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**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Council Chambers
Tuesday, February 20, 2024
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**
- VII. **PUBLIC PARTICIPATION**

Participants may speak for up to three minutes. To submit written comment to the Council regarding current agenda items, please email cityclerk@pvkansas.com prior to 3 p.m. on February 20. Comments will 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. Consider approval of regular City Council meeting minutes – February 5, 2024
2. Consider appointment of committee members
3. Consider purchase request for police vehicles

IX. **COMMITTEE REPORTS**

COU2024-14 Parks and Recreation Committee – Consider temporary changes to the pickleball court configuration in Windsor Park
Lauren Wolf

COU2024-15 Environmental Committee – Consider mattress removal and reuse agreement with Sleepyhead Beds
Greg Shelton

X. **MAYOR'S REPORT**

XI. **STAFF REPORTS**

Forfeiture Trust Fund annual report – Chief Roberson

XII. **OLD BUSINESS**

XIII. **NEW BUSINESS**

COU2024-12 Consider approval of the appointment of the assistant city attorney
Mayor Mikkelson

COU2024-06 Consideration of updated code of ethics
Alex Aggen

COU2024-13 Consider resolution clarifying the Council's intent that the public would have an opportunity to vote for a community center

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

COU2024-16 2025 Budget calendar
Jason Hannaman

Council work session discussion
Dave Robinson

XV. **ANNOUNCEMENTS**

XVI. **ADJOURNMENT**

If any individual requires special accommodations – for example, qualified interpreter, large print, reader, hearing assistance – in order to attend the meeting, please notify the City Clerk at 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 COUNCIL
CITY OF PRAIRIE VILLAGE
FEBRUARY 5, 2024**

The City Council of Prairie Village, Kansas, met in regular session on Monday, February 5, at 6:00 p.m. Mayor Mikkelson presided.

ROLL CALL

Roll was called by the City Clerk with the following Councilmembers in attendance: Cole Robinson, Terry O'Toole, Inga Selders, Ron Nelson, Lori Sharp, Lauren Wolf, Dave Robinson, Tyler Agniel, Greg Shelton, Nick Reddell, Ian Graves, and Terrence Gallagher. Staff present: Byron Roberson, Chief of Police; Keith Bredehoeft, Director of Public Works; Melissa Prenger, Public Works; City Attorney David Waters, Spencer Fane LLP; Wes Jordan, City Administrator; Nickie Lee, Deputy City Administrator; Tim Schwartzkopf, Assistant City Administrator; Meghan Boom, Assistant City Administrator; Jason Hannaman, Finance Director; Deana Scott, Court Administrator; Cindy Volanti, Human Resources Director; Adam Geffert, City Clerk.

Youth Council members present: Brynn Bettenhausen and Robbie Lashmet.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Mr. Nelson made a motion to approve the agenda as presented. Mr. Graves seconded the motion, which passed unanimously.

INTRODUCTION OF STUDENTS AND SCOUTS

Three Boy Scouts and one Cub Scout were present to earn merit badges.

PRESENTATIONS

- Mayor Mikkelson recognized Councilmembers for their service and presented their annual ceremonial checks.
- Mr. Graves read a proclamation declaring February as Black History Month in Prairie Village.
- Mayor Mikkelson recognized Mr. Schwartzkopf's 30th anniversary with the City.



PUBLIC PARTICIPATION

- Tom Ward, 22 Coventry Court, commented on the hiring of a new city attorney and the proposed updates to the code of ethics.
- Pam Justus and Karen Gibbons shared their thoughts on the City budget.
- Janice Hamill, 47 Compton Court, expressed concern about the future use of the Corinth Library's land if it were to move to a new location.

CONSENT AGENDA

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

1. Consider approval of regular City Council meeting minutes - January 16, 2024
2. Consider approval of expenditure ordinance #3034
3. Consider amendment #2 renewing the agreement with Witt O'Brien's, LLC to provide consulting services to the City regarding the use of American Rescue Plan Act funds

Mr. Nelson made a motion to approve the consent agenda as presented. A roll call vote was taken with the following votes cast: "aye": C. Robinson, O'Toole, Selders, Nelson, Sharp, Wolf, D. Robinson, Agniel, Shelton, Reddell, Graves, Gallagher. The motion passed unanimously.

COMMITTEE REPORTS

- Mr. Shelton noted that the Environmental Committee held a meeting the prior week, at which a guest speaker from the Johnson County Parks and Recreation Board spoke about sustainable plantings in the gardens at City parks. He also recognized resident Boy Scout Jackson Super and his mother Phaedra Svec for their work holding a nearly zero-waste pancake breakfast fundraiser.
- Mr. Graves said the Diversity Committee held its first meeting of the year on January 23. He stated that a group from the committee would be meeting with the Shawnee Mission School District to discuss DEI (Diversity, Equity, and Inclusion) initiatives being utilized by the district.
- Ms. Wolf shared that the Arts Council in conjunction with the Johnson County Art Therapy Team would be holding a card-making event on February 10 in the council chambers.

MAYOR'S REPORT

- The Mayor shared information about events that had taken place since the prior Council meeting:



PRAIRIE VILLAGE
KANSAS

- A Prairie Village Foundation meeting on January 29. He noted that the foundation had set a record by raising \$27,336 in 2023 for Prairie Village families in need
- A Northeast Johnson County Chamber of Commerce bus tour for its citizen leadership academy
- Final meetings with area legislators
- Interviews with candidates for various City positions
- A community center public meeting at the Meadowbrook Park clubhouse on January 25
- The Mayor noted the following upcoming events:
 - Approval of volunteer appointments to City committees at the February 20 Council meeting
 - The annual Mayor's Prayer Breakfast in Kansas City, MO, on February 13
 - A Johnson County / Wyandotte County Mayors meeting on February 7
 - A City Council work session on February 10
 - A special Parks and Recreation Committee meeting on February 7 to discuss pickleball courts at Windsor Park

STAFF REPORTS

- Chief Steve Chick gave a report for Consolidated Fire District #2, and provided the department's call response statistics for 2023.
- Chief Roberson shared details about the 2023 crime statistics that were included in the meeting packet. He also noted that he recently represented the Johnson County Police Chiefs Association at the 2024 joint legislative agenda meeting in Topeka. Lastly, he provided an update on department staffing.
- Mr. Jordan noted that the 2025 budget calendar would be presented to Council at its next meeting.

OLD BUSINESS

None.

NEW BUSINESS

COU2024-08 Consider approval of the appointment of the city attorney

Mayor Mikkelson stated that eight responses were received for the city attorney request for qualifications. After applications were received, the Mayor appointed a committee to assist in the review and interview process, which included Councilmembers Ron Nelson and Lauren Wolf, and staff members Mr. Jordan, Ms. Lee, Ms. Buum, Mr. Schwartzkopf, and Captain Ivan Washington.



Mr. Jordan said that the selection committee reviewed the applications, provided feedback to the Mayor, and interviewed five finalists. Hunter Law Group was the committee’s first selection with Alex Aggen designated as the primary attorney along with Mandi Hunter and Stephanie Hammann in assisting roles. The following rates were agreed to as part of the Mayor’s recommendation of appointment:

- Services at a rate of \$275.00 per hour for all attorneys
- Services at a rate of \$125.00 per hour for paralegal work
- Services at a rate of \$95.00 per hour for legal assistants
- A billing time cap of three hours for any Council meeting

Mr. Jordan noted that the city attorney was an appointed position as outlined by sections 1-301 and 1-310 in the municipal code.

Mr. Aggen introduced himself, along with Ms. Hunter and Ms. Hammann. He noted that Hunter Law Group was headquartered in Prairie Village, and that the firm looked forward to working with the City.

Mr. Nelson made a motion to approve the appointment of Alex Aggen, Hunter Law Group, as the city attorney. The motion was seconded by Ms. Wolf.

Mr. Reddell asked which items would continue to be handled by Mr. Waters and which would be addressed by the new attorney. Mr. Jordan stated that there would be a “clean break” between attorneys with the exception of on-going litigation, but that Mr. Waters had offered to assist Mr. Aggen if needed.

Mayor Mikkelson said that if approved, Mr. Aggen would officially begin serving as city attorney on February 6, 2024.

After further discussion, the motion passed unanimously.

After the vote, Mayor Mikkelson swore in Mr. Aggen as city attorney, and thanked Mr. Waters for his service.

COU2024-09 Consider agreement with Philip Stein for backup public defender services

Ms. Scott said that the public defender for the municipal court was responsible for representing defendants who had been found indigent by the court and had been charged with criminal actions in which a jail sentence could be imposed. If approved, Philip Stein would represent individuals that had a legal conflict of interest with the primary public defender, Robin Lewis.



Ms. Scott noted that in December, the current back-up public defender, Adam Peer, requested to step down due to his increasingly busy private practice. Staff interviewed Mr. Stein and felt he would be a good fit for the position due to his knowledge and experience with indigent individuals. The contract period of February 6, 2024, through December 31, 2024, would fulfill the remainder of the contract period the City held with Mr. Peer.

Ms. Scott said that staff also recommended an increase in the hourly rate from \$93.00 to \$150.00 per hour, after research indicated the current rate was well below comparable cities and had not increased in over thirteen years.

Mr. Nelson made a motion to approve the agreement with Philip Stein for backup public defender services. The motion was seconded by Ms. Wolf and passed unanimously.

COU2024-10 Consider approval of additional funding for property tax rebate program

Mr. Geffert stated that only \$9.65 of the funds approved by Council for the 2024 program remained. Along with \$1,798.47 in rollover funds from the 2023 budget allocation, the available funding for 2024 totaled \$26,798.47, and that rebates had been issued to 44 households for a total amount of \$26,788.82. He added that five applications were currently in “pending” status contingent on additional funding being approved.

Mr. Geffert noted that if \$5,000 in additional funds were approved, the five pending applications would be issued refunds totaling \$2,921, which would leave \$2,079 available.

Mr. O’Toole asked if funding of more than \$5,000 could be approved; Mayor Mikkelson indicated that it could be. Mr. Shelton recommended approving an additional \$5,000, and having staff return to request more at a future meeting, if needed.

Mr. Dave Robinson made a motion to allocate an additional \$5,000 for the 2024 property tax rebate program from the economic development fund. The motion was seconded by Mr. Shelton and passed unanimously.

COU2024-11 Consider change order for construction contract of Harmon Park restroom and pavilion (BG30005)

Ms. Prenger said that at the November 6, 2023, Council meeting, staff presented options for the construction of the Harmon Park restroom and pavilion, and noted that the contractor currently on-site for the construction of the all-inclusive play area was also the low bidder on the previous two park restroom projects. Staff anticipated getting a quote from this contractor allowing work to seamlessly begin on the pavilion and restroom while finishing up the parking lot and inclusive play areas. She stated that utilizing the same



contractor would reduce overall impacts to the park and park patrons, and decrease costs due to the contractor already being on-site.

In January, Combes Construction submitted a bid for the construction of the Harmon Park pavilion and restroom. The design consultant, BBN, evaluated the bid and found it to be competitive and well below their anticipated construction costs:

Architect's cost estimate	\$1,345,344.00
Combes Construction	\$1,061,691.48

Ms. Prenger stated that the contract would include change order authorization of up to an additional \$100,000. Pavilion amenities such as picnic tables and benches would be purchased by the City. She added that overall project costs, including the contract and other direct City expenses such as design, testing, permitting fees and pavilion amenities were anticipated to be within the CIP project funding budget of \$1,350,000.

Mr. Dave Robinson asked if there would be any issues utilizing the current contractor rather than putting the project out to bid. Ms. Prenger stated that Combes Construction had been the low bidder on the previous two park restroom projects and that their pricing remained consistent. He also asked when the project would be completed, and Ms. Prenger said that goal was to have both the pavilion and restroom done before June, but that the current restroom would still be operational if the restroom portion was not finished by that time.

Ms. Sharp shared concern that the project not being put out for public bid could give the impression of a lack of transparency. Ms. Prenger said that the change order would not have been pursued if Combes Construction had not been the low bidder on previous projects.

Mr. Dave Robinson made a motion to approve the change order for Project BG30005 - Harmon Park Restroom and Pavilion in the amount of \$1,061,691.48. Mr. Graves seconded the motion, which passed unanimously.

Mr. Nelson made a motion for the City Council to move to the Council Committee of the Whole portion of the meeting. The motion was seconded by Mr. Cole Robinson and passed unanimously.

COUNCIL COMMITTEE OF THE WHOLE
COU2024-06 Consideration of updated code of ethics

Mr. Waters stated that the code of ethics, codified in Section 1-212 of the municipal code, had not been updated since 2008. Based on recent issues involving allegations raised under the code of ethics, City staff undertook a review of the code as well as those of neighboring municipalities in an effort to both clarify and strengthen it.



Mr. Waters provided a summary of the proposed changes to the code of ethics:

- The code would no longer apply to employees, but staff would incorporate similar provisions on conflicts and financial self-dealing in appropriate personnel manuals
- Clearer distinctions between expectations of conduct and guidelines for behavior and enforceable violations
- New language prohibiting discrimination on the basis of various protected classes of persons
- Conflict-of-interest sections revised to be consistent with Kansas state statutes
- Additional language regarding the disclosure of confidential information
- Revision of the “Gifts and Favors” portion to allow officials to attend public engagements with no substantial risk of undermining official impartiality
- Expansion of the “Misuse of City Property” subsection to apply to the misuse of City personnel and staff
- Addition of clearer provisions allowing for advisory opinions

Mr. Waters said that the code currently provided that allegations against individuals should be brought to the Council Committee of the Whole (CCoW) which would “adopt its own rules for studying and investigating complaints”. The draft revised code would establish the following specific procedures:

- An opportunity for officials to raise concerns informally with each other, acknowledging that certain ethical concerns might not constitute a legal violation, and allowing for a measure of self-enforcement
- Review by the city administrator and/or the city attorney, with the ability to engage outside independent counsel when appropriate
- The ability for certain complaints to be dismissed without full investigations or hearings where it was clear that an allegation, even if true, would not constitute a violation of the code or other law, or where the complaint is frivolous or made for campaign or political purposes
- Investigative findings would otherwise be provided to the CCoW and impacted persons would be expected to recuse themselves from discussion, deliberation, and debate on the matter, except to provide their own evidence in their defense
- Expansion of the range of punishment options to include no action, required ethics training, censure, removal from boards, or other lawful action (which could include ouster)

Mr. Waters said that on January 16, 2024, the CCoW raised concerns regarding the “Late Case Interest” subsection of the revised code, which, in its original form, stated:

No public officer or employee shall, after the termination of service or employment with the City, appear before any board, commission, committee, or agency of the City in relation to any case, proceeding or application in which he or she personally



participated during the period of his or her service or employment, or which was under his or her active consideration. This does not preclude ex-employees from testifying in court on city-related matters.

Mr. Waters noted that the provision was already in the code of ethics and was presented to the CCoW at its January meeting unchanged from its original form. Per the request of the CCoW, the section was revised so that it would only apply to former members of the governing body for a period of one year after termination of service. It was further revised to clarify that it did not apply to the exercise of free speech, but rather prohibited former members of the governing body from acting as principals or agents for other parties in proceedings, applications, contracts, cases, or controversies in which such former members already participated on behalf of the City.

Mr. Waters also stated that the “Penalties” subsection had been revised so that for the governing body itself to file a complaint or referral for ouster, a 2/3 vote would be required. He added that under K.S.A. 60-1206, the attorney general or county attorney could investigate complaints brought by any person, and ouster proceedings could be initiated without a complaint having been made. He added that ouster was available only in the following situations per state statute:

- Willful engagement in misconduct while in office
- Willful neglect to perform any duty enjoined upon a person by law
- The demonstration of mental impairment such that the person lacks the capacity to manage the office held
- The commission of any act constituting a violation of any penal statute involving moral turpitude

Ms. Sharp asked if a former City Council member who was also an attorney or real estate agent could potentially violate the late case interest guidelines if they were to represent a client that had done business with the City. Mr. Waters said that if a councilmember served when a decision was made, and then later represented a party that benefitted from that decision within one year, he would view it as a violation.

Mr. Graves made a motion to recommend approval of the updated Code of Ethics for final approval by the Council. Mr. Nelson seconded the motion.

Mr. Gallagher stated that he wanted to ensure that Mr. Aggen, as the new city attorney, would have an opportunity to review the proposed changes to the code. Mayor Mikkelson said that Mr. Aggen would review the document and discuss it with Council at the February 20 meeting.

After further discussion, the motion passed 11-1, with Ms. Sharp in opposition.



Council work session discussion

Mr. Dave Robinson added a discussion of the slated Council work session on February 10 to the agenda. He said that although the agenda for the meeting was light, it would still be valuable to meet. Mayor Mikkelson added that the main purpose of the meeting was to allow councilmembers to gather in a less formal setting to discuss items. Mr. Dave Robinson asked councilmembers to send thoughts and ideas for discussion topics to staff prior to the meeting.

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

EXECUTIVE SESSION

At 8:15 p.m., Mr. Dave Robinson made the following motion:

I move that the Governing Body recess into Executive Session for 20 minutes [beginning at 8:20 p.m.] for the purpose of discussing personnel matters of nonelected personnel, pursuant to KSA 75-4319(b)(1). Present will be the Mayor, City Council, City Administrator and City Attorney. The regular meeting will resume at 8:40 p.m.”

The motion was seconded by Mr. O’Toole and passed unanimously.

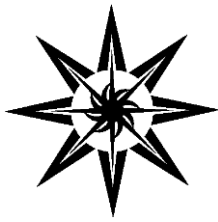
ANNOUNCEMENTS

Announcements were included in the Council meeting packet.

ADJOURNMENT

Mayor Mikkelson declared the meeting adjourned at 8:41 p.m.

Adam Geffert
City Clerk



MAYOR

**Council Meeting Date: February 20, 2024
CONSENT AGENDA**

Consider appointment of committee members

RECOMMENDATION

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

Committee	First Name	Last Name	Term	New/Reappoint
Arts Council	Bonnie	Limbird	2024-26	New
Arts Council	Laurel	Thomas	2024-26	Reappointment
Arts Council	Abby	Magariel	2024-26	Reappointment
Arts Council	Trudy	Williams	2024-26	Reappointment
Environmental Committee	Amy	Brooks	2024-26	New
Environmental Committee	Melinda	Lewis	2024-26	New
Environmental Committee	Piper	Reimer	2024-26	New
Environmental Committee	Travis	Wymore	2024-26	New
Environmental Committee	Travis	Carson	2024-26	Reappointment
Environmental Committee	Johanna	Comes	2024-26	Reappointment
Environmental Committee	Rick	Wolfarth	2024-26	Reappointment
Diversity Committee	Lilian	Valdez	2024-26	New
Diversity Committee	Ciara	Cheney	2024-26	New
Diversity Committee	Chi	Nguyen	2024-26	Reappointment
Diversity Committee	Karen	Heath	2024-26	Reappointment
Insurance Committee	William "Bill"	Carlsen	2024-26	Reappointment
Planning Commission	James	Kersten	2024-27	New
Planning Commission	Melissa	Temple	2024-27	New
Planning Commission	Jonathan	Birkel	2024-27	Reappointment
Planning Commission	Jeffrey	Valentino	2024-27	Reappointment
Tree Board	Whitney	Wilson	2024-27	New
Tree Board	Robert	Schmitz	2024-27	New
Civil Service	George	Williams	2024-27	Reappointment
Civil Service	Brodie	Herman (alt.)	2024-27	Reappointment

BACKGROUND

The individuals listed above have expressed interest in service on the indicated Prairie Village committees. Committee chairs and staff have reviewed all applications, met with the individuals and desire to have these committee members appointed. New volunteer applications are attached.

ATTACHMENTS

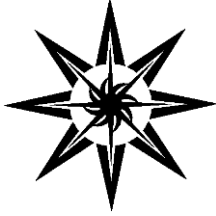
Volunteer Applications

PREPARED BY

Adam Geffert

City Clerk

Date: February 14, 2024



POLICE DEPARTMENT

Council Meeting Date: February 20, 2024

CONSENT AGENDA: CONSIDER PURCHASE REQUEST FOR POLICE VEHICLES

RECOMMENDATION

Staff recommends the purchase of three (3) 2024 Ford Utility EcoBoost Police Interceptors to replace the three current patrol vehicles.

COUNCIL ACTION REQUESTED ON February 20, 2024.

BACKGROUND

On an annual basis, the Police Department replaces older police units due to age, mileage, and/or maintenance problems. The Police Department is seeking authorization to place an order for three (3) new police units. The Police Department attempted to obtain competitive pricing bids for the Ford Police Interceptor from Bob Allen Ford, Rob Sight Ford, Olathe Ford, and Shawnee Mission Ford. Only Shawnee Mission Ford can secure three Ford Police Interceptors to be purchased in 2024. Therefore, Shawnee Mission Ford will be the vendor selected for this purchase. The purchase price for the three vehicles will be \$147,169.00.

This purchase was previously approved by the City Council as part of the 2024 Public Safety Budget.

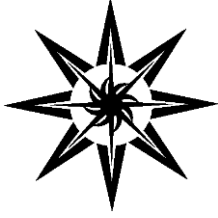
FUNDING SOURCE

01-03-25-8006-000 / \$147,169.00

PREPARED BY

Captain Ivan Washington
Patrol Commander

Date: February 13, 2024



PARKS AND RECREATION

Parks & Recreation Meeting Date: February 7, 2024

City Council Date: February 20, 2024

COU2024-14:

Consider temporary changes to the pickleball court configuration in Windsor Park

RECOMMENDATION

Recommend approval of temporary changes to the pickleball court configuration in Windsor Park to further study the impact of court reduction on the neighborhood.

BACKGROUND

At the January 16, 2024, meeting of the City Council, the Governing Body considered the purchase of sound dampening materials for the pickleball courts located in Windsor Park. At that time, the Governing Body referred the matter back to the Parks and Recreation Committee for further discussion of possible solutions to mitigate sound and traffic impacts on the neighborhood.

The Parks and Recreation Committee recommended temporary removal of three nets from the courts to observe and study the impact of a court reduction on the neighborhood prior to making a final recommendation on permanent mitigation efforts.

ATTACHMENTS

Draft minutes

PREPARED BY

Meghan Boom

Assistant City Administrator

Date: February 13, 2024

PARKS AND RECREATION COMMITTEE
4:00 p.m. | February 7, 2024
City Hall

MINUTES

Committee members in attendance: Chairperson Lauren Wolf, Vice Chair Tyler Agniel, Matt Geary, Randy Knight, Diane Mares, Caety Meyer, Matt Moeder, Jay Moorman, Kevin Murphy,

Staff: Meghan Buum, Melissa Prenger, Wes Jordan

Introduction

Chairperson Lauren Wolf opened the meeting with a summary of options:

- Keep all six pickleball courts, no changes
- Keep all six pickleball courts, add sound barrier
- Reduce courts to two pickleball, one tennis court
- Take down nets to see how the usage changes
- Return to two tennis courts
- Explore limiting parking on one side of the street

Public Participation

The following residents spoke in favor of removing the pickleball courts:

- Tom Heintz, 7152 Cherokee
- Connie Carlyle, 7200 Canterbury
- Dick Fuller, 7208 Canterbury
- Rachel Boden, 7136 Cherokee
- Ross Boden, 7136 Cherokee

The following residents spoke in favor of a compromise:

- Kathy Hartman, 3601 W. 73rd Street
- Nick Garcia, 7427 Village Drive
- Clint Thezan, 7201 Linden

New Business – Pickleball at Windsor Park

Ms. Wolf opened the meeting for discussion by the committee.

Ms. Wolf reminded the commenters that for a citation to be issued, the police need to be called and that is the appropriate course of action. She encouraged the residents in attendance to use that option to mitigate issues immediately when they're occurring.

Jay Moorman provided background on pickleball and asked about the history of the installation of the courts. Ms. Wolf responded that it was part of a previous parks master plan update. Mr. Moorman agreed that parking and street congestion is a very real problem in the area. He doesn't see the practicality of returning entirely to tennis but hopes to find a compromise.

Kevin Murphy believed that neighborhoods are primarily places to live, not to recreate and supports a return to tennis.

Matt Moeder asked if the sound study explored the impact of reducing the number of courts. Melissa Prenger replied that the study recommended mitigation of sound on the north and east sides, but didn't explore the reduction of courts. Mr. Moeder believes that a reduction in courts wouldn't mitigate the sound to the extent that is desired. He believes that pickleball is an extremely popular sport and should be maintained in the park with the addition of sound mitigation as originally discussed in the fall.

Randy Knight talked about the process for the Parks Master Plan and Capital Improvement Programs. Homes located near parks benefit economically. He stated that sound mitigation is an expensive undertaking for an amenity that doesn't generate revenue, but parks have associated costs. Mr. Knight wondered if the amenity was too large for the park. Signage is needed. Locking may be needed. More courteous behavior is needed.

Matt Geary stated that he feels the committee is weighing the clear desire for pickleball in the community while keeping the sound level down in the community. The committee tried to strike that balance with the recommended shortened hours and sound mitigation barriers. Mr. Geary was in favor of retaining the pickleball courts with sound mitigation.

Ms. Wolf reminded the committee that they could recommend parking restrictions on one side of the street. Mr. Geary was supportive of that restriction. Ms. Prenger stated that the process is typically resident driven. Wes Jordan expanded on the recommendation for parking mitigation and stated that the committee could recommend it outside the typical procedure outlined in Council Policy 301. He warned that parking may then begin to impact the neighborhood if restricted on just one street, so the study would be comprehensive to the whole area.

Tyler Agniel asked for additional history on the court expansion. Ms. Prenger stated that resurfacing the tennis courts was added to the CIP as part of the parks project planning for 2018 to 2022. As the City got closer to constructing the project, the idea of changing one of the tennis courts to four pickleball courts was discussed with the Parks and Rec Committee. This plan was subsequently approved by the Governing Body. Upon installation, the contractor, who is a member of one of the pickleball rule organizations, felt the four courts were configured too tightly the way they were designed. Given this he proposed the installation of six courts by removing the other tennis court.

Ms. Wolf is supportive of retaining pickleball in some fashion at the courts and is interested in the resident suggestion of removing several nets as a no-cost exploration of how a

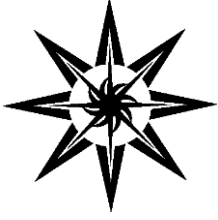
reduced number of courts may impact the use and noise levels. Mr. Moorman suggested that players may bring portable nets and still use the courts.

Ms. Moeder asked for the price on a return to the tennis courts. Ms. Prenger stated that the return would be around \$23,500 which is around the same cost as the least expensive acoustical fence. Mr. Moeder stated that he heard from the residents that the noise doesn't improve when there are fewer players, so a reduction in courts doesn't seem like a viable solution.

Mr. Moeder moved to retain six courts with the addition of acoustical fencing and a comprehensive review of parking. Mr. Geary seconded the motion. Matt Moder, Matt Geary, and Diane Mares voted in favor. Tyler Agniel, Randy Knight, Caety Meyer, Jay Moorman, and Kevin Murphy voted in opposition. Motion failed 5-3.

Mr. Agniel moved to remove three nets from the courts to observe and study the impact of a court reduction prior to making a final decision. Caety Meyer seconded the motion. Tyler Agniel, Randy Knight, Diane Mares, Caety Meyer, Jay Moorman, and Kevin Murphy voted in favor. Matt Moder and Matt Geary voted in opposition. Motion passed 6-2.

Meeting adjourned at 5:20.



ENVIRONMENTAL COMMITTEE

Committee Reports: February 20, 2024

COU2024-15

Consider mattress removal and reuse agreement with Sleepyhead Beds

RECOMMENDATION

Staff recommends the City Council approve a mattress removal and reuse with Sleepyhead Beds in conjunction with the annual large item pickup.

BACKGROUND

In 2022, the Prairie Village Environmental Committee piloted a mattress pickup and recycling program with Sleepyhead Beds. The pickup took place in conjunction with the annual large item pickup with mattresses collected on the Friday before each Saturday pickup date. Thanks to the pilot program, 460 mattresses were diverted from Johnson County Landfill, which is projected to reach capacity by 2043. The program was repeated in 2023 with 279 mattresses collected that year.

Sleepyhead Beds is a non-profit, 501(c)(3) charitable organization founded in 2010 that takes gently-used, donated beds and bedding and distributes them to Kansas City area children and families in need, free of charge. In 2022 and 2023, mattresses that were not in reusable condition were broken down so their components could be recycled by Avenue of Life. Unfortunately, Avenue of Life no longer offers this service, and a recycling partner has yet to be identified. For this reason, in 2024 Sleepyhead Beds will only collect those mattresses that are in good, reusable condition. Unusable mattresses will be left for the trash hauler to collect.

Residents are asked to let the City know if they will be putting out mattresses during the pickup and indicate how many and what condition they're in. This can be done online at pvkansas.com/pickupmymattress until three days before the pickup. City staff will then provide a list to Sleepyhead Beds, who will visit each of the City's four pickup areas the Friday before Republic trash crews will be in the area. The schedule is as follows:

- Week 1 - April 21: all homes west of Roe and north of 79th Street
- Week 2 - April 28: all homes west of Roe and south of 79th Street
- Week 3 - May 5: all homes east of Roe and north of 75th Street
- Week 4 - May 12: all homes east of Roe and south of 75th Street

FUNDING

The total cost for the program for Prairie Village in 2022 was \$8,740. In 2023, the cost was \$5,580. During the 2024 budget process, the City Council budgeted \$15,000 to continue the partnership. The cost is \$20 per mattress in 2024.

ATTACHMENTS

Sleepyhead Beds Agreement

PREPARED BY

Ashley Freburg

Public Information Officer

Environmental Committee Staff Liaison

Date: February 14, 2024

MATTRESS RECYCLING SERVICES AGREEMENT

THIS AGREEMENT is entered into by and between the City of Prairie Village, Kansas, a municipal corporation, (hereafter “City”) and SleepyHead Beds, LLC (hereafter “Collector”), effective this 20th day of February 2024.

RECITALS

WHEREAS the City has expressed its commitment to a mattress collection service;

WHEREAS, the City desires to enter into an agreement for the temporary provision of professional services for the collection and transportation of mattresses for all households within its City limits;

WHEREAS, Collector already provides mattress collection and transportation services to various residents within Prairie Village; and

WHEREAS, Collector desires to perform such professional services for the City.

NOW, THEREFORE, in consideration of the terms and conditions contained herein, the City and Collector agree as follows:

AGREEMENTS

1. **Services.** Collector shall operate and manage a program for the collection of mattresses in Prairie Village:

- A. The City shall provide a list of addresses for those residents who have indicated they will have mattresses at the curb for recycling. Collector will use the list to guide routes and pick up mattresses. Collector will also pick up mattresses along the route that were not indicated on the City’s list as long as they are in good, reusable condition. All mattresses picked up by Collector pursuant to this Agreement will be charged to the City at the rates set forth below.
- B. Collector shall transport the collected mattresses to their own facility for re-use.
- C. Collector shall handle all customer service, complaints, and comments regarding the services provided and shall provide a direct phone number and email address to the City for distribution to residents.

2. **Time of Collection.** Collector shall collect mattresses in coordination with the City’s annual large item pickup. The City shall inform all residents to place mattresses at their curbside or other designated pickup area no later than 7:00 AM on pickup days and mattresses should be collected by the Collector at or after the hour of 7:00 AM each day. The Collector will visit each of the City’s four pickup areas the Friday before the City’s Solid Waste Provider services the area for the large item pickup. The schedule is as follows:

- Week 1 - April 20: all homes west of Roe and south of 79th Street

- Week 2 - April 27: all homes east of Roe and south of 75th Street
- Week 3 - May 4: all homes west of Roe and north of 79th Street
- Week 4 – May 11: all homes east of Roe and north of 75th Street

3. **Payment.** The City shall pay the Collector 20 dollars and no cents (\$20.00) for each mattress collected under the terms of this agreement. This payment shall be made to the Collector within one month of receipt of invoice. Collector will only bill for those mattresses collected.

4. **Independent Contractor.** Both parties understand that Collector, its agents, employees and independent contractors are and shall at all times remain as to the City wholly independent contractors. Neither party shall represent that it or its agents, employees, or independent contractors are agents or employees of the other party, nor shall either party make any representations on behalf of the other without the other party's prior written consent.

5. **Term of this Agreement.** The term of this Agreement shall be from February 20, 2024 through June 1, 2024 with the recycling collection beginning April 20, 2024.

6. **Termination.** The City may terminate this Agreement at any time in the event of a material breach by the Collector not cured within thirty (30) days of receipt of notice by the City. The City and Collector can terminate this Agreement for any reason upon thirty (30) days written notice to the other party.

7. **Safety and Accidents.** Collector shall comply with all laws and industry safety standards applicable to the services provided hereunder. Collector shall perform the work in full compliance with applicable federal, state, and City regulations, and shall assume sole and complete responsibility during the course of completion of the assignment for the safety of Collector's employees, agents or contractors. If death or serious injury occurs in connection with the performance of this Agreement, Collector shall immediately notify the City Administrator by phone.

8. **Insurance.** Collector shall maintain for the duration of this Agreement, and any extensions thereof, insurance issued by a company or companies qualified to do business in the State of Kansas and that meet the following requirements:

- a. Workers' Compensation – Statutory Limits, with Employer's Liability limits of \$100,000 each employee, \$500,000 policy limit;
- b. Commercial General Liability for bodily injury and property damage liability claims with limits of not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate;
- c. Commercial Automobile Liability for bodily injury and property damage with limits of not less than \$1,000,000 each accident for all owned, non-owned and hired automobiles.

9. **Insurance Certificates.** Before Collector performs any portion of the services agreed upon, it shall provide City with certificates and endorsements evidencing the insurance required by this Article. Collector agrees to maintain the insurance required by this Article for the duration of this agreement.

10. **Waiver of Subrogation.** Insurance coverage (except commercial automobile liability) shall contain a waiver of subrogation in favor of the City, and its subdivisions, departments, officials, officers, and employees.

11. **Non-Assignment.** Collector shall not assign, transfer or convey this Agreement or its rights, duties or obligations hereunder or any part thereof without the previous written consent of the City. In the event the Collector attempts to assign, transfer, convey or otherwise alter this Agreement or its rights, duties, or obligations hereunder or any party thereof without the prior written consent of the City, the City may, at its option, terminate this Agreement immediately.

12. **Indemnification and Liability.** Collector agrees to indemnify and defend the City, its officers, employees, agents, and servants, from and against any and all liability, claims, demands, actions, suits, or losses, including reasonable attorneys' fees and defense costs, arising or resulting from negligent acts, errors, or omissions of the Collector. IN NO EVENT SHALL CITY BE LIABLE FOR ANY LOST PROFITS, LOST SAVINGS, THIRD PARTY CLAIMS (OTHER THAN AS SET FORTH IN THE PRECEDING SENTENCE), CONSEQUENTIAL, EXEMPLARY, PUNITIVE, INCIDENTAL, INDIRECT OR SPECIAL DAMAGES ARISING OUT OF OR RELATED TO THIS AGREEMENT, WHETHER OR NOT COLLECTOR HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.

13. **Severability.** Any provision or part of the Agreement held to be void or unenforceable under any law or regulation shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon the City and the Collector, who agree that the Agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision. The provisions of this Article shall not prevent this entire Agreement from being void should a provision which is of the essence of this Agreement be determined void.

14. **Governing Law.** This Agreement is entered into and is to be performed in the State of Kansas. City and Collector agree that the law of the State of Kansas shall govern the rights, obligations, duties and liabilities of the parties to this Agreement and shall govern the interpretation of this Agreement.

15. **Warranties.** The City makes no warranty express or implied, regarding the recyclable materials which are the subject of this Agreement. Specifically, whether the recyclable materials are fit for any particular purpose. Other than Collector's obligation to deliver the collected materials to a material processing facility or other appropriate collection site, Collector assumes no responsibility for the proper disposal or recycling of the collected materials.

16. **Notices.** All notices required or contemplated by this Agreement shall be personally served or mailed, postage prepaid, and addressed to the parties as follows:

City of Prairie Village

Attention: City Administrator
7700 Mission Rd
Prairie Village, KS 66208

Sleepyhead Beds

c/o Gayle Holmes
5604 Troost Avenue
Kansas City, MO 64110

17. **Waiver.** A waiver of any breach of any provision of this Agreement shall not constitute or operate as a waiver of any other breach of such provision or of any other provisions, nor shall any failure to enforce any provision hereof operate as a waiver of such provision or of any other provision.

18. **Successors and Assigns.** The City and the Collector each is hereby bound and the partners, successors, executors, administrators, legal representatives, and assigns of the City and the Collector are hereby bound to the other party to this Agreement and to the partners, successors, executors, administrators, legal representatives, and assigns of such other party in respect of all covenants and obligations of this Agreement.

19. **Amendment.** This Agreement may be modified or amended only by a written agreement duly executed by the parties hereto or their representatives.

20. **Entirety.** This Agreement contains the entire Agreement between the parties as to the matters contained herein. Any oral representations or modifications concerning this Agreement shall be of no force and effect.

21. **Non-Discrimination.** The Collector agrees that it shall abide by the Prairie Village Non-Discrimination Code (Section 5-801 et seq) and shall not discriminate against any person in the performance of Work under the present contract because of race, religion, color, sex, sexual orientation, gender identity, disability, age, national origin, or ancestry. If the City determines that the Collector has violated any applicable provision of any local, state, or federal law, or has discriminated against any person because of race, religion, color, sex, sexual orientation, gender identity, disability, age, national origin, or ancestry, such violation and/or discrimination shall constitute a breach of contract and the City may cancel, terminate, or suspend this agreement in whole or in part.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the Effective Date.

SO AGREED

The City of Prairie Village, Kansas

By: _____
Eric Mikkelson, Mayor

Date: _____

SleepyHead Beds

By: _____
Gayle Holmes, Executive Director

Date: _____

ATTEST:

By: _____
Adam Geffert, City Clerk

Date: _____

APPROVED AS TO FORM BY:

By: _____
Alex Aggen, City Attorney

Date: _____

AK



PRAIRIE VILLAGE POLICE DEPARTMENT

BYRON K. ROBERSON - CHIEF OF POLICE

INTEROFFICE MEMORANDUM

DATE: January 31, 2024
TO: Mayor Mikkelson and City Council Members
FROM: Chief Byron K. Roberson
SUBJECT: FORFEITURE TRUST FUND 2023 ANNUAL REPORT

As per Council Policy, I am submitting the following annual report for the time period of January 1 through December 31, 2023.

PD GENERAL FORFEITURE FUND – 01-00-00-2117-000

FUND TOTAL - January 1, 2023: \$ 9,982.80

Expenditures

replenish SIU buy fund	N/A
civil asset forfeiture-funds returned	(5,192.00)

Revenue

Interest	303.88
Restitution (4)	790.00
Drug Tax Distribution from State of Kansas	16,494.10

FUND BALANCE - December 31, 2023: \$22,378.78

FORFEITURE TRUST FUND 2023 ANNUAL REPORT

January 31, 2024

Page No. 2

Federal Equitable Sharing Reserve – 01-00-00-2119-000

FUND TOTAL - January 1, 2023: \$489.42

Revenue

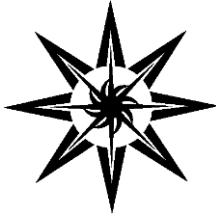
Interest 8.78

FUND BALANCE - December 31, 2023: \$498.20

FORFEITURE TRUST FUND BALANCE: \$22,876.98

BKR:jlw

cc: Accounting



ADMINISTRATION

Council Meeting Date: February 20, 2024

COU2024-12: Consider approval of the appointment of the Assistant City Attorney

SUGGESTED MOTION

Move to approve Mayor Mikkelson's appointment of Jeffery Deane, Lauber Municipal Law, as the Assistant City Attorney.

BACKGROUND

The City Attorney Request for Qualifications closed on January 12, 2024, with eight (8) responses. After the applications were received, the Mayor appointed a committee to assist in the review and interview process. Committee members were Councilmembers Ron Nelson and Lauren Wolf, as well as staff members Wes Jordan, Nickie Lee, Meghan Boom, Tim Schwartzkopf, and Capt. Ivan Washington.

The selection committee reviewed the applications and provided feedback to Mayor Mikkelson. The committee then interviewed the five finalists. At the conclusion of the meeting, Lauber Municipal Law was the committee's selection for Assistant City Attorney with Jeffery Deane designated as the primary attorney with Madison Touchstone in an assisting role.

The following rates were agreed to as part of the Mayor's recommendation of appointment:

- General municipal work: \$260.00 per hour
- Law clerk or paralegal work: \$100.00 per hour

The Assistant City Attorney is an appointed position as outlined by City Ordinance 1-301 and 1-310.

ATTACHMENTS

Letter of engagement
Proposal

PREPARED BY

Meghan Boom
Assistant City Administrator
Date: February 13, 2024



LAUBER MUNICIPAL LAW

Serving those who serve the public

February 1, 2024

City of Prairie Village
7700 Mission Road
Prairie Village KS, 66208
Attn. Meghan Buum, Asst. City Administrator

Re: Special Counsel-General Municipal Legal Services

Ms. Buum:

Thank you for meeting with us regarding the Prairie Village City Attorney RFP. While we were disappointed to learn we were not selected as the named City Attorney, we are grateful and excited for the opportunity to serve the City of Prairie Village in a supporting capacity. As we understand the role, we will provide general municipal legal services to the City of Prairie Village, Kansas (the "Matters") as needed. This fits into the scope of our Special Counsel-General Municipal Legal Services engagement definition. This letter is intended to confirm the engagement of our services and form the written agreement for the Firm's engagement to provide the requested legal services to the City of Prairie Village, Kansas.

The City will be our client for this engagement. I will be primarily responsible for the engagement on behalf of the Firm; as we described in the proposal and expanded upon in the interview, Madison Touchstone, Joe Lauber and the other experienced municipal attorneys in our firm will assist in providing legal services pursuant to this engagement.

In accordance with the Compensation and Billing Practices set out in our reply to the RFQ, our normal municipal rate is \$260 per hour. While we were not selected as the City Attorney and are acting in a general municipal role in this engagement, if we should later become the named City Attorney for Prairie Village we would revert to the \$215 per hour City Attorney rate, or the then-current City Attorney rate in effect. Should any work be accomplished more economically by a law clerk or paralegal, such work would be done by those personnel at \$100 per hour. The Firm reserves the right to charge an hourly rate less than those indicated in this agreement at its sole discretion. The hourly rates are subject to annual adjustment as described in the Additional Terms of Engagement. We take seriously what we believe is our responsibility to provide legal services within the City's budgetary resources.

The City is not required to utilize a minimum number of hours each month. We bill the hourly rates in one-tenth hour increments and provide the City with detailed monthly statements after services have been provided.

For economic development matters that are reimbursed by the applicant or project pursuant to a funding agreement, the hourly rate will be at the Firm's then-current economic development rate, which is currently \$320 per hour. Economic development matters not reimbursed by an applicant or project pursuant to a funding agreement will be charged at the standard rate of \$260 per hour.

The enclosed Additional Terms of Engagement will govern the general terms of this relationship unless otherwise agreed to in this engagement letter. If you have any questions concerning the terms of this engagement, or if you ever have a question about our charges, or their reasonableness, please contact us at your convenience to discuss the matter.

Please let me know if you have any questions regarding this engagement. Once executed, please return a copy of this executed engagement letter to me. A scanned and emailed copy (to me at JDeane@laubermunicipal.com) is perfect, but you can also send a physically signed copy if that is more convenient. Thank you for choosing Lauber Municipal Law to provide these important legal services to the City.

Sincerely,



Electronically Signed

Jeffrey W. Deane, J.D.
(913) 717-0090 (direct)
Jdeane@laubermunicipal.com

CITY OF PRAIRIE VILLAGE, KANSAS

Accepted and agreed:

(signature)

(date)

By: _____
(name), (title)



LAUBER MUNICIPAL LAW
Serving those who serve the public

Additional Terms of Engagement

Lauber Municipal Law (the “Firm”), appreciates the opportunity to serve you. Our goal is to provide legal services that address your legal needs effectively and efficiently through our offices in Lee’s Summit, Jefferson City, and Springfield. The following information explains the client service practices and billing procedures that apply to our representation of your interests (unless you have reached a different written understanding with us). We encourage you to discuss these practices with us whenever you have questions during this engagement.

Provision of Legal Services. This engagement is for provision of professional legal services, and not for the provision of business, personal, accounting, technical, or other advice not constituting legal services. It is agreed that the client is not relying upon counsel in this engagement for advice in areas other than professional legal services, even if such matters should be discussed in connection with the engagement.

Entire Agreement. The accompanying engagement letter together with these Additional Terms of Engagement shall constitute the entire agreement between us concerning the engagement, and shall not be modified or supplemented, except in a subsequent writing signed by the parties. These documents are intended to supersede all prior documents related to the same matter.

Expectations. Upon hiring the Firm, you have put at your disposal the resources of multiple attorneys who practice municipal law exclusively; in essence, you have hired a full law department. To serve the needs of all our municipal clients quickly and efficiently, it is our business practice to attempt to acknowledge all calls and e-mails within one business day of when they are received. We generally prefer that you contact us via e-mail or call our office at (816) 525-7881, unless you have a different arrangement with your primary attorney. Text messages or calls to our cell phones are not as easy to track and should generally be limited to matters requiring immediate attention. Text messages or calls to our cell phones should not be used to communicate general requests for work to be completed. Messages received after 5:00 p.m. will be treated as though received on the following business day. We will make every effort to complete assignments communicated to us using appropriate channels within five business days. If a situation exists that requires a more immediate response or completion date, be sure to communicate this at the time you contact us regarding the matter. Please be sure to allow our attorneys adequate time to review documents and provide solutions prior to your meeting packet deadlines.

Subcontractors. From time-to-time, it may be necessary for us to engage subcontractors to assist in the provision of services to you. It is agreed that we are not authorized to engage any such subcontractors without the prior approval of authorized City officials.

Periodic Billings for Legal Services. It is our policy to render periodic statements for legal services monthly. We will base these periodic statements on the hourly rates set forth in the attached Engagement Letter. Statements will be due upon receipt and are to be paid no later than 30 days following the invoice date. If any statement amount remains unpaid 30 days after the invoice date, the Firm reserves the right at its sole discretion to elect to charge a reasonable late fee or to terminate its services, or both, consistent with applicable Rules of Professional Conduct.

Annual Rate Adjustment. All hourly rates for legal services provided by the Firm are subject to annual adjustment, at the sole discretion of the Firm, with written notice of at least thirty days.

Client Disbursements. Some matters require, from time to time, certain monetary advances to be made on your behalf by the Firm. Some “client disbursements” represent out-of-pocket charges that the Firm advances, while others represent internal costs (including costs such as fees for service of process, court filing fees, deliveries, etc.). It is understood that while acting as your attorney, we have the authority to use our best judgment in making such expenditures on your behalf. Unless we have made prior arrangements with you, we will send you monthly billings for client disbursements incurred during the preceding month. Substantial individual items in excess of \$250, such as expert witness fees, court reporter fees, deposition transcripts, etc., may be billed directly to you by the vendor of such services.

File Retention. After the Firm’s services conclude, you may obtain the file for this engagement from the applicable office. If you do not obtain the file, we will retain it for a period of six years after the matter is closed. If you do not obtain the file before the end of the six-year period, the Firm will have no further obligation to retain the file and may, at our discretion, destroy it without further notice to you. At any point during the six-year period, you may obtain the file.

Disbursements and Other Charges. We may charge the City for certain expense items listed below that we provide in connection with the legal services:

Photocopying. We will not charge the City for in-house photocopies which do not exceed 100 copies in a month. If in-house photocopies exceed 100 in a month, then we reserve the right to charge \$0.15 per page (or the Firm’s cost, whichever is less) but only for each page over 100 in number. If the need to utilize an outside copy service arises, we only bill the actual cost incurred for photocopying without markup.

Computer Research. We do not charge for the Firm’s service agreement with LexisNexis or other electronic provider of legal research resources.

Telecommunications. We do not charge for local or long-distance phone calls or facsimiles.

Mail/Messengers. We do not charge for regular mail; however, bulk mailings, packages and special postal services may be charged at the Firm’s actual cost. Messengers are used as appropriate to assure expedited delivery. The actual cost of such messenger services is charged without markup.

Travel. Unless we have a different written agreement with you, we will not bill for the first 30 minutes of travel to and from the applicable Firm office to City Hall. To the extent requested by the City, electronic attendance via Zoom or similar video platform is available as a cost-effective substitute for in-person meetings.

Internet Usage. We regularly use the Internet as a means for communicating about matters concerning your representation. Any such communication could be randomly intercepted and otherwise used or disclosed by anyone, including someone specifically interested in your matter or business. This could cause you to lose your confidentiality and attorney/client privilege protections. However, to facilitate your representation, you approve the use of Internet communications during your representation by us unless we are instructed otherwise.

Termination of Services. You may terminate the services of Lauber Municipal Law at your discretion by giving us 30 days written notice of termination. We retain the right to cease performing legal services and to terminate our legal representation for any reason consistent with ethical rules, including conflicts of interest or the failure to pay legal fees and expenses when due. Termination by us will be effective upon 30 days written notice delivered to you. Our termination or your termination of services does not affect your obligation to pay legal fees and expenses incurred prior to the effective date of such termination.

Questions. One of our goals is to ensure that legal services are delivered effectively and efficiently, and that all billings are accurate and understandable. Please direct any questions about services, billing, or payment status of your account to your primary attorney or one of the Firm’s partners.



LAUBER MUNICIPAL LAW

Serving those who serve the public



PRAIRIE VILLAGE, KANSAS



Response to Request for Proposals for City Attorney

City of Prairie Village, Kansas

Submittal Deadline:

January 12, 2024

4:00 P.M.

COVER LETTER



LAUBER MUNICIPAL LAW

Serving those who serve the public

January 12, 2024

Meghan Boom, Assistant City Administrator
City of Prairie Village
7700 Mission Road
Prairie Village KS, 66208

Re: Request for Proposals – City Attorney Services

Dear Ms. Boom:

We are pleased to have this opportunity to respond to the Request for Proposals for City Attorney services for the City of Prairie Village. We believe that the City will find our firm is eminently qualified to provide the requested legal services. Joe Lauber founded Lauber Municipal Law (“LML”) in 2010 for the sole purpose of serving all types and sizes of municipal governmental entities in the Kansas City Metropolitan Area. We now have satellite offices in Jefferson City and Springfield, Missouri, and a total of thirteen attorneys, all dedicated to municipal law.

While the firm has provided services to Kansas municipalities from its inception, I was hired in 2019 to expand our services to more Kansas municipalities. I continue to spearhead our Kansas efforts with the support of a robust team of licensed Kansas attorneys—including Joe Lauber, Madison Touchstone, and Lindsey Kolisch—and expert support staff. We have several attorneys that recently joined the firm that are in the process of their initial application for Kansas licensure.

If selected, I would be the primary attorney responsible to the City of Prairie Village for this representation. However, when the City selects Lauber Municipal Law to serve as the City Attorney, all thirteen of the accomplished and experienced municipal lawyers are at its disposal. I, along with the twelve other attorneys of LML, have dedicated our legal practice exclusively to the representation of municipal clients in Kansas and Missouri; it is all that we do.

We are a full-service municipal law firm that is equipped to provide a complete spectrum of general municipal legal services under one roof. Our attorneys have experienced municipal law in virtually every facet, whether as in-house or contract general counsel, special municipal counsel, and prosecution in municipalities of large and small populations. We assist our clients in any circumstance in which they find themselves, from routine matters to issues of controversy. Our goal is to meld and multiply the experience of all our attorneys to provide a high-quality, “big firm” work product, while providing the flexibility, personal responsiveness, and cost effectiveness of a small firm.

Our Attorneys extensive municipal law experience gives us unparalleled knowledge not only of the substantive issues of Kansas local government law, but also the practical application of the law to the wide variety of situations faced by our clients. Our experience allows us to provide timely

advice to our municipal clients on the full spectrum of issues that cities face in representing and serving their citizens.

We are also well-versed in the applicability of the Kansas Open Records Act, Kansas Open Meetings Act, Kansas Tort Claims Act, City Council procedures for conducting business, economic development issues, local government taxation, provision of utility services, litigation, municipal prosecution, and public works laws. Our land use experience includes developing unified development codes/ordinances, developing public infrastructure funding mechanisms, and economic development incentive programs. As Special Counsel or appointed City Attorney for other cities, we have advised governing bodies, planning commissions, boards of zoning appeals, and city staff on virtually any circumstance that cities face.

In addition to advice in the course of our representation of cities, our firm regularly provides special training sessions for city staff, boards, commissions, and/or the governing body. We do this individually for client cities when requested and have partnered with regional insurance carriers to provide city officials training in both Kansas and Missouri.

Our Kansas experience is extensive. We currently serve the cities of Osawatomie and Mission Woods, Kansas where I am the City Attorney and Madison Touchstone is the Assistant. We also serve as Special Counsel for the City of Overland Park, Kansas on first amendment issues. I have previously served the City of Louisburg, Kansas on a special matter and Fort Scott, Kansas as its City Attorney from 2019-2021. Joe Lauber served as the Public Officer and Assistant City Attorney for the City of Fairway, Kansas, and as the Assistant City Attorney for Mission Hills, Kansas, from 2003 until 2005. The firm also provided legal services to the Unified Government of Wyandotte County and Kansas City, Kansas, the Lawrence-Douglas County Metropolitan Planning Commission, and the City of Roeland Park, Kansas

We believe the fact that we devote our entire practice to municipal law is our greatest strength. This means that if appointed by the City of Prairie Village, even at times when we are not specifically representing Prairie Village, we typically are assisting another client with issues that have (or likely will) arise with respect to Prairie Village. Our time away from City issues would not be spent representing private individuals, corporations, or developers or practicing outside our self-imposed emphasis on municipal government matters *for cities*. As a result, we are generally free of conflicts of interest, real or perceived. Our clients benefit from the synergy of our focused practice—municipal law is what we do.

We are genuinely excited about the opportunity to represent and serve the City of Prairie Village and look forward to hearing from you soon. If you have any questions about this information or desire any clarification, please feel free to contact me.

Sincerely,

LAUBER MUNICIPAL LAW



Jeffrey W. Deane

QUALIFICATIONS

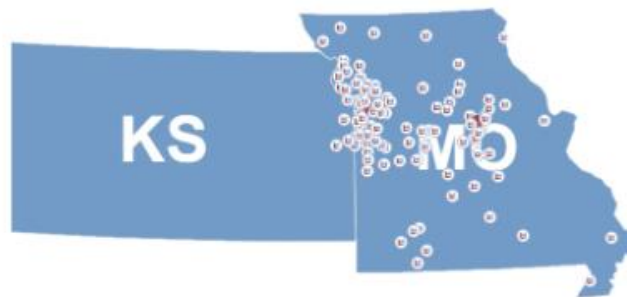
STATEMENT OF QUALIFICATIONS

I, for myself, and on behalf of the attorneys and staff of Lauber Municipal Law, affirmatively state that we possess all the qualifications set out in the Request for Proposals for City Attorney (“RFP”) and we are fully prepared to provide the entire scope of services required. The resumes of the Firm attorneys are attached in the next section. Below is an overview of our qualifications.

Contact Information - Lauber Municipal Law is a full-service municipal law firm practicing exclusively in the area of municipal law in Kansas and Missouri. We exist to provide entities of all sizes the benefit of a fully staffed, thirteen-person legal department, paying only for what they need, when they need it. Our Firm website is www.laubermunicipallaw.com. Joe Lauber established Lauber Municipal Law in November of 2010 after seven years of practice in other firms providing municipal law services to public entity clients. For this representation the lead attorney will be Jeffrey Deane, jdeane@laubermunicipal.com.

General Firm Profile - Lauber Municipal Law serves dozens of municipal government entities in Kansas and Missouri in various roles including City Attorney, Prosecutor, and Special Counsel. Each of our thirteen full-time attorneys is a highly experienced municipal attorney and each has developed a specific niche within the broad umbrella of municipal law, providing both breadth and depth to our practice. Our firm was established specifically to undertake the scope of services the City of Prairie Village is requesting.

Brief History - A principal focus of the firm has been to provide the highest quality municipal legal services to public entities at an affordable rate. Since its founding in 2010, we have grown from one attorney representing four clients on either side of the state line in Kansas City to thirteen full-time attorneys representing dozens of cities, governmental entities, and political subdivisions across Kansas and Missouri. We provide the full spectrum of municipal legal services, including General Counsel, Prosecutor, and Special Counsel roles. In April 2017, we expanded by adding a mid-Missouri office, which is now located in Jefferson City and opened a new office in Springfield Missouri in 2023 to better serve our southwest Missouri clients. The graphic below on our firm website at <https://www.laubermunicipallaw.com/clients> allows you to interactively view our clients. A specific list of reference contacts is set out at the end of this section.



Education, Bar Admission, Experience, & Standing (Kansas licensed attorneys underlined)

Jeff Deane (Primary Attorney)

Washburn University School of Law
Admitted in Kansas (18836) and Missouri
26 years of legal experience.

Madison Touchstone

UMKC School of Law
Admitted in Kansas (29619) and Missouri
4 years of legal experience.

Jennifer Baird

UMKC School of Law
Admitted in Missouri
19 years of legal experience.

Nathan Nickolaus

University of Missouri - Columbia School of
Law
Admitted in Missouri
35 years of legal experience.

Holly Dodge

UMKC School of Law
Admitted in Kansas (17959) and Missouri
26 years of legal experience.

Hunter Martin

UMKC School of Law
Admitted in Missouri
1 year of legal experience.

James Newell

UMKC School of Law
Admitted in Missouri, applying in Kansas
11 years of legal experience.

Joe Lauber (Founder and Managing Member)

UMKC School of Law
Admitted in Kansas (21435) and Missouri
21 years of legal experience.

Lindsey Kolisch

UMKC School of Law
Admitted in Kansas (29718) and Missouri,
3 years of legal experience.

Jeremy Cover

UMKC School of Law
Admitted in Missouri
15 years of legal experience.

Todd Smith

American University's Washington College of
Law (LL.M.) and
Drake University School of Law (J.D.)
Admitted in Missouri
13 years of legal experience.

John Mautino

University of Missouri - Columbia School of
Law
Admitted in Missouri Kansas eligible
26 years of legal experience.

Daniel Sanchez

UMKC School of Law
Admitted in Missouri, applying in Kansas
1 year of legal experience.

All attorneys of the Firm are in good standing in states where actively admitted. Verification of good standing with the Kansas Supreme Court can be verified at <https://directory-kard.kscourts.org/> and with the Missouri Bar at: <https://tinyurl.com/2p9htsf8>

Professional Affiliations

- **League of Kansas Municipalities (LKM)** – the firm has been a Municipal Business Alliance Member and the attorneys participate through the **City Attorney Association of Kansas (CAAK)**, an affiliate of the LKM, where Jeff Deane is a Member and Joe Lauber is an Associate member.
- **International Municipal Lawyers Association (IMLA)** – All thirteen firm attorneys are members. Joe Lauber and Nathan Nicklaus are IMLA Fellows and Joe received the Marvin J. Glink Private Practice Attorney of the Year award in October 2022.
- **Missouri Municipal League (MML)** – The firm is a participating affiliate member.

- **Missouri Municipal Attorneys Association (MMAA)** – All thirteen firm attorneys are participating members. Joe Lauber is a Past President of the MMAA, served as the Secretary of the Missouri Main Street Connection from 2011 to 2021, and is a Missouri Municipal League Municipal Governance Institute Fellow. Joe was awarded the 2020 Lou Czech Award, which is annually presented by the MMAA to attorneys who have exhibited excellent character and support of municipal law throughout their career.

Attorney Practice Areas - All attorneys dedicate their practice exclusively to the practice of municipal law and only on behalf of political subdivisions; **no attorneys practice outside of municipal law nor do any of us represent private parties, developers, or other interests before or against political subdivisions.** Specifically, each of our attorneys is highly experienced with all facets of general municipal law, open public records and meetings laws, and general and municipal contract law.

Additionally, our attorneys have developed individual niche practice experience in the following areas:

- **Jeff Deane** - Litigation, Kansas Open Records and Meetings Acts (KORA/KOMA), election contests, impeachment, annexation & condemnation, prosecution, worker's compensation, code enforcement, and nuisance abatement.
- **Joe Lauber** - Economic development, taxation, parks, and public works projects.
- **Jennifer Baird** - Economic development, employment, real estate transactions, and zoning/land use.
- **Jeremy Cover** - Economic development, prosecution, and public safety (police, fire, and ambulance).
- **John Mautino** - Litigation, telecommunications law, public rights-of-way management, public infrastructure construction, real estate, land use, and zoning law.
- **Holly Dodge** - Public safety and police issues, litigation, general municipal law.
- **Nathan Nickolaus** - Missouri Sunshine Law, Legislative solutions, economic development, collective bargaining, and public infrastructure.
- **Todd Smith** - Municipal prosecution, constitutional law, and public safety issues.
- **Madison Touchstone** - Prosecution, litigation, general municipal law.
- **Lindsey Kolisch** - General municipal law, economic development, and free speech issues.
- **Hunter Martin** - General municipal law and Prosecution.
- **Daniel Sanchez** - General municipal law and Prosecution.
- **James Newell** - General Municipal Law and Litigation

City Attorney Experience - We currently represent, through our three offices, more than 80 cities as City Attorney, over 20 cities as prosecuting attorney, 14 cities as Special Counsel for economic development issues, and 38 cities as Special Counsel for miscellaneous issues. Our client range in size from villages of 200 people to cities of 120,000 or more. A full list is available on our website.

- **Joe Lauber** is the appointed City Attorney of numerous cities, dating back to his first appointment in 2008.
- **Jeff Deane**, who heads up our Kansas Practice group, is the City Attorney for Osawatomie, and Mission Woods, Kansas and served as the City Attorney for Fort Scott, Kansas. Jeff is the appointed City Attorney of 5 cities and villages and was in-house at the City of Independence, Missouri for 7 years prior to joining the firm in June 2019. Jeff is the prosecutor for 4 cities and villages. Jeff served as Special Municipal Impeachment Prosecutor in O'Fallon, Missouri.

- **Madison Touchstone** serves as the Assistant City Attorney for Osawatomie and Mission Woods, Kansas. She served as the Assistant Municipal Prosecutor for Osawatomie, Kansas. In addition, she serves as Municipal Prosecutor for Harrisonville and Grain Valley, Missouri and the City attorney for Adrian and Garden City, Missouri.
- **Lindsey Kolisch**, in addition to serving our Kansas clients, serves as the primary attorney for Lake Winnebago and Plattsburg, Missouri and Assistant City Attorney for Odessa, Missouri.
- **Jennifer Baird** is the appointed City Attorney of 12 cities and villages including Raytown, Missouri.
- **Jeremy Cover** is the appointed City Attorney of 16 cities and villages including Independence, Missouri; Jeremy is also the appointed prosecutor of 3 cities and villages.
- **John Mautino** heads up our litigation department and serves as a member of the Midwest Public Risk insurance litigation defense team and serves as City Attorney for Parkville, Missouri.
- **Holly Dodge** heads up our southwest Missouri office and is the appointed City Attorney of numerous cities and villages served by that office.
- **Nathan Nickolaus** heads up our Jefferson City, Missouri office and is the appointed City Attorney of numerous cities and villages served from that office. He is the author of *The Sunshine Law* published by the Missouri Bar, the leading text on Missouri's Sunshine Law used by attorneys, now in its third edition.
- **Todd Smith** is the appointed City Attorney prosecutor of many of the firm's clients served by the Jefferson City office.

In these roles, we advise all types of public officials and bodies, including mayors, board members, city council members, city administrators, and city managers (and their subordinates). We assist our clients with personnel matters, contracts, ordinances, resolutions, and land use issues daily, including drafting and reviewing relevant documents, ordinances, resolutions and codes. We are very familiar with applicable Kansas and Federal laws and the various Rules of Order and can advise the City on matters related to almost any municipal legal matter. We routinely work with insurance companies and insurance counsel on claims and litigation. Our attorneys draft correspondence, contracts, and other legal documents for cities on a daily basis. We also assist in risk management and mitigation, crisis response, and improvement of the general quality of governance our clients provide their constituents.

OUR ATTORNEYS



LAUBER MUNICIPAL LAW

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JEFFREY W. DEANE

SENIOR ASSOCIATE ATTORNEY

General Overview

Jeff joined Lauber Municipal Law in 2019 and practices in the areas of general municipal law, Municipal prosecution, public entity litigation & appellate law, public contracts, ordinance, code, & charter drafting, and other general municipal issues. Prior to joining Lauber Municipal Law Jeff served for seven years as the Assistant City Counselor for the City of Independence, Missouri where, in addition to general municipal work, he litigated the City's employee injury claims under its self-insured workers compensation program. His prior experience includes working with several prominent Kansas City firms and a major reinsurance carrier handling litigation and appeals of workers compensation and insurance defense matters. While in law school Jeff interned with the Wyandotte County District Attorney's office and with the Northeast Kansas Conflict Office of the Kansas State Board of Indigents' Defense. A lifelong Kansas Citian, Jeff resides in Shawnee, Kansas with his wife Beth and their two sons.

Education

- Washburn University School of Law – J.D. with Honors, 1998
Moot Court Council – Member and Team Captain.
- Benedictine College, Atchison, Kansas – B.A., majors in Physics and Astronomy, 1992

Bar Admissions and Memberships

- Kansas, 1998
- Missouri, 1999
- United States District Court, Western District of Missouri
- United States District Court, Eastern District of Missouri
- United States Court of Appeals for the 8th Circuit

Honors/Recognition

- The Order of Barristers

Relevant Legal Experience

- City Attorney for Osawatomie, Kansas, Mission Woods, Kansas, and Weston, Missouri and Assistant City Counselor/Attorney for Independence, Odessa, Sedalia, and Branson, Missouri.
- Previously served as City Attorney for Fort Scott, Kansas and Prosecutor for Osawatomie, Kansas.
- Municipal Prosecutor for Odessa, Missouri; Assistant Municipal Prosecutor for the City of Grain Valley, and Sedalia and has served as a Special Prosecutor for the Cities of St. Joseph and Independence, Missouri.
- Serves as Special Impeachment Prosecutor and has undertaken impeachments for the Cities of O'Fallon, Waynesville, and Holt, Missouri.

- Special Trial Counsel and Special Municipal Counsel for City of St. Joseph, Missouri on matters including personnel and election challenges.
- Served seven years as in-house Assistant City Counselor for Independence, Missouri, providing advice and legal support for City administration and departments including public works, municipal power, water and water pollution control utilities, public safety, parks, recreation, & tourism, animal services, finance & purchasing, human resources, and technology services.
- Prosecutes code violations in municipal courts and resulting appeals in both Kansas and Missouri.
- Experienced litigator in Kansas and Missouri before the courts and administrative boards, including federal courts.
- Legal advisor for administrative hearings for alcoholic beverage control and other code violations.
- Experienced in municipal code review, revision, and drafting. Responsible for review and revision to complete overhaul of municipal codes including alcoholic beverage control, animal & fowl (including breed ban issues), property maintenance, contractor licensing & building codes, business & occupational licensing, and Unified Development Ordinances.
- Knowledgeable in a wide range of municipal law issues including, Kansas Open Records and Open Meetings Acts (KORA/KOMA); the Hancock Amendment; Missouri's Sunshine Law; ordinance, resolution, & contract drafting, revision, and negotiation; and discipline, and termination issues of elected and non-elected officials.

Professional Affiliations

- The Missouri Bar
- Missouri Municipal Attorneys Association
- City Attorney Association of Kansas
- International Municipal Lawyer's Association
- Kansas City Missouri Bar Association

Representative Cases

- *Gatewood v. City of O'Fallon, et al.*, No. 22-2388, United States Court of Appeals for the Eighth Circuit, (federal appeal of local impeachment in No. 4:22-cv-00089-AGF from the United States District Court for the Eastern District of Missouri)
- *Hare v. Cole*, 25 S.W.3d 617 (Mo. Ct. App WD 2000) (Oral argument and brief to the Missouri Court of Appeals, Western District - WD 57764).
- *Hargrave v. American Standard*, SC 82,685. Brief to the Missouri Supreme Court.
- *Lopez v. Lopez*, WD 58,259. Brief to the Missouri Court of Appeals, Western District.
- *Wood v. Groh*, 81,826. Brief to the Kansas Supreme Court.

Civic and Community Involvement

- Vigil Honor Member, "Wise Patient Raven," Tamegonit Lodge, Order of the Arrow
- Honorary Warrior "Swift Rising Silver Owl," Tribe of Mic-O-Say
- Heart of America Council, Boy Scouts of America: positions including Associate Lodge Advisor, Ceremonial Team Advisor, Tamegonit Lodge, Troop Committee Member, Troop 394, District Commissioner, District Training Chair, and Merit Badge Counselor

Lectures/Presentations

Practical Considerations for Municipal Impeachments, presented at the Missouri Municipal Attorneys Association Summer Seminar, July 2022

City Law 101, presented a training on **Contracts: Public Works and Public Service Agreements** at the Missouri Municipal Attorneys Association Summer Seminar, July 2021

Missouri Workers Compensation Case Law and Legislative Update, presented a seminar to the Missouri Bar Workers Compensation Committee Meeting, Spring 2011

Return to Work Issues in Kansas and Missouri Workers Compensation: Practice pointers regarding TTD, TPD, PTD and Work Disability, presented at Sterling Education Services, Inc., Workers' Compensation Law and Practice Seminar for claims professionals, November 2010

Handling Workers Compensation Cases Under the Strict Construction Standard, presented to the Kansas Bar Association, May 2010

15 Hour Review of the Law- Kansas and Missouri Workers Compensation Update, presented and authored materials for University of Missouri Kansas City School of Law annual continuing legal education program, 2001 - 2004.

Kansas and Missouri Workers Compensation Update, presented and authored materials for Kansas City Metro Bar Association annual continuing legal education program, 2002 - 2004

Workers Compensation Workshop, moderated, presented, and authored materials for Council on Education in Management continuing education program, 2003

Turkey Shoot CLE- Kansas Recreational Firearms Law presented and authored materials for Johnson County Bar Association continuing legal education program, 1999

Articles/Publications

E&O Angle – Workers Compensation - Know The States in Which Your Client is Operating, Independent Agent (the monthly magazine of the Independent Insurance Agents Association), (February 2007)

E&O Angle – Don't Take on Duties you Don't Owe, Independent Agent, (August 2005)



LAUBER MUNICIPAL LAW

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JOSEPH G. LAUBER

MANAGING MEMBER

General Overview

Joe Lauber established Lauber Municipal Law in 2010 and practices in the areas of general municipal law, public facility/infrastructure construction and financing, economic development law, public works contracts, annexation, land use planning and zoning, and appellate law. Throughout his career, Joe has dedicated his practice to the representation of governmental entities. Joe is the appointed City Attorney for the cities of Lawson, Peculiar, Lake Winnebago, Butler, Odessa, Grain Valley, Plattsburg, Sedalia, and Kearney, Missouri, and has served as special counsel to dozens of other Missouri cities. Prior to forming Lauber Municipal Law Joe was an attorney with Williams & Campo, P.C., in Lee's Summit. Before that, Joe worked as an Associate Attorney with Gilmore & Bell, P.C., in Kansas City, Missouri, where his practice was focused exclusively on economic development law for municipal clients. Joe started his career in 2003 as an Associate Attorney in the Public Law/Public Finance Division of Stinson Morrison Hecker LLP in Kansas City, Missouri. While attending law school Joe worked as the Law Clerk at the City of Lee's Summit, Missouri. Before enrolling in law school, Joe worked for six years as an independent sales agent in the building materials industry.

Education

- University of Missouri – Kansas City, J.D., 2003
THE URBAN LAWYER, Editorial Associate
UMKC LAW REVIEW, staff member
- University of Oklahoma – Bachelor of Business Administration with a minor in Legal Studies, 1995

Bar Admissions

- Missouri, 2003
- United States District Court, Western District of Missouri, 2003
- Kansas, 2004
- United States District Court, District of Kansas, 2004
- United States Court of Appeals for the Eighth Circuit, 2022

Honors/Recognition

- International Municipal Lawyers Association Marvin J. Glink Private Practice Local Government Attorney Award, 2022
- Missouri Municipal Attorneys Association Lou Czech Award, 2020
- Designated an International Municipal Lawyers Association Local Government Fellow, 2019
- Selected as Missouri and Kansas Super Lawyers "Rising Star" for State and Local Government Law 2011, 2012, and 2013
- MML's Municipal Governance Institute, Fellow (2014–present)

Relevant Legal Experience

- Appointed City Attorney of Lawson, Missouri, since 2008; Peculiar, Missouri since 2016; Lake Winnebago, Missouri since 2017; Butler, Missouri since 2017; Odessa, Missouri since 2017; Grain Valley, Missouri since 2019; Plattsburg, Missouri, since 2019; Holt, Missouri, since 2020, and New Hampton, Missouri since 2020; and Sedalia, Missouri since 2021
- On-call special counsel for general municipal issues to the cities of Independence, St. Joseph, Kearney, Branson, Moberly, Blue Springs, and Pleasant Valley, Missouri
- Special economic development counsel to the cities of Grandview, Grain Valley, Lexington, Sedalia, Jefferson City, Butler, Pleasant Valley, and Harrisonville, Missouri
- Appointed Public Officer of Fairway, Kansas, 2003–2005
- Knowledgeable in a wide variety of day-to-day municipal law issues including drafting ordinances, open meetings and open records laws, municipal authority issues, contract review, negotiation drafting, and interpretation, zoning, subdivision, and planning, personnel issues, and election law
- Drafted amicus curiae brief on behalf of Missouri Municipal League in both the Missouri Court of Appeals-Western District and Missouri Supreme Court in prevailing wage law case
- Drafted amicus curiae brief on behalf of Missouri Municipal League in the Missouri Court of Appeals-Eastern District in case regarding city authority to impose health, safety, and welfare ordinances on county facilities constructed within a city's boundaries
- Assisted in-house client as special counsel to develop procedure and documents needed in impeachment and removal of an elected official
- Extensive experience in tax increment financing and the formation and ongoing administration of Transportation Development Districts and Community Improvement Districts, including elections for district sales taxes
- Extensive experience in Missouri annexation law obtained in litigation support for a successful annexation challenge on behalf of a municipal client
- Experienced in code drafting, including development codes and a comprehensive licensing ordinance for the registration of rental properties
- Represent City of O'Fallon on impeachment matter

Professional Affiliations

- International Municipal Lawyer's Association
- League of Kansas Municipalities- Municipal Business Alliance, Associate Member
- City Attorneys Association of Kansas, Associate Member
- The Missouri Bar
- Missouri Municipal Attorneys Association, Board of Directors (2012–2019; President 2017-2018)
- Missouri Municipal League, Participating Affiliate; member Economic Development Committee
- Missouri Main Street Connection, Board of Directors (2011–2021)
- Missouri Economic Development Finance Association (MEDFA), Board of Directors (2011–2014)

Civic and Community Involvement

- Honorary Warrior "Father of Shining Heart," Tribe of Mic-O-Say
- Executive Board of Directors, Lee's Summit West Air Force Junior Reserve Officer Training Corp, Secretary (2016- 2017)
- District Commissioner At-Large, Boy Scouts of America, Heart of America Council, Thunderbird District (2011-2015)
- Troop Committee Member, Boy Scout Troop 220, Lee's Summit, Missouri (2011- present)

- Costa Rica Mission Team Member, South Summit Christian Church (January 2010)
- Secretary, Board of Directors of the South Summit Christian Church, Lee's Summit, Missouri, (2007–2008); property manager (2014)

Lectures/Speeches

Missouri Economic Development Tools, presented a training session for the Kaysinger Basin Regional Planning Commission summarizing the economic development tools available to attract businesses to communities in Missouri, September 2016

Building Better Cities, presented a seminar that takes a holistic approach to analyzing and improving the ways in which municipalities conduct their business from goal setting to internal and external analyses, to improving community involvement for the Missouri Municipal League's Elected Officials' Training Conference, June 2016

Ethical Issues Facing Elected Officials presented a seminar on ethics requirements of officials who serve political subdivisions in Missouri for the Missouri Rural Water Association's Office Professional's Seminar, October 2014

Ethical Issues Facing Elected Officials presented a seminar on ethics requirements of officials who serve political subdivisions in Missouri for the Missouri Municipal League's Elected Officials' Training Conference, June 2014

Get a "Surge" of Funding Through Community Improvement Districts, presented a seminar discussing the establishment and operation of community improvement districts as downtown revitalization tools for the Missouri Main Street Connection "Get Plugged In...Downtown" conference, August 2013

Missouri Municipal Attorneys Association "City Law 101", presented components of a continuing legal education seminar regarding public works contracts (July 2013) and municipal revenue sources (July 2012)

Ordinances and Resolutions presented a seminar comparing and contrasting the use of ordinances versus resolutions in conducting official municipal business for the Missouri City Clerks and Finance Officers-Western District, June 2013

Missouri Public Works Contracts in Brief and *Ordinances and Resolutions* presented seminars summarizing several of the many issues related to public works contracts and comparing and contrasting the use of ordinances versus resolutions in conducting official municipal business for the Missouri Municipal League's Elected Official Conference, June 2013

Building Better Cities, presented a seminar that takes a holistic approach to analyzing and improving the ways in which municipalities conduct their business from goal setting to internal and external analyses, to improving community involvement for St. Clair County EDC meeting (March 2013), Cass County League of Cities (March 2013), Henry-St. Clair County Mayors and Clerks meeting (April 2013), Lawson Board of Aldermen (July 2013).

Economic Development Financing Alternatives and Due Diligence, co-presented a seminar with Tom Kaleko of Springsted, Inc., and Ben Hart of AGH, on a variety of economic development tools available to Missouri municipalities and on recommended best practices for evaluating and approving request for economic incentives for development projects for the Missouri Municipal League's Annual Conference, September 2012

Missouri Public Works Contracts in Brief and *Revenue Sources and the Hancock Amendment* presented seminars summarizing several of the many issues related to public works contracts and summarizing various revenue sources available to Missouri municipalities and constitutional restrictions on the use of those sources for the Missouri Municipal League's Elected Official Conference, June 2012

Our Town: Representing Municipalities and Political Subdivisions, co-presented a continuing legal education class with Joe Gagnon of the Gagnon Law Firm, LLC, regarding the basic issues faced by practitioners who represent municipal entities for the annual Missouri Bar CLE Solo & Small Firm Conference, June 2012

Economic Development Financing Alternatives and Due Diligence, co-presented a seminar with Tom Kaleko of Springsted, Inc., on a variety of economic development tools available to Missouri municipalities and on recommended best practices for evaluating and approving request for economic incentives for development projects for the Missouri Government Finance Officers Association, May 2012

Missouri Economic Development Tools, presented a training session for the Pioneer Trails Regional Planning Commission summarizing the economic development tools available to attract businesses to communities in Missouri, February 2012

Missouri Public Works Contracts in Brief, presented an information session summarizing several of the many issues related to public works contracts for the MML Central Region meeting, January 2012

Managing Risks in Post-2008 Revenue Bond Issuances, co-presented a seminar for the Western Chapter of the Missouri Government Finance Officers Association addressing the Mamtek deal and how cities can manage their risks for revenue bond issuances in the changed financial environment brought about by the economic downturn that began in 2008, November 2011

Ethical Issues Facing Elected Officials co-presented a seminar with officials from the Missouri Ethics Commission on ethics requirements of officials who serve political subdivisions in Missouri for the Missouri Municipal League's Annual Conference, September 2011

Articles/Publications

Mitigating Municipal Liability: A City Attorney's Practical Guide to Building Consensus and Improving the City's Operation, 61 Municipal Lawyer, (March/April 2020).

Design-Build for Missouri's Statutory Cities, The Missouri Municipal Review (May-June 2016) (co-authored with Peter Rottgers)

Building Better Cities, The Missouri Municipal Review (two-part series, September 2014 & November 2014)

A 1980s Formula for Economic Development Still Successful Today, Co-authored with Gayla Roten and Jeanine Rann of the Missouri Main Street Connection, The Missouri Municipal Review (January 2013)

Due Diligence and Risk Management Measures for Economic Development Incentive Approvals, Co-authored with Tom Kaleko of Springsted, Inc., The Missouri Municipal Review (July 2012)

Missouri Supreme Court Hands Municipalities a Setback in Prevailing Wage Act Case, The Missouri Municipal Review (May 2011)

A Practical Application of Missouri's Immigration Law Requirements to Public Work Contracts and Related Documents, The Missouri Municipal Review (June 2009)

HIPAA's Privacy and Security Rules and Their Effect on Local Governments, 46 Municipal Lawyer, (March/April 2005) (coauthored with Juliana Reno)

HIPAA's Application to Local Governments, Nebraska Municipal Review (September 2004)

HIPAA Administrative Simplification: How the Privacy Rule Affects Municipal Ambulance Service Providers, 35 The Urban Lawyer 317 (2003)

Public-Private Partnership in Community Development: Applying Constitutional Standards for Implementing the Missouri Community Improvement District Act, 59 J. Mo. Bar 80 (March-April 2003) (cited in Day v. Robinwood West Community Improvement District, 2010 WL 584027 *9 (E.D. Mo. 2010); BHA Holding Inc. v. Pendergast, 173 S.W.3d 373, 376 (Mo. App. W.D. 2005); Subdivision Law and Growth Management § 6:33, Assessments (2009); and A Valuable New Development Resource: Kansas Adopts the Community Improvement District Act, 79-Feb. Journal of the Kansas Bar Association, 22, 26 (2010))



LAUBER MUNICIPAL LAW

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MADISON E. TOUCHSTONE

ASSOCIATE ATTORNEY

General Overview

Madison Touchstone joined Lauber Municipal Law in January of 2023 and practices in the areas of litigation, general municipal law, and municipal prosecution. Prior to joining the firm, Madison worked as an Assistant Public Defender for the Missouri State Public Defender System. As a Public Defender, she advocated on behalf of hundreds of indigent accused persons throughout rural Missouri. Because of her prior experience, Madison feels at home in the courtroom and is not a stranger when it comes to representing clients in a variety of matters. Madison is a 2020 graduate of the University of Missouri-Kansas City School of Law. She grew up in Lee's Summit and currently resides in Raymore with her husband, Trent.

Education

- University of Missouri- Kansas City School of Law – J.D., 2020
- University of Missouri – Columbia, Bachelor of Arts, 2016

Bar Admissions

- Missouri, 2020
- Kansas, 2023

Relevant Legal Experience

- State litigation and complex discovery matters
- Felony jury trials, probation violation hearings, bond hearings, and guilty pleas
- Filing and arguing various motions to the Court
- Conducting depositions and questioning witnesses
- Negotiating with opposing counsel.

Professional Affiliations

- The Missouri Bar
- Missouri Municipal Attorneys Association
- Missouri Municipal League
- International Municipal Lawyer's Association



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LINDSEY E. KOLISCH

ASSOCIATE ATTORNEY

General Overview

Lindsey Kolisch joined Lauber Municipal Law in April 2023 and practices in the areas of litigation, general municipal law, and municipal prosecution. Prior to joining the firm, Lindsey served as Law Clerk to the Honorable Justine Del Muro of the 16th Circuit Court of Jackson County, where she researched legal issues, drafted orders and judgments, and served as Bailiff during jury trials. Before her clerkship, Lindsey was Assistant Legal Counsel for the Illinois Senate Democratic Caucus, where she analyzed, drafted, and negotiated legislation in the Illinois Senate. Lindsey was raised in St. Charles County and currently resides in Kansas City with her partner, Darin, and their three cats, Tony, Gus, and Judah.

Education

- University of Missouri- Kansas City School of Law – J.D., 2021
- University of Missouri – Columbia, Bachelor of Arts, 2018

Bar Admissions

- Missouri, 2021
- Illinois, 2022
- United States District Court, Western District of Missouri, 2021
- United States District Court, Eastern District of Missouri, 2021

Relevant Legal Experience

- Judicial Law Clerk to the Honorable Justine Del Muro, 2022 – 2023
- Assistant Legal Counsel, Illinois Senate Democratic Caucus, 2021 – 2022

Professional Affiliations

- The Missouri Bar
- Missouri Municipal Attorneys Association
- Missouri Municipal League
- International Municipal Lawyers Association



LAUBER MUNICIPAL LAW

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JENNIFER M. BAIRD

PARTNER

General Overview

Attorney Jennifer Baird joined Lauber Municipal Law in 2015 and practices in the areas of general municipal law, land use planning and zoning, public facility/infrastructure construction and financing, economic development law, public works contracts, annexation, and dangerous building and nuisance abatement law. Prior to joining Lauber Municipal Law Jennifer worked for a boutique law firm in Lee's Summit, Missouri which specialized in representing municipalities. In addition, she has served as an Assistant City Attorney for the City of Lee's Summit, Missouri, with a focus on development and redevelopment of property. In her role with the City of Lee's Summit, she provided legal advice to the Planning and Development, Parks and Recreation, Human Resources, Administration, Purchasing, Water Utilities, and Information Technology departments. Prior to attending law school, Jennifer was motivated to pursue a legal career by her experience as a paralegal at White Goss in which she specialized in bringing development to communities. Jennifer grew up in Cape Girardeau, Missouri.

Education

- University of Missouri-Kansas City, J.D., 2004
- University of Missouri-Columbia, Bachelor of Science in Business Administration, 1995

Bar Admissions

- Missouri, 2004

Relevant Legal Experience

- City Attorney for the cities of Camden, Henrietta, Fleming, Stewartsville, Bates City, Wellington, Sugar Creek, Tracy, Levasy and Raytown, Missouri
- Village Attorney for Country Club and Agency, Missouri
- Assistant City Attorney for the cities of Lawson, Urich, Creighton, East Lynne, Archie, Adrian, Drexel, Windsor, Appleton City, Lake Winnebago, Peculiar, Butler and Odessa
- Special Counsel for human resources and employment matters to MIRMA
- General Counsel to: Downtown Excelsior Springs Community Improvement District and Harrisonville Town Center Transportation Development District
- Assistance with special projects in: Branson (Administrative Hearing Process, Formation of 76 Entertainment Community Improvement District); Sugar Creek (Red Flag Rule training, preparation of TIF Annual Reports, FLSA requirements); Odessa (Board of Zoning Adjustment); Pleasant Valley (financing for Fire Station building, Planning and Zoning matters); and Liberty (formation of the Historic Downtown Liberty Commercial Community Improvement District)
- Assistance with economic development projects in: Grandview, Branson, Sedalia, and Pleasant Valley

- Served as in-house legal counsel for a home rule charter city providing legal advice to the administration, finance, purchasing, human resources, information technology, planning and development, parks and recreation, and water utilities departments and provided opinions and advice to the Planning Commission, Board of Zoning Adjustment, Park Board, City Council and City Council subcommittees
- Managed several phases of a road project, drafting key real estate documents, negotiating and drafting construction contracts and settlement agreements while keeping the project team and key stakeholders informed of the progress of the project
- Conducted dangerous building and nuisance abatement hearings
- Instrumental in forming Community Improvement Districts, Transportation Development Districts, and Neighborhood Improvement Districts in the Kansas City area
- Assisted several communities with forming Enhanced Enterprise Zones
- Developed and directed approximately \$500,000,000 of commercial, office, upscale retail and mixed-use development and improvements within the Kansas City metropolitan area through the use of economic development tools, such as, Tax Increment Financing, Transportation Development District, Community Improvement District, and Neighborhood Improvement District incentives.
- Complex contract negotiations for real estate development including leasing, transportation, utilities and infrastructure, and cooperative agreements.

Professional Affiliations

- The Missouri Bar
- Missouri Municipal League
- Missouri Municipal Attorneys Association
- International Municipal Lawyer's Association

Presentations, Speaking Engagements, and Articles

Missouri Sunshine Law presented a seminar regarding Missouri open records to the Northwest Missouri City Clerks and Finance Officers Association, November 2020.

First Amendment and Social Media presented a seminar regarding First Amendment Rights and social media to the Missouri Municipal Attorneys Association, October 2020.

The Fair Labor Standards Act: Then and Now, presented a seminar on the changes to the Fair Labor Standards Act to the Missouri Association of Councils of Government, September 2016.

Ethics, Governance Process and Procedures, presented a seminar regarding ethics and conflicts of interest for elected and appointed government officials to the Pension Board Member Education, September 2016, and September 2017.

Getting the Most Out of Your City Attorney, co-presented a seminar with Jeremy Cover of Lauber Municipal Law and Nancy Yendes, City Attorney for the City of Blue Springs, Missouri, addressing recommendations, insights, and best practices for cities to obtain effective representation from their city attorney at the Missouri Municipal League Annual Conference, September 2015

FTC 'Red Flag' Rule and the City of Sugar Creek Missouri, presented training to the City of Sugar Creek, Missouri staff regarding updates to the identity theft prevention program known as the Red Flag Rule, 2009, 2010, and 2015

Get a 'Surge' of Funding Through Community Improvement Districts, presented a seminar on the economic benefits of forming a community improvement district to help fund improvement projects at the Missouri Downtown Revitalization Conference, July 2015

Laws Affecting Conflict of Interest Issues, presented a seminar addressing issues elected and appointed officials can face in their capacity as officials for political subdivisions as part of a series of seminar on multiple governance topics at the Lauber Municipal Law's Newly Elected Official's Training, May and June 2015

Planning, Zoning, and Board of Adjustment, presented a seminar addressing the purpose of planning and zoning in municipalities as part of a series of seminars on multiple governance topics at the Lauber Municipal Law's Newly Elected Officials Training, May and June 2015

Annexation, presented a seminar addressing the general process and issues with annexation as part of a series of seminars on multiple governance topics at the Lauber Municipal Law's Newly Elected Officials Training, May and June 2015

Laws Affecting Conflict of Interest Issues, presented a seminar addressing issues elected and appointed officials can face in their capacity as officials for political subdivisions at the Missouri Rural Water Association Annual Conference, March 2015

Dangerous Building, presented a training seminar to assist a newly formed Dangerous Building Committee as to the process for hearing and determining the nuisance of property for the City of Gladstone, Missouri, 2012

Voting-The Basics, presented a seminar on the basics of conducting a public meeting at the Missouri Municipal Attorneys' Association Annual Conference, July 2012

FTC 'Red Flag' Rule and the City of Lawson, Missouri, presented training to the City of Lawson, Missouri staff regarding the identity theft prevention program known as the Red Flag Rule, 2009

FTC 'Red Flag' Rule and the City of Greenwood, Missouri, presented training to the City of Greenwood, Missouri staff regarding the identity theft prevention program known as the Red Flag Rule, 2009

FTC 'Red Flag' Rule and the City of Grain Valley, Missouri, presented training to the City of Grain Valley, Missouri staff regarding the identity theft prevention program known as the Red Flag Rule, 2008

Missouri Sunshine Law, Subdivision and Zoning Laws, presented a series of seminars on multiple municipal governance topics as part of the Williams & Campo Local Government Series, 2008

Workplace Violence, Sexual Harassment, and the Workplace, presented a series of seminar on multiple municipal governance topics as part of the City of Lee's Summit's Safety Fair, 2005

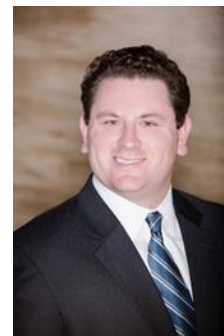
Social Media And The First Amendment, Missouri Sunshine Law, And Records Retention, The Missouri Municipal Review Vol.86, No. 2, 2021

Liquor in Missouri, Your Local Government Questions Answered, The Missouri Municipal Review (September 2016) (reprinted in the Missouri City Clerks and Finance Officers newsletter 2016)



LAUBER MUNICIPAL LAW

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JEREMIAH V. COVER

PARTNER

General Overview

Jeremy Cover practices in the areas of general municipal law, municipal prosecution, economic development, dangerous building and nuisance abatements, litigation, real estate transactions, as well as regulatory and statutory compliance, including Missouri's Sunshine Law. He previously served as the Associate City Counselor and Assistant Prosecutor for the City of Jefferson City, Missouri, where he advised the City Council as well as numerous boards and commissions, prosecuted a wide range of City Code violations, and led the City's code enforcement task force. Prior to his work in Jefferson City, he served in court administration for Missouri's Thirteenth Judicial Circuit. In addition to his public sector service Jeremy also gained experience at a general practice law firm where he was presented with a wide range of legal issues.

Education

- University of Missouri-Kansas City, J.D., 2008
- University of Missouri-Kansas City, M.P.A., 2008
- University of Missouri, B.S. Business Administration, 2004

Bar Admissions

- Missouri, 2008
- United States District Court, Western District of Missouri, 2013

Honors/Recognition

- Selected as Missouri and Kansas Super Lawyers "Rising Star" 2018 for State and Local Government Law

Relevant Legal Experience

- City Attorney for the Missouri cities and villages of Independence, Lexington, Pleasant Hill, Garden City, Rich Hill, Urich, Archie, Windsor, Drexel, Appleton City, Lowry City, Brownington, Freeman, Lake Annette, Archie, East Lynne, West Line, Strasburg, and Creighton
- City Prosecutor for the Missouri cities of Windsor, East Lynne, Pleasant Hill, Urich, Brownington, Freeman, Garden City, Sedalia, and Grain Valley
- Served as the Interim City Prosecutor for the City of Blue Springs, Missouri
- Special Counsel for multiple Missouri cities including Grandview, Jefferson City, Pleasant Valley, Marshall, Moberly, and Springfield
- Served as Associate City Counselor for Jefferson City, Missouri, including the City Council, nine departments, and multiple boards and commissions
- Knowledgeable in a wide range of municipal law issues including Missouri's Sunshine Law, drafting ordinances and resolutions, contract negotiation and review, nuisance abatement, election law, and personnel issues

- Prosecutes code violations in Municipal Court
- Experienced litigator
- Conducts administrative hearings for dangerous buildings and nuisance issues
- Facilitates complex real estate transactions
- Crafted policies and procedures at the Circuit Court and Municipal Court level
- Coordinates the formation, implementation, and operation of Tax Increment Financing (TIF) projects and other economic development incentives
- Serves as City Counselor for the City of Independence

Professional Affiliations

- The Missouri Bar
- Missouri Municipal League
- Missouri Municipal Attorney's Association
- International Municipal Lawyer's Association
- Missouri Municipal Attorney's Association, Municipal Prosecutors Committee (2018-present)
- Missouri Municipal Attorneys Association, Board of Directors (2019-present)

Presentations and Trainings

Prosecutor Best Practices, presented a summary of policies, procedures, and best practices related to topics of interest to municipal prosecutors at the Missouri Municipal Attorneys Association Summer Seminar, October 2020

Revenue Sources and Fundamentals of Economic Development, presented an overview of the various types of statutorily authorized revenue sources for municipalities as well as economic development principles, ideas, and resources at the Missouri Municipal League Annual Conference, September 2018

Municipal Prosecution Legislative Update and Discussion, presented a summary of proposed and enacted legislation of interest to municipal prosecutors from the 2018 legislative session of the Missouri General Assembly at the Missouri Municipal Attorneys Association Summer Seminar, July 2018

Revenue Sources and Fundamentals of Economic Development, presented an overview of the various types of statutorily authorized revenue sources for municipalities as well as economic development principles, ideas, and resources at the Missouri City Clerks and Finance Officers Association Spring Institute, March 2018

Missouri Supreme Court Rule 37, co-presented a seminar with Mark Levitt regarding recent changes to Missouri Supreme Court rules related to municipal court operating standards at the Missouri Municipal Attorneys Association Summer Seminar, July 2017

Revenue Sources and Economic Development, presented an overview of the various types of statutorily authorized revenue sources for municipalities and economic development options and ideas for small towns at the Henry County Mayors Meeting, October 2016

Senate Bill 572 and the Macks Creek Law, co-presented a seminar with Mark Levitt regarding the statutory changes affecting municipal courts and municipal ordinance violations at the Missouri Municipal Attorneys Association Summer Seminar, July 2016

Ordinances, Resolutions, and the Basics of Parliamentary Procedure, presented an overview of ordinances, resolutions, and parliamentary procedure to the Missouri City Clerks and Finance Officers Association New Clerks' Institute, March 2016

Senate Bill 5 and the Macks Creek Law, presented a legislative update on the statutory changes regarding municipal courts and traffic citation revenue to the Missouri City Clerks and Finance Officers Association, Western Division Group, January 2016

Missouri's Sunshine Law and Records Management, presented a seminar on Missouri's open records law and best practices in records management to the Missouri City Clerks and Finance Officers Association Regional Conference, October 2015

Senate Bill 5 and the Macks Creek Law, presented a legislative update on the statutory changes regarding municipal courts and traffic citation revenue to the Cass County League of Cities, October 2015

Getting the Most Out of Your City Attorney, co-presented a seminar with Jennifer Baird of Lauber Municipal Law and Nancy Yendes, City Attorney for the City of Blue Springs, addressing recommendations, insights, and best practices for cities to obtain effective representation from their city attorney at the Missouri Municipal League Annual Conference, September 2015

Missouri's Sunshine Law, presented a webinar on the background, best practices, and nuances associated with Missouri's open records law as part of the St. Louis County Municipal League's Municipal Officials Training Academy, August 2015

Municipal Revenue Sources and the Hancock Amendment, presented a seminar addressing the sources of authority, revenue generating activities, and constitutional limitations at the Missouri Municipal Attorneys Association Summer Seminar, July 2015

Articles/Publications

Public Safety: What City Officials Need to Know, The Missouri Municipal Review, (September/October 2020)

Municipal Government 101, The Missouri Municipal Review, (November/December 2017)



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NATHAN M. NICKOLAUS

OF COUNSEL

General Overview

Nathan M. Nickolaus joined Lauber Municipal Law in 2018 and practices in the areas of general municipal law, economic development, employment matters, environmental law, and general municipal issues. Prior to joining Lauber Municipal Law Nathan worked for a municipal law firm in the St. Louis area and served as General Counsel to the Missouri Department of Economic Development where he advised the state on a broad range of economic development incentive programs and other community development programs. He has also served as the City Counselor, City Prosecutor, and City Administrator for Jefferson City, and as General Counsel for numerous municipalities throughout Missouri. Nathan manages our mid-Missouri office in Jefferson City and resides in Jefferson City with his wife and sons.

Education

- University of Missouri—Columbia, J.D., 1988
- Indiana State University, M.P.A., 2016
- Westminster College, B.A., 1985

Bar Admissions

- Missouri

Honors/Recognition/Appointments

- Designated an International Municipal Lawyers Association Local Government Fellow, 2021
- America's Most Honored Lawyers, Top 5%
- Economic Opportunity Subcommittee of the Ferguson Commission, 2015
- Recipient of the Lou Czech Award, Missouri Municipal Attorneys Association, 2012

Relevant Legal Experience

- City Attorney for the following Missouri cities and villages: Fayette, Russellville, New Bloomfield, Meta, Ashland, Kingdom City, Kimberling City, Otterville, Wellsville, Auxvasse, Waynesville, Saddlebrooke, and Centertown
- Appointed City Counselor for the City of Jefferson City (2003 -2012)
- Appointed City Administrator for the City of Jefferson City (2011 - 2013)
- Appointed by Governor as General Counsel for the Missouri Department of Economic Development (2013 - 2017)
- Appointed Village Attorney and Prosecutor for the Village of Wardsville (1988 - 2003)
- Elected City Prosecutor, City of Jefferson (1991 - 1995)
- Appointed City Attorney and Prosecutor for the City of Linn (1998-2003)

- Appointed City Attorney for the City of Ashland (2000-2003)
- Appointed City Attorney for the City of Holts Summit (1995 - 1998)
- Appointed City Attorney for the City Attorney, City of Meta (1996 - 2003)
- Appointed City Attorney for the City Attorney, City of Chamois (1998 - 2001)
- Appointed City Prosecutor for the City of St. Thomas (1991 - 2000)
- Appointed City Counselor for the City of Webster Groves (2017-2018)
- Appointed Special Prosecutor, County of Cole (1992-1995, 1998, 2004)
- Certified ICS through ICS 400, Advanced Incident Command System (ICS) for Command and General Staff - Complex Incidents
- Legal Advisor for negotiations that resulted in the largest job creation project in the history of Missouri.
- Won a first in the nation settlement of over \$3 million from Cingular Wireless over cell phone taxation and increasing city tax receipts by over \$12 Million during the next six years.
- Author of The Sunshine Law, MoBar, 2nd Edition 2014 (66 pages). The widely used handbook for open meetings and records in Missouri.
- Extensive knowledge of municipal utility operations and collections, including suits involving sewer backups and disputes with the Missouri Department of Natural Resources
- Broad knowledge of state economic development incentives and community development tools such as CDBG and Missouri Works, as well as local economic development tools such as Redevelopment Plans, Community Improvement Districts, Transportation Development Districts, and Chapter 100 plans.
- Extensive knowledge of government pension systems including having served as General Counsel to the Missouri Local Government Employees Retirement System (LAGERS), Missouri Public School Retirement System (PSRS), and local fire pension system.
- Decades of experience in code enforcement, nuisance abatement and dangerous or dilapidated buildings.
- Experienced in ordinance and code drafting, including drafting three complete codes.

Professional Affiliations

- The Missouri Bar
- Missouri Municipal League
- Missouri Municipal Attorneys Association (President, 2007)
- Missouri Bar Local Government Committee (Chairman, 2005-2007)
- International Municipal Attorneys Association

Books

- The Sunshine Law, The Missouri Bar, 3rd Edition, 2019.

Articles

Gross v. Parson, 2021

The Sunshine Law, MoBar, 3rd Edition, 2019

Social Media and The First Amendment, Missouri Sunshine Law, And Records Retention, with Jennifer Baird, The Missouri Municipal Review Vol.86, No. 2, 2021

Impeachment: How Not to Get Beat Up on the Process, Missouri Municipal Review, Vol. 83, No. 2, April 2018
(https://cdn.ymaws.com/www.mocities.com/resource/resmgr/march_review_files/Impeachment.pdf).

Hidden Trap in Chapter 100 Could Cost Cities, Municipal Review October 2017
(https://cdn.ymaws.com/mocities.site-ym.com/resource/resmgr/review_sept_articles/Chapter100Hidden.pdf).

Missouri Open Meetings Law, Missouri Administrative Law Deskbook, 4th Edition, Missouri Bar, 2011.

Mini-Motorcycles, Motor Scooters, Mobility Devices and Motorized Bicycles, Missouri Municipal Review, Vol. 69, No. 10, 2004.

Lectures And Presentations

Presenter “Food Trucks; Struggling to Keep Up” Missouri Municipal Attorneys Association Annual Meeting July 2021.

“Virtual Meetings” Missouri Municipal Attorneys Association Summer Seminar, October 2, 2020.
<https://www.mocities.com/resource/collection/B2E98F65-E5BF-450B-AC9C-EE15F535122C/12VirtualMeetingsMMAA20-Book.pdf>

Webinar “City Operations During a Pandemic” Missouri Municipal League, March 17, 2020,
<https://cdn.ymaws.com/mocities.site-ym.com/resource/resmgr/webinars/cityoperationsduringpandemic.pdf>

“Sunshine Law: Advanced Issues” 2019 Annual Government Practice Institute, MoBar CLE, December 31, 2019.

“Medical Marijuana and Your Municipal Employees” Missouri Municipal League South Central Regional Meeting, Nov. 6, 2019.

“The Power of Missouri’s Sunshine Law: How to Get the Records That Will Help Your Client,” The Bar Plan 9-Hour Webinar 2019 <https://www.thebarplan.com/resources/seminars/9-hour-webinar-topics/>

“Responding to Citizen Videographers” webinar for the Missouri Municipal League, 2019
<https://mocities.site-ym.com/store/ViewProduct.aspx?id=13026225>

Co-Presenter with Jean Maneke “The Sunshine Law” Missouri Municipal Attorney’s Association Annual Conference, July 20, 2018, Osage Beach, Missouri.

Presenter “Fundamentals of Municipal Contracting” at Missouri Municipal League Elected Officials Training Conference, Columbia, Missouri, June 8, 2018. <https://mocities.site-ym.com/store/ViewProduct.aspx?id=11742054>

Presenter: “Fundamentals of Municipal Contracting” webinar for Missouri Municipal League, June 25, 2018.
<https://mocities.site-ym.com/store/ViewProduct.aspx?id=11742054>

Co-Presenter: “City Cyber Threats and Solutions” Municipal Officials Training Academy, Frontenac, Missouri, March 22, 2018

Presenter: “City Clerks Role in Economic Development” Missouri City Clerks and Finance Officers Association Spring Institute, Columbia, Missouri, March 12, 2018

Presenter: “Municipal Contracts and Purchasing; Best Practices” Municipal Officials Training Academy, Frontenac, Missouri, August 21, 2018.

Presenter: “Ethics: Keeping Yourself and Your Employer Out of Hot Water” American Planning Association, Missouri Chapter, September 20, 2017, St. Louis Missouri.
<http://missouri.apwa.net/EventDetails/11195>

Presenter: “Sunshine Law,” Missouri Bar CLE, Guidebook Series Teleconference April 25, 2017.

Presenter: “Introduction to Chapter 100; Missouri TIF and State TIF Laws; Community Development as an Economic Development Tool,” Missouri Department of Economic Development -- BCS Incentives and Finance Program, Jefferson City, Lee’s Summit, Joplin, Cape Girardeau, and St. Louis, Missouri, 2016

Co-Presenter with Jean Maneke “What You Need to Know about Missouri Public Records and Open Meetings” live webinar, Lorman Education Services, February 4, 2016

Presenter: “Sunshine Law for the General Public,” Missouri Sunshine Law Coalition/League of Women Voters, Columbia, Missouri, April 2014. <https://lwvcbc.org/2014/03/08/missouris-sunshine-law-shining-a-light-on-government/>

Co-Presenter with Josh Payton “Property Tax” Missouri Municipal League Annual Conference, October 2009



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TODD T. SMITH

ASSOCIATE ATTORNEY

General Overview

Todd Smith joined Lauber Municipal Law in 2022 and practices general municipal law with a particular interest in constitutional law and public safety issues. Todd previously served as an Assistant Prosecuting Attorney for two Missouri counties, practiced appellate litigation as a Missouri Assistant Attorney General, and regularly represented governmental clients at a mid-size insurance defense firm. After graduating from law school early, Todd moved to Washington D.C. and earned a Master of Law degree in Law and Government with a certificate in civil and constitutional rights. He resides in Jefferson City.

Education

- American University's Washington College of Law – LL.M in Law & Gov't., 2009
- Drake University Law School – J.D., 2008
- University of Missouri – B.A. in Political Science, 2006

Bar Admissions

- Supreme Court of the United States, 2015
- Missouri, 2011

Relevant Legal Experience

- Represented several law enforcement agencies, a large fire protection district, and served as a county counselor.
- Secured summary judgment in favor of a police officer in wrongful death suit, advised deputy sheriff in use of deadly force investigation (cleared), and served as outside counsel for a large department's internal affairs review of a pursuit resulting in injury.
- Authored over 100 appellate briefs and argued before all four of Missouri's state appellate courts, including the Missouri Supreme Court. See *State v. Lovelady*, 432 S.W. 3d 187 (Mo. banc 2014) (evidence should not have been suppressed).
- Won week-long civil jury trial over a patrol vehicle accident and several felony jury trials.
- Presented numerous lectures for law enforcement licensing credit.

Professional Affiliations

- The Missouri Bar
- Missouri Municipal Attorneys Association
- Missouri Municipal League
- International Municipal Lawyer's Association

Lectures/Presentations

Compliance with the Missouri Officer Bill of Rights, presented at CLE lecture to the Missouri Bar Committee on Local Government, November 16, 2022

Enforcing Amendment III, presented at webinar for Missouri Municipal League, December 15, 2022

Cities and the First Amendment, presented at Mid-America Regional Council's Managers Roundtable, October 4, 2022.

Articles/Publications

By The Book: Compliance with The Officers' Bill of Rights, Missouri Municipal League, September 2022

Forensic Autopsies in Missouri, The Journal of the Missouri Bar, Vol, 96, No. 1, January-February 2020



LAUBER MUNICIPAL LAW

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HOLLY M. DODGE

SENIOR ASSOCIATE ATTORNEY

General Overview

Holly joined Lauber Municipal Law in 2023 and practices in the areas of general municipal law, human resources, employment matters, public contracts, dangerous building/nuisance abatement law, municipal prosecution, litigation, public safety law, and ordinance, code, & charter drafting. She came to Lauber Municipal Law after a long career of serving the public as an attorney for the City of Kansas City, Missouri and the Kansas City, Missouri Board of Police Commissioners. She has prosecuted in both state and municipal courts of Kansas City, Missouri and 4th Judicial District Attorney's Office in Colorado Springs, Colorado, respectively. While still a farmer at heart, she volunteered to head up the firm's new Springfield, Missouri office where she resides (along with her son) near her roots in Springfield, Missouri.

Education

- University of Missouri – Kansas City, J.D., 1996
- Missouri State University, Springfield, B.S. Political Science, 1993

Bar Admissions

- Missouri, 1996
- Kansas, 1997 (reactivated, 2023)
- Colorado, 2003 (inactive)

Honors/Recognition

- Rich Nall Pacesetter Award, City of Kansas City, Missouri, 2015

Relevant Legal Experience

- Experienced litigator in Missouri before courts and administrative hearings
- Served as Assistant and Associate City attorney for Kansas City, Missouri in civil litigation and corporate representation. Specialized in neighborhood improvement projects through demolition and nuisance abatements.
- Served as a County Court and District Court Prosecutor for the 4th Judicial District Attorney's Office in Colorado Springs, Colorado. Also served in the Intake Division and Economic Crimes Division.
- Served as a prosecutor for the City of Kansas City, Missouri Municipal Court with assignments in Housing Court, Animal Court, and Domestic Violence Court.
- Served as Associate General Counsel and General Counsel for Kansas City, Missouri Police Department.

Professional Affiliations

- The Missouri Bar
- Clay County Bar Association



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JOHN L. MAUTINO

SENIOR ASSOCIATE ATTORNEY

General Overview

John Mautino joined Lauber Municipal Law in August 2022, and practices in the areas of litigation, general municipal law, telecommunications law, public rights-of-way management, public infrastructure construction, real estate, land use, and zoning law. Prior to joining the firm, John practiced for seven years with a large national law firm headquartered in Kansas City where he represented clients in the substantive areas of communications infrastructure development, modification and deployment, federal and state telecommunications regulations, land use and zoning, real estate, municipal law, and commercial litigation. John has been involved with municipal law from the beginning of his career, starting with a prominent general practice law firm in Southeast Missouri that provided general city attorney services to several cities and served as outside litigation counsel to various governmental entities. Before returning to private practice in 2015, John served as Deputy City Attorney for the City of Lee's Summit, Missouri.

Education

- University of Missouri – Columbia, J.D., 1998
- University of Missouri – Columbia, B.A., 1994

Bar Admissions

- Missouri, 1998

Relevant Legal Experience

- Litigation counsel for Independence, MO.
- Assistant City Attorney for several cities, including Odessa, Grain Valley, Peculiar, Butler, and Sedalia.
- Served as Deputy City Attorney for Lee's Summit, MO and Assistant City Attorney for Jackson, Perryville, and Fredericktown, MO.

Professional Affiliations

- The Missouri Bar
- The Kansas City Metropolitan Bar Association
- Missouri Municipal Attorneys Association
- Missouri Municipal League
- International Municipal Lawyer's Association

Civic and Community Involvement

- Knights of Columbus
- Boy Scouts of America



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HUNTER MARTIN

Associate Attorney

General Overview

Hunter Martin joined Lauber Municipal Law, in September of 2023, after graduating from the University of Missouri-Kansas City School of Law in May of 2023. As a promising legal professional, he is dedicated to serving our clients with a focus on general municipal law and municipal prosecution. During his academic journey, Hunter honed his skills and developed a passion for representing public bodies in the state of Missouri while working as a law clerk for a firm specializing in representing school districts. Hailing from and currently residing in a rural community, Hunter possesses an affinity for rural areas. His genuine connection to rural communities goes beyond the courtroom, and he is an advocate for the well-being and prosperity of these areas.

Beyond his legal pursuits, Hunter embraces the outdoors and enjoys activities like hiking, fishing, and hunting. Hunter is excited to combine his legal expertise with a strong connection to the communities we serve.

Education

- University of Missouri - Kansas City School of Law – J.D., 2023
- University of Central Missouri – Bachelor of Science, 2020

Bar Admissions

- Missouri, 2023

Professional Affiliations

- The Missouri Bar
- Missouri Municipal Attorneys Association
- Missouri Municipal League
- International Municipal Lawyers Association



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DANIEL SANCHEZ

Associate Attorney

General Overview

Daniel Sanchez joined Lauber Municipal Law, in October of 2023 and practices in the areas of litigation, general municipal law, and municipal prosecution. Daniel recently graduated from the University of Missouri-Kansas City School of Law. While in law school, Daniel was a staff member for the UMKC Law Review, and was a member of UMKC's Mock Trial team where he learned and honed his litigation and advocacy skills. Daniel brings a strong work ethic and attention to detail in serving our clients and advocating for their legal needs. In his free time Daniel loves to spend time with his 5 children and wife Kassandra, and root for the Chiefs.

Beyond his legal pursuits, Hunter embraces the outdoors and enjoys activities like hiking, fishing, and hunting. Hunter is excited to combine his legal expertise with a strong connection to the communities we serve.

Education

- University of Missouri - Kansas City School of Law – J.D., 2023
- University of California – Los Angeles, Bachelor of Arts, 2001

Bar Admissions

- Missouri, 2023

Professional Affiliations

- The Missouri Bar
- Missouri Municipal Attorneys Association
- Missouri Municipal League
- International Municipal Lawyers Association



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JAMES NEWELL

Associate Attorney

General Overview

James joined Lauber Municipal Law in 2023 and practices in the areas of general municipal law and general litigation. Prior to joining the firm, James worked as an assistant city attorney for the City of Kansas City, MO and an insurance defense firm in Overland Park, Kansas. James also served as a law clerk to the Honorable Robert Schieber and the Honorable Cory Atkins, both of the 16th Circuit Court of Jackson County, MO. Prior to and during law school, James worked at a regional bank in Dallas, Texas as a vice president of commercial lending, focusing on commercial real estate and development. James resides in Lee's Summit, MO with his wife, Ashley, and their three kids: Cash, Carly, and Camryn.

Education

- Texas A&M University School of Law – J.D., 2013
- Baker University – Master of Business Administration, 2007
- Kansas State University – Bachelor of Science in Finance, 2003

Bar Admissions

- Missouri
- United States District Court, Western District of Missouri

Professional Affiliations

- The Missouri Bar
- Missouri Municipal Attorneys Association
- Missouri Municipal League
- International Municipal Lawyers Association

PROFESSIONAL REFERENCES

Professional References

Bret Glendenning, City Manager
City of Osawatomie, Kansas
509 Fifth St.
Osawatomie, KS 66064
(913) 755-2146
bglendenning@osawatomiaks.org

Kent Stelljes
Mayor
City of Weston, Missouri
300 Main St
Weston, Missouri 64098
(816) 640-2752
kent.stelljes@westonmo.us

Randy Nichols
Former City Commissioner
City of Fort Scott, Kansas
633 Meadow Lane
Fort Scott, Kansas 66701
(620) 224-8795
nicholsrandy3@gmail.com

Robert Tietze, Mayor
City of Mission Woods, Kansas
4700 Rainbow Boulevard
Westwood, KS 66205
(913) 362-3737 (city clerk)
rtietze@kc.rr.com

Michael Scanlon
Former City Manager - Osawatomie
Our City Planning LLC
6841 Woodson Street
Overland Park, Kansas 66204
(913) 940-0782
mscanlon@ourcityplan.com

David Martin
Former City Manager
City of Fort Scott, Kansas
824 S Main
Fort Scott, Kansas 66701
(620) 644-2498
dmartin.bsse@gmail.com

COMPENSATION AND BILLING PRACTICES

Compensation and Billing Practices

While we can be flexible in our structure, years of experience have taught us that an hourly rate structure is best to allow the City to maintain optimal flexibility and control of costs. Because we only represent municipal entities, we are deeply attuned to the need to be good stewards of taxpayer dollars by keeping legal bills as low as possible. We take very seriously our role as a city's law department and our responsibility to operate that department in accordance with the governing body's approved budget and guidelines.

We will bill in one-tenth hour increments for the actual time spent engaged in Basic City Attorney Services and will provide the City with detailed monthly statements after services have been provided. Our monthly statements describe the services, hours spent, fees, and identify the lawyer providing the services. While our normal municipal rate is \$260 per hour, if named the City Attorney for Prairie Village we will discount this rate to **\$215** per hour for each attorney completing work within the normal scope of services. Should any work be accomplished more economically by a law clerk or paralegal, such work would be done by those personnel at \$100 per hour.

Basic City Attorney Services include items such as attending meetings of the City Council, drafting ordinances, participating in telephone calls and meetings with City officials, boards, or commissions, reviewing contracts, handling personnel issues, routine litigation matters, activities associated with municipal prosecution (when so appointed), etc. (i.e., the conduct of the full range of a city's day-to-day business).

We anticipate that the scope of work set out in the City's RFP requires Basic City Attorney Services. However, the City may request services on issues that require a higher level of expertise, including 1) complex litigation, 2) economic development incentive matters, or 3) any other matter deemed a Special Municipal Matter by mutual agreement of the City and the firm. The firm will provide services on such Special Municipal Matters only with prior written approval from the City's duly authorized representative. Matters are automatically considered to be Basic City Attorney Services absent the prior mutual written agreement of the City and firm. The hourly rate for Special Municipal Matters will be \$260 per hour for all attorneys. The rate for work billed by our paralegal or law clerk would remain at \$100 per hour.

Billing entries typically include:

- Attendance at the City Council meetings, drafting ordinances, participating in telephone calls and meetings with City officials, reviewing contracts, handling personnel issues, routine litigation matters, attending City Commission and/or Board Meetings, and other matters as requested by the City.
- Transit time to and from meetings at City Hall and court dockets and/or required meetings with City or Court staff, vendors, or opposing counsel (**subject to the Firm's reduced cost travel policy, set out below**).
- Time spent receiving and responding to communication from the Court or City personnel, opposing counsel, and/or unrepresented parties as it pertains to City matters.
- Time spent in drafting, researching, revising, or preparing documents, pleadings, agreements, memoranda, or other necessary documents or activity related to City matters.

The Firm follows a **reduced cost travel policy** for its clients. This policy provides the first half hour of travel time, each way, at no charge for travel to and from City Hall. The time will be reflected as "no charge" on the billing entry and Prairie Village is about one half hour from the Firm Office.

INSURANCE POLICY INFORMATION

Professional Liability Insurance Coverage

The firm's Professional Liability Insurance is provided by Continental Casualty Company (CNA), Policy No. 425251875. Our current limits of liability are: \$1,000,000 per claim and \$2,000,000 in aggregate. Our deductible is: \$2,500 per claim. The current declaration page, effective 10/29/2023, is attached, and the Firm can provide a certificate of insurance upon appointment.

Our Workers Compensation coverage is provided by Gilsbar Specialty Insurance Services and placed with Trumbull Insurance Company under Policy No. 43 WBC AS6774. The certificate of insurance is attached; the Firm intends to renew this policy on its 2/1/2024, anniversary and will provide an updated certificate of insurance upon renewal.



**LAWYERS PROFESSIONAL LIABILITY POLICY
DECLARATIONS**

Agency: 700324 Branch: 912 Policy Number: 425251875 Insurance is provided by Continental Casualty Company,
151 North Franklin Street Chicago IL 60606
A Stock Insurance Company.

1. NAMED INSURED AND ADDRESS:
Lauer Municipal Law LLC
4031 NE Lakewood Way
Suite 1
Lee's Summit, MO 64064

NOTICE TO POLICYHOLDERS:
This is a Claims Made and Reported policy. It applies only to those claims that are both first made against the insured and reported in writing to the Company during the policy period. Please review the policy carefully and discuss this coverage with your insurance agent or broker.

2. POLICY PERIOD:
Inception: 10/29/2023 Expiration: 10/29/2024
at 12:01 A.M. Standard Time at the address shown above

3. LIMITS OF LIABILITY: Each Claim: \$1,000,000
Inclusive of Claims Expenses Aggregate: \$2,000,000

Death or Disability and Non-Practicing Each Claim: \$1,000,000
Extended Reporting Period Limit of Liability: Aggregate: \$2,000,000

4. DEDUCTIBLES: Aggregate: \$2,500
Inclusive of Claims Expenses

5. POLICY PREMIUM:

Annual Premium: \$8,470.00

Total Amount: \$8,470.00

Includes CNA Risk Control Credit of \$ 0.00

Includes Lawyers Data Breach and Network Security Premium, see coverage endorsement if applicable

6. FORMS AND ENDORSEMENTS ATTACHED AT INCEPTION:
G-118011-A (Ed. 06/2015), G-118012-AC (Ed. 03/1999), CNA-82437-XX (Ed. 06/2015), G-118016-ACC (Ed. 12/2011), G-118024-A (Ed. 04/2008), G-118029-A (Ed. 04/2008), G-118039-A24 (Ed. 09/2008), G-118087-A24 (Ed. 09/1996), G-121011-AC (Ed. 04/2008), GSL-7779-MO (Ed. 06/2015)

7. WHO TO CONTACT: To report a claim:
CNA – Claims Reporting
P.O. Box 8317
Chicago, IL 60680-8317
Fax: 866-773-7504 / Online: www.cna.com/claims
Email: SpecialtyProNewLoss@cna.com
Lawyers Claim Reporting Questions: 800-540-0762

Authorized Representative

10/27/2023
Date



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
01/03/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER GILSBAR SPCLTY INS SRVC LLC/PHS 43482281 The Hartford Business Service Center 3600 Wiseman Blvd San Antonio, TX 78251	CONTACT NAME: PHONE (866) 467-8730 (A/C, No, Ext): FAX (A/C, No): E-MAIL ADDRESS: INSURER(S) AFFORDING COVERAGE NAIC#
INSURED LAUBER MUNICIPAL LAW, LLC 250 NE TUDOR RD LEES SUMMIT MO 64086-5696	INSURER A : Trumbull Insurance Company 27120 INSURER B : INSURER C : INSURER D : INSURER E : INSURER F :

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/Y YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)
	UMBRELLA LIAB EXCESS LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE AGGREGATE
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	43 WBC AS6774	02/01/2023	02/01/2024	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE -EA EMPLOYEE \$1,000,000 E.L. DISEASE - POLICY LIMIT \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Those usual to the Insured's Operations. Accountemps, Office Team, Robert Half Finance & Accounting, Robert Half Technology, Robert Half Management Resources, Robert Half Legal, and The Creative Group which are direct subsidiaries of the parent company: Robert Half International 2613 Camino Ramon; San Ramon CA 94583

CERTIFICATE HOLDER

Lauber Municipal Law, LLC
2250 N250 NE TUDOR ROAD
LEES SUMMIT MO 64086

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Susan J. Castaneda

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**Added Value of the
Lauber Municipal Law Team**

What Sets Lauber Municipal Law Apart?

Dedication to Our Clients

We believe it is important to keep our practice client centered. To do that we represent only local government entities. Because we represent only public entities, the likelihood that we will have a conflict of interest, whether real or “business” is significantly reduced if not eliminated. We are aware of no conflicts to performance of the services requested by the City of Prairie Village. Additionally, our policy of representing only public clients keeps us completely clear of the “good ol’ boy network” that seems to exist among some attorneys who are prosecutors in one town, municipal judges in another, and defense attorneys in yet another town while representing development interests in yet another. We are constantly looking out for the best interests of your city and all cities in general.

Dedication to Their Needs

We believe that it is important to put your needs at the forefront. We are available to provide Basic City Attorney Services, including items such as attending City Council meetings, reviewing meeting agendas, drafting ordinances, participating in telephone calls and meetings with City officials and staff, reviewing contracts, personnel issues, routine litigation matters, etc.; i.e., basically providing the City with legal representation regarding the conduct of its day-to-day business.

It is our policy to respond to all phone calls and e-mails as quickly as possible, and within 24 business hours. Whenever possible, we strive for immediate contact. We publish our office telephone numbers, e-mails, and cell phone numbers on our business cards and website because we want to be as accessible as possible to our clients whenever they need us. We regularly communicate by phone, e-mail, and text message.

With thirteen qualified attorneys, including multiple Kansas licensed attorneys, we are always able to provide coverage should the primary attorney be in court, on another engagement, sick, or on vacation. Because we all work with every client, meeting coverage and responsiveness are seamless and timely.

Dedication is Not Just Our Motto

In many firms it is difficult to find even one attorney that practices municipal law exclusively, but our firm has thirteen. Because each of us focuses exclusively on municipal law, we each have time to develop specific practice niches that make our experience deeper than a general law practice attorney could ever achieve. We are excited about the prospect, and would be honored to be selected, as the City Attorney for the City of Prairie Village. With all respect and humility, we believe the strongest reason for the City of Prairie Village to select Lauber Municipal Law is that we are simply the best equipped firm to handle the City’s needs. Our passion is municipal law; it’s all we do.

Serving those who serve the public

From: Robert Tietze <rtietze@kc.rr.com>
Sent: Tuesday, January 30, 2024 5:12 PM
To: Meghan Buum mbuum@pvkansas.com
Subject: RE: City Attorney Reference Check

Hello Meghan. Happy to provide my thoughts. When we were looking for a new city attorney as you can guess, we interviewed several firms. We chose Lauber Law because we also were impressed with their presentation and we liked the fact that their focus is solely municipal law. Jeff Deane has served as our City Attorney since June of last year and we are very pleased to be working with him. He has a good knowledge of municipal law, got up to speed with our ordinances etc. very quickly and is easy to work with. He provided me with his personal cell phone number and told me to call any time I needed his assistance. That indicated to me how engaged he wanted to be. I would say that overall Mission Woods is very pleased with the relationship we have with Lauber Law and Jeff in particular. I think the firm would be a good fit for PV and Jeff would work well with David. Let me know if you have any further questions. Best.

From: Bret Glendening <bglendening@osawatomiaks.org>
Sent: Wednesday, January 31, 2024 8:29 AM
To: Meghan Buum <mbuum@pvkansas.com>
Subject: Re: City Attorney Reference Check

This is an EXTERNAL email. Please use caution. DO NOT open attachments or click links in unexpected emails or from unknown senders.

Jeff is our city attorney. I am pleased with him and the firm as our city attorney. They did serve as city prosecutor for a little over a year, and that did not work out. Several complaints from the judge (I strike some of that up to personality conflicts) and LEO's. We no longer use Lauber as our city prosecutor.

Let me know if you have any other questions.

Bret

Bret Glendening, ICMA-CM, MPA
City Manager
City of Osawatomie
bglendening@osawatomiaks.org
(913) 755-2146 Ext. 101

From: Michael Scanlon <mscanlon@ourcityplan.com>
Sent: Thursday, February 1, 2024 2:49 PM
To: Meghan Buum mbuum@pvkansas.com
Subject: Re: City Attorney Reference Check

Sorry I'm late on responding -- been sick the last week or so.

About 2-3 years ago I needed to replace the long-time City Attorney (15+ years) and did an RFQ....similar to your process I'm guessing. Needless to say, trying to replace someone who has the confidence of the City Council and Community is always hard.

What I was looking for was somebody that had enough of a varied background and a bench(firm) that could support him. Lauber and specifically Jeff impressed me. The list of items I threw at him was long (including Sales Tax election, deannexation, annexation, personnel (terminations / Civil Rights claims / internal investigations) KDHE consent decrees etc.) Jeff was able to not only handle but dispatch them with ease when questions and issues arose. Jeff was able to counsel one of my City Councilmember that got out of line in a public meeting and did so with aplomb.

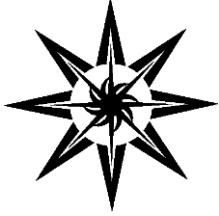
I've worked for almost 30 years in the Kansas City area and 8 years on the western slope of Colorado and had a half-dozen City Attorneys. Outside of Pete Heaven who I worked with in Merriam, Kansas.....Jeff would be the next best.

Given I live just outside of PV at 69th and Nall....I'm somewhat aware of the issues PV is involved in. There's nothing I've heard or seen that tells me Jeff couldn't be invaluable in helping your community and organization. He's low-key to the point and a professional in every sense. You wouldn't go wrong.

I hope this helps. If you or Wes have questions. Just call me 913-940-0782.

MScanlon

Voicemail – Dave Martin – Fort Scott – Excellent recommendation



ADMINISTRATION/CITY ATTORNEY

City Council Meeting Date: February 20, 2024

COU2024-06

Consideration of Updated Code of Ethics

RECOMMENDATION:

Recommend approval of the updates to the City's Code of Ethics.

BACKGROUND:

The City's Code of Ethics—codified in Section 1-212 of the City Code—has not been updated since 2008. Based on recent issues involving allegations raised under the Code of Ethics, City Staff undertook a review of the Code and those of neighboring municipalities in an effort to both clarify and, in certain cases, strengthen the Code. Staff asked the City Attorney to incorporate lessons from other cities and offer recommendations on how processes under the Code may be clarified and improved.

The Code of Ethics generally consists of two themes: (1) general expectations of behavior and conduct from public officials (which are not necessarily “law” or legally-binding, but are intended to recognize goals which officials should strive to achieve); and (2) enforceable provisions on conflicts of interest and self-dealing, particularly for financial or business gain. A summary in greater detail has previously been provided as a part of the February 5, 2024, meeting packet.

In brief, the updates to the Code of Ethics aim to provide clearer expectations and a broader variety of enforcement mechanisms for potential violations of the Code of Ethics. Above all else, the Code of Ethics is meant to be a reminder to members of the Governing Body that civility and ethics are largely self-directed guiding principles. If there are allegations of violations, the updated version establishes more specific procedures to allow for uniform application of review, investigations, and potential disciplinary outcomes.

Additionally, the Council Committee of the Whole requested attention to and revision of the Late Case Interest section. These updates have meant to clarify that a former member of the Governing Body may always exercise their free speech and opinion, but, for the year after termination of service on the Governing Body, are not to act as a “principal or agent” for another person in a specific proceeding, contract, or claim which arose during the term of the former member or in which such former member personally participated.

This ethical restriction for a one-year period, aims to avoid an appearance of impropriety, including a potential scenario where a member of the Governing Body might foreseeably vote on a matter, resign, and at the next meeting appear as a “principal or agent” related to the same matter. While discussion was raised by members of the Governing Body concerning longer-term restrictions, including potentially scaling it based on duration of service, this change to the Code of Ethics is not meant to unduly restrict members who professionally may regularly serve as a principal or agent, but provide a minimum standard to demonstrate to citizens that the members of the Governing Body make their decisions without thought of an immediate turnaround for potential pecuniary gain.

The Council Committee of the Whole recommended that these updates, including several other updates which have been previously noted, but not fully explored in this report, be taken up by the Governing Body for final approval. They also sought an opinion by the newly sworn-in City Attorney.

The new City Attorney has reviewed the history of these updates, and the specific language used for potential updates to the Code of Ethics. In all drafting of codes or policies, any changes should serve to add clarity and set expectations about what can actually result from the changes. No code can be so encompassing as to cover all potential outcomes, and the updates to the Code of Ethics do not attempt to be so burdensome or complex that they overreach to the point of confusion.

Rather, these updates seek to, and do, address meaningful changes resulting from concerns of the Governing Body, and are consistent with what the law allows and correspond to established practices from other similarly situated cities. Looking to other cities is informative, but not definitive. The updates incorporate elements from a survey of other cities, while still seeking to ensure a cohesive and understandable Code of Ethics. As members of the Governing Body have further questions about specific elements of the updates, the City Attorney is glad to address these concerns and help the Governing Body to be fully informed in its decision whether or not to approve the updates.

ATTACHMENTS:

Revised draft Code of Ethics Ordinance

PREPARED BY

Alex Aggen

City Attorney

Date: February 14, 2024

ORDINANCE NO. 2493

AN ORDINANCE REGARDING THE CITY CODE OF ETHICS, AMENDING SECTION 1-212 (CODE OF ETHICS) OF ARTICLE 2 (GOVERNING BODY), CHAPTER I (ADMINISTRATION), OF THE CODE OF THE CITY OF PRAIRIE VILLAGE.

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

Section 1. Section 1-212 of the Prairie Village Municipal Code is hereby deleted in its entirety and amended to read as follows:

1-212. – CODE OF ETHICS.

(a) **Purposes, Policy, Goals, and Guidelines.**

- (i) The proper operation of democratic government requires that public officials be independent, impartial, and responsible to the people; that government decisions and policy be made in the proper channels or governmental structures; that public office not be used for personal gain; and that the public have confidence in the integrity of its government.
- (ii) Among other things, the purpose of this code is to establish guidelines for ethical standards of conduct for all officials by setting forth those acts or actions that are incompatible with the best interests of the city and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the city. The provisions and purpose of this code of ethics are in the best interests of the city.
- (iii) Elected and appointed members of the governing body of the city are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and to carry out impartially the laws of the nation, state, and city and thus to foster respect for all government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office, regardless of personal consideration, recognizing that the public interest must be their primary concern. The conduct in both official and private affairs should be above reproach.

- (b) **Applicability.** This policy is intended to establish a code of ethics policy for all persons elected or appointed to the governing body. City employees are not covered by this policy, but the city administrator shall establish and maintain a comparable code of ethics policy for application to all city employees. Members of public committees shall be governed by the Code of Conduct set forth in City Council Policy CP001, as amended. The provisions of this code of ethics policy shall apply in addition to all applicable state and local laws. Violations of this code of ethics policy, by

themselves, are not offenses or violations of law for purposes of section 1-116 of the city code.

(c) **General Expectations of Conduct.** All members of the governing body should be loyal to the objectives expressed by the electorate, as understood by such members, and the programs developed to attain those objectives. Members of the governing body are expected to be civil and professional in the performance of their duties. Members are expected to not knowingly misrepresent information for the purpose of achieving a desired outcome. Members should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.

(d) **Requirements of and Actions Prohibited by the Code of Ethics.**

(i) **Fair and Equal Treatment.** Members of the governing body shall not discriminate on the basis of sex, race, color, ethnic background, religion, age, national origin, gender, sexual orientation, disability, gender identity, or gender expression of employees in their employment with the city or individuals in their use and enjoyment of the services, privileges, and advantages of the city. This provision does not prohibit the governing body from making appointments, filling vacancies, or otherwise engaging the public in such way as to include community members with diverse backgrounds based on sex, race, color, ethnic background, religion, age, national origin, gender, sexual orientation, disability, gender identity, or gender expression.

(ii) **Conflicts of Interest.** As used in this code, the terms "local governmental officer" and "substantial interest" shall have such meanings as are provided by K.S.A. 75-4301a(a), as amended.

(A) As provided in K.S.A. 75-4304, as amended, no local governmental officer shall, in the capacity of such an officer, make or participate in the making of a contract with any person or business by which the officer is employed or in whose business the officer has a substantial interest. A local governmental officer does not make or participate in the making of a contract if the officer abstains from any vote in regard to the contract. This subsection shall not apply (1) if the contract is let after the competitive bidding has been advertised for by public notice, or (2) when a contract is for property or services for which the price or rate is fixed by law.

(B) As provided in K.S.A. 75-4305, as amended, any local governmental officer who has not filed a disclosure of substantial interests as required by law shall, before acting upon any matter which will affect any business in which the officer has a substantial interest, file a written report of the

nature of the interest with the Johnson County Election Office. A local governmental officer does not pass or act upon any matter if the officer abstains from any vote in regard to the matter.

- (C) Unless otherwise permitted by law and proper disclosure is made, no member of the governing body shall engage in or accept private or public employment or render services for pay or monetary consideration for a private or public interest when such employment or service is legally or clearly incompatible with the proper discharge of such member's official duties or would clearly impair such member's independent judgment or action in the performance of such member's official duties.

(iii) Private Benefit and Interests.

- (A) Members of the governing body shall not use their public office or position for their own private financial or personal gain or advantage of a kind that is not or could not be generally available to other citizens; nor for the private financial or similar personal gain or advantage of friends, relatives, or persons with whom the member is affiliated with in a non-governmental capacity.
- (B) To avoid creating the appearance of impropriety, undue influence, and impartiality, members of the governing body shall not appear on behalf of the private interests of any person or business entity before the city council, council committee of the whole, or any other commission, committee, or agency of the city to which they have been appointed, unless they are representing themselves, their spouse, or their minor child(ren). This provision does not prohibit a member of the governing body from attending city council, council committee of the whole, or any other commission, committee, or agency meetings in the performance of public or civic obligations.

(iv) Late Case Interest. No member of the governing body shall, after the termination of service or expiration of their term as a member of the governing body with the city, and for a period of one (1) year thereafter, knowingly act as a principal or as an agent for anyone other than the city in connection with any:

- (A) Judicial, administrative, or other proceeding, application, request for a ruling, or other determination;
- (B) contract; or
- (C) case, claim, charge, or controversy in which the city is party or threatened to be a party;

which arose during the term of the former member of the governing body, or in which he or she personally participated during the period of his or her service or tenure, or which was under his or her active consideration. This does not preclude former members from testifying in court on city-related matters.

- (v) Disclosure of Confidential Information. No member of the governing body, shall, without proper legal authorization, disclose confidential or privileged information provided to them in their official capacity concerning the property, government, or affairs of the city. Nor shall he or she use such information to advance the financial or other private interest of himself, herself, or others. For the purposes of this subsection, “confidential or privileged information” includes any material information discussed in a closed or executive meeting that is specifically related to the basis for the closed or executive meeting and has not previously been made available to the public, and any record or information therein that has not previously been made available to the public and the member knows or should know is confidential or privileged.
- (vi) Gifts and Favors. No member of the governing body shall accept any valuable gift, whether in the form of service, loan, thing or promise, from any person, firm, or corporation which to their knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the city; nor shall any such official: (A) accept any gift, favor or thing of value that may tend to influence them in the discharge of their duties or (B) grant in the discharge of their duties any improper favor, service, or thing of value. The prohibition against gifts or favors shall not apply to: (A) an occasional nonpecuniary gift or token of appreciation of only nominal value; (B) an award publicly presented in recognition of public service; (C) gifts or hospitality conferred on account of kinship or other personal, professional, or business relationships independent of the official status of the receiver; (D) invited attendance at receptions, events, luncheons, dinners, sporting events, or the like involving no substantial risk of undermining official impartiality; or (E) other gifts or invitations involving no substantial risk of undermining official impartiality or not clearly targeted at obtaining contractual or other business or financial arrangements from the member on behalf of the city.
- (vii) Misuse of City Property and Staff. Members of the governing body shall not use public resources that they may use in their official capacity (e.g., city-owned vehicles, city staff time, equipment, supplies, property, etc.) for private gain, personal purposes, or other activities not related to city business unless otherwise authorized by law or city policy. Prohibited activities that are not related to city business include using public resources to pursue personal commercial endeavors or conduct political activity, to include the activity prohibited by K.S.A. 25-4169a, and amendments thereto. Elected and appointed officials are expected to follow proper chains

of command through the mayor, the city administrator, and department heads.

- (viii) **Political Activity.** No member of the governing body shall promise an appointment to any municipal position as a reward for any political activity.

- (e) **Advisory Opinions.** Any member of the governing body may submit a written request to the city attorney for an advisory opinion regarding whether their own proposed actions or conduct would violate a provision of this code. A copy of such request and any advisory opinion shall be provided to the mayor and the city administrator. The member shall have the opportunity to present the member's interpretation of the facts at issue and of the applicability of provisions of this code before such advisory opinion is made. When determining if there is clear and convincing evidence that a member who is the subject of the alleged violation violated a provision of this code, the city attorney and any independent counsel shall presume that the member did not violate a provision of this code if the member has received an advisory opinion and acted in accordance with its provisions. Any advisory opinion provided by the city attorney shall not create an attorney-client relationship and shall not be considered subject to the attorney-client privilege.

- (f) **Self-Responsibility.** This code of ethics policy is intended to be self-enforcing and is an expression of the standards of conduct expected by the city. Therefore, a copy of this policy shall be provided to all members of the governing body as part of their public office orientation. Each member of the governing body is responsible for upholding these standards. The responsibility of knowing whether or not a given set of circumstances creates an ethical conflict and for acting appropriately rests solely with the individual.

- (g) **Complaints under the Code of Ethics; State or other Local Law.**
 - (i) **Generally.**
 - (A) If member of the governing body believes another member has violated any of the provisions of this code or other state or local law, the member with that belief should first advise the other member of their belief. If the member initiating the concern does not believe the matter has been satisfactorily resolved, such member may file a written complaint as provided below.

 - (B) Any allegation of a violation of any of the provisions of this code or other state or local law against a member of the governing body may be brought by any person and must be submitted in writing as a formal complaint to the attention of the city clerk. Such complaint must be signed and notarized. The city clerk shall forward the complaint to the

mayor, the city administrator, the city attorney, and the member accused of the violation.

(ii) Investigations.

- (A) Subject to subsections (j) and (k) below, the city attorney shall initially be responsible for investigating complaints and, if necessary, presenting investigative findings to the council committee of the whole. Alternatively, the city attorney may select, with the approval of the city administrator, independent counsel to conduct such investigations; provided, that nothing herein shall be deemed to require that the city attorney itself conduct any investigation if, in the reasonable opinion of the city attorney, the conduct of such an investigation would create any conflict with the role of the city attorney or other regulations applicable to licensed attorneys. Any independent counsel should have experience conducting investigations or in the area of governmental ethics.
- (B) The city attorney or independent counsel, as the case may be, shall investigate the complaint if they determine that the allegations in the complaint, if true, would constitute a violation of any of the provisions of this code or other state or local law. If the city attorney or independent counsel does not believe the allegations in the complaint, if true, would constitute a violation of any of the provisions of this code or other state or local law, the city attorney or independent counsel shall provide their reasons for this finding in writing to the mayor and the city administrator who will forward those reasons to the complainant and the member of the governing body accused of the violation.
- (C) If the city attorney or independent counsel proceeds with an investigation, they will also determine whether the alleged violation of the provisions of this code would also constitute a violation of state or other local law.

(iii) Investigative Findings.

- (A) Upon concluding the investigation of a complaint, if the city attorney or independent counsel finds that there is clear and convincing evidence that the member of the governing body who is the subject of the complaint violated any of the provisions of this code, they shall notify the mayor and the city administrator, and the city administrator shall coordinate the holding of a meeting of the council committee of the whole for consideration of such investigation. Prior to the meeting of the council committee of the whole, the city attorney or the independent counsel shall present the investigative findings to the official accused of the violation.

- (B) The city attorney or independent counsel shall present their investigative findings at the meeting of the council committee of the whole where the matter is discussed, and the governing body member who is accused of the violation shall have the right to present evidence on their behalf at the meeting. It is the expectation that such person accused will otherwise recuse themselves from discussion, deliberation, and debate on the matter. Failure to so recuse oneself shall constitute a separate and additional violation of the provisions of this code. After reviewing the investigative findings and the presentation of any evidence, the council committee of the whole will determine whether or not the member accused of the violation committed a violation of any of the provisions of this code.
 - (C) If the city attorney or independent counsel concludes that there is clear and convincing evidence that a governing body member has violated any of the provisions of this code and that such violation also constitutes a violation of state or other local law, the city attorney or independent counsel shall include this information in the investigative findings they present to the mayor, city administrator, and council committee of the whole.
 - (D) Upon concluding the investigation of a complaint, if the city attorney or independent counsel finds that there is not clear and convincing evidence that the governing body member who is the subject of the complaint violated any of the provisions of this code or other state or local law, the city attorney or independent counsel shall not present the investigative findings to the council committee of the whole but shall provide their reasons for this finding in writing to the mayor and the city administrator who will forward those reasons to the complainant and the member accused of the violation.
- (i) **Penalties.** If the council committee of the whole determines a member of the governing body who is the subject of a complaint under this code committed a violation of any of the provisions of this code, the committee may recommend to the city council and the city council may approve one or more of the following actions:
- (i) No action be taken;
 - (ii) Requiring that the governing body member participate in ethics training. Failure to complete such training after it has been ordered by the city council shall constitute a separate and additional violation of the provisions of this code;
 - (iii) Issuing a written warning or an informal reprimand, or adopting a formal resolution of public censure; or

- (iv) The filing of a complaint or a referral for the institution of ouster proceedings as provided by and subject to the limitations established under applicable law; provided, and subject to the provisions of K.S.A. 60-1206, as amended, that any such complaint or referral recommended by the council committee of the whole and instituted by the governing body shall require a two-thirds (2/3) vote of the membership of the council committee of the whole and the governing body;
 - (v) Other lawful action that the city council deems appropriate, provided that such action is allowable under applicable law.
- (j) **Violations of State and other Local Laws.** Violations of state or other local laws by members of the governing body may involve independent proceedings and penalties. Notwithstanding the foregoing procedures, if a complaint alleges a violation of any state or other local law, or if the city attorney or independent counsel concludes that a governing body member has violated a provision of this code and/or any such violation constitutes a violation of state or other local law, the city administrator, city attorney, council committee of the whole, or city council may submit to the chief of police, the Kansas Governmental Ethics Commission, the Kansas Attorney General, the Johnson County District Attorney, or other appropriate official a request for review, investigation, or other appropriate action pursuant to state or local law, including but not limited to initiation of criminal or civil proceedings, forfeiture of office, or ouster proceedings if appropriate.
- (k) **Limitations on Investigations and Enforcement.**
- (i) **Generally.**
 - (A) This code acknowledges that mere political, personal, or policy disagreements cannot generally support a claim for a violation of the code of ethics unless a specific prohibition or requirement of the code is claimed to have been violated. Public officials have a wide variety of backgrounds, personalities, values, opinions, and goals, but despite this diversity, have all chosen to serve the public and act in the best interest of the community. A mere showing that a member of the governing body has a particular political or policy view or general opinion about a given issue, or is a member or employee of an organization that holds a particular political or policy view or general opinion about a given issue, will generally not suffice to show any violation of this code.
 - (B) Accordingly, and unless directed otherwise by the mayor, the city administrator, or the city council, the city attorney or independent counsel shall not generally be called upon to investigate complaints related to political, personal, or policy disagreements, or complaints related to the general

purposes, policies, goals, or guidelines of this code, or general expectations of conduct provided in this code.

- (C) if the city attorney or independent counsel finds that a complaint primarily involves political, personal, or policy disagreements, or complaints related to the general purposes, policies, goals, or guidelines of this code, or general expectations of conduct provided in this code, the city attorney or independent counsel shall not present any investigative findings to the council committee of the whole but shall provide their reasons for this finding in writing to the mayor and the city administrator who will forward those reasons to the complainant and the member of the governing body accused of the violation.
- (ii) Campaign or Non-City-Related Matters. Nothing herein shall be deemed to require that city staff, the city attorney, or any independent counsel review, consider, or investigate complaints or issue advisory opinions related to matters which do not involve city business or operations or which, in the opinion of the city administrator, city attorney, or any independent counsel, constitute campaign or political questions or disputes, including but not limited to political remedies such as recall under K.S.A. 25-4301 *et seq.*
- (iii) Frivolous Complaints. Notwithstanding the foregoing procedures, the city administrator, city attorney, or independent counsel may also determine that a complaint is frivolous, or that repeated complaints are intended to disrupt essential functions of the city or harass a member of the governing body. If the city administrator, city attorney, or independent counsel makes such a determination, the city administrator, city attorney, or independent counsel shall present that finding to the mayor and (to the extent handled by the city attorney or independent counsel) the city administrator. If a determination has been made that a complaint is frivolous or is intended to disrupt essential functions of the city or harass an elected or appointed official, the mayor, city administrator, city attorney, or independent counsel may dismiss the complaint and the city may refuse to accept another complaint from the complainant for up to one (1) year following notice to the complainant. For the purposes of this provision, a frivolous complaint is a complaint that has no basis in law or fact, fails to state a legitimate claim, or is brought either in bad faith or for the purpose of harassment.

Section 2. Section 1-212 of the Prairie Village Municipal Code, in existence as of and prior to the adoption of this ordinance, are hereby repealed. This ordinance shall take effect and be in force from and after its publication in the official city newspaper as provided by law.

PASSED by the City Council of the City of Prairie Village, Kansas on _____, 2024.

APPROVED:

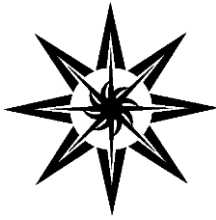
Eric Mikkelson, Mayor

ATTEST:

Adam Geffert, City Clerk

APPROVED AS TO LEGAL FORM:

Alex Aggen, City Attorney



ADMINISTRATION

Council Meeting Date: February 20, 2024

COU2024-13: Consider Resolution Clarifying Council's Intent that the Public Would have an Opportunity to Vote for a Community Center.

BACKGROUND

We have been asked by Councilmembers Sharp and Selders to add an agenda item regarding the process of the Community Center Study to affirm that if the Council moves the consideration forward, it would be the intent of the Council for approval for the project and its funding to be decided by a public vote.

Mayor Mikkelson, Council President David Robinson, City Attorney Alex Aggen, and I discussed this request and how a resolution could be considered in accordance with any applicable Kansas Statutes. We collectively agreed that this topic should be brought to the Council for consideration under new business.

In addition, the core planning teams for the Community Center Project met on February 5 and this item was discussed as part of that agenda. The question of voting seemed to be an important theme during the first public input meeting regarding the Project. The team believed the Council should consider clarifying its intent for a Public Vote to offer better understanding for community expectations moving forward.

Attachment(s): Draft Resolution Prepared by Staff
Draft Resolution Prepared by Ms. Sharp and Ms. Selders

PREPARED BY

Wes Jordan
City Administrator
Date: February 14, 2024

RESOLUTION 2024-01

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS, AFFIRMING ITS INTENT FOR THE CURRENTLY CONSIDERED CIVIC IMPROVEMENT OF A COMMUNITY CENTER TO BE DECIDED BY PUBLIC VOTE

WHEREAS, the Governing Body of the City of Prairie Village has been considering a potential civic improvement of a new community center, including the possibility of partnering with other organizations for remodeling, construction, and/or operations of the same; and

WHEREAS, City staff and members of the Governing Body have been interfacing with residents of the City while exploring the potential improvement, and have been asked whether the decision to fund and to proceed with the potential improvement will be decided by a public vote; and

WHEREAS, the Governing Body desires to affirm its intention concerning whether the matter would be decided by a public vote;

THEREFORE, BE IT RESOLVED that the Governing Body of the City of Prairie Village intends to put the decision regarding the funding and approval of the currently considered civic improvement of a new community center to a public vote, as allowed by law.

ADOPTED BY THE GOVERNING BODY ON FEBRUARY 20, 2024.

Mayor Eric Mikkelson

ATTEST:

Adam Geffert, City Clerk

RESOLUTION 2024-01

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS, ~~THAT AFFIRMING ITS INTENT FOR THE ADDITION CURRENTLY CONSIDERED CIVIC IMPROVEMENT~~ OF A COMMUNITY CENTER SHALL ONLY TO BE DECIDED BY PUBLIC VOTE

WHEREAS, the Governing Body of the City of Prairie Village has been considering a potential ~~new civic improvement of a new~~ community center, including the possibility of partnering with other organizations for remodeling, construction, and/or operations of the same; and

WHEREAS, City staff and members of the Governing Body have been interfacing with residents of the City while exploring the potential ~~community center improvement~~, and have been asked whether the decision to fund and to proceed with the potential ~~community center improvement~~ will be decided by a public vote; and

WHEREAS, the Governing Body ~~agrees that a decision of this magnitude should desires to affirm its intention concerning whether the and will be matter would~~ be decided by a public vote;

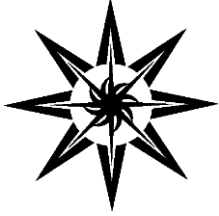
THEREFORE, BE IT RESOLVED that the Governing Body of the City of Prairie Village ~~will intends to~~ put the decision regarding the funding and approval of the currently considered ~~civic improvement of a new~~ community center to a public vote, ~~as allowed by law, preferably at a special election this calendar year.~~

ADOPTED BY THE GOVERNING BODY ON FEBRUARY 20, 2024.

Mayor Eric Mikkelson

ATTEST:

Adam Geffert, City Clerk



ADMINISTRATION

Council Meeting Date: February 20, 2024

COU2024-16

2025 Budget Calendar

SUGGESTED MOTION

Move that the Council approve the 2025 Budget Calendar.

BACKGROUND

Staff creates a Budget Planning Calendar every year to schedule activities that must be completed to create and develop the annual budget. The calendar does have some flexibility in it to adjust if needed, however staff intends for this timeline to be followed. The 2025 budget calendar is similar to the 2024 budget calendar, and will allow for the City to meet all statutory deadlines as well as submit the budget for the Government Finance Officers Association award program.

This will be the third year operating under the full requirements of Senate Bill 13, including a notification to residents from the County Clerk in August regarding the Revenue Neutral Rate, if applicable. The calendar includes two separate scenarios: one scenario exceeding the Revenue Neutral Rate and one which does not exceed the Revenue Neutral Rate. As a reminder, the Revenue Neutral Rate is the tax rate in mills that will generate the same property tax in dollars as the previous tax year using the current tax year's total assessed valuation. Johnson County will provide the City with the Revenue Neutral Rate in June 2024. The 2024 budget did exceed the Revenue Neutral Rate.

ATTACHMENTS:

- 2025 Budget Calendar
-

Prepared by: Jason Hannaman, Finance Director

Date: February 14, 2024

**City of Prairie Village
2025 Budget Calendar**

Month	Date	Action Item
February	2/20/24	Council Meeting - Handout 2025 Budget Calendar Outline
March	3/4/24	Council Meeting - (1) 2025 Budget Goals and Objectives (2) Mill Rate Handout (3) Decision Packages (<i>send to Jason by 4/4/2024</i>)
	3/7/24	Meet with Johnson County Appraiser - Beau Boisvert
	3/18/24	Council Meeting - 4th Quarter 2023 Financial Report
April	4/1/24	Council Meeting - (1) Worker's Compensation and Insurance Cost Assumptions
	4/4/24	Department budget requests due
	4/8 - 4/12/24	Budget review process with individual departments
	4/15/24	Council Meeting - (1) Decision Package Discussion (2) Preliminary Revenue Discussion (3) Committee 2025 Budget and Funding requests (Village Fest, Arts Council, Environmental, Diversity and Jazz Fest)
May	5/6/24	Council Meeting - (1) CIP Discussion and Annual Road Condition Report
	5/13/24	Finance Committee Meeting - Preliminary 2025 Budget Established and Decision Packages
	5/20/24	Council Meeting
	5/23/24	Finance Committee Meeting - Preliminary 2025 Budget Established and Decision Packages (Continued)
	5/27/24	HOLIDAY
June	6/3/24	Council Meeting
	6/15/24	SB 13: County Clerk will calculate and notify taxing entities of revenue neutral rate
	6/17/24	Council Meeting - 2025 Budget Discussion and Approval of Preliminary Budget
July	7/1/24	Council Meeting - 2025 Budget Discussion and Approval of Preliminary Budget?
	7/4/24	HOLIDAY
	7/15/24	Council Meeting - SB 13 Resolution Stating Intent to Exceed Revenue Neutral Rate, Request Permission to Publish 2025 Budget & Set Budget Adoption and Revenue Neutral Rate Public Hearing Date
	7/20/24	SB 13: Governing Bodies notify County Clerk of intent to exceed revenue neutral rate w/ date, time and location of hearing
August	8/5/24	Council Meeting
	8/10/24	Notification sent to taxpayers by the county, if exceeding revenue neutral rate
	8/19/24	Council Meeting
	8/20/24	Latest date for notice to be published in the Legal Record for RNR and Budget Hearing
	8/25/24	Submit budget forms to County Clerk (due August 25th) <i>If not exceeding revenue neutral rate</i>
September	9/3/24	Council Meeting - SB 13 Public Hearing (Must be no later than September 20) and Budget Hearing/Adoption
October	10/1/24	Submit budget forms to County Clerk if Exceeding Revenue Neutral Rate (due October 1st)
	10/1-10/31/24	Finalize Budget Book; Submit to GFOA Award Program

MAYOR'S ANNOUNCEMENTS
Tuesday, February 20, 2024

Environmental Committee	02/28/2024	5:30 p.m.
City Council	03/04/2024	6:00 p.m.
Board of Zoning Appeals	03/05/2024	6:30 p.m.
Planning Commission	03/05/2024	7:00 p.m.

INFORMATIONAL ITEMS
February 20, 2024

1. Tree Board meeting minutes – November 1, 2023
2. Planning Commission meeting minutes – December 5, 2023
3. Diversity Committee meeting minutes – January 23, 2024

TREE BOARD
City of Prairie Village, KS

Minutes of Nov. 1, 2023

Meeting started at 6:01 pm.

Board Members present: Kevin Dunn (chair), Mark Kaufman (minutes), Mark Morgan, Lindsay Voitik, Beth Held, Kirk Walters.

Other Attendees: James Carney; Bridget Tolle; James Rosa

- 1) Previous minutes of August 2, 2023 were approved unanimously, without any changes.
- 2) Strategic Plan: Measuring City Tree Canopy – Kevin suggested that having a fuller discussion of the Strategic Plan once the new Tree Board members join our Board in 2024. It was noted that Tom Jacobs, head of Mid America Regional Council, has done an aerial survey of the entire metro region, including Prairie Village. These results, from 2021, would be available to us without cost. Beth noted that she has worked with Tom in the past, and offered to contact him for an update. Mark M and Lindsay discussed having alternative methods of measuring canopy such as iTree for backups.
- 3) 2024 Arbor Day Poster Contest: The option to proceed with this was discussed by the Board. If we became involved in judging the contest it would be in January. Mark Morgan noted that prior information about this process was posted on the Google Drive, and is available to us. It was noted that in previous years our Board would get started in about September working on this project. It is relatively late in the year to begin at this time. After extended discussion, the Board decided not to become involved with judging for this contest in January of 2024, but might offer to do so again in future years.
- 4) Recommended reading list for Johnson County Library: Kevin encouraged Board members to let him know, over the next week or two, if anyone has any suggested books. The Board also discussed the possibility of creating a “Reading Corner” section of our website, that could contain a variety of types of suggested readings related to the mission of our Tree Board.
- 5) Staff Report: Fall Street Tree Plantings, & Winter Tree Pruning.
 - (a) Fall Street Tree Planting: Bridget noted that the city is planting 103 “replacement trees,” mostly street trees, but also some park trees. The Board discussed the various types of trees that are being planted, as well as options for the future.
 - (b) Winter Tree Pruning – It was noted that Kansas City Tree Care will be doing this work for the city during December, January and February. The plan is for this to be

completed prior to March, and before Spring bugs become a challenge to this project.

- 6) Old Business: Fall Seminar – The Board reviewed this recent event. Various Board members commented on what a high-quality program it was, and that local attendance was very good. Members of the public asked many questions, made many comments, and seemed to become quite engaged. Kevin thanked Bridget for being one of the presenters and for doing an excellent job; she needed to step in as a replacement, shortly before the event. Members of the public reacted positively to the “tree lists” that were available for them. The lists led to some interesting and informative discussions between the presenters and the members of the public who were present.
- 7) New Business:
 - Kevin led Board members in a discussion about who will be “taking minutes” during the Board meetings in 2024. The following was agreed to: February meeting will be Lindsay. For March it will be Beth. In April it will be Kirk. In May it will be Kevin. In June it will be Mark Morgan.
 - Recruiting potential new Tree Board members: there are multiple openings at the present time, and Kevin informed Board members that they are permitted to “recruit” new Board members, who will then need to apply, and go through the normal and prescribed selection processes.
 - Arbor Day article in the Village Voice: This article will be due during the first week in December, in order to be published in the January/February edition of the Village Voice.
- 8) The next Tree Board meeting is scheduled for February 7, 2024.

The meeting was adjourned at 6:59 pm.

**PLANNING COMMISSION MINUTES
DECEMBER 5, 2023**

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, December 5 at 7:00 p.m. in the Council Chambers at 7700 Mission Road. Chair Greg Wolf called the meeting to order at 7:00 p.m. with the following members present: Jonathan Birkel, James Breneman, Patrick Lenahan, Melissa Brown, Nancy Wallerstein, and Jeffrey Valentino.

The following individuals were present in their advisory capacity to the Planning Commission: Chris Brewster, Multistudio; Nickie Lee, Deputy City Administrator; Mitch Dringman, Building Official; Greg Shelton, Council Liaison; Adam Geffert, City Clerk/Planning Commission Secretary.

APPROVAL OF MINUTES

Mrs. Wallerstein stated that a note should be added to the minutes indicating that public hearing speaker Michele Hanlon did not receive a letter informing her of the neighborhood meeting for application PC2023-114.

Mr. Breneman moved for the approval of the minutes of the November 2023 regular Planning Commission meeting. Mr. Birkel seconded the motion, which passed unanimously.

PUBLIC HEARINGS

PC2023-114 Amendment to special use permit for private school to install turf field, bleachers, new fencing, scoreboard, press box and playground
4801 W. 79th Street
Zoning: R-1A
Applicant: Todd Zylstra, Kansas City Christian School

Mr. Brewster noted that the application was a continuation from the November 2023 meeting. He said that the special use permit was initially approved by the City Council in January 1999 for the reuse of a school building originally built in 1954. It was amended in December 2017 to support an expansion plan for the school and construction of new classrooms and facilities, and again in 2020 for reallocation of approved capacity.

The initial special use permit did not have an expiration date but was subject to four conditions relative to the design, construction, and operation of the school, as presented

on an approved site plan. One of the conditions was that expansion of the school or amending the approved site plan would require an amendment to the special use permit.

Growth of the school and the acquisition of other school properties further south led to reconfiguration of the campus and its operations. In 2008, the school applied for an amended special use permit and site plan. At that time, several issues related to parking utilization, drop-off procedures, and school transportation were raised by neighbors, and the amended permit and site plan dealt primarily with reconciling those issues.

Mr. Brewster said that the special use permit was again amended in 2017 in association with an expansion and capital campaign that renovated 12,466 square feet of the existing school, added 17,455 square feet of additional space, and reconfiguration of other spaces including the lobby, gymnasium and other common use or multi-purpose areas. The amendment was approved and addressed several issues related to the operations, management, and capacity of the school. The allocation was for up to 525 Kindergarten through 12th grade students, and a requirement for annual reporting to ensure that potential impacts on the surrounding neighborhood were appropriately addressed and mitigated.

In 2020, the permit was again amended to include daycare and preschool operations within the same capacity, in conjunction with a more complete enrollment strategy. From 1999 to present the enrollment has fluctuated between 543 students in 1999 to 274 students in 2008, with the high school and elementary school ratio changing.

Mr. Brewster said the current application requested converting the existing grass field on the west side of the property to a turf field, with accessory structures including a 6' perimeter black chain link fence, ball nets behind the goals, bleachers, a press box, and a scoreboard at the northeast corner. He added that a playground was noted as a future phase and that no immediate plans were included. Because the request is considered an expansion or amendment of the prior approved site plans, it requires an amendment to the special use permit.

A public hearing was held on November 14, 2023, and at that meeting the Planning Commission continued the hearing to the December 5, 2023, meeting due to the need for additional details on the accessory structures.

Mr. Brewster next provided an overview of the details of the plan area:

- Field: replace grass field with a 326' by 212' turf field. The surface will be between 9.4' (southwest corner) and 11.6' (northwest corner) from the west property line; approximately 20' from the north (front) property line; and approximately 45' from the south (rear) property line. The field is installed with a stabilized subgrade with permeable stone layers and a trench and perforated pipe system to address drainage.
- Press box and bleachers: replace the current storage container with an 18' by 8' structure with a 4.66' wide exterior stair to the upper level. The structure includes a lower level for storage and an upper level for a press box and is approximately

19.5' tall. It is made of pre-finished metal slate gray with white doors and trim. It will be placed on a 19' by 10.16' concrete slab. Two sets of bleachers, 24' by 8 rows will be associated with the press box and placed on approximately 24' by 20.5' concrete slabs. These structures are on the east side of the field.

- Fence and netting: the field will have a 6' high perimeter black chain link fence (located the same distance from property lines as the field perimeter). Each end will include a 120' long by 20' high black ball stop netting behind the goal areas.
- Scoreboard: a scoreboard is proposed at the northeast corner of the field, just outside of the field perimeter, and approximately 18.2' from the north (front) property line. The scoreboard is 20' wide by 8' high and will be mounted to a total height of 18'. It includes audible game signals but does not include a public address speaker.
- Playgrounds: specific playground plans are not included in the plan set and may be a future construction phase. However, the proposed plan does include transferring some play equipment to an expanded play area near an existing playground. All surfaces will be pervious. Any additional construction activity or accessory structures located in the play areas will require construction permits where compliance with City standards and specifications will be reviewed.

Mr. Brewster said that staff recommended approval of the amended special use permit, with conditions related to this specific site plan, as well as conditions on the overall special use permit.

The conditions for the specific site plan are:

1. The applicant submits an engineered drainage study for option #1, to be approved by Public Works, that demonstrates that the site will perform at or below existing conditions with respect to any off-site runoff.
2. All vegetation and fencing related to the perimeter of the field along the streetscape and adjacent property be retained, or any that is removed to facilitate construction is replaced in the same manner as exists.
3. Any tree removal, or any trees that are intended to be retained but are lost or damaged due to construction are replaced according to the city's tree preservation ordinance.
4. Two additional street trees be placed on the north side of the field to screen the back of the scoreboard from the streetscape. The species and location shall be selected by balancing: the ability to screen the scoreboard, relationship to existing or replacement trees, location of the right-of-way and sidewalk, and compatibility with overhead utility lines.

Mr. Brewster added that the special use permit should also be subject to the following conditions, several of which were part of the original special use permit, and all are carried over from the most recent 2020 special use permit amendment. In addition, condition #4, which was part of the original special use permit in 1999, is supplemented with specific provisions addressing potential increased use of the turf field.

1. The applicant shall meet all conditions and requirements of the Planning Commission for the approval of a site plan.

2. The special use permit does not have a termination or expiration time established for it.
3. If the applicant violates any conditions of the zoning regulations and requirements as part of the special use permit, the permit may be revoked by the City Council.
4. The applicant cannot further expand or amend the site plan without an amendment to the special use permit requiring a public hearing before being approved. In particular:
 - a. The turf field will be for school co-curricular activities during daylight hours, and no lighting of the field shall occur. Activities shall be subject to the same parking, transportation, and bus operation and management policies as other school activities. Any non-school use of the field shall be limited to the same limitations for intensity, access, and parking as the co-curricular activities and managed by the school under the same parameters as school activities.
 - b. The field shall be secured and monitored so that non-sanctioned use or activities are limited, controlled by the school, and are not a disturbance to the surrounding property owners.
 - c. Non-school activities or special events (i.e. league games, tournaments, etc. not related to school use) shall be considered an expansion of activities and require an amendment to the special use permit.
5. Kansas City Christian School adopt a policy that all students will park on-site and develop a procedure for implementation and enforcement of the policy.
6. The number of designated high school classrooms shall be limited to 12.
7. No more than four buses shall be parked in the rear of the school when not picking-up or dropping-off and shall not idle more than five minutes during pick-up and drop-off.
8. Kansas City Christian School provide to the City at the beginning of each school year an updated student count reflecting the number of students in each grade and the number of classrooms use for each grade level.
9. The permit anticipates a projected enrollment capacity of 525 students, and any enrollment significantly beyond this capacity or reconfiguring of classrooms that creates impacts beyond those anticipated by this baseline may require a revised site plan or may result in revocation of the permit at the discretion of the City.
10. Daycare classrooms are permitted within the previously approved number of classrooms (17) and capacity limits (525), provided hours and operational procedures remain comparable and similar to early elementary students, and that all necessary Kansas Department of Health and Education licenses and approvals are acquired prior to operating a daycare.

Mrs. Wallerstein asked for a definition of “co-curricular activities”, as referenced in condition 4-a. Mr. Brewster said that the term referred to things related to the school’s normal activities, such as practices and games for its own sports teams, rather than for non-school related teams. She also asked whether the field would be used for sports other than soccer, to which Mr. Brewster said the applicant could respond.

Mr. Wolf asked whether the conditions as written would allow the school to lease the field to a third party for soccer practices. Mr. Brewster said yes, if the event was managed like

other school activities with regard to parking and traffic, leasing would be allowed. However, events such as soccer tournaments would require an amendment to the special use permit. Mrs. Wallerstein shared concerns about overuse of the field by third parties during the summer months when school was not in session, as well as drainage issues for surrounding neighbors due to the increase of impervious areas.

Applicants Todd Zylstra and Josh Poteet from Kansas City Christian School, 4801 W. 79th Street, along with Erik Monhollon and Dylan Matlock from Mammoth Build were present to discuss the application.

Mr. Zylstra said that the turf field would only be used for soccer practices and games outside of school hours. He added that the school could consider renting the field occasionally but did not intend to do so on a regular basis. He added that the lack of outdoor lighting at the site limited the hours during which it could be used. Mr. Poteet, Athletic Director at KCCS, said that the school's athletic teams would use the field during the summer, though occasional use by external teams for practice was possible.

Mr. Birkel asked whether neighboring residents could use the field. Mr. Zylstra said that it would not be open to the public. Mr. Valentino asked about the sound system at the site. Mr. Poteet said that no additional sound system would be installed in the press box and added that the school had an existing portable sound system which was only used when announcing player names prior to games, which would continue to be the case.

Mr. Matlock, the engineer of the project, shared information about field drainage and noted that it would be built so that run-off did not affect surrounding properties.

Mr. Wolf asked the applicants whether they would agree to adding a stipulation stating that the field could not be leased to third parties during the summer when school is out of session. Mr. Zylstra and Mr. Poteet confirmed that they would agree to such a condition being added. Mr. Wolf suggested adding condition 4-d stating that no third-party usage would be allowed during non-school sessions.

After further discussion, Mr. Wolf opened the public hearing at 7:59 p.m.

- Aubrey Henderschott, 7921 Tomahawk Road, and Steve Spencer, 4804 W. 79th Street, shared their support for the proposed changes at the school.

With no one else present to speak, Mr. Wolf closed the hearing at 8:04 p.m.

Mr. Lenehan made a motion to recommend approval of the amendments to the special use permit with the following changes to the conditions:

- 4- a. The turf field will be for school co-curricular activities **and events** during daylight hours, and no lighting of the field shall occur. Activities shall be subject to the same parking, transportation, and bus operation and management policies as other school activities. Any non-school use of the field shall be limited to **times of the year when school is in session and subject** to the same limitations for

intensity, access, and parking as the co-curricular activities (**practice, recreation, or other non-spectator use**) and managed by the school under the same parameters as school activities.

- 4-d. **Any non-school use during times of the year when school is not in session shall be considered an expansion of activities and require an amendment to the special use permit.**

The motion was seconded by Mr. Valentino and passed 6-1, with Mr. Birkel in opposition.

NON-PUBLIC HEARINGS

PC2023-111 Site plan for memorial wall with exception
6641 Mission Road
Zoning: R-1A
Applicant: Bob Sperry, Village Presbyterian Church

Mr. Brewster stated that the applicant was requesting to build an ornamental brick wall to define a courtyard at the entry of the church along Mission Road. The wall will curve and extend to approximately 30.33' from the curb line along Mission Road at the closest point, which is approximately 15' from the front lot line, according to Johnson County AIMS data. The wall will be brick veneer to match the buildings, include 4" stone caps on the wall and end pillars, and have an ornamental iron sculpture as a center focal feature. The wall will be approximately 5' high (including cap stone), and the pillars will be 5.66' high (including cap stone). The high point of the center iron sculpture will be approximately 7.5' high.

Mr. Brewster noted that the request was for an exception to the design standards for "ornamental fences" located in the front setback. According to zoning regulations, a fence or wall located in the front yard needs to be a "decorative fence / wall, which is at least 50% open and no taller than 2.5'. In this case, the wall is located in the front yard, is more than 10' from the front lot line (approximately 15' setback) but is a solid brick wall approximately 5' tall rather than an open, ornamental fence no taller than 2.5' as the ordinance requires.

Mr. Brewster said that in addition to the site plan review criteria the specific criteria the Planning Commission shall consider for exceptions to the fence standards include:

- Results in a design that is more compatible
- Provides better screening
- Provides better storm drainage management
- Provides more appropriate utilization of the site

Mr. Brewster noted that the wall exception would impact the first, second, and last criteria. The proposed wall provides a prominent front focal point and further defines the existing entry and courtyard for the building; it serves as a better screen and allows better utilization of the front yard based on the street frontage. The overall site plan and wall

design enhances the relation of the site and building to the streetscape. Mr. Brewster said staff recommended approval of the site plan with the exception for an ornamental wall based on the above factors affecting this specific application.

Brian Rathsam with Mantel Teter Architects, 21402 W. 82nd Street, Lenexa, was present to discuss the application.

Mr. Brenneman made a motion to approve the application as presented. The motion was seconded by Mr. Birkel and passed unanimously.

OTHER BUSINESS

Approval of 2024 meeting dates

Ms. Brown made a motion to approve the 2024 meeting calendar as presented. Mr. Birkel seconded the motion, which passed unanimously.

Continued discussion of potential updates to R-2, R-3, R-4, C- and MXD districts

Mr. Brewster stated that the Planning Commission held work sessions on August 22, 2023, and October 3, 2023, to discuss potential strategies for housing policies laid out in Village Vision 2.0. The work sessions were a direct follow-up to the public forums held on June 22, 2023, and July 13, 2023. Based on the direction from the work sessions, Mr. Brewster presented the following potential zoning amendments for discussion:

I. Strategies

The Planning Commission arrived at five strategies based on discussions at the August 22 and October 3 work sessions:

1. Hold the status quo in R-3 and R-4 districts
2. Allow residential uses in C- districts
3. Improve the MXD district (planned district)
4. Revise current planned development standards and process
5. Consider MXD standards for application in a variety of contexts

II. Approach

Mr. Brewster said that the following specific approaches could be used to amend the code based on the Planning Commission's discussions and policies established in the comprehensive plan.

1. Hold the status quo in R-3 and R-4 districts
 - a. Make current development compliant with standards with simple amendments
 - b. Clean up any conflicts / interpretation issues in the current standards
 - c. Allow a similar scale / pattern of redevelopment as existing buildings

2. Allow residential uses in C- districts
 - a. Limit residential to mixed use buildings (upper stories above ground level commercial or behind ground level commercial)
 - b. Allow subject to current C- district standards that apply to commercial buildings

3. Improve the MXD district (planned district)
 - a. Promote smaller scale projects that are more practical to Prairie Village's context (smaller redevelopment projects and strategic infill, rather than broad master planned communities)
 - b. Improve criteria (more specific policy goals and community benefit targets)
 - c. Set default standards and building types for the scale and types of buildings that are most appropriate in a variety of Prairie Village contexts
 - d. Include neighborhood / community design standards or criteria for new building types / projects with similar approaches used in the current R-1A and R-1B district design standards

4. Revise current planned development standards and process
 - a. Improve review criteria for better expectations
 - b. Define specific elements of a development plan necessary to support flexibility
 - c. Consider default standards as starting point (use base-district standards and/or borrow from MXD districts)
 - d. Create criteria, guidance, and/or ranges for evaluating deviations from default standards based on plan

5. Consider MXD for application in a variety of contexts
 - a. Mixed use redevelopment in C- districts [Rezoning to MXD]
 - b. Mixed use building projects / infill in C-districts [Rezoning to CP-1, CP-2, or MXD]
 - c. Residential-only projects in mixed use contexts - projects / strategic infill in C- Districts [Rezoning to CP-1, CP-2, or MXD]
 - d. Larger-scale neighborhood redevelopment in R-3 and R-4 districts [Rezoning to RP-3 or RP-4]
 - e. Low-scale neighborhood redevelopment in R-2 or R-3 areas [Rezoning to RP-2 or RP-4]

III. Discussion Notes:

Mr. Brewster noted proposed amendments to the current zoning ordinance that executes the five strategies were included in the meeting packet. The following notes should be considered along with review of the discussion draft to assist with review, comments, or questions.

1. Hold the status quo in R-3 and R-4 districts

Several of the R-3 and R-4 properties were surveyed for compliance with the existing zoning standards using mapping estimates and available data on Johnson County AIMS mapping. The standards primarily include:

- Building Height
- Lot Coverage
- Lot Area Per Family
- Setbacks

Mr. Brewster said that the most frequent non-compliance issue was with the “lot area per family” condition in R-3 districts, which requires at least 2,500 square feet of lot area per family unit. He noted that several existing properties fell below this requirement, ranging from 1,773 square feet per unit to 2,451 square feet per unit. Therefore, the discussion draft changes the minimum to 1,750 square feet per unit.

The R-3 district also regulations also have a conflict; Section 19.12.035 states that no buildings and car port shall cover more than 20% of the lot, while Section 19.12.036 states that buildings and structures shall not cover more than 30% of the lot. Most of the properties surveyed have building coverage in the 21% to 29% range. Therefore, the discussion draft removes the 20% requirement and retains the 30% requirement.

The R-3 district does not currently have an impervious surface coverage standard. To be consistent with the 2018 R-1A and R-1B updates this is added. Most of the properties surveyed are below 50% coverage. The range is 19% to 56%, with only 3 being over 50% at 51%, 52% and 56%.

Mr. Brewster said that other changes to R-3 and R-4 districts were non-substantive formatting changes to be consistent with the approach of the 2018 amendments and clarify and simplify the code.

Lastly, to coordinate with strategy 5 (discussed below) a section is added to further direct planned zoning applications of the R-districts to the updated MXD standards and building types. Rather than have an open-ended approach to revising the standards, making this change will help establish targets and expectations for planned applications in R-districts. Mr. Brewster noted that it would also provide the opportunity for neighborhood design standards (discussed with strategy 3 below) to be included, where currently none exist in the R-2, R-3, or R-4 districts. He added that the R-2 district was included to be consistent in this approach through R-districts.

2. Allow residential uses in the C- districts

Currently only the C-O district allows residential uses, and it requires those uses to default to R-1, R-2, and R-3 standards. This results in building and development standards that are not appropriate for commercial or mixed-use contexts. Based on the direction of the Planning Commission to allow residential uses in commercial / mixed-use buildings, two simple amendments are recommended:

- Add a “mixed-use residential” entry to the use table in Chapter 19.27 (Zoning Ordinance, Section 19.27.010) and allow it in C-O, C-1, and C-2 districts.

- Add a performance criteria in each of those zoning districts that mixed-use residential uses shall be on the upper floors or behind ground level commercial uses, and then otherwise subject to the commercial building standards

3. Improve the MXD district

Mr. Brewster said that MXD standards were intended for very large scale “master planned” communities. The intent and procedures imply mixing land uses across broad areas as well as mixed-use buildings. The provisions in this section are very broad and vague, and do not provide good guidance for how or where the district should be used, and instead for large scale planning efforts to address these specific issues (which have only been used once in a very limited application).

The recommended improvements involve the following key elements:

- Repurpose the district for smaller-scale redevelopment projects or targeted infill applications
- Establish “default” development standards based on the type and range of buildings anticipated in Prairie Village
- Add mixed-use and mixed-density neighborhood design standards. This adds more specificity to the current intent of the MXD district and creates planning thresholds for proposed development plans
- Simplify the procedures and defer to the planned zoning district process

4. Revise current rezoning / planned development standards and process

Mr. Brewster stated that current planned zoning provisions relied heavily on discretionary processes without clear criteria for applicants, staff, or decision makers. As a result, there is great flexibility in what could technically be accomplished under the planned zoning process, but there are few expectations. The procedures are confusing and imprecise and lead to a scenario where most outcomes are negotiated through a public process.

He noted that the following changes were recommended (with specific emphasis on leveraging the MXD changes discussed in strategy 3, and for more targeted applications to R-2, R-3, and R-4 districts discussed in strategy 1 and strategy 5):

- Simplify the intent statement and make clear the context, application, and benefits intended from planned applications
- Replace the arbitrary development standards in the current section with a system that defaults to the base district standards but includes specific guidance and design objectives for deviating from those standards
- Simplify the procedures but indicate planning elements and thresholds that must be demonstrated in a development plan to justify deviating from the base district standards. Two scales of plans are recommended: a community plan and project plans. For smaller-scale applications, the community plan may rely more on the existing conditions surrounding the project but are still essential for standards are justified

- Improved decision criteria to focus on planning objectives and community benefits that should result for planned applications

5. Consider MXD for specific scenarios

The combination of the approach to the MXD district and improvements to the planned zoning district application can then be leveraged for a variety of situations:

- Larger-scale redevelopment and rezoning to MXD (current situation, improved with better MXD standards and criteria)
- Smaller-scale strategic infill in current commercial districts (“project plan” in the planned district)
- Planned applications for the C- districts for more targeted infill of commercial or mixed-use buildings
- Residential-only buildings in the C- districts, provided that are part of the larger mixed-use context based on a “community plan”
- Limited planned application in R-2, R-3, and R-4 districts for appropriate scaled residential projects

For the last three applications each of the R- and C- districts includes an added section specifying which building types are appropriate for each district application. Because these are “planned applications” they will rely on a discretionary review process and there is an opportunity to adjust the standards based on a specific plan.

IV. Next Steps:

Mr. Brewster said that based on discussion and direction provided on these issues, staff and the commission would determine next steps, which could involve any or all of the following:

- Further refinement or discussion of draft edits
- Additional or related development code changes, as directed by the commission
- Additional Planning Commission work sessions / discussions (if needed)
- Preparation of proposed official and recommended amendments
- Scheduling of official review and adoption procedures, including public hearings

Mr. Breneman stated that he didn’t think developers should necessarily be required to make the first floor of buildings in MXD or C- districts commercial space.

Mr. Valentino noted that the proposed changes sent a clear signal that the City was open to further mixed-use developments.

Mrs. Wallerstein asked if the inconsistencies in the zoning regulations (such as lot coverage percentages) should be addressed sooner rather than later. Mr. Brewster stated it would be easiest to make all proposed changes at the same time, but that some could be corrected more quickly if requested.

Mr. Lenahan recommended that MXD building type standards for large/mixed-use apartments maximum height be reduced to four stories and 50' rather than six stories and 65'.

Mr. Wolf asked what the next steps should be in the process. Mr. Lenahan suggested that commissioners should again review the information provided by Mr. Brewster and submit additional feedback at the January Planning Commission meeting. Mrs. Wallerstein recommended there be a work session to specifically discuss building height, density, and lot coverage. Commissioners indicated their support for Mr. Lenahan's recommendation.

ADJOURNMENT

With no further business to come before the Commission, Mr. Wolf adjourned the meeting at 9:19 p.m.

Adam Geffert
City Clerk/Planning Commission Secretary

Prairie Village Diversity Committee Agenda

January 23, 2024

4:00 p.m.

Prairie Village City Hall – Council Chambers

- **Call to Order** – Ian
- **Attendance** – Chi, David, Dennis, Hazel, Ian, Inga, Karen, Rachael, Tim, Captain Washington
- **Approval of Agenda**
 - Hazel and Inga with motion, all approved
- **Land Acknowledgment**
 - Chi provided presentation of acknowledgement/statement
- **Opening Remarks/Welcome** – Ian
- **Approval of Meeting Minutes (12/12/23)**
 - Ian and Hazel with motion, all approved
- **Presentations** – None
- **Public Participation**
 - Suggestions for applications: ask consistent questions if you're going to ask questions at all, don't assume just because this committee wasn't choice 1 that it isn't important
- **Committee Discussion Topics(s)**
 - Inga – questions to Capt. Washington: Police website updates for transparency: complete, publishing should be done this week. Patriot signs – only one incident known, already addressed
 - Ian – Current potential SB has been in the news; related to a Shawnee tribe, being talked about in Fairway (Statements issued)
 - Hazel – 13 anti-trans bills have been passed
 - Black History Month, reminder. Note for planning, nothing planned/coming off MLK event but can we do something next year?
- **Project/Event Updates**
 - **MLK Event recap** – Inga
 - Good turnout even with cold weather; County Commissioner said it was the best year ever
 - Started later, went slightly over planned time (but didn't feel long)
 - Variety is part of the success factor
 - Consider potential to partner with other organizations that could help carry the weight of organizing (e.g. Advocacy Awareness Group of Kansas City)
 - **Panel updates** – David
 - Feedback from Dec was sent to designer (this is a side project for her so timing might not be immediate), waiting on response
- **Old Business**
 - Review of the charter – plan to review Mar
 - Rachael provided current charter and option for discussion (group could start fresh or redline from this)
 - **ACTION:** add to March agenda

Prairie Village Diversity Committee Agenda

January 23, 2024

4:00 p.m.

Prairie Village City Hall – Council Chambers

- Potential March town hall – Healthy social connections as the general topics
 - RP to email George and David
 - Consider switching Islamic event to March and doing this one later? Since the Islamic event should have more of a partnership aspect with other orgs, so easier to plan in the shorter timeframe
- **New Business**
 - **Leadership changes**
 - Shifts in council resulted in the shift from Cole to Ian/Inga
 - Discussion was around loss of continuity, especially considering the 4-hour planning session completed in Dec
 - Potential to recommend that committee self-selects the chair, or at least has a voice in the conversation – would be helpful to allow the group to prioritize diversity in the role if possible
 - In lieu of having a voice in the decision-making, improved notice/understanding would also be positive
 - Feedback: Ongoing if the decision is made without us, it is important to the committee that new members, including the chair, have Diversity as their first choice/have sought it out, this shouldn't be an assignment (desire to do the work is key)
 - Important for the chair to be a driving force for the group and in-tune with the perspectives and issues
 - **New Committee members**
 - 2 openings, 4 potential applicants
 - [didn't list names/application details in notes – not sure if that belongs here]
 - Potential to expand committee? Discussion:
 - Would require revisions to council policy (if we do make a change, we should bundle any other proposed changes at the same time)
 - Could introduce challenges in filling seats over time (another committee experienced this)
 - Other committees vary, Tree Board= 8, Arts= 12, Environmental= 12 (with 12 there are often vacancies); Diversity= 11
 - Table expanding for now
 - **ACTION:** Ian to call Ciara and Lilian (not sure on name spelling) to confirm they're still interested and then Tim will submit them
 - Potential considerations for future to enhance process
 - Set up a coffee/interview with the goal of learning more. One goal should be, if there is an applicant with a diverse perspective/background not already accounted for in our group that would be important to uncover; also ensuring applicants are prepared to commit the time/energy – still want to talk to the other 2; invite them to attend mtgs and note next application period

Prairie Village Diversity Committee Agenda

January 23, 2024
4:00 p.m.

Prairie Village City Hall – Council Chambers

- **ACTION:** Rachael to propose process/questions and share with group, group can refine/adjust as needed
- **ACTION:** Consideration for future - Make application slightly more robust
- Motion: Move forward with Ciara and Lilian, and interviewing other 2 for future consideration - Ian, Hazel with motion, all approved
- **Invitation to SMSD**
 - Ian clarified we want to understand and align missions; school is a reflection of the community
 - They aren't planning to come to a mtg, but will meet with Ian and a committee member (Ian will try for one more) at district HQ; DEIB team – we still want to work towards them joining a meeting here, but this could be a step in building trust with them
 - SMSD – DEI Strategic Planning group is available for people to join
 - **ACTION:** Sub-committee, potential Chi/Hazel, Ian will coordinate and confirm a date
- **Looking Ahead 2024**
 - February
 - Village Voice issue covering March/April – submission deadline 2/5
 - Committee Meeting (Feb 13th)
 - March
 - Committee Meeting (Mar 12th) **TBD might change due to Spring Break
 - April
 - Village Voice issue covering May/June – submission deadline 4/5
 - Committee Meeting (Apr 9th)
 - May
 - Committee Meeting (May 14th)
 - June
 - Village Voice issue covering July/August – submission deadline 6/5
 - Committee Meeting (Jun 11th)
 - July
 - Committee Meeting (Jul 9th)
- **Adjournment**
 - Hazel and David with motion, all approved