenges. Politically this can be among the most challenging paths forward because public debates about discrimination are often met by (unfounded) concerns about opening the floodgates to frivolous claims. Philadelphia and San Antonio both offer a private right of action as an initial enforcement option, and several of the other cities offer complainants the ability to bring a civil claim following unsuccessful settlement proceedings.

An alternative that combines a more robust investigatory and settlement role for the city with less cost than staffing a Human Relations Commission is vesting the City Attorney's office (or the City Manager's office, or other executive office in the city) with the authority to investigate, conciliate, and even prosecute respondents who are not cooperative. This is the approach adopted by Dallas, and it is a particularly good choice for smaller cities where cost of enforcement is a particularly important factor.

Finally, enforcement duties may be assigned to various committees dealing with the areas in which discrimination is being prohibited – for example, a Housing Commission may be vested with the power to prohibit discrimination in housing. This is the approach adopted by Los Angeles, and it has the benefit of combining topical expertise with enforcement. To be successful the committees in question must be adequately staffed; this is a tempting option for smaller cities looking to avoid incurring enforcement costs, but volunteer commissions will likely not be able to manage these claims effectively. However, this can be an effective option for larger cities that have or will create appropriate committees and staff them sufficiently.

Cities looking to enact a non-discrimination ordinance must consider the enforcement options for that ordinance carefully to assess which option will be most successfully political and practically in that city. Many cities combine elements of each of these types of enforcement to create a unique enforcement structure that suits the needs and resources of the city.

<u>Enforcement Model</u>	<u>Description</u>	<u>Cities Following Model</u>	<u>Pros</u>	<u>Cons</u>
Human Rights Commission (also called a Civil Rights Commission, Human Relations Commission, etc.)	The nationwide best practice in enforcing non-discrimination ordinances is a Human Rights Commission that oversees the receipt and investigation of the claim and any settlement proceedings. If the parties aren't able to settle, a commission is usually given either the ability to issue a right-to-sue letter if it perceives a complaint to have merit, or it has its final determination of the matter enforced by a city attorney or prosecutor in court.	Most of the largest cities follow a variation on this model: New York, Chicago, Philadelphia, Phoenix, and San Diego.	This method offers ample options for settlement; investigation of a claim by a professional, impartial party; strong resolution enforced by the court if necessary; and case law is developed that can inform subsequent cases.	Cost and logistics – a commission requires significant set up and resources in order to perform effectively.
Private right of action	This option gives a person who has been discriminated against the right to sue the person who has done the discriminating.	Philadelphia and San Antonio both offer a private right of action as an initial enforcement option, and several other cities offer complainants the ability to bring a civil claim following unsuccessful settlement proceedings.	Simple, elegant, and the city bears little of the enforcement costs.	Politically this can be among the most challenging paths forward because public debates about discrimination are often met by (unfounded) concerns about opening the floodgates to frivolous claims. Investigation and settlement functions are deemphasized.
City Staff (Office of the City Attorney, City Manager, Mayor)	An alternative that combines a more robust investigatory and settlement role for the city with less cost than staffing a Human Relations Commission is vesting the City Attorney's office (or the City Manager's office, or other executive office in the city) with the authority to investigate, conciliate, and even prosecute respondents who are not cooperative.	Of the ten largest cities in the country, Dallas is the only one to follow this model.	Cost of enforcement is generally lower, given that it is utilizing an existing office. This tends to be a strong option for small cities where there will be an extraordinarily small number of claims.	A large city may not experience cost savings. Investigation and settlement functions are deemphasized. Person handling the cases will not have as much experience if cases are rare.
Topical Commissions	Enforcement duties may be assigned to various committees dealing with the areas in which discrimination is being prohibited – for example, a Housing Commission may be vested with the power to prohibit discrimination in housing.	Of the ten largest cities in the country, Los Angeles is the only one to follow this model.	Benefit of combining topical expertise with enforcement. This can be an effective option for larger cities that have or will create appropriate committees and staff them sufficiently.	To be successful the committees in question must be adequately staffed; this is a tempting option for smaller cities looking to avoid incurring enforcement costs, but volunteer commissions will likely not be able to manage these claims effectively.



- 100% of state population is protected from discrimination based on sexual orientation (statewide protection)
- 50-99% of state population is protected from discrimination based on sexual orientation through local ordinances
- 25-49% of state population is protected from discrimination based on sexual orientation through local ordinances
- 1-24% of state population is protected from discrimination based on sexual orientation through local ordinances
- 0% state population is protected from discrimination based on sexual orientation through local ordinances
- State explicitly bans cities and counties from passing nondiscrimination provisions (see note)

MAP
movement advancement project

Memo

To: Governing Body
From: Tucker Poling, Council Member, Ward 3
Chad Herring, Council Member, Ward 1
Date: October 10, 2018
Re: Prairie Village Ordinance Against Discrimination

SUMMARY OF PROPOSAL

All people in Prairie Village should be treated fairly and equally under the law. The Prairie Village Ordinance Against Discrimination provides uniform legal protection within the City of Prairie Village against discrimination based on race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, marital status, familial status, or veteran status. Council Members Herring and Poling propose that the council move forward with this proposed ordinance by voting to move the proposal for final consideration at an upcoming city council meeting.

WHY WE NEED THIS ORDINANCE

State and federal law provide various protections from discrimination in employment, housing, and public accommodations based on race, color, religion, national origin, sex¹, age, disability, marital status, familial status, or veteran status. However, in Kansas², a gap currently exists in the applicable state and federal discrimination laws. That gap leaves our gay and transgender friends, neighbors, family, and coworkers without protection from such discrimination. We all deserve to be judged on our merits and contributions, not on who we are or who we love.

¹ Title VII of the Civil Rights Act protects against employment discrimination based on “sex,” but the Supreme Court has not ruled on the question of whether “sex” as stated in Title VII of the Civil Rights Act can mean sexual orientation or gender identity. The federal circuit courts are split on that question. See, e.g., *Evans v. Georgia Regional Hospital*, 850 F.3d 1248 (11th Cir. 2017) and *Hively v. Ivy Tech Cmty. College of Indiana*, 853 F.3d 339 (7th Cir. 2017). The circuit in which Kansas is located (10th Circuit) has not yet decided the issue. The EEOC and the DOJ are currently taking conflicting positions on the issue. In October 2017, Attorney General Jeff Sessions issued a formal memo stating the DOJ’s new official position on the interpretation of the Civil Rights Act is that “sex” does not include sexual orientation or transgender status. More recently, 16 states, including Kansas, have filed briefs taking the position that the prohibition against “sex” discrimination in the federal Civil Rights Act does not include protection for gay and transgender people. See <https://www.bna.com/states-ask-supreme-n73014481980/>.

² See http://www.lgbtmap.org/equality_maps/profile_state/KS for data on Kansas LGBTQ population and legal protections (lack thereof)

WHO THE ORDINANCE APPLIES TO

The ordinance applies to the city and entities that employ more than 4 employees, with appropriate and targeted exceptions for religious organizations including churches, synagogues, mosques or temples.

WHAT THE ORDINANCE DOES

The ordinance makes the following unlawful in our city:

1. Discrimination in employment.

The ordinance makes it unlawful for the city or employers who employ 4 or more people to discriminate based on race, religion, color, sex, disability, national origin, ancestry, sexual orientation, gender identity or military status.

2. Discrimination in housing.

The ordinance makes it unlawful for the city or landlords who leases 4 or more rental units to discriminate based on race, religion, color, sex, disability, national origin, ancestry, sexual orientation, gender identity or military status.

3. Discrimination in public accommodation.

The ordinance makes it unlawful for the city or a business open to the public to discriminate based on race, religion, color, sex, disability, national origin, ancestry, sexual orientation, gender identity or military status. This means a business cannot refuse to provide a person access to goods, services, and facilities that the business otherwise makes available to the public simply because of who the person is or who they love.

OTHER CITIES IN THE AREA THAT HAVE SUCH AN ORDINANCE

The content of the proposed ordinance is taken from the Manhattan, Kansas and Roeland Park, Kansas ordinances. Both those ordinances are in your packet. Both ordinances have worked well for those cities for three years without substantial resource burdens to those cities. Neither city reports any issues that have arisen that have burdened local businesses. Neither city has been the subject of any lawsuits related to the ordinance. In June 2018, the Kansas City, Kansas governing body unanimously passed a comprehensive nondiscrimination ordinance. On September 10, 2018, the city council of St. Joseph, Missouri, passed a comprehensive nondiscrimination ordinance by a vote of 8-1. Other cities in our region with such ordinances include Omaha, Nebraska and Kansas, City Missouri. More than 200 municipalities across the country, large and small, from Cudahy, Wisconsin to Clarksdale, Mississippi, have passed such ordinances over the past few years.³

³ E.g., <http://www.hrc.org/blog/clarksdale-mississippi-passes-lgbtq-inclusive-non-discrimination-ordinance>. A full list of cities around the country with non-discrimination ordinances can be found at <http://lgbtmap.org/equality-maps/non-discrimination-ordinances>.

LOCAL STAKEHOLDERS SUPPORT THIS ORDINANCE

Diverse groups in our community, who recognize the moral clarity and economic benefit to ensuring all citizens are guaranteed basic legal protections for employment, public accommodation, and housing in Prairie Village, support a comprehensive non-discrimination ordinance that includes gay and transgender residents. This includes the local business community, as evidenced by the attached letter of support from the Northeast Johnson County Chamber of Commerce and the Mid-American Gay and Lesbian Chamber of Commerce. This also includes local faith communities, as evidenced by the (at the time of writing this memo) six letters of support from PV churches and synagogues. However, the most important stakeholders are the mothers, fathers, spouses, siblings, daughters, and sons in the Prairie Village community who would be most directly affected: those in the LGBTQ community. As noted in the testimony in your packet, for those members of our community, this ordinance is essential to provide tangible protection and communicate that their families are welcomed here.

REVISIONS FROM THE 9-17-18 DRAFT TO ACCOMMODATE STAFF INPUT

Based on conversations with the City Administrator and City Attorney, we've made several revisions to reasonably address questions raised by staff and legal counsel. This includes: (1) An overhaul of the enforcement process (which was previously identical to the process used in Roeland Park) to generally adopt the simpler and more clear process used in Manhattan; (2) Clarifying that the city and any other employers have the right to require employees to internally report alleged discrimination or harassment that occurs at work using the established internal human resources policy; (3) Clarifying that nothing in this ordinance will require any business to remodel its premises; (4) Allowing city staff to informally encourage those who have allegations that could be handled by state or federal law to address their claim with the appropriate state or federal agency rather than utilizing the city process.

No ordinance will be perfect. No ordinance will seamlessly address every imaginable "what if" scenario. No ordinance will be completely immune to criticism. We remind the body that more than 200 municipalities have substantially similar ordinances. There is not a history of these ordinances being a significant source of litigation exposure for cities. Most notably, Roeland Park and Manhattan have a combined 6 years of experience with such an ordinance, and they report no litigation and no internal human resource issues. The city of Omaha, which has had its LGBT non-discrimination ordinance in place for 7 years, and which has a population roughly 19 times the population of Prairie Village, has had zero lawsuits or claims against the city arising out of the ordinance. To the extent that any issues arise, there is a mechanism by which the district court can consider an appeal of any decision made by the city to ensure that the city has followed appropriate processes in handling any claims. To the extent that any unintended or unsatisfactory consequences are discovered at a later date relating to this ordinance, this body can revise the ordinance at any time.

CONCLUSION

This is the right thing to do and the right time to do it. Prairie Village is, and should continue to be, a leader among Kansas communities. Other similar cities have already taken steps to address the gap in state and federal law that leaves some residents unprotected. More cities in Johnson County are expected to do so in the relatively near future. If Prairie Village is to maintain the mantle of leadership, we must take action to stand with our residents. We urge the governing body to demonstrate leadership, unity, and responsibility by updating Prairie Village law to protect all residents from discrimination based on who they are or who they love.

KANSAS' EQUALITY PROFILE

Quick Facts About Kansas

Total State Population:
2,907,289

Total Adult Population:
2,192,338

Total LGBT Population:
67,962

LGBT % of State Adult
Population:
3.1%

% of LGBT Pop Raising
Children:
41%

Kansas' LGBT Policy Tally



Sexual Orientation Policy Tally:

3.25/19

LOW



Gender Identity Policy Tally:

-1/18

NEGATIVE




Overall Tally:

2.25/37

LOW



 [VIEW METHODOLOGY/MORE INFORMATION](#)

See how Kansas compares to the rest of the country on the [Snapshot](#) page.



The Northeast Johnson County Chamber of Commerce (NEJC Chamber) supports nondiscrimination policies because they help to attract top talent, boost morale and employee loyalty, and increase performance and productivity. Inclusion and diversity are the backbone of doing good business and are proven to stimulate economy, create positive impressions, and position businesses and communities for greater attraction, expansion and retention of jobs and investment.

As part of our 2018 Legislative Platform, the NEJC Chamber adopted the following Guiding Principle:

The Chamber supports positive employment nondiscrimination reform by encouraging the amendment of the Kansas Act Against Discrimination to include protections for sexual orientation and gender identity/expression.

Considering this principle, and until such time that the State of Kansas takes action to provide equal legal protections for all individuals, the NEJC Chamber **supports** protections for sexual orientation and gender identity/expression in employment, housing, and public accommodation throughout Northeast Johnson County.

Discrimination at any level is detrimental to businesses, large and small, by negatively impacting their ability to attract and retain top talent. Northeast Johnson County should be positioned as a destination for economic activity, tourism, and new business development; not as a region that allows discrimination of employees, customers and residents. Basic protections and inclusive policies for all individuals are in the best interest of Northeast Johnson County, and the State of Kansas.

A handwritten signature in blue ink, reading 'Deb Settle', is positioned above the printed name.

Deb Settle
President/CEO



Friday, September 14, 2018

The Colonial Church in Prairie Village supports a Non-Discrimination Ordinance for our city. Discrimination robs people of their God-given dignity and is inconsistent with the inclusive and compassionate teachings of Jesus of Nazareth. As Christians, we applaud and lend our voice in support for our Prairie Village City leaders promoting justice for all people in passing this ordinance.

Colonial Church holds diversity and inclusion as core values that are expressed in our congregation's Open and Affirming Statement:

We, the members of Colonial Church, celebrate and give thanks for the diversity in which God created us as unique and beloved children of God. Desiring to be a welcoming church, we open our doors and ministry to all, affirming and honoring the sacred value and dignity of every person.

We welcome people of all ages and races, regardless of gender, religious tradition, sexual orientation (including gay, lesbian, bisexual, and transgender persons), economic status, or physical, emotional, and mental capacity. Seeking to recognize and affirm relationships created and lived in love, equality, and concern for the well-being of all, we embrace traditional and non-traditional families as well as single persons. All people, regardless of where they are on their personal faith journey, are invited to share in the full life and leadership, ministry, fellowship, worship, responsibilities, and blessings of our congregation.

As a Christian community of faith-keeping and faith-seeking people, we acknowledge the need to reach out to those who have been excluded from spiritual communities or from the community at large. We commit to model a community of faith and spirit that works toward understanding and trusting in one another and that offers justice, healing, and wholeness of life for all people. As followers of Jesus Christ, who invited all persons to his table, we believe that in our diversity all can nurture and practice a unity of faith that transcends our differences.

In Christ's service,

A handwritten signature in black ink, appearing to read "Aaron Roberts". The signature is fluid and cursive, written over a white background.

Rev. Aaron Roberts, Senior Minister



5,100 WEST 75TH STREET, PRAIRIE VILLAGE, KANSAS 66208-4798 PHONE: (913) 432-5573 FAX: (913) 432-0971

September 17, 2018

RE: Support of the Prairie Village Ordinance Against Discrimination

On behalf of Asbury United Methodist Church I write to offer support of the proposed ordinance to amend Chapter 5 of the Code of Ordinances of the City of Prairie Village.

Asbury Church has a long tradition of affirming the Biblical truth that all persons are created in the image of God. Therefore, Asbury welcomes all into its faith community. We pray this welcome extends into local, state, and national governments where those in our faith community live daily their lives. Thus, we are committed to not only praying this welcome extends beyond our church but working alongside those in governmental leadership who help bring it about.

On April 30, of 2017 the members of Asbury United Methodist Church adopted the following statement which now appears in each weekend worship bulletin and is prominently displayed on our web site:

In the spirit of "All Means All," Asbury United Methodist Church affirms all persons, regardless of age, race, ethnicity, nationality, gender identity, sexual orientation, economic circumstance, marital status, family structure, and physical or mental ability, are welcome to participate fully in the life, leadership, and fellowship of this congregation.

Asbury Church has been part of the Prairie Village community for more than 65 years. We are grateful and thankful for your consideration of this ordinance and urge its passage.

Blessings,

A handwritten signature in blue ink, appearing to read "Lee R. Johnson".

Rev. Lee R. Johnson
Pastor of Congregational Care



Rev. Tom Are Jr.

To: The Prairie Village City Council

Re: Non-Discrimination Proposal for Prairie Village

October 1, 2018

Dear Council Members,

First of all, we thank you for your service to our community. Your work is important, as we seek to make Prairie Village a cherished place to live.

At our Stated Session Meeting on October 1, 2018, the Session (governing body of the congregation) voted unanimously to express our support for your broadening and clarifying the practice of non-discrimination by Prairie Village businesses.

Village Church was founded in 1949 and chose her name because we held a desire to be a community of faith for any and all in our community... no limits, no discrimination. We believe this practice is consistent with our faith. We also believe it is good for business. We have experienced this to be good for us. Diversity enriches our community.

Thank you for addressing this important matter. Know that you have the full support of the Village Church.

Shalom,

A handwritten signature in blue ink that reads "Tom Are, Jr." with a checkmark at the end.

Rev. Tom Are, Jr.

Senior Pastor, Village Presbyterian Church.



October 8, 2018

Mayor Laura Wassmer
The Prairie Village City Council
7700 Mission Road
Prairie Village, KS 66208

Re: Support of the Prairie Village Ordinance to amend Chapter 5 of the Code of Ordinances of the City of Prairie Village to prevent discrimination.

Lutheran Church of the Resurrection has been an active member of the Prairie Village community since 1955 and we strongly support a Non-Discrimination Ordinance for our city. As people of faith we are called by God to proclaim Christ's gospel of radical inclusion and hospitality, to care for others and work for justice, fighting discrimination and marginalization in our community and in our world.

Knowing the world is often an unloving and unwelcoming place, our congregation voted a number of years ago to become a Reconciling in Christ congregation. At that time we also adopted the following Welcome Statement which is displayed prominently in our printed materials as well as on our website.

We believe that God values and embraces each person as a beloved child. Therefore, we welcome people of every age and size, color and culture, every sexual orientation and gender identity, socioeconomic status, marital status, ability and challenge. We welcome long-time Lutherans, Christians from every tradition, people new to faith. We welcome new visitors and old friends. We welcome all who have no church home, all who have doubts, and those who do not yet believe.

We believe that all people belong to God and are made in the image of God, regardless of race, creed, color, gender identity, or sexual orientation and we applaud your efforts to make our community a safe and welcoming place for all.

Yours by God's amazing grace,

The Rev. Dr. Alix D. Pridgen, Pastor

9100 Mission Road
Prairie Village, Kansas 66206
Phone 913-649-0438 . Fax 913-649-2160
worship@lcrpv.org . www.lcrpv.org
Meet God Practice Community Serve Christ Live Generously



SOUTHMINSTER PRESBYTERIAN CHURCH

A Welcoming Community

Jeffrey C. Clayton, *M. Div., Pastor* • Karen A. Wright, *M. Div., Associate Pastor* • Mark E. Ball., *Director of Music*

September 24, 2018

Mayor Laura Wassmer
The Prairie Village City Council
7700 Mission Road
Prairie Village, KS 66208

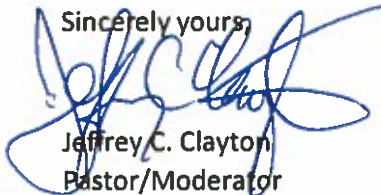
Dear Mayor Wassmer and the Prairie Village City Council:

At the stated meeting of the Session, the governing body of Southminster Presbyterian Church, held on Thursday, September 20, 2018, the Session took action to unanimously endorse the draft of the proposed non-discrimination order for the City of Prairie Village. As a community of faith with a 66 year history of service in Prairie Village, a member of the Presbyterian Church (USA), affiliated with More Light Presbyterians as an open and welcoming congregation, we strongly support the ordinance including LGBTQIA persons in our community as a protected class against discrimination.

We believe that passing the draft ordinance will strengthen our community in many different ways. It will signal to all persons that Prairie Village is a safe and affirming environment to live and to do business no matter how one defines oneself in the human family. It will insure that any person who decides to engage in personal business within the city of Prairie Village is protected from discriminatory practices. Having this ordinance in place will strengthen the community ethic that binds us together as a wonderful place to live and work.

We commend the City Council for taking this matter under consideration and urge in the strongest possible way support for the enactment of this proposed ordinance. Thank you for your service and your work on behalf of our city.

Sincerely yours,



Jeffrey C. Clayton
Pastor/Moderator



Mary Cook Jorgenson
Clerk of Session



RABBI H. SCOTT WHITE

October 4, 2018

To the City Council of Prairie Village,

Greetings from Congregation Ohev Sholom! I wish to register support for the proposed city ordinance against discrimination. I believe the proposed ordinance reflects ideas and principles consistent with Jewish teachings. Please feel free to contact me, should you have questions.

Sincerely,

A handwritten signature in cursive script that reads "Scott White".

Rabbi Scott White



GAY and LESBIAN
CHAMBER of
COMMERCE

Board Members

Danny Zaslavsky
Board President
Country Hill Motors

Sean Barnard
Board Vice-President
Bambou Salons LLC

Marsha Riley
Board Treasurer
EXPIN Group, LLC

Kim Jones
Board Secretary
Seyferth Blumenthal &
Harris LLC

Dan Nilsen
Past Board President
Bishop-McCann

Joel Barrett
Joel Speaks Out

Kevin Bryant
Kevin Bryant, PC –
LocateKC

Lolly Cerda
Shook Hardy & Bacon LLP

Crystal Denson
Cerner

Michael Deranek
Oliver Insurance Agency

Drew Elliott
KCPT

Jeff Harris
Westwood, KS City Council

Stephen Hills
Hallmark Cards, Inc.

Michael Hopkins
Curate Health

Josh Montes
1DapperLatino, LLC

Kate Nielsen
On Tap

Paige Perlik
National World War I
Museum & Memorial

Lance Pierce
Karat Collaborative

Godfrey Riddle
Rightfully Sewn

Brian Williams
Folly Theater

Michael Lintecum
Executive Director
Mid-America GLCC

Josh Strodtman
Executive Administrator
Mid-America GLCC

September 13, 2018

To the City Council of Prairie Village, Kansas:

On behalf of the Mid-America Gay and Lesbian Chamber of Commerce, we urge you to support Councilman Poling's Non-Discrimination Ordinance, a pro-business bill that is good for economic development in Prairie Village. More than 400 members of Mid-America GLCC join us in supporting this Non-Discrimination Ordinance.

The Mid-America GLCC supports nondiscrimination policies in the workplace for everyone, including LGBT employees and those with military status because they improve workplace morale and loyalty and increase employee performance and productivity. Inclusion and diversity are the backbone of doing good business and are proven to stimulate the economy, create positive perceptions of the community, promote the city as a location of choice for businesses and position the city for retention, expansion and attraction of jobs and investment. Basic protections and inclusive policies for everyone are in the best interest of Prairie Village.

By passing this Ordinance, you will ensure Prairie Village is in line with a 21st century way of doing business.

Thank you for your consideration.

Sincerely,

Danny Zaslavsky
Board President

Michael Lintecum
Executive Director





MainStream Coalition
5960 Dearborn, #213
Mission, KS 66202-9905
(913) 649-3326
mainstreamcoalition.org

August 23, 2018

The MainStream Coalition asserts, unequivocally, that legal protections against discrimination must include protection for sexual orientation, gender identity, and gender expression. Statewide protections, enacted by former Governor Kathleen Sebelius, were rescinded by former Governor Sam Brownback as one of his first acts in office. MainStream supports efforts to permanently secure these rights in state law.

Until then, we strongly support proposed non-discrimination ordinances by cities, counties, and other municipalities across Kansas. Kansans share the values of respect for the rights, beliefs, and freedoms of all individuals, and will not accept the narrow morality of discrimination. Just as Kansans would never accept discrimination based on the color of an individual's skin, the religion they profess, their age, or their gender, so too do we reject discrimination based on how an individual expresses their gender identity, or on who they love.

There is no place for discrimination in Kansas. We urge every Kansan, every municipality, and every state official to join the effort to protect the equality, dignity, and respect of all Kansans. MainStream will support your efforts.

Board of Directors

Executive Committee

Carol Marinovich
President

Ed Peterson
Vice-President

Holly Weatherford
Secretary

David Morantz
Treasurer

Sheryl Spalding
Past President

Larry Meeker
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Lisa Veglahn
John Vratil

Rev. Bob Meneilly
Chairman Emeritus

Brandi Fisher
Executive Director

About MainStream

Founded in 1993, the MainStream Coalition is an advocacy group for moderate political views regardless of party. Our members do more than vote.



The O'Laughlin Group

4200 Somerset Drive, Suite 202

Prairie Village, KS 66208

(913) 341-3313

Smeyers@pvknasas.com

September 17, 2018

Dear Ms. Myers:

It has come to my attention that the Prairie Village City Council is rushing to a vote on an ordinance imposing rules, not written by our legal staff, on behalf of someone's LGBTQ agenda. I didn't know that we have a discrimination problem in our fair city. First of all, how many complaints has the city had of discrimination of landlords and employers over the past 5 years? Or the past three years? Who is proposing this and why?

If this a political stunt that someone is proposing to either commit a voting member of the city council to "take sides" on a nonissue issue, or trying to label each voting member as a supporter or detractor of the LGBTQ agenda or community, they should be admonished. Creating divisiveness for the purpose of a political agenda is just wrong. Prairie Village is a lovely small city that has been inclusive in its citizenry for many years.

Don't waste the city council's time and our money creating a problem just so you can pretend to solve the problem that isn't even a problem. If this is a problem, let's address the problem, not put a target on the backs of anyone who owns a business or property in Prairie Village. The more governance that comes from City Hall, the less freedoms the citizens have.

Please encourage your fellow council persons to vote down any half-baked ordinances until all the consequences, especially unintended consequences, are evaluated.

Always my best,
Brian M. O'Laughlin
8104 Granada
Prairie Village, KS 66208


October 1, 2018

Prairie Village City Council
7700 Mission Road
Prairie Village, KS 66208

Dear Council Members,

My name is Amy Bucher-Long and I have been a Prairie Village resident for about 17 years. I support the Non-Discrimination Ordinance proposed by Tucker Poling and Chad Herring and was prepared to speak at the previous meeting. Unfortunately, I won't be available to attend the meeting on the 15th but am submitting my comments, as an attachment, anyway. Should the Council decide to move the proposal forward, I would appreciate the opportunity to address the Council and the members of the audience at a later date.

Thank you,


Amy Bucher-Long

Attachment; Amy Bucher-Long Resident Statement

I may be Prairie Village's greatest fan; I say this because I remember the moment I fell in love with our city. I had just moved to KC from Southern California to earn my Ph.D. in psychology and driving home on a snowy night, I was tense because driving in the snow was brand new and braking, in particular, could lead to unpredictable serving and sliding. Suddenly I came upon a group of shops, nestled among beautiful trees, the shops were decorated with twinkling Christmas lights and the falling snow made everything quiet. Compared to my nervousness, the scene was warm, inviting, and cozy, and it felt like the kind of place I longed to call home.

Several years later, I was married and living in Texas. We had three young sons, a six-year-old and infant twins. Although we were like zombies from the Walking Dead because of sleep deprivation and fatigue, or maybe *because* of our sleep deprivation, we knew it was time to move back to KC, to be closer to family. Within a couple months, my husband applied for and was offered a good position at KU Med. Right after he was offered the job, he called back to Texas with the good news. His next task was to begin our home search and to that I had a clear and obvious response – "I don't care what style of home, or where the house is but I want to live in Prairie Village." Period. He found the home we live in still today, and a month or so after that call, we moved our three kids, two dogs, and our cat into our home on 72nd St., even though I had never seen the place we would call home for the next 17 years.

It has been a wild ride at 2904 W. 72nd St. We have endured and survived typical and not so typical challenges of raising children including late night drives to the hospital because of asthma attacks, brothers slamming brother's fingers in doors, leading to another hospital visit, kids learning naughty words and writing those on the furniture, our black lab mix who had to be with the children playing at Belinder Elementary so he *climbed the chain-link fence* in our backyard to go see his people only to escorted home by one of Prairie Village's finest officers. Unfortunately, Zoonie, the black lab mix, did that more than once. But all in all, we thrived in our kooky, loud, loving, too-busy home and I am so glad we raised our family here.

Now fast forward a few more years and today, one of our sons is gay. As a mentioned previously, I moved to KC to become a psychologist and I did that over twenty years ago. As a psychologist, I thought I understood the experience of lesbian, gay, bisexual, & transgender people but when I began to look at the world through my son's eyes, things looked different. I currently know that LGBTQ+ people, sometimes daily, are singled out by members of the public who say things like, "I don't get that whole gay thing. You better repent." Or "I know how to stop gays from being bullied, tell them to quit acting like fairies." Sadly, transgender youth often experience discrimination at school, and even at home.

Although I love PV, I hold no illusions that our home is immune from the problems that LGBTQ+ individuals face. And while our community is not immune to the problems of stereotyping, prejudice, and discrimination, the Council has an opportunity to make a broad statement of support and inclusion by passing this NDO. The Council could vote to send a message that says, **Prairie Village is a community that supports the dignity and civil rights of all people.** With that decision, our City will join with our welcoming and inclusive PV churches, the cities of Roeland Park, Kansas City, KS, and potentially Mission, too. With the decision to pass the NDO, you would say that the warmth and safety I perceived that first night so long ago, is not restricted to only certain citizens, but that people like my child, or the young family with two moms who are

about to have their first baby, who come to live, or work, or shop here, will be able to do so in the city we love free of fear of discrimination. Please support the NDO presented by Tucker Poling and Chad Herring. Thank you.

Written Testimony of Kaitlin Vaughn, Prairie Village Resident

My name is Kaitlin Vaughn. I am 29 years old and I live in Prairie Village Ward II with my wife, Sarah. We chose to buy our very first home here in June 2016 and it was one of the best decisions we have made. I grew up in Johnson County and after living away for college and my first job, we decided to move back to be close to my family. We wanted to live somewhere with character that we found unique. We love the midcentury modern style, all of the parks, the schools, and the community itself. Prairie Village is in the heart of the KC Metro with convenient access to everything. The reason I am here today is that I believe it is time for Prairie Village to tap into that character and that heart and pass a nondiscrimination ordinance.

I am a lesbian. I have been married to my wife for over three years and I intend to remain married to her for the rest of my life. The reason I can be married in the eyes of the federal government is that the United States Supreme Court rule on June 26, 2015 that states' same-sex marriage bans were unconstitutional. This effectively legalized same-sex marriage in all 50 US states. Something I can't do – I am not guaranteed equal protection in employment. Every time I go into a job interview, I have to wonder if I will be entering an accepting environment and how much of my real self I should show. I am left wondering after the interview if I will even be considered for the position or not simply because of who I am. Additionally, I proudly display photos of my significant other on my desk at work, but legally I can be fired for doing so. Take a moment and think about those things. Would you feel it was fair or just if you were fired for displaying photographs of your family on your desk? I don't think that you would.

In addition to being a lesbian, I am a gender nonconforming individual. I wear my hair short and I wear masculine clothing. That is because this is how I feel comfortable in my body. Our transgender neighbors and friends are doing the same thing when they present themselves to society in the way that feels comfortable to them. They deserve the same respect and protection under the law as I do and you do. Currently transgender individuals can legally be fired just for being who they are. Again, I ask you to think about that. If you could be fired simply for being in the body and clothing you are comfortable in, would you find that fair or just? I think the answer is no.

Now I want to talk about some statistics. Suicide is the second leading cause of death among young people ages 10 to 24. On top of that, LGBT youth are five times as likely as heterosexual youth to attempt suicide. In calendar year 2017, at least 28 transgender individuals were victims of fatal violence. So far, in 2018 at least 19 deaths of transgender individuals due to fatal violence have been reported. There is a direct correlation between the passing of LGBT inclusive legislation and a reduction in suicide and violence rates. With a few strokes of a pen you have the power to convey to our LGBT children and neighbors that their lives are valued and that they belong here on this earth and here in Prairie Village.

For the business-minded, I want to emphasize that there is evidence to support a correlation between the passing of NDOs and an increase in economic growth and innovation. An NDO tells LGBT people and allies that they are welcome here and that they should spend their hard-earned money here. It attracts businesses that want to foster a welcoming and inclusive environment. 89% of Fortune 500 companies prohibit discrimination based on sexual orientation and 66% prohibit discrimination based on gender identity and expression. This is because they want to hire and retain the best and most experienced talent in order to have the strongest workforce possible.

Approximately 4.5% of US adults identify as LGBT. In Prairie Village, this translates to 1,000 residents who need your support today. This NDO should not be viewed as an option for consideration – it is a necessity. This is a chance for Prairie Village to have a direct impact on its resident’s lives and to bridge a gap that desperately needs crossing. You have a chance to say, “I believe everyone should be treated equally and fairly”. I urge you to join your neighbors in Roeland Park who passed an NDO and have not suffered any negative repercussions. On the contrary, they are viewed as an open, welcoming, and accepting community that people want to be a part of.

One day I plan to raise a family here in Prairie Village. I want for my future children what I assume most people want – for them to be happy and fulfilled. This NDO would be a foundation for demonstrating to them that their family is supported and accepted by the community and that they belong here.

Thank you.

Sources

Trevor Project Facts about Youth Suicide:

<https://www.thetrevorproject.org/resources/preventing-suicide/facts-about-suicide/#sm.000bk8pzj12kqdneta82n5zdiec1b>

Facts about Violence Against Transgender Individuals:

<https://www.hrc.org/resources/violence-against-the-transgender-community-in-2018>

<https://www.nytimes.com/2017/11/09/us/transgender-women-killed.html>

NDOs and their Business Impact:

<https://www.charlotteobserver.com/news/business/article152390907.html>

<https://www.inc.com/jeremy-quittner/mississippi-discrimination-law-does-economic-damage-to-state.html>

<https://www.huffingtonpost.com/sander-van-t-noordende/why-lgbt-inclusion-makes- b 9308366.html>

<https://www.hrc.org/resources/lgbt-equality-at-the-fortune-500>

LGBT Population Statistics:

<https://news.gallup.com/poll/234863/estimate-lgbt-population-rises.aspx>

Wes Jordan

From: Jori Nelson
Sent: Friday, September 21, 2018 6:11 AM
To: Joyce Hagen Mundy; Council Members
Subject: Fwd: NDO for Oct. 15

FYI

Sent from my iPhone

Begin forwarded message:

From: Barbara Dooley <badooley@att.net>
Date: September 21, 2018 at 4:36:19 AM CDT
To: "joriforpv@gmail.com" <joriforpv@gmail.com>
Cc: Nancy Silverforb <nsilverforb@kc.rr.com>, Amy Lee Nohl <amyleenohl@gmail.com>, Jack Treml <jtrem1@ku.edu>, Laura Treml <lauratreml@me.com>
Subject: NDO for Oct. 15
Reply-To: Barbara Dooley <badooley@att.net>

Dear Ms. Nelson:

As my representative from Ward 1, I thank you very much for continuing to pursue this much-needed addition to our ordinances.

It appears some of our elected representatives do not understand what it means.

This proposed ordinance is a stake in the ground regarding our principles, the values that we as a community profess, which are encapsulated in the Declaration of Independence and the Constitution.

There are second-class citizens in our country and, sadly, in our city. But it should not be.

Please continue to do whatever necessary to shepherd this statement of our values into our governing laws.

Thank you,

Barbara Dooley



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Wes Jordan

From: pvkansas@enotify.visioninternet.com on behalf of City of Prairie Village
<pvkansas@enotify.visioninternet.com>
Sent: Wednesday, September 19, 2018 9:29 PM
To: Wes Jordan
Subject: LGBTQ

Message submitted from the <City of Prairie Village> website.

Site Visitor Name: Carl Gilbert
Site Visitor Email: cwg31869@gmail.com

Clearly your elected officials do not care about protecting people from discrimination and prefer to allow bigotry to be part of the formula that makes up Prairie Village City government. My partner and I spend a lot of money in your community. We have considered moving to your community, but the actions taken by a large group of representatives that reflect the values of your community speak loudly. GAYS STAY OUT WE DON'T LIKE YOUR KIND. So we will.

Wes Jordan

From: Jori Nelson
Sent: Monday, September 17, 2018 1:35 PM
To: Joyce Hagen Mundy; Council Members
Subject: Fwd: Prairie Village NDO

FYI

Sent from my iPhone

Begin forwarded message:

From: Lauren Martin <lnmartin08@gmail.com>
Date: September 17, 2018 at 12:59:24 PM CDT
To: <tuckerpoling@protonmail.com>
Cc: <jnelson@pvkansas.com>
Subject: **Prairie Village NDO**

To Whom It May Concern,

I'm writing to you in support of the proposed ordinance making it unlawful to discriminate based on race, color, gender, sexual orientation, gender identity, etc.

I have friends in the LGBTQ community, and it horrifies me that it's still legal to fire them and deny them housing and other services just because they happen to be gay. These are an incredibly archaic laws, and they need to be changed. Given the political climate in both Topeka and Washington, D.C., it's pretty obvious that change is only going to happen if it starts at a local level. We must be a leader on this issue.

Furthermore, I've spent a lot of time this summer knocking on doors and talking with Prairie Village residents about our city. The one thing that that came up at almost every door is how great our community is. If we want to keep that reputation, we need to make sure that Prairie Village is a welcoming place for everyone. The NDO is a great first step. I strongly urge our city to pass this NDO.

Sincerely,

Lauren Martin
8411 Somerset Dr
Prairie Village, KS 66207

--

Lauren Martin
lnmartin08@gmail.com
913.961.6135

"Woe be to him that reads but one book." - George Herbert

Wes Jordan

From: John W. Anderson <vajuan@yahoo.com>
Sent: Monday, September 17, 2018 11:40 AM
To: Council Members; jhmunday@pvkansas.com; Jori Nelson; Eric Mikkelson
Subject: NDO

This is getting absurd. Other than PC /political reasons, why in the world would PV need to pass a nondiscrimination ordinance. Discrimination of any kind has been against federal law for sometime. I understand that the more liberal members of the council are orchestrating this movement among PV residents, but such obvious political chicanery is a sad day for PV. The council should spend its time worrying about running the city. Duplicating a federal law simply for "feel good" reasons, is below professionalism and is an embarrassment to our city.

What's next...becoming a sanctuary city?

Shame!

John Anderson

Wes Jordan

From: Jori Nelson
Sent: Monday, September 17, 2018 9:45 AM
To: Joyce Hagen Mundy; Council Members
Subject: Fwd: Support NDO

FYI

Sent from my iPhone

Begin forwarded message:

From: Mike Zakoura <mzakoura@hotmail.com>
Date: September 17, 2018 at 6:26:47 AM CDT
To: "joriforpv@gmail.com" <joriforpv@gmail.com>
Subject: Support NDO

Jori,

I want to say that as residents of Prairie Village, my wife and I urge the City Council to adopt the NDO it is considering. It will show that the city seized on the right thing to do. There should be no argument about the NDO, no word games or false arguments. The NDO should be adopted — unanimously.

Mike and Harriet Zakoura.

Sent from my iPhone

Wes Jordan

From: Jori Nelson
Sent: Monday, September 17, 2018 9:42 AM
To: Joyce Hagen Mundy; Council Members
Subject: Fwd: PV Non-Discrimination Ordinance

FYI

Sent from my iPhone

Begin forwarded message:

From: Susan Woodbury <spwoodbury@gmail.com>
Date: September 17, 2018 at 8:33:39 AM CDT
To: Jori Nelson <joriforpv@gmail.com>, chadherring.pvks@gmail.com
Cc: Chuck <chuckdehner@sbcglobal.net>
Subject: **PV Non-Discrimination Ordinance**

To the Mayor and City Council,

We are unable to attend tonight's city council meeting, so we would like to let you know that we strongly support the Non-Discrimination Ordinance. We are pleased Chad Herring and Tucker Poling took the initiative to propose it. We feel it is greatly needed.

Thank you for your work!

Susan Woodbury and Chuck Dehner
4201 West 68th Terrace

Wes Jordan

From: Jori Nelson
Sent: Monday, September 17, 2018 9:41 AM
To: Joyce Hagen Mundy; Council Members
Subject: Fwd: Support of PV Non-Discrimination Ordinance

FYI

Sent from my iPhone

Begin forwarded message:

From: Lisa Veglahn <lveglahn@hotmail.com>
Date: September 17, 2018 at 8:43:33 AM CDT
To: "joriforpv@gmail.com" <joriforpv@gmail.com>
Subject: Support of PV Non-Discrimination Ordinance

As a Prairie Village resident, I fully support the passage of this ordinance. I have been a homeowner here since 2001, and also lived in Prairie Village while a student at both Meadowbrook Jr. High and Shawnee Mission East. My son recently graduated from East and my daughter is a junior there.

I chose to live in Prairie Village and raise my children here because of the caring community and the strong schools. Discrimination should not be part of what defines our community. Every person in our community should be treated with dignity and respect and have the full protection of the law. Please support this proposed ordinance to ensure that Prairie Village is truly a welcoming and inclusive community.

Lisa McGahey Veglahn
lveglahn@hotmail.com
(913) 449-5106

Wes Jordan

From: Jori Nelson
Sent: Sunday, September 23, 2018 5:36 PM
To: Joyce Hagen Mundy; Council Members
Subject: Fwd: NDO for Oct. 15

FYI

Sent from my iPhone

Begin forwarded message:

From: "TremI, Jack" <jtremI@ku.edu>
Date: September 23, 2018 at 3:49:35 PM CDT
To: Nancy Silverforb <nsilverforb@kc.rr.com>, "badooley@att.net" <badooley@att.net>
Cc: "joriforpv@gmail.com" <joriforpv@gmail.com>, Amy Lee Nohl <amyleenohl@gmail.com>, "lauratremI@me.com" <lauratremI@me.com>
Subject: Re: NDO for Oct. 15

Yes,
So do I!

Jack TremI

From: Nancy Silverforb <nsilverforb@kc.rr.com>
Date: Saturday, September 22, 2018 at 4:41 PM
To: "badooley@att.net" <badooley@att.net>
Cc: "joriforpv@gmail.com" <joriforpv@gmail.com>, Amy Lee Nohl <amyleenohl@gmail.com>, "TremI, Jack" <jtremI@ku.edu>, "lauratremI@me.com" <lauratremI@me.com>
Subject: Re: NDO for Oct. 15

Thank you for including us on this email exchange, Barbara. I totally support this ordinance.

On Sep 21, 2018, at 4:36 AM, Barbara Dooley <badooley@att.net> wrote:

Dear Ms. Nelson:

As my representative from Ward 1, I thank you very much for continuing to pursue this much-needed addition to our ordinances.

It appears some of our elected representatives do not understand what it means.

This proposed ordinance is a stake in the ground regarding our principles, the values that we as a community profess, which are encapsulated in the Declaration of Independence and the Constitution.

There are second-class citizens in our country and, sadly, in our city. But it should not be.

Please continue to do whatever necessary to shepherd this statement of our values into our governing laws.

Wes Jordan

From: Jori Nelson
Sent: Saturday, September 22, 2018 4:47 PM
To: Joyce Hagen Mundy; Council Members
Subject: Fwd: NDO for Oct. 15

FYI

Sent from my iPhone

Begin forwarded message:

From: Nancy Silverforb <nsilverforb@kc.rr.com>
Date: September 22, 2018 at 4:41:30 PM CDT
To: "badooley@att.net" <badooley@att.net>
Cc: "joriforpv@gmail.com" <joriforpv@gmail.com>, Amy Lee Nohl <amyleenohl@gmail.com>, "jtrem1@ku.edu" <jtrem1@ku.edu>, "lauratrem1@me.com" <lauratrem1@me.com>
Subject: Re: NDO for Oct. 15

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Please continue to do whatever necessary to shepherd this statement of our values into our governing laws.

Thank you,

Barbara Dooley



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Wes Jordan

From: Mike Zakoura <mzakoura@hotmail.com>
Sent: Saturday, September 22, 2018 5:14 PM
To: Council Members
Cc: harrietzakoura@hotmail.com; jstewart63@kc.rr.com John; anneladdbowman@gmail.com; cmtemple@kc.rr.com; jtemple@kc.rr.com; lorisk77@sbcglobal.net; Alan Sunkel; mlnolan.mln@gmail.com; Mike Zakoura
Subject: Support for NDO

Harriet and I would like to voice our unequivocal support for the NDO being considered by the Prairie Village City Council. We urge you to give it initial approval and then final approval. We particularly suggest that our councilors, O'Dell and Gallagher, give the NDO their wholehearted backing. We and our friends and neighbors in the city will be watching closely the debate, consideration and the recording of votes on the ordinance, which we ask to proceed on a timely basis.

Mike and Harriet Zakoura
Ward 6 Pct 1.

Sent from my iPhone

Wes Jordan

From: Jori Nelson
Sent: Saturday, September 22, 2018 2:22 PM
To: Joyce Hagen Mundy; Council Members
Subject: Fwd: Prairie Village anti-discrimination

FYI

Sent from my iPhone

Begin forwarded message:

From: Robin Langdon <robinllangdon@sbcglobal.net>
Date: September 22, 2018 at 11:55:27 AM CDT
To: <jnelson@pvkansas.com>
Subject: **Prairie Village anti-discrimination**

Councilwoman Nelson,

Just a note to voice my support for an anti-discrimination ordinance in Prairie Village. No one should be discriminated against in our city, including LBGTQ and any other marginalized minorities that are not protected by state or federal law.

Sincerely,
Your constituent,
Robin Langdon

Sent from Robin's iPad

Wes Jordan

From: Jori Nelson
Sent: Monday, September 24, 2018 9:35 AM
To: Joyce Hagen Mundy; Council Members
Subject: Fwd: NDO for Oct. 15

FYI

Sent from my iPhone

Begin forwarded message:

From: Laura Treml <lauratreml@me.com>
Date: September 24, 2018 at 9:10:22 AM CDT
To: "Treml, Jack" <jtrem1@ku.edu>
Cc: Nancy Silverforb <nsilverforb@kc.rr.com>, "badooley@att.net" <badooley@att.net>, "joriforpv@gmail.com" <joriforpv@gmail.com>, Amy Lee Nohl <amyleenohl@gmail.com>
Subject: Re: NDO for Oct. 15

I am also in support of this ordinance.

Laura Simon Treml
lauratreml@me.com
215 500 5145

On Sep 23, 2018, at 3:49 PM, Treml, Jack <jtrem1@ku.edu> wrote:

Yes,
So do !!

Jack Treml

From: Nancy Silverforb <nsilverforb@kc.rr.com>
Date: Saturday, September 22, 2018 at 4:41 PM
To: "badooley@att.net" <badooley@att.net>
Cc: "joriforpv@gmail.com" <joriforpv@gmail.com>, Amy Lee Nohl <amyleenohl@gmail.com>, "Treml, Jack" <jtrem1@ku.edu>, "lauratreml@me.com" <lauratreml@me.com>
Subject: Re: NDO for Oct. 15

Thank you for including us on this email exchange, Barbara. I totally support this ordinance.

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Dear Ms. Nelson:

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Please continue to do whatever necessary to shepherd this statement of our values into our governing laws.

Thank you,

Barbara Dooley



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Wes Jordan

From: SBC global <sjblomyers@sbcglobal.net>
Sent: Thursday, September 20, 2018 10:18 PM
To: Wes Jordan
Subject: Fwd: Not sure I get why PV would lead this and why now.....

Wes,

Please share with council.

Thank you,

Sheila

Sent from my iPad

Begin forwarded message:

From: "jpmstacy@outlook.com" <jpmstacy@outlook.com>
Date: September 19, 2018 at 12:24:26 PM CDT
To: Sheila <sjblomyers@sbcglobal.net>
Subject: Re: Not sure I get why PV would lead this and why now.....

if you wish....

Sent from Outlook

From: Sheila <sjblomyers@sbcglobal.net>
Sent: Wednesday, September 19, 2018 10:12 AM
To: jpmstacy@outlook.com
Subject: Re: Not sure I get why PV would lead this and why now.....

Can I share your email with council?

On Sep 19, 2018, at 10:04 AM, "jpmstacy@outlook.com" <jpmstacy@outlook.com> wrote:

Sheila

Seems like a progressive initiative, like so many going on right now. Many times these kinds of issues are put through somewhat quietly without the general public knowing what's going on.

Based on my beliefs, I'm pretty old school. I understand that things are changing. But as a citizen of PV for much of my adult life, I don't see that it is our place to lead this kind of an initiative. I would not be for the ordinance.

Thanks!

John

Wes Jordan

From: Joyce Hagen Mundy
Sent: Tuesday, September 25, 2018 4:04 PM
To: Alley Porter; Andrew Wang; Brooke Morehead; Chad Herring; Courtney McFadden; Dan Runion; Jamie Robichaud; Jori Nelson; Joyce Hagen Mundy; Laura Wassmer; Ron Nelson; Serena Schermoly; Sheila Myers; Ted Odell; Terrence Gallagher; Tucker Poling; Wes Jordan
Subject: FW: Dawn Olney and the Non-Discrimination Ordinance

FYI

From: Brooke Morehead
Sent: Monday, September 24, 2018 2:00 PM
To: Joyce Hagen Mundy <jhmundy@pvkansas.com>
Subject: Fwd: Dawn Olney and the Non-Discrimination Ordinance

Please distribute this email I received to all council members, Wes, and the Mayor. Thank you.

----- Forwarded message -----

From: Dawn <dawngto@gmail.com>
Date: Sat, Sep 22, 2018 at 9:24 PM
Subject: Dawn Olney and the Non-Discrimination Ordinance
To: bmorehead@pvkansas.com

Dear Brooke,

Thank up for taking the time to visit with me a few days ago about the cancelled PV Council meeting and the Non-discrimination Ordinance. You seemed unaware of the efforts in Kansas to discriminate against LGBTQ people, and I offered to send you a few news articles to demonstrate the trend to target LGBTQ people with legislation. These efforts are a big reason I support Prairie Village passing a NDO so we can deliberately and intentionally state we do not discriminate in PV.

This first article is about passing a law that allows Kansas family services to deny placement of adoption to LGBT families. I will let the article explain.

<https://www.advocate.com/politics/2018/5/18/kansas-governor-signs-anti-lgbt-adoption-bill-law>

This next one is an article describing that the Republican Party in Kansas has adopted a statement that dismisses the medical diagnosis of Gender Dysphoria. This statement is the basis for so-called bathroom bills, that have been introduced in the past. These bills discriminate against transgender people because it tried to force people to use the bathroom of the gender they were assigned at birth rather than the one they identify, with a doctor's diagnosis.

<https://www.kansas.com/news/politics-government/article200798114.html>

This is last year's bathroom bill tracker, showing states that have introduced these bills.

<http://www.ncsl.org/research/education/-bathroom-bill-legislative-tracking635951130.aspx>

These articles show how the Republican Party is trying to pass laws targeting members of the LGBTQ community, which is plainly persecution. Any bill targeting a group of people is persecution. Just spend a little time in Europe (not just Nazi Germany) with laws targeting Jews, and replace the word Jews with LGBTQ. Or Black or Indian.

In a country where all people are supposed to be created equal, and are ideally treated equally, there is no excuse to actually pass laws to target and discriminate against any group of people. Passing this NDO would bring us closer to that ideal, in that we would deliberately and thoughtfully promote equality and inclusion.

I can pass a story on to you. I have heard Debi Jackson speak in person about her daughter, Avery Jackson, a Kansas City transgender girl, who is about ten by now. She was featured in a February 2014 story in the Star. Debi tells how her three-year-old son became suicidal, asking how fast a car would have to hit him to kill him, or how far he would have to fall to die. He wanted to come back in another body. When he told her he was actually a girl, his parents took him to a physician, who gave him a DIAGNOSIS of gender dysphoria. It requires medical and psychiatric care.

Her transgender daughter is now happy and no longer suicidal. This NDO will help make life easier, not more difficult for people who may have already struggled with suicide.

<https://www.nytimes.com/interactive/2015/opinion/transgender-today/stories/avery-aj-jackson>

<https://www.kansascity.com/news/politics-government/article134146769.html>

Please support the NDO in Prairie Village. I don't want to invade your privacy, but I would love to hear you say unequivocally that you missed the meeting last Monday due to entirely personal reasons, not because you didn't want to discuss the NDO.

Thank you again for your time.
Dawn Olney

'Lord, when did we see you hungry or thirsty or a stranger or needing clothes or sick or in prison, and did not help you?'
He will reply, 'Truly I tell you, whatever you refused to do for the least of these, you refused to do for me.'

Matthew 25:44-45

Wes Jordan

From: Sheila Myers
Sent: Tuesday, October 09, 2018 2:56 PM
To: Wes Jordan
Subject: Fwd: Keep the Faith in Prairie Village

Please forward to council. Ms. Gillespie is a resident of PV.

I have received a number of these, all identical and most from Non PV residents.

Sheila

Begin forwarded message:

From: Nancy Gillespie <mail@familypolicyalliance.com>
Date: October 9, 2018 at 2:07:11 PM CDT
To: Sheila Myers <smyers@pvkansas.com>
Subject: Keep the Faith in Prairie Village
Reply-To: Nancy Gillespie <ngill3272@aol.com>

Oct 9, 2018

Councilmember Sheila Myers

Dear Councilmember Myers,

I strongly oppose the ordinance under consideration by the City of Prairie Village regarding sexual orientation and gender identity (SOGI).

Too often, the effect of these ordinances is merely to force religious believers to either violate their faith or be forced out of the public square, like the recent cases of baker Jack Phillips in Colorado and florist Barronelle Stutzman in Washington State. I do not want to see this happen here. The Constitution protects the right of people of faith to freely practice their beliefs, whether at home, at work, or at school. Prairie Village businesses owners should continue to have the freedom to live and work in accordance with their beliefs. Prairie Village ought to welcome people of faith in the public square, along with everyone else.

SOGI ordinances are a solution in search of a problem. There is no evidence of discrimination in Prairie Village. In fact, several large and small business have already chosen to enact their own anti-discrimination policies. If a business is acting in a way the people of Prairie Village don't want, the citizens are capable of communicating their disagreement to that business by declining to associate with it.

It is up to you to make sure that Prairie Village remains a city where the dignity of all people, of all faiths, and all backgrounds, is recognized.

Keep faith in the people of Prairie Village. Please reject the ordinance for the good of the entire community.

Sincerely,

Ms. Nancy Gillespie
5203 W 76th St
Prairie Vlg, KS 66208-4436
(913) 957-1670
ngill3272@aol.com

Wes Jordan

From: joriforpv@gmail.com
Sent: Wednesday, October 10, 2018 9:27 PM
To: Council Members
Subject: Fwd: I support the PV non-discrimination ordinance!

FYI

Sent from my iPhone

Begin forwarded message:

From: Madelaine Gogol <madelaine@gmail.com>
Date: October 10, 2018 at 8:43:04 PM CDT
To: mayor@pvkansas.com, cherring@pvkansas.com, jnelson@pvkansas.com,
tpoling@pvkansas.com
Subject: I support the PV non-discrimination ordinance!

Dear Councillors and Mayor,

I just wanted to write to voice my support for the proposed ordinance to protect our LGBTQ friends and neighbors from discrimination. Sexual orientation and gender identity should be federally protected statuses, but until they are, we can make things right in our little corner of the world.

In addition to just being the right thing to do, this ordinance would make Prairie Village stand out as a more appealing community to young people who are weighing a number of factors when they are trying to decide where to live. My husband and I chose Prairie Village for many reasons: schools, easy commute, nice neighborhood, parks... Had this existed at the time, it would have been in the "plus" column. It lets prospective residents know that this community is welcoming to everyone. If this comes up and then somehow doesn't pass, I think it would come across quite negatively for our community.

As a whole, my generation (and younger generations), regardless of political affiliation, tend to show very high levels of support for equal rights initiatives. So many of us either identify with one of these statuses ourselves or have grown up with friends or loved ones who do. This is everyday, normal life to us, and we want the people we love to feel secure in expressing who they are without fear of repercussions.

Thank you, Tucker, Chad, and Jori for working on and supporting this ordinance. Ever since Roeland Park passed their ordinance in 2014, I've been hoping we could have one in Prairie Village.

Thanks again!
Madelaine Gogol (Ward 1)
5019 W. 65th Terrace
Prairie Village, KS 66208

P.S. I was hoping to attend the meeting Monday, but I think I'll need to be home with my daughter. Maybe I'll try to stream it. Good luck!



COUNCIL COMMITTEE

City Council Meeting Date: October 15, 2018

COU2018-42

Consider renewing City's health, dental, and vision insurance providers, as recommended by City staff.

SUGGESTED MOTION

Move that the Committee:

- 1) Approve United Healthcare as the City's health insurance provider for the 2019 plan year, with an 8.4% increase in premiums, with a one-month premium holiday.
- 2) Approve Delta Dental of Kansas as the City's dental insurance provider for the 2019 plan year, with a 0.0% increase in premiums.
- 3) Approve Superior Vision as the City's vision insurance provider for the 2019 plan year, with a 0.0% increase in premiums.

BACKGROUND

A CBIZ representative will be in attendance at Monday night's meeting.

This year's medical renewal rate is 8.4% increase with no plan changes. The City currently contracts with United Healthcare (UHC) for its employee health insurance plans. The plan year ends in December and consequently, renewals were sought from UHC for the 2019 plan year. The renewal is based on the claims incurred by plan participants over the twelve-month period of July 2017 - June 2018 and by forecasting potential claims. The loss ratio during this time period was 68%, which is up from 59.3% for the first half of 2018.

UHC is offering a premium holiday for December 2018, which will save the city approximately \$94,227. The result is an overall net savings of .1% for 2019.

Taxes and fees which have been required due to the Affordable Care Act (ACA), have either been suspended or terminated for 2019. Normally insurance providers have been required to pay these fees, which are then passed on to the clients through premiums.

ACA Taxes/Fees

- 1) Health Insurance Excise Tax: 3.25% for 2018; suspended for 2019.
- 2) PCOR Fee: \$2.34 for 2018 per member, per year; terminated for 2019.

Employees that participate in a Health Risk Assessment (HRA), biometric screening or a non-medical alternative are eligible to receive incentives, a value of up to \$200. The City continues to recommend that the differential for tobacco users covered on the City's health insurance plan (employee or dependent) continue in 2019. Those individuals who do use tobacco products (cigarettes, pipes, chewing tobacco, cigars, etc.) more than once per week will be assessed \$20 in their monthly premium costs. If a covered individual quits using tobacco product(s) then they will be eligible to begin receiving the monthly premium discount.

Delta Dental of Kansas, the City's dental insurance provider, has agreed to renew the dental plans for 2019 with 0% increase.

The City's vision insurance provider, Superior Vision, also has agreed to renew the vision plan for a 0% increase in the premium for 2019. This plan is in a rate guarantee until 2020.

QHDHP/HSA	2018 Current			2019 Renewal		
	Total \$	City \$	Employee \$	Total \$	City \$	Employee \$
Employee Only	\$434.76	\$503.39	(\$68.63)	\$471.28	\$545.67	(\$74.39)
Employee + 1	\$1,052.28	\$1,011.26	\$41.02	\$1,140.67	\$1,096.20	\$44.47
Family	\$1,550.78	\$1,436.47	\$114.31	\$1,681.05	\$1,557.12	\$123.93
BASE						
Employee Only	\$503.39	\$503.39	\$0.00	\$545.67	\$545.67	\$0.00
Employee + 1	\$1,218.39	\$1,011.26	\$207.13	\$1,320.72	\$1,096.20	\$224.52
Family	\$1,795.59	\$1,436.47	\$359.12	\$1,946.40	\$1,557.12	\$389.28

*As a reminder the Governing Body is eligible for plan coverage

SELF FUNDED OPTION

The City requested a quote for a self-funded plan to ensure we have considered all viable options. After reviewing and consulting with CBIZ, the potential costs were going to be substantially higher than the renewal costs for the current plan and what has been budgeted. The City could be responsible for an estimated additional \$450,747 - \$645,365 in 2019 if moved to the self-funded option. The second year of a self-funded plan is historically higher than the first, due to having a full 12-months of claims. These potential costs were estimated to be an additional \$128,779 - \$187,890 in addition to the first year estimated costs. These numbers do not take into account any very large or catastrophic claims that may occur. The City needs to be financially prepared to handle these claims as well as take on the role of fiduciary of the plan and any legal issues that may arise. At this time staff is not recommending to move to the self-funded option; however, has not ruled it out as a possibility for the future.

RENEWAL HISTORY

- 1/1/18: Renewed at a 3.25% increase (including taxes and fees). The QHDHP deductible was increased from \$2,600/\$5,200 to \$2,700/\$5,400 due to IRS guidelines for embedded plans.
- 1/1/17: A Request for Proposal for medical carriers was completed. The carriers reviewed were Blue Cross Blue Shield of KC, Humana, Midwest Public Risk, and United Healthcare (UHC). Blue KC offered the renewal at 22.8%. UHC was chosen as the new medical carrier with a 6% increase in premiums. As a result of the compensation and benefits study, the employer contribution was increased from 75% to 80% for the family plans only. This was done to be more in line when compared to other cities.
- 1/1/16: Renewed at 9% after starting out at 14%. Co-pays were increased as well as the PPO deductible, HMO OOP maximum and drug co-pays. There was no access to claims experience due to dropping below 100 subscribers.

FUNDING SOURCE

Employee insurance premiums are a General Fund expenditure. The 2019 budget anticipated an increase in City premium contributions of 10%. The renewal rates of 8.4%, 0%, and 0% for the health, dental, and vision plans, fit within the budgeted funds.:

2019 Renewal Costs

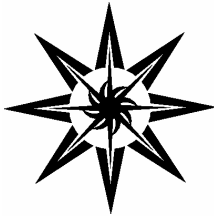
Health Insurance -	\$1,133,935
Dental Insurance -	\$ 32,542
Vision Insurance -	\$ 7,199
Total:	\$1,173,676
2019 Budget:	\$1,254,543

Prepared by:

Amy Hunt

Human Resources Manager

Date: October 10, 2018



Municipal Court/Police Department

Council Meeting Date: October 15, 2018

COU2018-43: Consider adoption of the 2018 Standard Traffic Ordinance for Kansas Cities and the 2018 Uniform Public Offense Code for Kansas Cities

RECOMMENDATION

Staff recommends that the Governing Body adopt Ordinance No. 2393 incorporating the Uniform Public Offense Code, (UPOC), and Ordinance No. 2394 incorporating the Standard Traffic Ordinance, (STO), 2018 edition, prepared and published by the League of Kansas Municipalities with certain sections deleted and with additional and supplemental sections.

BACKGROUND

On an annual basis, the City receives the latest edition of the UPOC and the STO from the League of Kansas Municipalities. Prior to the request for incorporation, the offense codes and traffic ordinances were reviewed against current City ordinances for any discrepancies. Any deletions or additions were reviewed and approved by the City Prosecutor and City Attorney.

The changes include the following:

UPOC Ordinance:

Overall Changes: Change UPOC edition year to 2018 and correct any typographical errors.

Section Five: Section 10.3.1 is reserved by The League of Kansas Municipalities for future use. Changed Possession of a Firearm While Under the Influence to 10.3.2.

Section Seven: Section 10.27 used in 2017 for Illegal Operation of an Amusement Ride by The League of Kansas Municipalities. Changed all subsequent section numbers to accommodate this change.

STO Ordinance:

Overall Changes: Change STO edition year to 2018 and correct any typographical errors.

Section Six: Amends to Article 14, of the 2018 Standard Traffic Ordinance for Kansas Cities, Prairie Village Municipal Code Ordinance 11-606, USE OF WIRELESS COMMUNICATION DEVICES, adding language prohibiting video and photo use on wireless communication devices.

FUNDING SOURCE

N/A

ATTACHMENTS

Ordinance 2393

Ordinance 2394

PREPARED BY

Deana Scott

Court Administrator

Date: October 9, 2018

ORDINANCE NO. ~~2394~~2393

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CITY OF PRAIRIE VILLAGE, KANSAS; INCORPORATING BY REFERENCE THE “UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES” EDITION OF 2018, WITH CERTAIN AMENDMENTS, DELETIONS AND ADDITIONS; AND REPEALING EXISTING SECTIONS 11-101 THROUGH 11-109 OF ARTICLE 1 OF CHAPTER XI OF THE CODE OF THE CITY OF PRAIRIE VILLAGE, 2003, ENTITLED “PUBLIC OFFENSES & TRAFFIC”.

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

SECTION ONE Article 1 of Chapter XI, Section 11-101 of the Code of the City of Prairie Village is hereby amended to read as follows:

11-101. INCORPORATING UNIFORM PUBLIC OFFENSE CODE. There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Prairie Village, Kansas, that certain code known as the “Uniform Public Offense Code,” edition of 2018, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such sections as are deleted, modified or supplemented hereby. No fewer than two copies of said Uniform Public Offense Code shall be marked or stamped, “Official Copy as Incorporated by the Code of the City of Prairie Village, Kansas” with such additional sections clearly marked and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

SECTION TWO Article 1 of Chapter XI, Section 11-102 of the Code of the City of Prairie Village is hereby amended to read as follows:

11-102. Article 5 of the Uniform Public Offense Code, edition of 2018, is hereby amended by deleting existing Sections 5.6 and 5.7 and by inserting in place thereof the following:

Section 5.6 Purchase or Possession of Cigarettes or Tobacco Products

It shall be unlawful for any person:

- (a) Who is under 21 years of age to purchase or attempt to purchase cigarettes, electronic cigarettes, liquid nicotine or tobacco products; or
- (b) Who is under 18 years of age to possess or attempt to possess cigarettes, electronic cigarettes, liquid nicotine or tobacco products. (K.S.A. 79-3321:3322, as amended).

(e) For the purposes of this Section, the terms are defined in K.S.A. 79-3301 and amendments thereto, except liquid nicotine which is the active ingredient of the tobacco plant (nicotine) in liquefied form suitable for the induction of nicotine, whether by nasal spray, ingestion, smoking or other means, into the human body.

Violation of this section shall be an ordinance cigarette or tobacco infraction for which the fine shall be a minimum of \$25 and a maximum of \$100. In addition, the judge may require a person charged with violating this section to appear in court and/or may require completion of a tobacco education program.”

Section 5.7 Selling, Giving or Furnishing Cigarettes or Tobacco Products to a Minor.

- (a) It shall be unlawful for any person, directly or indirectly, to:
 - (1) Sell, furnish or distribute cigarettes, electronic cigarettes, liquid nicotine or tobacco products to any person under 21 years of age; or
 - (2) Buy any cigarettes, electronic cigarettes, liquid nicotine or tobacco products for any person under 21 years of age.
- (b) It shall be a defense to a prosecution under this section if:
 - (1) ~~(1)~~ The defendant is a licensed retail dealer, or employee thereof, or a person authorized by law to distribute samples;
 - (2) ~~(2)~~ The defendant sold, furnished or distributed the cigarettes, electronic cigarettes, liquid nicotine or tobacco products to the person under 21 years of age with reasonable cause to believe the person was of legal age to purchase or receive cigarettes, electronic cigarettes, liquid nicotine or tobacco products; and
 - (3) ~~(3)~~ To purchase or receive the cigarettes, electronic cigarettes, liquid nicotine or tobacco products, the person under 21 years of age exhibited to the defendant a driver’s license, Kansas non-driver’s identification card or other official or apparently official document containing a photograph of the person and purporting to establish that the person was of legal age to purchase or receive cigarettes, electronic cigarettes, liquid nicotine or tobacco products.

~~(4)~~ For purposes of this section the person who violates this section shall be the individual directly selling, furnishing or distributing the cigarettes, electronic cigarettes, or tobacco products to any person under 21 years of age or the retail dealer who has actual knowledge of such selling, furnishing or distributing by such individual or both.
- (c) It shall be a defense to a prosecution under this subsection if:
 - (1) ~~(1)~~ The defendant engages in the lawful sale, furnishing or distribution of cigarettes, electronic cigarettes, or tobacco products by mail; and
 - (2) ~~(2)~~ The defendant sold, furnished or distributed the cigarettes, electronic cigarettes, or tobacco products to the person by mail only after the person had provided to the defendant an unsworn declaration, conforming to K.S.A. 53- 601 and amendments thereto, that the person was 21 or more years of age.
- (d) For the purposes of this Section, the terms are defined in K.S.A. 79-3301 and amendments thereto, except liquid nicotine which is the active ingredient of the tobacco plant (nicotine) in liquefied form suitable for the induction of nicotine, whether by nasal spray, ingestion, smoking or other means, into the human body.

- (e) As used in this section, “sale” means any transfer of title or possession or both, exchange, barter, distribution or gift of cigarettes or tobacco products, with or without consideration. (K.S.A. Supp. 79-3302, 79-3321:79-3322).
Violation of this section shall constitute a Class B violation punishable by a minimum fine of \$200.

SECTION THREE Article 1 of Chapter XI, Section 11-104 of the Code of the City of Prairie Village is hereby amended to read as follows:

11.104. Article 6 of the Uniform Public Offense Code, edition of 2018, is hereby supplemented to add the following provisions:

Section 6.26 Unlawful Posting of Pictures and Advertisements

- (a) Unlawful posting of pictures and advertisements is:
- (1) The putting up, affixing or fastening of either or both to a traffic control device or traffic control standard or telegraph, telephone, electric light, power or other utility pole, but it is not unlawful to affix official traffic control devices to such poles; or
 - (2) The placement of either or both on public property other than as prescribed in subdivision 3 of this subsection;
 - (3) The placement of either or both on right-of-way without the consent of the landowner or the person in possession whose land lies along the right-of-way where such picture or advertisement is placed; or
 - (4) The placement of either on private property without the consent of the landowner or the person in possession of such property.
- (b) It is unlawful for any person within the city limits to tack, paste, paint, hang or place in any manner whatsoever, or cause to be tacked, posted, hung, or placed in any manner whatsoever, any handbills, dodgers, signs, or advertisements, written or unwritten, or printed matter, to or upon any telephone or telephone pole, sidewalk, or building in the city, or to throw, scatter or cause to be thrown or scattered, any handbills, dodgers or other advertisements or propaganda, or of written or printed matter or paper of any kind upon any street, alley, sidewalk, vacant lot, city property, or yard within the city limits.

Unlawful posting of pictures and advertisements is a Class C violation.

Section 6.27 Opening, Damaging or Removing Coin-Operated Machines

Opening, damaging or removing coin-operated machines is willfully and knowingly opening, removing or damaging any parking meter, coin telephone, vending machine dispensing goods or services, money changer or any other device designed to receive money in the sale, use or enjoyment of property or services or any part thereof, with intent to commit theft.

Violation of this section is a Class A violation.

Section 6.28 Possession of Tools for Opening, Damaging or Removing Coin-Operated Machines

Possession of tools for opening, damaging or removing coin-operated machines is the possession of any key, tool, instrument or other device, or any drawing, print or mold of a key or other device or any explosive specifically designed for or suitable for the use in opening or breaking into any parking meter, coin telephone, vending machine dispensing goods or services, money changer or any other device designed to receive money in the sale, use or enjoyment of property or services with intent to commit theft.

Violation of this section is a Class B violation.

SECTION FOUR Article 1 of Chapter XI, Section 11-105 of the Code of the City of [Prairie](#) Village is hereby amended to read as follows:

11.105. Article 9 of the Uniform Public Offense Code, edition of 2018, is hereby supplemented to add the following provisions:

Section 9.14 Loitering

- (a) Loitering is loafing, wandering, standing or remaining idle, either alone or in concert with others, in a public place in such manner so as to:
 - (1) Obstruct any public street, public highway, public sidewalk or public building or any other place of public access by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians;
 - (2) Committing in or upon any public street, public highway, public sidewalk or public building or any other place of public access any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or public building or any other place of public access, all of which prevents the free and uninterrupted ingress, egress and regress therein, thereon and thereto.
- (b) When any person causes or commits any of the conditions enumerated in this section, a law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such order is guilty of a violation of this section.

Violation of this section is a Class C violation.

Section 9.15 Unsolicited Publications -- Penalty

- (a) No person shall either directly or indirectly place or deposit or cause to be placed or deposited, upon any building or structures used for human abode, including the lot or lots upon which the structure is located or upon any right-of-way or city property within the city, any newspaper, magazine, publication or any other printed material if the owner or occupant of the structure has previously requested in writing that the publisher or deliverer of the material not place or deposit the material on the structure or lot.

- (b) Exceptions. The provisions of this section shall not apply to distributions made through the U.S. Postal Service or any other private postal service.
- (c) Penalties. Any person who violates the provisions of this section shall, upon conviction thereof, be punished for each such violation by a fine not exceeding \$100 for each such violation.

Section 9.16 Residential Picketing

It is unlawful for any person to engage in picketing before or about the residence or dwelling of any individual in the city or before or about any church in the city. Every person convicted of violating this section shall be imprisoned for not more than one year or fined not more than \$2,500 or by both such fine and imprisonment, provided that any person convicted of a second or subsequent conviction shall be required to be confined to not less than five consecutive days in the county jail in addition to any penalty assessed, which period of imprisonment shall not be suspended nor the defendant placed on probation until the five consecutive days are served.

SECTION FIVE Article 1 of Chapter XI, Section 11-106 of the Code of the City of Prairie Village is hereby amended to read as follows:

Formatted: Underline

11-106. Article 10 of the Uniform Public Offense Code, edition of 2018, is hereby supplemented to add the following:

10.3.2. Possession of a Firearm While Under the Influence

- (a) Possession of a firearm under the influence is knowingly possessing or carrying a loaded firearm on or about such person, or within such person's immediate access and control while in a vehicle, while under the influence of alcohol or drugs, or both, to such a degree as to render such person incapable of safely operating a firearm.
- (b) Possession of a firearm under the influence is a class A nonperson misdemeanor.
- (c) This section shall not apply to:
 - (1) A person who possesses or carries a firearm while in such person's own dwelling or place of business or on land owned or possessed by such person; or
 - (2) the transitory possession or use of a firearm during an act committed in self-defense or in defense of another person or any other act committed if legally justified or excused, provided such possession or use lasts no longer than is immediately necessary.
- (d) If probable cause exists for a law enforcement officer to believe a person is in possession of a firearm under the influence of alcohol or drugs, or both, such law enforcement officer shall request such person submit to one or more tests of the person's blood, breath, urine or other bodily substance to determine the presence of alcohol or drugs. The selection of the test or tests shall be made by the officer.

- (e) (1) If a law enforcement officer requests a person to submit to a test of blood under this section, the withdrawal of blood at the direction of the officer may be performed only by:
- (A) A person licensed to practice medicine and surgery, licensed as a physician's assistant, or a person acting under the direction of any such licensed person;
 - (B) a registered nurse or a licensed practical nurse;
 - (C) any qualified medical technician, including, but not limited to, an emergency medical technician-intermediate, mobile intensive care technician, an emergency medical technician-intermediate/defibrillator, an advanced emergency medical technician or a paramedic, as those terms are defined in K.S.A. 65-6112, and amendments thereto, authorized by medical protocol; or
 - (D) a phlebotomist.
- (2) A law enforcement officer may direct a medical professional described in this subsection to draw a sample of blood from a person if the person has given consent or upon meeting the requirements of subsection (d).
- (3) When so directed by a law enforcement officer through a written statement, the medical professional shall withdraw the sample as soon as practical and shall deliver the sample to the law enforcement officer or another law enforcement officer as directed by the requesting law enforcement officer as soon as practical, provided the collection of the sample does not jeopardize the person's life, cause serious injury to the person or seriously impede the person's medical assessment, care or treatment. The medical professional authorized herein to withdraw the blood and the medical care facility where the blood is drawn may act on good faith that the requirements have been met for directing the withdrawing of blood once presented with the written statement provided for under this subsection. The medical professional shall not require the person to sign any additional consent or waiver form. In such a case, the person authorized to withdraw blood and the medical care facility shall not be liable in any action alleging lack of consent or lack of informed consent.
- (4) Such sample or samples shall be an independent sample and not be a portion of a sample collected for medical purposes. The person collecting the blood sample shall complete the collection portion of a document provided by law enforcement.
- (5) If a sample is to be taken under authority of a search warrant, and the person must be restrained to collect the sample pursuant to this section, law enforcement shall be responsible for applying any such restraint utilizing acceptable law enforcement restraint practices. The restraint shall be effective in controlling the person in a manner not to jeopardize the person's safety or that of the medical

professional or attending medical or health care staff during the drawing of the sample and without interfering with medical treatment.

- (6) A law enforcement officer may request a urine sample upon meeting the requirements of subsection (d).
- (7) If a law enforcement officer requests a person to submit to a test of urine under this section, the collection of the urine sample shall be supervised by:
 - (A) A person licensed to practice medicine and surgery, licensed as a physician's assistant, or a person acting under the direction of any such licensed person;
 - (B) a registered nurse or a licensed practical nurse; or
 - (C) a law enforcement officer of the same sex as the person being tested.

The collection of the urine sample shall be conducted out of the view of any person other than the persons supervising the collection of the sample and the person being tested, unless the right to privacy is waived by the person being tested. When possible, the supervising person shall be a law enforcement officer. The results of qualitative testing for drug presence shall be admissible in evidence and questions of accuracy or reliability shall go to the weight rather than the admissibility of the evidence. If the person is medically unable to provide a urine sample in such manner due to the injuries or treatment of the injuries, the same authorization and procedure as used for the collection of blood in paragraphs (2) and (3) shall apply to the collection of a urine sample.

- (8) The person performing or assisting in the performance of any such test and the law enforcement officer requesting any such test who is acting in accordance with this section shall not be liable in any civil and criminal proceeding involving the action.
- (f)
 - (1) The person's refusal shall be admissible in evidence against the person at any trial on a charge arising out of possession of a firearm under the influence of alcohol or drugs, or both.
 - (2) Failure of a person to provide an adequate breath sample or samples as directed shall constitute a refusal unless the person shows that the failure was due to physical inability caused by a medical condition unrelated to any ingested alcohol or drugs.
 - (3) In any criminal prosecution for a violation of this section, if the court finds that a person refused to submit to testing when requested pursuant to this section, the county or district attorney, upon petition to the court, may recover on behalf of the state, in addition to the criminal penalties provided in this section, a civil penalty not exceeding \$ 1,000 for each violation.
 - (g) If a person who holds a valid license to carry a concealed handgun issued pursuant to K.S.A. 2013 Supp. 75-7c01 et seq., and amendments thereto, is convicted of a violation of this section, such person's license to carry a

concealed handgun shall be revoked for a minimum of one year for a first offense and three years for a second or sub-sequent offense.

- (h) In any criminal prosecution for possession of a firearm under the influence of alcohol or drugs, or both, evidence of the concentration of alcohol or drugs in the defendant's blood, urine, breath or other bodily substance may be admitted and shall give rise to the following:
 - (1) If the alcohol concentration is less than .08, that fact may be considered with other competent evidence to determine if the defendant was under the influence of alcohol or drugs, or both.
 - (2) If the alcohol concentration is .08 or more, it shall be prima facie evidence that the defendant was under the influence of alcohol.
 - (3) If there was present in the defendant's bodily substance any narcotic, hypnotic, somnifacient, stimulating or other drug which has the capacity to render the defendant incapacitated, that fact may be considered to determine if the defendant was under the influence of alcohol or drugs, or both.
- (i) The provisions of subsection (h) shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of alcohol or drugs, or both.
- (j) Upon the request of any person submitting to testing under this section, a report of the results of the testing shall be made available to such person. (2013 HB 2578, Section 6)

SECTION SIX Article 1 of Chapter XI, Section 11-107 of the Code of the City of Prairie Village is hereby amended to read as follows:

11.107. Article 10 of the Uniform Public Offense Code, edition of 2018, is hereby amended by deleting existing Section 10.5 and by inserting in place thereof the following:

10.5 UNLAWFUL DISCHARGE OF FIREARMS.

- (a) Unlawful discharge of firearms is the discharging or firing of any gun, rifle, pistol, revolver or other firearm within the city.
- (b) This section shall not be construed to apply:
 - (1) If the firearm is discharged in the lawful defense of one's person, another person or one's property;
 - (2) To the discharge of firearms by any duly authorized law enforcement officer when necessary in the discharge of his or her official duties;
 - (3) To the discharge of firearms in any licensed shooting gallery or licensed shooting range; or
 - (4) To firing squads for ceremonials as approved by the Chief of Police.

Unlawful discharge of firearms is a Class B violation. (KSA 21-6308a)

SECTION SEVEN Article 1 of Chapter XI, Section 11-108 of the Code of the City of Prairie Village is hereby amended to read as follows:

11-108. Article 10 of the Uniform Public Offense Code is hereby amended to delete sections 10.24, Smoking Prohibited, 10.25, Smoking-Posted Premises and 10.26, Smoking Prohibited-Penalties and supplemented to add the following provisions:

Section 10.28 Intoxicating Liquor and Cereal Malt Beverage -- Consumption and Possession of Open Containers Prohibited at Certain Places

It is unlawful for any person to drink, consume, or possess an open container of alcoholic liquor or cereal malt beverage upon the public streets, alleys, roads or highways, or upon property owned by the City.

- (a) The provisions of this section shall not apply to the consumption or possession of alcoholic liquor or cereal malt beverage upon property owned by the city and operated as the Prairie Village Community Center; provided further, that no person shall possess or consume any alcoholic liquor or cereal malt beverage at the Prairie Village Community Center unless:
 - (1) That person is in attendance at an event or a function for which permit authorizing the serving and consumption of liquor and beer has been previously issued by the city, and
 - (2) The liquor or beer being consumed has been provided by the individual, person, or organization to which the permit has been issued.

Violation of this section is a Class C violation.

Section 10.29 Drunkenness

It is unlawful for any person to be drunk on any highway, street or in any public place or building in the city.

Violation of this section is a Class B violation.

Section 10.30 Impersonating an Officer

It is unlawful for any person to exercise or to assume to exercise any of the powers conferred upon any police officer, or to represent himself or herself to be any such officer, or to possess the power and authority thereof, unless such person is a duly authorized officer of the law.

Violation of this section is a Class B violation.

Section 10.31 Vehicles in City Parks

It is unlawful to run, stand or park any motor vehicle or motorized bicycle through or across or over any part of any city park, other than roadways or parking areas so designated.

Violation of this section is a Class C violation.

Section 10.32 Smoking on Common Carrier Buses -- Penalty

- (a) No person shall smoke or carry in his or her hand a lighted cigar, cigarette or pipe, while in or upon any motorbus operated in common carrier passenger service upon the streets or public ways of the city.
- (b) Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$100.

Section 10.33 Public Urination or Defecation

No person shall urinate or defecate in any place open to the public or while exposed to public view, except while using appropriate fixtures in a restroom or other facility designed for the sanitary disposal of human waste.

Violation of this section is a Class C violation.

Section 10.34 Public Nudity

No person shall knowingly or intentionally appear in a state of nudity in a public place. Nudity is defined as the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering; the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernible state of sexual arousal.

Violation of this section is a Class A violation.

SECTION EIGHT Article 1 of Chapter XI, Section 11-109 of the Code of the City of ~~Prairie~~ Prairie Village is hereby added to read as follows:

11-109. Article 11 of the Uniform Public Offense Code is hereby supplemented to add the following provisions:

Section 11.13 Window Peeping

Window peeping is the going upon property owned or occupied by another without such person's consent for the purpose of looking into any window, door, skylight or other opening into a house, room or building.

Violation of this section is a Class A violation.

SECTION NINE Ordinance No. 2369 and any previous ordinances or provisions in conflict herewith are hereby repealed.

SECTION TEN This ordinance shall take effect and be enforced from and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED THIS ___ DAY OF _____, 2018

Laura
Wassmer, Mayor

ATTEST:

APPROVED AS TO FORM:

Joyce Hagen Mundy, City Clerk

David [E.](#) Waters, Interim City Attorney

ORDINANCE NO. 2393

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CITY OF PRAIRIE VILLAGE, KANSAS; INCORPORATING BY REFERENCE THE “UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES” EDITION OF 2018, WITH CERTAIN AMENDMENTS, DELETIONS AND ADDITIONS; AND REPEALING EXISTING SECTIONS 11-101 THROUGH 11-109 OF ARTICLE 1 OF CHAPTER XI OF THE CODE OF THE CITY OF PRAIRIE VILLAGE, 2003, ENTITLED “PUBLIC OFFENSES & TRAFFIC”.

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

SECTION ONE Article 1 of Chapter XI, Section 11-101 of the Code of the City of Prairie Village is hereby amended to read as follows:

11-101. INCORPORATING UNIFORM PUBLIC OFFENSE CODE. There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Prairie Village, Kansas, that certain code known as the “Uniform Public Offense Code,” edition of 2018, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such sections as are deleted, modified or supplemented hereby. No fewer than two copies of said Uniform Public Offense Code shall be marked or stamped, “Official Copy as Incorporated by the Code of the City of Prairie Village, Kansas” with such additional sections clearly marked and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

SECTION TWO Article 1 of Chapter XI, Section 11-102 of the Code of the City of Prairie Village is hereby amended to read as follows:

11-102. Article 5 of the Uniform Public Offense Code, edition of 2018, is hereby amended by deleting existing Sections 5.6 and 5.7 and by inserting in place thereof the following:

Section 5.6 Purchase or Possession of Cigarettes or Tobacco Products

It shall be unlawful for any person:

- (a) Who is under 21 years of age to purchase or attempt to purchase cigarettes, electronic cigarettes, liquid nicotine or tobacco products; or
- (b) Who is under 18 years of age to possess or attempt to possess cigarettes, electronic cigarettes, liquid nicotine or tobacco products. (K.S.A. 79-3321:3322, as amended).

For the purposes of this Section, the terms are defined in K.S.A. 79-3301 and amendments thereto, except liquid nicotine which is the active ingredient of the tobacco plant (nicotine) in liquefied form suitable for the induction of nicotine, whether by nasal spray, ingestion, smoking or other means, into the human body. Violation of this section shall be an ordinance cigarette or tobacco infraction for which the fine shall be a minimum of \$25 and a maximum of \$100. In addition,

the judge may require a person charged with violating this section to appear in court and/or may require completion of a tobacco education program.”

Section 5.7 Selling, Giving or Furnishing Cigarettes or Tobacco Products to a Minor.

- (a) It shall be unlawful for any person, directly or indirectly, to:
 - (1) Sell, furnish or distribute cigarettes, electronic cigarettes, liquid nicotine or tobacco products to any person under 21 years of age; or
 - (2) Buy any cigarettes, electronic cigarettes, liquid nicotine or tobacco products for any person under 21 years of age.
- (b) It shall be a defense to a prosecution under this section if:
 - (1) The defendant is a licensed retail dealer, or employee thereof, or a person authorized by law to distribute samples;
 - (2) The defendant sold, furnished or distributed the cigarettes, electronic cigarettes, liquid nicotine or tobacco products to the person under 21 years of age with reasonable cause to believe the person was of legal age to purchase or receive cigarettes, electronic cigarettes, liquid nicotine or tobacco products; and
 - (3) To purchase or receive the cigarettes, electronic cigarettes, liquid nicotine or tobacco products, the person under 21 years of age exhibited to the defendant a driver’s license, Kansas non-driver’s identification card or other official or apparently official document containing a photograph of the person and purporting to establish that the person was of legal age to purchase or receive cigarettes, electronic cigarettes, liquid nicotine or tobacco products.

For purposes of this section the person who violates this section shall be the individual directly selling, furnishing or distributing the cigarettes, electronic cigarettes, or tobacco products to any person under 21 years of age or the retail dealer who has actual knowledge of such selling, furnishing or distributing by such individual or both.
- (c) It shall be a defense to a prosecution under this subsection if:
 - (1) The defendant engages in the lawful sale, furnishing or distribution of cigarettes, electronic cigarettes, or tobacco products by mail; and
 - (2) The defendant sold, furnished or distributed the cigarettes, electronic cigarettes, or tobacco products to the person by mail only after the person had provided to the defendant an unsworn declaration, conforming to K.S.A. 53- 601 and amendments thereto, that the person was 21 or more years of age.
- (d) For the purposes of this Section, the terms are defined in K.S.A. 79-3301 and amendments thereto, except liquid nicotine which is the active ingredient of the tobacco plant (nicotine) in liquefied form suitable for the induction of nicotine, whether by nasal spray, ingestion, smoking or other means, into the human body.

- (e) As used in this section, “sale” means any transfer of title or possession or both, exchange, barter, distribution or gift of cigarettes or tobacco products, with or without consideration. (K.S.A. Supp. 79-3302, 79-3321:79-3322).

Violation of this section shall constitute a Class B violation punishable by a minimum fine of \$200.

SECTION THREE Article 1 of Chapter XI, Section 11-104 of the Code of the City of Prairie Village is hereby amended to read as follows:

11.104. Article 6 of the Uniform Public Offense Code, edition of 2018, is hereby supplemented to add the following provisions:

Section 6.26 Unlawful Posting of Pictures and Advertisements

- (a) Unlawful posting of pictures and advertisements is:
 - (1) The putting up, affixing or fastening of either or both to a traffic control device or traffic control standard or telegraph, telephone, electric light, power or other utility pole, but it is not unlawful to affix official traffic control devices to such poles; or
 - (2) The placement of either or both on public property other than as prescribed in subdivision 3 of this subsection;
 - (3) The placement of either or both on right-of-way without the consent of the landowner or the person in possession whose land lies along the right-of-way where such picture or advertisement is placed; or
 - (4) The placement of either on private property without the consent of the landowner or the person in possession of such property.
- (b) It is unlawful for any person within the city limits to tack, paste, paint, hang or place in any manner whatsoever, or cause to be tacked, posted, hung, or placed in any manner whatsoever, any handbills, dodgers, signs, or advertisements, written or unwritten, or printed matter, to or upon any telephone or telephone pole, sidewalk, or building in the city, or to throw, scatter or cause to be thrown or scattered, any handbills, dodgers or other advertisements or propaganda, or of written or printed matter or paper of any kind upon any street, alley, sidewalk, vacant lot, city property, or yard within the city limits.

Unlawful posting of pictures and advertisements is a Class C violation.

Section 6.27 Opening, Damaging or Removing Coin-Operated Machines

Opening, damaging or removing coin-operated machines is willfully and knowingly opening, removing or damaging any parking meter, coin telephone, vending machine dispensing goods or services, money changer or any other device designed to receive money in the sale, use or enjoyment of property or services or any part thereof, with intent to commit theft.

Violation of this section is a Class A violation.

Section 6.28 Possession of Tools for Opening, Damaging or Removing Coin-Operated Machines

Possession of tools for opening, damaging or removing coin-operated machines is the possession of any key, tool, instrument or other device, or any drawing, print or mold of a key or other device or any explosive specifically designed for or suitable for the use in opening or breaking into any parking meter, coin telephone, vending machine dispensing goods or services, money changer or any other device designed to receive money in the sale, use or enjoyment of property or services with intent to commit theft.

Violation of this section is a Class B violation.

SECTION FOUR Article 1 of Chapter XI, Section 11-105 of the Code of the City of Prairie Village is hereby amended to read as follows:

11.105. Article 9 of the Uniform Public Offense Code, edition of 2018, is hereby supplemented to add the following provisions:

Section 9.14 Loitering

- (a) Loitering is loafing, wandering, standing or remaining idle, either alone or in concert with others, in a public place in such manner so as to:
 - (1) Obstruct any public street, public highway, public sidewalk or public building or any other place of public access by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians;
 - (2) Committing in or upon any public street, public highway, public sidewalk or public building or any other place of public access any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or public building or any other place of public access, all of which prevents the free and uninterrupted ingress, egress and regress therein, thereon and thereto.
- (b) When any person causes or commits any of the conditions enumerated in this section, a law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such order is guilty of a violation of this section.

Violation of this section is a Class C violation.

Section 9.15 Unsolicited Publications -- Penalty

- (a) No person shall either directly or indirectly place or deposit or cause to be placed or deposited, upon any building or structures used for human abode, including the lot or lots upon which the structure is located or upon any right-of-way or city property within the city, any newspaper, magazine, publication or any other printed material if the owner or occupant of the structure has previously requested in writing that the

publisher or deliverer of the material not place or deposit the material on the structure or lot.

- (b) Exceptions. The provisions of this section shall not apply to distributions made through the U.S. Postal Service or any other private postal service.
- (c) Penalties. Any person who violates the provisions of this section shall, upon conviction thereof, be punished for each such violation by a fine not exceeding \$100 for each such violation.

Section 9.16 Residential Picketing

It is unlawful for any person to engage in picketing before or about the residence or dwelling of any individual in the city or before or about any church in the city. Every person convicted of violating this section shall be imprisoned for not more than one year or fined not more than \$2,500 or by both such fine and imprisonment, provided that any person convicted of a second or subsequent conviction shall be required to be confined to not less than five consecutive days in the county jail in addition to any penalty assessed, which period of imprisonment shall not be suspended nor the defendant placed on probation until the five consecutive days are served.

SECTION FIVE Article 1 of Chapter XI, Section 11-106 of the Code of the City of Prairie Village is hereby amended to read as follows:

11-106. Article 10 of the Uniform Public Offense Code, edition of 2018, is hereby supplemented to add the following:

10.3.2. Possession of a Firearm While Under the Influence

- (a) Possession of a firearm under the influence is knowingly possessing or carrying a loaded firearm on or about such person, or within such person's immediate access and control while in a vehicle, while under the influence of alcohol or drugs, or both, to such a degree as to render such person incapable of safely operating a firearm.
- (b) Possession of a firearm under the influence is a class A nonperson misdemeanor.
- (c) This section shall not apply to:
 - (1) A person who possesses or carries a firearm while in such person's own dwelling or place of business or on land owned or possessed by such person; or
 - (2) the transitory possession or use of a firearm during an act committed in self-defense or in defense of another person or any other act committed if legally justified or excused, provided such possession or use lasts no longer than is immediately necessary.
- (d) If probable cause exists for a law enforcement officer to believe a person is in possession of a firearm under the influence of alcohol or drugs, or both, such law enforcement officer shall request such person submit to one or more tests of the person's blood, breath, urine or other bodily substance to determine the presence of alcohol or drugs. The selection of the test or tests shall be made by the officer.

- (e)
 - (1) If a law enforcement officer requests a person to submit to a test of blood under this section, the withdrawal of blood at the direction of the officer may be performed only by:
 - (A) A person licensed to practice medicine and surgery, licensed as a physician's assistant, or a person acting under the direction of any such licensed person;
 - (B) a registered nurse or a licensed practical nurse;
 - (C) any qualified medical technician, including, but not limited to, an emergency medical technician-intermediate, mobile intensive care technician, an emergency medical technician-intermediate/defibrillator, an advanced emergency medical technician or a paramedic, as those terms are defined in K.S.A. 65-6112, and amendments thereto, authorized by medical protocol; or
 - (D) a phlebotomist.
 - (2) A law enforcement officer may direct a medical professional described in this subsection to draw a sample of blood from a person if the person has given consent or upon meeting the requirements of subsection (d).
 - (3) When so directed by a law enforcement officer through a written statement, the medical professional shall withdraw the sample as soon as practical and shall deliver the sample to the law enforcement officer or another law enforcement officer as directed by the requesting law enforcement officer as soon as practical, provided the collection of the sample does not jeopardize the person's life, cause serious injury to the person or seriously impede the person's medical assessment, care or treatment. The medical professional authorized herein to withdraw the blood and the medical care facility where the blood is drawn may act on good faith that the requirements have been met for directing the withdrawing of blood once presented with the written statement provided for under this subsection. The medical professional shall not require the person to sign any additional consent or waiver form. In such a case, the person authorized to withdraw blood and the medical care facility shall not be liable in any action alleging lack of consent or lack of informed consent.
 - (4) Such sample or samples shall be an independent sample and not be a portion of a sample collected for medical purposes. The person collecting the blood sample shall complete the collection portion of a document provided by law enforcement.
 - (5) If a sample is to be taken under authority of a search warrant, and the person must be restrained to collect the sample pursuant to this section, law enforcement shall be responsible for applying any such restraint utilizing acceptable law enforcement restraint practices. The restraint shall be effective in controlling the person in a manner not to jeopardize the person's safety or that of the

medical professional or attending medical or health care staff during the drawing of the sample and without interfering with medical treatment.

- (6) A law enforcement officer may request a urine sample upon meeting the requirements of subsection (d).
- (7) If a law enforcement officer requests a person to submit to a test of urine under this section, the collection of the urine sample shall be supervised by:
 - (A) A person licensed to practice medicine and surgery, licensed as a physician's assistant, or a person acting under the direction of any such licensed person;
 - (B) a registered nurse or a licensed practical nurse; or
 - (C) a law enforcement officer of the same sex as the person being tested.

The collection of the urine sample shall be conducted out of the view of any person other than the persons supervising the collection of the sample and the person being tested, unless the right to privacy is waived by the person being tested. When possible, the supervising person shall be a law enforcement officer. The results of qualitative testing for drug presence shall be admissible in evidence and questions of accuracy or reliability shall go to the weight rather than the admissibility of the evidence. If the person is medically unable to provide a urine sample in such manner due to the injuries or treatment of the injuries, the same authorization and procedure as used for the collection of blood in paragraphs (2) and (3) shall apply to the collection of a urine sample.

- (8) The person performing or assisting in the performance of any such test and the law enforcement officer requesting any such test who is acting in accordance with this section shall not be liable in any civil and criminal proceeding involving the action.
- (f)
 - (1) The person's refusal shall be admissible in evidence against the person at any trial on a charge arising out of possession of a firearm under the influence of alcohol or drugs, or both.
 - (2) Failure of a person to provide an adequate breath sample or samples as directed shall constitute a refusal unless the person shows that the failure was due to physical inability caused by a medical condition unrelated to any ingested alcohol or drugs.
 - (3) In any criminal prosecution for a violation of this section, if the court finds that a person refused to submit to testing when requested pursuant to this section, the county or district attorney, upon petition to the court, may recover on behalf of the state, in addition to the criminal penalties provided in this section, a civil penalty not exceeding \$ 1,000 for each violation.
 - (g) If a person who holds a valid license to carry a concealed handgun issued pursuant to K.S.A. 2013 Supp. 75-7c01 et seq., and amendments thereto,

is convicted of a violation of this section, such person's license to carry a concealed handgun shall be revoked for a minimum of one year for a first offense and three years for a second or sub-sequent offense.

- (h) In any criminal prosecution for possession of a firearm under the influence of alcohol or drugs, or both, evidence of the concentration of alcohol or drugs in the defendant's blood, urine, breath or other bodily substance may be admitted and shall give rise to the following:
 - (1) If the alcohol concentration is less than .08, that fact may be considered with other competent evidence to determine if the defendant was under the influence of alcohol or drugs, or both.
 - (2) If the alcohol concentration is .08 or more, it shall be prima facie evidence that the defendant was under the influence of alcohol.
 - (3) If there was present in the defendant's bodily substance any narcotic, hypnotic, somnifacient, stimulating or other drug which has the capacity to render the defendant incapacitated, that fact may be considered to determine if the defendant was under the influence of alcohol or drugs, or both.
- (i) The provisions of subsection (h) shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of alcohol or drugs, or both.
- (j) Upon the request of any person submitting to testing under this section, a report of the results of the testing shall be made available to such person. (2013 HB 2578, Section 6)

SECTION SIX Article 1 of Chapter XI, Section 11-107 of the Code of the City of Prairie Village is hereby amended to read as follows:

11.107. Article 10 of the Uniform Public Offense Code, edition of 2018, is hereby amended by deleting existing Section 10.5 and by inserting in place thereof the following:

10.5 UNLAWFUL DISCHARGE OF FIREARMS.

- (a) Unlawful discharge of firearms is the discharging or firing of any gun, rifle, pistol, revolver or other firearm within the city.
- (b) This section shall not be construed to apply:
 - (1) If the firearm is discharged in the lawful defense of one's person, another person or one's property;
 - (2) To the discharge of firearms by any duly authorized law enforcement officer when necessary in the discharge of his or her official duties;
 - (3) To the discharge of firearms in any licensed shooting gallery or licensed shooting range; or
 - (4) To firing squads for ceremonials as approved by the Chief of Police.

Unlawful discharge of firearms is a Class B violation. (KSA 21-6308a)

SECTION SEVEN Article 1 of Chapter XI, Section 11-108 of the Code of the City of Prairie Village is hereby amended to read as follows:

11-108. Article 10 of the Uniform Public Offense Code is hereby amended to delete sections 10.24, Smoking Prohibited, 10.25, Smoking-Posted Premises and 10.26, Smoking Prohibited-Penalties and supplemented to add the following provisions:

Section 10.28 Intoxicating Liquor and Cereal Malt Beverage -- Consumption and Possession of Open Containers Prohibited at Certain Places

It is unlawful for any person to drink, consume, or possess an open container of alcoholic liquor or cereal malt beverage upon the public streets, alleys, roads or highways, or upon property owned by the City.

(a) The provisions of this section shall not apply to the consumption or possession of alcoholic liquor or cereal malt beverage upon property owned by the city and operated as the Prairie Village Community Center; provided further, that no person shall possess or consume any alcoholic liquor or cereal malt beverage at the Prairie Village Community Center unless:

- (1) That person is in attendance at an event or a function for which permit authorizing the serving and consumption of liquor and beer has been previously issued by the city, and
- (2) The liquor or beer being consumed has been provided by the individual, person, or organization to which the permit has been issued.

Violation of this section is a Class C violation.

Section 10.29 Drunkenness

It is unlawful for any person to be drunk on any highway, street or in any public place or building in the city.

Violation of this section is a Class B violation.

Section 10.30 Impersonating an Officer

It is unlawful for any person to exercise or to assume to exercise any of the powers conferred upon any police officer, or to represent himself or herself to be any such officer, or to possess the power and authority thereof, unless such person is a duly authorized officer of the law.

Violation of this section is a Class B violation.

Section 10.31 Vehicles in City Parks

It is unlawful to run, stand or park any motor vehicle or motorized bicycle through or across or over any part of any city park, other than roadways or parking areas so designated.

Violation of this section is a Class C violation.

Section 10.32 Smoking on Common Carrier Buses -- Penalty

- (a) No person shall smoke or carry in his or her hand a lighted cigar, cigarette or pipe, while in or upon any motorbus operated in common carrier passenger service upon the streets or public ways of the city.
- (b) Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$5 nor more than \$100.

Section 10.33 Public Urination or Defecation

No person shall urinate or defecate in any place open to the public or while exposed to public view, except while using appropriate fixtures in a restroom or other facility designed for the sanitary disposal of human waste.

Violation of this section is a Class C violation.

Section 10.34 Public Nudity

No person shall knowingly or intentionally appear in a state of nudity in a public place. Nudity is defined as the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering; the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernible state of sexual arousal.

Violation of this section is a Class A violation.

SECTION EIGHT Article 1 of Chapter XI, Section 11-109 of the Code of the City of Prairie Village is hereby added to read as follows:

11-109. Article 11 of the Uniform Public Offense Code is hereby supplemented to add the following provisions:

Section 11.13 Window Peeping

Window peeping is the going upon property owned or occupied by another without such person’s consent for the purpose of looking into any window, door, skylight or other opening into a house, room or building.

Violation of this section is a Class A violation.

SECTION NINE Ordinance No. 2369 and any previous ordinances or provisions in conflict herewith are hereby repealed.

SECTION TEN This ordinance shall take effect and be enforced from and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED THIS ___ DAY OF _____, 2018

Laura Wassmer, Mayor

ATTEST:

APPROVED AS TO FORM:

Joyce Hagen Mundy, City Clerk

David E. Waters, Interim City Attorney

ORDINANCE NO. ~~2370~~2394

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CITY OF PRAIRIE VILLAGE, KANSAS; INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES," EDITION OF ~~2017~~2018; WITH CERTAIN AMENDMENTS, DELETIONS AND ADDITIONS; AMENDING AND REPEALING EXISTING SECTIONS 11-601 THROUGH 11-606 OF ARTICLE 6 OF CHAPTER XI OF THE CODE OF THE CITY OF PRAIRIE VILLAGE, 2003, ENTITLED "STANDARD TRAFFIC ORDINANCE".

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

SECTION ONE

Article 6 of Chapter XI, Section 11-601 of the Code of the City of Prairie Village is hereby amended to read as follows:

11-601. INCORPORATING STANDARD TRAFFIC ORDINANCE AND ADDING A SUBSECTION TO THE DEFINITION OF PEDESTRIAN

A. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Prairie Village, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities," edition of ~~2017~~2018, prepared and published in book form by the League of Kansas Municipalities, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. Not less than two copies of said standard ordinance shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Prairie Village, Kansas," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Police Department, municipal judges and all administrative departments of the city charged with the enforcement of the ordinances shall be supplied, at the cost of the city, such number of official copies of such "Standard Traffic Ordinance" similarly marked, deleted and changed as may be deemed expedient.

B. Article 1, Section 1, DEFINITIONS, "Pedestrian" of the Standard Traffic Ordinance for Kansas Cities, edition of ~~2017~~2018, is hereby amended by adding the following subsection (d) to the definition of "Pedestrian":

(d) The term pedestrian includes individuals who are walking, jogging or running within the city limits of Prairie Village, Kansas. When this article requires that pedestrians walk in a certain fashion, the term walk shall be defined to include the acts of running and jogging.

SECTION TWO

Article 6 of Chapter XI, Section 11-602 of the Code of the City of Prairie Village is hereby adopted to read as follows:

11-602. SAME; TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES.

(a) An ordinance traffic infraction is a violation of any section of this article that prescribes or requires the same behavior as that prescribed or required by a statutory provision that is classified as a traffic infraction in K.S.A. Supp. 8-2118.

(b) All traffic violations which are included within this article, and which are not ordinance traffic infractions as defined in subsection (a) of this section, shall be considered traffic offenses.

SECTION THREE

Article 6 of Chapter XI, Section 11-603 of the Code of the City of Prairie Village is hereby adopted to read as follows:

11-603. PENALTY FOR SCHEDULED FINES.

(a) The fine for violation of an ordinance traffic infraction or any other traffic offense for which the municipal judges establish a fine in a fine schedule shall not be more than \$500. A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has been established in a schedule of fines shall pay a fine fixed by the court not to exceed \$500.

(b) Every person convicted of a violation of any of the provisions of this ordinance for which another penalty is not provided by this ordinance or by the schedule of fines established by the judge of the municipal court shall be punished for first conviction thereof by a fine of not more than \$500 or by imprisonment for not more than one month or by both such fine and imprisonment; for a second such conviction within one year thereafter that person shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than six months or both such fine and imprisonment; upon a third or subsequent conviction within one year after the first conviction such person shall be punished by a fine of not more than \$2,500 or by imprisonment for not more than one year or by both such fine and imprisonment. (K.S.A. 8-2116; K.S.A. 21-4503; K.S.A. 21-4503a).

SECTION FOUR

Article 6 of Chapter XI, Section 11-604 of the Code of the City of Prairie Village is hereby adopted to read as follows:

11-604. TRAFFIC CONTROL SIGNAL PREEMPTION DEVICES

Article 4, Section 13.1(c) of the Standard Traffic Ordinance for Kansas Cities, edition of ~~2017~~2018, is hereby amended by deleting and replacing subsection (c) with the following:

“(c) The provisions of this section shall not apply to the operator, passenger, or owner of any of the following authorized emergency or public works vehicles, in the course of such person’s emergency or public safety duties:

- (1) Publicly owned fire department vehicles
- (2) Publicly owned police vehicles
- (3) Motor vehicles operated by ambulance services permitted by the emergency medical services board; or
- (4) Publicly owned public works vehicles during snow removal operations.”

SECTION FIVE

Article 6 of Chapter XI, Section 11-605 of the Code of the City of Prairie Village is hereby amended to read as follows:

11-605. UNATTENDED MOTOR VEHICLE.

Article 13, Section 107 of the Standard Traffic Ordinance for Kansas Cities, edition of ~~2017~~2018, is hereby amended to read as follows:

“**Sec. 107. Unattended Vehicles.** No person either operating or in charge of a motor vehicle shall leave the vehicle unattended and unlocked on either a public or private area within the City unless the ignition of such vehicle is in the locked position, the keys are removed from the ignition and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway. These provisions shall not apply if the windows are closed and the doors locked or the vehicle is in a closed and secure building or when an engine has been activated by a remote starter system when the keys are not in the motor vehicle. A vehicle shall be presumed unattended if the owner or person in charge of the vehicle is not in the vehicle or is not in the immediate vicinity so as to have direct control or access to the vehicle.”

SECTION SIX

Article 6 of Chapter XI, Section 11-606 of the Code of the City of Prairie Village is hereby amended to read as follows:

11-606. USE OF WIRELESS COMMUNICATION DEVICES

Article 14, Section 126.2 of the Standard Traffic Ordinance for Kansas Cities, edition of 2018, is hereby amended by deleting and replacing subsection (a) with the following:

“(a) Except as provided in subsections (b) and (c), no person shall operate a motor vehicle on a public road or highway while using a wireless communications device to either write, send or read a written communication, and/or watch, record, video chat, or send a video and/or pictures.”

SECTION SEVEN

11-606607. DRIVER’S LICENSE NOTICE OF CHANGE OF ADDRESS OR NAME:

Article 19, Sec. 193 of the Standard Traffic Ordinance for Kansas Cities, edition of ~~2017~~2018, is hereby amended by adding Sec. 193(1) to read as follows:

“Sec. 193(1) Driver’s License Notice of Change of Address or Name. Whenever any person, after applying for or receiving a driver’s license shall move from the mailing address or residence address named in such application or in the driver’s license issued to such person, or when the name of the licensee is changed by marriage or otherwise, such person, within ten (10) days thereafter, shall notify the Kansas Department of Revenue motor vehicles division in writing of such person’s old and new mailing and / or residence address and / or of such former and new name(s) and the driver’s license number of such person.”

SECTION SEVENEIGHT

~~Article 1 of Chapter XI, Sections 11-601 through 11-606 of the Code of the City of Prairie Village are hereby repealed. Ordinance No. 2370 and any previous ordinances or provisions in conflict herewith are hereby repealed.~~

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SECTION EIGHTEEN

This ordinance shall take effect and be enforced from and after its passage, approval, and publication as provided by law.

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PASSED AND APPROVED THIS ___ DAY OF _____, ~~2017~~2018.

Laura Wassmer, Mayor

ATTEST:

APPROVED AS TO FORM:

Joyce Hagen Mundy, City Clerk
City Attorney

~~David E. Waters~~Catherine P. Logan, Interim

ORDINANCE NO. 2394

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CITY OF PRAIRIE VILLAGE, KANSAS; INCORPORATING BY REFERENCE THE “STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES,” EDITION OF 2018; WITH CERTAIN AMENDMENTS, DELETIONS AND ADDITIONS; AMENDING AND REPEALING EXISTING SECTIONS 11-601 THROUGH 11-606 OF ARTICLE 6 OF CHAPTER XI OF THE CODE OF THE CITY OF PRAIRIE VILLAGE, 2003, ENTITLED “STANDARD TRAFFIC ORDINANCE”.

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

SECTION ONE

Article 6 of Chapter XI, Section 11-601 of the Code of the City of Prairie Village is hereby amended to read as follows:

11-601. INCORPORATING STANDARD TRAFFIC ORDINANCE AND ADDING A SUBSECTION TO THE DEFINITION OF PEDESTRIAN

A. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Prairie Village, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities," edition of 2018, prepared and published in book form by the League of Kansas Municipalities, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. Not less than two copies of said standard ordinance shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Prairie Village, Kansas," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Police Department, municipal judges and all administrative departments of the city charged with the enforcement of the ordinances shall be supplied, at the cost of the city, such number of official copies of such “Standard Traffic Ordinance” similarly marked, deleted and changed as may be deemed expedient.

B. Article 1, Section 1, DEFINITIONS, “Pedestrian” of the Standard Traffic Ordinance for Kansas Cities, edition of 2018, is hereby amended by adding the following subsection (d) to the definition of “Pedestrian”:

(d) The term pedestrian includes individuals who are walking, jogging or running within the city limits of Prairie Village, Kansas. When this article requires that pedestrians walk in a certain fashion, the term walk shall be defined to include the acts of running and jogging.

SECTION TWO

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11-602. SAME; TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES.

(a) An ordinance traffic infraction is a violation of any section of this article that prescribes or requires the same behavior as that prescribed or required by a statutory provision that is classified as a traffic infraction in K.S.A. Supp. 8-2118.

(b) All traffic violations which are included within this article, and which are not ordinance traffic infractions as defined in subsection (a) of this section, shall be considered traffic offenses.

SECTION THREE

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11-603. PENALTY FOR SCHEDULED FINES.

(a) The fine for violation of an ordinance traffic infraction or any other traffic offense for which the municipal judges establish a fine in a fine schedule shall not be more than \$500. A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has been established in a schedule of fines shall pay a fine fixed by the court not to exceed \$500.

(b) Every person convicted of a violation of any of the provisions of this ordinance for which another penalty is not provided by this ordinance or by the schedule of fines established by the judge of the municipal court shall be punished for first conviction thereof by a fine of not more than \$500 or by imprisonment for not more than one month or by both such fine and imprisonment; for a second such conviction within one year thereafter that person shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than six months or both such fine and imprisonment; upon a third or subsequent conviction within one year after the first conviction such person shall be punished by a fine of not more than \$2,500 or by imprisonment for not more than one year or by both such fine and imprisonment. (K.S.A. 8-2116; K.S.A. 21-4503; K.S.A. 21-4503a).

SECTION FOUR

Article 6 of Chapter XI, Section 11-604 of the Code of the City of Prairie Village is hereby adopted to read as follows:

11-604. TRAFFIC CONTROL SIGNAL PREEMPTION DEVICES

Article 4, Section 13.1(c) of the Standard Traffic Ordinance for Kansas Cities, edition of 2018, is hereby amended by deleting and replacing subsection (c) with the following:

“(c) The provisions of this section shall not apply to the operator, passenger, or owner of any of the following authorized emergency or public works vehicles, in the course of such person’s emergency or public safety duties:

- (1) Publicly owned fire department vehicles
- (2) Publicly owned police vehicles
- (3) Motor vehicles operated by ambulance services permitted by the emergency medical services board; or
- (4) Publicly owned public works vehicles during snow removal operations.”

SECTION FIVE

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11-605. UNATTENDED MOTOR VEHICLE.

Article 13, Section 107 of the Standard Traffic Ordinance for Kansas Cities, edition of 2018, is hereby amended to read as follows:

“**Sec. 107. Unattended Vehicles.** No person either operating or in charge of a motor vehicle shall leave the vehicle unattended and unlocked on either a public or private area within the City unless the ignition of such vehicle is in the locked position, the keys are removed from the ignition and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway. These provisions shall not apply if the windows are closed and the doors locked or the vehicle is in a closed and secure building or when an engine has been activated by a remote starter system when the keys are not in the motor vehicle. A vehicle shall be presumed unattended if the owner or person in charge of the vehicle is not in the vehicle or is not in the immediate vicinity so as to have direct control or access to the vehicle.”

SECTION SIX

Article 6 of Chapter XI, Section 11-606 of the Code of the City of Prairie Village is hereby amended to read as follows:

11-606. USE OF WIRELESS COMMUNICATION DEVICES

Article 14, Section 126.2 of the Standard Traffic Ordinance for Kansas Cities, edition of 2018, is hereby amended by deleting and replacing subsection (a) with the following:

“(a) Except as provided in subsections (b) and (c), no person shall operate a motor vehicle on a public road or highway while using a wireless communications device to either write, send or read a written communication, and/or watch, record, video chat, or send a video and/or pictures.”

SECTION SEVEN

11-607. DRIVER’S LICENSE NOTICE OF CHANGE OF ADDRESS OR NAME:

Article 19, Sec. 193 of the Standard Traffic Ordinance for Kansas Cities, edition of 2018, is hereby amended by adding Sec. 193(1) to read as follows:

“**Sec. 193(1) Driver’s License Notice of Change of Address or Name.** Whenever any person, after applying for or receiving a driver’s license shall move from the mailing address or residence address named in such application or in the driver’s license issued to such person, or when the name of the licensee is changed by marriage or otherwise, such person, within ten (10) days thereafter, shall notify the Kansas Department of Revenue motor vehicles division in writing of such person’s old and new mailing and / or residence address and / or of such former and new name(s) and the driver’s license number of such person.”

SECTION EIGHT

Ordinance No. 2370 and any previous ordinances or provisions in conflict herewith are hereby repealed.

SECTION NINE

This ordinance shall take effect and be enforced from and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED THIS ___ DAY OF _____, 2018.

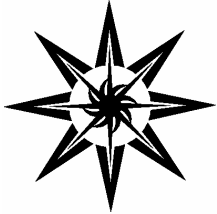
Laura Wassmer, Mayor

ATTEST:

APPROVED AS TO FORM:

Joyce Hagen Mundy, City Clerk

David E. Waters, Interim City Attorney



ADMINISTRATION

City Council Meeting Date: October 15, 2018

COU2018-44: Consider Approval of the Reorganization Plan of the City Clerk's Office and Corresponding Job Classification Title Changes Specific to City Ordinance, Chapter 1.

RECOMMENDATION

The City Administrator is seeking City Council approval of the following reorganization plan due to the departure of the City Clerk and Public Information Officer/Deputy City Clerk who have both been valued employees to the City of Prairie Village.

SUGGESTED MOTION

I move for approval of personnel-related changes as outlined by the City Administrator specific to Job Title Changes & Corresponding Ordinance Amendments, Salary Range Classifications, and employment of a part time Special Events Coordinator.

BACKGROUND

The City Administrator is recommending the Governing Body approve the following personnel-related changes as the organization prepares to replace the City Clerk and the PIO/Deputy Clerk positions. The collective loss of institutional knowledge will be challenging; however, the following transition plan was developed to provide strategies necessary to continue meeting the expectations of our community, elected officials, and administration.

1. Job Title Changes:
 - Reclassify "Assistant to the City Administrator" to "Assistant City Administrator": This job position title change is recommended to allow for increased responsibilities and direct supervisory oversight of the City Clerk's Office.
 - The current Assistant City Administrator is an appointed position as outlined in City Ordinance Chapter 1. This current position title would need to be reclassified as Deputy City Administrator and there would not be any responsibility/pay classification amendments. The following sections of Chapter 1/Article 3 (attached) would need to be amended to reflect the aforementioned changes: 1-301, 1-313, 1-314, and 1-315.
2. Salary Range Classification:

The Assistant City Administrator would need to be reclassified as a Level 11 employee to account for the increased responsibilities and supervisory oversight of the City Clerk's position that is classified as a Level 10 employee.

Level 11 Classifications - \$70,490 - \$105,730

- Senior Project Manager
- Human Resource Manager
- Information Technology Administrator
- *Assistant City Administrator*

Level 10 Classifications - \$63,850 - \$95,770

- Field Superintendent
- City Clerk
- Building Official

The Assistant to the City Administrator is currently a Level 7 classification with a salary range of \$47,450 - \$71,170.

It should also be noted that city-wide salary ranges adjustments for 2019 will be brought forward for Council consideration in November 2018. If approved, the ranges would be adjusted accordingly for 2019.

3. Part Time Position - Special Events Coordinator:

Staff has evaluated the job responsibilities currently assigned to the Public Information Officer/Deputy City Clerk position and is recommending the special events coordination be removed from this job function and handled by a part time employee. Staff anticipates this position will average 16-19 hours per week on average and would be staffed by the current PIO/Deputy City Clerk.

With the approval of this position, the intern position would be discontinued after the current intern completes this rotation in May, 2019, in order to not increase the FTE equivalency. In other words, the number of employees employed by the City would not increase.

Effective Start Date - January 2019

Annual Budget - Staff is still working through details of anticipated work hours while being mindful to remain under the threshold requirements of ACA reporting and KPERS eligibility. In addition to Special Events Coordination, this position will also be expected to assist with other projects in the City Clerk's Office and assist with the transition of two newly hired employees. As staff works through those details, we would project costs of approximately \$25,000 on an annual basis. It should be noted this amount could fluctuate in the event staffing shortages occur, etc.

Staff also anticipates new employees filling vacancies will be starting in a lower pay range and discontinuing the intern program will offset a portion of this cost. Any amount over the salary saving(s) will be absorbed in the current budget.

Attachments:

- Municipal Code - Chapter 1/Article 3, Sections: 1-301, 1-313, 1-314, and 1-315
- Job Descriptions:
 - Assistant City Administrator
 - City Clerk
 - Public Information Officer/Deputy City Clerk
 - Special Events Coordinator

PREPARED BY

Wes Jordan
City Administrator
Date: October 11, 2018

ORDINANCE NO. 2395

AN ORDINANCE AMENDING CHAPTER 1, ARTICLE 3 OF THE PRAIRIE VILLAGE MUNICIPAL CODE, ENTITLED "OFFICERS AND EMPLOYEES" BY AMENDING SECTION 1-301, ENTITLED "APPOINTIVE OFFICES; TERMS AND SALARY," SECTION 1-313, ENTITLED "CITY ADMINISTRATOR; DUTIES," SECTION 1-314, ENTITLED "ASSISTANT CITY ADMINISTRATOR; OFFICE GENERALLY," AND SECTION 1-315, ENTITLED "ASSISTANT CITY ADMINISTRATOR."

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

Section I.

Chapter 1-301 of the Prairie Village Municipal Code, entitled "Appointive Offices; Terms and Salary" is hereby amended to read as follows:

1-301 APPOINTIVE OFFICES; TERMS AND SALARY.

The Mayor, with the approval of the City Council, and after receiving recommendation from the City Administrator, may appoint a City Attorney, Assistant City Attorney, Municipal Judges, City Prosecutor, City Clerk, City Treasurer, ~~Assistant City Administrator~~Deputy City Administrator, City Engineer, Director of Public Works, City Architect, and Chief of Police. Subject to Section 1-303(b), the terms of office for employee-held offices shall be four years and until their successors have been appointed and duly qualified, and the terms of all other appointed offices shall be two years and until their successors have been duly appointed and qualified. The salary ranges of employee held offices shall be fixed by Resolution and the compensation of nonemployee held offices shall be fixed by agreement.

Section II.

Chapter 1-313 of the Prairie Village Municipal Code, entitled "City Administrator; Duties" is hereby amended to read as follows:

1-313 CITY ADMINISTRATOR; DUTIES.

- (a) Administrative Office: The City Administrator shall be the chief administrative assistant to the Mayor and Governing Body and, as such, shall be the administrative officer of the City government. Except as otherwise specified by Ordinance or by law of the State of Kansas, the City Administrator shall coordinate and generally supervise the operation of all departments of the City.
- (b) Purchasing: The city administrator shall be the purchasing agent for the city and all purchases shall be made under the direction and supervision of this office and all such purchases shall be made in

accordance with purchasing rules and procedures approved by the city council.

- (c) Budget: The city administrator shall be the budget officer of the city and with the assistance of all departments heads shall assemble estimates of the financial needs and resources of the city for each ensuing year and shall prepare a program of activities within the financial power of the city, embodying in it a budget document with proper supporting schedules and an analysis to be proposed to the mayor and city council for their final approval.
- (d) Financial Reports: The city administrator shall make periodic reports to the mayor and the city council relative to the financial condition of the city. Such reports shall show the financial condition of the city in relation to the budget.
- (e) Annual Report: The city administrator shall prepare and present an annual report of the city's affairs to the mayor and city council, including in such report a 1-19 summary of reports of all departments and such other reports as the mayor and city council may require.
- (f) Personnel System: The City Administrator shall act as the personnel officer of the City. The City Administrator shall directly supervise all department heads and make recommendations to the Governing Body concerning their appointment, salaries, and removal. In addition, subject to the personnel system regulations, the City Administrator shall have the power to hire all other employees of the City and, after consultation with department heads, shall approve all terminations and advancements of such employees. The City Administrator, after consultation with department heads, shall also approve appropriate pay increases for all such City employees within the pay plan and position classification system adopted by the City Council. For purpose of this Ordinance, the term "department heads" shall mean the City Clerk, ~~Assistant Deputy~~ City Administrator, Director of Public Works and Chief of Police and shall further include any additional employee or officer that the Governing Body may designate in the future as a "department head".
- (g) Policy Formulation: The city administrator shall recommend adoption of such measures as may be necessary or expedient for the health, safety, or welfare of the city or for the improvement of administrative services for the city.
- (h) City Council Agenda: The city administrator shall submit a proposed agenda for each council meeting to the mayor.
- (i) Board and Committees: The city administrator shall work with all city boards and committees to help coordinate the work of each.
- (j) Attend City Council Meetings: The city administrator shall attend all meetings of the city council.
- (k) Bid Specifications: All bid specifications for service and equipment shall be coordinated through the city administrator in accordance with council policy.

- (c) The person appointed to the office of ~~assistant-deputy~~ city administrator shall demonstrate the ability to acquire comprehensive knowledge of applicable state statutes and city ordinances, business practices, English and composition; ability to work with the public, government officials and the press; knowledge of municipal administrative policies and procedures. A graduate degree from an accredited four year college or university in public or business administration or related field is preferred. Five years of experience in municipal government with some supervisory experience preferred.

Section IV.

Chapter 1-315 of the Prairie Village Municipal Code, entitled "Assistant City Administrator," is hereby amended to read as follows:

1.315 ~~Assistant-Deputy~~ City Administrator

- (a) The ~~assistant-deputy~~ city administrator shall have and exercise under specific administrative direction of the ~~director of administration/finance~~ city administrator, the duties and responsibilities of office, as designated by the ~~director of administration/finance~~ city administrator, with approval of the mayor; and shall serve as staff assistant to committees, commissions, and boards as directed by the city administrator ~~/finance~~ with approval of the mayor.
- (b) The ~~deputy -assistant~~ city administrator shall assist the mayor, governing body and other city officials in planning, organizing, and coordinating the delegated city programs and services and shall perform special studies and projects at the direction of the mayor and/or city administrator ~~./finance.~~

Section VI. Repeal of Prior Ordinances.

All ordinances and parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed.

Section VI. Effective Date

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

PASSED AND APPROVED THIS 15th day of October, 2018.

Laura Wassmer, Mayor

ATTEST:

APPROVED AS TO FORM:

Joyce Hagen Mundy
City Clerk

David E. Waters
Interim City Attorney



City of Prairie Village Job Description

Title:	Assistant City Administrator
Department:	City Administration/Parks & Recreation
Salary Range:	\$70,490 - \$105,730
Reports To:	City Administrator
Range of Supervision:	4
FLSA Status:	Exempt
EEO Code:	2 – Professionals

Nature of Work:

Under general supervision, the Assistant City Administrator is responsible for the general management of one or more programs. Assists City Administrator with the direction of the assigned activities of various departments and special projects ensuring they are in concert with the City's goals and objectives.

Primary Duties:

- Oversees the following Departments and/or positions: City Clerk, PIO/Deputy City Clerk, Part-Time Special Events Coordinator, and seasonal recreation positions.
- Staff liaison to City committees as assigned, including the Parks & Recreation Committee and Environment/Recycling Committee.
- Manages the City's statutory maintenance contract and provides support to the Statuary Committee.
- Manages day-to-day activities of the recreation programs, including preparation for the pool season and supervision of 80+ seasonal employees.
- Completes annual review and performance evaluations to positions of direct oversight.
- Develops programming and procedures for recreation programs.
- Compiles data, writes various reports, and presents information to City Council.
- Prepares legislative agenda and monitors bills throughout the session.
- Participates in and contributes to the development and administration of the annual City budget; assists with the Annual Report.
- Handles requests and gathers staff responses regarding City Council and citizen inquires and complaints.
- Researches, evaluates or develops special projects for City Administrator.
- May coordinate activity for the VillageFest Committee and JazzFest Committee.
- Must work days and hours necessary to perform all assigned responsibilities and tasks to include event meetings that equate to 20%-25% of days worked.
- Other duties as assigned by City Administration.

Required Knowledge, Skills, and Abilities:

- Knowledge of principles and practices of public administration.
- Good organizational and planning skills; strong comprehension and analytical skills.
- Ability to deal tactfully with the public.
- Ability to express ideas effectively both orally and in writing.
- Select, train, evaluate, and supervise staff.
- Knowledge and ability to follow the policies and practices contained in the City Personnel Handbook.

Minimum Qualifications:

- Master's Degree in Public Administration or related graduate degree.

General Aptitudes and Physical Requirements

The Americans with Disabilities Act requires that we identify the general aptitudes and physical requirements needed to perform the job listed above. Individuals who have this position must be able to perform all essential functions unaided or with reasonable accommodation.

I. Mental Abilities

General learning ability. The ability to “catch on” or understand instructions and underlying principles.

- Ability to understand and follow oral instruction
- Ability to understand and follow written instruction
- Ability to guide and/or give instructions.
- Ability to make decisions in accordance with established procedures and policies.
- Not essential to job function.

II. Verbal Abilities

Ability to understand meanings of words and ideas associated with them to use them effectively. To comprehend language, to understand relationships between words, and to understand meanings of whole sentences and paragraphs. To present information or ideas clearly.

A. Speaking/Talking

- Answering telephone, radio, or switchboard.
- Communicating with City officials.
- Communicating with general public.
- Communicating with vendors.
- Communicating with supervisors and/or with other employees.
- Communicating with others.
- Not essential to job function.

B. Hearing/Listening

- For communication with City officials, public, vendors, supervisors, and/or other employees.
- Not essential to job function.

C. Reading (ability to read and understand text)

- Essential to job function.
- Not essential to job function.

III. Numerical

Ability to perform arithmetic operations quickly and accurately.

- Ability to perform accurate two-digit calculations
- Ability to perform accurate calculations aided by a computer, calculator, adding machine, or measurement device.
- Not essential to job function.

IV. Spatial Abilities

Ability to comprehend forms in space and understand relationships of plan and solid objects. May be used in such tasks as blue print reading and in solving geometry problems. Frequently described as the ability to “visualize” objects of two or three dimensions, or to think visually of geometric forms.

- Essential to job function.
- Not essential to job function.

V. *Motor Coordination*

Ability to coordinate eyes and hands or fingers rapidly and accurately in making precise movements with speed. Ability to make a movement response accurately and quickly.

A. Manual Dexterity

Ability to move the hands easily and skillfully. To work with the hands in placing and turning motions.

- Use telephone.
- Use switchboard.
- Use radio/console.
- Use a calculator.
- Use a copy machine.
- Use a fax machine.
- Manipulate computer keyboard and mouse.
- Use postage machine.
- Use hand tools.
- Use power tools.
- Other: Word, Excel, Powerpoint.
- Not essential to job function.

B. Finger Dexterity

Ability to move the fingers and manipulate small objects with the fingers rapidly or accurately. For example: electrical wiring.

- Essential to job function.
- Not essential to job function.

Explain: _____

VI. *Physical Demands*

A. Strength

The quality, state, or property of being strong. The power to withstand strain, force, or stress.

	Ability to manipulate materials and/or equipment (lbs)						Frequency		
	5-	5-10	10-15	15-25	25-50	50+	Occasionally	Frequently	Continuously
Lift					X		X		
Push/Pull					X		X		
Hold/Carry					X		X		

Manipulation done from (check all that apply):

- ground to waist
- waist level
- waist to shoulder
- above shoulder

Not essential to job function (check all that apply):

- Lift
- Push/Pull
- Hold/Carry

B. Climbing

To move up or mount by using the hands or feet.

- Essential to job function.
- Not essential to job function.

C. Ability to Stand, Sit, Walk, and Run:

	Duration (hours/day)						Occasionally	Frequently	Continuously
	0-1	1-3	3-5	5-7	7-9	9+			
Stand		X					X		
Sit				X					X
Walk		X					X		
Run									

If walking or running, over what type of terrain (check all that apply):

- Flat Rough Both

Not essential to job function (check all that apply):

- Stand Sit Walk Run

D. Stooping, Kneeling, Crouching, and/or Crawling:

To bend forward or down from the middle of the waist or the middle of the back, to bend downwards, to lower oneself and/or to move feely on hands and knees.

Daily Amounts

- 0-5x 5-20x 20-50x 50+x
 Other _____ Not essential to job function

E. Reaching, Handling, Fingering, and or Feeling:

To stretch out, extend, or put forth a bodily part. To touch or grasp something, by extending or stretching. To touch, lift, hold, or operate with the hands.

Daily Amounts

- 0-5x 5-20x 20-50x 50+x
 Other _____ Not essential to job function

F. Seeing

To perceive or comprehend by the sense of sight.

- Peripheral vision.
 Night vision.
 Focus (distinctness or clarity).
 Color perception (discriminate between colors).
 Depth perception (discriminate distance relationship between objects).

VII. *Driving*

The ability to transfer or convey in a vehicle.

Transmission	Standard	Automatic	Multi-Gears
Car	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Van	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Small Truck	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Medium Truck	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Large Truck	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Truck w/ Equipment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Heavy Bus Equipment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Not essential to job function	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other (list) _____			

Review and Recommended by:

Department Manager

Date

Human Resources Specialist

Date

Approved by:

City Administrator

Date



City of Prairie Village Job Description

Title:	City Clerk
Department:	City Clerk
Salary Range:	63,850 – 95,770
Reports To:	Assistant City Administrator
Range of Supervision:	3
FLSA Status:	Exempt
EEO Code:	6 – Administrative Support

Nature of Work: (per Prairie Village Municipal Code Chapter 1, Article 3, Section 305/306)

This appointed position shall maintain all official public and legal records of the city, have use and custody of the corporate seal, administer oaths pertaining to city business, officials and functions, supervise assigned departmental clerical personnel and provide delegated administrative and clerical support services to the mayor, governing body, commissions, committees, and other city departments

Primary Duties:

- Supervises the work of the City Clerk's Office by delegating and reviewing work assignments and conducting performance evaluations.
- Responsible for the preparation of the agenda packet for Council meetings, attends all meetings and takes minutes.
- Provides support to the Planning Commission by preparing meeting packets, attending all meetings and taking minutes, and managing accounts payable and receivables on application fees.
- Updates the Municipal Code and Council Policies, handles legal advertising for the City, secures original contracts and agreements and distributes and maintains copies of contracts and agreements.
- Maintains official records of Council actions, ordinances, resolutions, codes, charters and minutes, and maintains and preserves permanent historic documents.
- Serves as the City's Freedom of Information Officer and manages all open records requests.
- The City Clerk shall perform such other duties as may be required by state statute or city ordinance or as may be directed by the City Administrator or Mayor.

Required Knowledge, Skills, and Abilities:

- Exemplary organizational skills.
- Develop and maintain effective working relationships.
- Effectively communicate with coworkers, citizens, and City Council.

Minimum Qualifications:

- The city clerk shall demonstrate the ability to acquire comprehensive knowledge of applicable state statutes and city ordinances, business practices, English and composition; ability to supervise others; and ability to work with the public and other governmental officials.
- College degree required.

- Five years of increasingly responsible experience in municipal government is required; previous experience as a City Clerk is preferred.
- Preference will be given to individuals with Certified Municipal Clerk and/or Master Municipal Clerk designations from the International Institute of Municipal Clerks (IIMC).

General Aptitudes and Physical Requirements

The Americans with Disabilities Act requires that we identify the general aptitudes and physical requirements needed to perform the job listed above. Individuals who have this position must be able to perform all essential functions unaided or with reasonable accommodation.

I. *Mental Abilities*

General learning ability. The ability to “catch on” or understand instructions and underlying principles.

- Ability to understand and follow oral instruction
- Ability to understand and follow written instruction
- Ability to guide and/or give instructions.
- Ability to make decisions in accordance with established procedures and policies.
- Not essential to job function.

II. *Verbal Abilities*

Ability to understand meanings of words and ideas associated with them to use them effectively. To comprehend language, to understand relationships between words, and to understand meanings of whole sentences and paragraphs. To present information or ideas clearly.

A. Speaking/Talking

- Answering telephone, radio, or switchboard.
- Communicating with City officials.
- Communicating with general public.
- Communicating with vendors.
- Communicating with supervisors and/or with other employees.
- Communicating with others.
- Not essential to job function.

B. Hearing/Listening

- For communication with City officials, public, vendors, supervisors, and/or other employees.
- Not essential to job function.

C. Reading (ability to read and understand text)

- Essential to job function.
- Not essential to job function.

III. *Numerical*

Ability to perform arithmetic operations quickly and accurately.

- Ability to perform accurate two-digit calculations
- Ability to perform accurate calculations aided by a computer, calculator, adding machine, or measurement device.
- Not essential to job function.

IV. *Spatial Abilities*

Ability to comprehend forms in space and understand relationships of plan and solid objects. May be used in such tasks as blue print reading and in solving geometry problems. Frequently described as the ability to “visualize” objects of two or three dimensions, or to think visually of geometric forms.

- Essential to job function.
- Not essential to job function.

V. *Motor Coordination*

Ability to coordinate eyes and hands or fingers rapidly and accurately in making precise movements with speed. Ability to make a movement response accurately and quickly.

A. Manual Dexterity

Ability to move the hands easily and skillfully. To work with the hands in placing and turning motions.

- Use telephone.
- Use switchboard.
- Use radio/console.
- Use a calculator.
- Use a copy machine.
- Use a fax machine.
- Manipulate computer keyboard and mouse.
- Use postage machine.
- Use hand tools.
- Use power tools.
- Other: Binding machine, folding machine, shredder, credit card & gift card machine, digital imaging
- Not essential to job function.

B. Finger Dexterity

Ability to move the fingers and manipulate small objects with the fingers rapidly or accurately. For example: electrical wiring.

- Essential to job function.
- Not essential to job function.

Explain: _____

VI. *Physical Demands*

A. Strength

The quality, state, or property of being strong. The power to withstand strain, force, or stress.

	Ability to manipulate materials and/or equipment (lbs)						Frequency		
	5-	5-10	10-15	15-25	25-50	50+	Occasionally	Frequently	Continuously
Lift				X			X		
Push/Pull									
Hold/Carry				X			X		

Manipulation done from (check all that apply):

- ground to waist
- waist level
- waist to shoulder
- above shoulder

Not essential to job function (check all that apply):

- Lift
- Push/Pull
- Hold/Carry

B. Climbing

To move up or mount by using the hands or feet.

- Essential to job function.
 Not essential to job function.

C. Ability to Stand, Sit, Walk, and Run:

	Duration (hours/day)						Occasionally	Frequently	Continuously
	0-1	1-3	3-5	5-7	7-9	9+			
Stand	X						X		
Sit				X					X
Walk		X					X		
Run									

If walking or running, over what type of terrain (check all that apply):

- Flat Rough Both

Not essential to job function (check all that apply):

- Stand Sit Walk Run

D. Stooping, Kneeling, Crouching, and/or Crawling:

To bend forward or down from the middle of the waist or the middle of the back, to bend downwards, to lower oneself and/or to move feely on hands and knees.

Daily Amounts

- 0-5x 5-20x 20-50x 50+x
 Other _____ Not essential to job function

E. Reaching, Handling, Fingering, and or Feeling:

To stretch out, extend, or put forth a bodily part. To touch or grasp something, by extending or stretching. To touch, lift, hold, or operate with the hands.

Daily Amounts

- 0-5x 5-20x 20-50x 50+x
 Other _____ Not essential to job function

F. Seeing

To perceive or comprehend by the sense of sight.

- Peripheral vision.
 Night vision.
 Focus (distinctness or clarity).
 Color perception (discriminate between colors).
 Depth perception (discriminate distance relationship between objects).

VII. *Driving*

The ability to transfer or convey in a vehicle.

Transmission	Standard	Automatic	Multi-Gears
Car	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Van	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Small Truck	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Medium Truck	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Large Truck	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Truck w/ Equipment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Heavy Bus Equipment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Not essential to job function	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other (list) _____			

Review and Recommended by:

Department Manager

Date

Human Resources Manager

Date

Approved by:

City Administrator

Date



City of Prairie Village Job Description

Title:	Public Information Officer/Deputy City Clerk
Department:	City Clerk
Salary Range:	52,380 – 78,580
Reports To:	Assistant City Administrator
Range of Supervision:	0
FLSA Status:	Exempt
EEO Code:	6 – Administrative Support

Nature of Work:

Maintains and enhances the City's communications programs through social media, the City's website, and other various platforms. Provides support to the City Clerk and Governing Body as needed.

Primary Duties:

- Maintains and updates the City's website to ensure timely and accurate information is published.
- Maintains and enhances the City's social media presence through outlets such as Nextdoor, Facebook, Twitter, etc.
- Oversees the creation of written publications including the Village Voice newsletter.
- Responds to inquiries from the media and arranges interviews with City employees, prepares and issues news releases.
- Responds to requests and inquiries from the general public.
- Conducts grant research for the City.
- Publishes the Annual Report.
- Provides back up to the City Clerk and support staff as needed.
- Assists City Administrator and Council with travel arrangements or special projects as needed.
- Works on a variety of computer programs such as SIRE, ActiveNet, Website interfaces, etc.
- Other duties as assigned.

Required Knowledge, Skills, and Abilities:

- Ability to manage multiple projects at one time.
- Develop and maintain effective working relationships.
- Communicate effectively in written and oral form.
- Great computer skills.
- Knowledge of local government.

Minimum Qualifications:

- Bachelor's Degree in Communication or related field.
- 2 years communication experience.
- Previous experience with updating websites is required.

General Aptitudes and Physical Requirements

The Americans with Disabilities Act requires that we identify the general aptitudes and physical requirements needed to perform the job listed above. Individuals who have this position must be able to perform all essential functions unaided or with reasonable accommodation.

I. *Mental Abilities*

General learning ability. The ability to “catch on” or understand instructions and underlying principles.

- Ability to understand and follow oral instruction
- Ability to understand and follow written instruction
- Ability to guide and/or give instructions.
- Ability to make decisions in accordance with established procedures and policies.
- Not essential to job function.

II. *Verbal Abilities*

Ability to understand meanings of words and ideas associated with them to use them effectively. To comprehend language, to understand relationships between words, and to understand meanings of whole sentences and paragraphs. To present information or ideas clearly.

A. Speaking/Talking

- Answering telephone, radio, or switchboard.
- Communicating with City officials.
- Communicating with general public.
- Communicating with vendors.
- Communicating with supervisors and/or with other employees.
- Communicating with others.
- Not essential to job function.

B. Hearing/Listening

- For communication with City officials, public, vendors, supervisors, and/or other employees.
- Not essential to job function.

C. Reading (ability to read and understand text)

- Essential to job function.
- Not essential to job function.

III. *Numerical*

Ability to perform arithmetic operations quickly and accurately.

- Ability to perform accurate two-digit calculations
- Ability to perform accurate calculations aided by a computer, calculator, adding machine, or measurement device.
- Not essential to job function.

IV. *Spatial Abilities*

Ability to comprehend forms in space and understand relationships of plan and solid objects. May be used in such tasks as blue print reading and in solving geometry problems. Frequently described as the ability to “visualize” objects of two or three dimensions, or to think visually of geometric forms.

- Essential to job function.
- Not essential to job function.

V. *Motor Coordination*

Ability to coordinate eyes and hands or fingers rapidly and accurately in making precise movements with speed. Ability to make a movement response accurately and quickly.

A. Manual Dexterity

Ability to move the hands easily and skillfully. To work with the hands in placing and turning motions.

- Use telephone.
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- Use a calculator.
- Use a copy machine.
- Use a fax machine.
- Manipulate computer keyboard and mouse.
- Use postage machine.
- Use hand tools.
- Use power tools.
- Other: Binding machine, folding machine, shredder, credit card & gift card machine, digital imaging
- Not essential to job function.

B. Finger Dexterity

Ability to move the fingers and manipulate small objects with the fingers rapidly or accurately. For example: electrical wiring.

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Explain: _____

VI. *Physical Demands*

A. Strength

The quality, state, or property of being strong. The power to withstand strain, force, or stress.

	Ability to manipulate materials and/or equipment (lbs)						Frequency		
	5-	5-10	10-15	15-25	25-50	50+	Occasionally	Frequently	Continuously
Lift				X			X		
Push/Pull									
Hold/Carry				X			X		

Manipulation done from (check all that apply):

- ground to waist
- waist level
- waist to shoulder
- above shoulder

Not essential to job function (check all that apply):

- Lift
- Push/Pull
- Hold/Carry

B. Climbing

To move up or mount by using the hands or feet.

- Essential to job function.
 Not essential to job function.

C. Ability to Stand, Sit, Walk, and Run:

	Duration (hours/day)						Occasionally	Frequently	Continuously
	0-1	1-3	3-5	5-7	7-9	9+			
Stand	X						X		
Sit				X					X
Walk		X					X		
Run									

If walking or running, over what type of terrain (check all that apply):

- Flat Rough Both

Not essential to job function (check all that apply):

- Stand Sit Walk Run

D. Stooping, Kneeling, Crouching, and/or Crawling:

To bend forward or down from the middle of the waist or the middle of the back, to bend downwards, to lower oneself and/or to move feely on hands and knees.

Daily Amounts

- 0-5x 5-20x 20-50x 50+x
 Other _____ Not essential to job function

E. Reaching, Handling, Fingering, and or Feeling:

To stretch out, extend, or put forth a bodily part. To touch or grasp something, by extending or stretching. To touch, lift, hold, or operate with the hands.

Daily Amounts

- 0-5x 5-20x 20-50x 50+x
 Other _____ Not essential to job function

F. Seeing

To perceive or comprehend by the sense of sight.

- Peripheral vision.
 Night vision.
 Focus (distinctness or clarity).
 Color perception (discriminate between colors).
 Depth perception (discriminate distance relationship between objects).

VII. *Driving*

The ability to transfer or convey in a vehicle.

Transmission	Standard	Automatic	Multi-Gears
Car	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Van	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Small Truck	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Medium Truck	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Large Truck	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Truck w/ Equipment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Heavy Bus Equipment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Not essential to job function	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other (list) _____			

Review and Recommended by:

Department Manager

Date

Human Resources Specialist

Date

Approved by:

City Administrator

Date



City of Prairie Village Job Description

Title: Special Events Coordinator
Department: City Clerk
Salary Range: Approximate Maximum: \$25,000
Reports To: Assistant City Administrator
Range of Supervision: 0
FLSA Status: Part-Time
EEO Code:

Nature of Work:

Part-time position to provide support for special events and employee events.

Primary Duties:

- Coordinates special events throughout the year such as VillageFest, JazzFest, and the Mayor's Volunteer Appreciation Party.
- Provides support for the Prairie Village Foundation.
- Acts as the single point of contact for all special events hosted by the City of Prairie Village.
- Attends, monitors, and/or is available during all special events including those held on evenings, weekends, and holidays.
- Reviews and approves facility use agreements/requirements (insurance, catering, alcohol, security needs, audio-visual services, and layout) with appropriate City staff.
- Provides input and/or be responsible for activities such as vendor selection, event schedules, publicity and invitations, budget management and securing participation of appropriate elected officials.
- Liaises with appropriate City staff regarding compliance requirements for events and advises of non-compliance with legislation and applicable regulations.
- Staff liaison to the VillageFest and JazzFest Committees.
- Contributes input to the development of the annual budget and responsible for distribution and oversight of City funds allocated for special events.
- Responds to guest concerns and complaints. Problem solves to prevent reoccurrences of similar complaints.
- Plans multiple employee appreciation events throughout the year.
- Other duties as assigned.

Required Knowledge, Skills, and Abilities:

- Ability to manage multiple projects at one time.
- Develop and maintain effective working relationships.
- Communicate effectively in written and oral form.
- Great computer skills.
- Knowledge of local government.



PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: October 15, 2018

Council Meeting Date: November 5, 2018

CONSIDER APPROVAL OF REQUEST TO INSTALL A NEW STREET LIGHT AT THE END OF CHADWICK LANE

RECOMMENDATION

Staff recommends that City Council approve a request to install a new street light at the end of Chadwick Lane.

BACKGROUND

Residents on Chadwick Lane have requested a street light be added to the north end of their street at the cul-de-sac. Council Policy CP250 allows residents to request street lights. The policy requires 50 percent of the properties within 500 feet of the proposed street light to be in favor of adding the street light. Public Works does find the location of the new street light to be acceptable as the end of this cul-de-sac is dark and other street lights do not light this area.

Over 50% of the residents within 500 feet of the proposed street light signed the petition in favor of the installation. It is not known if any residents are against the installation. A letter has been sent to all residents notifying them of the street light request and the opportunity to attend this meeting.

The street light will be installed by the City's street light contractor, Black and McDonald. The cost for installation is at agreed prices per our maintenance contract and will total \$4,369.75. This work will include boring a new conduit, wiring, and a new street light.

CP250 states that the Council Committee of the Whole will hold a public information meeting related to the addition of a new street light. If any residents want to discuss the addition of the street light they will be able to at this meeting.

FUNDING SOURCE

Funds are available in the Operating Budget for street lights.

ATTACHMENTS

1. Location Map showing proposed street light

PREPARED BY

Keith Bredehoeft, Public Works Director

October 10, 2018



MAYOR'S ANNOUNCEMENTS

Monday, October 15, 2018

Committee meetings scheduled for the next two weeks:

JazzFest Committee	10/23/2018	5:30 p.m.
City Council	11/05/2018	6:00 p.m.

=====

The Prairie Village Arts Council is pleased to feature the 2018 State of the Arts exhibit in the R.G. Endres Gallery during the month of October.

Mark your calendars for the Employee Appreciation event at Top Golf on Friday, October 19th from 6 to 9 p.m.

Mark your calendars for the annual league Regional Supper on Tuesday, October 30th 5:30 p.m. at the Matt Ross Community Center. RSVP to Meghan by October 22.

Save the Date for the Annual NEJC Chamber Gala on Saturday, November 17, 2018 at the Overland Park Marriott at 5:30 p.m. with dinner at 7 p.m. RSVP to Meghan by November 9th.

Save the Date for the Mayor's Holiday Tree Lighting on Thursday, November 29th at Corinth Square Shopping Center from 6 to 7 p.m.

Mark your calendars for the Prairie Village Foundation's annual Gingerbread House event on Sunday, December 2nd at Briarwood Elementary School.

Save the Date for the Annual Volunteer Appreciation Event on Saturday, December 8th at 6:30 p.m. at Milburn Country Club.

INFORMATIONAL ITEMS
October 15, 2018

1. Planning Commission Minutes - September 11, 2018
2. Prairie Village Arts Council Minutes - September 12, 2018
3. Park & Recreation Committee Minutes - September 12, 2018
4. Recycling Extravaganza - October 27, 2018
5. October Plan of Action
6. Mark Your Calendar

PLANNING COMMISSION MINUTES
September 11, 2018

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, September 11, 2018 in the Council Chambers at 7700 Mission Road. Chairman Nancy Wallerstein called the meeting to order at 6:30 p.m. with the following members present: Jonathan Birkel, Patrick Lenahan, Gregory Wolf, Jeffrey Valentino, Melissa Brown and James Breneman.

The following persons were present in their advisory capacity to the Planning Commission: Chris Brewster, City Planning Consultant; Jamie Robichaud, Assistant City Administrator; Ron Nelson, Council Liaison; Mitch Dringman, City Building Official; Keith Bredehoeft, Public Works Director; Wes Jordan, City Administrator and Joyce Hagen Mundy, Planning Commission Secretary.

APPROVAL OF MINUTES

Gregory Wolf moved for the approval of the minutes of the August 7, 2018 regular Planning Commission meeting as presented. The motion was seconded by James Breneman and passed unanimously with Mrs. Brown abstaining.

PUBLIC HEARINGS

PC2018-05 Proposed zoning revisions applicable to R-1a and R-1b Zoning Districts adding "Neighborhood Design Standards" amending Chapters 19.02, 19.06, 19.08, 19.34 and 19.44

Chris Brewster, City Planning Consultant with Gould Evans, presented the proposed revisions of additional Neighborhood Design Standards. He briefly reviewed the process followed for the proposed revisions and the process followed for the Phase 1 revisions completed in 2016. The proposed revisions proposed in Phase 2 address the following strategies:

- Street Tree Requirements
- Minimum frontage greenspace
- Break up massing on larger wall planes
- Require minimum percentage of windows and doors
- Limit the extent, projection and massing of garages on front elevations
- Add total lot impervious surface limit
- Clarify/revise standards for accessory structures
- Refine/limit current standards on setback encroachments
- Create non-variance process and criteria to "design standards"
- Require notice to neighbors for teardowns or new structures

At the August 6 meeting, the City Council directed that the Planning Commission specifically consider three topics in making their formal recommendation to the City Council:

- The street tree requirement and specifically any economic impacts on applicants, difficulties in administering it, and overall protection of both public trees and trees on private property.
 - No change has been made to the proposed revisions.
- The total lot greenspace standard, specifically how we are defining greenspace and whether other landscape materials, such as mulch and river rock, should be included in the definition, and reviewing when that standard should apply.
 - This standard has been changed to “Total Lot Impervious Surface Coverage” and moved to the development standards that deal with the entire lot. Mr. Brewster reviewed the key elements of this standard.
- The situation where lots appear to be graded up for new buildings when viewed in relation to adjacent houses.
 - staff recommends a combination of the previous approach (regulation by existing first floor elevation, but modified with a reasonable allowance for raising up to 1 foot) and the current approach (setting a reasonable tolerance for the amount of foundation that could be exposed)

The recommended changes to be considered by the Planning Commission at the public hearing are summarized below. These changes are to the R-1A and R-1B zoning districts. Each are similar but have subtle differences in the standards due to the larger lot sizes required in the R-1A district.

A. Reformat Development Standards (setbacks, height, lot sizes and coverage standards)

This change generally proposes no substantive change and incorporates all of the 2016 amendments. It does reformat several ordinance sections of text in a simpler format for ease of use. The main substantive change is the addition of a total lot impervious surface coverage standard.

B. Relocate Several Existing Related Standards (accessory buildings, garages, and exceptions for building elevation and coverage)

The proposed regulations also relocate several related sections of the current regulations into this section for better formatting; ease of use and interpretation, and to simplify the standards. These involve several sections in the “accessory use” chapter and in the “height and area exceptions” chapter. There are no substantive changes except where noted below.

- Relocate standards allowing for detached garages and for setback exceptions for attached garages on corner lots into this section.
- Include all residential accessory building standards here. This reformatting consolidates several sections and clears up a current interpretation issue on the number of accessory buildings that are allowed within the principal building setbacks, which has caused some interpretation issues in the past. It also adds flexibility for minor accessory structures on larger lots and on lots with institutional uses. All of these structures would still be subject to the 30% lot coverage and 35% impervious surface coverage limits as well.

- The exception processes and criteria for building elevation and coverage have been removed, as they are included in an expanded form with more specific criteria in the new neighborhood design section

C. Neighborhood Design Standards

These new recommended sections were the focus of the committee meetings and public engagement. The committee prioritized the following elements as key contributors to Prairie Village neighborhood character that could be addressed by zoning standards:

- Streetscape aesthetics - recommended standards for landscaped greenspace in the front, and requirements for street trees.
- Building Scale and Mass in relation to the streetscape and in relation to the overall lot; specifically:
 - Limiting the extent and prominence of garages along lot frontages;
 - Prioritizing human-scale elements such as windows, doors and entry features on frontages; and
 - Breaking up larger wall masses so that they appear smaller and/or have more variation or setbacks along interior lot lines.
- Refining the standards related to grading and top of foundation.

The proposed neighborhood design standards are focused on basic massing standards and how those standards introduce more human-scale design elements to the building, and prioritizing the relationship to neighborhood streetscapes.

D. Exceptions

The proposed standards include a specific exception section that allows the Planning Commission to consider projects that do not meet the standards. Key to the exception provisions are: the intent statements for the Neighborhood Design Standards generally; the introductory objective stated for each particular standard; and the criteria for when the Planning Commission should approve an exception. The basic principle is that whenever a design solution equally or better meets the intent of the design standards, and does not undermine other standards, it should be approved. This exception process only applies to the neighborhood design standards and the impervious surface standards by reference, as noted above.

E. Height and Area Exceptions

The proposed changes are to better coordinate with some of the new building massing standards, or to clear up current interpretation issues. These primarily deal with how common building elements such as decorative architectural features, porches and entry features, or bay windows and window wells can encroach into the side setback, and the orientation of buildings on corner lots. No substantive changes are associated with these updates.

F. Public Notice

A new notice provision is recommended for any new building or teardown, which would require applicants to communicate the nature of the project, who the primary contacts are, and how neighbors can get information on plans submitted to the City.

Chris Brewster reviewed the actions available to the Commission in its recommendation to the City Council. The Council then has the option to approve, amend, or deny the Planning Commission's recommendation. To amend or deny the Planning Commission's recommendation, the City Council would need to do so with a 2/3 majority vote. The Council may also return the ordinance to the Commission for further consideration.

Chairman Nancy Wallerstein opened the public hearing at 7:50 p.m. for comments advising individuals they would have 3 minutes to speak and their names would be called from the sign-in sheet.

Chris Rendall, 5212 West 72nd Street, expressed concern with the misperception being given stating that 83% of the residents support the proposed design standards; when actually it is 83% of the 625 responses received not of the 21,447 residents of Prairie Village. He also expressed concern with the survey methodology and does not believe the responses to be a good representation of residents. He does not think residents realize the impact these changes will have.

Nancy Morgan, 7311 Canterbury, stated she was appalled by the size of the homes being built on small lots, supports some of the changes proposed, and has concerns with others. She does not want to see small homes overpowered and the streetscape of Prairie Village changed.

Chris Smart, 4717 West 64th Terrace, noted many of the homes in Prairie Village are beyond their economic life. They are too small, costly to maintain, and do not meet the needs of today's families. He feels the 65% impervious surface requirement is too great and hoped a compromise could be reached. Mr. Smart quoted a study stating the best neighborhoods combine old and new homes; the young and the old, people with different backgrounds. This will not be lost in Prairie Village when people are allowed to build what they want.

Melissa McGillicuddy, 4902 West 69th Terrace, felt if people want bigger houses there were areas outside of Prairie Village they could build. There is no going backwards. She expressed concern that if people are allowed to do whatever they want, how will the city be in 10 years.

Katie Aaronson, 4031 West 72nd Terrace, expressed concern with what massive buildings will do to neighborhoods. She noted one side of 71st Street has mansions and the other side has quaint Prairie Village homes. She has experienced an increase of \$50,000 in taxes over the past two years. This would have been a significant hardship on her mother who previously lived on this property.

Michael LaMonica, 7124 Cherokee, a design professional spoke in support of the guidelines and felt a good architect would be able to work within the guidelines.

Bruce Wendlandt, 4400 West 71st Street, as a resident and builder felt the design guidelines would have a positive impact on the community but acknowledged there

needs to be adjustments on both sides. His biggest concern was with the 65% impervious surface requirement, which he felt was too onerous for small lots and would squelch positive re-greening. He felt going from the current 38% impervious surface to 65% is a knee jerk reaction and was fearful of the unintended consequences of such a severe increase.

Lynneah Gregory, 3906 West 69th Street, did not feel the proposed standards are representative of what the City wants to achieve. She presented slides of 21 homes owned by City Council and Commission members. Of these 21 homes, only two homes would meet the proposed guidelines. She does not feel the City Council has been provided the whole story to take action of the proposed guidelines.

Larry Mayerle, 6503 West 78th Street, an architect with Boyle & Mayerle distributed an elevation for the home at 4622 West 69th Terrace to reflect his concerns with the regulations on building mass for all planes over 500 square feet. He also noted a home at 4805 West 78th Street that added a second car garage, six years ago which could not be done under the proposed standards related to garages.

Mark Eddy, 4101 Prairie Lane, as a resident and builder felt some of the proposed standards are too onerous and would result in unintended consequences. He felt the standards should also address materials. What makes Prairie Village great is how it was laid out and how people have reinvested in the community. He does not want to see that blocked by a knee jerk reaction. He was involved in the Phase 1 discussions in 2015 and feels the same individuals should have been involved in the Phase 2 discussions. He encouraged the City to step back and make sure the proposed standards will not block reinvestment in neighborhoods.

Allen Gregory, 3906 West 69th Street, continued Lynneah Gregory's presentation noting their neighbor's home would not be able to be built under the proposed standards. He felt massing and drainage issues were addressed by Phase 1 guidelines. The proposed guidelines will impact residents' ability to remodel their homes. He urged the City to be careful and look to the future with a broad perspective. He stated to do nothing should be considered as an appropriate action on the proposed design standards.

Catherine Dayton, 4808 West 79th Street, said she appreciated the level of care the City has taken on this issue. She felt the process has been great with ample time for residents to get involved. She believes the proposed standards are reasonable and supports them.

Bob Bliss, 2804 West 74th Street, stated he had two concerns. The first concern was that the homes blend into the community. Does not like ultra-modern shoebox homes. He feels most of the rebuilds constructed do blend.

Laura Stark, 7135 Cherokee Drive, likes the variety of homes within Prairie Village. She supports some of the standards, but feels the standards are not strong enough for homes being built on smaller lots. She stressed, as a designer "context" is a huge

factor. You have to take into consideration the existing surroundings in designing a home.

Bryce Gahagan, 4107 Prairie Lane, believes in some design restrictions, but he does not want to discourage people from reinvesting in their homes. He felt many assumptions had been made in the development of the proposed standards.

John Fudge, 7059 Granada Lane, asked what has been the effect of similar regulations in other cities. He recommended the City get an answer to that question before taking any action. He does not believe anyone wants to slow or stop redevelopment and residents from reinvesting in their homes.

Doug VanAuken, 3719 West 71st Terrace, felt the City was looking for perfection and noted that nothing is perfect. He urged the City to move forward.

Dennis O'Rourke, 5007 West 63rd Terrace, felt the redevelopment within the city is improving the community. The size of homes was addressed in the Phase 1 changes. Phase 2 changes are an effort to scale down further. The street canopy, almost more than homes, reflect the character of Prairie Village. They are important. He felt lot coverage was manageable. Overall lot coverage has been discussed as a concern by many. The average home being built in the United States is 2500 square feet. He asked does Prairie Village want to be the community that tells people you cannot have common amenities. Current impervious lot coverage is 40%. He feels the proposed impervious lot coverage is off significantly and urges it be changed. The threshold on massing needs to be raised slightly and noted setback is only one of several ways to address massing. He would like to see Fairway's exception for massing be adopted.

Susan Forrest, 6837 El Monte, spoke in support of the proposed standards. She is seeking predictability for new construction. The standards proposed are a step in the right direction. She acknowledged Mr. Brewster's work to address concerns. She liked the garage restrictions and greenspace regulations as they recognize the impact construction has on other properties.

Andy Zoppo, 4616 West 69th Terrace, supports smart regulations. However, he feels the City would be remiss to take action without considering the economic and tax implications resulting from the proposed regulations.

Susan Murphy, 4623 West 70th Street, strongly supported the proposed design guidelines. The Prairie Village neighborhoods cannot be created in other cities. She supports reinvestment in the community, when homes are constructed that are too large for their lots and the neighborhood, it changes the neighborhood.

Katie Aquilera, 2912 West 74th Street, was supportive of the regulations.

David Walsh, 4314 West 70th Terrace, wants to build his forever home in Prairie Village, but fears he will not be able to do so because of the onerous restrictions. He echoed Mr. Fudge's request for information on what the impact of these changes have been on

other communities with similar restrictions. Village Vision encourages vibrant communities with a variety of homes. He acknowledged the difficulties that come with new construction, but noted the need to put up with short-term tradeoffs for long-term investment.

Angela Schieferecke, 4508 Tomahawk, said teardowns affected her adversely by additional stormwater drainage problems and dramatically increased property taxes. She would not be able to purchase her home today. She appreciates the City's recognition of the issues and their efforts to address them.

Patricia Cox, 5105 West 73rd Street, stated she live on the middle lot of a cul-de-sac with the smallest lot. The type of homes being built will not fit on her property.

Chairman Nancy Wallerstein closed the public hearing at 8:47 p.m. and called for a five-minute recess for the Commission.

The Planning Commission was reconvened at 8:55 p.m.

James Breneman stated the standard that seems to stand out as being off base is the 65% impervious lot coverage. He feels it is too high. Jeffrey Valentino agreed and noted the correspondence received suggest this standard may force residents to build two story homes rather than smaller one and a half story homes. He feels this would be counter intuitive to what most residents seem to prefer. Jonathan Birkel noted the implication for older residents who want to add on to their homes and do not want to have stairs.

Patrick Lenahan asked for direction from the staff noting from the staff report stated the original recommendation was for "60% greenspace" (or 40% impervious surface limits). After discussion and direction by the City Council, and prior to the public open houses, a motion was approved to change this to "65% greenspace" (or 35% impervious surface limits."

Mr. Brewster responded that originally the committee was not considering this standard at all, as they were dealing with scale and massing. They considered the lot coverage and felt the existing 30% was appropriate. The other lot coverage considered was the front streetscape. The impervious surface issue was added later by Public Works. This was originally addressed as "Total Lot Greenspace" but changed to "Total Lot Impervious Surface Coverage" and moved to the development standards that deal with the total lot. This is the amount of a lot that could be covered by buildings, non-building structures, or hard surfaces that do not infiltrate stormwater. During this process, this standard was discussed as total lot "greenspace." However, staff recommends the term "impervious surface coverage" to better define the standard, reflect the drainage objective of this standard, and to distinguish it from the recommended street tree and "frontage greenspace" standards, which are related to landscape aesthetics and streetscape design. Staff feels it makes better sense to include this standard with the overall lot development standards rather than the new neighborhood design standards.

Public Works Director Keith Bredehoeft stated that currently the focus in issuing drainage permits has been on on-site lot retention. The City's stormwater system is designed to accommodate 40%, which is what the standard was based on. During discussion with the City Council, it was noted that the APWA has a requirement of 35% for undeveloped residential land and the Council desired to change to that standard

Mr. Lenahan stated the standard would be a challenge to meet on smaller lots in R-Ib. Gregory Wolf asked if a different standard was considered for R-Ia and R-Ib Districts. Mr. Bredehoeft replied that originally staff looked at different requirements for lots under and over 10,000 square feet. Mrs. Wallerstein stated she was more comfortable with 40% than 35%.

Jeffrey Valentino stated the category percentages made sense to him; however, he questioned the 50% front lot coverage. He is concerned this is creating a situation that will result in a significant number of requests for exception to the Commission. Mr. Brewster replied, in his experience, there are seldom exception requests made for streetscape. Mr. Valentino felt every cul-de-sac/pie-shaped lot in the City would apply. Mr. Brewster noted pie-shaped lots are generally measured at the front building line. Typical Prairie Village lots are 65' wide. Staff analysis was done on the few narrowest lots of 60 feet. These were at the 35% to 38% impervious surface, which is why the base was set at 40%. He added these generally include an 18' - 20' wide driveway that could be reduced to easily meet code.

James Breneman asked for clarification on the contradicting language that standards do not apply on additions of less than 200 square feet, yet a site plan is required for teardowns of more than 10%. Mr. Brewster responded the site plan is required for submittal to the Building Official for review for compliance in conjunction with a building permit application. Site plan approval by the Commission applies only to changes to non-residential structures located in a residential zoning district. Mr. Brewster noted Section III of the ordinance is a new section; the previous language was carried over from the existing code.

Nancy Wallerstein expressed concern with the 200 square foot threshold particularly in the R-Ib District. She felt it was too small and asked if other sizes were considered. Mr. Brewster responded there was not much discussion on this. The number was based on when there would be a significant investment that would influence a design element or when would there be action that would fall under the massing or other conditions addressed by the design standards.

Melissa Brown noted she questioned the 200' size in committee, but after further discussion, she feels it is acceptable. Mr. Breneman noted, "The design standards shall only apply to the extent of the proposed construction activity, and any portion of the building or site that does not conform to these standards but is existing and not part of the application may remain".

Mr. Lenahan confirmed that all city sidewalks are located on city property and are not included in calculations of impervious surface. Mr. Birkel asked about areas with anomalies. Mr. Breneman felt they would be covered through the exception process.

Mr. Brewster confirmed that and added these could be covered at the staff level and not sent through the Commission. Things in the right-of-way are a non-factor, items in a common area, such as a homes association sign/monument, would also be excluded from the calculation.

Nancy Wallerstein asked if changes to a driveway would be included. Mr. Brewster replied the design standards are generally triggered by investments to the structure. The impact on impervious surface would be addressed by the impervious surface review conducted for the drainage permit. Mr. Brewster reviewed the difference between the "Development Standards" and the "Neighbor Design Standards".

Mrs. Wallerstein noted one of the comments submitted on-line was regarding handicapped accessibility. She asked if the height of the garage was sufficient for mobility vehicles. Mr. Lenahan stated the ADA requires an 8'2" door height clearance and suggested the 8' height restriction be increased to 8'2" to be in compliance, even though ADA requirements are not applicable for residential homes.

Mrs. Wallerstein noted the proposed language regarding street trees does not address maintenance and replacement. Mr. Brewster responded this is similar to the landscape ordinance with the assumption that if it is required, it must be maintained. Mrs. Robichaud added this would be addressed by the municipal code and enforced by Code Enforcement. Mr. Bredehoeft added most trees have a one-year warranty and confirmed that long-term maintenance is the responsibility of the property owner.

Patrick Lenahan asked if the intent of the streetscape regulations was to establish regular and consistent spacing of trees throughout the City. He does not believe this will happen as there is not sufficient redevelopment occurring to create a streetscape of right-of-way trees, especially in areas where one does not currently exist. There are neighborhoods where the original development was very diligent in the design of where trees were placed and others with no tree plan. He understands the desire to maintain a street tree pattern where one exists. He feels it should be applied to neighborhoods with street lined trees to preserve that feature.

James Breneman stated the proposed ordinance states: "In the absence of a clearly established line on the block, the following locations shall be used, where applicable and in order of priority" giving three options for location of trees.

Melissa Brown stressed the value street trees add to Prairie Village communities. They are an integral part of the character of "old PV". When talking about preserving character, it is essential that you address street trees.

Chris Brewster responded the committee felt trees were a crucial feature of the city's character. If there is an established tree line, it needs to be maintained. If not, the required trees can be placed in alternate locations. They felt it would be beneficial to have a uniform approach. The Commission felt the reference to order of priority on tree location should be removed and all options should be available when there is no established street tree line.

Nancy Wallerstein asked about the required notice and adding notice to homes associations. Jamie Robichaud replied the required notice only applies to “teardowns”. The City already provides notice to homes associations when building plans are submitted. She stressed the zoning ordinances specifically state the City will enforce city regulations but will not enforce homes association restrictions.

The proposed effective date of January 1, 2019, only allows 60 to 90 days for projects to be submitted and grandfathered. Jonathan Birkel noted additions and custom design projects generally have a significant design period and felt a four to five-month grace period would be more appropriate. Mrs. Robichaud replied a 60 to 90 period was allowed for the implementation of the Phase 1 standards. These standards have been discussed for more than six months. The feedback staff has received from the City Council is the sooner these are in place, the better. Mr. Birkel replied someone wanting to build a home would not wait six plus months while a committee discusses possible changes to begin their design process. They may be half way through their design process. He asked how someone could get a placeholder that would grandfather them.

Commission members agreed more time was needed between the adoption of the regulations and their effective date. The Commission recommended the effective date be four months following the adoption of the regulations by the Governing Body.

Mr. Breneman noted the proposed ordinance states accessory buildings must be located behind the principal building in other areas it states in the rear yard. It was agreed to change “behind” to “at the rear of” in Sections 19.06.020 and 19.08.020.

Jeffrey Valentino asked if the 15% window coverage on rear facades is cumulative. Mrs. Brown noted the proposed language reads like each façade, not the entire façade. The Commission felt the language need clarification. Mr. Brewster suggested the terminology “façade” be changed to “elevation”.

Mr. Valentino questioned the required 4’ offset. He felt the intent of the regulation to break up the mass would be achieved by the 2’ offset. Mr. Birkel noted for the first 500’ of wall plan a 2’ offset is required. The 4’ offset is cumulative. Mr. Brewster added that the 2’ offset does not have to be a pushback; it could be a bump out as well. Mr. Lenahan confirmed the intent of the regulation was that the larger the mass of the wall, the greater the offset to protect the adjacent property owners from the impact of a large façade. He felt that 4’ was adequate but noted the word “additional” should be removed in paragraph 2b, as it is not an add-on.

Mr. Brewster stated the committee’s intent was to address larger homes and the total offset not simply to break-up the wall plane. Mr. Lenahan stated with that understanding the language as written was acceptable.

Patrick Lenahan asked the Commission if they had any concerns with the reference to the previous foundation height in foundation calculations. He asked about a teardown where the previous foundation height is unknown. Mitch Dringman responded that is a

very rare condition. Mrs. Wallerstein asked about homes built on a slab. Mr. Birkel replied the top of the slab would be considered the top of foundation. The Commission approved the regulation that no more than 24” of exposed foundation without extending siding or covering with decorative material.

Chairman Nancy Wallerstein reviewed the following recommended amendments to the proposed ordinance discussion by the Commission:

1. Increase impervious coverage limit from 35% to 40%
2. Increase the total garage height permitted from 8 feet to 8 feet, 2 inches to match ADA requirements
3. Remove the wording “in order of priority” from Section C.1 (d) from the neighborhood design standards as it relates to street trees (within 5 or 15)
4. Change the effective date of the new regulations from January 1, 2019 to four months from the date of City Council approval
5. Change the word “façade” to “elevation” in Section 19.06.025 and 19.08.025
6. Change the word “behind” to “at the rear of” in Section 19.06.020 and 19.08.020

Gregory Wolf moved the Planning Commission recommend the City Council adopt the proposed amendments to the Prairie Village Zoning Regulations adding Neighborhood Design Standards for R-1a and R-1b and other recommended revisions with the six revisions made by the Planning Commission. The motion was seconded by Melissa Brown and passed unanimously.

NON PUBLIC HEARINGS

PC2018-117 Site Plan Approval - Antenna Replacement 7700 Mission Road

Emily Roseberry with Selective Site Consultants representing Sprint requested approval for the replacement existing antenna on the communications tower at 7700 Mission Road with smaller antenna.

Chris Brewster stated the application meets all the requirements of the current special use permit, and the renewal and lease amendments from 2017. It is consistent with the existing antenna on the tower, and will not visibly increase the intensity of the installation when viewed from the streetscapes or adjacent properties. A structural report dated July 20, 2018 analyzing the existing facilities and effect of the proposal, and found that the existing structures are adequate as proposed.

Mr. Brewster noted the application must comply with all 11 conditions of the existing special use permit. The staff report provided an analysis of the criteria for site plan approval.

Gregory Wolf moved the Planning Commission find the criteria for site plan approval have met approve the proposed site plan (PC2018-117) for 7700 Mission Road antenna replacement subject to the following conditions:

1. That the additional antenna be installed as shown on the proposed site plan.
2. That all conditions of the most recent renewal of the special use permit continue to be met.

The motion was seconded by James Breneman and passed unanimously.

**PC2018-118 Site Plan Approval - Antenna Replacement
7231 Mission Road**

Emily Roseberry with Selective Site Consultants representing Sprint requested approval of a revised site plan to do the following for an existing on-building wireless telecommunications installation owned by the Roman Catholic Archdiocese and operated as St. Ann's Catholic Church:

- Replace 3 existing antenna (approximately 63" x 12" x 5") with 3 new antenna (approximately 38" x 20" by 7")
- Remove 3 existing RRUs (remote radio units) which are not visible from street
- Install 1 cable per antenna (approximately .5 to 1" diameter, from antenna to existing ground equipment compound behind the screening wall).

Chris Brewster stated the proposed antenna is an on-building installation, incorporated into the design of the steeple structure that is consistent with the existing antenna on the building, and will not visibly increase the intensity of the installation when viewed from the streetscapes or adjacent properties. A structural report dated July 19, 2018, analyzing the existing facilities and effect of the proposal, and found that the existing structures are adequate as proposed. The application must comply with all 13 conditions of the existing Special Use Permit. The staff report provided an analysis of the criteria for site plan approval.

Gregory Wolf moved the Planning Commission find the criteria for site plan approval have been met and approve the revised site plan (PC2018-118) for 7231 Mission Road subject to the following conditions:

1. That the additional antenna be installed as shown on the proposed site plan.
2. That all conditions of the most recent renewal of the Special Use Permit continue to be met, and particularly condition number 10, requiring that all facilities use a design that integrates the equipment into the architectural features of the building so it is not readily apparent to the general public. The new antenna shall employ painting, shrouding, or other similar disguising designs for all antenna or cable in a similar or better way than the existing antenna.

The motion was seconded by James Breneman and passed unanimously.

**PC2018-119 Site Plan Approval - Antenna Replacement
3921 West 63rd Street**

Emily Roseberry with Selective Site Consultants representing Sprint requested approval of a revised site plan to do the following on an existing monopole wireless telecommunications installation owned by the Consolidated Fire District No. 2 of Johnson County:

- Replace 3 existing antenna (approximately 63" x 12" x 5") with 3 new antenna (approximately 38" x 20" by 7")
- Remove 3 existing RRUs (remote radio units) which are not visible from street
- Install 1 cable per antenna (approximately .5 to 1" diameter, from antenna to existing ground equipment compound behind the screening wall).

Chris Brewster stated the application meets all the requirements of the current special use permit. It does not substantially change the installation. The proposed antenna is a monopole built for multiple providers, with all equipment internal to the pole and shroud structure. The application is consistent with the existing antenna on the tower, and will not visibly increase the intensity of the installation when viewed from the streetscapes or adjacent properties. A structural report dated August 2, 2018 analyzing the existing facilities and effect of the proposal, and found that the existing structures are adequate as proposed. The application must comply with all 23 conditions of the existing special use permit. The staff report provided an analysis of the criteria for site plan approval.

Gregory Wolf moved the Planning Commission find the criteria for site plan approval have been met and moved the Planning Commission approve the proposed site plan (PC2018-119) for 3921 West 63rd Street subject to the following conditions:

1. That the additional antenna be installed as shown on the proposed site plan.
2. That all conditions of the most recent renewal of the special use permit continue to be met, and particularly condition number 13, requiring that all facilities be installed internal to the tower and shroud.

The motion was seconded by Jonathan Birkel and passed unanimously.

NEXT MEETING

One application has been submitted for site plan approval for antenna replacement at 7700 Mission Road by AT&T for the October 2nd meeting.

ADJOURNMENT

With no further business to come before the Commission, Chairman Nancy Wallerstein adjourned the meeting at 10:25 p.m.

Nancy Wallerstein
Chairman

Prairie Village Arts Council
Wednesday, September 12th, 2018
5:30 P.M.
Prairie Village City Hall – 7700 Mission Road
Multi-Purpose Room

Serena Schermoly called the meeting to order at 5:35. In attendance were Ada Koch, Dan Andersen, Jamie Robichaud, Jori Nelson, Betsy Holliday, Serena Schermoly, Paul Tosh, Shelly Trewolla, Art Weeks, Al Guarino, Julie Hassel, and Steve LeCerf.

Consent Agenda – This month’s consent agenda, which was unanimously approved, contained the following items:

1. Minutes of the August 8th Arts Council meeting
2. \$2,000 to paint, change out lights in front of the gallery and hang new gallery rails with labor provided by the Arts Council.
3. Ten (10) additional sections of gallery track; \$214 for rails, end caps and shipping.
4. \$4,000 for Gala expenses for State of the Arts, 2018.
5. \$350.60 for tent rental at Prairie Village Jazz Fest, 2018.

Financial Report – Jamie Robichaud distributed our September financial report showing 2018 actual income as \$19,155, actual expenses as \$13,351 with an ending balance of \$18,753,49. The Art Gallery account balance is \$3,047,99.

Ongoing Business – the consensus regarding using tickets for the first glass of wine at the bars for SOTA was to recommend doing the same as last year. Jamie will find out if this is what the mayor would prefer and get back with the council.

Dan would like to buy 4 folding tables, 4 table cloths and 12 clips for \$250 for use at SOTA and future exhibits. Julie Hassel moved and Paul Tosh seconded this unanimously approved motion.

New Business – Dan observed that there were currently three intensities of lighting in the gallery with 5000 kelvins being the brightest and best for art lighting. He would like to see in the future a gallery lighting standard established. In the meantime for \$330 he would like to buy 10 more lights. Shelly seconded this motion. Dan would also like to buy more wires and hooks. For \$300, our present 90 hangers and 100 hooks would be increased to 120 wires and 130 hooks. Betsy moved and Dan seconded and the motion was approved.

The art council’s website is currently on Dan’s personal server. Dan would like to be hosted on a commercial server that the city has access to. This could be done for a yearly expense of \$120. Al Guarino moved and Julie Hassell seconded this motion. Serena adjourned the business meeting at 6:30.

Planning Committee as a Whole

Applicants for Arts Council open seat – Dan distributed copies of nine volunteer applications for our one open council seat, remarking that applications have been closed. He encouraged members to look at the applications and let him know if they would like to interview any of the applicants by phone. Some discussion ensued about whether or not it would be a good idea to increase the number of council members. There were conflicting opinions.

Event Reports – The August exhibit, curated by Shelly assisted by Dan, was very well attended, with plenty of compliments for the food. Ada’s upcoming exhibit on Friday is well prepared for. Helpers

are requested to arrive around 5:15. Dan stated that hanging for SOTA would be from noon to 5:00 on Monday, October 1st. Julie Hassel reported that the Irish Fest was busy, but observed that most of the children participating in Julie Flanagan's activities were too young to be considered as candidates for FOTA. Dan reported that Jazz Fest was successful and that we had made \$645 in art sales. Dan also reported that the Prairie Village events (book readings and crafts projects) had been extremely successful and that many people assumed that these were Arts Council projects rather than merchants' association functions.

Planning - Al and Julie reported that they were still working on a venue for the wine tasting event. Council members agreed that spring (March of April) would be a good time to have the wine tasting. Dan remarked that he would reach out to Annette about the Marketing Committee. Paul Tosh provided examples of his proposed logos for our four juried events, as well as business cards and calendar cards. A long discussion ensued about the design of these logos and Paul will provide some revisions. There is also going to be a logo for the E.G. Endres Gallery. The meeting adjourned at 7:55 p.m.

PARKS AND RECREATION COMMITTEE

September 12, 2018

6:30 PM

City Hall

MINUTES

Public Participation

- There was no public participation.

Consent Agenda

1. Minutes from January 10, 2018
 - It was moved and seconded to approve the minutes from January 10, 2018. The motion passed unanimously.
2. Minutes from March 14, 2018
 - It was moved and seconded to approve the minutes from March 14, 2018. The motion passed unanimously.
3. Minutes from April 17, 2018
 - It was moved and seconded to approve the minutes from April 17, 2018. The motion passed unanimously.

Reports

1. Public Works Report
 - Mr. Carney reported that Windsor Park updates were finished and only a few minor things remain, such as placing the recycle and trash bins. Fall or early next year, there will be a new roof for the shelter at Taliaferro. Crews will be out irrigating and seeding the parks. Vice Chair McFadden asked what role the City played with the movie night event hosted by Shatto Milk and Mr. Carney responded that the City assisted with hiring off-duty police officers, adjustments to traffic, arranging portable toilets, etc.
2. Recreation Report
 - Ms. Porter updated the Committee on another successful pool season, but staffing once school is back in session continues to be a real challenge so staff makes adjustments to schedules to try to accommodate the majority of patrons as much as possible. She stated that final numbers will be shared at the next meeting, but overall attendance was up along with the number of pool passes purchased. Ms. Porter said Paul Benson will be hosting a statuary cleaning class and to let her know if any members would like to participate. Lastly, as part of the update to Council policy, she asked Committee members to sign the volunteer waiver.
3. Chairperson's Report
 - Chairman Herring gave an update on North Park; the building has been demolished, a lot of the grading work has been done, the chain link fence is down and a silt fence

is up. The Steering Committee met on July 24 to review early concepts. They have received some citizen feedback and that continues to be incorporated into the Committee's work. There are some concerns on the culvert and the number of parking spaces. On Thursday, September 13 at 5:30, the Steering Committee will meet on site to review the layout. After being asked about the Master Gardners, Ms. Prenger said they have had discussions on a Memorandum of Understanding that would require irrigation from the City and members would maintain the garden, but it is still very early in the process.

New Business

1. Franklin Park Playset Options
 - Ms. Prenger reviewed the options for the Franklin Park playsets. There was not a large showing at the public meeting, but the City received 256 responses to the online survey. This will be a \$120 thousand investment into the park. Ms. Prenger went over the top two choices – Adventure Land and Blue Boats. Staff recommended the Blue Boats option. There was some Committee discussion on the slides. The Committee voted unanimously to move the Blue Boats concept to Council. Ms. Prenger hoped for it to be on the Monday, September 17 City Council agenda, with construction starting middle to late October.
2. Pool Rules Review
 - Ms. Porter informed the Committee that staff was recommending some minor changes to the rules, particularly concerning patrons being courteous to staff and not cursing. However, since updates going to be made, she thought it would be an opportunity to see if the Committee had other suggestions. A few members voiced their desire to see toys allowed in the leisure pool. They requested seeing rules from other cities for the next meeting.
3. Draft Tennis Court Policy
 - Ms. Porter reviewed an updated tennis court policy for the Committee to consider. She highlighted some of the changes, including: trying to keep two tennis courts available for general use when possible, prohibiting private tennis lessons, and capping the tennis tournaments to no more than three days except for cases of inclement weather. There were some questions on the private tennis lessons language, to which Ms. Porter responded that she would clean up the wording to make it more clear. Overall, the Committee was supportive.

Old Business

- No old business was discussed.

Adjournment – Meeting was adjourned at 7:45 PM.

The cities of Overland Park, Leawood, and Prairie Village are conducting a

Recycling Extravaganza



Please visit the
Overland Park website
<http://opkansas.org>
for more information
or contact

Jim Twigg at 913.895.6273

or via email:

Jim.Twigg@opkansas.org

SATURDAY • OCTOBER 27TH • 8:00 AM - 2:00 PM

BLACK & VEATCH

11401 LAMAR AVE • Overland Park, KS 66210

Midwest Recycling Center

- computers, radios, stereos, CD players, small electronics, flat panel TVs and monitors, printers, cell phones, electronic parts, etc. (no charge)
- CRT monitors \$20, CRT TVs \$30 - \$50 each depending on size

Habitat for Humanity of Kansas City

- new and usable building materials, construction tools, garden tools, cabinetry, lighting, plumbing, fixtures, and appliances

Revolve KC

- bicycles working or non-working for repair/reuse/recycling and working
- good condition accessories like racks and tools

Fabric Recycles

- unused fabric, notions, trims of any size, and machines

Shoe Kansas City

- gently used shoes of all kinds - everyday, dress, work, boots, sandals, and sports

Avenue of Life

- mattresses and box springs (any size), \$10 per piece

ProShred Security

- confidential documents destroyed onsite while you watch
- paper clips and staples are ok - no loose leaf binders
- suggested donation is \$5 for a standard file box

Goodwill Industries

- clothing, housewares, small appliances, furniture, toys, books, and misc items

Overland Park Host Lion's Club

- accepts eyeglasses, sunglasses, and readers for their Recycle for Sight program

Accessible Medical Equipment

- durable medical equipment (wheelchairs, hospital beds, walkers, shower chairs, etc.) in working condition

Overland Park Police

- expired, unused and unwanted prescription drugs
- completely anonymous
- no questions will be asked

Unleashed Pet Rescue

- crates, kennels, blankets, sheets, towels, dog collars, leashes, bags of dry dog food, canned dog and cat food, and scoopable cat litter

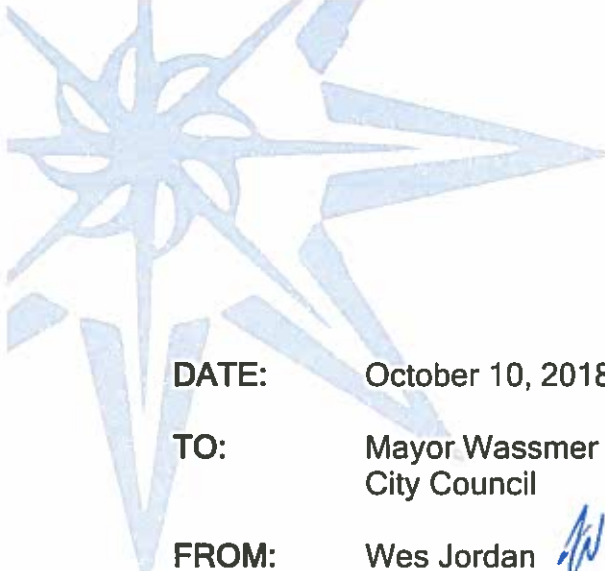
Band of Angels

- musical instruments (unable to accept keyboards, drums, pianos and organs)

Overland Park Building Maintenance

- up to 10 fluorescent bulbs per vehicle will be collected





THE CITY OF PRAIRIE VILLAGE

STAR OF KANSAS

DATE: October 10, 2018
TO: Mayor Wassmer
City Council
FROM: Wes Jordan *WJ*
SUBJECT: OCTOBER PLAN OF ACTION

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

- Merriam Pool Closure/Super Pass Amendment - Alley (10/18)
- 2019 Salary Ranges - Amy/Wes (10/18)
- 2019 Health Insurance Presentation - Amy (10/18)
- Hiring Processes - Alley/Wes (10/18)
 - City Clerk
 - Public Information Officer/Deputy City Clerk
- Village Voice Articles - Staff (10/18)
- Mayor's Holiday Tree Lighting - Meghan (10/18)
- CID Annual Update - Jamie (10/18)
- RFQ/City Attorney Services - Alley/Wes (10/18)
- State of the Arts Event - Jamie/Staff (10/18)
- ATA Transit Stop/Meadowbrook - Keith/Wes (10/18)
- Paddock Court Delinquent Special Assessments Presentation - Jamie (10/18)
- Zoning Regulations and Website Updates for New Design Standards - Jamie (10/18)

In Progress

- Automated Banking - Lisa (09/18)
- JOCO Park Update/Meadowbrook - Wes (09/18)
- Campus Lighting - Keith/Wes (09/18)
- ADA Compliant Park Equipment - Keith/Melissa/Wes (09/18)
- Clerk's Office Transition Plan - Wes (09/18)
- Nondiscrimination Resolution - Staff (09/18)
- Nondiscrimination Ordinance - Mr. Poling/Staff (09/18)
- 67th Street Traffic Calming - Keith (08/18)
- Recycling Presentation - Alley (08/18)
- Human Resource Center Support - Amy/Wes (08/18)
- New Statue Location/Foundation/Easement - Alley/Keith (07/18)

In Progress cont'd

- Personnel Policy Update - Amy (07/18)
- Water Tower Update Agreement - Keith (07/18)
- STO/UPOC - Jamie/Deanna/Prosecutor/PD (07/18)
- Long Distance Renewal - Staff (05/18)
- City Attorney Appointment - Mayor/Wes (05/18)
- Park Reservations - For Profit Organizations - Alley/Park & Rec (04/18)
- Service Line Warranty Program Renewal - Jamie (03/18)
- Comprehensive Traffic Study - Keith/Melissa (03/18)
- Village Voice Format Update - Meghan (02/18)
- 2017 Annual Report - Meghan/Staff (02/18)
- Meadowbrook Project Schedule - Katie/Jeff White/Lisa (01/18)
- Organization of City Records/Contracts - Joyce/Staff (01/18)
- Village Vision/Comp Plan Update - Chris/Jamie/Wes (11/17)
- Council Policy Website Update - Meghan/Joyce (11/17)
- Drone Ordinance - David Waters (10/17)
- Zoning Ordinance Update on SUP's/CUP's - Chris (10/16)

Completed

- Communicate information about the E-mail Opt In Program - Meghan/Joyce (08/18)
- 6800 Blk. of Mission Road Flooding Study - Keith/Melissa (02/18)
- 2019 Health Insurance Renewal - Amy/Wes (08/18)
- Building Design Update to Planning Commission/City Council - Jamie (03/18)
- JOCO Unified Recycling Education & Outreach Campaign - Alley (04/18)
- Building Design Guidelines II 2nd Council Presentation - Jamie/Chris (06/18)
- Environmental Committee Appointment(s) - Alley (08/18)
- JazzFest - Joyce/Staff (09/18)
- Beacon Location/Presentation - Keith (09/18)
- Meadowbrook Inn Bond Ordinance - Lisa (09/18)
- KCP&L Presentation - Wes (09/18)
- Mayoral Forum/Environmental Committee - Alley (07/18)
- Cell Tower SUP's - Shannon/Jamie (11/16)
- Phase II Building Design Initiative - Chris/Jamie/Wes (11/17)
- KPERS Audit - Amy (07/18)

Tabled

- MARC Solar Initiative - Wes (05/15)
- Site Plan Audit/Reinspection - (05/15)
- Reinspection Process (Per Mayor) - Wes (09/15)
- Social Media Policy - (11/17)

**Council Members
Mark Your Calendars
October 15, 2018**

October, 2018	“State of the Arts” Exhibit in the R.G. Endres Gallery
October 19	Employee Appreciation Event - Top Golf 6 - 9 p.m.
October 30	LKM Regional Supper - Matt Rosee Community Center, 5:30 p.m.
November, 2018	Mixed Media Exhibit in the R.G. Endres Gallery featuring Lana Cease and Eileen Flink
November 5	City Council Meeting
November 6	Election Day
November 7 - 10	National League of Cities Conference - Los Angeles, California
November 12	Veteran’s Day - City offices closed
November 17	Northeast Johnson County Chamber Gala
November 19	City Council Meeting
November 22	Thanksgiving - City offices closed
November 23	Holiday - City offices closed
November 29	Mayor’s Holiday Tree Lighting
December, 2018	Mixed Media Exhibit in the R.G. Endres Gallery featuring Robert Slotterback, Anne Nye and Trisha Reschly
December 2	PV Foundation Gingerbread House Event - Briarwood Elementary
December 3	City Council Meeting
December 14	Artist Reception in the R.G. Endres Gallery
December 17	City Council Meeting
December 25	Christmas Holiday - City offices closed