

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Council Chambers
Monday, November 19, 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**

Annual CID Update
First Washington

Johnson County Park & Recreation District - Meadowbrook Update
Jeff Stewart

- 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 - November 5, 2018
- 2. Approve Claims Ordinance 2972
- 3. Ratify the appointment of Environmental Committee members
- 4. Ratify an appointment of Prairie Village Foundation member
- 5. Approve waiver of past-due Stormwater Special Assessments on Lot 23 for Paddock Court Homes Association

- IX. **COMMITTEE REPORTS**

Parks and Recreation Committee

Consider renaming Prairie Park (located at Tomahawk and Mission) to Shaffer Park in accordance with City Council Policy CP501
Chad Herring

- X. **MAYOR'S REPORT**

XI. STAFF REPORTS

XII. OLD BUSINESS

COU2018-50 Consider approval of the adoption of a non-discrimination ordinance
City Attorney/Staff

XIII. NEW BUSINESS

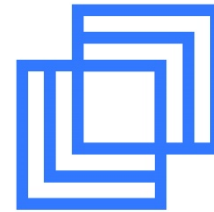
XIV. COUNCIL COMMITTEE OF THE WHOLE (Council President presiding)

XV. EXECUTIVE SESSION

XVI. ANNOUNCEMENTS

XVII. 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



FWR

First Washington Realty

Prairie Village City Council
Presentation
November 19, 2018



Agenda

- 2018 Capital Investments and Improvements
- Community Engagement
- Tenant Renewals and New Deals
- 2019 Looking Ahead



2018 Capital Investments and Improvements

- **The Village Shops**

- Roof replacement on Tomahawk
- EVSE Car Charging stations
- Kansas Gas meter relocation
- Ongoing large scale maintenance – Parking lot, brick and stucco, trash enclosures and concrete/sidewalk maintenance.

- **Corinth Square**

- First Watch patio
- Ongoing large scale maintenance – Parking lot, brick and stucco, trash enclosures and concrete/sidewalk maintenance.

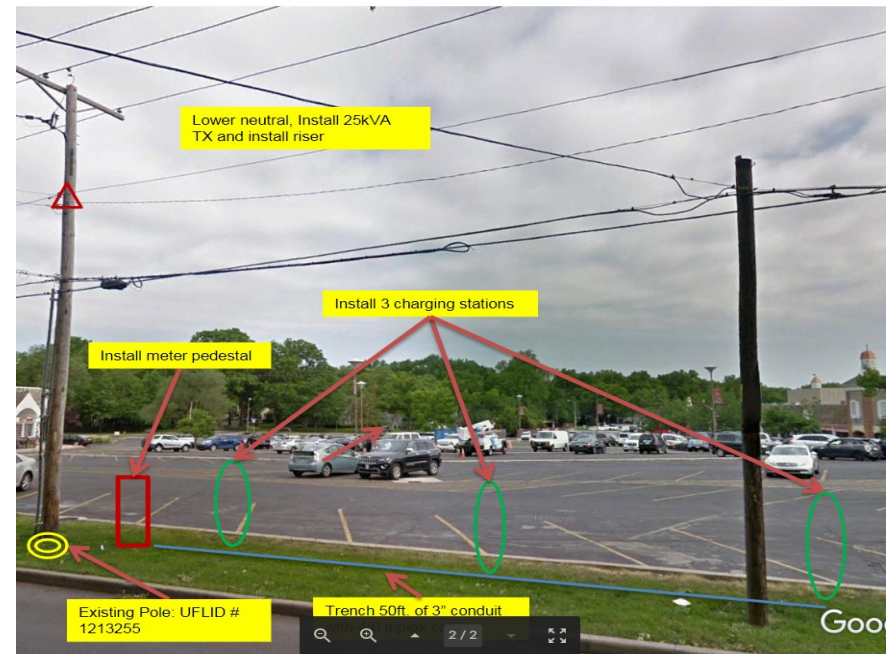
2018 Capital Investments and Improvements

The Village Shops

Gas Meter Relocation



EVSE Car Stations



2018 Capital Investments and Improvements



Tomahawk Roof
Replacement
9,450 SF

2018 Capital Investments and Improvements

Corinth Square

First Watch Patio



Parking lot repairs



Community Engagement

- **The Village Shops**

- Prairie Village Art Fair, Lancer Day Parade, SMMC Light the Town Pink, Trick or Treating in The Village, Holiday Open House Events

- **Corinth Square**

- Hip to Hop Easter, Pup Crawl, KU Kick Off Event, Trick or Treating at Corinth Square, Holiday Open House Events

- **City Of Prairie Village**

- Jazz Fest, Village Fest, State of the Arts, Mayor's Holiday Tree Lighting

Community Engagement

KU KICKOFF



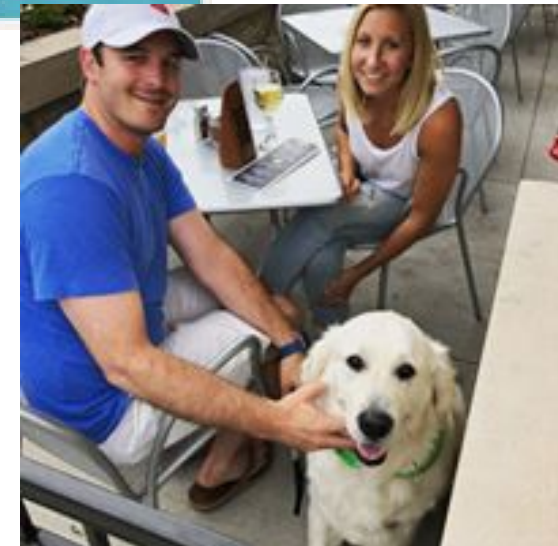
PV ART FAIR



Community Engagement



New to Corinth Square:
It's Hip to Hop Easter
and Pup Crawl events



Community Engagement- Bobby Berk



Tenant Renewal & New Deals



GOLDEN & PINE

HANDCRAFTED HOME



PAOLINI

GARMENT COMPANY

Widgeonwood
Farmer's Market



Grand Openings

GOLDEN & PINE

HANDCRAFTED HOME

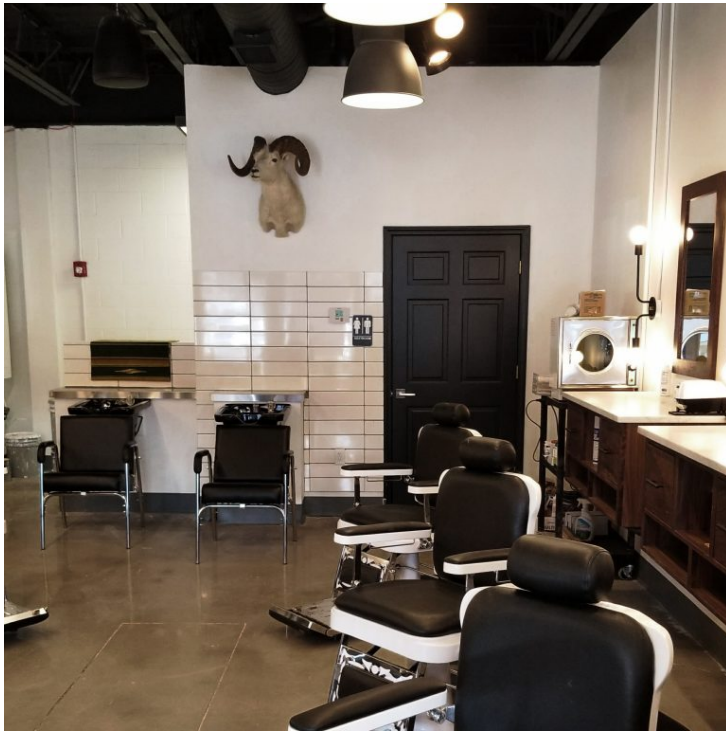


HEALTH HOUSE

Grand Openings



Caffetteria
modern cafe • marketplace



Looking Ahead – 2019

- Electrical vehicle car charging station installation.
- Roof evaluations and replacements.
- Ongoing large scale maintenance – Parking lot, brick and stucco, trash enclosures and concrete/sidewalk maintenance.



Thank you,
First Washington Realty Team

Michelle Pitsenberger, CPM, RPA
Regional Property Manager
mpitsenberger@firstwash.com
Phone: 816.399.3537



**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
November 5, 2018**

The City Council of Prairie Village, Kansas, met in regular session on Monday, November 5, 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: Captain Ivan Washington; Keith Bredehoeft, Director of Public Works; David Waters, Interim City Attorney; Wes Jordan, City Administrator; Jamie Robichaud, Deputy City Administrator; Alley Porter, Assistant City Administrator, Lisa Santa Maria, Finance Director; Amy Hunt, Human Resources Manager and Joyce Hagen Mundy, City Clerk. Also present were Teen Council members Ethan Wolf, Wenhan Sun and Sophie Rice.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Chad Herring moved the approval of the agenda for November 5, 2018 as presented. Tucker Poling seconded the motion, which passed unanimously.

INTRODUCTION OF STUDENTS & SCOUTS

Mayor Wassmer welcomed several students from Rockhurst High School in attendance for their US government class.

PUBLIC PARTICIPATION

Amy Bucher-Long, 2904 West 72nd Street; Michael Lintecum, Executive Director of the Mid-America Gay & Lesbian Chamber of Commerce and Kaitlin Vaughn, 5712 West 79th Street spoke in support of the proposed non-discrimination ordinance.

With no one else to address the Council, public participation was closed at 6:10 p.m.

CONSENT AGENDA

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



Dan Runion moved for the approval of the Consent Agenda of November 5, 2018:

1. Approval of the Regular City Council meeting minutes for October 15, 2018.
2. Approval of Claims Ordinance #2971
3. Approval of the installation of a new street light at the end of Chadwick Lane.
4. Adoption of Resolution 2018-06 establishing 2019 Compensation Ranges.

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

COMMITTEE REPORTS

Environment/Recycle Committee

Consider renaming of Environment/Recycle Committee to Environmental Committee

Sheila Myers reported that at their September 30, 2018 Environment/Recycle Committee meeting, the committee voted to officially change their name to Environmental Committee.

Sheila Myers moved to amend Council Policy CP001 - City Committees renaming the Environment/Recycle Committee to Environmental Committee. Tucker Poling seconded the motion, which passed unanimously.

JazzFest Committee

Brooke Morehead presented the final report on the 2018 Prairie Village Jazz Festival noting that although attendance was less due to the weather, the committee will begin preparations for the 10th Anniversary 2019 festival with a balance of approximately \$14,000.

Park & Recreation Committee

Chad Herring announced the Parks Committee would meet on Wednesday, November 14 at 6:30 p.m. and will hear a presentation on North Park.

MAYOR'S REPORT

Mayor Wassmer attended the Corinth Hills Homes Association meeting, the Northeast Johnson County Mayors' meeting and the Employee Appreciation event at Top Golf. She also participated in the Prairie Village Foundation meeting as they plan for the upcoming Mayor's Holiday Tree Lighting, Gingerbread House event and Shop with a Cop.

STAFF REPORTS

Public Safety

- Captain Ivan Washington reported the next “Coffee with a Cop” is Friday, November 16 from 7 am to 9 am at Einstein Brothers.



- Sgt. Eric McCullough recently graduated from Northwestern University's School of Police Staff and Command.

Public Works

- Keith Bredehoeft reported the public meeting for the Reinhardt - 84th Terrace Drainage Project will be held on Thursday, November 8 from 4:30 - 6:30 p.m. in the Multi-Purpose Room.
- Mr. Bredehoeft provided updates on the street projects on Mission Road and on Roe Avenue noting that they hoped to complete work on those projects in the next couple of weeks.

Administration

- Alley Porter reported the first round of interviews would be completed this week for the open City Clerk and PIO/Deputy City Clerk positions with second interviews to be scheduled in the next few weeks. She noted the City has received excellent candidates for both positions.
- Lisa Santa Maria noted the Third Quarter Financial Report had been distributed reflecting revenues at 80% of budget and expenditures at 70%. She also noted hard copies of the 2019 Budget Book, which is available on-line, were available for Council members wanting them.
- Wes Jordan reported First Washington will present their annual CID update at the November 19 City Council Meeting. Johnson County Park & Recreation District will also be providing an update on Meadowbrook Park at that meeting.
- Wes Jordan noted the November Plan of Action was included in the Council packet.

OLD BUSINESS

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

NEW BUSINESS

COU2018-46 Consider approval of Design Agreement with Affinis Corp for the 2019 Residential Street Program

Affinis was selected to provide engineering services for Prairie Village in 2018, 2019 and 2020. Keith Bredehoeft presented the agreement for 2019 Residential Street Program design for approval. Construction is anticipated to begin in spring 2019 on the identified streets.

Ron Nelson moved the City Council approve the Design Agreement with Affinis Corporation for the design of the 2019 Residential Street Program in the amount of \$94,200. Andrew Wang seconded the motion, which passed unanimously.

COU2018-47 Consider approval of Design Agreement with Affinis Corp for the design of the 2019 CARS Project: Roe Avenue from 63rd Street to 67th Street



Affinis was selected to provide engineering services for Prairie Village in 2018, 2019 and 2020. Keith Bredehoeft presented the agreement for 2019 CARS Program design. Construction is anticipated to begin in March 2019. Funding is available in the Capital Improvement Program.

Mr. Bredehoeft noted the project is anticipated to be more extensive than a mill and overlay based on the amount of patching required over the past years indicating that a complete reconstruction of the road will likely be required. This ½ mile will require closure and a new asphalt base throughout.

Ted Odell moved the City Council approve the Design Agreement with Affinis Corporation for the design of the 2019 CARS Project: Roe Avenue from 63rd Street to 67th Street in the amount of \$102,250. Chad Herring seconded the motion, which passed unanimously.

COU2018-48 Consider approval of amendment to the Engineering Design Contract with Affinis Corp for the Reinhardt and 84th Terrace Drainage Project

This amendment is for the design of sanitary sewer adjustments needed due to realigning the storm pipe locations to limit impacts to residential properties. This project has been approved for SMAC funding and is a joint project with the City of Leawood. Plans are scheduled to be completed this year with construction starting the spring of 2019.

Tucker Poling moved the City Council approve the Engineering Design contract amendment with Affinis Corporation for REIST001: Reinhardt & 84th Terrace Drainage Project (SMAC) in the amount of \$28,350. The motion was seconded by Ron Nelson and passed with Dan Runion abstaining.

Serena Schermoly suggested with the large number of Rockhurst students in attendance that the city's Teen Council Program be explained. Terrence Gallagher presented background on the Teen Council Program, its goals and the opportunities provided by the program.

Sheila Myers moved the City Council go into the Council Committee of the Whole portion of the meeting. Chad Herring seconded the motion, which passed unanimously.

COUNCIL COMMITTEE OF THE WHOLE

COU2018-49 Consider approval of waiving Past-Due Stormwater special assessments on Lot 23 for Paddock Court Homes Association

Jamie Robichaud provided background on past-due stormwater special assessments on Lot 23 for Paddock Court Homes Association caused by a failure of the association to receive notices, which were mailed by the County to the property owner. This lot, although owed by another entity, contains an easement to the homes association as the lot includes the private street for the development and driveways for several of the



homes. The easement specifies that the homes association is responsible for all fees. At the time the easement was granted there were no fees attached to this property. The past-due Stormwater special assessment total is approximately \$17,611.19.

Mrs. Robichaud presented the following three options to the Council: 1) to waive the past-due fees; 2) to waive a portion of the past-due fees or 3) to do nothing requiring payment of past-due fees. Staff recommended option #1 and confirmed with legal counsel that as this is a city-charged special assessment, it was within the city's authority to waive the past due fees. It was noted there has been no negligence on the part of the homes association related to the past-due fees and that the homes association has budgeted for and agrees to pay future assessments.

Terrence Gallagher moved to recommend the City approve a waiver of the past due stormwater special assessments on Lot 23 Paddock Court in the amount of \$17,611.19. Sheila Myers seconded the motion which passed unanimously with Council action to be taken at the November 19, 2018 City Council meeting.

Discussion of Plan for Implementation of 2019 Park Projects in Harmon Park

Keith Bredehoeft requested direction from the Council on two proposed projects in the City's Parks CIP program for Harmon Park - an inclusive play project and replacement of the skate park. Funding has been budgeted for both projects and they are ready to proceed to design with Council direction on the proposed location of both projects. Mr. Bredehoeft reviewed the location and proposed plans for both projects. The play project is proposed to be designed this winter and constructed the summer of 2019. The skatepark is proposed to be designed in 2019 with construction in 2020.

Also presented was the construction of a performance pad where a temporary stage could be constructed. It was noted electrical power could be provided relatively easily by tapping into the power added with the construction of the fire station on the adjacent property. The projected additional cost is \$100,000 and could be added to the skatepark project as part of the 2020 CIP/budget process. Mr. Bredehoeft stated the proposed projects would not restrict potential future development of this area.

Brooke Morehead moved the City Council direct staff to proceed with the design of the proposed all inclusive play project. The motion was seconded by Tucker Poling.

Council members discussed the potential costs for each of the proposed projects. Mr. Bredehoeft noted these are conceptual plans and specific costs would be available during the 2020 CIP/budget process. He added the RFQ that was requested for the skatepark is more than a year old and he plans to reopen the RFQ process.

Chad Herring moved to amend the motion to add direction to proceed with the design of the skate park and the proposed performance pad as presented. The motion was seconded by Ron Nelson and passed by a vote of 9 to 3 with Ms Nelson, Mrs. Morehead and Mr. Runion voting in opposition.



It was noted the motion as amended was not what was originally presented as Village Square, but a drastically reduced plan that incorporates elements consistent with the Parks Master Plan for Harmon Park that have not been implemented. Further questions about funding and clarification of the scope of the proposed action were addressed by Mr. Bredehoeft.

The motion as amended directing staff to proceed with the design of the all-inclusive play project, skatepark and performance pad as presented was voted on and passed by a vote of 10 to 2 with Mr. Runion and Ms. Nelson voting in opposition.

NON AGENDA PRESENTATION

Brooke Morehead presented conceptual ideas for possible construction of a performance pavilion, stage and storage as well as uses thereof, including movies and theatre in the park, weddings, pop up plays, art in the park, summer camps, small productions, by schools, yoga in the park, events on a small scale and production area, and music.

Courtney McFadden moved to adjourn the Council Committee of the Whole portion of the meeting and return to the City Council meeting. Tucker Poling seconded the motion, which passed unanimously.

ANNOUNCEMENTS

Mayor Wassmer noted the announcements were included in the Council packet.

ADJOURNMENT

With no further business to come before the City Council, Mayor Wassmer declared the meeting adjourned at 7:34 p.m.

Joyce Hagen Mundy
City Clerk

CITY TREASURER'S WARRANT REGISTER

DATE WARRANTS ISSUED:

Warrant Register Page No. 1

November 5, 2018

Copy of Ordinance
2972

Ordinance Page No. _____

An Ordinance Making Appropriate for the Payment of Certain Claims.

Be it ordained by the governing body of the City of Prairie Village, Kansas.

Section 1. That in order to pay the claims hereinafter stated which have been properly audited and approved, there is hereby appropriated out of funds in the City treasury the sum required for each claim.

NAME	DATE	AMOUNT	TOTAL
EXPENDITURES:			
Accounts Payable			
18039-18126	10/5/2018	411,778.92	
18127-18129	10/12/2018	4,967.81	
18130-18231	10/19/2018	560,153.99	
18232-18233	10/23/2018	408.00	
18234-18235	10/26/2018	22,433.05	
Payroll Expenditures			
10/12/2018		304,356.63	
10/26/2018		300,584.84	
Electronic Payments			
Electronic Pmnts	10/1/2018	2,168.90	
	10/2/2018	19,106.78	
	10/3/2018	21,434.16	
	10/5/2018	4,849.18	
	10/15/2018	4,360.06	
	10/17/2018	364.92	
	10/19/2018	959.91	
	10/26/2018	20,844.73	
TOTAL EXPENDITURES:			1,678,771.88
Voided Checks	Check #	(Amount)	
Josh Putthoff	18155	(16.00)	
TOTAL VOIDED CHECKS:			(16.00)
GRAND TOTAL CLAIMS ORDINANCE			1,678,755.88

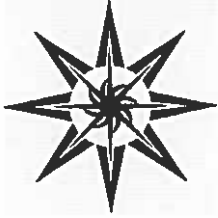
Section 2. That this ordinance shall take effect and be in force from and after its passage
Passed this 5th day of November 2018.

Signed or Approved this 5th day of November 2018.

(SEAL)

ATTEST:  City Treasurer

ATTEST:  11-6-18 Finance Director



MAYOR

**Council Meeting Date: November 19, 2018
CONSENT AGENDA**

Consider Appointment to Prairie Village Environmental Committee

RECOMMENDATION

Mayor Wassmer requests Council ratification of the appointments of Fred Grunwald, Beth Held and Jessica Skyfield to complete unexpired terms expiring in February 2021.

BACKGROUND

These three individuals bring extensive background and interest to the Environmental Committee. Volunteer applications are attached.

PREPARED BY

Joyce Hagen Mundy
City Clerk

Date: November 13, 2018

Joyce Hagen Mundy

From: Joyce Hagen Mundy
Sent: Friday, August 17, 2018 8:16 AM
To: fgrunwa@chicagobooth.edu
Subject: RE: City of Prairie Village: Volunteer Application

Thank you for your interest in serving on the Environmental/Recycle Committee. Your application has been forwarded to the staff person working with the committee and the chairs for consideration.

From: City of Prairie Village
Sent: Friday, August 17, 2018 6:58 AM
To: Joyce Hagen Mundy; Meghan Buom
Subject: City of Prairie Village: Volunteer Application

A new entry to a form/survey has been submitted.

Form Name: Volunteer Application
Date & Time: 08/17/2018 6:58 AM
Response #: 104
Submitter ID: 16079
IP address: 172.24.96.111
Time to complete: 3 min. , 1 sec.

Survey Details

Page 1

Volunteer Information

Name

Fred C. Grunwald

Address

[REDACTED]

Zip

66208

Email

[REDACTED]

Home Phone

[REDACTED]

Work Phone

Not answered

Other Phone

Not answered

Business Affiliation

Retired

Business Address

Not answered

Select Ward

Click for [map](#)

(o) 1

Which committee(s) would you like to serve on? Only committees with vacancies are listed. (Check all that apply.)

Environment/Recycle

Background

Please tell us about yourself, listing any special skills or experiences you have.

Retired health care executive. MBA with a lot of interest in recycling economics.

Thank you,
City of Prairie Village

This is an automated message generated by the Vision Content Management System™. Please do not reply directly to this email.

Meghan Buom

From: City of Prairie Village
Sent: Thursday, August 23, 2018 9:10 PM
To: Joyce Hagen Mundy; Meghan Buom
Subject: City of Prairie Village: Volunteer Application

A new entry to a form/survey has been submitted.

Form Name: Volunteer Application
Date & Time: 08/23/2018 9:09 PM
Response #: 119
Submitter ID: 16115
IP address: 172.24.96.111
Time to complete: 13 min. , 37 sec.

Survey Details

Page 1

Volunteer Information

Name

Beth Held

Address

[REDACTED]

Zip

66208

Email

[REDACTED]

Home Phone

[REDACTED]

Work Phone

[REDACTED]

Other Phone

Not answered

Business Affilitaion

[REDACTED]

Business Address



Select Ward

Click for [map](#)

(0) 1

Which committee(s) would you like to serve on? Only committees with vacancies are listed. (Check all that apply.)

Environment/Recycle

Tree Board

Background

Please tell us about yourself, listing any special skills or experiences you have.

My formal education is a land use and environmental planner. I'm employed with the federal government for the past thirteen years as an environmental specialist that oversees local and state grant projects. I'm knowledgeable with all environmental laws and used to teach and create recycling programs to all schools in Wyandotte County. I was previously employed as an environmental manager with Wyandotte County Conservation District.

Thank you,
City of Prairie Village

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Joyce Hagen Mundy

From: Joyce Hagen Mundy
Sent: Monday, August 27, 2018 11:54 AM
To: fieldsky@gmail.com
Subject: FW: City of Prairie Village: Volunteer Application

Jessica, thank you for your interest in serving on the Environment/Recycle Committee. Your application has been forward to the committee for review.

From: City of Prairie Village
Sent: Saturday, August 25, 2018 11:06 AM
To: Joyce Hagen Mundy; Meghan Buom
Subject: City of Prairie Village: Volunteer Application

A new entry to a form/survey has been submitted.

Form Name: Volunteer Application
Date & Time: 08/25/2018 11:06 AM
Response #: 125
Submitter ID: 16129
IP address: 172.24.96.111
Time to complete: 5 min. , 28 sec.

Survey Details

Page 1

Volunteer Information

Name

Jessica Skyfield

Address

[REDACTED]

Zip

66208

Email

[REDACTED]

Home Phone

[REDACTED]

Work Phone

Not answered

Other Phone

Not answered

Business Affiliation

Not answered

Business Address

Not answered

Select Ward

Click for [map](#)

(o) 6

Which committee(s) would you like to serve on? Only committees with vacancies are listed. (Check all that apply.)

Environment/Recycle

Background

Please tell us about yourself, listing any special skills or experiences you have.

I have been interested in the environment and conservation since I was a child and would love the opportunity to make a difference in my community by serving on Prairie Village's Environment/recycling committee. I work as a research technician in a science-based laboratory, so I have knowledge of the scientific method and evidence-based decision making. I have participated in various paid and volunteer opportunities that have allowed me to communicate with the public and sit on committees. I will also be leading a group of Girl Scouts this year and could possibly dovetail their community service efforts with recycling, community trash pick-up, or outreach in our City. I look forward to serving and would be happy to provide any additional information or details on my experiences that could be relevant to this position. Thank you for your consideration.

Thank you,
City of Prairie Village

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MAYOR

**Council Meeting Date: November 19, 2018
CONSENT AGENDA**

Consider Appointment to Prairie Village Foundation

RECOMMENDATION

Mayor Wassmer requests Council ratification of the appointment of Cathy Groves to the Prairie Village Foundation to complete the unexpired term of Brandi Fisher ending in March 2019

BACKGROUND

Cathy brings a passion for Prairie Village and a vast depth of experience to the Foundation. Her volunteer application is attached.

PREPARED BY

Joyce Hagen Mundy
City Clerk

Date: November 13, 2018

Joyce Hagen Mundy

From: webmaster@pvkansas.com
Sent: Monday, November 12, 2018 11:37 AM
To: Joyce Hagen Mundy; Meghan Buom
Subject: City of Prairie Village: Volunteer Application

A new entry to a form/survey has been submitted.

Form Name: Volunteer Application Updated
Date & Time: 11/12/2018 11:37 AM
Response #: 10
Submitter ID: 16420
IP address: 172.24.96.111
Time to complete: 13 min. , 12 sec.

Survey Details

Page 1

Volunteer Information

Name

Cathy Groves

Address

[REDACTED]

Zip

66208

Email

[REDACTED]

Home Phone

[REDACTED]

Work Phone

[REDACTED]

Other Phone

Not answered

Business Affilitaion

[REDACTED]

Business Address

Select your ward ([click here to view the ward map](#))

1

Please select your FIRST committee choice

Arts Council

Please select your SECOND committee choice

Parks and Recreation

Please select your THIRD committee choice

Planning Commission

Please tell us about yourself, listing any special skills or experiences you have.

My name is Cathy Groves and I'm a two year resident of Prairie Village. I am so excited about this community and want to use my passion for Prairie Village to get involved and give back my time and talents. This application is for the Foundation, as recommended by Laura Wassmer.

Professionally, I am a Senior Vice President of Design Resources, Inc. We are a locally owned apparel manufacturing company, with our emphasis on our partnership with NIKE. I have been here for 14 years and my previous employment was with the National Hockey League in New York for 9 years.

I'm organized, detailed, methodical, fair and creative. I manage all of our visual college bookstore retail spaces in conjunction with NIKE professionals. I am also our company Event Planner as well as our College Trademark Contracts Administrator. Lots of left brain/right brain and I pride myself as someone with ideas and the ability to execute. Please let me know if you desire more information. Thanks for the consideration!

Thank you,
City of Prairie Village

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ADMINISTRATION

Council Committee Date: November 5, 2018

Council Meeting Date: November 19, 2018

Consider Approval of Waiving Past-Due Stormwater Special Assessments on Lot 23 for Paddock Court Homes Association

RECOMMENDATION:

Approve a waiver of the past due stormwater special assessments on Lot 23 in Paddock Court in the amount of \$17,611.19. This item is part of the consent agenda.

BACKGROUND:

Paddock Court Homes Association recently contacted city staff regarding a land ownership issue that was brought to their attention by Johnson County. Lot 23 in the Paddock Court neighborhood currently has a past due tax balance of \$17,611.19. This past due amount is due to the stormwater special assessment on the lot that the City began assessing in 2008. This special assessment has never been paid on this piece of land because Lot 23 is actually owned by Taft Broadcasting Company and is not owned by the homes association. Lot 23 is shown in the image below - it is the sliver of land shaped like a rainbow that is directly north of the radio tower:



The land where Paddock Court sits today was sold by Taft Broadcasting Company to JC Nichols in the 1980s. Part of that real estate transaction included Lot 23 remaining under the ownership of Taft Broadcasting Company, but they granted an easement to JC Nichols to use the lot for sidewalks, driveways, streets, and greenspace. JC Nichols transferred the easement of Lot 23 to the homes association once the neighborhood was developed. The easement agreement included language that said the neighborhood would be responsible for any taxes and special assessments on the land; however, the land has an appraised value of \$0 and there were no special assessments at that time.

In 1998, Taft Broadcasting Company sold the main piece of land that the radio tower sits on to Entercom, but they maintained ownership of Lot 23 for unknown reasons. Since that time, Taft Broadcasting Company has dissolved, yet they still are the owner of record on Lot 23. In 2008, the City began assessing stormwater fees, and the billing was sent to Taft Broadcasting Company each year as the property owner. The Homes Association never received a bill or notice from Taft or the County that these special assessments were due.

In 2015, Paddock Court HOA was notified by Johnson County regarding the potential foreclosure on Lot 23 for the delinquent stormwater special assessments. The County encouraged the HOA to seek legal counsel to protect their interests, since this piece of land is the common area for the neighborhood and also contains their private street, sidewalks, and driveways. The HOA then hired an attorney to determine who was liable for the past due amounts. The first attorney who was hired was able to verify that the HOA had an easement on the property but was unable to find the current owner of the property or determine who was liable for the past due special assessments. In 2018, the HOA hired a second attorney, who determined that the easement language specifies that the HOA is responsible for all current and past special assessments on the property.

Paddock Court HOA has informed the City that they have budgeted to pay these special assessments moving forward now that they are aware it is their responsibility, but they said they cannot afford to pay the past due balance. As a result, they are requesting a waiver of the past-due balance in the amount of \$17,611.19. City staff recommends approval of this waiver due to the unique circumstances of this situation, as there were no special assessments or taxes due on the property when the HOA was granted ownership of the easement, and the HOA never received notice of the stormwater special assessment on Lot 23 when it was enacted in 2008, since they were not the owner of record. If the HOA cannot afford to pay the past-due amount and the City doesn't waive the assessments, then the property will go to tax sale. If this happens, any individual could purchase this property and could create numerous issues for the residents in this neighborhood. The stormwater special assessments bring in about \$1.6 million annually, so there would not be a significant budget impact should the Council grant approval of waiving these past-due fees.

This waiver was approved by the Council Committee of the Whole on November 5, 2018.

ATTACHMENTS:

Timeline of Events provided by the Paddock Court HOA
Letter from the Johnson County Legal Department to the HOA
Letter from Martin Pringle Attorneys to the HOA
Letter from the HOA to the City
Most Recent Tax Information for Lot 23

PREPARED BY:

Jamie Robichaud
Deputy City Administrator
Date: October 31, 2018

PADDOCK COURT HOMES ASSOCIATION – Lot 23 OP 37500001-0023

HISTORY

1980s

- Taft Broadcasting sells a portion of the land north of its broadcast tower to JC Nichols Co. to develop Paddock Court;
- Taft retains ownership of Lot 23 and grants Easement to Nichols;
- Nichols transfers ownership of development and Easement to Association

1998

- Entercom buys tower and related property, but Lot 23 is excluded from sale

2008

- Prairie Village begins Storm water assessments
- Billing goes to Taft and is not paid; interest and penalties accrue

WHAT PADDOCK COURT HAS DONE

2015-2016

- In August of 2015, Association receives courtesy notification from Asst. County Counselor Mary Buhl of potential foreclosure on Lot 23 for delinquent special assessments
- Association hires attorney to look into situation; verifies we have an Easement and is unable to find current owner of property; \$7000 spent with no resolution

2017-2018

- Residents remain concerned about this unresolved situation;
- New attorney, Rod Hoffman, is hired in 2018 and determines that the Association has a "near permanent" Easement;
- Mr. Hoffman also discovers that, as a provision of the Easement transfer from Nichols, the Association is responsible for special assessments on Lot 23.
- In June, The Association notifies Mary Buhl of this information and she refers us to the City of Prairie Village to resolve this issue

JOHNSON COUNTY
KANSAS
Legal Department

MARY BUHL
ASSISTANT COUNTY COUNSELOR
(913) 715-1900
MARY.BUHL@JOCOGOV.ORG

August 11, 2015

Mr. Richard Arnold
3806 W. 79th Terrace
Prairie Village, KS 66208

Re: Johnson County parcel number OP37500001 0023

Dear Mr. Arnold:

I got your name and contact information from the City of Prairie Village. If you are no longer an officer of the Paddock Court Homes Association, would you please let me know so that I can try to re-direct this letter?

I left a phone message for you today to let you know about a tax issue with the parcel (number above) that appears to be common area for the Paddock Court development. This letter is to give you some information so that your Homes Association has time to look at the situation and take whatever action you think necessary, before the property goes into foreclosure.

This parcel appears to be owned by the Taft Broadcasting Company. There are delinquent special assessments for the City of Prairie Village. It appears to be green space for the homes in your development. It is on the list I am working on for foreclosure. If this is property that your Homes Association believes it owns, you will need to talk to an attorney about your options. If it is not, and if the Association does not have an interest in the property, then you may not be concerned if the property goes to foreclosure.

I am enclosing an AIMS map that will show you the area in question. You may also want to get on the County's website and look at the land records. If you need any other information that I can provide, please call. I wanted to be sure that your Association was aware of this.

Thank you.

Sincerely,

Mary Martin Buhl
Assistant County Counselor



9401 Indian Creek Parkway, Building 40, Suite 1150, Overland Park, Kansas 66210 | 913-491-5500

ROD HOFFMAN | rhoftman@martinpringle.com

March 8, 2018

VIA EMAIL

Mr. Chris Lewis

mchristianlewis@yahoo.com

Re: Paddock Court Homes Association

Dear Chris:

The Board of Directors requested an opinion about the status of your Association's easement on Lot 23 in the subdivision.

Based on the recorded documents described below, the Association has a nearly permanent easement on this lot to construct and maintain streets and driveways. In addition, the Association is required to pay any real estate taxes and special assessments on the lot.

As you noted, J.C. Nichols obtained a tract of land from Taft Broadcasting Company in 1980. This land was developed into the Paddock Court subdivision. In this transfer, which is documented in a "Corporation Warranty Deed," Taft gave an easement to J.C. Nichols over one parcel of the land. In the deed, the land is described by "metes and bounds." This legal description of the property didn't specifically identify Lot 23 because the subdivision and its lots hadn't been platted. For the purposes of this letter, I'm assuming that part of the metes and bounds description is now Lot 23.

The easement says J.C. Nichols may use the land portion which became Lot 23 for driveways, roadways, walkways, patios, lawn and garden areas, and recreational areas, as long as the use doesn't interfere with Taft's antenna signal. This easement continues for 25 years and will be automatically renewed for successive periods of 25 years unless J.C. Nichols terminates the easement at least five years before the end of any 25-year period.

About a month later, J.C. Nichols recorded two documents which affect this tract. The first is the Homes Association Declaration for Paddock Court. In that document, J.C. Nichols says it's the owner of Lots 1 to 22 and the owner of certain easement rights in Lot 23.

Approximately the same time, Nichols recorded a "Declaration of Easements of Paddock Court." This document says:

Kansas | Missouri

Wichita | Overland Park | Kansas City

martinpringle.com

Mr. Chris Lewis
March 8, 2018
Page 2

"Lot 23 is also hereby declared to be 'common areas' in accordance with certain easement rights granted by the owner, Taft Broadcasting Company . . ."

The Homes Association Declaration for Paddock Court states:

"Section 1. Duties. The Association shall have the following duties:

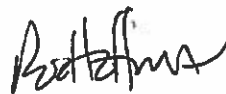
. . . c. To pay all real estate taxes and special assessments levied against common areas."

Typically, common areas owned by homes associations are not subject to property taxes. This is because the value of common areas is incorporated into home values. However, local governments do make special assessments against common areas. These assessments are required for infrastructure improvements adjacent to common areas. These special assessments are not considered taxes.

I'm assuming you'll contact local authorities to discuss payment of the special assessment.

If you have any questions, please call any time. Thank you for allowing me to assist in this project.

Sincerely,



Rod Hoffman

RJH:vh

PADDOCK COURT HOMES ASSOCIATION

PRAIRIE VILLAGE, KANSAS 66208

July 16, 2018

Suzanne Lownes
Office Manager
Public Works Dept.
City of Prairie Village
Prairie Village, KS 66208

Re: Johnson County parcel number OP37500001 0023

Dear Suzanne Lownes:

I am contacting you because Mary Buhl, an attorney in Johnson County's legal department, suggested I do so. Last month she left you a voicemail saying that she was giving your name and number to a homeowners association that has a difficult property situation. I am the president of Paddock Court Homeowners Association, and we do indeed have a difficult property situation. In giving you the background, I will try to be as brief and clear as I can.

In August of 2015, Mary Buhl informed us about delinquent special assessments for the City of Prairie Village levied against parcel number OP37500001 0023 which she stated appeared to be owned by Taft Broadcasting Company and further appeared to be common area for the Paddock Court development. Further, the parcel (known to us as Paddock Court Lot 23) was on a list she was working on for foreclosure. In response to her letter, we hired a law firm to protect our easement interests in Lot 23. After payment of many thousands of dollars, the law firm gave us no clear advice on how to proceed. Since then, this foreclosure possibility has been a continuing concern for our members.

Our Board recently hired the law firm of Martin Pringle in another attempt to resolve this matter. After a review of all the recorded documents mentioning Lot 23, Attorney Rod Hoffman's opinion is that although Taft Broadcasting Company is the owner of Lot 23, we are obligated to pay any taxes or assessments on it. This came as a shock to us. Of course we will budget for payment of the assessment in the future, but the delinquency is the difficulty.

Can you negotiate the amount owed? We would like to make one payment if it is an amount that we can manage. I would appreciate the opportunity to meet with you to discuss our options.

Sincerely yours,

Chris Lewis, President
Paddock Court Homes Association
7919 Pawnee Street
Prairie Village, KS 66208
913-649-8258
mchristianlewis@yahoo.com



JOHNSON COUNTY TAX OFFICE

Quick Ref ID R139392 Owner TAFT BROADCASTING COMPANY Property Address 000000 NS, PRAIRIE VILLAGE, KS 2017 Assessed Value \$0

2017 GENERAL INFORMATION

Property Status **Active**
 Property Type **Residential Real Property**
 Legal Description **PADDOCK COURT LT 23 BLK 1 PVC 613 2 1 23**
 Taxing Unit Group **0025**
 Neighborhood **313.6**
 RE Tax ID **OP37500001 0023**
 Map Number **F27**

2017 OWNER INFORMATION

Owner Name **TAFT BROADCASTING COMPANY**
 Owner ID **00233448**
 Exemptions
 Mailing Address **0 NS NT PRAIRIE VILLAGE, KS 00000**

2017

Payment History Tax Statement Details

TAXING ENTITY	RATE	TOTAL TAXES DUE	AMOUNT PAID	BALANCE
Installment 1				
PVCSTMWATER	-	\$773.45	\$0.00	\$773.45
Installment 2				
PVCSTMWATER	-	\$745.94	\$0.00	\$745.94
Property Fees				
Publication Fee	-	\$15.00	\$0.00	\$15.00
TOTALS	0.000000	\$1,534.39	\$0.00	\$1,534.39

TOTAL TAXES DUE	Effective Date: 10/31/2018
Current Amount Due	\$1,534.39
Past Years Due	\$17,611.19
Total Due	\$19,145.58

2016

Payment History Tax Statement Details

TAXING ENTITY	RATE	TOTAL TAXES DUE	AMOUNT PAID	BALANCE
Installment 1				
Installment 2				
Property Fees				
TOTALS	0.000000	\$1,675.50	\$0.00	\$1,675.50

2015

Payment History Tax Statement Details

TAXING ENTITY	RATE	TOTAL TAXES DUE	AMOUNT PAID	BALANCE
Installment 1				
Installment 2				
Property Fees				
TOTALS	0.000000	\$1,747.55	\$0.00	\$1,747.55

2014

Payment History

Tax Statement

Details

TAXING ENTITY	RATE	TOTAL TAXES DUE	AMOUNT PAID	BALANCE
Installment 1				
Installment 2				
Property Fees				
TOTALS	0.000000	\$1,804.75	\$0.00	\$1,804.75

2013

Payment History

Tax Statement

Details

TAXING ENTITY	RATE	TOTAL TAXES DUE	AMOUNT PAID	BALANCE
Installment 1				
Installment 2				
Property Fees				
TOTALS	0.000000	\$1,885.44	\$0.00	\$1,885.44

2012

Payment History

Tax Statement

Details

TAXING ENTITY	RATE	TOTAL TAXES DUE	AMOUNT PAID	BALANCE
Installment 1				
Installment 2				
Property Fees				
TOTALS	0.000000	\$1,971.09	\$0.00	\$1,971.09

2011

Payment History

Tax Statement

Details

TAXING ENTITY	RATE	TOTAL TAXES DUE	AMOUNT PAID	BALANCE
Installment 1				
Installment 2				
Property Fees				
TOTALS	0.000000	\$2,068.14	\$0.00	\$2,068.14



Home Contact NotifyJoCo Facilities List Legal Disclosures

111 S Cherry St, Olathe, KS 66061 | 913-715-5000 | TDD: 800-766-3777

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ADMINISTRATION

Council Meeting Date: November 5, 2018

Consider renaming Prairie Park (located at Tomahawk and Mission) to Shaffer Park in accordance with City Council Policy CP501.

RECOMMENDATION

Recommend approval of renaming Prairie Park to Shaffer Park as approved by the Parks & Recreation Committee.

SUGGESTED MOTION

I move to approve the renaming of Prairie Park to Shaffer Park in accordance with City Council Policy CP501.

BACKGROUND

At the October 10, 2018 Parks & Recreation Committee meeting, Nancy Wallerstein, Chair of the Johnson County Park & Recreation District Board, requested that the Committee ask the City Council to consider renaming Prairie Park after former Mayor Ron Shaffer. City Council Policy CP 501 outlines that “upon completion of at least a four-year term of office as Mayor of the City of Prairie Village, Kansas a City Park will be dedicated and renamed for the Mayor” subject to the availability of parks deemed appropriate for renaming.

The Parks & Recreation Committee approved moving forward the proposal to rename Prairie Park to Shaffer Park to the City Council.

FUNDING

Costs associated with changing the park’s name can be absorbed in the Public Works operating budget

ATTACHMENTS

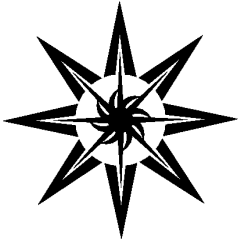
City Council Policy: CP501 - Naming of City Parks

PREPARED BY

Alley Porter

Assistant City Administrator

Date: November 1, 2018



City Council Policy: CP501 - Naming of City Parks

Effective Date: October 6, 2003

Amends:

Approved By: City Council

I. SCOPE

A. This policy applies to all public parks that have not been previously named for a Mayor within the jurisdiction of the City of Prairie Village, Kansas.

II. PURPOSE

A. To provide guidelines for the future naming and renaming of public parks in the City of Prairie Village.

III. RESPONSIBILITY

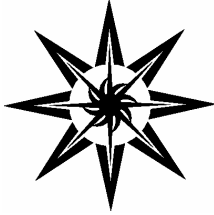
IV. DEFINITIONS

V. POLICY

A. Upon completion of at least a four-year term of office as Mayor of the City of Prairie Village, Kansas a City Park will be dedicated and renamed for the Mayor.

B. This policy is subject to the availability of Parks deemed appropriate for renaming.

VI. PROCEDURES



ADMINISTRATION

Council Meeting Date: November 19, 2018

COU2018-50 Consider approval of the adoption of a non-discrimination ordinance

Background

During the October 15 Council meeting, the Governing Body discussed adopting a Nondiscrimination Ordinance (NDO) that was introduced by Councilman Poling and Councilman Herring. The intent of the NDO was 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.

The Council voted 9-3 in favor of moving forward by directing the City Attorney and Staff to consider the proposed draft ordinance and return with proposed revisions by the November 19, 2018, Council meeting. In addition to City Attorney recommendations, Staff asked the City Attorney to consider the following revisions to strengthen the operational structure and framework of the enforcement process:

- Use existing City resources that have been vetted and proven to be reliable assets. Staff has recommended the City Prosecutor be utilized as the “Investigator” and the Municipal Judge(s) as the “Hearing Officer”
- Focus enforcement efforts specific to complaints of discrimination in Employment, Housing, and Public Accommodation on the basis of sexual orientation and gender identity since other protected classes have established complaint processes through State and Federal Law (this is the Manhattan Model)
- Strengthen language to compel the respondent to comply with the investigation and/or produce documentation
- Address how evidence will be handled
- Remove the provision concerning fees being assessed to the non-prevailing party at the investigation stage because such a provision may have unintended consequences of preventing legitimate complaints from being filed
- Consider revising the definition of sexual orientation to align with the a more inclusive definition suggested by JoCo Q-Space, an LGBTQ+ youth center in Johnson County which serves PV youth

City staff and legal counsel also considered concerns expressed by various stakeholders. The following changes to the non-discrimination ordinance presented at the October 15, 2018, City Council meeting are intended to enhance

clarity of the ordinance, particularly with respect to the enforcement provisions.
 NOTE: The following chart only addresses changes of significance. All additional changes are also color highlighted in the attached revision.

Whereas Clauses	Clarifies the current state of the law, the reasons for and intent of the ordinance.
5-801	<p>Includes additional definitions of new key terms, including aggrieved individual, days, employer, non-profit fraternal or social association/corporation and respondent.</p> <p>Changes the definition of sexual orientation at suggestion of JoCo Q-Space, an LGBTQ+ youth center in Johnson County which serves PV youth.</p> <p>Defines investigator as the City Prosecutor and hearing officer as the Municipal Judge.</p> <p>Deletes terms that are no longer used or need not be defined based on the narrowing of the types of complaints the City will investigate.</p>
5-802	Clearly states the purpose of the ordinance to extend the law to sexual orientation and gender identity and to provide a local process for complaints relating to those two protected classes.
5-803(a)	<p>Restructures the categories of unlawful practices to include employment discrimination, housing discrimination and discrimination in public accommodations for clarity.</p> <p>Removes the language “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” because it is vague and ambiguous and the phrase “otherwise discriminate against such individual in compensation or in terms, conditions or privileges of employment” is a “catch all” phrase used in state and federal discrimination law which captures discriminatory actions that are not specifically listed. This type of catch all phrase is interpreted to prohibit direct discriminatory actions (<i>i.e.</i> the employer assigns menial/undesirable tasks to an employee because of sexual orientation or gender identity or schedules such an employee for a less desirable shift because of sexual orientation or gender identity) and decisions or policies that have a disparate impact on such employees (<i>i.e.</i> a policy seems neutral on its face, but in practice only affects employees based upon sexual orientation or gender identity). It is impossible to list every type of action that could be considered to be discriminatory and if we tried, the ordinance would be unwieldy.</p> <p>Deletes references to protected classes already consistently covered by state and federal law.</p>
5-803(d)	Adds defenses to make the legislation more balanced. These defenses come from statutes and case law pertaining to discrimination/retaliation on the basis of other protected classes. This also addresses concerns raised by opponents of the non-

	discrimination ordinance.
5-803(e)(3)	Adds language to include concept that employers retain the ability to make hiring and retention decisions based on legitimate non-discriminatory and non-retaliatory reasons - a concept applied in state and federal discrimination law.
5-803(e)(6)	Adds language to address concerns expressed by opponents of the legislation.
5-803(e)(7)	Adds this section, which is identical to the City of Manhattan's ordinance, to address the concern that the narrowed legislation may be interpreted as giving preferential treatment to the two protected classes it covers.
5-804(a)	Adds the requirement that the complaint be verified. A verified complaint is a complaint signed under penalty of perjury. The Equal Employment Opportunity Commission and Kansas Human Rights Commission require verified complaints.
5-804(b)	Includes methods for delivery of the verified complaint.
5-804(e)	Adds language granting investigator authority to issue process and compel the production of documents, using language from the housing discrimination ordinance (8-312) and the ability of the investigator to extend the time period for investigation by providing written notice of the reason(s) additional time is needed.
5-804(f)	Adds requirement to maintain evidence provided to the investigator for a time certain.
5-804(g)	Adds clearer language regarding appeal rights in the event the investigator finds that probable cause does not exist. Requires investigator to send certified copy of the written determination and a certified copy of all evidence received during the investigation. A certified copy indicates that it is a true and correct copy of the document.
5-804(h)	Adds language granting the investigator authority to extent the time period for obtaining a settlement for good cause by providing written notice to the parties.
5-804(i)	Adds language granting hearing officer authority to administer oaths and issue process to compel the attendance of any party or witness, using language from the housing discrimination ordinance (8-312). Removes language regarding the assessment of investigator and hearing officer fees since these duties will be absorbed by the prosecutor and municipal judge. Requires each party to pay their own attorneys' fees. Adds requirement to maintain evidence presented to the hearing officer for a time certain.

5-804(j)	Requires hearing officer to send certified copy of the written determination and evidence received during the hearing. A certified copy indicates that it is a true and correct copy of the document. Clarifies that district court may award the prevailing party attorneys' fees incurred to prosecute or defend the appeal.
5-804(k)	Removes language regarding the City providing advice concerning state and federal complaint options for discrimination on the basis of protected classes other than sexual orientation and gender identity because the ordinance only covers sexual orientation and gender identity and the City is not in a position to advise complainants about those processes.
5-804(l)	Adds this section regarding consequences for making false, malicious or unfounded accusations against an entity subject to the ordinance, which comes from the housing discrimination ordinance (8-312).

Pending Questions

As part of the discussion process, Staff would like Council guidance concerning the following items:

- Staff is seeking direction on whether notification should be made to approximately 260 licensed businesses who employ more than 4 people and 28 rental property owners with more than 4 properties who would need to comply with this ordinance should the Council continue to pursue. [The cost to send a post card would be about \$100.00]
- Verify the Council does not want to exempt any additional entities. [Note - the Manhattan model does exempt Federal, State, County, and School Districts]
- Does Council want Staff to continuing working on a Nondiscrimination Resolution that specifies that the City is committed to complying with Federal and State law prohibiting illegal discrimination since the Council is now considering adopting an NDO?
- Verify whether the Council wishes to make any revisions to expand the definition of religious organization and/or the provision concerning employment by religious organizations

Attachments:

1. Draft Ordinance Against Discrimination
2. PDF Tracking Revisions

PREPARED BY

Wes Jordan

City Administrator

Date: November 14, 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 military status is wrongful discrimination and inconsistent with the community's goals and values; and,

WHEREAS, local, state and federal laws provide protection against discrimination against certain classes of individuals in housing and state and federal laws provide protection against discrimination against certain classes of individuals in employment and public accommodations, and such laws provide a complaint and enforcement process for violations; and,

WHEREAS, in some instances, current state and federal employment, housing and/or public accommodation laws have been interpreted to exclude protection against discrimination and retaliation on the basis of sexual orientation and gender identity, thereby precluding the use of the complaint and enforcement process outlined therein; and,

WHEREAS, the City of Prairie Village desires to extend the law to prohibit discrimination and retaliation based upon sexual orientation and gender identity, giving these characteristics the same protection state and federal law already consistently provides with respect to race, color, religion, national origin, sex, age, disability, marital status, familial status, and military status and to provide a complaint and enforcement process to effectuate protections not available under current state and federal laws.

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 ACCOMMODATIONS.**

5 – 801. DEFINITIONS.

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 apply to this article unless specifically defined herein. For purposes of this article, certain terms shall be interpreted or defined as follows unless the context clearly indicates otherwise.

- (a) **Aggrieved individual** means any individual who has a good faith belief that he/she has been injured by an unlawful discriminatory practice.
- (b) **City** means the City of Prairie Village, Kansas.
- (c) **Code** means the Code of the City of Prairie Village, Kansas.
- (d) **Days** means calendar days. If a deadline falls on a day city hall is not open (*i.e.* a weekend, a holiday recognized by the city, emergency closure) the deadline will be extended to the day city hall is open.
- (e) **Employee** means any individual 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 individual. Employee also does not include an independent contractor.
- (f) **Employer** means any individual or entity (*i.e.* corporation, partnership, limited liability company, association, labor organization, mutual company, joint-stock company, trust, unincorporated organization) employing four or more employees, the city (including all departments, boards, agencies), and any city contractor. For purposes of this article, no religious organization or non-profit fraternal or social association/corporation shall be considered to be an employer.
- (g) **Gender identity** means an individual's perceived or actual gender-related identity, expression, appearance, or mannerisms, or other gender-related characteristics regardless of the individual's designated sex at birth.
- (h) **Hearing officer** means the City of Prairie Village Municipal Judge.
- (i) **Investigator** means the City of Prairie Village Prosecutor.
- (j) **Nonprofit fraternal or social association/corporation** means an association or corporation that meets all of 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.

- (k) **Place of public accommodation** shall include every establishment 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. The term place of public accommodation shall not, however, include: (1) a religious organization; (2) any hotel, motel, restaurant or theater operated by a nonprofit fraternal or social association/corporation which restricts its facilities and services to the members of such association/corporation and their guests; or (3) any nonprofit fraternal or social association/corporation, or bona fide civic, political or religious organization, when the profits of such association/corporation or organization, above reasonable and necessary expenses, are solely for its benefit or mission.
- (l) **Religious organization** means a church, mosque, temple, synagogue, or other entity principally devoted to religious practice or religious teaching.
- (m) **Rent** means to lease, to sublease, to let or otherwise to grant the right to occupy premises not owned by the occupant in exchange for payment or other consideration.
- (n) **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.
- (o) **Respondent** means the individual or entity against whom a complaint alleging discrimination or retaliation has been filed with the city.
- (p) **Sexual orientation** means an individual's perceived or actual emotional, romantic, or sexual attraction to other people. It can be described as, but not limited to, heterosexual, homosexual, bisexual, or asexual.

5 – 802. DECLARATION OF POLICY.

- (a) The right of an otherwise qualified individual to be free from discrimination because of that individual's 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 services, advantages or privileges of any place of public accommodation without wrongful discrimination.
 - (3) The right to engage in property transactions, including obtaining housing for rent or purchase and credit therefor, without wrongful discrimination.
 - (4) The right to exercise any right granted under this ordinance without retaliation.

- (b) To protect these rights, it is hereby declared to be the purpose of this article to extend the law to prohibit discrimination and retaliation based upon sexual orientation and gender identity and to provide a local process for the acceptance, investigation and resolution of complaints of discrimination and retaliation relating to sexual orientation and/or gender identity arising hereunder.

5 – 803. UNLAWFUL PRACTICES.

- (a) **Employment.** It shall be an unlawful discriminatory practice for an employer, because of the sexual orientation or gender identity of an otherwise qualified individual, to refuse to hire or employ such individual, to bar or discharge such individual from employment or to otherwise discriminate against such individual in compensation or in terms, conditions or privileges of employment 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 an individual or entity to discriminate against any individual in the terms, conditions or privileges of the sale or lease of real property or the 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 individual in such individual's use or occupancy of rental housing because of the sexual orientation or gender identity of individuals with whom such individual 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 or rental housing which it owns or operates for other than a commercial purpose to individuals of the same religion, or from giving preference to such individuals.
- (c) **Public Accommodation.** It shall be an unlawful discriminatory practice for 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, privileges, advantages and accommodations to any individual because of sexual orientation or gender identity.
- (d) It shall be a defense to any allegation of an unlawful discriminatory practice:
 - (1) that the individual or entity did not know the aggrieved individual's sexual orientation or gender identity.
 - (2) that the individual or entity acted in good faith and had reasonable grounds for believing that an act or omission was not a violation of this ordinance.
 - (3) that any adverse action taken against the aggrieved individual would have been taken regardless of the individual's sexual orientation or gender identity (*i.e.* the aggrieved individual violated the law, a workplace rule, a lease provision or policy applicable to all similarly situated individuals, such as employees, lessees, customers, etc.).
- (e) Nothing in this article shall:

- (1) prohibit a fraternal or social association/corporation in fact not open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.
- (2) 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.
- (3) require an employer to hire unqualified individuals or to retain employees when there is a legitimate non-discriminatory or non-retaliatory reason to terminate employment.
- (4) be construed to prohibit an employer from requiring all of its employees, as a condition of employment, to utilize the employer's applicable established internal human resource procedure(s) to address any allegation of discrimination or retaliation in the workplace. The fact that employer requires an employee to utilize the employer's applicable established internal human resource procedure(s) to address any allegation of discrimination or retaliation in the workplace shall not, in itself, be deemed a violation of this article. However, an employee may simultaneously file a complaint with the city as provided in this ordinance; completion of the employer's procedures is not a pre-requisite to filing a complaint with the city.
- (5) be construed to require any person or entity subject to this article to make changes requiring a building permit to any existing facility, except as otherwise required by law.
- (6) be construed to prohibit an employer or place of public accommodation to post signs for restrooms and dressing rooms based on gender.
- (7) be construed to make it lawful to discriminate or retaliate against individuals on the basis of race, color, religion, national origin, sex, age, disability, marital status, familial status, or military status. Such discrimination and retaliation is not addressed in this article because federal and state law consistently address unlawful discriminatory and retaliatory practices related to those characteristics and provide a complaint, investigation and enforcement process for such discrimination and retaliation.

5 – 804. ENFORCEMENT.

- (a) An aggrieved individual may file a written, verified complaint that the individual has been, or is being, subject to an alleged unlawful discriminatory practice set forth in this article personally or through an attorney (or if a minor, through the minor's parent, 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 individual, the individual(s) and/or entity/entities alleged to have committed the unlawful discriminatory practice(s), a description of the alleged unlawful conduct and all other information as may be required by the form provided by the city. The city is to provide the complaint form without charge.

- (b) The complaint form shall be submitted to the investigator via hand-delivery, certified mail, email or fax, and shall only be considered complete if all information required by the city's form has been provided to the extent such information is reasonably available to the aggrieved individual.
- (c) The complaint form must be filed within sixty (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 sixty (60) days of the last act of discrimination.
- (d) Upon receipt of a complete complaint, the investigator shall notify the respondent(s) of the complaint, providing sufficient details related to the complaint so the respondent(s) may respond. The investigator shall give the respondent(s) 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 request of respondent(s), extend the answer period an additional thirty (30) days. If the respondent(s) charged with violating the provisions of this article is the city, the city will engage an independent investigator who shall not otherwise be an employee, agent, or contractor of the city and shall not have any association with the complainant or the respondent(s).
- (e) Following the conclusion of the answer period, the investigator may initiate an investigation period, requesting that the complainant and/or respondent(s) provide additional information, documentation or testimony as needed to facilitate the investigation of the complaint. The investigator shall have the power to issue process and compel the production of documents. Such process shall be executed by the chief of police and shall be enforced as in all cases of city ordinances. This investigation period shall be concluded within sixty (60) days of the investigator's last request for information, unless the investigator notifies the complainant and the respondent(s) in writing of the need for additional time and reason(s) therefore.
- (f) Within thirty (30) days of the conclusion of the investigation period, the investigator will review all evidence received during the investigation and make a determination whether probable cause exists that the respondent(s) committed an unlawful discriminatory practice. The investigator will maintain all evidence received during the investigation for a period of two (2) years after the deadline for appeal or completion of appeal, whichever is later.
- (g) If the investigator finds that probable cause does not exist, then the investigator shall notify the complainant and the respondent(s), and no further action shall be taken by the city. The complainant may appeal the investigator's determination to the District Court of Johnson County, Kansas, in accordance with K.S.A. 60-2101(d), and amendments thereto. Within thirty (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 a certified copy of the investigator's written determination and a certified copy of all evidence received by the investigator during the investigation.
- (h) If the investigator finds that probable causes exists that an unlawful discriminatory practice was committed by respondent(s), the investigator shall notify the complainant and respondent(s) and request conciliation and settlement. If a party refuses to participate in conciliation and settlement, or if a settlement agreement is not executed

within sixty (60) days of the date of the finding of probable cause, the matter shall be referred to the hearing officer for a hearing. The investigator may extend the time for signing a settlement agreement for good cause and with written notice to the parties.

- (i) If the investigator has determined that probable cause exists that the respondent(s) committed an unlawful discriminatory practice against the complainant, and the complaint could not be conciliated and settled within sixty (60) days of the date of such determination (or the last day of any extension, whichever is later), the complaint shall be set for a hearing before the hearing officer. The parties will be given at least ten (10) days' written notice of the date, time and place of the hearing. At such hearing, the parties 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 have the power to administer oaths and to issue process and compel the attendance of any party or witness. Such process shall be executed by the chief of police and shall be enforced as in all cases of city ordinances. The hearing officer shall issue a written determination within ten (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 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. Each party is to bear their own attorneys' fees, if any. The hearing officer shall preserve all evidence presented at the hearing for a period of two (2) years after the deadline for appeal or completion of appeal, whichever is later.
- (j) Any party aggrieved by a determination of the hearing officer under this section 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 thirty (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 a certified copy of the written determination of the hearing officer and a certified copy all evidence presented at the hearing. On appeal, the district court may enter such order or judgment as justice shall require, and may award the prevailing party court costs and reasonable attorney fees incurred to prosecute or defend the appeal.
- (k) The filing of a complaint for the alleged violation of this article or a response thereto shall in no way preclude any party from seeking other relief under state or federal law.
- (l) Any individual making false, malicious, or unfounded accusations against an entity subject to this ordinance is guilty of a violation and upon conviction thereof shall be punished by a fine of \$100 for each such violation.

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)

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 military~~ status is wrongful discrimination and inconsistent with the community's goals and values; and,

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

WHEREAS, ~~in some instances, current~~ state and federal ~~laws do not currently provide employment, housing and/or public accommodation laws have been interpreted to exclude~~ protection against discrimination ~~and retaliation~~ on the basis of sexual orientation ~~or and~~ gender identity ~~in employment, housing or public accommodations, and parties who allege such discrimination do not have a thereby precluding the use of the~~ complaint ~~or and~~ enforcement process ~~to pursue~~ ~~outlined therein~~; 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—desires to extend the law to prohibit~~ discrimination ~~based on and retaliation based upon sexual orientation and gender identity, giving these characteristics the same protection state and federal law already consistently provides with respect to~~ race, color, religion, national origin, sex, ~~sexual orientation, gender identity~~, age, disability, marital status, familial status, ~~or veteran and military~~ status, and to provide a complaint and enforcement process to effectuate ~~such protection, protections not available under current state and federal laws.~~

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~~ACCOMMODATIONS~~.**
5 – 801. DEFINITIONS.

~~Except to the extent they are in conflict with the definitions below, the~~ 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~~ apply to this article unless specifically defined herein. For purposes of this article, certain terms shall be interpreted or defined as follows unless the context clearly indicates otherwise.

- (a) Aggrieved individual means any individual who has a good faith belief that he/she has been injured by an unlawful discriminatory practice.
- (b) ~~(a)~~ City means the City of Prairie Village, Kansas.
- (c) ~~(b)~~ Code means the Code of the City of Prairie Village, Kansas.
- (d) Days means calendar days. If a deadline falls on a day city hall is not open (i.e. a weekend, a holiday recognized by the city, emergency closure) the deadline will be extended to the day city hall is open.
- (e) Employee means any individual 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 individual. Employee also does not include an independent contractor.
- (f) ~~(c)~~ ~~Business~~ means any person or entity Employer means any individual or entity (i.e. corporation, partnership, limited liability company, association, labor organization, mutual company, joint-stock company, trust, unincorporated organization) employing four or more employees ~~and the city (including all departments, boards and agencies of the City. Business shall include the City)~~ and any ~~City Contractor~~ city contractor. For purposes of this article, no religious organization or non-profit private club fraternal or social association/corporation shall be considered to be ~~a business~~ an employer.
- (g) Gender identity means an individual's perceived or actual gender-related identity, expression, appearance, or mannerisms, or other gender-related characteristics regardless of the individual's designated sex at birth.
- (h) Hearing officer means the City of Prairie Village Municipal Judge.
- (i) Investigator means the City of Prairie Village Prosecutor.
- (j) Nonprofit fraternal or social association/corporation means an association or corporation that meets all of 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.

- (k) ~~(b)~~ **Place of public accommodation** shall include every business establishment within the City 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~~ The term place of public accommodation shall not, however, ~~apply to include: (1) a religious organization; (2) 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, nonprofit fraternal or social association/corporation which restricts its facilities and services are restricted to the members of such club association/corporation and their guests; nor to or (3) any bona fide social, nonprofit fraternal or social association/corporation, or bona fide civic, political or religious organization, when the profits of such accommodations, advantages, facilities and services association/corporation or organization, above reasonable and necessary expenses, are solely for the its 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.~~
- (l) Religious organization means a church, mosque, temple, synagogue, or other entity principally devoted to religious practice or religious teaching.
- (m) Rent means to lease, to sublease, to let or otherwise to grant the right to occupy premises not owned by the occupant in exchange for payment or other consideration.
- (n) ~~(c)~~ ~~Rental~~ 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.
- (o) Respondent means the individual or entity against whom a complaint alleging discrimination or retaliation has been filed with the city.

(p) ~~(h)~~ **Sexual orientation** means an individual's ~~real orientation or orientation perceived by another as~~ perceived or actual emotional, romantic, or sexual attraction to other people. It can be described as, but not limited to, 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(e), 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.~~

~~(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) ~~(a)~~—The right of an otherwise qualified ~~person~~ individual to be free from discrimination because of that ~~person's real or perceived~~ individual's race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, marital status, familial status, or ~~veteran~~ military status is hereby recognized. This right shall include, but not be limited to, any of the following:

(1) ~~1.~~ The right to pursue and hold employment and the benefits associated therewith without wrongful discrimination.

(2) ~~2.~~ The right to the full enjoyment of any of the ~~accommodations~~ services, advantages, or privileges of any place of public ~~resort, accommodation, assemblage, or amusement~~ without wrongful discrimination.

(3) ~~3.~~ The right to engage in property transactions, including obtaining housing for ~~rental or sale~~ rent or purchase and credit therefor, without wrongful discrimination.

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

(b) To protect these rights, it is hereby declared to be the purpose of this article to extend the law to prohibit discrimination and retaliation based upon sexual orientation and gender identity and to provide a local process for the acceptance, investigation and resolution of complaints of discrimination and retaliation relating to sexual orientation and/or gender identity arising hereunder.

5 – 803. UNLAWFUL PRACTICES.

- (a) ~~(a) Employment.~~ It Employment. It shall be an unlawful discriminatory practice for ~~a business~~an employer, because of the ~~race, religion, color, sex, disability, familial status, national origin, ancestry,~~ sexual orientation, or gender identity ~~or military status of any person of an otherwise qualified individual.~~ to refuse to hire or employ such ~~person~~individual, to bar or discharge such ~~person~~individual from employment or to otherwise discriminate against such ~~person~~individual 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) ~~(b) Housing.~~ It Housing. It shall be an unlawful discriminatory practice for ~~a business~~an individual or entity to discriminate against any ~~person~~individual in the terms, conditions or privileges of ~~the sale or rental lease~~of real property or the lease of 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, or gender identity ~~or military status,~~ or to discriminate against any ~~person~~individual in such ~~person's~~individual's use or occupancy of rental housing because of the ~~race, religion, color, sex, disability, familial status, national origin, ancestry,~~ sexual orientation, or gender identity, ~~or military status of the people of individuals~~ with whom such ~~person~~individual associates. Nothing in this article shall prohibit a religious ~~organization or~~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 or rental housing which it owns or operates for other than a commercial purpose to ~~persons~~individuals of the same religion, or from giving preference to such ~~persons~~individuals.
- (c) ~~(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,~~ privileges, advantages 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.~~ individual because of sexual orientation or gender identity.

(d) It shall be a defense to any allegation of an unlawful discriminatory practice:

- (1) that the individual or entity did not know the aggrieved individual's sexual orientation or gender identity.
- (2) that the individual or entity acted in good faith and had reasonable grounds for believing that an act or omission was not a violation of this ordinance.
- (3) that any adverse action taken against the aggrieved individual would have been taken regardless of the individual's sexual orientation or gender identity (i.e. the aggrieved individual violated the law, a workplace rule, a lease provision or policy

applicable to all similarly situated individuals, such as employees, lessees, customers, etc.).

(e) ~~(d)~~ Nothing in this article shall:

(1) prohibit a ~~nonprofit private club~~ fraternal or social association/corporation in fact not open to the public, which as an incident to its primary purpose or purposes provides ~~lodgings~~ lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such ~~lodgings~~ lodging to its members or from giving preference to its members.

(2) ~~(d) — (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.

(3) require an employer to hire unqualified individuals or to retain employees when there is a legitimate non-discriminatory or non-retaliatory reason to terminate employment.

(4) ~~(f) — Nothing in this article shall~~ be construed to prohibit a ~~business~~ an employer from requiring all of its employees, as a condition of employment, to utilize the ~~business'~~ employer's applicable established internal human resource procedure(s) to address any allegation of discrimination or retaliation in the workplace. The fact that a ~~business~~ employer requires an employee to utilize the ~~business'~~ employer's applicable established internal human resource procedure(s) to address any allegation of discrimination or retaliation in the workplace shall not, in itself, be deemed a violation of this article. However, an employee may simultaneously file a complaint with the city as provided in this ordinance; completion of the employer's procedures is not a pre-requisite to filing a complaint with the city.

~~(f)~~

(5) ~~(g) — Nothing in this article shall~~ be construed to require any person or entity subject to this article to make changes requiring a building permit to any existing facility, except as otherwise required by law.

(6) be construed to prohibit an employer or place of public accommodation to post signs for restrooms and dressing rooms based on gender.

(7) be construed to make it lawful to discriminate or retaliate against individuals on the basis of race, color, religion, national origin, sex, age, disability, marital status, familial status, or military status. Such discrimination and retaliation is not addressed in this article because federal and state law consistently address unlawful discriminatory and retaliatory practices related to those characteristics and provide a complaint, investigation and enforcement process for such discrimination and retaliation.

5 – 804. ENFORCEMENT.

(a) ~~(a)~~ An aggrieved ~~person~~ individual may file a written, verified complaint that the ~~person~~ individual has been, or is being, ~~discriminated against by~~ subject to an alleged unlawful

discriminatory practice set forth in this ~~Article on his or her own behalf~~ article personally or through an attorney; ~~or if a minor, through his or her the minor's 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~~ individual, the ~~person(s)~~ individual(s) and/or entity/entities alleged to have committed the unlawful discriminatory practice(s), ~~and the respondent; shall describe the unlawful act or discriminatory practice; and shall include a description of the alleged unlawful conduct and~~ all other information as may be required by the ~~city form provided by the city. The city is to provide the complaint form without charge.~~

- (b) ~~(b)~~ The complaint form shall be submitted to ~~an~~ the investigator via hand-delivery, certified mail, email or fax, and shall only be considered complete if all information ~~requested~~ required by the city's form has been provided to the extent such ~~requested~~ information is reasonably available to the aggrieved ~~person~~ individual.
- (c) ~~(c)~~ The complaint form must be filed within ~~60~~ sixty (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~~ sixty (60) days of the last act of discrimination.
- (d) ~~(d)~~ Upon receipt of a ~~completed~~ complete complaint, the investigator shall notify the respondent ~~(s)~~ of the complaint, providing sufficient details related to the complaint so the respondent ~~(s)~~ may respond. The investigator shall give the respondent ~~(s)~~ 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 of respondent(s), extend the answer period an additional thirty (30) days. If the respondent(s) charged with violating the provisions of this article is the city, the city will engage an independent investigator who shall not otherwise be an employee, agent, or contractor of the city and shall not have any association with the complainant or the respondent(s).
- (e) ~~(e)~~ Following the conclusion of the answer period, the investigator may initiate an investigation period, requesting that the complainant and/or respondent ~~(s)~~ provide additional information, documentation or testimony as needed to facilitate the investigation of the complaint. The investigator shall have the power to issue process and compel the production of documents. Such process shall be executed by the chief of police and shall be enforced as in all cases of city ordinances. This investigation period shall be concluded within ~~60~~ sixty (60) days of the investigator's last request for information, unless the investigator notifies the complainant and the respondent(s) in writing of the need for additional time and reason(s) therefore.
- (f) ~~(f)~~ Within thirty (30) days of the conclusion of the investigation period, the investigator will review all ~~information provided to the investigator~~ evidence received during the investigation and make a determination ~~of~~ whether probable cause exists that the respondent ~~(s)~~ committed an unlawful discriminatory practice. The investigator will maintain all evidence received during the investigation for a period of two (2) years after the deadline for appeal or completion of appeal, whichever is later.
- (g) If the investigator finds that probable cause does not exist, then the investigator shall notify the complainant and the respondent ~~(s)~~, and no further action shall be taken by the city. The complainant may appeal the investigator's determination to the District Court

of Johnson County, Kansas, in accordance with K.S.A. 60-2101(d), and amendments thereto. Within thirty (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 a certified copy of the investigator's written determination and a certified copy of all evidence received by the investigator during the investigation.

(h) If the investigator finds that probable cause exists that an unlawful discriminatory practice was committed by respondent(s), the investigator shall notify the complainant and respondent-(s) and request conciliation and settlement.~~(g) 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~~ sixty (60) days of the date of the finding of probable cause, the matter shall be referred to the hearing officer for a hearing. The investigator may extend the time for signing a settlement agreement for good cause and with written notice to the parties.

~~—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.~~

(i) ~~(h)~~ If the investigator has determined that probable cause exists that the respondent-(s) committed an unlawful discriminatory practice against the complainant, and the complaint could not be conciliated and settled within ~~60~~ sixty (60) days of the date of such determination (or the last day of any extension, whichever is later), the complaint shall be set for a hearing before the hearing officer. The parties will be given at least ten (10) days' written notice of the date, time and place of the hearing. 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 have the power to administer oaths and to issue process and compel the attendance of any party or witness. Such process shall be executed by the chief of police and shall be enforced as in all cases of city ordinances. The hearing officer shall issue a written determination within ~~40~~ ten (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.~~ Each party is to bear their own attorneys' fees, if any. The hearing officer shall preserve all evidence presented at the hearing for a period of two (2) years after the deadline for appeal or completion of appeal, whichever is later.

(i) ~~(i)~~ ~~Any person~~ Any party 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~~

thirty (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-city~~ shall transmit to the court ~~the original or a~~ a certified copy of the written determination of the hearing officer and a certified copy all ~~documents or evidence considered by~~ presented at 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 the prevailing party court costs and reasonable attorney fees ~~to the prevailing party~~ incurred to prosecute or defend the appeal.

- (k) ~~(j) The~~ The filing of a complaint for the alleged violation of this article or a response thereto shall in no way preclude any ~~person~~ party 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 occurring 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.~~

- (l) Any individual making false, malicious, or unfounded accusations against an entity subject to this ordinance is guilty of a violation and upon conviction thereof shall be punished by a fine of \$100 for each such violation.

5-8045 - 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)

MAYOR'S ANNOUNCEMENTS

Monday, November 19, 2018

Committee meetings scheduled for the next two weeks:

Environment/Recycle Committee Meeting	11/28/2018	5:30 p.m.
City Council	12/03/2018	6:00 p.m.

=====

The Prairie Village Arts Council is pleased to feature a mixed media exhibit of the works of Lana Cease and Eileen Flink in the R.G. Endres Gallery during the month of November.

City offices will be closed November 23rd and 24th in observance of the Thanksgiving holiday. Republic will also observe the Thanksgiving holiday on Thursday, November 23rd delaying Thursday's service to Friday and Friday's pick-up to Saturday.

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
November 19, 2018

1. Tree Board Minutes - September 5, 2018
2. Planning Commission Minutes - October 2, 2018
3. Arts Council Minutes - October 10, 2018
4. Park & Recreation Committee - October 10, 2018
5. Mark Your Calendar

TREE BOARD
City of Prairie Village, Kansas

Minutes

Wednesday – September 5th, 2018 6:00PM Meeting
Public Works – Conference Room
3535 Somerset Drive

Board Members: Deborah Nixon, Gavin Jeter, Kevin Dunn, Frank Riott, Tom Brown, and Pamela Jorgenson.

Other Attendees: Mark Morgan, Bridget Tolle

- 1) Review and Approve minutes from August 1st, 2018 meeting**
One correction to the minutes was that the Tree Board Fall Seminar will take place on October 3rd, not October 6th. Motion to approve the minutes by Gavin Jeter, seconded by Pamela Jorgensen. Minutes approved unanimously.
- 2) New Board Position**
Deborah Nixon asked if the board was in favor of Mark Morgan to be the new Tree Board member. The board approved unanimously.
- 3) Street Tree Planting Project**
Frank Riott stated that the 22 trees have been ordered and Heartland Tree Alliance secured a corporate volunteer group from Orizen to plant the trees. Sarah Crowder, from Heartland Tree Alliance, will contact the Tree Board know when a date is set in October. Bridget Tolle said that she would ask the Prairie Village Public Information Officer if she could post this even on the City website and social media. Pamela Jorgensen said that she could contact Indian Hills Middle School and Village Presbyterian Church.
- 4) Fall Seminar**
Deborah Nixon created an article about the Fall seminar in which she is sharing with Kansas City Gardener October Issue, JoCo Ext. Master Gardener Friday Email, Leawood Garden Club Distribution, and Next Door Neighbor Blog. Deborah Nixon spoke about the speaker that she secured. Douglas A. Spiker, Ph.D., Botanist and Plant Pathologist will be giving a speech about Japanese Beetles and their effects in the landscape. Bridget Tolle will set up for the event and pick up refreshments. The Fall Seminar will be on Wednesday, October 3rd at 6:00pm at the Prairie Village Community Center. The board agreed to meet 15 minutes early.
- 5) Arboretum**
Gavin Jeter explained that Kevin Dunn identified trees at Bennett Park to be incorporated into the arboretum maps they have been working on. Pictures were also taken of the trees at

McCrum Park to be added to the maps as well. That way, a person can click on a tree icon and view a photo of the tree along with its species name, if it's an honoree tree, and other information. Bridget Tolle said that she spoke with a sales representative from Fast Signs, and they can make black and white plaques for the arboretum for \$7.00 a piece. The Tree Board approved of purchasing these plaques.

6) Bennett Park Elm Stump

Mark Morgan attended the meeting as a guest. He has labeled and identified trees in his yard. He is a gardener and researcher by trade and enjoys getting involved in projects. He brought forth the idea to preserve the 100 plus year old American Elm stump at Bennett Park since it is such a historical piece. Tom Brown suggested using linseed oil to coat the stump since it is non-toxic. Bridget Tolle said that the product being used should not create a slick surface for the kids to play on. Also, a non-toxic product would have to be used since Bennett Park is a chemical free park. Kevin Dunn referenced a historical American Elm in Lennox, Kansas that had died. Deborah Nixon said that Prairie Village used to recognize local champion trees. That may be something to look into in the future. Deborah Nixon moved to preserve the stump at Bennett Park, Frank Riott seconded, and the board approved unanimously. Deborah Nixon also explained that she would like to have more communication with the Parks and Recreation Committee for special projects like this, and also regarding new projects. Deborah Nixon asked if there was a landscape plan for North Park, and Bridget Tolle said she would look into it.

7) Old Business

There was no old business discussed.

8) New Business

Deborah Nixon asked if there will be a volunteer Christmas Party like there was in the past. Bridget Tolle said that she would look into it.

9) The next meeting agenda

There will not be an October meeting due to the Fall Seminar. The next meeting will be on Wednesday, November 7th at 6:00pm. The Board will not meet in January.

PLANNING COMMISSION MINUTES
October 2, 2018

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, October 2, 2018 in the Council Chambers at 7700 Mission Road. Chairman Nancy Wallerstein called the meeting to order at 7:00 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 and Joyce Hagen Mundy, Planning Commission Secretary.

APPROVAL OF MINUTES

James Breneman moved for the approval of the minutes of the September 11, 2018 regular Planning Commission meeting as presented. The motion was seconded by Gregory Wolf and passed unanimously.

PUBLIC HEARINGS

No public hearings were scheduled.

NON-PUBLIC HEARINGS

**PC2018-120 Site Plan Approval - Antenna Replacement
7700 Mission Road**

Susan Faber, with Black & Veatch representing AT&T, requested approval for the replacement of an existing antenna on the communications tower at 7700 Mission Road with a smaller antenna.

The applicant is requesting approval of a revised site plan to do the following for an existing monopole wireless telecommunications installation on the Municipal Complex property at 7700 Mission Road:

- Remove three existing antenna (approximately 96" x 14" by 8")
- Replace with six new antenna on dual mounts (approximately 96" x 14" by 8")
- Remove six existing RRHs (remote radio heads), and replace with nine new RRHs, which are behind the antenna or antenna mount and generally not visible from street.

Mrs. Faber stated the installation would not be visible from the street and there are no changes being made to the tower or surrounding equipment compound.

Chris Brewster stated the proposed replacement of antennas does not substantially change the installation. The proposed tower is a monopole built for multiple providers,

and it meets all requirements of the current special use permit and the renewal and lease amendments from 2017. 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 streetscape or adjacent properties.

The applicant has submitted a structural report dated August 22, 2018 by Selective Site Consultants analyzing the existing facilities and effect of the proposal, and found that the existing structures are adequate and comply with applicable structural standards for the proposed loading condition.

Mr. Brewster noted the application must comply with all 11 conditions of the existing special use permit. Staff provided a review of the site plan criteria based on the submitted application and found all criteria were met.

Gregory Wolf moved the Planning Commission approve the proposed site plan (PC2018-120) 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.

OTHER BUSINESS

Discussion of proposed changes to sign regulations

Chris Brewster reviewed a working draft of changes to the city's sign regulations recommended by staff. The intent of the changes is to better organize the regulations and clarify those areas requiring staff interpretation. No substantive changes are proposed.

The proposed code identifies exempt signs and categorizes signs into the following sign types:

- Wall Signs
- Monument Signs
- Pedestrian Signs
- Temporary Signs

The code clearly identifies sign allowances in residential districts, commercial districts and general standards applicable to all signs.

Mr. Brewster reviewed the existing requirement for individual signs standards for all multi-tenant buildings and the challenges they present.

Staff proposes that as new multi-tenant sign applications are submitted they would have the option to continue under the existing sign standards or follow the general code requirements. Monument signs would still be required to come before the Planning Commission.

Nancy Wallerstein noted in the past the city's sign regulations were challenged in court by the ACLU resulting in several changes. Mr. Brewster responded most challenges to sign regulations are related to temporary signs and stressed that temporary signs standards are content neutral. Another area of difficulty is "real estate" signs. Under the proposed regulations, signs could remain as long as the property is for sale or lease, not restricted to 90 days. The proposed code is silent on political signs.

Mrs. Wallerstein felt the city has become littered with signs and suggested the language in 19.48.010 be reviewed to clarify the intent and applicability. Mr. Brewster responded the proposed code addressed private signs on private property. No signs are allowed in the right-of-way. Mrs. Robichaud stated public city traffic signs are regulated by the MUTCD.

Mrs. Wallerstein and Mr. Breneman asked how grandfathered signs would be addressed. Mr. Brewster replied they are addressed in the "nonconforming" section of the code. Mr. Breneman suggested that a reference to those regulations be noted somewhere in this section.

Gregory Wolf asked how the proposed regulations compare with those of other cities. Mr. Brewster replied that some city's address design and aesthetic issues. Quantity and size of signs is addressed by most cities. Prairie Village regulations in regards to the size of signs is generally more restrictive than other cities. He added the current regulations allow for a wall-mounted sign on each façade. The proposed language allows for the option of two signs on a façade with no more than four total signs and within the established 5% of total wall space.

Commission members discussed commercial advertising signs, signs located within buildings, temporary residential signs and holiday or seasonal signage. Patrick Lenahan suggested Section 19.48.080 be rewritten in regards to acrylic panels. Mr. Breneman questions the language "solid base or ornamental surface structure" in Section 19.48. - 1B. Mr. Valentino noted some of the proposed language is very subjective such as, "durable quality material".

Mr. Brewster noted the general intent especially on temporary signs is to draw a line that is reasonable and enforceable on a daily basis.

Mrs. Wallerstein asked if staff had received complaints regarding residential signage. Mrs. Robichaud replied the only complaints received that she recalls have been related to political signs.

Mr. Brewster noted that the city attorney has not yet reviewed the proposed regulations.

NEXT MEETING

An application for site plan approval for antenna replacement at 9011 Roe has been filed by Sprint. The filing deadline for the November 6 meeting is Friday, October 5.

ADJOURNMENT

With no further business to come before the Commission, Chairman Nancy Wallerstein adjourned the meeting at 7:45 p.m.

Nancy Wallerstein
Chairman

Prairie Village Arts Council
Wednesday, October 10th, 2018
5:30 P.M.
Prairie Village City Hall – 7700 Mission Road
Multi-Purpose Room

At 5:30 p.m. Serena Schermoly called the meeting to order. In attendance were Sheila Evans, Shelly Trewolla, Art Weeks, Betsy Holliday, Jamie Robichaud, Dan Andersen, Jori Nelson, Steve LeCerf, and Paul Tosh.

New Member – A brief exchange of greetings with council members and new member Sheila Evans began the meeting.

Approval of Agenda – was moved by Art Weeks, seconded by Shelly Trewolla and unanimously approved.

Consent Agenda – all items on Consent Agenda including September minutes, light bulb funds transfer, and track lighting extensions were combined for approval by Betsy Holliday, seconded by Art Weeks and unanimously approved.

Financial Report – was submitted by Jamie Robichaud. Later in the meeting,, Dan Andersen requested that \$400 be transferred from the \$500 in miscellaneous expenses and be placed in Photography Show Expenses in the 2018 Budget. This was so moved by Betsy Holliday, seconded by Shelly Trewolla and unanimously approved.

Ongoing Business – Shelly Trewolla moved and Paul Tosh seconded approval of Dan Andersen’s gallery lighting standards. Paul Tosh’s logo for 2019 Art of Photography Show was shown to the meeting on Dan’s computer. Unanimous approval of this logo followed. Paul’s logo for the State of Senior Arts was distributed. Shelly recommended filling in the negative space in the letter “s” with either green or yellow. Paul will email corrections to the members.

New Business –**1.** Paul will be curator of the December 14th Show with help from Shelly. Art Weeks will email his Standards for Curatorship to members. **2.** The 2019 Gallery Exhibit Schedule finalization meeting will be Thursday, November 15th at 5:30 at City Hall.

There being no further business, Serena adjourned the business meeting at 6:35. Serena, Jori and Jamie departed.

Planning Committee as a Whole

Event Reports – Dan brought the council up to date on preparations for this coming Friday’s State of the Art show. He requested that council members be at City Hall at 4:30. His idea to pass cupcakes

after the awards were announced (to encourage people to stay and patronize the cash bar) did not go over well, and it was decided that the cupcakes should be brought out with the coffee. Betsy reported that Eileen Flink and Lana Cease were looking forward to the November 11th exhibit.

Planning – Dan would like to see more of the city’s paintings hung on the wall that has had only two aerial photographs. All agreed that this was a good idea.. Shelly Trewolla will send out through Facebook an advertisement for Gallery 2019 café announcements and a “blast” about this coming Friday’s SOTA event.

Dan adjourned the meeting at 7:00.

PARKS AND RECREATION COMMITTEE

October 10, 2018

5:30 PM

City Hall

MINUTES

The Parks & Recreation Committee met at 5:30 PM in the Council Chambers at City Hall. In attendance: Chair Chad Herring, Vice Chair Courtney McFadden, Lauren Wolf, Cher Brownback, Matthew Geary, Dianne Pallanich, Randy Knight, and Jerry Lonergan. Staff: Alley Porter and James Carney.

Public Participation

- Nancy Wallerstein, Chair of the Johnson County Park & Recreation District Board, requested that the Committee ask the City Council to consider renaming Prairie Park after former Mayor Ron Shaffer, the longest serving Mayor in Prairie Village history.

Consent Agenda

1. Minutes from September 12, 2018
 - It was moved and seconded to approve the minutes from September 12, 2018. The motion passed unanimously.

Reports

1. Public Works Report
 - Mr. Carney updated the Committee on the fertilizing and over-seeding in all the parks. Trash bins were placed in Windsor and the pavilion project is finishing up. The Shatto Milk event was a big hit with an estimated attendance of 500 people. He also noted that the crews were starting to winterize the parks by shutting down the fountains and the drinking fountains once we start having consistently cold temperatures. Vice Chair McFadden said the Shatto Milk event was great and that the staff did a wonderful job. Mr. Knight asked if there was any negative feedback, to which Mr. Carney responded he was not aware of any. Ms. Wolf asked about shutting down drinking fountains and asked if the City could announce when those would be shutdown. Chairman Herring noted that an individual who attended the Ward I meeting brought up the idea of a water fountain for humans and dogs that was year-round. Mr. Carney stated that technically all the fountains were year-round, but there are issues with the buttons freezing and other obstacles that make the winterizing necessary.
2. Recreation Report
 - Ms. Porter provided a brief update on Meadowbrook Park saying the project is currently behind for things like weather, utilities, etc. JCPRD would be coming to a City Council meeting in November to discuss further. She reviewed the 2018 Summer Recreation Programs Report and highlighted the slight increase in pool memberships.

3. Chairperson's Report

- Mr. Herring informed the Committee that the North Park Steering Committee had a meeting on site and talked about a number of things including the number of parking stalls, the location of the walking path, and the culvert. The concept of keeping the bell tower was explored, but it was determined that it was not meant to be standalone, which raised stability and safety concerns. Thus, the designer recommended removal, which the Steering Committee agreed. Next steps will be for the North Park concept to come to the Parks & Recreation Committee, a public forum, and then City Council. Chairman Herring also briefed the Committee on the Public Works Open House for some flooding issues at 69th and Mission. The design could lift up Mission Road and allow for an expansion of Schliffke Park with more tables and a better walking trail. Johnson County funds could assist with paying for the project.

Old Business

1. Pool Rules Review

- Ms. Porter reviewed the updated draft of the pool rules with the Committee and highlighted the section on the toys. Pool management is open to allowing toys in the leisure pool. The Committee agreed to use language similar to Merriam's that would allow for smaller pool toys at the discretion of management and that they can be prohibited during crowded conditions or for safety.

2. Draft Tennis Court Policy

- Ms. Porter reviewed the updated tennis court policy, which the Committee approved.

New Business

1. Draft Athletic Field Policy

- Ms. Porter drafted an athletic field rental policy. Overall, the Committee liked the priority of use and noted that "subletting" of fields should be prohibited. Mr. Herring asked that the minor changes be made and brought back to the next meeting for a final review.

2. Discussion of the Naming of Prairie Park (located at Tomahawk and Mission)

- Chairman Herring started the conversation on renaming Prairie Park to Shaffer Park. The policy states that public parks that have not been previously named for a mayor will be named for a mayor that has completed a four-year term, but there is not a procedure in place. Former Mayor Shaffer has said this is the park he would like named after him if it would be considered. Mr. Knight said that Mr. Shaffer has been a champion of parks and instrumental at Meadowbrook. The Committee approved moving the recommendation to rename Prairie Park to Shaffer Park to City Council.

3. Bennett Park

- Ms. Pallanich noted that Bennett Park was currently the City's pesticide/chemical free park and that it had a lot of bees and chiggers. She asked if the City could start rotating the parks, where they switch off which one is chemical free. Chairman

Herring asked Public Works to think about the proposal and discuss it at the next meeting.

4. Free Swim at PV Pool for Fourth of July

- Ms. Pallanich said the last Fourth of July free swim at the pool was a very hot day with a lot of people. There was an incident at the yard pool that required moving everyone to the lap pool. She asked to re-evaluate the free swim to make it free to just Prairie Village residents. Mr. Herring requested staff to talk to pool management and discuss further at the next meeting.

Adjournment – Meeting was adjourned at 6:45 PM.

**Council Members
Mark Your Calendars
November 19, 2018**

November, 2018 Mixed Media Exhibit in the R.G. Endres Gallery featuring Lana Cease and Eileen Flink

November 22 Thanksgiving - City offices closed
November 22 No trash services - pick-up delayed one day
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
December 25 No trash services - pick-up delayed one day

January, 2019 Juried Photography Exhibit in the R.G. Endres Gallery

January City Council Meeting
January 11 Artist Reception in the R.G. Endres Gallery
January 21 City Offices closed for Martin Luther King, Jr. Holiday
January 22 City Council Meeting
January 23 Local Government Day in Topeka