

Members of the Governing Body will participate in a hybrid-meeting format. The public may attend the meeting in person or view it online at <https://www.facebook.com/CityofPrairieVillage>.

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Council Chambers
Monday, November 1, 2021
6:00 PM**

I. CALL TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF THE AGENDA

V. INTRODUCTION OF STUDENTS AND SCOUTS

VI. PRESENTATIONS

National Native American Heritage Month proclamation

Reflection on Mayor Taliaferro

VII. PUBLIC PARTICIPATION

If you would like to speak live during the public participation portion of the meeting and would prefer to do so remotely, please notify City Clerk Adam Geffert at cityclerk@pvkansas.com, and provide your name and address prior to 3 p.m. on November 1. The City will provide you with a link to join the meeting and will call on those who signed up to speak for up to 3 minutes once public participation begins. Alternatively, you may speak in-person at the meeting without signing up beforehand.

To submit written comment to the Council, please email cityclerk@pvkansas.com prior to 3 p.m. on November 1 to be shared with Councilmembers prior to the meeting.

VIII. CONSENT AGENDA

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

By Staff

1. Approval of regular City Council meeting minutes - October 18, 2021
2. Approval of expenditure ordinance #3007
3. Consider installation of stop signs at the intersection of 74th Street and Village Drive
4. Consider memorandum of agreement with Little Government Relations for government relations and lobbying services in 2022

IX. COMMITTEE REPORTS

Insurance Committee

COU2021-78 Consider approval of 2022 employee medical, vision, and dental plans and other supplemental employee benefits

Pension Board of Trustees

COU2021-79 Consider revisions to Council Policy 055: Investment Policy Statement for Police Pension Retirement Funds and New Council Policy 054: Investment Policy Statement for City Supplemental 401/457 Retirement Funds

X. MAYOR'S REPORT

XI. STAFF REPORTS

XII. OLD BUSINESS

XIII. NEW BUSINESS

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

COU2021-80 Consider adoption of Ordinances 2459, 2460, and 2461 to clarify and clean up the nuisance, unsafe structure and abatement provisions in the municipal code
Jamie Robichaud

COU2021-81 Consider approval of the hiring of part-time Crime Analyst
Chief Roberson

COU2021-82 Consider property tax rebate program
Adam Geffert

XV. ANNOUNCEMENTS

XVI. ADJOURNMENT

If any individual requires special accommodations - for example, qualified interpreter, large print, reader, etc., please notify the City Clerk at 913-385-4616, 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.

CITY OF PRAIRIE VILLAGE

Proclamation

National Native American Heritage Month November 2021

WHEREAS, the history and culture of our great nation have been significantly influenced by Native Americans and indigenous peoples; and

WHEREAS, the contributions of Native Americans have enhanced the freedom, prosperity, and greatness of America today; and

WHEREAS, their customs and traditions are respected and celebrated as part of a rich legacy throughout the United States; and

WHEREAS, Native American Awareness Week began in 1976, and recognition was expanded by Congress and approved by President George Bush in August 1990, designating the month of November as National Native American Heritage Month; and

WHEREAS, in honor of National Native American Heritage Month, community celebrations as well as numerous cultural, artistic, educational and historical activities have been planned; and

WHEREAS, Shawnee, Osage and Kansa Indians formerly owned the land now developed into the City of Prairie Village.

NOW THEREFORE, I, Eric Mikkelson, Mayor of the City of Prairie Village, do hereby proclaim November as National Native American Heritage Month in the City of Prairie Village, Kansas, and call upon our community to observe this month with appropriate programs, ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Prairie Village, Kansas, to be affixed at my office in the City of Prairie Village, Kansas, the 1st day of November 2021.

Mayor Eric Mikkelson

Adam Geffert, City Clerk



**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
OCTOBER 18, 2021**

The City Council of Prairie Village, Kansas, met in regular session on Monday, October 18, 2021, at 6:00 p.m. Mayor Mikkelson presided.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Mr. Herring made a motion to approve the agenda for October 18, 2021. Ms. Limbird seconded the motion, which passed 11-0, with Mr. Runion absent due to technical issues.

PRESENTATIONS

- Ms. Reimer introduced Teen Council members for the 2021-2022 school year:
 - Amalia Millard, Notre Dame de Sion
 - Michael Newbold, Shawnee Mission East
 - Ayla Ozkan, Shawnee Mission East
 - Kate Whitefield, Shawnee Mission East
 - Emma Jones, Whitefield Academy
- Representative Jerry Stogsdill provided a legislative update to the Council.

PUBLIC PARTICIPATION

Erin Brown, owner of Dolce Bakery, and Mary Rimann, owner of Rimann Liquors, spoke in opposition to the proposed extension of the facemask ordinance.



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 - October 4, 2021
2. Consider bid award for 2021 tree trimming program
3. Consider appointment to Pension Board

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

COMMITTEE REPORTS

- Ms. Limbird said that the Arts Council’s annual State of the Arts juried competition was live on www.artspv.org, as was an online store to purchase artwork. She noted that eight award-winning pieces were on display at City Hall.
- Mr. Poling said that the Parks and Recreation Committee met on October 13 to evaluate the 2021 pool season and consider the development of its next five-year park plan. He added that committee members were touring parks throughout the metropolitan area to determine what the priorities of the plan should be.
- Mr. Gallagher noted that the Prairie Village Foundation met to consider ways it could help residents throughout the year. He said that there would be fund distributions to several community organizations, including a codes enforcement fund to assist residents with code violation issues. Lastly, Mr. Gallagher stated that the Mayor’s Holiday Tree Lighting Ceremony would take place on December 2, and the annual gingerbread house-building event would be held on December 5.
- Ms. Reimer said that the United Community Services’ Drug and Alcoholism Council completed deliberations on grant funding requests for 2022 the prior week. Municipalities would receive information about fund allocation prior to the end of the year.
- Mr. Runion stated that the Police Pension Committee met on October 14, at which a review of plan performance was provided by representatives from United Missouri Bank.

MAYOR’S REPORT

- The Mayor provided an update on the COVID-19 pandemic noting that numbers continued to improve. Johnson County was no longer in the “high” transmission category, and the percent positivity rate had dropped below 5%. He added that the



vaccination rate of Johnson County residents 12 and over had increased to 63.9%, and in Prairie Village to 74%, per the Johnson County Health Department. CDC data, which included Johnson County residents who received vaccinations outside of the county, rose above 77%. Both hospitalizations and deaths had decreased.

- The Mayor stated that the City's third quarter financial report was available for review. Revenues were higher than expected, and expenses lower than expected.
- The Mayor co-chaired a First Suburbs Coalition meeting, and noted that the Mid-America Regional Council had secured private funding for a housing partnership and regional housing data hub, which will provide online data to regional cities that are addressing housing challenges.
- The Mayor congratulated the Shawnee Mission East girls' tennis team, which won the 6-A team and doubles championships for the third year in a row.
- The Mayor noted Councilmember Graves and his wife welcomed a new daughter, Daphne Lorraine the prior week.
- The Mayor attended a Coffee with a Cop event at Starbucks on October 6.
- The Mayor attended the voter network annual gala and the Shawnee Mission Post candidate forum.
- The Mayor noted that Jim Whittier was retiring from the Police Pension Board after 45 years of service. Additionally, longtime Tree Board member Deb Nixon was also retiring.
- The Mayor said that the City was implementing DEI (Diversity, Equity and Inclusion) training and anti-bias training for staff and elected officials.
- The Mayor noted that Shinju Sushi and Hibachi restaurant had opened in the Village Shops.
- The next Johnson County Charter Commission meeting will be held on October 27 at the Olathe Embassy Suites for another public comment session.
- A ribbon-cutting ceremony will be held at the new Hunter Family Vision Center on November 4.

STAFF REPORTS

- Mr. Schwartzkopf recognized Court Administrator Deana Scott for receiving the "Outstanding Court Clerk" award for 2021 from the Kansas Association of Court Management.
- Chief Roberson said that "no parking" signs would be added on one side of Prairie Village side streets near the Cure of Ars school to improve safety for children walking to cars at the end of the school day.
- Ms. Buom presented an example of a recently completed "no smoking" sign which will be posted in City parks.
- Chief Chick provided a quarterly update on activities at Consolidated Fire District #2. He shared appreciation for the partnership with Prairie Village Police Officers,



and noted that a team of firefighters had been sent to Louisiana to help with cleanup efforts due to Hurricane Ida. Chief Chick added that three additional firefighters would be hired in 2022, and that the department was working on a new five-year strategic plan.

OLD BUSINESS

There was no old business to come before the Council

NEW BUSINESS

COU2021-74 Consider appointment of City Treasurer

Mayor Mikkelson stated that the position of City Treasurer was being offered to Scott McDonald, a retired Senior Accountant for the City of Olathe, Kansas. He noted that the rate of pay would be \$400 per month.

Mr. Poling made a motion to ratify the Mayor’s appointment of Scott McDonald to serve as the City Treasurer. Mrs. McFadden seconded the motion, which passed unanimously.

After approval, the Mayor swore in Mr. McDonald as the new City Treasurer.

COU2021-70 Consider an ordinance banning conversion therapy of minors

Mr. Waters said that at its October 4, 2021 meeting, the Council Committee of the Whole recommended approval of an ordinance banning the conversion therapy of minors in Prairie Village, with a fine of up to \$1,000.00, but no possibility of jail time.

Ms. Selders made a motion to approve Ordinance #2456 banning the conversion therapy of minors, with a potential fine of up to \$1,000.00, but no possibility of jail time. The motion was seconded by Mrs. McFadden. A roll call vote was taken with the following votes cast: “aye”: Herring, J. Nelson, Selders, R. Nelson, Poling, Limbird, Reimer, Runion, McFadden, Graves, Gallagher; “nay”: Myers. The motion passed 11-1.

COU2021-71 Consider committing to the “Cities Race to Zero” climate initiative

Mr. Graves said that at its October 4, 2021 meeting, the Council Committee of the Whole voted to recommend approval of committing to the Cities Race to Zero climate initiative with a consideration of cost and cost-effectiveness. He added that the City would likely be the first in Johnson County to commit to the initiative.

Mr. Graves made a motion to approve the commitment to the “Cities Race to Zero” climate initiative, and recognize that Council shall, before undertaking any particular components



of the Cities Race to Zero and related initiatives, duly consider the costs, financial and otherwise, thereof. Mrs. McFadden seconded the motion, which passed unanimously.

COU2021-72 Consider adoption of Resolution 2021-15, establishing 2022 compensation ranges

Ms. Volanti stated that the City annually adopted a resolution adjusting salary ranges for all positions. Each year, the City contacts a compensation and benefits consultant to provide market data both nationally and in the Kansas City region. When developing the 2022 budget, the compensation consultant recommended a 1.8% range adjustment to preserve the City’s competitiveness with the labor market, protect its ability to compete for talented employees, and maintain ranges adequately to minimize needed increases or adjustments when the compensation study is completed in 2022. However, since the budget process the consultant said the adjustment percentage had increase to 2.5%. Staff recommended staying with the 1.8% increase since we will be completing a comprehensive salary and benefit study in the near future.

In addition to the 1.8% adjustment to all regular positions, staff also recommended an increase to the seasonal pool wages to raise the minimum pay (as included in the 2022 budget) as well as an increase to the pay range of the pool manager to reflect additional responsibilities and be more in line with the compensation of this position in other cities in the metro.

The final change included the creation of a Senior Building Inspector position within the compensation plan. Rather than hiring a new employee, this change would be a reclassification of an existing position for the purposes of succession planning and reflecting increased responsibilities. The recommended pay range was based on current compensation for similar positions in other area jurisdictions. The reclassification was included in the 2022 personnel budget.

Mrs. McFadden made a motion to adopt Resolution 2021-15, establishing the 2022 compensation ranges as recommended by City staff. Mr. Gallagher seconded the motion, which passed unanimously.

COU2021-73 Consider extending ordinance requiring the wearing of face coverings or masks during the COVID-19 public health emergency and recovery

Mr. Jordan stated that the existing facemask ordinance would expire at 11:59 p.m. on October 31. If an extension were not approved, the mandate would expire at that time.

Several Councilmembers stated that they were comfortable letting the mandate expire, but that it should be revisited if cases rise again. Mayor Mikkelson added that businesses could



still establish their own masking requirements, and that the City would help enforce them if needed.

Mr. Graves noted that the City shared a border with Kansas City, Missouri, and that the infection rate was higher there than in Johnson County. He suggested that extending the City's mask mandate to November 7 so that it aligned with Kansas City and Jackson County would be appropriate due to the shared border. He added that he did not want Prairie Village to be the only City with a mask mandate in place.

Mr. Graves made a motion to extend the mask mandate to November 7 in order to align with the expiration date of the Jackson County and Kansas City, Missouri mandates. The motion was seconded by Ms. Nelson.

After further discussion, a roll call vote was taken with the following votes cast: "aye": J. Nelson, Limbird, Reimer, Runion, Graves; "nay": Herring, Selders, R. Nelson, Poling, Runion, McFadden, Gallagher. The motion failed 7-5.

COU2021-76 Consider ordinance authorizing the issuance of special obligation tax increment revenue refunding bonds (Meadowbrook TIF project), series 2021

Jeff White of Columbia Capital, the City's financial advisor, stated that at its September 7, 2021 meeting, the City Council approved Resolution No. 2021-14 authorizing the offering for sale of special obligation tax increment revenue refunding bonds for the Meadowbrook TIF Project. Since that time, City staff, together with the City Attorney, financial advisor, and bond counsel (Gilmore & Bell), have been working to negotiate and finalize certain documents related to the bond transaction, including but not limited to the bond ordinance and related documents.

Mr. White said that he anticipated the issuance of special obligation bonds would result in a savings of approximately \$700,000 over the life of the bonds. The transaction would also eliminate the City's general obligation backing of approximately \$11,000,000 in bonds that were issued in 2016 in support of the Meadowbrook project. It would also free up transient guest tax dollars for use by the City.

Mr. Runion asked if the new bonds would be re-amortized or if the "TIF clock" on the amortization period would be reset. Mr. White said that, under Kansas law, the 20-year TIF clock was started in 2016 and could not be reset.

Mrs. Myers made a motion to approve the ordinance authorizing the issuance of Special Obligation Tax Increment Revenue Refunding Bonds (Meadowbrook TIF Project) Series 2021. Mr. Nelson seconded the motion. A roll call vote was taken with the following votes cast: "aye": Herring, J. Nelson, Selders, R. Nelson, Poling, Limbird, Myers, Reimer, Runion, McFadden, Graves, Gallagher. The motion passed unanimously.



**COU2021-75 Consider amended and restated development agreement
(Meadowbrook project)**

Mr. Waters stated that the original development agreement established terms for due diligence for the project and acquisition of property, established terms by which general obligation bonds and special obligation bonds would be issued, and bound the developer to construct and complete certain public and private improvements. With most project elements now substantially complete, the corresponding provisions of the original development agreement were no longer applicable.

The amended and restated development agreement acknowledges the closing of property acquisition and the completion of project elements, and simplifies the financing elements to reflect that the City intends to issue special obligation TIF refunding bonds in order to refund and redeem the original general obligation bonds and special obligation bonds.

Mr. Herring made a motion to approve the amended and restated development agreement in substantially the form as presented in the City Council materials, and that the Mayor, City Administrator, and all other City officers be authorized to complete negotiations as to such agreement and to execute and deliver such agreement, and any other documents related thereto, necessary or appropriate to complete the special obligation tax increment revenue refunding bond transaction for the Meadowbrook TIF Project, as presented to and approved by the City Council pursuant to Resolution No. 2021-14. Ms. Selders seconded the motion, which passed unanimously.

Mrs. Myers moved that the City Council move into the Council Committee of the Whole portion of the meeting. The motion was seconded by Ms. Selders and passed unanimously.

COUNCIL COMMITTEE OF THE WHOLE

**COU2021-77 Consider installation of stop signs at the intersection of 74th Street and
Village Drive**

Mr. Bredehoeft said that the intersection of 74th Street and Village Drive currently had two stop signs located on the Village Drive approaches to the intersection. A request was received to consider making the intersection a four-way stop. TranSystems, the City's traffic engineering consultant, evaluated the intersection and determined it would be acceptable to install the additional two stop signs on 74th Street. Mr. Bredehoeft noted that City Council approval was necessary to install regulatory signs, and that the Police Department had reviewed the study and agreed with the installation.



PRAIRIE VILLAGE
KANSAS

Mrs. Myers made a motion to approve the installation of stop signs at the intersection of 74th Street and Village Drive. Mr. Nelson seconded the motion, which passed unanimously.

Mr. Nelson moved that the City Council end the Council Committee of the Whole portion of the meeting. The motion was seconded by Mrs. Myers and passed unanimously.

ANNOUNCEMENTS

Announcements were included in the Council meeting packet.

ADJOURNMENT

Mr. Nelson made a motion to adjourn the meeting. Mr. Poling seconded the motion, which passed unanimously.

Mayor Mikkelson declared the meeting adjourned at 8:32 p.m.

Adam Geffert
City Clerk

CITY TREASURER'S WARRANT REGISTER

DATE WARRANTS ISSUED:

Warrant Register Page No. 1

October 4, 2021

Copy of Ordinance
3007

Ordinance Page No. _____

An Ordinance Making Appropriate for the Payment of Certain Claims.

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

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


NAME	DATE	AMOUNT	TOTAL
EXPENDITURES:			
Accounts Payable			
24702-24770	9/3/2021	448,483.91	X
24771-24772	9/10/2021	3,361.04	X
24773	9/13/2021	250.00	X
24774-24836	9/17/2021	521,728.41	X
24837-24840	9/24/2021	348.75	X
Payroll Expenditures			
9/10/2021		335,011.65	✓
9/24/2021		333,643.39	✓
Electronic Payments			
Electronic Pmnts	9/1/2021	3,395.82	X
	9/7/2021	5,848.18	X
	9/8/2021	61.90	X
	9/9/2021	5,856.56	X
	9/10/2021	1,037.72	X
	9/13/2021	853.46	X
	9/26/2021	25,459.04	X
	9/30/2021	5,123.43	X
TOTAL EXPENDITURES:			1,690,463.26
Voided Checks	Check #	(Amount)	
TOTAL VOIDED CHECKS:			-
GRAND TOTAL CLAIMS ORDINANCE			1,690,463.26

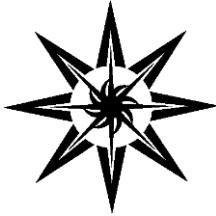
Section 2. That this ordinance shall take effect and be in force from and after its passage.

Passed this 4th day of October 2021.

Signed or Approved this 4th day of October 2021.

ATTEST:  10-22-21
City Treasurer

ATTEST:  10/4/2021
Finance Director



PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: October 18, 2021
Council Meeting Date: November 1, 2021

COU2021-77

CONSIDER INSTALLATION OF STOP SIGNS AT THE INTERSECTION OF 74TH STREET AND VILLAGE DRIVE

RECOMMENDATION

Move to approve the installation of stop signs at the intersection of 74th Street and Village Drive

BACKGROUND

Currently the intersection of 74th Street and Village Drive has two stop signs located on the Village Drive approaches to the intersection. It was requested to consider making this intersection a 4 way stop. TranSystems, the City's traffic engineering consultant, evaluated the area and intersection and determined it would be acceptable to install the additional 2 stop signs on 74th Street. The TranSystems study is attached. City Council approval is necessary to install stop signs which are regulatory signs. The Police Department has reviewed the TranSystems study and agrees with the installation of the stop signs.

FUNDING SOURCE

Costs for the signs will come from the Public Works Operations Budget.

ATTACHMENTS

TranSystems Study

PREPARED BY

Keith Bredehoeft, Public Works Director

October 13, 2021

Memorandum

2400 Pershing Road
Suite 400
Kansas City, MO 64108
Tel 816 329 8600
Fax 816 329 8601

www.transystems.com

To: Keith Bredehoeft, PE
Public Works Director
7700 Mission Road
Prairie Village, Kansas 66208

From: Jeff Wilke, PE, PTOE

Date: October 13, 2021

TranSystems Project No.: P101210283

Subject: 74th Street and Village Drive Intersection Review

In accordance with your request, TranSystems has completed the following review of the 74th Street and Village Drive intersection in Prairie Village, Kansas. In general, the purpose of this study is to review the existing intersection and determine if the temporary multi-way stop sign control should become a permanent installation. Our review is based on the procedures outlined in the Manual on Uniform Traffic Control Devices (MUTCD), the Federal Highway Administration reference, adopted as the standard governing the use of traffic control devices in the State of Kansas. Our findings are summarized in this memorandum.

The intersection of 74th Street and Village Drive was previously controlled with stop signs only on the Village Drive approaches. Currently, the intersection is operating with multi-way stop sign control. Stop signs have been temporarily installed for the 74th Street approaches due to construction of a new home in the southeast corner of the intersection. Construction fencing has been installed close to the roadway, which limits sight lines for drivers at the intersection.

It is understandable why stop signs are installed for Village Drive, given that it is roughly the midpoint of an otherwise uncontrolled street segment. A case could also be made that it would be appropriate to stop 74th Street on a permanent basis, as it is also a through street in the area. Further, with the vertical grade change to the low water crossing west of the intersection, it is the tendency of driver on 74th Street to slow and use caution in this area. The MUTCD states that consideration should be given to controlling the direction that has obscured vision, dips, or bumps which already require drivers to use lower operating speeds.

Traffic counts were not conducted at this intersection, as it is generally a low volume intersection of two neighborhood streets. Therefore, it is unlikely that the traffic volume or crash experience criteria for multi-way stop control is satisfied. However, the MUTCD states that multi-way stop control may be considered at the intersection of two residential neighborhood through streets of similar design and operating characteristics where multi-way stop control would improve traffic operational characteristics of the intersection. The MUTCD also states a multi-way stop may be considered at locations where a road user cannot see conflicting traffic after stopping.

Multi-way stop control would enhance safety and operations at the intersection due to sight line limitations such as large tree trunks, bushes, and the vertical grade change on the west leg of the intersection. Therefore, multi-way stop sign control is appropriate at the 74th Street and Village Drive intersection to address sight distance limitations. Stopping 74th Street will also slow westbound traffic that is approaching the low water crossing west of the intersection.

Several signing modifications are needed to make the multi-way stop sign control permanent. Stop signs (MUTCD No. R1-1, size 30" x 30") should be permanently installed for eastbound and westbound traffic on 74th Street at the intersection. The new stop signs should have orange warning flags temporarily installed above the stop sign for at least 90 days to allow drivers to adjust to the change in traffic controls. All Way plaques (MUTCD No. R1-3p, size 18" x 6") should be installed below all four stop signs at the intersection. All new signs should be installed at the MUTCD standard mounting height and lateral offset.

Advance visibility of the new stop sign for eastbound traffic on 74th Street will be restricted by a tree along the south side of the street. To enhance conspicuity a Stop sign is recommended on the left-hand side of the road. A larger 36" x 36" Stop sign is recommended to be installed on the back of the existing 30" x 30" warning sign posted for westbound traffic on the north side of 74th Street just west of Village Drive. The shape of the existing warning sign will obscure the octagon shape of the stop sign unless the larger 36" x 36" size sign is used.

Additionally, the existing stop signs posted on the gates for the low water crossing should be removed. The signs should be replaced with Road Closed signs (MUTCD No. R11-2, size 48" x 30"). The recommended signing is shown on the following page in **Figure 1**.

We have appreciated this opportunity to be of service to the City of Prairie Village. Should you have any questions, please advise.

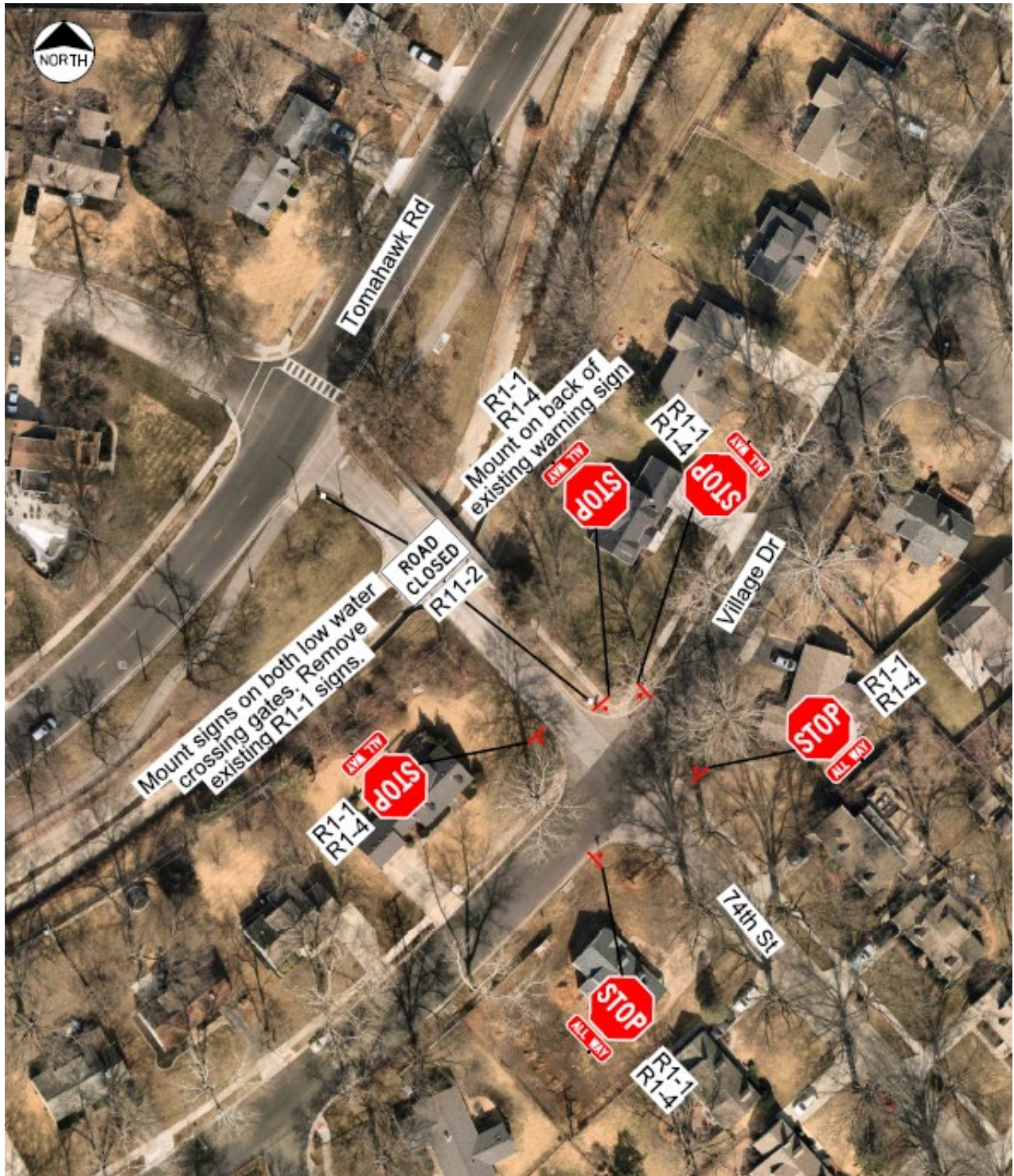


Figure 1 – Recommended Signing for 74th Street and Village Drive



ADMINISTRATION CONSENT AGENDA

Council Meeting Date: November 1, 2021

Consider Memorandum of Agreement with Little Government Relations for government relations and lobbying services in 2022

BACKGROUND

In early 2020, the City Council authorized an agreement with Little Government Relations (LGR) for government relations and lobbying services. The contract was renewed for 2021. Throughout 2020 and 2021, Little Government Relations provided these services for the City, which included legislative updates, drafting and providing in-person testimony, and briefing staff and the Council on important issues that will have an impact on cities in Kansas. LGR's services include weekly written updates and conference calls during the legislative session and monthly written updates during the non-session period.

Prior to 2020, city staff had to draft all testimony on behalf of the City and stay apprised of legislative happenings through the League of Kansas Municipalities and our own monitoring of the State legislature website. Procuring the services of Little Government Relations in 2020 and 2021 saved a significant amount of staff time and resulted in the City being more informed on legislative issues than we have been in previous years.

For these reasons, city staff is recommending continuing the City's relationship with Little Government Relations in 2022. The annual cost of services for 2022 is the same as 2020 and 2021, at \$10,000, paid in four quarterly installments of \$2,500. This cost is anticipated in the 2022 contractual services budget.

RECOMMENDATION

Make a motion to approve a Memorandum of Agreement with Little Government Relations for government relations and lobbying services in 2022.

ATTACHMENTS

Memorandum of Agreement with LGR

PREPARED BY

Jamie Robichaud
Deputy City Administrator
Date: October 26, 2021

Memorandum of Agreement

1. Parties to Agreement

This agreement for government relations and lobbying services is entered into between “LGR Government Relations, LLC” hereinafter referred to as “LGR” and the “City of Prairie Village” hereinafter referred to as “Prairie Village.”

2. Services to be Provided

A. LGR shall provide pro-active lobbying, monitoring, and reporting services for Prairie Village before Kansas legislative and administrative branches of government on matters related to city government. Little shall analyze and report on legislative bills and policy issues of interest and communicate such analysis to Prairie Village on a regular and timely basis.

B. Little shall communicate and meet with the Governing Body, administration, and staff to discuss policy, budget, legislative activity, and administrative issues related to State public policy and budget activities, and LGR shall provide weekly reports during the legislative session, at least monthly during the interim period, and be available for meetings as requested.

D. LGR shall testify before legislative committees as directed by Prairie Village and shall provide assistance to Prairie Village in the production and presentation of legislative testimony.

E. LGR will be available to represent Prairie Village before relevant policy organizations; League of Kansas Municipalities’ meetings and activities; collective Northeast Johnson County cities events, local and regional chambers, and city activities related to shared public policy issues.

F. LGR will facilitate meetings with the legislators and key stakeholders upon request.

G. LGR may perform other government affairs services for Prairie Village as requested. Extraordinary expansion of duties may be subject to additional or other terms as agreed by the parties.

H. LGR shall provide advice and consultation with appropriate Prairie Village elected officials and staff as requested.

3. Coalition.

Prairie Village and other cities in Northeast Johnson County may join together in a voluntary coalition to accomplish shared public policy goals and objectives. The coalition may collectively and collaboratively receive the services articulated in Sec.

1. The coalition will be governed by the following terms and conditions.

A. Each coalition city will designate one representative to represent and articulate city position, serve as primary point of contact, and serve as the voting member on any non-consensus decisions in the event of required vote.

B. Coalition will communicate at least on a weekly basis during the legislative session and more often as necessary, including but not exclusively in written reports and conference calls or in person.

C. LGR will be available to represent the coalition before relevant policy organizations; League of Kansas Municipalities' meetings and activities; collective Northeast Johnson County cities events, local and regional chambers, and city activities related to shared public policy issues.

D. LGR will be available for city governing board meetings and city staff upon request.

E. During non-session period, LGR will provide monthly written reports, represent the members at relevant meetings, and be available for governing body meetings upon request.

F. Participation in the coalition of Northeast Johnson County cities does not supersede or preclude the right of a coalition member to express or advocate individually and independently for a position different from the coalition position. Coalition city members are not obligated to support a majority coalition position and may oppose, without prejudice.

3. Independent Contractor

It is understood by both parties that LGR is an independent contractor and its services are not exclusive to Prairie Village. LGR is specifically allowed to represent other cities by mutual consent in a coalition of Northeast Johnson County cities and additional clients in non-competing areas.

4. Compliance with Applicable Statutes and Rules and Regulations

It is understood by both parties that LGR will register with the office of the Kansas Secretary of State as a lobbyist for Prairie Village. Furthermore, LGR will comply with both the spirit and the intent of all reporting requirements as well as all statutes and rules and regulations pertaining to lobbying. Copies of any reports filed by or on behalf of LGR with various reporting

agencies will be available for review by Prairie Village upon request.

5. Terms of Agreement

This contract shall be in effect for the period beginning January 1, 2022 and ending December 31, 2022.

6. Compensation

LGR shall receive the sum of ten thousand dollars (\$10,000.00) for services provided under this agreement, payable in four quarterly payments in the amount of two thousand five hundred dollars (\$2,500.00), due after January 1, April 1, July 1 and October 1 upon receipt of an invoice from LGR. LGR may be reimbursed for documented expenses approved by the administrator or chief elected member in advance.

7. Liability Insurance

LGR shall possess professional liability and workers compensation insurance and shall make documentation of coverage available upon request.

8. Termination.

Either party may terminate this agreement upon thirty (30) days written notice.

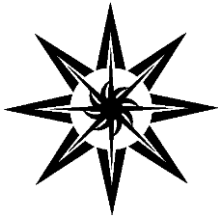
This contract encompasses all written and oral agreements of the parties and is entered into this 1st day of November, 2021.

Stuart J. Little, Ph.D.

Little Government Relations, LLC
800 SW Jackson, Suite 1000
Topeka, Kansas 66612-2205

Wes Jordan

City of Prairie Village
7700 Mission Road
Prairie Village, Kansas 66208



INSURANCE COMMITTEE

City Council Meeting Date: November 1, 2021

COU2021-78: Consider approval of 2022 Employee Medical, Vision, and Dental Plans and Other Supplemental Employee Benefits

SUGGESTED MOTION

Make a motion to accept the Insurance Committee's unanimous recommendation and approve COU2021-78, the 2022 employee insurance benefit package as presented.

MEDICAL RENEWAL

The City's benefits consultants, CBIZ, advised staff earlier this year that they anticipated the City's health insurance rates through United Healthcare may increase somewhat significantly in 2022 due to an increase in claims during the rating period of May 2020 through April 2021. During this period, claims on the City's insurance have increased by 32.5% vs. the same timeframe last year. The loss ratio during the rating period increased from 71.1% to 93.9%. In anticipation of a significant increase in rates, staff recommended to the Insurance Committee that we instruct CBIZ to go out to bid for the City's health insurance renewal for 2022. It had also been 5 years since the City went out to bid on employee medical insurance, so staff felt it was important that we went out to the market to ensure the City and employees are getting the most competitive rate while not sacrificing the quality of coverage. The Insurance Committee agreed with staff's recommendation. CBIZ accepted proposals on the City's behalf this fall.

The City received several competitive bids on our health plan - from United Healthcare, Cigna, Humana, and Aetna. Some proposals were close to or equivalent to our current coverage under United Healthcare, and some were not. After much discussion and information gathering on the proposals, staff made the recommendation to the Insurance Committee to change from United Healthcare to Cigna for medical insurance in 2022. The Insurance Committee voted unanimously in October to support staff's recommendation and switch the employee medical plan from UHC to Cigna in 2022.

Cigna provided a very comparable bid to our current plans through UHC, but the cost of their plan was about 3% less per year than UHC for 2022, resulting in a savings of \$36,160. The other bidders proposed significant changes to the current insurance plans provided to employees through United Healthcare. United Healthcare provided a renewal to the City with a 12% increase over 2021 rates. Cigna's proposal included a 9% increase over 2021 rates. Cigna also agreed to a 12% rate cap for the 2023 renewal and agreed to fund the City's wellness fund at \$30,000 per year, which is currently funded at \$10,000 per year through United Healthcare.

The table below outlines the monthly cost for both the City and the employee for 2022 under Cigna compared to the current rates under UHC in 2021:

QHDHP/HSA	2021 Current			2022 Renewal		
	Total	City Portion	Employee Portion	Total	City Portion	Employee Portion
Employee Only	\$506.99	\$588.78	(\$81.79)	\$608.71	\$695.45	(\$86.74)
Employee + 1	\$1,227.10	\$1,182.80	\$44.30	\$1,217.42	\$1,154.45	\$62.97
Family	\$1,808.43	\$1,680.14	\$128.29	\$1,947.87	\$1,780.34	\$167.53
PPO Plan						
Employee Only	\$588.78	\$588.78	\$0.00	\$695.45	\$695.45	\$0.00
Employee + 1	\$1,425.06	\$1,182.80	\$242.26	\$1,390.90	\$1,154.45	\$236.45
Family	\$2,100.17	\$1,680.14	\$420.03	\$2,225.43	\$1,780.34	\$445.09

As a reminder, Governing Body members are eligible for plan coverage but are responsible for paying the total monthly premium cost. A negative number shown in the employee portion column indicates the amount that will be deposited each month by the City into the employee's health savings account.

Representatives from CBIZ will be present at the meeting to provide a presentation and answer questions about the bids received and the proposed 2022 plans.

MEDICAL RENEWAL HISTORY

01/01/2021: UHC delivered its renewal at 7.9% rate increase. UHC also suppressed all claim reporting for the last 3 months due to COVID-19. The paid loss ratio for the rating period (5/1/19 -4/30/20) was 71.4%, vs. 74.8% for the prior 12 months. Also, due to artificially lower claims in February and March of 2020 due to the pandemic, UHC added a renewal adjustment of +3% in the renewal ratings of their total book of business.

01/01/2020: Medical renewal rate as presented by United Healthcare (UHC) had a 0.0% increase with no plan changes. The loss ratio during this time was 61.5%, (*this does not include a premium credit of \$102,000 for December, 2018*), as compared to 63.4% for the same period last year. Taxes and/or fees that are required due to the Affordable Care Act (ACA) returned for 2020. This tax is included in the renewal increase for 2020.

01/01/2019: UHC delivered its renewal at 8.4% with no plan changes as well as a one month premium holiday in December 2018, which saved the City and employees approximately \$102,197.

01/01/2018: The plans renewed at a 3.25% increase (including Excise Tax at 3.25% and PCOR at \$2.34 pmpy) utilizing only 6 months of claims data. The QHDHP deductible was increased from \$2,600/\$5,200 to \$2,700/\$5,400 due to IRS guidelines for embedded plans.

DENTAL COVERAGE

Delta Dental of Kansas, the City's dental insurance provider, is within a rate guarantee until 01/01/2023, so no rate or plan changes will occur in 2022.

VISION COVERAGE

The City's vision insurance provider, Superior Vision, is within a 2 year rate guarantee until 01/01/2023, so no rate or plan changes will occur in 2022.

LIFE INSURANCE/ACCIDENTAL DEATH AND DISABILITY

The Standard provides base life insurance and AD&D for the City. The Standard is renewing at 0% with a 2 year rate guarantee and no coverage changes.

LONG-TERM DISABILITY COVERAGE

The City uses The Standard as the City’s long-term disability insurance provider. The Standard is renewing at 0% with a 2 year rate guarantee with no coverage changes.

EMPLOYEE ASSISTANCE PROGRAM (EAP)

CBIZ conducted a request for proposal for the Employee Assistance Program. Our current provider, New Directions, submitted a renewal rate from \$2.21 per employee per month to \$4.22 per employee per month and made significant changes to their services. Comparable bids were received and presented to staff. After discussions, staff recommends LifeWorks as our new EAP provider. Their rates are \$1.73 per employee per month, less than what the City currently pays for New Directions. In addition to typical EAP services, LifeWorks includes educational trainings and seminar opportunities along with 24 hour critical incident response and 2 hour rapid response for additional fees.

BUDGET IMPACT

Employee insurance premiums are a General Fund expenditure. The 2022 budget anticipated an increase in City medical premium contributions of 12.5%. The 2022 medical rates as well as the rates for all employee benefits fit within the budgeted funds for 2022. Since the budget renewals came in lower than expected, the City will get a budget savings of approximately \$81,000. The final savings amount will depend on what specific plans employees enroll in during open enrollment and must also account for turnover due to position vacancies and retirements.

	2022 Est. Cost	2022 Budget
Health Insurance	\$ 1,337,932	\$ 1,410,739
Dental Insurance	\$ 34,514	\$ 35,858
Vision Insurance	\$ 7,342	\$ 7,342
Life Insurance	\$ 21,264	\$ 24,752
EAP	\$ 2,408	\$ 3,076
LTD	\$ 20,445	\$ 23,272
Total:	\$ 1,423,905	\$ 1,505,039

ATTACHMENTS

- Cigna 2022 Proposal, with changes from current plan with UHC shown
- UHC 2022 renewal proposal

PREPARED BY

Cindy Volanti
HR Manager

Jamie Robichaud
Deputy City Administrator
October 26, 2021

United Healthcare

MEDICAL	United Healthcare				United Healthcare			
Carrier Website	www.uhc.com				www.uhc.com			
Plan Type	QHDHP Choice Plus POS				Base Plan Choice Plus POS			
	In Network		Out of Network		In Network Only		Out of Network	
Annual Deductible (calendar year) ⁽¹⁾								
Individual	\$2,800			\$2,800	N/A			\$5,000
Family	\$5,600			\$5,600	N/A			\$10,000
Coinsurance								
Member Pays	10%			30%	30%			40%
Maximum Out-of-Pocket (calendar year) ⁽²⁾								
Individual	\$3,000			\$6,000	\$5,500			\$10,000
Family	\$6,000			\$12,000	\$10,000			\$20,000
Physician Services								
Preventive Care	\$0			Deductible then 30%	\$0			Deductible then 40%
Office Visits	Deductible then 10%			Deductible then 30%	\$35 / \$70*			Deductible then 40%
Diagnostic (Non-routine) X-Ray	Deductible then 10%			Deductible then 30%	\$0			Deductible then 40%
Diagnostic (Non-routine) Labs	Deductible then 10%			Deductible then 30%	\$0			Deductible then 40%
Routine Eye Exam (every year)	Not covered			Not covered	Not covered			Not covered
Chiropractic Services (40 visits)	Deductible then 10%			Deductible then 30%	\$35			Deductible then 40%
Urgent Care Center	Deductible then 10%			Deductible then 30%	\$70			Deductible then 40%
Hospital Services								
Inpatient Care	Deductible then 10%			Deductible then 30%	30%			Deductible then 40%
Outpatient Surgery and Services	Deductible then 10%			Deductible then 30%	30%			Deductible then 40%
High Tech Diagnostics	Deductible then 10%			Deductible then 30%	30%			Deductible then 40%
Ambulance				Deductible then 10%				
Emergency Room				Deductible then 10%				
Prescription Drugs								
Level 1	Deductible then \$10			Deductible then \$10	\$10			\$10
Level 2	Deductible then \$35			Deductible then \$35	\$35			\$35
Level 3	Deductible then \$60			Deductible then \$60	\$60			\$60
Mail Order (90 Day Supply)	2.5x Copays after Deductible			2.5x Copays after Deductible	2.5x Copays			2.5x Copays
Rates	43% of Membership				57% of Membership			
MONTHLY RATES	QHDHP	Base	Total	Current	Renewal (+12%)	Current	Renewal (+12%)	
Employee Only	24	45	69	\$506.99	\$567.83	\$588.78	\$659.43	
Employee + One	6	12	18	\$1,227.10	\$1,374.35	\$1,425.06	\$1,596.06	
Employee + Family	18	6	24	\$1,808.43	\$2,025.45	\$2,100.17	\$2,352.18	
TOTAL MEMBERSHIP	48	63	111					
Employee Contributions	QHDHP	Base	Total	Current	Renewal	Current	Renewal	
Employee Only	24	45	69	(\$81.79)	(\$91.60)	\$0.00	\$0.00	
Employee + One	6	12	18	\$44.30	\$49.62	\$242.26	\$271.33	
Employee + Family	18	6	24	\$128.29	\$143.71	\$420.03	\$470.44	
Employer Contributions	QHDHP	Base	Total	Current	Renewal	Current	Renewal	
Employee Only	24	45	69	\$588.78	\$659.43	\$588.78	\$659.43	
Employee + One	6	12	18	\$1,182.80	\$1,324.73	\$1,182.80	\$1,324.73	
Family	18	6	24	\$1,680.14	\$1,881.74	\$1,680.14	\$1,881.74	

	Current	Renewal	2021 ER %	2022 ER %
Annual City Cost	\$1,226,874	\$1,374,092		
Annual Increase to City Cost		\$147,218		
				12.00%
			Employee Only	100.00%
			Employee + One	83.00%
			Employee + Family	80.00%

Proposed renewal includes 1/4 month premium holiday (approximately \$27,070)

Note: This is only a summary. Please refer to the booklet/certificate for specific details. If a conflict arises, the booklet/certificate will govern in all cases.

- (1) Family deductible is embedded. An individual covered in a family will not pay more than the individual deductible.
- (2) Out-of-pocket amount includes deductible, coinsurance, and all member copays.

Optional riders:
Surgical and non-surgical treatment of obesity: Included in rates shown
Breast reduction surgery: Included in rates shown
Infertility treatments: Included in rates shown

Includes \$10,000 wellness
 *Includes \$0 PCP copay for covered persons less than age 19; \$35 copay for all members if using a Specialist participating in Designated Network

Rates include PCOR fee



MEDICAL				Cigna				Cigna			
Carrier Website				www.cigna.com				www.cigna.com			
Plan Type				QHDHP ChoiceCare				Base Plan PPO ChoiceCare			
				In Network		Out of Network		In Network Only		Out of Network	
Annual Deductible (calendar year) ⁽¹⁾											
Individual				\$2,800		\$2,800		N/A		\$5,000	
Family				\$5,600		\$5,600		N/A		\$10,000	
Coinsurance											
Member Pays				10%		30%		30%		40% 50%	
Maximum Out-of-Pocket (calendar year) ⁽²⁾											
Individual				\$3,000		\$6,000		\$5,500		\$10,000	
Family				\$6,000		\$12,000		\$10,000		\$20,000	
Physician Services											
Preventive Care				\$0		Deductible then 30%		\$0		Deductible then 40% 30%	
Office Visits				Deductible then 10%		Deductible then 30%		\$35 / \$70*		Deductible then 40% 30%	
Diagnostic (Non-routine) X-Ray				Deductible then 10%		Deductible then 30%		\$0		Deductible then 40% 30%	
Diagnostic (Non-routine) Labs				Deductible then 10%		Deductible then 30%		\$0		Deductible then 40% 30%	
Routine Eye Exam (every year)				Not covered		Not covered		Not covered		Not covered	
Chiropractic Services (40 visits)				Deductible then 10%		Deductible then 30%		Not covered		Deductible then 40% 30%	
Urgent Care Center				Deductible then 10%		Deductible then 30%		\$35 \$70 \$70		Deductible then 40% 30%	
Hospital Services											
Inpatient Care				Deductible then 10%		Deductible then 30%		30%		Deductible then 40% 50%	
Outpatient Surgery and Services				Deductible then 10%		Deductible then 30%		30%		Deductible then 40% 50%	
High Tech Diagnostics				Deductible then 10%		Deductible then 30%		30%		Deductible then 40% 50%	
Ambulance											
Emergency Room											
Prescription Drugs											
Level 1				Deductible then \$10		Deductible then 50%		\$10		Deductible then 50%	
Level 2				Deductible then \$35		Deductible then 50%		\$35		Deductible then 50%	
Level 3				Deductible then \$60		Deductible then 50%		\$60		Deductible then 50%	
Mail Order (90 Day Supply)				Deductible then 2.5x Copays		Deductible then 50%		2.5x Copays		2.5x Copays	
Rates				43% of Membership				57% of Membership			
MONTHLY RATES				Current		Renewal		Current		Renewal	
Employee Only				\$506.99		\$608.71		\$588.78		\$695.45	
Employee + One				\$1,227.10		\$1,217.42		\$1,425.06		\$1,390.90	
Employee + Family				\$1,808.43		\$1,947.87		\$2,100.17		\$2,225.43	
TOTAL MEMBERSHIP											
Employee Contributions				Current		Renewal		Current		Renewal	
Employee Only				24		45		24		45	
Employee + One				6		12		6		12	
Employee + Family				18		6		18		6	
Employer Contributions				Current		Renewal		Current		Renewal	
Employee Only				24		45		24		45	
Employee + One				6		12		6		12	
Family				18		6		18		6	

	Current	Renewal	2021 ER %	2022 ER %
Annual City Cost	\$1,226,874	\$1,337,932		
Annual Increase to City Cost		\$111,058		
				9.05%
			Employee Only	100.00%
			Employee + One	83.00%
			Employee + Family	80.00%

Note: This is only a summary. Please refer to the booklet/certificate for specific details. If a conflict arises, the booklet/certificate will govern in all cases.

- (1) Family deductible is embedded. An individual covered in a family will not pay more than the individual deductible.
- (2) Out-of-pocket amount includes deductible, coinsurance, and all member copays.

Includes \$10,000 wellness fund
 Includes \$5,000 implementation fund
 Includes Healthy Rate renewal program
 Includes Identity Theft Protection for employees

Includes 12% rate cap for 2023 renewal

Optional riders:
 Surgical and non-surgical treatment of obesity: Included in rates shown
 Breast reduction surgery: Included in rates shown
 Infertility treatments: Included in rates shown

*Does not include \$0 PCP copay for covered persons less than age 19; \$35 copay for all members if using a Specialist participating in Designated Network
 Rates include PCOR fee



PENSION BOARD OF TRUSTEES

Council Meeting Date: November 1, 2021

COU2021-79: Consider Revisions to Council Policy 055: Investment Policy Statement for Police Pension Retirement Funds and New Council Policy 054: Investment Policy Statement for City Supplemental 401/457 Retirement Funds

BACKGROUND

Council Policy 055 was amended back in 2019 to shift oversight of the City's supplemental retirement plans from city administration to the Pension Board of Trustees. Since that time, our plan administrators at Voya have requested that we adopt an investment policy for the supplemental retirement plans.

In working on this policy, staff recommended to the Pension Board the creation of a new Council Policy 054, which will be specific to the City's supplemental retirement plans. Staff recommends separating the two policies due to the nature and structure of each of the plans. The Police Pension Plan (governed by Council Policy 055) is a defined benefit plan in which the Pension Board of Trustees is directly involved in how the funds in the plan are invested. The City's supplemental retirement plan is a defined contribution plan and employees have oversight of the investment of their individual funds. The Pension Board of Trustees' role in oversight of the supplemental retirement plan is limited to determining the investment options offered to employees and receiving performance updates on those investment options.

The Pension Board of Trustees unanimously recommended approval of new Council Policy 054 and revisions to Council Policy 055 to make these changes at their October meeting subject to review by the city attorney. The city attorney has reviewed the policy.

RECOMMENDATION

Make a motion to accept the Pension Board's recommendation and adopt COU2021-79, revisions to Council Policy 055 and new Council Policy 054.

ATTACHMENTS

Council Policy 055 - Investment Policy Statement for Police Pension Retirement Funds
Council Policy 054 - Investment Policy Statement for City Supplemental 401/457 Retirement Funds
Draft Minutes from October 2021 Pension Board Meeting

PREPARED BY

Jamie Robichaud
Deputy City Administrator
Date: October 26, 2021



City Council Policy: CP054 - Investment Policy Statement for City Supplemental 401/457 Retirement Plans

Effective Date: November 1, 2021

Amends: Not applicable - new policy

Approved By: Governing Body

I. PURPOSE

The City of Prairie Village Supplemental 401/457 Retirement Plan (the "Plan") provides for individual accounts and permits participants (or beneficiaries) to exercise investment control over the assets in their accounts. The Pension Board of Trustees (the "Board") has the responsibility to manage oversight of the investment options offered to Plan participants and to receive performance updates periodically and no less than once per quarter. The Board will use these guidelines and objectives to monitor, evaluate, and make decisions about the suitability of the Plan's investment options and the management of those investments.

The Plan's overall investment objective is to provide Plan participants (or beneficiaries) with a sufficient variety of investment options to enable participants to achieve their individual investment goals for retirement. To accomplish this, the Plan may enter into group annuity contracts or agreements with financial services providers to offer a wide variety of investment options and benefit distribution facilities. The investment options should represent multiple asset classes covering equity (stock), fixed income (bond), money market or stable value, and balanced options/lifestyle/lifecycle. These investments will have the following general characteristics:

- a. Different risk/return characteristics;
- b. Different investment objectives and styles;
- c. Annualized returns over three-, five-, and ten-year periods that have met or exceeded the competitive averages or established industry benchmarks; and
- d. Reasonable operating expenses and/or minimum guaranteed rates or return, as applicable, that are disclosed to participants.

The investment objectives and standards set forth in this Investment Policy Statement ("Policy") should be reviewed by the Board quarterly, or more frequently as needed to ensure it remains prudent and consistent with the best interests of the Plan's participants. Additional review may be necessary upon the occurrence of a financial event or event affecting a Plan investment (for example, the change of management of a mutual fund). This Policy may be amended or modified by the Board at any time, subject to final approval by the Governing Body.

II. STANDARDS FOR INVESTMENT OPTION SELECTION

The selection of particular investment options will be based on the standards outlined below. It is the intent to have investment options that represent a diversified mix of asset classes and styles. Included in the selections are active and passive/index-like options, equity options across capitalization ranges (small, mid, and large capitalization), and style categories (growth, blend, and value) as well as international equity exposure (foreign or global), fixed income and lifecycle or lifestyle options.

Income option selection will generally focus on credit quality (investment grade, high-yield), and maturity period (short, intermediate, long term). Stable value option selection will generally focus on credit rate structures, the adequacy of any minimum guarantees, and the claims paying abilities of the underlying insurer(s). Index fund selection will focus on the reasonableness of fund expense ratios and correlation to the index benchmark.

For investment options other than index funds, stable value funds and income funds, Board will establish a reasonable universe of diversified investment funds with similar investment styles for each targeted asset class and then make selections from that universe based on the following standards:

- a. Operating expenses - the expense ratio of the funds will be evaluated for reasonableness with a preference for lower cost funds except where additional cost can be justified by other factors.

CP054 - Investment Policy for City Supplemental 401/457 Retirement Plans

- b. Risk-adjusted returns - as measured by Sharpe Ratio, historical investment performance relative to risk and a comparison of risk/return tradeoff versus peers.
- c. Performance - the investment performance of the fund as reflected by total trailing annualized returns, rolling window performance, and Alpha, a measure of value added by a manager.
- d. Risk characteristics - such as standard deviation (a measure of the dispersion of a fund's historical returns) and upside/downside market capture (a measure of downside protection and upside participation).
- e. Consistency of style - the consistency of the fund's investment performance relative to its stated investment objectives.

III. **404(c) COMPLIANCE**

While the Plan is not subject to ERISA, the Plan intends to follow Section 404(c) of ERISA and related regulations as guidelines, but the Plan is not bound to follow every requirement of Section 404(c) of ERISA and related regulations. Plan participants shall have the opportunity to control the investment of their individual accounts, and no fiduciary of the Plan shall be liable for any loss that results from a participant's exercise of investment control.

The Plan's service provider(s) should provide detailed account statements that regularly inform participants regarding investment performance and expenses that affect their individual account balances. In addition, to the extent provided in the Plan, participants may exercise any voting, tender, or other rights connected with investments in their accounts.

IV. **MONITORING**

The Board will monitor the Plan's investment options by periodically reviewing the investment objectives and risk characteristics, historical performance, and expenses applicable to each investment option. Investment option reviews will be undertaken with the understanding that investment performance is best evaluated on the basis of full-market cycles and that greater weight should be afforded to market-cycle performance than to performance in any given year.

Investment options that consistently underperform on a risk-adjusted basis will be placed on a watch list for closer monitoring and evaluation to determine if action is warranted, the Board shall direct the transfer of assets directly to the replacement investment option. If the decision to terminate or replace an investment option is made by the Board, a transfer of assets directly to the replacement investment option, freeze the assets allocated to the de-selected investment option, and direct new asset flows to the newly-selected investment option or take such other action it deems appropriate under the circumstances and in the best interests of the Plan.



City Council Policy: CP055 - Investment Policy for City Police Pension Plan Retirement Funds

Effective Date: ~~May 6, 2019~~ November 1, 2021

Amends: ~~November 18, 2013~~ May 6, 2019

Approved By: Governing Body

I. PURPOSE

A. OVERSIGHT OF PLAN'S INVESTMENTS

The Board of Trustees (Board) have the responsibility, among others, to manage the investment of the Plan's assets. The purpose of this Policy is to formalize the Board's guidelines and objectives related to the investment of the Plan's assets, including the standards for selecting and monitoring the Plan's investments, and the persons or entities (if any) to whom the authority and responsibility for management of those investments is delegated by the Board. This Policy presents the Board's general investment philosophy and identifies specific guidelines and objectives related to investment return and risk with respect to management of the Plan's assets. The Board will use these guidelines and objectives to monitor, evaluate and make decisions about the suitability (and continued suitability) of the Plan's investments, and the management of those investments, in light of the Plan's contribution source, accrued benefit liabilities, benefit payment stream, and other relevant factors.

~~Annually the Board will review the City's supplemental pension plan to monitor and evaluate the plan's investments and management of those investments, as required by the Internal Revenue Code.~~

B. THE PLAN'S CONTRIBUTION SOURCE, BENEFIT LIABILITIES AND BENEFIT PAYMENTS

Contributions to the Plan are made by the employees as a condition of participation and by the City based on an amount determined by the Plan's actuaries to adequately fund the Plan. Thus, the funding of the Plan depends on some of the following factors:

- a) the number of persons employed, during any period of time;
- b) the salary of the covered employees during such period of time;
- c) the amount of time the employees work for the City; and
- d) the performance of the investments of the Plan's assets.

The contribution rate is determined upon consideration of many factors, including but not necessarily limited to, the Plan's benefit accrual formula, the projected benefit accruals under the Plan, benefit payment obligations, and performance of the Plan's investments over extended time horizons.

Benefits are paid by the Plan upon a distributable event, such as death, disability or retirement of a covered employee. Benefits obligations may be paid monthly to eligible retirees and beneficiaries.

C. REVIEW AND MODIFICATION OF THIS INVESTMENT POLICY STATEMENT

The investment objectives and standards set forth in this Policy will be reviewed by the Board annually, or more frequently as needed to ensure it remains prudent and consistent with the best interests of the Plan's participants. This Policy may be amended or modified by the Board at any time.

II. POLICY

- A. This document, as amended from time to time, will serve as the Investment Policy Statement (Policy) for the City of Prairie Village Police Pension Plan (Plan), a defined benefit pension plan qualified under Section 401(a) of the Internal Revenue Code. The City of Prairie Village (City) established the plan to provide retirement benefits to employees (and their beneficiaries) in accordance with the Plan document.

B. INVESTMENT GUIDELINES

1. GENERAL FIDUCIARY OBLIGATION

In establishing, monitoring and modifying this Policy, and in complying with the guidelines and standards established in this Statement, the Board will at all times act prudently, and exclusively in the best interests of the Plan's participants and beneficiaries. "Prudence" means the care, skill and diligence under the circumstances then prevailing that a prudent person acting in a similar capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims. The Board will diversify the investments of the Plan's assets so as to minimize the risk of large losses, unless under the circumstances then prevailing, it is clearly prudent not to do so.

2. LONG TERM RISK AND REWARD

This Policy reflects consideration of the long-term funding requirements of the Plan. The Board recognizes that expectations for the returns to be earned on the different classes of Plan assets in the future may not be realized. However, the expectations reflected in this Statement are considered by the Board to be reasonable, given the historical experience covering long-term periods and the belief that the capital markets will remain viable. Long-term is defined as over 10 years. If the assumptions are not realized, the Board recognizes that a substantial shortfall of actual investment returns from those expected could require increased contributions or a reduction in future benefit accruals, or other Plan modifications.

3. PRESERVATION OF ASSETS AND PURCHASING POWER

The fundamental objectives of the Plan's investments are to preserve capital, to avoid a diminution in the purchasing power of the Plan's assets (relative to inflation), and to assure satisfaction of the Plan's long-term liquidity needs. The Board believes it is appropriate for the Plan to assume a moderate degree of investment risk, with diversification of Plan assets among different classes of investments as a means of reducing risk. The Plan can and will tolerate some variability in market value and rates of return in order to achieve a greater long-term rate of return.

While neither the City nor the Board guarantee the continued viability of existence of the Plan, they hope and intend to continue the Plan indefinitely. Consequently, the Board endorses a long-term approach to managing the investment portfolio, but believe this should not be viewed as justification for exposing the portfolio to levels of volatility that might adversely affect the value of the Plan's assets.

The Board believes that the level of risk assumed in the fund is a function, in large part, of the fund's risk posture as stated above. The proportion of assets allocated to equity investments is the most important determinant of volatility of future returns. As indicated by long-term historical data, the risk of equity ownership has been rewarded with a higher rate of return.

4. SELECTION OF INVESTMENT MANAGERS

The Boards desire to retain an Investment Manager (Manager) to assist them in their responsibility to manage the Plan's assets. The Manager will construct and manage investment portfolios within the guidelines of this Policy. The manager will select specific securities, buy and sell such securities, and modify the asset allocation within the guidelines in this Policy. The Policy is intended to allow enough flexibility for the Manager to respond to changing economic conditions and securities markets.

In selecting a Manager the following criteria will be taken into account:

- Investment returns
- Risk assessments
- Background of people
- Philosophy of Manager
- Process of investment decisions
- Diversification of portfolio
- Management fees
- Use of cash
- Portfolio turnover
- Quality of manager reports and communications
- Comparison of Manager's return and risk to appropriate market indices and universes
- Compliance with regulatory agencies

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Managers will be required to specifically assume fiduciary liability for investment results. Any manager may be replaced at any time by the Board. The Manager is required to acknowledge the guidelines and objectives stated in this Policy and agrees to manage Plan assets in accordance with this Policy.

5. PORTFOLIO RESTRICTIONS AND DIVERSIFICATION

Each asset class will be invested in a portfolio of marketable securities. Private placements, restricted or letter stock, and other non-marketable securities are not permissible. Investment in the following types of marketable securities is not permissible: financial futures, derivatives (except mortgaged backed securities used in a conservative manner), options, warrants, and commodities except for gold.

The Manager may choose to invest in publicly traded mutual funds and/or commingled trust funds. Mutual funds are expected to exhibit long-term performance that is competitive relative to the peer group and an appropriate market benchmark. Expense ratios within any mutual fund or commingled trust should be at or below the category average. Assets within the mutual fund or commingled trust should be at least \$50 million.

The Manager may not engage in the following types of transactions: short sales or any other marginable transactions, option writing, hedging strategies, or any other transaction that unduly increases risk in the portfolio.

The diversification of equity and fixed income securities held in each portfolio among sectors, industry groups and issuers is the responsibility of the Manager. The Manager is expected to diversify the portfolio sufficiently to minimize the risk of a large loss from a single security.

C. ASSET ALLOCATION

The Board will select the appropriate asset classes. In selecting the asset classes, the Board will choose asset classes reasonably designed to further the purposes of the Plan, taking into account:

1. The risk of loss and opportunity for gain associated with the asset classes, both objectively and in light of the acceptable risk permitted by this Policy, taking into account the correlation of the various asset classes and the time horizon over which the Plan is likely to have assets invested in the asset classes;
2. The composition of the available asset classes with regard to the Plan's opportunity to meet its objectives without exceeding the risk tolerance permitted by this Policy;
3. The composition of the available asset classes with regard to the Plan's opportunity to achieve diversification of its investment portfolio;
4. The liquidity and current return which with respect to the asset classes, relative to the specific cash flow requirements of the Plan; and
5. The projected return available with respect to the asset classes, relative to the funding objectives of the Plan.

The target asset allocation and asset classes to be used in the Plan are shown below. All percentages are based on market values of the entire portfolio.

Asset Class	Target Percentage of Total Portfolio	Minimum Percentage of Total Portfolio	Maximum Percentage of Total Portfolio
Large Cap Domestic Equity	25	20	40
Mid Cap Domestic Equity	10	0	15
Small Cap Domestic Equity	10	0	15
International Equity	15	0	20
Fixed Income	35	25	45
Other	5	0	10
Cash	0	0	10

Based on asset allocation studies using long-term historical returns from the various capital markets, the Board believes there is a reasonable likelihood the Plan will meet the overall investment objectives using the above asset allocation.

The Board may add, delete, or change asset classes (and may change the percentages assigned to each asset class) at any time, in their discretion. In some cases the Board may satisfy asset classes by using pooled funds. Where pooled funds are used, they should substantially comply with this policy.

D. STANDARDS OF INVESTMENT PERFORMANCE

1. ACTUARIAL OBJECTIVES

The Plan's investment objective is to realize an investment return that, at a minimum, equals the Plan's actuarial interest assumption on an ongoing basis.

2. INFLATION OBJECTIVES

As inflation is a serious deterrent to providing meaningful benefits to covered employees and their beneficiaries in the future, the Board maintains a relative objective to keep the investment performance of the Plan's assets in perspective. This relative objective is an annual rate of return, net of fees, equal to the annual rate of inflation plus five percent (5%). The Consumer Price Index (CPI) will be used as an index to measure inflation.

3. MARKET RELATED OBJECTIVES

The Plan's investment objectives should be pursued as long-term goals designed to maximize return while reducing exposure to undue risk as set out in this Policy. All returns will be measured in terms of total return based on market value. Total returns will be defined as all income paid or accrued plus realized and unrealized capital gains and losses. The Plan's custodian is responsible for preparing the statement used for performance monitoring.

4. OVERALL INVESTMENT PERFORMANCE STANDARD

The market objective for measurement of the Plan's overall investment performance is a weighted blended index based on target percentage return consisting of: The Standard and Poor's 500 Equity Index, the Russell Mid Cap, the Russell 2000, the MSCI EAFE International Equity Index, the Barclays Capital Intermediate Government/Corporate Fixed Income Index, and the 90 day Treasury Bill. Risk will be measured by variability of returns (standard deviation). Emphasis will be placed on measurement over a full market cycle, usually three to five years. Policy Benchmark consists of 25% S&P 500, 15% EAFE, 10% Russell Mid Cap, 10% Russell 2000, 35% Barclays US Govt/Cred Int., 5% 90-Day T-bills.

The total fund should exceed the returns of a comparable universe of balanced funds with similar objectives, net of investment management fees, with less risk.

5. DOMESTIC EQUITY PERFORMANCE STANDARDS

The purpose of Domestic Equity investments is to provide maximum total return while not exceeding the risk levels stated in this Policy.

The market objective for the Domestic Equity portion of the portfolio is to exceed the return of The Standard & Poor's 500 Equity Index (benchmark) while not exceeding the risk of the benchmark as measured by variability of returns (standard deviation), net of investment management fees. Emphasis will be placed on measurement over a full market cycle, usually three to five years.

The asset class should exceed the returns of a comparable universe of Domestic Equity funds with similar objectives, net of investment management fees, with less risk.

Guidelines

- a.) The Manager may select from marketable domestic equity securities traded on any of the major U.S. exchanges or through NASDAQ. Securities for this portfolio may include common stocks, preferred stocks, convertible securities and publicly traded mutual funds or commingled trust funds.
- b.) Securities with a market capitalization of less than \$500 million at the time of purchase will not be used. Preference should be given to high quality equity securities.

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- c.) Diversification must be maintained at all times. No single equity position shall exceed 10% of the market value of the Domestic Equity portfolio. No single industry (as defined by Standard & Poor's industry groups) shall exceed 20% of the market value of the Domestic Equity portfolio.
- d.) The selection of individual securities will be at the discretion of the Manager, within the guidelines stated in this Policy.
- e.) The Manager should stay fully invested in Domestic Equity securities

6. INTERNATIONAL EQUITY PERFORMANCE STANDARDS RELATIVE TO MARKET

The purpose of international equity investments is to diversify the overall equity position in the portfolio to protect assets and reduce risk.

The market objective for the International Equity portion of the portfolio is to exceed the return of the EAFE International Equity Index (benchmark) while not exceeding the risk of the benchmark as measured by variability of returns (standard deviation), net of investment management fees.

Emphasis will be placed on measurement over a full market cycle, usually three to five years.

The asset class should exceed the returns of a comparable universe of international equity pooled funds with similar objectives, net of investment management fees, with less risk.

Guidelines

- a.) The Manager may select from marketable international securities traded on any of the major international exchanges. Securities for this portfolio may include common stocks, preferred stocks and convertible securities.
- b.) Securities with a market capitalization of less than \$500 million at the time of purchase will not be used. Preference should be given to high quality equity securities.
- c.) Diversification must be maintained at all times. No single equity position shall exceed 10% of the market value of the International Equity portfolio. No single industry shall exceed 20% of the market value of the International Equity portfolio. The Manager should also be diversified in at least three capital markets whose assets and currencies are not closely correlated to each other.
- d.) The selection of individual securities will be at the discretion of the Manager, within the guidelines stated in this Policy.
- e.) The Manager may use discretion regarding hedging currencies where they may be fluctuating adversely relative to the dollar.
- f.) The Manager should stay fully invested in International Equity securities.

7. DOMESTIC FIXED INCOME PERFORMANCE STANDARDS RELATIVE TO MARKET

The primary purpose of fixed income investments is to provide total return while not exceeding the risk levels stated in this policy. The secondary purpose is to generate income and reduce volatility in the entire portfolio.

The market objective for the fixed income portion of the Plan is to exceed the return of the Barclays Capital Intermediate Government/Corporate Fixed Income Index (benchmark) while not exceeding the risk of the benchmark as measured by variability of returns (standard deviation), net of investment management fees. Emphasis will be placed on measurement over a full market cycle, usually three to five years.

The asset class should exceed the returns of a comparable universe of domestic fixed income funds with similar objectives, net of investment management fees, with less risk.

Guidelines

- a.) The Manager may select from marketable Domestic Fixed Income securities. Securities for this portfolio may include corporate bonds, government & agency bonds, Treasury Inflation-Protected Securities (TIPS), mutual funds, or exchange traded funds (ETFs).
- b.) Fixed income investments should stress high quality with overall portfolio quality rated A or better. Corporate debt securities will be of investment grade or better. Any investments that do not maintain a minimum investment grade credit rating of BBB from Standard & Poor's or Baa from

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Moody's Investment Services may be retained in the portfolio at the discretion of the Manager, but only after a serious review of the risks involved.

- c.) Diversification must be maintained at all times. The Manager may not invest more than 10% of the market value of fixed income portion in any obligation of a single issuer, with the exception of the U.S. Government and its agencies.
- d.) The portfolio duration will not vary from the duration of the benchmark by plus or minus 20%.
- e.) The selection of individual securities will be at the discretion of the Manager, within the guidelines stated in this Policy. The allocation between corporate and government bonds is in the discretion of the Manager.
- f.) The Manager should stay fully invested in Domestic Fixed Income securities. Cash positions in excess of 5% are not permitted.

E. RESPONSIBILITIES OF THE INVESTMENT MANAGER

1. FIDUCIARY LIABILITY

The Manager acknowledges that investment decisions will be made in the sole interest and for the exclusive purpose of providing benefits to participants. All assets must be invested with the care, skill and diligence that a prudent person familiar with such matters acting in a like capacity would use in a similar enterprise. The Manager will assume the responsibility for investment performance and comply with all fiduciary requirements required by law. All investments will be made within the guidelines of quality, marketability and diversification mandated by any controlling statutes. The Manager is granted full discretion to manage the investment portfolio within the constraints and guidelines of this Policy. The Manager will acknowledge and accept this fiduciary responsibility by executing this document. The Manager shall comply with the fiduciary responsibility standards and requirements of the Employee Retirement Income Security Act (ERISA) of 1974, as amended, and rules and regulations thereunto.

2. REPORTING

The Manager shall report investment results to the Board in writing on at least a semi-annual basis. The Board should also be informed of any significant changes in the ownership, affiliation, organizational structure, financial condition, or professional personnel staffing of the investment management organization. The Manager will inform the Board regarding all significant matters pertaining to the investment of the assets. The Board should be kept apprised of major changes in investment strategy, portfolio structure, market value of the assets, and other matters affecting the investment of the assets.

3. TRADING AND BROKERAGE

Trading activity is in the discretion of the Manager. The Manager is free to execute trades whenever it is in the best interest of the Fund. There are no specific restrictions on portfolio turnover. However, the Board anticipates that better long-term investment performance will result from investment strategies, not trading strategies. The Manager will have the discretion to execute transactions with brokerage firms of his or her choosing. This selection should be based on the quality of executions rendered, the financial health of the brokerage firm, the general business integrity of the firm, commission costs, and the firm's overall efficiency in transacting business. It is further acknowledged that commission dollars are a Fund asset and should not be used for purposes other than that which directly benefits plan participants. The Manager will report to the Board on the total commissions paid, commission rates charged, and the brokerage firms used by the Manager.

4. USE OF CASH

If cash is used by the Manager, it should be invested in instruments that will achieve the highest return which does not impair the principal of the Fund, while maintaining liquidity at all times. All such assets must represent maturities of one year or less at the time of purchase. Cash investments can be made in money market mutual funds, bank short-term U.S. Government and agency obligations, government insured deposits, time deposits, certificates of deposit, A1/P1 commercial paper, collateralized agreements, bankers acceptances, and the like.

5. PROXY VOTING

The Manager for equities is required to vote all proxies in the best interest of plan participants by maximizing the value of the securities in the portfolio. The Manager shall maintain proper files documenting the decisions made on each proxy. The Manager's proxy voting procedure and proxy voting record will be reviewed by the Board on a regular basis. The Manager will have complete discretion with respect to the voting of the proxies.

F. MONITORING OF INVESTMENT PERFORMANCE

1. SEMI-ANNUAL REPORT

No less frequently than semi-annually, the Board will review the continued suitability of the asset classes, and the overall performance of the investment funds. As part of this review process, the Board will prepare or cause to be prepared a Performance Monitoring Report, which shall review the performance of the investment vehicles in light of the criteria set out in this Policy. The purpose of this report is to satisfy Boards' obligation to continually perform due diligence on the Plan's investments. Cash equivalents used in reserve to pay benefits and expenses of the Plan will not be part of the performance monitoring process.

2. CHANGES IN INVESTMENT MANAGER

The Board will also review the suitability of an investment manager upon a change in the portfolio manager or a perceived or announced change in investment style or objectives, of which the Board are aware. The Board has the right to eliminate and, as appropriate, replace any manager that ceases to be suitable based upon the criteria set out in this Policy. The Board may add additional investment managers, as they deem appropriate in their discretion.

In the event the Board determines that an investment manager is no longer suitable, the Board shall select another manager within the same asset class, and direct that amounts then invested in the unsuitable manager be transferred to the new manager for management.

G. CUSTODIAN

All assets will be held at BMO Trust and Custody Services as the custodian in the name of the City of Prairie Village Police Pension. The Custodian will regularly summarize these holdings for the Boards' review. The Custodian will allocate funds to the Manager at the direction of the Board. All indicia of ownership of any assets of the Plan shall be maintained within the jurisdiction of the courts of the United States.

The Board hereby adopts this Investment Policy Statement for the City of Prairie Village Police Pension Plan this 1st day of November, 2021. This Policy supersedes any previous Investment Policy Statement.

H. DEFINITIONS

Board of Trustees - Responsible for establishing the Investment Policy Statements (ISP). Also known as the Police Pension Board.

Custodian - Maintains physical possession of the funds.

Investment Manager - Manages investment portfolios within the guidelines of this policy. The manager will select specific securities, buy and sell securities, and modify the asset allocation within the guidelines of this policy.



**Pension Board of Trustees
Meeting Minutes
Thursday, October 14, 2021 – Zoom Meeting**

The Pension Board met on October 14, 2021 at 2:00 p.m. via zoom. Members present were Dan Runion (City Council representative), and Capt. Ivan Washington (Police Department representative). The following people were also present in their advisory role to the Committee: Wes Jordan, City Administrator, Jamie Robichaud, Deputy City Administrator, Cindy Volanti, HR Manager, Mayor Eric Mikkelson, Derek Campbell and Brande Anderson with UMB Investment Services, and John O'Brien and Jennifer Collins with Voya Retirement. Kristin Patterson, Mission Hills, also attended to observe.

Prior to the agenda items, Board Trustee Dan Runion thanked James Whittier for his long dedicated service to the Pension Board.

UMB Investment Update

Brande Anderson alerted City staff of a change in operations systems from UMB in regards to how quarterly fee charges will be applied. Ms. Anderson will send City staff a copy of the memo to ensure notification is received.

Derek Campbell presented the performance review through September 30, 2021. Mr. Campbell explained that the fund's total performance had a slight investment loss of -0.35% over the past 3 months; 7.6% gain year-to-date, and 18.84% gain over the past year. The annualized rate of return over the last 3 years is 9.93%, and the annualized rate of return over the last 5 years and 10 years is 10.23% and 9.49%, respectively. Mr. Campbell stated the police pension plan has overall good asset allocations.

Capt. Washington asked how our investments will be affected if the soaring housing prices take a fall in the markets.. Mr. Campbell responded this will not directly affect the portfolios and doesn't anticipate a housing market crash like what happened in the late 2000s.

Capt. Washington reiterated the pension plan is continuing to perform well, even during the pandemic, and was pleased with UMB's performance in managing the plan's investments.

Approval of Minutes from April 15, 2021 Special Meeting

Mr. Runion moved to approve the April 15, 2021 meeting minutes. Capt. Washington seconded. The motion was approved unanimously.

Approval of Adoption of Investment Policy Statement for supplemental 401(a) and 457(b) employee retirement plans

Mr. Runion moved to recommend to the City Council CP054, the investment policy statement for the City's supplemental retirement plans as well as revisions to CP055. Capt. Washington seconded. The motion was approved unanimously.

Approval of one-time payment for Jessie Roane, Lacey Daly and Tanner Tyson for separation of employment

Mr. Runion moved to approve the one-time payments to the separating employees. Capt. Washington seconded. The motion was approved unanimously.

Mr. Runion reminded everyone to save the date for the 2022 meeting schedule: January 13, 2022; April 14, 2022; July 14, 2022; and October 13, 2022.

Mr. Runion thanked the Pension Board for providing a great service to the City employees.

Adjournment

Mr. Runion moved to adjourn. Capt. Washington seconded the motion. The motion was approved unanimously and the meeting was adjourned at 2:39 p.m.



COU2021-80: Consider adoption of Ordinances 2459, 2460, and 2461 to clarify and clean up the nuisance, unsafe structure, and abatement provisions in the municipal code

ACTION NEEDED

Each of the following ordinances must be voted on individually by the Council:

- Ordinance 2459 - Creation of New Article 6 of Chapter 8 (Health and Welfare); establishing standards and procedures related to nuisances, unsafe or dangerous structure, abatement of code violations, and establishing penalties therefore.
- Ordinance 2460 - Amending Article 2 of Chapter 8 (Health and Welfare) related to the International Property Maintenance Code
- Ordinance 2461 - Amending Article 1 of Chapter 4 (Buildings and Construction) related to the International Building Code

BACKGROUND

There are currently two sections in the Prairie Village Municipal Code that address nuisances, unsafe structures, and abatements. These sections include Chapter 8, Article 2 and Chapter 4, Article 1. In some instances, the language in each section conflicts with the other. It also becomes confusing for staff when researching the process for handling abatement or nuisances and unsafe structures to have to reference multiple sections in the municipal code.

We worked with City Attorney David Waters to improve the language in the municipal code regarding these provisions to provide better clarity and eliminate conflicting language. Our recommendation includes adopting Ordinance 2459, which creates a new Article 6 of Chapter 8 (Health and Welfare) which will address all provisions related to nuisances, unsafe structures, and abatements. The recommendation also includes adopting Ordinance 2460 and 2461, which amend and eliminate the current provisions in Article 1, Chapter 4 and Article 2, Chapter 8 related to nuisances, unsafe structures, and abatements. We believe these changes will result in a nuisance and abatement code that is clearer and easier to understand for our staff and residents.

The Environmental Committee Chair also recently approached staff with the request from the Committee that the municipal code be amended to clarify that milkweed was permissible in native gardens. We agreed to present this requested change to the City Council by revising the definition for Rank Weeds in Section 8-207 while we were working on these other clean up ordinances.

ATTACHMENTS

Ordinance 2459 - New Article 6 of Chapter 8

Ordinance 2460 - Revised Article 2 of Chapter 8 (both red-lined and clean copy)

Ordinance 2461 - Revised Article 1 of Chapter 4 (both red-lined and clean copy)

PREPARED BY

Jamie Robichaud

Deputy City Administrator

Date: October 27, 2021

ORDINANCE NO. 2459

AN ORDINANCE CREATING NEW ARTICLE 6 (NUISANCES, UNSAFE OR DANGEROUS STRUCTURES, AND ABATEMENT OF CODE VIOLATIONS) OF CHAPTER VIII (HEALTH AND WELFARE), AND ENUMERATED SECTIONS THEREIN; ESTABLISHING STANDARDS AND PROCEDURES RELATED TO NUISANCES, UNSAFE OR DANGEROUS STRUCTURES, AND ABATEMENT OF CODE VIOLATIONS; AND ESTABLISHING PENALTIES THEREFORE.

WHEREAS, the Governing Body of the City of Prairie Village, Kansas, finds that the allowances of nuisances and unsafe or dangerous structures, and properties that otherwise do not comply with the building, property maintenance, and other codes of the City may be public nuisances which are unsightly or dangerous to the health, safety, and welfare of the inhabitants of the City;

WHEREAS, the City has adopted certain building, property, maintenance, and other life/safety codes applicable to properties and structures within the City;

WHEREAS, Kansas statutes, including but not limited to K.S.A. 12-1617e *et seq.*, and K.S.A. 12-1750 *et seq.*, as amended, provides for the abatement of unsafe or dangerous structures, abandoned properties, and other nuisances; and

WHEREAS, K.S.A. 12-1671g, as amended, provides that the governing body of any city is granted the power to pass and adopt all ordinances that are necessary to carry into effect statutory provisions related to the abatement of general nuisances, and to provide penalties for the violation of the provisions of such ordinances not inconsistent with the provisions of statute.

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

Section 1. That a new Article 6 to Chapter VIII of the Prairie Village Municipal Code, with the enumerated sections set forth below, is hereby established to read as follows:

CHAPTER VIII. HEALTH AND WELFARE

ARTICLE 6. NUISANCES, UNSAFE OR DANGEROUS STRUCTURES, AND ABATEMENT OF CODE VIOLATIONS

SUBDIVISION 1. GENERAL TERMS

6-101 NUISANCES AND UNSAFE OR DANGEROUS STRUCTURES; LEGISLATIVE FINDINGS.

(a) The purpose of this article is to provide reasonable controls restricting and prohibiting the allowance of nuisances and unsafe structures to exist on property within the City; to declare that certain conditions which are unsightly, are a menace and dangerous to the health of the inhabitants of the City, or are offensive to the general public health, safety and welfare of the community constitute public nuisances; to provide a method of enforcement of this section; to provide procedures to notify property owners or those in control of real property, notification and an opportunity to be heard concerning violations of this section; to provide administrative procedures to allow the City to direct the abatement of violations; to provide a method of assessment

or collection of costs for abatement by the City; to declare that the existence of such violations are unlawful; and to provide penalties for enforcement through the municipal court system.

(b) The Governing Body of the City hereby finds that the allowances of nuisances and unsafe or dangerous structures, as defined herein, on private property or adjacent rights-of-way or easements, are public nuisances, a menace and dangerous to the health of the inhabitants of the City, and of the residential or commercial areas of the City, and are offensive to the general public health, safety, and welfare of the community. Such nuisances or unsafe structures promote conditions which may cause disease; pollution; proliferation of rats, vermin, mosquitoes and snakes; the spread of fire; a harmful environment for transients and the community as a result of transient use; harmful attractions for children; creates long and short-term impacts on the area including the diminution of property values and the integrity of the neighborhood; and interferes with the orderly development of property in the City.

6-102 DEFINITIONS.

Certain terms used herein but not defined herein shall have such meanings as set forth in the International Building Code or the International Property Maintenance Code, as adopted by the City, which definitions are incorporated herein by this reference.

(a) *Abandoned property* – means:

(1) Any residential real estate for which taxes are delinquent for the preceding two years and which has been unoccupied continuously by persons legally in possession for the preceding ninety (90) days; or

(2) commercial real estate for which the taxes are delinquent for the preceding two (2) years and which has a blighting influence on surrounding properties.

(b) *Blighting influence* –means conditions in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such buildings or other residents of the municipality or which have an adverse impact on properties in the area. Such conditions may include, but are not limited to, the following: Defects increasing the hazards of fire, accident, or other calamities; air pollution; light or sanitary facilities; dilapidation; disrepair; structural defects; uncleanness; dead and dying trees, limbs or other unsightly natural growth or unsightly appearances that constitute a blight to adjoining property, the neighborhood or the city; walls, sidings or exteriors of a quality and appearance not commensurate with the character of the properties in the neighborhood; unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles or parts thereof; vermin infestation; inadequate drainage; or any violation of health, fire, building or zoning regulations.

(c) *Commercial real estate* - means any real estate for which the present use is other than one to four residential units or for agricultural purposes.

(d) *Enforcing officer or building official or codes official*– means the building official, building inspector, code enforcement officer, or other designated city official tasked with enforcing property maintenance laws in the City.

(e) *Graffiti* – means any drawing, painting, writing, inscription, figure or mark, regardless of its content, of the type which is commonly known and referred to as graffiti, which is written, drawn, painted, sprayed, scratched or otherwise placed or affixed, regardless of the nature of the material used, on any wall, window, rock, building or portion thereof, fence, gate, sign, other structure, tree or other real or

personal property, either publicly or privately owned, and that is visible from any adjacent public or private property or public or private right-of-way.

(f) *Nuisance* – means any condition which has been declared a nuisance under other provisions of this code, and also includes any condition which causes or creates an unreasonable interference with the rights of the general public and shall include but not be limited to: graffiti; rank vegetation; noxious weeds or uncontrolled thickets; weeds or plant growth (excluding trees or shrubs or cultivated flowers and gardens) in excess of eight (8) inches in height; rank or infested compost heaps; dense smoke; excessive dust; ash or fine particles in the air; rank ponds or standing water including swimming pools, water receptacles and un-drained areas; cesspools creating on or rising to the surface; rank odors; unkempt trash, refuse, brush, leaves, or limbs; unkempt landscaping; debris or building materials; rank sewage or septic system; excessive accumulation of animal waste; exposed animal carcasses after death; sheds, garages or buildings allowing infestation of rodents or insects or left unsecured to allow the entry of animals, humans or the natural elements such as rain, hail and snow, or otherwise left unkempt or unsightly, except for outdoor dog or pet houses maintained in a clean and reasonable manner; trees, shrubs, or plants which are dead, diseased or infested which present a harmful or dangerous condition to the public; exposed refrigerators or freezers or other appliances left unsecured; any condition that essentially interferes with the comfortable enjoyment of life and property or tends to depreciate the value of the property of others; and any other condition which is determined to present a dangerous or harmful condition or unreasonable interference with the rights of the general public.

(g) *Perennial violator* – means any person who shows an annual pattern of failing to comply with this section which may be shown by repeated notices of abatement, notices of costs, or previous violations.

(h) *Person* – means any individual; individual's partnership; corporation; unincorporated association; other business organization; committee; board; trustee; receiver; agent; or any representative who has charge, care or responsibility of maintenance of any property, lot or parcel of land regardless of status of owner, tenant or lessee, or occupant, and regardless of whether such person has possession.

(i) *Property owner* – means the named property owner as indicated by the register of deeds, appraiser's office, or treasurer's office in Johnson County, Kansas.

(j) *Qualified expert* – means a person who is regularly employed to conduct structural inspections to comply with life, safety, mechanical, plumbing, health and building codes or a licensed professional in the field of engineering or architecture.

(k) *Representative or agent* – means any person or entity listed in the Johnson County, Kansas appraiser's office or treasurer's office for the purposes of paying taxes; a registered agent with the Kansas Secretary of State's Office for corporate, partnership, or other business entity ownership; an agent or manager directed by the property owner, estate, or court order to represent the interests of the property or to otherwise control activities on the real property; or a corporate or other business entity or similar entity officer.

(l) *Tenant or occupant* – means any person who has a severable or non-severable interest in the real property either oral or written lease or covenant or by other methods of conveying a limited interest in such lands; or by any person who occupies or has possession of such real property.

(m) *Unsafe or Dangerous Structure* – means (i) any structure that is deemed unsafe, unfit for human occupancy, unlawful, or dangerous as established under the International Property Maintenance Code, as adopted by the City, and/or (ii) any structure or part of a structure which remains or is damaged to present a

dangerous or unsafe condition to the public including, but not limited to, structures damaged by fires, damaged by natural events or elements such as wind, tornadoes, earthquakes, flooding , or settling of the ground; damaged by insect infestation; damaged due to the failure to provide reasonable maintenance; structures occupied or unoccupied which have broken windows, missing boards or siding, unsecured doors, or unsecured openings which allow the harboring of animals, insects, transients, or create an attraction to children; structures which due to the opinion of qualified experts or inspectors, including but not limited to, fire, engineering, or architectural experts; present an unsafe or dangerous condition to those on or near the property; unfinished structures where no occupancy permit has been issued, and any building permit has lapsed for more than ninety (90) days; structures which remain unfinished, or without an occupancy permit, after eighteen (18) months from the date of the first building permit and where no inspection for newly completed work has been requested within the last ninety (90) days.

SUBDIVISION 2. UNSAFE OR DANGEROUS STRUCTURES

6-201 UNSAFE OR DANGEROUS STRUCTURES UNLAWFUL; RESPONSIBILITY TO ABATE.

It shall be unlawful for any property owner, owner's agent or tenant of real property to allow or maintain an unsafe or dangerous structure on any lot or parcel of ground within the City. The property owner, owner's agent, or tenant shall be responsible for the removal or abatement of any unsafe or dangerous structure. The City shall have the power to cause the repair or removal of, or to remove any structure located within the City, which may have become unsafe or dangerous, as provided in this article and under Kansas statute.

6-202 ENFORCEMENT AGAINST UNSAFE OR DANGEROUS STRUCTURES; DESIGNATION OF OFFICER; NOTICE TO APPEAR; HEARING; RESOLUTION OF ABATEMENT.

(a) The building official, or his or her designee, shall assist the Governing Body with the administration and enforcement of this article with regards to dangerous and unsafe structures, and shall be the enforcing officer for purposes of this article and K.S.A. 12-1750 *et seq.*, as amended. The building official shall authorize the investigation of unsafe or dangerous structures by his or her designated agents.

(b) Whenever the enforcing officer files with the Governing Body a statement in writing that any structure, describing the same and where located, is unsafe or dangerous, the governing body, by resolution, shall fix a time and place at which the owner, the owner's agent, any lienholders of record and any occupant of such structure may appear and show cause why such structure should not be condemned and ordered repaired or demolished. Such resolution shall be published once each week for two (2) consecutive weeks on the same day of each week. At least thirty (30) days shall elapse between the last publication and the date set for the hearing. A copy of the resolution shall be mailed by certified mail within three (3) days after its first publication to each such owner, agent, lienholder and occupant, at the last known address and shall be marked "deliver to addressee only."

(c) On the date fixed for hearing or any adjournment thereof, the Governing Body shall hear all evidence submitted by the owner, the owner's agent, lienholders of record, and occupants having an interest in such structure as well as evidence submitted by the enforcing officer filing the statement and shall make findings by resolution. If the Governing Body finds that such structure is unsafe or dangerous,

such resolution shall direct the structure to be repaired or removed and the premises made safe and secure. Such resolution shall be published once in the official city paper and a copy mailed to the owners, agents, lienholders of record, and occupants in the same manner provided for the notice of hearing. The resolution shall fix a reasonable time within which the repair or removal of such structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated or fails to diligently prosecute the same until the work is completed, the Governing Body will cause the unsafe or dangerous structure to be repaired or razed and removed.

6-203 EXCAVATION FILL.

It shall be the duty of the property owner, representative, or the tenant, upon removal of a structure, to fill any basement, after removing all concrete footings and foundation walls, or other excavation located upon the premises and take any other action necessary to leave such premises in a safe condition, including grading and seeding or sodding of the area, removal of dirt or mud from roads, streets, alleys, or sidewalks, to allow for proper drainage of the site, and to remove any and all refuse, trash, debris, brush and limbs, or materials from the site.

6-204 REMOVAL OF UNSAFE OR DANGEROUS STRUCTURES; SALVAGE; SALE; ASSESSMENT AND COLLECTION OF COSTS; PROCEDURE.

(a) If the owner of any structure has failed to commence the repair or removal of such structure within the time stated in the resolution or has failed to diligently prosecute the same thereafter, the City may proceed to raze and remove such structure, make the premises safe and secure, or let the same to contract. The City shall keep an account of the cost of such work and may sell the salvage from such structure and apply the proceeds or any necessary portion thereof to pay the cost of removing such structure and making the premises safe and secure. All moneys in excess of that necessary to pay such costs and the cost of publications of notice and any postage for mailing of notice, after the payment of all costs, shall be paid to the owner of the premises upon which the structure was located.

(b) The City shall give notice to the owner of such structure by restricted mail of the total cost incurred by the city in removing such structure and making the premises safe and secure and the cost of providing notice. Such notice also shall state that payment of such cost is due and payable within thirty (30) days following receipt of such notice. If the cost is not paid within the thirty-day period and if there is no salvageable material or if moneys received from the sale of salvage or from the proceeds of any insurance policy in which the City has created a lien pursuant to K.S.A. 40-3901 *et seq.*, and amendments thereto, are insufficient to pay the cost of such work, the balance shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed as a special assessment against the lot or parcel of land on which the structure was located and the City Clerk at the time of certifying other City taxes, shall certify the unpaid portion of the costs and the County Clerk shall extend the same on the tax rolls of the County against such lot or parcel of land. The City may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost and any applicable interest has been paid in full. Whenever any structure is removed from any premises under the provisions of this article, the City Clerk shall certify to the County Appraiser that such structure, describing the same, has been removed.

(c) If there is no salvageable material, or if the moneys received from the sale of salvage or from the proceeds of any insurance policy in which the City has created a lien pursuant to K.S.A. 40-3901 *et seq.*, and amendments thereto, are insufficient to pay the costs of the work and the cost of providing notice, such costs or any portion thereof in excess of that received from the sale of salvage or any insurance proceeds may be financed, until the costs are paid, out of the general fund or by the issuance of no-fund warrants. Whenever no-fund warrants are issued under the authority of this article the Governing Body shall make a tax levy at the first tax levying period for the purpose of paying such warrants and the interest thereon. All such tax levies shall be in addition to all other levies authorized or limited by law and shall not be subject to the aggregate tax levy prescribed in article 19 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto. Such warrants shall be issued, registered, redeemed and bear interest in the manner and in the form prescribed by K.S.A. 79-2940, and amendments thereto, except they shall not bear the notation required by that section and may be issued without the approval of the state board of tax appeals. All moneys received from special assessments levied under the provisions of this section or from an action under K.S.A. 12-1,115, and amendments thereto, when and if paid, shall be placed in the general fund of the City.

6-205 DAMAGE BY FIRE, EXPLOSION, WINDSTORM, OR OTHER CASUALTY; INSURANCE PROCEEDS.

Damage created by a fire, explosion or windstorm shall comply with the provisions below:

(a) If fire, explosion, windstorm, or other casualty causes damage to a structure that is covered by insurance and the covered claim payment is in excess of seventy-five percent (75%) of the face value of the policy covering the structure, then the insurance provider shall be required to pay to the City an amount not to exceed fifteen percent (15%) of the proceeds of such policy. The insurer first shall pay all amounts due to the holder of a first real estate mortgage against the structure pursuant to the terms of the policy and endorsements thereto and then shall withhold from the covered claim payment the sums required to be paid to the City. Such payments shall be made to the City on or before the date any moneys are released by the insurer to any party, or within thirty (30) days of the incident resulting in the claim, whichever is earlier in time. The payment shall be made by check or money order made payable to the "City of Prairie Village" with no post-dating of the check or money order allowed and sent by certified mail, return receipt requested to the City Clerk of Prairie Village, Kansas, 7700 Mission Road, Prairie Village, Kansas 66208, along with a statement explaining the reason for payment and giving the address of the property involved. All such funds received by the City Clerk shall be placed in an interest-bearing account of the City.

(b) The City shall release the insured's proceeds and any interest which has accrued thereon within thirty (30) days after receipt of such monies, unless the City has instituted abatement proceedings and/or a permit has been issued for re-construction pursuant to this article or other applicable portion of City code. If such proceedings have been instituted, the City shall retain the proceeds until the abatement proceedings and/or re-construction is complete. At the conclusion of the abatement proceedings and/or re-construction, all monies in excess of that expended by the City for abatement proceedings and/or re-construction expenses (such as removing mud or debris off the streets), less any salvage value, shall be paid to the insured.

(c) The City may create a lien in favor of the City in the proceeds of any

insurance policy based upon a covered payment made for damage or loss to the building or other structure, caused by or arising out of any fire, explosion, windstorm, or other casualty.

(d) The City Clerk shall notify the Commissioner of Insurance for the State of Kansas within fourteen (14) days after the adoption of this section. Such notification shall state that the city has enacted an ordinance, pursuant to the authority of K.S.A. 40-3901 *et seq.*, concerning payment of insurance proceeds to the City arising out of claims due to fire, explosion, windstorms, or other casualty. A copy of the notice shall be maintained by the City Clerk.

6-206 INSURANCE PROCEEDS; PROOF OF REPAIRING OR REBUILDING.

In lieu of the payment of insurance proceeds, the insured may present satisfactory proof to the building official that the insured has or will remove debris and repair, rebuild or otherwise make the premises safe and secure. Upon presentation of such sufficient evidence, the building official along with the City Clerk shall certify that adequate proof of repairing or rebuilding has been given and that the payment of insurance proceeds to the City shall not be paid, subject to any lien created by the City should the insured fail to rebuild, repair, or secure the property as presented. The insured shall be responsible for presenting such certificate to the insurer. The insured, in seeking such certificate, shall present a timetable showing when repairs or rebuilding will be completed; render architectural or engineering plans, subject to approval by the building official, showing the method, manner and materials to be used in repairing or rebuilding; and any other evidence deemed necessary by the building official to demonstrate that the repairs or rebuilding will be completed in a timely and lawful manner. Failure of the insured to comply with the certificate shall result in the institution of continuation of proceedings for abatement.

6-207 FAILURE TO PAY INSURANCE PROCEEDS OR TO OBTAIN A CERTIFICATE IN LIEU OF PAYMENT PROCEEDS.

It is unlawful for any person to fail to provide the payment of insurance proceeds as required by this section unless a certificate in lieu of payment of proceeds has been obtained through the City.

6-208 CITY NOT PARTY TO INSURANCE CONTRACT.

This article does not make the City a party to any insurance contract, nor is the insurer liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

6-209 IMMEDIATE HAZARDS OR IMMINENT DANGER.

(a) Notwithstanding anything in this article to the contrary, when in the opinion of the enforcing officer, any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, such officer may erect barricades or cause the property to be vacated, taken down, repaired, shored or otherwise made safe without delay and such action may, under such circumstances, be taken without prior notice to or hearing of the owners, agents, lienholders and occupants. The cost of any such action shall be assessed against the property and paid in the manner provided by this article and K.S.A. 12-1755.

(b) An immediate hazard may include, but is not limited to, imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life or safety is endangered by the occupation of the structure, or when there is an actual or potential danger to the

building occupants or those in proximity thereto because of explosives, fumes, gases, vapors, or operation of defective or dangerous equipment.

(c) It shall be unlawful for any person to enter a structure that has been deemed an immediate hazard except for the purposes of securing the structure, making the required repairs, removing the hazardous condition, or demolishing the structure.

DIVISION 3. ABANDONED PROPERTY

6-301 ABANDONED PROPERTY.

The Governing Body shall have the power to cause the rehabilitation of or to rehabilitate any abandoned property located within the City.

6-302 DESIGNATION OF OFFICER; NOTICE TO APPEAR; HEARING; RESOLUTION OF REHABILITATION.

(a) The building official, or his or her designee, shall assist the Governing Body with the administration and enforcement of this article with regards to abandoned property, and shall be the enforcing officer for purposes of this article and K.S.A. 12-1750 *et seq.*, as amended. The building official shall authorize the investigation of abandoned property by his or her designated agents.

(b) Whenever the enforcing officer files with the Governing Body a statement in writing that any structure, describing the same and where located, is abandoned property, the Governing Body, by resolution, shall fix a time and place at which the owner, the owner's agent, any lienholders of record and any occupant of such structure may appear and show cause why such structure should not be rehabilitated. Such resolution shall be published once each week for two (2) consecutive weeks on the same day of each week. At least thirty (30) days shall elapse between the last publication and the date set for the hearing. A copy of the resolution shall be mailed by certified mail within three (3) days after its first publication to each such owner, agent, lienholder and occupant, at the last known address and shall be marked "deliver to addressee only."

(c) On the date fixed for hearing or any adjournment thereof, the Governing Body shall hear all evidence submitted by the owner, the owner's agent, lienholders of record and occupants having an interest in such structure as well as evidence submitted by the enforcing officer filing the statement and shall make findings by resolution. If the Governing Body finds that such structure is abandoned property, the Governing Body may authorize the rehabilitation of such property as provided by K.S.A. 12-1756a. Such resolution shall be published once in the official city paper and a copy mailed to the owners, agents, lienholders of record and occupants in the same manner provided for the notice of hearing. The resolution shall fix a reasonable time within which the repair or removal of such structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated or fails to diligently prosecute the same until the work is completed, the Governing Body will cause the structure to be rehabilitated.

DIVISION 4. NUISANCES AND WEEDS

6-401 NUISANCES UNLAWFUL; RESPONSIBILITY TO ABATE.

It shall be unlawful for any property owner, owner's agent or tenant of real property to allow or maintain a nuisance on any lot or parcel of ground within the City, including any areas between the property lines of said property and the center line of any adjacent street

or alley including sidewalks, streets, alleys, easements, and rights-of-way. The property owner, owner's agent, or tenant shall be responsible for the removal or abatement of any nuisance. The City shall have the power to cause the removal of, or to remove or abate, any nuisance as provided in this article and under Kansas statute.

6-402 DESIGNATION OF OFFICER; NOTICE OF ABATEMENT; HEARING.

(a) The Governing Body hereby designates the building official, or his or her own designee, as the person responsible for the administration and enforcement of this article with regards to nuisances. The building official shall authorize the investigation of nuisances by his or her designated agents.

(b) If it is determined that a nuisance exists, then the building official, or his or her designated agent, shall file a written report describing the situation, its location, and the circumstances supporting the determination that the matter is a nuisance. The building official, on behalf of the Governing Body, shall issue an Order of Abatement directing the property owner or owner's agent, and any tenant, to remove and abate the nuisance within a time, not exceeding ten (10) days, to be specified in the Order of Abatement.

(c) The Order of Abatement shall state:

(1) A common or legal description of the property, or both;

(2) That the property is in violation of this article;

(3) The nature of the nuisance, including relevant ordinances or statutes, with sufficient information to reasonably enable the recipient to determine the nature of the violation to allow for self-abatement;

(4) That the recipient must remove and abate the nuisance within a time, not exceeding ten (10) days, to be specified in the order;

(5) That the recipient, upon written request, may obtain a hearing before the Governing Body or its designated representative, provided that such request is received by the City Clerk within the period of time established for abatement of the nuisance;

(6) That failure to comply with the order shall result in the City's right to remove and abate the nuisance with assessment of the City's costs being made against the property and the recipient;

(7) That failure to pay such assessment within thirty (30) days after the City's notice of costs of such removal and abatement may result in the filing of a tax lien against the property, or the filing for a personal judgment against the recipient, or both; and

(8) That such violations are subject to prosecution, and that such prosecution shall be independent of the order of any enforcement of the order.

(d) The Order of Abatement shall be served on the property owner or owner's agent, or tenant by certified mail, return receipt requested, or by personal service; provided any order served on a tenant shall also be served on the owner or owner's agent. If the property is unoccupied and the owner is a nonresident, then the order will be mailed by certified mail, return receipt requested, to the owner's last known address. If during the preceding twenty-four (24) month period the owner, owner's agent or tenant has failed to accept delivery or to otherwise effectuate receipt of a notice or order sent pursuant to this section, in addition to the methods of service described above, the building official, on behalf of the Governing Body, may serve on such person any further order by other methods, including but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail; provided, if the property is

unoccupied and the owner is a nonresident, any alternative notice provided for in this paragraph shall be given by telephone communication or first class mail.

(e) If a recipient of an Order of Abatement makes a written request for a hearing within the period of time established by the order, a hearing shall be scheduled before the Governing Body or its designated representative. At such hearing, all relevant parties, interest holders, and City officials shall be allowed to present evidence concerning the status of the property and the conditions creating the nuisance. Thereafter, the Governing Body or its designated representative may rescind, modify, or uphold the Order of Abatement. In making such a determination the Governing Body or its designated representative shall describe the relevant facts and specific statute or code provisions being relied upon and state any such other stipulations, methods of removal and abatement of orders as deemed necessary. If the Order of Abatement is either modified or upheld, the property owner, owner's agent or tenant shall be given a reasonable time to remove and abate the nuisance, not to exceed ten (10) days.

(f) Notwithstanding the foregoing, the building official and the Governing Body shall grant extensions of such ten-day time period if the owner or agent of the property demonstrates that due diligence is being exercised in abating the nuisance.

6-403 ABATEMENT OF NUISANCE BY CITY; NOTICE OF COSTS; ASSESSMENT AND COLLECTION.

(a) If the recipient of the notice of abatement fails to comply with the Order of Abatement or, if appropriate, with any order after a hearing on the matter, the City shall have the right to go onto the property to remove and abate the nuisance in a reasonable manner, or as otherwise permitted under applicable law. It shall be unlawful for any person to interfere with or attempt to prevent the City or its agents from such action. The City and its agents shall not be responsible for damage to any real or personal property due to reasonable methods of gaining entrance onto the property or for damages to any real or personal property in the reasonable exercise of the removal and abatement of the nuisance. The City may use its own employees or contract for services to remove and abate the nuisance.

(b) If the City removes and abates the nuisance, the City shall give a Notice of Costs to the property owner or owner's agent, or tenant, by certified mail, return receipt requested, stating the costs of such removal and abatement incurred by the City; provided, any notice served on a tenant shall also be served on the owner or owner's agent. The costs shall include the City's cost of providing the notice, including any postage. The recipient shall have thirty (30) days from the date of receipt of such notice to make full payment. The Notice of Costs shall state:

- (1) The common or legal description of the property, or both;
- (2) The nature of the nuisance, including relevant ordinances;
- (3) The nature of the work performed to remove and abate the nuisance;
- (4) The costs incurred for the abatement of the nuisance in either a lump sum or in an itemized form (including the cost of the notice);
- (5) That payment is due and payable within thirty (30) days of receipt of the notice;
- (6) That payment should be made payable to the City of Prairie Village, Kansas, by check or money order with no post-dating of the check, and submitted to the City Clerk with a written indication of the purpose of the payment and the address of the property where the nuisance occurred;

(7) That failure to pay the entire amount within the thirty (30)-day period shall allow the City to file a lien against the property or to pursue litigation for recovery of the costs, or both; and

(8) That such additional remedies to recover costs shall include additional amounts, including interest, court costs, attorney fees and administrative costs.

(c) If the costs are not paid within the 30-day period, the costs shall be collected in a manner provided by K.S.A. 12-1,115 as amended, or shall be assessed as a special assessment against the property. The City Clerk at the time of certifying other City taxes, shall certify the unpaid portion of the costs, and the County Clerk shall extend the same on the tax roll of the County against the property, and it shall be collected by the County Treasurer and paid to the City as other City taxes are collected and paid. The City may pursue collection both by levying a special assessment, and in the manner provided by K.S.A. 12-1,115 as amended, but only until the full costs, including applicable interest, court costs, attorney's fees, and administrative costs have been paid in full.

6-404 ADDITIONAL OR ALTERNATIVE PROVISIONS REGARDING WEEDS.

(a) As an alternative to the general nuisance provisions of this article, K.S.A. 12-1617f(b), as amended, provides that the Governing Body may provide for and require, and the Governing Body hereby does provide for and require, the cutting or destruction of all weeds on lots or pieces of land within the City as provided in this section. Reference is hereby further made to the International Property Maintenance Code (IPMC), as adopted by the City, which may contain additional provisions regarding weeds and plants.

(b) Except as provided by subsection (c) below, the City Clerk shall issue a notice to the owner, occupant or agent by certified mail, return receipt requested, or by personal service to cut or destroy such weeds. If the property is unoccupied and the owner is a nonresident, such notice shall be sent by certified mail, return receipt requested, to the last known address of the owner. The notice shall state that before the expiration of the waiting period provided herein the recipient thereof may request a hearing before the Governing Body or its designated representative. If the occupant, owner or agent fails to request a hearing or refuses to cut or remove such weeds, after five (5) days' notice by the City Clerk, or in cases where the owner is unknown or is a nonresident, and there is no resident agent, ten (10) days after notice has been published by the City Clerk in the official city paper, the City shall cut or destroy such weeds and shall keep an account of the cost of same and report to the City Clerk. Except as provided by subsection (c) below, the City shall give notice to the owner, occupant or agent by certified mail, return receipt requested, of the total cost of such cutting or removal incurred by the City. The City also may recover the cost of providing notice, including postage, required by this section. Such notice also shall state that payment of such cost is due and payable within thirty (30) days following receipt of such notice. If the cost of such removal or abatement is not paid within the thirty-day period, the City may levy a special assessment for such cost against the lot or piece of land in the same manner as provided in Section 6-403 above and K.S.A. 12-1671e, and amendments thereto, or the City may collect the cost in the manner provided by K.S.A. 12-1,115, and amendments thereto. The City may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost and any applicable interest has been paid in full.

(c) In lieu of giving notice as provided by subsection (b) above, the City may give notice as provided by this subsection. Pursuant to K.S.A. 12-1617f, the City hereby incorporates by reference the provisions of this article and the International Property Maintenance Code, as adopted by the City, as its nuisance and weed removal policy. The building official shall issue a notice of violation and order the owner, occupant, or agent of any property in the City upon which weeds exist in violation of this article; provided, however, that if a notice and order regarding weeds was previously served upon the owner, occupant, or agent of the property for a violation of the City's weed control regulations, the City may provide a one-time yearly written notification by mail or personal service to the owner, occupant or agent of such policy and regulations. Such notice shall include the same information required by subsection (b) above. In addition, such notice shall include a statement that no further notice shall be given prior to removal of weeds by the City. Notwithstanding the foregoing, if there is a change in the record owner of title to property subsequent to the giving of notice pursuant to this subsection, the City may not recover any costs or levy an assessment for the costs incurred by the cutting or destruction of weeds on such property unless the new record owner of title to such property is provided notice as required by this section.

6-405 MOTOR VEHICLES.

The City may remove and abate from property other than public property or property open to use by the public a motor vehicle determined to be a nuisance. Notwithstanding other provisions of this article, disposition of such vehicle shall be in compliance with the procedures for impoundment, notice, and public auction provided by paragraph (2) of subsection (a) of K.S.A. 8-1102, and amendments thereto. Reference is hereby further made to the International Property Maintenance Code (IPMC), as adopted by the City, which may contain additional provisions regarding motor vehicles.

DIVISION 5. ADDITIONAL ENFORCEMENT PROVISIONS

6-501 RIGHT OF ENTRY; UNLAWFUL INTERFERENCE; PENALTY.

(a) Any authorized officer or agent of the City, pursuant to this article, shall be allowed to enter onto any land within the City limits to investigate violations of this article or for the abatement of violations pursuant to this article.

(b) It shall be unlawful for any person to interfere with a public officer or agent of the City in performing his or her duties pursuant to this article whether investigation or abating violations.

(c) Any person who interferes with an officer or agent of the City pursuant to this article shall be punished as provided in this article.

6-502 ENFORCEMENT IN MUNICIPAL COURT.

In addition to, or as an alternative to, any enforcement of this article as provided herein, or enforcement of any other portion of the Prairie Village Municipal Code that incorporates by reference the enforcement provisions of this article, if an authorized public officer determines that a violation of this article (or other portion of the Code that incorporates by reference this article) exists, he or she may issue a notice to appear in municipal court for such violation. No other procedures are required as a prerequisite to the issuance of a notice to appear. The imposition of any removal and abatement action described in this article shall not preclude any appropriate prosecution or penalties. Likewise, the imposition of any prosecution or penalties shall not preclude any appropriate action described in this article or otherwise provided by applicable law to remove or abate

a nuisance, an unsafe or dangerous structure, abandoned property, or to collect removal and abatement costs.

6-503 PENALTIES.

Any property owner, representative, tenant or person found in violation of this article shall be subject to prosecution in municipal court. Any such person found guilty of violating the provisions of this article shall be subject to a fine of not less than \$50.00 nor more than \$500.00 and not more than ten (10) days in jail, or both. Any person found guilty of violating the provisions of this article two (2) or more times within any one-year period, or determined by the municipal court to be a perennial violator, shall be fined not less than \$250.00 nor more than \$500.00 and shall be subject to a sentence not to exceed thirty (30) days in jail, or both. Prosecution of any offender under this article does not limit the City's right to pursue assessment or collection of costs as stated in this article, or by other laws. Each day that any violation shall continue shall constitute a separate offense.

Section 2. This ordinance shall take effect and be in force beginning December 1, 2021 upon and after its passage, approval, and publication as provided by law.

PASSED by the City Council of the City of Prairie Village, Kansas on November 15, 2021.

APPROVED by the Mayor on November 15, 2021.

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. 2460

AN ORDINANCE AMENDING CHAPTER VIII (HEALTH AND WELFARE) BY AMENDING CERTAIN SECTION OF ARTICLE 2 (INTERNATIONAL PROPERTY MAINTENANCE CODE), ADDING NEW AND SUBSTITUTE PROVISIONS THERETO, AND REPEALING THE PREVIOUS SECTIONS SO AMENDED.

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

Section 1. Existing Section 8-205 is hereby deleted in its entirety.

Section 2. Existing Section 8-206 of the Code of the City of Prairie Village, Kansas, is hereby renumbered as Section 8-205 and amended to read as follows:

8-205 AMENDMENTS TO SECTION 109 – EMERGENCY MEASURES

Section 109.1 and Section 109.6 of the 2018 IPMC, as adopted by the City, are hereby amended to read as follows:

109.1 Imminent danger. See Article 6 (Nuisances, Unsafe or Dangerous Structures, and Abatement of Code Violations) of Chapter VIII (Health and Welfare), as amended, of the Prairie Village Municipal Code, the terms of which are incorporated herein by this reference.

109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Except to the extent proceedings for abatement are otherwise commenced under Article 6 of Chapter VIII, as amended, of the Prairie Village Municipal Code, any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

Section 3. Existing Section 8-207 of the Code of the City of Prairie Village, Kansas, is hereby renumbered as Section 8-206 and amended to read as follows:

8-206 AMENDMENTS TO SECTION 110 – DEMOLITION

Sections 110.1, 110.2, 110.3, and 110.4 of the 2018 IPMC, as adopted by the City, are hereby deleted in their entirety such that Section 110 shall be amended to read as follows:

See Article 6 (Nuisances, Unsafe or Dangerous Structures, and Abatement of Code Violations) of Chapter VIII (Health and Welfare), as amended, of the Prairie Village Municipal Code, the terms of which are incorporated herein by this reference.

Section 4. Existing Section 8-208 of the Code of the City of Prairie Village, Kansas, is hereby renumbered as Section 8-207 and amended to read as follows:

8-207 ADDITIONS TO SECTION 202 - GENERAL DEFINITIONS

Section 2020 of the 2018 IPMC, as adopted by the City, is hereby amended by adding the following definitions:

CALENDAR YEAR. The period of time beginning January 1 and ending December 31 of the same year.

GRAFFITI. Any drawing, painting, writing, inscription, figure or mark, regardless of its content, of the type which is commonly known and referred to as graffiti, which is written, drawn, painted, sprayed, scratched or otherwise placed or affixed, regardless of the nature of the material used, on any wall, window, rock, building or portion thereof, fence, gate, sign, other structure, tree or other real or personal property, either publicly or privately owned, and that is visible from any adjacent public or private property or public or private right-of-way.

NOXIOUS PLANTS. Means poison ivy, poison oak and poison sumac, at any height or state of maturity.

RANK WEEDS. Means all vegetation which may exhale unpleasant or noxious odors, or transmit pollen into the air at any state of maturity and which exceeds 8 inches in height; also, all vegetation, regardless of height, including thickets, which conceals or invites filthy deposits, or which harbors rodents, refuse, or vermin. Such rank weeds include, but are not limited to the following: large crabgrass, large hairy crabgrass, barnyard grass, Pennsylvania smartweed, ladythumb, smartweed, curled dock, sour dock, lambsquarter, rough pigweed, redroot, shepherds purse, nodding spurge, upright spotted purge, velvet leaf, indian mallow, sticktight, blue stickseed, common ragweed, giant ragweed, horseweed, kinghead, dandelion, cocklebur, clotbur, downy brome grass, downy chess, bermuda grass, devilgrass, stinkgrass, lovegrass, witchgrass, tumble panicgrass, giant foxtail, Johnson grass, hop sedge, sloughgrass, hemp, stinging nettle, nettle, swamp smartweed, tanweed, devils shoestring, smooth dock, maple-leaved goosefoot, waterhemp, tumbleweed, tumble amaranth, common milkweed, common mullen, burdock, beggar tick, sticktight, devils pitchfork, tall con flower, golden glow, gray goldenrod, field goldenrod. Native plants contained in a native garden, such as common milkweed and other pollinators, would be considered a cultivated garden and not classified as a rank weed.

THICKETS. Means dense growths of wild shrubbery and/or uncontrolled or invasive species including but not limited to bamboo, briar patches and similar growth having stems or trunks less than one and one-half inches in diameter.

VEHICLE. Any automobile, truck, tractor, farm machinery or motorcycle which as originally built contained an engine, regardless of whether it contains an engine at any other time.

VEHICLE; INOPERABLE. Means a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned, or unable to perform the function or purpose for which it was originally intended.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work and compatible with the undamaged surfaces of the structure

Section 5. Existing Section 8-209 of the Code of the City of Prairie Village, Kansas, is hereby renumbered as Section 8-208.

Section 6. Existing Section 8-210 of the Code of the City of Prairie Village, Kansas, is hereby renumbered as Section 8-209 amended to read as follows:

8-209 AMENDMENTS TO SECTION 302.4 – WEEDS AND THICKETS

Section 302.4 of the 2018 IPMC, as adopted by the City, is hereby amended to read as follows:

302.4 Weeds and thickets. All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) inches in height. All noxious weeds and uncontrolled thickets shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds and/or uncontrolled thickets after a service of notice of violation, they shall be subject to prosecution in accordance with this code or as may otherwise be provided in Article 6 of Chapter VIII, as amended, of the Prairie Village Municipal Code, the terms of which are incorporated herein by this reference.

302.4.1 Weeds/thickets to be removed. Property owners are responsible for maintaining property free from weeds and thickets, including the area between the property lines of said property and the centerline of any adjacent street or alley, including, but not specifically limited to, sidewalks, streets, alleys, easements, right-of-way, and all other areas, public or private. All weeds and/or uncontrolled thickets as herein described are hereby declared a nuisance and are subject to abatement as provided in Article 6 of Chapter VIII, as amended, of the Prairie Village Municipal Code.

302.4.2 Notice to remove. See Article 6 (Nuisances, Unsafe or Dangerous Structures, and Abatement of Code Violations) of Chapter VIII (Health and Welfare), as amended, of the Prairie Village Municipal Code, the terms of which are incorporated herein by this reference.

302.4.3 Abatement; assessment of costs. See Article 6 (Nuisances, Unsafe or Dangerous Structures, and Abatement of Code Violations) of Chapter VIII (Health and Welfare), as amended, of the Prairie Village Municipal Code, the terms of which are incorporated herein by this reference.

302.4.4 Right of entry. The City and its authorized agent(s) are hereby expressly authorized to enter upon private property at all reasonable hours for the purpose of cutting, destroying, or removing such weeds and/or uncontrolled thickets in a manner consistent with this article.

302.4.5 Unlawful interference. It shall be unlawful for any person to interfere with or to attempt to prevent the City or its authorized agent(s) from entering upon any such property or from proceeding with such cutting, destruction, or removal. Such interference shall constitute a code violation.

302.4.6 Complaint. Separate from and independent of any abatement action as provided for herein or otherwise in city code, the code official, at his or her option, may also file a complaint or complaints in the Municipal Court of the City against the owner, occupant or agent of the property for any violation of the city weed control ordinance.

Section 7. A new Section 8-210 is hereby added to the Code of the City of Prairie Village, Kansas, to read as follows:

8-210 AMENDMENTS TO SECTION 111.1 – MEANS OF APPEAL

Section 111.1 of the 2018 IPMC is hereby amended to read as follows:

111.1 Application for appeal. Except to the extent any appeal or hearing rights are separately provided for elsewhere, including but not limited to Article 6 of Chapter VIII, as amended, of the Prairie Village Municipal Code, any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within twenty (20) days after the day the decision, notice, or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Section 6. Existing Section 8-211 of the Code of the City of Prairie Village, Kansas, is hereby amended to read as follows:

8-211 AMENDMENTS TO SECTION 302.8 – MOTOR VEHICLES

Section 302.8 of the 2018 IPMC, as adopted by the City, is hereby amended to read as follows:

302.8 Motor vehicles. Except as otherwise set forth in this section, it is a violation of this chapter for any person, partnership, corporation, or other entity, or their agent either as owner, lessee, tenant, or occupant of land within the city to park, store, deposit, or permit to be parked, stored, or deposited on such land or on the public street adjacent thereto a vehicle that is inoperative or unlicensed. No vehicle shall at any time be in a state of major disassembly, disrepair, or in a state of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth designed for the environmentally safe application of the paint. The provisions of this section shall not apply to owners who have temporarily placed their motor vehicle in an inoperable condition while working on the vehicle on their premises, provided that such work is performed inside an enclosed structure designed and approved for such use. In no event shall an owner or person in possession maintain a motor vehicle on his or her premises in an inoperable condition, outside of an enclosed structure, for a period in excess of forty-eight (48) hours. Violation of the provisions of this section shall further be deemed a nuisance.

302.8.1 Motor vehicle nuisances unlawful; defined; exceptions. It shall be unlawful for any person to maintain or permit any motor vehicle nuisance within the City. Except as otherwise set forth in this section, a motor vehicle nuisance is any motor vehicle which is: not currently registered or tagged pursuant to K.S.A. 8-126 to 8-149 inclusive, as amended; parked in violation of City ordinance; incapable of moving under its own power; or in a junked, wrecked, or inoperable condition. Any one of the following conditions shall raise the presumption that a vehicle is junked, wrecked, or inoperable:

1. Absence of a current registration plate upon the vehicle;
2. Placement of the vehicle or parts thereof upon jacks, blocks, or other supports;

3. Absence of one or more parts of the vehicle necessary for the lawful operation of the vehicle upon street or highway.

The provisions of this section shall not apply to:

1. Any motor vehicle which is fully enclosed in a garage or other building;
2. The parking or storage of a vehicle inoperable for a period of forty-eight (48) consecutive hours or less;
3. Any person conducting a business enterprise in compliance with the existing zoning regulations; or
4. To the extent provided elsewhere in this section.

Provided, that nothing in this section shall be construed to authorize the maintenance of a public nuisance. See Article 6 (Nuisances, Unsafe or Dangerous Structures, and Abatement of Code Violations) of Chapter VIII (Health and Welfare), as amended, of the Prairie Village Municipal Code, the terms of which are incorporated herein by this reference, and K.S.A. 8-1101 *et seq.*

302.8.2 Inoperable vehicles; authorization of code official to order removal.

Except as otherwise set forth in this section, it is a violation of this chapter for any person, partnership, corporation, or other entity, or their agent either as owner, lessee, tenant, or occupant of land within the city to park, store, or deposit, or permit to be parked, stored, or deposited on such land or on the public street adjacent thereto, a vehicle that is not in an operating condition. In the event that the code official finds that any such person has parked, stored, or deposited, or permitted to be parked, stored, or deposited on such land or in the streets immediately adjacent thereto such a vehicle in violation of this section, the code official may issue an order to remove such vehicle from such land or the street immediately adjacent thereto. In the event the person to whom the order is directed fails to remove such vehicle within the specified time, the code official may enter an order authorizing the city to remove the vehicle as provided in this code or in Article 6 of Chapter VIII of the Prairie Village Municipal Code and K.S.A. 8-1101 *et seq.*, as amended, the terms of which are incorporated herein by this reference.

302.8.3 Parking and storage of inoperable vehicles Except as otherwise set forth in this section, it is unlawful for the owner or person in possession of any motor vehicle to park or place the vehicle upon a street, driveway, (except in an enclosed structure) while the vehicle is in an inoperable condition. Provided however, that this section 302.8.3 shall not apply to filling stations (or gasoline service stations) operating as special uses or non-conforming uses. The provisions of this section shall not apply to owners who have temporarily placed their motor vehicles in an inoperable condition while working on the vehicles on their premises. In no event shall an owner or person in possession maintain a motor vehicle on his or her premises in an inoperable condition for a period in excess of forty-eight (48) hours unless such vehicle is placed in an enclosed structure.

Prior to issuing a citation, the code official or a police officer of the city shall make a reasonable attempt to notify and inform the owner or person in possession of the vehicle of the ordinance violation. The notification shall state the date and time which it is issued and shall notify the owner or person in possession of the vehicle that in the event the same is not placed in an operating condition, removed from the premises, or placed in an enclosed structure within forty-eight (48) hours of the issuance of the notice, a citation will be filed against the owner or person in possession in municipal court. In no event shall the temporary moving of such vehicle by the owner or person

in possession of the same operate as a defense to a citation alleging violation of this section.

302.8.4 Parking and storage of motor vehicles accepted for repair by filling stations (or gasoline service stations) operating as special uses or non-conforming uses. Notwithstanding the foregoing, the regulations set forth in this subsection shall apply to the parking or storing of motor vehicles accepted for repair by filling stations (or gasoline service stations) operating as special or nonconforming uses anywhere in the city.

All such vehicles may be stored or parked only in an enclosed structure or in parking spaces located on the premises of such filling station. Such vehicles shall not be parked on the street. No more than twelve (12) such vehicles shall be stored or parked on the premises of such filling station (other than in an enclosed structure) at any one time. No such vehicles shall be parked or stored on the premises (other than in an enclosed structure) for a period in excess of fourteen (14) consecutive days.

302.8.5 Complaints; inquiry and inspection. The code official or designee shall make inquiry and inspection of premises upon receiving a complaint or complaints stating that a motor vehicle nuisance exists and describing the same and where located. The code official or designee may make such inquiry and inspection when he or she observes conditions which appear to constitute a motor vehicle nuisance. Upon making any inquiry and inspection, the code official or designee shall maintain a written report of findings.

302.8.6 Right of entry. It shall be a violation of this article to deny the code official or his or her designated agent(s) the right of access and entry upon private property at any reasonable time for the purpose of making inquiry and inspection to determine if a nuisance exists.

302.8.7 Notice; contents; abatement; disposition of vehicle; hearing; costs assessed. Any person found by the code official to be in violation of this section shall be served a notice of such violation, as provided in Article 6 (Nuisances, Unsafe or Dangerous Structures, and Abatement of Code Violations) of Chapter VIII (Health and Welfare) of the Prairie Village Municipal Code and K.S.A. 8-1101 *et seq.*, as amended, the terms of which are incorporated herein by this reference. Such violations may be abated, and vehicles disposed, in accordance with with such Article 6. Hearings may be conducted, and costs assessed, in accordance with such Article 6.

Section 7. Sections 8-205, 8-206, 8-207, 8-208, 8-209, 8-210, and 8-211 of the Prairie Village Municipal Code, in existence as of and prior to the adoption of this Ordinance, and all other ordinances and parts thereof that are inconsistent with any provision of this Ordinance, are hereby repealed.

Section 8. This ordinance shall take effect and be in force beginning November 1, 2021 and after its passage, approval, and publication as provided by law.

PASSED by the City Council of the City of Prairie Village, Kansas on November 15, 2021.

APPROVED by the Mayor on November 15, 2021.

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. 2460

AN ORDINANCE AMENDING CHAPTER VIII (HEALTH AND WELFARE) BY AMENDING CERTAIN SECTION OF ARTICLE 2 (INTERNATIONAL PROPERTY MAINTENANCE CODE), ADDING NEW AND SUBSTITUTE PROVISIONS THERETO, AND REPEALING THE PREVIOUS SECTIONS SO AMENDED.

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

Section 1. Existing Section 8-205 is hereby deleted in its entirety.

Section 2. Existing Section 8-206 of the Code of the City of Prairie Village, Kansas, is hereby renumbered as Section 8-205 and amended to read as follows:

8-2068-205 AMENDMENTS TO SECTION 109.1 — IMMIDENT DANGER — EMERGENCY MEASURES

Section 109.1 and Section 109.6 of the 2018 IPMC ~~is,~~ as adopted by the City, are hereby amended to read as follows:

~~**109.1 Imminent danger.** When, in the opinion of the Code Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Official shall cause to be posted at each entrance to such structure a notice reading as follows: "This structure is unsafe and its occupancy has been prohibited by the Code Official". It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or demolishing the same. When the Code Official has determined that a structure is in danger of collapse or has suffered a partial collapse and thus poses an imminent danger to life for those in proximity to the structure, the Code Official is further authorized to order the immediate removal or demolition of the structure or portion thereof as authorized under Kansas State Statute.~~

109.1 Imminent danger. See Article 6 (Nuisances, Unsafe or Dangerous Structures, and Abatement of Code Violations) of Chapter VIII (Health and Welfare), as amended, of the Prairie Village Municipal Code, the terms of which are incorporated herein by this reference.

109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Except to the extent proceedings for abatement are otherwise commenced under Article 6 of Chapter VIII, as amended, of the Prairie Village Municipal Code, any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

Section 3. Existing Section 8-207 of the Code of the City of Prairie Village, Kansas, is hereby renumbered as Section 8-206 and amended to read as follows:

8-2078-206 AMENDMENTS TO SECTION 110 – DEMOLITION

~~Section 110 Sections 110.1, 110.2, 110.3, and 110.4 of the 2018 IPMC is hereby, as adopted by the City, are hereby deleted in their entirety such that Section 110 shall be amended to read as follows:~~

~~**110.1 Order of demolition.** The Code Official shall order the owner of any premises upon which is located any structure, which in the Code Official's judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the Code Official shall order the owner to demolish and remove such structure, or board up until further repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the Building Official. All notices and orders shall comply with Section 107.~~

~~See Article 6 (Nuisances, Unsafe or Dangerous Structures, and Abatement of Code Violations) of Chapter VIII (Health and Welfare), as amended, of the Prairie Village Municipal Code, the terms of which are incorporated herein by this reference.~~

~~**110.2 Demolition or repair by the City.** The Governing Body shall have the power to cause the repair or removal of, or to remove any structure located within the city, which may have become unsafe or dangerous. This provision and the following subsections are intended to conform with the provisions of K.S.A. 12-1750 et seq.; and to the extent there is any conflict, the Statute shall take precedent.~~

~~**110.2.1 Code official's report.** Whenever the Code official's investigation discloses a basis that any structure is unsafe or dangerous, the Code Official shall file a written report with the Governing Body describing the situation, its location and the circumstances that support the determination that the structure is unsafe or dangerous.~~

~~**110.2.2 Notice and publication for hearing.** The Governing Body, by resolution, shall fix a time and place at which the owner, the owner's agent, any lienholders of record and any occupant of such structure may appear and show cause why such structure should not be condemned and ordered repaired or demolished. Such resolution shall be published once each week for two (2) consecutive weeks on the same day of each week. At least thirty (30) days shall elapse between the last publication and the date set for the hearing. A copy of the resolution shall be mailed by certified mail within three (3) days after its first publication to each such owner, agent, lienholder and occupant, at the last known address and shall be marked "deliver to addressee only."~~

~~**110.2.3 Hearing.** On the date fixed for hearing or any adjournment thereof, the Governing Body shall hear all evidence submitted by the owner, the owner's agent,~~

~~lienholders of record and occupants having an interest in such structure as well as evidence submitted by the Code Official and shall make findings by resolution. Provided, in the event the Code Official determines on or before the date fixed for hearing that the structure has been sufficiently repaired or removed, the Code official shall inform the Governing Body and recommend the cancellation of the hearing. Upon acceptance of said recommendation, no further action shall be required by the Governing Body.~~

~~**110.2.4 Findings and resolution.** If the Governing Body finds that such structure is unsafe or dangerous, such resolution shall direct the structure to be repaired or removed and the premises made safe and secure. Such resolution shall be published once in the official City paper and a copy mailed to the owners, agents, lienholders of record and occupants in the same manner provided for the notice of hearing. The resolution shall affix a reasonable time within which the repair or removal of such structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated, or fails to diligently prosecute the same until the work is completed, the Governing Body will cause the structure to be repaired or razed and removed.~~

~~If the Governing Body finds that such structure is not unsafe or dangerous, such resolution shall state such finding and that the proceeding is terminated. Such resolution shall not be required to be published.~~

~~**110.2.5 Action, assessment, and collection of costs by the City.** If the owner of any structure has failed to commence the repair or removal of such structure within the time stated in the resolution or has failed to make diligent progress toward the same thereafter, the City may proceed to raze and remove such structure, make the premises safe and secure, or let the same to contract.~~

~~The City shall keep an account of the cost of such work and may sell the salvage from such structure and apply the proceeds or any necessary portion thereof to pay the cost of removing such structure and making the premises safe and secure. All monies in excess of that necessary to pay such costs and the costs of publications of notice and any postage for mailing of notice, after the payment of all costs, shall be paid to the owner of the premises upon which the structure was located.~~

~~The City shall give notice to the owner of such structure by restricted mail of the total cost incurred by the City in removing such structure and making the premises safe and secure and the cost of providing notice. Such notice also shall state that payment of such cost is due and payable within thirty (30) days following the receipt of such notice. If the cost is not paid within the thirty (30) day period and there is no salvageable material or if moneys received from the sale of salvage or from the proceeds of any insurance policy in which the City has created a lien pursuant to K.S.A. 40-3901 et seq. and amendments thereto, are insufficient to pay the costs of such work, the balance shall be collected in the manner provided by K.S.A. 12-1,115 and amendments thereto or shall be assessed as a special assessment against the lot or parcel of land on which the structure was located and the City Clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs and the County Clerk shall extend the same on the tax rolls of the county against such lot or parcel of land. The City may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115 and amendments thereto, but only until the full~~

~~cost and any applicable interest has been paid in full.~~

~~Whenever any structure is removed from any premises under the provisions of this article, the City Clerk shall certify to the County Appraiser that such structure, describing the same, has been removed.~~

~~**110.3 Duties of owner after removal of structure.** The owner of any structure, upon removing the same, shall remove concrete spoils, debris, and fill in any basement or other excavations located upon the premises and take any other action necessary to leave such premises in a safe and secure condition.~~

~~**110.4 Deleted.** 110.4 of the 2018 IPMC is hereby deleted.~~

Section 4. Existing Section 8-208 of the Code of the City of Prairie Village, Kansas, is hereby renumbered as Section 8-207 and amended to read as follows:

8-2088-207 ADDITIONS TO SECTION 202 - GENERAL DEFINITIONS

Section 2020 of the 2018 IPMC, as adopted by the City, is hereby amended by adding the following definitions:

CALENDAR YEAR. The period of time beginning January 1 and ending December 31 of the same year.

~~**GRAFFITI.** Markings, as initials, slogans, or drawings written, spray painted, or sketched on a sidewalk, driveway, street, wall of a building, public restroom, or the like.~~

GRAFFITI. Any drawing, painting, writing, inscription, figure or mark, regardless of its content, of the type which is commonly known and referred to as graffiti, which is written, drawn, painted, sprayed, scratched or otherwise placed or affixed, regardless of the nature of the material used, on any wall, window, rock, building or portion thereof, fence, gate, sign, other structure, tree or other real or personal property, either publicly or privately owned, and that is visible from any adjacent public or private property or public or private right-of-way.

NOXIOUS PLANTS. Means poison ivy, poison oak and poison sumac, at any height or state of maturity.

RANK WEEDS. Means all vegetation which may exhale unpleasant or noxious odors, or transmit pollen into the air at any state of maturity and which exceeds 8 inches in height; also, all vegetation, regardless of height, including thickets, which conceals or invites filthy deposits, or which harbors rodents, refuse, or vermin. Such rank weeds include, but are not limited to the following: large crabgrass, large hairy crabgrass, barnyard grass, Pennsylvania smartweed, ladythumb, smartweed, curled dock, sour dock, lambsquarter, rough pigweed, redroot, shepherds purse, nodding spurge, upright spotted spurge, velvet leaf, indian mallow, sticktight, blue stickseed, common ragweed, giant ragweed, horseweed, kinghead, dandelion, cocklebur, clotbur, downy brome grass, downy chess, bermuda grass, devilgrass, stinkgrass, lovegrass, witchgrass, tumble panicgrass, giant foxtail, Johnson grass, hop sedge, sloughgrass, hemp, stinging nettle, nettle, swamp smartweed, tanweed, devils shoestring, smooth dock, maple-leaved goosefoot, waterhemp, tumbleweed, tumble amaranth, common milkweed, common mullen, burdock,

beggar tick, sticktight, devils pitchfork, tall con flower, golden glow, gray goldenrod, field goldenrod. Native plants contained in a native garden, such as common milkweed and other pollinators, would be considered a cultivated garden and not classified as a rank weed.

THICKETS. Means dense growths of wild shrubbery and/or uncontrolled or invasive species including but not limited to bamboo, briar patches and similar growth having stems or trunks less than one and one-half inches in diameter.

VEHICLE. Any automobile, truck, tractor, farm machinery or motorcycle which as originally built contained an engine, regardless of whether it contains an engine at any other time.

VEHICLE; INOPERABLE. Means a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned, or unable to perform the function or purpose for which it was originally intended.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work and compatible with the undamaged surfaces of the structure

Section 5. Existing Section 8-209 of the Code of the City of Prairie Village, Kansas, is hereby renumbered as Section 8-208.-

~~Section 5~~Section 6. Existing Section 8-210 of the Code of the City of Prairie Village, Kansas, is hereby renumbered as Section 8-209 amended to read as follows:

8-2108-209 AMENDMENTS TO SECTION 302.4 – WEEDS AND THICKETS

Section 302.4 of the 2018 IPMC-, as adopted by the City, is hereby amended to read as follows:

302.4 Weeds and thickets. All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) inches in height. All noxious weeds and uncontrolled thickets shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds and/or uncontrolled thickets after a service of notice of violation, they shall be subject to prosecution in accordance with Section 106.3 of the 2018 IPMC and as prescribed in the City of Prairie Village municipal code. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds and/or uncontrolled thickets growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the propertythis code or as may otherwise be provided in Article 6 of Chapter VIII, as amended, of the Prairie Village Municipal Code, the terms of which are incorporated herein by this reference.

302.4.1 Weeds/thickets to be removed. Property owners are responsible for maintaining property free from weeds and thickets, including the area between the property lines of said property and the centerline of any adjacent street or alley, including, but not specifically limited to, sidewalks, streets, alleys, easements, right-of-

way, and all other areas, public or private. All weeds and/or uncontrolled thickets as herein described are hereby declared a nuisance and are subject to abatement as ~~hereinafter~~ provided in Article 6 of Chapter VIII, as amended, of the Prairie Village Municipal Code.

~~**302.4.2 Notice to remove.** The code official or an authorized agent shall issue a notice of violation and order the owner, occupant, or agent of any property in the City upon which weeds exist in violation of this chapter; provided however, in the event a notice and order was previously served upon the owner, occupant or agent of the property for a violation of the City's weed control ordinance during the same calendar year, no further notice shall be required prior to any abatement action by the City. Such notice and order shall be issued in writing to the owner, occupant or agent by certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, such notice and order shall be sent by certified mail, return receipt requested to the last known address of the owner. The notice and order may be made by publication in the official City newspaper in the event there is no resident agent and the owner is either unknown or is a nonresident (provided a nonresident owner with a known address is also sent notice by certified mail as required hereinabove.)~~

~~Such notice shall include the following:~~

- ~~1. That the owner, occupant, or agent is in violation of the City weed control ordinance.~~
- ~~2. That the owner, occupant, or agent is ordered to cut, destroy or remove the weeds and/or uncontrolled thickets within (5) days of the receipt of notice and order, or if the notice and order is served by publication, within (10) days of the date of publication, the applicable time period hereinafter referred to as the "correction period".~~
- ~~3. That before the expiration of the correction period, the owner, occupant, or agent may request a hearing before the governing body or its designated representative.~~
- ~~4. That if within the correction period the owner, occupant, or agent fails to request a hearing or to cut, destroy or remove the weeds and/or uncontrolled thickets to the satisfaction of the code official or an authorized assistant, the City or its authorized agent will cut, destroy, or remove the weeds and/or uncontrolled thickets and assess against the owner, occupant or agent the total costs of the cutting, destruction, or removal of the weeds and/or uncontrolled thickets including a reasonable administrative fee and the cost of all notices.~~
- ~~5. That payment of the assessed total costs are due and payable within thirty (30) days following the receipt of notice of such costs, or the city will levy such costs against the property as a special assessment. And further pursuant to Kansas statute, the City may also pursue the collection of such costs by seeking a personal judgment against the owner in Johnson County District Court as provided by K.S.A. 12-1, 115 and amendments thereto.~~
- ~~6. That no further notice shall be given by the City prior to any additional cutting or removal of weeds and/or uncontrolled thickets on the property by the City or its authorized agent during the current calendar year and that any such additional costs will be assessed in the same manner.~~
- ~~7. That separate from and independent of any abatement action of the weed~~

~~violation by the City, the code official, at his or her option, may also file a complaint or complaints in the Municipal Court of the City against the owner, occupant or agent of the property for any violation of the City weed control ordinance.~~

~~8. That the code official shall be contacted if there are any questions regarding the notice and order.~~

~~In the event any owner, occupant or agent of any property refuses acceptance of any notice and order prescribed above, or in the event the city has made reasonable but unsuccessful efforts to provide notice in the manner prescribed above, a copy of said notice and order shall be posted on the premises and additional copies shall be sent to all known addresses of any owner, occupant or agent by First Class U.S. mail, and notice shall then be deemed given at such time pursuant Kansas State Statute.~~

~~**302.4.3 Abatement; assessment of costs.** If during the correction period prescribed above, the owner, occupant or agent fails to request a hearing or refuses or fails to cut, destroy or remove such weeds and/or uncontrolled thicket to the satisfaction of the code official or an authorized designee, the City or its authorized agent shall cut, destroy, or remove such weeds and/or uncontrolled thicket and shall keep an account of the cost of same and report them to the City Clerk. Provided, if a notice and order was previously served upon the owner, occupant, or agent of the property for a violation of the city weed control ordinance during the same calendar year, the city or its authorized agent may proceed to cut, destroy or remove any weeds and/or uncontrolled thicket without any delay or further notice.~~

~~The City shall issue a notice of costs to the owner, occupant or agent by certified mail, return receipt requested, providing the costs of abatement of the nuisance, which shall include the costs of cutting, destroying, or removing the weeds and/or uncontrolled thickets, a reasonable administrative fee and the cost of all notices. Such notice shall also state that payment of the costs is due and payable within thirty (30) days following receipt of the notice.~~

~~If the costs of abatement remain unpaid after thirty (30) days following receipt of the notice of costs, a record of the costs of abatement shall be certified to the City Clerk, who shall cause such costs to be assessed against the property. The City Clerk shall certify the assessment to the County Clerk at the time other special assessments are certified for spreading on the tax rolls of the county. Further, the City may also pursue the collection of such costs by seeking a personal judgment against the owner in Johnson County District Court, as provided by Kansas State Statute, and amendments thereto.~~

~~If there is a change in the record owner of title to the property subsequent to giving notice pursuant to this article, the City may not recover any costs or levy an assessment for the costs incurred by the cutting, destruction or removal of weeds and/or uncontrolled thickets on the property unless a new record owner of title to the property is provided notice as required by this article.~~

~~**302.4.2 Notice to remove.** See Article 6 (Nuisances, Unsafe or Dangerous Structures, and Abatement of Code Violations) of Chapter VIII (Health and Welfare), as amended, of the Prairie Village Municipal Code, the terms of which are incorporated herein by this reference.~~

302.4.3 Abatement; assessment of costs. See Article 6 (Nuisances, Unsafe or Dangerous Structures, and Abatement of Code Violations) of Chapter VIII (Health and Welfare), as amended, of the Prairie Village Municipal Code, the terms of which are incorporated herein by this reference.

302.4.4 Right of entry. The City and its authorized agent(s) are hereby expressly authorized to enter upon private property at all reasonable hours for the purpose of cutting, destroying, or removing such weeds and/or uncontrolled thickets in a manner consistent with this article.

302.4.5 Unlawful interference. It shall be unlawful for any person to interfere with or to attempt to prevent the City or its authorized agent(s) from entering upon any such property or from proceeding with such cutting, destruction, or removal. Such interference shall constitute a code violation.

302.4.6 Complaint. Separate from and independent of any abatement action as provided for herein or otherwise in city code, the code official, at his or her option, may also file a complaint or complaints in the Municipal Court of the City against the owner, occupant or agent of the property for any violation of the city weed control ordinance.

Section 7. A new Section 8-210 is hereby added to the Code of the City of Prairie Village, Kansas, to read as follows:

8-210 AMENDMENTS TO SECTION 111.1 – MEANS OF APPEAL

Section 111.1 of the 2018 IPMC is hereby amended to read as follows:

111.1 Application for appeal. Except to the extent any appeal or hearing rights are separately provided for elsewhere, including but not limited to Article 6 of Chapter VIII, as amended, of the Prairie Village Municipal Code, any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within twenty (20) days after the day the decision, notice, or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Section 6. Existing Section 8-211 of the Code of the City of Prairie Village, Kansas, is hereby amended to read as follows:

8-211 AMENDMENTS TO SECTION 302.8 – MOTOR VEHICLES

Section 302.8 of the 2018 IPMC -, as adopted by the City, is hereby amended to read as follows:

302.8 Motor vehicles. ~~†~~Except as otherwise set forth in this section, it is a violation of this chapter for any person, partnership, corporation, or other entity, or their agent either as owner, lessee, tenant, or occupant of land within the city to park, store, deposit, or permit to be parked, stored, or deposited on such land or on the public street adjacent thereto a vehicle that is inoperative or unlicensed. No vehicle shall at any time be in a state of major disassembly, disrepair, or in a state of being stripped or dismantled.

Painting of vehicles is prohibited unless conducted inside an approved spray booth designed for the environmentally safe application of the paint. The provisions of this article section shall not apply to owners who have temporarily placed their motor vehicle in an inoperable condition while working on the vehicle on their premises, provided that such work is performed inside an enclosed structure designed and approved for such use. In no event shall an owner or person in possession maintain a motor vehicle on his or her premises in an inoperable condition, outside of an enclosed structure, for a period in excess of 48 hoursforty-eight (48) hours. Violation of the provisions of this section shall further be deemed a nuisance.

302.8.1 Motor vehicle nuisances unlawful; defined; exceptions. It shall be unlawful for any person to maintain or permit any motor vehicle nuisance within the City. A-Except as otherwise set forth in this section, a motor vehicle nuisance is any motor vehicle which is-; not currently registered or tagged pursuant to K.S.A. 8-126 to 8-149 inclusive, as amended; ~~or~~ parked in violation of City ordinance; ~~or~~ incapable of moving under its own power; or in a junked, wrecked, or inoperable condition. Any one of the following conditions shall raise the presumption that a vehicle is junked, wrecked, or inoperable:

1. Absence of a current registration plate upon the vehicle;
2. Placement of the vehicle or parts thereof upon jacks, blocks, or other supports;
3. Absence of one or more parts of the vehicle necessary for the lawful operation of the vehicle upon street or highway.

The provisions of this section shall not apply to:

1. Any motor vehicle which is fully enclosed in a garage or other building;
2. The parking or storage of a vehicle inoperable for a period of 48forty-eight (48) consecutive hours or less;
3. Any person conducting a business enterprise in compliance with the existing zoning regulations-; or
4. To the extent provided elsewhere in this section.

~~Nothing Provided, that nothing~~ in this section shall be construed to authorize the maintenance of a public ~~nuisances~~nuisance. See Article 6 (Nuisances, Unsafe or Dangerous Structures, and Abatement of Code Violations) of Chapter VIII (Health and Welfare), as amended, of the Prairie Village Municipal Code, the terms of which are incorporated herein by this reference, and K.S.A. 8-1101 et seq.

~~**302.8.2 Complaints; inquiry and inspection.** The code official shall make inquiry and inspection of premises upon receiving a complaint or complaints stating that a motor vehicle nuisance exists and describing the same and where located. The code official or designee may make such inquiry and inspection when he or she observes conditions which appear to constitute a motor vehicle nuisance. Upon making any inquiry and inspection, the code official or designee shall maintain a written report of findings.~~

~~**302.8.3 Right of entry.** It shall be a violation of this article to deny the code official or his or her designated agent(s) the right of access and entry upon private property at any reasonable time for the purpose of making inquiry and inspection to determine if a nuisance exists.~~

~~**302.8.4 Notice.** Any person found by the code official to be in violation of Section 302.8.1, as amended, shall be served a notice of such violation. The notice shall be served by restricted mail, postage prepaid, return receipt requested or personally~~

~~served; In the event that such person cannot be served in person or by restricted mail or such person is unknown or his or her location is unknown, the code official or designee shall make an affidavit to that effect and service may be made by publication of the notice once each week for two consecutive weeks in an official city newspaper and by posting the notice on the motor vehicle.~~

~~**302.8.5 Contents of notice.** The notice shall state the condition(s) which is (are) in violation of Section 302.8.1. The notice shall also include the following:~~

- ~~1. He, she or they will have ten (10) days from the date of serving the notice to abate the condition(s);-~~
- ~~2. He, she, or they will have ten (10) days from the date of serving the notice to request a hearing before the governing body on the matter as provided by Section 302.8.9.~~
- ~~3. Failure to abate the condition(s) or to request a hearing within the time allowed may result in prosecution as provided in Section 302.8.9 and/or abatement of the condition(s) by the City as provided in Section 302.8.7.~~

~~**302.8.6 Failure to comply; penalty.** Should the person fail to comply with the notice to abate the nuisance or request a hearing, the code official may file a complaint in the Municipal Court of the City against such person and upon conviction, be fined an amount consistent with the violation penalties outlined in 106.4 of the IPMC, as adopted by the City.~~

~~**302.8.7 Abatement.** In addition to, or as an alternative to prosecution as provided in Section 302.8.6, the code official or designee may seek to remedy violations of this article in the following manner. If a person to whom a notice has been sent pursuant to Section 302.8.4 has neither alleviated the condition(s) causing the alleged violation, or requested a hearing before the governing body within the time period specified herein, the code official or designee may present a resolution to the governing body for adoption authorizing the code official or other agents of the city to abate the condition(s) causing the violation at the end of ten (10) days after passage of the resolution. The resolution shall further provide that the costs incurred by the city shall be charged against the lot or parcel of ground on which the motor vehicle nuisance was located, or against lots or parcels of property in the city which are owned by the owner of the motor vehicle causing the nuisance, as provided in Section 302.8.10. A copy of the resolution shall be served upon the person in violation in one of the following ways:~~

- ~~1. Personal service upon the person in violation;-~~
- ~~2. Service by certified mail, postage prepaid, return receipt requested;~~
- ~~3. In the event the whereabouts of such person are unknown and the same cannot be ascertained in the exercise of reasonable diligence, an affidavit to that effect shall be made by the code official and filed with the city clerk, and the serving of the resolution shall be made by publishing the same once each week for two consecutive weeks in the official city newspaper and by posting a copy of the resolution on the premises where such condition(s) exist.~~

~~**302.8.8 Disposition of vehicle.** Disposition of any motor vehicle removed and abated from private property pursuant to this article shall be as provided by Kansas State Statute.~~

~~**302.8.9 Hearing.** If a hearing is requested within the ten (10) day period as provided in Section 302.8.5, such request shall be made in writing to the governing body. Failure to make a timely request for a hearing shall constitute a waiver of the person's right to contest the findings of the code official before the governing body. The hearing shall be held by the governing body as soon as possible after filing the request and the person shall be advised by the city of the time and place of the hearing at least five (5) days in advance thereof. At such hearing the person may be represented by counsel, and the person and the city may introduce such witnesses and evidence as is deemed necessary and proper by the governing body. The hearing need not be conducted according to the formal rules of evidence. Upon conclusion of the hearing, the governing body shall record its determination of the matter by means of adopting a resolution and serving the resolution upon the person in the manner provided in Section 302.8.7.~~

~~**302.8.10 Costs assessed.** If the city abates the motor vehicle nuisance pursuant to this chapter, the cost of abatement shall be charged against the lot or parcel of ground on which the nuisance was located or against lots or parcels of property in the city which are owned by the owner of the motor vehicle causing the nuisance. The city clerk shall, at the time of certifying other taxes to the county clerk, certify the costs as provided in this section. The county clerk shall extend the same on the tax roll and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid.~~

~~**302.8.11** **302.8.2 Inoperable vehicles; authorization of code official to order removal.** Except as otherwise set forth in this section, it is a violation of this chapter for any person, partnership, corporation, or other entity, or their agent either as owner, lessee, tenant, or occupant of land within the city to park, store, or deposit, or permit to be parked, stored, or deposited on such land or on the public street adjacent thereto, a vehicle that is not in an operating condition. In the event that the code official finds that any such person has parked, stored, or deposited, or permitted to be parked, stored, or deposited on such land or in the streets immediately adjacent thereto such a vehicle, the orders that he or she enters may include in violation of this section, the code official may issue an order to remove such vehicle from such land or the street immediately adjacent thereto. In the event the person to whom the order is directed fails to remove such vehicle within the specified time, the code official may enter an order authorizing the city to ~~tow and~~ remove the vehicle as provided ~~by Kansas State Statute~~ in this code or in Article 6 of Chapter VIII of the Prairie Village Municipal Code and K.S.A. 8-1101 et seq., as amended, the terms of which are incorporated herein by this reference.~~

~~**302.8.12** **302.8.3 Parking and storage of inoperable vehicles in residential zoning districts.** Except as otherwise set forth in this section, it is unlawful for the owner or person in possession of any motor vehicle to park or place the vehicle upon a street, driveway, ~~lot, plot, or tract within any district zoned R-1 through R-4 and RP-1 through RP-4~~ (except in an enclosed structure) while the vehicle is in an inoperable condition. Provided however, that this section 302.8.3 shall not apply to filling stations (or gasoline service stations) operating as special uses or non-conforming uses. The provisions of this ~~article-section~~ shall not apply to owners who have temporarily placed their motor vehicles in an inoperable condition while working on the vehicles on their premises. In no event shall an owner or person in possession maintain a motor vehicle~~

on his or her premises in an inoperable condition for a period in excess of forty-eight (48) hours unless such vehicle is placed in an enclosed structure.

Prior to issuing a citation, the code official or a police officer of the city shall make a reasonable attempt to notify and inform the owner or person in possession of the vehicle of the ordinance violation. The notification shall state the date and time which it is issued and shall notify the owner or person in possession of the vehicle that in the event the same is not placed in an operating condition, removed from the premises, or placed in an enclosed structure within forty-eight (48) hours of the issuance of the notice, a citation will be filed against the owner or person in possession in municipal court. In no event shall the temporary moving of such vehicle by the owner or person in possession of the same operate as a defense to a citation alleging violation of this section.

~~**302.8.13 302.8.4 Parking and storage of inoperable vehicles in commercial zoning districts.** It Except as otherwise set forth in this section, it is unlawful for the owner or person in possession of any motor vehicle to park or place the vehicle upon a street, driveway, lot, plot or tract within any district zoned C-O through C-2 and GP-O through GP-2 (except in an enclosed structure) while the vehicle is in an inoperable condition. Provided however, that this section 302.8.14 302.8.4 shall not apply to filling stations (or gasoline service stations) operating as special uses or nonconforming uses.~~

~~Prior to issuing a citation, the code official or a police officer of the city shall make a reasonable attempt to notify and inform the owner or person in possession of the vehicle of the ordinance violation. The notification shall state the date and time at which it is issued and shall notify the owner or person in possession of the vehicle that in the event the same is not removed from the premises, or placed in an enclosed structure within forty-eight (48) hours of the issuance of the notice, a citation will be filed against the owner or person in possession in municipal court. In no event will the temporary moving of such vehicle by the owner or person in possession operate as a defense to a citation alleging violation of this section.~~

~~**302.8.14 302.8.45 Parking and storage of motor vehicles accepted for repair by filling stations (or gasoline service stations) operating as special uses or nonconforming uses.** The Notwithstanding the foregoing, the regulations set forth in this section-subsection shall apply to the parking or storing of motor vehicles accepted for repair by filling stations (or gasoline service stations) operating as special or nonconforming uses anywhere in the city.~~

All such vehicles may be stored or parked only in an enclosed structure or in parking spaces located on the premises of such filling station. Such vehicles shall not be parked on the street. No more than twelve (12) such vehicles shall be stored or parked on the premises of such filling station (other than in an enclosed structure) at any one time. No such vehicles shall be parked or stored on the premises (other than in an enclosed structure) for a period in excess of fourteen (14) consecutive days.

302.8.65 Complaints; inquiry and inspection. The code official or designee shall make inquiry and inspection of premises upon receiving a complaint or complaints stating that a motor vehicle nuisance exists and describing the same and where located. The code official or designee may make such inquiry and inspection when he or she observes conditions which appear to constitute a motor vehicle nuisance. Upon

making any inquiry and inspection, the code official or designee shall maintain a written report of findings.

302.8.76 Right of entry. It shall be a violation of this article to deny the code official or his or her designated agent(s) the right of access and entry upon private property at any reasonable time for the purpose of making inquiry and inspection to determine if a nuisance exists.

302.8.87 Notice; contents; abatement; disposition of vehicle; hearing; costs assessed. Any person found by the code official to be in violation of this section shall be served a notice of such violation. See Article 6 (Nuisances, Unsafe or Dangerous Structures, and Abatement of Code Violations) of Chapter VIII (Health and Welfare) of the Prairie Village Municipal Code and K.S.A. 8-1101 *et seq.*, as amended, the terms of which are incorporated herein by this reference.

302.8.9 Contents of notice. Any person found by the code official to be in violation of this section shall be served a notice of such violation. See Article 6 (Nuisances, Unsafe or Dangerous Structures, and Abatement of Code Violations) of Chapter VIII (Health and Welfare) of the Prairie Village Municipal Code and K.S.A. 8-1101 *et seq.*, as amended, the terms of which are incorporated herein by this reference.

302.8.10 Abatement. See Article 6 (Nuisances, Unsafe or Dangerous Structures, and Abatement of Code Violations) of Chapter VIII (Health and Welfare) of the Prairie Village Municipal Code and K.S.A. 8-1101 *et seq.*, as amended, the terms of which are incorporated herein by this reference.

302.8.11 Disposition of vehicle. See Article 6 (Nuisances, Unsafe or Dangerous Structures, and Abatement of Code Violations) of Chapter VIII (Health and Welfare) of the Prairie Village Municipal Code and K.S.A. 8-1101 *et seq.*, as amended, the terms of which are incorporated herein by this reference.

302.8.12 Hearing. See Article 6 (Nuisances, Unsafe or Dangerous Structures, and Abatement of Code Violations) of Chapter VIII (Health and Welfare) of the Prairie Village Municipal Code and K.S.A. 8-1101 *et seq.*, as amended, the terms of which are incorporated herein by this reference.

302.8.13 Costs assessed. See Article 6 (Nuisances, Unsafe or Dangerous Structures, and Abatement of Code Violations) of Chapter VIII (Health and Welfare) of the Prairie Village Municipal Code and K.S.A. 8-1101 *et seq.*, as amended, the terms of which are incorporated herein by this reference.

Section 7. Sections 8-205, 8-206, 8-207, 8-208, 8-209, 8-210, and 8-211 of the Prairie Village Municipal Code, in existence as of and prior to the adoption of this Ordinance, and all other ordinances and parts thereof that are inconsistent with any provision of this Ordinance, are hereby repealed.

Section 8. This ordinance shall take effect and be ~~enforced from in force beginning June 1, 2021~~ upon December 1, 2021 and after its passage, approval, and publication as provided by law.

PASSED by the City Council of the City of Prairie Village, Kansas on _____,
~~2021.~~November 15, 2021

APPROVED by the Mayor on _____, November 15, 2021.

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. 2461

AN ORDINANCE AMENDING CHAPTER IV OF THE PRAIRIE VILLAGE MUNICIPAL CODE (BUILDINGS AND CONSTRUCTION) BY AMENDING CERTAIN SECTIONS OF ARTICLE 1 (INTERNATIONAL BUILDING CODE), ADDING NEW AND SUBSTITUTE PROVISIONS THERETO, AND REPEALING THE PREVIOUS SECTIONS SO AMENDED.

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

Section 1. Existing Section 4-112 of the Code of the City of Prairie Village, Kansas, is hereby amended to read as follows:

4-112 AMENDMENTS TO SECTION 114.4 – VIOLATION PENALTIES

Section 114.4 of the 2018 IBC, as adopted by the City, is hereby amended to read as follows:

114.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, demolishes, or repairs a building or structure in violation of the approved construction documents or directive of the Building Official or of a permit or certificate issued under the provisions of this code, or other references incorporated, is guilty of a public offense and may be subject to penalties as prescribed by this article or other applicable law.

Section 2. Existing Section 4-113 of the Code of the City of Prairie Village, Kansas, is hereby amended to read as follows:

4-113 AMENDMENTS TO SECTION 116.1 – CONDITIONS

Section 116.1 of the 2018 IBC, as adopted by the City, is hereby amended to read as follows:

116.1 Conditions. See Article 6 (Nuisances, Unsafe or Dangerous Structures, and Abatement of Code Violations) of Chapter VIII (Health and Welfare), as amended, of the Prairie Village Municipal Code, the terms of which are incorporated herein by this reference.

Section 3. Existing Section 4-114 of the Code of the City of Prairie Village, Kansas, is hereby amended to read as follows:

4-114 AMENDMENTS TO SECTION 116.2 – RECORD

Section 116.2 of the 2018 IBC, as adopted by the City, is hereby amended to read as follows:

116.2 Record. See Article 6 (Nuisances, Unsafe or Dangerous Structures, and Abatement of Code Violations) of Chapter VIII (Health and Welfare), as amended, of the Prairie Village Municipal Code, the terms of which are incorporated herein by this reference.

Section 4. Existing Section 4-115 of the Code of the City of Prairie Village, Kansas, is hereby amended to read as follows:

4-115 AMENDMENTS TO SECTION 116.3 – NOTICE

Section 116.3 of the 2018 IBC, as adopted by the City, is hereby amended to read as follows:

116.3 Notice. See Article 6 (Nuisances, Unsafe or Dangerous Structures, and Abatement of Code Violations) of Chapter VIII (Health and Welfare), as amended, of the Prairie Village Municipal Code, the terms of which are incorporated herein by this reference.

Section 5. Existing Section 4-116 of the Code of the City of Prairie Village, Kansas, is hereby amended to read as follows:

4-116 AMENDMENTS TO SECTION 116-4 – METHOD OF SERVICE

Section 116.4 of the 2018 IBC, as adopted by the City, is hereby amended to read as follows:

116.4 Method of Service. See Article 6 (Nuisances, Unsafe or Dangerous Structures, and Abatement of Code Violations) of Chapter VIII (Health and Welfare), as amended, of the Prairie Village Municipal Code, the terms of which are incorporated herein by this reference.

Section 6. Existing Section 4-117 of the Code of the City of Prairie Village, Kansas, is hereby amended to read as follows:

4-117 AMENDMENTS TO 116.5 – RESTORATION

Section 116.5 of the 2018 IBC, as adopted by the City, is hereby amended to read as follows, in accordance with the original wording of the 2018 IBC:

116.5 Restoration. Where the structure or equipment determined to be unsafe by the Building Official is restored to a safe condition, to the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions and change of occupancy shall comply with the requirements of the International Existing Building Code, as adopted by the City.

Section 7. Existing Sections 4-118, 4-119, 4-120, 4-121, 4-122, 4-123, and 4-124, of the Code of the City of Prairie Village, Kansas, are hereby deleted in their entirety.

Section 8. Existing Section 4-125 of the Code of the City of Prairie Village, Kansas, is hereby renumbered as Section 4-118 and is hereby amended to read as follows:

4-118 ADDITION OF SECTION 116.6 – RIGHT OF ENTRY; UNLAWFUL INTERFERENCE; PENALTY

A new Section 116.6 is hereby added to the 2018 IBC, as adopted by the City, to read as follows:

116.6 Right of entry; unlawful interference; penalty. Any authorized officer or agent of

the City pursuant to this Article, shall be allowed to enter onto any land within the city limits to investigate violations of this Article or for the abatement of violations pursuant to this Article. It shall be unlawful for any person to interfere with a public officer or agent of the City in performing his or her duties pursuant to this article whether investigation or abating violations. Any person who interferes with an officer or agent of the City pursuant to this Article shall be punished as provided in this Article or otherwise as provided by applicable law.

Section 9. Existing Section 4-126 of the Code of the City of Prairie Village, Kansas, is hereby renumbered as Section 4-119 and is hereby amended to read as follows:

4-119 ADDITION OF SECTION 116.7 – PENALTY

A new Section 116.7 is hereby added to the 2018 IBC, as amended by the City, to read as follows:

116.7 Penalty. Any property owner, representative, tenant or person found in violation of this article shall be subject to prosecution in municipal court. Any such person found guilty of violating the provisions of this article shall be subject to a fine of not less than \$50.00 nor more than \$500.00 and not more than ten (10) days in jail, or both. Any person found guilty of violating the provisions of this article two (2) or more times within any one-year period, or determined by the municipal court to be a perennial violator, shall be fined not less than \$250.00 nor more than \$500.00 and shall be subject to a sentence not to exceed thirty (30) days in jail, or both. Prosecution of any offender under this article does not limit the City's right to pursue assessment or collection of costs as stated in this article, or by other laws. Each day that any violation shall continue shall constitute a separate offense.

Section 10. Sections 4-112, 4-113, 4-114, 4-115, 4-116, 4-117, 4-118, 4-119, 4-120, 4-121, 4-122, 4-123, 4-124, 4-125, and 4-126 of the Prairie Village Municipal Code, in existence as of and prior to the adoption of this Ordinance, and all other ordinances and parts thereof that are inconsistent with any provision of this Ordinance, are hereby repealed.

Section 11. This ordinance shall take effect and be in force beginning December 1, 2021 upon and after its passage, approval, and publication as provided by law.

PASSED by the City Council of the City of Prairie Village, Kansas on November 15, 2021.

APPROVED by the Mayor on November 15, 2021.

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. 2461

AN ORDINANCE AMENDING CHAPTER IV OF THE PRAIRIE VILLAGE MUNICIPAL CODE (BUILDINGS AND CONSTRUCTION) BY AMENDING CERTAIN SECTIONS OF ARTICLE 1 (INTERNATIONAL BUILDING CODE), ADDING NEW AND SUBSTITUTE PROVISIONS THERETO, AND REPEALING THE PREVIOUS SECTIONS SO AMENDED.

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

Section 1. Existing Section 4-112 of the Code of the City of Prairie Village, Kansas, is hereby amended to read as follows:

4-112 AMENDMENTS TO SECTION 114.4 – VIOLATION PENALTIES

Section 114.4 of the 2018 IBC-, as adopted by the City, is hereby amended to read as follows:

114.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, demolishes, or repairs a building or structure in violation of the approved construction documents or directive of the Building Official or of a permit or certificate issued under the provisions of this code, ~~shall be subject to penalties as prescribed by law,~~ or other references incorporated, is guilty of a public offense and may be subject to ~~punishment as provided in PVMC Chapter 1, Article 1, Section 1-116~~penalties as prescribed by this article or other applicable law.

Section 2. Existing Section 4-113 of the Code of the City of Prairie Village, Kansas, is hereby amended to read as follows:

4-113 AMENDMENTS TO SECTION 116.1 – ~~NUISANCES AND UNSAFE STRUCTURES – LEGISLATIVE FINDINGS~~CONDITIONS

Section 116.1 of the 2018 IBC-, as adopted by the City, is hereby amended to read as follows:

~~**116.1 Legislative findings.** The purpose of this section is to provide reasonable controls restricting and prohibiting the allowance of nuisances and unsafe structures to exist on property within the City; to declare that certain conditions constitute public nuisances or structures, which are unsightly; a menace dangerous to the health of the inhabitants of the City; are offensive to the general public health, safety, and welfare of the community; to provide a method of enforcement of this section; to provide procedures to notify property owners or those in control of real property; to provide a method of assessment or collection of costs for abatement by the City; to declare that the existence of such violations are unlawful; and to provide penalties for enforcement through the Municipal Court system.~~

116.1 Conditions. See Article 6 (Nuisances, Unsafe or Dangerous Structures, and Abatement of Code Violations) of Chapter VIII (Health and Welfare), as amended, of the Prairie Village Municipal Code, the terms of which are incorporated herein by this reference.

~~The Governing Body of the City hereby finds that the allowances of nuisances and unsafe or dangerous structures, as defined herein, on private property or adjacent rights of way or easements are public nuisances which are unsightly, a menace dangerous to the health of the inhabitants of the City; of the residential or commercial area and the residents thereof, and are offensive to the general public health, safety, and welfare of the community. Such nuisances or unsafe structures promote conditions which may cause disease, pollution, proliferation of rats, vermin, mosquitoes and snakes; the spread of fire; a harmful environment for transients and the community as a result of transient use; harmful attractions for children; creates long and short impacts on the area, including the diminution of property values and the integrity of the neighborhood; and interferes with the orderly development of property in the City.~~

Section 3. Existing Section 4-114 of the Code of the City of Prairie Village, Kansas, is hereby amended to read as follows:

4-114 AMENDMENTS TO SECTION 116.2 – NUISANCES AND UNSAFE STRUCTURES – DEFINITIONSRECORD

Section 116.2 of the 2018 IBC, as adopted by the City, is hereby amended to read as follows:

116.2 Definitions.

116.2 Record. See Article 6 (Nuisances, Unsafe or Dangerous Structures, and Abatement of Code Violations) of Chapter VIII (Health and Welfare), as amended, of the Prairie Village Municipal Code, the terms of which are incorporated herein by this reference.

- ~~a) City – the City of Prairie Village.~~
- ~~b) Graffiti – any drawing, painting, writing, inscription, figure or mark, regardless of its content, of the type which is commonly known and referred to as graffiti, which is written, drawn, painted, sprayed, scratched, or otherwise placed or affixed, regardless of the nature of the material used, on any wall, window, rock, building portion thereof, fence, gate, sign, other structure, tree, or other real or personal property.~~
- ~~c) Nuisance – any condition which causes or creates an unreasonable interference with the rights of the general public and shall include, but not be limited to, graffiti, rank vegetation, rank or infested compost heaps, dense smoke, excessive dust, ash or fine particles in the air, rank ponds or standing water including swimming pools, water receptacles, and undrained areas, cesspools, rank odors, unkempt trash, refuse, brush and limbs, debris or building materials, rank sewage or septic system, excessive accumulation of animal waste, exposed animal carcasses after death, sheds, garages or other accessory structures allowing infestation of rodents or insects or left unsecured to allow the entry of animals, humans, or the natural elements such as rain, hail, and snow, or otherwise left unkempt or unsightly, except for outdoor dog or pet houses maintained in a clean and reasonable manner; trees, shrubs, or plants which are dead, diseased, or infested which present a harmful or dangerous condition to the public; exposed refrigerators or freezers or other appliances left unsecured; and any other condition which is determined to present a dangerous or harmful condition to the public.~~
- ~~d) Perennial violator – Any person who shows an annual pattern of failing to comply with this section which may be shown by repeated notices of abatement notices of~~

- costs, or previous violations.
- e) ~~Person~~ — Any individual; individual's partnership; corporation; unincorporated association; other business organization; committee; board; trustee; receiver; agent; or any representative who has charge, care, or responsibility of maintenance of any property, lot, or parcel of land regardless of status of owner, tenant, or lessee, and regardless of whether such person has possession.
 - f) ~~Property owner~~ — The named property owner as indicated in official records maintained by Johnson County, Kansas.
 - g) ~~Qualified expert~~ — A person who is regularly employed to conduct structural inspections to comply with life, safety, mechanical, plumbing, health, and building codes or a licensed professional in the field of engineering or architecture.
 - h) ~~Representative~~ — Any person or entity listed in the Johnson County, Kansas Appraiser's Office or Treasurer's Office for the purposes of paying taxes; a registered agent with the Kansas Secretary of State's Office for corporate or partnership owners; an agent or manager directed by the property owner, estate, or court order to represent the interests of the property or to otherwise control activities on the real property; or a corporate officer.
 - i) ~~Tenant~~ — Any person who has a severable or non-severable interest in the real property either oral or written lease or covenant or by other methods of conveying a limited interest in such lands; or by any person who occupies or has possession of such real property.
 - j) ~~Unsafe structure~~ — Any structure or part of a structure which remains or is damaged to present a dangerous or unsafe condition to the public, including, but not limited to, structures damaged by fires, damaged by natural events or elements such as wind, tornadoes, earthquakes, flooding, or settling of the ground; damaged by insect infestation; damaged due to the failure to provide reasonable maintenance; structures occupied or unoccupied which have broken windows, missing boards or siding, unsecured doors, or unsecured openings which allow the harboring of animals, insects, transients, or create an attraction to children; structure which, due to the opinion of Qualified Experts or inspectors, including but not limited to, fire, engineering, or architectural experts; present an unsafe or dangerous condition to those on or near the property; unfinished structures where no occupancy permit has been issued, and any building permit has lapsed for more than 90 days; structures which remain unfinished, or without an occupancy permit, after 18 months from the date of the first building permit and where no inspection for newly-completed work has been requested within the last 90 days.

Section 4. Existing Section 4-115 of the Code of the City of Prairie Village, Kansas, is hereby amended to read as follows:

4-115 ~~AMENDMENTS TO SECTION 116.3 – NUISANCE AND UNSAFE STRUCTURES – UNLAWFUL; RESPONSIBILITY TO ABATE~~NOTICE

Section 116.3 of the 2018 IBC, as adopted by the City, is hereby amended to read as follows:

~~116.3 Nuisance and unsafe structure unlawful; responsibility to abate.~~ It shall be unlawful for any property owner, owner's agent, or tenant of real property to allow or maintain a nuisance or unsafe structure on any lot or parcel of ground within the City, including any areas between the property lines of said property and the center line of any

~~adjacent street or alley, including sidewalks, streets, alleys, easements, and rights of way. The property owner, owner's agent, or tenant shall be responsible for the removal or abatement of any nuisance or unsafe structure.~~

116.3 Notice. See Article 6 (Nuisances, Unsafe or Dangerous Structures, and Abatement of Code Violations) of Chapter VIII (Health and Welfare), as amended, of the Prairie Village Municipal Code, the terms of which are incorporated herein by this reference.

Section 5. Existing Section 4-116 of the Code of the City of Prairie Village, Kansas, is hereby amended to read as follows:

4-116 AMENDMENTS TO SECTION 116-4 – ~~ENFORCEMENT AGAINST NUISANCES; DESIGNATION OF OFFICER; NOTICE TO APPEAR; NOTICE OF ABATEMENT; HEARING METHOD OF SERVICE~~

Section 116.4 of the 2018 IBC-, as adopted by the City, is hereby amended to read as follows:

~~**116.4 Enforcement against nuisances; designation of officer; notice to appear; notice of abatement; hearing.** The Building Official shall assist the Governing Body with the administration and enforcement of this section with regards to nuisances. The Building Official shall authorize the investigation of nuisances by his or her designated agents. If it is determined that a nuisance exists and is not remedied by the property owner in timely manner after receiving notice of violation, then the Building Official, or his or her designated agent, shall file a written report with the Governing Body describing the situation, its location, and the circumstances supporting the determination that the matter is a nuisance. If the Governing Body concurs with the report, it shall issue an Order of Abatement directing the property owner, owner's agent, or tenant to remove and abate the nuisance within 10 days. The Order of Abatement shall state:~~

116.4 Method of Service. See Article 6 (Nuisances, Unsafe or Dangerous Structures, and Abatement of Code Violations) of Chapter VIII (Health and Welfare), as amended, of the Prairie Village Municipal Code, the terms of which are incorporated herein by this reference.

- ~~1. A common or legal description of the property, or both;~~
- ~~2. That the property is in violation of this section;~~
- ~~3. The nature of the nuisance, including relevant ordinances or statutes, with sufficient information to reasonably enable the recipient to determine the nature of the violation to allow for self-abatement;~~
- ~~4. That the recipient should remove and abate the nuisance within 10 days of receipt of the order;~~
- ~~5. That the recipient, upon written request, may obtain a hearing before the Governing Body or its designated representative, provided that such request is received by the City Clerk within the 10 day period;~~
- ~~6. That failure to comply with the order shall result in the City's right to remove and abate the nuisance with assessment of the City's costs being made against the property and the recipient;~~
- ~~7. That failure to pay such assessment within 30 days of the City's notice of costs of such removal and abatement shall result in the filing of a tax lien against the~~

property, or the filing for a personal judgment against the recipient, or both;
~~8. That such violations are subject to prosecutions, and that such prosecution shall be independent of any enforcement of the order.~~

~~The Order of Abatement shall be served on the property owner, owner's agent, or tenant by certified mail, return receipt requested, or by personal service; provided any order served on a tenant shall also be served on the owner or owner's agent. If the property is unoccupied and the owner is a non-resident, then the order will be mailed by certified mail, return receipt requested, to the owner's last known address. If, during the preceding 24 month period, the owner, owner's agent, or tenant has failed to accept delivery or to otherwise effectuate receipt of a notice or order sent pursuant to this section, in addition to the methods of service described above, the Governing Body may serve on such person any further order by other methods, including but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail; provided, if the property is unoccupied and the owner is a non-resident, any alternative notice provided for in this paragraph shall be given by telephone communication or first class mail.~~

~~If a recipient of an Order of Abatement makes a written request for a hearing within the 10 day period, a hearing shall be immediately scheduled before the Governing Body or its designated representative. At such hearing, all relevant parties, interest holders, and City officials shall be allowed to present evidence concerning the status of property and the conditions creating the nuisance. Thereafter, the Governing Body or its designated representative may rescind, modify, or uphold the Order of Abatement. In making such a determination, the Governing Body or its designated representative shall describe the relevant facts and specific statute or code provisions being relied upon and state any such other stipulations, methods or removal, and abatement of orders as deemed necessary. If the Order of Abatement is either modified or upheld, the property owner, owner's agent, or tenant shall be given a reasonable time to remove and abate the nuisance, not to exceed 10 days, subject to any extensions as may be permitted or required by law.~~

~~If the Building Official or designated representative determines that a violation of this section exists, he or she may issue a notice to appear in municipal court for such violation. No other procedures are required as a prerequisite to the issuance of a notice to appear. The imposition of any removal and abatement action described herein shall not preclude any appropriate prosecution or penalties. Likewise, the imposition of any prosecution or penalties shall not preclude any appropriate action described herein, or otherwise provided by applicable laws, to remove or abate a nuisance or to collect removal and abatement costs.~~

Section 6. Existing Section 4-117 of the Code of the City of Prairie Village, Kansas, is hereby amended to read as follows:

4-117 ~~AMENDMENTS TO 116.5 – ABATEMENT OF NUISANCE BY CITY; NOTICE OF COSTS; ASSESSMENT AND COLLECTION RESTORATION~~

Section 116.5 of the 2018 IBC, as adopted by the City, is hereby amended to read as follows, in accordance with the original wording of the 2018 IBC:

~~**116.5 Abatement of nuisance by city; notice of costs; assessment and collection.** If the recipient of the notice of abatement fails to comply with the Order of Abatement, or, if~~

~~appropriate, with any order after a hearing on the matter, the City shall have the right to go onto the property to remove and abate the nuisance in a reasonable manner or as otherwise permitted under applicable law. It shall be unlawful for any person to interfere with or attempt to prevent the City or its agents from such action. The City and its agents shall not be responsible for damage to any real or personal property due to reasonable methods of gaining entrance onto the property or for damages to any real or personal property in the reasonable exercise of the removal and abatement of the nuisance. The City may use its own employees or contract for services to remove and abate the nuisance.~~

116.5 Restoration. ~~Where the structure or equipment determined to be unsafe by the Building Official is restored to a safe condition, to the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions and change of occupancy shall comply with the requirements of the International Existing Building Code, as adopted by the City.~~

~~If the City removes and abates the nuisance, the City shall give a Notice of Costs to the property owner or owner's agent by certified mail, return receipt requested, stating the costs of such removal and abatement incurred by the City; See K.S.A. 12-1617e(d).~~

~~The costs shall include the City's cost of providing the notice, including any postage. The recipient shall have 30 days from the date of receipt of such notice to make full payment. The Notice of Costs shall state:~~

- ~~1. The common or legal description of the property, or both;~~
- ~~2. The nature of the nuisance, including relevant ordinances;~~
- ~~3. The nature of the work performed to remove and abate the nuisance;~~
- ~~4. The costs incurred for the abatement of the nuisance in either a lump sum or in an itemized form (including the cost of the notice);~~
- ~~5. That payment is due and payable within 30 days of receipt of the notice~~
- ~~6. That payment should be made payable to the City of Prairie Village, Kansas, and submitted to the City Clerk with a written indication of the purpose of the payment and the address of the property where the nuisance occurred;~~
- ~~7. That failure to pay the entire amount within the 30 day period shall allow the City to file a lien against the property or to pursue litigation for recovery of the costs, or both; and~~
- ~~8. That such additional remedies to recover costs shall include additional amounts, including interest, court costs, attorney fees, and administrative costs.~~

~~If the costs are not paid within the 30 day period, the costs shall be collected in a manner provided by Kansas state statute or shall be assessed as a special assessment against the property. The City Clerk at the time of certifying other City taxes, shall certify the unpaid portion of the costs, and the County Clerk shall extend the same on the tax roll of the county against the property, and it shall be collected by the County Treasurer and paid to the City as other City taxes are collected and paid. The City may pursue collection both by levying a special assessment, and in the manner provided by Kansas state statute, but only until the full costs, including applicable interest, court costs, attorney's fees, and administrative costs have been paid in full.~~

Section 7. Existing Sections 4-118, 4-119, 4-120, 4-121, 4-122, 4-123, and 4-124, of the Code of the City of Prairie Village, Kansas, are hereby deleted in their entirety.

~~**4-118 — ADDITION OF SECTION 116.6 — ENFORCEMENT AGAINST UNSAFE STRUCTURES; DESIGNATION OF OFFICER; NOTICE TO APPEAR; HEARING; RESOLUTION**~~

A new Section 116.6 is hereby added to the 2018 IBC, as adopted by the City, to read as follows:

~~**116.6 Enforcement against unsafe structures; designation of officer; notice to appear; hearing; resolution.** The Building Official shall be charged with the administration and enforcement of this section as it concerns unsafe structure. The Building Official shall authorize the investigation of violations of this section by his or her designated agents. If it is determined that a violation of this section exists, then the Building Official or his or her designated agent shall file a written report with the Governing Body of the City describing the situation, its location, and the circumstances that support the determination that the structure is unsafe. The Governing Body shall then fix a time and place at which the owner, representative, tenant, or lienholders of record may appear and show cause why such structure should not be condemned and ordered repaired or demolished. Such resolution shall be published once each week for two consecutive weeks. At least 30 days shall elapse between the last publication and the date set for the hearing. A copy of the resolution shall be mailed by certified mail, return receipt requested, within 3 days after its first publication to each such owner, representative, tenant, or lienholder of record, as can reasonably be determined, at the last known place of residence, and shall be marked "deliver to addressee only."~~

~~On the hearing date fixed by the Governing Body's resolution, all relevant parties, interest holders and relevant city officials shall be allowed to present evidence concerning the status of the property. The Governing Body shall subsequently make findings by resolution. If the Governing Body finds that such structure is unsafe or dangerous, such resolution shall direct the structure to be repaired or removed and the premises made safe and secure. Such resolution shall be published once in the official city newspaper and a copy mailed to the owners, representatives, tenants, or lienholders of record by certified mail, return receipt requested. The resolution shall affix a reasonable time within which the repair or removal of such structure within the time stated, or fails to diligently commence such action until the work is completed, the Governing Body will cause the structure to be razed and removed.~~

~~If an authorized agent determines that a violation of this section exists, he or she may issue a notices to appear in municipal court for such violations. No other procedures are required as a prerequisite to the issuance of a notice to appear.~~

~~**4-119 — ADDITION OF SECTION 116.7 — EXCAVATION FILL**~~

A new Section 116.7 is hereby added to the 2018 IBC, as adopted by the City, to read as follows:

~~**116.7 Excavation fill.** It shall be the duty of the property owner, representative, or the tenant, upon removal of a structure, to fill any basement, after removing all concrete footings and foundation walls, or other excavation located upon the premises and take~~

~~any other action necessary to leave such premises in a safe condition, including grading and seeding or sodding of the area, removal of dirt or mud from roads, streets, alleys, or sidewalks, to allow for proper drainage of the site, and to remove any and all refuse, trash, debris, brush and limbs, or materials from the site.~~

~~**4-120 — ADDITION OF SECTION 116.8 — REMOVAL OF UNSAFE STRUCTURES; SALVAGE; SALE; ASSESSMENT AND COLLECTION OF COSTS; PROCEDURE**~~

~~A new Section 116.8 is hereby added to the 2018 IBC, as adopted by the City, to read as follows:~~

~~**116.8 Removal of unsafe structures; salvage; sale, assessment and collection of costs; procedure.** If the owner of any structure has failed to commence the repair or removal of such structure within the time stated in the resolution, or has failed to diligently prosecute the same thereafter, the City may proceed to raze and remove such structure and make the premises safe and secure. The City may perform this work through its own employees or contract for services to perform the work. The City shall keep an account of the costs for such work and may sell the salvage from such structure and apply the proceeds or any necessary portion thereof to pay the cost of removing such structure and making the premises safe and secure. All moneys in excess of that necessary to pay such costs after the payment of all associated invoices shall be paid to the owner of the premises upon which the structure was located.~~

~~The City shall give notice to the owner of such structure by certified mail, return receipt requested, of the total cost incurred by the City in removing such structure and making the premises safe and secure. Such notice shall also state that payment of such costs is due and payable within 30 days following receipt for such notice. If the cost is not paid within the 30 day period, and if there is no salvageable material or if moneys received from the sale of salvage or from the proceeds of any insurance policy in which the City has created a lien pursuant to Kansas state statute are insufficient to pay the cost of such work, the balance shall be collected in a manner provided by Kansas state statute, but only until the full cost and applicable interest has been paid in full. Whenever any structure is removed from any premises under the provisions of this section, the City Clerk shall certify to the County Appraiser that such structure has been removed.~~

~~**4-121 — ADDITION OF SECTION 116.9 — PROOF OF REPAIRING OR REBUILDING**~~

~~A new Section 116.9 is hereby added to the 2018 IBC, as adopted by the City, to read as follows:~~

~~**116.9 Proof of repairing or rebuilding.** In lieu of the payment of proceeds, the insured may present satisfactory proof to the Building Official that the insured has or will remove debris and repair, rebuild, or otherwise make the premises safe and secure. Upon presentation of such sufficient evidence, the Building Official, along with the City Clerk, shall certify that adequate proof of repairing or rebuilding has been given and that payment of insurance proceeds to the City shall not be paid, subject to any lien created by the City~~

~~**4-122 — ADDITION OF SECTION 116.10 — CITY NOT PARTY TO INSURANCE CONTRACT**~~

~~A new Section 116.10 is hereby added to the 2018 IBC, as adopted by the City, to read as follows:~~

~~**116.10 City not party to insurance contract.** This section does not make the City a party to any insurance contract, nor is the insurer liable to any party or any amount in excess of the proceeds otherwise payable under its insurance policy.~~

~~**4-123 — ADDITION OF SECTION 116.11 — FAILURE TO PAY INSURANCE PROCEEDS OR TO OBTAIN A CERTIFICATE IN LIEU OF PAYMENT PROCEEDS**~~

~~A new Section 116.11 is hereby added to the 2018 IBC, as adopted by the City, to read as follows:~~

~~**116.11 Failure to pay insurance proceeds or to obtain a certificate in lieu of payment of proceeds.** It is unlawful for any person to fail to provide the payment of insurance proceeds as required by this section unless a certificate in lieu of payment of proceeds has been obtained through the City.~~

~~**4-124 — ADDITION OF SECTION 116.12 — IMMEDIATE HAZARDS**~~

~~A new Section 116.12 is hereby added to the 2018 IBC, as adopted by the City, to read as follows:~~

~~**116.12 Immediate hazards.** In the event the public officer under this section determines that a nuisance or unsafe structure exists which creates an immediate hazard, then the City shall proceed, without delay, to take steps to abate the situation and without prior notice to or hearing of the owner, representative, or tenant. The cost of such action shall be assessed as permitted by Kansas State Statute.~~

Section 8. Existing Section 4-125 of the Code of the City of Prairie Village, Kansas, is hereby renumbered as Section 4-118 and is hereby amended to read as follows:

~~**4-1254-118**~~ **ADDITION OF SECTION 116.13 — 116.6 - RIGHT OF ENTRY; UNLAWFUL INTERFERENCE; PENALTY**

A new Section ~~116.13~~ 116.6 is hereby added to the 2018 IBC, as adopted by the City, to read as follows:

~~**116.13-116.6 Right of entry; unlawful interference; penalty.**~~ Any authorized officer or agent of the City pursuant to this Article, shall be allowed to enter onto any land within the city limits to investigate violations of this Article or for the abatement of violations pursuant to this Article. It shall be unlawful for any person to interfere with a public officer or agent of the City in performing his or her duties pursuant to this article whether investigation or abating violations. Any person who interferes with an officer or agent of the City pursuant to this Article shall be punished as provided in ~~Section 116.14~~ this Article or otherwise as provided by applicable law.

Section 9. Existing Section 4-126 of the Code of the City of Prairie Village, Kansas, is hereby renumbered as Section 4-119 and is hereby amended to read as follows:

4-1264-119

ADDITION OF SECTION ~~116.14-116.7~~ – PENALTY

A new Section ~~116.14-116.7~~ is hereby added to the 2018 IBC, as amended by the City, to read as follows:

~~116.14-116.7~~ Penalty. Any property owner, representative, tenant or person found in violation of this article shall be subject to prosecution in municipal court. Any such person found guilty of violating the provisions of this article shall be subject to a fine of not less than \$50-.00 nor more than \$500-.00 and not more than ~~10-ten (10)~~ days in jail, or both. Any person found guilty of violating the provisions of this article two (2) or more times within any one-~~year~~ period, or determined by the municipal court to be a perennial violator, shall be fined not less than \$250-.00 nor more than \$500-.00 and shall be subject to a sentence not to exceed ~~30-thirty (30)~~ days in jail, or both. Prosecution of any offender under this article does not limit the City's right to pursue assessment or collection of costs as stated in this article, or by other laws. Each day that any violation shall continue shall constitute a separate offense.

Section 10. Sections 4-112, 4-113, 4-114, 4-115, 4-116, 4-117, 4-118, 4-119, 4-120, 4-121, 4-122, 4-123, 4-124, 4-125, and 4-126 of the Prairie Village Municipal Code, in existence as of and prior to the adoption of this Ordinance, and all other ordinances and parts thereof that are inconsistent with any provision of this Ordinance, are hereby repealed.

Section ~~4~~11. This ordinance shall take effect and be ~~enforced from-in force beginning June 1, 2021~~December 1, 2021 upon and after its passage, approval, and publication as provided by law.

PASSED by the City Council of the City of Prairie Village, Kansas on _____,
November 15, 2021.

APPROVED by the Mayor on _____, November 15, 2021.

CITY OF PRAIRIE VILLAGE, KANSAS

Eric Mikkelson, Mayor

ATTEST:

Adam Geffert, City Clerk

APPROVED AS TO LEGAL FORM:

David E. Waters, City Attorney



POLICE DEPARTMENT

Council Committee Meeting Date: November 1, 2021
Council Meeting Date: November 15, 2021

COU2021-81 CONSIDER APPROVAL OF THE HIRING OF PART-TIME CRIME ANALYST

RECOMMENDATION

The Prairie Village Police Department recommends hiring a part-time Crime Analyst to assist in crime data collection, collation and reporting. The Analyst position will also assist Police Command in forecasting crime trends, as well as aid in more efficient disbursement of manpower and equipment.

BACKGROUND

In 2004, the Police Department added a sworn position titled Crime Prevention Officer. This position was designed to help the Department reduce crime by educating our citizens on ways to keep their homes and businesses safe. At times throughout the years, Crime Prevention officers have assisted Command Staff with crime statistics by using mapping technology. Unfortunately, due to manpower shortages, the position of Crime Prevention has been vacant more than filled. With the ever-increasing complexities of the computer software used to generate reports, as well as those used to run queries and other data collection, the acquisition of a specialist in the field of crime data analysis is needed.

The Police Department uses intelligence-based policing as its strategy to respond to and deter criminal activity. In order to effectively use this strategy, a Department must have current and relevant statistical data to use. We have numerous data collection points for criminal activity, persons, places and many other trackable statistics. The Police Department does not have personnel who possess the technical expertise to use the various data mining techniques required to retrieve the information needed to successfully use this type of policing strategy.

The Police Department currently has a volunteer who has the technical expertise the Department needs to accomplish this goal. Jeff Collins (VIPS) started working for the Police Department in late 2020 as a volunteer. Mr. Collins has created several data programs and search engines that have been used to improve the efficiency of police operations. Some of those accomplishments are listed below.

- Created Monthly Stats Program – This information is used to create the PV Monthly Stat report, as well as others disseminated to the public and Council. Information can be accessed by supervisors and officers to plot criminal activity to be used to predict possible future occurrences. This information is also used in bi-monthly COMPSTAT meetings used by Division Commanders;
- Demographics Research and Calculations – developed a computer program that extrapolated information from several different software systems to create usable reports aiding in the Department's Bias-Based Policing avoidance. This

information was requested and disseminated to both the Prairie Village and Mission Hills Councils, as well as the Prairie Village Diversity Committee.

- Created a program to quantify how many arrests involving weapons were encountered by officers (information was requested by the Mission Hills Council), and
- Computer program created that allows the user to enter latitude/longitude to define areas where activity occurred. This program was used by supervision who met with Kenilworth Apartment managers to discuss areas of repeated criminal activity and methods to partner with us to reduce them.

Since Mr. Collins is not an employee of the Department in a full- or part-time status, he does not possess the credentials to access several other regional and local computer systems. By employing Mr. Collins, he will be able to fully access all of these databases and more after passing a background check.

The Department proposes to hire Mr. Collins as a Part-Time Crime Analyst. His duties would be to provide Command and Supervision with analytical data and other duties as requested. I propose that Mr. Collins be hired and compensated at a rate of \$25.00 per hour, for not more than 20 hours per week. This position does not include health care benefits. The cost of this new program would be shared with Mission Hills as part of the 2022 Police Budget. This position was not budgeted in the current year, nor 2022, as Mr. Collins' skill set and potential contributions to this new program were not realized until after the budget process was completed.

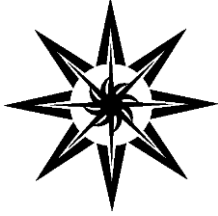
The Police Department commonly has flexibility in the line item of Personnel Wages (01-03-25-5000-000) due to shortages in certified officers. The cost for the remainder of 2021 is estimated to be no more than \$4,500. The cost for the position in 2022 will be no more than \$26,000, minus the Mission Hills portion. If approved, I will provide City Administration an evaluation update after three to four months on the performance of the position. The Police Department proposes, that if found to be an effective asset, the position will be funded in the 2023 Police Department budget.

Prepared By:

Byron Roberson

Chief of Police

Date: October 26, 2021



ADMINISTRATION

Council Committee of the Whole Meeting Date: November 1, 2021
Council Meeting Date: November 15, 2021

COU2021-82: Consider Property Tax Rebate Program

RECOMMENDATION

Recommend Council approve a property tax rebate program based on either option #1 or option #2 below.

BACKGROUND

As part of the 2022 budget process, the Governing Body voted to allocate \$20,000 from the City's general fund to a property tax rebate program designed to alleviate some of the burden of home ownership due to rising property values. The program's goal is to offer financial assistance in the form of a property tax relief grant to low income residents in need. Staff researched similar programs in Mission, KS and Roeland Park, KS, which utilize the U.S. Department of Housing and Urban Development's "[Very Low Income](#)" guidelines to determine eligibility. Only property owners that are Prairie Village residents, are current on payment of their property taxes and special assessments, live in their own home, and meet the following income guidelines would be eligible for the program:

Household Size	Maximum Total Household Income (NOT Adjusted Gross Income)
1	\$30,100
2	\$34,400
3	\$38,700
4	\$43,000
5	\$46,450
6	\$49,900
7	\$53,350
8+	\$56,800

The Mission and Roeland Park programs differ in the types of fees that can be rebated to eligible residents. In Roeland Park, only the City's portion of a resident's property taxes are offered, whereas in Mission, other items, such as solid waste fees are also included. Staff is seeking direction from Council to determine whether rebates for stormwater and/or solid waste assessments should also be included.

Option 1: Rebates for City Property Taxes Only

The average Prairie Village homeowner pays \$845 per year for the City's portion of their overall tax liability. Theoretically, 23 homeowners could be assisted if these were the only fees rebated ($\$20,000 / \845).

Option 2: Rebates for City Property Taxes, Stormwater Assessment and Solid Waste Assessment

Most Prairie Village homeowners will pay \$227 for solid waste services in 2022 (note that some HOAs provide their own solid waste services, and as such, residents in these areas would not be eligible for a rebate of this assessment).

While it is not possible to determine the precise average amount homeowners pay for the stormwater assessment, staff research suggests it is approximately \$125 per year. Thus, if both the stormwater and solid waste assessments were included along with the average property tax payment, approximately 16 homeowners could be assisted ($\$20,000 / (\$845 + \$227 + \$125)$).

The City Clerk's Office will be responsible for receiving applications and verifying eligibility, and will in turn work with the Finance Department to reimburse homeowners. Information provided by Mission and Roeland Park indicates that in those cities, 15 - 30 applications are received annually. Further, applicants that continue to meet income guidelines are eligible to reapply each year. The application period is expected to open in January 2022, and will be advertised in the Village Voice and on social media platforms.

PREPARED BY

Adam Geffert
City Clerk
Date: October 27, 2021

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

MAYOR'S ANNOUNCEMENTS
Monday, November 1, 2021

Tree Board	11/03/2021	6:00 p.m.
Planning Commission	11/03/2021	7:00 p.m.
Parks and Recreation	11/10/2021	5:30 p.m.
Arts Council	11/10/2021	5:30 p.m.
Veterans Day (City offices closed)	11/11/2021	
City Council	11/15/2021	6:00 p.m.
Thanksgiving Holiday (City offices closed)	11/25/2021 – 11/26/2021	

INFORMATIONAL ITEMS
November 1, 2021

1. Diversity Committee meeting minutes – August 18, 2021
2. Third quarter crime statistics
3. November plan of action and project update

Diversity Committee Meeting Minutes

Date:

August 18, 2021

Members in Attendance:

Todd Harris, Tim Schwartzkopf, Inga Selders, Jameelah Lang, Tucker Poling, Mayor Mikkelson, David Magariel, Michael Shook, George Williams, Mr. Mckinney, Chief Roberson, Etienne Clatanoff, Melissa Brown, Dennis Solis

Approval of Minutes:

Approved April and June minutes

Presentations:

Mayor Mikkelson – affordable housing committee

- PV = proud of diverse housing portfolio
- Inventory at 200-300K price point – historically available
- Losing lower % of workforce housing – being driven by appraisals and ground zero of teardown trend
- Need to retain PV's status as an accessible place to live
 - o this takes prioritization otherwise we become Mission Hills South
- mission to develop a prioritized list to address housing situation over next 6-9 months – no set parameters
- (7) person council - led by Ian Graves (council man)
 - o Bonnie Limbard
 - o Todd Harris – liason between diversity and housing committees
 - o Mary Rimann – Rimann Liquors (employer representation)
 - o Matt Gilham – builder/housing expert
 - o Staff Liason – Jamie Robichaud

Taryn Jones, Equality Kansas – conversion therapy/reparative therapy

- Aims to change an individual's sexual identity or orientation prior to an individual's ability to process or decide for themselves what is right or best

- Difference between therapy and CT
- Roeland Park – passed CT ban, PV would model off of this
- Impact on youth via religious (81%) and HC providers
 - Many practitioners are unlicensed
 - Suicidal thoughts higher for LGBTQ persons subjected to CT
- 18 states and DC have banned CT as of 2018
- Most CT is conducted with parental permissions
- Attempts to clarify what CT should NOT be via Roeland Park ban:
- Is this child abuse by forcing adolescents in to CT
- CT -aimed to dismantle self-esteem and many times, people's self-worth is compromised
- What age of kids are being subjected and the where are they in terms of brain development
- Motion approved to move forward with CT ban

Old Business:

Jazz Fest – Update, Inga

- Fest is canceled b/c of Covid

Interpretive Panel – David

- Looking to move this forward
- Students to help research this and building template to follow and create interpretive panel
- Need to pay graphic designer and grad student to vet accuracy and design the aesthetic
- Seeking funding need to be 501c3
 - Don't expect it to be too expensive and funding shouldn't be a block
- Arts Council and Parks and Rec getting involved – Inga leading

Police Data

- Creating subcommittee to review data
- Addl. data:
 - % by race pulled over and ticketed (stop data vs. court data)
 - Systems developed by disparate companies, and they don't talk/share data

New Business:

Code of Conduct Training – Tim Schwartzkopf

- KOMA Video for us all (45-50 min)
- Video available via Tim Schwartzkopf or Mayor Mikkelson
- You can have open meetings without public comment

Information Items or Announcements:

Adjournment:

PRAIRIE VILLAGE THIRD QUARTER CRIME REPORT - 2021

CRIME	2017	2018	2019	2020	2021	AVERAGE	2021 +/- AVG
Homicide	0	0	0	1	1	0.40	0.60
Rape	2	3	0	2	3	2.00	1.00
Robbery	4	0	2	1	3	2.00	1.00
Assault	46	52	52	38	65	50.60	14.40
Burglary	31	30	34	22	28	29.00	-1.00
Residence	27	23	25	13	26	22.80	3.20
Business/Miscellaneous	4	7	9	9	2	6.20	-4.20
Theft	126	201	162	166	136	158.20	-22.20
Auto Theft	17	18	18	22	42	23.40	18.60
Arson	1	2	0	0	0	0.60	-0.60
Forgery	15	11	3	4	7	8.00	-1.00
Fraud	29	0	0	1	58	17.60	40.40
Criminal Damage	44	36	26	32	54	38.40	15.60
Sexual Offenses	7	12	5	4	6	6.80	-0.80
TOTAL	322	365	302	293	403	337.00	66.00

ACCIDENTS	2017	2018	2019	2020	2021	AVERAGE	2021 +/- AVG
Fatal	0	1	0	0	0	0.20	-0.20
Street - Injury	37	32	42	36	48	39.00	9.00
Street - Property + \$1,000*	214	196	172	107	124	162.60	-38.60
Street - Property - \$1,000*	38	25	44	9	7	24.60	-17.60
Private - Injury	1	3	4	2	0	2.00	-2.00
Private - Property	44	40	25	17	2	25.60	-23.60
TOTAL	334	297	287	171	181	254.00	-73.00

MENTAL HEALTH	2017	2018	2019	2020	2021	AVERAGE	2021 +/- AVG
All Mental Health	70	97	57	109	208	108.20	99.80
TOTAL	70	97	57	109	208	108.20	99.80

TOTAL CALLS	5,336	6,214	5,823	6,619	5,861	5,970.60	-109.60
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MISSION HILLS THIRD QUARTER CRIME REPORT - 2021

CRIME	2017	2018	2019	2020	2021	AVERAGE	2021 +/- AVG
Homicide	0	0	0	0	0	0.00	0.00
Rape	0	0	0	0	0	0.00	0.00
Robbery	0	0	0	0	0	0.00	0.00
Assault	4	3	0	4	5	3.20	1.80
Burglary	4	8	8	2	18	8.00	10.00
Residence	4	7	8	2	18	7.80	10.20
Business/Miscellaneous	0	1	0	0	0	0.20	-0.20
Theft	19	37	21	26	23	25.20	-2.20
Auto Theft	3	7	4	8	12	6.80	5.20
Arson	0	0	0	0	0	0.00	0.00
Forgery	4	1	0	0	1	1.20	-0.20
Fraud	5	0	0	0	5	2.00	3.00
Criminal Damage	10	4	0	5	16	7.00	9.00
Sexual Offenses	0	0	0	1	0	0.20	-0.20
TOTAL	49	60	33	46	80	53.60	26.40

ACCIDENTS	2017	2018	2019	2020	2021	AVERAGE	2021 +/- AVG
Fatal	0	0	0	0	0	0.00	0.00
Street - Injury	2	3	1	5	5	3.20	1.80
Street - Property + \$1,000*	16	15	19	13	14	15.40	-1.40
Street - Property - \$1,000*	7	3	5	0	0	3.00	-3.00
Private - Injury	0	0	0	0	0	0.00	0.00
Private - Property	5	4	1	1	0	2.20	-2.20
TOTAL	30	25	26	19	19	23.80	-4.80

MENTAL HEALTH	2017	2018	2019	2020	2021	AVERAGE	2021 +/- AVG
All Mental Health	3	2	6	9	19	7.80	11.20
TOTAL	3	2	6	9	19	7.80	11.20

TOTAL CALLS	1,084	1,340	1,049	1,283	1,051	1,161.40	-110.40
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**PRAIRIE VILLAGE and MISSION HILLS COMBINED
THIRD QUARTER CRIME REPORT - 2021**

CRIME	2017	2018	2019	2020	2021	AVERAGE	2021 +/- AVG
Homicide	0	0	0	1	1	0.40	0.60
Rape	2	3	0	2	3	2.00	1.00
Robbery	4	0	2	1	3	2.00	1.00
Assault	50	55	52	42	70	53.80	16.20
Burglary	35	38	42	24	46	37.00	9.00
Residence	31	30	33	15	44	30.60	13.40
Business/Miscellaneous	4	8	9	9	2	6.40	-4.40
Theft	145	238	183	192	159	183.40	-24.40
Auto Theft	20	25	22	30	54	30.20	23.80
Arson	1	2	0	0	0	0.60	-0.60
Forgery	19	12	3	4	8	9.20	-1.20
Fraud	34	0	0	1	63	19.60	43.40
Criminal Damage	54	40	26	37	70	45.40	24.60
Sexual Offenses	7	12	5	5	6	7.00	-1.00
TOTAL	371	425	335	339	483	390.60	92.40

ACCIDENTS	2017	2018	2019	2020	2021	AVERAGE	2021 +/- AVG
Fatal	0	1	0	0	0	0.20	-0.20
Street - Injury	39	35	43	41	53	42.20	10.80
Street - Property + \$1,000*	230	211	191	120	138	178.00	-40.00
Street - Property - \$1,000*	45	28	49	9	7	27.60	-20.60
Private - Injury	1	3	4	2	0	2.00	-2.00
Private - Property	49	44	26	18	2	27.80	-25.80
TOTAL	364	322	313	190	200	277.80	-77.80

MENTAL HEALTH	2017	2018	2019	2020	2021	AVERAGE	2021 +/- AVG
All Mental Health	73	99	63	118	227	116.00	111.00
TOTAL	73	99	63	118	227	116.00	111.00


TOTAL CALLS	6,420	7,554	6,872	7,902	6,912	7,132.00	-220.00
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THE CITY OF PRAIRIE VILLAGE

STAR OF KANSAS

DATE: October 27, 2021

TO: Mayor Mikkelson
City Council

FROM: Wes Jordan 

SUBJECT: NOVEMBER PLAN OF ACTION

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

- RFP Salary/Benefit Study - Jamie/Cindy (11/21)
- Council Transition/New Council Orientation - Staff (11/21)
- Phone System Replacement - IS (11/21)
- CP 054-055 Update to Council - Cindy/Jamie (11/21)
- Part-time Crime Analyst - Chief (11/21)
- Updated Fee Schedule - Adam (11/21)
- 2022 Legislative Platform - Jamie (11/21)
- Little Government Relations Contract Renewal - Jamie (11/21)
- Annual Applications for Committees - Staff (11/21)
- 2021 Employee Evaluations - Staff (11/21)
- Year-End Budget Expenditure Review - Nickie/Dept. Heads (11/21)
- Annual Meetings with County/State Elected Officials - Jamie/Wes/Mayor (11/21)
- 3rd Quarter Crime Statistics - Chief (11/21)
- Indigenous Peoples of Kansas Proclamation - Adam (11/21)
- Annual Benefits Enrollment/Transition to New Providers - Jamie/Cindy (11/21)
- 2022 Pool Staff Hiring Kick Off - Meghan (11/21)
- 2022 Recreation Fee Review - Meghan (11/21)
- 2023-2028 CIP Parks Master Plan review - Melissa/Meghan (11/21)

In Progress

- Meadowbrook Bond Documents: - Jeff White/Kevin Wempe/Staff (10/21)
 - Advisor Agreement Amendment
 - Revenue Study w/GAI
- 2022 Property Tax Rebate Program - Adam (10/21)
- Council of Mayors Meeting - Meghan (10/21)
- Court Clerk Hiring Process - Deana/Tim (10/21)
- ISO Audit for Building Inspections - Jamie/Mitch (10/21)

- Researching Department of Energy Solar App+ Program - Jamie (10/21)
- Holiday Event Planning - Meghan (09/21)
- MARC Public Career Expo - Jamie/Cindy (08/21)
- STO/UPOC Update - Deana (08/21)
- PW New Building Open House/Social Media - Keith/Melissa/Ashley (07/21)
- Building Permit Software Research & Evaluation - Jamie (07/21)
- Planning Codes Dept. Move to Public Works - Jamie/Mitch (07/21)
- Roberts Rules of Order Training/MARC - Adam/Meghan (07/21)
- UCS Racial Equities in Communities Program - Tim (06/21)
- Review/Revise Site Planning Criteria in Zoning Regulations - Jamie (06/21)
- Internal Accounting Policy/Vendor Process Changes - Nickie (04/21)
- Regional Benchmarking Initiative - Meghan (04/21)
- American Rescue Plan Act Fund Uses & Expiration - Staff (04/21)
- Pool Mural Project - Meghan (04/21)
- City Hall Conceptual Review - Staff (03/21)
- 2021 International Energy Conservation Code - Jamie/Mitch (03/21)
- E/V Charging Station Installation - PW (10/20)
- Dynamhex Implementation - Ashley (10/20)
- Historic Trail Signage - Keith (09/20)
- Bias Training - Tim/Byron (07/20)
- Memorial Plaques in Parks Criteria Review - Staff (08/19)
- Research Viability of Interior Rental Inspections - Jamie (06/19)

Completed

- Meadowbrook Bond Documents: - Jeff White/Kevin Wempe/Staff (10/21)
 - Resolution & Ordinance
 - Developer Agreement
- Organize/Combine Property Maintenance Ordinances - Jamie/David (06/21)
- Park & Rec Fall Programming - Meghan (08/21)
- Investment Policy for Voya 457/401a Plans - Cindy/Jamie (05/21)
- Macy's Redevelopment Site Plan Review - Jamie/Chris/Keith (10/21)
- Meadowbrook Sculpture Update - Ron Nelson/Staff (10/21)
- Extension of Facemask Ordinance - Staff (10/21)
- Receptionist Training - Staff (10/21)
- Flu Shot Coordination - Cindy (10/21)
- Leadership NE Coordination - Ashley (10/21)
- Legislative Updates to Council - Jamie (10/21)
- Pension Board Appointment - Mayor (10/21)
- Treasurer Application Process - Nickie (10/21)
- 2022 Salary Ranges - Cindy (10/21)
- 3rd Quarter Financial Report - Nickie (10/21)
- Teen Council Selection/Orientation - Piper/Staff (09/21)
- PV Foundation Fall Meeting - Meghan (09/21)


- Health-related Insurance Benefits Renewal/RFP - Jamie/Cindy (08/21)
- Implementation of Smoking Ban in Parks - Meghan (03/21)

Tabled Initiatives

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

THE CITY OF PRAIRIE VILLAGE

STAR OF KANSAS

DATE: October 31, 2021
TO: Mayor Mikkelson
City Council
FROM: Wes Jordan 
SUBJECT: PLAN OF ACTION PROJECT UPDATE

Phone System Replacement - IS Staff/Tim (11/21)

We received notification that the city-wide phone system (Mitel) had reached end-of-life and would no longer be supported. We will need to determine our needs in relation to new systems and begin the process of moving in the direction of replacing the existing infrastructure. The current system was purchased in 2011 for \$109,000 with an anticipated life expectancy of 10 years.

2022 Property Tax Rebate Program - Adam (11/21)

\$20,000 has been allocated in the 2022 budget for this program, which will offer financial assistance in the form of property tax relief to low income residents. The program is based on those offered in Mission and Roeland Park, and will be available to property owners who are residents of Prairie Village with a household income below HUD's "Very Low" income limit. A presentation will be made to Council in November for approval of specific guidelines, with the goal of opening the application period in January 2022.

ISO Audit for Building Inspections - Jamie (11/21)

The Codes Department has been contacted by an ISO auditor to classify the community under the Building Code Effectiveness Grading Schedule (BCEGS) program. The results of the audit impacts the rate our residents are able to qualify for insurance. Staff is currently working on filling out the various surveys and spreadsheets that were requested that include information on the training of our building codes department employees and our various programs, policies and practices. We are meeting with the auditor in early November to finalize the audit.

Researching Department of Energy Solar App+ Program - Jamie (10/21)

The US Department of Energy recently released a new program for local communities to utilize that will streamline the plan review, permitting, and inspection process for solar energy. Soon, this program will expand to other permits like EV charging stations and re-roofing permits. Staff is currently researching the possibility of using this tool and identifying what policies or regulations may need to be revised in order to do so. This is a project staff is working on during slower work days and may take a few months before a further update is available.

Holiday Event Planning - Meghan/JD (11/210)

Plans are underway for the Mayor's Holiday Tree at Corinth Shopping Center on December 2, the Gingerbread House Party on December 5, and the Volunteer Appreciation Dinner at Meadowbrook on December 11. Due to COVID, we will need to make adjustments for the annual employee holiday luncheon.

Ad Hoc Housing Committee Coordination - Jamie (09/21)

The Ad Hoc Housing Committee had its first meeting on Thursday, September 16 from 5:30 - 7:00 p.m. Councilmember Ian Graves and Planning Commissioner Jon Birkel have been assigned as co-chairs by the Mayor, and Jamie is the staff liaison. The next meeting will be held in November (date still TBD), which will include a discussion of the various strategies outlined in the UCS Housing Toolkit and VV 2.0 and will begin a prioritization of the various strategies.

STO/UPOC - Deana (08/21)

Court will be reviewing legislative updates to the Standard Traffic Ordinance and Uniform Public Offense Code. Amendments will be brought to Council once completed.

MARC Public Career Expo - Jamie/Cindy (08/21)

We will be partnering with MARC to help sponsor the [Public Sector Career Expo](#). Every other year, cities and counties from the Kansas City region collaborate to execute this event for middle and high school students. The goal is to raise awareness of the variety of exciting and meaningful career opportunities available within the public sector and to spark interest among students to consider public service. The event will be held November 3-4 in a virtual format.

Council of Mayors Meetings and Administrative Support - Meghan (08/21)

Mayor Mikkelson will be serving as the Chair for the Council of Mayors for a one-year period. And, each Mayor that rotates through the position is also responsible for administrative tasks and meeting coordination which Meghan will be helping with.

Internal Accounting Policy/Vendor Process Changes - Nickie (04/21)

During the 2020 Audit, the Auditors recommended that we review our policies and procedures regarding vendor set up. This will be reviewed as part of the 2021 audit process.

Regional Benchmarking Initiative - Meghan (04/21)

This is a project being coordinated by MARC in a regional effort to collect data in a variety of areas ranging from Human Resources to Public Work statistics. Once the data is collected, PV will benefit from having access to all contributed & shared information.

American Rescue Plan Act Fund Uses & Expiration - Staff (04/21)

Update - The City received notification we will be receiving an additional \$20,000 from redistributing funds in addition to the \$1.6m American Rescue Plan dollars in July, and the additional \$1.6m next year. The Department of Treasury is still finalizing its Final Rule which will include details on how the funds can be spent. We are aware there is continued discussion to allow cities more flexibility in spending those funds. We are exploring the possibility of this being a topic of discussion during the Council Work Session in 2-3 months.

Pool Mural Project - Meghan (04/21)

The City has received grant funding in the amount of \$3,500 for the proposed pool mural. Representatives from Park & Rec, the Arts Council, and Diversity Committee will be engaged in the mural selection process. We will primarily be shaping the process this fall, hiring an artist in the winter for spring installation, and debuting the mural when the pool opens in May 2022.

City Hall Conceptual Review - Staff (03/01)

Melissa provided Council with an update to the City Hall Conceptual Study on March 15, 2021 as well as other key factors affecting this study. The process may be modified due to new possibilities of future expansion alternatives. This item will be brought back to Council before any formal action is taken.

Orientation Process for New Volunteer Committee Members - Staff (12/20)

Update - Each Committee has completed reviewing KOMA requirements through a video partnership with the Kansas League as well as a Mayor's video of the new Code of Ethics. Staff is also working with MARC to have a Roberts Rules of Order training video that will be available to the Council and any interested Committees.

E/V Charging Station Installation - PW (10/20)

Update - Construction should begin soon since Council has now approved the placement of Electric Vehicle charging station(s) in the south parking lot of the Municipal complex near the Skate Park.

Dynamhex Implementation - Ashley (10/20)

Dynamhex is nearing project completion. The Council can view the tool in its current state at <https://www.pvkansas.com/residents/carbon-emissions-tracking>. This is a closed link, so viewers must click on it directly. The tool cannot be searched for on the site until it is ready for full public consumption. Dynamhex will present to the Council in November before launching city wide.

Historic Trail Signage - Keith (09/20)

Update - The Council has approved the placement of additional Historic Trail Signage thanks to the concerted work of Mark Morgan. Mark and the City have finalized the narrative and the information is available through the city's web site. A mock-up of the sign was made and the order has been completed. The sign installations is expected to be completed in the very near future.

Memorial Plaques in Parks Criteria Review - Staff (08/19)

This item has been temporarily tabled by staff due to prioritization of other projects. When this matter is brought forward, we want to make sure the PV Foundation, Park & Rec, and Council are on the same page about the criteria and cost of memorial plaques in parks.

Research Viability of Interior Rental Inspections - Jamie (06/19)

Jamie hopes to revisit this item in the coming months after evaluating the workload and changes that have been brought forward as a result of the new building code, tree protection ordinance, sustainability grant, construction site screening requirements, new codes software implementation, and moving to the new public works building. We will also have to revisit KSA restrictions on interior inspections.