

Members of the Governing Body will participate by video call-in only due to the COVID-19 pandemic. The public will be able to view the meeting at <https://www.facebook.com/CityofPrairieVillage>

If you would like to speak live during the public participation portion of the meeting, please notify City Clerk Adam Geffert at [cityclerk@pvkansas.com](mailto:cityclerk@pvkansas.com), and provide your name, address, and email address prior to 3 p.m. on August 17. The City will provide you with a link to join the meeting and will call on those who signed up to speak once public participation begins. Members of the public will not be able to participate in the meeting unless they sign up with the City Clerk ahead of time. Each individual that wishes to speak will be given 3 minutes.

**COUNCIL MEETING AGENDA  
CITY OF PRAIRIE VILLAGE  
Council Chambers  
Monday, August 17, 2020  
6:00 PM**

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE OF ALLEGIANCE
- IV. APPROVAL OF THE AGENDA
- VI. PUBLIC PARTICIPATION

All comments must be submitted in writing to [cityclerk@pvkansas.com](mailto:cityclerk@pvkansas.com) prior to 3 p.m. on August 17 to be shared with Councilmembers prior to the meeting.

VII. **CONSENT AGENDA**

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

By Staff

1. Approval of regular City Council meeting minutes - August 3, 2020
2. Consider appointment of Environmental Committee members
3. Consider approval of the 2021 Mission Hills contract and the 2021 Mission Hills budget
4. Consider approval of professional services with Kaw Valley to perform construction materials testing and special inspections during construction of the Public Works facility

VIII. **COMMITTEE REPORTS**

Planning Commission

PC2020-114: Consider proposed zoning revisions to Chapter 19.36.005 (Restricted Uses) to allow the keeping of chickens in Prairie Village  
Jamie Robichaud

Tree Board

Consider enacting regulations to protect public and private trees during construction projects  
Frank Riott/Kevin Dunn

IX. **MAYOR'S REPORT**

X. **STAFF REPORTS**

XI. **OLD BUSINESS**

Extension of emergency declaration  
Mayor Mikkelson

XII. **NEW BUSINESS**

COU2020-39 Approve amendments to the Municipal Code pertaining to allowable hours for private property construction  
Wes Jordan/David Waters

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

XIV. **ANNOUNCEMENTS**

XV. **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](mailto:cityclerk@pvkansas.com)**



**CITY COUNCIL  
CITY OF PRAIRIE VILLAGE  
AUGUST 3, 2020**

The City Council of Prairie Village, Kansas, met in regular session on Monday, August 3, 2020, at 6:00 p.m. Due to the COVID-19 pandemic, Councilmembers attended a virtual meeting via the Zoom software platform. Mayor Mikkelson presided.

**ROLL CALL**

Roll was called by the City Clerk with the following Councilmembers in attendance remotely via Zoom: Chad Herring, Jori Nelson, Inga Selders, Ron Nelson, Bonnie Limbird, Piper Reimer, Dan Runion, Courtney McFadden, Ian Graves and Terrence Gallagher. Staff present via Zoom: Tim Schwartzkopf, Chief of Police; Keith Bredehoeft, Director of Public Works; City Attorney David Waters, attorney with Lathrop & Gage; Graham Smith, Gould Evans; Wes Jordan, City Administrator; Jamie Robichaud, Deputy City Administrator; Lisa Santa Maria, Finance Director; Meghan Boom, Assistant City Administrator; Adam Geffert, City Clerk.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

Mr. Nelson made a motion to approve the agenda for August 3, 2020 as presented. Ms. Nelson seconded the motion, which passed 10-0.

**PUBLIC HEARING**

**Budget Hearing - Adopt the 2021 budget**

Mrs. Santa Maria gave a presentation on the final draft of the 2021 budget. The total budgeted amount for expenditures in the general fund increased 2% from 2020 to \$24,349,734. The complete budget including all funds totaled \$43,080,169, with the mill levy rate remaining at 19.318.

Ms. Limbird made a motion to adopt the 2021 Budget as certified in the amount of \$37,443,447 with ad valorem tax in the amount of \$9,066,638. Mr. Nelson seconded the motion. A roll call vote was taken with the following votes cast: "aye": Herring, J. Nelson, Selders, R. Nelson, Limbird, Reimer, Runion, McFadden, Graves, Gallagher. The motion passed 10-0.

Prairie Village resident Dr. Jameelah Lang discussed the three recent Black Lives Matter protest events in the City, and noted that she and other protestors had been harassed by some residents. She asked if opportunities for collaboration between Council and residents of color, such as a racial justice task force, could be developed.



Mayor Mikkelson stated that he would provide a summary of the steps the City had taken in regard to racial justice issues later in the meeting. He added that housing affordability and the attraction of diverse residents were both high priorities.

### **CONSENT AGENDA**

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

1. Approval of regular City Council meeting minutes - July 20, 2020
2. Approval of agreement with Energy Solutions Professionals for an investment grade energy audit
3. Approval of custodial services three-year contract
4. Approval of interlocal agreement with Johnson County Wastewater and the City of Leawood for stormwater improvements on Mission Road

Ms. Reimer asked that item #3 be removed for further discussion.

**Mr. Gallagher made a motion to approve items #1, #2, and #4 on the consent agenda. A roll call vote was taken with the following votes cast: "aye": Herring, J. Nelson, Selders, R. Nelson, Limbird, Reimer, Runion, McFadden, Graves, Gallagher. The motion passed 10-0.**

Ms. Reimer asked if Public Works had developed processes to improve communication and accountability for expectations with the custodial services provider. She also asked if the supplies and chemicals used by the new company would be environmentally friendly.

Mr. Bredehoeft stated that the Public Works would ensure that supplies and chemicals met appropriate environmental standards. He added that the current provider consistently failed to meet quality of service expectations or communicate effectively with the City.

**Ms. Reimer made a motion to approve item #3 on the consent agenda. The motion passed 10-0.**

### **COMMITTEE REPORTS**

- **Planning Commission - PC2020-110: Consider Ordinance 2425 to rezone 7632 Reinhardt Street from R-1A to R-1B**

Mr. Waters reminded the Council that it would need to act in a quasi-judicial and impartial role, and make its determination based on the eight "Golden Factors". He asked Councilmembers if they had interacted with the applicant prior to the meeting. Several indicated they had received emails and/or information packets from the applicant.

**Mr. Waters asked whether Councilmembers felt they could consider the application in an impartial manner, free of pre-judgement. A roll call vote was taken with the following**





**Councilmembers voting “aye”:** Herring, J. Nelson, Selders, R. Nelson, Limbird, Reimer, Runion, McFadden, Graves, Gallagher, Mikkelson.

Graham Smith of Gould Evans provided background on the application, stating that the property was located on a block with many non-conforming lots. He noted that Council had approved a similar rezoning and lot split on the north end of the street from R-1A to R-1B in 2018, but denied another at the July 20, 2020 Council meeting.

Mr. Smith said that a rezoning required the City Council to evaluate facts, weigh evidence, and consider the “Golden Factors” outlined in the zoning ordinance:

1. The character of the neighborhood
2. The zoning and uses of property nearby
3. The suitability of the property for the uses to which it has been restricted under its existing zoning
4. The extent that a change will detrimentally affect neighboring property
5. The length of time of any vacancy of the property
6. The relative gain to public health, safety and welfare by destruction of value of the applicant's property as compared to the hardship on other individual landowners
7. City staff recommendations
8. Conformance with the Comprehensive Plan

Mr. Smith added that the Planning Commission voted to recommend approval of the rezoning to Council at its July 7, 2020 meeting.

John Moffitt, applicant and co-owner of Mojo Built, was present to speak to the Council. He stated that the application was very similar to the one approved by Council in 2018, and that the Planning Commission had determined that the proposal met the Golden Factor criteria.

Doug Patterson, father of the property owner, shared details about the house. He noted that trying to sell the home had been difficult, and that developers were the only potential buyers to express interest. He added that the home was over 100 years old and had many problems due to its age.

Mrs. McFadden asked Mr. Smith if he had any concerns with the Planning Commission’s recommendation to approve the rezoning. Mr. Smith said he did not.

**Mrs. McFadden made a motion to accept the Planning Commission’s recommendation and approve Ordinance 2425, rezoning the property at 7632 Reinhardt from R-1A to R-1B. Mr. Gallagher seconded the motion.**

Mr. Waters reminded Councilmembers that they could either approve the application, deny it, or send it back to the Planning Commission for further consideration. Several Councilmembers stated that the rezoning did not meet Golden Factors #1 (the character of the neighborhood), #4 (the extent that a change will detrimentally affect neighboring



property), #5 (the length of time of any vacancy of the property), and #8 (conformance with the comprehensive plan).

Mayor Mikkelson noted differences between the application and the rezoning that had been approved in 2018 at 7540 Reinhardt, stating that the Phase 2 building guidelines had since been approved, and that the proposed lots would each be four feet smaller in width.

**After further discussion, a roll call vote was taken with the following votes cast: “aye”: McFadden; “nay”: Herring, J. Nelson, Selders, R. Nelson, Limbird, Reimer, Runion, Graves, Gallagher, Mikkelson. The motion failed 10-1.**

**Mr. Nelson made a motion to override the Planning Commission’s decision and deny the rezoning request. The motion was seconded by Ms. Nelson. A roll call vote was taken with the following votes cast: “aye”: Herring, J. Nelson, Selders, R. Nelson, Limbird, Reimer, Runion, Graves, Gallagher, Mikkelson; “nay”: McFadden. The motion passed 10-1.**

- **Planning Commission - PC2020-111: Consider Ordinance 2426 to rezone 7641 Reinhardt Street from R-1A to R-1B**

Graham Smith of Gould Evans provided background on the application, noting that like the previous application, the property was located on a block with many non-conforming lots. He stated that Council had approved a similar rezoning and lot split on the north end of the street from R-1A to R-1B in 2018, but denied another at the July 20, 2020 Council meeting.

Mr. Smith said that a rezoning required the City Council to evaluate facts, weigh evidence, and consider the “Golden Factors” outlined in the zoning ordinance:

1. The character of the neighborhood
2. The zoning and uses of property nearby
3. The suitability of the property for the uses to which it has been restricted under its existing zoning
4. The extent that a change will detrimentally affect neighboring property
5. The length of time of any vacancy of the property
6. The relative gain to public health, safety and welfare by destruction of value of the applicant's property as compared to the hardship on other individual landowners
7. City staff recommendations
8. Conformance with the Comprehensive Plan

Mr. Smith added that the Planning Commission voted to recommend approval of the rezoning to Council at its July 7, 2020 meeting.

Steve Ashner, the applicant and owner of RC Renovations, spoke about the proposed project. He stated that his company was the current owner of the property, and described problems with the existing home. He added that new homes in other parts of the City were



being constructed on similar 60-foot wide lots that were actually smaller by total square footage.

Mrs. McFadden asked Mr. Smith if he had any concerns with the Planning Commission's recommendation to approve the rezoning. Mr. Smith said he did not.

**Mrs. McFadden made a motion to accept the Planning Commission's recommendation and approve Ordinance 2426, rezoning the property at 7641 Reinhardt from R-1A to R-1B. The motion was not seconded.**

**Mr. Nelson made a motion to override the Planning Commission's decision and deny the rezoning request. The motion was seconded by Ms. Nelson.**

Several Councilmembers stated that the rezoning did not meet Golden Factors #1 (the character of the neighborhood), #4 (the extent that a change will detrimentally affect neighboring property), #5 (the length of time of any vacancy of the property), and #8 (conformance with the comprehensive plan).

Mayor Mikkelson noted differences between the application and the rezoning that had been approved in 2018 at 7540 Reinhardt, stating that the Phase 2 building guidelines had since been approved, and that the proposed lots would each be four feet smaller in width.

**After further discussion, a roll call vote was taken with the following votes cast: "aye": Herring, J. Nelson, Selders, R. Nelson, Limbird, Reimer, Runion, Graves, Gallagher, Mikkelson; "nay": McFadden. The motion passed 10-1.**

- Mr. Herring stated that the Tree Board would meet on August 5 to discuss tree preservation. A presentation would be provided to Council at a future meeting.
- Ms. Nelson said that the Environmental Committee met July 22 and passed an ordinance to protect trees in the City.
- Mr. Gallagher thanked staff and councilmembers that participated in the budget process.
- Ms. Limbird noted that the deadline for the Arts Council's People's Choice Award voting had been extended to August 12.

### **MAYOR'S REPORT**

- Mayor Mikkelson provided an update on the COVID-19 pandemic, noting that percent positive rates in Johnson County had stabilized between 8% and 9%, and that the death rate remained flat.
- The Mayor noted that the Black Lives Matter march on Saturday, August 1, began at Weltner Park and proceeded south on State Line Road. No major incidents occurred.



He then provided a summary of some of the strategies the City had implemented to address racial justice and equality issues:

- Chief Schwartzkopf participated in a public forum on best police practices sponsored by the local chapter of the NAACP.
  - The Police Department reviewed and adjusted some policies, but found that most were already in compliance with the “8 Can’t Wait” initiative.
  - The City expanded implicit bias and cultural sensitivity training programs, including offering the training to Councilmembers.
  - The forthcoming comprehensive plan would include methods to address affordable and diverse housing in the City.
  - The City collaborated with the Mid-America Regional Council, United Community Services of Johnson County and other groups to address affordable housing in the region.
  - The Mayor, Council and City issued strong public statements condemning racism and police brutality.
  - The City initiated a review of the existing Civil Service Commission to determine whether an expanded role might be warranted.
  - The City worked to strengthen its relationship with the local chapter of the NAACP and other groups representing people of color.
  - The City regularly recruited for job openings at minority job fairs.
  - The Arts Council will consider holding an event focused on artists of color.
  - The Police Department protected and facilitated recent marches and events focused on racial justice.
- The Mayor noted that he would host a Climate Action KC webinar on August 13. Environmental, social and governance factors (ESG) will be discussed.
  - The Mayor stated that the Meadowbrook Park project had received a capstone award for community impact by the Kansas City Business Journal.
  - The Learning Tree in the Corinth Shops was named the best toy store in the Kansas City region by a reader’s poll in KC Magazine.

## **STAFF REPORTS**

### **Administration**

- Mr. Jordan noted that the August Plan of Action was included in the meeting packet.

### **Public Safety**

- Chief Schwartzkopf shared a summary of the Black Lives Matter march that took place on Saturday, August 1. He thanked the Leawood Police Department for their cooperation during the event.

## **OLD BUSINESS**

There was no old business to come before the Council.

## **NEW BUSINESS**



**COU2020-38      Consider cancellation of yearly animal enumeration in 2020**

Mr. Geffert stated that City Clerk staff coordinate a yearly animal enumeration project in an effort to ensure all pets in the City are licensed and current on rabies vaccinations. A specific area of the City is selected for enumeration each year, and temporary employees are hired to walk the neighborhood and knock on doors of homes at which pets are not currently licensed.

Over 1300 new animals were issued City licenses between 2016 and 2019 as a result of the project. Due to the COVID-19 pandemic, staff recommended the cancellation of the animal enumeration project in 2020 in order to eliminate face-to-face contact between enumerators and residents.

Mr. Geffert added that, although enumeration did generate a considerable amount of revenue for the City during the lifetime of a pet, there were concerns about continuing the project in future years due to the amount of staff time required, as well as safety concerns for the enumerators themselves. In lieu of performing an enumeration in 2020, staff would instead send a postcard to residents with a reminder about animal licensing. The results of this effort would be shared with Council at a future meeting to help consider the future of the project.

Mrs. McFadden suggested that staff contact local veterinary clinics and ask for their assistance in reminding residents about the City's licensing requirements. Mr. Herring asked that data regarding licensing from animal control officers be obtained and shared with Council when enumeration is reconsidered in 2021.

**Mrs. McFadden made a motion cancel the yearly animal enumeration project due to the COVID-19 pandemic. Mr. Herring seconded the motion. A roll call vote was taken with the following votes cast: "aye": Herring, J. Nelson, Selders, R. Nelson, Limbird, Reimer, Runion, McFadden, Graves, Gallagher. The motion passed 10-0.**

**Mr. Gallagher made a motion that the City Council move to the Council Committee of the Whole portion of the meeting. The motion was seconded by Mr. Herring. A roll call vote was taken with the following votes cast: "aye": Herring, J. Nelson, Selders, R. Nelson, Limbird, Reimer, Runion, McFadden, Graves, Gallagher. The motion passed 10-0.**

**COUNCIL COMMITTEE OF THE WHOLE**

**Discuss noise ordinance concerning private property construction**

At the July 2, 2020 Council meeting, staff reviewed the current noise regulations pertaining to private property construction in comparison to hours allowed in Mission Hills, Kansas. After discussion, the Council directed staff to work towards recommendations to reduce the allowable hours of construction based on the Mission Hills Ordinance as a template coupled with other considerations as suggested by staff.



Mr. Jordan shared current noise regulations related to private property construction from surrounding cities, and asked that the Council come to consensus on what hours would be appropriate in Prairie Village. Staff would then draft an ordinance based on that decision. He presented three possible options to the Council:

1. Option with Mission Hills Components  
Monday – Sunday (including Holidays) from 8:00 a.m. until 8:00 p.m. [recommend set time regardless of the day of the week to eliminate confusion that has been problematic in the past]
2. Option consistent to Neighboring Agencies  
Monday – Sunday (including Holidays) from 7:00 a.m. until 9:00 p.m. [recommend set time regardless of the day of the week to eliminate confusion that has been problematic in the past]
3. Option with Mission Hills and Neighboring Agency Components  
Monday – Sunday (including Holidays) from 8:00 a.m. until 9 p.m. [recommend set time regardless of the day of the week to eliminate confusion that has been problematic in the past]

Mr. Jordan added that other Johnson County cities (aside from Mission Hills) allowed construction to begin at 7:00 a.m. and conclude between 9:00 p.m. - 10:00 p.m. No city other than Mission Hills prohibited construction on Sundays or holidays. Lastly, he noted that public infrastructure improvements, such as street and storm channel repairs, would still operate on a 7:00 a.m. to 9:00 p.m. schedule.

Ms. Limbird asked for additional details about the distinction between private property construction and city infrastructure activities. Mr. Jordan stated that he and Mr. Waters felt that there was a difference because delays in infrastructure repairs would negatively impact many residents in the area, and potentially cost the City more.

**Ms. Nelson made a motion to update the existing noise ordinance to mirror the one used by the City of Mission Hills, allowing construction between 8:00 a.m. and 8:00 p.m., with no construction allowed on Sundays or holidays. The motion was not seconded.**

Mr. Waters stated that additional research needed to be done to determine if a distinction could be made between construction work performed by a homeowner and someone the homeowner had hired to do the work. He stated that such a distinction could be problematic.

**Mrs. McFadden made a motion to update the existing noise ordinance to allow construction between 7:00 a.m. and 9:00 p.m., Monday through Sunday, including holidays, based on Section 8-505 of the Municipal Code. The motion failed 8-2, with Mrs. McFadden and Mr. Gallagher in support.**



After further discussion, Mr. Herring made a motion to update the existing noise ordinance to allow construction between 8:00 a.m. and 9:00 p.m., Monday through Sunday, including holidays. The motion was seconded by Ms. Nelson. The motion passed 7-3, with Ms. Selders, Mr. Runion and Mrs. McFadden in opposition.

Mr. Herring moved that the City Council end the Council Committee of the Whole portion of the meeting. The motion was seconded by Ms. Reimer, and passed 10-0.

#### **ANNOUNCEMENTS**

Announcements were included in the Council meeting packet.

#### **ADJOURNMENT**

Mr. Nelson made a motion to adjourn the meeting. The motion was seconded by Mr. Herring, and passed 10-0.

Mayor Mikkelson declared the meeting adjourned at 8:58 p.m.

Adam Geffert  
City Clerk



**MAYOR**

**Council Meeting Date: August 17, 2020  
CONSENT AGENDA**

**Consider appointment of environmental committee members**

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**RECOMMENDATION**

Mayor Mikkelson requests Council ratification of the appointment of the following individuals:

<b>Committee</b>	<b>First Name</b>	<b>Last Name</b>	<b>Term</b>
Environmental Committee	Margaret	Thomas	2020-21
Environmental Committee	Travis	Carson	2020-22

**BACKGROUND**

The individuals listed above have expressed interest in service on the Prairie Village environmental committee. The committee chairs, Jori Nelson and Ian Graves, have reviewed all applications, and desire to have these committee members appointed. Volunteer applications are attached.

**ATTACHMENTS**

Volunteer Applications

**PREPARED BY**

Meghan Buom  
Assistant City Administrator

Date: August 4, 2020



\* Full Name  
Margaret Thomas

\* Full Address  
8401 Roe Ave  
KS Prairie Village 66207-1837

\* **Email**  
MargaretGThomas@gmail.com

\* Phone  
(913) 499-9009

\* Select your City Ward  
Ward 5

\* **Please select your FIRST committee choice**  
Environmental Committee

\* **Please tell us about yourself, listing any special skills or experiences you have.**  
extensive experience professionally and as a previous volunteer with the committee

\* Full Name  
Mr. Travis Carson

\* Full Address  
2510 W 71st Terrace  
Prairie Village KS 66208

\* **Email**  
traviscarsonemail@gmail.com

\* Phone  
(816) 590-4615

\* Select your City Ward  
Ward 3

\* **Please select your FIRST committee choice**  
Environmental Committee

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

I am a stay-at-home parent and environmental steward. I am currently in the process of performing a deep energy retrofit to my home. I have experience with prairie restorations and have an hobby native tree and plant nursery in my back yard. In my past, I worked for an environmental organization to promote energy efficiency and renewable energy. I have also owned and operated a small organic farm. I have a degree in Environmental Science from UMKC.



## CONSENT AGENDA

Council Meeting Date: August 17, 2020

**COU2020-40 Consider Approval of the 2021 Mission Hills Contract and the 2021 Mission Hills Budget**

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### RECOMMENDATION

The Prairie Village Police Department recommends the City Council formalize its law enforcement relationship with the City of Mission Hills for the 2021 calendar year by approving the attached 2021 Mission Hills Contract and the 2021 Mission Hills Budget.

**COUNCIL ACTION REQUESTED ON: August 17, 2020**

### BACKGROUND

Each year the Cities of Prairie Village and Mission Hills formalize their law enforcement relationship with an agreement between the municipalities. The budgetary costs for each law enforcement program are derived from formulas based on percentages of the Prairie Village Budget for services that include manpower allocation, calls for service, reported crimes, and vehicular accidents.

The 2021 Mission Hills Budget is calculated to be \$1,524,388, which is a 2.17 percent increase (\$32,360) compared to 2020. A breakdown of program costs is specified in the attached 2021 Mission Hills Budget spreadsheet.

The Mission Hills Contract does reflect a 3.5 percent increase, from \$45.04 to \$46.59 per hour, in Animal Control Services to account for merit and benefit costs.

The Mission Hills City Administrator has agreed with the contents of the attached 2021 Mission Hills Contract, as well as the 2021 Mission Hills Budget.

**ATTACHMENTS:**      2021 Mission Hills Contract  
                                 2021 Mission Hills Budget Comparison  
                                 2021 Mission Hills Shared Costs

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Prepared By:

Tim M. Schwartzkopf  
Chief of Police

Date: August 10, 2020

# MISSION HILLS AGREEMENT – 2021

**THIS AGREEMENT**, made this \_\_\_\_ day of \_\_\_\_\_, 2020, between the City of Prairie Village, Kansas, a municipal corporation, hereinafter referred to as “Prairie Village,” and the City of Mission Hills, Kansas, a municipal corporation, hereinafter referred to as “Mission Hills.”

**WHEREAS**, Prairie Village and Mission Hills are adjoining cities and share many of the same problems and concerns for police protection; and

**WHEREAS**, in the opinion of the governing bodies of Prairie Village and Mission Hills, the consolidated operation of law enforcement and policing of the two cities will be to the mutual benefit and the general welfare of the persons and properties of both municipalities; and

**WHEREAS**, K.S.A. 12-2908, and amendments thereto, authorize the parties hereto to enter into a contract with respect to performance of government services; and

**WHEREAS**, the governing bodies of said cities have determined to enter into an agreement as authorized and provided by K.S.A. 12-2908 and amendments thereto,

**NOW, THEREFORE**, in consideration of the mutual covenants and agreements herein made and contained, it is mutually agreed as follows:

**A. Services Provided.** Prairie Village shall furnish to Mission Hills during the term of this agreement, the following items:

**1. Police Vehicles.** It is agreed and understood that Mission Hills has previously paid for four police vehicles that are currently being used primarily in the City of Mission Hills and said vehicles are identified as:

046	2020	Ford	Explorer Hybrid	1FM5K8AW2LGC01939
047	2020	Ford	Explorer Hybrid	1FM5K8AW0LGA55461
048	2020	Ford	Explorer Hybrid	1FM5K8AWXLGC14471
949	2019	Ford	Explorer	1FM5K8AR5KGB54463

Each of these vehicles is registered to the City of Prairie Village.

During the terms of this agreement, Mission Hills shall be responsible for the replacement costs of any new vehicles needed. The Chief of Police shall notify the Mission Hills City Administrator when fleet bids are being offered. Replacement vehicles for Mission Hills will be offered as part of the fleet purchase, above the costs of this contract, if desired and approved by Mission Hills. New vehicles will be titled to the City of Prairie Village. Collision and liability insurance on the vehicles purchased by Mission Hills shall be maintained and paid for by Prairie Village.

Mission Hills shall pay all expenses relating to the maintenance of said vehicles, including, but not limited to, gasoline, oil, lubrication, tires, repairs and equipment changeover. Maintenance of said vehicles shall be under the direction and supervision of the Chief of Police. Routine maintenance will be provided by a vendor agreed upon by the Mission Hills City Administrator and the Chief of Police. Gasoline shall be provided through the Prairie Village gasoline pump. A monthly itemized bill shall be prepared and forwarded to Mission Hills for payment, which shall be above the costs of the contract agreement listed in Paragraph B. Major repair items such as engine or transmission overhaul shall be approved by the Mission Hills City Administrator prior to work being performed and will be billed directly to Mission Hills. If a Mission Hills police unit is inoperable for a period of time - as determined by a Police Department Shift Supervisor or Command Staff member, due to the vehicle being unable to be operated safely, or where further use may cause damage to the vehicle - Prairie Village shall provide a replacement vehicle and may bill Mission Hills at the rate equal to the 2019 IRS standard mileage rate per mile for a car used for business purposes for its use, above the costs of this contract.

It is agreed and understood that if both parties agree to terminate the conditions of this contract, those vehicles purchased by the City of Mission Hills, but titled to the City of Prairie Village, shall be transferred back to the ownership of Mission Hills for the sum of **\$1.00**.

**2. Police Personnel.** Prairie Village shall provide to Mission Hills the services of police officers, detectives, and other personnel as adopted by budget formulas to provide efficient and effective law enforcement services. The Chief of Police will approve staffing/scheduling in consultation with the Mission Hills City Administrator. With respect to the additional officers, Prairie Village shall not be required to provide a replacement officer or

effect a reduction in the amount due Prairie Village by Mission Hills under this Agreement when such an officer is unavailable due to an excused absence. An "excused absence" is an absence provided for under Prairie Village's personnel policies and for which the officer receives monetary compensation or compensatory time directly from Prairie Village for the absence, but does not include any such absence for which the officer is receiving monetary compensation for the absence from Workers' Compensation or other insurance. If any additional officer is unavailable for any reason other than an excused absence, Prairie Village shall either assign a replacement officer for the position or effect an appropriate reduction in the amount due Prairie Village by Mission Hills under this Agreement. Prairie Village shall use its best efforts to ensure that excused absences of police officers assigned to Mission Hills shall not be disproportionately higher than excused absences of police officers assigned to Prairie Village.

Prairie Village shall provide the services of such supervisory and support personnel as shall be necessary for the operation of said police cars and to provide normal police services.

Prairie Village shall pay the salaries, payroll taxes, Workers' Compensation and related benefits and shall bear all expenses and liabilities with respect to said police personnel, which may accrue from or be attributable to the employer-employee relationship.

All Prairie Village Police officers, and all cars used by such police officers, including the vehicles designated as the Mission Hills police vehicles, shall be subject to the jurisdiction of the Prairie Village Chief of Police, whether operating in Mission Hills or Prairie Village. The Prairie Village Chief of Police shall have exclusive supervision of the operation of the police vehicles designated as the Mission Hills cars and the personnel operating same, and shall handle all complaints or calls for services through the Police Department's offices at 7710 Mission Road, Prairie Village, Kansas. The Chief of Police will consult and cooperate with Mission Hills in scheduling and supervising the operation of Mission Hills vehicles and personnel operating same.

Mission Hills will designate an individual who shall serve as its representative to consult with the Chief of Police. All Prairie Village Police officers shall be deputized to act as police officers in Mission Hills and all Prairie Village personnel, in carrying out the police functions for Mission Hills as contemplated by this Agreement, shall be deemed to be acting for, and as the police arm of, Mission Hills.

It is further mutually agreed by the governing bodies of the respective cities hereto that each will respectively do all acts necessary and proper as provided in K.S.A. 19-2645 and K.S.A. 19-2646, and acts amendatory and supplemental thereto, for carrying out the applicable provisions of this Agreement.

**3. Court Personnel.** Prairie Village shall also provide a Clerk of the Court for the Mission Hills Municipal Court for two court sessions per month. Said Clerk shall be assigned by the Court Administrator of the Prairie Village Municipal Court. Said Clerk of the Court shall perform all duties as required by law and shall be deemed to be acting for and on behalf of the City of Mission Hills while performing said duties. Prairie Village shall not be liable in any manner for the actions of said clerk of the Court in the performance or nonperformance of said duties. Prairie Village shall be reimbursed for the costs of providing said Court personnel, which amount is included in the total contract amount as provided in Paragraph B of this Agreement.

**4. Humane Officer.** For purposes of animal control, Prairie Village shall provide to Mission Hills the services of a humane officer, when such services are needed. Said humane officer shall be under the supervision of the Chief of Police. It is agreed that when on duty, the humane officer shall respond to calls for service within Mission Hills that are the normal function of this service. In addition, the Mayor or City Administrator of Mission Hills can request scheduled hours in Mission Hills on a regular basis, which shall be provided if personnel are available. The cost of this service is not included in the contract amount as provided in Paragraph B, and shall be documented and billed at the rate of **\$46.59** per hour.

It is further agreed that Prairie Village has entered into a contract agreement with Animal Medical Center (AMC) for the professional care, impounding and boarding of animals taken into custody by the Police Department. This service is not included

in the contract amount as provided in Paragraph B, and shall be billed to Mission Hills by Prairie Village as required by the service provided by AMC.

**5. General Law Enforcement Services.** Prairie Village shall provide to Mission Hills law enforcement services necessary to efficiently maintain public safety in the City of Mission Hills. These services include, but are not limited to, administration of the Police Department; 9-1-1 and non-emergency PSAP for communications to the Police Department and police vehicles; Records for maintaining law enforcement files; Crime Prevention Program for education to reduce community vulnerability to crime and establish "community-oriented policing;" Investigations function that provides for the investigation of Part I and Part II crimes perpetrated by adults and youths; D.A.R.E. to provide a prevention aspect to adolescent drug use; the Property Room and evidence system, and the Department's comprehensive training.

**B. Reimbursement Costs.** Mission Hills shall reimburse Prairie Village for the cost of services and equipment provided to the City of Mission Hills as heretofore provided, the total amount of One Million, five hundred and twenty four thousand, three hundred and eighty eight and 00/100 Dollars **(\$1,524,388.00)**, said amount to be paid by Mission Hills at the rate of One Hundred and twenty seven thousand, thirty two and 33/100 Dollars **(\$127,032.33)**, per month during the term of this Agreement, said payment to be made not later than the 15<sup>th</sup> day of each month.

Said amount is based on the standard employee work schedule of the City of Prairie Village and includes the cost of supervision and insurance, radio dispatching, officer supplies, uniform replacement, salary of personnel, overhead and other costs which will be incurred by Prairie Village in fulfilling the obligations of this Agreement. The estimated costs of services and equipment to be provided under this Agreement have been compiled in a proposed budget for the year 2021, previously furnished to Mission Hills by Prairie Village. This budget was used in determining the costs to be reimbursed by Mission Hills; however, the parties recognize that the actual costs for the items furnished may differ from those estimated.

In the event of a difference which results from a change in the wage structure of Prairie Village personnel from that contemplated in the proposed budget, or pursuant to Paragraph A., 2., any additional officer is unavailable for any reason other than an excused



absence and Prairie Village elects not to assign a replacement officer, an appropriate increase or decrease will be made in the amount due Prairie Village by Mission Hills hereunder. However, the parties agree that no other difference, if any, in the actual costs of the services and equipment provided from that contemplated in the proposed budget will be cause for increasing or decreasing the amount due Prairie Village from Mission Hills hereunder.

**C. Reports.** The Chief of Police of Prairie Village shall at least once a month submit to Mission Hills a complete written report of the police activity and protection provided within said city.

**D. Liability Insurance and Uninsured Claims.** The parties recognize that actions (or omissions) in connection with services to be provided by Prairie Village under this Agreement may result in, or give rise to, claims against Mission Hills or Prairie Village, or both, for alleged damages or injuries. For the purpose of limiting financial exposure with respect to such claims, Prairie Village has obtained liability insurance relating to the operation of the Police Department and relating to the operation of vehicles used in providing the services contemplated by this Agreement. Part of the cost of these policies is allocated to Mission Hills and included in the total contract amount as provided in Paragraph B of this Agreement. Mission Hills shall at all times be named as an insured party on both such insurance policies.

In addition, both Prairie Village and Mission Hills carry general liability insurance and both parties agree that they will use their best efforts to cause the insurance companies providing such insurance coverage to waive any subrogation rights, which such companies may have against Prairie Village or Mission Hills, as the case may be, with respect to expenses incurred and amounts paid under such policies on behalf of the party carrying such insurance.

The parties also recognize that claims may be made against Mission Hills or Prairie Village or both for alleged injuries or damages which are not covered by any of such insurance policies. With respect to such uninsured claims: The parties agree that Mission Hills should bear all or most of the costs related to such claims (including defense costs and payments for settlement or judgment) in those situations in which the action or omission which gives rise to the claim relates primarily to a risk that would not have been incurred by Prairie

Village, if Prairie Village were not providing services to Mission Hills under this Agreement; and Prairie Village should bear all or most of the costs related to such claims (including defense costs and payments for settlement or judgment) in those situations in which the action or omission which gives rise to the claim relates primarily to the operation or policies of the Prairie Village Police Department and services provided to Mission Hills under this Agreement are only incidental to the situation.

Accordingly, the parties agree that the circumstances surrounding any claim, which is not covered by insurance and which relates to or arises from actions (or omissions) in connection with services provided or to be provided by Prairie Village under this Agreement, will be examined at the time such claim is made for the purpose of determining the appropriate percentage of the costs related to such claim, which are to be paid by Mission Hills and the appropriate percentage of such costs, which are to be paid by Prairie Village.

E. **Effective Date.** This Agreement shall be in effect from January 1, 2021, through December 31, 2021, and shall not be assigned. It is agreed that during the term of this Agreement neither party may terminate or modify the Agreement without the consent of the other, except as otherwise provided by this Agreement.

**IN WITNESS WHEREOF**, the Mayor of Prairie Village, Kansas, has signed this Agreement on behalf of the City of Prairie Village, as such mayor, and the City of Prairie Village has caused these presents to be attested by its Clerk and the seal of said city to be hereto attached; and the Mayor of Mission Hills, Kansas, has signed this Agreement on behalf of the City of Mission Hills, as such mayor, and the City of Mission Hills has caused these presents to be attested by its Clerk, and the seal of said City to be hereto attached, the day and year first above written.

**THE CITY OF PRAIRIE VILLAGE, KANSAS**

By: \_\_\_\_\_  
**Eric Mikkelson – Mayor**

**ATTEST:**

\_\_\_\_\_  
**Adam Geffert – City Clerk**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**David Waters – City Attorney**

**THE CITY OF MISSION HILLS, KANSAS**

By: \_\_\_\_\_  
**David W. Dickey – Mayor**

**ATTEST:**

\_\_\_\_\_  
**Meghan E. Woolbright - City Clerk**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Anna M. Krstulic – City Attorney**

# **MISSION HILLS, KANSAS**

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# **2021**

# **PUBLIC SAFETY BUDGET**

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## SHARED COSTS VS. MISSION HILLS COSTS

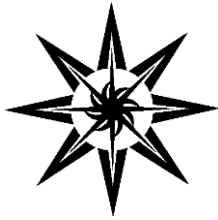
<b>PROGRAM</b>	<b>2021 SHARED COSTS</b>	<b>MISSION HILLS COST</b>
Administration	\$638,304	\$87,256
Staff Services	\$105,783	\$166,164
Community Services	\$0	\$0
Crime Prevention	\$91,927	\$11,483
Patrol	\$3,354,428	\$1,043,143
Investigations	\$751,981	\$93,922
Special Investigations	\$0	\$0
D.A.R.E.	\$120,900	\$12,090
Professional Standards	\$207,400	\$28,345
Traffic	\$0	\$0
Court	\$445,276	\$81,985
School Crossing Guards	\$0	\$0
Accounting	\$0	\$0
<b>TOTAL</b>	<b>\$5,715,999</b>	<b>\$1,524,388</b>

**MISSION HILLS BUDGET COMPARISON FOR 2021**

<b>PROGRAM</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2020-2021 COMPARISON</b>	<b>%</b>
Administration	\$78,620	\$76,385	\$83,410	\$87,256	\$3,846	4.61%
Staff Services	\$162,389	\$151,465	\$163,632	\$166,164	\$2,532	1.55%
Community Services	\$0	\$0	\$0	\$0	\$0	0.00%
Crime Prevention	\$10,603	\$11,528	\$16,739	\$11,483	-\$5,256	-31.40%
Patrol	\$909,159	\$969,028	\$1,005,359	\$1,043,143	\$37,784	3.76%
Investigations	\$89,898	\$98,469	\$97,961	\$93,922	-\$4,039	-4.12%
Special Investigations	\$0	\$0	\$0	\$0	\$0	0.00%
D.A.R.E.	\$11,996	\$11,311	\$11,830	\$12,090	\$260	2.20%
Professional Standards	\$25,523	\$26,194	\$27,958	\$28,345	\$387	1.38%
Traffic	\$0	\$0	\$0	\$0	\$0	0.00%
Court	\$79,619	\$82,665	\$85,139	\$81,985	-\$3,154	-3.70%
School Crossing Guards	\$0	\$0	\$0	\$0	\$0	0.00%
Accounting	\$0	\$0	\$0	\$0	\$0	0.00%
<b>TOTAL</b>	<b>\$1,367,807</b>	<b>\$1,427,045</b>	<b>\$1,492,028</b>	<b>\$1,524,388</b>	<b>\$32,360</b>	<b>2.17%</b>

**PERCENTAGE OF INCREASE**

**2.17%**



## PUBLIC WORKS DEPARTMENT

Consent Agenda: August 17, 2020

### COU2020-41 CONSIDER APPROVAL OF PROFESSIONAL SERVICES WITH KAW VALLEY TO PERFORM CONSTRUCTION MATERIALS TESTING AND SPECIAL INSPECTIONS DURING CONSTRUCTION OF THE PUBLIC WORKS FACILITY

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#### RECOMMENDATION

Move to approve the Construction Materials Testing and Inspection Services agreement with Kaw Valley Engineering in the amount of \$24,987.25.

#### BACKGROUND

The City of Prairie Village is in the middle of a 3 year testing contract with Kaw Valley for construction testing of various types. This testing includes concrete, asphalt, soil and pavement section. However, our current testing contract did not anticipate vertical construction testing and special inspections.

The scope of services for the PW Facility provides for the testing of concrete (structural, site and slab on grade), soil (Proctor tests and Atterberg limits), and provides a representative during key vertical construction activities. These activities include:

- Foundation excavation
- Erection of steel, including welded and bolted connections
- Observe structural masonry construction (and test grout)

Kaw Valley provides daily observation reports and test results to document the field activities.

#### FUNDING SOURCE

There is funding for the special inspections in the CIP project PW Facility (BG700002)

#### ATTACHMENTS

1. Kaw Valley Additional Services for Construction Materials Testing and Special Inspections

#### PREPARED BY

Melissa Prenger, Senior Project Manager

August 12, 2020



# KAW VALLEY ENGINEERING, INC.

Office: 913.894.5150

Fax: 913.894.5977

Web: [www.kveng.com](http://www.kveng.com)

Address: 14700 West 114<sup>th</sup> Terrace  
Lenexa, KS 66215

July 30, 2020

**C20T0705**

Ms. Melissa Prenger  
City of Prairie Village, Kansas  
3535 Somerset Drive  
Prairie Village, Kansas 66208

**RE: CONSTRUCTION MATERIALS TESTING AND INSPECTION SERVICES  
PRAIRIE VILLAGE PUBLIC WORKS BUILDING  
3535 SOMERSET DRIVE  
PRAIRIE VILLAGE, KANSAS**

Dear Ms. Prenger:

Kaw Valley Engineering, Inc. (KVE) is pleased to provide this proposal for construction materials testing and inspection services for the above referenced project. Reference is made to the Agreement for Materials Testing Services between the City of Prairie Village, Kansas, and KVE effective January 1, 2019 through December 31, 2021 (the "Agreement"). The following Scope of Services will be performed in accordance with the terms set forth in the Agreement.

## **PROJECT DESCRIPTION**

The proposed project is to consist of the construction of a new public works building for the City of Prairie Village, Kansas.

## **SCOPE OF SERVICES**

The purpose of the proposed Scope of Services is to perform testing of construction items to enhance compliance with the project plans and specifications.

The Scope of Services will consist of the following:

- Obtaining samples of fill material to perform Moisture-Density Relationship (Proctor) tests and Atterberg Limits.
- Providing a representative to perform in-place moisture and density tests for fill and backfill placed.
- Providing a representative to observe foundation excavation; and reinforcing steel, anchor bolt, and concrete placement.



- Providing a representative to test structural, site, and slab-on-grade concrete. Field testing shall include slump, air content, and casting strength test specimens. Laboratory testing shall include strength testing of field cast specimens.
- Providing a representative to observe erection of structural steel items, including welded and bolted connections.
- Providing a representative to observe and test structural masonry construction, including casting of mortar and grout compressive strength test specimens, and slump of grout. Laboratory testing shall include compression of strength test cylinders.
- Providing a representative to test Portland cement concrete and asphaltic concrete pavements. Field testing shall include slump, air content and casting strength test specimens (Portland cement concrete), and in-place density testing (asphaltic concrete). Laboratory testing shall include strength testing of field cast specimens (Portland cement concrete), and Marshall or gyratory properties and extraction/gradation (asphaltic concrete). If required, flexural strength beams will be cast and tested for Portland cement concrete.
- Providing Daily Observation Reports documenting the field activities and laboratory test results.
- Providing a Project Manager or Staff Engineer for consulting and report review/writing or other correspondence.
- Attending meetings on an as-needed basis during progress of construction.

The outlined scope assumes the Client and/or Contractor will provide safe access to the work requiring testing or observation. KVE shall not be held responsible for testing or observation that cannot be performed due to inadequate or unsafe access to the work. Additional charges shall apply for show up if site is not ready due to inadequate or unsafe access to the work.

## **FEES AND SCHEDULE**


Based upon the construction documents and schedule provided, we have projected an estimated Time and Materials (T&M) budget of **Twenty-Four Thousand Nine Hundred Eighty-Seven and 25/100 Dollars (\$24,987.25)**, in accordance with the outlined scope. The estimated T&M budget is based on certified AISC Steel Fabricator. If fabricator is not certified, quantities and fees will increase accordingly. A breakdown is displayed on the attached T&M budget estimate.

We request that a 24-hour notice be provided in scheduling of testing and observation activities. Fees will be invoiced for actual work completed. Time spent on the project in excess of eight (8) hours in a day or forty (40) hours in a week will be billed at the standard hourly rate. Invoices shall be submitted by KVE on a monthly basis, are due upon presentation, and shall be considered past due if not paid within thirty (30) calendar days of the invoice date. If payment in full is not received by KVE within thirty (30) calendar days of the invoice date, invoices shall be subject to a late charge of one-and-one-half (1.5) percent of the past due amount per month, which shall be calculated from the invoice date.

Additional work beyond the presented scope of work, including standby, may require additional pricing for the fee schedule. Extension of the proposed construction schedule, including standby time, will be performed in accordance with the rates presented on the attached fee schedule.

We appreciate the opportunity to be of service to you. If you have any questions or comments, please do not hesitate to contact me at (913) 894-5150.

Respectfully submitted,  
**Kaw Valley Engineering, Inc.**



Glenn R. Schouten, P.E.  
Materials Engineer

GRS/srh

\\\\MFLX-CILE\Projects\C20\_0705\Proposal\2020-07-30\TST Proposal Prairie Village Public Works Building.docx

### **AUTHORIZATION AND NOTICE TO PROCEED**

Client: City of Prairie Village, Kansas

Name/Title: \_\_\_\_\_  
(please print)

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Project Reference No.: \_\_\_\_\_

E-mail for Accounting: \_\_\_\_\_  
E-mail address where invoices can be sent electronically

**REPORT DISTRIBUTION DATA SHEET**

*This form must be completed by Client.*

**Submit observation reports to Client attention:**

Contact/Title: \_\_\_\_\_

E-mail (*Required Field*): \_\_\_\_\_

**Submit observation reports to the additional parties listed below:**

Type: _____ (e.g. Owner, Architect, Engineer, City Official, Contractor, Subcontractor)  <i>Primary distribution is E-mail</i>	Company Name: _____ Contact/Title: _____ Address: _____ _____ Phone: _____ Job Ph: _____ Fax: _____ Job Fax: _____ Cell: _____ E-mail ( <b>Required</b> ): _____
Type: _____ (e.g. Owner, Architect, Engineer, City Official, Contractor, Subcontractor)  <i>Primary distribution is E-mail</i>	Company Name: _____ Contact/Title: _____ Address: _____ _____ Phone: _____ Job Ph: _____ Fax: _____ Job Fax: _____ Cell: _____ E-mail ( <b>Required</b> ): _____
Type: _____ (e.g. Owner, Architect, Engineer, City Official, Contractor, Subcontractor)  <i>Primary distribution is E-mail</i>	Company Name: _____ Contact/Title: _____ Address: _____ _____ Phone: _____ Job Ph: _____ Fax: _____ Job Fax: _____ Cell: _____ E-mail ( <b>Required</b> ): _____
Type: _____ (e.g. Owner, Architect, Engineer, City Official, Contractor, Subcontractor)  <i>Primary distribution is E-mail</i>	Company Name: _____ Contact/Title: _____ Address: _____ _____ Phone: _____ Job Ph: _____ Fax: _____ Job Fax: _____ Cell: _____ E-mail ( <b>Required</b> ): _____

## TIME AND MATERIALS BUDGET ESTIMATE

Services	Unit	Quantity	Unit Price	Extension
<b>1. On-Site Observation and Testing</b>				
Moisture / Density Relationship (ASTM D 698)	Each	3	\$180.00	\$ 540.00
Moisture / Density Relationship (Fly-ash Treated)	Each	0	\$250.00	\$ 0.00
Atterberg Limits	Each	2	\$75.00	\$ 150.00
In-Place Moisture / Density Testing	Hour	60	\$72.00	<u>\$4,320.00</u>
			<b>Subtotal</b>	<b><u>\$5,010.00</u></b>
<b>2. Foundations / Structural Concrete</b>				
Bearing / Reinforcing / Concrete Observation	Hour	75	\$68.00	\$5,100.00
Compressive Strength Cylinder Testing	Each	125	\$15.00	<u>\$1,875.00</u>
			<b>Subtotal</b>	<b><u>\$6,975.00</u></b>
<b>3. Slab-on-Grade / Deck Concrete</b>				
Concrete Placement / Testing	Hour	16	\$68.00	\$1,088.00
Concrete Cylinder Testing	Each	40	\$15.00	<u>\$ 600.00</u>
			<b>Subtotal</b>	<b><u>\$1,688.00</u></b>
<b>4. Structural Steel</b>				
Welding, Bolting & Frame Inspection	Hour	20	\$105.00	<u>\$2,100.00</u>
			<b>Subtotal</b>	<b><u>\$2,100.00</u></b>
<b>5. Structural Masonry</b>				
Placement Observation / Testing	Hour	36	\$75.00	\$2,700.00
Mortar / Grout Cylinder Testing	Each	4	\$15.00	<u>\$ 60.00</u>
			<b>Subtotal</b>	<b><u>\$2,760.00</u></b>
<b>6. Site Asphalt and Concrete</b>				
Concrete Placement / Testing	Hour	18	\$68.00	\$1,224.00
Concrete Cylinder Testing	Each	30	\$15.00	\$ 450.00
Extraction / Gradation	Each	2	\$150.00	\$ 300.00
Marshall / Gyro w/Rice	Each	2	\$150.00	\$ 300.00
In-Place Density Testing	Hour	12	\$72.00	<u>\$ 864.00</u>
			<b>Subtotal</b>	<b><u>\$3,138.00</u></b>
<b>7. Sanitary Sewer</b>				
Sanitary Sewer Installation Observation	Hour	0	\$68.00	<u>\$ 0.00</u>
			<b>Subtotal</b>	<b><u>\$ 0.00</u></b>
<b>8. Travel</b>				
Vehicle	Mile	1,775	\$0.55	<u>\$ 976.25</u>
			<b>Subtotal</b>	<b><u>\$ 976.25</u></b>
<b>9. Professional Staff</b>				
Materials Engineer	Hour	8	\$150.00	\$1,200.00
Supervisor of Construction Materials	Hour	12	\$95.00	<u>\$1,140.00</u>
			<b>Subtotal</b>	<b><u>\$2,340.00</u></b>
<b>*T&amp;M Budget Estimate</b>				<b><u>\$24,987.25</u></b>

*(\*) Estimate is based on certified AISC Steel Fabricator. If fabricator is not certified, quantities and fees will increase accordingly.*



**PC2020-114: Consider Proposed Zoning Revisions to Chapter 19.36.005 (Restricted Uses) to Allow the Keeping of Chickens in Prairie Village**

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**BACKGROUND**

The City Council spent several meetings this summer discussing whether or not to permit the keeping of chickens in Prairie Village, which was previously prohibited by the municipal code.

On July 6, 2020, the City Council adopted Ordinance 2421, which amended Chapter 2 of the Prairie Village Municipal Code to allow the keeping of chickens. The ordinance included associated regulations and requirements residents must abide by when keeping chickens on their property. In order for this ordinance to become effective, the zoning regulations must also be updated in Chapter 19.35.005 (Restricted Uses). The changes include the following shown below in red:

“The raising, storage, or handling of farm crops, the raising, feeding, or keeping of farm animals, livestock or poultry, other than customary household pets or chickens, as provided in Chapter II, Article 1 of the City Code, as identified in the P.V.M.C 6.04.020, and the keeping or display of farm or other heavy equipment or machinery is prohibited in all districts.”

In order to make a text amendment to the zoning regulations, the Planning Commission must hold a public hearing and make a recommendation to the Governing Body. Ordinance 2424 would make the change described above. The Planning Commission held a public hearing on August 4, 2020 regarding the proposed zoning text amendment and voted unanimously to recommend approval of the zoning regulation change to the Governing Body. An excerpt of the minutes from their meeting is attached for the Council’s review.

A zoning text amendment requires a recommendation from the Planning Commission with final approval coming from the Governing Body. The Governing Body can take the following actions on a zoning recommendation from the Planning Commission:

1. Adopt the PC’s recommendation with a simple majority (7 votes)
2. Override the PC’s recommendation with a 2/3 majority vote (9 votes)
3. Return the recommendation back to the PC for further consideration

**RECOMMENDATION**

Make a motion to adopt the Planning Commission’s recommendation of the proposed revisions to Chapter 19.35.005, to allow the keeping of chickens in Prairie Village, as outlined in Ordinance 2424.

**ATTACHMENTS**

- Ordinance 2424 - proposed revisions to the zoning code
- PC Minutes Excerpt from August 4, 2020
- Ordinance 2421 - ordinance that amended the municipal code - already adopted by the City Council

**PREPARED BY**

Jamie Robichaud  
Deputy City Administrator  
Date: August 12, 2020

**EXCERPT OF PLANNING COMMISSION MINUTES**  
**August 4, 2020**

**PUBLIC HEARINGS**

PC2020-110      Rezoning and Request for Lot Split  
7632 Reinhardt Street  
Current Zoning: R-1A  
Requested Zoning: R-1B  
Applicant: Mojo Built, LLC

**PUBLIC HEARINGS**

PC2020-114      Consider proposed zoning revisions to Chapter 19.36.005  
(Restricted Uses) to allow the keeping of chickens in Prairie Village

Ms. Robichaud stated that the City Council spent several meetings considering the keeping of chickens in Prairie Village, which was previously prohibited by the municipal code. On July 6, 2020, the Council adopted Ordinance 2421, which amended Chapter 2 of the Prairie Village Municipal Code to allow the keeping of chickens. The ordinance included associated regulations and requirements residents must abide by when keeping chickens on their property.

In order for this ordinance to become effective, the zoning regulations must also be updated in Chapter 19.35.005 (Restricted Uses), which currently states the following in subsection E: "The raising, storage, or handling of farm crops, the raising, feeding, or keeping of farm animals, livestock or poultry, other than customary household pets, as identified in the P.V.M.C 6.04.020, and the keeping or display of farm or other heavy equipment or machinery is prohibited in all districts."

Ordinance 2424 would revise Chapter 19.35.005, Subsection E to say the following:

"The raising, storage, or handling of farm crops, the raising, feeding or keeping of farm animals, livestock, or poultry, other than customary household pets or chickens as provided in Chapter II, Article 1 of the City Code, and the keeping or display of farm or other heavy equipment or machinery is prohibited in all districts." In order to make a text amendment to the zoning regulations, the Planning Commission must hold a public hearing and make a recommendation to the Governing Body.

Mr. Valentino asked if chicken coops would be treated as secondary structures, noting that sheds and other buildings had a number of restrictions. He also asked if there were any concerns about residents keeping hens in side yards instead of rear yards. Ms. Robichaud stated that chicken coops would be considered separately from other accessory structures and would not require a building permit. She added that regulations were currently in place to address nuisance issues, and that existing zoning guidelines could be used to regulate back yard and side yard concerns.

Mrs. Wallerstein noted that the regulations specified the types of materials that could be used to construct coops and tractors, and asked how those regulations would be enforced if there was no permitting process. Ms. Robichaud said that staff was attempting to enforce this regulation on a complaint basis when dealing with backyard hens, and that there were other things allowed on residential properties without a permit or review beforehand that are still required to abide by the City's regulations. She added that the proposed ordinance was similar to the existing beekeeping ordinance, which did not require a license or permit but did have regulations in place that must be followed under the law.

Mr. Wolf opened the public hearing at 7:26 p.m.

- Maddie Kamphaus, 5405 W. 73<sup>rd</sup> Street, stated that she was in favor of allowing residents to keep chickens. She noted that she had kept hens when she lived in Roeland Park, and that it had been a positive experience that brought neighbors together.
- Wilson Sinclair, 7901 Falmouth Street, had technical issues and was unable to join the meeting, but indicated that he shared Ms. Kamphaus' sentiments.

With no one else present to speak, Mr. Wolf closed the public hearing at 7:34 p.m.

Mrs. Wallerstein asked how residents would appropriately dispose of chicken carcasses. She noted that there were many wild animals in the City that could attack chickens. Ms. Robichaud stated that she would pass the comments along to the city attorney and Council for consideration.

**Mr. Valentino made a motion to recommend approval of Ordinance 2424 to the City Council. Mr. Breneman seconded the motion, which passed unanimously.**

**ORDINANCE NO. 2424**

**AN ORDINANCE REGARDING RESTRICTED USES WITHIN THE CITY OF PRAIRIE VILLAGE, KANSAS, REGULATING THE KEEPING OF CHICKENS; AMENDING CHAPTER 19.36 OF THE CITY ZONING AND SUBDIVISION REGULATIONS.**

**WHEREAS**, pursuant to K.S.A. 12-757, the Governing Body of the City of Prairie Village, Kansas, initiated an amendment to the city's zoning and subdivision regulations regarding the keeping of chickens within the city, and notice of said amendment was duly given as required by law; and

**WHEREAS**, a public hearing was held before the Planning Commission of the City of Prairie Village, Kansas and the recommendation of said Planning Commission was acted upon by the Governing Body, all as required by law.

**NOW, THEREFORE**, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRAIRIE VILLAGE, KANSAS:

**Section 1.** Existing Section 19.36.00F of the Zoning and Subdivision Regulations of the City of Prairie Village, Kansas, is hereby amended to read as follows (with underlined portions being added, and stricken-out portions being deleted):

**19.36.005 Restricted Uses.**

- A. No temporary or uncompleted building, garage, or appurtenances incident to a family dwelling shall be erected, maintained or used for residence purposes. However, it is provided that when the exterior and more than fifty percent of the interior of a permanent residence has been completed at the time of adoption of this title, this regulation shall not apply.
- B. No temporary or outwardly incomplete building or structure, no open excavation for a basement or foundation, and no building or structure so damaged as to become unfit for use or habitation shall be permitted, maintained or remain in such condition for more than six months.
- C. No building material, construction equipment, machinery or refuse shall be stored, maintained or kept in the open upon any lot, tract or parcel other than in such districts as permitted in this title, except during actual construction operations upon said premises or related premises; provided that the Board may waive said requirement in unusual cases for a limited time.
- D. No building, structure or premises shall be used for, or occupied by any of the following uses:
  - 1. Junkyard, junk storage, salvage yard, auto wrecking;
  - 2. Auto courts, row houses, trailer camp, tourist cabins, mobile homes;



3. Slaughterhouse, commercial poultry dressing or processing establishment where such use is primary and not incidental to a permitted use;
  4. Refuse dumps, dumps;
  5. Boardinghouse or lodging houses, exclusive of group homes.
- E. The raising, storage, or handling of farm crops, the raising, feeding or keeping of farm animals, livestock or poultry, other than customary household pets or chickens as provided identified in Chapter II, Article 1 of the City Code ~~the P.V.M.C. 6.04.020~~, and the keeping or display of farm or other heavy equipment or machinery is prohibited in all districts.

**Section 2.** Section 19.36.005 of the Prairie Village Zoning and Subdivision Regulations, in existence as of and prior to the adoption of this ordinance, are hereby repealed.

**Section 3.** This ordinance shall take effect and be enforced from and after its passage, approval, and publication as provided by law.

**PASSED** by the City Council of the City of Prairie Village, Kansas on this 17<sup>th</sup> day of August, 2020.

**APPROVED** by the Mayor on \_\_\_\_\_, 2020.

**CITY OF PRAIRIE VILLAGE, KANSAS**

\_\_\_\_\_  
Eric Mikkelson, Mayor

**ATTEST:**

\_\_\_\_\_  
Adam Geffert, City Clerk

**APPROVED AS TO LEGAL FORM:**

\_\_\_\_\_  
David E. Waters, City Attorney

**ORDINANCE NO. 2421**

**AN ORDINANCE REGARDING ANIMAL CONTROL AND REGULATION WITHIN THE CITY OF PRAIRIE VILLAGE, KANSAS, REGULATING THE KEEPING OF CHICKENS; AMENDING CHAPTER II (ANIMAL CONTROL AND REGULATION), ARTICLE 1 (GENERAL PROVISIONS) OF THE CODE OF THE CITY OF PRAIRIE VILLAGE, AND ADDING NEW SECTIONS THERETO.**

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

**Section 1.** Existing Section 2-143 of the Code of the City of Prairie Village, Kansas, is hereby amended solely for the purposes of renumbering such section as Section 2-144; existing Section 2-144 of the Code of the City of Prairie Village, Kansas, is hereby amended solely for the purposes of renumbering such section as Section 2-145; and existing Section 2-145 of the Code of the City of Prairie Village, Kansas, is hereby amended solely for the purposes of renumbering such section as Section 2-146.

**Section 2.** A new Section 2-143 is hereby established in Chapter II (Animal Control and Regulation), Article 1 (General Provisions), in the Code of the City of Prairie Village, Kansas, as follows:

**2-143 KEEPING OF CHICKENS WITHIN THE CITY LIMITS.**

A. Definitions.

- (1) "Chicken" means *Gallus gallus domesticus* of the female sex; This definition does not include male chickens or roosters, or other fowl, such as, but not limited to, peacocks, turkeys, or waterfowl, all of which are not permitted under this Section.
- (2) "Chicken Coop" or "Coop" means an enclosed structure for housing chickens that provides shelter from the elements.
- (3) "Chicken Run" or "Run" means an enclosed outside yard or area for keeping chickens.
- (4) "Chicken Tractor" or "Tractor" means a movable chicken coop lacking a floor.
- (5) "Chick" means a chicken of less than sixteen (16) weeks of age.
- (6) "Dwelling" shall have such meaning as provided in Chapter 16 (zoning and subdivision regulations).
- (7) "Lot" shall have such meaning as provided in Chapter 16 (zoning and subdivision regulations).

Other terms used herein but not defined herein shall have such meanings as provided in Section 2-102 of this Article, if so defined.

B. Keeping of Chickens Allowed. Subject to the provisions of this Section 2-143, and the other provisions of this Article, the keeping of chickens shall be permitted within the city limits.

- (1) No person or household shall own or harbor more than six (6) chickens of sixteen (16) weeks of age or older, or more

than one clutch (eight) of chicks, on any one lot, regardless of how many dwellings are on the lot.

- (2) Only female chickens are allowed.
- (3) The keeping of chickens, as outlined in this section, shall only be permitted in the R-1A, R-1B, and R-2 zoning districts, as defined in the city's zoning and subdivision regulations.
- (4) Nothing in this Section shall permit the keeping and selling of chickens for profit, and commercial chicken operations are prohibited.

It shall be unlawful to keep chickens except in accordance with this Section.

C. Requirements for Enclosures; Locations and Setbacks.

- (1) Chickens must be kept in a coop or chicken tractor at all times. A coop must include an attached adjacent chicken run. A chicken tractor must include an enclosed coop portion and a separate attached area lacking a floor. Only one coop (with run) or one chicken tractor may be maintained on any one lot.
- (2) Coops (including the chicken run) and tractors must be built with a minimum of twelve (12) square feet per chicken, not to exceed 84 square feet total. Of this, a minimum of two-square-feet-per-chicken of inside or enclosed space in the coop or tractor must be provided. If and to the extent setbacks or other requirements of this Section limit the size of a coop/run or tractor, then a person shall only own or harbor such number of chickens as may fit within such limited size, in consideration of the minimum requirements for coops, runs, and chicken tractors.
  - (a) Coops (including the coop portion of any chicken tractor) shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked. Opening windows and vents, whether in the coop, the run, or the tractor, must be covered with predator- and bird-proof wire of less than one-inch openings.
  - (b) The coop, run, and tractor shall be constructed with durable materials that will hold up to weather and the environment. Sturdy wire and/or wooden fencing shall be used to keep chickens within the run or tractor. New materials shall be used, unless used or reclaimed materials are approved by the City building inspector. The use of scrap, waste board, sheet metal, or similar materials is prohibited.
- (3) Coops, runs, and tractors may only be located in the rear yard of a parcel, as such rear yard is defined in Chapter 16 (zoning and subdivision regulations). Coops, runs, and tractors must be located at least ten (10) feet from the property line of a lot, and at least twenty-five (25) feet from any dwelling, church, school, or business structure located on any other parcel.

D. Standards of Care; Feed; Waste.

- (1) Chickens shall be provided with adequate care, adequate food, adequate health care, adequate shelter, and adequate water, as defined in this Article.
- (2) All feed and other items associated with the keeping of chickens shall be protected from or to prevent rats, mice, or other rodents or other vermin from gaining access to or coming into contact with the feed. The owner and persons responsible for the chickens shall take such actions as are necessary to reduce the attraction of predators and rodents and the potential infestation of insects and parasites.
- (3) Odors from chickens, chicken manure, chicken waste, chicken feed, or other substances related to the keeping of chickens shall not be perceptible beyond the property lines of any lot. Noise from chickens shall not be loud enough at the property lines of any lot as to disturb persons of reasonable sensibilities.
- (4) Owners and persons responsible for chickens shall handle the care and disposal of any chicken waste. The coop, yard, and tractor, and the whole of any lot, must be kept free from trash and accumulated waste or droppings. Any composting of droppings/manure must comply with the provisions of Chapter XV, Article 2, of the city code, including but not limited to as to aggregate size of any compost pile which may contain chicken waste.
- (5) Notwithstanding any provision or exception contained under Section 2-128 and the Kansas animal cruelty act, K.S.A. 21-6411 *et seq.* (incorporated in part into Section 11.11 of the 2019 Uniform Public Offense Code for Kansas Cities as adopted by the city), as any of the foregoing may be amended from time to time, no person shall kill or slaughter any chicken on such person's lot.
- (6) The provisions of this Article, including but not limited to Sections 2-125 (Public Nuisance), 2-126 (Unlawful to Harbor or Keep any Animal without Proper and Necessary Precautions), 2-128 (Cruelty to Animals), 2-137 (Disease Control), 2-138 (Removal of Animal Feces), and 2-139 (Removal of Dead Animal) shall otherwise apply as to the keeping of chickens as described in this Section.

E. Application of Dangerous Animal Regulations. Notwithstanding anything in this Article to the contrary, the attack or killing of a chicken by an animal shall not, by itself, cause such animal to be classified as a dangerous animal, a potentially dangerous animal, or a vicious animal.

F. Enforcement. Violations of this Section shall be handled by either the City building inspector, code enforcement, animal control, the director of solid waste management, or through police action, as may be necessary given the nature of the violation.

**Section 3.** Existing Section 2-103 of the Code of the City of Prairie Village, Kansas, is hereby amended to read as follows (with underlined portions being added, and stricken-out portions being deleted):

**2-103 KEEPING OF LIVESTOCK, POULTRY AND FOWL PROHIBITED.**

- a) Except as provided in subsection (b) below, and as provided in Section 2-143 below, it shall be unlawful for any person to own, harbor, shelter, keep, control, manage, or possess livestock, poultry or fowl on any premises within the City and no special or temporary permit will be issued for these. For the purpose of this section, livestock, poultry, and fowl include, but are not limited to: cows, pigs, horses, donkeys, mules, sheep, goats, chickens, ducks, geese, guinea fowl, peacocks, pigeons, swans and those animals considered miniature or pygmy breeds, e.g., pot-bellied pigs, miniature donkeys, miniature horses, and pygmy goats.
- b) The following persons or organizations shall be allowed to own, harbor, shelter, keep, control, manage, or possess any livestock, poultry and fowl:
  - 1. The keeping of such animals in zoos, bona fide educational or medical institutions, museums or any other place where there are kept live specimens for the public to view or for the purpose of instruction or study;
  - 2. The keeping of such animals for exhibition to the public of such animals by a circus, carnival or other exhibit or show;
  - 3. The keeping of such animals in a bona fide, licensed veterinary hospital for treatment; ~~and~~
  - 4. Commercial establishments processing such animals for the purpose of sale or display; and
  - 5. The keeping of chickens as provided in Section 2-143 below.

**Section 4.** Existing Section 2-109 of the Code of the City of Prairie Village, Kansas, is hereby amended to read as follows (with underlined portions being added, and stricken-out portions being deleted):

**2-109 HARBORING OR KEEPING OF PERMITTED ANIMALS**

- a) No person shall own, harbor, shelter, keep, control, manage, or possess, within the City, any potentially dangerous or dangerous animal, or any safe animal including the domestic dog (*Canis familiaris*) and the domestic cat (*Felis domesticus*), without obtaining permits and licenses required under this Chapter. The following animals are the only animals allowed without a permit or license:
  - 1. Gerbils (*Tateriltus gracillio*);
  - 2. Hamsters (*Critecus critecus*);
  - 3. Rabbits (*Lepus Cunicullus*);
  - 4. Domestic Mice (*Mus musculus*);
  - 5. Domestic Rat (*Rattus norvegicus*);
  - 6. Any animal, usually tame and commonly sold at pet stores, including Ferrets (*Mustela furo*), Chinchillas (*Chinchillidae*),

Canaries (*Serinus canaria*), Cockatoos, Macaws, Parakeets, and Parrots (*Psittacines*); ~~and~~

7. Bees, subject to Section 2-140.; and

8. Chickens, subject to Section 2-143.

- b) Any person who owns, harbors, shelters, keeps, controls, manages, or possesses, within the City, any animal without a permit, except as exempted by this section, shall be charged with a misdemeanor and upon conviction thereof, shall be subject to the penalties in ~~section 2-143~~ 2-144, and/or such specific penalties as be provided elsewhere in this Article. This shall include instances where any person owns, harbors, shelters, keeps, controls, manages, or possesses, within the City, an animal which has been declared by another municipality to be potentially dangerous or dangerous, or similar designation.

**Section 5.** Existing Section 2-125 of the Code of the City of Prairie Village, Kansas, is hereby amended to read as follows (with underlined portions being added, and stricken-out portions being deleted):

**2-125 PUBLIC NUISANCE**

- a) A Public Nuisance is ~~any animal that:~~
1. Any animal that materially ~~Materially~~ damages private or public property;
  2. Any animal that scatters ~~Scatters~~ solid waste that is bagged or otherwise contained; ~~or~~
  3. Any animal that excessively ~~Excessively~~ barks, whines, howls, or creates any other disturbance which is continuous or during times covered by the City Noise Ordinance, as amended from time to time (12:00am to 9:00am Friday-Saturday, 11:00pm to 7:00am Sunday-Thursday) (disturbance factors include, but are not limited to: time of day, volume, length of time, etc.). If the violation is not witnessed by the animal control officer and/or law enforcement officer, the complainant making such statement must agree to sign a complaint and testify in court if requested; or
  4. Any violation of this Article that constitutes a health hazard, or that unreasonably interferes with the use and enjoyment of neighboring property.
- b) It is unlawful for the person responsible for any animal to negligently, carelessly, willfully or maliciously permit such animal to become a public nuisance.
- c) Anyone having the authority of an animal control officer, including but not limited to law enforcement officers, is given the authority to seize and impound any animal which is a public nuisance as defined by this section.

**Section 6.** Existing Section 2-128 of the Code of the City of Prairie Village, Kansas, is deleted in its entirety and amended to read as follows:

**2-128 CRUELTY TO ANIMALS**

Reference the Kansas animal cruelty act, K.S.A. 21-6411 *et seq.*, incorporated in part into Section 11.11 of the 2019 Uniform Public Offense Code for Kansas Cities, as either may be amended from time to time.

**Section 7.** Sections 2-103, 2-109, 2-125, 2-128, 2-143, 2-144, and 2-145 of the Prairie Village Municipal Code, in existence as of and prior to the adoption of this ordinance, are hereby repealed.

**Section 8.** This ordinance shall take effect and be enforced from and after its passage, approval, and publication as provided by law.

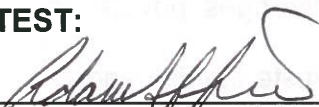
**PASSED** by the City Council of the City of Prairie Village, Kansas on July 6, 2020.

**APPROVED** by the Mayor on July 6, 2020.

**CITY OF PRAIRIE VILLAGE, KANSAS**

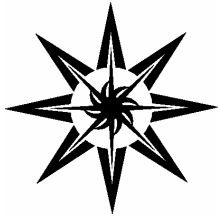
  
Eric Mikkelson, Mayor

**ATTEST:**

  
Adam Geffert, City Clerk

**APPROVED AS TO LEGAL FORM:**

  
David E. Waters, City Attorney



**TREE BOARD**  
City Council Meeting Date: AUGUST 17, 2020

Consider enacting regulations to protect public and private trees during construction projects.

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### **RECOMMENDATION**

The Environmental Committee and Tree Board request City Council consensus to direct Staff to develop regulatory language and processes to protect public trees at all times and private trees during construction projects.

### **ATTACHMENTS**

- Presentation by Frank Riott and Kevin Dunn

Prepared By:

Wes Jordan  
City Administrator  
Date: August 11, 2020



# Prairie Village Tree Protection

A joint proposal by the PV Tree Board and PV  
Environmental Committee

PV City Council, August 17, 2020

# Goal of Presentation

- Educate the City Council on the important need to protect trees during construction projects
- Ask for City Council consensus in directing staff to develop regulatory language and processes to protect trees



# Benefits of Trees - Climate



Tree City USA  
*e-News*

- Reduce Urban Heat Island Temperature
- Reduce Greenhouse Gases
- Reduce Energy/Fuel Use



# Benefits of Trees - Economic



Tree City USA  
*e-News*

- Improve Property Values
- Increase Sales Revenue
- Reduce Crime



# Benefits of Trees - Health



Tree City USA  
*e-News*

- Improve Air Quality
- Increase Recreational Opportunity
- Improve Aesthetics & Community Cohesion
- Improve Mental Health



# Other Benefits of Trees



Tree City USA  
*e-News*

- Reduce Stormwater Run-off
- Improve Habitat

# Many cities adopting regulations to protect trees – public and private

- With so many community benefits, need to protect trees as a public asset
- Both public and private trees are part of the “common good” of the community
- Mature trees valued at \$30K over lifetime—but cost only \$7K to maintain



# Rapid Construction in PV Impacts Trees



We're in a period of intense construction

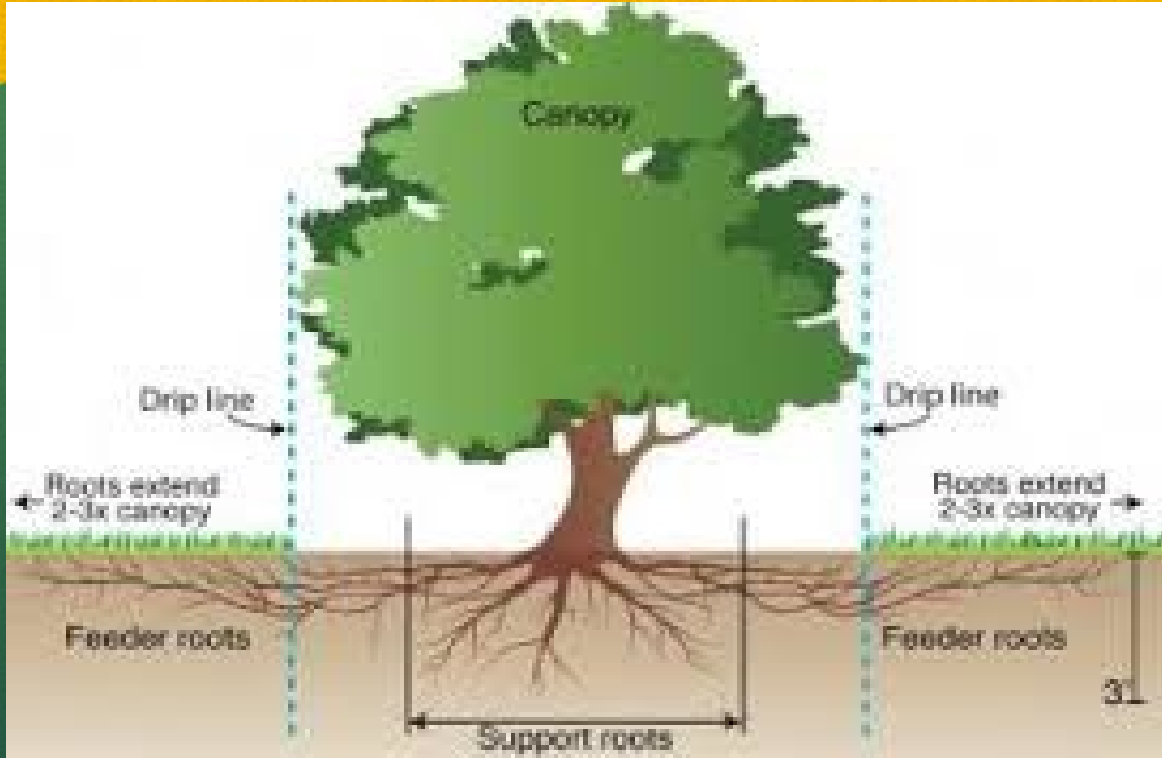


# Trees are dying unnecessarily in PV

## Death occurs in two primary ways:

- 1 Due to soil compaction which occurs during construction
- 2 Due to being unnecessarily removed or clear-cut

# Importance of Feeder Roots



- Air spaces in soil provide necessary water, oxygen, & nutrients to young, non-hardened, feeder roots
- Majority of feeder roots are near the surface (6-8")



Soil compaction (from equipment & materials) reduces air space ...



... depriving roots of oxygen, water, & nutrients



# Soil compaction during construction





Soil mounds can deprive trees of needed oxygen





Die-back/death occurs 3-5 years later





Die-back/death occurs 3-5 years later





Die-back/death occurs 3-5 years later





# Unnecessary removal of large private trees









# Unnecessary removal of large private trees





# Unnecessary removal of large private trees





# Propose Protection for Public and Private Trees

- Protect public trees (right-of-way) *at all times* and private trees (DBH > 30") *only* at the building permit stage through completion of construction
- Enforce & penalize via payments to a PV Tree Fund and/or the planting of replacement trees
- Require best practices for Tree Protection (e.g. fencing) and a process for Tree Removal Authorization

# Example of Protective Tree Fencing



Requires very little material expense and labor

# Research and Benchmarking conducted

- Reviewed Tree Protection ordinances of both Mission Hills (2013) and Fairway (2014)
- Both cities use similar contractors, aiding in ease of communication and roll-out
- Standardized best practices already exist for Tree Protection (International Society of Arboriculture)
- MARC (Mid-America Regional Council) supporting projects to protect tree canopy (8/5/20 webinar)



# Conclusion

- Trees are public assets offering numerous benefits and economic value to our community
- As such, trees should be *protected during construction projects*
- Tree Board and Environmental Committee request City Council consensus, directing staff to develop regulatory language and processes to *protect public trees at all times and private trees (>30" DBH) only during construction projects*



**RESOLUTION NO. 2020-04**

**A RESOLUTION EXTENDING THE MAYOR'S DECLARATION OF A STATE OF LOCAL EMERGENCY FOR PRAIRIE VILLAGE, KANSAS**

**WHEREAS;** on the 16<sup>th</sup> day of March 2020, the Mayor of Prairie Village, Kansas issued a Declaration of a State of Local Emergency for the City of Prairie Village, Kansas as a result of the COVID-19 pandemic, as amended ("City Emergency Declaration").

**WHEREAS,** the Prairie Village City Council approved Resolution 2020-01 on March 18, 2020, extending the City Emergency Declaration to May 8, 2020; Resolution 2020-02 on May 4, 2020, extending the City Emergency Declaration to June 15, 2020; Resolution 2020-03 on June 15, 2020, extending the City Emergency Declaration to August 17, 2020; and

**WHEREAS;** the worldwide outbreak of COVID-19 and the resulting pandemic in Kansas, Johnson County, and Prairie Village continue to threaten the life and health of our citizens and visitors as well as the economy and remains a public disaster affecting life, health, property and the public peace.

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

**SECTION 1.** Pursuant to Chapter 1, Article 13 of the Prairie Village Municipal Code, the Governing Body hereby extends the City Emergency Declaration through the 15<sup>th</sup> day of November, 2020, unless terminated earlier by the Mayor or City Council, or extended further by the City Council.

**SECTION 2.** The City Emergency Declaration may be amended to comply with Federal, State, and County orders. Amendments to the City Emergency Declaration other than those made to comply with Federal, State, and County orders shall be subject to ratification by the City Council within the next 7 days.

**SECTION 3.** This resolution shall take effect immediately.

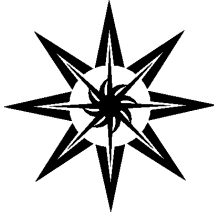
**ADOPTED** by the Governing Body this 17<sup>th</sup> day of August, 2020.

City of Prairie Village, Kansas:

\_\_\_\_\_  
Mayor Eric Mikkelson

Attest:

\_\_\_\_\_  
Adam Geffert, City Clerk



## **ADMINISTRATION**

City Council Meeting Date: August 17, 2020

**COU2020-39 Approve amendments to the Municipal Code pertaining to allowable hours for private property construction**

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### **SUGGESTED MOTION**

Move to approve amendments to Chapter VIII and Chapter XI of the Municipal Code as presented to regulate allowable hours for private property construction.

### **BACKGROUND**

At the August 3, 2020 Council meeting, Staff reviewed the current noise regulations pertaining to private property construction in comparison to hours allowed in Mission Hills, Kansas and surrounding communities. Staff presented Council with three (3) possible options for consideration. After discussion, the Council Committee of the Whole voted 7-3 to direct Staff to amend the applicable language in the municipal code to reflect the following hours for private property construction:

Monday - Sunday (including Holidays) from 8 am until 9 pm.

### **ATTACHMENTS**

- Municipal Code - Chapter XI (Article II) Section 11-201 through 11-204
- Municipal Code - Chapter VIII (Article V) Section 8-501 through 8-512

### **PREPARED BY**

Wes Jordan  
City Administrator  
Date: August 11, 2020

## ARTICLE 2. LOCAL REGULATIONS

### 11-201. **DISTURBING THE PEACE.**

- (a) ~~It~~ Generally: In addition to any conduct prohibited under the provisions of Chapter 8, Article 5 of this Code, it shall be unlawful for any person to make, continue, maintain or cause to be made or continued any excessive, unnecessary, unreasonable or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the city.
- (b) Use of Devices: It shall be unlawful for any person to use, operate or permit the use or operation of any electronic device, radio receiving set, television, musical instrument, photograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. ~~Neighboring inhabitants shall include persons living within or occupying residential districts of single or multi-family dwellings and shall include areas where multiple-unit dwellings and high-density residential districts are located.~~
- (c) Permit; when required: An amplified sound permit must be obtained from the City Clerk prior to use in an "outdoor" venue.
- (d) Party/Gathering: No person shall congregate with other persons because of, participate in, or be in any party or gathering of people from which sound emanates of a sufficient volume so as to disturb the peace quiet or repose of persons residing in any residential area. No person shall visit or remain within any residential dwelling unit or within the vicinity of a residential dwelling unit wherein such party or gathering of people is taking place except persons who have gone there for the sole purpose of abating the disturbance. A police officer may order all persons present in any group or gathering from which sound emanates, other than the owners or tenants of the dwelling unit, to immediately disperse in lieu of being charged under this section. Owners or tenants of the dwelling unit shall immediately abate the disturbance and, failing to do so, shall be in violation of this section.

### 11-202. **SAME; PRIMA FACIE VIOLATION; DEFINITIONS.**

- (a) ~~11-202.SAME; PRIMA FACIE VIOLATION.~~ It Except as provided in subsection (b) below, it shall be prima facie evidence of a violation of this section and section 11-201 for the operation of any tool, equipment, vehicle, electronic device, instrument, television, phonograph, machine or other noise or sound device at any time in such a manner as to be plainly audible at any adjacent the property line of the sound-source property, or for 50-fifty (50) or more feet from the source of the sound in the case of a multiple-family dwelling, to start before or continue after the following hours:
- Weekdays: 7:00 a.m. until 10:00 p.m. (except Fridays, which will be until 12:00 a.m./midnight.)
  - Weekends: 8:00 a.m. until 12:00 a.m./midnight (except Sundays, which will be until 10:00 p.m.)
- (b) Notwithstanding the provisions of subsection (a) above, all work on any property within the city that produces any noise which is plainly audible to any property other than the sound-source property, and is associated in any manner with the

construction, erection, alteration, or repair of any structure on the sound-source property, shall be prima facie evidence of a violation of this section and section 11-201 above if such work occurs before or continues after the following hours:

▪ Sunday through Saturday: 8:00 a.m. until 9:00 p.m.

(c) To the extent any provisions regarding specific conduct set forth in Chapter 8, Article 5 of this Code, or Chapter 19 of this Code, provides for stricter or more limited hours of conduct, then such stricter or more limited provisions shall govern.

(d) The City Council, may approve a waiver from the hours listed above if it is determined that the public good would be better served by allowing ~~a contractor to work such noise to occur~~ before or beyond the hours listed to reduce the impact on residents surrounding or visiting the ~~construction project area~~ sound-source property. The city administrator may also grant an administrative waiver from the above requirements in the case of urgent necessity or in the interest of public safety.

(e) As used in sections 11-201 through 11-204, inclusive, of this Code, the following terms shall have the following meanings:

▪ Neighboring inhabitants shall include persons living within or occupying residential districts of single or multi-family dwellings and shall include areas where multiple-unit dwellings and high-density residential districts are located.

▪ Plainly audible means capable of being heard by a person using his or her unaided hearing faculties of normal activity. It is not necessary to distinguish words or melodies to be plainly audible. Measurement standards shall be by the auditory senses, based upon direct line of sight.

▪ Sound-source property means the property which is producing sound or from which sound is emanating.

**11-203. SAME; EXEMPTIONS.** Sounds emanating from the following shall be exempt from the provisions listed above:

(a) Emergency vehicles;

(b) Public safety vehicles;

(c) Emergency activities of the fire or police department;

(d) Emergency activities of any utility company;

(e) Emergency activities of municipal maintenance vehicles and equipment;

(f) Municipal public works construction projects performed by or on behalf of the City;

~~(g)~~ Special ~~Events~~ events that are sponsored by the City of Prairie Village and approved by the City Council.

**11-204. SAME; STATEMENT OF INTENT.** No provision of this article shall be construed to limit or abridge the rights of any person to peacefully assemble and express opinions. It is the purpose of this article to protect individuals from unreasonable intrusions caused by excessive, unnecessary, unreasonable or unusually loud noises.

## ARTICLE 5. NOISE AND VIBRATION CONTROL

**8-501. DEFINITIONS.** For the purpose of this article, whenever any of the following words, terms or definitions are used herein, they shall have the meaning ascribed to them in this section. All acoustical terminology shall be that contained in ANSI S1-1 Acoustical Terminology:

- (a) ~~(a)~~ ANSI -- The American National Standards Institute or its successor bodies.
- (b) ~~(b)~~ ARI -- The Air Conditioning and Refrigeration Institute or its successor bodies.
- (c) ~~(c)~~ ASHRAE -- The American Society of Heating, Refrigeration and Air Conditioning Engineers or its successors bodies.
- (d) ~~(d)~~ ASTM -- The American Society for Testing Materials or its successor bodies.
- (e) ~~(e)~~ Decibel -- A unit for measuring the volume of a sound, equal to the logarithm of the ratio of the intensity of the sound to the intensity of an arbitrarily chosen standard sound, abbreviated dB.
- (f) ~~(f)~~ Discrete Tone -- A soundwave whose instantaneous sound pressure varies essentially as a simple sinusoidal function of the time.
- (g) ~~(g)~~ Fluctuating Noise -- A noise whose sound pressure level rises significantly but does not equal the ambient environmental level more than once during the period of observation.
- (h) ~~(h)~~ Impulsive Noise -- Characterized by brief excursions of sound pressure (acoustic impulses) which significantly exceed the ambient environmental sound pressure. The duration of a single impulse is usually less than one second.
- (i) ~~(i)~~ Intermittent Noise -- A noise whose sound pressure level equals the ambient environmental level two or more times during the period of observation. The period of time during which the level of the noise remains at an essentially constant value different from that of the ambient is on the order of one second or more.
- (j) ~~(j)~~ IEC -- The International Electrotechnical Commission or its successor bodies.
- (k) ~~(k)~~ ISO -- The International Organization for Standardization or its successor bodies.
- (l) ~~(l)~~ Motor Vehicle -- Any passenger vehicle, truck, truck-trailer or semitrailer propelled or drawn by mechanical power.
- (m) ~~(m)~~ Nonsteady Noise -- A noise whose level shifts significantly during the period of observation.
- (n) ~~(n)~~ Period of Observation -- The time interval during which acoustical data are obtained. The period of observation is determined by the characteristics of the noise being measured and should also be at least 10 times as long as the response time of the instrumentation. The greater the variance in indicated sound level, the longer must be the observation time for a given expected accuracy of the measurement.
- (o) Plainly audible -- Capable of being heard by a person using his or her unaided hearing faculties of normal activity. It is not necessary to distinguish words or melodies to be plainly audible. Measurement standards shall be by the auditory senses, based upon direct line of sight.
- (p) ~~(p)~~ SAE -- The Society of Automotive Engineers or its successor bodies.
- (q) ~~(q)~~ Sound Level (Noise Level). -- For airborne sound, sound level (noise level) is a weighted sound pressure level, obtained by the use of metering characteristics and the A-weighting as specified in the reference standards. When the A-weighting is employed, it must be indicated.
- (r) ~~(r)~~ The sound pressure level, in decibels, of a sound is 20 times the logarithm to the base 10 of the ratio of the pressure of the sound to the reference sound pressure. Unless otherwise specified, the effective (rms) pressure is to be

understood. The reference sound pressure is 20 uN/m2.

- (s) Sound-source property -- the property which is producing sound or from which sound is emanating
- (t) ~~(+)~~ Steady Noise -- A noise whose level remains essentially constant (i.e., fluctuations are negligibly small) during the period of observation.
- (u) ~~(s)~~ Zoning District -- Those districts established by Title 19 of this code.

**8-502. MUSICAL DEVICE AND STEAM WHISTLE PROHIBITIONS.**

- (a) No person shall use or perform any hand organ or other musical instrument or device, for pay or in expectation of payment, in any expectation of payment, in any public way or public place of the city before 9:00 a.m. or after 9:00 p.m. of any day. ~~8-503. STEAM WHISTLE PROHIBITIONS~~ This restriction shall not apply to special events that are sponsored by the City of Prairie Village and approved by the City Council.
- (b) No person shall blow or cause to be blown, within the city the steam whistle of any stationary steam plant as a signal for commencing or suspending work or for any other purpose. This section shall not be construed as forbidding the use of steam whistles as alarm signals in case of fire, collision or other imminent danger.

**8-5048-503. BUILDING USE DISTURBING PEACE PROHIBITED.**

- (a) No person owning or in possession or control of any building or premises shall use the same, permit the use of the same or rent the same to be used for any business or employment or residential nature, disturb or destroy the peace of the neighborhood in which such building or premises is situated or be dangerous or detrimental to health.
- (b) ~~(a)†~~ Except as provided in subsection (c) below, it shall be prima facie evidence of a violation of this section 8-503 for the operation of any tool, equipment, vehicle, electronic device, instrument, television, phonograph, machine or other noise or sound device at any time in such a manner as to be plainly audible at ~~any adjacent~~ the property line of the sound-source property, or for ~~50-fifty (50)~~ or more feet from the source of the sound in the case of a ~~multi-family-multiple-family~~ dwelling, to start before or continue after the following hours:
  - Weekdays: 7:00 a.m. until 10:00 p.m. (except Fridays, which will be until ~~midnight~~ 12:00 a.m./midnight.)
  - Weekends: 8:00 a.m. until 12:00 a.m./midnight (except Sundays, which will be until 10:00 p.m.)
- (c) Notwithstanding the provisions of subsection (b) above, all work on any property within the city that produces any noise which is plainly audible to any property other than the sound-source property, and is associated in any manner with the construction, erection, alteration, or repair of any structure on the sound-source property, shall be prima facie evidence of a violation of this section 8-503 if such work occurs before or continues after the following hours:
  - Sunday through Saturday: 8:00 a.m. until 9:00 p.m.

**8-5058-504. MECHANICAL ~~APPARTUS~~ APPARATUS USE RESTRICTIONS.** It is

- unlawful for any person to use any pile driver, shovel, hammer derrick, hoist tractor, roller or any other equipment or vehicles operated by fuel or electric power in building or construction operations, to start before or continue after the following hours:
- ~~Weekdays: 7:00 a.m. until 10:00p.m.~~
    - Weekends Sunday through Saturday: 8:00 a.m. until ~~10:00~~ 9:00 p.m.

Exemptions:

**8-505. EXCEPTIONS AND EXEMPTIONS.**

- (a) To the extent any provisions regarding specific conduct set forth in Chapter 11, Article 2 of this Code, or Chapter 19 of this Code, provides for stricter or more limited hours of conduct, then such stricter or more limited provisions shall govern.
- (b) The City Council, may approve a waiver from the hours listed in sections 8-502 through 8-504 above if it is determined that the public good would be better served by allowing such noise to occur before or beyond the hours listed to reduce the impact on residents surrounding or visiting the sound-source property. The city administrator may also grant an administrative waiver from the above requirements in the case of urgent necessity or in the interest of public safety.
- (c) Sounds emanating from the following shall be exempt from the provisions listed above:
  - (i) ~~(a)~~ Emergency vehicles;
  - (ii) ~~(b)~~ Public safety vehicles;
  - (iii) ~~(c)~~ Emergency activities of the fire or police ~~departments~~department;
  - (iv) ~~(d)~~ Emergency activities of any utility company;
  - (v) ~~(e)~~ Emergency activities of ~~any~~ municipal maintenance vehicles and equipment;
  - (vi) Municipal public works construction projects performed by or on behalf of the City.

**8-506. MOTOR VEHICLES; MOTOR OPERATION RESTRICTIONS.**

- (a) It is unlawful for any person to operate any motor of a motor vehicle of a weight in excess of four tons (8,000 pounds) for a consecutive period longer than two (2) minutes while such vehicle is standing on private property and located within 150 feet of property zoned and used for residential purposes except where such vehicle is standing within a completely enclosed structure.
- (b) This section shall not apply to buses operated for the transportation of passengers while standing in established bus turnarounds, bus terminals, bus parking lots and bus storage yards.
- (c) This section shall further not apply to:
  - (i) Emergency vehicles;
  - (ii) Public safety vehicles;
  - (iii) Emergency activities of the fire or police department;
  - (iv) Emergency activities of any utility company;
  - (v) Emergency activities of municipal maintenance vehicles and equipment.

**8-507. SAME; MUFFLER.** No person shall modify or change the exhaust muffler, intake muffler or any other noise abatement device of a motor vehicle in a manner such that the noise emitted by the motor vehicle is increased above that emitted by the motor vehicle as originally manufactured. Procedures used to establish compliance with this section shall be those used to established compliance of a new motor vehicle with the requirements of this article.

**8-508. RESIDENTIAL DISTRICTS; GENERAL REGULATION.** Any property use established in a zoning district as defined and designated under the provisions of ~~Ch. 19~~ Chapter 19 of this Code shall be so operated as to comply with the performance standards governing noise set forth hereinafter for the district in which such use shall be located.

**8-509. SAME; C-O, C-1, C-2, C-3 AND C-P DISTRICTS.** In C-O, C-1, C-2, C-3 and C-P



zoning districts, the performance standards governing vibration in business and commercial zoning districts shall apply.

**8-510. HORN AND SIGNAL USE RESTRICTIONS.** No person shall sound any horn or audible signal device of any kind while not in motion, nor shall such horn or signal device be sounded under any circumstances except as required by law, nor shall it be sounded for any unnecessary or unreasonable period of time.

**8-511. NOISE LEVEL; NUISANCE.** Any emission of noise or earth-shaking vibration from any source in excess of the limitations established in or pursuant to this article-, or Chapter 11, Article 2 of this Code, or Chapter 19 of this Code, is a public nuisance and may be subject to summary abatement procedures. Such abatement may be in addition to the administrative proceedings, fines and penalties provided in this article. The city attorney is empowered to secure the institution of legal proceedings for the abatement or prosecution of emissions of noise and earth-shaking vibrations which cause injury, detriment, nuisance or annoyance to the public or endanger the health, comfort, safety or welfare of the public or cause or have a natural tendency to cause injury or damage to public or property. Such legal proceedings may be in addition to the administrative proceedings, fines and penalties provided in this article.

**8-512. VIOLATION; CIVIL REMEDY.** Nothing in this article shall be construed to impair any cause of action, or legal remedy, of any person or the public for injury or damage arising from the emission or release into the atmosphere or ground from any source whatever or noise or earth-shaking vibration in such place or manner, or at such levels, so as to constitute a common law nuisance.



**ORDINANCE NO. 2427**

**AN ORDINANCE REGARDING NOISE CONTROL AND REGULATION WITHIN THE CITY OF PRAIRIE VILLAGE, KANSAS, AMENDING CHAPTER VIII (HEALTH AND WELFARE), ARTICLE 5 (NOISE AND VIBRATION CONTROL), AND CHAPTER XI (PUBLIC OFFENSES & TRAFFIC), ARTICLE 2 (LOCAL REGULATIONS) OF THE CODE OF THE CITY OF PRAIRIE VILLAGE.**

WHEREAS, the City Council of the City of Prairie Village, Kansas, finds that excessive sound is a serious hazard to the public health, safety, and welfare, and quality of life; and

WHEREAS, the citizens of the City have a right to and should be ensured of an environment free from excessive sound that may jeopardize their health, safety, or welfare, or degrade their quality of life.

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

**Section 1.** Existing Section 8-501 of the Code of the City of Prairie Village, Kansas, is hereby deleted in its entirety and replaced with/amended to read as follows:

**8-501. DEFINITIONS.** For the purpose of this article, whenever any of the following words, terms or definitions are used herein, they shall have the meaning ascribed to them in this section. All acoustical terminology shall be that contained in ANSI S1-1 Acoustical Terminology:

- (a) ANSI -- The American National Standards Institute or its successor bodies.
- (b) ARI -- The Air Conditioning and Refrigeration Institute or its successor bodies.
- (c) ASHRAE -- The American Society of Heating, Refrigeration and Air Conditioning Engineers or its successors bodies.
- (d) ASTM -- The American Society for Testing Materials or its successor bodies.
- (e) Decibel -- A unit for measuring the volume of a sound, equal to the logarithm of the ratio of the intensity of the sound to the intensity of an arbitrarily chosen standard sound, abbreviated dB.
- (f) Discrete Tone -- A soundwave whose instantaneous sound pressure varies essentially as a simple sinusoidal function of the time.
- (g) Fluctuating Noise -- A noise whose sound pressure level rises significantly but does not equal the ambient environmental level more than once during the period of observation.
- (h) Impulsive Noise -- Characterized by brief excursions of sound pressure (acoustic impulses) which significantly exceed the ambient environmental sound pressure. The duration of a single impulse is usually less than one second.
- (i) Intermittent Noise -- A noise whose sound pressure level equals the ambient environmental level two or more times during the period of observation. The period of time during which the level of the noise remains at an essentially constant value different from that of the ambient is on the order of one second or more.

- (j) IEC -- The International Electrotechnical Commission or its successor bodies.
- (k) ISO -- The International Organization for Standardization or its successor bodies.
- (l) Motor Vehicle -- Any passenger vehicle, truck, truck-trailer or semitrailer propelled or drawn by mechanical power.
- (m) Nonsteady Noise -- A noise whose level shifts significantly during the period of observation.
- (n) Period of Observation -- The time interval during which acoustical data are obtained. The period of observation is determined by the characteristics of the noise being measured and should also be at least 10 times as long as the response time of the instrumentation. The greater the variance in indicated sound level, the longer must be the observation time for a given expected accuracy of the measurement.
- (o) Plainly audible -- Capable of being heard by a person using his or her unaided hearing faculties of normal activity. It is not necessary to distinguish words or melodies to be plainly audible. Measurement standards shall be by the auditory senses, based upon direct line of sight.
- (p) SAE -- The Society of Automotive Engineers or its successor bodies.
- (q) Sound Level (Noise Level). -- For airborne sound, sound level (noise level) is a weighted sound pressure level, obtained by the use of metering characteristics and the A-weighting as specified in the reference standards. When the A-weighting is employed, it must be indicated.
- (r) The sound pressure level, in decibels, of a sound is 20 times the logarithm to the base 10 of the ratio of the pressure of the sound to the reference sound pressure. Unless otherwise specified, the effective (rms) pressure is to be understood. The reference sound pressure is 20 uN/m<sup>2</sup>.
- (s) Sound-source property -- the property which is producing sound or from which sound is emanating
- (t) Steady Noise -- A noise whose level remains essentially constant (i.e., fluctuations are negligibly small) during the period of observation.
- (u) Zoning District -- Those districts established by Title 19 of this code.

**Section 2.** Existing Section 8-502 of the Code of the City of Prairie Village, Kansas, is hereby deleted in its entirety and replaced with/amended to read as follows:

**8-502.**

**MUSICAL DEVICE AND STEAM WHISTLE PROHIBITIONS.**

- (a) No person shall use or perform any hand organ or other musical instrument or device, for pay or in expectation of payment, in any expectation of payment, in any public way or public place of the city before 9:00 a.m. or after 9:00 p.m. of any day. This restriction shall not apply to special events that are sponsored by the City of Prairie Village and approved by the City Council.
- (b) No person shall blow or cause to be blown, within the city the

steam whistle of any stationary steam plant as a signal for commencing or suspending work or for any other purpose. This section shall not be construed as forbidding the use of steam whistles as alarm signals in case of fire, collision or other imminent danger.

**Section 3.** Existing Section 8-503 of the Code of the City of Prairie Village, Kansas, is hereby deleted in its entirety and replaced with/amended to read as follows:

**8-503. BUILDING USE DISTURBING PEACE PROHIBITED.**

- (a) No person owning or in possession or control of any building or premises shall use the same, permit the use of the same or rent the same to be used for any business or employment or residential nature, disturb or destroy the peace of the neighborhood in which such building or premises is situated or be dangerous or detrimental to health.
- (b) Except as provided in subsection (c) below, it shall be prima facie evidence of a violation of this section 8-503 for the operation of any tool, equipment, vehicle, electronic device, instrument, television, phonograph, machine or other noise or sound device at any time in such a manner as to be plainly audible at the property line of the sound-source property, or for fifty (50) or more feet from the source of the sound in the case of a multiple-family dwelling, to start before or continue after the following hours:
  - Weekdays: 7:00 a.m. until 10:00 p.m. (except Fridays, which will be until 12:00 a.m./midnight.)
  - Weekends: 8:00 a.m. until 12:00 a.m./midnight (except Sundays, which will be until 10:00 p.m.)
- (c) Notwithstanding the provisions of subsection (b) above, all work on any property within the city that produces any noise which is plainly audible to any property other than the sound-source property, and is associated in any manner with the construction, erection, alteration, or repair of any structure on the sound-source property, shall be prima facie evidence of a violation of this section 8-503 if such work occurs before or continues after the following hours:
  - Sunday through Saturday: 8:00 a.m. until 9:00 p.m.

**Section 4.** Existing Section 8-504 of the Code of the City of Prairie Village, Kansas, is hereby deleted in its entirety and replaced with/amended to read as follows:

- 8-504. MECHANICAL APPARATUS USE RESTRICTIONS.** It is unlawful for any person to use any pile driver, shovel, hammer derrick, hoist tractor, roller or any other equipment or vehicles operated by fuel or electric power in building or construction operations, to start before or continue after the following hours:
- Sunday through Saturday: 8:00 a.m. until 9:00 p.m.

**Section 5.** Existing Section 8-505 of the Code of the City of Prairie Village, Kansas, is hereby deleted in its entirety and replaced with/amended to read as follows:

**8-505. EXCEPTIONS AND EXEMPTIONS.**

- (a) To the extent any provisions regarding specific conduct set forth in Chapter 11, Article 2 of this Code, or Chapter 19 of this Code, provides for stricter or more limited hours of conduct, then such stricter or more limited provisions shall govern.
- (b) The City Council, may approve a waiver from the hours listed in sections 8-502 through 8-504 above if it is determined that the public good would be better served by allowing such noise to occur before or beyond the hours listed to reduce the impact on residents surrounding or visiting the sound-source property. The city administrator may also grant an administrative waiver from the above requirements in the case of urgent necessity or in the interest of public safety.
- (c) Sounds emanating from the following shall be exempt from the provisions listed above:
  - (i) Emergency vehicles;
  - (ii) Public safety vehicles;
  - (iii) Emergency activities of the fire or police department;
  - (iv) Emergency activities of any utility company;
  - (v) Emergency activities of municipal maintenance vehicles and equipment;
  - (vi) Municipal public works construction projects performed by or on behalf of the City.

**Section 6.** Existing Section 8-506 of the Code of the City of Prairie Village, Kansas, is hereby deleted in its entirety and replaced with/amended to read as follows:

**8-506. MOTOR VEHICLES; MOTOR OPERATION RESTRICTIONS.**

- (a) It is unlawful for any person to operate any motor of a motor vehicle of a weight in excess of four tons (8,000 pounds) for a consecutive period longer than two (2) minutes while such vehicle is standing on private property and located within 150 feet of property zoned and used for residential purposes except where such vehicle is standing within a completely enclosed structure.
- (b) This section shall not apply to buses operated for the transportation of passengers while standing in established bus turnarounds, bus terminals, bus parking lots and bus storage yards.
- (c) This section shall further not apply to:
  - (i) Emergency vehicles;
  - (ii) Public safety vehicles;
  - (iii) Emergency activities of the fire or police department;
  - (iv) Emergency activities of any utility company;
  - (v) Emergency activities of municipal maintenance vehicles and equipment.

**Section 7.** Existing Section 8-508 of the Code of the City of Prairie Village, Kansas, is hereby deleted in its entirety and replaced with/amended to read as follows:

**8-508. RESIDENTIAL DISTRICTS; GENERAL REGULATION.**

Any property use established in a zoning district as defined and designated



under the provisions of Chapter 19 of this Code shall be so operated as to comply with the performance standards governing noise set forth hereinafter for the district in which such use shall be located.

**Section 8.** Existing Section 8-508 of the Code of the City of Prairie Village, Kansas, is hereby deleted in its entirety and replaced with/amended to read as follows:

**8-511. NOISE LEVEL; NUISANCE.** Any emission of noise or earth-shaking vibration from any source in excess of the limitations established in or pursuant to this article, or Chapter 11, Article 2 of this Code, or Chapter 19 of this Code, is a public nuisance and may be subject to summary abatement procedures. Such abatement may be in addition to the administrative proceedings, fines and penalties provided in this article. The city attorney is empowered to secure the institution of legal proceedings for the abatement or prosecution of emissions of noise and earth-shaking vibrations which cause injury, detriment, nuisance or annoyance to the public or endanger the health, comfort, safety or welfare of the public or cause or have a natural tendency to cause injury or damage to public or property. Such legal proceedings may be in addition to the administrative proceedings, fines and penalties provided in this article.

**Section 9.** Existing Section 11-201 of the Code of the City of Prairie Village, Kansas, is hereby deleted in its entirety and replaced with/amended to read as follows:

**11-201. DISTURBING THE PEACE.**

- (a) Generally: In addition to any conduct prohibited under the provisions of Chapter 8, Article 5 of this Code, it shall be unlawful for any person to make, continue, maintain or cause to be made or continued any excessive, unnecessary, unreasonable or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the city.
- (b) Use of Devices: It shall be unlawful for any person to use, operate or permit the use or operation of any electronic device, radio receiving set, television, musical instrument, photograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto.
- (c) Permit, when required: An amplified sound permit must be obtained from the City Clerk prior to use in an "outdoor" venue.
- (d) Party/Gathering: No person shall congregate with other persons because of, participate in, or be in any party or gathering of people from which sound emanates of a sufficient volume so as to disturb the peace quiet or repose of persons residing in any residential area. No person shall visit or remain within any residential dwelling unit or within the vicinity of a residential dwelling unit wherein such party or gathering of people is taking place except persons who have gone there for the sole purpose of abating the

disturbance. A police officer may order all persons present in any group or gathering from which sound emanates, other than the owners or tenants of the dwelling unit, to immediately disperse in lieu of being charged under this section. Owners or tenants of the dwelling unit shall immediately abate the disturbance and, failing to do so, shall be in violation of this section.

**Section 10.** Existing Section 11-202 of the Code of the City of Prairie Village, Kansas, is hereby deleted in its entirety and replaced with/amended to read as follows:

**11-202. SAME; PRIMA FACIE VIOLATION; DEFINITIONS.**

- (a) Except as provided in subsection (b) below, it shall be prima facie evidence of a violation of this section and section 11-201 for the operation of any tool, equipment, vehicle, electronic device, instrument, television, phonograph, machine or other noise or sound device at any time in such a manner as to be plainly audible at the property line of the sound-source property, or for fifty (50) or more feet from the source of the sound in the case of a multiple-family dwelling, to start before or continue after the following hours:
- Weekdays: 7:00 a.m. until 10:00 p.m. (except Fridays, which will be until 12:00 a.m./midnight.)
  - Weekends: 8:00 a.m. until 12:00 a.m./midnight (except Sundays, which will be until 10:00 p.m.)
- (b) Notwithstanding the provisions of subsection (a) above, all work on any property within the city that produces any noise which is plainly audible to any property other than the sound-source property, and is associated in any manner with the construction, erection, alteration, or repair of any structure on the sound-source property, shall be prima facie evidence of a violation of this section and section 11-201 above if such work occurs before or continues after the following hours:
- Sunday through Saturday: 8:00 a.m. until 9:00 p.m.
- (c) To the extent any provisions regarding specific conduct set forth in Chapter 8, Article 5 of this Code, or Chapter 19 of this Code, provides for stricter or more limited hours of conduct, then such stricter or more limited provisions shall govern.
- (d) The City Council, may approve a waiver from the hours listed above if it is determined that the public good would be better served by allowing such noise to occur before or beyond the hours listed to reduce the impact on residents surrounding or visiting the sound-source property. The city administrator may also grant an administrative waiver from the above requirements in the case of urgent necessity or in the interest of public safety.
- (e) As used in sections 11-201 through 11-204, inclusive, of this Code, the following terms shall have the following meanings:
- Neighboring inhabitants shall include persons living within or occupying residential districts of single or multi-family dwellings and shall include areas where multiple-unit dwellings and high-density residential districts are located.
  - Plainly audible means capable of being heard by a person

using his or her unaided hearing faculties of normal activity. It is not necessary to distinguish words or melodies to be plainly audible. Measurement standards shall be by the auditory senses, based upon direct line of sight.

- Sound-source property means the property which is producing sound or from which sound is emanating.

**Section 11.** Existing Section 11-202 of the Code of the City of Prairie Village, Kansas, is hereby deleted in its entirety and replaced with/amended to read as follows:

**11-203. SAME; EXEMPTIONS.** Sounds emanating from the following shall be exempt from the provisions listed above:

- (a) Emergency vehicles;
- (b) Public safety vehicles;
- (c) Emergency activities of the fire or police department;
- (d) Emergency activities of any utility company;
- (e) Emergency activities of municipal maintenance vehicles and equipment;
- (f) Municipal public works construction projects performed by or on behalf of the City;
- (g) Special events that are sponsored by the City of Prairie Village and approved by the City Council.

**Section 12.** This ordinance shall take effect and be enforced from and after its passage, approval, and publication as provided by law.

**PASSED** by the City Council of the City of Prairie Village, Kansas on \_\_\_\_\_, 2020.

**APPROVED** by the Mayor on \_\_\_\_\_, 2020.

**CITY OF PRAIRIE VILLAGE, KANSAS**

\_\_\_\_\_  
Eric Mikkelson, Mayor

**ATTEST:**

\_\_\_\_\_  
Adam Geffert, City Clerk

**APPROVED AS TO LEGAL FORM:**

\_\_\_\_\_  
David E. Waters, City Attorney

Due to restricted access to City Hall, most meetings will be held virtually. Please continue to check <http://pvkansas.com> for access details.

**MAYOR'S ANNOUNCEMENTS**

**Monday, August 17, 2020**

Planning Commission	09/01/2020	7:00 p.m.
Labor Day – City Offices Closed	09/07/2020	
City Council	09/08/2020	6:00 p.m.
Arts Council	09/09/2020	5:00 p.m.
Parks and Recreation	09/09/2020	6:30 p.m.

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**INFORMATIONAL ITEMS**  
**August 17, 2020**

1. Diaper Need Awareness Week proclamation
2. Costs related to the City's COVID-19 pandemic response
3. Planning Commission minutes - July 7, 2020
4. Arts Council minutes - July 8, 2020
5. First-half crime report - 2020

# CITY OF PRAIRIE VILLAGE

## Proclamation

### Diaper Need Awareness Week – September 21 through September 27, 2020

**WHEREAS**, diaper need, the condition of not having a sufficient supply of clean diapers to keep babies and toddlers clean, dry, and healthy, can adversely affect the health and well-being of babies, toddlers, and their families; and

**WHEREAS**, national surveys and research studies report that one in three families struggles with diaper need and 48 percent of families delay changing a diaper to extend their supply; and

**WHEREAS**, children go through six to 12 diapers each day during the two to three years they wear diapers; and

**WHEREAS**, purchasing enough diapers to keep a baby or toddler clean, dry, and healthy can consume 14 percent of a low-wage family's post-tax income, making it difficult to obtain a sufficient supply; and

**WHEREAS**, a daily or weekly supply of diapers is generally an eligibility requirement for babies and toddlers to participate in child care programs and quality early-education programs; and

**WHEREAS**, without enough diapers, babies and toddlers risk infections and health problems that may require medical attention, and may prevent parents from attending work or school, thereby hurting the family's economic prospects and well-being; and

**WHEREAS**, the people of Prairie Village recognize that diaper need is a public health issue, and addressing diaper need can lead to economic opportunity for the city's families and communities and improved health for children, thus ensuring all children and families have access to the basic necessities required to thrive and reach their full potential; and

**WHEREAS**, while experiencing double, triple, or greater increase in demand for diapers due to the pandemic and economic shutdown, HappyBottoms did everything in their ability to increase diaper distributions and support children and families in need of immediate assistance; now

Therefore, I, Eric Mikkelson, Mayor of the City of Prairie Village, do hereby proclaim the week of September 21<sup>st</sup> through September 27<sup>th</sup>, 2020 as

### **DIAPER NEED AWARENESS WEEK**

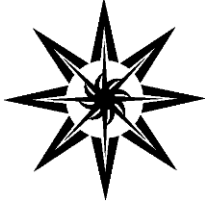
in City of Prairie Village, and encourage the citizens of Prairie Village to donate generously to diaper banks, diaper drives, and those organizations that collect and distribute diapers to those struggling with diaper need, so that all Prairie Village children and families can thrive and reach their full potential.

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Mayor Eric Mikkelson

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Adam Geffert, City Clerk



## Finance Department

**DATE:** August 17, 2020  
**TO:** Mayor and Council  
**FROM:** Lisa Santa Maria, Finance Director  
**SUBJECT:** 2020 COVID-19 Pandemic Response

Attached for the Mayor and Council review are costs related to the City's COVID-19 pandemic response. This memorandum provides an initial indication of costs incurred to date and submitted to Johnson County for reimbursement.

Staff has been working diligently to respond to both operational and emergency response issues that have resulted from the pandemic, including the rapid deployment of technology equipment to City employees to comply with the "Stay at Home" order, while ensuring the continuation of essential City services.

Staff will continue to monitor expenses related to the pandemic and will report back with updates to the City Council on a periodic basis. If you have questions regarding any of this information, please contact me.

Thank you  
*Lisa*

<b>Sum of Amount</b>	
<b>Sort Code</b>	<b>Total</b>
(3) 17" Laptops - Court	\$3,359.97
Caution Tape	\$66.67
Computer mouse & keyboard	\$71.67
Computer Supplies	\$1,901.89
Covid Testing	\$252.00
Disinfectant	\$67.60
Docket Mailings - Court	\$3,096.26
Envelopes - Court	\$396.00
Exam Gloves	\$168.73
Germ Shields	\$6,285.00
Hand Sanitizer	\$647.80
Hand Sanitizer - Court	\$59.04
Hands Free Door Opener	\$159.90
Ink cartridges	\$237.08
Masks	\$10,325.00
Monitor	\$370.92
Plexiglass defense guards	\$289.98
Postage - Court	\$2.20
Signage	\$1,636.05
Software	\$266.18
Spray bottles	\$93.06
Virtual Notice Paper - Court	\$29.88
Webcam Bundle	\$34.99
Wipes - Court	\$27.78
Wipes, Masks & Gowns	\$423.70
Wireless printer	\$272.32
Legal services	\$30,355.50
Covid Supplies	\$84.95
<b>Grand Total</b>	<b>\$60,982.12</b>



**PLANNING COMMISSION MINUTES  
JULY 7, 2020**

**ROLL CALL**

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, July 7, 2020 at 7:00 p.m. Due to the COVID-19 pandemic, Commission members attended a virtual meeting via the Zoom software platform. Chair Greg Wolf called the meeting to order at 7:00 p.m. with the following members present: Jonathan Birkel, James Breneman, Patrick Lenahan, Nancy Wallerstein, and Melissa Brown.

The following individuals were present via Zoom in their advisory capacity to the Planning Commission: Chris Brewster, Gould Evans; Jamie Robichaud, Deputy City Administrator; Mitch Dringman, City Building Official; Ian Graves, Council Liaison; and Adam Geffert, City Clerk/Planning Commission Secretary.

**APPROVAL OF MINUTES**

Mrs. Wallerstein asked that her comments describing the softening of the southeast corner of the parking lot near the intersection of State Line and Somerset Road be added to the minutes in regards to application PC2020-107.

**Mr. Birkel moved for the approval of the minutes of the June 2, 2020 regular Planning Commission meeting with Mrs. Wallerstein's requested addition. Mr. Breneman seconded the motion, which passed 6-0.**

**OLD BUSINESS**

**PC2020-106            Rezoning and Request for Lot Split  
7631 Reinhardt Street  
Current Zoning: R-1A  
Requested Zoning: R-1B  
Applicant: Mojo Built, LLC**

Ms. Robichaud stated that at its June 2, 2020 meeting, the Planning Commission voted to unanimously recommend approval of the rezoning request for 7631 Reinhardt Street. The City Council considered the recommendation at its July 6, 2020 meeting and voted unanimously to send the request back to the Planning Commission for further consideration. The Council asked that the Planning Commission consider a broader, more holistic approach to planning in the area with significant public engagement, and to specifically review Golden Factors 1, 2, 4, 5, and 8. The Council also asked the Planning Commission to consider the diversity of the housing stock in Prairie Village in determining whether this rezoning request should be approved or denied.

Ms. Robichaud explained that the Commission would need to make a motion to either submit the original recommendation for approval or submit a new and amended recommendation to the City Council.

Mr. Wolf asked Commission members if they felt the decision should be revisited and whether a different conclusion might be reached.

Mrs. Wallerstein stated that she had previously asked how the setbacks of the proposed homes would align with the homes that had been approved in 2018, and added that there was little consistency on the street.

Mr. Lenahan said that his interpretation of what the Council was asking the Commission to consider was either (A) All rezoning and lot split applications should be put on hold, and instead institute a process on rezoning of the entire neighborhood between Mission, Belinder, 75<sup>th</sup> Street and 77<sup>th</sup> Street where many non-conforming lots exist, or (B) that the City is not supportive of piecemeal rezoning, and all rezoning and lot split applications should be rejected.

Ms. Robichaud stated that the Council requested robust public engagement on how the neighborhood should look based on Village Vision 2.0, diversity of housing stock, whether there were ways to address affordable housing, and whether new housing fit the character of the neighborhood. She added that she believed there were three options to consider based on the Council's direction to the Planning Commission:

1. The Planning Commission could decide to take a more holistic approach and recommend denying the rezoning of individual parcels in the area until more robust public engagement and study is done of this area;
2. The Planning Commission could recommend approval of rezoning individual parcels in the area if considered to be part of a broader strategy for the area, which the Planning Commission may find would more appropriately be zoned R-1B; or
3. The Planning Commission could recommend approval of rezoning individual parcels in the area in conjunction with undertaking a broader strategy for the neighborhood once Village Vision 2.0 is completed.

Mr. Lenahan added that he felt it would be inappropriate for the City to deny rezonings in the area for a significant period of time while a more holistic process is established, even though it may likely be needed for the area. A piecemeal approach could function as an intermediary step until the process is in place, which in and of itself already requires robust public engagement from the neighborhood through neighborhood meetings and public hearings. Mr. Birkel and Mr. Breneman agreed.

Mrs. Wallerstein noted that she felt this type of home construction was not significantly different than redevelopment in other parts of the City, with the exception of the lot sizes. Ms. Brown said that she lived in the neighborhood, and stated that there were "pockets" of redevelopment in certain areas, so it would not be possible to use the rezoning and lot

split process for many entire blocks in the neighborhood because most of the lots in the area were smaller and not capable of being split. She did not feel a long study of the area was needed before rezonings could be approved due to the number of similar applications that could come before the Planning Commission are already limited due to the existing sizes of lots in the area.

**Ms. Brown made a motion to resubmit the original recommendation back to the City Council. Mr. Breneman seconded the motion.**

Mr. Lenahan added that the Planning Commission should make specific statements on how their recommendation is consistent with the Golden Factors the Council specifically asked them to address. The Planning Commission shared the following thoughts regarding Golden Factors 1, 2, 4, 5, and 8:

1. The Character of Neighborhood - Mr. Lenahan stated that the neighborhood was generally composed of smaller houses on smaller lots with occasional smaller houses on larger lots. The block itself was hard to characterize due to the difference in lot size, house style, and the position of homes on the lots. Ms. Brown added that these types of lot splits actually work to strengthen the character of the street by bringing the houses up to the same setback line and providing consistency. She added that what could be built under R-1A standards would more negatively impact the character of the neighborhood than the smaller home that would be required to be built under R-1B if the property is rezoned and the lots are split.
2. The Zoning and Uses of Property Nearby - Mr. Lenahan said that most lots were zoned R-1A, but were of many different sizes and not conforming to the requirements of R-1A lots due to the properties being platted before the City's subdivision regulations were adopted.
4. The Extent that a Change Will Detrimentially Affect Neighboring Property - Mr. Lenahan suggested that a zoning change would not affect neighboring property negatively, but discouraging reinvestment by denying the rezoning request could result in deteriorating properties. Ms. Brown added that leaving the property zoned R-1A could cause the construction of a much larger home that would not fit the neighborhood.
5. The Length of Time of any Vacancy on the Property - Mr. Lenahan asked if the current residence on the property was vacant. The applicant, John Moffitt, stated that the home was currently occupied but would be vacant in a week. He added that it was really not currently a habitable residence.
8. Conformance with the Comprehensive Plan - Mr. Lenahan noted that the Village Vision described the incentivizing of redevelopment and reinvestment in neighborhoods and the application was consistent with that.

**The motion to resubmit the original recommendation back to Council passed 6-0.**

## **PUBLIC HEARINGS**

PC2020-110      Rezoning and Request for Lot Split  
7632 Reinhardt Street  
Current Zoning: R-1A  
Requested Zoning: R-1B  
Applicant: Mojo Built, LLC

Mr. Brewster stated that the property was on one of the many non-conforming lots in the area. All lots on the block were zoned R-1A, with the exception of 7540 Reinhardt, for which the Planning Commission approved a rezoning to R-1B in 2018.

Mr. Brewster added that a rezoning required the Planning Commission to evaluate facts, weigh evidence, and make a recommendation to the City Council based on balancing the “Golden Factors” outlined in the zoning ordinance:

1. The character of the neighborhood
2. The zoning and uses of property nearby
3. The suitability of the property for the uses to which it has been restricted under its existing zoning
4. The extent that a change will detrimentally affect neighboring property
5. The length of time of any vacancy of the property
6. The relative gain to public health, safety and welfare by destruction of value of the applicant's property as compared to the hardship on other individual landowners
7. City staff recommendations
8. Conformance with the Comprehensive Plan

John Moffitt, applicant and co-owner of Mojo Built, was present to speak to the Commission, and noted that he had nothing further to add.

Mr. Wolf opened the public hearing at 8:09 p.m.

- Doug Patterson, 4630 W. 137<sup>th</sup> Street, stated that his daughter currently owned the property, and that she was supportive of the rezoning and lot split.
- A letter in opposition to the rezoning from Bob and Betty Clark, 7631 Pawnee St., was included in the meeting packet.

With no other comments received and no one attending the Zoom meeting to speak, Mr. Wolf closed the public hearing at 8:11 p.m.

**Based on the Planning Commission’s consideration of the Golden Factors, Mr. Lenahan made a motion to recommend approval of the rezoning to the City Council. Mr. Breneman seconded the motion, which passed 6-0.**



**Mr. Lenahan made a motion to approve the lot split with the following conditions:**

1. That the City Council accepts the Planning Commission recommendation and approves the rezoning;
2. That the applicant submit a certificate of survey to comply with the following information required in the ordinance, prior to a building permit:
  - a) The location of existing buildings on the site, or specifically noting the removal of existing buildings.
  - b) The dimension and location of the lots, including a metes and bounds description of each lot.
  - c) The location and character of all proposed and existing public utility lines, including sewers (storm and sanitary), water, gas, telecommunications, cable TV, power lines, and any existing utility easements.
  - d) Any platted building setback lines with dimensions.
  - e) Indication of location of proposed or existing streets and driveways providing access to said lots.
  - f) Topography (unless specifically waived by the City Planning Commission) with contour intervals not more than five feet, and including the locations of water courses, ravines, and proposed drainage systems. (Staff recommends waiver of topography)
  - g) Said certificate of survey shall include the certification by a registered engineer or surveyor that the details contained on the survey are correct.
3. That the applicant record the approved lot split with the register of deeds and provide a copy of the recorded document prior to issuance of a building permit.

**Mr. Birkel seconded the motion, which passed 6-0.**

PC2020-111            Rezoning and Request for Lot Split  
7641 Reinhardt Street  
Current Zoning: R-1A  
Requested Zoning: R-1B  
Applicant: RC Renovations, LLC

Mr. Brewster stated that the request was similar to other recent rezoning/lot splits heard by the Commission. The current property sits at the back of a non-conforming lot, which measures 120' wide by 140' deep. The proposed lot split would create two lots measuring 60' by 140', each totaling approximately 8,357 square feet. All lots on the block are zoned R-1A, with the exception of 7540 Reinhardt, for which the Planning Commission approved a rezoning to R-1B in 2018.

Mr. Brewster said that a rezoning required the Planning Commission to evaluate facts, weigh evidence, and make a recommendation to the City Council based on balancing the "Golden Factors" outlined in the zoning ordinance:

1. The character of the neighborhood
2. The zoning and uses of property nearby
3. The suitability of the property for the uses to which it has been restricted under its existing zoning
4. The extent that a change will detrimentally affect neighboring property
5. The length of time of any vacancy of the property
6. The relative gain to public health, safety and welfare by destruction of value of the applicant's property as compared to the hardship on other individual landowners
7. City staff recommendations
8. Conformance with the Comprehensive Plan

Mrs. Wallerstein asked if the new homes would have a 30' setback like the other new builds that had been approved by the Planning Commission on the block. Mr. Brewster said that the submitted plans showed a 30' setback, and that the proposed construction would align with the property immediately to the north, but not the home to the south, which sits farther back on a corner lot.

Mr. Birkel noted that the grade change across the property was significant, and asked if a retaining wall would be needed. If so, the garage would likely need to be located on the "high side" of the house near the wall. Mr. Brewster said the applicant would be required to get an exception if the construction did not meet building standards.

Steve Ashner, the applicant and owner of RC Renovations, was present to speak about the application, and stated he had no additional information to share.

Mr. Wolf opened the public hearing at 8:42 p.m. With no comments received and no one attending the Zoom meeting to speak, Mr. Wolf closed the public hearing at 8:43 p.m.

**Based on the Planning Commission's consideration of the Golden Factors, Mr. Breneman made a motion to recommend approval of the rezoning to the City Council. Mr. Birkel seconded the motion, which passed 6-0.**

**Mr. Breneman made a motion to approve the lot split with the following conditions:**

1. That the City Council accepts the Planning Commission recommendation and approves the rezoning; and
2. That the applicant submit a certificate of survey to comply with the following information required in the ordinance, prior to a building permit:
  - a) The location of existing buildings on the site, or specifically noting the removal of existing buildings.
  - b) The dimension and location of the lots, including a metes and bounds description of each lot.
  - c) The location and character of all proposed and existing public utility lines, including sewers (storm and sanitary), water, gas, telecommunications, cable TV, power lines, and any existing utility easements.

- d) Any platted building setback lines with dimensions.
  - e) Indication of location of proposed or existing streets and driveways providing access to said lots.
  - f) Topography (unless specifically waived by the City Planning Commission) with contour intervals not more than five feet, and including the locations of water courses, ravines, and proposed drainage systems. (Staff recommends waiver of topography)
  - g) Said certificate of survey shall include the certification by a registered engineer or surveyor that the details contained on the survey are correct.
3. That the applicant record the approved lot split with the register of deeds and provide a copy of the recorded document prior to issuance of a building permit.

**Mr. Birkel seconded the motion, which passed 6-0.**

## **NON-PUBLIC HEARINGS**

PC2020-108      Lot Split Approval  
3909 & 3913 West 85<sup>th</sup> Street  
Zoning: R-1A  
Applicant: R. L. Buford and Associates

Mr. Brewster said that the Planning Commission approved a preliminary plat, final plat and final development plan for Mission Chateau in March, 2016. At that time, it was understood that the large lot to the south would be re-platted at a future date to facilitate the construction and sale of villas, according to the final development plan. A final plat for Lots 3 through 13 for each of the twin villa lots was approved by the Planning Commission in July 2016 and accepted by the City Council.

Each of the lots included a two-unit building. As part of the Special Use Permit and Final Development Plan, it was understood that the twin villas would be individually owned, and a subsequent administrative step would be necessary to facilitate recording of documents to allow sale and individual ownership of each unit in each of the twin villa buildings. A similar application was filed in November 2018 for a split at 3901 and 3905 West 85th Street and in February 2019 for a split at 4001 and 4005 West 85th Street.

Mr. Brewster added that the villa constructed on the lot met all requirements of the special use permit, final development plan and final plat.

**Mr. Breneman made a motion to approve the lot split subject to the following staff recommendations:**

1. That the applicant record the approved lot split with the register of deeds and provide a copy of the recorded document prior to issuance of an occupancy permit.

2. That each of the resulting lots and the building continue to be subject to all conditions of approval of the Special Use Permit, Preliminary and Final Development Plans, and Final Plat, as well as the covenants recorded with the previous final plat.

**Mrs. Wallerstein seconded the motion, which passed 6-0.**

PC2020-109            Site Plan Review - Fence with Exception  
7700 Aberdeen Street  
Zoning: R-1A  
Applicant: Naama Courtemanche

Mr. Brewster said the applicant was requesting an exception to the fence standard to construct a fence in their side yard that did not meet the required setback on 77<sup>th</sup> Street. The proposal is to build a 6' tall wood privacy fence on the property line, rather than at the 5' setback as required by the ordinance. The location aligns with the fence on the property to the west (rear), creating a continuous fence line along 77<sup>th</sup> Street in the rear yard of each property. The lot immediately across 77<sup>th</sup> Street to the north has a similarly configured wood fence approximately 3' to 4' from the lot line.

**Mrs. Wallerstein made a motion to approve the exception to the fence standards with the following recommendations from staff:**

1. This proposal having a side yard configuration on a street with no sidewalk (proposed fence location approximately 10' to 12' from curb);
2. All lots on this segment of 77<sup>th</sup> Street having a similar side yard configuration;
3. The proposed fence location aligns with the fence to the rear;
4. All fencing being proposed is located in the rear yard of the lot (no side of house or front of house); and
5. The proposed fence will meet all other standards other than the required setback.

**Ms. Brown seconded the motion, which passed 6-0.**

PC2020-112            Site Plan Review - Exception to Neighborhood Design Guidelines  
3902 Homestead Court  
Zoning: R-1A  
Applicant: Patricia Smith

Mr. Brewster stated that the applicant was requesting an exception to the Neighborhood Design Standards, related to the construction of a new house in the Homestead redevelopment. The lot is zoned R-1A, and is part of the re-plat of the Homestead Country Club, approved in 2018. The Neighborhood Design Standards were adopted in 2018, and are applicable to all R-1A lots.



Specifically, the applicant requested an exception to Section 19.06.025.D.2, regarding building massing and wall planes:

2. Wall Planes: Wall planes shall have varied massing by:
  - a. Wall planes over 500 square feet shall have architectural details that break the plane into distinct masses of at least 20% of the wall plane. Architectural details may include:
    1. Projecting windows, bays or other ornamental architectural details with offsets of a minimum of 1.5 feet
    2. Off-sets of the building mass such as step backs or cantilevers of at least 2 feet
    3. Single-story front entry features such as stoops, porticos or porches
    4. No projections shall exceed the setback encroachment limits of Section 19.44.020

The plans include an east elevation along Mission Road totaling 620 square feet. According to Section D.2.a., the elevation would need to be broken up by one of the methods listed above, and the applicant had proposed a design that did not use those methods.

Mr. Brewster added that an architectural analysis performed by Todd Ault, Gould Evans staff member and the city architect for the City of Mission Hills, was included in the staff report. He recommended changing the alignment of three windows on the east side of the home to meet zoning requirements without requiring a bump-out, which the applicants did not want.

Property owners Tim and Tricia Smith were present to discuss the application and their design goals for the home. After further discussion, **Mr. Lenehan made a motion to approve the exception to the 500 foot wall plane requirement of the neighborhood design guidelines by utilizing the design proposed by Mr. Ault. Mrs. Wallerstein seconded the motion, which passed 4-1, with Mr. Birkel in opposition. Mr. Breneman was unable to vote due to technical issues.**

## ADJOURNMENT

With no further business to come before the Commission, Chair Greg Wolf adjourned the meeting at 9:43 p.m.

Greg Wolf  
Chair

## PRAIRIE VILLAGE ARTS COUNCIL | MEETING MINUTES

Zoom

Wednesday, July 8<sup>th</sup>, 2020

5:30 P.M.

### PLANNING COMMITTEE AS A WHOLE

#### EVENT REPORTS

**March Show** Kathy Clark, March curator, reported via email that she believed all art had finally been picked up because she hadn't heard otherwise from Barb Fisher in the City office. Bonnie confirmed with Barb during the discussion (via email) that all art is indeed gone.

**Art of Photography 2020** Shelly Trewolla, AOP curator, asked Dan Andersen about the status of the online gallery for the People's Choice voting, and he said that contractor David Tai has not written the code yet. The AOP store IS open, though.

Shelly to notify artists of the online store, although it is already up.

Shelly to commence the jurying, and notify the committee of the winners.

Bonnie received the Twitter handle and login from Daniel so she can start posting the gallery there.

Julie Hassel to talk with David Tai about the timeline for People's Choice voting, and marketing will blast out when ready via Constant Contact.

#### PLANNING

**October State of the Arts Show** Daniel Andersen, SoTA curator, asked if we should take this international. Committee voted no. We're not ready yet. Dan also asked if we should increase the prize structure. Shelly Trewolla argued to keep the same prize structure. It's going to be more cumbersome during COVID-19. Prize structure kept the same.

#### MARKETING

**Marketing/Website** Julie H. stated nothing new since the 6/29 email update and asked about the contractor/intern position and the possibility of getting the request on the 7/20 agenda for City Council. Bonnie Limbird noted that it's still up in the air. The agendas are especially packed right now due to COVID-19 and regular ongoing business. We had a 4.25-hour meeting last week, so no guarantees that it can be fit in before the summer is over.

Having concluded the Planning Committee as a Whole, the meeting was adjourned at 6:32 P.M.

#### BUSINESS MEETING

Our chairperson, Bonnie Limbird, called this evening's meeting to order at 6:33 pm. Council members present via Zoom were Dan Andersen, Betsy Holliday, Sherrod Taylor, Paul Tosh, Al Guarino, Julie Hassel, Shelly Trewolla, Nancy Maxwell, and Bonnie Limbird.

After **Roll Call**, the **Agenda** was approved with added items to vote on for the AOP People's Choice Award advertising budget, allocating SoTA prize money, and SoTA marketing budget.

The **Consent Agenda** was unanimously approved after a motion by Daniel Andersen and a second by Betsy Holliday.

**City Council Report** – Bonnie gave the council update including the Statuary Committee report, postponement of the official unveiling of the new sculpture at 71st St & Mission Rd, the monthly sales tax revenues report from the City Finance Director, and the large item pickup final tonnage.

A discussion of the **2020 Budget Update** included a rough calculation from Dan on where he thinks we'll land savings-wise at the end of the year due to COVID-19 cancellations. Bonnie asked for the spreadsheet of his calculations for review. Dan also still has many items to turn in to Meghan Buom, PV Foundation, for reimbursement.

### **Old Business**

Dan moved to **approve the State of the Arts Prize budget** of \$3,500.00, and Shelly seconded the motion. Motion passed.

Shelly moved to **approve the State of the Arts Marketing budget** not to exceed \$1,000.00, and Julie H. seconded. Motion passed.

Shelly moved to **approve the Art of Photography People's Choice Award Advertising budget** not to exceed \$500.00, and Dan seconded. Motion passed.

### **New Business**

Bonnie presented the idea of rolling Julie Flanagan, longtime Prairie Village Arts member, volunteer, ambassador, and an overall amazing asset to PV and the arts community, to an "emeritus"-type, non-voting member since she has not been able to attend a meeting since February and she warned us at the beginning of the year that she may not be able to finish out her term.

The committee approved this idea and liked it, too, as a way of opening up to other past committee members. The committee would also like to include more residents in our work who can't commit to a full appointment.

Bonnie then updated the committee on the interested resident with marketing experience to fill our marketing expertise needs, as well as other diverse perspectives, Maddie Kamphaus. The committee agreed that her role could be more of a marketing-specific role and not as a curator for a monthly show. Bonnie will make her recommendation to the Mayor for this seat.

There being no further items on the business meeting agenda, it was moved and seconded to close the meeting. Bonnie adjourned the business meeting at 7:19 PM.

END

**PRAIRIE VILLAGE-MISSION HILLS COMBINED  
FIRST HALF CRIME REPORT - 2020**

CRIME	2016	2017	2018	2019	2020	AVERAGE	2020 +/- AVG
Homicide	0	0	0	0	1	0.20	0.80
Rape	0	1	1	0	1	0.60	0.40
Robbery	0	2	0	1	1	0.80	0.20
Assault	29	35	35	29	24	30.40	-6.40
Burglary	16	40	29	28	17	26.00	-9.00
Residence	14	33	23	19	10	19.80	-9.80
Business/ Miscellaneous	2	7	6	9	7	6.20	0.80
Theft	83	99	150	122	110	112.80	-2.80
Auto Theft	13	10	13	16	12	12.80	-0.80
Arson	0	1	2	0	0	0.60	-0.60
Forgery	5	14	12	0	3	6.80	-3.80
Fraud	49	27	0	0	1	15.40	-14.40
Criminal Damage	53	37	17	19	27	30.60	-3.60
Sexual Offenses	7	5	11	4	4	6.20	-2.20
<b>TOTAL</b>	<b>255</b>	<b>271</b>	<b>270</b>	<b>219</b>	<b>201</b>	<b>243.20</b>	<b>-42.20</b>

ACCIDENTS	2016	2017	2018	2019	2020	AVERAGE	2020 +/- AVG
Fatal	1	0	1	0	0	0.40	-0.40
On-Street - injury	19	26	24	26	25	24.00	1.00
On-Street +\$1,000 - no injury	173	148	134	117	80	130.40	-50.40
On-Street -\$1,000 - no injury	24	26	20	36	9	23.00	-14.00
Private Property - injury	4	1	2	2	1	2.00	-1.00
Private Property - no injury	25	32	29	22	18	25.20	-7.20
Walk-In - no injury	10	7	5	5	5	6.40	-1.40
<b>TOTAL</b>	<b>256</b>	<b>240</b>	<b>215</b>	<b>208</b>	<b>138</b>	<b>211.40</b>	<b>-73.40</b>

MENTAL HEALTH	2016	2017	2018	2019	2020	AVERAGE	2020 +/- AVG
Suicide	2	0	2	1	0	1.00	-1.00
Attempted Suicide	7	4	1	5	3	4.00	-1.00
Involuntary Committal	6	9	5	14	13	9.40	3.60
Voluntary Committal	12	8	15	16	25	15.20	9.80
All Other Mental Health	68	56	74	33	70	60.20	9.80
<b>TOTAL</b>	<b>95</b>	<b>77</b>	<b>97</b>	<b>69</b>	<b>111</b>	<b>89.80</b>	<b>21.20</b>

<b>TOTAL CALLS</b>	<b>4,180</b>	<b>4,375</b>	<b>4,781</b>	<b>4,486</b>	<b>5,153</b>	<b>4,595.00</b>	<b>558.00</b>
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## PRAIRIE VILLAGE FIRST HALF CRIME REPORT - 2020

CRIME	2016	2017	2018	2019	2020	AVERAGE	2020 +/- AVG
Homicide	0	0	0	0	1	0.20	0.80
Rape	0	1	1	0	1	0.60	0.40
Robbery	0	2	0	1	1	0.80	0.20
Assault	27	33	33	29	24	29.20	-5.20
Burglary	13	36	22	24	16	22.20	-6.20
Residence	11	29	17	15	9	16.20	-7.20
Business/ Miscellaneous	2	7	5	9	7	6.00	1.00
Theft	77	86	129	111	95	99.60	-4.60
Auto Theft	12	8	10	13	10	10.60	-0.60
Arson	0	1	2	0	0	0.60	-0.60
Forgery	5	13	11	0	3	6.40	-3.40
Fraud	45	22	0	0	1	13.60	-12.60
Criminal Damage	45	28	17	19	23	26.40	-3.40
Sexual Offenses	7	5	11	4	4	6.20	-2.20
<b>TOTAL</b>	<b>231</b>	<b>235</b>	<b>236</b>	<b>201</b>	<b>179</b>	<b>216.40</b>	<b>-37.40</b>

ACCIDENTS	2016	2017	2018	2019	2020	AVERAGE	2020 +/- AVG
Fatal	1	0	1	0	0	0.40	-0.40
On-Street - injury	18	24	23	25	25	23.00	2.00
On-Street +\$1,000 - no injury	151	140	123	106	72	118.40	-46.40
On-Street -\$1,000 - no injury	20	22	19	33	9	20.60	-11.60
Private Property - injury	4	1	2	2	1	2.00	-1.00
Private Property - no injury	23	29	27	21	17	23.40	-6.40
Walk-In - no injury	8	6	5	4	4	5.40	-1.40
<b>TOTAL</b>	<b>225</b>	<b>222</b>	<b>200</b>	<b>191</b>	<b>128</b>	<b>193.20</b>	<b>-65.20</b>

MENTAL HEALTH	2016	2017	2018	2019	2020	AVERAGE	2020 +/- AVG
Suicide	2	0	1	1	0	0.80	-0.80
Attempted Suicide	7	4	1	5	2	3.80	-1.80
Involuntary Committal	6	8	5	13	11	8.60	2.40
Voluntary Committal	11	8	14	15	25	14.60	10.40
All Other Mental Health	59	55	72	29	67	56.40	10.60
<b>TOTAL</b>	<b>85</b>	<b>75</b>	<b>93</b>	<b>63</b>	<b>105</b>	<b>84.20</b>	<b>20.80</b>

<b>TOTAL CALLS</b>	<b>3,429</b>	<b>3,624</b>	<b>4,118</b>	<b>3,804</b>	<b>4,312</b>	<b>3,857.40</b>	<b>454.60</b>
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## MISSION HILLS FIRST HALF CRIME REPORT - 2020

CRIME	2016	2017	2018	2019	2020	AVERAGE	2020 +/- AVG
Homicide	0	0	0	0	<b>0</b>	0.00	0.00
Rape	0	0	0	0	<b>0</b>	0.00	0.00
Robbery	0	0	0	0	<b>0</b>	0.00	0.00
Assault	2	2	2	0	<b>0</b>	1.20	-1.20
Burglary	3	4	7	4	<b>1</b>	3.80	-2.80
Residence	3	4	6	4	<b>1</b>	3.60	-2.60
Business	0	0	1	0	<b>0</b>	0.20	-0.20
Theft	6	13	21	11	<b>15</b>	13.20	1.80
Auto Theft	1	2	3	3	<b>2</b>	2.20	-0.20
Arson	0	0	0	0	<b>0</b>	0.00	0.00
Forgery	0	1	1	0	<b>0</b>	0.40	-0.40
Fraud	4	5	0	0	<b>0</b>	1.80	-1.80
Criminal Damage	8	9	0	0	<b>4</b>	4.20	-0.20
Sexual Offenses	0	0	0	0	<b>0</b>	0.00	0.00
<b>TOTAL</b>	<b>24</b>	<b>36</b>	<b>34</b>	<b>18</b>	<b>22</b>	<b>26.80</b>	<b>-4.80</b>

ACCIDENTS	2016	2017	2018	2019	2020	AVERAGE	2020 +/- AVG
Fatal	0	0	0	0	<b>0</b>	0.00	0.00
On-Street - injury	1	2	1	1	<b>0</b>	1.00	-1.00
On-Street +\$1,000 - no injury	22	8	11	11	<b>8</b>	12.00	-4.00
On-Street -\$1,000 - no injury	4	4	1	3	<b>0</b>	2.40	-2.40
Private Property - injury	0	0	0	0	<b>0</b>	0.00	0.00
Private Property - no injury	2	3	2	1	<b>1</b>	1.80	-0.80
Walk-In - no injury	2	1	0	1	<b>1</b>	1.00	0.00
<b>TOTAL</b>	<b>31</b>	<b>18</b>	<b>15</b>	<b>17</b>	<b>10</b>	<b>18.20</b>	<b>-8.20</b>

MENTAL HEALTH	2016	2017	2018	2019	2020	AVERAGE	2020 +/- AVG
Suicide	0	0	1	0	<b>0</b>	0.20	-0.20
Attempted Suicide	0	0	0	0	<b>1</b>	0.20	0.80
Involuntary Committal	0	1	0	1	<b>2</b>	0.80	1.20
Voluntary Committal	1	0	1	1	<b>0</b>	0.60	-0.60
All Other Mental Health	9	1	2	4	<b>3</b>	3.80	-0.80
<b>TOTAL</b>	<b>10</b>	<b>2</b>	<b>4</b>	<b>6</b>	<b>6</b>	<b>5.6</b>	<b>0.4</b>

TOTAL CALLS	751	751	663	682	841	737.60	103.40